



Roll Call Number

20-1871

Agenda Item Number

21

Date November 23, 2020

**RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION TO
AUTHORIZE A SHORT-TERM LEASE 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, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City"), should enter in to a short-term Lease Agreement for the rental of warehouse space located at 301 SE 8th Street, for temporary use by the Public Works Department for equipment storage until the Municipal Services Center Phase 2 project is completed, as authorized by Sections 364.4(4) and 384.25 of the Iowa Code, as amended; and

WHEREAS, the terms of the Lease Agreement have been negotiated by and between the City and U.S.S. HUSMANN, L.L.C., pursuant to which the City would lease said real estate, and are set forth as follows:

1. Possession of the premises will be given to the City on January 1, 2021.
2. The initial lease term shall be twenty one (21) months.
3. The premises contain a total of 20,800 square feet.
4. The City shall pay an estimated total of \$194,966.80 for the initial term of the Lease Agreement, as follows:
 - a) \$10,401 for the first three (3) months of the Lease Agreement,
 - b) \$117,000 for months four through twenty-one (4-21) of the Lease Agreement, and
 - c) \$67,565.80 total estimated proportionate share of utilities and building expenses for the entire initial twenty one (21) month lease term.
5. Upon giving at least ninety (90) days notice prior to the expiration of the initial lease term, the City shall have the right to extend the Lease Agreement on a month-to-month basis for up to an additional six (6) month period at a monthly rental cost of \$7,800 for base rent, plus an estimated \$3,217.42 monthly for the City's proportionate share of utilities and building expenses; and

WHEREAS, the Lease Agreement shall be payable solely out of the City's General Fund; and

WHEREAS, prior to authorizing said Lease Agreement, the City is required, pursuant to Sections 364.4 and 384.25 of the Iowa Code, to publish notice of the proposal and of the date and time of the meeting at which the City Council of the City of Des Moines, Iowa, proposes to discuss and then take action thereon, and to receive oral and written objections thereto from any resident or property owner of the City.



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

Section 1. That the meeting of the City Council for the purpose of discussing the matter of the authorization of a 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 lease to be for an approximately twenty one (21) month period, and said lease calls for total payments in the estimated amount of \$194,966.80, including the City's estimated proportionate share of utilities and building expenses, shall be on December 7, 2020, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and 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 and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically and telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/81564162948?pwd=MmpGRUo0eVI4K0pQN1JIOTViZ3kwQT09>
Passcode: 952043

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 720 928 9299 or 833 548 0276 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 815 6416 2948

International numbers available: <https://dmgov-org.zoom.us/j/kk0oyl2kk>

A copy of said lease is on file in the office of City Clerk and is available for public inspection by contacting the City Clerk, and the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. December 3, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).



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Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the discussion of the proposed authorization of said Lease Agreement.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA
ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LEASE WITH U.S.S.
HUSMANN, L.L.C. FOR THE RENTAL OF WAREHOUSE SPACE AT 301 SE 8TH STREET,
AND OF PUBLIC HEARING ON THE AUTHORIZATION AND EXECUTION THEREOF

PUBLIC NOTICE is hereby given that that the meeting of the City Council for the purpose of discussing the matter of the authorization of a 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 lease to be for an approximately twenty one (21) month period, and said lease calls for total payments in the estimated amount of \$194,966.80, including the City's estimated proportionate share of utilities and building expenses, shall be on December 7, 2020, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and 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 and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically and telephonically (details below):

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[org.zoom.us/j/81564162948?pwd=MmpGRUo0eVI4K0pQN1JJOTVhZ3kwQT09](https://dmgov-org.zoom.us/j/81564162948?pwd=MmpGRUo0eVI4K0pQN1JJOTVhZ3kwQT09)

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A copy of said lease is on file in the office of City Clerk and is available for public inspection by contacting the City Clerk, and the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. December 3, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

The lease payments for this property shall be payable from the City's General Fund of the City of Des Moines.

At the above meeting, the City Council of the City of Des Moines, Iowa, shall receive oral or written objections from any resident or property owner of the city to the above action. After all objections have been received and considered, the Council will at this meeting, or at any adjournment thereof, take additional action for the authorization of said Lease Agreement or will abandon the proposal.

This Notice is given by order of the Council of Des Moines, Iowa, as provided by Sections 364.4 384.25 of the Code of Iowa, as amended.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Assistant City Attorney

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

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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk