

Date September 23, 2019

**APPROVING AMENDMENT TO CHAPTER 28E AGREEMENT AND
NEW 28E BETWEEN THE CITY OF DES MOINES, IOWA AND THE
BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES**

WHEREAS, the City of Des Moines ("City") and the Board of Water Works Trustees of the City of Des Moines ("Water Works") have been in discussions concerning the Des Moines Blank Park Zoo ("Zoo") and related issues for some time and have come to an agreement to resolve such discussions by adoption of an Amendment to the 28E Agreement approved by the City Council on August 10, 2009, entered into by and between the City and Water Works on August 10, 2009 and filed with the Secretary of State of the State of Iowa as 28E Agreement M502672 on August 12, 2009 and recorded with the Polk County Recorder on September 10, 2009 at Book 13200 at Pages 213-238 (the "28E Agreement"); and

WHEREAS, the Amendment to the 28E Agreement makes numerous additions and changes to the 28E Agreement, including for payment by the Zoo for water charges on a sliding scale, capped at 20% of such charges, elimination of water charges assessed to the Zoo prior to July 1, 2019, the elimination or reimbursement of sewer charges for certain Water Works' offices not producing byproducts, dedication of real property for Water Works exclusive use and enjoyment, elimination of Water Works tap on fees for City projects and developments.

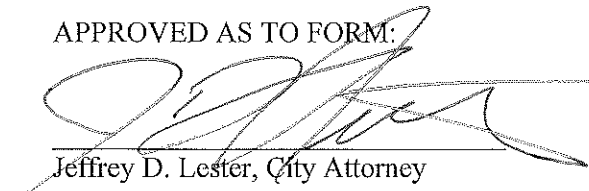
NOW, THEREFORE, BE IT RESOLVED by the Des Moines City Council that it hereby approves:

1. The Amendment to the Chapter 28E Agreement Between the City of Des Moines, Iowa and the Board of Water Works Trustees of the City of Des Moines, Iowa above referenced and authorizes and directs the Mayor to execute the Amendment to the 28E Agreement and the City Clerk to attest to his signature.

2. The City Clerk is authorized to file the Amendment and Agreement with the Secretary of State and the Polk County Recorder.

APPROVED AS TO FORM:

Moved by _____ to adopt.



Jeffrey D. Lester, City Attorney

(Council Communication No. 19-412)

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