

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 284-09

AN ORDINANCE

authorizing the City Manager to execute a park operation and management agreement with Boone County for the Jay Dix Station Park; 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 park operation and management agreement with Boone County for the Jay Dix Station Park. 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. 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

PARK OPERATION AND MANAGEMENT AGREEMENT

This agreement is entered into this _____ day of _____, 2009 between the City of Columbia, Missouri, a municipal corporation ("City") and the County of Boone, Missouri, a political subdivision of the State of Missouri ("County").

WHEREAS, County owns a partially undeveloped 30-acre tract located along and west of Scott's Boulevard generally south of the Boone County MKT Trail and more particularly described as:

Thirty (30) acres, more or less, being all that part of the East half (E 1/2) of the Southeast Quarter (SE 1/4) of Section Twenty-nine (29), in Township Forty-eight (48), of Range Thirteen (13) that lies south of the Missouri Midland Railroad and north and east of the center of Hinkson Creek, Boone County, Missouri, excepting therefrom a strip of land in the East half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 29, Township 48 North, Range 13 West, Boone County, Missouri, being part of the abandoned railroad right-of-way which lies south of the centerline of the Missouri Midland Railroad otherwise known as the McBaine-Columbia spur of the MKT Railroad; and

WHEREAS, City and County desire to develop and operate a recreational park area on the above described property for the benefit of the residents of Boone County; and

WHEREAS, County does not have a park department but City does have a park and recreation department capable of operating and managing a recreational park on the above described property.

NOW, THEREFORE, City and County agree as follows:

MASTER PLAN AND DEVELOPMENT OF PROPERTY

SECTION 1. MASTER PLAN. City shall develop the property described above in accordance with a master plan prepared by City staff and approved by the County Commission and the City Council. Future design and development recommendations for use of the property's open area shall be initiated through a formal master planning process. All future development shall be in accordance with the approved master plan. Amendments to the master plan must be approved by the County Commission and the City Council.

SECTION 2. DEVELOPMENT AND FUNDING. Development of the property may include, but is not limited to, site grading, utilities, a soccer field, parking areas, roads and related support amenities. Such development shall be contingent on the scope of the approved master plan and available funds and resources. City shall contract for and pay for the cost of any approved development from funds allocated by

City to the development of the property. County shall not be responsible for funding or administering improvements to the property.

MANAGEMENT OF PROPERTY

SECTION 3. DUTIES. City shall operate and manage the recreational park for the benefit of the residents of Boone County, including all recreation amenities and support facilities located on the Property with the exception of the Boone County MKT Trail. City shall be responsible for the development, daily operations, scheduling and maintenance of the Property. City may operate and program recreational activities and events on the Property. County shall be responsible for the management, control and maintenance of the existing Boone County MKT trail.

SECTION 4. USE BY PUBLIC. Any future athletic or recreational areas located on the property shall be available for public use when City does not have any programmed athletic events or activities (as governed by park and recreation department field use priority guidelines) scheduled on such athletic or recreational areas. Any future athletic or recreational area located on the property will be available for such use at rental rates or charges established by City. All other recreational park areas and amenities on the Property will be available to the public as deemed appropriate by City.

SECTION 5. RULES AND REGULATIONS. All City of Columbia rules and regulations governing conduct in City parks shall apply to the property except the Boone County MKT mentioned above.

SECTION 6. FEES. City shall have the right to establish a schedule of rental and user fees to be charged to the general public for the use of the property managed and controlled by City.

SECTION 7. REVENUE. All park user fees generated on the property will be payable to the City and will be used for operations, programming and capital improvements on the property.

SECTION 8. INDEMNIFICATION. City shall hold County harmless from all suits for damages in connection with City's management of the property and from liability for injuries suffered by any person while on the property due to the negligence or omission of City, its officers, agents and employees. Further, City agrees to repair or replace any improvements on the property that are damaged to a condition equivalent to their condition immediately before such damage occurred.

SECTION 9. NAMING RIGHTS. City hereby agrees to retain the name "Jay Dix Station" as the park's official name.

SECTION 10. IDENTIFICATION AND RECOGNITION. The parties agree that an identification sign will be erected near the entrance of the property stating that the

property is operated by City and owned by the County. City will provide proper recognition for County's contribution of the property as appropriate on other signs located in and around the property. County grants City the right to place signs on County property directing the general public to the park. Signs shall be located adjacent to the principal points of access. Specific location of the signs shall be approved by County.

MISCELLANEOUS PROVISIONS

SECTION 11. ANNEXATION. Within thirty (30) days of execution of this agreement, County shall file a petition with the city requesting that the Property be annexed into the corporate limits of Columbia. The petition shall also request that the Property be zoned R-1.

SECTION 12. ANNUAL MEETING. At least once annually, representatives designated by County and City shall meet to discuss the development, operation and management of the Property.

SECTION 13. NON-APPROPRIATION. All obligations of County and City under this agreement, which require the expenditure of funds, are conditional upon the availability of funds appropriated for that purpose.

SECTION 14. NOTICES. Notice under this agreement shall be given in writing and may be hand delivered or sent by U.S. mail as follows:

If delivered to City:

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

If delivered to County:

Boone County Commission
801 E. Walnut, Room 245
Columbia, MO 65201-7732

With copy to:

City of Columbia Parks and Recreation Dept.
P.O. Box 6015
Columbia, MO 65205-6015

SECTION 15. ASSIGNMENT. Neither party may assign or transfer any of its rights or obligations under this agreement to any other person without the prior written consent of the other party.

SECTION 16. SOLE BENEFIT OF PARTIES. This agreement is for the sole benefit of City and County. Nothing in this agreement is intended to confer any rights or remedies on any third party.

SECTION 17. TERM. This agreement shall be in effect from its execution until January 1, 2029. Thereafter, the agreement shall automatically be renewed for

additional terms of five (5) years unless either party notifies the other, in writing, at least one (1) year before a renewal date, of its intention not to renew the agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

By: _____
H. William Watkins, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

BOONE COUNTY, MISSOURI

By: _____
Kenneth M. Pearson,
Presiding Commissioner

ATTEST:

Wendy Noren, County Clerk

APPROVED AS TO FORM:

C.J. Dykhouse, County Counselor

Source:
Mike Hood 
FISCAL NOTES:

TO: City Council
FROM: City Manager and Staff 
DATE: August 28, 2009
RE: Jay Dix Station Neighborhood Park Agreement

City Fiscal Impact	
Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$8,000	One-time
	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	

EXECUTIVE SUMMARY: At the August 17th City Council meeting, the Council received a staff report (attached) regarding a proposed agreement between the City and Boone County which would transfer development, maintenance, and operational responsibilities for the Jay Dix Station Park to the City. Under the terms of the proposed agreement, the City would develop and operate the site as a City neighborhood park. Following review of the report, the Council directed staff to bring back an ordinance officially approving the proposed agreement.

This ordinance, if passed by Council, approves the proposed agreement and authorizes the City Manager to sign the agreement on behalf of the City.

FISCAL IMPACT: Based on the site's existing improvements, staff estimates a current annual maintenance cost of approximately \$4,000. Development of future park improvements is estimated to cost in the range of \$100,000 to \$125,000 and would depend on the identification of a future funding source. Once the neighborhood park is fully developed, annual maintenance costs are estimated to be approximately

\$ 7,000 to \$ 8,500.

SUGGESTED COUNCIL ACTIONS: Approve the ordinance authorizing the agreement with the Boone County Commission for the operation and management of the Jay Dix Station Park.

Source:
Mike Hood
 FISCAL NOTES:

TO: City Council
FROM: City Manager and Staff
DATE: August 10, 2009
RE: Proposed Jay Dix Station Neighborhood Park

City Fiscal Impact	
Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$8,000	One-time
	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	

EXECUTIVE SUMMARY: The staff of the Park and Recreation Department and representatives of the Boone County Commission have for some time been discussing the possible use of the county-owned Jay Dix Station as a site for development of neighborhood park facilities for the City. Jay Dix Station is a thirty (30) acre tract of land located adjacent to Scott Boulevard just south of Bethany Street and directly west of the City maintained Scott Boulevard soccer practice fields. A proposed agreement which would transfer development, maintenance, and operational responsibilities for the site to the City Park and Recreation Department has been drafted (see attached) and is being submitted to the Council for review and direction. The proposed agreement is very similar to and is based upon the agreement entered into between the City and the County for the Thomas E. "Country" Atkins Memorial Park.

DISCUSSION: The City's current Park and Recreation Master Plan for Neighborhood Parks identifies a need for a neighborhood park in the vicinity of Scott Boulevard and Vawter School Road. In addition the Council, some time ago after a tragic traffic accident and in response to concerns about the lack of play facilities in the area of

Bethany Street and Scott Boulevard, directed staff to explore possibilities for developing neighborhood park facilities in this sector of the City.

Representatives of the County Park and Recreation Commission had contacted the City Park and Recreation Department several years ago seeking advice as to how best to improve the county owned park known as Jay Dix Station. This property lies immediately west of Scott Boulevard and south of Bethany street. It is currently developed with parking facilities to provided access to both the County and City portions of the MKT trail. As the County has not had the resources to further develop the property as the County Park Commission had hoped and as City staff were seeking a land base suitable for development as a neighborhood park in this immediate area, discussions were initiated between the City and County. These discussions centered on the possibility of using the Dix Station property as the site of a City developed neighborhood park.

Based on these discussions, a draft agreement has been developed which would transfer development, maintenance, and operational responsibility for the Dix Station site to the City's Park and Recreation Department. The basic terms of the agreement are based upon and are very similar to the terms of the agreement between the City and County for the Thomas E. "Country" Atkins Memorial Park. Key points of the agreement include:

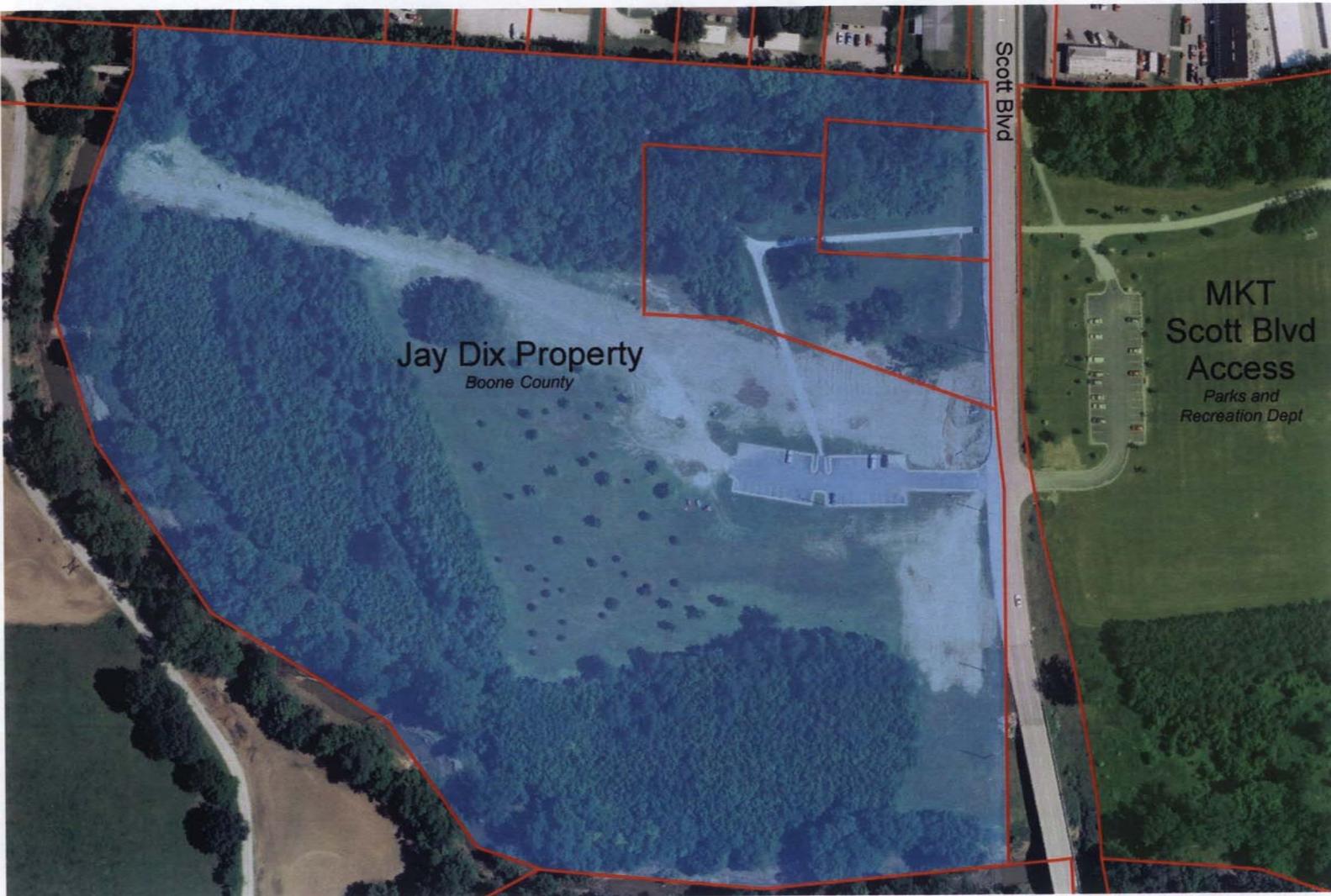
- A. City shall develop the property in accordance with a master plan approved by both the County Commission and the City Council.

- B. The City shall be responsible for funding any future development of the site. Such development shall be contingent of available funds and resources.
- C. The City will operate and manage the park. City shall be responsible for the development, daily operations, scheduling, programming, and maintenance of the property with the exception of the existing Boone County MKT Trail.
- D. The park will be available for use by the public in accordance with all City rules, regulations, and policies governing use of the City's parks.
- E. The City shall have the right to establish rental and use fees for use of the park. All income generated by such fees shall be used by the City for operations, programming, and capital improvements on the property.
- F. The City agrees to retain the name "Jay Dix Station" as the park's official name.
- G. The property shall be annexed into the corporate limits of Columbia.

Park and Recreation Department staff believes the Dix Station site has good potential for future development. Possible improvements include playground equipment, picnic facilities, outdoor basketball court, and additional soccer practice facilities (open play fields). Actual development would be based on a park master plan approved by both the City and the County. Pedestrian access for the neighborhood would be via the new pedways along Scott Boulevard and the below grade MKT Trail crossing of Scott Boulevard. Staff believes this proposal benefits the City in that no City financial resources will be required to acquire the land base for the future neighborhood park. In addition, the expanded use of this already existing site avoids any possible future duplication of park facilities in this area of the City.

FISCAL IMPACT: Based on the site's existing improvements, staff estimates a current annual maintenance cost of approximately \$4,000. Development of future park improvements is estimated to cost in the range of \$100,000 to \$125,000 and would depend on the identification of a future funding source. Once the neighborhood park is fully developed, annual maintenance costs are estimated to be approximately \$ 7,000 to \$ 8,500.

SUGGESTED COUNCIL ACTIONS: If the Council concurs with the staff recommendation that the City and County continue to pursue the future use of Jay Dix Station as a City neighborhood park, a motion should be passed directing staff to bring back an ordinance officially approving the proposed agreement.



Jay Dix Property
Boone County

Scott Blvd

MKT
Scott Blvd
Access
*Parks and
Recreation Dept*