



Roll Call Number

21-0377

Agenda Item Number

26

Date March 8, 2021

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION TO AUTHORIZE A SHORT-TERM LEASE WITH WESTBROOKE APARTMENTS, LLC FOR THE RENTAL OF APARTMENTS AT 4001 EP TRUE PARKWAY FOR TEMPORARY HOUSING FOR AMERICORPS VOLUNTEERS SERVING THE PARKS 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 apartment units located at 4001 EP True Parkway for temporary housing for Americorps volunteers serving the City's Parks Department; and

WHEREAS, the terms of the Lease Agreement have been negotiated by and between the City and Westbrooke Apartments, LLC, 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 April 1, 2021.
2. The initial lease term shall be forty five (45) days.
3. The leased premises contain 3 apartment units.
4. The City shall pay \$1,275 per unit for the leased term, for a an estimated total of \$3,825 for the initial term of the Lease Agreement. In addition, the City shall be responsible for carpet cleaning costs upon vacation of the units.

WHEREAS, the Lease Agreement shall be payable solely out of the PKS201275 Volunteers 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.

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

- 1. Section 1. That the meeting of the City Council for the purpose of discussing the matter of the authorization of a short-term Lease Agreement between the City of Des Moines, Iowa, and Westbrooke Apartments, LLC for the for the rental of three apartment units located at 4001 EP True Parkway for temporary housing for Americorps volunteers serving the City's Parks Department, shall be on March 22, 2021, 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 15, 2020 Proclamation, as amended, prohibiting



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indoor gatherings of ten or more persons on public property, Section One of the Governor's February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor's February 5, 2021 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/88235551829?pwd=MkNHd2VSZ0hHNmtuZ3NLenhBaEhwQT09>

Passcode: 389003

Or join by phone:

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

US: +1 312 626 6799 or 877 853 5257 (Toll Free)

Webinar ID: 882 3555 1829

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. March 18, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

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 SHORT-TERM LEASE
WITH WESTBROOKE APARTMENTS, LLC FOR THE RENTAL OF APARTMENTS AT
4001 EP TRUE PARKWAY FOR TEMPORARY HOUSING FOR AMERICORPS



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VOLUNTEERS SERVING THE PARKS DEPARTMENT, 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 short-term Lease Agreement between the City of Des Moines, Iowa, and Westbrooke Apartments, LLC for the rental of three apartment units at 4001 EP True Parkway for temporary housing for Americorps volunteers serving the City's Parks Department, said lease to be for a term of 45 days, and said lease calls for total payments in the estimated amount of \$3,825 plus the cost of required cleaning, shall be on March 22, 2021, 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 15, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor's February 5, 2021 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):

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The lease payments for this property shall be payable from the PKS201275 Volunteers 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 Voss to adopt.

APPROVED AS TO FORM:

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

RTW

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

[Signature of P. Kay Cmelik]

City Clerk