

This Resolution prepared by Susi Lampe, Deputy Clerk of the City of Independence; 331 1<sup>st</sup> Street East, Independence, IA 50644; 319-334-2780.

**RESOLUTION NO. 2021-17**

**A RESOLUTION SETTING A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH BE BREW LLC D/B/A SCOOTER'S COFFEE, INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS**

WHEREAS, the City of Independence, 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 Independence 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 of 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 a certain development agreement (the "Development Agreement") with B3 Brew LLC d/b/a Scooter's Coffee (the "Company") in connection with the construction of a drive-through coffee shop in the Urban Renewal Area for use in the Company's business operations; and

WHEREAS, the Development Agreement would provide financial incentives to the Company in the form of annual appropriation incremental property tax payments in an amount not to exceed \$71,000 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 Independence, Iowa, as follows:

Section 1. This City Council shall meet on March 8, 2021, at 6:30 p.m., electronically and/or at the 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 annual appropriation 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 applicable form:

**NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH B3 BREW LLC D/B/A SCOOTER'S COFFEE AND AUTHORIZATION OF ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS**

The City Council of the City of Independence, Iowa, will meet on March 8, 2021, at 6:30 p.m., at which time proceedings will be instituted and action taken to approve a Development Agreement between the City and B3 Brew LLC d/b/a Scooter's Coffee (the "Company"), in connection the construction of a drive-through coffee shop in the Independence Urban Renewal Area for use in the Company's business operations, which Agreement provides for certain financial incentives in the form of incremental property tax payments to the Company in a total amount not exceeding \$71,000 as authorized by Section 403.9 of the Code of Iowa.

The agreement to make incremental property tax payments to the Company will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Independence Urban Renewal Area. Some or all of the payments under the Development Agreement may be made subject to annual appropriation by the City Council.

Due to federal and state government recommendations in response to COVID-19 pandemic conditions, the meeting will be held electronically via Ring Central, which will be accessible at the following:

Web link: <https://meetings.ringcentral.com/j/7998422807>  
Phone call: +1(720)9027700  
Meeting ID: 799 842 2807

In addition to electronic access, written comments may be filed or made prior to the meeting and will be recorded in the minutes.

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the City 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 Independence, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Jeena Lynch  
City Clerk

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

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

**Resolution No. 2021-17** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 22<sup>nd</sup> day of February, 2021.


Record of Voting:

Ayes: Rodriguez, Hill, Scharff, Kurtz, O'Loughlin, Hanna, and Callahan.

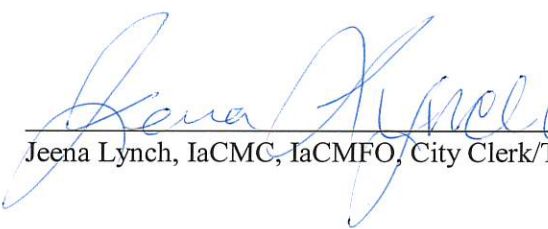
Nays:

Absent:

**Resolution No. 2021-17** declared passed and adopted by the Mayor on this 22<sup>nd</sup> day of February, 2021.

  
\_\_\_\_\_  
Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:

  
\_\_\_\_\_  
Jeena Lynch, IaCMC, IaCMFO, City Clerk/Treasurer of the City of Independence, Iowa