

★ Roll Call Number

12-1088

July 9, 2012

Agenda Item Number

18

Date.....

SETTING DATE OF HEARING ON AMENDMENT TO LEASE AGREEMENT
WITH SOUTH DES MOINES LITTLE LEAGUE FOR THE JAMES W. COWNIE
BASEBALL PARK

WHEREAS, on March 28, 2005, by Roll Call No. 05-737, the City Council approved an agreement with Polk County and the Greater Des Moines Community Foundation to provide design services, financing and construction of baseball park improvements ("the 28E Agreement"); and

WHEREAS, a condition of the 28E Agreement requires the City of Des Moines to enter into a Lease Agreement with South Des Moines Little League ("SDMLL") for use of the ballpark; and

WHEREAS, on July 10, 2006, by Roll Call 06-1395 the City of Des Moines accepted the ball park improvements at Soldiers Field and naming the ballpark the James W. Cownie Baseball Park, located at 2050 SE 22nd Street, Des Moines, Iowa ("Baseball Ballpark"); and

WHEREAS, on April 9, 2007, by Roll Call No. 07-689, the City Council entered into a lease agreement with the SDMLL for exclusive use of the Baseball Park from March 15 through June 30 until December 31, 2026; and

WHEREAS, the City and SDMLL desire to amend the lease agreement to allow SDMLL exclusive rights to use the Baseball Ballpark during the entire year, to increase lease payments to \$60,000 per year, and to assume more financial responsibility for the costs associated with maintenance and operations of the Baseball Ballpark; and

WHEREAS, City staff has negotiated an Amendment to Lease Agreement which provides for an annual rental of \$60,000, with SDMLL having the right to negotiate a lower rate in the event that SDMLL determines it is unable to pay such amount, subject to the new rental amount being no less than fair market value and in an amount to cover the City's operation costs of the facility, and the SDMLL shall pay for utilities, excluding water, a copy of which is on file in the City Clerk's Office; and

WHEREAS, it is in the best interest of the City to approve such Amendment to Lease Agreement to allow the SDMLL to continue to program and use the James W. Cownie Baseball Park.

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

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1. The City Council of the City of Des Moines shall consider an Amendment to Lease Agreement by and between the City and South Des Moines Little League ("SDMLL") with a term of March 15, 2007 until December 31, 2026, to change the exclusive use of the James W. Cownie Baseball Park, located at 2050 SE 22nd Street, Des Moines, Iowa, from March 15 through June 30 of each year to an annual use and to change the consideration from an annual rental of \$35,000 to \$60,000, with SDMLL having the right to negotiate a lower rate in the event that SDMLL determines it is unable to pay such amount, subject to the new rental amount being no less than fair market value and in an amount to cover the City's operation costs of the facility, and the SDMLL shall pay for utilities, excluding water.

2. A public hearing shall be held on July 23, 2012 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 12-377)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh City Clerk