

BILL NO. 1953

SPECIAL ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF CUBA, MISSOURI, ON BEHALF OF SAID CITY, TO AMEND THE AGREEMENT WITH MISSOURI DEPARTMENT OF TRANSPORTATION FOR TREE CLEARING FROM THE CUBA MUNICIPAL AIRPORT

WHEREAS, the Board of Aldermen of the City of Cuba, Missouri (City), has determined that it is in the best interests of the City to amend its agreement with Missouri Department of Transportation for tree clearing from the Cuba Municipal Airport.

BE IT ORDAINED, by the Board of Aldermen of the City of Cuba, Missouri, as follows:

Section 1: The City of Cuba, Missouri, shall agree to amend its agreement with Missouri Department of Transportation for tree clearing from the Cuba Municipal Airport. A copy of said Amendment to the Agreement is attached hereto as Exhibit "A".

Section 2: The Mayor of the City of Cuba, Missouri, is authorized to execute the Agreement on behalf of the City.

Section 3: All ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI, THIS ____ DAY OF _____, 2020.

CODY LEATHERS, MAYOR

Attest:

CHRISTINE NASH, CITY CLERK

(City Seal)

Approved this _____ day of _____, 2020.

CODY LEATHERS, MAYOR

Attest:

CHRISTINE NASH, CITY CLERK

(City Seal)

Approved as to the form.
WILLIAMS, ROBINSON, RIGLER & BUSCHJOST, P.C.

By: _____
Lance B. Thurman, #51214
901 North Pine Street, Fourth Floor
Post Office Box 47
Rolla, Missouri 65402
(573) 341-2266

ATTORNEYS FOR THE CITY OF CUBA, MISSOURI

Alderman	Vote on First Reading On _____, 2020	Vote on Second Reading On _____, 2020
Kevin Copling		
Sam Black		
Debbie Martin		
Warren Graddy		
Curtis Holt		
Jeff Bouse		

CCO Form: MO18
Approved: 05/94 (MLH)
Revised: 03/17 (MWH)

Sponsor: City of Cuba
Project No. 19-059A-1

CFDA Number: CFDA #20.106
CFDA Title: Airport Improvement Program
Federal Agency: Federal Aviation Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AMENDMENT TO STATE BLOCK GRANT AGREEMENT**

AMENDMENT #2

THIS AGREEMENT AMENDMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Cuba (hereinafter, "Sponsor").

WITNESSETH:

WHEREAS, the parties entered into an Agreement executed by the Sponsor on June 21, 2019, and executed by the Commission on June 25, 2019, (hereinafter, "Original Agreement") under which the Commission granted the sum not to exceed Thirty-Nine Thousand Two Hundred Eighty-Six Dollars (\$39,286) to the Sponsor to assist with Obstruction Removal (Tree Clearing); and

WHEREAS, the parties entered into an Amendment #1 to the Original Agreement executed by the Sponsor on October 1, 2019, and executed by the Commission on October 7, 2019, (hereinafter, "Amendment #1") under which the Commission granted an additional sum not to exceed Sixty-Two Thousand Eight Hundred Twenty-Nine Dollars (\$62,829) for Obstruction Removal (Tree Clearing); and

WHEREAS, the Commission previously approved funds for Obstruction Removal (Tree Clearing); and

WHEREAS, the level of funding originally approved is not sufficient to cover the costs associated with Obstruction Removal (Tree Clearing).

WHEREAS, the Commission has sufficient funds to increase the grant amount for Obstruction Removal (Tree Clearing).

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) ADDITIONAL GRANT: The Commission grants to the Sponsor an additional sum not to exceed Two Hundred Forty Thousand Eight Hundred Forty-Eight Dollars (\$240,848) for Obstruction Removal (Tree Clearing) subject to the following conditions:

(A) The Sponsor shall provide matching funds of not less than Twenty-Six Thousand Seven Hundred Sixty-One Dollars (\$26,761) toward the project in addition to those previously committed by the Sponsor in the Original Agreement and Amendment #1.

(B) The project will be carried out in accordance with the assurances (Exhibit 1) given by the Sponsor to the Commission as specified in the Original Agreement.

(C) This Amendment shall expire and the Commission shall not be obligated to pay any part of the costs of the project unless this grant amendment has been executed by the Sponsor on or before September 30, 2020, or such subsequent date as may be prescribed in writing by the Commission.

(D) Based upon the revised project schedule, the original project time period of June 30, 2020, will be extended to July 30, 2021, to allow for completion of the work. Paragraph (2) of the Original Agreement is hereby amended accordingly.

(E) All other terms and conditions of the Original Agreement and Amendment #1 entered into between the parties shall remain in full force and effect.

[Remainder of Page is Intentionally Left Blank.]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the Sponsor this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

CITY OF CUBA

Title _____

By _____
Title _____

Secretary to the Commission

By _____
Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No. _____
(if applicable)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing grant Agreement under the laws of the State of Missouri. Further, I have examined the foregoing grant Agreement and the actions taken by said Sponsor and Sponsor's official representative have been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and the Airport and Airway Improvement Act of 1982, as amended. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said grant constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

CITY OF CUBA

Name of Sponsor's Attorney (typed)

Signature of Sponsor's Attorney

Date _____

Christine Nash

From: Amy Ludwig <Amy.Ludwig@modot.mo.gov>
Sent: Sunday, August 16, 2020 4:24 PM
To: Christine Nash
Cc: Andrew C. Hanks; Michelle M. Niles
Subject: Amendment #2 to State Block Grant Agreement for Obstruction Removal Project (19-059A-1)
Attachments: 2020-08-58642.pdf

Hi Christine, please find attached a pdf of Amendment #2 to the State Block Grant Agreement for Project 19-059A-1. This amendment adds \$240,848 to the project. These funds represent all \$150,000 of the Airport's 2017 non-primary entitlement and \$90,848 of the Airport's 2018 non-primary entitlement.

I plan to send this agreement through DocuSign for electronic signature, but in the meantime wanted to get you a copy to use for City Council approval. Once the City Council has passed an ordinance authorizing execution of the agreement, please email me and I will set the agreement up in DocuSign at that time.

Please note that the agreement must be fully signed by the City by September 30. If that will be an issue, please let me know.

Please don't hesitate to contact me should you have any further questions on this agreement. Thanks!

Amy Ludwig
Administrator of Aviation
Missouri Department of Transportation
Phone: (573) 526-7912