



City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda - Amended 3-3-2023
March 7, 2023
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.

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. Consent Agenda
 - Minutes
 - February 21, Board of Aldermen Work Session Minutes
 - February 21, Board of Aldermen Regular Session Minutes

Join Zoom Meeting
<https://us02web.zoom.us/j/87520944880>

Meeting ID: 875 2094 4880
Passcode: 626535

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports
 - Economic Development Committee
5. City Administrator's Report

ORDINANCES & RESOLUTIONS

6. **Bill No. 2977-23, Conceptual Plan – Fairview Crossing North – 2nd Reading**
An Ordinance approving the conceptual plan for Fairview Crossing North. 2nd reading by title only.
7. **Bill No. 2978-23, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 – 2nd Reading**
An Ordinance approving the rezoning of the Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3. 2nd reading by title only.
8. **Bill No. 2979-23, Amending Certain Provisions Of Chapter 155 – Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Reading**
An Ordinance amending certain provisions of Chapter 155, Article I, Section 155.010(D) of the Municipal Code pertaining to TIF Commission composition. 1st and 2nd reading by title only.
9. **Bill No. 2980-23, Maintaining Gross Receipts Tax/Payment Of License Fees Under Section 735.010 – Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Reading**
An Ordinance maintaining Gross Receipts Tax/Payment of License Fees under Section 735.010 of the City Ordinances. 1st and 2nd reading by title only.

- 10. Bill No. 2981-23, FY2023 Budget Amendment No. 2 – Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Reading**
An Ordinance amending the FY2023 Budget to add \$165,000 to the expenditure budget in the Transportation Sales Tax Fund. 1st and 2nd reading by title only.
- 11. Bill No. 2982-23, Condemnation of Property – 1st Reading**
An Ordinance condemning certain lands for the purpose of constructing and maintaining a sewer line. 1st reading by title only.
- 12. Bill No. 2983-22, Condemnation of Property – 1st Reading**
An Ordinance condemning certain lands for the purpose of constructing and maintaining a sewer line. 1st reading by title only.
- 13. Resolution 1192, Agreement with the Smithville Senior Center**
A Resolution authorizing and directing the Mayor to enter into an agreement with Smithville Senior Center for the use of the building at 113 West Main Street.
- 14. Resolution 1193, Award Bid No. 23-04, Sanitary Sewer Rehabilitation**
A Resolution awarding Bid No. 23-04 Sanitary Sewer Rehabilitation to SAK Construction, LLC in the amount of \$143,200.
- 15. Resolution 1194, Final Plat – Fairview Crossing North**
A Resolution approving the final plat for Fairview Crossing North Subdivision.
- 16. Resolution 1195, Preliminary Plat, Second Creek Meadows**
A Resolution approving a Preliminary Plat for a 70-lot residential subdivision to be called Second Creek Meadows.
- 17. Resolution 1196, Authorization No. 89, Amendment No. 1, Additional Engineering for Raw Water Pump Station**
A Resolution approving Amendment No. 1. to Authorization No. 89 with HDR Engineering, Inc. in the amount of \$24,140 for engineering and construction services for the Raw Water Pump, Valve Vault and Zebra Mussel Control for the Raw Water Pump Station.
- 18. Resolution 1197, Amendment No. 1 to Authorization No. 92, Engineering for Smith’s Fork Pump Station Force Main**
A Resolution approving Amendment No. 1 to Authorization No. 99 with HDR Engineering, Inc. in an amount of \$127,800 for engineering design of the Smith Fork Sanitary Sewer Force Main.
- 19. Resolution 1198, Award Bid – Sewer for Streetscape Phase III**
A Resolution awarding the bid to Menke Excavating in an amount of \$42,408 to replace the service lines at 211, 213, and 215 Bridge Street for Streetscape Phase III.
- 20. Resolution 1199, Award RFP 23-03, 4th Street and 4th Terrace Utility**
A Resolution awarding RFP 23-03, 4th Street and 4th Terrace Improvements to Menke Excavating in an amount of \$885,740.13.

OTHER MATTERS BEFORE THE BOARD

- 21. 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.
- 22. 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.
- 23. Adjournment to Executive Session Pursuant to Section 610.021(3)RSMo**





Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT:

Administration/Finance/Public Works

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**
 - February 21, Board of Aldermen Work Session Minutes
 - February 21, Board of Aldermen Regular Session Minutes

SUMMARY:

Voting to approve would approve the Board of Aldermen minutes.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

SMITHVILLE BOARD OF ALDERMEN

WORK SESSION

February 21, 2023, 6:30 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

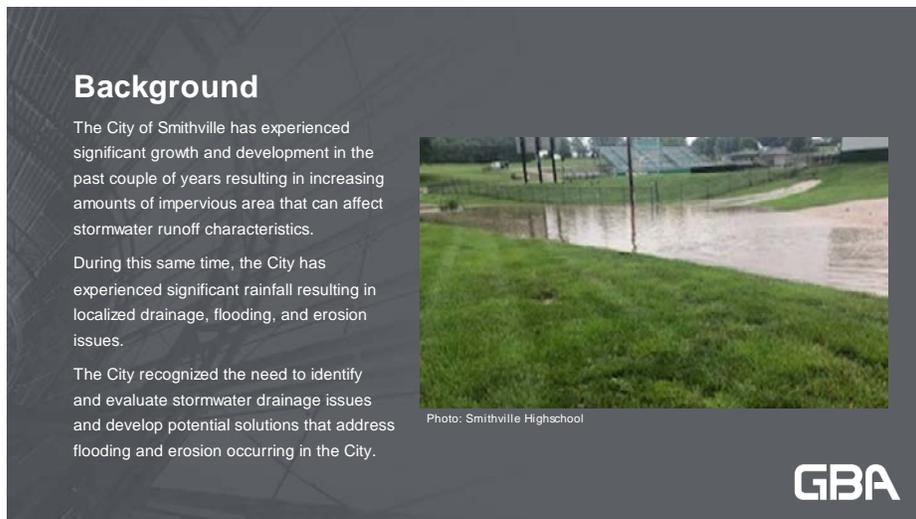
Mayor Boley, present, called the meeting to order at 6:30 p.m. A quorum of the Board was present: Leeah Shipley, John Chevalier, Ronald Russell, Marv Atkins and Dan Ulledahl. Dan Hartman was absent.

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

2. Stormwater Review Findings

Chuck Soules, Public Works Director, noted that we had completed the stormwater study for the City of Smithville. GBA and will present the results this evening. He explained that they will talk about their efforts and recommendations from their draft report that was in the packet. They will also explain the background on the need for this plan, data gathering and evaluation, the public engagement process, and recommendations for suggested next steps. Chuck explained that this is the first step, next staff will meet with GBA to start setting up for the budget process for which projects need to be done first and the cost. Chuck introduced Aaron Fritz and Katie Stuckey from GBA and said that Katie would present the [Stormwater Master Plan](#).

Katie Stuckey introduced herself and noted that she is the stormwater group leader at GBA and was here this evening to present the City of Smithville Stormwater Master Plan. She explained that she would touch on the background of the project scope, their evaluation and findings, the results of the engagement with the community they completed and the recommendations that they developed.



Background

The City of Smithville has experienced significant growth and development in the past couple of years resulting in increasing amounts of impervious area that can affect stormwater runoff characteristics.

During this same time, the City has experienced significant rainfall resulting in localized drainage, flooding, and erosion issues.

The City recognized the need to identify and evaluate stormwater drainage issues and develop potential solutions that address flooding and erosion occurring in the City.

Photo: Smithville Highschool

GBA

Katie explained that on this slide you can see there is quite a bit of background of stormwater issues and flooding within the City. The city identified the need to evaluate

and develop potential solutions to address flooding and erosion issues then GBA developed a project scope to conduct a discovery phase to initiate the Stormwater Master Plan.

Katie noted that their Master Plan presents recommendations for the implementation of best practices and improvements for stormwater within the city limits. This plan is not intended to alleviate every single stormwater or flooding issue within the City but it aims at maximizing those improvements in a cost efficient manner.

Discovery

GBA was hired by the City to conduct a three-step discovery process to identify areas of needed stormwater improvements to reduce the frequency and severity of flooding.



These are the steps that GBA took for this first discovery phase, they did data collection and evaluation on items that were pertinent to flooding, erosion and stormwater, they completed public outreach, then they took all of that back and incorporated it into their recommendations.

Data Collection & Evaluation

- FEMA Data
- NRCS Soil Classifications
- Land Cover
- Stormwater Inventory
- Development Plans and Related Stormwater Reports

For the data collection, did they first looked at the FEMA flood data (first map above) which is the map that is developed by FEMA for the flood insurance rate maps. It is based on hydrologic and hydraulic modeling of the rivers within the area. The City of Smithville has several streams with federally defined floodways which have more stringent criteria and are likely to flood more frequently and more severely.

Katie explained that there were several areas during the public outreach portion of our project that were identified within those flood zones and those are areas that are going to be subject to inundation unless something more major is done to improve them. They looked at the NRCS soil classifications (map above on the right). That data included hydrologic soil classifications that tells the ability for an infiltration to occur within the soils as well as the runoff potential. The majority of the soils within the City of Smithville are C or D-type soils which are the harder to infiltrate more runoff. This is typical of any area that is going to have development occurring. The C-type soils generally consist of a layer that impedes water movement soils and D-type soils are generally clay so you will not really get any infiltration in those. They looked at land cover where the National Land Cover Database provides land cover uses as well as impervious percentages and pervious percentages. Within the City there are large portions of pastureland but there are also highly developed areas. Katie said one thing that they noted is within those highly developed areas a lot of were in the lowland areas where there is a lack of stream buffer. This likely results in more and quicker peaks which means flash floods occur more often in those areas.

They also looked at the stormwater inventory that was provided by Survey and Mapping or SAM. Katie explained that while SAM provided ratings to the structures and pipes themselves, several areas were identified during the staff interviews and community outreach, which appear in good condition according to the inventory. This just indicates that either an inlet or pipe was clogged between the time the survey was done to now or that it is a capacity issue and not a condition issue within the system.

They also looked at the past 19 years of development plans that Chuck provided. This allowed them to review what is typical in the City's plan review and requirements by developers and allowed them to gain an understanding of the information developers are providing. Many of the reports acknowledge that there was an increase in runoff due to the increase in impervious area within a site development but there were quite a few that did not incorporate detention basins. There were some that did and the ones that did noted that they matched pre-development peak with post-development peak which is ideal.

Community Engagement

- Staff Interviews
- Stormwater Master Plan Open House
 - Two Workshops
 - # Participants
- Stormwater Questionnaire

Katie noted that for the community engagement they did City staff interviews. They came to the City and interviewed the Director of Public Works, the Street Superintendent, the Development Director and Utilities Inspectors. During those interviews they discussed with them areas that they know of concern with flooding and erosion issues and also discussed why they thought those areas were a problem. In those meetings they identified 22 areas of flooding or erosion concerns. A large number of those issues that were identified were related to maintenance.

They conducted two workshops with City residents in order to have them identify and discuss flooding and erosion concerns within the City. 20 individuals attended those workshops, and seven total areas were identified.

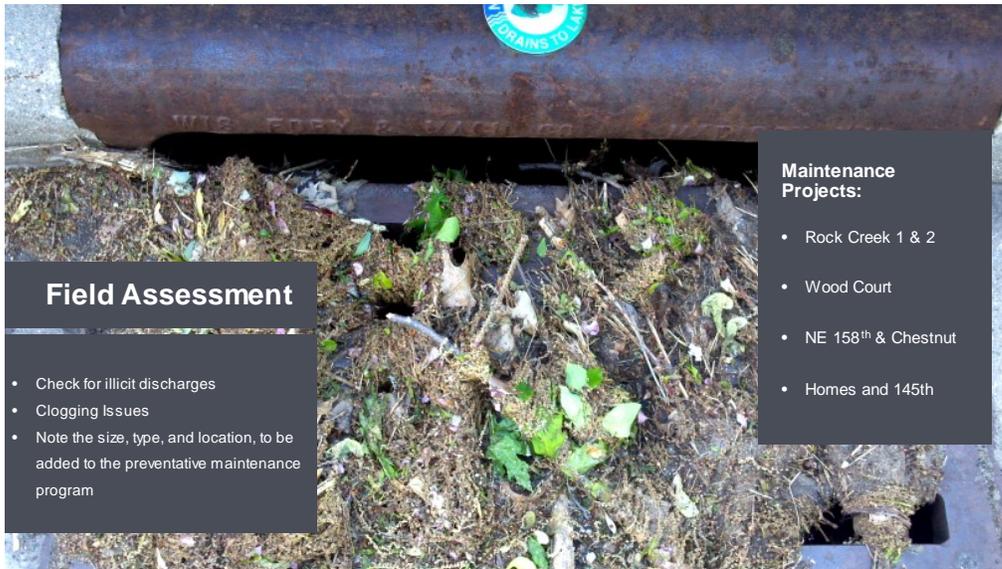
The City also created and posted to the City's website as a questionnaire and as another method to gain information from the public if they could not attend a workshop. The City provided those survey respondent responses to GBA as well as emails responses received.

Recommendations

- Maintenance Projects
- Improvement Projects
- Education Campaign
- Revised Ordinances
- Community Rating System (CRS)

GBA

Katie explained that after reviewing with the city staff the data collection and evaluation of the information gathered during this public engagement process, GBA developed a series of recommendations listed above.



Field Assessment

- Check for illicit discharges
- Clogging Issues
- Note the size, type, and location, to be added to the preventative maintenance program

Maintenance Projects:

- Rock Creek 1 & 2
- Wood Court
- NE 158th & Chestnut
- Homes and 145th

Katie noted that this inlet is not in the city's it is just for illustration. GBA noted that the City has an annual program to conduct field assessments during dry weather conditions to check for illicit discharges. GBA would recommend incorporating in that the evaluation of any culverts or storm sewers that are clogged. This assessment should include size, type, location, etc. so that it can be added to a preventative maintenance program. GBA also identified maintenance projects that specifically include Rock Creek 1 & 2. Katie explained that this is an area that was notified that an outflow had been clogged and it was recommended that that flow and be cleaned out so that the roadway flooding ceases. Woods Court is an area where a waterway is overgrown, and it is impeding the flow downstream. They recommend the city go in and clear out that area so the flooding issue would be minimized. Northeast 158th Street and Chestnut Street is located on a private property where a pond is silted in, the city does have drainage easements so we could go in and dredge the pond, this would improve backyard flooding in the area. Holmes and 145th Street has a pond that is silted in and it results in flooding across the driveway that used to be a public road in that area. *****This area is not in Smithville City limits*****. Katie noted that if the pond were dredged it would eliminate that frequency of flooding.

Preventative Maintenance Program



Enhanced Street Sweeping Plan

Rotates areas on a more frequent basis



Culvert & Storm Cleaning

Schedule of culverts, inlets, and outlets to be cleaned utilizing a jetter



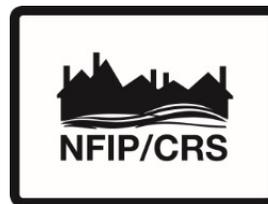
For a preventative maintenance program GBA recommended the development of an enhanced street sweeping plan. They recommended the need for more rotation of areas and on a more frequent basis in order to eliminate the blocking of inlets and storm sewers with leaves and debris. They also recommend a culvert and storm sewer cleaning program. This would identify a schedule of culverts, inlets and outlets to be cleaned utilizing a jetter. Katie noted that a cost savings measure in this would be coordination with the utilities department to borrow their jetter so that the city would not have to acquire a new one.



Listed above are some of the improvement projects that were identified. In Forest Oaks and there is flooding on the roadway that has resulted in an undersized pipe. This location was noted by City staff and by residents. It is recommended that the system be evaluated for sizing and replacement. Stone Bridge is another area that City staff and residents have noted as a large issue. It is located near the school and during intense rains approximately two feet of flooding occurs. She said that City staff noted that they believe the overflow pipe may have been set at the wrong location. GBA recommends since this is off City property that the City explore a potential co-funding solution if the School District was willing to participate in developing a solution for this area. In Cedar Lakes there is flooding within the neighborhood. The area was identified by residents and staff that stated that the outflow needs to be cleaned out but they also noted that a four to six foot manhole was popping off, this indicated to her that the system undergoes pressure flow which means it is currently undersized. GBA recommended that this area be evaluated and possibly result in the replacement of the storm sewer system in that area. Cliff Drive also has an undersized culvert that results in flooding reported by residents. Katie said that the city indicated to them that there is a sewer project scheduled in the area and GBA recommended that during that project the culvert be incorporated. North Main was a project that was identified as a covert being plugged with concrete. This is likely due to someone using the storm drain for a concrete clean out. City staff noted that a new culvert and new ditching needs to be placed so that it increases and improves capacity. Culverts under 188th near North Main are also undersized and result in frequent flooding across the roadway. GBA recommended that these be replaced and upsized so that the roadway is not inundated in the 10-year storm event based on City requirements. The Newport

and Harborview area has ponding that occurs in the backyards during large rain events. This area is noted by both residents and City staff however this area is on Army Corps of Engineer's property. GBA recommend that the City reach out to the Corps of Engineers to make them aware of the concern and determine if there is any chance that they would partner in order to address this flooding issue.

- **Public Outreach and Education**
- **Revised Ordinances**
- **Community Rating System**
 - Discounted NFIP rates based on the City's efforts to address:
 - Reduce and avoid flood damage to insurable property
 - Strengthen and support insurance aspects of the NFIP
 - Foster comprehensive floodplain management



Katie explained that these last three are more systemic, more related to your requirements. She said that they know the City already engages in outreach and education but explained that you can never have too much of that. They suggested providing updates on social media and having an annual meeting to remind residents of best practices in order to reduce localized stormwater issues. This will assist with the preventative maintenance program. The City should also develop more stringent Ordinances for developers and better define what we are requiring and limit the amount of change of flow downstream. Another good example would be to make sure that we are requiring a stream buffer or waterway buffer around the streams to try and limit that amount of flashy peaky storm flooding that occurs within the City. They also recommended that the City evaluate becoming a part of the Community Rating System which is ran by FEMA. Katie explained that it is a voluntary incentive program and it basically puts more stringent requirements in place that exceed the minimum requirements of the National Flood Insurance Program. She explained that by doing that you receive discounted flood insurance premium rates that reflects the reduced flood risk resulting from the community's efforts to reduce and avoid flood damage to insurable property, strengthen and support insurance aspects of the NFIP and Foster Comprehensive Floodplain Management. Katie noted that there are several ways that you can do it and each accounts for a certain number of credits, but it is to the community's benefit to reduce the flood insurance.

Alderman Russell asked what we currently pay for NFIP insurance?

Katie explained that it depends on when the mapping was done and when a property has an insurable building built. NFIP has recently gone through the flood risk rating

2.0 which is that you incur more insurance premiums if the flooding on your property is higher, and they were not doing this before so some properties are grandfathered in and other will not be under those restrictions.

Chuck noted that staff will sit down with GBA and discuss it and then bring a plan back to the Board during the budget process to start addressing some of these issues.

Chuck said that the Street Department has begun going out and assessing storm drains and culverts and making notes to start addressing and getting them cleaned out. Chuck noted that you can not emphasize enough for residents not to dump their lawn clipping and leaves in a ditch, creek or waterway area in their backyard or not to take their leaves and push them into the street. Those are the issues that cause the City issues. He urged residents to use the yard waste collection that comes with their trash pick-up.

3. Discussion of Chapter 235 Enforcement

Cynthia noted that over the last several months discussions have occurred with regard to enforcement of Chapter 235, the dog and cat regulations in the City Code. The impetus for beginning those discussions was the fact that in 2026 or 2027 the Water Master Plan calls for the expansion of the Water Treatment Plant. This will have an impact on the existing Animal Control building. Cynthia noted that in addition to that we have been looking at expansion and construction of a police facility. During the discussion last fall, staff was directed to look at enforcement of 235 along a couple different tracks, one was looking to see if there was any interest in the community, a veterinarian or animal care facility for the community, in providing or responding to a Request For Qualifications (RFQ) for animal care and housing. Staff developed an RFQ for those services late last year and posted it in December. Those responses were due in January. No responses were received.

Staff has also been reviewing what it would look like to continue those services in-house in a different facility since we will have to move that service as we expand the water treatment facility. Cynthia noted that the [memo](#) outlines some of the information and an estimate for what it would cost to construct a standalone facility on a police department building site that would be comparable to what we have now. In the information that staff provided to the Board last fall on service levels and needs staff feel that managing the current needs of the community are sufficient with something sized in a way that is outlined in the memo. It would have isolation and intake kennels, including outside runs, holding kennels and a fenced yard. It would have approximately 13 total kennels and administrative space inside. This is based on current volume and could address those current needs. The estimated cost for that based on the square footage would be \$400,000 or \$500,000. Cynthia noted that as indicated staff has looked at that as part of a police facility because the timing would be very similar for when we would be moving out of the Water Department space.

Cynthia explained that we currently have one staff member, Melissa Green, present this evening, and she is also our Utilities Administrative Coordinator. She spends a significant amount of time working with our Megan's Paws and Claws facility. She does the intake and care for the dogs on site. We do not house cats. Melissa also works with the friends of Megan's Paws and Claws and maintains our website to promote the adoptions of the dogs that have brought in that have been running loose. Our current

Ordinance is written that we do not accept surrenders and do not take dogs from outside of the city limits.

Approximately \$9,100 is currently spent on animal control now and that is predominantly veterinary expenses and does not including a portion of Melissa's salary. To add the position of a full-time Animal Control Officer that would focus on animal control staff has developed a job description and looked at where a position would fall in our pay and classification system and have estimated cost at about \$57,000 for salary and benefits, plus an additional \$29,000 is estimated for equipment and other expenses including a vehicle, tools, supplies and training. The total cost is anticipated about \$93,800 on an annual basis.

Staff anticipates we would be able to expand some of our services if we added an animal control position. That would include implementation of a TNR (Trap Neuter Replace Program) to address the feral cat colonies throughout the community. Another item we would look at would be animal licensing, having a staff person to be able to ensure that animals in the community are licensed.

Cynthia said that staff needed feedback from the Board with regard to how we enforce Chapter 235 particularly pertaining to surrenders and animals outside of the city limits. Also, if there are any other changes that the Board had anticipated staff looking at. Staff's recommendation at this point in time because we do not have a need to move the facility at this time is to focus on developing a plan that would happen in conjunction with transition out of the Water Treatment Plant facility to another facility with the hope that that would be a police facility to address animal control issues. Cynthia clarified not in the 2024 budget but probably looking at 2026 or 2027. At this time to continue the process that we have currently and to look down the road to address those needs. Cynthia asked for feedback from the Board as to what their expectations would be for animal control so that we could look at and develop over time and response to the timeline outlined.

Alderman Chevalier asked if staff look what it would look like if it was added to the Police Station.

Mayor Boley noted that he mentioned to Dawn Adams, representative of Friends of Megan's Paws and Claws, that is this is contingent on a bond passing and if that was past we could begin the discussion on the design.

Alderman Chevalier clarified that he was asking about the small layout of what it could look like and is that size the size we would need.

Cynthia explained that we do not have a design right now it is only based on square footage cost estimate. The actual layout would be dependent upon what we would come up with and those estimates are based on space.

Alderman Russell asked if it would be a standalone facility.

Cynthia explained that it would be a standalone facility we would anticipate on a police department site. The standalone facility would allow for better utilization of volunteers. Where it is located currently at the water plant facility is in a secured location that we

are limited in how we can allow volunteers to come and go. If it were in a separate facility that was not attached to and accessible to the police department we would have better availability to use volunteers in the facility.

Alderman Russell asked for the amount the City collects for dog license fees annually.

Cynthia said it was in the revenue information in the budget, but she did not know it off the top of her head.

Stephen Larson, Financial Director said it was approximately \$1,500 annually.

Mayor Boley noted that we cannot raise fees substantial because of the Hancock Amendment limits that.

Cynthia explained that we cannot raise the fees over what it costs for us to do the service.

Alderman Russell said that he was just curious on the number of dogs that are licensed.

Cynthia noted that we know there are dogs out there that are not licensed and the addition of an animal control officer could help with that with enforcement.

Mayor Boley said that one of the questions that he has seen is enforcement at the dog park. He clarified that the dog park is outside City limits. It is located in the county and we cannot enforce there. Mayor Boley asked if he was correct that the fees increased each time the same dog is brought back in.

Melissa Green said that it did.

Alderman Russell asked if he was correct that currently we pay approximately \$9,100 a year.

Cynthia noted that yes we spend approximately that predominantly for veterinary services and it is also for food and things like that but predominantly for veterinary services for the dogs that we take in.

Alderman Russell said that between now and the 2026 budget we need to plan to pay \$80,000 or more a year plus roughly \$500,000.

Cynthia explained that there would be the one-time cost for the construction of the facility approximately \$500,000 depending on how much space we need. Then there would be the ongoing cost of that position and the things associated with it.

Mayor Boley explained that staff was looking for direction as to whether the Board wants to include this in the bond issuance that they are planning to put on the ballot possible for November but that is flexible. This would make the funding for the additional animal control funded from the half cent sales tax.

Cynthia noted that the main thing staff is looking for is as information is put together for the bond issuance and the ballot question as well as the sale tax is, does the Board want to look at adding the animal control position and then the size of the facility needed. Cynthia explained that with the current way that we enforce animal control a \$400,000-\$500,000 facility should be sufficient. She noted that if the Board wished to expand animal control predominantly related to surrender, that could potentially change those numbers. Cynthia explained that the numbers were supplied in a report last year and there are maybe a half a dozen times a year that we are at capacity. She noted that we do not plan for the peak capacity we plan for the average use.

Animal Calls From 01/01/2018 to 08/31/2022								
CFS Hour	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Totals
0000	2	2	1	1	0	1	2	9
0100	0	2	0	1	5	3	0	11
0200	0	0	1	0	2	1	1	5
0300	2	2	0	2	0	2	0	8
0400	1	3	1	0	0	1	0	6
0500	2	2	0	1	0	4	1	10
0600	1	6	6	0	2	5	5	25
0700	7	13	3	10	9	12	6	60
0800	13	17	11	18	9	14	7	89
0900	3	13	12	12	15	13	14	82
1000	11	11	12	19	11	12	15	91
1100	6	7	11	11	17	20	7	79
1200	13	9	7	11	17	9	11	77
1300	13	14	18	17	6	11	12	91
1400	12	14	11	13	6	13	8	77
1500	7	22	11	8	14	16	11	89
1600	9	12	12	23	22	22	9	109
1700	10	11	10	12	17	11	11	82
1800	9	12	11	15	9	16	14	86
1900	10	11	14	11	9	8	14	77
2000	8	7	10	8	11	9	20	73
2100	4	4	6	8	7	9	10	48
2200	2	5	5	4	7	5	8	36
2300	1	1	2	6	5	7	2	24
Totals	146	200	175	211	200	224	188	1,344

Peak Times

Mayor Boley asked Melissa how often she received calls for surrenders.

Melissa said it was approximately three times a week.

Alderman Russell asked if the RFQ could be advertised again and just leave it open until we receive some interest instead of closing it in 60 days.

Mayor Boley explained that staff had reached out to the local veterinary businesses, and they do not have the staff to take this over.

Alderman Russell said it would not hurt anything to post it and just leave it open and if someone has interest it can be reviewed or does an RFQ need a close date.

Cynthia explained that an RFQ does need a closing date. We do not leave them out open-ended. She said that staff could put it out again for another period of time that could be extended if that was what the Board directed.

Alderman Chevalier asked Alderman Russell how long he was wanted to keep the RFQ open for.

Alderman Russell said maybe six months.

Cynthia noted that staff would not recommend that, she said we try to keep it a shorter period of time just for the fact that if you do leave it open for that long we would lose that sense of urgency for the response and people tend to forget. Cynthia noted that we typically leave them open two to six weeks depending on the amount of work it would take to put the response to the RFQ together.

Mayor Boley noted that we are keeping this in Smithville and reminded that there are only three veterinaries that provide services and staff has discussed this with all of them and they showed no interest.

Alderman Russell asked that the RFQ is open to anyone but we only want someone in Smithville and not someone that might come into Smithville. He asked if we would only consider the three veterinary clinics here in Smithville.

Mayor Boley explained that this would be for someone to house the dogs at their facility.

Cynthia explained that the RFQ was written pretty broad for that provision of service.

Mayor Boley said that if someone reached out to the City planning to open a veterinary business or animal boarding we could post the RFQ again and see if they wanted to submit.

Alderman Russell asked what we would be losing by not putting the RFQ back out.

Alderman Chevalier said if it is not going to hurt anything why not put it back out.

Cynthia said that it could be posted again if that is what the Board wants.

The Board agreed to repost the RFQ for 90-days.

Alderman Atkins said that he feels that we still need some sort of a plan for the surrendered dogs as the City grows.

Mayor Boley suggested looking at that as part of the budget process or during ballot language process.

Alderman Chevalier asked if there were way to work with the county for funding.

Mayor Boley explained that Dawn Adams had been asked by the County Commissioner's project they are working on for a countywide task force so we will have to wait and see what comes out of it.

Alderman Chevalier noted it would be great if we could get help from the county.

Mayor Boley said it would be Clay and Platte County that we could try to work with but Platte County had had some issues lately with their veterinarian quitting.

Alderman Russell said that he did not think the county had any animal services.

Mayor Boley said that they did not.

Cynthia noted that it would be great if there were an entity that we could partner with. A lot of the cities in the northland struggle with this issue.

Cynthia asked the Board if they wanted staff to look at what number might look like if we took in surrenders.

The Board agreed.

Cynthia noted that we would also need to look at the affect taking in surrenders would have on the staffing needs.

Alderman Chevalier said that he was still interested in learning what we could do about cats also.

Cynthia explained that the biggest issue there is a trapping them taking them somewhere to for neutering and returning, TNR (trap, neuter and return). This is time intensive and expensive. It is also education intensive because it is educating the public not to feed the strays. It may be something where the City would encourage assistance program where we do not want to harm the cats we just want to ensure that we do not increase the size of the colonies.

Alderman Russell explained that he had a relative here in Smithville and someone had given her traps to use to trap the cats and then they came and picked them up. He also added that if we include cats then we would also have to deal with the surrender of them also.

Dawn Adams addressed the Board and wanted to put things in perspective. She said if the Board determines to extend the RFQ, she asked that they keep something in mind there is a breeder in Smithville who chains animals up outside and anybody like that could apply for that for that RFQ. Dawn said that she did not want to see the animals go in a worse situation, they are in a great situation right now.

Dawn noted that she is here because she is an animal advocate and cares about them and wants to see what is best for them. She said that she is also here because she set up a 501c3 almost a year ago to partner with the City and it has not felt like one. She has been waiting for directions from the City. Dawn said that she wants to do what is right and wants to help. She said she wants to help the City make a good decision. Dawn said that she is here for the long haul, but they need to know what the direction from the Board so that they can decide what they are going to do. If the City does not want their assistance they will go help in another city or county. Dawn asked for the Board to communicate with them and to please let them partner. They can help financially, they have already done many things in the animal welfare arena to help. She said that they have onboarded many scanners trapping because trapping is not just laying a trap down. She said that she traps everyday and if you need one she is the one to contact.

Dawn said that she likes the idea of it going as part the Police Department and thinks that is the right idea but understands it will take lot of money. She explained that they

have built our board and the last couple months and have ramped up with the anticipation and hope that the City comes back and wants to partner with them. Dawn said they could help raise funds and help bring this community together to help get the kennels needed and help get the donations. Dawn said they she was just asking for lines of communication and direction.

Mayor Boley noted that this would have to be part of the budget discussion and the bond and ballot language to be able to come up with the funds necessary to cover the expense of the facility, expenses and the salaries. He explained that anything that they could do to help raise those funds would be great, but we will also have to go out for bond for funding. He said that we would continue to keep them updated as we figure out what the ballot language is going to look like. This is going to take some time but he encouraged Dawn and the Friends of Megan's Paws and Claws group to keep raising funds because this is something that they Board wants to do.

Alderman Russell asked Dawn if she could respond to the RFQ.

Dawn explained that she did not have the money or the facility to but wished that she could. Dawn also said that she felt that the RFQ was a little loose and suggested that we talk to Liberty Animal Control. She said that they would be a great resource for a very detailed RFQ.

Cynthia explained that anytime we do an RFQ we are requesting a response to those services we are looking for. The qualification piece allows staff to be able to interview those firms, do the background and research, not just take the low bid for service.

Cynthia clarified that Liberty's facility is an animal shelter and they went out for an RFP for construction of a shelter. She said she believed that part of that was funded with bond money, also a new sales tax and included a significant amount of fundraising. Cynthia said that she believed it was a 1.2-to-1.5-million-dollar facility.

Dawn said that the Liberty Animal Shelter was a 2.7-million-dollar facility.

Cynthia noted that the other thing to keep in mind is there are a lot of things to balance as we start looking at a bond issuance. We have to remember that we have a debt ceiling and there is only so much debt capacity that the City has. Cynthia noted that we want to keep the lines of communication open and that is why we want to make sure that we are looking at the services we are providing.

Mayor Boley explained that this would be part of the Board retreat in May when they really look at priorities. It will then be part of the budget development that happens between May through October. He explained to Dwan that the Board would have more information for them after the May retreat.

Cynthia reminded the Board that we are not on an urgent timeline to come up with the right solution for the community. We do not have to move out of the location right now. We can continue to provide the service that we have been providing, but do need to plan for the future.

4. 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 7:17 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

February 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 7:25 p.m. following the Work Session. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins, Ronald Russell and Dan Ulledahl. Dan Hartman was absent

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

2. Pledge of Allegiance led by Mayor Boley

3. Consent Agenda

- **Minutes**

- February 7, Board of Aldermen Work Session Minutes
- February 7, Board of Aldermen Regular Session Minutes

- **Finance Report**

- Financial Report for January 2023

- **Resolution 1184, MOU for Farmer's Makers Market**

A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with the Smithville Lion's Club for the 2023 Farmer's and Makers Market.

- **Resolution 1185, Expenditure Approval for Purchase of Water Meter Setters**

A Resolution authorizing the expenditure of funds from the Combined Water and Wastewater Systems Fund for the purchase of utility meter setters from Kansas City Winnelson Company in the amount of \$23,021.05.

- **Resolution 1186, Chlorine Dioxide Generator**

A Resolution authorizing the purchase of a chlorine dioxide generator at the water treatment plant from Chem-Sult in the amount of \$9,330.

- **Resolution 1187, Award Bid - Clean Main Lift Station**

A Resolution awarding a bid in the amount of \$21,039.90 to Ace Pipe Cleaning to clean the main lift station at the Wastewater Treatment Plant.

- **Resolution 1188, Purchase of the Variable Frequency Drive**

A Resolution authorizing the purchase of a Variable Frequency Drive (VFD) at the Wastewater Treatment Plant from Mid-America Pump in the amount of \$13,564.60.

- **Resolution 1189, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Dustin Conover in the amount of \$471.42 for his December utility bill.

Alderman Atkins moved to approve the consent agenda. Alderman Russell 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. Committee Reports

Mayor Boley reported on the February 14 Planning and Zoning Commission meeting. They discussed a couple of the items that are on the agenda this evening. One item on their agenda was pulled. There is a tenant finish permit for a brewery in town and housing permits are zero for the year.

Alderman Russell reported on the February 14 Finance Committee meeting. They went over the vendor payments in excess of \$7,500, bank reconciliation, update for the first quarter of FY2023, and the outstanding checks list. They also discussed the certificates of participation and the COP update.

Alderman Russell gave an update on Lakefest/Founder's Day. They met last Wednesday. There are still a lot of preparations to do for the festival, generator update, dunk tank, table and chairs, t-shirts, parking and the normal things they have to get together. They do have 38 vendors and 12 food trucks lined up so far. They also discussed the sign for Founder's Day, parking access on Bridge Street and the volunteering of City employees.

5. City Administrator's Report

Cynthia Wagner, City Administrator, noted at our next meeting on March 7 there will be an item that will have to be considered as an emergency ordinance. Cynthia explained that the City received a letter from Spire related to their proposed increases in rates. Staff was reminded that anytime a utility increases their rates by 7% or more and they notify us of that change in rates, the City is required by statute to either lower our gross receipt tax or maintain the same gross receipt tax rate. Our rate now is at 5% of gross receipts on all utilities. She noted that this is a Hancock Amendment item. We either have to lower our rate so that we maintain the same amount of revenues or vote to leave the rate the same at that 5% and maintain the level of revenues. If the Board wants to maintain the 5% they will have to take action on that and staff would recommend that we leave it at that 5%. We want to be consistent with all of the utilities plus it has an impact on the budget if we have any reduction. Staff will be bringing that forward for Board approval by emergency ordinance because we have a short window in which we have to make those changes. Cynthia explained that she had conversation with the Mayor and he will sponsor it as an emergency so first and second reading will occur at the next meeting to maintain that 5% rate.

Cynthia noted that Stephen Larson, Finance Director, has been working over the last couple of weeks putting information together from the reports and information we received from the County Assessor's office. We have received the property tax information for the Marketplace, and he has been working to put together letters with checks that will go out to taxing jurisdictions later this week that include the increment that are due to those taxing jurisdictions as part of the Marketplace TIF project. Cynthia explained that when those taxes are paid, they are paid to the county then the county remits them back to the City. Part of that tax revenue is captured for the Marketplace TIF project and then a portion of those tax revenues go back to the taxing jurisdictions. She noted that based on the way the TIF was structured, the taxing jurisdiction including the School District, the Fire Protection District, the Library District, the Ambulance District and Clay County receive a portion.

Those checks total about \$108,000 and will go out this week to those various jurisdictions.

Alderman Chevalier asked the amount the School District would receive.

Cynthia said it was between \$60,000 and \$65,000.

Alderman Chevalier asked if that was about what we were anticipating annually.

Mayor Boley said that last year they received \$55,000.

Alderman Chevalier asked if that number was in line with the initial projections.

Mayor Boley explained that the original projections were based off Heritage Tractor going in there.

Cynthia noted that last summer staff provided a report on the Marketplace TIF and will do so annually to provide that information to be able to do a good analysis on it. As the Mayor said those numbers are really difficult to make comparison to because there was a different additional tenant that was proposed to go in there.

Cynthia noted there will be an additional item that staff will be recommending as an emergency ordinance for the March 7 meeting. She explained that staff has been working with Megan Miller of Gilmore Bell, preparing for the TIF process related to 110 Smithville. In looking at the Code of Ordinances, staff found that it actually still reflects TIF Commission composition as outlined prior to the change in population information from Clay County. With Clay County changing to a Charter and the population numbers increasing those changes triggered a change in the TIF composition. She explained that the City initially appointed six TIF Commissioners. In the State Statutes because of the population of Clay County and the form of government of Clay County, we have to change the City's Code of Ordinances so it reflects the new composition. This has to be done before the TIF commission meets late in March. Cynthia noted that this was more of a housekeeping issue making sure that we have that taken care of.

Cynthia also noted that the TIF Commission has an educational meeting tomorrow evening.

Cynthia noted that there was a question in public comment at our last meeting regarding business licensing. Staff is reviewing that information and anticipate being able to provide follow-up information at the March 7 meeting in the City Administrators report.

Cynthia noted that the City and the City's Economic Development attorneys have receive communication from the School District related to the upcoming TIF. That letter is included in the report if the Board has any questions you can contact Cynthia or Megan Miller.

ORDINANCES & RESOLUTIONS

6. Bill No. 2974-23, Repealing and Replacing Section 100.220 – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 2974-23, repealing section 100.220 regarding general penalties related to marijuana and enacting in its place a new section 100.220 regarding general penalties. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2974-23 approved.

7. Bill No. 2975-23, Repealing and Replacing Section 205.1810 – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 2975-23, repealing Sections 205.1800 and 205.1810 and replacing it with a new Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2975-23 approved.

8. Bill No. 2976-23, Electric Fence for Industrial Zones – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 2976-23, authorizing electric fences in both A-1 and Industrial zones, subject to certain performance standards. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2976-23 approved.

9. Bill No. 2977-23, Conceptual Plan – Fairview Crossing North – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2977-23, approving the conceptual plan for Fairview Crossing North. 1st reading by title only. Alderman Shipley seconded the motion.

Public Comment.

Constance Scott, 308 Killarney Lane, noted that she is president of the Hills of Shannon Homeowners Association. She said that they welcome the development of lots one through three at the corner of 169 and Commercial but had concerns regarding the developments of lots four through six. They had concerns with the water flow and watershed runoff. Ms. Scott explained that they had met with Mr. Crees and had their questions about the water answered for now. Their main focus remains primarily on the fact that the current designated design for privacy is based solely on a 30-foot utility easements. They do not feel that the 30-foot utility easement as good enough and is not a guarantee of continued privacy. Ms. Scott said they have been in a good dialogue with Mr. Crees the current property owner and acting developer and he has made a few suggestions for landscape design or a natural screen barrier, but nothing has been finalized. She said that there is

no guarantee that privacy will be preserved by relying on this utility easement. Ms. Scott asked the Board please defer this vote until we can get the privacy concerns sorted out.

Mayor Boley asked Jack Hendrix, Development Director, if this is approved, before they build anything they have to go back to Planning Commission for review of the landscaping and everything else having to do with the building process.

Jack Hendrix explained that each building will have to have its own site plan and be reviewed through the Planning Commission. At that time the landscape buffering is also reviewed.

Mayor Boley clarified that regardless of who owns the property this will still have to be reviewed by the Planning Commission.

Jack explained that any time we have a commercial building construction it has to go through the Planning Commission for review.

Alderman Russell asked Ms. Scott if the 30-foot easement was not sufficient what does she purpose it should be.

Constance Scott said that Mr. Crees was proposing more of a screen barrier such as conifer trees that grow up and would help block the sound and additional light.

Alderman Russell asked if they were onboard with that.

Ms. Scott said that they are open to that.

Alderman Russell asked Ms. Scott if since the last meeting where she had requested the Board to come meet with them and walk the property if anyone had.

Ms. Scott said that Alderman Atkins had visited about it but then the weather took a turn and she had not had the ability to reach back out to him.

Alderman Chevalier asked if they provided the proposed ideas 30-foot barrier to mitigate this could the Board consider that now. He asked if this could be amended to add the proposed barrier or does it have to go through the Planning Commission first.

Mayor Boley explained that the landscape is approved on the site plan not the conceptual plan.

Jack noted that there is a landscape plan as part of the conceptual plan that shows a landscaping plan identified in that covers the minimum. Jack explained that if there are changes between what that plan shows and what the site plan for each building requires they have to do the higher of those two.

Mayor Boley noted that the site plan is the more appropriate process and also mentioned that we do not allow overhead utilities so they will not be cutting off the tops of the trees, they will be burying them.

Alderman Chevalier said that burying the lines could kill the trees.

Mayor Boley said that the utilities for this would go in front of the buildings and under the road not behind.



Jack clarified that this is utility easement and also a drainage easement.

Mayor Boley said that this is another reason that the utilities would go in on the front side.

Jack noted that it also depends on Evergy, but usually with the street in the center they try to put the utilities there so they can go under the road and service both sides.

Mayor Boley noted that usually for new constructions they run conduit before they put concrete down so they do not have to try to run it after the fact.

Alderman Chevalier said that he just wanted to make sure that it will be put in the site plan.

Randall Palmer, 14702 Shamrock Way, said that he is directly affected by this new development. He noted that 30-feet would be the distance between the dumpsters and his backyard. It would also be the distance between the trucks and his backyard. Mr. Palmer said that he is only opposing lots four through six and not lots one through three. He said that he does appreciate the business coming in and that we do need it. Mr. Palmer said that he believed the frontage was supposed to be 300-feet and supposedly zoned commercial the entire time but it has never been used. He said that this construction is going to shorten the 300-foot of frontage down to 150-feet just to satisfy this development. He also said that the road that will be constructed to come out onto Commercial Street will be coming out on to concrete and blacktop. He said that the street is not suitable to be entered and exited from that area of the because the blacktop in is poor condition and the concrete is in good condition so the City will have obligations to fix the blacktop. Mr. Palmer asked if the Board would like a dumpster in the backyard 30-feet away from their house.

He said that evergreen trees are not going to stop the noise. He asked that the Board deny lots four through six or hold off until they can come to some satisfactory buffer solution. Mr. Palmer said that this plan goes against 80% of the City's 2030 Comprehensive Plan he asked that we stick to the plan and keep Smithville a small town. He asked that we keep the buffer zones in place. He noted that Mr. Crees has a lot of property to build on to the south and one acre is not going to hurt anything.

Shane Crees, 13530 Mount Olivet Road, noted that he is the applicant and wanted to clarify a few points. He noted that the project was approved unanimously by the Planning Commission last week. He said that the 30-foot easement meets the City's requirements. Mr. Crees noted that this has been a commercial site for some time regardless if the back area was developed or not. He added that he could put a 40,000 foot building on that lot that could back up to that homes as well. Mr. Crees noted that he is trying do what meets the City's Comprehensive Plan and designed this so it does. He said that he understands the resident's concerns and has spoken to the Homeowners Association and offered solutions that are outside of what is required and will try his best to provide the screening and buffering so it will have minimal impact on the homeowners. He noted he appreciated the Boards consideration

Upon roll call vote:

Alderman Atkins – Aye, Alderman Shipley – Aye, Alderman Russell – No,
Alderman Hartman – Absent, Alderman Ulledahl – Aye, Alderman Chevalier - Aye.

Ayes – 4, Noes – 1, motion carries. Mayor Boley declared Bill No. 2977-23 approved first reading.

10. Bill No. 2978-23, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2978-23, approving the rezoning of the Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3. 1st reading by title only. Alderman Shipley seconded the motion.

Public Comment.

Roberta Lowman, 16251 Lowman Road, asked the Board to rezone the property R-1, for single family home only. She said that she was given that plat that was to be developed with only single family homes that would range from \$400,000 to \$500,000. She asked that the Board rezone the property R-1 and not R-3.

Kristine Bunch, 18608 Primrose Street, said that no one was opposing the property being rezoned R-1. Ms. Bunch felt that the Ms. Lowman was not being heard. She said it could stay zoned as Ag or be rezoned R-1.

Upon roll call vote:

Alderman Shipley – Aye, Alderman Atkins – Aye, Alderman Chevalier – Aye,
Alderman Ulledahl – Aye, Alderman Russell – No, Alderman Hartman - Absent.

Ayes – 4, Noes – 1, motion carries. Mayor Boley declared Bill No. 2978-23 approved first reading.

11. Resolution 1190, Agreement with Jeffrey Place, Labor Law Attorney

Alderman Ulledahl moved to approve Resolution 1190, approving the engagement of Jeffrey Place for labor attorney services. Alderman Shipley seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1190 approved.

12. Resolution 1191, Reimbursement of Expenses Related to COP Projects

Alderman Ulledahl moved to approve Resolution 1191, declaring the intent of the City of Smithville to finance costs of a utility project and reimburse itself for expenditures relating to this project from proceeds of the financing. Alderman Atkins seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1191 approved.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

None

14. New Business from the Floor

None

15. 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 8:00 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor



City Administrator's Report

March 2, 2023

Placement of MARC Destination Safe Grant Signs

Two traffic control devices were funded by MoDOT through the MARC Destination Safe Grant. The two signs, including the solar panels and battery packs were purchased for \$6,734.00, which was funded 100% by MoDOT.

The Kustom Signals, Pole Mounted Display 12 (PMD 12) is a speed collection device that allows for traffic flow and speed analysis. The devices capture individual vehicle speeds with a date/time stamp which can then be analyzed to improve enforcement activities and increase safety in designated areas. The devices can also aggregate data to show vehicles traffic flow by day and hour grouping.

The two new devices are installed along South Commercial Avenue, both in the school zone, one capturing northbound and one capturing southbound traffic. The signs are solar powered and collect data 24/7. Only speed, date and time data are collected. No identifying information such as license plate information or photographs are collected.

The signs are programed to only display vehicle speeds, known as immediate driver feedback, during school hours (7:30 a.m. to 3:30 p.m., Monday through Friday). This is being done as a control study to see if speeding is affected by the driver feedback.



Business Licensing

During public comment at the February 7 Board meeting, questions were posed regarding business licensing requirements. Attached is a memo from Development Director Jack Hendrix providing information on business licensing.

Winter Weather Response – February 24

On Friday, February 24, the metro experienced freezing rain that caused hazardous road conditions on roads and particularly bridges in the area. Staff promptly responded by treating the affected areas with salt.

Staff began response at 10:00 p.m., treating the affected areas with salt. This work was completed around 1:30 a.m. On Saturday morning, staff responded at 7:15 a.m. to address any refreezing that may have occurred, working until 10:15 a.m. to ensure that the roads and bridges were safe for motorists.

At approximately 8:00 am, Police Officers reported slick streets due to the freezing rain, and staff promptly responded. No accidents were reported to us at this time.

The City used 10 tons of salt to treat the affected areas. No pretreating was done.

Overall, the response to the freezing rain event was efficient and effective. Thanks to streets staff, the roads and bridges were treated promptly, and no accidents were reported.

Meeting Schedule

Just a reminder that a number of upcoming meetings have been cancelled or moved:

- The March 21 meeting is cancelled due to Spring Break
- The April 4 meeting is moved to April 3 due to the April 4 municipal election
- The July 4 meeting is cancelled for the Holiday and City Hall is closed July 3 & 4
- The August 1 meeting has been cancelled as Mayor Boley will be out of town.

Additionally, a meeting has been added to the planning calendar: May 9 has been identified for the Board of Aldermen Retreat/Budget Planning meeting. We have secured the same MCC facility space as used last year for this date. Please let me know if this date does not work for you and we will work to identify another date – we would like to complete this work in May.



Date:	March 1, 2023
Prepared By:	Jack Hendrix, Development Director
Subject:	Business Licensing Questions

At a recent Board meeting, a citizen inquired about the licensing of businesses, and identified several LLC's that rented property that did not have a business license. In order to provide information on the questions, a brief history is needed.

The question concerning various LLC's not holding business licenses is two-fold. First, the city does not distinguish between the type of tax structure chosen by the business. Second, if the business conducted falls within §610.130 of the city code, a business license is needed. These two items work together to answer the questions. The obligation in §610.130 applies equally to an individual sole proprietorship, a partnership, or any of the various types of corporations (LLC, C-Corp, S-Corp). If they are listed in Section §610.130, they must obtain licenses. The City's authority is derived from state law, specifically §71.620 R.S.Mo.

It was also specifically identified that there were several LLC's that rented property without licenses. Since before 2007 when current staff took over responsibility of administering this ordinance, landlords of all kinds have not been required to obtain a license to rent its' property. That applied equally to individual owners, apartment owners, commercial property managers or other commercial landlords.

It is also important to note that a new state law from August (§71.990 R.S.Mo.) was passed that placed restrictions on municipalities ability to regulate certain Home-based businesses. Staff will be working with the city's attorneys to review our existing ordinances for compliance with the new law, and will present any needed changes to the Board at a later date.

Our ordinance, §610.130, delineates the types of businesses that can be assessed the occupation license fee. The following is a list of the businesses contained in our ordinance. You will see that this is a list created approximately 100 years ago by a state law, so many of these businesses no longer exist.

Abstracting business
Abstracting agency
Adding machine company
Addressing business
Advertising agency
Advertising company
Auction house
Automobile accessory dealer
Automobile dealer or agency
Automobile rental or leasing company
Automobile repair shop
Automobile washing and oiling concern
Accountant
Adjustor or adjusting company
Ambulance company
Architect, engineer or draftsman
Baker, retail or wholesale
Ball or bowling alley
Bathhouse
Blueprint maker
Bookbinder
Bottling works
Butcher, retail and wholesale
Bakery delivery wagon or truck
Bank or trust company
Barbershop
Beauty parlor
Bicycle repair shop
Blacksmith shop
Bondsman and agent
Building or housecleaning company
Building or house mover, raiser or wrecking company
Business licenses
Business or correspondence school for profit
Cafe
Cigar and tobacco stand
Clothes cleaner
Clothes presser and dyer
Clothes rental concern
Coal dealers, retail and wholesale
Cold storage house or locker plant
Cash register agency
Caterer
Chair rental concern
Collection agency
Contractor
Confectioner
Dairy products dealer
Druggist, retail and wholesale
Dye house
Dance hall or house
Dancing school
Delivery truck or auto
Drummer
Electric battery or changing station
Florist
Flour mill
Foreign coffee and tea dealer and agent
Foundry
Groceries, retail and wholesale
Grain elevator
Hat cleaner
Hay merchant
Hospital, private
Hotel and motel
Hothouse
Ice dealer
Ice plant
Ice plant agency
Ice cream parlor
Ice cream stand
Ice truck or wagon
Insurance broker
Insurance company or agency
Investment company
Job wagon or truck
Junk dealer or auto yard
Land title — guarantor of
Land title insurance
Laundry

Laundry wagon or truck
Laundry branch or agency
Lumber dealer
Lunch stand or counter
Mail order merchant or house
Manufacturer
Masseur
Merchants, retail and wholesale
Monument dealer or agency
Moving picture show
Machine shop
Manufacture agent
Merchant delivery company
Messenger or delivery service
Milk wagon or truck
Miniature golf course
Newspaper, advertising
Nursery
Oil station, retail or wholesale
Piano and organ dealer or agent
Popcorn stand or peanut stand
Printing business
Produce dealer
Poultry dealer
Publishing business
Patent right dealer
Pawnbroker
Photographer, business or studio
Pool hall and pool tables
Ready to wear clothing agency
Restaurant
Radio or television station, commercial
Real estate loan or rental company
Renovating or repair business
Sand plant
Secondhand business
Soft drink stand or vendor
Safe deposit company
Sale of unclaimed goods
Sales agent or agency
Sewing machine

Shoe shine parlor
Shoe repair shop
Sign hanger
Sign maker
Skating rink, ice or roller
Storage warehouse
Tailor-made clothing agency
Tailors
Theaters
Wholesale house or merchant
Towel supply agency
Trade school
Trailers, business
Tree surgeons and trimmers
Trucker and transfer company
Typewriter agency
Upholsterer
Vacuum cleaner agency or rental
business
Vermin exterminator
Waste paper company
Welding business
Well driller
Window cleaning business
Wood dealer



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2977-23, Fairview Crossing North Conceptual Plan Approval – 2nd reading by title only.

RECOMMENDED ACTION:

A motion to approve Bill No. 2977-23 for second reading by title only for Fairview Crossing North Conceptual Plan Approval.

SUMMARY:

Approving this ordinance would create an overlay district at property located at the southeast corner of Highway 169 and Commercial Street to allow a new retail/commercial subdivision to be called Fairview Crossing North.

BACKGROUND:

This project is on the 7.5-acre parcel at the southeast corner of Highway 169 and Commercial Street, the former location of the Hershewe Strip Mall. The applicant acquired the property after reviewing the Smithville Comprehensive Plan 2030, and preparing for development the Fairview Crossing Conceptual plan immediately south of this location. This Conceptual Plan would tie both Fairview Crossing and Fairview Crossing North together with a common access to Highway 169 at a new 147th Street. The plan would allow creation of 6 retail commercial lots with a new street that accesses Commercial Street, and ultimately will travel through the Fairview Crossing development all the way to 144th Street.

The conceptual plan process allows developers to create cohesive developments with variances from some of the lot size and access restrictions contained in the zoning code so long as the plan meets the intent of the underlying district designation. The approval of a conceptual plan sets the limits of what can be constructed upon the property but gives the developer flexibility to adjust the project to the market, so long as the densities of buildings, parking requirements, stormwater management and availability of services is otherwise met.

A conceptual plan is not to be considered as a subdivision that creates separate lots, but as a plan of use and development within the approved scope of that plan. Any subdivision of land for the project is subject to the parameters of this plan but includes substantial additional review matters to be handled separately. The applicant has also requested a preliminary plat approval for the subdivision, which is set for approval only following the passage of this conceptual plan.

The Development, Public Works, Utilities Departments and MoDOT have approved the traffic study and/or the stormwater studies required for the subdivision this conceptual plan authorizes. Following a public hearing at the February 14, 2023 Planning and Zoning Commission meeting, the Commission voted to recommend approval of this Conceptual Plan.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

Comprehensive Plan Development

FINANCIAL CONSIDERATIONS:

No budgetary impact

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 type="checkbox"/> Other: P & Z Meeting Video | |

AN ORDINANCE APPROVING A REZONING AND CONCEPTUAL ZONING PLAN FOR FAIRVIEW CROSSING NORTH ON CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI, UNDER THE AUTHORITY GRANTED BY THE CODE OF ORDINANCES OF THE CITY OF SMITHVILLE, MISSOURI

WHEREAS, The City of Smithville received an application for a Conceptual Plan approval on B-3 zoned land at the southeast corner of 169 Highway and Commercial Street; and

WHEREAS, public notice was properly advertised in the Courier Tribune; and

WHEREAS, adjoining property owners were properly notified by certified mail; and

WHEREAS, a public hearing was held before the Planning Commission on February 14, 2023;

WHEREAS, the Commission adopted the findings recommended in the Staff Report and recommended approval of the Fairview Crossing North Conceptual Plan.

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 Of A Tract Of Land In The Southwest Quarter Of Section 35, Township 53 North, Range 33 West, Clay County, Missouri, Described As Follows:

Commencing At The Northwest Corner Of Said Southwest Quarter, Thence S 1'03'09"W, A Distance Of 65.22 Feet, Thence S 88'56'51"E, A Distance Of 132.61 Feet, To The Point Of Beginning; Thence S 89'09'17" E, A Distance Of 281.90 Feet, Thence N 0'50'43" E, A Distance Of 5.93 Feet, Thence S 89'09'17" E, A Distance Of 316.26 Feet, Thence S 0'57'10" W, A Distance Of 671.45 Feet, Thence N 89'12'40" W, A Distance Of 598.24 Feet, Thence N 0'08'44" E, A Distance Of 25.84 Feet, Thence S 89'09'16" E, A Distance Of 309.78 Feet, Thence N 3'24'36" E, A Distance Of 230.72 Feet, Thence N 86'35'24" W, A Distance Of 364.08 Feet, Thence N 2'56'23" E, A Distance Of 25.77 Feet,

Thence S 88'48'22" E, A Distance Of 21.32 Feet, Thence N 3'09'37" E, A Distance Of 359.35 Feet, Thence N 44'45'45" E, A Distance Of 12.25 Feet, To The Point Of Beginning.

is hereby designated B-3P as contained in the Fairview Crossing North Conceptual Plan as approved by the Planning Commission on February 14, 2023 and shown on the attached Exhibit A.

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 its passage according to law.

PASSED THIS 7th DAY OF MARCH, 2023

Mayor

ATTEST:

City Clerk

1st reading 02/21/2023

2nd reading 03/07/2023



February 8, 2023

Conceptual Plan Approval of Clay County Parcel Id #05-917-00-07-008.00

Application for a Conceptual Plan Approval – Fairview Crossing North

Code Sections:

400.200 et seq. Planned Development Overlay District

GENERAL DESCRIPTION:

The property is currently the former location of an 11-unit, 15,000 ft² strip mall at 1601 S. 169 Hwy that was demolished in 2021. The proposed conceptual plan is for dividing this 7.63-acre parcel that surrounds the Central Bank of the Midwest Facility into 6 individual lots with slight variances to the minimum lot frontages with sizes ranging from .92 acre to .99 acre. The accompanying plat includes two new public streets, one from Commercial St., south to a new 147th St. that accesses N. 169 Hwy. The 147th St. access will also connect to Fairview Crossing subdivision to the south. The conceptual plan limits the total lot coverage calculation to less than 10%, which is substantially lower than the allowed 50% coverage.

The plan identifies a minimum 30ft wide drainage and utility easement (to limit disturbance from construction) on the entire east side of the parcel, with specific instructions to preserve existing trees within this area to improve the overall landscape buffering.



400.200.B.3 Guidelines for review of a conceptual development plan for a Planned Development Overlay District, the Commission shall consider the requirements in the site plan review provisions in Section 400.390 through 400.440 when evaluating the following:

a. Topography; to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.

Development placement specifically preserves as much as possible for utility construction, the existing good vegetation in the natural drainage area on the east. The lowest portion of the parcel is located in the southeast corner, and this area will be used to create the dry-bottom stormwater detention basin.

b. Parking; to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area or adequately screened. Generally, the parking should conform to the required number of spaces appropriate to the development type as contained in Section 400.470. The

Commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists.

Development is laid out in a fashion to meet the site plan requirements on all the lots. The development has no specific tenants identified, but the parking calculation assumes the highest parking requirements (1 per each 200 ft²) and assumes each building as a white box. Upon development, all areas not specifically used for retail display inside the buildings will be removed from this calculation and thereby improve the parking levels. As with all conceptual plans, this proposed plan represents the maximum density, number of buildings and number of lots allowed. If the development seeks to reduce the overall density or number of buildings or lots during the sales portion of the development, there is no restriction. If, however, the development seeks to increase any of these levels during development, a new plan, and new hearings must occur.

c. Setbacks: to ensure buildings provide for adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.

Development leaves ample spacing between the proposed buildings, as well as the existing properties to the east, including preserving as many natural trees as possible in the 30' easement on the east.

d. Architecture: to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.

The Development is without tenants and seeks to create the overall look of the development without limiting potential tenants. Therefore, this Conceptual plan will require independent site plan reviews of each proposed building and must meet the site plan requirements in existence at the time of construction, but only to the buildings. All other elements are identified and required as shown herein. Sales adjustments may reduce density, parking or other requirements, but the levels approved cannot increase or decrease as the case may be.

e. Site plan: to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed.

Development prepared and submitted a Stormwater Study that was reviewed by the City's engineers. Based upon Engineering comments, the development has agreed to construct the required detention structures and update the study in accordance with the final, approved construction plans prior to commencement of work. As this property drains naturally to the adjacent subdivision to the south, detention here is required to protect the detention in the development to the south, as well as all properties further east.

f. Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance, to ensure existing significant trees are adequately protected.

The Development has a large abundance of existing vegetation on the east, but much of it is of limited quality. The plan keeps the existing vegetation along the east intact as much as possible inside a 30' easement buffer area. The existing vegetation is used in the buffering calculations, and the landscape plan includes additional shrub level plantings surrounding the dumpster enclosures.

g. Any other feature or issue associated with the State zoning and planning enabling legislation or the Comprehensive Plan for the City of Smithville for which the Commission feels is appropriate and relevant to the development of the site.

Developer submitted a Traffic Study which indicated that the design layout meets all AASHTO and MODOT guidelines and no turn lanes are warranted at any location. The Comprehensive plan calls for Commercial development at this location, and requires connectivity for pedestrian uses, all which are included. This proposal meets the Comprehensive plans goal of "Foster an Engaging Hwy 169 corridor Experience" by complying with Action item ST2.1 under the Small Feel pillar of the City's strategic Plan.

ST2.1 – "Encourage high quality, mixed-use corridor experience along Hwy 169 between the southern municipality boundary and Route 92"

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Conceptual plan based upon adherence to the conditions contained in this report, and specifically includes the following recommended findings as contained in 400.200.B.4:

1. That the Commission has reviewed the conceptual development plan with consideration of the issues contained in Subsection (B)(3) above; and
2. That the conceptual development plan is in conformance with the comprehensive land use plan and other appropriate Sections of the Code of Ordinances; and
3. That the conceptual development plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and
4. That the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.

Respectfully Submitted,

/s/ Jack Hendrix

Director of Development

PLANNED DEVELOPMENT OVERLAY PLAT
FAIRVIEW CROSSING NORTH

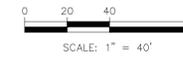
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35,
 TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI

DEVELOPER
 KANSAS CITY PROPERTIES & INVESTMENTS, LLC
 13530 MOUNT OLIVET ROAD
 SMITHVILLE, MO. 64089
 CONTACT: SHANE CREES
 PHONE: 816-719-9327
 E-MAIL: SHANE@KCCASINC.COM

PREPARED BY
 KAW VALLEY ENGINEERING
 8040 N. OAK TRAFFICWAY
 CONTACT: PHILLIP SCHNITZ
 PHONE: 816-468-5858
 E-MAIL: SCHNITZ@KVENGO.COM



LOCATION MAP
 SECTION 35 - TOWNSHIP 53 NORTH - RANGE 33 WEST
 CITY OF SMITHVILLE, MISSOURI



GENERAL NOTES:

- THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH LAWS AND STANDARDS FOR THE STATE OF MISSOURI.
- ALL INTERNAL AND EXTERNAL BOUNDARY LINES ARE CONTIGUOUS WITHIN THE SURVEYED PROPERTY AND THE ADJOINING PARCELS.
- SUBJECT PROPERTY HAS DIRECT ACCESS TO RICHARDSON STREET. A DEDICATED PUBLIC STREET.
 TRACT III HAS NO ACCESS TO A PUBLIC STREET.

SURVEYOR'S DESCRIPTION:

ALL OF A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE S 1° 03' 09" W, A DISTANCE OF 65.22 FEET, THENCE S 88° 56' 51" E, A DISTANCE OF 132.61 FEET, TO THE POINT OF BEGINNING;
 THENCE S 89° 09' 17" E, A DISTANCE OF 281.90 FEET,
 THENCE N 0° 50' 43" E, A DISTANCE OF 5.93 FEET,
 THENCE S 89° 09' 17" E, A DISTANCE OF 316.26 FEET,
 THENCE S 0° 57' 10" W, A DISTANCE OF 671.45 FEET,
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 THENCE N 86° 35' 24" W, A DISTANCE OF 364.08 FEET,
 THENCE N 2° 56' 23" E, A DISTANCE OF 25.77 FEET,
 THENCE S 88° 48' 22" E, A DISTANCE OF 21.32 FEET,
 THENCE N 3° 09' 37" E, A DISTANCE OF 359.35 FEET,
 THENCE N 44° 46' 45" E, A DISTANCE OF 12.25 FEET, TO THE POINT OF BEGINNING.
 CONTAINS 332,160 SQ. FT. OR 7.63 ACRES

NOTES:

- SITE ENTRY, INSTALL ENTRANCE PER CITY OF SMITHVILLE STANDARDS
- INSTALL SIDEWALK PER CITY OF SMITHVILLE STANDARDS
- INSTALL DRIVEWAY ENTRANCE PER CITY OF SMITHVILLE STANDARDS
- CONCRETE CURB & GUTTER
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE WALKWAY
- DUMPSTER ENCLOSURE
- ATM LOCATION
- WHITE PARKING LOT STRIPING
- DETENTION POND
- LANDSCAPE AREA
- FIRE HYDRANT
- STORM CURB INLET
- STORM JUNCTION BOX
- FLARED END SECTION
- SANITARY SEWER MANHOLE
- EXISTING SANITARY PUMP STATION

BASIS OF BEARINGS:

SOUTH 00° 57' 10" WEST ALONG THE WEST LINE OF 'HILLS OF SHANNON' AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS USING MODOT VRS, 2018 GEOID, AND REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD83).

PARKING SUMMARY

REQUIRED STALLS (1 PER 300SF BUILDING)			
DESCRIPTION	BDLG SQ.FT.	REQUIRED	PROPOSED
LOT 1	6,000	20	37
LOT 2	6,020	20	50
LOT 3	4,000	14	20
LOT 4	6,000	20	30
LOT 5	6,000	20	30
LOT 6	7,200	24	35
TOTAL	35,220	118	182

PROPOSED ZONING

LOT 1	B-3-P
LOT 2	B-3-P
LOT 3	B-3-P
LOT 4	B-3-P
LOT 5	B-3-P
LOT 6	B-3-P

*BUILDING HEIGHTS - TBD

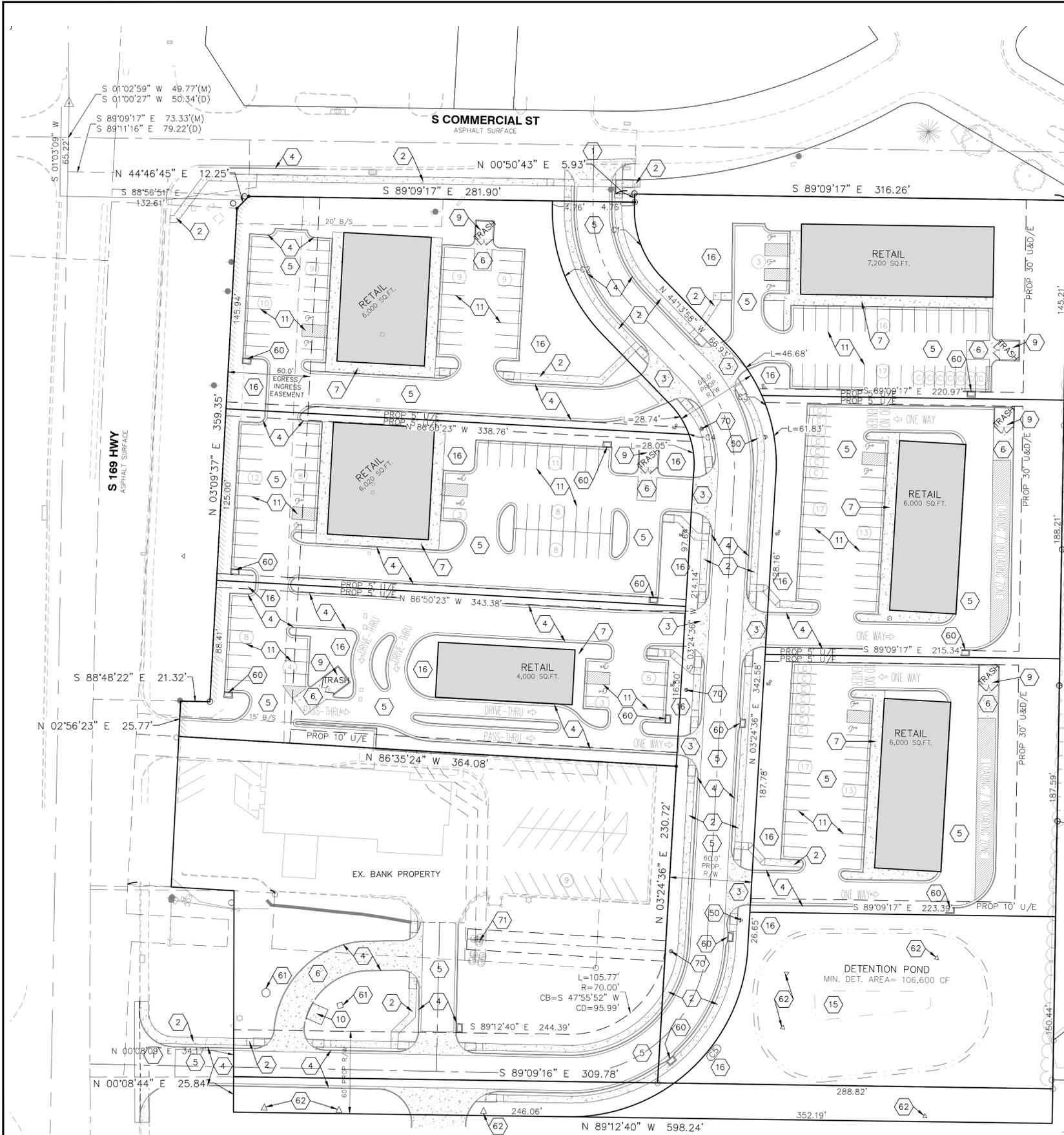
LOT COVERAGE

DESCRIPTION	SITE ACRES	SITE SF	COVERAGE	LOT COVERAGE
SITE	7.63 ACRES	332,161 SF		
BUILDING		23,400 SF	7.04%	
HARD SURFACE		189,947 SF	57.19%	
OPEN AREA		118,814 SF	35.77%	
TOTALS	7.63 ACRES	332,161 SF	100%	

BLDG SF/SITE SF=LOT COVERAGE

LEGEND

- △ SECTION CORNER, UNDETERMINED ORIGIN UNLESS OTHERWISE NOTED
- MONUMENT FOUND UNDETERMINED ORIGIN UNLESS OTHERWISE NOTED
- 1/2" x 24" REBAR W/LS 214F CAP SET
- (M) MEASURED
- ⊗ DECIDUOUS TREE
- ⊙ EVERGREEN TREE
- UTILITY POLE
- ⊖ PARKING STALL COUNT
- TREELINE
- FENCE-BARB WIRE
- FENCE-CHAIN LINK
- FENCE-WOOD
- UNDERGROUND ELECTRIC LINE
- GAS LINE
- UNDERGROUND TELEPHONE
- WATER LINE
- LINE NOT DRAWN TO SCALE
- ⊙ COMPACT PARKING STALL
- R/W RIGHT OF WAY
- SQ.FT. SQUARE FEET
- B/B BACK OF CURB TO BACK OF CURB
- ASPH ASPHALT
- CONC CONCRETE
- RCP REINFORCED CONCRETE PIPE



UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE EVIDENCE, AND/OR THE SCALING AND PLOTTING OF EXISTING UTILITY MAPS AND DRAWINGS AVAILABLE TO THE SURVEYOR AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES BY EXCAVATION UNLESS OTHERWISE NOTED ON THIS SURVEY.

FLOOD STATEMENT:

THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN HEREON IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE SURVEYED PROPERTY LIES WITHIN FLOOD HAZARD ZONE "X", NON-SHADED, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," AS SAID PROPERTY PLOTS BY SCALE ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF SMITHVILLE, (COMMUNITY PANEL NUMBER 29047C0102E, EFFECTIVE ON 08/03/2015.



PROJ. NO.	B20D4001
DESIGNER	MTA
DRAWN BY	JAD
CFN	4001DEV-SP
SHEET	P01
REV	0

FAIRVIEW CROSSING NORTH
 1601 N. 169 HWY
 SMITHVILLE, MO 64089

PLANNED OVERLAY DEVELOPMENT PLAN
SITE PLAN

8040 N. OAK TRAFFICWAY
 KANSAS CITY, MISSOURI 64118
 PH: (816) 468-5858
 kce@kvengo.com | www.kvengo.com

KAW VALLEY ENGINEERING
 KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY # 000842.
 EXPIRES 12/31/23

PROF. SEAL: MATTHEW A. CREES, PE-202400364, 12/16/22

REV	DATE	DESCRIPTION
0	12/16/22	INITIAL SUBMITTAL

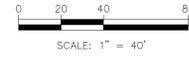
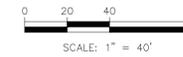
PLANNED DEVELOPMENT OVERLAY PLAT
RICHARDSON STREET PLAZA
 A REPLAT OF A PART OF TRACT O, "STEWART COMMERCIAL PARK,"
 SMITHVILLE, CLAY COUNTY, MISSOURI
 NE ¼, SEC. 27 - T53N - R33W & NW ¼, SEC. 26 - T53N - R33W

DEVELOPER
 KANSAS CITY PROPERTIES & INVESTMENTS, LLC
 13530 MOUNT OLIVET ROAD
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 CONTACT: MATT CROSS
 PHONE: 816-468-5858
 E-MAIL: cross@kveeng.com



LOCATION MAP
 SECTION 35 - TOWNSHIP 53 NORTH - RANGE 33 WEST
 CITY OF SMITHVILLE, MISSOURI

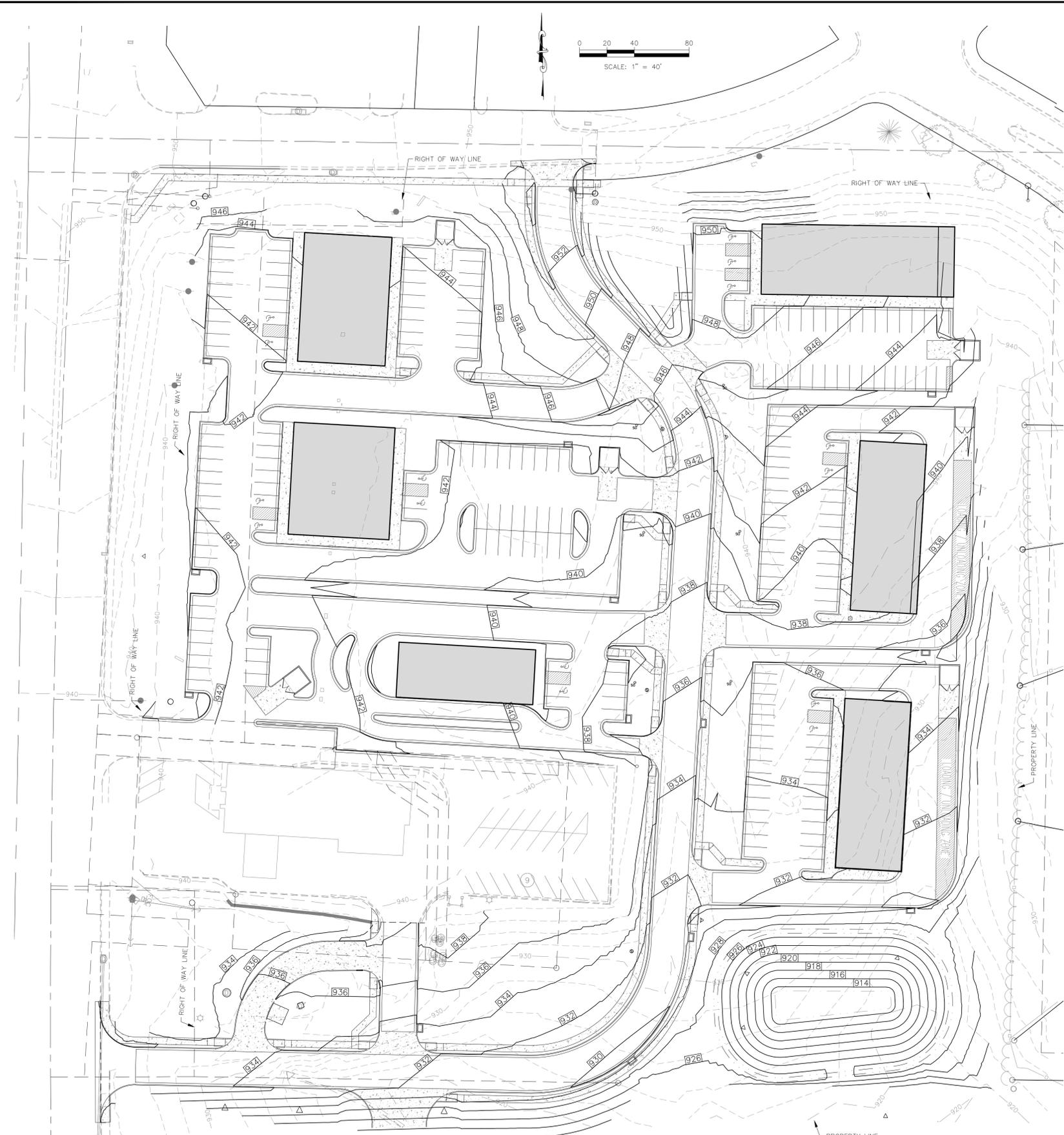


LEGEND (PROPOSED)

- 945 FINISHED 2' CONTOUR INTERVALS
- 940 EXISTING 2' CONTOUR INTERVALS

BASIS OF BEARINGS:

SOUTH 00°57'10" WEST ALONG THE WEST LINE OF 'HILLS OF SHANNON' AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS USING MODOT VRS, 2018 GEOD, AND REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD83).



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PROJ. NO.	B2004001
DESIGNER	MTA
DRAWN BY	JAD
CFN	4001DEV-GP
SHEET	P02
REV	0
DATE	12/16/22
DESCRIPTION	INITIAL SUBMITTAL
DSN	PJS
DWN	JAD
CHK	

FAIRVIEW CROSSING NORTH
 1601 N. 169 HWY
 SMITHVILLE, MO 64089
PLANNED OVERLAY DEVELOPMENT PLAN
GRADING PLAN

KAW VALLEY ENGINEERING
 KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY # 000842. EXPIRES 12/31/23.

THIS DRAWING SHALL NOT BE USED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING, INC.



1 LANDSCAPE PLAN
SCALE: 1"=40'-0"

Landscape Calculations

Building Buffer Zones.
 (1) For each sixty (60) linear feet of the building buffer zone, a minimum of one (1) deciduous tree is required.
 (2) For each seventy (70) linear feet of the building buffer zone, a minimum of one (1) ornamental flowering tree is required.
 (3) For each seventy-five (75) linear feet of the building buffer zone, a minimum of three (3) shrubs or low stature evergreen bushes is required.
 Requirements Met

Parking Buffer Zones
 (1) For each sixty (60) linear feet of the parking buffer zone, one (1) deciduous or one (1) ornamental flowering tree is required.
 (2) For each fifty (50) linear feet of the parking buffer zone, one (1) shrub or low stature evergreen bush is required.
 Requirements Met

Street Landscaping
 a. In areas where a parking lot is adjacent to the street, the plan shall include low hedges, ornamental grasses or low walls and one (1) ornamental flowering tree for every seventy-five (75) linear feet of property line. The number, size and spacing of low features and/or plantings shall be such that the parking lot shall be effectively screened from view without obstructing traffic movements from and to the lot.
 b. In areas where the building is adjacent to the street, there shall be one (1) large stature deciduous tree or two (2) ornamental flowering trees for every seventy-five (75) linear feet and three (3) shrubs for every forty (40) linear feet of property line. Attractive clustering of the required plantings is encouraged.
 Requirements Met

Landscape Screening
 Screening Of Trash Dumpsters And Storage Containers. All trash dumpsters and storage containers shall be screened on all sides with an enclosure equal to the height of the containers. Each enclosure shall consist of solid walls and shall match the color, materials and design of the building.
 Requirement Met

Planting Notes

1. Location of all existing utilities needs to be done before commencing work.
2. The planting plan graphically illustrates overall plant massings. Each plant species massing shall be placed in the field to utilize the greatest coverage of ground plane. The following applies for individual plantings:
 a. Creeping groundcover shall be a minimum of 6" from paving edge.
 b. All trees shall be a minimum of 3' from paving edge.
 c. All plants of the same species shall be equally spaced apart and placed for best aesthetic viewing.
 d. All shrubs shall be a minimum of 2' from paved edge.
 3. Mulch all planting bed areas to a minimum depth of 3". Mulch individual trees to a minimum depth of 4".
4. Note: If plants are not labeled - they are existing and shall remain.
5. In the event of work in or on a JCW sanitary main, any trees or plantings placed within the sewer easement may be removed without replacement or compensation there-of and shall be replaced by the property owner as required by the City
6. All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.

Materials:
 1. Plant material shall be healthy, vigorous, and free of disease and insects as per AAN standards.
 2. Shredded bark mulch installed at trees shall be finely chipped and shredded hardwood chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting bed areas shall be free of all other foreign substances.

Installation:
 1. All planting beds shall be amended with 1 cubic yard of peat moss per 1,000 square feet. Till peat moss into soil to a 6" depth. A 10-10-10 fertilizer shall be spread over all planting areas prior to planting at a rate of 50 pounds per 2,000 square feet.
 2. After plants have been installed, all planting beds shall be treated with Dacthal pre-emergent herbicide prior to mulch application.
 3. Plant pit backfill for trees and shrubs shall be 50% peat or well composted manure and 50% topsoil.
 4. Plant material shall be maintained and guaranteed for a period of one year after Owner's acceptance of finished job. All dead or damaged plant material shall be replaced at Landscape Contractor's expense.
 6. Landscape contractor shall maintain all plant material until final acceptance, at which point the one year guarantee begins.

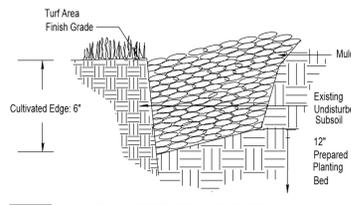
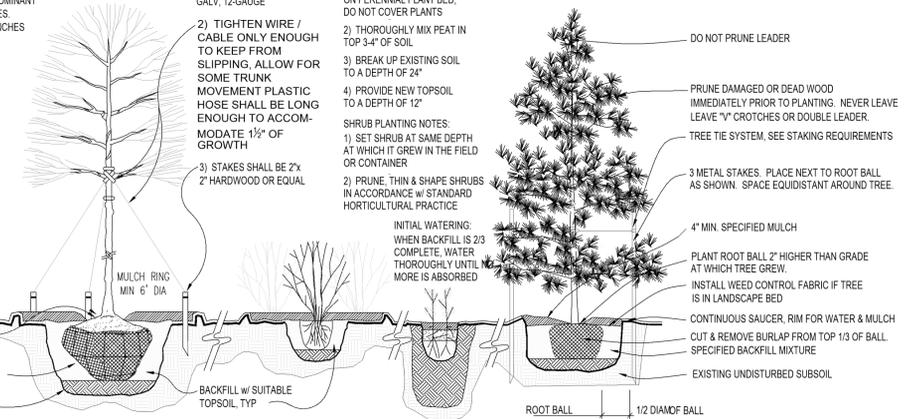
Landscape Schedule

Symbol	Qty.	Botanical Name	Common Name	Min.Root	Min.Size	Caliper	Remarks
OVERSTORY TREES							
	0	Gleditsia triacanthos "Shademaster"	Shademaster Honeylocust			2.5"	6' min. clear., ground to canopy
	0	Acer x fruncoctum "Warrenred"	Pacific Sunset Maple			2.5"	6' min. clear., ground to canopy
EVERGREEN TREES							
	0	Juniperus chinensis "Keteleeri"	Keteleeri Juniper			6' ht.	symmetrical pyramidal form
ORNAMENTAL TREES							
	0	Cercis canadensis	Eastern Redbud			1.5"	
DECIDUOUS SHRUBS/GRASSES							
	0	Spiraea x bumolida "Limemound"	Limemound spirea	5 gal.			Plant @ 3' O.C.
	0	Hydrangea paniculata "Quick Fire"	Little Quick Fire Hydrangea	3 gal.			Plant @ 4' O.C.
	0	Syringa X "Penda"	Blooming Purple Lilac	5 gal.			Plant @ 5' O.C.
EVERGREEN SHRUBS							
	0	Juniperus chinensis "Sea Green"	Sea Green Juniper	3 gal.			Plant @ 4' O.C.
	0	Juniperus chinensis "Gold Coast"	Gold Coast Juniper	3 gal.			Plant @ 4' O.C.
	0	Juniperus chinensis "Spartan"	Spartan Juniper	5' ht.			Symmetrical pyramidal form
EXISTING TREES TO BE REMOVED							
		EXISTING TREES/SHRUBS TO BE PRESERVED					

TREE PLANTING NOTES:
 1) DO NOT HEAVILY PRUNE THE TREE. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS & BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS & LATERAL BRANCHES MAY BE PRUNED. DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN
 2) MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE
 3) SET TOP OF ROOT BALL 1-2 INCHES HIGHER THAN SURROUNDING GRADE
 4) APPLY 4" THK WOOD MULCH. DO NOT PLACE MULCH IN DIRECT CONTACT w/ TREE TRUNK
 5) EACH TREE MUST BE PLANTED SUCH THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOT BALL w/ SOIL
 6) REMOVE ALL TWINE, ROPE, WIRE AND BURLAP FROM THE UPPER 1/3 OF ROOT BALL (REMOVE WIRE BASKETS)
 7) PLACE ALL ROOT BALLS ON UN-EXCAVATED OR TAMPED SOIL, TYP

STAKING REQUIREMENTS:
 1) WIRE / CABLE SHALL BE GALV. 12-GAUGE
 2) TIGHTEN WIRE / CABLE ONLY ENOUGH TO KEEP FROM SLIPPING. ALLOW FOR SOME TRUNK MOVEMENT. PLASTIC HOSE SHALL BE LONG ENOUGH TO ACCOMMODATE 1 1/2" OF GROWTH
 3) STAKES SHALL BE 2"x 2" HARDWOOD OR EQUAL

PERENNIAL PLANTING NOTES:
 1) APPLY 2" THK BED OF MULCH ON PERENNIAL PLANT BED. DO NOT COVER PLANTS
 2) THOROUGHLY MIX PEAT IN TOP 3-4" OF SOIL
 3) BREAK UP EXISTING SOIL TO A DEPTH OF 24"
 4) PROVIDE NEW TOPSOIL TO A DEPTH OF 12"
SHRUB PLANTING NOTES:
 1) SET SHRUB AT SAME DEPTH AT WHICH IT GREW IN THE FIELD OR CONTAINER
 2) PRUNE, THIN & SHAPE SHRUBS IN ACCORDANCE w/ STANDARD HORTICULTURAL PRACTICE
INITIAL WATERING:
 WHEN BACKFILL IS 2/3 COMPLETE, WATER THOROUGHLY UNTIL NO MORE IS ABSORBED



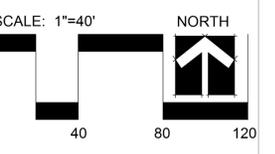
2 CULTIVATED EDGE DETAIL
SCALE: NTS

3 PLANTING INSTALLATION DETAILS
SCALE: NTS



CLIENT
Smithville Commercial Center

PROJECT
Smithville Commercial Center
SE Cor US-169 Hwy and Commercial Ave.
Smithville MO



Date: 12.16.2022
Project #: 983
Landscape Plan



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2978-23, Rezoning the northeast corner of Second Creek and Lowman Road - 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2971-22 for second reading by title only to rezone the northeast 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. This rezoning came to the Planning Commission in December of 2022 and was recommended for approval. Prior to the Board of Aldermen voting on the ordinance to rezone, it was discovered that an error related to the zoning of a property adjacent to the subject property was used in the Findings of Fact made by the Commission. As a result, the matter was brought back to the Planning Commission to reconsider their findings based upon the change of one adjacent property from R-3 Multifamily to B-3 General Business. At the February 14, 2023 hearing, the Commission made its new Findings of Fact and recommended approval of the rezoning.

The proposed Preliminary Plat is attached to identify the zoning district locations that 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.

PREVIOUS ACTION:

The A-1 zoning was in place since the property was annexed into the city. The matter was previously at the Planning Commission but returned due to a zoning designation error in the Findings of Fact.

POLICY ISSUE:

Complies with the Comprehensive Plan uses for the area.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

Ordinance

Resolution

Staff Report

Other: Findings of Fact; Planning and Zoning meeting is available for viewing online [Video](#)

Contract

Plans

Minutes

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, B-3 land to the west across Lowman Road and farmland in unincorporated Clay County to the south. To the north is a new 10+ acre parcel that was originally part of this land but subdivided in 2022 that remains zoned A-1. 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.*

The existing Comprehensive Plan was approved on November 10, 2020 and adopted as the Board policy on November 17, 2020. That plan included specific implementation measures based upon the 5 Strategic Pillars of the City's Strategic Plan. This parcel adjoins what is identified as the Downtown District Overlay to the east, would include trail connections with developments to the west and downtown and bridges the gap between existing developments with downtown. The Comprehensive Plan identifies 5 different Planning Goals for the strategic pillar entitled "Diverse Housing and Neighborhood Options." Each of those Planning Goals include several prioritized action steps to meet those goals. The following are the steps that this rezoning would assist to meet the stated goals:

Housing 2.1 "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

Housing 3.1 "Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville."

Housing 3.2 "Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities."

Housing 4.2 "Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network."

Housing 4.3 "Encourage new residential development in and near Smithville's Downtown to create a live, work, and play district."

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 on site and 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 A-1, agricultural that was recently sold and divided off 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.
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 in what is proposed to be the west end of the Downtown Overlay district, B-3 Commercial across Lowman Road with two larger subdivisions further 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 February 14, 2023, 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.

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 public hearing; and

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

WHEREAS, following the December public hearing it was discovered that part of the findings of fact were based upon an erroneous zoning designation on adjoining property that could impact one of those findings; and

WHEREAS, the city re-advertised for a new public hearing on January 26, 2023 and sent notices to adjoining property owners more than 15 days prior to a new public hearing on February 14, 2023; and,

WHEREAS, a Public Hearing was conducted before the Planning Commission on February 14, 2023 concerning a rezoning that would authorize creation of 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 made and 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 7th DAY OF MARCH, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 02/21/2023

Second Reading 03/07/2023



STAFF REPORT
January 18, 2023
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:

1st Publication in Newspaper: January 26, 2023
Letters to Property Owners w/in 185': January 26, 2023

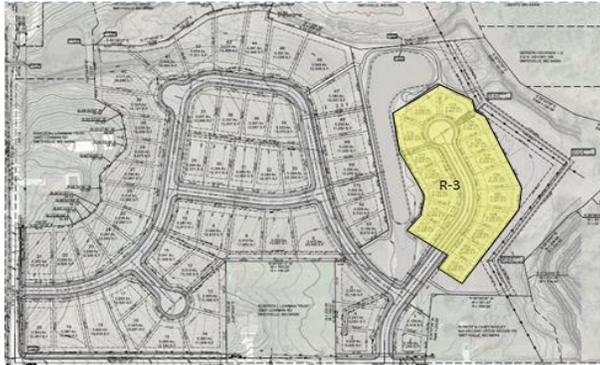
GENERAL DESCRIPTION:

This matter returns to the Planning Commission following its' prior approval of this rezoning. As a result of a discrepancy between the identified zoning of an adjacent property to the west and the actual zoning of that parcel, the Commission was given some incorrect information. Specifically, staff identified that the property to the west of the subject property was zoned R-3 (in accordance with a print version of the Clay County GIS map) that in fact, was actually zoned B-3.

After some investigation, it was determined that at some point prior to September 5, 2019, the Clay County GIS system inadvertently changed the zoning designation of the George Lowman property from B-3 to R-3 on its display. This change occurred at the GIS office level and was not as a result of any city process. In the last year, staff identified similar changes to several other properties at the County GIS level that were not changed through city processes. Those changes were also erroneous, and staff directed the GIS system correct those errors. That request is also pending for this newly

discovered error. In order to rectify this error, the matter comes back to the Planning Commission to consider the rezoning using the B-3 designation on the property to the west instead of the less impactful R-3 designation. Changes in the staff report are identified with an *.

The applicant seeks to rezone approximately 32.04 acres +/- from A-1 to R-1B and a small section as R-3 as shown below. 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 an area on the east of the parcel.



EXISTING ZONING:

The existing A-1 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 contiguous to the overall parcel. In addition, the zoning map shows unincorporated county land to the south, B-3 commercial on the east side of the parcel in what it is proposed to be the Downtown overlay district and also **B-3 on the west side, across Lowman road**. To the north is a new 10+ acre parcel zoned A-1. The existing contiguous 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. That plan included specific implementation measures based upon the 5 Strategic Pillars of the City's Strategic Plan. This parcel adjoins what is identified as the Downtown District Overlay to the east, would include trail connections with developments to the west and downtown and bridges the gap between existing developments with downtown. The Comprehensive Plan identifies 5 different Planning Goals for the strategic pillar entitled "Diverse Housing and Neighborhood Options." Each of

those Planning Goals include several prioritized action steps to meet those goals. The following are the steps that this rezoning would assist to meet the stated goals:

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Housing 4.3 "Encourage new residential development in and near Smithville's Downtown to create a live, work, and play district."

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

Streets and Sidewalks:

Any 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 stormwaters 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. *The placement of both R-1 and R-3 districts between *existing B-3 districts on the east and west sides* is compatible with those uses as well.*

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

No detrimental effects are known.

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

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

STAFF RECOMMENDATION:

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

Respectfully Submitted,

Zoning Administrator

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

PROPERTY DESCRIPTION:

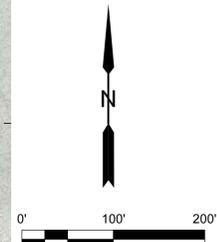
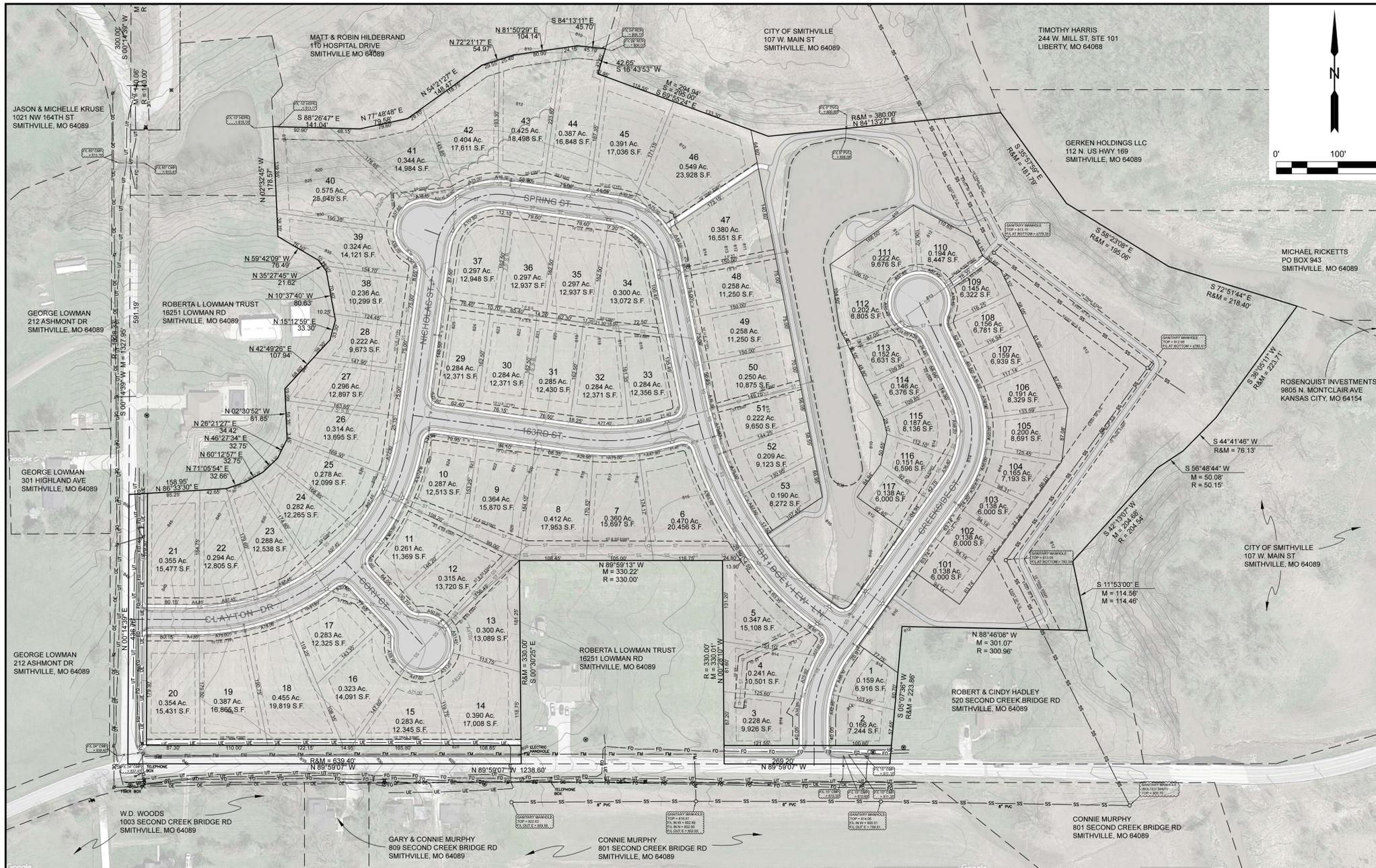
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The above-described tract of land contains 32.04 acres, more or less, and is subject to all recorded and unrecorded easements, restrictions, and right-of-ways.

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.
SMITHVILLE, MO 64079
816-260-3328



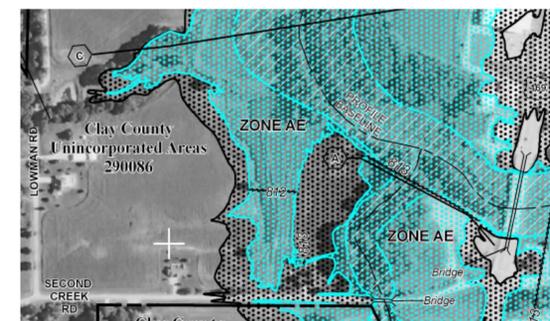
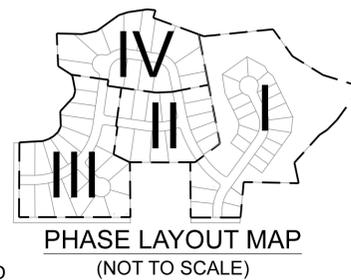
- NOTES FOR SINGLE FAMILY LOTS 1 THRU 53:**
- 1) PROPOSED ZONING IS "R-1B" SINGLE FAMILY DWELLING DISTRICT.
 - 2) MINIMUM LOT AREA IS 7,500 SF.
 - 3) MINIMUM LOT WIDTH IS 75 FT.
 - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
 - 5) SETBACK LIMITS FOR R-1B ZONING ARE:
FRONT - 55.0'
SIDE - 7.5'
REAR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

- NOTES FOR MULTIPLE FAMILY LOTS 101 THRU 117:**
- 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-3 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

- 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)

- = GRAVEL
- = ASPHALT
- = CONCRETE



VICINITY MAP (NOT TO SCALE)

	TRAIL EASEMENT ALONG SECOND CREEK RD	01-05-2023	DJS	REV.	DATE	BY	DESCRIPTION
	ROAD NAME REVISIONS	11-08-2022	DJS				
	REVISED PER CITY REVIEW COMMENTS	11-28-2022	DJS				
	SUBMITTED TO CITY FOR PAZ REVIEW	10-14-2022	DJS				
<p>CLIENT: LMW INVESTMENTS, LLC SMITHVILLE, MO</p> <p>DATE: 10-14-2022 SCALE: NONE</p> <p>DRAWN BY: DJS PROJECT NUMBER: 2021.29</p> <p>SHEET DESCRIPTION: SECOND CREEK MEADOWS SECOND CREEK BRIDGE ROAD SMITHVILLE, MO PRELIMINARY PLAT</p>							



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 2979-23 – TIF Commission Composition – 1st and 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2979-23, amending the City Code regarding composition of the TIF Commission. Emergency Ordinance Sponsored by Mayor Boley. 1st and 2nd reading by title only.

SUMMARY:

Changes to the population and form of government in Clay County changed the composition of the TIF Commission per state statute. The total number of members is increased by one while the total number of appointees from the City of Smithville is reduced from six to three.

As staff has been working with Economic Development Counsel in preparation for the 110 Smithville TIF, staff realized the adopted City Code references prior composition. The attached ordinance revises the Code to reflect these changes. Because this is the only meeting prior to the TIF Commission meeting discussing the 110 Smithville TIF and staff and legal counsel believe the City Code should accurately reflect the TIF statute's requirements, the Ordinance will need to be approved as an Emergency on first reading.

PREVIOUS ACTION:

The creating of the TIF Commission was by Ordinance 2304-04, August 17, 2004.

POLICY OBJECTIVE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

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

AN ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI AMENDING CERTAIN PROVISIONS OF CHAPTER 155, ARTICLE I, SECTION 155.010(D) OF THE MUNICIPAL CODE OF THE CITY OF SMITHVILLE, MISSOURI.

WHEREAS, the City of Smithville, Missouri (the "City") previously created a Tax Increment Financing Commission (the "TIF Commission") pursuant to Section 99.800 *et seq.* of the Revised Statutes of the State of Missouri (the "TIF Act") consisting of eleven persons; and

WHEREAS, 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 a TIF Commission under Section 99.820.3 of the TIF Act; and

WHEREAS, pursuant to the Clay County Constitution becoming effective on January 1, 2021, and the most recent 2020 Census data putting the population of Clay County, Missouri at 253,335 inhabitants, the City is subject to Section 99.820.3 of the TIF Act as of July 1, 2021, which requires a TIF Commission consisting of twelve persons; and

WHEREAS, the Municipal Code of the City of Smithville, Missouri (the "Code") provides that the TIF Commission shall consist of eleven members; and

WHEREAS, the Board of Aldermen of the City finds and declares that it is necessary, desirable and in the best interest of the community to amend Chapter 155, Article I, Section 155.010(D) of the Code to make it consist with the requirements of the TIF Act.

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

Section 1. Chapter 155, Article I, Section 155.010(D) of the Municipal Code of Smithville, Missouri, is hereby deleted and replaced in its entirety with the following:

Section 155.010 Tax Increment Financing Commission.

D. Membership. The Commission shall consist of the number of members required in Section 99.820 of the Act, and said members shall be appointed in the manner described in Section 99.820 of the Act.

Section 2. This Ordinance shall be codified in the Municipal Code of Smithville, Missouri.

Section 3. This Ordinance shall take effect and be in full force immediately after its passage by the Board of Aldermen and approval by the Mayor.

PASSED by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 7th day of March, 2023.

(SEAL)

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 03/07/2023

Second Reading: 03/07/2023



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 2980-23 – Maintaining Gross Receipts Tax Payments – 1st and 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2980-23, maintaining the gross receipts tax for the supplying of natural gas. Emergency Ordinance Sponsored by Mayor Boley - First and second reading by title only.

SUMMARY:

The City currently imposes a gross receipts tax of 5% of total gross receipts on utilities providing service in Smithville. Per state statute, if a utility plans to increase rates by more than 7%, the Missouri Public Service Commission must inform communities of this increase. The City has received communication from the Public Service Commission of their approval of a rate increase for Spire services in excess of 7%.

Upon notification, statute outlines that cities must take action with regard to the gross receipts tax due to the proposed increase in utility rate. The City may maintain the tax rate without reduction in the rate if an ordinance to maintain the tax rate is enacted. The attached ordinance retains the rate at 5%.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

FINANCIAL CONSIDERATIONS:

Retaining the 5% gross receipts tax retains general fund resources.

ATTACHMENTS:

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

BILL NO. 2980-23

ORDINANCE NO. 317X-23

AN ORDINANCE MAINTAINING GROSS RECEIPTS TAX/PAYMENT OF LICENSE FEES UNDER SECTION 735.010 OF THE CITY ORDINANCES

Whereas, the City has a Gross Receipts Tax for the supplying of gas and other utilities equal to five (5%) of the gross receipts derived by the utility from the sale of such gas and other utilities services; and

Whereas, pursuant to R.S.Mo. Section 393.275.1, the City has received notice of a gas rate increase authorized by the Public Service Commission in an amount in excess of seven (7%) percent; and

Whereas, that the effective date of the gas rate increase is January 18, 2023; and

Whereas, pursuant to R.S.Mo. 393.275.2, upon receipt of the notice, the City is to take action with regard to the City's gross receipts tax due to the increase of the gas tax rate; and

Whereas, that pursuant to R.S.Mo. 393.752.2, " a City... may maintain the tax rate of its business license tax on the gross receipts of utility corporations without reduction if an ordinance to maintain the tax rate is enacted by the governing body of the City..."; and

Whereas, the City wants to maintain the tax rate at the current five (5%) rate as it has for many years.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS: THE GROSS RECEIPTS TAX/LICENSE FEE SET FORTH IN CITY ORDINANCE 735.010 SHALL BE MAINTAINED AT THE RATE OF FIVE (5%) PERCENT AND THEREFORE SECTION 735.010 SHALL CONTINUE TO READ AS FOLLOWS:

Section 735.010 License Tax.

Every gas company and every corporation, company, association, joint-stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing, leasing or controlling a gas plant or system for the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat, refrigeration or power, shall, in addition to all other taxes, payments or requirements now or hereafter required by law or City ordinance, pay to the City as a license fee a sum equal to five percent (5%) of the licensee's gross receipts from the sale of gas sold for domestic or commercial purposes within the limits

of the City under the licensee's applicable "General Service" rate schedule on file with and approved by the Public Service Commission of Missouri. The licensee shall, not later than February 1 and August 1 respectively of each year, make a report to the Governing Body of the City of its said gross receipts for the six (6) months' period ending at the last meter reading preceding December 31 and June 30 respectively, and at the time of making such reports shall pay into the City Treasury the aforesaid license fee based upon the gross receipts so reported. The acceptance of such fees shall not prejudice the right of the City to collect any additional fee thereafter found to be due. In the event that licensee shall pay a sum greater than is due upon its gross receipts for any period by reason of its inability to determine accurately the amount properly due, licensee shall be entitled, following a determination of the overpayment, to deduct such overpayment and receive a credit therefor against the amount of license fee due for the next succeeding period or periods following the determination of the overpayment. The City, by its duly authorized representatives, shall have the right at all reasonable times during business hours to make such examinations and inspections of the books of such licensee as may be necessary to determine the correctness of such reports. The City shall have the right, at its own expense, to employ the same accountants who make the annual audit of the books, records, and accounts of the business of the licensee, to audit, at the same time, the licensee's accounts and records and certify as to the correctness of any payments due and payable by the licensee to the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th of March 2023.

DAMIEN BOLEY, MAYOR

ATTEST:

LINDA DRUMMOND, CITY CLERK

First reading: 03/07/2023

Second reading: 03/07/2023



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT:

Administration/Finance/Public Works

AGENDA ITEM: Approve Bill No. 2981-23, FY2023 Budget Amendment No. 2 - 1st and 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2981-23, FY2023 Budget Amendment No. 2. Emergency Ordinance Sponsored by Mayor Boley - 1st and 2nd reading by title only.

SUMMARY:

This Budget Amendment includes a change to the Transportation Sales Tax Fund:

- The FY2023 Budget included \$150,000 for road repairs following the completion of the waterline improvement on 4th Street and 4th Terrace. The estimated street and overlay costs of the project are \$311,231.61. A budget amendment adding \$165,000 to the Transportation Sales Tax Fund, which would provide total budget authority of \$315,000, will adequately provide enough budget to fund this portion of the project.

PREVIOUS ACTION: The Board previously approved the FY2023 Budget on October 18, 2022.

POLICY ISSUE: Approving and Amendment to the FY2023 Budget.

FINANCIAL CONSIDERATIONS:

Amend the FY2023 Budget. Resources are available in the Transportation Sales Tax Fund to adequately fund the street and overlay improvements on 4th Street and 4th Terrace.

ATTACHMENTS:

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

BILL NO. 2981-23

ORDINANCE NO. 317X-23

**AN ORDINANCE AMENDING THE FY2023 OPERATING BUDGET TO ADD
\$165,000 TO THE EXPENDITURE BUDGET**

WHEREAS, pursuant to Ordinance 3074-20, passed on October 18, 2022, the City approved the fiscal year ending October 31, 2023 Budget; and

WHEREAS, not included in the approved fiscal year 2023 Budget are expenditures related to capital projects; and

WHEREAS, amendments to the Transportation Sales Tax Fund are required at this time.

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

THAT the fiscal year ending October 31, 2023, Budget is hereby amended to add:

- \$165,000 to the expenditure budget in the Transportation Sales Tax Fund

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 3/7/2023

Second Reading: 3/7/2023



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 2982-23, Authorizing Condemnation of certain lands for the purpose of constructing and maintaining a sewer line - 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2982-23 for First Reading by Title Only authorizing condemnation of certain lands for the purpose of constructing and maintaining a sewer line. First reading by title only.

SUMMARY:

The City has been working to acquire several easements for the West Interceptor Project. This project will be completed with the 144th Street Pump Station and will serve the southern side of Smithville and provide much needed relief to Hills of Shannon, provide capacity for development (Fairview North and South) and Forrest Oaks (when the South main is completed). Staff has acquired 11 of the 14 required easements.

The City and owners have not been able to agree on the value of the easement on three tracts.

Presented for the Boards consideration is an ordinance that will begin the formal process of acquiring the easement for public purposes on Tracts 10 and 20. City Staff, Engineers and Attorney are working to try to unravel the ownership interests for Tract 17, a similar Ordinance will be presented at a future Board meeting one we have positively identified the owners.

The eminent domain (condemnation) process has several steps. This is the first step that allows the City to move forward and notifies the owners of the City's intent. Simply summarized, the City passes an Ordinance stating the intent to acquire a property interest. Owners are provided a 60-day notice. An appraisal of the easement is completed and provided to the owners. An offer letter for the easement is provided to the owner. The City and Owner can at any time agree to settle for an agreed amount. If we (the owner and the City) cannot come to an agreement then the City files a petition with the court. The Court will assign three independent appraisers to provide a value for the property interest. The City and property Owners can either accept the value the court finds or appeal. The process takes 90 days more or less.

PREVIOUS ACTION:

The Board approved Authorization No. 94 for the engineering October 19, 2021

POLICY ISSUE:

Infrastructure maintenance / economic growth

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: Click or tap here to enter text. | |

ORDINANCE AUTHORIZING CONDEMNATION OF CERTAIN LANDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SEWER LINE

Authorizing condemnation and taking of public and private property interest for public use as Permanent Sewer Easements and Temporary Construction & Grading Easements along for a sewer improvement project "WEST INTERCEPTOR" in the City of Smithville, & Unincorporated Clay County, Missouri providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the City of Smithville; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

WHEREAS the Board of Aldermen finds that certain interests in private property must be condemned for the necessary public use for the construction of a sanitary sewer improvement project "**WEST INTERCEPTOR**" in Smithville, Clay County Missouri as well as Unincorporated Clay County, Missouri.

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

SECTION 1. That the property interests herein described are hereby authorized condemned and taken for public purpose in and upon the land hereinafter described for use as a Sanitary Sewer Line, Sewer Easements and Temporary Construction & Grading Easements in a proceeding instituted in Clay County, Missouri, by the City Attorney for "**WEST INTERCEPTOR**", including any necessary structures or appurtenances, in Smithville, Clay County, Missouri, as well as in Unincorporated Clay County Missouri hereby described as follows:

SECTION 2. That the property interests obtained by condemnation shall be used by the City of Smithville, Missouri for the location of improvements to be constructed thereon including any necessary structures, facilities, and appurtenances to it, and Smithville or its authorized agents, employees or independent contractors, shall have the right to enter in or authorize the entry in and upon said properties for the purpose of constructing, reconstructing, maintaining, operating and repairing the following improvements:

Temporary Construction and Grading Easement

The Temporary Construction and Grading Easement(s) shall be used by the City of Smithville Missouri or its authorized agents, servants, employees or independent contractors, during the construction of said project, for grading and sloping, removal of trees and shrubbery, removal and replacement of fencing, sidewalks and driveways, the storage of materials, the operation of equipment, and the movement of a working force.

The City of Smithville Missouri shall cause the surface of lands lying within said temporary construction easements to be restored to substantially the same physical condition that existed at the time Smithville or its agents entered upon them. Temporary construction easements shall terminate three (3) years from the date said easement is acquired and recorded by the Recorder of Deeds in Clay County, or upon completion and acceptance of the improvements by the Director of Public Works or the City Administrator whichever occurs first.

Permanent Utility Easement

The Permanent Sewer Easement(s) shall be used by the City of Smithville Missouri or its authorized agents, servants, employees or independent contractors for the location, construction, reconstruction, maintenance, operation and repair of a sanitary sewer line main improvements and any and all appurtenances incidental thereto for " **WEST INTERCEPTOR**" in, under, upon, over, across, and through the following described tracts of land situated in Smithville, Clay County, Missouri.

By the granting of these Permanent Utility Easements, it shall not be construed to prohibit the Landowner from developing any adjoining property, or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof; provided, however, said easement shall be kept free from additional depth of overburden, (no change in the earth cover over the sewer line will be made without the written approval of the City of Smithville Director of Public works or the City Administrator) buildings, and any other structure or obstruction (except sidewalks, roadways pavement, grass, shrubs, fences, or curbs), which will interfere with the Grantee in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing, operating, repairing, improving, and maintaining said sewer main improvements and appurtenances.

The City of Smithville shall cause the surface of lands lying within the Permanent Utility Easement to be restored to substantially the same physical condition that existed at the time the City of Smithville or its agents entered upon it, with the exception of any sewer facilities or appurtenances thereto that may need to be upon said surface.

SECTION 3. That the private property is hereby authorized condemned and taken for public use and hereby described as follows:

PERMANENT SEWER EASEMENTS

Tract/Parcel No. 10 – PERMANENT SEWER EASEMENT:

Owner. Gary W. and Elizabeth D. Simons 1506 S 169 Hwy Smithville, MO 64089

PERMANENT SEWER EASEMENT:

A strip of land 10 feet in width being part of Lot 8 and Lot 9, FIRST PARK, a subdivision in the City of Smithville, Clay County, Missouri, said strip lying 5 feet on both sides of, parallel with and adjacent to the following described centerline:

(Note: The bearings in the following description are based on Grid North, Missouri State Plane Coordinate System, NAD83)

Commencing at the northwest corner of said Lot 8;

Thence S24°52'52"E, along the west line thereof, 72.91 feet to the Point of Beginning;

Thence departing said west line, N64°43'18"E, 124.69 feet;

Thence S25°16'42"E, 233.13' to the south line of said Lot 9 and the Point of Termination of said centerline.

The sidelines of said strip shall be lengthened or shortened to terminate at the respective boundaries of subject tract.

Containing in all 3,574 square feet, more or less.

Subject to all easements, conditions, and reservations of record.

Tract/Parcel No. 20 PERMANENT SEWER EASEMENT

Owner: Mark and Kelli Wade 15515 Cliff Dr. Smithville, MO 64089

PERMANENT SEWER EASEMENT

A strip of land 10 feet in width being part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 53 North, Range 33 West, in the City of Smithville, Clay County, Missouri, said strip lying 5 feet on both sides of, parallel with and adjacent to the following described centerline:

(Note: The bearings in the following description are based on Grid North, Missouri State Plane Coordinate System, NAD83)

Commencing at the northwest corner of the Northwest Quarter of the Southeast Quarter of said Section 27;

Thence N89°48'51"E, along the north line thereof, 1001.57 feet;

Thence departing said north line, S09°27'05"E, 7.57 feet to a point on the south line of a 20-foot-wide utility easement as described and recorded in Book 7854 at Page 117 of the Clay County, Missouri Records and the Point of Beginning;

Thence continue S09°27'05"E, 232.67 feet;

Thence S17°38'50"W, 688.53 feet;

Thence S20°19'07"W, 185.59 feet;

Thence S39°45'59"W, 248.81 feet;

Thence S13°10'21"E, 68.48 feet to the south line of the Northwest Quarter of the Southeast Quarter of said Section 27 and the Point of Termination of said centerline.

The sidelines of said strip shall be lengthened or shortened to terminate at the respective boundaries of subject tract.

Containing in all 14,236 square feet, more or less.

Subject to all easements, conditions, and reservations of record.

Temporary Construction Easements

Owner. Gary W. and Elizabeth D. Simons 1506 S 169 Hwy Smithville, MO 64089

Tract/Parcel No. 10 — Temporary Construction & Grading Easement

A strip of land 50 feet in width being part of Lot 8 and Lot 9, FIRST PARK, a subdivision in the City of Smithville, Clay County, Missouri, said strip lying 25 feet on both sides of, parallel with and adjacent to the following described centerline:

(Note: The bearings in the following description are based on Grid North, Missouri State Plane Coordinate System, NAD83)

Commencing at the northwest corner of said Lot 8;

Thence S24°52'52"E, along the west line thereof, 72.91 feet to the Point of Beginning;

Thence departing said west line, N64°43'18"E, 124.69 feet;

Thence S25°16'42"E, 233.13' to the south line of said Lot 9 and the Point of Termination of said centerline.

The sidelines of said strip shall be lengthened or shortened to terminate at the respective boundaries of subject tract.

EXCEPT: that part taken for permanent sewer easement.

Containing in all 13,320 square feet, more or less.

Subject to all easements and restrictions of record.

Tract/Parcel No. 20 - Temporary Construction & Grading Easement

Owner: Mark and Kelli Wade 15515 Cliff Dr. Smithville, MO 64089

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

All that part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 53 North, Range 33 West, in the City of Smithville, Clay County, Missouri, more particularly described as follows:

(Note: The bearings in the following description are based on Grid North, Missouri State Plane Coordinate System, NAD83)

Commencing at the northwest corner of the Northwest Quarter of the Southeast Quarter of said Section 27;

Thence N89°48'51"E, along the north line thereof, 976.24 feet to the Point of Beginning;

Thence continue N89°48'51"E, 218.00 feet;

Thence departing said north line, S29°51'42"W, 231.48 feet;

Thence S17°38'50"W, 735.75 feet;

Thence S20°19'07"W, 190.45 feet;

Thence S39°45'59"W, 240.65 feet;

Thence S13°10'21"E, 61.90 feet to the south line of the Northwest Quarter of the Southeast Quarter of said Section 27;

Thence N89°58'30"W, along said south line, 51.36 feet;

Thence departing said south line, N13°10'21"W, 75.07 feet;

Thence N39°45'59"E, 256.97 feet;

Thence N20°19'07"E, 180.72 feet;

Thence N17°38'50"E, 681.93 feet;

Thence N09°27'05"W, 238.30 feet to the Point of Beginning.

EXCEPT: that part lying within a 20 foot wide utility easement as described and recorded in Book 7854 at Page 117 of the Clay County, Missouri Records

EXCEPT: that part taken for permanent sewer easement.

Containing in all 72,816 square feet, more or less.

Subject to all easements, conditions, and reservations of record.

SECTION 4. Said improvements shall be of the nature described and specified in, and shall be done in accordance with, the plans and specifications certified under the supervision of the Director of Public Works the same being on file in the Public Works Department and being incorporated herein by reference.

SECTION 5. That just compensation for the property taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Clay County, Missouri, pursuant to the provisions of Chapter 523 & §88.010, §88.667 and/or §91.770 of the Revised Statutes of Missouri, as supplemented or amended and by Rules 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by the City of Smithville from funds appropriated for such purposes.

SECTION 6. That pending the acquisition of said property by condemnation, the City Administrator and/or the Director of Public Works is hereby authorized to continue negotiations on the purchase of said property and pay for it out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

SECTION 7. That said property interests described in Section 3 be condemned and conveyed to the City of Smithville, Missouri.

SECTION 8. That upon the effective date of this ordinance the City Clerk is hereby directed to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 3rd of April 2023.

DAMIEN BOLEY, MAYOR

ATTEST:

LINDA DRUMMOND, CITY CLERK

First reading: 03/07/2023

Second reading: 04/03/2023



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 2983-23, Authorizing Condemnation of certain lands for the purpose of constructing and maintaining a sewer line - 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2983-23 for First Reading by Title Only authorizing condemnation of certain lands for the purpose of constructing and maintaining a sewer line.

SUMMARY:

The City has been working to acquire several easements for the West Interceptor Project. This project will be completed with the 144th Street Pump Station and will serve the southern side of Smithville and provide much needed relief to Hills of Shannon, have capacity for development (Fairview North and South) and Forrest Oaks (when the South main is completed). Staff has acquired 11 of the 14 easements.

There are three tracts where the City and owners have not been able to agree on the value of the easement.

Presented for the Boards consideration is an ordinance that will begin the formal process of acquiring the easement for public purposes on the Tract 17. Ownership for this tract has been confirmed and thus is being included for the Boards consideration. Since the agenda was completed prior to the ownership of this tract being confirmed this Bill has been added to the agenda to keep all Tracts on the same schedule.

The eminent domain (condemnation) process has several steps. This is the first step that allows the City to move forward and notifies the owners of the City's intent. Simply summarized, the City passes an Ordinance stating the intent to acquire a property interest. Owners are provided a 60-day notice. An appraisal of the easement is completed and provided to the owners. An offer letter for the easement is provided to the owner. The City and Owner can at any time agree to settle for an agreed amount. If we (the owner and the City) cannot come to an agreement then the City files a petition with the court. The Court will assign three independent appraisers to provide a value for the property interest. The City and property Owners can either accept the value the court finds or appeal. The process takes 90 days more or less.

PREVIOUS ACTION:

The Board approved Authorization 94 for the engineering October 19, 2021

POLICY ISSUE:

Infrastructure maintenance / economic growth

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: Click or tap here to enter text. | |

ORDINANCE AUTHORIZING CONDEMNATION OF CERTAIN LANDS FOR THE PURPOSE OF CONSTRUCTING AND MAINTIANG A SEWER LINE

Authorizing condemnation and taking of public and private property interest for public use as Permanent Sewer Easements and Temporary Construction & Grading Easements along for a sewer improvement project "WEST INTERCEPTOR" in the City of Smithville, & Unincorporated Clay County, Missouri providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the City of Smithville; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

WHEREAS the Board of Aldermen finds that certain interests in private property must be condemned for the necessary public use for the construction of a sanitary sewer improvement project "**WEST INTERCEPTOR**" in Smithville, Clay County Missouri as well as Unincorporated Clay County, Missouri.

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

SECTION 1. That the property interests herein described are hereby authorized condemned and taken for public purpose in and upon the land hereinafter described for use as a Sanitary Sewer Line, Sewer Easements and Temporary Construction & Grading Easements in a proceeding instituted in Clay County, Missouri, by the City Attorney for "**WEST INTERCEPTOR**", including any necessary structures or appurtenances, in Smithville, Clay County, Missouri, as well as in Unincorporated Clay County Missouri hereby described as follows:

SECTION 2. That the property interests obtained by condemnation shall be used by the City of Smithville, Missouri for the location of improvements to be constructed thereon including any necessary structures, facilities, and appurtenances to it, and Smithville or its authorized agents, employees or independent contractors, shall have the right to enter in or authorize the entry in and upon said properties for the purpose of constructing, reconstructing, maintaining, operating and repairing the following improvements:

Temporary Construction and Grading Easement

The Temporary Construction and Grading Easement(s) shall be used by the City of Smithville Missouri or its authorized agents, servants, employees or independent contractors, during the construction of said project, for grading and sloping, removal of trees and shrubbery, removal and replacement of fencing, sidewalks

and driveways, the storage of materials, the operation of equipment, and the movement of a working force.

The City of Smithville Missouri shall cause the surface of lands lying within said temporary construction easements to be restored to substantially the same physical condition that existed at the time Smithville or its agents entered upon them. Temporary construction easements shall terminate three (3) years from the date said easement is acquired and recorded by the Recorder of Deeds in Clay County, or upon completion and acceptance of the improvements by the Director of Public Works or the City Administrator whichever occurs first.

Permanent Utility Easement

The Permanent Sewer Easement(s) shall be used by the City of Smithville Missouri or its authorized agents, servants, employees or independent contractors for the location, construction, reconstruction, maintenance, operation and repair of a sanitary sewer line main improvements and any and all appurtenances incidental thereto for " **WEST INTERCEPTOR**" in, under, upon, over, across, and through the following described tracts of land situated in Smithville, Clay County, Missouri.

By the granting of these Permanent Utility Easements, it shall not be construed to prohibit the Landowner from developing any adjoining property, or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof; provided, however, said easement shall be kept free from additional depth of overburden, (no change in the earth cover over the sewer line will be made without the written approval of the City of Smithville Director of Public works or the City Administrator) buildings, and any other structure or obstruction (except sidewalks, roadways pavement, grass, shrubs, fences, or curbs), which will interfere with the Grantee in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing, operating, repairing, improving, and maintaining said sewer main improvements and appurtenances.

The City of Smithville shall cause the surface of lands lying within the Permanent Utility Easement to be restored to substantially the same physical condition that existed at the time the City of Smithville or its agents entered upon it, with the exception of any sewer facilities or appurtenances thereto that may need to be upon said surface.

SECTION 3. That the private property is hereby authorized condemned and taken for public use and hereby described as follows:

PERMANENT SEWER EASMENT

Tract/Parcel No. 17 PERMANENT SEWER EASEMENT

Owner: George T. O'Laughlin (or the successor) Trustee for Rudy Johnson under indenture dated December 24, 1973 as to an undivided ½ interest, 3400 Owl Creek Dr. Edmond Ok 73034-7012 and Mary Louise Greene and Bank of America, N.A., Co-Trustees of the Mary Louise Greene Trust dated October 3, 1991, as amended as to an undivided ½ interest: c/o Ted Greene 6750 W. 93rd Street Suite 250 Overland Park Kansas 66212

PERMANENT SEWER EASEMENT

A strip of land 10 feet in width being part of the Northeast Quarter of Section 34, Township 53 North, Range 33 West, in the City of Smithville, Clay County, Missouri, said strip lying 5 feet on both sides of, parallel with and adjacent to the following described centerline:

(Note: The bearings in the following description are based on Grid North, Missouri State Plane Coordinate System, NAD83)

Commencing at the southwest corner of the Northeast Quarter of said Section 34;

Thence N01°05'57"E, along the west line thereof, 1431.05 feet to the north line of FIRST PARK 2ND PLAT, a subdivision in the City of Smithville, Clay County, Missouri;

Thence S86°41'23"E, along said north line, 1679.05 feet to the northwest corner of FIRST PARK, a subdivision in the City of Smithville, Clay County, Missouri;

Thence S86°50'59"E, along the north line of said FIRST PARK, 133.96 feet to the Point of Beginning;

Thence departing said north line, N25°16'42"W, 67.85 feet;

Thence N65°10'08"E, 77.11 feet;

Thence N28°29'56"W, 385.63 feet;

Thence N24°49'31"W, 754.86 feet to the south right of way line of Missouri State Highway 92 and the Point of Termination of said centerline.

The sidelines of said strip shall be lengthened or shortened to terminate at the respective boundaries of subject tract.

Containing in all 12,855 square feet, more or less.

Subject to all easements, conditions, and reservations of record.

TEMPORARY CONSTRUCTION EASEMENT

Tract/Parcel No. 17 — Temporary Construction & Grading Easement

Owner: George T. O'Laughlin (or the successor) Trustee for Rudy Johnson under indenture dated December 24, 1973 as to an undivided ½ interest, 3400 Owl Creek Dr. Edmond Ok 73034-7012 and Mary Louise Greene and Bank of America, N.A., Co-Trustees of the Mary Louise Greene Trust dated October 3, 1991, as amended as to an undivided ½ interest: c/o Ted Greene 6750 W. 93rd Street Suite 250 Overland Park Kansas 66212

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

A strip of land 50 feet in width being part of the Northeast Quarter of Section 34, Township 53 North, Range 33 West, in the City of Smithville, Clay County, Missouri, said strip lying 25 feet on both sides of, parallel with and adjacent to the following described centerline:

(Note: The bearings in the following description are based on Grid North, Missouri State Plane Coordinate System, NAD83)

Commencing at the southwest corner of the Northeast Quarter of said Section 34;

Thence N01°05'57"E, along the west line thereof, 1431.05 feet to the north line of FIRST PARK 2ND PLAT, a subdivision in the City of Smithville, Clay County, Missouri;

Thence S86°41'23"E, along said north line, 1679.05 feet to the northwest corner of FIRST PARK, a subdivision in the City of Smithville, Clay County, Missouri;

Thence S86°50'59"E, along the north line of said FIRST PARK, 133.96 feet to the Point of Beginning;

Thence departing said north line, N25°16'42"W, 67.85 feet;

Thence N65°10'08"E, 77.11 feet;

Thence N28°29'56"W, 385.63 feet;

Thence N24°49'31"W, 754.86 feet to the south right of way line of Missouri State Highway 92 and the Point of Termination of said centerline.

The sidelines of said strip shall be lengthened or shortened to terminate at the respective boundaries of subject tract.

EXCEPT: that part taken for permanent sewer easement.

Containing in all 51,419 square feet, more or less.

Subject to all easements, conditions, and reservations of record.

SECTION 4. Said improvements shall be of the nature described and specified in, and shall be done in accordance with, the plans and specifications certified under the supervision of the Director of Public Works the same being on file in the Public Works Department and being incorporated herein by reference.

SECTION 5. That just compensation for the property taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Clay County, Missouri, pursuant to the provisions of Chapter 523 & §88.010, §88.667 and/or §91.770 of the Revised Statutes of Missouri, as supplemented or amended and by Rules 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by the City of Smithville from funds appropriated for such purposes.

SECTION 6. That pending the acquisition of said property by condemnation, the City Administrator and/or the Director of Public Works is hereby authorized to continue negotiations on the purchase of said property and pay for it out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

SECTION 7. That said property interests described in Section 3 be condemned and conveyed to the City of Smithville, Missouri.

SECTION 8. That upon the effective date of this ordinance the City Clerk is hereby directed to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 3rd Day of April, 2023.

DAMIEN BOLEY, MAYOR

ATTEST:

LINDA DRUMMOND, CITY CLERK

First reading: 03/07/2023

Second reading: 04/03/2023



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Resolution 1192, Agreement with the Smithville Senior Center for the use of the building at 113 West Main Street

REQUESTED BOARD ACTION:

Motion to approve Resolution 1192, authoring and directing the Mayor to enter into an agreement with the Smithville Senior Center for the use of the building at 113 West Main Street.

SUMMARY:

City staff met with representatives from the Smithville Senior Board and agreed on terms for the annual agreement for use of the Smithville Senior Center for senior services. The proposed contract period is from March 1, 2023, to December 31, 2023.

The Smithville Senior Center was renovated in conjunction with Clay County Senior Services to provide the Smithville Senior Citizens Center a place to improve the health, nutrition, and quality of life of Clay County residents sixty years or older. The City's lease agreement with the Smithville Senior Citizen Center was signed on August 6, 2013, and runs through August 5, 2023. The agreement allows for use of the building by the Smithville Senior Citizen Center from 9:00 a.m. to 4:00 p.m. Monday through Friday of each week for a rental fee of \$1 per year. Currently, the group uses the building Monday, Wednesdays, and Fridays for meals and activities. The building is used on Tuesday and Thursdays for Senior Center office hours.

In 2020, the Board of Aldermen provided short-term guidance on the desired expanded use of the building by the City for rental and other purposes and to adjust fees to be consistent with other facility rentals in the area. In 2021 Clay County Senior Services requested city assistance in managing and processing the senior grant. The Parks and Recreation Department has provided this assistance since that request.

Staff met with representatives from the Smithville Senior Board and worked with the City attorney to outline agreed upon terms. By the recommendation of the City attorney, a cooperative agreement was developed and will be renewed annually, rather than a long-term lease with a yearly rent cost.

The proposed agreement reduces the time the building would be available to seniors to the hours between 9:00 a.m. and 2:00 p.m. on Monday, Wednesday and Fridays, leaving the facility available for rental all day on Tuesday and Thursday. The agreement also allows the Senior Center exclusive use of the office and pool room.

On Friday, February 10, 2023, the Senior Board agreed to terms for the annual agreement for use of the building for senior services.

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

RESOLUTION 1192

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SMITHVILLE SENIOR CENTER FOR THE USE OF THE BUILDING AT 113 WEST MAIN STREET

WHEREAS the City owns the building at 113 West Main Street (hereinafter "Building"); and

WHEREAS in 2013 the Smithville Senior Center and the City of Smithville jointly obtained a grant for \$250,000.00. In exchange for using those funds toward renovation of the building, the City granted the Center a lease to use a portion of the building. That lease will soon terminate; and

WHEREAS during the term of the existing lease, Center has provided a safe place for senior citizens to safely congregate, socialize and to receive mid-day meals. The City believes that there is a public purpose in having a location and space for senior citizens to safely congregate, socialize and where they can receive mid-day meals; and

WHEREAS there is space in the building during the times allocated herein during which the City does not currently have a need; and

WHEREAS the parties hereto wish to cooperate to allow the Center to provide services to seniors under the terms herein set forth; and

WHEREAS this Agreement is entered into by the parties pursuant to the authority granted to governmental entities under Chapter 70 R.S.Mo. *et seq.*

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 AGREEMENT WITH SMITHVILLE SENIOR BOARD FOR THE USE OF THE SMITHVILLE SENIOR CENTER

PASSED AND ADOPTED by the Mayor and Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

COOPERATIVE AGREEMENT

THIS **COOPERATIVE AGREEMENT** (“Agreement”) is made and entered into this ____ day of _____, 2023, between Smithville Senior Center, a Missouri Non-Profit Corporation, (the “Center”), and Smithville, Missouri, a fourth-class municipal corporation of the State of Missouri (“City”).

WHEREAS the City owns the building at 113 W. Main Street Smithville Mo (hereinafter “Building”).

WHEREAS in 2013 Center obtained a grant for \$250,000.00. In exchange for using those funds toward renovation of the Building, the City granted the Center a lease to use a portion of the Building. That Lease will soon terminate.

WHEREAS during the term of the existing lease, Center has provided a safe place for senior citizens to safely congregate, socialize and to receive mid-day meals. The City believes that there is a public purpose in having a location and space for senior citizens to safely congregate, socialize and where they can receive mid-day meals.

WHEREAS there is space in the Building during the times allocated herein during which the City does not currently have a need.

WHEREAS the parties hereto wish to cooperate to allow the Center to provide services to seniors under the terms herein set forth.

WHEREAS this Agreement is entered into by the parties pursuant to the authority granted to governmental entities under Chapter 70 R.S.Mo. *et seq.*;

NOW, THEREFORE, in the consideration of the mutual covenants and agreements set forth herein, the parties hereby agree as follows:

Sec. 1. Building Space Use And Time. The City authorizes the Center to provide services to seniors in the designated portions of the Building at the designated times. Nothing in this Agreement shall be construed to require the City to provide or facilitate the listed services to seniors. The City retains the right to review the number of seniors benefiting from this Agreement and the need for the building space. Accordingly, the City retains the right to either provide the same or similar services itself (in the Building or elsewhere) or to use the Building for any other needed purpose.

A. The non-exclusive portions of the Building which the Center may use are Monday, Wednesday, and Friday between the hours of 9:00 a.m. and 2:00 p.m. as follows:

- (i) The main meeting room.
- (ii) The kitchen.
- (iii) The table/chair storage room.
- (iv) Portions of the kitchen cabinets.

B. Until this agreement is terminated by either the City or the Center, the Center shall have exclusive use of the following portions of the Building:

- (i) The Office.
- (ii) The pool room.
- (iii) The kitchen pantry.
- (iv) Portions of the kitchen cabinets.

C. The Center shall only have access to the portions of the Building listed in paragraphs 1A and 1B above on Monday, Wednesday, and Friday between the hours of 9:00 a.m. and 2:00 p.m.

D. Until new locks are installed, the Center will be provided 2 key(s) to the building and 2 keys to the office. The City will always retain keys to all spaces. Lost keys or fobs will be replaced at the rates charged to the City. The City reserves the right to install new locks to the Building at any time. After new locks are installed, the Center will no longer be provided with keys to the building but, may check out from City Hall a key to the Building before 8:30 a.m. on Monday, Wednesday, and Friday. Said key to the Building will be returned by Center to City Hall by 2:30 p.m. on the same day as when checked out.

Sec. 2. Equipment: Center shall not place any equipment or furniture anywhere in the Building spaces designated in Section 1(A) without the express permission of the City.

Sec. 3. Maintenance: City shall maintain the Building in all respects. The City shall have access to all the Building for all reasonably needed repairs or maintenance. The City shall be responsible of all utilities. The City will provide the nonexclusive use of the following:

- (A) Internet Access
- (B) Telephone
- (C) Cleaning Services
- (D) Pest Control

Sec. 4. Current Equipment and Fixtures: The City and Center agree that the following equipment, fixtures, and furniture in the Building are owned by the Center:

Pool Table, Ice Maker, Bookshelves (x3), Plants and Seasonal Decorations,

Any equipment, fixtures and/or furniture owned by the Center, (including the above) may remain, or be brought into the Building only with the express permission of the City. Upon termination, any such equipment, fixtures and/or furniture located in the Building shall be removed pursuant to the terms of Section 11.

Sec. 5. Reporting: Center will report to the City no less than quarterly, the number of senior citizens for whom it has provided services for each day it has provided services.

Sec 6. Indemnification-Insurance.

(A) Center shall indemnify, release, defend, become responsible for and forever hold harmless the City, its officers, agents, employees, elected officials and attorneys, each in their official and individual capacities, subject to the provisions set forth in the Missouri Sovereign

Immunity Statute(s), from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney's fees and other defense costs or liabilities, of any character and from any cause whatsoever brought because of bodily injury or death received or sustained, or loss or damage received or sustained by any person, persons, or property arising out of or resulting from any act, error, omission or intentional act of Center or its agents, employees or subcontractors, or in any way connected with any program supervised by the Center.

(B) Center shall, at its own expense, at all times during the term of this Agreement, maintain in force a policy or policies of insurance, written by one or more responsible insurance carriers subject to the reasonable approval of the City, that will insure the City its elected officials, officers, employees, agents, representatives and contractors, against liability for injury to or death of persons or loss or damage to property occurring as the result of Center's use of the Building or the adjoining property. The liability under such insurance shall not be less than \$1,000,000 combined single limit. Center shall use commercially reasonable efforts to cause all liability insurance obtained by the Center under this Agreement to contain a provision by which the insurance company waives any right of subrogation it may have against the City, its elected officials, officers, employees, agents, representatives, and contractors. Center shall also obtain insurance covering any of its furniture, equipment, machinery, goods or supplies and/or fixtures located or left in the Building.

(C) For all person(s) employed by the Center, Center shall maintain and keep in force all workers' compensation insurance required under the laws of the State of Missouri, and such other insurance as may be reasonably necessary to protect the City against any other liability of person or property arising hereunder by operation of law, whether such law is now in force or is adopted subsequent to the execution hereof, as the result of the Center's use of the Building or the adjoining property.

(D) Center shall use commercially reasonable efforts to cause the policies of insurance carried pursuant to this Agreement to provide that at least 30 days' (or to the extent 30 days is not reasonably available, at least 15 days') prior written notice shall be given to the City by the underwriters of any proposed termination, cancellation, lapse or modification of such insurance. If the Center receives any notice referred to in the preceding sentence, the Center shall promptly deliver a copy of such notice to the City.

(E) If the City receives notice of termination, cancellation, or lapse of such insurance, it may elect to notify the Center to cease operations in the Building immediately and not to resume operations in the Building until the City receives copies of policies evidencing that the insurance required under this Agreement is in full force and effect.

Sec. 7. Special Events:

(A) "Special Events" as designated herein shall be events not normally provided or available from the Center. Prior to any such Special Event or thirty (30) days before the event whichever is longer, the Center shall notify the City of any Special Events it plans to hold or conduct during its designated times. The City may veto any proposed Special Event in its absolute sole discretion.

(B) Center may request such additional times in addition to its designated times set forth above for the purpose of holding Special Events. The City may deny any proposed additional time in its absolute sole discretion.

Sec. 8. Extent of Relationship. Nothing set forth in this Agreement shall be construed as establishing any agency, partnership, joint venture or other business relationship between the Center and City regarding the matters hereof.

Sec. 9. No Compensation. The Center shall not pay any compensation for the use of the Building as described herein but shall reasonably return the spaces to which it has nonexclusive use in the same condition in which it found them.

Sec. 10. Subcontract: Center shall not assign, transfer, convey, or otherwise dispose of its rights and obligations under this Agreement without the prior written consent of the City.

Sec. 11. Term.

(A) This agreement may be terminated at any time for Cause. "Cause" as used herein shall mean:

- (i) Either party's failure to abide by the terms of this agreement.
- (ii) Fire, Act of God, or other event which makes the Building unusable for its intended purpose.
- (iii) This Agreement or any portion thereof, being held by a Court of Competent Jurisdiction to be unenforceable.

(B) This Agreement shall be perpetual unless terminated by either party with or without cause upon One Hundred Twenty (120) day's written notice to the other party.

(C) Upon termination, Center shall remove any of its' furniture or equipment without damaging the Building.

Sec. 12. Notices. All notices required by this Agreement shall be in writing sent by regular U.S. mail, postage prepaid, commercial overnight courier, hand delivery or facsimile to the following:

To CITY:
Attn: MAYOR
107 West Main Street
Smithville, MO 64089

To the Center:
Attn:

All notices mailed by regular U.S. mail are effective 2 days after mailing.

Sec. 13. Governing Law. This Agreement shall be construed and governed in accordance with the law of the State of Missouri. Any action regarding this Agreement or arising out of its terms

and conditions must be instituted and litigated in the courts of the State of Missouri within Clay County, Missouri. The parties submit to the jurisdiction of the courts of the State of Missouri and waive any objection to venue.

Sec. 14. Compliance with Laws. Center shall comply with all federal, state, and local laws, ordinances, and regulations applicable to this Agreement and every action to be taken hereunder. Center shall not allow any alcohol within the Building. Center shall not allow any hazardous materials to be brought into the Building or stored in the Building.

Sec. 15. Waiver. Waiver by any party of any term, covenant, or condition hereof shall not operate as a waiver of any subsequent breach of the same or of any other term, covenant, or condition. No term, covenant, or condition of this Agreement can be waived except by written consent of the parties, and forbearance or indulgence by the parties in any regard whatsoever shall not constitute a waiver of same to be performed by the parties to which the same may apply and, until complete performance by the parties of the term, covenant or condition, the parties shall be entitled to invoke any remedy available to them under this Agreement or by law despite any such forbearance or indulgence.

Sec. 16. Rights and Remedies Cumulative and Not Exclusive. All rights and remedies granted to the parties herein and any other rights and remedies which the parties may have at law and in equity are hereby declared to be cumulative and not exclusive, and the fact that the parties may have exercised any remedy without terminating this Agreement shall not impair the parties' rights thereafter to terminate or to exercise any other remedy herein granted or to which each party may be otherwise entitled.

Sec. 17. Modification. Unless stated otherwise in this Agreement, no provision of this Agreement may be waived, modified, or amended except by written amendment signed by the parties. No act, conversation or communication with any officer, agent or employee of City or the Center either before or after the execution of this Agreement, shall affect or modify any term or terminology of this Agreement and any such act, conversation or communication shall not be binding upon the parties.

Sec. 18. Severability of Provisions. Except as specifically provided in this Agreement, all the provisions of this Agreement shall be severable. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions of this Agreement shall be valid unless the court finds that the valid provisions of this Agreement are so essentially and inseparably connected with and so dependent upon the invalid provision(s) that it cannot be presumed that the parties to this Agreement could have included the valid provisions without the invalid provision(s); or unless the court finds that the valid provisions, standing alone, are incapable of being performed in accordance with the intentions of the parties.

Sec. 19. Representations and Warranties. City and the Center each certify that it has the power and authority to execute and deliver this Agreement, and to perform this Agreement in accordance with its terms.

Sec. 20. Conditions Precedent: This Agreement shall not be in effect unless and until it has been executed by City and the Center.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

Smithville Senior Center
By: Harley Holak
President
Polly A. Delehant
Smithville Senior Center Secretary

SMITHVILLE MISSOURI

By: _____
Mayor

ATTEST:

City Clerk



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1193, Awarding Bid No. 23-04 Sanitary Sewer Rehabilitation to SAK Construction.

REQUESTED BOARD ACTION:

A motion to approve Resolution 1193, awarding Bid No. 23-04, Sanitary Sewer Rehabilitation, to SAK Construction, LLC in the amount of \$143,200.

SUMMARY:

Cured in Place Pipe, also known as CIPP lining, is a method of trenchless pipe repair restoration used in existing pipe repair. This process is done to preserve the current pipes that have been damaged by leaks, cracks, intruding roots and rust. A fiberglass “sock” is saturated with an epoxy/resin and inserted into an existing pipe. Steam is sent through the liner pushing the liner against the wall of the old pipe and curing the resin. The result is a plastic liner providing a new smooth surface without intrusions such as tree roots. This also helps with infiltration into the sewer main. Finally, the service lines are re-established with a cutting tool that is sent through the pipe.

This method of maintenance is very practical, avoiding digging up mains, providing a smooth interior surface, seals cracks and leaks and provides additional structural strength to the sewer main.

Three bids were received on February 28. The low bid is from SAK Construction in the amount of \$143,200. The FY2023 Budget has \$150,000 allocated for this project.

Bidder	8” Sanitary Sewer Unit Price	Manhole Rehabilitation Unit Price	Traffic Control	Total Bid
City Of Smithville Engineer Estimate	45	500	5,000	\$205,750
Insituform Technologies	32.75	513.40	5000	\$154,960.20
Municipal Pipe Tool	37.88	373.75	5000	\$167,288.20
SAK Construction LLC.	30	500	5000	\$143,200

PREVIOUS ACTION:

This is an annual maintenance project

POLICY ISSUE:

Maintaining infrastructure

FINANCIAL CONSIDERATIONS:

This project is included in the 2023 Budget in an amount of \$150,000. Therefore, sufficient budget is available in the utility's maintenance budget for this expense.

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: Bid Tab | |

RESOLUTION 1193

**A RESOLUTION AWARDING RFP 23-04 SANITARY SEWER
REHABILITATION TO SAK CONSTRUCTION LLC IN THE
AMOUNT OF \$143,200**

WHEREAS, as part of the City's Sanitary Sewer Maintenance program is a process to reline sewer mains with an epoxy coated fiberglass "sock" tube; and

WHEREAS, the process called Cured in Place Pipe (CIPP) provides additional strength and seals cracks in the sewer mains; and

WHEREAS, this project continues the City's commitment to improving and maintaining the City's infrastructure; and

WHEREAS, after a bid process, as outlined in the City Purchasing Policy, and reference checks, staff is recommending the bid received from SAK Construction LLC is the most responsive and best bid received and the most advantageous to the City in the amount of \$143,200.

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

THAT Bid No. 23-04 is hereby awarded to SAK Construction, LLC in the amount of \$143,200; and

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 7th day of March, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Sanitary Sewer Rehabilitation Project

BID FORM RFP 23-04

February 28, 2023

2:00 pm

Bidder	8' Sanitary Sewer Unit Price (4140 ft)	Manhole Rehabilitation Unit Price 28 VF	Traffic Control 1	Total Bid
Engineer Estimate	45	500	5,000	205,750
Insituform Technologies	32.75	513.40	5000	\$154,960.20
Municipal Pipe Tool	37.88	373.75	5000	\$167,288.20
SAK Construction LLC.	30	500	5000	\$143,200



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Development

AGENDA ITEM: Resolution 1194, Final Plat Fairview Crossing North Subdivision

REQUESTED BOARD ACTION:

A motion to approve Resolution 1194, approving the final plat for Fairview Crossing North Subdivision.

SUMMARY:

The final plat would create 6 lots from one lot of 7.63 acres at the corner of 169 Highway and Commercial Street.

This land was submitted for a final plat at the February 14, 2023 Planning and Zoning Commission meeting. Following a public hearing, the Planning Commission moved to approve the application for a Single Phase Final Plat to create six new lots on this 7.63 acre parcel. This Final Plat is contingent upon approval of Bill No. 2977-23 for Second Reading, for Fairview Crossing North Conceptual Plan.

PREVIOUS ACTION:

Bill No. 2977-23 must be approved for second reading prior to approval.

POLICY ISSUE:

The plat complies with the Comprehensive Plan.

FINANCIAL CONSIDERATIONS:

None

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 |

RESOLUTION 1194

**A RESOLUTION APPROVING A FINAL PLAT FOR
FAIRVIEW CROSSING NORTH SUBDIVISION**

WHEREAS, the applicant submitted a conceptual plan rezoning and final plat application for approval to be heard by the Planning Commission on February 14, 2023; and

WHEREAS, the items were advertised in the Courier Tribune newspaper on January 26, 2023 and notices were sent to adjoining landowners on January 27, 2023; and

WHEREAS, the Planning Commission held a public hearing and then recommended approval of the proposed Final Plat with the condition that completion of all the requirements from Public Works Department for all construction plans for water, sewer, street and storm construction; and

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

**THAT THE FINAL PLAT OF FAIRVIEW CROSSING NORTH SUBDIVISION
IS HEREBY APPROVED WITH THE FOLLOWING CONDITIONS:**

**THE PLAT SHALL NOT BE RELEASED FOR RECORDING UNTIL ALL
PUBLIC WORKS ACCEPTANCE IS GIVEN FOR WATER, SEWER, STREET
AND STORM DETENTION CONSTRUCTION USING APPROVED PLANS,
OR SUFFICIENT BONDS ARE PLACED FOR SUCH CONSTRUCTION
USING APPROVED PLANS.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



STAFF REPORT
February 10, 2023
Platting of Parcel Id # 05-917-00-07-008.00

Application for a Plat Approval

Code Sections:

425.285.A.4 Single Phase Final Plat Approval

Property Information:

Address: 1601 S. 169 Hwy.
Owner: Kansas City Properties & Investments
Current Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: January 26, 2023
Letters to Property Owners w/in 185': January 27, 2023

GENERAL DESCRIPTION:

The property is currently vacant as the original 11-unit strip mall was demolished a few years ago. The property is zoned B-3, and the applicant simultaneously submitted a conceptual plan overlay that would allow lots with less than 300' of street frontage to be created. Four of the lots would meet the 300' requirement, but two lots would be under that threshold. In accordance with the zoning and subdivision codes, the current application is for a single phase subdivision in which all public infrastructure will be completed for the entire subdivision prior to recording the final plat, and any building permits could not be issued unless sufficient bonding was in place.

The applicant has submitted a Final Plat for the subdivision, that ties in directly to the Fairview Crossing conceptual plan to the south. That subdivision is the mixed use site that includes both 200+ residential units and 10

commercial/retail/hotel lots. Once this property was acquired by that developer, it was decided to incorporate these two development together for north/south access. If approved, this subdivision would create 6 additional commercial lots for development. The public infrastructure is not specifically construction ready as no construction plans are completed. IF approved, the developer plans on constructing Fairview Crossing North first, with a phase approach to Fairview Crossing to come later. With the connection between the two developments, and creating one access point onto 169, significant work with MODOT has occurred. The traffic impact report for this property did not trigger any MoDOT improvements, hence it will be constructed first. Development is responsible to construct all public infrastructure extensions in accordance with plans that will be approved by Public Works prior to commencement.

GUIDELINES FOR REVIEW – SINGLE PHASE SUBDIVISION FINAL PLATS See 425.285.A.4

The Planning Commission shall consider the following criteria in making a recommendation on the plat:

- a. The plat conforms to these regulations and the applicable provisions of the Zoning Ordinance and other land use regulations. ***Yes, the layout complies with zoning and subdivision requirements if the conceptual plan is approved.***
- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. ***Yes, the property was designed specifically to address the Comprehensive Plan.***
- c. The development shall be laid out in such a way as to result in:
 - (1) Good natural surface drainage to a storm sewer or a natural watercourse. ***Yes, the existing drainage areas are being utilized as both detention areas and natural basins.***
 - (2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. ***Yes, while there will be removal of the small invasive trees on the central portion of the land but preserves and utilizes the existing vegetation along the border with the residential area to the east to improve the required buffering.***
 - (3) A good grade relationship with the abutting streets, preferably somewhat above the street. ***Yes.***
 - (4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access, and privacy. ***No dwellings are planned, but the commercial lots are included in a conceptual plan overlay.***
 - (5) Adequate lot depth for outdoor living space. ***Again, no outdoor living space required since no dwellings, but adequate spacing is present.***
 - (6) Generally regular lot shapes, avoiding acute angles. ***Yes.***

(7) Adequate building lots that avoid excessive grading, footings or foundation walls. *Yes.*

d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. *Yes.*

e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. *Yes.*

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries. *Yes, all at the developer's expense.*

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development. *The proposed design area for detention will improve the drainage onto the property to the south and to the east thereafter. The stormwater study is accepted with changes to the final construction plans, and the study must be updated to reflect the approved final construction plan to verify continued compliance.*

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. *Again, this is not a residential development, but MODOT approved the applicant's traffic impact reports for both the development to the south and the amendment for this development.*

The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services. *Yes, it is placed in an efficient area for public facilities.*

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval. *n/a*

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein. *Yes, applicant has dedicated sufficient land for access roads to both 169 and Commercial, which include commercial sidewalks to improve connectivity and walkability.*

l. All applicable submission requirements have been satisfied in a timely manner. *Yes.*

m. The applicant agrees to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities

to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans. **Yes.**

STAFF RECOMMENDATION:

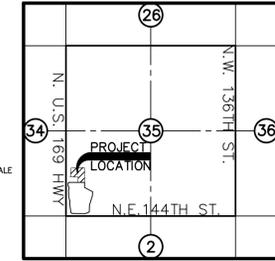
Staff recommends APPROVAL of the proposed Final Plat conditioned upon meeting the requirements of the City's Engineering Comments letter dated January 27, 2023, and approval of the Conceptual Plan considered earlier at the same meeting. Development is conditioned upon acceptance by Public Works and Engineering of ALL design plans for water, sewer, street and storm construction plans. Storm study must be updated to reflect any changes required in the final construction plans approved by the city's engineer.

Respectfully Submitted,

/s/

Director of Development

FINAL PLAT OF
FAIRVIEW CROSSING NORTH
 A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35,
 TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI



LOCATION MAP
 SECTION 35 - TOWNSHIP 53 NORTH - RANGE 33 WEST
 CITY OF SMITHVILLE, MISSOURI

DEVELOPER
 KANSAS CITY PROPERTIES & INVESTMENTS, LLC
 13530 MOUNT OLIVET RD
 SMITHVILLE, MO. 64089
 CONTACT: SHANE CREES
 PHONE: 816-719-9327
 E-MAIL: SHANE@KCSINC.COM

PREPARED BY
 KAW VALLEY ENGINEERING
 8040 N. OAK TRAFFICWAY
 CONTACT: PHILLIP SCHNITZ
 PHONE: 816-468-5858
 E-MAIL: SCHNITZ@KVENG.COM

LEGEND

- △ SECTION CORNER FOUND
- MONUMENT FOUND
- MONUMENT SET W/ LS214F CAP
- R/W RIGHT OF WAY
- B/L BUILDING SETBACK
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- SS/E SANITARY SEWER EASEMENT
- (M) MEASURED
- (D) DEEDED
- EASEMENT LINE
- ==== PROPERTY LINE
- ////// LIMITED ACCESS

CURVE TABLE

CURVE	CHORD BEARING	CHORD LENGTH	TANGENT	RADIUS	DELTA
C1	N 21°41'37" W	53.66'	55.07'	29.05'	45°04'41"
C2	S 21°41'37" E	99.66'	102.28'	53.95'	45°04'41"
C3	N 20°24'41" W	105.01'	108.51'	58.08'	50°37'36"
C4	S 20°24'41" E	54.88'	56.79'	30.50'	51°48'55"
C5	N 46°41'26" E	178.25'	196.40'	122.42'	86°33'39"

BASIS OF BEARINGS:
 SOUTH 00°57'10" WEST ALONG THE WEST LINE OF 'HILLS OF SHANNON' AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS USING MODOT VRS, 2018 GEOD, AND REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD83).

FLOOD STATEMENT:
 THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN HEREON IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE SURVEYED PROPERTY LIES WITHIN FLOOD HAZARD ZONE "X, NON-SHADED, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS SAID PROPERTY PLOTS BY SCALE ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF SMITHVILLE, COMMUNITY PANEL NUMBER 29047C0102E, EFFECTIVE ON 08/03/2015.

CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAT OF FAIRVIEW CROSSING NORTH IS HEREBY A TRUE REPRESENTATION OF A SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION, IS IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PHILLIP JAMES SCHNITZ
 PLS-2014020715
 schnitz@kvensg.com

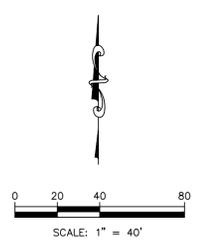
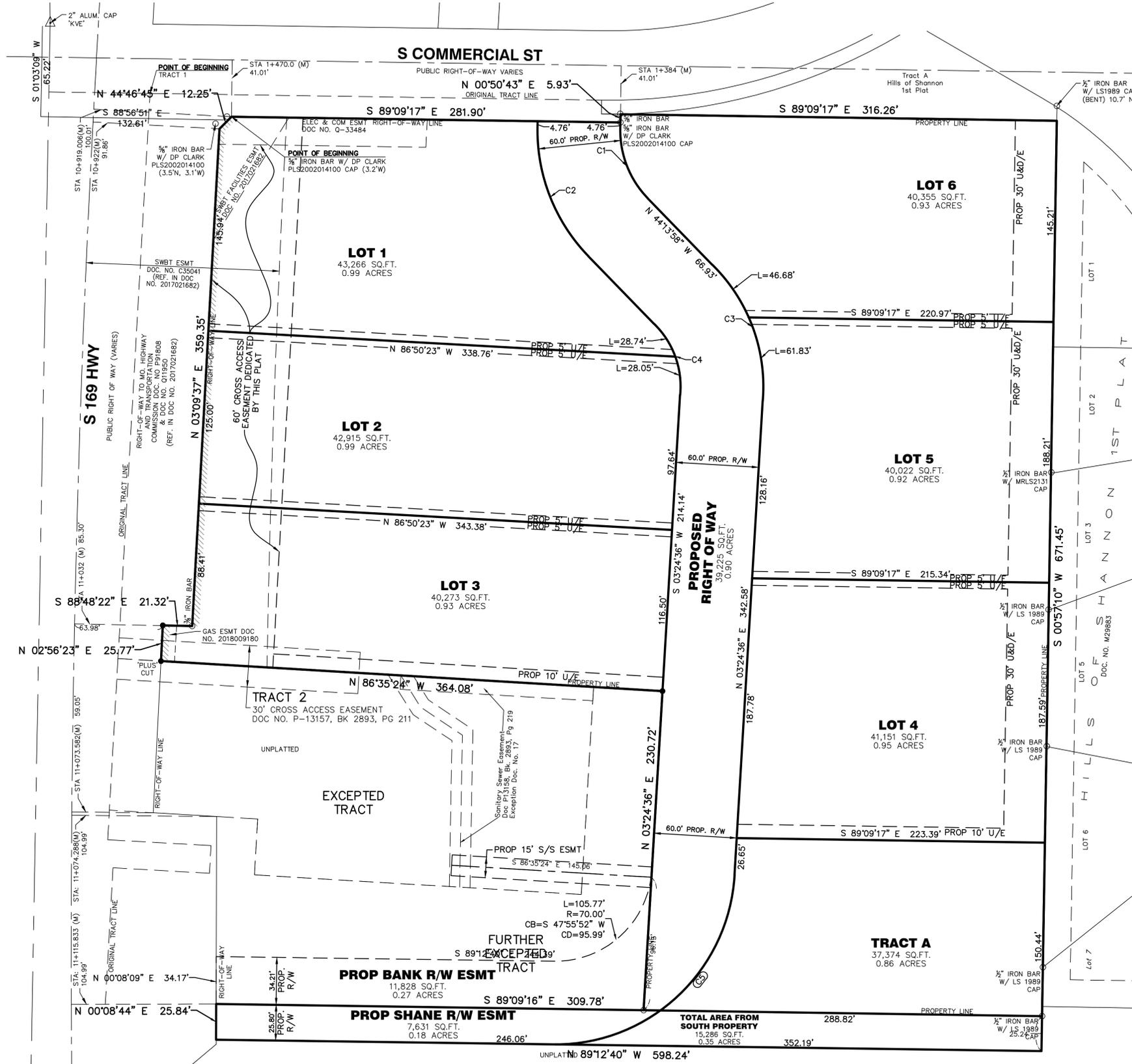
KAW VALLEY ENGINEERING
 8040 N. OAK TRAFFICWAY
 KANSAS CITY, MO 64118
 PH. (816) 468-5858 | FAX (816) 468-6651
 kc@kvensg.com | www.kvensg.com

PROJECT NO. **B2054001**
 DRAWN BY **JAD**
 CHECKED BY
 CFN
 SHEET **4001FPLAT**
 2 OF 2

PREPARED FOR:
KANSAS CITY PROPERTIES & INVESTMENTS LLC.
 1601 N. 169 HWY
 SMITHVILLE, MO 64089

PROJECT:
FAIRVIEW CROSSING NORTH
 13530 MOUNT OLIVET RD
 SMITHVILLE, MO 64089

KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 000214. EXPIRES 12/31/23



THIS DRAWING SHALL NOT BE UTILIZED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING, INC.



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Development

AGENDA ITEM: Resolution 1195, Second Creek Meadows Preliminary Plat

REQUESTED BOARD ACTION:

A motion to approve Resolution 1195, approving the Preliminary Plat for a new residential subdivision to be called Second Creek Meadows with 53 Single Family lots and 17 multifamily lots to include 87 dwelling units.

SUMMARY:

IF, and only if Bill No. 2978-22 rezoning the subject land is approved earlier on this agenda, an approval of this plat would authorize the developer to begin construction plans for the first phase of the subdivision to be presented to the Board of Aldermen for approval if it complies with this Preliminary Plat, and authorizes the Mayor to enter into a development agreement with the applicant.

BACKGROUND:

This matter was submitted to the Planning Commission for its' December meeting, but as a result of delays in the final review of a Traffic Impact Study (TIS), the Preliminary Plat was postponed to the January Planning Commission hearing. The rezoning request for this property was originally heard by the Planning Commission in December, and again on February 14, 2023. This particular plat approval is subject to the rezoning of the land, which is presented to the Board for second reading at this March 7, 2023, meeting as Bill No. 2978-22. If that bill passes second reading, then this preliminary plat may be approved. The plat itself would create 53 single family lots and 17 lots for two-family townhomes to total 87 new dwelling units. The TIS and a Stormwater Study were submitted and reviewed and approved by the City's engineers. Final design for construction documents of any traffic or stormwater related items would be handled at the Final Plat stage. The development also includes several trails and open spaces for the private use of the development, as well as development of the MetroGreen trail that will eventually connect Platte County to Smithville Lake. It also includes construction of, or financial assistance with construction of the new 8' trail along Second Creek Bridge Road that the City is building in 2026 with grant funding. All of the public and private improvements are scheduled and included in the attached Development Agreement. If approved the developer would be able to begin the design of the Construction plans for the first Final Plat. Each Final Plat to create sellable lots must also be approved by the Board of Aldermen after the construction plans are final.

PREVIOUS ACTION:

Bill No. 2978-22 was approved for First Reading in February to change the zoning on the property and is on tonight's agenda for second reading.

POLICY ISSUE:

Complies with the Comprehensive Plan as well as city ordinances.

FINANCIAL CONSIDERATIONS:

The project will assist in funding for a portion of the Second Creek Trail, fully construct some portions of the trail, both reduce the City's obligations on that project, as well as will provide Park funding with each Final Plat approval in accordance with the development agreement.

ATTACHMENTS:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: <u>The Planning Commission meeting, the Second Creek Meadows Storm Water Study and the Second Creek Meadows Traffic Impact Study may be viewed online.</u> | |

RESOLUTION 1195

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR A 70 LOT RESIDENTIAL SUBDIVISION TO BE CALLED SECOND CREEK MEADOWS

WHEREAS, the applicant submitted a request to rezone and to preliminarily plat a 32-acre tract lying north of Second Creek Bridge Road and east of Lowman Road; and

WHEREAS, the rezoning request was reviewed at the December Planning Commission and again at the February 14, Planning Commission, which recommended approval to the Board of Aldermen; and

WHEREAS, the Board of Alderman approved the zoning for first reading on February 21, and second reading at this March 7, 2023 meeting; and

WHEREAS, with zoning in place, the applicants request for Preliminary Plat approval would allow a new subdivision to be constructed in four phases. The applicant provided both a Traffic Impact Study, along with a Stormwater Study. The applicant and staff negotiated a Development Agreement that address all impacts from the TIS, Stormwater Study and the Parks Dedication requirements, including construction of or payment of funds for a portion of the new 8' trail along Second Creek Bridge Road. After public hearing, the Planning Commission recommended approval of the Preliminary Plat.

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

THAT THE PRELIMINARY PLAT OF SECOND CREEK MEADOWS SUBDIVISION IS HEREBY APPROVED, CONDITIONED UPON EXECUTION OF THE ATTACHED DEVELOPMENT AGREEMENT.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



STAFF REPORT
January 5, 2023
Platting of Parcel Id # # 05-504-00-01-010.01

Application for a Plat Approval

Code Sections:

425.275.A.3 Multiphase Plat Approval

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:

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

GENERAL DESCRIPTION:

The applicant obtained initial zoning approval 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. The development area includes both areas of the future Metro Green Trail along the river, as well as the proposed multiuse trail along the north side of Second Creek Bridge Road. Staff and developer have reached a proposed development agreement to share costs for the new trail along Second Creek Bridge Road based upon the timing of the City's grant funding, as well as addresses the timing of improvements to the Metro Green trail area and the internal trail system proposed in the development.

GUIDELINES FOR REVIEW – PRELIMINARY PLATS *See 425.275.A.3*

Guidelines For Review. The Planning and Zoning Commission shall consider the following criteria in making a recommendation on the preliminary plat:

a. The plat conforms to these regulations and the applicable provisions of Chapter 400, Zoning Regulations, and other land use regulations.

The plat conforms to the subdivision zoning regulations of the City.

b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan.

The plat is consistent with the Comprehensive Plan's intended expansion of the downtown district with access to nearby residential areas.

c. The development shall be laid out in such a way as to result in:

(1) Good natural surface drainage to a storm sewer or a natural watercourse.

The subdivision is generally uphill from Smith's Fork of the Little Platte River, and its' drainage basin. The layout is such that drainage is maintained in its' existing patterns as much as possible through storm sewers that bypass adjacent properties.

(2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth.

The area is generally a farm field with limited trees or other natural growth. There will be limited grading other than adjusting grades out of the floodplain to allow a portion of the lots to be developed.

(3) A good grade relationship with the abutting streets, preferably somewhat above the street.

Yes, to the extent possible, lots are generally above the adjacent street which will used for access. Existing streets that abut the new lots will not be accessible from the lots, only through new streets.

(4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy.

Yes, the lots widths meet the standards in the zoning code for the proposed districts, including all setbacks.

(5) Adequate lot depth for outdoor living space.

The lots meet the minimum sizes, and none exceed the 2.5 to 1 length to width limit.

(6) Generally regular lot shapes, avoiding acute angles.

To the extent practicable with curved streets and a cul de sac, the lots are generally regular. Lot 5 is the only lot with significant acute angles, but it was increased in size to accommodate development within the required setbacks.

(7) Adequate building lots that avoid excessive grading, footings or foundation walls.

The amount of grading is not excessive in any area so footings and foundation walls will be within the normal range.

d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles.

The plat is laid out following standard design principles.

e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.

The plat contains 87 potential dwelling units with two separate access roads and generally good spacing from existing intersections.

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries in the form of a development agreement.

The developer and city have proposed a development agreement for both adjacent existing street improvements and park dedication improvements as required by the code.

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development.

The proposed layout and detention areas will not increase the amount of off-site stormwater runoff and is in accordance with engineering standards. The final design of all stormwater systems will be subject to final plan review and approval in accordance with the Final Plat procedures.

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street.

Yes.

i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

The location is located such that it will actually reduce sprawl and limits any extensions and expansions of existing public facilities.

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval.

n/a

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

The development is bound by a development agreement that addresses all dedication requirements.

l. All applicable submission requirements have been satisfied in a timely manner.
m. The applicant agrees, in the form of a development agreement, to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans.

Yes.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Preliminary Plat conditioned upon meeting the requirements of the City's Engineer letters dated January 3 and 4, 2023.

Respectfully Submitted,

/s/ Jack Hendrix /s/
Director of Development

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 7th day of March, 2023, by and between **KANSAS CITY PROPERTIES & INVESTMENTS, LLC**, ("Developer") **AND/OR LMW INVESTMENTS, LLC** ("Owner") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Second Creek Meadows located generally north of Second Creek Bridge Road and east of Lowman Road and being proposed to contain 53 single-family zoned residential lots and 17 multi-family zoned lots containing 34 dwelling units for a total of 87 dwelling units; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a large residential subdivision; and

WHEREAS, it is in the best interest of both parties to enter into an agreement as to what improvements and obligations under the city's subdivision code will be required of Developer; and

WHEREAS, this Agreement is necessary to provide for the safety, health and general welfare of the public and to provide for the orderly development of City.

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof to be in a subdivision called Second Creek Meadows, the legal description of which is set forth on the Preliminary Plat thereof as Exhibit A attached hereto.

2. It is recognized that the development will require extension of waterlines from Second Creek Bridge Road and Lowman Road to create a loop that will improve fire flows and waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision.

3. That the City and the Developer recognize the need for certain off-site improvements to the adjacent roads as required in the subdivision code and as a direct result of the subdivision of land into the proposed subdivision. The following road improvements shall be required of the Developer:

a. Currently, the City's Parks Master Plan and Comprehensive Plan include an 8' wide concrete trail along the existing street right of way of Second Creek Bridge Rd. The City has been awarded grant funds to design and construct an 8' trail along the north side of Second Creek Bridge Road from Wright Valley Road, east to 169 Hwy, which includes two portions of the subject property, but this work will not occur until 2026 or 2027 at the earliest. Ordinarily the subdivision code would require standard 6' sidewalks to be constructed on the north side of Second Creek Bridge Road, along with curb, gutter and stormwater improvements for the street. In order to avoid duplication or removal and upgrade of sidewalks when the City's trail is installed in 2027, the

developer shall install the 8' trail along Second Creek Bridge Rd. as and when the Phase I development occurs at the intersection of the new Creekside Ct. intersection. The trail crossing at Creekside Ct. shall include curbs and ADA compliant crossing, along with connections to future 5' wide sidewalks along both sides of Creekside Ct. Given the grade relation between Second Creek Bridge Road and the property north of said street, the required construction of curbs and gutters in the area adjacent to Phase I is not desirable. In fact, adding curbs in this area would necessarily require duplicated drainage systems of both above and below grade storm lines. Accordingly, the developer shall not be required to construct curb and gutter in the Phase I adjacent right of way.

b. The existing street right of way of both Lowman Road and Second Creek Bridge Road in the area(s) adjacent to Phase III as shown on the preliminary plat are also subject to curb, gutter and sidewalk improvements when developed. For the right of way of Lowman Road, the developer shall be required to install curb, gutter and storm infrastructure at the time of construction as required based upon the design as approved by the city with the final plat. The required 6' sidewalks along Lowman Road shall be the responsibility of the lot owners at the time of development of each lot. As for improvements along Second Creek Bridge Road adjacent to Phase III, the City and Developer anticipate that the construction of the 8' trail will be close to the development of Phase III. In order to avoid disruption and confusion over responsibility of construction, the parties agree that if developer will dedicate a pedestrian easement of not less than 10' in width immediately north of the existing

Second Creek Bridge Road right of way to lessen the need for stormwater infrastructure, and pay 50% of the total cost of construction of both any required right of way improvements and the 8' trail, the developer will have no further obligations to construct the required subdivision improvements along Second Creek Bridge Road that is adjacent to Phase III of the subdivision as shown on the preliminary plat. It is also agreed that this 10' easement area shall be included in the Parkland dedication calculation requirements. The parties agree that when the city lets the trail project for bid, the cost of the construction of this portion of the work, which is subject to prevailing wage, will be the basis of measurement of the Developer's 50% obligation. Once the developer's payment obligation amount has been identified, such payment will be required prior to recording the final plat for the Phase III or Phase IV. It is also further understood that this obligation is and shall be considered a covenant that runs with the land of the proposed development described in Paragraph 1 of this Agreement and shall be binding and inure to the benefit of the parties hereto and their successors and assigns and on any future and subsequent purchasers.

4. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for stormwater control at its' own cost and expense. Such construction will be in accordance with an approved stormwater study.

5. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards

for gravity-flow sanitary sewers throughout the subdivision and drain into the existing interceptor line that runs through the property.

6. The parties agree that the Parkland dedication requirements of the city code shall be calculated as follows:

a. The development proposes 87 dwelling units which will result in 4.959 acres (216,014 ft²) of parkland in accordance with the subdivision formula. (87 d.u. x 2.85 census density x .02 acres per 100 = 4.959) and the development proposes 13,500ft² of fully creditable Comprehensive Plan trails along the east edge of the development, 6,394ft² of pedestrian easement along the north side of Second Creek Bridge Road adjacent to Phase III, 92,305.44ft² of private use amenities (calculated at 50% of proposed area per code) for a total credited amount of land dedication of 112,199.44ft². This dedication amount represents 52% of the required parkland dedications. The development is then obligated to provide payment in lieu of dedications in the amount of \$300.00 per dwelling unit. Such funds shall be payable prior to recording the final plat for each such phase of the development. *E.g. Phase I includes 39 dwelling units (17 x 2 + 5) so will required a park fee of \$11,700.00 prior to recording said plat.*

The parties further agree that the park amenities described in the preliminary plat are subject to Section 425.230.B. In accordance with that section, and Section 425.300 the trails shown on the preliminary plat shall be constructed prior to recording the final plat for the second phase of the development. Each trail section shall be constructed prior to the second phase of construction and may be installed as gravel in

all areas except the access trails between lots 109 and 110 as well as 46 and 47 shall be concrete. The access sidewalk between 46 and 47 may be constructed during Phase IV and not with the Phase II construction. However, the area of the trails located in the public trail easement shall be further improved to be not less than 10' wide with concrete with an adjacent 4' gravel/limestone path at the same grade. Such further improvement to the public trail area shall be constructed prior to the final plat for the Phase IV being recorded and shall use the original gravel trail as the base for such concrete construction.

7. The parties agree that except as specifically noted herein, execution of this Agreement in no way constitutes a waiver of any requirements of applicable City Ordinances with which Developer must comply and does not in any way constitute prior approval of any future proposal for development.

8. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. The notice to proceed shall not be given by the City until final construction plans have been approved by the city. The recording of any final plat shall only occur in accordance with city ordinances.

9. In the event of default in this Agreement by either party, it is agreed that either party shall be entitled to equitable relief to require performance by the other party as well as for any damages incurred by the breach, including reasonable attorney fees.

10. This Agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing subject to the approval of both

On the ____ day of _____, 2023, before me, the undersigned Notary Public, personally appeared Damien Boley, to me known, and who, being by me duly sworn, did say that he is the Mayor of Smithville, Missouri, and said instrument was signed and sealed on behalf of said City by authority of its Board of Aldermen and said Mayor acknowledges said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Clay County, Missouri, on the day and year last written above.

Notary Public

My Commission Expires:

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

On this ____ day of _____, 2023, before me, the undersigned Notary Public, personally appeared _____, to me known, and who, being by me duly sworn, did say that he/she is the managing Member of Kansas City Properties & Investments, LLC, and said instrument was signed and sealed on behalf of said Kansas City Properties & Investments, LLC by authority of its Board and he/she acknowledges said instrument to be the free act and deed of said Kansas City Properties & Investments, LLC.

Kansas City Properties & Investments, LLC

Managing Member

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Clay County, Missouri, on the day and year last written above.

Notary Public

My Commission Expires:



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works – Water

AGENDA ITEM: Resolution 1196 - A Resolution authorizing the Mayor to execute Amendment 1 to Authorization No. 89 with HDR Engineering, Inc. for engineering and construction services for the Raw Water Pump, Valve Vault and Zebra Mussel Control.

REQUESTED BOARD ACTION:

A motion to approve Resolution 1196, authorizing and directing the mayor to execute Amendment No. 1 to Authorization No. 89 with HDR Engineering, Inc. for engineering and construction services for the Raw Water Pump, Valve Vault and Zebra Mussel Control in the amount of \$24,140.

SUMMARY:

The Raw Water Pump project has exceeded the expected completion date due to several factors including equipment and supply chain delays, adjacent construction project by the Corps, and additional requirements for power from Platte Clay Electric. HDR has expended their Authorization 89 and is requesting the City's consideration of an amendment of \$24,140 for the additional services they have and will complete to finalize this project.

HDR has provided excellent project management and staff would support this amendment.

PREVIOUS ACTION:

Resolution 762, January 7, 2020, approving Authorization 89 with HDR for design and construction services for the Raw Water Pump Station, Valve Vault and Zebra Mussel Control in an amount of \$472,655.

POLICY ISSUE:

Infrastructure Maintenance and growth

FINANCIAL CONSIDERATIONS:

There are sufficient funds within the CWWS budget for this amendment,

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: Engineer Memo | |

RESOLUTION 1196

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AMENDMENT 1 TO AUTHORIZATION NO. 89 WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE RAW WATER PUMP STATION, VALVE VAULT, AND ZEBRA MUSSEL CONTROL

WHEREAS, on January 7, 2020, the Board approved Resolution 762, Authorization 89 with HDR for engineering and design services for the Raw Water Pump Station, Valve Vault, and Zebra Mussel Control project in an amount of \$472,655; and

WHEREAS, the project was bid in June of 2021 with an anticipated completion date of October 2022; and

WHEREAS, the project has experienced delays due to equipment and supply chain shortages and the Corps completing some drainage improvements to the dam; and

WHEREAS, HDR has incurred additional costs for engineering and project administration not included in their scope of Authorization 89 in the amount of \$24,140.00.

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

THAT the Mayor is hereby authorized to execute Amendment #1 to Authorization No. 89 with HDR Engineering, Inc. for additional engineering and project administration services in the amount of \$24,140 bringing the total cost for Authorization 89 to \$496,795.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



February 27, 2023

Mr. Charles Soules, P.E.
Public Works Director
City of Smithville, Missouri
107 W. Main Street
Smithville, MO 64089

RE: RFP No. 21-15: Raw Water Pump Station, Valve Vault, and Zebra Mussel Control
HDR Project No. 10208674

Dear Mr. Soules,

HDR and the City of Smithville entered into an agreement for engineering design and construction administrative services for the Raw Water Pump Station project on January 7, 2020. On September 15, 2020, the Smith's Fork Pump Station design and construction services were added to the Raw Water Pump Station work since the two projects are in the same vicinity. The construction documents were completed and approved by all jurisdictional authorities (City of Smithville, Clay County, U.S. Army Corps of Engineers, & MDNR) in the spring of 2021. The project was Bid in June 2021 with Notice to Proceed issued to the awarded contractor, Irvinbilt Constructors, Inc., on August 2, 2021. The construction contract stipulated project final completion to be reached by October 1, 2022. Due to several material supply chain restrictions and third-party coordination issues the completion of construction has been delayed and is now anticipated to be June 1, 2023.

HDR has strived to minimize the impact of these delays on the overall success of the project but has had to perform additional services beyond those contemplated in our original agreement. HDR is requesting an amendment to our engineering services contract to compensate for these additional efforts. A summary of HDR's additional services follows.

- Extension of Construction Phase Services from 12 months to 21 months. The delays are for the following reasons:
 - Parts and Supply Chain shortages, most notably the generators and pipe fittings. The generator for the Raw Water Pump Station did not arrive until mid-December 2022.
 - The 24-inch by 16-inch, 90-degree bend in the Raw Water Pump Station arrived in November of 2022.
 - To speed up receiving the generator, HDR and Irvinbilt both requested prices and delivery times from other suppliers in late December 2021 and January 2022. The evaluation concluded expedited delivery of the equipment was not feasible.
 - The Corps of Engineers' project on the dam spillway, which overlapped the City's raw water valve vault work, was not completed until December 2022. Irvinbilt had to wait for the Corps' work to be completed in this area before beginning excavation and construction of the vault.
 - The valve vault construction delay pushed the first available time to complete the work into the winter. Performing this work requires bypass pumping of the City's raw water supply to

the treatment plant. Sustained freezing weather is not conducive to bypass pumping and would require frequent dewatering to prevent freezing within the system while shutdown at night. To reduce this risk, the project team and Corps jointly agreed the vault work should be delayed until March 2023 when weather is typically more favorable.

- Second, HDR has expended additional effort working with Platte Clay Electric Coop (PCEC) for power supply to the site, preparation of easement documents for the Corps of Engineers, and equipment shortages and delays on parts PCEC is supplying.
 - HDR began working with Jay Butts at PCEC in June to 2020 to obtain construction requirements and pricing. A month before the Project was Bid in April 2021, we attempted to obtain contract pricing again along with review of the drawings but did not receive a response on pricing. In March of 2022, it was learned that Jay had moved departments and Steve Johnson had taken over the work.
 - Steve Johnson with PCEC then requested easement revisions and special requirements from the City and the Corps of Engineers. HDR had to revise the drawings and easements for the new transformer location.
- Third, HDR has expended additional effort to locate the existing 12-inch raw water main at the Raw Water PS. This included drawing and easement revisions to move the pump station to accommodate the revised location of the existing 12-inch raw water main.
- Fourth, HDR evaluated costs and prepared drawings during construction for relocating the potable water service to the Raw Water Pump Station potable water supply. This work did not result in a change order for the project but did require additional effort on HDR's part.

In general, HDR has expended extra effort beyond those included in the original Authorization due to equipment delays and shortages resulting in extending the construction duration by 9 months and additional work performed to meet the Corps of Engineers and PCEC requirements. For the additional services completed to date HDR respectfully requests a Contract Amendment on Authorization 89, Raw Water Pump Station in the amount of \$24,140.00. Attached is the spreadsheet listing the additional labor hours for the extra effort.

We have always appreciated the long-standing working relationship that HDR has with the City of Smithville. We pride ourselves on delivering projects for the City with minimal change orders or contract amendments. Thank you for your consideration, if you should have comments or questions, or would like to meet to discuss this information, please call me at 816-347-1137 or e-mail to Kenton.Newport@hdrinc.com.

Sincerely,
HDR Engineering Inc.

Kenton Newport

Kenton Newport, P.E.
Project Manager

Authorization 89 - Raw Water Pump Station, Valve Vault, and Zebra Mussel Control



**Smithville, Missouri - Amendment 1: Extension of Construction Services
Scope and Fee**

Staff	Newport, Kenton L	Call, Brady	Boyd, Thomas K III	Wiseman, David L	McCann, Victoria	Fuller, Trevor	Campbell, Joni L	Yakle, Johnny R	Shields, Tyler	Dinkel, Tracy L		
Project Role	Project Manager III	Project Engineer	Electrical Engineer	Sr. Structural Engineer	Structural Engineer	Admin	Admin	Land Surveyor	Survey Technician II	Cadd/GIS Technician IV		
Billing Rate	\$200.00	\$120.00	\$175.00	\$290.00	\$135.00	\$125.00	\$125.00	\$175.00	\$90.00	\$150.00	HDR Expenses	Total
TASKS												
A. Task 1 - Extension of Construction Phase Services from 12 months to 21 months												
1 Additional Monthly Progress Meetings	8										\$60	\$1,660
2 Additional Payment Applications	4											\$800
3 Special Progress Meetings	8			2	6						\$65	\$3,055
4 Corps of Engineers - Additional Raw Water Easements and Project Coordination	2							4	12	4	\$90	\$2,870
5 Platte Clay Electric Coop Meetings and new Electrical Easements	8		8					4	12	4	\$65	\$5,445
6 Field Locate Existing 12-inch Raw Water Water Line - Relocate Pump Station	4	8								16	\$65	\$4,225
7 Potable Water Service Changes for the Raw Water Pump Station and Cost Estimates	8	16								8	\$65	\$4,785
8 Project Management	4					4						\$1,300
Subtotal Hours	46	24	8	2	6	4	0	8	24	32		
Subtotal Dollars	\$9,200	\$2,880	\$1,400	\$580	\$810	\$500	\$0	\$1,400	\$2,160	\$4,800	\$410	\$24,140
Total Task 1												\$24,140
Total Hours	46	24	8	2	6	4	0	8	24	32		154
Total Billing Amount	\$9,200	\$2,880	\$1,400	\$580	\$810	\$500	\$0	\$1,400	\$2,160	\$4,800	\$410	\$24,140

Total Amendment Amount: \$24,140



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works – Wastewater

AGENDA ITEM: Resolution 1197 – Amendment No. 1 to Authorization No. 92 – Smith's Fork Pump Station

REQUESTED BOARD ACTION:

A motion to approve Resolution 1197, authorizing and directing the mayor to execute an Amendment No. 1 to Authorization No. 92 with HDR Engineering, Inc. for engineering design of the Smith Fork Pump Station force main.

SUMMARY:

The Pump Station at Smith's Fork has been reconstructed out of the Flood Plain and is operating. The pump station is a regional station that serves Harbortowne, Quail Ridge, Lakeside Crossing, Strawberry Hill, Litton Center, Campground, Parks and Rec, Oaks at Paradise Point and Grace Church.

The line extends from Smith's Fork campground under the river to a manhole on 4th Street (approximately 4100 feet). The pumps are running around 17 to 19 hours per day almost twice the design running time and head pressures are double what they were expected to be. What this indicates is that there is some restriction in the line. This 3-inch force main was installed, the best we can estimate, was in the 70's (unfortunately the plans do not have a date).

Staff is recommending that we replace the force main with a 6-inch main for additional capacity and growth. We have had 3 breaks on the existing line. This project was identified in the Wastewater Master Plan but was not in the immediate future or CIP.

Authorization 92 included the design of Smith's Fork Pump Station in an amount of \$158,000.

This Amendment for the design of the force main adds \$127,800 for a total Smith Fork Pump Station and Force Main Engineering services contract of \$285,800.

Estimated design and construction costs for the force main are \$510,000. Staff is going to leverage savings from CWWS budgeted projects in which spending will not occur. Savings will come from the following areas:

- Engineering portion of Winner and Woods waterline replacement (which had a budget of \$150,000) which was performed in-house.

- Construction portion of Winer and Woods waterline replacement (which has a budget of \$500,000) and was contracted with Blue Moon Hauling for a price of \$239,870.
- Engineering for the Wastewater Plant Bar Screen (which had a budget of \$250,000), which is not being pursued at this time due to high construction cost.

The total savings for these 3 planned projects is \$660,130, which is enough to fund the design and construction of the force main at \$510,000.

PREVIOUS ACTION:

- Smith’s Fork Pump Station Resolution 894 (BOA Approved September 15, 2020)
- Wastewater Master Plan Adoption Resolution 880 (BOA Approved February 16, 2021)

POLICY ISSUE:

Utilities infrastructure maintenance and growth

FINANCIAL CONSIDERATIONS:

The 2023 Capital Improvement Plan for the Combined Water and Wastewater system includes savings from other CWWS projects which will go to fund this project (which are mentioned in the body of the RFA above).

ATTACHMENTS:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Auth 92, Engineers memo, alignment , drainage area | |

RESOLUTION 1197

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO AUTHORIZATION NO. 92 WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES FOR SMITH'S FORK PUMP STATION SANITARY SEWER FORCE MAIN IMPROVEMENTS

WHEREAS, the City maintains a Wastewater Treatment Plant for processing the community's sanitary sewage; and

WHEREAS, a long-term goal of the City is to more efficiently serve the community's wastewater collection needs and provide additional capacity to facilitate growth opportunities; and

WHEREAS, Smith's Fork pump station and force main serve several developments; and

WHEREAS, Smith's Fork pump station has recently been rebuilt and the force main needs to be replaced; and

WHEREAS, HDR Engineering Inc. has submitted Amendment No. 1 to Authorization No. 92 to complete the engineering design and specifications for the Smith's Fork Pump Station Sanitary Sewer Force Main in an amount of \$127,800.

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

THAT the Mayor is hereby authorized to execute Amendment No. 1 to Authorization No. 92 with HDR Engineering, Inc. to complete the engineering design and specifications for the Smith's Fork Sanitary Sewer Force Main in an amount of \$127,800.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

AMENDMENT NO. 1 TO AUTHORIZATION NO. 92
TO
AGREEMENT BETWEEN
CITY OF SMITHVILLE, MISSOURI
AND
HDR ENGINEERING, INC.
FOR
PROFESSIONAL ENGINEERING SERVICES

SMITH'S FORK PUMP STATION FORCE MAIN REPLACEMENT

BACKGROUND

Replacement of the substandard and under capacity Smith's Fork Pump Station was recently completed under Authorization No. 92. Startup and testing of the new Pump Station revealed the station is functioning but is not pumping at its full capacity. Attempts to bleed air and flush the system did not result in increased flow rates. It was determined the existing force main is partially clogged or the air relief valves are inoperable, preventing the pumps from operating at the design capacity. The existing 3-inch force main is approximately 3,800 LF crossing an open field and the Little Platte River before discharging to a manhole on 4th Street Terrace. From record drawings, the existing force main was installed in the 1970's and is approximately 50 years old. This pump station receives wastewater flow from three other pump stations in addition to the campground. City staff is concerned that attempts to clean or otherwise work on the existing force main could result in a break that would require emergency measures to repair, potentially at or near the Little Platte River crossing.

This amendment is to replace the existing force main with a new pipe extending from the pump station to a manhole on 4th Street Terrace near the Intersection of Spelman Drive and paralleling the existing force main (see image below).



In accordance with Section 1.A. of the December 18, 2003 Agreement, ENGINEER is hereby authorized to assist the City with the topographic survey, site investigation, design, preparation of construction documents, bidding assistance, and construction administration for the parallel force main.

The Scope of Services will more specifically include the following project improvements & tasks.

SCOPE OF SERVICES

Tasks 1-5 – Part of Original Work Authorization 92 – Original scope remains in effect.

Task 6. Data Collection and Topographic/Boundary Survey

1. Project research, preparation, and management - Research and compile relevant previous topographic surveys and background data and incorporated into this project.
2. Safety plan coordination and review
3. Control and benchmark survey - Establish and/or identify survey control points and project benchmarks.
4. Topographic and utility survey - Obtain topographic survey within the project boundary including apparent visible features and the Little Platte River bottom utilizing sonar equipment. This will also include staking the existing force main based on the as-built drawings.
5. Property boundary and right of way survey - Develop property boundary survey from right of way to right of way and/or building faces. Research existing property lines based on County deeds and tax mapping.
6. Utility Coordination/meetings - Coordination with utilities for locates and survey of utilities. HDR will conduct a joint utility meeting on site and survey visible marked utilities located by respective utility companies.
7. Easement descriptions - Obtain Guaranteed Title Reports (GTR), create easement descriptions and exhibits for up to 5 properties.
8. Easement staking for acquisitions – HDR will provide staking for the proposed easements to define the project for property owners, appraisers, and the City.
9. Base mapping - Convert topographic field survey information into AutoCAD Civil 3D format.
10. Alignment walkthrough - HDR will conduct a walkthrough of the project with the City. This will confirm the proper alignment for the topographic survey and design.
11. Geotechnical investigation - HDR will retain a subconsultant to perform 3 soil bores at proposed manhole locations to determine bedrock and groundwater conditions. Two bores at the river with a maximum of 30 feet deep with rock coring. One additional bore at the west end of the alignment with 8 feet deep or refusal. HDR will provide staking for the geotechnical bore locations. An allowance of \$6,000 has been included in this amendment. Any cost in excess of this amount will be reimbursed by the City.

Task 6 Deliverables:

- Easement description and exhibits
- Geotech Report

Task 7. Force Main Design

1. Project plans – HDR will develop design plans for the force main under the direction of City Staff. These plans will include title sheet, force main line plan and profiles, layout and survey control, erosion control, traffic control, easement dimension, and standard details.
2. Technical specifications - HDR will prepare technical specifications for sewer line. A project manual is not included in this scope (see Project Assumptions Note 1).
3. Utility Coordination - HDR will initiate conversations with utilities about the project with the conceptual alignment.
4. Coordination with the Corps – HDR will engage with the Corps regarding site access and force main alignment options.
5. Cost estimate – HDR will prepare an itemized opinion of probable construction costs.
6. Technical Memorandum – HDR will prepare a tech memo to be sent to Missouri Department of Natural Resources (MDNR) for review for the force main.
7. Internal QC review - HDR will perform an internal quality control review on the plans, project manual, and cost estimate.
8. Client coordination meeting - HDR will attend one meeting with the City to review the final documents.
9. MDNR construction permit - HDR will submit a sewer construction permit to MDNR.
10. Stormwater Permitting – Coordinate and prepare land disturbance erosion & sediment control (E&S) plans, NPDES stormwater permit NOI application, and stormwater pollution prevention plan (SWPPP).
11. Easement exhibits to City - HDR will prepare easement exhibits and descriptions.
12. Finalize plans and specifications – HDR will finalize plans and specs based on comments from MDNR and City
13. Project management - Perform project management, invoicing, scheduling, and cost control for the project.

Task 7 Deliverables:

- 90% design force main plan and profiles
- Technical memo
- MDNR construction permit
- 100% plans and specifications

Task 8. FM Bidding Phase¹

1. Bidders Questions – HDR will address prospective bidders’ questions during bidding.
2. Prepare addenda - Prepare up to one (1) addendum during bidding.

Task 8 Deliverables:

- Addenda

Task 9. FM Construction Phase¹

1. Submittal Reviews – HDR shall review up to ten (10) Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents.

¹ See Note 1 of the Project Assumptions.

Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.

2. Address RFI's - HDR shall issue up to two (2) necessary clarifications and interpretations of the Contract Documents to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. Engineer may issue Field Orders authorizing minor variations in the Work from the requirements of the Contract Documents.
3. Issue Change Orders - HDR shall prepare up to two (2) Change Orders/Work Change Directives for the City.
4. Review payment applications - Based on HDR's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation, HDR will recommend the amount the Contractor be paid on up to three (3) applications. Such recommendations of payment will be in writing and will constitute from information provided to HDR that the Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion and to the results of subsequent tests called for in the Contract Documents), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is HDR's responsibility to observe Contractor's Work. In the case of unit price work, HDR's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to subsequent adjustments allowed by the Contract Documents).
5. Monthly progress meetings - HDR shall attend up to three (3) construction progress meetings with Owner and Contractor.
6. Engineer site visits - In connection with observations of Contractor's Work while it is in progress and coordination with City Staff, HDR may make up to two (2) visits to the Site to observe as an experienced and qualified design professional the progress and quality of Contractor's executed Work. Such visits and observations by HDR are not intended to be exhaustive or to extend to each aspect of Contractor's Work in progress or to involve detailed inspections of Contractor's Work in progress beyond the responsibilities specifically assigned to HDR in this Agreement and the Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on HDR's exercise of professional judgment as assisted by the Resident Project Representative. HDR will check with City Staff documentation. Based on information obtained during such visits and observations, HDR will determine in general if the Work is proceeding in accordance with the Contract Documents, and HDR shall keep Owner informed of the progress of the Work.
7. Project Closeout – HDR will provide substantial and final completion walkthrough, punch list, and prepare record drawings based on as-built information provided by the contractor.
8. Project Management – Perform project management, invoicing, scheduling, and cost control for the project.

Task 9 Deliverables:

- Submittal reviews
- Change orders,
- Pay app reviews
- Substantial completion punch list
- Final completion documentation
- Record drawings

Project Assumptions

1. This project will be combined into one Bid Package with the Little Platte Water Line Crossing project under design currently.
2. Separate bidding documents and construction administration will not be necessary. Tasks 8 and 9 have been scaled down to account for the added scope and schedule during bidding and construction. We anticipate this project will add 90 days to Little Platte Water Line Crossing construction schedule.
3. The City will coordinate with owners of private property to provide access for consultant's staff.
4. The City will attain any appraisals and negotiate with and obtain easements from the property owners.
5. The City will provide construction observation and will review results of any testing during construction.
6. The project will only be bid one time.
7. There will be no fee for the City issued floodplain development permit. Also, a no rise certification is not anticipated for this project.
8. Corps has informed the City that no Cultural or Environmental survey review are necessary for this project and are not included in the base services but can be selected as optional scope. Corps will provide an on-site archologist to evaluate the presence of cultural resources during construction.
9. A 404 permit will not be required for the horizontal directional drill installation of the force main under the Little Platte River. HDR can provide these as an additional service if requested.

Project Schedule

- Task 6: Complete within 60 days from Notice to Proceed (NTP)
- Task 7: 90% Construction Documents will be submitted to City & MDNR within 150 days from NTP
- Task 8: Will commence after Final document approval from City and MDNR. Task will be complete within 60 days from advertisement.
- Task 9: Construction is anticipated to be 180 days. Current supply chain restrictions may delay construction completion. If significant delay is encountered additional contract time may be requested.

FEE

The CITY shall compensate ENGINEER for Amendment No. 1 to Authorization 92 Smith’s Fork Pump Station an amount not to exceed:

Amendment 1 Base Services

Task 6 – Data Collection and Topographic/Boundary Survey	\$46,250
Task 7 – Design	\$59,320
Task 8 – Bidding Phase	\$3,030
Task 9 – Construction Phase	<u>\$19,200</u>
Subtotal Base Amended Services	\$127,800
Original Contract	<u>\$158,000</u>
Total Amended Contract fee	\$285,800

Smithville Agreement
Amendment No. 1 to Authorization No. 92

This AUTHORIZATION shall be binding on the parties hereto only after it has been duly executed and approved by the CITY and ENGINEER.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this AGREEMENT in duplicate on the respective dates indicated below.

CITY: SMITHVILLE, MISSOURI

By: _____

Damien Boley

Type or Print Name

Title Mayor

Date March 7, 2023

ENGINEER: HDR Engineering, Inc.

By: _____

Cory Imhoff, P.E.

Type or Print Name

Title Senior Vice President

Date _____

Want to...



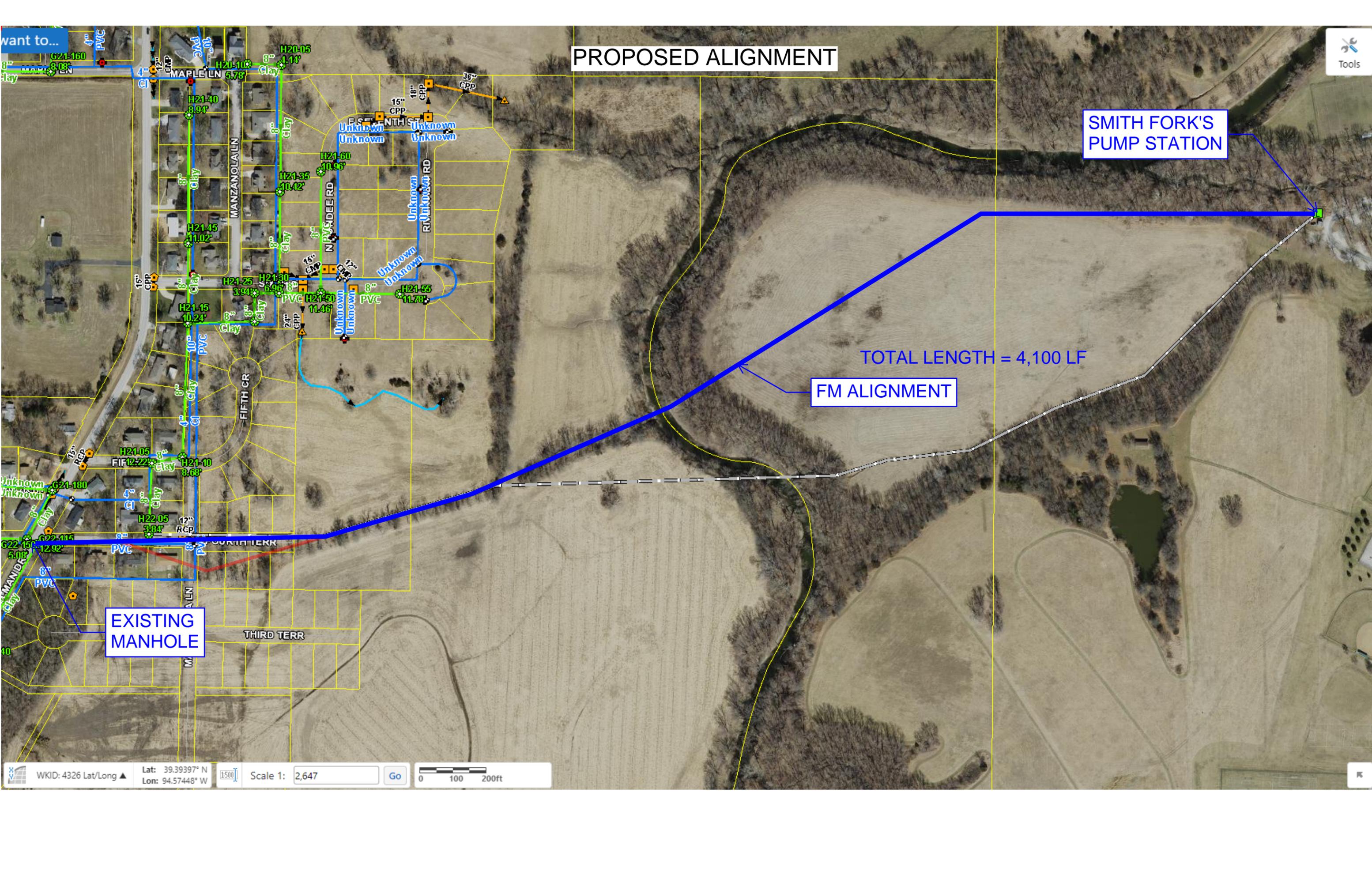
PROPOSED ALIGNMENT

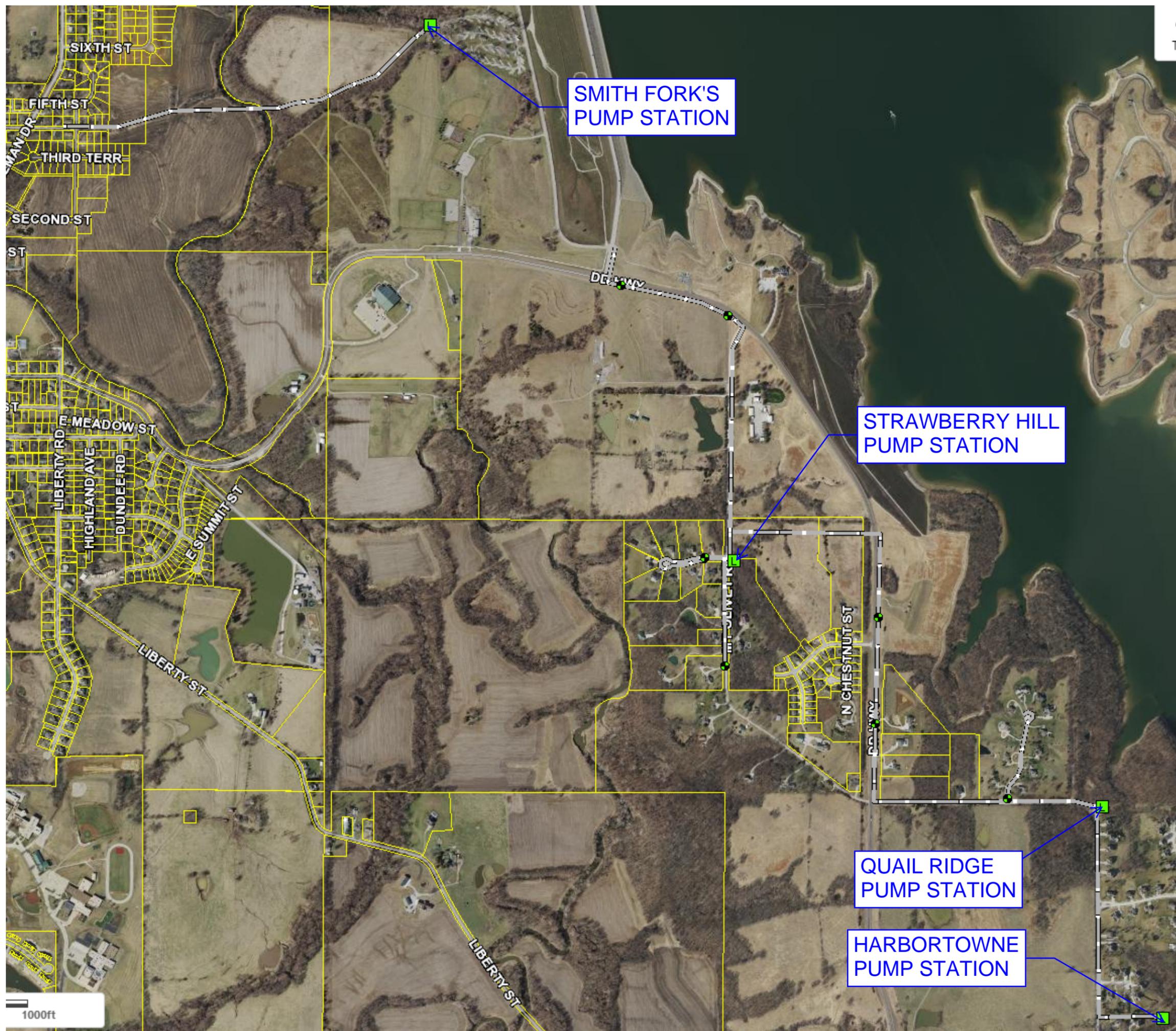
SMITH FORK'S PUMP STATION

FM ALIGNMENT

TOTAL LENGTH = 4,100 LF

EXISTING MANHOLE





SMITH FORK'S
PUMP STATION

STRAWBERRY HILL
PUMP STATION

QUAIL RIDGE
PUMP STATION

HARBORTOWNE
PUMP STATION

1000ft

To



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1198, awarding a bid to Menke Excavating to replace sewer service lines on Bridge Street for Streetscape Phase III.

REQUESTED BOARD ACTION:

A motion to approve Resolution 1198, awarding a bid to Menke Excavating to replace sewer service lines on Bridge Street in an amount of \$42,408.

SUMMARY: This summer the city will construct Streetscape Phase III. The project includes sidewalks, curb and gutter, new bridge railing, mill and overlay on Bridge St. from Church to First St. The three properties 211, 213, and 215 have sewer service lines that cross Bridge Street to access the City Main. These service lines are older and staff recommends replacing them prior to the Streetscape Improvements to avoid needing to replace these lines in the future and cutting the street after the Improvements are complete.

All these properties have also donated easements needed for the Streetscape project. We received 3 bids:

Menke Excavating	\$42,408.00
Bearded Plumber	\$73,500.00
She-Digs-It	\$58,038.00

PREVIOUS ACTION:

None

POLICY ISSUE:

Facility / infrastructure maintenance

FINANCIAL CONSIDERATIONS:

The City received \$488,000 in Federal Funds from MARC for the Streetscape project. Sanitary sewer is not eligible.

Funds are available in the Capital Improvement Project Budget of the Combined Water and Wastewater System.

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: Menke Proposal | |

RESOLUTION 1198

**A RESOLUTION AWARDING BID TO MENKE EXCAVATING TO
REPLACE SEWER SERVICE LINES ON BRIDGE STREET**

WHEREAS, the City will be reconstructing Bridge Street between Church Street and First Street, Streetscape Phase III; and

WHEREAS, the sewer service lines to 211, 213, and 215 are older and cross the street to reach the sewer main; and

WHEREAS, to avoid cutting the street at a future date to replace these lines, the City received three bids to replace the service lines before the Streetscape Project is constructed; and

WHEREAS, Menke Excavating provided the best bid in an amount of \$42,408.

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

Award bid to Menke Excavating in an amount of \$42,408 to replace the service lines at 211, 213, and 215 Bridge Street.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

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

Menke Excavating LLC

3/2/2023



TO: City of Smithville, MO

Replace three long side sewer service lines.

Location: 215, 213, & 211 Bridge Street, Smithville, MO

Option 1

Open cut trench new sewer lines back fill road with screenings \$42,408.00

Option 2

Bore road and open cut trench the rest \$52,828.00

Note:

New sewer lines will have tracer wire.

Service line will be replacement from main to middle of front yard +/- couple feet.

Road repair will be with limestone screening compacted in lifts with concrete cap.

All material and labor included in estimate along with traffic control.

MEETING DATE: 3/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1199, awarding RFP 23-03, 4th Street and 4th Terrace Improvements

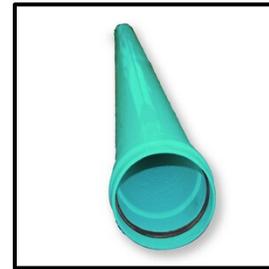
REQUESTED BOARD ACTION:

A motion to approve Resolution 1199, awarding RFP 23-03, 4th Street and 4th Terrace Improvements to Menke Excavating in an amount of \$885,740.13

SUMMARY: Included in the 2023 CIP are improvements to 4th Street and 4th Terrace and replacing the water main along Manzanola. The improvements include replacing the water lines, sewer improvements, storm sewer and rebuilding the street with curb and gutter.



This is a section from the 2-inch main serving several homes.



The new line will be 8-inch C-900

The City received 5 bids (bid tabulation attached). Menke Excavating provided the best bid in an amount of \$885,740.13.

The FY2023 budget includes \$575,000 in the CWWS Fund to pay for the watermain improvements, \$100,000 in the Park and Stormwater Sales Tax Fund to pay for stormwater and curb improvements (reallocated from the Stormwater Master Plan Budget of \$150,000, which will not be fully utilized), and \$150,000 in the Transportation Sales Tax Fund to pay for the road repairs and overlay following the waterline improvement. This gives staff total budget authority **\$825,000** across two funds.

Continue Onto Next Page

The total project cost for the 4th Street and 4th Terrace Improvements is broken down in these cost categories for budgeting purposes:

Waterline Improvements	\$448,084.70
Sanitary Sewer Improvements	\$38,399.90
Stormwater & Curb Improvements	\$88,023.92
Street & Overlay Improvements	\$311,231.61
Grand Total	\$885,740.13

Each fund has sufficient budget authority, except for the Transportation Sales Tax Fund. Staff is proposing a budget amendment in the Transportation Sales Tax Fund of \$165,000 to pay for the street & overlay portion of the 4th Street and 4th Terrace street and overlay improvements. The fund has sufficient cashflow to pay for this overage.

Included for the Boards approval is a \$50,000 force account. These funds are for Change Orders that are a result of unforeseen issues or quantity overruns.

PREVIOUS ACTION:

None

POLICY ISSUE:

Facility / infrastructure maintenance

FINANCIAL CONSIDERATIONS:

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: Bid Tab | |

RESOLUTION 1199

**A RESOLUTION AWARDING RFP 23-03, 4TH STREET
AND 4TH TERRACE IMPROVEMENTS**

WHEREAS, Bids were opened and read aloud on February 28, 2023 for RFP 23-03, 4th Street and 4th Terrace Improvements ; and

WHEREAS, Menke Excavating submitted the most responsive bid in an amount of \$885,740.13.

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

Award bid to Menke Excavating in an amount of \$885,740.13 for Project 23-03, 4th Street and 4th Terrace Improvements.

And a Force Account of \$50,000 is approved for a total project amount of \$935,740.13

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th day of March, 2023

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

SMITHVILLE, MO
4TH TERRACE & 4TH STREET WATERMAIN IMPROVEMENTS
Bid Opening
February 28, 2023

4TH TERRACE, 4TH STREET & MANZANOLA RECONSTRUCT			Engineer Estimate		Menke Excavating LLC		AMINO BROS Co. INC		Blue Moon Hauling		CP Excavating		Superior Bowen		
Item	Description	Quantity	Unit	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Mobilization	1	L.S.	\$75,000.00	\$75,000.00	\$41,700.00	\$41,700.00	\$46,711.00	\$46,711.00	\$32,853.00	\$32,853.00	\$241,500.00	\$241,500.00	\$20,000.00	\$20,000.00
2	Removals	1	L.S.	\$75,000.00	\$75,000.00	\$20,395.00	\$20,395.00	\$69,789.00	\$69,789.00	\$66,321.00	\$66,321.00	\$77,200.00	\$77,200.00	\$46,600.00	\$46,600.00
3	Traffic Control	1	L.S.	\$25,000.00	\$25,000.00	\$8,000.00	\$8,000.00	\$3,012.00	\$3,012.00	\$13,200.00	\$13,200.00	\$25,000.00	\$25,000.00	\$15,750.00	\$15,750.00
4	Earthwork	1	L.S.	\$30,000.00	\$30,000.00	\$29,645.00	\$29,645.00	\$99,909.00	\$99,909.00	\$60,252.00	\$60,252.00	\$204,500.00	\$204,500.00	\$33,400.00	\$33,400.00
5	8" Watermain Open Cut	1765	L.F.	\$100.00	\$176,500.00	\$49.00	\$86,485.00	\$107.00	\$188,855.00	\$127.37	\$224,808.05	\$68.00	\$120,020.00	\$168.00	\$296,520.00
6	8" Watermain Direction Bore	303	L.F.	\$150.00	\$45,450.00	\$145.00	\$43,935.00	\$182.00	\$55,146.00	\$142.00	\$43,026.00	\$664.00	\$201,192.00	\$278.25	\$84,309.75
7	8" Valve	12	EA	\$2,500.00	\$30,000.00	\$3,060.00	\$36,720.00	\$2,387.00	\$28,644.00	\$2,821.00	\$33,852.00	\$2,965.00	\$35,580.00	\$2,100.00	\$25,200.00
8	10" Valve	4	EA	\$3,000.00	\$12,000.00	\$4,185.50	\$16,742.00	\$3,599.00	\$14,396.00	\$4,222.00	\$16,888.00	\$4,450.00	\$17,800.00	\$3,360.00	\$13,440.00
9	Fittings (4", 8" & 10")	19	EA	\$600.00	\$11,400.00	\$1,986.00	\$37,734.00	\$1,201.00	\$22,819.00	\$732.00	\$13,908.00	\$930.00	\$17,670.00	\$787.50	\$14,962.50
10	Fire Hydrant Assembly	6	EA	\$6,000.00	\$36,000.00	\$7,540.50	\$45,243.00	\$7,455.00	\$44,730.00	\$6,828.00	\$40,968.00	\$6,120.00	\$36,720.00	\$8,400.00	\$50,400.00
11	Water Service Connection, Trenched 1"	30	EA	\$2,000.00	\$60,000.00	\$1,635.19	\$49,055.70	\$2,474.00	\$74,220.00	\$2,598.00	\$77,940.00	\$2,200.00	\$66,000.00	\$3,150.00	\$94,500.00
12	Abandon Existing Watermains	1	L.S.	\$15,000.00	\$15,000.00	\$7,120.00	\$7,120.00	\$8,606.00	\$8,606.00	\$5,100.00	\$5,100.00	\$7,500.00	\$7,500.00	\$10,500.00	\$10,500.00
13	Manhole, Sanitary	30	EA	\$8,000.00	\$240,000.00	\$1,015.83	\$30,474.90	\$1,447.00	\$43,410.00	\$2,460.00	\$73,800.00	\$2,055.00	\$61,650.00	\$1,890.00	\$56,700.00
14	Manhole Adjustment, Sanitary	1	EA	\$2,500.00	\$2,500.00	\$7,925.00	\$7,925.00	\$1,057.00	\$1,057.00	\$3,300.00	\$3,300.00	\$5,000.00	\$5,000.00	\$1,995.00	\$1,995.00
15	Reinforced Concrete Pipe, 12"	172	L.F.	\$75.00	\$12,900.00	\$68.50	\$11,782.00	\$122.00	\$20,984.00	\$174.26	\$29,972.72	\$54.00	\$9,288.00	\$94.50	\$16,254.00
16	Reinforced Concrete Pipe, 15"	195	L.F.	\$85.00	\$16,575.00	\$68.50	\$13,357.50	\$112.00	\$21,840.00	\$132.00	\$25,740.00	\$51.00	\$9,945.00	\$99.75	\$19,451.25
17	Reinforced Concrete Pipe, 18"	185	L.F.	\$95.00	\$17,575.00	\$67.40	\$12,469.00	\$105.00	\$19,425.00	\$159.00	\$29,415.00	\$52.00	\$9,620.00	\$105.00	\$19,425.00
18	Reinforced Concrete Pipe Flared End, 18"	7	EA	\$1,500.00	\$10,500.00	\$546.00	\$3,822.00	\$1,042.00	\$7,294.00	\$1,800.00	\$12,600.00	\$1,360.00	\$9,520.00	\$1,000.00	\$7,000.00
19	CMP Flared End, 18"	1	EA	\$1,000.00	\$1,000.00	\$1,123.00	\$1,123.00	\$708.00	\$708.00	\$640.00	\$640.00	\$905.00	\$905.00	\$480.00	\$480.00
20	Precast Curb Inlet	4	EA	\$5,000.00	\$20,000.00	\$6,930.00	\$27,720.00	\$5,692.00	\$22,516.00	\$5,894.00	\$23,576.00	\$5,745.00	\$22,980.00	\$7,350.00	\$29,400.00
21	Precast Area Inlet	1	EA	\$3,500.00	\$3,500.00	\$5,676.00	\$5,676.00	\$4,841.00	\$4,841.00	\$5,964.00	\$5,964.00	\$7,305.00	\$7,305.00	\$6,825.00	\$6,825.00
22	Manhole, Storm Sewer	1	EA	\$5,000.00	\$5,000.00	\$5,676.26	\$5,676.26	\$4,897.00	\$4,897.00	\$5,004.00	\$5,004.00	\$4,920.00	\$4,920.00	\$5,250.00	\$5,250.00
23	Concrete Curb and Gutter	1578	L.F.	\$50.00	\$78,900.00	\$22.33	\$35,236.74	\$28.20	\$44,499.60	\$33.00	\$52,074.00	\$32.50	\$51,285.00	\$25.10	\$39,607.80
24	Concrete Flume	2	EA	\$3,000.00	\$6,000.00	\$1,650.00	\$3,300.00	\$2,012.00	\$4,024.00	\$850.00	\$1,700.00	\$2,730.00	\$5,460.00	\$2,950.00	\$5,900.00
25	Optional Pavement, 8" HMA or 8"PCC	1580	S.Y.	\$100.00	\$158,000.00	\$96.98	\$153,228.40	\$77.00	\$121,660.00	\$48.00	\$75,840.00	\$65.00	\$102,700.00	\$127.70	\$201,766.00
26	Pavement 8" PCC	256	S.Y.	\$100.00	\$25,600.00	\$101.45	\$25,971.20	\$99.15	\$25,382.40	\$132.00	\$33,792.00	\$100.00	\$25,600.00	\$111.60	\$28,569.60
27	Driveway, PCC 6"	891	S.Y.	\$85.00	\$75,735.00	\$74.25	\$66,156.75	\$71.15	\$63,394.65	\$88.00	\$78,408.00	\$90.00	\$80,190.00	\$81.95	\$73,017.45
28	Full Depth Pavement Repair 8"	24	S.Y.	\$85.00	\$2,040.00	\$98.01	\$2,352.24	\$176.00	\$4,224.00	\$198.00	\$4,752.00	\$130.00	\$3,120.00	\$222.10	\$5,330.40
29	Subgrade, 6" AB-3	2381	C.Y.	\$12.00	\$28,572.00	\$11.88	\$28,286.28	\$17.75	\$42,262.75	\$17.92	\$42,667.52	\$16.00	\$38,096.00	\$14.05	\$33,453.05
30	Riprap (light stone)	26	C.Y.	\$100.00	\$2,600.00	\$119.16	\$3,098.16	\$196.00	\$5,096.00	\$350.00	\$9,100.00	\$155.00	\$4,030.00	\$178.50	\$4,641.00
31	Erosion Control	1	L.S.	\$15,000.00	\$15,000.00	\$7,500.00	\$7,500.00	\$9,998.00	\$9,998.00	\$6,500.00	\$6,500.00	\$25,000.00	\$25,000.00	\$6,050.00	\$6,050.00
32	Seeding & Mulching	1	L.S.	\$15,000.00	\$15,000.00	\$17,810.00	\$17,810.00	\$6,023.00	\$6,023.00	\$4,600.00	\$4,600.00	\$15,000.00	\$15,000.00	\$3,990.00	\$3,990.00
				SUBTOTAL	\$1,325,747.00		\$885,740.13		\$1,130,373.40		\$1,148,561.29		\$1,542,296.00		\$1,270,687.80
				CONTINGENCIES (10%)	\$200,000.00										
				TOTAL	\$1,525,747.00		\$885,740.13		\$1,130,373.40		\$1,148,561.29		\$1,542,296.00		\$1,270,687.80



Board of Aldermen Request for Action

MEETING DATE: 3/7/2023

DEPARTMENT: Administration

AGENDA ITEM: Adjournment to Executive Session Pursuant to Section 610.021(3) RSMo.

REQUESTED BOARD ACTION:

A motion to close the regular session for the purpose of discussing personnel matters pursuant to Section 610.021(3) RSMo.

SUMMARY:

To allow the Board of Aldermen to adjourn to Executive Session to discuss personnel matters.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

The Board of Aldermen will vote to close the Board of Aldermen Special Session Pursuant Section 610.021(3) RSMo.

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: | |