Minneapolis
Park & Recreation Board

Resolution 2018-246

Resolution Approving the Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center Allowing the Minneapolis Park and Recreation Board (MPRB) to Apply for and Receive a Permit for Improvements on the Irene Hixon Whitney Bridge for Which the Walker Art Center Will Pay for All Improvements and Related MPRB Expenditures and for Which the Walker Art Center Will Defend and Indemnify MPRB for Any Damages, Injuries or Otherwise for Work Performed in Connection with the Improvements

WHEREAS, The Minneapolis Park and Recreation Board (MPRB) owns and operates Loring Park and the Minneapolis Sculpture Garden at Parade Park;

WHEREAS, The Minnesota Department of Transportation (MnDOT) is the owner of the Irene Hixon Whitney Bridge (Bridge) which crosses Interstate I-94 and Hennepin and Lyndale Avenues, linking Loring Park and the Minneapolis Sculpture Garden at Parade Park;

WHEREAS, The Walker Art Center (Walker) desires to fund and install new lighting on the Bridge to commemorate its installation 30 years ago which will coincide with the Siah Armajani Exhibit at the Walker in the Fall 2018;

WHEREAS, MnDOT allows only political subdivisions of the State of Minnesota to apply for and receive permits for improvements on any part of the MnDOT highway system;

WHEREAS, Walker is willing to pay for all improvements to the Bridge and pay the Minneapolis Park & Recreation Board (MPRB) for its time and expense in preparing this Agreement and staff expenditures relating to the Bridge improvements;

WHEREAS, Walker is willing to defend and indemnify the MPRB for any damages, injuries or otherwise for work performed in connection with the Bridge improvements;

WHEREAS, MPRB is willing to facilitate the Walker's improvements to the Bridge subject to the Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center; and

WHEREAS, This resolution is supported by the MPRB 2007-2020 Comprehensive Plan, which envisions "Dynamic parks shape city character and meet diverse community needs" and "A safe place to play, celebrate, contemplate, and recreate;"

RESOLVED, That the Board of Commissioners approves the Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center allowing the

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Minneapolis Park and Recreation Board (MPRB) to apply for and receive a permit for improvements on the Irene Hixon Whitney Bridge for which the Walker Art Center will pay for all improvements and related MPRB expenditures and for which the Walker Art Center will defend and indemnify MPRB for any damages, injuries or otherwise for work performed in connection with the improvements;

RESOLVED, that the Board of Commissioner's approval of the Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center under this Resolution is subject to the following conditions and actions: 1) The MPRB will apply to MnDOT for a permit for the improvements to the Bridge requested by the Walker and the Walker will assume all obligations and liabilities under the permit; 2) The improvements will be performed by Egan Company and Egan Company will be reimbursed directly by the Walker for the work on the Bridge; 3) Walker and Egan Company will obtain any and all necessary permits and insurance for the work to be performed; 4) Walker will be responsible for all work performed on the site; 5) Walker agrees to defend, indemnify, and hold harmless the MPRB for all aspects of and in every way for the work performed by Egan Company or any subcontractors in connection with the work performed on the Bridge; and 6) Walker agrees to reimburse the Park Board $500 for work performed with drafting this Agreement and staff time related to the improvements; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.

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TO: Administration & Finance Committee

FROM: Michael Schroeder,

DATE: August 1, 2018

SUBJECT: Resolution Approving the Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center Allowing the Minneapolis Park and Recreation Board (MPRB) to Apply for and Receive a Permit for Improvements on the Irene Hixon Whitney Bridge for Which the Walker Art Center Will Pay for All Improvements and Related MPRB Expenditures and for Which the Walker Art Center Will Defend and Indemnify MPRB for Any Damages, Injuries or Otherwise for Work Performed in Connection with the Improvements

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BACKGROUND

This action considers an Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge (Bridge) by the Walker Art Center (Walker) *(Attachment A)* allowing Minneapolis Park & Recreation Board (MPRB) to apply for and receive a permit for improvements on the Irene Hixon Whitney Bridge for which the Walker Art Center (Walker) will pay for all improvements and related MPRB expenditures and for which the Walker Art Center will defend and indemnify MPRB for any damages, injuries or otherwise for work performed in connection with the improvements.

The Walker wants to provide funds for new lighting on the Bridge which crosses Interstate I-94 and Hennepin and Lyndale Avenues, linking Loring Park to the Minneapolis Sculpture Garden at Parade Park to commemorate the installation of the Bridge 30 years ago which will coincide with the Siah Armajani Exhibit at the Walker coming in the fall of 2018. The Minnesota Department of Transportation (MnDOT) is the owner of the Bridge and allows only political subdivisions of the State of Minnesota to apply for and receive permits for improvements on any part of the MnDOT highway system. The Walker is willing to pay the MPRB for its time and expense in preparing this Agreement and staff expenditures relating to the Bridge improvements and is willing to defend and indemnify the MPRB for any damages, injuries, or otherwise for work performed in connection with the Bridge project.

Within the Agreement the parties agree to the following:

1) The MPRB will apply to MnDOT for a permit for the improvements to the Bridge requested by the Walker and the Walker will assume all obligations and liabilities under the permit;

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2) The improvements will be performed by Egan Company and Egan Company will be reimbursed directly by the Walker for the work on the Bridge;
3) The Walker and Egan Company will obtain any and all necessary permits and insurance for the work to be performed;
4) The Walker will be responsible for all work performed on the site;
5) The Walker agrees to defend, indemnify and hold harmless the MPRB for all aspects of and in every way for the work performed by Egan Company or any subcontractors in connection with the work performed on the Bridge; and
6) The Walker agrees to reimburse the MPRB $500 for work performed with drafting this Agreement and staff time spent on the project.

The project schedule is planned for August 20, 2018 to September 6, 2018.

RECOMMENDATION

Staff recommends that the Board of Commissioners approve the Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center allowing the Minneapolis Park and Recreation Board (MPRB) to apply for and receive a permit for improvements on the Irene Hixon Whitney Bridge for which the Walker Art Center will pay for all improvements and related MPRB expenditures and for which the Walker Art Center will defend and indemnify MPRB for any damages, injuries or otherwise for work performed in connection with the improvements;

This action is supported by the following vision and goal statements in the MPRB 2007-2020 Comprehensive Plan:

Vision Theme 3:	Dynamic parks that shape city character and meet diverse community needs
Goal:	Parks shape and evolving city.
Goal:	Park facility renewal and development respects history and focuses on sustainability, accessibility, flexibility, and beauty.
Vision Theme 4:	A safe place to play, celebrate, contemplate, and recreate
Goal:	Parks are safe and welcoming by design.

ATTACHMENTS:

- Attachment A - Agreement to Facilitate Improvements on the Irene Hixon Whitney Bridge by the Walker Art Center with Exhibit (PDF)

Prepared By: Dana Murdoch,, Design and Project Management
Review:
Cindy Anderson Completed 07/27/2018 12:48 PM

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Cliff Swenson Skipped 07/27/2018 12:04 PM
Michael Schroeder Completed 07/27/2018 12:20 PM
Mary Merrill Completed 07/27/2018 3:02 PM
Administration & Finance Committee Pending 08/01/2018 5:20 PM