



Roll Call Number

09-1392

Agenda Item Number

64

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.

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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 Hensley to adopt.

Approved as to form:

[Signature]

David A. Ferree
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Cownie 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.

Diane Rauh City Clerk