



Roll Call Number

20-1326

Agenda Item Number

24

Date August 17, 2020

SET HEARING FOR CONSIDERATION OF A LICENSE AGREEMENT WITH DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT, D/B/A OPERATION DOWNTOWN, FOR INSTALLATION, MAINTENANCE AND DISPLAY OF ARTWORK WITHIN THE 8TH STREET VIADUCT NORTH OF CHERRY STREET

WHEREAS, the City of Des Moines owns and maintains the 8th Street Viaduct (“City Property”) in downtown Des Moines as street right-of-way; and

WHEREAS, Downtown Des Moines Self-Supported Municipal Improvement District, an Iowa nonprofit corporation d/b/a Operation Downtown (“hereinafter Licensee”) desires to enter into a License Agreement with the City of Des Moines to use a portion of the underside of the 8th Street Viaduct north of Cherry Street to install, maintain and display artwork consisting of RGB Color LED Flood Lights and the associated electrical conduit and electrical box; and

WHEREAS, the City will not be inconvenienced by the license of said City Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to grant a license to use a portion of the underside of the 8th Street Viaduct between Cherry Street and Mulberry Street to the Downtown Des Moines Self-Supported Municipal Improvement District, d/b/a Operation Downtown, for an initial 5-year term, to allow for the installation, display and maintenance of artwork, subject to the terms and conditions of said license agreement.

2. A public hearing shall be held on September 14, 2020, at 5:00 p.m. at the Board Room of the Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie’s March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

- Please click this URL to join:
<https://zoom.us/j/94014038677?pwd=Qlh5M0prV0sxVHFZRN1pIbVhYmIYdz09>
 Passcode: 642423

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- Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276
(Toll Free)
Webinar ID: 940 1403 8677

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/
Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik City Clerk