

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> September 25, 2017
	<b>Agenda Item No.</b> 39 <b>Roll Call No.</b> <u>17-1664</u> <b>Communication No.</b> <u>17-666</u> <b>Submitted by:</b> Benjamin R. Page, Park and Recreation Director

**AGENDA HEADING:**

Approval of 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, located in Waveland Golf Course, 4908 University Avenue.

**SYNOPSIS:**

Recommend approval of a 28E Agreement between Drake University and the City of Des Moines for the operation and maintenance of the Drake Municipal Observatory for a term of five (5) years with the option to renew two (2) additional 5-year terms.

**FISCAL IMPACT:**

Amount: Operating expenses charged to the City will be minimal and will depend on snow events that require snow removal. There are no capital repairs to the building budgeted now, but if repairs are needed, the Municipal Buildings Capital Improvement Program (CIP) will fund the work.

Funding Source: Fiscal Year (FY) 2018 Operating Budget, Park and Recreation Department, Horticulture Maintenance, G001 PK200226, page 154. FY 2018 CIP Plan, Municipal Building Improvements, Municipal Building Improvements, C034PK99 BLD085, page 9.

**ADDITIONAL INFORMATION:**

- The Drake Municipal Observatory was made possible by the cooperation of the City of Des Moines and Drake University. The City furnished the land and the funds to build the observatory and Drake furnished the scientific instruments, displays, and staff. Drake provides the 8½-inch refracting telescope which was built in 1894 and donated to the University by Francis Marion Drake. The observatory was constructed in 1920-21.
- 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 and educational 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.

- The City hired a structural engineering consultant in 1999 to assess the condition of the building and make recommendations on immediate concerns, short-term requirements and long-term requirements. Most of the items in this report have been completed except for some on-going requirements of both parties to continue an inspection and maintenance program. The City will also be responsible for replacing and repairing doors and windows when needed. Drake will be responsible for updating the data/communication system and making repairs to the main telescope.
- The Agreement spells out that the City will:
  - Be responsible for all exterior improvements and repairs
  - Be responsible for exterior maintenance
  - Be responsible for snow removal
- The Agreement spells out that Drake will:
  - Be responsible for all interior improvements and repairs
  - Provide interior maintenance and repairs
  - Maintain all scientific equipment
  - Provide all program elements at the Observatory
- The Agreement spells out that both parties will:
  - Mutually agree to all construction, improvement and/or repair and maintenance activities, including scheduling of work
  - Agree to complete their respective work identified in Exhibit B during the initial term of this Agreement

**PREVIOUS COUNCIL ACTION(S):**

Date: November 18, 2002

Roll Call Number: 02-2756

Action: 28E Agreement between Drake University and the City that establishes the responsibilities and duties of each agency for the operation and shared maintenance of the Drake Municipal Observatory. (Council Communication No. 02-603). Moved by Vlassis to approve. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE****ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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