

Date..... October 8, 2012

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON PETITION TO
ESTABLISH THE BEAVERDALE SELF-SUPPORTED
MUNICIPAL IMPROVEMENT DISTRICT**

WHEREAS, on August 27, 2012, by Roll Call No. 12-1385, the City Council received a petition to establish the Beaverdale Self-Supported Municipal Improvement District for the purpose of funding the installation, operation, and maintenance of streetscape improvements within the public rights-of-way of Beaver Avenue in the Beaverdale Neighborhood, within the District shown on the map attached hereto as Exhibit "1", and containing properties described in the attached Exhibit "2"; and,

WHEREAS, the Petition was referred to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility of the proposed project and improvements as required by Iowa Code Chapter 386; and,

WHEREAS, the City Plan and Zoning Commission considered the proposed project and improvements at a public hearing on September 20, 2012, and has submitted its final report and recommendation to the City Council wherein the Commission made the following findings and recommendations:

- a. To find that the Petition to Establish the Beaverdale Self-Supported Municipal Improvement District is signed by more than 25% of the owners of property within the proposed district who collectively own property having more than 25% of the assessed value of all property within the proposed district.
- b. To find that the Petition is a valid petition which satisfies the requirements of Chapter 386 of the Iowa Code.
- c. To find that the proposed district is feasible; and would generally benefit the City as a whole.
- d. To recommend that the proposed district be approved.

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October 8, 2012

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

1. That the City Council shall consider the Petition to Establish the Beaverdale Self-Supported Municipal Improvement District at a public hearing to be held on November 5, 2012, at 5:00 p.m., in the Council Chambers, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. The City Clerk shall cause notice of the Petition and the hearing to be given by publication once, in the accompanying form, in the Des Moines Register no more than 20 days and no less than four days before the hearing. The City Clerk, in cooperation with the Community Development Department, shall cause a copy of such notice to be given by certified mail not less than 15 days prior to the hearing, to each owner of property within the proposed District.

MOVED by _____ to adopt.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(Council Communication No. 12-531)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

October 2, 2012

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 September 20, 2012, the following action was taken regarding a petition to establish the Beaver Avenue Self-Supported Municipal Improvement District for maintenance of the Beaver Avenue Streetscape improvements.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdil	X			

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

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the evaluative report and establishment of the proposed Beaver Avenue Self-Supported Municipal Improvement District (SSMID).

STAFF REPORT

I. GENERAL INFORMATION

Property owners adjoining Beaver Avenue from Fagen Drive to Beaver Crest Drive have submitted a petition to the City Council seeking to establish the Beaver 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



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309 -1881
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ALL-AMERICA CITY
 1949, 1976, 1981
 2003

rights-of-way of Beaver Avenue within the Proposed District. Improvements include improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signage, and related pedestrian improvements. The improvements may also be funded 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.

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. The Commission is to make recommendations to the City Council with respect to establishment of the SSMID. Further, the Commission is directed 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 discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

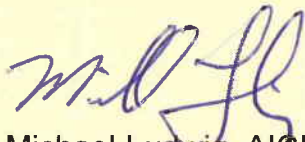
There was no one in the audience to speak in favor or in opposition.

COMMISSION ACTION

CJ Stephens moved staff recommendation to approve the evaluative report and establishment of the proposed Beaver Avenue Self-Supported Municipal Improvement District (SSMID)

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

cc: File

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

Property owners adjoining Beaver Avenue within the Proposed District have submitted a petition to the City Council to establish the Beaver 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 Beaver Avenue within the Proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signage, 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, 2013 and possible renewal for subsequent five (5) year periods in accordance with the following schedule:

<u>Fiscal Years</u> <u>of Levy</u>	<u>Max. levy per thousand dollars</u> <u>taxable value</u>
2012/13 to 2016/17	1.75
2017/18 and later	2.00

The City anticipates that a Beaver 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 Beavertown Betterment Coalition and will receive technical assistance from 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: "Beaver Avenue Self-Supported Municipal Improvement District."
 - c. The property in the District is comprised of properties adjoining the Beaver

Avenue right-of-way and the property within the District is zoned C-2, General Retail and Highway-Oriented Commercial and NPC, Neighborhood Pedestrian Commercial District. The current uses and intended future uses of the property in the District include a variety of retail shopping and office uses. The Des Moines 2020 Community Character Plan designates Beaver 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 more than 25% of the owners of taxable properties within the District. As of August 24, 2012, the petition has been signed by 43.8% of the owners of taxable property in the district (7 of 16). The signatures also represent ownership of property with an assessed value of more than 25% of the assessed value of all taxable property in the District. As of August 24, 2012, the signatures represent property ownership with an assessed value of 35.2% of the total assessed value for taxable property in the District (\$2.189M of \$6.201M).
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, 2013 and possible renewal for subsequent five (5) year periods in accordance with the following schedule:

<u>Fiscal Years of Levy</u>	<u>Max. levy per thousand dollars taxable value</u>
2012/13 to 2016/17	1.75
2017/18 and later	2.00

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 Beaver Avenue within the proposed District consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signage, 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 2012/13 through 2016/17, the proposed maximum Capital Improvement and Operation Tax levy of \$1.75/\$1000 of taxable assessed value will generate revenues of approximately \$10,678.50 annually. In fiscal years 2017/18 and beyond the proposed maximum Capital Improvement and Operation Tax levy of \$2.00/\$1000 of taxable assessed value will generate revenues of approximately \$12,204.00 annually. The actual levy will be set annually by the City Council after receiving a recommendation from the Beaver 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 "Beaver 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 Beaver 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 for November 5, 2012.

Beaverdale SSMID Map

