

Date: July 27, 2009

**APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN
DES MOINES STORMWATER MANAGEMENT UTILITY AND THE
DES MOINES INTERNATIONAL AIRPORT FOR CONSTRUCTION AND
JOINT OPERATION OF THE MCKINLEY STORM WATER DETENTION BASIN**

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

WHEREAS, Chapter 22 of the Des Moines City Code delegates certain rights and responsibilities pertaining to the operation of the Airport to the Des Moines International Airport Board (the "Board") including the power to review and either approve or disapprove all plans associated with development or redevelopment of the airport; and

WHEREAS, the Des Moines City Council acts as the governing body of the Des Moines Stormwater Management Utility established under Des Moines City Code chapter 118, Division VI; and

WHEREAS the City owns a parcel of land that abuts McKinley Avenue and is held by the City for airport purposes; and

WHEREAS, the Stormwater Management Utility desires to use the property for the public purpose of constructing and maintaining a storm water detention basin to provide flood protection south and east of McKinley Avenue; and

WHEREAS, the Stormwater Management Utility's proposed use of the property is acceptable to the Federal Aviation Administration as an appropriate use; and

WHEREAS, staff from the Airport and the Stormwater Management Utility have agreed upon the terms of a Memorandum of Understanding describing the detention basin project and permitting the Stormwater Management Utility to continue to use the property for the detention basin for a period of 50 years unless it is needed sooner by the Airport for airport purposes; and

WHEREAS, the Airport Board has approved and the Board Chair has executed the Memorandum of Understanding; and

WHEREAS, it is in the best interests of the City to approve the Memorandum of Understanding.

★ **Roll Call Number**

Agenda Item Number

64

Date: July 27, 2009

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

That (1) the proposed Memorandum of Understanding between the Des Moines International Airport Board acting for the Des Moines International Airport and the Des Moines City Council acting as the governing body of the Des Moines Stormwater Management Utility is hereby approved; and (2) the Mayor is hereby authorized and directed to sign the Memorandum of Understanding on behalf of the Council; and (3) the City Clerk is to attest to the Mayor's signature.

(Council Communication 09-530 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				
MEYER				
VCLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

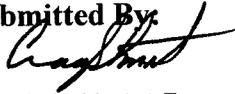
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

**OFFICE OF THE AVIATION DIRECTOR
Des Moines, Iowa**

**Airport Board Communication 09-0701
July 7, 2009**

<p>Subject: Approval of Memorandum of Understanding between the Airport and the Stormwater Management Utility for Construction and Joint Operation of the McKinley Stormwater Detention Basin</p>	<p>Action Required: Receive/File Recommend Approval To Council * Approval</p>	<p>Submitted By:  Craig S. Smith, A.A.E. Aviation Director</p>
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BACKGROUND:

Significant flooding occurred in 1998 and again in 2008 after several days of rainfall and a torrential storm. During these storms significant flooding occurred in some hangar areas of the Elliott Aviation leasehold on the South side of McKinley Avenue. In response to this flooding the Airport has been working with City Stormwater Management staff to address drainage issues coming from the part of this drainage basin that is North of McKinley Avenue. The Stormwater Management Utility negotiated a consultant contract with Veenstra and Kim, Inc. to carry out computer stormwater system modeling to size and design a storm detention basin facility that would address this flooding.

The only reasonable location for this facility is on vacant property which is owned by the City, for Airport use, and is just East of the FAA's Airway Facility Sector office on the North side of McKinley Avenue. This storm detention facility will control storm waters that are generated predominantly from a drainage area North of Airport property, so the Stormwater Management Utility is funding the construction of this facility. This facility is scheduled for bids on July 14, 2009 and construction following award approval by the City Council.

Since this facility controls stormwaters that flow through the Airport it has a mutual benefit to the Airport. Airport and Engineering staff have worked out an agreement for use of this property for this stormwater detention facility which the Airport has submitted to the FAA and received approval from the Central Region Engineer.

FISCAL IMPACT:

Airport Field crews currently mow and maintain this vacant property and will continue to mow the sod for this detention pond after it is constructed. The Stormwater Management Utility will maintain the storm control outlet structures. Therefore, there is no fiscal affect that results from the construction of this facility.

RECOMMENDATION:

Approval of Memorandum of Understanding between the Airport and the Stormwater Management Utility for construction and joint operation of the McKinley stormwater detention basin.



Resolution Number

64 43
Agenda Item Number

5

Date: July 7, 2009

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

WHEREAS, Chapter 22 of the Des Moines City Code delegates certain rights and responsibilities pertaining to the operation of the Airport to the Des Moines International Airport Board (the "Board") including the power to review and either approve or disapprove all plans associated with development or redevelopment of the airport; and

WHEREAS, the Des Moines City Council acts as the governing body of the Des Moines Stormwater Management Utility (the "SMU") established under Des Moines City Code chapter 118, Division VI; and

WHEREAS the City owns a parcel of land that abuts McKinley Avenue and is held by the City for airport purposes; and

WHEREAS, the SMU desires to use the property for the public purpose of constructing and maintaining a storm water detention basin to provide flood protection south and east of McKinley Avenue; and

WHEREAS, the SMU's proposed use of the property has been accepted by the Federal Aviation Administration as an appropriate use; and

WHEREAS, staff from the Airport and the SMU have agreed upon the terms of a Memorandum of Understanding describing the detention basin project and permitting the SMU to continue to use the property for the detention basin for a period of 50 years unless it is needed sooner by the Airport for airport purposes; and

WHEREAS, once the detention basin is constructed the Airport will perform routine mowing, clearing of debris from intakes, weed control, and minor turf repair.



Resolution Number

Agenda Item Number

5

Date: July 7, 2009

NOW, THEREFORE, BE IT RESOLVED BY THE AIRPORT BOARD OF THE CITY OF DES MOINES, IOWA,

That (1) the proposed Memorandum of Understanding between the Des Moines International Airport Board acting for the Des Moines International Airport and the Des Moines City Council acting as the governing body of the Des Moines Stormwater Management Utility is hereby approved; and (2) the Chairperson is hereby authorized and directed to sign the Memorandum of Understanding on behalf of the Airport Board; and (3) the Board Clerk is to attest to the Chairperson's signature.

(Board Communication No.09- 0701)

Moved by _____ to adopt.

Approved as to form:

David A. Ferree
Assistant City Attorney

Board Action	Yeas	Nays	Pass	Absent
Brooks				
Cupp				
Erickson				
Gentry				
Hansell				
Ross				
Ward				
TOTAL				
MOTION CARRIED		APPROVED		

Certificate

I, LORNA L. DAVROS, Board Clerk of said Des Moines International Airport Board, hereby certify that at a meeting of the Board, 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.

_____ Chairperson

_____ Board Clerk