



Agenda Item:

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## **COUNCIL COMMUNICATION**

### **City Manager's Office**

#### **GENERAL INFORMATION**

Agenda Date: 04/25/2005  
05-230

Communication No.:

Agenda Item Type: Resolution  
No.:

Roll Call

Submitted by: Richard A. Clark, Deputy City Manager

#### **SUBJECT—**

Approval of Chapter 28E Agreement between the City of Des Moines and the Des Moines Riverfront Development Authority (RDA) for Planning, Constructing and Maintaining Riverfront Improvements in the Downtown Area.

#### **SYNOPSIS—**

The agreement provides for coordination between the City and the Des Moines Riverfront Development Authority in the planning, construction, land use control, operation and maintenance for riverfront improvements.

#### **FISCAL IMPACT—**

The execution of this agreement does not include expenditure of funds from the City Capital Improvements Program. Coordination with the Corps of Engineers, Principal Financial and other entities as part of the Principal Riverwalk project is funded through the City's operating budget.

#### **RECOMMENDATION—**

Approval

## **BACKGROUND—**

Principal Life Insurance Company has prepared a Master Plan for the development and improvement of public amenities and public spaces, including the Principal Riverwalk. On November 3, 2003, by Roll Call 03-2508, the City Council approved adoption of the proposed Des Moines Riverfront Master Plan as a reference to the Des Moines 2020 Community Character Plan. The RDA has been organized to encourage and assist the development and improvement of public amenities and public spaces including the proposed Principal Riverwalk.

The agreement provides for coordination between the City and the Des Moines Riverfront Development Authority (RDA) in the planning, construction, land use control, operation and maintenance for riverfront improvements.

The agreement identifies future actions and responsibilities, as described below:

- The RDA may propose award of naming rights for certain pieces of Riverwalk as incentive for private donations. Naming rights awards are subject to City Council approval.
- Execution of Corps agreements only after RDA and Principal agree to fund certain local sponsor cost-share obligations. City and RDA representatives will jointly confer with the Corps of Engineers on planning, design, funding and construction of riverfront improvements.
- RDA and Principal are responsible for financial commitments and guarantee of federal funding set out in Vision Iowa agreement. The City will approve Vision Iowa agreement only after Principal executes guarantee and RDA and City have jointly developed proposals for the funding and provision of maintenance for the riverfront improvements.
- The City and RDA will jointly schedule design and construction phasing. Construction phasing is subject to approval of City Council and directors of RDA. The RDA may perform certain obligations of Principal under the approved City-Corps design agreement.
- A procedure for private construction contracts funded exclusively with private money and a public bid contract procedure for improvements funded entirely or in part with public money in excess of \$25,000. The agreement does not impact the construction of improvements that are not identified on the approved riverfront master plan.
- RDA may provide input to City on land use matters and zoning amendments in the Downtown Riverfront District. Any proposed zoning amendment for the Downtown Riverfront District will be submitted to RDA for review, comment and recommendation to Plan and Zoning Commission and City Council.
- The City and RDA will jointly develop maintenance standards for riverfront improvements. Also, City and RDA will jointly confer on developing proposals for the funding and provision of maintenance for riverfront improvements.
- The agreement specifically states that it does not obligate either party to fund or provide maintenance and that such obligations will be addressed in other agreements entered into by either party.

- Improvements in addition to those base improvements identified in the Master Plan will only be constructed if the RDA and City agree to a definitive plan for funding the estimated additional maintenance costs of such improvements.