

ORDINANCE NO. 2021 - 079

**AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH KENT STATE UNIVERSITY AND THE CITY OF KENT FOR A TEMPORARY OUTDOOR ICE RINK FOR THE 2021-2022 WINTER SEASON, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Kent State University and the City of Kent would like to install a temporary outdoor ice rink; and

**WHEREAS**, Kent State University would like to temporarily close Erie Street for the 2021-2022 winter season; and

**WHEREAS**, the overall budget is estimated at \$375,000 with KSU paying the majority of the costs and the City's out of pocket cost is limited to \$71,000 for the installation of the new power service that will be owned by the City and be available for other festivities and events in the future.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, that:

**SECTION 1.** Kent City Council authorizes the City Manager or his designee to execute the agreement with Kent State University and City of Kent, Ohio in substantial compliance with the terms of Exhibit "A", attached hereto.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: August 18, 2021  
Date

Jerry T. Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: August 18, 2021  
Date

ATTEST: Amy Wilkens  
Amy Wilkens  
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE NO. 2021-079, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 18, 2021.

(SEAL)

Amy Wilkens  
AMY WILKENS  
CLERK OF COUNCIL

**TEMPORARY OUTDOOR ICE RINK AGREEMENT**

**KENT STATE UNIVERSITY  
AND  
THE CITY OF KENT**

**ALL PARTIES BEING IN THE COUNTY OF PORTAGE,  
STATE OF OHIO**

This Agreement, dated October 1 2021, is an agreement made and entered into between Kent State University ("KSU") and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the "City"). KSU and the City are collectively referred to herein as the "Parties."

**WITNESSETH:**

**WHEREAS**, the Parties desire to improve the recreational opportunities for KSU students, KSU faculty and City residents; and

**WHEREAS**, the Parties desire to assist the economic vitality of downtown Kent; and

**WHEREAS**, KSU, in cooperation with the City, has investigated the feasibility of installing a Temporary Outdoor Ice Rink on Erie Street ("Project") as shown in Attachment A; and

**WHEREAS**, the Project will require construction of permanent infrastructure, including a new electric service to serve the chiller required for the Ice Rink.

**NOW THEREFORE**, The Parties hereby agree to collaborate on implementation of the Project as follows:

**KSU:**

- KSU will install, manage and coordinate all services required for the installation of the Project, including the installation of the new electrical service. The Project cost is currently estimated at \$375,000.
- Except as set forth below, KSU will be the primary funding agency during construction of the Project.
- KSU will work with First Energy for the installation of a power source to serve the chiller.
- KSU will obtain an electric easement in the name of the City of Kent from the KSU Hotel and Conference Center to install the power service from First Energy's transformer to City owned property or right-of-way.
- KSU, or their designated representative, will be responsible to obtain all necessary permits from the City for the installation of the new power service.
- KSU, or their designated representative, will provide shop drawings to the City for approval prior to purchasing or installing any improvements in City owned property or Right-of Way.
- KSU will prepare the application for a new electrical service with First Energy, to be signed and submitted by the City in the name of the City.

- KSU will provide invoices to the City requesting reimbursement for the out-of-pocket costs associated with the installation of new electric service for the Project, up to \$71,000.
- Upon receipt of invoices from the City, KSU will pay 50% of the monthly electrical bills from the new electrical service during the time that the Temporary Outdoor Ice Rink is operational.
- KSU will have access to use the new electrical service when holding future events in the area.
- While the Temporary Outdoor Ice Rink is intended to be an annual facility, KSU will operate the Temporary Outdoor Ice Rink for the 2021-2022 season. Operational responsibilities of future years will be determined by mutual agreement of both parties.
- KSU will work with the City to advertise for the Temporary Outdoor Ice Rink.

**City:**

- The City will expeditiously review all submittals associated with the Project.
- Upon receiving an invoice from the KSU, the City will pay 100% of the out-of-pocket costs for the installation of the new electrical service up to \$71,000.
- The City will execute and own the easement from the KSU Hotel and Conference Center required for installation of the new electrical service.
- The City will execute the application for power service from First Energy provided by KSU.
- The City will own and maintain the new electrical service installed for the Project.
- The City will pay for the monthly electrical bills from the new electric service.
- The City will invoice KSU 50% of the monthly electrical bills from the new electrical service during the time that the Temporary Outdoor Ice Rink is operational.
- City will provide, at its discretion, incidental items associated with the Project. This includes items such as tables, barricades, decorative lighting, in-kind operational assistance, etc.
- City will work with the KSU to advertise for the Temporary Outdoor Ice Rink.

**Schedule:**

The City and KSU will diligently pursue completion of the Project by November 25, 2021. This date can be adjusted by the mutual agreement of both parties.

In witness whereof, the Parties hereto have agreed and offered their hands and seals:

CITY OF KENT

Approved and Accepted by:



Dave Ruller  
City of Kent, City Manager

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: August 20, 2021

Approved as to Form:



Hope Jones  
City of Kent, Law Director

Date: 8/23/21

Certificate of Director of Budget and Finance

It is hereby certified that the amount SEVENTY ONE THOUSAND Dollars (\$71,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

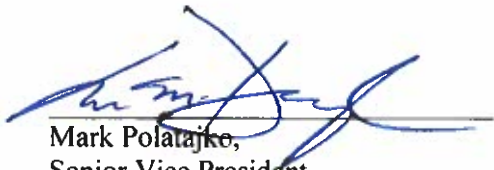


Rhonda Hall, Director of Budget and Finance

August 23, 2021  
Date

KENT STATE UNIVERSITY

Approved and Accepted by:



Mark Polatajko,  
Senior Vice President  
for Administration

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

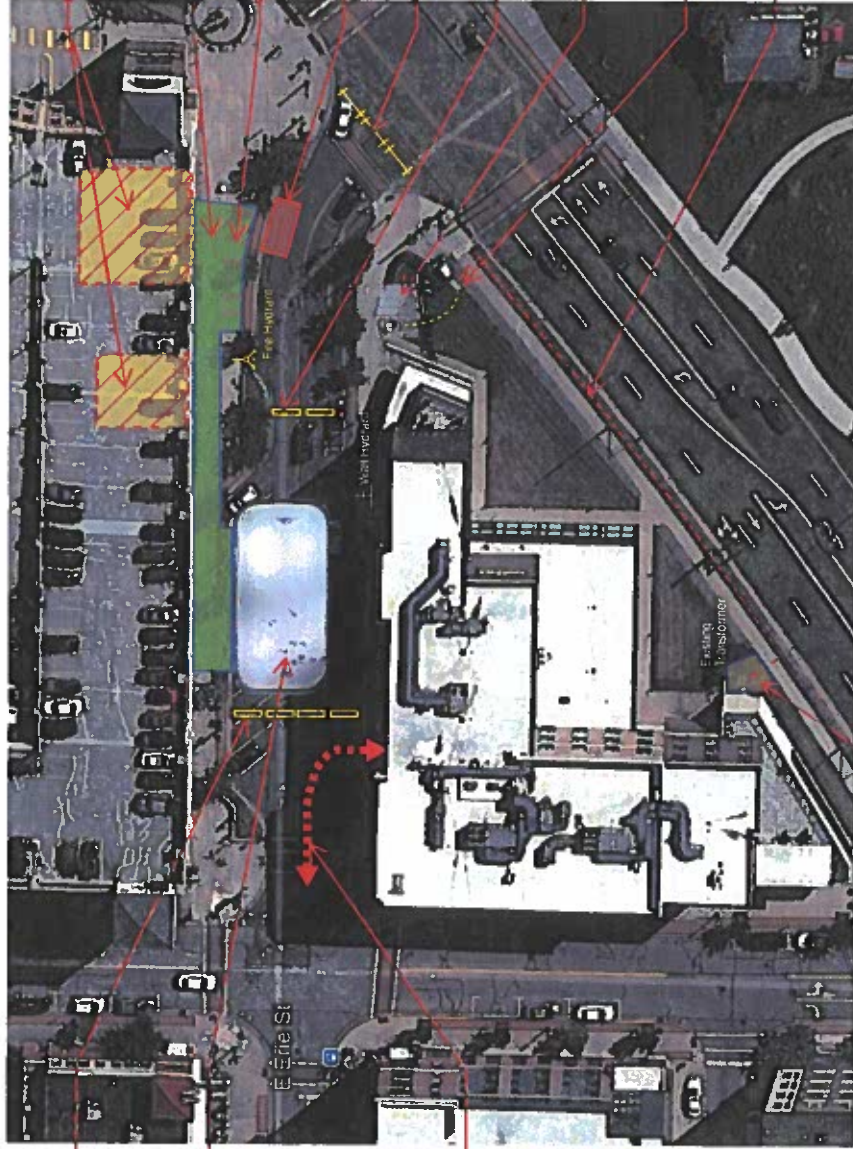
Date: 10/1/2021

Douglas Kubnick  
Approved as to  
Legal Form and  
Sufficiency for  
Kent State  
University 2021.10.1  
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**ATTACHMENT A  
SEASONAL RECREATIONAL ICE RINK  
- LAYOUT -**

# Seasonal Recreation Ice Rink - Discussion Draft

Updated: 04/05/2021



Temporary concrete 'Jersey barrier' [City of Kent]

Temporary Ice Rink - Operation [KSU-Zone5 Maintenance]

Base installation - [UFM Commentary Shop]

Service access to KSU Hotel - Can not be blocked [KSU Hotel & Conference]

Temporary ice skate rental point of sale operation. [KSU Rec Services] Facility space provided [PARTA]

Temporary rubber skate walk mats. [KSU]

Temporary bench seating for skate rental. [City of Kent]

Possible Rotating 'Food truck' location? [City of Kent Development]

Saw horse traffic barricades - removable by public safety. [City of Kent]

Temporary concrete 'Jersey barrier' [City of Kent]

Temporary air-cooled chiller on trailer mount. [KSU]

New cam-lock Electric service box sited next to traffic control box. [KSU-OUA]

480V 400A 3 phase buried electric service in tree lawn [KSU-OUA]

New electric service with utility [KSU OUA] Easement from Hotel parcel to City right-of-way [KSU Council]