

Introduced by _____ Council Bill No. R 191-13

A RESOLUTION

authorizing an amendment to the agreement with Thumper Productions, LLC to allow the use of a Ferris wheel at the 2013 Roots 'N Blues 'N Barbecue Festival and permit provision of alcoholic beverages by Friends of the Festival.

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 amendment to the agreement with Thumper Productions, LLC to allow the use of a Ferris wheel at the 2013 Roots 'N Blues 'N Barbecue Festival and permit provision of alcoholic beverages by Friends of the Festival. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

ADOPTED this _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AMENDMENT TO OPERATIONS AGREEMENT

**RBBQ Festival – Stephens Lake Park
September 20-22, 2013**

On this _____ day of _____, 2013, the City of Columbia, Missouri, a municipal corporation (hereinafter “City”) and Thumper Productions, LLC (hereinafter “Thumper Entertainment”) amend their agreement of August 21, 2013 as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

1. Paragraph 6 is amended to read as follows:

6. Thumper Entertainment has requested permission to sell alcoholic beverages as part of the concessions operations and desires to contract with Friends of the Festival to provide for the sale of alcoholic beverages. Thumper Entertainment agrees to ensure. ~~All all~~ sales of alcohol at the Festival by Friends of the Festival shall comply with the following provisions:

...

2. Paragraph 13 is amended to read as follows:

13. Thumper Entertainment shall obtain the following insurance in connection with the Festival, and either require Friends of the Festival to obtain the same coverage or add Friends of the Festival to Thumper Entertainment’s coverage:

...

3. A new paragraph 25 is added to read as follows:

“25. Thumper Entertainment and Sound Concepts, Inc. shall be allowed to add a Ferris wheel to the Festival layout plan provided that:

a. Thumper Entertainment and/or Sound Concepts, Inc. shall be responsible for securing all necessary permits required in connection with the Ferris wheel; and

b. Thumper Entertainment shall take out and maintain a certificate of insurance with the City named as an additional insured with coverage limits of \$3,000,000 per occurrence/\$10,000 aggregate to adequately protect City

and match the State of Missouri's sovereign immunity protection for public entities; and

c. Thumper Entertainment and/or Sound Concepts, Inc. shall provide to City verification from the Missouri Division of Fire Safety – Amusement Ride Safety that the Ferris wheel has been inspected and met the agency's minimum qualifications.”

4. All other provisions of the August 21, 2013 agreement shall remain in effect.

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

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

APPROVED AS TO FORM:

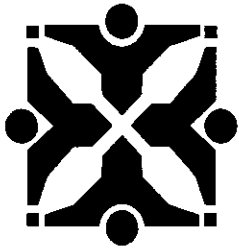
By: _____
Sheela Amin, City Clerk

By: _____
Nancy Thompson, City Counselor

THUMPER PRODUCTIONS, LLC

By: _____

ATTEST:



Source: ^{MM} City Manager

Agenda Item No:

To: City Council
From: City Manager and Staff ^{MM}

Council Meeting Date: Sep 3, 2013

Re: Amendment to R158-13 Authorizing an operations agreement with Thumper Productions, LLC for the 2013 RBBBQ Festival

EXECUTIVE SUMMARY:

Thumper Entertainment has requested two amendments to the written operations agreement: (1) the addition of a ferris wheel to the festival site layout plan; and, Friends of the Festival (a nonprofit corporation) be granted permission to sell alcoholic beverages.

DISCUSSION:

The amendment sheet includes the addition of a ferris wheel at the RBBBQ festival. The Risk Manager is recommending certificate of liability insurance including \$3 million per occurrence/\$10,000,000 aggregate to adequately protect the City of Columbia and match the State of Missouri's sovereign immunity protection for public entities. The requested amounts are equal to the general liability insurance limits maintained by the City. Thumper Productions has agreed to provide the additional coverage as requested by the Risk Manager. Thumper Entertainment will also need to provide verification that the ferris wheel has been inspected and meets the approval of the MO Division of Fire Safety.

Thumper Entertainment is requesting that Friends of the Festival be permitted to sell alcoholic beverages as part of the concessions operations. The Council approved operations agreement grants Thumper Entertainment permission to sell alcoholic beverages as part of the concessions operations. Additional information, including a Certificate of Incorporation Missouri Nonprofit, for Friends of the Festival is attached.

FISCAL IMPACT:

n/a

VISION IMPACT:

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

SUGGESTED COUNCIL ACTIONS:

Council motion to approve the amendment sheet.

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

State of Missouri



Jason Kander
Secretary of State

CERTIFICATE OF INCORPORATION MISSOURI NONPROFIT

WHEREAS, Articles of Incorporation of

FRIENDS OF THE FESTIVAL
N01339006

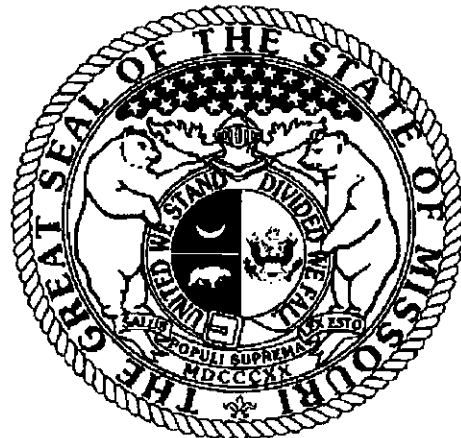
have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of Missouri Nonprofit Corporation Law;

NOW, THEREFORE, I, JASON KANDER, Secretary of the State of Missouri do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the Missouri Nonprofit Corporation Law.

IN TESTIMONY WHEREOF, I hereunto
set my hand and cause to be affixed the
GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this
30th day of August, 2013.

A handwritten signature in cursive script that reads "Jason Kander".

Secretary of State



ROUND CONCEPTS

Presents: **RC1**

CAPACITY

- Height: 50'
- Number of Seats: 12
- Max Passengers per Seat: 3
- Max Passengers per Load: 36

