



City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
7:00 p.m. Tuesday, December 5, 2023
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.

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 prior to the meeting to be sent the meeting Zoom link.

1. Call to Order
2. Pledge of Allegiance
3. Public Hearing
 - Annexation 809 Second Creek Road
4. Public Hearing
 - Annexation 1442 Mount Olivet Road
5. Consent Agenda
 - Minutes
 - November 21, 2023 Board of Aldermen Work Session Minutes
 - November 21, 2023, Board of Aldermen Regular Session Minutes
 - Resolution 1294, Liquor License
A Resolution approving a liquor license for SSS Missouri doing business as SQRL at 124 North 169 Highway.

Join Zoom Meeting

<https://us02web.zoom.us/j/81797693934>

Meeting ID: 817 9769 3934

Passcode: 995924

REPORTS FROM OFFICERS AND STANDING COMMITTEES

6. Committee Reports
 - Economic Development Committee
 - Finance Committee
7. City Administrator's Report

ORDINANCES & RESOLUTIONS

8. **Bill No. 3018-23, Declaring the November 7, 2023 Election Results – 1st Reading**
An Ordinance declaring and certifying the results of the November 7, 2023 special election held in the City of Smithville, Missouri. 1st reading by title only.
9. **Bill No. 3019-23, Annexation 809 Second Creek Road – 1st Reading**
An Ordinance annexing certain adjacent territory into the City of Smithville, Missouri. 1st reading by title only.

10. Bill No. 3020-23, Annexation 14422 Mount Olivet Road – 1st Reading

An Ordinance annexing certain adjacent territory into the City of Smithville, Missouri. 1st reading by title only.

11. Bill No. 3021-23, Agreement with MoDOT – 1st Reading

An Ordinance authorizing and directing the mayor to execute a transportation alternatives funds program supplemental agreement with the Missouri Highways and Transportation Commission for improvements to Bridge Street from Church Street to First Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. – 1st reading by title only.

OTHER MATTERS BEFORE THE BOARD

12. 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.

13. 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.

14. Adjourn





Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Administration/Police

AGENDA ITEM: Consent Agenda

REQUESTED BOARD ACTION:

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

- **Minutes**
 - November 21, 2023 Board of Aldermen Work Session Minutes
 - November 21, 2023, Board of Aldermen Regular Session Minutes
- **Resolution 1294, Liquor License**

A Resolution approving a liquor license for SSS Missouri doing business as SQRL at 124 North 169 Highway.

SUMMARY:

Voting to approve would approve the Board of Aldermen minutes 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 type="checkbox"/> Other: | |

**SMITHVILLE BOARD OF ALDERMEN
WORK SESSION**

November 21, 2023, 6:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 6:00 p.m. A quorum of the Board was present: Melissa Wilson, Marv Atkins, Leeah Shipley, Dan Ulledahl, Dan Hartman and Ronald Russell.

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

2. Assessed Valuation and Bond Considerations

Cynthia Wagner, City Administrator, provided a brief introduction. The Board had in-depth discussions in May related to the City's bonding capacity and debt analysis. Staff wanted to make sure and remind the Board of that information and to ensure that everyone has that information. Cynthia noted that this is also the third or fourth time since May that we have discussed ballot initiatives. Continued discussions are needed to ensure that staff has direction on how the Board wants to move forward. There are a lot of pieces of information needed in order to move forward with any ballot initiatives and staff is looking for direction from the Board.

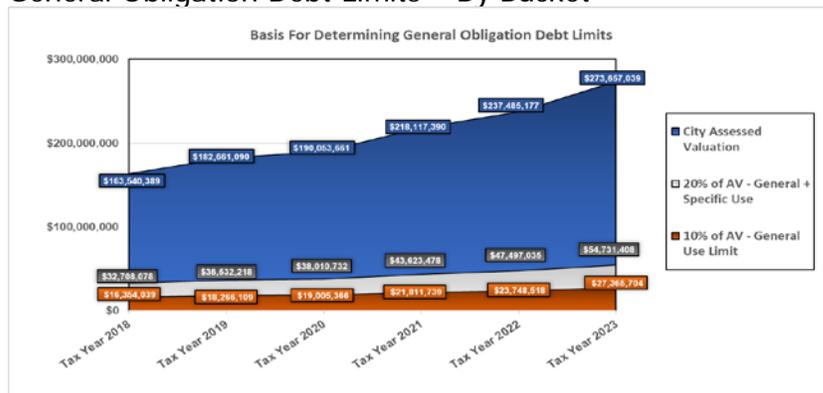
Stephen Larson, Finance Director, gave an update on the City's general obligation bonding capacity and brief overview of how we established the City's debt limits.

Debt Limits – 2 Bucket Analogy

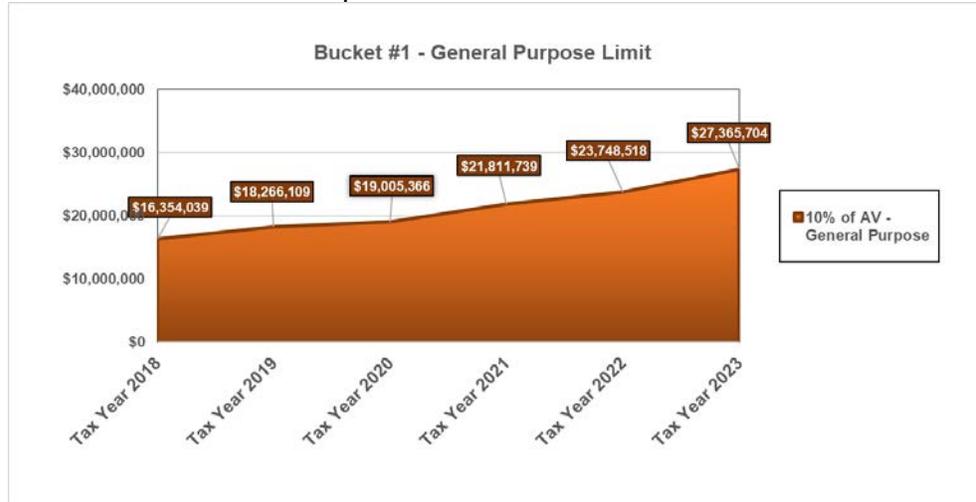
First Bucket: Established for “general purpose” debt. The City debt limit established for general purposes is limited to 10% of assessed valuation. Debt can be used for any municipal purpose. The City is not utilizing any debt in bucket #1.

Second Bucket: Established for “specific municipal uses”. A debt limit equal to an additional 10% of assessed valuation is allowed for “purposes of acquiring rights-of-way, construction, extending, and improving streets and or sanitary/storm sewer systems” and for “purchasing or constructing waterworks, electric, or other light plants to be owned exclusively by the City”. The City is utilizing debt capacity in bucket #2 for bonds associated with the 2018 election.

General Obligation Debt Limits – By Bucket

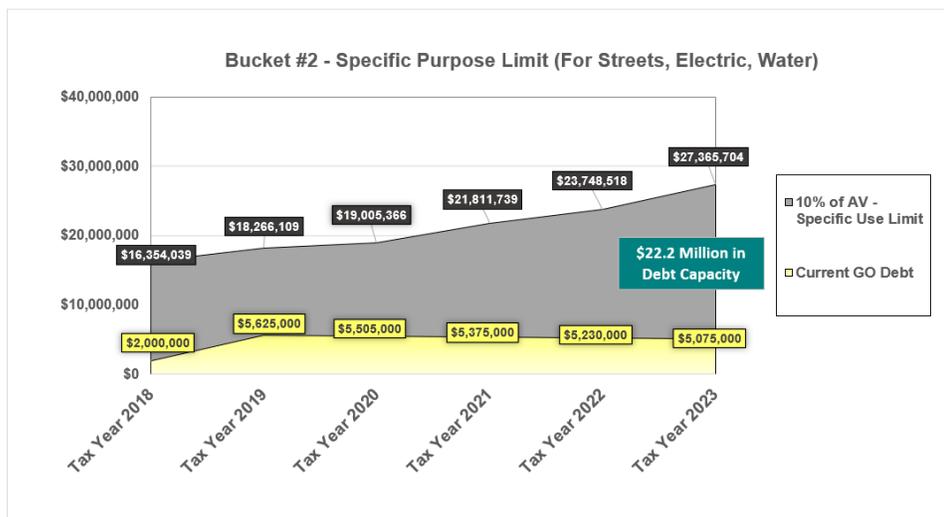


Bucket #1 – General Purpose Debt



The City of Smithville has all of Bucket #1 available for debt issuance, which is equal to \$27,365,704.

Bucket #2 – Specific Purpose Debt



City had general obligation debt totaling \$5,625,000 in 2019 for the following projects:

- South Commercial Ave Sidewalks
- 180th Street Sidewalks
- Main Street Streetscape
- Amory Road Bridge
- 2nd Creek Road Bridge

Stephen explained that you take the limit and subtract the outstanding debt that was issued and that gives you what your actual debt capacity is (shown in yellow) which is \$22.2 million. What is important in terms of the City's potential debt issuance is that capacity in the general-purpose bucket which gives us \$27.4 million to an issuance capacity.

Cynthia noted that the \$27.4 million of total assessed valuation is based on the certified assessor's appraisals of property in the City in 2023. This is how we set our mill levy rate that has to be set and to the county by the last day of October. Cynthia explained that the Board set the tax rate, and based on that tax rate is what then gets assessed on property tax bills for the 2023 tax amount due. Those amounts are due in January of 2024. She noted that is what funds our budget the general mill levy, and we cannot increase it without going to the voters. We actually reduce the general mill levy based on growth and assessed valuation. We can absorb or take the growth in CPI or cola, but, by statute, we cannot absorb that new growth. Cynthia noted that at the Board retreat in May the debt capacity of 10% of assessed valuation was about \$23.5 million. At this time our assessed valuation has increased so the debt capacity has increased to \$27.4 million.

Mayor Boley noted that one of the items discussed for bucket #2 was the raw water pump station, which we ended up being able to pay cash for. He also noted that we are still waiting for final bills for the projects.

Stephen noted that we used ARPA funds to pay for the raw water pump station.

Cynthia explained that we are still waiting for final bills for the project due to the delay in getting material and completing it. She noted that it is part of the budget amendment on the regular session agenda this evening. Cynthia noted that we looked at debt issuance for some of the water and sewer projects and continue to look at the issuance for the 144th Street pump station that will be going out to bid later this year. For those we will be issuing Certificates of Participation (COP). Those are another debt financing source that are funded solely through revenues from water and sewer.

3. Discussion of Potential Ballot Issues

Cynthia noted that at the retreat in May we discussed the Strategic Planning, Comprehensive Planning and Parks and Recreation Master Planning. Looking at all the needs that we have in the community in the coming years and ways to be able to fund those needs. We have ongoing maintenance needs that we try to address through the existing budget and needs to address some of our new growth. As the community grows, those maintenance needs also grow. In the discussion in May and then the Board reiterated again this summer a desire to take to the voters a ballot question in November of this year for a Public Safety half cent sales tax. The revenue from that sales tax would have funded the addition of two police officers, implementation of an animal control program and cost associated with equipment and vehicles for the Police Department. Those funds would enhance and not supplant any existing revenues or resources going toward the Police Department. Cynthia noted that a half-cent sales tax generates about \$700,000 annually. The question went to the voters on November 7 and a simple majority was required to pass. The question failed slightly under that margin. The enabling legislation that was adopted last year granting us the ability to go to the voters for a public safety sales tax includes language that outlines that no proposal pursuant to a question shall go to the voters no sooner than 12 months from the date of the last election. We have to wait a minimum of a year before taking a public safety sales tax back to the voters. The earliest date would be the April 2025 election.

Cynthia asked the Board if they would like to continue the discussion of the Public Safety sales tax.

Mayor Boley said that would be a decision for the future Board at that time and the Aldermen agreed.

Cynthia reviewed the GO Bond issuance for public safety and operations outlined in the memo. In early 2022 we received presentations from the architects that did work on both the police facility needs, public works and parks maintenance needs. The police currently occupy about 2,700 square feet in City Hall with some ancillary storage space outside of City Hall. That houses all of the operations and functions of the police department. The information that was presented in 2022 by the architects looked at growth in the community and what the needs will be for the Police Department for a 20-to-30-year span, to ensure the space to allow that growth in the department. The estimates at that time were just under \$16 million to construct the facility and did not include any animal control facility space. Working with TreanorHL Architects, the ones that completed initial space needs study, the current estimate, based on projects they are seeing and what they have seen in cost escalation, with no change to the scope, for the base level police building would be \$18.8 million. Cynthia noted that through the past year, we have had a lot of discussion with regard to the pound, which is located on the site where the water treatment plant is located. The 2018 Water Master Plan identified the need for expansion of the water treatment plant to meet the service needs of the community. That expansion would basically move or create the need to move the pound. We have had discussions that a standalone facility located with the Police Department could probably cost about an estimate of \$700,000. Those are current dollars, just based on the square footage cost for a basic facility provided by TreanorHL Architects. Staff has talked about that \$18.5 million plus \$700,000 really includes the scope that had been previously discussed with no reductions. Cynthia noted the work that was completed by TreanorHL Architects in 2022 looked at needs into the future and it was based on facility needs not on budgeted resources. The facility also included construction of a community room built to FEMA specifications, so it could be used as a public shelter in event of an emergency and also serve as an Emergency Operations Center for the community in the event of a disaster. We do not currently have a facility built to the FEMA specifications to operate out of.

Cynthia also noted that there is a fitness facility within the building and the finishes are built to withstand intense use. There are some reductions to cost that could occur. Cynthia indicated that staff could also go back to TreanorHL with a budget amount to develop a scaled back design based on that budget as opposed to developing a plan for needs for 20 years down the road.

Alderman Wilson noted that from past experience with a spouse that was in law enforcement, that a police facility was built in Platte County for future needs. When the time came for those future needs they found out that the building that they had done for the future needs did not comply. She said she could understand going out and looking at what is needed in 20 or 30 years but thinks it is going to probably change a lot before

that time. Alderman Wilson suggested seeing if this company could look at something that could benefit us for maybe 15 years instead of going out 30 years.

Mayor Boley noted that there is just shy of four acres of land and a police facility could be added on to in the future. He suggested also looking at our needs now and looking at expanding the facility when the need is there.

Alderman Hartman noted that in less than two years the cost went up to \$18 million. The construction costs are not going down. He said that we have identified a need, it is not a want it is a need. The community is growing. He did the math from 2000 to 2023 and we have had 93% growth. Alderman Hartman noted that we are outgrowing our current facility. Each year that cost goes up.

Cynthia noted that the \$18.8 million estimate is TreanorHL's estimate for fourth quarter 2025 which is about when we would be anticipating construction if we were to move forward with this now.

Alderman Atkins noted that what money we would be saving would probably go toward cost increases.

Cynthia noted that the space study is not the architectural design plans. We have not had them done yet so there would be that cost also. She explained that this information and planning now helps to understand what we may need to be looking at and how we can design something to meet the needs in to the future within a budget.

Mayor Boley asked what the date was to start the water treatment facility expansion.

Cynthia noted that it is scheduled for 2028.

Alderman Russell agreed with Alderman Hartman that this is a need and not a want. He noted that we needed to get creative with the funding. It is his personal opinion that there is not a want for increased debt to the City or an increase in taxes as we saw in the last election. He suggested looking at all available options.

Cynthia said that staff understands this and knows that this is not a small undertaking on how we address those needs is important. That is why we need to have ongoing discussions.

Cynthia noted that expansion of the water treatment facility is scheduled in 2028. The location is also now the home of the pound and the street maintenance facility. Cynthia explained that in 2022 we worked with Bartlett and West and WSK to conduct engineering design work for a combined parks and recreation and public works streets operations facility. At both facilities we have equipment that sits outside, we have limited facilities for support staff, restrooms facilities, locker rooms, ability to clean up after a project and the ability to store the heavy equipment that cost a significant amount of money. The estimated cost in 2022 was approximately \$10 million total, with a first

phase cost of \$7.5 million. Because the facility was cost prohibitive, staff has evaluated alternatives to provide space for expansion and a joint maintenance facility. Cynthia also noted that there has been ongoing conversations with the Corps of Engineers for us to use of some of the space at the Litton Center for administrative functions for public works and parks. Through the conversion with the Corps of Engineers, we are not sure that is a feasible solution for a number of reasons: cost, ongoing maintenance needs and the configuration of the space. Staff is continuing to review options of where we might be able to locate a scaled back project for a maintenance facility to house the equipment and provide maintenance staff restrooms, locker rooms and some renovations to the existing park's office support staff could also use the building. She noted that staff has not worked with an architect on any of those revisions but have gotten potential projects. The current estimate for a redesigned maintenance facility would be about \$5 million and that would include the engineering cost. This would not include moving the public works administrative staff that are located in City Hall. If the police facility was built we would have space available at City Hall to renovate for the administrative staff for public works, development and parks to move there. Development could then use the customer service window off the front lobby for easier access to the building. Cynthia explained that the estimated cost for renovating the west half of City Hall would be about \$750,000. Cynthia noted that with the recent renovation of City Hall we still have issues with the men's restroom and could be expensive to repair and part of the \$750,000 includes addressing that issue. A significant cost for the upgraded work at Smith's Fork Park for the maintenance facility is the grading and utility work. She noted that we could possibly think about leveraging some of the Parks and Stormwater Sales Tax funds for that work.

Mayor Boley noted that some of the issues for our facilities have been brought up by some of the people in the audience. Our streets and parks facilities do not have restrooms for both men and women. We do not have a location for staff to change. He noted that we need to address all of those issues. Mayor Boley explained that the numbers are high but we as a government entity have to pay prevailing wage.

Alderman Hartman noted that our assessed valuation will continue to increase and our ability to borrow will go up. He said as we continue to see these overwhelming projects we have to take some sort of action and present it to the voters and allow them to decide. Alderman Hartman noted that the 5% turn out that we had for the last election was pathetic. He said the continuing to talk about this and debate it was doing no good and that cost were going to continue to go up. He said that the Board needed to make a decision on whether to move forward to give the City the opportunity to fund these projects because it will not be funded with our sales tax or property tax. He suggested the Board move forward and put it on the ballot and let the voters decide.

Alderman Atkins agreed with Alderman Russell about the need to get creative and trying to save money. He noted that he had a feeling staff has been doing that all along. He also agreed with Alderman Hartman that the costs were going to continue to go up and we need to be creative with the money but not \$25 million worth of creativity. He does believe we need to move forward with this.

Mayor Boley noted that we need additional parking spaces here at City Hall just for police alone. He also explained that the 2,700 square feet that now house the police includes office space, evidence rooms, interview room and holding cells.

Mayor Boley asked what the total bond capacity is.

Stephen explained that for the general purpose it is \$27,364,000.

Mayor Boley noted that last time we went out for bond issuance our bond rating came back better so there could be additional funding there. He explained that we would not need to use all of that amount for a bond we would just be going to the voters to ask for the authority for the bond issuance.

Cynthia said that was correct there would be the authority to go up to a maximum number. She said one thing to keep in mind is that debt issuance has a cost. The cost of issuance and the cost of the interest associated with it. Depending upon the size of the issuance, a mill levy to support a general-purpose debt issuance is currently estimated to be between \$0.55 to \$0.60.

Alderman Wilson asked what was dollar amount of issuance that comes with that estimated cost.

Cynthia explained that the \$0.55 would be close to the \$25,250,000 and the \$0.60 would be the full amount of \$27,364,000.

Mayor Boley noted that we also have to not get in to arbitrage situation where we can not spend it fast enough. We would have to do multiple issuances.

Alderman Hartman noted that the voters would be only the residents within the city limits and not the entire Smithville School District. He explained that City has 16 square miles the School District has 78 square miles, and the lake takes up about six square miles.

Cynthia explained that approximately 20% of the Smithville School District is in the city limits of Smithville.

Mayor Boley noted that the School District's mill levy is 12 times our mill levy. He also noted that the city did not collect taxes for 23 years which is why we have infrastructure and maintenance issues now.

Cynthia clarified that we have had a lot of discussions about COP's and utility needs and that is a separate funding source. Utility works is funded through utility rates and not the general fund.

Alderman Wilson said that she understood how small our mill levy is in comparison to the total tax bill. But she can also sit here as an individual of the community and look at her

own total tax bill and raising it is a hard pill to swallow especially when your home value goes up.

Alderman Russell said that the residents have that and also the addition of the 15% increase for the next few years for their water and sewer bills. He noted that he receives a lot of calls from residents concerning this.

Cynthia said that staff completely understand, and it does not fall on deaf ears. We recognize those are costs are passed on to the residents. The one thing that we struggle with as well is as we put the City's budget together is the same thing that are affecting residents are affecting the City. If we could cut those costs, we would but our utility bills are not going down either and neither is the cost of projects. Cynthia noted that it is a struggle, and it is frustrating to have those costs go from \$16 million to \$18 million dollars in the span of a short period of time.

Cynthia explained that during the regular session she will elaborate on the Streetscape Phase III project on North Bridge Street. Staff has been able to leverage other funding sources and we got some good news about what overage on the project were. Cynthia noted that there are funds available for certain things, that are not funds available for others. She explained that typically there is no outside funding for construction of a public safety facility, most of the time that is a community-funded project. Grants are available for other public safety needs and those are the main ongoing operations.

Mayor Boley noted that the Fire District's levy put into effect August 2021, and they are currently \$0.34 higher than the City' 34 mills to be able to staff the additional fire station.

Cynthia explained that staff was not looking for direction from the Board tonight. Staff just wanted to make sure that the information is out there and to get a feel from the Board of what additional information staff can provide to the Board to help in making those decisions. The one thing that we always have to keep in mind is anytime we want to go to take a question on the ballot there is a pretty significant amount of lead time, if we were to look at something for a ballot issue for April of next year it would be certified by the County Board of Election the end of January. So, for the April 2024 ballot the question would have to be certified the end of January. For the August ballot it is May, and November's ballot is August. Cynthia reiterated that staff was not looking for a decision from the Board tonight. Staff will continue to look at ways to be able to address this as well and to find out if they are specific things that Board would like us to look into to be able to provide additional or better information to make decisions.

Mayor Boley noted that Clay County sent out the tax bills so you can go review your tax bills. He asked that people look at the dollar amount you are paying for city taxes are basically the same as what you are paying for the library for those services.

4. Abatement of Nuisance – Proposed Ordinance

Rachel Porter, 639 South Commercial Avenue, spoke to the Board about her home. She explained that she has been cited and she is working to get it taken care of. She

explained that they had a bunch of property come to them when Holloways went out of business. They are working to get storage for it. Ms. Porter said that she knows it is a nuisance. They did have a dumpster donated to them for a couple of weeks and are now trying to get another dumpster, but they do not have the funds at this time.

Jack Hendrix, Development Director, noted that the memo in the packet gave a brief overview of this issue. The State of Missouri has passed several changes over the few years for the code enforcement process. Jack explained what we do currently for an abatement scenario, which is mowing grass or removing trash, etc. The violations is reported or identified by the code enforcement officer and then inspection is completed and documented. The code enforcement officer then sends out a violation that gives 10 days to get it taken care of. There is then a reinspection on day 11, if it still is in violation, an abatement notice goes out that says they have five days to get it done or the city can come in and mow the grass or collect trash and get it cleaned up. A ticket can be issued at that time. Jack noted that we have had very few abatement cases other than mowing grass. They are usually because the property is in foreclosure. He said that he has been with the City for 16 years and we have had in the last 10 years three board-ups of buildings and one of those board-ups also included taking a bunch of trash off the property. Generally, we do not have those kind of abatements, it is mostly mowing grass.

Jack explained that there are new procedures proposed. One of the procedure pertains to when someone has a voluminous amount of trash. Jack noted that he met with our City Attorneys, the City Prosecutor, the Police Chief, Police Clerk and Code Enforcement Officer to figure out what we can do to clean this process up to make it more in accordance with state law. One of the things they decided was to have our attorney John Reddoch craft a draft of what an abatement ordinance would look like. A much more detailed ordinance than we have now applies for dangerous buildings. It would broaden it to incorporate an official process with specific timelines of the abatement and when you go on the property and mow it or go on the property to remove the trash. The proposed ordinance would have a process that would be a 10-day notice of appearing, so as soon as the 10 days have lapsed and they have not cleaned up the trash or mowed the grass, they receive a second letter that says you have a hearing in 10 days to explain why this should not be abated by the city. Staff would then set up the hearing process. That hearing happens, if the person does not show up, their findings will obviously be that there is an abatement necessary, if there's no evidence why an abatement is necessary, it would occur, there would be an order issued and that order issued could be subject to an appeal by that person. This would all be in compliance with the Missouri Administrative Procedure Act.

Jack explained that the purpose of tonight's discussion is to get direction from the Board for this process. The abatement goes out, there is a show cause hearing, who would the Board want to be the person or entity that would handle the show cause. Jack explained that at the show cause evidence is presented that there is a nuisance, the offending party would then have the ability to explain why, there is then an order issued one way or the other based on the results. Jack explained that the attorney's recommendation is that person be the Development Director, the City Administrator, or someone at the staff level.

If the order is issued and the person has the ability to file an appeal of that order, the city attorney's recommendation then is it go before the City Administrator, the Board of Aldermen or an entity the Board wanted to name to process the appeal.

Jack noted that the time frame for abatement being too long is the number one complaint that the City receives from everyone but the ones that receive the notices. This ordinance will extend that timeline for the abatement when you actually get the offense taken care of. The draft ordinance added verbiage that allows one notice at the beginning of the year thereafter, so if they do not mow their grass two weeks, five weeks later you do not go back and start from scratch. You are already at you go mow it and no further notice is required since the have already went through the process and already had the opportunity for an appeal.

Jack asked the Board for direction as to who should handle the first level of the show cause, seeing the evidence, listening to the offending party's reasons and then going from there.

Alderman Russell asked who issues the fines now.

Jack explained that the City does not issue fines, a judge does. The City issue tickets.

Alderman Ulledahl asked if other cities have abatement boards.

Jack explained that some cities do have abatement boards. He noted that according to the city attorney, this process will get the City up to current versions of the state's changes to ensure that we are following state law.

Alderman Atkins suggested the City Administrator evaluate staff by availability or education level and also see what other cities are doing to see who would be the best fit for the show cause of the abatement.

Jack explained that there are two levels the show cause and the appeal that staff is looking for direction from the Board.

The Mayor said that the appeals should go before the Board.

Alderman Ulledahl agreed with the Mayor that the appeals should go before the Board. He noted that for the show cause he feels that there should be either a CIT Officer (Crisis Intervention Team) or a community outreach social worker involved in case there are mental health issues.

Alderman Russell asked if the 52 tickets issued on one property was issued by the City's Code Enforcement Officer.

Mayor Boley clarified that there are 59 cases at Clay County Court at this time.

Jack said they were. The 59 cases that are at Clay County Court that are scheduled for trial now started in 2022 and there are more cases accumulating.

Alderman Russell asked if the Code Enforcement Officer had to go to court for all of these.

Jack explained that even if the case does not go to trial the Code Enforcement Officer has to be in court every time and she has been going to court for 16 months for this case.

Alderman Ulledahl clarified that the Board needed to establish a rough outline for this abatement procedure for the show cause and the appeal will come before the Board.

Jack noted that the show cause is whether the City should take care of the abatement. The violations always go before a Missouri certified judge. Jack explained that with a violation, first you get a door hanger warning that states this is not a citation.

Jack explained that the Code Enforcement Officer would not issue an abatement if, for instance, it has been raining for 15 days and you were unable to mow your yard.

Alderman Wilson said that this is like the last step. We have tried everything, and it has not been resolved.

Jack explained that it does two things. It gives staff clear direction and step on how to get to an abatement. It also brings us up to current state law standards.

Alderman Russell asked if the City would have to clean up the trash from this one resident if the judge ordered it and it would have been resolved by now.

Jack explained that this is separate from what the judge orders. The judge orders fines. He noted that if we had this process and it went through the abatement then yes. In a scenario like this we would have brought it before the Board to get a budget amendment because it would cost several thousand dollars.

Cynthia noted that this would give staff a tool that we do not have right now. Right now, we work through the judicial system. This gives us a process through our nuisance code.

Jack explained that the City does have some abatement in place but nothing as comprehensive as this that sets up a specific procedure and sets up a hearing date. This will also give the person the opportunity to explain the reasons.

Alderman Wilson suggested that maybe the Development Director take the first steps in the abatement and then work with the CIT Officer through the process before it came before the Board for the final decision.

Jack explained that if someone comes in and looks like they are in distress the procedure is to get a CIT Officer that know how to handle that type of situation.

Alderman Wilson asked what about the times that you might not be able to identify they are in distress. Would it not be better to have the Development Director and a CIT Officer.

Jack noted that it would depend on the abatement issue. If the person is over 65 years of age we could get Senior Services involved. There may be times that Public Administrator would need to get involved. These all depend on how the Board directs staff to address them.

Mayor Boley asked that staff bring the Board recommendations for the show cause. The Board all agreed. The Board also agreed to the appeals coming before them.

5. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 7:09 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

November 21, 2023 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:09 p.m. following the work session. A quorum of the Board was present: Melissa Wilson, Leeah Shipley, Marv Atkins, Dan Ulledahl, Dan Hartman and Ronald Russell.

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

2. Pledge of Allegiance lead by Stephen Larson

3. Consent Agenda

- **Minutes**

- November 6, 2023 Board of Aldermen Work Session Minutes
- November 6, 2023, Board of Aldermen Regular Session Minutes

- **Financial Report**

- Finance Report for October 2023

- **Resolution 1290, Amending Agreement With Premier Pyrotechnics, Inc.**

A Resolution amending the original agreement with Premier Pyrotechnics, Inc. for the annual fireworks displays.

- **Resolution 1291, Engineering On-Call Services**

A Resolution approving and establishing a pre-qualified on-call professional services listing.

- **Resolution 1292, Purchase of a John Deere Gator**

A Resolution authorizing the expenditure of funds for the purchase of a John Deere Gator from Heritage Tractor for the Parks and Recreation Department through the cooperative purchasing agreement with Sourcewell in the amount of \$20,370.

- **Resolution 1293, Amendment to the Employee Compensation Plan**

A Resolution adopting amendments to the Employee Compensation Plan.

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

No discussion.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

Alderman Wilson reported on the November 14, Planning and Zoning Commission meeting. She noted that they had a public hearing and a rezoning of 17 lots in Second Creek Meadows, which is on the agenda tonight. There is commercial construction going on in the City.

5. City Administrator's Report

Cynthia Wagner recognized staff for their work securing a grant for the OK Trail Phase One. Staff applied for a grant through Missouri Department of Natural Resources. The OK Trail used to be called the Old Diamond Crest Trail. It is located on the northern end of the City. The grant totals about \$164,000. We just received official word last week that we were successful in receiving the grant. Matt Denton, Chuck Soules and Mayra Toothman were involved in that grant application process. Cynthia noted that we are really excited to be able to get that funding and to be able to move forward on that project.

Cynthia noted that staff has had ongoing conversation with regard to Streetscape Phase III. There is significant information in the [City Administrator's Report](#) included in the packet. Chuck Soules, Public Works Director, was able to provide additional information to Mid-America Regional Council (MARC). MARC had some projects that were not able to be completed this year, so they had excess funds to be able to use. Chuck was able to leverage an additional \$1,000,000 for the Streetscape Phase III project. With the additional funding we will be able to do the full project and will not have to reduce the scope as significantly as we thought. We will have to rebid the project. She noted that Chuck has spent a significant amount of time with HDR Engineering staff looking at re-engineering. Staff anticipates the project going out to bid again after the first of the year.

Cynthia noted that we also received an update on ARPA funds that are being administered through MARC for road improvements throughout the county. The bid came in a bit lower than what was anticipated, and we will receive funding to cover the entire cost of the overlay project we submitted for this project. No city match will be required.

Cynthia noted that Parks and Recreation staff offered a Parent and Me Painting Class a couple weeks ago that was very successful. Some great pictures are included in the City Administrator's. They plan to offer the event again after the first of the year.

Cynthia noted that this past weekend we hosted a Bulky Item Drop Off event. Mayra Toothman and Keowa Norton planned the event. They worked together to get dumpsters and opened it up for the community to bring their items. 62 trucks come through, filling two and a half dumpsters. Mayra said she counted no less than a dozen mattresses, there were also couches and appliances. The event was a success! Cynthia expressed a special thanks to Mayra and Keowa for working on that event and to the City staff that volunteered to provide assistance with it.

Cynthia reminded the Board and the public that City Hall will be closed Thursday and Friday in observance of Thanksgiving. She wished the Board and their families a Happy Thanksgiving.

ORDINANCES & RESOLUTIONS

6. Bill No. 3014-23, Creation of a Fairview Crossing CID Financial Fund – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3014-23, approving the creation of the Fairview Crossing CID Financial Fund to account for the receipt of and expenditures from that allocation separate from any other monies. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hartman- Aye, Alderman Ulledahl - Aye, Alderman Atkins – Aye,
Alderman Wilson - Aye, Alderman Shipley – Aye, Alderman Russell - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3014-23 approved.

7. Bill No. 3016-23, FY2024 Budget Amendment No. 1 – Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Reading

Alderman Ulledahl moved to approved Bill No. 3016-23, amending the FY2024 operating budget to add \$732,000 to the expenditure budget. 1st reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

Alderman Ulledahl - Aye, Alderman Wilson - Aye, Alderman Atkins – Aye,
Alderman Shipley - Aye, Alderman Russell – Aye, Alderman Hartman - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3016-23 approved 1st reading.

Alderman Ulledahl moved to approved Bill No. 3016-23, amending the FY2024 operating budget to add \$732,000 to the expenditure budget. 2nd reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

Alderman Wilson - Aye, Alderman Ulledahl - Aye, Alderman Russell – Aye,
Alderman Hartman - Aye, Alderman Shipley – Aye, Alderman Atkins - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3016-23 approved.

Alderman Hartman recused himself from agenda item No. 8.

8. Bill No. 3017-23, Rezoning NE Corner of Second Creek and Lowman Road – Emergency Ordinance Sponsored by Mayor Boley – 1st & 2nd Reading

Alderman Ulledahl moved to approved Bill No. 3017-23, approving the rezoning of the northeast corner of Second Creek and Lowman Road from R-1B and R-3 to R-1 and R-1B. 1st reading by title only. Alderman Wilson seconded the motion.

Roberta Lowman, 16251 Lowman Road, said she had some concerns about the language of the lawsuit in the RFA. She did appreciate the Board changing the zoning back to R-1. She noted that the settlement of her lawsuit was not contingent to the rezoning. Ms. Lowman noted that she and the neighbors also had concerns about the water flow.

Alderman Russell asked if the Ordinance should be amended to correct the language about the lawsuit.

Cynthia and Mayor Boley explained that the language concerning her lawsuit was in the Request for Action but was not in the Ordinance so there would be no reason to amend it.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Russell- Aye, Alderman Shipley – Aye,
Alderman Ulledahl - Aye, Alderman Wilson - Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3017-23 approved first reading.

Alderman Ulledahl moved to approved Bill No. 3017-23, approving the rezoning of the northeast corner of Second Creek and Lowman Road from R-1B and R-3 to R-1 and R-1B. 2nd reading by title only. Alderman Wilson seconded the motion

No discussion.

Upon roll call vote:

Alderman Shipley - Aye, Alderman Wilson - Aye, Alderman Atkins - Aye,
Alderman Russell – Aye, Alderman Ulledahl - Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3017-23 approved.

Alderman Hartman returned to the meeting.

OTHER MATTERS BEFORE THE BOARD

9. Public Comment

None.

10. New Business from the Floor

None.

11. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:25 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor



Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Administration

AGENDA ITEM: Resolution 1294, Liquor License – SQRL

REQUESTED BOARD ACTION:

A motion to approve Resolution 1294, approving a liquor license to SSS Missouri doing business as SQRL.

SUMMARY:

SSS Missouri doing business as SQRL has a completed a Liquor License Application for her business to be located at 124 North 169 Highway. This license for replaces one previously issued at this location to the owners of Express Stop.

Ms. Shear has requested the following licenses:

- Intoxicating Liquor- original package
- Sunday Sales
- Tasting Permit

Chief Lockridge has reviewed the application, completed a background check and recommends issuance of the licenses. The effective date will be December 15, 2023. Mr. wells has remitted payment to cover licensing through June 30, 2024.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

RESOLUTION 1294

**A RESOLUTION ISSUING A LIQUOR LICENSE TO SSS MISSOURI
FOR THE OPERATION OF SQRL**

WHEREAS, SSS Missouri, owner of SQRL, has completed the required applications for Intoxicating Liquor Original Package (all kinds), Sunday Sales and Tasting Permit; and

WHEREAS, Chief Lockridge has completed a background check; and

WHEREAS, the background check did not reveal anything to prevent approval of City liquor licenses.

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

**THAT LIQUOR LICENSES BE ISSUED TO SSS MISSOURI FOR
OPERATION OF SQRL, LOCATED AT 124 NORTH 169 HIGHWAY.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 5th day of December 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



November 29, 2023

Cynthia Wagner:

I have reviewed the liquor application submitted by Richard Bryant (SQRL Service Stations, LLC). I have reviewed Mr. Bryant's background as well as public records and found nothing that would disqualify him from being issued a liquor permit.

I would recommend that Mr. Bryant be issued a city liquor permit pursuant his request. If you have any questions or concerns, feel free to contact me.

Respectfully,

Chief Jason Lockridge



City Administrator's Report

November 30, 2023

Bulky Item Drop Off Event

The City hosted its first Bulky Item Drop Off Event, drawing more than 60 residents who successfully filled 2.5 dumpsters. Staff coordinated with GFL, who supplied three dumpsters and arranged their same-day drop-off and pickup.

Main items disposed of included mattresses, spring boxes, and various pieces of furniture. The city had five volunteers at this event, four of whom were city employees. Staff has received positive feedback from the event and is considering hosting a similar event next year.



Winter Weather Response

On November 25, the Kansas City area experienced the first snow event of the season. Smithville received about two inches of snow. In preparation, staff pre-treated the roads with 1,100 gallons of brine on Friday, November 24. A team of seven city employees initiated operations at 10 p.m. on Saturday, November 25 and worked until 4 a.m. on Sunday morning. Two employees from R & S, the City's Contractor, were also called in to assist. The combined efforts included the application of 70 tons of salt spread by nine trucks, along with plowing activities.

These collaborative efforts ensured the clearance of all roads, prioritizing the safety and convenience of Smithville's residents and commuters.

188th Street and Eagle Ridge Parkway

Earlier this year, an item addressing parking concerns on 188th Street was removed from agenda consideration in order to allow additional review by the Police Department in conjunction with the Smithville School District. On November 17, Chief Lockridge met with the principal at Eagle Heights Elementary to discuss traffic concerns around the school, on Eagle Parkway and more specifically on 188th Street. They also observed traffic in this area to determine a course of action.

Any issues observed are not currently habitual, but more sporadic. There does not appear to be a need to restrict parking on 188th Street. Staff and district officials are discussing signage that may remind and encourage parents to follow the school's requests sent out earlier in the year regarding pick-up and drop-off traffic and parking. The traffic and parking situation will again be reviewed by both parties in the spring.

EV Charging Station Grant Application

Staff has submitted a grant application to the Missouri Department of Natural Resources for two electric charging stations in the downtown area. The application is through the Missouri Climate Pollution Reduction Grant Project. The application includes a request of 90% funding. A City match of 10% (estimated at \$20,000) would be required in 2025 if a grant is awarded.

Clay County Comprehensive Plan Update

The County is in the process of updating the Comprehensive Plan. A public survey is currently available now through December 31. The survey may be accessed by visiting the project website [Clay County 2040 Compass Comprehensive Plan](#).

City Hall and Meeting Schedule

City Hall will also be closed from 11:30 a.m. to 1:00 p.m. Thursday, December 14 for the City Employee Holiday Luncheon.

City Hall will be closed Monday, December 25 and Monday, January 1 for the Christmas and New Year's Holidays.

Mayor Boley has cancelled the January 2 Board of Aldermen meeting.



Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 3018-23, Declaring and Certifying the November 7, 2023 Election Results for the Public Safety Sales Tax – 1st reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3018-23, to officially declare the results of the one-half percent Public Safety Sales Tax from the November 7, 2023 Special election failed. The results of the election are certified by the Clay and Platte County Election Boards. First reading by title only.

SUMMARY:

This ordinance will formally declare the election results for the November 7, 2023 election to impose a one-half percent Public Safety Sales Tax for general revenue purposes failed with 458 No votes and 402 Yes votes.

PREVIOUS ACTION:

POLICY OBJECTIVE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

Click or tap here to enter text.

ATTACHMENTS:

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

AN ORDINANCE DECLARING AND CERTIFYING THE RESULTS OF THE NOVEMBER 7, 2023 SPECIAL ELECTION HELD IN THE CITY OF SMITHVILLE, MISSOURI

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 7, 2023, on the following questions:

Proposition

Shall the City of Smithville impose a citywide sales tax at the rate of one-half of one percent for the purpose of improving the public safety of the City?

resulted as follows:	402	<u>Yes</u>
	458	<u>No</u>

Section 2. That attached hereto as **Exhibit A** is a full, true and correct copy of the ballot used at said election.

Section 3. 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 upon the certified results of the Special Election from the Board of Election Commissioners, the proposed Public Safety Sales Tax question was defeated.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF SMITHVILLE,
MISSOURI THIS 5th DAY OF DECEMBER 2023.**

[SEAL]

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 12/05/2023

Second Reading: 12/19/2023

Registered Voters 178,004 - Total Ballots 14,569 : 8.18%

84 of 84 Precincts Reporting 100.00%

CLAY COUNTY PROP A

Number of Precincts	84	
Precincts Reporting	84	100.00%
Total Votes	14,513	
YES	8,834	60.87%
NO	5,679	39.13%

KANSAS CITY QUESTION 1

Number of Precincts	43	
Precincts Reporting	43	100.00%
Total Votes	7,614	
YES	4,553	59.80%
NO	3,061	40.20%

KANSAS CITY QUESTION 2

Number of Precincts	43	
Precincts Reporting	43	100.00%
Total Votes	7,593	
YES	4,039	53.19%
NO	3,554	46.81%

SMITHVILLE PROPOSITION

Number of Precincts	5	
Precincts Reporting	5	100.00%
Total Votes	860	
YES	402	46.74%
NO	458	53.26%

Statement of Votes Cast
 SPECIAL ELECTION
 CLAY COUNTY, MISSOURI
 TUESDAY, NOVEMBER 7, 2023
 Election Results
 OFFICIAL

Date: 11/14/2023
 Time: 2:03:38 PM CST
 Page 8/8

SMITHVILLE PROPOSITION

	Reg. Voters	Total Votes	YES		NO	
Jurisdiction Wide						
PLATTE 1	4648	482	237	49.17%	245	50.83%
PLATTE 2	632	68	36	52.94%	32	47.06%
PLATTE 3	2458	228	99	43.42%	129	56.58%
VOTE CENTER	0	2	0	-	2	100.00%
ABSENTEE	0	80	30	37.50%	50	62.50%
Total	7738	860	402	46.74%	458	53.26%



Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3019-23, Annexation 809 Second Creek Road. 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3019-23 to annex 809 Second Creek Road for first reading by title only.

SUMMARY:

Approving this ordinance would annex this property into the city limits. The property is contiguous to the City of Smithville and constitutes part of an island completely surrounded by the city limits. The property is a single-family home located on a .88 acre lot.

The application to annex this land was submitted by the property owners in order to connect to the existing city sewers.

PREVIOUS ACTION:

None.

A public hearing was advertised in the paper more than seven days in advance of the hearing (November 23) and less than 60 days have elapsed since the application was submitted (November 6) in compliance with §71.012 RSMo.

POLICY ISSUE:

Annexation

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

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

WHEREAS, on the 6th day of November 2023, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

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

WHEREAS, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 5th day of December 2023; and

WHEREAS, notice of said public hearing was given by publication of notice hereof on the 23rd of November 2023 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

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

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

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

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

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

All that part of the South one-half of the Southeast Quarter of Section 22, Township 53 North, Range 33 West in Clay County, Missouri, described as follows: Beginning at a point on the North line of the South one-half of the

Southeast Quarter of said Section 22 which is North 89 degrees 30 minutes East, a distance of 282.70 feet from the Northwest corner of the South one-half of the Southeast Quarter of said Section 22; thence South 0 degrees 42 minutes 02 seconds East, a distance of 414.89 feet; thence North 89 degrees 30 minutes East and parallel with the North line of the South one-half of the Southeast Quarter of said Section 22, a distance of 105.00 feet; thence North 0 degrees 42 minutes 02 seconds West, a distance of 414.85 feet to a point on the North line of the South one-half of the Southeast Quarter of said Section 22; thence South 89 degrees 30 minutes West along the North line of the South one-half of the Southeast Quarter of said Section 22, a distance of 105.00 feet to the Point of Beginning. Subject to that part in the roadways and any easements and restrictions of record.

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

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

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

PASSED THIS 19th DAY OF DECEMBER 2023.

Damien Boley, Mayor

ATTEST

Linda Drummond
City Clerk

First Reading: 12/05/2023

Second Reading 12/19/2023



**Voluntary Annexation
Staff Report**
November 27, 2023
Annexation of Parcel Id #05-504-00-02-004.01
Bill No. 3019-23

Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation
Property Information: Address: 809 Second Creek Road
Owner: Connie Murphy, Trustee
Notice Date: November 23, 2023

GENERAL DESCRIPTION:

The applicant seeks to annex 809 Second Creek Road into the city to be able to connect to the city sewers.



COMPLIANCE WITH COMPREHENSIVE PLAN

Voluntary annexation is a request by a property owner and is subject to the discretion of the City. The Comprehensive Plan currently identifies certain areas that can be considered for annexation. The subject property is part of an island of unincorporated land completely surrounded by the city limits.

CONTIGUOUS AND COMPACT

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

ABILITY TO PROVIDE SERVICES

All utilities and services are provided at this time.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

Zoning Administrator



Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3020-23, Annexation 14422 North Mount Olivet Road. 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3020-23 to annex 14422 North Mount Olivet Road for first reading by title only.

SUMMARY:

Approving this ordinance would annex this property into the city limits. The property is contiguous to the City of Smithville on its' west side and is served by county water services and is slated for private septic systems once fully developed. All other city services are available to serve the property immediately.

The application to annex this land was submitted by the property owners in order to develop this 185 acre parcel into 32 large lots in an A-R zoning district.

PREVIOUS ACTION:

None.

A public hearing was advertised in the paper more than seven days in advance of the hearing (November 23) and less than 60 days have elapsed since the application was submitted (November 6) in compliance with §71.012 RSMo.

POLICY ISSUE:

Annexation

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

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

WHEREAS, on the 6th day of November 2023, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

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

WHEREAS, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 5th day of December 2023; and

WHEREAS, notice of said public hearing was given by publication of notice hereof on the 23rd day of November 2023 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

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

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

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

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

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

A Tract Of Land In The West Fractional Half Of Section 31, Township 53 North, Range 32 West, In Clay County, Missouri, Being Described As Follows: Beginning At The Southwest Corner Of Said Section 31; Thence N00°25'54"E, Along The

West Line Of The Fractional Southwest Quarter Of Said Section 31, A Distance Of 1381.18 Feet To The Southwest Corner Of A Tract Of Land Described In Book 1704 At Page 152; Thence N87°49'16"E, Along The Southerly Line Of Said Tract, A Distance Of 370.97 Feet To The Southeasterly Corner Of Said Tract; Thence N00°26'48"E, Along The Easterly Line Of Said Tract, A Distance Of 440.24 Feet To The Northeasterly Corner Of Said Tract; Thence N83°02'20"W, Along The Northerly Line Of Said Tract, A Distance Of 373.13 Feet To A Point On The West Line Of Said Fractional Southwest Quarter; Thence N00°25'54"E, Along Said West Line, A Distance Of 770.92 Feet To The Northwest Corner Of Said Fractional Southwest Quarter, Said Point Also Being The Southwest Corner Of The Fractional Northwest Quarter Of Said Section 31; Thence N00°15'36"E, Along The West Line Of Said Fractional Northwest Quarter, A Distance Of 899.06 Feet To The Southwesterly Corner Of A Tract Of Land Described In Book 6085 At Page 14; Thence S89°34'19"E, Along The Southerly Line Of Said Tract, And Along The Southerly Line Of A Tract Of Land Described In Book 5223 At Page 180, A Distance Of 2385.78 To The East Line Of Said Fractional Northwest Quarter; Thence S00°40'41"W, Along Said Line, A Distance Of 924.90 Feet To The Southeast Corner Of Said Fractional Northwest Quarter, Said Point Also Being The Northeast Corner Of The Fractional Southwest Quarter Of Said Section 31; Thence S00°40'28"W, Along The East Line Of Said Fractional Southwest Quarter, A Distance Of 2636.02 Feet To The Southeast Corner Of Said Fractional Southwest Quarter; Thence N89°19'35"W, Along The South Line Of Said Fractional Southwest Quarter, A Distance Of 2367.73 Feet To The Point Of Beginning.

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

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

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

PASSED THIS 19th DAY OF DECEMBER 2023.

Damien Boley, Mayor

ATTEST

Linda Drummond
City Clerk

First Reading: 12/05/2023

Second Reading 12/19/2023



**Voluntary Annexation
Staff Report**
November 27, 2023
Annexation of Parcel Id #06-703-00-02-004.00
Bill No. 3020-23

Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation

Property Information: Address: 14422 North Mt. Olivet

Owner: John & Ralph Yallaly

Notice Date: November 16, 2023

GENERAL DESCRIPTION:

The applicant seeks to annex 185 acres at 14422 North Mt. Olivet into the city to develop the land into 32 large A-R zoned lots.



COMPLIANCE WITH COMPREHENSIVE PLAN

Voluntary annexation is a request by a property owner and is subject to the discretion of the City. The Comprehensive Plan currently identifies certain areas that can be considered for annexation. The subject property is immediately contiguous to the current eastern border at Wise Rd. and 144th St., and is in an area that will not cause inefficient extensions of water or sewers.

CONTIGUOUS AND COMPACT

Property meets the State law requirement of 15% of the boundary be contiguous to current city limits.

ABILITY TO PROVIDE SERVICES

All utilities and services are available adjacent to the proposed subdivision, or will be extended at the developers sole cost and extent. No other city utilities are needed in the area.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

Zoning Administrator



Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 3021-23, authorizing and directing the Mayor to sign a supplemental agreement with MoDOT. 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No.3021-23, authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Bridge Street from Church Street to First Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 1st reading by title only.

SUMMARY:

In 2020 the City was awarded a Transportation Alternatives Program (TAP) grant for Streetscape Phase III improvements on Bridge Street from Church Street to First Street

By Ordinance 311-21, the City entered into an agreement with MODOT for \$488,000 in 2021.

On October 3, 2023 bids were opened for the project and exceed the budgeted funds.

On November 8, 2023 the City requested of the Active Transportation and Pedestrian Committee (ATPC) of the Mid-America Regional Council (MARC) to reduce the scope of the project to be in line with the budget. The ATPC recommended increasing the federal funding by \$1 million for a total federal participation of \$1,488,000 to complete the project.

The Supplemental Agreement includes the additional funding.

PREVIOUS ACTION:

- Ordinance 3111-21 authorizing Mayor to sign the original cost share agreement with MoDOT.
- Included in the 2022/2023 Capital Improvement Plan

POLICY ISSUE:

Continued service, infrastructure maintenance

FINANCIAL CONSIDERATIONS:

This agreement sets up the funding authority with MoDOT for 80% of construction related costs

ATTACHMENTS:

- Ordinance
- Resolution
- Staff Report
- Other:

- Contract
- Plans
- Minutes

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A TRANSPORTATION ALTERNATIVES FUNDS PROGRAM SUPPLEMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR IMPROVEMENTS TO BRIDGE STREET FROM CHURCH STREET TO FIRST STREET INCLUDING INFRASTRUCTURE IMPROVEMENTS ENCOURAGING SAFER ROUTES FOR NON-MOTORIZED USERS AND IMPROVING THE PEDESTRIAN ENVIRONMENT

WHEREAS, on September 20th, 2021, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City") entered into a Transportation Enhancements Funds Agreement for the construction of Smithville Streetscape Phase III (hereinafter, " Project"); and

WHEREAS, the Commission and the City now desire to revise the original Agreement to reflect additional funding for the Project.

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

Section 1. That the Mayor is authorized and directed to execute a supplemental agreement with the Missouri Highways and Transportation Commission for public improvements to be completed on Bridge Street from Church Street to First Street, in the City of Smithville.

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

PASSED THIS 19th DAY OF DECEMBER, 2023

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 12/05/2023

Second Reading: 12/19/2023

CCO FORM: FS31
Approved: 11/15 (MWH)
Revised: 10/22 (MWH)
Modified: 11/23 (KFJ)

Clay County
City of Smithville
Project TAP 3302(434)

CFDA Number: 20.205
CFDA Title: Highway Planning and Construction
Award name/number: TAP – 3302(434)
Award Year: 2024
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ENHANCEMENTS FUNDS
SUPPLEMENTAL AGREEMENT**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City/County/Grantee").

WITNESSETH:

WHEREAS, on September 20th, 2021, the Commission and the City previously entered into a Transportation Enhancements Funds Agreement as to public improvements designated as 2021-06-64001, for the construction of Smithville Streetscape Phase III, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph 16 of the Original Agreement (is/are) removed and replaced with the following:

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share for this project will be 80 percent not to exceed \$1,488,400.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs.

Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _____ (date).

Executed by the Commission this _____ (date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SMITHVILLE

By _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title: _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____