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Date February 10, 2020

SETTING DATE OF HEARING FOR APPROVAL OF A LICENSE AGREEMENT
WITH EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER
FOR THE DISPLAY AND MAINTENANCE OF A SCULPTURE AND FOUNTAIN AT
HANSEN TRIANGLE

WHEREAS, on November 23, 2009, by Roll Call No. 09-2136, the City Council approved a lease agreement between MidAmerican Energy Company and the City of Des Moines for use of “Hansen Triangle” as parkland (the Lease Agreement”) and as part of the Principal Riverwalk; and

WHEREAS, the Lease Agreement authorized the City to allow the installation, operation, display and maintenance of a sculpture within the leasehold; and

WHEREAS, the Phase One Master Plan for the Principal Riverwalk design, development and improvement of riverfront public amenities and public spaces was approved by the City Council pursuant to the Chapter 28E Agreement Between the City of Des Moines and the Des Moines Riverfront Development Authority for Planning, Constructing and Maintaining Riverfront Improvements in the Downtown Area, approved by the City Council by Roll Call 04-599 on March 22, 2004; and

WHEREAS, such Master Plan anticipates that public art will be included within the Principal Riverwalk; and

WHEREAS, the Edmundson Art Foundation, Inc. (“Des Moines Art Center”) is the owner of the Quantum Leaf sculpture and fountain by Sally Pettus (the “Sculpture”); and

WHEREAS, on December 7, 2009, by Roll Call No. 09-2227, the City Council approved the Agreement Between the City of Des Moines and the Des Moines Riverfront Development Authority (“RDA”) and Edmundson Art Foundation, Inc. d/b/a/ the Des Moines Art Center for Display and Maintenance of Quantum Leaf Sculpture and Fountain in Hansen Triangle (“the Agreement”); and

WHEREAS, the City and DMAC desire to continue the display of the Sculpture for the enjoyment of the public and to enter into a new agreement for the display and maintenance of the Sculpture at Hansen Triangle on the southwest corner of Hansen Triangle; and

WHEREAS, an agreement has been prepared which provides that the Des Moines Art Center will retain the ownership of the Sculpture and the Des Moines Art Center will have maintenance responsibility for the Sculpture, including the fountain, for the time period of the Lease Agreement, which is currently until December 31, 2028, with an option of a ten-year

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renewal, or until December 31, 2040, whichever date occurs sooner, a copy of which agreement is available for public review in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City of Des Moines, Iowa proposes to approve an agreement with Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for a period not to exceed December 31, 2040, for the display and maintenance of a sculpture owned by the Des Moines Art Center in the southwest corner of "Hansen Triangle", located at the northeast corner of 2nd and Grand Avenues, for the consideration of the enjoyment by the public by the display of the sculpture on public grounds and in consideration of the maintenance of such sculpture and integrated fountain to be provided the Des Moines Art Center.

2. A public hearing shall be held on February 24, 2020 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 20- **047**) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

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

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.

MOTION CARRIED APPROVED.

_____ Mayor

_____ City Clerk