

★ Roll Call Number

Agenda Item Number

36

Date ..... June 22, 2009

WHEREAS, Chapter 22 of the Municipal Code of the City of Des Moines gives the Des Moines International Airport Board the power to establish and enforce regulations for the control, operation, supervision, maintenance and security of the Des Moines International Airport and further gives the Board the power to establish rates and charges for the use of the Airport, airport facilities, and airport services; and

WHEREAS, the Airport Board pursuant to section 22-51 of the Municipal Code intends to implement the attached regulation No. 09-60 amending sections 2-1, 2-2, 2-5, 2-6, and 2-9 of the Airport Board Regulations relating to commercial use fees, a part of rates and charges at the Des Moines International Airport; and

WHEREAS, on April 7, 2009, through Resolution A09-066, the Airport Board approved by first reading the proposed regulation, set a public hearing date of May 5, 2009, and set the regulation's effective date as July 1, 2009; and

WHEREAS, on May 5, 2009, in accordance with the duly published notice, the Board held a public hearing, at which no public comments were offered; and

WHEREAS, after the public hearing, at the same meeting, the Board approved by Resolution A09-090 a second reading of the proposed regulation; and

WHEREAS, on May 18, 2009, the Council in accordance with section 22-51(a)(3) of the Municipal Code, received and filed the proposed regulation; and

WHEREAS, on June 2, 2009, the Board after giving further consideration to the proposed additional charges in section 2-9(c), determined to modify the proposed regulation to eliminate the co-location charge for the first unit of rack space only; and

WHEREAS, the Airport Board is resubmitting the proposed regulation as it is required by section 22-51(a)(3) of the Municipal Code to notify the City Council of the intended effective date of proposed regulations and to provide a copy of proposed regulations to the City Council for its review; and

WHEREAS, if the City Council, upon review of the proposed regulation, determines that it is inconsistent with the provisions of the Municipal Code, or is inconsistent with any applicable state or federal law or regulation, or is otherwise objectionable, the City Council may so declare

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by resolution, and in that event the proposed regulation will not be published and shall not take effect.

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

That the attached communication from the Chairperson of the Des Moines International Airport Board submitting proposed Airport Board Regulation No. 09-60 and duly notifying the Council of the proposed effective date of July 1, 2009, for the regulation is hereby received and filed.

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

FORM APPROVED:

David A. Ferree
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, VLASSIS, MEYER, and 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



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June 22, 2009

The Honorable Mayor and Members of City Council  
400 Robert D. Ray Dr  
Des Moines, IA 50309

**RE: Proposed Airport Regulation No. 09-60, Rate Changes**

Dear Mayor and Members of the City Council:

The City Council created the Airport Board under Chapter 392 of the Iowa Code for the purpose of governing the operation of the Des Moines International Airport. The Council further delegated the Board the power to establish rates and charges for use of the Airport consistent with its responsibility to maintain a positive cash balance in the Airport Enterprise Fund at all times.

At its meeting of April 7, 2009, the Airport Board approved the first reading of a resolution that would adjust several of the Airport's rates and charges. At its meeting of May 5, 2009, the Board conducted a public hearing on the resolution and, after receiving no comments, approved the second reading. On May 18, 2009, through Roll Call 09-866, the Council received and filed the rate changes.

Subsequent to the Public Hearing at the Airport Board Meeting of June 2, 2009, certain airport tenants requested an adjustment to *Section 2-9 – Telephone and Communication Charges*. What was originally proposed as a "per unit" fee for information technology equipment storage was adjusted at the Airport Board's final reading to allow each tenant one free unit of space, with a \$50 per month fee to apply to any additional units. The fee was not expected to be a revenue-generator as much as a control used to prevent excessive storage, a goal that remains intact after the adjustment.

The Airport Board approved the final reading of the Regulation (including the adjustment) on June 2, 2009, through Resolution No. A09-098. Because of the change described above, the Board is resubmitting the proposed regulation to Council. The Airport Board, pursuant to the ordinance regarding its establishment, is required to file any revised Rates and Charges Regulations with the City Clerk and to publish both notice of intent to adopt the Regulation, as well as the time and place of a public hearing. The Airport Board is further required to notify the City Council of the proposed effective date of the Regulation and provide a copy thereof to the City Council for their review and hold a public hearing on the proposed Regulation. The Board then must adopt the Regulation by Board Resolution and have the City Clerk publish it prior to its effective date, in this case July 1, 2009. The adjusted Regulation was published on June 12, 2009.

The Board herewith submits for City Council information and review, the proposed Regulation pursuant to Section 22.51 of the Municipal Code.

Sincerely,

James W. Erickson  
Airport Board Chairperson

Enclosure

cc: Richard A. Clark, City Manager

**PROPOSED AIRPORT REGULATION NO. 09-60**

**AN ENACTMENT codifying the Airport Board Regulations of the Des Moines International Airport pursuant to section 22-51 of the Municipal Code of the City of Des Moines, 2000, by amending sections 2-1, 2-2, 2-5, 2-6, and 2-9 relating to rates and charges at the Des Moines International Airport**

**CHAPTER 2.**

**RENTAL CHARGES AND AIRPORT USE FEES**

**2-1. LAND AND BUILDINGS.**

(a) Unless otherwise specified by separate lease agreement, charges for the use of terminal building and associated area space by air transportation companies shall be based upon square footage per annum at a rate of \$36.67, except as noted below:

(1)	Concourse Garage/Storage	\$21.00
(2)	Concourse Office	\$30.00
(3)	Concourse Hallways and Restrooms	\$21.00
(4)	Concourse Maintenance Garage	\$18.00

**(09-60) (08-55) (07-54) (06-53) (06-52) (05-48) (04-46) (03-40) (02-35) (01-26) (00-22) (99-19) (98-15) (97-14) (96-10) (95-07) (95-06) (95-05) (94-01)**

**2-2. LANDING FEES, INSURANCE AND FEDERAL REQUIREMENTS.**

(b) For those commercial aircraft operators having a signatory airline agreement with the city, the landing fees shall be calculated in accordance with the Signatory Airline Agreement per 1,000 pounds of Maximum Certified Gross Landing Weight for each landing or \$12.72 for each landing, whichever is greater.

(c) In the absence of a Signatory Airline Agreement, the landing fee shall be \$2.97 per 1,000 pounds of Maximum Certified Gross Aircraft Landing Weight (the equivalent of 1.4 times the rate established by the Signatory Airline Agreement per 1,000 pounds of Maximum Certified Gross Aircraft Landing Weight for each landing) or \$17.82 for each landing, whichever is greater.

**(09-60) (08-55) (07-54) (06-52) (05-48) (04-46) (03-40) (02-35) (01-28) (01-26) (00-22) (99-20) (99-19) (98-15) (97-14) (96-10) (95-07) (95-06) (94-01)**

**2-5. AIRPORT USE FEES.**

Unless otherwise specified by a separate lease or other agreement, the city shall charge and receive airport use fees for services and facilities used by commercial aircraft operators as follows:

(a) An apron use fee:

(1) for each aircraft parked on the passenger terminal apron area shall be at a rate of \$0.36 per 1,000 pounds of gross certificated landed weight per day;

(2) for each aircraft parked on the cargo apron area shall be at a rate of \$1.00 per 1,000 pounds of gross certificated landed weight per day.

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**2-6. AIRPORT PARKING FEES.**

(a) Unless otherwise specified by a separate lease or other agreement, the city shall charge and receive parking fees for vehicles parking at the airport as follows:

Short Term Parking: \$1.00 per half-hour or fraction thereof to a maximum of \$22.00 for each 24-hour period.

Long Term Parking: \$2.00 per hour or fraction thereof to a maximum of \$11.00 for each 24-hour period.

Economy Parking One: (West of Fleur Drive) \$1.00 per hour or fraction thereof to a maximum of \$5.00 for each 24-hour period.

Airport Two, Economy Parking: (East of Fleur Drive) \$1.00 per hour or fraction thereof to a maximum of \$4.00 for each 24-hour period.

Overflow Parking: (Areas as designated by Aviation Director) \$15.00 charge at point of entry per vehicle with free flow exit.

Employee Parking: Tenant employees with offices or places of business on the airport, who do not have leased vehicle parking areas, shall be permitted to park within a vehicle parking lot assigned by the aviation director for a fee of \$20.00 per month.

Semi-Truck Trailer Parking: Airport tenant-owned or operated semi-truck trailers shall be permitted to park within a parking area assigned by the aviation director for a fee of \$25.00 per month per vehicle.

Aircraft Crew Parking: Aircraft crew of air transportation companies shall be permitted to park within a vehicle parking lot assigned by the aviation director for a fee of \$20.00 per month.

Oversized Vehicle Parking: All oversized vehicles, defined as a vehicle unable to park within the limits of one (1) parking space, are required to park in the lot designated as Economy Parking Two (East of Fleur Drive), and pay the corresponding daily rate, unless authorized to park in another lot by the aviation director.

Lost Ticket Fee: For the "Short-Term", "Long-Term", and "Economy Parking One" parking areas, the lost ticket fee will be calculated using the number of days of which the patron's vehicle was included in the nightly license plate inventory. The maximum daily rate shall apply to both the date of entry and the date of exit as well. For those patrons not on the overnight inventory, the charge shall be for one day at that facility's maximum daily rate.

For the "Economy Parking Two" parking area, the lost ticket fee shall be a flat fee of \$25.00.

Unpaid Invoice Fee: A \$25.00 fee added to total parking charge if payment in full was not collected when customer exited the parking facility, added if payment is not received within five (5) business days.

(09-60) (08-57) (08-55) (06-52) (05-50) (05-48) (04-47) (04-46) (04-45) (03-42) (03-41) (03-40) (02-38) (02-35) (01-29) (01-27) (00-22) (98-18) (96-12) (96-10) (95-07)

**2-9. RATES AND CHARGES FOR TELEPHONE SERVICES.**

The aviation director is authorized to offer to tenants who wish to purchase telephone services from the airport's shared telephone system, goods and services at the following rates:

(c) Miscellaneous

<u>Description</u>	<u>Monthly Rate</u>
Phone Mail service	\$ 3.50
Special Telephone Reports	\$25.00
Ringer Channel	\$10.00
White Page Listing	\$ 6.00
T1 Equipment Space	\$12.50
per wire pair	
Paging Trunk	\$25.00
OPX Extension	\$10.00
OPX Extension	\$20.00
extra programming	
FAX Line	\$25.00

Modem Line	\$25.00
T1 Equipment Charge	\$410.00
with customer provided outside trunks	
Extension of Customer T1 Via HDSL	\$125.00
Multi-Mode Fiber Per 1000 feet per strand	\$20.00
Single-Mode Fiber Per 1000 Feet Per Strand	\$40.00
Thorguard Remote	\$75.00
Cable to Wire Use Charge	\$12.00
Voice Pairs	\$6.00
Co-Location Charge per U of Rack Space (after first U)	\$50.00
Co-Location Charge for Secure Cabinet	\$200.00
Network Port Charge Copper	\$40.00
Network Port Charge Fiber	\$40.00
Wired Internet Charge	\$40.00
Internet Node Charge	\$15.00
Building Security Point	\$25.00
Wire Use Charge	
Data Ckt with 2 Legs	\$12.00
DSL	\$25.00
ISDN	\$25.00

**(09-60) (05-48) (04-46) (00-23) (96-09)**