AN ORDINANCE

naming Lange Park; determining it is in the public interest to construct improvements at Lange Park and Lange Middle School; approving and adopting plans and specifications; determining that the work shall be done by contract; calling for bids through the Purchasing Division; determining that a portion of the project shall be done by city employees; authorizing an agreement with the Columbia School District; providing for payment for the improvement; authorizing the City Manager to obtain, execute and record all documents necessary for the improvement; 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, the City Council adopted a resolution declaring the necessity of constructing improvements at Lange Park and Lange Middle School; and

WHEREAS, the resolution 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 improvements.

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

SECTION 1. The 5.2 acre tract of land located on Columbia School District property at 2201 East Smiley Lane is hereby designated “Lange Park.”

SECTION 2. The Council finds that the construction of improvements at Lange Park and Lange Middle School, specifically the construction of a playground, small non-reservable shelter, open space playfield and small gravel trail, 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 3. The plans and specifications for this improvement, as prepared by the Director of Parks and Recreation and filed in the office of the City Clerk, are hereby approved and made a part of this ordinance by reference.

SECTION 4. The construction of the improvement 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 5. The Purchasing Agent is hereby authorized to call for bids and execute a contract for the construction of a playground and site grading for the neighborhood park and a 400 meter fitness track at Lange Middle School. As deemed advisable by the City Manager, City employees shall be used to construct the other improvements, including construction of the small non-reservable shelter, walkways and gravel trail on Lange Middle School property.

SECTION 6. The City Manager is hereby authorized to execute an agreement with the Columbia School District relating to the development of Lange Park and construction of the 400 meter fitness track at Lange Middle School. The form and content of the agreement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 7. Payment for this improvement shall be made from park sales tax funds and such other funds as may be lawfully appropriated.

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.

SECTION 9. The contract for the improvement 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 the contract. The contractor's bond shall guarantee the faithful performance of the prevailing hourly wage clause in the contract.

SECTION 10. The bid specifications and contract for the improvement 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 improvement 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 ________ day of ______________________, 2010.

ATTEST:  

__________________________________  __________________________________
City Clerk      Mayor and Presiding Officer

APPROVED AS TO FORM:

__________________________________
City Counselor
AGREEMENT

This agreement is entered into on this _____ day of ________________, 2010, between the City of Columbia, Missouri ("City") and the Columbia School District ("District"). The parties agree as follows:

1. The District grants City a license to use the following portion of the Lange School property at 2201 East Smiley Lane for park and related park purposes for a period of twenty-five (25) years from the date of this agreement:

   Part of Lot 1 of Arcadia Subdivision Plat 3 as shown by the Plat of Arcadia Subdivision Plat 3 recorded in Plat Book 30 at Page 36 of the real estate records of Boone County, Missouri, described as follows:

   Beginning at the southwest corner of the property then east along Smiley Lane 752 feet; then north 261 feet; then west 875 feet to the property line; then south and southeast along the property line to the point of beginning.

   This property is depicted on Exhibit A, which is attached to and made a part of this agreement.

2. The City shall have the right to make the various improvements to the park property shown on Exhibit A.

3. The City shall be responsible for and shall pay for all maintenance, upkeep and care of the designated park area at no cost to the District. The City shall keep the park area in a neat and orderly condition at all times.

4. Any substantial additional changes or proposed improvements not shown on Exhibit A shall be subject to the written approval of the District.

5. The City shall construct a 400 meter fitness track as shown on Exhibit A. The District shall approve the plans, construction materials and final location of the fitness track and any other proposed amenities outside of the proposed neighborhood park boundaries.

6. The District shall be responsible for and shall pay for all maintenance, upkeep and care of the fitness track and related amenities as constructed outside of the park boundary.

7. The District agrees to keep its playground at Lange Middle School open to the public at all reasonable times when it is not in use for school activities.
8. The City agrees to indemnify and hold the District harmless from any and all claims for personal injury, property damages, cost and expenses, including attorneys' fees, arising out of use of the proposed park.

9. The District agrees to indemnify and hold the City harmless for any and all claims for personal injury, property damages, cost and expenses, including attorneys' fees, arising out of the use of the fitness track whether by students or by members of the public.

10. This agreement shall be binding on the parties hereto, their successors and assigns.

11. This agreement is for the sole benefit of the City and the District. Nothing in this agreement is intended to confer any rights or remedies on any third party.

12. If the District revokes the license granted in paragraph 1 before the 25-year term of this agreement has elapsed, the District will pay the City a prorated amount for the costs of any improvements the City has made on District property. The prorated cost shall be figured as the cost of the improvements divided by the number of years the improvements would have been in use, counting the year of their construction if the full term would have elapsed, times the number of years of use remaining on the original term of this agreement.

The District will notify the City in writing of its intent to terminate this agreement not less than one hundred twenty (120) days in advance of the proposed date of termination.

IN WITNESS WHEREOF, City and District have entered into this agreement on the day and year first written above.

CITY OF COLUMBA, MISSOURI

By: H. William Watkins, City Manager

ATTEST:

Sheela Amin, City Clerk
APPROVED AS TO FORM:

________________________
Fred Boeckmann, City Counselor

COLUMBIA SCHOOL DISTRICT

By: _______________________

ATTEST:

________________________
400 METER TRACK
Constructed by Parks and Recreation Dept
Maintained by Columbia Public Schools

Overall Site Plan

Lange Neighborhood Park 5.2 Acre Area

Exhibit A - Lange Park Master Plan February 24, 2009
**FISCAL NOTES:**

<table>
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<tr>
<th>City Fiscal Impact</th>
<th>Enter all that apply:</th>
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<tr>
<td>$145,000</td>
<td>City’s current net FY cost.</td>
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<tr>
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<td>Amount of Funds Already appropriated</td>
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<tr>
<td>$0</td>
<td>Amount of budget amendment needed</td>
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<tr>
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<td>Estimated 2 yr net costs: One-time Operating / On-going</td>
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**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) |

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**EXECUTIVE SUMMARY:**

The Department of Parks and Recreation is requesting authorization to enter into an agreement with the Columbia Public School District (CPSD) to develop a 5.2 acre neighborhood park on district land at Lange Middle School, specifically, the construction of a playground, small non-reservable shelter, open space playfield and a small gravel trail. The project will also provide funds for the construction of a 400 meter fitness track located closer to the school. Park planning staff conducted several meetings with school district staff, including teachers and held a public meeting on December 16, 2009. Planners believe that the attached plan represents a consensus of district staff, students and neighbors. The work will be bid through the City’s Purchasing Department and be completed with a combination of contract and force account labor. Work is scheduled to begin during the 2010 construction season. Total project cost is estimated at $145,000 including $35,000 FAL and is one of the projects identified and funded by the 2005 Park Sales Tax. Staff recommends that the name of the park be designated as “Lange Park.”

**DISCUSSION:**

The Department of Parks and Recreation is requesting authorization to enter into an agreement with the Columbia Public School District (CPSD) to develop a 5.2 acre neighborhood park on district land at Lange Middle School. The school is located in Ward 2 at 2201 Smiley Lane. Due to its’ proximity to Lange School, staff recommends that the name of the park be designated as “Lange Park.”

This project, as identified in the *Parks, Recreation, and Open Space Master Plan*, includes development of a new playground, one small non-reservable picnic shelter, an open space playfield, and connecting gravel trail. The project will also provide funds for the construction of a fitness track located closer to the school.

Park planning staff met with district officials starting in the summer of 2009. Follow up meetings included a presentation to a group of teachers at Lange. The educators in turn solicited comments from students and relayed them to park planners through the school principal, Dr. Bernard Solomon. Staff drafted a proposed plan and presented it to the public on December 16, 2009 at Lange Middle School. Fifteen people stopped by to review the plan and submitted written comments. A perimeter trail around the entire Lange Middle School site received support, but the district and park staff had some concerns. The district was concerned with the non-student use during school hours and park staff calculated that funding for a trail of this length would not be possible with the $110,000 budget. It was decided that the 400 meter circular track was a compromise solution. It is easily monitored by district staff and construction costs fit the budget.

Park staff believes that the attached “Lange Park Master Plan” represents a consensus of district staff, students, and the public. The $145,000 total project budget includes $35,000 in force account labor (FAL). The project is included in the City’s FY-10 capital improvement program with funding being provided by the 2005 Park Sales Tax.
An agreement with the Columbia Public School District is required in order to proceed with the proposed improvements. The attached agreement is for 25 years and indicates that the construction will be done by the City with approval of products and materials by the CPSD. The Parks & Recreation Department will be responsible for the maintenance of the 5.2 acre “Lange Park” with CPSD responsible for maintenance of the 400 meter track. Construction is scheduled to begin during the 2010 construction season and will be conducted by both contract and force account labor. Contract labor will be used for the playground installation, 400 meter trail construction, earthwork and site grading, with force account labor used for the remaining park amenities, including but not limited to the picnic shelter, trail and landscape. The project will be bid through the City’s Purchasing Department.

**FISCAL IMPACT:**
The $145,000 capital project is identified and funded by the 2005 Park Sales Tax. The Parks & Recreation Department will be responsible for the maintenance of the 5.2 park area with the district responsible for the maintenance of the 400 meter track. Park staff estimates that annual maintenance costs will be approximately $2500-$3500.

**SUGGESTED COUNCIL ACTIONS:**
If Council concurs that the project should proceed, a resolution calling for the public hearing should be approved, and following the public hearing, the ordinance authorizing both the agreement and the construction of the project should be adopted.
Overall Site Plan

Proposed Park Amenities
- Gravel Trail
- Small Shelter
- Open Playfield
- Playground

Proposed School Amenities
- Soccer/Football Field
- Full Court Basketball
- Baseball Field

Lange Park Draft Master Plan

December 2, 2009