

Date July 24, 2006

**APPROVAL OF AMENDMENT TO CURRENT OPERATING AGREEMENT
WITH ABX AIR INC. EXTENDING THEIR SIGNATORY STATUS
REGARDING OPERATIONS 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 Air Group d/b/a America West Express, 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, ABX AIR INC. has returned a SECOND AMENDMENT TO SCHEDULED CARGO AIRLINE OPERATING AGREEMENT extending the term of the original Signatory Agreement until June 30, 2008; and

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WHEREAS, the Amendment extends the term of the original Signatory Agreement beyond three years and therefore requires City Council approval; and

WHEREAS, a copy of the Amendment to the Signatory Agreement is on file in the office of the City Clerk for the City of Des Moines; and

WHEREAS, the City Council deems it advisable to act favorably and finally upon said Amendment;


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

1. That the Amendment to the Signatory Agreement on file in the Office of the City Clerk with ABX AIR INC. is hereby approved, subject to City Legal Department review.
2. That the Mayor is hereby authorized and directed to sign the Amendment to the Signatory Agreement with ABX AIR INC. and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Letter 06-478 is attached.)

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				
BROOKS				
VLASSIS				
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