

★ **Roll Call Number**

Agenda Item Number

29

Date April 7, 2014

Application from St. Anthony's Church requesting approval for banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 104 SW 1st Street, 1703 S. Union Street and Granger Avenue and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 18, 2014.

Moved by _____ to receive, file and approve banner design.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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



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: Stephanie Alternate Contact Michelle Romeo

Daytime Phone: 244-4709 Cell Phone: _____

E-Mail Address: _____ Fax: _____

Date(s) the banner(s) or item(s) will be displayed: 5-18-2014

Purpose of the banner(s) or item(s): CORPUS CHRISTI 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):
20 ft x 2 ft

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

Type of Material:

Number of grommets used to secure banner or item:
Canvas 49 Gromets 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

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.

Mark Jura
Signature

3-12-2014
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:

CN 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 12 day of MARCH, 2014 on behalf of and by the authority of ST-ANTHONY church

Mark Loria

Authorized Representative

Certificate of Coverage

Date: 3/6/2014

Certificate Holder
 The Roman Catholic Diocese of Des Moines
 Chancery Office
 601 Grand Avenue
 Des Moines, IA 50309

This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.

Covered Location
 St Anthony Parish
 15 Indianola Road
 Des Moines, IA 50315

Company Affording Coverage
 THE CATHOLIC MUTUAL RELIEF
 SOCIETY OF AMERICA
 10843 OLD MILL RD
 OMAHA, NE 68154

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate 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 coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

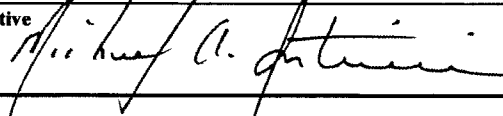
Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits
Property				Real & Personal Property
D. General Liability <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	8577	7/1/2013	7/1/2014	Each Occurrence
				500,000
				General Aggregate
				Products-Comp/OP Agg
				Personal & Adv Injury
				Fire Damage (Any one fire)
Med Exp (Any one person)				
Excess Liability	8577	7/1/2013	7/1/2014	Each Occurrence
				500,000
				Annual Aggregate
Other				Each Occurrence
				Claims Made
				Annual Aggregate
				Limit/Coverage

Description of Operations/Locations/Vehicles/Special Items (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)
 Coverage is verified for St Anthony Parish's Corpus Christi Procession being held on May 18, 2014 from 11:00 AM to 3:00 PM.

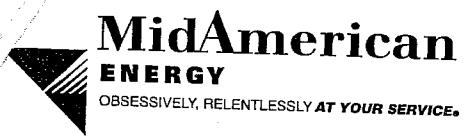
Holder of Certificate **Cancellation**

City of Des Moines

Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative 

0084001053



MidAmerican Energy Company
CUSTOMER TECHNICIAN
P O BOX 657
DES MOINES IA 50306-0657

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:

1. The facilities included in this agreement are located in the following described area:
 SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 1804 SW 1st Street, 1703 S. Union Street and Granger Avenue, S. Union Street and Jackson Avenue 2nd Pole east of #5, S. Union Street, SE 2nd Street and Jackson Avenue, 11 Dunham Avenue
2. 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.
3. 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.



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

William H. Smalley
Customer Technician

Accepted and agreed to this 17 day of March, ~~2008~~ ²⁰⁰⁹.

ST. ANTHONY'S CHURCH

By: Jo Anne Schmelung

Title: Office Manager

Herzberg, Karen M.

From: Dakovich (Rouse), Jennifer L.
Sent: Wednesday, March 26, 2014 6:40 AM
To: Herzberg, Karen M.
Cc: Sanders, Scott E.
Subject: RE: St. Anthony's Banner

Approved by T&T.

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

From: Herzberg, Karen M.
Sent: Tuesday, March 25, 2014 9:22 AM
To: Dakovich (Rouse), Jennifer L.
Cc: Sanders, Scott E.
Subject: St. Anthony's Banner

Attached request from St. Anthony's for banner. Please let me know if you approve. I would like to put this on the April 7 agenda. Thank you.

Karen

Karen Herzberg
Executive Administrative Assistant
City Clerk's Office
400 Robert D. Ray Drive
Des Moines, IA 50309
(515) 237-1389
Fax: (515) 237-1645



Herzberg, Karen M.

From: Sanders, Scott E.
Sent: Tuesday, April 01, 2014 7:11 PM
To: Herzberg, Karen M.; Dakovich (Rouse), Jennifer L.
Subject: RE: St. Anthony's Banner

Not standard, but I will okay it.
Scott

From: Herzberg, Karen M.
Sent: Tuesday, March 25, 2014 9:22 AM
To: Dakovich (Rouse), Jennifer L.
Cc: Sanders, Scott E.
Subject: St. Anthony's Banner

Attached request from St. Anthony's for banner. Please let me know if you approve. I would like to put this on the April 7 agenda. Thank you.

Karen

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