



Roll Call Number

Agenda Item Number

32

Date March 23, 2009

An Ordinance entitled, "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. 13,887 passed November 20, 2000, and Ordinance No. 14,063 passed March 18, 2002, and Ordinance No. 14,193 passed December 18, 2002, and Ordinance No. 14,217 passed March 24, 2003, and Ordinance No. 14,423 passed March 28, 2005, and Ordinance No. 14,525 passed December 19, 2005, and Ordinance No. 14,737 passed January 7, 2008, and Ordinance No. 14,771 passed June 9, 2008 by amending Section 74-182 thereof, establishing rental fees for the Martin Luther King Jr. Shelter",

which was considered and voted upon for the first time under Roll Call No. 09- 324 of February 23, 2009, and considered and voted upon for the second time under Roll Call No. 09- 402 of March 9, 2009, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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;">Council Communication Office of the City Manager</p>	Date	February 23, 2009
	Agenda Item No. 52 Roll Call No. 09- 374 Communication No. 09-098 Submitted by: Donald M. Tripp, Director of Park and Recreation	

AGENDA HEADING:

Martin Luther King Jr. Shelter fees, Martin Luther King Park, East 17th and Garfield – Chapter 74 City Code.

SYNOPSIS:

Approval of fee recommendation from the Park and Recreation Board for the newly constructed Martin Luther King Jr. Shelter.

FISCAL IMPACT:

Amount: \$1,500 (Estimated revenue from rentals)

Funding Source: FY2010 Recommended Operating Budget, revenues to be deposited in Park and Recreation Department, Horticulture Zone 2, East, Page 190, GE001, PKS070420.

ADDITIONAL INFORMATION:

On January 27, 2009, the Des Moines Park and Recreation Board approved a recommendation to establish rental fees for the use of the recently completed Martin Luther King Jr. (MLK) Shelter for private rentals.

The Master Plan for MLK Park (adopted December 1999) included an open-air shelter adjacent to the new wading pool, and an attached enclosed all-season shelter.

City staff has held several meetings with Polk County staff and with the Polk County Board of Supervisors to discuss design, review plans, and work out an agreed upon budget for the construction, management, and maintenance of the combined Polk County Congregate Meals site and the City Park and Recreation Department's enclosed picnic shelter. Provisions of the 28E Agreement which was approved by the Des Moines City Council on July 23, 2007 include:

- 1) The facility when completed will be jointly owned by both parties.
- 2) The agreement continues in effect through June 30, 2057 and may be extended for a renewal period of twenty-five years.
- 3) The City and Polk County will each provide a maximum of \$550,000 in funding or 50% of the cost, whichever is less. The City, however, shall have the right to reject all bids which exceed the cost of the total of \$1,100,000 and work with Polk County to change the

specifications to bring the total cost within the \$1,100,000 limit, or the parties may mutually agree to provide more funding.

- 4) The City shall manage the construction of the facility.
- 5) Polk County shall have exclusive use of the facility as a Senior Congregate Meal site Monday through Friday from 8:00 a.m. – 3:00 p.m.
- 6) Any revenue generated by the use of the facility will off-set the operating expenses equally shared by each party.
- 7) The County and City shall each pay 50% of the annual operating expenses, including utilities, custodial care, general repairs, and major structural repair and improvements.
- 8) Upon termination of the agreement, for reason(s) stated in the agreement, the City may assume sole ownership of the facility upon payment to the County of an amortized amount as reimbursement of the County's initial contribution to the facility's construction. How ownership would be handled upon termination of the agreement is still a matter of negotiation.

Polk County took occupancy of the building in November 2008, using the site for their congregate meal program. In an effort to provide a private rental component for the neighborhood during the weekday evenings and on the weekends, staff is recommending the following fee schedule as it is comparable to the current rates being charged at the City's Community Center locations. The recommended fee schedule as a part of Chapter 74 of the City Code is detailed below:

\$25.00 per hour for the first two hours (minimum requirement);
\$20.00 for the third hour; and
\$15.00 for each hour thereafter.

Examples:

Two-hour rental	\$50.00
Three-hour rental	\$70.00
Four-hour rental	\$85.00

The proposed fee schedule is priced a little lower than the fees for a multipurpose room at one of the City's Community Centers and is in line with the fees established by Polk County for their other congregate meal site locations that they control as this site is more similar to those facilities than that of an enclosed shelter within the park system.

PREVIOUS COUNCIL ACTION(S):

Date: July 23, 2007

Roll Call : 07-1467

Action: Intergovernmental 28E Agreement with Polk County for construction, management and maintenance of Martin Luther King, Jr. Park Shelter. (Council Communication No. 07-451) Moved by Mahaffey to approve. Motion Carried 7-0.

Date: June 19, 2006

Roll Call : 06-1175

Action: M. L. King, Jr. Park Shelter – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$350,000). (Council Communication No. 06-368) Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: January 27, 2009 Park and Recreation Board Meeting

Roll Call Number: N/A

Action: Approved recommendation to the Des Moines City Council to establish fees for the rental of the Martin Luther King Jr. Shelter.

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. 13,887 passed November 20, 2000, and Ordinance No. 14,063 passed March 18, 2002, and Ordinance No. 14,193 passed December 18, 2002, and Ordinance No. 14,217 passed March 24, 2003, and Ordinance No. 14,423 passed March 28, 2005, and Ordinance No. 14,525 passed December 19, 2005, and Ordinance No. 14,737 passed January 7, 2008, and Ordinance No. 14,771 passed June 9, 2008 by amending Section 74-182 thereof, establishing rental fees for the Martin Luther King Jr. Shelter.

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. 13,887 passed November 20, 2000, and Ordinance No. 14,063 passed March 18, 2002, and Ordinance No. 14,193 passed December 18, 2002, and Ordinance No. 14,217 passed March 24, 2003, and Ordinance No. 14,423 passed March 28, 2005, and Ordinance No. 14,525 passed December 19, 2005, and Ordinance No. 14,737 passed January 7, 2008, and Ordinance No. 14,771 passed June 9, 2008, is hereby amended by amending Section 74-182 establishing rental fees for the Martin Luther King Jr. Shelter, as follows:

Sec. 74-182. Lodge, park shelter and other park rentals.

Fees for lodges, park shelter and other park rentals shall be as follows:

- (1) *Waveland Lodge*. Available October 1 through Christmas for non-golf functions and evenings on a limited basis January 1 through March 31, per hour - \$40.00
- (2) *Sylvan Theater* (electricity \$15.00 extra)
 - a. Fee Based Event - \$750.00 for 1/2 day (sunrise to 1:00 or 2:00 to sunset)
 - b. Weddings/Private Parties - \$300.00 first two hours (minimum) - \$150.00 each additional hour

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- (3) Garden reservation fee. For one-hour session, must specify garden area:
 - a. Clare and Miles Mills Rose Garden:
\$300.00 first two hours (minimum) - \$150.00 each additional hour
 - b. Union Formal Garden: - \$15.00
- (4) Shelter houses. Unless otherwise specified, shelter houses are reserved by session from 10:00 a.m. to 3:00 p.m.; or 4:00 p.m. to 9:00 p.m.
 - a. Enclosed Shelters (Greenwood, Pioneer, MacRae and Union): - \$40.00 per session
 - b. Birdland and Grandview South: - \$60.00 per session
 - c. Martin Luther King Jr. Shelter - \$25.00 per hour for the first two hours (minimum requirement)
\$20.00 for the third hour
\$15.00 for each hour thereafter
(above session times do not apply)
 - ed. Open air shelters (reserved for only one group per day): - \$30.00
- (5) Cabins. Overnight at Ewing Scout Camp, cabin III, weekends only, per night - \$40.00
- (6) Special service fees:
 - a. Transport, set up, remove bleachers (two sets) - \$150.00
- (7) Miscellaneous:
 - a. Electric permit - \$25.00
 - b. Commercial photography (per day):
 - 1. Still photography - \$25.00
 - 2. Movie and television photography - \$50.00
 - c. Equipment rental:
 - 1. Priced \$2.00 to \$12.00 per item
 - 2. Late fee for each day late - \$5.00
- (8) Wading pool rental. Available during playground season only, per hour (minimum three hours) - \$20.00

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