

★ Roll Call Number

Agenda Item Number

35

Date September 22, 2008

Application from Downtown Events Group for permission to temporarily place banners across the street on E. 5th Street from E. Grand Avenue to E. Locust Street, October 8-13, 2008 for the World Food Festival.

Moved by _____ to receive, file and approve banners.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk



City of Des Moines
Application for Permission to Temporarily Place
Banner(s) or Item(s)
Over/Across Public Street and/or Right-of-Way

Please submit application 45 days in advance
Print or Type

Applicant: DOWNTOWN EVENTS Group
Address: 700 LOCUST, Ste. 100 Des Moines 50309
Contact Person: Beth Johnson Alternate Contact: Stephen King
Daytime Telephone: 286-4946 Cell: 681-9428
E-Mail Address: bjohnson@downtown Fax: 286-4942
events group.org
Date(s) the banner(s) or item(s) will be displayed: 10/8 - 10/13/2008

Purpose of the banner(s) or item(s): World Food Festival -
Flags of the world.

Preferred Location: Please provide a map or diagram of the street indicating banner location. E. Locust St. from E. 3rd St to E. 6th St.
and E. 5th St. from E. Grand to E. Walnut.

How will the banner(s) or item(s) be anchored?
Flags are attached to a rope with zipties and tied to
If you plan to anchor to the utility pole, please provide written permission from the utility company or from the City (if poles are City-owned). Such permission is not a substitute for meeting the requirements for receiving this permit. Poles.

Size of banner(s) or item(s):
EACH FLAG ON THE ROPE IS 3'x5' and will hang vertically.

Specifications of banner(s) or item(s):

Type of Material: Lightweight nylon fabric

Number of grommets used to secure banner or item:
EACH Flag has 3 grommets AND will be attached at the
TOP.

Sketch of banner or item design: Will you need electricity provided for your item?
If electricity is necessary, how would it be obtained:

No Electricity Required.
Photo Attached.

Indemnification:

To the fullest extent permitted by law, the Applicant agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Des Moines, Iowa against any and all claims, demands, suites, or loss, including any and all outlay and expense connected therewith, by reason of personal injury, bodily injury or death, and property damage, which arises out of the Applicant erecting, displaying, maintaining and removing banner or item display.

Insurance:

A Certificate of Insurance to demonstrate compliance with these requirements shall be submitted to the City's Risk Management Office. Applicant shall purchase and maintain during the period of the banner or item display, including erection, display and removal of banner or item. General Liability Insurance with a limit of no less than \$500,000 per occurrence and/or aggregate, Automobile Liability Insurance for owned (if applicable), non-owned and hired vehicles with a limit of no less than \$500,000 per occurrence. Both the General and Automobile Liability Insurance policies shall include Contractual Liability coverage equivalent to that included in a standard ISO insurance form with the General Liability edition date being no earlier than 1998, unless otherwise approved by the City of Des Moines, Iowa. If the banner or item display is part of a special event for which a Street Use Permit is granted the insurance required for the Street Use Permit will be considered to also cover insurance otherwise required for this permit.

Applicant agrees to provide all maintenance and upkeep of the banner(s) or item(s) for the duration that the banner(s) or item(s) is in place. Banner(s) or item(s) may be removed at the expense of the applicant if required by the City.

Beth Johnson
Signature

8/5/08
Date

Please return to City Clerk's Office
400 Robert D. Ray Drive
Des Moines, IA 50309
Phone: (515) 283-4209, Ext. 7
Fax: (515) 237-1645

FOR OFFICE USE ONLY:
Traffic Division approval: _____
Risk Management approval: _____
City Council approval: _____

ACORDTM CERTIFICATE OF LIABILITY INSURANCE DATE (MM/DD/YYYY)
04/18/08

PRODUCER Holmes Murphy & Assoc - WDM PO Box 9207 Des Moines, IA 50306-9207 Dave Olson INSURED Greater Des Moines Partnership 700 Locust St., Suite 100 Des Moines, IA 50309	1-800-247-7756 THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURERS AFFORDING COVERAGE	
INSURER A: Philadelphia Insurance Company	NAIC #
INSURER B: Acuity	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	PHPK294582	03/01/08	03/01/09	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence): \$ 1,000,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	PHPK294578	03/01/08	03/01/09	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ GARAGE LIABILITY <input type="checkbox"/> ANY AUTO AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC AGG \$
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	PHUB233341	03/01/08	03/01/09	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$ \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	L56045	03/01/08	03/01/09	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
	OTHER				

OK
 Murphy
 9-16-08

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 List of Events: Imagine Eve, Skywalk Golf Tournament, Farmers Market, Wells Fargo World Food Festival, Des Moines Arts Festival, Iowa Event, Winter Carnival. Named Insured-Downtown Events Group.
 General Liability & Auto Liability Insurance includes Contractual Liability coverage.
 General Liability definition of Insured Contract includes the indemnification of a municipality when required by ordinance or by contract or agreement.

CERTIFICATE HOLDER City of Des Moines City Clerk's Office Attn: Mark Schultz 400 Robert D Ray Drive Des Moines, IA 50309 USA	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <div style="text-align: right; font-family: cursive; font-size: 1.2em;">Dave Olson</div>
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MidAmerican Energy Company
CUSTOMER TECHNICIAN
P O BOX 857
Des Moines, Iowa 50306-0657

September 9, 2008

Beth Johnson
Downtown Events Group
700 Locust St.
Suite 100
Des Moines, Iowa 50309

Dear Ms. Johnson:

Re: Flag Banners for the World Food Festival

MidAmerican Energy Company is willing to grant The Downtown Events Group a license to use its utility poles for hanging flags across the street subject to the following:

1. The facilities included in this agreement are located in the following described area:

Four (4) light poles on E. 5th Street from E. Grand Avenue to E. Locust Street.

2. The Downtown Events Group shall during the license period indemnify and hold harmless MidAmerican Energy Company, its parent, subsidiaries and affiliated companies and their agents, officers, and employees from and against any loss or damage to the facilities, all claims, actions, suits, proceedings, cost, expenses, damages and liabilities (including legal expense and including damage to property, injury to or death of any persons in any manner resulting from the use of the facilities if such liability is caused in whole or in part by using said utility poles by The Downtown Events Group and/or in whole or in part by any act, omission or negligence of The Downtown Events Group and/or its agents, officers or employees.
3. The Downtown Events Group shall maintain insurance to cover the risks specified in paragraph 2. The Downtown Events Group will provide MidAmerican Energy with a letter of self-insurance/insurance as proof of coverages required in paragraph 2.
4. The Downtown Events Group acknowledges that MidAmerican Energy Company **MAKES NO WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, AS TO THE FITNESS, DESIGN, OR CONDITION OF THE FACILITIES OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE THAT, MIDAMERICAN ENERGY HAS AGREED TO ALLOW THE DOWNTOWN EVENTS GROUP TO USE AND THE DOWNTOWN EVENTS GROUP UNDERSTANDS THAT THE FACILITIES ARE PROVIDED AS IS, WITH ALL FAULTS.**





September 9, 2008
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- The agreement shall become effective on October 8, 2008 and shall continue unless terminated by either MidAmerican Energy Company or The Downtown Events Group giving the other party thirty (30 days written notice of termination, or immediately without notice if The Downtown Events Group fails to comply with any provision of this agreement.)

Enclosed are two copies of this license agreement. Please indicate your acceptance of the terms and conditions stated herein by dating and signing in the space provided below and return one original and a copy of your insurance certificate to me. If you have any questions or comments regarding this matter, please call me at 515-242-3914.

Sincerely,
MidAmerican Energy Company

James M. Howard
Customer Technician

Accepted and agreed to this 17th day of September, 2008.

THE DOWNTOWN EVENTS GROUP

By: Beth Johnson

Title: Production Manager



