



City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
7:00 p.m. Monday, April 1, 2024
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 YouTube page](#).

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

Join Zoom Meeting
<https://us02web.zoom.us/j/81084516316>

Meeting ID: 810 8451 6316
Passcode: 147496

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Consent Agenda**
 - **Minutes**
 - March 19, 2024, Board of Aldermen Work Session Minutes
 - March 19, 2024, Board of Aldermen Regular Session Minutes
 - **Resolution 1339, Leak Adjustment**
A Resolution approving a water and wastewater leak adjustment request for Kathleen Hunter in the amount of \$73.16.
 - **Resolution 1340, Leak Adjustment**
A Resolution approving a water and wastewater leak adjustment request for Penny Evertson in the amount of \$45.67.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. **City Administrator's Report**

ORDINANCES & RESOLUTIONS

5. **Bill No. 3030-24, Rezoning Mount Olivet – 2nd Reading**
An Ordinance changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri at 14422 Mount Olivet Road. 2nd reading by title only.
6. **Bill No. 3031-24, Supplemental Agreement with MoDOT - 1st Reading**
An Ordinance authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Commercial Street from Smithville High School to Meadow Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 1st reading by title only.
7. **Resolution 1341, Preliminary Plat – Mount Olivet**
A Resolution approving a preliminary plat for Mount Olivet subdivision and authorizing the Mayor to execute a development agreement.

- 8. Resolution 1342, Neighborhood Beautification Grant**
A Resolution awarding the 2024 Neighborhood Beautification Grants.

OTHER MATTERS BEFORE THE BOARD

- 9. 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.
- 10. Appointment**
The Mayor will make the re-appointments for the Parks and Recreation Committee and the Board will vote.
- Re-appointment – Kyle Squire
 - Re-appointment – Jeremiah Bloemker
- 11. 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.
- 12. Adjourn**





Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Administration/Finance

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**
 - March 19, 2024, Board of Aldermen Work Session Minutes
 - March 19, 2024, Board of Aldermen Regular Session Minutes
- **Resolution 1339, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Kathleen Hunter in the amount of \$73.16.
- **Resolution 1340, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Penny Evertson in the amount of \$45.67.

SUMMARY:

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

PREVIOUS ACTION:

N/A

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

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

**SMITHVILLE BOARD OF ALDERMEN
WORK SESSION**

March 19, 2024 6:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

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

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

2. Discussion of 3-Month FY2024 Budget – Utilities, Capital Improvements and Special Funds

Rick Welch, Finance Director, gave an update on the 3-Month FY2024 Budget for Utilities, Capital Improvements and Special Funds. He noted that this is a continuation of the March 5 discussion on the General Fund. Rick noted that Alderman Hartman asked about tax delinquencies last period and Rick did receive some of that data. Tax delinquencies for 2023 is totaling approximately \$50,000 which is pretty low. That is about 4.4% of the property revenue, about 63% of that is intangible property, real property, such as; cars, boats, etc. and only 28% is real estate. Rick said that the county is going to send this to him on a monthly basis.

FY2024 Budget Comments

- FY 2024 amendments approved by the Board:
 - Budget Amendment #1:** On November 20, 2023, \$732,000 of expenditures to the CWWS Fund. Expenditures are:
 - \$155,000 4th Street and 4th Terrace stormwater improvements
 - \$305,000 Quincy Boulevard stormwater improvements
 - \$200,000 Raw Water Pump Station construction
 - \$72,000 Playground Resurfacing at Smith’s Fork Park and Heritage Park
 - Budget Amendment #2:** On March 5, 2024, \$200,831.87 of expenditures to the CWWS fund. Expenditures are:
 - \$116,713.60 First and Bridge Street Waterline Improvement
 - \$28,000 manhole replacement on Maple Street
 - \$29,796.27 final cost of motive pump maintenance
 - \$26,322 waterline under 147th Street
- \$4,350,000 COP budgeted in CWWS fund, plus an additional \$2,344,610 for a total of \$6,694,610. Resolution 1307, go to market.

General Fund Review

General Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Received
Revenues	□□,□□□,□□□	□□,473,34□	\$2,793,178	44.6%

- The addition of February to 1st Quarter results did not justify a change in projections.

General Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Expended
Expenditures	7,100,700	7,140,000	\$2,580,147	36.3%

GF Funded Capital Project	Phase	Resolution	Contractor / Engineer	Status	Cost
Annual Wayfinding Signage Installation	Construction	Upcoming	City Staff	In Progress	100,000
Quincy Boulevard Improvements	Construction	1221	Amino Brothers	In Progress	1,570,000
4 th St & 4 th Terr Improvement	Construction	1199	Menke	In Progress	1,071,530

Combined Water and Wastewater Fund

CWWS Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Received
Revenues	10,03,000	13,100,077	\$1,453,220	13.6%

- Projection includes increased water and wastewater sales and anticipated additional COP proceeds totaling \$6,694,610 for 144th Street Lift Station and West Bypass of the 144th Street Lift Station and Stonebridge.

CWWS Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Expended
Expenditures	10,704,000	10,004,000	\$923,694	5.9%

Water and Wastewater Sales Revenue

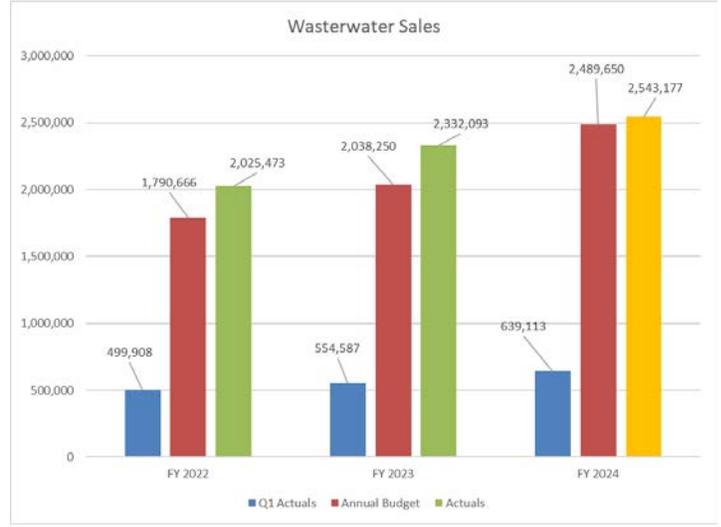
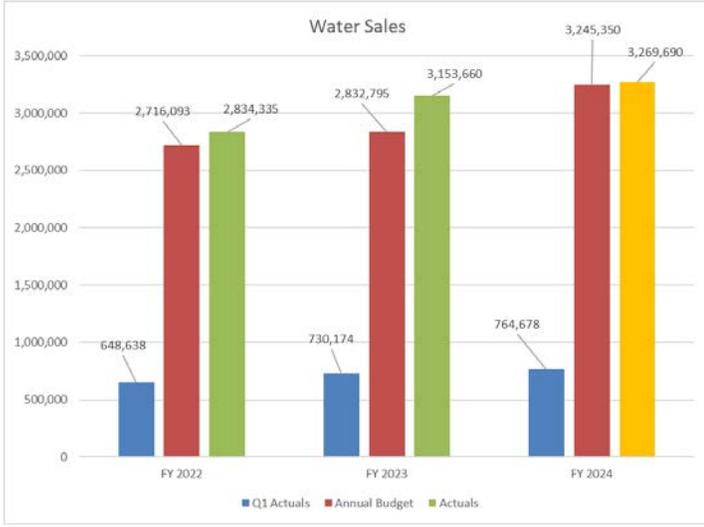
CWWS Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Water Sales	\$3,245,350	\$3,269,690	\$764,678	23.6%

- The City, on average in the past 3 years, receives **22.85%** of water sales annual revenue by the 1st quarter of the fiscal year.

CWWS Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Wastewater Sales	\$2,489,650	\$2,543,177	\$639,113	25.7%

- The City, on average in the past 3 years, receives **23.55%** of wastewater sales annual revenue by 1st quarter of the fiscal year.

Water and Wastewater Sales Revenue – 3 Year History of Quarter 1



Alderman Russell asked if the totals for the fiscal year 2024, includes the increase of 15% increase implemented in November. He also asked how that total compares to gallons used.

Rick said that the totals do reflect that increase.

Chuck Soules, Public Works Director said he would get the Board that information.

2024 Capital and Maintenance Program – CWWS Funds

CWWS Funded Capital Project	Phase	Resolution	Contractor / Engineer	Status	Cost
Complete Auth 94 - West Bypass of 144th St Lift Station	Engineering	987	HDR Engineering	In progress	346,050
2024 Sewer Rehabilitation Program	Maintenance	1300	SAK	In progress	150,000
Complete Auth 92 - Smith's Fork Pump Station	Engineering	1197	HDR Engineering	In progress	127,800
Complete Auth 99 - WTP Improvements / Residuals	Engineering	1208	HDR Engineering	In progress	255,730
Complete Auth 97 - River Cross / Maple Ln Waterline	Engineering	1138	HDR Engineering	In progress	167,560
Complete Auth 98 - Owens Branch Sanitary Sewer	Engineering	1176	HDR Engineering	In progress	315,500
West Bypass of the 144th Street Lift Station	Construction	Upcoming	TBD	ROW acquisition	1,800,000
144 th Street Lift Station	Construction	Upcoming	TBD	ROW acquisition	2,500,000
Est. Remaining Contract - Smith's Fork Force Main	Engineering	1197	TBD	Engineering	127,800
Maple Lane & River Crossing (12" Waterline)	Construction	Upcoming	TBD	In design	1,400,000
Headworks Bar Screen	Construction	1309	Ross Construction	Bid Awarded	168,800
Authorization 101 - Stonebridge Lift Station	Engineering	1258	HDR Engineering	In progress	272,260
Stonebridge Lift Station (SSD Cost Sharing)	Construction	Upcoming	TBD	In progress	1,750,000
Lagoon Cleaning & Liner Repair	Construction	1299	Richardson Construction Co.	Bid Awarded	150,000
Water Plant Improvements	Construction	1325	Ross Construction	Award Bid 3/5	1,463,000
1st and Bridge Street Watermain Improvements	Construction	1326	Engeman	Award Bid 3/5	117,000

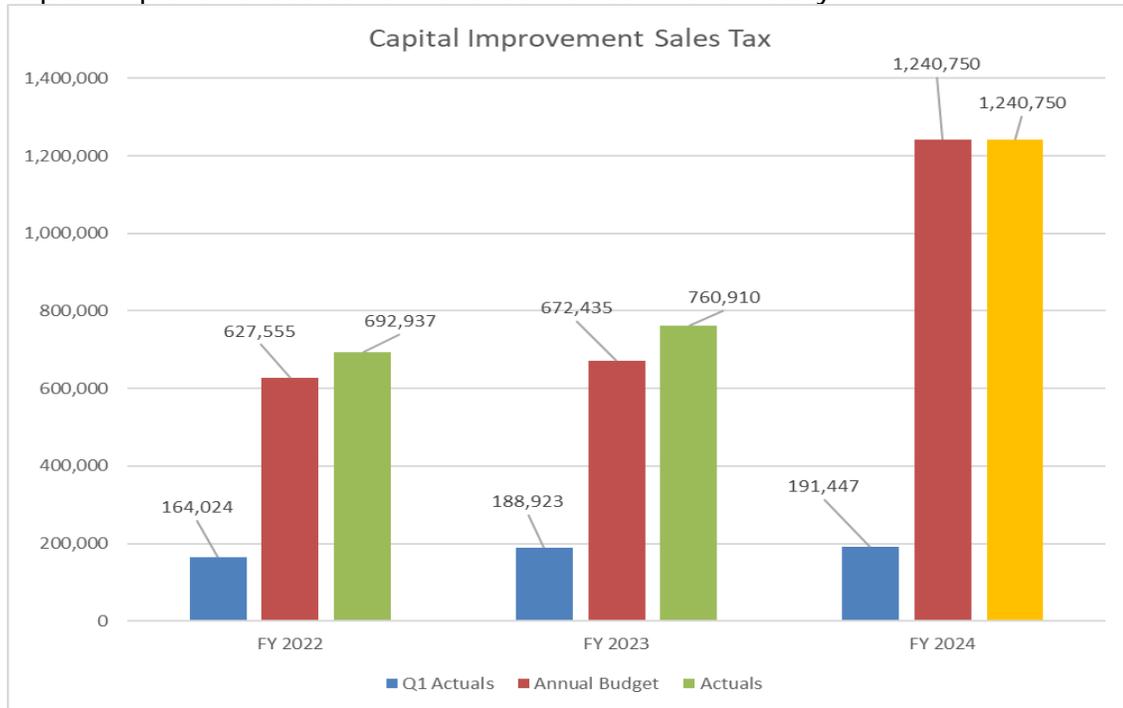
CWWS Fund – Bottom Line

	Actual FY 2023	Budgeted FY 2024	Projected FY 2024
Beginning Fund Balance	\$ 6,854,956	\$ 6,320,737	\$ 6,320,737
Total Revenues	\$ 6,104,757	\$ 10,683,600	\$ 13,106,077
Total Expenses	\$ 6,638,976	\$ 15,704,620	\$ 15,905,452
Net Change in Fund Balance	\$ (534,219)	\$ (5,021,020)	\$ (2,799,375)
Ending Fund Balance	\$ 6,320,737	\$ 1,299,717	\$ 3,521,362

Alderman Hartman asked if the total for Stonebridge shows the cost shared with the school.

Rick said that the balance shows the City's total for the project.

Capital Improvement Sales Tax Revenue – 3 Year Trend History



Transportation Sales Tax Fund

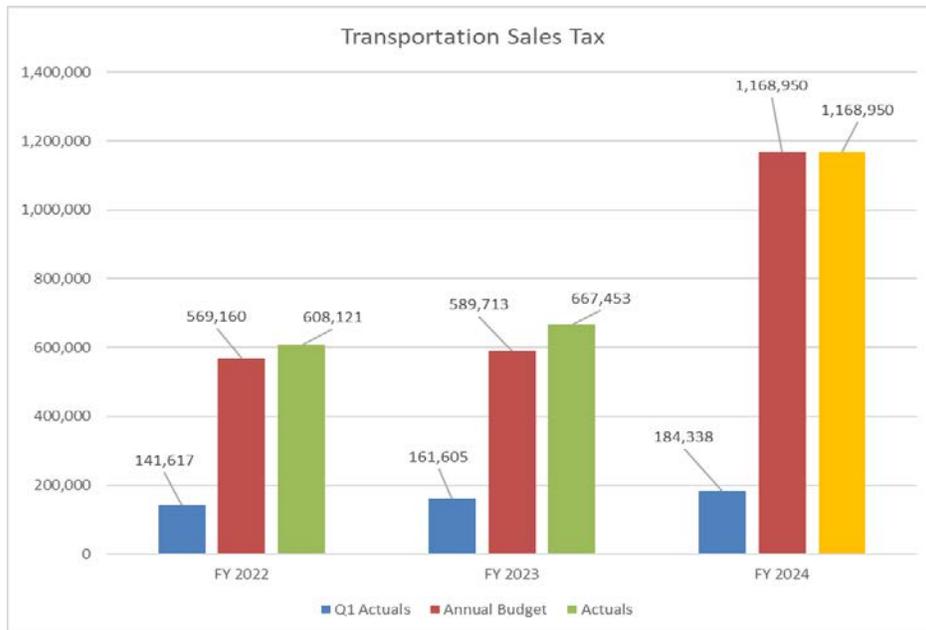
Transportation Sales Tax	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Received
Revenues	\$1,168,950	\$1,168,950	\$184,338	15.8%

- The City, on average in the past 3 years, receives **24.27%** of transportation sales tax annual revenue by the 1st quarter of the fiscal year.

Transportation Sales Tax	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Expended
Expenditures	\$1,699,140	\$1,699,140	\$13,059	0.8%

TST Funded Capital Project	Phase	Resolution	Contractor / Engineer	Status	Cost
Annual Asphalt Overlay Program	Construction	1323	Asphaltic Surfaces	Awarded	262,573
Annual Sidewalk Replacement Program	Construction	Upcoming	KC Concrete	Awarded	25,000
Commercial Street Sidewalks (grant for \$960,000)	Construction	Upcoming	To Be Decided	Awaiting Bids	1,200,000

Transportation Sales Tax Revenue – 3 Year Trend History



Parks and Stormwater Sales Tax Fund

Parks & Stormwater Sales Tax	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	\$933,750	\$933,750	\$190,881	20.4%

- The City, on average in the past year 3 years, receives **20.94%** of park and stormwater sales tax annual revenue by the 1st quarter of the fiscal year.

Parks & Stormwater Sales Tax	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Expended of Budget
Expenditures	\$1,021,000	\$1,021,000	\$344,468	33.7%

PST Funded Capital Project	Phase	Resolution	Contractor / Engineer	Status	Cost
The "OK Railroad" Trail (grant for \$184,600)	In house	Upcoming	To be bid in 2025	Awaiting Bids	400,000
Emerald Ridge Neighborhood Park & Signage	Construction	Upcoming	To Be Decided	Awaiting Bids	450,000
Stonebridge Stormwater Improvements	Construction	Upcoming	To Be Decided	Awarded	150,000
Stonebridge Stormwater Improvements	Engineering	1304	GBA	Awarded	70,033

Solid Waste Fund (Formally the Sanitation Fund)

Solid Waste Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	\$938,757	\$938,757	\$227,461	24.2%

- The City, on average in the past 3 years, receives **24.55%** of solid waste annual revenue by the 1st quarter of the fiscal year.

Solid Waste Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Expended of Budget
Expenditures	\$931,805	\$931,805	\$236,610	25.4%

- The City also pays to participate in the Household Hazardous Waste collection program (paid for in Q1 every year) administered by MARC which is funded by the Solid Waste Fund.

VERF (Vehicle and Equipment Replacement Fund)

VERF	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	\$374,398	\$374,398	\$253,100	67.6%

- The VERF received a \$249,000 transfer for annual operational support in Q1 of 2024.

VERF	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Expended of Budget
Expenditures	\$423,547	\$423,547	\$103,486	24.4%

- The City is currently leasing 38 vehicles with Enterprise Fleet Management.

Vehicle and Replacement Fund accounts for expenses related to the management of the city's vehicle fleet.

Debt Service Fund

Debt Service	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Received
Revenues	\$357,830	\$357,830	\$0	0.0%

- Series 2018 and Series 2019 debt issuance

Debt Service	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% of Budget Expended
Expenditures	\$351,333	\$351,333	\$0	0.0%

- General Obligation scheduled debt payments (for Series 2018 and Series 2019 issuances) have been paid in February 2024.

Other Funds

Commons CID Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	\$396,592	\$396,592	\$66,245	16.7%
Expenditures	\$413,916	\$413,916	\$46,942	11.3%

1% CID Sales/Use tax revenue from Smithville Commons CID

Capital Improvement Projects	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	□40,000	□40,000	\$0	0.0%
Expenditures	□0	□0	\$0	0.0%

Funding, financing, and operating capital improvements

Special Allocation Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	□□□□,44□	□□□□,44□	\$556,031	64.0%
Expenditures	□1,17□,□00	□1,17□,□00	\$513,290	43.5%

Smithville Marketplace TIF property tax and TIF EATS

Donation Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	\$21,000	\$21,000	\$600	2.9%
Expenditures	\$15,000	\$15,000	\$0	0.0%

Financial donations used for city wide purposes

Police Training Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	□3,000	□3,000	\$508	16.9%
Expenditures	□□,000	□□,000	\$1,580	31.6%

Provide assistance to Smithville law enforcement training

Police DWI Recovery Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Received of Budget
Revenues	\$4,000	\$4,000	\$0	0.0%
Expenditures	\$5,000	\$5,000	\$0	0.0%

DWI / Alcohol education and enforcement

Technology Upgrade Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Expended of Budget
Expenditures	□□3□	□□3□	\$0	0.0%

Funding for city wide technology upgrades

Judicial Education Fund	FY2024 Budgeted	FY2024 Projections	FY2024 YTD	% Expended of Budget
Expenditures	\$3,447	\$3,447	\$0	0.0%

Education and training of court personnel

Alderman Russell asked who the court personnel training was for.

Chief Lockridge explained that fund is left over from when we transferred court to Clay County. The funds remain here to be continued to be used for judicial costs. This fund is used for training for the prosecutor's assistant and the prosecuting attorney. Chief explained that eventually that fund will zero out.

Alderman Russell asked where the funding for training would come from once that fund reached zero.

Chief Lockridge explained that it would have to be budgeted.

Combined Water and Wastewater Projects

CWWS Funded Capital Project	Phase	Resolution	Contractor / Engineer	Status	Cost
Complete Auth 94 - West Bypass of 144th St Lift Station	Engineering	987	HDR Engineering	In progress	346,050
2024 Sewer Rehabilitation Program	Maintenance	1300	SAK	In progress	150,000
Complete Auth 92 - Smith's Fork Pump Station	Engineering	1197	HDR Engineering	In progress	127,800
Complete Auth 99 - WTP Improvements / Residuals	Engineering	1208	HDR Engineering	In progress	255,730
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Water Plant Improvements	Construction	1325	Ross Construction	Award Bid 3/5	1,463,000
1st and Bridge Street Watermain Improvements	Construction	1326	Engeman	Award Bid 3/5	117,000
Total Combined Water & Wastewater Fund					11,111,500

Remaining Project

The "OK Railroad" Trail (grant for \$184,600)	Parks and Rec & Stormwater Sales Tax Fund	In house	Upcoming	To be bid in 2025	Awaiting Bids	400,000
Emerald Ridge Neighborhood Park & Signage	Parks and Rec & Stormwater Sales Tax Fund	Construction	Upcoming	To Be Decided	Awaiting Bids	450,000
Stonebridge Stormwater Improvements	Parks and Rec & Stormwater Sales Tax Fund	Construction	Upcoming	To Be Decided	Awarded	150,000
Stonebridge Stormwater Improvements	Parks and Rec & Stormwater Sales Tax Fund	Engineering	1304	GBA	Awarded	70,033
Total Parks and Rec & Stormwater Sales Tax Fund						1,070,033
Annual Asphalt Overlay Program	Transportation Sales Tax Fund	Construction	1323	Asphaltic Surfaces	Awarded	262,573
Annual Sidewalk Replacement Program	Transportation Sales Tax Fund	Construction	Upcoming	KC Concrete	Awarded	25,000
Commercial Street Sidewalks (grant for \$960,000)	Transportation Sales Tax Fund	Construction	Upcoming	To Be Decided	Awaiting Bids	1,200,000
Total Transportation Sales Tax Fund						1,487,573
Downtown Streetscape Phase III (grant for \$1,488,000)	Capital Improvement Sales Tax Fund	Construction	Upcoming	TBD	Finalizing Design	1,800,000
Riverwalk Park & Trail	Capital Improvement Sales Tax Fund	Engineering	1321	GBA	In Progress	149,376
2nd Creek Sidewalks	Capital Improvement Sales Tax Fund	Engineering	1321	GBA	In Progress	242,098
1st Street and Bridge Round-A-Bout (grant for \$900,000)	Capital Improvement Sales Tax Fund	Engineering	Upcoming	To Be Decided	Need More Funding	250,000
Total Capital Improvement Sales Tax Fund						2,441,474
Annual Wayfinding Signage Installation	General Fund	Construction	Upcoming	City Staff	In Progress	100,000
Quincy Boulevard Improvements	General Fund - Multiple Funds	Construction	1221	Amino Brothers	In Progress	1,570,000
4 th St & 4 th Terr Improvement	General Fund - Multiple Funds	Construction	1199	Menke	In Progress	1,071,530
Total General Fund						2,741,530
PROJECTS TOTAL						18,852,110

Rick explained that a lot of these totals are preliminary, and we will know better the cost once we get through the design and engineering phase and into the construction phase.

Alderman Hartman thanked Rick for the presentation and for list and explanation for the projects.

3 Month Budget Review - Conclusion

- Combined Water and Wastewater Fund
- Revenue is trending slightly above budget.
- Expense projection was increased for Budget Amendment #2, which all expenses will be absorbed by the fund.
- \$4,350,000 COP budgeted in CWWS fund, plus an additional \$2,344,610 for a total of \$6,694,610.

All Other Funds

- All other funds are performing as intended with no changes in budgeted amounts.

Alderman Wilson noted that during the Finance Committee meeting they discussed the water and wastewater funds are stand alone funds and could only be transferred out to help cover salary for individuals in utilities and that is the only way those funds could be transferred out of the accounts.

Cynthia explained that the City has two general fund positions that are partially funded through the combined water and wastewater utility fund. The Public Works Director and the Assistant to the Public Works Director are those positions because of the time they spend working in support of utilities. Half of their time is spent on utilities and the other half on streets. Cynthia noted that streets is a general fund supported by taxes, and utility rates support the water and wastewater. Cynthia explained that we also transfer funds from the utilities fund to the general fund for the administration of work for billing.

Alderman Russell thanked Rick for the well explained presentation.

Alderman Hartman noted that there is often times a misconception that when a new development is built, the City pays for those impact fees. He said that he was glad that Rick included this in his presentation. He noted that commercial development pays a much higher rate than the residential rate.

Alderman Wilson added that the Finance Committee also discussed the City's CD's and that a lot of them had just recently been reinvested.

Rick explained that the City has probably four additional CD's coming due, one in April and the remaining in July. He plans to approach the bank in April and ask to have all of them reinvested at that time so they can be locked in at these higher rates.

Alderman Wilson asked if the \$1.4 million in impact fee balance was invested in CD's or just a regular interest-bearing account.

Rick explained that the CD's are a mixture of City funds.

3. Discussion of Downtown Parade Rules and Regulations

Matt Denton, Parks Director, noted that the Board of Aldermen directed staff to work with community stakeholders to review current practices relating to parades and provide recommendations for enhancements. To start the process, staff reached out to different municipalities within our region and requested details on their respective parade regulations, safety protocols and best practices. Once staff received that information, they drafted the first draft of rules and regulations, brought that forward to administration for approval. Staff then set up meetings with stakeholders. Those stakeholders are the Lake Fest committee, Lighted Christmas parade and the Smithville School District. After meetings and discussions with each group and getting their feedback, staff made those changes, and now are bringing this forward to the Board.

Matt explained that the policy will be housed in the Public Facility Use Policy. Once this document is approved it can be found on the website in the Document Center and then be linked to the Special Event Packet.

Matt went through the policy.

a. Parades

A parade is defined as any parade, march, race, walk, procession, or any similar event, in or upon any public street, pursuant to Section 520.100 of the Municipal Code;

The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance; and

The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

b. Parade Rules and Regulations

All events taking place in the City of Smithville must be approved for a Special Event Permit. All events must complete the Special Event Application to be approved for a Special Event Permit.

A parade permit shall be issued under the following considerations:

Safety:

The responsible party is required to ensure that all rules, regulations, and procedures are followed by all entry participants.

Parade marshals must be strategically positioned along the parade route. They will play a vital role in maintaining order, the safety of spectators, and ensuring a smooth procession. A minimum of 6 parade marshals shall be placed along the busy sections of the route.

Their duties involve enforcing parade rules, such as safety regulations and route adherence, while also coordinating with participants to maintain consistent spacing between units.

Consumption of alcoholic beverages at any time while participating in the parade is not allowed.

Throwing and/or distributing items of any kind from floats is strictly prohibited. Participants may distribute candy and other giveaways HAND-TO-HAND by walking along the parade route next to spectators.

Night parades are prohibited from throwing and/or distributing items of any kind.

No one may step on or off a vehicle or any motorized entry until it is at a complete stop. Once the parade has started, no entry or exit from an entry is permitted, except in the case of an emergency.

A safety meeting will be required before the parade date with City staff and the responsible party at least 30 days before the parade.

Vehicles:

All vehicles/equipment operators participating in the parade must be properly licensed and all vehicles/equipment must be insured with proof upon demand. By operating the vehicle/equipment in the parade, the owner/operator warrants that the vehicle is in sound mechanical condition with no known defects or safety concerns.

Matt noted that Alderman Ulledahl reached out to him with a suggestion to change the vehicle section to read:

"All vehicles/equipment operators participating in the parade must be properly licensed and all vehicles/equipment must be insured with proof upon demand. By operating the vehicle/equipment in the parade, the owner/operator warrants that the vehicle is in sound mechanical condition with no known defects or safety concerns."

Cynthia noted that the information that is included in the packet for the regular session agenda does not include that change. Staff would recommend if the Board is good with the change, when we get to the agenda item, to make a motion to amend it to include that language and then vote on the Resolution as amended.

Animals:

In consideration of the other units in the parade, all participants with animals must immediately clean up any animal waste along the parade route. The City of Smithville is NOT responsible for picking up animal waste.

Trash/Clean Up:

All parade staff, including the responsible party, participants, and volunteers, are collectively responsible for the cleanup of the parade route and surrounding areas. Cleanup activities shall commence immediately after the conclusion of the parade and must be completed within a reasonable timeframe.

The responsible party must properly dispose of all trash and litter in designated bins or collection points provided by the organizers. No litter should be left on the parade route or adjacent areas.

Road Closures/Barricades and Signs:

The responsible party is required to close streets, with traffic barricades, that have been preapproved by the Police Chief, at least one (1) hour before the parade.

Traffic barricades are not provided or set up by the city. Traffic barricades will have to be rented by an outside vendor. Traffic barricades must comply with the Missouri Uniform Traffic Control Device manual.

All signage posted within the City limits requires approval through the temporary sign permit application.

No tape is allowed on City light poles.

Exceptions

This article shall not apply to:

Funeral processions. All funeral processions should contact the Smithville Police Department

Alderman Russell noted that he was glad that they covered the tractors and go carts. He asked if there was any more discussion about barricade poles. He said it was mentioned once in new business. He asked if it was ever pursued or ever looked at.

Matt noted that was brought up in public comment and would need to be brought forward on a future work session.

Alderman Russell said that is probably something to be discussed at a future work session.

Alderman Wilson noted that when we were originally talking about the design for Streetscape we looked at putting those in and they were very, very expensive. She said that we can re-address it, but she knew that was one thing that was considered when we were designing the downtown Streetscape.

Alderman Russell noted that he did not want to rehash something that has already been done before.

Alderman Wilson noted that it had been a few years since it was originally discussed so if the Board wants to bring it back up in another work session we could have city staff look at what the potential cost is now.

Mayor Boley said that staff has started parking vehicles at those intersections during events where cars are likely to drive through. He said that could be an option to use City vehicles since he believed the automated balusters that we were looking at were over \$100,000.

Alderman Hartman agreed that we have different City vehicles from different departments to use to block off the intersections. He said he believes a vehicle will discourage people better than a barricade they can just go around.

Matt noted that when there are street closures, all those maps get approved by Chief Lockridge and there is emphasis that they are in the right locations and there is proper detours. Matt noted that some locations may need almost three barricades with the width of the streets.

Mayor Boley noted that this year we did have an issue with the Homecoming Parade and the School Board President and the City Administrator had to stand as barricades and block an intersection.

Cynthia noted that was one item that was discussed with the School District when we met with them. The definite need to ensure that the barricades are up in time and that there is someone responsible for the barricades. The policy also outlines *parade marshals must be strategically positioned along the parade route. They will play a vital role in maintaining order, the safety of spectators, and ensuring a smooth procession. A minimum of 6 parade marshals shall be placed along the busy sections of the route.* Staff suggested someone be stationed close to the barricades to ensure they do not blow over or people do not move them. Cynthia noted that we could definitely look at using City vehicles to block the intersection. So use a combination of resources for safety.

Matt noted that will be discussed during the mandatory safety meeting with staff and parade organizers.

Alderman Wilson noted that we probably really need to have somebody housed next to those barricades because when she helped with one of the Main Street events a couple

springs ago and it was cold and windy. The barricades did not have enough weight on them, and the wind just blew them right over. She said that there needs to be added protection there when the barricades are up.

Alderman Atkins noted that during the Christmas parade there were a lot of cars sitting along the parade route. The little kids got in between the parked cars and the parade. He said that they were very close to the parade vehicles. He said he did not see any stipulations or instructions on this matter.

Matt noted that the policy states streets may be closed at least an hour before, but for a night parade we should make it a longer street closure notice. He explained that they can discuss that in the safety meeting 30-days prior to the parade. The parade planners for the night parades may need to come in a lot earlier to start blocking off streets and then they will also have the parade monitors along the route for safety.

Alderman Wilson noted that night parades are prohibited from throwing and/or distributing any item (candy, etc.) at any time during the parade.

Matt explained that staff met with the night parade organizer, and she was fine with that policy.

Alderman Russell noted that he did not see anything in there about any lights on the barricades. He asked if it would be something that would be looked at as well. He said that he believed that it should be since it would provide additional night protection. He asked if night parades should be discussed further in another work session.

Matt noted that some barricades have the safety reflection on them, so that would help, but there are barricades out there that do have flashing beacons. He said that some businesses may offer that as an option.

Mayor Boley noted that it is also addressed in the section under Missouri Uniform Traffic Control Device Manual. He said that if it is what the State of Missouri is using, that is what we should be using.

Alderman Hartman said he believes either City staff or parade organizers should have a conversation with each of the floats since we had an incident last time where the float did not stop moving and young lady got off and was hurt. Alderman Hartman said that we have been somewhat fortunate, but it is just a matter of time. He said that he appreciates staff putting some structure on this because it is definitely necessary.

Matt noted that the parade organizer will have a large role in making sure these policies are followed and this is just going to now be part of hosting a parade.

Cynthia noted that one of the things they discussed about with all the community stakeholders was if you are walking, you are walking the whole parade route. If you are riding, you are riding the whole parade route. There is no alternating between.

Matt noted that Lakefest played a large role in helping come up with the parade policy.

Cynthia noted that event organizers can put signs up reminding people of the parade route and to please remove vehicles by a certain time.

Mayor Boley noted that the signs are bright orange, and the Chamber provides them.

Alderman Russell asked about the minimum of six parade marshals and how that number was decided on. If it is because of the distance of the parade or the intersections.

Matt explained that he and Chief Lockridge discussed this. The busiest section of the parade route is on Main Street from Mill Street to the end of the Courtyard at Commercial Avenue. For those three blocks and a total of six people, that put one person on each side of the parade.

Alderman Hartman noted that the police focus on places to where emergency vehicles can enter if they are needed. He believes it might be something to discuss with the parade organizers to let them know where the emergency vehicles would need to enter an area if they are needed.

Mayor Boley noted that the Lakefest crew has done this diligently. They get Matt, Chief Lockridge and himself in the room a couple of times a year to talk about the safety plan and what they are going to do. Because this is a concern for them. We have used a lot of what they have recommended for other events. During the homecoming parade, the emergency vehicles were able to get in and out pretty quickly, even though it was the busiest intersection.

Alderman Wilson asked if when the parade marshals will have specific shirts that they will be wearing so individuals will be able to identify them.

Matt explained that was something that Lake Fest and the School District brought up that they are going to get specific shirts for staff. Lake Fest also does volunteer shirts for all their volunteers.

The Board thanked Matt for the work put into this.

Cynthia thanked Matt and the parade organizers who were all willing to meet with staff and being proactive with identifying solutions or very responsive and receptive to the changes. This will help to make the parades safe and enjoyable for everyone.

Shauna Houghton spoke on behalf of Lakefest. She noted that Kansas City will use their snow plow trucks to block intersection. She also noted that the alleys also need to be open to ensure the businesses can receive deliveries or just be able to get in or out.

Mayor Boley explained that the maps provided show those areas are to be kept open for access. So when any of the events come in, they have to pick one side of the alley to keep open.

Shauna explained that they also have a process where they have a 8-foot flag to use if there is an emergency in this location.

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 6:49 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

March 19, 2024 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:00 p.m. A quorum of the Board was present: Marv Atkins, Melissa Wilson, Leeah Shipley, Ronald Russell, Dan Hartman and Dan Ulledahl.

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

2. Pledge of Allegiance lead by Mayor Boley

3. Acknowledgement of Certification

- Alderman Wilson – Municipal Governance Institute Certification



Alderman Wilson is the first Alderman to go through the certification process.

4. Sergeant Pinning

Chief Lockridge gave a brief definition of the duties of a police sergeant.

- Kurt Johnson



Sergeant Johnson's wife doing the honors of pinning on his Sergeant's badge.

5. Consent Agenda

- **Minutes**
 - March 5, 2024, Board of Aldermen Work Session Minutes
 - March 5, 2024, Board of Aldermen Regular Session Minutes
- **Finance Report**
- **Resolution 1331, Emergency Purchase**

A Resolution acknowledging the emergency purchase of a waste valve at the Wastewater Treatment Plant from Mid-America Pump in the amount of \$19,811.43.
- **Resolution 1332, Special Event Permit - Lakefest**

A Resolution approving a special event permit for the Smithville Festival Committee for Smithville Lake Festival 2024 at Courtyard Park on Friday and Saturday, June 14 and 15, 2024.
- **Resolution 1333, Temporary Liquor License**

A Resolution issuing a Temporary Liquor License to Barbara Lamb for operation of the Smithville Lake Festival 2024 Beer Garden on June 14 And 15, 2024.

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

No discussion.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

6. Committee Reports

Aldermen Wilson reported on the March 12, Planning and Zoning Commission meeting. She noted that there will not be an April Planning and Zoning Commission meeting, but the May agenda may have several items on it. Fairview Crossing South may start construction in the near future. On tonight's agenda, item 12 and 16 were discussed at the March Planning and Zoning Commission meeting.

Alderman Wilson reported on the March 12, Finance Committee meeting. They discussed the first quarter three-month financial year 2024 budget update, which was presented tonight during that work session. They also discussed the CD's and re-investing them to earn a higher rate of interest.

7. City Administrator's Report

Cynthia Wagner noted that as follow up from the last Board of Aldermen meeting, staff is working to move forward on the change to the employees LAGERS Retirement program,. There is a link within the City Administrator's Report to the [actuarial report](#). The report has to be posted to the City's website for 45 days and then staff will bring it forward on a future agenda for approval by the Board. This starts the process to make the change effective for staff.

Cynthia noted that the April 2 Board of Aldermen meeting is moved to Monday, April 1 due to the April 2 municipal election.

Alderman Russell asked if he remembered correctly, the amount for the adjustment to LAGERS was just under \$82,000 and that is budgeted.

Cynthia explained that we did not budget for this change in the 2024 budget. We wanted to see how the revenues came in. Staff will need to bring this back as budget amendment.

ORDINANCES & RESOLUTIONS

8. Bill No. 3026-24, Amending Site Plan Regulations for all Conditional Use Permits – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3026-24, amending sections of Chapter 400 of the Zoning Code related to site plan review for all Conditional Use permits. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3026-24 approved.

9. Bill No. 3027-24, Rezoning 16000 and 16100 North 169 Highway to R-3 – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3027-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 16000 and 16100 North 169 Highway. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 3027-24 approved.

10. Bill No. 3028-24, Agreement with Central Missouri Regional Lodge #50 – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3028-24, authorizing the City to enter into a labor agreement with West Central Missouri Regional Lodge #50 of the Fraternal Order of Police representing the non-supervisory bargaining unit. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Russell- Aye, Alderman Atkins – Aye, Alderman Ulledahl - Aye,

Alderman Shipley – Aye, Alderman Wilson - No, Alderman Hartman - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3028-24 approved.

11. Bill No. 3029-24, Fairview Crossing CID Cooperative Agreement – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3029-24, approving the cooperative agreement among the City of Smithville, Missouri, the Fairview Crossing Community Improvement District and Kansas City Properties & Investments, LLC to implement the Fairview Crossing Community Improvement District. 2nd reading by title only. Alderman Hartman seconded the motion.

Alderman Russell said he had several issues with this item. He see it as driving the business out of downtown. Businesses are now being pushed toward 169 Highway. He believes that 169 Highway in a couple of years is going to be a nightmare to get through in town and out of town. He also sees potential conflict with the local Board of Alderman and the members of the Board. He believes it dilutes the business voice of the City and the small businesses are less represented locally. He sees additional tax. He sees differences between businesses and future residential neighborhoods which has also been seen in several locations. It also adds another layer of government with the creation of another governing body. He also sees lack of oversight potential there with one member representing the City.

Upon roll call vote:

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

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3029-24 approved.

12. Bill No. 3030-24, Rezoning Mount Olivet – 1st Reading

Alderman Ulledahl moved to approve Bill No. 3030-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri at 14422 Mount Olivet Road. 1st reading by title only. Alderman Russell seconded the motion.

Public Comment.

Larry Yeatman, 4014 NE 144th Street, noted that he lives in the county. He spoke to the Board about his concerns with this item. He noted that if we keep developing that corridor the traffic is going to get worse and worse. He said that road was built in 1850 and was not built for traffic since it is like a roller coaster. He said that he has seen a lot of wrecks on Mount Olivet. Mr. Yeatman also asked who would be responsible for the upkeep of roads with all the extra traffic this subdivision would be adding. Mr. Yeatman noted that he never received any notice about this subdivision and some of his neighbors that did, only received them the day of the Planning and Zoning Commission meeting.

Ed Chambers, 3419 NE 144th Street, also lives in the county. He spoke to the Board about his concerns with this item. He said that he has lived there for 35 years and has seen a lot of deaths on Mount Olivet. He said that he believes this subdivision will bring a lot more traffic. Mr. Chambers noted that he moved to the country to live in the country not the city.

Board discussion.

Alderman Atkins asked for clarification, that when developers do the plot and planning for the development there would be a feasibility study for safety, traffic and lighting included in that.

Mayor Boley said that was correct. He noted that if you look at the plot, phase one is all on Wise Road not on Mount Olivet or 144th Street. Those would be later on and there are only five driveways going out to Mount Olivet when they get to that part of the development. He explained that the county engineers and the traffic engineers would have to review it to approve it. Part of the agreement is the developer will have to put a four-inch overlay on 144th Street as well as make improvements to Mount Olivet along that property.

Alderman Russell asked if we knew if all of the surrounding neighbors receive notice as required?

Jack Hendrix, Development Director, explained that the letters were sent certified 20 days prior to the March 12 meeting. He noted that we can only prove the letters that were received by the returned signed verifications we received. We do know that some were received the day of the hearing as they signed off on them on March 12. He explained that all landowners within 185 feet from the property line were sent certified letters.

Mayor Boley noted that staff also put the notice the paper at the same time and try to get it out to our website as soon as possible.

Cynthia suggested looking into putting signage for notice of the hearing on the property as a notification.

Alderman Wilson agreed that the signage might be a good idea, especially with the issues that we have with the delay in receiving mail.

Alderman Hartman asked if he was correct that through the planning and zoning process the developer has to follow certain guidelines, not only including for the internal road that will eventually be built but also the asphalt overlay. He asked if the developer has to meet all these requirements prior to the presentation to Planning and Zoning Commission.

Jack noted that in this case both roads are maintained by Clay County. Staff worked with their highway department engineers to identify what needed to happen and what they needed. The development agreement includes a micro surface of Mount Olivet along the entire property line, 144th Street will get a 4-inch overlay to match what is done on Wise and Tillman Road and further west on 144th Street in the City. Jack noted that the City policy only requires lights at intersections to light up an intersection at night and give better visibility to reduce some of the traffic issues. The two that will be installed initially will be at the Mount Olivet intersection and the Wise Road intersection. He clarified that the City does not install lights down streets like Kansas City.

Alderman Russell asked what additional roads the City would be responsible for maintaining.

Jack explained that staff is working with Clay County on a Shared Road Use Agreement that splits up the maintenance on these. The only streets that will be City maintained will be the newly constructed internal streets until such time as that Shared Road Use Agreement is amended or approved. Jack noted that Cynthia has been working with Clay County on this Shared Road Use Agreement since she started.

Alderman Russell asked if the Shared Road Use Agreement would come before the Board for approval.

Cynthia said that it would.

Alderman Wilson asked if the four-way stop was something that we can work on in the Shared Road Use Agreement.

Jack explained that we would have to address the four-way stop with the county directly since it is their road.

Mayor Boley noted that the county has been a lot more receptive recently. They started to work on North Main and a few others. The county's roads are becoming a big priority for them, and they are receptive to the feedback. He explained that striping helps, stop signs help and so does lowering the speed limit.

Alderman Wilson said that when City staff and the county are in discussion about the Shared Road Use Agreement she would like the four-way stop at Mount Olivet and 144th Street in that discussion.

Cynthia noted that once an agreement is reached between the City and the county staff that would absolutely come forward to the Board. Staff has been in negotiations with members of the county since 2018 on this agreement. Cynthia explained that there is an existing agreement in effect but many of the roads in the original agreement have either been annexed or there have been changes. Over the last two to three years, the county has been more receptive to those discussions. Cynthia noted that in the City Administrator's Report, it is noted that the county is making improvement now to North Main Street and once they are done with the improvements the City will take it. She noted that is part of that extension of that cooperative use.

Upon roll call vote:

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

Ayes –5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3030-24 approved first reading.

13. Resolution 1334, Downtown Parade Policy

Alderman Ulledahl moved to approve Resolution 1334 authorizing and directing the Mayor to approve the Parade Rules and Regulations Policy. Alderman Hartman seconded the motion.

Public Comment.

Shauna Houghton, 113 Lakeland Drive, thanked the Board for sponsoring Lakefest and for staff and Board of Aldermen help during their event and for their support. She noted that they would be implementing different rules for security measures for the parade and event that will be sent out with their save-the-date. They will also be encouraging the crowd in attendance to visit the downtown local businesses.

Alderman Ulledahl moved to amend Resolution 1334, to amend the section pertaining to vehicles to read: All vehicles/equipment operators participating in the parade must be properly licensed and all vehicles/equipment must be insured with proof upon demand. By operating the vehicle/equipment in the parade, the owner/operator warrants that the vehicle is in sound

mechanical condition with no known defects or safety concerns. Alderman Wilson seconded the motion.

Board Comment.

Alderman Russell asked if the amendment to the vehicles section would also include go-carts.

Mayor Boley explained that was the intent that it would also pertain to go-carts also.

Ayes – 6, Noes – 0, Mayor Boley declared Resolution 1334 amended.

Alderman Ulledahl move to approve Resolution 1334, authorizing and directing the Mayor to approve the Parade Rules and Regulations Policy as amended. Alderman Hartman seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1334 approved as amended.

14. Resolution 1335, Smithville Senior Center Agreement Renewal

Alderman Ulledahl moved to approve Resolution 1335, authorizing and directing the Mayor to renew an agreement with Smithville Senior Center for the use of the building at 113 West Main Street. Alderman Russell seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1335 approved.

15. Resolution 1336, Special Event Permit – Main Street District

Alderman Ulledahl moved to approve Resolution 1336, approving a special request for the Smithville Main Street District. Alderman Wilson seconded motion.

No discussion.

Ayes – 5, Noes – 0, Abstained – 1 (Alderman Shipley) motion carries. Mayor Boley declared Resolution 1336 approved.

16. Resolution 1337, Site Plan – Richardson Street

Alderman Ulledahl moved to approve Resolution 1337, authorizing site plan approval for construction of a 10,000 Ft² flex use strip center at 208 West Richardson Street. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1337 approved.

17. Resolution 1338, Amending the City Administrator’s Employment Agreement

Alderman Ulledahl moved to approve Resolution 1338, authorizing and directing the Mayor to execute an updated employment agreement with Cynthia Wagner for the position of City Administrator. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1338 approved.

OTHER MATTERS BEFORE THE BOARD

18. Public Comment

Jennifer Pease, 206 Hampton Drive, asked that the Board consider not voting at the April 1 Board of Aldermen meeting and waiting until after the election to vote on the "Go to Market" issuance of COP. She also spoke to the Board about her concerns regarding the funding of projects. Ms. Pease offered the Board her suggestions for funding options.

Mayor Boley noted that the issuance of bonds for COP had been moved weeks ago to a not yet decided on future date.

19. New Business from the Floor

None

20. Adjourn.

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:42 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Finance

AGENDA ITEM: Resolution 1339, Approving a Water and Wastewater Leak Adjustment Request

REQUESTED BOARD ACTION:

Motion to approve Resolution 1339, approving a water and wastewater leak adjustment request for Kathleen Hunter in the amount of \$73.16.

SUMMARY: The City has received notice from Kathleen Hunter, a residential utility billing customer, of a repaired water leak and his request for a water leak adjustment. All requirements set forth in Ordinance 2989-18 have been met.

On or about February 27, 2024, the Utilities Division obtained electronic reads of water usage for the month of February. Those reads were uploaded to the billing system and staff was alerted to the accounts that had no, little or high usage.

Following the month of the February billing cycle, Kathleen Hunter had started the cycle with a read of 4,823 and finished the February cycle with a read of 4,934, which resulted in consumption of 11,100 gallons. This amount was more than twice the established monthly average. As required by Ordinance 2989-18, Kathleen Hunter has provided proof of repair/maintenance of the water heater leak which caused the high usage during the February billing cycle.

If approved, the leak adjustment would issue a credit of \$73.16 to Kathleen Hunter's utility account.

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:

Reduce utility revenues by \$73.16.

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 | |

RESOLUTION 1339

**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, Kathleen Hunter, a residential utility billing customer with account 01-001420-01, 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 \$73.16.

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 \$73.16 shall be credited to account 01-004120-01 of residential utility billing customer Kathleen Hunter.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of April, 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Water and Wastewater Leak Adjustment Request

Utility Customer Name: Kathleen Hunter

Utility Service Address: 600 Liberty Road

Utility Account Number: 01-001420-01

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 \$73.16 at the Board of Alderman meeting on 4/2/2024. *time ?*

I, Kathi, 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, Kathi, 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.

Kathi Hunter 3.15.24
Customer's Signature Date

Paid \$150.00 3/15/24

Sales Person TF2UEY3

Store Phone # (816) 415-2269

Store # 3019

Location 8598 N CHURCH RD, KANSAS CITY, MO 64157

Customer Information

KATHI HUNTER
(816) 590-7628
KATHIHUNTER0218@GMAIL.COM

HUNTER LLC
600 LIBERTY RD
SMITHVILLE, MO 64089



Order # H3019-237648

Receipt # 3019 00097 10161

PO / Job Name Hunter

Carryout

Runner Name
KH

Item Description	Model #	SKU #	Unit Price	Qty	Subtotal
01 Rheem Performance 50 Gal. 4500-Watt Elements Medium Electric Water Heater with 6-Year Tank Warranty and 240-Volt	N/A	1001301858	\$479.00 / each	1	\$479.00
02 Oatey Fastape 1/2 in. x 260 in. Thread Sealing PTFE Plumber's Tape	N/A	323659	\$4.40 / each	1	\$4.40
03 RectorSeal T Plus 2 1.75 oz. Non-Stick Thread Sealant Miscellaneous Repair Kit	N/A	676965	\$3.84 / each	1	\$3.84
04 Everbilt 3/4 in. Rubber Washer (4-Pack)	N/A	1000047571	\$1.98 / each	1	\$1.98
05 Everbilt 3/4 in. NPT x 60 in. Polypropylene Center Top-Mount Drain Tube for Tank Type Water Heaters	N/A	1000042096	\$11.98 / each	1	\$11.98

90 DAY RETURN POLICY. The Home Depot reserves the right to limit / deny returns. Please see the return policy sign in the stores for details.

For your Annual ProXtra Member Statement: https://www.homedepot.com/c/Pro_Xtra

Payment Method



The Home Depot 1391

Charged \$544.93

Subtotal	\$501.20
Discounts	-\$0.00
Sales Tax	\$43.73
Order Total	\$544.93
Balance Due	\$0.00

Take a short survey for a chance TO WIN A \$5,000 Home Depot Gift Card. Entries must be completed within 14 days of purchase. Entrants must be 18 or older to enter. No Purchase necessary. See complete rules on www.homedepot.com/survey

User ID: [REDACTED]

Password: [REDACTED]



Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: **Kathleen Hunter**

Utility Service Address: **600 Liberty Road**

Utility Account Number: **01-001420-01**

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): \$10.40
 Average monthly water usage for this property: 4,150 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): \$6.21

- 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): \$8.84
 Average monthly wastewater usage for this property: 4,150 gallons

Was the leak inside or outside the home: outside

Was the wastewater billed winter average or actual usage: actual usage

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

MONTH 1	
Original Water Bill Amount	
11,100 gallons @ 10.4 per 1,000 gallons =	115.44
Adjusted Water Bill Amount	
8,300 gallons @ 10.4 per 1,000 gallons =	86.32
+ 2,800 gallons @ 6.21 per 1,000 gallons =	17.39
	103.71
Water Discount =	11.73
Original Wastewater Bill Amount	
11,100 gallons @ 8.84 per 1,000 gallons =	98.12
Adjusted Wastewater Bill Amount	
4,150 gallons @ 8.84 per 1,000 gallons =	36.69
Wastewater Discount =	61.43

MONTH 2 (if applicable)	
Original Water Bill Amount	
gallons @ 10.4 per 1,000 gallons =	0.00
Adjusted Water Bill Amount	
0 gallons @ 10.4 per 1,000 gallons =	0.00
+ 0 gallons @ 6.21 per 1,000 gallons =	0.00
	0.00
Water Discount =	0.00
Original Wastewater Bill Amount	
0 gallons @ 8.84 per 1,000 gallons =	0.00
Adjusted Wastewater Bill Amount	
0 gallons @ 8.84 per 1,000 gallons =	0.00
Wastewater Discount =	0.00

Total Discount = 73.16



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Finance

AGENDA ITEM: Resolution 1340, Approving a Water and Wastewater Leak Adjustment Request

REQUESTED BOARD ACTION:

Motion to approve Resolution 1340, approving a water and wastewater leak adjustment request for Penny Evertson in the amount of \$46.67.

SUMMARY: The City has received notice from Penny Evertson, a residential utility billing customer, of a repaired water leak and her request for a water leak adjustment. All requirements set forth in Ordinance 2989-18 have been met.

On or about February 28, 2024, the Utilities Division obtained electronic reads of water usage for the month of February. Those reads were uploaded to the billing system and staff was alerted to the accounts that had no, little or high usage.

Following the month of the February billing cycle, Penny Evertson had started the cycle with a read of 2,821 and finished the February cycle with a read of 2,980, which resulted in consumption of 15,900 gallons. This amount was more than twice the established monthly average. As required by Ordinance 2989-18, Penny Evertson has provided proof of repair/maintenance of the toilet leak which caused the high usage during the February billing cycle.

If approved, the leak adjustment would issue a credit of \$45.67 to Penny Evertson's utility account.

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:

Reduce utility revenues by \$45.67

ATTACHMENTS:

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

RESOLUTION 1340

**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, Penny Evertson, a residential utility billing customer with account 13-0000940-03, 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 45.67.

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 \$45.67 shall be credited to account 13-000940-03 of residential utility billing customer Penny Evertson.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of April, 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Water and Wastewater Leak Adjustment Request

Utility Customer Name: Penny Evertson

Utility Service Address: 2000 NE 197th Court

Utility Account Number: 13-000940-03

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 \$45.67 at the Board of Alderman meeting on 4/2/2024.

I, Penny, 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, Penny, 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.

Penny Evertson
Customer's Signature

3-18-2024

Date

Penny Evertson
2000 Hz 197th Ct

THANK YOU FOR SHOPPING AT
PACKS HARDWARE -12 SV
116 N. 169 HIGHWAY Smithville MO
Remittance Address is
BOX 303 JUNCTION CITY,KS 66441
-(816) 532-0525

Repaired 3/12/1
03/12/24 11:27AM 12BETHANNY 331 SALE

400960	1	EA	15.99	EA
KORKY PLUS 3 PACK				15.99
SUB-TOTAL:\$	15.99	TAX: \$	1.36	
		TOTAL: \$	17.35	
CASH TEND:	20.00	CHANGE:	2.65	



==>> JRNL#A09054/D
CUST NO:*10012
Customer Copy

<<==



Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: Penny Evertson

Utility Service Address: 2000 NE 197th Ct

Utility Account Number: 13-000940-03

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): \$10.40
 Average monthly water usage for this property: 2,500 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): \$6.21

- 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): \$8.84
 Average monthly wastewater usage for this property: 2,500 gallons

Was the leak inside or outside the home: inside

Was the wastewater billed winter average or actual usage: actual usage

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

MONTH 1	
Original Water Bill Amount	
15,900 gallons @ 10.4 per 1,000 gallons =	165.36
Adjusted Water Bill Amount	
5,000 gallons @ 10.4 per 1,000 gallons =	52.00
+ 10,900 gallons @ 6.21 per 1,000 gallons =	67.69
	119.69
Water Discount =	45.67
Original Wastewater Bill Amount	
15,900 gallons @ 8.84 per 1,000 gallons =	140.56
Adjusted Wastewater Bill Amount	
15,900 gallons @ 8.84 per 1,000 gallons =	140.56
Wastewater Discount =	0.00

MONTH 2 (if applicable)	
Original Water Bill Amount	
gallons @ 10.4 per 1,000 gallons =	0.00
Adjusted Water Bill Amount	
0 gallons @ 10.4 per 1,000 gallons =	0.00
+ 0 gallons @ 6.21 per 1,000 gallons =	0.00
	0.00
Water Discount =	0.00
Original Wastewater Bill Amount	
0 gallons @ 8.84 per 1,000 gallons =	0.00
Adjusted Wastewater Bill Amount	
0 gallons @ 8.84 per 1,000 gallons =	0.00
Wastewater Discount =	0.00

Total Discount = 45.67



City Administrator's Report

March 28, 2024

HR Update

Jacob Leonhard and Jared Behm, two newly hired police recruits, began their training at the Kansas City Police Academy on March 19.

The Utilities Division has made several new hires and has a pending conditional offer, which will bring the Public Works Department to full staffing capacity.

At the Water Plant, Anthony Corpora started on March 18 as a Plant Operator I and has been assigned to the second shift. HR is in the process of reviewing a candidate's background who has accepted a conditional offer for the role of Plant Operator I.

At the Wastewater Plant, Jordan Hern started on March 26 and Michael Jacobs started on March 27, both as Plant Operator I.

EDC Lunch & Learn

On March 22, the City of Smithville Economic Development Committee and the Smithville Chamber of Commerce collaborated to host a Lunch & Learn event that focused on resources available for small businesses. The event had 16 individuals RSVP, and 15 people attended. The guest speakers included staff from the Mid-Continent Public Library and the Missouri Department of Economic Development. The City and Chamber are currently planning future Lunch & Learn events and will be conducting a survey to gather ideas for future programming. Stay tuned for more events in the future!



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3030-24, Zoning 14422 Mount Olivet Road. 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3030-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri at 14422 Mount Olivet Road for Second Reading by Title Only.

SUMMARY:

The subject property was annexed into the city limits in January of 2024 and setting the initial zoning is required. Applicant seeks to set the zoning from County Ag to the City's A-R district in order to allow the property to be subdivided into 33 lots with an average size of 5.61 acres. The general character of the surrounding properties are large lot residential uses (3-10+ acres) that are generally zoned A-1 or County Ag. Since any lot less than 10 acres must be zoned A-R and not A-1, the A-R designation is requested. If this zoning is approved following a second reading, the applicant has also submitted a proposed preliminary plat that would create a total of 33 lots that would be submitted by Resolution.

PREVIOUS ACTION:

The subject property was annexed by Ord. 3217-23 on January 16, 2024.

POLICY OBJECTIVE:

Approve development that doesn't require inefficient extensions of public services.

FINANCIAL CONSIDERATIONS:

No direct impact is anticipated, but future property taxes will increase on the land.

ATTACHMENTS:

- | | |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Planning Commission Minutes available via video
citizen email sent to elected officials | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Yallaly Enterprises, LLC

Land Use Proposed: A-R

Zoning: County Agricultural

Property Location: 14422 Mt. Olivet Rd.

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on March 12, 2024, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. Character of the neighborhood.
The surrounding area is large lot residential/agricultural in character.
2. Consistency with the City's Comprehensive Plan and ordinances.
The existing Comprehensive Plan was approved on November 10, 2020. The general area is described as residential/low density residential. The subject property is low density residential and complies with the plan.
3. Adequacy of public utilities and other needed public services.
The land has water and other utilities along the borders of the property by the county water district and other private utilities serve the existing housing.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
The current use is agricultural formerly outside the city limits, and the proposed district matches the current uses in the general area.
5. Length of time the property has remained vacant as zoned.
The property was in the unincorporated county but had never previously annexed. This property would be developed into 33 lots, with an average lot size of 5.61 acres.
6. Compatibility of the proposed district classification with nearby properties.
The proposed district matches the adjacent existing uses.
7. The extent to which the zoning amendment may detrimentally affect nearby property.
No detriment is anticipated.

8. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.
No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearing on March 12, 2024, has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

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

- A. This application and the Zoning of this property from County Single Family Residential to A-R is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of zoning the property to A-R.

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS
OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE
CITY OF SMITHVILLE, MISSOURI.**

WHEREAS, The City of Smithville received an application for annexation on November 6, 2023 for property located at 14422 Mount Olivet Road; and

WHEREAS, after the property was annexed, the City is now required to designate the initial zoning of newly annexed property, so a Public Hearing was advertised in the local paper, notice sent to adjoining property owners and then conducted before the Planning Commission on March 12, 2024; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as A-R.

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

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

The property legally described as:

A TRACT OF LAND IN THE WEST FRACTIONAL HALF OF SECTION 31, TOWNSHIP 53 NORTH, RANGE 32 WEST, IN CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°25'54"E, ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31, A DISTANCE OF 1381.18 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 1704 AT PAGE 152; THENCE N87°49'16"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, A DISTANCE OF 370.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT; THENCE N00°26'48"E, ALONG THE EASTERLY LINE OF SAID TRACT, A DISTANCE OF 440.24 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT; THENCE N83°02'20"W, ALONG THE NORTHERLY LINE OF SAID TRACT, A DISTANCE OF 373.13 FEET TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER; THENCE N00°25'54"E, ALONG SAID WEST LINE, A DISTANCE OF 770.92 FEET TO THE NORTHWEST CORNER OF SAID

FRACTIONAL SOUTHWEST QUARTER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 31; THENCE N00°15'36"E, ALONG THE WEST LINE OF SAID FRACTIONAL NORTHWEST QUARTER, A DISTANCE OF 899.06 FEET TO THE SOUTHWESTERLY CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 6085 AT PAGE 14; THENCE S89°34'19"E, ALONG THE SOUTHERLY LINE OF SAID TRACT, AND ALONG THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN BOOK 5223 AT PAGE 180, A DISTANCE OF 2385.78 TO THE EAST LINE OF SAID FRACTIONAL NORTHWEST QUARTER; THENCE S00°40'41"W, ALONG SAID LINE, A DISTANCE OF 924.90 FEET TO THE SOUTHEAST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF SAID SECTION 31; THENCE S00°40'28"W, ALONG THE EAST LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2636.02 FEET TO THE SOUTHEAST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER; THENCE N89°19'35"W, ALONG THE SOUTH LINE OF SAID FRACTIONAL SOUTHWEST QUARTER, A DISTANCE OF 2367.73 FEET TO THE POINT OF BEGINNING.

is hereby set as A-R.

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

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

PASSED THIS 1st DAY OF APRIL, 2024

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 03/19/2024

Second Reading 04/01/2024



STAFF REPORT

March 8, 2024

Initial zoning of Clay County Parcel Id # 007030000004.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

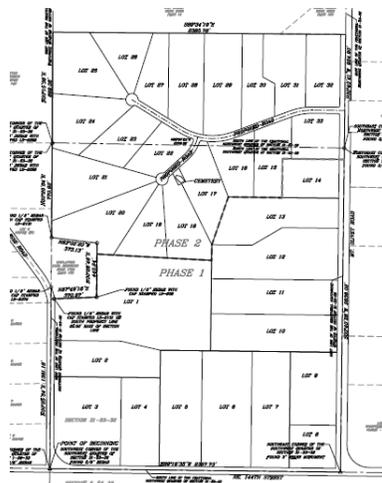
Address: 14422 Mt. Olivet Rd.
 Owner: Yallaly Enterprises, LLC
 Current Zoning: New annexation
 Proposed Zoning: A-R

Public Notice Dates:

1st Publication in Newspaper: February 22, 2024
 Letters to Property Owners w/in 185': February 22, 2024

GENERAL DESCRIPTION:

The applicant recently annexed this 185+/- acre tract of agricultural land into the City Limits. The applicant intends to seek an agricultural subdivision of lots, some of which will be less than 10 acres and the initial zoning needs to be set by the City.



The tract is agricultural in nature, and the applicant seeks to have it zoned A-R to allow for 33 single family A-R homesites of varying sizes. The perimeter lots along 144th and most of Mt. Olivet Rd. are 7 acres +/- . The area is low density residential/agricultural.

EXISTING ZONING:

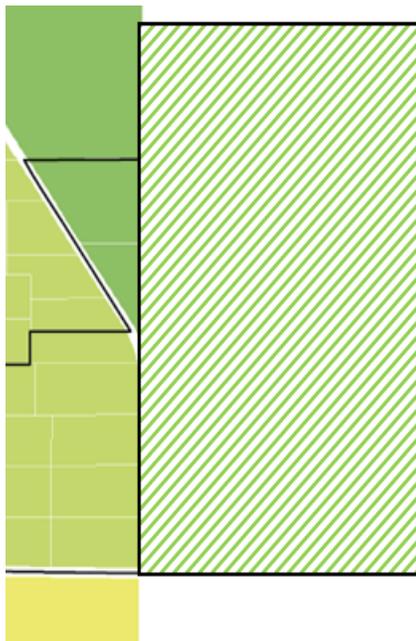
The existing zoning predates the annexation into the city limits and is County Ag

CHARACTER OF THE NEIGHBORHOOD 400.560.C.1

The surrounding area is large lot residential/agricultural with lot sizes from just below 3 acres to 20+ acres. 11 lots contiguous to the subject parcel are less than 5 acres.

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES 400.560.C.2

The existing Comprehensive Plan was approved on November 10, 2020. The area adjacent (to the west) of the subject property is identified as agricultural (dark green), and low density residential (lighter green). The subject property (green striped) is proposed to be low density residential. It matches the general area of the plan significantly.



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

The area has county water (to be extended by developer in the future), along with all other utilities and public services. The area has no city provided utilities, and the adjacent and future roads will be improved in accordance with city and county standards.

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

The current use is agricultural with a single family home, all formerly outside the city limits.

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

The property has been a farm in the county.

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

The proposed district matches the existing adjacent uses.

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

No detrimental effects are known.

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

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

Zoning Administrator

From: [Damien Boley](#)
To: [Linda Drummond](#); [Cynthia Wagner](#)
Subject: Fwd: Farms at Mt Olivet new neighborhood
Date: Tuesday, March 26, 2024 12:16:05 PM

Mayor Damien Boley
Mayor@smithvillemo.org

From: Michael Ballenger <mikebrx08@gmail.com>
Sent: Tuesday, March 26, 2024 11:38:49 AM
To: Damien Boley <Mayor@smithvillemo.org>; Dan Hartman <dhartman@smithvillemo.org>; Dan Ulledahl <dulledahl@smithvillemo.org>; Melissa Wilson <mwilson@smithvillemo.org>; Ronald Russell <rrussell@smithvillemo.org>; Leeah Shipley <lshipley@smithvillemo.org>; Marvin Atkins <matkins@smithvillemo.org>; Jack Hendrix <JHendrix@smithvillemo.org>
Cc: Kara Ballenger <knballenger@gmail.com>; Ken Beard <mr.ken.beard@gmail.com>; Mom <clanuisdein@tetburycastle.com>
Subject: Farms at Mt Olivet new neighborhood

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and Aldermen,

I want to ask you about this new neighborhood on Mt Olivet and 144th St. It is moving along very rapidly (phase 1 lots are already listed as of yesterday, less than a week after the board meeting). I attached a link to the 3/19/24 Smithville Board meeting, discussing and ultimately approving the rezoning of this property to allow for 33 lots (fast forward the video to 16:20). A significant portion of the discussion centered around the safety of Mt Olivet with this addition. It was discussed that the city and county are still negotiating a "shared road agreement" but it is clear that this is not finalized. I am very surprised that lots are already being listed despite not having a plan for improving the safety of Mt Olivet, in particular a 4-way stop that was discussed at the intersection of Mt. Olivet and 144th. In addition, the county (not the city of Smithville) is responsible for issuing driveway permits.

My wife, Kara, has been in touch with Jack Hendrix, the Development and Planning Director of Smithville's Planning and Zoning, and he has provided us with some information regarding the addition. He mentioned some surface improvements to the roads and additional street lights, and while these things are helpful, they are not things that would address traffic issues in my opinion. In regards to the additional driveways, Jack Hendrix indicated to Kara via email that Clay County was "requiring" them to have shared driveways. I was really surprised by this information. In my personal dealings with Clay County regarding our own land, I was told that the County would no longer allow shared driveways due to the fact that it could be a significant source of dispute between neighbors. I think this is a serious consideration.

My other, and more significant, concern centers on traffic impact and safety. In the video you can hear someone mention a traffic study, but no one asked any further questions about this.

Did this traffic study actually happen? It is not clear. I have communicated via email with Kipp Jones, the Planning Director for Clay County Planning and Zoning since the portion on Mt Olivet in question is still under county jurisdiction. Here is the reply I received from him: "I watched the meeting last week and my opinion is that this is a city project and the county has no jurisdiction over any of the requirements. It seems like Smithville's process is different than what we do with county projects, I am working on a project now where the county has requested a traffic analysis but it was requested before we have the first public meeting but it seems that their process is different. If I receive any information that shows that my opinion is incorrect or if additional light is shed on this development I will let you know. Let me know if you have any additional questions."

From watching the Smithville Board meeting, my email communication with Kipp Jones, and past experience with zoning issues I am wondering what the city's process is for this matter. It would make more sense to me to complete all necessary evaluations such as a traffic impact study, and agree on needed/advised safety improvements such as a 4-way stop at the intersection of Mt Olivet Rd and 144th St prior to approving a project, and definitely prior to allowing developers to list related properties for sale. It seems any leverage for getting these sometimes costly safety analysis and improvements is lost by approving projects before these requirements are even agreed upon and spelled out (I would think it would be preferable for these tasks to be completed prior to approval). I am pretty concerned that the city and county are more interested in developing this land and less concerned about the potential safety impacts of this relatively aggressive and unprecedented development along this rural and antiquated roadway. I am guessing the reason for limiting the number of driveways along Mt Olivet is due low visibility and safety concerns. However, shared driveways are going to dump just as much extra traffic onto Mt Olivet as having the extra driveways.

In the end, one Alderman voted against approving the project while the rest voted for it. When Kara and I watched the recording, it seemed to end with the idea that yes, the rezoning is approved, but nothing has been finalized in regards to improving the safety of Mt Olivet or even a shared road agreement between the city and county. It feels imprudent to already have listings posted for this neighborhood without settling this discussion about the roadways first.

To be honest, based on my limited dealings with the Clay County Highway Department regarding another proposed development nearby that the Clay County Commissioners ultimately rejected after initial Clay County Planning and Zoning approval, I would be a little surprised if a traffic impact study was actually part of approving this development. The representative from the Highway Department that attended the Clay County Planning and Zoning Meeting was very dismissive and honestly disrespectful in basically laughing off safety concerns without any type of traffic impact study. The commissioners on the other hand were much more concerned about potential safety issues and any potential liability that could arise given the history of fatal accidents in this area. I honestly wasn't that opposed to this development because I assumed most, if not all, driveways would empty out to 144th St and Wise Rd due to the much lower traffic volume on those roadways. I am guessing it is less expensive to the developer to have so many houses exit via roadways to Mt Olivet Rd. If I had known that the majority of the driveways would empty out to Mt Olivet Rd I would have vehemently opposed the project. That's my fault for making that assumption.

Obviously, this neighborhood is going to happen at this point, but I am hoping it will be done as safely as possible and hopefully lead to significant road improvements to Mt Olivet Rd. Right now I am concerned that this is not happening and perhaps part of it is inadequate

communication and alignment of expectations between city and county. Thank you for listening to my concerns and hopefully all of you can address these issues and put safety first.

Sincerely,

Mike Ballenger

<https://www.smithvillemo.org/agendaview.aspx?aid=12036&categoryid=877#video>

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 3031-24, an ordinance authorizing the Mayor to sign a supplemental agreement with MODOT – 1st Reading

REQUESTED BOARD ACTION:

Bill No. 3031-24, authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Commercial Street from Smithville High School to Meadow Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 1st reading by title only.

SUMMARY:

In 2022 the City was awarded a Transportation Alternatives Program (TAP) grant in an amount of \$500,000 for pedestrian improvements on Commercial Street from the highschool to Meadow Street.

The City entered into an agreement with MODOT in June of 2022.

In February, 2024, the City requested of the Active Transportation and Pedestrian Committee (ATPC) of the Mid-America Regional Council (MARC) to increase the funding amount to 80% of the engineers estimate of \$1,200,000. The ATPC recommended increasing the federal funding by \$460,000 for a total federal participation of \$960,000 for the project.

The additional funds (\$460,000) must be obligated (bid) PRIOR TO September 1, 2024 or the additional funding of \$460,000 will be rescinded and not available to the City.

PREVIOUS ACTION:

- Ordinance 2940-22 Authorizing mayor to sign the Original cost share agreement with MODOT
- January 16, 2024 Board was provided a staff update of the project. Letters were mailed to all property owners and advising them of the update being provided to the Board.
- Included in the 2024 Capital Improvement Plan

POLICY ISSUE:

Continued service, infrastructure maintenance

FINANCIAL CONSIDERATIONS:

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

ATTACHMENTS:

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A TRANSPORTATION ALTERNATIVES FUNDS PROGRAM SUPPLEMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR IMPROVEMENTS TO COMMERCIAL STREET FROM SMITHVILLE HIGH SCHOOL TO MEADOW STREET INCLUDING INFRASTRUCTRE IMPROVEMENTS ENCOURAGING SAFER ROUTES FOR NON-MOTORIZED USERS AND IMPROVING THE PEDESTRIAN ENVIRONMENT.

WHEREAS, on June 30th, 2022, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City previously entered into a Transportation Alternatives Funds Program (TAP) Agreement #2022-02-68169 as to public improvements designated as TAP-3302(435), for the construction of Commercial Street Pedestrian Improvements; and

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

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

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

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

PASSED THIS 16th DAY OF APRIL, 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 04/01/2024

Second Reading: 04/16/2024

CCO FORM: FS31
Approved: 11/15 (MWH)
Revised: 10/22 (MWH)
Modified: 03/24 (MWH)

Clay County
City of Smithville
Project 3302(435)

CFDA Number: 20.205
CFDA Title: Highway Planning and Construction
Award name/number: TAP – 3302(435)
Award Year: 2024
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ALTERNATIVES FUNDS PROGRAM
SUPPLEMENTAL AGREEMENT**

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

WITNESSETH:

WHEREAS, on June 30th, 2022, the Commission and the City previously entered into a Transportation Alternatives Funds Program (TAP) Agreement #2022-02-68169 as to public improvements designated as TAP-3302(435), for the construction of Commercial Street Pedestrian Improvements, (hereinafter, "Original Agreement"); and

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

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

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

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

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share for this project will be 80 percent not to exceed \$960,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will

be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement; or are not eligible for federal reimbursement shall be the sole responsibility of City. TAP funds in the amount of \$460,000 if not obligated by September 1, 2024, shall be rescinded and not available to the City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

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

Remainder of Page Intentionally Left Blank

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

Executed by the City this _____ (date).

Executed by the Commission this _____ (date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SMITHVILLE

Title: _____

By _____
Title: Mayor

ATTEST:

ATTEST:

Secretary to the Commission

By _____
Title: City Clerk

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Development

AGENDA ITEM: Resolution 1341, Preliminary Plat – Mount Olivet

REQUESTED BOARD ACTION:

A motion to approve Resolution 1341, approving a preliminary plat for Mount Olivet subdivision and authorizing the Mayor to execute a development agreement.

SUMMARY:

Applicant annexed the subject property in January of this year, and the second reading of an ordinance approving its' initial zoning in the City of Smithville to A-R is on this agenda earlier in the evening. If the zoning is approved to A-R, then this Preliminary Plat to create a new 33-lot subdivision called Mount Olivet is ready for approval. This preliminary plat would create two phases for this development, with 14 lots in the first phase that all access existing public streets. The second phase would include the 19 remaining lots, and two public streets would be constructed. There is also a development agreement that requires the developer to add a 4" overlay of asphalt upon 144th Street from Wise to Mount Olivet Road before the 10th building permit could be issued; install street lights at the intersection of 144th Street with both Wise Road and Mount Olivet Road with Phase I; with Phase II, the developer shall apply a microsurface treatment along the entire property boundary, install its new streets and the remaining street lights at intersections when the streets are constructed. Lastly, the agreement requires park fees of \$625 per lot to be paid at the time of Final Plat recording.

PREVIOUS ACTION:

The property was annexed in January of this year, and the zoning is to be set at the same meeting.

POLICY OBJECTIVE:

Develop in accordance with the Comprehensive Plan goals.

FINANCIAL CONSIDERATIONS:

No additional expenditures are anticipated other than normal street maintenance and property taxes will increase as the properties develop.

ATTACHMENTS:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Citizen letter sent to elected officials | |

RESOLUTION 1341

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR MOUNT OLIVET SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT

WHEREAS, the applicant annexed a 185-acre tract into the city in January of 2024; and

WHEREAS, the Board of Aldermen approved setting the initial zoning for this property to A-R at the meeting on April 1, 2024; and

WHEREAS, the applicant requested a Preliminary Plat to create a new 33 lot subdivision in two phases, and agreed to a development agreement for it; and

WHEREAS, the Planning and Zoning Commission held a properly advertised public hearing on March 12, 2024 and following that public hearing, recommended approval of the plat.

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

THAT THE PRELIMINARY PLAT FOR MOUNT OLIVET SUBDIVISION IS HEREBY APPROVED AND THE MAYOR IS AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED DEVELOPMENT AGREEMENT.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of April 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 1st day of April, 2024, by and between **YALLALY ENTERPRISES, LLC**, ("Developer") and **THE CITY OF SMITHVILLE, MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Mt. Olivet located generally north of 144th Street and west of Mt. Olivet Rd. and being proposed to contain 33 residential AR zoned lots; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a 33 lot residential subdivision; and

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

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

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

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

2. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision based upon design plans and water model requirements to meet DNR requirements and in accordance with Clay County Water District #9 and the Smithville Area Fire Protection District standards.

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

a. Upon development of Phase I, and following recording the final plat for such Phase I, proposed to include 14 single family residential lots that have frontage upon the existing streets of Mt. Olivet to the east, 144th St. to the south and Wise Road to the west, the developer will install a 4" asphalt overlay of 144th St. from the west edge of Mt. Olivet to the west edge of Wise Rd. The road improvements shall be completed prior to the issuance of the 10th Building permit on any of lots 1-14 of the development.

b. Prior to recording the Final Plat for development of any of Lots 15-33 in Phase II of the development, the developer shall complete construction of the two proposed public streets in the development. Given the nature of the developed area, such streets shall be of full depth asphalt in accordance with city standards, but no

sidewalks or curb and gutters shall be required. Said construction is subject to approval of engineered, stamped plans that meet the then current city standards.

c. In addition to subparagraph b. above, the developer shall also complete a full-width micro surfacing of Mt. Olivet, from the north property line that is adjacent to the Mt. Olivet right of way, south approximately 3,500 feet to the south side of the intersection of Mt. Olivet with 144th Street.

4. The parties agree that the development will be served by individual private sewage disposal systems for each lot, all in accordance with city standards and subject to a permit from the Clay County Health Department. Additionally, the developer will be responsible for having street lighting installed at ALL intersections of streets and ends of roads. This represents a total of 6 lights, with the first two lights to be installed with the first final plat at the 144th and Mt. Olivet Rd. and 144th St. and Wise Rd. intersections. The remaining 4 lights shall be installed when the streets are constructed.

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

a. The development proposes 33 dwelling units with zero creditable park lands for dedication. As such, the development is then obligated to provide payment in lieu of dedications in the amount of \$625 per dwelling unit in each Final Plat. Such funds shall be payable prior to recording the final plat for each such phase of the development. *E.g., Phase I includes 14 dwelling units so will be required to pay a park fee of \$8,750 prior to recording said plat.*

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

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

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

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

10. Any provision of this Agreement which is not enforceable according to law will be severed and the remaining provisions shall be enforced to the fullest extent permitted by law.

11. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement.

12. This agreement shall not be effective until approved by Ordinance or Resolution duly enacted by the Board of Aldermen of Smithville, Missouri.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

THE CITY OF SMITHVILLE, MISSOURI

ATTEST:

By _____
Damien Boley, **Mayor**
And

Yallaly Enterprises, LLC

By _____
Managing Member

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

On the ____ day of _____, 2024, before me, the undersigned Notary Public, personally appeared _____, to me known, and who, being by me duly sworn, did say that he is the Mayor of Smithville, Missouri, and said instrument was signed and sealed on behalf of said City by authority of its Board of Aldermen and said Mayor acknowledges said instrument to be the free act and deed of said City.

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

Notary Public

My Commission Expires:

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

On this ____ day of _____, 2024, before me, the undersigned Notary Public, personally appeared _____, to me known, and who, being by me duly sworn, did say that he/she is the managing Member of Yallaly Enterprises, LLC, and said instrument was signed and sealed on behalf of said Yallaly Enterprises, LLC by authority of its Board and he/she acknowledges said instrument to be the free act and deed of said Yallaly Enterprises, LLC.

Yallaly Enterprises, LLC

Managing Member

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

Notary Public

My Commission Expires:



STAFF REPORT
March 8, 2024
Platting of Parcel Id's # 06-703-00-02-004.00

Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3 Multiphase Plat Approval

Property Information:

Address: 14422 Mt. Olivet Rd.
Owner: Yallaly Enterprises, LLC
Current Zoning: A-R

Public Notice Dates:

1st Publication in Newspaper: February 22, 2024
Letters to Property Owners w/in 185": February 22, 2024

GENERAL DESCRIPTION:

The Applicant annexed this 185 +/- acre lot into the city limits on January 16, 2024. As with new annexations, the initial zoning must be set following annexation. In this case, the applicant seeks to have the initial zoning set at A-R in order to facilitate development of the tract into a 33-lot subdivision. That zoning is under review on the same agenda as this application. If ultimately rezoned to A-R, the Preliminary Plat for Mt. Olivet subdivision can be finalized as well.

The proposed Preliminary Plat would authorize subdividing the land into 33 lots in two phases. The lot sizes would range from 3.05 to 18.92 acres. The first Phase would create 14 lots along the existing Wise Rd. and 144th St. sides, as well as part of the Mt. Olivet Rd. side. These 14 lots are immediately developable with no specific construction necessary. Phase II would create 19 additional lots facing two new streets within the subdivision. Due to the infrastructure requirements of the city for the development, a phased Development agreement is also required with this plat.

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

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

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

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

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

The plat is consistent with the Comprehensive Plan's future land use map, and specifically addresses multiple Action Steps as follows:

HN 1.1 Support providing additional housing stock throughout the city of Smithville to meet current and future residents' needs by encouraging new residential development in areas identified in the Future Land Use Map.

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

HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.

- c. The development shall be laid out in such a way as to result in:
 - (1) Good natural surface drainage to a storm sewer or a natural watercourse.

The subdivision is created with 33 lots of an average of 5.61 acres. The proposal is laid out to avoid interruption of the existing natural drainage areas, and has such little impact that detention of water is not recommended or need in accordance with city standards.

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

The area is generally an undeveloped farm field that was pasture for many years. The grading needed for the two future streets will have limited impact on any vegetation while giving sufficient developable areas for construction.

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

Yes, to the extent possible, lots are generally above the adjacent street which will be used for access.

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

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

(5) Adequate lot depth for outdoor living space.
The lots meet the minimum sizes.

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

To the extent practicable with cul de sac streets, the lots involved are appropriate for the uses intended.

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

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

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

The plat is laid out following standard design principles.

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

The plat meets all APWA standards for size and spacing. Given the generally rural nature of the area, curbs, gutters and sidewalks are not appropriate in order to maintain the small town feel and rural nature of the area.

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

The developer and city have proposed a development agreement for both adjacent existing street improvements and new street improvements. The development agreement includes 4" asphalt overlay of 144th St., micro surfacing of Mt. Olivet, construction of two new streets to city standards for both sub-base and asphalt thickness. It also includes a payment in lieu of dedication of park lands in the full amount of \$625.00 per lot, payable at the time of final plat recording. There are no city utilities in the area, but the developer has reached agreement with the water district to extend the lines necessary for this development. All other utilities are privately owned and extensions are at the developer's sole cost and expense.

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

The proposed layout and density are such that no detention facilities would be triggered because it will not increase the amount of off-site stormwater runoff and is in accordance with engineering standards.

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

Yes.

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

The location is a large mostly undeveloped lot surrounded by smaller lots with housing so it is an infill lot.

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

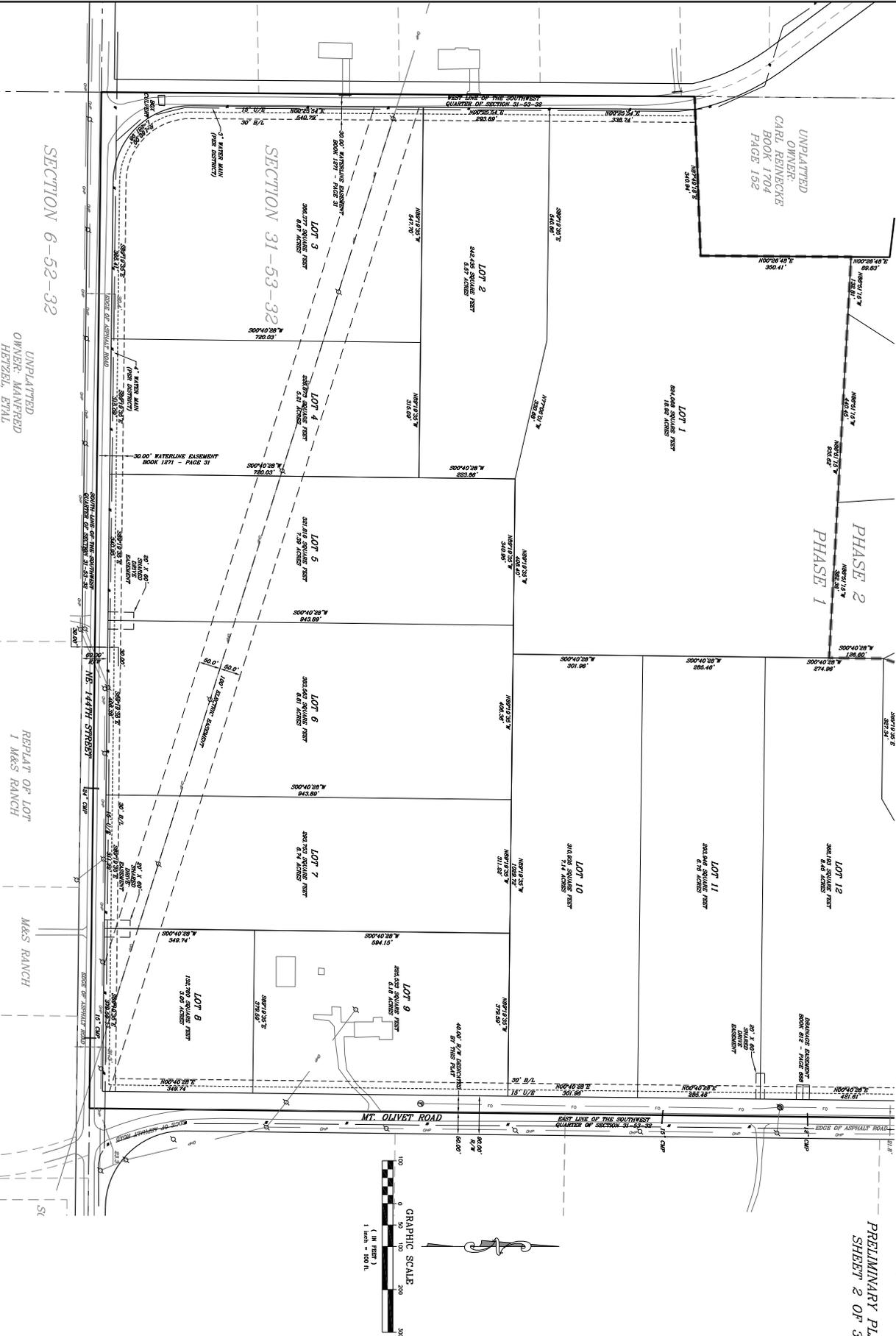
Annexed on January 16, 2024

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

MT. OLIVET

A SUBDIVISION IN SECTION 31, TOWNSHIP 53 NORTH,
RANGE 32 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI

PRELIMINARY PLAT
SHEET 2 OF 3



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E:\A-CLAY COUNTY\23241 CRAIG MT OLIVET\23241 PRELIM PLAT.dwg 11/14/2023 2:47:40 PM CST

R.L. Buford & Associates, LLC
LAND SURVEYING & DEVELOPMENT CONSULTANTS
R.L. BUFORD & ASSOCIATES, LLC - MO. CERT. OF
AUTHORITY LICENSE NO. 53-2010031977
rlbuford.com

P.O. BOX 14069, PARROVILLE, MO, 64152 (816) 741-6152

FOR	ERIC CRAIG
SEC.-TWP.-RGE.	31-53-32
COUNTY	CLAY
JOB NO.	1-23241
DATE	10/25/2023
FIELD BOOK	
DRAWN BY	R.C.V.

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS SOLELY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

Robert G. Young
ROBERT G. YOUNG, TMS-2007000089

REV. 03/13/2004
DATE

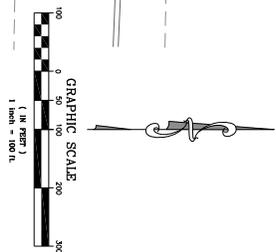
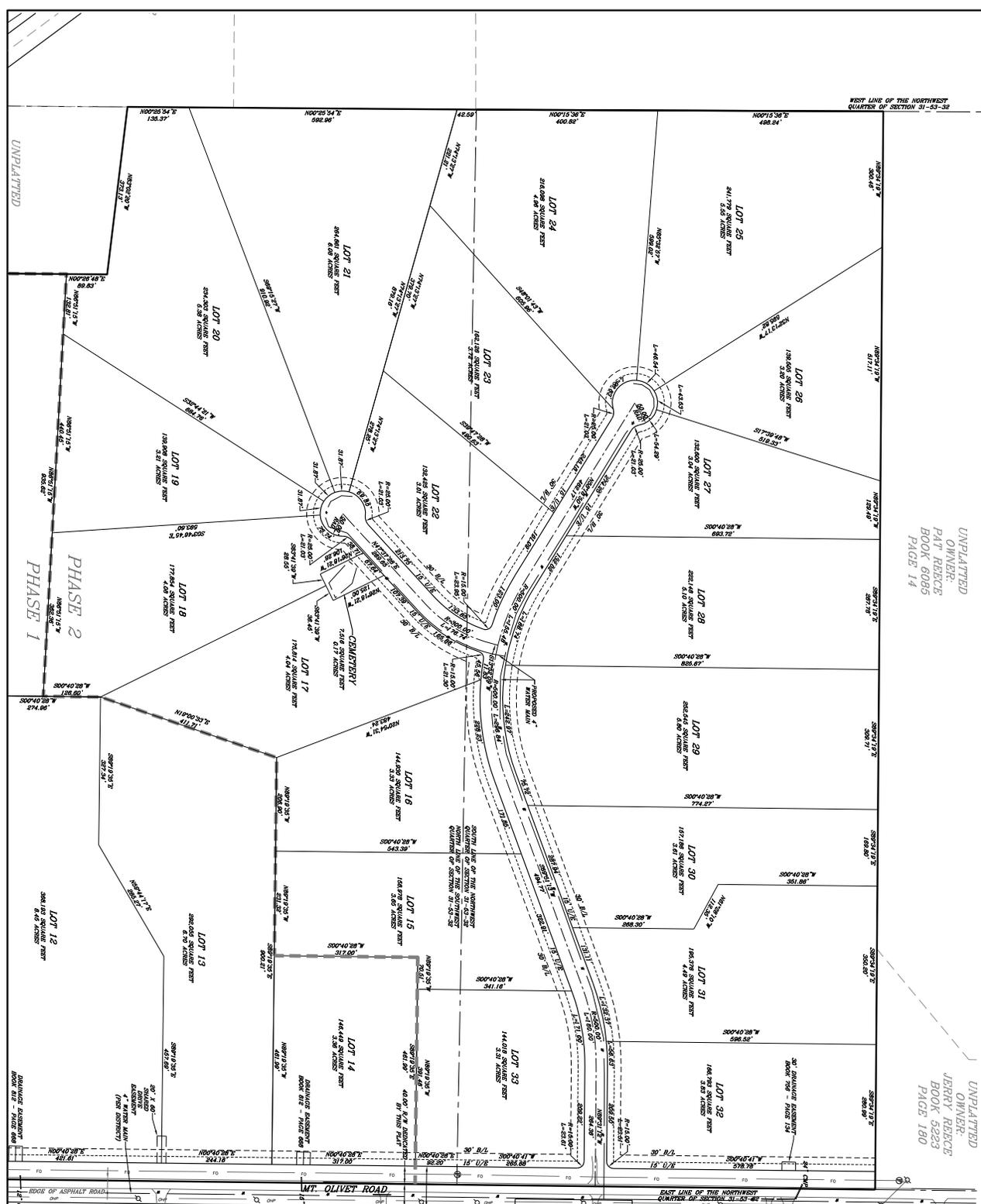


UNPLATTED
OWNER:
PAT REECE
BOOK 6085
PAGE 14

UNPLATTED
OWNER:
JERRY REECE
BOOK 5223
PAGE 180

MT. OLIVET
A SUBDIVISION IN SECTION 31
TOWNSHIP 53 NORTH,
RANGE 32 WEST,
SUNNYSIDE,
CLAY COUNTY,
MISSOURI

PRELIMINARY PLAT
SHEET 3 OF 3



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E:\A-CLAY COUNTY\23241 CLAY MT OLIVET\23241 PRELIM PLAT.dwg 11/14/2023 2:47:40 PM CST

R.L. Buford & Associates, LLC
LAND SURVEYING & DEVELOPMENT CONSULTANTS
R.L. BUFORD & ASSOCIATES, LLC - MO. CERT. OF
AUTHORITY LICENSE NO. 15-2010031977
rol@rlbuford.com

P.O. BOX 14009, PARROVILLE, MO, 64152 (816) 741-6152

FOR	ERIC CRAIG	SEC.--TWP--RGE.	31--53--32	COUNTY	CLAY	JOB NO.	15-23241
		DATE	10/25/2023	FIELD BOOK			

PRELIMINARY PLAT

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS WHOLLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

Robert G. Young
ROBERT G. YOUNG, PLS-2007000089
DATE

REV. 03/13/2004



From: [Damien Boley](#)
To: [Linda Drummond](#); [Cynthia Wagner](#)
Subject: Fwd: Farms at Mt Olivet new neighborhood
Date: Tuesday, March 26, 2024 12:16:05 PM

Mayor Damien Boley
Mayor@smithvillemo.org

From: Michael Ballenger <mikebrx08@gmail.com>
Sent: Tuesday, March 26, 2024 11:38:49 AM
To: Damien Boley <Mayor@smithvillemo.org>; Dan Hartman <dhartman@smithvillemo.org>; Dan Ulledahl <dulledahl@smithvillemo.org>; Melissa Wilson <mwilson@smithvillemo.org>; Ronald Russell <rrussell@smithvillemo.org>; Leeah Shipley <lshipley@smithvillemo.org>; Marvin Atkins <matkins@smithvillemo.org>; Jack Hendrix <JHendrix@smithvillemo.org>
Cc: Kara Ballenger <knballenger@gmail.com>; Ken Beard <mr.ken.beard@gmail.com>; Mom <clanuisdein@tetburycastle.com>
Subject: Farms at Mt Olivet new neighborhood

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and Aldermen,

I want to ask you about this new neighborhood on Mt Olivet and 144th St. It is moving along very rapidly (phase 1 lots are already listed as of yesterday, less than a week after the board meeting). I attached a link to the 3/19/24 Smithville Board meeting, discussing and ultimately approving the rezoning of this property to allow for 33 lots (fast forward the video to 16:20). A significant portion of the discussion centered around the safety of Mt Olivet with this addition. It was discussed that the city and county are still negotiating a "shared road agreement" but it is clear that this is not finalized. I am very surprised that lots are already being listed despite not having a plan for improving the safety of Mt Olivet, in particular a 4-way stop that was discussed at the intersection of Mt. Olivet and 144th. In addition, the county (not the city of Smithville) is responsible for issuing driveway permits.

My wife, Kara, has been in touch with Jack Hendrix, the Development and Planning Director of Smithville's Planning and Zoning, and he has provided us with some information regarding the addition. He mentioned some surface improvements to the roads and additional street lights, and while these things are helpful, they are not things that would address traffic issues in my opinion. In regards to the additional driveways, Jack Hendrix indicated to Kara via email that Clay County was "requiring" them to have shared driveways. I was really surprised by this information. In my personal dealings with Clay County regarding our own land, I was told that the County would no longer allow shared driveways due to the fact that it could be a significant source of dispute between neighbors. I think this is a serious consideration.

My other, and more significant, concern centers on traffic impact and safety. In the video you can hear someone mention a traffic study, but no one asked any further questions about this.

Did this traffic study actually happen? It is not clear. I have communicated via email with Kipp Jones, the Planning Director for Clay County Planning and Zoning since the portion on Mt Olivet in question is still under county jurisdiction. Here is the reply I received from him: "I watched the meeting last week and my opinion is that this is a city project and the county has no jurisdiction over any of the requirements. It seems like Smithville's process is different than what we do with county projects, I am working on a project now where the county has requested a traffic analysis but it was requested before we have the first public meeting but it seems that their process is different. If I receive any information that shows that my opinion is incorrect or if additional light is shed on this development I will let you know. Let me know if you have any additional questions."

From watching the Smithville Board meeting, my email communication with Kipp Jones, and past experience with zoning issues I am wondering what the city's process is for this matter. It would make more sense to me to complete all necessary evaluations such as a traffic impact study, and agree on needed/advised safety improvements such as a 4-way stop at the intersection of Mt Olivet Rd and 144th St prior to approving a project, and definitely prior to allowing developers to list related properties for sale. It seems any leverage for getting these sometimes costly safety analysis and improvements is lost by approving projects before these requirements are even agreed upon and spelled out (I would think it would be preferable for these tasks to be completed prior to approval). I am pretty concerned that the city and county are more interested in developing this land and less concerned about the potential safety impacts of this relatively aggressive and unprecedented development along this rural and antiquated roadway. I am guessing the reason for limiting the number of driveways along Mt Olivet is due low visibility and safety concerns. However, shared driveways are going to dump just as much extra traffic onto Mt Olivet as having the extra driveways.

In the end, one Alderman voted against approving the project while the rest voted for it. When Kara and I watched the recording, it seemed to end with the idea that yes, the rezoning is approved, but nothing has been finalized in regards to improving the safety of Mt Olivet or even a shared road agreement between the city and county. It feels imprudent to already have listings posted for this neighborhood without settling this discussion about the roadways first.

To be honest, based on my limited dealings with the Clay County Highway Department regarding another proposed development nearby that the Clay County Commissioners ultimately rejected after initial Clay County Planning and Zoning approval, I would be a little surprised if a traffic impact study was actually part of approving this development. The representative from the Highway Department that attended the Clay County Planning and Zoning Meeting was very dismissive and honestly disrespectful in basically laughing off safety concerns without any type of traffic impact study. The commissioners on the other hand were much more concerned about potential safety issues and any potential liability that could arise given the history of fatal accidents in this area. I honestly wasn't that opposed to this development because I assumed most, if not all, driveways would empty out to 144th St and Wise Rd due to the much lower traffic volume on those roadways. I am guessing it is less expensive to the developer to have so many houses exit via roadways to Mt Olivet Rd. If I had known that the majority of the driveways would empty out to Mt Olivet Rd I would have vehemently opposed the project. That's my fault for making that assumption.

Obviously, this neighborhood is going to happen at this point, but I am hoping it will be done as safely as possible and hopefully lead to significant road improvements to Mt Olivet Rd. Right now I am concerned that this is not happening and perhaps part of it is inadequate

communication and alignment of expectations between city and county. Thank you for listening to my concerns and hopefully all of you can address these issues and put safety first.

Sincerely,

Mike Ballenger

<https://www.smithvillemo.org/agendaview.aspx?aid=12036&categoryid=877#video>

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Reappointment of Parks and Recreation Committee Member

REQUESTED BOARD ACTION:

The Mayor will make the nomination of Kyle Squires to continue on the Parks and Recreation Committee and the Board will vote.

SUMMARY:

The Board of Aldermen appoints members to the Parks and Recreation Committee. Matt Denton, Parks Director, recommends reappointment. Kyle has been on the Parks and Recreation Committee since 2021.

PREVIOUS ACTION:

Kyle Squires was appointed to the Parks and Recreation Committee in October 2021

POLICY ISSUE:

Section 155.100 of the Code of Ordinances, requires the Board of Aldermen to nominate and appoint a representative to the Parks and Recreation Committee.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

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

Kyle Squires

201 Surrey CT. Smithville, MO 64089

816-617-7403

kylesquires@outlook.com

Sales, Operations

Experienced logistics and sales professional with over 17 years of demonstrated achievement in roles ranging from operations, account management, and team leadership. In these roles I've driven results directly when responsible for a channel or product, and I've also led teams to meet goals and exceed business plans through a mix of accountability, coaching, and development.

Professional Experience

Aug 2018-Present

United Parcel Service, Kansas City MO- Account Executive

- Maintains and grows a book of business
- Introduces new products and services and expands business opportunities within customer accounts
- Tracks sales performance to objectives
- Monitors account statistics and qualifies internal sales leads to identify opportunities and create an effective sales strategy
- Utilizes resources and account history to prepare for sales calls
- Submits pricing requests and analyzes price quotes
- Develops standard operating procedures (SOPs), generates standard and customized reports and queries, accesses appropriate databases, and interprets and clarifies data

January 2013-2018

United Parcel Service, Saint Joseph - On Road Supervisor

- Participate in the development and implementation of work process plans to maximize center proficiency and achieve business results
- Ensure implementation and maintenance of a Comprehensive Health and Safety Plan
- Conduct risk management and safety compliance audits
- Maintain employee safety training and certifications
- Determine employee training needs to produce continuous development plans
- Provide feedback and support
- Conduct performance evaluations and resolve individual and group performance issues
- Support a collaborative work environment through continuous communication and relationship building

July 2012-

United Parcel Service, Chillicothe- Driver

- Deliver routes and maintain safety and paid day

Sept 2010-2012

United Parcel Service, Saint Joseph- Preload Supervisor

- Maintain Staff
- Hit goals and PPH
- Audit Employees daily with Safety
- Dispatch and Lead Supervisor

Nov 2005-2010

United Parcel Service, Saint Joseph- Local Sort Supervisor

- Maintain Staff
- Hit goals and PPH
- Audit Employees daily with Safety

May 2005-Nov 2005

United Parcel Service, Saint Joseph- Local Sort

- Unload Trailers/Trucks
- Maintain a PPH
- Audit Hazmats
- Process Internationals

Education/Training

Bachelor of Science in Recreational Management

Missouri Western State University, Saint Joseph MO.

- Fields of Emphasis: Recreational Management
- May 2007

Relevant Training

- Situational Sales Negotiation School, October 2019
- Account Strategy for Major Sales School, September 2018
- UPS International Sales School, October 2018
- Managing for Performance, February 2015
- Manager Driver Safety Training, July 2014
- Intergrad UPS Driver Training School, January 2012

References

Jed Downing from Auctane

Jed.downing@auctane.com | 917-648-6566

DR. Ty Perkins from University of Missouri

Perk3@hotmail.com | 636-352-7294

Justin Volkers from United Parcel Service

jvolkers@ups.com | 913-231-4924



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Reappointment of Parks and Recreation Committee Member

REQUESTED BOARD ACTION:

The Mayor will make the nomination of Jeremiah Bloemker to continue on the Parks and Recreation Committee and the Board will vote.

SUMMARY:

The Board of Aldermen appoints members to the Parks and Recreation Committee. Matt Denton, Parks Director, recommends reappointment of Jeremiah. Jeremiah is our Committee's High School/Teen Representative. He has been on the Parks and Recreation Committee since 2022.

PREVIOUS ACTION:

Jeremiah Bloemker was appointed to the Parks and Recreation Committee in 2022

POLICY ISSUE:

Section 155.100 of the Code of Ordinances, requires the Board of Aldermen to nominate and appoint a representative to the Parks and Recreation Committee.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

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

Jeremiah Bloemker

Parks and Recreation Board

CONTACT

☎ 816-787-2294

✉ Bloemkej26@smithville.k12.mo.us

EDUCATION

Smithville Highschool

Sophomore

4.02 Gpa

SUMMARY

I have been on the Parks and Rec Board for almost two years. Since i've been on the board we have made a massive impact in the community. The decisions we have made has set the smithville up for success for years to come. I love being able to help my community and make a real difference. I want to expand on this over my next term and only grow as a board member.

SKILLS

- Creative Planning
- Communication Skills
- Problem Solving Abilities
- Time Management

WORK EXPERIENCE

- **Smithville Bike Co-op - Seasonal Labor**
Smithville Bike Co-op (2024-2024)
 - Built bikes and sold bikes
- **Lacrosse Referee/Game manager**
Great Plains Lacrosse Officials Association (2023-2024)
 - Managed and reffed youth lacrosse games in the greater Kansas City Area.