

★ Roll Call Number

13-1974

Agenda Item Number

26

Date December 23, 2013

THIRD AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE
CITY OF DES MOINES, IOWA AND AMERICAN HEALTHWAYS SERVICES, INC.

WHEREAS, by Roll Call No. 08-049, dated January 7, 2008, the City Council approved a Loan Agreement and Promissory Note with American Healthways Services, Inc., as has been amended, providing financial assistance to establish an office in the downtown area and said Agreement was based on the creation of at least sixty (60) full-time equivalent jobs with a starting wage of at least \$26.20 per hour, and maintaining those jobs through December 31, 2013; and

WHEREAS, American Healthways Services employs in downtown Des Moines 72 full-time employees at an average wage of \$31.85 per hour, plus benefits at its leased space in Capital Square and 58 positions meet or exceed the wage and benefit criteria (97% achievement rate) stipulated in the Loan Agreement dated January 2008; and

WHEREAS, American Healthways Services has agreed to an additional 12-month extension to December 31, 2014 on the space it occupies in Capital Square and the Company has asked that the Loan Agreement and Promissory Note dated January 7, 2008 with the City be amended to extend the Job Maintenance Period and the Promissory Note Maturity date to December 31, 2014 to co-inside with the lease extension.

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

1. The attached Third Amendment to the Loan Agreement is hereby approved and the Mayor is authorized and directed to sign the attached document, subject to review and approval by the City Legal Department of any non-substantive revisions to the Amendment and the City Clerk is authorized to attest to the Mayor's signature and to obtain proper acknowledgment.

2. The City Clerk is authorized and directed to deliver original copies of executed document to the City's Office of Economic Development, and the Office of Economic Development is authorized to deliver appropriate documents to the State of Iowa and to the Company, and to thereafter take all steps necessary to protect the interests of the City by filing or otherwise.

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3. Following full execution of the attached documents, City staff is authorized to perform all City obligations under the Loan Agreement, as amended, including, as applicable, the requisition of funds from the State and City, the disbursal of funds, and submission of all required project reports and to perform all other City obligations pursuant to the terms and conditions stated in the Loan Agreement, as amended.

(Council Communication No. 13-622 attached)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Lawrence McDowell
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, VOSS, MOORE, and TOTAL (7).

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk