

★ **Roll Call Number**

Agenda Item Number
41

Date December 21, 2009

Request to speak from Chet Guinn regarding renovating the Peace Garden in Nollen Plaza.

Moved by _____ to receive and file comments.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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

FILED

DEC 16 AM 9:39

CITY CLERK
DES MOINES, IOWA

December 16, 2009

Clerk
City of Des Moines

This is a request to place on the City Council agenda for December 21, 2009, further consideration of the citizens' proposal for renovating the Peace Garden portion of Nollen Plaza. On October 26th, the City Council referred the matter to the City Manager for a report within thirty days. Fifty-six days will have transpired by December 21.

Thank you,



Chet Guinn
1041 8th Street
Des Moines, IA 50314



December 16, 2009

Honorable Mayor
And
Members of the City Council

Dear Mayor and City Council:

On October 26, 2009, Chet Guinn spoke to the council regarding a citizens' proposal to beautify the Peace Garden in Nollen Plaza. The Council requested that the City Manager report back in 30 days. He has asked me to work on this matter. I do not have a resolution of his request yet, but I will give you this interim report.

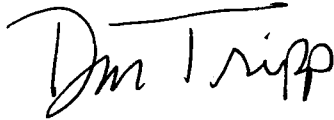
Mr. Guinn requested that the City amend the 2008 Nollen Plaza Master Plan, (a copy is available in The City Clerk's office) a joint project of the Civic Center of Greater Des Moines, Charles Edwards representing a group of potential donors and the City. City staff has researched the request of Mr. Guinn and held several meetings with the respective parties. Staff met individually with Mr. Guinn, attended a meeting with Mr. Edwards, Councilmember Hensley and Mayor Cownie, and a meeting with Mr. Guinn and Mr. Edwards. Additionally staff has had several phone conversations with Mr. Guinn.

Research by the Legal Department informs us that the planning of Nollen Plaza and the funding of infrastructure repair and reconstruction is a responsibility of the Civic Center of Greater Des Moines. In a letter from the Civic Center, they have expressed the following position: "The City cannot authorize improvements to or the redevelopment of Nollen Plaza without the consent of the Civic Center. Under the 1975 Lease, the Civic Center is responsible for all "material maintenance" for Nollen Plaza. In addition, the 1975 Lease specifically gives the Civic Center final discretion as to the use of Nollen Plaza." City Legal has reviewed the agreement and agrees with this statement. They also have authority over this planning and work.

At the recent Peace Park meetings, it has become clear that neither the donors or Civic Center support changing the plan they adopted in 2008. There does seem to be a willingness to look for ways to integrate the Peace Park concept into the planning, but that will require a reconstitution of the process so may not meet Mr. Guinn's immediate desire for this project. In speaking with Mr. Guinn, he asked if there were other locations that could be considered. It is staff's recommendation, that given the urgency of Mr. Guinn's desire to move this forward, the City should formally suggest that a new location be sought and we begin that process.

On November 5, 2009, the Civic Center of Greater Des Moines Executive Committee approved a resolution to pursue redevelopment of Nollen Plaza pursuant to the recommendations set forth in the 2008 Study. The Executive Committee will not approve of or support the redevelopment of Nollen Plaza to any plan that is inconsistent with the recommendations of the Study. (Resolution is attached)

Sincerely,



Donald M. Tripp
Park and Recreation Director

Cc: Richard Clark, City Manager
Ann DiDonato

Attachment

CIVIC CENTER OF GREATER DES MOINES

**RESOLUTIONS
OF THE
EXECUTIVE COMMITTEE**

Civic Center of Greater Des Moines (the "Corporation") is an Iowa nonprofit corporation organized and existing under the Revised Iowa Nonprofit Corporation Act.

The Corporation leases the Park Plaza Block Property ("Nollen Plaza") from the City of Des Moines (the "City"). The lease agreement between the Corporation and the City gives the Corporation final discretion as to the use of Nollen Plaza.

The Corporation, in cooperation with the City, the Cowles Foundation and the Downtown Community Alliance, has caused a study to be conducted in April, 2008 on the redevelopment of Nollen Plaza, on which public comment has been received (the "Study"). The members of the Executive Committee of the Board of Directors (the "Executive Committee") have determined that it is in the interests of the Corporation to pursue redevelopment of Nollen Plaza pursuant to the recommendations set forth in the Study.

The Executive Committee, acting pursuant to the Bylaws and the Revised Iowa Nonprofit Corporation Act, therefore resolves as follows:

RESOLVED, that the Executive Committee hereby approves of the recommendations for the redevelopment of Nollen Plaza set forth in the Study, subject to the availability of adequate funding for such redevelopment.

RESOLVED FURTHER, that the Board of Directors/Executive Committee will not approve of or support the redevelopment of Nollen Plaza pursuant to any plan of redevelopment that is inconsistent with the recommendations of the Study, unless such plan has been presented to and approved of by the Corporation.

These Resolutions were approved and adopted by the Executive Committee on November 5, 2009.



Mary Stier, Secretary