



City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
February 21, 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 through FaceBook Live.

Public Comment can be made in person or via Zoom, if by Zoom please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be sent the meeting Zoom link.

1. Call to Order

2. Pledge of Allegiance

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.

Join Zoom Meeting

<https://us02web.zoom.us/j/86377936125>

Meeting ID: 863 7793 6125

Passcode: **831832**

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

- Planning and Zoning Commission
- Finance Committee
- Lake Fest/Founders Day Update

5. City Administrator's Report

ORDINANCES & RESOLUTIONS

- 6. Bill No. 2974-23, Repealing and Replacing Section 100.220 – 2nd Reading**
An Ordinance 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.
- 7. Bill No. 2975-23, Repealing and Replacing Section 205.1810– 2nd Reading**
An Ordinance 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.
- 8. Bill No. 2976-23, Electric Fence for Industrial Zones – 2nd Reading**
An Ordinance authorizing electric fences in both A-1 and Industrial zones, subject to certain performance standards. 2nd reading by title only.
- 9. Bill No. 2977-23, Conceptual Plan – Fairview Crossing North – 1st Reading**
An Ordinance approving the conceptual plan for Fairview Crossing North. 1st reading by title only.
- 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**
An Ordinance 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.
- 11. Resolution 1190, Agreement with Jeffrey Place, Labor Law Attorney**
A Resolution approving the engagement of Jeffrey Place for labor attorney services.
- 12. Resolution 1191, Reimbursement of Expenses Related to COP Projects**
A Resolution 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.

OTHER MATTERS BEFORE THE BOARD

- 13. 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.
- 14. 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.
- 15. Adjourn**





Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Administration/Parks/Public Works/Police

AGENDA ITEM: Consent Agenda

REQUESTED BOARD ACTION:

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

- **Minutes**
 - January 17, Board of Aldermen Work Session Minutes
 - January 17, Board of Aldermen Regular Session Minutes
- **Resolution 1172, Fourth of July City/County Fireworks Display**

A Resolution renewing the contract with Premier Pyrotechnics for the Fourth of July City/County event to be held on Saturday, July 1, in an amount not to exceed \$16,000.
- **Resolution 1173, Temporary Liquor License – Main Street District**

A Resolution issuing a Temporary Liquor License to Smithville Main Street District for Humphrey's Gravel Adventure Bike Race and Wine Walk to be held Saturday, May 6, 2023.
- **Resolution 1174, Special Event Permit**

A Resolution issuing a Special Event Permit for Humphrey's Gravel Adventure and Wine Walk on May 6, 2023.
- **Resolution 1175, Mobile Data Terminals in Patrol Cars**

A Resolution authorizing purchase of four Mobile Data Terminals for police vehicles, replacing four MDTs, in an amount not to exceed \$10,456.48.
- **Resolution 1176, Engineering Authorization No. 98 – Owens Branch**

A Resolution approving Engineering Authorization No. 98 with HDR Engineering, Inc. for engineering design in the amount of \$315,500 for the Owens Branch Sanitary Sewer.
- **Resolution 1177, Authorize payment for Utility Easement**

A Resolution authorizing the payment authorizing payment of \$13,160 for a utility easement to McMillen Enterprises.
- **Resolution 1178, Acknowledging RTP Recreational Trails Grant**

A Resolution acknowledging Board of Aldermen support of an application for the Recreational Trails Grant through the Missouri Department of Natural Resources.
- **Resolution 1179, Authorize Expenditure for Backwash Pump Replacement**

A Resolution acknowledging the expenditure of \$16,917.34 to Mid-America Pump for a backwash pump at the Water Treatment Plant.

SUMMARY:

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

PREVIOUS ACTION:

N/A

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

SMITHVILLE BOARD OF ALDERMEN

WORK SESSION

January 17, 2023, 6:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 6:01 p.m. A quorum of the Board was present: Leeah Shipley, John Chevalier, Ronald Russell, Marv Atkins, Dan Ulledahl and Dan Hartman.

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

2. Discussion of Electric Fence for Industrial Zoned Property

Jack Hendrix, Development Director noted that the memo in the packet explained what the City's code is for electric fence and the research of all the northland this issue was presented by a GT Tow, a local business owner that was interested installing electric fence around his business. It was brought before the Planning and Zoning Commission to discuss and based upon the Ordinance they decided it should be a Board of Aldermen decision because it is more of a safety issue than zoning.

Alderman Atkins explained that where he worked they had looked into installing electric fence because businesses around them had installed them. They noticed that the businesses that had installed the electric fence were no longer getting broken into. He noted that if you are shocked by the electric fences it will not kill a person, but you will definitely feel it. Alderman Atkins explained that the electric fence is placed inside the chain link fence to deter people and animals from touching it. He said that it has been very helpful in the Kansas City area for companies that have them cutting down the number of break ins especially with the theft of catalytic converters. He noted that he can see where this would be beneficial to a business that has cars in its lot that already has the chain link fence.

Jack noted that Kansas City's specification were in his memo:

Kansas City's ordinance bans electric fences, with exceptions for agricultural and commercial or heavy industrial districts, subject to certain performance standards. In agricultural districts, electric fences must be at least five feet from any public street or sidewalk. In the commercial or heavy industrial zones, the same five-foot restriction is in place, along with several other provisions:

- *cannot be located less than 300 feet from a residence, school, day care, church or park;*
- *the system must not exceed 12 volts;*
- *the energizing system MUST be listed by a testing agency such as UL or ETL;*
- *the entire electric fence MUST be located inside a primary non-electric perimeter security fence at least six (6) feet tall; and,*
- *warning signs must be displayed every 50 feet clearly identifying the fence as an electric fence.*

Alderman Russell noted that the City of Independence was not in the memo. He explained that Hooker Towing in Independence does have electric fence as well as the auto auction Kansas City. He said that in doing some research on the electric fence he found that it is the amps that kill not the voltage. He said it also has an alternating pulsing current that gives an opportunity to let go, if it was continuous a person's muscles would lock up. Alderman Russell noted that he thinks that we need electric fences to be allowed it inside the chain link fence like they do have in Kansas City and Independence. He added that the way that he read the memo concerning the surrounding northland cities there is no mention of electric fences being allowed but there is no mention of them not being allowed either.

Jack explained that those cities regulated it by listing the materials that are allowed.

Alderman Russell noted that the approved material list for fence that he saw includes several types such as; wood, chain link, etc. He said that electric fence is also an approved material. Alderman Russell said that for the protection of catalytic converters that businesses are losing and the possibility of losing a business here in Smithville because of it electric fences should be allowed. He suggested using the conditional use permit and setting parameters that ensure is monitored like Kansas City.

Alderman Chevalier said that in looking at Kansas City's Ordinance, it seems reasonable for industrial and to also make sure it is away from schools and residential areas.

Alderman Russell asked what the GT Tow property was zoned.

Mayor Boley said that it is zoned I-1 which is industrial.

Alderman Hartman noted that he agreed it should be allowed for industrial with the conditional use permit and possibly Ag for tractor dealers.

Alderman Ulledahl asked what the current fence height was for industrial.

Jack explained it is eight (8) foot with the barb wire above.

Alderman Ulledahl noted that he is in favor of this for the industrial areas and make sure that it is placed inside the chain link fence, so the general public is not able to walk up and touch it.

Jack explained that he will write up an amendment using Kansas City's Ordinance verbiage.

3. Discussion of Wayfinding Signage Guidelines

Gina Pate, Assistant City Administrator, introduced Alyssa Sanders, Main Street Executive Director, to give some background on the start of the project.

Alyssa noted that last May, Anna Mitchell and Cynthia came to her with kind of a plan for ARPA grant opportunity through Clay County. They decided that would write the grant to get a wayfinding and design guidelines. She explained that we were awarded that grant on July 28 for \$10,000 with a \$10,000 match. We put out an RFQ to find a design company. We had six response and the committee chose the organization KMA

Design out of Pennsylvania. Staff worked with them on their bid amount because it was a little higher than anticipated and were able to lower it down to our price range. They enacted a committee Mayor Boley, Alderman Hartman and Alderman Atkins were part of the committee, we also had members of the community Susan Whitaker and Robert Hedgecorth, City staff Gina Pate, Matt Denton, Myra Toothman and Alex Porter and Erica Winston from the Chamber of Commerce to get as much community input on this project as possible.

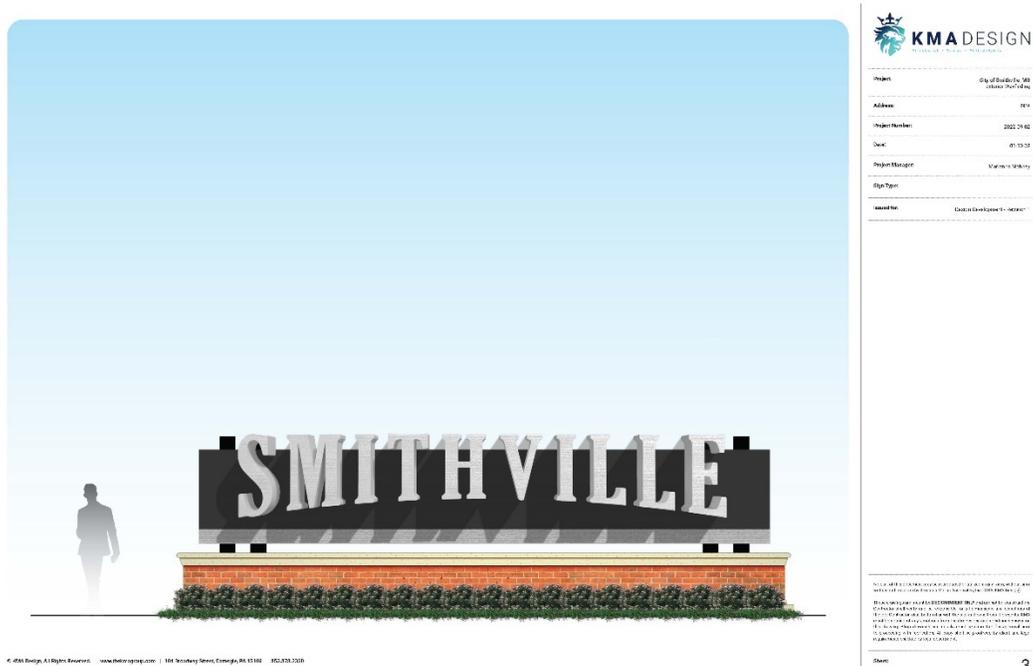
Gina explained that the committee has been having bi-weekly meetings and working hard to get things accomplished and get this moving. They are working towards a deadline of around March or April to have it all finalized. The grant requires that this is done by August, so they are trying to stick to that schedule.

Gina noted that in the packet was a destination list that the committee work together to slot destinations into primary secondary or tertiary destinations. At this time the committee recommend not including any private businesses because if you include one then that opens the door for more private businesses to want signage. She explained that this would also not stop future boards to include those kind of signages in the future.

Also included the packet was a location guideline. The committee gave KMA Design their destination list that included where we want to draw people and where people are coming from. The location guideline has traffic signage to point the direction for the high school, for City Hall, etc. This is all mapped out in the guideline so in the future when we implement this signage we will already have the location blueprint.

Gina explained that the staff has requested feedback from the Board to on how they wish to move forward with the budget amount for the actual signage since this project is just for the designs. For future budget discussions staff might recommend doing a phased approach and so each fiscal year the Board would choose a certain area to do the signage for. In the downtown area we have multiple public parking lots and there is the option to name them if the Board would want to or we can just keep them as general public parking lots. There is a lot of destinations in the downtown area we would need feedback from the Board on for instance if they would want to call it downtown or to call it Historic Downtown. Once the downtown area is named that go on to have more of a definitive signage for the downtown area for a sense of arrival to the downtown.

Gina noted that staff would also like feedback on the design options in the packet.



Option One:

This is gateway sign option one, black with the gray scale

Mayor Boley asked that the Board give feedback the if there are certain design elements, fonts, colors, etc. of each options they like and do not like and note it. He explained that KMA will take into consideration all the feedback, because they can be combined to create the sign design that we want. He explained that once the Board chooses this then KMA will provide us material list on UV resistance and paints. Mayor Boley noted that KMA provided us a list of 20 designs and the committee picked those apart, these three designs are the filtered of those. Mayor Boley asked that the Board be detailed in their feedback.

Gina noted that option one is more gray scale and with the brick and we tried to incorporate the downtown streetscape in this design.

Alderman Atkins added this design could also be made vertical. He noted that he had suggested the brick to match the downtown brick but that was just a thought.

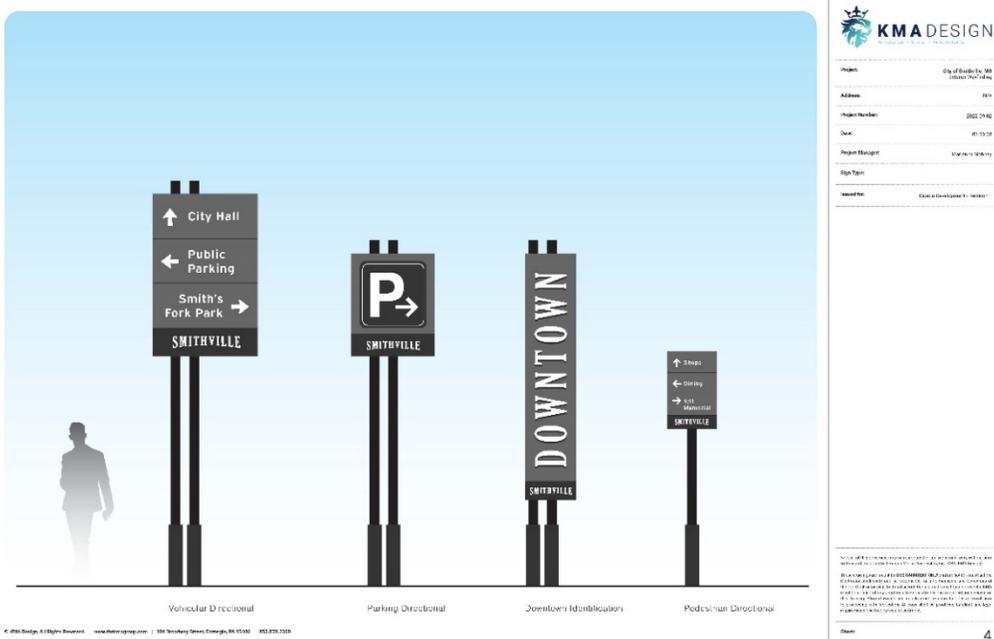
Mayor Boley suggested that we might not have the space if we try to do this at 169 Highway and Main Street but one this might fit out by the Park's office. We do a vertical one there we might want to do vertical in all the locations

Alderman Ulledahl asked if this particular type of sign would be the entrance of the City.

Gina said that this type of sign would be the gateway entrance signs. Gina explained that they would need to pick one sign family design because it signifies the wayfinding signs.

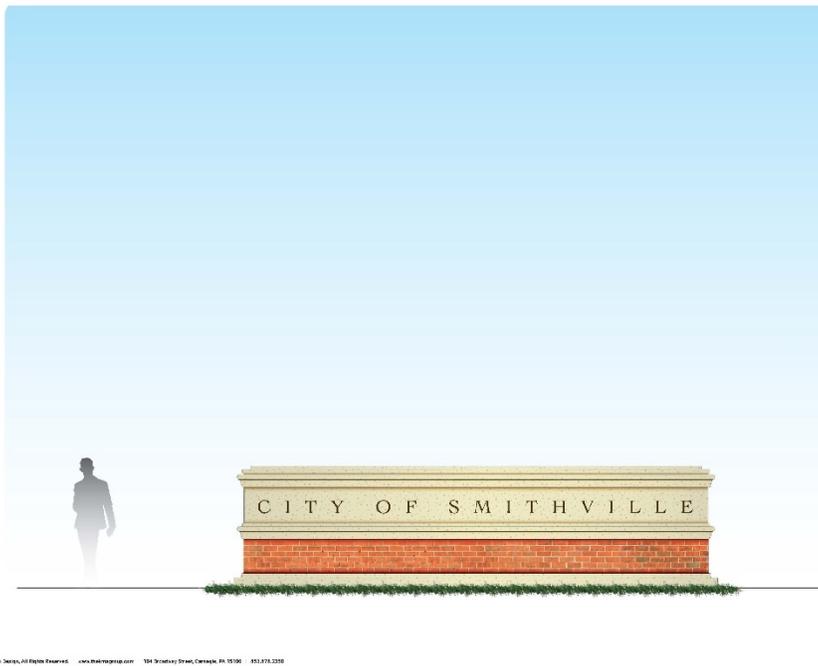
Mayor Boley suggested getting rid of the black background on this and put this font like on option 3.

Alderman Ulledahl said that he thought this one looks like it is missing something.



Gina explained that the font on the post signs is federal regulated, but the design of the post can be.

Mayor Boley noted that he liked this signage but did not care for the double posts and they do not match our existing light posts.



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Project:	City of Smithville - 2023
Address:	PA
Project Number:	2023-001-01
Date:	07/11/2023
Project Manager:	Madison Kitzinger
Sign Type:	Monumental Signage
Issued For:	Final Design/Construction Documents

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Sheet 6



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Project:	City of Smithville - 2023
Address:	PA
Project Number:	2023-001-01
Date:	07/11/2023
Project Manager:	Madison Kitzinger
Sign Type:	Directional Signage
Issued For:	Final Design/Construction Documents

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Sheet 7

The Board all preferred the posts on this option.

Mayor Boley noted that he did not like the circle design at the base of the sign.

Alderman Russell agreed that this option would look good downtown but not for the entire City.

Mayor Boley suggested this might be something to pass along to Planning and Zoning for future developments. They would not have to adhere to it, but it would at least give them options for consistency.



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Project:	City of Smithville, 400 Brookridge Way, #100
Address:	100
Project Number:	2017-040
Date:	01/13/2017
Project Manager:	Kristina M. B. O.
Sign Type:	
Issued For:	City of Smithville 11/13/2017
<small>© 2014 KMA Design, All Rights Reserved. www.kmadesign.com 104 Brookridge Street, Raleigh, NC 27601 919.872.2100</small>	
Sheet:	9

Alderman Chevalier noted that this sign would look good placed by the lake but not downtown.

Alderman Russell noted he thought it looks like it belongs in the mountains.

Mayor Boley suggested that sign with a brick base.

Alderman Ulledahl suggested using black instead of the blue.

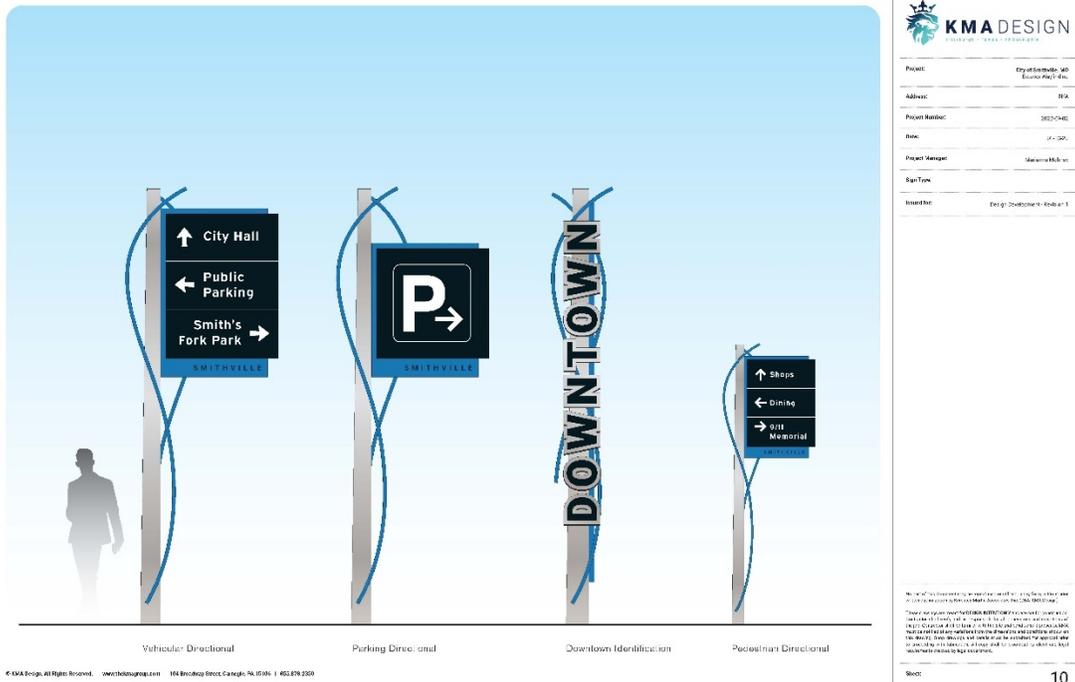
Mayor Boley noted he liked this style of font best.

Alderman Atkins noted that he thought this design was going to be set in granite like the granite benches downtown.

Gina explained that they had also talked about the new parks stone signs and incorporating them with this one.

Alderman Russell said that he would prefer black lettering with this sign design so it would stand out better.

Mayor Boley noted that he liked option 3 better all-around for all but the downtown.



Mayor Boley said that he liked the concept of option 3 better but believes it could be cleaned up.

Alderman Ulledahl said he thought option 3 was too modern for downtown especially. He added that it does not look anything we have here local, but that was one of the reason that KMA was chosen.

Gina asked what the Board wanted to call the downtown area.

Mayor Boley suggested just downtown.

Gina asked the Board what they wanted to name the parking lots maybe just public parking.

Alderman Russell said that was his thoughts on it.

The Board all agree with public parking.

Gina asked if there was anything missing on the destination list or if there was anything the Board would want to add.

Alderman Russell noted that once the bidder was picked and the cost was higher than anticipated, staff had to negotiated a better price. He asked why it was not known the cost was over.

Gina explained that the City puts out a RFQ (request for qualifications), so the price is sealed and we are just evaluating qualifications of the firms, their presentation and their experience. The cost is them negotiated once a firm is selected.

Alderman Russell said just his opinion, but he had a hard time approving signs that direct to the water plant and wastewater facility. He believes those areas should be classified and not have direction signs.

Mayor Boley noted that it is standard practice for cities have signs for their water and wastewater facilities.

Gina explained that the sign would only be something like turn here type of sign.

Alyssa explained that those types of signs are recommended for the emergency services.

Mayor Boley noted that with Streetscape Phase III getting ready to go out to bid and it has some signage requirement so it would be nice if the guidelines were finalized before then or at least have the material list. Mayor Boley asked about the catalog that could be available but not part of the budget.

Cynthia explained that through this process and as KMA gives us more information as they develop a design, it will help in developing a budget.

4. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:29 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

January 17, 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 6:58 p.m. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins, Dan Hartman, Ronald Russell and Dan Ulledahl.

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

2. Pledge of Allegiance led by Boy Scout Troop 412

Jacob Schuerman, Sam Hunter and Connor Fredrick

3. Consent Agenda

- **Minutes**

- December 20, 2022, Board of Aldermen Regular Session Minutes

- **Finance Report**

- Financial Report for December 2022

- **Resolution 1163, TAP Grant Funding Application**

- A Resolution acknowledging Board of Aldermen support of a 2022 TAP Supplemental Grant Application for Maple Lane sidewalks.

- **Resolution 1164, Payment to Kansas City Board of Police Commissioners**

- A Resolution authorizing payment to the Kansas City Board of Police Commissioners for police academy training in the amount of \$10,478.36.

- **Resolution 1165, Crime Stoppers TIPS Hotline Program**

- A Resolution authorizing and directing the Mayor to execute a contract with the Kansas City Metropolitan Crime Commission to provide services to the City through participation in the TIPS Hotline Program.

- **Resolution 1166, Authorize Purchase of Utility Meters**

- A Resolution authorizing the expenditure of funds from the Combined Water and Wastewater System Fund for the purchase of utility meters from Kansas City Winnelson Company in the amount of \$19,375.72.

- **Resolution 1167, Acknowledging and Authorizing Payment to Mid-America Pump**

- A Resolution acknowledging and authorizing the expenditure of \$33,526.35 to Mid-America Pump for repairs to SBR#1 at the Wastewater Treatment Plant.

- **Resolution 1168, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment for Cindy Hadley in the amount of \$454.82 for November and December utility bills.

- **Resolution 1169, Authorize Payment for Utility Easement**

A Resolution authorizing the expenditure of \$9,240 for utility easements for the 144th Street West Interceptor Force Main.

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

No discussion.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

Alderman Chevalier reported on the January 10 Planning and Zoning Commission Meeting. They discussed and approved items that are on the agenda this evening. Alderman Chevalier noted the 2022 end of year totals for building permits are 58 single family residential building permits and 15 commercial building permits.

5. City Administrator's Report

Cynthia Wagner, City Administrator, had nothing to add to the report in the packet.

ORDINANCES & RESOLUTIONS

6. Bill No. 2969-22, Amending Zoning Code Related to Fences – 2nd Reading

Alderman Hartman moved to approve Bill No. 2969-22, amending sections of Chapter 400, the zoning code related to fences. 2nd reading by title only. Alderman Chevalier seconded the motion.

Todd Johnson, 410 Lakeview, requested that the Board consider changing the maximum height of the fence allowed to eight (8) feet. Mr. Johnson listed his reasons for the consideration.

1. 8-foot fence will provide a high level of privacy and security. Allow them to enjoy their own space without feeling like they are being watched. Blocked out unwanted views and provide a sense of security that his property is protected from unwanted visitors.
2. It will reduce noise pollution from the street making his property of more peaceful and a quieter place to live.
3. 8- foot fence can also have an aesthetic appeal to the property, make properties look more polished and well maintained. He believes it can also increase the value of the property.
4. 8-foot fence provides more privacy for those who live at the bottom of a hill it blocks the view of people looking down from above giving residents privacy they need to enjoy their own outdoor space.
5. 8-foot fence would help with stargazing by blocking out unwanted light pollution. The fence would also allow an environment for a secured backyard observer and would help block wind to improve telescope stability.

Alderman Chevalier moved to amend Bill No. 2969-22, Section 400.030,
5. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous. This would include barbed wire, electrically charged or otherwise detrimental to persons, except as stated herein. Barbed wire fences may be constructed in the agricultural districts; and barbed wire may be used in the industrial districts and the B-3 district, but only as a component of security or anti-climb fences with such component not less than ~~six (6)~~ eight (8) feet above the outside adjacent grade. The use of barbed wire arms is limited to those not larger than 18", and upon attachment of the arm, the extended portion of the arm and wire shall not extend beyond any property lines.

Alderman Russell seconded the motion.

Alderman Russell asked if there would be a need to amend it further for the electric fence for industrial.

Mayor Boley explained that issue would be brought before the Board in a different Ordinance.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the amendment to Bill No. 2969-22 approved.

No discussion.

Upon roll call vote:

Alderman Hartman - Aye, 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. 2969-22 approved as amended.

7. Bill No. 2970-22, Rezoning 18601 North 169 Highway from R-1B to R-3P – 2nd Reading

Alderman Hartman moved to approve Bill No. 2970-22, rezoning a portion of 18601 North 169 Highway from R-1B to R-3P for the new Herzog Education Center. 2nd reading by title only. Alderman Ulledahl seconded the motion.

Alderman Russell asked the difference between the original requests for the lodge then the hotel and now the dormitory.

Jack Hendrix, Development Director explained that the facility will have dormitory features and will not be for rent. It will only be used for the education facility.

Alderman Russell asked when the stormwater study would occur and what improvements will be made and if improvements will be made to the .

Jack explained that that is all part of the site plan approval and will be reviewed then.

Alderman Russell asked if improvements will be made the back road that goes to Rock Creek at that time also.

Mayor Boley explained that road is a utility construction driveway that people use it is not a city street.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2970-22 approved.

8. Bill No. 2971-22, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 – 2nd Reading

Alderman Hartman recused himself and left the room at 7:10 p.m.

Alderman Ulledahl moved to approve Bill No. 2971-22, rezoning the northeast corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 for a new Second Creek Meadows subdivision. 2nd reading by title only. Alderman Shipley seconded the motion.

Jack presented a memo to the Board and audience concerning Bill No 2971-22.

On the agenda this evening in item 8 is the second reading of an ordinance that would rezone the Northeast corner for Second Creek Bridge Road and Lowman Road to both R-1B and R-3 in accordance with a preliminary plat. The Planning Commission made certain findings of fact and a recommendation for approval of the rezone, which is also included in your packet. The findings of fact are based upon information provided during a public hearing, including the staff report. Two of the items contained in the staff report, and thereafter the Findings of Fact of the Commission, related to the zoning of adjacent property. Both the character of the neighborhood and the compatibility of the proposed district classification with nearby properties sections include information concerning the zoning of adjacent land.

The staff report provided much of the background information used in the Findings of Fact, and it included the zoning of an adjacent property to the west described as R-3. (George Lowman Tract) Staff's report is made by reviewing a large format map created under contract with the Clay County Assessor's GIS department. This map is an eight foot (8') tall map that is color-coded to represent the various zoning districts overlaid on the County parcel map. The current version of this document was created in 2019 as a part of the 2020 Comprehensive Plan process. Staff requested that the GIS department in Clay County to prepare a color map in digital form, formatted to be printed on paper that is approximately 4' wide. That map was sent to the city, and we then used it to produce several versions of the map for various public meetings that were scheduled to occur during the Comprehensive Planning process. This map is the ready-reference document used to perform these staff reports.

This 2019 map shows the George Lowman Tract as R-3, and the underlying parcel data on the GIS website also shows this as part R-3 and part A-1. During the Planning Commission meeting last week on the Preliminary Plat, the zoning of the George Lowman tract was questioned. Staff explained that we use the map from the County's GIS, and that map was based upon maps that were approved by the Planning Commission. Staff reported that we were unaware of when this R-3 zoning may have occurred, but instead we rely on the approved maps. Staff began researching to find the exact ordinance or map that may clarify exactly when this property was zoned R-3.

Rather quickly, staff identified that previous versions of this map also printed by the County GIS office in fact showed the property as B-3. Once we identified that there was a discrepancy in the County data, staff began an ordinance-by-ordinance review of the rezoning of this property. An ordinance was found from 1989 that appears to have rezoned the property to B-3. No ordinance rezoning it to R-3 was found. It is the determination of the Planning Department that the true zoning of a portion of the George Lowman property was intended to be zoned B-3, and not the less intensive R-3.

With this discovery, it is necessary to provide the Board the information that a portion of the Findings of Fact from the Commission described the zoning of the character of the neighborhood and compatibility of the proposed change with B-3 on the east and R-3 on the west. We now know that the property has B-3 on both sides, and not the lesser R-3. After discussion with City's legal counsel, the Board has two options:

- 1. The Board can accept the new information of the adjacent land's zoning is more intensive than that identified in the Commission's finding and proceed to approve the ordinance, or*
- 2. The Board can return the matter to the Commission to hold another hearing where the B-3 information can be presented directly, and a new recommendation be made.*

No matter the Board's decision on how to handle the B-3 zoning issue, it is important to note that over the last several months, staff has identified various random changes to a few parcels on the County GIS map. When we identify any such error, we complete the research necessary to provide accurate information to the County GIS and correct the map. Prior to identifying this parcel error on the County system, staff has begun the process of creating a new zoning layer upon the new City GIS. As that system continues to be developed, Development staff will work to update and verify the zoning shown on this system is accurate and provide some accountability for ensuring that accuracy.

Jack reviewed some of the highlights from the memo and explained the Board's two options.

Mayor Boley noted that last week staff researched the Ordinance from 1989 when the Lowman property was zoned B-3 and in the minutes from that meeting and there was no discussion just the vote. At some point Clay County made a mistake changed the zoning to R-3 on that property.

Alderman Russell noted that if it is not uncommon for these mistakes to be made in the Clay County GIS system, what is to keep it from happening again.

Mayor Boley explained that we could do nothing to keep it from happening again.

Jack noted that having our own GIS system and developing it so that all our record keeping would be done in-house. We will also look into the ability to lock the system. These are things that would prevent these types of errors from occurring.

Alderman Chevalier asked if the R-3 zoning was more restrictive than B-3.

Jack explained that R-3 zoning is more restrictive than B-3 zoning, he said that you could put a Walmart in an area zoned B-3.

Alderman Chevalier asked if this would be taking away a business opportunity from the Lowman property.

Mayor Boley explained that we are not changing any zoning for the Lowman property just correcting it. The Board is only acting on the application for the property presented tonight.

Alderman Chevalier noted that there is property in that area that is zoned B-3 and Ag which is inconsistent with the Comprehensive Plan.

Jack explained that the Comprehensive Plan talks about filling in the gaps so we do not have the massive gaps between subdivisions because those gaps make it very inefficient for our utilities.

Mayor Boley explained to the Board that they need to vote on Bill No. 2971-22 as presented or send it back to the Planning and Zoning Commission with the corrected B-3 zoning for the Lowman property across from it.

Alderman Russell asked if it would change the traffic flow.

Mayor Boley explained this would not change the facts and findings. The Lowman property is zoned the same as the Old Price Chopper (now NAPA). He noted that if the Board wanted to send this back to Planning and Zoning they would make their decision in February, and it would then come back to the Board at the second meeting in February.

Cynthia said that staff would recommend that it go back to the Planning and Zoning Commission for their review and then the Ordinance would come back to the Board for their review. Staff would also recommend that the Board consider acting on the Ordinance for first and second reading as an emergency Ordinance at the second meeting in February.

Alderman Russell asked if the Board would vote on Resolution 1171, Preliminary Plat, Second Creek Meadows.

Cynthia explained that it would be postponed.

Mayor Boley asked that Board if they wanted Bill No. 2971-22 referred back to the Planning and Zoning Commission or be voted on this evening.

The Board all agreed to refer this item back to the Planning and Zoning Commission for reconsideration.

Alderman Hartman returned at 7:25 p.m.

9. Bill No. 2972-23, Ballot Language for 3% Recreational Marijuana Sales Tax – Emergency Ordinance Sponsored by Mayor Boley - 1st and 2nd Reading

Alderman Chevalier moved to approve Bill No. 2972-23, calling for the question of imposing a 3% sales tax for recreational marijuana on the ballot for the April 4, 2023 election. 1st reading by title only. Alderman Ulledahl seconded the motion.

Alderman Chevalier noted that this 3% would be in addition to the present tax.

Cynthia clarified that this is in addition to any taxes currently collected and only on the sale of adult use recreational marijuana.

Alderman Chevalier asked if medical marijuana is exempt from this sales tax.

Cynthia said that yes medical marijuana is exempt from this tax.

Alderman Russell asked if the revenue from this tax was to go into the general fund.

Cynthia explained that based on discussion with the Board the revenue would go into the general fund. She noted that staff will monitor it throughout the budget process to see where those funds would best be directed. Cynthia explained that based on estimates from Missouri Municipal League \$150,000 is projected per outlet per year in sales. She asked that the Board remember that those estimates are probably high because that is a state wide average estimate.

Alderman Chevalier asked how staff will be able to track the funds since you cannot track sales tax for individual businesses.

Alderman Ulledahl asked if it included the DHC products that gas stations sell for it.

Cynthia explained that staff is still trying to confirm that.

Cynthia explained that it will come in coded a certain way so it can be tracked. We will not be able to report on where it came from.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2972-23 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2972-23, calling for the question of imposing a 3% sales tax for recreational marijuana on the ballot for the April 4, 2023 election. 2nd reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2972-23 approved.

10. Bill No. 2973-23, Destruction of Records – 1st Reading

Alderman Hartman moved to approve Bill No. 2973-23, authorizing staff to proceed with the destruction of certain administrative and finance documents as authorized by the retention and destruction schedule approved by the Secretary of State's Office. 1st reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2973-23 approved first reading.

11. Resolution 1170, Site Plan, 14991 North Industrial Drive

Alderman Ulledahl moved to approve Resolution 1170, approving the site plan for a new 3,600ft² building at 14991 North Industrial Dr. for 14991 North Industrial Drive. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1170 approved.

12. Resolution 1171, Preliminary Plat, Second Creek Meadows

Alderman Ulledahl moved to postpone Resolution 1171, 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. Alderman Atkins seconded the motion.

No discussion.

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Resolution 1171 postponed.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

Blake Tebbs Dingman, 600 NE 180th Street, spoke to the Board concerned their leak that occurred in October of 2022 where they acquired a \$3,600 water bill. The repair cost them \$6,200 and now they do not have the means to pay the \$3,600 water bill. Ms. Dingman explained that they have always paid their water bills on time and asked that the Board consider adjusting their water bill lower.

Cynthia explained that staff has been in contact with the Tebbs and had not received the leak adjustment paperwork from them until right before this meeting. Cynthia explained that the adjustment, per Ordinance, would lower the bill \$1,200. She noted that staff will work on this adjustment and bring it forward at the February 7 meeting.

14. Appointment – Parks and Recreation Committee

The Mayor nominated Jeremiah Bloemker to the Parks and Recreation Committee, and the Board voted:

By roll call vote.

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

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

15. New Business from the Floor

Alderman Chevalier asked staff to look into City officials and committee members ability to conceal to carry during meeting at city hall.

16. Adjourn

Alderman Ulledahl moved to adjourn. Alderman Russell seconded the motion.
Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:39 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Resolution 1172, City/Clay County Firework Display

REQUESTED BOARD ACTION:

Motion to approve Resolution 1172, contract renewal of City/Clay County Firework Display

SUMMARY:

Bid #22-15 was awarded on April 8, 2022 to Premier Pyrotechnics for the annual Fourth of July fireworks display hosted jointly by the City of Smithville and Clay County. The City's contract with Premier Pyrotechnics contained options which may be executed by the City for up to three additional annual Fourth of July fireworks shows.

City staff recommends that the City exercise its option for the 2023 fireworks show, to be held July 1. The cost of the show will not exceed \$16,000, of which Clay County reimburses the City \$8,000.

Premier Pyrotechnics performed the City's Fireworks Display last year for the first time.

PREVIOUS ACTION:

Premier Pyrotechnics bid 22-15 was approved on April 8, 2022.

POLICY OBJECTIVE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

\$16,000 is budgeted for firework display. Clay County reimburses the City \$8,000.

ATTACHMENTS:

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

RESOLUTION 1172

A RESOLUTION A RESOLUTION RENEWING CONTRACT TO PREMIER PYROTECHNICS, INC. FOR A FIREWORKS DISPLAY

WHEREAS, The City of Smithville annually partners with Clay County to provide a Fourth of July Fireworks Display, with each entity funding half of the total cost.

WHEREAS, the fiscal year 2022-2023 budget allocated funds for the purchase of a Fireworks Display; and

WHEREAS, The City's contract with Premier Pyrotechnics contained options which may be executed by the City for up to three additional annual fireworks shows.

WHEREAS, staff recommends renewal of contract to Premier Pyrotechnics, Inc. for Fireworks on Friday, July 1, 2023.

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

THE MAYOR IS HEREBY AUTHORIZED TO RENEW A CONTRACT IN AN AMOUNT NOT TO EXCEED \$16,000.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Parks, Police

AGENDA ITEM: Resolution 1173 – Temporary Liquor License – Smithville Main Street District

REQUESTED BOARD ACTION:

A motion to approve Resolution 1173, issuing a Temporary Liquor License to Smithville Main Street District for Humphrey's Gravel Adventure Bike Race and Wine Walk to be held Saturday, May 6, 2023

SUMMARY:

Approval of this item would issue a Temporary Liquor License to Smithville Main Street District, to be part of the Special Event Permit for Humphrey's Gravel Adventure Bike Race and Wine Walk to be held Saturday, May 6, 2023.

Chief Lockridge has completed a background check on Smithville Main Street District. There were no findings to prevent issuing a liquor license.

Requested Licenses: Temporary Permit

This license will be effective May 6, 2023 (pending all state license requirements).

PREVIOUS ACTION:

Smithville Main Street was approved for all Temporary Permits for 2022 events

POLICY ISSUE:

n/a

FINANCIAL CONSIDERATIONS:

n/a

ATTACHMENTS:

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

RESOLUTION 1173

A RESOLUTION ISSUING A TEMPORARY LIQUOR LICENSE TO SMITHVILLE MAIN STREET DISTRICT FOR OPERATION OF THE GRAVEL ADVENTURE BIKE RACE AND WINE WALK

WHEREAS, Smithville Main Street District has completed the required application, and;

WHEREAS, Chief Lockridge has completed a background check, and;

WHEREAS, the background check did not reveal anything to prevent approval of a city liquor license.

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

THAT A TEMPORARY LIQUOR LICENSE WILL BE ISSUED TO SMITHVILLE MAIN STREET DISTRICT FOR OPERATION OF THE GRAVEL ADVENTURE BIKE RACE AND WINE WALK AT COURTYARD PARK APPROVED FOR SPECIAL EVENT PERMIT FOR HUMPHREY'S GRAVEL ADVENTURE BIKE RACE AND WINE WALK TO BE HELD SATURDAY, MAY 6, 2023.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

600.070 (G & H)

G. Drinking In Public Places Prohibited.

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot, except in those areas above granted a special event permit.
2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.
3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.
4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

H. Special Event Permit. The Board of Aldermen may grant a special event permit for purposes as identified in Section 600.070(G)(1), above, and under the following conditions:

1. An application must be filed with the Chief of Police that describes the applicant's name and business or interest in the event; the name(s) and contact information of any or all liquor license holders who will be involved in such event; the public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot to be included in the event area; the beginning and ending time of such event, and the telephone contact of the person in charge of and present at the event.
2. The estimated number of participants in the event shall be provided to the Chief of Police, and the applicant shall pay all costs of security needed as a result of the event to ensure compliance.

[1] Editor's Note: Former Section 600.070, which derived from RSMo. §§311.280, 311.340, 311.600, 311.330, 311.310, 312, 400; Ord. No. 2255-04 §1, 3-16-2004, was repealed 6-21-2011 by Ord. No. 2790-11 §1.



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Parks & Recreation

AGENDA ITEM: Resolution 1174 – Special Event Permit – Humphrey’s Gravel Adventure and Wine Walk

REQUESTED BOARD ACTION:

A motion to approve Resolution 1174, issuing a Special Event Permit for Humphrey’s Gravel Adventure and Wine Walk on May 6, 2023.

SUMMARY:

Approval of this item will issue a Special Event Permit to Smithville Parks and Recreation Department and Smithville Main Street District for Humphrey Gravel Grinder and Wine Walk on May 6, 2023.

The requested permit will allow the participants to have alcohol (open container) at the event. The event is scheduled from 6:00 a.m. until 11:00 p.m. at Courtyard Park. Per City Ordinance 600.070 (G & H) the Board of Aldermen may grant a Special Event Permit to allow drinking in public.

The event coordinators will be requesting and obtaining State Licensing. All businesses/committees selling alcohol are required to have City and State Alcohol Licenses.

PREVIOUS ACTION:

A Special Event Permit has been approved for these events in past years.

POLICY ISSUE:

n/a

FINANCIAL CONSIDERATIONS:

n/a

ATTACHMENTS:

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Application, Map and Ordinance 600.070 | |

RESOLUTION 1174

A RESOLUTION APPROVING A SPECIAL EVENT PERMIT FOR SMITHVILLE PARKS AND RECREATION FOR HUMPHREY'S GRAVEL ADVENTURE BIKE RACE AND SMITHVILLE MAIN STREET DISTRICT WINE WALK AT COURTYARD PARK ON SATURDAY, MAY 6, 2023

WHEREAS, Smithville Parks & Recreation has submitted an application with all required documentation; and,

WHEREAS, a local and licensed business will supply the alcoholic beverages for a fee to the participants in a vendor area at Courtyard Park using their State and City licenses to sell alcohol; and,

WHEREAS, the applicant has submitted a map of the area and will monitor the area that will allow open consumption of alcohol in accordance with city code; and,

WHEREAS, Smithville police officers will assist in providing security at the event.

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

THAT A SPECIAL EVENT PERMIT BE ISSUED TO SMITHVILLE PARKS & RECREATION DEPARTMENT FOR HUMPHREY'S GRAVEL GRINDER BIKE RACE AND SMITHVILLE MAIN STREET DISTRICT WINE WALK TO BE HELD MAY 6, 2023, IN ACCORDANCE WITH THE APPROVED PLAN.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



CITY OF SMITHVILLE
 107 West Main Street
 Smithville, MO 64089

Date Submitted 1-10-23
 Application # 1
 Date Approved _____

SPECIAL EVENT APPLICATION

Thank you for choosing the City of Smithville for your event. Staff looks forward to working with you in ensuring a quality event and protecting the public health, safety, and welfare of event participants and the public at large. In order to do so, the City requires that all events must be approved prior to the event. Please complete and return the following special event application to City Hall at the address above. Thank you again for choosing Smithville. Please refer to the **Application Information** and corresponding sections in the **Event Rules and Conditions** to answer most questions.

1. EVENT INFORMATION:

Event Name: Gravel Grinder Bike Race
 Event Location: Courtyard Event Tier: 2
 Detailed event description (additional room on next page or sheet may be attached): _____
Annual Bike race, Partnered w/ Main street Wine walk & Spring Market
 Estimated attendance: 1,000
 Event Date(s) and Times: May 6, 2023
 Set up date/time: 6:00 AM Cleanup finished date/time: 11:00 pm

2. APPLICANT / CONTACT INFORMATION:

Applicant(s)

Name: Matt Denton
 Organization: SPR
 Address: 107 W. Main St.
 City, State, Zip: Smithville, MO, 64089
 Phone: 816-532-8130 Fax: _____
 Emergency #: 533-2255
 E-mail: mdenton@smithvillemo.org

Property Owner(s), if not applicant or City

Name: _____
 Organization: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 Emergency #: _____
 E-mail: _____

Alternative Contact

Alternative Contact
 Name: Alex Winkler
 Phone: 532-8130

Alternative Contact

Name: _____
 Phone: _____

Detailed event description continued (Attach additional sheet if necessary): _____

Bike Race Saturday Morning

Wine Walk - Main Street businesses (Middle Afternoon)

Food, Alcohol & music @ Courtyard. Vendors on street

3. EVENT TYPE:

Run

Walk

Parade/
March

Bike
Race/Tour

Street Fair

Concert

Film

Festival

Other:

5. SITE PLAN

Where do you plan to have your event? Courtyard Park: Other Public Property: _____

The site plan should be a detailed narrative and/or map including a description of the event set up, such as event entry and exit, temporary restrooms, first aid, start/finish lines, inflatables, and a timeline of your event. Please write this description in the space provided below or attach the description as a Word document. Explain Your Site Plan (Attach additional sheet if necessary): _____

See Map

6. PARKING PLAN

Do you have sufficient on street/lot parking at your eventspace? Yes: X No: _____

If No: Additional Parking and Shuttle Routes need to be approved by the City. Explain Your Parking Plan (Attach additional sheet if necessary): _____

7. PUBLIC INFORMATION:

If applicable, surrounding businesses that will be impacted by the event must be notified no later than 14 days prior to the event. How will you notify neighbors/businesses of your event? Explain (Attach additional sheet if necessary): _____

Downtown will lose close parking. Businesses will be notified.
They can still open during event

8. CANCELLATION NOTICE:

How will you notify participants if your event is cancelled with 48 hours of event day? Explain (Attach additional sheet if necessary): _____

Face book, Instagram & Bikeroy

9. SECURITY PLAN:

Describe your security plan, including crowd control, internal security, and venue safety. Specify if you would like to hire off-duty police support. (Attach additional sheet if necessary): _____

There is a EAP. Emergency Personell will be on site. staff CPR certified
AED on site

10. RESTROOM PLAN:

Describe your restroom/restroom cleaning plan. At least three restrooms must be provided for each estimated 500 attendees. Specify if you would like to hire city staff support (Attach additional sheet if necessary): _____

Add Additional RR. (1-2)

11. CLEAN UP PLAN:

Describe your clean-up plan, including trash removal and recycling containers. Specify if you would like to hire city staff support. (Attach additional sheet if necessary): _____

Extra trash cans

12. FIRST AID PLAN:

Describe your First Aid Plan. (Attach additional sheet if necessary): _____

First Aid + AED on site

13. UTILITY CONNECTIONS

Do you want to have a utility connection/s at your event? Yes: No: _____

If Yes: How Many Electric Pedestals? all

If Yes: How Many Water Hookups? 0

Additional Utility Requests (Attach additional sheet if necessary): _____

14. ROADWAY AND PARKING LOT CLOSURES:

Will you require a roadway closure? Yes: No: _____

If Yes: Explain (Attach additional sheet if necessary): _____

See Map

15. OTHER STAFF SUPPORT:

Do you desire to hire city staff for other duties? Yes: ___ No: X

If Yes: Please Explain (Attach additional sheet if necessary): _____

Park Staff will cover

16. SIGNAGE:

Do you want to also have advertising signage for your event on private property? Yes: X No: ___

If Yes: Attach a Sign Permit Application

17. SPECIAL ITEMS:

Are you serving alcohol?..... Yes: X No: ___ (If Yes, see **the Alcohol Guidelines**)

Are you having amplified music?..... Yes: X No: ___ (If Yes, complete question 18 on pg. 13)

Will you have food/sales vendors?..... Yes: X No: ___ (If Yes, complete question 20 on pg. 15-16)

18. AMPLIFIED SOUND / PERFORMANCE LIST

If you plan to have amplified sound, provide a tentative list of performers, performance type, music genre, performance times, and duration. Include non-live prerecorded sound/music. The complete performance list is due 7 days before the event (Attach additional sheet if necessary):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

INSURANCE

Must submit a copy of your special event insurance policy with this form.

THE UNDERSIGNED is an authorized representative of the event sponsor (hereinafter Name of Event Sponsor referred to as "the Sponsor Organization") IN CONSIDERATION of being given the opportunity to sponsor this event (hereinafter referred to as "the Event"), THE SPONSOR ORGANIZATION: 1. HEREBY COVENANTS NOT TO SUE AND RELEASES, WAIVES, DISCHARGES AND INDEMNIFIES the Releasees ("Releasees" are defined as the City of Smithville and its respective officials, agents and employees) from all liability against any and all claims and causes of action for injury, death, disease, related in any manner to the Event; 2. IN THE ABSENCE OF PROVIDING PROOF OF INSURANCE COVERAGE, the Sponsor Organization further acknowledges that the City of Smithville is not sponsoring nor otherwise involved in the administration of the Event, and the Sponsor assumes responsibility for claims associated with its operation or administration. THE SPONSOR ORGANIZATION expressly agrees that the foregoing Special Event Release and Hold Harmless Agreement is intended to be as broad and inclusive as is permitted by the law of the State of Missouri and that if any portion of this Special Event Release and Hold Harmless Agreement is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect. THE UNDERSIGNED, ON BEHALF OF THE SPONSOR ORGANIZATION, HAS CAREFULLY READ AND VOLUNTARILY SIGNS THE SPECIAL EVENT RELEASE AND HOLD HARMLESS AGREEMENT, and further agrees that no oral representations, statements or inducements apart from the foregoing written agreement have been made.

SIGNATURE OF LEGALLY AUTHORIZED REPRESENTATIVE	Date
	1-10-2023
PRINTED NAME OF LEGALLY AUTHORIZED REPRESENTATIVE	TITLE
Matt Denton	Director

REQUIRED APPROVALS, IF APPLICABLE:

Parks and Recreation Director

ΔApproved Date: _____ Conditions: _____

Board of Aldermen (alcohol/other)

Δ Approved Date: _____ Conditions: _____

Police Chief (closures/public safety/alcohol): ΔApproved

Date: _____ Conditions: _____

Health Department (food/beverage service): ΔApproved

Date: _____ Conditions: _____

State of Missouri (alcohol license):

ΔApproved Date: _____ Conditions: _____

Finance Department (licenses/ taxes/fees): ΔApproved

Date: _____ Conditions: _____

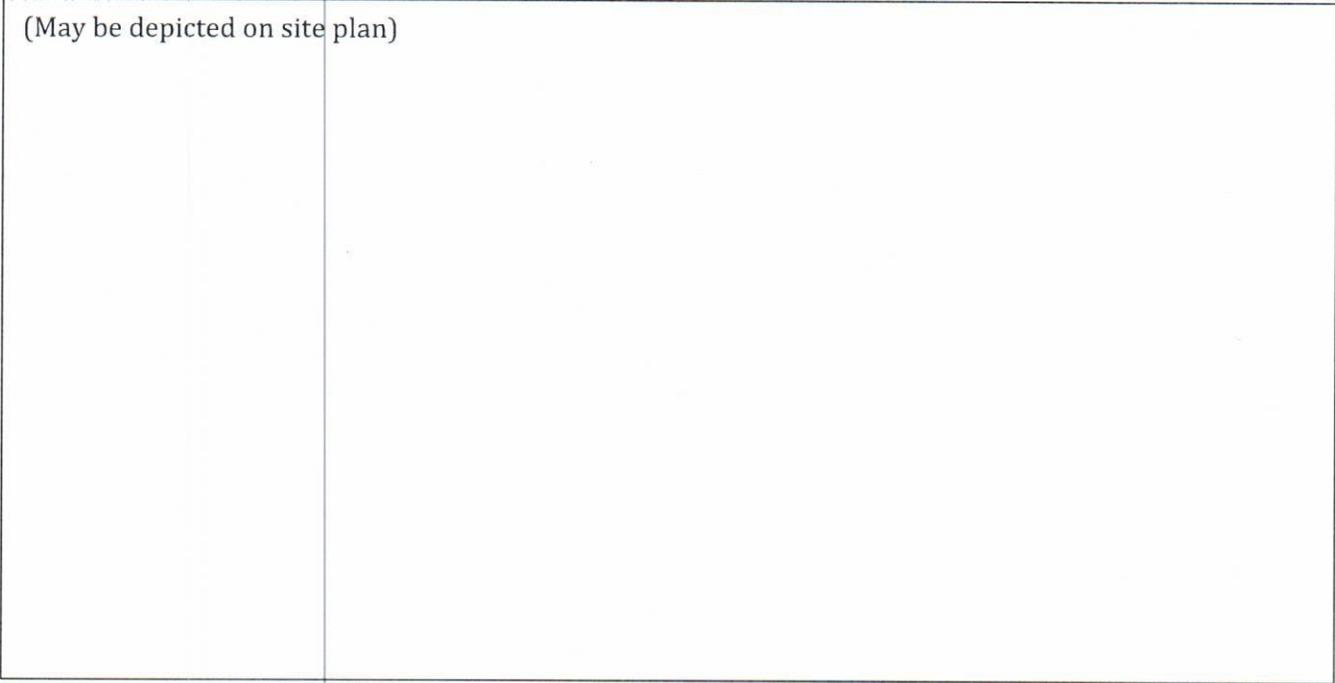
Development (temporary sign permit):

ΔApproved Date: _____ Conditions: _____

VENDOR MAP

Please map the planned vendors at your event (Attach additional sheet if necessary):

(May be depicted on site plan)



LEGAL

I have read and understand the Event Rules and Conditions and Application Information Guide. I will abide by these terms and fees associated with my event.



Event coordinator

1-10-2023 Date

Wine Walk and Bike Race EVENT MAP



EVENT PARKING



PUBLIC RESTROOMS



BIKE RACE START & FINISH



ROAD CLOSED



BARRIER TO STOP RIDERS



VENDOR BOOTHS





Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Police Department

AGENDA ITEM: Resolution 1175 - Purchase of updated Mobile Data Terminals for patrol vehicles

REQUESTED BOARD ACTION:

A motion to approve Resolution 1175, to purchase four replacement Mobile Data Terminals for police vehicles in an amount not to exceed \$10,456.48.

SUMMARY:

This purchase was approved at the November 1, 2022, Board meeting. Once the order was placed the manufacture advised that units with those specifications are no longer available. These are comparable units.

The Smithville Police Department has used Mobile Data Terminals in patrol vehicles since 2018. These terminals are used in a patrol capacity as a link to Platte County Dispatch, the Records Management System, Criminal Justice Databases, and electronic ticketing software on a daily basis.

These replacement Mobile Data Terminals are part of an equipment replacement program and will use existing mounting hardware and maintain uniformity from vehicle to vehicle. This removes the need to purchase additional, different mounting hardware.

Staff propose using the contract 081418-CDW between Sourcewell and CDW-Government.

PREVIOUS ACTION:

NA

POLICY ISSUE:

Technology and Ongoing Maintenance

FINANCIAL CONSIDERATIONS:

\$10,000.00 was budgeted in the FY 23 Budget.

ATTACHMENTS:

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

RESOLUTION 1175

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR
THE PURCHASE OF MOBILE DATA TERMINALS IN PATROL CARS
FOR THE SMITHVILLE POLICE DEPARTMENT, IN AN AMOUNT
NOT TO EXCEED \$10,456.48**

WHEREAS, the Police Department uses Mobile Data Terminals on a daily basis to perform patrol duties, investigative duties and traffic enforcement, and;

WHEREAS, the purchase of the Mobile Data Terminals was approved in the 2023 Fiscal Year Budget, and;

WHEREAS, City Code Section 105.080.C authorizes staff to use cooperative purchase agreements, and;

WHEREAS, staff has made a recommendation to purchase the equipment from CDW-Government, through the cooperative purchasing agreement with the Missouri State Highway Patrol.

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

THAT the mayor is hereby authorized and directed to execute the purchase of said equipment from CDW-Government in an amount not to exceed \$10,456.48.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Thank you for choosing CDW. We have received your quote.

Hardware Software Services IT Solutions Brands Research Hub

Review and Complete Purchase

JASON LOCKRIDGE,

Thank you for considering CDW•G for your technology needs. The details of your quote are below. **If you are an eProcurement or single sign on customer, please log into your system to access the CDW site.** You can search for your quote to retrieve and transfer back into your system for processing.

For all other customers, click below to convert your quote to an order.

Convert Quote to Order

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
NDNL894	1/4/2023	NDNL894	12728628	\$10,456.48

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
GETAC A140G2 I5-10210U 256 8 W10P	4	7283360	\$2,614.12	\$10,456.48
Mfg. Part#: AM2OZ4QA5DXS				
Contract: Sourcwell 081419#CDW Technology Catalog/NSA (081419-CDW)				

SUBTOTAL	\$10,456.48
SHIPPING	\$0.00
SALES TAX	\$0.00
GRAND TOTAL	\$10,456.48

PURCHASER BILLING INFO	DELIVER TO
Billing Address: SMITHVILLE POLICE DEPARTMENT ACCOUNTS PAYABLE 107 W MAIN ST SMITHVILLE, MO 64089-9384 Phone: (816) 532-0500 Payment Terms: Net 30-Expired	Shipping Address: SMITHVILLE POLICE DEPARTMENT JASON LOCKRIDGE 107 W MAIN ST SMITHVILLE, MO 64089-9384 Phone: (816) 532-0500 Shipping Method: DROP SHIP-GROUND
	Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515



Sales Contact Info

Amanda Varela | (877) 680-7211 | amanda.varela@cdwg.com

LEASE OPTIONS			
FMV TOTAL	FMV LEASE OPTION	BO TOTAL	BO LEASE OPTION

\$10,456.48	\$293.72/Month	\$10,456.48	\$335.55/Month
--------------------	-----------------------	--------------------	-----------------------

Monthly payment based on 36 month lease. Other terms and options are available. Contact your Account Manager for details. Payment quoted is subject to change.

Why finance?

- Lower Upfront Costs. Get the products you need without impacting cash flow. Preserve your working capital and existing credit line.
- Flexible Payment Terms. 100% financing with no money down, payment deferrals and payment schedules that match your company's business cycles.
- Predictable, Low Monthly Payments. Pay over time. Lease payments are fixed and can be tailored to your budget levels or revenue streams.
- Technology Refresh. Keep current technology with minimal financial impact or risk. Add-on or upgrade during the lease term and choose to return or purchase the equipment at end of lease.
- Bundle Costs. You can combine hardware, software, and services into a single transaction and pay for your software licenses over time! We know your challenges and understand the need for flexibility.

General Terms and Conditions:

This quote is not legally binding and is for discussion purposes only. The rates are estimate only and are based on a collection of industry data from numerous sources. All rates and financial quotes are subject to final review, approval, and documentation by our leasing partners. Payments above exclude all applicable taxes. Financing is subject to credit approval and review of final equipment and services configuration. Fair Market Value leases are structured with the assumption that the equipment has a residual value at the end of the lease term.

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<http://www.cdw.com/content/terms-conditions/product-sales.aspx>

For more information, contact a CDW account manager

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Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Public Works – Wastewater

AGENDA ITEM: Resolution 1176 – Authorization No. 98 - Owens Branch Sanitary Sewer Main

REQUESTED BOARD ACTION:

A motion to approve Resolution 1176, authorizing and directing the mayor to execute Authorization No. 98 with HDR Engineering, Inc. for engineering design of the Owens Branch Sanitary Sewer.

SUMMARY:

A long-term goal of the City of Smithville is to more efficiently serve the community's wastewater collection needs and provide additional capacity to facilitate growth opportunities. The most efficient method to convey wastewater is through the strategic implementation of gravity sewers to serve the north and south portions of the City. These interceptors are long term solutions that should be constructed in phases as growth and development are proposed. Three interceptor sewers are recommended for the ultimate build-out of the City based on the watersheds. The Owens Branch Interceptor will serve the area north of the Little Platte River.

This first phase of the Owens branch interceptor will extend from the wastewater plant to north of KK Highway with an estimated cost of \$3.9 million.

PREVIOUS ACTION:

Wastewater Master Plan adoption Res 880, 2/10/2021.

POLICY ISSUE:

Infrastructure Maintenance and growth.

FINANCIAL CONSIDERATIONS:

The 2023 Capital Improvement Plan for the Combined Water and Wastewater system includes this project.

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 1176

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AUTHORIZATION NO. 98 WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES FOR OWENS BRANCH SANITARY SEWER 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, the most efficient method to convey wastewater is through the strategic implementation of gravity sewers; and

WHEREAS, the Owens Branch Interceptor will serve the area north of the Little Platte River; and

WHEREAS, HDR Engineering Inc. has submitted Authorization No. 98 to complete the engineering design and specifications for the Owens Branch Interceptor in an amount of \$315,500.

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

THAT the Mayor is hereby authorized to execute Authorization No. 98 with HDR Engineering, Inc. to complete the engineering design and specifications for the Owens Branch Interceptor in an amount of \$315,500.

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

Damien Boley, Mayor

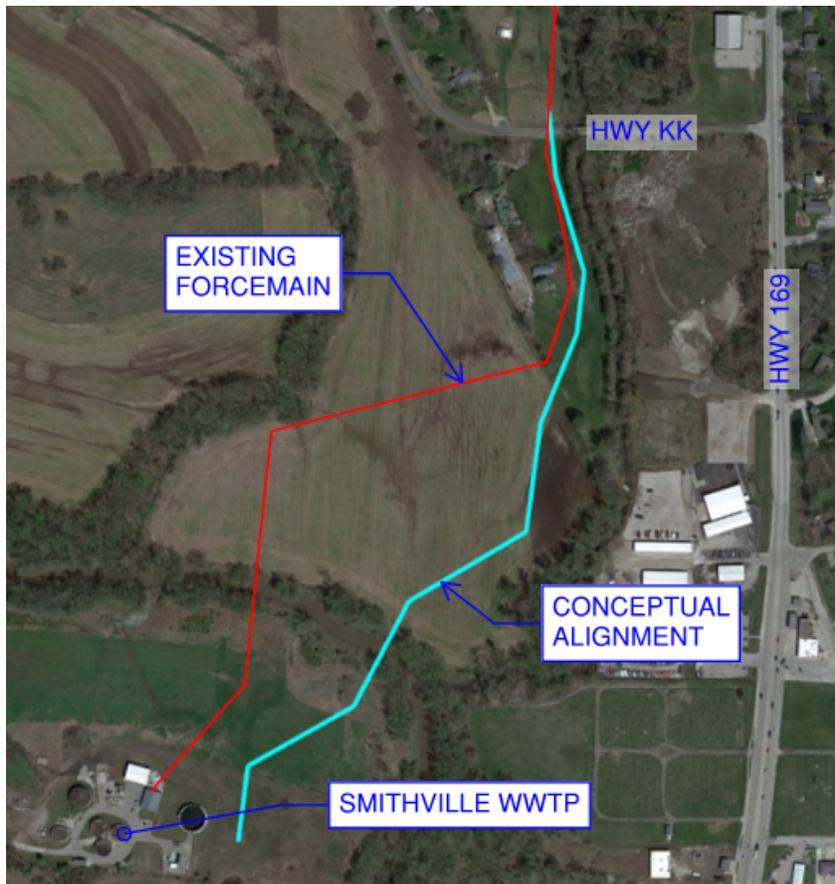
ATTEST:

Linda Drummond, City Clerk

AUTHORIZATION No. 98
TO
AGREEMENT BETWEEN
CITY OF SMITHVILLE, MISSOURI
AND
HDR ENGINEERING, INC. (FORMALLY E.T. ARCHER CORPORATION)
FOR
PROFESSIONAL ENGINEERING SERVICES

OWEN'S BRANCH SANITARY SEWER IMPROVEMENTS – PHASE 1

In accordance with Section 1.A. of the December 18, 2003 Agreement, ENGINEER is hereby authorized to assist the City with the topographic survey, environmental permitting, design, preparation of construction documents, bidding assistance, and construction administration for approximately 2,800 linear feet of 30-inch sanitary sewer gravity line. This line will extend from a manhole just east of the Influent Pump Station at the Smithville WWTP northward under the Little Platte River. In this first phase of the Owens Branch Extension, the line will terminate just north of Highway KK by connecting to the existing force main as shown below. The existing force main from this manhole to the WWTP will be abandoned in place.



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

SCOPE OF SERVICES

Task 1. Topographic 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 Survey - Obtain topographic survey within the project boundary including apparent visible features and the Little Platte River bottom utilizing sonar equipment.
5. Utility Coordination/meetings - Coordination with utilities for locates and survey of utilities.
6. Boundary 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.
7. Base mapping – Convert topographic field survey information into AutoCAD Civil 3D format.
8. Easement descriptions - Obtain Guaranteed Title Reports (GTR), create easement descriptions and exhibits for up to 4 properties.
9. Easement staking for acquisitions – HDR will provide staking for the proposed easements to define the project for property owners, appraisers, and the City.

Task 1 Deliverables: Easement descriptions and staking

Task 2. Environmental Permitting

1. Waters of the U.S. Determinations – Document Clean Water Act potential jurisdictional waters (wetlands and streams) and submit for jurisdictional determination. Determine the type, size and location of jurisdictional waters impacted by the project. Conduct wetland and stream channel delineations by two experienced wetland scientists. Delineate in accordance with the USACE 1987 wetland delineation manual and Midwest regional supplemental delineation manual. Provide jurisdictional assessment per pre-2015 USACE Rapanos Guidance. Photo documentation will be provided to include a photo log and corresponding description of each photo. Prepare a written determination/delineation report consisting of an introduction/project overview, methods, results and discussion, and temporary and permanent impacts. Wetland and waters of the U.S. data sheets will be prepared, as well as project location map, NWI and soils mapping information, photo log, wetland/pond/stream channel delineation boundary map, and project engineering plans. Develop wetland and/or stream crossing restoration plans for USACE submittal.
2. 404/401 Nationwide Permit PCN – Prepare Preconstruction Notification (PCN) letter form to USACE and supplemental attachments, brief discussion of avoidance and minimization, brief proposal to purchase credit in existing wetland and/or stream mitigation banks (only if required), agency coordination documentation as necessary, and project engineering figures. Include in PCN an engineer's estimate of volume and surface area of fill placed in wetlands or other waters of the U.S. and linear feet of stream channel impacted. The surface area estimate will also include consideration for grading limits within wetlands beyond the proposed fill area, as this can be considered wetlands impacts.

3. T & E Bat Species Habitat Assessment – Conduct IPaC online review and Section 7 ESA review and informal consult. Conduct general desktop and field habitat assessment, to include memo. Coordinate with USACE on City’s commitment to avoid potential roost tree and tree clearing in general relative to active and inactive bat seasons. Obtain, if possible, a “may effect - not likely to adversely affect” determination through USACE and USFWS coordination. Conduct (as needed meeting) with USFWS.
4. Section 106 SHPO Coordination - Pull SHPO records and prepare SHPO review letter. Conduct field archaeology survey for Section 106 compliance. Prepare survey report.
5. Stormwater Permitting – Coordinate and prepare land disturbance erosion & sediment control (E&S) plans, NPDES stormwater permit NOI application, and stormwater pollution prevention plan (SWPPP).
6. Floodplain Permit – Review available background materials. Request available FEMA models and documentation. Conduct hydraulic analysis. Coordination with sanitary sewer design features. Develop floodplain technical memorandum. Prepare and submit floodplain development permit application and no-rise certificate (as applicable).

Task 2 Deliverables – Wetland and waters report, 404 application, Archaeology survey report, NPDES stormwater permit application, floodplain development permit

Task 3. Preliminary Design

1. Internal Safety Plan and PARR QA/QC Review – Internal Safety Plan and perform project approach and resource review.
2. Conceptual Plan and Profile to 188th Street – HDR will design the conceptual Owen's Branch sewer line plan and profile (full build out) utilizing available GIS data. The City will provide necessary contour data. The conceptual full-build-out plan and profiles will provide required depth of future phases and necessary depth and location for coordination with potential developments upstream. This alignment will be approximately 22,000 LF and will require 18 plan sheets.
3. Alignment walkthrough - HDR will provide conceptual alignment and conduct a walkthrough of the project with the City. This will confirm the proper alignment for the topographic survey and design.
4. Utility Coordination – HDR will initiate conversations with utilities about the project with the conceptual alignment. HDR will determine if utility improvements are intended in the project vicinity.
5. Preliminary Engineering Report – HDR will prepare a preliminary engineering report to be reviewed by the City.
6. Geotechnical investigations - HDR will retain a subconsultant to perform 8 soil bores (25’ minimum depth) at proposed manhole locations to determine bed rock and groundwater conditions. Six (6) of the soil bores will be until auger refusal. The remaining two (2) bores will be at the edges of the Little Platte River and will in full depth rock cores. HDR will provide staking for the geotechnical bore locations.
7. Preliminary plans – HDR will develop preliminary design plans for the sewer alignment under the direction of City Staff. The Preliminary Design Plans will be based on the topographic survey developed in Task 1. These plans will include title sheet, sewer line plan and profiles, and standard details.

8. Technical specifications - HDR will prepare preliminary technical specifications for sewer line construction.
9. Preliminary cost estimate - HDR will prepare a preliminary itemized opinion of probable construction costs.
10. Internal QC review - HDR will perform an internal quality control review on the preliminary plans, project manual, and cost estimate.
11. Client Meeting (1 included) - HDR will attend one meeting with the City to review the preliminary documents.
12. Easement exhibits to City – HDR will prepare easement exhibits and descriptions for the City.
13. Project Management – Perform project management, invoicing, scheduling, and cost control for the project.

Task 3 Deliverables: Conceptual sewer line plan and profiles, Preliminary Engineering Report, Preliminary Plans, Preliminary Technical Specification, easement exhibits, and Geotechnical Report.

Task 4. Final Design

1. Utility Coordination – HDR will continue conversations with utilities about the project with the preliminary design plans created. HDR will determine if improvements are intended in the project vicinity.
2. Final plans – HDR will develop final design plans for the sewer line under the direction of City Staff. These plans will include title sheet, sewer line plan and profiles, layout and survey control, erosion control, traffic control, restoration plans, and standard details.
3. Technical and project specifications - HDR will finalize the project manual and project specific technical specifications.
4. Cost estimate – HDR will prepare a final itemized opinion of probable construction costs.
5. Internal QC review - HDR will perform an internal quality control review on the final plans, project manual, and cost estimate.
6. Engineering Report – HDR will prepare a final engineering report to be sent to Missouri Department of Natural Resources (MDNR) for review.
7. Construction permit to MDNR – HDR will submit a sewer line construction permit to MDNR.
8. Client Meeting (1 included) - HDR will attend one meeting with the City to review the final documents.
9. Project Management – Perform project management, invoicing, scheduling, and cost control for the project.

Task 3 Deliverables: Engineering report, Construction plans and specifications, Construction cost estimate.

Task 5. Bidding Phase

1. Prepare bid package - HDR will assist Owner in advertising by submitting electronic copies of the bidding documents to Drexel Technologies, Inc. Plan Room.
2. Pre-bid conference - HDR will assist the City in conducting a pre-bid conference.
3. Bidder's questions – HDR will address bidders questions.

4. Prepare addenda – HDR will issue up to two (2) addenda to clarify, correct, or modify the Bidding Documents.
5. Bid Opening – HDR will attend the bid opening, prepare Bid tabulations, and assist Owner in evaluating Bids or proposals and provide a bid award recommendation to the City
6. Bid award – After Acceptance from the City, HDR will notify the contractor of the bid award and notice to proceed and create conformed to bid drawings and Project Manual.

Task 4 Deliverables: Project advertisement, bid tab and recommendation, and conformed to bid Contract Documents

Task 6. Construction Phase

1. Pre-construction conference – HDR shall prepare an agenda and participate in a pre-construction conference prior to commencement of Work at the Site.
2. Submittal Reviews – HDR shall review up to twenty (20) 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. 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.
3. Address RFI's - HDR shall issue up to five (5) 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.
4. Issue Change Orders - HDR shall recommend Change Orders and Work Change Directives to Owner, and prepare up to three (3) Change Orders/Work Change Directives.
5. 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 five (5) 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).
6. Monthly progress meetings - HDR shall attend up to five (5) construction progress meetings with Owner and Contractor.
7. 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 three (3) 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.

8. Substantial completion walk through and punch list - HDR shall conduct a substantial completion walk through to determine if the completed Work of Contractor is acceptable. HDR will provide a punch list of items needed for the contractor to meet substation completion if necessary.
9. Final walk through and documentation - HDR shall conduct a final walk through to determine if the completed Work of Contractor is acceptable so that HDR may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, HDR shall also provide a notice that the Work is acceptable to HDR's knowledge and information, and based on the extent of the services provided by HDR under this Agreement.
10. Record drawing completion - HDR shall prepare a set of construction record drawings based upon records kept by Contractor and City's Resident Project Representative during Construction. These drawings will be provided to the Owner in electronic PDF format.
11. Project Management – Perform project management, invoicing, scheduling, and cost control for the project.

Task 5 Deliverables: Submittal reviews, change orders, pay app reviews, substantial completion punch list, final completion documentation, and record drawings

Project Assumption

1. The City will coordinate with owners of private property to provide access for consultant's and subconsultant's staff.
2. HDR will provide easement conveyance documents to the City. The City will negotiate and obtain the easements and appraisals as needed.
3. The City will provide construction observation and will review results of testing during construction.
4. The project will only be bid one time.
5. There will be no fee for the City issued floodplain development permit.
6. Potential for temporary and minor permanent impacts to jurisdictional waters and federally threatened and endangered species (T&E) habitat is acknowledged in the development of this scope of work that would require delineation and PCN to the USACE and are covered under NWP#58. Tree clearing restrictions for T&E bat species are anticipated. No mitigation banking, in-lieu fee, or mitigation site development costs

are provided in this scope of services. Plans will address temporary environmental resource damages to streams, riparian areas and wetlands.

7. A Phase 1 Archaeology survey will cover the requirements for SHPO correspondence. No Phase 2 archival or related mitigation services/consulting will be provided.
8. No mitigation services for bat habitat are provided. Should a “likely to adversely affect” result from initial review, HDR can provide further habitat surveys as additional services.
9. The floodplain permit process does not anticipate needing to obtain a CLOMR from FEMA.

Project Schedule

02/08/23	Anticipated Notice to Proceed
04/14/23	Conceptual Plan and Profile
03/21/23	Alignment Walkthrough
06/09/23	Preliminary Plans to the City
08/04/23	Construction permit to MDNR
09/15/23	Final Plans to the City
10/04/23	Issue for Bid
10/25/23	Bid Opening
08/2024	Construction Substantial Completion (240 days for construction)

FEE

The CITY shall compensate ENGINEER for the Owens Branch Sanitary Sewer Improvements Phase 1 in an amount not to exceed \$315,500.00

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 **February, 7, 2023** _____

ENGINEER: HDR Engineering, Inc.

By: _____

Cory Imhoff, P.E.

Type or Print Name

Title **Sr. Vice President** _____

Date _____



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1177, authorizing payment for Utility Easement

REQUESTED BOARD ACTION:

A motion to approve Resolution 1177, authorizing payment of \$13,160 for a utility easement.

SUMMARY:

The City is developing plans for the 144th Street Lift Station and the West Bypass Force Main. The force main will extend from the lift station on 144th to Cliff Drive. Staff has reviewed property values from the Clay County Appraiser and used those valuations to calculate the value of the easements which are being sought for the force main construction.

The City reviewed the Clay County Appraisers valuation of the property and calculated the value of the easements being requested from that information. Based on this the City has offered and the owner (McMillen Enterprises) has agreed with the amount of \$13,160.

The value exceeds the City Administrators authority, so Board approval is required.

PREVIOUS ACTION:

POLICY ISSUE:

Growth and Infrastructure

FINANCIAL CONSIDERATIONS:

The project is part of the CIP in the Combined Water and Wastewater Fund (CWWF).

ATTACHMENTS:

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

RESOLUTION 1177

A RESOLUTION AUTHORIZING PAYMENT FOR UTILITY EASEMENTS

WHEREAS, the City is developing plans to construct the west bypass force main; and

WHEREAS, a permanent and temporary construction easement is required on Lot 1, Hinterland Lot Split, a subdivision in the City of Smithville, Clay County, Missouri; and

WHEREAS, the City has estimated the value of the easements to be \$13,160; and

WHEREAS, the owners, McMillen Enterprises Inc, have accepted the City's offer.

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

That payment to McMillen Enterprises Inc. for utility easements in the amount of \$13,160 is approved.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Public Works/Parks and Recreation

AGENDA ITEM: Resolution 1178 – Acknowledgement of Recreational Trails Program (RTP) Grant Application

REQUESTED BOARD ACTION:

A motion to approve Resolution 1178, acknowledging the Board of Aldermen support of the 2023 RTP Grant Application.

SUMMARY:

The City is submitting an application for the Recreational Trails Program (RTP) grant through the Missouri Department of Natural Resources which requires a resolution of support by the Governing body. The City submitted an application for the RTP grant in 2022, but was not awarded.

The City is applying for federal assistance from the RTP to assist in the funding for The OK Railroad Trail Phase I Project. The trail would be 2,230 ft (0.42 miles). The trail will be a 10-foot-wide concrete path, with a 4-foot-wide lime screening running path.

This project will connect to the Diamond Crest, Clay Creek and Lake Meadows neighborhoods. The trail would allow for users to safely access Diamond Crest Park by walking, running, or biking. Amenities along the trail would be benches, a water fountain, and a pedestrian counter.

This is the first phase of connecting Diamond Crest, Clay Creek, and Lake Meadows to the Eagle Heights Elementary School by trail. Phase II and III involves obtaining easements from the Lake Meadows HOA and Landowners. The Diamond Crest Trail is recognized in the Parks and Recreation Master Plan, and in the soon to be Transportation Master Plan.

Estimated Budget

Item	Cost Per Unit	Total Cost of Item
Mobilization/Grading	\$50,000	\$50,000
10" Trail (2,500 SY)	\$60	\$150,000
4" Lime Screening Running Path (1,000 SY)	\$35	\$35,000
Pedestrian Counter	\$5,000	\$5,000
Bench (2)	\$1,225	\$2,500
Water Fountain	\$14,000	\$14,000
Total Construction Cost		\$256,500

Estimated Engineering Cost (not covered by RTP grant)	\$40,000
Total Project Cost	\$296,500

Funding Source	Amount	Percentage of Construction Cost
City	\$75,000	29%
RTP Grant	\$181,000	71%

The total City cost will be \$115,000, which includes the City portion of the construction costs and the estimated engineering costs.

Please note that the application details will likely change before the February 23 submittal deadline. Due to the timing of Board meetings, this resolution must be approved before the application is finalized. The proposed project will be posted on the City website, the City's Facebook Page, Parks and Recreation's Facebook Page, and Next Door for public comment. Staff will be submitting a draft application for review and will have time to make necessary changes before the deadline.

PREVIOUS ACTION:

Board approved a resolution on January 18, 2022

POLICY OBJECTIVE:

N/A

FINANCIAL CONSIDERATIONS:

The maximum amount awarded to the public for trail projects is \$250,000. The City must provide a 20% match to the amount awarded. If awarded, the sponsorship for this project will be identified in the FY23 Budget. The estimated City cost is \$115,000. If the grant is not awarded, this project will be delayed until funding is identified in the CIP or other grant opportunities arise.

ATTACHMENTS:

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

RESOLUTION 1178

A RESOLUTION ACKNOWLEDGING BOARD OF ALDERMEN SUPPORT OF AN APPLICATION FOR THE RECREATIONAL TRAILS GRANT THROUGH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

WHEREAS, the City of Smithville desires to expand its trail system; and

WHEREAS, the City of Smithville is applying for federal assistance from the Recreational Trails Program for the purpose of The OK Railroad Trail.

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

THAT, the Mayor of the City of Smithville is authorized to sign the application for federal assistance and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Missouri or the Federal Highway Administration.

THAT, the City of Smithville currently has the written commitment for the minimum 20% matching share for the project elements that are identified in the application and will allocate the necessary funds to complete the project.

THAT, in the event a grant is awarded, the City of Smithville will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for public access for at least 25 years.

THAT, in the event a grant is awarded, the City of Smithville is prepared to complete the project within the time period identified on the signed project agreement.

THAT, in the event the grant is awarded, the City of Smithville will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all federal and state laws that govern the grant application during the performance of the project.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1179, acknowledging and approving the expenditure of funds for a backwash pump at the water treatment plant.

REQUESTED BOARD ACTION:

A motion to approve Resolution 1179, acknowledging and approving the expenditure of funds for a backwash pump at the water treatment plant to Mid-America Pump in the amount of \$16,917.34.

SUMMARY:

A backwash pump is necessary to clean the filters at the water plant. In October of 2022, staff found one of the backwash pumps not working. Inspection of the pump found that the bearing housing was welded to the shaft, and the rotor was partially melted. The primary cause of failure is either a possible lightning strike or voltage spike of some type.

Three quotes for replacement were received from two vendors:

Mid-America – Ebara Pump	\$16,447.49
- Wilco Pump	\$16,917.34
JCI - Flyght Pump	\$24,249.00

The City filed this with insurance and the cost of the pump was covered less depreciation and deductible. We received \$7,634 from insurance.

PREVIOUS ACTION:

POLICY ISSUE:

Facility / infrastructure maintenance

FINANCIAL CONSIDERATIONS:

The 2023 CWWS fund has sufficient 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: Invoice | |

RESOLUTION 1179

**A RESOLUTION ACKNOWLEDGING AND APPROVING THE
EXPENDITURE OF FUNDS FOR A BACKWASH PUMP AT THE
WATER TREATMENT PLANT**

WHEREAS, in order to clean the filters at the water plant water is pushed back through the filter with a backwash pump purging the filter media of impurities; and

WHEREAS, in October 2022 it was found that one of the backwash pump had experienced a power surge; and

WHEREAS, the City received quotes for a backwash pump replacement from two vendors and selected Mid-America Pump providing the best value.

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

THAT the Board acknowledges and approves the expenditure of funds from the Combined Water and Wastewater Fund for the replacement of a backwash pump with Mid-America Pump in the amount of \$16,917.34.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



MID-AMERICA PUMP

5600 Inland Drive
Kansas City, KS
913-287-3900 Fax: 913-287-6641

0749 / 5104

Invoice

Date	Invoice #
1/10/2023	17022

Bill To
CITY OF SMITHVILLE ATTN: ACCOUNTS PAYABLE 1 HELVEY PARK DRIVE SMITHVILLE, MO 64089

Customer Acct #	Terms	Customer P.O. No.
CI149	NET 30 DAYS	VERBAL DAVE SCHUERGER

Item	Description
SHOP LABOR SHOP PARTS	SHOP LABOR SKP# 7622 SHOP PARTS MID-AMERICA PUMP SKP# 7622 This is for the inspection/ repair of the Flygt submersible pulled under SKP-7621

	Sales Tax (0.0%)	\$0.00
	Total	\$16,917.34



City Administrator's Report

February 2, 2023

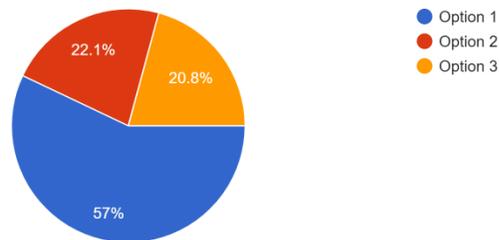
Wayfinding Design & Signage Guideline Update

149 responses were received via the online survey for the Wayfinding Signage.

The following are the results from the online survey:

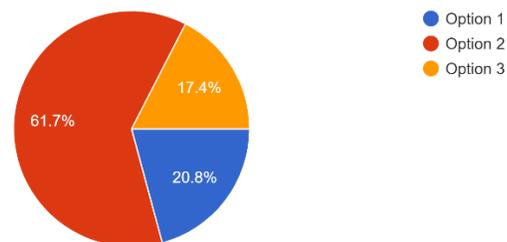
Choose your favorite Gateway Sign (entrances into the City):

149 responses



Choose your favorite Directional Sign (signage would be placed around the City)

149 responses



Based on the Board's feedback and the results of the online survey, the committee asked KMA Design to make some changes for the final signage design. Staff would like feedback from the Board on the final font choice for the signage before proceeding to the final design phase of the project.

Gateway Sign Options:

This option would be curved, and the vertical sign would not have the letters above the back panel. Some feedback we received from the committee is that the curved design looks similar to the logos of Rally House and the TV show, Smallville. The color of the back panel can be changed to the gray, as shown in the other gateway sign option.



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This option is the same font, with the letters straight. This design is a mock-up for font and does not have the full design elements. This option also includes a gray background instead of the black.

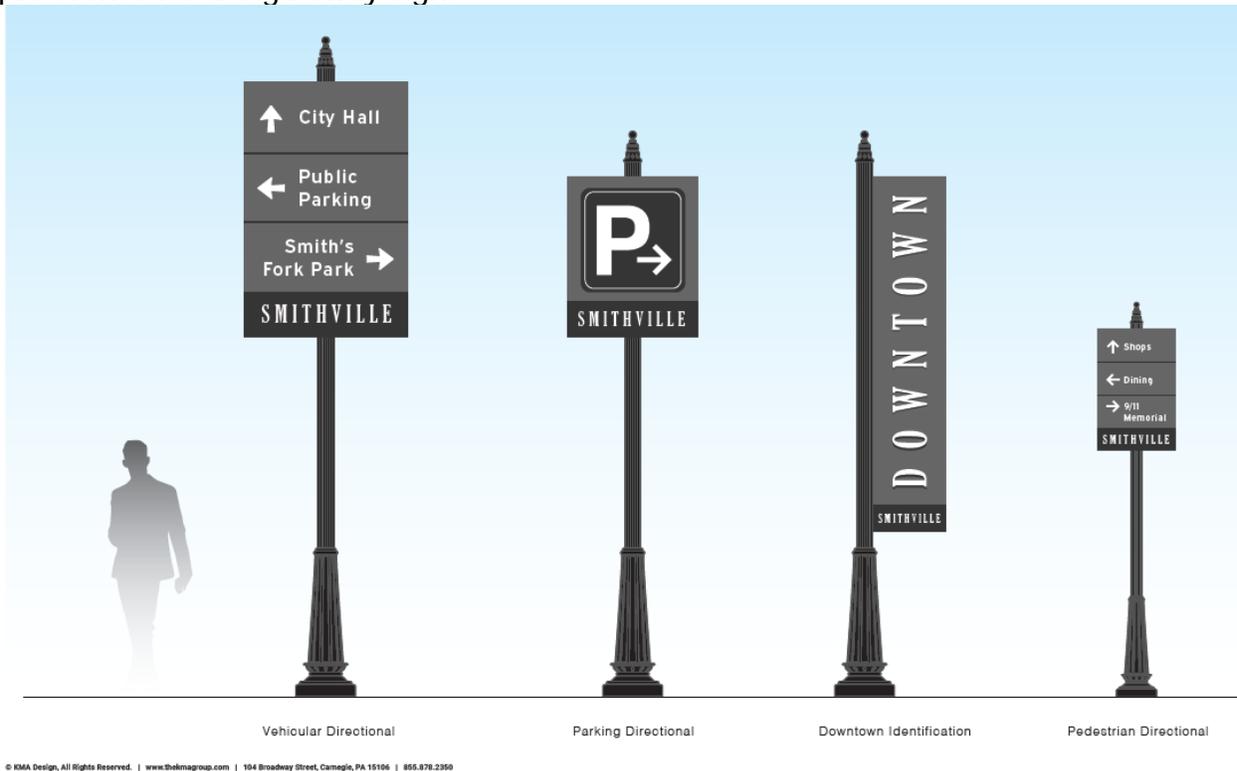


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Directional Signage:

The committee recommended combining option 1 and 2 for the directional signage, so the signage would be better transitioned throughout the entire City. The font on the

bottom of the sign for "Smithville" would either be curved or straight, based on the preference for the gateway sign.



Concealed Carry

At the last Board meeting, staff was requested to reach out to legal counsel regarding the ability to allow members of city boards and committees to carry concealed weapons during meetings of those boards and committees. The Employee Handbook currently includes the following language:

Section 3-9 Weapons

To improve the overall safety of the workplace, employees (other than City Police Officers) are not permitted to bring weapons to work or carry weapons in City vehicles. Prohibited weapons include guns, switchblades, or other knives (deemed to be dangerous or illegal), hunting bows, explosives, or other items which could be construed as weapons, such as paintball/air soft guns. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

Nothing in this Section shall preclude the Mayor and any member of the Board of Aldermen, or any Committee appointed by the Board of Aldermen who holds a valid State of Missouri concealed carry endorsement from carrying a licensed concealed firearm in compliance with the Missouri concealed carry law at a meeting of the City Board of Aldermen or City Committee of which they are a member.

Snow event Evaluation

On the night of January 24, a snow event occurred with mostly all snow falling at a depth of approximately 1½ inches. The snow was reported to be very wet. The snowfall began at 11:00 pm and ended around 5:00 am.

The street crew leader reported at 1:00 am following a call from a police officer regarding an accident on Amory. Remaining city crew members reported at 4:00 am R&S Lawn Service was called in with four trucks to assist in the snow removal efforts. By 10:00 am, the snow removal efforts were completed. Approximately 15 tons of salt were used on hills, as the snow was very wet and tended to blade off the road and back up to 35 degrees. With the sun shining during the day, the roads were cleared effectively. No breakdowns were reported during the snow removal efforts. Additionally, about 1,800 gallons of brine were put down on the roads. More roads were pre-treated during this event than in previous snow events. Overall, the snow removal efforts were successful and no issues were reported.



2022 Household Hazardous Waste Program

The City of Smithville participated in the 2022 Hazardous Household Waste program from the Mid-America Regional Council (MARC). Throughout the year, 155 households safely disposed of more than 18,000 pounds of hazardous waste.

Maple Lane Sidewalk Grant

At the January 17 Board meeting, the Board approved Resolution 1163 supporting an application to the Missouri Department of Transportation for the Transportation Alternatives Program (TAP) funding for a sidewalk on Maple Lane servicing Maple Elementary School. The call for applications was for the Northeast District of MODOT. Smithville is not eligible for this funding as we are included in the KC Metro area in which funding is distributed through the Mid-America Regional Council (MARC). During the MARC call for projects, the City was fortunate to receive funding for the Second Creek Sidewalk, Riverwalk and the Roundabout at First and Bridge.

Staff will continue to search for alternative programs to fund our projects.

COP Schedule

As you may recall, discussions held regarding the development of the FY2023 Budget and Utility Rate Study included the issuance of a Certificate of Participation (COP) for the 144th Street lift station and west bypass line project. Combined Water and Wastewater Systems (CWWS) fund cashflow projections demonstrated the necessity to finance the construction of both the lift station and west bypass line. Staff has been meeting with the City's financial advisors, Piper Sandler, and have worked together to develop a timeline for the sale of COPs and the associated Board action required for debt issuance. Additional information and action will come to the Board in the next few months.

Meeting Schedule

The Planning Calendar included with the agenda identifies a number of meetings the mayor has recommended be 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.



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT:

Administration/Finance/Police/Parks/Development

AGENDA ITEM: Bill No. 2973-23, Destruction of Records - 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2973-23, destruction of certain records for 2nd reading by title only.

SUMMARY:

The City keeps administrative, fiscal and legal records as required by the State of Missouri. The Secretary of State's Office publishes a records retention manual which establishes minimum retention periods for the administrative, fiscal and legal records created by local governments. Some records are permanent while others must be kept for various lengths of time. When non-permanent records have reached their retention date, the State recommends those records be destroyed by certified shred.

The Administration Department desires the destruction of applications for FY2019 Liquor Licenses, Fireworks Permits, Facility Reservation and Peddlers Permits and the FY2017-FY2019 Employment applications. These documents have met the retention schedule listed in the Missouri Records Manual as outlined in Section 109.200 RSMo.

The Finance Department desires the destruction of FY2019 Dog Tag Applications, FY2020 Meals on Wheels monthly billing information, FY2020 Meals on Wheels discontinued services applications, FY2019 Business License applications, FY2018 Utility Billing Reports and FY2017 Utility Billing Adjustments. These documents have met the retention schedule listed in the Missouri Records Manual as outlined in Section 109.200 RSMo.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

Destroy documents per the records retention schedule published by the Secretary of State's Office.

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

AN ORDINANCE AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS

WHEREAS, it has been determined that the applications of the FY2019 Liquor Licenses, Fireworks Permits, Facility Reservation and Peddlers Permits and of the FY2018-FY2019 Employment documents have met the retention schedule listed in the Missouri Records Manual as outlined in Section 109.200 RSMo.; and

WHEREAS, it has been determined that the applications of FY2020 Meals on Wheels monthly billing information, FY2020 Meals on Wheels discontinued services applications, FY2019 Business License applications, FY2018 Utility Billing Reports and FY2017 Utility Billing Adjustments documents have met the minimum retention schedule listed in the Missouri Records Manual as outlined in Section 109.200 RSMo.; and

WHEREAS, it has been determined that the records and documents have no further administrative, legal, fiscal, research or historical value; and

WHEREAS, destruction of said records will allow for easier access to needed records, provide a better environment of records, allow more space for operations and increase storage space, which must be legally retained; and

WHEREAS, the Smithville Board of Aldermen wish to authorize the destruction of said records.

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

- Section 1. That the Board of Aldermen hereby elects, pursuant to Section 109.200 RSMo., to approve the destruction certain finance and administration documents that have met the requirements of the retention schedule and no longer have value.
- Section 2. The Board of Aldermen hereby directs the City Clerk to find a method of destruction approved by the State of Missouri.
- Section 3. This Ordinance shall take effect and be in full force from and after its passage according to law.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 01/17/2023

Second Reading: 02/07/2023



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Police Department

AGENDA ITEM: Bill No. 2974-23, Repealing Ordinance Section 100.220 and Replacing it with a New Ordinance Section 100.220 Regarding General Penalties. 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2974-23, to repeal ordinance section 100.220 regarding general penalties and enacting in its place new ordinance section 100.220 regarding general penalties. First reading by title only.

SUMMARY:

With the passage of Amendment 3, regarding recreational marijuana, on November 8, 2022, the City's legal counsel has identified ordinances that need to be updated. Ordinance 100.220 is one of these ordinances.

PREVIOUS ACTION:

NA

POLICY ISSUE:

FINANCIAL CONSIDERATIONS:

N/A

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: Quote | |

**ORDINANCE REPEALING ORDINANCE SECTION 100.220 REGARDING GENERAL PENALTIES AND ENACTING IN ITS PLACE
NEW ORDINANCE SECTION 100.220 REGARDING GENERAL PENALTIES**

WHEREAS Section 100.220 - General Penalty currently reads as follows:

Section 100.220 General Penalty.

A. General Penalty.

1. Except as hereinafter provided, whenever in this Code or in any other ordinance of this City or in any rule, regulation, notice or order promulgated pursuant to such Code or other such ordinance of the City any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or whenever in such code or in such other City ordinance, rule, regulation, notice or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty or an amount not to exceed the statutory maximum, and no other, shall be imposed for such offense, except that imprisonment may be made in the City Jail or workhouse instead of the County Jail.

2. Whenever any provision of the Missouri Constitution, Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance or rule, regulation, notice or order promulgated pursuant thereto a fine of less amount than that provided in this Section, then the violation of such particular provision in this Code or other City ordinance, rule regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.

B. Continuing Violation. A separate offense shall be deemed committed upon each day during or on which a violation of this Code or any other City ordinance, rule, regulation, notice or order promulgated pursuant thereto, occurs, or continues, unless otherwise provided.

WHEREAS, in lieu of the adoption of Missouri Constitutional Amendment XIV, changes are needed to the Ordinances to address civil penalties authorized by and limited by such Amendment.

WHEREAS, changes need to be made to Section 100.220 to address and establish civil penalties.

WHEREAS the City of Smithville wishes to revise Section 100.220 to read as follows:

Section 100.220 General Penalty.

A. General Penalty.

1. Except as hereinafter provided, whenever in this Code or in any other ordinance of this City or in any rule, regulation, notice or order promulgated pursuant to such Code or other such ordinance of the City any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or whenever in such code or in such other City ordinance, rule, regulation, notice or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty or an amount not to exceed the statutory maximum, and no other, shall be imposed for such offense, except that imprisonment may be made in the City Jail or workhouse instead of the County Jail.

2. Whenever any provision of the Missouri Constitution, Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance or rule, regulation, notice or order promulgated pursuant thereto a fine of less amount than that provided in this Section, then the violation of such particular provision in this Code or other City ordinance, rule regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment or civil penalty so authorized, or by both such fine and imprisonment.

3. Regarding acts referenced in Missouri Constitutional Amendment XIV, penalties shall be civil penalties as authorized and limited by Amendment XIV.

B. Continuing Violation. A separate offense shall be deemed committed upon each day during or on which a violation of this Code or any other City ordinance, rule, regulation, notice or order promulgated pursuant thereto, occurs, or continues, unless otherwise provided.

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

Effective Immediately Smithville City Ordinance Sections §100.220 regarding General Penalties is repealed, and new Sections 100.220 is adopted which shall read as follow:

Section 100.220 General Penalty.

A. General Penalty.

1. Except as hereinafter provided, whenever in this Code or in any other ordinance of this City or in any rule, regulation, notice or order promulgated pursuant to such Code or other such ordinance of the City any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or whenever in such code or in such other City ordinance, rule, regulation, notice or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty or an amount not to exceed the statutory maximum, and no other, shall be imposed for such offense, except that imprisonment may be made in the City Jail or workhouse instead of the County Jail.

2. Whenever any provision of the Missouri Constitution, Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance or rule, regulation, notice or order promulgated pursuant thereto a fine of less amount than that provided in this Section, then the violation of such particular provision in this Code or other City ordinance, rule regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment or civil penalty so authorized, or by both such fine and imprisonment.

3. Regarding acts referenced in Missouri Constitutional Amendment XIV, penalties shall be civil penalties as authorized and limited by Amendment XIV.

B. Continuing Violation. A separate offense shall be deemed committed upon each day during or on which a violation of this Code or any other City ordinance, rule, regulation, notice or order promulgated pursuant thereto, occurs, or continues, unless otherwise provided.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21st of February 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading 02/07/2023

2nd reading 02/21/2023



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Police Department

AGENDA ITEM: Bill No. 2975-23 - Repealing Ordinance Sections 205.1800 and 205.1810 and Replacing it with a New Ordinance Sections 205.1800 and 205.1810 Regarding Use, Consumption or Possession of Marijuana and Controlled Substances. 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2975-23, to repeal Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances and enacting in its place new Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances. First reading by title only.

SUMMARY:

With the passage of Amendment 3, regarding recreational marijuana, on November 8, 2022, the City's legal counsel has identified ordinances that need to be updated. Sections 205.1800 and 205.1810 are two of these ordinances.

PREVIOUS ACTION:

NA

POLICY ISSUE:

FINANCIAL CONSIDERATIONS:

N/A

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: | |

ORDINANCE REPEALING ORDINANCE SECTIONS 205.1800 AND 205.1810 REGARDING USE, CONSUMPTION OR POSSESSION OF MARIJUANA AND CONTROLLED SUBSTANCES AND ENACTING IN ITS PLACE NEW ORDINANCE SECTIONS 205.1800 AND 205.1810 REGARDING USE, CONSUMPTION OR POSSESSION OF MARIJUANA AND CONTROLLED SUBSTANCES

WHEREAS Sections 205.1800 and 205.1810 currently reads as follows:

Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid. [

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

Section 205.1810 Possession Of A Controlled Substance. [1]

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

WHEREAS, in lieu of the adoption of Section 2 of Missouri Constitutional Amendment XIV, changes are needed to the Ordinances to address use of Marijuana while operating or in a motor vehicle or other vehicles, which is still not authorized.

WHEREAS, changes need to be made to Sections 205.1800 and 205.1810 to address the "use" or "consumption" of marijuana while in such vehicles

WHEREAS the City of Smithville wishes to revise Sections 205.1800 and 205.1810 to read as follows:

Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid.

A person commits the offense of **use of, consumption of or** possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

Section 205.1810 Possession Of A Controlled Substance.

A person commits the offense of use of, consumption of or possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

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

Effective Immediately Smithville City Ordinance Sections §205.1800 and 205.1810 regarding drugs are repealed, and new Sections 205.1800 and 205.1810 are adopted which shall read as follow:

Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid.

A person commits the offense of use of, consumption of or possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

Section 205.1810 Possession Of A Controlled Substance.

A person commits the offense of use of, consumption of or possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading 02/07/2023

2nd reading 02/21/2023



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2976-23 - Electric Fence Regulations - 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 2976-23, Electric Fence Regulations for First Reading by title only.

SUMMARY:

The ordinance would authorize electric fences in both A-1 and Industrial zones, subject to certain performance standards.

BACKGROUND:

A local business owner suffered some thefts from his storage lot and requested that the Board consider amending the ordinances that prohibited electric fences except in Agricultural districts. Following a work session on electric fences, and various potential provisions, the Board directed staff to draft an ordinance like the Kansas City Missouri ordinance for industrial properties in Smithville. That ordinance is attached.

PREVIOUS ACTION:

The Board adopted Ord. 1742-97 in July of 1997 to regulate electric fences.

POLICY ISSUE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

N/A

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. | |

AN ORDINANCE AMENDING SECTION 525.040 OF THE CODE OF ORDINANCES REGULATING ELECTRIC FENCES

WHEREAS, the Board of Aldermen adopted ordinance 1742-97 on July 15, 1997 to enact regulations for the use and construction of electric fences; and

WHEREAS, the Board of Aldermen conducted a work session on January 17, 2023, concerning amending electric fence regulations to allow expanded, limited use of electric fences with certain performance standards; and,

WHEREAS, the Board of Aldermen deems it in the best interest of public safety to regulation the location and installation of electric fences;

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

Section 1. Section 525.040 of the Code of Ordinances is hereby repealed in its entirety and replaced with a new Section 525.040, to be numbered and read as follows:

SECTION 525.040 REGULATIONS CONCERNING ELECTRIC FENCES

A. All fences containing uninsulated electric conductors that may be exposed to human contact otherwise prohibited in the zoning code are permitted as contained herein and must meet or exceed the following standards:

(a) In Industrial zones:

(1) Must obtain a separate fence permit for the electric fence, which is in addition to the permit required for the primary, non-electric fence required in (4) below.

(2) The system may not exceed twelve (12) volts.

(3) The system used to energize the electric fence must be listed by a national testing agency such as UL or ETL.

(4) The entire electric fence must be inside or enclosed by a primary non- electric perimeter security fence a minimum of 6 feet in height and located no closer than 5 feet to the electric fence.

(5) Warning signs must be displayed every fifty (50) feet clearly identifying the fence as an electric fence.

(b) In Agricultural zone 1, Electric fences may be installed not closer than seventy-five (75) feet from the property line of any adjacent property located in a district that is not allowed to install an electric fence, and not

within 5 feet of any other property line, and no permit is required for such installation.

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

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21st of February 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading 02/07/2023

2nd reading 02/21/2023



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1180, approving Change Order No. 6 at Smith Fork Pump Station

REQUESTED BOARD ACTION:

A motion to approve Resolution 1180, approving Change Order No. 6 with Irvinbilt Constructors in the amount of \$4,500.90 for additional electrical work at the Smith Fork Wastewater Pump Station.

SUMMARY: During construction of the Smith Fork Wastewater Pump Station, Platte Clay Electric required the new transformer and meter location be changed from the design drawings. This change increased the wiring and conduit that Irvinbuilt had to install.

Included in the contract was a \$120,000 construction allowance which has been expended through Change Orders 1 – 5:

Change Order #1-	\$11,663	– Generator price increase
Change Order #2 -	\$98,857	– Dewatering at Smith Fork
Change Order #3 -	\$487	– upsizing breaker for copper ion generator
Change Order #4 -	\$2,419-	Granular backfill between building and fence
Change Order #5 -	\$7,742-	Additional gate for Platte Clay Elec
Change Order #6 -	<u>\$4,500</u>	– additional electric due to Platte Clay relocation of transformer
Total	\$125,668	

PREVIOUS ACTION: June 15, 2021 Board approved Resolution 926 awarding the contract to Irvinbuilt Constructors

POLICY ISSUE:

Growth and Infrastructure

FINANCIAL CONSIDERATIONS:

The project is part of the CIP in the CWWF Fund. The \$4,500.90 overage is available within the Utilities operation budget.

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: Change Order #6 | |

RESOLUTION 1180

A RESOLUTION APPROVING CHANGE ORDER NO. 6 WITH IRVINBILT CONSTRUCTORS IN THE AMOUNT OF \$4,500.90 FOR ADDITIONAL ELECTRICAL WORK AT SMITH FORK WASTEWATER PUMP STATION

WHEREAS, the City hired Irvinbuilt Constructors to complete construction of the Smith Fork Wastewater pump Station; and

WHEREAS, additional electrical work was necessary as a result of Platte Clay Electric required transformer location; and

WHEREAS, the additional cost was \$5,377.00, the net increase over the approved construction allowance / force account, Change Order No. 6, is \$4,500.90.

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

That Change Order No. 6 in the amount of \$45,00.90 is approved.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Date of Issuance:	Effective Date:
Owner: City of Smithville, Missouri	Owner's Contract No.: RFP #21-15
Contractor: Irvinbilt Constructors, Inc.	Contractor's Project No.:
Engineer: HDR Engineering, Inc.	Engineer's Project No.: 10208674
Project: Raw Water Pump Station, Valve Vault and Zebra Mussel Control	Contract Name: Authorization 89

The Contract is modified as follows upon execution of this Change Order:

Description: During construction of the Smith Fork Wastewater Pump Station, Platte Clay Electric required the transformer and Meter location to be changed from where it was shown on the design drawings at the new pump station to closer to the old pump station. This change reduced the amount of wire and conduit Platte Clay would install and increased the amount Irvinbilt would have to install, and required an additional disconnect. The cost for this change is \$5,377.00. See break down attached.

This change along with Change Orders 1-5 is above the \$120,000.00 Allowance in Bid Form Item No. 10 by \$4,500.90 and increases the total contract amount as indicated below.

This Change Order will also increase the Substantial and Final Completion Dates, as indicated below, due to cold weather preventing concrete pours, potential for freezing by pass pumps and temporary water supply pipe, and work by the Corps of Engineers at the spillway that is preventing access to the valve vault. This change was requested by both the City and the Contractor to delay the work until warmer weather.

Attachments: Change Order Request from Irvinbilt

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: <u>\$ 2,983,795.00</u>	Original Contract Times: Substantial Completion: <u>August 2, 2022</u> Ready for Final Payment: <u>October 1, 2022</u>
{} Increase {} Decrease No Change from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : <u>\$ None</u>	Increase {} Decrease from previously Approved Change Order No. <u>5</u> : Substantial Completion: <u>December 22, 2022</u> Ready for Final Payment: <u>March 24, 2023</u>
Contract Price prior to this Change Order: <u>\$ 2,983,795.00</u>	Approved Contract Times prior to this Change Order: Substantial Completion: <u>December 22, 2022</u> Ready for Final Payment: <u>March 24, 2023</u> days or dates
Increase of this Change Order <i>is to the Total Contract</i> : <u>\$ 4,500.90</u>	Increase of this Change Order: Substantial Completion Date: <u>May 1, 2023</u> Ready for Final Payment: <u>June 15, 2023</u>
Contract Price incorporating this Change Order: <u>\$ 2,988,295.90</u>	Contract Times with all approved Change Orders: Substantial Completion Date: <u>May 1, 2023</u> Ready for Final Payment: <u>June 15, 2023</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>President</u>
Date: <u>01-09-23</u>	Date: _____	Date: <u>1/9/2023</u>



September 9, 2022

Mr. Kent Newport, P.E.
HDR Engineering
10450 Holmes Road, Suite 600
Kansas City, MO 64131

Re: Raw Water Pump Station, Valve Vault, & Zebra Mussel Control
Smithville, MO

Mr. Newport,

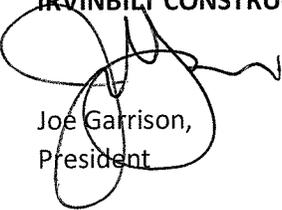
The following is our change order request for the additional work to relocate the meter at the sewage lift station per Platte Clay Electric at the referenced project:

Missouri Electric:	\$5,121
<u>Overhead & Profit (5%):</u>	<u>\$256</u>
Total:	\$5,377

Please review this proposal and if acceptable include this amount on a future change order

Sincerely,

IRVINBILT CONSTRUCTORS, INC.



Joe Garrison,
President

Cc; File
Brad Zahner

Enclosure

Joe Garrison, P.E.
PRESIDENT

Wayne Cunningham
VICE PRESIDENT

Missouri Electric, Inc.

1109 Frederick Avenue

St. Joseph, MO 64501

Tel: (816) 279-1056 Fax: (816) 279-4309

Email: missourielectric@sbcglobal.net

CHANGE ORDER

September 7, 2022

TO: Irvinbilt Constructors
P. O. Box 1107
Chillicothe, MO 64601

Ref: Raw Water Pump Station, Smithville, MO
Relocate meter per Platte-Clay Electric at Sewage Lift Station

Description:

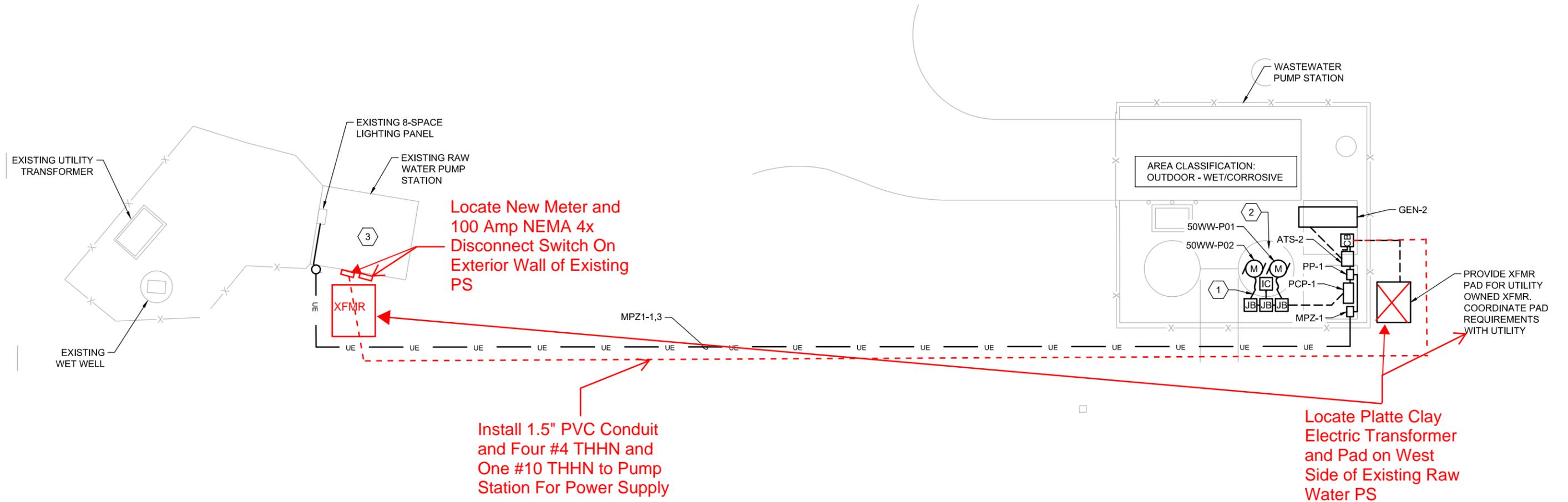
Following are the changes required as requested:

ADD:	Cost	Hours
100 Amp NEMA 4X Non-fused Disconnect	\$619.16	4
180' - 1-1/2" PVC	\$522.40	14.5
720' - #4 THHN	\$883.82	9
180' - #10 THHN	<u>\$50.31</u>	<u>1.5</u>
	\$2,075.69	29
Material:	\$2,075.69	
Labor:	<u>\$2,378.00</u> (29 Hours @ \$ 82.00/hr)	
Sub Total:	\$4,453.69	
15% Mark up:	<u>\$668.05</u>	
TOTAL:	\$5,121.74	

Prepared by: Tom R. Nelson, President

Date: September 7, 2022

Change Order NO. 6 Electrical Changes To Satisfy Platte Clay Electric Requested Transformer Location



Note: New Wastewater Pump Station Site Was Relocated 30 Feet West of Location Shown Due to Location of Water Line



Not To Scale

MEETING DATE: 2/7/2023

DEPARTMENT: Public Works – Water

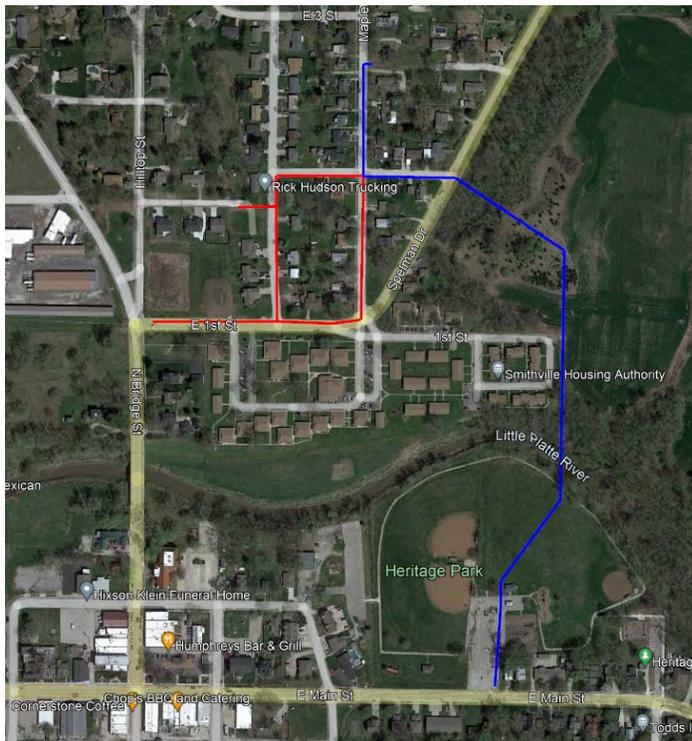
AGENDA ITEM: Resolution 1181 - Amendment to Authorization 97 – A Resolution authorizing the Mayor to execute Amendment No. 1 to Authorization No. 97 in an amount of \$11,000 with HDR Engineering, Inc. for design and construction services for Little Platte River Crossing.

REQUESTED BOARD ACTION:

A motion to approve Resolution 1181, authorizing and directing the mayor to execute Amendment No. 1 to Authorization No. 97 with HDR Engineering, Inc. for design and construction services for Little Platte River Crossing.

SUMMARY:

The 12" water line will extend from Heritage Park under the Little Platte River to 3rd Street and Maple Avenue the revised alignment is shown in blue. The 8" water line will include improvements on First Street and Hawthorne Street connecting to current/previous water line projects (Streetscape Phase III, Hawthorn Street Improvements, and Main Street Water Improvements) as shown below in red.



The amendment is for additional surveying due to a change in the alignment going around the Housing Authority property instead of through the property due to access issues, additional utilities, and having to remove and replace internal streets and

parking. The cost original contract was \$167,560. Amendment No. 1 adds \$11,000 bringing the total fee to \$178,560.

PREVIOUS ACTION:

Res 1138, October 18 2022, approving Authorization 97 with HDR for design and construction services for the Little Platte River Crossing in an amount of \$167,560.

POLICY ISSUE:

Infrastructure Maintenance and growth

FINANCIAL CONSIDERATIONS:

The 2023 Capital Improvement Plan for the Combined Water and Wastewater system includes this project.

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 1181

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO AUTHORIZATION NO. 97 WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE LITTLE PLATTE RIVER CROSSING

WHEREAS, on October 18, 2022, the Board approved Resolution 1138, Authorization No. 97 with HDR for engineering and design services for the Little Platte River watermain crossing in an amount of \$167,560; and

WHEREAS, staff is recommending an alternate alignment which will necessitate additional surveying services; and

WHEREAS, HDR has developed Amendment No. 1 in the amount of \$11,000 for the additional surveying needed.

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. 97 with HDR Engineering, Inc. for additional surveying services in the amount of \$11,000 bringing the total cost for completion of engineering design and specifications for the Little Platte River Crossing to \$178,560.

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

Damien Boley, Mayor

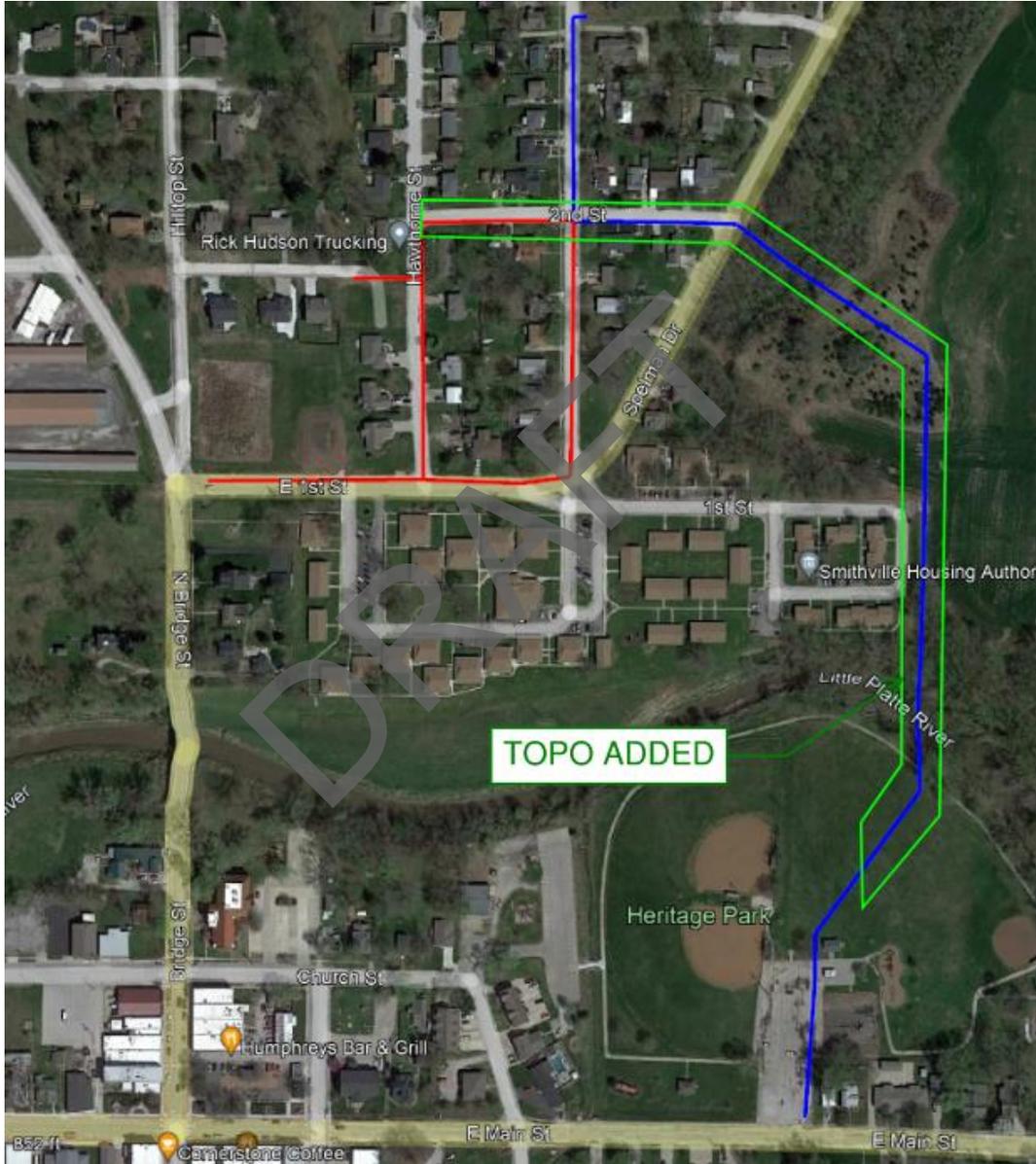
ATTEST:

Linda Drummond, City Clerk

AMENDMENT NO. 1 TO AUTHORIZATION NO. 97
TO
AGREEMENT BETWEEN
CITY OF SMITHVILLE, MISSOURI
AND
HDR ENGINEERING, INC. (FORMALLY E.T. ARCHER CORPORATION)
FOR
PROFESSIONAL ENGINEERING SERVICES
LITTLE PLATTE WATER LINE CROSSING

In accordance with Section 1.A. of the December 18, 2003 Agreement, ENGINEER is hereby authorized to assist the City with the topographic survey, design, preparation of construction documents, bidding assistance, and construction administration for approximately 2,400 linear feet of 12" and 2,000 linear feet of 8" domestic water line. The 12" water line will extend from Heritage Park under the Little Platte River to 3rd Street and Maple Avenue as shown below in blue. The 8" water line will include improvements on 1st Street and Hawthorne Street connecting to current/pervious water line projects (Streetscape Phase III, Hawthorn Street Improvements, and Main Street Water Improvements) as shown below in red.

Addendum Number 1 expands the original scope of the project to include additional topographic survey. After the conceptual alignment was developed and initial discussions with local property owners occurred, an alternate alignment has been considered. This alignment will require additional topographic survey that was outside of the original scope. See the updated image on the next page for the addition survey areas.



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

SCOPE OF SERVICES

Tasks 1-2 – Part of Original Work Authorization 97 – Original scope remains in effect.

Task 1. Topographic Survey – Additional Scope

1-8 Remains in effect.

9. Additional topographic and boundary survey for the alternate alignment shown above.

FEE

The CITY shall compensate ENGINEER for the Little Platte River Water Crossing in an amount not to exceed \$11,000.

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.

(SEAL)

CITY: SMITHVILLE, MISSOURI

By: _____

Type or Print Name

Title _____

Date _____

(SEAL)

ENGINEER: HDR Engineering, Inc. (formally
E.T. ARCHER CORPORATION)

By: _____

Cory Imhoff, P.E.

Type or Print Name

Title Senior Vice President

Date _____



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Finance

AGENDA ITEM: Resolution 1082, A Resolution Approving A Water Leak Adjustment Request

REQUESTED BOARD ACTION:

Motion to approve Resolution 1082, approving a water and wastewater leak adjustment request.

SUMMARY:

Utility customer, Tracy Tebbs (Acct #: 10-000130-00), has a current account balance of \$4,355.54 for 428,400 gallons of water used in the October 2022 billing cycle. The original bill for this usage of 428,400 gallons was \$3,628.75. However, the bill also accrued late charges (10% of the account balance) for the November 2022 billing cycle and December 2022 billing cycle.

On March 2022, utilities staff responded to a work order submitted by the Finance Team to investigate higher than normal water usage experienced by Mr. Tebbs. Unusually high usage started around the March 2022 billing cycle with 7,200 gallons used. On May 18, 2022, utilities staff responded to another work order and noted that Mr. Tebb's leak detector (located on the meter) was spinning. Utilities staff informed Mr. Tebbs about the spinning leak detector at this time.

By the August 2022 billing cycle, usage had peaked to 9,900 gallons. Following the month of the October 2022 billing cycle, Tracy Tebbs had started the cycle with a meter read of 2,351 and finished the October cycle with a meter read of 6,635, which resulted in consumption of 428,400 gallons. This amount was well over twice the monthly average usage for Mr. Tebbs. On October 28, 2022, staff responded again to Mr. Tebbs to check for leaks and the meter read was noted at 6,647 with the leak detector actively spinning. At this time, Mr. Tebbs requested the water to be turned off and utilities staff turned the water off.

Shortly thereafter, Mr. Tebbs completed repairs on the home water service line, with a repair date of November 2, 2022 (as indicated on the ESCO Management LLC repair bill provided by Mr. Tebbs). On that day, after repairs to the service line were completed, utilities staff received a work order to turn the water back on, and the meter read was recorded at 6,650. Since this time, Mr. Tebbs usage has returned to water consumption levels comparable to his previously established monthly average.

In regards to the leak, Mr. Tebbs is working with AT&T to determine if they caused the leak during work in the yard and whether the company is willing to reimburse him for the expenses incurred due to the leak.

Starting in November 2022, staff repeatedly tried to contact Mr. Tebbs regarding the utility bill. On December 19, 2022, Mr. Tebbs, along with relatives, came to City Hall to discuss the utility bill. Staff explained the leak adjustment process to Mr. Tebbs. Mr. Tebbs took the leak adjustment calculation form and the adjustment request form, but let staff know that they would be working with an attorney to review the information. Mr. Tebbs expressed concern that if he signed the leak adjustment, he would be restricted in only receiving the amount provided by the adjustment. Therefore, he indicated interest in speaking at the January 17, 2023, Board meeting to put forth a request to have a larger financial adjustment to the utility bill. Mr. Tebbs' daughter did make that request at the January 17 Board of Aldermen meeting.

During the January 17, 2023 Board of Aldermen meeting, the signed leak adjustment and documentation of the home water service line being repaired were both formally submitted. On the following day (January 18, 2023), Mr. Tebbs paid the current usage charge due for the December 2022 billing cycle (due in January 2023). All shutoffs on this account have been suspended until resolution of this issue, so long as Mr. Tebbs continues to pay current utility charges.

Ordinance 2989-18 outlines the leak adjustment calculation and process. Staff have calculated a leak adjustment for the October 2022 billing cycle.

Per Section 705.110 of the City of Smithville Code of Ordinances, an adjusted bill shall charge the normal water rate on all water volume used up to two (2) times the average monthly water use for the property. The adjusted bill shall also charge the City's wholesale water purchase rate as listed in the Schedule of Fees on all water volumes greater than two (2) times the average monthly water use for this property. The original bill for 428,400 gallons of water (at \$8.33 per 1,000 gallons, the effective rate in October 2022), is \$3,568.57. 10,800 gallons of this bill (which is twice the monthly average) is included in the adjusted bill, which is \$89.96. 417,600 gallons, which is the amount beyond 10,800 gallons, is charged at the wholesale rate (at \$4.98 per 1,000 gallons, the effective rate in October 2022) and comes to a total of \$2,079.65. Therefore, the credit of \$1,398.96 is the difference between \$3,568.57 (the original bill) and \$2,079.65 (the adjusted bill/payment by the customer).

With the credit amount granted through the leak adjustment being \$1,398.96, a Board approved leak adjustment would result in an amount owed (including the two late fees) of \$2,956.58 (\$4,355.54 - \$1,398.96).

The City's utility billing policy manual allows the City to offer a payment plan (contract) to a utility customer who needs cashflow assistance. A payment plan allows a customer to pay a larger balance over the course of time on a set schedule signed off by both the customer and the Finance Director. If Mr. Tebbs wishes to sign a payment contract to pay off this balance, the utility billing policy allows this to occur so a utility customer can adequately make these payments and not be disconnected. Below is a table showcasing



Board of Aldermen Request for Action

some contract payoff scenarios for a balance of \$2,956.58 (following the leak adjustment credit):

Due Date	8 Month	12 Month	16 Month	24 Month
#1 - February 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#2- March 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#3 - April 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#4 - May 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#5 - June 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#6 - July 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#7 - August 16, 2023	\$369.57	\$246.38	\$184.78	\$123.19
#8 - September 16, 2023	\$369.59	\$246.38	\$184.78	\$123.19
#9 - October 16, 2023	-	\$246.38	\$184.78	\$123.19
#10 - November 16, 2023	-	\$246.38	\$184.78	\$123.19
#11 - December 16, 2023	-	\$246.38	\$184.78	\$123.19
#12 - January 16, 2024	-	\$246.40	\$184.78	\$123.19
#13 - February 16, 2024	-	-	\$184.78	\$123.19
#14 - March 16, 2024	-	-	\$184.78	\$123.19
#15 - April 16, 2024	-	-	\$184.78	\$123.19
#16 - May 16, 2024	-	-	\$184.88	\$123.19
#17 - June 16, 2024	-	-	-	\$123.19
#18 - July 16, 2024	-	-	-	\$123.19
#19 - August 16, 2024	-	-	-	\$123.19
#20 - September 16, 2024	-	-	-	\$123.19
#21 - October 16, 2024	-	-	-	\$123.19
#22 - November 16, 2024	-	-	-	\$123.19
#23 - December 16, 2024	-	-	-	\$123.19
#24 - January 16, 2025	-	-	-	\$123.21

Because Mr. Tebbs has requested a further adjustment to his utility bill, staff is seeking Board direction as to the amount of adjustment and direction for the possibility of a payment contract to accomplish such an arrangement.

PREVIOUS ACTION:

The Board has approved previous leak adjustments in this fiscal year when conditions have been met.

POLICY OBJECTIVE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

Utility rates would be reduced by the adjustment amount.

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: Repair Documentation
Leak Adjustment Agreement | |

RESOLUTION 1182

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

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

WHEREAS, Tracy Tebbs, a residential utility billing customer with utility account 10-000130-00, has notified the City of a water leak and is requesting a leak adjustment; and,

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

WHEREAS, the adjustment calculation set forth in 705.110 of the Code of Ordinances as amended has been determined to be \$1,398.96.

WHEREAS, due to the significant amount of the outstanding bill, Mr. Tebbs has requested further adjustment.

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

A water and wastewater leak adjustment in the amount of \$_____ shall be credited to account 10-000130-00 of residential utility billing customer Tracy Tebbs.

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

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Water and Wastewater Leak Adjustment Request

Utility Customer Name: Tracy Tebbs

Utility Service Address: 600 NE 180th St. Smithville, MO 64089

Utility Account Number: _____

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

In accordance with the Leak Adjustment Ordinance No. 705.110, the Board of Alderman may consider a leak adjustment calculated to be \$1398.96^{late fees} at the Board of Alderman meeting on ~~01/17/23~~ 1/17/23

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

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

Tracy Tebbs
Customer's Signature

12/23/2022
Date



Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: **Tracy Tebbs**
 Utility Service Address: **600 NE 180th St**
 Utility Account Number: **10-000130-00**

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

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

City's normal water rate (per 1,000 gallons): \$8.33
 Average monthly water usage for this property: 5,400 gallons

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

City's wholesale water rate (per 1,000 gallons): \$4.98

- If the leak is inside the home, the wastewater bill(s) shall not be adjusted because the water volume used will have drained into the sanitary system of the home.
 If the leak is outside the home, the wastewater bill(s) will be adjusted to reflect the average monthly wastewater usage for this property.

City's normal wastewater rate (per 1,000 gallons): \$6.68
 Average monthly wastewater usage for this property: 5,400 gallons
 Was the leak inside or outside the home: outside
 Was the wastewater billed winter average or actual usage: winter average

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

MONTH 1	
Original Water Bill Amount	
428,400 gallons @ 8.33 per 1,000 gallons =	\$3,568.57
Adjusted Water Bill Amount	
10,800 gallons @ 8.33 per 1,000 gallons =	\$89.96
+ 417,600 gallons @ 4.98 per 1,000 gallons =	\$2,079.65
	\$2,169.61
Water Discount =	\$1,398.96
Original Wastewater Bill Amount	
5,400 gallons @ 6.68 per 1,000 gallons =	36.07
Adjusted Wastewater Bill Amount	
5,400 gallons @ 6.68 per 1,000 gallons =	36.07
Wastewater Discount =	0.00

MONTH 2 (if applicable)	
Original Water Bill Amount	
gallons @ 8.33 per 1,000 gallons =	0.00
Adjusted Water Bill Amount	
0 gallons @ 8.33 per 1,000 gallons =	0.00
+ 0 gallons @ 4.98 per 1,000 gallons =	0.00
	0.00
Water Discount =	0.00
Original Wastewater Bill Amount	
0 gallons @ 6.68 per 1,000 gallons =	0.00
Adjusted Wastewater Bill Amount	
0 gallons @ 6.68 per 1,000 gallons =	0.00
Wastewater Discount =	0.00

Total Discount = \$1,398.96



Board of Aldermen Request for Action

MEETING DATE: 2/7/2023

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Resolution 1183, Creative Communities Alliance - Sculpture on the Move Project Contract

REQUESTED BOARD ACTION:

Motion to approve Resolution 1183, authorizing the mayor to enter into an agreement with the Creative Communities Alliance for the Sculpture on the Move Project.

SUMMARY:

Sculpture on the Move is a project intended to encourage relationships between communities and artists, as well as grow art appreciation across Missouri and foster multicultural communities through public art. The Parks and Recreation Department was introduced to Sculpture on the Move from multiple KC Metro area parks and recreation departments. The Project is facilitating the installation of high quality, original artwork for communities to enhance public spaces with minimal cost and a short-term commitment.

By entering into the agreement with Creative Communities Alliance, the City is able to partner with the Alliance for the Sculpture Project. Such a partnership would provide a cost-effective way for the City to install art installations. The commitment is a 2-year contract for a total of \$1,000/yr. (\$2,000 total). The City would be required to show proof of general liability coverage for the art piece and install a 4x4 concrete pad for installation. The art is selected by staff at the end of February and would be installed in May. Park and Recreation Staff will work with the Parks and Recreation Committee on a feasible location.

The Parks and Recreation Master Plan outlines community desire for public art: "*The broad downtown area was considered by survey respondents as the most suitable location for community events and festivals, and public art spaces and features.*" Public Art was also including it in the 4–6-year implementation strategy and timeline.

PREVIOUS ACTION:

N/A

POLICY OBJECTIVE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

2-year commitment for a total of \$2,000 plus GL coverage.

ATTACHMENTS:

- Ordinance
- Resolution
- Staff Report
- Other: MOU and Agreement
- Contract
- Plans
- Minutes

RESOLUTION 1183

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CREATIVE COMMUNITIES' ALLIANCE FOR THE SCULPTURE ON THE MOVE PROJECT

WHEREAS, The Parks and Recreation Master Plan outlines community desire for public art, and

WHEREAS, the City and Creative Communities Alliance have met and discussed said fees and responsibilities for the public art; and

WHEREAS, the public art would enhance public spaces, with minimal cost and a short-term commitment; and

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 THE CREATIVE COMMUNITIES' ALLIANCE FOR THE SCULPTURE ON THE MOVE PROJECT

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 February 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

MEMORANDUM OF UNDERSTANDING

Between

**The Creative Communities Alliance, and
Participating Missouri Area Communities**

This Memorandum of Understanding (hereinafter, “MOU”, or “Agreement”) details the respective roles and responsibilities, criteria and procedures to be implemented by the parties hereto (hereinafter “Parties, or “Party”) in furtherance of the Creative Communities Alliance, a collaboration of communities within the State of Missouri and Eastern Kansas who have executed a MOU in substantially the form hereof in order to work together to inspire and bring creativity thereto (hereinafter, the “CCA”), in conformance with the laws of the State of Missouri and applicable local and federal law.

The Parties to this MOU shall be:

- The CCA and its participating Communities, and
- The undersigned community within the State of Missouri (hereinafter, together the “Communities”, or separately a “Community”).

WHEREAS, the Parties will have various roles and responsibilities in the planning, development, implementation and financing of projects created and proposed by the CCA; and

WHEREAS, there is a need to clarify the process under which the planning, development, implementation and financing of the CCA and projects created and proposed by the CCA are conducted by the Parties.

NOW, THEREFORE, it is hereby agreed by the Parties as follows:

The Parties shall cooperatively support and implement the roles, criteria, and procedures described herein so that the plans, programs and activities adopted and undertaken by the appropriate Parties hereto are in conformance with local, state and federal law.

I. PURPOSE

This MOU is intended to provide a framework for the planning, development, and financing of the CCA and projects created and proposed by the CCA for implementation within the State of Missouri and Eastern Kansas. It is intended to encourage relationships between Communities, artists and other creative people and organizations, as well as to facilitate the appreciation and implementation of creativity in various shapes and forms throughout the State of Missouri and Eastern Kansas and to foster multicultural communities therein. By streamlining these processes and building relationships, the CCA is intended to facilitate creativity for and within Communities, with minimal cost and a short-term commitment.

II. RESPONSIBILITIES OF THE PARTIES

A. The responsibilities of the CCA under this MOU include:

- Creating a member voting board consisting of representatives of each of the participating Communities.
- Creating a five-member Executive Board consisting of a President, Vice President, Secretary, Treasurer and Member at Large. The Executive Board and its member officers will include but not be limited to organizing meetings, reviewing CCA program proposals, executing agreements and other documents, setting up budgets and taking notes at meetings.
- Creating and proposing CCA-related standards and policies for Communities.
- Providing website and social media marketing support for the CCA.

B. The responsibilities of each Community under this MOU include:

- Devising and implementing fair and open selection processes for each project created and proposed by the CCA in which Community agrees to participate.
- Acquiring by written agreement all right(s) necessary to display or otherwise utilize third-party works for each project created and proposed by the CCA in which Community agrees to participate.
- Coordinating with artists and any other relevant parties the installation, display, performance and/or other utilization of third-party works for each project created and proposed by the CCA in which Community agrees to participate.
- Maintaining the quality of each project created and proposed by the CCA in which Community agrees to participate during its period of display or other utilization, including without limitation cleaning and repairing any such artwork, support structures and/or name plates as reasonably necessary.
- Procuring suitable insurance coverage for each project created and proposed by the CCA in which Community agrees to participate during its period of display or other utilization.
- Providing reasonable marketing support for Community's display or other utilization of each project created and proposed by the CCA in which Community agrees to participate.
- Presenting in advance to the CCA a proposed annual Community budget for each project created and proposed by the CCA in which Community agrees to participate during the following year.
- Paying an annual \$50 membership fee for each year of that Community's CCA membership.
- Voting on all CCA-related decisions, provided that (i) a Community representative attends at least fifty (50) percent of all CCA meetings within each one (1)-year period of CCA membership and it has paid the annual fee, (ii) the Community has implemented all standards and policies submitted to it by the CCA, and (iii) the Community has not violated such standards and policies. If a Community has not implemented all standards and policies submitted to it by the CCA, such Community

shall show an intent to implement such standards and policies. A Community will not however be a voting member of the CCA until it shall have met all standards and policies submitted to it by the CCA.

III. PUBLIC INVOLVEMENT

To facilitate effective planning and programming activities, all Parties shall, to the maximum extent practical, coordinate their public information efforts and seek joint opportunities for public involvement as provided. Such coordination shall ensure that the maximum opportunity to involve the citizens and elected officials of the Communities, including underrepresented groups in the area as well as the general public.

IV. PROJECT IMPLEMENTATION

Each Community will be responsible for its specific implementation of each project created and proposed by the CCA in which it agrees to participate, including without limitation any artist selection process, necessary jurisdictional approval, permitting, equipment rental, material purchases, insurance procurement, installation, and ensuring adherence to the maintenance plan and financial tracking of all expenditures, subject to the terms of this Agreement and the project-specific Memorandum of Agreement.

The CCA Executive Board will undertake regular performance monitoring, including the periodic tracking of timeline adherence, community engagement adherence, budget adherence, and adherence to the maintenance plan. The Parties agree to provide available data to support their adherence to this Agreement.

If for any reason the responsible Parties are unable or unwilling to assume these assignments of responsibility, the Parties may confer and decide in a cooperative process the appropriate Party or Parties to undertake the project development and implementation, provided that no costs may be imposed on a Community without its approval.

V. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

All Parties shall comply with all applicable local, state and federal laws and regulations. Nothing in this MOU alters, or seeks to alter, the existing statutory authority of any Party under local, state or federal law. If any of the provisions of this MOU are held to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

VI. ENTIRETY OF AGREEMENT, MODIFICATIONS, AMENDMENTS AND COUNTERPARTS

This Agreement constitutes the entire agreement between the Parties regarding the subject matter hereof. No modifications will be enforceable except in writing and signed by all Parties. Any Party may request changes to this MOU at any time by written notice to the other Parties' signatories of this Agreement. Such changes as are mutually agreed upon by and between the Parties shall be incorporated in written amendments to this MOU executed in the same manner as original MOU approval. This Agreement may be signed in any number of counterparts.

VII. CESSATION OF SUPPORT

The CCA, in consultation with Community or Communities, has the unilateral right to cease supporting the efforts of any Community participating in a CCA-related project that is not in compliance with the requirements and/or spirit of this MOU.

VIII. NOTIFICATION

Any official notifications between the parties to this MOU that would substantially affect the terms or conditions of this MOU shall be directed to the offices of the signatories to this Agreement.

IX. DURATION

This Agreement shall remain in full force and effect for the duration of the undersigned Community’s CCA membership or until each project created and proposed by the CCA in which Community agrees to participate has been completed, whichever is longer, or until the parties otherwise mutually agree to terminate the Agreement.

X. GOVERNING LAWS, JURISDICTION AND DISPUTE RESOLUTION

This Agreement is governed by the laws of the State of Missouri. In the event that any dispute arising out of this Agreement results in litigation, arbitration, or mediation, such action or proceeding will be brought within the state or local courts of Missouri. Mediation of any dispute arising out of this Agreement will be submitted for mediation in accordance with the rules of the Arts Resolution Services, a program of the St. Louis Volunteer Lawyers and Accountants for the Arts.

IN WITNESS WHEREOF, the Parties hereto have last executed this Memorandum of Understanding, this ____ day of _____, ____.

CREATIVE COMMUNITIES ALLIANCE

(Title of authorized signatory)

(Title of other authorized signatory, if necessary)

COMMUNITY

(Name of Community)

(Title of authorized signatory)

(Title of other authorized signatory, if necessary)

MEMORANDUM OF AGREEMENT

Between

**The Creative Communities Alliance and
Participating Missouri Area Communities**

For the CCA's "Sculpture on the Move" Project

This Memorandum of Agreement (hereinafter, "MOA", or "Agreement") deals with the respective roles and responsibilities, criteria and procedures to be implemented by the parties hereto (hereinafter "Parties, or "Party") for the planning, development and installation of public art in Missouri pursuant to the "Sculpture on the Move!" project described in the attached **Exhibit 1** (hereinafter, "Project"), in conformance with the laws of the State of Missouri and applicable local, state and federal and laws, as amended.

The Parties to this MOA shall be:

- The Creative Communities Alliance (hereinafter "CCA"), and
- Participating Missouri area communities (hereinafter, "Communities", or "Community") which have executed a Memorandum of Understanding (MOU) to participate in the CCA.

WHEREAS, the Parties will have various roles and responsibilities in the planning, development, implementation, and financing of the Project; and

WHEREAS, there is a need to clarify the process under which the planning, development, implementation, and financing of the Project are conducted by the Parties.

NOW, THEREFORE, it is hereby agreed by the Parties as follows:

The Parties shall cooperatively support and implement the roles, criteria, and procedures described herein in order to ensure that the plans, programs and activities adopted and undertaken by the appropriate Parties hereto conform to local, state and federal law.

I. PURPOSE

This MOA is intended to provide a framework for the planning, development, and installation of selected sculptures pursuant to the Project within the State of Missouri and Eastern Kansas. This Project is intended to encourage relationships between Communities and artists, as well as grow art appreciation across Missouri and foster multicultural communities there through public art. By streamlining these processes and building relationships, the Project is intended to facilitate the installation of high quality, original artwork for Communities and to enhance public spaces, with minimal cost and a short-term commitment. This MOA is subject to the terms and conditions of the CCA MOU.

II. RESPONSIBILITES OF THE PARTIES

A. The responsibilities of the CCA under this MOA include:

- Producing and distributing a "call to artists" communication seeking artwork submissions for the Project.

- Planning and executing an artist workshop to take place before the art submission process begins, during which the CCA will help instruct artists on working with Communities and ensuring quality submissions.
- Planning and executing a workshop for participating Communities and their respective Selection Committees to help in the expectations, process and implementation of the Project.

B. The responsibilities of each Community under this MOA include:

- Choosing the precise specifications for the sculpture pad that must support the sculpture(s) it chooses pursuant to the Project, provided that such pad must be made of concrete and be at least 4' x 4' in size with the ability to mount a sculpture to the pad.
- Acquiring/creating and arranging the installation of such a sculpture pad meeting the aforementioned specifications on publicly-accessible outdoor Community property or on publicly-accessible outdoor private property that is legally available to Community for such purposes.
- Acquiring by written agreement all right(s) necessary to display the sculpture to be installed pursuant to the Project on publicly-accessible outdoor Community property or on publicly-accessible outdoor private property legally available to the Community for such purposes for a term of at least two (2) years, for which Community will pay the artist \$500 per year to display the chosen sculpture.
- Acquiring/creating a standardized name plate and affixing it to the sculpture pad for sculpture chosen pursuant to the Project, depicting at minimum:
 - i. the chosen sculpture's title,
 - ii. the chosen sculpture artist's name, and
 - iii. logo of the Creative Communities Alliance

CREATIVE COMMUNITIES ALLIANCE

Signature

Date

Name, Title

CITY OF

Signature

Date

Name, Title