



Roll Call Number

26-0685

Agenda Item Number

38

Date June 8, 2026

APPROVING THIRD 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 was first amended on November 18, 2019, by Roll Call No. 19-1844, to clarify responsibility for landscaping abutting the Miffy Fountain Sculpture Plaza; and

WHEREAS, on August 19, 2024, by Roll Call No. 24-1159, the City Council approved the Second Amendment to the Agreement to allow the Greater Des Moines Public Art Foundation (“Foundation”) to install textured pavers surrounding the base of the Miffy Fountain Sculpture to conserve and protect the Sculpture from further damage; and

WHEREAS, the Foundation has determined that additional measures are necessary to protect the Sculpture from damage, namely the installation of a sign warning that video cameras are recording activity in the area (“Signage”); and

WHEREAS, the City and Foundation wish to negotiate a Third 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, to allow installation of agreed upon Signage in conformance with the design documents included as part of the Third Amendment, with the installation and maintenance 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 above-described Third 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 and is authorized and directed to attest to the Mayor’s signature.



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- 2. The City Manager's Office and the Parks and Recreation Department are directed to continue to monitor and administer the Agreement, as amended, on behalf of the City.

(Council Communication No. 26-198)

Moved by Gatto to adopt.

Second by Voss

Approved as to form:

/s Cassie A. Bonefas

Cassie A. Bonefas

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

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.

Laura Baumgartner

City Clerk