

57A

Date September 25, 2006

APPROVAL OF CONCESSION AGREEMENT FOR THE SKATING PLAZA

WHEREAS, on March 28, 2005, by Roll Call No. 05-662, the City of Des Moines entered into an agreement with Principal Life Insurance Company for the purpose of design, construction and funding of an Ice Skating and Fountain Plaza on City owned property located at the corner of Robert D. Ray Drive and Grand Avenue, Des Moines, Iowa (the "Skating Plaza"); and

WHEREAS, the Agreement states in section II.4(g) (3) that the City, Principal, the Des Moines Riverfront Development Authority ("RDA") and the DCA must enter into an agreement satisfactory to the City providing for the long-term funding of the operation, maintenance and management of the improvements as an ice skating rink open to the public; and

WHEREAS, on September 25, 2006, by Roll Call No. 06- the City Council named the Skating Plaza the "Brenton Skating Plaza"; and

WHEREAS, City staff have negotiated a proposed concession agreement with RDA for the operation, maintenance and management of the Brenton Skating Plaza for a period of three years, with a two year renewal upon mutual agreement of the parties, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the City Council finds that there is good cause to exempt such concession agreement from the Procurement Ordinance competitive procurement requirements, pursuant to section 2-710 of the Municipal Code of the City of Des Moines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City of Des Moines, Iowa and the Des Moines Riverfront Development Authority, which is on file in the City Clerk's office, is hereby approved, and the Mayor is hereby authorized and directed to sign said Agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature.

(Council Communication 06-606)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, 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.

City Clerk