

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 112-09

**AN ORDINANCE**

authorizing a cost-share agreement with the County of Boone relating to the installation of water quality features at Fire Station No. 7; appropriating funds; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute a cost-share agreement with the County of Boone relating to the installation of water quality features at Fire Station No. 7. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. The sum of \$21,781.00 is hereby appropriated from the Stormwater Utility County Contribution Account No. 558-0000-498.02-00, C49095 to the Fire Station No. 7 Drainage Account No. 558-6688-881.49-90, C49095.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

CERTIFICATION: I certify there are sufficient funds available in the Stormwater Utility County Contribution Account No. 558-0000-498.02-00, C49095 to cover the above appropriation.

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Director of Finance

Exhibit A

Agreement for Cost-Share for Installing Porous Asphalt and Bioretention at  
Columbia Fire Station 7

1. Title of Document: Agreement for Cost-Share for Installing Porous Asphalt  
and Bioretention at Columbia Fire Station 7
2. \_\_\_\_\_, 2009
3. Grantor(s): County of Boone
4. Grantee(s): City of Columbia
5. Statutory Mailing Address(s): Boone County Commission, Government Center,  
801 E. Walnut, Columbia, Missouri 65201

City of Columbia Missouri, City Manager, P.O. Box 6015, Columbia, Missouri  
65205-6015

Legal Description: SPT Lot 1 of Block 4 of Trail Ridge Subdivision in Columbia,  
Missouri.

**Agreement for Cost-Share  
For installing a Section of Porous Asphalt & a Bioretention Cell**

**Applicant Name:** City of Columbia, Public Works Department

**Applicant address:** P.O. Box 6015, 701 E. Broadway, Columbia, MO 65205-6015

**Property Legal Description:** SPT Lot 1 of Block 4 of Trail Ridge Subdivision in Columbia, Missouri.

**Best Management Practices (BMPs) to be installed:** A porous asphalt section of driveway and a bioretention cell including plantings..

**Lifespan of practice:** These practices must be maintained for 15 years from the time of installation.

**Description of Practices:** The City of Columbia, Missouri installed 1870 square feet of porous asphalt in the employee parking lot of Fire Station #7 at the corner of Bethel and Green Meadows Roads. The primary purpose of the pavement is to provide a demonstration site that is publicly owned and easily observed, and to learn more about the installation and maintenance of porous pavements. The porous asphalt will lengthen the time of concentration of the impervious area that drains to it, thereby reducing the peak flow rate downstream. It will also clean the water draining through the porous pavement by filtration and biological activity.

In addition, the City will install a bioretention cell of approximately 1750 square feet of surface area at the firestation. The bioretention cell treats most of the impervious pavement on the fire station site (including the water that runs through the porous asphalt pavement) plus approximately 1.6 acres of off-site area that passes through the fire station site. The bioretention cell will filter runoff from contributing areas and reduce downstream peak flow rates. In addition, small rainfall events will be absorbed by the plants and engineered soil of the bioretention cell, thereby limiting runoff. Signage will be installed to draw attention to the practices and to explain their function.

The County of Boone (hereafter, 'Boone' and Grantor for recording purposes) and the City of Columbia, Missouri and their successors or assigns in title to the property upon which the practice is installed (hereafter collectively called "Applicant") agree to the following terms and conditions:

1. The financial assistance provided is part of a cost-share project, with 60% of the cost to be provided by Boone, and 40% of the cost to be provided by Applicant in cash from non-federal sources. The specific items in this conservation practice that are eligible for cost-share are the section of porous asphalt in the employee parking lot, a bioretention cell and educational signage.

2. The installed section of porous asphalt and bioretention shall be properly maintained for 15 years following completion of installation in accordance with this contract. The porous asphalt will require cleaning twice per year and may require regenerative air or water vacuuming to re-open clogged pores. The bioretention cell will require occasional weeding and replacement of dead plants, occasional addition of mulch, and prevention and repair of erosion. Periodically, once every 3 to 5 years the mulch layer should be replaced. If the bottom of the bioretention cell is not draining, measures must be taken to re-establish the infiltration capacity of the soil. Applicant agrees that Boone officials shall have the right to enter the property upon which the practices are situated during reasonable times for the purpose of inspecting the practice to verify that it is functioning in accordance with this contract. Applicant shall keep and maintain written records of practice maintenance and provide these records to such officials upon request.

3. The practices shall not be removed, altered, or modified so as to lessen its effectiveness or the purpose for which the conservation practice was installed, without the consent of Boone.

4. Educational signage about the porous asphalt and the bioretention cell will be designed and installed. Boone officials must agree to the signage design. The educational signs shall include logos for Boone County, the Hinkson Creek Project and MDNR along with this sentence: "U.S. Environmental Protection Agency Region VII, through the Missouri Department of Natural resources, has provided partial funding for this project under Section 319 of the Clean Water Act."

In addition, the borders of the porous pavement area will be labeled with stenciled letters to help delineate the porous pavement and to warn against sealing it.

5. The driveway and the bioretention designs have been approved by a Boone-approved person. The designs are shown in attachments 1-5.

6. Following is a budget for the project for which the following estimates are not to be exceeded. Boone will only pay 60% of the Total Cost:

<b>Project Totals</b>	<b>Applicant (40%)</b>	<b>Boone (60%)</b>	<b>Total Cost</b>
Porous asphalt, bioretention cell & signage	\$14,521	\$21,781	\$36,302

<b>Cash Expenditures</b>			
<b>Description</b>	<b>Purpose</b>	<b>Unit Cost</b>	<b>Cost</b>
Signage	educational		\$1,500
Porous Asphalt Pavement (Inc. 2' Deep Rock Reservoir & underdrain)	BMP	\$5.86/sf	\$10,952
Bioretention Cell	BMP		
Excavation		\$6.3/cy	\$1,701
1.5" Brown Rock		\$25.66/ton	7,065
Planting Soil		\$31.65/cy	9,495
Ground Cover		\$0.26/sf	1,530
Sand		\$16.57/ton	3,645
Underdrain		\$414	414
Plants		Total	\$23,850
<b>Total cash expenditure for project:</b>			<b>\$36,302</b>
<i>Maximum cash expenditure from Boone County</i>			<b>\$21,781</b>

<b>Match</b>	
<b>Source</b>	<b>Value</b>
Cash	\$14,521
<b>Total Match (nonfederal)</b>	<b>\$14,521</b>

Expenditures may vary within a budget category, so long as expenditures are necessary to the project and are approved by Boone; provided, however, the overall match amount shall be satisfied and the applicant shall not exceed the overall grant amount in completing the project without the advance written approval of Boone.

7. The porous asphalt section, bioretention and signage will be completed by April 30<sup>th</sup>, 2009. Applicant will submit all invoices for the work to Boone by June 1<sup>st</sup>, 2009. Both of these deadlines may be extended up to 60 days upon mutual agreement by Boone and Applicant.

8. Applicant must provide documentation to the reasonable satisfaction of Boone detailing how they have satisfied the 40% match before they will be reimbursed by Boone. Applicant must pay for all material and labor before receiving reimbursement from Boone. Any labor or materials to be counted as match shall be documented in the form of written records with the date and total time and labor used; the quantity and price/quantity for each of the materials; and the date, duration and value/time equipment was used.

9. Any reimbursement costs claimed by Applicant are to be supported to the reasonable satisfaction of Boone by documentation from vendors, contractors, or other workers.

10. Boone officials must inspect the installation work to ensure it is completed as planned before funds are disbursed.

The Applicant understands that before receiving any funds it will be necessary to sign this agreement and agree to the terms and conditions contained in it. This agreement is intended to run with the land and be binding upon the Applicant and the Applicant's successors and assigns in title for the duration of the 15 year term after installation work is completed for purposes of maintaining practice as installed and will be recorded with the Boone County Recorder of Deeds for that purpose. However, this agreement itself is not intended to constitute a lien upon the Applicant's property nor to have priority over any lien or security interest in the property, but shall be specifically enforceable with respect to the maintenance requirements specified in the agreement.

Signature: \_\_\_\_\_  
William Watkins, City Manager

Date \_\_\_\_\_

Attest: \_\_\_\_\_  
Sheela Amin, City Clerk

Approved as to Form: \_\_\_\_\_  
Fred Boeckmann, City Counselor

Signature: \_\_\_\_\_  
Ken Pearson, Presiding Commissioner

Date \_\_\_\_\_

I hereby certify that the above expenditure is within the purpose of the appropriation to which it is charged, Account No. 558-0000-498.02-00, C49095, and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor.

\_\_\_\_\_  
Lori B. Fleming, Director of Finance

State of Missouri )  
 )  
County of Boone ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared William Watkins who being duly sworn, did say that s/he executed the foregoing agreement for the purposes therein stated.

(seal)

\_\_\_\_\_  
Notary Public

State of Missouri )  
 )  
County of Boone ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared Ken Pearson, to me known as the presiding commissioner of Boone County, Missouri, who being duly sworn, acknowledged the above agreement was duly executed by him on behalf of said county for the purposes therein stated.

(seal)

\_\_\_\_\_  
Notary Public

**Source:**

John Glascock



**FISCAL NOTES:**

**TO:** City Council  
**FROM:** City Manager and Staff   
**DATE:** April 9, 2009  
**RE:** Cost Share Grant for Fire Station No 7 Water Quality Features

<b>City Fiscal Impact</b> Enter all that apply:	
\$0	City's current net FY cost.
\$14,521	Amount of Funds Already appropriated
\$21,781	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
<b>Program Impact:</b>	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
<b>Resources Required:</b>	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
<b>Mandates:</b>	
N	Federal or state mandated? (Y/N)

**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a grant agreement with the Hinkson Creek Restoration Project, appropriating the grant funds and appointing the Director of Public Works as the authorized representative for the grant. The total grant amount is \$21,781 which represents 60% of the cost for installing the bioretention basin, approximately 1,870 square feet of porous pavement demonstration area, and some interpretive signs.

**DISCUSSION:**

Public Works added the bioretention basin and a portion of the porous pavement to the Fire Station No. 7 project in order to demonstrate these stormwater management practices and to help protect downstream areas from the increase in runoff from the fire station site.

The grant funding is from the Missouri Department of Natural Resources through the Hinkson Creek Restoration Project 319 Grant and will pay for 60%, or \$21,781, of the cost of the bioretention basin and porous pavement demonstration. The City Public Works Department will pay for the 40% share (\$14,521) with funds Council approved in the FY2008 budget to demonstrate innovative stormwater management practices.

The fire station site is well suited to demonstrate these techniques. The bioretention basin will be built with good visibility from the sidewalks on the south and west sides of the fire station lot. The project includes signage to explain details and function of the two stormwater management practices.

**FISCAL IMPACT:**

The total project cost is \$30,302.00 with a grant reimbursement in the amount of \$21,781 to be matched by \$14,521.00 in city funds.

**SUGGESTED COUNCIL ACTIONS:**

Approval of the ordinance.