



Roll Call Number

21-1847

Agenda Item Number

55

Date December 6, 2021

**HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO
AUTHORIZE AND ENTER INTO A LEASE IN THE PRINCIPAL AMOUNT
NOT-TO-EXCEED \$130,000, FOR THE PURPOSE OF
ACQUIRING CERTAIN ITEMS OF EQUIPMENT FOR WINTER SNOW REMOVAL
CONSISTING OF THREE MOTOR GRADERS AND ONE BULLDOZER**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a Lease with Ziegler Inc. in the principal amount of not to exceed \$130,000 (the "Agreement" or "Lease Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 for the purpose of providing funds to pay costs of leasing the equipment as hereinafter described; 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 City's road use tax fund and will not cause the total annual lease or lease-purchase payments due from the general fund in any single future fiscal year for all lease or lease-purchase contracts currently enforced to exceed ten percent of the last certified general fund budget amount; and

WHEREAS, a copy of the proposed Agreement is on file in the Office of the City Clerk which provides that the City shall make payments for four-week periods over a duration not exceeding four months; and

WHEREAS, it is in the best interests of the City to acquire the three motor graders and one bulldozer for use in conjunction with City winter snow removal 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 384.25 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 November 15, 2021 by Roll Call No. 21- 1725, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for hearing on December 6, 2021 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said proposal and the time, place and electronic public access to said hearing public hearing was published in the Des Moines Register on November 24, 2021, as provided by law.

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 a Lease Purchase Agreement with to take action to approve and enter into a Lease Agreement with Ziegler, Inc. for the purpose leasing certain items of equipment consisting of three motor road graders and one bulldozer for use in conjunction with City winter snow removal operations has been duly held at the time and place provided and in accordance with said notice, oral or written objections from residents or property owners of the City have been received and filed.
2. That the time for receiving oral and written objections from any resident or property owner of the City and the hearing be closed and the proposition to authorize and enter into the Lease Agreement with Ziegler, Inc. and all objections thereto are taken into consideration by the City Council.
3. The City hereby takes action to authorize, approve and enter into the Lease Agreement with Ziegler, Inc. and all incorporated and ancillary documents and the City Manager is hereby authorized and directed to sign the Lease Agreement and all incorporated and ancillary documents thereto.

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- 4. The City Manager or his designee is hereby authorized and directed to administer the terms of the Lease Agreement and the Finance Director is authorized and directed to make all rental payments in accordance with the terms of the Lease Agreement.

APPROVED AS TO FORM:

Moved by Boesen to adopt.

/s/ Lawrence R. McDowell
 Lawrence R. McDowell
 Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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