



## **Board of Aldermen - Work Session Agenda**

**March 2, 2021**

**6:00 p.m. – City Hall \*\*\*Via Videoconference\*\*\***

---

**NOTICE:** \*Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's FaceBook page through FaceBook Live. Attendance in person by members of the public will not be permitted.

- 1. Call to Order**
- 2. Discussion of the Public Facility Use Policy**
- 3. Adjourn**

## Agenda Item # 2 – Discussion of the Public Facility Use Policy



**STAFF**

**REPORT**

**Date:** March 2, 2021

**Prepared By:** Matt Denton, Parks and Recreation Director

**Subject:** Updating the Public Facility Use Policy

The Facility Use Policy governs use of public facilities pursuant to Section 105.030 of the Municipal Code. The purpose of this policy is to provide access fairly and reasonably to City facilities for the Smithville community. It is the goal of the City to balance the needs of users to reserve facilities for exclusive use and the needs and expectations of residents so they will have access to City facilities.

The Facility Use Policy was last revised in 2015. Since then, the facility reservation and event process has changed for the convenience of Smithville residents. Staff reviewed the policy and has identified recommendations that reflect how facilities and events are currently handled. Based on Board feedback and direction, staff will update the policy and present it for Board approval. Once approved, staff will update the event application form to reflect the new policy. If any changes are made to the Schedule of Fees, staff will bring that to the Board for approval as well.

### **Section II – a – Availability**

Staff is looking for the Boards comments and suggestions for the recommendation to add the highlighted sentence to this section: "Planned parties should make a reservation prior to use."

This will allow staff to monitor and prepare for larger events. Most surrounding communities require paid reservations prior to use of organized events at City owned Shelter Houses. This change in policy would still allow individuals or families to utilize the space when it is not being used.

### **Section III - a – Senior Center**

Staff is looking for the Boards comments and suggestions for the recommendation of adding "re-occurring" for the Senior Center.

This will allow other organizations to use the facility for regular meetings. The reservation fee would be different than a one-time event cost. If approved, the information will need to be updated in the Schedule of Fees.

#### Recommended Recurring Rental Fees:

Based on review of rates in comparable communities and an evaluation of staffing costs, staff recommends that we offer non-profit re-occurring rentals a fee of \$25 a week, to be paid monthly at \$100 a month. Staff then recommends for-profit groups with this request to pay \$250 per month for a re-occurring weekly reservation. This would include one weekly meeting of up to 2 hours that are scheduled one month in advance.

### **Section III – a - City Hall Meeting Room**

Staff is looking for the Boards comments and suggestions for the recommendation of removing the City Hall Meeting Room from this Facility Use Policy due to the recent improvements. Staff would recommend those interested in meeting space to use the Senior Center which has accommodations for larger groups.

### **Section III – c – Sports Fields**

Staff is looking for the Boards comments and suggestions for the recommendation of replacing the sentence: "Sports fields are available for the sole use of the customer and may not be shared with others without approval by the City", with the following: "Sports Field reservations are available for the sole use of the customer and may not be traded, exchanged or resold without approval by the Parks and Recreation Department."

The updated sentence clearly states that one cannot sell, trade, or give another person their already purchased reservation without approval by the Parks and Recreation Department.

The original sentence was put into place to prevent subleasing of City sports fields.

### **Section IV – Rate Categories**

Currently the rate categories are not reflected in the Schedule of Fees. Once the document was adopted the Rate Categories and the different fees associated were not well perceived by the community and categories were not enforced. Currently, if an event is not a city or city co-sponsored event, it is charged the regular price. Up to this point, there has not been an issue with this. Staff is looking for the Boards comments and suggestions for the recommendation that this section be updated to show how events application have been handled. Below is what staff is recommending:

Staff recommends keeping the Rate Categories, but the rate categories will be for special events only and reducing it into two categories. This would reflect how events application have been currently handled:

Category I: **City or City Co-Sponsor** – Free

Category II: **Other** – Fee according to approved Schedule of Fees

## **Section VII – a – Application**

Staff is looking for the Boards comments and suggestions for the recommendation of removing the sentence: "A nonrefundable application fee of 10% or \$25 (whichever is higher) is required at the time of application. Once an application has been approved, the fee will be applied toward reservation fees". Currently staff does not accept a reservation request until payment is received in full.

## **Section VII – b – Changes and Cancellations**

Staff is looking for the Boards comments and suggestions for the recommendation of adding "inclement weather" to the list of approved changes, allowing one change with a 48-hour advanced notice, and adding the ability to re-schedule within 7 days from reservation.

This arises with ball field and shelter house reservations when it rains or is predicted to rain. Currently, re-scheduling is not allowed under this policy. Staff believes this change in policy would benefit the community and be a reasonable way to handle last minute changes. This change will also protect the fields by allowing teams to re-schedule reservations on ball fields when conditions are too wet to utilize without causing harm to the field.

## **Section VI – c – Changes**

Staff is looking for the Boards comments and suggestions for the recommendation of removing the highlighted sentence: "Additional changes made will be charged an additional non-refundable application fee per change". This charge is not reflected in the Schedule of Fees. Staff is not sure why. Staff has not seen this as an issue and believe this change in policy would benefit the community.

## **Section VI – f – Insurance**

Staff is looking for the Boards comments and suggestions for the recommendation of removing the highlighted sentence: "Liquor liability insurance is required for all events serving alcoholic beverages" as this is no longer required anymore by the State.

## **Section VIII – Alcohol Use – b**

Staff is looking for the Boards comments and suggestions for the recommendation of removing this highlighted section: "Liquor liability insurance" as this is not required anymore by the State. Staff recommends adding what is currently required by the City and State:

"Completion of the Alcohol section of the Special Event Application and a Temporary Liquor License will need to be reviewed and approved by the Chief of Police and Board of Alderman for events serving alcoholic beverages."

**Section VIII – Alcohol Use – e**

Staff is looking for the Boards comments and suggestions for the recommendation of removing the highlighted word “facility” since alcohol is not allowed in indoor facilities.

**Section XI – b – Reservation Times**

Staff is looking for the Boards comments and suggestions for the recommendation of removing the following sentence: “If use of the facility begins prior to or ends after the schedule reservation, the City reserves the right to bill at 150% of the applicable rate”. Staff has not seen this as an issue and believes this change in policy would benefit the community.

**Section XI – c – Festival Vendors**

Staff is looking for the Boards comments and suggestions for the recommendation of updating this ordinance to remove the \$10 festival vendor charge. This fee is currently located in Section 610.110 of the Municipal Code and would require an Ordinance amendment. Staff feels this can still be monitored by just collecting vendor names and contact information from the event organizer.

# City of Smithville Public Facility Use Policy

## I. Purpose

The Facility Use Policy governs use of public facilities pursuant to Section 105.030 of the Municipal Code. The purpose of this policy is to provide access fairly and reasonably to City facilities for the Smithville community. It is the goal of the City to balance the needs of users to reserve facilities for exclusive use, and the needs and expectations of residents so they will have access to City facilities for their use. The primary purpose of public parks is for the use and enjoyment of City residents. Uses which will substantially impair the rights of the public in general to use public facilities in favor of specific individuals or groups should not be permitted.

## II. Requirements for Use

### a. Availability

Facilities are available for general reservation on a first-come, first-served basis. [Planned parties should make a reservation prior to use.](#) The City reserves the right to determine which days, times, and facilities are reserved based on other scheduled use, wear, and maintenance issues. The City does not give priority to returning reservations.

## III. Facilities

All facilities can be reserved through [www.smithvilleparksrec.com/reservations](http://www.smithvilleparksrec.com/reservations)

For all Special Events and Tournaments please contact the Parks and Recreation Department.

Reservations open on January 1 for the full calendar year.

### a. Indoor Facilities:

#### Senior Center

The primary use of this facility is for the Smithville Senior Citizens. The facility may be reserved during hours of operation not reserved under the lease with the Smithville Senior Citizens. For [re-occurring](#) reservations, please contact the Parks and Recreation Department.

#### ~~b. City Hall Meeting Room~~

~~c. The City Hall Meeting Room is a government facility. The primary use of this facility is for City functions. To protect the integrity of the City Hall Meeting room and preserve space for government functions, while allowing citizen access for civic function, the City Hall Meeting Room may be available for use. Category I or Category II facility users in good standing.~~

## **d.b. Outdoor Facilities:**

### **Courtyard Park**

Courtyard Park should be reserved for all organized parties or events. When the park is not reserved, it may be used by the public for walk-on private party activities during park hours per the Smithville Park Regulations.

### **Helvey Park Shelter House**

Helvey Park Shelter House should be reserved for all organized parties or events. When the shelter houses are not reserved, they may be used by the public for walk-on private party activities during park hours per the Smithville Park Regulations.

### **Heritage Park Shelter Houses**

Heritage Park Shelter House should be reserved for all organized parties or events. When the shelter houses are not reserved, they may be used by the public for walk-on private party activities during park hours per the Smithville Park Regulations.

### **Smith's Fork Park Shelter Houses**

Smith's Fork Park Shelter Houses should be reserved for all organized parties or events. When the shelter houses are not reserved, they may be used by the public for walk-on private party activities during park hours per the Smithville Park Regulations.

### **Smith's Fork Park Girl Scout Shelter House**

Smith's Fork Park Girl Scout Shelter House should be reserved for all organized parties or events. When the shelter house is not reserved, it may be used by the public for walk-on private party activities during park hours per the Smithville Park Regulations.

### **Smith's Fork Park Boy Scout Camping Area**

Use of the Smith's Fork Park Boy Scout Camping Area requires a reservation. When the shelter houses are not reserved, they may be used by the public for walk-on private party activities during park hours per the Smithville Park Regulations.

### **Smith's Fork Campground**

Use of the Smith's Fork Campground requires a reservation. If campsites are needed for an event, an occupancy rate is determined by using the average campground occupancy per day based on the previous season.

## **e.c. Sports Fields**

All sports fields can be reserved through [www.smithvilleparksrec.com/reservations](http://www.smithvilleparksrec.com/reservations)

Reservations open on January 1 of the calendar year and can be reserved for up to three months at a time.

Field maintenance is mandatory and will be provided by the Smithville Parks and Recreation Department during weekday hours of 7:00 AM – 3:00 PM.

### **Heritage Park Baseball Fields**

Heritage Park Baseball Fields are open to the public for walk-on private party activities during unreserved park hours. Walk-on use is not permitted after dusk. ~~Sports fields are available for the sole use of the customer and may not be shared with others without approval by the City.~~ Sports Field reservations are available for the sole use of the customer and may not be traded, exchanged or resold without approval by the Parks and Recreation Department. Organized use of City sports parks is prohibited without a permit. Contact the Parks and Recreation Department for more information. Sports field lighting will only be turned on for special events approved by the Parks and Recreation Department.

After March 31 availability will be blocked for City Recreation programs for Baseball/Softball and T-Ball. Availability will be opened back up once the practice and game times and dates are scheduled.

### **Smith's Fork Park Baseball Fields**

Smith's Fork Park Baseball Fields are open to the public for walk-on private party activities during unreserved park hours. Walk-on use is not permitted after dusk. ~~Sports fields are available for the sole use of the customer and may not be shared with others without approval by the City.~~ Sports Field reservations are available for the sole use of the customer and may not be traded, exchanged or resold without approval by the Parks and Recreation Department. Organized use of City sports parks is prohibited without a permit. Contact the Parks and Recreation Department for more information. Sports field lighting will only be turned on for special events approved by the Parks and Recreation Department.

### **Smith's Fork Park Soccer Fields**

Smith's Fork Park Soccer Fields are open to the public for walk-on private party activities during unreserved park hours. Walk-on use is not permitted after dusk. ~~Sports fields are available for the sole use of the customer and may not be shared with others without approval by the City.~~ Sports Field reservations are available for the sole use of the customer and may not be traded, exchanged or resold without approval by the Parks and Recreation Department. Organized use of City sports parks is prohibited without a permit. Contact the Parks and Recreation Department for more information.

Reservations will be opened during the Spring and Fall Smithville Recreational Soccer Season. Fields will be marked and maintained during those times. Soccer fields may be reserved during facility hours not reserved by Smithville Recreational Soccer teams.

### **Smith's Fork Park Football Field**



Smith's Fork Park Football Fields are open to the public for walk-on private party activities during unreserved park hours. Walk-on use is not permitted after dusk. ~~Sports fields are available for the sole use of the customer and may not be shared with others without approval by the City. Sports Field reservations are available for the sole use of the customer and may not be traded, exchanged or resold without approval by the Parks and Recreation Department.~~ Organized use of City sports parks is prohibited without a permit. Contact the Parks and Recreation Department for more information. Sports field lighting is not available to the public.

Football Field is unavailable August – November for contract use by the Smithville Youth Football program.

#### **IV. Rate Categories**

The following categories are utilized only for the purpose of determining fees and charges for events. ~~Category status is determined based upon the type of event and individual or group who is reserving. Category status is determined when the reservation application is approved.~~ All events will be charged as a Category II unless documentation required is submitted stating a sponsorship with the City.

Misrepresentation of any event category will result in loss of an organization's category status, all deposits and/or fees paid and may jeopardize future reservations.

##### **Category I — ~~A~~ – City or City Co-Sponsor**

##### **~~B — City co-sponsor:~~**

A Joint Use Agreement with the City is required. Generally, applicants do not pay rental fees unless the event imposes additional expenses to the City.

##### **Category II — ~~Other governmental entities~~**

~~Must provide a Letter of Authorization on letterhead from the governmental entity responsible for the event.~~

##### **~~Category III Smithville-incorporated non-profit entities~~**

~~Must submit the following items to maintain status:~~

- ~~A copy of the organization's State of Missouri certification of good standing~~
- ~~A copy of the organization's tax-exempt IRS 501(c)(3) letter~~
- ~~Proof of a current City of Smithville Business License~~

~~A Letter of Authorization on letterhead from the organization responsible for the event.~~

#### **~~Category IV—Smithville-incorporated-for-profit entities, residents~~**

~~Businesses must provide proof of a current City of Smithville Business License and a Letter of Authorization on letterhead from the entity responsible for the event. Residents must provide photo identification to provide proof of resident status.~~

#### **~~Category V—Non-Smithville-incorporated businesses, non-residents and any other individual or group not identified elsewhere~~**

Subject to any fees according to the Schedule of Fees. Businesses using City facilities for commercial purposes must provide proof of a current City of Smithville Business License.

## **V. Permits for Parades and Special Events**

### **a. Parades**

A parade is defined as any parade, march, race, walk or procession, or any similar event, in or upon any public street, pursuant to Section 520.100 of the Municipal Code.

#### **Standards of Issuance**

A parade permit shall be issued under the following considerations:

The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper police protection of areas contiguous to such assembly areas;

The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

#### **Exceptions**

This article shall not apply to:

Funeral or wedding processions.

Students going to and from school classes or participating in education activities, providing such conduct is under the immediate discretion and supervision of the proper school authorities; or

A governmental agency acting within the scope of its functions.

## **b. Special Events**

A special event is defined as any ceremony, show, exhibition, festival, pageant or gathering, or any similar event, in or upon any public street, pursuant to Section 520.100 of the Municipal Code.

### **Standards of Issuance**

A special event permit shall be issued under the following considerations:

The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

The concentration of persons, animals and vehicles at assembly points of the special event will not unduly interfere with proper police protection of areas contiguous to such assembly areas; and

The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

### **Exceptions**

This article shall not apply to:

Funeral or wedding processions.

Students going to and from school classes or participating in education activities, providing such conduct is under the immediate discretion and supervision of the proper school authorities; or

A governmental agency acting within the scope of its functions.

## **VI. Signs and Advertisement**

### **a. Posting Signs in City Parks**

Applicants requesting to display signs at City parks and facilities during reservations are subject to the sign requirements outlined in Section 400.505 of the Municipal Code. Requests must be approved during the application process. Signs must be removed at the end of the reservation.

### **b. Advertisements**

For any event that will be advertised to the public, the following disclaimer is required to be printed on the flyer or electronic communication: This event is a private reservation and is not endorsed or sponsored by the City of Smithville.

## **VII. Application and Cancellations**

### **a. Applications**

An applicant applying on behalf of an organization must be authorized by that organization to reserve facilities.

Applications and all required documentation should be submitted at least thirty (30) calendar days prior to the requested reservation date. Requests received outside this timeframe may be granted only if time and conditions allow. ~~A nonrefundable application fee of 10% or \$25 (whichever is higher) is required at the time of application. Once an application has been approved, the fee will be applied toward reservation fees.~~ An approved application does not guarantee access to the facility. A facility is not considered reserved until payment ~~in full~~ is received in full.

Applicants have the ability to re-schedule within 7 days of making the initial reservation.

### **b. Changes and Cancellations**

The City will not be held financially or legally responsible for consequences experienced by users due to circumstances beyond the City's control, including, but not limited to inclement weather, natural disasters and naturally occurring health hazards. The City reserves the right to cancel or reject current and future reservations due to the misrepresentation, misuse of facilities, flagrant violation of policies and regulations, or mistreatment of staff.

### **c. Changes**

Changes include, but are not limited to any adjustment to time, number of attendees etc.

Only One change per application with a 48-hour advanced notice will be processed. ~~at no charge. Additional changes made will be charged an additional non-refundable application fee per change.~~

### **d. Cancellations**

Cancellations are defined as discontinuing a reservation and not rescheduling. Cancellations must be made more than thirty (30) days prior to the event. Cancellations made less than thirty (30) days prior to the original reservation date forfeit all fees paid (excluding deposits). No shows are considered cancellations.

### **e. Deposits**

Any expense incurred by the City to correct facilities and/or equipment not returned to original condition due to the applicant's use will be billed against the applicant's deposits.

The City reserves the right to bill the applicant for damages and costs incurred above the deposit amount.

### **f. Insurance**

Liability insurance coverage in the amount of \$1,000,000 per occurrence is required for outdoor events consisting of 100 or more people. Any event requiring such liability insurance must provide a copy of the certificate of insurance and a separate endorsement page naming the City of Smithville as additionally insured. Events held at Smith's Fork Park facilities also require the Army Corps of Engineers to be listed as additional insured.

A City of Smithville "Hold Harmless Agreement" is required as part of the application.

~~VIII. Liquor liability insurance is required for all events serving alcoholic beverages.~~

## **~~IX.~~VIII. Alcohol Use**

**a.** Alcohol is prohibited for indoor facility permits.

**b.** Completion of the Alcohol section of the Special Event Application and a Temporary Liquor License will need to be reviewed and approved by the Chief of Police and Board of Alderman for events serving alcoholic beverages. ~~Liquor liability insurance and security are both~~ required for all events serving alcoholic beverages.

**c.** Any person or group wishing to serve alcoholic beverages at an outdoor facility will be required to prove bartenders are at least twenty-one (21) years of age, with proof of completion of the State of Missouri Alcohol Responsibility Training (SMART) Online Server Training Program. Bartenders and serving attendants are not allowed to drink alcoholic beverages or be under the influence of alcohol while serving alcohol.

**e.** Alcohol may only be consumed within the ~~facility or~~ authorized area, and not beyond the perimeters of these areas. (Alcohol use is not permitted on athletic fields or courts.)

**f.** The applicant is responsible for contacting the Missouri Department of Public Safety to obtain a license if alcohol is to be sold during the scheduled activity. A copy of all applicable liquor licenses must be provided.

**g.** Service to or consumption of alcoholic beverages by minors will result in immediate cancellation of the event without refund of fees. Alcohol is not allowed at events where the majority of participants are minors.

**h.** Alcoholic beverages may only be served within a designated area that is pre-approved by the City, pursuant to Section 600.070 of the Municipal Code.

**j.** Alcoholic service must be suspended one (1) hour prior to the ending time of the event. At last call, only one (1) drink per person will be allowed, and the serving cup size may not exceed ten (10) ounces.

## **XIX. Smoking**

Smoking is prohibited in all indoor facilities. Smoking is only permitted in designated smoking areas for outdoor parks and facilities.

## **XI.X. Security**

The City of Smithville reserves the right to require security at events held on City property. A security plan must be submitted for all parades and special events, subject to approval by the Police Department.

## **XII.XI. Street Closings**

If an event will require the closure of any portion of City roadways (i.e., partial lane closures or complete road closures), a map and traffic control plan showing road and lane closures, delineation, and detour routes meeting the requirements of the Manual on Uniform Traffic Control Devices (MUTCD) is required.

Certification that the applicant or sponsoring organization has notified in writing all owners, managers, or residents of property adjacent to the proposed street closing(s), to include 1) name of event; 2) name of sponsor organization, mailing address, and telephone number; 3) date of event; 4) starting and ending times; and 5) detailed description of streets to be closed.

### **a. Block Parties**

A Block Party is defined as barricading a specific portion of a residential street, denying access to the through-traffic for a purpose of allowing the residents who reside within the barricaded area to conduct a special event.

At least 60% of the residents who live in the blocked-off area must sign this application indicating they are in favor. Neighborhood block parties are to be conducted only between the hours of 7:00 a.m. and 10:00 p.m.

## **b. Reservation Times**

Reservation times requested on the application must include the entire time needed to prepare food, decorate, set-up before the event and to completely clean up after the event. ~~If use of the facility begins prior to or ends after the scheduled reservation, the City reserves the right to bill at 150% of the applicable rate.~~ Refunds or credits are not available for early departure from a scheduled reservation or for unused time or facility.

## **c. Festival Vendors**

If an event will have vendors present, the vendors are subject to Section 610.110 of the Municipal Code.

## **d. Structures**

If an event includes structures (i.e. bleachers, tents, stages, platforms, etc.), a site plan identifying the location of such structures, including electrical, plumbing, and sanitation plans is required as part of the application process.