

Introduced by _____ Council Bill No. R 37-13

A RESOLUTION

authorizing an agreement with Sustainable Farms & Communities, Inc. for the use of city-owned property located on the west side of Clinkscales 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 use of city-owned property located on the west side of Clinkscales 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 _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2013, 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 on a temporary basis on approximately 102,000 square feet of the land owned by the City on the west side of Clinkscapes 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 15, 2013 through November 15, 2013 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, 2013.
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. 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.

[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:



Source: Parks and Recreation *MM*

Agenda Item No:

To: City Council

From: City Manager and Staff *MM*

Council Meeting Date: February 18, 2013

Re: Renewal of Sustainable Farm's Lease to Operate a Farmer's Market in Shy-Clary Park

EXECUTIVE SUMMARY:

Sustainable Farms and Communities (SF&C) has operated a Farmer's Market in Shy-Clary Park at the intersection of Ash and Clinkscales Streets for many years. Their current long term lease of the property entered into April 8th of 2009 will terminate as of April 8th, 2013, as on-site development of a permanent structure has not been initiated. To insure that an agreement is in place to allow the Farmers Market to operate at the site for the 2013 season, staff is recommending that a one year annual lease be approved. Prior to 2009 when the longer term lease was approved, the Market's use of the property had been authorized on an annual basis.

DISCUSSION:

The City has had a long standing partnership with Sustainable Farms and Communities(SF&C) which allows the organization to lease approximately 2.3 acres of Shy-Clary Park to operate a Farmer's 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 fund raising 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. As such, the long term lease will terminate effective April 8th, 2013.

Park and Recreation staff have been meeting regularly with representatives of both SF&C and the Farmer's Market to discuss the lease situation. All three entities are in agreement that for the Market to operate at the Shy-Clary park site in 2013, it would be appropriate to return to an annual lease of the property. SF&C and the Farmer's Market will continue to discuss future plans and options for the Market and may return at some point in the future to request consideration of a longer term lease.

The proposed annual lease for 2013 is identical with respect to terms and conditions as to the annual agreement that was in place prior to 2009. Key terms include:

1. The leased area is limited to approximately 102,00 square feet (2.3 acres) which is the basic size of the hard surface area presently being used by the Market.
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 15th through November 15th, 2013, 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 Farmer's Market.
5. The City will continue to maintain the area used for the Market in a dust free condition and will mow the grass areas adjacent to the Market.

This resolution, if approved, authorizes the City Manager to sign the proposed annual lease agreement with SF&C for the operation of the Farmer's Market for the 2013 season.

FISCAL IMPACT:

Approval of the annual lease will result in a lease payment of \$2,100 to the City's General Fund as has occurred for the past several years. No changes in maintenance requirements of the site are anticipated.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

This action supports vision goal 12.2 which calls for the effective use of public and private partnerships to help meet the diverse recreational needs and desires of Columbia's citizens.

SUGGESTED COUNCIL ACTIONS:

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

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	12.2
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	