



Roll Call Number

20-1075

Agenda Item Number

78

Date June 22, 2020

HOLD 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 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 5180 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 withdrawing the City of Des Moines 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; and

WHEREAS, on June 8, 2020, by Roll Call No. 20-0906, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Agreement be set for hearing 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 a meeting at a physical place is



Roll Call Number

20-1075

Agenda Item Number

78

Date June 22, 2020

impossible or impracticable and all Council meetings for the time being will be conducted electronically; and

WHEREAS, due notice of said proposal was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; and

WHEREAS, in accordance with City Council direction, those interested in the proposed amendment, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the above described proposed amendment of the Agreement are hereby overruled and the hearing is closed.
2. That the proposed amendment to the Agreement and associated bill of sale is hereby approved.
3. The Mayor is authorized and directed to sign the amendment to the Agreement as identified above and the associated bill of sale, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. That the Public Works Director is hereby authorized and directed to deliver the amendment to the Agreement to the Metro Waste Authority upon execution of the Mayor and City Clerk,
5. That the Public Works Director is authorized and directed to deliver bill of sale to the Metro Waste Authority on October 1, 2020 as provided in the Amendment.



Roll Call Number

20-1075

Agenda Item Number

78

Date June 22, 2020

Moved by Gatto 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	7			

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.

J. M. Frankha Cowan Mayor

P. Kay Cmelik

City Clerk