

**CITY COUNCIL
COMMUNICATION:**

03-173

AGENDA:

APRIL 7, 2003

SUBJECT:

TERMINATION OF
28E AGREEMENT
WITH THE STATE
OF IOWA FOR
SUMMER
CONCERTS ON
CAPITOL
GROUNDS AND
PAYMENT TO
MUSIC UNDER
THE STARS, INC.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

DONALD M. TRIPP
PARK AND
RECREATION
DIRECTOR

ITEM 46 A-B

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Authorize the City Manger to give notice of termination of the Second Amended 28E Cultural Agreement by and between the City of Des Moines and the State of Iowa for use of the "State Capitol Grounds for free summer music concerts." Though the City wishes to terminate this 28E Agreement, the Park and Recreation Department wishes to continue financial support of the event. As such, this action would authorize the City Manager to process a payment by the Park and Recreation Department in the amount of \$13,524.30 to cover a portion of the expenses of the concerts, contingent upon receipt of letter and invoice from Music Under the Stars, Inc. If received by 4:00 p.m. on Monday, April 7, 2003, copies will be provided to City Council.

FISCAL IMPACT —

\$13,524.30 – PKS101300 Special Events.

RECOMMENDATION —

Authorize the City Manager to terminate the Second Amended 28E Cultural Agreement and to process payment to Music Under the Stars, Inc. contingent upon receipt of letter and invoice from Music Under the Stars, Inc.

BACKGROUND —

On March 18, 2002, by Roll Call No. 02-731, the City Council referred an item to the City Manager for review and recommendation regarding maintaining the previous level of programming by the Des Moines Municipal Band for the 2002 free summer music concerts. The Park and Recreation Department staff took steps to transition the management of the event to the Des Moines Musicians' Association (now known as Music Under the Stars, Inc.). On June 3, 2002, by Roll Call No. 02-1400, the City Council provided \$13,524.30 (the Park and Recreation Department Special Events budget) to the Des Moines Musicians' Association. The Des Moines Musicians' Association has been notified of the need to submit an invoice for the 2003 concert series.

To complete the transition of the event's management from the City to Music Under the Stars, Inc., staff is recommending that the current 28E Cultural Agreement for use of the State Capitol Grounds for free summer music concerts conducted or sponsored by the City of Des Moines be terminated. The City did not conduct or sponsor free summer concerts during 2002 and there are no

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COMMUNICATION:**

03-173

APRIL 7, 2003

PAGE TWO

plans to conduct or sponsor such concerts during the summer of 2003 or beyond. This agreement should be between the State of Iowa and Music Under the Stars, Inc. The State of Iowa has indicated that this will be an acceptable arrangement.

Termination of the Agreement will remove the City of Des Moines from any responsibility for indemnification of event service providers and insurance exposure. The termination shall be effective 30 days after delivery of the Notice. This will complete the transition of the event's management to Music Under the Stars, Inc. Both the State of Iowa General Services staff and Music Under the Stars, Inc. were notified in advance of the City's intention to terminate the 28E Agreement.

