

.....
Date November 4, 2013

**RESOLUTION CLOSING PUBLIC HEARING ON PETITION TO ESTABLISH THE
BEVERDALE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT AND
APPROVING SAME**

WHEREAS, on September 23, 2013 by Roll Call No. 13-1495, the City Council received a petition to Establish the Beaverdale Self-Supported Municipal Improvement District ("SSMID") for the purpose of funding the installation and maintenance of improved sidewalks, curbs, crosswalks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements along a portion of Beaver Avenue and Urbandale Avenue within the district shown on the map attached hereto as Exhibit "A.1" and having the boundaries identified in Exhibit "B" attached hereto; and,

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

WHEREAS, the City Plan and Zoning Commission considered the proposed Beaverdale SSMID project and improvements at a public hearing on October 3, 2013, and the City Council received the final report and recommendations of the Commission on October 7, 2013, by Roll Call No. 13-1563; and

WHEREAS, on October 7, 2013, by Roll Call No. 13-1562, it was duly resolved by the City Council that the Petition to Establish the Beaverdale Self-Supported Municipal Improvement District be set for public hearing on November 4, 2013; and

WHEREAS, notice of said hearing was published as provided by law in the Des Moines Register on October 25, 2013, as provided by law, setting forth the time and place for hearing on said Petition; and

WHEREAS, notice of said hearing was also given by mailing of certified mail on October 16, 2013, 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; and

WHEREAS, in accordance with said notices those interested in the Petition, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council;

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Date November 4, 2013

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

1. The City Council hereby make the following findings regarding the sufficiency of the Petition to Establish the Beaverdale Self-Supported Municipal Improvement District:
 - a. The Petition contains the signatures of at least 25% of all owners of property within the District which together represent ownership of property with an assessed value of at least 25% of all property in the District.
 - b. The Petition contains a sufficient description of the boundaries of the District as set out in the attached Exhibit "B".
 - c. The District, described in the Petition, is comprised of contiguous property wholly within the boundaries of the City and is property that is zoned for commercial use.
 - d. The Petition identifies the name of the District as the "Beaverdale Self-Supported Municipal Improvement District".
 - e. The District, described in the Petition, is comprised of property that is similarly related so that the present and potential use or enjoyment of the property in the District is benefited by the condition, development, operation and maintenance of the improvements of the District and the owners of property in the District have a present and potential benefit from the condition, development, operation and maintenance of the improvements of the District
 - f. The Petition identifies that, in addition to al other taxes, the capital improvement and operation tax levy which may be imposed upon property within the District to fund the installation, operation, and maintenance of the proposed improvements shall not exceed the maximum rate per thousand dollars of taxable value of the Property in any one fiscal year specified by the table below:

<u>Fiscal Years of Levy</u>	<u>Maximum Levy per Thousand Dollars of Taxable Value</u>
2014/15 to 2020/21	1.75
2021/22 and later	2.00

- g. The Petition identifies the improvements to be installed, operated and maintained in the District shall consist of the acquisition, construction, installation, operation

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Date November 4, 2013

and maintenance within the public rights-of-way of Beaver Avenue and Urbandale Avenue within the District of improved sidewalks, curbs, cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements.

- h. The Petition identifies that the taxes levied for the District shall be used to fund the installation, operation and maintenance of the improvements for a period of fifteen (15) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2014, and that the City of Des Moines may renew the levy for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within the District or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the District, is filed with the City Clerk at least six months prior to the expiration of the current period.
2. The City Council hereby determines that the establishment of the Beaverdale Self-Supported Municipal Improvement District and the installation, operation and maintenance of the improvements in accordance with the stated purposes of the District is consistent with and does not conflict with the Des Moines 2020 Community Character Land Use Plan, applicable zoning ordinances, and other applicable land use policies and goals.
3. The City Council hereby determines that the establishment of the Beaverdale Self-Supported Municipal Improvement District and the installation, operation and maintenance of the improvements within the District is feasible and would provide substantial benefit to the District and the entire City.
4. The City Council hereby determines that it shall proceed with establishment of the Beaverdale Self-Supported Municipal Improvement District and the Legal Department is hereby authorized and directed to prepare an ordinance establishing the Beaverdale Self-Supported Municipal Improvement District as proposed in the Petition for consideration by the City Council at the expiration of the thirty (30) day waiting period required by Iowa Code 386.3(6).



Roll Call Number

Agenda Item Number

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Date November 4, 2013

(Council Communication No. 13-537)

MOVED by _____ to adopt.

FORM APPROVED:



Lawrence McDowell
Deputy City Attorney

NOTE: Iowa Code Section 386.3(6) provides that the City must wait at least 30 days after this hearing before it may adopt an ordinance creating the District. Six affirmative votes will be required to adopt that ordinance. Iowa Code Section 386.3(7).

Exhibits:

- “A” – Petition to Establish the Beaverdale SSMID
- “1” – Map of the District
- “2” – List of Property within the District
- “B” – Boundary Description

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

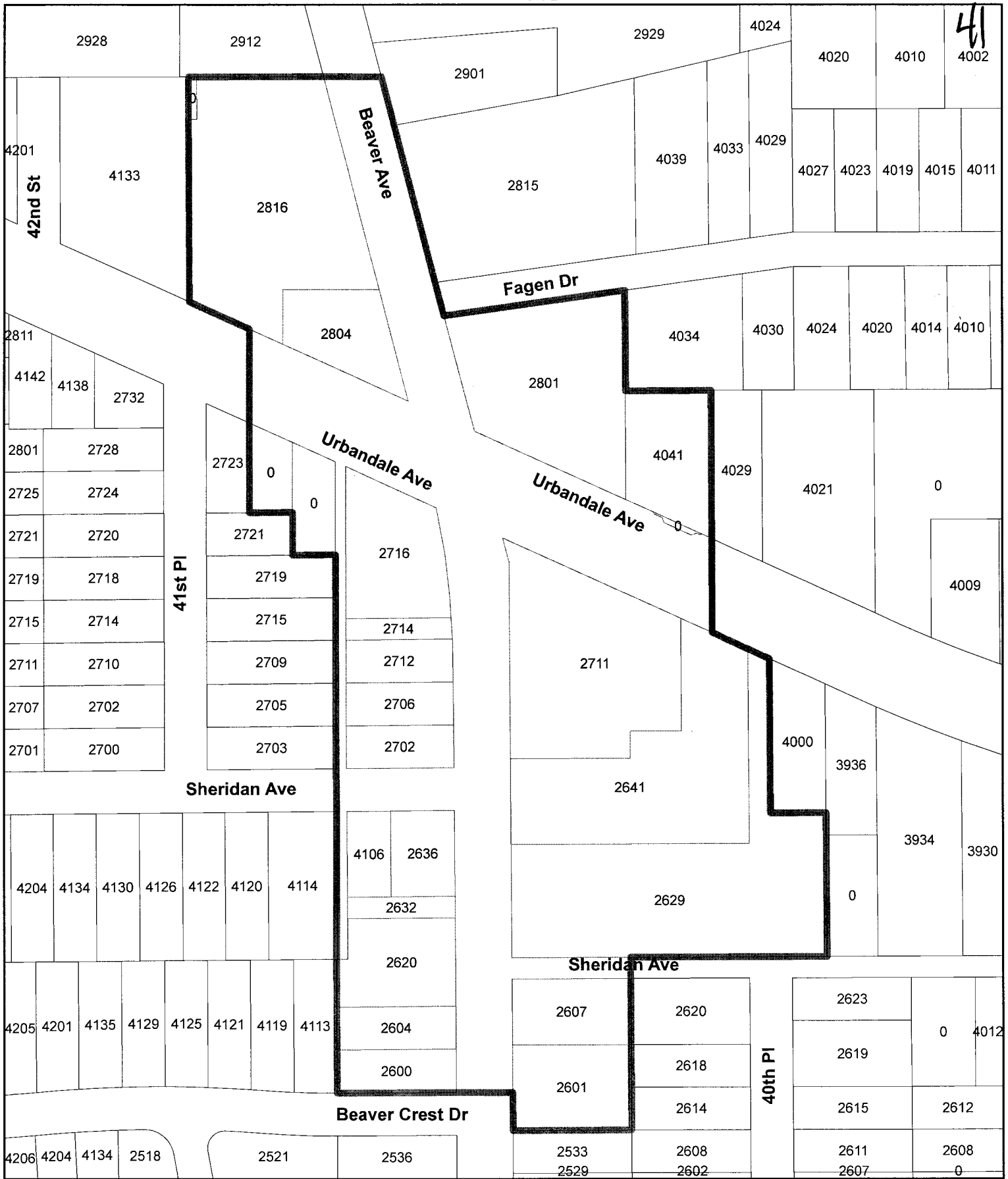
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

Mayor

City Clerk

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**Beaverdale SSMID
Boundary Map**
August 27, 2013



Property Address/Parcel Number	Mailing Address	Owner	Business
2716 Beaver Ave	520 WALNUT ST, STE 120, DES MOINES, IA 50309-4119	US Bank	US Bank
7924-29-306-003	520 WALNUT ST, STE 120, DES MOINES, IA 50309-4119	US Bank	US Bank (Parking)
7924-29-306-002	2800 E LAKE ST, MINNEAPOLIS, MN 55406-1930	US Bank	US Bank (Parking)
2714 Beaver Ave	2714 Beaver Ave, Des Moines, IA 50310	David Kouri	Uptempo Music
2712 Beaver Ave	6900 WESTOWN PKWY, WEST DES MOINES, IA 50266-2520	2712 Beaver LLC	Tally's
2706 Beaver Ave	1063 44 HWY, GUTHRIE CENTER, IA 50115	Judith & Robert Klever	Farrell's
2702 Beaver Ave	2702 Beaver Ave, Des Moines, IA 50310-3990	James Wornson	Back Country
4106 Sheridan Ave	4106 Sheridan Ave, Des Moines, IA 50310	John Essy	4-unit Apartment
2632 Beaver Ave	2628 Beaver Ave, Des Moines, IA 50310-3908	Dr James Hartzell	Vision Clinic
2636 Beaver Ave	2628 Beaver Ave, Des Moines, IA 50310-3908	Dr James Hartzell	Vision Clinic
2620 Beaver Ave	2620 Beaver Ave, Des Moines, IA 50310-3961	AIM Investments LC	AIM Kitchen & Bath
2604 Beaver Ave	1723 25th St, Galveston, TX, 77550	Linda Howell Waldren Trust	Davis Insurance
2600 Beaver Ave	4320 Sheridan Ave, Des Moines, IA 50310-3447	Kathleen Teas	Hair Salon
2601 Beaver Ave	475 S 50th St, Ste 750, West Des Moines, IA 50265-6966	Wayne Graham Family LLC	The Backroom
2607 Beaver Ave	2607 Beaver Ave, Des Moines, IA 50310-3909	Frank Lee	Rice Bowl
2629 Beaver Ave	3422 Beaver Ave, Des Moines, IA 50310-3241	Boesen Land Co LLC	Beaverdale Center
2641 Beaver Ave	2400 86th St, Ste 24, Des Moines, IA 50322-4306	Vista Development Corp	Beaverdale Place
2711 Beaver Ave	2400 86th St, Ste 24, Des Moines, IA 50322-4306	Vista Development Corp	ACE Hardware
4041 Urbandale Ave	2400 86th St, Ste 24, Des Moines, IA 50322-4306	Vista Development Corp	Saints
2801 Beaver Ave	2822 Patricia Dr, Urbandale, IA 50322-4242	Eight Ways LLC	First American Bank
2804 Beaver Ave	2816 Beaver Ave, Des Moines, IA 50310-4038	Christophers Inc	Medicap
2816 Beaver Ave	2816 Beaver Ave, Des Moines, IA 50310-4038	Christophers Inc	Christopher's

October 4, 2013

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 October 3, 2013, the following action was taken regarding the Beaverdale Self-Supported Municipal Improvement District (SSMID).

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley	X			
Jann Freed	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of the evaluative report and establishment of the proposed Beaverdale 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 Beaverdale 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 Beaverdale 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 - 1861
(515) 283-4182

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).

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in favor or in opposition of the applicant's request.

COMMISSION ACTION

Greg Jones moved staff recommendation for approval of the evaluative report and establishment of the proposed Beaverdale Self-Supported Municipal Improvement District (SSMID).

Motion passed 13-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw

cc: File

Evaluation of Petition to Establish the "Beaverdale 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 maximum levy of taxes for collection in the fiscal year beginning July 1, 2014 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>
2014/15 to 2020/21	1.75
2021/22 and later	2.00

The City anticipates that a Beaverdale 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 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(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: "Beaverdale 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 properties within the District. As of September 23, 2013, the petition has been signed by 43.8% of the owners of 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 property in the District. As of September 23, 2013, the signatures represent property ownership with an assessed value of 59.5% of the total assessed value for property in the District (\$4.212M of \$7.083M).
- 3. The petition sufficiently describes the boundaries of the District. It includes a consolidated list of all properties within the proposed District.
- 4. The petition states that the property owners agree to an annual maximum 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, 2014 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>
2014/15 to 2020/21	1.75
2021/22 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" defined in Chapter 386 within the public rights-of-way of Beaver Avenue and Urbandale Avenue and 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 and any and all actions and improvements are intended to benefit the property within the district.
- 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 Chapter 386) 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 2014/15 through 2020/21, the proposed maximum Capital Improvement and Operation Tax levy of \$1.75/\$1000 of assessed value will generate revenues of approximately \$12,395.25 annually based on assessed values as of September 2013. In fiscal years 2021/22 and beyond the proposed maximum Capital Improvement and Operation Tax levy of \$2.00/\$1000 of assessed value will generate revenues of approximately \$14,166.00 annually based on assessed values as of September 2013. The actual levy will be set annually by the City Council after receiving a recommendation from the Beaverdale SSMID Board.

Proceeds from the SSMID Capital Improvement and Operation Fund will be combined with proceeds from other 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 "Beaverdale 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 Beaverdale SSMID has merit and is feasible. The Commission forwards this report to City Council and the City Council may set the date of public hearing for establishment of the District for November 4, 2013.