

★ Roll Call Number  
08-533

Agenda Item Number  
65B

Date March 24, 2008

**APPROVAL OF AGREEMENT BETWEEN THE CITY OF DES MOINES AND EDMUNDSON ART FOUNDATION, INC., D/B/A DES MOINES ART CENTER, FOR SCULPTURE PARK IN "WESTERN GATEWAY" PARK AND NAMING OF "JOHN AND MARY PAPPAJOHN SCULPTURE PARK"**

**WHEREAS**, the Master Plan for the park bounded by 10<sup>th</sup> Street to 15<sup>th</sup> 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 the Park between 13<sup>TH</sup> and 15<sup>th</sup> Streets ("Sculpture Park") to be exhibited for the enjoyment of the general public; and

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

**WHEREAS**, in February 2007, DMAC and City staff had negotiated a 28E agreement with DMAC providing for the creation of a master plan for the Sculpture Park and for the installation, display and maintenance of such sculptures, which was set down for hearing on February 26, 2007; and

**WHEREAS**, said hearing was continued by City Council on February 26, 2007, by Roll Call No. 07-389, to March 26, 2007, and on March 26, 2007, by Roll Call No. 07-588, the City Council continued the hearing to May 7, 2007, to permit time to finalize the security arrangements for the Sculpture Park; and

**WHEREAS**, Mr. Pappajohn and DMAC subsequently requested that the Master Plan be completed prior to the execution of the Agreement and also desired that Mr. Mario Gandelsonas be consulted on development of such Master Plan, which was anticipated to require an indeterminate number of months to accomplish; and

**WHEREAS**, on May 7, 2007, by Roll Call No. 07-909, the City Council closed the hearing on the 28E Agreement and resolved that a public hearing be set on the 28E Agreement following completion of the Master Plan for sculpture placement; and

**WHEREAS**, the City has cooperated with the DMAC in the development of a Master Plan ("Schematic Plan") designed by Agrest & Gandelsonas designating areas for placement of such sculptures in the Park between 13<sup>th</sup> and 15<sup>th</sup> Streets, which was approved by the City Council on March 24, 2008, by Roll Call No. 08-\_\_\_\_, and City staff have negotiated a revised agreement with DMAC, the terms of which require public consideration but do not require a public hearing, for the installation, display and maintenance of such sculpture for a term of 49 years, a copy of which is on file in the City Clerk's office; and

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**WHEREAS**, the Park and Recreation Board approved the Schematic Plan for the sculpture garden and basic terms of said agreement at its meeting on February 26, 2008; and

**WHEREAS**, such Agreement designates that the Sculpture Park within "Western Gateway Park" will be designated the "John and Mary Pappajohn Sculpture Park"; and

**WHEREAS**, the DMAC Board has approved the execution of said Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the above described Agreement Between the City and Edmundson Art Foundation, Inc., d/b/a Des Moines Art Center for Sculpture Garden in "Western Gateway" Park be and is hereby approved and the Mayor is authorized and directed to sign said Agreement on behalf of the City and the City Clerk is directed to attest to his signature.

**BE IT FURTHER RESOLVED** that the portion of the "Western Gateway" Park between 13<sup>th</sup> and 15<sup>th</sup> Streets shall be named and shall hereby be known as the John and Mary Pappajohn Sculpture Park within "Western Gateway" Park.

Council Communication No. 08- 173 )

Moved by Hensley to approve.

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	7			

MOTION CARRIED

APPROVED

T. M. Franklin  
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.

Diane Fauh City Clerk