

III

DIRECT REFERRAL TO PUBLIC WORKS COMMITTEE

Res. No. 13 - 22 - 23. By Alderpersons Dekker and Perrella. May 10, 2022.

A RESOLUTION authorizing the appropriate City officials to enter into an agreement with Dr. Toby Watson authorizing the acceptance of four pianos donated by Dr. Watson in support of the City's placemaking strategy to activate City streets, and authorizing the appropriate City staff to oversee installation and maintenance of the pianos.

WHEREAS, Dr. Toby Watson desires to donate four painted pianos, winter covers and locks for placement on City rights-of-way under the direction of the Director of Community Development; and

WHEREAS, the City desires to accept this donation and to coordinate with Dr. Watson for the installation of these pianos; and

WHEREAS, the cost to install these pianos will be absorbed within the Department of Public Works operating budget.

NOW, THEREFORE, BE IT RESOLVED: That the Director of Planning and Development is hereby authorized to enter into the attached agreement with Dr. Toby Watson for the acceptance of donated pianos, covers and locks.

PW

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

Donation Agreement
Between the City of Sheboygan and Dr. Toby Watson

Background

Dr. Watson approached the City of Sheboygan (the “City”) about donating four pianos to the City in support of the City’s placemaking strategy to activate city streets. The City wishes to accept the donation of these pianos.

Both the City and Dr. Watson believe it is in their interest to enter into this Donation Agreement to spell out the responsibilities and expectations of the parties with respect to this donation.

Dr. Watson’s Responsibilities

Dr. Watson agrees to donate four pianos and four winter piano covers to the City of Sheboygan. The four pianos have been painted. Pictures of the four pianos are attached to this Donation Agreement. Dr. Watson agrees to store the pianos until Spring 2022, when the pianos will be installed.

Dr. Watson agrees to coordinate the installation of the pianos—including the exact manner of installation—with the City’s Director of Planning and Development.

Dr. Watson agrees to have the pianos installed at his expense. Dr. Watson (or any contractor doing the installation) will be required to sign an appropriate release prior to performing work in the public right-of-way.

Dr. Watson agrees to arrange for the four pianos to be tuned. Specifically, Dr. Watson will arrange for (including paying for, if necessary) two tunings of each piano, preferred in April and September, for a period of five years. If, in the opinion of the City of Sheboygan, the effective life of the pianos has ended before this five-year period ends, Dr. Watson shall have no further responsibility to arrange for tunings.

The City of Sheboygan’s Responsibilities

The City’s Director of Planning and Development will coordinate the installation of the pianos with Dr. Watson.

Once the pianos are installed in the City’s right-of-way, ownership of the pianos will transfer to the City. As a result, after that point the City will be responsible for any necessary maintenance of the pianos (including the installation and removal of winter covers), except the tuning that Dr. Watson has agreed to arrange.

The City will have the ultimate decision as to where the pianos are placed. This decision shall be made jointly by the Director of Planning and Development and the Director of Public Works, with input from Dr. Watson.

For the avoidance of doubt, the City reserves the right to remove or relocate the pianos from their installed locations for any reason (including, but not limited to, if the City decides it is appropriate to remove the pianos from the right of way during the winter, if one or more pianos is damaged beyond reasonable repair, if a more appropriate location has been identified, if a major reconstruction activity needs to occur, or if it is no longer in the best interest of the City to have pianos in the right of way). The Director of Planning and Development may, in consultation with the Director of Public Works, make the determination to remove or relocate the pianos.

Dr. Toby Watson

City of Sheboygan

Chad Pelishek
Director of Planning and Development

Date

Date