Resolution 25-122

ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
May 5, 2025
7:00 P.M.

West Broadway Urban Renewal Plan

- Resolution fixing date for a public hearing on the proposal to enter into a Purchase, Sale, and Development Agreement with WE Roost, LLC.

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.

May 5, 2025

The City Council of the City of Council Bluffs in the 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:

Disalvo, Gorman, Peterson, Sandau and Shudak

Absent: none

Vacant: n/a

* * * * * * * *

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH WE ROOST, LLC, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", 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. 25-122

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH WE ROOST, LLC, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

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 2024 Amendment to the Plan adopted by Resolution No. 24-310 on November 4, 2024; and

WHEREAS, Iowa Code Chapter 403 authorizes cities to dispose of property in furtherance of the objectives of an urban renewal project and to take other actions as may be necessary to carry out the purposes of said Chapter, and it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, by Resolutions No. 24-239 and 24-240, both adopted on September 9, 2024, this Council approved a Request for Proposals related to the purchase and development of certain real property owned by the City and located in the Urban Renewal Area, legally described as follows (the "Development Property"):

Lots 1 through 16, Block 12 and all the vacated alley, Bryant and Clark Addition, City of Council Bluffs, Pottawattamie County, Iowa.

WHEREAS, the Request for Proposals called for the development of the Development Property into multi-family or mixed-use housing and set forth minimum requirements for proposals to develop the Development Property and evaluation criteria for such proposals; and

WHEREAS, the Council determined that the minimum development requirements, competitive criteria, and procedures set forth in the Request for Proposals were "reasonable competitive bidding procedures" in substantial conformance with the provisions of Iowa Code Section 403.8; and directed that notice of the City's intention to accept proposals for the sale and redevelopment of the Development Property in accordance with the procedures set forth in the Request for Proposals be published; and

WHEREAS, notice of the City's intention to accept proposals for the sale and redevelopment of the Development Property in accordance with the procedures set forth in the Request for Proposals was duly published in The Daily Nonpareil, a legal newspaper published at least once weekly and having general circulation in said City, in conformance with Iowa Code Section 362.3; and

WHEREAS, on November 18, 2024, by Resolution 24-327, the City Council declared its intent to accept a proposal from Hoppe Development to acquire and redevelop the Development Property subject to the parties negotiating a purchase, sale and development agreement related thereto; and

WHEREAS, the City has subsequently negotiated a proposed Purchase, Sale, and Development Agreement (the "Agreement") by and between the City and WE Roost, LLC (an entity related to Hoppe Development) (the "Developer"), pursuant to which, among other things, the City would agree to sell the Development Property to Developer for a purchase price of $415,000.00 and in consideration of Developer's other obligations under the Agreement, which other obligations include the construction of at least 85 housing units (part of the "Minimum Improvements"), of which at least 51% would be rented as LMI Housing Units, as further described in the terms and conditions set forth in the Agreement; and

WHEREAS, the Agreement provides that the City will provide the Developer with a forgivable loan in the amount of $415,000 to finance the Developer's purchase of the Development Property (the "Forgivable Loan"), which Forgivable Loan would be forgiven over a period of 10 years, subject to terms and conditions set forth in the Agreement; and

WHEREAS, the Agreement would require the Developer to provide a promissory note to the City and a mortgage on the Development Property to the City, as security for the amount of the Forgivable Loan; and

WHEREAS, pursuant to the terms and conditions set forth in the Agreement, the City Council would provide its consent for the Developer to apply for tax abatement with respect to the Minimum Improvements under the City's Consolidated Urban Revitalization Plan; and

WHEREAS, this Council has determined that the purchase of the Development Property for $415,000.00, when combined with the redevelopment obligations of the Developer under the Agreement's terms and conditions, offers fair value for the Development Property, in accordance with Iowa Code Section 403.8; and

WHEREAS, to comply with the procedural requirements of Iowa Code Chapter 403 and other Iowa Code provisions, pursuant to Section 364.6 of the City Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the City Clerk publish notice of the proposal and of the time and place of the meeting at which the Council proposes to take action on the Agreement and to receive oral and/or written objections from any resident or property owner of said City to such action.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 P.M. on May 19, 2025, for the purpose of taking action on the matter of the proposal to enter into a Purchase, Sale, and Development Agreement with WE Roost, LLC.

Section 2. That the City Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH WE ROOST, LLC, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Council of the City of Council Bluffs in the State of Iowa, will hold a public hearing before itself at its meeting that commences at 7:00 P.M. on May 19, 2025, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take action on the proposal to enter into a Purchase, Sale, and Development Agreement (the "Agreement") with WE Roost, LLC (the "Developer"), and the proposal to convey certain real property (the "Development Property") located within the West Broadway Urban Renewal Area to the Developer, pursuant to the terms and conditions of the Agreement. The Development Property is legally described as:

Lots 1 through 16, Block 12 and all the vacated alley, Bryant and Clark Addition, City of Council Bluffs, Pottawattamie County, Iowa.

The Agreement proposes that the City would sell the Development Property to Developer for $415,000 and in consideration of Developer's other obligations set forth in the Agreement, including that the Development Property will be used to construct Minimum Improvements comprised of approximately 85 multi-residential housing units (of which at least 51% would be rented as LMI Housing Units), and related site improvements, subject to the detailed terms and conditions set forth in the Agreement.

The Agreement further provides that the City would provide the Developer with a forgivable loan in the amount of $415,000 to finance the Developer's purchase of the Development Property, which forgivable loan would be forgiven over a period of 10 years. The Developer would be required to provide a promissory note to the City and a mortgage on the Development Property to the City securing the amount of the forgivable loan.

Pursuant to the terms and conditions set forth in the Agreement, the Agreement would permit the Developer to apply for tax abatement with respect to the Minimum Improvements under the City's Consolidated Urban Revitalization Plan.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the City Clerk, City Hall, City of Council Bluffs, Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the City Council of the City of Council Bluffs in the State of Iowa, as provided by Section 364.6, Code of Iowa.

Dated this _____ day of _____, 2025.

_____

City Clerk, City of Council Bluffs in the State of Iowa

(End of Notice)

PASSED AND APPROVED this 5th day of May, 2025.

_____
Mayor

ATTEST:

_____
Deputy City Clerk

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 6th day of May, 2025.

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

(SEAL)

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