



Roll Call Number

19-0900

Agenda Item Number ✓

38

Date June 3, 2019

APPROVAL OF AMENDMENT TO A. H. BLANK PARK ZOO LEASE, OPERATION, MANAGEMENT AND MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF DES MOINES AND THE BLANK PARK ZOO FOUNDATION, INC.

WHEREAS, on April 25, 2011, by Roll Call No. 11-0712, the City Council approved a Lease, Operation, Management and Maintenance Agreement with the Blank Park Zoo Foundation, Inc. ("Zoo Foundation") in which the Zoo Foundation agreed to, in addition to other consideration, construct at its cost at least \$16,600,000.00 in improvements at the Zoo and the A. H. Blank Park ("Park"); and

WHEREAS, the Lease, Operation, Management and Maintenance Agreement ("Lease Agreement") provides that the Zoo Foundation will be responsible for the payment of all utilities, including water, in operation of the Zoo and the Park; and

WHEREAS, in its 53 years of operation, the Zoo has not been charged for water usage by Des Moines Water Works; and

WHEREAS, the Zoo Foundation and the City have recently been informed by Des Moines Water Works of its intention to begin billing for water usage at the Zoo upon installation of new water meters at the Zoo; and

WHEREAS, the Zoo Foundation and City staff have negotiated an Amendment to the Lease Agreement in which the Zoo Foundation agrees to pay for up to 20 percent of the total cost for water usage at the Zoo and Park and the City agrees to continue conditional annual payments of \$290,000 for Zoo operational expenses from hotel/motel tax funds during the renewal terms of the Lease Agreement, a copy of which is on file in the City Clerk's Office.

WHEREAS, the City and Zoo Foundation have agreed to the 20% charge, in part as a result of their best effort to attribute human consumption of water at the Zoo; for which the Zoo Foundation will begin paying. The 80% of the water charges is attributed to the care of the Zoo animals; which is a requirement of the American Zoo Association accreditation, which accreditation is required of the Blank Park Zoo Foundation by the terms of the Lease Agreement.

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WHEREAS, the City Manager will now enter in to discussions with Des Moines Water Works, whose members are appointed by the Mayor, with regard to the Zoo animal care and the water usage necessary for the City required accreditation of the Zoo.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Amendment is hereby approved and the Mayor is authorized and directed to execute such Amendment on behalf of the City and the City Clerk is directed to attest to his signature.

(Council Communication No. 19-267) Moved By Coleman to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

J. M. Franklin Cownie Mayor

Diane Rauh City Clerk