

RE: RESOLUTION 2022-103 AUTHORIZING AN ADDENDUM TO PROFESSIONAL SERVICES CONTRACT FOR RUMFELTREE SERVICES

Background:

In January, the city entered into a professional services agreement with Rumfelt Tree Services for tree trimming operations associated with electric power lines.

Analysis:

The attached addendum will allow for Rumfelt Tree Services to utilize a small area of the fenced in yard at 1111 W. Kathryn to park and stage equipment associated with the contract.

This comes from a desire for the contractor to be closer located to the work and allow for more operational hours through the day. Equally as important, this makes daily coordination with city staff easier since each morning everyone begins at the same location.

Recommendation:

Staff recommends Council adopt the Resolution.

MEMO SUBMITTED BY:

Doug Colvin | Assistant City Administrator, Director Nixa Utilities and Public Works
dcolvin@nixa.com | 417-725-2353

RESOLUTION NO. 2022-103

1 **A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AUTHORIZING THE CITY**
2 **ADMINISTRATOR TO EXECUTE A CONTRACT ADDENDUM WITH RUMFELT TREE**
3 **SERVICE.**

4 _____
5
6 **WHEREAS** The city entered into an agreement with Rumfelt Tree Services for
7 professional trimming services on February 1, 2022 as approved by Resolution 2022-022;
8 and

9
10 **WHEREAS** after operations have begun there is a desire to allow a portion of the
11 Nixa Utilities property at 1111 W. Kathryn be used as a staging area for the contractor's
12 equipment; and

13
14 **WHEREAS** the attached Addendum sets forth the parameters for the contractor to
15 use the city's facilities.

16
17 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
18 **NIXA, AS FOLLOWS, THAT:**

19
20 **SECTION 1:** The City Administrator, or designee, is hereby authorized to execute
21 the Addendum to Professional Services Contract attached hereto, and incorporated
22 herein by this reference as "Resolution Exhibit A." Said Addendum shall be in substantially
23 similar form as the document attached hereto as "Resolution Exhibit A." The City
24 Administrator and the officers of the City are hereby authorized to do all things necessary
25 or convenient to carry out the terms and intent of this Resolution.

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27 **SECTION 2:** This Resolution shall be in full force and effect from and after its final
28 passage by the City Council and after its approval by the Mayor, subject to the provisions
29 of section 3.11(g) of the City Charter.

30
31
32 **ADOPTED BY THE COUNCIL THIS 11th DAY OF October 2022.**

33
34 ATTEST:

35
36 _____
37 PRESIDING OFFICER

38 _____
39 CITY CLERK

40 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2022.**

41
42 ATTEST:

43
44 _____
45 MAYOR

46 _____
CITY CLERK

RESOLUTION NO. 2022-103

47

48 APPROVED AS TO FORM:

49

50

51 _____
CITY ATTORNEY

ADDENDUM TO PROFESSIONAL SERVICES CONTRACT

THIS ADDENDUM TO THE PROFESSIONAL SERVICES CONTRACT is entered into upon its execution by the Parties. The undersigned agree that this Addendum shall become part of that certain Contract executed on or about February 1, 2022, and approved by Resolution 2022-022 of the Council for City.

The parties agree as follows:

- 1) That paragraph 3 of the “Professional Services Contract” is hereby amended by adding thereto the following language, in addition to the existing language of said paragraph:

City shall allow Contractor to utilize a portion of its property to store Contractor’s equipment to be used for the services provided by Contractor. Said location is at the City’s facilities generally located at 1111 W. Kathryn Street and is within the gated parking area located on said property. Contractor shall be solely responsible for any damage to the property of the City while Contractors employees or equipment are on the property. Contractor’s use of the property shall be subordinate to the City’s and shall be subject to the reasonable directions of the City. City shall not be responsible for any damage, lose, or injury to Contractor’s equipment while on said property.

- 2) That all other provisions of the “Professional Services Contract” shall remain in full force and effect.
- 3) That this Addendum, together with the Agreement and any other previous addenda, contain the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Addendum, shall be effective unless in writing specifically referring hereto and signed by both parties.

IN WITNESS WHEREOF, the parties have set their hands on the day and year herein stated.

THE CITY OF NIXA, MISSOURI

Jimmy Liles, City Administrator

Date: _____

CONTRACTOR

Signature

Printed Name

Date: _____

ATTEST:

Signature

Name

Title

Director of Finance Certification:

I certify that this contract is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefore, and that the appropriate accounting entries have been made.

Jennifer Evans, Director of Finance

Approved as to form:

Nick Woodman, City Attorney