

Date July 24, 2006

**SET DATE OF HEARING FOR APPROVAL OF AMENDMENT TO CURRENT
OPERATING AGREEMENT WITH SKYWAY AIRLINES, INC. d/b/a MIDWEST
CONNECT EXTENDING THEIR SIGNATORY STATUS REGARDING
OPERATIONS AT THE DES MOINES INTERNATIONAL AIRPORT UNTIL
JUNE 30, 2008**

WHEREAS, the City of Des Moines owns and operates an airport known as Des Moines International Airport (hereinafter called the "Airport"), located in Des Moines, Polk County, Iowa; and

WHEREAS, on September 20, 1993, by Roll Call No. 93-3490, the Des Moines City Council approved Ordinance 12,040 assigning certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board (hereinafter called the "Board"), including the right to enter into leases up to three years in duration and certain other agreements; and

WHEREAS, on June 12, 2001, by Resolutions A01-186-A0197, the Des Moines International Airport approved Scheduled Airline Operating Agreement and Terminal Lease or a Cargo Airline Operating Agreements (collectively "Signatory Agreements") with, among other airlines : American Airlines, Comair, Inc., Mesa Air Group d/b/a America West Express, Midwest Express Airlines, Northwest Airlines, Inc., United Air Lines, Inc., ABX Air, Inc. and United Parcel Service beginning on July 1, 2001, for aviation transportation of persons, property, and/or mail; and

WHEREAS, on July 7, 2004, by Resolutions A04-127-A135, the Des Moines International Airport Board approved amendments to certain Signatory Agreements which included the extension of the Agreements until June 30, 2006; and

WHEREAS, as other Airlines have begun operations at the Airport, the City and the other Airlines have entered into similar Signatory Agreements, which now also expire on June 30, 2006; and

WHEREAS, on May 2, 2006, by Resolution A06-84, the Des Moines International Airport Board recommended staff negotiate and present to City Council amendments extending the terms of the current Signatory Agreements until June 30, 2008; and

WHEREAS, Skyway Airlines, Inc. has returned a FIRST AMENDMENT TO SCHEDULED AIRLINE OPERATING AGREEMENT AND TERMINAL BUILDING LEASE extending the term of the original Signatory Agreement until June 30, 2008; and

★ **Roll Call Number**

Agenda Item Number

291(A)
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WHEREAS, the Signatory Agreement term with Amendment(s) will be greater than three years, which therefore requires a public hearing and City Council approval, NOW, THEREFORE,

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

1. That this City Council meet in the Council Chambers, City Hall, City of Des Moines, Iowa, at 5:00 p.m. on the 7th day of August 2006 for the purpose of taking action on the matter of the approval of an extension of the Signatory Agreement at the Des Moines International Airport with Skyway Airlines, Inc.; and
2. That the proposed Amendment is on file with the City Clerk; and,
3. That Notice of said proposal be given by publication not less than four (4) nor more than twenty (20) day before the date of the public hearing, all as specified in Section 364.7 and Section 362.3 of the Iowa Code 2005; and
4. That the Notice above referred to shall be in the form hereto attached, and
5. That the City Clerk is hereby authorized and directed to publish the Notice above referred to in Paragraph 3.

Moved by _____ to adopt.

Approved as to form:

David A. Ferree
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk