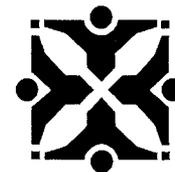


# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 199-15

**Department Source:** Parks and Recreation

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 7/6/2015

**Re:** Kim Scholl Memorial Bench Agreement and Appropriation

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

**Supporting documentation includes:** None

## Executive Summary

The Parks and Recreation Department is requesting City Council approval of an ordinance that will accept a private donation in the amount of \$7,654, authorize an agreement with Don Asbee for the design and fabrication of a memorial bench and appropriate the funds. The memorial bench will be placed at the Grindstone Nature Area in memory of Kim Scholl. The donation will be used for the design and fabrication of the bench by artist Don Asbee, installation by Parks and Recreation staff, memorial plaque, and bench dedication ceremony.

## Discussion

A group of citizens approached the Parks and Recreation Department about potential ideas for a unique memorial bench to honor Kim Scholl. Ms. Scholl was an active trail user in Columbia and dog lover, so ideas for the memorial bench centered around proximity to a Columbia trail and dog-themed design. It was determined that the bench would be placed in the Grindstone Nature Area next to the Hinkson Creek Trail. Private donations totaling \$7,654 were raised for the memorial bench. The bench will be similar in design to the butterfly bench that was placed in front of the Children's Grove at Stephens Lake Park.

The donated funds will be used for the design and fabrication of the bench by local metal artist, Don Asbee, installation of the bench by P&R staff, a memorial plaque to be placed on the bench, and for a small dedication ceremony once installation is completed by staff. Don Asbee was a personal friend of Kim Scholl, who during her lifetime had collected some of his artwork. Kim Scholl worked as a physical therapist, and Don Asbee was a patient of hers following a serious car accident. Because of his personal relationship with Kim, he was the artist selected by the donors to design and fabricate a dog-themed bench in her honor.

The Parks and Recreation Department is requesting Council approval to accept the donated funds, approve the agreement with Don Asbee for the construction of the bench, and appropriate the funds for the project.

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Staff anticipates that the fabrication of the bench will take approximately four months with a late fall installation at Grindstone Nature Area.

## Fiscal Impact

**Short-Term Impact:** The total cost of the project is \$7,654 and will be used for the design, fabrication, and installation of the memorial bench and plaque and for a small dedication ceremony. All funding for the project is through a private donation.

**Long-Term Impact:** None

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Parks, Recreation and Greenways

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Livable & Sustainable Communities

## Suggested Council Action

Approve the legislation accepting the donated funds, authorizing the City Manager to enter into an agreement with Don Asbee for the fabrication of the memorial bench and appropriating the funds in the amount of \$7,654.

## Legislative History

None

  
Department Approved

  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 199-15

**AN ORDINANCE**

authorizing an artist's commission agreement with Don Asbee for the design and fabrication of a memorial bench to be placed in the Grindstone Nature Area in memory of Kim Scholl; appropriating donated funds; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute an artist's commission agreement with Don Asbee for the design and fabrication of a memorial bench to be placed in the Grindstone Nature Area in memory of Kim Scholl. The form and content of the agreement shall be substantially in the same form as set forth in "Attachment A" attached hereto.

SECTION 2. The sum of \$7,654.00 is hereby appropriated from the Kim Scholl Memorial Donations Account No. 753-8500-480.53-36 D74036 to the Kim Scholl Memorial Bench Project Account No. 440-8800-548.49-90 C00619.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

CERTIFICATION: I certify there are sufficient funds available in the Kim Scholl Memorial Donations Account No. 753-8500-480.53-36 D74036 to cover the above appropriation.

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Director of Finance

**ARTIST'S COMMISSION AGREEMENT  
FOR  
THE KIM SCHOLL MEMORIAL DOG BENCH**

This AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the City of Columbia, Missouri, a Municipal Corporation of the State of Missouri, hereinafter referred to as "City," and Don Asbee, Metal Artists, in the State of Missouri, hereinafter referred to as the "Artist".

NOW, THEREFORE, City and Artist, in consideration of the mutual covenants and agreements herein agree as follows:

1. COMMISSION

Artist is commissioned to design, forge, fabricate, finish and deliver a memorial dog bench in honor of Kim Scholl as described in the quotation dated June 1, 2015 herein included as Exhibit A.

2. PAYMENT

City agrees to pay Artist Six Thousand, Seven Hundred and Seventy-Five Dollars (\$6,775.00) for the memorial bench for Kim Scholl as described in Exhibit A. A payment of fifty percent (50%) will be issued to the Artist upon execution of this agreement and the remaining fifty percent (50%) will be paid upon completion.

3. COMPLETION TIME

Artist will begin work as soon as practical after the execution of this agreement. The bench shall be completed and delivered within 120 calendar days from the execution of this agreement.

4. WARRANTIES

Artist represents and warrants that the work is solely the result of the artistic effort of the Artist and is original and unique, does not infringe upon any copyright, has not been sold elsewhere and is free from any liens. Artist represents and warrants that the work will be durable, executed and fabricated in a workmanlike manner and will be free from defects in material and workmanship including defects known as "inherent vice" or qualities which cause or accelerate deterioration of the work. If within one year of the date of final acceptance, the work exhibits any structural or cosmetic defect or flaw, Artist will repair the work or replace any defective component of the work at no cost to the city. All repairs or cures to defects shall be consistent with professional conservation standards. This warranty excludes reasonable wear and tear, vandalism, graffiti, the corrosive effects of ice melt salts and other damages beyond the Artist's control.

5. FINAL ACCEPTANCE AND TITLE

Upon the work being installed and completed to Artist's satisfaction, City shall inspect the work and present the Artist with a detailed listing of any observed flaws. When City is satisfied with the work, City shall notify Artist of its final acceptance of the work. Upon final acceptance, title to the work shall pass to City. Thereafter, City shall retain all written documentation regarding the work and shall have the right to a copy of all drawings, sketches and designs of the work for maintenance and historical documentation purposes only.

6. COPYRIGHT

Artist retains the full copyright for the Kim Scholl Memorial Dog Bench. Artist grants permission to City to make two-dimensional reproduction of the work for non-commercial purposes, including but not limited to reproductions used in advertising, brochures, media, publicity and catalogues.

7. ENTIRE AGREEMENT

The writing embodies the entire agreement and understanding between the parties and there are no other agreements or understandings, oral or written, with reference to the subject matter herein between the parties.

8. GOVERNING LAW

This agreement shall be governed by and construed in accordance with the laws of the State of Missouri.

IN WITNESS WHEREOF, the PARTIES have hereunto set their hands and seals the day and year first above written.

\_\_\_\_\_  
By: Don Asbee, Artist  
CITY OF COLUMBIA, MISSOURI

\_\_\_\_\_  
By: Michael Matthes, City Manager

ATTEST:

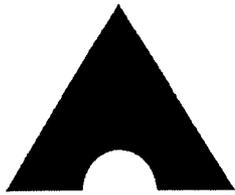
\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Nancy Thompson, City Counselor

I here by certify that this Contract is within the purpose of the appropriation to which it is to be charged, that is, the 440-8800-548.49-90 C00619 Account, and that there is an unencumbered balance to the credit of such account sufficient to pay therefore.

\_\_\_\_\_  
John Blattel, Director Finance



**Don Asbee** Metal Artist

*sculpture • custom furniture • architectural details*

7281 E. Zumwalt Road • Hartsburg, MO 65039 • Phone 573-864-1459

## Quotation:

Design, forge, fabricate, and finish:

### Kim Scholl Memorial Dog Bench

Approximate dimensions: 48”h x 64”w x 28” d

Forged steel barstock outline insures hazard-free edges and vandal resistance.

Dog tails provide comfortable armrests for weary dog enthusiasts.

Canine bodies defined by .25” steel plate.

Front bench legs are those of the Dogs: forged bars blending into the .25 plate bodies.

Bronze plaque by Franklin stating “**In Honor of Kim Scholl - Sister, Friend & Healer**”

Rear legs of bench to be forged steel to suggest tree branches.

Sand blasted with tannic acid patina.

Delivered to site.

Price

\$6,775.00

**Terms:** ASBEE METAL STUDIO requires a down payment of 50% of the total estimated cost of all jobs, the balance being payable upon completion. Interest at the rate of 1.5% per month will be charged against all balances unpaid at the time of completion. Any alteration or deviation from the specifications detailed above are subject to additional charges. All quoted prices are subject to change after 60 days from the date of quotation. All materials remain property of ASBEE METAL STUDIO prior to payment in full by customer. Customer agrees to be responsible for any and all expenses of collection including attorney fees. All delivery dates quoted are subject to change without notice. All building permits, licenses, fees in compliance with governmental regulations are the responsibility of the purchaser.

Don Asbee  
 Job offered by \_\_\_\_\_ Date 6/1/2015

\_\_\_\_\_  
 Job accepted by \_\_\_\_\_ Date