



Roll Call Number

24-1159

Agenda Item Number

27

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

★ Roll Call Number

24-1159

Agenda Item Number

27

Date August 19, 2024

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 Gatto to adopt.

Second by Coleman

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, COLEMAN, GATTO, MANDELBAUM, SIMONSON, VOSS, WESTERGAARD, and TOTAL (7).

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk