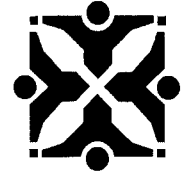


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 356-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 12/07/2015

Re: Authorizing the Issuance of a Special Tax Bill for the Broadway Sidewalk Reconstruction Project

Documents Included With This Agenda Item

Council Memo, Resolution/Ordinance

Supporting documentation includes: Excerpts from 12/5/11 Council meeting minutes; supporting documentation related to Council Bill 329-11; excerpts from 1/03/2012 Council meeting minutes; and amended Council Bill 329-11A

Executive Summary

The Broadway Sidewalk reconstruction project, from Eighth Street to Ninth Street, was completed in 2011, and public hearings were held December 5, 2011 and January 3, 2012 concerning special assessments against properties benefited by and abutting the constructed sidewalk improvements. Since this project was located within the downtown central business district, it was eligible for a 50/50 cost share with the City, per the Sidewalk Maintenance and Construction policy.

At the January 3, 2012 Council meeting, Council Bill 329-11 accepting and approving the work of the Broadway Sidewalk project, and levying special assessments and authorizing the issuance of special tax bills against the parcels benefited and abutting the improvements was amended to remove one parcel from the legislation due to issues to be worked out between the property owner, Arnold Fagan, and the City. It was determined that staff would come back to Council to impose the tax bill on Mr. Fagan's property once the issues were mutually resolved.

Discussion

The Broadway Sidewalk project constructed during the summer of 2011 involved the reconstruction of sidewalk and installation of a water main along the south side of Broadway from Eighth Street to Ninth Street. The existing sidewalk along this corridor did not meet the downtown sidewalk standards due to excessive cross slope and deterioration of the surface at many locations. The project also included installation of electrical conduit for street lights, tree grates and decorative brick pavers. Two vaults under the sidewalk were filled and capped as well as two skylights. A new 12" water line, connecting the existing water lines under Eighth and Ninth Streets, was constructed by the Water & Light department.

On December 5, 2011, a public hearing was held and Council Bill 329-11 was proposed to accept the work on the project and levy special assessments and authorize the issuance of special tax bills against the parcels benefited and abutting the sidewalk improvements. Due to Mr. Fagan's claim that moisture in his basement was caused by the sidewalk reconstruction project, Council tabled the

City of Columbia

701 East Broadway, Columbia, Missouri 65201



public hearing to January 3, 2012 to allow staff time to address this issue. An excerpt from the meeting minutes, proposed legislation, and supporting documentation from the December 5, 2011 Council meeting are attached.

On January 3, 2012, Council further discussed the issue concerning Mr. Fagan's claim of moisture in his basement and determined that since it was not known whether the moisture was an issue before or after the sidewalk was installed, that the legislation be amended to remove the portion of the tax bill associated with Mr. Fagan's property. The City attorney further suggested that if there was a dispute between Mr. Fagan and the City, that it would be best to resolve through a settlement agreement. If that couldn't be accomplished, a separate ordinance imposing the tax bill for Mr. Fagan's property could be brought forward in the future. A motion was made and passed removing parcel number 16-320-00-17-133.00.01 from the legislation, which had a special assessment of \$5,959.03. An excerpt from the January 3, 2012 Council meeting minutes and amended Council Bill 329-11A are attached.

To date, staff has been unsuccessful in resolving this issue with Mr. Fagan and his attorney. Staff recommends moving forward with Legal's earlier recommendation to treat the tax bill issue separately from a settlement agreement, and recommend Council pass the legislation to impose the tax bill on Mr. Fagan's property in the amount of \$5,959.03. Mr. Fagan has the option to pursue a settlement agreement with the City.

Fiscal Impact

Short-Term Impact: The eligible cost for the sidewalk reconstruction was \$45,716.50. With the 50/50 cost share program, the property owners for the abutting properties were responsible for a total of \$22,858.25 in special assessments. Mr. Fagan's portion of this assessment is \$5,959.03.

Long-Term Impact: N/A

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation, Community Facilities & Services

Strategic Plan Impact: Infrastructure, Public Safety, Operational Excellence

Comprehensive Plan Impact: Infrastructure, Mobility, Connectivity & Accessibility, Livable & Sustainable Communities

Suggested Council Action

Pass the ordinance to authorize the issuance of a special tax bill for Parcel 16-320-00-17-133.00.01, in the amount of \$5,959.03.

Legislative History

05/03/2010 (R80-10) Setting a public hearing for 6/07/10 for the construction of sidewalk and waterline improvements along the south side of Broadway, from Eighth St to Ninth St.

City of Columbia

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11/07/2011 (R186-11) Setting a public hearing for 12/05/11 for special assessments against property specially benefited by and abutting the sidewalk improvements constructed along the south side of Broadway, from Eighth St to Ninth St.

12/05/2011 (B329-11) Public Hearing and accept the work on the Broadway Sidewalk reconstruction project and levy and assess special assessments for seven properties benefitting from this project (tabled until 01/03/2012)

01/03/2012 (B329-11) Public Hearing and accept the work on the Broadway Sidewalk reconstruction project and levy and assess special assessments for seven properties benefitting from this project. Council Bill 329-11 amended to remove parcel number 16-320-00-17-133.00.01 from the legislation.



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 356-15

AN ORDINANCE

levying a special assessment and authorizing the issuance of a special tax bill as it relates to the reconstruction of the sidewalk along the south side of Broadway, from Eighth Street to Ninth Street, in the City of Columbia, Missouri; and fixing the time when this ordinance shall become effective.

WHEREAS, the City Council passed Ordinance No. 020639 on June 7, 2010 to authorize the construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street; and

WHEREAS, this public improvement was completed by JC Industries, Inc.; and

WHEREAS, the Council received the final report of the Director of Public Works in connection with this street construction, and public hearings were held on December 5, 2011 and January 3, 2012 regarding the levy and amount of special assessments in connection with the street construction project; and

WHEREAS, after due consideration to the comments of interested parties, the special benefits to the abutting properties, detriment, if any, to the abutting properties, the effect of the sidewalk construction on the present use of the properties and general benefits to the public in making the determinations set forth therein, the City Council passed Ordinance No. 021194 on January 3, 2012 to levy special assessments and authorize the issuance of special tax bills; and

WHEREAS, prior to passage of Ordinance No. 021194, the Council amended the ordinance to delay the issuance of a special tax bill against one parcel due to the property owner's claims of issues with construction of the project; and

WHEREAS, Public Works Department staff has been unsuccessful in resolving the issues claimed by the property owner and recommends moving forward with the levy of a special assessment and authorize the issuance of a special tax bill against the remaining parcel.

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

SECTION 1. A special assessment is hereby levied at a rate of \$122.2366 per front foot against the lot, and parcel of ground specially benefited by and fronting or abutting along the new construction in proportion to the number of fronting or abutting feet, the assessment is levied as follows:

ORIGINAL TOWN OF COLUMBIA MISSOURI, PLAT BOOK A @ PAGE 335

PARCEL NUMBER: 16-320-00-17-133.00 01

Against a tract of land as described in the Warranty Deed recorded in Book 1627, Page 407 of the Boone County, Missouri Records (abutting 48.75 feet).

Special Assessment: \$5,959.03

SECTION 2. The City Clerk is hereby authorized and directed to issue special tax bill immediately against the lot, tract and parcel of ground as described above which is hereby declared to have been specially benefited in the amount assessed, which tax bill shall be signed by the City Clerk under the corporate seal of the City; and the City Clerk shall register the tax bill in the office of the Director of Finance for collection. The special tax bill shall mature and shall be due and payable sixty days (60) after the date of issue. After the expiration of sixty (60) days, the tax bill shall bear interest at the rate of 3.25 percent per annum on the unpaid balance until paid.

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

PASSED this _____ day of _____, 2015.

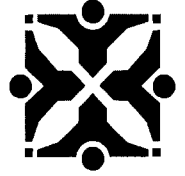
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Excerpts from 12/5/11 Council meeting minutes
Supporting documentation related to Council Bill 329-11
Excerpts from 1/03/2012 Council meeting minutes
Amended Council Bill 329-11A

apparent that many students appreciated an expanded transit system, but the majority did not know what that meant. In addition, there were many issues with the current system that needed to be fixed in order to adequately serve everyone. The routes needed to be more frequent and less confusing and the requirement of a transfer at the Wabash Station was time consuming and did not make sense for most students. She explained she knew this because she had asked the students and felt that had been lacking. Those on the Task Force only represented a few voices. If they wanted the entire student body behind a solution to the issue, they needed to include them in the process. With the support of PedNet and the CoMET Campaign, she and others had started a Transit Visioning Committee on campus to find out what the students really needed and wanted from a transit system because while many students were unaware of the transit situation, she believed with the right information and the appropriate engagement they would be on board. Their intention in forming the committee was to create a campaign that informed students of the issue, asked students what they want and need from a transit system and engaged them in helping find possible solutions. They hoped to do this through a campus-wide marketing campaign, student surveys, a possible trip to either Ames, Iowa or Champaign, Illinois with student leaders to see them a good student-centric bus system, etc. She noted it was probably unrealistic and unfair to expect students to take on the entire burden of the expansion being envisioned. Since a new system would provide a top class transit service for students, community members, local businesses and others, they wanted to look at a range of financing options and for the expansion to take place over an extended period of time. While she could not speak on behalf of all of the students at this time, she commented that a passionate few felt they could come up with a reasonable solution to help reinvent the Columbia Transit System.

PUBLIC HEARINGS

B329-11 Authorizing Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street; accepting the work on the Broadway Sidewalk Reconstruction Project; approving the report of the Director of Public Works; levying and assessing special assessments; appropriating funds.

The bill was given second reading by the Clerk.

Mayor McDavid understood this project was incomplete at this time. Mr. Schmidt stated that was his understanding and suggested this item be tabled so the technical details could be worked out.

Mayor McDavid asked how much time it would take to address the issues. Mr. Glascock suggested this be tabled to the January 3, 2012 Council Meeting.

Mr. Schmidt made a motion to table B329-11 to the January 3, 2012 Council Meeting. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid continued the public hearing to the January 3, 2012 Council Meeting.

OLD BUSINESS

Source:
John Glascock

FISCAL and VISION NOTES:

City Fiscal Impact Enter all that apply:	
\$194,049	City's current net FY cost.
\$194,049	Amount of Funds Already appropriated
\$22,858.25	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	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:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies: <u>Refer to Website:</u>	
Y	Vision Impact? (Y/N or if N, go no further)
Item #13.1.3	Primary Vision, Strategy and/or Goal Item#
Item #	Secondary Vision, Strategy and/or Goal Item#
Task #	FY10/FY11 Implementation Task#

Agenda Item No. _____

TO: City Council

FROM: City Manager and Staff

DATE: November 7, 2011

RE: Broadway Sidewalk from Eighth Street to Ninth Street
Engineer's Final Report and Levying Special Assessments

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance accepting the Engineer's Final Report, accepting and approving the work, levying special assessments, issuing tax bills, approving and accepting Change Order No. 1 and Change Order No. 2, and appropriating funds, for the Broadway sidewalk project from Eighth Street to Ninth Street.

The resolution estimate was \$250,000 (\$125,000 for the sidewalk portion and \$125,000 for the waterline construction). The total sidewalk project cost was \$114,621.26 and the waterline construction cost was \$79,428.00. Funding for this project is from adjacent property owners, Water and Electric Capital Improvement project funds, and Capital Improvement Sales Tax funds.

DISCUSSION:

The project involved the reconstruction of sidewalk and installation of a 12" water main along the south side of Broadway from Eighth Street to Ninth Street. The existing sidewalk along this corridor did not meet the city downtown sidewalk standard. The sidewalks had excessive cross slope and at many locations the existing surface was deteriorated.

Included in the sidewalk project was electrical conduit for street lights, tree grates and decorative brick pavers. The length of sidewalk replaced was 187 feet. Two vaults under the sidewalk were filled and capped as well as two skylights. The parking area was patched and overlaid with asphalt.

The new 12" waterline connecting the existing waterlines under both Eighth Street and Ninth Street was constructed by Columbia Water & Light forces. The adjacent owners upgraded their water service pipe size to provide domestic service and for future required fire flow service. Replacing the existing service connections to the new line allowed disconnecting the existing service lines.

The Final Work Order is an increase of \$17,462.26 which includes Change Order No. 1 for the removal of the planter on the northeast corner of Broadway and Eighth Street, and Change Order No. 2 for the additional vault patching and backfill discovered while removing old sidewalk pavement in front of 806 and 810 E. Broadway.

According to city ordinance and policy, 50% of eligible sidewalk costs in the central business district are to be paid by special assessments levied against abutting properties. The eligible cost for the 50/50 split is \$45,716.50. If tax bills are assessed, they will \$22,858.25. The tax bill rate for this sidewalk project is \$122.2366 per abutting foot and was determined from contract bid prices.

FISCAL IMPACT:

The final cost for the sidewalk portion of this project is \$114,621.26 (\$46,357.76 city responsibility, \$45,716.50 eligible for 50/50 cost share and \$22,547.00 for street patching for water line). If levying special assessments against the lots and parcels abutting this sidewalk improvement is approved by Council, \$22,858.25 will be paid from tax bills.

The final cost for the waterline construction was \$79,428.00 and was paid from Water and Electric Capital Improvement funds.

VISION IMPACT:

Give proper funding, priority, and support to repairing, connecting, and expanding the city sidewalk system. Increase the pace of sidewalk improvements.

SUGGESTED COUNCIL ACTION:

Approve the ordinance accepting the Engineer's Final Report, accepting and approving the work, levying special assessments, issuing tax bills, and approving and accepting Change Order No. 1 and Change order No. 2, and appropriating funds, for the Broadway sidewalk project.

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 329-11

AN ORDINANCE

authorizing the City Manager to execute Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for the reconstruction of the sidewalk along the south side of Broadway, from Eighth Street to Ninth Street; setting forth the nature and amount of change; accepting and approving the work; approving the report of the Director of Public Works; levying special assessments and authorizing the issuance of special tax bills against the lots and parcels of ground specially benefited and abutting the improvements; appropriating funds; and fixing the time when this ordinance shall become effective.

WHEREAS, construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street was authorized by Ordinance No. 020639 passed on June 7, 2010; and

WHEREAS, this public improvement has been completed by JC Industries, Inc.; and

WHEREAS, the Council has received the final report of the Director of Public Works in connection with this street construction, has held a public hearing prior to the commencement of the construction and has held a second public hearing regarding the levy and amount of special assessments in connection with the street construction project; and

WHEREAS, the Council has given due consideration to the comments of interested parties, the special benefits to the abutting properties, detriment, if any, to the abutting properties, the effect of the sidewalk construction on the present use of the property and general benefits to the general public in making the determinations set forth herein; and

WHEREAS, it is the determination of the Council that the properties fronting and abutting the sidewalk have realized one or more of the following special benefits as a result of the construction including, but not limited to, increased property values, salability of the properties, increased potential for future use, improved storm water drainage, improved access and parking; and

WHEREAS, it is the determination of the Council that the value of the special benefits to those properties fronting and abutting on the sidewalk is equal to, or greater than, the sum of \$122.2366 per abutting front foot.

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

SECTION 1. The City Manager is hereby authorized and directed to execute Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for the construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street.

SECTION 2. The nature and amount of the changes are set forth in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 3. The construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street is hereby accepted and approved.

SECTION 4. The report of the Director of the Public Works Department, who was charged with the responsibility of personally inspecting the work as it progressed to see that the work was done in accordance with the estimate, plans, specifications and contract, the ordinance governing the same and the Charter of the City is hereby approved and accepted.

SECTION 5. Special assessments are hereby levied at a rate of \$122.2366 per front foot against the lots and parcels of ground specially benefited by this public improvement and fronting or abutting along the distance improved, in proportion to the number of fronting or abutting feet. The assessments are as follows:

ORIGINAL TOWN OF COLUMBIA MISSOURI, PLAT BOOK A @ PAGE 335

PARCEL NUMBER: 16-320-00-17-134.00 01

Against a tract of land as described as Tract 1 in the Warranty Deed recorded in Book 2148, Page 11 of the Boone County, Missouri Records (abutting 26.25 feet).

Special Assessment: \$3,208.71

PARCEL NUMBER: 16-320-00-17-133.00 01

Against a tract of land as described in the Warranty Deed recorded in Book 1627, Page 407 of the Boone County, Missouri Records (abutting 48.75 feet).

Special Assessment: \$5,959.03

PARCEL NUMBER: 16-320-00-17-132.00 01

Against a tract of land as described in part 1 of the Warranty Deed recorded in Book 546, Page 288 of the Boone County, Missouri Records (abutting 25 feet).

Special Assessment: \$3,055.92

PARCEL NUMBER: 16-320-00-17-131.00 01

Against a tract of land as described in the Warranty Deed recorded in Book 424, Page 892 of the Boone County, Missouri Records (abutting 24.5 feet).

Special Assessment: \$2,994.80

PARCEL NUMBER: 16-320-00-17-130.00 01

Against a tract of land as described in the Trustees Deed recorded in Book 1547, Page 287 of the Boone County, Missouri Records (abutting 25.5 feet).

Special Assessment: \$3,117.03

PARCEL NUMBER: 16-320-00-17-129.00 01

Against a tract of land as described in the Warranty Deed recorded in Book 2012, Page 213 of the Boone County, Missouri Records (abutting 25 feet).

Special Assessment: \$3,055.92

PARCEL NUMBER: 16-320-00-17-128.00 01

Against a tract of land as described in the Quit Claim Deed recorded in Book 739, Page 53 of the Boone County, Missouri Records (abutting 12 feet).

Special Assessment: \$1,466.84

SECTION 6. The City Clerk is hereby authorized and directed to issue special tax bills immediately against the lots, tracts and parcels of ground as described above which are hereby declared to have been specially benefited in the amounts assessed against them. The tax bills shall be signed by the City Clerk under the corporate seal of the City. The City Clerk shall register the tax bills in the office of the Director of Finance for collection. The special tax bills shall mature and shall be due and payable sixty (60) days after the date of issue. After the expiration of sixty (60) days, the tax bills shall bear interest at the rate of 3.25 percent per annum on the unpaid balance until paid.

SECTION 7. The sum of \$22,858.25 is hereby appropriated from the Special Assessment Tax Bills Revenue Account No. 440-0000-480.40-00, C00455 to the Broadway Sidewalk 8th – 9th Project Account No. 440-8800-528.49-90, C00455.

SECTION 8. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2011.

ATTEST:

City Clerk

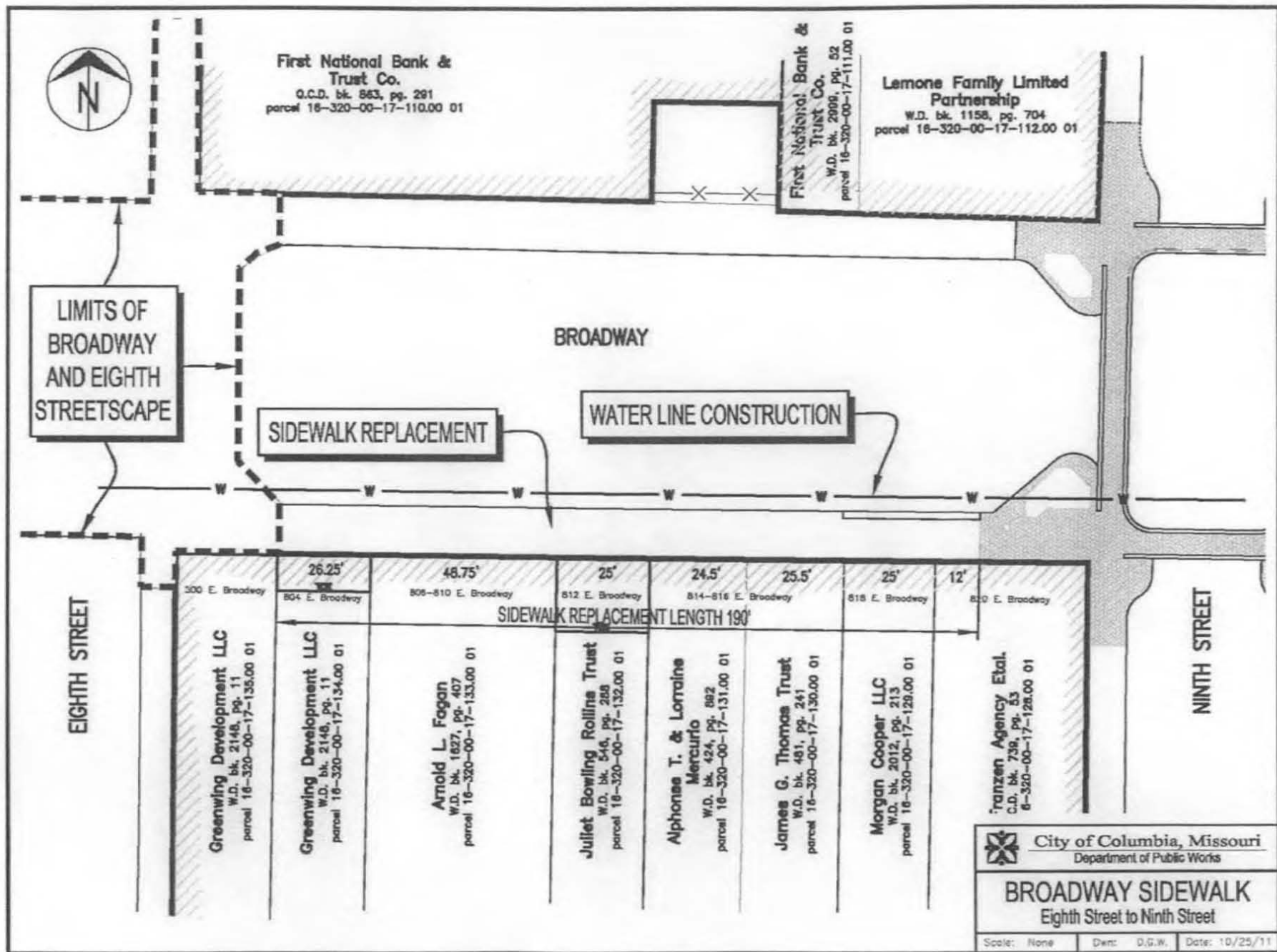
Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

CERTIFICATION: I certify there are sufficient funds available in the Special Assessment Tax Bills Revenue Account No. 440-0000-480.40-00, C00455 to cover the above appropriation.

Director of Finance



Broadway Sidewalk Reconstruction Project

	B	D	E	F	G	H	I
1	OWNER	MAIL	CITY	STATE	ZIP	Phone Number	Notified On This Date
2	Greenwing Development Contact: Juanita Kidwell	P.O Box 756	Columbia	MO	65205	874-4000	Informed Mary Wolf of impending public hearing on 10/4/2011
3	Arnold Fagan	810 E. Broadway #D	Columbia	MO		442-4460	Informed Arnold Fagan of impending public hearing on 10/4/2011
4	Juliet Bowling Rollins Trust, first National Bank Trustee contact: Earl Chandler	P.O. Box 1867	Columbia	MO	65202-1867	499-7333	Chandler on Vacation. Call back for Damon Ewins on 10/5/11 Left message with Mr. Ewins on 10/5/11
5	Alphonse T. & Lorraine Mercurio C/O Saffee's	227 E High Street	Jefferson City	MO	65101-0000	573-636-4512	Left message on 10/4/2011. Steve Mercurio will call me back
6	James G. Thomas Trust C/O American Shoe Store	221 E High Street	Jefferson City	MO	65101-0000	573-636-8313	Informed Sarah Thomas Quinn (Daughter) of impending public hearing on 10/4/2011
7	Morgan Cooper LLC ATT: Jeff Z.	408 S. Garth Avenue	Columbia	MO	65203	442-5296	Informed Jeff Zimmerschied @ Morgan Cooper LLC of impending public hearing on 10/5/2011
8	John Franzen Agency Etal C/O A & B Management	813 East Walnut	Columbia	MO	65201	443-2081	Informed John Watkins @ A&B of impending public hearing on 10/4/2011
9							
10							
11							
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14							
15							
16							



CITY OF COLUMBIA, MISSOURI

PUBLIC WORKS DEPARTMENT

**Engineer's Final Report
Broadway Sidewalk Reconstruction
Eighth Street to Ninth Street**

Date: 9/21/2011

TO THE HONORABLE MAYOR AND CITY COUNCIL
CITY OF COLUMBIA, MISSOURI

Completion of the construction of the Broadway Sidewalk Reconstruction project by J.C. Industries of Jefferson City Missouri authorized by Ordinance 20639 approved June 7, 2010 is hereby reported:

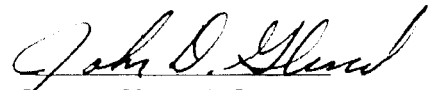
This work was completed in accordance with the plans, specifications, and under the inspection, direction, and supervision of the Director of Public Works. The cost of the work is as follows:

Item Description	Total		Unit		Total
	Qty. Used	Units			Cost
1.1 Pavement Patch	160	SY	\$76.00	=	\$12,160.00
1.2 Masonry Patching and Backfill for vault	1	LS	\$4,830.00	=	\$4,830.00
1.3 Partial Removal of Canopy Column	9	EA	\$277.00	=	\$2,493.00
1.4 Electrical Conduit for Street Lights	190	LF	\$2.75	=	\$522.50
1.5 Tree Well and Grate	3	EA	\$2,330.00	=	\$6,990.00
1.6 Sidewalk Skylight Removal, masonry patching	2	EA	\$450.00	=	\$900.00
1.7 Construction Staking	1	LS	\$3,880.00	=	\$3,880.00
1.8 Removal of Sidewalk Pavement (All Types)	290	SY	\$26.50	=	\$7,685.00
1.9 Sawcut of Existing Sidewalk for Removal	190	LF	\$11.35	=	\$2,156.50
1.10 Lights	190	LF	\$10.00	=	\$1,900.00
1.11 Reinforced PCC Sidewalk (downtown Detail)	2,560	SF	\$7.75	=	\$19,840.00
1.12 Traffic Control	1	LS	\$3,880.00	=	\$3,880.00
1.13 Mobilization	1	LS	\$6,375.00	=	\$6,375.00
1.14 Removal of Street Pavement	74	SY	\$23.00	=	\$1,702.00
1.15 Cold Milling	180	SY	\$12.25	=	\$2,205.00
1.16 Asphalt Overlay	360	SY	\$18.00	=	\$6,480.00
3.1 Brick paver Decorative Treatment	1	LS	\$13,160.00	=	\$13,160.00
				Subtotal	\$97,159.00
				Final Work Order	\$17,462.26

Total Abutting Tax Bill Footage	-	187.00
Tax Bill Rate Per Abutting Footage	-	\$ 122.2366
Total to be paid by Special Tax Bill	-	\$22,858.25
Total to be paid by Water and Electric Fund	-	\$22,547.00
Total to be paid by Capitol Improvement Sales Tax Funds	-	\$69,216.01
Final Work Order/Change Order	-	\$17,462.26
Original Contract Amount	-	\$97,159.00
Resolution Estimate	-	\$250,000.00

Respectfully submitted,

PUBLIC WORKS DEPARTMENT


John D. Glascock, P.E.
Director



CITY OF COLUMBIA, MISSOURI

PUBLIC WORKS DEPARTMENT

Change Order No. 1

PROJECT: Broadway Sidewalk Reconstruction - 8th Street to 9th Street

DATE: November 4, 2010

PROJECT NO.: 144/2010

CONTRACT DATE: August 30, 2010

CONTRACTOR: JC Industries Inc.
PO BOX 104567
Jefferson City, MO 65110

The planter in the Northeast corner of Broadway and 8th Street had previously sustained significant damage to the brick veneer. In addition, this planter prohibited adequate storm water drainage in the intersection. Therefore, the Director of Public Works directed that the planter be removed as part of the sidewalk project. J.C. Industries, Inc. agreed to perform the work on "Force Account" as per Section 4.4.2 of the "Street and Storm Sewer Specifications and Standards" of the City of Columbia, Missouri, May 2001.

You are directed to make the following change in this contract:

	UNIT	QUAN	COST	TOTAL
Equipment				
Sub-Trucking	HR	7	\$70.00	\$490.00
Backhoe W/Chipper	HR	7	\$130.00	\$910.00
Mini Excavator	HR	11	\$75.00	\$825.00
Roller	HR	2	\$100.00	\$200.00
Wacker	HR	3	\$70.00	\$210.00
JCI-Truck	HR	6	\$45.00	\$270.00
		Equipment Total		\$2,905.00
Personnel				
Supervisor	HR	10	\$60.00	\$600.00
Operator	HR	17	\$52.45	\$891.65
Laborer	HR	14	\$40.90	\$572.60
Carpenter	HR	9	\$47.82	\$430.38
Multiplier - Plus 35% for Labor				1.35
		Personnel Total		\$3,367.75
Materials				
	Invoice No.			
Base Rock				\$112.00
Christensen Asphalt		7094		\$787.61
Multiplier - Plus 15% for Materials				1.15
		Material Total		\$1,034.55
		FORCE ACCOUNT TOTAL		\$7,307.30

Broadway Sidewalk Reconstruction - 8th Street to 9th Street
Change Order No. 1
Page 2

TOTAL <u>INCREASE</u> THIS CHANGE ORDER -	\$7,307.30
Original Contract Amount	\$97,159.00
Net changes due to previous change orders	\$0.00
Contract sum prior to this change order	\$97,159.00
Amount contract <u>increased</u> by this change order	\$7,307.30
CONTRACT AMOUNT TO DATE	\$104,466.30

The contract time shall remain unchanged.

I hereby certify that the above expenditure is within the purpose of the appropriation to which it is charged, Account No. 440-3800 528, and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefore. 44-40, 000455

~~Lori Fleming~~ John Blattel
Director of Finance

Submitted by:

David A. Nichols
David A. Nichols, P.E.,
Assistant Director of Public Works

Accepted by:

Paul R. Smith
JC Industries, Inc.
PO BOX 104567
Jefferson City, MO 65110

PROJECT MANAGER

Approved by:

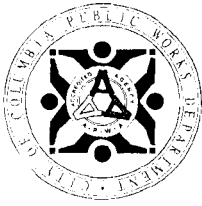
John D. Glascock
John D. Glascock, P.E.
Director of Public Works

Approved by:

~~Bill Watkins~~ Mike Matthes
City Manager

Attested by:

Sheela Amin
City Clerk



CITY OF COLUMBIA, MISSOURI

PUBLIC WORKS DEPARTMENT

Change Order No. 2

PROJECT: Broadway Sidewalk Reconstruction - 8th Street to 9th Street

DATE: November 5, 2010

PROJECT NO.: 144/2010

CONTRACT DATE: August 30, 2010

CONTRACTOR: JC Industries, Inc.
PO BOX 104567
Jefferson City, MO 65110

A previously undiscovered vault was found at 806-810 Broadway during construction. The vault was similar to the one shown on the construction plans, with the exception of unsuitable material which needed to be removed prior to the placement of lean concrete in two foot lifts. Two openings existed which required enclosure with masonry block and a footing. Also, it was determined that the stone foundations at 806-810 and 812 Broadway should receive waterproofing. J.C. Industries, Inc. agreed to preform the work on "Force Account" as per Section 4.4.2 of the "Street and Storm Sewer Specifications and Standards" of the City of Columbia, Missouri, May 2001.

You are directed to make the following change in this contract:

	UNIT	QUAN	COST	TOTAL
Equipment				
Mini Excavator	HR	4	\$75.00	\$300.00
JCI-Truck	HR	4	\$45.00	\$180.00
		Equipment Total		\$480.00
Personnel				
Operator	HR	8	\$52.45	\$419.60
Carpenter	HR	2	\$47.82	\$95.64
Multiplier - Plus 35% for Labor				1.35
		Personnel Total		\$695.57
Materials			Invoice No.	
PEP Waterproofing @ 806 & 810				\$1,500.00
PEP Waterproofing @ 812				\$1,500.00
Concrete for footing @ 806 & 810	CY	7	\$86.88	3240 \$608.16
Multiplier - Plus 15% for Materials				1.15
		Material Total		\$4,149.38
		FORCE ACCOUNT TOTAL		\$5,324.96

TOTAL <u>INCREASE</u> THIS CHANGE ORDER -	\$5,324.96
Original Contract Amount	\$97,159.00
Net changes due to previous change orders	\$7,307.30
Contract sum prior to this change order	\$104,466.30
Amount contract <u>increased</u> by this change order	\$5,324.96
CONTRACT AMOUNT TO DATE	\$109,791.26

The contract time shall remain unchanged.

I hereby certify that the above expenditure is within the purpose of the appropriation to which it is charged, Account No. 440-8800-528, and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefore. 49-90, 600455

~~Lori Fleming~~ John Blattel
Director of Finance

Submitted by:

David A. Nichols
David A. Nichols, P.E.,
Assistant Director of Public Works

Accepted by:

Paula [Signature]
PROJECT MANAGER
JC Industries, Inc.
PO BOX 104567
Jefferson City, MO 65110

Approved by:

John D. Glascock
John D. Glascock, P.E.
Director of Public Works

Approved by:

~~Bill Watkins~~ Mike Matthes
City Manager

Attested by:

Sheela Amin
City Clerk

Christensen Asphalt

2505 Callaway County Road 269
Columbia, MO 65202
Phone 573-814-3308 Fax 573-814-0403

Invoice

Date	Invoice #
10/21/2010	7094

Bill To
J C Industries PO Box 104567 Jefferson City, MO 65101

Project

P.O. Number	Terms	Date Sold
	Net 30	10/21/2010

Tonnage	Product	Ticket Number	Price Each	Amount
5.82	BP-2	28401	64.00	372.48T
5.82	BP-2	28414	64.00	372.48T
		11.64 Total Tonnage		
Thank you for your business.			Subtotal	\$744.96
			Sales Tax (5.725%)	\$42.65
			Total	\$787.61

NOTICE TO OWNERS: Failure of this contractor to pay those persons supplying services or materials 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 services or materials for the work described in this contract. Failure to secure lien waivers may result in you paying for labor and materials twice. Customer consents to venue for any action to this contract being in Callaway County, Missouri and agrees to pay all collection costs, including attorney fees.

INVOICE

J.C. Industries, Inc.

PO Box 104567 / 3208 Route C
Jefferson City, MO 65110-4567
Phone: (573) 636-2711
Fax: (573) 636-6748

INVOICE NO. 3240
DATE

TO City of Columbia
701 E Broadway
Columbia, MO 65210
Attn: Shane Creech

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
	3240	Due upon receipt	

UNITS	DESCRIPTION	UNIT PRICE	LINE TOTAL
	Rock pulled from stockpile on the Bear Creek Trail project		
8.00	Base Rock (Tons)	\$ 14.00	\$ 112.00
		SUBTOTAL	\$ 112.00
		SALES TAX	
		TOTAL	\$ 112.00

Make all checks payable to J.C. Industries, Inc.
THANK YOU FOR YOUR BUSINESS!



**WATERPROOFING &
FOUNDATION REPAIR**

251 Storage Road, Eldon, MO 65026
Office: (573) 392-1508 Fax: (573) 392-7778



Invoice

Date	Invoice #
10/19/2010	3468

Bill To
J.C. Industries, Inc. P O Box 104567 Jefferson City MO 65110

P.O. No.	Terms	Due Date
	Net 30	11/18/2010

Quantity	Description	Rate	Amount
2	AMOUNT REQUESTED PER OUR VERBAL AGREEMENT - Waterproof existing exposed foundation, drainage and backfill completed by contractor. Job Locations: 8th & 9th Street Sidewalk Project, Columbia MO (10% Retainage acknowledged)	1,500.00	3,000.00

All work is complete! Upon receipt of final payment, warranty will be issued within 5-7 days.

There will be 1.5% Interest Added After 30 Days

Total	\$3,000.00
Payments/Credits	\$0.00
Balance Due	\$3,000.00

Bill to:

J.C. Industries, Inc.
PO Box 104567
Jefferson City, MO 65110-4567
Phone: (573) 636-2711
Fax: (573) 636-6748

Vendor:

Central Concrete
PO Box 1348
Columbia, MO 65205-1348
Phone: 573-443-2428
Fax: 573-256-8258

Purchase Order

PO#: 3240
Date: 8/16/2010
Job Name: Broadway Sidewalk Reconstruction
8th - 9th Street
Columbia, MO
RFQ #144/2010

Ship to:

J.C. Industries, Inc.
Broadway Street
Columbia, MO

Qty	Description	Units	Quantity	Unit Price	Extension
	Re: Broadway Sidewalk Reconstruction 8th - 9th Street Columbia, MO				
1	4000psi Fly Ash w/ Air - Material	CY	1	\$82.88	
	4000psi Fly Ash w/ Air - Haul	CY	1	\$24.00	
	4000psi Fly Ash w/ Air - Total			\$86.88	@ 7 cy.
2	4 Bag Lean Mix - Material	CY	1	\$56.59	
	4 Bag Lean Mix - Haul	CY	1	\$24.00	
	4 Bag Lean Mix - Total			\$80.59	
3	Red Dye (1 Bag / CY)	CY	1	\$25.00	
	Admixtures				
4	Fiber Mesh (1.5 lbs/YD) (GENESIS Fibrillated Fibers)	YD	1	\$5.00	
5	Low Lignite Sand (Flatwork) (<.07 by weight)	YD	1	\$3.50	
6	Superplasticizer (10 oz/100# (6 Bag Mix))	YD	1	\$5.00	
7	NCA	%/YD	1	\$4.75	
8	Winter Service (Hot Water)	YD	1	\$4.50	
9	Calcium Chloride (Base on 6 Bag Mix)	%/YD	1	\$1.75	
Total					\$ -
Tax Exempt					
Total Purchase Order					\$ -

\$608.16

se.

Accepted Central Concrete

By

Title

Date

Signature

Authorization

Name Brett Dudenhoeffer

Date 8/16/2010

Title Project Manager

Signature

Furnish complete with all parts and accessories required for proper installation, operation and maintenance to the jobsite in accordance with plans and specifications.

year for all mobile home parks in Columbia. She explained this request had also been presented to the Boone County Commission. She felt it was best to find violations and enforce compliance as the violations were found instead of being overwhelmed with multiple violations when exposed. She thanked the Council for consideration of these two requests.

PUBLIC HEARINGS

B329-11 Authorizing Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street; accepting the work on the Broadway Sidewalk Reconstruction Project; approving the report of the Director of Public Works; levying and assessing special assessments; appropriating funds.

The bill was given third reading by the Clerk.

Mr. Matthes provided a staff report and suggested Council pass this ordinance. He explained Mr. Fagan, who felt moisture in his basement had been caused by this project, could submit a claim through the City's Risk Management Division as there was disagreement between him and staff on that issue.

Mayor McDavid understood staff would report back to Council on Mr. Fagan's issue even if this project was closed out.

Mr. Schmidt commented that he had walked by when the work was being done and had seen the open vaults were filled with debris. As a layperson, he thought Mr. Fagan had a point and wanted to ensure the issue was resolved. His claim was that one vault was cleared out and filled in properly, but the other vault was not. He noted he could see the calcification from water seepage that had not been there when he had previously seen the apartments. He wanted to ensure this issue was not forgotten and was satisfied with the staff suggestion.

Mr. Kespohl stated he understood the vault was not filled in properly or had sunk due to water seepage. He noted he did not know whether it leaked before the sidewalk was installed, but felt the solution would be to not tax bill Mr. Fagan. He explained Mr. Fagan could use that \$6,000 to fix the problem himself, and if the cost was higher, he could go to Risk Management for the remainder of the money. He noted he thought City staff should oversee the project, but not do the work itself, to ensure the only work done was work necessary to resolve the water seepage issue.

Mr. Schmidt asked if the bill could be amended so Mr. Fagan was not tax billed. Mr. Boeckmann replied he would recommend a settlement agreement if there was a dispute instead of just moving forward in this manner. He thought they could remove the portion of the tax bill associated with Mr. Fagan's property and try to work out a settlement agreement. If that could not be accomplished, a separate ordinance imposing the tax bill for that property could be brought forward in the future. Mr. Kespohl believed that approach should be taken.

Mr. Schmidt asked if staff had any further comments. Mr. Glascock referred to specific vaults and explained there were voids under the concrete slab that looked exactly like the picture. They were not dug out. Two voids were fixed. He explained the purpose of the project was to put the sidewalk back, not to dig them out.

Mayor McDavid understood the suggestion was to not tax bill Mr. Fagan's property pending resolution. Mr. Matthes explained staff would come back to Council with a settlement agreement.

Mr. Kespohl made a motion to amend B329-11 by removing parcel number 16-320-00-17-133.00 01, which had a special assessment of \$5,959.03 from the legislation. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, stated he was representing Arnie Fagan, and in light of the amendment and the City Manager's proposed procedure, he did not need to further address the Council at this time.

There being no further comment, Mayor McDavid closed the public hearing.

The vote on B329-11, as amended, was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the north side of Bethel Drive, northeast of the intersection of Forum Boulevard and Old Plank Road.

Item A was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Kespohl asked if a church or school could be built on property zoned R-1. Mr. Teddy replied yes. Mr. Kespohl asked if the intention was to build a church or a house. Mr. Teddy replied he understood the desire of the church was to sell the property to an individual who would establish a daycare home. It would be a home that would operate a business of caring for children within the home and was permitted in the R-1 district with a limitation on the number of children that could be cared for. Mr. Kespohl asked for the limitation. Mr. Teddy replied the limit was for ten children all day and an additional three children part-time.

Mr. Schmidt understood they would be close to creating an island of an unincorporated area inside the City. Mr. Teddy agreed it would stand out because all of the neighboring lots within the subdivision were unincorporated, but the City limit was just to the north and adjacent to a street that would be extended from the City.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

OLD BUSINESS

B357-11 Authorizing an agreement with the Dudley Kent Roth Revocable Living Trust relating to the acquisition of easements for a sewer extension project on property located at 5310 I-70 Drive Southeast; authorizing the acquisition of easements for the sewer extension project.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

B357-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B365-11 Amending Chapter 12 of the City Code as it relates to discrimination based on age.

The bill was given second reading by the Clerk.

AN ORDINANCE

authorizing the City Manager to execute Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for the reconstruction of the sidewalk along the south side of Broadway, from Eighth Street to Ninth Street; setting forth the nature and amount of change; accepting and approving the work; approving the report of the Director of Public Works; levying special assessments and authorizing the issuance of special tax bills against the lots and parcels of ground specially benefited and abutting the improvements; appropriating funds; and fixing the time when this ordinance shall become effective.

WHEREAS, construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street was authorized by Ordinance No. 020639 passed on June 7, 2010; and

WHEREAS, this public improvement has been completed by JC Industries, Inc.; and

WHEREAS, the Council has received the final report of the Director of Public Works in connection with this street construction, has held a public hearing prior to the commencement of the construction and has held a second public hearing regarding the levy and amount of special assessments in connection with the street construction project; and

WHEREAS, the Council has given due consideration to the comments of interested parties, the special benefits to the abutting properties, detriment, if any, to the abutting properties, the effect of the sidewalk construction on the present use of the property and general benefits to the general public in making the determinations set forth herein; and

WHEREAS, it is the determination of the Council that the properties fronting and abutting the sidewalk have realized one or more of the following special benefits as a result of the construction including, but not limited to, increased property values, salability of the properties, increased potential for future use, improved storm water drainage, improved access and parking; and

WHEREAS, it is the determination of the Council that the value of the special benefits to those properties fronting and abutting on the sidewalk is equal to, or greater than, the sum of \$122.2366 per abutting front foot.

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

SECTION 1. The City Manager is hereby authorized and directed to execute Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for the construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street.

SECTION 2. The nature and amount of the changes are set forth in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 3. The construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street is hereby accepted and approved.

SECTION 4. The report of the Director of the Public Works Department, who was charged with the responsibility of personally inspecting the work as it progressed to see that the work was done in accordance with the estimate, plans, specifications and contract, the ordinance governing the same and the Charter of the City is hereby approved and accepted.

SECTION 5. Special assessments are hereby levied at a rate of \$122.2366 per front foot against the lots and parcels of ground specially benefited by this public improvement and fronting or abutting along the distance improved, in proportion to the number of fronting or abutting feet. The assessments are as follows:

ORIGINAL TOWN OF COLUMBIA MISSOURI, PLAT BOOK A @ PAGE 335

PARCEL NUMBER: 16-320-00-17-134.00 01

Against a tract of land as described as Tract 1 in the Warranty Deed recorded in Book 2148, Page 11 of the Boone County, Missouri Records (abutting 26.25 feet).

Special Assessment:
\$3,208.71

PARCEL NUMBER: 16-320-00-17-132.00 01

Against a tract of land as described in part 1 of the Warranty Deed recorded in Book 546, Page 288 of the Boone County, Missouri Records (abutting 25 feet).

Special Assessment:
\$3,055.92

PARCEL NUMBER: 16-320-00-17-131.00 01

Against a tract of land as described in the Warranty Deed recorded in Book 424, Page 892 of the Boone County, Missouri Records (abutting 24.5 feet).

Special Assessment:
\$2,994.80

PARCEL NUMBER: 16-320-00-17-130.00 01

Against a tract of land as described in the Trustees Deed recorded in Book 1547, Page 287 of the Boone County, Missouri Records (abutting 25.5 feet).

Special Assessment:

\$3,117.03

PARCEL NUMBER: 16-320-00-17-129.00 01

Against a tract of land as described in the Warranty Deed recorded in Book 2012, Page 213 of the Boone County, Missouri Records (abutting 25 feet).

Special Assessment:

\$3,055.92

PARCEL NUMBER: 16-320-00-17-128.00 01

Against a tract of land as described in the Quit Claim Deed recorded in Book 739, Page 53 of the Boone County, Missouri Records (abutting 12 feet).

Special Assessment:

\$1,466.84

SECTION 6. The City Clerk is hereby authorized and directed to issue special tax bills immediately against the lots, tracts and parcels of ground as described above which are hereby declared to have been specially benefited in the amounts assessed against them. The tax bills shall be signed by the City Clerk under the corporate seal of the City. The City Clerk shall register the tax bills in the office of the Director of Finance for collection. The special tax bills shall mature and shall be due and payable sixty (60) days after the date of issue. After the expiration of sixty (60) days, the tax bills shall bear interest at the rate of 3.25 percent per annum on the unpaid balance until paid.

SECTION 7. The sum of \$22,858.25 is hereby appropriated from the Special Assessment Tax Bills Revenue Account No. 440-0000-480.40-00, C00455 to the Broadway Sidewalk 8th – 9th Project Account No. 440-8800-528.49-90, C00455.

SECTION 8. This ordinance shall be in full force and effect from and after its passage.

PASSED this 3rd day of January, 2012.