



**Roll Call Number**

22-0099

**Agenda Item Number**

19 ✓

**Date** January 24, 2022

**APPROVAL OF AMENDMENT TO AGREEMENT FOR THE SHARED USE AND FEES FOR GOLF BADGES AT CITY OF DES MOINES GOLF COURSES, JESTER PARK GOLF COURSE, AND TERRACE HILLS GOLF COURSE BETWEEN CITY OF DES MOINES, POLK COUNTY CONSERVATION BOARD, CITY OF ALTOONA, C CORPORATION AND CS CORPORATION**

WHEREAS, Des Moines owns three municipal golf courses, A. H. Blank Municipal Golf Course, Bright Grandview Park Municipal Golf Course, and Waveland Municipal Golf Course (Des Moines Golf Courses), Polk County Conservation Board (PCCB) operates Jester Park Golf Course, which is owned by Polk County, and Terrace Hills Golf Course is owned by Altoona; and

WHEREAS, the Des Moines Golf Courses and Jester Park Golf Course are operated under separate management agreements by C Corporation and Terrace Hills Golf Course is under the management of CS Corporation under an agreement with Altoona; and

WHEREAS, on January 13, 2020, by Roll Call No. 20-0080, the City Council approved an Agreement Between City of Des Moines, PCCB, the City of Altoona, CS Corporation, and C Corporation For Shared Use and Fees For Golf Badges At City Municipal Golf Courses and Jester Park Golf Course and Terrace Hills Golf Course regarding season golf badges and fees (“the Agreement”); and

WHEREAS, the parties desire that Terrace Hills Golf Course will no longer participate in the golf badge shared use and fees program under the Agreement; and

WHEREAS, Parks and Recreation Department staff have negotiated an amendment to the Agreement which terminates the participation of the Terrace Hills Golf Course effective on December 31, 2021, a copy of which is on file in the City Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described Amendment to Agreement for the Shared Use and Fees for Golf Badges at City of Des Moines Municipal Golf Course and Jester Park Golf Course Between the City of Des Moines, Polk County Conservation Board, and C Corporation, a copy of which is available in the City Clerk’s Office, is hereby approved and the Mayor is authorized and directed to sign said Agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.



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(Council Communication No. 22- *015* )

Moved by *Gatto* to adopt. Second by  
Mandelbaum.

APPROVED AS TO FORM:

/s/ Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

**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.

MOTION CARRIED

APPROVED

*J. M. Franklin Cownie* Mayor

*P. Kay Cmelik* City Clerk

**AMENDMENT TO  
AGREEMENT  
FOR THE SHARED USE AND FEES FOR GOLF BADGES AT  
CITY OF DES MOINES MUNICIPAL GOLF COURSES,  
JESTER PARK GOLF COURSE, AND TERRACE HILLS GOLF COURSE  
BETWEEN  
CITY OF DES MOINES, POLK COUNTY CONSERVATION BOARD, CITY OF  
ALTOONA, C CORPORATION, AND CS CORPORATION**

**THIS AGMENDMENT** is made and entered into this 7<sup>th</sup> day of March, 2022 by and between the City of Des Moines, Iowa (“Des Moines”), Polk County Conservation Board (“PCCB”), the City of Altoona (“Altoona”), C Corporation, and CS Corp., LLC (collectively the “Parties”) to that Agreement For The Shared Use And Fees For Golf Badges At City of Des Moines Municipal Golf Courses, Jester Park Golf Course, and Terrace Hills Golf Course Between the Parties dated January 13, 2017 (“the Agreement”).

WHEREAS, Des Moines owns three municipal golf courses, A. H. Blank Municipal Golf Course, Bright Grandview Park Municipal Golf Course, and Waveland Municipal Golf Course (“Des Moines Golf Courses”), PCCB operates Jester Park Golf Course which is owned by Polk County, and Terrace Hills Golf Course owned by Altoona, (collectively “the Golf Courses”); and

WHEREAS, the Des Moines Golf Courses and Jester Park Golf Course are operated under separate management agreements by C Corporation and Terrace Hills Golf Course is under the management of CS Corp., LLC under an agreement with Altoona in effect on January 1, 2020; and

WHEREAS, pursuant to the Agreement, Des Moines, PCCB, and Altoona offer and sell a golf course season pass, commonly referred to as a “season badge”, which allows unlimited play at their respective Golf Courses, for the pass holder (“Season Badge”) and allow use of their respective Season Badges at any of the Golf Courses during their respective golf seasons; and

WHEREAS, the Parties agree that Terrace Hills Golf Course will no longer participate in the golf badge shared use and fees program under the Agreement as provided herein.

NOW THEREFORE, it is agreed as follows:

1. Effective upon 11:59 pm on December 31, 2021, the Parties agree that the Terrace Hills Golf Course will cease its participation in the Agreement and the Agreement shall be terminated as between the City of Altoona and CS Corp., LLC and the other Parties.
2. Section II.3 of the Agreement shall apply to payments to be made or received by the Parties regarding Terrace Hills Golf Course Season Badges sales and use prior to the effective date of this Amendment.
3. Except as modified above, all other terms of the Agreement shall remain in effect.

IN WITNESS THEREOF, the City of Des Moines, Polk County Conservation Board, the City of Altoona, C Corporation and CS Corp., LLC have caused this Agreement to be executed by an authorized representative of such party.

CITY OF DES MOINES, IOWA

T. M. Franklin Cownie  
T. M. Franklin Cownie, Mayor

Approved as to Form:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

Attest:

Kay Cmelik  
Kay Cmelik  
City Clerk

STATE OF IOWA )  
) ss:  
COUNTY OF POLK )

On this 7<sup>th</sup> day of March, 2022, before me, a Notary Public in and for said County, personally appeared T. M. FRANKLIN COWNIE and KAY CMELIK to me personally known, and who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of Des Moines, Iowa, a Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council, as contained in the Resolution adopted under Roll Call No. 22- 0099, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipal Corporation by it voluntarily executed.

Sandi L. Deery  
Notary Public for Iowa



**CITY OF ALTOONA, IOWA**

*Dean O'Connor*

Dean O'Connor, Mayor

Attest

*Randy Pierce*

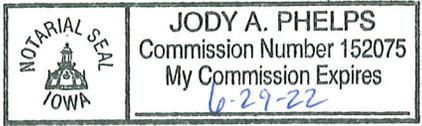
Randy Pierce  
City Clerk

STATE OF IOWA    )  
                                  ) ss:  
COUNTY OF POLK    )

On this 17<sup>th</sup> day of January, 2022, before me, a Notary Public in and for said County, personally appeared DEAN O'CONNOR and RANDY PIERCE to me personally known, and who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of Altoona, Iowa, a Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council, as contained in the Resolution adopted under Roll Call No. 22-10-Q, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipal Corporation by it voluntarily executed.

*Jody Phelps*

Notary Public for Iowa



**POLK COUNTY CONSERVATION BOARD**

  
\_\_\_\_\_  
Ryan Crane, Chairperson

Approved As To Form:

\_\_\_\_\_  
Dave Hibbard, Polk County Attorney Office

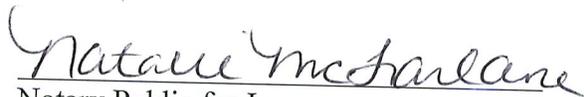
Attest:

  
\_\_\_\_\_  
Katie Stoklasa, Board Clerk

STATE OF IOWA    )  
                          ) ss:  
COUNTY OF POLK )

On this 9 day of FEBRUARY, 2022, before me, a Notary Public in and for said County, personally appeared RYAN CRANE and KATIE STOKLASA, to me personally known, and who being duly sworn, did say that they are the Chairperson and Board Clerk, respectively of the Polk County Conservation Board, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of Polk County Conservation Board, and that said instrument was signed and sealed on behalf of said entity by authority and resolution of its Board as contained in Resolution No. 22-0208 adopted on 2/9, 2022, and said Chairperson and Board Clerk acknowledged said instrument to be the free act and deed of the Polk County Conservation Board by it voluntarily executed.



  
\_\_\_\_\_  
Notary Public for Iowa

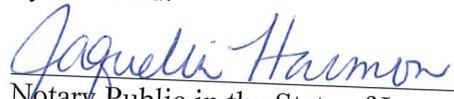


CS CORP., LLC

  
\_\_\_\_\_  
Rocky Sposato, President

STATE OF IOWA    )  
                          ) ss.  
COUNTY OF POLK )

On this 15 day of January, 2022, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared ROCKY SPASOTO, to me personally known, who, being by me duly sworn, did say that he is the PRESIDENT, of the CS CORP, LLC corporation executing the foregoing instrument; that (no seal has been procured by)(the seal affixed thereto is the seal of) the corporation; that the instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; that ROCKY SPASOTO acknowledges the execution of the instrument to be the voluntary act and deed of the corporation and of the fiduciary, by it, by him and as the fiduciary voluntarily executed.

  
\_\_\_\_\_  
Notary Public in the State of Iowa

