



Roll Call Number

23-0597

Agenda Item Number

37

Date April 24, 2023

**APPROVAL OF DONATION AGREEMENT WITH
COMMUNITY FOUNDATION OF GREATER DES MOINES FOR DESIGN AND FUNDING
OF THE GRAY'S LAKE PLAYGROUND AND SPRAYGROUND PROJECT**

WHEREAS, the City of Des Moines, acting through the Parks and Recreation Department, is charged with the responsibility of providing safe recreational facilities within the City for the benefit and enjoyment of the residents of the City, including Gray's Lake Park which is owned and maintained by the City; and

WHEREAS, on August 23, 2016, by Resolution #16-065, the Parks and Recreation Board approved the updated Gray's Lake Park Master Plan which provides guidance on all areas within the Gray's Lake Park boundary, including a playground and sprayground project recommended as the first phase of implementation of the Master Plan; and

WHEREAS, the Community Foundation of Greater Des Moines ("Foundation"), an Iowa nonprofit corporation, agrees to accept donations from walkways, site individuals to a Gray's Lake Playground-Sprayground Fund to be used for the design, permitting and installation of playground equipment and related elements, sprayground equipment and related elements, utilities, safety surfacing, seating, signage, lighting, ADA-accessible walkways, site restoration of areas disturbed by this work and all other related improvements, on the north shore of Gray's Lake within Gray's Lake Park as shown on the Master Plan (collectively the "Playground Improvements"); and

WHEREAS, the City and Foundation agree that it is of mutual benefit to the residents of Des Moines that such Playground Improvements be planned, designed and constructed; and

WHEREAS, Foundation, in consideration of the City's ownership and maintenance of the Playground Improvements, has agreed to accept funds for, and to pay all costs associated with, design and construction of said Improvements limited to the balance in the Fund; and

WHEREAS, Foundation intends to engage Confluence, Inc., a landscape architecture and engineering firm registered to practice in the State of Iowa, and their subconsultants to develop the conceptual plan and preliminary design specifications for the Playground Improvements; and

WHEREAS, the City will thereafter contract for the final design and installation of the Playground Improvements, with funding provided by Foundation for such design and installation limited to the balance in the Fund; and

WHEREAS, the City shall own the Playground Improvements upon completion and acceptance by the City Council of the City; and

WHEREAS, City and Foundation have negotiated a Donation Agreement to formalize their understanding with respect to the funding, planning and design, and installation of the Playground Improvements, which Agreement includes but is not limited to payment to the City for use for the Playground Improvements of



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the estimated amount of \$2,000,000.00 plus a 10 percent contingency and 10 percent to cover City costs of design, change orders, inspection and construction phase services, and as otherwise described in the accompanying Council Communication; and

WHEREAS, a Donation Agreement between the City of Des Moines and the Foundation, in form on file in the office of the City Clerk, provides for the Foundation to make such charitable donation to the City for the Playground Improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the agreement with the Community Foundation of Greater Des Moines for the donation, limited to the balance in Foundation's Fund, of the total estimated cost of \$2,000,000.00 plus 10 percent contingency and 10 percent costs for design and construction of the Gray's Lake Park Playground and Sprayground project, in form on file in the City Clerk's Office, is hereby approved; the Mayor is authorized and directed to sign the Donation Agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature; the Parks and Recreation Department Director or designee is authorized and directed to administer and monitor the Agreement on behalf of the City; and the donated funds will be deposited into the Parks and Recreation Capital Projects fund C040, 2023-24 CIP, Page 76, Gray's Lake Park Improvements, PK140.

(Council Communication No. 23- 212)

Moved by Gatto to adopt.

Second by Boesen.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE
I, Laura Baumgartner, 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.

J.M. Frank's Cownie Mayor

Laura Baumgartner City Clerk