

One-rdg.       X        
P. Hrngs.                       
Pgs.       7        
Filed:       05-01-18      

Sponsored by:       Ollis      

First Reading:                                     

Second Reading:                                     

COUNCIL BILL       2018- 111      

SPECIAL ORDINANCE                                     

AN ORDINANCE

1 ACCEPTING the bid of Flat Creek Excavating, LLC, in the amount of \$531,645.24 for  
2 the construction of sanitary sewers in Joint Sanitary Sewer District No. 78  
3 of Section No. 18, located in the vicinity of Eldon Avenue and San  
4 Fernando Drive; authorizing the City Manager, or his designee, to enter  
5 into a contract and to approve the bond for said improvement; authorizing  
6 progress payments to be made to the contractor; and declaring that this  
7 bill qualifies for approval in one reading.

8 \_\_\_\_\_  
9

10 WHEREAS, Flat Creek Excavating, LLC, is the lowest responsible and  
11 responsive bidder for the construction of district sanitary sewers in Joint Sanitary Sewer  
12 District No. 78 of Section No. 18.

13  
14 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
15 SPRINGFIELD, MISSOURI, as follows, that:

16  
17 Section 1 – City Council hereby accepts the bid of Flat Creek Excavating, LLC,  
18 and awards the contract to said bidder for the cost of labor, materials, engineering,  
19 abstracting, publications, right(s)-of-way, and all work necessary for the construction of  
20 sanitary sewers in Joint Sanitary Sewer District No. 17 of Section No. 26, said bidder  
21 submitting the lowest responsible and responsive bid in the amount of \$531,645.24,  
22 except as said sum and price may be lawfully increased or decreased by the actual  
23 quantities of work units involved. The City Manager, or his designee, is hereby  
24 authorized to enter into a contract with said bidder for such work and to approve a bond  
25 from the contractor for labor, materials, and performance in accordance with the terms  
26 of the bid, the plans, and the specifications prepared by the Director of Environmental  
27 Services and ordinances and resolutions of the City governing the construction. The  
28 Engineer’s estimate on file in the office of the City Clerk is incorporated herein by this  
29 reference.

30  
31 Section 2 – City Council hereby declares it necessary to construct sanitary  
32 sewers in Joint Sanitary Sewer District No. 78 of Section No. 18 located in the vicinity of

33 Eldon Avenue and San Fernando Drive in the City as indicated on “Exhibit A,” which is  
34 attached hereto and incorporated herein by this reference.  
35

36 Section 3 – City Council has issued special assessment general obligation bonds  
37 pursuant to Article 6, Section 26(d) of the Missouri Constitution to pay for all or part of  
38 the construction cost, including interest incurred by the City in financing the project.  
39 Special assessments issued by the City pursuant to this bill and other ordinances of the  
40 City shall be used to pay for such bonds. Such bonds shall be for a period of 15 years.  
41

42 Section 4 – Except for any amount the City may be authorized to contribute to  
43 the improvement, which is subject to the actual quantities of work units involved, the  
44 following costs should be specially assessed against each property in the benefited  
45 district by special tax assessment and special tax bills issued to the City for collection:  
46 (1) the cost of all necessary materials and labor to construct the sanitary sewers; (2) the  
47 cost of publications pertaining to said construction; (3) the cost of necessary abstracts;  
48 (4) the cost of engineering for Plan Review of the improvements, which shall not exceed  
49 15 percent of the contract bid price or the estimated price, whichever is the lesser; (5)  
50 the cost of right(s)-of-way necessarily acquired by the City for the construction of said  
51 improvement; and (6) a connection fee in the amount required by Section 120-246 of  
52 the City Code. The special assessment shall be levied against each property in the City  
53 and in said sewer district in proportion to the square footage of said property. A  
54 connection fee shall be established for properties outside of the City and inside said  
55 sewer district.  
56

57 The special tax bills shall be payable in 15 equal annual installments becoming  
58 due together with interest at the rate set forth herein below on each anniversary date  
59 after the issuance thereof, for a period of 15 years after the date of issuance of the tax  
60 bills; provided, however, that the person paying such tax bills shall have the right to pay  
61 the same in part or in full within 30 days after issuance thereof with no interest, and  
62 shall have the further right to pay any combination of annual principal payments or the  
63 unpaid balance of said tax bills with interest thereon up to the date of payment, within  
64 30 days after the end of any yearly period when any installment is payable. In addition  
65 to the above, tax bills may be paid in full at any time during the year with interest  
66 thereon up to the date of payment.  
67

68 Special tax bills in the district are eligible for the City Sewer Financial Assistance  
69 Program under Chapter 98, Article VI, Section 98-286(4)b of the City Code.  
70

71 Section 5 – City Council hereby finds and declares that a majority of the resident  
72 owners of the property liable to taxation therefor, who also own a majority of the front  
73 feet owned by residents of the City abutting on the improvements or part thereof  
74 proposed to be made, have not filed with the City Clerk a valid protest against such  
75 improvement.  
76

77 Section 6 – Every special assessment shall be a lien against the property therein  
78 described from the date of issuance, which lien shall continue for a period of 16 years

79 thereafter or until paid in full, unless sooner paid in full, or in the event suit is brought on  
80 any such assessment within the time herein limited, the lien shall continue until the  
81 termination of the legal proceedings to collect the same, including any sale of the  
82 property charged.

83  
84 The provisions of Sections 98-215, 98-216, 98-217, 98-218, 98-219, 98-220,  
85 98-221, 98-286, 98-291, and 98-292 of the City Code shall apply to special tax bills  
86 issued pursuant to this Ordinance, except where such sections are inconsistent with this  
87 Ordinance or ordinances enacted in connection with this project.

88  
89 If any special assessment of any lot, tract, or parcel of ground is found invalid by  
90 any court of competent jurisdiction, City Council may reassess the benefit and the cost  
91 against such tracts and parcels of ground in the sewer district which are benefited by  
92 the improvements constructed therein or said special assessment may be made against  
93 the City at large.

94  
95 Section 7 – Progress payments shall be made to the contractor.

96  
97 Section 8 – City Council hereby sets the interest rate on the sewer tax bills to be  
98 issued by the City for Joint Sanitary Sewer District No. 78 of Section No. 18 to be the  
99 same percentage rate of annual interest that is payable by the United States of America  
100 on ten-year treasury notes at the most recent auction before the date of the issuance of  
101 sewer tax bills, as is set forth in Section 88.812 of the Revised Statutes of Missouri.

102  
103 Section 9 – The City Manager is directed to cause the appropriate accounting  
104 entries to be made in the books and records of the City.

105  
106 Section 10 – This Ordinance is for a public improvement, where a special tax bill  
107 is issued, and should be a one-reading bill under City Charter Section 10.15. Therefore,  
108 this Ordinance shall be in full force and effect from and after passage.

109  
110 Passed at meeting: \_\_\_\_\_

111  
112 \_\_\_\_\_  
113 Mayor

114  
115 Attest: \_\_\_\_\_, City Clerk

116  
117 Filed as Ordinance: \_\_\_\_\_

118  
119 Approved as to form: John Millington, Assistant City Attorney

120  
121 Approved for Council action: Greg B. Smith, City Manager

## EXPLANATION TO COUNCIL BILL 2018-111

FILED: 05-01-18

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To accept the bid of Flat Creek Excavating, LLC, in the amount of \$531,645.24 for the construction of sanitary sewers in Joint Sanitary Sewer District No. 78 of Section No. 18, located in the vicinity of Eldon Avenue and San Fernando Drive; authorizing the City Manager, or his designee, to enter into a contract and to approve the bond for said improvement; authorizing progress payments to be made to the contractor; and declaring that this bill qualifies for approval in one reading.

### BACKGROUND:

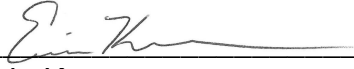
1. The project is scheduled for construction as part of the City's sewer construction program, as established in Resolution No. 7995, to eliminate septic tanks within the City limits and to encourage infill by providing sanitary sewer service. This project will be funded by sewer improvement bonds that are already budgeted. It will make sewer available to 37 tracts which will eliminate 33 septic systems from within the city limits of Springfield.
2. Special Ordinance No. 26662, passed by City Council on November 9, 2015, established and defined the boundaries for Joint Sanitary Sewer District No. 78 of Section No. 18 and was amended by Special Ordinance No. 27021, passed by City Council on April 9, 2018, renaming and redefining the boundaries of said district.
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. Wastewater from this district would flow to the North Treatment Plant.
5. The project was advertised in *The Daily Events* on January 30, 2018, through February 3, 2018.
6. Bids were opened in the Busch Building on March 1, 2018, at 10:00 a.m. The following bids were received:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Flat Creek Excavating, LLC	\$ 531,645.24
Hartman & Company, Inc.	\$ 715,993.66
Hamilton and Dad, Inc.	\$ 729,002.33
Rosetta Construction, LLC	\$ 885,225.36
Bennett, Inc.	\$ 1,368,555.41
Engineer's Estimate	\$ 684,385.91

7. The lowest responsible and responsive bidder for Joint Sanitary Sewer District No. 78 of Section No. 18 is Flat Creek Excavating, LLC. Flat Creek Excavating, LLC, is a local contractor.
8. Tax bills will be issued for the actual costs to construct the sanitary sewers for Joint Sanitary Sewer District No. 78 of Section No. 18 upon completion of the project. Based upon the bid received, the estimated cost for property owners is \$0.4167 per square foot of property owned.
9. To assist property owners with the costs associated with the sewer tax bills and sewer hookup, several programs are available. The City Sewer Financial Assistance Program provides residential property owners the opportunity to take advantage of a maximum cap per tract of \$ 8,300.00, on the tax bill amount. A low-interest loan to help 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 a 15-year, low-interest payback arrangement for tax bill costs.
10. Letters have been mailed to property owners in the district with information regarding the proposed sewer construction, related costs, and available assistance programs.
11. Ordinance 27022, passed by City Council on April 9, 2018, declared it necessary to construct sanitary sewers in Joint Sanitary Sewer District No. 78 of Section No. 18.
12. Ordinance 27022 was published in *The Daily Events* on April 15, 2018, through April 19, 2018. The ordinance was also posted in three locations within the district. A valid remonstrance has not been filed.
13. This Ordinance is for a public improvement, where a special tax bill is issued, and should be a one-reading bill under City Charter Section 10.15.
14. This Ordinance 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 health environments both indoors and outdoors, Objective 5c: Ensure a clean and sustainable water supply.

REMARKS: Environmental Services recommends passage of this Council bill.

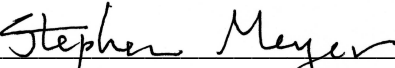
Submitted by:



---

Errin Kemper  
Director of Environmental Services

Recommended by:



---

Stephen Meyer  
Director of Environmental Services

Approved by:



---

Greg Burris  
City Manager

# SANITARY SEWERS JOINT DISTRICT 78 OF SECTION 18

