

**CITY OF WASILLA
ORDINANCE SERIAL NO. 04-78**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AUTHORIZING THE LEASE TO KIM DOOLEY d/b/a THE PENALTY BOX OF SPACE WITHIN THE MULTIUSE SPORTS COMPLEX TO OPERATE A RETAIL SPORTING GOODS STORE; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE LEASE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the plan for the Wasilla Multiuse Sports Complex ("MUSC") provides space for a retail store to provide sports equipment and services to MUSC patrons; and

WHEREAS, in July 2004 the City issued a request for proposals to lease the retail store space in the MUSC, and received no proposals in response; and

WHEREAS, Kim Dooley, d/b/a The Penalty Box, has submitted an unsolicited proposal to lease the retail store space in the MUSC for a term of three years, at a rent equal to 12% of the retail store gross receipts, payable quarterly; and

WHEREAS, it is in the best interest of the City and of users of the MUSC to have a vendor in the MUSC to provide sports equipment and services to MUSC patrons; and

WHEREAS, because no other proposal has been received to lease the retail store space in the MUSC, it is appropriate for the City to negotiate a lease of the store space to Ms. Dooley; and

WHEREAS, Wasilla Municipal Code Chapter 5.32 provides for the leasing of City land, but does not address requirements for the leasing of space in a City-owned building, so it is appropriate to authorize the leasing of the retail store space in the MUSC by this ordinance, and without reference to Wasilla Municipal Code Chapter 5.32.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wasilla:

* **Section 1. Classification.** This is a non-code ordinance.

* **Section 2. Authorization to Lease.** Based upon the findings stated above, the City is authorized to lease the retail store space in the MUSC to Kim Dooley, d/b/a The Penalty Box for a term of three years, at a rent equal to 12% of the retail store gross receipts, payable quarterly. The lease is authorized notwithstanding any provision of Wasilla Municipal Code 5.32 to the contrary.

* **Section 3. Authorization of Lease Agreement.** The Mayor hereby is authorized, empowered and directed to negotiate a lease of the retail store space in the MUSC consistent with the terms of this ordinance, and to execute and deliver the lease to Kim Dooley, d/b/a The Penalty Box, and from and after the execution and delivery of the lease, the Mayor hereby is authorized, empowered and directed to do all acts and things and to execute all documents as may be necessary to carry out and comply with the provisions of the lease as executed.

* **Section 4. Authority of Officers.** The Mayor, the City Clerk, and the Deputy City Clerk each is authorized and directed to do and perform all things and determine all matters not determined by this ordinance, to the end that the City may carry out its obligations under the lease and this ordinance.

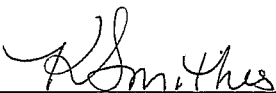
* **Section 5. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on November 22, 2004.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ORDINANCE SERIAL NO: 04-78: TO AUTHORIZE THE LEASE TO KIM DOOLEY d/b/a THE PENALTY BOX OF SPACE WITHIN THE MULTIUSE SPORTS COMPLEX TO OPERATE A RETAIL SPORTING GOODS STORE; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE LEASE; AND PROVIDING FOR RELATED MATTERS.

Agenda of: October 25, 2004

Date: October 15, 2004

Originator: Bruce Urban, Recreational & Cultural Services Manager

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	
X	Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:

FISCAL IMPACT: yes\$ or no

Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT: The Wasilla Multi-Use Sports Complex was designed and constructed with space to be used as a retail sporting goods store. In June 2004 the city solicited an RFP (Request for Proposal) to lease space within the Wasilla Multi-Use Sports Complex for this purpose. No proposals were received by the closing date of July 16, 2004.

On October 8, 2004, Kim Dooley, representing The Penalty Box sporting goods store, submitted a proposal for leasing space within the Wasilla Multi-Use Sports Complex to operate a retail sporting goods store. Ms. Dooley proposes to sell products that are connected with activities in the Multi-Use Sports Complex. They will include equipment used in ice hockey, figure skating and soccer. Other sports will be considered as they are developed or requested by the users of the facility. Additionally, the shop will provide skate sharpening service.

The Pro-Shop was part of the original plan of the Sports Complex. This business will provide a useful service to the local and visiting users of the facility.