

**Date** May 20, 2013

Communication from Des Moines Convention and Visitors Bureau, to approve banner design for the Welcome of the US Youth Soccer Association for banners to be displayed along Hartford Avenue east of SE 14<sup>th</sup> to the entrance of James W. Cownie Soccer Park from May 30 – June 20, 2013.

Moved by \_\_\_\_\_ to receive, file and approve banner design.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

\_\_\_\_\_ 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)

2013 MAY 10 PM 12:25  
CITY CLERK  
DES MOINES, IA

FILED

Applicant: Des Moines Convention & Visitors Bureau

Address: 400 Locust Suite 265 Des Moines, IA 50309

Contact Person: Katie Fench Alternate Contact Scott Koch

Daytime Phone: 515-699-3452 Cell Phone: 816-830-3418

E-Mail Address: Katief@catchdesmoines.com Fax: 515-244-9757

Date(s) the banner(s) or item(s) will be displayed: May 30, 2013 - June 30, 2013

Purpose of the banner(s) or item(s): Welcome IHSAA/IHSAA State Soccer & USYSA Region II Championships.

Preferred Location: Please provide a map or diagram of the street indicating banner location. Hartford from East of SE 14th to the entrance of Cronie Soccer. Only 1 banner per pole, North side of the street only.

How will the banner(s) or item(s) be anchored?  
Printer will attach on pole brackets.

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): 2.5' x 8'

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

Type of Material: Heavy cloth/nylon fabric

Number of grommets used to secure banner or item:  
Sleeves at top & bottom with four grommets

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

**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 occurrence. The General Liability Insurance policy 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.

Kate Fincl  
Signature

5-8-13  
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: \_\_\_\_\_



MidAmerican Energy Company  
10510 Douglas Avenue  
Urbandale, Iowa 50322

May 9, 2013

Des Moines Area Sports Commission  
Attn: Scott Koch  
400 Locust Street, Suite 265  
Des Moines, Iowa 50309

Dear Mr. Koch:

Re: Installation of banners along Hartford Avenue – Des Moines, Iowa

MidAmerican Energy Company is willing to grant Des Moines Area Sports Commission a license to use its utility poles for the installation of banners subject to the following:

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

Hartford Avenue east of SE 14<sup>th</sup> Street – Des Moines, Iowa

2. The Des Moines Area Sports Commission 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 Des Moines Area Sports Commission and/or in whole or in part by any act, omission or negligence of and/or its agents, officers or employees.
3. The Des Moines Area Sports Commission shall maintain insurance of self-insure, to cover the risks specified in paragraph 2. The Des Moines Area Sports Commission will provide MidAmerican Energy with a letter of self-insurance/insurance as proof of coverages required in paragraph 2.

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- 4. The Des Moines Area Sports Commission 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 DES MOINES AREA SPORTS COMMISSION TO USE AND THE UNDERSTANDS THAT THE FACILITIES ARE PROVIDED AS IS, WITH ALL FAULTS.
  
- 5. The agreement shall become effective on May 15, 2013 and shall continue unless terminated by either MidAmerican Energy Company or Des Moines Area Sports Commission giving the other party thirty (30 days written notice of termination, or immediately without notice if Des Moines Area Sports Commission 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 515-252-6497.

Sincerely,  
MidAmerican Energy Company



Eric Heikes  
Supervisor-Electric Distribution Engineering

Accepted and agreed to this 10 day of May, 2013.

DES MOINES AREA SPORTS COMMISSION

By: Jodi P... [Signature]

Title: VP. Sales Sports and Services

**WELCOME  
ATHLETES,  
COACHES  
& FANS**



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**[catchdesmoines.com](http://catchdesmoines.com)**

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COACHES  
& FANS



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