

AGENDA

DES MOINES CITY COUNCIL MUNICIPAL FACILITIES COMMITTEE City Council Chambers

Thursday, June 23, 2022 - 5:00 PM

Municipal Facilities Committee:

Mayor Matt Mahoney; Councilmember Jeremy Nutting; Councilmember Harry Steinmetz

CALL TO ORDER

APPROVAL OF APRIL 28, 2022 MINUTES

[April 28, 2022 Minutes](#)

FIELD HOUSE PARK - LIGHT POLE TELECOMMUNICATIONS LEASE

- Staff will review a proposed lease telecommunications agreement

[Field House Park - Light Pole Telecommunications Lease](#)

2022 POTENTIAL GRANT APPLICATIONS

- Staff will provide a discussion on potential CIP grant opportunities

Draft Minutes Des Moines City Council Municipal Facilities Committee – 04/28/2022

Council Members

**Mayor Matt Mahoney
Jeremy Nutting
Harry Steinmetz**

City Staff

**Michael Matthias, City Manager
Dan Brewer, Chief Operations Officer
Susan Cezar, Chief Strategic Officer
Beth Anne Wroe, Finance Director
Andrew Merges, Public Works Director
Scott Wilkins, Harbormaster
Katy Bevegni, Assistant Harbormaster
Tim George, Attorney
Matt Hutchins, Assistant Attorney
Nicole Nordholm, PRSS Director
Scott Romano, CIP Manager
Taria Keane, Deputy City Clerk
Jodi Grager, Admin Asst II**

Guests: Councilmembers JC Harris and Gene Achziger

Meeting called to order: 4:00 pm on April 28, 2022 via Zoom

Agenda

1. Selection of Chair/Vice Chair
2. Approval of 12.02.2021 Minutes
3. 2022 Municipal Facilities Committee Work Plan

Meeting:

1. Deputy City Clerk Taria Keane called the meeting to order at 4:00 p.m. She requested nominations for Committee Chair. Councilmember Jeremy Nutting was nominated and accepted the position. Chair Nutting asked for nominations for Vice Chair. Councilmember Harry Steinmetz was nominated and accepted the position.
2. The 12.02.2021 Municipal Facilities Minutes were approved as submitted.
3. CSO Susan Cezar reviewed the 2022 Municipal Facilities Committee Work Plan. It was mentioned that this is a multi-department effort. The timeline may shift as necessary. The committee was queried regarding receiving updates by email if a committee meeting is canceled. It was agreed that email updates would suffice, or another suggestion was possibly bringing an item to a full council presentation as time allows. City Attorney Tim George indicated that a new telecommunication lease will likely be added to the Work Plan. Standardized contracts for facility use agreements and telecommunications were discussed. The City's telecommunications code has

been updated, but the agreements contract is not often used and therefore requires staff attention.

The Committee requested the CIP Draft be sent out via email to committee members.

The meeting was adjourned at 4:11 p.m.

Minutes submitted by: Jodi Grager, Public Works Admin Asst

DRAFT

Timothy A. George, City Attorney
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Memo

Date: June 15, 2022
To: Municipal Facilities Committee
From: Tim George, City Attorney
Re: Tower Cell Site Lease Agreement – Field House Park

The City has been approached by Dish Wireless LLC seeking to obtain a lease agreement to collocate telecommunications facilities on a light pole at Field House Park. A portion of the pole is currently being leased to ATT for the same type of facilities. The lease would also require 150 square feet of ground space for equipment.

Pursuant to DMMC 20.07.050, City property is the priority location for facilities of this type:

The order of priorities for locating new personal wireless service facilities other than small cell facilities in the public rights-of-way shall be as follows:

- (1) Place antennas and towers on City property if practical.**
- (2) Place antennas on existing structures, such as buildings, towers, water towers and smokestacks.
- (3) Place antennas and towers in districts zoned commercial.
- (4) Place antennas and towers on other nonresidential property.
- (5) Place antennas on multifamily residential structures exceeding 30 feet in height.

DMMC 20.07.080(1) also encourages collocation:

To minimize adverse visual impacts associated with the proliferation of towers, collocation of personal wireless service facilities and eligible facilities requests to expand facilities on existing or new towers are as follows:

(a) Proposed facilities may, and are encouraged to, collocate onto existing towers. Such collocation is permitted by right and new or additional conditional use permit approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied, and the collocation must be accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this Title.

The City's legal department is currently negotiating a lease agreement with Dish. At this time, the following terms have been negotiated:

1. Term: The initial term is for 5 years, with Dish options to extend for 4 additional 5 year terms. Essentially this is a 25 year lease unless Dish opts out.
2. Rent: The proposed rent at this time is \$1,000 per month with a 2% increase annually. This is consistent with the square foot rates used in other telecommunication lease agreements.
3. Premises: The identified location for the ground equipment is inside the fenced area by the skate park at the Des Moines Field House Park (see attached map). The antennas and related facilities would be placed on the existing light pole next to the skate park.
4. Utilities: Dish would be responsible for all utility costs, either through new meter or sub-meter.
5. Interference: Dish would need to work with ATT in order to avoid interference between facilities on the tower.
6. Restoration: At the end of the lease, Dish is required to restore the property to the condition prior to the lease.
7. Insurance and indemnification: Dish required to have \$2,000,000 insurance and hold City harmless/indemnify City.
8. Safety: Dish must comply with FCC regulations, and will be required to remove or alter the facilities if deemed unsafe by FCC.
9. The agreement contains various other boilerplate provisions common in telecommunication lease agreements.

The draft agreement is currently being reviewed by the legal team at Dish. If it is approved with substantially similar terms as stated above, with the Committee's approval, this item will go forward to the entire Council for approval.



Legend

— Drawing Scale,
— Reference Pole
— Coordinates

— Drawing Scale,
— Reference Pole Imagery

— Imagery Reference
— Scale, Reference Pole
— Coordinates

— Imagery Reference
— Scale, Reference Pole
— Imagery