



Roll Call Number

10-1239

Agenda Item Number

46

Date July 26, 2010

**APPROVING THE FIRST AMENDMENT TO THE OPERATING AGREEMENT AND
TERMINAL LEASE WITH UNITED AIRLINES INC 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, United Airlines Inc. desires to amend its operating agreement and terminal lease 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 July 6, 2010, by resolution A10-080, the Airport Board recommended approval of the Scheduled Airline Operating Agreement and Terminal Lease with United Airlines Inc; and

WHEREAS, on July 12, 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 July 26, 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 First Amendment of Scheduled Airline Operating Agreement and Terminal Lease with United Airlines Inc are overruled.
2. That the Mayor is authorized and directed to sign the Scheduled Airline Operating Agreement and Terminal Building Lease with United Airlines Inc and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Communication 10-458 is attached.)

Moved by Hensley to adopt.

Approved as to form:

Signature of 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 Council 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.

Signature of Diane Rauh, City Clerk

City Clerk