

★ Roll Call Number

Agenda Item Number

36

Date May 21, 2012

Application from St. Anthony's Church requesting approval for banners across the Streets on SW 1<sup>st</sup> Street and Indianola Avenue, SW 1<sup>st</sup> Street and Columbus Avenue, 1804 SW 1<sup>st</sup> Street, 1703 S. Union Street and Granger Avenue, and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 27, 2012.

Moved by \_\_\_\_\_ to receive, file and approve banners.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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



Herzberg, Karen <kmherzberg@dmgov.org> 36

**Re: Banner Approval**

**Dakovich, Jennifer** <jldakovich@dmgov.org>  
To: "Herzberg, Karen" <kmherzberg@dmgov.org>  
Cc: Mark Schultz <mjschultz@dmgov.org>

Mon, May 7, 2012 at 6:35 AM

Approved by T&T.

Thanks.  
Jen

On Fri, May 4, 2012 at 3:07 PM, Herzberg, Karen <kmherzberg@dmgov.org> wrote:  
Please let me know if this meets with your approval. It will be on the May 21st Agenda. Thank you.

Karen

--  
**Karen Herzberg**  
**Executive Administrative Assistant**  
**City Clerk's Office**  
**Phone: 515-237-1389**  
**Fax: 515-237-1645**

--  
**Jennifer Dakovich, PE**

Principal Traffic Engineer  
Traffic and Transportation Division  
City of Des Moines  
400 Robert D. Ray Dr.  
Des Moines, IA 50309  
Office: (515) 283-4973  
Fax: (515) 237-1640  
E-mail: jldakovich@dmgov.org



Herzberg, Karen <kmherzberg@dmgov.org> 36

**Re: Banner Approval**

**Schultz, Mark** <mjschultz@dmgov.org>  
To: "Herzberg, Karen" <kmherzberg@dmgov.org>

Fri, May 4, 2012 at 3:55 PM

Approved.

On Fri, May 4, 2012 at 3:07 PM, Herzberg, Karen <kmherzberg@dmgov.org> wrote:  
Please let me know if this meets with your approval. It will be on the May 21st Agenda. Thank you.

Karen

—  
**Karen Herzberg**  
**Executive Administrative Assistant**  
**City Clerk's Office**  
**Phone: 515-237-1389**  
**Fax: 515-237-1645**

—  
Mark Schultz  
Risk Manager  
City of Des Moines, Iowa  
400 Robert D. Ray Drive  
Des Moines, IA 50309  
515-237-1790



City of Des Moines, Iowa  
36

## Banner Approval

**Herzberg, Karen** <kmherzberg@dmgov.org>

Fri, May 4, 2012 at 3:07 PM

To: Jennifer Dakovich <jldakovich@dmgov.org>, Mark Schultz <mjschultz@dmgov.org>

Please let me know if this meets with your approval. It will be on the May 21st Agenda. Thank you.

Karen

—  
**Karen Herzberg**  
**Executive Administrative Assistant**  
**City Clerk's Office**  
**Phone: 515-237-1389**  
**Fax: 515-237-1645**



**St. Anthony's Banner.pdf**

1092K



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: ST ANTHONY Church

Address: 15 Indianola RD.

Contact Person: Joanna Schmeling Alternate Contact Michelle Romeo

Daytime Phone: 248-4704 Cell Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Date(s) the banner(s) or item(s) will be displayed: 5-27-2012

Purpose of the banner(s) or item(s): corpus christie procession

Preferred Location: Please provide a map or diagram of the street indicating banner location. \_\_\_\_\_

How will the banner(s) or item(s) be anchored?  
Tied with Rope to Poles

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.

Size of banner(s) or item(s):  
20ft X 2ft

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

Type of Material:

Number of grommets used to secure banner or item:  
Canvas 49 Grommets with end anchor

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 Needed

FILED  
MAY 14 2012  
CITY OF DES MOINES

**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. 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.

Nick Jorua  
Signature

5-4-2012  
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)237-2645

**FOR OFFICE USE ONLY:**

Traffic Division Approval: \_\_\_\_\_

Risk Management Approval: \_\_\_\_\_

City Council Approval: \_\_\_\_\_

**HOLD HARMLESS AGREEMENT AND EVIDENCE OF INSURANCE  
COVERAGE FOR THE CONSTRUCTION, ERECTION, MAINTENANCE AND  
REMOVAL OF STREET BANNERS IN  
CITY OF DES MOINES RIGHT-OF-WAY**

The undersigned, as an authorized representative of ST- Anthony Church acknowledges that the organization is a recognized group or association by the City of Des Moines, Iowa, or is a tax-exempt organization under Section 501 (c) (3) of the United States Internal Revenue Code.

On behalf of the organization or association, the undersigned states that the street banners which are the subject of this Agreement shall be placed in an area generally described as:

on poles in same area  
The procession Route  
see attached

The organization or association acknowledges and agrees that it will solely provide for the construction, erection, maintenance and removal of street banners and that the City of Des Moines, its employees, agents and assigns shall have no obligation or responsibility whatsoever for the construction, erection, maintenance and removal of the street banners.

The undersigned acknowledges that any and all activity undertaken by any officer, agent, employee, volunteer and/or assign of the organization or association related to the placement of street banners and associated activity in City owned right-of-way pursuant to authorization of the City of Des Moines, Iowa given in Resolution Number 99-991 dated April 5, 1999 is done solely on behalf of the organization or association and that the undersigned, on behalf of the organization or association, releases and holds the City of Des Moines, Iowa, its officers, agents, employees and assigns harmless from any and all damages which may be asserted, claimed, or recovered against the City of Des Moines, Iowa, its officers, agents, employees and assigns by reason of property damage and/or personal injury, including bodily injury, which arises out of or which is in any way connected or associated with the activity undertaken for the construction, erection, maintenance and removal of the street banners from City owned right-of-way.

The organization or association assumes full responsibility for any and all damages or injuries which may result to any person or property by reason of or in connection with the activities undertaken by or on behalf of the organization or association.

The undersigned further acknowledges that any and all officers, agents, employees, volunteers and/or assigns of the organization or association are not employees or contractors of the City of Des Moines, Iowa and are exempt from the coverage (s) provided by Code of Iowa, Chapters 85, 85A, 85B and any succeeding legislation, and that such individuals shall have no right to make a claim for or receive any compensation from the City of Des Moines, Iowa as provided by Code of Iowa Chapters 85, 85A, 85B or any succeeding legislation.

The organization or association represents that it has the approval of Mid-American Energy Company to erect street banners on utility or like-poles within the designated area, and that the above-named organization or association has liability insurance (Policy Name and Number St. Anthony Church) in full force and effect which names the organization or association, and as an additional insured, the City of Des Moines.

The undersigned further represents that the liability insurance will remain in full force and effect during the period the street banners are located in City owned right-of-way and agrees that upon expiration, termination or otherwise of the liability insurance coverage, or if any of the terms of this Agreement cannot or are not met, the authority of the organization or association to have the street banners placed in City owned right-of-way will immediately terminate and the banners will be removed.

This Hold Harmless Agreement and Evidence of Insurance Coverage is executed on this 4 day of May, 2017 on behalf of and by the authority of St. Anthony Church.

Nick David  
Authorized Representative

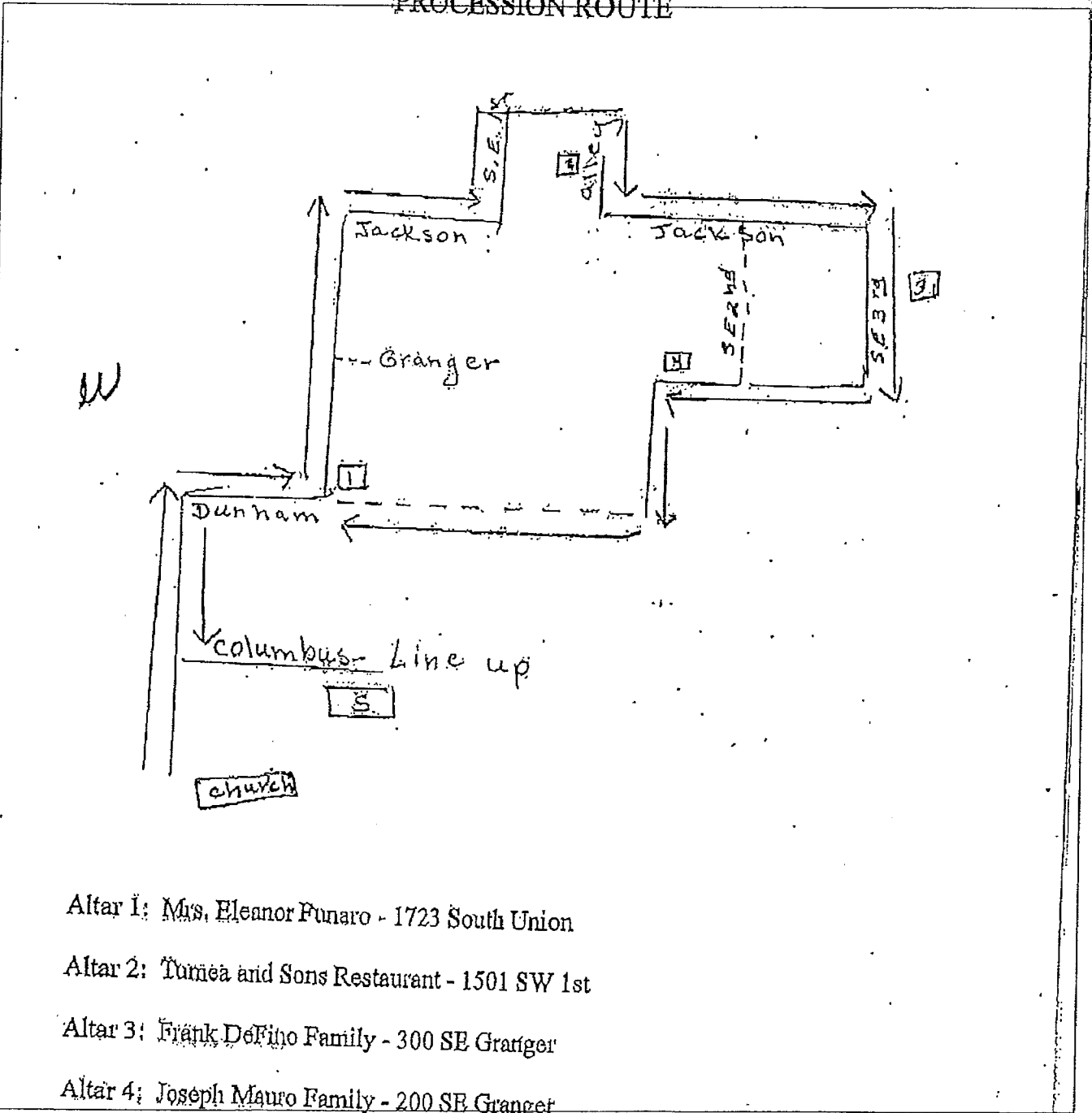


### MAP OF THE EVENT SITE

A detailed map of the event site MUST be drawn here or attached to this application. The following must be identified and labeled (Do not use color to identify these references, as it will not photo copy

- 1. The site of the event (label streets, etc.)
- 2. Routes for races, parades, etc.
- 3. Fencing
- 4. First Aid Facilities
- 5. Restroom Facilities
- 6. Canopies, tents, stages
- 7. Alcohol serving/consuming areas
- 8. Barricades (if known)

### PROCESSION ROUTE



Altar 1: Mrs. Eleanor Funaro - 1723 South Union

Altar 2: Tomica and Sons Restaurant - 1501 SW 1st

Altar 3: Frank DeFino Family - 300 SE Granger

Altar 4: Joseph Mauro Family - 200 SE Granger

Altar 5: School and Parish Hall area - 16 Columbus Ave.

04/11/2011 15:49

5152371845

DEMOLERK

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3/1



MidAmerican Energy Company  
CUSTOMER TECHNICIAN  
P.O. BOX 887  
DES MOINES IA 50308-0887

February 20, 2008

Nick Iaria  
St. Anthony's Church  
15 Indianola Road  
Des Moines, Iowa 50315

Re: Banner Agreement for St. Anthony's Church

Dear Mr. Iaria:

MidAmerican Energy Company is willing to grant the St. Anthony's Church a license to use its utility poles for double bracket banners subject to the following:

- The facilities included in this agreement are located in the following described area:  
 SW 1<sup>st</sup> Street and Indianola Avenue, SW 1<sup>st</sup> Street and Columbus Avenue, 1804 SW 1<sup>st</sup> Street, 1703 S. Union Street and Granger Avenue, S. Union Street and Jackson Avenue 2<sup>nd</sup> Pole east of #5, S. Union Street, SE 2<sup>nd</sup> Street and Jackson Avenue, 11 Dunham Avenue
- St. Anthony's Church 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 St. Anthony's Church and/or in whole or in part by any act, omission or negligence of and/or its agents, officers or employees.
- St. Anthony's Church shall maintain insurance of self-insure, to cover the risks specified in paragraph 2. St. Anthony's Church will provide MidAmerican Energy with a letter of self-insurance/insurance as proof of coverage's required in paragraph 2.

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St. Anthony's Church  
February 20, 2008  
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- 4. St. Anthony's Church 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 ST. ANTHONY'S CHURCH TO USE AND THE UNDERSTANDS THAT THE FACILITIES ARE PROVIDED AS IS, WITH ALL FAULTS.
- 5. The agreement shall become effective on May 18, 2008 and shall continue unless terminated by either MidAmerican Energy Company or St. Anthony's Church giving the other party thirty (30) days written notice of termination, or immediately without notice if St. Anthony's Church 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 515-242-3902.

Sincerely,  
MidAmerican Energy Company

*Bill Smalley*  
William H. Smalley  
Customer Technician

Accepted and agreed to this 17 day of March, <sup>2010</sup>~~2008~~.

ST. ANTHONY'S CHURCH

By: *Jo Anne Schmelz*

Title: *Office Manager*