



Roll Call Number

09-2310

Agenda Item Number

41A

Date December 21, 2009

Recommendation from the City Manager regarding renovation of the Peace Garden portion of Nollen Plaza.

Moved by Hensley to receive and file.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS			✓	
TOTAL	6		1	

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.

MOTION CARRIED 6 APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk

09-2310



December 18, 2009

Date DEC 21 2009

Honorable Mayor
And
Members of the City Council

Agenda Item 41A

Roll Call # _____

Dear Mayor and City Council:

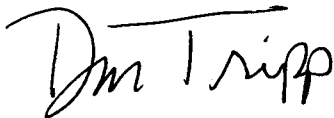
On October 26, 2009, Chet Guinn spoke to the council regarding a citizens' proposal to beautify the Peace Garden in Nollen Plaza. The Council requested that the City Manager report back in 30 days. He has asked me to work on this matter. I do not have a resolution of his request yet, but I will give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

Under the 1975 Lease, the Civic Center of Greater Des Moines controls use of Nollen Plaza and is responsible for the funding of infrastructure repair and reconstruction. The Civic Center has the right to make changes, alterations or improvements subject to the Lease requirements. A November 3, 2009 letter from the Civic Center expressed their position regarding planning for future uses and improvements of Nollen Plaza: "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." The City Legal Department has reviewed the lease agreement and advises that the use of, and change to improvements to, Nollen Plaza are subject to the requirements. Nollen Plaza will be used as a "community plaza area" and "operated and managed in such a way as to retain its park-like character and promote the recreational and cultural desires of the Des Moines community". Any changes of a material nature must be approved by the City.

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.

Sincerely,



Donald M. Tripp
Park and Recreation Director

Cc: Richard Clark, City Manager
Ann DiDonato