

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL
JULY 18, 2023 AGENDA**

| Subject: | Type: | Submitted By: |
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| APPROVE NEW COUNCIL POLICY STATEMENT – RULES & REGS FOR USE OF THE LINK | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | RITA RAMIREZ ASST. CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES |

SYNOPSIS

A resolution has been prepared to approve a new Council Policy Statement (CPS) regarding rules and regulations for use of the Link.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The City's newest facility, the Link, is nearing completion and will become available for use by the public. The adjacent, privately developed music venue, the Astro, is also nearing completion and desires to use the Link in conjunction with outdoor concerts that will be scheduled at the Astro. Consequently, rules and regulations, as well as fees, need to be established for the use of the Link facility.

A similar Council Policy Statement (CPS) is already in place for use of the Community Center facility. The CPS being proposed for consideration has been prepared using the existing Community Center CPS as a guideline. Fees associated with the use of this facility will be established in the City's Master Fee Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A NEW COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to establish Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a new Council Policy Statements has been prepared regarding rules and regulations for use of the Link and it has been reviewed by the City Administrator, Finance Director, City Attorney, Assistant Recreation Director and Events Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement regarding rules and regulations for use of the Link subject to any such changes/modifications by the City Attorney and City Administrator, and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

PASSED AND APPROVED THIS 18TH OF JULY 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

Policy, Rules and Regulations for Use of the Link

Administration

The administration, scheduling and maintenance of the Link shall be the responsibility of the City of La Vista Recreation Department. For purposes of this policy statement, "the Link" means the real property and public plaza, restroom, concession and other improvements to real property owned and identified as such by the City in the transition areas between Central Park and the Mixed Use Redevelopment Area, and all City-owned fixtures, facilities, furnishings, equipment and supplies used in connection with such improvements.

The scheduling, consideration and approval of requests to use the Link shall be the responsibility of the Recreation Director of the City of La Vista or his/her designee ("Recreation Director"). Decisions of the Recreation Director in connection with the Link shall be final and binding on all parties, unless appealed in accordance with the following two sentences. A decision of the Recreation Director may be appealed in writing to the City Administrator or any designee of the City Administrator ("City Administrator") within five (5) calendar days after the decision. Any such appeal shall be hand delivered to the City Administrator at La Vista City Hall for review and final resolution and decision, which review, resolution and decision shall be final and binding on all parties.

Fees for use of the Link shall be reviewed annually by the Recreation Director and any additions, subtractions, or changes shall be approved by the Mayor and City Council.

The Link Usage

The primary purpose of the Link is to be an amenity to Central Park that will provide outdoor activity spaces as well as restroom and kitchen/concession facilities for the general public. A secondary purpose of the Link is to allow individuals and groups ("Users" or each a "User") to rent the facility for special events ("Use").

The Recreation Director from time to time shall establish, and from time to time may supplement, eliminate or modify, additional policies and procedures for use of the facility as the Recreation Director determines necessary or appropriate, along with the necessary fees. These policies and procedures shall be in written form and available to the public upon request, and shall include such agreements, permits or other documents ("Agreements") governing the Use, in form and content satisfactory to the Mayor, City Administrator, Recreation Director or any designee of the Mayor, City Administrator or Recreation Director.

The City shall have priority to use the Link for such events or uses as the Mayor, City Council or City Administrator from time to time determines, including without limitation Salute to Summer or other events for residents of the City. Requests and uses of the facility for special events will be subject to such City uses.



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The City of La Vista prohibits the use of the Link for political activities except for open public debates sponsored by non-partisan organizations.

The Recreation Director shall be authorized to grant use of the Link in accordance with this policy statement and such additional or different policies and procedures as in effect from time to time.

The Link Rules and Regulations

1. The Recreation Director will determine and maintain the schedule for the Link, including without limitation determining dates and times that the Link is available for use, which schedule shall be subject to review and approval or revision by the Mayor or City Administrator from time to time in the sole discretion of the Mayor or City Administrator.
2. An application for use of the Link shall be submitted in writing to the Recreation Director in such form, content and time as specified by the Recreation Director or applicable policies procedures.
3. Every User shall, during the time of such Use, be responsible for the preservation of law and order on the property.
4. Consumption or possession of alcoholic beverages shall be permitted for an event only as approved by the Mayor, City Council or Recreation Director. Compliance with liquor license requirements as well as off duty police security satisfactory to the La Vista Police Chief will be required.
5. If outside food service is requested that requires use of the commercial kitchen facilities, a caterer must be used that is on the City's list of approved caterers.
6. Possession of firearms/weapons shall be prohibited on the premises, except for off duty police assigned to provide security during the Use.
7. Use of fixtures or equipment at the Link, if available, may be requested on the written application for Use. Fee structures will be outlined in the City's Master Fee Ordinance. Privately owned equipment or materials, if permitted, shall be promptly removed from the Link at the conclusion of the event unless otherwise approved in advance by the Recreation Director.
8. Table and chairs, if available, may be requested when completing the application for Use. Associated fees will be outlined in the City's Master Fee Ordinance.
9. All areas of the Link shall be restored to a good, neat, clean and orderly condition and the condition existing at the commencement of the Use, trash shall be placed in proper containers, and personal property shall be removed.
10. Users of the Link shall comply with all applicable laws, rules and regulations, including without limitation all smoking, fire and other public safety laws or regulations.
11. Use of the Link by groups composed of minors (21 years of age and under) shall be granted only to adults who apply for and are granted permission to use the Link, accept the responsibility for supervising the group and ensure all applicable requirements are satisfied throughout their activity.
12. Decorations shall be allowed as specified from time to time by the Recreation Director provided no nails, tacks, adhesive, or staples shall be used on the walls, ceiling or equipment, fire hoses or extinguishers shall not be covered by decorations, or any

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- obstructions placed so as to interfere with their use in case of emergency. Decorations shall be removed at the conclusion of the event/rental.
13. The placing of obstacles such as chairs, tables, benches, decorations, etc., which obstruct exit signs or doors or potentially interfere with exiting shall not be permitted.
 14. The burning of candles or any open flames is not permitted.
 15. The installation or use of additional electric wiring or the use of electrical appliances on any of the Link's electrical circuits shall be subject to prior written approval by the Recreation Director.
 16. All activities must end by 10:00 p.m. and the Link must be restored to a good, neat, clean and orderly condition and the condition existing at the commencement of the Use, all personal property other than City property shall be removed, and the premises shall be vacated by all persons no later than 11:00 p.m. unless prior written approval is obtained from the Recreation Director.
 17. User shall be responsible for the premises, and all persons, events or occurrences on the premises or arising out of or resulting from the Use, including without limitation the conduct, acts or omissions of participants at an activity. Not in limitation of the foregoing, User shall be liable for all claims, liabilities, costs and expenses whatsoever arising out of or resulting from the Use.
 18. Use of the Link shall be subject to any further direction as the Recreation Director, City Administrator or Police Chief from time to time determine necessary or appropriate.

Link Fees

Security deposits shall be required of all Users in such amount as established in the Master Fee Ordinance or by the Recreation Director from time to time, and such security deposits shall be paid at time of reservations. Security deposits shall be returned to the User after the Use, provided the Recreation Director determines that there is not any damage to the Link or losses, claims, liabilities, costs or expense arising out of or resulting from the Use, and User has fulfilled all responsibilities agreed upon in the application or in any Agreement. The deposit shall be retained and used by the City to repair any damage to the Link, clean or restore the premises, or pay any losses, claims, liabilities, costs or expenses arising out of or resulting from the Use; and the User shall be billed for costs and expenses which exceed the deposit. Cancellation less than two (2) weeks before the Use causes the City to incur substantial damages that are difficult or impossible to determine. Security deposits shall be automatically retained by the City as liquidated damages if the User does not inform the Recreation Department in writing at least two (2) weeks in advance that the User will not be using the Link. This does not apply if the Recreation Director determines that an activity must be cancelled due to weather.

All fees due shall be paid at least one (1) week in advance of the scheduled event. Failure to comply with the immediately preceding sentence will result in the cancellation of the reservation and Use, and the City shall retain the security deposit as liquidated damages pursuant to the immediately preceding paragraph.

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Provisions of this policy statement shall apply except as otherwise specified from time to time by the Mayor, City Council or City Administrator. Permission to use the Link shall not transfer or convey to a User any rights or interests other than a nonexclusive right to use the Link for approved date, time and Use. Fees shall be established, supplemented, eliminated or modified from time to time by the Mayor and City Council as a part of the City's Master Fee Ordinance.