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Date..... June 23, 2008

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RESOLUTION SETTING A DATE FOR A MEETING AND PUBLIC HEARING

- (1) ON THE PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST OF CONSTRUCTION OF THE IMPROVEMENTS FOR THE SALT STORAGE FACILITY IN THE AMOUNT OF \$1,161,986.84 TO BE CONSTRUCTED PURSUANT TO AN AGREEMENT WITH THE METRO WASTE AUTHORITY AND
- (2) ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A 28E AGREEMENT FOR THE LEASE PURCHASE OF A METROPOLITAN SALT STORAGE FACILITY ON METRO WASTE AUTHORITY PROPERTY BETWEEN THE CITIES OF DES MOINES, WEST DES MOINES, URBANDALE, JOHNSTON, CLIVE, WINDSOR HEIGHTS, WAUKEE, GRIMES AND PLEASANT HILL AND THE METROPOLITAN WASTE AUTHORITY FOR A FIVE (5) YEAR PERIOD WITH DES MOINES' OBLIGATION FOR COST OF CONSTRUCTION NOT TO EXCEED \$581,818.11 WITHOUT WRITTEN AMENDMENT

AND FOR PROVIDING FOR PUBLICATION OF NOTICE THEREOF, AND THE HEARING ON THE AUTHORIZATION THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa, should enter into a 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority Property described as:

- Storm sewer - 120 lineal feet of 12 inch RCP
- Subdrain - 2358 lineal feet of 4 inch perforated
- PCC Paving, 8 inch - 434 sq. yds.
- 9" HMA Pavement - 9554 sq. yds.
- 84' wide x 260' long x 30' high (inside height) fabric covered salt storage building (10,000 ton).
 - Cover building designed to withstand a minimum of 25 pounds/sq. ft. snow load, minimum 90 mph wind load, minimum 21 pounds/sq. ft. of non-reducible live load.
 - Fabric covering to be minimum 14 oz/sq. yd. with high density polyethylene tapes coated on two sides with low density polyethylene.

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- The building framework shall be hot dipped galvanized to minimum ASTM A123 or 3.9 mils of zinc on all manufactured building components. All manufactured steel component surfaces both exterior and interior are to have a minimum 2.2 oz/sq.ft. continuous zinc coating to be applied after steel framework fabrication. Steel framework shall be minimum - clear span structural steel square tubing - ASTM A500/ASTM A513. Minimum tubing thickness - 14 gauge or .083 inches. Minimum 50 KSI yield - 55 KSI tensile ASTM A500.
- 84' wide x 300' long x 30' high (inside height) fabric covered salt storage building (12,000 ton)
 - Cover building designed to withstand a minimum of 25 pounds/sq. ft. snow load, minimum 90 mph wind load, minimum 21 pounds/sq. ft. of non-reducible live load.
 - Fabric covering to be minimum 14 oz/sq. yd. with high density polyethylene tapes coated on two sides with low density polyethylene.
 - The building framework shall be hot dipped galvanized to minimum ASTM A123 or 3.9 mils of zinc on all manufactured building components. All manufactured steel component surfaces both exterior and interior are to have a minimum 2.2 oz/sq.ft. continuous zinc coating to be applied after steel framework fabrication. Steel framework shall be minimum - clear span structural steel square tubing - ASTM A500/ASTM A513. Minimum tubing thickness - 14 gauge or .083 inches. Minimum 50 KSI yield - 55 KSI tensile ASTM A500.
- Landscaping

with the Cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill and the Metropolitan Waste Authority (MWA) as authorized by Sections 364.4, 364.6 and 384.25; and

WHEREAS, the pursuant to the Agreement, MWA agrees to finance and construct a Metropolitan Salt Storage Facility approved by MWA and the Cities; and

WHEREAS, the Agreement provides that the Cities would lease purchase the Buildings under Section 364.4 of the Iowa Code and lease the Leased Premises under the Agreement; and

WHEREAS, the Agreement further provides that the Cities purchase the Buildings from MWA over the course of the Original Term, which is five years, and the Buildings are personal property that may be moved by the Cities; and

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WHEREAS, the Agreement may be extended through June 30, 2028; and

WHEREAS, Des Moines represents that the obligation of Des Moines under the Agreement, together with other lease purchase agreements of that City, will not cause the total annual lease or lease-purchase payments of the City due from the general fund of the City to exceed ten percent of the last certified fund budget amount of Des Moines; and

WHEREAS, the City of Des Moines' amount to be paid for the cost of construction shall not exceed \$581,818.11 and shall be paid from the general funds of the City; and

WHEREAS, before the Lease Agreement may be authorized, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Council proposes to take action for the authorization of the Lease Agreement and to receive oral and/or written objections from any resident or property owner of said City to such action pursuant to Sections 364.4, 364.6 and 384.25 of the Code of Iowa; and

WHEREAS, it is necessary to have a public hearing on said plans, specifications, form of contract documents and the amount of the construction cost for said improvements to be constructed under the Lease Purchase Agreement pursuant to 364.4 and 26.12 of the Code of Iowa.

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

Section 1. That this Council meet in the Council Chamber, City Hall, Des Moines, Iowa, at 5:00 o'clock P.M., on the 14th day of July, 2008, for the purpose of:

- (a) holding a public hearing on the plans, specifications, form of contract documents and the estimated cost of construction in the amount of \$1,681,986.84 which is the actual contract amount between MWA and Prostruct Construction, Inc.; and
- (b) holding a public hearing on the matter of the authorization of a 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority Property between the Cities of Des Moines, West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill and the Metropolitan Waste Authority (MWA) to be used by the Cities for Salt Storage and that the Original Term of the Lease shall be for five years with five annual payments with Des Moines' total share of the cost of construction not to exceed \$581,818.11 without an amendment to the Agreement.

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Section 2. That the City Clerk is hereby directed to cause at least on publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the authorization of said Lease Agreement.

Section 3. The notice of the proposed action to authorize said Lease Agreement shall be in substantially the following form:

NOTICE OF MEETING OF THE COUNCIL OF THE CITY OF DES MOINES, IOWA AND
PUBLIC HEARING

(1) ON THE PLANS, SPECIFICATION, FORM OF CONTRACT DOCUMENTS AND
ESTIMATE OF CONSTRUCTION OF THE IMPROVEMENTS TO BE
CONSTRUCTED UNDER THE AGREEMENT IN THE AMOUNT OF \$1,161,986.84

AND

(2) ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A 28E
AGREEMENT FOR THE LEASE PURCHASE OF A METROPOLITAN SALT
STORAGE FACILITY ON METRO WASTE AUTHORITY PROPERTY BETWEEN
THE CITIES OF DES MOINES, WEST DES MOINES, URBANDALE, JOHNSTON,
CLIVE WINDSOR HEIGHTS, WAUKEE, GRIMES AND PLEASANT HILL AND
THE METROPOLITAN WASTE AUTHORITY FOR THE ORIGINAL TERM OF
FIVE (5) YEARS WITH DES MOINES; OBLIGATION FOR THE COST OF
CONSTRUCTION NOT TO EXCEED \$581,818.11 WITHOUT WRITTEN
AMENDMENT AND FOR PROVIDING FOR PUBLICATION OF NOTICE
THEREOF, AND THE HEARING ON THE AUTHORIZATION THEREOF

PUBLIC NOTICE is hereby given that the Council of the City of Des Moines, Iowa, will hold a public hearing on the 14th day of July, 2008 at 5:00 o'clock P.M., in the council Chambers, City Hall, Des Moines, Iowa to take additional action on the following matters:

1. Proposed Plans, Specifications, Form of Contract and Estimated Costs for Improvements on file in the Des Moines City Engineer's Office for the Salt Storage Facility Improvements to be constructed on Metro Waste Authority property pursuant to a 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility by the Metropolitan Waste Authority as authorized by Sections 364.4 and 26.12 of the Iowa Code.

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2. Authorization of a 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority Property between the Cities of Des Moines, West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill and Metro Waste Authority for the Original Term of five years, with Des Moines' obligation not to exceed \$581,818.11 for the cost of construction of the Metropolitan Salt Storage Facility over the five years without written amendment of the Agreement as authorized under Sections 364.4, 364.6 and 384.25 of the Iowa Code.

At the above meeting the Council shall receive oral or written objections from any resident or property owners of said City to the above actions. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action for the approval of the plans, specification, form of contract documents and estimate of construction of the Salt Storage Facility Improvements and the authorization of said Lease Agreement or will abandon the proposal.

This notice is given by order of the Council of Des Moines, Iowa, as provided in Sections 364.4, 364.6, 384.25 and 26.12 of the Iowa Code.

Dated this _____ day of June, 2008.

APPROVED AS TO FORM:

Moved by _____ to adopt.

(Council Communication No. **DP-385**)

Kathleen Vanderpool
Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

.....
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.

City Clerk