



Date January 14, 2019

RESOLUTION APPROVING AGREEMENT FOR SHARING OF GAMING REVENUE

WHEREAS, by Roll Call No. 04-1610 of July 26, 2004, the City Council authorized execution of an Agreement for Sharing of Gaming Revenue by and among Polk County ("Polk County"), a precursor entity (RACI) to Prairie Meadows, which is a non-profit corporation doing business in Altoona, and The City of Des Moines (the "City"), with a subsequent Roll Call 11-1404 of August 8, 2011 approving a new Agreement to extend such sharing; and

WHEREAS, effective in December, 2018, Prairie Meadows and Polk County entered into a new Lease Agreement (the "Lease") wherein Polk County, as landlord, leased to Prairie Meadows, as tenant, the land and improvements (the "Premises") in Altoona whereon Prairie Meadows conducts its Gaming business; and

WHEREAS, because of the various factors noted above, Prairie Meadows and Polk County believe it to be in their mutual best interests, and the best interests of the taxpayers of Polk County, that no other gaming operator conducts business in the City or in Polk County and the City is not in disagreement with such a position, provided the City receives adequate revenues to compensate it foregoing attraction of an additional gaming operator in the City; and

WHEREAS, Prairie Meadows and Polk County are willing to share with the City some of the revenue generated by Prairie Meadows as hereinafter more particularly set forth and the City believes it and its citizens are better served by entering into the Agreement on file in the Office of the City Clerk ("Agreement"), and realizing the revenues assured herein rather than pursuing the speculative and uncertain revenues, if any, of any other gaming operator, but subject to new limits and potential Agreement-reopening identified in the Lease and Agreement; and

WHEREAS, the City has consistently spent the monies previously received from Prairie Meadows and Polk County on street and bridge maintenance and reconstruction projects and intends that monies from the Agreement be similarly earmarked for street and bridge maintenance and reconstruction projects, and other purposes necessary for the provision of essential services and development of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Agreement, on file in the Office of the City Clerk, is hereby approved and the Mayor is authorized and directed to execute such document on behalf of the City and the City Clerk is directed to attest to the Mayor's signature.

(Council Communication No. 19-025)

APPROVED AS TO FORM Moved by _____ to adopt.

Handwritten signature of Jeffrey D. Lester

Jeffrey D. Lester, City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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