

# KIRKSVILLE CITY COUNCIL **NEWSLETTER . . .**

Mari E. Macomber, City Manager  
March 16, 2016

## **SUBJECTS:**

**KIRKSVILLE R-III AGREEMENT  
MILO TRAINING  
CANDIDATES FORUM  
MARCH 2016 SPECIAL EVENTS  
INCLUSION PROJECT  
BOARD OF ADJUSTMENT  
PIERCE STREET PARKING  
EASTER WEEK COMMUNITY PRAYER BREAKFASTS  
BASEBALL SEASON IS UPON US  
CHILDREN'S EASTER EGG HUNT  
FOUNDERS DAY DINNER SCHEDULED  
SMALL BUSINESS INCUBATOR UPDATE  
SJR19 2016 UPDATE  
NEMO HEART HEALTH AED REQUEST  
TIGER GRANT FUNDING REVIEW  
RHSOC GRANT APPLICATIONS  
ADDITIONAL GRANTS UPDATE  
PANTRY FOR ADAIR COUNTY  
PUMP GRINDER AGREEMENTS  
Attachments:  
Enclosures**

## **KIRKSVILLE R-III AGREEMENT**

The agreement between the City and Kirksville R-III School District for the use of the North Park fields was considered this evening by the School Board. Due to timing, we chose not to place the agreement on the March 21 agenda, choosing to include the report and agreement in the Newsletter, should the District approve the agreement. The agreement was approved this evening. If the Council wishes to add the agreement it can be added as item 9 on the Agenda as a motion to approve the North Park Complex Use Agreement with the Kirksville R-III School District.

## **MILO TRAINING**

On Monday, March 21, 2016, there will be an opportunity for the Council to participate in a realistic training scenario called MILO Range. MILO provides a real-life firearms simulation experience for our officers. The Police Department conducts the training as part of their firearms instruction. The department will have the facility and program for demonstration purposes on Monday and wanted to offer members of the City Council the opportunity to experience the demonstration first-hand and see some of the training that our officers receive, as well as gain a better understanding of the possibilities that could

occur in the real world. If you would like to go through the demonstration, please email Lieutenant Mark Wellman at [mwellman@kirksvillecity.com](mailto:mwellman@kirksvillecity.com).

## **CANDIDATES FORUM**

The Chamber of Commerce's Governmental Affairs Committee will host a Candidates Forum on March 22, 2016, in the Mehegan Classroom at A.T. Still University starting at 5:30 pm. The City has been given the opportunity to make a brief presentation before the forum to explain the Economic Development Sales Tax renewal on the April 5, 2016 ballot. Both the City Manager and Public Works Director are out of town, Assistant City Manager Ashley Young will be making that presentation. The forum for the candidates will begin immediately after his presentation. The City will have the event recorded and then broadcast on Cable Channel 3 on the following schedule:

- Saturday, April 2 – 12:00 pm and 7:00 pm
- Sunday, April 3 - 12:00 pm and 7:00 pm
- Monday, April 4 – 7:00 pm and 9:00 pm

## **MARCH 2016 SPECIAL EVENTS**

Please see the following special events planned for the month of March, 2016:

- March, 17 – St. Patrick's Day Parade and 5k Run Downtown, sponsored by the DuKum Inn and KTVO Television
- March 19 – Easter Egg Hunt at PC Mills Park, sponsored by the Hamilton Street Baptist Church
- March 27 – Sunrise Services at the North Park Complex, sponsored by Faith Lutheran Church

## **INCLUSION PROJECT**

The Northeast Missouri Inclusion Project Inclusive Playground has been working to raise \$450,000 to construct a 9,000 square playground located on land owned by the Adair County YMCA along a City trail and across the street from the Kirksville R-III School District. As of March 7, it was reported that the efforts were \$10,000 short of the goal. The City partnered early on in this endeavor by providing engineering support to the project. The City will also be asked to do some drainage work, which will include purchasing additional pipe and installing it at our hike-bike trail. Would the City Council like to contribute financially using Capital Improvement Sales Tax funds toward this public park? A picture of the playground is included in this Newsletter.

## **BOARD OF ADJUSTMENT**

With the passing of Doyle Dover, there is a vacancy on the Board of Adjustment (BOA). Mr. Dover was reappointed to a five-year term in June of 2015. He had served on the BOA since 2004. The Board of Adjustment is an important Board of the City and is the only City Board that has decision making authority over granting special exceptions to our Zoning Code. Mr. Dover passed away on March 3, soon after the passing, Andy Grimm, son-in-law of Mr. Dover reached out to the City expressing an interest in serving as a way to honor of his father-in-law saying that being involved was important to Doyle. In addition to Mr. Grimm, Brad Selby had a list of five individuals who had expressed interest in the past, of those only three were eligible as appointees must be residents of the City. Then

on Monday, March 7, Council member Steele presented a letter from Karl Hildebrand asking the Council to consider appointing him to BOA. A copy of his letter is included in this Newsletter. The level of interest shows the importance of the BOA. The BOA meets on call. Neither of the alternates (Gary Rogers or David Norman) wish to serve as full members. Please consider this appointment and give direction on who you would like to fill this vacancy.

### **Sec. 25-17. - Powers as to special exceptions.**

The **board of adjustment** may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter in harmony with its general purpose and intent and in accordance with the general or specific rules contained in this chapter, and to other ordinances controlling and regulating construction of structures, development of real estate, and the abatement of nuisances.

(Ord. No. 11296, 6-16-97)

### **PIERCE STREET PARKING**

At the February Council meeting, staff had presented an Ordinance to reflect the current parking on Pierce Street east of Halliburton. Though the current City Code prohibits parking on the south side of Pierce east of Halliburton, according to the Floyds people have parked on this side of the street for the 28 years they have lived in the area. Mrs. Floyd has submitted a letter asking the Council to approve the Ordinance change that had been previously submitted. In her letter she details the events that led up to the discovery of the parking prohibition found in the Code of Ordinances that had not been signed and enforced in the past. One of the questions that was asked concerned the ability of a fire truck to traverse the street. Fire Chief Collins did not see an issue if parking were allowed.

### **EASTER WEEK COMMUNITY PRAYER BREAKFASTS**

The Easter Week Community Prayer Breakfasts will begin Monday, March 21, at 7:00 am in the First Christian Church Fellowship Hall, and run through Friday, March 25, 2016. Breakfast is served promptly at 7:00 am. There is no charge, but donations are accepted to cover food costs, and all excess funds will be donated to the NEMO Inclusion Project's Kiwanis Playground in Honor of Shag Grossnickle and Harvey Young. The breakfasts are sponsored by Kirksville's service organizations. Please see the flyer for the event attached to this Newsletter.

### **BASEBALL SEASON IS UPON US**

The first regularly scheduled game of baseball for the Kirksville R-III High School Baseball Team will be Tuesday, March 22, 2016, on Doc Gardner Field at the North Park Complex. Parks Maintenance personnel are currently preparing the fields at the North Park Complex, Jaycee Park, and Patryla Park as we once again move into baseball season this spring.

## **CHILDREN'S EASTER EGG HUNT**

The Parks and Recreation Division will again be partnering with Cardinal Key at Truman State University to host the annual Children's Easter Egg Hunt on the Quadrangle at Truman State University on Saturday, March 26, 2016, at 10:00 am. This is a very popular and well attended event each year for parents and their children.

## **FOUNDERS DAY DINNER SCHEDULED**

The City's Founders Day Dinner, organized by the Friends of Forest-Llewellyn Cemetery Committee, and has been scheduled for Saturday, May 14, 2016. According to Committee Chair, to guarantee the Georgian Room at Truman, there needs to be a commitment of \$1,200. It seems that we should be able to generate enough interest to get that many people to attend. Does the City Council have any thoughts about the location and/or expectations for this event?

## **SMALL BUSINESS INCUBATOR UPDATE**

The MREIC Small Business Incubator, to be located in the basement of the Economic Development Alliance (EDA) Building, is moving forward. Final decisions are being made on the appearance of the space and construction should begin soon. City staff are also taking advantage of the opportunity to relocate record storage and surplus property to make more efficient use of the space in the basement of the EDA Building. City staff will update the Council as the project moves forward.

## **SJR19 2016 UPDATE**

As last discussed in the March 2, 2016 Council Newsletter, on February 4, 2016, the Missouri State Senate passed SJR19 2016, which, as you recall, called for a vote of Missourians to amend the Constitution to increase the number of commissioners on the Missouri Conservation Commission from four to eight, with each commissioner appointed from each of the eight conservation districts within the state. The Council voted on February 1, 2016, to write a letter of support in favor of SJR19 2016. When SJR19 2016 was passed, however, it was changed so that it now calls for six, instead of eight, commissioners and those six can be from anywhere in the state. Since that time, the Missouri Farm Bureau has endorsed the original legislation during the 101<sup>st</sup> Meeting of the Missouri Farm Bureau Federation. City staff will update the Council as this legislation moves through the Missouri House of Representatives.

## **NEMO HEART HEALTH AED REQUEST**

The Northeast Missouri Heart Health Corporation placed over 100 automated external defibrillators (AEDs) in Kirksville over the past five years. NEMO Heart Health is now requesting assistance to maintain these AEDs. They are asking for a long term commitment of \$150 per year per machine to ensure batteries and pads are up-to-date. The City currently has four AEDs across the City at City Hall, the Aquatic Center, the North Park Complex, and the Regional Airport. The support, therefore, would come to \$600 per year. Support is not mandatory and there have been no funds budgeted to cover this cost in 2016. Please see the letter from NEMO Heart Health included in this Newsletter.

## **TIGER GRANT FUNDING REVIEW**

City Staff are working with the Missouri Department of Transportation (MoDOT) to submit an application for the eighth round of the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant through the United States Department of Transportation (USDOT). The TIGER 8 application is due April 29, 2016, and City Staff will be bringing the item to Council prior to submittal. The FY2015 TIGER Grant had \$500M dollars available for award. The City submitted an application, requesting a little over \$2.25M in funding, to complete a "Kirksville Entrance – Complete Streets Corridor" into the Downtown along Hwy 6 / Illinois Street from the US Highway 63 Alternate Route to Elson Street. In order to understand how the City fared, it is important to understand the TIGER Grant selection process. The selection process consists of three phases: Technical Review, Tier 2 Analysis, and Senior Review. During the first two phases of the selection process, applications are rated as Highly Recommended, Recommended, Acceptable, or Not Recommended based on how well the projects align with the selection criteria. During the third phase, the Senior Review Team considers all projects that were rated Acceptable, Recommended or Highly Recommended, and determines which projects to advance to the Secretary of Transportation as Highly Rated. The Secretary then selects applications from the Highly Rated projects for final award. The grant was highly competitive, as USDOT received 627 application requesting a total \$10.1B. The City's application, along with 550 other applications, made it through the first two phases with a Highly Recommended rating. In the third phase, the City's application was one of only 193 Highly Rated applications to advance to the Secretary of Transportation's Desk. The Secretary selected 39 of the 193 final applicants for award; we received no negative comments on our application. The City will be resubmitting this application again for the 2016 round of TIGER funds.

## **RHSOC GRANT APPLICATIONS**

As last discussed in the January 27, 2016 Council Newsletter, City staff continue to stay abreast of Regional Homeland Security Oversight Committee (RHSOC) grant opportunities. Currently, the Fire Department plans to apply for RHSOC grants to purchase an additional truck, upgrades to the Mobile Command Unit, and new radios. The grants are due April 15, 2016. City staff will update the Council if and when the applications are completed.

## **ADDITIONAL GRANTS UPDATE**

The Fire Department is applying for a Fire Prevention & Safety (FP&S) grant due May 6, 2016. Parks and Recreation is exploring Recreational Trails Program (RTP) and Land Water and Conservation Fund (LWCF) grants, both of which are due April 22, 2016. City staff have also learned that another round of Transportation Alternatives Program (TAP) grant funding, or Enhancement funds, will be available through MoDOT this fall. City staff also continue to make progress leading up to the construction phase of the Solid Waste Management District (SWMD) Glass Recycling grant.

## **PANTRY FOR ADAIR COUNTY**

The Pantry for Adair County (PAC) is seeking grants and tax credits as part of their capital campaign with the goal of purchasing or constructing a space for their organization. As

such, they have contacted City staff and are interested in applying for a Community Development Block Grant. In the interest of community development, City staff are assisting the PAC as much as possible, given the tight deadline, with the application due April 1, 2016.

### **PUMP GRINDER AGREEMENTS**

Currently the City has agreements with three property owners that dictate the City maintain their pump grinders which operate their sewer collection. There is significant cost associated with the repairs for one of these systems. Therefore, City staff are investigating the cost to gravity flow the three homes which would eliminate the pump grinder maintenance and all future replacement costs or to tie the lines into existing gravity line. Work would need to be done to determine if the elevations will allow for the gravity flow. City staff will update the Council as this work moves forward.

### **Attachments:**

- Candidate Forum
- Inclusion Project
- Easter Week Community Prayer Breakfasts
- NEMO Heart Health AED Request Letter
- Adair County Humane Society January 2016 Shelter Report
- Adair County Humane Society February 2016 Shelter Report
- Citizen Letter RE: Request for Appointment to Board of Adjustment
- Citizen Letter RE: Pierce Street
- North Park Complex Use Agreement Council Report
- North Park Complex Use Agreement

### **Enclosures**

- January Revenues and Expenses
- February Revenues and Expenses

# **CANDIDATES FORUM**

Sponsored by Governmental Affairs Committee

**Tuesday, March 22, 2016**

**Meet & Greet 5:30-6:00 pm**

**Forum begins 6:00 pm**

800 W. Jefferson Street  
Mehegan Classroom  
Lower Level Gutensohn Clinic  
A.T. Still University

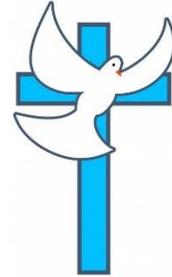


**Join the Governmental Affairs  
Committee at the forum to get to know  
your local City Council &  
Kirksville R-III School Board  
Candidates.**

**Northeast Missouri Inclusion Project Inclusive Playground**



# He is Enough



## *Kirksville Easter Week Community Prayer Breakfast*

Monday, March 21st — Friday, March 25th, 2016  
7:00 a.m.

First Christian Church  
Fellowship Hall  
100 North High Street

### **Speakers**

Monday.....Randy Smith  
Tuesday.....Karla Dwyer  
Wednesday.....Larry Page  
Thursday.....Vicky Williams  
Friday.....Christina Tamayo

### **Breakfast served promptly at 7:00 a.m.**

(There is no charge, but donations are accepted to cover food costs.)

#### **SPONSORED BY THE FOLLOWING KIRKSVILLE SERVICE ORGANIZATIONS**

**Quota International  
Noon Rotary  
Kiwanis Club**

**Lions Club**

**Thousand Hills Rotary  
Optimist Club  
North Star Rotary**

#### **Statement of Purpose**

- To provide a forum for the community to come together and observe Holy Week.
- To have the opportunity to hear an inspirational talk from a layman's point of view.
- To enjoy good food and good fellowship.
- Our goal is for contributions to meet expenses.

***Any excess funds will be donated to The Inclusion Playground.***



## Keeping you Healthy one Heart at a time.

Dear NEMO Heart Health/AED supporter:

For more than 5 years now, NEMO Heart Health Corporation has led the effort to make Northeast Missouri a safer place to live. As you are aware, this has been accomplished through the placement of more than 100 AEDs (Automated External Defibrillators) throughout the community. We wish to thank you and the many businesses, educational institutions, healthcare facilities, and generous citizens who have made this effort such a success. It is through your generosity and support that the citizens of Northeast Missouri will have the best chance for survival should they ever suffer a sudden cardiac event.

Our mission is to empower our citizens to improve their heart health through awareness, prevention, education, and by maintaining access to AEDs. In order to meet our mission and continue to provide services to our community, we rely on the generosity of community-minded businesses and individuals like you. Without your support, projects such as the purchase of additional AEDs, educational programs for kids (RAAWKS...Raising Active AWesome Kids), and other heart healthy projects would not be possible.

Our original goal was to place 50 AEDs in 5 years. With the overwhelming success we have had in placing over twice the goal, it has caused an unforeseen strain on our ability to maintain the machines per our original contracts. Every few years the batteries and pads must be replaced to insure effective operation at the time of need and we are now seeing larger numbers of machines in need of maintenance. In order to help offset the cost of the maintenance, we hope that you will be able to make a long-term commitment to cover the cost of the replacement parts of your machine(s). Our request is that you will make a yearly donation of \$150 per machine. Your generosity will free up our other fundraising contributions to be used for the other projects mentioned above and much more.

We understand that it may not be possible for you to make a contribution, but be assured that it will not affect our goal to maintain the AEDs at their current locations. All donations are greatly appreciated and all funds are used to further our mission in our local communities. Enclosed is a self-addressed, stamped envelope for your convenience. If you have any questions, feel free to contact us at [hearthealth.nemo@gmail.com](mailto:hearthealth.nemo@gmail.com)

Thank you in advance for your generous support!

Sincerely,

John H. Rickelman, D.O.

NEMO Heart Health Corporation Board President & Medical Director

**ADAIR COUNTY HUMANE SOCIETY**  
**P.O. Box 481**  
**Kirksville, Missouri 63501**  
**February 5, 2016**

REC'D MAR 16 2016

TO: Kirksville City Manager  
FROM: Adair County Humane Society  
RE: January Shelter Report

<b>Brought In (City)</b>	Dogs	7
	Cats	13
	Puppies	0
	Kittens	0
<b>Euthanized (City)</b>	Dogs	1
	Cats	6
	Puppies	0
	Kittens	0
<b>Brought to Shelter Dead</b>	Dogs	0
	Cats	2
	Kittens	0
	Others	7
<b>Returned to Owner</b>	Dogs	1
	Cats	1

For the year 2015 , we sent 217 Dogs to rescue and 46 Cats, adopted out 101 Dogs and 32 Cats.

  
Jackie Eaton, Treasurer

**ADAIR COUNTY HUMANE SOCIETY**  
**P.O. Box 481**  
**Kirksville, Missouri 63501**  
**March 5, 2016**

REC'D MAR 16 2016

TO: Kirksville City Manager  
FROM: Adair County Humane Society  
RE: February Shelter Report

<b>Brought In (City)</b>	Dogs	9
	Cats	17
	Puppies	0
	Kittens	0
<b>Euthanized (City)</b>	Dogs	0
	Cats	12
	Puppies	0
	Kittens	0
<b>Brought to Shelter Dead</b>	Dogs	0
	Cats	1
	Kittens	0
	Others	11
<b>Returned to Owner</b>	Dogs	1
	Cats	0

We are very excited about an event to start on March 17. Watch KTVO.  
Missy, shelter manager, was very proud of the fact that no dogs had to be put down in February.

  
Jackie Eaton, Treasurer

March 5, 2016

Mayor and Council

I would like to be considered to serve on the Board of Adjustment.

I believe that my practical experience in property development, maintenance and management; jurisprudence; historic preservation; and a deep knowledge of the city and its citizens coupled with my academic background in land tenancy and land reforms would be of great value in maintaining a cohesive and uniform application of the intent of the city's zoning ordinances.

My business and property interests are such that I do not believe that they would be of any impediment to holding such a position as I have no ties to construction or reality companies in Kirksville.

Sincerely



Karl J. Hildebrand  
Rinehart News Agency  
112-114 South Franklin Street  
Kirksville Missouri

Email: [fbn.press@gmail.com](mailto:fbn.press@gmail.com)  
Message only: 660-665-1128

405 South Halliburton  
Kirksville, MO 63501  
February 26, 2016

REC'D MAR 3 2016

Honorable Mayor Richard Detweiler  
Members of the City Council  
City of Kirksville  
201 South Franklin Street  
Kirksville, MO 63501

Dear Mayor Detweiler and Council Members:

I am writing today concerning the parking on Pierce Street east of the intersection of Pierce and Halliburton Street. I am asking that the City Council reconsider the decision concerning the parking policy on the 700-1000 blocks of Pierce Street. This request comes as the result of the following:

Our family moved to our present residence on October 20, 1987. During the 28 years we have lived there, people have parked on the south side of Pierce consistently. We parked in our garage and driveway.

In late 2014, my husband got a parking ticket because the rear of his vehicle hung over the edge of the sidewalk. This precipitated a move of the vehicle to the curb on the south side of Pierce Street. There was no parking on Halliburton Street by that time and we have no alley access, so this was our only parking choice.

In the fall of 2015, we experienced occurrences of guest's cars blocking the mouth of our driveway while visiting students living on our street. With the thought of taking care of this, I asked the City to repaint the faded yellow lines marking the egress of the driveway.

The City came and painted yellow from the corner of Halliburton and Pierce all down our property to the next property east of our residence, but stopped there. We contacted City Hall about this, as it left us no place to park our second vehicle. Two vehicles are a necessity, as both Bruce and myself work and travel.

The code administrator and the chief of police assessed the situation and determined that it would be a prudent policy to continue to allow parking on the south side of Pierce, with the normal yellow markings at the intersections. We believed the matter to be settled.

Since the City council did not approve the ordinance amendment submitted several weeks ago, the alternative is to put up the No Parking signs along Pierce Street from Halliburton Street to Baltimore. I ask that the City further study and evaluate this matter. It is clear that the no parking ordinance has not been put into practice, at least for the past 28 years.

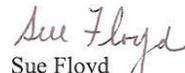
The policy that has been followed is in contradiction to the written ordinance. I feel certain that there is not a homeowner or landlord along Pierce Street that realizes there is no parking along the south side of the street. To my knowledge, the City has not ever painted the curb on the south side of the street from the intersection of Pierce and Halliburton Street down to Baltimore Street.

The enforcement of the policy in its present state would create a burden on many property owners. Property owners should be given the opportunity to provide input into this matter, as it affects several citizens.

In closing, I would request that the City approve changing the ordinance to coincide with the application of the parking policy all of these years. I would ask for the opportunity to provide additional information to the Council before enforcement of the no parking policy is implemented.

Thank you for reading this letter and reconsidering of this matter. All people of the City desire to work together to create a good place to live, with fair and equitable policies for all citizens. I look forward to hearing from you soon.

Respectfully,

  
Sue Floyd

Cc: Chief of Police Jim Hughes  
Code Administrator Brad Selby



2016

# City Council Meeting

**Meeting Date:** March 21, 2016

**Agenda Item:** 8

Prepared by: Ashley Young, Assistant City Manager

**Recommended Motion:** To approve the North Park Complex Use Agreement with the Kirkville R-III School District.

**Background:** The City of Kirkville and the Kirkville R-III School District have maintained an agreement for the use of the North Park Complex for baseball and softball for a number of years. The most recent agreement between the two entities was in effect from March 1, 2011 through October 31, 2015. Given that the most recent five year agreement has expired, the agreement was revised and a new agreement has been presented to both the Board of Education of the Kirkville R-III School District, and now, the City Council for review and approval.

The only change to the terms of the agreement from the previous one, excluding dates, was in the amount the Kirkville R-III School District shall compensate the City for use of the North Park Complex. That amount was increased to \$6,500 in an effort to match increasing costs at the North Park Complex and balance the North Park Fund.

Some highlights of the agreement include allowing the District use of one field from March 1 through June 1 for boys' baseball games, and the use of one field from August 1 to October 31 for girls' softball games. This includes the use of restroom facilities and also obligates the City to have the concession stand open and operational. Additionally, the City maintains the fields and covers the costs of utilities, while the District is entirely responsible for the administration of their respective baseball and softball programs.

**Fiscal Impact:** The Kirkville R-III School District would pay the City of Kirkville \$6,500 per year for five years, beginning with the 2016 season, for use of the North Park Complex. These monies would be considered revenue within the North Park Fund.

Respectfully submitted,

A handwritten signature in black ink that reads "Mari E. Macomber".

Mari E. Macomber  
City Manager

## AGREEMENT

This agreement entered into this \_\_\_\_ day of \_\_\_\_\_, 2016 by and between the Kirksville R-III School District, hereinafter called "SCHOOL" and the City of Kirksville, a Missouri Municipal Corporation, hereinafter called "CITY".

WHEREAS, the parties hereto share a common interest in the encouragement of public involvement in youth sports.

### THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. CITY agrees that the SCHOOL shall have the first right to use one regular size baseball field and appurtenant structures and parking facilities from March 1 to June 1 and permanent restroom facilities from April 15 to June 1 during each year from 2016 to 2020 for its Boys Baseball games and normal post-season tournament games and two regular size softball fields and appurtenant structures and parking facilities from August 1 to October 31 and permanent restroom facilities from August 1 to October 31 during each year from 2016 to 2020 for its Girls Softball Games and normal post-season tournament games; together with appropriate periods for team practice during said periods. Non-permanent restroom facilities will be available from approximately March 1 through April 14 of each year and after October 31, if warranted. CITY reserves the right to use the premises at such times as said premises, or any portion thereof, shall not be occupied by SCHOOL in the course of its permitted uses provided for herein. SCHOOL agrees to use its best efforts in timely notifying the CITY of SCHOOL's scheduled uses so as to allow CITY to schedule activities during periods of non-use by SCHOOL.
2. CITY shall groom and maintain the baseball and softball fields and lights and their appurtenant improvements and structures and access roads in a good, safe and attractive state of repair and bear the costs therefore.
3. CITY shall provide without cost to SCHOOL such electrical and water and sewer utilities as may be necessary for SCHOOL's program as hereinbefore described in paragraph one (1) and shall provide access to breaker boxes to allow for the timely

illumination of the fields and facilities in accordance with the schedule of the SCHOOL.

4. It is understood that CITY shall exclusively provide concession refreshments for purchase by attendees of SCHOOL baseball and softball games and CITY shall receive the entire profits or bear the entire losses there from. Should CITY fail to make concession refreshments available then the SCHOOL at its election may supply concession refreshments for attendees of its games.
5. It is further agreed that CITY beginning with the 2016 season shall receive as compensation for its facilities herein provided to SCHOOL the usage fee set at \$6,500 per year for the term of this contract to be paid on or before March 1 of each year.
6. SCHOOL agrees its officers, agents, servants, and employees shall abide by and assist in the enforcement of all applicable ordinances of the CITY, with specific attention to those that apply to the North Park Sports Complex.
7. School agrees that none of its officers, agents, servants, and employees shall use either the baseball field or two softball fields for personal use without obtaining approval from the City first.
8. It is understood the SCHOOL shall continue to be responsible for complete administration and operation of its baseball and softball programs and CITY shall have no responsibility therefore.
9. For so long as SCHOOL shall use CITY's public recreation facility to operate its baseball and softball programs, CITY agrees to name to CITY's Park Board one representative of SCHOOL as shall be nominated by SCHOOL to CITY.
10. CITY agrees to maintain a special park fund into which it will place all concession receipts, use fees, regulation fees and other revenue derived from the operation of the public recreation facility as well as all contributions made to CITY on account of said facility. Expenses attributable to the maintenance shall be paid from that fund. Facility and Capital Improvement projects that are deemed mutually beneficial to both parties will be jointly funded on a project by project basis as mutually agreed upon by both parties.
11. In partial consideration of the use of the CITY's public recreation facility as hereinbefore provided SCHOOL shall permit CITY to use without charge, one

gymnasium and related restrooms at Kirksville Senior High School, William Matthew Middle School, Ray Miller Elementary School, Primary School or comparable facilities which may hereafter be erected as SCHOOL may in its discretion select. CITY's use shall be limited to not more than fifteen (15) hours per week from 2016 to the year 2020. SCHOOL will be responsible for maintenance, heating and lighting of the said gymnasium and shall not charge the CITY therefore. SCHOOL shall not be responsible for special expenses attributable to CITY's use of said facilities, and CITY shall not allow damages to SCHOOL's facilities and shall leave those facilities in a clean and orderly fashion.

12. SCHOOL agrees to provide proof of Comprehensive General Liability insurance coverage for all players, coaches, employees, agents and officers. Coverage shall be per occurrence Combined Single Limit for Bodily Injury and Property Damage including premises and operations. Minimum limits of coverage shall be \$1,000,000. The CITY shall be included as an Additional Insured on the Comprehensive General Liability policy. Current, valid insurance policy meeting the requirement herein identified shall be maintained during the contract term. Renewal certificates shall be sent to the CITY 30 days prior to any expiration date. There shall also be 30 day notification to the CITY in the event of cancellation or modification of any stipulated insurance coverage. Certificates of insurance meeting the required insurance provisions shall be sent to the CITY's Risk Management Office.
13. SCHOOL agrees to indemnify and save harmless the CITY, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and attorney's fees resulting from a willful or negligent act or omission of the SCHOOL, its officers, agents, servants and employees in the performance of this contract; provided, further that the CITY shall indemnify and save harmless SCHOOL its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees arising out of the maintenance and operation of the sports complex, or resulting from a willful or negligent act or omission of the CITY, its officers, agents, servants and employees in the performance of this contract.
14. This agreement shall be binding upon and inure to the benefits of the parties hereto, their successors and assigns.

WHEREFOR, the parties hereto have caused their chief executive officers to execute this agreement the day and year first above written.

KIRKSVILLE R-III SCHOOL DISTRICT

CITY OF KIRKSVILLE, MISSOURI

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Jeff Brawner, President

Richard Detweiler, Mayor

ATTEST:

ATTEST:

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\_\_\_\_\_

Secretary

City Clerk