



Roll Call Number

26-0560

Agenda Item Number

21-I

Date May 4, 2026

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

WHEREAS, on February 21, 2022, by Roll Call No. 22-0244, the City Council approved a Chapter 28E Agreement (“Agreement”) by and between the City, Polk County, and Invest DSM, Inc., establishing the terms and conditions governing the funding to be provided by the City and County to Invest DSM, Inc. from August 1, 2022, until July 31, 2027; and

WHEREAS, on July 20, 2022, by Roll Call No. 22-1211, the City Council approved the First Amendment to the Agreement, which authorized a collateral assignment of Invest DSM’s interest in the Agreement; and

WHEREAS, the collateral assignment has since been terminated and the parties now wish to amend the Agreement to memorialize the termination of the collateral assignment established by the First Amendment; and

WHEREAS, Invest DSM has identified opportunities to expand its services beyond the communities currently served under the Agreement, and the parties desire to authorize such expansion; and

WHEREAS, the parties wish to establish terms by which new communities may enter into agreements with Invest DSM for its services and add members to Invest DSM’s Board of Directors; and

WHEREAS, the parties desire to extend the term of the Agreement through July 31, 2031; and

WHEREAS, the parties wish to update the notice provisions of the Agreement to reflect current mailing addresses and to designate notices by title rather than by named individual; and

WHEREAS, the City Council of Des Moines has determined that entering into the Second Amendment to the Agreement is in the best interests of the City and its residents; and

WHEREAS, the Polk County Board of Supervisors and Invest DSM, Inc., will consider approval of the proposed second amendment to the Agreement in the near future.

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

1. The Second Amendment to the Agreement is hereby approved, and the Mayor and City Clerk are directed to execute and attest, respectively, said documents on behalf of the City.



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- 2. Upon receipt of all signatures from all parties, the City Clerk is hereby directed to record a copy of the Second Amendment to the Agreement with the Iowa Secretary of State.

(Council Communication No. 26-174)

Moved by Gatto to adopt. Second by Voss.

Sponsor: Mayor Boesen

APPROVED AS TO FORM:

/s/ Emily A. Duffy

Emily A. Duffy
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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.

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

Laura Baumgartner

City Clerk