



Council Communication

Office of the City Manager

Date

March 24, 2008

Agenda Item No. **65B**

Roll Call No. **08-**

Communication No. **08-173**

Submitted by: Donald M. Tripp,
Park and Recreation Director

AGENDA HEADING:

Approval of agreement between the City of Des Moines and Edmundson Art Foundation, Inc., D/B/A Des Moines Art Center, for sculpture park in “Western Gateway” Park and Naming of “John and Mary Pappajohn Sculpture Park”.

SYNOPSIS:

Approval of an agreement with the Des Moines Art Center to install, display and maintain sculptures in Western Gateway Park which have been donated by John and Mary Pappajohn to the Des Moines Art Center and also to name the part of “Western Gateway” Park between 13th and 15th Streets the “John and Mary Pappajohn Sculpture Park.” The agreement is effective on March 25, 2008 and runs until December 31, 2057.

FISCAL IMPACT:

Amount: Total project cost of the Sculpture Park, estimated at \$4 million, will be privately funded through a combination of donations and grants. The City’s total contribution would be \$501,000.

Funding Source: Recommended 2008-2009 Capital Improvements Program, Park Improvements Page-17, Pappajohn Sculpture Garden, PKS169, TIF transferred from the original Western Gateway Redevelopment Project - URR027

ADDITIONAL INFORMATION:

In February 2007, the City of Des Moines and the Des Moines Art Center announced that Des Moines philanthropists John and Mary Pappajohn would be donating major pieces of sculpture to the Des Moines Art Center for placement in Western Gateway Park, located between 10th and 15th Streets and Grand Avenue and Locust Street in downtown Des Moines. The Pappajohns’ donation offers Des Moines the opportunity to showcase one of the most significant collections of art in the United States.

The collection includes 16 major sculptures by 15 internationally acclaimed artists. In order to provide for development and approval of a master plan (Schematic Plan) for the sculpture park and specific sites for each sculpture selection of the sculptures and to authorize the installation, display and maintenance of the sculptures by the Art Center in the park, an agreement has been negotiated which outlines the responsibilities of the Art Center and of the City.

The Art Center has agreed to provide the care and maintenance of the artwork as outlined in the agreement. During the development of the sculpture park, the Art Center will coordinate the installation

of each individual piece of sculpture with the City of Des Moines Park and Recreation Director and City Engineer. The City will maintain the sculpture park and the Art Center will maintain and be responsible for any liability associated with the sculptures, including their base/plinths. The Art Center agrees that its maintenance standards shall be in compliance with or greater than the maintenance requirements of the City Park and Recreation Department. The City will be responsible for removal of damaged or diseased plants or trees, repair or replacement of walkways, signage, park furniture, etc. Both the City and the Art Center will purchase and maintain insurance and agree to waive subrogation against one another. The City agrees to provide all building and grounds maintenance not already outlined and to maintain park usage rules as approved by Park and Recreation Board and City Council.

There are three related actions on this Council agenda: this agreement, the Schematic Plan, and approval of the professional services agreement with Agrest and Gandelsonas Architects, LLP. The agreement anticipates that the Schematic Plan will be approved by the City Council before this agreement is entered into.

The agreement creates a Sculpture Committee comprised of John and Mary Pappajohn, or their designees, and one representative each of the City and the Art Center. The Sculpture Committee will select all of the sculptures for placement in the sculpture park and must approve the Schematic Plan and any amendment, design details for the sculpture park, and any movement of the sculptures within or out of the sculpture park. The sculpture park must maintain a world class collection of at least 16 sculptures at all times. Any material amendment to the Schematic Plan requires review and recommendation by the Park and Recreation Board and approval of the Council. These Sculpture Committee decisions require the affirmative vote of 75% of the members, and must include the affirmative vote of the City.

A privately funded supplemental security plan to provide additional security will be prepared by the City. This plan, and any material amendments to it, require the approval of the Sculpture Committee.

The area of Western Gateway Park covered by the sculpture park will be designated the “John and Mary Pappajohn Sculpture Park. The sculpture park will continue as part of Western Gateway Park and will continue to be used as a park under the control of the City for park activities which are not incompatible with the maintenance and viewing of the sculptures. The City and Art Center must mutually agree to any substantial change in the use of the sculpture park. The Sculpture Committee must approve the installation of any other artwork within the sculpture park.

PREVIOUS COUNCIL ACTION(S):

Date: March 10, 2008

Roll Call Number: [08-403](#)

Action: [Authorization](#) to submit Grant Application to Vision Iowa Board for development of a sculpture garden in “Western Gateway” Park, \$1,950,000. ([Council Communication No. 08-133](#)) Moved by Hensley to approve. Motion Carried 7-0.

Date: November 5, 2007

Roll Call Number: [07-2154](#)

Action: [Professional](#) Services Agreement with Agrest and Gandelsonas Architects, LLP for schematic design of the Pappajohn Sculpture Garden at Western Gateway Park, not to exceed \$132,750. ([Council Communication No. 07-671](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: February 26, 2008

Roll Call Number: 08-017

Action: Park and Recreation Board approval of Schematic Design

Date: February 21, 2008

Roll Call Number: NA

Action: Information presentation of the schematic design to the Plan & Zoning Commission.

Date: February 5, 2008

Roll Call Number: NA

Action: Presentation to and opportunity for comment by the Urban Design Review Board

Date: March 11, 2008

Roll Call Number: NA

Action: The Board, by unanimous consensus, approved the preliminary schematic design subject to review and recommendation on final design plans.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Normal Council actions on consultant services for design, and professional service agreement for final design and construction phase services. Approval of any material amendments to the Schematic Plan following review and recommendation by the Park and Recreation Board.

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