

SET DATE FOR HEARING ON  
DEVELOPMENT AGREEMENT AND  
TAX INCREMENT PAYMENTS

(R.L. Fridley Theaters, Inc.)

421464-34

Muscatine, Iowa

April 5, 2012

A meeting of the City Council of the City of Muscatine, Iowa, was held at \_\_\_\_\_  
o'clock \_\_.m., on April 5, 2012, at the \_\_\_\_\_, Muscatine, Iowa, pursuant to the  
rules of the Council.

The Mayor presided and the roll was called, showing members present and absent as  
follows:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

Council Member \_\_\_\_\_ introduced the resolution next hereinafter  
set out and moved its adoption, seconded by Council Member \_\_\_\_\_; and  
after due consideration thereof by the City Council, the Mayor put the question upon the  
adoption of said resolution, and the roll being called, the following named Council Members  
voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared said resolution duly adopted, as follows:

RESOLUTION NO. \_\_\_\_\_

To fix a date of meeting at which it is proposed to approve a Development Agreement with R.L. Fridley Theaters, Inc., including tax increment payments in an amount not to exceed \$1,500,000

WHEREAS, the City of Muscatine, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Consolidated Muscatine Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this City Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City proposes to enter into an agreement (the “Development Agreement”) with R.L. Fridley Theaters, Inc., (the “Company”) with respect to the development of a commercial movie theater complex and of adjacent out lots; and

WHEREAS, the Development Agreement would provide financial incentives to the Company in the form of incremental property tax payments in an amount not to exceed \$1,500,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

NOW THEREFORE, IT IS RESOLVED by the City Council of the City of Muscatine, Iowa, as follows:

Section 1. This City Council shall meet on the 19th day of April, 2012, at 7:00 o’clock p.m., at the City Hall Council Chambers, in the City, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the incremental property tax payments.

Section 2. The City Clerk is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four days and not more than twenty days before the date of said meeting in a legal newspaper of general circulation in the City. Said notice shall be in substantially the following form:

**NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH R.L. FRIDLEY THEATERS, INC. AND AUTHORIZATION OF TAX INCREMENT PAYMENTS**

The City Council of the City of Muscatine, Iowa, will meet at the City Hall Council Chambers, on the 19th day of April, 2012, at 7:00 o'clock p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City and R.L. Fridley Theaters, Inc. with respect to the development of a commercial movie theater complex and of adjacent out lots, which provides for certain financial incentives in the form of property tax payments in a total amount not exceeding \$2,000,000, as authorized by Section 403.9 of the Code of Iowa.

The agreement to make incremental property tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Consolidated Muscatine Urban Renewal Area.

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the Council may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council of Muscatine, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Gregg Mandsager  
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved April 5, 2012.

---

Mayor

Attest:

---

City Clerk

••••

On motion and vote the meeting adjourned.

---

Mayor

Attest:

---

City Clerk

STATE OF IOWA  
COUNTY OF MUSCATINE SS:  
CITY OF MUSCATINE

I, the undersigned, Clerk of the City of Muscatine, hereby certify that the foregoing is a true and correct copy of the minutes of the Council of the City relating to the adoption of a resolution to fix a date of meeting at which it is proposed to take action to approve a Development Agreement.

I do further certify that the notice of hearing, to which the printed slip attached to the publisher's original affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Clerk

**(Attach here the publisher's original affidavit with clipping of the notice as published.)**

**(PLEASE NOTE: Do not sign and date this certificate until you have checked a copy of the published notice and have verified that it was published on the date indicated in the publisher's affidavit.)**

April 2, 2012

**VIA EMAIL**

Gregg Mandsager  
City Administrator/City Hall  
Muscatine, IA

Re: Consolidated Muscatine Urban Renewal Area/R.L. Fridley Theaters, Inc.  
File No. 421464-34

Dear Gregg:

Attached are copies of proceedings to enable the City Council to act on April 5, 2012 to set a public hearing on the proposed Development Agreement with R.L. Fridley Theaters, Inc., including the proposal for tax increment payments. A draft of the Agreement will follow as soon as possible.

The notice of public hearing on the Agreement must be published once, not less than four (4) nor more than twenty (20) days prior to the City Council meeting at which the hearing will be held. Please print an extra copy of the notice for delivery to the newspaper. Please insert the time and place of the hearing in both the resolution and the notice and email or fax a copy of the published notice to our office. Our fax number is (515) 283-1060.

We would appreciate receiving one fully-executed copy of these proceedings as soon as they are available.

Please contact me if you have questions.

Best regards,

John P. Danos

**Attachments**

cc: Steve Boka  
Nancy Lueck