



# Council Communication

Office of the City Manager

<b>Date</b>	December 7, 2009
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<b>Agenda Item No.</b>	<b>55</b>
<b>Roll Call No.</b>	<b><u>09-</u></b>
<b>Communication No.</b>	<b><u>09-843</u></b>
<b>Submitted by: Donald M. Tripp, Director of Parks and Recreation</b>	

## AGENDA HEADING:

Hold hearing for grant of a license to Edmundson Art Foundation, Inc., D/B/A the Des Moines Art Center, and the Riverfront Development Authority for the display and maintenance of a sculpture and fountain at Hansen Triangle, approval of license, and authorizing the Mayor to execute license and City Manager to execute renewal.

## SYNOPSIS:

Recommend approval of granting a license to the Edmundson Art Foundation, Inc. {d/b/a the Des Moines Art Center, (“DMAC”)}, and the Des Moines Riverfront Development Authority (“RDA”) for display and maintenance of the Quantum Leaf sculpture and fountain in the Hansen Triangle.

## FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

## ADDITIONAL INFORMATION:

The Hansen Triangle is located at the northeast corner of the intersection of Second Avenue and Grand Avenue in Des Moines. With the exception of the Quantum Leaf sculpture and fountain, collectively known as the “Artwork”, Hansen Triangle and all of its remaining improvements are owned by the MidAmerican Energy Company (“MidAm”) and lies within the area along the west side of the Des Moines River known as the Principal Riverwalk. The Principal Riverwalk is a multi-phase development project along both sides of the Des Moines riverfront in downtown Des Moines that provides for the construction of various public amenities and open spaces, including public art.

Both the City and MidAm have desired that the Hansen Triangle be used as a part of the Principal Riverwalk. To that end, on the November 23, 2009, council agenda, the City Council approved a lease agreement between MidAm and the City that authorized the City to take ownership and maintenance of all previous improvements made to the Hansen Triangle except for the Artwork. The terms of the lease agreement, however, permits the City and its licensees to install, operate, display, and maintain the Artwork during the time of the City’s lease of the property. Under the proposed license between DMAC, RDA and the City, DMAC retains ownership of the Artwork and maintenance responsibility for the Quantum Leaf sculpture. As a condition of a “borrower’s agreement” between DMAC and RDA, the RDA retains responsibility for maintenance of the fountain.

The license agreement will commence on the date of execution and continue in full force and effect for a period (i) until December 31, 2028, (ii) the termination of the MidAm lease, or (iii) termination of the “borrower’s” agreement between DMAC and the RDA, whichever occurs first.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 22, 2004

Roll Call Number: 04-599

Action: Approval of the Phase One Master Plan for Principal Riverwalk design, development and improvement of riverfront public amenities and public spaces.

Date: September 27, 2004

Roll Call Number: 04-2052

Action: Approval of the placement of the Artwork 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.

Date: November 23, 2009

Roll Call Number: 09-2136

Action: Approval of a lease between MidAmerican Energy Company and the City of the Hansen Triangle for use as a park as part of the Principal Riverwalk, which included in its terms a license to the City and the City’s licensees to install, operate, display and maintain the Quantum Leaf sculpture and fountain, collectively known as the “Artwork”.

Date: November 23, 2009

Roll Call Number: 09-2137

Action: Approval of setting the date of hearing for granting a license to Edmundson Art Foundation, Inc., D/B/A the Des Moines Art Center, and the Riverfront Development Authority for the installation, display and maintenance of a sculpture and fountain at Hansen Triangle.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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