

Bill No. 13-2024

Ordinance No. 1563-2024

**AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A PARK RESERVATION AGREEMENT BETWEEN KEARNEY R1 SCHOOL DISTRICT, A POLITICAL SUBDIVISION AND THE CITY OF KEARNEY, MISSOURI, TO HOST A 5K EMPLOYEE FUN RUN ON THE JESSE JAMES PARK TRAIL.**

**WHEREAS**, KEARNEY R1 SCHOOL DISTRICT, previously has conducted a 5K Employee Fun Run in Jesse James Park; and

**WHEREAS**, KEARNEY R1 SCHOOL DISTRICT once again would like to conduct such event on Saturday April 27th, 2024; and

**WHEREAS**, A Reservation of Park Agreement Between the Kearney R1 School District, a Political Subdivision the City of Kearney is hereby attached.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF KEARNEY, MISSOURI, AS FOLLOWS:**

**Section 1.** The Mayor of Kearney is authorized to sign a Park Reservation Agreement with and between KEARNEY R1 SCHOOL DISTRICT, & CITY OF KEARNEY for the purpose of allowing KEARNEY R1 SCHOOL DISTRICT, use of Jesse James Park to host a 5K Employee Fun Run to be held Saturday April 27th, 2024 in Jesse James Park. KEARNEY R1 SCHOOL DISTRICT will procure and add the City as an additional insured on general liability insurance in a minimum amount of the Missouri Sovereign Immunity Limits. **“The City of Kearney shall have no duty to pay damages unless the defenses of sovereign and governmental immunity are inapplicable. Nothing in this Section shall reflect an intent by the City of Kearney to waive any defenses of sovereign and governmental immunity.”**

**APPROVED AND ADOPTED BY THE MAYOR AND BOARD OF ALDERMEN, CITY OF KEARNEY, MISSOURI, THIS 4TH DAY OF MARCH, 2024.**

APPROVED:

*Randy Pogue*

Randy Pogue, Mayor

ATTEST:

*Sheila Erzen*  
Sheila Erzen, City Administrator



## RESERVATION OF PARK AGREEMENT

This Reservation of Park Agreement entered into this 4th day of March 2024, between the City of Kearney, Missouri, a municipal corporation (City) and KEARNEY R1 SCHOOL DISTRICT, a Missouri Political Subdivision.

**WHEREAS**, KEARNEY R1 SCHOOL DISTRICT has previously conducted a 5K Employee Fun Run in Jesse James Park; and

**WHEREAS**, KEARNEY R1 SCHOOL DISTRICT once again would like to conduct a 5K Employee Fun Run on Saturday April 27th, 2024, in the morning, on the JJ Park trail, located in Jesse James Park

**NOW THEREFORE**, the parties agree as follows:

1. This event does not interfere with a city, or other organizations' scheduled event in the park or at the amphitheater.
2. KEARNEY R1 SCHOOL DISTRICT requests and is granted a reservation to use the same portion of City Park land area as to conduct the 5K Employee Fun Run located on the JJ Park Trail.
3. Such 5K Employee Fun Run will be conducted by KEARNEY R1 SCHOOL DISTRICT as a Missouri Political Subdivision and KEARNEY R1 SCHOOL DISTRICT will indemnify and hold City harmless from any liability for matters arising out of the use of said park land and any activities occurring thereon. KEARNEY R1 SCHOOL DISTRICT will procure and add the City as an additional insured on the KEARNEY R1 SCHOOL DISTRICT general liability insurance in a minimum amount of Missouri Sovereign Immunity Limits. Policy needs to be in hands of City of Kearney, no later than 30 days prior to event. **"The City of Kearney shall have no duty to pay damages unless the defenses of sovereign and governmental immunity are inapplicable. Nothing in this Section shall reflect an intent by the City of Kearney to waive any defenses of sovereign and governmental immunity."**
4. KEARNEY R1 SCHOOL DISTRICT agrees that its use of Jesse James Park shall be subject to the following rules of use:
  - A. The KEARNEY R1 SCHOOL DISTRICT 5K Employee Fun Run will be held in the same JJ Park trail that has been used in prior years.
  - B. City of Kearney toilets will not be moved.
5. The Knights of Columbus Council #8915 has the contractual right of first refusal for concessions at any event in Jesse James Park. In that contract, the Knights of Columbus guarantee the City of Kearney 20% of gross concession and alcohol receipts. Should the Knights

of Columbus decline to serve concessions at an event, the event organizer can choose any concession vendor they wish, as long as they have all proper city and state licenses and permits. Outside concession vendors will not be held to the 20% of gross receipts stipulation. If alcohol is served during this event Kearney Knights of Columbus will secure all licenses and permits needed to serve the alcoholic beverages at the event, and name the City of Kearney as an additional insured. Furthermore, (KEARNEY R1 SCHOOL DISTRICT) will secure the Kearney Knights of Columbus to do the actual serving of the alcoholic beverages.

6.Total facility use fee to rent the trail for the Kearney R1 School District 5K Fun Run on Saturday April 27<sup>th</sup>, 2024 is **waived, as Kearney R1 School District is a Missouri Political Subdivision.**

**THIS AGREEMENT ENTERED INTO ON THE DAY AND YEAR FIRST ABOVE MENTIONED.**

CITY OF KEARNEY, MISSOURI

By:   
Randy Pogue, Mayor

ATTEST:

  
Sheila Ernzen, City Administrator



By:   
KEARNEY R1 SCHOOL DISTRICT Representative