

★ **Roll Call Number**

**Agenda Item Number**

17A

**Date:** ..... January 11, 2010 .....

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**Setting Date of Hearing on First Amendment to Commercial Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc.**

WHEREAS, City is the owner and operator of Des Moines International Airport, located in Polk County, Iowa; and

WHEREAS, the City and Mid-America Transportation Inc. dba Mid-America Jet Center ("Mid-America") entered into a Commercial Operator Lease and Agreement approved by the City Council on June 18, 2007, by Roll Call 07-1231 ("Agreement"); and

WHEREAS, on December 31, 2009, Mid-America agreed to assign the Agreement to Elliott Aviation of Des Moines, Inc. ("Elliott"), subject to City approval; and

WHEREAS, Elliott has requested to amend the Agreement to extend its term; and

WHEREAS, Elliott and Airport staff have negotiated the terms of a First Amendment to the Agreement; and

WHEREAS, the Agreement as amended, being for a duration of greater than 3 years, requires City Council approval.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That this City Council meet in the Council Chambers, City Hall, City of Des Moines, Iowa, at 5:00 p.m. on the 25th day of January, 2010, for the purpose of taking action on the matter of approving the proposed amendment;
2. That the proposed amendment be filed with the City Clerk;
3. That notice of said proposal be given by publication not less than four (4) nor more than twenty (20) days before the date of the public hearing, all as specified in Iowa Code sections 364.7 and 362.3; and
4. That the City Clerk is hereby authorized and directed to publish the notice as provided above.

Moved by \_\_\_\_\_ to adopt.

Approved as to form:



David A. Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
MOORE				
MAHAFFEY				
MEYER				
GRIESS				
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