



**City of Smithville, Missouri**  
**Board of Aldermen – Regular Session Agenda - Amended**  
**December 20, 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.

Public Comment can be made in person or via Zoom, if by Zoom please email your request to the City Clerk at [ldrummond@smithvillemo.org](mailto: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**
  - December 6, 2022, Board of Aldermen Work Session Minutes
  - December 6, 2022, Board of Aldermen Regular Session Minutes
- **Finance Report**
  - Financial Report for November 2022
- **Resolution 1159, City Surplus**

A Resolution declaring certain city items as surplus.
- **Resolution 1160, Mutual Aid Intergovernmental Agreement**

A Resolution authorizing and directing the Mayor to enter into an intergovernmental agreement for mutual aid with the City of Excelsior Springs.

Join Zoom Meeting

<https://us02web.zoom.us/j/89578221994>

Meeting ID: 895 7822 1994

Passcode: 498049

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

**4. Committee Reports**

- Planning and Zoning Commission

**5. City Administrator's Report**

**ORDINANCES & RESOLUTIONS**

**6. Bill No. 2966-22, Stormwater Revisions – 2<sup>nd</sup> Reading**

An Ordinance amending Section 520.110, dumping or depositing dirt, rock, or other materials and adding the stormwater system to the language. 2<sup>nd</sup> reading by title only.

7. **Bill No. 2967-22, Declaring the November 8, 2022 Election Results – 2<sup>nd</sup> Reading**  
An Ordinance declaring the election results for the November 8, 2022 questions to provide a four-year term of office for the Mayor and the members of the Board of Aldermen. 2<sup>nd</sup> reading by title only.
8. **Bill No. 2968-22, Accepting Gifted Land – Emergency Ordinance Sponsored by Mayor Boley - 1<sup>st</sup> and 2<sup>nd</sup> Reading**  
An Ordinance accepting gifted land from Gwendolyn C. Kemper for furthering the City's trail system. 1<sup>st</sup> and 2<sup>nd</sup> reading by title only.
9. **Bill No. 2969-22, Amending Zoning Code Related to Fences – 1<sup>st</sup> Reading**  
An Ordinance amending sections of Chapter 400, the zoning code related to fences. – 1<sup>st</sup> reading by title only.
10. **Bill No. 2970-22, Rezoning 18601 North 169 Highway from R-1B to R-3P – 1<sup>st</sup> Reading**  
An Ordinance rezoning a portion of 18601 North 169 Highway from R-1B to R-3P for the new Herzog Education Center. 1<sup>st</sup> reading by title only.
11. **Bill No. 2971-22, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 – 1<sup>st</sup> Reading**  
An Ordinance rezoning the northeast corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 for a new Second Creek Meadows subdivision. 1<sup>st</sup> reading by title only.
12. **Resolution 1161, 122 North 169 Highway Site Plan Review – Former Price Chopper**  
A Resolution approving the Site Plan application to modify and improve the former Price Chopper building at 122 North 169 Highway by adding nine new suites for future tenants.
13. **Resolution 1162, HHW Contract with MARC for 2023**  
A Resolution authorizing and directing the Mayor to enter into an agreement with Mid America Regional Council for disposal of Household Hazardous Waste for 2023.

#### **OTHER MATTERS BEFORE THE BOARD**

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14. **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.
15. **Appointment – TIF Commission**
16. **New Business From The Floor**  
Pursuant to the order of business policy, members of the Board of Aldermen may request a new business item appear on a future meeting agenda.
17. **Adjournment to Executive Session Pursuant to Section 610.021(1&2)RSMo.**







## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:**

Administration/Finance/Streets/Police

**AGENDA ITEM:** Consent Agenda

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### **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**
  - December 6, 2022, Board of Aldermen Work Session Minutes
  - December 6, 2022, Board of Aldermen Regular Session Minutes
- **Finance Report**
  - Financial Report for November 2022
- **Resolution 1159, City Surplus**

A Resolution declaring certain city items as surplus.
- **Resolution 1160, Mutual Aid Intergovernmental Agreement**

A Resolution authorizing and directing the Mayor to enter into an intergovernmental agreement for mutual aid with the City of Excelsior Springs.

### **SUMMARY:**

Voting to approve would approve the Board of Aldermen minutes, Finance Report and Resolutions.

### **PREVIOUS ACTION:**

N/A

### **POLICY ISSUE:**

N/A

### **FINANCIAL CONSIDERATIONS:**

N/A

### **ATTACHMENTS:**

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

## SMITHVILLE BOARD OF ALDERMAN

### WORK SESSION

December 6, 2022, 6:30 p.m.  
City Hall Council Chambers and Via Videoconference

#### 1. Call to Order

John Chevalier, Mayor Pro Tem, present, called the meeting to order at 6:30 p.m. A quorum of the Board was present: Leeah Shipley, Ronald Russell, Marv Atkins and Dan Ulledahl. Mayor Boley joined the meeting at 6:41 p.m. Dan Hartman was absent.

Staff present: Gina Pate, Chief Jason Lockridge, Stephen Larson, Chuck Soules, Matt Denton and Linda Drummond.

#### 2. FY2022 Budget Review

Stephen presented the review of the FY2022 budget.

##### General Fund FY2022 Year End Financial Review

##### General Fund – FY2022 Performance

General Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$3,456,205	-	\$3,736,229	\$280,024
Revenues	\$4,918,620	\$5,354,540	\$5,550,279	\$631,659
Expenditures	\$5,721,850	\$5,774,844	\$5,853,698	-\$52,994
Ending Cash Balance	\$2,652,975	\$3,315,925	\$3,432,810	\$779,835

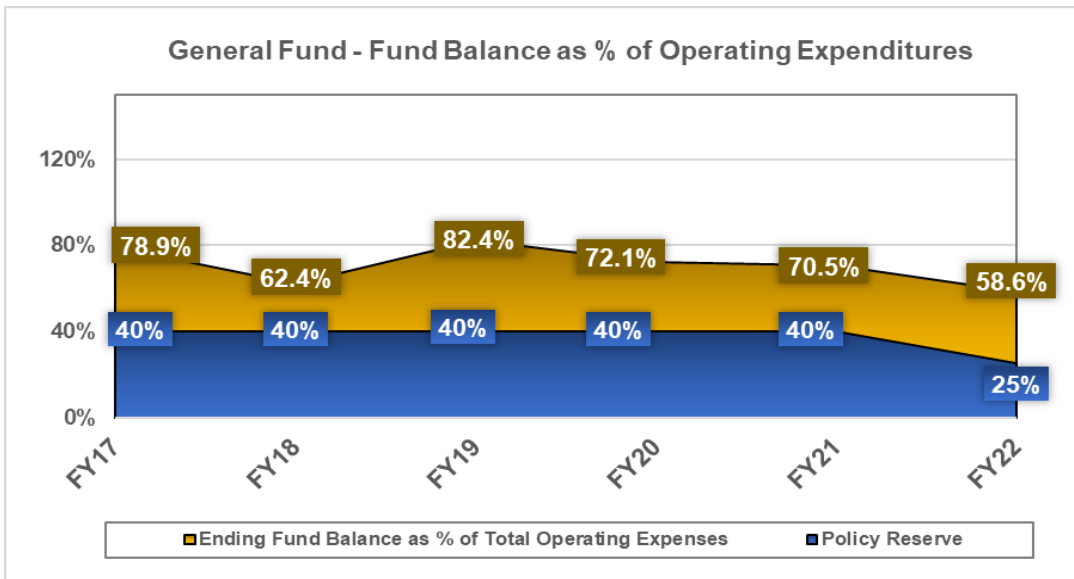
##### *Excellent Revenue Performance*

- Property Tax
- Sales Tax
- Use Tax
- Motor Fuel Tax

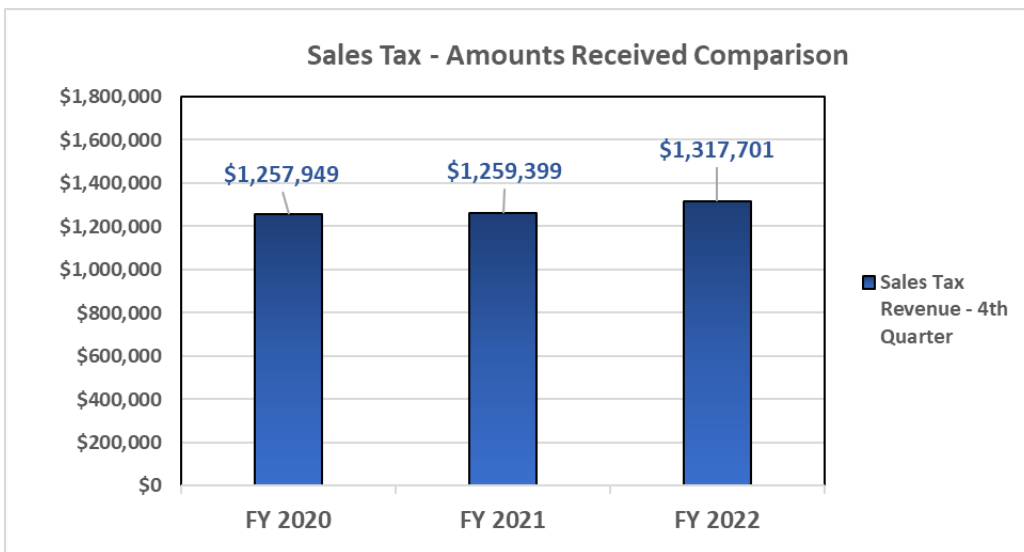
##### *Exceeding Original Expenditure Budget*

- Clear Debris from Reinforced Concrete Box under East Woods Street (*Budget Amendment #1*)
- Implementation of Classification and Compensation Study (*Budget Amendment #2*)

## General Fund – Fund Balance Analysis

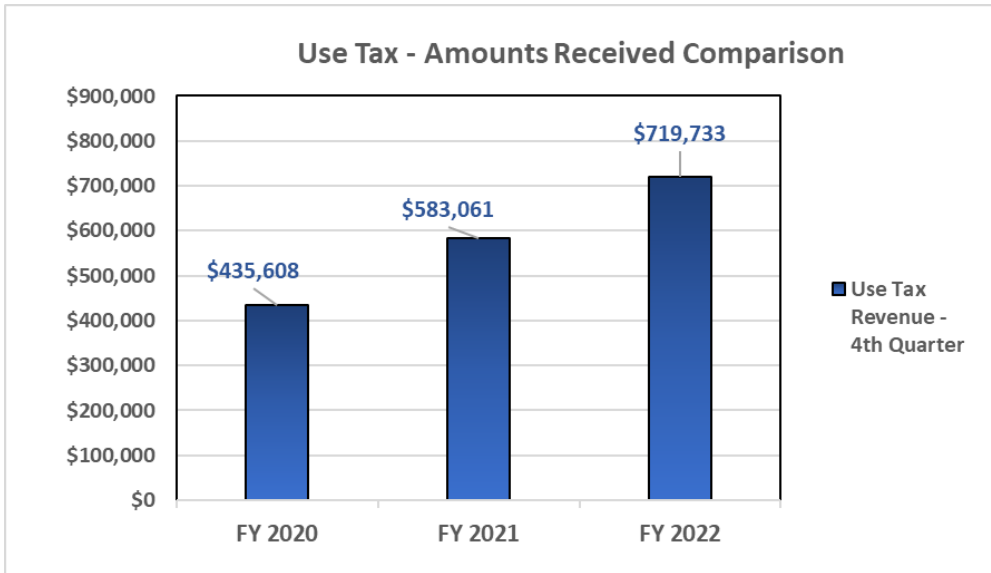


## 1% City Sales Tax



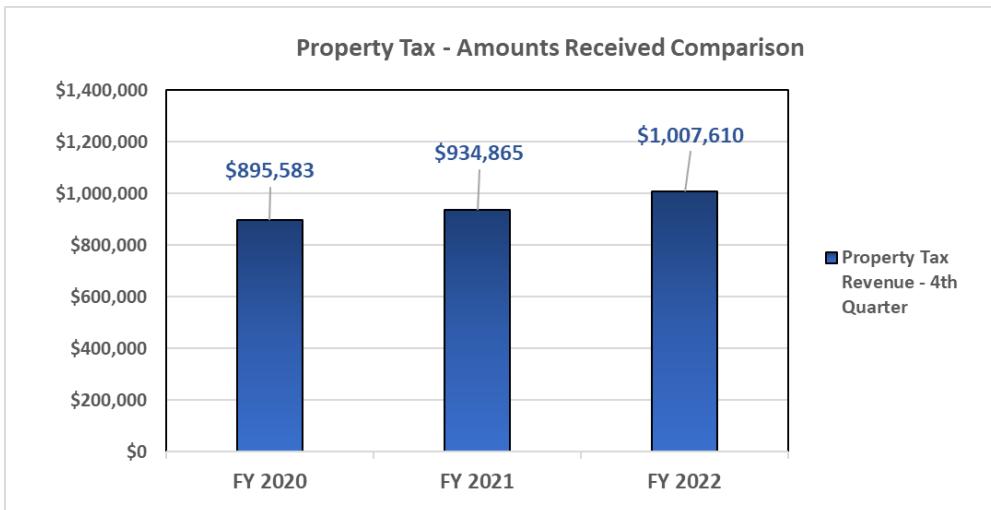
In FY2022, sales tax receipts increased by 4.6% over FY2021.

## City Use Tax



In FY2022, use tax receipts increased by 23.4% over FY2021

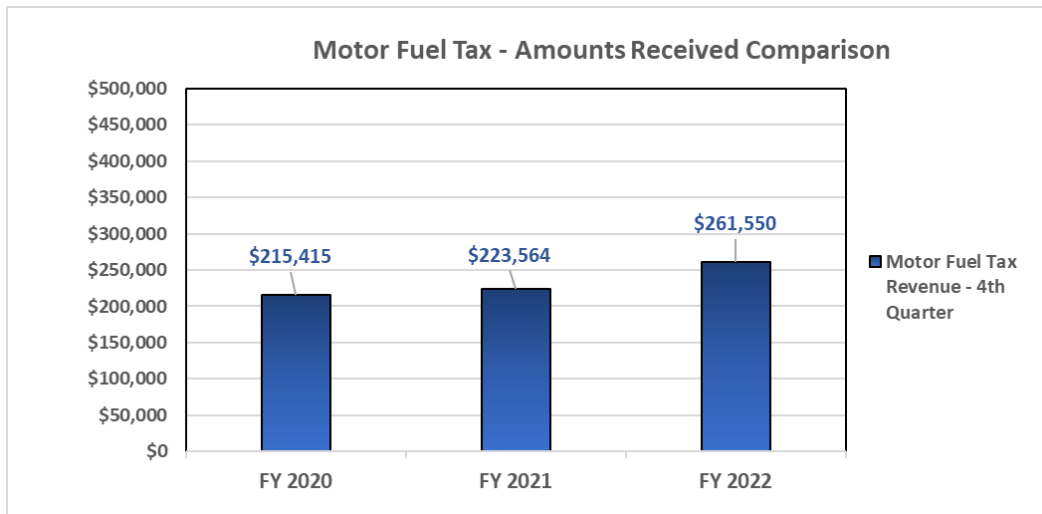
## Property Tax



In FY2022, property tax receipts increased by 7.8% over FY2021.



## Motor Fuel Tax



In FY2022, motor fuel tax receipts increased by 16.9% over FY2021.

## General Fund – FY2023 Budget

General Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$3,315,925	\$3,432,810	\$116,885
Revenues	\$5,466,340	\$5,466,340	-
Expenditures	\$6,310,310	\$6,310,310	-
Ending Cash Balance	\$2,471,955	\$2,588,840	\$116,885

## Combined Water/Wastewater FY2023 Year End Financial Review

### CWWS Fund – FY2022 Performance

Combined Water/Wastewater Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$4,643,050	-	\$5,602,501	\$959,451
Revenues	\$5,119,400	\$6,114,870	\$6,221,872	\$1,102,472
Expenditures	\$6,485,415	\$4,593,627	\$4,973,720	\$1,511,695
Ending Cash Balance	\$3,277,035	\$7,123,744	\$6,850,653	\$3,573,618

## CWWS Fund – FY2022 Performance

### Revenue Performance

- *ARPA Grant*
  - In February 2022, the City received Clay County ARPA Grant (\$805,495) to offset the cost of the construction of the Raw Water Pump Station & Copper Ion Generator. This revenue was budgeted via Budget Amendment #2.

### Expenditure Savings (Under Budget)

- Finish Remaining Contracts
  - West Bypass for 144th Street Lift Station (Engineering)
- Project Pushback
  - Floating Aerator (Construction)
  - 4th Street and 4th Terrace Waterline Improvements (Construction)

## CWWS Fund – FY2023 Budget

Combined Water/Wastewater Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$7,123,744	\$6,850,653	-\$273,091
Revenues	\$9,340,817	\$9,340,817	-
Expenditures	\$13,070,115	\$13,070,115	-
Ending Cash Balance	\$3,394,446	\$3,121,355	-\$273,091

## Special Sales Tax Funds FY2022 Year End Financial Review

### Transportation Sales Tax Fund FY2022 Review

Transportation Sales Tax Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$425,196	-	\$462,260	\$37,064
Revenues	\$569,160	\$578,150	\$623,946	\$55,786
Expenditures	\$782,630	\$686,338	\$656,800	\$129,530
Ending Cash Balance	\$211,726	\$354,072	\$429,406	\$217,680

### Expenditure Savings

- The 4th Street and 4th Terrace road repairs will be delayed until the waterline is replaced in FY2023

### Transportation Sales Tax Fund FY2023 Budget

Transportation Sales Tax Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$354,072	\$429,406	75,334
Revenues	\$589,713	\$589,713	-
Expenditures	\$702,246	\$702,246	-
Ending Cash Balance	\$241,539	\$316,873	75,334

### Capital Improvement Sales Tax Fund FY2022 Review

Capital Improvement Sales Tax Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$210,270	-	\$254,029	\$43,759
Revenues	\$627,555	\$659,250	\$692,937	\$65,382
Expenditures	\$575,550	\$518,824	\$536,192	\$39,358
Ending Cash Balance	\$262,275	\$394,455	\$410,774	\$148,499

#### Expenditure Savings

- The City will pay out the remaining Streetscape Phase III engineering services contract in FY2023 as the work is completed by HDR Engineering.

### Capital Improvement Sales Tax Fund FY2023 Budget

Capital Improvement Sales Tax Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$394,455	\$410,774	\$16,319
Revenues	\$1,160,435	\$1,160,435	-
Expenditures	\$1,355,370	\$1,355,370	-
Ending Cash Balance	\$199,520	\$215,839	\$16,319

### Park and Stormwater Sales Tax Fund FY2022 Review

Park and Stormwater Sales Tax Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$340,960	-	\$437,318	\$96,358
Revenues	\$627,555	\$670,250	\$701,959	\$74,404
Expenditures	\$485,000	\$358,012	\$329,898	\$155,102
Ending Cash Balance	\$483,515	\$749,556	\$809,379	\$325,864

#### Expenditure Savings

- Rather than beginning work on a Stormwater Master Plan in FY2022, the City will work to complete a Stormwater Discovery Phase in FY2023

### Park and Stormwater Sales Tax Fund FY2023 Budget

Park and Stormwater Sales Tax Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$749,556	\$809,379	\$59,823
Revenues	\$672,435	\$672,435	-
Expenditures	\$497,750	\$497,750	-

### Sanitation Fund FY2022 Year End Financial Review

#### Sanitation Fund FY2022 Review

Sanitation Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$58,374	-	\$62,992	\$4,618
Revenues	\$849,530	\$816,670	\$813,121	-\$36,409
Expenditures	\$836,450	\$818,443	\$818,525	\$17,925
Ending Cash Balance	\$71,454	\$61,219	\$57,588	-\$13,866



### Sanitation Fund FY2023 Budget

Sanitation Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$61,219	\$57,588	-\$3,631
Revenues	\$915,860	\$915,860	-
Expenditures	\$900,600	\$900,600	-
Ending Cash Balance	\$76,479	\$72,848	-\$3,631

### Vehicle and Equipment Replacement Fund (VERF) FY2022 Year End Financial Review

VERF Fund	FY22 Original Budget	FY22 Forecasted	FY22 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$26,133	-	\$25,676	-\$457
Revenues	\$284,000	\$357,010	\$368,778	\$84,778
Expenditures	\$175,749	\$225,286	\$210,127	-\$34,378
Ending Cash Balance	\$134,384	\$157,400	\$184,327	\$49,943

### *Additional Revenues and Expenditures*

- Rather than purchase Police patrol Vehicles from the General Fund, the City transferred \$135,000 from the General Fund to the VERF Fund to lease patrol vehicles, creating additional "unbudgeted" funds in the VERF.
- Vehicle lease costs increased in FY2022, requiring approval of Budget Amendment #5.

### Vehicle and Equipment Replacement Fund FY2023 Budget

VERF Fund	FY23 Budgeted	FY23 Forecasted	Delta (Budget vs. Projected)
Beginning Cash Balance	\$157,400	\$184,327	\$26,927
Revenues	\$422,100	\$422,100	-
Expenditures	\$381,750	\$381,750	-
Ending Cash Balance	\$197,750	\$224,677	\$26,927

Alderman Russell asked how many vehicles we were supposed to have with the lease and if staff had an idea of when we could expect to receive all of the vehicles that we are behind in getting.

Stephen explained that we were supposed to have 30 leased vehicles and at this time we have about 20 and are waiting for the eight police interceptors and a couple of utility vehicles.

**3. Adjourn**

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:55 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

December 6, 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 6:59 p.m. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins, Dan Ulledahl and Ronald Russell. Dan Hartman was absent.

Staff present: Chuck Soules, Gina Pate, Chief Lockridge, Stephen Larson, Matt Denton and Linda Drummond.

**2. Pledge of Allegiance led by Alderman Chevalier**

**3. Consent Agenda**

- **Minutes**

- November 15, 2022, Joint Board of Aldermen/School Board Minutes
- November 15, 2022, Board of Aldermen Regular Session Minutes

- **Resolution 1150, Event Permit – Lakefest**

A Resolution approving a Special Event Permit to the Smithville Festival Committee (Chairman, Barbara Lamb) for Smithville Lake Festival to be held at Courtyard Park on June 16 and 17, 2023.

- **Resolution 1151, Temporary Liquor License**

A Resolution issuing a Temporary Liquor License to Barbara Lamb, doing business as Smithville Lake Festival Committee for Smithville Lake Festival on June 16 and 17, 2023 at Courtyard Park.

- **Resolution 1152, Change to Employer Match for LAGERS**

A Resolution approving changes under the Missouri Local Government Employees Retirement System.

- **Resolution 1153, Amending the Policy Manual**

A Resolution amending the Policy Manual adding more stringent policies on temporary hydrant meter policy for contractors.

- **Resolution 1154, Amending the Schedule of Fees**

A Resolution adopting amendments to the Schedule of Fees related to the temporary hydrant meter fees.

- **Resolution 1155, Acknowledging Emergency Purchase – Mid-America Pump**

A Resolution acknowledging an emergency expenditure in the amount of \$12,972.27 with Mid-America Pump for repairs to the decanter and supports in basin #3.

- **Resolution 1156, Annual Fireworks Event Permit**

A Resolution approving an annual fireworks event permit for White Iron Ridge Event Center at 815 East 92 Highway.

- **Resolution 1157, Leak Adjustment**

A Resolution approving a leak adjustment for of \$47.12 for residential utility billing customer, Ruth Archibald for her October 2022 utility bill.

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

No discussion.

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

## **REPORTS FROM OFFICERS AND STANDING COMMITTEES**

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

Gina Pate, Assistant City Administrator, reported on a staffing update. In the Public Works Department Dennis Witt and Mayra Toothman both received their Local Public Agency (LPA) Certification from the Missouri Department of Transportation.

Last Thursday, TRI-CIT hosted their inaugural awards night honoring first responders for their work with behavioral health clients in Clay, Platte and Ray Counties. Sergeant Jim Morgan received the award for Crisis Intervention Team (CIT) Coordinator of the Year.



Alderman Ulledahl noted that the Crisis Intervention Team helps with all mental health calls and situations. He explained that he was a CIT officer when he was a police officer and found that this helps lots of people. Alderman Ulledahl explained that it is not an easy job to see people in crisis and at their worst possible times. He congratulated Sergeant Morgan.

## **ORDINANCES & RESOLUTIONS**

### **5. Bill No. 2966-22, Stormwater Revisions – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2966-22, amending Section 520.110, dumping or depositing dirt, rock, or other materials and adding the stormwater system to the language. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.



Alderman Russell noted that he would like to add the collection of rainwater. He said that he realizes the City sells water, but the collection of rainwater has a lot of benefits to the beautification of the lawn. He said from what he read in the Ordinance the collection of rainwater was not going to be allowed.

Chuck Soules explained that this Ordinance is for larger stormwater events. We are trying to make sure that people are not dumping debris into the storm drains or blocking them with dirt or rocks. This is to ensure people keep debris away from the curbs and gutters. Chuck explained that we do not want people to accumulate water in the yard in items such as tires where mosquitoes can be bred.

Chuck explained that if someone is collection rainwater for their garden or yard or some type of irrigation is not what this Ordinance is for. This is for stormwater run-off for areas such as construction sites and making sure they have the appropriate silt fence in place.

Alderman Russell suggested added a sentence in the Ordinance to clarify rainwater versus stormwater. He believes that someone could interpret it that you are not allowed to gather rainwater.

Chuck explained that this will be used as more of an educational tool on the enforcement side. He noted that staff will not be going out and fining people. First staff will talk to and educate and if they do not comply we will send a letter. Chuck explained that the state requires the City to have an Ordinance for this.

Upon roll call vote:

Alderman Atkins – Aye, Alderman Russell – Aye, Alderman Ulledahl – Aye,  
Alderman Shipley – Aye, Alderman Chevalier – Aye, Alderman Hartman - Absent.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2966-22 approved first reading.

**6. Bill No. 2967-22, Declaring the November 8, 2022 Election Results – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2967-22, declaring the election results for the November 8, 2022 questions to provide a four-year term of office for the Mayor and the members of the Board of Aldermen. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hartman – Absent, Alderman Atkins – Aye, Alderman Russell – Aye,  
Alderman Shipley – Aye, Alderman Ulledahl – Aye, Alderman Chevalier - Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2967-22 approved first reading.

**7. Resolution 1158, Award Bid No. 22-23 – Winner Avenue Watermain Replacement**

Alderman Ulledahl moved to approve Resolution 1158, awarding Bid No. 22-23, for Winner Avenue Watermain Improvements to Blue Moon Hauling, LLC. in the amount of \$214,870

and approving a Force Account of \$25,000 for a total project cost of \$239,870. Alderman Russell seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1158 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **8. Discussion of Ballot Initiatives**

Gina noted that previously staff planned to bring forward to a work session discussion of ballot language relating to the construction of City facilities. This was discussed at the Board budget retreat and discussed and passed with the budget development. At the November 15 Board of Aldermen meeting Mayor Boley made the suggestion of potentially moving this ballot question to the November 2023 election, Gina asked the Board to confirm this change.

Gina added that the recent approval of Amendment 3 allows cities to impose a 3% sales tax on retail sales of adult-use marijuana. The first opportunity to bring this to the voters is the April election. Staff has had conversations with other cities and communities and with our attorneys concerning this. Gina explained that staff could get Ordinance ready to bring to the board for discussion.

Gina explained that since this is a brand-new Amendment staff is learning new things as we have these discussions. As we receive more information we will bring forward to the board. Gina noted that staff would like direction from the Board whether to pursue this Ordinance and bring it to a future board meeting. She noted that the Mayor has indicated plans to cancel the January 3 Board of Aldermen meeting since we only have one pending item currently on that agenda, but this can be discussions at the January 17 meeting. Gina asked the Board for feedback on if they would like staff to bring this forward as a discussion for an Ordinance with the ballot language and then timing.

Mayor Boley asked the Board opinion moving the potential ballot language for questions relating to construction of city facilities to the November 2023 election, since the school district will have a ballot question on the April 2023 election ballot.

Alderman Chevalier noted that he for moving it, but his concern is which election would be the best the November 2023 or the April 2024 depending on the difference in thresholds to pass.

Mayor Boley explained November is two-thirds or 66% and April is four-sevenths or 57%.

The Board all agreed to move it to a future election.

Sarah Ulledahl, 408 Highland Avenue, President of Smithville Community In Action, Smithville's local coalition that receives major funding from the federal drug free communities grant which focuses on underage drinking and youth marijuana use. Sarah noted that the coalition with guidance from their Amendment 3 Specialist, Jennifer Road have spent hours looking at the pros and cons of this Amendment. She explained that she came to speak to the Board tonight to offer some of what they have learned in the

past few months concerning Amendment 3 and to give some suggestions for use of the sales tax funds.

Smithville already has a medical marijuana dispensary which will probably apply to convert to a comprehensive license, which means it will be selling a non-medical marijuana as early as February 6, 2023. Local communities that have a dispensary that sell non-medical marijuana are permitted by Amendment 3 to have a 3% local sales tax. This sales tax would only be on non-medical marijuana. Missouri is not the first state to implement recreational marijuana so there have many other examples to see what trends followed.

Sarah reported on information from the Colorado Department of Public Safety. In Colorado once marijuana was legalized the number of law enforcement officers who are trained and recognizing drug use went from 129 in 2012 to 221 in 2020 this increase requires training and requires more funding. Since recreational marijuana was legalized their traffic deaths in which drivers tested positive for marijuana increase 109%. Since recreational marijuana was legalized traffic deaths following drivers who tested positive for marijuana more than doubled from 55 to 115 people.

Sarah noted that it is reported continually that after legalizing marijuana local police and other First Responders will have extra expenses added to their bottom line. Youth substance prevention funds come from medical marijuana taxes. She explained that it has been shown over and over that once recreational marijuana is legalized, medical marijuana sales drop and this leads to less funding for youth prevention. Sarah noted that other states have added recreational marijuana tax for prevention, but Missouri did not. Missouri's Amendment 3 sales tax goes to opioid treatment not prevention.

Sarah explained that Smithville CIA has an outside evaluator come in every year to look at what they are doing in the community, through this evaluation it has shown that their work in the community has brought down youth substance use and abuse over the last few years. The Missouri state auditor estimates it will cost local communities \$35,000 per year in additional resources to patrol this impairments and with the 3% sales tax is estimated to generate \$13.8 million. Sarah noted that youth prevention is the first step in battling a lifelong addiction. She said that our kids are important to us and with prevention funding put in place we can touch the lives of each child in this community. She noted that the revenue from retail marijuana will be there whether or not Smithville does something to capture. She said the longer the City hesitates to put this on the ballot the more money Smithville will leave on the table. Sarah asks the Board that when they decide how to earmark the 3% sales tax that they look at what other states and cities have done, what problems they have had and to get ahead of the game and put the funding in place.

Mayor Boley explained that the attorney is working on this because there are questions concerning the interpretation of how cities will be able to claim the sales tax. They are trying to determine if the 3% will be in addition to or in lieu of. If it is in lieu of we would lose the Parks and Stormwater sales tax. He asked if we are able to do the recreational marijuana sales tax in addition to our current sales tax would the Board agree to having it as an emergency Ordinance at the January 17 meeting. Mayor Boley noted that it has to be certified with the election board by January 24.

Alderman Chevalier noted that it could be done as an emergency Ordinance January 17, or he would not be opposed to having an emergency meeting. He said that this needs to be on the ballot.

Alderman Russell asked Mayor Boley to explain again what the attorneys are trying to find out about the tax.

Mayor Boley noted they are trying to pin down whether the 3% will be in addition to our current sales tax or if it will be in lieu of, which would basically take away our Parks and Stormwater sales tax. He added that we do not want that to happen since we are finally starting to be able to get some projects down.

Alderman Chevalier asked if a figure on the sales on medical marijuana was available.

Gina noted that we do not have it for medical marijuana. We only have the Missouri projected estimate of \$150,000 in tax revenue for the 3% sales tax.

Alderman Chevalier asked what the loss would be from the Parks and Stormwater tax revenue.

Gina explained that staff would have to work on that and bring it back to the next meeting.

Alderman Russell asked if it is in addition to will we discuss where the revenue will be allocated.

Mayor Boley explained that it would be put in the general fund since police are funded from that account.

Alderman Russell noted that as Mrs. Ulledahl stated additional training and officers will be needed and the funding will need to be ear marked for that.

Alderman Chevalier noted that it would be discussed as part of the budget process.

Alderman Russell asked who besides the dispensary will be able to sell recreational marijuana.

Mayor Boley explained that no additional business licenses will be issued.

Alderman Ulledahl noted that as soon as we have the correct language from the attorney we need to move forward with this.

The Board all agreed.

**9. Public Comment**

None

**10. New Business from the Floor**

Mayor Boley noted that with the holidays he suggested cancelling the January 3, 2023 meeting.

The Board agreed.

**11. Adjourn**

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



Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:23 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor



## FY2023 BUDGET - FINANCIAL UPDATE

11/30/22

REVENUES, BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,550,279.24	5,466,340.00	268,772.03	5,466,340.00	4.92%
CAPITAL PROJECTS FUND	289,753.81	40,000.00	-	40,000.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	692,937.19	1,160,435.00	55,491.76	1,160,435.00	4.78%
DEBT SERVICE FUND	351,550.00	354,845.00	-	354,845.00	0.00%
TRANSPORTATION SALES TAX FUND	623,946.76	589,713.00	48,179.25	589,713.00	8.17%
COMBINED WATER/WASTEWATER SYSTEMS FUND	6,221,872.64	9,340,817.00	441,247.37	9,340,917.00	4.72%
SANITATION FUND	813,121.89	915,860.00	64,827.10	915,860.00	7.08%
SPECIAL ALLOCATION FUND	689,849.17	705,000.00	22,078.71	705,000.00	3.13%
PARK & STORMWATER SALES TAX FUND	701,959.69	672,435.00	55,480.28	672,435.00	8.25%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	368,778.35	422,100.00	70,000.00	422,100.00	16.58%
COMMONS CID FUND	350,438.80	380,250.00	30,589.79	380,250.00	8.04%
DONATION FUND	3,305.00	10,500.00	4,076.00	10,800.00	38.82%
AMERICAN RESCUE PLAN ACT FUND	1,120,698.48	-	-	-	
	<b>17,778,491.02</b>	<b>20,058,295.00</b>	<b>1,060,742.29</b>	<b>20,058,695.00</b>	<b>5.29%</b>

EXPENDITURES, BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,853,698.64	6,310,310.00	461,657.29	6,310,310.00	7.32%
CAPITAL PROJECTS FUND	127,000.00	-	-	-	
CAPITAL IMPROVEMENT SALES TAX FUND	536,192.40	1,355,370.00	-	1,355,370.00	0.00%
DEBT SERVICE FUND	339,212.50	343,040.00	-	343,040.00	0.00%
TRANSPORTATION SALES TAX FUND	656,800.23	702,246.00	17,309.51	702,246.00	2.46%
COMBINED WATER/WASTEWATER SYSTEMS FUND	4,972,647.60	13,070,115.00	345,836.31	13,070,115.00	2.65%
SANITATION FUND	818,525.83	900,600.00	200.00	900,600.00	0.02%
SPECIAL ALLOCATION FUND	1,016,185.65	703,000.00	42,257.14	703,000.00	6.01%
PARK & STORMWATER SALES TAX FUND	329,898.48	497,750.00	15,262.50	497,750.00	3.07%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	210,127.57	381,750.00	34,682.20	381,750.00	9.09%
COMMONS CID FUND	554,816.41	335,618.00	17,144.45	335,618.00	5.11%
DONATION FUND	-	20,000.00	-	20,000.00	
AMERICAN RESCUE PLAN ACT FUND	1,330,033.49	953,270.00	85,437.71	953,270.00	8.96%
	<b>16,745,138.80</b>	<b>25,573,069.00</b>	<b>1,019,787.11</b>	<b>25,573,069.00</b>	<b>3.99%</b>

## GENERAL FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	1,007,610.30	1,043,745.00	4,706.84	1,043,745.00	0.45%
SALES AND USE TAXES	2,122,572.19	2,068,284.00	159,862.53	2,068,284.00	7.73%
FRANCHISE TAXES	742,590.12	674,690.00	10,752.28	674,690.00	1.59%
OTHER TAXES	371,802.62	385,402.00	27,782.50	385,402.00	7.21%
LICENSES, FEES, AND PERMITS	402,259.69	408,964.00	39,214.74	408,964.00	9.59%
INTERGOVERNMENTAL REVENUES	48,263.29	53,210.00	10,185.31	53,210.00	19.14%
CHARGES FOR SERVICES	327,865.38	359,230.00	1,633.20	359,230.00	0.45%
FINES AND FORFEITS	123,682.24	117,775.00	11,797.00	117,775.00	10.02%
INTEREST	126,203.05	65,000.00	1,000.00	65,000.00	1.54%
DONATIONS	-	-	-	-	#DIV/0!
OTHER REVENUE	41,090.90	5,400.00	537.63	5,400.00	9.96%
DEBT ISSUED	8,281.91	3,300.00	-	3,300.00	
TRANSFERS IN	225,340.00	277,560.00	-	277,560.00	0.00%
	<b>5,547,561.69</b>	<b>5,462,560.00</b>	<b>267,472.03</b>	<b>5,462,560.00</b>	4.90%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	676,792.05	700,930.00	62,834.70	700,930.00	8.96%
STREET	1,086,191.52	1,452,960.00	97,405.05	1,452,960.00	6.70%
POLICE	2,304,749.38	2,227,070.00	184,135.00	2,227,070.00	8.27%
DEVELOPMENT	467,272.31	514,820.00	31,669.69	514,820.00	6.15%
FINANCE	443,700.30	466,260.00	32,794.27	466,260.00	7.03%
COURT	-	-	-	-	
PARKS & REC	786,066.42	859,000.00	48,017.15	859,000.00	5.59%
SENIOR CENTER	27,391.10	36,890.00	1,789.07	36,890.00	4.85%
ELECTED OFFICIALS	51,777.91	43,280.00	2,140.75	43,280.00	4.95%
ANIMAL SHELTER	9,757.65	9,100.00	871.61	9,100.00	9.58%
EMERGENCY	-	-	-	-	
	<b>5,853,698.64</b>	<b>6,310,310.00</b>	<b>461,657.29</b>	<b>6,310,310.00</b>	7.32%

## ADMINISTRATION

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,981.84	317,640.00	20,326.96	317,640.00	6.40%
PART-TIME WAGES	33,442.35	37,500.00	2,055.00	37,500.00	5.48%
OVERTIME WAGES	-	-	-	-	
FICA EXPENSE	24,516.20	27,170.00	1,668.77	27,170.00	6.14%
EMPLOYEE BENEFITS	19,898.78	23,080.00	2,263.49	23,080.00	9.81%
WORKER'S COMPENSATION	564.31	760.00	-	760.00	0.00%
RETIREMENT EXPENSE	25,680.89	33,390.00	1,788.78	33,390.00	5.36%
UNEMPLOYMENT BENEFITS	3,728.56	-	-	-	
<b>Personnel</b>	<b>401,812.93</b>	<b>439,540.00</b>	<b>28,103.00</b>	<b>439,540.00</b>	<b>6.39%</b>
REPAIRS & MAINTENANCE - BLDG	6,680.97	9,170.00	9,473.78	9,170.00	103.31%
REPAIRS & MAINTENANCE - EQUIP	6,693.10	8,840.00	641.06	8,840.00	7.25%
REPAIRS & MAINTENANCE - VHCLES	-	-	-	-	
REPAIRS & MAINTENANCE - SFTWRE	18,115.03	19,400.00	89.70	19,400.00	0.46%
ELECTRICITY	1,305.28	2,050.00	67.42	2,050.00	3.29%
TELEPHONE/INTERNET	2,824.71	2,770.00	142.15	2,770.00	5.13%
MOBILE COMMUNICATIONS	2,410.07	2,490.00	206.49	2,490.00	8.29%
CAPITAL EXPENDITURES - EQUIP	-	19,000.00	7,312.45	19,000.00	38.49%
CAPITAL EXPENDITURES - SOFTWRE	-	60,000.00	-	60,000.00	0.00%
TOOLS & SUPPLIES	602.86	430.00	-	430.00	0.00%
<b>Operation and Maintenance</b>	<b>38,632.02</b>	<b>124,150.00</b>	<b>17,933.05</b>	<b>124,150.00</b>	<b>14.44%</b>
FUEL	-	-	-	-	
<b>Contractual Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
INSURANCE EXPENSE	5,343.67	6,650.00	-	6,650.00	0.00%
<b>Insurance</b>	<b>5,343.67</b>	<b>6,650.00</b>	<b>-</b>	<b>6,650.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	13,145.37	11,410.00	291.28	11,410.00	2.55%
OFFICE SUPPLIES	8,201.09	7,170.00	1,415.35	7,170.00	19.74%
POSTAGE	1,735.85	3,000.00	750.00	3,000.00	25.00%
ADVERTISING	24.00	550.00	-	550.00	0.00%
<b>Office and Administrative</b>	<b>23,106.31</b>	<b>22,130.00</b>	<b>2,456.63</b>	<b>22,130.00</b>	<b>11.10%</b>
CAPITAL IMPROVEMENT PROJECTS	106,550.77	-	-	-	
<b>Capital Improvement Projects</b>	<b>106,550.77</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>					
<b>TOTAL GENERAL FUND</b>	<b>575,445.70</b>	<b>592,470.00</b>	<b>48,492.68</b>	<b>592,470.00</b>	<b>#VALUE!</b>

# PUBLIC WORKS (STREET)

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	429,174.71	497,450.00	36,521.63	497,450.00	7.34%
PART-TIME WAGES	20,971.42	22,360.00	1,677.32	22,360.00	7.50%
OVERTIME WAGES	8,795.94	8,000.00	37.43	8,000.00	0.47%
FICA EXPENSE	32,153.05	40,380.00	2,658.97	40,380.00	6.58%
EMPLOYEE BENEFITS	67,071.29	88,190.00	8,073.30	88,190.00	9.15%
WORKER'S COMPENSATION	32,136.78	42,610.00	-	42,610.00	0.00%
RETIREMENT EXPENSE	37,250.46	47,520.00	2,752.04	47,520.00	5.79%
UNIFORM EXPENSE	1,956.61	3,000.00	412.78	3,000.00	13.76%
<b>Personnel</b>	<b>629,510.26</b>	<b>749,510.00</b>	<b>52,133.47</b>	<b>749,510.00</b>	<b>6.96%</b>
REPAIRS & MAINTENANCE - BLDG	38.66	1,000.00	-	1,000.00	0.00%
REPAIRS & MAINTENANCE - EQUIP	1,620.45	1,490.00	97.22	1,490.00	6.52%
REPAIRS & MAINTENANCE - VEHICL	2,626.95	1,500.00	160.36	1,500.00	10.69%
REPAIRS & MAINTENANCE - SFWRE	103,135.53	9,940.00	575.70	9,940.00	5.79%
ELECTRICITY	85,999.58	94,300.00	7,606.14	94,300.00	8.07%
PROPANE	5,058.39	10,000.00	696.50	10,000.00	6.97%
TELEPHONE/INTERNET	5,838.69	4,630.00	472.19	4,630.00	10.20%
MOBILE COMMUNICATIONS	4,848.98	5,200.00	458.43	5,200.00	8.82%
CAPITAL EXPENDITURES - EQUIP	2,076.77	-	-	-	
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
TOOLS & SUPPLIES	748.42	1,500.00	-	1,500.00	0.00%
FUEL	-	-	-	-	
<b>Operation and Maintenance</b>	<b>211,992.42</b>	<b>129,560.00</b>	<b>10,066.54</b>	<b>129,560.00</b>	<b>7.77%</b>
PROFESSIONAL SERVICES	161,454.97	212,070.00	76.29	212,070.00	0.04%
DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
<b>Contractual Services</b>	<b>161,454.97</b>	<b>213,070.00</b>	<b>76.29</b>	<b>213,070.00</b>	<b>0.04%</b>
INSURANCE EXPENSE	13,806.82	19,370.00	-	19,370.00	0.00%
<b>Insurance</b>	<b>13,806.82</b>	<b>19,370.00</b>	<b>-</b>	<b>19,370.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	4,287.44	3,000.00	128.75	3,000.00	4.29%
OFFICE SUPPLIES	590.15	2,500.00	-	2,500.00	0.00%
MEMBERSHIPS & SUBSCRIPTIONS	1,354.52	950.00	-	950.00	0.00%
<b>Office and Administrative</b>	<b>6,232.11</b>	<b>6,450.00</b>	<b>128.75</b>	<b>6,450.00</b>	<b>2.00%</b>
CAPITAL IMPROVEMENT PROJECTS	42,183.00	300,000.00	-	300,000.00	0.00%
<b>Capital Improvement Projects</b>	<b>42,183.00</b>	<b>300,000.00</b>	<b>-</b>	<b>300,000.00</b>	<b>0.00%</b>
MISCELLANEOUS	-	-	-	-	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
TRANSFERS OUT	20,000.00	35,000.00	35,000.00	35,000.00	100.00%
<b>Transfers Out</b>	<b>20,000.00</b>	<b>35,000.00</b>	<b>35,000.00</b>	<b>35,000.00</b>	<b>100.00%</b>
<b>TOTAL GENERAL FUND</b>	<b>1,085,179.58</b>	<b>1,452,960.00</b>	<b>97,405.05</b>	<b>1,452,960.00</b>	

# POLICE DEPARTMENT

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	1,085,225.89	1,189,510.00	94,834.92	1,189,510.00	7.97%
PART-TIME WAGES	16,026.31	19,900.00	1,173.32	19,900.00	5.90%
OVERTIME WAGES	100,484.98	67,600.00	10,188.40	67,600.00	15.07%
FICA EXPENSE	87,449.84	92,520.00	7,715.28	92,520.00	8.34%
EMPLOYEE BENEFITS	151,300.84	174,780.00	18,060.76	174,780.00	10.33%
WORKER'S COMPENSATION	49,832.93	62,840.00	-	62,840.00	0.00%
RETIREMENT EXPENSE	94,651.97	155,890.00	8,313.11	155,890.00	5.33%
UNIFORM EXPENSE	25,246.73	24,970.00	1,646.85	24,970.00	6.60%
<b>Personnel</b>	<b>1,610,219.49</b>	<b>1,788,010.00</b>	<b>141,932.64</b>	<b>1,788,010.00</b>	<b>7.94%</b>
REPAIRS & MAINT - BLDG	13,959.99	9,910.00	573.40	9,910.00	5.79%
REPAIRS & MAINTENANCE - EQUIP	10,139.37	9,110.00	3,536.87	9,110.00	38.82%
REPAIRS & MAINT - VEHICLES	46,768.94	23,960.00	3,981.41	23,960.00	16.62%
REPAIRS & MAINT - SOFTWARE	28,493.70	41,860.00	7,932.51	41,860.00	18.95%
ELECTRICITY	7,190.88	7,160.00	682.00	7,160.00	9.53%
TELEPHONE/INTERNET	5,636.02	7,730.00	232.55	7,730.00	3.01%
MOBILE COMMUNICATIONS	7,292.03	9,390.00	718.70	9,390.00	7.65%
CAPITAL EXPENDITURES - EQUIP	90,751.88	26,700.00	1,721.52	26,700.00	6.45%
CAPITAL EXPENDITURES - VEHICLE	415.38	-	-	-	-
CAPITAL EXPENDITURES - SOFTWARE	20,200.87	2,500.00	-	2,500.00	0.00%
TOOLS & SUPPLIES	16,096.56	19,470.00	1,607.91	19,470.00	8.26%
FUEL	48,347.33	48,750.00	3,893.48	48,750.00	7.99%
ANIMAL CONTROL	-	500.00	-	500.00	0.00%
<b>Operation and Maintenance</b>	<b>295,292.95</b>	<b>207,040.00</b>	<b>24,880.35</b>	<b>207,040.00</b>	<b>12.02%</b>
PROFESSIONAL SERVICES	74,066.54	36,760.00	1,923.28	36,760.00	5.23%
DISPATCHING	71,104.49	72,560.00	11,799.66	72,560.00	16.26%
CONFINEMENT	3,425.21	6,000.00	540.87	6,000.00	9.01%
INSURANCE DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
<b>Contractual Services</b>	<b>148,596.24</b>	<b>116,320.00</b>	<b>14,263.81</b>	<b>116,320.00</b>	<b>12.26%</b>
INSURANCE EXPENSE	51,193.79	56,120.00	-	56,120.00	0.00%
<b>Insurance</b>	<b>51,193.79</b>	<b>56,120.00</b>	<b>-</b>	<b>56,120.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	33,971.78	28,810.00	1,446.63	28,810.00	5.02%
ACADEMY TRAINING	5,239.18	10,000.00	-	10,000.00	0.00%
OFFICE SUPPLIES EXPENSE	2,653.33	2,330.00	1,007.33	2,330.00	43.23%
POSTAGE	853.33	1,000.00	250.00	1,000.00	25.00%
<b>Office and Administrative</b>	<b>42,717.62</b>	<b>42,140.00</b>	<b>2,703.96</b>	<b>42,140.00</b>	<b>6.42%</b>
MEMBERSHIPS & SUBSCRIPTIONS	20,912.65	17,190.00	354.24	17,190.00	2.06%
<b>Capital Improvement Projects</b>	<b>20,912.65</b>	<b>17,190.00</b>	<b>354.24</b>	<b>17,190.00</b>	<b>2.06%</b>
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	-
MISCELLANEOUS EXPENSE	480.74	-	-	-	-
<b>Other Expenses</b>	<b>480.74</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL GENERAL FUND</b>	<b>2,169,413.48</b>	<b>2,226,820.00</b>	<b>184,135.00</b>	<b>2,226,820.00</b>	<b>-</b>

## DEVELOPMENT

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,553.34	311,210.00	23,388.73	311,210.00	7.52%
OVERTIME WAGES	432.03	750.00	32.77	750.00	4.37%
FICA EXPENSE	21,349.44	23,870.00	1,685.77	23,870.00	7.06%
EMPLOYEE BENEFITS	31,549.52	36,050.00	3,084.70	36,050.00	8.56%
WORKER'S COMPENSATION	10,171.88	12,880.00	-	12,880.00	0.00%
RETIREMENT EXPENSE	25,870.89	29,330.00	2,061.10	29,330.00	7.03%
UNIFORM EXPENSE	764.20	1,800.00	-	1,800.00	0.00%
<b>Personnel</b>	<b>383,691.30</b>	<b>415,890.00</b>	<b>30,253.07</b>	<b>415,890.00</b>	<b>7.27%</b>
REPAIRS & MAINTENANCE - BLDG	1,449.52	1,320.00	109.80	1,320.00	8.32%
REPAIRS & MAINTENANCE - EQUIP	890.01	1,630.00	274.44	1,630.00	16.84%
REPAIRS & MAINT - VEHICLES	2,866.09	1,640.00	76.13	1,640.00	4.64%
REPAIRS & MAINT - SFTWRE/MAPS	25,097.94	23,560.00	89.70	23,560.00	0.38%
ELECTRICITY	1,083.19	1,410.00	67.42	1,410.00	4.78%
TELEPHONE/INTERNET	1,708.71	1,950.00	45.68	1,950.00	2.34%
MOBILE COMMUNICATIONS	1,867.06	2,200.00	151.96	2,200.00	6.91%
CAPITAL EXPENDITURES - EQUIP	3,166.99	1,600.00	-	1,600.00	0.00%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	-
CAPITAL EXPENDITURES - HARDWARE	-	-	-	-	-
TOOLS & SUPPLIES	184.32	1,020.00	-	1,020.00	0.00%
FUEL	4,094.86	6,570.00	276.18	6,570.00	4.20%
<b>Operation and Maintenance</b>	<b>42,408.69</b>	<b>42,900.00</b>	<b>1,091.31</b>	<b>42,900.00</b>	<b>2.54%</b>
PROFESSIONAL SERVICES	27,640.88	36,190.00	20.91	36,190.00	0.06%
<b>Contractual Services</b>	<b>27,640.88</b>	<b>36,190.00</b>	<b>20.91</b>	<b>36,190.00</b>	<b>0.06%</b>
INSURANCE EXPENSE	6,537.74	7,210.00	-	7,210.00	0.00%
<b>Insurance</b>	<b>6,537.74</b>	<b>7,210.00</b>	<b>-</b>	<b>7,210.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	2,612.28	3,000.00	-	3,000.00	0.00%
OFFICE SUPPLIES EXPENSE	1,046.45	1,000.00	-	1,000.00	0.00%
POSTAGE	1,140.27	1,800.00	-	1,800.00	0.00%
ADVERTISING	2,154.70	5,400.00	304.40	5,400.00	5.64%
MEMBERSHIPS & SUBSCRIPTIONS	40.00	1,430.00	-	1,430.00	0.00%
<b>Office and Administrative</b>	<b>6,993.70</b>	<b>12,630.00</b>	<b>304.40</b>	<b>12,630.00</b>	<b>2.41%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
MISCELLANEOUS EXPENSE	-	-	-	-	-
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL GENERAL FUND</b>	<b>467,272.31</b>	<b>514,820.00</b>	<b>31,669.69</b>	<b>514,820.00</b>	<b>6.15%</b>

## FINANCE DEPARTMENT

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	230,587.77	247,930.00	18,839.14	247,930.00	7.60%
PART-TIME WAGES	-	-	-	-	
OVERTIME WAGES	94.94	750.00	217.42	750.00	28.99%
FICA EXPENSE	16,960.54	19,030.00	1,403.96	19,030.00	7.38%
EMPLOYEE BENEFITS	40,531.98	50,450.00	3,714.78	50,450.00	7.36%
WORKER'S COMPENSATION	414.64	520.00	-	520.00	0.00%
RETIREMENT EXPENSE	19,653.90	23,380.00	1,676.99	23,380.00	7.17%
<b>Personnel</b>	<b>308,243.77</b>	<b>342,060.00</b>	<b>25,852.29</b>	<b>342,060.00</b>	<b>7.56%</b>
REPAIRS & MAINTENANCE - BLDG	915.24	880.00	73.20	880.00	8.32%
REPAIRS & MAINTENANCE - EQUIP	1,727.73	740.00	222.96	740.00	30.13%
REPAIRS & MAINTENANCE - SFTWRE	22,087.72	22,160.00	270.21	22,160.00	1.22%
ELECTRICITY	787.79	1,030.00	49.03	1,030.00	4.76%
TELEPHONE/INTERNET	1,132.32	1,380.00	26.99	1,380.00	1.96%
MOBILE COMMUNICATIONS	445.99	490.00	40.49	490.00	8.26%
CAPITAL EXPENDITURES - EQUIP	-	-	-	-	
TOOLS & SUPPLIES	302.71	1,340.00	-	1,340.00	0.00%
<b>Operation and Maintenance</b>	<b>27,399.50</b>	<b>28,020.00</b>	<b>682.88</b>	<b>28,020.00</b>	<b>2.44%</b>
PROFESSIONAL SERVICES	41,242.56	37,850.00	6.96	37,850.00	0.02%
<b>Contractual Services</b>	<b>41,242.56</b>	<b>37,850.00</b>	<b>6.96</b>	<b>37,850.00</b>	<b>0.02%</b>
INSURANCE EXPENSE	3,428.00	3,690.00	-	3,690.00	0.00%
<b>Insurance</b>	<b>3,428.00</b>	<b>3,690.00</b>	<b>-</b>	<b>3,690.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	769.10	1,200.00	111.75	1,200.00	9.31%
OFFICE SUPPLIES	1,069.36	650.00	137.45	650.00	21.15%
ADVERTISING	-	260.00	-	260.00	0.00%
BANK CHARGES	61,033.01	52,010.00	5,927.94	52,010.00	11.40%
MEMBERSHIPS & SUBSCRIPTIONS	515.00	520.00	75.00	520.00	14.42%
<b>Office and Administrative</b>	<b>63,386.47</b>	<b>54,640.00</b>	<b>6,252.14</b>	<b>54,640.00</b>	<b>11.44%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>443,700.30</b>	<b>466,260.00</b>	<b>32,794.27</b>	<b>466,260.00</b>	<b>7.03%</b>





# MUNICIPAL COURT

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
salaries & wages	-	-	-	-	
part-time wages	-	-	-	-	
overtime wages	-	-	-	-	
fica expense	-	-	-	-	
employee benefits	-	-	-	-	
WORKER'S COMPENSATION	-	-	-	-	
retirement expense	-	-	-	-	
<b>Personnel</b>	-	-	-	-	
repairs & maintenance - bldg	-	-	-	-	
repairs & maintenance - equip	-	-	-	-	
repairs & maintenance - sftwre	-	-	-	-	
ELECTRICITY	-	-	-	-	
TELEPHONE/INTERNET	-	-	-	-	
capital expenditures - hrdwre	-	-	-	-	
tools & supplies	-	-	-	-	
<b>Operation and Maintenance</b>	-	-	-	-	
professional services	-	-	-	-	
<b>Contractual Services</b>	-	-	-	-	
insurance expense	-	-	-	-	
<b>Insurance</b>	-	-	-	-	
training & travel	-	-	-	-	
office supplies expense	-	-	-	-	
postage	-	-	-	-	
bank charges	-	-	-	-	
<b>Office and Administrative</b>	-	-	-	-	
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	-	-	-	-	



PARKS & RECREATION

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	263,511.32	321,350.00	21,123.37	321,350.00	6.57%
PART-TIME WAGES	17,576.48	21,840.00	-	21,840.00	0.00%
PART-TIME RECREATION WAGES	4,647.46	4,100.00	-	4,100.00	0.00%
OVERTIME WAGES	3,625.49	2,000.00	227.99	2,000.00	11.40%
FICA EXPENSE	21,503.89	26,730.00	1,626.19	26,730.00	6.08%
EMPLOYEE BENEFITS	30,541.75	56,220.00	2,193.62	56,220.00	3.90%
WORKER'S COMPENSATION	11,738.41	15,730.00	-	15,730.00	0.00%
RETIREMENT EXPENSE	18,556.94	30,400.00	1,615.45	30,400.00	5.31%
UNIFORM EXPENSE	2,428.34	3,250.00	86.99	3,250.00	2.68%
Personnel	374,130.08	481,620.00	26,873.61	481,620.00	5.58%
REPAIRS & MAINTENANCE - BLDG	2,568.07	1,000.00	63.79	1,000.00	6.38%
REPAIRS & MAINTENANCE - EQUIP	34,033.23	11,500.00	2,451.33	11,500.00	21.32%
REPAIRS & MAINTENACE - VEHICLE	295.81	750.00	-	750.00	0.00%
REPAIRS & MAINT - INFRASTRUCTR	7,694.71	21,000.00	1,647.50	21,000.00	7.85%
REPAIRS & MAINT - PARKS	13,920.35	19,000.00	53.98	19,000.00	0.28%
REPAIRS & MAINT - SOFTWARE	14,468.59	15,420.00	2,056.82	15,420.00	13.34%
REPAIRS & MAINT - SMITH'S FORK	109,752.67	10,000.00	1,236.56	10,000.00	12.37%
ELECTRICITY	28,060.96	32,400.00	2,308.22	32,400.00	7.12%
PROPANE	5,387.10	9,000.00	537.30	9,000.00	5.97%
TELEPHONE/INTERNET	6,392.63	7,250.00	490.27	7,250.00	6.76%
MOBILE COMMUNICATIONS	2,989.98	3,260.00	230.30	3,260.00	7.06%
CAPITAL EXPENDITURES - EQUIP	-	-	-	-	
CAPITAL EXPENDITURES - VEHICLE	-	47,850.00	-	47,850.00	0.00%
CAPITAL EXPENDITURES - HRDWARE	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	-	-	-	-	
TOOLS & SUPPLIES	8,017.12	6,000.00	381.70	6,000.00	6.36%
FUEL	16,849.31	12,380.00	607.22	12,380.00	4.90%
recreation	-	-	-	-	
YOUTH REC LEAGUE UNIFORMS	19,920.45	20,010.00	-	20,010.00	0.00%
YOUTH REC LEAGUE UMPIRES	18,003.93	12,320.00	-	12,320.00	0.00%
ADULT REC LEAGUE UNIFORMS	-	1,000.00	-	1,000.00	0.00%
ADULT REC LEAGUE OFFICIALS	-	1,000.00	-	1,000.00	0.00%
REC LEAGUE BACKGROUND CHECKS	400.42	720.00	-	720.00	0.00%
REC LEAGUE SUPPLIES/AWARDS	15,035.30	27,010.00	3,260.87	27,010.00	12.07%
REC LEAGUE ADVERTISING	1,195.37	1,000.00	-	1,000.00	0.00%
Operation and Maintenance	304,986.00	259,870.00	15,325.86	259,870.00	5.90%
BIKE RACE	1,488.67	11,550.00	-	11,550.00	0.00%
PROFESSIONAL SERVICES	14,672.45	5,310.00	2,528.43	5,310.00	47.62%
LEASE PAYMENTS	38,701.20	40,640.00	-	40,640.00	0.00%
CAMP HOST SERVICES	14,700.00	14,700.00	-	14,700.00	0.00%
FIREWORKS DISPLAY	16,000.00	16,000.00	-	16,000.00	0.00%
Contractual Services	85,562.32	88,200.00	2,528.43	88,200.00	2.87%
MOVIE NIGHTS	2,062.07	2,400.00	-	2,400.00	0.00%
Insurance	2,062.07	2,400.00	-	2,400.00	0.00%
INSURANCE EXPENSE	12,701.27	15,500.00	-	15,500.00	0.00%
TRAINING & TRAVEL EXPENSE	3,639.83	7,890.00	95.00	7,890.00	1.20%
OFFICE SUPPLIES	534.52	750.00	2,310.25	750.00	308.03%
POSTAGE	-	-	-	-	
ADVERTISING	2,125.33	1,000.00	114.00	1,000.00	11.40%
MEMBERSHIPS	325.00	770.00	770.00	770.00	100.00%
Office and Administrative	19,325.95	25,910.00	3,289.25	25,910.00	12.69%
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	
Capital Improvement Projects	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	786,066.42	858,000.00	48,017.15	858,000.00	

## SENIOR CENTER

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	10,663.97	8,180.00	223.00	8,180.00	2.73%
ELECTRICITY	2,206.69	1,740.00	187.72	1,740.00	10.79%
NATURAL GAS	1,134.35	1,560.00	43.49	1,560.00	2.79%
TELEPHONE/INTERNET	1,641.89	1,970.00	165.36	1,970.00	8.39%
TOOLS & SUPPLIES	99.85	2,750.00	-	2,750.00	0.00%
<b>Operation and Maintenance</b>	<b>15,746.75</b>	<b>16,200.00</b>	<b>619.57</b>	<b>16,200.00</b>	<b>3.82%</b>
PROFESSIONAL SERVICES	7,855.25	16,900.00	1,169.50	16,900.00	6.92%
<b>Contractual Services</b>	<b>7,855.25</b>	<b>16,900.00</b>	<b>1,169.50</b>	<b>16,900.00</b>	<b>6.92%</b>
INSURANCE	3,789.10	3,790.00	-	3,790.00	0.00%
<b>Insurance</b>	<b>3,789.10</b>	<b>3,790.00</b>	<b>-</b>	<b>3,790.00</b>	<b>0.00%</b>
<b>Office and Administrative</b>	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>27,391.10</b>	<b>36,890.00</b>	<b>1,789.07</b>	<b>36,890.00</b>	<b>4.85%</b>

## ELECTED OFFICIALS

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
PART-TIME WAGES	14,550.00	15,150.00	1,200.00	15,150.00	7.92%
FICA EXPENSE	1,113.44	1,160.00	91.83	1,160.00	7.92%
WORKER'S COMPENSATION	30.34	40.00	-	40.00	0.00%
<b>Personnel</b>	<b>15,693.78</b>	<b>16,350.00</b>	<b>1,291.83</b>	<b>16,350.00</b>	<b>7.90%</b>
WORKER'S COMPENSATION	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	1,163.55	1,320.00	97.60	1,320.00	7.39%
REPAIRS & MAINT - SOFTWARE	1,067.08	2,140.00	125.58	2,140.00	5.87%
ELECTRICITY	1,378.63	1,160.00	85.81	1,160.00	7.40%
TELEPHONE/INTERNET	1,383.91	1,590.00	58.15	1,590.00	3.66%
MOBILE COMMUNICATIONS	-	-	-	-	
TOOLS & SUPPLIES	7.50	220.00	-	220.00	0.00%
<b>Operation and Maintenance</b>	<b>5,000.67</b>	<b>6,430.00</b>	<b>367.14</b>	<b>6,430.00</b>	<b>5.71%</b>
COMMUNITY RELATIONS ALLOWANCE	-	-	-	-	
<b>Contractual Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
PROFESSIONAL SERVICES	14,266.46	5,160.00	20.93	5,160.00	0.41%
<b>Insurance</b>	<b>14,266.46</b>	<b>5,160.00</b>	<b>20.93</b>	<b>5,160.00</b>	<b>0.41%</b>
INSURANCE EXPENSE	1,363.42	1,660.00	-	1,660.00	0.00%
TRAINING & TRAVEL EXPENSE	1,905.72	2,750.00	400.00	2,750.00	14.55%
OFFICE SUPPLIES	563.61	1,000.00	60.85	1,000.00	6.09%
ADVERTISING	12,199.25	8,350.00	-	8,350.00	0.00%
MEMBERSHIPS & SUBSCRIPTIONS	785.00	1,580.00	-	1,580.00	0.00%
<b>Office and Administrative</b>	<b>16,817.00</b>	<b>15,340.00</b>	<b>460.85</b>	<b>15,340.00</b>	<b>3.00%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>51,777.91</b>	<b>43,280.00</b>	<b>2,140.75</b>	<b>43,280.00</b>	<b>4.95%</b>

## ANIMAL SHELTER

11/30/2022

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINT - BLDG	853.46	600.00	-	600.00	0.00%
TOOLS & SUPPLIES	1,584.57	1,500.00	87.46	1,500.00	5.83%
<b>Operation and Maintenance</b>	<b>2,438.03</b>	<b>2,100.00</b>	<b>87.46</b>	<b>2,100.00</b>	<b>4.16%</b>
PROFESSIONAL SERVICES	7,141.62	6,000.00	784.15	6,000.00	13.07%
<b>Contractual Services</b>	<b>7,141.62</b>	<b>6,000.00</b>	<b>784.15</b>	<b>6,000.00</b>	<b>13.07%</b>
<b>Insurance</b>	-	-	-	-	
ADVERTISING	-	-	-	-	
<b>Office and Administrative</b>	-	-	-	-	
TRAINING & TRAVEL	178.00	1,000.00	-	1,000.00	0.00%
<b>Capital Improvement Projects</b>	<b>178.00</b>	<b>1,000.00</b>	<b>-</b>	<b>1,000.00</b>	<b>0.00%</b>
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>9,757.65</b>	<b>9,100.00</b>	<b>871.61</b>	<b>9,100.00</b>	<b>9.58%</b>

## SPECIAL ALLOCATION FUND (MARKETPLACE TIF)

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	189,504.87	195,000.00	-	195,000.00	0.00%
SALES AND USE TAXES	500,344.30	510,000.00	22,078.71	510,000.00	4.33%
	<b>689,849.17</b>	<b>705,000.00</b>	<b>22,078.71</b>	<b>705,000.00</b>	3.13%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	1,016,185.65	703,000.00	42,257.14	703,000.00	6.01%
	<b>1,016,185.65</b>	<b>703,000.00</b>	<b>42,257.14</b>	<b>703,000.00</b>	6.01%

**SPECIAL ALLOCATION FUND (MARKETPLACE TIF)**

11/30/22

SPECIAL ALLOCATION FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
TIF PAYMENTS TO DEVELOPER	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL SPECIAL ALLOCATION FUND</b>	-	-	-	-	



## CAPITAL PROJECTS FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
INTERGOVERNMENTAL REVENUES	-	-	-	-	
DEBT ISSUED	-	-	-	-	
TRANSFERS IN	112,274.47	-	-	-	#DIV/0!
PARK IMPROVEMENT REVENUE	77,479.34	40,000.00	-	40,000.00	
	<b>112,274.47</b>	-	-	-	#DIV/0!
EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	127,000.00	-	-	-	#DIV/0!
	<b>127,000.00</b>	-	-	-	#DIV/0!

## CAPITAL PROJECTS FUND

11/30/22

CAPITAL PROJECTS FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Personnel	-	-	-	-	
Operation and Maintenance	-	-	-	-	
PROFESSIONAL SERVICES	-	-	-	-	
Contractual Services	-	-	-	-	
Insurance	-	-	-	-	
Office and Administrative	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	127,000.00	-	-	-	
PARK IMPROVEMENT EXPENSE	-	-	-	-	
Capital Improvement Projects	127,000.00	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
TOTAL CAPITAL PROJECTS FUND	127,000.00	-	-	-	

## TRANSPORTATION SALES TAX FUND

11/30/22

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES AND USE TAXES		608,120.52	589,713.00	48,179.25	589,713.00	8.17%
PROCEEDS FROM DEBT ISSUED		-	-	-	-	
TRANSFERS IN		-	-	-	-	
		<b>608,120.52</b>	<b>589,713.00</b>	<b>48,179.25</b>	<b>589,713.00</b>	8.17%

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET		656,800.23	702,246.00	17,309.51	702,246.00	2.46%
		<b>656,800.23</b>	<b>702,246.00</b>	<b>17,309.51</b>	<b>702,246.00</b>	2.46%

# TRANSPORTATION SALES TAX FUND

11/30/22

TRANSPORTATION SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	1,753.72	1,000.00	232.58	1,000.00	23.26%
REPAIRS & MAINTENANCE - EQUIP	15,897.09	15,000.00	4,090.79	15,000.00	27.27%
REPAIRS & MAINTENANCE - STREET	83,173.97	107,000.00	2,696.20	107,000.00	2.52%
CAPITAL EXPENDITURES - EQUIP	18,500.00	6,960.00	-	6,960.00	0.00%
SUPPLIES - STREET SIGNS	-	-	-	-	
FUEL	18,948.76	17,820.00	683.14	17,820.00	3.83%
<b>Operation and Maintenance</b>	<b>138,273.54</b>	<b>147,780.00</b>	<b>7,702.71</b>	<b>147,780.00</b>	<b>5.21%</b>
PROFESSIONAL SERVICES	3,721.47	105,000.00	-	105,000.00	
<b>Contractual Services</b>	<b>3,721.47</b>	<b>105,000.00</b>	<b>-</b>	<b>105,000.00</b>	
INSURANCE EXPENSE	-	-	-	-	
<b>Insurance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
TOOLS & SUPPLIES	6,388.47	41,000.00	181.12	41,000.00	0.44%
<b>Office and Administrative</b>	<b>6,388.47</b>	<b>41,000.00</b>	<b>181.12</b>	<b>41,000.00</b>	<b>0.44%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
LEASE PAYMENTS	38,969.28	35,010.00	-	35,010.00	0.00%
<b>Debt - Principal</b>	<b>38,969.28</b>	<b>35,010.00</b>	<b>-</b>	<b>35,010.00</b>	<b>0.00%</b>
INTEREST PAYMENTS	6,266.00	3,280.00	-	3,280.00	0.00%
<b>Debt - Interest</b>	<b>6,266.00</b>	<b>3,280.00</b>	<b>-</b>	<b>3,280.00</b>	<b>0.00%</b>
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TRANSPORTATION SALES TAX FUND</b>	<b>193,618.76</b>	<b>332,070.00</b>	<b>7,883.83</b>	<b>332,070.00</b>	<b>2.37%</b>

## CAPITAL IMPROVEMENT SALES TAX FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES AND USE TAXES	692,937.19	672,435.00	55,491.76	672,435.00	8.25%
TRANSFERS IN	-	-	-	-	
	<b>692,937.19</b>	<b>672,435.00</b>	<b>55,491.76</b>	<b>672,435.00</b>	8.25%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	536,192.40	1,355,370.00	-	1,355,370.00	0.00%
	<b>536,192.40</b>	<b>1,355,370.00</b>	<b>-</b>	<b>1,355,370.00</b>	0.00%

## CAPITAL IMPROVEMENT SALES TAX FUND

11/30/22

CAPITAL IMPROVE SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Office and Administrative	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	-	891,000.00	-	891,000.00	0.00%
Capital Improvement Projects	-	891,000.00	-	891,000.00	0.00%
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
TRANSFERS OUT	463,824.47	355,370.00	-	355,370.00	0.00%
Transfers Out	463,824.47	355,370.00	-	355,370.00	0.00%
<b>TOTAL CAPITAL IMPROVE SALES TAX FUND</b>	<b>463,824.47</b>	<b>1,246,370.00</b>	<b>-</b>	<b>1,246,370.00</b>	

**DEBT SERVICE FUND**
**11/30/22**

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	PROPERTY TAXES	-	-	-	-	
	TRANSFERS IN	351,550.00	354,845.00	-	354,845.00	0.00%
		<b>351,550.00</b>	<b>354,845.00</b>	-	<b>354,845.00</b>	0.00%

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	STREET	339,212.50	343,040.00	-	343,040.00	0.00%
		<b>339,212.50</b>	<b>343,040.00</b>	-	<b>343,040.00</b>	0.00%

## DEBT SERVICE FUND

11/30/22

DEBT SERVICE FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
LEASE PAYMENTS	145,000.00	155,000.00	-	155,000.00	0.00%
Debt - Principal	145,000.00	155,000.00	-	155,000.00	0.00%
INTEREST	194,212.50	188,040.00	-	188,040.00	0.00%
Debt - Interest	194,212.50	188,040.00	-	188,040.00	0.00%
Transfers Out	-	-	-	-	
TOTAL DEBT SERVICE FUND	339,212.50	343,040.00	-	343,040.00	





## WATER & WASTEWATER SYSTEMS FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
LICENSES, FEES, AND PERMITS	-	-	-	-	
CHARGES FOR SERVICES	5,857,343.35	5,070,817.00	425,547.37	5,070,817.00	8.39%
IMPACT FEES	283,906.00	330,000.00	15,600.00	330,000.00	4.73%
OTHER REVENUE	37,079.81	-	-	-	
DEBT ISSUED	43,543.48	3,940,000.00	-	3,940,000.00	0.00%
TRANSFERS IN	-	-	-	-	
	<b>6,221,872.64</b>	<b>9,340,817.00</b>	<b>441,147.37</b>	<b>9,340,817.00</b>	4.72%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
UTILITIES	4,972,647.60	13,070,115.00	345,836.31	13,070,115.00	2.65%
	<b>4,972,647.60</b>	<b>13,070,115.00</b>	<b>345,836.31</b>	<b>13,070,115.00</b>	2.65%

PUBLIC WORKS (UTILITIES)

11/30/22

CWWS FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	777,255.74	912,150.00	61,378.02	912,150.00	6.73%
OVERTIME WAGES	28,068.48	20,000.00	3,329.43	20,000.00	16.65%
FICA EXPENSE	59,721.82	71,310.00	4,751.02	71,310.00	6.66%
EMPLOYEE BENEFITS	94,132.53	123,760.00	9,689.45	123,760.00	7.83%
WORKER'S COMPENSATION	35,672.44	47,920.00	-	47,920.00	0.00%
RETIREMENT EXPENSE	68,589.85	87,630.00	5,467.39	87,630.00	6.24%
UNIFORM EXPENSE	6,201.53	9,000.00	1,175.10	9,000.00	13.06%
Personnel	1,069,642.39	1,271,770.00	85,790.41	1,271,770.00	6.75%
REPAIRS & MAINTENANCE - EQUIP	5,040.58	6,990.00	3,542.36	6,990.00	50.68%
REPAIRS & MAINTENCE- VEHICLES	2,968.05	3,000.00	-	3,000.00	0.00%
REPAIRS & MAINT - WATER LINES	77,932.59	88,500.00	2,733.75	88,500.00	3.09%
REPAIRS & MAINT - SEWER LINES	149,136.80	200,000.00	102,614.25	200,000.00	51.31%
REPAIRS & MAINT - WATER PLANT	76,796.75	294,000.00	140.24	294,000.00	0.05%
REPAIRS & MAINT - WW PLANT	167,406.00	180,000.00	14,053.24	180,000.00	7.81%
REPAIRS & MAINT - SOFTWARE	13,409.27	25,730.00	463.40	25,730.00	1.80%
REPAIRS & MAINT - WATER TOWERS	110,294.84	126,270.00	27,816.74	126,270.00	22.03%
ELECTRICITY	242,199.15	243,490.00	19,348.21	243,490.00	7.95%
PROPANE	5,814.00	15,000.00	398.00	15,000.00	2.65%
TELEPHONE/INTERNET	15,161.57	12,250.00	1,102.35	12,250.00	9.00%
MOBILE COMMUNICATIONS	10,041.33	10,850.00	764.20	10,850.00	7.04%
CAPITAL EXPENDITURES - EQUIP	4,153.55	15,000.00	16,856.07	15,000.00	112.37%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - SOFTWRE	97,950.00	1,500.00	-	1,500.00	0.00%
CAPITAL EXPENDITURES - HRDWRE	-	-	-	-	
CAPITAL EXPENDITURES - TOWERS	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	9,840.00	-	-	-	
CAPITAL EXPENDITURES - WATER P	-	-	-	-	
CAPITAL EXPENDITURES - WW PLAN	-	-	-	-	
CAPITAL EXPENDITURES - LINES	-	-	-	-	
TOOLS & SUPPLIES	26,644.02	25,000.00	1,260.23	25,000.00	5.04%
SUPPLIES - CONNECTIONS	76,695.45	90,000.00	-	90,000.00	0.00%
SUPPLIES - LAB	26,894.64	30,000.00	2,861.86	30,000.00	9.54%
SUPPLIES - WATER CHEMICALS	157,562.11	150,000.00	13,326.78	150,000.00	8.88%
SUPPLIES - WW CHEMICALS	10,264.38	15,000.00	-	15,000.00	0.00%
FUEL	19,503.91	18,600.00	1,112.24	18,600.00	5.98%
Operation and Maintenance	1,305,708.99	1,551,180.00	208,393.92	1,551,180.00	13.43%
PROFESSIONAL SERVICES	618,079.49	1,060,330.00	3,042.00	1,060,330.00	0.29%
DEBT PRINCIPAL PAYMENTS	548,750.81	372,147.00	-	372,147.00	0.00%
WASTEWATER TREATMENT SERVICE	127,167.30	136,850.00	10,906.35	136,850.00	7.97%
Contractual Services	1,293,997.60	1,569,327.00	13,948.35	1,569,327.00	0.89%
INSURANCE EXPENSE	79,220.49	71,720.00	-	71,720.00	0.00%
Insurance	79,220.49	71,720.00	-	71,720.00	0.00%
OTHER LEASE EXPENSE	-	-	-	-	
TRAINING & TRAVEL EXPENSE	3,461.10	7,500.00	76.92	7,500.00	1.03%
OFFICE SUPPLIES	1,514.25	6,000.00	649.16	6,000.00	10.82%
POSTAGE	2,040.34	1,500.00	86.60	1,500.00	5.77%
ADVERTISING	-	250.00	-	250.00	0.00%
BANK CHARGES	1,855.00	2,000.00	1,855.00	2,000.00	92.75%
Office and Administrative	8,870.69	17,250.00	2,667.68	17,250.00	15.46%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
CAPITAL IMPROVEMENT PROJECTS	826,651.85	7,016,900.00	-	7,016,900.00	0.00%
WATER IMPACT PROJECTS	-	200,000.00	-	200,000.00	0.00%
Capital Improvement Projects	#N/A	#N/A	#N/A	#N/A	#N/A
WASTEWATER IMPACT PROJECTS	-	700,000.00	-	700,000.00	0.00%
AMORTIZATION EXPENSE	-	-	-	-	
DEPRECIATION EXPENSE	-	-	-	-	
Other Expenses	-	700,000.00	-	700,000.00	0.00%
Debt - Principal	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Debt - Interest	#N/A	#N/A	#N/A	#N/A	#N/A
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Transfers Out	#N/A	#N/A	#N/A	#N/A	#N/A
TOTAL CWWS FUND	#N/A	#N/A	#N/A	#N/A	#N/A

## SANITATION FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
CHARGES FOR SERVICES	813,121.89	915,860.00	64,827.10	915,860.00	7.08%
TRANSFERS IN	-	-	-	-	
	<b>813,121.89</b>	<b>915,860.00</b>	<b>64,827.10</b>	<b>915,860.00</b>	7.08%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMIN	818,525.83	900,600.00	200.00	900,600.00	0.02%
	<b>818,525.83</b>	<b>900,600.00</b>	<b>200.00</b>	<b>900,600.00</b>	0.02%

## SANITATION FUND

11/30/22

SANITATION FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
SOLID WASTE SERVICES	807,183.29	887,970.00	200.00	887,970.00	0.02%
RECYCLING SERVICES	-	-	-	-	
HOUSEHOLD HAZARDOUS WASTE	11,342.54	12,630.00	-	12,630.00	0.00%
yard waste	-	-	-	-	
<b>Operation and Maintenance</b>	<b>818,525.83</b>	<b>900,600.00</b>	<b>200.00</b>	<b>900,600.00</b>	<b>0.02%</b>
<b>Contractual Services</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
HOUSEHOLD HAZARDOUS WASTE	11,342.54	12,630.00	-	12,630.00	0.00%
<b>Transfers Out</b>	<b>11,342.54</b>	<b>12,630.00</b>	<b>-</b>	<b>12,630.00</b>	<b>0.00%</b>
<b>TOTAL SANITATION FUND</b>	<b>829,868.37</b>	<b>913,230.00</b>	<b>200.00</b>	<b>913,230.00</b>	

# PARK AND STORMWATER SALES TAX FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARK & STRMWTR SALES TAX	690,959.69	672,435.00	55,480.28	672,435.00
MISCELLANEOUS REVENUE	11,000.00	-	-	-
	<b>701,959.69</b>	<b>672,435.00</b>	<b>55,480.28</b>	<b>672,435.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARKS & RECREATION	282,573.48	30,000.00	-	30,000.00
UTILITIES	47,325.00	467,750.00	15,262.50	467,750.00
	<b>47,325.00</b>	<b>497,750.00</b>	<b>15,262.50</b>	<b>467,750.00</b>

## VEHICLE AND EQUIPMENT REPLACE FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
SALE OF PERSONAL PROPERTY	193,778.35	352,100.00	-	352,100.00
TRANSFERS IN	193,778.35	70,000.00	70,000.00	70,000.00
	<b>387,556.70</b>	<b>422,100.00</b>	<b>70,000.00</b>	<b>422,100.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
ADMINISTRATION	104,036.17	-	-	-
STREETS	48,486.42	105,000.00	6,286.97	105,000.00
POLICE	8,859.46	97,500.00	17,484.67	97,500.00
DEVELOPMENT	8,870.13	36,750.00	1,609.51	36,750.00
PARKS & RECREATION	28,109.05	77,500.00	3,831.31	77,500.00
UTILITIES	11,766.34	65,000.00	5,469.74	65,000.00
	<b>210,127.57</b>	<b>381,750.00</b>	<b>34,682.20</b>	<b>381,750.00</b>



## COMMONS CID FUND

11/30/22

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
	SALES TAXES	345,227.10	373,750.00	30,340.79	373,750.00
	USE TAXES	5,211.70	6,500.00	249.00	6,500.00
		<b>350,438.80</b>	<b>380,250.00</b>	<b>30,589.79</b>	<b>380,250.00</b>

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
	CONTRACTED SERVICES	554,816.41	335,618.00	17,144.45	335,618.00
		<b>554,816.41</b>	<b>335,618.00</b>	<b>17,144.45</b>	<b>335,618.00</b>



## DONATION FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
OTHER REVENUE - POLICE DONATIONS	3,305.00	10,500.00	4,076.00	10,800.00
OTHER REVENUE - PARK DONATIONS	-	-	-	-
	<b>3,305.00</b>	<b>10,500.00</b>	<b>4,076.00</b>	<b>10,800.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
CAPITAL OUTLAY	-	-	-	-
	-	-	-	-





## AMERICAN RESCUE PLAN ACT FUND

11/30/22

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
INTERGOVERNMENTAL REVENUES	1,110,127.76	1,089,161.50	-	-
INTEREST INCOME	10,570.72	-	-	-
	<b>1,120,698.48</b>	<b>1,089,161.50</b>	-	-

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
UTILITIES		2,178,300.00	85,437.71	2,178,300.00
	-	<b>2,178,300.00</b>	<b>85,437.71</b>	<b>2,178,300.00</b>



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Public Works (Streets)

**AGENDA ITEM:** Resolution 1159, Surplus of City Property

---

**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1159, declaring certain items surplus.

**SUMMARY:**

From time to time, departments have equipment or vehicles which are broken, or have been replaced by new equipment or vehicles, or are no longer used or needed by the department. For property to be disposed of by the City, property must be identified by the Board of Aldermen as surplus.

The Street Department has identified a surplus for disposal. Items include:

- a ten-foot grain bin
- pull-type Dura Patcher
- various sizes of old water and sewer pipes
- ten rolls of ninety-six inch high and various lengths chain link fence

City staff recommends these items be listed through GovDeals.com (online auction).

**PREVIOUS ACTION:**

Click or tap here to enter text.

**POLICY OBJECTIVE:**

To dispose of surplus property no longer utilized by the City.

**FINANCIAL CONSIDERATIONS:**

Revenues gained through selling property no longer utilized by the City will be deposited into the General Fund.

**ATTACHMENTS:**

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

## **RESOLUTION 1159**

### **A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS EQUIPMENT**

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

**WHEREAS**, the City of Smithville has identified a ten-foot grain bin, pull type Dura Patcher, various sizes of old water and sewer pipes and ten rolls of ninety-six-inch chain link fence the Public Works Department, Street Division in its possession as surplus and no longer of value; and

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

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

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

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 20<sup>th</sup> day of December 2022.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Police

**AGENDA ITEM:** Resolution 1160, Mutual Aid Intergovernmental Agreement with Excelsior Springs

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1160, authorizing and directing the Mayor to enter into an intergovernmental agreement for mutual aid with the Excelsior Springs.

**SUMMARY:**

Mutual Aid Agreements have been used as an efficient means of providing resources in the event of disasters for many years. Written agreements to provide for mutual aid and assistance between the municipalities and county entities in the event of a mass casualty incident or emergency is executed according to Section 44.090, 70.815, 70.820, and 70.837 RSMo.

**PREVIOUS ACTION:**

The City of Smithville has entered into Mutual Aid Agreements in the past with five other governing entities.

**POLICY OBJECTIVE:**

Emergency Preparedness

**FINANCIAL CONSIDERATIONS:**

The financial impact is expected to be minimal.

**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: Mutual Aid Agreement |                                   |

## **RESOLUTION 1160**

### **A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR MUTUAL AID WITH THE CITY OF EXCELSIOR SPRINGS.**

**WHEREAS**, it is recognized that in certain situations the use of law enforcement officers to perform duties outside the territorial limits of the jurisdiction where such officers are legally employed may be desirable and necessary in order to preserve and protect the health, safety and welfare of the public; and

**WHEREAS**, mutual aid agreements have proven to be an efficient and effective tool in providing resources to communities to assist with emergency protection services when needed; and

**WHEREAS**, the parties have each determined that it is in the public interest of both entities to enter into this Intergovernmental Agreement, as authorized by Missouri law.

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

That the Mayor is hereby authorized and directed to execute the attached Intergovernmental Agreement with the City of Excelsior Springs, Missouri.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 20<sup>th</sup> day of December 2022.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

## **INTERGOVERNMENTAL AGREEMENT**

**THIS INTERGOVERNMENTAL AGREEMENT** is made by and between the City of Excelsior Springs, Missouri, Police Department, and the City of Smithville, Missouri, Police Department. Such entities will be referred to herein as "Parties," collectively, and "Party" individually. This Agreement shall remain in full force and effect until modified by all of those political subdivisions who have executed this agreement, or until terminated as set forth herein.

**WHEREAS**, it is recognized that in certain situations the use of law enforcement officers to perform police duties outside the territorial limits of the jurisdiction where such officers are legally employed may be desirable and necessary in order to preserve and protect the health, safety and welfare of the public.

**WHEREAS**, the Parties have each determined that it is in the public interest of both entities to enter into this Intergovernmental Agreement, as authorized by Missouri law.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1. Intergovernmental Public Service and Assistance.**

This Agreement for "Intergovernmental Police Service and Assistance" is executed pursuant to Sections 70.815, 70.820, 70.835, RSMo.

### **Section 2. Purpose of Agreement.**

It is recognized that in certain situations the use of police officers to perform police duties outside of the territorial limits of the municipality where such officers are legally employed may be desirable and necessary in order to preserve and protect the health, safety, and welfare of the public.

### **Section 3. Authorization.**

Each political subdivision executing this Agreement shall provide mutual aid services in furtherance of the investigation of criminal activity and enforcement of the laws of this state and assist each of the other members by the provision of specialized services to their mutual aid in the protection of health, life, and property involving emergency incidents or special situations which arise and require such assistance.

#### **Section 4. Definition of Terms.**

The following terms shall have the following meanings when used in this Agreement:

- a. "Police Personnel" means any sworn officer, public safety officer, sheriff, deputy sheriff, reserve police officer, marshal, constable, or deputy constable who has completed a training program as promulgated by Chapter 590 RSMo. With said training being a prerequisite to the authority of police personnel to respond outside corporate city limits.
- b. "Members" means a political subdivision as defined by 70.815 1.(2), which is a party to this Agreement, and has passed legislation allowing police personnel of the political subdivision to respond to emergencies in the fashion provided herein.
- c. "Political Subdivision" means any agency or unit of this state empowered by law to maintain a law enforcement agency.
- d. "Chief Administrative Officer" means the mayor or city administrator/manager of a municipality, the county executive or presiding county commissioner of a county or the chair of the Kansas City, Missouri Board of Police Commissioners.
- e. "Chief Law Enforcement Officer" means the chief of police of a municipality, director of public safety, or the sheriff of a county.
- f. "Disaster" means a fire, earthquake, flood, tornado, hazardous material incident or other natural or man-made emergency.
- g. "Emergency Situation" means any situation in which police personnel have a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest, and the officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the officer making the response or in the discretion of the Excelsior Springs' Chief of Police, or an authorized designee, or in the discretion of the Smithville Chief of Police, or an authorized designee.
- h. "Responding Member" is a signatory hereto who is called upon to provide mutual aid.
- i. "Requesting Member" is a signatory who is requesting another member to provide mutual aid.

**Section 5. Power and Authority.**

- a. The members hereby authorize and direct their respective chief law enforcement officer or the officer commanding in his/her absence to render and request mutual police aid to and from the other members to the extent of available personnel and equipment not required for adequate protection of the members rendering aid. The judgment of the chief law enforcement officer, or officer commanding in his/her absence, of each member rendering aid, as to the amount of personnel and equipment available, shall be final.
- b. Police personnel who shall be commanded by their superior authority to maintain the peace or perform police duties outside the territorial limits of the political subdivision which regularly employs such officer shall be under the direction and authority of one (1) person designated by each chief law enforcement officer. Such personnel shall in turn be under the direction-and authority of the local commanding police officer of the member to which they are called to perform mutual aid and shall be police personnel thereof. Respective members' police personnel shall have all immunities, powers, and authority of police personnel as provided by law, including the power of arrest.
- c. Except in cases of an emergency situation or a disaster the requesting member's chief law enforcement officer, or designee, should transmit such request for personnel or services in writing to the responding member's chief law enforcement officer at least fifteen (15) days prior to the expected service date and in no case less than five (5) days prior.
- d. In the case of an emergency situation or a disaster which prevents the prior written request for services by the requesting member, the request may be made orally and recorded by the responding member agency. The chief law enforcement officer, or designee, of the responding member shall furnish a written statement of service rendered to the requesting member no less than five (5) days after the termination of the need for such personnel or services by the requesting member.
- e. Police personnel rendering aid pursuant to this agreement shall have the same powers and authority as police personnel of the requesting jurisdiction, and shall have the same immunity as if acting within their own jurisdiction.



**Section 6. Communications.**

Responding members shall either be supplied with radios that include the requesting agency's frequencies, or they shall be assigned to work with an officer of the requesting agency. They shall, in no case, be assigned to a post or function without the ability to communicate with the command post and other officers.

**Section 7. Compensation.**

Mutual aid assistance shall be rendered without charge to a member both during the normal conduct of police business and in emergency situations.

**Section 8. Liability.**

- a. Each member shall be responsible for all claims, damages, and losses sustained by its own law enforcement agency and police personnel. This Agreement shall not be so construed as to create any relationship between the police personnel of one member and the other member. Each member hereto agrees to procure insurance coverage in an amount reasonably sufficient to satisfy the liability for damages reasonably foreseeable from the activities herein contemplated, or shall be self-insured.
- b. A member shall not be liable to the other member for any action, failure to act, delay, mistake, failure to respond, negligence, or failure to effectively combat or handle any police problem arising out of any assistance requested or provided hereunder.
- c. This agreement shall not be construed as an agreement for the benefit of any third party.
- d. The members agree that police personnel shall retain all pension and disability rights and other regular benefits of employment while performing duties in accordance with the Agreement.
- e. Venue for any action arising out of this Agreement shall be Clay County, Missouri.

**Section 9. Effective Date of Agreement.**

This Agreement shall be in full effect and legally binding at such time as it is signed and certified by each member.

**Section 10. Entire Agreement and Modification.**

- a. This writing is intended by the parties as a final expression of this Agreement and also is intended as a complete and exclusive statement of the terms of the Agreement. This Agreement may be amended or modified only in writing, which amendment or modification must be authorized by each member's respective governing body by ordinance.
- b. This Agreement shall be governed by the laws of the United States and the State of Missouri and that, notwithstanding anything that may be found in the Agreement to the contrary, the members do not waive and expressly reserve any and all immunities and defenses available to the entity or its members, whether arising from common law or by statute.
- c. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable, in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- d. Condition Precedent: This Interlocal Agreement for Mutual Police Aid and Cooperation shall be null and void and of no effect unless and until the City of Excelsior Springs and the City of Smithville have by Ordinance, obtained the authority to enter into this Agreement.

#### **Section 11. Termination of Agreement.**

- a. This Agreement shall remain in full force and effect until such time as a member, through its elected commission, board, or council passes an ordinance terminating this Agreement. Either party to this Agreement may terminate this Agreement at will.
- b. Copies of any such ordinance shall be filed with the clerk of each member within thirty (30) days of its passage.
- c. Each member agreeing to the terms and conditions of this Mutual Aid Agreement shall

evidence their agreement by executing a certificate and forwarding a copy to other members participating in the Agreement.

[Remainder of page intentionally left blank]

**City of Excelsior Springs, Missouri:**

Sharon Powell

Sharon Powell, Mayor

Dated: December 5, 2022

ATTEST:

Shannon Stroud  
Shannon Stroud, City Clerk



**City of Smithville, Missouri:**

Damien Boley Mayor

Dated:

Attest:

Linda Drummond, City Clerk



## City Administrator's Report

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December 15, 2022

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### **Sales Tax on Marijuana**

Staff continues to work with other communities and legal counsel to develop an ordinance taking to the voters a ballot question approving an additional sales tax on the retail sale of adult-use. In order to be consistent in language and potential messaging, staff recommends ballot language be adopted in January. Draft language will be provided to the Board in advance of a meeting.

### **Sidewalk Replacement Program**

In the fall, staff inspected sidewalks across the City and identified those with hazardous conditions. These areas were input into the GIS system, including a brief description and pictures. Last week, staff reviewed all areas and identified those with a higher priority based primarily on available funds.

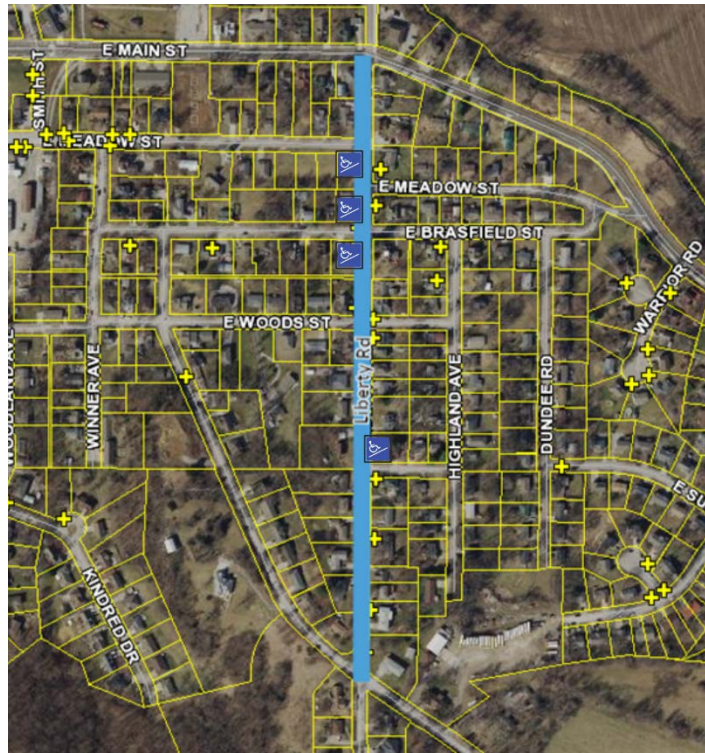
The FY23 budget includes \$25,000 for the Sidewalk Replacement Program. Based on Board recommendations during the retreat, the budget for FY24 and FY25 will include an additional \$50,000 totaling \$75,000 each year for the program. In addition to the FY23 Sidewalk Replacement Program, the City has budgeted monies for other projects that include sidewalk improvements for this fiscal year. These include the Streetscape Phase III project and Quincy Avenue and Pine Street projects.

In the new sidewalk program, property owners will have a 50/50 cost share with the City for sidewalk repairs and improvements. The City will pay the full cost for ADA ramps and sidewalk improvements around stormwater boxes. At this time, staff is proposing the following areas for FY23 Sidewalk Replacement Program:

- Replacement of more than 90 sidewalk panels on Liberty Road (from Main Street to Liberty Street)
- Addition of four ramps
  - Southwest of East Meadow Street and Liberty Road
  - Northwest of East Brasfield Street and Liberty Road
  - Southwest of East Brasfield Street and Liberty Road
  - Northeast of East Woods and Liberty Road



- Replacement of 18 sidewalk panels around six stormwater boxes along Liberty Road.



### Estimated cost

	City	Residents
Add 4 ADA ramps	\$10,000	-
Replace approx. 90 sidewalk panels (50/50 cost share)	\$10,000	\$10,000
Replace 20 sidewalk panels around stormwater boxes	\$5,000	-
<b>Total</b>	<b>\$25,000</b>	<b>\$10,000</b>



**GIS**

Road maintenance and snow removal layers are now available in the GIS. These are color-coded to help residents identify roads that are maintained by the City, County, or MODOT. In addition, the snow removal layer identifies the City's first priority roads which are cleared/plowed first during snow events.



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Bill No. 2966-22, Amending Section 520.110, Dumping Or Depositing Dirt, Rock, Or Other Materials – 2nd Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2966-22, second reading by title only.

**SUMMARY:**

To be in compliance with the City's Municipal Separate Storm Sewer System (MS4) Permit, staff reviewed Section 520.110 of the City Code. Currently, the code reads "Dumping Or Depositing Dirt, Rock, Or Other Materials." The way the ordinance currently reads, the stormwater system is not specifically mentioned. In the Illicit Discharge Detection and Elimination (IDDE) section of the Stormwater Management Plan, the City must establish an ordinance that prohibits non-stormwater discharges in the storm sewer system.

Staff reviewed other municipal codes to determine the language of the ordinance. Staff recommends repealing and replacing Section 520.110 to read, "Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges." This revision would include specific language about pollution in waterways, illicit discharges in the stormsewer system, and water accumulation that is not a natural stream or waterway.

This revision to our City Code will allow for us to educate the public about illicit discharges and stormwater pollution, and the authority to issue a violation if necessary. The goal of the program is to educate the individual or property owner before issuing any type of citation.

**PREVIOUS ACTION:**

N/A

**POLICY OBJECTIVE:**

Amend the Dumping Or Depositing Dirt, Rock, Or Other Materials Ordinance

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes



**ORDINANCE REPEALING AND REPLACING SECTION 520.110 DUMPING OR DEPOSITING DIRT, ROCK, OR OTHER MATERIALS AND ENACTING IN ITS PLACE A NEW ORDINANCE SECTION 520.110 DUMPING OR DEPOSITING DIRT, ROCK, OTHER MATERIALS, OR ILLICIT DISCHARGES**

**WHEREAS** Section 520.110 Dumping Or Depositing Dirt, Rock Or Other Materials currently reads as follows:

Section 520.110. Dumping Or Depositing Dirt, Rock Or Other Materials.

- A. No person shall dump or deposit or cause to be deposited or dumped, on any street, alley, sidewalk, right-of-way or public place, any dirt, earth, rock, clay, sand, shale, building material, debris or rubbish or any other material. Nothing contained herein shall prevent anyone performing the work of grading streets, alleys, sidewalks, rights-of-way or public places or making improvements thereto from putting necessary materials at such places as may be necessary to perform the contracted work.
- B. No owner, his/her agent or occupant of any land abutting upon any street, alley, sidewalk or public place of the City shall allow earth or any rubbish from such land to fall or wash upon any part of such street, alley, sidewalk or public place. Any work on private property adjacent to public ways shall be responsible for placing protective measures such as silt fences or other erosion control devices to protect such earth or rubbish leaving the private property.

**WHEREAS** the City of Smithville wishes to amend this section to include waterways.

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

Effective immediately Smithville City Ordinance Section 520.110. Dumping Or Depositing Dirt, Rock Or Other Materials, and a new Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges. is adopted which shall read as follow:

Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges.

- A. No person shall dump or deposit or cause to be deposited or dumped, on any street, alley, sidewalk, right-of-way, public place, or waterway, any dirt, earth, rock, clay, sand, shale, building material, debris or rubbish or any other material. Nothing contained herein shall prevent anyone performing the work of grading streets, alleys, sidewalks, rights-of-way, or public places or making improvements thereto from putting necessary materials at such places as may be necessary to perform the contracted work.

B. No owner, his/her agent or occupant of any land abutting upon any street, alley, sidewalk, public place or waterway in the City shall allow earth or any rubbish from such land to fall or wash upon any part of such street, alley, sidewalk, public place or waterway. Any work on private property adjacent to any such street, alley, sidewalk, public place or waterway shall be responsible for placing protective measures such as silt fences or other erosion control devices to protect such earth or rubbish leaving the private property and obtaining any required permits City for the work involved.

C. No person shall discharge or cause to be discharged into a natural or manmade stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.

D. No person shall allow any water to accumulate and/or remain, or stagnate upon, in or about any lot, tract or piece of ground, with the exception of natural streams and waterways; or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be placed or to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN  
OF THE CITY OF SMITHVILLE THIS 20<sup>th</sup> DAY OF DECEMBER 2022.**

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

1<sup>st</sup> reading 12/06/2022

2<sup>nd</sup> reading 12/20/2022



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Administration

**AGENDA ITEM:** Bill No. 2967-22 – Declaring the results of the November 8, 2022 election questions for Mayor and Aldermen term of office. 2nd Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2967-22, declaring the election results for the November 8, 2022 questions to provide a four-year term of office for the Mayor and the members of the Board of Aldermen. Second reading by title only.

**SUMMARY:**

This ordinance will formally declare the election results for the November 8, 2022 election that a majority of the voters voted for a four-year term for the Mayor and a four-year term for members of the Board of Aldermen.

**PREVIOUS ACTION:**

On August 16, 2022 the Board of Aldermen approved posing two questions to the voters to increase the term of office for the Mayor and the Aldermen from two years to four years.

**POLICY OBJECTIVE:**

To change the term of office for the Mayor and the Aldermen from two years to four years.

**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: Certified Election Results |                                   |

**AN ORDINANCE DECLARING THE RESULTS OF THE ELECTION HELD  
IN THE CITY OF SMITHVILLE, MISSOURI, ON NOVEMBER 8, 2022.**

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

**Section 1.** That it is hereby found and declared that the vote at the election held in the City of Smithville, Missouri, on Tuesday, November 8, on the following questions:

**QUESTION #1**

**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?**

resulted as follows:

<u>Yes</u>	<u>No</u>
2,369	1,340

**QUESTION #2**

**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?**

resulted as follows:

<u>Yes</u>	<u>No</u>
2,130	1,564

**Section 2.** That it is hereby found and declared that on Question 1 more than a majority of the qualified voters of the District voting on the Question at said election voted in favor of said question and it thereby passed. That it is hereby found and declared that on Question 2 more than a majority of the qualified voters of the District voting on the Question at said election voted in favor of said question and it thereby passed.

**Section 3.** That attached hereto as **Exhibit A** is a full, true and correct copy of the ballot used at said election.

**Section 4.** That attached hereto as **Exhibit B** is a full, true and correct copy of the certifications of election results cast at said election received from the Clay County Board of Election Commissioners and the Platte County Board of Election Commissioners, that said certifications of election results are the final and last certifications of election results for said election, and that said certifications of election results constitute the official returns of the election pursuant to Section 115.507(2) of the Comprehensive Election Act, Revised Statutes of Missouri, as amended.

**Section 5.** That it is further found and declared that notice of said election was duly given by publication in the manner provided by law as evidenced by the affidavit of publication attached hereto as **Exhibit C**, and that said election was held and conducted in all respects in conformity with the Constitution and laws of the State of Missouri.

**Section 6.** That this Ordinance shall be in full force and effect from and after its passage.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF SMITHVILLE,  
MISSOURI THIS 20<sup>th</sup> DAY OF DECEMBER, 2022.**

[SEAL]

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

First Reading: 12/06/2022

Second Reading: 12/20/2022



**CERTIFICATION OF MISSOURI ELECTION RETURNS**  
**NOVEMBER 8, 2022**  
**GENERAL ELECTION**

Note – This form must be attached  
to the election results and forwarded to:

**Linda Drummond**  
**City Clerk, Smithville, MO**  
**107 West Main Street**  
**Smithville, MO 64089**

as provided by Section 115.507, RSMo.

State of Missouri )  
County of Clay ) ss.

I, Tiffany Ellison / Patty Lamb, Election Authority for the

County/City of Clay, hereby certify the attached document to be  
a true, correct, and complete abstract of all the votes cast in said county for all candidates and ballot  
issues at the Election held on November 8, 2022, as shown by the returns from the different voting  
precincts in said county and as verified by the verification board as provided in Section 115.507,  
RSMo.

**IN TESTIMONY WHEREOF**, I hereunto set my  
hand and affix the seal of the County, at my office in

(Seal)

Liberty  
(City)

on this 16 day of November, 2022.

Patty Lamb  
Election Authority

Election Summary Report  
GENERAL ELECTION  
CLAY COUNTY, MISSOURI  
TUESDAY, NOVEMBER 8, 2022  
Election Results  
OFFICIAL

Date: 11/21/2022  
Time: 4:19:40 PM CST  
Page 1/1

Registered Voters 174,769 - Total Ballots 88,251 : 50.50%

84 of 84 Precincts Reporting 100.00%

SMITHVILLE QUESTION 1

Number of Precincts	5	
Precincts Reporting	5	100.00%
Total Votes	3,709	
YES	2,369	63.87%
NO	1,340	36.13%

SMITHVILLE QUESTION 2

Number of Precincts	5	
Precincts Reporting	5	100.00%
Total Votes	3,694	
YES	2,130	57.66%
NO	1,564	42.34%

Statement of Votes Cast  
GENERAL ELECTION  
CLAY COUNTY, MISSOURI  
TUESDAY, NOVEMBER 8, 2022  
Election Results  
OFFICIAL

Date: 11/21/2022  
Time: 4:20:05 PM CST  
Page 1/2

SMITHVILLE QUESTION 1

	Reg. Voters	Total Votes	YES		NO	
Jurisdiction Wide						
PLATTE 1	4618	1838	1121	60.99%	717	39.01%
PLATTE 2	587	262	182	69.47%	80	30.53%
PLATTE 3	2461	1100	729	66.27%	371	33.73%
VC	0	11	9	81.82%	2	18.18%
ABSENTEE	0	498	328	65.86%	170	34.14%
Total	7666	3709	2369	63.87%	1340	36.13%



Statement of Votes Cast  
GENERAL ELECTION  
CLAY COUNTY, MISSOURI  
TUESDAY, NOVEMBER 8, 2022  
Election Results  
OFFICIAL

Date: 11/21/2022  
Time: 4:20:05 PM CST  
Page 2/2

SMITHVILLE QUESTION 2

	Reg. Voters	Total Votes	YES		NO	
Jurisdiction Wide						
PLATTE 1	4618	1831	980	53.52%	851	46.48%
PLATTE 2	587	262	166	63.36%	96	36.64%
PLATTE 3	2461	1096	670	61.13%	426	38.87%
VC	0	11	9	81.82%	2	18.18%
ABSENTEE	0	494	305	61.74%	189	38.26%
Total	7666	3694	2130	57.66%	1564	42.34%

We, Chris Hershey and Wendy M. Flanigan, Directors of Elections for the Platte County Board of Election Commissioners, election authority of the County of Platte, hereby certify the above and foregoing to be a true, correct and complete abstract of all the votes cast in said County for the

## ***City of Smithville***

during the General Election held on the Eighth day of November, 2022, as shown by the returns made to the office by the judges of election of the different voting precincts in said County, and as verified by the Verification Board on the Fourteenth day of November, 2022, as provided in Section 115.507 and 115.499(1) RSMo

IN TESTIMONY WHEREOF, we hereunto set our hands and affix the seal of the Platte County Board of Election Commissioners at our office in Platte City, Missouri, this Fourteenth day of November 2022.



Chris Hershey  
Wendy M. Flanigan

# PLATTE COUNTY BOARD OF ELECTION COMMISSIONERS

STATE OF MISSOURI


COUNTY OF PLATTE

We, Edward P. Davis, Stephen Foster, Bruce E. Kerr, and Kurt Killen being qualified voters of Platte County and per Statute section 115.499(1) RSMo 1986, the Verification Board, hereby certify the attached results are a true, correct and complete abstract of all votes cast in said County at the GENERAL election held on November 8, 2022 as shown by the returns made to the Board of Election Commissioners Office by the various and respective precincts, and the absentee ballots, for the said election on all issues and questions submitted thereon.

IN TESTIMONY WHEREOF, we hereunto subscribe our signatures.

  
Democratic Board Member

  
Democratic Board Member

  
Republican Board Member

  
Republican Board Member

Subscribed and Sworn to before me this 14th day of November, 2022.

  
Director of Elections

  
Director of Elections

(SEAL)

Statement of Votes Cast  
General Election  
Platte County, Missouri  
November 8, 2022  
11082022\_Midterm  
Official

Date: 11/14/2022  
Time: 2:53:35 PM CST  
Page 15/16

KC Question 3

Smithville Question 1

	Reg. Voters	Total Votes	YES		NO		Reg. Voters	Total Votes	YES		NO
Jurisdiction Wide											
01 Riverside / 03 Northmoor	-	-	-	-	-	-	-	-	-	-	-
02 Prairie Point / 32 Tiffany Springs	4346	2010	986	49.05%	1024	50.95%	-	-	-	-	-
04 Houston Lake / 37 Southeast	3719	1624	867	53.39%	757	46.61%	-	-	-	-	-
05 Parkville	-	-	-	-	-	-	-	-	-	-	-
06 Par 4	-	-	-	-	-	-	-	-	-	-	-
07 Platte Hills / 15 Hampton East	-	-	-	-	-	-	-	-	-	-	-
08 Platte Woods / 36 Park Hill	1349	613	290	47.31%	323	52.69%	-	-	-	-	-
09 Lake Waukomis	-	-	-	-	-	-	-	-	-	-	-
10 Weatherby Lake	-	-	-	-	-	-	-	-	-	-	-
11 Embassy	1540	859	480	55.88%	379	44.12%	-	-	-	-	-
12 Farley	-	-	-	-	-	-	-	-	-	-	-
13 Hampton West	-	-	-	-	-	-	-	-	-	-	-
14 Platte City	-	-	-	-	-	-	-	-	-	-	-
16 Beverly / 17 Tracy / 28 Settles Station	-	-	-	-	-	-	-	-	-	-	-
18/19 Weston et al	-	-	-	-	-	-	-	-	-	-	-
23 New Market / 24 Dearborn	-	-	-	-	-	-	-	-	-	-	-
25 Edgerton / 26 Ridgely	-	-	-	-	-	-	-	-	-	-	-
27 Camden Point	-	-	-	-	-	-	-	-	-	-	-
29 Hoover / 43 Shiloh	-	-	-	-	-	-	1	0	0	-	0
30 Ferrelview/31 Mid-Continent/33 Linkville	1713	940	579	61.60%	361	38.40%	-	-	-	-	-
34 Barry East	3465	1646	892	54.19%	754	45.81%	-	-	-	-	-
35 Northern Heights	2652	1327	698	52.60%	629	47.40%	-	-	-	-	-
38 Line Creek	3043	1491	774	51.91%	717	48.09%	-	-	-	-	-
40 Barry North	3818	1695	941	55.52%	754	44.48%	-	-	-	-	-
41 Park Hill North	2691	1417	721	50.88%	696	49.12%	-	-	-	-	-
42 Barry South	2503	1369	720	52.59%	649	47.41%	-	-	-	-	-
44 Seven Bridges	-	-	-	-	-	-	-	-	-	-	-
ABSENTEE	0	3085	1931	62.59%	1154	37.41%	0	0	0	-	0
Total	30839	18076	9879	54.65%	8197	45.35%	1	0	0	-	0

Statement of Votes Cast  
General Election  
Platte County, Missouri  
November 8, 2022  
11082022\_Midterm  
Official

Date: 11/14/2022  
Time: 2:53:35 PM CST  
Page 16/16

Smithville Question 2

	Reg. Voters	Total Votes	YES	NO
Jurisdiction Wide				
01 Riverside / 03 Northmoor	-	-	-	-
02 Prairie Point / 32 Tiffany Springs	-	-	-	-
04 Houston Lake / 37 Southeast	-	-	-	-
05 Parkville	-	-	-	-
06 Par 4	-	-	-	-
07 Platte Hills / 15 Hampton East	-	-	-	-
08 Platte Woods / 36 Park Hill	-	-	-	-
09 Lake Waukomis	-	-	-	-
10 Weatherby Lake	-	-	-	-
11 Embassy	-	-	-	-
12 Farley	-	-	-	-
13 Hampton West	-	-	-	-
14 Platte City	-	-	-	-
16 Beverly / 17 Tracy / 28 Settles Station	-	-	-	-
18/19 Weston et al	-	-	-	-
23 New Market / 24 Dearborn	-	-	-	-
25 Edgerton / 26 Ridgely	-	-	-	-
27 Camden Point	-	-	-	-
29 Hoover / 43 Shiloh	1	0	0	0
30 Ferrelview/31 Mid-Continent/33 Linkville	-	-	-	-
34 Barry East	-	-	-	-
35 Northern Heights	-	-	-	-
38 Line Creek	-	-	-	-
40 Barry North	-	-	-	-
41 Park Hill North	-	-	-	-
42 Barry South	-	-	-	-
44 Seven Bridges	-	-	-	-
ABSENTEE	0	0	0	0
Total	1	0	0	0



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Public Works

**AGENDA ITEM:**

Bill No.2968-22 Accepting Gifted Lands – Emergency Ordinance 1<sup>st</sup> and 2<sup>nd</sup> readings

---

**REQUESTED BOARD ACTION:**

Bill No.2968-22 Accepting Gifted Lands - Emergency Ordinance sponsored by Mayor Boley, 1<sup>st</sup> and 2<sup>nd</sup> readings by title only.

**SUMMARY:**

In 2021, the City made application to the Department of Natural Resources (DNR) to hard surface the Diamond Crest Trail. Currently, the trail is asphalt millings and extends from Diamond Crest Park to Lake Meadows Drive. A short portion of the existing trail between Clay Creek Subdivision and Lake Meadows Subdivision crosses property owned by John and Gwen Kemper. The City began discussions with the Kempers to donate the land for the trail in anticipation of receiving the grant. The City was not successful in obtaining the grant.

The trail still crosses the Kemper's property and, at some time, a hard surface will be completed. The Kemper's are graciously donating the property. The City has agreed to pay for the required survey and appraisal.

**PREVIOUS ACTION:**

none

**POLICY ISSUE:**

Maintaining infrastructure

**FINANCIAL CONSIDERATIONS:**

The land is being donated at no cost. The City will pay survey and appraisal expenses.

**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: Map, picture |                                   |

**ORDINANCE OF THE CITY OF SMITHVILLE  
ACCEPTING GIFTED LANDS**

**WHEREAS** the City of Smithville is interested in furthering its trail system.

**WHEREAS** a portion of the trail currently crosses property owned by Gwendolyn C. Kemper, as Trustee of the Gwendolyn C. Kemper Trust, dated 4/15/2022. The portion of the trail which utilizes land owned by said trust is shown on Exhibit A attached hereto.

**WHEREAS** Gwen Kemper is married to John Kemper.

**WHEREAS** Gwendolyn C. Kemper, as Trustee of the Gwendolyn C. Kemper Trust, dated April 15, 2022 and John and Gwen Kemper (hereinafter collectively referred to as "Grantors") are interested in and willing to donate to the City the necessary lands to connect to the existing trails shown on Exhibit A attached hereto.

**WHEREAS** while Grantors are willing to donate said land to the City, said gift is contingent upon the city paying for a survey of the exact land needed and as well as providing and paying for an appraisal for said land if requested. Said survey and appraisal to be completed within four months of the passage of this Ordinance.

**WHEREAS** Grantors agree that within Forty-Five Days of receipt of the survey and appraisal (if requested) Grantors will execute and deliver to the city a warranty deed transferring the property identified in the survey to the city.

**WHEREAS** Grantors are entitled to a great thanks and a gift acknowledgement of such land; and

**WHEREAS** City staff recommends acceptance of the gift of land by the Board.

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

That the gift of the lands shown within Exhibit A attached hereto are graciously accepted. The City shall provide Grantors with a written acknowledgement of the gift and reimburse or pay for the costs of surveying the exact parcel and cost of the appraisal of such parcel not already paid by the City.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF SMITHVILLE,  
MISSOURI THIS 20<sup>th</sup> DAY OF DECEMBER, 2022.**

[SEAL]

---

Damien Boley, Mayor

ATTESTED:

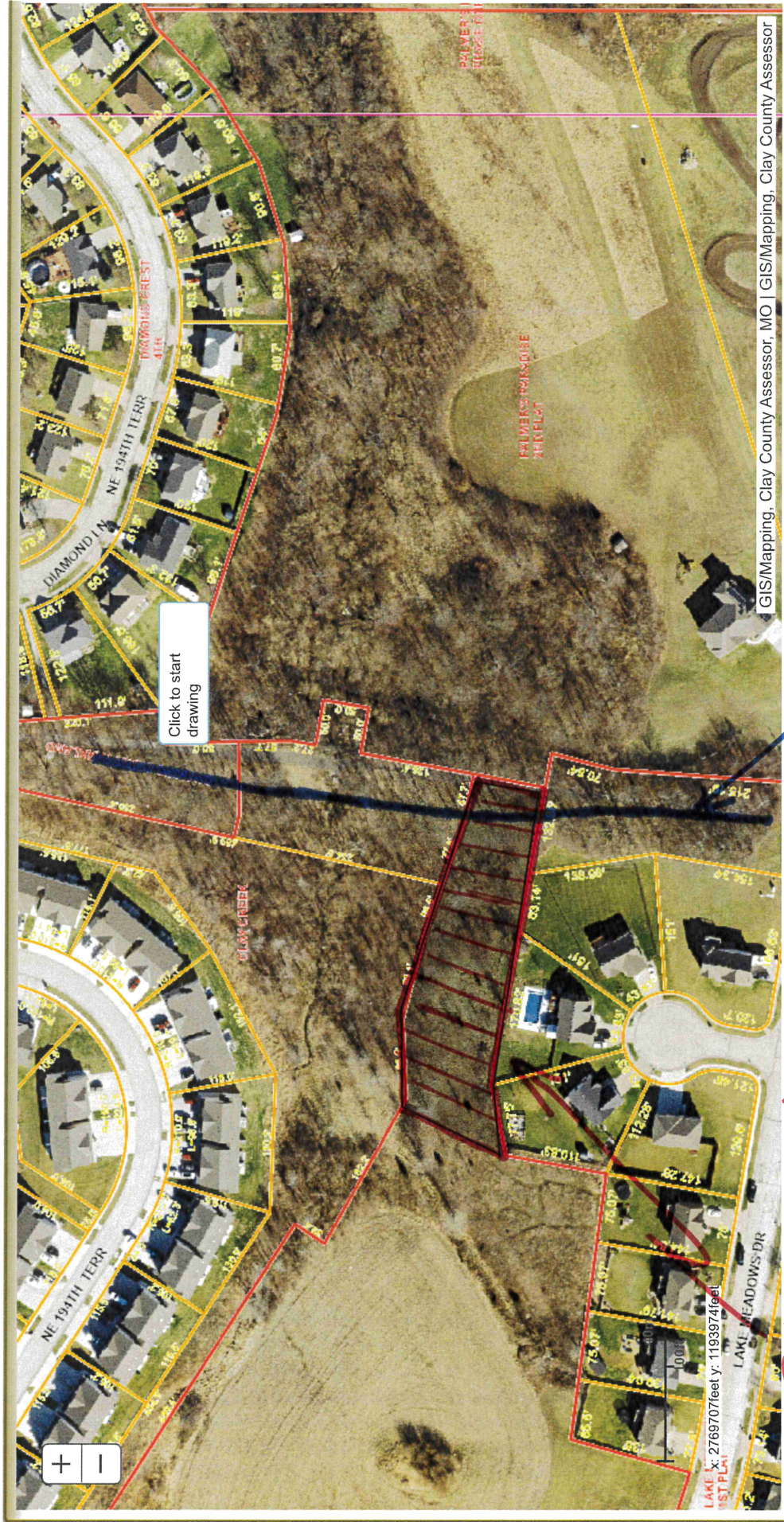
---

Linda Drummond, City Clerk

First Reading: 12/20/2022

Second Reading: 12/20/2022





DONATED LAND

TRAIL

AN

Exhibit A









## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2969-22, Amending Fence Regulations - 1<sup>st</sup> Reading

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### **REQUESTED BOARD ACTION:**

A motion to read Bill No. 2969-22 for First Reading by Title Only to amend provisions of the zoning code pertaining to Fences.

### **SUMMARY:**

The ordinance would change the zoning to clarify the fence regulations, and in particular front yard fences and what constitutes a "decorative or ornamental" fence.

### **BACKGROUND:**

The zoning code was amended in 2003 to incorporate new fence regulations as a result of a new building code that required fence permits prior to construction. One of the items added was clarifications about front yard fences and the desire to keep the front yards of homes open to avoid neighbors building a fence that could disrupt the view of adjacent neighbors from their driveways. Over several years, those provisions were tweaked and changed which caused several problems with the ordinance. Additionally, two neighbors had constructed fences without permits that did not meet the fence code requirements for "decorative or ornamental", which brought those citizens to the Board to seek a fix. Both of those fences were chain link fences, but were vinyl coated. After several meetings and discussions, and following a public hearing, the Planning Commission ultimately recommended several changes to the code. Staff the redrafted an entire new fence code provision that addressed all issues, including height, location, barbed wire and what types of fences were appropriate for various zoning districts. The Commission reviewed the request to amend electric fence provisions, but because those provisions were more directed towards public safety and not traditional zoning issues, left that issue for the Board to discuss at a later meeting.

### **PREVIOUS ACTION:**

The regulations concerning fences have been created, modified, and amended numerous times over the previous 50 years, including the new B-4 provisions from 2019.

### **POLICY ISSUE:**

Improves the understanding of fence regulations and provides additional cost-effective options for decorative or ornamental fences.

### **FINANCIAL CONSIDERATIONS:**

None

**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: Planning and Zoning meeting is available for viewing online |                                   |

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400, THE ZONING CODE RELATED TO FENCES.**

**WHEREAS**, the Planning Commission advertised and held a public hearing on November 8, 2022, related to potential changes to various fence regulations; and

**WHEREAS**, following the public hearing, the Planning and Zoning Commission recommended changes to a draft of a proposed ordinance and continued the matter to review the final draft at the December 13, 2022 meeting.

**WHEREAS**, the Planning Commission met on December 13, 2022 to review the final draft and recommended approval of revisions to the fence regulations.

**WHEREAS**, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for various fence regulation amendments that is both beneficial to both businesses and the public.

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

SECTION 1. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.350 related to fences and replacing the entire section with a new provision to be numbered and read as follows:

Section 400.350. Fences

A. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

1. As used in this Chapter, the following terms shall have the meanings indicated:

a. Fence, decorative or ornamental

A fence constructed of wood, metal, vinyl, vinyl coated chain link or a combination of such materials that is not more than four (4) feet in height and is at least fifty percent (50%) open OR is a stone or brick wall that does not exceed three (3) feet in height. Non-coated chain-link, or wire, wire mesh, snow fences or fences constructed in any part with such materials shall not be considered decorative or ornamental.

b. Front Yard Fence

A decorative or ornamental fence located in a front yard that contains or abuts an adjacent lot that contains, the primary entrance to the building or a driveway access to the lot, or both.

2. All fences erected in the City of Smithville must have a permit, except those in the agricultural districts. Applications for a fence permit shall be accompanied by a general layout of the property indicating the location of the fence to be erected on the lot.
3. All fences shall conform to the requirements of the sight triangle as defined by these regulations. For purposes of these fence regulations, an alley shall also be subject to the sight triangle regulations at an intersection with a public street.
4. No fence shall be constructed which will constitute a traffic hazard nor shall be constructed within one (1) foot of any street right of way.
5. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous. This would include barbed wire, electrically charged or otherwise detrimental to persons, except as stated herein. Barbed wire fences may be constructed in the agricultural districts; and barbed wire may be used in the industrial districts and the B-3 district, but only as a component of security or anti-climb fences with such component not less than eight (8) feet above the outside adjacent grade. The use of barbed wire arms is limited to those not larger than 18", and upon attachment of the arm, the extended portion of the arm and wire shall not extend beyond any property lines.
6. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight (8) feet in the industrial districts, not including barbed wire arm attachments on security fences, which may extend an additional two feet. In the business and residential districts, fences shall not exceed six (6) feet in height, except for hedges and shrubs, which do not have a height restriction, except as noted otherwise in this Chapter. In the B-3 district, any security or anti-climb fence that includes barbed wire tops may be constructed up to eight (8) feet tall and the barbed wire security component may extend an additional two (2) feet above the standard height.
7. All fences shall be constructed to face the neighboring property with its structural elements on the building side of the fence. A shadow-box style fence shall be considered compliant with this provision.
8. On lots with more than one Front Yard (e.g., Corner lots or double frontage lots) as defined in this Chapter shall construct a front yard fence as defined herein where required and rear and side and rear yards may have other fences that meet the standards of this section.
9. These fence regulations are independent of any rules or regulations imposed by homeowners' associations or other agencies not affiliated with the City of Smithville.
10. Any provision of §400.575.C. to the contrary notwithstanding, the repair or replacement of fifteen percent (15%) or more of any portion of an existing fence shall trigger the requirement that the entire fence be brought into compliance with this section.

SECTION 2. This ordinance shall be in full force from and after the date of its passage and approval.

**BE IT REMEMBERED** that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville 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

First Reading:        12/20/2022

Second Reading       01/17/2023

## **EXHIBIT A**

### **STATEMENT OF PLANNING COMMISSION ON OUTDOOR STORAGE CODE AMENDMENTS**

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are those zoned commercially, and these properties will be affected by the new provisions for outdoor storage behind storage screening where it is currently completely prohibited.
3. This amendment is made necessary as a result of significant investment in commercial construction and the commercial development of the city, as well as the evolving nature of the districts.

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Planning and Zoning Commission Chair





## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2970-22, Rezoning 18601 N. 169 Highway - 1<sup>st</sup> Reading

---

### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2970-22 for First Reading by Title Only to rezone 18601 N 169 Highway from R-1B to R-3 and approve a Conceptual Plan.

### **SUMMARY:**

The ordinance would change the zoning to a portion of the current Catholic Church property to R-3P, which includes a conceptual plan restricting several otherwise allowable uses in the R-3 district, and focuses upon allowing a new education and dormitory facility to support the Herzog Foundation mission.

### **BACKGROUND:**

The property is currently zoned R-1B, and contains the current Good Shepherd Catholic Church facility. It is adjacent to the Herzog Foundation property that was acquired from the church a few years ago. The Foundation came to the Planning and Zoning Commission in October seeking to rezone this land to B-3 in order to construct a Lodge facility. The B-3 district was required as the Lodge was to act as a hotel primarily for the Foundation, but would allow it to be used as a hotel. At that hearing, a significant amount of public input was provided to the Commission and ultimately, the Commission found that the proposed hotel use was not in compliance with the Comprehensive plan. Following that meeting, the Herzog Foundation reevaluated its submission to incorporate the public and Commissioner's concerns. The new application was to amend the request to rezone to R-3, which allows both education and dormitory uses. To address these concerns, the Foundation also added several restrictions upon the uses that are otherwise available in R-3 districts. Those restrictions effectively leave the dormitory use, along with educational uses and eliminates the more impactful uses. It also restricts future Conditional Use requests to the religious, educational, and social facilities associated with those uses. The plan also increases the setback requirements and reduces building height from 5 stories to 2. The rezoning application was simultaneously submitted with a subdivision request to create a new single lot of the rezoned property. That provision is contingent upon the zoning and conceptual plan approval and will be brought forward in January following a second reading of this zoning ordinance. If approved at a second reading, that subdivision will come forward as well. A public hearing was conducted, and the most significant concerns were of the condition of Main Street, as well as stormwater protection. Following that hearing, the commission discussed the application and sought clarification on the Main Street and stormwater issues from staff. Staff described the recent amendments to the Site Plan Review ordinance and its' incorporation of the subdivision ordinance provisions for on

and offsite public improvements, the requirement of an updated traffic impact analysis and stormwater design that will be required when any building is proposed through the site plan review process. This is also the time when road and stormwater improvements would occur. Following these assurances, the Commission voted to recommend approval of the rezoning and conceptual plan and have provided its' finding of fact for your review.

**PREVIOUS ACTION:**

The R-1B zoned lot was originally intended for Phase II of Rock Creek subdivision but was sold to the Catholic Church in 2009. The Herzog Foundation and Cabins were presented to the Board in the last two years.

**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 checked="" type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report  | <input type="checkbox"/> Minutes          |
| <input checked="" type="checkbox"/> Other: Findings of Fact and Planning and Zoning meeting is available for viewing online |   |

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

Applicant: Focal Design Studio, Agent for Diocese of KC-St. Joseph and Herzog Foundation

Land Use Proposed: R-3 with a conceptual plan overlay

Zoning: R-1B

Property Location: 18601 N. 169 Hwy

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on December 13, 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 mix of R-1 single family housing to the south of the Catholic Church, as well as many acres of undeveloped land to the south and east. The lot north is B-2 and houses the Foundation offices and the four cabin buildings.
2. *Consistency with the City's Comprehensive Plan and ordinances.*  
A. The existing Comprehensive Plan was approved on November 10, 2020 and calls for this area to remain Civic or Institutional. Civic and Institutional uses include, but are not limited to, educational facilities and campuses, libraries, places of worship, and other community-oriented areas. The conceptual plan proposes an educational facility and dormitory building for the support of the Herzog Foundation to the north meets this definition in that it can be considered part of the larger campus.
3. *Adequacy of public utilities and other needed public services.*  
The application is to allow an 8-acre portion of the land to be used for constructing an educational and dormitory facility. All utilities and services are available currently but must be extended to this facility at the applicant's sole cost and expense.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is as a church facility to the west, but the subject portion of the land is undeveloped.

5. *Length of time the property has remained vacant as zoned.*  
The property was zoned to the existing district classification of R-1B in 2004 for the Rock Creek Subdivision. In 2009, after the housing bubble burst no construction occurred in the brand-new residential development, the future development area of the subdivision was acquired by the Catholic Church and the church was constructed.
6. *Compatibility of the proposed district classification with nearby properties.*  
The adjacent land (except the church and applicants' other facilities to the north) is either residential, or vacant, undeveloped land, with a future land use designation of either agricultural or residential. The intended district will expand the impact of the uses from the original impacted area of 188th St. and 169 Hwy significantly.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*  
A. No detriment is anticipated to the adjacent nearby undeveloped land.
8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*  
A. No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearing on December 13, 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 R-1B 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 does recommend approval of rezoning the property to R-3 with the submitted Conceptual Plan overlay and future compliance with the Site Plan Ordinance when development occurs.

**BILL NO. 2970-22**

**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 a portion of 18601 169 Hwy on October 14, 2022; and

**WHEREAS**, the public was notified by publishing in the CT paper on November 24, 2022 and notices were mailed to adjoining property owners more than 15 days prior to the December 13 hearing.

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on December 13, 2022; and

**WHEREAS**, the rezoning is to create a single R-3 lot for development of an educational facility and dormitory to support the adjacent Herzog Foundation; 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 West half of the Southwest Quarter of Section 2, Township 53 North, Range 33 West of the Fifth Principal Meridian, located in the City of Smithville, Clay County, Missouri, being more particularly described as follows: Commencing at the West Quarter corner of said Section 2; thence North 89 degrees 41 minutes 40 seconds East along the North line of the Southwest Quarter of said Section 2, a distance of 1296.87 feet to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 2; thence South 00 degrees 17 minutes 14 seconds West along the East line of said Northwest Quarter, a distance of 343.83 feet to the Easterly prolongation of the South line of Lot 1, Final Plat Herzog Foundation, a subdivision of land located in Smithville, Clay County, Missouri recorded at Instrument Number 2020016029 in Book I at

Page 98.4 and the Point of Beginning of the tract of land herein to be described, said point also being on the Westerly right-of-way of North Main Street, as now established; thence South 89 degrees 42 minutes 14 seconds West along said South line and it's Easterly prolongation, a distance of s Easterly prolongation, a distance of 620.26 feet; thence South 00 degrees 17 minutes 46 seconds East, a distance of 7.00 feet; thence along a curve to the right, having a chord bearing of South 71 degrees 07 minutes 08 seconds East, a chord length of 44.02 feet and a radius of 67.00 feet, a distance of 44.85 feet; thence South 51 degrees 56 minutes 26 seconds East, a distance of 96.63 feet; thence along a curve to the right, having a chord bearing of South 31 degrees 26 minutes 30 seconds East, a chord length of 46.93 feet and a radius of 67.00 feet, a distance of 47.94 feet; thence South 10 degrees 56 minutes 32 seconds East, a distance of 704.56 feet; thence South 89 degrees 42 minutes 22 seconds East, a distance of 340.17 feet to the Westerly right-of-way North Main Street, as now established; thence North 00 degrees 17 minutes 14 seconds East along said Westerly right-of-way line, a distance of 817.56 feet to the point of beginning.

is hereby changed from R-1B to R-3P with a conceptual plan overlay.

Section 2. That the conceptual plan includes restrictions and changes upon the allowable uses, height and yard regulations in the Section 400.150 for an R-3 district, as follows:

400.150.B, subparagraphs 1-4 are allowed; subparagraph 5 is amended to exclude all listed uses except dormitories; subparagraphs 6 and 7 are allowed.

400.150.C subparagraphs 1, 3 and 4 are excluded.

400.150.D.3 is amended to allow a maximum lot coverage of thirty-five (35) percent.

400.150.E. is amended by reducing the maximum structure height to two (2) stories.

400.150.F.1.a. is amended to increase the front yard setback to 100 feet.

400.150.F.2 is amended to increase the side setback to 40 feet.

Section 3. Upon the taking effect of this ordinance, the above zoning changes, including the modifications to the current regulations as identified in the conceptual plan document 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 4. This ordinance shall take effect and be in full force from and after the approval.

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

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 12/20/2022

Second Reading 01/17/2023



STAFF REPORT  
December 9, 2022  
Rezoning portion of Parcel Id # 05-301-00-01-005.00

Application for Rezoning District Classification Amendment and Overlay District

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: NE corner of 18601 N 169 Hwy  
Owner: Diocese of Kansas City-St. Joseph  
Current Zoning: R-1B  
Proposed Zoning: Part of R1B to R-3

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 24, 2022  
Letters to Property Owners w/in 185': November 28, 2022

GENERAL DESCRIPTION:

The applicant has a contract to purchase an 8-acre parcel from the current Catholic Church site for the purpose of constructing what is now described as an education center and dormitory. The facility would include both dormitory rooms for students attending the facility's training and classes, as well as some meeting rooms. The property is along N. Main Street and lies south of the Stanley M. Herzog Charitable Foundation offices and the cabins. Currently, the Foundation lot is zoned B-2, but the proposed use of a dormitory and educational facility can be constructed on R-3. This will require rezoning this new lot to R-3.

In order to accommodate some of the identified neighbor and commissioner concerns from its' previous B-3 request, the applicant has submitted a conceptual plan overlay to be included. That overlay specifically restricts the permitted uses by eliminating all uses listed in the R-3 district permitted uses,



paragraph 5, except dormitories, as well as excluding all conditionally permitted uses except those identified in paragraph #2 related to religious, educational and social facilities.

The overlay also adjusts the setbacks from 55' (front) and 7.5' (side) to 100' and 40' respectively.

#### EXISTING ZONING:

The existing zoning is R-1B with a church constructed on the lot.

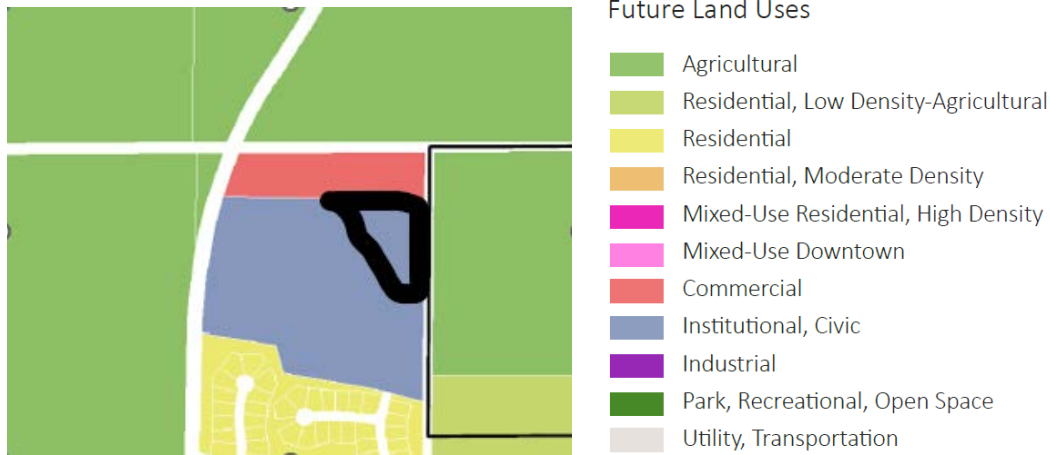
#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a mix of R-1 single family housing to the south of the Catholic Church, as well as many acres of undeveloped land to the south and east. The lot north is B-2 and houses the Foundation offices and the four cabin buildings.

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

The new Comprehensive Plan was approved by the Planning Commission on November 10, 2020 and adopted as the Board policy on November 17, 2020. This Comprehensive plan was adopted following the change in zoning of the current Herzog Foundation to B-2. This new plan is like previous versions of the Comprehensive Plan in that it describes the process of using the plan in rezoning decisions. "When property owners and developers request zoning changes, th[e] Future Land Use Map is one of the key considerations for the zoning recommendation with the Planning and Zoning Commission's and the Board of Aldermen's decisions and other principles in this Comprehensive Plan." *Comprehensive Plan 2030*, pg. 43.

The new Comprehensive Plan includes a new Future Land Use Map shown below, with a color-coded key to the side.



The property subject to this rezoning request is roughly the area located with the black outlined mark and contained in land described as Institutional, Civic. "Civic and Institutional uses include, but are not limited to, educational facilities and campuses, libraries, places of worship, and other community-oriented areas." *Comprehensive Plan 2030*, pg. 46-47. Please note that the B-2 property to the north originally included a B-3 parcel that was down-zoned to B-2 and increased from 2.25 to 8 acres. This proposal would increase the size of the developed area by its' proposed 8 acres and increase the zoning level to R-3 (previous submittal was B-3) with a conceptual plan. With its' conceptual plan submittal, the applicant clearly identifies how it proposes to develop the area. The proposed conceptual plan does not seek nor will it be granted site plan approval of any buildings. Any actual construction would again be subject to the site plan review process. That process also now includes off-street and on site public improvements triggered by the subdivision code. These facts are what must be used to determine if the suggested change meets the definition of Civic or Institutional Uses as described in the Comprehensive Plan or that meets the overall intent of the plan is a decision that the Planning Commission must evaluate and decide prior to its' recommendation to the Board of Aldermen.

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

##### Streets and Sidewalks:

The adjacent street (N. Main St.) is an open ditch chip seal street that is otherwise unimproved. There will be a sidewalk along the west side of N. Main St. on the Herzog Foundation Lot that this lot can access. If approved, the site plan review process, which now incorporates all aspects of the subdivision code requirements should be used for guaranteeing upgrades to those streets and sidewalks.

##### Water, Sewer and Storm water

The city has adequate water supply on the east of the parcel and sewer bisects the property already. A storm study will be required as a part of the site plan process prior to any construction.

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is as a church facility to the west, but the subject property is undeveloped land.

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

The property was zoned to the existing district classification of R-1B in 2004 for the Rock Creek Subdivision. In 2009, after the housing bubble burst no construction occurred in the brand-new residential development, the future development area of the subdivision was acquired by the Catholic Church and the church was constructed.

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

The adjacent land (except the church and applicants' other facilities to the north) is either residential, or vacant, undeveloped land, with a future land use designation of either agricultural or residential. The intended district will expand the impact of the uses from the original impacted area of 188<sup>th</sup> St. and 169 Hwy, but proposed gates on the Main Street side will limit the traffic impact.

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

To the extent that the adjacent land is undeveloped but intended to be either residential or agricultural in use, any detrimental effects are not known, but it could impact the future development of that land due to the proximity of the use. Again, the compliance with the Comprehensive plan and its' Future Land Use Map is the up to the Commission for its' recommendation to the Board

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

Without a specific determination as to Comp plan compliance, any detrimental effects would be prospective and any loss would be to a future development plan, so, no great loss is expected.

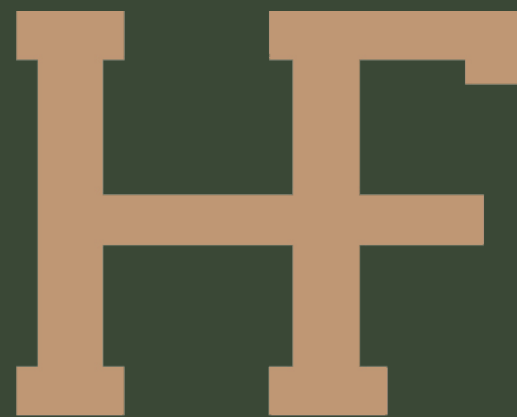
STAFF RECOMMENDATION:

Staff recommends that the Commission base its' decision using the decision-making infrastructure included in both the zoning ordinance and the Comprehensive Plan. The question is whether increasing the intensity of use of land that is further away from the high traffic of 169 and 188<sup>th</sup> St. meets the new Comprehensive Plan 2030 recommendations on density. Staff's findings and recommendations are based upon the current code requirements contained in the Site Plan Review provisions of the code that identifies street improvements and storm water protections be constructed in accordance with the Subdivision Code requirements.

Respectfully Submitted,

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Zoning Administrator



# Herzog Education Center

Planned Development Overlay: Concept Design

December 13, 2022





**FOUNDATION MISSION:**

**ADVANCING CHRISTIAN EDUCATION**

The Stanley M. Herzog Charitable Foundation's mission is to catalyze and accelerate the development of quality Christ-centered K-12 education so that families and culture flourish.







## HERZOG EDUCATION CENTER:

We provide training, events, and conferences to better train leaders who are molding the next generation. These events will be a time to share best-practices and cutting-edge ideas from national thought leaders. Focuses will include institutional management, classroom management, civics education for public and private school educators, and leadership training for civic leaders.





### **STABLE AND RELIABLE PRESENCE**



The mission and activities of The Herzog Foundation and Herzog Education Center will be a stable and reliable presence in the community.

### **MISSION DRIVEN**

- The Herzog Education Center is a mission driven, non-profit organization focused on advancing Christian Education.
- The Center will not be used as a commercially oriented, profit-driven, facility.





## COMMUNITY ENGAGED

- The Herzog Foundation and Herzog Education Center will be a resource for local Community Groups, Schools and Non-profits by providing places to meet and congregate.
- The Herzog Foundation will host a variety of local groups to engage in conversations important to the local and regional community.

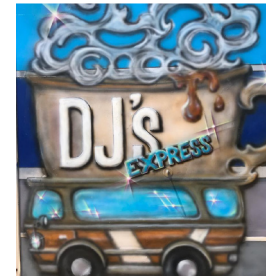
## HERZOG GRANTEES







## LOCAL BUSINESS PARTNERS



**HUMPHREY'S  
SPORTS BAR &  
GRILL**



**DOLLAR GENERAL®**



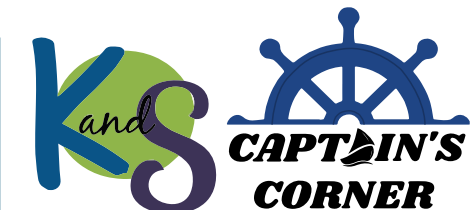
**Attic Storage**



**Aroma Bistro**



**Donut Palace**



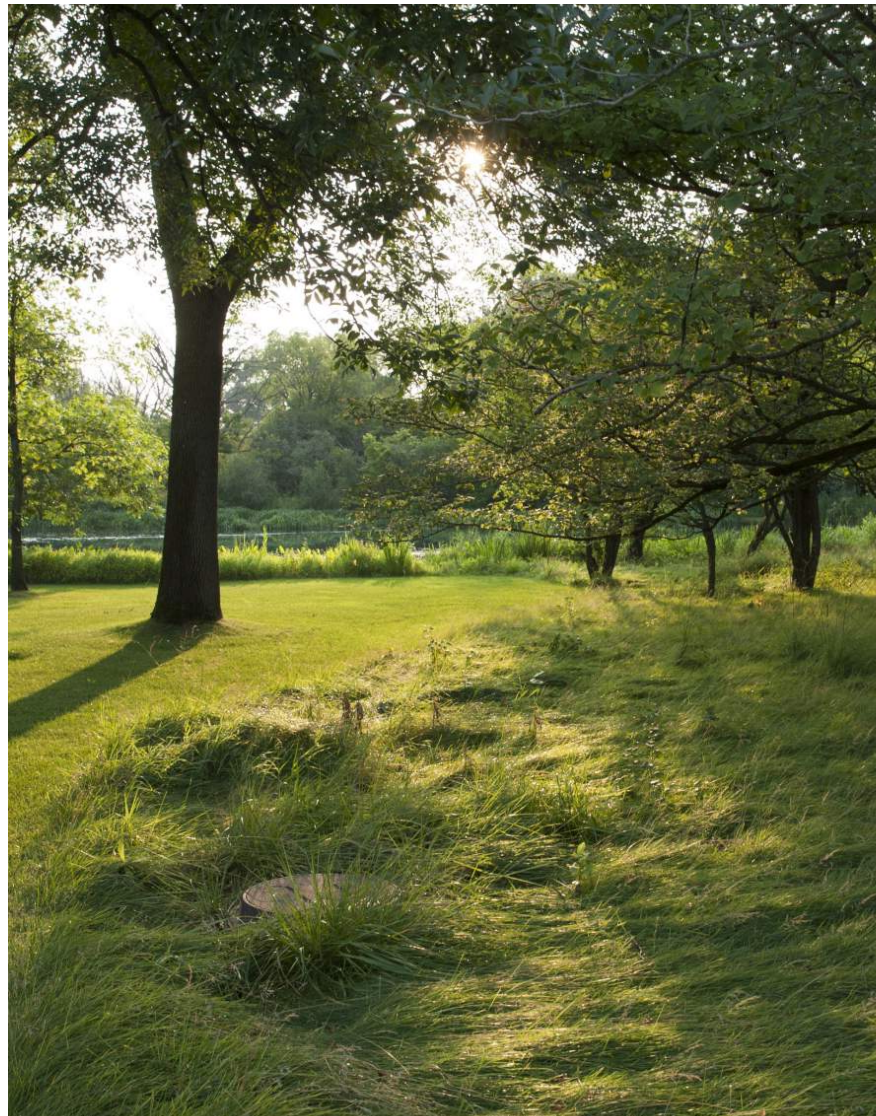
## POSITIVE ECONOMIC IMPACT

- The Herzog Education Center will boost many local business by purchasing their products and services to serve its mission.
- The staff and visitors coming to the Herzog Education Center will be daily patrons of local businesses.

## JOB CREATOR

28 new jobs have been created at the current Herzog Foundation, with an additional 15 jobs planned to support The Herzog Education Center.





## GOOD NEIGHBOR

- The Herzog Foundation staff and operating budget will allow their facilities and grounds to be maintained at the highest level of attention and care.
- The design of the public utilities will be engineered by best-in-class design professionals and will not create a negative load or burden to the public water, gas or electric systems.
- The Herzog Education Center will meet all local requirements for storm water management and improve existing conditions along Main St.
- The Herzog Education Center will be a quiet neighbor with a majority of the on-site activity shielded from adjacent land owners to the south, west and east.



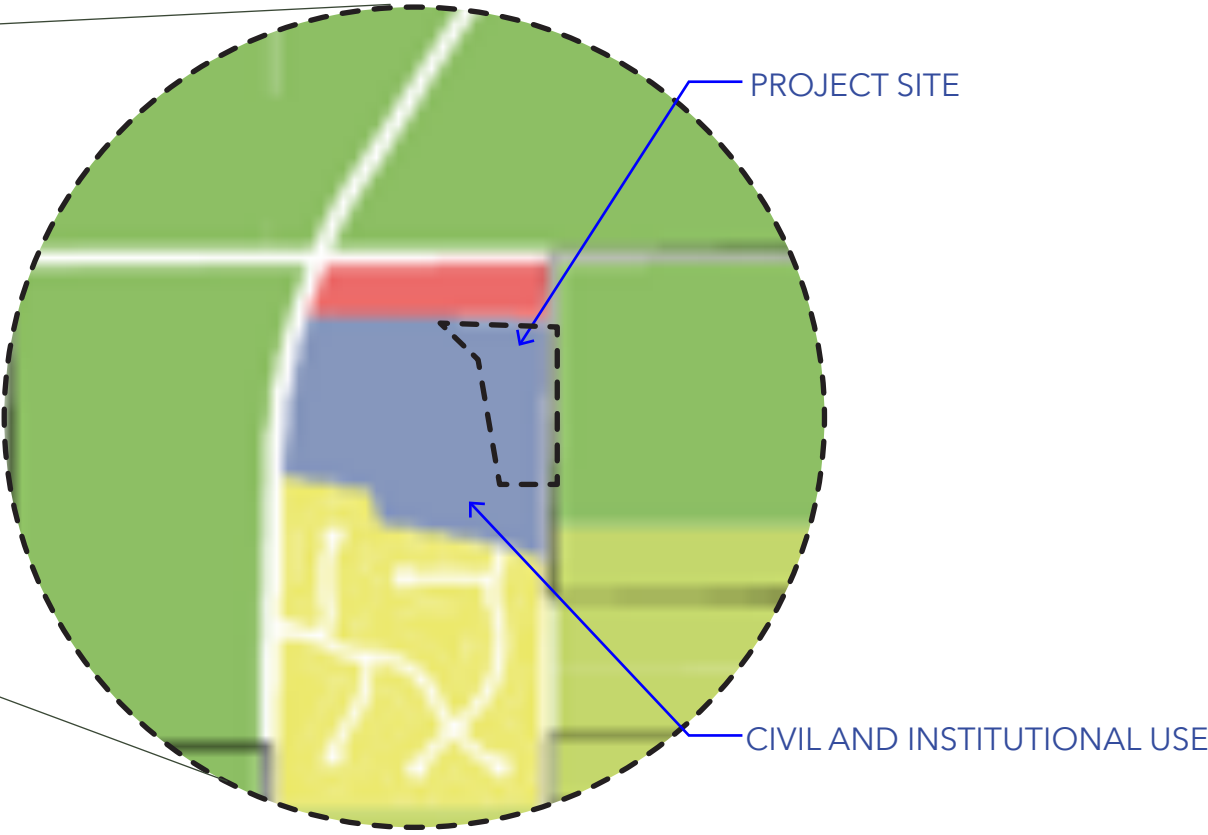
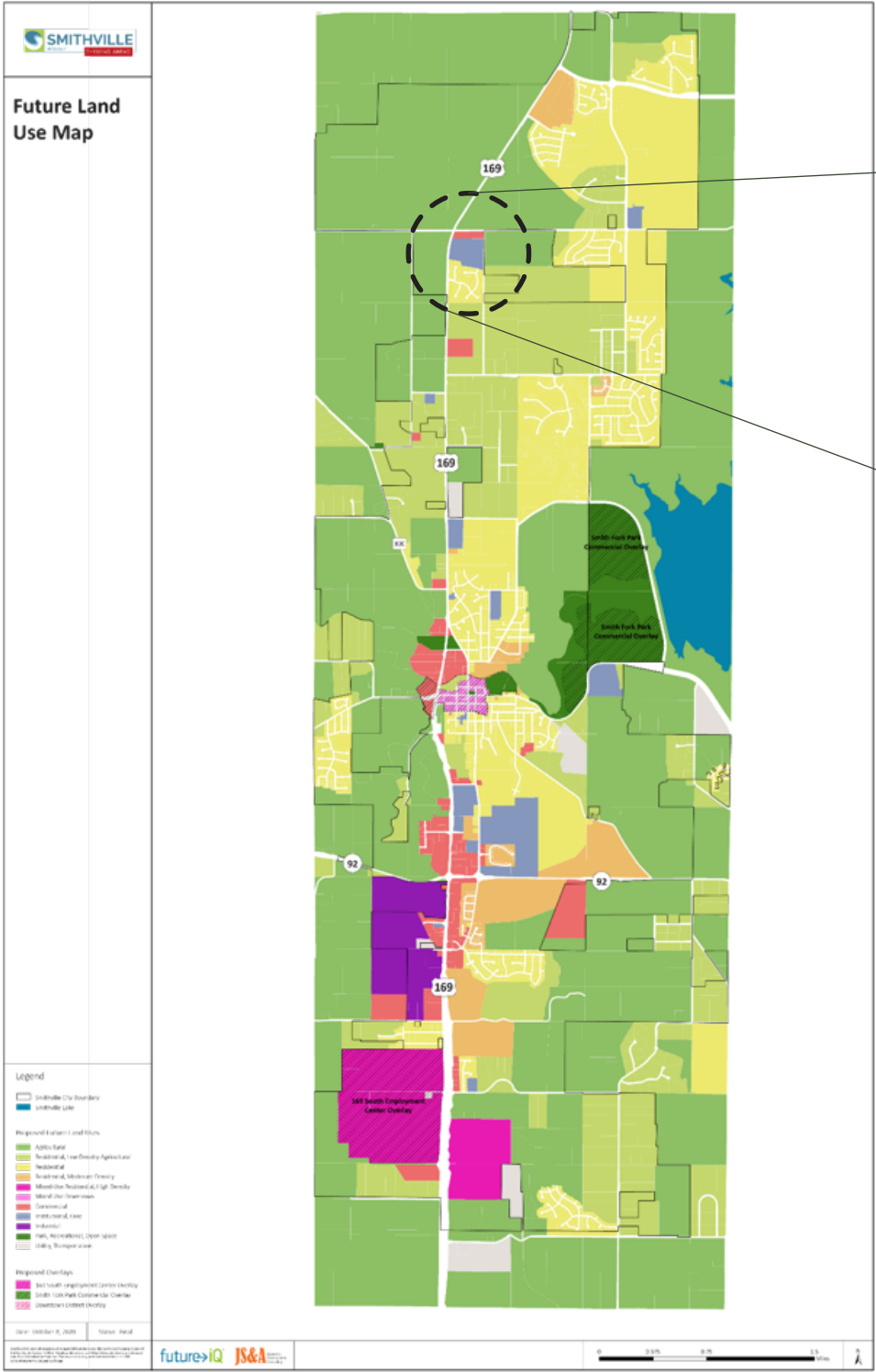


## ARCHITECTURE AND DESIGN

- The building and grounds of the Education Center will be designed to be in-keeping with the surrounding agricultural character of Northwest Missouri buildings and landscapes.
- The building design is inspired by barns and agricultural structures from the surrounding area.
- The landscape design will use all native species and blend seamless with the surrounding prairies, fields and trees.



CITY'S COMPREHENSIVE PLAN  
FUTURE LAND USE MAP



**Civil and Institutional** uses include, but are not limited to, educational facilities and campuses, libraries, places of worship and other community-oriented areas.

\*Definition from City's Comprehensive Plan Document

CURRENT ZONING DISTRICT ‘R-1B’

Permitted Uses:

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

**Conditionally Permitted Uses:** *The following uses may be conditionally permitted provided they obtain a conditional use permit in accordance with Section 400.570 of this Code:*

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

**Height Regulations:** The maximum height shall be thirty-five (35) feet.

**Lot Coverage:** The maximum lot coverage area shall be thirty percent (30%).

Setbacks

**Front:** 55 feet.  
**Side:** 7.5 feet.  
**Rear:** 20 feet.

PROPOSED ZONING DISTRICT ‘R-3’

Indicates item to be modified by Planned Development Overlay

Permitted Uses:

- 1. Single-, two- and multi-family dwellings.
- 2. Fire and Police protection and related activities.
- 3. Historic sites and monuments.
- 4. Parks, playgrounds, primary and secondary schools.
- 5. Retirement, convalescent, nursing, and rest homes; convents, monasteries, orphanages, dormitories, fraternity, and sorority houses; boarding and rooming houses.
- 6. Signs, as provided in Sections 400.470 – 400.520 of this Code.
- 7. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

**Restrict all uses except for dormitories**

**Signage as outlined in Planned Development Overlay Submittal**

**Conditionally Permitted Uses:** *The following uses may be conditionally permitted provided they obtain a conditional use permit in accordance with Section 400.570 of this Code:*

- 1. Recreational and entertainment uses, including amphitheaters, athletic fields, campgrounds, country clubs, golf courses and driving ranges, fairgrounds, recreation centers, resorts, riding stables, swimming clubs, tennis clubs and zoos.
- 2. Religious, educational, and social facilities, including museums; charities; accessory uses associated with houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocation and higher education, daycares with more than five (5) children.
- 3. Public health and safety facilities, including, clinics, health centers, hospitals and counseling, treatment, and correctional centers.
- 4. Transportation, communication, and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.

**Restrict Uses**

**Restrict Uses**

**Restrict Uses**

**Height Regulations:** The maximum structure height shall be five (5) stories.

**Restrict maximum structure height two (2) stories**  
**Increase lot coverage to 35%.**  
*Allows a shorter building.*

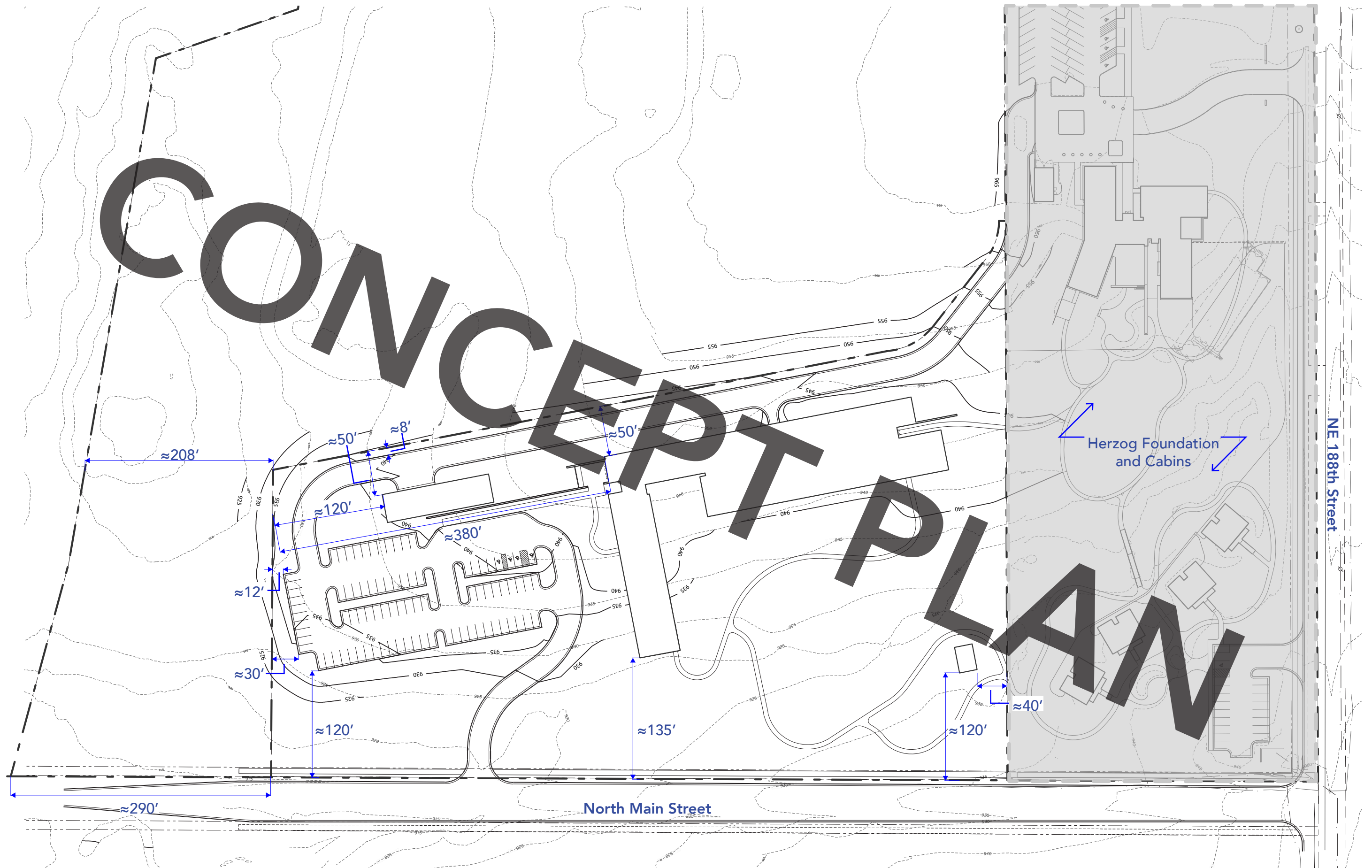
**Lot Coverage:** The maximum lot coverage area shall be thirty percent (30%).

**Setbacks**  
**Front:** 55 feet.  
**Side:** 7.5 feet.  
**Rear:** 20 feet.

**Revised Setbacks**  
**Front:** 100’  
**Side:** 40’



CONCEPT PLAN



Scale: 1" = 100'-0"

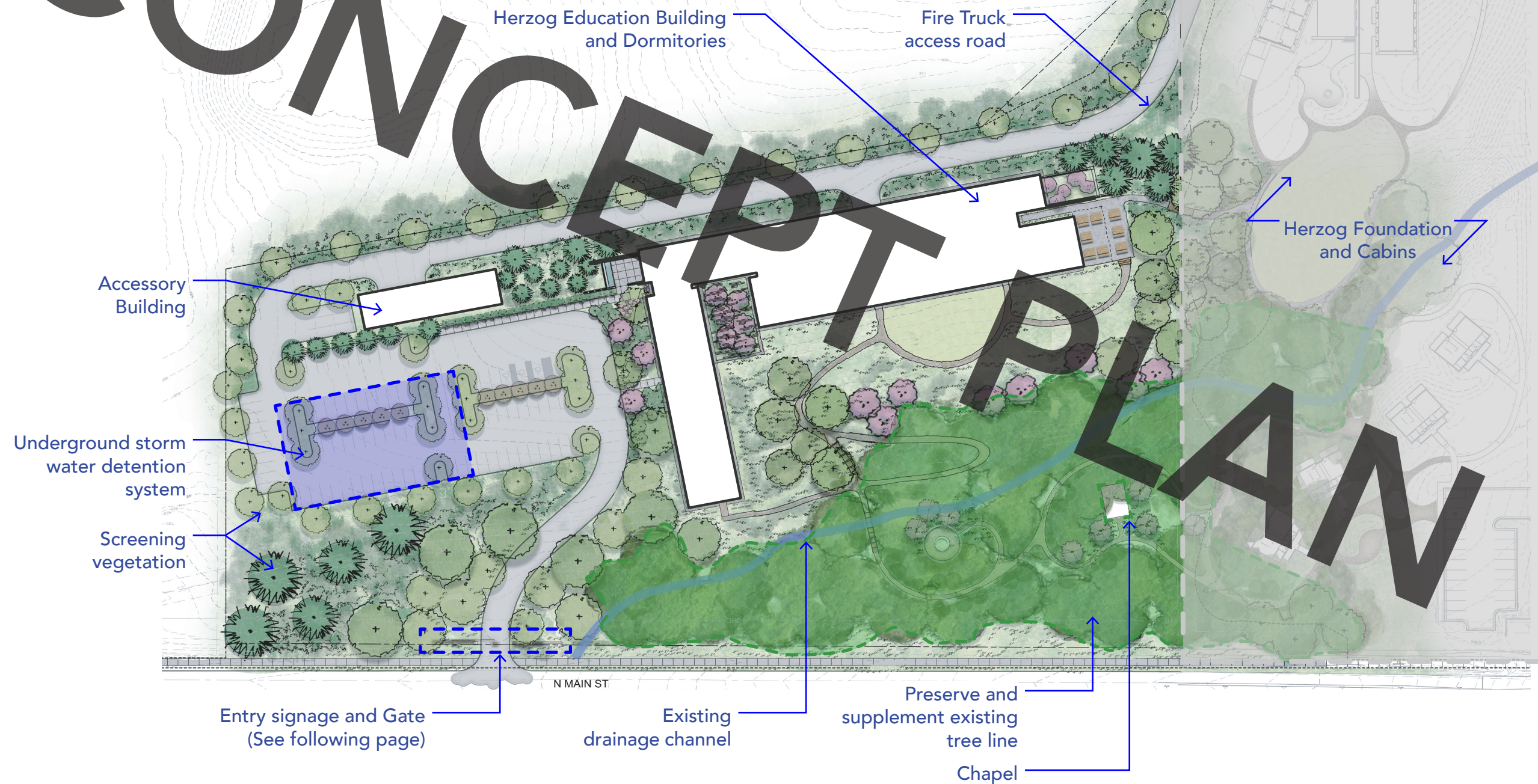


Herzog Education Center  
DIMENSIONED SITE PLAN

December 13, 2022



# CONCEPT PLAN



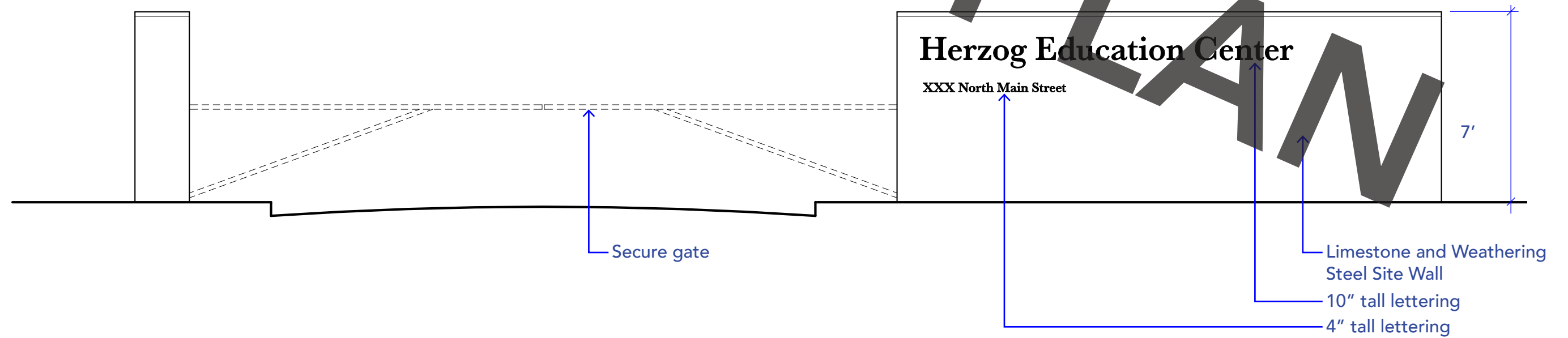
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Herzog Education Center  
LANDSCAPE PLAN

December 13, 2022





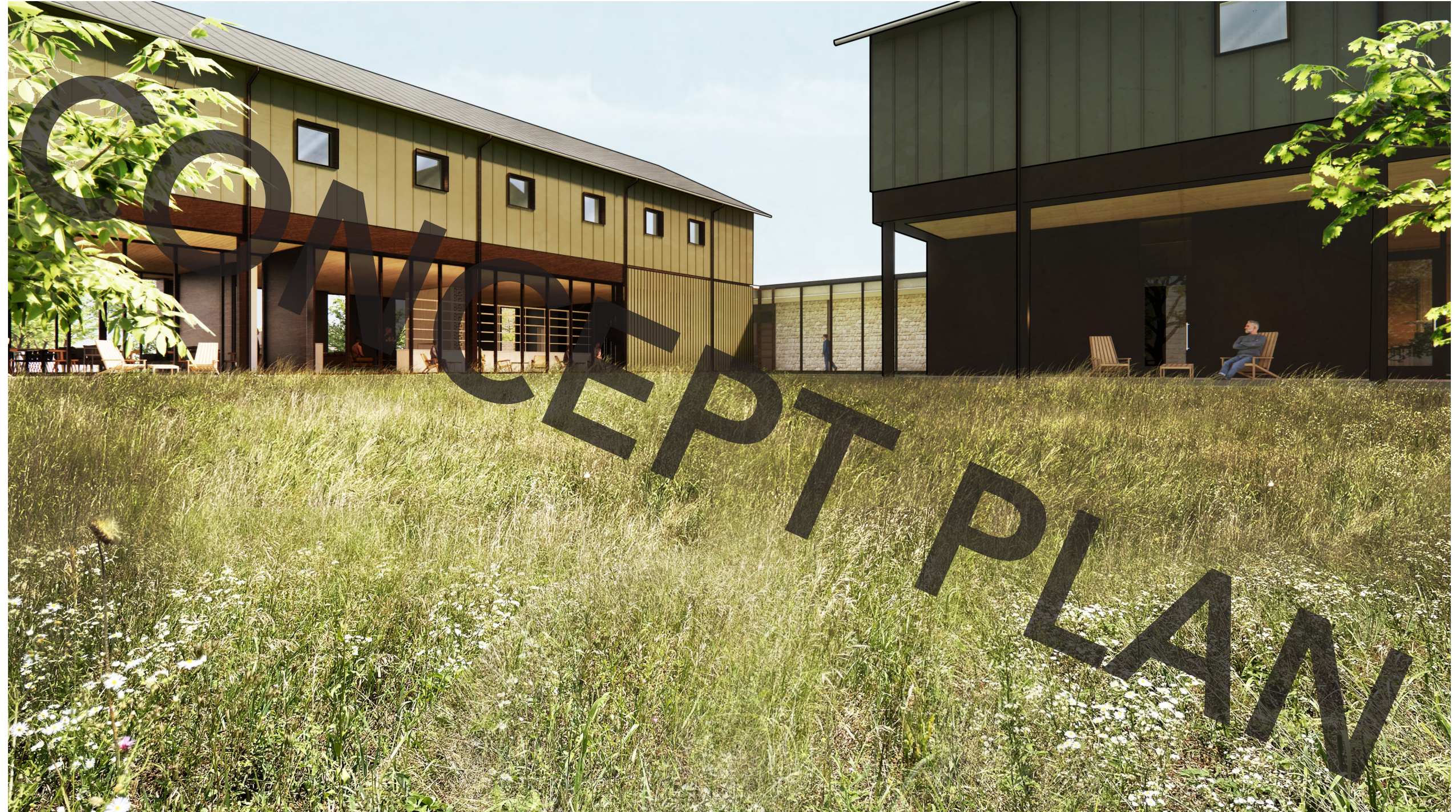
































## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2971-22, Rezoning NE corner of Second Creek and Lowman Road - 1<sup>st</sup> Reading

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### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2971-22 for First Reading by Title Only to rezone the NE corner of Second Creek and Lowman Road from A-1 to R-1B and R-3.

### **SUMMARY:**

The ordinance would change the zoning from agricultural to both single family and multifamily to accommodate a 53-lot single family and 17 lot two-family townhomes (87 dwellings) on 32.04 acres.

### **BACKGROUND:**

The property is currently zoned A-1 and was in the Lowman family for many years. The property was sold last year to a developer. Due to financial complications, that developer contracted with another developer to buy the land. The new developer is purchasing the land contingent upon the rezoning and approval of a new subdivision. Due to how busy engineers are at this time, the actual plat approval was postponed until January to allow traffic studies to be reviewed. The zoning is required prior to any plat approval is authorized on this land, so that delay doesn't impact any rezoning issue. The proposed Preliminary Plat would create 53 single family and 17 multifamily lots (for two family townhomes) and the description of the rezoning is the entire parcel would be R-1B, except the proposed lots 101-117, which would be R-3. The public hearing on the rezoning was conducted by the Planning Commission on December 13, 2022. There were several participants, both for and against the development. The primary concerns were potential road improvements and the smell of the sanitary sewer plant just downstream from the property. The support was focused on how this plan is precisely what the new Comprehensive plan calls for and the growing need for housing that is attainable by work force participants like police and teachers. Following the hearing, the Commission discussed various aspects of the proposal, and then went through the potential findings of fact one by one to elicit comments or changes from the Commissioners. After no changes were recommended, the commission voted to approve the Findings of Fact and recommend approval of the rezoning.

### **PREVIOUS ACTION:**

The A-1 zoning was in place since the property was annexed into the city.

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

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

Applicant: LMW, Inc.

Land Use Proposed: R-1b and R-3

Zoning: A-1

Property Location: NE corner of Second Creek and Lowman Roads

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on December 13, 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 mix of a few single-family houses on agriculturally zoned land, R-3 land to the west across Lowman Road and farmland in unincorporated Clay County to the south. Significantly larger residential subdivisions lie just west of the parcel, and the proposed Downtown overlay district is to the east.
2. *Consistency with the City's Comprehensive Plan and ordinances.*  
A. The existing Comprehensive Plan was approved on November 10, 2020 and calls for an overlay district for expanding downtown to just east of the boundary with Second Creek itself. The proposed density in the proposed subdivision is less than most other new subdivisions proposed in the recent past and completes infill development between the expanded downtown and the dense subdivisions to the west.
3. *Adequacy of public utilities and other needed public services.*  
The application is to rezone to allow a 53 single-family and 17 multifamily lot subdivision to be constructed. All utilities and services are available currently but must be extended through this facility at the applicant's sole cost and expense.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*  
The current use is farm/pasture, but the subject portion of the land is undeveloped.

5. *Length of time the property has remained vacant as zoned.*  
The property was zoned to the existing district classification when annexed into the city. With the recent completion of gravity sewers along the property near the river, the land has become more developable.
6. *Compatibility of the proposed district classification with nearby properties.*  
The adjacent land (other than 3 houses on lots larger than 3 acres) is undeveloped farm or pastureland. Nearby is commercial land on the east, R-3 multifamily across Lowman Road with two larger subdivisions to the west of that land. The city's sewer treatment plant is just north of the subject parcel as well.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*  
No detriment is anticipated to the adjacent housing or vacant lands.
8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*  
No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearing on December 13, 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 A-1 to R-1B and R-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 does recommend approval of rezoning the property to R-1b and R-3 as shown on the proposed preliminary plat.

**BILL NO. 2971-22**

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

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND ENTERING INTO A DEVELOPMENT AGREEMENT.**

**WHEREAS**, The City of Smithville received an application for rezoning a portion of the property at the northeast corner of Second Creek and Lowman Roads on October 14, 2022; and

**WHEREAS**, the public was notified by publishing in the CT paper on November 24, 2022 and notices were mailed to adjoining property owners more than 15 days prior to the December 13 hearing.

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on December 13, 2022; and

**WHEREAS**, the rezoning is to create a residential subdivision with both R-1b single family and R-3 lots for a total of 87 dwellings on 32.04 acres; 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:

Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet;

thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47 feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East, 104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West, 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 00 degrees 28 minutes 10 seconds West, 330.01 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter; thence along said West line of the Northwest Quarter of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning.

is hereby changed from A-1 to R-1B and R-3 in accordance with the attached proposed plat.

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

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

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

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 12/20/2022

Second Reading 01/17/2023



STAFF REPORT  
December 9, 2022  
Rezoning of Parcel Id # 05-504-00-01-010.01

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: Second Creek and Lowman Rd.  
Owner: LMW Investments  
Current Zoning: A-1  
Proposed Zoning: R-1B and R-3

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 24, 2022  
Letters to Property Owners w/in 185': November 28, 2022

GENERAL DESCRIPTION:

The applicant seeks to rezone approximately 32.04 acres +/- from A-1 to R-1B and R-3. The rezoning would accommodate 53 single family lots on the high ground mainly on the west of the parcel and 17 multifamily lots to accommodate up to 34 dwelling units in two family townhomes in the area immediately adjacent to the floodplain and floodway of Smith's Fork of the Little Platte River.

EXISTING ZONING:

The existing zoning predates the annexation into the city limits.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is generally large parcel agricultural land with a total of 3 houses adjacent to the overall parcel. In addition, the zoning map shows



unincorporated county land to the south, commercial to the east, and R-3 multifamily to the west, across Lowman Road. The existing houses are all located on lots larger than 3 acres.

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

The existing Comprehensive Plan was approved on November 10, 2020 and adopted as the Board policy on November 17, 2020. This parcel adjoins what is identified as the Downtown District Overlay with intended increased density and uses. This parcel would meet the infill recommendations of vacant land between existing developments by approaching the Stone Creek Villas and Cedar Lakes Estates developments to the west. It would also improve connectivity between the areas.

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

##### Streets and Sidewalks:

An development would be required to improve the adjacent streets, and depending upon the timing of any construction, would also be responsible to install some of the proposed 8' multiuse trail/sidewalk along Second Creek in the City's near future plans.

##### Water, Sewer and Storm water

The city recently completed the South Sewer Interceptor project through a portion of this parcel, so the land is ideally located for sewers. Water is located on both street sides of the lot, and any upgrades needed will be the developer's responsibility. The property includes both floodplain and floodway areas, so all stormwater will flow directly into the floodplain and not impact adjacent properties. Any such impacts will be handled in the normal subdivision platting process, but the existing systems are more than adequate.

##### All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is A-1, agricultural that was recently sold and divided off of the original owner's house. The property's location is ideal for residential

development with the new sewer interceptor, with new users assisting in paying for those improvements.

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

The property was zoned to its' existing district classification when annexed. Only a couple of houses, on septic systems, were constructed. The property is also just south of the city's sewer treatment plant, so the land has only been used as farm ground.

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

The proposed districts would, at full build out, have a density of 2.7 units per acre, which is less dense than most of the new developments over the last several years. This density (which includes the 17 multifamily lots) has not shown to be incompatible with larger lot housing anywhere in the city and when viewed on a larger scale, is very compatible with the entire area.

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

No detrimental effects are known.

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

With no detrimental effects known, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon compliance with the Comprehensive Plan recommendations.

Respectfully Submitted,

---

Zoning Administrator



For Reference Only

PRELIMINARY PLAT  
FOR  
SECOND CREEK MEADOWS  
SE 1/4, SECTION 22, T-53N, R-33W  
SMITHVILLE, CLAY COUNTY, MISSOURI

PROPERTY DESCRIPTION:

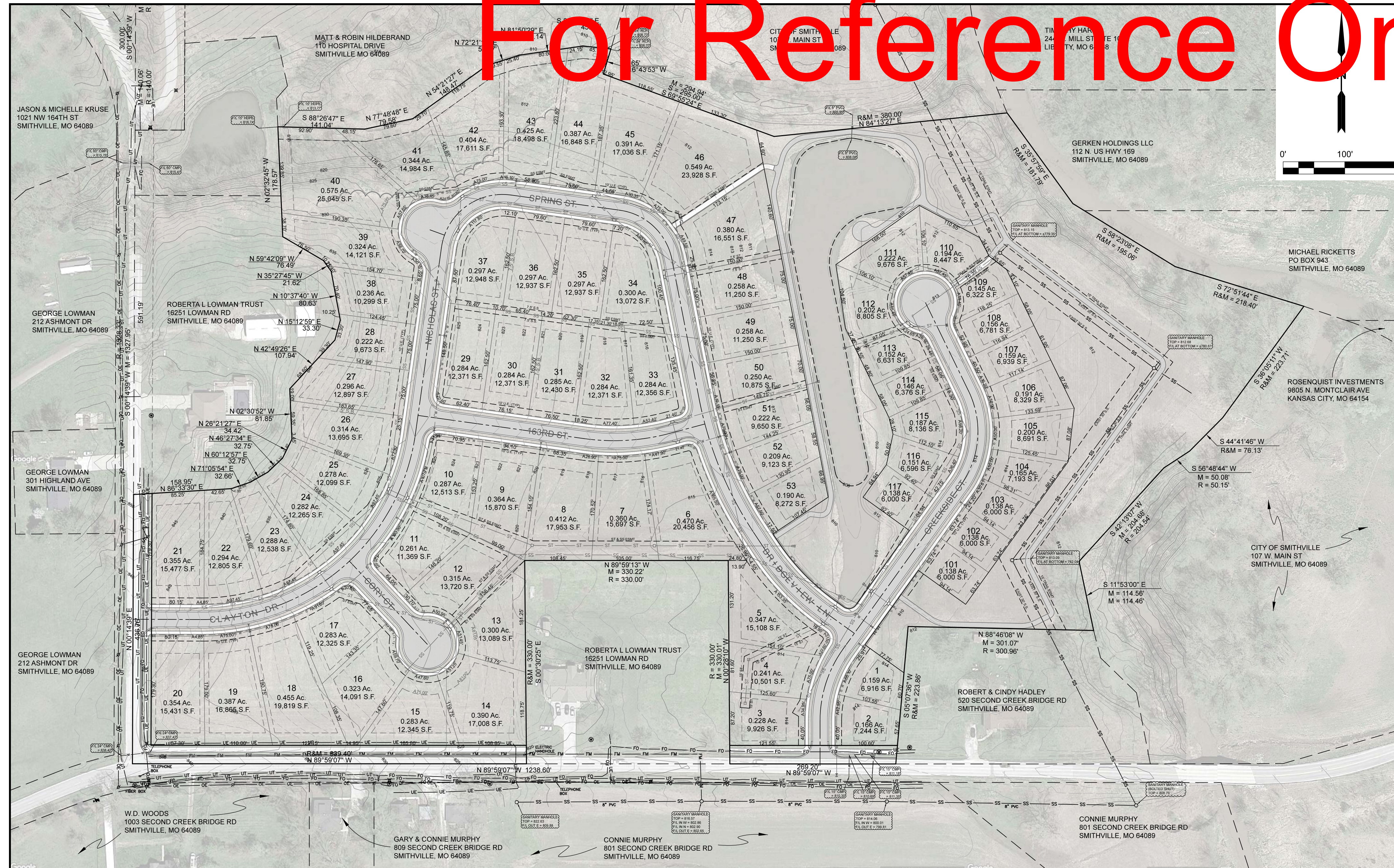
Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet; thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47 feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East, 104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West. 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 00 degrees 28 minutes 10 seconds West, 330.01 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning

The above-described tract of land contains 32.04 acres, more or less, and is subject to all recorded and unrecorded easements, restrictions, and right-of-ways.

PROPERTY OWNER:  
LMW INVESTMENTS, LLC  
CLAYTON COX  
215 DOUBLE TREE LANE  
SMITHVILLE, MO 64089  
816-352-2961

DEVELOPER:  
KANSAS CITY PROPERTIES  
& INVESTMENTS LLC  
SHANE CREES  
P.O. BOX 475  
SMITHVILLE, MO 64089  
(816) 719-9327

ENGINEER:  
SCHULTE ENGINEERING  
DOUG SCHULTE, P.E.  
21 GATYES DR.  
PLATTE CITY, MO 64079  
816-260-3328

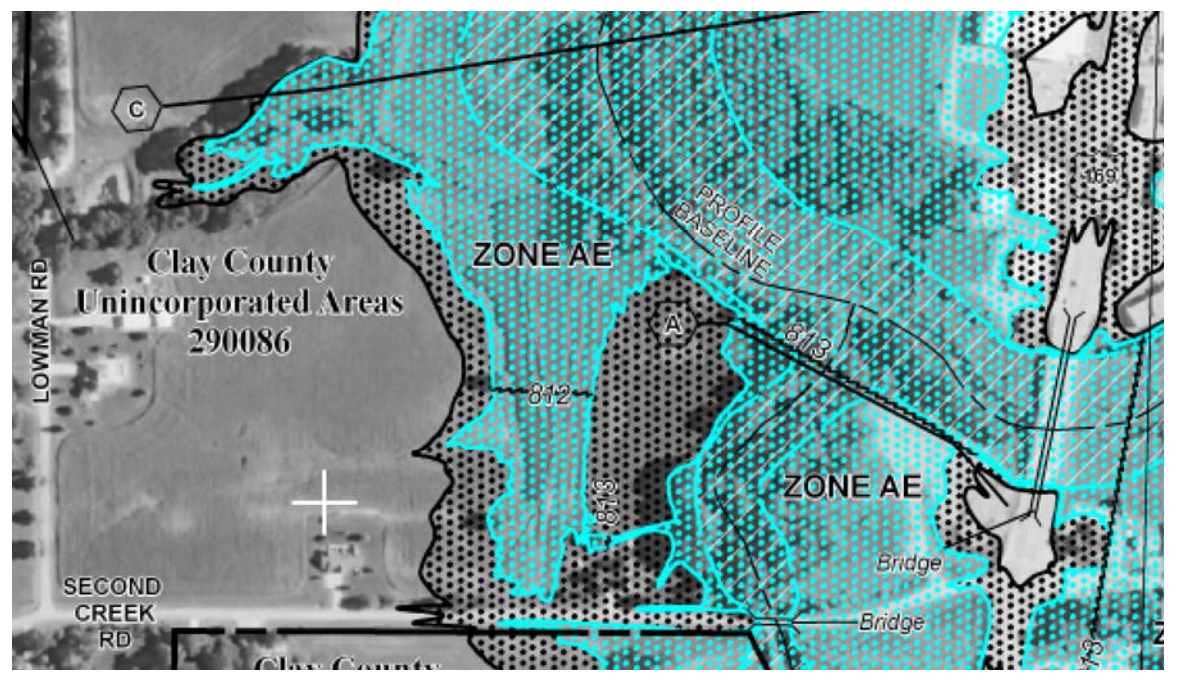
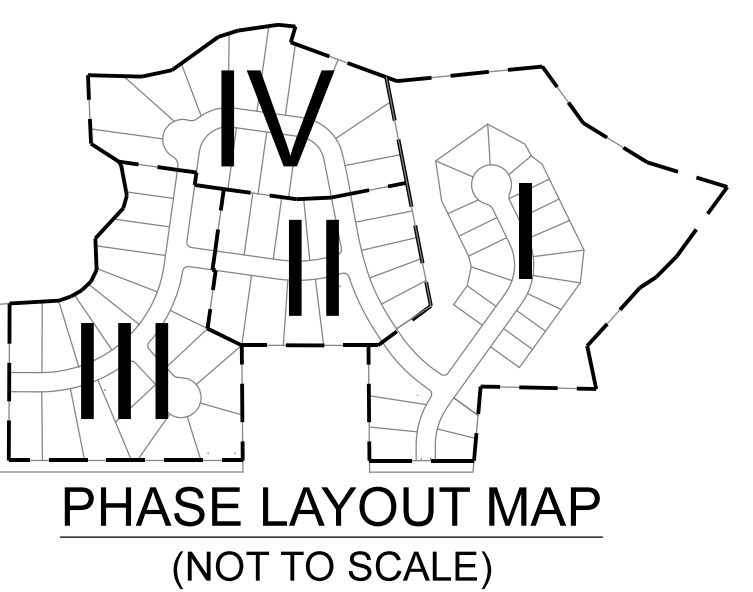


- NOTES FOR SINGLE FAMILY LOTS 1 THRU 53:
- 1) PROPOSED ZONING IS "R-1B" SINGLE FAMILY DWELLING DISTRICT.
  - 2) MINIMUM LOT AREA IS 7,500 SF.
  - 3) MINIMUM LOT WIDTH IS 75 FT.
  - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
  - 5) SETBACK LIMITS FOR R-1B ZONING ARE:  
FRONT - 55.0'  
SIDE - 7.5'  
REAR - 20.0'

- NOTES FOR MULTIPLE FAMILY LOTS 101 THRU 118:
- 1) PROPOSED ZONING IS "R-3" MULTIPLE FAMILY DWELLING DISTRICT.
  - 2) MINIMUM LOT AREA IS 5,000 SF.
  - 3) MINIMUM LOT WIDTH IS 50 FT.
  - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
  - 5) SETBACK LIMITS FOR R-1B ZONING ARE:  
FRONT - 55.0'  
SIDE - 7.5'  
REAR - 20.0'

OPEN SPACE DEDICATION REQUIREMENTS (PER SECTION 425.210):  
TOTAL DWELLING UNITS: 87 UNITS  
CITY OF SMITHVILLE CENSUS DENSITY: 2.85 PERSON/UNIT  
REQUIRED RECREATION AREA: .02 AC/PERSON  
DEDICATION REQUIREMENT: 87x2.85x.02 = 4.96 AC  
TOTAL AREA OF COMMON GROUND: 7.20 AC

- NOTES FOR DEVELOPMENT:
- 1) DEVELOPMENT WILL BE PHASED AS INDICATED IN THE PHASE LAYOUT MAP.
  - 2) FULL SITE GRADING WILL BE COMPLETED DURING PH I CONSTRUCTION.
  - 3) UTILITIES SUCH AS WATER, SEWER, AND STORM WILL BE STUBBED FOR FUTURE PHASES AND INSTALLED AS THOSE PHASES DEVELOP.
  - 4) THE COMMON GROUND CONSISTING OF THE LAKE, TRAILS, AND ADJACENT OPEN AREAS SURROUNDING THE MULTI-FAMILY WILL BE DEDICATED FOR OPEN SPACE REQUIREMENT PER CHAPTER 425, SECTION 425.210.
  - 5) TRAIL IN COMMON GROUND WILL BE INSTALLED DURING PHASE II CONSTRUCTION.
  - 6) TRAIL IN DEDICATED EASEMENT WILL BE CONSTRUCTED IN PHASE III.
  - 7) CONNECTING TRAILS LOCATED BETWEEN LOTS SHALL BE CONCRETE. CONNECTING TRAILS LOCATED IN FUTURE PHASES SHALL BE CONSTRUCTED WITH THAT PHASE.
  - 8) ALL TRAILS ARE GRAVEL UNLESS NOTED OTHERWISE.
  - 9) THE EAST PORTION OF THE PROPERTY IS LOCATED WITHIN THE FLOOD PLAIN ACCORDING TO FEMA FLOOD MAP 29047C0014E WITH EFFECTIVE DATE OF 8/3/2015.
  - 10) BASE FLOOD ELEVATION (BFE) IS 812. THE SITE GRADING WILL PROVIDE A MINIMUM FINISHED FLOOR ELEVATION OF 814.
  - 11) WHERE BASEMENTS ARE CONSTRUCTED, BASEMENT FLOOR MUST BE ABOVE ELEVATION 814.



- FEMA FLOOD MAP  
(NOT TO SCALE)
- [Pattern] = GRAVEL
  - [Pattern] = ASPHALT
  - [Pattern] = CONCRETE



VICINITY MAP  
(NOT TO SCALE)

ROAD NAME REVISIONS				
REVISED PER CITY REVIEW COMMENTS				
SUBMITTED TO CITY FOR P&Z REVIEW				
DESCRIPTION				
Schulte Engineering & Consulting, LLC				
21 Galea Dr. Platte City, MO 64079 www.schulteengineering.com admin@schulteengineering.com PHONE: (816) 260-3328				
LMW INVESTMENTS, LLC				
SMITHVILLE, MO				
CLIENT				
DRAWN BY: DIS				
PROJECT NUMBER: 202129				
SHEET DESCRIPTION: PRELIMINARY PLAT				
DATE: 10-14-2022				
SCALE: NONE				
SHT. 1 OF 1				





## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Development

**AGENDA ITEM:** Resolution 1161, Site Plan Approval – 122 North 169 Highway

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1161, to approve the site plan for the remodel of 122 North 169 Highway.

**SUMMARY:**

This would approve the site plan for a remodel to the old Price Chopper building by adding seven new units along the east façade, and one new unit in the rear of the property.

**BACKGROUND:**

The developer submitted plans for remodeling a portion of the inside of the old store several months ago to accommodate the new auto parts store. The developer now has plans to divide the remaining portion of the building into seven new units along the 169 frontage, as well as add new entrance for the remaining portion in the rear of the store building. The project will involve also improving the façade of the building, including a new awning, incorporating earthtone colored EIFS (stucco) on the facades. The most significant change will be the new storefronts along 169 Highway, with changes to the parking locations, including new parking spots adjacent to the building on the north and south sides. After review at the December 13, 2022 Planning Commission meeting, the Commission recommended approval of the proposed site plan.

**PREVIOUS ACTION:**

None

**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 checked="" type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report                                  | <input type="checkbox"/> Minutes          |
| <input type="checkbox"/> Other: Planning Commission meeting may be viewed online. |   |

## **RESOLUTION 1161**

### **A RESOLUTION AUTHORIZING SITE PLAN APPROVAL FOR MODIFICATIONS TO THE FORMER PRICE CHOPPER BUILDING AT 122 NORTH 169 HIGHWAY**

**WHEREAS**, the applicant submitted plans for modifications to the internal layout and façade of the former Price Chopper building at 122 North 169 Highway, and;

**WHEREAS**, the Planning Commission discussed and approved the site plan application in accordance with the Staff recommendations at its' December 13, 2022 meeting, and;

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

**THAT THE SITE PLAN APPROVAL AT 122 NORTH 169 HIGHWAY FOR MODIFICATIONS TO THE FAÇADE AND LAYOUT OF THE FORMER PRICE CHOPPER BUILDING BE APPROVED IN ACCORDANCE WITH THE COMMISSION RECOMMENDATION.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 20<sup>th</sup> day of December 2022.


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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

	<div>STAFF</div> <div>REPORT</div>
<b>Date:</b>	12-19-22
<b>Prepared By:</b>	Jack Hendrix
<b>Subject:</b>	122 N. 169 (Old Price Chopper bldg.) Site Plan

Applicant has submitted plans to make changes to the façade of the existing Price Chopper building. The proposed changes would include adding seven new entrances along the east façade to accommodate 7 new tenant sites, along with new entrances west of the original entrance on the south façade for an additional tenant. The original entrance area is currently used as the entrance into the new auto parts store. In addition, the existing canopy and color scheme will be changed.

There will also be changes to the current paved areas. On the street side, a paved “front walk” area will be created to allow access into the building with ADA compliance. This involves adjusting the parking spaces back a few feet. To accommodate the needed room, the curb on the east side of that area will also be adjusted. ADA complaint parking will be added facing the building on the north and the south areas in order to access the new tenant areas as well. Lastly, the proposed colors of the EIFS siding is earth toned, meeting the current requirements. Due to the limited area and ingress/egress visibility, no landscaping trees and shrubs is recommended.

In an addition or modification scenario, the purpose of this review is to verify the addition will not bring the overall building/project out of compliance with the code. In this case, the contrasting style, material and color scheme actually upgrade the buildings’ compliance with the code.

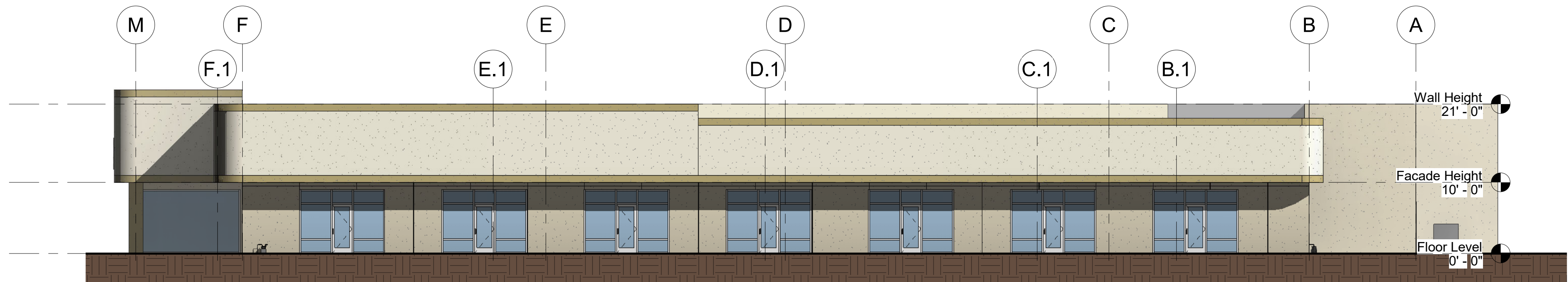
Staff recommends approval of the proposed additional in accordance with he plans. This approval is solely for the site plan portion of the project. The building construction plans will be subject to both City and Fire District review and approval.

/s/

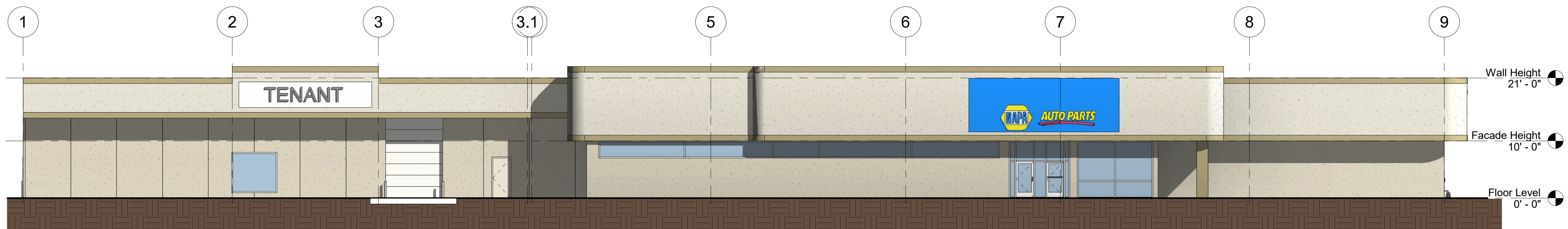
Jack Hendrix

Development Director





① East Color  
3/32" = 1'-0"



② South Color  
3/32" = 1'-0"

**scharhag**

HERMAN A. SCHARHAG COMPANY ARCHITECTS

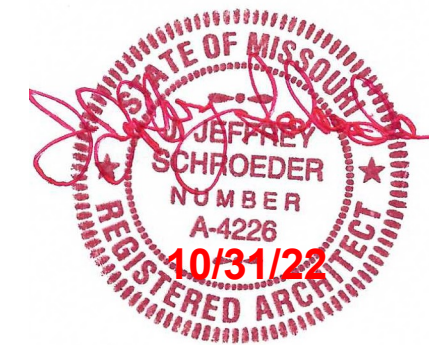
6247 Brookside Blvd, #204 Kansas City, Mo 64113  
Phone: 816-656-5055 Scharhagarch@gmail.com

WHITE BOX TENANT WORK FOR

**PRICE CHOPPER REMODEL**

122 US 169 HIWAY, SMITHVILLE, MO

JOSEPH A. TOWNS - MO. LIC. E-22017  
LORAC DESIGN GROUP  
CERT. OF AUTHORITY E-2005032846-D



No.	Description	Date
Revision Schedule		

Colored  
Elevations

Project number	2296
Date	10.31.2022

**A202**

Scale	3/32" = 1'-0"
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10/31/2022 2:23:49 PM





## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution No. 1162 – 2023 Agreement with Mid America Regional Council (MARC) for the Household Hazardous Waste (HHW) Collection Program

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1162, authorizing and directing the Mayor to enter into an agreement with Mid America Regional Council for disposal of Household Hazardous Waste for 2023 to continue the City's relationship with MARC for HHW disposal opportunities for Smithville residents.

**SUMMARY:**

Since 2002 the City has participated in the household hazardous waste collection program coordinated by MARC. This program allows residents to safely dispose of household hazardous waste, including: automotive by-products, cleaners, paint products, solvents, chemicals, acids and alkalis, etc. at no cost. Residents can go to any mobile outreach, or the permanent sites in Kansas City or Lee's Summit.

In order to provide residents with a responsible way to dispose of household hazardous waste, the participating cities, along with a grant from Missouri Department of Natural Resources, pay a per-capita fee. The 2022 fee is 1.10 per-capita using 2021 population estimates. Smithville's 2023 contribution of \$11,607.20 is based on an estimated population of 10,552.

**PREVIOUS ACTION:**

Participation in the 2022 HHW Program was approved by the Board of Aldermen on October 19, 2021.

**POLICY OBJECTIVE:**

N/A

**FINANCIAL CONSIDERATIONS:**

The FY23 budget includes funds for this expenditure.

**ATTACHMENTS:**

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

## RESOLUTION 1162

### **A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL FOR PARTICIPATING IN THE REGIONAL HOUSEHOLD HAZARDOUS WASTE PROGRAM FOR 2023**

**WHEREAS**, the Mid-America Regional Council (MARC) has established a Household Hazardous Waste (HHW) collection program; and

**WHEREAS**, there are currently no affordable options available to Smithville residents to dispose of their household hazardous waste (including automotive by-products, cleaners, paint products, solvents, chemicals, acids & alkalis, etc.); and

**WHEREAS**, the improper disposal of HHW creates a significant risk to the environment and the water supply of the residents of Smithville; and

**WHEREAS**, the HHW program provides for the safe disposal of hazardous material by residents at a lower cost than any other available option; and

**WHEREAS**, participation in the HHW program allows residents several options of disposing of their household hazardous waste to include the use of the Lee's Summit facility, Kansas City facility, and/or other mobile HHW outreach sites, between January and December of 2023.

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

**THAT** the Mayor of the City of Smithville is hereby authorized and directed to enter in an agreement with the Mid-American Regional Council (MARC) for participating in the 2023 Regional Household Hazardous Waste Program in an amount not to exceed \$11,607.20.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 20<sup>th</sup> day of December 2022.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

# 2023

## **Intergovernmental Agreement between the MARC Solid Waste Management District and Smithville, Missouri relating to the Regional Household Hazardous Waste Collection Program**

This Agreement is entered into pursuant to Missouri Revised Statutes Section 70.210 *et seq.*

Whereas, Cass, Clay, Jackson, Platte, and Ray Counties and the City of Kansas City have formed the MARC Solid Waste Management District (SWMD) pursuant to Sections 260.300 through 260.345 of the Revised Statutes of Missouri (1986 & Cum. Supp. 1990) and the members of the SWMD include most cities within the member counties; and

Whereas the City of Kansas City, Missouri (Kansas City) operates a permanent Household Hazardous Waste facility located at 4707 Deramus, Kansas City, Missouri, and operates outreach sites for collection of Household Hazardous Waste (HHW) at various locations and on various dates; and

Whereas, the City of Lee's Summit, Missouri operates a permanent Household Hazardous Waste Facility located at 2101 SE Hamblen Road, Lee's Summit; and

Whereas, Kansas City and Lee's Summit have made these HHW collection facilities available for use by members of the SWMD and the SWMD, Kansas City and Lee's Summit have agreed to create a regional household hazardous waste program for the benefit of all members of the SWMD; and

Whereas Smithville, Missouri (sometimes referred to in this Agreement as the "Participating Member") intends to participate in the Regional HHW Collection Program;

Therefore, the SWMD and the Participating Member agree that participation in the Regional HHW Collection Program shall be on the following terms and conditions:

### **I Definitions**

Household Hazardous Waste (HHW) shall mean waste that would be classified as hazardous waste by 40 CFR 261.20 through 261.35 but that is exempt under 40 CFR 261.4 (b) (1) (made applicable in Missouri by 10 CSR 25-4.261) because it is generated by households. Examples include paint products, household cleaners, automotive fluids, pesticides, batteries, and similar materials. A determination of whether any material meets this definition shall be made by Kansas City.

### **II Effective Date**

**Smithville, Missouri** agrees to participate in the Regional HHW Collection Program for a one-year period beginning on **January 1, 2023**.

### **III Termination**

*A. Budget Limitations.* This Agreement and all obligations of the Participating Member and the SWMD arising therefrom shall be subject to any limitation imposed by budget law. The parties represent that they have within their respective budgets sufficient funds to discharge the obligations and duties assumed and sufficient funds for the purpose of maintaining this Agreement. This Agreement shall be deemed to terminate by operation of law on the date of expiration of funding.

*B. Termination of regional program.* If the regional household hazardous waste program is terminated prior to the expiration of this Agreement, the SWMD shall refund the amount paid by the participating member, less the cost of services provided prior to termination of the regional program. The cost of services shall be assessed at seventy-five dollars (\$75.00) for each vehicle belonging to a resident of the participating member that has been served prior to the termination of the program, not to exceed the amount paid by the participating member.

C. Each participating member will be required to notify the SWMD, Kansas City and Lee's Summit in writing of its intention to renew the annual agreement for the following year no later than December 15. In the event that notification is not provided in advance or the final decision is made to not rejoin the program for the upcoming year, the participating member is responsible for any costs incurred by Kansas City and/or Lee's Summit to serve residents after December 31. Kansas City and SWMD reserve the right to invoice the member city or county for any waste disposal costs incurred as a result of late notification.

#### *IV Duties of Participating Member*

- A. *Fees.* **Smithville, Missouri** agrees to pay the sum of **\$11,607.20** to participate in the 2023 Regional HHW Collection Program for the period from January 1 to December 31. The program participation fee is based on a per capita rate of \$1.10 applied to 2021 Population Estimate figures as shown in Attachment One. At least one-half of this amount shall be paid within thirty (30) days upon receiving the district invoice. Payment of any remaining balance shall be paid within the following six months.
- B. *Payment.* The Participating Member shall be obligated for payment of the amount shown in Paragraph IV(A) irrespective of the participation of its citizens, or of any actual expenses incurred by the SWMD, Kansas City, or Lee's Summit attributable to the Participating Member, except in the event of termination of the regional program, as reflected in III(B) above. Payment by the Participating Member of the agreed upon amount shall not be contingent upon renewal of this Agreement or renewal of the Agreement between the SWMD and Kansas City or Lee's Summit.

*Annual Renewal.* The agreement between the SWMD and the Participating Member will be subject to renewal each year. To assure community information is included in the printed promotional material, agreements will be due no later than February 1, 2023. No pro ration of fees is applicable under this agreement.

- C. *Contact Person.* The Participating Member agrees to notify the SWMD and Kansas City, on or before the date of this Agreement, of the name of an individual who will serve as its contact person with respect to the Regional HHW Collection Program.

#### *V Services Provided by the SWMD*

A. *Permanent Collection Facilities.* HHW collection services shall be provided by Kansas City and Lee's Summit pursuant to agreements entered into between the SWMD and Kansas City, and the SWMD and Lee's Summit. Pursuant to those agreements, residents of the Participating Member may deliver HHW, by appointment, if required, and during normal hours of operation, to the Kansas City permanent HHW facility and to the Lee's Summit permanent HHW facility.

B. *Outreach Collections.* Pursuant to the agreement between the SWMD and Kansas City, Kansas City has also agreed to provide contractor services for the collection of HHW at outreach collection sites throughout the SWMD area. Residents of the Participating Member will be able to deliver HHW to outreach collection sites, the dates and locations of which will be negotiated by the SWMD and Kansas City. If, at the request of a Participating Member, an outreach collection is held within its boundaries, the Participating Member agrees that Kansas City or the contractor shall have overall control of the collection activities but the Participating Member shall provide the following:

- adequate and safe sites with unobstructed public access;
- access to restroom facilities and drinking water
- adequate publicity of the date and location of the mobile collection;
- a means for the collection, removal and disposal of any wastes that do not meet the definition of hazardous waste;
- volunteers or workers to conduct traffic control, survey participating residents, stack latex paint and automotive batteries, and assist with non-hazardous waste removal and bulking of motor oil;



- means of limiting the vehicles to a number negotiated by Kansas City and the SWMD (estimated to be either 200, 300, or 400 vehicles per outreach collection);
- a forklift and forklift operator available at the opening and closing of the event; and
- access to residents of any city or county that is also a participating member.

## VI *Reports*

The SWMD will provide to the Participating Member quarterly reports on the operations of the Kansas City and Lee's Summit permanent facilities and on the operations of the outreach collections, based on information provided to the SWMD by Kansas City and Lee's Summit. The quarterly reports shall include the following information:

- Total number vehicles using each facility (permanent or mobile) on a quarterly basis;
- Number of vehicles from each participating member using the facility;
- An end-of-the-year summary report including waste composition and disposition.
- Each program year the district will provide brochures which include facility hours of operation, mobile event schedule, and contact information

## VII *Insurance*

A. *Insurance.* The SWMD agrees that, pursuant to the terms of its Agreement with Kansas City, Kansas City shall maintain liability insurance related to the outreach collection sites under which the community where the site is located shall be named as an additional insured.

## VIII *Legal Jurisdiction*

Nothing in this Agreement shall be construed as either limiting or extending the legal jurisdiction of the parties.

MARC Solid Waste Management District:

Participating Member:

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

\_\_\_\_\_ Date: 12/20/2022

Doug Wylie, Chair

Damien Boley  
Print Name

Mayor  
Print Title



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Administration

**AGENDA ITEM:** Appointment of the TIF Commission

---

**REQUESTED BOARD ACTION:**

Appointment of the TIF Commission in anticipation of future TIF incentive requests.

**SUMMARY:**

For each TIF proposal that is submitted, a TIF Commission must be formed for the purposes of holding a public hearing for the TIF Plan. Notice of the public hearing will be published a minimum of two times in the local paper. During the public hearing, members of the TIF Commission will be able to ask questions of the developers while reviewing the proposed TIF plan for recommend approval or denial to the Board of Aldermen.

Previously, the City created a TIF commission which consisted of eleven total members, with six nominated by the Mayor to be representatives of the City, two nominated from the school district, two nominated from Clay County, and one nominated from all of the remaining taxing jurisdictions (zoo district, library district, fire district, ambulance district).

The Mayor and Board of Aldermen approved the following individuals to the TIF Commission on June 21, 2021:

Steve Sarver	Former Alderman, former Smithville Planning Commission
Melissa Wilson	Member of Planning Commission, former Alderman
Alicia Neth	Economic Development Committee Chair, Smithville Main Street President
Deb Dotson	Member of Planning Commission
Adam Royds	Economic Development Committee Member
Karic Brown	Economic Development Committee Member, local realtor

Since August 28, 2008, cities within a county with a charter form of government and with more than two hundred fifty thousand inhabitants have been subject to a special process for selecting TIF Commissioners. With the Clay County Constitution becoming effective on January 1, 2021, and the most recent 2020 Census data putting the population of the County at 253,335 inhabitants, cities within Clay County are subject to this provision as of July 1, 2021.

Cities within Clay County are now required to create a TIF Commission consisting of twelve persons to be appointed as the following: three are nominated by the Mayor to

be representatives of the City, two are nominated from the school district, six are nominated from the County, and one is nominated from all of the remaining taxing jurisdictions (zoo district, library district, fire district, ambulance district).

The Mayor nominates the following individuals to the TIF Commission:

Steve Sarver	Former Alderman, former Smithville Planning Commission
Adam Royds	Member of Economic Development Commission
Kelly Kobylski	Member of Economic Development Commission, former Alderman

**PREVIOUS ACTION:**

June 21, 2022 – TIF Commission Appointments

**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 type="checkbox"/> Resolution   | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other:       |                                   |



## Board of Aldermen Request for Action

**MEETING DATE:** 12/20/2022

**DEPARTMENT:** Administration

**AGENDA ITEM:** Adjournment to Executive Session Pursuant to Section 610.021(1&2) RSMo.

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**REQUESTED BOARD ACTION:**

A motion to close the regular session for the purpose of discussing legal and real estate matters pursuant to Section 610.021(1&2) RSMo.

**SUMMARY:**

To allow the Board of Aldermen to adjourn to Executive Session to discuss legal and real estate matters.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

The Board of Alderman will vote to close the Board of Aldermen Regular Session Pursuant to Section 610.021(1&2) RSMo.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes