

Introduced by _____ Council Bill No. R 117-12

A RESOLUTION

authorizing an operations agreement with Thumper Productions, LLC for a concert in Stephens Lake Park.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute an operations agreement with Thumper Productions, LLC for a concert in Stephens Lake Park. The form and content of the agreement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

ADOPTED this _____ day of _____, 2012.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AGREEMENT

This agreement is entered into on this _____ day of July, 2012 between the City of Columbia, Missouri ("City") and Thumper Productions, LLC ("Thumper Productions").

The parties agree as follows:

1. Concert permitted. City shall allow Thumper Productions to hold a concert featuring Lucinda Williams on July 24, 2012 at Stephens Lake Park subject to the restrictions and conditions set forth in this agreement and in the Park Special Use Permit set forth in Exhibit A, which is attached to and made a part of this agreement.
2. Concert layout. Thumper Productions shall strictly comply with the Concert Site/Concessions Plan set forth in Exhibit B, which is attached to and made a part of this agreement.
3. Alcohol beverage sale. Alcohol beverage sales shall be subject to the following conditions:
 - a. Alcoholic beverages will be sold only at the locations shown on Exhibit B.
 - b. Alcohol sales are limited to two (2) alcoholic beverages per sale.
 - c. Pouring of alcoholic beverages into anything other than the cup intended for the beverage is prohibited.
 - d. Alcoholic beverages shall not be sold or served in bottles, cans or glass containers. Alcoholic beverages shall be sold or served only in clear, plastic cups. Alcoholic and non-alcoholic beverages shall be served in containers that are distinctively different from each other.
 - e. Intoxicated individuals will not be served.
 - f. Alcoholic beverages shall be served only between 5:30 p.m. and 10:45 p.m. on the day of the concert.
 - g. Only designated servers are allowed to pour or serve alcohol.
 - h. Thumper Productions shall provide and keep in place signs at all beer stations stating: "ID Required – No More than 2 Drinks per Sale – Alcohol Sales End at 10:45 p.m."

The alcoholic beverage sales shall immediately be halted if any of the above conditions are not complied with. The Columbia Police Department shall enforce

these conditions and it will require closure of all beer stations upon determining that any condition has been violated.

4. No plastic bottles of liquor, cans or glass bottles shall be allowed in the Concert Area. No coolers or pets shall be allowed in the Concert Area. Thumper Productions shall post signs at all entrances advising the public of these restrictions.
5. Thumper Productions shall take out and maintain for the Concert such Comprehensive General Liability insurance as shall protect it from claims for damages for personal injury including accidental death as well as from claims for property damage which may arise from the Concert operations, whether such operations be by itself or by anyone directly or indirectly employed or otherwise working for it. The amount of insurance shall be not less than \$2,000,000 combined single limit for any one occurrence covering both bodily injury and property damage, including accidental death.
6. No later than July 20, 2012, Thumper Productions shall furnish City with a certificate of insurance that names City as an additional insured in the amount required in this agreement and that requires a 30-day mandatory cancellation notice.
7. To the fullest extent not prohibited by law, Thumper Productions shall indemnify and hold harmless the City of Columbia, its officer, agents and employees from and against all claims, damages, losses and expenses (including but not limited to attorneys' fees) arising by reason of any act of failure to act, negligent or otherwise, of Thumper Productions, or of anyone directly or indirectly employed by or otherwise working for Thumper Productions, or of anyone for whose acts Thumper Productions may be liable, in connection with the Concert. This provision does not, however, require Thumper Productions to indemnify, hold harmless, or defend the City of Columbia from City's own negligence.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

THUMPER PRODUCTIONS, LLC

By: _____

ATTEST:

**Park Special Use Permit
Conditions/Restrictions
Outdoor Concert – Stephen Lake Park
Summer 2012**

Approval is given to Thumper Entertainment to utilize Stephens Lake Park for an outdoor concert on July 24, 2012. Concert shall end by 10:30pm so that patrons can exit the park by 11:00pm and clean-up of park can be complete no later than 3:00am, July 25. Tents and port-a-johns shall be removed by 12:00 noon, July 25. Page | 1

All areas of the park outside of fenced concert area shall remain open to the public.

Signage Plan

Signs and banners promoting the event may only be displayed in the park on the day of the event. All such signs and banners shall be temporary and shall be removed from the park upon completion of the event. Signage to be placed outside of park area (i.e. streets) is outlined in attached signage plan.

Sound

Sound permit required. Amplified music is permitted but must be kept to a reasonable level. A Sound Amplification Equipment Registration Form (requires two weeks advance notice) is required from the Columbia Police Department, 600 E. Walnut, 573-442-6131.

Participant Fee

Per City Council direction, an activity/use fee will be charged for use of Stephens Lake Park for the outdoor concert. Fee shall be \$1.00 per participant for the first 2,500 participants. Attendance over 2,500 will be charged an additional \$2.20 per participant.

A \$555 non-refundable deposit shall be paid by June 22, 2012, to reserve use of the park for the concert. This deposit shall, at the conclusion of the event, be applied to the total participant fee owed by the event coordinator (see attached fee schedule). The balance of the fee owed based on actual attendance shall be due within 10 days following the date of the event. Please coordinate payment of fees with Lida Gochenour, Park and Recreation Department Administrative Supervisor, 874-7612.

Concessions Plan and Fee

Event sponsor is responsible for submitting a Concessions Plan for review and approval by City staff. Plan shall identify the type of concession equipment to be used including grills, fryers, portable concession trailers, tents, generators, etc. Plan shall include a site map indicating the location of concession facilities, identify what vendors, if any, will be participating, and outline plans for disposal of any waste including charcoal, grease, etc.

Event sponsor indicates in questions #58 and #61 of the permit application that they plan to sell merchandise and food/beverages in the park. A one day concession sales permit for up to 3 booths is \$50, for 4-6 booths is \$100, and for all booths over six is an

additional \$15 per booth. No selling of items or products on park property shall occur without an approved concession sales permit. Per Council approval, applicant is permitted to sell alcoholic beverages as part of the concessions operations. Applicant must comply with all state and local regulations in regard to the sale of alcohol

Any ashes resulting from the use of portable charcoal grills are to be removed from the park. There is absolutely no dumping of the ashes on the grass or grounds of the park. All grease, frying oil, and other waste products resulting from use of the fryers must be removed from the park.

Insurance

City insurance regulations require a \$2 million liability insurance policy which names the City as co-insured for festivals, concerts, contests, athletic camps and events, exhibitions and celebrations that are open to the general public and that are expected to have an attendance of 1,500 or more or that involve a high risk of injury. The \$2 million requirement is per occurrence, not general aggregate total.

Traffic Management Plan

The Columbia Police Department has developed a Traffic Management Plan to outline how concert goers will access and depart concert site. Event sponsor shall work with the Police Department to implement the Traffic Plan.

Parking

Approval to hold this event does not authorize the parking or placement of any vehicles other than the performance stage and concession operations on park property outside of designated parking areas. Vehicles designated for concert set-up shall be the only vehicles allowed on the grass. All vehicles, including those of event staff and volunteers, with the exception of event set-up are to remain on paved roads and parking areas.

Portable Toilets

Event sponsor is responsible for providing portable toilets for the event as noted in the park special use application. Toilets shall be placed in locations agreed to by event sponsor and park staff. Toilets will be removed from park by 12:00noon the following day.

Sponsor agrees to provide portable restrooms meeting ADA accessibility guidelines and to locate such toilets so as they can be accessed via an accessible route in accordance with ADA regulations.

Trash / Recycling / Clean-Up

Event sponsor shall submit a plan for review and approval by City staff detailing procedures to be used for the management of trash, recycling, and the clean-up of the park after the event. Per standard Park Use Permit requirements, a deposit of \$200 is required for performance clean-up/damages. This deposit is refundable upon conclusion of the event if no significant clean-up or repair of damage to park facilities is required.

Wet Grounds Stipulation

Event sponsor is responsible for actual costs of repair if grounds are wet and set-up/operation results in significant damage to turf.

Security Plan

Event sponsor is responsible for submitting a Security Plan for review and approval by City staff.

Severe Weather / Emergency Shelter Plan

Event sponsor will provide a Severe Weather / Emergency Shelter Plan to outline procedures to be implemented in the event of severe weather occurring during the event. Plan will be reviewed for approval by City staff.

Outdoor Concert @ Stephens Lake Park
Parks and Recreation Fee Schedule
July 24, 2012

Fees and Charges:

Concession Permit Fees:		
First 6 booths		\$ 100
Participant Fee	* \$1.00 up to 2,500	\$2,500
	* \$2.20 over 2,500	<u>\$ 0</u>
Total Participant Fees		\$2,500
Bleachers	2 staff x 2 hours / set	\$ 75
Picnic Tables (15-20 from shelters in park)		\$ 0
Total Estimated Fees		\$2,675
Deposit Amount to Reserve Park		\$ 555
Clean-up Damage Deposit		<u>\$ 200</u>
Total amount Due by 6/22/12		\$ 755

Balance of fees due within 10 days after the event.

* Based on estimated 2,500 attendance. Fee to be adjusted per actual attendance.

** Clean-up/damage deposit is refundable if no significant clean-up or repair of damage to park is required.

Thank you to The City of Columbia and The Parks and Recreation Department for making this event possible. Please help to keep our Columbia parks beautiful for all to enjoy.



Parking for event is located downtown in the 5th and Walnut garage. Shuttle runs from 5:30pm to 11:30pm.

STEPHENS LAKE PARK CONCERT TRAFFIC PLAN

Inbound Traffic

1. Block East Walnut from William St. to Old Hwy 63
 - a. Barricades at William, Ann, & Old Hwy 63
 - b. This Allows for Pedestrian, Bike Area to route traffic
 - c. Keeps congestion off of Old Hwy 63
 - i. Left turns are dangerous in front of traffic
 - ii. Makes it harder for pedestrians/bicycles to cross Old Hwy 63 if left open
2. No left turns from traffic going west on Walnut/Right turns only
 - a. Exception for Buses
 - b. Officers will be doing Traffic Control at Intersection to help buses through
3. Roadway Signage for Event Traffic
 - a. Message Board on Westbound Broadway before Stephens Park to notify parking for Event at Fifth and Walnut Parking Garage
 - b. Event Signage from all directions into area to direct them to Parking Garage
 - c. Signage continuing on Broadway going west directing them to Fifth and Walnut parking garage
4. Inbound Bus Route: Broadway to Old Hwy 63 to Walnut

Outbound Traffic

1. Any Traffic exiting from Westbound Walnut makes right turn onto Walnut
2. Bicycle traffic and pedestrian traffic, eastbound on Walnut
3. Sidewalks on east side of Walnut to North and South
4. Sidewalks on west side of Walnut to North and South
5. Outbound Bus Route: Walnut to left turn on Old Hwy 63 to Broadway

* Boone Hospital plans to barricade parking lot entrances and assign staff to the entrances (info from Tom Schneider with Boone Hospital Board of Directors)

*Traffic Control Plan will be flexible to adjust if other safety issues arise, (I.E. if lots of citizens are crossing Old Hwy 63 at end of concert, the road may be temporarily shut down to allow the citizens to cross and re-opened when the safety hazard no longer exists)

TRAFFIC CONTROL POSTS

#'s Correspond to Map

- 1: Old Hwy 63/Walnut (North Junction):** 1 officer, Staffed during entire Event
- 2: Old Hwy 63/Walnut (South Junction):** 1 officer, Staffed during entire Event
- 3: Walnut/William:** 1 officer
- 4: Old Hwy 63/Broadway (west side)** 1 officer if needed to assist pedestrians
- 5: Old Hwy 63/Broadway (east side)** 1 officer if needed to assist pedestrians
- 6: Monitor area/Parking & Traffic Issues** 1 officer

Staffing for Traffic Control Posts for Event

- 1. Ofc. Scott Decker
- 2. Ofc. Sean Dutton
- 3. Ofc. Brian Tate
- 4. Ofc. Scott Wilson
- 5. CSA Dave Waldrup
- 6. CSA Gene Williams
- 7. Acting Sergeant Curtis Perkins

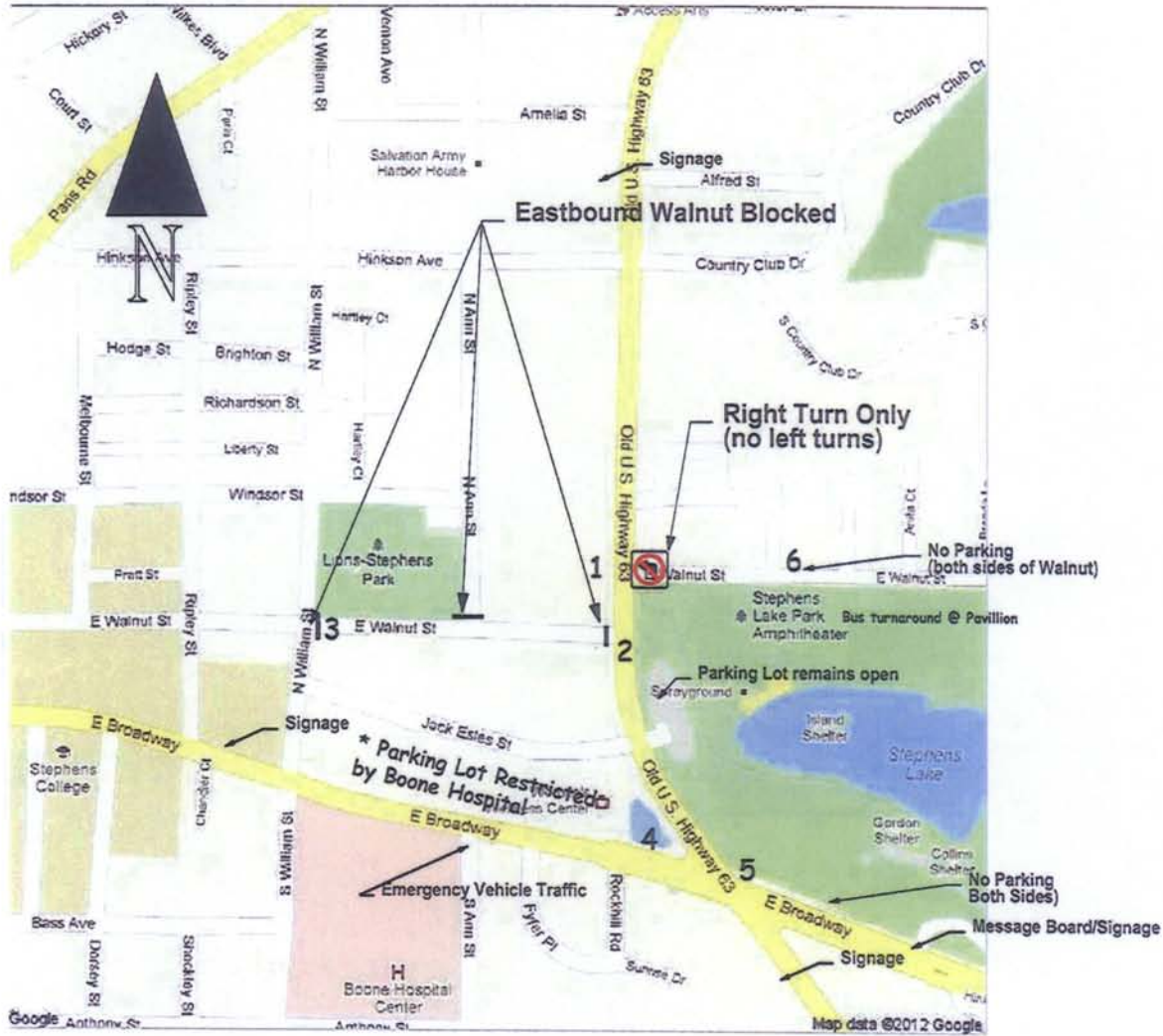
STEPHENS LAKE PARK CONCERT TRAFFIC PLAN ACTING SGT. CURTIS PERKINS

COLUMBIA, MO & OLD HWY 63 - Google Maps



Address U.S. 63 & [redacted]
Columbia, MO 65201

STEPHENS PARK LAKE CONCERT
07/24/12



Stephens Lake Park
Lucinda Williams Concert

Shuttle Plan

Shuttle Plan: On Tuesday evening, most fans will arrive between 5:45 - 7:45 pm. The complete bus route will take about 20 minutes.

- We will monitor ticket sales and tentatively plan on running 4 buses prior to the event.
- We can accommodate 52 people per bus x 4 buses = 204 people every 20 minutes.
- 612 fans per hour.
- 1,024 over two hours.
- Some people will walk, others will ride their bikes. Some folks will find their own parking and make their way over.

For the end of the evening, we'll plan on running 6 buses. That means we can move 918 people per hour. 1,836 over two hours.

We believe the 5th and Walnut garage will have ample room with 655 spaces.

- Fans usually travel in groups of 2-4.
- 655 spaces x an average of 3 people per car = 1,965.
- Many of the fans will ride their bike

STEPHENS LAKE PARK ACCESSABILITY PLAN

Thumper Entertainment has worked hard to create an accessible event for all music lovers to enjoy at Stephens Lake Park.

Special ADA parking will be designated in a TBD parking lot. Parking will be available on a first come, first serve basis. We will have volunteers available to assist fans as they arrive if needed.

Pets are not allowed within the event grounds. However service animals, which have been trained to provide assistance to an individual with a disability, are welcome. The owner of the animal may be asked to describe the type of service the animal provides.

Fans should enter off of Walnut. We will have volunteers directing folks as they enter Stephens Lake Park. Fans with special needs will be assisted. The path to the event entrance is accessible and event grounds are flat. We will request that the grass is cut prior to the event to keep the terrain as manageable as possible.

Thumper Entertainment will provide 4 ADA accessible porta potties. We're estimating total attendance around 2,000.

There is an ADA section on our website, informing fans that if they are in need of any assistance to contact us prior to the event, and we can make special arrangements to accommodate them.

A VERY SPECIAL THANKS TO:

Chuck Dudley

John Simon

Shane Creech

And all of those involved in making the Stephens Lake Park event accessible and enjoyable.

Please contact Jessica Brown at Thumper Entertainment for any additional information.

573-442-5862. jbrown@thumperentertainment.com.

Stephens Lake Park
Lucinda Williams Concert

Security Plan

Security plan: Eight paid security personnel, and three security supervisors will be on site throughout the duration of the event. Three security officers, and one supervisor will be responsible for securing the ticketed entry. Four security officers, and one supervisor will watch the perimeter of the fence line during the event. One person will secure the area behind stage. And there will be one roaming supervisor. A secure ticket gate will be in place so only those holding a valid ticket will be able to enter.

STEPHENS LAKE PARK SEVERE WEATHER SHELTERING PLAN

Situation:

Community wide concert at Stephens Lake Park in Columbia, Missouri involving 1,000 to 2,500 fans, vendors, entertainers and staff.

With the occurrence of a significant weather event effecting the City and Park area of Columbia a sheltering plan should be implemented.

Procedure:

Event staff will monitor weather and be aware of notifications and warnings.

Notification to the public should be made well in advance of severe weather—a minimum of 30 minutes to one hour.

Persons should be directed to leave the area, if time allows, in a direction with non-storm involvement. Do not try to out run the storm.

Should persons be required to stay in the area they should **seek shelter:**

- In a stable structure, lower level (below grade), without windows or expansive ceilings. In the event of such an emergency, the following locations have granted access for shelter:
 - **Hy-Vee**
Conley Rd. Columbia, MO 65201
Point of contact: Brent Hines, 573-442-7703,
1082director@hy-vee.com
 - **Sam's Club**
101 Conley Rd. Columbia, MO 65201
Point of contact: Matt Reaves, 573-875-2979,
mmreav@aol.com
 - **Boone Medical Plaza Parking Garage**
 - If no building interior shelter is available parking structures may be used but not preferred. (this alternative is better than being in the open)
 - Beware of potential debris

- Beware of potential car movement
 - Crouch low near a side wall or behind support piers
 - An enclosed stairwell without glass
-
- If in the open lay flat in a low area that will not flood
 - If you are on the road in your vehicle exit and lay in a non-flooding ditch
 - If tornado strength winds are expected do not shelter in your vehicles

The included templates will be used for messages to the audience along with the information shared above. The message should be completed accurately at the "Command Post" and then disseminated to the various contact points for notification.

The National weather Service may be contacted directly at any time with following contact information:

Jim Kramper
Warning Coordination Meteorologist
National Weather Service, St. Louis, MO
636-447-1876 - Unlisted Administrative Line
636-441-8216 - Media Line
636-441-8467 - Public Line

Warning Script: Severe Thunderstorm

The National Weather Service in St. Louis has issued a Severe Thunderstorm Warning for Boone County until _____ (enter time)

A severe thunderstorm was near _____ (town)
Moving _____ (direction) at _____ mph.
Towns in the path include: (list towns given in the warning)

This storm will produce:

Hail _____ (size)

Wind gusts _____ (speed)

Any other information you would like to include.

Warning Script: Tornado

The National Weather Service in St. Louis has issued a
Tornado Warning for Boone County until
_____ (enter time)

A severe thunderstorm with strong rotation was near
_____ (town), or

A tornado was reported by _____ (source)

Moving _____ (direction) at _____ mph.

Towns in the path include: (list towns given in the warning)

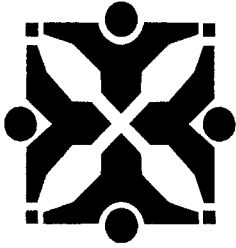
People in the path should take cover immediately!

Any other information you would like to include.

TRASH SERVICES PLAN/COSTS

Stephens Lake Concert	Estimated Cost 06-26-2012		
	Per Employee		
2 Employees \$23.43 Each	140.58	2 employees 6 hours each	\$ 421.74
Bags 55 gallon Bags	3	45.17 Per case	\$ 135.51
25 Barrels			\$ -
Box Truck	25.00 per hour	1 hours	\$ 25.00
1 Roll-off 14 Yard		Estimate 2 tons =Pull+rental	\$ 131.36
1 recycling Rear load Can			\$ -
Latex Gloves	1 box		\$ 4.00
Hand sanitizer	No cost on hand		\$ -
Pickers 3 each			\$ 15.00
Shovels/ Brooms	No cost on hand		\$ -
		Total	\$ 732.61

Shirts will be our reflective shirts to be seen.



Source: City Manager *MM*

Agenda Item No:

To: City Council
From: City Manager and Staff *MM*

Council Meeting Date: Jul 2, 2012

Re: Written Operations Agreement - Stephens Lake Park Concert

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an operations agreement with Thumper Productions, LLC ("Thumper Productions") for the concert in Stephens Lake Park on July 24, 2012.

DISCUSSION:

At the February 6, 2012 Council meeting, Council voted to approve the sale of alcohol at Stephens Lake Park for the Stephens Lake Park Concert on Saturday, June 16, 2012, thereby waiving the alcohol sales restriction policy for this one time event, to assess a fee of \$2,500 for the first 2,500 tickets sold and \$2.20 per adult and \$2.05 per youth for the remaining tickets sold per Section 17.161 of the Code of Ordinances, and to authorize the City Manager to execute an operations agreement with Thumper Entertainment which would include, but would not be limited to, a security plan, accessibility plan, transportation and parking plan. Since the June 6 Council meeting, the event date has been changed to July 24. The City's Special Event Committee and Parks and Rec staff have been meeting regularly with Thumper Entertainment to finalize the site plan and other plans required for holding a special event. The attached operations agreement is submitted to Council for approval.

FISCAL IMPACT:

Based on estimated attendance and Council direction regarding fees for use of Stephens Lake Park, this event is expected to generate approximately \$2,000 - \$2,500 in revenue for the City's Park and Recreation Department. The Parks and Recreation Department, Police Department, and Public Work's Department will provide services in support of the event. Park Department services are estimated to be in the range of \$1,000 to \$2,000 depending upon the condition of the park following conclusion of the event. Police Department services are estimated at approximately \$3,718 for 13 officers, 2 CSA's, 1 Sergeant and 1 Lieutenant for a time period of 7 hours. Trash services will be provided by the City Public Works Department. Trash service cost has been estimated at \$733. Thumper Productions has agreed to pay the total cost of the trash services.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

This event supports vision goals #1, Arts and Culture, and #12 Parks, Recreation and Greenways by providing the opportunity to use Stephens Lake Park to host a major cultural special event.

SUGGESTED COUNCIL ACTIONS:

Approval of the resolution.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	12
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	1
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	