

Date June 8, 2020

SET HEARING FOR APPROVAL OF AN AMENDMENT TO THE GROUND LEASE AND OPERATION AND MAINTENANCE AGREEMENT FOR METROPOLITAN SALT STORAGE FACILITY ON METRO WASTE AUTHORITY PROPERTY

WHEREAS, on May 9, 2014, by Roll Call No. 14-0757, the City Council of the City of Des Moines, Iowa voted to approve a Ground Lease and Operation and Maintenance Agreement for Metropolitan Salt Storage Facility on Metro Waste Authority Property dated August 7, 2014, with the Des Moines Metropolitan Area Solid Waste Agency d/b/a Metro Waste Authority and the cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Des Moines and Pleasant Hill (“Agreement”); and

WHEREAS, Metro Waste Authority gave a Notice of Termination of the Agreement only to the City of Des Moines, indicating Metro Waste Authority was electing to terminate the Agreement on July 24, 2020 (“Termination”); and

WHEREAS, the Termination indicated Metro Waste Authority was requiring the City of Des Moines to remove the Des Moines’ ten thousand ton capacity salt storage building known as the Des Moines Building located at 4105 Beisser Drive, Grimes, IA 50111 from the Leased Premises; and

WHEREAS, the City of Des Moines is willing to withdraw from the Agreement and provide a Bill of Sale to the Des Moines Building for the considerations including but not limited to Metro Waste Authority withdrawing and rescinding the Termination and for Des Moines being allowed to leave the Des Moines Building upon withdraw from the Agreement; and

WHEREAS, all parties to the Agreement propose to amend the Agreement by the agreeing that the City of Des Moines is withdrawing from the Agreement, effective October 1, 2020, requiring the City of Des Moines to provide a Bill of Sale to the Des Moines Building, and allowing the City of Des Moines to leave the Des Moines Building upon withdraw, in addition to various amendments relating to exhibits, termination, and maintenance fees.

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

1. The City Council of the City of Des Moines, Iowa, proposes to enter into an amendment to the Agreement by which the City of Des Moines withdraws from the Agreement, effective October 1, 2020, requiring the City of Des Moines to provide a Bill of Sale to the Des Moines Building located at 4105 Beisser Drive, Grimes, IA 50111, and allowing the City of Des Moines to leave the Des Moines Building upon withdraw, in addition to various amendments relating to exhibits, termination, and maintenance fees; and

Date June 8, 2020

2. A public hearing regarding said proposal shall be held on June 22, 2020, at 5:00 p.m. Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given Mayor Cownie's March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and the Section One of the Governor's May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Thirty Nine of the Governor's May 26, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that the June 22 meeting at a physical place is impossible or impracticable and the Council meeting will be conducted electronically with the public allowed to attend per the instructions below. To participate in the electronic meeting, access is available via the internet or telephonically (details below):

- To join the Zoom Meeting via the internet, access:
 - <https://zoom.us/j/94560100737?pwd=dENXUnI1YkFIMIZHUWZQM2NRVkljQT09>
 - Meeting ID: 945 6010 0737
 - Password: 798755
- To join telephonically:
 - One tap mobile:
 - 13126266799, 94560100737# US (Chicago)
 - +17209289299,94560100737# US (Denver)
 - Dial by your location:
 - +1 312 626 6799 US (Chicago)
 - +1 720 928 9299 US (Denver)
 - 888 475 4499 US Toll-free
 - 833 548 0276 US Toll-free
 - 833 548 0282 US Toll-free
 - 877 853 5257 US Toll-free
 - Meeting ID: 945 6010 0737
 - Find your local number: <https://zoom.us/u/agph8pO0l>

At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. The City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. June 18, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

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.

★ Roll Call Number

Agenda Item Number

25

Date June 8, 2020

(Council Communication No. 20-233)

Moved by _____ to adopt.

APPROVED AS TO FORM:

s/Kathleen Vanderpool
Kathleen Vanderpool, Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |

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