BILL 2011-46

******Full Reading ******

AGENDA ITEM

TO: Mayor and City Council

FROM: David Watson, City Manager

DATE: June 2, 2011

RE: Bill: Jim Cline Remediation

Mr. Jim Cline has brought to the City's attention erosion and sedimentation concerns on his property. He stated that the sedimentation started over 7 years ago or just after Griffin Road was constructed. The concern is just east of a drainage system that crosses Griffin Road and connects to a drainage swale running east across his property. The system was installed under a Drainage Agreement between Mr. Cline and the City dated September 6, 2001. The agreement has a permanent drainage easement of approximately 35' by 50' by 40' by 50' and is parallel to Griffin Road and outside the City limits of Cameron. The agreement has provisions that the City will be "liable for any damages sustained from the funneling of surface water" and the City will be responsible for any expense suffered by the grantor.

In November 2010, Mr. Cline, by letter, rejected the restoration proposal of the City and subsequently provided a drainage system improvement drawing. That drawing was sent out for bid and the bid prices came back with prices exceeding $30,000. Because the cost exceeds the City Manager authority Council reviewed and did not accept the proposal. Mr. Cline then revised the project and a new bid was received at $19,210 and Mr. Cline recommended that the City purchase and install the drop box portion of the project lowering the contract work to $13, 750 and within the spending authority of the City Manager.

Recommendation:

This issue has been discussed and reviewed for several years now and a resolution acceptable to both parties has been negotiated. This project or some type of remediation is required and either will deplete the Public Works funds to the point that some other City projects will not be done this year. If this solution meets your satisfaction then please approve.

Bill 2011-46

AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AND JAMES H. CLINE TRUST

WHEREAS, the City of Cameron, a political subdivision of the State of Missouri, (hereinafter called "City") wishes to enter into an Agreement with James H. Cline of Cameron, Missouri (hereinafter called "Cline"); and

WHEREAS, the City by this agreement will execute a storm water drainage improvement/remediation across Cline's property to correct erosion problems caused by previous storm water improvements of the City; and

WHEREAS, the remediation from drainage damages is covered by language in an easement between the parties dated September 6, 2001.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS,

Section 1. The City Manager is hereby authorized to sign the agreement with Exhibits by and between the City and Cline, a copy of which is attached hereto and made a part hereof.

Section 2. The City Manger is also authorized to proceed with the improvements described in Exhibit B of the agreement with Duffy Reynolds for $13,750.00. The City Public Works Department will purchase and install a junction box (Deeter Ring and Lid) within the City's permanent drainage easement.

Section 3. The Mayor is hereby authorized to sign this Ordinance on behalf of the City of Cameron.

Section 4. The City Clerk is hereby directed to attest to the Mayor's signature.

Read two times, passed and approved this 6th day of June 2011.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk

full reading