



Board of Aldermen Request for Action

MEETING DATE: 6/20/2023

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Resolution 1232, Amending the Cooperative Agreement for Fireworks Display with Clay County, Missouri.

REQUESTED BOARD ACTION:

A motion to approve Resolution 1232, amending the Cooperative Agreement for Firework Display with Clay County, Missouri.

SUMMARY:

On June 8, 2015, the City of Smithville and Clay County, Missouri entered into a long-term agreement for a 4th of July fireworks display. The cost was approximately \$12,000 with each entity paying one half of the cost.

In 2022, the cost of the show increased to \$16,000. Staff has been working with Clay County to amend the contract to show the increase and ensure that budgets reflect the change going forward.

Clay County, Missouri has agreed to continue the co-sponsorship at the increased rate.

PREVIOUS ACTION:

The Board of Aldermen approved Resolution 418, the initial cooperative agreement with Clay County.

POLICY OBJECTIVE:

N/A

FINANCIAL CONSIDERATIONS:

\$16,000 is allocated in the general fund, with \$8,000 in revenues budgeted to be received from Clay County.

ATTACHMENTS:

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Agreement | |

RESOLUTION 1232

A RESOLUTION AMENDING THE ORIGINAL COOPERATIVE AGREEMENT WITH CLAY COUNTY CHANGING THE FUNDING AMOUNT FOR THE JULY 4th FIREWORKS DISPLAY

WHEREAS, the City of Smithville and Clay County have jointly funded a fireworks display on or around July 4th at Smithville Lake, and;

WHEREAS, the City of Smithville wishes to continue the tradition, and;

WHEREAS, the City of Smithville desires to assure adequate funding is available for the display, and the original agreement being approximately \$12,000, and;

WHEREAS, the cost has since increased to \$16,000.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:

Section 1. That the Smithville Board of Aldermen direct the Mayor to execute the Cooperative Agreement for a fireworks display with Clay County.

Section 2. This Resolution shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 20th day of June, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

COOPERATIVE AGREEMENT
FIREWORKS DISPLAY

This Cooperative Agreement is made and entered into by and between Clay County, Missouri, a first class County of the State of Missouri (hereinafter referred to as "County") and the City of Smithville, a political subdivision, of the State of Missouri (hereinafter referred to as "City").

WHEREAS, the Parties hereto have for many years co-sponsored a fireworks show on or around the 4th of July on or near the Smithville Lake dam, with the cost of such fireworks show being approximately \$16,000 with each entity providing and paying one-half of the cost.

WHEREAS, this Agreement is entered into by the parties pursuant to the authority granted to governmental entities under Chapter 70 R.S.Mo. et seq.;

WHEREAS, in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. The Parties hereto agree to continue to co-sponsor a July 4th fireworks event (or if not permitted by weather as soon thereafter as is feasible) substantially similar to those displays provided in the past several years at or near the same location. The Parties each agree to pay ½ of the cost of the fireworks display, although (unless otherwise agreed in writing) neither party shall be required to pay more than eight Thousand Dollars (\$8,000.00).

2. **CONTRACT:** The City shall be responsible to contract with a 3rd party for the fireworks display. The City shall forward to the County a bill for ½ of the cost and shall be reimbursed the County's share of the cost within 30 days. City shall be responsible to ensure that the contract to provide for the fireworks display requires insurance in an amount deemed appropriate by the City (but not less than One Million Dollars \$1,000,000.00) and shall require the County, City, the Corps of Engineers, and the Smithville Area Fire Protection District be listed as an additional insured on the insurance to be provided by the fireworks contractor. Said contract shall also require that the Contractor comply with all federal, state and local laws, ordinances and regulations.

3. **THE CORPS OF ENGINEERS:** The County shall secure from the Corps of Engineers and/or the Federal Government all needed approvals and/or permission for both the Fireworks display and the location contemplated by this agreement.

4. **TERM.** This Agreement, for the co-sponsoring a July, 4th fireworks show for the 2015 calendar year, is effective upon enactment of an ordinance by CITY and adoption of an order by CLAY COUNTY, and execution of this Agreement by the respective officials of said jurisdictions authorized to execute this Agreement.

5. RENEWAL, EXTENSION, MODIFICATION OR TERMINATION. This Agreement shall renew automatically from year to year and may be modified or terminated upon thirty (30) days notice prior to the end of any calendar year as to the following year(s), upon adoption of an appropriate order by the COUNTY and an ordinance of the CITY. If this Agreement shall be modified as to any of its terms, there shall be an addendum to this Cooperative Agreement executed by the appropriate officials of the respective governing bodies and enactment of appropriate orders and ordinances.

IN WITNESS WHEREOF, this Agreement executed in duplicate originals, the date and year noted after the respective signatures of the parties.

CITY OF SMITHVILLE, MISSOURI

PASSED THIS 20th DAY OF JUNE, 2023.

DAMIEN BOLEY, MAYOR

ATTEST:

LINDA DRUMMOND, CITY CLERK

CLAY COUNTY, MISSOURI

BY _____
PRESIDING COMMISSIONER

BY _____
COMMISSIONER

BY _____
COMMISSIONER

ATTEST:

County Clerk