

Date February 9, 2009

An Ordinance entitled, "AN ORDINANCE continuing the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa; and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith",

which was considered and voted upon under Roll Call No. 09-124 of January 26, 2009; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	January 26, 2009
	Agenda Item No. 51 39 Roll Call No. 09-124 Communication No. 09-049 Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

First consideration of an Ordinance to continue the Downtown Self-Supported Municipal Improvement District (SSMID).

SYNOPSIS:

Recommend approval to find that the Petition and the proposed Downtown SMMID satisfies the applicable requirements imposed by Chapter 386, Code of Iowa. It is further recommended that the City Council approve an Ordinance to continue the existing Downtown SMMID as described in the petition.

FISCAL IMPACT:

Amount: Approximately \$2,125,444 of SSMID revenue annually based upon a total non-residential assessed value within the SSMID boundary of \$1,062,721,770 and maximum assessment of \$2.00 per \$1,000 of valuation. Current rate is \$1.00 per \$1,000 of valuation.

Funding Source: FY08-09 Operating Budget, SP862 SSMID, FIN 95700: SSMID-Downtown page154. The source of funding is from the non-residential assessed value within the SSMID. No General Fund money is contributed and therefore does not affect the City's tax rate.

ADDITIONAL INFORMATION:

On October 13, 2008 the City Council received, filed and referred the petition to continue the existing Downtown Des Moines SSMID to the City Plan and Zoning Commission for preparation of an evaluative report and recommendations. The Plan and Zoning Commission's evaluative report and recommendations were received and filed by the City Council on November 10, 2008.

Pursuant to Roll Call 08-1965, the City Council set a public hearing for December 8, 2008 regarding a petition to continue the existing Downtown Des Moines Self-Supported Municipal Improvement District for an additional 5-years beginning July 1, 2009. Notice of the hearing was published in the Des Moines Register on November 26, 2008, and a copy of such notice was mailed by certified mail on November 20, 2008, to all the owners of record of real property located within the existing District as shown by the records of the Polk County Auditor.

The stated purposes of the SSMID are:

- Enhanced maintenance and cleaning of public spaces within the district including but not limited to sidewalk sweeping and power wash cleaning, graffiti removal, snow removal, etc.

- Services to enhance the safety of persons and property within the district including the “Goodwill Ambassador” program.
- Development and management activities in support of marketing, business retention and attraction.
- Capital, physical or other improvements designed to enhance the image and appearance of the District including but not limited to streetscape and lighting improvements, seasonal and holiday decorations, signage and banners, installation of seasonal plant materials and trees, etc.
- Improvement of the skywalk system, including actions related to maintenance, cleaning and security.

The petition specifies a tax levy rate not to exceed \$2.00 per thousand dollars of taxable valuation and excludes residentially assessed properties.

On December 8, 2008, the City Council conducted the noticed hearing and received public input regarding the petition for the SSMID. A 30-day waiting period, as required by statute before consideration on an Ordinance to renew the SSMID, has transpired.

PREVIOUS COUNCIL ACTION(S):

Date: December 8, 2008

Roll Call Number: 08-2149

Action: On petition to continue the Downtown Self-Supported Municipal Improvement District (SSMID). (Council Communication No. 08-717) Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 10, 2008

Roll Call Number: 08-1964 and 08-1965

Action: Items regarding the Downtown Self-Supported Municipal Improvement District (SSMID):

(A) Receive and file an evaluative report from the Plan and Zoning Commission. Moved by Mahaffey to receive and file. Motion Carried 5-2.

(B) Setting date of Hearing on petition to continue the SSMID, (12-8-08). (Council Communication No. 08-689) Moved by Mahaffey to adopt. Motion Carried 5-2.

Date: October 13, 2008

Roll Call Number: 08-1807

Action: Receipt of petition to continue the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for an additional five years beginning July 2009 pursuant to Iowa Code Chapter 386. (Council Communication No. 08-621) Moved by Coleman to receive, file and refer to the City Plan and Zoning Commission for preparation of an evaluative report on the merit and feasibility on continuation of the Downtown Des Moines SSMID Project and to make recommendations with respect to continuation of the Downtown Des Moines SSMID Project to be received by the City Council for the November 10, 2008 regular City Council meeting. Motion Carried 6-1. Absent: Cownie.

BOARD/COMMISSION ACTION(S):

Date: November 6, 2008

Action: Plan and Zoning Commission recommended approval of the petition and evaluative report by a vote of 11-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

First reading of an Ordinance to renew the SSMID is anticipated on January 26, 2009; second reading is anticipated on February 9, 2009 and final consideration is anticipated on February 23, 2009.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

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Prepared by: Lawrence R. McDowell, 400 Robert D. Ray Dr., Des Moines, IA 50309 (515) 283-4543

ORDINANCE NO. _____

AN ORDINANCE continuing the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa; and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith.

WHEREAS, the City of Des Moines is authorized by Chapter 386, Code of Iowa (the "Act") to create a self-supported municipal improvement district in the City, to provide for the existence and operation of such district, to provide for improvements or self-liquidating improvements for such district, and to levy taxes with respect to such district, all as more specifically defined in the Act; and,

WHEREAS, Ordinance No. 13,579 passed by the City Council on February 23, 1998 established the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the establishment of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 13,913 passed by the City Council on January 22, 2001, continued the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the continuation of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 14,311 passed by the City Council on January 26, 2004 continued and expanded the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the

Act and provided for the continuation of the operation fund and the levy of an annual tax in connection therewith until June 30, 2009; and

WHEREAS, Ordinance No. 14,540 passed by the City Council on February 6, 2006 expanded the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for the continued levy of an annual operation tax on property in the expanded District; and

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to continue the Downtown Des Moines Self-Supported Municipal Improvement District (the "District"), to continue an operation fund with respect to the District, and to levy an annual tax for such fund, all for the purposes of paying the administrative expenses of the District or paying part or all of the maintenance expenses of improvements or self-liquidating improvements with respect to the District; and,

WHEREAS, the Petition is in all ways in complete compliance with the provisions of the Act; and,

WHEREAS, on October 13, 2008, by Roll Call No. 08-1807, the City Council received the Petition and referred it to the City Plan and Zoning Commission for review in accordance with the Act; and,

WHEREAS, on November 10, 2008, by Roll Call No. 08-1964 the City Council received the report of the City Plan and Zoning Commission on the merit and feasibility of the District; and,

WHEREAS, on November 10, 2008 by Roll Call No. 08-1965, the City Council scheduled a public hearing for December 8, 2008, at 5:00 P.M., at which it proposed to take action for the continuation of the District, and did direct that notice of such hearing be given in accordance with the Act; and,

WHEREAS, notice of the hearing was published in the Des Moines Register on November 26, 2008, and a copy of such notice was mailed by certified mail on November 20, 2008, to all the owners of record of real property located within the District as shown by the records of the Polk County Auditor, in satisfaction of the notice requirements of the Act; and,

WHEREAS, at the aforementioned time and place, the City Council did meet and hear all owners of property in the District

and residents of the City desiring to express their views with respect to the continuation of the District; and,

WHEREAS, by Resolution and Roll Call No. 08-____ adopted December 8, 2008, the City Council closed the public hearing on the continuation of the District and found that the Petition and the District satisfied the applicable requirements imposed by the Act; and,

WHEREAS, more than thirty days has now passed since the public hearing on the continuation of the District was closed, and no petition has been filed with the City Clerk opposing the continuation of the District; NOW THEREFORE,

BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa:

Sec. 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof the self-supported municipal improvement district as defined in the Act, named the "Downtown Des Moines Self-Supported Municipal Improvement District" (the "District") established and created in the City of Des Moines pursuant to Ordinance No. 13,579, continued pursuant to Ordinance No. 13,913, continued and expanded pursuant to Ordinance No. 14,311 and further expanded pursuant to Ordinance No. 14,540 is hereby further continued in accordance with the general terms of the Petition.

Sec. 2. The District shall include all property within the following described boundaries:

Beginning at the intersection of the centerline of 7th Street and the centerline of Center Street, being 33.0 feet North and 33.0 feet West of the Northwest corner of Lot 10, Block R, Grimmell's Addition, an Official Plat; thence North along the northerly extension and the centerline of 7th Street to the intersection of the centerline of School Street said centerline being 33.0 feet North of the South right-of-way line of School Street; thence East along the centerline of School Street and its easterly extension to the West Bank of the Des Moines River; and intersecting with the South right-of-way line of I-235 and the intersection of West River Drive (Park Road) and being on the West Bank of the Des Moines River; thence East along the South right-of-way line of I-235 to the intersection of the centerline of Pennsylvania Avenue; thence South along the centerline of Pennsylvania Avenue and its southerly extension to the intersection of the centerline of East Locust Street; thence West along the centerline of East Locust Street to the intersection of the northerly extension of the centerline of East 7th Street; thence South along the northerly extension of the centerline of East 7th Street and its centerline; and the centerline of Southeast 7th Street to the

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intersection of the centerline of Allen Street; thence West along the centerline of Allen Street and it's westerly extension to the West Bank of the Des Moines River and the North Bank of the Raccoon River; thence westerly along the North Bank of the Raccoon River to intersection of the North Bank of the Raccoon River and the centerline of Fleur Drive; thence northeasterly along the centerline of Fleur Drive to the centerline of 18th Street South of Grand Avenue; thence northerly along the centerline of 18th Street to the intersection with the centerline of 18th Street North of Grand Avenue; thence North along the centerline of 18th Street and its northerly extension to the intersection of the centerline of Ingersoll Avenue; thence East along the centerline of Ingersoll Avenue to the intersection of the southerly extension of the centerline of 15th Street; thence North along the southerly extension of the centerline of 15th Street and its centerline and its northerly extension to the intersection of the centerline of Woodland Avenue; thence East along the centerline of Woodland Avenue and its easterly extension to the intersection of the centerline of 10th Street; thence North along the centerline of 10th Street and its centerline and the northerly extension of 10th Street to the centerline of Methodist Drive; thence northerly and westerly along the centerline of Methodist Drive to the intersection of the southerly extension of centerline of 12th Street; thence North along the southerly extension of the centerline of 12th Street and its centerline and its northerly extension to the centerline of Keosauqua Way; thence southeasterly along the centerline of Keosauqua Way to the intersection of the westerly extension of the centerline of Park Street; thence East along westerly extension of the centerline of Park Street and along the centerline of Park Street and its easterly extension to the intersection of the centerline of 7th Street; thence North along the centerline of 7th Street and its northerly extension to the point of beginning. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 3. It is hereby found and determined that all of the property within the District is similarly related so that the present and potential use or enjoyment of the property is benefitted by the condition, performance of administration, redevelopment, revitalization and maintenance of the District and 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.

Sec. 4. Pursuant to the provisions of the Act, the self-supported municipal improvement district operation fund with respect to the District known as the "Downtown Des Moines Self-Supported Municipal Improvement District Operation Fund" (herein the "Operation Fund") established and created pursuant to Ordinance 13,579, continued pursuant to Ordinance No. 13,913, and continued pursuant to Ordinance No. 14,311 until June 30, 2009, is hereby further continued, for which the City may certify taxes (the "Operation Tax") against the property, as

defined in the Act (excluding property assessed as residential property for property tax purposes), within the District (the "Property") each year, in addition to all other taxes, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2009 and continuing for four (4) additional years for the purposes of paying the administrative expenses of the District, as defined and authorized in the Act or paying part or all of the maintenance expenses of "improvements" or "self-liquidating improvements", as defined in the Act for a period of five (5) years.

Sec. 5. The City may continue to disburse the amounts collected in the Operation Fund, in accordance with the recommendations made to the City Council by the Downtown Des Moines Self-Supported Municipal Improvement District, an Iowa nonprofit corporation, for one or more of the following purposes:

- a) Enhanced maintenance and cleaning of public spaces;
- b) Services to enhance the safety of persons and property, including a "Goodwill Ambassador" program;
- c) Development and management of activities for marketing, business retention and attraction;
- d) Capital or physical improvements; and
- e) Improvement of skywalk system, including maintenance, cleaning and security.

Sec. 6. The rate of the Operation Tax to be levied annually, in addition to all other taxes, as aforesaid, shall not exceed a rate of two dollars (\$2.00) per thousand dollars of taxable value of the Property.

Sec. 7. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which shall be given effect without such invalid part or parts.

Sec. 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 9. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance to be recorded in the

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Office of the Polk County Recorder, and a copy thereof to be filed with the Polk County Auditor.

FORM APPROVED:



Lawrence R. McDowell
Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 09-_____), passed by the City Council of said City at a meeting held _____, 2009, signed by the Mayor on _____, 2009, and published as provided by law in the Business Record on _____, 2009. Authorized by Publication Order No. _____.

Diane Rauh, City Clerk