



Legislation Details (With Text)

**File #:** 14936      **Version:** 1      **Name:** Authorizing the Mayor and City Clerk to execute a Use Agreement between the City and Mid-West Family Broadcasting, Inc. (Mid-West) for the July 3rd Woodman's Elver Park Fireworks; amending the 2009 City of Madison Parks Division Budget; and authorizing th

**Type:** Resolution      **Status:** Passed

**File created:** 5/28/2009      **In control:** BOARD OF PARK COMMISSIONERS

**On agenda:** 6/16/2009      **Final action:** 6/16/2009

**Enactment date:** 6/17/2009      **Enactment #:** RES-09-00574

**Title:** Authorizing the Mayor and City Clerk to execute a Use Agreement between the City and Mid-West Family Broadcasting, Inc. (Mid-West) for the July 3rd Woodman's Elver Park Fireworks; amending the 2009 City of Madison Parks Division Budget; and authorizing the Mayor and City Clerk to enter into an Agreement between the City and Bartolotta Fireworks Company, Inc. for the fireworks display at Elver Park.

**Sponsors:** Thuy Pham-Remmele, Jed Sanborn, David J. Cieslewicz

**Indexes:**

**Code sections:**

**Attachments:** 1. 14936 Elver Fireworks 2009 Mid-West Management Agreement.pdf

Date	Ver.	Action By	Action	Result
6/16/2009	1	COMMON COUNCIL	Adopt	Pass
6/10/2009	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/8/2009	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
6/2/2009	1	BOARD OF PARK COMMISSIONERS	Refer	
6/2/2009	1	COMMON COUNCIL	Referred	
5/29/2009	1	Parks Division	Referred for Introduction	

**Fiscal Note**

This resolution makes arrangements for the 2009 Elver Park Independence Day celebration. Under terms of an agreement, Mid-West Management, Inc. will reimburse the City for the full cost of permit fees, fire, parks, and traffic services. In addition, the City expects to incur approximately \$18,500 for various police costs, for which partial reimbursement of \$12,209 will be paid by Mid-West. The City will absorb the remaining police costs estimated at \$6,291. This resolution also amends the Parks Division Operating Budget to provide \$20,000 for full payment of the fireworks display to Bartolotta Fireworks Company, Inc., to be fully reimbursed by Mid-West. No additional appropriation is required, and there is no impact on the Expenditure Restraint Program.

**Title**

Authorizing the Mayor and City Clerk to execute a Use Agreement between the City and Mid-West Family Broadcasting, Inc. (Mid-West) for the July 3rd Woodman's Elver Park Fireworks; amending the 2009 City of Madison Parks Division Budget; and authorizing the Mayor and City Clerk to enter into an Agreement between the City and Bartolotta Fireworks Company, Inc. for the fireworks display at Elver Park.

**Body**

WHEREAS, since 1985, the City and sponsoring organizations have worked together to provide Madison area visitors and residents with an Independence Day celebration at Elver Park (the "Event"); and

WHEREAS, beginning in 2007 Mid-West Management, Inc., d/b/a Mid-West Family Broadcasting, stepped forward and offered to sponsor the Event; and

WHEREAS, attendance at the Event has increased and requires substantial City resources to ensure a safe and orderly celebration; and

WHEREAS, the Board of Park Commissioners has determined that events in City Parks be self-supporting, and the City will require that Mid-West reimburse the City for the full costs of fire, parks and traffic services, city Parks permits, fire permit fees, the full cost of the fireworks display, and for up to \$12,209 of the cost of police services, and

WHEREAS, because of the costs to Mid-West for insurance for the fireworks display, Mid-West has requested that the City contract directly with the fireworks provider and that Mid-West will reimburse the City for the full costs of the fireworks display set in the amount of \$20,000; and

WHEREAS, Bartolotta Fireworks Company, Inc. (Bartolotta) is willing to provide the fireworks display for the Event on July 3, 2009 at Elver Park; and

WHEREAS, the parties desire to enter into written Agreements setting forth their respective responsibilities to provide a safe and orderly Independence Day Celebration at Elver Park.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk are hereby authorized to execute a one (1) year Use Agreement between the City and Mid-West Management, Inc. for Independence Day events, subject to the following terms and conditions:

1. Mid-West shall pay all required permit fees.
2. Mid-West shall reimburse the City, within thirty (30) days of receiving an invoice therefore, for the full costs of permit fees, fire, parks and traffic services, for costs related to police services up to \$12,209, and for the full cost of the fireworks display in the amount of \$20,000.
3. Mid-West shall provide evidence of liability coverage for the Event with policy limits and coverage as determined by the City's Risk Manager.
4. The City shall manage and arrange all aspects of the Event relating to police and fire protection, enforcement of standards for fireworks display, EMS coverage, traffic control and enforcement of park rules.
5. The City shall arrange for the fireworks display and shall contract with the fireworks vendor.
6. Mid-West shall manage the fireworks display with the City.
7. Mid-West shall manage small concessionaires.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute an Agreement between the City and Bartolotta Fireworks Company, Inc. for the fireworks display for the Event, subject to the following terms and conditions:

1. Bartolotta shall provide qualified pyrotechnicians who will deliver, set-up, execute and take down the fireworks display. Bartolotta shall conduct an after display search of the grounds in an effort to locate and dispose of unexploded fireworks.
2. Bartolotta shall provide evidence of liability coverage, including workers compensation insurance for its employees, with policy amounts and coverage as determined by the City's Risk Manager.
3. The cost of the display to be provided by Bartolotta shall be \$20,000, except that if the Event is cancelled, the cost to the City shall be labor and restocking charges only.
4. The City and Bartolotta agree that the City shall manage and arrange all aspects of the Event relating to police and fire protection, enforcement of standards for fireworks displays, EMS coverage, traffic control and

enforcement of park rules.

AND BE IT FURTHER RESOLVED THAT the 2009 Parks Division Operating Budget is amended to include expenditures of \$20,000 for fireworks, and \$20,000 in offsetting contribution revenues.

\$20,000 GN01-54988-618190 Special Events  
(\$20,000) GN01-76693-618190 Reimbursement of Expenses