Resolution 24-273

ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
October 7, 2024
7:00 P.M.

West Broadway Urban Renewal Plan

- Resolution setting dates of a consultation and a public hearing on a proposed 2024 Amendment to the West Broadway Urban Renewal Plan in the City of Council Bluffs, State of Iowa.

IMPORTANT INFORMATION

1. The above agenda items should be included, along with any other agenda items, in the meeting agenda. The agenda should be 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 body holding the meeting. If no such office exists, the notice must be posted at the building in which the meeting is to be held.

2. If you do not now have a bulletin board designated as above mentioned, designate one and establish a uniform policy of posting your notices of meeting and tentative agenda.

3. Notice and tentative agenda must be posted at least 24 hours prior to the commencement of the meeting.

NOTICE MUST BE GIVEN PURSUANT TO CHAPTER 21,
CODE OF IOWA, AND THE LOCAL RULES OF THE CITY.

October 7, 2024

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 P.M., on the above date. There were present Mayor Walsh, in the chair, and the following named Council Members:

_____

Absent: _____

Vacant: _____

* * * * * * * *

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED 2024 AMENDMENT TO THE WEST BROADWAY URBAN RENEWAL PLAN IN THE CITY OF COUNCIL BLUFFS, STATE OF 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. 24-273

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED 2024 AMENDMENT TO THE WEST BROADWAY URBAN RENEWAL PLAN IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

WHEREAS, by Resolution No. 87-570, adopted December 14, 1987, 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 West Broadway Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the West Broadway Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, the Plan has subsequently been amended, lastly by a 2021 Amendment to the Plan adopted by Resolution No. 21-209 on July 12, 2021; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL AREA

All land and right-of-ways within the area beginning at the center point of the intersection of West Broadway and 13th Street, then north along the centerline of 13th Street to the intersection of 13th Street and Avenue A, then west along the centerline of Avenue A to the intersection of Avenue A and 20th Street, then south along the centerline of 20th Street to the alley, then west along the centerline of the alley to 25th Street, then north along the centerline of 25th Street to the intersection of 25th Street and Avenue A, then west along the centerline of Avenue A to the intersection of Avenue A and 26th Street, then south along the centerline of 26th Street to the alley, then west along the centerline of the alley to 34th Street, then north along the centerline of 34th Street to the intersection of 34th Street and Avenue A, then westerly along the centerline of Avenue A to the intersection of Avenue A and the I-480 ramp, then westerly to the I-480 and West Broadway intersection, then easterly from the I-480, West Broadway intersection to the intersection of I-480 ramp and 1st Avenue, then east along the south edge of the 1st Avenue R.O.W. to the Indian Creek R.O.W., then north along the Indian Creek R.O.W. to the point of beginning.

2015 AMENDMENT AREA

All of the land and right-of-ways within the area beginning at the intersection of the north right-of-way line of Avenue A and the east right-of-way line of North 13th Street; thence south along the east right-of-way line of said North 13th Street 66 feet, more or less, to the north right-of-way line of Indian Creek; thence southerly along said north right-of-way line of Indian Creek to the south right-of-way line of 2nd Avenue; thence westerly along said south right-of-way line of 2nd Avenue 11,520 feet, more or less, to the east right-of-way line of Interstate 29; thence

northerly along said east right-of-way line 1,170 feet, more or less, to a point on the north right-of-way line of Avenue ‘A’; thence east along said north right-of-way line 12,136 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM:
All land and right-of-ways within the area beginning at the center point of the intersection of West Broadway and 13th Street, then north along the centerline of 13th Street to the intersection of 13th Street and Avenue ‘A’, then west along the centerline of Avenue ‘A’ to the intersection of Avenue ‘A’ and 20th Street, then south along the centerline of 20th Street to the alley, then west along the centerline of the alley to 25th Street, then north along the centerline of 25th Street to the intersection of 25th Street and Avenue ‘A’, then west along the centerline of Avenue ‘A’ to the intersection of Avenue ‘A’ and 26th Street, then south along the centerline of 26th Street to the alley, then west along the centerline of the alley to 34th Street, then north along the centerline of 34th Street to the intersection of 34th Street and Avenue ‘A’, then westerly along the centerline of Avenue ‘A’ to the intersection of Avenue ‘A’ and the I-480 ramp, then westerly to the I-480 and West Broadway intersection, then easterly from the I-480, West Broadway intersection to the intersection of I-480 ramp and 1st Avenue, then east along the south edge of the 1st Avenue R.O.W. to the Indian Creek R.O.W., then north along the Indian Creek R.O.W. to the point of beginning.

WHEREAS, City staff has caused a 2024 Amendment to the Plan ("2024 Amendment" or "Amendment") to be prepared, 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 add to the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan, as amended; and

WHEREAS, the proposed Amendment does not add land to the Urban Renewal Area; and

WHEREAS, the Iowa statutes require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment 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, Code of Iowa, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment subsequent to notice thereof by publication in a newspaper having 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 Amendment 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 COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the consultation on the proposed Amendment required by Section 403.5(2), Code of Iowa, as amended, shall be held on October 16, 2024, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 9:00 A.M., and the Director of Community Development, or her delegate, 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), Code of Iowa.

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, along with a copy of this Resolution and the proposed 2024 Amendment, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED 2024 AMENDMENT TO THE WEST BROADWAY URBAN RENEWAL PLAN FOR THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

The City of Council Bluffs, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, as amended, commencing at 9:00 A.M. on October 16, 2024, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa concerning a proposed 2024 Amendment to the West Broadway Urban Renewal Plan for the West Broadway 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 Amendment.

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 Director of Community Development, or her delegate, as the designated representative of the City of Council Bluffs, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed 2024 Amendment to the West Broadway 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 Council Bluffs, State of Iowa, as provided by Section 403.5, Code of Iowa, as amended.

Dated this _____ day of _____, 2024.

_____

City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

Section 3. That a public hearing shall be held on the proposed Amendment before the City Council at its meeting which commences at 7:00 P.M. on November 4, 2024, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in The Daily Nonpareil, 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 A PROPOSED 2024 AMENDMENT TO THE WEST BROADWAY URBAN RENEWAL PLAN FOR AN URBAN RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

The City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing before itself at its meeting which commences at 7:00 P.M. on November 4, 2024 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed 2024 Amendment to the West Broadway Urban Renewal Plan (the "Amendment") concerning the West Broadway Urban Renewal Area in the City of Council Bluffs, State of Iowa, which Urban Renewal Area is generally described as follows:

ORIGINAL AREA

All land and right-of-ways within the area beginning at the center point of the intersection of West Broadway and 13th Street, then north along the centerline of 13th Street to the intersection of 13th Street and Avenue A, then west along the centerline of Avenue A to the intersection of Avenue A and 20th Street, then south along the centerline of 20th Street to the alley, then west along the centerline of the alley to 25th Street, then north along the centerline of 25th Street to the intersection of 25th Street and Avenue A, then west along the centerline of Avenue A to the intersection of Avenue A and 26th Street, then south along the centerline of 26th Street to the alley, then west along the centerline of the alley to 34th Street, then north along the centerline of 34th Street to the intersection of 34th Street and Avenue A, then westerly along the centerline of Avenue A to the intersection of Avenue A and the I-480 ramp, then westerly to the I-480 and West Broadway intersection, then easterly from the I-480, West Broadway intersection to the intersection of I-480 ramp and 1st Avenue, then east along the south edge of the 1st Avenue R.O.W. to the Indian Creek R.O.W., then north along the Indian Creek R.O.W. to the point of beginning.

2015 AMENDMENT AREA

All of the land and right-of-ways within the area beginning at the intersection of the north right-of-way line of Avenue A and the east right-of-way line of North 13th Street; thence south along the east right-of-way line of said North 13th Street 66 feet, more or less, to the north right-of-way line of Indian Creek; thence southerly along said north right-of-way line of Indian Creek to the south right-of-way line of 2nd Avenue; thence westerly along said south right-of-way line of 2nd Avenue 11,520 feet, more or less, to the east right-of-way line of Interstate 29; thence northerly along said east right-of-way line 1,170 feet, more or less, to a point on the north right-of-way line of Avenue ‘A’; thence east along said north right-of-way line 12,136 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM:

All land and right-of-ways within the area beginning at the center point of the intersection of West Broadway and 13th Street, then north along the centerline of 13th Street to the intersection of 13th Street and Avenue 'A', then west along the centerline of Avenue 'A' to the intersection of Avenue 'A' and 20th Street, then south along the centerline of 20th Street to the alley, then west along the centerline of the alley to 25th Street, then north along the centerline of 25th Street to the intersection of 25th Street and Avenue 'A', then west along the centerline of Avenue 'A' to the intersection of Avenue 'A' and 26th Street, then south along the centerline of 26th Street to the alley, then west along the centerline of the alley to 34th Street, then north along the centerline of 34th Street to the intersection of 34th Street and Avenue 'A', then westerly along the centerline of Avenue 'A' to the intersection of Avenue 'A' and the I-480 ramp, then westerly to the I-480 and West Broadway intersection, then easterly from the I-480, West Broadway intersection to the intersection of I-480 ramp and 1st Avenue, then east along the south edge of the 1st Avenue R.O.W. to the Indian Creek R.O.W., then north along the Indian Creek R.O.W. to the point of beginning.

A copy of the Amendment is on file for public inspection in the office of the City Clerk, City Hall, City of Council Bluffs, Iowa.

The City of Council Bluffs, State of Iowa is the local public agency which, if such Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to rehabilitate, conserve and redevelop land, buildings and other improvements within such area through the elimination and containment of conditions of blight so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further blight remediation of the Urban Renewal Area, the Amendment 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, Code of Iowa. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Amendment provides that the City may issue bonds or use available funds for purposes allowed by the Plan and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the City. The Amendment initially proposes no specific public infrastructure or site improvements to be undertaken by the City, and provides that the Amendment may be amended from time to time.

The proposed Amendment would add to the list of proposed projects to be undertaken within the Urban Renewal Area. The proposed Amendment does not add land to the Urban Renewal Area.

Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

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

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 403.5, Code of Iowa.

Dated this _____ day of _____, 2024.

_____
City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

Section 5. That the proposed Amendment, attached hereto as Exhibit 1, for the Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the City Clerk.

PASSED AND APPROVED this 7th day of October, 2024.

_____
Mayor

ATTEST:

_____
City Clerk

Label the Amendment as Exhibit 1 (with all exhibits) and attach it to this Resolution.

ATTACH THE AMENDMENT LABELED AS EXHIBIT 1 HERE

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City 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 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 Council hereto affixed this _____ day of _____, 2024.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

02405626\10342-185