

★ **Roll Call Number**

Agenda Item Number

62B

Date July 10, 2006

Petition requesting that Glenview Drive and Woodlawn Drive be excluded from the proposed boundaries of the SSMID.

Moved by _____ to receive and file.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

62B

FILED

July 10, 2006

2006 JUL 10 PM 12: 39

To the attention:

Des Moines Mayor Cownie
Des Moines City Council
Des Moines Planning & Zoning Commission

CITY CLERK
DES MOINES, IOWA

Home owners on Glenview Drive and Woodlawn Drive are unified in being excluded from the boundaries of the proposed Linden Heights SSMID. Under Chapter 386.3.3 the Planning and Zoning Commission has the authority to "recommend amendments and changes." We solicit your devoted consideration of our strong position. We request you recommend these two streets be excluded from the boundaries of the proposed SSMID.

Attached are petitions from 38 Woodlawn/Glenview owners who are petitioning to be excluded from the boundaries of the SSMID. These 38 owners represent 68% of the 56 total owners who own properties bordering Woodlawn and Glenview. To our most recent knowledge, within this particular geography only 12 owners (21%) have signed in favor of the SSMID. Six owners (10.7%) have abstained from expressing positions. Stated in another manner, of the 50 owners signing petitions, 38 (76%) desire to be excluded from the boundaries. Only 12 (24%) are in favor of the SSMID proposal. This is compelling evidence owners do not want antique street lights placed on their properties.

It is noteworthy five owners on Woodlawn and Glenview, who originally signed in favor of the SSMID, recanted their support of the SSMID. Within these 38 petitions you will find five petitions retracting their original support: 1) Leachman at 210 Glenview; 2) Lehman's at 410 Glenview; 3) Reinhardt at 606 Glenview; 4) Hogans at 4249 Woodlawn; and 5) Fieldler & Whippen at 304 Glenview.

Of the ten property owners bordering Woodlawn (the eight on Woodlawn and two on 42nd St.), seven owners (70%) have signed the petition to be excluded. Only three owners (30%) signed in favor of the SSMID petition. This is compelling evidence Woodlawn does not want to be included in the SSMID boundaries.

Of the 46 property owners bordering Glenview, 31 (67%) have likewise petitioned to be excluded. Only 9 owners, (20%), have signed in favor of the SSMID. (Six owners have not signed either petition.) In summary, of the 40 owners signing petitions on Glenview, 77.5% have petitioned to be excluded. Only 22.5% signed in favor of the SSMID. The conclusions are very consistent for both Woodlawn and Glenview; for every owner favoring the SSMID, there are 3.4 owners petitioning to be excluded from the boundaries.

This SSMID is predominantly a Foster Drive driven project. Antique street lights could fit the character of the some older Foster homes built prior to World War II. The northern portion of Foster would enjoy the ambiance of having overhead lines removed from their street frontages. This northern section of Foster will not have the added clutter of placing antique lights among existing overhead lines and poles. Depending upon individual tastes, it perhaps makes a little more sense for Foster Drive. It does not make sense for the rest of the neighborhood.

In actuality, owners on Foster have the financial ability to finance this project with private contributions. Homes on this street have a tax assessment valuation of over \$30 million dollars. This \$500,000 SSMID "improvement" project represents

1.66% of this total assessment. With all the financial challenges and needs facing the city of Des Moines, one has to question whether this SSMID puts an undue imposition on city resources. We understand this particular SSMID will require the city to deal with some unique aspects and systems that are used no where else in the city.

For the city to devote the personnel and expense involved in evaluating, estimating, legalities, processing, supervising, levying taxes, bidding, taking the risk of issuing \$500,000 in bonds, etc., assisting this most prosperous neighborhood with so called "improvements" is borderline ludicrous.

Please be assured this action to be excluded from the boundaries of the SSMID is no surprise to either the Linden Heights board of directors, or the streetlight subcommittee. Many conversations took place alerting them to major discomfort in the neighborhood. We asked several times to be excluded from the boundaries of the SSMID prior to submitting it to the city. We even shared our June 2nd e-mail to Chris Hensley (Exhibit A) outlining early concerns.

In fact, Chris Hensley wisely encouraged us to settle our boundary differences prior to filing the SSMID with the city. The board and subcommittee, not wanting to lose time, forged ahead submitting the SSMID knowing full well there was major opposition. It is unfortunate the city is now forced to devote so much time and resources considering the future of this weak SSMID proposal.

Be that as it may, there are many, many reasons owners feel the plan is flawed. Below are reasons owners have petitioned to be excluded from the SSMID boundaries (attached to many of the petitions, owners have identified individual concerns):

- 1) While antique street lights fit the ambiance of Sherman Hills, antique street lights do not fit the character of homes on Woodlawn and Glenview. This is not a Sherman Hills neighborhood. Antique street lights will be a distraction to the character of these homes.
- 2) Owners are concerned an unpredictable annual tax levy could have a negative impact on the future resale value of properties.
- 3) Many are against the Linden Heights Association essentially getting into the "utilities business."
- 4) Owners have never been presented with a blueprint or model which specifies exactly where the antique poles will be placed. They know not how many poles are required or where they will be located.
- 5) Owners on the southern half of Glenview will not have the wooden poles, overhead electrical wires, cable TV, phone lines, transformers, etc. removed from their street frontage. Erecting antique street lights among the existing overhead lines and poles will only add clutter and disfigure the character of the street.
- 6) There is the cry that real estate taxes are already too high and they don't want the additional tax burden which will last for a minimum of ten years, possibly forever.

- 7) Many in the neighborhood are elderly and on fixed incomes. They are against the extra tax levies. Many don't fully understand the SSMID and feel the extra tax levy money could be better invested to fix up their own homes.
- 8) There are those who feel there is a major disparity in the perceived benefits from one street to the next. The section of Foster and Glenview where overhead poles, wires, transformers will remain will have a distinguishable disadvantage having additional antique light poles compounding the street side clutter.
- 9) Many are concerned over the inequities in the assessed value differences between streets like Glenview and Foster, and what future SSMID projects ideas might be proposed. To ever stop a future SSMID project, it would take 100% of the owners on Glenview, Woodlawn and Park Hill to come up with the required 40+% assessment value to table it. We doubt whether the forefathers of the SSMID legislation ever intended for one single street to totally dictate the rules of a neighborhood.
- 10) Some are concerned the unusual street lights could increase auto traffic in the area which would elevate exposure to vandalism.
- 11) Many feel the SSMID has not been well thought out and the budget may not be realistic. For example, a representative from Unlimited Lighting (who manufactures the antique light poles) told an owner attending a May 23 meeting that the Streetlight Subcommittee told Unlimited Lighting "their bid has to come in under a certain number." That is cause for concern about the cost "estimates" in the budget.
- 12) Owners don't feel Glenview and Woodlawn have been adequately represented in the SSMID planning process. Of the nine Linden Heights association board members, eight reside on Foster Dr. The ninth board member lives on Woodlawn. Glenview represents 33% of the Linden Heights owners, yet they do not have a single representative on the board. Woodlawn and Glenview combined represent 41% of the Linden Heights owners, yet they only have one owner to represent their views.

Looking back, this SSMID petition happened very, very quickly. There was little communication among owners. We are not sure there was ever a formal meeting where a quorum of the neighbors voted to authorize the Linden Heights Association to move forward with this SSMID.

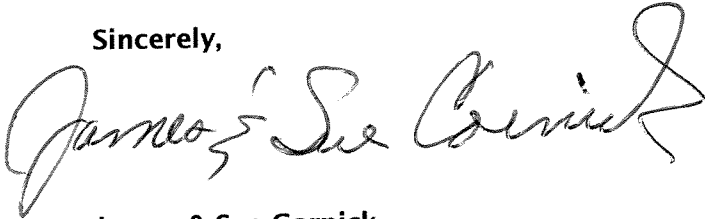
The SSMID was mailed to owners in early May. There was one meeting at Plymouth Congregational Church on May 23 which began at 7pm. The meeting agenda was front-end loaded with seven speakers who were in favor of the SSMID. The meeting was cut off at 9 PM. Owners left with many of their questions unanswered. There has been no neighborhood association meeting since this May 23 meeting.

In conclusion, there is very weak support for this proposed SSMID. We understand an additional "remonstrance" petition has been filed with the city clerk which carries 40+% of the owner's signatures. This is but another significant signal this SSMID is not a popular proposition within Linden Heights. The color-coded map (Exhibit B) showing those who have signed the petition to be excluded from the boundaries of the SSMID speaks volumes.

We appreciate your diligence and solicit your support in excluding both Woodlawn and Glenview from the boundaries of the SSMID. Neighborhood owners have spoken and their loud voices must surely be heard. There is very weak support for this SSMID on Glenview and Woodlawn, so if you do pass the SSMID, please exclude our good owners on Woodlawn and Glenview.

Feel free to call should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "James & Sue Cornick". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

James & Sue Cornick

624Glenview Drive
Des Moines, Iowa 50312
515-255-4932

PS. You will find one petition signed by Ruth Beers. While her address is 4232 Park Hill Drive, her property borders Glenview. She is elderly and in a nursing home. She is very much opposed to being included in the SSMID boundaries. Since she represents 50% of the two owners with Park Hill addresses, we ask you to also exclude her property as you consider the SSMID boundaries.