RESOLUTION APPROVING AGREEMENT WITH NATIONAL MULTIPLE SCLEROSIS
SOCIETY REGARDING SEPTEMBER 2018 BIKE EVENT IN SARPY COUNTY, NEBRASKA

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in
relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are
exercised by the County Board; and,

WHEREAS, on May 8, 2018, by Resolution 2018-130, the County Board adopted and enacted
the Special Event Road Use Policy that established a more formal application process for road use events;
and,

WHEREAS, the Planning Department has reviewed the Special Event Road Use Permit
Application from James Withers of the National Multiple Sclerosis Society for the Bike MS Nebraska
Bike Race, which will use portions of Sarpy County streets, see attached; and,

WHEREAS, the County and the Society desire to enter into an agreement defining the terms of
each parties responsibilities regarding the special event.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF
COMMISSIONERS THAT this Board makes the following findings of fact:

1. An Application for the Special Use Event Road Use Permit was received by Sarpy County and
administered to appropriate county departments on August 23, 2018, pursuant to Resolution
2018-130, for comments.
2. The Applicant has addressed any comments and concerns that were raised.
3. The Planning Department has made a recommendation for approval as noted in the attached
“Exhibit A,” which includes the Planning Department report, the Special Event Road Use
Application, Race Route, Certificate of Insurance, and Comments Received from Reviewing
Entities.
4. The Special Event Road Use Permit complies with Resolution 2018-130.
5. Contingent upon receipt of agreement with authorized signature for the Society, the agreement
between Sarpy County and the National Multiple Sclerosis Society regarding the special event to
be held on September 22-23, 2018, a copy of which is attached hereto, is hereby approved.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a
public meeting duly held in accordance with applicable law on the 11th day of
September, 2018

Attest

Sarpy County Board Chairman

County Clerk
AGREEMENT

THIS AGREEMENT is made and entered into on the last date below written, by and between the County of Sarpy, Nebraska, a body corporate and politic (hereinafter the "County"), and the National Multiple Sclerosis Society, a national nonprofit corporation (hereinafter "Society").

WITNESSETH:

WHEREAS, the Society is desiring to conduct an event known as the "Bike MS: Nebraska Ride," to be held on September 22-23, 2018, a portion of which will occur within Sarpy County but outside the corporate limits of any city (hereinafter the "Event"); and

WHEREAS, the parties desire to hereby set forth in writing their agreements, understandings, and responsibilities regarding the Event and its operations within Sarpy County but outside of the corporate limits of any city.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and agreements hereinafter set forth, it is agreed as follows:

1. The Event is not sponsored or co-sponsored by the County and the County shall have no responsibilities for the Event, its operations, cleanup, the barricading of streets or street intersections, required street closing/detour/warning signs, traffic control, personnel, police or law enforcement escort services, or emergency rescue services. The Event instead is solely sponsored by the Society, and the Society shall be solely responsible for the Event and any and all matters associated with the Event, including, but not limited to, operations and cleanup.

2. No street or street intersections shall be blocked or barricaded in conjunction with the Event.

3. The Society shall provide the County with proof of in force general liability insurance with a minimum of $2,000,000 per occurrence coverage for the Event which designates the County as an additional insured.

4. The County and its employees, personnel, agents, officers, and elected officials shall not be responsible for providing traffic control for the Event. Any traffic control utilized by the Society shall be at the Society's sole expense and approval must be obtained from the
Sarpy County Sheriff's Office prior to the employment of any traffic control measures therewith. However, the approval of such traffic control plan does not hold the SCSO liable for any injuries or damages related to the plan design.

5. The Society shall indemnify and hold harmless the County and its employees, personnel, agents, officers, and elected officials from any and all liabilities, claims, damages, personal injuries or deaths, property damage, causes, causes of action, litigation, lawsuits, costs, expenses, attorney fees, and the duties, indemnification, defense, and for those obligations imposed upon the County pursuant to Neb. Rev. Stat. § 39-1359(2) excluding however any and all liabilities, claims, damages, personal injuries or deaths, property damage, causes, causes of action, litigation, lawsuits, costs, expenses, and attorney fees resulting from the direct acts or omissions of the County and its employees, personnel, agents, officers and elected officials.

6. No partnership or joint entity among the parties shall be deemed created by virtue of this Agreement. The undersigned acknowledge that they are duly authorized by their respective organization to execute this Agreement.

COUNTY OF SARPY, NEBRASKA

DATED: 9-7-18

By: [Signature]
Chairman

APPROVED AS TO FORM:

[Signature]
Deputy Sarpy County Attorney

NATIONAL MULTIPLE SCLEROSIS SOCIETY,
A national nonprofit organization,

DATED: 9-7-18

By: [Signature]
President
I. GENERAL INFORMATION

A. APPLICANT: James L. Withers, Development Manager of Logistics National Multiple Sclerosis Society 2730 S 114th Street Omaha, NE 68144

B. EVENT DESCRIPTION: Bike MS Nebraska Bike Race -- a two-day fundraising bike event that starts at the Sarpy County Fair Grounds in Springfield and finishes at the Hay Market in Lincoln.

C. DETAILS:

| Date                  | Saturday, September 22, 2018  
|                       | Sunday, September 23, 2018    |
| Time                  | Set up: 4:30 am  
|                       | Race start: 6:30 am  
|                       | Clean up: 9:00 am  |
| Route                 | Day 1: Start/End at the Sarpy County Fairgrounds via a loop route south through Louisville utilizing Hwy 50, Hwy 66 and Hwy 31 (see attached maps for affected streets)  
|                       | Day 2: Both routes Start at the Sarpy County Fairgrounds and end at Haymarket in Lincoln.  |
| Estimated # of Participants | 200  |
| Estimated # of Volunteers | 50  |
| Estimated # of Spectators | 20  |
| Sound System          | Portable P.A. system to be utilized  |
| Traffic Control and Types of Barricades to be Used | Two off-duty Sarpy County Sheriff’s Deputies  
|                       | No barricades  |
| Water & Medical Support | Water donated by Ideal Water will be at each of the rest stops along the route. Medical volunteers will be available at the start of the race, on the route and at the finish.  |
III. ANALYSIS / STAFF COMMENTS

A. GENERAL COMMENTS:

This is a fundraising bike event hosted by the National Multiple Sclerosis Society. In the past, the event has been coordinated with the Sarpy County Public Works and Sheriff’s Offices to obtain the necessary approvals. On May 8, 2018, by Resolution 2018-130, the County Board adopted and enacted the Special Event Road Use Policy that established a more formal application process for such events. The policy requires application review by appropriate County departments as well as any other jurisdictions affected by the event. Once comments are received and addressed by the applicant, the application is scheduled for consideration by the County Board.

The application for the 2018 Bike MS Nebraska has been routed to the appropriate entities as required, and the applicant has addressed any comments/concerns that were received. Copies of any written responses are attached for your information.

B. SPECIAL REQUESTS:

The policy adopted by the Board states, “Events, including set-up times and clean-up times, shall run between the hours of 6:00 am and 9:00 pm each day unless other specific permission has been granted.” The applicant is requesting that the County allow set-up for this event to begin at 4:30 am on the morning with a 6:30 am start.

C. PUBLIC NOTIFICATION:

The Special Event Road Use Policy requires the applicant to provide notice to residents directly impacted by the road closure(s). The applicant must provide proof of such notice to the County at least ten (10) days in advance of the event.

The route of this event does not directly impact any residential neighborhoods.

D. LIABILITY INSURANCE:

The applicant submitted a Certificate of Insurance indicating limits of liability of $1,000,000 for each occurrence and a general aggregate limit of $2,000,000 and umbrella/excess liability of $3,000,000, which meets the County’s requirements within the Special Event Road Use Policy.

IV. STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Special Event Road Use Permit for Bike MS Nebraska as described in the application as it is in compliance with the County’s Special Event Road Use Policy.

V. ATTACHMENTS TO REPORT:

1. Special Event Road Use Application
2. Race Routes
3. Certificate of Insurance
4. Comments Received from Reviewing Entities

VII. COPIES OF REPORT SENT TO:

1. James L. Withers, Applicant
2. Public Upon Request
SARPY COUNTY PLANNING & BUILDING DEPT.
1210 GOLDEN GATE DRIVE, #1240
PAPILLION, NE 68046
PHONE: 402-593-1555  FAX: 402-593-1558
E-MAIL: PLANNING@SARPY.COM

SPECIAL EVENT ROAD USE APPLICATION

In order for your application to be considered COMPLETE, please answer all applicable questions and provide the following:
1. Completed Application
2. Site Map
3. Route Map
4. If applicant is organizing event on behalf of another organization, please provide:
   - Name of Organization
   - Endorsement Letter from the organization on official letterhead authorizing applicant to act on their behalf
5. Attached statement signed by applicant
6. Please carefully review attached Special Event Road Use Permit Policy.

PLANNING STAFF USE ONLY:
APPLICATION #: SEP 18-003
DATE RECEIVED: 9-4-18
FEE: $250 RECEIPT NO. 1913-18
RECEIVED BY:

☐ APPROVED ☐ DENIED DATE:

EVENT NAME: Bike MS Nebraska

EVENT DATES: September 22-23 2018

ORGANIZATION NAME: NATIONAL MULTIPLE SCLEROSIS SOCIETY

ADDRESS: 2730 S. 114TH ST. CITY/STATE/ZIP: OMAHA NE 68144

MAILING ADDRESS: (IF DIFFERENT)

PHONE: 402-390-6292 FAX: 402-505-6277

APPLICANT NAME/TITLE: JAMES L WITHERS E-MAIL: JAMES.WITHERS@ASS.ORG

ADDRESS: 2730 S. 114TH CITY/STATE/ZIP: OMAHA NE, 68144

MAILING ADDRESS: (IF DIFFERENT)

PHONE: 402-390-6292 FAX: 402-505-6277

EVENT ORGANIZER NAME (if different than applicant): E-MAIL:

ADDRESS: CITY/STATE/ZIP:

MAILING ADDRESS: (IF DIFFERENT)

PHONE: FAX: 
EVENT DESCRIPTION: Fundraising bike event starting at the Sarpy County Fairgrounds in Springfield to Haymarket in Lincoln

STREETS TO BE USED (e.g., 126th St. from Hwv. 370 to Lincoln Rd.):
MAIN ST and HWY 50 in SPRINGFIELD

TIMES OF EVENT:
SET-UP: 4:30 AM
ACTUAL TIME OF EVENT: 6:30 AM - 9:00 AM
CLEAN-UP: 9:00 AM to 10:00 AM

ESTIMATED # OF PARTICIPANTS: 200
ESTIMATED # OF VOLUNTEERS: 50
ESTIMATED # OF SPECTATORS: 20

SOUND SYSTEM TO BE UTILIZED: PA

TYPES OF BARRICADES TO BE USED (e.g., cones, signs, etc.)
INCLUDING LOCATIONS WHERE THEY WILL BE PLACED - ATTACH MAP IF NECESSARY:
NO BARRICADES NEEDED OR TRAFFIC CONTROL for Bike Leaving the Fairgrounds to Head SOUTH on HWY 50

ADDITIONAL INFORMATION – APPLICANT MUST PROVIDE:

- SITE MAP
- ROUTE MAP
- DOES THE EVENT CROSS JURISDICTIONAL BOUNDARIES (CITIES)? YES  IF SO, PLEASE PROVIDE COPY OF APPROVED PERMIT FROM THAT JURISDICTIONAL AUTHORITY
- INDICATION OF WHETHER OR NOT APPLICANT IS ORGANIZING EVENT ON BEHALF OF ANOTHER ORGANIZATION – IF SO PROVIDE THE FOLLOWING:
  - NAME OF ORGANIZATION
  - ENDORSEMENT LETTER FROM THE ORGANIZATION ON OFFICIAL LETTERHEAD AUTHORIZING APPLICANT TO ACT ON THEIR BEHALF
- ATTACHED STATEMENT MUST BE SIGNED BY APPLICANT
SARPY COUNTY SPECIAL EVENT ROAD USE PERMIT POLICY

An application to use Sarpy County Road for special events must be submitted at least sixty (60) days prior to the event in order to allow enough time to properly process the application and for the time needed to provide notice to adjoining neighborhoods, if applicable.

Amendments to the applications may be considered if submitted at least twenty (20) days prior to the event. Rescheduling of an event will be at the discretion of the County and will be subject to the same route review and approval process.

One application shall be submitted per event.

The application fee for a Special Event Use Permit shall be $250.

Permits shall be issued on a first come first serve basis, provided the event complies with all terms and conditions of the permit. Inaccurate or incomplete applications may result in the denial of a permit. In addition to other criteria that may be considered by Sarpy County, permits may be denied if the event, in prior years, has received complaints regarding the event or matters related to the issuance of a prior permit.

The County reserves the right to give priority to a County-Sponsored Community Event. If you wish to inquire as to the possibility of County-Sponsorship for your event, please contact the Sarpy County Tourism Department at (402)332-5771.

Unless otherwise specified, all permits shall be granted for specified times and uses and do not entitle the applicant to have rights to a presence in any of the County’s events or other public/private scheduled events or other non-routine uses of County property without the County’s written consent. Specific days and/or times, locations, and other operating conditions may be applied or imposed as conditions of use, and must be adhered to throughout the duration of the permit period unless otherwise mutually agreed to in writing by both parties.

All inquiries about Special Event Use permits shall be made to the Planning Department at (402)593-1555. All Applications for Special Event Use permits shall ultimately be approved or denied by the Sarpy County Board of Commissioners.

Rules and Regulations:
Any applicant that does not adhere to the rules and regulations set forth shall be subject to denial of a permit and/or revocation of a permit.

1. No events shall substantially interrupt the functions of emergency services.
2. The conduct of the proposed activity shall not cause injury to persons, damage property, provoke disorderly conduct, or create a nuisance.
3. The permittee shall be responsible for providing, installing, and removing any necessary barricading, after such barricading locations have been reviewed and approved by the County Public Works Department.
4. The permittee shall be responsible for cleanup of the event location, during and immediately after the event.
5. Amplified sound shall be directed away from residences and must comply with Sarpy County Ordinance 2-1-01, Disorderly Conduct. The proposed location of the sound system, direction of the sound and location of all speakers must be identified on the site map submitted with the application. The source of the amplified sound must also be identified in the application.
6. The placement of portable toilets, tents, or canopies shall not be permitted along County Roads. This does not prohibit the placement of hydration stations along the event route.

7. Permittee shall not affix or fasten any rope, sign, banner, flyer, or other object to any tree, shrub, road sign, or other similar fixtures on County owned property or within the public right-of-way, without prior County approval.

8. Permittee shall provide notice to the residents directly impacted by the road closure(s). Proof of notice must be provided to County by Applicant at least ten (10) days in advance of the event.

9. Events, including set-up times and clean-up times, shall run between the hours of 6:00AM and 9:00PM each day unless other specific permission has been granted.

10. Adequate equipment and medical support shall be available onsite. Recovery areas with water and first aid supplies shall be set up and staffed.

11. The permittee shall ensure that the resolution issued and signed by the County Board granting permission to use the County Roads will be available for viewing during the event.

12. Commercial General Liability Insurance shall be provided by the applicant. Coverage shall include liability coverage addressing the Contractor's operations. The coverage must protect against claims for damages resulting from bodily injury, including death, personal injury and property damage. The minimum acceptable limits of liability shall be $2,000,000 each occurrence. If the coverage contains a general aggregate, such limit shall not be less than $5,000,000.

13. A certificate of insurance must be provided to the Sarpy County Clerk at least fifteen (15) days before the event.

14. The use of State Highways shall not be permitted.
I, the applicant, do hereby agree that:

1. All answers given and statements made by me on this application are complete and true to the best of my knowledge and beliefs.

2. The Event is not sponsored or co-sponsored by the County, unless separately agreed to, and the County shall have no responsibilities for the Event, its operations, cleanup, the barricading of streets or street intersections, required street closing/detour/warning signs, traffic control, personnel, police or law enforcement escort services, or emergency rescue services. The Event instead is solely sponsored by the applicant/organizer, and the applicant/organizer shall be solely responsible for the Event and any and all matters associated with the Event, including, but not limited to, operations and cleanup.

3. The applicant/organizer shall provide the County with proof of in force general liability insurance with a minimum of $2,000,000 per occurrence coverage for the Event which designates the County as an additional insured. If the coverage contains a general aggregate, such limit shall not be less than $5,000,000.

4. The County and its employees, personnel, agents, officers, and elected officials shall not be responsible for providing traffic control for the Event. Any traffic control utilized by the applicant/organizer shall be at the applicant/organizer's sole expense and approval must be obtained from the Sarpy County Sheriff's Office prior to the employment of any traffic control measures therewith. However, the approval of such traffic control plan does not hold the SCSO liable for any injuries or damages related to the plan design.

5. The applicant/organizer shall indemnify and hold harmless the County and its employees, personnel, agents, officers, and elected officials from any and all liabilities, claims, damages, personal injuries or deaths, property damage, causes, causes of action, litigation, lawsuits, costs, expenses, attorney fees, and the duties, indemnification, defense arising as a result of the event; excluding any and all liabilities, claims, damages, personal injuries or deaths, property damage, causes, causes of action, litigation, lawsuits, costs, expenses, and attorney fees resulting from the direct acts or omissions of the County and its employees, personnel, agents, officers and elected officials.

Finally, I agree to be bound by the above terms as a condition to the issuance of the Road Use Special Event Permit.

[Signature]
Applicant Signature

[Date]
Date

[Name]
Applicant Name (please print)
LEGEND
100 Mile Day 1
65 Mile Day 1

14th St
HWY 66
HWY 77
HWY 66
HWY 50
HWY 31
HWY 79
County Road A
Agnew Rd
Raymond Rd
Military Rd
Charleston St
Ped. Bridge
6th St
10th St
R St

SOURCES: Esri, HERE, Delorme, USGS, iMap, Increment P Corp., NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Mappy Ltd. © OpenStreetMap contributors, and the GIS User Community.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
MARSH USA, INC,
445 SOUTH STREET
MORRISTOWN, NJ 07960-6454
Attn: Morristown.CertRequest@marsh.com Fax: 212-948-0979

KANSA

INSURED
NATIONAL MULTIPLE SCLEROSIS SOCIETY
MID-AMERICA CHAPTER
7511 STATE LINE ROAD
SUITE 100
KANSAS CITY, MO 64114

CONTACT NAME

PHONE

FAX

E-MAIL

ADDRESS

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Federal Insurance Company

20281

INSURER B: ACE Property and Casualty Insurance Company

20699

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES
CERTIFICATE NUMBER: NYC-010066355-05
REVISION NUMBER: 6

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

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DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 181, Additional Remarks Schedule, may be attached if more space is required)

SARPY COUNTY IS ADDED AS ADDITIONAL INSURED EXCLUDING WORKERS' COMPENSATION AND EMPLOYEES' LIABILITY POLICY.

CERTIFICATE HOLDER

Sarpy County
1210 Golden Gate Dr
Papillion, NE 68046

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE of Marsh USA Inc.

Manash Mukherjee

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Kelly

We should have no construction on this route from Springfield to the Platte River. Once on the east side of the Platte River this becomes the responsibility of NDOT’s District 1 Office. I will forward this info to them.

NDOT will require no permits since this is a bike ride and the riders must follow the Nebraska traffic laws per their brochures.

**We strongly request this bike ride utilize the outstanding trail system between Springfield and the Platte River and adjacent to the south side of N-31 to reach the trail bridge over the Platte River.**

There may be a state law that requires bikes to utilize a trail system adjacent to the highway system if one exists.

Timothy W. Weander, P.E.
District 2 Engineer
Nebraska Department of Transportation
4425 S. 108th St.
Omaha, Nebraska
(402)-595-2534

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The National Multiple Sclerosis Society has submitted an application for consideration of a Special Event Road Use Permit for Bike MS Nebraska, a two-day fundraising bike event planned for September 22 & 23, 2018 in Sarpy County, NE. The event routes for each day are included. This application will go before the County Board on September 11, 2018. Please review the application (or route to your appropriate personnel to review), and send any comments/concerns to the Planning Department prior to
Kelly,

The SCSO is good with this request.

Thanks,
Dennis

The National Multiple Sclerosis Society has submitted an application for consideration of a Special Event Road Use Permit for Bike MS Nebraska, a two-day fundraising bike event planned for September 22 & 23, 2018 in Sarpy County, NE. The event routes for each day are included. This application will go before the County Board on September 11, 2018. Please review the application (or route to your appropriate personnel to review), and send any comments/concerns to the Planning Department prior to August 28, 2018. If you need additional information, please contact our office to request.

Thank you,

Kelly Jeck
Planning & Zoning Specialist
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046
kjeck@sarpy.com
Kelly,

Good afternoon. Thank you for sharing this application with us for review. I just wanted to let you know that I spoke with James at the National Multiple Sclerosis Society about this event to make sure they didn't need to do anything special with the city. He informed me that they will not be requesting to close any city streets, so they should be all set from the city's perspective.

Thanks again. Have a great afternoon!

Kathleen R. Gottsch, CMC  
City Administrator/Clerk/Treasurer  
City of Springfield  
P.O. Box 189  
170 North 3rd Street  
Springfield, NE 68059  
(402) 253-2204 phone/fax  
kathleencityofspringfield@yahoo.com  
springfieldne.org