



HOLD 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:

Table with 3 columns: Siren Pole, Approximate Street Address, Originating License Agreement. Lists 22 items from A16 to B11 with their respective addresses and license agreement types (Original or Amendment 1).

Date July 15, 2024

|     |  |             |
|-----|--|-------------|
| 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; and

**WHEREAS**, on June 17, 2024, by Roll Call No. 24-0864, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed License Agreement with Des Moines Water Works Board of Trustees be set for hearing on July 15, 2024, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to grant a License Agreement to Des Moines Water Works Board of Trustees for placement of Data Collection Equipment on City property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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



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**Date** July 15, 2024

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of a License Agreement, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the area proposed to be licensed, and the public would not be inconvenienced by reason of the license of City property for placement of Data Collection Equipment to Des Moines Water Works Board of Trustees, subject to all terms contained in the License Agreement, and said conveyance is hereby approved.
3. The Mayor is authorized and directed to sign the License Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be delivered to the Des Moines Water Works Board of Trustees for signature and recorded.
5. Upon receipt from the Des Moines Water Works Board of Trustees, the Real Estate Division Manager is authorized and directed to forward the original of the License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the License Agreement and a copy of the other documents to the Licensee.
7. There will be no proceeds associated with this transaction.



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Moved by Mandelbaum to adopt. Second by Gatto.

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          | 7    |      |      |        |

MOTION CARRIED

APPROVED

Carl B. Jans

Mayor Pro Tem

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

Laura Baumgartner, City Clerk