



City of Smithville, Missouri

Board of Aldermen – Regular Session Agenda – Revised 7-29

August 2, 2022

7:00 pm – City Hall Council Chambers and Via Videoconference

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 via Zoom, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be sent the meeting Zoom link.

1. Call to Order
2. Pledge of Allegiance

3. Consent Agenda

- Minutes

- July 19, 2022, Board of Aldermen Work Session Minutes
- July 19, 2022, Board of Aldermen Regular Session Minutes

- **Resolution 1092, Amending the Harborview Neighborhood Beautification Grant Award**

A Resolution approving additional scope and increasing the expenditure of funds for the Harborview Neighborhood Beautification Grant in an amount of \$7,950.

- **Resolution 1093, Adopting the Revised Economic Development Incentive Policy**

A Resolution adopting the revisions recommended by the Economic Development Committee to the Economic Development Incentive Policy pertaining to NID, CID and TIF incentives.

- **Resolution 1094, Authorizing Payment to Platte-Clay Electric Cooperative**

A Resolution authorizing the payment to Platte-Clay Electric in the amount of \$11,500 for new service and transformers at the Raw Water Pump Station.

- **Resolution 1095, Snow Removal**

A Resolution authorizing and directing the Mayor to execute an agreement with R&S Lawn Service for residential snow removal.

- **Resolution 1096, Site Plan Extension for KoZak's Restaurant**

A Resolution authorizing the extension of 60 days for the time to commence construction for KoZak's restaurant on Stonebridge Lane.

Join Zoom Meeting

<https://us02web.zoom.us/j/88007392955>

Meeting ID: 880 0739 2955

Passcode: 642717

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

Parks and Recreation Committee

5. City Administrator's Report

ORDINANCES & RESOLUTIONS

6. **Bill No. 2950-22, Amending the General Fund Reserve Policy – 2nd Reading**
An Ordinance amending the General Fund Reserve Policy 2nd reading by title only.
7. **Bill No. 2951-22, Rezoning Eagle Ridge Commercial Property – 2nd Reading**
An Ordinance approving rezoning Eagle Ridge Commercial property at 561 S. Commercial from B-1P to B-3. 1st reading by title only.
8. **Bill No. 2952-22, Re-Adopt the Code of Ethics – 1st Reading**
An Ordinance to re-adopt the Code of Ethics to comply with Missouri Ethics Commission standards. 1st reading by title only.
9. **Bill No. 2953-22, Term of Office of the Mayor and Aldermen – 1st Reading**
An Ordinance calling for the questions regarding the length of the term of office for the Mayor and the Board of Aldermen increasing the term from two years to four years to be placed on the November 8, 2022 election ballot.
10. **Bill No. 2954-22, Conditional Use Permit – 1st Reading**
An Ordinance approving a Conditional Use Permit for a telecommunications tower at 904 Northeast 180th Street. 1st reading by title only.
7/29/22 – Additional information added at applicant's request: Property Value Impact Study

OTHER MATTERS BEFORE THE BOARD

11. **Public Comment**
Pursuant to the public comment policy, a request must be submitted to the City Clerk prior to the meeting. When recognized, please state your name, address and topic before speaking. Each speaker is limited to three (3) minutes.
12. **New Business From The Floor**
Pursuant to the order of business policy, members of the Board of Aldermen may request a new business item appear on a future meeting agenda.
13. **Adjourn**





Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Administration

AGENDA ITEM: Consent Agenda

REQUESTED BOARD ACTION:

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

Minutes

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- July 19, 2022, Board of Aldermen Regular Session Minutes

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SUMMARY:

Voting to approve would approve the Board of Alderman minutes and Resolutions.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

☐ Ordinance

☒ Contract

- ☒ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Plans
- ☒ Minutes

SMITHVILLE BOARD OF ALDERMAN

WORK SESSION

July 19, 2022, 5:00 p.m.

City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 4:59 p.m. A quorum of the Board was present: Kelly Kobylski, John Chevalier, Ronald Russell, Marv Atkins, Dan Ulledahl and Dan Hartman.

Staff present: Cynthia Wagner, Anna Mitchell, Chief Jason Lockridge, Stephan Larson, Chuck Soules, Matt Denton, Jack Hendrix and Linda Drummond. John Reddoch, City Attorney and Megan Miller, Gilmore Bell were also present.

2. Discussion of EDC Development Incentives

Anna Mitchell, Assistant City Administrator, noted that beginning in September of 2021, the Economic Development Committee has reviewed the City's Economic Development Incentive Policy. The recommended changes made by the Economic Development Committee are additions they did not delete any of the current incentives. Anna explained that there are eight incentives available through the State of Missouri.

Megan Miller from Gilmore and Bell provided education and guidance on the incentives, allowing the Economic Development Committee to make informed decisions that are now before the Board. The Economic Development Committee only made additional recommendations to three of the incentives.

Neighborhood Improvement Districts (NIDs) are primarily used by pre-existing property owners, usually a small batch of them come together to finance improvements done in their neighborhood. For instance, they have a gravel road they want to have paved and need funding to pave said road or they have a water issue or a flooding issue. They can work together and create a district that then addresses their problem. An assessment is placed on their property taxes that is paid on an annual basis. Over time, those are then paid back, the neighborhood's initial funds are received through a bond process that are issued through the city.

The EDC's additional recommendation for NIDs is only to allow NIDs to be placed on pre-existing developments with individual lots separately owned, excluding new developments without individual ownership.

Anna explained that the thought process behind this recommendation is because there have been developments in the northland that have allowed NIDs on development before they are built on. If the developer loses the development those bonds are still the city's responsibility.

Community Improvement Districts (CIDs): the EDC recommends limiting the years a CID is allowed to be in place to 20 years and expressed a preference for the CID Board to be Developer controlled with City representation.

The third incentive recommendation is for the Tax Increment Financing, which we currently only have one for the Smithville Marketplace. This incentive impacts property and sales tax of all the jurisdictions within the area: such as the city, the school district, the library, the zoo and the county. The use of these funds is for land acquisition, structure demolition, public infrastructure, etc. They are currently at a maximum of 23 years.

Tax Increment Financing: The recommendations are as follows:

- 20% maximum on reimbursable Project Costs
- Outside public improvements highly recommended to be included in the project such as additional parking or public parking arrangement
- City to require approval of business types, emphasis on sales generating businesses.
- 15-year cap on overall timeline highly recommended
- Minimum total project Cost at \$1,000,000

Anna noted that any proposal brought to the city outside of those recommendations will not be turned away. They will be brought forward for discussion and negotiation. She explained that what this policy does is give developers an idea of what we are looking for.

Alderman Russell asked for clarification on the 15 years, if it was added on top of the 23 years?

Anna explained that the recommendation is to bring the 23-year maximum down to 15 years.

Mayor Boley thanked everyone for all their work on this project.

3. Discussion of Changes to Terms of Office

Cynthia noted that Alderman Hartman requested earlier this year that staff research steps to change the term of office for elected officials. Linda Drummond, City Clerk provided a memo in the packet that outlines State Statute requirements. The position of Mayor can be for the term of two, three or four years. The position of Alderman can be for the term of two or four years.

Cynthia explained if the Board had a desire to change the term length of office, they would adopt an ordinance that would create ballot language, the sample ordinance is in the packet. Those ballot questions would then be put to the voters. A majority vote in support of each ballot question would approve that change.

The extended term would go into effect upon passage of an Ordinance acknowledging the election results. Anyone serving at the time or elected during that same election would serve out their current two-year term. Following adoption of the Ordinance those elected shall serve a four-year term.

Timing for Upcoming Elections:

- In order to place this on the November 8, 2022, General Election ballot, the language would have to be certified by August 30, 2022.

- In order to place this on the April 4, 2023 General Municipal Election ballot, the language would have to be certified by January 24, 2023

Alderman Hartman noted that other cities and municipalities have longer-terms for elected officials. He said he would like the Board to consider that lengthening the terms would establish a longevity of serving. Versus a two-year term where your first year you are basically trying to find your way, figuring out exact processes. The second year, which he is in now (and will be running for re-election), is when you figure out and become comfortable with the way the process should go. He noted he is simply asking the Board to consider the fact that a four-year term might be more favorable to possible candidates. He also noted that it would potentially save the City some money for election costs. He asked to hear the thoughts of the rest of the Board.

Alderman Atkins noted that he did see the need for consistency. He explained that he did a little research to see what other cities in our area have the extended four-year term. He found Gladstone, Lee's Summit and he believed Kansas City have the extended terms in place. He said that he could see the advantages of it.

Mayor Boley noted that it is somewhat difficult to get candidates to run every two years. It is not unusual for our candidates to run unopposed.

Alderman Russell agreed that the first year in office is a learning experience and he could definitely see the benefit from changing it. He noted that it seems there is always an election. He said his only concern would be term limit. He asked if anyone had considered putting a limit on how many consecutive terms an elected official could run. He noted that he would support the four-year terms with a two-term limit.

Alderman Chevalier agreed if it were changed to a four-year term there should be a two-term limit. He said after eight years it is time to let someone else in office to bring in fresh ideas.

Alderman Atkins suggested that staff move forward with the four-year term with a two consecutive term limit.

Alderman Hartman noted that he agreed with that. He asked that staff look into moving forward with the process needed for the four-year term and to look into what is needed to add the term limit.

Cynthia explained that she did not believe there is anything in the State Statutes concerning the term limit. She said that staff and legal counsel would confirm that information and bring it to the Board at the August 2 meeting. She asked if the Board would want to proceed with this for the November ballot or the April 2023 ballot?

Alderman Hartman noted that he would like it to be on the November 2022 ballot. He said he believed there would be a better turnout for that election. He asked if he understood correctly that elected official serving now would serve out the remainder of their two-year term and the candidates elected after the Ordinance was approved would then serve the four-year term.

Cynthia explained that if the ballot questions were in November, candidates elected in April 2023 would serve the four-year term. If the ballot questions were in April the candidates elected would only serve a two-year term. She explained that questions are if voted in by a majority vote would not go into effect until that Ordinance is certified by the Board later in that month.

Alderman Chevalier said that he was not willing to rush this and feels it should be put on the ballot of a municipal election.

Alderman Russell agreed with Alderman Hartman that more people will show up for the November election but is fine with either election date.

Alderman Kobylski noted she did not agree with the term limit. She said she was for the four-year terms.

John Reddoch, City Attorney, said that if both questions were posed to the voters they would be voting on terms and term limits as separate issues. He noted that the statute clearly states that with voter approval we can change the year terms of office. He also noted that that statutes says nothing about putting a limit on number of terms that can be served.

Alderman Hartman asked if he was correct that changing the Mayor's term from two years to three or four years would be a separate question on the ballot.

Cynthia said that was correct.

Alderman Hartman suggested that the question for changing the Mayor's term to four years be placed on the ballot as well.

Alderman Atkins said he would prefer that the ballot questions only be to change the term of the Mayor and Aldermen from two years to four years and not change the term limit at this time. He noted that if the constituents do not like you, they will not vote you back in.

Mayor Boley noted he was fine with the Mayor being two-year or four-year.

Alderman Kobylski said she was for four-year terms for Aldermen and Mayor and no term limit.

Alderman Russell, Alderman Ulledahl and Alderman Chevalier said four-year term with a two-term limit.

Cynthia noted that staff will have to clarify if a term limit can be done. She asked that the Board clarify which election date they preferred.

Alderman Atkins, Alderman Hartman, Alderman Kobylski, Alderman Ulledahl and Alderman Russell all agreed with the November 8 election.

Alderman Chevalier said he preferred the April election.

Cynthia noted that staff will work with the City Attorney to have clarification on the term limit for discussion on the August 2 work session. If staff is able to have language for the Ordinance prepared by the August 2 regular session, we will bring that forward for Board approval first reading and August 16 for second reading.

4. Discussion of Senior Center Contract

Matt Denton, Parks and Recreation Director, in 2020, the Board provided short-term guidance on the direction of the Senior Center to staff. Board direction was to have the Parks and Recreation Department manage the rentals of the facility, add more rental availability when the seniors were not using the facility and increase the fee to be more in line with other facility rentals in the area.

Since then, staff has worked to utilize the Senior Center more through rentals. In 2020, the Senior Center brought in around \$1,300 in facility rental revenue. In 2021, the Senior Center brought in \$4,000 facility rental revenue. It should be noted that the senior center was closed four months in 2021 due to COVID19. Staff predicts another significant increase in rental revenue in 2022. Through 8-months rental revenue totals \$3,430 with 4,500 in revenue projected by the end of the budget year.

Staff is bringing this discussion back to the Board as the Senior Center lease is up for renewal in 2023. Staff is seeking Board direction on the long-term direction of the senior center facility and lease.

The agreement allows for use of the building by the Smithville Senior Citizen Center from 9:00 AM to 4:00 PM Monday through Friday of each and every week for a rental fee of \$1 per year. Currently, the group uses the building Monday, Wednesdays, and Fridays for meals and activities. The building is used on Tuesday and Thursdays are for office hours. In the Senior Center there is an office, a room for a pool table and a storage room for senior's use only. Just last summer, staff was able to access these three rooms after a meeting with the Seniors to obtain the keys. The pool table room has two cabinets that store decorations and a pool table. The storage room holds leftover tables, shelves with holiday decorations, games, and candy. The office has a desk with a computer, WIFI, printer, and a filing cabinet.

The agreement requires the City to:

- maintain an insurance and a flood policy on the building.

The FY23 budget includes \$3,409 for insurance premiums.

- provide utilities services for the building, including gas and electricity

The FY23 budget includes \$3,300 for these utilities.

- repair and maintain the building

The FY23 budget includes \$480 for pest control and \$500 for miscellaneous repairs and maintenance.

- provide weekly janitorial services

The FY23 budget includes \$2,200 for janitorial services to be performed three times per week - Monday, Wednesday, and Friday evenings after meals are served in the building.

The agreement states that the Smithville Senior Citizen Center is responsible for telephone and internet. However, the City currently takes on those costs. The FY23 budget includes \$1,970 for those services.

Matt noted that in 2020 we discontinued the cable TV services for the building

The total FY23 expenditure budget for the Senior Center operations is \$11,842.

it has been recommended to us by Clay County Senior Services that we renew the contract in January rather than August as the contract states.

Matt explained that the City use the building outside of the 9 - 4 Monday through Friday for third party rentals. The current 3rd party rental rate is \$100 plus \$200 for deposit for weekly rentals and \$250 plus \$200 budget for weekend rental. The reservations are now done online through the Parks and Recreation rental software. In fiscal year 2020 City again offered weekday evening rentals and offered weekend rental of one reservation per day.

In fiscal year 2023 staff is predicting five rentals on the weekend and ten rentals during the week. Ten months of recurring rentals. With this prediction the City would recoup approximately \$4,000 of the \$11.842 operating expenses. The remaining \$7,842 would be funded through the general fund.

Matt asked for direction from the Board regarding what their goal is for the senior center.

- Is the Board satisfied with the changes that have been made to this?
- Staff is asking for feedback to the following related to the 2023 fiscal year budget:
- Should the time allocated to the seniors be limited to Monday, Wednesday and Friday from 9 – 2, and eliminate their office hours on Tuesdays and Thursdays?
- Do the seniors need specific rooms for billiards, office space and storage?
- Should their personal items such as the piano, bookshelves, etc. be removed?
- Are there any changes to expenses the Board would like to make?
- Would the Board want to cancel additional services?
- Does the Board desire to create additional youth, teen, adult or senior programming to take place in the facility?

Matt noted that staff has allocated funds to paint and purchase equipment to better the rental space. Staff is also managing the senior's grants by submitting their expenses to Clay County Senior Services. Staff also started senior fitness classes in 2021 that has been a huge success.

Alderman Atkins said that he liked the idea of offering more programming for youth and teens but not at the expense of the seniors losing their time by taking away or shortening the hours they have use of the building.

Matt explained that it is not unusual for the seniors to be done with their activities and gone from the building by 1:00 on Monday, Wednesday and Friday.

Mayor Boley noted that the seniors have a lot of complaints after some of the rentals about how the building is left and people to use their personal items. He said we need to be able to use the space and not have them upset every time it is used. He also noted he did not think it was in the agreement with Senior Services that they have a room for a pool table, an office and office hours. He asked why staff was doing the grant paperwork for the seniors?

Matt explained that in talking with Clay County Senior Services and they do not have any concerns with the building itself since it is the City's building. Clay County Services just manages the grant for the senior's expenses. How the building is used is up to the Board.

Mayor Boley asked how many rentals we turn away because they need it before 4:00?

Matt said he did not think it was too many. He explained that the need for use of the building prior to 4:00 is more for staff use for meetings and training.

Alderman Russell asked if a cleanup fee was charged for the rental? He also asked if it is cleaned the next day after a rental?

Matt explained that there is a \$200 deposit that is kept if the building is not returned to the way it was found. We do have a janitorial service that is a required expense to the City that cleans every Monday, Wednesday and Friday.

Alderman Russell asked who cleans after a rental on the other days?

Matt explained that staff is responsible. He noted that it is also the responsibility of the renter to leave the facility the way they found it.

Alderman Russell asked if we did need to keep the deposit are we able to get the cleaning service to come in and clean before the seniors use the building?

Matt said it would be on staff to clean it.

Alderman Russell asked if any of this was brought before the seniors to get their opinion?

Matt explained that staff wanted to get the Board's goals for the building before negotiating with the seniors on renewal of the lease.

Alderman Kobylski asked if the seniors had scheduled activities on Tuesdays and Thursdays or if they are just office use days.

Matt said occasionally a few will come in to play pool on those days.

Alderman Kobylski said she is for taking the Tuesdays and Thursdays away and using it for training and other purposes.

Alderman Chevalier agreed there could be a possibility for additional programming on Tuesdays and Thursdays for seniors. He also likes the idea of having additional programming for teens or using the building for youth in the late afternoons. Matt noted that staff is also looking for ways to make up the \$7,800 difference. To get more rentals and fee-based programming.

Cynthia noted that staffing needs is one of the things that will be included in the FY23 budget that will be provided to the Board. One of Matt's recommendation is the addition of Parks and Recreation Program Coordinator that would support of our Recreation Marketing Manager. That position would be someone who would come up with additional programming and could look at programming opportunities for the Senior Center. She noted that in her City Administrator's report during the regular session, she will explain the possibility for the opportunity of additional space.

Alderman Hartman noted his concern about the seniors losing some of their time and it is not the Board intent to displace them but would like to see it opened up to other community events. He agrees that our kids need things to do and some place to go. He understands the need for opportunities to create revenue to offset the cost. He said we are not here to make money but the loss of over \$7,800 is concerning.

Matt explained that we do not want to take time away from the seniors we are just looking for ways to use the space more effectively.

Mayor Boley noted that the library is no longer offering free room rentals for the Girl Scouts and other groups, so they are all looking for places to hold their meetings.

Matt explained that staff is allocating funds in the 2023 budget for painting and possibly some new equipment to make the space more appealing for rentals. He noted that it has not been updated since it was built in 2013.

Alderman asked concerning their personal items, could they be put on a rolling cart or rolling cabinet that could be put away?

Matt said the pool table, their decorations, piano and bookshelves are a large part of their personal items. He suggested making the pool room storage for them.

Matt asked if the Board is onboard with changing the senior's hours on Monday, Wednesday and Friday to 9-2? Eliminating their Tuesday and Thursday office hours? Moving their personal items out of the main area?

Alderman Russell said he was good with it. He asked what equipment staff is wanting to purchase?

Matt explained that staff would like to purchase better banquet tables, chairs and rolling carts.

Alderman Ulledahl, Alderman Kobylski, Alderman Chevalier all said they was good with it as long as it does not take away from the seniors programming but would like to see what feedback to the changes staff gets from the seniors.

Alderman Chevalier asked if it could still be called the Senior Center if they only get to use the building three days a week.

Cynthia said that is the longer-term discussion concerning the building. What do we want that building to be: more of a community building or senior focused? She noted that what she was hearing was a designated space for seniors that in the off time would be used for other purposes and maximize those purposes. She explained that staff has not gone to the seniors with this because we will be negotiating a new lease with them and wanted to know the Board's priorities first.

Alderman Chevalier said he would like to see programming be available to the seniors on Tuesdays and Thursdays.

Alderman Hartman said he would like to hear the feedback from the seniors. He noted that it could be a Senior Center and Community Center. He said we want to involve the community. Advertise it on the website to help produce additional revenue and open up the opportunity for other groups to use it.

Matt noted that the Parks and Recreation Master Plan has the Senior Center being more of a community building and offering more programming and activities for all.

Mayor Boley asked if there were still limitation on the kitchen use for rentals?

Matt said no rentals may use the kitchen as needed.

Mayor Boley said that if we were going to call it the Senior Center, the seniors should be held accountable to the lease terms.

Alderman Atkins said that if the seniors are not using the building after 2:00 then he would like to see the youth using it.

Matt noted that the current contract runs through August 2023, it has been recommended to us by Clay County Senior Services that we renew the contract in January rather than August as the contract states to be in the same timeline as the renewal of grants. He asked if the Board had any objections to the change?

The Board agreed to change contract renewal date to January.

5. Discussion of Sale or Lease of City Land

Anna Mitchell gave a recap of the history of the issue of the sale of the Courtyard Park alleyway at 111 North Bridge Street. At the September 21, 2021 Work Session, staff presented three separate options on how to move forward with the submitted proposal. The Board directed staff to develop an RFP for the sale of the portion of land.

On December 2, 2021, staff provided the proposed RFP to the Board in a work session for further direction. The Board directed staff to post the RFP as presented. RFP #22-06 was posted on December 10, 2021 with a deadline date of January 3, 2022 at 10:00 AM. Staff received one bid from Kansas City Properties and Investments LLC in the amount of \$26,100.

On February 15, 2022, Bill No. 2933-22, Award of Bid No. 22-06 was placed on the action agenda to be approved on first reading. Following public comment and Board discussion, Bill No. 2933-22 failed, 1-4.

Since the February meeting, Alderman Hartman has requested that the item be placed on the agenda again for further considerations. To ensure all proper steps are taken, staff reached out to the City Attorney, and it was advised that if the item were to be placed on the agenda for a second time, the RFP should also be released a second time for any interested parties to submit a proposal.

To ensure that the Board wanted to continue, staff brought the reissuing of the RFP to the Board during the City Administrators report. From the discussion with the Board, it was requested that the options of how to handle the property be brought forward again.

Staff has consulted the City legal team and has formulated three possible paths forward on this proposal.

Option 1: Lease the property: An RFP would be posted for the lease of the property and a bid process completed.

Pros

- *Any improvement on the property would be accepted as City property at the end of any lease.*
- *Any structure built on the property would be subject to approval from the board*
- *If the restaurant and or owner no longer have an interest in the property, it will still remain the City's property*
- *Insurance and maintenance would be solely on the private business with the City listed as an additional insured.*
- *Revenue generated according to a lease agreement.*

Cons

- *The land is currently park land where alcohol is not permitted except on a temporary basis for short term events. To allow for the consumption of alcohol on the premises, our legal team would have to do further research as there is no clear way to allow it at this time.*
- *The construction of the patio will decrease parking and ease of accessibility to the parking behind the Courtyard Park Stage.*

Option 2: Sale of property: An RFP would be posted for the sale of the property and a bid process completed.

Pros

- *As the property would no longer be public land, the process of doing private business on public land would not be necessary.*
- *Revenue generated according to a purchase agreement.*

Cons

- *The City would not have any say, other than codes set by Planning and Zoning, on what happens with the property.*
- *The construction of the patio will decrease parking and ease of accessibility to the parking behind the Courtyard Park Stage.*
- *New property lot lines would need to be drawn to accommodate the sale.*

Option 3: Do nothing/provide alternatives: Staff is willing to discuss other alternatives to a patio that is on that specific portion of land. Options may include using the space behind the building.

Pros

- *Parking would not be decreased, access continues*

- *Existing space that is available is being used by the property owner*

Cons

- *If the property owner decides not to go with any of the alternatives, the outdoor dining feature would not be available for this restaurant.*

Anna noted that public correspondence received related to this item some in favor and some against that was included in this packet.

Mayor Boley noted that Kansas City Properties and Investments LLC that owns Humphreys also owns two- or three-foot width of the alleyway.

Public Comment:

Alicia Neth, 708 Quincy Boulevard, said that she is in favor of leasing or selling the land. She noted that the owners of Humphreys as well as the building owner have really done a great job with the downtown renovations. She said that the owners Humphreys restaurant, David and Tiffany Cox have help with almost every single event that they have done downtown. Anytime someone needs even the smallest thing they have been there. Alicia noted that everybody downtown works really well together. Alicia asked if there would be a stipulation or something in sales contract that says if it is sold, and the new owner does not want the outdoor area. She asked if there can be something in it that would limit what is done with it and not just leave the patio area to deteriorate? She noted that she has received a lot of good feedback from people who come into her store and from emails from friends.

Jennifer Bleche, 8 Sherry Court, said that she is in favor of leasing or selling the downtown property in the development of the Courtyard Park area. She said she has a business directly next door to Humphreys, and I am fully in favor of this development as her business partner. Jennifer noted that David and Tiffany Cox have supported this community since they open their doors. They fed the baseball team for every out-of-town game and have donated food and time to many teams and organizations. Shane Crees, owner of the Humphreys building, is also her landlord she noted he has been a wonderful property owner and he continues to invest his money into restoring a different buildings in downtown making much needed improvements. She believes as our community continues to grow and develop, we will need to continue to adapt and find ways to support existing businesses so that we make sure to keep as much spending as we can locally. Jennifer said that Dave and Tiffany have always been gracious business neighbors to us and have no doubt that they will be able to operate the outdoor space successfully without disrupting any current or future use of the Courtyard area.

Joel Schroeder, 1702 Northeast 197th Court, said that the letters that supported the sale or lease of Courtyard Park alleyway that were included in the packet came from people that are no longer residents or have never been residents of Smithville. He said that nine of the letters or messages included being at the lake on a boat, on the trails or fishing all day and would feel more comfortable eating outside. He said that if he had been outside all day all he would want to do is cool off. To him that did not make sense. He noted that one letter of support said it would be great and create a fun safe environment for teenagers to spend time with friends after school. His response was "Where they serve alcohol? Really?" Mr. Schroeder explained that he had email his

Aldermen and asked many questions concerning the sale of the land. He said that only one actually responded to any of the things he asked. He also noted that no one could forecast accurately what the additional revenue of this would be. He said that the best choice to increase the foot traffic in downtown Smithville is to provide a venue like Courtyard Park that is friendly to vendors. He said we should market the area for activities such as: art in the park, music, dance, new shows, children's activities and festivals to bring more people to town and increase the awareness of what we have.

David Cox, 111 North Bridge Street, explained that he is the owner of Humphreys Bar and Grill. He said that he and his wife absolutely love the community. They love everything about it and that is why they relocated one of their restaurants to this community. Smithville is growing and it does not have anything to do with what he is doing. He noted that with growth come need and outside dining is one of the things that Smithville is lacking. Mr. Cox said that they plan on continuing to support and donate to this community. Within the year he and his wife are planning to relocate to Smithville. He noted that they also own Cornwell that they are hoping to open within the next 30 days and if all goes as planned, they are hoping to open a third business in the city limits by the spring of next year. Some of the concerns are about parking, with this we will only be losing six parking spaces and a majority of the time his employees park in those six spaces. Safety is another factor two children have been hit by cars in that alleyway since Humphreys has been there. Mr. Cox said that most of the community is wanting an outside dining area and hopes that this item can be put back on the agenda and it passes so they can move forward.

Shane Crees, 13530 Mount Olivet, explained that he owned the building at 111 North Bridge Street where Humphreys is located. He said he thinks there is a need for outdoor dining in Smithville. The total of the space in question is 1,680 feet, a small portion of the park. He noted that his property line is three foot off the building in the alleyway. He explained that there would be added revenue for the City from the sale of the land, property tax and additional sales tax. He explained that this part of the alleyway is only the west portion and does not include the eastside.

Mayor Boley noted that one of the comments he had seen why was this not on the ballot. He explained that we did put this on the ballot in 2018 to renovate our downtown. We passed a bond and sales tax to do so and this fall in line with that. He explained the ballot issue enabled us to build patios for multiple businesses downtown. Mayor Boley also noted that we have somewhere around 33 downtown events booked this year. He explained that activities like art in the park is already part of our programming and is funded by a half cent sales tax.

Alderman Hartman explained that he was asked how an Alderman could bring an item back that was defeated. He said he learned from the City's legal counsel that elected officials can bring items back as many times as they like. He explained the reason he was not present when this was brought before the Board the first time was due to representing the City at the Missouri Municipal League meeting in Jefferson City. Alderman Hartman said that there were three reason why he supported this, economic development, property tax and the additional sales tax. He noted that he has no economic or personal interest in this, he just feels this is a good opportunity for our community. He thinks that David and his crew at Humphreys do a great job.

Alderman Hartman also said that if we have future opportunity to sell city land and we say no to one and yes to another we are establishing a very poor precedence for the City and the Board.

Alderman Chevalier noted he was not sure about not selling it setting a precedence. He said that he would like to see a lease be developed and look at that option. He noted that the discussion today is not approving anything, it is discussing putting out another RFP to look at what can potentially be out there. Everyone is assuming that Shane and David will be the only ones to bid on it again, but others could bid on it also. Alderman Chevalier said as far as leasing the land and them not being able to serve alcohol, there should be a way if it is allowed in other outdoor spaces. He noted that as far as losing parking spaces, if there is an event at the Courtyard the spaces are block off and people still find plenty of places to park downtown. He said as far as safety he would be for not allowing parking in those spaces at all.

Alderman Russell noted that he looked at the vision of the Strategic Action Plan that was developed in 2019 and the pros and cons of this as described and projected in the plan. One of the thing in the Strategic Plan was the Mayberry Gone piece which talks about the community protects small town feel and focuses on retaining more traditional values. He said that the retention of the small town feel and sense of community that Alderman Hartman mentioned should be a place where kids can go. He said that we should make that the focus for that small piece of land. He noted that the correspondence that he received from constituents most were not for this. He said that events use that piece of property to access the Courtyard. Alderman Russell said that the Courtyard is used by groups such as Homecoming, Fifth Quarter and Community in Action that group is anti-drug and anti-alcohol and he thinks that we are sending the wrong message. He said by no means is he against alcohol. Alderman Russell noted that there was a letter of support template that was circulated, and multiple people filled it out. He said that in good conscience he could not vote for the sale of this property. He said he did have an alternative solution, he proposed taking the parking spaces in front of Humphreys and extending the sidewalk to the bump out to allow for tables for outdoor dining.

Alderman Ulledahl said that he was not for selling the park land. He also does not think that it would set a precedent if we do not sell park land other property has different rolls in the community each should be looked at separately. His issue with this is that it is park land, and we use it. Events use it for loading and unloading. He noted that once we sell it, we cannot get it back. He said that a lease option is plausible but looks like it would be a lot of work. Alderman Ulledahl said that we do not need to sell it and a lease is not worth the burden of trying to work through every year. As far as the emails that he received and the ones in the packet he was not a fan of the template that went around. A lot of them from non-Smithville residents and most said the same things. He said no we should not sell it.

Alderman Atkins noted that he took advantage of the internet and posed the question to member of two HOA's in ward three. He said a lot of people responded to the question and primarily they were all positive. He noted that he also received the same emails as everyone else. He noted that he likes idea of continuing our vision and strategic plan that has already been voted on by the people. To make our downtown a private oasis or a functional community oasis and feels that this could be a benefit. He

also said he is not necessarily fond of selling it. He would like to see a lease agreement that could be worked out that is not going to be complicated.

Alderman Kobylski agreed with Alderman Hartman as to the potential revenue in property and sales tax. She thinks it is a smart business decision. She noted that she would like to see the lease option to not lose the land. She said she also received the same emails as everyone else, she also received verbal feedback from people in her ward who would like to see outdoor seating, especially due to COVID. Alderman Kobylski noted that even if the Board chose to do nothing with the park land, she feels that alleyway should be blocked off to vehicles because of the safety issues. She said as alcohol, she is on the Community in Action committee, she explained that seeing someone consume alcohol in the outdoor setting is no different then seeing the same thing in the indoor setting. She said she did feel that alcohol should even be a part of this conversation. She explained that Fifth Quarter is potentially five Fridays a year. She said there is still plenty of room to load and unload on the east side of alleyway. She noted that she supports our strategic plan and vision for our downtown area and thinks we should move forward with leasing or selling it.

Mayor Boley noted that he and his wife served on the Community in Action committee and put together the Fifth Quarter event because they had them in their hometowns. He explained that the Mayberry Gone was voted down in the strategic plan. We are working on the modern community oasis. Mayor Boley added that Mr. Cox has offered that area for use during Fifth Quarter if it is needed, he has always worked with events going on at the Courtyard.

Alderman Hartman added that part of the Parks and Recreation Master Plan we are moving forward to create a wonderful amphitheater at Heritage Park. He explained that it will be better for acoustics, better for gathering and parking. He noted that it would be an extension of our downtown.

Mayor Boley noted that Alderman Hartman, Alderman Atkins and Alderman Kobylski are in favor of a sell or lease of the property. Alderman Chevalier in favor of only. Alderman Ulledahl and Alderman Russell not in favor of either. The majority is to put the RFP out but to rewrite for the lease.

Alderman Russell asked for consideration of his proposal to add the additional area in front of Humphreys.

The Board was not in favor of his proposal.

6. Discussion of Employee Compensation Plan

Anna Mitchell noted that this is the last portion of the classification and compensation study completed by McGrath Consulting. This portion of that study is a complete redo of all the job descriptions and an update of the pay grade scale. Anna explained that there was a scrivener's error in the report that notes the plan was last revised in 2000 and should have been 2020. Based on discussions with a consultant and reviewing job descriptions staff made sure that each job description was placed correctly within the pay grade scale that was provided. The information provided in the study is based on the market data of similar communities in this area and making sure

that we are competitive. Also ensuring that on the external side and the internal side we are fair and equitable a between departments.

Anna noted that the main changes that are change of the Management Analyst title in Public Works Department and retitled to the Assistant to the Public Works Director and reclassified in the pay grade. Two new positions have been created; one is a water treatment plant shift supervisor. That is position is for the evening shift who will be in charge when the plant manager is not there. This position is also to make sure that there are at least two employees on duty for safety reasons. The second position added is a Recreation Coordinator, we currently have the position at a part-time status, but this would then increase that to a full-time position. The position will mainly work with sports and other programs offered by the Parks Department.

Anna asked for direction on any change the Board you like to see in the job descriptions as well as the pay grade schedule.

The Board all agreed with the changes.

7. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:31 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

July 19, 2022, 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:00 p.m. following the Work Session. A quorum of the Board was present: John Chevalier, Kelly Kobylski, Ronald Russell, Marv Atkins, Dan Hartman and Dan Ulledahl.

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

2. Pledge of Allegiance led by Robert Matthews

3. Proclamations

- Honoring City Employee Robert Matthews for 40 Years of Consecutive Service



4. Consent Agenda

- **Minutes**
 - June 21, 2022, Board of Aldermen Work Session Minutes
 - June 21, 2022, Board of Aldermen Regular Session Minutes
- **Finance Report**
 - June 2022
- **Resolution 1085, Sports League Contract**

A Resolution authorizing and directing the Mayor to enter into an agreement with the Smithville Warrior Youth Football Club for the use of city park land.
- **Resolution 1086, Adopting Amendments to the Employee Handbook**

A Resolution adopting the amendments to the Employee Handbook.
- **Resolution 1087, Special Event Permit**

A Resolution approving issuing the special event permit to the Eric Craig Real Estate team for "Festiville" to be held in the downtown courtyard on Saturday, August 13, 2022.
- **Resolution 1088, City Surplus Property**

A Resolution declaring certain city items as surplus.

- **Resolution 1089, Purchase of John Deere Cold Planer**

A Resolution approving the purchase of a John Deere Cold Planer from Heritage Tractor through the cooperative purchase agreement for the Street Department in the amount of \$18,500.

- **Resolution 1090, Repair to the Senior Center**

A Resolution authorizing repairs to the Senior Center in an amount not to exceed \$7,880.

No discussion.

Alderman Ulledahl moved to approve the consent agenda. Alderman Kobylski seconded the motion.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

5. Committee Reports

Anna Mitchell, Assistant City Administrator, reported on the June 28 Economic Development Committee meeting. They discussed an additional option of how NIDs could be applied to different residential instances. Megan Miller, Gilmore Bell, was in attendance and she was able to give the committee some education on how to apply a NID in a different way than what was originally proposed to the Economic Development Committee. The committee recommended to stay with the original recommendation that was presented earlier in the work session in the Economic Development Incentive Policy. Anna noted their next meeting is set for the fourth Tuesday in August.

Matt Denton, Parks and Recreation Director, reported on the June 29 Legacy Fund Committee meeting they discussed the updated cost of the rendering of Heritage Park stage. They now have a more accurate dollar amount so that they have a better goal amount for fundraising. They discussed more ideas for some fundraising events and the possibility of passing out flyers and brochures at Hot Summer Nights and Festiville to raise awareness of the fund as well as utilizing Haunted Campground events as a Legacy Fund fundraiser.

Alderman Chevalier reported on the July 12 Planning and Zoning Commission meeting. To date, we have 53 issued single family residential permits. A portion of the old Price Chopper building is getting it ready to be reconstructed for a business and then a multi-tenant project is also in the planning stages for the building. The cannabis facility was having some issues with power, which is causing a delay. The Shamrock gas station has been approved for occupancy and they should be starting to stock it. The commission also discussed one of the items that are on the agenda this evening, rezoning of a property for Eric Craig and Associates for an office building and equipment storage.

Mayor Boley thanked staff and the Police Department for the way they handled the event from this past week when a suspicious package was found downtown.

6. City Administrator's Report

Cynthia noted that the Main Street District and the City have submitted the South Bridge Facade Renovation completed by Kansas City Properties and Investments for the category

of best facade rehabilitation for over 10,000 in the Missouri Main Street Evening of Excellence awards. We were recently notified and that project has been selected as a finalist in the category and the winner will be announced during the Main Street Conference next month. The City has a table for the event and Shane Creech with Kansas City Property Investments is planning to be in attendance. Cynthia asked if any of the Board would like attend, please let staff know so we make sure that we have enough seats at the table or if we will need to get additional seating.

Cynthia noted that a couple of weeks ago staff received notification from representatives from the Army Corps of Engineers that they are looking to do some work in Litton Center. They are looking to vacate two areas within the building. The representatives reached out to other local government partners to see if any would have an interest in a use of that space.

Chuck Soules, Public Works Director, Matt Denton, Parks and Recreation Director, Brittany Propes, Recreation and Marketing Manager and Gina Pate, Management Analyst went and toured it the first of the month. Additional staff went out to tour it earlier this week.

She explained that staff has expressed an interest in the 2,600 square foot space. Staff would like to submit a letter to Army Corp of Engineers tomorrow expressing official interest in the space. Cynthia noted that it had been indicated to staff that it would be no rent cost, but the City would have to pay the utilities for the whole facility on an annual basis.

Staff would like to use one area for administrative space. That would allow us to move Parks and Recreation and Public Works administrative offices there.

Staff would work with the Corp of Engineers staff on the design and all plans will need to be submitted and approved by the Corp. The Corp of Engineers will complete the demo at no cost to the City, but we would incur the cost for renovation.

The second space we use as a multipurpose area. With the addition of this area, we could expand our programming for programs like after-school programs, kids day camps, etc. The space could also be used as a public meeting space.

Cynthia noted that unless she heard otherwise from the board tonight, she would reach out tomorrow and send the letter of intent to the Corp of Engineers that we do have an interest in this would like to partner and move forward.

Cynthia also noted that staff sees this as part of the Parks and Recreation Master Plan. The distributed recreation which addresses and continues to expand on those services.

Chuck Soules was approached by the Harborview neighborhood association, they were awarded a Neighborhood Beautification Grant to build a sidewalk in their neighborhood. They have asked us about the potential of expanding that project to widen the sidewalks that to be more consistent with what we are acquiring throughout the city. This also will create a linkage to a trail that will connect to county parks and the lake system. Staff received additional information from the Harborview today that the amount of the additional sidewalk is \$7,950. They would like to be able to start on that immediately. This would basically as an emergency situation to authorized them to go ahead with that work. The City would reimburse them the \$7,950 for the work and it would be placed on the

August 2, 2022 agenda as an emergency purchase since it is above Cynthia's \$7,500 authority.

Chuck Soules also received a change order for the raw water pump station. Cynthia noted that it will not come back to the board for approval because it is in the contingency the force account. She explained that she wanted to let the Board know this because staff has expressed a concern to HDR Engineers because it the predominant reason for this change order was some dewatering required through the project. Staff was concerned that this had not been included in plans for that project when we are working on a raw water pump stations in that area.

Staff also receive communication associated with that project from the Corp of Engineers related to the copper ion project, which reduces our zebra mussel propagation. The Corp of Engineers are offering to provide \$8,000 to help with the cost of the project, and replace the copper ion canisters as needed and pay electricity use associated with the project.

Cynthia noted that Brittanie Propes, Parks and Recreation Marketing Manager, has accepted the position as Parks and Recreation Director for the City of Parkville. She is only the second female Parks and Recreation Director in the Kansas City metro area. This position will be posted tomorrow.

ORDINANCES & RESOLUTIONS

7. Bill No. 2947-22, Creating a Donation Fund, LLC – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 2947-22, approving the creation of the Donation Fund to hold the donations for the intended purpose. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2947-22 approved.

8. Bill No. 2948-22, Rezoning 211 North Bridge Street – 2nd Reading

Alderman Hartman moved to approve Bill No. 2948-22, approving rezoning 211 North Bridge Street from R-3 to B-4. 2nd reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote:

Alderman Russell – Aye, Alderman Atkins – Aye, Alderman Hartman – Aye,
Alderman Chevalier – Aye, Alderman Kobylski – Aye, Alderman Ulledahl- Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2948-22 approved.

9. Bill No. 2949-22, Rezoning Dibbens Estate – 2nd Reading

Alderman Hartman moved to approve Bill No. 2949-22, approving rezoning Dibbens Estate at 13916 North Virginia, from A-1 to A-R. 2nd reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Ulledahl – Aye, Alderman Hartman – Aye, Alderman Russell – Aye,
Alderman Kobylski – Aye, Alderman Atkins – Aye, Alderman Chevalier - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2949-22 approved.

10. Bill No. 2950-22, Amending the General Fund Reserve Policy – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2950-22, amending the General Fund Reserve Policy adjusting the General Fund Reserve Policy from 40% of budgeted operating expenditures to 25%. 1st reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Upon roll call vote:

Alderman Kobylski – Aye, Alderman Russell – Aye, Alderman Chevalier – Aye,
Alderman Hartman – Aye, Alderman Ulledahl – Aye, Alderman Atkins- Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2950-22 approved first reading.

11. Bill No. 2951-22, Rezoning Eagle Ridge Commercial Property – 1st Reading

Alderman Chevalier moved to approve Bill No. 2951-22, approving rezoning Eagle Ridge Commercial property at 561 S. Commercial from B-1P to B-3. 1st reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins – Aye, Alderman Chevalier – Aye, Alderman Ulledahl – Ae,
Alderman Russell – Aye, Alderman Kobylski – Aye, Alderman Hartman - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2951-22 approved first reading.

12. Resolution 1091, Final Plat Dibbens Estate

Alderman Russell moved to approve Resolution 1091, approving the final plat for Dibbens Estate to create two additional lots at the southwest corner of Amory Road and Virginia Avenue. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1091 approved.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

None

14. Appointment

The Mayor will nominate appointments to the Parks and Recreation Committee, and the Board will vote:

Hailey Kellerstrass

By roll call vote.

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Hailey Kellerstrass a member of the Parks and Recreation Committee.

Dani Wilson

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Dani Wilson a re-appointed member of the Parks and Recreation Committee.

15. New Business from the Floor

Alderman Ulledahl asked that the Planning and Zoning Commission review the fence ordinance and the types of fences allowed for residential.

Alderman Chevalier asked that the safety of the Courtyard Park alleyway be discussed in more depth. Mayor Boley noted that it would go to the Parks and Recreation Committee first to discuss and make recommendation for the Board.

16. Adjournment to Executive Session Pursuant Section 610.021(1 & 2)RSMo.

Alderman Hartman moved to adjourn to the executive session Pursuant of section 610.021(1&2)RSMo. Alderman Kobylski seconded the motion.

Upon roll call vote:

Alderman Hartman – Aye, Alderman Atkins – Aye, Alderman Ulledahl – Aye,
Alderman Chevalier – Aye, Alderman Russell – Aye, Alderman Kobylski - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:29 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1092 – Amending the Harborview Neighborhood Grant Award

REQUESTED BOARD ACTION:

A motion to approve Resolution 1092, amending the Harborview Neighborhood Grant Award to increase expenditures by \$7,950.

SUMMARY:

Harborview was awarded a Neighborhood Beautification Grant to install a concrete sidewalk (5 foot wide) from Lakeview Drive to the Corps property. The application also includes cleaning up some overgrowth in the subdivision and installing some pet waste stations. The total project cost (including volunteer in-kind labor) was \$15,400. The Grant amount requested was \$8,200 and was approved by the Board on May 3, 2022.

Since that time the HOA has had discussions with the Corps and Clay County Parks to have them extend a connection from the Clay County Trail System to the sidewalk proposed by Harborview. A trail should be 10 foot wide to allow users to walk/ bike side by side and allow others to pass going a different direction. A 10-foot trail is much more comfortable for all users including those using mobility devices.

The HOA received costs for the project and the additional work. The project will be completed by SAM the Concrete Man for a cost of \$7,950. This cost has been reviewed by staff and is appropriate for the work to be completed. This will bring the total award for the project to \$16,150.

PREVIOUS ACTION:

Board approved Neighborhood Beautification Grants on May 3, 2022.

POLICY ISSUE:

Inviting Neighborhoods / Improving connectivity and trail system

FINANCIAL CONSIDERATIONS:

This project can utilize \$7,950 from the "Repairs & Maintenance – Street" line item in the Transportation Sales Tax Fund (09-5-02-5103) for the neighborhood sidewalk improvement.

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: quote and grant application | |

RESOLUTION 1092

A RESOLUTION AMENDING THE HARBORVIEW NEIGHBORHOOD BEAUTIFICATION GRANT AWARD APPROVING ADDITIONAL SCOPE AND AUTHORIZING AN ADDITIONAL EXPENDITURE OF FUNDS IN AN AMOUNT OF \$7,950

WHEREAS, Harborview was awarded a Neighborhood Beautification grant in an amount of \$8,200 to construct a sidewalk between Lakeview Drive and the Army Corps of Engineers property; and

WHEREAS, Harborview HOA has held discussions with Clay County and the Corps about extending the existing trail system to tie into this sidewalk; and

WHEREAS, to be an effective trail the proposed sidewalk should be widened to ten feet; and

WHEREAS, the HOA has secured bids and the additional cost to widen the sidewalk is \$7,950.

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

THAT the Board of Aldermen approves the increase in the scope of the Neighborhood Beautification Award to Harborview and approves the additional expenditure of funds in an amount of \$7,950 for a total award of \$16,150.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

A C C E P T E D C H A N G E O R D E R

Sam The Concrete Man - Kansas City
6320 Brookside Plaza
Suite 189
Kansas City, MO 64113
(913) 215-9585



<https://kansas-city.samtheconcreteman.com/>

Billing/Service Address

Todd Johnson
301 Lakeview Dr
Smithville, MO 64089
(913) 424-6701 (Mobile)
newharborviewbod@gmail.com

Date	July 18, 2022
Total	\$7,950.00

Prepared by Nick Maassen (nmaassen@samtheconcreteman.com)

U N A C C E P T E D O P T I O N S

The following options were not selected and are not included.

Item	Description	Amount		
Sealer [801 - 1,200 SQ. FT.]	RECOMMENDED: Apply a waterproof / chloride-proof sealer to the entire project, including base of sidewalk. Was not accepted on original proposal.	\$250.00		
		Subtotal	\$250.00	
		Tax	\$0.00	
		Total	\$250.00	

LOCALLY OWNED AND OPERATED

Item	Description	Amount
Estimate	<p>Additional Sidewalk Square Footage Installation</p> <p>-Remove and dispose of additional yard waste where new concrete is to be installed. Per customer, some dirt can be kept at job sit off path area.</p> <p>-Install approximately additional approximately 5' x 118' of sidewalk, totaling approximately 10' x 118'.</p> <p>-Quote is contingent on pictures of needed landscape removal based on additional square footage.</p>	\$7,950.00
Included Services	<ul style="list-style-type: none"> • Remove and dispose of the existing concrete up to 4" thick with wire mesh reinforcement. Any additional thickness or reinforcement may incur additional charges. • Compact the subgrade with a mechanical compactor as required. • Install and compact rock base material or select fill as needed to reach the proper grade. • The sidewalk will be 4" of 4,000-psi a/e concrete reinforced with 1/2" rebar every 24" x 28 "" each way, across entire sidewalk. • Expansion joints will be installed as needed. • A brushed or broom finish will be applied. • Control joints will be installed as needed. Sections not to exceed 10' each way unless specified otherwise. • Clean up daily and at the job completion. 	
	Subtotal	\$7,950.00
	Tax	\$0.00
	Total	\$7,950.00

This change order was digitally signed on Tuesday, July 26, 2022 by Terry Snyder.



You selected to receive confirmations/reminders via Email to newharborviewbod@gmail.com.

You selected to receive en routes via Email to newharborviewbod@gmail.com.

T E R M S A N D C O N D I T I O N S

For Warranty Information-Click here

Concrete is a natural material and therefore textures and color are affected by factors beyond our control. New concrete should not be expected to match existing work or samples provided. Work is guaranteed to be as specified herein and will be completed in a workmanlike manner per industry-standard practices. Changes to this contract requested by Customer is to be made to the owner may become an extra charge over and above the proposed amount. Notice of any initial installation defects must be made within five days of job completion. Payment: A deposit of 50% of total job is due at the start of work with balance due at job completion. Acceptable forms of payment include cash, check, or money order. This proposal is subject to acceptance within 30 days and may be void thereafter at the discretion of Local Owner. Cancellation Policy: In the event of cancellation by the client, Local Owner shall be entitled to retain 10% of the contract amount or actual damages, whichever is greater. If Local Owner cancels the contract before work begins, Customer shall be entitled to a refund any deposit paid.

(a) NJM Properties LLC "Local Owner" is a franchisee of SAMCO, LLC d/b/a Sam the Concrete Man ("Franchisor"). The only relationship between Franchisor and Local Owner is that of independent contractor operating its business pursuant to a license from Franchisor, that the business conducted by Local Owner is completely separate and apart from any business that may be operated by Franchisor. This Agreement does not create a fiduciary relationship between them or constitute either party as agent, legal representative, subsidiary, joint venturer, partner, employee, servant or fiduciary of the other party for any purpose whatsoever. Local Owner is not an affiliate of Franchisor and does not have authority to act for Franchisor in any manner and cannot create any obligations or indebtedness that would be binding upon the Franchisor. Customer agrees and acknowledges that Franchisor is not in any way responsible for any acts and/or omissions of Local Owner, its agents, servants or employees. (b) Sole Remedy: Customer's sole remedy for any defective work is described in the attached Limited Warranty incorporated into this Agreement for all purposes as Attachment "A". Customer waives any right to incidental or consequential damages, including but not limited to, sprinkler heads, water lines or other buried lines that are within close proximity to the project. (c) Force Majeure: Local Owner shall not be responsible for any delay,

liability, loss or damage due to any failure to perform under this Agreement, due to strikes, inability to obtain transportation, Acts of God, inclement weather, fire, floods, storms, disease, or any causes beyond Local Owner's reasonable control, nor shall Local Owner be responsible for failure of delivery or delay due to federal, state or other governmental statute, regulation or authority. (d) Authority: You represent that you have the authority to contract for the work and are responsible for payment for the work. You represent that you are the owner or authorized agent of the owner of the property where the work is being performed. You agree to indemnify and hold harmless Local Owner for any liability of Local Owner for unauthorized work if you are in breach of this provision. (e) Changes: Changes to this contract must be requested in writing to Local Owner and may become an extra charge over and above the proposed amount. (f) Statute of Limitations: The statute of limitations for filing a claim under this Agreement is 1 year from date of discovery of any breach of this agreement. (g) Governing Law and Venue: This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Missouri, without reference to its choice of laws principles. The parties: (i) agree that any suit, action or legal proceeding arising out of or relating to this Agreement shall be brought in the courts located in the county in which the work is performed; (ii) consents to the exclusive jurisdiction of each such court in any suit, action or proceeding; (iii) waives any objection which it may have to the laying of venue of any such suit, action or proceeding in any of such courts. If any provision of this Agreement is void, illegal or unenforceable by law, the remaining terms shall be valid and enforceable. This Agreement is between you and Local Owner.

I agree to be bound by this Agreement.



Neighborhood Beautification Grant Application City of Smithville, MO

Applicant Information

Neighborhood or Homeowners' Association Name: Harborview HOA **Date:** 3/31/22

Address: 405 Marina Drive
Street Address
Smithville, MO 64089

City **State** **ZIP Code**

Phone: 816-289-1749 **Email:** newharborviewbod@gmail.com

Contact Person: Terry Snyder **Title:** President

Project Title: 2022 Harborview Beautification Project

Brief Description of the proposed Project:

We propose to install a connector trail from Lakeview Drive, South to the Corps of Engineer's land, remove overgrown brush and trees along greenspaces, trim up trees identified by our arborist, plant 40+ new trees, and install pet waste stations throughout the neighborhood.

Budget Information

The amount of grant funds awarded to the neighborhood ranges from \$50 - \$25,000. All funds awarded are required to have matching funds contributed from the neighborhood. Matching funds can come in the form of actual funds or in-kind donations such as volunteer hours or equipment. The required match must be equal to 50% of the total project cost. (e.g., if total project cost is \$10,000, the neighborhood or homeowners' association contributes \$5,000 and requests \$5,000 in grant funds from the program.) Volunteer hours are calculated at the rate of \$20/hour and must be confirmed at the completion of the project.

Total Project Cost:	\$15,400
Grantee Cash Contribution:	\$5,920
Grantee In-Kind Contribution:	\$2,280
Grant Amount Requested:	\$8,200

Project Information – Please attach additional documentation if needed

Expected Project Start Date 4/15/22 **Expected Completion Date** 6/27/22

Description of how this project will enhance the neighborhood:

Through the previous decades, we have lost a lot of trees in our greenspaces. We are looking to clean up those greenspaces, take care of the trees that are there, and add to their number with 40+ new trees to be planted. Our connector trail will allow our neighbors to walk to the adjoining Corps of Engineer's trail without having to walk through mud, and brush. Our pet waste stations will ensure that pet waste is not an issue on our sidewalks.

Description of how the grant funding will be matched by the organization:

Our projects call for 114 hours of labor, to be provided by volunteers within the neighborhood. We will be working in tandem with our arborist and contractor during the connector trail installation.

Description of how the project will be maintained or funded in the future, if necessary:

Pet waste stations will be added to our annual budget for supplies, as well as a weekly stocking/cleaning route to ensure that pet waste doesn't linger. Our connector trail will added to our annual facilities review.

Required Attachment Checklist

In addition to this application, the following documents will be required to fully assess the proposed project:

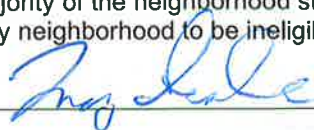
- ☐ **A detailed Project Budget shown through a completed Attachment A (Example Included)**
- ☐ **Photos of the proposed project area**
- ☐ **Plan or map showing the location of the project and projected improvements**
- ☐ **At least three estimates for all work**
- ☐ **Letter of authorization from any agencies, utilities, or property owners affected by the project**
- ☐ **Letter of approval of use of funds from the neighborhood or homeowners' association Board**
- ☐ **If using cash contribution for the match, proof of available funds**
- ☐ **If planning to use volunteer hours for an in-kind match, a completed Volunteer Pledge Sheet (Attachment B)**
- ☐ **A copy of the by-laws for your neighborhood or homeowners' association**
- ☐ **A list of the current neighborhood or homeowners' association board members**

Disclaimer and Signature

I, the applicant, understand and agree that all applicable required City permits, which may include a building permit, right of way permit, must be obtained before work begins.

I, the applicant, confirm that I have read the terms of the application and that I am acting on behalf of my neighborhood or homeowners' association, in accordance with their expressed wishes, which were determined by a vote or consensus of the majority of the neighborhood stakeholders. I understand that acting without consent of my organization may cause my neighborhood to be ineligible for future grants.

Authorized Agent's Signature:



Date:

3-31-22

Attachment A: Detailed Project Budget Form

TOTAL PROJECT COST (grant funds requested plus applicant match)		
List all items/service required for project completion.		
Vendor/supplier:	Item/service:	Amount:
Sam the Concrete Man	Connector Trail	\$6,600
Urban Tree	Tree trimming/removal	\$2,625
Global Industrial	Pet Waste Stations	\$2,400
Lowes/Home Depot	Trees, rental equipment	\$3,775
Total Project Cost		\$15,400

CASH MATCH CONTRIBUTION		
List any cash that will be contributed by your organization or others.		
HOA/entity contributing cash	Item/services to be paid (if specified):	Amount:
Harborview HOA	Cash	\$5,420
Total Cash Contribution		\$5,420

IN-KIND MATCH CONTRIBUTIONS		
List any services or supplies that will be contributed by your organization or others.		
HOA/entity donating	Item/services to be donated:	Value:
Harborview HOA	Labor	\$2,280
Total In-Kind Contribution		\$2,280

Total Project Cost	\$15,400
Total Cash Contribution	\$5,420
Total In-Kind Contribution	\$2,280
Total Grant Amount Requested from the NBG Program	\$7,700

Harborview HOA Board of Directors

Name	Position	Term
=====	=====	=====
Terry Snyder	President	2024
Phil Smith	Vice President	2025
Bailey Meyer	Treasurer	2023
Dwayne Smith	Secretary	2023
Barb Parkerson	Member at Large	2025

P R O P O S A L

Sam The Concrete Man - Kansas City
6320 Brookside Plaza
Suite 189
Kansas City, MO 64113
(913) 215-9585

<https://kansas-city.samtheconcreteman.com/>



Billing/Service Address

Todd Johnson
301 Lakeview Dr
Smithville, MO 64089
(913) 424-6701 (Mobile)
newharborviewbod@gmail.com

Date	March 25, 2022
Total	\$6,600.00

This proposal expires on 4/24/2022

Prepared by Nick Maassen (nmaassen@samtheconcreteman.com)

This proposal contains 1 option. Be sure to click the checkboxes below for the options you want to include.

Item	Description	Amount
Estimate	Sidewalk Installation -Remove and dispose of yard waste where new concrete is to be poured. -Install approximately 4' x 118' sidewalk.	\$6,600.00
Included Services	<ul style="list-style-type: none">• Remove and dispose of the existing concrete up to 4" thick with wire mesh reinforcement. Any additional thickness or reinforcement may incur additional charges.• Compact the subgrade with a mechanical compactor as required.• Install and compact rock base material or select fill as needed to reach the proper grade.• The driveway will be 4" of 4,000-psi a/e concrete reinforced with 3/8" rebar every 36" each way depending on vehicle traffic.• Expansion joints will be installed as needed.• A brushed finish will be applied.	

	<ul style="list-style-type: none"> • Control joints will be installed as needed. Sections not to exceed 10' each way unless specified otherwise. • Backfill the edges of the new concrete with fill dirt and recycled dirt on site. Does not include re-grading of current landscape to meet new concrete grade. • Clean up daily and at the job completion. • If permits are required, all required costs will be added to the proposal at cost plus an additional \$50.00 charge. 	
	Base	\$6,600.00
	Subtotal	\$6,600.00
	Tax	\$0.00
	Total	\$6,600.00

Notifications Text message to (913) 424-6701

T E R M S A N D C O N D I T I O N S

Concrete is a natural material and therefore textures and color are affected by factors beyond our control. New concrete should not be expected to match existing work or samples provided. Work is guaranteed to be as specified herein and will be completed in a workmanlike manner per industry-standard practices. Changes to this contract requested by Customer is to be made to the owner may become an extra charge over and above the proposed amount. Notice of initial installation defects shall be made within five days of job completion. Customer's sole remedy for claimed warranty work shall be repair or replacement of defective areas or refund of Customer's payment, at Sam The Concrete Man's discretion. Customer waives any right to incidental or consequential damages, including but not limited to, sprinkler heads and lines that are within close proximity to the project.

Concrete Care: Your new concrete can receive foot traffic 12 – 24 hrs after installation. Because your concrete is still curing/setting there is to be no vehicle traffic for 7 days - this includes not pulling your car over the concrete to park in the garage.

Payment: A deposit of 50% of total job is due at the start of work with balance due at job completion. Acceptable forms of payment include cash, check, or money order. This proposal is subject to acceptance within 30 days and may be void thereafter at the discretion of Sam The Concrete Man.

Cancellation policy: In the event of cancellation by the client, Sam The Concrete Man shall be entitled to retain 10% of the contract amount or actual damages, whichever is greater. If Sam The Concrete Man cancels the contract before work begins, Customer shall be entitled to a refund any deposit paid. Performance under this agreement may be excused for reason of strike, accident, harassment, or other delays beyond our control.

Warranty: 1 year for workmanship & materials: 1-year materials to the extent of the material suppliers' warranty. In case of defective materials, cost of labor is not included in the material warranty. Hairline

cracks up to ¼" wide will be routed and caulked or patched. Areas with heaving cracks (vertically offset by ¼" or greater) will be repaired or replaced at Company's discretion. The use of any salts or ice melts on the new concrete will automatically void the 1-year warranty and Sam The Concrete Man cannot be held responsible for any subsequent damages. The 1-year warranty will be void on all driveway and garage floor projects that do not include the additional Sealer option due to magnesium chloride that is applied to public roads outside Sam The Concrete Man's control.

I confirm that my action here represents my electronic signature and is binding.

[Click here](#) if you no longer wish to receive notifications or related information about this proposal.



Harborview HOA
Jennifer Pease
405 Marina Dr
Smithville, MO 64089

Proposal Date: 11/2/2021
Work Site: 405 Marina Dr
Smithville, MO 64089
Proposed By: Nicholas Goergen
Ad Source: Referral
:
816-592-9704

Qty	Plant	Location		Cost
1	Oak (Pin)	South	1) Crown raise to approx 12 ft - Remove deadwood 1-2 inch and greater - Slight thinning - Remove broken and hangers	\$400.00
1	Magnolia	South	2) unsustainable, overplanted - Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade	\$200.00
1	Spruce	South	3) Remove volunteers growing under tree and treat to not grow back	\$75.00
1	Crabapple	South	4) Maintenance Prune - Weight reduction throughout as recommended - Crown raise to approx 6 ft	\$75.00
1	Maple (Red)	South	5) Maintenance Prune - Single Stem Development - Crown raise to approx 6-7 ft	\$150.00
1	Stump(s)	South	6) Machine grind below ground level and remove stump-grinding debris to approximately soil grade	\$100.00
1	Oak (Pin)	Center	7) Crown raise to balance - Remove low deadwood	\$150.00
1	Pear	East center	8) unsustainable, extremely poor structure - Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade	\$500.00
			Replacement - Sugar maple	
1	Crabapple	East center	9) Maintenance Prune - Weight reduction throughout as recommended - Crown raise to approx 6 ft	\$75.00
1	Pear	East center	10) Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade = \$200.00	\$0.00
			* This tree is currently fine, but has been dubbed a noxious weed and is prone to storm damage. This should be replaced with a sustainable tree, such as Sugar maple.	
1	Ash	East center	11) Suckered out stump - Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade	\$50.00





1	Pear	NW	12) Poor structure, shading desirable oak - Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade	\$300.00
DO NOT replace tree. Let the Swamp White oak become dominant. This area should not have another tree.				
1	Oak (swamp whi	NW	13) Maintenance Prune - Single Stem Development - Crown raise to approx 5-6 ft	\$50.00
1	Maple (Red)	NW	14) Maintenance Prune - Weight reduction throughout as recommended - Crown raise to approx 8 ft	\$150.00
1	Pear	NE	15) larger of 2 - Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade = \$300.00	\$0.00
This should be removed and replaced for the same reason as the other pears. This tree was definitely damaged by the sidewalk replacement, and it's a good time to go.				
This area should have one tree, centered on each side. I would plant these as Prairie Fire crabapple, which is a cultivar of our native, is very resistant to insect and disease issues, and will thrive in this spot. Much lower maintenance, and very sustainable.				
1	Pear	NE	16) Same reason - Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade = \$75.00	\$0.00
1	Pear	NE	17) Remove to ground level, machine grind the stump and remove stump-grinding debris to approximately soil grade	\$350.00
* Same reasons as above, plus this tree has substantial die out from Fireblight. Treatments are costly and not very affective. Remove and replace.				

Subtotal: \$2,625.00

Tax: \$0.00

Total: \$2,625.00





Terms and Conditions

It is agreed by and between Urban Tree Specialists LLC and the authorizing party (customer and/or customer's agent) that the following provisions are made as part of this contract:

Insurance by Contractor: Urban Tree Specialists LLC warrants that it is insured for liability resulting from injury to person(s) or property and that all employees are covered by Workers' Compensation as required by law. Certificates of coverage are available upon request.

Cancellation Fee: Urban Tree Specialists LLC kindly requests that the authorizing party provide at least 24 hours advance notice of any full or partial work cancellation. If a crew has been dispatched to the job site, the customer will be assessed a mobilization fee of \$150.00 for incurred expenses.

Completion of Contract: Urban Tree Specialists LLC agrees to do its best to meet any agreed upon performance dates, but shall not be liable in damages or otherwise for delays because of inclement weather, labor, or any other cause beyond its control; nor shall the customer be relieved of compensation for delays.

Tree Ownership: The authorizing party warrants that all trees listed are located on the customer's property, and, if not, that the authorizing party has received full permission from the owner to allow Urban Tree Specialists LLC to perform the specified work. Should any tree be mistakenly identified as to ownership, the customer agrees to indemnify Urban Tree Specialists LLC for any damages or costs incurred from the result thereof.

Safety: Urban Tree Specialists LLC warrants that all arboricultural operations will follow the latest version of the ANSI Z133.1 Tree Care industry safety standards. The authorizing party agrees to not enter the work area during arboricultural operations unless authorized by the crew leader on-site.

All Work to Conform to ANSI A300 Tree Care Management Standards for the arboricultural Industry unless otherwise specified in this proposal.

Stump Removal: Unless specified in the proposal, stump removal is not included in the price quoted. Grindings from stump removal will be removed to approximately soil grade unless specified otherwise. Surface and subsurface roots beyond the stump are not removed unless specified in this proposal. Urban Tree Specialists LLC is not responsible for damages to underground sprinklers, drain lines, invisible fences or underground cables unless the system(s) are adequately and accurately mapped by the authorizing party and a copy is presented before or at the time the work is performed.

Concealed Contingencies: Any additional work or equipment required to complete the work, caused by the authorizing party's failure to make known or caused



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Global Industrial™ Pet Waste Plastic Bags With Tie-Handles, Green, 400 Bags/Roll
T9F6S5798

Delivery to 64089: Expected delivery on or before Mon, Apr 04 with standard shipping.

24

\$9.90



Add-ons

Subtotal (42 Items)
\$2,156.70

[Calculate shipping](#)

64089

Ship Method: GROUND

Item(s): \$2,156.70

Shipping: \$221.99

Total does not include tax

Total: \$2,378.69

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12

\$24.95



Add-ons

Global Industrial™ Heavy Duty Black Trash Liners, 1.5 Mil, 13 Gallon, 50/Box
T9F6S5813

Delivery to 64089: Expected delivery on or before Mon, Apr 04 with standard shipping.

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Global Industrial™ Steel Pet Waste Station With Tie-Handle Waste Bags, Green
T9F6S5796

Delivery to 64089: Expected delivery on or before Tue, Apr 05 with standard shipping.

6

\$269.95



Add-ons

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CHECKOUT

Check out with **PayPal**

Platinum Paving And Concrete
104 Belmont Blvd
Kansas City, MO 64123
(816) 702-0013
Platinumpavingkc@gmail.com
www.platinumpavingkc.com



Estimate 3762

ADDRESS

Harborview BOD

DATE
02/01/2022

TOTAL
\$15,600.00

EXPIRATION
DATE
03/01/2022

ACTIVITY	DESCRIPTION
Project address	301 Lakeview Dr
EARTH EXCAVATION	Earth Excavation: Strip grass and excavate dirt/subgrade approximately 0" deep. Does not include big rock excavation. All Labor, Equipment and Materials are included for this scope of work. Approximately: 115 Square yards
ASPHALT PAVING OVERLAY	Asphalt Paving Overlay: Install asphaltic concrete approximately 4" thick in a single lift and roll for compaction as per specifications over existing parking lot and or roads. All Labor, Equipment and Materials are included for this scope of work. Approximately: 1035 Square Feet, 1 @ \$15,600.00
NOTICE TO OWNER	NOTICE TO OWNER FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.

Thank you have a great day!

ACTIVITY	DESCRIPTION
NOTE TO OWNER	<p>Note to Owner: The owner/property representative is responsible for all tow charges to remove vehicles left in the work area during the scheduled date. All Irrigation systems must be turned off 24-36 hours before scheduled work and 24-36 hours after.</p> <p>Notes & Exclusions:</p> <p>Excludes obtaining & furnishing any/all permits</p> <p>Excludes KCMMB concrete mix designs</p> <p>Excludes removal of irrigation lines and heads</p> <p>Excludes finish grading, topsoil, backfilling, & all landscaping</p> <p>Excludes sub-base stabilization/undercutting of unsuitable soils</p> <p>Excludes all bollards & signage</p> <p>Excludes manhole lid adjustments</p> <p>Excludes engineered traffic control</p> <p>Contractor to establish property lines, easements & as needed survey staking to layout from</p> <p>Contractor to be responsible for any demolition & haul off that doesn't pertain to the above scope of work</p> <p>Excludes relocating existing utilities/ utility kills</p> <p>Excludes damage to items embedded in concrete/asphalt or just below the surface</p> <p>Excludes furnishing a performance & payment bond</p> <p>Excludes survey staking</p> <p>Excludes concrete & soils testing</p>
Terms and Conditions	<p>This proposal may be withdrawn if not accepted within 30 days. Payment terms: Residential due upon completion, Commercial Net 30, 1.5% APR. Taxes are included.</p>
Warranties Exclusions and Terms of Agreement	<p>All labor and materials carry a one (1) year warranty.</p> <p>Warranties, Exclusions and Terms of Agreement:</p> <p>Sales tax is not included and will be added to invoice, unless proper tax-exempt documents are provided. No tax charged on new construction. Platinum Paving and Concrete is not responsible for losses incurred due to strikes, weather, accidents or other conditions beyond our control.</p> <p>Buyer is solely responsible for obtaining all necessary government approval and permits before construction begins. Milling widths are averaged and determined to aid in positive drain flow.</p> <p>There could be unforeseen sub grade problems that may allow more damage due to arrival of Platinum Paving's equipment. Contractor is not responsible for damage to buyer's site due to Platinum Paving's equipment being on site to perform other duties. This estimate excludes the following unless otherwise noted: permits, engineering, staking, testing, services, inspection fees, rock excavation, repair of unmarked sprinklers & private utilities, topsoil, seeding, sodding of disturbed areas, relocation of utilities, caulking, prime coat and herbicide. Back filling is done with on site dirt unless otherwise specified. Platinum Paving cannot guarantee overlays over broken asphalt. Cracks may reform in the new surface due to freeze and thaw cycles. Petro mat is always an insurance policy for this problem. Platinum Paving cannot be responsible for damage caused by snow, water and ice asphalt, concrete and seal coated asphalt surfaces. Any claims of unacceptable materials or workmanship must be made in writing within (7) days from invoice. This estimate does not include any performance or payment bonds. Contact us @ 816-215-9031 if bonds are required. Platinum Paving and Concrete reserves the right to partial invoice if said project takes over thirty (30) days. Platinum Paving will begin work at a pre-determined time set forth by the property manager. Buyer is responsible for removal of vehicles from work site. Any vehicle left on the work site will be towed at buyers expense. Payment shall be made as specified on estimate. Any invoice not paid in full by said due date becomes subject to the maximum interest allowed at the time of the default. All attorney's fees necessary to collect this debt become the sole responsibility of the buyer. Including, but not limited to, liens, foreclosures, court costs and attorney fees. By signing this contract buyer agrees to all terms set forth in this contract. No modification or amendment to this contract will be valid unless in writing and signed by both parties. All terms are applicable unless otherwise specified.</p>
	<p>*Cold-mix and patching are not included in the 1-year warranty as this is a temporary solution.</p>

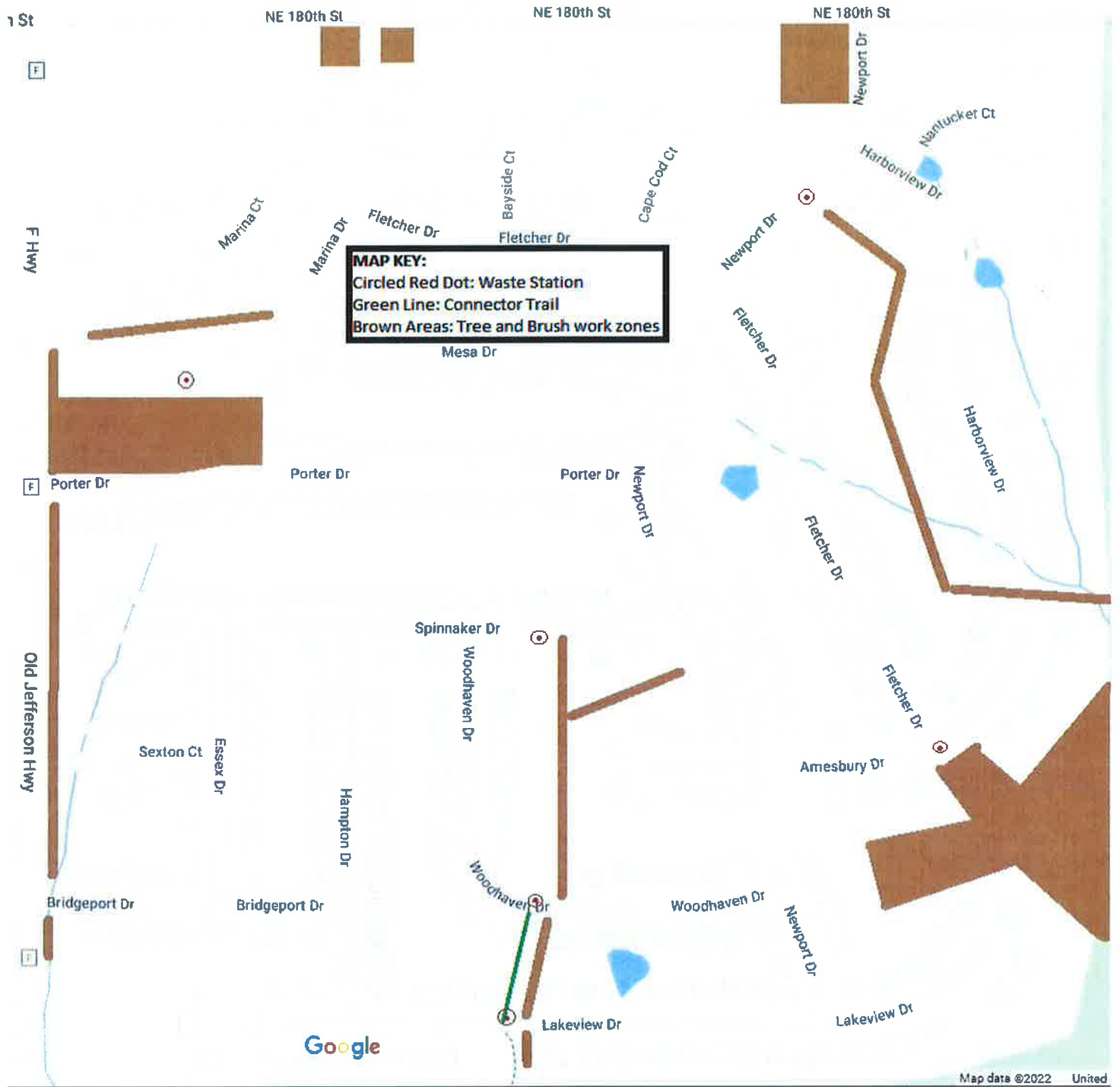
Thank you have a great day!

TOTAL	\$15,600.00
-------	-------------

THANK YOU.

Accepted By

Accepted Date





Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Administration

AGENDA ITEM: Resolution 1093, Adopting the Revised Economic Development Incentive Policy

REQUESTED BOARD ACTION:

Motion to approval of Resolution 1093, Adopting the Revised Economic Development Incentive Policy

SUMMARY:

Beginning in September of 2021, the Economic Development Committee received information and education on all available development incentives. Following this review, the EDC identified and approved a draft revised Incentive Policy as a whole to be recommended to the Board of Aldermen.

Throughout the process, Megan Miller from Gilmore and Bell provided education and guidance on the incentives, allowing the Economic Development Committee to make thoroughly informed decisions that are now before the Board. The full incentive policies and associated recommendations are attached in the draft Incentive Policy. A summary of the recommendations is provided below:

Neighborhood Improvement Districts: the EDC recommends NIDs are only to be placed on pre-existing developments with individual lots separately owned, excluding new developments without individual ownership.

Community Improvement Districts: the EDC recommends limiting the years of a CID to be in place to 20 years and expressed a preference for the CID Board to be Developer controlled with City representation.

Tax Increment Financing: The recommendations are as follows:

- 20% maximum on reimbursable Project Costs
- Outside public improvements highly recommended to be included in the project such as additional parking or public parking arrangement
- City to require approval of business types, emphasis on sales generating businesses.
- 15-year cap on overall timeline highly recommended
- Minimum total project Cost at \$1,000,000

These changes were brought to the Board of Aldermen on the July 19, 2022 Work Session and no further changes were requested.

PREVIOUS ACTION:

POLICY OBJECTIVE:

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: Economic Development Incentive Policy | |

RESOLUTION 1093

A RESOLUTION ADOPTING THE REVISED ECONOMIC DEVELOPMENT INCENTIVE POLICY AS THE OFFICIAL POLICY OF THE BOARD OF ALDERMEN

WHEREAS, the Economic Development Committee recently reviewed the city Economic Development Incentive Policy, known as the Economic Development Toolkit; and,

WHEREAS, they were able to identify several recommendations regarding Neighborhood Improvement Districts, Community Improvement Districts, and Tax Increment Financing that were brought to the Board of Aldermen; and,

WHEREAS, the EDC recommends that the policy in place be amended to include the recommendations to use for economic development; and,

WHEREAS, that each of the listed incentives be evaluated on a case by case basis by the City if and when any requests are presented.

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

THAT THE ATTACHED REVISED ECONOMIC DEVELOPMENT INCENTIVE POLICY BECOME THE OFFICIAL POLICY OF THE BOARD OF ALDERMEN.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 2nd day of August, 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Economic Development Programs Incentive Policy



CITY OF SMITHVILLE, MISSOURI

ECONOMIC DEVELOPMENT PROGRAMS/ INCENTIVES POLICY

Draft Update: May 24, 2022



On a journey from a fundamentally familiar small town to becoming a positively progressive small city, Smithville is nearly there. An intentional growth strategy has been identified to create a rural-urban balance for residents and businesses alike. Smithville will remain humble.

Uncluttered. Spacious. Peaceful. Sincere. Smithville is Thriving Ahead.



Economic Development Programs/Incentives Policy

The intent of this Economic Development Programs/Incentives Policy is to express various Economic Development Programs or Incentives that the City of Smithville is willing to consider implementing, or participating in, on eligible prospective projects.

The programs contained in this policy are local level programs and this Policy is not intended to be an all-inclusive program listing. Project eligibility will determine possible participation in any particular program. Not all projects are eligible for each, or any, of the Economic Development Programs listed in this Policy.

The City of Smithville and the Board of Aldermen may consider use of any of these programs, while the City of Smithville is not obligated to participate in, or make application for, any of the programs listed in this Adopted Policy. These programs are discretionary and most require Public Process. Maximum benefit of any program will not be standard practice for consideration.



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Program Summary

Development/Cooperation Agreements (Sales Tax Rebate) (Local Sales Tax Only)

Formation – Transaction structure occurs through an executed agreement between City and property owner or developer

Public Hearing – Not Required

Revenue Sources – Reimbursed from portion of incremental increased sales taxes generated by project – with interest

Use of Funds – Public Improvements (roads, traffic signals, utilities)

Term – Typically One Year – to comply with Missouri Statute for revenue pledged for obligations exceeding one year – that would require voter approval- Governing Body may appropriate annually

Retail - Eligible

Neighborhood Improvement District (NID)

Formation – NID is created by Election or Petition of Voters and/or Property Owners within proposed boundaries

Public Hearing – Required

Revenue Sources – Special tax assessments to property owners within the district bonds issued (a form of General Obligation Bonds)

Use of Funds – Public Improvements (see attachment for examples of eligible public improvements)

Term – Bonds Issued – bond maturity cannot exceed 20 years

Economic Development Committee Recommendations – NIDs are only to be placed on pre-existing developments with individual lots separately owned, excluding new developments without individual ownership.

Community Improvement District (CID)

Formation – May form as either a Political Subdivision or a Not-For Profit Corporation

Public Hearing – Required

Revenue Sources – Special assessments, rents, fees, charges, grants, gifts, donations – within district boundaries property tax and sales tax – **IF CID organized as a political subdivision**

Use of Funds – Facilities or improvements for use by the Public – includes landscapes, streetscapes, sidewalks, parking lots (refer to attachment for more comprehensive list)

Term – Not to exceed 20 years

Retail – Eligible

Economic Development Committee Recommendations - Limit the years of a CID to be in place to 20 years; Set a preference for the CID Board to be Developer controlled with City representation.

Special Business District (SBD)

Formation – A political subdivision

Public Hearing – Required

Revenue Sources – Real property tax – business license tax – special assessments – bonds

Use of Funds- Refer to attachment for eligible infrastructure improvements and public services

Term – Bonds can be issued for a maximum of 20 years

Tax Increment Financing (TIF)

Formation – Governing body or municipality required to form a TIF Commission (composition dictated by Mo. Statute)

Public Hearing – Required

Revenue Sources – Real property taxes and sales taxes (local)

Use of Funds – Professional soft costs, land acquisition, structure demolition, public infrastructure

Term – Maximum 23 years

Retail – Eligible

Economic Development Committee Recommendations –

The recommendations are as follows:

- 20% maximum on reimbursable Project Costs
- Outside public improvements highly recommended to be included in the project such as additional parking or public parking arrangement
- City to require approval of business types, emphasis on sales generating businesses.
- 15-year cap on overall timeline highly recommended
- Minimum total project Cost at \$1,000,000

Chapter 353 Urban Redevelopment

A Chapter 353 Redevelopment project acts similarly to that of a TIF, with similar powers. Some of the differences relate to the length (25 years) and how the tax abatements occur.

Transportation Development District

A Transportation Development District (TDD; District) may be created by the Missouri Highways & Transportation Commission (Commission) if the Project involves any of the state's highways or transportation system to fund or operate one or more projects that would assist the promotion, design, construction, improvement or operations of this infrastructure. A separate political subdivision of the state, a TDD 'Project' includes any public bridge, street, highway, intersection, signing, signals, parking lot, bus stop, garage, terminal, aircraft hangar, rest area, dock, wharf, river port, airport, railroad, light rail and any similar or related transportation infrastructure. If the Project is not intended to be merged into the state's highways or transportation system, in addition to the Commission, the District must also submit the proposed project to the local transportation authority that will become owner of the project. Funding TDDs is accomplished through an add-on sales or property tax and/or real property special assessments. Tolls may also be charged to users of certain infrastructure, such as bridges or highways, with the approval of a majority of qualified voters in the District.

Development/Cooperation Agreements (Sales Tax Rebate)

Another alternative to TIF financing is for a municipality to enter into an agreement (commonly referred to as a “sales tax rebate agreement” or “development agreement”) with a property owner, whereby the owner of a retail establishment agrees to fund the costs of certain public improvements. The municipality agrees to reimburse the owner for the cost of those improvements, with interest at an agreed-upon taxable interest rate, from the incremental taxes, and not from any other funds of the municipality.

Statutory Authority

Section 70.220 of the Revised Statutes of Missouri (the “Cooperation Law”) authorizes any municipality or other political subdivision to contract with any other political subdivision, private person or firm for the “planning, development, construction, acquisition or operation of any public improvement or facility”. The political subdivision may authorize the contract by ordinance or resolution.

Typical Structure of Transaction

Many retail developments require the installation of public improvements (such as roads, traffic signals and utilities) to accommodate the development. Under the typical agreement, the developer agrees to advance the costs of the public improvements. The political subdivision agrees to reimburse the developer for such costs, with interest, over a specified period of time. The agreement usually provides that only a portion of the incremental (i.e., new) sales tax revenues generated from the development will be used to reimburse the cost of the public improvements. This results in immediate new revenue to the municipality, while also providing a source of repayment for the public improvements.

The Missouri Constitution generally requires voter approval if a political subdivision pledges tax revenue to the repayment of indebtedness that lasts more than one year. Therefore, sales tax rebate agreements specifically provide that the political subdivision’s obligation is from year-to-year only and is subject to annual appropriation by the governing body.

Because the developer usually assumes responsibility for the initial construction of the public improvements, it’s important that the agreement provide for payment of the prevailing wages, payment and performance bonds, and indemnification of the governing body.

Undertaking a sales tax rebate agreement is a fairly simple process, since the governing body is obligating only its funds – not the funds of any other political subdivision. No public hearing or consultation with other political subdivisions is required.

Neighborhood Improvement District (NID)

A Neighborhood Improvement District (NID) may be created in an area desiring certain public-use improvements that are paid for by special tax assessments to the property owners in the area which the improvements are made. The kinds of projects that can be financed through an NID must be for facilities used by the public and must confer a benefit on property within the NID.

Local Government / Voter Initiative

An NID is created by election or petition of voters and/or property owners within the boundaries of the proposed district. Election or petition is authorized by a resolution of the governing body of the municipality in which the proposed NID is located. Language contained in the narrative or ballot question must include certain information including, but not limited to a full disclosure of the scope of the project, its cost, repayment, and assessment parameters to affected property owners within the NID.

Typical Budget Items

1. Acquisition of property
2. Improvement of street, sidewalks, crosswalks and related components
3. Drainage, storm and sanitary sewer systems and service connections from utility mains, conduits and pipes
4. Improvement of streetlights and street lighting systems
5. Improvement of waterworks
6. Improvement of parks, playgrounds and recreational facilities
7. Improvement of flood control works
8. Improvement of pedestrian and vehicle bridges, overpasses and tunnels
9. Landscaping streets or other public facilities including improvement of retaining walls and area walls on public ways
10. Improvement of property for off-street parking

Responsibilities and Challenges

Public hearings concerning the specifics of the project, its costs, and other specific information pertinent to the project, must be conducted prior to commencement of work on any project of the NID so that any written or oral objections may be considered.

The ability of Missouri's neighborhoods to establish NIDs for the purpose of improving their public use facilities for the enjoyment, convenience, safety and common good of all citizens is an outstanding example of local economic development excellence. The Missouri Department of Economic Development has additional information available and strongly recommends retaining qualified professional consultation or assistance of counsel in the formation of a special district.

Economic Development Committee Recommendations – NIDs are only to be placed on pre-existing developments with individual lots separately owned, excluding new developments without individual ownership.

Community Improvement District (CID)

A Community Improvement District (CID) may be either a political subdivision or a not-for-profit corporation. CID's are organized to finance a wide range of public-use facilities, establishing and managing policies and public services relative to the needs of the district.

Organizing a CID

By request petition, signed by property owners owing at least 50% of the assessed value of the real property, and more than 50% per capita of all owners of real property within the proposed CID, presented for authorizing ordinance to the governing body of the local municipality in which the proposed CID would be located. Language in the petition narrative must include a five-year plan, describing the purpose of the proposed district, the services it will provide, the improvements it will make and an estimate of the costs of those services and improvements, and the maximum rates of property taxes and special assessments that may be imposed within the proposed district. Other information must state how the CID would be organized and governed, and whether the governing board would be elected or appointed. There are rules that provide the required elements of a CID petition, and the procedures for publication, public hearings, etc. Missouri Department of Economic Development will be happy to provide details of these rules upon request.

Supporting Organizations

Unlike a Neighborhood Improvement District, a CID is a separate legal entity, and is distinct and apart from the municipality that creates the district. A CID is, however, created by ordinance of the governing body of the municipality in which the CID is located, and may have other direct organizational or operational ties to the local government, depending upon the charter of the CID.

Typical Budget Items and Responsibilities

A CID may finance new facilities or improvements to existing facilities that are for the use of the public. Public-use facilities include:

1. Convention centers, arenas, meeting facilities, pedestrian or shopping malls and plazas
2. Paintings, murals, fountains or kiosks
3. Parks, lawns, gardens, trees, or other landscapes
4. Streetscapes, lighting, benches, marquees, awnings, canopies, trash receptacles, walls
5. Lakes, dams and waterways
6. Sidewalks, streets, alleyways, bridges, ramps, tunnels, traffic signs and signals, utilities, drainage works, water, storm and sewer systems and other site improvements
7. Parking lots, garages
8. Child care facilities and any other useful, necessary or desired improvement

A CID may also provide a variety of public services, some of which may be:

1. Operating or contracting for the operation of parking facilities, shuttle bus services
2. Leasing space for sidewalk café tables and chairs
3. Providing trash collection and disposal services
4. With consent of the municipality, prohibiting, or restricting vehicular and pedestrian traffic and vendors on streets
5. Within a designated “blighted area”, contract with any private property owner to demolish, or rehabilitate any building or structure owned by such property owner
6. Providing or contracting for security personnel, equipment or facilities

Financial Resources

Funding of CID projects and services must be set forth in the requesting petition that is presented to the local governing body of the municipality in which the CID is located. Funding may be accomplished by district-wide special assessment, rents, fees, and charges for the use of CID property or services, grants, gifts, or donations. If the CID is organized as a political subdivision, property and sales taxes may also be imposed within the boundaries of the CID.

Economic Development Committee Recommendations – Years that a CID may be in place is limited to 20 years. It is preferred for the CID Board to be Developer controlled with City representation.

Special Business Districts (SBD)

A Special Business District (SBD) is a political subdivision with the power to impose a real property tax, a business license tax and special assessments, depending upon the size of the City in which the SBD is created. The funding sources can be spent on certain public improvements and services listed in the statute. The SBD is created by a city following submission of a petition by property owners that pay real property taxes within the proposed district.

An SBD is a separate legal entity distinct and apart from the City that creates the district. In cities with 350,000 or more people, the SBD board consists of seven members appointed by the city and serves as the governing body of the SBD. In all other cities the governing body of the city also serves as the governing body of the SBD and the SBD board is only a recommending body. Therefore, in all cities except those with 350,000 or more people, the city governing body needs to operate the SBD as a separate political subdivision of the city and not as another board or commission of the city.

Authority

Sections 71.790 to 71.808 of the Revised Statutes of Missouri govern Special Business Districts

Kinds of Infrastructure Improvements

Specific types of public improvements can be financed with a special business district:

1. Widen or narrow existing streets and alleys
2. Construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, restrooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement.
3. Landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting
4. Install and operate or lease public music and news facilities
5. Construct and operate child-care facilities
6. Construct lakes, dams and waterways of whatever size.
7. Construct, reconstruct, extend, maintain or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement

Public Services

A special business district may provide a variety of public services, including:

1. Purchase and operate buses, minibuses, mobile benches, and other modes of transportation
2. Lease space within the district for sidewalk café tables and chairs
3. Provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district
4. Maintain all city-owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the city
5. Grant permits for newsstands, sidewalk cafés, and each and every other useful or necessary or desired private usage of public or private property
6. Prohibit or restrict vehicular traffic on such streets within the business district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in such areas
7. Promote business activity in the district by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and the general promotion of trade activities in the district
8. With the city's consent, prohibiting or restricting vehicular and pedestrian traffic and vendors on the streets

Petition Requesting Formation and Resolution of Intent

The process to form a special business district starts with a petition. The petition must be signed by one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district. The status does not specify what the petition must contain. Once a petition is filed, the governing body may adopt a "resolution of intent" to form the SBD, which must contain the following:

1. Description of the boundaries of the proposed area;
2. The time and place of a hearing to be held by the governing body considering establishment of the district;
3. The proposed uses to which the additional revenue shall be put and the initial tax rate to be levied

Survey and Investigation

Prior to adopting an ordinance which approves an SBD, the city must conduct a survey and investigation for the purposes of determining:

1. The nature of and suitable location for business district improvements
2. The approximate cost of acquiring and improving the land therefore
3. The area to be included in the business district or districts
4. The need for and cost of special services, and cooperative promotion activities, and
5. The percentage of the cost of acquisition, special services, and improvements in the business district which are to be assessed against the property within the business district and that part of the cost, if any, to be paid by public funds

The cost of the survey and investigation must be included as part of the cost of establishing the business district. A written report of this survey and investigation must be filed in the office of the City Clerk and must be available for public inspection

Public Hearing

The governing body of the city must hold a public hearing prior to approval of the SBD by ordinance. The hearing must be preceded by two publication notices between 10 and 15 days before the hearing and mailed notice to all property owners and licensed businesses within the proposed district.

Ordinance to Approve District

If the city adopts an ordinance to approve the SBD, the ordinance must contain:

1. The number, date and time of the resolution of intention pursuant to which it was adopted;
2. The time and place the hearing was held concerning the formation of the area;
3. The description of the boundaries of the district;
4. A statement that the property in the area established by the ordinance shall be subject to the provisions of additional tax as provided in the petition;
5. The initial rate of levy to be imposed upon the property lying within the boundaries of the district;
6. A statement that a special business district has been established;
7. The uses to which the additional revenue shall be put;
8. In any city with a population of less than 350,000, the creation of an advisory board or commission and enumeration of its duties and responsibilities.

Governance

The district is a separate political subdivision of the state. In the cities with less than 350,000 population, the governing body of the city serves as the governing body of the SBD. Care should be taken to hold separate meetings of the SBD board rather than incorporating SBD legislative actions into legislative actions of the governing body of the city. In cities with less than 350,000 population, the SBD board serves as an advisory capacity to the SBD governing body.

Real Property Taxes

An SBD may impose a real property tax that does not exceed 85¢ per \$100 of assessed valuation. In St. Louis only, the real estate tax imposed by an SBD may be imposed and collected even though the property is subject to tax abatement pursuant to a redevelopment plan adopted under Chapter 353 of the Revised Statutes of Missouri.

Business License Tax

An SBD may impose a tax on businesses and individuals doing business within the SBD. The rate

of the SBD business license tax cannot exceed 50% of the other business license taxes imposed within the district.

Bonds

The statute authorizes an SBD to issue general obligation bonds or notes for a maximum of 20 years and in a maximum amount of 10% of the total assessed value of all land within the district.

It also authorizes the SBD to issue revenue bonds and refunding revenue bond to pay the cost of acquiring, constructing, improving, or extending any revenue-producing facilities, and such bonds are payable solely from the operation of such revenue-producing facility.

There are some concerns that the real estate tax imposed by an SBD is unconstitutional because it is not subject to voter approval. While the Attorney General has issued an opinion that the SBD tax is valid, no court has ever given a definitive ruling. Accordingly, if bonds are being considered as a funding mechanism, a Community Improvement District is a better economic development tool because it can achieve many of the same goals as an SBD but does not have constitutional concerns that might impact the marketability of any bonds.

Local Tax Increment Financing (TIF)

Local Tax Increment Financing (Local TIF) permits the use of a portion of local property and sales taxes to assist funding and redevelopment of certain designated areas within your community. Areas eligible for Local TIF must contain property classified as a “blighted”, “conservation”, or a “Economic Development” area, or any combination thereof, as defined by Missouri Statutes.

Typical Budget Items

TIF may be used to pay certain costs incurred with a redevelopment project. Such costs may include, but are not limited to:

- Professional services such as studies, surveys, plans, financial management, legal counsel
- Land acquisition and demolition of structures
- Rehabilitating, repairing existing buildings on site
- Building new infrastructure in the project area such as streets, sewers, parking, lighting
- Relocation of resident and business occupants located in the project area

Supported by Local Tax Incremental Revenues

The idea behind Local TIF is the assumption that property and/or local sales taxes (depending upon the type of redevelopment project) will increase in the designated area after redevelopment, and a portion of the increase of these taxes collected in the future (up to 23 years) may be allocated by your municipality to help pay certain project costs, partially listed above.

Responsibilities of the Governing Body of the Municipality and the Local TIF Commission

Missouri’s TIF Act defines a “Municipality” as an incorporated city, town, village or county. The governing body of your municipality is required to establish a TIF Commission, composed of certain members including representatives of other local taxing authorities within the redevelopment project area as defined by state statute. The municipality is also responsible for the approval of ordinances (or resolutions if a county) that establish a comprehensive Redevelopment Plan, and for approval of the specific TIF Redevelopment Project. Responsibilities of the TIF Commission are many, and may include working with the local government in creating Redevelopment Plan and TIF Redevelopment Project parameters, holding public hearings, preparing economic impact reports and revenue projections, blight studies and other documents to justify the need for TIF and as required by state statutes governing Local TIF projects.

The use of TIF is helping dozens of Missouri communities thrive by creating new and better jobs while increasing tax revenue streams from formerly non-productive, unattractive and substandard areas. TIF benefits redevelopment in the urban core areas of our largest metropolitan cities, as well as in smaller Missouri communities, wherever the need exists.

Economic Development Committee Recommendations

The recommendations are as follows:

- 20% maximum on reimbursable Project Costs
- Outside public improvements are highly recommended to be included in the project such as additional parking or a public parking arrangement
- City requests the approval of business types and holds emphasis on sales generating businesses.
- 15-year cap on overall timeline highly recommended
- Minimum total project cost at \$1,000,000

Chapter 100 Bonds

Missouri Law (Sections 100.010 to 100.200 Missouri Revised Statutes) authorizes municipalities to issue Industrial Development Bonds (IDBs) to finance industrial development projects for private corporations, partnerships or individuals (the "Company"). IDBs issued by a municipality do not require voter approval and may be issued as tax-exempt or non-tax-exempt (taxable). It is upon the issuance of taxable Chapter 100 IDBs that local ad valorem taxes on bond-financed property may be abated, resulting in a significant financial incentive package your community may offer to new industrial prospect companies.

Supporting Organizations

The government of the local municipality (city, town, county etc.) issues the IDBs, and must maintain legal ownership of the property while the bonds are outstanding in order for the property to be eligible for tax abatement.

Typical Budget Items

IDB's are issued to finance various industrial projects, including:

1. Costs of industrial plants, warehouses, distribution facilities
2. Research and development facilities, office industries providing interstate commerce
3. Agricultural processing industries
4. Land, buildings, fixtures and machinery in connection with the IDB-financed development project

Financial Resources

Full or partial abatement of real property or personal property tax on the industrial development project for up to the total period the IDB's are outstanding. The municipality and the company may determine partial tax abatement is desirable, and the company may agree to make "payments in lieu of taxes" to the municipality under a negotiable grant agreement. In a typical IDB transaction, the company will convey to the municipality fee simple title to the site on which the industrial development project will be located. At the same time, the municipality will lease the project site, together with all improvements thereon back to the company pursuant to a lease agreement. Included in the lease agreement will be the requirement that the company, acting on behalf of the municipality, to use the proceeds of the IDB's to purchase and construct the project. The company will be unconditionally obligated to make payments in amounts that will be sufficient to pay principal and interest on the IDB's as they become due.

Chapter 353 Urban Development Tax Abatement

Chapter 353 Tax Abatement is an incentive that can be utilized by cities to encourage the redevelopment of blighted areas by providing real property tax abatement.

Authorization

Chapter 353 of the Revised Statutes of Missouri (the "Urban Redevelopment Corporation Law").

Eligible areas

"Blighted areas" in Missouri.

Eligible applicants

Tax abatement is only available to for-profit "Urban Redevelopment Corporations" organized pursuant to the Urban Redevelopment Corporations Law. The articles of association of Urban Redevelopment Corporations must be prepared in accordance with the general corporations laws of Missouri and must contain certain items set forth in Section 353.030, RSMo. of the Urban Redevelopment Corporations Law. There are also special requirements for life insurance companies operating as Urban Redevelopment Corporations.

Eligibility criteria

Tax abatement under the Urban Redevelopment Corporations Law is only extended to real property that has been found to be a "blighted area" by the city. For purpose of 353 tax abatement the term "blighted area" is defined as:

That portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

Real property may be property found to be blighted even though it contains improvements, which by themselves do not constitute blight. Tax abatement may also be extended to a tract of real property, which by itself does not meet the definition of a blighted area if such tract is necessary to the redevelopment project and the area on the whole constitutes a blighted area.

Program benefits/eligible uses

Tax abatement is available for a period of 25 years, which begins to run when the Urban Redevelopment Corporation takes title to the property. During the first 10 years, the property is not subject to real property taxes except in the amount of real property taxes assessed on the land, exclusive of improvements, during the calendar year preceding the calendar year during which the Urban Redevelopment Corporation acquired title to the

real property. If the property was tax exempt during such preceding calendar year, then the county assessor is required to assess the land, exclusive of improvements, immediately after the Urban Redevelopment Corporation takes title. During the next 15 years, the real property may be assessed up to 50% of its true value. This means that the city may approve a development plan, which provides full tax abatement for 25 years.

Payments in lieu of taxes (PILOTS) may be imposed on the Urban Redevelopment Corporation by contract with the city. PILOTS are paid on an annual basis to replace all or part of the real estate taxes, which are abated. The PILOTS must be allocated to each taxing district according to their proportionate share of ad valorem property taxes.

Application/Approval Procedure

Urban Redevelopment Corporations have the power to operate one or more redevelopment projects; however, such projects must be pursuant to a development plan which has been authorized by the city after holding a public hearing on the development plan. It may acquire property in its own name or in the name of nominees by gift, grant, lease, purchase, or otherwise. It may borrow funds and secure the repayment by mortgage.

Urban Redevelopment Corporations are required to maintain reserves for depreciation, obsolescence and the payment of taxes. The purpose of this requirement is to ensure that the redevelopment does not become blighted again.

Special Program Requirements

The Urban Redevelopment Corporation must carefully plan the point in time at which it takes title to real property to ensure that it maximizes the benefits of 353 tax abatement. The 25 years starts to run as soon as the Urban Redevelopment Corporation takes title. Unless the current improvements on the real property have a significant assessed value, the Urban Redevelopment Corporation should not take title to the real property until the improvements to be made under the redevelopment project are completed. Until that time, title to the real property may be held by a related entity.

Transportation Development Districts (TDD)

A transportation development district ("TDD") may be created pursuant to Sections 238.200 to

238.275 of the Revised Statutes of Missouri, as amended (the "TDD Act") to fund, promote, plan, design, construct, improve, maintain and operate one or more projects or to assist in such activity. A TDD is a separate political subdivision of the state. "Project" includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or public mass transportation system and any similar or related improvement or infrastructure.

Projects, Submission of Plans

Before construction or funding of any project (except for public mass transportation systems), the TDD must submit the proposed project to the Missouri Highways and Transportation Commission (the "Commission") for its prior approval. If the Commission finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the Commission may preliminarily approve the project subject to the TDD providing plans and specifications for the project and making any revisions in the plans and specifications required by the Commission and the TDD and Commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the TDD may impose and collect such taxes and assessments as may be included in the Commission's preliminary approval. After the Commission approves the final construction plans and specifications, the TDD must obtain prior commission approval of any modification of such plans or specifications.

The proposed project is not intended to be merged into the state highways and transportation system, the TDD shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval. "Local transportation authority" is a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service.

In those instances where a local transportation authority is required to approve a project and the Commission determines that it has no direct interest in that project, the Commission may decline to consider the project. Approval of the project then vests exclusively with the local transportation authority subject to the TDD making any revisions in the plans and specifications required by the local transportation authority and the TDD and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the TDD

must obtain prior approval of the local transportation authority before modifying such plans or specifications.

FUNDING METHODS

Sales Tax

Any TDD may impose a sales tax in increments of one-eighth of one percent up to a maximum of one percent on all retail sales made in the TDD that are subject to taxation under Missouri law, with certain exceptions. The sales tax must be approved by approval of a majority of the "qualified voters" within the TDD. The "qualified voters" are the registered voters within the TDD, and/or the property owners within the TDD (who shall receive one vote per acre). Any registered voter who also owns property must elect whether to vote as a registered voter or a property owner. Notwithstanding the foregoing, the owners of all of the property in the TDD may implement the sales tax by unanimous petition in lieu of holding an election. The sales tax rate must be uniform throughout the TDD.

Special Assessments

The TDD may also, with majority voter approval, make one or more special assessments for project improvements that specially benefit the properties within the TDD. A TDD may establish different classes or subclasses of real property within the TDD for the purpose of levying different rates of assessments.

Property Tax

The TDD may also, with approval by at least four-sevenths of the voters, impose a property tax in an amount not to exceed the annual rate of ten cents on the hundred dollars assessed valuation. The property tax must be uniform throughout the TDD.

Tolls

If approved by a majority of the qualified voters voting on the question in the TDD, the TDD may charge and collect tolls or fees for the use of a project.

Bonds

The TDD may issue bonds, notes and other obligations for not more than 40 years, and may secure any of such obligations by mortgage, pledge, assignment or deed of trust of any or all of the property and income of the TDD. The TDD cannot mortgage, pledge or give a deed of trust on any real property or interests that it obtained by eminent domain.

Creation of TDD

To create a TDD, the owner must file a petition in the circuit court of the county in which a majority of the TDD is located. The law requires a specific set of facts be presented to the court. The court hears the case without a jury. If the court determines the petition is not legally defective and the proposed TDD and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions

regarding TDD creation, project development and proposed funding for voter approval. If the petition was filed by the owners of record of all the real property located within the proposed TDD, the court shall declare the TDD organized and certify the funding methods stated in the petition for qualified voter approval. If a petition is filed pursuant to the resolutions of two or more local transportation authorities calling for the joint establishment of a TDD, the court shall then certify the single question regarding TDD creation, project development and proposed funding for voter approval. If the petition for the establishment of the TDD is filed by the owners of all real property in the proposed TDD, at least one public hearing must be held regarding the establishment of the TDD. If the court certifies the petition for voter approval, a majority vote is required to approve the formation of the TDD in accordance with the law.

Since the TDD is a separate political subdivision, it has its own board of directors that serves as the governing body of the TDD. Unless the TDD is formed at the request of two or more local transportation authorities, directors are elected by the qualified voters within the TDD (i.e., registered voters or property owners, as the case may be).

The TDD may condemn land for a project in the name of the state of Missouri, upon prior approval by the Commission, or the local transportation authority as appropriate, as to the necessity for the taking of the description of the parcel and the interest taken in that parcel.

If the board proposes to discontinue a project, it must first obtain approval from the Commission if the proposed project is intended to be merged into the state highways and transportation system or approval from the local transportation authority if the proposed project is intended to be merged into a local transportation system under the local authority's jurisdiction.

The board may modify the project previously approved by the TDD voters, if the modification is approved by the Commission and, where appropriate, a local transportation authority.

Audit Required

The state auditor is required to audit each TDD at least once every three years and may audit more frequently if the state auditor deems appropriate or if a petition for audit is submitted by the requisite percentage (most likely 25%, but potentially as low as 5% in TDDs with large populations of registered voters) of voters within the TDD under Section 29.230 of the Revised Statutes of Missouri. Most TDDs that have issued bonds are required by the bond underwriter to obtain an annual independent audit.

Projects, Transfer to Commission or Authority

Within six months after development and initial maintenance costs of its completed project have been paid, the TDD shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. Such transfer may occur sooner with the consent of the recipient.

MEETING DATE: 8/2/2022

DEPARTMENT: Public Works – Utilities

AGENDA ITEM: Resolution 1094, Authorize payment to Platte-Clay Electric

REQUESTED BOARD ACTION:

Motion to approve Resolution 1094, authorizing payment to Platte-Clay Electric for service to the Raw Water Pump Station.

SUMMARY:

The Raw Water Pump Station project is approximately 60% completed. Materials and equipment procurement have and are still causing significant delays. Parts and fittings that were ordered last October are now estimated for delivery in mid-September. For example the manufacturer of the 24" reducer to 16" fitting will not be delivered until mid-September, this fitting connects the pump housing to our main line to the water plant. The backup generators will not be delivered until March 2023. The completion date has moved from September 2022 to March 2023.

The Waster Water Pump Station is nearer completion and may be on line in October. The new pump station requires a new service and transformers that Platte-Clay Electric needs to supply at a cost of \$11,150.



Dewatering System



Pump Housing

PREVIOUS ACTION:

The Board awarded the contract to Irvinbuilt Construction, Resolution 926, June 15, 2021

[Click or tap here to enter text.](#)

POLICY OBJECTIVE:

Infrastructure Maintenance

FINANCIAL CONSIDERATIONS:

The project bid was \$2,983,795. There is sufficient funds in the Utilities 2022 budget for this expense.

ATTACHMENTS:

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: Quote

☐ Contract

☐ Plans

☐ Minutes

RESOLUTION 1094

A RESOLUTION AUTHORIZING PAYMENT TO PLATTE-CLAY ELECTRIC COOPERATIVE, INC FOR ELECTRIC SERVICE TO THE RAW WATER PUMP STATION IN AN AMOUNT OF \$11,175

WHEREAS, the City is constructing a new Raw Water Pump Station at Smithville Lake; and

WHEREAS, the new pump station requires a new electric service; and

WHEREAS, Platte-Clay Electric Cooperative is the electric provider and has provided a cost for the new service of \$11,175.

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

THAT staff is hereby authorized make payment to Platte-Clay Electric Cooperative for a new electric service to the Raw Water Pump Station in an amount of \$11,175.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 2nd day of August, 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1095, Agreement Renewal for Residential Snow Removal

RECOMMENDED ACTION:

A motion to approve Resolution 1095, renewing the agreement for Bid No. 21-19 to R&S Lawn Service for residential snow and ice control services in an amount of \$184 per hour.

SUMMARY:

Last year, R&S Lawn Service was awarded Bid No. 21-19 for residential snow and ice control services at an amount of \$175 per hour. They serviced the Rollins Landing and Harborview neighborhoods. The contractor provided all equipment, fuel and personnel to operate the equipment for snow removal services. The City provided the deicing materials and training.

The contract allows for renewal of services for two additional terms. R&S Lawn Service is interested in renewing the agreement for a second season. The contractor has requested an hourly rate of \$184, this is approximately a 5% increase from last season. The contractor has also proposed expanding services to include Grayhawke in addition to Rollins Landing and Harborview.

The Street Division will have a training day to review safety, routes and equipment checks. The contractor will also participate in this training day and meet with the Streets Superintendent.

Based on last year's performance, staff recommends renewing the agreement for a second season with R&S Lawn Service. Staff will continue to review options to improve this operation.

PREVIOUS ACTION:

Approved Resolution 991 Awarding Bid#21-19 to R&S Lawn Service.

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

Snow removal expenses are included in the Street Division Maintenance Budget.

ATTACHMENTS:

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

RESOLUTION 1095

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH R&S LAWN SERVICE FOR RESIDENTIAL SNOW REMOVAL.

WHEREAS, the City's contract with R&S Lawn Service allows for renewal of two additional terms for snow removal services;

WHEREAS, the City desires to extend the contract an additional year through April 1, 2023; and

WHEREAS, the purchase is pursuant to the City Purchasing Policy, and

WHEREAS, staff recommends approving the amendment as being the most advantageous to the City.

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 approve the attached amendment with R&S Lawn Service for City facility for snow and ice control services in an amount not to exceed \$184 per hour.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 2nd day of August 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

AMENDMENT TO CONTRACT FOR RESIDENTIAL SNOW REMOVAL

This Amendment to the Contract for Residential Snow Removal (The "Amendment") is entered into August ____ 2022, by and between R&S Lawn Service, LLC ("Contractor") and City of Smithville, MO ("City").

Recitals

- A. The City and Contractor entered into a Contract for Residential Snow Removal Services on October 19, 2021 (the "Contract"); and
- B. The Contract allows up to two (2) additional years of service, and both parties desire to renew the agreement.

Agreement

The parties agree to amend the Agreement in the following manner:

- 1) Section III, AGREEMENT TERM, both parties agree to renew services. The Agreement term shall be in force and effect from and after October 1, 2022 through April 1, 2023. The contract is eligible for renewal for up to one (1) additional year. The Agreement may be terminated by either party for any reason upon thirty (30) days written notice to the other party of such termination.
- 2) Exhibit B, COMPENSATION, Contractor will be compensated for each qualified Operator and approved equipment supplied at the rate of **\$184.00 per hour** worked for each fully equipped truck.
- 3) Exhibit C, SNOW ROUTES, Contractor will service Rollins Landing, Harborview, and Greyhawke neighborhoods.

R&S Lawn Service

By: _____

Name: _____

Title: _____

Date: _____

City of Smithville, MO

By: _____

Name: _____

Title: _____

Date: _____



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Development

AGENDA ITEM: Resolution 1096, Site Plan Approval Extension – Kozak's

RECOMMENDED ACTION:

A motion to approve Resoluition 1096, extending the site plan approval time for Kozak's restaurant on Stonebridge Lane.

SUMMARY:

This would extend the time to begin work on the site plan approval granted on July 19, 2021 for an additiona 2 months.

BACKGROUND:

Kozak's submitted its' request for Site Plan approval in 2021, and it was approved on July 19, 2021. The site plan process grants 12 months from Board approval to commence work. That time ended on July 20, 2022, which was eight days prior to submitting their plans for construction on July 28, 2022. The Board of Aldermen have the authority to extend the time for construction for good cause shown. For several months, staff and the applicant's engineers worked on the best option for connecting the project to the sewer system. That process delayed the project while the costs of the sewer impacts were calculated and evaluated. There have been no changes in their submittal from its original approval, and no changes to the Site Plan Review ordinance would impact this project.

PREVIOUS ACTION:

Resolution 945 was approved on July 19, 2021 for a one-year approval of Kozak's Site Plan.

POLICY ISSUE:

Compliance with the Codes

FINANCIAL CONSIDERATIONS:

None anticipated

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: Click or tap here to enter text. | |

RESOLUTION 1096

A RESOLUTION AUTHORIZING THE EXTENSION OF TIME TO COMMENCE CONSTRUCTION FOR KOZAK'S RESTAURANT

WHEREAS, the applicant submitted plans for construction of the new Kozak's restaurant on Stonebridge Lane on July 28, 2022, and;

WHEREAS, the Board of Aldermen approved the Site plan for this project with Resolution 945 in July 19, 2021, and;

WHEREAS, site plan approvals from the Board only last for one year from the date of approval, but such time may be extended if the Board finds there is good cause to extend, and;

WHEREAS, the application was submitted eight days beyond the approval time, no changes to the approved plan are included, and because of the costs of sewer connection were very high, staff and applicants' engineers worked for several months to reach an acceptable connection that was affordable, all which resulted in good cause to extend the time for commencement.

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

**THAT THE SITE PLAN APPROVAL IN RESOLUTION 945 SHALL BE
EXTENDED FOR SIXTY DAYS FOR COMMENCEMENT OF THE PROJECT
FOR GOOD CAUSE SHOWN.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 2nd day of August 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



City Administrator's Report

July 28, 2022

Parks and Recreation Committee Update – Future Agenda Items

The Parks and Recreation Committee met on Thursday, July 21, 2022. Two items were discussed and recommended to bring to the Board for action.

Smoking in Parks: City Ordinance Section 225.090 covers smoking in designated areas for outdoor parks and facilities. The Committee discussed and voted to recommend updating the ordinance to prohibit smoking in outdoor parks and facilities. This would eliminate the designated smoking areas currently outlined.

Hawthorne Park Renaming: Hawthorne Park is located at the corner of North Bridge and Hilltop Street near the Smithville Historical Museum. The Committee discussed and voted to recommend renaming the park the "Humphrey and Nancy Smith Park".

Both items will come to the Board of Aldermen for consideration at the August 16 meeting.

Website Redesign

Staff has been working with the host of the city's website to accomplish a look and feel redesign. The new design will debut on Tuesday. Staff is also continually working to ensure information on the website is updated and informative. Staff looks forward to Board feedback on the changes.

Main Street Trail Counter

As you may recall, a counter was placed on the Main Street Trail near the Parks and Recreation Department facility. Attached is a report summarizing use from January 1, 2022 through July 24, 2022. On average, there are 26 users per day on weekdays and 29 users per day on weekends. The attached provides interesting data of the trail. Staff will continue to monitor this information.



City of Smithville

07/25/2022

DGP21080937

City of Smithville

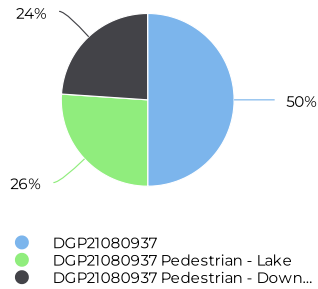
January 1, 2022 → July 24, 2022

Location



Leaflet

Distribution by Direction



Daily Average

27

Compared to 01/02/2021 → 07/25/2021

Peak Day

Friday
Jul 1, 2022

119

Daily Avg. - Week

01/01/2022 → 07/24/2022

Daily Average

26

Compared to 01/02/2021 → 07/25/2021

Daily Avg. - Weekend

01/01/2022 → 07/24/2022

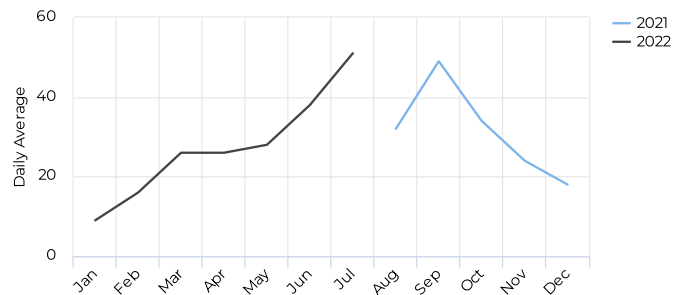
Daily Average

29

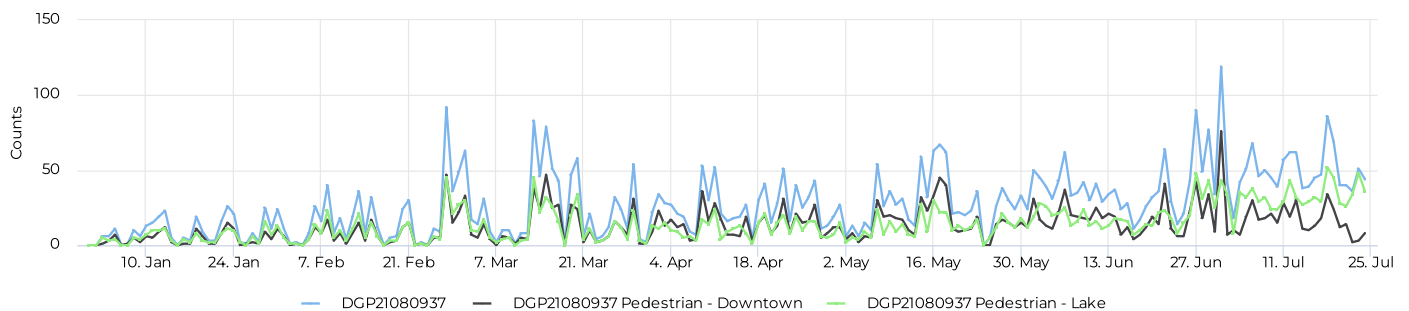
Compared to 01/02/2021 → 07/25/2021

Annual Comparison by Month

01/01/2019 → 07/24/2022

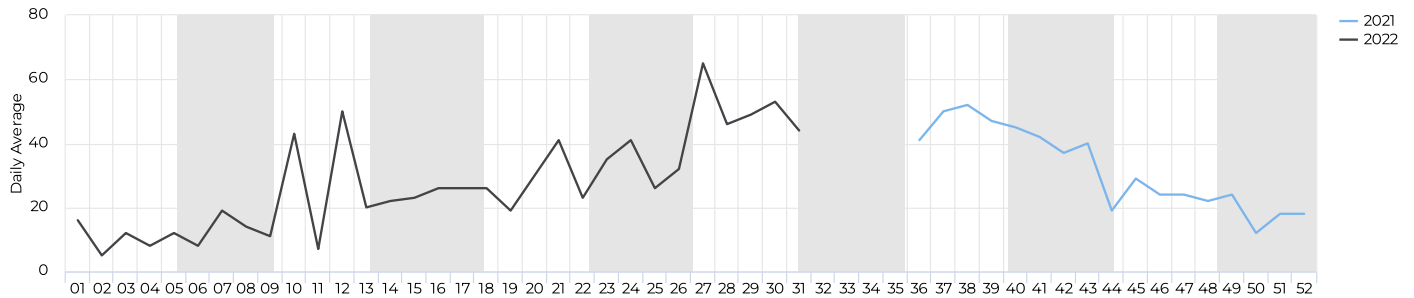


Daily traffic

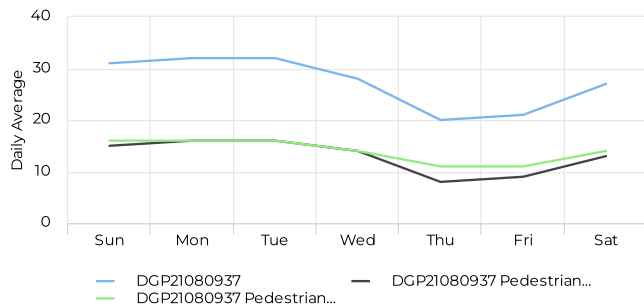


Annual Comparison by Week

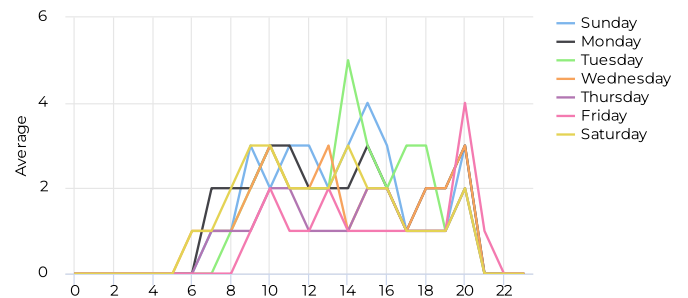
01/01/2019 → 07/24/2022



Daily Profile

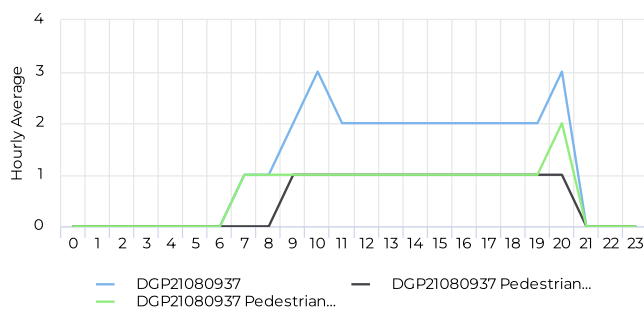


Hourly Profiles by Day



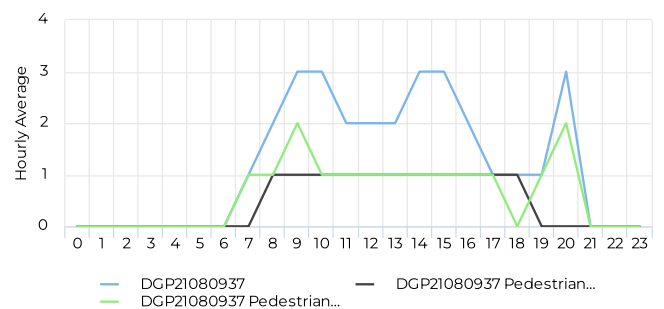
Hourly Profile - Weekdays

01/01/2022 → 07/24/2022



Hourly Profile - Weekend

01/01/2022 → 07/24/2022



MEETING DATE: 8/2/2022

DEPARTMENT: Finance

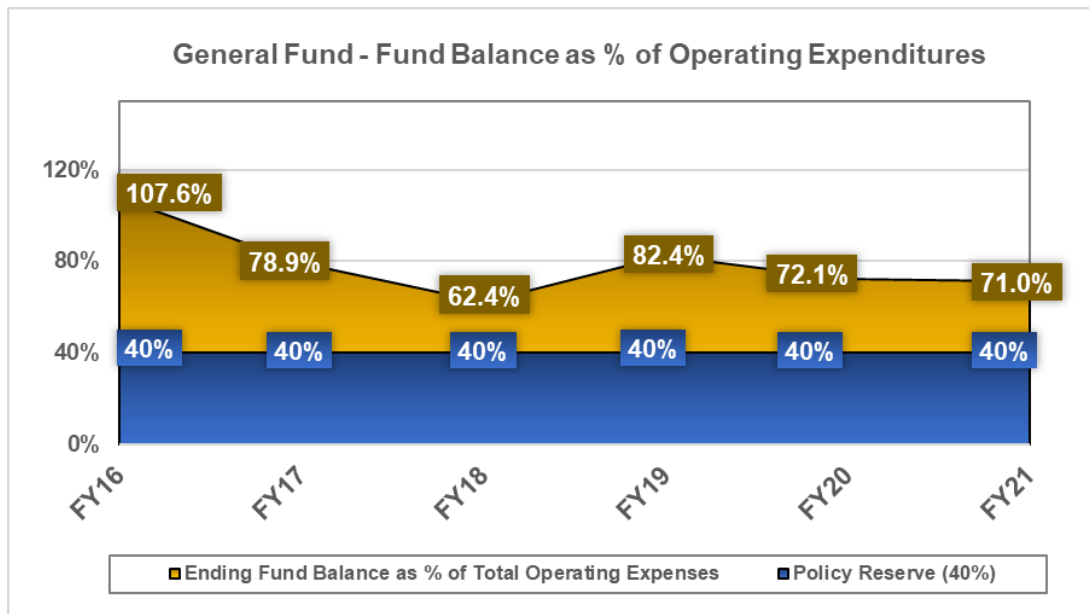
AGENDA ITEM: Bill No. 2950-22, Amending the General Fund Reserve Policy – 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2950-22, Amending the General Fund Reserve Policy – 2nd reading by title only.

SUMMARY:

The City's current General Fund reserve policy requiring a cash balance of 40% of operating expenditures was adopted on December 1, 2015 (Bill No. 2734-15). This cash balance was chosen specifically after consultation with the City's financial advisor and GFOA (Government Finance Officer's Association) as an appropriate policy to provide resources in the case of unanticipated events which could adversely affect the City's financial condition. As seen in the chart below, for 6 years, the City has maintained a cash balance reserve level well above the 40% requirement (the lowest level being 62% of operating expenditures held in reserves at the conclusion of FY2018).



Prior to the financial summit, staff researched the General Fund reserve policies in place for surrounding/comparable. In this research, staff found that Parkville, MO also had a 25% of budgeted operating expenditures policy and a similar sized General Fund budget (approximately \$5.9 million budget).

Finance staff have provided a redlined version of the City's reserve policy. As stated above, current policy requires a cash/fund balance of 40% of General Fund operating

expenditures. Staff also believe holding 25% in reserves will provide a practical/pragmatic level of available funds in the case of unanticipated events (for example, in the case of a 25% cash balance policy, \$6 million in expenditures would require holding a cash balance of \$1.5 million).

Finance staff consulted with Piper Sandler, the City's financial advisor, regarding any potentially negative consequences of changing the fund balance policy. Piper Sandler stated that a simple change from a 40% reserve policy to a lesser number (such as 25%) is not likely to immediately result in a rating downgrade. Rather, concerns will come into play if the City continues to run an annual deficit which results in a projection of a declining fund balance falling below the policy requirement. One-time expenses also play a role as these count as discretionary spending which the City can control (CIP projects or one-time capital acquisitions). If the City plans to spend down fund balance, ensuring a financial plan/budget is created over the next 3 to 5 years indicating to what levels fund balance is expected to drop is important in continuing to maintain a strong financial rating and position.

Following discussion at the financial summit, the Board directed an alteration to the policy by requiring only 25% of General Fund operating expenditures to be held in fund balance.

PREVIOUS ACTION:

During the Board of Aldermen financial summit on May 25, the Board expressed interest in changing the City's General Fund reserve policy.

POLICY OBJECTIVE:

The intention in changing the policy was to maximize the City's existing cash-on-hand to better provide for public amenities and service delivery.

FINANCIAL CONSIDERATIONS:

Lowering the general fund reserve from 40% to 25%.

ATTACHMENTS:

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

AN ORDINANCE AMENDING THE RESERVE POLICY OF THE CITY OF SMITHVILLE

WHEREAS, the City of Smithville, Missouri endorses sound financial policies and practices; and

WHEREAS, in September 2018, the Board of Aldermen revised the General Fund Reserve Policy as part of the Policy Manual; and

WHEREAS, it is essential that the City maintain adequate reserve in its major funds to continue to maintain the capacity to: (1) provide sufficient cash flow for daily financial needs, (2) secure and maintain investment grade bond ratings, (3) offset against significant economic downturns or revenue shortfalls, and (4) provide funds for unforeseen expenditures related to emergencies; and

WHEREAS, following review by staff, consultation with the City's financial advisor, and recommended action from the Board of Aldermen, it has been determined that adjusting the General Fund Reserve Policy from 40% of budgeted operating expenditures to 25% of budgeted operating expenditures is beneficial to the City's overall goals and strategy; and

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

The General Fund reserve policy (attached hereto) is hereby amended to be the Fund Reserve Policy and shall include guidelines for General Fund balance reserves and is in full force from and after its passage according to law.

PASSED THIS 2nd Day of August 2022

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 07/19/2022

Second Reading: 08/02/2022

Title: Fund Balance Reserve Policy

Adopted: ~~September 18, 2018~~ July 19, 2022

PURPOSE:

The purpose of the Fund Reserve Policy is to provide guidelines to the Board of Aldermen and staff for establishing, maintaining and performing an annual review of the minimum and appropriate level for General Fund and Combined Water and Wastewater Systems Fund balance.

BACKGROUND:

The Government Finance Officers Association (GFOA) recommends that governments establish a formal policy regarding the level of fund reserves that should be maintained to mitigate current and future risks such as revenue shortfalls, unanticipated expenditures, natural disasters and to ensure the ability for stable and acceptable rate changes.

A minimum unassigned fund reserve is generally considered a prudent and fiscally responsible policy to deal with unforeseen situation including but not limited to:

- Unfunded Federal, State or Other Mandates
- Revenue Shortfalls due to Economic Downturns or other unexpected conditions
- Expenses Incurred for Restoration of Service due to Weather Events or other Natural Disasters
- Credit rating agencies continually monitor the levels of unassigned fund balance when evaluating the creditworthiness and assigned a credit rating for debt issuance.

The City has established and approved a Fund Balance Reserve Policy where the City shall maintain a minimum unassigned fund balance equal to ~~forty~~ twenty-five percent (~~40%~~ 25%) of the General Fund budgeted expenditures for any given year.

The City has established and approved a Fund Balance Reserve Policy where the City shall maintain a minimum unassigned fund balance equal to twenty percent (20%) of the Combined Water and Wastewater Systems Fund budgeted expenditures for any given year.

Designation of an appropriate level for fund reserve is recommended for use as a financial planning tool in the budget process and with bond rating agencies.

POLICY:

The City shall maintain a minimum General Fund reserves equal to ~~forty~~ twenty-five percent (~~40%~~ 25%) of the approved operating annual expense budget for

the fund for any given year. The City Shall maintain a minimum Combined Water and Wastewater Systems Fund reserve equal to twenty percent (20%) of the total approved operating and annual expense budget for the fund for any given year. The reserves shall be used when approved by formal Board of Aldermen action or under the following circumstances:

- Large one-time cost where use of reserves would provide long-term cost savings.
- To mitigate service impacts from significant revenue shortfall due to economic downturn or other unexpected loss of revenue.
- Restoration due to weather events or other natural disasters.
- Unexpected liabilities created by Federal, State or other mandates out of its control.

If in any fiscal year the Reserve Balance in either fund is required to be used or is not achieved, the City Administrator shall present to the Board of Aldermen a strategy to meet the Fund Reserve minimum reserve level within two (2) fiscal years.

Staff shall ensure that the provisions of this policy are effectively implemented. If it is determined that there is a conflict between this policy and other more specific governing policies involving the operating or capital improvement budgets, this shall be brought to the attention of the City Administrator who will determine the appropriate course of action.



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2951-22, Rezoning Eagle Ridge Subdivision - 2nd Reading

REQUESTED BOARD ACTION:

A motion to read Bill No. 2951-22 for Second Reading by Title Only to rezone Eagle Ridge subdivisions commercial property from B-1P to B-3.

SUMMARY:

The ordinance would change the zoning to allow an office building for a Development and Construction company along with equipment and material storage which does not match the "professional office" designation in the current zoning district.

BACKGROUND:

The property is the B-1P commercial lot contained in the Eagle Ridge Subdivision that was initially rezoned from A-1 to R-1P, R-2P and B-1P in 2018 and located at 561 S. Commercial. The existing zoning was B-1P for the potential location of an office building. Upon request to develop the land and construct the office building, staff requested a full list of intended uses to verify zoning compliance. The plan was described that a 70' x 120' building would be constructed which would contain the offices of both a development company and its' sister construction company. It was also identified that the plan was to use some of the building for storage, including materials and equipment of the companies. Since the proposal was not for traditional professional offices (accountants, real estate, law, doctors, etc.) it was determined that the minimum zoning required was B-3. If approved, any future construction is subject to the newly revised site plan review ordinances.

PREVIOUS ACTION:

The B-1P zoned land was rezoned in 2018 for potential office uses.

POLICY ISSUE:

Complies with the Comprehensive Plan uses for the area.

FINANCIAL CONSIDERATIONS:

None

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 checked="" type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Planning and Zoning meeting is available for viewing online | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: ER Development, LLC

Land Use Proposed: B-3

Zoning: B-1P

Property Location: 561 S. Commercial 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 a public hearing of the Planning and Zoning Commission of the City of Smithville, held on July 12, 2022, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. *Character of the neighborhood.*

The surrounding area is a transitional area with mix of various Multi-family districts to the east, west and south, with the ATT switching station also to the south, as well as B-3 uses further to the west and south. Commercial St. is the most significant north-south arterial street that serves from downtown to 169 near McDonalds.

2. *Consistency with the City's Comprehensive Plan and ordinances.*

The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for maintaining the existing buffer vegetation in the area, with no significant changes to the existing uses.

3. *Adequacy of public utilities and other needed public services.*

The property is currently accessible to all utilities.

4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The property is vacant, undeveloped land. Given the grade differential to Commercial, most development has been unaffordable. The area is within 500 yards of the Eagle Ridge two family townhomes to the south and east, as well as the Mixed use zoned property to the north west that stretches from 169 to Commercial.

5. *Length of time the property has remained vacant as zoned.*

The property was zoned to the existing district classification in 2018, and was A-1 for its' entire time in the city limits.

6. *Compatibility of the proposed district classification with nearby properties.*

The property is adjacent to a higher density residential areas to the south, east and west, with B-3 zoned land within 200 feet. With the current transition of downtown including significant investment and revitalization, this district is compatible with adjacent districts.

7. *The extent to which the zoning amendment may detrimentally affect nearby property.*

With proper buffering in the site plan review process, the only property that would be able to see the developable land is the single family property to the north on the 12.23 acre parcel. No detrimental effects are anticipated to the adjacent property values.

8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*

No detrimental effects are anticipated to adjacent properties.

9. That in rendering this Finding of Fact, testimony at the public hearing on July 12, 2022, 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 Rezoning of this property from B-1P to B-3 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 rezoning the property to B-3.

BILL NO. 2951-22

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 rezoning 561 South Commercial on June 102, 2022; and

WHEREAS, the public was notified by publishing in the CT paper on June 23, 2022 and notices were mailed to adjoining property owners on June 27, 2022.

WHEREAS, a Public Hearing was conducted before the Planning Commission on July 12, 2022; and

WHEREAS, the rezoning is to change the zoning from B-1P to B-3; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning request; and,

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

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

All that part of the south half of the northwest quarter of section 26, Township 53 North, Range 33 West, Smithville, Clay County, Missouri being described as follows:

Beginning at the Northwest corner of a tract of land Deeded to Southwestern Bell Telephone Company in Book 870 at page 186 said point lying on the east right of way line of Commercial Avenue; Thence N08°56'33"W, Along Said Right Of Way Line, A Distance Of 73.57 Feet; Thence Northerly, Continuing Along Said Line, Along A Curve To The Right Being Tangent To The Last Described Course, Having A Radius Of 900.00 Feet, An Arc Distance Of 192.35 Feet; Thence N03°18'11"E, Continuing Along Said Right Of Way Line, A Distance Of 116.63 Feet To A Point On The North Line Of The South Half Of Said Northwest Quarter; Thence S89°33'43"E, Along Said North Line, A Distance Of 250.00 feet; thence S00°79'71"W a distance of 381.27 feet; thence N00°41'81"W a Distance of 34.17 feet to the Northeast Corner of the tract recorded in Book 870 at page

186; thence along the north line of said tract to the point of beginning a distance of 200.51 feet.

Changed from B-1P to B-3

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____

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 07/21/2022

Second Reading / /



STAFF REPORT
June 9, 2022

Rezoning of Parcel Id's# 05-905-00-10-001.00
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 561 S. Commercial St.
Owner: ER Development LLC
Current Zoning: B-1P
Proposed Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: June 23, 2022
Letters to Property Owners: June 23, 2022

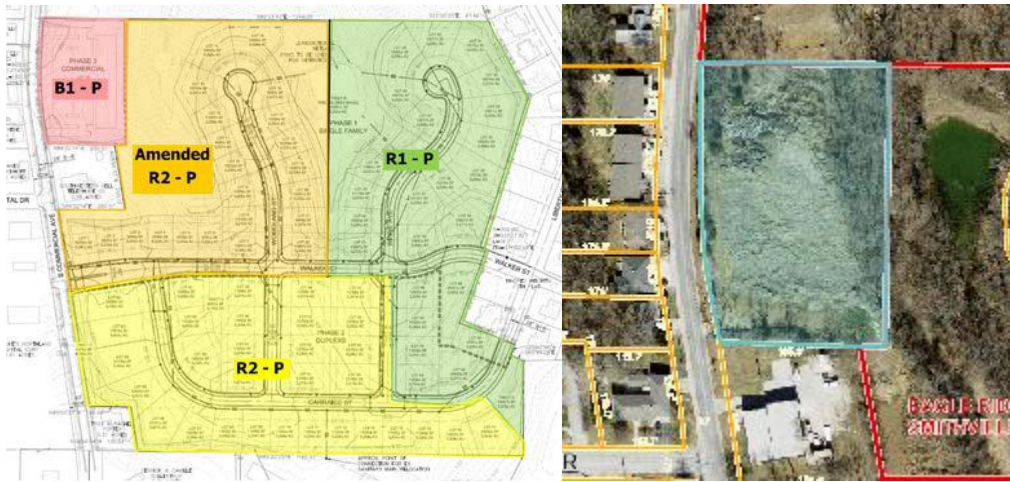
GENERAL DESCRIPTION



The applicant seeks to rezone the subject property to B-3 from B-1P. The property is currently a vacant parcel of ground. The applicant seeks to change the zoning to B-3, which would allow the use of the property for an office building for its construction and development companies, including an area for equipment and vehicles to be securely parked.

EXISTING ZONING:

The existing zoning is B-1P.



CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The property is located near the B-3 zoned St. Luke's Hospital complex. The properties to the east and west are zoned for multifamily (R-2 and R-3 Districts) with the ATT switching station building immediately to the south. The property to the north is a single-family home on 12.23 acres of mostly wooded land.

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

The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for retaining the natural vegetative buffers surrounding the specific parcel, with no specific anticipated changes to the uses in the next 10 years.

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

The property is currently served with water along the property's boundary with Commercial St., and sewers are accessible to the south. All other utilities are available.

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

The current use is contained in the B-1P district. This district allows offices, including ones for contractors or developers but makes no allowances for storage of equipment and materials for those underlying office uses.

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

The property was zoned to the existing district classification in 2018, and was zoned A-1 prior.

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

The property is adjacent to two+ family zoning on the east, west and south, with the ATT switching station located immediately to the south. The southwest corner of Hospital Dr. and Commercial St. is the B-3 zoned Hospital complex, and just west of the R-3 properties along Commercial is more B-3 zoned property. With screening and landscape buffering imposed using the site plan review process, any potential negative impacts on the single family land to the north would be eliminated.

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

No detrimental effects are anticipated to the adjacent property values.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO
ADJOINING PROPERTY OWNERS RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

No detrimental effects are anticipated to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to B-3 be approved.

Respectfully Submitted,

Zoning Administrator



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 2952-22, Re-adopt the Code of Ethics – 1st reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2952-22, re-adopting the Code of Ethics. 1st reading by title only.

SUMMARY:

Every two years the Board is required by state law to review and re-adopt its Code of Ethics with election of new Board members. The present form of the Code of Ethics is included in the packet and recommended for re-adoption.

PREVIOUS ACTION:

The Code of Ethics was last approved August 2020.

POLICY OBJECTIVE:

To maintain the integrity of City government and comply with state law.

FINANCIAL CONSIDERATIONS:

Click or tap here to enter text.

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: RSMo Section 135 | |

AN ORDINANCE AMENDING CHAPTER 135 OF THE CODE OF ORDINANCES

WHEREAS Section 105.485.4 RSMo allows political subdivisions the option of adopting their own method of disclosing conflicts of interest and personal financial disclosure. State laws require that this ordinance/resolution be adopted biennially by September 15th; and

WHEREAS the City currently provides by ordinance in Chapter 135 for procedures for compliance with ethics requirements; and

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

Section 1. Chapter 135 of the Code of Ordinances of the City of Smithville, Missouri is hereby deleted in its entirety, and a new Chapter 135 is hereby enacted, to be read and numbered as follows:

CHAPTER 135: CODE OF ETHICS

SECTION 135.010: DECLARATION OF POLICY

It is the policy of the City of Smithville, Missouri, to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter "public officials"). The citizens and businesses of the City are entitled to have fair, ethical and accountable local government. The City recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of public officials. Public officials of the City are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties. In order to fulfill this mission, the City hereby adopts a code of ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. Unless specifically defined otherwise, the terms used in Chapter 135 shall be defined as set forth in Section 105.450 R.S.Mo et seq. as now adopted or hereinafter amended.

SECTION 135.020: RESPONSIBILITY OF PUBLIC OFFICE

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City and avoiding actions that are inconsistent with the best interests of the City. All persons, claims and transactions coming before the Board of Aldermen or any City board, commission or committee shall be assured of fair and equal treatment.

SECTION 135.030: COMPLIANCE WITH LAW

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, State and the City and to carry out impartially these laws in the performance of their public duties to foster respect for all

government. These laws include, but are not limited to, the United States and Missouri Constitutions, the laws of the State of Missouri and City ordinances.

SECTION 135.040: CONDUCT OF OFFICIALS

The professional and personal conduct of public officials shall be above reproach and shall avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor, other members of the Board of Aldermen, boards, commissions, committees, City staff and the public.

SECTION 135.050: PERFORMANCE OF DUTIES

A. Public officials shall perform their duties in accordance with the processes and rules of order as established by the Board of Aldermen, boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board of Aldermen by City staff.

SECTION 135.060: PUBLIC MEETINGS

Public officials shall prepare themselves for the public issues, listening courteously and attentively to all public discussion before the body and focus on the business at hand. Public officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body or otherwise interfere with the orderly conduct of meetings.

SECTION 135.070: DECISION BASED ON MERIT

Public officials shall base their decisions on the merits and the substance at hand.

SECTION 135.080: COMMUNICATION

Unless otherwise prohibited by law, privilege or the rules of evidence, Public officials shall publicly share with the Board of Aldermen or any boards, commissions and/or committees of the City any substantive information that is relevant to a matter under consideration by said entity of which they have knowledge from any source.

SECTION 135.090: CONFLICT OF INTEREST

- A. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a Substantial Interest or personal relationship, or which may reasonably give rise to the appearance of a conflict of interest or impropriety.
- B. The Mayor or any member of the Board of Aldermen who has a Substantial Interest, in any bill shall disclose on the records of the Board of Aldermen the nature of his or her interest and shall disqualify himself or herself from participation in deliberation or voting on any matters relating to this interest.
- C. Public officials should avoid action, whether or not specifically prohibited, which might reasonably result in or create the appearance of using their public office for private gain.

SECTION 135.100: GIFTS, GRATUITIES AND FAVORS

Public officials shall comply with the requirements of Chapter 105, RSMo relating to the acceptance and reporting of gifts, gratuities and favors.

SECTION 135.110: CONFIDENTIALITY OF INFORMATION

Unless approved by the Board of Aldermen, no elected or appointed Public Official shall disclose or make public any information which is otherwise closed to the Public pursuant to §610.021 R.S.Mo. or otherwise protected from disclosure by Missouri or Federal law. No Public Official shall use or provide information obtained as a result of his or her position for the benefit of the Public Official or the recipient in an advantageous position over the general public.

SECTION 135.120: USE OF PUBLIC RESOURCES

A. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.

B. A public official shall not utilize the City's name, letterhead, logo or seal for the purpose of endorsing any political candidate, business, commercial product or service.

SECTION 135.130: ADVOCACY

As nonpartisan stewards of the public interest, the Mayor and members of the Board of Aldermen shall not appear on behalf of the private interests of third parties before the Board of Aldermen or any other board, commission, committee or proceeding in the City. Public officials of boards, commissions and committees shall not appear before their own bodies or before the Board of Aldermen on behalf of the private interests of third parties on matter related to the areas of service of their bodies. Public officials shall represent the official policies or positions of the City to the best of their abilities when designated as delegates for this purpose. When representing their individual opinions and positions, public officials shall explicitly state that they do not represent their body or the City and they shall not give the inference that they do.

SECTION 135.140: POLICY ROLE OF MEMBERS

Public officials shall respect and adhere to the City Administrator form of government as outlined in the ordinances, policies and procedures with respect to the City Administrator's relationship to the Board of Aldermen. In this structure, the Board of Aldermen determine the policies of the City with the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Individual Board of Aldermen members shall not, except at the direction of the entire Board of Alderman, have any role in the administrative functions of the City or the professional duties of City staff or the implementation of City policy or decisions. This prohibition shall not apply to the Mayor, nor the Mayor Pro Tem acting in the Mayor's absence. Additionally, this prohibition shall not apply to any individual Board of Aldermen's ability to obtain information reasonably necessary to perform his or her duties.

SECTION 135.150: INDEPENDENCE OF BOARDS, COMMISSIONS AND COMMITTEES

The value of independent advice and recommendations of boards, commissions and committees to the public decision-making process is of such significance that members of the Board of Aldermen should refrain from using their positions to influence the deliberations or outcomes of board, commission and committee proceedings. This prohibition is not meant to include the actions of any Board of Aldermen when acting as a member of any such committee.

SECTION 135.160: BEHAVIOR

All City elected and appointed officials shall conduct themselves in a professional business manner and should refrain from the public use of profane or offensive language so as to reflect well on the City.

SECTION 135.170: POSITIVE WORKPLACE ENVIRONMENT

Public officials shall support the maintenance of a positive and constructive workplace environment for the City employees and for citizens and businesses dealing with the City.

SECTION 135.180: IMPLEMENTATION

The code of ethics for public officials of the City is intended to be self-enforcing. Therefore, it becomes most effective when public officials are thoroughly familiar with it and embrace its provisions. For this reason, these ethical standards shall be included in the regular orientation of candidates for Board of Aldermen, newly elected officials and appointed members of all boards, commissions and committees of the City.

The code of ethics shall be reviewed biannually by the Board of Aldermen. Recommendations received from the review shall be considered by the Board of Aldermen.

SECTION 135.190: COMPLIANCE AND ENFORCEMENT

- A. The City's code of ethics expresses standards of ethical conduct expected for the public officials of the Board of Aldermen, boards, commissions and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the government.
- B. A person making a complaint against a public official for violation of this policy shall submit the complaint, in writing, to the Mayor who shall conduct or cause to be conducted an investigation as he or she reasonably believes is warranted by the complaint. The Mayor may request the aid of the City Attorney, Police or other City employees with said investigation. The Mayor may choose to disregard any anonymous complaint or complaint not based on personal or credible evidence as determined in the sole discretion of the Mayor. If the Mayor determines that the complaint may warrant disciplinary action by the Board of Alderpersons, the Mayor

shall cause a special session of the Board of Alderpersons to be held for the purpose of conducting a hearing with regard to said allegations/complaint. Said hearing to be conducted pursuant to the Missouri Administrative procedures act §536.010 R.S.Mo et seq. as now adopted or hereinafter amended.

- C. Any complaint concerning the Mayor shall be made to the Mayor Pro Tem who shall have the same authority as the Mayor set forth above when reviewing any such complaint.
- D. The Board of Aldermen shall make a final determination upon a majority vote of all members, except for any member of the Board of Aldermen which is the subject of a complaint. The standard of proof required for a final determination of violation of this policy (unless otherwise required by law) shall be a preponderance of the evidence. At the discretion of the Board of Aldermen, sanctions may include private or public reprimand or censure, removal or exclusion from leadership positions, the governing board, and other official positions or duties that do not conflict with Missouri Statutes.

SECTION 135.210: DISCLOSURE REPORTS

Each elected official, the City Clerk, the City Administrator and the Chief Purchasing Officer (if some other individual) shall disclose the following information by May first (1st) regarding any such transactions which were engaged in during the previous calendar year:

1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date and identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, and other than transfers for no consideration to the political subdivision; (if none, state none) and;
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision; (if none state none);
3. The City Administrator, City Clerk and the Chief Purchasing officer also shall disclose by May first (1st) for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

- b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

SECTION 135.220: FILING OF REPORTS

The reports, in the attached format, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION 135.230: WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment.
2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

SECTION 135.240: FILING OF ORDINANCE

The City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten (10) days of its adoption.

PASSED THIS ____ DAY OF AUGUST 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 08/02/2022

Second Reading: 08/16/2022

Section 135.010 Declaration of Policy.

[Ord. No. 2895-14 §1, 7-1-2014^[1]; Ord. No. 2954-16 §1, 9-6-2016]

It is the policy of the City of Smithville, Missouri, to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter "public officials"). The citizens and businesses of the City are entitled to have fair, ethical and accountable local government. The City recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of public officials. Public officials of the City are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties. In order to fulfill this mission, the City hereby adopts a Code of Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. Unless specifically defined otherwise, the terms used in Chapter [135](#) shall be defined as set forth in Section 105.450, RSMo., et seq., as now adopted or hereinafter amended.

^[1] Editor's Note: Section 1 of this ordinance also repealed former Ch. 135, Code of Ethics, as adopted and amended by Ord. No. 1407 §1, 8-27-1991; Res. of 8-15-1995; Ord. No. 1805-98 §§1 — 2, 8-18-1998; Ord. No. 2022-01 §§1 — 3, 8-21-2001; Ord. No. 2110-02 §§1 — 2, 8-20-2002; Ord. No. 2110-03 §§1 — 2, 8-19-2003; Ord. No. 2303-04 §§1 — 3, 8-17-2004; Ord. No. 2402-05 §§1 — 2, 8-16-2005; Ord. No. 2483-06 §§1 — 2, 8-1-2006; Ord. No. 2568-07 §§1 — 2, 7-17-2007; Ord. No. 2717-09 §§1 — 2, 6-2-2009; Ord. No. 2768-10 §§1 — 2, 9-7-2010; Ord. No. 2844-12 §§1 — 2, 8-7-2012.

Section 135.020 Responsibility of Public Office.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City and avoiding actions that are inconsistent with the best interests of the City. All persons, claims and transactions coming before the Board of Aldermen or any City board, commission or committee shall be assured of fair and equal treatment.

Section 135.030 Compliance With Laws.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, State and the City and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Missouri Constitutions, the laws of the State of Missouri and City ordinances.

Section 135.040 Conduct of Officials.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

The professional and personal conduct of public officials shall be above reproach and shall avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor, other members of the Board of Aldermen, boards, commissions, committees, City staff and the public.

Section 135.050 Performance of Duties.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall perform their duties in accordance with the processes and rules of order as established by the Board of Aldermen, boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board of Aldermen by City staff.

Section 135.060 Public Meetings.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall prepare themselves for the public issues, listening courteously and attentively to all public discussion before the body and focus on the business at hand. Public officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body or otherwise interfere with the orderly conduct of meetings.

Section 135.070 Decision Based on Merit.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall base their decisions on the merits and the substance at hand.

Section 135.080 Communication.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Unless otherwise prohibited by law, privilege or the rules of evidence, public officials shall publicly share with the Board of Aldermen or any boards, commissions and/or committees of the City any substantive information that is relevant to a matter under consideration by said entity of which they have knowledge from any source.

Section 135.090 Conflict of Interest.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

- A.** In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a substantial interest or personal relationship, or which may reasonably give rise to the appearance of a conflict of interest or impropriety.
- B.** The Mayor or any member of the Board of Aldermen who has a substantial interest in any bill shall disclose on the records of the Board of Aldermen the nature of his or her interest and shall disqualify himself or herself from participation in deliberation or voting on any matters relating to this interest.
- C.** Public officials should avoid action, whether or not specifically prohibited, which might reasonably result in or create the appearance of using their public office for private gain.

Section 135.100 Gifts, Gratuities and Favors.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall comply with the requirements of Chapter 105, RSMo., relating to the acceptance and reporting of gifts, gratuities and favors.

Section 135.110 Confidentiality of Information.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Unless approved by the Board of Aldermen, no elected or appointed public official shall disclose or make public any information which is otherwise closed to the public pursuant to Section 610.021, RSMo. or otherwise protected from disclosure by Missouri or Federal law. No public official shall use or provide information obtained as a result of his or her position for the benefit of the public official or the recipient in an advantageous position over the general public.

Section 135.120 Use of Public Resources.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

- A.** Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.
- B.** A public official shall not utilize the City's name, letterhead, logo or seal for the purpose of endorsing any political candidate, business, commercial product or service.

Section 135.130 Advocacy.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

As nonpartisan stewards of the public interest, the Mayor and members of the Board of Aldermen shall not appear on behalf of the private interests of third parties before the Board of Aldermen or any other board, commission, committee or proceeding in the City. Public officials of boards, commissions and committees shall not appear before their own bodies or before the Board of Aldermen on behalf of the private interests of third parties on matters related to the areas of service of their bodies. Public officials shall represent the official policies or positions of the City to the best of their abilities when designated as delegates for this purpose. When representing their individual opinions and positions, public officials shall explicitly state that they do not represent their body or the City and they shall not give the inference that they do.

Section 135.140 Policy Role of Members.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall respect and adhere to the City Administrator form of government as outlined in the ordinances, policies and procedures with respect to the City Administrator's relationship to the Board of Aldermen. In this structure, the Board of Aldermen determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Individual Board of Aldermen members shall not, except at the direction of the entire Board of Aldermen, have any role in the administrative functions of the City or the professional duties of City staff or the implementation of City policy or decisions. This prohibition shall not apply to the Mayor, nor the Mayor Pro Tem acting in the Mayor's absence. Additionally, this prohibition shall not apply to any individual Board of Aldermen's ability to obtain information reasonably necessary to perform his or her duties.

Section 135.150 Independence of Boards, Commissions and Committees.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

The value of independent advice and recommendations of boards, commissions and committees to the public decision-making process is of such significance that members of the Board of Aldermen should refrain from using their positions to influence the deliberations or outcomes of board, commission and committee proceedings. This prohibition is not meant to include the actions of any Board of Aldermen when acting as a member of any such committee.

Section 135.160 Behavior.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

All City elected and appointed officials shall conduct themselves in a professional business manner and should refrain from the public use of profane or offensive language so as to reflect well on the City.

Section 135.170 Positive Workplace Environment.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall support the maintenance of a positive and constructive workplace environment for the City employees and for citizens and businesses dealing with the City.

Section 135.180 Implementation.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

A. The Code of Ethics for public officials of the City is intended to be self-enforcing. Therefore, it becomes most effective when public officials are thoroughly familiar with it and embrace its provisions. For this reason, these ethical standards shall be included in the regular orientation of candidates for Board of Aldermen, newly elected officials and appointed members of all boards, commissions and committees of the City.

B. The Code of Ethics shall be reviewed biannually by the Board of Aldermen. Recommendations received from the review shall be considered by the Board of Aldermen.

Section 135.190 Compliance and Enforcement.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

A. The City's Code of Ethics expresses standards of ethical conduct expected for the public officials of the Board of Aldermen, boards, commissions and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the government.

B. A person making a complaint against a public official for violation of this policy shall submit the complaint, in writing, to the Mayor who shall conduct or cause to be conducted an investigation as he or she reasonably believes is warranted by the complaint. The Mayor may request the aid of the City Attorney, Police or other City employees with said investigation. The Mayor may choose to disregard any anonymous complaint or complaint not based on personal or credible evidence as determined in the sole discretion of the Mayor. If the Mayor determines that the complaint may warrant disciplinary action by the Board of Aldermen, the Mayor shall cause a special session of the Board of Aldermen to be held for the

purpose of conducting a hearing with regard to said allegations/complaint, said hearing to be conducted pursuant to the Missouri Administrative Procedures Act, Section 536.010, RSMo., et seq., as now adopted or hereinafter amended.

- C. Any complaint concerning the Mayor shall be made to the Mayor Pro Tern who shall have the same authority as the Mayor set forth above when reviewing any such complaint.
- D. The Board of Aldermen shall make a final determination upon a majority vote of all members, except for any member of the Board of Aldermen who is the subject of a complaint. The standard of proof required for a final determination of violation of this policy (unless otherwise required by law) shall be a preponderance of the evidence. At the discretion of the Board of Aldermen, sanctions may include private or public reprimand or censure, removal or exclusion from leadership positions, the governing board, and other official positions or duties that do not conflict with Missouri Statutes.

Section 135.200 (Reserved)

Section 135.210 Disclosure Reports.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 2953-22, Ballot Questions Changing the Term of Office for the Mayor and for the Board of Aldermen

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2953-22, calling for the questions regarding the length of the term of office for the Mayor and the Board of Aldermen increasing the term from two years to four years to be placed on the November 8, 2022 election ballot.

SUMMARY:

On April 19, 2022, Alderman Hartman requested that staff begin to research the steps needed to change the elected official's office terms from two years to four years. Per Missouri State Statutes Section 79.050 (RSMo) the Board of Aldermen may approve an Ordinance to pose the question of term of Mayor and/or Alderman to the voters at a municipal election. The question must pass by a majority vote.

After discussion at the July 19, 2022 work session the Board directed staff to work with legal counsel to move forward with the ballot language needed to change the Mayor and Board of Aldermen's two-year term to a four-year term.

The extended term would go into effect upon passage of an Ordinance acknowledging the election results. Anyone serving at the time or elected during that same election would serve out their current two-year term. Following adoption of the Ordinance those elected shall serve a four-year term.

In order to place this on the November 8, 2022, General Election ballot, the language would have to be certified by August 30, 2022.

PREVIOUS ACTION:

The City of Smithville has followed the Missouri State Statutes 79.050 (RSMo.) elective officers for fourth class cities.

POLICY OBJECTIVE:

Click or tap here to enter text.

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 type="checkbox"/> Other: | |

BILL NO. 2953-22

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI INCREASING THE TERM OF OFFICE FOR SAID MAYOR AND BOARD OF ALDERMEN FROM TWO YEARS TO FOUR YEARS AND CALLING FOR THE QUESTION REGARDING THE LENGTH OF THE TERM OF OFFICE FOR THE MAYOR AND FOR THE BOARD OF ALDERMEN TO BE PLACED ON THE NOVEMBER 8, 2022 ELECTION BALLOT

WHEREAS, Section 79.050.2 R.S.Mo. provides that the Board of Aldermen may provide by ordinance, after approval by a majority of the voters of the city voting at an election at which the issue is submitted, for a four-year term for the Mayor and Section 79.050.3 R.S.Mo. provides that the Board of Aldermen may provide by ordinance, after approval by a majority of the voters of the city voting at an election at which the issue is submitted, for a four-year term for members of the Board of Aldermen; and

WHEREAS, the Board deems it advisable and in the best interest of the citizens of the City of Smithville to provide a four-year term of office for the Mayor and the members of the Board of Aldermen.

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

SECTION ONE: Upon approval of the voters the term of office for the Mayor and Aldermen is hereby increased from two (2) years to four (4) years.

SECTION TWO: The questions of the length of the term of office for the Mayor and the members of the Board of Aldermen shall be submitted to the qualified voters of the City of Smithville, Missouri, for their approval, as required by § 79.050.2 & 3 R.S.Mo., at the election hereby called and to be held in the City of Smithville on November 8, 2022. The ballot of submission shall contain substantially the following language:

Shall the Board of Aldermen of the City of Smithville, Missouri provide by ordinance that all mayors elected from this point forward serve a four-year term as provided for by the Statutes of the State of Missouri?

☐ **YES**
☐ **NO**

If you are in favor of the question, place an "X" in the box opposite "YES."

If you are opposed to the question, place an "X" in the box opposite "NO."

Shall the Board of Aldermen of the City of Smithville, Missouri provide by ordinance that person(s) elected as aldermen from this point forward serve a four-year term as provided for by the Statutes of the State of Missouri?

[] YES

[] NO

If you are in favor of the question, place an "X" in the box opposite "YES."

If you are opposed to the question, place an "X" in the box opposite "NO."

SECTION THREE: This ordinance shall only become effective after receiving a majority vote of the citizens of the City of Smithville, Missouri.

SECTION FOUR: The effective date of this ordinance shall be immediately upon certification by the Clay County Board of Elections that a majority of the voters voting in the November 8, 2022 election approved the issue submitted.

**PASSED AND APPROVED BY THE BOARD OF ALDERMEN AND
APPROVED BY THE MAYOR OF THE CITY OF SMITHVILLE, MISSOURI,
THIS ____ DAY OF _____, 2022.**

DAMIEN BOLEY, MAYOR

ATTEST:

LINDA DRUMMOND, CITY CLERK

1st reading ____/____/____

2nd reading ____/____/____



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 2953-22, Ballot Questions Changing the Term of Office for the Mayor and for the Board of Aldermen

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2953-22, calling for the questions regarding the length of the term of office for the Mayor and the Board of Aldermen increasing the term from two years to four years to be placed on the November 8, 2022 election ballot.

SUMMARY:

On April 19, 2022, Alderman Hartman requested that staff begin to research the steps needed to change the elected official's office terms from two years to four years. Per Missouri State Statutes Section 79.050 (RSMo) the Board of Aldermen may approve an Ordinance to pose the question of term of Mayor and/or Alderman to the voters at a municipal election. The question must pass by a majority vote.

After discussion at the July 19, 2022 work session the Board directed staff to work with legal counsel to move forward with the ballot language needed to change the Mayor and Board of Aldermen's two-year term to a four-year term.

The extended term would go into effect upon passage of an Ordinance acknowledging the election results. Anyone serving at the time or elected during that same election would serve out their current two-year term. Following adoption of the Ordinance those elected shall serve a four-year term.

In order to place this on the November 8, 2022, General Election ballot, the language would have to be certified by August 30, 2022.

PREVIOUS ACTION:

The City of Smithville has followed the Missouri State Statutes 79.050 (RSMo.) elective officers for fourth class cities.

POLICY OBJECTIVE:

Click or tap here to enter text.

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 type="checkbox"/> Other: | |



Board of Alderman Request for Action

MEETING DATE: 8/2/2022

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2954-22, approving a Conditional Use Permit for a telecommunications tower – 1st reading.

BOARD REQUESTED ACTION:

A motion to approve Bill No. 2954-22, to approve a Conditional Use Permit for a telecommunications tower at 904 Northeast 180th Street. 1st reading by title only.

SUMMARY: Approving this ordinance would authorize a Conditional Use Permit to erect and operate a 150' monopole cellular tower at 904 NE 180th St., Smithville, Missouri.

BACKGROUND:

The original application was submitted on May 3, 2022 for a CUP at 904 NE 180th St., in Smithville to allow construction and operation of a 150' telecommunications tower. Public Notices and letters to adjoining property owners was provided for a June 14, 2022 public hearing on the CUP. At that hearing, the Planning Commission heard both sides of the application and voted 3-3 (one member abstained) on the proposed findings of fact and sending the matter to the Board. While this vote is considered a no vote on the CUP, after further discussions with counsel, it was identified that notwithstanding the 3-3 no vote, the Commission was still required to make individual findings of fact, since the 3-3 vote effectively did not result in any specific findings. The matter was again noticed for a continuation of the matter at the Commission level for the purpose of making findings on the individual items contained in the proposed findings of fact. At that hearing, the Commission not only had one abstention, but one member was out of town, leaving just 5 commissioners to vote. The results of those votes on the eight items was to approve each of the individual findings, with certain conditions added to two of the items (#3 and #7) in order to be approved. After the Commission hearing in July, several of the property owners provided formal protest letters and a protest petition from various neighbors. The purpose of protest petitions is to trigger a state law requirement of a 2/3rds majority vote at the Board of Aldermen level. Given the number of Smithville's Aldermen, All votes on CUP and Rezoning ordinances will require at least 4 votes of the 6 total Aldermen to pass, making all such votes meeting the 2/3rds majority vote. The 4 vote requirement is in place whether there are only 5 voting members, or even 4 voting members. There must be 4 votes to authorize the CUP.

PREVIOUS ACTION:

Planning Commission hearings on June 14th and July 14th.

POLICY ISSUE:

Implementation of the Comprehensive Plan and Zoning Ordinance.

FINANCIAL CONSIDERATIONS:

None anticipated.

ATTACHMENTS:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input checked="" type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Findings of Fact, Applicant Evidence, Adjoining property owner's evidence and Protest documents | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Tillman Infrastructure, LLC

Land Use Proposed: Telecommunications Tower

Zoning: A-1

Property Location: 904 NE 180th St.

Pursuant to the provisions of Section 400.570 concerning the minimum requirements for the issuance of a special use permit and based on the testimony and evidence presented in a public hearing of the Planning and Zoning Commission held on June 14, 2022 the Planning Commission of the City of Smithville, Missouri hereby makes the following *Finding of Facts and Conclusions of Law*.

Finding of Facts

1. The proposed special use complies with all applicable provisions of the zoning regulation including intensity of use regulations, yard regulations and use regulations.
2. It is found that the proposed special use at the specified location will contribute to and promote the welfare and convenience of the public in that it will be consistent with the nature of the neighborhood and will provide a service enhancement to spotty cellular service.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The monopole has limited visual impact to any adjacent property if it includes the natural vegetative camouflage of a tree.
4. The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The existing mature trees surrounding the property, as well as the distance from any property boundary limit any impact on the adjacent property.
5. There is sufficient parking for the anticipated maintenance vehicles.
6. No utility, drainage or other such facilities are needed as a result of the application.

7. Adequate access roads and entrances are provided, but the applicant must fully restore the gravel portion of the shared driveway and install or repair the concrete driveway approach to current city standards following tower construction.
8. The applicant has certified the capacity of the tower to accommodate two additional providers and a letter of intent to lease space so an additional 50 feet in height (maximum 150') may be added to accommodate co-location.
9. That in rendering this Finding of Fact, testimony at the public hearing on June 14, 2022 has been taken into consideration.

Conclusions of Law

Based on the foregoing findings of fact, we conclude that:

- A. This application and the granting of a Conditional Use permit is governed by Section 400.570 of the zoning ordinance of Smithville, Missouri.
- B. The proposed use complies with minimum standards required for the issuance of a conditional use permit as set out in Section 400.570 of the zoning ordinance.
- C. Based on a 3-3 vote, a conditional use permit should not be granted to allow the installation of a single 150' tall monopole telecommunications tower on the property at 904 NE 180th St.

Planning Commission

BILL NO. 2954-22

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI BY AND GRANTING A CONDITIONAL USE PERMIT TO TILLMAN INFRASTRUCTURE, LLC FOR A TELECOMMUNICATIONS TOWER AT 904 NE 180TH STREET.

WHEREAS, On June 14, 2022, the Planning Commission of Smithville, Missouri held a public hearing relative to a request for a conditional use permit and voted 3 to 3 regarding whether to recommend the CUP to the Board of Aldermen; and

WHEREAS, On July 14th, 2022, the Planning Commission heard additional evidence and then voted on the specific areas required by Ordinance 400.570(C).

WHEREAS, the Planning Commission forwarded consideration of said request to the Board of Aldermen with the following findings of Facts, Conclusions of Law and recommendation concerning said application for a CUP;

Finding of Facts

1. *The proposed special use complies with all applicable provisions of the zoning regulation including intensity of use regulations, yard regulations and use regulations.*

2. *It is found that the proposed special use at the specified location will contribute to and promote the welfare and convenience of the public in that it will be consistent with the nature of the neighborhood and will provide a service enhancement to spotty cellular service.*

3. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The monopole has limited visual impact to any adjacent property if it includes the natural vegetative camouflage of a tree.*

4. *The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The existing mature trees surrounding the property, as well as the distance from any property boundary limit any impact on the adjacent property.*

5. *There is sufficient parking for the anticipated maintenance vehicles.*

6. *No utility, drainage or other such facilities are needed as a result of the application.*

7. *Adequate access roads and entrances are provided, but the applicant must fully restore the gravel portion of the shared driveway and install or repair the concrete driveway approach to current city standards following tower construction.*

8. *The applicant has certified the capacity of the tower to accommodate two additional providers and a letter of intent to lease space so an additional 50 feet in height (maximum 150') may be added to accommodate co-location.*

9. *That in rendering this Finding of Fact, testimony at the public hearing on June 14, 2022 has been taken into consideration.*

Conclusions of Law

Based on the public hearing and evidence submitted, the Planning Commission concluded that:

A. *This application and the granting of a Conditional Use permit is governed by Section 400.570 of the zoning ordinance of Smithville, Missouri.*

B. *The proposed use complies with minimum standards required for the issuance of a conditional use permit as set out in Section 400.570 of the zoning ordinance.*

C. *Based on a 3-3 vote a conditional use permit should not be recommended to the Board of Aldermen to allow the installation of a single 150' tall monopole telecommunications tower on the property at 904 NE 180th St.*

WHEREAS, the Board of Aldermen, having considered the findings and the recommendation of the Planning commission as well as substantial evidence provided by the applicant, staff, and members of the public finds that applicant's proposed telecommunications tower would not seriously injure the public or the appropriate use of neighboring property and that said use would conform to the general intent and purpose of the zoning ordinance.

WHEREAS, the Board of Aldermen has voted ____ against and ____ in favor of passing the Ordinance approving the CUP. By Missouri Law it takes four (4) votes to pass an Ordinance and therefore the following Ordinance (____) fails or (____) passes. If the application received 4 or more votes in favor of the issuance of the CUP, the Smithville Board of Aldermen passes BILL NO. 2954-22 ORDINANCE NO. _____ as follows:

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

Section 1. Ordinance Number 711 and the Zoning Map which is made a part thereof, is amended by granting a Conditional use permit for the installation of an telecommunications tower at 904 NE 180th St. and more particularly described as follows:

Parcel 1:

A tract of land in the East One-Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township Fifty-three (53) North, Range Thirty-Three (33) West, Smithville, Clay County, Missouri, more particularly described as follows: Beginning at a Found D.N.R. Monument at the Southeast Corner of the Northeast Quarter of said Section Eleven (11); Thence N 0° 10' 02" E, 30.0 feet along the East line of said Northeast Quarter to the North Right of Way line of 180th Street and the TRUE POINT OF BEGINNING; Thence S 89° 54' 39" W, along the North Right of Way line of 180th Street, 697.76 feet to a point on the East line of a Tract as conveyed in Book 1112, Page 952, as Document No. C-78569; Thence N 0° 20' 19" E, along the East line of said tract, 453.11 feet; Thence N 89° 54' 39" E, 696.41 feet to a point on the East line of said Northeast Quarter; thence S 0° 10' 02" W, 453.10 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A Tract of Land in the East One-Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township Fifty-three (53) North, Range Thirty-three (33) West, Smithville, Clay County, Missouri, more particularly described as follows: Beginning at a Found D.N.R. Monument at the Southeast Corner of the Northeast Quarter of said Section Eleven (11); Thence N 0° 10' 02" E, 483.10 feet, along the East Line of said Northeast Quarter to the TRUE POINT OF BEGINNING; Thence S 89° 54' 39" W, parallel to the South Line of said Northeast Quarter (NE 1/4), 696.41 feet to the East Line of a tract as conveyed in Book 1112, Page 952 as Document No. C-78569; Thence N 0° 20' 19" E, along the East Line of said tract, 289.38 feet; Thence S 89° 54' 39" W, along the North Line of said conveyed tract, 620.27 feet to the West Line of the East One-Half (E 1/2) of the said Northeast Quarter (NE 1/4); Thence N 0° 20' 19" E, along said West Line, 885.00 feet to the South Line of the North 30 acres of the East One-Half (E 1/2) of said Northeast Quarter; Thence N 89° 43' 19" E, along said South Line of the North 30 acres, 1313.19 feet to a point on the East Line of the said Northeast Quarter (NE 1/4); Thence S 0° 10' 02" W, along the East Line of said Northeast Quarter (NE 1/4), 1178.70 feet to the TRUE POINT OF BEGINNING.

LESS AND EXCEPT that portion of property conveyed to Raymond George Stubler and Betty May Stubler from Gary E. Beggs and Melody L. Beggs by Warranty

Deed dated April 17, 1992 and recorded April 17, 1992 in Deed Book 2111, Page 601.

LESS AND EXCEPT that portion of property conveyed to Frank Martinez and Debra A. Martinez from Gary E. Beggs and Melody L. Beggs by Warranty Deed dated April 17, 1992 and recorded April 27, 1992 in Deed Book 2113, Page 890.

LESS AND EXCEPT that portion of property conveyed to Jack L. Pope and Gladys M. Pope from Gary E. Beggs and Melody L. Beggs by Warranty Deed dated December 4, 1992 and recorded December 8, 1992 in Deed Book 2182, Page 593.

LESS AND EXCEPT that portion of property conveyed to Raymond G. Stubler & Betty M. Stubler from Gary E. Beggs & Melody L. Beggs by Warranty Deed dated July 23, 1993 and recorded July 26, 1993 in Deed Book 2251, Page 581.

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

PASSED THIS _____DAY OF AUGUST, 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st Reading: 08/02/2022

2nd Reading ____/____/____



CONDITIONAL USE PERMIT APPLICATION **INSTRUCTIONS**

- 1) Fill out completely the attached application and return with the \$175.00 conditional use permit fee.
- 2) When the application is received, it will be placed on the Planning Commission meeting agenda for review. The Planning Commission meetings are held on the first Thursday of every month.
- 3) During this time between receiving the application and the meeting, which consists of about 45 days, the city will review the application. Certified letters will be mailed out to the current property owners within 185' of the property requesting the conditional use permit. A public notice is also placed in the local newspaper. These notices will inform the public that a public hearing will be held, and the date, time and location of said hearing. The certified letter will be addressed to the property owner as listed with the Clay County Recorder and not necessarily the person currently living at that address. The cost for the public notice and certified mailings will be billed to the applicant and must be paid prior to the Planning Commission hearing.
- 4) The Planning Commission is a recommending body and at their meetings, they will review the application, vote on a decision to accept, deny or table and then send this decision to the next Board of Aldermen meeting. For a conditional use permit, a finding of facts and conclusion of law must be prepared from the public hearing and discussion of the Commission. Because of this step, it is possible that they could make the decision for staff to prepare the findings of facts and conclusion of law for the next months meeting before giving approval. Therefore, this application could take 45– 90 days before the final decision is made.
- 5) The Board of Aldermen meets on the first and third Tuesday of the month. Items on the Planning Commission agenda upon recommendation are passed onto the Board of Aldermen. The Board of Aldermen makes the final decision.
- 6) If the decision of the Board of Aldermen is to approve the conditional use permit, an ordinance is signed, and the permit is granted with any conditions listed in the finding of facts and conclusion of law.



CONDITIONAL USE PERMIT APPLICATION

APPLICANT Patrick Erwin - Authorized Agent

DATE 5/2/2022

ADDRESS PO Box 25783 - Overland Park, KS 66225

PHONE NUMBER 913-626-4440

1) The location of the requested conditional use permit is legally described as follows: (Legally describe below or attached separate sheet)

****PLEASE SEE THE ATTACHED LEGAL DESCRIPTION****

2) The property is generally located as follows: (example: NW corner of certain intersection, west side of street between this street and this street, etc.)

Parcel is located North of NE 180th off of Beggs Road.

3) Describe the proposed conditional use request. Include drawings, if needed, to supply any information that would be helpful to the Board in evaluating the request.

To construct a 150' monopole communications tower on a 60' x 60' lease area of the property described in the attached legal description. Drawings attached.

4) A conditional use permit can not be granted unless specific written findings of facts are included as evidence regarding the following items. The applicant is required to submit a statement, justifying the conditional use request for each of the following statements.

- a) The proposed conditional use will comply with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations. 400.570.C.1

Tower is setback form all property lines a minimum of 198'. Additionally, we
we will provide a letter from a Missouri Professional Engineer assuring that the
"Fall Zone" will not exceed property boundaries upon request.

- b) The proposed conditional use at the specific location will contribute to and promote the welfare or convenience of the public. 400.570.C.2

This tower's primary purpose is for the operation of the FirstNet system. This
will enable first responders to communicate effectively. Furthermore, other
commercial users will be able to utilize tower space at fair some of the lowest
rates in the industry.

- c) The proposed conditional use will not cause substantial injury to the value of the other property in the neighborhood in which it is to be located.
400.570.C.3

The proposed structure is placed on a Agriculture zoned parcel and set back a minimum of 193' from all boundaries. Furthermore, the use of a monopole and the addition of a solid wooden provacy fence will minimize any adverse impacts to the surrounding area. Finally, please note there will be no tower lighting on the proposed structure.

- d) The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- a. The location, nature and height of buildings, structures, walls and fences on the site, and
 - b. The nature and extent of landscaping and screening on the site.
- The proposed conditional use will not, by location and size or nature and intensity of the operation, dominate the immediate neighborhood.
400.570.C.4

After construction and integration, traffic will be only a pickup sized vehicle a month. The traffic increase in the area will be minimal.

- e) Off-street parking and loading areas will be provided in accordance with the regulations and such areas will be screened from adjoining residential district to prevent any injurious effects.

Our proposal consists of one parking space with a turn road.

- f) Adequate utility, drainage and other necessary facilities have been or will be provided.

All utilities will be underground and included within a dedicated easement. Drainage will be addressed by our engineer once the full Construction Drawings are completed but at this time we see no issues.

- g) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

The access road is shown on the included drawings. There are no traffic hazards and the increase in traffic will be minimal.

Depending on the request, additional items may be added for the applicant to respond to before review.

- 5) Fee schedule: \$175.00
- 6) Applicant to provide a list of all adjoining property owners within 185' of the property lines of the subject property.
- 7) The applicant hereby declares that all information submitted is true to the best of his knowledge and that all information required for this request has been included.

Signature: _____



OFFICE USE ONLY

Date application received

5/3/22

Fee paid

\$ 175.00

Received by

b. Schuermeyer

Adjacent Owners List

received 5/3/22

APPOINTMENT OF AGENT

The undersigned, Gary E. Beggs and Melody L. Beggs a/k/a Melody Lee Beggs, husband and wife (the "Owner"), as the owner of the real property located at 904 NE 180th Street, Smithville, MO 64089 , with the PIN # of 05303000100500 (the "Property"), do hereby appoint Tillman Infrastructure LLC, their agent, successor or assigns, to act as our exclusive agent to execute any petitions or other documents necessary to affect the application for the approval, variance and necessary permits for a wireless communication tower to be located on the Property, including the following:

1. To submit the proper applications and the required supplemental materials.
2. To appear at public meetings to give representation and commitments on behalf of the Owner.
3. To act on the Owner's behalf without limitation with regard to any and all things directly or indirectly connected with or arising out of the application and future applications relating to the wireless communication tower.

Signature of Owner

Date: 1-5-2022

Gary E. Beggs
Name: Gary E. Beggs

Date: 1-5-2022

Melody L. Beggs
Name: Melody L. Beggs

State of Missouri
County of Clay

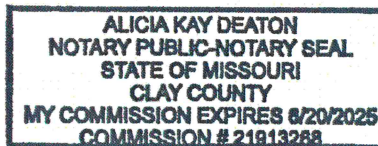
I certify that the forgoing instrument was acknowledged before me this 05 day of Jan, 2022 by Gary E. Beggs. He/She is personally known to me or has produced _____ as identification and did take an oath.

Witness my hand and official seal in the county and state stated above on the 05 day of Jan, in the year 2022.

Alicia Kay Deaton

Signature of Notary Public

Notary Public for the State of Missouri



State of Missouri
County of Clay

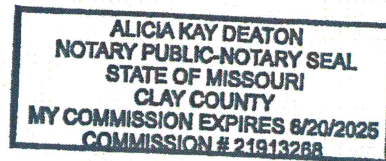
I certify that the forgoing instrument was acknowledged before me this 05 day of
Jan, 2022 by Melody L. Beggs. He/She is personally known to me or has produced
_____ as identification and did take an oath.

Witness my hand and official seal in the county and state stated above on the 05 day of
Jan, in the year 2022.

Alicia Kay Deaton

Signature of Notary Public

Notary Public for the State of Missouri



May 27, 2022

Mr. Joe Pisano
Tillman Infrastructure
152 57th Street
New York, NY 10019

RE: Proposed 150' Monopole for TI-OPP-19189, MO (Sabre Quote #22-5989-TJH-R1)

Dear Mr. Pisano,

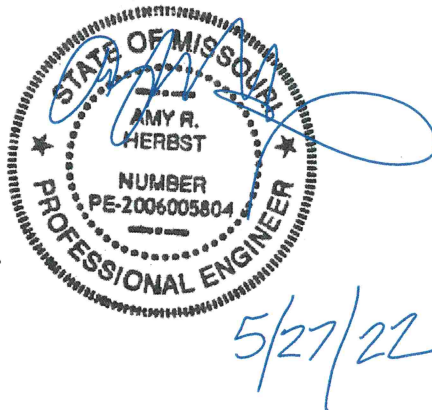
Upon receipt of order, we propose to design and supply the above-referenced monopole for an Ultimate Wind Speed of 110 mph without ice and 40 mph with 1.5" ice, Structure Classification II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna-Supporting Structures and Antennas and Small Wind Turbine Support Structures".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above-referenced monopole designed and manufactured by Sabre Industries.* This would effectively result in a fall radius less than or equal to 198'.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



Mr. Jack Hendrix

Development Director

107 W Main Street

City of Smithville, MO 64089

RE: Collocation Statement – TI-OPP-19189 (Smithville Lake)

Mr. Hendrix:


I am an authorized representative of Tillman Infrastructure LLC and have the authority to make the following acknowledgments on behalf of Tillman Infrastructure LLC. I acknowledge, on behalf of Tillman Infrastructure LLC:

Tillman Infrastructure LLC acknowledges it will:

- a) Respond within 60 days to a request for information from a potential shared use Applicant.
- b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers.
- c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction, and maintenance financing, return on equity, less depreciation, and all the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.
- d) Failure to abide by the conditions outlined above may be grounds for revocation of the Conditional Use Permit.

Tillman Infrastructure LLC

By:



Chris Mularadelis

Managing Director

Dated this 10 day of June, 2022

June 13, 2022

Mr. Joe Pisano
Tillman Infrastructure
152 57th Street
New York, NY 10019

RE: Proposed 150' Monopole for TI-OPP-19189, MO (Sabre Quote #22-5989-TJH-R1)

Dear Mr. Pisano,

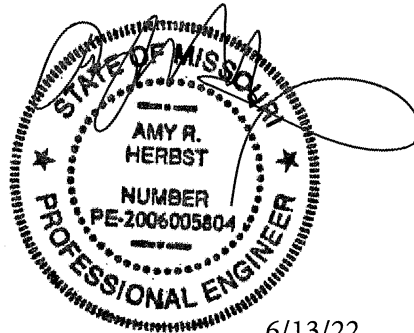
Upon receipt of order, we propose to design and supply the above-referenced monopole for an Ultimate Wind Speed of 110 mph without ice and 40 mph with 1.5" ice, Structure Classification II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna-Supporting Structures and Antennas and Small Wind Turbine Support Structures". The monopole will be designed to support three (3) carriers.

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above-referenced monopole designed and manufactured by Sabre Industries.* This would effectively result in a fall radius less than or equal to 198'.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



6/13/22



BEFORE



AFTER

Smithville Lake TI-OPP-19189

View from 180th St. looking North





BEFORE



AFTER

Smithville Lake TI-OPP-19189

View from Marcus Rd. looking West





AT&T TILLMAN
INFRASTRUCTURE

FA NUMBER: 12878700 / SITE ID: TI-OPP-19189-A
SITE NAME: SMITHVILLE LAKE MO
ADDRESS: 904 NE 180TH ST.
SMITHVILLE, MO 64089
CLAY COUNTY

SITE ADDRESS:	904 NE 180TH ST. SMITHVILLE, MO 64089
LATITUDE (NAD 83):	39.422011° N (39° 25' 19.24" N)
LONGITUDE (NAD 83):	-094.567567° W (-94° 34' 03.24" W)
GROUND ELEVATION:	954.00' NAVD '88
JURISDICTION:	CITY
JURISDICTION CONTACT:	JIM WADDLE 107 WEST MAIN ST SMITHVILLE, MO 64089 (816) 532-3897
ZONING:	A1
PARCEL/TAX ID NUMBER:	05303000100500
PARCEL OWNER:	GARY E. & MELODY L BEGGS 904 NE 180TH ST. SMITHVILLE, MO 64089
TOWER OWNER:	TILLMAN INFRASTRUCTURE
STRUCTURE TYPE:	MONOPOLE
STRUCTURE HEIGHT:	150.0'-0" (AGL)

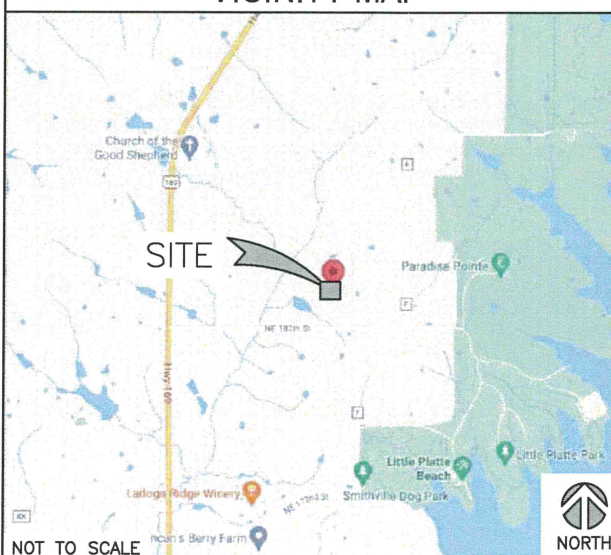
TOWER OWNER: TILLMAN INFRASTRUCTURE
1955 LAKEWAY DR. SUITE 265B
LEWISVILLE, TX 75057
CHARLIE BOOTHE
CBOOTHE@TILLMANINFRASTRUCTURE.COM
PHONE: (314) 513-0151

APPLICANT: SKYWARD LAND SERVICES
7381 WEST 133RD ST., SUITE 403
OVERLAND PARK, KS 66213
PATRICK ERWIN
PHONE: (913) 626-4440
EMAIL: ERWIN@SKYWARDSITE.COM

CONSTRUCTION: TILLMAN INFRASTRUCTURE
1955 LAKEWAY DR. SUITE 265B
LEWISVILLE, TX 75057
CHARLIE BOOTHE
CBOOTHE@TILLMANINFRASTRUCTURE.COM
PHONE: (314) 513-0151

A+E FIRM ASSOCIATED ENGINEERING, INC.
2705 NORTH MAIN STREET
ELKHORN, NE 68022
TOM MEDHI
PHONE: (402) 289-5040
TMEDHI@AE-PC.COM

VICINITY MAP



LOCATION MAP



DIRECTIONS

DIRECTIONS FROM KANSAS CITY INTERNATIONAL AIRPORT
(1 INTERNATIONAL SQUARE, KANSAS CITY, MO 64153):

GET ON I-435 E IN MAY TOWNSHIP FROM NW 120TH ST AND NW MID
CONTINENT TRAFFICWAY (2.1 MI), FOLLOW I-435 E AND US-169 N TO
NE 180 ST/NE 180TH ST IN SMITHVILLE (12.4 MI), TURN RIGHT ONTO NE
180 ST/NE 180TH ST (0.9 MI), TURN LEFT ONTO BEGGS RD AND DRIVE
ABOUT 0.2 MILES. THE DESTINATION WILL BE ON YOUR LEFT.



Know what's **below**.
Call before you dig.

TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND
FACILITIES BEFORE YOU DIG IN MISSOURI
MISSOURI STATE LAW REQUIRES MIN. 3 WORKING DAYS NOTICE BEFORE
YOU EXCAVATE.

CALL 811 OR 1-800-344-7483
www.missouri1call.com



AT&T SIGNATURES

INDEX OF DRAWINGS

[illegible]

SERVICE NOTE

RFDS GENERAL INFORMATION

RFDS NAME:	TBD
RFDS REVISION:	TBD
RFDS DATE:	TBD
RFDS ID:	TBD
RF MANAGER:	TBD
CARRIER:	TBD

DO NOT SCALE DRAWINGS

THESE DOCUMENTS ARE DRAWN TO SCALE FOR 22X34 SIZE SHEET. DOCUMENTS PRINTED IN 11X17 SIZE SHEET ARE REDUCED TO HALF THE ORIGINAL SCALE. SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. THESE SITE PLANS SHALL ADHERE TO ALL OF THE REQUIREMENTS CALLED OUT IN THE JURISDICTION PLANNING AND ZONING. FOR ANTENNAS AND SUPPORT STRUCTURES. WHERE SITE IS LOCATED.

SITE OWNER

APPLICANT

TE ACQUISITION
/ENGINEERING

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

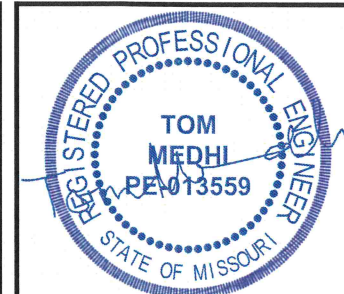
SHEET TITLE

SHEET NUMBER



SMITHVILLE LAKE
TI-OPP-19189 A/FA# 12878700
PACE# TBD
PT# TBD
904 NE 180TH ST.
SMITHVILLE, MO 64089

3	03/29/22	FINAL ZD DRAWINGS	JM
2	03/22/22	FINAL ZD DRAWINGS	JM
1	03/18/22	CLIENT REVISION	MS
0	02/11/22	ZD DRAWINGS	JM
B	02/10/22	ZD DRAWINGS	JM
A	02/07/22	ZD DRAWINGS	MS
REV	DATE	DESCRIPTION	B



Tom Medhi 03-29-2022
Tom Medhi Date
MY LICENSE RENEWAL DATE IS 12/31/2023
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSOURI.

TITLE SHEET

T-1

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LANDLORD: GARY E. & MELODY L BEGGS
ADDRESS: 904 NE 180TH STREET
SMITHVILLE, MO 64089
PARCEL NO: 05303000100500
CANDIDATE: A
LATITUDE (NAD 83): N 39.422011° (N 39° 25' 19.24")
LONGITUDE (NAD 83): W 94.567567° (W 94° 34' 03.24")
GROUND ELEVATION: 954.00' NAVD '88
TOWER HEIGHT: 150'-0" AGL
OVERALL TOWER HEIGHT: 156'-0" AGL
ZONING: A1

PRE-CONSTRUCTION ONLY
THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED AS A CONSTRUCTION DOCUMENT.

NOTE:
SITE MAY NEED LEVELING & GRADING AFTER FINAL LOCATION.

- | | | | |
|-----|---|---------|------------------------|
| (M) | MEASURED DISTANCE | ☆ | LIGHT POST |
| (P) | PLATTED DISTANCE | ○ | HYDRANT |
| (R) | RECORDED DISTANCE | Ⓜ | WATER METER |
| (D) | DEEDED DISTANCE | —○—○—○— | FENCE - CHAIN LINK |
| ● | FOUND CORNER | —x—x—x— | FENCE - BARBED WIRE |
| ○ | SET CORNER | —FO— | FIBER OPTIC LINE |
| ⊕ | BENCH MARK | —OHP— | OVERHEAD POWER LINE |
| ⊙ | SECTION CORNER | — — — | CENTER LINE |
| Ⓜ | FOUND ALUM. CAP WITH ROW SIGN (OR AS SHOWN) | — — — | APPARENT PROPERTY LINE |
| ⊕ | POWER POLE | — — — | ROW LINE |
| Ⓜ | ELECTRIC METER | — — — | LEASE LINE |
| Ⓜ | GAS METER | — — — | EASEMENT LINE |
| Ⓜ | TELEPHONE BOX | — — — | SECTION LINE |

APPROXIMATE
PROPERTY LINE (TYP)

CENTER OF PROPOSED 150'-0" TALL MONOPOLE
LAT.: N 39° 25' 19.24" (N 39.422011°) NAD '88
LONG.: W 94° 34' 03.24" (W 94.567567°) NAD '88
ELEV.: 954.00', NAVD '88

EXISTING
GUY TOWER

EXISTING BARN

PROPOSED 60' X
60' LEASE AREA
PROPOSED 50' X
50' FENCED AREA

PROPOSED 435' SQ FT.
AT&T LEASE AREA
PROPOSED H-FRAME

Q PROPOSED GRAVEL
ACCESS ROAD APPROX.
LENGTH = ±270'

PROPOSED DOUBLE GATE

PROPOSED FENCE (TYP.)

EXISTING POWER

APPROXIMATE
PROPERTY LINE

±603'-3"

CENTER OF TOWER TO PROPERTY CORNER

Q OF TOWER

PROPOSED 30'-0" WIDE ACCESS
AND UTILITY EASEMENT,

EXISTING GRAVEL
ACCESS ROAD APPROX.
LENGTH = ±887.0'

APPROXIMATE
R.O.W. LOCATION

NE 180TH STREET

SOUTH LINE OF THE NE 1/4

EAST LINE OF THE NE 1/4

SE CORNER NE 1/4
SECTION 11

SITE OWNER

TILLMAN
INFRASTRUCTURE

APPLICANT

AT&T
mobility corp.

SITE ACQUISITION
/ENGINEERING

SKYWARD
LAND SERVICES, INC.
ASSOCIATED
Engineering & Surveying
AE INC. Project #5958

SITE INFORMATION

SMITHVILLE LAKE
TI-OPP-19189 A/FA# 12878700
PACE# TBD
PT# TBD
904 NE 180TH ST.
SMITHVILLE, MO 64089

DESIGN RECORD

REV	DATE	DESCRIPTION	BY
3	03/29/22	FINAL ZD DRAWINGS	JMV
2	03/22/22	FINAL ZD DRAWINGS	JMV
1	03/18/22	CLIENT REVISION	MS
0	02/11/22	ZD DRAWINGS	JMV
B	02/10/22	ZD DRAWINGS	JMV
A	02/07/22	ZD DRAWINGS	MS

PROFESSIONAL STAMP



ENGINEER

Tom Medhi 03-29-2022
Date
MY LICENSE RENEWAL DATE IS 12/31/2023
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSOURI

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

ZD-1

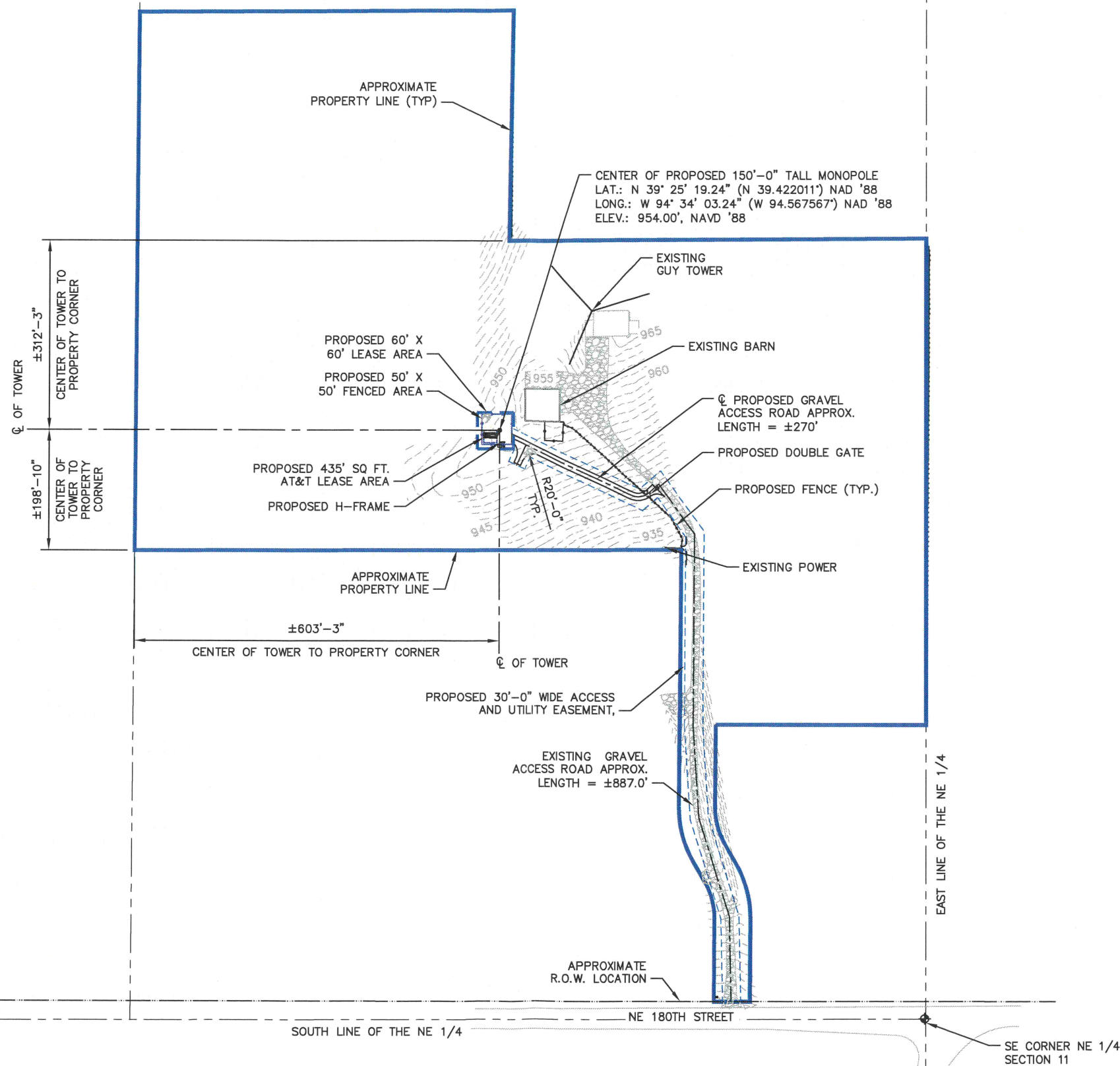
OVERALL SITE VIEW

100' 0 50' 100'

SCALE: 1"=100'-0" (22x34)
(OR) 1/2"=100'-0" (11x17)

1

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PARENT PARCEL(S) BOUNDARY LINES SHOWN ON THESE
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OVERALL SITE VIEW

SHEET NUMBER	SHEET TITLE	ENGINEER	PROFESSIONAL STAMP	DESIGN RECORD	SITE INFORMATION	SITE ACQUISITION /ENGINEERING	APPLICANT	SITE OWNER
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SMITHVILLE LAKE
TI-OPP-19189 A/FA# 12878700
PACE# TBD
PT# TBD
904 NE 180TH ST.
SMITHVILLE, MO 64089

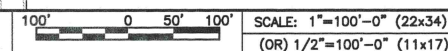
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REV	DATE	DESCRIPTION	BY



Tom Medhi 03-29-2022
Tom Medhi Date
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OVERALL SITE PLAN

ZD-2



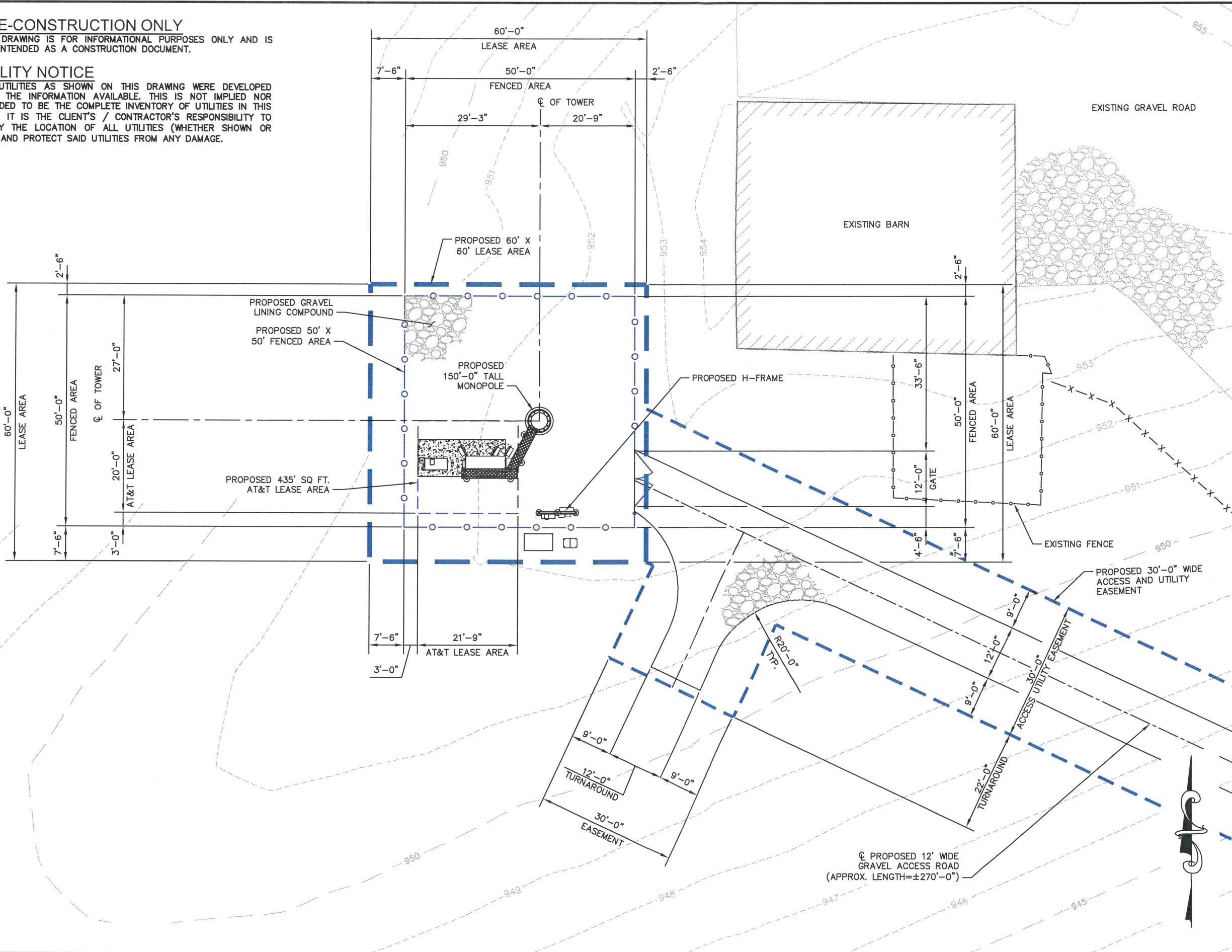
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SITE OWNER	TILLMAN INFRASTRUCTURE																												
APPLICANT	AT&T mobility corp.																												
SITE ACQUISITION /ENGINEERING	SKYWARD LAND SERVICES, INC. ASSOCIATED Engineering & Surveying AE INC. Project #5958																												
SITE INFORMATION	SMITHVILLE LAKE TI-OPP-19189 A/FA# 12878700 PACE# TBD PT# TBD 904 NE 180TH ST. SMITHVILLE, MO 64089																												
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SHEET TITLE	ENLARGED SITE PLAN																												
SHEET NUMBER	ZD-3																												

ENLARGED LEASE AREA DETAIL

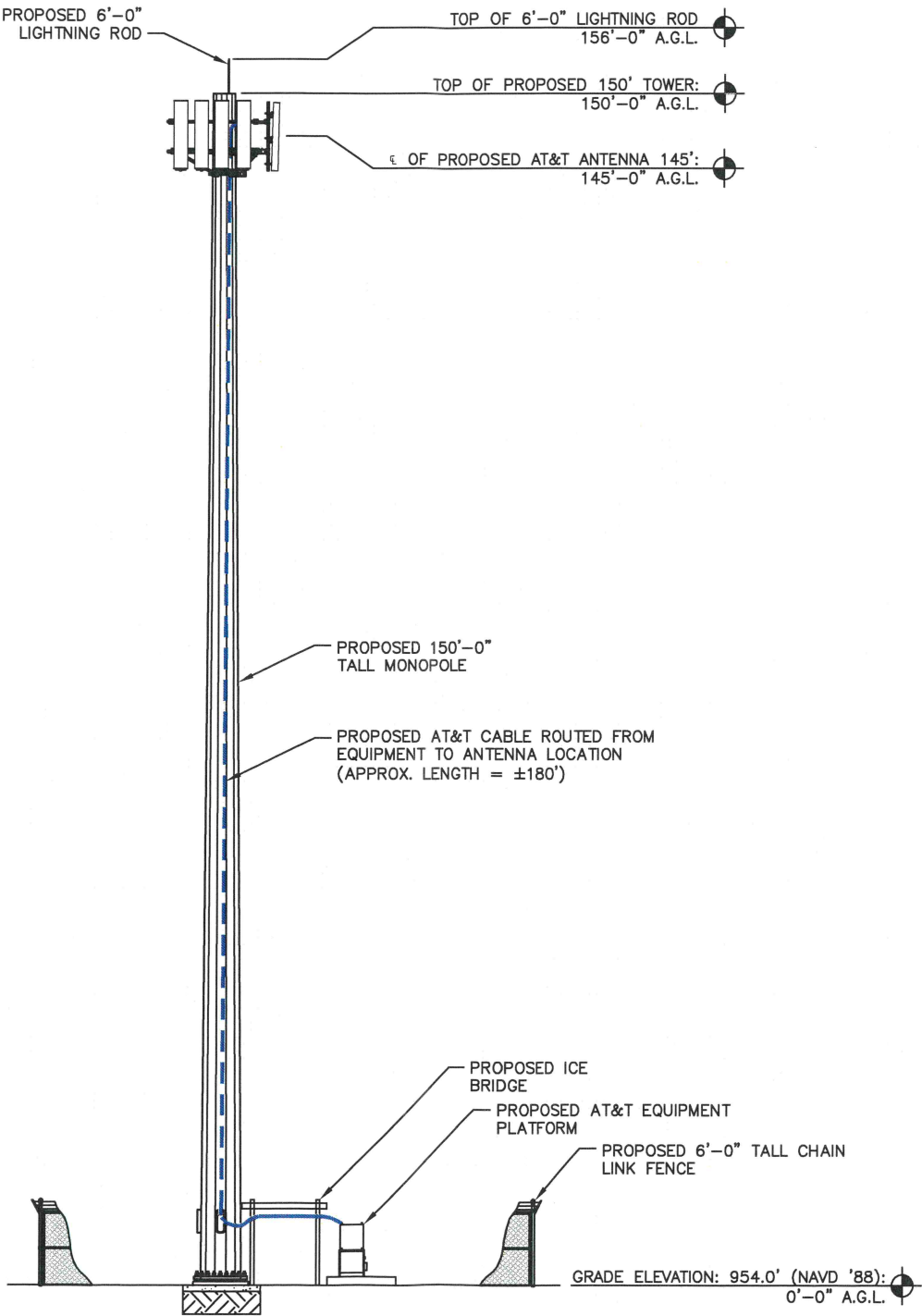
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APPLICANT																																	
SITE ACQUISITION /ENGINEERING	 AE INC. Project #5958																																
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SHEET TITLE	TOWER ELEVATION																																
SHEET NUMBER	ZD-4																																

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

June 14, 2022

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman Melissa Wilson called the meeting to order at 6:59 p.m.

A quorum of the Commission was present: Melissa Wilson, Alderman John Chevalier, Mayor Damien Boley, Billy Muessig, Rob Scarborough and Deb Dotson. Dennis Kathcart was present via Zoom (joined at 7:02 pm).

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The May 10, 2022, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by SCARBOROUGH.

Ayes 6, Noes 0, KATHCART was not present at the time of the vote. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed that we are at 53 single family residential building permits since January 1, 2022. No new commercial building permits but the 7 from last year are all still under construction.

He anticipates that we will see infrastructure construction work starting and building permits for McBee's Coffee and Carwash soon. They have recently recorded the plat and paid the bonds.

There are 13 buildings with a total of 26 units under construction at Eagle Ridge. The first ones will be ready for final occupancy in about 2 to 3 weeks.

Diamond Creek Subdivision has a little more work to complete before they will be ready for construction of homes. This subdivision is open for any person or builder to buy a lot and build on.

We are still working with Fairview Crossing to get sewer issues resolved and traffic issues resolved with the developer and MODOT. We are making progress.

WILSON asked how close the Shamrock gas station is to opening?

HENDRIX stated that they just got their temporary certificate of occupancy this morning. It's a temporary because they have not gotten grass growing yet. It's also his understanding that this property has also been sold and has a new owner.

4. PUBLIC HEARING: REZONING LOTS 1-6 AND THE NORTH 100.93 FEET OF LOT 7, WAIT ACRES B-3 TO R-1A

Public Hearing opened

HENDRIX informed that the packet has the staff report addressing this. This was zoned B-3 decades ago and it was most all of the Wait's property from 169 Hwy to N. Main Street. It was subdivided in 1994 for houses and no one bothered to change the zoning. You are not supposed to build houses in the B-3 district. One of the current property owners was preparing to sell their house and wanted to know what he could do with some of his vacant lots which is how we noticed the B-3 zoning.

Truman Hiatt---18304 N. Main Street--- Stated that they have lived there for 22 years, and this was a total surprise to us. We dug through our tax paperwork, and it shows that we have paid residential taxes the whole time we have lived there.

Mark Walsh---304 NE Stanton Lane Lee's Summit, MO 64064--- Stated that him and his wife own property at 18209 N. Main Street. They are across the street from these properties. Of course, we would like to see this corrected for our neighbors. We are in the process of building our own home right across the street from the 5 acres that is undeveloped. We would not like to see a business go in across the street. If you are not familiar with N. Main St., he I would ask that you at least consider driving from 180th Street to 188th Street to see that it is all single family dwellings

and there is no commercial properties there at all. I appreciate your consideration of approving this application.

Public Hearing closed

5. REZONING LOTS 1-6 AND THE NORTH 100.93 FEET OF LOT 7, WAIT ACRES B-3 TO R-1A

MAYOR BOLEY motioned to approve rezoning lots 1-6 and the north 100.93 feet of lot 7, Wait Acres b-3 to R-1A. Seconded by MUESSIG.

DISCUSSION:

ALDERMAN CHEVALIER asked how these residents are paying residential taxes while their property is currently zoned B-3?

HENDRIX stated that you are taxed on the use of the property and not the zoning. For example, if you own a large farm, the house and one acre are taxed at the residential rate and everything else is taxed at the agricultural rate.

DOTSON stated that we just correcting a mistake made a long time ago.

HENDRIX stated yes. A potentially big mistake. His concerns were the same as what was mentioned during public comment. Someone could have potentially put a business on one of these lots had this not been caught.

THE VOTE: MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, MUESSIG - AYE, WILSON-AYE, ALDERMAN CHEVALIER-AYE, SCARBOROUGH -AYE.

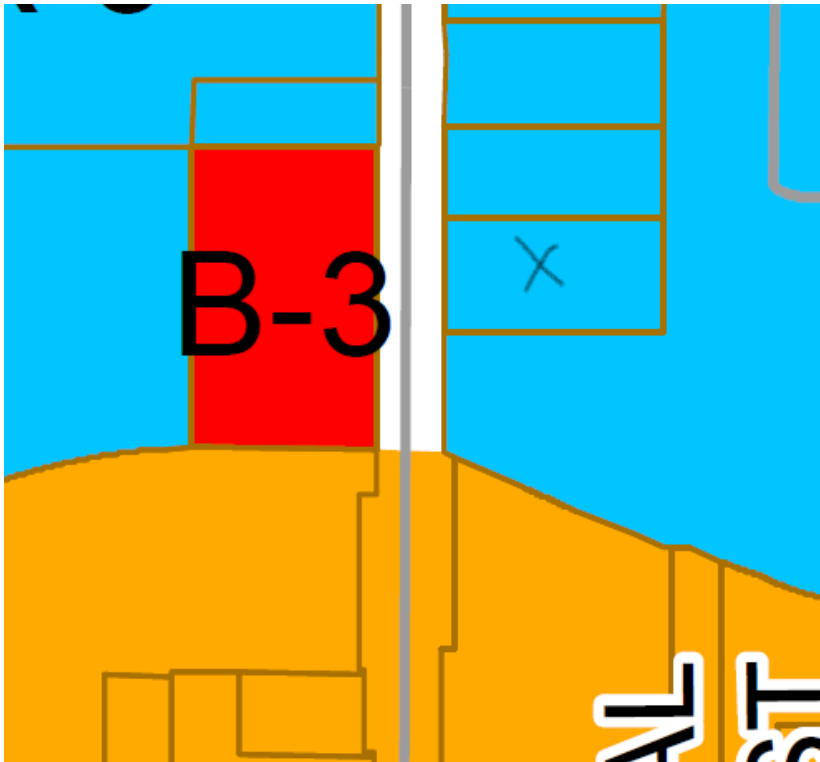
AYES-7, NOES-0. MOTION PASSED

6. PUBLIC HEARING: REZONING 211 N BRIDGE ST FROM R-3 TO B-4

Public Hearing opened

HENDRIX informed that first house on the north side of the bridge on the east side of the road. They are seeking to have their multi-family zoned property with a single-family home on it rezoned to B-4 which allows for

both residential and commercial. They would like to open a business inside their home that they can't do under the standard home occupation code. This is a transitional area. The street scape is preparing to go north. The Curry property across the road has recently sold. Page 2 of the staff report shows a colorized version of the zoning map. B-4 is all of the orange area on the south side of the river. The blue area is all multi-family. Across the street is a B-3 district which is the Patterson House Museum.



Public Hearing closed

7. REZONING 211 N BRIDGE ST FROM R-3 TO B-4

MAYOR BOLEY motioned to approve rezoning 211 N Bridge St from R-3 to B-4. Seconded by DOTSON.

DISCUSSION:

SCARBOROUGH asked what kind of business they are looking at opening?

HENDRIX believed it was selling plants. They want to have the ability to have customers come to the house. They can't do that anywhere else. For example, if you go south on the bridge the first house across from the church is now a business because it's in the B-4 district.

THE VOTE: MUESSIG-AYE, WILSON-AYE, ALDERMAN CHEVALIER-AYE, MAYOR BOLEY -AYE, KATHCART-AYE, SCARBOROUGH-AYE, DOTSON -AYE.

AYES-7, NOES-0. MOTION PASSED

8. PUBLIC HEARING: REZONING LOT 1, ADA'S ESTATES FROM A-1 TO A-R

Public Hearing opened

HENDRIX informed that this is an application to change the zoning to A-R. It's currently zoned A-1 which has a minimum lot size of 10 acres. A-R district has a minimum lot size of 2 acres with sewer or 3 acres with septic. The purpose of the rezoning is so they can divide this lot into 3 total lots. One of these lots will have the original house on it. Agenda items 10 and 11 are for the subdivision part of this and that is all contingent on this rezoning.

David Payne---13904 N Virginia Avenue— Stated that he has lived here for 35 years, and the city has told him that they have a Comprehensive Plan which explains what they want this area to look like in the future. He was told that they want it to be green space with everything to be 10 acres or more. Currently from the bridge on Amory Rd to N Virginia Rd and south the lots are 10 acres or more as far as he knows. I would like to see it left the way it is. He has lived there 35 years and doesn't want to have neighbors behind him. People near him have 40 acres so what are we going to do then? Start dividing them up and have little subdivisions or what? I just don't care to have this happen. Does this property even perk? It's kind of a low area. I would like to see if left the way it is but it's tax dollars and that's all the city is worried about.

Public Hearing closed

9. REZONING LOT 1, ADA'S ESTATES FROM A-1 TO A-R

DOTSON motioned to approve rezoning Lot 1, Ada's Estates from A-1 to A-R. Seconded by KATHCART.

DISCUSSION:

ALDERMAN CHEVALIER asked if what is being proposed meets the Comprehensive Plan?

HENDRIX stated that it meets the most recent Comprehensive Plan and the most immediate one behind it. We have Comprehensive Plans from 2 years ago, one from 2006 and prior to that it was one from 1992. The most recent one shows large lot residential or agricultural. It defines large lot as not less than 3 acres.

SCARBOROUGH stated that if he understands this correctly this could rezone to 2 acres depending on the sewers.

HENDRIX stated yes. If there were sewers available, it could be 2 acres lots but there are no sewers close though. The other thing is that in this area 2 acre lots wouldn't meet the Comprehensive Plan since it calls for 3 acres or more.

MUESSIG asked how many acres you must have for septic?

HENDRIX stated 3 acres. Mr. Payne also asked if the lots would perk. If they can't get a permit from the Clay County Health Department for a septic system, they won't get a building permit from us.

DOTSON asked if most septic systems were engineered?

HENDRIX stated yes. They now do a soil morphology test which is an engineered test conducted by a soils engineer. In the areas where they can't get that to happen there is a new design where they build it on top on the ground and then cover it with proper soil.

MAYOR BOLEY stated that there was also a comment made about tax dollars and he hears this too often. Tax dollars on this property will be about \$300.00 per year. We recently spent about \$200,000 to fix Amery Road.

\$300.00 is not motivation. This is about the property owners' rights to what they want with their property.

MR. PAYNE asked why residents are never notified when the city changes their Comprehensive Plan?

WILSON informed that there were several opportunities for the community to come to a lot of the meetings they had. Notification was on social media, the newspaper, our newsletter.

ALDERMAN CHEVALIER stated that it was a long 18-month process.

THE VOTE: ALDERMAN CHEVALIER-AYE, WILSON-AYE, MUESSIG-AYE, SCARBOROUGH-AYE, DOTSON -AYE, KATHCART-AYE, MAYOR BOLEY -AYE.

AYES-7, NOES-0. MOTION PASSED

10. PUBLIC HEARING: SINGLE PHASE FINAL PLAT, DIBBENS ESTATES (3) LOTS AT LOT 1, ADA'S ESTATES

Public Hearing opened

HENDRIX stated that this is a 3-lot subdivision of roughly 11 ½ acres. The 2 new lots on the back side would be 3.81 acres each and the lot with the existing house would be 3.9 acres. Frontage would be onto Amory Road. This plat will have a condition placed in its dedications that requires the lots to join and specifically not oppose the creation of a district to improve the roads in the future.

David Payne---13904 N Virginia Avenue— Stated that he just doesn't what this divided up. He has 10 acres next door and asked if he could divide that up? He stated he has 350 feet of road frontage but that's probably not enough. At one time the city told him that they wouldn't let him do a flagpole lot. He asked the commission to not approve this. If this was next to know you might not want it yourself. If this is approved, he is worried that he will have people trespassing on his property.

HENDRIX stated that for Mr. Payne to divide his property up it would require him to construct some sort of road to get enough frontage. This proposed

subdivision that we are considering tonight has the required frontage on Amory Road. Clay County allows flagpole lots, but we don't.

Public Hearing closed

11. SINGLE PHASE FINAL PLAT, DIBBENS ESTATES (3) LOTS AT LOT 1, ADA'S ESTATES

SCARBOROUGH motioned to approve the Single-Phase Final Plat, Dibbens Estates (3) lots at lot 1, Ada's Estates. Seconded by MUESSIG.

DISCUSSION:

DOTSON wanted to inform Mr. Payne that she understands that change is difficult the loss of his surrounding causes upset and some grief. Not too long-ago Jack and herself attended a seminar on housing and zoning. One of the things they said was to never fall in love with what you don't own. That is harsh but is true. She has been in his position. She owned a beautiful piece of land and the property around it eventually subdivided. The Dibbens have the right to develop their property if it's legal.

THE VOTE: MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-AYE, MUESSIG -AYE, WILSON-AYE, ALDERMAN CHEVALIER -AYE.

AYES-7, NOES-0. MOTION PASSED

**12. PUBLIC HEARING: CONDITIONAL USE PERMIT—
TELECOMMUNICATIONS TOWER AT 904 NE 180TH ST**

Public Hearing opened

HENDRIX stated that we have not had one of these Condition Use Permit requests since 2009 so it look him a little more research to go back through the process to make sure he was following the same procedures that needed to be followed. The notification process of this is the same as a rezoning. The approval process is also the same as a rezoning. It goes through this commission for a recommendation on the findings. Based upon the findings there is an ordinance that will get recorded with the county if it

is approved. The steps of this process if identified in the staff report and there is also a draft of a potential Findings of Fact. Both of these were in the packet. Code specifically says that there is a limitation of 100 feet in height unless there are certain certifications provided. You would then have the discretion to allow it to go to 150 feet in height. You have been provided the colocation certification letter and the fall certification letter. This meets the minimum standards, and it is within this commissions discretionary authority to grant the 150' monopole. The only reason they can get the extra 50 feet is if they allow more than one user on it. In this case it requires at least 2 more users.

James Allsbury---902 NE 180th Street— Stated that a 150' tower will be able to be seen Greyhawke, Harborview, Rock Point and other adjacent neighborhoods. It is literally in our backyard. The way to get to this tower will be through a driveway shared by themselves, the Beggs and another neighbor. We have concerns about this. Over the years we have all looked out for each other. When we have seen unknown vehicles, we would call each other and make sure someone knew who it was. We did this to make sure everyone was safe. Now we will have no idea who is coming up our driveway day or night, 7 days a week, 24/7. They will now have the right to do that. The driveway itself is gravel and there will be large equipment trucks using it. During heavy rains, the driveway down towards the street already washes out. What will happen when we have heavy equipment using this driveway that we have to use every day? Also concerned about pets or grandchildren getting hurt by one of these trucks using the driveway.

Rochelle Allsbury---902 NE 180th Street— Stated that she is a real estate agent and on disclosure you have to disclose certain things on your home. Right now, cell phone towers are not one of them. However, you do have to disclose any hazardous conditions and environmental issues. If I have to mark yes, when I go to sell my property will that affect the sell of my land? Health is another issue. My husband has heart issues and spots on his lungs. Is this going to make it worse on him? Will this make it work for all of the out lying areas. There is no evidence because there are no studies, but they have studied in 28 countries that there is cancer related to cell phone towers and cell phones. They say that you are not supposed to live within a quarter of a mile of a cell tower. Our property is 450 feet away. This is concerning to her. He was diagnosed with heart disease at 36 years old and has been in and out of the hospital. She doesn't want to lose him. She lost her mom to cancer at a very young age, and she doesn't want to

do that to her children. Would you all want to look out into your backyard and see this? This is all about the love of what I have, my love for my family and other people. I don't want to see anybody harmed by this. As a city there is monetary value to be gained by having a tower on the land. Why can't the city take that monetary value and put it towards historical preservation, for the schoolhouse, the animal shelter. She can't speak for the other landowner that was notified but couldn't be here tonight. She has been in contact with her, and she was supposed to be sending out her own email in opposition of this.

Gabe Grider---808 NE 180th Street— The property in question is directly behind his. In the zoning code under telecommunications, it lists out 5 criteria that need to be met. The first criteria is to encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community. He would like to point out that there are 6 towers within 5 miles. The closest one being 1.1 miles away and the next one being 2.3 miles away. The second criteria is to strongly encourage the joint use of new and existing towers and sites. There is a water tower a mile away that the city could rent out for this same purpose. There are already antennas and radios on 2 of the water towers in Smithville. The third criteria is encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal. There are currently 9 properties contiguous to this to this property with another one being planned. Not to mention Greyhawke and Harborview being able to see this. The fourth criteria is encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas. If the tower goes to the whole 150 feet in height this will be maybe 90 feet above the tree line and will be seen from everywhere. The neighbors that just spoke also received a letter to have a tower put on their property and they denied because they value their neighbors. My property is a watershed which goes onto Terry Evans property. I take great care to make sure I am not putting down chemicals on my property which goes down into his pond. He asked that the commission not recommend this for approval and stop it right here and not send it on to the Board of Alderman.

Patrick Erwin---Applicant— Tillman Infrastructure is proposing this structure in order to facilitate AT&T's First Net system. This is a nationwide broadband network dedicated to public safety for use by first responders and public safety agencies. This proposed tower will provide a much needed service for the First Net subscribers. Many of the AT&T users of the network

have complained over the years that service in this area is extremely lacking so this is the whole purpose of our application here today. Stated that he would like to address a few concerns from the neighbors. The issue with the workers that will be onsite. Once this tower is complete workers would only be accessing this site on about a monthly basis in a pickup size truck. All of the trucks would be marked with AT&T or First Net decals. As far as reduction in home values, we have done appraisal studies over the years and have never seen one that an actual quantifiable reduction in home values. I would be happy to provide one of that he did recently in the last 18 months. The health effects, we all know that this is something we can't address legally by Federal law and Missouri State law.

Public Hearing closed

13. CONDITIONAL USE PERMIT—TELECOMMUNICATIONS TOWER AT 904 NE 180TH ST

MAYOR BOLEY motioned to approve the Conditional Use Permit—Telecommunications tower at 904 NE 180th Street. Seconded by KATHCART.

DISCUSSION:

ALDERMAN CHEVALIER stated that he is going to recuse himself as he works for the Telecom industry. (Alderman Chevalier left the building.)

SCARBOROUGH asked Mr. Hendrix if he could address Mr. Grider's concerns about this not meeting our code.

HENDRIX stated that Mr. Grider wasn't saying that it didn't meet the code he was asking that the commission consider that it didn't meet the code. Our staff report and the applicant's application address all of the items that are in the code. I believe Mr. Grider is just asking you to consider those. From my perspective you have 8 items to consider in the staff report and the proposed Findings of Fact. Those are the facts you have to make. There has been a motion to accept those Findings of Facts. If you have a concern with any of those 8 items now would be the time to address them.

MAYOR BOLEY stated that one of the things he sees in the picture from the packet and the pictures passed around is that the property owner has an existing tower there already. Is that correct?

HENDRIX stated yes, there is a ham radio tower.

WILSON asked if it is known if any of our first responders use this First Net system?

HENDRIX stated that his guess is no since we don't have any towers that have it.

MAYOR BOLEY stated that we have discussed it before. We have some alternatives, but they are not great. The applicant also mentioned that a lot of these are also driven by the people complaining about the lack of service in the area. He did speak with some of the folks that live up there and they don't have good cell service. Our Police department also uses cell phones so that is a concern as well.

SCARBOROUGH asked if this would only be an AT&T tower?

HENDRIX stated no. It's an AT&T tower but there is a specific requirement that they have to allow others to put their equipment up there to get the 150 foot height approved.

DOTSON asked if our Police Department can benefit from this?

MAYOR BOLEY stated that this would be a question for Chief Lockridge. We just replaced radios so we know they can at least talk through their radio.

MUESSIG asked if they selected this property by sending out letters?

HENDRIX stated that he can't answer how they specifically selected this property. Usually, it involves elevation so you can get the biggest coverage. This is not the first company to look in this area. One of the public commenters mentioned a water tower south of here. We have had numerous people inquire about that over the years but to date no one has installed on it. He thinks that it's because it would have great coverage on the lake but lacks when you head north and east.

MR. ERWIN stated that he could speak about how they selected this property if the commission would like. WILSON said that would be great.

MR. ERWIN stated that before they start out looking for locations the engineers give them a latitude and longitude and in this case they give us a

radius. In this case it's very small and needed to be in a confined area so they way this proposed structure would work with other adjacent towers and neighboring jurisdictions. The first thing we do is look for colocations. We want to find an existing tower or a water tower that might work. In this case the water tower that the neighbor mentioned was just too far away. A mile away was just too far. We needed to be between 1200 feet of the coordinates that we have. This area meets all of our needs.

WILSON stated that there is still a lot of agricultural land north of town and wondered if that was looked at as possible sites.

MR. ERWIN stated that this property is as far north as we can go. Any parcels north of this will not work for them. We don't want to upset neighbors, but they really feel the way this parcel is set back from the road with tree cover around it that this was ideal.

SCARBOROUGH asked if all of the neighbors on this shared drive responsible for maintaining it. It's not a county or city road?

HENDRIX stated that it is private.

MUESSIG stated that maybe there should be something entered into this that they will need to address some of the issues if they are going to be utilizing that driveway. Putting a culvert in or something. Since it's a shared driveway they need to share the responsibility in that too.

HENDRIX stated that it would be an issue between the property owners. Mr. Beggs has a potential lessee on it so it would be his responsibility to maintain any damage done by the tenants. He is unaware of any private agreements on it.

WILSON asked if there was any agricultural land on the west side of 169 Hwy that would work?

MR. Erwin stated that he would have to look again at our search area, but he doesn't have that with him.

THE VOTE: MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, SCARBOROUGH-NO, MUESSIG -NO, WILSON-NO.

AYES-3, NOES-3. NO RECOMMENDATION.

14. ADJOURN

MAYOR BOLEY made a motion to adjourn. DOTSON seconded the motion.

VOICE VOTE: UNANIMOUS

WILSON declared the session adjourned at 8:01 p.m.

SMITHVILLE PLANNING COMMISSION

REGULAR SESSION

July 12, 2022

7:00 P.M.

City Hall Council Chambers and Via Videoconference

1. CALL TO ORDER

Chairman Melissa Wilson called the meeting to order at 7:00 p.m.

A quorum of the Commission was present: Melissa Wilson, Alderman John Chevalier, Mayor Damien Boley, Billy Muessig, Dennis Kathcart and Deb Dotson. Rob Scarborough was absent.

Staff present: Jack Hendrix and Brandi Schuerger.

2. MINUTES

The June 14, 2022, Regular Session Meeting Minutes were moved for approval by MAYOR BOLEY, Seconded by MUESSIG.

Ayes 6, Noes 0. Motion carried.

3. STAFF REPORT

HENDRIX reported:

Informed that we are still at 53 single family residential building permits since January 1, 2022. No new commercial building permits have been issued.

We did receive a tenant finish permit application for a portion of the old Price Chopper building. They will be starting interior demolition soon. The contractor also states they will be coming forward for site plan approval for façade improvements including putting 7 units on the east side of the building facing 169 Hwy. We have not seen these plans yet and don't know who any of the tenants will be for sure.

Diamond Creek subdivision at 6th and Manzanola is 98% done. They do still have some work to complete. They are preparing to finalize the maintenance and performance bonds. Houses in this subdivision should start construction soon.

The medical marijuana facility is still under construction. They were hoping to be completed by July 31st, but we don't think that will even be a possibility.

The new Shamrock gas station now has their full certificate of occupancy. It has been sold and are waiting for a few closing items so the new owner can stock it and open it.

The indoor storage facility for Attic Storage on the south end of town is under construction.

4. CONDITIONAL USE PERMIT---TELECOMMUNICATIONS TOWER AT 904 NE 180TH ST—CONTINUED FROM 6-14-22 FOR THE PURPOSE OF VOTING ON THE INDIVIDUAL FINDINGS OF FACTS

CHAIRMAN WILSON asked the City's attorney John Reddoch to speak about this process.

Mr. Reddoch informed it was his understanding that at the last meeting there was a recusal and we ended up with a 3-3 vote. Because of this it doesn't go to the Board of Alderman with specific recommendations. Within our ordinances there are requirements of specific findings. We are asking that you vote on each specific finding so we can have a complete record to present to the Board of Alderman.

HENDRIX stated that Mr. Beggs whose property this proposed tower will be located on is at the meeting tonight, but the applicants are not present.

ALDERMAN CHEVALIER recused himself and will be abstaining from all votes regarding this topic.

MUESSIG motioned to discuss the findings of facts. Seconded by MAYOR BOLEY.

1. The proposed special use complies with all applicable provisions of the zoning regulation including intensity of use regulations, yard regulations and use regulations.

DISCUSSION: NONE

THE VOTE: MUESSIG-AYE, DOTSON-AYE, WILSON-AYE, MAYOR BOLEY - AYE, KATHCART-AYE.

AYES-5, NOES-0.

2. It is found that the proposed special use at the specified location will contribute to and promote the welfare and convenience of the public in that it will be consistent with the nature of the neighborhood and will provide a service enhancement to spotty cellular service.

DISCUSSION: NONE

THE VOTE: DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-AYE, WILSON - NO, MUESSIG-NO.

AYES-3, NOES-2.

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The monopole has limited visual impact to any adjacent property.

DISCUSSION:

MAYOR BOLEY mentioned the visual appearance of the pole. We may want to add something in here that they make it look more like a tree instead of a metal pole. A lot of the cell companies have started doing this.

DOTSON stated that she would feel better about this if we amended this finding so that it would not be such a visual eyesore for the neighbors. It might set a trend going forward with other communication towers as well.

DOTSON motioned to amend item #3 in the findings of facts to include that the pole must look like a tree. Seconded by MAYOR BOLEY.

THE VOTE: WILSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, MUESSIG-AYE.

AYES-5, NOES-0.

WILSON stated that the finding will now read: *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The monopole has limited visual impact to any adjacent property and will look like a tree.*

DISCUSSION: NONE

THE VOTE: MUESSIG-AYE, DOTSON-AYE, WILSON-NO, MAYOR BOLEY-AYE, KATHCART-AYE.

AYES-4, NOES-1.

4. The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The existing mature trees surrounding the property, as well as the distance from any property boundary limit any impact on the adjacent property.

THE VOTE: KATHCART-AYE, MAYOR BOLEY-AYE, WILSON-NO, DOTSON-AYE, MUESSIG-AYE.

AYES-4, NOES-1.

5. There is sufficient parking for the anticipated maintenance vehicles

DISCUSSION:

MUESSIG asked Mr. Hendrix what the setback is?

HENDRIX stated that the site is fenced 50' x 50' but the tower is 198' from the closest property line.

THE VOTE: MAYOR BOLEY-AYE, WILSON-AYE, KATHCART-AYE, MUESSIG-AYE, DOTSON-AYE.

AYES-5, NOES-0.

6. No utility, drainage or other such facilities are needed as a result of the application.

DISCUSSION:

MUESSIG asked what the power requirements are for this tower?

HENDRIX stated that he doesn't think the application specifically calls for it but our other ordinances require them to install it and it has to be under ground.

DOTSON asked if this would affect the shared driveway?

HENDRIX stated that it theoretically could.

MUESSIG stated that there are also existing transformers on the hill and they probably have enough on the primary service to tap off of that. He doesn't see them trenching along that driveway. He sees them using one of the local transformers there.

THE VOTE: KATHCART-AYE, DOTSON-AYE, MUESSIG-AYE, WILSON-AYE, MAYOR BOLEY-AYE.

AYES-5, NOES-0.

7. Adequate access roads and entrances are provided.

DISCUSSION:

DOTSON stated that she thinks they bear some responsibility towards the maintenance of the shared driveway since they are going to be using it for commercial purposes.

KATHCART there will be a lot of impact on the driveway during the construction of this tree (tower). After that they said they will only be out there monthly.

MUESSIG stated that the entrance of the driveway will get messed up as well. It's only 11 feet wide and during construction they are going to be pulling in trailers and cranes.

DOTSON stated they need to be responsible for anything and everything regarding the shared driveway during the construction phase. The residents shouldn't have to bear any aggravation from that at all.

MAYOR BOLEY stated that he noticed that the entrance of the driveway is not concrete. If an entrance was installed today the requirement would be concrete. If we had them improve the approach to replace that culvert and pour a concrete apron that would get it up to current specifications.

HENDRIX stated yes. That would get the approach up to current specifications. We have not specifications on the driveway itself.

MAYOR BOLEY stated that we could also have them replace the gravel on the driveway as well.

MUESSIG asked if they would be required to mow the setback area?

HENDRIX stated no, he believes this would be the owner of the property's responsibility.

MUESSIG stated that he would like to see a motion brought forward for amendment to include that approach be improved to current city standards up to the right of way line.

WILSON stated that she would like to add to the amendment that the driveway be restored after construction is complete.

HENDRIX stated that the discussion so far with the commission has be to install a driveway approach to city standards and restore the rest of the driveway to current conditions.

Several members of the confirmed this.

HENDRIX also suggested that the driveway approach and restoration happen after construction is complete so that it is not torn up during construction.

WILSON motioned to amend item #7 in the findings of facts that the telecommunication company or their contractor will install a new entrance to

the driveway to meet current city standards and also restore the driveway itself to preconstruction condition. Seconded by DOTSON.

THE VOTE: MAYOR BOLEY-AYE, WILSON-AYE, KATHCART-AYE, DOTSON-AYE, MUESSIG-AYE.

AYES-5, NOES-0.

WILSON stated that we will now vote on item #7 of the finding of facts as amended.

DISCUSSION: NONE

THE VOTE: MUESSIG-AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-AYE, WILSON-AYE.

AYES-5, NOES-0.

8. The applicant has certified the capacity of the tower to accommodate two additional providers and a letter of intent to lease space so an additional 50 feet in height (maximum 150') may be added to accommodate co-location.

DISCUSSION: NONE

THE VOTE: MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, WILSON-AYE, MUESSIG-AYE.

AYES-5, NOES-0.

9. That in rendering this Finding of Fact, testimony at the public hearing on June 14, 2022, has been taken into consideration.

DISCUSSION: NONE

THE VOTE: MUESSIG-AYE, DOTSON-AYE, KATHCART-AYE, MAYOR BOLEY-AYE, WILSON-AYE.

AYES-5, NOES-0.

5. PUBLIC HEARING: REZONING 551 S. COMMERCIAL---EAGLE RIDGE B-1P PARCEL TO B-3

Public Hearing opened

HENDRIX informed that in 2018 this parcel was rezoned from agricultural to B-1P as a part of the overall plan for the Eagle Ridge subdivision. The overall plan included B-1, R-2 and R-1 zonings all on one tract of land. At the time they wanted it zoned business but didn't know what they were going to use it for. They have now come forward and requested to put in an office building with the storage of equipment for a development or construction company. I have informed them that that use would not comply with the standard B-1 zoning and they would have to rezone this to B-3 and that is what they are requesting to do tonight.

Eric Craig---Applicant---1220 Bainbridge Rd--- Stated that he and his partner have a development company here in Smithville. We approached Mr. Hendrix that we would like to put in an office and have a place to store materials. We are trying to accumulate as many materials as we can and keep them on hand. There will be some construction related equipment stored on the property.

Public Hearing closed

6. REZONING 551 S. COMMERCIAL (EAGLE RIDGE B-1P PARCEL) TO B-3

ALDERMAN CHEVALIER motioned to approve rezoning 551 S. Commercial (Eagle Ridge B-1P Parcel) to B-3. Seconded by KATHCART.

DISCUSSION: NONE

THE VOTE: MAYOR BOLEY-AYE, KATHCART-AYE, DOTSON-AYE, MUESSIG - AYE, WILSON-AYE, ALDERMAN CHEVALIER-AYE.

AYES-6, NOES-0. MOTION PASSED

7. PUBLIC HEARING: OUTDOOR STORAGE REGULATIONS

Public Hearing opened

None

Public Hearing closed

8. DISCUSSION OF OUTDOOR STORAGE REGULATIONS

MAYOR BOLEY motioned to discuss the outdoor storage regulations.
Seconded by MUESSIG.

DISCUSSION:

HENDRIX informed that a staff report memorandum was provided to each commissioner addressing the issue the city is having. In 2010 the Planning Commission revised the zoning code. They took out outdoor storage in most of the zoning and required it to be inside buildings. At that time the Planning Commission wanted to tighten up outdoor storage and made that recommendation. The old provision had outdoor storage as permitted if it is screened from the public view with a 6 foot tall fence that is 80% sight obscured. This has become a very burdensome scenario for our current businesses to maintain this. Especially with the price of building a building. We have 10 businesses in town that we are currently working on this matter with so before we start taking these things to court with code violation scenarios he wanted to give this commission an opportunity to discuss it and decide if we want to continue with the current code or adjust it.

All commission members engaged in a lengthy discussion on this topic. Various questions were asked, and several scenarios proposed. City Attorney John Reddoch spoke to the commission about use variances. Ultimately the consensus was to change the code and go back to only requiring screening of outdoor storage in all commercial zonings. Hendrix stated that he will get this drafted and it will be brought back to this commission again in August. Click the attached link to listen to the entire discussion:

https://youtu.be/uhk_ck9BphY

9. ADJOURNMENT TO EXECUTIVE SESSION PURSUANT TO SECTION 610.021(1)RSMo

MAYOR BOLEY made a motion to adjourn to Executive Session Pursuant to Section 610.021(1)RSMo. MUESSIG seconded the motion.

THE VOTE: MUESSIG-AYE, MAYOR BOLEY-AYE, DOTSON-AYE, WILSON - AYE, ALDERMAN CHEVALIER-AYE, KATHCART-AYE.

AYES-6, NOES-0. MOTION PASSED

WILSON declared the session adjourned at 8:11 p.m.

NOT YET APPROVED

July 18, 2022

Stephen Grider

808 NE 180th Street

Smithville, MO 64089

816-590-9833

Received by:

Signature:

Date:

Printed Name:

City of Smithville, MO Office of City Clerk and Board of Aldermen

Pursuant to City of Smithville, MO code Section 400.565(B), this document is a Protest to the Planning Commission's decision voted upon at July 12, 2022 meeting, in continuation from the June 14, 2022 meeting, during which a hearing for Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street was conducted in reference to code sections 400.570 for a 150' telecommunications tower.

"400.565(B) Protest. If a written protest against a proposed amendment shall be filed in the office of the City Clerk within seven (7) days after the date of the action by the Planning and Zoning Commission on a proposed amendment, which protest is duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, then such proposed amendment shall not be passed except by a two-thirds (2/3) vote of the Governing Body. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments."

This document has been drafted to register a protest based upon the Planning Commission's abdication of duties to thoroughly evaluate the Finding of Facts in regards to Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street provided by Tillman Infrastructure LLC and certify the Finding of Facts as TRUE and CORRECT while holding the public hearing on June 14th, 2022 and the continuation on July 12, 2022. The Planning Commission then did not hold a vote to accept the Finding of Facts as being true and correct or amend them while holding the public hearing on June 14th, 2022 and the continuation on July 12, 2022 prior to preceding with more actions related to the Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street while conducting the continuation of the meeting on July 12, 2022.

We, the undersigned property owners, in the State of Missouri, Clay County and City of Smithville order this Protest be accepted and implemented by the Governing Body and the Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street shall not pass except by a two-thirds (2/3) vote of the Governing Body.

Name (Signature)	Date	Address	Printed Name
Maura Edinger	7/16/22	18114 Marcus Rd Smithville	Maura Edinger Hon
Dean Willadsen	7/16/22	18108 Marcus Rd Smithville	Dean Willadsen
Mary Ferguson	7-16-22	18018 Marcus Rd Smithville	Mary Ferguson
Mary Jo Essex	7/16/22	18012 Marcus Rd Smithville	Mary Jo Essex
Nancy Gail Warren	7/16/2022	800 NE 180th St	Nancy Gail Warren
James Ailsbury	7/16/2022	902 WE 180th St. Smithville	James Ailsbury
Rochelle Ailsbury	7/16/2022	902 NE 180th St Smithville	Rochelle Ailsbury
Gary Wiese	7/16/22	18102 MARCUS RD SMITHVILLE	
Sherry Wiese	7/16/22	18102 Marcus Rd Smithville	Sherry Wiese
Derrick Basye	7-17-22	18206 Marcus Rd Smithville	Derrick Basye
GABRIEL RICHES	7/17-22	1012 NE 180	GABRIEL RICHES
Rachel Saunders	7/17/22	905 Bambridge Rd	Rachel Saunders
STEPHEN G. GRIDER	7/17/22	808 NE 180TH ST.	STEPHEN G. GRIDER
Ann M Grider	7/17/22	808 NE 180th St.	Ann M Grider
Robert Marriott	7/17/22	18212 MARCUS RD	Robert Marriott
Name (Signature)	Date	Address	Printed Name
LARRY THORNTON	7-16-22	906 NE 180ST	LARRY THORNTON
ELSA THORNTON	7-16-22	906 NE 180ST	ELSA THORNTON
TERESA CROUCH	7-16-22	906 NE 180th St	TERESA CROUCH
ELLIOTT HEITMAN	7/16/22	1004 NE 180th	ELLIOTT HEITMAN
AMANDA HEITMAN	7-16-22	1004 NE 180th St	AMANDA HEITMAN

REZONING (CONDITIONAL USE PERMIT) PROTEST PETITION

We, the undersigned property owners, do hereby protest the granting by the Board of Alderman, City of Smithville, MO of proposed Conditional Use Permit on the following described property:

904 NE 180th St and legally described as follows:

Parcel 1

A tract of land in the East One-Half (E ½) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Fifty-three (53) North, Range Thirty-three (33) West, Smithville, Clay County, Missouri, more particularly described as follows; Beginning at a Found D.N.R. Monument at the Southeast Corner of the Northeast Quarter of said Section Eleven (11); Thence N 0° 10' 02" E, 30.0 feet along the East line of said Northeast Quarter to the North Right of Way line of 180th Street and the TRUE POINT OF BEGINNING; Thence S 89° 54' 39" W, along the North Right of Way line of 180th Street, 697.76 feet to a point on the East line of a Tract as conveyed in Book 1112, Page 952, as Document No. C-78569; Thence N 0° 20' 19" E, along the East line of said tract, 453.11 feet; Thence N 89° 54' 39" E, 696.41 feet to a point on the East line of said Northeast Quarter; thence S 0° 10' 02" W, 453.10 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A Tract of Land in the EAST One-Half (E ½) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Fifty-three (53) North, Range Thirty-three (33) West, Smithville, Clay County, Missouri, more particularly described as follows: Beginning at a Found D.N.R. Monument at the Southeast Corner of the Northeast Quarter of said Section Eleven (11); Thence N 0° 10' 02" E, 483.10 feet, along the East Line of said Northeast Quarter to the TRUE POINT OF BEGINNING; Thence S 89° 54' 39" W, parallel to the South Line of said Northeast Quarter (NE ¼), 696.41 feet to the East Line of a tract as conveyed in Book 1112, Page 952 as Document No. C-78569; Thence N 0° 20' 19" E, along the East Line of said tract, 289.38 feet; Thence S 89° 54' 39" W, along the North Line of said conveyed tract, 620.27 feet to the West Line of the East One-Half (E 1/2) of the said Northeast Quarter (NE ¼); Thence N 0° 20' 19" E, along said West Line, 885.00 feet to the South Line of the North 30 acres of the East One-Half (E ½) of said Northeast Quarter; Thence N 89° 43' 19" E, along said South Line of the North 30 acres, 1313.19 feet to a point on the East Line of the said Northeast Quarter (NE ¼); Thence S 0° 10' 02" W, along the East Line of said Northeast Quarter (NE ¼), 1178.70 feet to the TRUE POINT OF BEGINNING.

LESS AND EXCEPT that portion of property conveyed to Raymond George Stubler and Betty May Stubler from Gary E. Beggs and Melody L. Beggs by Warranty Deed dated April 17, 1992 and recorded April 17, 1992 in Deed Book 2111, Page 601.

LESS AND EXCEPT that portion of property conveyed to Frank Martinez and Debra A. Martinez from Gary E. Beggs and Melody L. Beggs by Warranty Deed dated April 17, 1992 and recorded April 27, 1992 in Deed Book 2113, Page 890.

LESS AND EXCEPT that portion of property conveyed to Jack L. Pope and Gladys M. Pope from Gary E. Beggs and Melody L. Beggs by Warranty Deed dated December 4, 1992 and recorded December 8, 1992 in Deed Book 2182, Page 593.

LESS AND EXCEPT that portion of property conveyed to Raymond George Stubler and Betty May Stubler from Gary E. Beggs and Melody L. Beggs by Warranty Deed dated July 23, 1993 and recorded July 26, 1993 in Deed Book 251, Page 581.

We are Protesting the following Finding of Facts

Pursuant to City of Smithville, MO code Section 400.565(B), this document is a Protest to the Planning Commission's decision voted upon at the July 12, 2022 meeting, in continuation from the June 14, 2022 meeting, during which a hearing for Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street was conducted in reference to code sections 400.570 for a 150' telecommunications tower.

Finding of Facts

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The monopole has limited visual impact to any adjacent property. (Planning Commission added an amendment that the tower must look like a tree)

Please see the attached pictures from our property at 902 NE 180th St and it's the same for 808 NE 180th St (Picture Attachments A and B). It is stated in the fact finding under #4b from Tillman that there's "numerous mature trees around the proposed property substantially obscuring its' visibility" As you can clearly see the fencing and 150-foot pole is in direct view with no trees on the proposed leased area to have **limited visual impact to any adjacent property**. This will affect property values of surrounding homes. Appraisals are a straightforward mathematical computation based on comparable homes that have sold in the area. Appraisers do not deduct amounts for obstructions such as water towers, cell towers, etc. However, it is ultimately the perception of the buyer that makes a property desirable. A 150ft, Clearly visible cell tower in a non- treed area is not desirable to most, therefore, indirectly driving the property prices down.

4. The location and size of the conditional use will not dominate the immediate neighborhood to prevent development. The existing mature trees surrounding the property, as well as the distance from any property boundary limit any impact on the adjacent property.

See comments above for #3 and see the attached picture from the Tillman Finding of Facts that they submitted for to the City of Smithville to get approval of the proposed tower site (Attachments C and D). The pictures are of two locations view with what Tillman is saying the proposed location would look like before and after if the tower was installed. However, the pictures with the proposed tower showing are NOT True to scale of how tall and visible the cell tower would be seen. The picture from 180th St is in front of our property at 902 NE 180th St. and I can tell that the picture was taken by standing in our ditch at the street looking upward and that they stood in the best place to hide the view as much as possible. The few trees you see are all on my land and not the proposed location. In both my Before and After pictures, I have marked where the top of the current 70-foot tower is at on 904 NE 180th St. that currently has KC Coyote Wireless Internet Service on the tower. The after-picture example from Tillman is very misleading and/or dishonest and does not show the correct scale of the proposed 150-foot cell tower. Based on their after-picture examples, the Cell Tower is the same height as the current tower of 70 foot with KC Coyote Internet Service on it. So, if you add an additional 80 feet to the example picture

you can clearly see that the cell tower would be much more visible to all the neighborhoods in the area and not just the few neighbors around the proposed land. I feel that if homeowners in Grey Hawk and Harbor View knew that they would be having a clear view of a 150-foot cell tower they would not be happy and would have been at the planning meeting to voice their concerns, however they have not been given the opportunity to do so.

7. Adequate access roads and entrances are provided. (Planning Commission added an amendment that the driveway entrance needs to meet current city standards for entrances)

This has been a shared private driveway since our house was built in 1992. This is a narrow gravel driveway and after the main entrance area it narrows to only 8 foot wide on average with some areas less than 8. (See attached pictures of the gravel drive E, F, G, and H). As you can see the entrance is not suitable for very large trucks and trailers to be entering the driveway, and the gravel driveway is not in the best of shape. (See attached pictures of the trucks and trailers that would be needed to bring in the equipment I and J.)

You will notice that Tillman proposed a 12-foot-wide access road leading directly to the proposed tower coming off the current driveway (See attachment K). Everything that I have found states access roads / driveways need to be at least 12 foot wide. The trucks and trailers that would be needed to bring the equipment and supplies (See attachments I and J.) to the proposed site are 8ft 6in wide and could be 80 to 85,000 pounds (That is wider than the current driveway that is not in the best of shape). The weight of these wide construction trucks and trailers could cause damage to the current shared gravel driveway.

This is not a city street. We have kids and pets that play close to this shared private driveway, this is a major safety issue. If this is approved, what happens if we are coming up our private shared driveway and then a Construction / Service truck comes over the hill? The driveway is not wide enough for two vehicles. Do we have to back down our private shared driveway and then back up into the busy 180th street just so the truck can come down our driveway. This is a major safety issue and concern, so please keep this in mind when deciding if this proposed location promotes the welfare or convenience of the public. (#2 of the finding of facts)

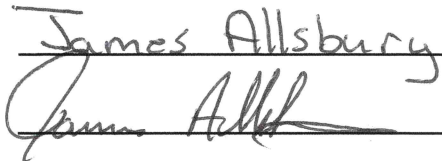
We, the undersigned, have personally signed this Petition and are owners of real property located within the area for which the rezoning (or CUP) is sought. Our residence addresses are correctly written after our names.

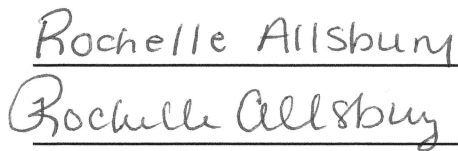
Note: Print name legible below or beside signature.

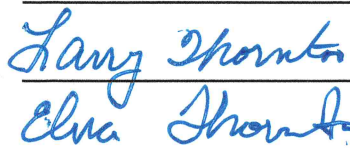
PRINTED NAME AND
SIGNATURE OF OWNER

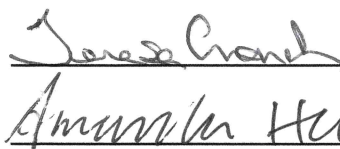
ADDRESS OF PROPERTY

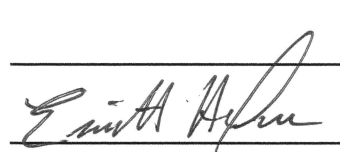
DATE

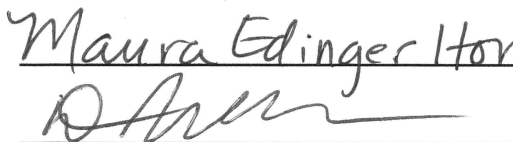
 James Allsbury 902 NE 180th St. 7-16-22
Smithville, MO 64089

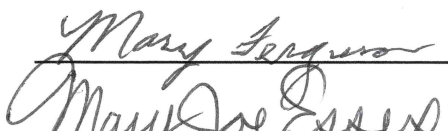
 Rochelle Allsbury 902 NE 180th St. 7/16/22
Smithville, MO 64089

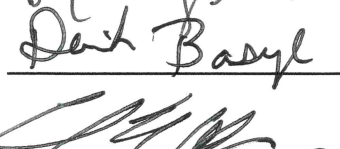
 Larry Thornton 906 NE 181st Larry Thornton 7-16-22
Elva Thornton 906 NE 180th Elva Thornton 7-16-22


 Teresa Crouch 906 NE 180th St. Teresa Crouch 7-16-22
Annmarie Hullman 1004 NE 180th St 7-16-22

 Smith Allen 1004 NE 180th Smithville MO 64089
7-16-22

 Maura Edinger 18116 Marcus Rd. Smithville MO 64089 7/16/22
Derek Willadsen 18108 Marcus Rd 7/16/22

 Mary Ferguson 18018 Marcus R Mary Ferguson 7/16/22
Mary Joe Essex 18012 Marcus Rd. Mary Joe Essex 7/16/22
Nancy Gail Warren 800 N.E. 180th Nancy Gail Warren 7-16-2022

 Derek Basyl 18206 Marcus Rd. Derrick Basyl 7/17/22
CARL N RICHES 7/17/22

 Rachel Saunders 905 Bainbridge Rd Rachel Saunders 7/17/22

PRINTED NAME AND

ADDRESS OF PROPERTY

SIGNATURE OF OWNER

DATE

Ann M Grider 808 NE 180th St. 7/17/22
Ann M Grider

Stephen G. Grider 808 NE 180th St. 7/17/2022
STEPHEN G. GRIDER

Robert D. Math 18212 MARCUS ROAD 7/17/2022

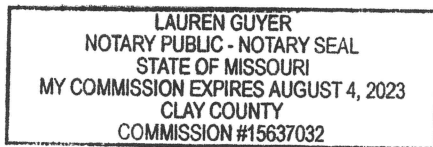
**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri

County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Maura Edinger Hon [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature] [Notary Public]

8/4/23
[Expiration Date]

Maura Joplin Edinger Hon
Printed Name

Maura J. Edinger Hon
Signature

18116 Marcus Rd. Smithville MO 64089
Address of Property

7/18/22
Date

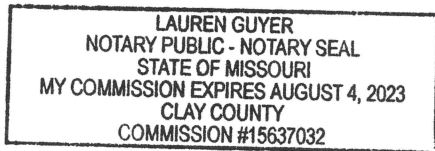
**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri

County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Robert Marriott [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

8/4/23
[Expiration Date]

Robert D. Marriott
Printed Name

[Signature]
Signature

18212 MARCUS ROAD SMITHVILLE MO
Address of Property

7/18/22
Date

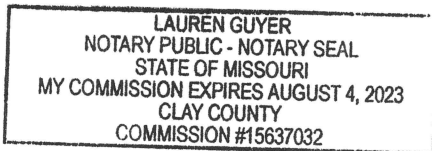
**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri

County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Larry Thornton [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

8/4/23
[Expiration Date]

Larry Thornton
Printed Name

Larry Thornton
Signature

906 NE 180 ST Smithville Mo
Address of Property

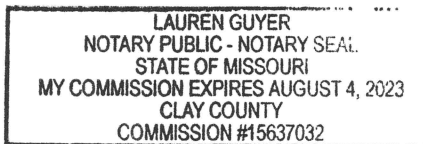
7-18-22
Date

**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri
County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Ann Grider [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

8/4/23
[Expiration Date]

Ann M Grider
Printed Name

Ann M Grider
Signature

800 N 100th St. Smithville MO 64089
Address of Property

7/18/22
Date

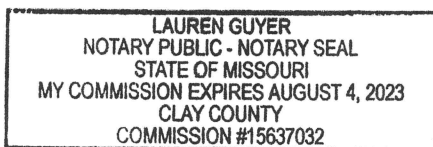
**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri

County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Stephen Grider [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

7/18/22
[Expiration Date]

STEPHEN GRIDER
Printed Name

[Signature]
Signature

808 NE 180TH ST. SMITHVILLE, MO 64089
Address of Property

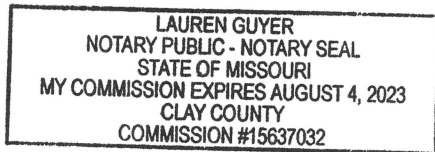
07/18/2022
Date

**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri
County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Derrick Basye [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

8/4/23
[Expiration Date]

Derrick Basye
Printed Name

Derrick Basye
Signature

18206 Marcus Road Smithville Mo
Address of Property

7-18-22
Date

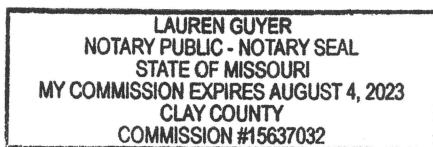
**MISSOURI NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Missouri

County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared Rochelle Allsbury [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

8/4/23
[Expiration Date]

Rochelle Allsbury
Printed Name

Rochelle Allsbury
Signature

902 NE 180th St.
Address of Property

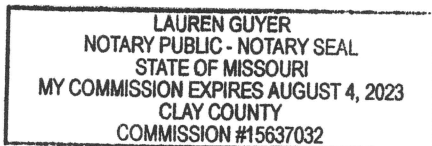
7/18/2022
Date

MISSOURI NOTARY ACKNOWLEDGEMENT (INDIVIDUAL)

State of Missouri
County and or City of Clay

On this 18th day of July in the year 2022 before me, Lauren Guyer [Name of Notary], a Notary Public in and for said state, personally appeared James Allsbery [Name of Individual], known to me to be the person who executed the within Rezoning (conditional use permit) Protest Petition [Type of Document], and acknowledged to me that he/she executed the same for the purposes therein stated.

[Stamp/Seal]



[Signature]
[Notary Public]

8/4/23
[Expiration Date]

James Allsbery
Printed Name

[Signature]
Signature

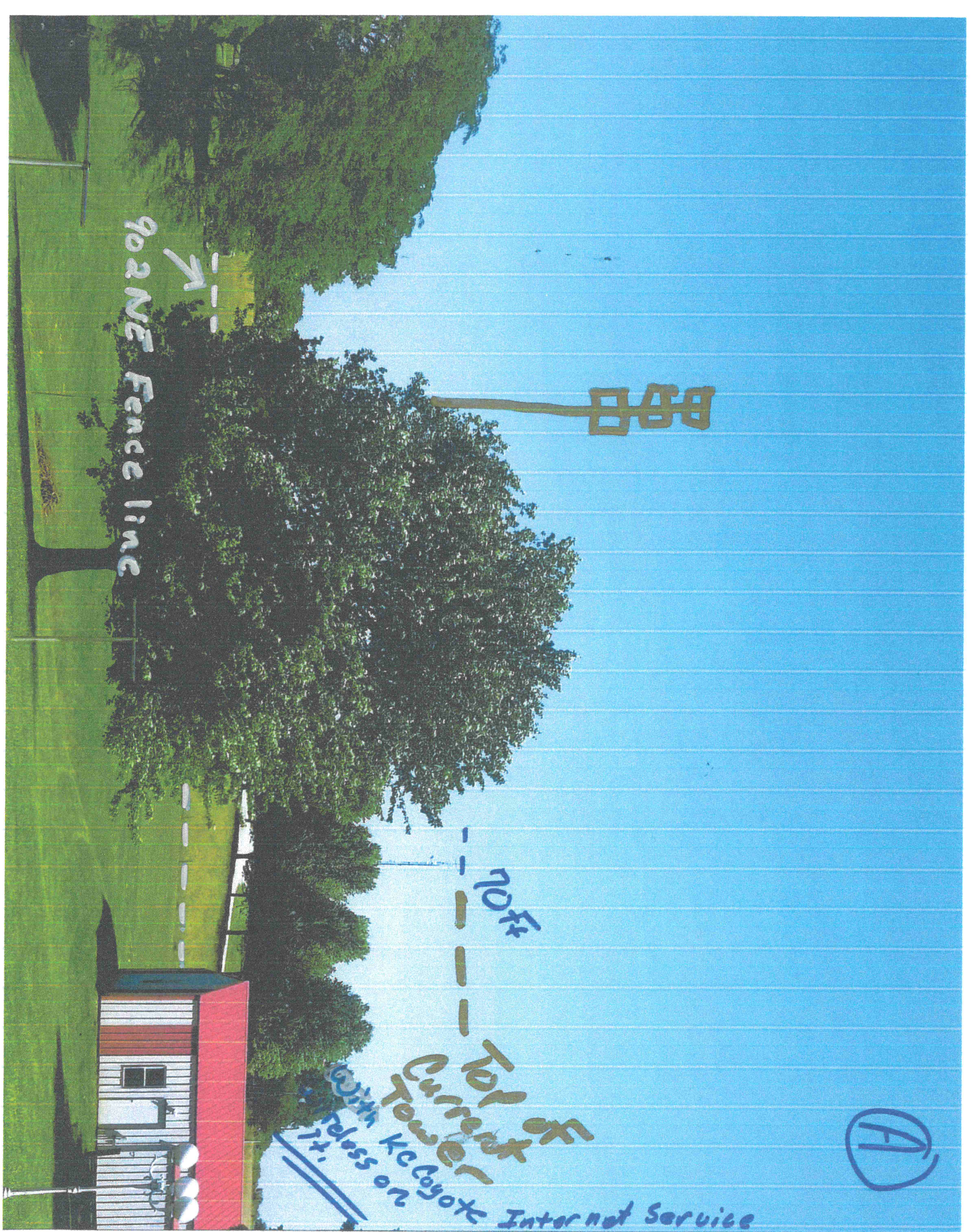
902 NE 180th St., Smithville, MO 64089
Address of Property

7-18-22
Date

The following is supporting information for the Protest. It is not meant to be a complete list but to display various lines of inquiry that could be evaluated or considered in reference to Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street.

1. The Planning Commission made no inquiries or challenges to the factual basis or accuracy of the information provided by the applicants.
2. The Planning Commission had no significant discussion or questioning related to the specific requirement of the authorization of the additional 50' of tower height as specified in Section 400.570.D.6.e(5)a
3. No members of the Planning Commission testified to their familiarity with the property in question at 904 NE 180th Street or any adjoining properties during the June 14, 2022 public hearing,
4. Tillman Infrastructure LLC representative Patrick Erwin testified that Tillman Infrastructure would prefer the tower to be constructed 200' tall, 50' taller than the proposal. Mr. Erwin also testified that Tillman Infrastructure LLC would prefer a latitude for the tower further south than the 904 NE 180th Street location. His specific testimony on the topic begins around the 55:00 mark and ending at approximately 58:00 minute mark in the archived video of the June 14, 2022 meeting.
5. Tillman Infrastructure LLC representative Patrick Erwin provided misleading pictures of the site and proposed tower that were not called into question by the Planning and Zoning Committee. The photos were misleading by concealing the existing tower on the site in one photo and misleading in the second photo by providing a grossly inaccurate representation of the proposed tower and its elevation on the sight.
6. Approval of the Special Use Permit and the construction of a 150' telecommunications tower at 904 NE 180th Street is inconsistent with the character of the neighborhood (Section 450.560.C.1) as no structure within nearly a mile reaches a comparable height.
7. Nearly all of the vegetation cited as screening is not on the property at 904 NE 180th Street and is in fact on the surrounding adjoining properties and is invalid evidence for approval of the special use permit. The vegetation could be removed at any time by the property owners or through a severe weather event. Several of the trees on adjoining properties are ash trees which have been dying the last few years due to emerald ash borers.
8. The property owners of 904 NE 180th Street did not testify in the hearing for the special use permit.
9. The property owners of 904 NE 180th Street have been planning this special use permit for a telecommunications tower since 2017 and had not disclosed or discussed the information with adjoining property owners. Adjoining property owners only learned of the proposed special use and project by letters sent by the City of Smithville in regards to the June 14th, 2022 Planning Commission hearing.
10. No testimony was given outlining the terms of the deal between Tillman Infrastructure LLC and the property owners of 904 NE 180th Street.
11. No testimony was given about liability of the tower, what or if liability coverage will be in place and which party will have liability if approval is granted and construction is completed.
12. No significant testimony or discussion took place in reference to the existing tower on the property at 904 NE 180th Street, its construction, its height or its conformity to City of Smithville, MO code and permit status.

13. No testimony or discussion took place in reference to the leasing of the existing tower on the property at 904 NE 180th Street to Isotech/KC Coyote and/or any other third parties not known.
14. Granting the special use permit and construction of the telecommunications tower will limit the number of potential purchasers for adjoining property owners to 904 NE 180th Street. This limiting factor is a well-known preference exhibited by buyers of residential property when evaluating properties located next to similar hazards and nuisances such as electrical transmission lines, substations, railroad tracks, sewer plants, industrial areas, and interstates.
15. Granting the special use permit and construction of the telecommunications tower will harm property values negatively when compared to similar properties not located next to a communications tower for the previously stated reason of reduction in marketability due to a lower number of potential buyers willing to own property next to a nuisance. (Section 450.560.C.7)
16. Granting the special use permit and construction of the telecommunications tower will negatively affect the views from any space, indoors and outdoors when viewing northward from adjoining property to 904 NE 180th Street located at 808 NE 180th Street. (Section 450.560.C.7)
17. Tillman Infrastructure LLC representative Patrick Erwin offered no information in regards to nuisance noise pollution from normal operation and/or maintenance and repair operations of the telecommunications tower.
18. Tillman Infrastructure LLC representative Patrick Erwin made unsubstantiated and evidence-free claims that the tower will be an asset to law enforcement, fire and EMT by offering FirstNet, a service of AT&T.
19. No substantial information on FirstNet was provided by Tillman Infrastructure representative Patrick Erwin, only an evidence-free claim that support for it in the Smithville area is limited.
20. No members of law enforcement, fire or EMT testified in support of the special use permit to construct the telecommunications tower at 904 NE 180th Street or the quality or adoption of FirstNet services.
21. No disclosure was offered by the Tillman Infrastructure LLC representative Patrick Erwin that AT&T's FirstNet competes against Verizon's Frontline network and that both services are offered at premium price over standard service that users under contract pay for. Nor were any questions asked by members of the Planning Committee to explore the topic. T-Mobile also has a competing service named "Connecting Heroes" which is offered for free to its conforming contract customers.
22. City of Smithville staff recommended approval of the Conditional Use Permit for Parcel ID # 05-904-00-02-011.00, 904 NE 180th Street. This recommendation by City of Smithville staff is inappropriate, is an effort to tip the scales in favor of one party over others and seeks to undermine the duties of The Planning Commission and The Board of Aldermen.
23. No evidence was provided during the Planning Commission meeting on June 14, 2022 that the proposed tower at 904 NE 180th Street meets separation requirements documented in Section 400.570.D.6.e.6.
24. No written report was presented that provides information required in Section 400.570.D.6.f.(3)f in regards to RF Radiation generated from telecommunications equipment at 904 NE 180th St. in the Planning Commission public hearing on June 14, 2022.



170 Ft Tower is on the Back side of the home at 904 NE 180th St.

ⓑ





Large View of the Tillman After Picture from the Staff Report

"180th St. Looking North"

(902 W E 180th St.)



BEFORE



AFTER

Smithville Lake TI-OPP-19189

View from 180th St, looking North

ASSOCIATED
Engineering Inc

SKYWARD
LAND SERVICES, INC

TILLMAN
INFRASTRUCTURE

C-2



Large View of the Tillman After Picture From the Staff Report
"Marcus Rd. Looking West,"



BEFORE



AFTER

Smithville Lake TI-OPP-19189

View from Marcus Rd. looking West

ASSOCIATED
Engineering Inc

SKYWARD
LAND SERVICES, INC.

TILLMAN
INFRASTRUCTURE

D-12

(E)

902 WE 180th

906 WE 180th





11



902 NE 180th

8ft+

in 902 NE 180th



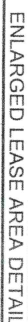
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THE UTILITIES AS SHOWN ON THIS DRAWING WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THIS IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CLIENTS / CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE.



SHEET NUMBER	SHEET TITLE	ENGINEER	PROFESSIONAL STAMP	DESIGN RECORD	SITE INFORMATION	SITE ACQUISITION /ENGINEERING	APPLICANT	SITE OWNER																												
ZD-3	ENLARGED SITE PLAN	<div>Tommy L. Smith 03/26/2022</div> <div>I hereby certify that the undersigned is duly licensed as a Professional Engineer under the laws of the State of Missouri.</div> <div>NO LICENSE RENEWAL DATE IS 12/31/2023</div> <div>DRAWN BY: [Signature]</div> <div>CHECKED BY: [Signature]</div> <div>DATE: 03/26/2022</div>	<div>REGISTERED PROFESSIONAL ENGINEER</div> <div>STATE OF MISSOURI</div> <div>13559</div> <div>RECEIVED</div> <div>03/26/2022</div> <div>SMITHVILLE, MO 64089</div>	<table><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th></tr><tr><td>1</td><td>03/18/22</td><td>Q&A REVISION</td><td>MS</td></tr><tr><td>2</td><td>02/21/22</td><td>FINAL ZD DRAWINGS</td><td>JAM</td></tr><tr><td>3</td><td>03/26/22</td><td>FINAL ZD DRAWINGS</td><td>JAM</td></tr><tr><td>4</td><td>02/17/22</td><td>ZD DRAWINGS</td><td>JAM</td></tr><tr><td>5</td><td>02/10/22</td><td>ZD DRAWINGS</td><td>MS</td></tr><tr><td>6</td><td>02/01/22</td><td>ZD DRAWINGS</td><td>BY</td></tr></table>	REV	DATE	DESCRIPTION	BY	1	03/18/22	Q&A REVISION	MS	2	02/21/22	FINAL ZD DRAWINGS	JAM	3	03/26/22	FINAL ZD DRAWINGS	JAM	4	02/17/22	ZD DRAWINGS	JAM	5	02/10/22	ZD DRAWINGS	MS	6	02/01/22	ZD DRAWINGS	BY	<div>SMITHVILLE LAKE</div> <div>TI-OPP-19189 AF/F#F 128787000</div> <div>PACE TBD</div> <div>PT# TBD</div> <div>904 NE 180TH ST.</div> <div>SMITHVILLE, MO 64089</div>	<div>SKYWARD</div> <div>Engineering & Surveying Inc.</div> <div>ASSOCIATED</div> <div>AE INC. Project #5958</div>	<div>AT&T</div> <div>Mobility Corp.</div>	<div>TILLMAN</div> <div>INFRASTRUCTURE</div>
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