

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

BOARD OF ALDERMEN

Special Meeting

July 20, 2010

6:30 PM - Willard City Hall

224 W. Jackson Street

Mayor

Jamie Schoolcraft

Board Members

Board President: Richard Simpson

David Hemphill

Doug Johnson

Pat Lloyd

Tim Magee

Bryan Vincent

www.cityofwillard.org

CITY OF WILLARD
BOARD OF ALDERMEN
SPECIAL MEETING

July 20, 2010
6:30 P.M.

Notice posted on July 16, 2010.

Notice is hereby given that the City of Willard, Board of Aldermen will conduct a meeting at 6:30 p.m. July 20, 2010 at Willard City Hall, 224 West Jackson, Willard Missouri.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

1. Call the meeting to order.
2. Roll Call
3. Hazard Mitigation Grant Application for the Storm Shelter
4. ADJOURN MEETING

Dale Duvall or Kate Gould
224 West Jackson
P O Box 187
Willard, MO 65781

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY CITY PERSONNEL AT CITY HALL. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

**CITY OF WILLARD
BOARD OF ALDERMEN
SPECIAL MEETING**



AGENDA ITEM # 3

Action Required –Motion to Allow the Mayor to sign the Grant Application

ITEM DESCRIPTION:

This is the grant application that Stacy Winters spoke to the Board about at the meeting on 7-12-10.

The engineers from the architecture company will be at the meeting to discuss the issue.

I have enclosed the emails that have been relayed between Brad Erwin of Paragon Architecture, Sativa Boatman-Sloan, City Attorney and I,

Please contact Stacy Winters at 516-7262 with any questions prior to the meeting.

You may also contact me if you have any questions.

Dale Duvall
City Clerk



MISSOURI STATE EMERGENCY MANAGEMENT AGENCY

Hazard Mitigation Grant Program (HMGP) Application

(Note: Prior to completion please contact the State Hazard Mitigation Officer at (573) 526-9228 for the most recent version of the application.)

What is the Hazard Mitigation Grant Program?

Authorized under Section 404 of the Stafford Act, the Hazard Mitigation Grant Program (HMGP) administered by the Federal Emergency Management Agency (FEMA) provides grants to States and local governments to implement long-term mitigation measures after a major disaster declaration. The purpose of the program is to reduce loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

How much funding is available?

HMGP is a post-disaster program with funding amounts calculated from the total amount of disaster assistance from both the Public Assistance (PA) and the Individual and Households Program (IHP) in each federally declared disaster. Once PA and IHP totals are estimated, FEMA determines the available HMGP funding. Mitigation funding in a state with an Enhanced Hazard Mitigation Plan is determined using a sliding scale, but is 20% of the uninsured cost of a disaster. All projects are cost shared at 75% federal funding and a 25% non-federal match is required.

Completing the HMGP Application:

This application will enable you to apply for the Hazard Mitigation Grant Program. This application is designed to capture the necessary information to meet program requirements. You're encouraged to take your time, read through the questions carefully and provide as much detail as possible. This will enable the process to be the most efficient.

You may obtain an electronic copy of the following application by contacting the State Hazard Mitigation Officer at (573)526-9228.

MISSOURI STATE EMERGENCY MANAGEMENT AGENCY

Hazard Mitigation Grant Program (HMGP)

Application

I. Applicant Information

Date: 6/15/2010

☒ New Application

☐ Revised Application

A. Multi-Hazard Local Mitigation Plan (LMP) Status: Approved
IF Approved:

a) Plan Type: Multi-Hazard Local Mitigation Plan

b) Date of Approval by FEMA: April 1, 2010

c) Date of Adoption: May-10

B. Project Title: City of Willard Community Safe Room

Name of Applicant: City of Willard County: Greene

C. Applicant Type: State or Local Government Type of Application: Construction Project

D. Federal Tax ID Number: 43-0890176

DUNS Number: 091357616

E. State Legislative District(s): 139

F. Congressional District(s): 7th

G. Member in good standing with the National Flood Insurance Program:

☒ Yes

☐ No

H. Point of Contact:

☒ Mr. ☐ Ms. ☐ Mrs. First Name: Stacy

Last Name: Winters

Title: Emergency Management Director

Organization: City of Willard

Street Address: 224 West Jackson

City: Willard State: MO Zip Code: 65781

Telephone: (417) 742 - 3033 Fax: (417) 742 - 3080

E-mail Address: emdirector@cityofwillard.org

I. Alternate Point of Contact:

☒ Mr. ☐ Ms. ☐ Mrs. First Name: Brent

Last Name: Davis

Title: Professional Engineer

Organization: Toth and Associates

Street Address: 300 S John Q. Hammons Parkway, Suite 600

City: Springfield State: MO Zip Code: 65806

Telephone: (417) 888 - 0645 Fax: (417) 888 - 0657

E-mail Address: borr@tothassociates.com

J. Estimated Funding:

Federal 75%	Non-Federal %	Applicant 25 %	Other %	Total 100%
\$847,547.25	\$	\$282,515.75	\$	\$1,130,063

II. Detailed Description of the Proposed Project

- A. Describe the problem to be mitigated: The city of Willard currently does not have any type of community safe room to protect against the threats of tornadoes and severe weather. The proposed safe room will be constructed at the existing community center on the northwest side of Willard. A total of 1,063 residents will occupy the facility. Currently, local residents have to use facilities that were not designed to withstand the extreme forces of a tornado or high wind event. By constructing a safe room designed in accordance with FEMA 361 second edition and locally adopted building codes, immediate life safety will be provided for near absolute protection.
- B. Provide a detailed description of the proposed project: The proposed project is the construction of a community safe room that will be designed and constructed in accordance with the requirements set forth in FEMA 361 second edition and the locally adopted building code to provide near absolute protection during tornadic storm events. When not being used as a safe room the city plans on using the safe room structure as a recreation building for local residents. The structure will be a single story above grade building that is constructed with precast wall panels and a precast double T roof structure. The foundation system will most likely consist of traditional spread footings located below the frost line, and the floor will be slab on grade. The proposed structure will be approximately 6,440 square feet and provide refuge for 1,063 local residents, and include space for storage, MEP, and restroom facilities. The building will be located adjacent to the existing community center as seen on the attached site plan. The project will be designed by engineers and architects familiar with the requirements of FEMA 361. Qualified contractors will construct the facility with quality assurance to ensure the safe room is constructed per the plans and specifications provided by the engineer of record. The timeline for the project is outlined in preceding sections.
- C. Does the project conform to the State and Local mitigation goals and/or plans? On 6B-13 of the Greene County Natural Hazard Mitigation Plan, the first goal of the city of Willard is to protect residents during thunderstorms, tornadoes, and high wind events. An action to meet this goal is to construct safe rooms. Additionally, Goal 5 found on page 6A-3 is to receive HMGP funds for Safe Room Projects. Hazard event histories indicate there are several types of natural disasters that may affect the county. They include tornados and severe weather, flooding, earthquake, drought/heat wave, and severe winter weather. These various types of disasters can cripple communities. Cascading hazards resulting from a tornado or severe weather events include power interruption, loss of communications, water supply, business, transportation, civil unrest, loss of records, health and life safety, and environmental hazards. Tornadoes are the most concentrated and violent storms produced by earth's atmosphere. Weather conditions which are conducive for tornadoes often produce a wide range of other dangerous effects, including severe thunderstorms, micro-bursts, straight line winds, lightning, hail, and heavy rains. According to the storm prediction center Missouri ranks 9th in the nation for the number of tornadoes reported from 1950-1996. Tornadoes, spawned from the largest of thunderstorms, are a vortex with two components of winds. The first is the rotational winds and the second is an uplift. The dynamic strength of both these currents can cause vacuums that can overpressure structures from the inside. Tornadoes have been documented in all 50 states, but the majority of them occur in the central United States, otherwise known as tornado alley. A majority of tornadoes are just a few yards wide and only briefly touchdown. However, when all the ingredients are in place some tornadoes can be in excess of a mile wide and carve out a path over 250 miles long leaving behind nothing. According to the National Climatic Data Center (NCDC), since 1950, 37 tornadoes have been reported in Greene County with F-scales ranging from F0 to F4. The

most costly occurred in 1991 resulting on over \$25 million in damages. These tornadoes resulted in 137 documented injuries, 6 deaths, and over \$109.4 million in damages. According to the Missouri State Hazard Analysis, Missouri averages 30 tornadoes per year. The enormous power and destructive nature of a tornado is beyond man-kinds control. We will continue to experience deaths, injuries, and property damage. According to the county mitigation plan recommendations to reduce the effects caused by tornadoes include advance warning systems, provisions for a safe room, and adoption and enforcement of building codes.

Explain (Cite location in plan(s) to support your answer): Pages 3-10 is a Hazard Profile Worksheet. Pages 3G-1 through 3G-6 discuss the threats of Tornadoes and severe thunderstorms. 5D-9 discusses the capability of the city of Willard, and pages 6A-3, 6A-4, and 6B-13 to 6B-26 outline goals for the county and city.

- D. Will the proposed mitigation measure provide an independent solution to the problem? Yes Explain: Constructing a community safe room is the best alternative for the problem. The shelter will provide immediate life safety to its occupants. Another solution to protect against the effects of tornadoes is for individual residents to install their own safe rooms. For most residents this is not financially feasible. Other alternatives include advance warning systems and weather radios, but these only provide warning and do not provide immediate life safety.
- E. How does the proposed mitigation measure address a repetitive problem or a problem that poses a significant risk to public health and safety if left unresolved? Explain: The proposed mitigation project is to construct a community safe room designed in accordance with FEMA 361 to provide immediate life safety to local residents. The safe room will protect the population from death and injury as a result of tornadoes, which is a goal of the Greene County All Hazards Mitigation Plan. According to the Missouri State Hazard Analysis, Missouri averages 30 tornadoes per year and according to the storm prediction center Missouri ranks 9th in the nation for the number of tornadoes reported from 1950-1996. The NCDC reports that since 1950, 37 tornadoes have been recorded in Greene County with F-scales ranging from F0 to F4. The enormous power and destructive nature of a tornado is beyond man-kinds control, but providing a structure designed to withstand natures forces, the surrounding community will be protected from future injuries and deaths.
- F. Discuss the negative impacts on the area if the proposed project is not approved: Explain: If the proposed project is not approved the residents will remain vulnerable to the effects of tornadoes. The design and construction of a tornado safe room that meets the requirements outlined in FEMA 361 will result in near absolute protection for individuals occupying it during a tornado event. The safe room itself will not eliminate damage caused by tornadoes, but it will provide immediate life safety to the surrounding community. If only one life is saved as a result of the construction of this safe room there will be one less family and community that has to deal with the tragic and devastating effects of tornadoes. By providing near absolute protection for the surrounding community during severe weather citizens will have a place of refuge. Without it they will have to rely on closets, hallways, and other areas not designed or constructed to withstand natures greatest force.
- G. Describe damage caused by previous and current disasters and associated costs: A summary of damages from both tornadoes and severe weather events is included as an attachment.

H. Hazards to be Mitigated/Level of Protection:

1. Select the type(s) of hazards the proposed project will mitigate:

☐ Agricultural ☐ Drought ☐ Earthquake ☐ Flooding
☐ Land Subsidence ☐ Mud/Landslide ☐ Severe Winter Storms ☐ Thunderstorms
☐ Terrorism ☒ Tornado ☐ Wildfires

2. Fill in the number of people and amount of property protected by the project:

Number of People: 1,063
Number of Residential Properties: _____ Value of Residential Properties: \$ _____
Number of Commercial Properties: _____ Value of Commercial Properties: \$ _____
Number of Public Properties: _____ Value of Public Properties: \$ _____
Value of Public Infrastructure: \$ _____

Total Number of Properties: _____ Total Value of Structures: \$ _____

3. Provide the level of protection the proposed project will provide the total number of properties. (i.e. "23 structures protected against the 100-year (1%) flood" or "1 structure will have near absolute protection against 250 mph wind speeds").

List data in Flood Levels (10, 25, 50, 100, etc) or wind speeds (mph).

_____ Structure(s) protected against the _____ year flood.
1 Structures will have near absolute protection against 250 mph wind speeds.

4. The proposed project will provide protection against the hazard(s) specified above for 50 years.

II. Detailed Description of the Proposed Project continued

Please explain the methodology used to determine the useful life of the project. (You can check the FEMA-standard for most project types.) _____ The expected useful life for the project is 50 years. This is the minimum standard for projects of this type required by FEMA. The engineers and architects will be required to design the safe room to this standard for useful life.

5. Engineered Projects Only (e.g. Bank Stabilization, Small structural projects):

Note: A Letter of Map Revision (LOMR) may be needed on this type of project. Any changes to the Flood Insurance Rate Maps (FIRM) need to be reflected on the flood maps, which is accomplished through the LOMR process. The construction of this project may lower the 100-year flood elevation and thus, possibly lower the flood insurance rates for structures in the project area.

Attach to this page **ALL** engineering calculations used to determine the above level of protection. List all attachments below.

1. _____
2. _____
3. _____
4. _____

III. Project Location

A. Site Address: (NOTE: If Acquisition, please use the Property Site Inventory Form.)

1. City: Willard State: MO Zip Code: 65781
2. Latitude of project location (decimal degrees): 37.31500
3. Longitude of project location (decimal degrees): -93.434987
4. Latitude and Longitude verification: Street Address Specify other: _____
Please specify the following in the Lat/Long comments below:
For projection, indicate North American Datum (NAD) 83 or World Geodetic System (WGS) 84
For accuracy, indicate Low, Very Low, Moderate or value in Feet or Meters
When using street address, exclude P.O. boxes and 911 addresses
Lat/Long Comments: NAD 83 was used for projection. Accuracy was moderate. See attached map for location showing latitude and longitude coordinates.

B. Flood Insurance Rate Map (FIRM) showing Project Site:

- ☒ Attach a copy of the panel(s) from the FIRM, and if available, the Floodway Map, with the project site and structures marked on the map (FIRMs are typically available from your local floodplain administrator who may be located in the planning, zoning, or engineering office. Maps can also be ordered from the Map Service Center at (800) 358-9616 or <http://www.fema.gov/>).

Using the FIRM, determine the flood zone(s) of the project site (Check all zones in the project area).

NFIP Community Number: 290782

Panel Number(s): 35 of 140

☐ VE or V 1-30

☒ C or X (unshaded)

☐ AE or A 1-30

☐ AO or AH

☐ B or X (shaded)

☐ Floodway

☐ A (no base flood elevation given)

III. Project Location continued

- ☐ FIRM is not published; please attach a copy of the Flood Hazard Boundary Map (FHBM) for your area, with the project site and structures marked on the map.
- C. Attach City or County Map with Project Site and Photographs (These are examples of the types of maps that can be used; additional space is provided to specify additional maps or references included in the application.) Check the appropriate boxes to indicate the attached maps:
- ☐ Attached copy of a city or county scale map (large enough to show the entire project area) with the project site and structures marked on the map.
- ☒ Attached USGS 1:24,000 topographical map with project site marked on the map.
- ☐ For acquisition or elevation projects, include a copy of the Parcel Map (Tax Map, Property Identification Map, etc.) with each property in the project clearly marked on the map. Use SAME ID as used on the Individual Housing Data Sheet.
- ☐ Attached are overview photographs. The photographs should be representative of the project area, including any relevant streams, creeks, rivers, etc. and drainage areas which affect the project site or will be affected by the project.
- ☒ For State Historical Preservation Officer's review, please attach photographs of the properties (photographs showing all four sides of structure and at least 2 photographs of outbuildings) at opposing angles so they may determine whether it is of historical value.
- ☐ _____
- ☐ _____
- ☐ _____



View looking north of proposed safe room location.



View looking east of proposed safe room location.



View looking south of proposed safe room location.



View looking west of proposed safe room location.

HMGP Property Site Inventory Form (PSI)

Use one page for each property

Owner Information:

First Name: City of Willard Last Name: _____ Co-Owner: _____

Property Address: 133 State Highway Z

City: Willard State: MO Zip Code: 65781 County: Greene

Title Holder Post Mitigation (community undertaking project): City of Willard

Mitigation Property Site Action: Safe Room/Wind Shelter **Mitigation Property Site Comments:**

Property Information:

Age of Structure (year built): _____

Pre-Event Fair Market Value: _____

Parcel Number: _____

Property Tax Id: _____

Latitude: 37.315

Longitude: -93.434987

SHPO Cleared: ☐ Select...

SHPO Cleared Date: ☐ _____

Benefit Cost Analysis: ☒ Yes ☐ No

Performed: By Whom: Toth and Associates

Benefit Cost Ratio: 1.49

Total Square Feet of Living Space: _____

Type of Residence: Other (Specify in Comments)

Structure Type: 1 story, w/o basement

Foundation Type: Slab on Grade

Basement: Select...

Base Flood Elevation: _____

First Floor Elevation: _____

Number of feet the lowest floor elevation of the structure is being raised above Base Flood Elevation (Only applicable when Property Action is Elevation): _____

Damage Category: Not Applicable

Post Mitigation Property Use: Recreation Center

If commercial property what is the primary usage, explain below in comments.

Average cost per square foot for residential & commercial construction in the community: \$120-\$140

National Flood Insurance Program Information:

Flood Source: Select... Structure Located in: Select...

Note: An NFIP repetitive loss structure is defined as building with 2 or more insured losses greater than \$1,000 within a 10-year period.

Repetitive Loss Structure: Select...

Repetitive Loss Number: _____

☐ 2-3 insured Losses cumulatively <= building fair market value

☐ 2-3 insured Losses cumulatively > building fair market value

☐ 4 or more insured losses since 1978

☐ Not Applicable

NFIP Policy Number: ☐ 290782 Insurance Policy Provider: ☐ _____

Is there a Flood Insurance Rate Map (FIRM) available? ☒ Yes ☐ No

Is the property site marked on the map? Yes, map attached

Flood Zone Designation:

☐ VE or V 1-30

☒ C or X (unshaded)

☐ AE or A 1-30

☐ AO or AH

☐ B or X (shaded)

☐ Floodway

☐ A (no base flood elevation given)

FIRM Community Information:

Community: Greene County, MO

Map Specific Information for Selected Community:

Panel Number: 35 of 140

Date: 10/18/2002

Legal Description: ☐ _____

Comments: This is not a Flood buyout property, the project is not located in or near a FEMA flood zone. This is a FEMA Storm Shelter Grant project.

IV. History of Hazards/Damages in the Area to be Protected*

*For Acquisitions and Elevations, provide an overview in this section and specific damages to each property in the Individual Property Worksheets.

In this section describe all past damages from hazardous events in the project area. Include presidentially declared disasters as well as events that did not result in a Presidential declaration.

A. Overview of Past Damages:

Provide a detailed history of damages in the area, including direct and indirect costs. Include information for as many past incidents as possible. Attach any supporting documents. Direct costs should include damages to structures and infrastructure in the project area as a result of the hazard. Indirect costs should include the cost to the local government to respond to victims of the hazard in the project area, any interruption to local businesses, and losses of public services.

Date	Level of Event	Damages	Indirect Costs (Describe)
Reference attached documentation			

☒ List all Supporting Documentation Attached pertaining to Past Damages:

1. Hazard Mitigation Plan Reference
2. Summary of Tornado Events
3. _____
4. _____

Provide a narrative below describing historical damages in the proposed project area: According to the National Climatic Data Center (NCDC) since 1950, 37 tornadoes have been reported in Greene County with F-scales ranging from F0 to F4. The most costly occurred in 1991 resulting on over \$25 million in damages. These tornadoes resulted in 137 documented injuries, 6 deaths, and over \$109.4 million in damages. As stated earlier there are other effects from tornado spawning storms. According to the Missouri State Hazard Analysis, Missouri averages 30 tornadoes per year. The enormous

power and destructive nature of a tornado is beyond man-kinds control. We will continue to experience deaths, injuries, and property damage.

V. Scope of Work/Budget

In this section, provide the details of all costs of the project. As this information is used for the Benefit-Cost Analysis, reasonable cost estimates are essential. As project administrative costs are calculated on a sliding scale, **do not** include this in the budget. **Do not include contingency costs in the budget.**

A. Materials/Services:

Item	Quantity	Unit of Measure	Cost per Unit	Total Cost
Construction Quality Assurance	1	Lump Sum		\$10,000
Land Site Development	1	Lump Sum		\$123,704
Equipment – Generator	1	Lump Sum		\$38,063
General Construction/Structural System	1	Lump Sum		\$637,551
Plumbing	1	Lump Sum		\$57,094
Electrical	1	Lump Sum		\$57,094
HVAC	1	Lump Sum		\$38,063
Design Fees	1	Lump Sum		\$114,682
Project Management	1	Lump Sum		\$53,812

B. Labor (Include equipment costs):

Description	Hours	Rate	Cost
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

C. Fees Paid (Include any other costs associated with the project):

Description of Task	Hours	Rate	Cost
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Totals	
A. Materials/Services:	\$1,130,063
B. Labor:	\$
C. Fees Paid:	\$
Grand Total (Total Project Costs):	\$1,130,063

V. Scope of Work/Budget continued

- D. Funding Sources:** (round figures to the nearest dollar) the maximum FEMA share for a HMGP project is 75%. The other 25% must be paid by the local sponsor. Note: You cannot match federal funds with federal funds; the only exception is Community Development Block Grant (CDBG) funding.

Funding Sources	Funding Amount	Percentage of Total Cost
Federal Share (Estimated FEMA Share):	\$847,547.25	75%
Non-Federal Share (See below for required details to document):	\$282,515.75	25%
TOTAL Proposed Project Cost:	\$1,130,063	100%

Non-Federal Share Information: (Use Source 1, additional source space is available if multiple sources are contributing to the proposed project (Source 2 and Source 3).

Match Assurance: If more than one source is providing the non-federal share (and/or the source of the non-federal share is different than the applicant completing and signing this application) please provide letters from each source committing to their share(s) of the non-federal funding.

Description	Source 1	Source 2	Source 3	Comments (Specify Other Source)
1. Source Agency:	Local Agency Funding	Select...	Select...	
2. Source Name of Non-Federal Share:	City of Willard			
3. Type of Non-Federal Share:	Cash	Select...	Select...	

- E. Project Work Schedule:** List the major milestones and timeframes for this project:
Example: Description: Demolition of 6 structures and removal of debris. Timeframe: 30 days 1 month.

Milestone	Timeframe Enter Number of Days and Month(s)
1. Description: Grant Award Period	30 days 1 month(s)
2. Description: Design	150 days 5 month(s)
3. Description: Plan Submittal to SEMA/FEMA	60 days 2 month(s)
4. Description: Bidding Negotiations	30 days 1 month(s)
5. Description: Contract Award	30 days 1 month(s)
6. Description: Construction	540 days 18 month(s)
7. Description: Project Closeout	60 days 2 month(s)
8. Description: _____	_____ days _____ month(s)
9. Description: _____	_____ days _____ month(s)
10. Description: _____	_____ days _____ month(s)
11. Description: _____	_____ days _____ month(s)
12. Description: _____	_____ days _____ month(s)
13. Description: _____	_____ days _____ month(s)
14. Description: _____	_____ days _____ month(s)
15. Description: _____	_____ days _____ month(s)

VI. Environmental Documentation

The applicant **must** provide certain environmental documentation to the State before the State and FEMA can adequately review any proposed project. Some projects require specific documentation depending upon the project type and its potential effects on the physical, biological and built environment. The following sections will help ensure you provide the necessary documentation for the project you are proposing. Each of the sections below will begin with a specific question, in which you will provide either a Yes, No, or Not Known response. In each section, if you select Yes or Not Known for any of the answers, please indicate why in the comments section provided and any information about this project that could assist SEMA and FEMA in its review.

A. National Historic Preservation Act – Historical Buildings and Structures:

1. Does your project affect or is it in close proximity to any buildings or structures 50 years or more in age? No

If yes, you must confirm that you have provided the following:

- ☐ The property address and original date of construction for each property affected (unless this information is already noted in the Properties section).
- ☐ A minimum of two color photographs showing at least three sides of each structure (please label the photos accordingly).
- ☐ A diagram or USGS 1:24,000 scale quadrangle map displaying the relationship of the property(s) to the project area.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- ☐ Information gathered about potential historic properties in the project area, including any evidence indicating the age of the building or structure and presence of buildings or structures that are listed or eligible for listing on the National Register of Historic Places or within or near a National Register listed or eligible historic district. Sources for this information may include the State Historic Preservation Officer, and/or the Tribal Historic Preservation Officer (SHPO/THPO), your local planning office, historic preservation organization, or historical society.
- ☐ Consideration of how the project design will minimize adverse effects on known or potential historic buildings or structures, and any alternatives considered or implemented to avoid or minimize effects on historic buildings or structures. Please address and note associated costs in your project budget.
- ☐ For Acquisition/demolition projects affecting historic buildings or structures, have you provided any data regarding the consideration and feasibility of elevation, relocation, or flood proofing as alternatives to demolition?
- ☒ List all Supporting Documentation Attached pertaining to Historic Buildings or Structures:
 1. 106 Permit Application
 2. _____
 3. _____

VI. Environmental Documentation continued

- ☒ Additional Comments regarding Historic Buildings and Structures: SHPO 106 permit has been submitted for review and will be forwarded to SEMA/FEMA for review.

B. National Historic Preservation Act – Archeological Resources:

1. Does your project involve disturbance of ground? Yes

If yes, you must confirm that you have provided the following:

- ☒ A description of the ground disturbance by giving the dimensions (area, volume, depth, etc.) and location. Reference site layout and floor plan for dimensions. Footings will most likely be shallow spread footings requiring 30" in depth of ground disturbance.
- ☒ The past use of the area to be disturbed, noting the extent of previously disturbed ground. The proposed site is adjacent to the community center and is currently an open grassy area.
- ☒ A USGS 1:24,000 scale or other site map showing the location and extent of ground disturbance.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- ☐ Any information about potential historic properties, including archeological sites, in the project area. Sources of this information may include SHPO/THPO, and/or the Tribes cultural resources contact if no THPO is designated. Include, if possible, a map showing the relation of any identified historic properties to the project area.
- ☒ List all Supporting Documentation Attached pertaining to Archeological Resources:
1. 106 Permit Application
 2. _____
 3. _____
- ☒ Additional Comments regarding Historic Buildings and Structures: _____ The foundation system for the proposed safe room will require minimal ground disturbance in the immediate area of the structure. The new safe room will be constructed adjacent to the existing buildings on campus. A 106 permit has been submitted and the results of the application will be forwarded to SEMA/FEMA for review.

C. Endangered Species Act and Fish and Wildlife Coordination Act:

1. Are federally listed threatened or endangered species or their critical habitat present in the area affected by the project? No

If yes, you must confirm that you have provided the following:

- ☐ Information you obtained to identify species in or near the project area. Provide the source and date of the information cited.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- ☐ Any request for information and associated response from the United States Fish and Wildlife Service (USFWS) or the Missouri Department of Conservation, regarding potential listed species present and potential of the project to impact those species.

VI. Environmental Documentation continued

- ☒ List all Supporting Documentation Attached pertaining to the Endangered Species Act and Fish and Wildlife Coordination Act:
1. MDC Letter
 2. _____
 3. _____
- ☒ Additional Comments regarding Endangered Species Act and Fish and Wildlife Coordination Act: The Missouri Department of Conservation has been apprised of the proposed project. We will forward their response to SEMA/FEMA for review.

2. Does your project remove or affect vegetation? Yes

If yes, you must confirm that you have provided the following:

- ☒ Description of the amount (area) and type of vegetation to be removed or affected.
- ☒ A site map showing the project area and the extent of vegetation affected.
- ☒ Photographs or digital images that show both the vegetation affected and the vegetation in context of its surroundings.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- ☒ List all Supporting Documentation Attached pertaining to Vegetation:
1. Proposed Site Plan is Attached
 2. Pictures of Site are included in report
 3. _____
- ☒ Additional Comments regarding vegetation: A portion of an existing grassy area will be used for the site. Approximately 6,500 square feet of ground will be disturbed.

3. Is your project in, near (within 200 feet), or likely to affect any type of waterway or body of water? ☐ Yes ☒ No ☐ Not Known

If yes, and project is not within an existing building, you must confirm that you have provided the following:

- ☐ A USGS 1:24,000 scale quadrangle map showing the project activities in relation to all nearby water bodies (within 200 feet).
- ☐ Any information about the type of water body nearby including: its dimensions, the proximity of the project activity to the water body, and the expected and possible changes to the water body, if any. Identify all water bodies regardless whether you think there may be an effect.
- ☐ A photograph or digital image of the site showing both the body of water and the project area.

VI. Environmental Documentation continued

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- ☐ Evidence of any discussions with the US Fish and Wildlife Service (USFWS), and/or the Missouri Department of Conservation concerning any potential impacts if there is the potential for the project to affect any water body.
- ☐ List all Supporting Documentation Attached pertaining to Waterway or Water Body:
 - 1. _____
 - 2. _____
 - 3. _____
- ☐ Additional Comments regarding Waterway or Water Body near your project:

D. Clean Water Act, Rivers and Harbors Act, and Executive Order 11990 (Protection of Wetlands):

1. Will the project involve dredging or disposal of dredged material, excavating, adding fill material or result in any modification to water bodies or wetlands designated as "waters of the U.S." as identified by the US Army Corps of Engineers or on the National Wetland Inventory? ☐ Yes ☒ No ☐ Not Known

If yes, you must confirm that you have provided the following:

- ☐ Documentation of the project location on a USGS 1:24,000 scale topographic map or image and a copy of National Wetlands Inventory map or other available wetlands mapping information.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- ☐ Request for information and response letter from the US Army Corps of Engineers and/or State resource agencies regarding the potential for wetlands, and applicability of permitting requirements.
- ☐ Evidence of alternatives considered to eliminate or minimize impacts to wetlands.
- ☐ List all Supporting Documentation Attached pertaining to Water Bodies or Wetlands:
 - 1. _____
 - 2. _____
 - 3. _____
- ☐ Additional Comments regarding Water Bodies or Wetlands for your project:

VI. Environmental Documentation continued

E. Executive Order 11988 (Floodplain Management):

1. Does a Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map (FHBM), hydrologic study, or some other source indicate that the project is located in or will affect a 100 year floodplain, a 500 year floodplain if a critical facility, an identified regulatory floodway, or an area prone to flooding? ☐ Yes ☒ No ☐ Not Known

If Yes, please indicate in the comments section below any documentation to identify the means or the alternatives considered to eliminate or minimize impacts to floodplains (See the 8 step process found in 44 CFR Part 9.6.) to help FEMA evaluate the impact of the project.

☐ Comments regarding Executive Order 11988 (Floodplain Management): _____

2. Does the project alter a watercourse, water flow patterns, or a drainage way, regardless of its floodplain designation? ☐ Yes ☒ No ☐ Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

☐ Hydrologic/hydraulic information from a qualified engineer to demonstrate how drainage and flood flow patterns will be changed and to identify down and upstream effects.

☐ Evidence of any consultation with US Army Corps of Engineers (may be included under Part D of the Environmental Information).

☐ Request for information and response letter from the State water resource agency, if applicable, with jurisdiction over modification of waterways.

☒ List all Supporting Documentation Attached pertaining to Altering Watercourse, Water Flow Patterns, or Drainage Ways:

1. FIRM Map with approximate location marked.

2. _____

3. _____

☐ Additional Comments regarding altering Watercourse, Water Flow Patterns, or Drainage Way for your project: _____

F. Farmland Protection Policy Act:

1. Will the project convert more than 5 acres of "prime or unique" farmland outside city limits to a non- agricultural use? ☐ Yes ☒ No ☐ Not Known

☐ List all Supporting Documentation Attached pertaining to the Farmland Protection Policy Act:

1. _____

2. _____

3. _____

☒ Additional Comments regarding the Farmland Protection Policy Act and your project: The project is located on existing city land and does not affect any farmlands.

VI. Environmental Documentation continued

G. RCRA and CERCLA (Hazardous and Toxic Materials):

1. Is there a reason to suspect there are contaminants from a current or past use on the property associated with the proposed project? ☐ Yes ☒ No ☐ Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- ☐ Comments and any relevant documentation.
- ☐ Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.
- ☐ List all Supporting Documentation Attached pertaining to Hazardous and Toxic Materials:
1. _____
2. _____
3. _____
- ☐ Additional Comments regarding Hazardous and Toxic Materials and your project: _____

2. Are there any studies, investigations, or enforcement actions related to the property associated with the proposed project? ☐ Yes ☒ No ☐ Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- ☐ Comments and any relevant documentation.
- ☐ Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.
- ☐ List all Supporting Documentation Attached pertaining to Studies, Investigations, or Enforcement Actions:
1. _____
2. _____
3. _____
- ☐ Additional Comments regarding Studies, Investigations, or Enforcement Actions related to your project: _____

3. Do any project construction or operation activities involve the use of hazardous or toxic materials? ☐ Yes ☒ No ☐ Not Known

If yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- ☐ Comments and any relevant documentation.

VI. Environmental Documentation continued

☐ Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

☐ List all Supporting Documentation Attached pertaining to Hazardous and Toxic Materials:

1. _____
2. _____
3. _____

☐ Additional Comments regarding Hazardous and Toxic Materials related to your project: _____

4. Do you know if any of the current or past land-uses of the property affected by the proposed project or of the adjacent properties are associated with hazardous or toxic materials? ☐ Yes ☒ No ☐ Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

☐ Comments and any relevant documentation.

☐ Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.

☐ List all Supporting Documentation Attached pertaining to Current or Past Land Uses:

1. _____
2. _____
3. _____

☐ Additional Comments regarding current or past land uses related to your project: _____

H. Executive Order 12898, Environmental Justice for Low Income and Minority Populations:

1. Are there low income or minority populations in the project's area of effect or adjacent to the project area? ☐ Yes ☒ No ☐ Not Known

If yes, you must confirm that you have provided the following:

☐ Description of any disproportionate and adverse effects to these populations.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

☐ Description of the population affected and the portion of the population that would be disproportionately and adversely affected. Please include specific efforts to address the adverse impacts in your proposal narrative and budget.

VI. Environmental Documentation continued

- ☐ List all Supporting Documentation Attached pertaining to Executive Order 12898 & your project:

1. _____
2. _____
3. _____

- ☐ Additional Comments regarding Executive Order 12898: _____

I. Other Environmental/Historic Preservation Laws or Issues:

1. Are there other environmental/historic preservation requirements associated with this project that you are aware of? ☐ Yes ☒ No

If yes, please provide a description of the requirements, issues or public involvement effort: _____

2. Are there controversial issues associated with this project? ☐ Yes ☒ No ☐ Not Known

If yes, please provide a description of the requirements, issues or public involvement effort: _____

3. Have you conducted any public meeting or solicited public input or comments on your specific proposed mitigation project? ☐ Yes ☒ No

If yes, please provide a description of the requirements, issues or public involvement effort: _____

- ☐ List all Supporting Documentation Attached pertaining to Other Environmental/Historic Preservation Issues:

1. _____
2. _____
3. _____

- ☐ Additional Comments regarding other Environmental/Historic Preservation Issues: _____

J. Summary and Cost of Potential Impacts:

1. Having answered the questions in parts A. through I., have you identified any aspects of your proposed project that have the potential to impact environmental resources or historic properties? ☐ Yes ☒ No

If yes, you must confirm that you have:

- ☐ Evaluated these potential effects and provided the materials required in Parts A through I that identify the nature and extent of potential impacts to environmental resources and/or historic properties.

- ☐ Consulted with appropriate parties to identify any measures needed to avoid or minimize these impacts.

VI. Environmental Documentation continued

- ☐ Considered alternatives that could minimize both the impacts and the cost of the project.
- ☐ Made certain that the costs of any measures to treat adverse effects are realistically reflected in the project budget estimate.
- ☐ List all Supporting Documentation Attached pertaining to potential impacts:
 - 1. _____
 - 2. _____
 - 3. _____
- ☐ Please enter additional Comments here: _____

VII. Maintenance Schedule and Associated Costs

- A. Provide a maintenance schedule including cost information: The maintenance schedule to be performed, include daily cleaning and general maintenance, which will be performed by maintenance personnel currently employed by the city. The maintenance schedule will be incorporated into current day to day maintenance activities of the city. It is estimated that annual maintenance will cost approximately \$1,000. This includes labor, cleaning supplies, and other items such as filters and equipment upkeep
- 1. Identify entity that will perform any long-term maintenance: City of Willard
 - 2. If the entity/responsibly party for regular long-term maintenance is different than the entity signing and certifying this application, please attach a letter from the entity accepting performance responsibility. Check the appropriate box below:
 - ☐ Yes, letter is attached from responsibly entity/party identified above.
 - ☐ No, a maintenance letter is not attached. If FEMA approves this application, the entity certifying this application is responsible for long-term maintenance for the proposed mitigation project.
 - 3. Additional Maintenance Comments: _____

VIII. Alternative Actions (This application will not be reviewed if this section is incomplete)

- A. It is important to demonstrate that you have balanced engineering feasibility, cost, and avoidance of adverse environmental impacts considering a range of reasonable alternatives. The section below will help you document the process in which you have selected the most feasible alternative. Describe the process you used to decide that this project is the best solution to the problem. Below are some sample questions to consider as you write your narrative in the following comments section:
- ☐ Have you considered the risks to critical facilities and structures and benefits to be obtained by mitigating this vulnerability?
 - ☐ Have you considered those areas or projects that present the greatest opportunities given the current situation and interest in your community?

- Are you addressing a symptom or the source of the problem? Addressing the source of the problem is a long-term solution which provides the most mitigation benefits.

VIII. Alternative Actions continued

- o If impacts to the environmental/historic preservation, natural, cultural, or historic resources have been identified, explain how your alternatives and proposed project avoid, minimize, or mitigate these impacts.

Process in which the proposed project was determined the best solution to the problem:

The proposed project is the best solution to the problem because it will provide near absolute protection against the devastating effects of tornadoes by providing immediate life safety to surrounding residents. The proposed location is centrally located in a residential area of the city. The main mitigation of this project is to reduce injuries and loss of life from tornadoes. The structure will be designed in accordance with FEMA 361 to protect the occupants. The project is feasible from an engineering stand point, and we see no adverse effects on the environment from the proposed project.

- B. You are required to show at least two alternatives to the project you are proposing, one as a default is a "No Action Alternative". List two feasible alternative projects to mitigate the hazards faced in the project area:

1. No Action Alternative

Provide discussion of the impacts on the project area if no action is taken: If no action is taken the students, staff and residents will remain vulnerable to the deadly and devastating effects of tornadoes. With no action people will remain vulnerable and seek shelter in areas that do not provide near absolute protection against tornadoes. The main goal of a tornado safe room is to provide life safety, by not constructing a safe room for people it is only a matter time before injuries and deaths occur due to a tornado.

2. **Other Feasible Alternative:** Other alternatives to constructing a safe room include improving the advanced warning system (i.e. sirens) and promoting the use of weather radios. Both of these alternatives are great, but do not provide near absolute protection against tornados. The warning system is needed to alert residents of the threat of severe weather and is incorporated as part of the counties hazard mitigation plan. Being aware of the danger and being able to protect people can be looked at differently. Being aware of the threat allows people to take action. However, if there is not a safe place to retreat too people are still at risk. Providing a safe room for people to retreat to during severe weather will provide immediate life safety. Alternative project locations were also considered for this project and are discussed below in more detail.

Discuss viable and practicable alternatives to the project including scope of work, engineering details (if applicable), estimated budget and the impacts of this alternative.

a. Other Feasible Project Description and Scope of Work:

Describe, in detail, the proposed project. Also, explain how the proposed project will solve the problem(s) and/or provide protection from the hazard(s).

An alternative considered for the proposed project is having the safe room located on the east side of the community center. The proposed alternative project is the construction of a community safe room that will be designed and constructed in accordance with the requirements set forth in

FEMA 361 second edition and the locally adopted building code to provide near absolute protection during tornadic storm events. The structure will be a single story above grade building that is constructed with precast wall panels and a precast double T roof structure. The foundation system will most likely consist of traditional spread footings located below the frost line, and the floor will be slab on grade. The proposed structure will be approximately 6,440 square feet and provide refuge for 1,063 students, staff, and local residents, and include space for storage, MEP, and restroom facilities. The project will be designed by engineers and architects familiar with the requirements of FEMA 361. Qualified contractors will construct the facility with quality assurance to ensure the safe room is constructed per the plans and specifications provided by the engineer of record. The timeline for the project is outlined in preceding sections.

b. Other Feasible Project Location:

- ☒ Attach a map or diagram showing the alternative site in relation to the proposed project site.
- ☒ Photographs of alternative site.



Alternative project location looking north.



Alternative project location looking east.



Alternative project location looking south.



Alternative project location looking west.

VIII. Alternative Actions continued

- c. Funding Sources: (round figures to the nearest dollar) The maximum FEMA share for a HMGP project is 75%. The other 25% must be paid by the local sponsor. Note: You cannot match federal funds with federal funds; the only exception is Community Development Block Grant (CDBG).

Funding Sources for the ALTERNATIVE Project	Funding Amount	Percentage of Total Cost
Federal Share (Estimated FEMA Share):	\$847,547.25	75%
Non-Federal Share (See below for required details to document):	\$282,515.75	25%
TOTAL Estimated Alternative Project Cost:	\$1,130,063	100%

Non-Federal Share Information: (Use Source 1, additional source space is available if multiple sources would contribute to the alternative project (Source 2).

Description	Source 1	Source 2	Comments (Specify Other Source)
4. Source Agency:	Local Agency Funding	Select...	
5. Source Name of Non-Federal Share:	City		
6. Type of Non-Federal Share:	Cash	Select...	

- d. Impacts of Other Feasible Alternative Project:

Discuss the impact of this alternative on the project area. Include comments on these issues: Environmental Justice; Endangered Species; Wetlands; Hydrology (Upstream and Downstream Impacts); Floodplain/Floodway; Historic Issues; Hazardous Materials: _____ The alternative considered would have similar impacts on the environment as the proposed project. The existing area is a grassy area and we anticipate no negative impacts on the environment due to the construction of a community safe room.

IX. Assurances

Please read the following statements and initial indicating acceptance and agreement with each statement. Highest ranking official of the local jurisdiction must initial each assurance and sign application.

All properties purchased under this grant program must be removed from the parcel of land in question. The land that is acquired through this grant program will be owned by the local jurisdiction making application and must be restricted as to future use. By submitting this application, the jurisdiction asserts that an evaluation has been conducted of all potential non-open space needs for this land including use for flood control. The applicant has determined that there are no such needs identified and therefore, the applicant is, with full knowledge, willing to commit to the purchase of this land and the placement of a permanent and irrevocable deed restriction that will prohibit future non-open space used including levees, flood walls and other flood control structures. The enclosed excerpt from

the Robert T. Stafford Act, as amended, has been reviewed and is understood. *(If applicable.)*

IX. Assurances continued

_____ The local, non-federal share is recognized to be the responsibility of the applicant. By making application, the applicant asserts that should federal funding be provided to carry out the scope of work identified, the local, non-federal match will be provided.

_____ The applicant agrees that if it receives any Federal aid as a result of this project application, the applicant will accept responsibility to ensure the saferoom will be maintained in a manner to preserve the design level of protection as specified in FEMA 361, "Design and Construction Guidance for Community Shelters", for the useful life of the project, (a minimum of 50 years). *(If applicable.)*

X. Certifications

To the best of my knowledge and belief, all data in this application is true and correct. The governing body of the applicant has duly authorized this document, and hereby applies for assistance documented in this application. By signing this document you will act as the applicant's agent in the performance of this grant. Also, the applicant understands that no construction on the project may proceed until FEMA approval is gained.

Stacy Winters
Typed Name of Authorized Representative/Applicant Agent

Emergency Management Director
Title

(417) 742-3033
Telephone Number

Signature of Authorized Representative/Applicant Agent

Date Signed

For Tornado Saferoom Applicants Only (Please complete the following information)

- I. Describe preliminary plans for the safe room area (Include floor plan sketch of proposed project): The proposed project is the construction of a community safe room that will be designed and constructed in accordance with the requirements set forth in FEMA 361 second edition and the locally adopted building code to provide near absolute protection during tornadic storm events. When not being used as a safe room the city plans on using the safe room structure as a recreation area. The structure will be a single story above grade building that is constructed with precast wall panels and a precast double T roof structure. The foundation system will most likely consist of traditional spread footings located below the frost line, and the floor will be slab on grade. The proposed structure will be approximately 6,440 square feet and provide refuge for 1,063 students, staff, and local residents, and include space for storage, MEP, and restroom facilities. The project will be designed by engineers and architects familiar with the requirements of FEMA 361. Reference attached floor plan sketch for additional information.

Who will be the primary occupants to take safe room? (i.e. campers, residents without basements, etc.)
Please explain: The primary occupants of the safe room include residents. The residents will come from within a half mile walking radius of the safe room.

Occupancy: (indicate approximate occupancy of building during each hour of the day)

Reference population breakdown sheet attached for occupation during certain times of the day.

12 AM – 1AM	1 AM – 2 AM	2 AM – 3 AM	3 AM – 4 AM	4 AM – 5 AM	5 AM – 6 AM	6 AM – 7 AM	7 AM – 8 AM
8 AM – 9 AM	9 AM – 10 AM	10 AM – 11 AM	11 AM – 12 PM	12 PM – 1 PM	1 PM – 2 PM	2 PM – 3 PM	3 PM – 4 PM
4 PM – 5 PM	5 PM – 6 PM	6 PM – 7 PM	7 PM – 8 PM	8 PM – 9 PM	9 PM – 10 PM	10 PM – 11 PM	11 PM – 12 AM

Will this be an addition to an existing building? Yes. If so, what is the current building's longest Width? 100 feet

Buildings current longest Length: 100 feet Size/Square Footage: 10,000 sq ft Number of Stories: 1 story
Construction Date of Current Building: 2000 Describe the current building configuration (also include sketch): The existing building is a square facility used as a community center. Reference attached site plan.

What is the proposed project's building Width? 70 feet What is the proposed project's building Length? 92 feet What is the proposed project's Size/Square Footage? 6,440 sq ft Will the proposed shelter space be above or below ground? Above Number of Stories: One Proposed Safe room Area: 5,345 sq ft Construction Type: Precast Concrete

Estimated Completion Date for Design (mo/yr): January 2011 Construction: July 2012 Estimated Yearly Maintenance Cost: \$1,000

Preliminary Project Cost Estimate for Safe room Area (amount to be included in application (fed + non-fed)-do not include estimated costs for optional amenities that the City will fund separately): \$1,130,063

What Flood Zone is the building located? (include copy of FIRM (Flood Insurance Rate Map) indicating location of the building) If the building is in the floodplain, the elevation of a shelter must be built at the 100 year plus 1 foot or to the 500 year level, which ever is higher: X (Unshaded)

In accordance with FEMA policy, all community safe rooms must meet FEMA publication 361 in order to receive federal funds. FEMA 361, Design and Construction Guidance for Community Shelters, the publication may be found at <http://www.fema.gov/fima/fema361.shtm>.

NOTE: A DRAFT "Saferoom Operations Plan" MUST be completed and submitted with the application.

This is the correspondence that I have had with Sativa and Brad Erwin of Paragon Architecture

Sent to Dale and Sativa
Thu 7/15/2010 4:31 PM

Good Afternoon Dale,

We have been in contact with SEMA regarding the application language and the State Hazard mitigation Officer has provided us with this information regarding termination for convenience on this application. Please let us know how we can help from here.

Brad Erwin, AIA LEED-AP
Paragon Architecture
PO Box 3362
Springfield, MO 65808-3362
Office: (417) 885-0002
Cell: (417) 459-1796

From: Huddleston, Sheila [mailto:Sheila.Huddleston@sema.dps.mo.gov]

Sent: Thursday, July 15, 2010 4:11 PM

Subject: RE: Willard

It is called a Terminate for Convenience in the 44 Code of Federal Regulations.

Here's the actual section from the 44 Code of Federal Regulations:

TITLE 44 - EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I - FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

SUBCHAPTER A - GENERAL

PART 13 - UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

subpart c - POST - AWARD REQUIREMENTS

13.44 - Termination for convenience.

Except as provided in 13.43 awards may be terminated in whole or in part only as follows: (a) By the awarding agency with the consent of the grantee or subgrantee in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or (b) By the grantee or subgrantee upon written notification to the awarding agency, setting forth the reasons for such termination, the effective

date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety under either 13.43 or paragraph (a) of this section.

Read more: <http://cfr.vlex.com/vid/13-44-termination-for-convenience-19830814#ixzz0tmtZtgXt>

Sheila

Sheila Huddleston MPA
State Hazard Mitigation Officer
State Emergency Management Agency
PO Box 116
Jefferson City, MO 65102
Phone: (573) 526-9228
Fax: (573) 526-9198

From Sativa to Brad Erwin on Fri July 17th

Thank you for the information. I assumed we could terminate or decline even if the city was awarded the funds. However, it is nice to have the citation supporting that. Unfortunately, this still does not change the fact that the contract states:

"By making application, the applicant asserts that should federal funding be provided to carry out the scope of work identified, the local, non-federal match will be provided."

We can't sign knowing that statement to be true. It seems logical that if after signing stating it to be true, something happens and the city changes its mind then 44 USC 13.44 allows us to not take the money. But at application we are stating that to the best of our knowledge we do plan to provide our required match.

Sativa Boatman-Sloan
Baird, Lightner, Millsap & Harpool, P.C.
1901 South Ventura Avenue, Suite C
Springfield, MO 65804
Telephone: (417) 887-0133
Facsimile: (417) 887-8740
sboatmansloan@blmhpc.com

sent to Dale and Stacy on Friday July 17th from Sativa

Dale & Stacy,

This is just our legal opinion and the city has the option of making its own decisions regardless of the potential issues pointed out by its attorneys. Ultimately, if the signor believes that if federal funds are to be provided that the local match would also be provided, then I suppose he

could sign it in good faith. But he would be taking on that potential liability and would only want to do so if he had a good faith belief and if the Mayor (his superior) also has such a good faith belief.

Sativa Boatman-Sloan
Baird, Lightner, Millsap & Harpool, P.C.
1901 South Ventura Avenue, Suite C
Springfield, MO 65804
Telephone: (417) 887-0133
Facsimile: (417) 887-8740
sboatmansloan@blmhpc.com

