

CITY COUNCIL
COMMUNICATION:
N:

02-603

AGENDA:

NOVEMBER 18,
2002

SUBJECT:

28E AGREEMENT
- DRAKE
MUNICIPAL
OBSERVATORY

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

DONALD M.
TRIPP
PARK AND
RECREATION
DIRECTOR

ITEM 70

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Approve a 28E Agreement between Drake University and the City of Des Moines that establishes the responsibilities and duties of each agency for the operation and shared maintenance of the Drake Municipal Observatory.

FISCAL IMPACT —

Several improvements to the Observatory have been made over the past two years with a combination of City Capital Improvement Program (CIP) funds in the amount of \$275,000 and Drake University Capital Improvement Program funds in the amount of almost \$70,000. A gift from Mattie Levitt in the amount of \$150,000 was accepted by Drake to pay for existing and future repairs to the interior of the building. Additionally, numerous in-kind donations (totaling approximately \$30,000) were solicited and accepted by Drake to replace such items as a boiler, electrical equipment, carpet, etc. If the 28E Agreement is approved, future expenditures will be required of both agencies as outlined in the Agreement for further interior and exterior repairs and maintenance. Cost Estimate for FY04-06 for the City of Des Moines is approximately \$125,000 while the cost estimate for Drake is approximately \$25,000. Total estimated cost, \$150,000.

RECOMMENDATION —

Approval.

BACKGROUND —

While the City of Des Moines is the owner of the Drake Municipal Observatory, the City has allowed Drake University to use the Observatory and equip the building for observatory purposes. This agreement is based upon the condition that the site and equipment be open to the public at reasonable times and under reasonable rules with the City having responsibility for maintaining the Observatory building and Drake performing minor maintenance, supplying equipment and providing an astronomer for public lectures and demonstrations. Although no written understanding has previously been employed, both Drake and the City have historically cooperated to develop, improve, repair and maintain

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the Observatory for the benefit of the students at Drake and the citizens of Des Moines.

Generally, the City's responsibility will include all exterior improvements and repairs while Drake's responsibility will include all interior improvements and repairs. In the Spring of FY'99, the City paid for a consultant to assess needed repairs to the Observatory, and such consultant issued a report on October 4, 1999 titled, "The Drake Municipal Observatory Historic Structures Report. Subsequently, Drake and the City each agreed to specific "immediate" and "short-term" requirements for action as set forth in the Report and summarized in Exhibit "B" (attached to the roll call) of the 28E Agreement. Additionally, Drake was given responsibility to provide all program elements at the Observatory.

With no official written agreement to guide them, both the City and Drake have worked cooperatively the past two years to complete many of the necessary "immediate" and "short-term" repairs as well as evaluate the proposed "long term" repairs. To date, only a few of each agency's "immediate", "short-term", and "long term" tasks remain unfinished. As listed in Exhibit B, the City of Des Moines must yet complete "immediate" item #7 (re-point damaged mortar and exterior stonework), "short term" items #4 (roof replacement/repair over east and west wings) and #5 (replace roof railings), and "long term" item #3 (window replacements). Drake must complete "immediate" items #11 (hazardous materials survey), #12 (life safety survey), and #18 (install fire detection system), "short term" item #8 (storage options for artwork and artifacts), and "long term" item #5 (repairs and improvements to the main telescope). Each party agrees to complete these tasks during the term of this Agreement.

The term of this Agreement shall be in force from July 1, 2000 (the start of repairs for "immediate" and "short-term" repairs) until December 31, 2005, with an option to renew for additional two year terms unless either party submits its intention to terminate the Agreement not less than 30 days prior to the end of the initial or a renewal period. A renewal agreement will address the need to review and complete any remaining "long term" requirements as listed on Exhibit B.

The Board of Regents of Drake University unanimously approved the 28E Agreement on October 5, 2002.

