



**Council**  
**Communication**  
Office of the City Manager

<b>Date</b>	June 18, 2007
-------------	---------------

<b>Agenda Item No.</b>	<u>39</u>
<b>Roll Call No.</b>	<u>07-</u>
<b>Communication No.</b>	<u>07-370</u>
<b>Submitted by:</b>	<b>Donald M. Tripp,</b> <b>Park and Recreation Director</b>

**AGENDA HEADING:**

Approving the Agreement between the City and Blank Park Zoo Foundation for the donation and installation of the "Kids Kingdom" Creative Play Structure at the A. H. Blank Park Zoo.

**SYNOPSIS:**

Approving the Agreement between the City and the Blank Park Zoo Foundation for the donation and installation of the "Kids Kingdom" Creative Play Structure at the A. H. Blank Park Zoo. The "Kid's Kingdom" creative play structure is the result of the Greater Des Moines Leadership Institute's (GDMLI) 2007 Leadership Class selecting as their class project the donation and installation of a creative play structure at the Blank Park Zoo.

**FISCAL IMPACT:**

Amount: \$174,251

Funding Source: Private Donations. The Blank Park Zoo Foundation will fund the project with donations in the amount of \$174,251. No city funds will be used.

**ADDITIONAL INFORMATION:**

The play structure is located within the current Zoo Contact Area and is consistent with the Zoo Foundation's Master Plan. The Zoo Foundation has contracted with Leathers Associates of Ithaca, NY, for the design and construction oversight of the project. Leathers specializes in community built play structures that have custom designs and are built on-site using volunteer labor. Leathers has 30 years of experience with 1,600 projects to date.

The Leadership Class has secured private donations of cash and in-kind services and recruited volunteers for construction of the \$174,251 project. No city funds will be used.

On February 16, 2005, City Council approved the 28E Operational Agreement with the Blank Park Zoo Foundation. This Agreement requires the Zoo Foundation to secure city approval for projects with a construction cost greater than \$15,000. The Foundation must secure approval of the City Manager and the City Engineer, and contractors must comply with the City's private construction contract, insurance and bond requirements, and receive City Council approval.

Since this play structure is being built with donated funds and voluntary labor, there will not be any contractor constructing the project; and therefore it is impossible to execute a private construction

contract since there is no contractor. As a result, the terms of the 28E Operational Agreement do not apply. Therefore, the City Engineer recommends that a separate agreement between the parties be prepared for this construction, rather than a private construction contract, with the construction supervision and approval to be handled by the Park and Recreation Department as a condition of acceptance by the City.

A similar Agreement was approved by Council on September 13, 2004. City Council approved the Memorandum of Understanding Regarding M. L. King Jr. Park Playground Equipment, with Rebuilding Together, Inc., an Iowa non-profit corporation, which provided for a charitable contribution of funds and volunteer labor for the donation and installation of playground equipment at M. L. King, Jr. Park.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: February 16, 2005

Roll Call Number: 05-376

Action: Approving the Blank Park Zoo 28E Operational Agreement. Moved by Brooks to adopt. Motion Carried 6-1.

Date: September 13, 2004

Roll Call Number: 04-1916

Action: Agreement with Rebuilding Together to provide for the donation and installation of playground equipment in M. L. King Jr. Park. Moved by Vlassis to adopt. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Date: May 16, 2007

Roll Call Number: N/A

Action: Access Advisory Board recommends approval for ADA Compliance.

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Annual inspections by the Park and Recreation Department for compliance with maintenance standards.