



# Council Communication

Office of the City Manager

Date November 17, 2006

Agenda Item No. 3  
Roll Call No. 06-  
Communication No. 06-745  
Submitted by: **Jeb E. Brewer, P.E.,**  
City Engineer

## AGENDA HEADING:

Approving and authorizing the execution of the Temporary Agreement for Joint Operation of Brenton Skating Plaza.

## SYNOPSIS:

Recommend approval of the Temporary Agreement for Joint Operation of Brenton Skating Plaza between the City of Des Moines, Principal Life Insurance Company (J. Barry Griswell, Chairman and CEO, 711 High, Des Moines, Iowa), Des Moines River Front Development Authority (Mary O'Keefe, President, 711 High, Des Moines, Iowa) and The Hansen Construction Co., Inc. (Craig W. Hansen, President, 5665 Greendale Road, Suite A, Johnston, Iowa) to allow the Brenton Skating Plaza facilities to be opened for public skating.

## FISCAL IMPACT: NONE

## ADDITIONAL INFORMATION:

Principal Life Insurance Company (Principal) and the City of Des Moines entered into an Agreement for Construction and Funding of Ice Skating and Fountain pursuant to Roll Call No. 05-662, dated March 28, 2005, for the purpose of design and construction of a public ice skating rink and water feature plaza on City-owned property in the area bounded by the Armory Building, East Grand Avenue, the levy wall and Robert D Ray Drive to be known as the Brenton Skating Plaza. In accordance with the Agreement, upon acceptance of the Improvements by the City Council, the City shall be the owner of the Improvements.

Principal entered into an agreement with The Hansen Construction Co., Inc. (Hansen) for construction of the Improvements and during the time of construction, the Improvements are under the control of Hansen until the Improvements have been accepted by Principal.

The River Front Development Authority (RDA) and the City entered into a Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza pursuant to Roll Call No. 06-1929, dated September 25, 2006, for the purpose of the initial operation and management of the Brenton Skating Plaza as an ice skating rink open to the public upon its acceptance by the City Council pursuant to the Agreement.

The Improvements will not be completed by November 17, 2006; however, the construction has been completed to the extent that the facility is eligible for a Temporary Certificate of Occupancy issued by the Des Moines Permit & Development Center. The City intends that the Brenton Skating Plaza be open to the public during the winter skating season from November through March. RDA, Hansen, and Principal desire that the Brenton Skating Plaza be open for public skating by November 17, 2006.

In order to open the Brenton Skating Plaza for public skating by November 17, 2006, an Agreement has been executed by the four parties, which includes the following:

1. Hansen authorizes the joint use of the Improvements by the City and RDA, pursuant to the Concession Agreement, and Principal for the purpose of operating a skating plaza open to the public during the period of November 17, 2006 until acceptance by Principal of the Improvements, subject to a Temporary Certificate of Occupancy being in effect for the facility. This authorization is also subject to Hansen retaining access to complete construction of the Improvements during normal business hours.
2. Principal authorizes the joint use of the Improvements by the City and RDA pursuant to the Concession Agreement for the purpose of operating a skating plaza open to the public during the period of November 17, 2006 until acceptance by the City of the Improvements, subject to a Temporary Certificate of Occupancy being in effect.
3. The City authorizes use by RDA, pursuant to the Concession Agreement for the purpose of operating a skating plaza open to the public during the period of November 17, 2006 until acceptance by the CITY of the Improvements, subject to a Temporary Certificate of Occupancy being in effect.
4. The Brenton Skating Plaza shall operate as a City park and recreation facility during the period of this Agreement prior to its acceptance by the City Council pursuant to the Agreement.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: November 6, 2006

Roll Call Number: 06-2230

Action: [Agreement](#) between Des Moines Riverfront Development Authority (RDA) and Rink Management Services Corporation (RMS) for operation of Brenton Skating Plaza. ([Council Communication No. 06-710](#)) Moved by Coleman to adopt. Motion Carried 6-0.

Date: September 25, 2006

Roll Call Number: 06-1928

Action: [Agreement](#) for the Management, Operation, and Maintenance of the Brenton Skating Plaza with The Brenton Foundation and the naming of the plaza. Moved by Coleman to adopt. Motion Carried 6-0.

Date: September 25, 2006

Roll Call Number: 06-1929

Action: [Concession](#) Agreement for the Skating Plaza. ([Council Communication No. 06-606](#)) Moved by Coleman to adopt. Motion Carried 6-0.

Date: March 28, 2005

Roll Call Number: 05-662

Action: Approving Agreement with Principal Life Insurance Company for construction and funding of Ice Skating and Fountain Plaza. ([Council Communication No. 05-172](#)) Moved by Hensley to adopt.  
Motion Carried 6-1. Pass: Brooks

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Normal Council action on acceptance of the private construction project improvements.