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**Date** March 24, 2025

**HEARING ON AN AGREEMENT TO REPLACE REFUSE TRUCK FLEET EVERY TWO YEARS FOR FOUR YEARS SUBJECT TO RENEWAL IN AN ANNUAL COMMITMENT OF AN AMOUNT NOT-TO-EXCEED \$2,000,000 UNDER A LEAST COST AGREEMENT WITH HOUSBY MACK, INC. AND RESOLUTION TO TAKE ADDITIONAL ACTION TO ENTER INTO THE AGREEMENT**

WHEREAS, it is deemed necessary and advisable for the Solid Waste Enterprise of the City of Des Moines, Iowa ("Solid Waste Enterprise") to replace half its aging refuse truck fleet on an annual basis with the right to return each truck at the end of two years, in an annual principal amount of not to exceed \$2,000,000 for four years as authorized by Iowa Code Sections 364.4 and 384.83 for the purpose of providing funds to pay costs of acquiring the trucks using, funds from the Solid Waste Enterprise; and,

WHEREAS, a copy of the proposed Agreement is on file in the Office of the City Clerk which provides that the City shall purchase the equipment with a right to return for each truck for a two-year period for four years from the effective date of the agreement until four years following the effective date subject to renewal; and,

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

WHEREAS, the proposed Agreement shall be payable solely out of the Solid Waste Enterprise fund; and,

WHEREAS, it is in the best interests of the City to acquire this equipment for use in conjunction with City 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 384.83 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; and,

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WHEREAS, on February 24, 2025, by Roll Call No. 25-0270, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for hearing on March 10, 2025, 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 March 10, 2025, by Roll Call No. 25-0377, the City Council continued the hearing to March 24, 2025, at 5:00 p.m. in the Council Chambers at City Hall; and,

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 an Agreement by and Between Housby Mack Inc. and the City of Des Moines to Supply Mack Truck Chassis with Equipment, Related Accessories, and Services as authorized by Iowa Code Sections 364.4 and 384.83 has been duly held at the time and place provided as continued 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 Agreement by and Between Housby Mack Inc. and the City of Des Moines to Supply Mack Truck Chassis with Equipment, Related Accessories, and Services and all objections thereto are taken into consideration by the City Council.
3. The City hereby decides to take additional action to authorize, approve and enter into the Agreement by and Between Housby Mack Inc. and the City of Des Moines to Supply Mack Truck Chassis with Equipment, Related Accessories, and Services and the Mayor and the City Clerk are hereby authorized and directed to execute the Agreement. The Council intends this approval to constitute additional action pursuant to Iowa Code section 284.83(2) and any resident must appeal this decision within fifteen days pursuant to that section.

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4. The City Manager or his designee is hereby authorized and directed to administer the terms of the Agreement, including the execution of any necessary documents and the City Manager is authorized and directed to make all payments in accordance with the terms of the Agreement.

**(Council Communication No. 25-127)**

Moved by \_\_\_\_\_ to approve.

Second by \_\_\_\_\_.

FORM APPROVED:

/s/Thomas G. Fisher Jr.  
 Thomas G. Fisher Jr.  
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

**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.

\_\_\_\_\_ City Clerk