

Introduced by _____ Council Bill No. R 35-09

A RESOLUTION

authorizing an agreement with Sustainable Farms & Communities, Inc. for the lease of city-owned property located on the west side of Clinkscapes 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 Clinkscapes 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 _____, 2009.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2009, 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 Clinkscales 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 14, 2009 through November 15, 2009 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 15, 2009.
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
MH
FISCAL NOTES:

TO: City Council
FROM: City Manager and Staff
DATE: February 9, 2009
RE: Renewal of Farmer's Market Annual Lease of Ash and Clinkscales Property



City Fiscal Impact	
Enter all that apply:	
\$2,100	City's current net FY revenue.
\$2,100	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs: One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
Y	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)

EXECUTIVE SUMMARY: Sustainable Farms and Communities (SF&C) has operated a Farmer's Market on city-owned property at Ash and Clinkscales Streets for many years. Since 2005, the City Council has approved a lease of the property which must be renewed annually. This resolution authorizes the renewal of the annual lease with Sustainable Farms and Communities for the 2009 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 many 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 since the 2005 market season.

In June of 2007, the Council entered into a memorandum of understanding with SF&C regarding the construction of a permanent structure for the Market. Since entering into the memorandum, Sustainable Farms has initiated a fund raising campaign and has been meeting regularly with Park and Recreation Department staff. Recently, SF&C has requested that the City consider voiding the Memorandum of Understanding and instead negotiate a long term lease of the property (see Farmer's Market report in reports section of the Council agenda). As this new option is explored, SF&C intends to continue operating the temporary Farmer's Market on the Ash and Clinkscales site. As such, they have requested renewal of the annual lease for the 2009 market season.

This resolution approves the renewal of the annual lease for 2009. No changes are being proposed in the terms of the agreement other than the dates of the agreement have been adjusted to reflect the 2009 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 14, 2009, through November 15, 2009, 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 2009 season.

FISCAL IMPACT: Renewal of the annual lease will generate the annual lease payment of \$2,100 to the City's General Fund as per the past several years. No change in maintenance of the site is anticipated.

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