



**Roll Call Number**

23-1333

**Agenda Item Number**

43

**Date** October 2, 2023

**RESOLUTION SCHEDULING HEARING ON THE PROPOSITION TO AUTHORIZE  
A LEASE AGREEMENT IN THE PRINCIPAL AMOUNT NOT-TO-EXCEED  
\$225,000 FOR THE PURPOSE OF ACQUIRING CERTAIN ITEMS  
OF EQUIPMENT CONSISTING OF THREE MOTOR GRADERS AND  
ONE WHEEL LOADER WITH SNOWPLOW**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a lease with Ziegler Cat in the principal amount of not to exceed \$225,000 to lease from November 1, 2023 to March 30, 2024, three Motor Graders and a Wheel Loader with Snowplow (the "Agreement" or "Lease Purchase 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 Agreement will not exceed the economic life of the property to be leased; and

WHEREAS, the proposed Agreement 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, 2024; and

WHEREAS, it is in the best interests of the City to acquire this equipment for use in conjunction with City emergency snow and ice control 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.

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

1. The City Council hereby declares its intent, following a public hearing to be held on October 23, 2023, at 5:00 p.m. in in the Council Chambers at City Hall, to take action to approve and enter into a Lease Agreement not to exceed \$225,000 to lease until March 30, 2024, three Motor Graders and a Wheel Loader with Snowplow for use in conjunction with City emergency snow and ice control operations.



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- 2. The City Clerk is hereby authorized and directed to publish notice of said hearing and intent to take action to approve and enter into the Lease Agreement in the form hereto attached, all in accordance with Iowa Code Sections 362.3, 364.4 and 384.25.

Moved by Gatto to adopt.      Seconded by Boesen.

APPROVED AS TO FORM:

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

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| BOESEN         | ✓    |      |      |        |
| GATTO          | ✓    |      |      |        |
| MANDELBAUM     | ✓    |      |      |        |
| VOSS           | ✓    |      |      |        |
| WESTERGAARD    | ✓    |      |      |        |
| TOTAL          | 6    |      |      |        |
| MOTION CARRIED |      |      |      |        |

**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.

J. M. Frankin Cownie Mayor

Laura Baumgartner City Clerk