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Filed: _____ 11-08-16 _____

Sponsored by: _____ Schilling _____

COUNCIL BILL NO. _____ 2016-250 _____

RESOLUTION NO. _____

A RESOLUTION

1
2
3 DECLARING it necessary to construct sanitary sewers in Joint Sanitary Sewer District
4 No. 171 of Section No. 11 and Sanitary Sewer District No. 171A of
5 Section No. 11 in the City, located in the general vicinity of the 3200
6 block of West Sunshine Street and the 1900 block of South Moore Road;
7 providing for payment therefore in the amount of \$458,256.50; and
8 providing for publications and notices.
9

10
11 THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
12 SPRINGFIELD, MISSOURI, as follows; that:

13
14 Section 1 –City Council hereby declares it necessary to construct sanitary
15 sewers in Joint Sanitary Sewer District No. 171 of Section No. 11 and Sanitary Sewer
16 District No. 171A of Section No. 11 (the “Project”), located in the general vicinity of the
17 3200 block of West Sunshine Street and the 1900 block of South Moore Road (see map
18 attached hereto and incorporated herein by reference as “Exhibit A”.) Plans and
19 specifications for the Project, together with an estimate of the total cost for the Project,
20 including construction, construction contingency, fees, and other expenses, and an
21 estimate of the portion of the total cost to be assessed against each property to be
22 benefited by the Project, are on file in the office of the City Clerk subject to the
23 inspection of the public.
24

25 Section 2 –City Council has issued special assessment general obligation bonds
26 pursuant to Article 6, Section 26(d) of the Missouri Constitution to pay for all or part of a
27 construction cost, including interest incurred by the City in financing the Project. Special
28 assessments issued by the City pursuant to this bill and other ordinances of the City
29 shall be used to pay for such bonds. Such bonds are for a period of 15 years.
30

31 Section 3 – Each property in the benefited district, District No. 171A of Section
32 No. 11, shall be specially assessed, and special tax bills issued by the City for
33 collection, with the special assessment including the following costs: the cost of all
34 necessary materials and labor to construct the sanitary sewers in the sewer district, the
35 cost of publications pertaining to said construction, the cost of necessary abstracts, the
36 cost of engineering, which shall not exceed 15 percent of the contract bid price of the
37 improvements, or estimated price, whichever is the lesser, the cost of right(s)-of-way

38 necessarily acquired by the City for the construction of said improvement, and a
39 connection fee in the amount required by Section 120-246 of the City Code. The
40 special assessment shall be levied against each property in said sewer district in
41 proportion to the square footage of said property.

42
43 Each tract of property within Joint Sanitary Sewer District No. 171 of Section
44 No. 11 shall be assessed a proportionate share of the total cost of the joint sewer based
45 upon the square footage of the assessed tract.

46
47 No special tax bill for the proportionate share of the costs of constructing the joint
48 sewer in Joint Sanitary Sewer District No. 171 of Section No. 11 shall be issued against
49 any property within the joint district until such time as the property to be assessed is
50 included in a sewer district and sewer access is available to the property, as is set forth
51 in Chapter 98, Article VI, Section 98-286(4)b.3 of the Springfield City Code (General
52 Ordinance #4845), whereupon the proportionate share of the cost of constructing the
53 joint district sewer will be added to and included as part of the construction costs for the
54 district sewers to be assessed against the properties within the sewer district.

55
56 Any area in the joint sewer district where a special sewer district will not be
57 established, as determined by City Council, shall pay a trunk sewer fee equal to the
58 proportionate share of the cost of constructing the joint district sewer before being
59 allowed to connect to the sewer system

60
61 The low bidder for the construction of sanitary sewers in Joint Sanitary Sewer
62 District No. 171 of Section No. 11 and Sanitary Sewer District No. 171A of Section
63 No. 11 is Rosetta Construction, LLC, who submitted the lowest responsible and
64 responsive bid for Joint Sanitary Sewer District No. 171 of Section No. 11 and Sanitary
65 Sewer District No. 171A of Section No. 11 in the amount of \$458,256.50.

66
67 The special tax bills for Sanitary Sewer District No. 171A of Section No. 11 shall
68 be payable in 15 equal annual installments, becoming due together with interest at a
69 rate not to exceed the amount permitted by state law to date on each anniversary date
70 after the issuance thereof, for a period of 15 years after the date of issuance of the tax
71 bills; provided, however, that the person paying such tax bills shall have the right to pay
72 the same in part or in full within 30 days after issuance thereof with no interest and shall
73 have the further right to pay any combination of annual principal payments or the unpaid
74 balance of said tax bills with interest thereon up to the date of payment, within 30 days
75 after the end of any yearly period when any installment is payable. In addition to the
76 above, tax bills may be paid in full at any time during the year with interest thereon up to
77 the date of payment.

78
79 Special tax bills in the district are eligible for the City Sewer Financial Assistance
80 Program under Chapter 98, Article VI, Section 98-286(4)(b) of the City Code.

81
82 Section 4 – Every special assessment in Sanitary Sewer District No. 171A of
83 Section No. 11 shall be a lien against the property therein described from the date of

84 issuance, which lien shall continue for a period of 16 years thereafter, unless sooner
85 paid in full, or in the event suit is brought on any such assessment within the time herein
86 limited, the lien shall continue until the termination of the legal proceedings to collect the
87 same, including any sale of the property charged.
88

89 The provisions of Sections 98-215, 98-216, 98-217, 98-218, 98-219, 98-220,
90 98-221, 98-286, 98-291, and 98-292 of the City Code shall apply to special tax bills
91 issued pursuant to this Resolution, except where such sections are inconsistent with
92 this Resolution or the ordinances authorizing the Project.
93

94 If any special assessment of any lot, tract, or parcel of ground is found invalid by
95 any court of competent jurisdiction, City Council may reassess the benefit and the cost
96 against such lots, tracts and parcels of ground in the sewer district which are benefited
97 by the improvements constructed therein or said special assessment may be made
98 against the City at large.
99

100 Section 5 – The Director of Environmental Services shall cause notice of the
101 proposed sewer improvements to be published in a daily newspaper printed in the City
102 for five consecutive insertions, and at the same time not less than three copies of the
103 proposed Resolution shall be posted in conspicuous places within the limits of the
104 district, in accordance with City Charter Section 10.6 and City Code Section 98-286(3)
105 (d).
106

107 Passed at meeting: _____
108

109 _____
110 Mayor
111

112
113 Attest: _____, City Clerk
114

115 Filed as Resolution: _____
116

117 Approved as to form: Richard J. Wiedner, Assistant City Attorney
118

119 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016- 250

FILED: 11-08-16

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To declare it necessary to construct sanitary sewers in Joint Sanitary Sewer District No. 171 of Section No. 11 and Sanitary Sewer District No. 171A of Section No. 11 in the City, located in the general vicinity of the 3200 block of West Sunshine Street and the 1900 block of South Moore Road (see map "Exhibit A"); providing for payment therefore in the amount of \$458,256.50; and provide for publications and notices.

BACKGROUND:

1. The project is scheduled for construction as part of the City's sewer construction program, as established in Resolution No. 7995, to eliminate septic tanks within the City's limits and to encourage infill by providing sanitary sewer service. The Project, which will be funded by sewer improvement bonds that are already budgeted, will construct both a Joint Sewer District (No. 171 of Section No. 11) and a Sanitary Sewer District (No. 171A of Section No. 11). The Joint Sewer District will make sewer available to 23 tracts in the county, each of which will pay their pro rata share of the Joint Sewer District (trunk sewer) when connected, which will eliminate 22 septic systems from the county. This Project will also create a Sanitary Sewer District (No. 171A) that will make sewer available to 11 properties within the City and eliminate nine septic systems within the City's limits.
2. Special Ordinance No. 26672, passed by City Council on December 14, 2015, established and defined the boundaries for both Joint Sanitary Sewer District No. 171 of Section No. 11 and Sanitary Sewer District No. 171A of Section No. 11.
3. Plans, specifications, and a cost estimate have been prepared by the Department of Environmental Services and are on file in the Director's office.
4. If approved wastewater from these districts will flow to the Southwest Wastewater Treatment Plant.
5. The project was advertised in the *Daily Events* on September 10, 2016, through September 12, 2016.
6. Bids were opened in the Busch Building on October 4, 2016, at 10:00 a.m. The following bids were received:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Rosetta Construction, LLC	\$ 458,256.50
RAB Trenchless Solutions, LLC	\$ 499,337.95
Hamilton & Dad, Inc.	\$ 532,838.60
Neal's Construction, LLC	\$ 577,896.75
Engineer's Estimate	\$ 702,137.00

7. Based upon the bid received, the estimated cost to construct the Joint Sanitary Sewer District (trunk sewer) No. 171 of Section No. 11 for property owners is \$0.1227 cents per square foot of property owned within the Joint Sewer District. Based upon the bid received, the estimated cost of Sanitary Sewer District No. 171A of Section No. 11 for property owners is \$0.2469 per square foot of property owned within the Sewer District. Tax bills will be issued to property owners upon completion of the Project for their pro rata share of actual costs to construct the sewers within Sanitary Sewer District No. 171A of Section No. 11.

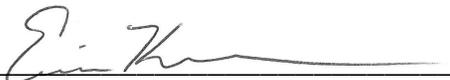
Properties owners within Sanitary Sewer District No. 171A of Section No. 11, located within the city limits of Springfield, will be issued a sewer tax bill for their pro rata share, per square foot of property, for construction of Sanitary Sewer District No. 171A of Section No. 11, as well as for construction of the Joint Sewer District (trunk sewer) No. 171 of Section No. 11. No sewer tax bill will be issued for the county properties within Joint Sanitary Sewer District No. 171 of Section No. 11, until such time as the property to be assessed is included in a City sewer district and sewer access is available for such property. The Greene County properties within the Joint Sewer District No.171 of Section No. 11 that have access to the sewer, but are not in a special sewer district, will be assessed a Joint Sewer fee equal to the proportionate share of the cost for constructing the Joint Sewer District when connected.

8. To assist City property owners with the costs associated with the sewer tax bills and sewer hookup, several programs are available to City residents. The City Sewer Financial Assistance Program provides residential City property owners the opportunity to take advantage of a maximum cap per tract on the tax bill amount. A low-interest loan to help City residents with costs for hookup to the sewer is available through the Division of Clean Water Services. The Sanitary Sewer Installation and Connection Assistance Program provides two types of assistance for low and moderate-income families. One provides a deferred, no-interest loan for sewer hookup costs. The other is a direct grant to offset the cost of the tax bill. The City also provides its residents a 15-year, low-interest payback arrangement for tax bill costs.
9. Letters have been mailed to property owners in the district with information regarding the proposed sewer construction, related costs, and available assistance programs.

10. This Resolution is for a public improvement, where a special tax bill is issued, and should be a one-reading bill under Charter Section 10.15.
11. This Resolution supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 5, Protect and preserve our natural resources for future generations; Objective 5b, Maintain high water quality and increase water quantity by securing and improving water resources for future generations; and Objective 5c, Protect our caves and karst ecosystems which contain plants, animals, and natural communities that depend on the surrounding land and water to thrive and survive. Chapter 10, Public Health; Major Goal 5, Develop and ensure safe and healthy environments both indoors and outdoors; and Objective 5c, Ensure a clean and sustainable water supply.

REMARKS: Environmental Services recommends passage of this Council bill.

Submitted by:



Errin Kemper
Assistant Director of Environmental Services

Recommended by:



Stephen Meyer
Director of Environmental Services

Approved by:



Greg Burris
City Manager

SANITARY SEWERS JOINT DISTRICT 171 OF SECTION 11

