

MEMORANDUM OF AGREEMENT

CITY OF CORALVILLE-IOWA CITY COMMUNITY SCHOOL DISTRICT

JOINT SWIMMING POOL PROJECT

This Memorandum of Agreement is made on this 12th day of February, 1986, by and between the Iowa City Community School District and the City of Coralville, Iowa, by their respective representatives, David L. Cronin, Superintendent of the Iowa City Community School District, and Michael Kattchee, Mayor of the City of Coralville.

Both governing bodies of the School District and the City of Coralville have previously entered into a Memorandum of Agreement dated August 13, 1985 providing for a process to plan a joint venture swimming pool project. This Memorandum of Agreement will supplement the previous agreement and state the present intentions of the parties in connection with the development of the project. This Memorandum of Agreement will be submitted to the respective governing bodies and will be effective upon approval by both governing bodies and execution by their respective representatives.

The School District and the City of Coralville have been studying the feasibility of planning and constructing a joint venture swimming pool facility to be located in the City of Coralville, Iowa. The School District and City staff along with the joint planning committee appointed by the two governing bodies have held meetings, secured architectural services for a preliminary design, reviewed preliminary designs and preliminary cost estimates, investigated and recommended a site for the facility, identified the needs for the facility, consulted with legal counsel to develop a plan for financing and operating the facility, and investigated other matters relating to the project. Upon receiving reports from the committee and staff, each of the governing bodies wish to proceed with the development of the project subject to approval of the overall, final plan for the project, including a definition of each party's rights and liabilities to be stated in an agreement between them as authorized by Chapter 28E, the Code of Iowa. The School District and the City of Coralville intend to mutually agree upon all issues for the complete development of the joint venture project and, at this time, wish to state an intent to enter into a Chapter 28E agreement that will provide for the following terms and conditions, all subject to each governing body approving the final project plans and terms, to-wit:

1. Site Selection. The swimming pool facility will be located on property owned by the City of Coralville next to and attached to the existing City of Coralville Recreation Center.
2. Ownership. The facility will be owned by the City of Coralville, Iowa and subject to a lease-management agreement with the Iowa City Community School District which will provide the School District with perpetual use of the property shared with the City of Coralville. The lease-

management agreement will be for an initial 10-year period with provisions for guaranteed renewal.

3. Project Costs. The initial construction of the project will be paid by a \$500,000.00 contribution from the School District with the balance payable by the City of Coralville.

4. Management of the Facility. The parties will, in the lease-management agreement, agree upon a method of providing the required management of the facility.

5. Operating Expenses. The parties agree that the operating expenses for the swimming pool will be paid one-half by the School District and one-half by the City of Coralville during the first actual year of operation. The parties recognize and agree that the City of Coralville may include other facilities not related to the swimming pool in this project and those operating expenses related to the other facilities will be allocated and paid 100 per cent by the City of Coralville. The parties also agree that after the first year of operation, the lease-management agreement will provide for adjustments of the allocation of operating expenses prorated depending upon the actual use of the facility. However, regardless of the actual use of the facility, each party will pay for at least 30 per cent of the actual operating expenses for the facility during the initial 10-year lease period.

6. Repairs and Maintenance. Repairs and maintenance expenses shall also be paid one-half by the School District and one-half by the City of Coralville during the first actual year of operation with the City of Coralville paying 100 per cent of repairs and maintenance expenses that are not related to the swimming pool operation. After the first year of operation, the allocation of repairs and maintenance expenses will be adjusted to reflect the actual use of the facility. However, regardless of the actual use of the facility, each of the parties will pay for at least 30 per cent of the repairs and maintenance expenses in connection with the facility during the initial 10-year lease period.

7. Contingent on Approval. This Memorandum of Agreement will be contingent upon the City of Coralville obtaining approval to issue bonds to fund its costs in the construction of the facility. This Agreement is further contingent upon final approval of all plans and legal agreements between the respective governing bodies.

8. Specifications of the 28E Agreement. In addition to the above-listed items, the 28E agreement will contain provisions required by the Code of Iowa including specific provisions in regard to duration of the agreement, organization of any separate legal entity used to implement the agreement, a statement of purposes, and other related provisions.

9. Additional Provisions. The 28E agreement and the lease-management agreement by and between the parties may contain numerous other provisions

that may be negotiated by the parties to provide for the continued, harmonious use of the property.

10. Termination or Modification of Agreement. The 28E agreement and the lease-management agreement may also provide terms for terminating or modifying the agreement between the parties in case unforeseen circumstances should occur. Such terms shall be reasonable and shall be mutually agreed upon by the parties.

This Memorandum of Agreement is executed by the undersigned on the dates as indicated below:

IOWA CITY COMMUNITY SCHOOL DISTRICT

DATED: 2/26/86

BY: David L. Cronin
David L. Cronin,
Superintendent

CITY OF CORALVILLE, IOWA

DATED: 2/26/86

BY: Michael Kattchee
Michael Kattchee, Mayor

BY: Arllys Hannam
Arllys Hannam, City Clerk