

BILL NO. 2076

SPECIAL ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF CUBA, MISSOURI, ON BEHALF OF SAID CITY, TO ENTER INTO AN AMENDMENT TO AN AGREEMENT WITH MISSOURI DEPARTMENT OF TRANSPORTATION FOR A BLOCK GRANT FOR IMPROVEMENTS AND RENOVATIONS TO 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 enter into an amendment to an agreement with Missouri Department of Transportation for a block grant for improvements and renovations to 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 enter into an amendment to an agreement with Missouri Department of Transportation for a block grant for a block grant for improvements and renovations to the Cuba municipal Airport.. A copy of said 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Section 3: All ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.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 _____, 2022.

CODY LEATHERS, MAYOR

Attest:

LAINIE GARBO, CITY CLERK

(City Seal)

Approved this _____ day of _____, 2022.

CODY LEATHERS, MAYOR

Attest:

LAINIE GARBO, 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 _____, 2022	Vote on Second Reading On _____, 2022
Kevin Copling		
Debbie Martin		
Dave Honea		
Warren Graddy		
Curtis Holt		
Jeff Bouse		

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

Sponsor: City of Cuba
Project No.: 21-059A-2

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 #1

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 October 26, 2021, and executed by the Commission on October 27, 2021, (hereinafter, "Original Agreement") under which the Commission granted the sum not to exceed One Hundred Thirty-Seven Thousand Six Hundred Seventy-One Dollars (\$137,671) to the Sponsor to assist with Design Runway and Connecting Taxiway Rehabilitation, Install Runway Lighting, NAVAIDs, and Vault; and

WHEREAS, the Commission previously approved funds for Design Runway and Connecting Taxiway Rehabilitation, Install Runway Lighting, NAVAIDs, and Vault; and

WHEREAS, the level of funding originally approved is not sufficient to cover the costs associated with Design Runway and Connecting Taxiway Rehabilitation, Install Runway Lighting, NAVAIDs, and Vault.

WHEREAS, the Commission has sufficient funds to increase the grant amount for Design Runway and Connecting Taxiway Rehabilitation, Install Runway Lighting, NAVAIDs, and Vault.

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 Million Sixty Two Thousand Eight Hundred Ninety One Dollars (\$2,062,891) for Design Runway and Connecting Taxiway Rehabilitation, Install Runway Lighting, NAVAIDs, and Vault; subject to the following conditions:

(A) The Sponsor shall provide matching funds of not less than One Hundred Ninety Two Thousand One Hundred Seventy Three Dollars (\$192,173) toward the project in addition to those previously committed by the Sponsor in the Original Agreement.

(B) The amount of this grant stated above represents One Million Seven Hundred Twenty Nine Thousand Five Hundred Fifty Nine Dollars (\$1,729,559) at Ninety Percent (90%) of eligible project costs and Three Hundred Thirty Three Thousand Three Hundred Thirty Two Dollars (\$333,332) at One Hundred Percent (100%) of eligible project costs.

(C) 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.

(D) 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 January 15, 2023, or such subsequent date as may be prescribed in writing by the Commission.

(E) Based upon the revised project schedule, the original project time period of October 1, 2022, will be extended to April 30, 2024, to allow for completion of the work. Paragraph (2) of the Original Agreement is hereby amended accordingly.

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

[Remainder of Page 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

By _____

Title _____

Title _____

By _____

Secretary to the Commission

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 _____