



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 23, 2020

Department Administration **Director Approval** Kelly Passauer

AGENDA ITEM Consider proposal for the annual Fireworks display.

SUMMARY RECOMMENDATION City Staff recommends approval.

BACKGROUND Jim Kelly has obtained a proposal from Rainbow Fireworks, Inc. in the amount of \$15,650 for the annual 4th of July show in Independence. The shell count for the proposed 2020 show is currently estimated at 612 shells, which is 71 shells less than the 2019 show which contained 683 shells. In order to have the same show as last year, the cost would be \$16,700 or an additional \$1,050. The City normally contracts for the show and funds are raised to reimburse the City for this expense. If adequate funds are not raised, then the City makes up the difference. The City also provides special event insurance. In honor of Independence's 150th birthday celebration this Summer, and in recognition of the financial struggles of our businesses and residents due to the COVID-19 Pandemic, it is recommended not to seek donations this year.

BUDGET IMPACT If the lower amount proposed is accepted, the budget impact would consist of \$15,650 and the cost for special event insurance which is estimated at \$350 - \$400.

SUGGESTED MOTION I move to authorize the Mayor to sign an agreement with Rainbow Fireworks, Inc. for the 4th of July Fireworks show in the amount of \$15,650, subject to City Attorney approval.

SUPPORTING DOCUMENTS Proposal and agreement from Rainbow Fireworks



76 Plum Avenue Inman, KS 67546
Steve & Peggy Showalter, Owners

Office 620-663-7714
1-888-886-1008
Fax 1-800-884-1218
Email: info@fireworks-display.com
Website: www.fireworks-display.com
BATFE # 5-KS-113-51-5J-00621

February 19, 2020

City of Independence
120 N. 6th Street
Independence, KS 67301

RE: 2020 Proposal for City of Independence

July 4, 2020 \$16,700 same shell count as 2019:

60 each – 3” Titanium Salutes
398 each – 4” Assorted Color Shells w/2 salutes
36 each – 4” Titanium Salutes
123 each – 5” Assorted Superior Color Shells w/no salutes
54 each – 6” Assorted Deluxe Color Shells
12 each – 8” Assorted High Quality Color Shells

July 4, 2020 \$15,650 same budget cost as 2019:

60 each – 3” Titanium Salutes
370 each – 4” Assorted Color Shells w/2 salutes ****28 each**
36 each – 4” Titanium Salutes
84 each – 5” Assorted Superior Color Shells w/no salutes ****39 each**
54 each – 6” Assorted Deluxe Color Shells
8 each – 8” Assorted High Quality Color Shells ****4 each**

****difference in count**

This includes a trained operator with a license issued by the State of Kansas, all equipment, transportation to the site, and a \$5 million general liability insurance policy.

Please call me at 620-921-0513, if you have any questions.

Sincerely,

Steve Showalter

Steve Showalter
President
Rainbow Fireworks, Inc.



Steve & Peggy Showalter, Owners
Dale Ragains, General Manager
76 Plum Avenue Inman, KS 67546

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April 21, 2020

City of Independence
Attn: Jim Kelly
125 North Penn
Independence, KS 67301

Dear Jim,

I am enclosing your FIREWORKS PRODUCTION CONTRACT for City of Independence, July 4, 2020 fireworks celebration. We are very excited for the opportunity to be your fireworks provider for another year. We love being in the entertainment business through the production of a fireworks show for your organization. Our pledge is to provide you with the most awesome and entertaining show for your budget.

Please read through the contract, and if you have any questions about the process or the contract, please don't hesitate to contact me at one of the above numbers. If everything is acceptable, please sign a copy of the contract to us along with the required 25% deposit.

As you requested, should the City raise more funds to increase the budget of the fireworks show, the City of Independence has until June 20, 2020, to inform Rainbow Fireworks, Inc., of this increase to their show. There will be no additional deposit required. The balance of the show, with the added increase in budget, will be due as stated in the contract. An invoice to reflect the new balance will be sent to the City of Independence to reflect what is owed.

Also, regarding the specialty shells you mentioned in your correspondence, it is likely we do not have these shells in stock this year. They are usually mixed within our assortments, and this year we may not have ordered those specific assortments. I can assure you, however, your show will be as spectacular this year as it has been in the past.

With this said, we will be sure to speak with our operator and make sure he understands your desire to ensure no shells are unnecessarily discharged after the finale is finished. However, sometimes, there is a shell or two which may be rather delayed after the initial charge is given. They may not go off right away, but rather may be delayed by minutes or more. Unfortunately, these we have no control of.

Sincerely,

Karen West

Karen West
Display Fireworks Admin. Asst.
Rainbow Fireworks, Inc.

Cc: File
Attachments



Steve & Peggy Showalter
Dale Ragains, General Manger
76 Plum Avenue Inman, KS 67546

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FIREWORKS PRODUCTION CONTRACT

This contract is entered into this 20th day of April, 2020 by and between **Rainbow Fireworks, Inc.**, designated herein as the “**SELLER**” and CITY OF INDEPENDENCE, designated herein as the “**PURCHASER**” of one Display Fireworks, UN0335, Explosives 1.3G Production to be held on the 4th day of July, 2020.

- YES **SELLER** will secure, prepare, and deliver said fireworks as outlined, or will make necessary substitutions of equal or greater value.
- YES **SELLER** will include the services of a Pyrotechnic Operator (shooter) to take charge of, set up, and fire the display, along with such help as he deems necessary to perform the fireworks display safely, and in accordance with such Federal, State or Local laws that might be applied.
- YES **SELLER** agrees that the Operator and Assistant(s) are to check the display area after the presentation of the fireworks display for any “duds” or other material which might not have ignited. Any such material, found by any other person other than the Operator, should be left untouched, mark the location, and call the operator for proper disposal.
- YES **SELLER** will include a CERTIFICATE OF LIABILITY INSURANCE POLICY of \$5,000,000 aggregate coverage.
- YES **PURCHASER** will furnish the secured minimum safety distances established by the **SELLER** after an on-site inspection of the proposed firing location.
- YES **PURCHASER** will provide adequate police protection and/or other adequate security to maintain these distances.
- YES **PURCHASER** also agrees to have a fire truck available on location during the display.

ONE (1) DISPLAY FIREWORKS, UN0335, EXPLOSIVES 1.3G PRODUCTION has been agreed upon by **PURCHASER AND SELLER** in the sum of **Fifteen Thousand Six Hundred Fifty Dollars and no/100 cents (\$15,650.00)**. It is agreed and understood that the **PURCHASER** will pay to the **SELLER** twenty-five percent (25%) of the show cost deposit in the sum of **Four Thousand Dollars and no/100 cents (\$ 4,000.00)** to be paid with the submitting of the signed contract. It is also agreed and understood that the **PURCHASER** will pay to the **SELLER** the balance of **Eleven Thousand Six Hundred Fifty Dollars and no/100 cents (\$11,650.00)** within ten (10) days after the date of the display.

In the event of inclement weather or other adverse condition, so as to cause postponement of the display, it is agreed and understood that the **PURCHASER** will notify the **SELLER** regarding the postponement date, normally the following night. If **PURCHASER** will not re-schedule the display and completely cancels the display, the **PURCHASER** agrees to pay the **SELLER** twenty-five percent (25%) of the cost of the display, **Four Thousand Dollars and no/100 cents (\$4,000.00)**.

Witness whereof, we have caused our signatures to be affixed to this document, on this _____ day of _____, 2020.

SELLER:
RAINBOW FIREWORKS, Inc.

PURCHASER:
CITY OF INDEPENDENCE

By: Steve Showalter
Authorized Agent

By: _____
Authorized Agent