



**Roll Call Number**

23-1041

**Agenda Item Number**

67

**Date** July 17, 2023

**HOLD HEARING FOR LICENSE AGREEMENT WITH DES MOINES ART CENTER,  
FOR INSTALLATION, MAINTENANCE AND DISPLAY OF ARTWORK ON THE  
MECHANICAL BUILDING WITHIN EVELYN K. DAVIS PARK**

**WHEREAS**, the City of Des Moines owns and maintains the Mechanical Building within the Evelyn K. Davis Park (“City Property”) in Des Moines as parkland; and

**WHEREAS**, Des Moines Art Center (“hereinafter Licensee”) desires to enter into a License Agreement with the City of Des Moines to install, maintain and display a new public art mural installation on the side of the Mechanical Building within the Evelyn K. Davis Park created by artists Siri Garcia, Marissa Hernandez, and Jill Wells; and

**WHEREAS**, the Greater Des Moines Art Foundation (“GDMAF”) has the responsibility to conduct the affairs and activities of the Public Art Program under an amended Contract approved by the City Council by Roll Call No. 04-145 on July 12, 2004, which includes the duty to prepare recommendations for the City Council’s consideration for proposed public arts related projects; and

**WHEREAS**, the GDMAF has advised the City Council by letter, in form attached hereto, following their July meeting that the proposed installation of the artwork on the licensed premises is consistent with the standards of the public art program and recommends that the City approve the installation; and

**WHEREAS**, a License Agreement has been prepared which provides that the Des Moines Art Center will retain ownership and have maintenance responsibility for the mural for the time period of the License Agreement, which is currently until August 15, 2026 with an option of one (1) additional two (2) year renewal, a copy of which License Agreement is available for public review in the City Clerk’s Office; and

**WHEREAS**, it is in the best interest of the City to enter into an agreement with the Des Moines Art Center to allow the display and maintenance of the mural in consideration of the enjoyment of the public and the maintenance obligations to be undertaken by the Des Moines Art Center; and

**WHEREAS**, on June 26, 2023 by Roll Call No. 23-0901, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed License Agreement be set down for hearing on July 17, 2023, at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to enter into a License Agreement with Des Moines Art Center as given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed agreement, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed License Agreement by and between City of Des Moines and Des Moines Art Center, an Iowa nonprofit corporation, of the Mechanical Building within the Evelyn K. Davis Park, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. The attached communication from the Greater Des Moines Public Art Foundation is hereby received and filed.
3. The public would not be inconvenienced by reason of the City of Des Moines entering into a License Agreement with Des Moines Art Center, to install, maintain and display a new public art mural installation proposed for the Mechanical Building within the Evelyn K. Davis Park, and the License Agreement is hereby approved.
4. The Mayor is authorized and directed to sign the License Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Manager is authorized to sign any minor and non-substantial amendments to the License Agreement.
6. The City Clerk is authorized and directed to forward the original of the License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.
7. The Real Estate Division Manager is authorized and directed to forward the original of the License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the licensee.

(Council Communication No. 23-336)

Moved by Mandelbaum to adopt.

Second by Gatto.

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

*J. M. Franklin Cownie*  
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