RESOLUTION NO. 10-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION AND CONAGRA FOODS PACKAGED FOODS, LLC FOR ENTERPRISE ZONE BENEFITS.

WHEREAS, The City of Council Bluffs established Enterprise Zone-5 pursuant to Iowa House File 724 with the adoption of Resolution No. 07-407; and

WHEREAS, Enterprise zones and the eligible benefits under House File 724 were established to promote economic development in distressed areas; and

WHEREAS, ConAgra Foods Packaged Foods, LLC is currently located at 1023 South 4th Street; and

WHEREAS, the company wishes to add a new product line, increase line efficiencies and install a "Clean in Place" Sanitation System and is considering locating these projects at their Council Bluffs location; and

WHEREAS, the ConAgra project will create 20 new full-time jobs with a starting average hourly wage of $14.40 and result in the retention of 50 current Council Bluffs employees; and

WHEREAS, this project will result in an investment of $39,800,000 in manufacturing machinery and equipment, research and development and job training; and

WHEREAS, on January 7, 2010, the Enterprise Zone Commission held a public meeting to review the request of ConAgra Foods Packaged Foods, LLC; and

WHEREAS, after review and consideration of the request, the Enterprise Zone Commission determined that the ConAgra Foods Packaged Foods, LLC project meets the requirements to qualify for benefits, contingent upon the company meeting all other City codes and ordinances, including but not limited to the locally adopted Enterprise Zone requirements and the future installation of a brick and steel fence and landscaping along 9th Avenue from South 3rd Street to 4th Street, similar to what is on South Main Street. This installation should occur within 12 months after ConAgra completes the acquisition of all of the homes along 9th Avenue.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

Section 1.0 That the City finds that the ConAgra Foods Packaged Foods, LLC project is located within the Council Bluffs Enterprise Zone-5 as approved with the adoption of Resolution No. 07-407.

Section 2.0 That the City declares ConAgra Foods Packaged Foods, LLC an eligible business for Enterprise Zone benefits.

Section 3.0 That the City shall provide a copy of this resolution to the Iowa Department of Economic Development and shall file this resolution with the Pottawattamie County Assessor and Recorder.

Section 4.0 The City Council approves the ConAgra Foods Packaged Foods, LLC request for a 10% state investment tax credit and a 100% rebate of state sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied

against state tax liability for the next seven years or until depleted, whichever occurs first. The project does not involve eligible improvements to real property and therefore is not eligible for any property tax abatement.

Section 5.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Section 6.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 7.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 8.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 9.0 That the approval of any and all Enterprise Zone benefits is contingent upon ConAgra Foods Packaged Foods, LLC meeting all other City codes and ordinances, including, but not limited to the locally adopted Enterprise Zone requirements and the future installation of a brick and steel fence and landscaping along 9th Avenue from South 3rd Street to 4th Street, similar to what is on South Main Street. This installation should occur within 12 months after ConAgra completes the acquisition of all of the homes along 9th Avenue.

Section 10.0 That this resolution shall become effective immediately upon its passage and approval.

ADOPTED
AND
APPROVED: January 11, 2010

Thomas P. Hanafan Mayor

ATTEST: Marcia L. Worden City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this 12th day of January, 2010, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

JODI QUAKENBUSH
Commission Number 761246
MY COMMISSION EXPIRES
12-28-2012

Notary Public in and for said State

ATTACHMENT B