



Date August 19, 2024

RECEIVING COMMUNICATION FROM GREATER DES MOINES PUBLIC ART FOUNDATION, AND APPROVING SECOND 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”), which Agreement was amended on November 18, 2019, by Roll Call No. 19-1844, to clarify responsibility for landscaping abutting the Miffy Fountain Sculpture Plaza; and

WHEREAS, the Greater Des Moines Public Art Foundation (“Foundation”) has determined that the Miffy Fountain Sculpture base requires textured pavers to be installed surrounding the base to conserve and protect the Sculpture from further damage, as described in the attached communication from the Foundation; and

WHEREAS, City and Foundation staff wish to negotiate a Second 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, in substantially the form on file in the office of the City Clerk, to allow modification of the design documents showing the Sculpture base conservation work to be completed by the Foundation.

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

1. The attached communication from the Greater Des Moines Public Art Foundation, regarding the proposed Miffy Fountain Sculpture base conservation project in Western Gateway Park, is hereby received and filed.
2. The above-described Second 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, in substantially the form on file in the office of the City Clerk, be and is hereby approved; and, following approval as to form by the Legal Department, 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.
3. The City Manager’s Office and the Parks and Recreation Department are directed to present the Second Amendment to said Agreement and related design documents to the



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Access Advisory Board and the Library Board for informational and advisory purposes, and to monitor and administer the Agreement, as amended, on behalf of the City.

(Council Communication No. 24-348)

Moved by _____ to adopt.

Second by _____.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor

City Clerk

Des Moines City Council
400 Robert D Ray Drive
Des Moines, Iowa 50309

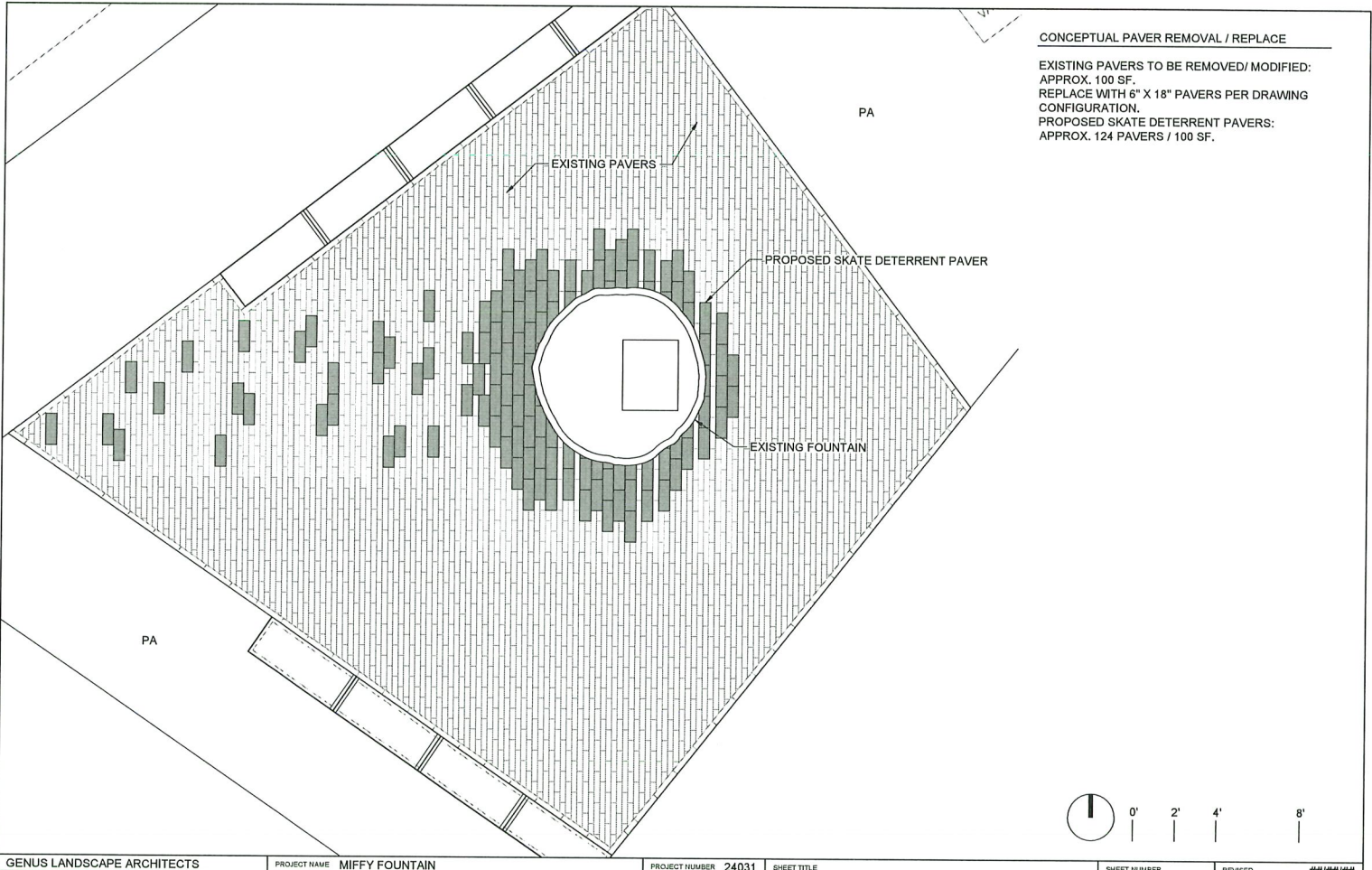
Honorable Members of the Des Moines City Council,

During the July 18, 2024 Greater Des Moines Public Art Foundation Board of Directors meeting the proposal to implement rumble pavers around the Miffy Fountain located at the south entrance of the Downtown Library was approved. The placement of rumble pavers is to deter future skateboarding damage to the basin before restoration of the fountain can begin. Attached, please find the proposal from Genus Architecture, which includes the material that will be used and a mockup of the paver placement.

Sincerely,

A handwritten signature in cursive script that reads "Alexa McCarthy".

Alexa McCarthy, PhD
Executive Director
Greater Des Moines Public Art Foundation



CONCEPTUAL PAVER REMOVAL / REPLACE

EXISTING PAVERS TO BE REMOVED/ MODIFIED:
 APPROX. 100 SF.
 REPLACE WITH 6" X 18" PAVERS PER DRAWING
 CONFIGURATION.
 PROPOSED SKATE DETERRENT PAVERS:
 APPROX. 124 PAVERS / 100 SF.