



City of Ketchum

November 2, 2020

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to Approve Amendment No. 1 to Contract #20480 Art on Fourth Artist Loan Agreement

Recommendation and Summary

Staff is recommending Council approve an amendment to Contract #20480, the artist loan agreement for the Art on Fourth exhibition.

"I move to approve Amendment No. 1 to Contract #20480, the Art on Fourth Artist Loan Agreement, with Rudi Broschofsky."

The reasons for the recommendation are as follows:

- The Ketchum Arts Commission would like to see this year's Art on Fourth Exhibit remain in place through the winter.
- The artist, Rudi Broschofsky, lives locally and has agreed to leave the piece installed through the winter.
- The Ketchum Arts Commission was created by the City of Ketchum in 2007 with the objective of integrating arts and culture into the community's life.

Introduction and History

The Art on Fourth public sculpture display is in its twelfth year. In past years, Art on Fourth has included the exhibition of three to four sculptures along the Fourth Street Heritage Corridor. This year, due to budget cuts eliminating funding from Art on Fourth, the Ketchum Arts Commission unanimously voted to use the balance of its miscellaneous donations fund, totaling \$1,250.00, to apply towards the exhibition of one sculpture. The KAC applied for and received a matching grant from the Idaho Commission on the Arts to reach the full honorarium amount of \$2,500.00. The piece the KAC chose for display was *The Roper*, by local artist Rudi Broschofsky. The KAC would like to see the piece remain in place for the winter and the artist agreed. Art on Fourth sculptures have remained through the winter in past years.

Financial Impact

There is no new financial requirement or impact.

Sustainability Impact

There is no sustainability impact.

Attachments:

Amendment No. 1 to Contract #20480

**Amendment No. 1 to
Artist Loan Agreement #20480
Rudi Broschofsky**

THIS AMENDMENT to Agreement 20480 is made and entered into this ____ day of _____, 2020, by and between the CITY OF KETCHUM, an Idaho municipal corporation (“City”) and Rudi Broschofsky (“Owner”).

RECITALS

WHEREAS, City is a municipal corporation duly organized and existing under the laws of the State of Idaho; and

WHEREAS, pursuant to Idaho Code §50-301, City is empowered to enter into contracts as may be deemed necessary to promote the welfare of the City and its residents; and

WHEREAS, City has exclusive control of the public rights-of-way; and

WHEREAS, Owner has installed a certain work of art in the public right-of-way for the enjoyment of the public; and

WHEREAS, City desires to grant Owner continued permission display the work of art in the public right-of-way because such public display of art will promote the public health and welfare of the City of Ketchum.

NOW, THEREFORE, on the basis of the foregoing recitals the parties agree as follows:

1. Section 4 of the agreement is deleted in it’s entirety and replaced with the following:
 4. Term and Display Period. The term of this Agreement shall run from June 30, 2020 until the Art is removed and the Display Site is restored to the reasonable satisfaction of the City. Owner shall display the Art on the Display Site from the time of installation until ~~November 1, 2020~~ a mutually determined date (the “Display Period”). Unless a street closure is required to remove the Art, Owner may remove the Art at any reasonable time prior to such date. Either party may terminate the Display Period at any time for any or no reason upon seven days’ notice to the other Party.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first above written.

CITY OF KETCHUM,
an Idaho municipal corporation

OWNER

By: _____
Neil Bradshaw
Mayor

By: _____
Its: _____

ATTEST:

Katrin Sharp
Deputy City Clerk