



**Council
Communication**
Office of the City Manager

Date

April 10, 2006

REVISED

Agenda Item No. 62

Roll Call No. ~~06-~~

Communication No. 06-177

Submitted by: Richard A. Clark, City Manager

AGENDA HEADING:

Public Hearing regarding Grant License to Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center and the Des Moines Riverfront Development Authority for installation, display and maintenance of a sculpture owned by the Des Moines Art Center at Long Look Garden and Approval of License Agreement.

SYNOPSIS:

Recommend to hold public hearing and approve the License Agreement that allows the Riverfront Development Authority and the Des Moines Art Center to install, display and maintain the unnamed Shapiro Sculpture in the Long Look Garden on the west side of City Hall.

FISCAL IMPACT:

Amount: None.

Funding Source: The Des Moines Art Center (DMAC) and the Riverfront Development Authority (RDA) are responsible for the installation and maintenance of the sculpture.

ADDITIONAL INFORMATION:

On September 27, 2004, by Roll Call No. 04-2052, the City Council approved the placement of the Shapiro sculpture within the proposed Principal Riverwalk improvements and authorized and directed the City Manager to determine the precise location of the sculpture, review all schematic drawings and site plans, and execute all required agreements for the sculpture installation, maintenance, insurance and indemnification by the RDA.

The agreement between the City of Des Moines, RDA and DMAC provides for the installation, maintenance, insurance and indemnification. The sculpture is owned by the DMAC. The RDA is responsible for all costs associated with the delivery and installation of the sculpture and providing insurance and indemnification, except for matters concerning possible, but relatively unlikely, claims by the artist against the City for violation of his rights under copyright, trademark, patent or the Visual Artists Rights Act of 1990. The artist has agreed to indemnify the City against claims of copyright,

trademark or patent infringement rights by third parties. The RDA and DMAC are responsible for the maintenance of the sculpture. The City is responsible to construct the footings as part of the Long Look Garden project to meet specifications provided by the RDA.

PREVIOUS COUNCIL ACTION(S):

Date: September 27, 2004

Roll Call Number: 04-2052

Action: Public Art for the Riverwalk Project. (Council Communication No. 04-491) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

Date:

Roll Call Number:

Action:

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE