



**Office of the City Attorney**  
109 South Fourth Street  
Marshall, MN 56258  
Ph. (507) 537-1441  
Fax: (507) 537-1445  
Email: dsimpson@qdlawfirm.com

**MEMORANDUM**  
**VIA EMAIL TRANSMITTAL**

TO: Tessa DePestel, Marshall Police Department  
CC: Karla Drown, Finance Director; Sharon Hanson, City Administrator  
FROM: Dennis H. Simpson, City Attorney  
DATE: July 18, 2019  
RE: Nelly Entertainment Inflatables Order #0570  
FILE NO. M000.515 Police General Matters

Thank you for providing to me the one page contract concerning the terms and conditions for the Marshall Police Department rental of three inflatable amusement devices to be used at National Night Out event on August 2019. I have reviewed the contract as submitted and find that it is the standard contract from Nelly Entertainment that has been signed by the Marshall Police Department in the past. I would recommend that the Marshall Police Department sign the contract as presented.

The contract does require that the “customer” (Marshall Police Department) assumes full responsibility for all rented items, including their safe and proper use, operation, maintenance and return. In light of that safe operation requirement, I am again recommending that the Marshall Police Department comply with the suggested requirements from the League of MN Cities loss control guide. The loss control guide as it applies to the lease of bouncy houses by municipalities requires that the municipalities provide as follows:

1. Installation and operation. Whenever possible, installation should be done by qualified personnel. It is my experience that owner has assisted City of Marshall with set up of the bouncy houses. If there is no direct assistance, the individuals setting up the facilities must follow specific instructions regarding set up.
2. Anchoring. Make certain that the appropriate fixed stationary stakes to hold the inflatable in place.
3. High wind or poor weather. The League recommends that highest allowable wind speed for operation is 25 miles an hour or less.
4. Operation of the inflatable. Adequate supervision with recommendation that supervisors of the inflatable be at least 18 years of age for staff or volunteers operating the inflatable.

The City is reminded to follow manufacturer’s instructions for the number of occupants. City is further required to limit flips or other maneuvers that can cause injuries. Additionally, no shoes, no sharp objects, no toys, no food, drinks or chewing gum, etc. should be permitted in the inflatable devices.

If the equipment is held overnight by the City, the contract does require that the “blower” be removed from the inflatable devices and locked up in a secure facility overnight.

DHS:hjr