



**City of Smithville, Missouri**  
**Board of Aldermen – Regular Session Agenda**  
**7:00 p.m. Tuesday, May 21, 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](mailto:ldrummond@smithvillemo.org) prior to the meeting to be sent the meeting Zoom link.

Join Zoom Meeting

<https://us02web.zoom.us/j/81571040607>

Meeting ID: 815 7104 0607

Passcode: **162147**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Proclamations**
  - National Public Works Recognition Week
4. **Consent Agenda**
  - **Minutes**
    - May 7, 2024, Board of Aldermen Special Session Minutes
    - May 7, 2024, Board of Aldermen Regular Session Minutes
  - **Resolution 1354, Nehemiah Festival 2024 Agreement**

A Resolution authorizing and directing the Mayor to execute an agreement with Grace Community Church for the use of Smith's Fork Park to host a music festival.
  - **Resolution 1355, Appointment of an Alternate Prosecuting Attorney**

A Resolution appointing Gina Simone as Alternate Prosecuting Attorney.
  - **Resolution 1356, Liquor License**

A Resolution issuing a liquor license to Kozak's Laketown Grill, LLC, Brian A. Hove, Managing Officer, doing business as Grassroots Garden Lounge located at 114-116 North Bridge Street.
  - **Resolution 1357, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for David Adam in the amount of \$162.85.

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

5. **City Administrator's Report**

**ORDINANCES & RESOLUTIONS**

6. **Bill No. 3033-24, Amendment to Section 600.030(D), Liquor by the Drink Licenses – Emergency Ordinance Sponsored by Mayor Boley - 1<sup>st</sup> & 2<sup>nd</sup> Reading**

An Ordinance repealing Section 600.030(D) number of licenses limited and enacting a new Section 600.030(D) number of licenses limited. 1<sup>st</sup> & 2<sup>nd</sup> reading by title only.

**7. Resolution 1358, Sponsorship Request – Grace Community Church**

A Resolution approving a sponsorship request for Grace Community Church.

**8. Resolution 1359, Awarding Bid No. 24-11, Sale of City Property on the Northside of Church Street**

A Resolution awarding Bid No. 24-11, Sale of City Property on the Northside of Church Street to 110 Smithville, LLC.

**9. Resolution 1360, Awarding Bid No. 24-12, Sale of City Property on the Southside of Church Street**

A Resolution awarding Bid No. 24-12, sale of City Property on the Southside of Church Street to 110 Smithville, LLC.

**OTHER MATTERS BEFORE THE BOARD**

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**10. 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.**

**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**





## National Public Works Week Proclamation

May 19–25, 2024

### “Advancing Quality of Life For All”

**WHEREAS**, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Smithville; and,

**WHEREAS**, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders, and children in the City of Smithville to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2024 marks the 64<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

**RESOLVED**, I, Damien Boley, Mayor of the City of Smithville, do hereby designate the week May 19–25, 2024, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Smithville

**DONE** at the City of Smithville, Missouri this 21<sup>st</sup> day of May 2024.



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Damien Boley, Mayor



# Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:**

Administration/Finance/Parks/Police

**AGENDA ITEM:** Consent Agenda

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**REQUESTED BOARD ACTION:**

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

- **Minutes**
  - May 7, 2024, Board of Aldermen Special Session Minutes
  - May 7, 2024, Board of Aldermen Regular Session Minutes
- **Resolution 1354, Nehemiah Festival 2024 Agreement**

A Resolution authorizing and directing the Mayor to execute an agreement with Grace Community Church for the use of Smith's Fork Park to host a music festival.
- **Resolution 1355, Appointment of an Alternate Prosecuting Attorney**

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- **Resolution 1356, Liquor License**

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- **Resolution 1357, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for David Adam in the amount of \$162.85.

**SUMMARY:**

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

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**SMITHVILLE BOARD OF ALDERMEN  
SPECIAL SESSION**

May 7, 2024 6:00 p.m.  
City Hall Council Chambers

**1. Call to Order**

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

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge and Linda Drummond.

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

Alderman Atkins moved to adjourn to Executive Session Pursuant to Section 610.021(1&2) RSMo. Alderman Kobylski seconded the motion.

Upon roll call vote:

Alderman Russell – Aye, Alderman Hartman – Aye, Alderman Kobylski – Aye,  
Alderman Atkins – Aye, Alderman Shipley – Aye, Alderman Wilson – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the special session adjourned to the Executive Session at 6:00 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

## SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

May 7, 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 7:17 p.m. following the Executive Session. A quorum of the Board was present: Marv Atkins, Melissa Wilson, Leah Shipley, Ronald Russell, Kelly Kobylski and Dan Hartman.

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

### 2. Pledge of Allegiance lead by Sergeant James Morgan

### 3. Proclamations

- National Public Service Recognition Week
- National Police Week



Mayor Boley presented the Proclamation for National Police Week, May 12-18, 2024 to Officer Neill, Officer Tso, Officer Burns, Sergeant Henry and Sergeant Morgan.

- Older American's Month



Mayor Boley presented the Proclamation for Older American's Month to Amy Alexander, Senior Center Coordinator and Matt Denton, Parks and Recreation Director.

#### 4. Consent Agenda

- **Minutes**

- April 16, 2024, Board of Aldermen Work Session Minutes
- April 16, 2024, Board of Aldermen Regular Session Minutes – 1st meeting
- April 16, 2024, Board of Aldermen Regular Session Minutes – 2nd meeting

- **Resolution 1345, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Melissa Pendleton in the amount of \$577.30.

- **Resolution 1346, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Lepe Construction in the amount of \$3,333.56.

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

##### 5. Committee Reports

Alderman Shipley reported on the April 23, Parks and Recreation Committee meeting. Their main discussion item will be #14 on the agenda tonight. They made their choice of playground equipment for Emerald Ridge Park.

Alderman Hartman reported on the April 24, Economic Development Committee meeting. They continued discussions of their goals and strategies for the Comprehensive Plan and the Strategic Plan. They also discussed a marketing strategy to help drive patrons from the campgrounds to downtown businesses using a QR code.

##### 6. City Administrator's Report

Cynthia Wagner presented an update on the storm last night. Smithville was under a tornado warning and there was a significant amount of damage to private properties, particularly in the KK Highway area. We did have some additional trees down in northern parts of Rollins Landing and Harborview. These were taken care of quickly by either Police or Fire Departments. There was no damage to city parks or city facilities.

We did have a brief power outage at one of the lift stations on the north end of town. Staff came in and power was restored so we did not have any issues there.

Cynthia noted that the tornado sirens were sounded for brief periods throughout the day today. The Police Department did post information to social media concerning why this was happening. The service company was here troubleshooting and were testing the sirens. She noted that it was an unfortunate timing, but we need to make sure that the sirens are operational. Cynthia explained that we are having some issues with getting replacement parts for the sirens. There are some parts that have been ordered since last fall and staff continues to work through that.

Cynthia noted that last year during budget discussion, one of the items that was included in future needs for capital funds was review of our outdoor warning system. The City's system is approaching 20 years old. A new system is a sizable investment, and we need to continue to maintain our outdoor warning system. Cynthia reminded everyone that the outdoor warning sirens are just that, for outdoor warning. It is a significant bonus that residents can hear them inside their houses but that is not what they were intended for. We want to ensure we have multiple ways to be able to get weather information, including weather radios and phone apps. So bottom line, make sure you are storm aware and have multiple notification methods. Cynthia noted that as we move into budget, we will have additional discussions on our outdoor warning system.

Cynthia noted that the Bridge Street water line replacement work did start today. A lot of that work is weather dependent. We want to make people aware that we will have some closures. Cynthia explained that this is the first step in the improvements for streetscape on Bridge Street.

City Hall meeting schedule is included in the packet:

City Hall will be closed Monday, May 27 in observance of Memorial Day.

City Hall will be closed Monday, June 17 in observance of Founder's Day.

City Hall will be closed Thursday, July 4 and Friday July 5 in observance of Fourth of July.

Mayor Boley has recommended that the July 2 Board of Aldermen meeting be cancelled.

## **ORDINANCES & RESOLUTIONS**

### **7. Bill No. 3032-24, Budget Amendment No. 3 – Emergency Ordinance Sponsored by Mayor Boley – 1<sup>st</sup> and 2<sup>nd</sup> Reading**

Alderman Atkins moved to approve Bill No. 3032-24, amending the FY2024 budget. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hartman - Aye, Alderman Kobylski - Aye, Alderman Atkins – Aye,

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

Ayes –6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3032-24 approved first reading.

Alderman Atkins moved to approve Bill No. 3032-24, amending the FY2024 budget. 2<sup>nd</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Wilson - Aye, Alderman Kobylski – Aye,

Alderman Russell - Aye, Alderman Hartman – Aye, Alderman Shipley - Aye.

Ayes –6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3032-24 approved.

### **8. Resolution 1347, Final Plat – Mount Olivet**

Alderman Atkins moved to approve Resolution 1347, approving the final plat for Mount Olivet subdivision. Alderman Hartman seconded the motion.

Public comment.

Brent Pfaff, 3405 NE 144<sup>th</sup> Street, noted that on April 1, five people came to the podium and voiced their concerns and asked on this item and none of their questions were answered. He voiced his concerns about the safety and the traffic issues that this subdivision will be adding to Mount Olivet and 144<sup>th</sup> Street. He said that there are no speed limit signs on Mount Olivet in that area. He asked if there would be police presence in that area. He asked who would be responsible for maintaining the roads. He voiced his concern about the surrounding residents not being informed about annexing 189 acres of farmland with signage. He explained that he purchased his home on the corner of Mount Olivet and 144<sup>th</sup> Street in October of 2022 and he was not made aware of the utility easements on his property and wanted to get it on public record that there is a utility easement going through lots 3 through 8 of the new development.

Board discussion.

Alderman Wilson asked how we could look at getting a four-way stop at the intersection of 144<sup>th</sup> Street and Mount Olivet.

Jack Hendrix, Development Director, explained that staff has been in communication with Clay County on the topics of a four-way stop at that intersection and the Shared Road Maintenance Agreement. Jack, Chuck and Cynthia had a meeting with Clay County a couple of weeks ago and Cynthia has had several meetings with the County Administrator. Staff has also had conversations with the county's planning department and their highway department. Jack noted that the current County Administrator has been making things happen a lot quicker than we have experienced with Clay County in the past. No decisions have been made at this point.

Alderman Wilson asked that staff make sure to keep this on their radar.

Jack said that it is still on staff's radar and explained that getting a four-way stop at that intersection would likely involve doing some traffic counts. He explained that since we do not have an updated Shared Road maintenance Agreement we do not know who will be responsible for what.

Alderman Wilson noted that in Jack's staff report he provided triggers for a traffic study. *In the City's new Transportation Master Plan, the Board approved a policy that set forth proposed new standards for TIS's, including the level of traffic that would trigger/require a new TIS. The City's standards are such that, for a new single-family detached housing subdivision, any subdivision that generates more than 50 Peak Hour Trips or 500 daily trips from vehicles must prepare and submit a TIS. Peak Hour Trips are the average number of trips in a one-hour period between 7-9am or 4-6pm. Daily trips are the total average number of trips generated, with both being based upon the number of lots in the subdivision. The Institute of Traffic Engineers (ITE) is the nationally recognized organization to evaluate and calculate the trip generation standards for all types of developments.*

*For a single-family, detached development like this, the ITE has a factor assigned to each type of trip based upon the number of lots. For example, the Peak Hour factor in this case is .79, which means that the number of lots multiplied by this factor gives you the number of average Peak Hour Trips (33 lots X .79 = 26.07, rounded to 27). The daily trip factor is 9.99, multiplied by the same 33 total lots, which generates 330 daily trips. Both are substantially*

*below the standards which would require a TIS. This development is not close to the City's triggers in requiring a TIS. It should be noted that the City's standards are twice as restricted as any adjacent jurisdictions triggers. (50/500 vs. 100/1000)*

Alderman Russell asked since the designated responsibility is not decided yet could a timeline be set for establishing who owns what before they begin this project.

Jack explained that the Shared Road Maintenance Agreement would address who is responsible for plowing the road when it snows, or who is responsible for repairing a road if it collapses, etc. He noted that since we do not have a revised agreement, our biggest concern is the maintenance on the catastrophic road issues. He said until we have the agreement we have to figure out if the City or the county will do the road repairs and so do it quickly.

Mayor Boley asked if the developer has to build the road to the City specs before we can annex it in to the City.

Jack explained that the annexation is complete, the developer has to construct the road improvements in accordance with the agreement which states "*the road improvements shall be completed prior to the issuance of the tenth building permit on any of lots 1-14 of the development*".

Mayor Boley noted that since the annexation is done the Police Department will be patrolling that section.

Jack explained that we have an agreement with Clay and Platte County that our Police Department will respond where they are needed to ensure public safety. He added that any Police Officer in Missouri can write a speeding ticket if they are within their jurisdiction. If they write a ticket on Mount Olivet they have the right to send the ticket to the state instead of the City Municipal Court.

Alderman Russell asked when the Shared Road Maintenance Agreement is projected to be resolved.

Jack explained that it is moving quicker than it has in the past.

Cynthia noted that when she and Jack met in April with the county, they outlined a timeline that they would have internal discussions, then discussions between the County Administrator and Cynthia based on staff discussion, in order to bring something to their governing bodies hopefully this summer. Cynthia pointed out again, it is a Shared Road Maintenance Agreement and that is what it really focuses on. She note that the important thing here though is staff has had good conversation with county planning staff, road maintenance staff and the County Administrator following this process and moving forward. As Jack indicated, the County Administrator is about two years into her job and we have been able to have open communication and discussions on those issues. Everyone wants to move forward in the best interests of those involved.

Alderman Russell noted that Jack referenced the Institute of Transportation Engineers (ITE), which average peak hour generation factor is .79 trips per growing unit is what the computation that you provided is an average generated by city and county rule together for two and four lane. He asked if that was correct.

Jack explained that it is not based upon the road itself, no aspect of the road. It is based on what that type of use generates. In this case, single family detached housing is what this subdivision generated. Single family detached housing is the most intensive residential traffic impact by dwelling unit. Jack explained that attached units are a little bit lower. If it is a multifamily, it is even lower. The average for home that is detached housing, whether it is in unincorporated Clay County or in the city limits, the average is 9.99. Jack explained that is almost ten traffic trips per day per home.

Alderman Russell asked if that was per household and not per driveway.

Jack explained that they use the term dwelling unit.

Alderman Russell asked if this is in addition to the traffic that is already on Mount Olivet right now.

Jack said that was correct.

Alderman Russell asked if it was correct that right now we do not know the current traffic levels on Mount Olivet only that this will be adding to it.

Jack said that was correct, there has been no traffic study done yet, he did not believe the county had and we did not ask the developer to do one either. Jack added that if it is inside the city limits, no county around it, we would do the same thing. We do not base it on existing traffic, we base it upon what they are bringing to the table. If it triggers a traffic study all those numbers occur in those studies. Our Transportation Master Plan says if the ITE is within 50/500 that is when a traffic study is required. If it is less than that, it is basically negligible, and you do not need to do full studies.

Alderman Wilson asked if we should look at putting speed limit signs on our side of the road.

Jack explained that we can, but the MUTCD has recommended locations for them and that would be much farther north than this development. You want it where the road starts so people know, because if they turn south off 92 Highway and have to drive a half a mile to get to a speed limit sign, it does not do much good. He said that adding them would certainly help everyone.

Alderman Wilson asked if we could put one where you turn off of 92 Highway south onto Mount Olivet and maybe at a 144<sup>th</sup> Street where that intersection is on our side of the road.

Jack said that we certainly can, but this will be another item that we talk directly with the County Highway Department and our Public Works Department. Jack noted that he would notify Clay County Public Works and have somebody driving through there to do an inventory.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1347 approved.

**9. Resolution 1348, Support of an Application for the TAP Grant**

Alderman Atkins moved to approve Resolution 1348, acknowledging Board of Aldermen support of an application for the Transportation Alternative Program (TAP) Grant through Mid-America Regional Council (MARC). Alderman Hartman seconded motion.

Alderman Russell said that he thought we would be backing off some of the grant applications until discussion could be had at the Board Retreat.

Mayor Boley noted that this one was probably submitted three years ago and for projects that are already budget for.

Cynthia explained that this is the TAP call for projects, so these projects are many years in the making.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1348 approved.

**10. Resolution 1349, Bid Award No. 24-13, RFQ for IT Support and Services**

Alderman Atkins moved to approve Resolution 1349, authorizing and directing the Mayor to enter into an agreement with ALLO Business for the City's IT Support and Services. Alderman Wilson seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1349 approved.

**11. Resolution 1350, Amendment to the Employee Compensation Plan**

Alderman Atkins moved to approve Resolution 1350, adopting amendments to the Employee Compensation Plan. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1350 approved.

**12. Resolution 1351, Changes to LAGERS Employee Retirement Plan**

Alderman Atkins moved to approve Resolution 1351, approving changes under the Missouri Local Government Employees' Retirement System. Alderman Wilson seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1351 approved.

**13. Resolution 1352, Authorization No. 94, Amendment No. 1**

Alderman Atkins moved to approve Resolution 1352, authorizing Amendment No. 1 of Authorization No. 94 with HDR Engineering, Inc. for the design of an alternate alignment of the Force Main Bypass of 144th Street Pump Station in the amount of \$29,920. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1352 approved.

**14. Resolution 1353, Emerald Ridge Park Playground Equipment**

Alderman Atkins moved to approve Resolution 1353, awarding the Emerald Ridge Park and Playground Project to Athco, LLC. in an amount not to exceed \$450,000. Alderman Hartman seconded motion.

Alderman Wilson noted that in looking at compared the cost of this park versus back when the playground equipment was put in Diamond Crest Park, and it is a little more than double. She said that she understands this is probably a bigger project and the increase of the cost of installing equipment. Alderman Wilson said her concern with this was that there are still items in Diamond Crest Park that have not been completed. She understands staff is trying to work with the current owner of Clay Creek but would really like to see that project complete before we start another one. She asked if there was any update on Diamond Crest Park?

Mayor Boley noted that there was a budget amendment for the additions to Diamond Crest Park couple months ago.

Matt Denton, Parks Director, explained that he had received a text in April from his management contact at the townhomes saying that he would not have an answer for about 30 days. Matt has since followed up and received a text that the owner is out of the country, and we have no additional status information. Matt explained that he has been pushing, he has had multiple texts and emails with them, and meetings with Cynthia as well. Matt said that we want this to get this project completed as soon as possible. Matt noted that the only thing left right now is the parking lot as we have allocated \$90,000 for the restroom and shelter. Matt said that he asked Cynthia if we could just move forward and do it ourselves and as soon as he said that to them he started getting text messages back that they were moving along trying to get answers.

Mayor Boley asked when Matt thought the restrooms would be delivered.

Matt explained that the restroom was ordered in December after the Board approved it on December 19 and it has a five-to-six-month production. Matt has asked for a 30-day lead time notification of when they would be ready and has not received word yet, but it should be soon.

Mayor Boley noted that it is a drop in place prefabricated restroom.

Matt added that staff would do some concrete work to make it accessible from the playground, but that cost is included in the budgeted amount.

Mayor Boley asked if staff was still looking at Memorial Day to open the Splash Park.

Matt said they were, and staff was working there today.

Alderman Wilson explained that she just wanted an update on Diamond Crest Park because with Emerald Ridge Park project coming, it would be nice to see the Diamond Crest Park completed if at all possible.

Matt noted that staff talked with some people who are here at the meeting that live in Clay Creek neighborhood, and they have sent some emails to Clay Creek on this issue, so the community is behind it and want it completed as well. Matt noted that he wants to get this completed especially since it is almost two years since we started the improvements and we have spent just under \$390,000 on it and we still do not have it completed.

Matt noted to answer Alderman Wilson's question on the difference of playgrounds and costs, Emerald Ridge Park has significantly more concrete work and with that comes with labor and that increased the cost significantly. When staff did Diamond Crest Park, it was done with

three separate bids, one for the playground, one for the concrete and one for the fencing. That was how we got the cost reduced. Emerald Ridge Park is all in one, which should be a lot easier than the mistakes with Diamond Crest Park. With Emerald Ridge Park there will only be one contractor, one contact and one project manager.

Alderman Russell asked about the handicapped compliant swing, a swing that a wheelchair can go into.

Matt explained that there would be multiple handicapped accessible equipment within this park. Matt noted that the Parks and Recreation Committee were really adamant about making sure this playground was as inclusive as possible within our budget.

Alderman Russell asked about handicapped parking spaces and the ease of being able to get wheelchairs to and from the street. He asked if the street would be striped and labeled and if there was going to be ramps.

Matt explained that throughout the whole discussion that was a concern that the Parks and Recreation Committee had. They asked that Matt meet with Jack Hendrix, Development Director, and go over what we are allowed to do. It is going to be street parking and we are going to designate one handicapped spot where we would extend the existing concrete to the road where a ramp would be located. Matt explained that the added cost on this is extending a sidewalk down to the existing sidewalk to make it ADA accessible.

Alderman Hartman thanked Matt for his work on this. He said that back in 2021 he was on the Parks and Recreation Committee and that this project was being discussed at that time. He said that he thinks the Parks and Recreation Committee did a good job kind of vetting the whole process and looking through everything. He is excited for the residents there and the public.

Matt noted that the Parks and Recreation Committee did a lot of work on this, and it was kudos to them for spending all the time that they did. They have worked on this since January 2023 trying to find some outside funding, but ultimately did not succeed on that. They did continue to work from July 2023 to now. They took their time. They attended a banquet that was held in Kansas City and that was put on by a playground company that does inclusivity and the importance of that. Matt explained that the Parks and Recreation Committee's goal is to make sure that every park is done correctly and not in pieces and that was the goal for this one.

Mayor Boley noted that Variety KC did a really good project, a presentation on ADA is not a bare minimum. Inclusivity and kids actually being able to play together is a bigger goal. He explained that one of the companies wanted us to have the swing separated off with a fence around it. Variety KC has done a great job in the toddler area, adding things like hot wheel tracks and things like that to the equipment. They also added shade structures, which we learned from Diamond Crest Park, we need shade.

Matt explained that adding shade cost and thanked the Board for the for the money that they allocated so the park could be done correctly.

Alderman Wilson noted that when she was going back and trying to find some of this other information on Diamond Crest Park, she found Emerald Ridge Park discussion started two

almost three years ago. So, it is a very long process for us to get from point A to point B and then point C, so it did not happen overnight.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1353 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **15. Public Comment**

None.

Mayor Boley reminded everyone that people wishing to speak during public comment typically have three minutes unless he grant additional time and if the item is not on the agenda the Board cannot discuss it.

### **16. New Business from the Floor**

None.

Mayor Boley reminded that Board if they want a topic on a future agenda, he needed direction from multiple Board members. One member could ask but we really need a consensus from the Board to put a future agenda.

### **17. Adjourn.**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:58 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor



# Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Parks and Recreation

**AGENDA ITEM:** Resolution 1354 – Nehemiah Festival 2024 Agreement

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1354, authorizing and directing the Mayor to execute an agreement with Grace Community Church for the use of Smith's Fork Park to host a music festival.

**SUMMARY:**

David Lin, with Grace Community Church, has requested the exclusive use of Smith's Fork Park for the annual Nehemiah Festival hosted by Grace Community Church. The event has been held for the past eighteen years at Smith's Fork, with a similar exclusive agreement. Last year's attendance was estimated at 3,000.

Mr. Lin has requested rental of the entire campground September 13-15. Past agreements have outlined a rate based on per year average occupancy rate. This payment calculation is included in the recommended agreement. The average occupancy rate in 2023 was 39.5%. The church shall pay the City for such exclusive use as follows: Three thousand eight hundred eighty-six dollars and eighty cents \$3,886.80 (39.5% of 82 campsites X \$40 per day for 3 days) Fifty percent (50%) payable prior to September 13, 2024 and the remainder due on or before September 27, 2024.

In addition to the base amount, Nehemiah Festival will also pay two dollars for each primitive campsite used and \$50 per shelter per day (\$300).

**PREVIOUS ACTION:**

The Board has approved agreements with Grace Community Church for the Nehemiah Festival every year since 2013.

**POLICY ISSUE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

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

**RESOLUTION 1354**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH GRACE COMMUNITY CHURCH FOR USE OF SMITH'S FORK PARK TO HOST A MUSIC FESTIVAL**

**WHEREAS**, Grace Community Church has approached the City requesting use of Smith's Fork Park on September 13, 14 and 15, 2024 to host a music festival; and

**WHEREAS**, the Smithville Board of Aldermen have approved the exclusive use of Smith's Fork Park to Grace Community Church for the music festival; and

**WHEREAS**, the City and the Church have negotiated a contract; and

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

**THAT THE MAYOR IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AN AGREEMENT WITH GRACE COMMUNITY CHURCH FOR THE PURPOSE OF HOSTING THE NEHEMIAH FESTIVAL AT SMITH'S FORK PARK ON SEPTEMBER 13, 14 AND 15, 2024.**

**PASSED AND ADOPTED** by the Mayor and Board of Aldermen this 21<sup>st</sup> day of May 2024.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond,  
City Clerk

**City of Smithville,  
Missouri  
AGREEMENT**

THIS AGREEMENT entered into this 21<sup>st</sup> day of May, 2024, between the **CITY OF SMITHVILLE, MISSOURI** (City) and **GRACE COMMUNITY CHURCH** of Smithville, a non-profit corporation (Church) as follows:

**WHEREAS**, Church desires to use City's Smith's Fork park to sponsor a Christian Music and Camping Festival called the Nehemiah Festival from September 13-15, 2024; and

**WHEREAS**, the use of said park facility as envisioned will sell out the use of the park area for any other purpose;

**NOW THEREFORE** it is agreed as follows:

1. City agrees that Church may have exclusive use of Smith's Fork Park area as hereinafter designated on Exhibit A on September 13, 14, and 15, 2024. Non-exclusive use for setting up is granted on September 12, 2024.
2. Church shall pay City for such exclusive use as follows:
  - A. Three thousand eight hundred eighty-six dollars and eighty cents \$3,886.80 (39.5% of 82 campsites X \$40 per day for 3 days) Fifty percent (50%) payable before September 14, 2024, and the remainder due on or before September 25, 2024.
  - B. Two Dollars (\$2.00) for each primitive campsite used outside of the campground.
  - C. Fifty Dollars (\$50.00) per shelter per day (2 shelters for 3 days for a total of \$300.00).
  - D. Fees for B and C will be collected at the end of the Festival but not later than October 1, 2024.
3. Camp hosts have the option to stay in the campground without obligations to the festival.
4. Supplying and cleaning restrooms will be the responsibility of the Church. City to provide a key for locked paper containers. City staff will conduct an inspection on Monday, September 18, 2024, and notify Church of deficiencies. Church will be responsible for charges associated with additional cleanup to get restroom facilities in operation.

5. Church will supply labor and containers sufficient to maintain the cleanliness of the festival area.
6. Church will supply security sufficient for the actual crowd attending the Festival.
7. Church will be allowed to use the driving range for Festival parking. Staff and Volunteers can use the ball field and soccer parking lots for overnight parking.
8. Church will be allowed to use the practice football fields and spillways parking lot for activities and concerts.
9. No primitive camping will be allowed on any of the two ball fields, football fields or soccer fields.
10. No parking at the primitive campsites that are not in the campground. All campers must park in the designated parking areas and walk to the campsite.
11. Church will be responsible for the opening and closing of the campground gate starting Thursday, September 14, at 8:00 a.m., and ending Sunday evening, September 17, at 5:00 p.m.
12. Church shall provide proof of a Two Million Dollar (\$2,000,000) liability insurance policy covering their use of the park with the City and U.S. Corp of Engineers listed as additional parties insured. Church hereby indemnifies City for any liability or damages incurred as a result of their use of the park.
13. 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.
14. This Agreement shall be governed by the laws of Missouri.
15. This Agreement shall not be effective until approved by an ordinance 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**

By \_\_\_\_\_  
Damien Boley, Mayor

**ATTEST:**

\_\_\_\_\_  
Linda Drummond, City Clerk

**GRACE COMMUNITY CHURCH**

By \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_



## Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Administration

**AGENDA ITEM:** Approve Resolution 1355, Appointing Gina Simone Alternate Prosecuting Attorney.

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1355, appointing Gina Simone as Alternate Prosecuting Attorney.

**SUMMARY:**

Mayor Boley nominates Gina Simone to the position of Alternate Prosecutor, in accordance with Section 105.070 (D) of the Code of Ordinances. The current Prosecuting Attorney and current Alternate Prosecuting Attorney are both unavailable for the June 3, 2024, court date. This action will appoint a second Alternate Prosecutor Attorney, Gina Simone, who will fill in on this date.

**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"/> Engineer Recommendation  | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Letter of Recommendation<br>Gina Simone Resume |                                   |

**RESOLUTION 1355**

**A RESOLUTION APPOINTING GINA SIMONE AS ALTERNATE PROSECUTING ATTORNEY.**

**WHEREAS**, there is currently a vacancy in the position of Alternate Prosecuting Attorney; and

**WHEREAS**, from time to time, the City Prosecuting Attorney may need a back-up attorney to cover a Court docket; and

**WHEREAS**, based upon the recommendation of the current Prosecuting Attorney, a candidate has been identified to fill this role; and

**WHEREAS**, the Mayor will nominate Gina Simone for the position of Alternate Prosecutor in accordance with Section 105.070.D of the Code of Ordinances;

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

**THAT** Gina Simone is hereby appointed as Alternate Prosecuting Attorney.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of May 2024.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

Members of the Smithville City Council and Mayor Boley,

I am writing this letter in support of Gina Simone to serve as my temporary replacement as the Smithville municipal prosecutor. I have worked with Gina for several years as a defense attorney and then more recently as a co-worker when she joined the Clay County Prosecutors Office. She has handled traffic cases in her private practice as a defense attorney and now serves as the lead traffic attorney for the Clay County Prosecutor's Office.

Gina has been practicing law in Missouri for 35 years. She is well versed in Missouri law and will have no problem handling our Smithville docket. Gina regularly handles dockets in front of both Judge Karen Krauser and Judge Louis Angles, the two judges who handle our Smithville docket. I am confident that she will show professionalism and integrity while serving the citizens of Smithville in this temporary capacity.

Thank you for continuing to allow me to serve Smithville in this capacity.

A handwritten signature in cursive script that reads "Angela Ravkin". The signature is written in black ink and is positioned above the printed name.

Angela Ravkin

**GINA L. SIMONE**  
8850 N. POMONA AVE., APT. 206, KANSAS CITY, MISSOURI 64153  
PHONE : (816-510-6953) · EMAIL : GINA.SIMONE@SBCGLOBAL.NET  
**LICENSED IN MISSOURI AND KANSAS**

**PROFESSIONAL EXPERIENCE**

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- |  |           |
|--|-----------|
| <b>Clay County Prosecutors Office</b><br><i>Assistant Prosecuting Attorney</i> <ul style="list-style-type: none"><li>Representation of the State on Criminal and Traffic Dockets</li></ul>   | 2024 -    |
| <b>Law Office of Denise Kirby</b><br><i>Associate Attorney</i> <ul style="list-style-type: none"><li>Representation of criminal defendants charged with DWI offenses</li></ul>   | 2021-2024 |
| <b>Law Office of Charles A. Kellogg</b><br><i>Associate Attorney</i> <ul style="list-style-type: none"><li>Representation of criminal defendants in municipal and state criminal cases</li></ul>   | 2013-2021 |
| <b>Mark Ferguson, LLC.</b><br><i>Associate Attorney</i> <ul style="list-style-type: none"><li>Representation of criminal defendants in municipal, state, and federal criminal cases</li><li>Handling of plea negotiations, hearings and trials in both Kansas and Missouri courts</li><li>Performing legal research and drafting motions, pleadings, and writs</li></ul>   | 2008-2013 |
| <b>Law Offices of Chris Kopecky</b><br><i>Associate Attorney</i> <ul style="list-style-type: none"><li>Representation of criminal defendants in municipal and state criminal/traffic cases</li></ul>   | 2008      |
| <b>Spencer, Fane, Britt &amp; Brown</b><br><i>Employment Law Litigation Assistant</i> <ul style="list-style-type: none"><li>Assist in management of complex litigation in employment law cases</li><li>Perform legal research and draft memoranda of law</li><li>Review and analysis of documents and transcripts in preparation for trial</li></ul>   | 2006-2008 |
| <b>Shook, Hardy &amp; Bacon LLC</b><br><i>Intellectual Property Litigation Assistant</i> <ul style="list-style-type: none"><li>Assist in management of complex patent, copyright, and trademark cases</li><li>Review and organization of documents and transcripts</li><li>Preparation for and participation in federal trials, depositions, and arbitration proceedings</li><li>Perform legal research and draft memoranda of law</li></ul> | 2001-2006 |
| <b>Law Offices of Gina L. Simone</b> <ul style="list-style-type: none"><li>General Practice including criminal, traffic, workers compensation</li></ul>  | 1998-2000 |
| <b>Law Offices of Vincent H. Rigby</b><br><i>Associate Attorney</i> <ul style="list-style-type: none"><li>General practice including criminal, personal injury, worker's compensation, domestic, and landlord/tenant matters, municipal ordinance violations</li></ul>   | 1994-1997 |
| <b>Law Offices of Steven K. Bogler</b><br><i>Associate Attorney</i> <ul style="list-style-type: none"><li>General practice including probate, personal injury, workers compensation, criminal, domestic, and landlord/tenant matters, municipal ordinance violations and juvenile court appointments</li></ul>   | 1991-1994 |

**Legal Aid of Western Missouri**

1989-1990

*Associate Attorney*

- Representation of indigent defendants regarding municipal ordinance violations, trials de novo

**EDUCATION**

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**University of Missouri - Kansas City, School of Law, J.D., 1988**

- American Jurisprudence Award, Estates and Trusts, 1987
- Tax Research Assistant for Professor Edwin T. Hood, 1987-1988
- Student Board of Governors, 1987-1988

**PROFESSIONAL SOCIETIES**

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- Kansas City Metropolitan Bar Association
- Missouri Association of Criminal Defense Attorneys
- Missouri Society of Criminal Justice

**CIVIC & CHARITABLE ORGANIZATIONS**

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- Volunteer Attorney Project
- Mental Health Court
- Member of the Kansas City Municipal Court Attorney User Task Committee in order to recommend changes to be implemented for the first ever paperless, live court computer system
- Member of the MoBar Net Focus Group, which reviewed and discussed changes in order to improve its record access database and document management system for attorney users



## Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 1356, Liquor License – Bryan A. Hove DBA: Grassroots Garden Lounge located at 114-116 North Bridge Street.

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1356, issuing a liquor license to Kozak's Laketown Grill, LLC, Brian A. Hove, Managing Officer, doing business as Grassroots Garden Lounge located at 114-116 North Bridge Street.

**SUMMARY:**

Brian Hove, owner of Kozak's Laketown Grill, LLC, (DBA: Grassroots Garden Lounge) has completed a Liquor License Application for his business to be located at 114-116 North Bridge Street.

Mr. Hove has requested the following licenses:

- Intoxicating Liquor - by the drink
- Sunday Sales

Chief Lockridge has reviewed the application, completed a background check and recommends issuance of the licenses. The effective date will be June 1, 2024. Mr. Hove has remitted payment to cover licensing through June 30, 2025.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**RESOLUTION 1356**

**A RESOLUTION ISSUING A LIQUOR LICENSE TO KOZAK'S LAKETOWN GRILL, LLC, BRIAN A. HOVE, MANAGING OFFICER, DOING BUSINESS AS GRASSROOTS GARDEN LOUNGE**

**WHEREAS**, Brian A. Hove, owner/partner of Kozak's Laketown Grill, LLC, (DBA: Grassroots Garden Lounge) has completed the required applications for Intoxicating Liquor by the Drink and Sunday Sales; and

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

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

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

**THAT LIQUOR LICENSES BE ISSUED TO KOZAK'S LAKETOWN GRILL, LLC, BRIAN A. HOVE, MANAGING OFFICER, FOR THE OPERATION OF GRASSROOTS GARDEN LOUNGE, LOCATED AT 114-116 NORTH BRIDGE STREET.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of May 2024.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST:

\_\_\_\_\_  
Linda Drummond, City Clerk



May 15, 2024

Cynthia Wagner:

I have reviewed the liquor application submitted by Brian Hove (Grass Roots Garden Lounge). I have reviewed Mr. Hove's background as well as public records and found nothing that would disqualify him from being issued a liquor permit.

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

Respectfully,



Chief Jason Lockridge



# Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Finance

**AGENDA ITEM:** Resolution 1357, Approving a Water and Wastewater Leak Adjustment Request

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1357, approving a water and wastewater leak adjustment request for David Adam in the amount of \$162.85.

**SUMMARY:**

The City has received notice from David Adam, 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 April 29, 2024, the Utilities Division obtained electronic reads of water usage for the month of April. 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 April billing cycle, David Adam had started the cycle with a read of 1,549 and finished the April cycle with a read of 2,009, which resulted in consumption of 46,000 gallons. This amount was more than twice the established monthly average. As required by Ordinance 2989-18, David Adam has provided proof of repair/maintenance of the service line leak which caused the high usage during the April billing cycle.

If approved, the leak adjustment would issue a credit of \$162.85 to David Adam'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 \$162.85.

**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 1357**

**A RESOLUTION APPROVING A WATER AND WASTEWATER  
LEAK ADJUSTMENT REQUEST FOR DAVID ADAM IN  
THE AMOUNT OF \$162.85**

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

**WHEREAS**, David Adam, a residential utility billing customer with account 15-000070-00, has notified the City of a water leak and is requesting a leak adjustment; and

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

**WHEREAS**, the adjustment calculation set forth in 705.110 of the Code of Ordinances as amended has been determined to be \$162.85.

**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 \$162.85 shall be credited to account 15-000070-00 of residential utility billing customer David Adam.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of May, 2024.

---

Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



Water and Wastewater Leak Adjustment Request

Utility Customer Name: David Adam

Utility Service Address: 17806 Greyhawke Ridge Drive

Utility Account Number: 15-000070-00

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 \$162.85 at the Board of Alderman meeting on 5/4/24.

Upon resolution by the Board of Alderman, I, David Adam, 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.

David Adam  
Customer's Signature

5/14/2024  
Date



Full Nelson Services  
 1015 East 14th Avenue  
 North Kansas City, MO 64116  
 Ph: 816-420-9697  
 Fax: 816-420-9450

Invoice 59130116  
 Invoice Date 4/2/2024  
 Completed Date  
 Customer PO  
 Payment Term Due Upon Receipt

**Billing Address**  
 David Adam  
 17806 Greyhawke Ridge Drive  
 Smithville, MO 64089 USA

**Job Address**  
 David Adam  
 17806 Greyhawke Ridge Drive  
 Smithville, MO 64089 USA

**Description of Work**

Obtain permits  
 Excavate from the meter pit to the foundation going around the tree in the front yard.  
 Replace the leaking copper line with new copper.  
 Have inspection completed.  
 Then backfill the excavation site and seed and straw the area excavated

Your bush might have to come out, we will stack the landscape bricks to the side for you to repair your landscaping after the work has been completed.

All work requires a 50% deposit before work can begin and the balance will be collected after the work has been completed.

Thank you for contacting Full Nelson with your plumbing issue.

If you have any questions or concerns please feel free to contact our office or myself

Levin Lowery, project manager (816) 266-0263

04/02/2024

Upon arrival did a walk through with the customer and took some measurements from where the water service comes in the front of the house. Unloaded equipment and began to excavate in front of the house to locate the water service. Excavated from under the front window to the water meter pit next to the sidewalk. Replaced 50 feet of water service to 3/4 inch copper hooked up with 2 pack joint to make the connection. Tested the new water service and everything is working properly and no leaks. Put up a fence and we are waiting on an inspection. Left the service on, will come back tomorrow after the inspection.

04/03/2024

Upon arrival took down fence and started to backfill. Got excavation backfill and graded out the area. Also added grass seed and straw. Thank you for choosing Full Nelson Services  
 This is your Full Nelson Expert  
 Serafin.

Task #	Description	Quantity	Your Price	Your Total
WM-100	Install a new main water service line with up to 60 ft extra heavy type K copper.	1.00	\$7,247.00	\$7,247.00

Paid On	Type	Memo	Amount
4/2/2024	Check	First half deposit	\$3,623.50
4/3/2024	Check		\$3,623.50

<b>Sub-Total</b>	\$7,247.00
<b>Tax</b>	\$0.00
<b>Total Due</b>	\$7,247.00
<b>Payment</b>	\$7,247.00
<b>Balance Due</b>	\$0.00

Thank you for choosing Full Nelson Services. We appreciate your business!

I hereby authorize the work described above and agree to the terms and conditions. I have read all terms & conditions of this contract, NOTICE TO OWNER: FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.

I have inspected all of the work done by Full Nelson Plumbing, Inc. pursuant to the contract terms agreed by me. I find that all work has been completed in a satisfactory and workmanlike manner. I have been given the opportunity to address concerns and/or discrepancies in the work provided, and I either have no such concerns or have found no discrepancies or they have been addressed by Full Nelson Plumbing, Inc. to my satisfaction. My signature here signifies my full and final acceptance of all work performed by the contractor pursuant to the contract as agreed.



## Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: **David Adam**  
 Utility Service Address: **17806 Greyhawke Ridge Dr**  
 Utility Account Number: **15-000070-00**

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

1. 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: 3,567 gallons

2. 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

3. 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: 3,567 gallons

Was the leak inside or outside the home: outside

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

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

MONTH 1	
Original Water Bill Amount	
46,000 gallons @ 10.4 per 1,000 gallons =	478.40
Adjusted Water Bill Amount	
7,134 gallons @ 10.4 per 1,000 gallons =	74.19
+ 38,866 gallons @ 6.21 per 1,000 gallons =	241.36
	315.55
<b>Water Discount =</b>	<b>162.85</b>
Original Wastewater Bill Amount	
3,567 gallons @ 8.84 per 1,000 gallons =	31.53
Adjusted Wastewater Bill Amount	
3,567 gallons @ 8.84 per 1,000 gallons =	31.53
<b>Wastewater Discount =</b>	<b>0.00</b>

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
<b>Water Discount =</b>	<b>0.00</b>
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
<b>Wastewater Discount =</b>	<b>0.00</b>

**Total Discount = 162.85**



## City Administrator's Report

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May 16, 2024

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### **Citizens Academy**

When setting the FY2024 Budget, the Board included funding for development of a Smithville Citizens Academy. Over the course of the last several months, Assistant City Administrator Gina Pate worked with staff in all departments to develop the curricula for the Academy. The Smithville Citizens Academy is a free, six-session interactive program that provides insight to City services and operations and offers opportunities for civic engagement in the City.

This program provides our citizens with a deeper understanding of how their City government works, and gives them a look at daily operations and services provided by their local government. The program sets the foundation for residents who are interested in furthering their civic knowledge, especially as it relates to government closest to the people.

Through presentations by city officials and tours of the city facilities, participants will benefit from a unique interactive learning and behind the scenes experience.

Citizens Academy participants must be 18 years or older and live within Smithville city limits.

Classes will be held weekly on Mondays, from 6:00 p.m. to 8:30 p.m. beginning September 9 through October 21. Participants should attend all sessions and graduation.

Applications are due by July 31 and may be found [here](#).

### **World Cup Preparation**

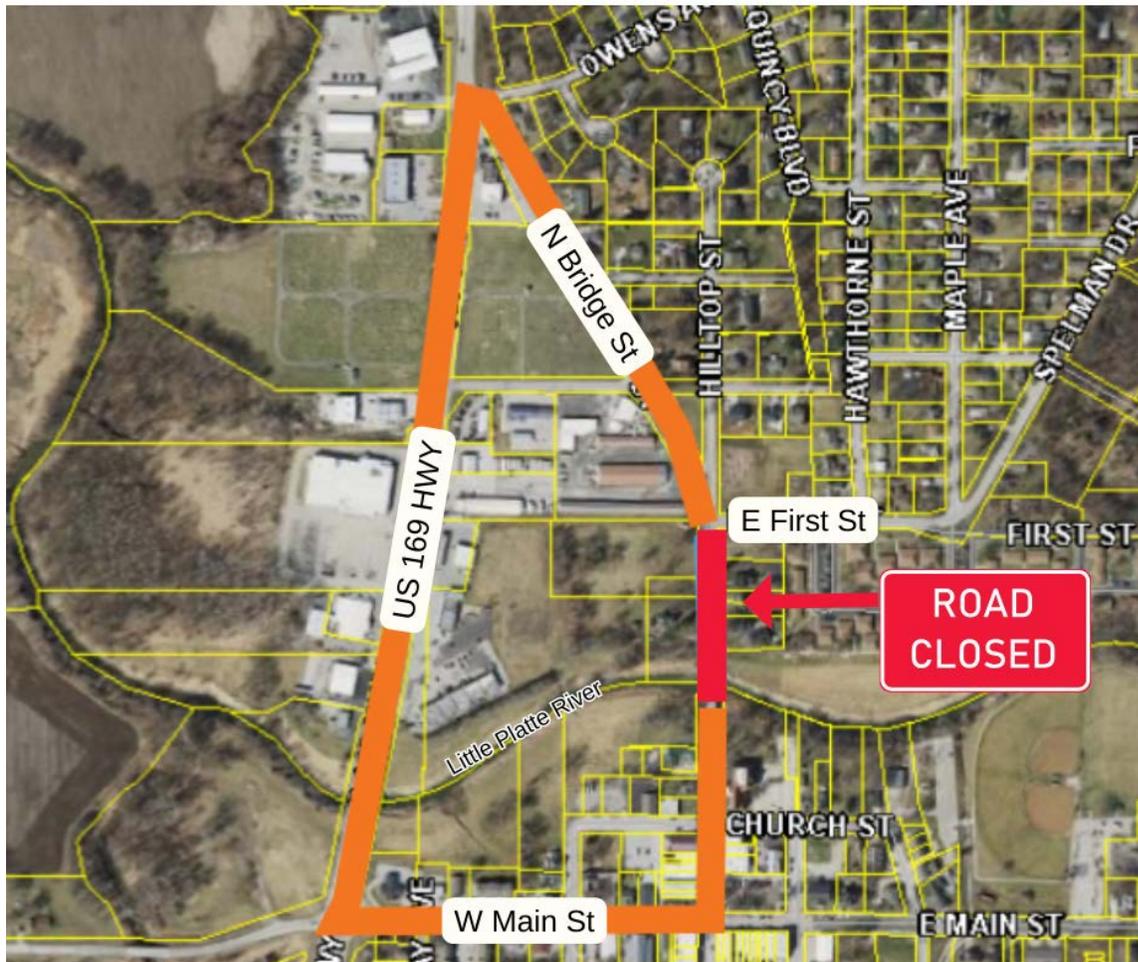
Staff has been following communications among communities across the metro regarding preparations for Kansas City hosting the 2026 World Cup. In the coming months, staff anticipates additional conversations locally regarding potential economic development impact and events in our community scheduled to capitalize on this event. Staff will provide updates as information is developed.

## Public Works Projects Update

### *Bridge Street Waterline Replacement*

The City's contractor has started waterline replacement work on North Bridge Street. During construction, North Bridge Street will be closed daily from First Street to the Little Platte River. Streets will be open at night.

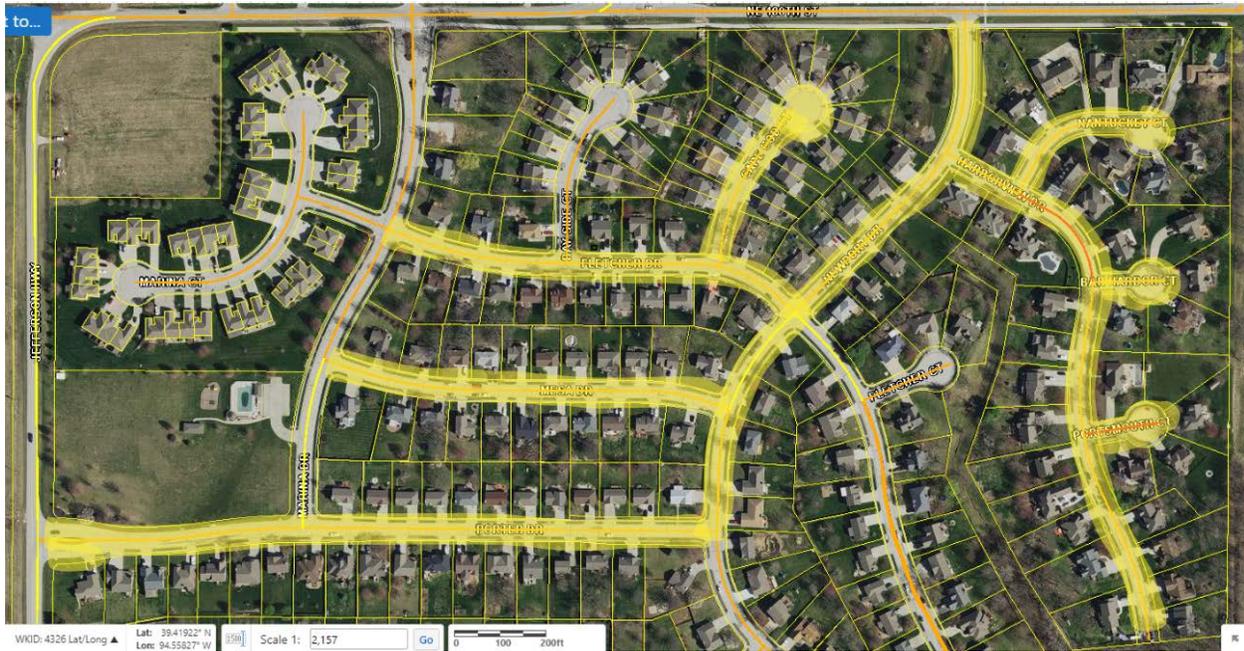
Work is expected to be completed by the end of the month, weather permitting.



### *Street Maintenance project - Harborview*

The City's contractor has started the Street Maintenance Project in Harborview. Schedule for next week is the street overlay. Temporary traffic disruptions are expected during this period. Residents are asked not to park or leave vehicles in the street.

The map below highlights the areas that are part of this year's program.



*Quincy Boulevard Improvements Project*

Outstanding tasks for this project include sidewalk installation, final asphalt layer application, installation of new mailboxes, and clean up. The contractor aims to finish the remaining work by the end of the month/ early June. Please note that traffic disruptions may occur during the pouring of the final asphalt layer.

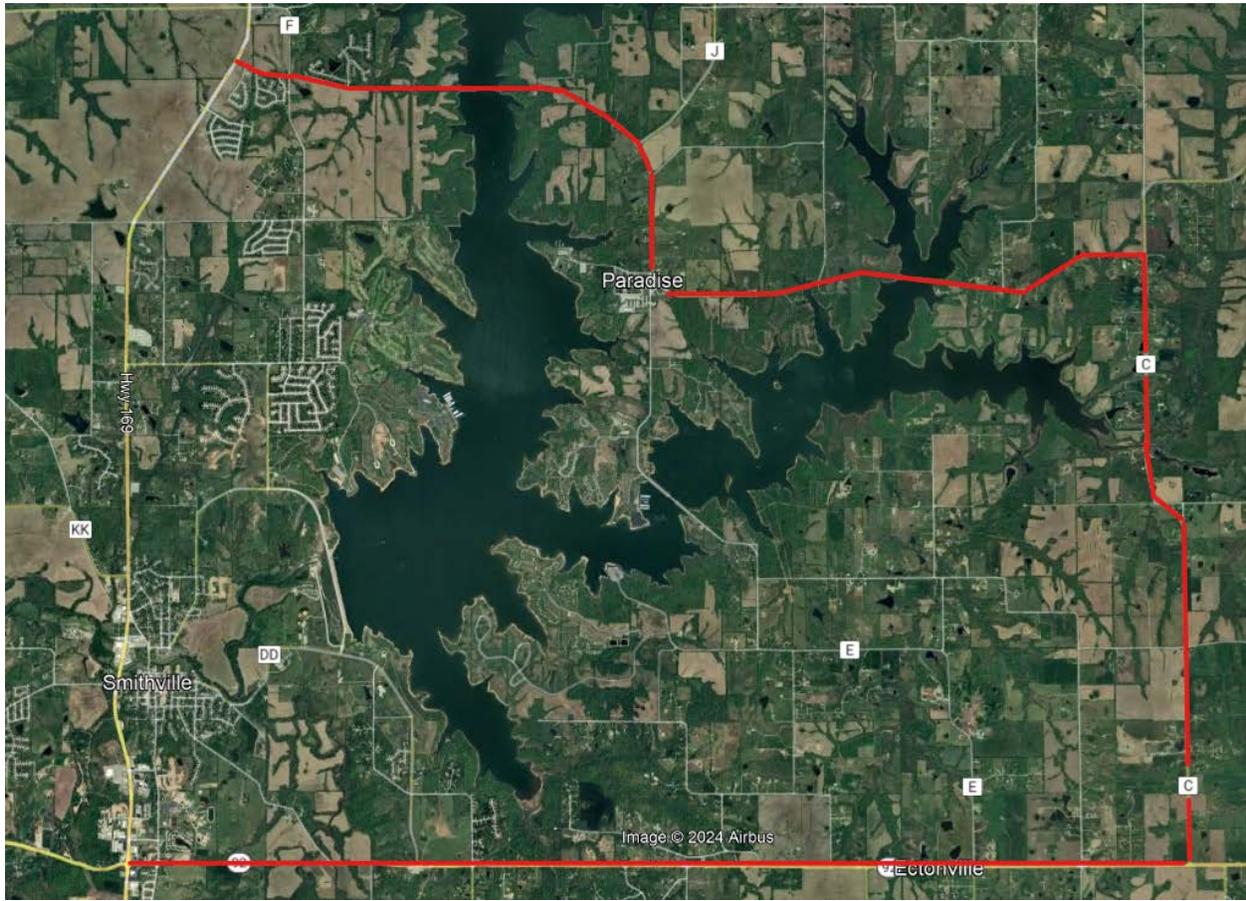
*U.S 169 Highway*

MoDOT will close the intersection at U.S. 169 and 188th Street in all directions from 7 a.m. on Tuesday, May 28, until July 12 for intersection improvements. All work is weather permitting.

Detour information (map below):

Northbound traffic: Follow U.S. 169, MO 92, Route C, Route W, and back to U.S. 169.  
Southbound traffic: Follow U.S. 169, Route W, Route C, MO 92, and back to U.S. 169.  
Motorists are reminded to slow down and pay attention while driving in work zones. Not all work zones look alike. Work zones can be moving operations, such as striping, patching or mowing. They can also be short term, temporary lane closures to make quick repairs or remove debris from the roadway.

For more details, visit [www.modot.org/us-169-and-188th-street-improvements](http://www.modot.org/us-169-and-188th-street-improvements). Stay updated by following MoDOT\_KC on X or visiting their Facebook page at [www.facebook.com/MoDOT.KansasCity](http://www.facebook.com/MoDOT.KansasCity). Sign up for work zone updates or call 888-ASK-MODOT (275-6636).



### **Smithville Lake Festival**

As you are aware, Smithville Lake Festival will be held downtown June 14 and 15. The festival committee is looking for volunteers for the Kids Festival. A Sign Up Genius for volunteer opportunities may be found [here](#).

### **City Hall and Meeting Schedule**

City Hall will be closed Monday, May 27 in observance of Memorial Day.

City Hall will be closed Monday, June 17 in observance of Founder's Day.

City Hall will be closed Thursday, July 4 and Friday July 5 in observance of Fourth of July.

Mayor Boley has recommended that the July 2 Board of Aldermen meeting be cancelled.



## Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Police

**AGENDA ITEM:** Bill No. 3033-24, Ordinance Repealing Section 600.030(D) Number of Licenses Limited and Enacting a New Section 600.030(D) Number of Licenses Limited - 1st and 2nd Reading.

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**REQUESTED BOARD ACTION:**

Motion to approve Bill 3033-24, repealing Section 600.030(D) number of licenses limited and enacting a new Section 600.030(D) number of licenses limited. Emergency Ordinance Sponsored by Mayor Boley. First and second reading by title only.

**SUMMARY:**

This bill will repeal and replace Section 600.030(D) Numbers of Licenses Limited and enact a new Section 600.030(D) Numbers of Licenses Limited.

Recently, while reviewing existing liquor licenses during the renewal process, staff noticed that Section 600.030(D) (1) of the Municipal Ordinances of Smithville reads as follows: *No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises, except for a resort or restaurant's bar license, shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each one thousand (1,000) inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.*

With a population of 10,451 in Smithville as of 2020, the existing code allows issuance of eleven (11) Intoxicating Liquor by the Drink licenses. Currently, ten (10) licenses are in use and undergoing renewal. However, at least two (2) additional businesses are anticipated to open soon, surpassing the allowable number of licenses according to city ordinance.

In response, city staff have collaborated with legal counsel to propose a solution. This involves amending Section 600.030(D) (1) to adjust the ratio from 1 license per 1,000 population to 2 licenses per 1,000 population.

The City's attorneys have reviewed and concur with these changes and additions.

**PREVIOUS ACTION:**

The last modifications to this Ordinance was in September, 2021.

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- Ordinance
- Resolution
- Staff Report
- Other:

- Contract
- Plans
- Minutes

**AN ORDINANCE REPEALING SECTION 600.030(D) NUMBER OF LICENSES LIMITED AND ENACTING A NEW SECTION 600.030(D) NUMBER OF LICENSES LIMITED**

**WHEREAS**, the City has adopted an Ordinance regarding the issuance of liquor licenses in the City.

**WHEREAS**, the City believes that the limitation on the number of licenses that can be issued by the City is too limited and antiquated, such additional liquor licenses should be permitted, given the growth in and around the City.

**WHEREAS**, the Current version of Section 600.030(D) of the Ordinances of the City of Smithville Reads as follows:

D. Number Of Licenses Limited.

1.

No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises, except for a resort or restaurant's bar license, shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each one thousand (1,000) inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.

2.

Any license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued only by approval of the Board of Aldermen, except as otherwise set forth herein.

3.

Determining The Number Of Licenses Allowed. For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:

a.

The issuance of a license as provided in Section 600.020(B)(2) of this Chapter (Package liquor — all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Section 600.020(B)(1).

b.

The issuance of a license as provided in Section 600.020(B)(5) of this Chapter (Liquor by the drink — all kinds) shall be counted as being

commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Section 600.020(B)(3) and (B)(4).

**WHEREAS**, Section 600.030(D)(1) should be amended to allow two (2) liquor licenses per one thousand (1,000) inhabitants, or fraction thereof.

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

Effective immediately upon approval of this Ordinance the previously existing version of Section 600.030(D) of the Ordinances of the City of Smithville as set forth above is repealed and the new Section 600.030(D) of the Municipal Ordinances of the City of Smithville Missouri is enacted which shall read as follows:

Section 600.030(D)

D. Number Of Licenses Limited.

1.

No license for the sale of any and all kinds of intoxicating liquor by the drink for consumption on the premises, except for a resort or restaurant's bar license, shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than two (2) for each one thousand (1,000) inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.

2.

Any license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued only by approval of the Board of Aldermen, except as otherwise set forth herein.

3.

Determining The Number Of Licenses Allowed. For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:

a.

The issuance of a license as provided in Section 600.020(B)(2) of this Chapter (Package liquor — all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Section 600.020(B)(1).

b.

The issuance of a license as provided in Section 600.020(B)(5) of this Chapter (Liquor by the drink — all kinds) shall be counted as being

commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Section 600.020(B)(3) and (B)(4).

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> of May 2024.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading:                    05/21/2024

Second Reading:                05/21/2024



## Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Parks and Recreation

**AGENDA ITEM:** Resolution 1358, Sponsorship Request for Grace Community Church

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### **REQUESTED BOARD ACTION:**

A motion approving Resolution 1358, approving a sponsorship request for Grace Community Church.

### **SUMMARY:**

The public facility use policy allows the City to sponsor events if a written agreement is executed that describes the obligations between the parties, and if executed, removes the obligation for the group to reserve the facility or pay fees.

Grace Community Church is requesting a waiver of fees for the use of Courtyard Park to hold their Christian Family Days event, for the purpose of hosting musical acts and street vendors. This event will be held on July 27, 2024 from 10:00 AM to 10:00 PM.

Sponsoring the event would waive the Courtyard Event fee of \$100 + \$200 Damage Deposit.

### **PREVIOUS ACTION:**

### **POLICY ISSUE:**

Click or tap here to enter text.

### **FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

### **ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance   | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution                                       | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report  | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: <a href="#">Special Event Application</a> |                                   |

**RESOLUTION 1358**

**A RESOLUTION APPROVING A SPONSORSHIP REQUEST FOR THE GRACE COMMUNITY CHURCH**

**WHEREAS**, the Grace Community Church has submitted an Event Application and has requested the City sponsor their event; and

**WHEREAS**, Christian Family Day will take place at the Courtyard on Saturday, July 27, 2024 from 10:00 AM to 10:00 PM; and,

**WHEREAS**, sponsoring the event would allow a waiver of the Courtyard Event Fee of \$125 + \$200 Damage Deposit.

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

**THAT** the City of Smithville agrees to sponsor Christian Family Day that will take place at the Courtyard on Saturday, July 27, 2024, from 10:00 AM to 10:00 PM. City sponsorship of this event would allow a waiver of event rental fees and deposits.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, on the 21<sup>st</sup> day of May 2024.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



## Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 1359, awarding Bid No. 24-11, Sale of City Property on the Northside of Church Street to 110 Smithville, LLC.

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### **REQUESTED BOARD ACTION:**

A motion to approve Resolution 1359, awarding Bid No. 24-11, Sale of Property on the Northside of Church Street to 110 Smithville, LLC.

### **BACKGROUND:**

RFP #24-11 Sale of City-Owned Property in Downtown District – Northside of Church Street (“RFP #24-11”) includes the two parcels of land adjacent to the Hixson-Klein Funeral Home on the northside of Church Street that is legally described in RFP #24-11 attached hereto (the “Property”). The Property is included within a redevelopment area created pursuant to the 110 Smithville Tax Increment Financing Plan. The Property is currently being used as an unimproved public parking lot.

RFP #24-11 included the requirement that the City intended to sell the Property with a restriction that the Property was to remain available to the public from 6 a.m. to 6 p.m. every day, and if this is not adhered to, the Property would revert back to City ownership. RFP #24-11 also included minimum parking lot requirements for the construction of the parking lot.

The City received one response from 110 Smithville, LLC that included the following information:

1. The bidder agrees to construct 42 parking spaces that will remain available for public parking between the business hours of 6 a.m. and 6 p.m. every day. This includes 39 standard spaces and 3 ADA spaces.
2. The bidder intends to eventually construct a multi-level mixed use development with parking included, so the bidder agrees to keep 42 spaces available for public parking, but if the property is ever redeveloped in a way that creates more than 42 spaces (**subject to City approval**), any additional spaces could be private.
3. The bidder acknowledged and agreed to the Minimum Parking Requirements set forth in the RFP, but with respect to the EV-Ready/EV-Capable spaces, agreed to comply with them provided that there is an appropriate power source and that the City will collaborate on completing this requirement. The bidder will explore options, including collaboration with third-party charging vendors and does not promise that the EV-charging stations will be free or that the City will be able to control the price of charging.

Purchase Price:

1. \$16,726 – cash offer for property
2. \$294,000 – bidder estimated value of improvements
3. Total value of bid: \$310,726

Staff has reviewed and agrees with the current estimated value of bidder improvements.

Staff recommends award of Bid No. 24-11 to 110 Smithville, LLC.

The City will need to negotiate and enter into a real estate contract with 110 Smithville, LLC. That real estate contract and associated ordinance will be brought forward to the Board to approve at a later date.

**PREVIOUS ACTION:**

No prior Board of Aldermen action.

**POLICY ISSUE:**

The sale of land complies with the Comprehensive Plan, and is in conformance with the 110 Smithville Tax Increment Financing Plan previously approved by the City.

**FINANCIAL CONSIDERATIONS:**

None anticipated.

**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: <a href="#">RFP #24-11</a><br><a href="#">110 Smithville, LLC Response</a> |                                   |

**RESOLUTION 1359**

**A RESOLUTION AWARDING BID 24-11, SALE OF CITY PROPERTY ON THE NORTHSIDE OF CHURCH STREET TO 110 SMITHVILLE, LLC**

**WHEREAS**, bids were solicited and responses due March 8, 2024; and

**WHEREAS**, one bid was received from 110 Smithville, LLC.

**WHEREAS**, the total value of the bid is \$310,726, comprised of \$16,726 cash and \$294,000 in improvements to property.

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

Award Bid 24-11, Sale of City Property on the Northside of Church Street to 110 Smithville, LLC.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of May, 2024.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



## Board of Aldermen Request for Action

**MEETING DATE:** 5/21/2024

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 1360, Awarding Bid No. 24-12, Sale of City Property on the Southside of Church Street to 110 Smithville, LLC

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### **REQUESTED BOARD ACTION:**

A motion to approve Res Resolution 1360, Awarding Bid No. 24-12, Sale of City Property on the Southside of Church Street to 110 Smithville, LLC.

### **BACKGROUND:**

RFP #24-12 Sale of City-Owned Property in Downtown District – Southside of Church Street (“RFP #24-12”) includes the parcel of land northeast of the old Smithville Hospital on the southside of Church Street that is legally described in RFP #24-12 attached hereto (the “Property”). The Property is included within a redevelopment area created pursuant to the 110 Smithville Tax Increment Financing Plan. The Property is currently being used as a public parking lot.

RFP #24-12 included the requirement that the City intended to sell the Property with a restriction that the Property was to remain available for use as a parking lot and for constructing buildings on portions of the Property in conformance with the 110 Smithville Tax Increment Financing Plan. Further, if a parking lot was not operated as such, ownership of the Property would revert back to the City.

The City received two responses: one from the Herzog Foundation and one from 110 Smithville, LLC.

The Herzog Foundation response included the following:

1. Bidder is prepared to adhere to any stipulations of the City and in accordance with the existing 110 Smithville Tax Increment Financing Plan.
2. Bidder intends to implement a payment system for patrons to pay by the hour or by the day.
3. Bidder intends to implement safety measures.
4. Purchase Price: \$188,000

The 110 Smithville, LLC response included an alternative proposal as follows:

1. Bidder intends to use the property as private parking.
2. In exchange for removing the reversion language included in RFP #24-12, the bidder will pave and restripe the undeveloped west half of the City-owned property at the corner of Mill and Meadow (west half of parcel, excluding the existing

parking lot) to create approximately 39 new public parking spaces, with the City to retain ownership and maintenance.

3. Bidder intends to create up to 23 new street parking spaces on the east side of Mill and the South side of Church. Total number of spaces will be determined through the plan review process. Project completion date is August 1, 2026.
4. Bidder will comply with the Minimum Parking Lot Requirements to the extent they apply to private parking lots.
5. With respect to the EV-Ready/EV-Capable sports, agreed to comply with them provided that there is an appropriate power source and that the City will collaborate on completing this requirement. Bidder will explore options, including collaboration with third-party charging vendors and does not promise that the EV-charging stations will be free or that the City will be able to control the price of charging.
6. Purchase Price:
  - a. \$15,054 – cash offer for property
  - b. \$294,000 – bidder estimated value of the Donated Improvements
  - c. \$195,000 – bidder estimated value of the New Street Parking
  - d. Total value of bid: \$504,054

Staff has reviewed and agrees with the current estimated value of bidder improvements.

City staff approximates that between the new street parking and the donated parking improvements, there is the potential to add up to 30 new public parking spaces downtown.

Staff recommends award of Bid No. 24-12 to 110 Smithville, LLC as the highest and best total bid.

The City will need to negotiate and enter into a real estate contract with 110 Smithville, LLC. That real estate contract and associated ordinance will be brought forward to the Board to approve at a later date.

**PREVIOUS ACTION:**

No prior Board of Aldermen action.

**POLICY ISSUE:**

The sale of land complies with the Comprehensive Plan and is in conformance with the 110 Smithville Tax Increment Financing Plan previously approved by the City.

**FINANCIAL CONSIDERATIONS:**

None anticipated.

**ATTACHMENTS:**

- Ordinance
- Resolution

- Contract
- Plans

Staff Report

Minutes

Other: [RFP #24-12](#)

[Herzog Foundation Response](#)

[110 Smithville, LLC Response](#)

**RESOLUTION 1360**

**A RESOLUTION AWARDING BID 24-12, SALE OF CITY PROPERTY ON THE SOUTHSIDE OF CHURCH STREET TO 110 SMITHVILLE, LLC**

**WHEREAS**, bids were solicited and responses due March 8, 2024; and

**WHEREAS**, two bids were received; and

**WHEREAS**, following review the bid from 110 Smithville, LLC has been deemed the most responsive, with the total value of the bid of \$504,054, comprised of \$15,054 cash, \$294,000 in donated improvements and \$195,000 in new street parking.

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

Award Bid 24-12, Sale of City Property on the Southside of Church Street to 110 Smithville, LLC.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of May, 2024.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST:

\_\_\_\_\_  
Linda Drummond, City Clerk