

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	November 5, 2012
	Agenda Item No.	41
	Roll Call No.	<u>12-1736</u>
	Communication No.	<u>12-560</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Closing the public hearing and withdrawing consideration of establishing the Beaverville Self-Supported Municipal Improvement District (SSMID)

SYNOPSIS:

This action closes the public hearing and withdraws from City Council consideration the matter of creating the Beaverville Self-Supporting Municipal Improvement District.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Iowa Code Section 386.3 indicates that upon receipt of a petition containing the signatures of at least 40% of the property owners within a proposed SSMID objecting to the establishment of the municipal improvement district, the matter of City Council consideration of a SSMID shall be withdrawn.

A petition, entitled "Petition (and Remonstrance) Objecting to the Establishment of the Beaverville Self-Supporting Municipal Improvement District," was submitted to the City Clerk. This petition has been signed by property owners within the proposed district, and represents more than 40% of the property owners within the district.

In the opinion of the Legal Department, the sufficiency of the petitions in support and in opposition to the Beaverville Self-Supported Municipal Improvement District ("SSMID") must be determined based upon the signatures contained in the petitions as filed. Once a sufficient petition is filed to establish the SSMID, the City obtains jurisdiction to consider the creation of the SSMID. That jurisdiction is not lost by the subsequent withdrawal of any of the signatures in support of the Petition.

Similarly, the City's jurisdiction to consider the SSMID is lost once a sufficient protest petition has been filed. Once a sufficient protest petition is filed, the City cannot regain jurisdiction by the subsequent withdrawal of any of the signatures in opposition to the petition.

PREVIOUS COUNCIL ACTION(S):

Date: October 8, 2012

Roll Call Number: 12-1563

Action: On petition to Establish the Beavertdale Self-Supporting Municipal Improvement District (SSMID) (11-15-2012). (Council Communication no. 15-531) Moved by Hensley to adopt. Motion carried 7-0.

Date: August 27, 2012

Roll Call Number: 12-1385

Action: Receipt of petitions to establish a Beavertdale Self-Supporting Municipal Improvement District (SSMID). Moved by Coleman to receive, file, and refer to the City Plan and Zoning commission for petitions to establish a Beavertdale Self-Supporting Municipal Improvement District (SSMID). Motion carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 20, 2012

Resolution Number: N/A

Action: The Plan and Zoning Commission approved the evaluative report and recommended approval of the Beavertdale SSMID.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

No further action on this item is anticipated. In the event that a new petition is received requesting establishment of a SSMID, the process begins anew.

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