

**RESOLUTION 1804**

**A RESOLUTION APPROVING \$4,425 OF CONTRACTS RELATED TO THE HOOVER STAGE RENTAL AND THE EASTERN IOWA BRASS BAND PERFORMANCE PRIOR AND DURING THE FIREWORKS DISPLAY**

**WHEREAS**, the City’s premier event of the year is Hoover’s Hometown Days; and

**WHEREAS**, the fiscal year 2019-2020 budget for Hoover’s Hometown Days includes funding for entertainment and services for the event; and

**WHEREAS**, \$3,500 is intended for the Eastern Iowa Brass Band, who will provide pre-fireworks performance and accompaniment to the fireworks; and

**WHEREAS**, \$ 925 is intended for the Community Showcase Stage Rental, which makes for a grand total amount of \$4,425.00 to provide musical entertainment; and

**WHEREAS**, it is now necessary to approve said agreements.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of West Branch, Iowa, that the aforementioned agreements are hereby approved. Further, the Mayor is directed to execute the agreements on behalf of the City.

\* \* \* \* \*

**Passed and approved this 6<sup>th</sup> day of May, 2019.**

  
\_\_\_\_\_  
Colton Miller, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
Redmond Jones II, City Administrator/Clerk

**COMMUNITY SHOWCASE RENTAL**  
Coralville Parks and Recreation Department  
1506 8<sup>th</sup> Street, Coralville, Iowa 52241  
Phone (319) 248-1750; Fax (319) 248-1899  
sprochaska@coralville.org



Date March 7, 2019

Individual or Organization City of West Branch Group Representative Melissa Russell

Address 110 N. Poplar, PO Box 218 West Branch, IA 52358

643-4212 Day / 930-0393 Cell / Saturday, August 3 2019  
Day Phone / Evening Phone / Date Requested

For the purpose of Music Concert Event start and end time (# of people performing) Set up by 11:00 a.m. Friday,

Contact person at the site Melissa Russell

**Showcase delivered on Friday August 2 by 11:00am. Showcase removed Sunday, August 4<sup>th</sup> by 11:00 a.m. or before.** Location in the National Park facing the museum. The exact positioning is something the NPS will need to determine. If the removal is delayed due to a dead battery caused by the lights being left on the stage, additional fees will be charged.

Yes \_\_\_\_\_ Power available (110 volt outlets, distance)

Large \_\_\_\_\_ Staging needed (size and layout)

No \_\_\_\_\_ Public address system (complete with microphone and stands)

Special Needs: Showcase will be set up in the Library parking lot/adjoining property.

*Should the showcase need to be pulled or towed out of an area due to the placement on a non-hard surface and become stuck, the costs will be assessed to the person/s renting the showcase.*

I accept responsibility for care of the showcase and its accessories and agree to pay for any damages or loss. I agree to assume responsibility for the rental organization and performance group's adherence to regulations and policy set forth.

[Signature] 110 N Poplar St West Branch IA 52358  
Signature Address Phone

Base Fee \$525 + \$400 Sunday Removal Deposit Due N/A  
(1/3 of Base Fee due with contract)

Hourly Fee \$75 (3 hours of set up/tear down included in base fee) Additional hour estimate: \_\_\_\_\_

Mileage N/A Balance Due – will be billed after the event

Total Estimate \$925 Date Paid \_\_\_\_\_

**Hoover Hometown Days**

For Parks Department use on delivery.

Delivery Signature: \_\_\_\_\_ Showcase Staff Initials \_\_\_\_\_

*Group Representative*

*I have approved the location of the Showcase and have received training on opening and closing the stage.*

## City of West Branch PERFORMANCE CONTRACT

This contract (the "Agreement") is made on this day of February, 2019, between The City of West Branch ("City") and Eastern Iowa Brass Band (the "Performer") for the hiring of the Performer as independent contractors to perform (the "Show") for the City at Hoover's Hometown Days (the "Venue"), located at the address 210 Parkside Dr.; West Branch, IA.

It is agreed as follows:

1. **Place, date, and time of Show.** The parties agree that the time and place of Show will be Venue, located at the address 210 Parkside Dr.; West Branch, IA, on the 3rd day of August, 2019, from 8:30pm to 10:00pm.

2. **Description of Show.** Band concert/performance from 8:30pm to 9:15pm; Fireworks accompaniment from roughly 9:35pm (when sufficiently dark to show fireworks) to 10:00pm.

Show will last of a minimum of 60 minutes.

3. **Payment.** Compensation for the Show will be \$3,500 dollars, payable by \_\_\_\_\_ being the "Fee." The whole of the Fee is due immediately following the Performer's Show. Up to 50% of the Fee may be requested by the Performer as a deposit prior to the performance.

4. **Cancellation.** Cancellation may be made by City before two days prior to the time of Show. The City is unable and therefore will not pay funds if the Show is not performed for any reason.

5. **Force Majeure.** In the event Show cannot reasonably be put on because of unpredictable occurrences such as an act of nature, government, or illness/disability of the Performer, the deposit of Fee will be non-refundable, but no other portion of Fee is due, and the parties may negotiate a substitute Show on the same terms as this Agreement save for the time of Show, with no further deposit of Fee due, in which case a new Agreement reflecting this will be signed by the parties. No further damages may be sought for failure to perform because of force majeure.

6. **Food and Drink.** The Performer is responsible for providing all food and drink required to complete the performance.

7. **Sound Systems Check.** A sound check conducted by the Performer of Venue's sound system is required, at a time to be mutually arranged between the Performer and the City.

8. **Insurance, Security, Health, and Safety.** The Performer is required to have Proof of Insurance provided to the City at the time that this contract is signed. Insurance documents must show coverage for any and all damage to equipment as well as any personal injury that may be incurred as a result of the scheduled Show. The City warrants that the Venue will be of sufficient size to safely conduct Show, that the Venue is of stable construction and sufficiently protected from weather, and that there will be adequate security and/or emergency medical responders available if foreseeably necessary.

9. **Indemnification.** The City indemnifies and holds the Performer harmless for any claims of property damage or bodily injury caused by Show attendees. The Performer indemnifies and holds the City harmless for any claims of property or bodily injury caused by performance in the Show.

10. **Severability.** If any portion of Agreement is in conflict with any applicable law, such portion will become inoperative, but all other portions of Agreement will remain in force.

11. **Interpretation.** Agreement will be interpreted according to the laws of Iowa.

12. **Riders.** Nothing in Agreement shall prevent any rider from being added to Agreement that is favorable to the Performer or City, as judged by the City. All riders must be in writing and signed by the party against whom enforcement is sought.

13. **Video/Photography.** The City reserves the right to record and photograph the show for use for publicity and use on the local Cable Access Channel. Attribution will be given to performers when used on the local channel.

The below-signed the Performer Representative warrants s/he has authority to enforceably sign this agreement for the Performer in its entirety. The below signed the City's Representative warrants s/he has authority to bind the City and Venue (above).

Signature of the Performer Representative: Matthew Hartmann

Performer's Representative typed name and title: Matthew Hartmann Booking Manager

Performer's typed name: Eastern Iowa Brass Band

Performer's Address: P.O. Box 487 Solon, IA 52333

Performer's Phone #: 563-271-2728

City's Representative Signature: Cotton Miller

City's Representative typed name and title: Cotton Miller, Mayor Pro Tem

# Eastern Iowa Brass Band Performance Contract

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Directions: Please complete the following form and return to the EIBB booking manager.

Event Information	
Sponsoring Organization	City of West Branch
Sponsor URL	Hooverdays.org
Event Name	Hoover's Hometown Days
Event Date, Time	August 4, 2018
Event Location	West Branch Public Library
Venue Google Map Location	300 N Downey St, West Branch, IA 52358
Venue name (if outdoors, fill in next line)	Hoover Stage - Hoover Presidential Library
Inclement weather location	n/a

Contact Information	Contact 1	Contact 2
Contact Person, title	Nick Shimmin	
Physical address	PO Box 460; 300 N Downey St.	
Email	nshimmin@wbpl.org	
Phone	(319)-643-2633	

Concert Information		
Desired Concert Length	1hr per concert approx.	
Intermission? Length?		
Concert Fee	\$3,500	
Transportation Fee	N/A	
Meal provided?	No	
Programming requests		
Printed program?		
Program contact person	Matt Hartmann	
Program information needed Please check the ones that apply.	<input type="checkbox"/> Program order	<input type="checkbox"/> Band information
	<input type="checkbox"/> Band roster	<input type="checkbox"/> Conductor biography
Date information needed	N/A	
Payment Notes	\$1,500 down payment, remainder of payment in is due at the end of the performance.	
Promotional Information		

Promotional activities Please check those that apply	X	Printed posters	X	Website event page
		Newspaper press release		Email notifications
	X	Newspaper advertising	X	Other (specify) - social media
Who creates materials?	Hoover's Hometown Days staff			
Additional details	Press kit is welcome if available			

Staging Information				
Requirements	Access to electrical power indoors or outdoors. An open floor 40' x 30' with adequate lighting. If outdoors, a flat surface free of gravel and mud.			
Technical contact person	Mike Coleman			
Staging	E	Chairs (40 needed)	E/ H	Sound and lights
	E	Stands (50 needed)	H	Microphone(s)
	E	Podium	H	Sound shell
Large percussion (check all that sponsor can provide)	E	Timpani	E	Xylophone
	E	Bass drum	E	Vibraphone
	E	Drum set	E	Marimba
	E	Glockenspiel	E	Chimes
Notes:				

Merchandise	
Merchandise sales allowed?	Yes
Conditions for sales:	Must report total per National Park Service regulations

Signatures

Sponsor Name/Date: \_\_\_\_\_

Booking Chair Name/Date: Matthew Hartmann 4-14-19

<b>Return to:</b> <b>Matt Hartmann</b>  <u>563-271-2728</u>  <u>EIBBBooking@gmail.com</u>	<p>In the event of a cancellation on the part of the host for any reason, it is agreed that the Eastern Iowa Brass Band will be notified by telephone at least four hours in advance. This is to ensure that we have ample time to contact our members who may not be travelling with the band but instead driving directly to the event themselves.</p> <p>In addition, if a bus has been chartered, the Eastern Iowa Brass Band reserves the right to pass on to the host any and all fees charged to the band by the bus company due to cancellation by the host.</p>
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