



# **Lakeville Arenas**

# **Facility Use Policy**

**Adopted February 2019**

# Lakeville Arenas Facility Use Policy

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# **City of Lakeville Arena Facility Use Policy**

## **I. Preamble**

The Lakeville Arenas Joint Powers Agreement defines certain ice scheduling guidelines related to public skating, Independent School District 194 and the Lakeville Hockey Association. Section 8 C of the Lakeville Arenas Joint Powers Agreement also delegates to the City of Lakeville the responsibility and authority to establish the facility scheduling policy. Section 8 of the Lakeville Arenas Joint Powers Agreement is attached as Exhibit hereto.

The City of Lakeville therefore hereby approves and sets forth the following Facility Use Policy relating to the Lakeville Arenas.

## **II. Definitions**

- City: City of Lakeville
- ISD 194: Independent School District 194
- JPA: Joint Powers Agreement
- LHA: Lakeville Hockey Association
- HFSC: Heritage Figure Skating Club
- Lakeville Adult Athletic Groups: Organized adult athletic groups whereby the majority of the members are residents of City or ISD 194 or sponsored by a business located in the City or ISD 194.
- Lakeville Arena: As defined in the Lakeville Arena Joint Powers Agreement.
- Lakeville Community Organizations: Includes recognized Lakeville community service and civic non-profit organizations and agencies activities and programs. These organizations include but are not limited to: Knights of Columbus, Rotary, Lions and YMCA.
- Lakeville Youth Associations – ice related: Includes the following youth associations - a recognized figure skating club serving Lakeville residents and the following youth hockey associations: Lakeville Hockey Association, Apple Valley Hockey Association, Rosemount Hockey Association and Farmington Hockey Association.

- Lakeville Youth Associations – dry floor related: includes Independent School District #194, Independent School District #196 (Parkview), Independent School District #192 (North Trail Elementary), Lakeville Private Schools (All Saints), Lakeville Baseball Association (LBA), Lakeville Soccer Club (LSC), Lakeville Fast Pitch Softball Association (LFSA), Lakeville Football Association (LFA), Lakeville Lacrosse (LL), Rosemount Area Athletic Association (RAAA), Farmington Athletic Association (FAA), Valley Athletic Association, Inc. (VAA), Other Clubs & Individual Teams with roster of Lakeville residents.
- Sponsored activities (Arena): Any events established, promoted and under the direct control of the Lakeville Arenas. Includes but not limited to Learn to Skate programs, public skating, open hockey, figure skating and arena sponsored leagues.

### III. Ice Use

Allocation of ice schedule is subject to the terms and conditions of the JPA. For scheduling purposes, the ice season is defined as October 1 thru September 30. The guidelines are as follows.

#### A. Scheduling Priorities

The City of Lakeville reserves the right to modify the ice allocation policy in order to preserve the underlying concepts of the JPA or agreements entered into by Lakeville Arenas and/or the City of Lakeville (collectively “Lakeville Arenas Use Agreements”). Scheduling of ice shall be allocated based on the following Priorities, subject to the terms of the Lakeville Arenas Use Agreements. The Arena Manager shall have authority to use reasonable judgment and discretion with respect to schedule administration.

<u>Priority</u>		<u>Deadline to submit request</u>	<u>Deadline to refuse any ice hours allocated</u>	<u>Deposit due date</u>
1	Arena Sponsored (Learn To Skate, Public Skating, Open Hockey)	1-May	1-Aug	
2	ISD 194 (high school teams)	1-Jun	1-Jul	
3	HFSC – (Pre-Draft Hours)	15-Jun	1-Jul	
4	LHA – (Pre-Draft Hours)	1-Jul	15-Jul	
5	Lakeville Youth Assoc.	1-Aug	1-Sept	15-Sept

6	Lakeville Adult Athletic Groups	22-Aug	22-Sept	22-Sept
7	Lakeville Community Organization	22-Aug	22-Sept	22-Sept
8	Other	1- Sept	30-Sept	30-Sept
9	1 <sup>st</sup> come 1 <sup>st</sup> serve			Upon Reservation

**B. Ice Scheduling - General Conditions**

**a. Priority 1 – Arena Sponsored**

Terms and conditions of priority 1 are pursuant to Section 8.A.3 of the JPA

Any events established and/or promoted under the Lakeville Arenas. Includes but not limited to Learn to Skate programs, Public Skating, Open Hockey and arena sponsored leagues.

**b. Priority 2 – ISD 194 (high school teams)**

Terms and conditions of priority 2 are pursuant to Section 8.A of the JPA

**c. Priority 3 – HFSC (Pre-Draft Hours)**

HFSC will have the right to select up to 100 ice hours.

The HFSC’s rights under this paragraph shall terminate if the HFSC fails to comply with the terms and conditions relating to the 2019 Ice Rental Agreement with the City and Lakeville Arenas or when the HFSC is no longer required to contribute funds pursuant to the 2019 Ice Rental Agreement, whichever first occurs.

**d. Priority 4 – LHA (Pre-Draft Hours)**

LHA will have the right to select up to 700 ice hours.

The LHA’s rights under this paragraph shall terminate if the LHA fails to comply with the terms and conditions relating to the 2019 Gaming Revenue Agreement with the City and Lakeville Arenas or when the LHA is no longer required to share gaming revenue with the City pursuant to the 2019 Gaming Revenue Agreement, whichever first occurs.

**e. Priority 5 – Lakeville Youth Associations**

- i. To be recognized as a priority 5 an organization must submit to the Arena Manager by July 1 the names and addresses of participants registered for the previous season through the respective governing body (i.e. USA Hockey, US Figure Skating, ISI) who:

- A) reside in the City of Lakeville or
- B) reside in the ISD 194

An organization must submit and meet all criteria as stated in this section in order to be eligible as a priority 5 in the ice allocation process.

- ii. The associations must submit by August 1 the minimum number of hours they intend to guarantee for the coming year based on the allocation formula described below.
- iii. For purposes of determining ice allocation hours the following formula will apply.
  - A) If a participant resides in the City of Lakeville they will count as 1 individual.
  - B) If a participant resides in the ISD 194 boundary they will count as 1 individual.
  - C) If a participant resides in the City of Lakeville and within the ISD 194 boundary they will count as 2 individuals.
- iv. The Arena Manager will prorate the allocation of available ice hours based on the number of individuals in the respective organizations as determined in step iii above. The Arena Manager shall have authority to use reasonable judgment and discretion with respect to schedule administration.
- v. On or about the second Saturday of August, the ice hours will be allocated with the teams selecting the hours of their choosing.
  - A) The hours will be distributed in one hour increments (or other reasonable units as determined by the Arena Manager.) The distribution for each round will be in direct proportion to the allocation as calculated in step iv above.
  - B) The process will start with the organization with the least number of hours to be allocated and proceed in ascending order. In the second and subsequent rounds of allocation the order of who selects 1<sup>st</sup> will rotate accordingly.
- vi. If after initial distribution of hours there are still hours available for use, and the youth associations have not received all hours they are willing to guarantee as stated in step ii above, the process will be repeated as shown in step v. above until all the hours guaranteed as described in section i.e. are allocated.

**f. Priority 6 – Lakeville Adult Athletic Groups**

- i. The Arena Manager may establish “blocks” of hours for the purpose of establishing priority 6.
- ii. Organizations with prior experience shall have first opportunity to bid on a block. If more than one organization qualifies, the process will commence with organizations with the largest blocks rented in the two previous years. In cases of a tie or if more than one organization qualifies for no previous rental experience, the allocation will be based on flipping of a coin or other random method as determined by the Arena Manager.

**g. Priority 7 – Lakeville Community Organizations (October 1 – March 30)**

- i. The Arena Manager may establish “blocks” of hours for the purpose of establishing priority 7.
- ii. Organizations with prior experience shall have first opportunity to bid on a block. If more than one organization qualifies, the process will commence with organizations with the largest blocks rented in the two previous years. In cases of a tie or if more than one organization qualifies for no previous rental experience, the allocation will be based on flipping of a coin or other random method as determined by the Arena Manager.

**h. Priority 8 – Other**

- i. The Arena Manager may establish “blocks” of hours for the purpose of establishing priority 8.
- ii. Organizations with prior experience shall have first opportunity to bid on a block. If more than one organization qualifies, the process will commence with organizations with the largest blocks rented in the two previous years. In cases of a tie or if more than one organization qualifies for no previous rental experience, the allocation will be based on flipping of a coin or other random method as determined by the Arena Manager.

**C. Deposits**

- a. Lakeville Arenas, City, and ISD 194 are exempt from providing a deposit.
- b. All Lakeville Youth Associations, Lakeville Adult Athletic Groups and Lakeville Community Organizations must provide a 10% deposit on or before the deposit due date. The Lakeville Arena may waive the deposit requirements for any organization or entity which has at least 3 consecutive years of good

standing with the Lakeville Arena. – as determined by the Lakeville Arena Board.

- c. All other groups, organizations or individuals must provide a 25% deposit by the deposit due date or at the time of confirmed reservation whichever is later.

**D. Payment Schedule**

- a. Ice Use – October thru March  
Payment is due (less any deposits) within 30 days of receipt of invoice. Invoices will be processed after ice use.
- b. Ice Use – April thru September  
100% (less any deposits and other prepayments) at least 14 calendar days prior to the scheduled ice event.

**IV. Dry Floor Use**

For the purposes of this Arena Facility Use Policy, the dry floor activities shall be considered to be the period of March 1 thru February 28 of the subsequent year. Allocation of dry floor activities is subject to the terms and conditions of the JPA or contractual agreements. The guidelines as follows.

**A. Scheduling Priorities**

Scheduling of dry floor shall be allocated based on the following Priorities.

<u>Priority</u>		<u>Deadline</u>	<u>Refuse</u>	<u>Deposit</u>
1	Arena sponsored	1-Aug	1-Aug	
2	ISD 194 (High school teams)	1-Sept	1-Sept	
3	Lakeville Youth Assoc.	15-Nov	15-Nov	30-Nov
4	Lakeville Adult Athletic Groups	1-Jan	1-Jan	30-Jan
5	Lakeville Community Organizations	15-Jan	15-Jan	15-Jan
6	Other	1-Feb	1-Feb	1-Feb
7	1 <sup>st</sup> Come – 1 <sup>st</sup> Serve			Upon Reservation

**B. Dry Floor Scheduling - General Conditions**

**a. Priority 1 – Arena Sponsored**

Any events established and/or promoted and under the Lakeville Arenas.



**b. Priority 2 – ISD 194 (high school teams)**

**c. Priorities 3 – Lakeville Youth Associations**

- i. Each of the organizations to be submitting requests for Priority 3 must certify to the Arena Manager prior to November 1, the names and addresses of all youth who were registered with the respective youth sports organization and who:
  - (1) reside in the City of Lakeville or
  - (2) reside in the ISD 194
- ii. The associations must submit by December 1 the minimum number of hours they intend to guarantee for the coming year based on the allocation formula described below.
- iii. For purposes of determining dry floor allocation hours the following formula will apply.
  - (1) If a participant resides in the City of Lakeville they will count as 1 individual.
  - (2) If a participant resides in the ISD 194 boundary they will count as 1 individual.
  - (3) If a participant resides in the City of Lakeville and within the ISD 194 boundary they will count as 2 individuals.
- iv. The Arena Manager will prorate the allocation of available dry floor hours based on the number of individuals in the respective organizations as determined in step iii above.
- v. The dry floor hours will be allocated with the teams selecting the hours of their choosing.
  - (1) The hours will be distributed in one-hour increments (or other reasonable units as determined by the Arena Manager.) The distribution for each round will be in direct proportion to the allocation as calculated in step iii above.
  - (2) The process will start with the organization with the least number of hours to be allocated and proceed in ascending order. In the second and subsequent rounds of allocation the order of who selects 1<sup>st</sup> will rotate accordingly.

- vi. If after initial distribution of hours there are still hours available for use, and the youth associations have not receive all hours they are willing to guarantee as stated in step ii above, the process will be repeated as shown in step v above until all the hours guaranteed as described in section ii are allocated.

Note: An organization must submit and meet all criteria as stated in above in order to be eligible as a priority 3 in the dry floor allocation process.

**d. Priority 4 – 6**

- i. The arena Manager can establish “blocks” of hours for the purpose of establishing priority 4.
- ii. Organizations with prior experience shall have first opportunity to bid on a block. If more than one organization qualifies, the process will commence with organizations with the largest blocks rented in the two previous years. If more than one organization qualifies for no previous rental experience, the allocation will be based on flipping of a coin or other random method as determined by the Arena Manager.

**C. Deposits**

- a. Lakeville Arena, City and School districts are exempt from providing a deposit.
- b. All Lakeville Youth Associations, Lakeville Athletic Groups and Lakeville Community Service organizations must provide a 10% deposit on or before the deposit due date. The Lakeville Arena may waive the deposit requirements for any organization or entity which has at least 3 consecutive years of good credit standing with the Lakeville Arena as determined by the Lakeville Arena Board
- c. All other groups, organizations or individuals must provide a 25% deposit on or before the deposit due date.
- d. The deposit will be refunded if the Lakeville Arena is able to rent the facility to others.

**D. Payment Schedule**

Payment is due (less any deposits) within 30 days of receipt of invoice. Invoices will be processed after facility use. Deposits will be refunded if Lakeville Arena is able to rent the designated cancelled hours to others.

## **V. Insurance**

Organizations will be required to provide proof of commercial general liability insurance coverage as will protect the City from all claims for damages to property and persons, including death which may arise from the use of Lakeville Arenas by the Organization, its officers, employees, agents or members. Such liability insurance shall provide limits of not less than \$1,000,000 for each occurrence. Any insurance required shall be placed with a financially responsible insurance company licensed to write insurance in the State of Minnesota, with a certificate of insurance to be furnished naming the City of Lakeville, Independent School District 194, Lakeville Housing and Redevelopment Authority, and Lakeville Arenas as additional insureds on the policy, by endorsement. The certificate of insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days' advanced written notice to the additional insureds, or ten (10) days' notice for non-payment of premium. The organization shall execute Lakeville Arena's Facility Usage Release and Indemnification Agreement. These documents are due a minimum of two weeks prior to the scheduled activity.

## **VI. Sublease Agreements**

No individual, group, organization may sublease the facility without the express written permission of the Arena Manager. A sub-lessee must comply with all requirements of the Facility Use Agreement, including the insurance requirements.

# Exhibit A

## Section 8 – Ice Rentals Joint Powers Agreement

**8. ICE RENTAL AGREEMENTS.** Lakeville Arena's will have the authority to approve ice rental agreements with Independent School District 194 and other entities.

**A. Independent School District 194.** The Ice Rental Agreements with ISD 194 will take into consideration the following terms and conditions:

(1) Lakeville Arenas shall enter into ice rental agreements with the District. This agreement shall supersede and replace the following agreements:

- District Ice Time Agreement dated February 4, 1999 concerning the District's agreement with the City to rent ice time at the Ames Arena.
- District High School Practice Agreement concerning the District's agreement with Lakeville Arenas to rent ice time at the Ames Arena.
- Game Agreement concerning the District's agreement with Lakeville Arenas concerning game policies and the division of the gross ticket proceeds for High School games.
- Joint Powers Agreement for Lakeville Arena's dated December 14, 2004.

(2) Ice Time Commitment. The District shall purchase at least 740 hours of ice time per High School season for use by the High School teams, November 1 through March 13 effective with the commencement of operations for the Third Sheet of Ice.

(3) Scheduling of Ice Time. The District shall have the right to select ice time of its choosing, until July 1<sup>st</sup> of each year:

- (i) For practices at the Ames Arena between 12:01 a.m. and 5:30 p.m., Monday through Friday, and for the Third Sheet of Ice, between 12:01 a.m. and 9:00 p.m., Monday through Friday.
- (ii) For High School games. Scheduling of high school home games will be coordinated with the District Athletic Directors, arena management and the Arena Operations Committee in order to maximize use of the ice rentals

thereby providing adequate spectator seating opportunities and minimizing potential parking and other related issues.

(iii) The District's right to schedule ice is subordinate to the following: a minimum of four hours per week for open public skating of which a minimum of two will be on either Saturday between 8:00 a.m. and 8:00 p.m. or Sunday between noon and 8:00 p.m. Lakeville Arenas Board shall determine the public skating hours and location.

(4) Rental rate. The District shall pay Lakeville Arenas prime time ice rental rates in effect at the time.

(5) By July 1<sup>st</sup> annually, the Lakeville Arenas shall have the authority to approve any Agreements with the District regarding revenues derived from the High School game admissions.

(6) Use of parking lots. The District and Lakeville Arenas and the City of Lakeville will have shared use of the parking lots on a first come, first served basis and may not prohibit use by other patrons.

(7) Cancellation. Ice time that is scheduled for District use must be paid for by the District whether or not the ice time is actually used except that up to ten percent (10%) of scheduled ice time may be cancelled prior to September 1 at no cost however, the total hours of rent cannot be less than 740 per year.

**B. Deleted per First Amendment to JPA.**

**C. Other Ice Rental Agreements.** The Lakeville Arenas may enter into ice rental agreements with hockey associations, figure skating associations or other entities subject to the provisions in section 8A and the City's Lakeville Arenas Facility Use Policy, as amended.