

.....
Date..... July 23, 2007

APPROVAL OF PHYSICAL IMPROVEMENTS TO THE CIVIC CENTER OF GREATER DES MOINES AND APPROVAL OF AN EXCEPTION TO THE ELECTRONIC SIGN MORATORIUM

WHEREAS, the Civic Center of Greater Des Moines (“Civic Center”) is an important and successful regional attraction, located in downtown Des Moines, that provides a significant enhancement to our citizens’ quality of life; and

WHEREAS, on December 15, 1975, by Roll Call No. 5636, the City Council approved the Lease a of Land for Private Redevelopment By and Between the City of Des Moines and Civic Center of Greater Des Moines for development of the Civic Center and Nollen Plaza (“Lease”) and for management and operation of the Civic Center and Nollen Plaza (“Management Agreement”); and

WHEREAS, on January 20, 1992, by Roll Call No. 92-204, the City Council approved an Agreement between the City and Civic Center For Purchase of Leasehold Interest in Park Plaza Property which provided \$1.6 million of City funds for improvements and restoration of the Civic Center facility and Nollen Plaza; and

WHEREAS, under the Lease and Management Agreement, the Civic Center Board of Directors are required to obtain the approval of the City Council for all physical improvements which constitute “material changes”; and

WHEREAS, the Civic Center is more than 25 years old and in need of major updates and refurbishing; and

WHEREAS, the Civic Center Board of Directors is conducting a fundraising effort with a goal of \$7,000,000 to finance improvements to interior lighting, replace exterior signage with two electronic signs, and refurbish seats, including adding seven additional seats and attendant alterations to comply with ADA requirements, as more completely described in the attached letter from the Civic Center President; and

WHEREAS, pursuant to the Lease and Management Agreement, the Civic Center Board of Directors has requested City Council approval for all proposed “material changes” to the Civic Center as described above; and

WHEREAS, the two electronic exterior signs constitute a “material change” under the Lease and Management Agreement; and

WHEREAS, on September 25, 2006 by Roll Call No. 06-1926, the City Council gave preliminary approval to a grant of funds to be used for physical improvements only in an amount similar to the amounts contributed by Polk County and by the suburban communities for the purpose of constructing improvements to the Civic Center, such grant amount not to exceed \$500,000 to be paid over a period of up to ten years, and subject to final approval of grant terms and conditions to be established by the City Council; and



Roll Call Number

Agenda Item Number

55

Date July 23, 2007

WHEREAS, on February 12, 2007, by Roll Call No. 07-275, the City Council approved a moratorium until April 10, 2007, on erecting or converting signs over four square feet in area using an electronic display capable of displaying multiple messages in sequence or capable of displaying a video message at any location in the City of Des Moines where visible from a public street and provides for an exception where necessary to avoid unnecessary hardship; and

WHEREAS, on June 18, 2007, by Roll Call No.07-1224, the City Council renewed and extended such moratorium until August 6, 2007 and amended it to apply only to signs greater than 24 square feet in size; and

WHEREAS, by Ordinance No.14,668 passed July 9, 2007, the City Council imposed additional regulations on electronic signs over 24 square feet; and

WHEREAS, the two electronic signs proposed for the Civic Center exceed 24 square feet in size.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described proposed exterior signs to the Civic Center are hereby approved, subject to the new signage complying with Ordinance No. 14,668 or receiving the appropriate relief from the Board of Adjustment.

BE IT FURTHER resolved that the City Council finds that unnecessary hardship would result to the Civic Center Board of Directors' planning and fundraising efforts if the proposed electronic signs could not be constructed and hereby grants an exception to the moratorium to electronic signs pursuant to Roll Call Nos. 07- 275 and 07-1224 allowing the construction and use of two electronic display signs which exceed twenty four square feet, subject to conformance with the Zoning Ordinance and all other applicable ordinances in effect at the time of such construction and use.

(Council Communication Number 07-462)

Moved by _____ to adopt.

Approved as to Form:

Ann DiDonato, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLUSSIS | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, 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.

City Clerk



221 Walnut

Des Moines, IA

50309-2104

515-246-2300

515-246-2305 FAX

www.civiccenter.org

July 16, 2007

Mr. Rick Clark
 City Hall
 400 Robert D. Ray Drive
 Des Moines, IA 50309

Dear Rick:

At a City Council Workshop in March 2006, and subsequently at a meeting of the Des Moines City Council on September 25, 2006, the Civic Center of Greater Des Moines presented our plans for a capital campaign to fund renovations to the City-owned facility beginning in 2007. The purpose of this correspondence is to give you and members of the City Council an update on the capital campaign, and to request approval for two of the projects that we want to begin this summer.

At our presentation to the City Council on September 25, 2006, we shared with the Council that we had, at that time, secured \$3.46 million in pledges and cash toward our \$7 million campaign goal. And, at that time, we sought a \$500,000 grant from the City of Des Moines toward the campaign. We shared our belief that support from the City would help to spur additional support from Polk County and other communities, as well as to meet the requirements of some significant challenge grants.

We are pleased to report that we are very close to completing our \$7 million campaign. We are grateful to the City of Des Moines for their preliminary approval of a grant of \$500,000 toward the campaign. We have secured a \$500,000 pledge from Polk County, a \$44,650 pledge from the City of Clive and are still pursuing support from West Des Moines, Urbandale, Ankeny and several other suburban communities. Support from individuals, corporations and foundations has been significant; to date, we have received over \$5,360,691 in pledges toward the campaign. And we were awarded a \$1.25 million challenge grant from Vision Iowa.

During our presentation to the City Council in September 2006, the Council was provided with an overview of the projects that are planned over the next few years. Those plans included:

- Replace current outdoor electric signs with LED signage
- Renovate West Entrance, Stoner Theater Entrance, and Skyway Entrance
- Refurbish seats in Main Hall; bring seating up to code with Americans with Disabilities Act requirements
- Replace carpet and furniture throughout facility
- Update dressing rooms on the ground level and basement
- Replace concrete surrounding facility and provide enhanced landscaping
- Improve lighting design in East and West lobbies to promote safe lighting changes
- Add \$1 million to the Education Endowment for the creation and development of new education programs.

Mr. Rick Clark
July 17, 2007
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- New educational efforts to include programs at the Civic Center as well as outreach programs into the community.

Per terms of the Lease and Management Agreement between the City and the Civic Center of Greater Des Moines, we seek approval for the replacement of the electronic signs on the west and east sides of the building.

- The current signs are original to the building (1979).
 - One sign is located at the corner of 3rd and Locust, facing 3rd Street. The other sign is located at the intersection of 2nd and Walnut, facing 2nd Avenue.
 - The current signs are computer controlled, and provide visual information on upcoming events
 - The technology currently used is out-of-date and replacement parts are scarce
- We plan to replace the existing signs with state-of-the-art Full Color LED signs.
 - New signs will be same size as existing signs
 - Existing uprights will be reused for new signs
 - New signs will provide clearer graphics and will have increased capabilities
- The signs will be built by Daktronics, of Brookings, South Dakota. Daktronics is the recognized leader in the field of LED display boards. Daktronics has provided electronic signs for Principal Park, Wells Fargo Arena, among others. Weitz is the local contractor, and T3 is electrical sub-contractor.
- We have been in contact with various City departments to insure compliance with sign regulations.
- The approximate cost of this project is \$480,000.

Rick, we are seeking approval on these two projects which we hope to begin in early August, 2007.

Many thanks to you and to the Council for your consideration and cooperation.

Very truly yours,



Jeff L. Chelesvig
President/CEO

cc: James L. Krambeck, Chair, Board of Trustees
Civic Center Board of Trustees (sent electronically)