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**Date** January 9, 2023

**SETTING DATE OF HEARING FOR SECOND AMENDMENT TO LEASE OF THE  
A.H. BLANK PARK ZOO TO THE BLANK PARK ZOO FOUNDATION, INC.**

**WHEREAS**, the City of Des Moines owns the facility denoted as the A.H. Blank Park Zoo, located at 7401 SW 9<sup>th</sup> Street, Des Moines, Iowa, 50315 (“Zoo”) and the adjacent A.H. Blank Park (“Park”), which facilities are operated by the Blank Park Zoo Foundation, Inc. (“Foundation”); and

**WHEREAS**, on April 25, 2011, by Roll Call No. 11-0712, the City Council approved the A.H. Blank Park Zoo Lease and Operation, Management and Maintenance Agreement pursuant to which the City will lease the Zoo and the Park (collectively, “Leased Premises”) for the benefit of the general public of the City of Des Moines and the Greater Des Moines metropolitan area, and the Foundation agreed to be responsible to more fully undertake and implement the goals of the SuperBlock Master Plan relating to the Zoo and to enhance and improve the Park and Zoo by being responsible for construction of additional improvements and assuming full operating responsibility for the Zoo and Park, for an initial lease term of 20 years with two 20-year renewal periods at the option of the Foundation, with legal description of the Leased Premises on file in the office of the City Clerk and incorporated by reference herein; and

**WHEREAS**, the Lease Agreement has been amended one time thereafter; and

**WHEREAS**, in March of 2021, the United States Government adopted the American Rescue Plan Act (ARPA) in response to the continuing intertwined public health and economic crisis created by COVID-19 and established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and Tribal governments with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery; and

**WHEREAS**, the City of Des Moines was allocated and has received funds in the amount of \$94,824,614.00 from SLFRF and pursuant to the Final Rule of the United States Department of Treasury, allocations and expenditure of the funds must meet specific purposes and occur within specific time limitations; and

**WHEREAS**, on July 18, 2022, by Roll Call No. 22-1150, the City Council approved the expenditure of \$1,000,000.00 for contributions to the Foundation for use at the Zoo and Park, as allowed by the Final Rule of the U.S. Department of Treasury for use of ARPA (SLFRF) funds as a provision of government services; and

**WHEREAS**, the City intends to use said funds as to provide \$1,000,000.00 of additional funding to the Foundation for operational support for the Zoo and Park; and

**WHEREAS**, City staff and the Foundation are negotiating a Second Amendment to the Lease Agreement, in substantially the form on file in the City Clerk’s office, providing an upfront, lump-sum payment of \$1,000,000.00 in ARPA (SLFRF) to the Foundation for operational support for the Zoo and Park in



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accordance with the ARPA federal program requirements and all other existing terms of the Lease Agreement.

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

1. The City Council of the City of Des Moines shall consider adoption of the Second Amendment to A.H. Blank Park Zoo Lease, Operation, Management and Maintenance Agreement by and between the City of Des Moines, Iowa and the Blank Park Zoo Foundation, Inc., in substantially the form on file in the office of the City Clerk.
2. The meeting of the City Council at which the adoption of said proposed Second Amendment to the Lease Agreement is to be considered by public hearing shall be held on January 23, 2023, at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. The City Clerk is authorized and directed to publish notice of said proposal and hearing in the accompanying form to be given by publication once, not less than four days and not more than twenty days before the date of hearing.

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

APPROVED AS TO FORM:

Second by \_\_\_\_\_.

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

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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