

Date March 22, 2010

HOLD HEARING ON LEASE OF 1601 HARRIETT STREET TO METRO WASTE AUTHORITY (MWA) FOR OPERATION OF A PROGRAM FOR THE COLLECTION AND PROCESSING OF YARD WASTE MATERIALS AND APPROVING AND AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH MWA FOR SUCH LEASE AND OPERATION

WHEREAS, on March 8, 2010, by Roll Call 01-350 , it was duly resolved by City Council that the proposed lease of approximately 21.73 acres at 1601 Harriett Street be set down for hearing on March 22, 2010 at 5:00 pm in the Council Chamber; and,

WHEREAS, due notice of said proposal to lease public real property interests was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Des Moines Metropolitan Area Solid Waste Agency, now known as the Metro Waste Authority (hereinafter "MWA"), was created pursuant to the Amended and Substituted Intergovernmental Agreement Creating the Des Moines Metropolitan Area Solid Waste Agency (hereafter the "Chapter 28E Agreement"), executed by the City in December of 1969 and found of record in the office of the Polk County Recorder at Book 4081, Page 542; and

WHEREAS, the MWA exists for the purpose of serving the needs of its member municipalities in matters involving the collection and disposal of solid waste, as may be agreed upon by and between the MWA and its member entities; and

WHEREAS, the City's Public Works Department presently operates a yard waste collection program for its residential customers within the City; and

WHEREAS, the MWA has established a unified yard waste bag collection and processing program for all of its member entities in the Des Moines metropolitan area; and

WHEREAS, pursuant to the Chapter 28E Agreement, Section II thereof, the MWA is authorized to contract with its member municipalities, including the City of Des Moines, for the provision of solid waste disposal, or collection and disposal services; and

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WHEREAS, by Roll Call No. 01-763, dated March 12, 2001, the City Council approved the execution of a Service Agreement with MWA, pursuant to which MWA agreed to operate a yard waste collection service within Des Moines with the City of Des Moines acting as its contract agent for collection of yard waste; Des Moines agreed to lease the real property at 1601 Harriett Street, Des Moines, Iowa, consisting of approximately 21.73 acres (“the Harriet Street site”) to MWA; and MWA agreed to purchase the City's equipment at said site and to thereafter operate a yard waste processing facility at said site, all for a term of three years ending March 31, 2004; and

WHEREAS, by Roll Call No. 04-609, dated March 22, 2004, the City Council approved the execution of a new Service Agreement with MWA for lease and operation of the Harriet Street site, all for a term of three years ending March 31, 2007; and

WHEREAS, by Roll Call No. 07-882, dated May 7, 2007, the City Council approved the execution of a new Service Agreement with MWA for lease and operation of the Harriet Street site, all for a term of three years ending March 31, 2010; and

WHEREAS, the City and MWA desire that MWA will continue to operate a yard waste processing facility at the Harriett Street site for an additional term of twenty years ending March 31, 2020 and have agreed to a \$40,000 per year as rental and have negotiated a lease, a copy of which is on file in the City Clerk’s Office.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA THAT:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public real property as described below are hereby overruled and the hearing is closed.
2. There currently is no municipal need for the property to be leased and the public would not be inconvenienced by reason of the lease of the real property at 1601 Harriett Street to the Metro Waste Authority.
3. The lease of approximately 21.73 acres at 1601 Harriett Street, Des Moines, Iowa to the Metro Waste Authority for an annual rental fee of \$40,000.00, for a period of twenty (20) years from April 1, 2010 through March 31, 2030 be and is hereby approved.

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4. That the Service Agreement by and between the City of Des Moines, Iowa and the Metro Waste Authority for Operation of a Program for the Collection and Processing of Yard Waste Materials, which includes the lease of the real property at 1601 Harriett Street, now on file in the office of the City Clerk and by this reference made a part hereof, is hereby approved as to form and content.

5. That the Mayor and City Clerk be, and they are hereby authorized and directed to execute and attest, respectively, said Service Agreement for and on behalf of the City of Des Moines, Iowa.

(Council Communication 10-152)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk