



CITY OF MERRILL
FESTIVAL GROUNDS COMMITTEE
AGENDA • THURSDAY APRIL 4, 2019

Regular Meeting

Bierman Building

6:00 PM

- I. Call to Order
- II. Minutes of previous meeting(s):
 1. Minutes of March 7, 2019 meeting
- III. Agenda items for consideration:
 1. Labor Day - Mobile Food Vendors/Contract
 2. Fireworks information update
 3. Rodeo update
 4. Calendar of Events
- IV. Monthly Reports:
 1. Festival Grounds Manager Bjorklund
 2. Food Vendor Rep. Caylor - No report, because Food Vendor Committee did not meet.
- V. Public Comment Period
- VI. Establish date, time & locaiton of next meeting
- VII. Adjournment



CITY OF MERRILL
FESTIVAL GROUNDS COMMITTEE
MINUTES • THURSDAY MARCH 7, 2019

Regular Meeting Bierman Building 6:00 PM

I. Call to Order

Alderman Norton called the meeting to order at 6:00 P.M.

Table with 4 columns: Attendee Name, Title, Status, Arrived. Rows include Michael Caylor, Rob Norton, Tim Meehean, John M. Van Lieshout, Derek Woellner, Bryan Bloch, and Brad Becker.

Also in attendance: City Administrator Dave Johnson, City Attorney Tom Hayden, Festival Grounds Manager Richard Bjorklund, Diane Wais, Ron Liberty, Bill Bialecki, Jerry Leopold, Colton VanLieshout and City Clerk Bill Heideman. A representative from Merrill Productions was present to videotape the meeting.

II. Minutes of previous meeting(s):

1. Minutes of December 6, 2018 meeting

The minutes were in the meeting packet.

Motion (Van Lieshout/Bloch) to approve.

RESULT: APPROVED

III. Agenda items for consideration:

1. Bierman Grant Discussion - Sell Building/Bathroom

City Administrator Johnson reported on funds that will be received from the Bierman Foundation. The Fair Association will be receiving Bierman Foundations funds for new lights. The City will be receiving \$80,000 for work on the Sell Building and \$20,000 earmarked for restroom work.

2. Labor Day - Mobil Food Vendors/Contract

The contract was in the meeting packet.

The Parks and Recreation Commission has established a \$25 fee for mobile food vendors for Labor Day only. This fee pertains to mobile food vendors only, not craft or other non-food vendors.

Motion (Bloch/Meehean) to establish a \$100 fee for mobile food vendors setting up on the grounds for Labor Day festivities. Payment in advance would be required. Motion carried.

Attachment: 2019-03-07 FGC Minutes (4060 : Minutes of March 7, 2019 meeting)

Ron Liberty (Merrill Lions) and Festival Grounds Manager Bjorklund will work together on issues related to this subject. Consideration of the contract will continue at the April meeting.

3. Proposal - Fourth of July returning to Merrill Festival Grounds

The proposal was in the meeting packet. Food Vendor Rep. Caylor reported on the proposal.

City Administrator Johnson reported that the Lincoln County Humane Society is not in favor of having fireworks at the Festival Grounds on the Fourth of July. Food Vendor Rep. Caylor responded that he was told by a humane society official that the humane society would have no problem with the fireworks being held on the grounds.

Alderman Meehean stated that, because the Parks and Recreation Commission is responsible for the Fourth of July activities, Parks and Recreation Commission input on this matter should be obtained.

City Administrator Johnson reported that, due to new federal regulations, the company responsible for the fireworks show would not legally be able to produce the fireworks show on the grounds. He was asked to obtain these new regulations in writing from the fireworks company, for consideration at the April meeting.

No action on the proposal was taken.

4. Calendar of Events

The calendar was in the meeting packet. Diane Wais reviewed the calendar.

IV. Monthly Reports:

1. Festival Grounds Manager Bjorklund

The monthly report was in the meeting packet.

Festival Grounds Manager Bjorklund reviewed the report. Tractor pull officials are planning to expand entertainment. Discussion on booking wrestling show(s) is ongoing.

2. Food Vendor Rep. Caylor - No report, because Food Vendor Committee did not meet.

Food Vendor Rep. Caylor reported that the Food Vendor Group will probably resume monthly meetings, likely starting in April. The group has been working on making purchases as a group, in order to save money.

V. Public Comment Period

Fair Association Rep. Becker presented verbal updates on subjects related to the fair.

VI. Establish date, time & location of next meeting

Thursday, April 4th, 2019 at 6:00 P.M. in the Bierman Building Conference Room.

VII. Adjournment

Motion (Becker/Van Lleshout) to adjourn. Carried. Adjourned at 6:50 P.M.

APRIL

Labor Day – Mobile Food Vendors/contract (Attachment)

Fire Works Information Update (Attachment)

Rodeo Update

Calendar of Events (Attachment)

Festival Grounds Manager Report – Bjorklund (Attachment)

Food Vendor Report – Caylor

Attachment: Agenda Items (4063 : Labor Day - Mobile Food Vendors/Contract)

CONCESSIONS AGREEMENT
FESTIVAL GROUNDS – LABOR DAY EVENT

This agreement made on _____ by and between the City of Merrill, a municipal corporation of the State of Wisconsin, hereinafter referred to as the (“City”), and _____, whose address is _____, hereinafter referred to as (“Concessionaire”).

WITNESSETH:

WHEREAS, the City owns, operates, and maintains certain facilities for athletic contests, entertainment exhibitions, theatrical productions, concerts, and other public performances, within its facilities; and,

WHEREAS, the City desires to make available to the general public and others using the facilities, merchandise and services for the better accommodations, convenience, and welfare of the general public; and,

WHEREAS, the City has allowed the Concessionaire the rights and privileges of supplying its merchandise and services for the Festival Grounds Labor Day event, and the City has determined that the Concessionaire has the ability and qualifications to provide those services and wishes to allow those concession services; and,

WHEREAS, the Concessionaire is able to provide the merchandise and services in accordance with the terms and provisions of this agreement;

NOW THEREFORE, in consideration of the covenants and agreement herein contained and of the payments of monies as hereinafter set forth, the parties agree as follows:

1. **RIGHT TO OCCUPY AND OPERATE.** Concessionaire has the right to sell at the Festival Grounds Labor Day Event.
2. **TERM/FEE.** This agreement shall be in effect for Monday, September 2, 2019, upon payment of a \$100.00 fee **prior to August 2, 2019.**
3. **NO DELINQUENCIES.** No Concessionaire will be allowed to sell or set up concession stands or similar vending operations on the Festival Grounds, if any *“taxes, assessments, forfeitures or other financial claims of the city are delinquent and unpaid. All taxes and fees, including real estate and personal property taxes, must be paid up to date, with no delinquencies of record”.*
4. **LICENSES.** Concessionaire shall be responsible for obtaining any necessary licenses from the Wisconsin Department of Health Services or other agencies for the operation of the concession stand.

- 5. **INDEMNITY.** The Concessionaire agrees to indemnify and save harmless the City from all suits, claims, damages, and actions of any kind or nature arising directly or indirectly on the part of the Concessionaire, its agents, servants, employees, contractors, or supplies out of its operation under this agreement.
- 6. **LIABILITY INSURANCE.** The Concessionaire shall at its own expense provide such public liability insurance as will protect the Concessionaire and City from all claims for damages to property and persons, including death and particularly the use of products, giving cause for claims or damages which may arise from the operation of the business conducted under this agreement or anyone directly or indirectly employed by the Concessionaire. **Proof of such insurance shall be returned with this agreement.**
- 7. **COMPLIANCE WITH LAWS.** Concessionaire shall observe and comply with all laws, statutes, ordinances, rules and regulations of the United States Government, the State of Wisconsin, the City of Merrill, the County of Lincoln, or any department or agency of the above.
- 8. **ASSIGNMENT.** The Concessionaire shall not assign or transfer its right and privileges granted under this agreement either in whole or part without first obtaining consent of the Parks and Recreation Director.
- 9. **FORCE MAJEURE.** Neither party shall be liable for any damages resulting from the elements, acts of God, or any other cause beyond the reasonable control of the parties. In the event of acts of God or other events beyond reasonable control of Concessionaire or the City, including but not limited to acts of government entities, suppliers or labor strife; performance of either party under this Agreement will be excused during the period of the force majeure.

IN WITNESS WHEREOF, the parties hereto have set their hand and seal as of the date first above written.

CITY OF MERRILL

CONCESSIONAIRE

By: _____
Parks and Recreation Director
Daniel Wendorf

By: _____

By: _____

Attachment: Labor Day Mobile Food Vendors Contract (4063 : Labor Day - Mobile Food Vendors/Contract)

National Fire Protection Codes and Standards

Code for Fireworks Display

5.1.3.1 For aerial shells, the minimum required radius of the display site shall be 70 ft. per in. (22m per 25mm) of the internal mortar diameter of the largest aerial shell to be fired as shown in Table 5.1.3.1.

5.1.4.1 Distances from the point of discharge of any firework to a health care or detention and correctional facility shall be at least twice the distance specified in 5.1.3

5.1.5.2 Spectators, unauthorized vehicles, watercraft, or readily combustible shall not be located within the fallout area during the display.

Since shells up to six inches will be used in Merrill's July 4th fireworks display the minimum radius would be 420. However, with Pinecrest nearby the minimum required radius doubles to 840 feet. There is no area on the Festival Grounds that meets this requirement. The Wisconsin Pyrotechnic Arts Guild, which puts on Merrill's display, will not produce the same show at the Festival Grounds as they do at the MARC because of the NFPA Code requirements. We would receive a much smaller show at the Festival Grounds in order to meet NFPA requirements.

The Relay for Life fireworks do not utilize shells but rather use loads of 200 and 500 grams which are not regulated like firework shells.

UP COMING EVENTS AT THE FESTIVAL GROUNDS

2019

March	03/1-03/2	Gun Show **
	03-07-19	(Festival Grounds Committee Meeting) to be set by Committee)
	03/16/19	Fund Raiser
April	04-04-19	(Festival Grounds Committee Meeting) to be set by Committee)
	04-06-19	Craft Show – Enrichment Center **
	04-13-19	Prom **
May	05-02-19	(Festival Grounds Committee Meeting) to be set by Committee)
	05/3, 4, 5	Gun Show (NEW)
	05-17-19	Alternative High School Graduation
	05-17-19	Riders Club (Grounds) **
	05-31-19	Riders Club (Grounds) **
June	06-01-19	Wausaubicon Gaming **
	06-06-19	(Festival Grounds Committee Meeting) to be set by Committee)
	06-7, 8, 9	Rodeo (Grounds) **
	06-14-19	Riders Club (Grounds) **
	06-29-19	Tractor Pull **
July	06-11-19	(Festival Grounds Committee Meeting) to be set by Committee)
	06-12-19	Riders Club (Grounds) **
	06-26-19	Riders Club (Grounds) **

**** Yearly Repeat Events ****

This will be sent out in the packets for the April meeting.

Merrill Festival Grounds

April 4, 2019

Grandstand and Grounds:

General:

City crews did a remarkable job clearing snow during the heavy winter we experienced.

Perhaps a youth ATV track could be developed in conjunction with local ATV dealers.

In the process of removing snow mass from the sides of the Expo Hall building, it became impossible to do so without dragging landscape stone with the snow being removed. Future consideration to replacing the stone with another material may eliminate this problem.

Addition of lighting needs to continue to create a safe and user-friendly environment.

Additional electric hook-ups along the fence line and in the infield are a priority along with sewer hook-up or dump stations and water connections. Such installation preparation should coincide with installation of asphalt.

Identification and prioritization of capital improvements for the grounds is an ongoing exercise and is conducted in accord with the TIF requirements and user group needs. Current projects to improve the appearance and function of existing buildings will be noticeable to the community and user groups.

Capital improvement categories could include: Perimeter Fence (with caution and concurrence of user groups), reduction of Humane Society footprint, paving/asphalt at the Grandstand and improved elevation between the east and west bathrooms, plantings, trees, electrical grid, winterized buildings, canopies, shade and rest areas, picnic tables, sewer and water hook-ups.

Tractor Pull:

The Midstate's Pullers are replacing the WTPA. The Dirt Flingers (minis and garden tractors and specialty classes) are being added with the antique Pullers for the daytime free show.

Additional activities are being considered to encourage people to stay on the grounds longer.

Additional marketing through tagging bank buys is being planned.

Family pack pricing is being implemented; pricing was reduced and was well received.

The Tractor Pull is now re-structured as a non-stock corporation by River Valley Bank's law firm.

Rodeo:

Next year, porta toilets will not be required so the physical layout will be better for all. In general, the layout was crisp and efficient.

Vending could help concessions. ATM is a good concession.

Extensive photos of the grounds lay-out were taken as well as drone photos. The layout was more efficient this year.

Upgraded infield electric panels are a priority as well as possible access to sewer and dump station facilities.

New welcome signs could help at the entrance and at the entertainment tent.

We are seeking ways to scrub the grandstand after Sat show.

County Fair:

Recommend that fencing inside the fairgrounds be reduced or eliminated. Check points for age can be maintained with a stamp or wristband given for daily ID. Encourage all beer stands to provide entertainment. Consider eliminating the beer stand at the Grandstand in exchange for a re-stated financial and operating agreement with the permanent stands.

Sell display space under the Grandstand and east of the restrooms and west of the carnival and east of poultry barn. Invite the military to move displays in at no cost. Leave no empty space. Consider active and/or participative displays such as chain saw carving, wood working, fish tank, kid's shows, animal petting, jugglers, etc. Such shows are inexpensive, easy to book and easily fill space as needed. They give a sense of activity and fun and help to keep families at the grounds longer. The only kids show this year was provided complimentary by the carnival owner.

Location of the new restrooms worked very well.

Replace the ATM vendor.

Statewide, the carnival business is experiencing unusual contractions and shifts. Steps to assure a carnival contract for future years should be taken. Consider alternative pricing structures.

Use the Expo stage for pie eating and butter carving contests and additional programs. The expo stage is rarely busy. Open the Enrichment Center for passive display of projects and programs, sell items to the public and hand out information to increase public awareness and participation.

The committee in charge of the livestock auction (the fair is a terminal show) has done a superb job of lining up corporate and private buyers for the auction. It is one of the better auctions in

the state in the county fair category. The work done by the committee is a model for the fair to use in seeking additional support, sponsorship and possible angel underwriting. Such additional support is essential to help the fair continue to be a "free fair".

Add lights to the east and west poles in the grandstand to keep from having to refocus lights. Consider raising the height of the north grandstand poles to reduce glare into the grandstand seating.

Have a heavier presence of electrician, labor and management during set-up. Distribute keys to assigned managers, lock electric panels, reduce hose and cable crossings.

No stock trucks or private vehicles should be parked next to or behind food stands. Set-up a stock truck area where ALL vendors must remain.

Campers restricted to infield or south fence line only.

Bury utility runs in a grid pattern across all areas to be asphalted. Asphalt as much area as possible and bring to a flat grade.

Reduce or eliminate vehicle traffic at the gate at the south end of the Expo. If it has to be used restrict the hours and credentials. Put livestock trailers across 6th St.

Arena dirt and roadway dirt is breaking down into dust and fine particles.

Remove Bulls and Barrels show. Consider doing 2 nights of Monster Trucks and Demo. Horse show on opening day is not attended by participants or the public. Replace it with a sponsorable show.

Not enough traffic to warrant one way on 6th St. Use the east parking area for credentialed and vip parking.

Make a show out of animal judging. Judges to be encouraged to talk about what they are looking for and why each animal has special features.

Grandstand shows need to be limited to 1.5-2 hour-time limit. Sunday show needs to start at 2 so the people attending the show stay on the fairgrounds afterwards and bring benefit to the vendors.

Bierman Expo Hall:

The wrestling promoter can tap the spring shows in Milwaukee and Minneapolis. Dates through May have been issued to the promoter.

The Northern Wisconsin Gun Show producer was very happy with the show results and looks forward to a long relationship at the Festival Grounds.

Marvin Krause Productions has been booked to do a show in May, 2019.

We are reaching out to the former Polka event that left the grounds a few years ago. Perhaps they will consider returning.

Reservations for weddings are increasing monthly.

We are seeking additional event genre for the Expo.