



Roll Call Number

10-750

Agenda Item Number

53

Date May 10, 2010

**APPROVING SCHEDULED AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE WITH FLY BRANSON TRAVEL LLC DBA BRANSON AIREXPRESS AT THE DES MOINES INTERNATIONAL AIRPORT**

WHEREAS, Chapter 22 of Des Moines City Code assigns certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board, but reserves for the City Council the authority to enter into leases of greater than three years duration; and

WHEREAS, the City of Des Moines and various airlines have entered into Scheduled Airline Operating Agreement and Terminal Leases covering all aspects of aviation transportation of persons, property, and mail at the Airport; and

WHEREAS, Fly Branson Travel LLC dba Branson AirExpress (Branson AirExpress) desires to provide scheduled air service at the Airport, lease facilities and premises in the Airport's Terminal Building and execute the Signatory Agreement; and

WHEREAS, the term of the proposed agreement is scheduled to terminate on June 30, 2013, which, being greater than three years, requires approval of the Council; and

WHEREAS, on May 4, 2010, by resolution A10-080, the Airport Board recommended approval of the Scheduled Airline Operating Agreement and Terminal Lease with Branson AirExpress; and

WHEREAS, on April 26, 2010, by Roll Call No. 10-606, City Council directed the City Clerk to publish the notice of said proposal to set a date of hearing for May 10, 2010; and

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

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

WHEREAS, it is in the best interests of the City to approve the Agreement;

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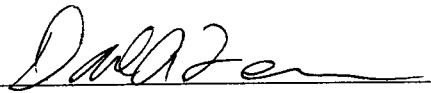
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

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

(Council Communication 10-243 is attached.)

Moved by Hensley to adopt.

Approved as to form:

  
David A. Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GREISS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
T. M. Franklin 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