Request for City Council Committee Action from the Departments of Community Planning and Economic Development - CPED and Public Works

Date: March 23, 2010

To: Council Member Lisa Goodman, Chair Community Development Committee

Council Member Sandy Colvin Roy, Chair Transportation and Public Works

Referral to: Council Member Betsy Hodges, Chair Ways and Means/Budget Committee

Subject: City Community Garden Lease Agreement Standards to Permit the Leasing

of "non-buildable and non-developable" City-Owned Properties for Community Gardens and the Delegation of Contracting Authority

Recommendation:

- 1. Adopt the attached resolution approving community garden lease agreement standards and delegating authority to the CPED Director and the Public Works Director or their respective designees to enter into standard form City Community Garden Lease Agreements for the leasing of non-buildable and non-developable City properties for community gardens.
- 2. Direct appropriate City staff to prepare a Procedure Document consistent with the Minneapolis Contract Monitoring Procedures Manual prior to any execution of the subject agreement.

Previous Directives:

In March 2004, the City Council approved a charter change regarding simplification of contract signatures. The change eliminated the signatures of the Mayor and City Clerk on contracts and allowed for delegation of contracting authority subject to Council-approved dollar and time limitations and City Attorney approval of forms.

In April 2004, the City Council approved the City of Minneapolis Real Estate Lease Policy authorizing the CPED Department Director with respect to City development properties and the City Engineer with respect to other City properties to enter into leases for less than one year terms of City properties not needed for City purposes. Leases for a term greater than one year require City Council approval.

In June 2004, the charter change went into effect and City ordinances were updated to reflect the simplification of contract signatures.

In April 2005, the City Council approved a resolution delegating authority to department heads or designees to enter into various form agreement contracts.

In June 2009, the City Council adopted City Resolution 2009R-283 "Recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods and Creating the Homegrown Minneapolis Implementation Task Force", directing City staff among other things to develop a community garden program that allows community organizations to lease non-developable city-owned properties for community gardens.

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Financial Impact

____ Financial impact: None

Community Impact

Neighborhood Notification: Each neighborhood group will be notified before a lease is executed for a community garden.

City Goals: In five years there will be plentiful green spaces, public gathering areas, celebrated historic architectural features and urban forests in Minneapolis; lakes, rivers and the soil and air will be clean; the city's parks and the Mississippi riverfront will be valued and utilized; opportunities to experience diverse cultures and the arts will abound; and usage of renewable energy will be increasing.

Sustainability Targets: Increase the number of block clubs

Comprehensive Plan: This action is consistent with the Comprehensive Plan

Zoning Code: Not Applicable

Living Wage/Business Subsidy Agreement Yes_____ No_X

Job Linkage Yes_____ No_X

Supporting Information

Pursuant to City Resolution 2009R-283, the City of Minneapolis has found that increasing the amount of healthy, sustainably produced, locally grown food being produced, distributed and consumed in Minneapolis is an important City goal. The City is committed to encouraging community gardens and other forms of agriculture within the city limits in order to grow, sell and easily obtain a consistent, adequate supply of fresh, local foods to increase food security and empower families and communities to be more healthy and self-sufficient. Resolution 2009R-283 also directs that the City explore the development of a community garden program for nonprofit organizations to lease non-developable City properties for community gardens. Councilmember Glidden along with City staff from the CPED Department, the Public Works Department and the Mayor's Office and in coordination with the nonprofit organization Gardening Matters, are working on a program for the leasing of non-buildable and non-developable City properties for community gardens. In order to implement the leasing of City properties for community gardens, it is recommended that the City Council adopts the following Community Garden Lease Standards:

- 1. Only non-buildable and non-developable City properties will be made available for community gardens.
- 2. Only nonprofit organizations can lease a City property for a community garden.

- 3. Community garden leases may be made for lease periods from one to five years depending on the experience of the organization.
- 4. The City will collect a community garden lease fee of \$1.00 per year, an administrative fee of \$25.00 per lease and a refundable damage deposit of \$250.00.
- 5. Accessory buildings and improvements may be permitted pursuant to the City's Building Code and Zoning Code community garden requirements.
- 6. Soil testing for all garden lots is required before entering into a Community Garden Lease.
- 7. Clean-fill raised bed gardens will be used, where required by soil testing.
- 8. In residential areas garden hours will be between 8:00 am and 10:00 pm.
- 9. No on-site parking will be allowed on garden lots.
- 10. Garden lots will be maintained year-round, including sidewalk snow removal.

In order to lease non-buildable and non-developable City-owned properties for community gardens, the CPED and Public Works Departments' staff have asked the City Attorney's Office to prepare a standard form City Community Garden Lease. The attached City Community Garden Lease is consistent with City Resolution 2009R-283, the Community Garden Lease Standards and with the 2005 City Council authorization establishing a protocol for delegating contracting authority to various departments to enter into standard format contracts.

The requisite information for the City Community Garden Lease includes:

- Title: City Community Garden Lease.
- Usage: Leasing City owned properties that are non-developable and nonbuildable to nonprofit organizations for use as community gardens in accordance with the City's Homegrown Minneapolis initiative and City Resolution 2009R-283.
- Required Signatures: CPED Department Director or Designee for City development properties or Public Works Department Director, City Engineer or Designee for all other City-owned properties.
- Dollar Limits: \$280.00 (Includes: \$1.00/year for up to five years, \$25.00 administrative fee and \$250.00 refundable damage deposit).
- Maximum Term: 5 years.

Procedures:

The City Community Garden Lease will be used on a case-by-case basis when deemed appropriate by the CPED Department Director or the Public Works Department Director.

The nonprofit organization requesting to lease a City-owned property for a community garden is responsible for providing City staff with the necessary information and resources to enable the City to approve and lease a "non-buildable, non-developable" City-owned property for a community garden. No additional training is necessary because responsible City staff have the skills required to approve and lease City-owned property for a community garden. A procedures document that is consistent with the City of Minneapolis Professional Services Procurement and Contract Monitoring Procedures Manual will be prepared by appropriate CPED Department and Public Works Department staff prior to execution of the standard form agreement. The CPED Department Director or his designee, or the Public Works Department Director or his designee, will notify City Council members and the appropriate neighborhood group where the CPED Department or Public Works Department is considering entering into a City Community Garden Lease for a community garden in their wards or neighborhoods. The CPED Department Director and the Public Works Department Director will be notified when the document is completed and the standard form agreement and procedures will be posted on the City intranet.

Resolution Delegating authority to make and execute City Community Garden Lease form contracts.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

Pursuant to City Charter chapter 4, section 25, the City Council hereby delegates authority to the CPED department director or designees for city development properties and to the Public Works department director, the city engineer or designees for all other city owned properties, to make and execute community garden leases with nonprofit organizations for non-buildable and non-developable city-owned properties, at no cost to the City, for a term not to exceed five years using a form approved by the City Attorney.