

ORDINANCE NO. 4066

AN ORDINANCE OF THE CITY OF CLINTON REGARDING AMENDMENT #2 TO A GRANT AGREEMENT BETWEEN THE CITY OF CLINTON (CITY) AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION (COMMISSION) FOR AIRPORT APRON RECONSTRUCTION PHASES TWO AND THREE.

WHEREAS, the City and Commission entered into an Agreement, for Project No. 19-022A-1, executed by the City on September 9, 2019, and executed by the Commission on September 12, 2019, for grant funds in the amount not to exceed \$144,305.00 for design services for Apron Reconstruction Phases Two through Six; and

WHEREAS, the City and Commission entered into Amendment #1, executed by the City on May 27, 2021, and executed by the Commission on June 1, 2021, for additional grant funds in the amount not to exceed \$638,056.00 for design and construction services for Apron Reconstruction Phases Two and Three; and

WHEREAS, the parties wish to increase funding to cover additional costs for Apron Reconstruction Phases Two and Three;

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF CLINTON, MISSOURI AS FOLLOWS:

1. The Mayor is authorized to execute Amendment #2 to Project No. 19-022A-1 with the Missouri Highways and Transportation Commission, in an amount not to exceed One Hundred Seventy Thousand Eight Hundred Sixty Dollars and Zero Cents (\$170,860.00).
2. The City commits local matching funds of Four Hundred Sixty-Six Dollars and Zero Cents (\$466.00).
3. All ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.
4. This ordinance shall be in full force and effect from and after the date of its passage and approval.

Read the first time this 7<sup>th</sup> day of September, 2021.

Read a second time and passed this 7<sup>th</sup> day of September, 2021.

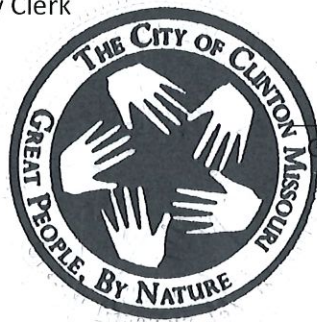
  
\_\_\_\_\_  
Greg Lowe, Presiding Officer

ATTEST:

Ayes 8: Gene Henry, Roger House, Cameron Jackson, Carla Moberly, Rick Pereles, Becky Raysik, Debbie Smith, Daniel Wilson

Nays: 0

  
\_\_\_\_\_  
Wendee Seaton, City Clerk



  
\_\_\_\_\_  
Greg Lowe, Mayor

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

Sponsor: City of Clinton  
Project No.: 19-022A-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 Clinton (hereinafter, "Sponsor").

WITNESSETH:

WHEREAS, the parties entered into an Agreement executed by the Sponsor on September 9, 2019, and executed by the Commission on September 12, 2019, (hereinafter, "Original Agreement") under which the Commission granted the sum not to exceed One Hundred Forty-Four Thousand Three Hundred Five Dollars (\$144,305) to the Sponsor to assist with Design Apron Reconstruction Phases Two Through Six; and

WHEREAS, the parties entered into an Amendment #1 to the Original Agreement executed by the Sponsor on May 27, 2021, and executed by the Commission on June 1, 2021, (hereinafter, "Amendment #1") under which the Commission granted an additional sum not to exceed Six Hundred Thirty-Eight Thousand Fifty-Six Dollars (\$638,056) to the Sponsor to assist with Design Apron Reconstruction Phases Two Through Six and Construct Apron Reconstruction Phases Two and Three and extended the project time period from September 30, 2020 to December 31, 2022, to allow for completion of the work; and

WHEREAS, the Commission previously approved funds for Design Apron Reconstruction Phases Two Through Six and Construct Apron Reconstruction Phases Two and Three; and

WHEREAS, the level of funding originally approved is not sufficient to cover the costs associated with Design Apron Reconstruction Phases Two Through Six and Construct Apron Reconstruction Phases Two and Three.

WHEREAS, the Commission has sufficient funds to increase the grant amount for Design Apron Reconstruction Phases Two Through Six and Construct Apron Reconstruction Phases Two and Three.

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 One Hundred Seventy Thousand Eight Hundred Sixty Dollars (\$170,860) for Design Apron Reconstruction Phases Two Through Six and Construct Apron Reconstruction Phases Two and Three subject to the following conditions:

(A) The amount of this grant stated above represents Four Thousand One Hundred Ninety-Four Dollars (\$4,194) at Ninety Percent (90%) of eligible project costs and One Hundred Sixty-Six Thousand Six Hundred Sixty-Six Dollars (\$166,666) at One Hundred Percent (100%) of eligible project costs.

(B) The Sponsor shall provide matching funds of not less than Four Hundred Sixty-Six Dollars (\$466) toward the project in addition to those previously committed by the Sponsor in the Original Agreement and Amendment #1. The amount of matching funds represents Ten Percent (10%) local match for the funds being granted at Ninety Percent (90%) 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 October 31, 2021, 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 December 31, 2022, will be extended to December 31, 2023, to allow for completion of the work. Paragraph (1)(D) of Amendment #1 is hereby amended accordingly.

(F) 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 2021-09-14 | 5:12 PM CDT, 2021.

Executed by the Commission this \_\_\_ day of 2021-09-20 | 10:22 AM CDT, 2021.

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**

DocuSigned by:  
Eric E. Schroeter  
5F8CCFE9B29E499...

Title Assistant Chief Engineer

DocuSigned by:  
Ronda Hester  
A4666CD7996249B...

Secretary to the Commission

Approved as to Form:

DocuSigned by:  
Megan L. Waters-Hamlin  
BA34EE9EF9E5407...

Commission Counsel

**CITY OF CLINTON**

DocuSigned by:  
Greg Lowe  
DE5639007A004D2...

Title Mayor

DocuSigned by:  
Wendee Seaton  
65376ED3930140D...

Title City Clerk/Finance officer

Approved as to Form:

DocuSigned by:  
Doug Harris  
603E40ZAC38C454...

Title City Attorney

Ordinance No. \_\_\_\_\_  
(if applicable)



### CERTIFICATE OF SPONSOR'S ATTORNEY

I, Doug Harris, 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 CLINTON

Doug Harris

Name of Sponsor's Attorney (typed)

*Doug Harris*

Signature of Sponsor's Attorney

Date 2021-09-16 | 3:57 AM PDT