

RESOLUTION NO. 3910

A RESOLUTION RELATING TO THE OVERLAND PARK FARMERS' MARKET, ESTABLISHING A MARKET PHILOSOPHY, AUTHORIZING THE CITY MANAGER TO ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF THE MARKET, SETTING FEES FOR VENDOR PARTICIPATION IN THE MARKET, ESTABLISHING AN ANNUAL REVIEW OF THE MARKET OPERATION AND REQUIRING AN ANNUAL REPORT TO THE GOVERNING BODY; RESCINDING RESOLUTION NO. 3837.

WHEREAS, the Overland Park Farmers' Market, hereinafter referred to as "the Farmers' Market," is an important community asset and resource to local farmers, other related agricultural vendors and the entire community. The market also serves as a unique opportunity for members of the community to gather and experience the historic and special environment of downtown Overland Park; and

WHEREAS, pursuant to the direction of the Governing Body at its regularly scheduled meeting of August 2, 2010, the City assumed operational control of the Farmers' Market effective November 1, 2010 and

WHEREAS, the orderly, efficient and safe operation of the Farmers' Market requires the implementation of rules and regulations; and

WHEREAS, the Governing Body desires to establish the general calendar for the operation of the Farmers' Market; and

WHEREAS, the Governing Body desires to establish the fees to be charged vendors who participate in the Farmers' Market operation.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. MARKET PHILOSOPHY

The Farmers' Market is an important community resource that provides an opportunity for local farmers to provide fresh nutritious food to the local community, permits consumers to buy directly from local farmers, helps promote new farm and food businesses and helps promote the economic vitality of Downtown Overland Park. The City of Overland Park (the "City") is committed to operating the Farmers' Market with local producers and farmers as the centerpiece and primary emphasis. The City recognizes, however, that the seasonal nature of local produce and other Farmers' Market factors justify certain structured opportunities for vendors to supplement homegrown produce and products with non-homegrown produce and products as provided for in the rules and regulations.

SECTION 2. CITY MANAGER AUTHORITY TO ESTABLISH FARMERS' MARKET RULES AND REGULATIONS.

The City Manager or his/her designee, is hereby authorized to establish reasonable and necessary rules and regulations for the efficient, effective and safe operation of the Farmers' Market. The City Manager or his/her designee shall be responsible for interpretation and consistent enforcement of all market rules and regulations.

SECTION 3. FARMERS' MARKET DATES AND HOURS OF OPERATION

The Farmers' Market shall be open to the public as follows:

- April and May (Saturdays only)
- June through September (Wednesdays and Saturdays)
- October (Saturdays only)

The exact dates and days of operation may vary each year and shall be established by the City Manager or his/her designee. The Farmers' Market shall close for the season the last Saturday in October of each year.

The hours of operation for the Farmers' Market shall generally be as follows:

- Wednesdays, 7:30 a.m. until 1 p.m., or sellout
- Saturdays, 6:30 a.m. until 1 p.m., or sellout

SECTION 4. VENDOR FEES

The following fees shall be assessed to vendors who participate in the Farmers' Market:

STALL & SPACE FEES

1. Farm Vendor
 - A. One (1) Stall (9' wide x 18' deep) or Space (10' wide x 10' deep to accommodate a standard tent)
 1. Full Season - \$800
 2. Saturday Daily Rate - \$20
 3. Wednesday Daily Rate - \$20
 - B. One and a Half Stall (13.5' wide x 18' deep)
 1. Full Season - \$1,200
 2. Saturday Daily Rate - \$30
 3. Wednesday Daily Rate - \$30
2. Food & *Specialty Vendor
 - One (1) Space (10' wide x 10' deep to accommodate a standard tent)
 1. Full Season - \$1,620
 2. Saturday Daily Rate - \$37

3. Wednesday Daily Rate - \$37

*Specialty vendors do not have the option to apply for a full season; they may only apply for the daily rate.

3. Downtown Overland Park Businesses

Businesses that are members in good standing of the Downtown Overland Park Partnership and the Business Improvement District shall receive a 50% discount on all full season rates.

4. A non-refundable application fee of \$25 is due at the time of application. If payment is not included, the application will not be reviewed. Should the applicant be accepted into the Farmers' Market, this fee will be applied to the applicant's stall/space rate.

5. If available, Vendor use of electricity shall be charged at \$5 per day.

SECTION 5. ANNUAL REVIEW AND STAFF REPORT

No later than September of each year the Governing Body shall review the operation of the Farmers' Market. To assist the Governing Body in its annual review, the staff shall provide an annual Farmers' Market report to the Governing Body no later than August of each year that summarizes the operation of the market, to include addressing issues related to customer satisfaction, vendor satisfaction, fee structure and other relevant matters.

SECTION 6. This resolution shall take effect and be in force from and after December 5, 2011.

ADOPTED by the Governing Body of Overland Park, Kansas, this 5th day of December, 2011.

ATTEST:

Carl Gerlach, Mayor

APPROVED AS TO FORM:

Marian Cook, City Clerk

Stephen B. Horner
Senior Assistant City Attorney