Resolution 21-178

ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
June 14, 2021
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 34th and 1st Holdings, 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.

June 14, 2021

The City Council of the City of Council Bluffs in the State of Iowa, met in _____ 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 _____, in the chair, and the following named Council Members:

_____

Absent: _____

Vacant: _____

* * * * * * * *

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 34TH AND 1ST HOLDINGS, 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. 21-178

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH 34TH AND 1ST HOLDINGS, 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 "Urban Renewal Plan" or "Plan") for the West Broadway Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, and which Plan, as amended, is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, the Plan is proposed to be amended by a 2021 Amendment to the Plan, planned for the Council's consideration on July 12, 2021; and

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

WHEREAS, the City has received a proposal from 34th and 1st Holdings, LLC (the "Developer"), in the form of a proposed Purchase, Sale, and Development Agreement (the "Agreement") by and between the City and the Developer, pursuant to which, among other things, the City would agree to sell to the Developer and the Developer would agree to purchase certain City-owned real property located within the Urban Renewal Area (the "Development Property"); and

WHEREAS, the Agreement provides that the City would finance the Developer's purchase of the Development Property through a forgivable loan made by the City to the Developer in the amount of $1,870,000; and

WHEREAS, pursuant to the terms of the Agreement, the Developer would agree to construct certain multi-residential structures in three phases (respectively the "Phase I Improvements", "Phase II Improvements", and "Phase III Improvements", and collectively the "Minimum Improvements"), together with all related site improvements, on the Development Property; and

WHEREAS, the Agreement further proposes that the City will make up to seventeen (17) consecutive annual payments of Blight Remediation Grants to Developer consisting of 80% of the Tax Increments collected pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Phase I Improvements, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement further proposes that the City will make up to seventeen (17) consecutive annual payments of Blight Remediation Grants to Developer consisting of 80% of the Tax Increments collected pursuant to Section 403.19, Code of Iowa, and generated by the

construction of the Phase II Improvements, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement further proposes that the City will make up to seventeen (17) consecutive annual payments of Blight Remediation Grants to Developer consisting of 80% of the Tax Increments collected pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Phase III Improvements, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, pursuant to the terms and conditions of the Agreement, the cumulative total for the Blight Remediation Grants shall not exceed: (i) $3,500,000 if only the Phase I Improvements are completed in accordance with the terms of the Agreement; (ii) $6,500,000 if only the Phase I Improvements and Phase II Improvements are completed in accordance with the terms of the Agreement; or (iii) $10,000,000 if the Phase I Improvements, Phase II Improvements, and Phase III Improvements are completed in accordance with the terms of the Agreement; and

WHEREAS, the Agreement also proposes that Developer and the City will enter into a Minimum Assessment Agreement with the County setting the minimum actual value of the Minimum Improvements for tax purposes at not less than $36,873,140, pursuant to the terms set forth in the Agreement; and

WHEREAS, Chapters 15A and 403, Code of Iowa, (the "Urban Renewal Law") authorize cities to make forgivable loans and grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Agreement is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 364.6,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 thereon 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 July 12, 2021, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with 34th and 1st Holdings, 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 34TH AND 1ST HOLDINGS, 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 on July 12, 2021, at 7:00 P.M. 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 34th and 1st Holdings, LLC (the "Developer").

Pursuant to the terms of the Agreement, the City would agree to sell to the Developer certain City-owned real property located within the West Broadway Urban Renewal Area (the "Development Property"), which purchase the City would finance through a forgivable loan made by the City to the Developer in the amount of $1,870,000. The Agreement would require the Developer to construct certain multi-residential structures in three phases (respectively the "Phase I Improvements", "Phase II Improvements", and "Phase III Improvements", and collectively the "Minimum Improvements"), together with all related site improvements, on the Development Property.

The Agreement further proposes that the City will make up to seventeen (17) consecutive annual payments of Blight Remediation Grants to Developer consisting of 80% of the Phase I Tax Increments from the Phase I Improvements, that the City will make up to seventeen (17) consecutive annual payments of Blight Remediation Grants to Developer consisting of 80% of the Phase II Tax Increments from the Phase II Improvements, and that the City will make up to seventeen (17) consecutive annual payments of Blight Remediation Grants to Developer consisting of 80% of the Phase III Tax Increments from the Phase III Improvements under the terms and following satisfaction of the conditions set forth in the Agreement. Pursuant to the terms and conditions of the Agreement, the cumulative total for the Blight Remediation Grants shall not exceed: (i) $3,500,000 if only the Phase I Improvements are completed in accordance with the terms of the Agreement; (ii) $6,500,000 if only the Phase I Improvements and Phase II Improvements are completed in accordance with the terms of the Agreement; or (iii) $10,000,000 if the Phase I Improvements, Phase II Improvements, and Phase III Improvements are completed in accordance with the terms of the Agreement.

The Agreement also proposes that Developer and the City will enter into a Minimum Assessment Agreement with the County setting the minimum actual value of the Minimum Improvements for tax purposes at not less than $36,873,140, pursuant to the terms set forth in the Agreement.

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 _____, 2021.

_____

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

(End of Notice)

PASSED AND APPROVED this 14th day of June, 2021.

_____
Mayor

ATTEST:

_____
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 _____ day of _____, 2021.

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

(SEAL)

01897098-1\10342-153