



Roll Call Number

21-1667

Agenda Item Number

33 ✓

Date November 1, 2021

**RESOLUTION APPROVING COMMUNITY CATALYST BUILDING REMEDIATION GRANT AGREEMENT (21-CTBF-031) WITH THE IOWA ECONOMIC DEVELOPMENT AUTHORITY, AND APPROVING FIRST AMENDMENT TO CITY OF DES MOINES NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM GRANT AGREEMENT WITH DES MOINES FILM SOCIETY, RELATED TO THE VARSITY THEATER REDEVELOPMENT PROJECT**

**WHEREAS**, on March 22, 2021, by Roll Call No. 21-0467, the City Council approved the Round 1 Neighborhood Commercial Revitalization (NCR) Program Funding and authorized execution of NCR Program Grant Agreements with Round 1 funding recipients, including Des Moines Film Society in the grant amount of \$149,808.00 for the Varsity Theater redevelopment project located at 1207 25<sup>th</sup> Street; and

**WHEREAS**, representatives of the Iowa Economic Development Authority (IEDA) encouraged the City's Office of Economic Development to apply for a grant for the Varsity Theater project through IEDA's Community Catalyst & Remediation Grant Program, which grant was awarded to the City in the amount of \$100,000.00 for the Varsity Theater project to be distributed by the City to Des Moines Film Society for eligible project-related costs; and

**WHEREAS**, in order to receive the above-described grant funds for reimbursement of Varsity Theater project costs, IEDA requires the City to enter into a Community Catalyst Building Remediation Grant Agreement (21-CTBG-031)("IEDA Agreement") by which the City agrees to comply with program terms as more fully described in Council Communication No. 21-472 submitted herewith and included in the IEDA Agreement, in form on file in the office of the City Clerk, and which terms include potential repayment of funds deferred or disallowed; reporting, record access and retention, and payment request procedures; indemnification by the City of the State of Iowa for claims directly or indirectly related to the IEDA Agreement; and conflict of interest provisions; and

**WHEREAS**, while IEDA does not allow for whole or partial assignment of the IEDA Agreement by the City, IEDA expects the City to maintain a development agreement with the project developer to fulfill the grant program obligations; and

**WHEREAS**, the City and Des Moines Film Society have negotiated a First Amendment to City of Des Moines Neighborhood Commercial Revitalization Program Grant Agreement ("First Amendment"), which First Amendment is on file in the office of the City Clerk and by which amendment the Des Moines Film Society will agree to undertake relevant obligations for the IEDA grant program, including but not limited to indemnification of the City by Des Moines Film Society and its contractor, and insurance coverage maintained by Des Moines Film Society and its contractor.



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

1. The Community Catalyst Building Remediation Grant Agreement (21-CTBG-031) between the Iowa Economic Development Authority and the City is hereby approved, and the Mayor is authorized and directed to execute said document on behalf of the City of Des Moines.
2. The First Amendment to the Neighborhood Commercial Revitalization Program Grant Agreement by and between the City and Des Moines Film Society is hereby approved, and the Mayor is authorized and directed to execute said document on behalf of the City of Des Moines and the City Clerk to attest to his signature.
3. The City Manager or his designee(s) are authorized and directed to administer both Agreements.
4. The City Manager is authorized and directed to execute any additional minor amendments to both Agreements and to return any substantive amendments to either Agreement to the City Council for consideration and approval.

MOVED BY Gatto TO ADOPT.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COWNIE				✓
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

CERTIFICATE

I, P. KAY CMELIK, 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.

Linda Westergaard  
Mayor

P. Kay Cmelik  
City Clerk