

Date January 11, 2010

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,641 passed April 9, 2009 by amending Section 74-179, regarding fees for the use of Western Gateway Park.

which was considered and voted upon for the first time under Roll Call No. 09-2207 of December 7, 2009, and considered and voted upon for the second time under Roll Call No. 09-2305 of December 21, 2009, again presented.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRIESS				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor


**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	December 7, 2009
	<b>Agenda Item No.</b> 44 <b>Roll Call No.</b> 09-207 2305 <b>Communication No.</b> 09-858 <b>Submitted by:</b> Donald M. Tripp, Director of Park and Recreation	

**AGENDA HEADING:**

Amending Chapter 74-179 of the City Code regarding fees for the use of Western Gateway Park.

**SYNOPSIS:**

Recommend approval of amending Chapter 74-179 of the City Code to amend the rental fees for use of Western Gateway Park.

**FISCAL IMPACT:**

Amount: Rental income estimated between \$15,000 and \$45,000 annually.

Funding Source: Funds from private rentals to be deposited into Operating Budget, Downtown Maintenance, GE001, PKS070300, page 187.

**ADDITIONAL INFORMATION:**

On November 19, 2009, the Des Moines Park and Recreation Board voted to approve a recommendation to the Des Moines City Council to amend the fees and charges for rental uses within "Western Gateway Park" including the John and Mary Pappajohn Sculpture Park.

With the completion of the John and Mary Pappajohn Sculpture Park, staff has researched and evaluated the potential fees for rentals within Western Gateway Park as the City is receiving numerous calls for social gatherings, weddings, etc. Staff has researched area venues including the Des Moines Art Center and Salisbury House for comparable purposes.

The Des Moines Art Center for their Lobby/Reflecting Pool area are \$1,800 for a non-profit and \$2,000 for a non-member. This fee provides for exclusive use of the rented space, security and maintenance fees. The Salisbury House charges are based on the number of guests with a cost of \$2,500 for a four hour wedding ceremony, which does provide for exclusive use of the space and access to the mansion.

In evaluating the lay-out of the John and Mary Pappajohn Sculpture Park and the other blocks within Western Gateway Park, staff is recommending that space within Western Gateway Park shall be rented by each space/"room" or lawn area. The spaces include the block between 10<sup>th</sup> and 11<sup>th</sup> (Library) and 11<sup>th</sup> and 12<sup>th</sup> (Pappajohn Higher Ed Center) and the rooms consist of the sculpted lawn areas within the John and Mary Pappajohn Sculpture Park (e.g. Nomade, T8, Back of Snowman (Black & White), etc.)

Park events where general recreational use of a portion of the park is limited to the general public shall be charged the following fees and charges. The park shall at all times be open to the general public.

**Recommended Fee Schedule**

Item	Fee	Date Due
Facility Use Outdoor rooms	\$1,500 / half-day (6 hours)	25% deposit at booking, balance due 15 days prior to event
Facility Use Outdoor rooms	\$3,000 / day (during park hours)	25% deposit at booking Balance due 15 days prior to event
Facility Use (lawn areas)	\$500 / day (during park hours)	25% deposit at booking, balance due 15 days prior to event
Set-up/tear down (rooms)	\$500 / half-day (6 hours)	Does not include hours when park is closed
Set-up/teardown (lawn)	\$100 / half-day (6 hours)	Does not include hours when park is closed
Clean up if required by City	\$40.00 / hour per staff position	Billed to event after event
Seeding if required	\$3.00 / square yard	Billed to event
Sodding if required	\$10.00 / square yard	Billed to event
Repair of Damage	Actual cost for replacement	Billed to event

**PREVIOUS COUNCIL ACTION(S):**

Date: March 12, 2007

Roll Call Number: 07-476

Action: Amending Chapter 74 of the Municipal Code regarding rental fees at the park between 10<sup>th</sup> and 15<sup>th</sup> Streets and Grand and Locust. (Council Communication No. 07-148) Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1.

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

Date: November 19, 2009

Action: Approved recommended fee schedule for use of "Western Gateway Park".

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,641 passed April 9, 2009 by amending Section 74-179, regarding fees for the use of Western Gateway Park.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,641 passed April 9, 2009 is hereby amended by amending Section 74-179 regarding fees for the use of Western Gateway Park, as follows:

**Sec. 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street - rentals.**

Item	Fee
Facility Use - For Profit Activities	\$500.00/half day (4 hours)
Facility Use - For Profit Activities	\$1,000/day
Facility Use - Non-Profit Activities	\$250.00/half day (4 hours)
Facility Use - Non-Profit Activities	\$500.00/day
Clean up	\$40.00/hour per staff position
Seeding	\$3.00/square yard
Sodding	\$10.00/square yard
Damage	Actual cost for replacement

Item	Fee	Date Due
Facility Use Outdoor rooms	\$1,500/half day (6 hours)	25% deposit at booking, balance due 15 days prior to event
Facility Use Outdoor rooms	\$3,000/day (during park hours)	25% deposit at booking, balance due 15 days prior to event
Facility Use (lawn areas)	\$500/day (during park hours)	25% deposit at booking, balance due

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		<u>15 days prior to event</u>
<u>Set-up/tear down (rooms)</u>	<u>\$500/half day (6 hours)</u>	<u>Does not include hours when park is closed</u>
<u>Set-up/tear down (lawn)</u>	<u>\$100/half day (6 hours)</u>	
<u>Clean up if required by City</u>	<u>\$40/hour per staff position</u>	<u>Billed to event after event</u>
<u>Seeding if required</u>	<u>\$3/square yard</u>	<u>Billed to event</u>
<u>Sodding if required</u>	<u>\$10/square yard</u>	<u>Billed to event</u>
<u>Repair of Damage</u>	<u>Actual cost of replacement</u>	<u>Billed to event</u>

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney