



Roll Call Number

20-1774

Agenda Item Number

30 I

Date November 9, 2020

**RESOLUTION SCHEDULING HEARING ON THE PROPOSITION TO AUTHORIZE  
A LEASE IN THE PRINCIPAL AMOUNT  
NOT-TO-EXCEED \$130,000, FOR THE PURPOSE OF  
ACQUIRING CERTAIN ITEMS OF EQUIPMENT FOR WINTER SNOW REMOVAL  
CONSISTING OF THREE MOTOR GRADERS AND ONE BULLDOZER**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a Lease with Ziegler Inc. in the principal amount of not to exceed \$130,000 (the "Agreement" or "Lease Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 for the purpose of providing funds to pay costs of leasing the equipment as hereinafter described; and

WHEREAS, the term of the proposed Agreement will not exceed the economic life of the property to be leased; and

WHEREAS, the proposed Agreement shall be payable solely out of the City's road use tax fund and will not cause the total annual lease or lease-purchase payments due from the general fund in any single future fiscal year for all lease or lease-purchase contracts currently enforced to exceed ten percent of the last certified general fund budget amount; and

WHEREAS, a copy of the proposed Agreement is on file in the Office of the City Clerk which provides that the City shall make four-week period payments over a duration not exceeding four months; and

WHEREAS, it is in the best interests of the City to acquire the three motor graders and one bulldozer for use in conjunction with City winter snow removal operations; and

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

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

1. The City Council hereby declares its intent, following a public hearing to be held on November 23, 2020 at 5:00 p.m. in the 2<sup>nd</sup> Floor, MSC Board Room, Richard A. Clark Municipal Services Center, 1551 E. M.L. King Jr. Parkway, Des Moines, Iowa to take action to approve and enter into a Lease Agreement with Ziegler, Inc. in the principal amount of not to exceed \$130,000, the proceeds of which will be used to provide funds to pay the costs of leasing certain items of equipment consisting of three motor road graders and one bulldozer for use in conjunction with City winter snow removal operations. In accordance with the Governor and Mayor Proclamations related to the COVID-19 outbreak and the City Manager's decision to delay the opening of City buildings to the public, it is impossible and impractical to have physical public access to the City Council meeting location and the public hearing will be conducted electronically with electronic public access.

2. The City Clerk is hereby authorized and directed to publish notice of said hearing and intent to take action to approve and enter into the Lease Agreement in the form on file in the Office of the City Clerk, all in accordance with Iowa Code Sections 362.3, 364.4 and 384.25.

APPROVED AS TO FORM:

Moved by Boesen to adopt.

/s/ Lawrence R. McDowell

Lawrence R. McDowell  
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. Franklin Cownie*  
Mayor

*P. Kay Cmelik*

City Clerk