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Date September 22, 2014

RESOLUTION APPROVING SECOND AMENDMENT TO THE ECONOMIC
DEVELOPMENT FINANCIAL ASSISTANCE CONTRACT BY KEMIN
INDUSTRIES, INC., THE CITY OF DES MOINES, AND THE IOWA ECONOMIC
DEVELOPMENT AUTHORITY

WHEREAS, on June 13, 2011, by Roll Call No. 11-1048, the City Council approved an Urban Renewal Development Agreement with Kemin Industries, Inc., (hereinafter "Kemin") whereby Kemin undertook to invest approximately \$39,600,000 to implement its Five-year Capital Improvement Plan to expand its home office, research and manufacturing facilities at 2100 Maury Street (collectively the "Kemin Project") subject to receipt of financial assistance from the State and City of Des Moines, and the City agreed to sell City-owned land needed for the expansion of the Kemin corporate campus, and to provide a Forgivable Loan and Economic Development Grant to Kemin in consideration of Kemin's agreement to undertake the Kemin Project; and,

WHEREAS, on June 27, 2011, by Roll Call No. 11-1113, the City Council approved an *Economic Development Financial Assistance Contract* (the "IEDA Contract") between the City, Kemin and the Iowa Economic Development Authority ("IEDA"), formerly the Iowa Department of Economic Development, whereby Kemin was awarded a forgivable loan in the amount of \$1 million and Enterprise Zone tax incentives by IEDA to assist it in the implementation of the Kemin Project; and,

WHEREAS, on April 23, 2012, by Roll Call No. 12-0610, the City Council approved a first amendment to the IEDA Contract to allow other companies under common ownership and control with Kemin, to assist in meeting the obligations assumed by Kemin and to benefit from the financial assistance provided to Kemin; and,

WHEREAS, Kemin continued to grow and sought to acquire additional City-owned land for further expansion of its corporate campus and employment base; and,

WHEREAS, on March 11, 2013, by Roll Call No. 13-0418, the City Council approved an Amended and Restated Urban Renewal Development Agreement with Kemin which provided for the sale of multiple tracts of City-owned property to Kemin and for the provision of additional economic incentives; and,

WHEREAS, Kemin now requests that the City approve a second amendment to the IEDA Contract in the form of the *Contract Amendment* to Contract No. 11-IVF/TC-022 which is on file and available for inspection in the office of the City Clerk, whereby IEDA has agreed to provide additional economic incentives to Kemin in exchange for an increase in the total investment by Kemin in its corporate campus to approximately \$125 million, all as more specifically described in the accompanying Council Communication; and,

Date September 22, 2014

WHEREAS, in the accompanying Council Communication, the City Manager recommends that the City Council approve the proposed *Contract Amendment*.

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

1. The *Contract Amendment* to Contract No. 11-IVF/TC-022 as described above is hereby approved.
2. The Mayor is hereby authorized and directed to execute the *Contract Amendment* on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.

(Council Communication No. 14- **463**)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk