

Date: October 26, 2009

**APPROVING THE FIRST AMENDMENT TO THE SCHEDULED
OPERATING AGREEMENT AND TERMINAL LEASE WITH
DELTA AIR LINES INC. AT THE DES MOINES INTERNATIONAL AIRPORT**

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 Municipal Code of the City of Des Moines delegates certain rights and responsibilities pertaining to the operation of the Airport to the Des Moines International Airport Board ("Airport Board"), including the right to enter into leases for the use of Airport property with terms of not more than three years in duration; and

WHEREAS, the Scheduled Airline Operating Agreement and Terminal Lease (the "Agreement") being for a duration of greater than three years, requires Des Moines City Council approval; and

WHEREAS, on October 27, 2008, the Council approved, by Roll Calls 08-1895 and 08-1891, operating agreements with Northwest Airlines and Delta Air Lines, Inc.; and

WHEREAS, Delta and Northwest merged and now operate as one airline under the name Delta Air Lines, Inc.; and

WHEREAS, this First Amendment reduces the combined space leased by the two airlines and consolidates the leased space of both airlines under Delta's Agreement; and

WHEREAS, the Airport Board, by Resolution A09-179, on October 6, 2009, recommended that the Council approve the First Amendment to the Agreement with Delta; and

WHEREAS, on October 12, 2009, by Roll Call No. 09-1848, the City Council directed the City Clerk to set a date of October 26, 2009, for a public hearing on the proposal and to publish notice of the hearing; and

WHEREAS, notice of the hearing on the proposed First Amendment has been duly published as provided by law pursuant to Iowa Code sections 364.7 and 362.3; and

WHEREAS, the public meeting and hearing has been duly held at the time and place provided and, in accordance with the notice, those interested in the proposal both for and against have been given an opportunity to be heard and have presented their views to the City Council; and

WHEREAS, the Council determines that it is in the best interest of the City to approve the First Amendment.

★ **Roll Call Number**

Agenda Item Number

56

Date: October 26, 2009


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

1. That upon due consideration of the facts and the statements of interested persons, the objections, if any, to the proposed First Amendment to the Agreement with Delta Air Lines, Inc., are overruled.
2. That the Mayor is hereby authorized and directed to sign the First Amendment to the Scheduled Airline Operating Agreement and Terminal Building Lease with Delta Air Lines, Inc. and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

Moved by _____ to adopt.

APPROVED AS TO FORM:

(Council Communication No. **09-762**)



 David A. Ferree
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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