

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager <sup>MEM</sup>  
**SESSION DATE:** October 19, 2009  
**TIME:** 5:00 p.m.  
**PLACE:** Second Floor Conference Room

We will be in the Second Floor Conference Room on Monday for the Study Session and will need to adjourn by 5:50 p.m.

## **AGENDA:**

- **SPECIAL EVENTS POLICY**
- **MUNICIPAL COURT SOFTWARE**
- **NEWSLETTER REVIEW – October 16, 2009**

## **SPECIAL EVENTS POLICY**

In 2007, the City Council spent time reviewing several of the Council Policies (at that time there were 25) to determine what if any changes were needed. One of those policies was Council Policy #7 Special Events and Shelter Reservation Policy. The Council ultimately made several changes to this policy that clarified the City's position as to when a special event application was required and what types of events required the sponsor of the event to provide insurance.

**A special event application is required when one or more of the following are anticipated to occur:**

- **150 or more attendees at an event**
- **50 or more vehicles in a single location**
- **the general public is invited or notified by the media**
- **fee collection for event occurring on City property, including admissions, donations, concessions or merchandise sales**
- **use of temporary structures or facilities, amusement devices or pull-behind or trailer cooking grills, etc.**
- **closing of the facility, park roads or city streets**
- **animals on display, for show, or for rides**
- **hot air balloons or any apparatus for aviation ascent or descent onto City property that is beyond the normal scope of daily activities**
- **competitive races, contests, exhibitions or athletic events**
- **festivals, concerts or celebrations open to the general public (other than in amphitheatre)**

**Insurance will be required for all the following events:**

- **use of animals for show, display or rides**

- **festivals, concerts or celebrations open to the general public which are anticipated to have 150 or more in attendance or 50 vehicles or more in a single location**
- **competitive races, contests, exhibitions or athletic events**
- **use of amusement rides or inflatables, climbing wall, dunking booth**
- **aviation-related activities (beyond the normal scope of daily activities)**
- **events that are used for fund-raising or revenue-generating purposes**
- **sale of food or cooking provided for the general public**

Since these events are ones created by individuals and groups base on their special interests, the requirement for insurance certainly helps to protect the City from things that happen at these Special Events.

There are times though, when the City's Community Services Director, as part of his/her responsibilities to provide programs and events for the community, will participate in the sponsorship of an event. The question of "sponsorship" came up recently. When is the City a sponsor? It is our interpretation that the Community Services Director or staff should be involved in the planning and organizing of the event, and that the event is open to the public before we consider sponsorship. It is the responsibility and decision of the Community Services Director to determine what level of planning and organizing does she want or believe she needs to provide to an event. At a minimum, though the Community Services Director reserves the right to modify logistics and require specific conditions deemed necessary to minimize the City's liability.

The question of sponsorship came up recently on an event that had been sponsored by the previous Community Services Director (CSD) at least one time. There had been no contact between the event coordinator and the City after the CSD left. The event coordinator assumed that the event would be held with the same sponsorship, and the City staff had no knowledge of the expectations since the contact had been with the former CSD. The event coordinator made the decision to move the event, after the City requested a Special Events application be completed and insurance provided. The event itself falls within the list of events requiring insurance.

Here is the question for the City Council – "Are you content with the way these events are being addressed, or do you want to expand the sponsorship given by the City?"

As you think about this, Community Services Melanie Smith has several questions that she has posed for you to consider.

Recommended Action:

If the City is providing the space, and must maintain protection for the community from liability, then having the Community Services Director sponsor events that allow city input, planning and direction not only provides us some assurance that our liability will be minimized but also allows us to partner with different organizations. It is recommended that the CSD determine what events, if any should be sponsored, and that she be given the authority to work with these groups to plan and organize the events to the level she deems appropriate.

## **MUNICIPAL COURT SOFTWARE**

During the City Council Retreat, we discussed the need to replace some of our existing software, Municipal Court software and Code 3 software, which is used by the E911 Center and our Police Department and is a comprehensive software system for public safety agencies. However, both software applications are dos base. Dos does not work with a lot of windows applications and do not integrate well. There are also a decreasing number of vendors who are maintaining these systems. This is one of the reasons we replaced the financial, utility billing and building codes software programs, which are now all windows based.

The State of Missouri has been offering court software for cities to use that was developed for associate and circuit court applications. The software is offered free but communities are then expected to assess a \$7.00 surcharge for all cases unless the judge dismisses the case. It is not clear whether or not cities can actually assess this fee, since authority is granted with the state.

In addition to this the software is not designed specifically for municipal courts, though some applications are the same, the processes used are not all compatible.

Judge Herrin is interested in moving forward with obtaining new software. Judge Herrin, Pat Meredith, (supervisor of Municipal Court Clerk) and Cheryl Behrmann Municipal Court Clerk have spent time researching options, visiting with knowledgeable people from the state regarding their software and viewing program demonstrations from various companies. Requests for proposals were sent out to various software vendors. The lowest and best bid is from a company headquartered in Texas with an office in Ames Iowa. Both their software and annual maintenance fees were less than the other vendors.

Judge Herrin establishes the fee schedule for a number of fines within municipal court. It is her expectation that she will take the cost of the software into account and establish fees that will recover the cost of the software and pay for the ongoing maintenance costs. Pat Meredith, Human Resources Director and supervisor to Municipal Court will be at the Study Session on Monday to discuss the software needs with the Council.

### Recommended Action:

It is recommended that the Council give the go ahead to move forward with the purchase of the software, and encourage the Judge to establish appropriate fees to cover the cost.

## **NEWSLETTER REVIEW – October 16, 2009**

### Attachments

- Staff Report Special Events
- Special Events Policy
- Staff Report Municipal Court Software
- Computer Software Bid Summary

## KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

**SUBJECT:** Special Event Policy Review

**STUDY SESSION MEETING DATE:** October 19, 2009

**CITY DEPARTMENT:** Community Services

**PREPARED BY:** Melanie Smith, Community Services Director

The City of Kirksville receives more than 50 special event applications each year for events that are being held on city property. The majority of these events are held in our city parks, lakes and streets and are subject to City Council Policy #7—Special Events & Shelter Reservation Policy. This policy addresses three separate topics: shelter reservations, special facility reservations, and parades and runs. The majority of the special event permits that we process fall into the Special Facility Reservations section and are required to provide proof of adequate insurance naming the City of Kirksville as an additional insured. The policy states that events that fall into one or more of the following groups must submit a special event application:

- 150 or more attendees at an event
- 50 or more vehicles in a single location
- the general public is invited or notified by the media
- fee collection for event occurring on City property, including admissions, donations, concessions or merchandise sales
- use of temporary structures or facilities, amusement devices or pull-behind or trailer cooking grills, etc.
- closing of the facility, park roads or city streets
- animals on display, for show, or for rides
- hot air balloons or any apparatus for aviation ascent or descent onto City property that is beyond the normal scope of daily activities
- competitive races, contests, exhibitions or athletic events
- festivals, concerts or celebrations open to the general public (other than in amphitheatre)
- hanging of banners on or over public streets or rights-of-way

In addition, if the event falls into one of the following categories, they will be required to have insurance:

- use of animals for show, display or rides
- festivals, concerts or celebrations open to the general public which are anticipated to have 150 or more in attendance or 50 vehicles or more in a single location
- competitive races, contests, exhibitions or athletic events
- use of amusement rides or inflatables, climbing wall, dunking booth
- aviation-related activities (beyond the normal scope of daily activities)
- events that are used for fund-raising or revenue-generating purposes

- sale of food or cooking provided for the general public

Typically, the sponsoring organization gets a rider on their existing liability coverage for the event. If an organization does not have insurance coverage for their event, they can apply for coverage through the City's Tenants and Users Liability Insurance Program (TULIP). The cost of this coverage can range from \$100-\$817 or more depending on the classification for the event. Events that are considered a higher risk by MIRMA are submitted to the TULIP program on an event by event basis for pricing. The last event that we submitted to MIRMA fell into this category and coverage cost \$850. This requirement does occasionally cause an event to be canceled or moved to another venue.

In the past, the City has chosen to assume the liability for selected events and serve as a co-sponsor for the event. Traditionally these events are selected and approved by the Community Services Director. Currently, the City only co-sponsors events when a city staff person has been actively involved in the planning process. This allows us to have some control over the liability that we are assuming.

If the City Council would like to extend these guidelines to other events or waive the insurance requirement for some events, then the special event policy needs to be updated to include some guidelines that would allow for this sponsorship and/or waiver of the insurance requirement.

Some preliminary research has been done to see how other city's and park department's handle special events and liability. Every organization has their own policy for special events and the liability that is associated with them. Some offer a tiered system with some events being exempt from the liability insurance coverage, some events are required to have \$1 million per occurrence coverage and some events are required to have \$2 million per occurrence coverage depending on the nature of the event. Some events are exempted because of the type of event and some exemptions are based on the type of event sponsor. Some questions that might need to be considered:

- What type of risk is the city willing to assume? Fishing Tournaments, Car Shows, Jam Sessions
- Is the event sponsored by a non-profit organization?
- Is the event open to the public?
- Are there things that should never be allowed regardless of liability coverage?

Council Policies #6 and #7, North Park Baseball/Softball Complex Facility Use Policy and Special Events & Shelter Reservation Policies were both updated in 2005. Since that time, the Amphitheater was completed and members of the Noon Rotary Club have requested less restrictions of the Shelter Reservation Policy, more specifically the insurance restrictions. Staff wishes to make a few changes to this Policy to add the amphitheater as a public facility and to increase the number of participants from 100 to 150. Additional language would be added "and/or the general public is invited or notified by the media and/or if a fee is collected including donations, admissions, concession, participant fees, or merchandise sales". . . City staff is concerned about reducing the restrictions much further due to the liability. *The City Council will need to review this Policy and determine if this change is acceptable.*

## **SPECIAL EVENTS & SHELTER RESERVATION POLICY**

It is the policy of the City of Kirksville to make City parks, lakes, streets, and other facilities available to its citizens within the rules and regulations governing such facilities. In order to properly plan and organize certain activities it is sometimes necessary and beneficial for the public to be able to reserve a park facility, schedule parade routes, and to meet with the City in advance of a special event to address special needs. The following regulations and procedures have been formulated to manage multiple and diverse demands for use of park and open space facilities.

### **I. SHELTER RESERVATIONS**

#### **A. USE**

Except as otherwise provided herein, reservations are not required in order to use City park facilities; however, persons or groups wishing to secure and/or ensure the availability of facilities in advance must make a reservation. Park regulations apply to all users regardless of reservation. Citizens may make shelter reservations either by phone or in person at the Recreation Office in the Kirksville Aquatic Center.

#### **B. PROCEDURES**

1. Shelters are reserved on a first come, first served basis.
2. Each shelter can be reserved for a \$10 fee.
3. All fees must be paid at the time of reservation. If reservation is made by phone, reservations will only be held 3 working days without payment.
4. Reservations may only be made Monday-Friday, 8am-5pm.
5. No refunds will be given for cancellations or inclement weather. However, an event that is cancelled due to inclement weather may be rescheduled one time at no charge.
6. One change of date is allowed only if change is made one week prior to current reservation.
7. Extra trash cans may be requested at no charge.
8. A shelter reservation does not include a reservation for the playground, wading pool, ball field, or any other adjacent structure.

9. Persons or groups with reservations will have priority for use of the shelter.

## **II. SPECIAL FACILITY RESERVATIONS**

### **A. DEFINITIONS**

1. Fishing tournaments held on Hazel Creek Lake or Forest Lake will be considered special events if the tournament is advertised or solicits participation in any manner, regardless of the number of participants. This will apply to all groups, regardless of their for-profit or not-for-profit status.
2. Events to be conducted in public facilities or on public property (lakes, shelters, parks, streets, amphitheatre or Airport) that are beyond the intended scope of use of that facility or property are classified as special events and fall under the guidelines of this policy. This will apply to all groups, regardless of their for-profit or not-for-profit status. A special event application is required when one or more of the following are anticipated to occur:
  - 150 or more attendees at an event
  - 50 or more vehicles in a single location
  - the general public is invited or notified by the media
  - fee collection for event occurring on City property, including admissions, donations, concessions or merchandise sales
  - use of temporary structures or facilities, amusement devices or pull-behind or trailer cooking grills, etc.
  - closing of the facility, park roads or city streets
  - animals on display, for show, or for rides
  - hot air balloons or any apparatus for aviation ascent or descent onto City property that is beyond the normal scope of daily activities
  - competitive races, contests, exhibitions or athletic events
  - festivals, concerts or celebrations open to the general public (other than in amphitheatre)
  - hanging of banners on or over public streets or rights-of-way

### **B. REGULATIONS**

1. Requests are considered on a first come, first served basis.
2. Requests must be made at least 30 days in advance of the proposed date of the special event, and not more than 12 months in advance. Multiple events may be considered in one request.
3. Requests must be made in writing or by e-mail to the City's Risk Coordinator by a representative of the sponsoring organization/person.

4. The sponsoring organization/person must have proof of adequate insurance (as determined by the Risk Coordinator) naming the City of Kirksville as an additional insured. The amount of insurance required depends on the risk level of the event. Insurance will be required for all the following events:
  - use of animals for show, display or rides
  - festivals, concerts or celebrations open to the general public which are anticipated to have 150 or more in attendance or 50 vehicles or more in a single location
  - competitive races, contests, exhibitions or athletic events
  - use of amusement rides or inflatables, climbing wall, dunking booth
  - aviation-related activities (beyond the normal scope of daily activities)
  - events that are used for fund-raising or revenue-generating purposes
  - sale of food or cooking provided for the general public
5. The sponsoring organization/person must provide a signed hold harmless agreement for the City of Kirksville.
6. The sponsoring organization/person shall provide the City with a list of extra components requested from the City for this event. This would include but not be limited to extra trash barrels, electricity, police assistance with traffic/crowd control, barricades, cones, no-parking signs, hanging of banners, etc. These types of services shall be provided on an as-available basis at the sponsoring organization/person's expense where applicable.
7. The sponsoring organization/person shall provide City staff with a plan for cleanup during and after the event (the facility is subject to inspection during and after the event.)
8. The sponsoring organization/person shall provide City staff with a parking plan for participants and spectators for the proposed event. Under no circumstances will any vehicles be allowed to park on the grass portions of the parks or lake facilities. Parking is restricted to the gravel or paved portions of the park or lake facility.
9. Alcoholic beverages are strictly prohibited from being sold, possessed or consumed on City property, except as allowed in City Council Policy #21, City Council Policy #27 or City Council Policy #28.
10. If the sponsoring organization/person intends to cook food during the special event, a health permit may be required from the Adair County Health Department.
11. If the sponsoring organization/person plans to construct any type of temporary scaffolding, bleachers, grandstand, reviewing stands, stages or platforms, or plan to install any temporary electrical wiring or other circuitry, the sponsoring organization/person shall be required to provide a copy of a current building permit.

12. The sponsoring organization/person will be required to provide a copy of a permit from the Kirksville Fire Department if they will be using an open flame, fireworks, or pyrotechnics, vehicle fuel, cooking facilities, enclosures (and tables within those enclosures), tents, air-supported structures, canopies, or any fabric shelters.
13. The sponsoring organization/person shall provide a medical emergency plan to City staff outlining any on-site first aid provisions including phone numbers and addresses of agency or agencies providing on-site first aid. This plan can be as simple as notifying the Adair County Ambulance District of the proposed activity.
14. If on-site vendors or concessionaires are to be allowed by the sponsoring organization/person, then copies of applicable City and County business licenses must be provided.
15. Hanging of banners from or on non-City owned property requires the written permission from the owner of the affected property. The property owner will also be required to sign a hold harmless agreement on behalf of the City.
16. The City reserves the right to stop or cancel an event at any time if deemed a safety issue or is in violation of City ordinances. Any fee or deposit will be forfeited. Any future requests from the event's sponsors may be subject to not being approved.

### C. PROCEDURES

1. Preliminary reservations may be made over the phone, in person or by e-mail.
2. An application for a special event may be picked up at the Recreation Office or at City Hall, or downloaded from the City's web site at [www.kirksvillecity.com](http://www.kirksvillecity.com). All completed applications must be returned to the Risk Coordinator at City Hall.
3. The application must be filled out and signed by the authorized designee of the sponsoring organization/person.
4. All applications shall be reviewed and signed by all applicable City of Kirksville departments, to verify compliance with department policies, procedures, and guidelines.
5. General liability insurance will be required. The applicant may either apply under the City of Kirksville's TULIP Program, or must provide proof of insurance with a copy of a valid policy, amount of coverage, and a written provision that the City of Kirksville is an additional insured on the policy.
6. If the proposed special event meets the criteria of all the respective departments within the City of Kirksville, the City Manager, acting on the behalf of the City Council, can authorize the special event. City Council approval is required if any

event requires the closure of a street or if the sale of merchandise is being planned.

### **III. PARADES AND RUNS**

#### **A. USE**

These regulations will cover all events (normally referred to as parades/runs) proposed to be conducted on or along City streets, which are beyond the intended scope of use of that street. This shall be considered a special parade/run event and fall under the guidelines of this policy. This will include all groups or sponsors regardless of their for-profit or not-for-profit status.

#### **B. REGULATIONS**

1. Requests are considered on a first come, first served basis.
2. Requests must be made at least 30 days in advance of the proposed date of the special event, and not more than 12 months in advance. Multiple events may be considered in one request.
3. Requests must be made in writing or by e-mail by a representative of the sponsoring organization/person.
4. The sponsoring organization/person must have proof of adequate insurance (as determined by the Risk Coordinator) naming the City of Kirksville as an additional insured. The amount of insurance required depends on the risk level of the event.
5. The sponsoring organization/person must provide a signed hold harmless agreement for the City of Kirksville.
6. The sponsoring organization/person shall provide the City with a list of extra components requested from the City for this event. This would include but not be limited to extra trash barrels, police assistance with traffic/crowd control, barricades, cones, no-parking signs, hanging of banners, etc. These types of services shall be provided on an as-available basis at the sponsoring organization/person's expense where applicable.
7. Alcoholic beverages are strictly prohibited from being sold, possessed or consumed on City property, except as allowed in City Council Policy #21, City Council Policy #27 or City Council Policy #28.
8. The sponsoring organization/person shall provide a medical emergency plan to City staff outlining any on-site first aid provisions including phone numbers and addresses of agency or agencies providing on-site first aid. This plan can be as simple as notifying the Adair County Ambulance District of the proposed activity.

9. Hanging of banners from or on non-City owned property requires the written permission from the owner of the affected property. The property owner will also be required to sign a hold harmless agreement on behalf of the City.
10. The City reserves the right to stop or cancel an event at any time if deemed a safety issue or is in violation of City ordinances. Any fee or deposit will be forfeited. Any future requests from the event's sponsors may be subject to not being approved.

### C. PROCEDURES

1. An application for a parade/run may be picked up at City Hall, or downloaded from the City's website at [www.kirksvillemcity.com](http://www.kirksvillemcity.com). All completed applications must be returned to the Risk Coordinator at City Hall.
2. The application must be filled out and signed by the authorized designee of the sponsoring organization/person.
3. The application must list the proposed route, number of participants, spectators, and any other components needed to facilitate the parade/run.
4. All applications shall be reviewed and signed by all applicable City of Kirksville departments to verify compliance with department policies, procedures, and guidelines.
5. Liability insurance is required and the applicant may either apply under the City of Kirksville's TULIP program, or provide proof of insurance with a copy of a valid policy in the amount of \$1,000,000, with a written provision that the City of Kirksville is an additional insured on the policy.
6. If the proposed parade/run is an annual event and has been approved by the City Council in the past, and it meets the criteria of all the respective departments within the City of Kirksville, the City Manager, acting on the behalf of the City Council, can authorize the special event. City Council approval is required if any event requires the closure of a street or if the sale of merchandise is being planned.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Municipal Court Software

**STUDY SESSION MEETING DATE:** October 18, 2009

**CITY DEPARTMENT:** Administration

**PREPARED BY:** Pat Meredith, Human Resource Director

The Kirksville Municipal Court processes municipal traffic and ordinance violations resulting from citizen complaints, and traffic and ordinance citations written by the Kirksville Police Department and prosecuted by the city prosecutor.

The amount of ordinance violations has continued to increase as the City Council has adopted more ordinances that mirror state laws and allows Kirksville Police to write the ticket as a state or local violation that can be processed in Municipal Court rather than state courts.

The court currently uses an ACMS DOS based software program to manage summons, subpoena, warrants, dockets, and various other court reporting and documentation. This software is obsolete and cumbersome and no longer supported by the company that created it - ACMS. In addition, DOS based software causes technical problems for the IT provider with our Windows application and is not compatible with newer printers.

The Missouri Court Automation Program provides JIS software for courts in Missouri. To participate the municipality must adopt an ordinance imposing a \$7 Court Automation Fee on municipal ordinance cases and must enter into an agreement with the Office of State Courts Administrator for automation of the municipal division of circuit court. The JIS software was designed for circuit and associate courts and has been adopted by those courts in Missouri. However, only thirty-two municipal courts (out of five hundred Municipal Courts) have adopted the JIS software and most have found it to be unsuitable.

City staff would like to implement a Windows based court software that will improve efficiency in the court division and eliminate the need for DOS based software. Proposals were received from four vendors (see attachment). We believe that Tyler Technologies (INCOTE) can meet the City's court needs and is the most affordable. Tyler Technologies has a 99% retention rate with courts who have implemented their software and while their software is sold nationwide there are currently 63 municipal courts in Missouri who use this software.

The City cannot charge the \$7 court automation fee established by state law for JIS, however we believe we can evaluate and increase court costs (fines or fees) in areas where the Judge and/or City Council have authority. Judge Herrin is talking to other municipal courts in similar sized cities to compare their costs to those established by the City.

If Council approves the purchase and implementation of the INCOTE software, City staff will come back with a proposal to adjust or amend costs to bring them in line with other communities.

Additional software modules may be purchased from Tyler Technologies including prosecution and law enforcement modules.

## **Municipal Court Software**

October 2009

### **Tyler Technologies – Incode**

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|--------------------------|----------|
| ▪ Total Proposal Cost    | \$25,296 |
| ▪ Annual Maintenance Fee | \$ 2,393 |

### **Software & Services**

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|--------------------------|----------|
| ▪ Total Proposal Cost    | \$37,000 |
| ▪ Annual Maintenance Fee | \$ 4,000 |

### **CourtView Justice Solutions**

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|--------------------------|----------|
| ▪ Total Proposal Cost    | \$37,613 |
| ▪ Annual Maintenance Fee | \$ 2,430 |

### **New Dawn Technologies - JustWare**

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|--------------------------|----------|
| ▪ Total Proposal Cost    | \$79,130 |
| ▪ Annual Maintenance Fee | \$ 4,350 |

### **JIS – State Funded Software**

- No up front cost (\$7 automation fee added to court fees)
- Not suitable for Municipal Courts