

Date ..... September 28, 2009 .....

**APPROVING REQUEST FOR THE RELEASE OF FUNDS FROM THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR FUNDS FROM THE CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT OF 2009 FOR THE BUSINESS DISASTER RECOVERY FUND**

WHEREAS, the Iowa Department of Economic Development (IDED) has received U.S. federal funds under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (P.L. 110-329); and

WHEREAS, IDED has developed the Business Rental Assistance Program (BRAP), provided through Community Development Block Grant (CDBG) funding; and

WHEREAS, on August 24, 2009, by Roll Call No. 09-1557, the City Council of the City of Des Moines approved a contract with IDED (08-DRB-203) for the amount of \$250,000 for City administration of the BRAP project with the primary purpose of providing funding for rental assistance for businesses and non-profit organizations that rented space after September 2008 or are currently renting space in a building that was physically impacted by flooding in the City of Des Moines and that meet defined eligibility criteria as well as for certain administrative costs; and

WHEREAS, it is a requirement of HUD to prepare an Environmental Review Record (ERR) before federal or nonfederal funds can be released for the use of program activities; and

WHEREAS, the Department of Community Development is the HUD designated Responsible Entity (RE) and is required to prepare and maintain the ERR for HUD Grants awarded to projects in the City of Des Moines, Iowa; and

WHEREAS, the Department of Community Development has the responsibility to prepare and maintain the ERR for HUD grants and has determined that the project is Categorically Excluded not subject to Sec.58.5 of the federal environmental review procedures under 24CFR Part 58.35(b).

NOW, THEREFORE, BE IT RESOLVED that the Mayor is designated as certifying officer for purposes of 24 CFR 58.71 and is authorized to execute the "Finding of Categorical Exclusion: Not Subject To Related Federal Laws and Authorities and Request for Release of Funds (Exhibit A) which form is hereby approved, and the City Clerk is authorized and directed to attest to the Mayor's signature.

★ Roll Call Number

Agenda Item Number

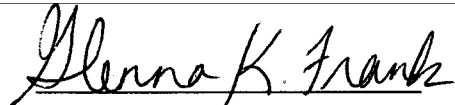
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Date September 28, 2009

(Council Communication No. 09-678)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:



**Glenna K. Frank**  
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| HENSLEY        |      |      |          |        |
| KIERNAN        |      |      |          |        |
| MAHAFFEY       |      |      |          |        |
| MEYER          |      |      |          |        |
| VLASSIS        |      |      |          |        |
| <b>TOTAL</b>   |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |
| _____ Mayor    |      |      |          |        |

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_ City Clerk

**EXEMPT PROJECTS AND  
CATEGORICALLY EXCLUDED NOT SUBJECT TO THE RELATED LAWS AND AUTHORITIES  
COMPLIANCE DOCUMENTATION CHECKLIST**

**Complete this checklist ONLY for projects that are either Exempt or Categorically Excluded Not Subject to the Related Laws and Authorities.** If you will complete an EA or if your project is Categorically Excluded Subject to the Related Laws and Authorities you will asses the effects of these requirements in other environmental reviews.

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**Recipient Name:City of Des Moines, IA** **Contract Number:08-DRB-203**  
 For information on this request, contact:  
**Contact Name:Terrance Vorbrich** **Contact Phone Number:237-1375**  
**Economic Development Coordinator**  
**Level of Environmental Review Determination: (check one)**  
 Exempt per 24 CFR 58.34  
 Categorically Excluded Not Subject to Statutes per 58.35 (b)

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You must include this form and pertinent documentation in your Environmental Review Record (ERR).

**Runway Clear Zones:**

If the project involves assistance, subsidy, or insurance for construction, land purchase or sale, and development; does any of the following exist within one mile of the project area:

1. Designated primary/commercial airports in Iowa:

Primary Airports

|              |                                |
|--------------|--------------------------------|
| Burlington   | Burlington Regional            |
| Cedar Rapids | The Eastern Iowa International |
| Des Moines   | Des Moines International       |
| Dubuque      | Dubuque Regional               |
| Fort Dodge   | Fort Dodge Regional            |
| Mason City   | Mason City Municipal           |
| Sioux City   | Sioux Gateway                  |
| Waterloo     | Waterloo Municipal             |

2. Other Commercial Service Airports

|              |                        |
|--------------|------------------------|
| Carroll      | Arthur N. Neu          |
| Ottumwa      | Ottumwa Industrial     |
| Sheldon      | Sheldon Municipal      |
| Sioux Center | Sioux Center Municipal |
| Spencer      | Spencer Municipal      |

3. Military Airfields

If yes:

1. Contact the airport and acquire a copy of the Runway Clear Zone map (aka runway protection zone) from a non-military airfield or a Clear Zone map from a military airfield. It is HUD Policy not to provide assistance for projects located in these zones if they will be occupied frequently by people:
  - If the project property is within this zone and not occupied frequently by people, the buyer must sign a document acknowledging they received the following information about the property:
    1. If an aircraft accident were to occur it is more likely to occur within the zone than other areas around the airport.
    2. The airport operator may wish to purchase the property at some point in the future as part of a clear zone acquisition program.  
Keep all documentation in the ERR.
  - If the project property is not within this zone: document this in the ERR, compliance is achieved.

**Flood Disaster Protection Act of 1973: (42 U.S.C. 40001-4128):**

Not applicable because the responsible entity is receiving money as part of a formula grant made to a state.

**National Flood Insurance Reform Act of 1994: (42 U.S.C 5154 (a)):** Certify that assistance in a special flood hazard area as determined by FEMA will not be used to make a payment to a person for repair, replacement or restoration from flood damage to any personal, residential, replacement or commercial property if the person has previously received federal flood disaster assistance and the person failed to obtain and maintain flood insurance.

**Costal Barrier Resource Act (16 U.S.C 3501):** Not applicable because Iowa is not part of the Costal Barrier Resource system.

# Disaster Recovery Business Rental Assistance Program

To Apply for this program, or to obtain information on other loans available through the City of Des Moines, please call:

**283-4017**

Or write: Office of Economic Development, City of Des Moines

400 Robert D. Ray Drive

Des Moines, Iowa 50309

Email: oed@dmgov.org



## Purpose

To provide financial assistance to a business or non-profit located in or planning to locate in a commercial rental space that was physically damaged by the 2008 natural disasters.

## General Eligibility

Rental Assistance funds can only be used by businesses and non-profits that are located in or are planning to locate in a commercial rental space that was physically damaged by the 2008 natural disasters. Physical damage, for the purpose of this program, means damage caused by flooding, including overland flow, or physical damage caused by tornado.

- Business or non-profit must have entered into a one-year market rate lease
- Business or non-profit located within the City of Des Moines
- In-home businesses are not eligible unless expanding to a commercial rental space

## Terms & Conditions

- The maximum forgivable loan is six months of rental payments not to exceed \$50,000
- Business must remain open for the duration of the six month period for which assistance is awarded

## The Process

Staff will assist business owners and entrepreneurs in determining program eligibility. The Business owner will enter into a contract with the City of Des Moines. Once approved and executed, the contract will be presented to the State of Iowa Department of Economic Development for funding. Applications will be accepted through April 30, 2010, subject to availability of funds.