

*Legal*

## AGREEMENT

This agreement made and entered into this 19 day of January, 2001, between the City of La Crosse, Wisconsin, a municipal corporation, by and through its Board of Public Works, Elmer P. Petersen and Donna Cuta and the Pump House Regional Arts Center, Inc., a Wisconsin corporation.

WITNESETH:

WHEREAS, The Downtown La Crosse Sculpture Project Committee chaired by Elmer P. Petersen intends to construct a sculpture to be placed on land of the City in accordance with the attached Council Resolution.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed as follows:

1. GENERAL DESCRIPTION OF PROJECT: Donna Cuta, Artist, will design and Elmer P. Petersen, Sculptor, will oversee the sculpture project entitled "Dancers" to be placed in the turn-around located in the center of the Pump House Regional Arts Center Parking Lot, which is located at 119 King Street in the City of La Crosse, and which is more accurately detailed on the map, which is attached hereto as Exhibit "A." The total height of the "Dancers" sculpture will be approximately twelve (12) feet, including the base. The sculpture will be constructed of either stainless steel or aluminum. The final location of the sculpture shall be subject to review and approval by the City Engineer and Director of Public Works.

2. MODEL. Prior to construction, a detailed model of suitable material will be provided and the sculpture will obtain acceptance of the model by the Board of Public Works before proceeding of the shaping of the full size original.

3. COMPENSATION. The funds for the sculpture shall come from receipt of contributions from Isola Laminates. The City will provide for a special fund for receipt of contributions for the sculpture and make disbursements from such special fund per the direction of the Board of Public Works.

4. TIME OF COMPLETION. The target date for completion, including installation, is spring, 2001. The sculpture will proceed with the project in a workmanlike manner, but artistic merit will determine the exact date of installation.

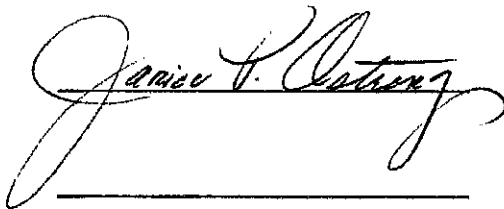
5. OWNERSHIP AND EXCLUSIVE RIGHTS. The sculpture will be copyrighted by the sculptor. The City of La Crosse will be the owner of the sculpture and have exclusive rights thereto, and no duplicates or facsimiles of the same shall be produced, transferred or sold without the express written permission of the Board of Public Works with the exception of the follows: Donna Cuta may produce five (5) duplicates of the sculpture.

6. MAINTENANCE. If maintenance is needed, such as painting over graffiti, repainting if needed and other regular maintenance, then Western Wisconsin Regional Arts Board, Ltd. will oversee such maintenance. The City of La Crosse, through its insurance, will cover damage cost to the sculpture, provided, however, that the \$500 deductible on such insurance will be paid from

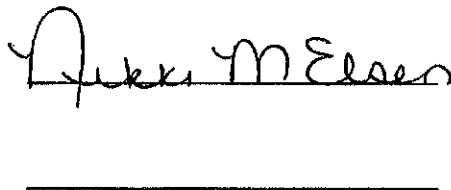
donated funds which will be held in a special fund set up by the Director of Finance of the City of La Crosse.

The Board of Public Works or City of La Crosse shall have the right to have the sculpture moved to a different location upon ninety (90) days written notice to the Western Wisconsin Regional Arts Board, Ltd., after conferring with Donna Cuta, which have the option to move the sculpture to a different location after receipt of said ninety (90) day notice. Prior approval from the Board of Public Works will be required or the City Council if moved to City land.

CITY OF LA CROSSE

  
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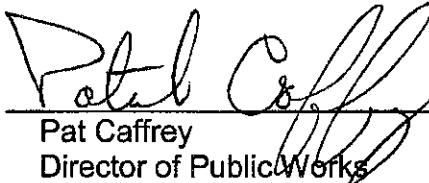
BY:   
John D. Medinger, Mayor

  
\_\_\_\_\_

BY:   
Teri Lehrke, City Clerk

BOARD OF PUBLIC WORKS

\_\_\_\_\_  
\_\_\_\_\_

BY:   
Pat Caffrey  
Director of Public Works

Pump House Regional Arts Center,  
Inc.

WESTERN WISCONSIN REGIONAL ARTS  
BOARD, LTD.

BY: Jodi K. Bente  
Jodi Bente, Executive Director

Elmer Petersen

Elmer Petersen

Donna Cuta  
Donna Cuta