

★ Roll Call Number
19-1918

Agenda Item Number
21

Date December 2, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS ON SECOND AMENDMENT TO SERVICE AGREEMENT AND LEASE WITH METRO WASTE AUTHORITY FOR OPERATION OF A PROGRAM FOR THE COLLECTION AND PROCESSING OF YARD WASTE MATERIALS

WHEREAS, the Des Moines Metropolitan Area Solid Waste Agency, now known as the Metro Waste Authority (hereinafter "MWA"), was created pursuant to the Amended and Substituted Intergovernmental Agreement Creating the Des Moines Metropolitan Area Solid Waste Agency (hereafter the "Chapter 28E Agreement"), executed by the City in December of 1969 and found of record in the office of the Polk County Recorder at Book 4081, Page 542; and

WHEREAS, the MWA exists for the purpose of serving the needs of its member municipalities in matters involving the collection and disposal of solid waste, as may be agreed upon by and between the MWA and its member entities; and

WHEREAS, the MWA has established a unified yard waste bag collection and processing program for all of its member entities in the Des Moines metropolitan area; and

WHEREAS, by Roll Call No. 01-763, dated March 12, 2001, the City Council approved the execution of a Service Agreement with MWA, pursuant to which MWA agreed to operate a yard waste collection service within Des Moines with the City of Des Moines acting as its contract agent for collection of yard waste; Des Moines agreed to lease the real property at 1601 Harriett Street, Des Moines, Iowa, consisting of approximately 21.73 acres ("the Harriet Street site") to MWA; and MWA agreed to purchase the City's equipment at said site and to thereafter operate a yard waste processing facility at said site, all for a term of three years ending March 31, 2004; and

WHEREAS, by Roll Call No. 04-609, dated March 22, 2004, the City Council approved the execution of a new Service Agreement with MWA for lease and operation of the Harriet Street site, all for a term of three years ending March 31, 2007; and

WHEREAS, by Roll Call No. 07-882, dated May 7, 2007, the City Council approved the execution of a new Service Agreement with MWA for lease and operation of the Harriet Street site, all for a term of three years ending March 31, 2010; and

WHEREAS, by Roll Call No. 10-453, dated March 22, 2010, the City Council approved the execution of a new Service Agreement with MWA for lease and operation of the Harriet Street site, for a term of twenty years ending March 31, 2020 for a \$40,000 per year as rental; and

WHEREAS, by Roll Call No. 12-0352, dated February 27, 2012, the City Council approved the execution of an amendment to the lease and Service Agreement with MWA to increase the Harriet Street site by an additional 8.28 adjacent acres to the east and west of the original 21.73 acres, for a total of 30.01 acres; and

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WHEREAS, the City and MWA agree that the intent of the Service Agreement was to establish a 20-year lease term commencing on April 1, 2010 and ending at midnight on March 31, 2030; and

WHEREAS, the City and MWA desire to correct such scrivener's error by amending the Service Agreement to establish a 20-year lease term commencing on April 1, 2010 and ending at midnight on March 31, 2030.

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

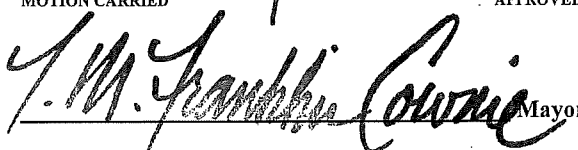
1. The City of Des Moines, Iowa proposes to amend the Service Agreement and lease with Metro Waste Authority to establish a 20-year lease term commencing on April 1, 2010 and ending at midnight on March 31, 2030.
2. A public hearing shall be held on December 16, 2019 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

Moved by Boesen to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | | APPROVED | |


Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.



City Clerk