

.....
December 18, 2006

Date

RESOLUTION SCHEDULING PUBLIC HEARING ON PETITION TO ESTABLISH THE
INGERSOLL AVENUE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, on November 20, 2006, by Roll Call No. 06-2338, the City Council received a Petition to establish the Ingersoll Avenue Self-Supported Municipal Improvement District ("SSMID"), and referred the Petition to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility of the proposed SSMID as required by Iowa Code Chapter 386; and

WHEREAS, the City Plan and Zoning Commission has advised in the accompanying letter that at a public hearing held December 7, 2006, the members considered the Petition and an evaluative report on the merit and feasibility of establishing an Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID) and voted 10-0 in support of a motion to recommend approval of the evaluative report and to establish the proposed SSMID; and,

WHEREAS, Iowa Code Chapter 386 provides that upon receipt of the final report of the Plan and Zoning Commission the Council shall set a time and place for a hearing upon the Petition and shall cause proper notice to be given.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council consider the Petition to establish the Ingersoll Avenue Self-Supporting Municipal Improvement District at a public hearing to be held in the Council Chambers at 5:00 p.m., on January 8, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That notice of said proposal be given by publication once, not less than four nor more than 20 days before the date of hearing, all as specified in Sections 386.3(4) and 362.3 of the Iowa Code.
3. That notice of said proposal shall also be given by certified mail not less than 15 days before the hearing to each property owner within the proposed district at the owner's address as shown by the records of the County Auditor, all as specified in Section 386.3(4) of the Iowa Code.

(continued)

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4. The notice referred to above shall be in the form attached hereto as Exhibit "A", which contains that information required by Section 386.3(5) of the Iowa Code.

(Council Communication No. 06- **779**)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown
 Roger Brown
 Deputy City Attorney

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

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.

MOTION CARRIED

APPROVED

 Mayor

 City Clerk

December 18, 2006

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Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held December 7, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer				X
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern				X
Tim Urban	X			
Marc Wallace	X			

APPROVAL of an evaluative report and establishment of the Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID).

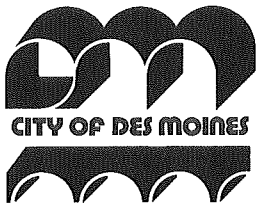
STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the evaluative report and establishment of the proposed Ingersoll Avenue SSMID.

STAFF REPORT

I. GENERAL INFORMATION

Property owners adjoining Ingersoll Avenue from the east side of 28th Street to the west side of 31st Street have submitted a petition to the City Council to establish the Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID). The purpose of the SSMID is to undertake the acquisition, construction, installation, operation and maintenance of "improvements" within the public rights-of-way of Ingersoll Avenue within the Proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements utilizing proceeds of the



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

combined Capital Improvement and Operation Fund, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

II. ADDITIONAL APPLICABLE INFORMATION

Pursuant to Section 386.3 of the Iowa Code, the Plan and Zoning Commission is to prepare an evaluative report for the City Council based on the "merit" and "feasibility" of the SSMID and the Commission is to make recommendations to the City Council with respect to establishment of the SSMID. Further, the Commission is to determine the validity of the petition.

Staff has prepared an evaluative report for the Commission's review and consideration (see attached).

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

Brian Millard moved to approve the evaluative report and establish the Ingersoll Avenue SSMID.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Evaluation of Petition to Establish the "Ingersoll Avenue Self-Supported Municipal Improvement District" and Recommendation to City Council

Property owners adjoining Ingersoll Avenue within the Proposed District have submitted a petition to the City Council to establish the Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID). The purpose of the SSMID is to undertake the acquisition, construction, installation, operation and maintenance of "improvements" within the public rights-of-way of Ingersoll Avenue within the Proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements utilizing proceeds of the combined Capital Improvement and Operation Fund, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

The petition states that the property owners agree to an annual Capital Improvement and Operation Tax levy upon properties within the district for an initial period of fifteen (15) years commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2007 and possible renewal for subsequent five (5) year periods in accordance with the following schedule:

<u>Fiscal Years Of Levy</u>	<u>Maximum Levy per thousand dollars of taxable value</u>
2007-08 to 2011-12	\$1.75
2012-13 to 2016-17	\$2.25
2017-18 and later	\$3.00

The City anticipates that an Ingersoll Avenue SSMID Board will be established to make a recommendation to the City Council regarding the annual budget and levy for the District. The SSMID Board will have members representative of the property owners and tenants in the District and the Ingersoll Area Association, and will receive technical assistance from the City Staff in the preparation of the recommended budget.

Plan and Zoning Commission Role

The City Council has referred the petition to the Plan and Zoning Commission in accordance with Section 386.3 of the Iowa Code. The Plan and Zoning Commission is to prepare an evaluative report for the City Council addressing the "merit" and "feasibility" of the proposed District. Further, it would be appropriate for the Commission to make a recommendation on the validity of the petition. After the Plan and Zoning Commission has evaluated the petition, the City Council will set a time and place for the public hearing at which the City Council will consider the establishment of the District. If the City Council decides that it is appropriate to establish the District, the City Council must wait another 30 days after that hearing before it may adopt an ordinance establishing the District.

Validity of the Petition

The petition submitted to the City Council and referred to the Plan and Zoning Commission has been evaluated for the following:

1. The SSMID District meets all the criteria set forth in Section 386.3(1) of the Iowa Code including:
 - a. The SSMID is comprised of contiguous property wholly within the boundaries of the City. The entire District is zoned for commercial uses.
 - b. The SSMID has been given a descriptive name: "Ingersoll Avenue Self-Supported Municipal Improvement District."
 - c. The property in the District is comprised of properties adjoining the Ingersoll Avenue right-of-way and the property within the District is zoned NPC, Neighborhood Pedestrian Commercial District. The current uses and intended future uses of the property in the District include a variety of retail shopping, office uses, and apartments. The Des Moines 2020 Community Character Plan designates Ingersoll Avenue as a Pedestrian-Oriented Commercial Corridor and recommends that such corridors have a well-designed, human scale streetscape that provides compatibility and continuity along the street and enhances the neighborhood image. Accordingly, the property in the District is similarly related so that the present and potential use or enjoyment of the property is benefited by the condition, performance of administration, redevelopment, revitalization and maintenance of the District. Further, the owners of property in the District have a present and potential benefit from the condition, performance of administration, redevelopment, revitalization and maintenance of the District.
2. The intent and purposes of the SSMID are stated in the petition. The petition contains signatures from over the required 25% of the owners of taxable properties within the District. As of December 7, 2006, the petition has been signed by the owners of 55.6% of the taxable property in district (20 of 36). The signatures also represent ownership of property with an assessed value of over the required 25% of the assessed value of all taxable property in the District. As of December 7, 2006, the signatures represent property ownership with an assessed value of 70.3% of the total assessed value for taxable property in the District (\$8.793M of \$12.509M).
3. The petition sufficiently describes the boundaries of the District. It includes a list of all properties within the proposed District.
4. The petition states that the property owners agree to an annual Capital Improvement and Operation Tax levy upon properties within the district for an

initial period of fifteen (15) years commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2007 and possible renewal for subsequent five (5) year periods in accordance with the following schedule:

<u>Fiscal Years Of Levy</u>	<u>Maximum Levy per thousand dollars of taxable value</u>
2007-08 to 2011-12	\$1.75
2012-13 to 2016-17	\$2.25
2017-18 and later	\$3.00

5. The petition states that the purpose of the SSMID is to undertake the acquisition, construction, installation, operation and maintenance of "improvements" within the public rights-of-way of Ingersoll Avenue within the proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements utilizing proceeds of the combined capital improvement and operation fund, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.
6. The petition also states that proceeds of the Capital Improvement and Operation Tax may be used for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with the acquisition, construction, installation, operation and maintenance of the Improvements, any administration expenses (as defined and authorized by the Act) of the proposed District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the proposed District, all as may be determined from time to time by the City Council.
7. The activities identified in the purposes of the SSMID, further the objectives of the Des Moines 2020 Community Character Plan by assisting with the development of a well-designed, human scale streetscape that provides compatibility and continuity along the street and enhances the neighborhood image.

Feasibility of the Project

In fiscal years 2007-08 through 2011-12, the proposed maximum Capital Improvement and Operation Tax levy of \$1.75/\$1000 of taxable assessed value will generate revenues of approximately \$21,891 annually. In fiscal years 2012-13 through 2016-17 the proposed maximum Capital Improvement and Operation Tax levy of \$2.25/\$1000 of taxable assessed value will generate revenues of approximately \$28,145 annually. In fiscal years 2017-18 and beyond the proposed maximum Capital Improvement and Operation Tax levy of \$3.00/\$1000 of taxable assessed value will generate revenues of approximately \$37,527 annually. The actual levy will be set annually by the City Council after receiving a recommendation from the Ingersoll Avenue SSMID Board.

The SSMID Capital Improvement and Operation Fund will be combined with City funds designated in the Capital Improvement Program of the City for such purposes and any other available funds to pay the anticipated costs and other expenses for the SSMID activities and services in the District.

Recommendation

The petition to establish the "Ingersoll Avenue Self-Supported Municipal Improvement District" meets the criteria as outlined in Chapter 386 of the Iowa Code for such districts. The petition is valid and the Ingersoll Avenue SSMID has merit and is feasible. The Commission forwards this report to City Council to set the date of public hearing for establishment of the District.

Ingersoll Streetscape SSMID

