

**City of Williamsburg
210 West State Street
PO Box 596
Williamsburg IA 52361**

Regular Session
November 24, 2003
7:30 p.m.

Mayor Armstrong and council members Phillips, VonAhsen, Greiner, and Kirkpatrick were present. Wanner was absent.

Bob Murphy had some concerns about the McDonald's agreement.
Eric Tindal, City Attorney, said that there is a confidentiality clause in the agreement.

The fiscal year 2003 financial statement was presented to the council.

John Avery, Public Works Director, would like to have a total burning ban for the City of Williamsburg since the City is now picking up leaves.

1. Motion by Phillips and seconded by Greiner to approve the consent agenda:

- a) Minutes of the November 10, 2003 council meeting
- b) Bills as presented
- c) Gene's Express Mart Beer Permit
- d) Landmark Handimart Beer Permit

All ayes. Motion carried.

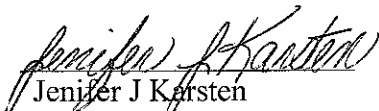
2. Motion by Phillips and seconded by Kirkpatrick to open a public hearing at 7:45 p.m. – Development Agreement and Tax Increment Payments. All ayes. Motion carried.

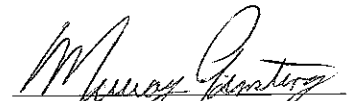
3. Motion by Phillips and seconded by Kirkpatrick to close the public hearing at 7:48 p.m. All ayes. Motion carried.

4. Motion by Phillips and seconded by Kirkpatrick to approve Resolution 47-11-03 – approving Development Agreement with Williamsburg Retirement Community, Inc, authorizing tax increment rebates and pledging certain tax increment revenues to the payment of the agreement. Roll call: ayes; TP, MG, DK, GV, absent; GW. Motion carried.

5. Motion by Phillips and seconded by Kirkpatrick to approve Resolution 48-11-03 – approve setting public hearing for 7:45 p.m. on Monday, December 8, 2003 to amend the fiscal year 2004 budget. Roll call: ayes; TP, GV, MG, DK, absent; GW. Motion carried.

6. Motion by Phillips and seconded by Greiner to authorize Jenifer Karsten, City Clerk, to apply for the Branching Out Grant from Alliant Energy. All ayes. Motion carried.
7. Motion by Greiner and seconded by VonAhsen to authorize John Avery, to purchase an angle broom from John Deere at a cost of \$4,200. All ayes. Motion carried.
8. Motion by Phillips and seconded by Greiner to adjourn at 8:17 p.m. All ayes. Motion carried.


Jenifer J Karsten
City Clerk/Treasurer


Murray Armstrong, Mayor

| | | |
|--------------------------|--------------------------|-----------|
| ACCO | CHLORINE #0306365 | 831.60 |
| AMAN COLONIES CONVENTION | EXIT 225 WELCOME CENTER | 2,800.00 |
| APEX OFFICE SUPPLY | REC #1-997-14 & 3131460 | 38.00 |
| | CITY HALL #3131280/1-331 | 31.81 |
| AVERY, JOHN | INS REIMB | 67.72 |
| CARPENTER UNIFORM & PROM | BK CLOTHING ALLOWANCE | 254.42 |
| CLUBE, DELBERT | CLOTHING ALLOWANCE | 146.65 |
| COX SANITATION & RECYCLI | 2ND 1/2 11/03 ALLOCATION | 3,125.00 |
| DELTA DENTAL PLAN OF IOW | 12/03 INSURANCE PREMIUM | 1,097.20 |
| DISH NETWORK | REC CNTR-TAX EXEMPT | 54.56 |
| FELDMAN CONCRETE | PAY REQ #2-03 REC SIDEWA | 4,218.00 |
| FIRST AMERICAN WEALTH MA | \$900,000 BOND INT | 17,250.00 |
| | 1,010,000 BOND INT | 2,850.00 |
| | 850,000 BOND INT | 10,627.50 |
| | 1,115,000 BOND INT | 24,065.00 |
| | ADMINISTRATIVE FEES | 525.00 |
| GABRIEL, MICHAEL | INS REIMB | 65.44 |
| HACH CO | #3643716 BUFFER SOLUTION | 120.55 |
| HAWKINS INC | DIAPHRAGM ETC #569558 | 140.60 |
| IMPRINTED SPORTSWEAR | EMBROIDER CITY NAME | 40.10 |
| IOWA LEAGUE OF CITIES | BUDGET WORKSHOP | 30.00 |
| IOWA MOBILE CONCRETE | 4'8" PIPE/COUPLER | 14.00 |
| IOWA ONE CALL | 10/03 LOCATES | 19.80 |
| IOWA PAPER & CHEMICAL | REC CNTR #55503 CUSTODIA | 263.54 |
| LAREYS | CITY HALL MATS 022528 | 51.30 |
| LAW ENFORCEMENT SYSTEMS | POLICE CITATION | 65.00 |
| M PUTTERMAN & CO | REC CNTR GYM FLOOR COVER | 16,625.00 |
| MATT PARROTT & SONS CO | 2003 TAX FORMS | 166.36 |
| OAK HILL CEMETERY | FY04 ALLOCATION | 908.25 |
| OKREFE ELEVATOR CO INC | REC CNTR ELEVATOR MAINT | 99.00 |
| QUILL CORP | C HALL TIMCLOCK/TONER | 405.98 |
| | #4770112/4757020 C HALL | 107.38 |
| QWEST | POLICE | 40.44 |
| RADIO COMMUNICATIONS | POLICE VEHICLE EQUIP | 238.82 |
| REIC OF IOWA COUNTY | MERCURY DISPOSAL | 24.00 |
| ST MARYS CEMETARY ASSOCI | FY04 ALLOCATION | 908.25 |
| ST PAULS CEMETARY ASSOCI | FY04 ALLOCATION | 908.25 |
| VAN WINKLE JACOB ENG | REC AREA SIDEWALKS | 486.75 |
| | FIRE STATION SURVEY | 38.00 |
| | COUNCIL MTG 10/27 11/10 | 475.00 |
| WELLMARK | 12/03 PREMIUM | 11,751.34 |
| WILLIAMSBURG FOODS | REC CNTR | 14.86 |
| WILLIAMSBURG LUMBER STOR | FIRE STATION/SEWER/ST SU | 132.61 |
| WILLIAMSBURG MANUFACTURI | 1ST 1/2 FY04 DEVELOP AGR | 38,679.66 |
| WINEGARDEN, NICHOLE | INS REIMB | 71.80 |

DATE 11/21/2003

CITY OF WILLIAMSBURG
CLAIMS REGISTER REPORT

PAGE 2

| | | | |
|--------------|------------|--------|---------|
| GRAND TOTALS | EXPENDED | LIQUID | ACCRUAL |
| | 140,874.54 | | |

| | | | |
|-----------------------------|------------|--------|---------|
| RECAP TOTALS | EXPENDED | LIQUID | ACCRUAL |
| FUND TOTALS | | | |
| 001 GENERAL | 16,616.01 | | |
| 002 RECREATION | 23,729.95 | | |
| 003 LIBRARY | 1,858.44 | | |
| 110 ROAD USE TAX | 1,195.25 | | |
| 125 TAX INCREMENT FINANCING | 38,717.66 | | |
| 200 DEBT SERVICE | 55,317.50 | | |
| 600 WATER | 1,831.05 | | |
| 610 SEWER | 1,608.68 | | |
| **** | 140,874.54 | | |

Don Subyulants

Marcia Guener

Marian Phillips

HOLD HEARING ON AND APPROVE
DEVELOPMENT AGREEMENT AND
TAX INCREMENT REBATES

(Williamsburg Retirement Community, Inc.)

435483-13

Williamsburg, Iowa

November 24, 2003

A meeting of the City Council of the City of Williamsburg, Iowa, was held at 7:45 o'clock p.m., on November 24, 2003, at the city hall, Williamsburg, Iowa, pursuant to the rules of the Council.

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

Present: Phillips, VonAhsen, Greiner, Kirkpatrick

Absent: Wanner.

The Council investigated and found that notice of the intention of the City Council to conduct a public hearing on a Development Agreement between the City and Williamsburg Retirement Community, Inc. with respect to the development of an assisted living facility, which provides for certain property tax incentives in the form of property tax rebates in a total amount not exceeding \$8,760,000, had been published according to law and as directed by the Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

There being no further objections or comments, the Mayor announced that the hearing was closed.

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

Ayes: Phillips, VonAhsen, Kirkpatrick, Greiner

Nays:

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

RESOLUTION 47-11-03

Approving Development Agreement with Williamsburg Retirement Community, Inc., Authorizing Tax Increment Rebates and pledging certain tax increment revenues to the payment of the Agreement

WHEREAS, the City of Williamsburg, 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 Williamsburg Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this 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 (the "Urban Renewal Tax Revenue Fund"), 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 and Developer mutually desire that the Project be deemed exempt from property taxation by the Iowa County Assessor, but the Iowa County Assessor has determined that the Project will be subject to property taxation, and this determination is currently being challenged by the Developer through ongoing litigation; and

WHEREAS, in the event that the litigation results in the Project being subject to property taxation, the Developer has requested that the City provide through the Development Agreement a method for rebating to the Developer certain property taxes which will be paid with respect to the Project; and

WHEREAS, an agreement between the City and Williamsburg Retirement Community, Inc. has been prepared (the "Agreement"), pursuant to which Williamsburg Retirement Community, Inc. has agreed to develop an assisted living facility in the Urban Renewal Area (the "Williamsburg Retirement Community, Inc. Project") and the City has agreed to provide tax increment rebates in a total amount not exceeding \$8,760,000; and

WHEREAS, this City Council, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on November 24, 2003, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a City may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a City Council must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a City Council must consider any or all of a series of factors;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Williamsburg, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Council hereby finds that:

(a) The Williamsburg Retirement Community, Inc. Project will add diversity and generate new opportunities for the Williamsburg and Iowa economies;

(b) The Williamsburg Retirement Community, Inc. Project will generate public gains and benefits, particularly in the creation of new jobs and the provision of community care for the elderly, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Council further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the property tax rebates to Williamsburg Retirement Community, Inc..

Section 3. The Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City, in substantially the form and content in which the Agreement has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. As provided and required by Chapter 403 of the Code of Iowa, the City's obligations under the Agreement shall be payable solely from a subfund which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

Lot one (1) of Williamsburg Retirement Community first addition to the city of Williamsburg,

and,

Lots seven (7) and eight (8) of J & S Industrial Addition – Part I to the city of Williamsburg

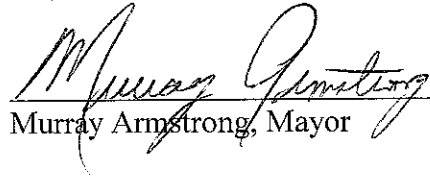
(the “Williamsburg Retirement Community, Inc. Subfund”).

Section 5. The City hereby pledges to the payment of the Agreement the Williamsburg Retirement Community, Inc. Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Iowa County to evidence the continuing pledging of the Williamsburg Retirement Community, Inc. Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 24th day of November, 2003.

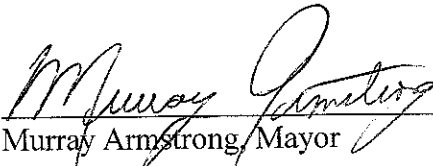

Murray Armstrong, Mayor

Attest:


Jenifer Karsten, City Clerk

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On motion and vote the meeting adjourned.


Murray Armstrong, Mayor

Attest:


Jennifer J. Karsten, City Clerk

STATE OF IOWA
COUNTY OF IOWA SS:
CITY OF WILLIAMSBURG

I, the undersigned, Clerk of the aforementioned City, hereby certify that the foregoing is a true and correct copy of the minutes of the Council of the City relating to holding a public hearing and adopting a resolution to approve a Development Agreement.

WITNESS MY HAND and the seal of the City hereto affixed this 24th day of November, 2003.



Jenifer J Karsten, City Clerk

(Seal)

