



**Roll Call Number**

22-1685

**Agenda Item Number**

56

**Date** October 24, 2022

**HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO AUTHORIZE AND ENTER INTO A LEASE IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$186,350 FOR THE PURPOSE OF ACQUIRING CERTAIN ITEMS OF EQUIPMENT CONSISTING OF THREE PIECES OF EQUIPMENT, A MOTOR GRADER, WHEEL LOADER SNOWPLOW AND A TTT-DOZER**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a lease with Ziegler Inc. and/or its affiliates ("Ziegler Cat") until March 30, 2023, in the principal amount of not to exceed \$186,350, for a Motor Grader, a Wheel Loader Snow Plow and a TTT-Dozer (the "Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 for the purpose of providing funds to pay costs of acquiring the equipment as hereinafter described; and,

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

WHEREAS, the proposed Agreements shall be payable solely out of the City's general 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 lease the equipment until March 30, 2023; and,

WHEREAS, it is in the best interests of the City to acquire this equipment for use in conjunction with City 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 October 3, 2022, by Roll Call No. 22-1523, the City Council resolved that the proposition to authorize and enter into the Agreements be set down for hearing on October 24, 2022, at 5:00 p.m. in the Council Chambers at City Hall; and,

WHEREAS, due notice of said proposal and the time and place of said hearing was published in the Des Moines Register, 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 Agreement with Ziegler Inc. and/or its affiliates ("Ziegler Cat") until March 30, 2023 in the principal amount of not to exceed \$186,350, for a Motor Grader, a Wheel Loader Snowplow and a TTT-Dozer (the "Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 has been duly held at the time and place provided and in accordance with said notice and any oral or written objections from residents of the City have been received and filed.
2. The hearing is closed and the proposition to authorize and enter into the Lease Purchase Agreements with Lease Servicing Center, 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 Agreement with Ziegler Cat until March 30, 2023, in the principal amount of not to exceed \$186,350 for a Motor Grader, a Wheel Loader Snowplow and a TTT-Dozer (the "Agreement") and all incorporated and ancillary documents for the Lease and the City Manager is hereby authorized and directed to sign any documents necessary to complete this transaction.

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

Moved by Gatto to adopt. Seconded by Mandelbaum

APPROVED AS TO FORM:

Thomas G. Fisher Jr.
Deputy City Attorney

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Franklin Cownie Mayor

Laura Baumgartner City Clerk