

Date June 17, 2024

**SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH DES MOINES WATER WORKS FOR PLACEMENT OF DATA COLLECTION EQUIPMENT ON VARIOUS CITY-OWNED PROPERTIES**

**WHEREAS**, the City of Des Moines entered into a license agreement, dated November 20, 2001, and approved by Roll Call 01-3366, permitted Des Moines Water Works Board of Trustees (“Licensee”) to place Data Collection Equipment upon nine City of Des Moines Fire Department siren pole locations; and

**WHEREAS**, by Amendment 1, approved on October 21, 2002, by Roll Call 02-2531, and by Amendment 2, approved on January 24, 2012, by Roll Call 11-2116, the Original License Agreement was amended to include a total of twenty-two additional data collection locations, four of which are roof-mounted while eighteen are located on additional Des Moines Fire Department siren poles; and

**WHEREAS**, the license agreement expired on December 31, 2021, and this License Agreement needs to be put in place to (1) renew the license for a twenty-year period, (2) include additional licensing language (3) include relocation terms for the existing equipment to new locations, (4) include maintenance and improvement conditions that now apply to the relocation and upgraded Des Moines Fire Department siren poles, and (5) include maintenance and improvement conditions that now apply to the relocation of the Des Moines Fire Station #4; and

**WHEREAS**, LICENSEE is currently utilizing the CITY’s Licensed Areas at:

<u>Siren Pole</u>	<u>Approximate Street Address</u>	<u>Originating License Agreement</u>
A16	480 Southwest 5 <sup>th</sup> Street	Original
C19	3604 Southwest 42 <sup>nd</sup> Street	Original
C20	2339 Park Avenue	Original
C21	3905 South Union Street	Original
D22	3000 Southeast 17 <sup>th</sup> Street	Original
D23	2860 East Watrous Avenue	Original
C26	6411 Southwest 9 <sup>th</sup> Street	Original
D27	6289 Southeast 16 <sup>th</sup> Court	Original
D28	6401 Three Lakes Parkway	Original
A01	4001 50 <sup>th</sup> Street	Amendment 1
A02	2918 Euclid Avenue	Amendment 1
A03	3802 2 <sup>nd</sup> Avenue	Amendment 1
A08	5050 Franklin Avenue	Amendment 1
A09	1389 25 <sup>th</sup> Street	Amendment 1
A10	1601 7 <sup>th</sup> Street	Amendment 1
B04	3805 Dixon Street	Amendment 1
B05	2825 East Douglas Avenue	Amendment 1
B06	4135 East Douglas Avenue	Amendment 1

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B07	5301 East Douglas Avenue	Amendment 1
B11	1336 East 17 <sup>th</sup> Street	Amendment 1
B12	2946 Walker Street	Amendment 1
B17	1000 Southeast 14 <sup>th</sup> Street	Amendment 1
B18	2955 Maury Street	Amendment 1
C25	3030 Willow Creek Avenue	Amendment 1
A15	3400 Grand Avenue	Amendment 2
B13	3780 Mahaska Avenue	ADDED

(hereinafter referred to as “Original Siren Poles”)

<u>Roof Mount</u>	<u>Approximate Street Address</u>	<u>Expired License Agreement</u>
Fire Station #2	1727 East Walnut Street	Amendment 2
Fire Station #4	917 University Avenue	Amendment 2
Fire Station #5	711 42 <sup>nd</sup> Street	Amendment 2

(hereinafter referred to as “Original Roof Mounts” and collectively as “Original Locations”); and

**WHEREAS**, the Original Siren Poles will be relocated to new siren poles located in the same general vicinity as the Original Siren Poles; and

**WHEREAS**, operations of Fire Station #4 will be relocated to the corner of Martin Luther King Jr. Parkway and 19<sup>th</sup> Street; and

**WHEREAS**, pursuant to the License Agreement, additional licensed areas may be included upon amendment at the discretion of a selected designee of the City of Des Moines, and

**WHEREAS**, the licensing of the Licensed Premises for the purposes described herein will not adversely affect the use of adjoining real estate by CITY for municipal purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa proposes to grant a License Agreement to the Des Moines Water Works Board of Trustees for \$1.00 for the public purpose of placing Data Collection Equipment on City property, subject to all terms and conditions contained in the License Agreement.
2. A public hearing shall be held on July 15, 2024, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

 **Roll Call Number**

**Agenda Item Number**

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3. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. July 11, 2024 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).
4. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.
5. There will be no proceeds associated with this transaction.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

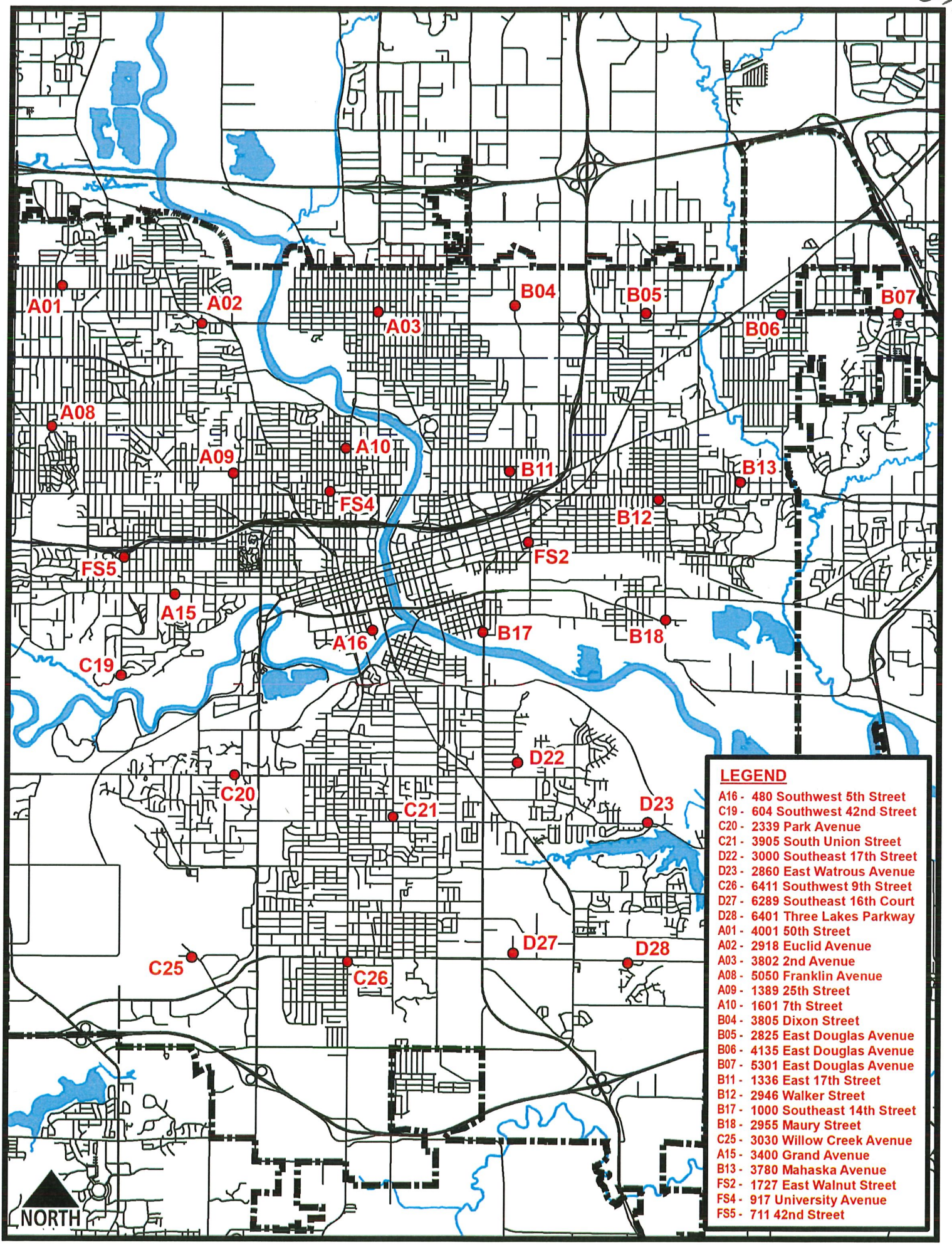
**CERTIFICATE**

I, Laura Baumgartner, 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.

\_\_\_\_\_  
Laura Baumgartner, City Clerk





- LEGEND**
- A16 - 480 Southwest 5th Street
  - C19 - 604 Southwest 42nd Street
  - C20 - 2339 Park Avenue
  - C21 - 3905 South Union Street
  - D22 - 3000 Southeast 17th Street
  - D23 - 2860 East Watrous Avenue
  - C26 - 6411 Southwest 9th Street
  - D27 - 6289 Southeast 16th Court
  - D28 - 6401 Three Lakes Parkway
  - A01 - 4001 50th Street
  - A02 - 2918 Euclid Avenue
  - A03 - 3802 2nd Avenue
  - A08 - 5050 Franklin Avenue
  - A09 - 1389 25th Street
  - A10 - 1601 7th Street
  - B04 - 3805 Dixon Street
  - B05 - 2825 East Douglas Avenue
  - B06 - 4135 East Douglas Avenue
  - B07 - 5301 East Douglas Avenue
  - B11 - 1336 East 17th Street
  - B12 - 2946 Walker Street
  - B17 - 1000 Southeast 14th Street
  - B18 - 2955 Maury Street
  - C25 - 3030 Willow Creek Avenue
  - A15 - 3400 Grand Avenue
  - B13 - 3780 Mahaska Avenue
  - FS2 - 1727 East Walnut Street
  - FS4 - 917 University Avenue
  - FS5 - 711 42nd Street

