



Roll Call Number

19-1346

Agenda Item Number

45

Date August 19, 2019

**RESOLUTION APPROVING CHAPTER 28E AGREEMENT BETWEEN
THE CITY, POLK COUNTY, AND INVEST DSM, INC.**

WHEREAS, the Neighborhood Revitalization Program (NRP) was created by the City of Des Moines and the Polk County Board of Supervisors in 1990 to help stabilize and improve Des Moines' neighborhoods; and

WHEREAS, City Council and City staff determined that an updated evaluation and recommendations for the Neighborhood Revitalization Program (NRP) were necessary to incorporate and reflect the recent adoption and implementation of the Des Moines Strategic Plan 2015-2030 (GuideDSM), the comprehensive plan PlanDSM: Creating Our Tomorrow, the Capital Crossroads and Capital Crossroads 2.0 vision plans, and Des Moines neighborhood programs including but not limited to the Viva East Bank! and Friends of SW 9th programs; and

WHEREAS, on June 26, 2017, by Roll Call No. 17-1066, the City Council accepted a proposal from czbLLC and approved an Agreement for Professional Services by and between the City of Des Moines, Iowa and czbLLC, which Agreement was amended by City Council on September 11, 2017, by Roll Call No. 17-1572 and on April 23, 2018 by Roll Call No. 18-0703, and pursuant to which Agreement czbLLC was to provide an updated framework for the NRP, including data analysis and evaluation of the existing program and detailed recommendations and strategies to direct future efforts of the program; and

WHEREAS, on June 25, 2018, by Roll Call No. 18-1099, the City Council received the report prepared by czbLLC regarding strategies for neighborhood work, and directed the City Manager to develop and return to Council with recommendations for how to proceed, including: timeline, funding strategy and budget recommendations, partner needs, system organizational structures, and strategies for policy updates; and

WHEREAS, on September 24, 2018, by Roll Call No. 18-1617, the City Council authorized Community Development Department staff to redesign the Neighborhood Revitalization Program based on the recommendations contained within the czbLLC report, selected four neighborhood areas pilots for small area plans and subsequent revitalization work, and approved a Professional Services Agreement with czbLLC to provide technical assistance to the City for implementing the recommendations contained within said report; and

WHEREAS, in addition to the neighborhood planning, the report recommended the creation of an independent non-profit corporation for the purposes, among other things, of coordinating the implementation of neighborhood revitalization plans, as adopted and delegated by the City of Des Moines, Iowa or other governmental units located within Polk County, Iowa, to lessen the burdens of government by acting as an umbrella organization that receives and strategically distributes funds, coordinates partnerships, and develops programs in order to achieve plan goals and outcomes; to support activities that promote community building and resident leadership development in specified neighborhood areas; and to participate in or sponsor real estate development projects, housing rehabilitation and new construction projects, commercial and rental property rehabilitation and façade projects, and similar projects; to acquire, hold and sell property as needed; and

WHEREAS, on June 24, 2019, by Roll Call No. 19-1048, the City Council approved the creation of Invest DSM, Inc., and received the Articles of Incorporation and Bylaws of the corporation, and appointed board members to the corporation, which corporation documents provide for three City representatives to be appointed by the Des Moines City Council on a Board of Directors containing approximately nine members, including Polk County



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representatives and business/donor citizen representatives, to operate for charitable and educational purposes including those stated above; and

WHEREAS, the Articles of Incorporation and Bylaws of Invest DSM, Inc., were also reviewed and approved by the Polk County Board of Supervisors, and Polk County has appointed its representatives to the Invest DSM, Inc. Board of Directors; and

WHEREAS, the City, Polk County, and Invest DSM, Inc. have negotiated terms to facilitate the amount and use of funding to be provided by the City and County to Invest DSM from August 1, 2019 until July 31, 2022, including a commitment by the City and County to provide \$2,500,000.00 each in fiscal year 2020, with the City providing an additional \$500,000.00 of either cash or in-kind support to Invest DSM for operations in fiscal year 2020, and with the City providing \$5,000,000.00 in fiscal year 2021 and in fiscal year 2022, with the County making an annual decision on funding during said years and with County representation on the Invest DSM, Inc. Board of Directors dependent upon the level of funding provided; and

WHEREAS, the City, Polk County, and Invest DSM, Inc. have further agreed that ten percent of said funding provided by the City and County may be used annually by Invest DSM, Inc. to cover operating expenses, with the remainder of said funding to be used to pay expenses related to Invest DSM, Inc.'s program and project activities associated with Revitalization Plan implementation; and

WHEREAS, said terms are set forth in a Chapter 28E Agreement, in form on file in the office of the City Clerk, which Agreement is anticipated to be considered and approved by the Polk County Board of Supervisors and Invest DSM, Inc. in the near future.

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

1. The Chapter 28E Agreement by and between Polk County, Iowa, the City of Des Moines, Iowa, and Invest DSM, Inc. for Funding and Operation of Invest DSM, Inc. is hereby approved, and the Mayor and City Clerk are directed to execute and attest, respectively, said Agreement on behalf of the City.
2. The City Manager or his designee are authorized and directed to administer the Chapter 28E Agreement on behalf of the City, and the Finance Department is authorized and directed to issue payment in accordance therewith.

(Council Communication No. 19-316)

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

MOVED BY Boesen TO ADOPT.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				

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.

M. Franklin Cownie Mayor

Diane Rauh City Clerk