



Legislation Details (With Text)

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**Title:** Adopt the resolution approving the sixth amendment to the intergovernmental agreement between the City of Naperville and the Naperville Park District for maintenance of the Riverwalk

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Approving the Sixth Amendment to the Riverwalk Maintenance Agreement, 2. 6th Amendment to the Riverwalk Maintenance Agreement, 3. Fifth Amendment to the Riverwalk Maintenance Agreement, 4. Exhibit 1 to the Fifth Amendment to the Agreement, 5. Exhibit 2 to the Fifth Amendment to the Agreement

Date	Ver.	Action By	Action	Result
8/15/2023	1	City Council	adopted	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Adopt the resolution approving the sixth amendment to the intergovernmental agreement between the City of Naperville and the Naperville Park District for maintenance of the Riverwalk

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William Novack, Director/City Engineer

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

Commencing in 2003 the City of Naperville (“City”) and the Naperville Park District (“Park District”) agreed to jointly fund the maintenance of the Riverwalk. Following completion of the initial section between Main Street and Eagle Street in 1981, the Riverwalk grew significantly, stretching from Jefferson Avenue to Hillside Road. The Park District had agreed to maintain that initial 1981 section, and as each section was added it was assumed the Park District could carry the maintenance burden.

Following the completion of the east extension of the Riverwalk from Washington Street to Hillside Road, the Park District stated they could no longer fund all the maintenance, resulting in the 2003 maintenance agreement. That agreement basically stated that the Park District would pay for all maintenance west of Washington Street and the City would pay for everything east of Washington Street along with all future additions to the Riverwalk. Additionally, there was a provision that required the City to fund any difference between inflation of the Park District’s maintenance cost and

any taxing limitations that Park District faced. At the end of this year the City and Park District will have finished the fourth maintenance agreement between the two agencies, with each agreement having a five-year term.

**DISCUSSION:**

The last two five-year agreements included not only the maintenance of the Riverwalk but also the City reimbursement to the Park District for their annual programming costs for the Millennium Carillon. Prior to 2013 the City had two separate agreements reimbursing the Park District for both assets. For the 2013 agreement staff decided to merge the Riverwalk and Carillon into one agreement.

The prior agreements included a five-year schedule of City costs for both the Riverwalk and Carillon based upon the Park District's actual cost from prior years. Following the Covid 19 pandemic, maintenance costs have gone up significantly and are making long-term forecasting more difficult and less accurate. To address this, the City and Park District staff are proposing a different approach to this agreement.

Instead of having a five-year schedule the Park District will provide the City with its estimated City share for the next calendar year by September 15. This will allow City staff enough time to include the amount in the upcoming budget. Currently the City funds 21% of Riverwalk maintenance. For the 2024 calendar year the Park District estimates the City share of the Riverwalk maintenance at \$284,470 and the programming of the Carillon at \$118,000.

Additionally, to reconcile any over or under estimation by April 1 of each year, the Park District will provide the City the actual cost accounting from the prior year and if the City paid too much then the Park District will provide the City either a refund or a credit toward the following year's contribution. If the City paid too little, then the City will pay the Park District the difference within 60 days.

As new assets are added to the Riverwalk, which the City is required to fully fund the maintenance of, City and Park District staff will work together to estimate the maintenance cost and add to that amount to the City's obligation. Up to two years following completion of that asset the City and Park District staff can assess the actual maintenance cost and adjust those costs as agreed upon by both parties. Please note that any addition to the Riverwalk requires approval of the Riverwalk Commission, the Naperville Park District Board, and the City Council.

The last change to this agreement from prior agreements is with the term. All prior agreements were either five-year or three-year with two additional one-year terms, so essentially five-year terms. For this agreement staff is proposing an initial five-year term. However, at the end of the third year an additional year will be added to the term, and that practice of extending the agreement for an additional year will continue every year such that there is a rolling three-year agreement until such time as either party provides notice of termination as detailed in the agreement.

The Naperville Park District Board is in support of the proposed agreement and is expected to approve the agreement at its August 10, 2023 meeting.

**FISCAL IMPACT:**

The City share for Riverwalk maintenance (\$284,470) and Carillon programming (\$118,000) is a City Obligation and is paid from the SECA Grant Fund.