



Legislation Text

File #: 22-0658R, **Version:** 1

RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2022 HOLIDAY SEASON.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute an exclusive use permit agreement, substantially the same as the agreement attached as Exhibit 1, with Bentleyville Tour of Lights, Inc., a Minnesota non-profit corporation, for the exclusive use of Bayfront Festival Park for the production, promotion, and management of the Bentleyville Tour of Lights for the 2022 holiday season.

STATEMENT OF PURPOSE: This resolution authorizes an exclusive use permit agreement with Bentleyville Tour of Lights, Inc. ("Bentleyville") that provides for the presentation of a holiday lighting display, more commonly known as the Bentleyville Tour of Lights, at Bayfront Festival Park during the 2022 holiday season. The term of the agreement commences on September 19, 2022, and terminates on January 31, 2023.

Bentleyville Tour of Lights is a free event, open to the public, that draws roughly 265,000 visitors per year. Bentleyville Tour of Lights is an extremely important city partner with regards to offering this world class Tour of Lights to the public at no cost, and the important role they play in the City's tourism industry during a time period that would historically be slow.

Bentleyville is not required to pay a permit fee for use of the park, but is responsible to make a restoration deposit of \$2,000.00. The City is responsible for the first \$10,000 in damages to Bayfront Festival Park, and Bentleyville is responsible for all expenses over \$10,000 to fully restore the park. Bentleyville and the City will equally share in the costs of the police department personnel needed for the event (e.g., police services and traffic control).

The City shall pay all electricity costs billed by Minnesota Power during the term of the agreement, and Bentleyville Tour of Lights, Inc. is entitled to a lighting rebate from Minnesota Power, if any, for LED lights purchased by Bentleyville. Bentleyville Tour of Lights, Inc. will pay for other fees and costs associated with the holiday lighting display, including restroom facilities, snow removal, and fireworks display.

At this time, the event is scheduled to occur in its usual walk-through fashion. Due to COVID-19 mandates or ever-changing conditions, the event may need to be conducted in a drive-through setting (no pedestrian traffic). In such an event, the City and Bentleyville will work together to decide the path for vehicles before such path is open for use. Additionally, Bentleyville would be required to install and utilize laminated 3-ply hardwood mats in all areas where specified by the City. If the event is a drive-through setting, Bentleyville will be responsible for all costs to fully restore the park, which restoration efforts shall be performed to the scope of work and in the methods specified by the City (the City will no longer be responsible for the first \$10,000 in damages).