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Date ..... February 10, 2020 .....

APPROVAL OF PAYMENT TO GREATER DES MOINES BASEBALL CO. FOR  
INSTALLATION OF PROTECTIVE NETTING AT PRINCIPAL PARK

WHEREAS, the City of Des Moines and Greater Des Moines Baseball Co. (Iowa Cubs) entered into a Lease Agreement as of August 26, 1991, an Addendum to Lease Agreement as of September 13, 1999, an Amendment dated August 23, 2004, a Second Amendment dated October 9, 2006, a Third Amendment dated April 7, 2008, and a Fourth Amendment dated February 20, 2017, under which Lessee was granted a lease of the premises described in the Lease, and commonly referred to as Principal Park, f/k/a Sec Taylor Stadium, the team clubhouse building and surrounding parking lots and grounds (collectively the "Lease Agreement"); and

WHEREAS, the Lease Agreement has a term ending on December 31, 2027, with two additional 5-year options to renew; and

WHEREAS, the Iowa Cubs desire to install protective netting surrounding the field to be in compliance with safety standards, which project is estimated to cost \$69,000 and the Iowa Cubs have requested that the City pay the installation costs, estimated to be \$44,000; and

WHEREAS, Section 8.a.3 of the lease agreement requires the City to furnish and/or bear the costs of capital improvements that the City deems to be reasonable, necessary, and commensurate with the City's overall financial condition and ability to make such capital investments; and

WHEREAS, the Parks and Recreation department has determined that such project meets that standards under Section 8.a.3 of the lease agreement and recommends that the City provide up to \$44,000 as reimbursement to the Iowa Cubs for the actual cost of the installation of the safety netting, subject to receipt of sufficient documentation showing the project installation amount spent by the Iowa Cubs, receipt of lien waivers from the contractor and subcontractors on the project, and the City's determination that the project was completed in substantial compliance with the project plans.

★ Roll Call Number

Agenda Item Number

28

Date February 10, 2020

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Council hereby approves the payment of up to \$44,000 as reimbursement to the Iowa Cubs for the actual cost of the installation of safety netting, subject to receipt of sufficient documentation showing the project installation amount spent by the Iowa Cubs, receipt of lien waivers from the contractor and subcontractors on the project, and the City's determination that the project was completed in substantial compliance with the project plans.

(Council Communication No. 20-046)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

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

MOTION CARRIED APPROVED

**CERTIFICATE**

I, P. Kay Cmelik, 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.

\_\_\_\_\_  
Mayor

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