


COUNCIL COMMUNICATION

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|  | Number: | 21-096 | Meeting: | March 8, 2021 |
| | Agenda Item: | 33 | Roll Call: | 21-0384 |
| | Submitted by: | Benjamin R. Page, Park and Recreation Director | | |

AGENDA HEADING:

Approval of Chapter 28E Agreement with Des Moines Independent Community School District Regarding Brody School Park.

SYNOPSIS:

Approval of the 28E Agreement between the Des Moines Independent Community School District (DMPS) and the City of Des Moines providing for the maintenance and operation for a shared use area of the Brody Middle School grounds as a park. The improvements include a playground with play equipment, loop path, enhanced recreation/athletic fields with four (4) soccer goals and two (2) backstops, two (2) full basketball courts with six (6) goals, two (2) tennis courts, and an open-air shelter.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On February 12, 2001, by Roll Call No. 01-44, the City Council authorized the execution of the City of Des Moines and Des Moines Independent Community School District Brody Middle School 28E Agreement providing for shared use of an area of the Brody School grounds as a park, establishing a steering committee to establish a master plan for the park and create a priority list of improvements to the park.
- On April 21, 2003, by Roll Call No. 03-888, the City Council accepted the Master Plan for the Brody Community School Park.
- On April 5, 2004, by Roll Call No. 04-753, the City Council approved an addendum to the 2001 28E Agreement which provided for the construction, maintenance and shared use of the improvements pursuant to the Master Plan.
- The 2001 28E Agreement terminated on February 12, 2021. Parks and Recreation Department staff have negotiated a new 28E Agreement with School District staff to continue to provide for maintenance and shared use of such improvements on the grounds of Brody Middle School, which improvements are owned by the School District, for a term until December 31, 2040, with an option for an additional 20-year term, a copy of which is on file in the City Clerk's Office.

- The City will provide regular inspection, repair and replacement of the improvements, but it will be the City's discretion to determine whether an improvement requires replacement, repair or removal, all subject to future City Council budget approval.
- DMPS will be responsible for any expansion, maintenance, custodial care, repair and replacement of any current and future improvements not included with this project.
- DMPS will have use of the grounds at all times during the school year and summer. DMPS will provide the City with a minimum of 30 days of use through written request via the designated DMPS liaison for an event or activity at such premises. During non-school uses, the improvements will be open to the public free of charge from 6:00 a.m. until 10:00 p.m. all days of the week.
- DMPS will adopt the City rules and regulations associated with use of the grounds, which may be amended or changed by the City pursuant to its usual procedure. During scheduled use, DMPS authorizes the City to apply and enforce such rules, regulations, and fees in its management of the use of the grounds. The City shall keep all fees collected for City use of the school grounds.

Brody School Park Exhibit A

**PREVIOUS COUNCIL ACTION(S):**

Date: April 5, 2004

Roll Call Number: [04-0753](#)

Action: Addendum to Intergovernmental 28E Agreement with Des Moines Independent Community School District for construction, maintenance and operation of Brody Middle School Park. ([Council Communication No. 04-160](#)) Moved by Hensley to approve. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Renewal of the next 20-year term in 2040.

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