

★ Roll Call Number

20-0230

Agenda Item Number

18 B

Date February 10, 2020

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

WHEREAS, the Phase One Master Plan for 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 Joel Shapiro "Unnamed" sculpture (the "Sculpture"); and

WHEREAS, on April 10, 2006, by Roll Call No. 06-692, 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 Installation and Maintenance of Unnamed Shapiro Sculpture in the Principal Riverwalk ("the Agreement"); and

WHEREAS, the City and DMAC desire to continue the display and of the Sculpture for the enjoyment of the public and to enter into a new agreement for the display and installation of the Sculpture at Long Look Garden; and

WHEREAS, an agreement has been prepared which provides that the Des Moines Art Center will retain ownership of the Sculpture and will have maintenance responsibility for the Sculpture for a 20 year term until December 31, 2040; and

WHEREAS, it is in the best interests of the City to enter into a license agreement with the Des Moines Art Center for a term of 20 years until December 31, 2040 for the display and maintenance of the Sculpture in consideration of the enjoyment of the public and the maintenance obligations to be undertaken by the Des Moines Art Center, a copy of which agreement is on file in the City Clerk's Office.

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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 a license agreement with Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for a term until December 31, 2040, for the display and maintenance of a sculpture owned by the Des Moines Art Center in Long Look Civic Gardens located between City Hall and the Des Moines River for the consideration of the enjoyment by the public by the display of the sculpture on public grounds and of the maintenance of such sculpture.

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 No. 20 - 047)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato  
 Ann DiDonato  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDEBAUN	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

**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  
T. M. Franklin Cownie  
 Mayor

P. Kay Cmelik  
 City Clerk