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Date March 26, 2007

CONTINUANCE OF HEARING ON AND APPROVAL OF 28E OPERATING AGREEMENT BETWEEN THE CITY OF DES MOINES AND EDMUNDSON ART FOUNDATION, INC., D/B/A DES MOINES ART CENTER, FOR "WESTERN GATEWAY" SCULPTURE PARK

WHEREAS, the Master Plan for the park bounded by 10th Street to 15th Street and Grand Avenue and Locust Street, commonly referred to as "Western Gateway Park" ("the Park"), envisioned works of art being placed in the Park; and

WHEREAS, John and Mary Pappajohn have agreed to donate several pieces of sculpture to the Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center ("DMAC"), with the intention that such pieces be placed in the Park; and

WHEREAS, the DMAC desires to install and maintain such sculptures in certain areas of the Park to be exhibited for the enjoyment of the general public; and

WHEREAS, the DMAC will retain the ownership of such sculptures; and

WHEREAS, the City, pursuant to its authority under Iowa Code Chapter 28E, desires to cooperate with the DMAC in the development of a Master Plan designating areas for placement of such sculptures in the Park, and City staff have negotiated a 28E Operating Agreement, a copy of which is on file in the City Clerk's office; and

WHEREAS, the Park and Recreation Board has voted to recommend adoption of said 28E Operating at its meeting on February 20, 2007; and

WHEREAS, the DMAC Board has approved the execution of said 28E Operating Agreement on February 20, 2007; and

WHEREAS, on February 22, 2007, due notice of a proposal to enter into a 28E operating Agreement for the term of 49 years with Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for the Western Gateway Sculpture Park be set down for hearing on February 26, 2007, at 5:00 p.m., in the City Council Chambers was given as provided by law, setting forth the time and place for hearing on said agreement; and

★ Roll Call Number

Agenda Item Number

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WHEREAS, on February 26, 2007, by Roll Call No. 07-389, the City Council continued this hearing until March 26, 2007; and

WHEREAS, the City Manager has requested that the hearing on the proposed Operating Agreement be continued until April 9, 2007 at 5:00 p.m. to permit security arrangements for the Sculpture Park to be finalized.

IT IS THEREFORE,

Moved by _____ to continue the public hearing until May 21, 2007 at 5:00 p.m. in the Council Chambers.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk