

**BUSINESS OF THE CITY COUNCIL  
WINDSOR HEIGHTS, IOWA  
AGENDA STATEMENT**

Item No. 8  
For Meeting of 10/05/09

**ITEM TITLE:** Consideration of resolution setting dates of a consultation and a public hearing on the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area of the City of Windsor Heights, IA

**CONTACT PERSON(S):** Marketa George Oliver, City Administrator

**SUMMARY EXPLANATION**

A public hearing is set for November 2<sup>nd</sup>, 2009 at 5:00 p.m. to take comment on the proposed amendment to the urban renewal area. This hearing will also be published. The purpose of this amendment is to add a parcel to the Amended and Restated Consolidated Urban Renewal Area and to add right of way needed for the Hickman Road Improvement project. At this time, the project is estimated to be \$2.3 million. The City has secured \$2,288,000 in grants to offset this cost.)

____ Resolution _____ Ordinance ____ Contract __ Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: right; margin-right: 100px;">City Administrator</div>

**STAFF RECOMMENDATION:** Approve resolution on a roll call vote

**COUNCIL ACTION:**

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Windsor Heights, Iowa.  
Date of Meeting: October 5, 2009.  
Time of Meeting: 5:15 o'clock P.M.  
Place of Meeting: Council Chambers, City Hall, Windsor Heights, Iowa

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Resolution setting dates of a consultation and a public hearing on proposed Amendment #1 to the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area of the City of Windsor Heights, Iowa.

Such additional matters as are set forth on the additional   1   page(s) attached hereto.  
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.



\_\_\_\_\_  
City Clerk, Windsor Heights, Iowa

October 5, 2009

The City Council of Windsor Heights, Iowa, met in regular session, in the Council Chambers, City Hall, Windsor Heights, Iowa, at 5:15 o'clock P.M., on the above date. There were present Mayor Sullivan in the chair, and the following named Council Members:

Willits, Hunter, Tillotson, Butz, Peterson

Absent: None

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT #1 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS URBAN RENEWAL AREA OF THE CITY OF WINDSOR HEIGHTS, IOWA," and moved that the same be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 09-1005/

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT #1 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS URBAN RENEWAL AREA OF THE CITY OF WINDSOR HEIGHTS, IOWA

WHEREAS, by Resolution No. 07-1119, adopted November 19, 2007, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Amended and Restated Urban Renewal Plan (the "Plan") for the Consolidated Windsor Heights Urban Renewal Area (the "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, the Urban Renewal Area includes and consists of the areas described in the Plan; and

WHEREAS, City staff has caused there to be prepared a form of Amendment #1 to the Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to include additional area within the Urban Renewal Area described as follows:

The South 195 feet of the North 200 feet of Lot 1, and the South 195 feet of the North 200 feet of the East 35 feet of Lot 2, Suburban Farms, City of Windsor Heights, Polk County, Iowa

and

The public right of ways being established in connection with the City of Windsor Heights widening of Hickman Road, Westover Blvd. and 63rd Street, as illustrated on Exhibit B attached hereto.

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment #1 to the Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole prior to City Council approval of such Amendment, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed Amendment; and

WHEREAS, the Iowa statutes further require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment to the Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment to the Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having a general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA:

Section 1. That the consultation on the proposed Amendment #1 to the Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 14<sup>th</sup> day of October, 2009, in the Council Chambers, City Hall, Windsor Heights, Iowa at 4:00 o'clock P.M., and the City Administrator is hereby appointed to serve as the designated representative of the City for purposes of conducting the

consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of the consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of the proposed Amendment #1 to the Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD  
BETWEEN THE CITY OF WINDSOR HEIGHTS, IOWA  
AND ALL AFFECTED TAXING ENTITIES  
CONCERNING THE PROPOSED AMENDMENT #1 TO  
THE AMENDED AND RESTATED URBAN RENEWAL  
PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS  
URBAN RENEWAL AREA OF THE CITY OF WINDSOR  
HEIGHTS, IOWA

The City of Windsor Heights, Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 4:00 o'clock P.M. on October 14<sup>th</sup>, 2009, in the Council Chambers, City Hall, Windsor Heights, Iowa concerning a proposed Amendment #1 to the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The City Administrator as the designated representative of the City of Windsor Heights, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Windsor Heights, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.



Section 3. That a public hearing shall be held on the proposed Amendment #1 to the Urban Renewal Plan before the City Council at its meeting which commences at 5:15 o'clock P.M. on October 19, 2009, in the Council Chambers, City Hall, Windsor Heights, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in The Des Moines Register, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER  
APPROVAL OF THE PROPOSED AMENDMENT #1 TO  
THE AMENDED AND RESTATED URBAN RENEWAL  
PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS  
URBAN RENEWAL AREA OF THE CITY OF WINDSOR  
HEIGHTS, IOWA

The City Council of the City of Windsor Heights, Iowa, will hold a public hearing before itself at its meeting which commences at 5:15 o'clock P.M. on November 2nd, 2009 in the Council Chambers, City Hall, Windsor Heights, Iowa to consider adoption of proposed Amendment #1 to the Amended and Restated Urban Renewal Plan (the "Plan") for the Consolidated Windsor Heights Urban Renewal Area (the "Urban Renewal Area").

A copy of Amendment #1 to the Plan is on file for public inspection in the office of the City Clerk, Council Chambers, City Hall, Windsor Heights, Iowa.

The City of Windsor Heights, Iowa is the local public agency which, if such Amendment #1 to the Plan is approved, shall undertake the urban renewal activities described in such Plan and Amendment.

The general scope of the urban renewal activities under consideration in the Plan is to assist qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City also expects to install, construct and reconstruct streets, sewers, open space areas and other substantial public improvements, and may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the City may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the City.

The proposed Amendment #1 to the Plan would include additional area within the Urban Renewal Area described as follows:

The South 195 feet of the North 200 feet of Lot 1, and the South 195 feet of the North 200 feet of the East 35 feet of Lot 2, Suburban Farms, City of Windsor Heights, Polk County, Iowa

and

The public right of ways being established in connection with the City of Windsor Heights widening of Hickman Road, Westover Blvd. and 63rd Street, as illustrated on Exhibit B attached hereto.

All other provisions of the Plan would remain in full force and effect.

This Notice is given by order of the City Council of Windsor Heights, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

Dated this 6<sup>th</sup> day of October, 2009.

A handwritten signature in cursive script, appearing to read "Paula George-Dunn".

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City Clerk, Windsor Heights, Iowa

Section 5. That the proposed Amendment #1 to the Urban Renewal Area, now before this Council, for the Urban Renewal Area described herein is hereby officially declared to be the proposed Amendment #1 to the Plan referred to in the notices for purposes of such consultation and hearing and that a copy of Amendment #1 to the Plan shall be placed on file in the office of the City Clerk.

Section 6. That the proposed Amendment #1 to the Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within 30 days of the date hereof.

PASSED AND APPROVED this 5<sup>th</sup> day of October, 2009.

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Jerry Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator/Clerk

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POLK )

I, the undersigned City Clerk of Windsor Heights, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Municipality hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
City Clerk, Windsor Heights, Iowa

SEAL

**AMENDMENT #1**

**to the**

**AMENDED AND RESTATED**

**URBAN RENEWAL PLAN**

**for the**

**CONSOLIDATED WINDSOR HEIGHTS**

**URBAN RENEWAL AREA**

**Adopted - 2007  
Amendment #1 - 2009**

## AMENDMENT #1

### URBAN RENEWAL PLAN CITY OF WINDSOR HEIGHTS, IOWA

The Amended and Restated Urban Renewal Plan ("Urban Renewal Plan") for the Consolidated Windsor Heights Urban Renewal Area ("Urban Renewal Area"), adopted on November 19, 2007, is being amended to add additional land to the Urban Renewal Area. The legal description of the area being added to the Urban Renewal Area as a result of this Amendment #1 is set forth on Exhibit "A". A map showing the new area and right of ways being added to the Urban Renewal Area is attached as Exhibit "B".

The "base valuation" of the existing Urban Renewal Area shall remain unchanged. Pursuant to Iowa Code Section 403.19(1)(b), the "base valuation" of the area being added by this Amendment #1 shall be based on the assessment roll applicable to the area being added as of January 1 of the calendar year preceding the effective date of any ordinance which amends the Urban Renewal Area to include the area being added.

Except as modified by this Amendment, the provisions of the Urban Renewal Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided therein.

### DESIGNATION

With the adoption of this Amendment #1, the City of Windsor Heights is designating the property being added by this Amendment as an economic development area that is appropriate for the promotion of commercial and industrial development.

### LAND USE PLAN AND ZONING

The City of Windsor Heights has a general plan for the physical development of the City outlined in the Comprehensive Plan. The goals and objectives of the Urban Renewal Plan, as amended, are consistent with the goals and land use policy, which were identified and adopted as part of the planning and zoning process.

No zoning district changes for existing or future land uses are contemplated at this time other than potential zoning changes in connection with possible future commercial development along and adjacent to Hickman Road. The Urban Renewal Plan, as amended, does not in any way replace the City's current land use planning or zoning regulation process.

#### PROPOSED PROJECTS

Although certain projects may occur over a period of years, no specific new urban renewal projects other than those already identified in the Urban Renewal Plan are currently expected to be undertaken. As future projects become identified, assistance may be offered to encourage their continued development.

#### DEBT

The City of Windsor Heights had a total assessed value of \$403,045,953 as of January 1, 2008. The City's general obligation debt capacity is limited to 5% of the total assessed value, or \$20,152,298. The City currently has \$12,715,000 in general obligation debt outstanding, or approximately 63.094541376% of its total debt capacity.

#### PROPERTY ACQUISITION/DISPOSITION

Any property acquisition/disposition necessary to accomplish the objectives of the Urban Renewal Plan will be carried out in accordance with all applicable laws.

#### RELOCATION

The need for relocation of residents or businesses by the City is not anticipated. If, however, it becomes necessary for the City to become involved, and before a project is approved, a relocation plan will be developed that complies with the Urban Renewal Law, Chapter 403.

## URBAN RENEWAL PLAN AMENDMENTS

The Urban Renewal Plan may be amended from time to time to include change in the area, to add or change land use categories, to modify goals or types of renewal activities, or to amend property acquisition and disposition provisions.

The City Council may amend this Urban Renewal Plan by resolution after holding a public hearing on the proposed change in accordance with applicable state law.

## EFFECTIVE PERIOD

This Amendment #1 will become effective upon its adoption by the City Council. The Urban Renewal Plan, as so amended, shall remain in effect until terminated by the City Council.

With regard to the area added to the Urban Renewal Area by this Amendment #1, the use of incremental property tax revenues, or the "division of revenue", as those words are used in Chapter 403 of the Code of Iowa, shall be limited to 20 years as provided by Iowa Code Section 403.17.

EXHIBIT "A"

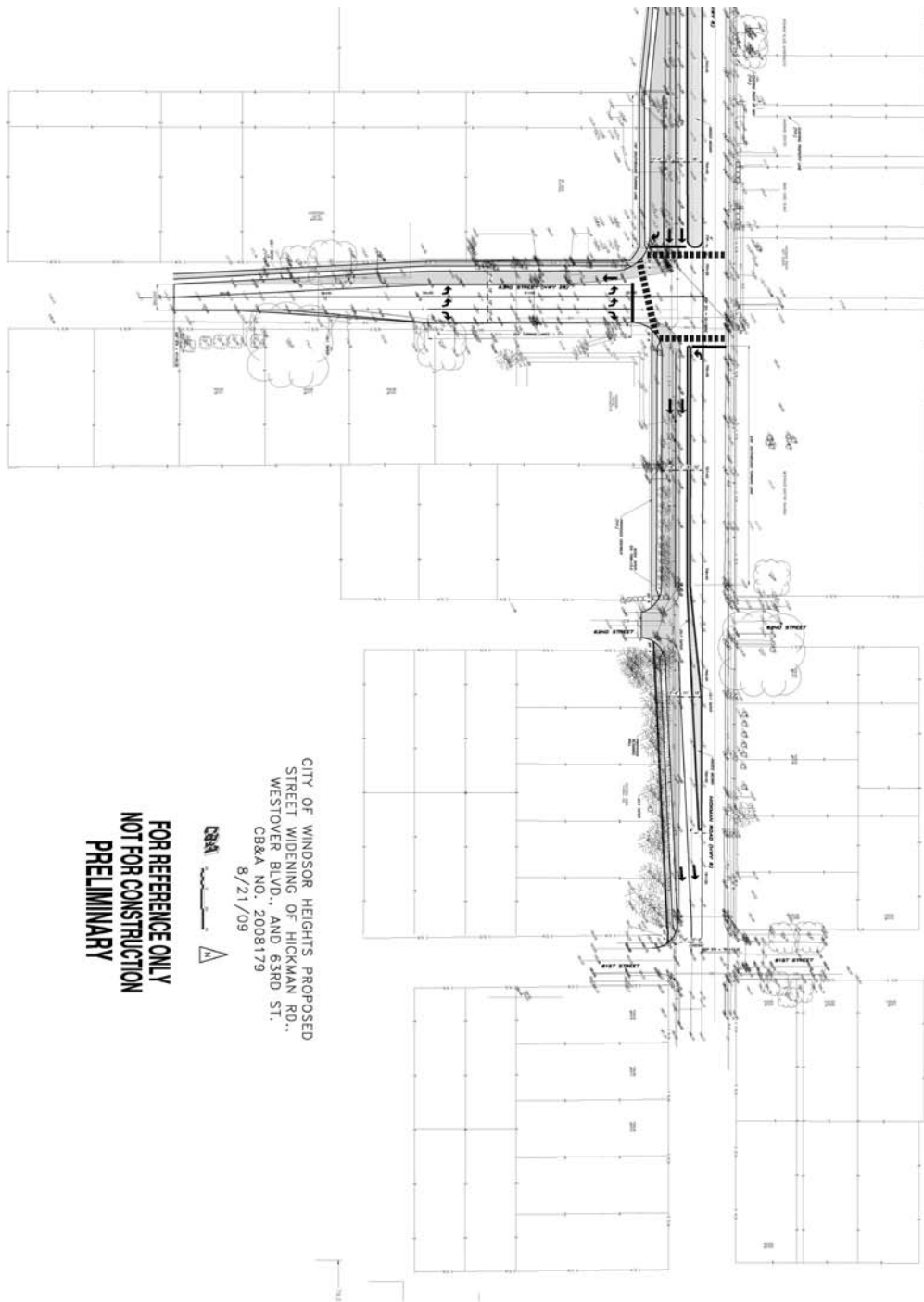
The areas being added to the Urban Renewal Area are described as follows:

The South 195 feet of the North 200 feet of Lot 1, and the South 195 feet of the North 200 feet of the East 35 feet of Lot 2, Suburban Farms, City of Windsor Heights, Polk County, Iowa,

and

The public right of ways being established in connection with the City of Windsor Heights widening of Hickman Road, Westover Blvd. and 63rd Street, as illustrated on Exhibit B attached hereto.

EXHIBIT "B"



CITY OF WINDSOR HEIGHTS PROPOSED  
STREET WIDENING OF HICKMAN RD.,  
WESTOVER BLVD., AND 63RD ST.  
CB&A NO. 2008179  
8/21/09

**FOR REFERENCE ONLY  
NOT FOR CONSTRUCTION  
PRELIMINARY**