



Roll Call Number

20-1570

Agenda Item Number

26

Date October 5, 2020

RESOLUTION SCHEDULING HEARING ON THE PROPOSITION TO AUTHORIZE AN AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF DES MOINES AND KOCH BROTHERS, INC. FOR THE LEASE OF UP TO 44 ADDITIONAL MULTI-FUNCTION DEVICES (PRINTER, COPIER, SCANNER AND FACSIMILE) FOR USE IN CITY OPERATIONS FOR A PERIOD NOT TO EXCEED FIVE YEARS, IN THE AMOUNT NOT TO EXCEED AN ADDITIONAL \$440,608.78 (\$1,150,000.00 TOTAL) AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, on September 23, 2019, by Roll Call No. 19-1551, the City Council authorized and entered into a lease agreement with Koch Brothers, Inc. for the lease of 81 multi-function devices (printer, copier, scanner, and facsimile) for use in City operations for a five year period, in the amount not to exceed \$709,391.22, (“the Lease”) following a hearing pursuant to the Iowa Code; and

WHEREAS, it is now deemed necessary and advisable that the City of Des Moines, Iowa, should enter into a lease amendment for the rental of up to an additional 44 multi-function devices (printer, copier, scanner and facsimile) (125 total devices) for use in City operations for a period not to exceed five years, in an amount not to exceed an additional \$440,608.78 (\$1,150,000.00 total) to be paid in less than sixty monthly installments during the five-year term of the Lease (the “Lease Agreement Amendment” or “Amendment”) as authorized by Sections 364.4 and 384.25 of the Code of Iowa for the purpose of providing funds to pay costs of acquiring the devices as hereinafter described; and

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

WHEREAS, the Lease and Amendment shall be payable solely and only out of the City’s general fund and various enterprise funds of the City of Des Moines, and will not cause the total annual lease or lease payments due from the general fund in any single future fiscal year for all lease contracts currently enforced to exceed ten percent of the last certified general fund budget amount; and

WHEREAS, a copy of the proposed Amendment is on file in the Office of the City Clerk which provides that the City shall pay less than 60 monthly lease payments during the five-year term for such additional multi-function devices; and

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



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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

Section 1. That the City Council hereby declares its intent, following a public hearing to be held on October 19, 2020 at 5:00 p.m. in the MSC Board Room, 2nd Floor, Municipal Service Center, 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, to take action to approve and enter into an Amendment to Lease Agreement with Koch Brothers, Inc. in an amount not to exceed an additional \$440,608.78 (\$1,150,000.00 total), the proceeds of which will be used to provide funds to pay the costs of leasing up to an additional 44 multi-function devices (printer, copier, scanner and facsimile) (125 total devices) for use in City operations for a period not to exceed five years, to be paid in less than sixty monthly payments.

Section 2. That the Clerk is hereby directed to cause a publication to be made of a notice of said hearing and intent to take action to approve and enter into the Lease Agreement Amendment in a legal newspaper, printed wholly in the English language, not less than four days nor more than twenty days before the date of said public meeting in the form attached, all in accordance with Iowa Code sections 362.3, 3644 and 384.25.

Moved by: Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk