

RESOLUTION NO. 1255

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, authorizing Des Moines Farmers Market, a 501(c)(4) non-profit organization, to conduct the Des Moines Farmers Market at the Des Moines Marina and Marina Center Lot on Saturdays from June through October and other market days throughout the year in concurrence with the City, listing conditions under which such permission is granted and superseding Resolution No. 1180.

WHEREAS, the City Council finds that the Des Moines Farmers Market is a community event that enhances the quality of life for residents of the City of Des Moines, and

WHEREAS, Des Moines Farmers Market wishes to sponsor and conduct the Des Moines Farmers Market as a community event on Saturdays from June through October, and other market days throughout the year in concurrence with the City, and

WHEREAS, the City of Des Moines wishes to permit the Des Moines Farmers Market event and, at the same time, be held harmless from any liability arising from such activity; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. Permission is granted to Des Moines Farmers Market to conduct the Des Moines Farmers Market on Saturdays from June through October, 2014, and other market days throughout the year in concurrence with the City as to applicable dates, subject to the following conditions:

(1) Des Moines Farmers Market shall defend and hold the City of Des Moines harmless from liability which may result from the conduct of the Des Moines Farmers Market.

(2) Des Moines Farmers Market will pay the City the agreed upon rental amount listed in the written Agreement and will provide, at minimum, financial support for the Des Moines Farmers Market in the amount as proposed in the 2014 Farmers Market Budget and will pay for expenses such as the Market Manager, portable sanitary facilities, advertising, garbage

utility fees, and/or promotional banners associated with the event.

(3) The prime leadership of the Des Moines Farmers Market activities shall be non-City personnel and it shall be clearly understood that assistance by City personnel is advisory to Des Moines Farmers Market.

(4) Des Moines Farmers Market shall provide general liability insurance in the minimum amount of two million dollars (\$2,000,000) aggregate to cover the event. The City of Des Moines shall be named as additional insured. Proof of such insurance must be delivered to the City thirty (30) days prior to the event.

(5) The Des Moines Farmers Market will be permitted to erect such special signage as is appropriate during the thirty (30) days prior to and during the event. All such signage shall be removed within ten (10) days after the event.

(6) An authorized official of Des Moines Farmers Market shall execute a written agreement, on behalf of Des Moines Farmers Market, acknowledging its responsibilities for the conduct of the Des Moines Farmers Market and accepting such limitations as are contained in this resolution in addition to such limitations as may be imposed by the City Council or City Manager, including, but not limited to:

(a) Des Moines Farmers Market agrees to take whatever reasonable measures are necessary to prevent damage to the Marina facility and to be responsible for any damage that may occur as a result of Des Moines Farmers Market or its vendors' actions in the conduct of the Des Moines Farmers Market; and

(b) A Des Moines Police Department command officer and/or the Fire Marshall of South King Fire & Rescue will have the authority to close the Des Moines Farmers Market down at any time should it be necessary, following assessment of any security issue.

Sec. 2. The Des Moines Farmers Market will be allowed to have associated retail sales of food or merchandise.

Sec. 3. Upon execution of a written agreement incorporating all the terms and conditions of this resolution, the City Manager is authorized, at his discretion, to grant permission to the Des Moines Farmers Market to use and occupy, for the purpose of the Des Moines Farmers Market, City facilities and property at the Des Moines Marina and Marina Center Lot.

Sec. 4. The City Manager is authorized, at his discretion, to grant permission to utilize City promotional tools such as the *City Currents*, Parks, Recreation and Senior Services Brochure, City Web Page and Channel 21 to inform and educate the public about the Des Moines Farmers Market. The Des Moines Farmers Market understands that fees to cover City expenses may be charged for this use.

Sec. 5. Des Moines Farmers Market will be allowed to solicit booth fees, a percentage of sales and/or charge an admission fee to vendors of the Des Moines Farmers Market to recover the cost of the community event. Des Moines Farmers Market shall bear responsibility for all collection, accounting, and reporting of any funds collected. The City grants this privilege based upon the promoter's agreement that any funds collected in amounts greater than the cost of the event including but not limited to costs associated with overhead, staff, promotion, and security will be reinvested in the Des Moines Farmers Market for the benefit of Des Moines residents.

Sec. 6. The City Manager is authorized to provide City assistance to the Des Moines Farmers Market, which may include, without limitation, services by the Police, Public Works, Parks, and Marina departments for the purpose of logistics coordination, downtown and Marina area traffic control, road closures and parking lot management, boater safety, and pedestrian safety. Application Requirements and Market Day Rules for the Des Moines Farmers Market will be created and approved in writing by the City Manager and Des Moines Farmers Market prior to the event. Any City operational costs incurred in the support of the Des Moines Farmers Market will be the responsibility of the Des Moines Farmers Market and must be approved by Des Moines Farmers Market Board of Directors in writing before incurred. The City Manager shall provide a

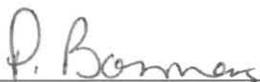
report to the City Council on services provided and costs thereof at the end of the 2014 Des Moines Farmers Market season.

Sec 7. The City Manager and the Des Moines Farmer Market Board will determine dates that the Des Moines Farmers Market may operate outside of its usually June - October timeframe. All dates of operation outside the June - October timeframe will be with the consent of the City such that operations in the Marina Center Lot are not disrupted.

ADOPTED BY the City Council of the City of Des Moines, Washington this 27th day of March, 2014 and signed in authentication thereof this 27th day of March, 2014.


MAYOR

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk