

RESOLUTION NO. 2019-140

A RESOLUTION ACCEPTING AND APPROVING AMENDMENT ONE TO THE GRANT AGREEMENT BETWEEN THE WYOMING BUSINESS COUNCIL, COMMUNITY DEVELOPMENT DIVISION AND THE CITY OF ROCK SPRINGS, AND AUTHORIZING TIMOTHY A. KAUMO, AS MAYOR OF THE CITY OF ROCK SPRINGS, WYOMING, AND MATTHEW L. MCBURNETT, AS CITY CLERK OF THE CITY OF ROCK SPRINGS, WYOMING, TO EXECUTE SAID AMENDMENT ONE ON BEHALF OF THE CITY.

WHEREAS, the Governing Body of the City of Rock Springs passed and approved Resolution 2017-105 on September 19, 2017, authorizing the submission of a Community Development Block Grant Agreement with the Wyoming Business Council, Community Development Division, for the purpose of the Bunning Park Rehabilitation; and,

WHEREAS, the Wyoming Business Council, Community Development Division has submitted Amendment One to the Grant Agreement for the purpose of extending the construction completion date through December 31, 2020, and the project expiration date through December 31, 2025.

WHEREAS, the Governing Body of the City of Rock Springs has said Amendment One before it and has given it careful review and consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

Section 1. That Amendment One to the Grant Agreement with the Wyoming Business Council, Community Development Division and the City of Rock Springs, attached hereto and by this reference made a part hereof, is hereby accepted and approved by the City of Rock Springs, Wyoming.

Section 2. That the Mayor of the City of Rock Springs, be, and he is hereby authorized, empowered and directed to execute said Amendment One on behalf of said City; and that the City Clerk of said City, be and he is hereby, authorized and directed to attach to said Amendment One a certified copy of this Resolution.

PASSED AND APPROVED this _____ day of _____, 2019.

President of the Council

Mayor

Attest:

City Clerk

AMB
9/20/19

**AMENDMENT ONE TO THE GRANT AGREEMENT BETWEEN THE WYOMING
BUSINESS COUNCIL, COMMUNITY DEVELOPMENT DIVISION AND THE CITY
OF ROCK SPRINGS**

1. **Parties.** This Amendment is made and entered into by and between the Wyoming Business Council, Community Development Division (Council), whose address is 214 West 15th Street, Cheyenne, WY 82002; and the City of Rock Springs, a political subdivision of the State of Wyoming (Grantee), whose address is 212 D Street, Rock Springs, WY 82901.
2. **Purpose of Amendment.** This Amendment shall constitute the first amendment to the Grant Agreement (Agreement) between the Council and the Grantee. The purpose of this Amendment is to extend the construction completion date through December 31, 2020 and the project expiration date through December 31, 2025.

The original Agreement, dated October 16, 2017, required the Grantee to purchase and demolish dilapidated and abandoned properties surrounding Bunning Park, for a total Agreement amount of five hundred thousand dollars (\$500,000.00) with a construction completion date of June 30, 2019 and a project expiration date of June 30, 2022.

3. **Term of the Amendment.** This Amendment shall commence upon the date the last required signature is affixed hereto (Effective Date), and shall remain in full force and effect through the term of the Agreement, as amended, unless terminated at an earlier date pursuant to the provisions of the Agreement, or pursuant to federal or state statute, rule or regulation.
4. **Amendments.**
 - A. The second and third sentences of Section 3 of the original Agreement are hereby amended to read as follows:

“All construction services shall be completed by December 31, 2020. This Agreement shall terminate on December 31, 2025.”
5. **Amended Responsibilities of Council.** Responsibilities of Council have not changed.
6. **Amended Responsibilities of Grantee.** Responsibilities of Grantee have not changed.
7. **Special Provisions**
 - A. **Same Terms and Conditions.** With the exception of items explicitly delineated in this Amendment, all terms and conditions of the original Agreement, and any previous amendments, between the Council and the Grantee, including but not limited to sovereign immunity, shall remain unchanged and in full force and effect.

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B. Counterparts. This Amendment may be executed in counterparts. Each counterpart, when executed and delivered, shall be deemed an original and all counterparts together shall constitute one and the same Amendment. Delivery by the Grantee of an originally signed counterpart of this Amendment by facsimile or PDF shall be followed up immediately by delivery of the originally signed counterpart to the Council.

8. General Provisions

A. Entirety of Grant Agreement. The original Agreement, consisting of thirteen (13) pages; Attachment A, Project Information, consisting of two (2) pages; Attachment B, Compliance, consisting of three (3) pages; and this Amendment One, consisting of three (3) pages; represent the entire and integrated Agreement between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.

9. **Signatures.** The parties to this Amendment, through their duly authorized representatives, have executed this Amendment on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Amendment.

This Amendment is not binding on either party until approved by A&I Procurement and the Governor of the State of Wyoming or his designee, if required by Wyo. Stat. § 9-2-1016(b)(iv).

COUNCIL:

WYOMING BUSINESS COUNCIL, COMMUNITY DEVELOPMENT DIVISION

Shawn Reese, Chief Executive Officer

Date

Julie Kozlowski, Director
Community Development

Date

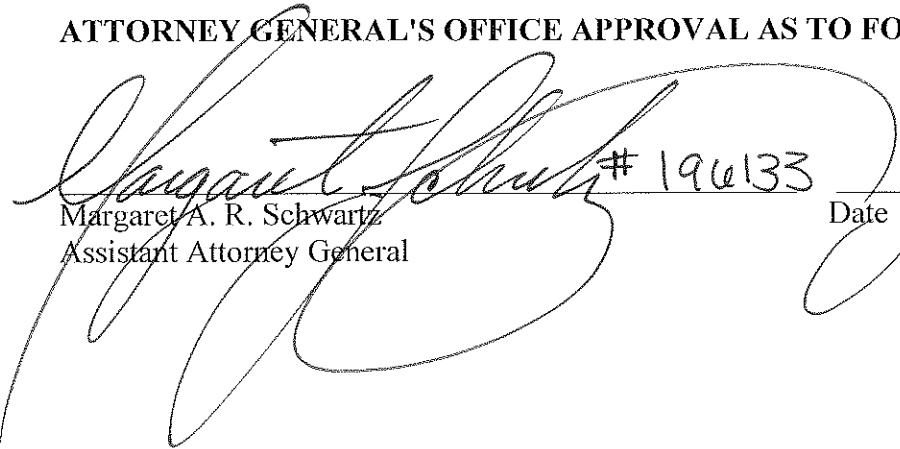
GRANTEE:

CITY OF ROCK SPRINGS

Tim Kaumo, Mayor

Date

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM


Margaret A. R. Schwartz
Assistant Attorney General

196133

Date

sep. 9, 2019

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