



Roll Call Number

20-2068

Agenda Item Number

42

Date December 7, 2020

**CONTINUANCE OF PUBLIC HEARING APPROVING FORM AND AUTHORIZING EXECUTION OF A SHORT-TERM LEASE WITH U.S.S. HUSMANN, L.L.C. FOR THE RENTAL OF WAREHOUSE SPACE AT 301 SE 8<sup>TH</sup> 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 into a short-term Lease Agreement for the rental of warehouse space located at 301 SE 8<sup>th</sup> Street, for temporary use by the Public Works Department 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 by and between the City and U.S.S. HUSMANN, L.L.C., pursuant to which the City would lease said real estate, have been negotiated 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) day 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**, a copy of the proposed Lease Agreement is on file in the office of the City Clerk; and

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

**WHEREAS**, due notice of the proposal was published as provided by law in the Des Moines Register, setting forth the time and place for hearing on the proposal, including how to participate telephonically and electronically; and

**WHEREAS**, a continuance of the public hearing is needed until the Council meeting on December 21, 2020, in order to coincide with the City Council’s consideration of approval of the Market District development agreement.



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**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the public hearing approving form and authorizing execution of a short-term lease with U.S.S. Husmann, L.L.C. for the rental of warehouse space at 301 SE 8<sup>th</sup> Street for temporary use by the Public Works Department be and is hereby continued to December 21, 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 October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 109 of the Governor's October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and further given 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/89248657921?pwd=Z0VaRTArWnBIYXZlYVMTVFXMHovQT09>  
Passcode: 058084

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 877 853 5257 (Toll Free) or 833 548 0276  
(Toll Free)  
Webinar ID: 892 4865 7921  
International numbers available: <https://dmgov-org.zoom.us/j/kM8sVgvoy>

In addition, 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 17, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).



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(Council Communication No. 20-529)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	/			
BOESEN	/			
GATTO	/			
GRAY	/			
MANDELBAUM	/			
VOSS	/			
WESTERGAARD	/			
TOTAL	7			

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