



Roll Call Number

24-0694

Agenda Item Number

53

Date May 6, 2024

**HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO AUTHORIZE A LEASE AGREEMENT IN THE PRINCIPAL AMOUNT NOT-TO-EXCEED \$75,000 FOR THE PURPOSE OF RENTING A BUCKET TRUCK FOR THE FORESTRY DEPARTMENT**

**WHEREAS**, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a lease with United Rentals in the principal amount of not to exceed \$75,000 to lease until November 30, 2024, a bucket truck for the City's Forestry Department (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 leasing said equipment as hereinafter described; and

**WHEREAS**, the Procurement Administrator has determined that the rental of an aerial bucket truck has been competitively bid and is available from United Rentals 3101 Spruce Street, Little Canada, MN 55117 (Matthew J. Flannery, President) using Sourcewell Contract Number 062320-URI; and

**WHEREAS**, Des Moines Municipal Code section 2-726 (m) provides for the procurement of goods and/or services from contracts that have been competitively established through cooperative group contracting consortiums for state government departments, institutions, agencies and political subdivisions, without conforming to the competitive bidding requirements of the Procurement Ordinance; 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 November 30, 2024; and

**WHEREAS**, it is in the best interests of the City to lease this equipment for use in conjunction with City operations, specifically for use by the City's Forestry Department; 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



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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 April 1, 2024, by Roll Call No. 24-0493, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for hearing on April 15, 2024, 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;

**WHEREAS**, on April 15, 2024, by Roll Call No. 24-0617, the City council resolved to continue said hearing until May 6, 2024, at 5:00 p.m. in the Council Chambers at City Hall.

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

1. The public meeting and hearing on the City's proposition to authorize and enter in to a Lease Agreement with United Rentals until November 30, 2024 in the principal amount of not to exceed \$75,000 for a bucket truck as authorized by Iowa Code Section 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 United Rentals 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 United Rentals until November 30, 2024, in the principal amount of not to exceed \$75,000, for a bucket truck and all incorporated and ancillary documents for said lease, including a short form agreement thereto and the City Manager is hereby authorized and directed to sign any documents necessary to complete this transaction.
4. To the extent determined necessary by the Legal Department and the Finance Department, the Finance Department and Fleet Division are hereby authorized and directed to proceed with negotiation of a Short Form Agreement or similar agreement between the City of Des Moines and United Rentals, supplementing Sourcewell Contract No. 062320-URI, and the Finance Director is authorized and directed to execute said Agreement on behalf of the City following approval as to form by the Legal Department.



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- 5. The City Manager or his designee is hereby authorized and directed to administer the terms of the Lease Agreement and the City Manager is authorized and directed to make all rental payments in accordance with the terms of the Agreement.

(Council Communication No. 24-180)

Moved by Gatto to adopt. Second by Mandelbaum

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

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

Conie Boesen Mayor

Laura Baumgartner City Clerk