

★ Roll Call Number
11-1403

Agenda Item Number
51

Date August 8, 2011

WHEREAS, on September 5, 2008, the Metro Waste Authority and the cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Des Moines and Pleasant Hill entered into a 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority property (hereinafter the "28E Agreement"); and

WHEREAS, the original term of the 28E Agreement commenced on September 5, 2008 and continues until June 30, 2013; and

WHEREAS, the 28E Agreement may be extended by the Cities through June 30, 2028 allowing the Cities to leave the Building in place, unless the MWA has given notice between 20 and 24 months prior to the expiration of the original term of the lease terminating on June 30, 2013; and

WHEREAS, the Agreement provides if the Cities desire to extend the 28E Agreement following the original term, the Cities shall give a written notice 20 to 24 months prior to the expiration of the original term; and

WHEREAS, the City of Des Moines desires to extend the 28E Agreement following the original term of the Lease; and

WHEREAS, after 2013, any City may withdraw from the 28E Agreement by giving one year's notice to the other Cities of the proposed withdraw.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA that it hereby gives notice pursuant to Section 3.01(B) of the 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority property that it desires to extend the Agreement and that the City Clerk is authorized and directed to provide a copy of this resolution to the West Des Moines Public Works Superintendent, as Administrator of the 28E agreement in accordance with 28E Agreement with copies to the MWA and member communities.

APPROVED AS TO FORM:

Moved by Hensley to adopt.

Kathleen Vanderpool
 Kathleen Vanderpool, Deputy City Attorney

(Council Communication No. 11-533)

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

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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk