

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE MISSOURI DEPARTMENT OF CONSERVATION AND THE CITY OF WARRENTON, MISSOURI FOR THE TRIM GRANT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON MISSOURI, AS FOLLOWS:

SECTION I: That the Mayor is hereby authorized to execute on behalf of the City of Warrenton an agreement with the Missouri Department of Conservation providing for the cooperative agreement for the Tree Resource Improvement and Maintenance (TRIM) Grant. A copy of said agreement is attached hereto as Exhibit "A" and made a part hereof by reference.

SECTION II. If any section, subsection, sentence, clause, phrase or portion of this amendment is for any reason held invalid or unconstitutional by a judgment of a court of competent jurisdiction, as to which not further appeal right exists, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity or remaining portions hereof.

SECTION III. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

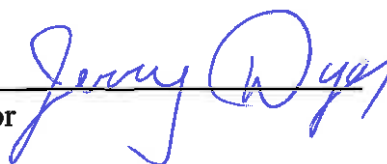
SECTION IV. This Ordinance shall take effect and be in full force from and after passage and approval thereof.

READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Warrenton, Missouri, this 16th day of September, 2014.



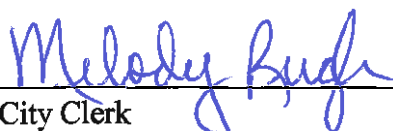
President of the Board of Aldermen

APPROVED BY THE MAYOR of the City of Warrenton, Missouri, this 16th day of September, 2014.



Mayor

ATTEST:



City Clerk

**COOPERATIVE AGREEMENT
BETWEEN
THE MISSOURI DEPARTMENT OF CONSERVATION
(Hereinafter referred to as Department)
AND
City of Warrenton
(Hereinafter referred to as Cooperator)**

NAME OF PROJECT: Tree Resource Improvement and Maintenance (*TRIM*) Grant

Project Number: 15.014
Project Description: Removal

PARTIES AND CONTACTS:

Brad Busekrus
City of Warrenton
200 West Booneslick
Warrenton, MO 63383
636-456-3535

Perry Eckhardt, Urban Forester
Missouri Department of Conservation
2360 Hwy D
St. Charles, MO 63304
636-300-1953

AGREEMENT DURATION

The period of this agreement is September 19, 2014 through June 5, 2015.

MEASURABLE OUTCOMES:

1. Complete the approved *TRIM* project anytime between signature of this Agreement and May 8, 2015. Said project shall be completed as described and specified in the application submitted for consideration of cost-share funding. The application is attached and incorporated herein.
2. Costs incurred before this agreement are ineligible for reimbursement.
3. All tree work must conform to the most current version of the American National Standards Institute *A300 Standards for Tree Care Operations*.

Failure to do so may result in payment being withheld.

4. The Department shall be given appropriate credit in all publications, educational materials and in all media contacts related to this project. The statement "A portion of the funding for this project was made available through the Missouri Department of Conservation's Tree Resource Improvement and Maintenance (TRIM) program" is suggested.

REPORTING REQUIREMENTS:

1. The Cooperator shall contact the local forester noted above under **PARTIES AND CONTACTS** if any changes in the project arise. The local forester or their representative must approve all changes prior to implementation. Failure to do so may result in denial of payment of your *TRIM* project.
2. The Cooperator shall notify in writing the local forester by May 8, 2015 that all work has been completed and request an inspection of the project.
3. Should an extension beyond the May 8, 2015 deadline be desired to complete the project, the Cooperator shall submit a request in writing outlining the extenuating circumstances necessitating such a variance. This written request must be received a minimum of two weeks prior to the May 8, 2015 deadline. Such requests must be sent to the Department of Conservation, Community Forestry Coordinator, P.O. Box 180 Jefferson City, Missouri 65102. Extensions can only be granted by the Community Forestry Coordinator. Requests made by email are not acceptable.
4. The Cooperator shall provide documentation of all costs associated with the approved project before payment will be made. This includes copies of all dated invoices for project costs, paid receipts, and a description with documentation of all donations, volunteer assistance, and in-kind costs.
5. The Cooperator shall provide documentation that all activities identified in the application's Publicity Plan are completed.
6. If for any reason, the Cooperator cannot complete the *TRIM* project during the time specified herein, immediate written notification to the Department is required. Providing timely notification will also ensure that no penalties will result for future project applications.

MONITORING REQUIREMENTS:

1. The Department's local forester or their representative shall monitor each project. Such monitoring shall include but not be limited to on-site visits,

ongoing informal monitoring through phone calls, email, and desk review of financial information, progress, and performance reports. The Department shall conduct an onsite inspection of each project upon completion to assure compliance with program guidelines.

2. After project inspection and certification that the work fully meets the project specifications, the Department shall process payment. If the inspecting local forester finds the project does not meet specifications, payment will not be issued until specifications are met.
3. The Cooperator shall allow the Department access to all financial records and/or audited financial statements related to this agreement.

REQUIRED PROVISIONS

The Cooperator, City of Warrenton, agrees to defend, indemnify and hold harmless from claim or suit the Department, the State of Missouri and its employees and agents from any claim or suit brought by any third party in connection with the activities to be performed or improvements to be installed under this agreement.

PAYMENT PROCESS:

Payment to the Cooperator will be the applicable percentage as noted on the *TRIM Cost Share Request Form* of the actual costs required to complete the *TRIM* project, but will not exceed the lesser of or the total of the reimbursable costs required to complete the project. The remainder of cost is the responsibility of the Cooperator. All funds from the Department must be deposited in a timely manner.

OWNERSHIP

Any equipment purchased with funds under this agreement with a value greater than \$100.00 remains the property of the Department. The Department will make determination as to disposition of any property, equipment and unused supplies. The Cooperator shall provide to the Department a periodic inventory of all equipment with a value greater than \$100.00 purchased with funds from this contract.

APPROVED AND ACCEPTED

MISSOURI DEPARTMENT OF CONSERVATION

BY: Joan B. Allen

DATE: 08/22/14

TITLE: STATE FORESTER

CITY OF WARRENTON

BY: Jessie Dyer

DATE: 9-16-14

TITLE: Mayor

FEDERAL IDENTIFICATION NUMBER _____