

Date November 4, 2024

HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO AUTHORIZE A LEASE AGREEMENT IN THE PRINCIPAL AMOUNT NOT-TO-EXCEED \$300,000 FOR THE PURPOSE OF ACQUIRING NINE ITEMS OF EQUIPMENT FOR USE IN CONJUNCTION WITH CITY EMERGENCY SNOW AND ICE CONTROL OPERATIONS

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 \$300,000 to lease from November 1, 2024 to March 30, 2025, three motor graders, three wheel loaders, and three with snowplows for said wheel loaders (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, 2025; 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; and

WHEREAS, on October 21, 2024, by Roll Call No. 24-1447, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for hearing on November 4, 2024, 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.



Roll Call Number

24-1530

Agenda Item Number

41

Date November 4, 2024

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 November 4, 2024, at 5:00 p.m. in in the Council Chambers at City Hall, to take action to approve and enter into a Lease Agreement with Ziegler Cat not to exceed \$300,000 to lease until March 30, 2025, three motor graders, three wheel loaders, and three with snowplows for said wheel loaders for use in conjunction with City emergency snow and ice control operations.

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 Cat not to exceed \$300,000 to lease until March 30, 2025, three motor graders, three wheel loaders, and three with snowplows for said wheel loaders for use in conjunction with City emergency snow and ice control operations (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 Agreement with Ziegler Cat 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 not to exceed \$300,000 to lease until March 30, 2025, three motor graders, three wheel loaders, and three with snowplows for said wheel loaders for use in conjunction with City emergency snow and ice control operations (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.
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.

★ Roll Call Number

24-530

Agenda Item Number

41

Date November 4, 2024

(Council Communication No. 24-441)

Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL. Includes MOTION CARRIED and APPROVED labels.

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.

Mayor signature

Laura Baumgartner City Clerk