



Roll Call Number

21-0811

Agenda Item Number

47

Date May 24, 2021

RESOLUTION WITH RESPECT TO PUBLIC HEARING ON THE AUTHORIZATION OF AMENDMENT TO LEASE AGREEMENT WITH U.S.S. HUSMANN, L.L.C. FOR THE RENTAL OF WAREHOUSE SPACE AT 301 SE 8TH STREET FOR TEMPORARY USE BY THE PUBLIC WORKS DEPARTMENT

WHEREAS, pursuant to Sections 364.4 and 384.25 of the Iowa Code, notice of the hearing on the proposed authorization of an Amendment to Lease Agreement between the City of Des Moines, Iowa, and U.S.S. HUSMANN, L.L.C. for the rental of 301 SE 8th Street for temporary use by the Public Works Department, said amendment addresses certain improvements that were not contemplated at the time the Lease Agreement was originally executed, the City’s portion of which would cost \$45,909, and of the proposed action by the City Council to initiate proceedings for the authorization of said Amendment to Lease Agreement for the above purposes, has been duly published and provided by law; and

WHEREAS, the public meeting and hearing has been duly held at the time and place provided and in accordance with said notice, and given Mayor Cownie’s March 15, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor’s February 5, 2021 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, and further given the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location, but the meeting was conducted electronically with electronic and telephonic public access to the meeting location; and

WHEREAS, oral or written objections were received and filed.

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

That the time for receiving oral and written objections be closed and the proposal for the authorization of said amendment and all objections thereto be taken under consideration by the City Council.



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(Council Communication No. 21-230)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

[Signature]

City Clerk