

AGREEMENT BETWEEN THE CITY OF NEWPORT AND THE LINCOLN COUNTY SMALL FARMERS ASSOCIATION

This agreement is between the City of Newport, an Oregon municipal corporation (City), and the Lincoln County Small Farmers Association (Association).

Recitals

- A. Association for years has operated a farmers market in Newport, on Saturdays, from May to October. The market is held on the lawn of the City Hall, adjacent to Angle Street, and on Angle Street between Highway 101 and 9th Street.
- B. The farmers market organized by the Association results in substantial benefit to the City of Newport by providing an attraction for local citizens and tourists and allowing produce, food products, and other items to be provided directly to the public by the producers of the products. Having a farmers market is in the best interest of the community.

Terms of Agreement

- 1. This agreement shall be effective when signed by authorized representatives of both parties, and will remain in effect until October 31, 2012.
- 2. City agrees to the closure of Angle Street between Highway 101 and 9th Street on Saturdays from 6:30 A.M. to 3:00 P.M., starting on May 12, 2012 and ending on October 31, 2012.
- 3. City agrees to provide "no parking" signs for Angle Street each Friday evening prior to the opening of the farmers market.
- 4. City agrees to allow Association to operate a farmers market on the closed area of Angle Street, and on the lawn areas of City Hall adjacent to Angle Street, on Saturdays, from 6:30 A.M. until 3:00 P.M., beginning on May 12, 2012 and ending on October 31, 2012. This allows for set-up and clean-up of the farmer's market. Actual public market hours are 9:00 A.M. until 1:00 P.M.
- 5. City agrees that the City Hall restrooms may be used by the public in association with the farmers market on Saturdays, from 6:30 A.M. until 2:00 P.M., starting on May 12, 2012. Access will be allowed only in the hall leading from the front doors of City Hall to the southwest entrance and in the restrooms. Association shall station a person within City Hall whenever it is open for public restroom use in association with the farmers market to assure that no one enters other portions of City Hall.
- 6. City shall not charge Association for the street closure, the use of lawn areas outside City Hall, or for use of the City Hall restrooms. Association shall maintain a City business license in effect at all times, and shall obtain and comply with any

required permits, including sign permits. Association shall be responsible for any damage to City property resulting from its operation of the farmers market, other than normal wear and tear.

7. Association will be responsible for setting the "street closed" signs no later than 6:30 A.M. on each Saturday of the market. Association will remove the signs on Saturday after the market. Signs and traffic devices will be set in locations directed by the Police Department. The signs and traffic devices must be maintained throughout the time that Angle Street is closed. Association will be responsible for storage of all signs, barricades, banners, etc. used to support the market. The City will provide a trailer for Association storage, and allow it to be parked in the City Hall parking lot.
8. Association will provide for the safe crossing of pedestrians on Highway 101 at Angle Street.
9. Association will reimburse the City the amount of \$300 to defray a portion of the lawn maintenance costs, and the costs of cleaning and supplies associated with the use of City Hall by the market.
10. Association shall not permit any person to use stakes to anchor tents, awnings, or displays, but shall use weights as necessary to anchor tents, awnings, and displays.
11. Prior to May 12, 2012, Association shall provide evidence that it maintains insurance and complies with the following provisions:
 - a. Insurance coverage limits - \$1 million combined single limit;
 - b. City listed as named insured on separate endorsement;
 - c. The Association's insurance is to be the primary insurance;
 - d. Ten days' notice to City of cancellation;
 - e. Certificate of insurance to be provided before market begins;
 - f. A new certificate will be required annually.
12. The agreement may be terminated by the City on 10 days notice if the City Council determines after a public hearing that the farmers market is no longer in the public interest or if the City determines that the Association is in violation of this agreement.
13. The City may terminate the right to use City Hall restrooms on 72 hours written notice, but shall designate an area where portable toilets may be placed by Association if it does so.
14. The Association will indemnify and hold the City harmless for any and all claims arising out of this agreement and any damages resulting therefrom, including but not limited to claims of personal or bodily injury or death, and property damage, whether arising from tort, contract, regulatory or other claim.

CITY OF NEWPORT



Jim Voetberg, City Manager

3/19/12

Date

LINCOLN COUNTY SMALL FARMERS ASSOCIATION



Debbie Gehlken, President

3/19/12

Date