



**Roll Call Number**

**Agenda Item Number**

40

**Date** November 18, 2019

APPROVING AMENDMENT TO AGREEMENT WITH THE GREATER DES MOINES PUBLIC ART FOUNDATION FOR THE INSTALLATION AND MAINTENANCE OF MIFFY FOUNTAIN SCULPTURE IN WESTERN GATEWAY PARK

WHEREAS, the City owns and maintains Western Gateway Park in downtown Des Moines; and

WHEREAS, on September 10, 2018, by Roll Call No. 18-1519, the City Council approved an Agreement Between the City of Des Moines and the Greater Des Moines Public Art Foundation for Installation and Maintenance of Miffy Fountain Sculpture in Western Gateway Park ("Agreement"); and

WHEREAS, the Greater Des Moines Public Art Foundation ("Foundation") and the City wish to modify the Agreement to clarify responsibility for the period of time that the Foundation is responsible to replace ornamental grasses within the landscaping abutting the Miffy Fountain Sculpture Plaza; and

WHEREAS, City and Foundation staff have negotiated an Amendment to Agreement Between the City of Des Moines and the Greater Des Moines Public Art Foundation for Installation and Maintenance of Miffy Fountain Sculpture in Western Gateway Park, a copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Amendment to the Agreement Between the City of Des Moines and the Greater Des Moines Public Art Foundation for Installation and Maintenance of Miffy Fountain Sculpture in Western Gateway Park, a copy of which is in the City Clerk's Office, be and is hereby approved and the Mayor is authorized and directed to sign said Amendment on behalf of the City and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication No. 19 - **487** )

Moved By \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Ann DiDonato*

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. KAY CMELIK, 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