

RESOLUTION NO. R15-22

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE BILLINGS FAMILY YMCA FOR THE OPERATION AND MANAGEMENT OF THE CITY OF LAUREL MUNICIPAL POOL.

BE IT RESOLVED by the City Council of the City of Laurel, Montana:

Section 1: Approval. The Contract between the City of Laurel and the YMCA for the operation and management of the Laurel City Pool, a copy attached hereto, is hereby approved.

Section 2: Execution. The Mayor and City Clerk of the City of Laurel are hereby given authority to execute said contract on behalf of the City.

Introduced at a regular meeting of the City Council on April 7, 2015, by Council Member
Stokes.

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 7th day of April, 2015.

APPROVED by the Mayor this 7th day of April, 2015.

CITY OF LAUREL



Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer



Sam S. Painter, Civil City Attorney



April 7, 2015

TO: City of Laurel

RE: Proposal for Operation and Management of City of Laurel Municipal Pool

The Billings Family YMCA is proposing to provide operational management for the City of Laurel's municipal pool for the 2015 summer, (3 month) season. The YMCA has the ability to offer a variety of aquatic programming to the community of Laurel as well as provide the staff necessary to manage day to day recreational swim opportunities.

YMCA Responsibilities:

The YMCA would develop, publish and implement a schedule of instructional opportunities, water aerobics programs and recreational swimming activities that will be available to the community of Laurel. The YMCA is proposing to keep separate and remit all income from recreational, open, swimming to the City of Laurel at a daily rate established by the city. The YMCA would agree to deliver all monies collected to an established drop box at the close of business on a daily basis. The YMCA is also proposing to offer a variety of YMCA programming (see Appendix A) to the community in which any fees collected through a standard reduced rate Off-Site Membership practice, would remain with the YMCA. YMCA programming would be conducted either before or after the established open recreational swimming times.

Open recreational times in general would be conducted, but not limited to, Monday through Friday, 12:00pm to 5:00pm, Saturday and Sunday 1:00pm to 5:00pm. YMCA programming in general will be conducted, but not limited to, before and/or after open recreational swim times. The YMCA reserves the right to conduct programming during the open recreation times as bather load levels and traffic patterns permit.

The YMCA would use the pool during open recreational swim times for YMCA camp activities; however, participants would pay the established daily entrance fee. The YMCA would also agree to schedule these kinds of activities on a limited number of swimmers basis during lower load level and traffic patterns.

The YMCA would provide liability insurance of at least \$2,000,000.00 per occurrence during the term of this agreement. Such insurance would extend to both YMCA Officers and Directors and employees while they are operating and managing the swimming pool. The YMCA would also name the City of Laurel as an Additional Insured on said policy.

The YMCA would provide Workman's Compensation Insurance for all employees involved in the operation of the swimming pool in accordance with the laws of the State of Montana.

All personnel employed by the YMCA to supervise aquatic activities would have the following certifications:

Lifeguards: Current YMCA lifeguard or American Red Cross Lifeguard and CPR for the Professional Rescuer, First Aid, Oxygen administration, and AED Certified.

Instructors: Currently hold a minimum of one of the following: YMCA Swim Instructor, Principles of YMCA Aquatic Leadership, American Red Cross Water Safety Instructor, and YMCA Water Fitness Instructor.

All personnel required for the operation of the swimming pool would be employed by the YMCA.

All YMCA personnel will adhere to established aquatic code of conduct, workplace activity requirements.

YMCA staff would be responsible for conducting and recording water chemistry readings at least 3 times per day, or as necessary to comply with state regulation.

YMCA staff would be responsible for general janitorial maintenance of the deck areas and pool buildings, as well as vacuuming the pool.

YMCA staff would make the decision to operate, or not operate, the swimming pool during periods of inclement weather or during other conditions, which may present a hazard to the swimmers and/or employees. If weather or other conditions dictate closure of the pool, the YMCA would re-open the pool if at least 1 hour remains in the scheduled time.

The YMCA would establish policies regarding safety, security, employee and patron conduct on the premises of the pool, including current YMCA swim testing and age requirement protocol.

City of Laurel Responsibilities:

The City of Laurel would be responsible for managing water chemistry, mechanical systems and maintenance of the swimming pool, structure and associated buildings and equipment.

The City of Laurel through the local law enforcement would be responsible for the security and protection of the swimming pool, including YMCA employees and patrons.

The City of Laurel would provide all necessary maintenance, water chemistry and janitorial supplies as well as provide a pool vacuum for Y staff use, for the operation of the pool.

The City of Laurel would provide and maintain necessary ADA Lift equipment.

Management

As compensation for managing and operating the swimming pool, the City would agree to pay the YMCA a seasonal management fee of \$46,225 per 2015 summer season. The City would agree to remit 3 equal installments of \$15,408.33 on or before the 1st day of July, 1st day of August and the 1st day of September. Under this proposal, the pool would be open to the community for recreational, open swim, a maximum of 33 hours per week. The YMCA will offer aquatic programming including, but not limited to, swim lessons, water exercise, and lap swimming, dependant on community interest, either before or after the established recreational hours of 12 to 5pm Monday-Friday and 1-5pm Saturday and Sunday. The YMCA will exclude the July 4th Holiday from operation.

The YMCA and the City of Laurel would agree to meet on a regular basis, at least monthly, and additionally as the need arises, to discuss operational needs and patron feedback.

The YMCA Pool Manager, Aquatic Director, Associate Executive Director, CEO, in succession, will field patron feedback issues as necessary for resolution. The YMCA and the City of Laurel would agree to communicate any feedback either receives.

The YMCA's area of responsibility would be limited to the fenced pool area. The scope of general liability responsibility of the YMCA will begin when patrons enter the fenced pool area and ceases upon leaving the fenced pool area.

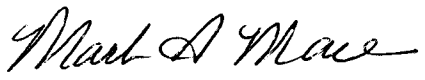
Billings Family YMCA



Tina Postel, CEO

Date 4/7/2015

City of Laurel



Date 4/7/2015

Appendix A Program Description

Swim Lessons

The YMCA Swim Lessons program helps participants develop a solid foundation of basic aquatic skills, helping them develop a lifelong appreciation for aquatic activities, including swimming and introducing them to a variety of aquatic sports, as well as water safety and lifeguarding.

The Swim Lessons Program begins at 6 months of age and is divided into several levels:

6 months to 3yrs old:

1. Parent Child

3-5 yrs old

1. Pike (beginner)
2. EEL (intermediate)
3. Rayfish/Starfish(intermediate advanced)

6 yrs old and up

1. Polliwog(beginner)
2. Guppy(intermediate)
3. Minnow(advanced)
4. Fish/Flying Fish(more advanced)

At each level, participants are involved in activities relating to five components:

1. Personal safety
2. Personal growth
3. Stroke development
4. Water games and sports
5. Rescue

Water Fitness

The YMCA's Water Fitness program encourages people of all ages to use the buoyant qualities of water to enhance their physical fitness through exercise. It is an ideal form of exercise for all ages and increases physical strength and endurance without putting stress and strain on joints, as in land-based exercise. Swimmers and non-swimmers alike can take part in this type of exercise to reduce emotional stress and tension, improve health, and encourage and improve feelings of well-being and self esteem.

There are numerous classes available requiring varying levels of physical fitness from beginner to advanced that range from very low intensity to very high.

Lap Swim

Lap swimming remains one the most beneficial fitness activities that can be enjoyed at any age, or as part of any physical fitness routine.

Appendix B
YMCA Pricing

The YMCA employs a pricing structure for programs that rewards membership to the YMCA by means of financial savings. The YMCA has a scholarship process available to anyone so that no one is turned away due to inability to pay. The YMCA has 3 categories of program registration based on membership type.

YMCA Member- Being a YMCA member offers many benefits for the entire family including access to all the services and amenities at the YMCA facility in Billings. It also offers the most economical pricing on all fee based programs. There are many non-fee based services and activities that go with membership, including free child watch, unlimited access to over 100 group exercise classes per week, both land and water, and access to open gym time and swimming activities.

Off-Site Member- Becoming a YMCA Off-Site member is an option for people who live outside the city of Billings to realize a financial savings on various programming offered throughout Yellowstone County. This type of membership does not allow access to the YMCA facility in Billings. This type of membership requires an annual \$50 fee, which then allows registration for any YMCA programs under the Off-Site member category where applicable.

Non-member - We encourage everyone, regardless of membership, to take advantage of the many opportunities and activities available through YMCA programming.

Laurel Aquatics Program Pricing

Swim Lessons per session (1 month sessions meeting 2 times per week)

Member	\$47
Off-Site Member	\$57
Non-Member	\$77

Water Fitness Classes (1 month sessions, classes meet 2 to 3 times per week)

Member	\$15
Off-Site Member	\$20
Non-Member	\$35

Lap Swimming (1 month sessions, lap swimming available on daily fee, punch card basis)

YMCA programming is subject to minimum participation number system.

Laurel Pool Proposal

3 Month/ Summer 2015

Open Rec 33hrs a week M-F Noon to 5pm Sat-Sun 1pm - 5pm

Salaries and Wages:

Manager - 40+ hrs

20.60/hr (plus taxes/insurance/benefits)	3600/mo	10,800
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5 Lifeguards - 33hrs/week - 3 on deck, 1 desk, 1 floater/breaks

11/hr (avg 10/hr plus taxes/insurance/benefits)	8100	24,300
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Open and closing duties(3 gds, 7 hrs/wk)	1000	3,000
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Monthly inservice/trainings (7-10 guards)	225/mo	675
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	Total	38,775
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Operating Expenses:

Signage (hours, Y rules/code of conduct/safety signs)		1500
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Lifeguard Equip

Tube and Hip Pack Replacement		250
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Deck Side Basketball Hoop		1000
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First Aid/Whistles/Misc. Supplies		250
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Basketballs/Volleyballs/Floatable Net		100
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Lifeguard Uniforms		100
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Instructional Flotation Devices		600
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Swim Test Bands		250
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YMCA Cell phone		150
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Marketing/Hiring/Advertisement		2000
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Admin costs, travel		250
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Miscellaneous expenses/overhead (2%)		1000
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	Total	46,225
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Lessons, Lap Swim, Aerobics, 1 -2 Lifeguards on plus manager- Program revenue



CERTIFICATE OF LIABILITY INSURANCE

BILLFAM-03 BVANDERWOOD

DATE (MM/DD/YYYY)

7/1/2015

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 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 Billings Office PayneWest Insurance, Inc. P.O. Box 30638 Billings, MT 59107-0638	CONTACT NAME: PHONE (A/C, No, Ext): (406) 238-1900	FAX (A/C, No): (406) 245-9887	
	E-MAIL ADDRESS:		
INSURED Billings Family YMCA, Inc. DBA YMCA of Billings 402 N 32nd Street Billings, MT 59101	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Employers Assurance Co		
	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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.


INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/OP AGG \$ \$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$	
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$	
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N / A		EIG132371304	07/01/2015	07/01/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

** Workers Comp Information ** Coverage A States: Montana Other States Coverage Proprietors/Partners/Executive Officers/Members Excluded: Rod Hammon, Vice President; reg Ando, Secretary/Treasurer; Roger Daniels, President.

RE: Knutting Field

CERTIFICATE HOLDER**CANCELLATION**

City of Laurel PO Box 10 Laurel, MT 59044	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 

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