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Date April 24, 2023

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT WITH
IOWA STATE HISTORIC PRESERVATION OFFICE REGARDING
DEMOLITION AND FUTURE IMPROVEMENTS AT FORT DES MOINES**

WHEREAS, the City of Des Moines owns and controls the property locally known as the Fort Des Moines Military Reservation on the southside of the City (“Fort Des Moines”), which campus was designated a National Historic Landmark District in 1974, and which property and buildings and improvements thereon are encumbered by Historic Preservation Covenants contained in the deed granting Fort Des Moines to the City; and

WHEREAS, said Covenants require the express prior written permission of the Iowa State Historical Preservation Office (SHPO) by signature of a fully authorized representative thereof prior to construction, alteration, remodeling, disturbance of the ground service, or other similar work that would affect the structural integrity or appearance, cultural use, or archeological value of Fort Des Moines; and

WHEREAS, the City now seeks to make substantial changes to three Fort Des Moines buildings due to the collapse of Building 309 in 2022 and the need to demolish Buildings 135 and 308 due to structural stability issues (collectively the “Undertaking”), which Undertaking will adversely affect the Fort Des Moines National Historic Landmark, and SHPO has required that its approval, as contemplated by the Covenants, be provided only through execution of a Memorandum of Agreement setting forth terms required of the City both of the Undertaking and of future work in the Fort Des Moines area; and

WHEREAS, in lieu of obtaining permission from SHPO by signature as provided for in the Covenants, the City Manager and his designees negotiated a Memorandum of Agreement with SHPO regarding post-conveyance identification, mitigation, minimization and avoidance of historic resources at Fort Des Moines, in form on file in the office of the City Clerk, by which Memorandum SHPO grants permission for the Undertaking in exchange for City agreement to:

- Provide City records on Fort Des Moines’ architecture and history to SHPO;
- Chaffee Road:
 - Improvement Chaffee Road within the current 4-year Capital Improvement Plan (CIP) budget;
 - Provide SHPO with an opportunity to comment on plans at approximately 75% draft plan completion, prior to finalization by the City, with SHPO comments and City response to be provided;
 - Notify SHPO of completion of work and provide images to SHPO of completed project;
- Buildings, 122, 123, 125 and 127:
 - Work with Blank Park Zoo to update Zoo Masterplan document to include said Buildings;
 - Provide SHPO with updated Zoo Masterplan;
 - Allow SHPO to provide comments on the Zoo Masterplan;
- City will indemnify the State of Iowa and SHPO for failure of the City or its agents to fully perform and comply with the terms of the Memorandum, and for the City’s or its agents’ intentional or wrongful acts or omissions in regard to the Memorandum.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The Memorandum of Agreement between the Iowa State Historic Preservation Office and the City of Des Moines Regarding Post-Conveyance Identification, Mitigation, Minimization and Avoidance of Historic Resources at the Fort Des Moines, Polk County, Iowa, in form on file in the Office of the City Clerk, is

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hereby approved, and the Mayor is hereby directed and authorized to execute said Agreement on behalf of the City.

- The City Manager or his designee is directed to administer said Agreement for compliance.

(Council Communication No. 23-201)

Moved by _____ to adopt.

Second by _____.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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