

TO: Mayor & City Council
FROM: Adam Fulton
Community Development



DATE: April 21, 2015 **Meeting Date:** **April 6, 2015**
SUBJECT: Farmers' Market **Agenda Item:** **12-A**

REQUESTED ACTION

Council to adopt a Resolution Approving Farmers' Market and Establishing Agreement with Market Managers

BACKGROUND

The City Council, Park Board, Staff, and many dedicated volunteers have considered the creation of a Farmers' Market within Hermantown for several years. Through the assistance of Bob Swanstrom, Staff has collaborated with Bruce and Roxanne Schmidt to develop the parameters for beginning a Farmers' Market in 2015.

As currently proposed the market, to be located east of Old City Hall at 5255 Maple Grove Road, will take place on Monday afternoon beginning at 3:30 PM until 7:00 PM. The first date of the market will be in early July, to allow area farmers time to grow produce for sale. The market will run through September. Dates may be expanded in the future, depending on the level of interest by customers.

The Schmidts have agreed to serve as the managers ("Market Managers") of the Farmers' Market. They have a farm in Willow River, and will also sell produce at the market. A formal agreement between the City and the Schmidts is attached. It establishes the means by which they will act on the City's behalf. Rules and Regulations for the 2015 Farmers' Market are also attached for approval; all vendors will need to agree to the Rules and Regulations before participating.

The Park Board reviewed the proposal for a Farmers' Market at their meetings in January and March, 2015. Action taken by the Park Board includes a recommendation to establish the market and to expend \$600.00 to fund signage and other advertising to ensure that Hermantown residents are aware the market is taking place.

SOURCE OF FUNDS (if applicable)

The Park Board recommends that approximately \$600 be dedicated to signage and advertising for the Farmers' Market from the General Fund Budget. The Resolution calls for such an expenditure.

ATTACHMENTS

- Resolution
- Exhibit A – Agreement with Market Managers
- Hermantown Area Farmers' Market 2015 Rules and Regulations
- Vendor Permit Application Form
- Permit (sample)

Resolution No. 2015-41

**RESOLUTION AUTHORIZING A FARMERS' MARKET AT OLD CITY HALL,
ESTABLISHING AGREEMENT WITH MARKET MANAGERS**

WHEREAS, The City Council of the City of Hermantown, acting at the recommendation of the Hermantown Park Board, seeks to establish a Farmers' Market ("Market") within the City; and

WHEREAS, The City Council recognizes the value of a local Farmers' Market within the City in its ability to provide access for citizens seeking to purchase fresh produce, agricultural products, locally created crafts, and other products; and

WHEREAS, such a Market meets the provisions of the Hermantown Zoning Ordinance for a public use seeking to improve the health and welfare of the citizens of Hermantown; and

WHEREAS, the Old City Hall site at 5255 Maple Grove Road is available to serve as an appropriate location for such a Market.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hermantown, Minnesota, as follows:

1. The City Council authorizes the organization of a Farmers' Market ("Market") on City property located at 5255 Maple Grove Road. The Market shall be located in the east parking lot of Old City Hall at aforementioned location. The 2015 Market is authorized to operate weekly on Mondays between the hours of 3:30 PM and 7:00 PM beginning in the month of July and ending no later than the month of October. Layout for the Market is attached at Exhibit A to this Resolution.
2. The Mayor and City Clerk shall execute an agreement, attached hereto as Exhibit B, with Bruce and Roxanne Schmidt to serve as Market Managers for the Hermantown Farmers' Market during 2015. The Vendor Application fee shall be waived for the Market Managers.
3. The City Council approves a budget not to exceed \$600.00 from the General Fund Budget, 101-452100-343 and directs Staff to acquire such signage and advertising for the Farmers' Market as deemed appropriate by the Market Managers
4. The following fees shall be collected from applicants seeking to act as vendors at the Market. Said fees shall be adopted into the City's fee schedule during the next regular update to the document.

Fees for 2015 Farmers 'Market – Full Season			
Seasonal			Type of site
\$125.00			grower's site
\$125.00			crafters site
\$125.00			food vendor site

5. City Staff is directed to collaborate with Market Managers to issue Vendor Permits for the Market.

Councilor Peterson introduced the foregoing resolution and moved its adoption.

The motion for adoption of such resolution was seconded by Councilor Koski, and upon a vote being taken thereon, the following voted in favor thereof:

Motion carried unanimously

and the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted.

Exhibit A – Market Layout



EXHIBIT B

**HERMANTOWN FARMERS' MARKET
2015 AGREEMENT**

THIS AGREEMENT made this ____ day of April, 2015 between the CITY OF Hermantown, St. Louis County, Minnesota ("City") and Bruce and Roxanne Schmidt, 84481 Denham Road, Willow River, MN 55795 ("Market Managers").

1. Location. The City of Hermantown has authorized a Farmers' Market ("Market") for the City Owned parking lot east of the Old City Hall building located at 5255 Maple Grove Road ("Old City Hall") for the purpose of conducting a farmers' market where vendors will offer agricultural goods and related merchandise for sale to the public. Substantial changes in the layout/format/duration of the Market will not be made by the Market Managers at any time without advanced notice to the City.
2. Dates and Hours of Event. The Market dates and hours are limited as follows:
 - 2.1 Mondays, beginning on July 6, through October 31 of the year 2015.
 - 2.2 Setup: 2:30 PM.
 - 2.3 Market: 3:30 PM to 7:00 PM
3. Status of Market Managers. Market Managers are acting as unpaid volunteers in connection with the Market. City agrees to designate them as volunteers under City's insurance policies.
4. Signs. Market signage shall be developed in coordination with the City.
5. Parking Lots. Market Managers are aware and will inform all vendors and event participants that staking into the asphalt, etc. is not allowed (any damage repair will be paid for by Market Managers).
6. Portable Toilets. The City will provide a portable toilet in proximity to the Market site at Fichtner Field for use of vendors and patrons throughout the period of their use.
7. Collection of Fees. Market Managers agree to collect fees for Vendors according to the fee schedule established from time to time by City. All such fees shall be the property of City. Market Managers shall promptly deliver all fees collected by them to City.
8. Implementation of Market Rules and Regulations. Market Managers shall be responsible for implementing the 2015 Farmers' Market Rules and Regulations ("Rules and Regulations") as such Rules and Regulations are adopted by City. Market Managers acknowledge receipt of the Rules and Regulations.

Approved by the City Council of the City of Hermantown.

CITY OF HERMANTOWN

By: _____
Wayne Boucher, Mayor

By: _____
Debbie Lund, City Clerk

MARKET MANAGERS

By: _____
Bruce or Roxanne Schmidt

Hermantown Area Farmers' Market

Hermantown, Minnesota

2015 Farmers' Market Rules and Regulations

1. NAME:

The Market shall be known as the Hermantown Area Farmers' Market ("Market") and will be owned and administered by the City of Hermantown, with delegated authority from the City Council of the City of Hermantown to City Administration ("Staff") and the Hermantown Park Board ("the Board").

2. PURPOSE:

The purpose of these rules and regulations, which are also intended to serve as a Vendors' handbook, is to describe the organization and administration of the Hermantown Area Farmers' Market and to detail the rules and regulations to be followed by the Board, City Staff, vendors, and management of the market. City Staff, the Market Manager, or the Board shall address any issue not anticipated by these rules and regulations

2.1. Mission Statement.

The Mission of the Hermantown Area Farmers' Market is to bring together families, neighbors, visitors, local food producers, and artisans to create a sense of community to enhance our quality of life and foster a sustainable local economy. We strive to support the increased consumption and access to fresh, healthy, and locally produced foods and other products offered by our neighbors serving culturally and economically diverse populations including children, the elderly, and families.

2.2. Goals.

- 2.2.1 Provide fresh, healthy locally produced foods and products with equal access to all community residents
- 2.2.2 Celebrate diversity of local produce and products
- 2.2.3 Educate people about better nutrition
- 2.2.4 Provide a marketing alternative for farmers, support local business people, and offer a community orientated marketplace

2.3 Vendor Rights. The Vendors as a whole should feel free to comment to the Hermantown Area Farmers' Market Staff and Board with respect to:

- 2.3.1 The overall management, operation and administration of the market.
- 2.3.2 The improvement of the market site and associated area.
- 2.3.3 The layout of the vendor's space, and other physical improvements.
- 2.3.4 The regulations of the market, including the hours of operation.
- 2.3.5 Designation of stall space.
- 2.3.6 Charging of market fees.
- 2.3.7 Housekeeping, rules, sanitation, and posting of signs and other matters.

2.3.8 The advocacy and support of the market and development of continuing advertising and promotional programs for the market.

3. MARKET ORGANIZATION

3.1 Location. East side of Old Hermantown City Hall at 5255 Maple Grove Road, Hermantown.

3.2 Hours. 3:30 PM until approximately 7:00 PM, or until vendors are completely sold out.

3.3 Dates. Beginning on or around the first week of July, occurring on the first Monday of each week. Continuing until mid-September, or as demand warrants.

3.4 Market Manager. Bruce and Roxanne Schmidt, 84481 Denham Road, Willow River, Minnesota, serve as Market Manager for the Hermantown Area Farmers' Market (herein, "Market Manager"). Market Manager supervises the operations of the Market. Market Manager will apply the rules and regulations of the market as detailed in the Vendors' Handout and will report violations to City Staff and the Board, as necessary. Market Manager may ask the Board to suspend a vendor for one or more dates based upon a documented violation of the rules. Market Manager has the authority, with cause, to request any Vendor or other person to leave the market operating area and, if necessary, to call the police for assistance. In consideration of the services provided by Market Manager to the Market, the City waives the Stall fee for Market Manager.

4. VENDOR'S MEMBERSHIP.

4.1 Prospective vendors (may apply for membership (herein, "Membership") on a form provided by the City of Hermantown. When Membership is approved by the City, vendors are then eligible for participation in the Market. Approved vendors shall be known as "Vendors".

4.2 Eligibility.

4.2.1 Participating Vendors granted Membership must have an accepted application on file, paid all necessary fees, and have signed a waiver of liability.

4.2.2 Liability insurance for selling at the market is strongly suggested for all Vendors.

4.2.3 All products sold at the market must be of good quality and must be grown /made/raised within a 60 mile radius of the City of Hermantown. The City, Board, Staff, and Market Manager are not responsible for product liability.

4.2.4 No wholesale distributors or non-producers are allowed to operate in the market.

4.2.5 Vendor selection and participation is based on a 4:1 ratio of fresh produce, meat, and egg to 'value added' vendors such as crafts.

4.2.6 Meat, eggs, dairy products, value-added, flowers, plants, and processed foods are allowed for sale at the market as long as they are properly processed and handled safely. Vendors selling these items must comply with state and local licensing and inspection requirements. Proof of compliance with all licensing and inspection requirements is and shall remain the responsibility of the Member.

- 4.2.7 All products must be held and dispensed under clean and sanitary conditions in accordance with local Health Department regulations.
- 4.2.8 The market does not provide electrical outlets for mechanical refrigeration. No generators allowed within the market area.

4.3 Vendor Participation.

- 4.3.1 Participation in the Market represents a defacto agreement to the rules and regulations of the Market.
- 4.3.2 Vendors must abide by the rules and regulations at all time.
- 4.3.3 Vendor conduct will be monitored by Market Manager, Staff, and the Board.
- 4.3.4 Vendor rights and privileges, including but not limited to participation in the Market, may be forfeited if these rules and regulations are not followed.

5. STALL POLICY

- 5.1 Stall dimensions must be obeyed and selling must be done in designated areas only.
- 5.2 All Vendors must have on hand at the market their City of Hermantown Farmers' Market Permit provided by the City of Hermantown that includes their name and address. Members may display additional temporary signage, within reason and subject to the requirements of the Hermantown Zoning Ordinance.
- 5.3 Vendors may arrive more than one hour before starting time.
- 5.4 Each Vendor is responsible for setting up their own stall space and display as well as for cleaning up their area at the close of the market. This includes the selling and parking spaces.
- 5.5 Vendors must notify Market Manager of planned attendance schedule and notify the Market Manager of all schedule changes.
- 5.6 Vendors may not rent sublet or rent their stall to any other party.
- 5.7 Vendors who miss three (3) market dates without notification to Market Manager ahead of time may be removed from the market for the remainder of the season without refund.
- 5.8 Vendors are responsible for providing their own tables, scales, change, bags, produce labels, trash container, and any canopy for sun or rain shelter.
- 5.9 Vendors who had annual stalls the previous year will have the option to renew the first for the next season, but must do so on or before the annual membership meeting.
- 5.10 Payment of a nonrefundable annual membership fee is due prior to any selling at the market to Market Manager or City of Hermantown offices.
- 5.11 The stall fees are included in the annual Membership fee, which is determined annually by the City of Hermantown.
- 5.12 Stall fees are set as annual fees, and shall be collected prior to participation. Single-date participation or fees shall be prohibited except as waived by Market Manager or Staff.

5.13 Fees are as follows:

Fees for 2015 Farmers' Market – Full Season			
Seasonal			Type of site
\$125.00			grower's site
\$125.00			crafters site
\$125.00			food vendor site

6. STANDARDS OF CONDUCT

- 6.1 New Vendor applications must be received at least **1** week before the intended market to allow for a reasonable processing time. Applications are reviewed for eligibility before vending privileges are granted.
- 6.2 Market opens at 3:30 PM. Vendors should be fully set-up prior to the market opening time.
- 6.3 Pets are not allowed in the Market area in concern for health and safety issues (service animals excepted).
- 6.4 The sale or giving away of animals on the Market grounds is prohibited.
- 6.5 Non-profit organizations/social clubs can apply to use a stall at no charge on a rotating weekly basis during the season.
- 6.6 Vendors that offer CSA (Community Sponsored Agriculture) shares may promote and distribute their shares at the market.
- 6.7 Discourtesy to patrons, obscene language, shouting or hawking is not permitted.
- 6.8 We adhere to and support the Minnesota Grown campaign policy.
- 6.9 For unique products, some exception to the rules may be possible with the approval of the market manager or otherwise stipulated in the market rules.
- 6.10 Each member determines the price of his or her products. The Market Manager may recommend the following:
 - 6.10.1 Vendors use local retail product prices as guides. Value added products may merit higher prices.
 - 6.10.2 Vendors avoid high prices since these are likely to reduce consumer interest.
 - 6.10.3 Vendors avoid low prices (dumping) since these will cause ill will among members, endanger the continued existence of the Market, and diminish the value of the products in the eyes of the consumer.
 - 6.10.4 The Hermantown Farmers Market will not discriminate against anyone because of race, color, creed, national origin, sex, age, disability, or sexual orientation.
 - 6.10.5 Should any questions arise regarding the observance of market rules and regulations; the Market Manager will review the questions and if necessary bring the information to Staff or the Board.
- 6.11 Grievance procedure.
 - 6.11.1 The Market Manger will immediately notify Vendor of rule violation followed by a written notification and request to comply with all rules and regulations.
 - 6.11.2 If compliance is not achieved, the Staff and Board will review the grievance and determine Membership eligibility. This is done in a reasonable timeframe.
 - 6.11.3 Cancellation of Membership results in forfeiture of Membership fees.

7. OPERATIONAL GUIDELINES AND REGULATIONS

- 7.1 Home processed and home canned foods must be in accordance with the "Pickle Bill" guidelines. *Pickle Bill – for information go to http://www.mda.state.mn.us/food/business/factsheets/picklebill.htm#_ftnref1 or <http://vm.cfsan.fda.gov/~comm/lacf-phs.ptml>
- 7.2 A Vendor wishing to sell a product as organic must follow the organic rules and guidelines and present proof of certification as an organic grower BEFORE posting an organic label on products to be sold.
- 7.3 To assure safety and high standards, Vendors are required to obtain any applicable city, county, state, or federal licenses. For example, food processors may need to be licensed and use a licensed kitchen with proof of licensing available.
- 7.4 Each Vendor is responsible for collecting any pertinent sale taxes
- 7.5 All Vendors must follow the rules as stated in the "Operational Guidelines for Vendors at the Farmers' Market" * Go to the Minnesota Department of Agriculture website for the "Operational Guidelines for Vendors at the Farmers' Market" www.mda.state.mn.us or http://www2.mda.state.mn.us/webapp/mngrown/mngrown_results.jsp
- 7.6 Perishable foods and on-site consumables must be produced and displayed according to all applicable health codes.
- 7.7 Each Vendor is responsible for any licenses, permits, health regulations, and sales tax obligations rising from the sale of his or her product.
- 7.8 If a product is sold by weight, a certified scale must be used that has been inspected and certified by the State of Minnesota. A scale is unnecessary when no produce is being sold by weight. *Information available on scales and certifications from the Minnesota Department of Public Services, Weights and measures Division, 2277 Highway 36, St. Paul, MN 55113-3800. Phone: 651-639-4010 or 651-639-4015

For additional information, contact Market Managers:

Bruce and Roxanne Schmidt
218-658-4860
bruceroxy@frontiernet.net

A program of the City of Hermantown
Approved by the Hermantown City Council on April 6, 2015