



Agenda Item Number: R 22-15

Department Source: Parks and Recreation

To: City Council

From: City Manager & Staff

Council Meeting Date: 2/2/2015

Re: Renewal of Sustainable Farms Lease to Operate a Farmers Market at Clary-Shy Community Park

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Map of Demonstration Planting Beds

Executive Summary

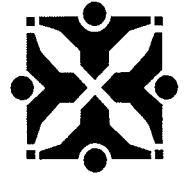
Sustainable Farms and Communities (SF&C) has operated a Farmers Market at Clary-Shy Community Park, located at 1701 West Ash Street, for many years. The agreement for the 2014 season expired on November 15, 2014. The proposed agreement for 2015 includes the addition of leased space to facilitate the construction of four 4' x 8' raised garden beds and interpretive signs for a community education garden to be constructed and maintained at SF&C's expense. The proposed 2015 annual agreement will allow for the operation of a Farmers Market and community education garden for the 2015 season. The additional leased area is located in the grounds between the parking lot and the current Farmers Market area. Parks and Recreation is requesting City Council approval of the resolution authorizing the annual lease agreement with Sustainable Farms and Communities, Inc.

Discussion

The City has had a long-standing partnership with Sustainable Farms and Communities (SF&C) that allows the organization to lease a specified area of Shy-Clary Park to operate a Farmers Market to serve the citizens of Columbia. For many years, this lease was renewed on an annual basis allowing both the City and SF&C the flexibility to make adjustments to the agreement as needed. In 2009, SF&C was engaged in a fundraising effort to build a permanent structure to house the Market and believed there was an opportunity to receive a federal stimulus grant to provide substantial funding for the project. To qualify for such a grant, SF&C had to show that they had long-term possession of the site where the structure would be built. The City agreed to enter into a fifty-year lease of the City-owned park land with the understanding that SF&C would construct, operate, and maintain the Market facility. The long-term lease included a termination clause requiring the necessary funds be raised and construction initiated within 48 months of the signing of the lease or the lease would be voided. Unfortunately, SF&C did not obtain approval of a stimulus grant and has not been successful in raising the funds needed to build the permanent structure. Therefore, the long-term lease terminated April 8, 2013. Beginning with the 2013 season, all parties agreed to renew the annual lease arrangement that was in effect prior to 2009.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Parks and Recreation staff recently met with a representative SF&C to discuss making an adjustment to the lease for the 2015 season. SF&C requested that additional space be included in the 2015 annual lease to accommodate the construction of four 4' x 8' raised garden beds and interpretive signs for a community education garden to be constructed and maintained at SF&C's expense. The additional area requested is on the grounds located between the parking lot and the current Farmers Market area. A map designating the proposed area for the gardens is attached. Parks and Recreation staff was agreeable to increasing the area allotted for the Farmers Market to provide this educational attraction for the community. The SF&C and Farmers Market will continue to discuss future plans and options for the Farmers Market and may return at some point in the future to request consideration of a longer term lease or different arrangement.

The proposed annual lease for 2015 is identical with respect to terms and conditions as to the annual agreement that has been in place since 2013, with the exception of adjusting the lease space area to include the community education garden area along with the hard surface area previously being used by the Market. Key terms include:

1. The leased area is limited to approximately 50,000 square feet (1.15 acres) which is the basic size of the hard surface area presently being used by the Market, plus the ground area for the community education garden.
2. The lease amount remains the same that it has been for the past several years - \$2,100 per year.
3. Sustainable Farms has the right to use the property for a Farmer's Market from March 15 through November 15, 2015, on the days of the week and during such hours as requested by SF&C and approved by the City Manager.
4. The lease area must be used solely for the operation of a Farmers Market.
5. The City will continue to maintain the area used for the Farmers Market in a dust-free condition and will mow the grass areas adjacent to the Farmers Market.
6. Special promotions such as concerts that may attract larger than normal crowds or those held on dates outside of the approved schedule, may be approved through the Park Special Use Permit process.

This resolution, if approved, authorizes the City Manager to sign the proposed annual lease agreement with SF&C for the operation of the Farmers Market for the 2015 season.

Fiscal Impact

Short-Term Impact: The City will receive \$2,100 in revenue to the City's General Fund for the annual lease agreement.

Long-Term Impact: None.

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Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Health, Social Services and Affordable Housing; Parks, Recreation and Greenways

Strategic Plan Impact: Health, Safety and Wellbeing

Comprehensive Plan Impact: Livable & Sustainable Communities

Suggested Council Action

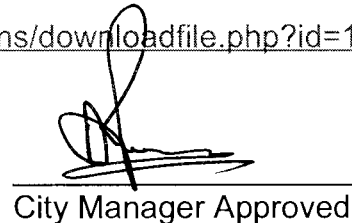
Approve the resolution authorizing the annual lease agreement with Sustainable Farms and Communities, Inc.

Legislative History

Council Bill R12-14, approved January 21, 2014 - 2014 Annual Agreement with Sustainable Farms & Communities, Inc.

<http://www.gocolumbiamo.com/Council/Commissions/downloadfile.php?id=12235>


Department Approved


City Manager Approved

Introduced by _____ Council Bill No. R 22-15

A RESOLUTION

authorizing an agreement with Sustainable Farms & Communities, Inc. for the use of Clary-Shy Community Park located on the west side of Clinkscales Road and north of Ash Street for the operation of a farmers' market and community education garden.

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 use of Clary-Shy Community Park located on the west side of Clinkscales Road and north of Ash Street for the operation of a farmers' market and community education garden. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof.

ADOPTED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2015, between the City of Columbia, Missouri (hereinafter "City") and Sustainable Farms & Communities, Inc., a Missouri not-for-profit corporation (hereinafter "Sustainable Farms & Communities").

The Parties agree as follows:

1. City shall allow Sustainable Farms & Communities to operate a farmers market and community education garden on a temporary basis on approximately 50,000 square feet of the land owned by the City located at Clary-Shy Community Park, 1701 West 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 15, 2015 through November 15, 2015 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 community education garden 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.
 - a. Community education garden shall consist of four 4' x 8' raised planting beds located south of the fence in an area pre-determined by SF&C and Columbia Parks & Recreation Department staff.
4. City shall provide a dust-free parking lot for the farmers market patrons and merchants.
5. This agreement shall expire on November 15, 2015.
6. Sustainable Farms & Communities shall pay City Two Thousand One Hundred Dollars (\$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. Special promotions such as concerts that may attract larger than normal crowds

or those held on dates outside of the approved schedule may be approved through the Park Special Use Permit process.

10. 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.

11. 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.

[SIGNATURES ON FOLLOWING PAGE]

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

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

City Counselor

**SUSTAINABLE FARMS &
COMMUNITIES, INC.**

By: _____

Title: _____

ATTEST:



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Map of Demonstration Planting Beds



CLARY-SHY COMMUNITY PARK FACILITIES
 19.6 Acres
 Activity & Recreation Center (ARC)
 Parking - 281 Standard Spaces, 14 ADA Spaces
 Open Play Field - 6.4 Acres
 Farmers Market Area

Clary-Shy Community Park

1701 W. Ash St.

