

MINUTES OF THE INDEPENDENCE CITY COMMISSION
Friday, August 9, 2002 Special Meeting

The Independence City Commission met in special session, Friday, August 9, 2002, at 10:30 a.m. Mayor Steve DeFever presided at this meeting, which was held in the City Commission Room/Municipal Court Room at City Hall. Commissioner Dale Wilkens was present. Commissioner Dale Bunn was present. Others present included:

CITY STAFF

Paul Sasse, City Manager
Jeff Chubb, City Attorney
Anthony D. Royse, Director of Finance – City Clerk
Ned Stichman, Park Superintendent
Lee Bynum, Chief of Police

VISITORS

Cliff Morrison
Lee Mattix
Larry Williams
Dick Shaver

ITEMS REQUIRING COMMISSION ACTION

Consider adopting policy for use of open areas in the Park

On the motion of Mayor DeFever, seconded by Commissioner Wilkens, the Commission adopted the following policy on the use of the open areas in the Park (*oval, ice skating rink area, south area inside miniature train track and the band shell*).

PARK POLICY FOR USE OF OPEN AREAS IN THE PARK

Any individual, business and/or organization that requests the use of the following open areas in Riverside Park (oval, ice skating rink area or south area inside miniature train track and band shell) and said use will require admission charges and/or limiting or restricting free public access to the event, than said individual, business and/or organization will be required to obtain a "Park Event Permit".

APPLICATION

Prior to issuing a park event permit an application form will be submitted to the City Clerk on a form prepared by the Clerk which will provide for the following information:

- A. Name of individual, business or organization.
- B. Business address or address of the applicant.

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- C. Type of event; i.e. concert, display or exhibit (no event whose primary purpose is the sale of items will be permitted under this policy).
- D. Location or area of the park requested.
- E. Date of the event.
- F. Beginning and ending time of the event.
- G. Estimated attendance.
- H. Anticipated decibel level.
- I. City equipment requested.
- J. State sales tax number or exemption number as appropriate.
- K. Federal tax I.D. number as appropriate.
- L. Social security number as appropriate.
- M. List previous events that the applicant has conducted or sponsored and their location.
- N. Any other information as determined necessary by the City Clerk in order to review the application or due to the nature of the event.
- O. Attachments:
 - 1. A site plan of the event indicating the area being requested and how it will be secured to restrict access either by some marking system, fence, or other designation.
 - 2. Proof of general liability insurance against damage caused by the applicant, agents, employees, guests and participants in the event in the amount of not less than \$500,000 single limit per occurrence for bodily injury, personal injury and property damage from a company licensed to do business in the State of Kansas and naming the City and its officers and employees as an additional insured.
 - 3. Submitted with the application will be an application fee to cover the expenses to review the application in the amount of \$100.

PROCESSING OF APPLICATION

The application shall not be processed until the application fee is paid. The application should be received by the City Clerk a minimum of 60 days in advance of the scheduling of the event to allow for the appropriate time to review the application by City staff and to submit it to the City Commission for consideration for issuance of a permit.

The City Clerk shall submit the application for review and comment to the Park Superintendent, Police Chief, Fire Chief, EMS Director and other City

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Department Heads as appropriate to ensure that the event is in compliance with City codes, policies and to determine, based on the nature of the event, any additional requirements the event sponsor will be required to comply with in conducting the event. The City Clerk will notify the City's insurance agent requesting that they review the liability coverage provided.

The application after being reviewed by City staff will be submitted to the City Commission for consideration of the issuance of the permit. Commission review will be based upon whether there are any violations of City code or ordinances, any unsafe conditions or circumstances, conflict with previously approved activities or events and the suitability of the location for the type of event.

CITY STAFF REVIEW

City staff when receiving an application for a park event permit under this policy, shall consider the following:

- A. The availability of the location requested and determine if there are any conflicts with other events scheduled at the park.
- B. The capacity of the area or location to ensure that the area for which there will be restricted access is adequate in size to accommodate estimated attendance or special equipment.
- C. Determine the sanitary facility requirements (porta-potties) to meet the anticipated crowd. The number of which will be determined by City staff. The cost of providing sanitary equipment will be the responsibility of the applicant.
- D. Determine security needs and approve use of any private security companies being used by the applicant. This determination will be made by the Police Chief.
- E. Impact on City property due to property damage that may be caused by the event. This will be reviewed by the Park Superintendent.
- F. Review the event to determine if it will create a dangerous and unsafe condition. This item will be reviewed by the Fire Chief.
- G. Review the requirements to determine if there is an adequate City workforce to meet any event requirements which the City will need to perform.

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FEES AND CHARGES

The fee structure charged for the use of the park as described in the park policy stated above will be a two-tiered structure:

A. Tier 1 -- Base Fee

The base fee will be charged to any user under this policy and will be either a flat fee of \$400, or a charge based on the square footage of the area for exclusive use at the rate of ½ cent per square foot or 5% percent of the gross gate receipts, whichever provides the highest amount.

B. Tier 2 -- Additional Charges

Additional charges will be made above the base fee for costs incurred by the City which due to events having different needs are not included in the base fee. The additional charges will be as follows:

1. A \$10 per hour employee setup/cleanup fee charge in the restricted area.
2. Additional law enforcement services needed above the minimum of two police officers for traffic control and other law enforcement functions included in the park due to the event. This fee will be established at \$16 per hour per employee.
3. A charge for electricity used based on estimated usage, time and rate that the City pays. This amount will be estimated by the City.
4. A fee for EMS standby and/or Fire Department standby if required.

The base fee and estimated additional charges are required to be prepaid 30 days prior to the event. The base fee will be returned if the event is canceled by either party giving 30 days notice or at any time by mutual agreement. The prepaid additional charges will be adjusted at the conclusion of the event based on actual costs to the City as enumerated above.

MISCELLANEOUS CONSIDERATIONS

- A. The City reserves the right to cancel any event for any reason or if an unforeseen event occurs, including but not limited to weather, fire, casualty, or the creation of any unsafe condition.
- B. Use of the event permit may not be assigned or transferred to any other individual, business or organization without the prior written consent of the City Commission.
- C. The applicant will comply with all City codes.

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- D. The applicant will not discriminate on the grounds of race, color, sex, religion, physical handicap, national origin or ancestry or permit discrimination against any person or group in any manner as prohibited by law.
- E. In addition to the requirement stated above the City may require a cash bond to be paid to the City for any potential damage that may occur on City property by the applicant.

Aye: Bunn, DeFever, Wilkens
Nay: None

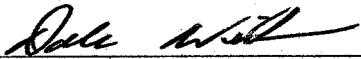
ADJOURNMENT

On the motion of Mayor DeFever, seconded by Commissioner Bunn, the Commission adjourned the meeting at 10:45 a.m.

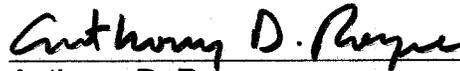


Steve DeFever, Mayor

attest:



Dale Wilkens, Commissioner



Anthony D. Royse
Director of Finance/City Clerk



Dale Bunn, Commissioner

