

Introduced by _____ Council Bill No. R 45-07

A RESOLUTION

authorizing an agreement with Sustainable Farms & Communities, Inc. for the lease of city-owned property located on the west side of Clinkscates Road for the operation of a farmers' market.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute an agreement with Sustainable Farms & Communities, Inc. for the lease of city-owned property located on the west side of Clinkscates Road for the operation of a farmers' market. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

ADOPTED this _____ day of _____, 2007.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2007, between the City of Columbia, Missouri ("City") and Sustainable Farms & Communities, Inc., a Missouri not-for-profit corporation ("Sustainable Farms & Communities").

The Parties agree as follows:

1. City shall allow Sustainable Farms & Communities to operate a farmers' market on a temporary basis on approximately 102,000 square feet of the land owned by the City on the west side of Clinkscates Road north of Ash Street. The City Manager of Columbia shall designate the exact location of the market, parking areas and street access. The farmers' market shall be located generally on the north side of this land adjacent to West Junior High School

2. Sustainable Farms & Communities shall have the right to use this property only at the following times: March 17, 2007 through November 17, 2007 on days of the week and during such hours as requested by the Sustainable Farms & Communities and approved, in writing, by the City Manager. At all other times, City may use the property itself or allow others to use the property.

3. Sustainable Farms & Communities shall use the property solely for a farmers' market and any related uses approved by the City Manager. If Sustainable Farms & Communities should use the property for any other purpose, this agreement shall automatically terminate and Sustainable Farms & Communities shall immediately vacate the premises.

4. City shall provide a dust-free parking lot for the farmers' market patrons and merchants.

5. This agreement shall expire on November 17, 2007.

6. Sustainable Farms & Communities shall pay City \$2,100.00 upon execution of this agreement.

7. City shall keep grassy areas mowed, and maintain and service the area as it deems necessary.

8. Sustainable Farms & Communities shall keep the area clean of all trash.

9. Sustainable Farms & Communities shall indemnify and hold harmless the City, its officers, agents and employees from all liability claims, settlements, judgments and defense costs (including attorneys' fees) for damages to persons or property arising in any way from the operation of the farmers' market on City's property.

10. Sustainable Farms & Communities, at its sole expense, shall obtain and keep in force public liability insurance to cover operation of the farmers' market on City's property in an amount not less than \$2,000,000 combined single limit for both personal injury or death and property damage, naming City as an additional insured. Sustainable Farms & Communities shall provide City with proof of such insurance.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
H. William Watkins, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

SUSTAINABLE FARMS &
COMMUNITIES, INC.


BY: _____

TITLE: _____

ATTEST:

Source:

Mike Hood
Mx

TO: City Council
FROM: City Manager and Staff 
DATE: February 12, 2006
RE: Renewal of Farmer's Market Annual Lease of Ash and Clinkscales Property

Fiscal Impact

YES x

NO

Other Info.

EXECUTIVE SUMMARY: At the January 16, 2007, City Council meeting, the Council authorized staff to work with representatives of the Columbia Farmer's market to develop a memorandum of understanding regarding the potential development of a permanent market structure on the City's property at Ash and Clinkscales. Staff and representatives of the Market have initiated discussions on the proposed memorandum, however as the 2007 season for the market is scheduled to begin in mid-March, both sides have agreed that the annual lease for 2007 should be renewed. Such a renewal would allow the market to plan and initiate the 07 market season while continuing to negotiate the terms of the memorandum of understanding. This resolution authorizes the renewal of the annual lease with Sustainable Farms and Communities for the 2007 season of the Farmer's Market.

DISCUSSION: Sustainable Farms and Communities has operated a Farmer's Market on city-owned property at Ash and Clinkscales for several years. In March of 2005, Sustainable Farms' long term lease of the Ash and Clinkscales property expired as no construction of a permanent market facility had occurred. At that time, the Council approved the continued operation of the Farmer's Market on the City's property with the understanding that the use would be based on an annual lease agreement. Such an annual lease has been in place for both the 2005 and 2006 market seasons.

In January of this year the Council, acting on a proposal received from Sustainable Farms and the Farmer's Market, authorized staff to develop a memorandum of understanding regarding the construction of a permanent structure for the Market. Discussions regarding the proposed memorandum have been initiated, however the 2007 Market is scheduled to open in mid-March. Both city staff and representatives of the Market agree that in order for the 2007 season to proceed, the annual lease of the site should be renewed. This would allow negotiations on the memorandum to continue while not interrupting the 2007 Market operations.

This resolution approves the renewal of the annual lease for the 2007 market season. No changes are being proposed in the terms of the agreement other than the dates of the agreement have been adjusted to reflect the 2007 season. As proposed, the agreement:

- 1.) Limits the lease area to approximately 102,000 square feet which is the basic size of the hard surface area currently being used by the Farmer's Market.
- 2.) Provides that the lease amount will remain the same as in the past - \$2,100 per year.
- 3.) Provides that Sustainable Farms will have the right to use the property for a Farmer's Market from March 17, 2007, through November 17, 2007, on days of the week and during such hours as requested by Sustainable Farms and approved by the City Manager.
- 4.) Determines that the lease area will be used solely for the operation of a Farmer's Market.
- 5.) Provides that the City will continue to maintain the area used for the Market in a dust free condition and will mow the grassy areas adjacent to the Market.

The resolution, if approved, authorizes the City Manager to enter into the proposed annual agreement with Sustainable Farms and Communities for the lease of city property for the operation of the Farmer's Market for the 2007 season.

SUGGESTED COUNCIL ACTION: Approve the resolution authorizing the agreement with Sustainable Farms and Communities