

★ Roll Call Number

Agenda Item Number

69

October 13, 2008

Date

Petition to continue the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) pursuant to Iowa Code Chapter 386.

(Petition Attached)

Moved by _____ 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.

(Council Communication No. 08-621)

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHARFEY				
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



October 1, 2008

Mike Ludwig
City of Des Moines
Community Development - Planning & Urban Design
602 Robert D. Ray Drive
Des Moines, Iowa 50309

Dear Mike:

Enclosed are the Self Supported Municipal Improvement District (SSMID) petitions for continuation of the SSMID in downtown Des Moines. There are no boundary changes since the Des Moines City Council adopted the last expansion in 2006 (map enclosed). We have met the specific criteria in the Iowa Code for the continuation.

Mary Lawyer and I are available to the City Council and staff to discuss any specific questions or issues that arise. As always, it is a pleasure to work with you and your office on maintaining a safe, clean and beautiful downtown Des Moines.

Sincerely,

Matt McCoy
Vice President of Community Development
Downtown Community Alliance

Email Cc Letter and Map:
Rick Clark
Larry McDowell

PETITION TO CONTINUE THE DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 386, CODE OF IOWA

We, the undersigned, being at least 25 per cent of all owners of property within the Downtown Des Moines Self-Supported Municipal Improvement District (the "District"), and being owners of property within the District having an assessed value of at least 25 per cent of the assessed value of all the property in the District, hereby petition the City Council of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the Code of Iowa (the "Act"), as follows:

1. To continue the Downtown Self-Supported Municipal Improvement District in the City of Des Moines, Polk County, Iowa, as follows:

(a) The name of the District shall continue to be the "Downtown Des Moines Self-Supported Municipal Improvement District"

(b) The purposes of the District shall be the undertaking of actions and the design and construction of any and all improvements authorized by the Act and the performance of administration, redevelopment, and revitalization of the District, as authorized by the Act, any and all of which actions and improvements are intended to benefit the property within the District,

(c) Exhibit A shows a description of the boundaries of the District.

2. To continue an operation fund with respect to the District to be known as the "Downtown Des Moines Self-Supported Municipal Improvement District Operation Fund" (the "Operation Fund"), and levy an annual tax (the "Operation Tax") upon the property, as defined in the Act (excluding property assessed as residential property for property tax purposes) within the District (the "Property") for the purposes of: (a) paying the administrative expenses of the District, as defined and authorized in the Act, or (b) paying part or all of the maintenance expenses of "improvements" or "self-liquidating improvements" as defined in the Act, with respect to the District, for a period of 5 years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2009, and continuing for 4 additional years; at a rate not to exceed \$2.00 per thousand dollars of taxable valuation.

3. To continue to disburse annually all amounts collected in the Operation Fund to Operation Downtown, to be used for one or more of the following purposes, at such times, in such amounts and under such conditions as shall be recommended to the City Council by Operation Downtown:

a. Enhanced maintenance and cleaning of public spaces within the District, including:

Sidewalk sweeping and power wash cleaning
Cleaning public alleys and developed public spaces, including, but not limited to, Nollen Plaza, Gateway East and West, M.L. King Parkway, Riverwalk and areas surrounding the Science Center
Graffiti removal
Snow removal
Street and curb cleaning
Maintenance of trees and seasonal plantings

b. Services to enhance the safety of persons and property within the District, including establishment of a "Goodwill Ambassador" program to provide uniformed and unarmed civilians on downtown streets who can provide public information, hospitality service, assistance to persons within the District and cleaning service.

c. Development and management of activities in support of marketing, business retention and attraction, including:

- Conduct market analyses, business retention surveys and image surveys
- Establish databases
- Business counseling
- Space referrals and assistance
- Business-to-business communications program
- Business marketing materials
- Miscellaneous business support services
- Marketing activities, including media and advertising campaigns and communication pieces (calendar of events, newsletters, shopping directories, maps, holiday brochures)
- Establishment and promotion of special events, festivals, and holiday activities in public spaces
- Transportation programs

d. Capital, physical or other improvements designed to enhance the image and appearance of the District, including:

- Streetscape and lighting improvements
- Seasonal and holiday decorations
- Signage and banners
- Installation of seasonal plant materials and trees
- Such other improvements as may be petitioned for by the owners of property within the District under the Act
- Transportation infrastructure

e. Improvement of skywalk system, including actions related to maintenance, cleaning and security.

4. To continue the operating agreement between the City of Des Moines and Operation Downtown with respect to managing and undertaking the services, improvements and activities described in this Petition and in the annual budget for such services, improvements and activities, and to appropriate funds held from time to time in the Operation Fund to Operation Downtown for those purposes.

5. To require Operation Downtown, as a condition to the disbursement of funds from the Operations Fund, to submit to the Des Moines City Council, no later than December 1 of each year, a budget showing, in general terms, proposed expenditures of such funds for the fiscal year beginning on the next July 1.

6. It is the intent of this Petition that all taxes levied and collected on behalf of the District shall be expended for new, additional or enhanced services implemented within the District after the District was established, and that the City shall not diminish the type and extent of governmental services described in this Petition that existed at the time the District was established, with the intention of transferring the cost of providing such services from the City budget to the Operation Fund.

7. It is the further intent of this Petition that, notwithstanding the fact that the District is located within the boundaries of Tax Increment Finance Districts which have been created by the City, an amount of funds which would be derived from the annual levy of the Operation Tax against property within the District if the District were not located within such Tax Increment Finance Districts shall be made available annually for the services, improvements and activities set out in this Petition, and that the City should take all actions necessary to accomplish this purpose, including, if necessary, allocation to these services, improvements and activities of a portion of the incremental property taxes which are attributable to properties within the District, but only to the extent permitted by applicable law. In furtherance of the foregoing, the undersigned petitioners hereby represent and warrant to the City Council that the continuation of the District and the undertaking of the services, improvements and activities described herein are considered essential to the petitioners' efforts to create new jobs and income in the City of Des Moines and to retain jobs and income in the City that would otherwise be lost.

8. It is the further intent of this Petition that the City take no action which would make it impossible or illegal for Operation Downtown to receive voluntary contributions from tax exempt properties within the District or from any other properties which may benefit from or contract for services from Operation Downtown.

I am an officer of the Company/Companies listed below, and, by virtue of the authority delegated to me by the Board of Directors of the Company/Companies, its Bylaws, or its Articles of Incorporation, I am authorized to execute the Petition To Continue the Downtown Des Moines Self-Supported Municipal Improvement District for and on behalf of the Company/Companies and to affix the corporate seal, if any, of the Company/Companies thereto.

IN WITNESS WHEREOF, I have hereunto set my official signature this _____ day of _____, 2008, and I declare that this signature shall be considered to be my signature on said Petition.

Signature

Printed Name

COMPANY NAME (AS LISTED WITH THE POLK COUNTY ASSESSOR) DISTRICT PARCEL # PROPERTY ADDRESS ASSESSED VALUE
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COMPANY NAME (AS LISTED WITH THE POLK COUNTY ASSESSOR) DISTRICT PARCEL # PROPERTY ADDRESS ASSESSED VALUE
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EXHIBIT A

DESCRIPTION OF BOUNDARIES OF DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

Beginning at the intersection of the centerline of 7th Street and Park Street, said point being approximately 33 feet north and 33 feet west of the northwest corner of Lot 10 Block R Grimmels Add; thence north along the centerline of 7th Street to the centerline of School Street; thence east along the centerline of School Street and the extension of said centerline to Penn Avenue; thence south to the centerline of East Locust Street; thence east along the centerline of East Locust Street to the centerline of East 7th Street; thence south along East 7th Street to the centerline of Allen Street. West to the west bank of the Des Moines River and north bank of the Raccoon River. Follow along the north side of the Raccoon River bank. Continuing along the northern bank of Raccoon River as it curves north. Along the eastern bank as the Raccoon River turns north. Extending directly up an imaginary line to 18th Street. North on 18th Street. East on Ingersoll Avenue. North on 15th Street. East on Woodland Avenue to the centerline of 10th Street; thence north and northwest along the centerline of 10th Street and the extension of 10th Street as Methodist Drive to the centerline of 12th Street; thence north along the centerline of 12th Street to the centerline of Keosauqua Way; thence southeast along the centerline of Keosauqua Way to the extension of the centerline of Park Street; thence east along the centerline of Park Street to the centerline of 7th Street, the point and place of the beginning.