



CITY OF COLUMBIA, MISSOURI

PUBLIC WORKS DEPARTMENT

August 25, 2015

Tom Ratermann
Boone County Regional Sewer District
1314 N. 7th Street
Columbia, MO 65201

RE: Amendment No 3 to General Cooperative Agreement

Enclosed for your file is a fully executed Amendment No. 3 to the general cooperative agreement between the City of Columbia and Boone County Regional Sewer District relating to sewer service within Midway area and financial participation in the construction of the Henderson Branch Sewer Extension project. Also enclosed is a copy of City Ordinance 22555 authorizing the execution of this amendment.

If you have any questions concerning this amendment, please contact me at 874-7255.

DEPARTMENT OF PUBLIC WORKS

Kim McCulloch
Assistant to the Public Works Director

Enclosures

c: David Sorrell, P.E.

022555 Permanent Record
Filed in Clerk's Office

Introduced by McDavid
First Reading 8-3-15 Second Reading 8-17-15
Ordinance No. 022555 Council Bill No. B 232-15

AN ORDINANCE

authorizing Amendment 3 to the general cooperative agreement with the Boone County Regional Sewer District relating to sewer service within the Midway area and financial participation in the construction of the Henderson Branch Sewer Extension project; 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 Amendment 3 to the general cooperative agreement with the Boone County Regional Sewer District relating to sewer service within the Midway area and financial participation in the construction of the Henderson Branch Sewer Extension project. The form and content of the agreement shall be substantially in the same form as set forth in "Exhibit A" attached hereto.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 17th day of August, 2015.

ATTEST:


City Clerk


Mayor and Presiding Officer

APPROVED AS TO FORM:


City Counselor

**AMENDMENT 3 TO THE GENERAL COOPERATIVE
AGREEMENT DATED MARCH 8TH, 2011**

On this 19th day of August, 2015, the Boone County Regional Sewer District, a common sewer district organized pursuant to Chapter 204 RSMo ("District") and the City of Columbia, Missouri, a municipal corporation ("City") hereby amend their agreement of March 8th, 2011 (hereinafter the General Cooperative Agreement).

WHEREAS, the General Cooperative Agreement contemplated that said agreement may be amended from time to time by adding, deleting, and/or revising the Special Conditions and Exhibits as needed and as mutually agreed upon by the Board of Trustees of the District and the City Council of the City; and

WHEREAS, the following are the revisions to the GENERAL CONDITIONS and the SPECIAL CONDITIONS of the General Cooperative Agreement.

REVISIONS TO THE GENERAL CONDITIONS

1. Section 1 is deleted in its entirety. In its place a new Section 1 is included, as follows:
 1. The scope of the this agreement is limited to those geographic areas within the "Boundary of Area Covered by Agreement" on the attached Exhibits 1 through 9, both inclusive, and which are entitled "State Highway HH Cooperative Agreement", "Westwood Meadows Cooperative Agreement", "El Rey Heights Cooperative Agreement", "Cow Branch Watershed Cooperative Agreement", "Little Bonne Femme Pump Station Cooperative Agreement", "Jerry Morris Subdivision Cooperative Agreement", "Water's Edge, Lakewood Villas, Lakewood Estates, Lakeland Acres and Pin Oak Subdivisions Service Area", "Abilene Acres Cooperative Agreement" and "Midway Area Cooperative Agreement".

All other GENERAL CONDITIONS of the original March 8th, 2011, General Cooperative Agreement shall remain in effect.

END OF GENERAL CONDITIONS, BEGINNING OF SPECIAL CONDITIONS

SPECIAL CONDITIONS

1. Add the following Special Condition 9 & 10.
 9. The City and District agree that the customers in the District's service area shown on Exhibit 9, "Midway Area Cooperative Agreement" shall be allowed to connect to the City's wastewater treatment and collection system as provided for in the GENERAL CONDITIONS of this agreement.
 10. The City and District agree to share in the cost to construct the "Henderson Branch Sewer Extension" as follows:

a. The Henderson Branch Sewer Extension (HBSE) shall be constructed from the City existing Perche Creek Outfall Sewer to the existing WWTF currently serving the Midway Plaza Truck Stop generally following the Henderson Branch Creek in a route determined by the City.

b. The City shall prepare the construction plans, specifications and bid documents for the HBSE project.

c. The City shall acquire all easements necessary for construction of the HBSE project.

d. The City shall bid the HBSE project pursuant to established City policy. District shall reimburse the City for 31.3%, with a not to exceed amount of \$628,047.00, of the cost to construct the HBSE project which includes construction, engineering, subsurface exploration to determine rock excavation quantities and easement acquisition; but District shall not pay for easement acquisition related to trail easements.

e. The City shall own and maintain the entire length of HBSE project.

f. The City shall provide construction management services for the HBSE project.

g. The project contribution by the District shall be paid in five equal annual installments without interest, commencing within 60 days of District's receipt that construction of HBSE project has been completed and work accepted by the City, and each subsequent installment being due on the anniversary date of the first installment. These payments would be subject to annual appropriations, however if the funds are not appropriated and paid to the City all existing and proposed District's service area shown on Exhibit 9 "Midway Area Cooperative Agreement" may be, refused connection or become City customers at the City's option.

IN WITNESS WHEREOF, the Parties have caused this amendment to be executed by their duly authorized agents on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: 
Michael Matthes, City Manager

ATTEST


Sheela Amin, City Clerk

APPROVED AS TO FORM:



Nancy Thompson, City Counselor

BOONE COUNTY REGIONAL SEWER DISTRICT

BY: 

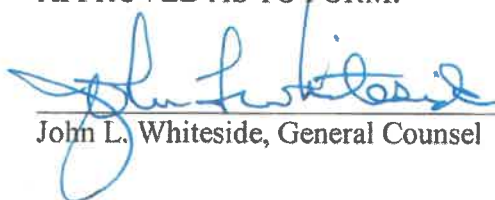
Randall Chann, Chair

ATTEST:



Lesley Oswald, Assistant Secretary

APPROVED AS TO FORM:



John L. Whiteside, General Counsel