

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

Item No. 8  
For Meeting of 11/02/09


**ITEM TITLE:** 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 Consideration of a Resolution determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting Amendment #1 to the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area.

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

**SUMMARY EXPLANATION**

A public hearing for November 2<sup>nd</sup>, 2009 at 5:00 p.m. has been duly published as required by law on October 15<sup>th</sup>. A consultation with other taxing entities was held October 14<sup>th</sup> and there were no representatives from other taxing entities who attended. I did receive a call from the School District simply clarifying that the bulk of the property in the amendment is public right-of-way, and therefore tax exempt anyway.

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 construction costs for this project are estimated to be \$2.3 million. The City has secured \$2,288,000 in grants to offset this cost.) The purpose of the construction project is to alleviate congestion and promote safety in the vicinity of 63<sup>rd</sup>/Hickman and Westover/Hickman.

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

**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: November 2, 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:

- 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.
- Resolution determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting Amendment #1 to the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area.

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

November 2, 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, Peterson, Butz

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Absent: \_\_\_\_\_None\_\_\_\_\_

\* \* \* \* \*

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan, the Mayor first asked for the report of the City Administrator with respect to the consultation held with the affected taxing entities to discuss the proposed Amendment. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the City Administrator with respect to the consultation was placed on file for consideration by the Council.

The Council also was informed that the proposed Amendment had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes or report of the Commission previously placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Amendment, and the City Clerk reported that \_\_\_\_\_ written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan and \_\_\_\_\_ were made. The public hearing was then closed.

[Attach summary of objections here]

RESOLUTION NO. \_\_\_\_09-1102/\_\_\_\_

Council Member \_\_\_\_\_ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT #1 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS URBAN RENEWAL AREA" 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. \_\_\_\_09-1102/\_\_\_\_

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT #1 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS URBAN RENEWAL AREA

WHEREAS, by Resolution No. 07-1119/268 adopted on 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 of the City of Windsor Heights, Iowa (the "Plan") for the Consolidated Windsor Heights Urban Renewal Area described therein ("Urban Renewal Area"), which Plan is on file in the office of the City Clerk and incorporated herein by this reference; and

WHEREAS, a proposed Amendment #1 to the Plan has been prepared, which proposed Amendment is on file 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, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Plan;

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment #1 to the Amended and Restated Urban Renewal 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 thereof; and

WHEREAS, adoption of Amendment #1 has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on October 5, 2009, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan and the division of revenue described therein, and that notice of the

consultation and a copy of the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the City Administrator filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of Amendment #1 to the Amended and Restated Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in The Des Moines Register, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment #1 to the Amended and Restated Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in the Plan and Amendment #1 thereto concerning the area of the City of Windsor Heights, Iowa described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

A. A feasible method exists for the location of families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Plan and Amendment #1 thereto conform to the general plan for the development of the City as a whole; and

C. As to those areas of open land included within the Urban Renewal Area to be acquired by the City:

1. With reference to those portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

(a) That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

(b) That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

(c) That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

(d) The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. With reference to those portions thereof which are to be developed for non-residential uses, the City Council hereby determines that such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the area being added to the Plan by Amendment #1 is an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment #1 to the Amended and Restated Urban Renewal Plan of the City of Windsor Heights, Iowa be and the same is hereby approved and adopted as "Amendment #1 to the Amended and Restated Urban Renewal Plan for the City of Windsor Heights, Iowa"; Amendment #1 to the Amended and Restated Urban Renewal Plan of the City of Windsor Heights, Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of Amendment #1 with the proceedings of this meeting.

Section 5. That the Plan, as so amended, for the Urban Renewal Area shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Plan as so amended, or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. The proposed Amendment #1 to the Amended and Restated Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Polk County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment #1 thereto, as well as Resolution No. 07-1119/268 previously adopted by this City Council be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 2<sup>nd</sup> day of November, 2009.

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Jerry Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator/Clerk

## 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.



