

Date February 12, 2007

SET DATE OF HEARING FOR APPROVAL OF AMENDMENT TO CURRENT OPERATING AGREEMENT WITH EXPRESSJET AIRLINES INC., d/b/a CONTINENTAL EXPRESS, EXTENDING THEIR SCHEDULED AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE AT THE DES MOINES INTERNATIONAL AIRPORT UNTIL JUNE 30, 2008

WHEREAS, the City of Des Moines owns and operates an airport known as Des Moines International Airport (hereinafter called the "Airport"), located in Des Moines, Polk County, Iowa; and

WHEREAS, on September 20, 1993, by Roll Call No. 93-3490, the Des Moines City Council approved Ordinance 12,040 assigning certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board (hereinafter called the "Board"), including the right to enter into leases up to three years in duration and certain other agreements; and

WHEREAS, on June 12, 2001, by Resolutions A01-186-A0197, the Des Moines International Airport approved Scheduled Airline Operating Agreement and Terminal Lease or a Cargo Airline Operating Agreements (collectively "Signatory Agreements") with, among other airlines : American Airlines, Comair, Inc., Mesa Airlines Inc., Midwest Express Airlines, Northwest Airlines, Inc., United Air Lines, Inc., ABX Air, Inc. and United Parcel Service beginning on July 1, 2001, for aviation transportation of persons, property, and/or mail; and

WHEREAS, on July 7, 2004, by Resolutions A04-127-A135, the Des Moines International Airport Board approved amendments to certain Signatory Agreements which included the extension of the Agreements until June 30, 2006; and

WHEREAS, as other Airlines have begun operations at the Airport, the City and the other Airlines have entered into similar Signatory Agreements, which now also expire on June 30, 2006; and

WHEREAS, on May 2, 2006, by Resolution A06-84, the Des Moines International Airport Board recommended staff negotiate and present to City Council amendments extending the terms of the current Signatory Agreements until June 30, 2008; and

WHEREAS, ExpressJet Airlines Inc. has returned a SECOND AMENDMENT TO SCHEDULED AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE extending the term of the original Signatory Agreement until June 30, 2008; and

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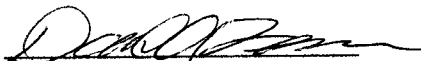
WHEREAS, the SCHEDULED AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE term with Amendment(s) will be greater than three years, which therefore requires a public hearing and City Council approval, NOW, THEREFORE,

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 26th day of February 2006 for the purpose of taking action on the matter of the approval of an extension of the SCHEDULED AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE at the Des Moines International Airport with Mesa Airlines Inc.; and
2. That the proposed Amendment is on file with the City Clerk; and,
3. That Notice of said proposal be given by publication not less than four (4) nor more than twenty (20) day before the date of the public hearing, all as specified in Section 364.7 and Section 362.3 of the Iowa Code; and
4. That the Notice above referred to shall be in the form hereto attached, and
5. That the City Clerk is hereby authorized and directed to publish the Notice above referred to in Paragraph 3.

Moved by _____ to adopt.

Approved as to form:



David A. Ferree
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				
MOTION CARRIED	APPROVED			

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.