| Roll Call Number | Agenda Item Number |
|---------------------------|--------------------|
| 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:

| Siren Pole | Approximate Street Address | Originating License Agreement |
|------------|--|-------------------------------|
| A16 | 480 Southwest 5 th Street | Original |
| C19 | 3604 Southwest 42 nd Street | Original |
| C20 | 2339 Park Avenue | Original |
| C21 | 3905 South Union Street | Original |
| D22 | 3000 Southeast 17 th Street | Original |
| D23 | 2860 East Watrous Avenue | Original |
| C26 | 6411 Southwest 9th Street | Original |
| D27 | 6289 Southeast 16 th Court | Original |
| D28 | 6401 Three Lakes Parkway | Original |
| A01 | 4001 50 th Street | Amendment 1 |
| A02 | 2918 Euclid Avenue | Amendment 1 |
| A03 | 3802 2 nd Avenue | Amendment 1 |
| A08 | 5050 Franklin Avenue | Amendment 1 |
| A09 | 1389 25 th Street | Amendment 1 |
| A10 | 1601 7 th 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 th Street | Amendment 1 |
| B12 | 2946 Walker Street | Amendment 1 |
| B17 | 1000 Southeast 14 th 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")

| Roof Mount | Approximate Street Address | Expired License Agreement |
|-----------------|-----------------------------|---------------------------|
| Fire Station #2 | 1727 East Walnut Street | Amendment 2 |
| Fire Station #4 | 917 University Avenue | Amendment 2 |
| Fire Station #5 | 711 42 nd 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 19th 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.

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| 3. In addition, the City Council shall receive written views resident or taxpayer of the City that are received by the Clerk's Office, Des Moines City Hall, 400 Robert D. Email cityclerk@dmgov.org). | City Clerk prior to 5:00 p.m. July 11, 2024 (City |
| 4. The City Clerk is hereby authorized and directed to p form hereto attached, all in accordance with Iowa Code | |
| 5. There will be no proceeds associated with this transaction | on. |
| Moved byto adopt. Sec | ond by \mathcal{Vol} . |
| APPROVED AS TO FORM: | |
| /s/ Mackenzie L. Moreno | |

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|----|--------|
| | |
| | |
| AP | PROVED |
| 40 | AP |

Mackenzie L. Moreno, Assistant City Attorney

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.