

BILL NO. 17-29

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO COOPERATIVE AGREEMENT FOR RECIPROCAL SEWER SERVICE BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE CITY OF KANSAS CITY, MISSOURI FOR THE OPERATION AND MAINTENANCE OF THE BOGGS HOLLOW SEWER INTERCEPTOR AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

WHEREAS, Lee's Summit owns and operates a sewer interceptor which it constructed within the Boggs Hollow Watershed in 1976 ("Boggs Hollow Interceptor"); and,

WHEREAS, The Boggs Hollow Interceptor lies within the corporate limits of both Kansas City, Missouri and Lee's Summit, Missouri with one existing main connection in Lee's Summit and five existing main connections in Kansas City; and,

WHEREAS, the parties entered into a Cooperative Agreement for Reciprocal Sewer Service on September 1, 1966 and amended that agreement on November 1, 1976; and,

WHEREAS, the parties entered into a separate Cooperative Agreement on February 19, 2004, pertaining to sewer services to the Boggs Hollow Watershed; and,

WHEREAS, the Boggs Hollow Interceptor is connected to the 90-inch Little Blue Interceptor Sewer through a metering station on a 48-inch trunk sewer at Station 125+25 of Contract S-4 ("Boggs Hollow metering station") within Kansas City corporate limits, and the Boggs Hollow metering station is owned and maintained by the Little Blue Valley Sewer District (LBVSD); and,

WHEREAS, the total charges for sewer service for flows from the Boggs Hollow Interceptor into the Little Blue Interceptor Sewer are being determined by the LBVSD and paid by Lee's Summit; and,

WHEREAS, Kansas City is currently paying to Lee's Summit for each customer within the Kansas City portion of the Boggs Hollow watershed a monthly sewer service charge for an un-metered connection for non-resident users; and,

WHEREAS, Lee's Summit and Kansas City desire to clarify their rights and responsibilities with respect to the Boggs Hollow Interceptor and further desire to amend again the Cooperative Agreement for Reciprocal Sewer Service of 1966 in order to clarify and redefine their rights and responsibilities with respect to the Boggs Hollow Interceptor, provide for the construction of a new metering station by Lee's Summit, and provide a basis by which Kansas City will assume responsibility for paying LBVSD sewer charges for sewer flow through the Boggs Hollow Interceptor while receiving payment from Lee's Summit for its share of LBVSD charges attributable to Lee's Summit flow, which have been memorialized in the Second Amendment to Cooperative Agreement for Reciprocal Sewer Service, attached hereto as "Exhibit A."

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the Second Amendment to Cooperative Agreement for Reciprocal Sewer Service, a true and accurate copy being attached hereto as "Exhibit A" and made a part hereof

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by reference, be and is hereby approved, and the Mayor is hereby authorized to execute the same by and on behalf of the City of Lee's Summit, Missouri.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief Counsel of Management and Operations/Deputy City Attorney
Jackie McCormick Heanue