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Introduced by Treece

First Reading 10-15-18

Second Reading 11-5-18

Ordinance No. 023694

Council Bill No. B 268-18

**AN ORDINANCE**

determining it is in the public interest to construct a playground, fitness trail, second outdoor classroom and amphitheater at the Clary-Shy Community Park; approving and adopting plans and specifications; determining that a portion of the project shall be done by contract; calling for bids for a portion of the project through the Purchasing Division; authorizing a portion of the project may be done by city employees; providing for payment for the project; authorizing a financial assistance agreement with the Missouri Department of Natural Resources; appropriating funds; authorizing the City Manager to obtain, execute and record all documents necessary for the project; providing for compliance with the prevailing wage law and state-mandated construction safety training; and fixing the time when this ordinance shall become effective.

WHEREAS, interested parties meetings for the Clary-Shy Community Park – Agriculture Park Master Plan were held by the Parks and Recreation Department on August 6, 2016, August 10, 2016 and August 13, 2016; and

WHEREAS, on November 6, 2017 the City Council authorized construction of Phase I of the Clary-Shy Community Park – Agriculture Park improvement project consisting of the first phase of the farmers' market structure, a forty (40) car parking lot, infrastructure improvements, an urban garden, outdoor classroom and a maintenance center for the agriculture park; and

WHEREAS, the City Council adopted a resolution declaring the necessity for the proposed construction of the additional improvements at the Clary-Shy Community Park consisting of a playground, fitness trail, second outdoor classroom and amphitheater; and

WHEREAS, the notice of a public hearing on this project was published in a daily newspaper of general circulation in the city; and

WHEREAS, the City Council has held a public hearing on construction of the proposed improvements.

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

SECTION 1. The Council finds that the construction of a playground, fitness trail, second outdoor classroom and amphitheater at the Clary-Shy Community Park in the City of Columbia, Missouri, is necessary for the welfare and improvement of the city and that it is in the public interest that such improvements be made.

SECTION 2. The plans and specifications for this improvement project, as prepared by the Director of the Parks and Recreation Department, are hereby approved.

SECTION 3. A portion of the construction of the improvements shall be done by contract in accordance with the plans and specifications, the laws of the State of Missouri, and the Charter and Ordinances of the City of Columbia, Missouri.

SECTION 4. The Purchasing Agent is hereby authorized to call for bids and execute a contract for construction of a portion of the improvements. As deemed advisable by the City Manager, city employees may be used to construct all other improvements.

SECTION 5. Payment for the improvements shall be made from park sales tax funds, grant funds received from the Missouri Department of Natural Resources – Outdoor Recreation Legacy Partnership (ORLP) Program and such other funds as may be lawfully appropriated.

SECTION 6. The City Manager is hereby authorized to execute a financial assistance agreement with the Missouri Department of Natural Resources. The form and content of the agreement shall be substantially in the same form as set forth in "Exhibit A" attached hereto.

SECTION 7. The sum of \$400,000.00 is hereby appropriated from Account No. 5521-461000 RS089 to Account No. 55215588-604990 RS089.

SECTION 8. The City Manager is authorized to obtain, execute and have recorded all licenses, easements, deeds and any other conveyances or instruments necessary for the City to complete this improvement project.

SECTION 9. Pursuant to Section 290.250 RSMo., the contract for the improvement project shall provide that not less than the prevailing hourly rate of wages, as found by the Department of Labor and Industrial Relations of Missouri, shall be paid to all workers performing work under any contract in excess of \$75,000.00. The contractor's bond shall guarantee the faithful performance of the prevailing hourly wage clause in the contract.

SECTION 10. Pursuant to Section 292.675 RSMo., the bid specifications and contract for the improvements shall provide that the contractor and any subcontractor shall provide a ten-hour Occupational Safety and Health Administration construction safety program (or a similar program approved by the Missouri Department of Labor and Industrial Relations) for all employees working on-site. All employees working on the site

of the improvements are required to complete the safety program within 60 days of beginning work on the improvement project.

SECTION 11. This ordinance shall be in full force and effect from and after its passage.


PASSED this 5th day of November, 2018.

ATTEST:

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

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

APPROVED AS TO FORM:

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

CERTIFICATION: I certify there are sufficient funds available in Account No. 5521-461000 RS089 to cover the above appropriation.

  
~~Asst.~~ Director of Finance 