



June 23, 2022

VIA EMAIL

Gregg Mandsager
City Administrator/City Hall
West Burlington, IA

Re: West Burlington Urban Renewal Area
Our File No. 421431-49

Dear Gregg:

Attached please find two sets of proceedings for use by the City Council at their July 6, 2022 meeting.

The first set of proceedings covers the City Council's action in holding a public hearing on and adopting a resolution to approve the 2022 urban renewal plan amendment. The resolution states that the required consultation session has been held with Des Moines County and the West Burlington Independent School District. If this event has not taken place, please call me immediately.

The second set of proceedings covers the adoption of the tax increment ordinance for the Urban Renewal Area. This ordinance may be acted upon immediately after the amended urban renewal plan has been approved by resolution. We have drafted the minutes to reflect three separate City Council considerations of the ordinance. Please let us know if this needs to be adjusted.

Once the ordinance has been finally adopted, it must be published and a copy must be filed with the County Auditor of Des Moines County. Please print extra copies of the ordinance for publishing and filing, and certificates are included in the proceedings to attest to each of those acts.

We will appreciate receiving executed copies of these proceedings as soon as they are available. Please contact John Danos, Erin Regan, Severie Orngard, or me if you have any questions.

Kind regards,

Amy Bjork

Attachments

cc: Angie Moore
Kelly Fry

ORDINANCE NO. _____

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the West Burlington Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

WHEREAS, the City Council of the City of West Burlington, Iowa (the “City”) previously enacted an ordinance entitled “An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the West Burlington Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa”; and

WHEREAS, pursuant to that ordinance, certain taxable property within the West Burlington Urban Renewal Area in the City was designated a “tax increment district”; and

WHEREAS, the City Council now desires to establish a new “tax increment district” by designating certain real property referred to below as the July, 2022 Tax Increment Financing District;

BE IT ENACTED by the Council of the City of West Burlington, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the West Burlington Urban Renewal Area of the City of West Burlington, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of West Burlington to finance projects in such area.

Section 2. Definitions. For use within the remainder of this ordinance the following terms shall have the following meanings:

“City” shall mean the City of West Burlington, Iowa.

“County” shall mean Des Moines County, Iowa.

“July, 2022 Tax Increment Financing District” shall mean the certain real property situated in the West Burlington Urban Renewal Area, more particularly described as follows:

Certain real property situated in the City of West Burlington, Des Moines County, State of Iowa bearing Des Moines County Property Tax Parcel Identification Numbers 10-36-207-001, 10-36-207-011, and 10-36-207-002.

“Urban Renewal Area” shall mean the entirety of the West Burlington Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the July, 2022 Tax Increment Financing District. After the effective date of this ordinance, the taxes levied on the taxable property in the July, 2022 Tax Increment Financing District each year by and for

the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the July, 2022 Tax Increment Financing District is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the July, 2022 Tax Increment Financing District, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the July, 2022 Tax Increment Financing District on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the July, 2022 Tax Increment Financing District to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area , and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the July, 2022 Tax Increment Financing District exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the July, 2022 Tax Increment Financing District shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the July, 2022 Tax Increment Financing District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

First consideration passed by the City Council of the City of West Burlington, Iowa, on _____ Juy 6 _____, 2022.

Mayor

Attest:

City Clerk

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Second consideration passed by the City Council of the City of West Burlington, Iowa, the _____ day of _____, 2022.

Mayor

Attest:

City Clerk

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Third and final consideration passed by the City Council of the City of West Burlington, Iowa, the _____ day of _____, 2022.

Mayor

Attest:

City Clerk