



Roll Call Number

22-0707

Agenda Item Number

43

Date May 9, 2022

APPROVING NEGOTIATION AND AGREEMENT TO TERMINATE TOWER LEASE AGREEMENTS BETWEEN CITY OF DES MOINES AND SAGA COMMUNICATIONS OF IOWA, LLC

WHEREAS, the City and Saga Communications entered into two tower lease agreements for the Vandalia site and Alleman site (“the Agreements”) both dated January 25, 2010 with initial terms of sixty (60) months which began January 25, 2010 and ended January 25, 2015; and

WHEREAS, Section 2(b) of the Agreements provides that the Agreements will be extended automatically for three five (5) year terms unless one hundred and twenty days (120) prior to the expiration of the then current term the City or Owner notifies the other in writing of its intention to terminate the Agreements; and

WHEREAS, the City’s use for the Towers has become obsolete and the City seeks to terminate the leases earlier than the Agreement(s) allowed; and

WHEREAS, approval of an agreement to terminate the leases is recommended to save the City from expending money for a service that it no longer has a use for; and

WHEREAS, the City’s equipment will need to be removed at each tower site. The removal will be performed by a qualified responsive and responsible vendor and the cost is not to exceed \$35,000; and

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

1. That the City Manager or his designee may negotiate an agreement with Saga Communications to terminate one or both of the tower leases earlier than the Agreement(s) allowed including possibly for an exchange of the City’s equipment on site; and
2. That the City Manager or his designee may negotiate an agreement for the removal of the City’s equipment to be performed by a qualified responsive and responsible vendor, the cost of which is not to exceed \$35,000; and
3. The City Manager is authorized and directed to execute such agreements as approved by the Legal Department on behalf of the City of Des Moines, Iowa.

(Council Communication 22-209)

Moved by Boleser to adopt.



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Second by Gatto

Approved as to form:

/s Megan Norberg

Megan Norberg, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	Pass	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED	APPROVED			

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.

P. Kay Cmelik

City Clerk

John Fubelli

MAYOR PRO TEM