



Roll Call Number

17-1645

Agenda Item Number

19

Date September 25, 2017

**SET HEARING TO APPROVE LICENSE AGREEMENT TO LICENSE A PORTION OF
THE COMBINED SEWER SOLIDS SEPARATION FACILITY – BUILDING 02
LOCATED SOUTHWEST OF SOUTHEAST 25TH COURT AND C B & Q STREET FROM
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) is the titleholder of certain real estate located southwest of Southeast 25th Court and C B & Q Street, and locally known as Combined Sewer Solids Separation Facility – Building 02 (hereinafter “Licensed Premises”); and

WHEREAS, the City of Des Moines, Iowa, (“CITY”) wishes to license the Licensed Premises for the purpose of installing and maintaining a point to point radio unit and related equipment for wifi connectivity atop the northwest corner of the roof of the Licensed Premises to serve the CITY’s Public Works Supply Yard Building located at 2200 SE 22nd Street, Des Moines, Iowa; and

WHEREAS, the term of the license shall commence upon the execution of the License Agreement by both parties until August 31, 2027, with one automatic five-year renewal to August 31, 2032; and

WHEREAS, there is no consideration associated with this license as long as CITY maintains its status as a member community of the WRA, and in the event CITY is no longer a member community of the WRA, then CITY shall be required to pay the lesser of the following during the remaining term of this Agreement: fair market rent to WRA in the amount of \$1,700 per month or the projected cost to the WRA resulting from the siting of the radio unit and related equipment; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, proposes to approve a license agreement with the Des Moines Metropolitan Wastewater Reclamation Authority to license a portion of the Combined Sewer Solids Separation Facility – Building 02 located southwest of Southeast 25th Court and C B & Q Street for a term that shall commence upon the execution of the License Agreement by both parties until August 31, 2027, with one automatic five-year renewal to August 31, 2032, and for no consideration as long as CITY maintains its status as a member community of the WRA.

2. A public hearing shall be held on October 9, 2017, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.



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4. All payments owed by the City under said License Agreement shall be payable from the City's general fund. (Council Communication No. 17-679)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

PSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED

[Signature] MAYOR PRO TEM

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] City Clerk