



Roll Call Number

23-1497

Agenda Item Number

75

Date October 23, 2023

**HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO  
AUTHORIZE A LEASE AGREEMENT IN THE PRINCIPAL AMOUNT NOT-TO-  
EXCEED \$225,000 FOR THE PURPOSE OF ACQUIRING CERTAIN ITEMS  
OF EQUIPMENT CONSISTING OF THREE MOTOR GRADERS AND  
ONE WHEEL LOADER WITH SNOWPLOW**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a lease with Ziegler Cat in the principal amount of not to exceed \$225,000 to lease from November 1, 2023 to March 30, 2024, three Motor Graders and a Wheel Loader with Snowplow (the "Agreement" or "Lease Purchase Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 for the purpose of providing funds to pay costs of acquiring 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 general 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 lease the equipment until March 30, 2024; and

WHEREAS, it is in the best interests of the City to acquire this equipment for use in conjunction with City emergency snow and ice control 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.

WHEREAS, on October 2, 2023, by Roll Call No. 22-1333, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for hearing on October 23, 2023, at 5:00 p.m. in the Council Chambers at City Hall; and,

WHEREAS, due notice of said proposal and the time and place of said hearing was published in the Des Moines Register, as provided by law.



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

- 1. The public meeting and hearing on the City's proposition to authorize and enter into a Lease Agreement with Ziegler Cat until March 30, 2024 in the principal amount of not to exceed \$225,000 for a three Motor Graders and a Wheel Loader with Snowplow (the "Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 has been duly held at the time and place provided and in accordance with said notice and any oral or written objections from residents of the City have been received and filed.
2. The hearing is closed and the proposition to authorize and enter into the Lease Agreement with Ziegler Cat and all objections thereto are taken into consideration by the City Council.
3. The City hereby takes action to authorize, approve and enter into the Agreement with Ziegler Cat until March 30, 2024, in the principal amount of not to exceed \$225,000 for three Motor Graders and a Wheel Loader with Snowplow (the "Agreement") and all incorporated and ancillary documents for the Lease and the City Manager is hereby authorized and directed to sign any documents necessary to complete this transaction.
4. The City Manager or his designee is hereby authorized and directed to administer the terms of the Agreement and the City Manager is authorized and directed to make all rental payments in accordance with the terms of the Agreement.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

1st Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, LAURA BAUMGARTNER, 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

Laura Baumgartner City Clerk