

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

Item No. 6 & 7  
For Meeting of 11/19/07


**ITEM TITLE:** Public Hearing on proposed Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area and Consideration of a Resolution determining an area of the City to be a blighted area and 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 the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area

**CONTACT PERSON:** Marketa George Oliver, City Administrator

**SUMMARY EXPLANATION**

On October 15<sup>th</sup>, the City Council passed a resolution beginning the process for the City to amend and restate its Urban Renewal Area to combine all of its currently-established Urban Renewal Areas into one plan. The plan also adds some property to the Urban Renewal Area, which is City right-of-way to connect the sub-areas. The resolution provided for a consultation meeting with other taxing entities on October 30<sup>th</sup> at 10:00 a.m. None of the other taxing entities objected nor were there any written comments. The matter was also discussed by the Planning and Zoning Commission on October 24<sup>th</sup>, who recommends passage of the consolidated urban renewal area.

The purpose of this item is to hold a public hearing, which was duly published, on this matter. Further, the attached resolution adopts the consolidated plan.

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

**STAFF RECOMMENDATION:** By motion and roll call vote, approve the resolution.

**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 19<sup>th</sup>, 2007.  
Time of Meeting: 5 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:

- X Public Hearing on proposed Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area of the City of Windsor Heights, Iowa.
- X Resolution determining an area of the City to be a blighted area and 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 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.

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.



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City Clerk, Windsor Heights, Iowa

November 19<sup>th</sup>, 2007

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

Willits, Markley, Hunter, Tillotson, Peterson

Absent: None

\* \* \* \* \*

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed 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 Amended and Restated Plan. The Council was informed that the consultation was duly held as ordered by the Council, and that \_\_\_\_0\_\_\_\_ 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 Amended and Restated Plan 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 Amended and Restated Plan, 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 Amended and Restated Urban Renewal Plan and \_\_\_\_\_ were made. The public hearing was then closed.

[Attach summary of objections here]

**Resolution 07-1119/**

Council Member \_\_\_\_\_ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA AND 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 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. \_07-1119/**

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA AND 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 THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE CONSOLIDATED WINDSOR HEIGHTS URBAN RENEWAL AREA

WHEREAS, by Resolution No. 89-25, adopted January 19, 1989 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 Windsor Heights Urban Renewal Plan (the "Original Plan") for the Windsor Heights Urban Renewal Plan Area (the "Original Project Area") described therein, which Original Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 95-185, this Council approved and adopted Amendment #1 to the Original Plan, which Amendment #1 is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 96-338, this Council approved and adopted Amendment #2 to the Original Plan, which Amendment #2 is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 07-0716/165, this Council approved and adopted an Amended and Restated Urban Renewal Plan for the Original Project Area, as amended by Amendment No. 1 and Amendment No. 2 thereto, which Amended and Restated Urban Renewal Plan added certain additional areas to the Windsor Heights Urban Renewal Plan Area, referred to as the Colby Park Sub-Area, which Amended and Restated Urban Renewal Plan is on file in the office the Recorder of Polk County; and

WHEREAS, by Resolution No. 05-1205/287, this Council found and determined that certain other areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted an Urban Renewal Plan for the Suburban Farms Urban Renewal Area described therein, which Urban Renewal Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, City staff has caused there to be prepared a form of Amended and Restated Urban Renewal 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 update and consolidate the Original Plan, as so amended, with the Urban Renewal Plan for the Suburban Farms Urban Renewal Area to form a single comprehensive document and to expand the list of urban renewal activities which may be undertaken by the City in the Consolidated Urban Renewal Area; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amended and Restated 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 Amended and Restated Plan, 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 Amended and Restated Plan; and

WHEREAS, the Iowa statutes further require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amended and Restated 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 Amended and Restated 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.

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 No. 07-1015/241 this Council also set a public hearing on the adoption of 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 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 Amended and Restated Urban Renewal Plan concerning the area of the City of Windsor Heights, Iowa described therein and 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 Consolidated Windsor Heights Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b. The Amended and Restated Urban Renewal Plan of the City of Windsor Heights, Iowa, conforms 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 Consolidated Windsor Heights Urban Renewal Area to be acquired by the City:

i. 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.

ii. 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 Consolidated Windsor Heights Urban Renewal Area is a blighted area and 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 the Amended and Restated Urban Renewal Plan of the City of Windsor Heights, Iowa be and the same is hereby approved and adopted as "the Amended and Restated Urban Renewal Plan for the Consolidated Windsor Heights Urban Renewal Area"; the Amended and Restated Urban Renewal Plan, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the same with the proceedings of this meeting.

Section 5. That the Amended and Restated Urban Renewal Plan 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 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.

PASSED AND APPROVED this 19<sup>th</sup> day of November, 2007.

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Jerry Sullivan, Mayor

ATTEST:

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Marketa Oliver, City Administrator/Clerk

