

November 10, 2008

Date

RESOLUTION SETTING PUBLIC HEARING ON PETITION TO CONTINUE THE
DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, on February 23, 1998, the City Council passed Ordinance No. 13,579 which established the Downtown Des Moines Self-Supported Municipal Improvement District ("SSMID") pursuant to the provisions of Chapter 386, Code of Iowa and which provided for the establishment of an Operation Fund and the levy of an annual tax in connection therewith; and

WHEREAS, on January 22, 2001, the City Council passed Ordinance No. 13,913 to continue the Downtown Des Moines SSMID, Operation Fund and levy to June 30, 2004; and

WHEREAS, on January 26, 2004, the City Council passed Ordinance No. 14,311 to continue and expand the Downtown Des Moines SSMID and continue the Operation Fund and levy until June 30, 2009; and

WHEREAS, on February 6, 2006, the City Council passed Ordinance No. 14,540 to expand the Downtown Des Moines SSMID; and

WHEREAS, on October 13, 2008, by Roll Call No. 08-1807, the City Council received a petition to continue the Downtown Des Moines SSMID 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 was referred to the City Plan and Zoning Commission for preparation of an evaluative report for the Council 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 as required by Iowa Code Chapter 386; and

WHEREAS, the City Plan and Zoning Commission considered the continuation of the Downtown Des Moines SSMID project on November 6, 2008 and has submitted its final report and recommendation to the City Council; and

WHEREAS, Iowa Code Chapter 386 provides that upon receipt of the final report of the Plan and Zoning Commission the Council shall set a time and place for a hearing upon the Petition and shall cause proper notice to be given; and

WHEREAS, the City Engineering Department has prepared a more detailed legal description of the SSMID District boundaries set forth in the petition which legal description conforms to the description detail of the current SSMID district boundaries.

November 10, 2008

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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 consider the Petition to continue the Downtown Des Moines Self-Supported Municipal Improvement District. That the meeting of the City Council at which said proposal is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on December 8, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.

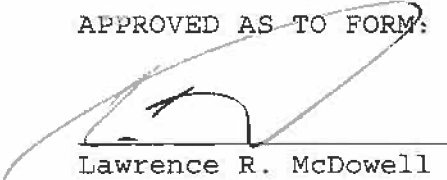
2. That notice of said proposal shall be given by publication once, not less than four nor more than 20 days before the date of hearing, all as specified in Sections 386.3(4) and 362.3 of the Iowa Code.

3. That notice of said proposal shall also be given by mailing notice by certified mail not less than 15 days before the hearing to each owner of property within the 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.

4. The notice referred to above shall be in the form attached hereto as Exhibit "A", which contains that information required by Section 386.3(5).

Moved by _____ to adopt.

APPROVED AS TO FORM:


Lawrence R. McDowell
Deputy City Attorney

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COUNCIL ACTION	YEAS	NAVS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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

MOTION CARRIED APPROVED

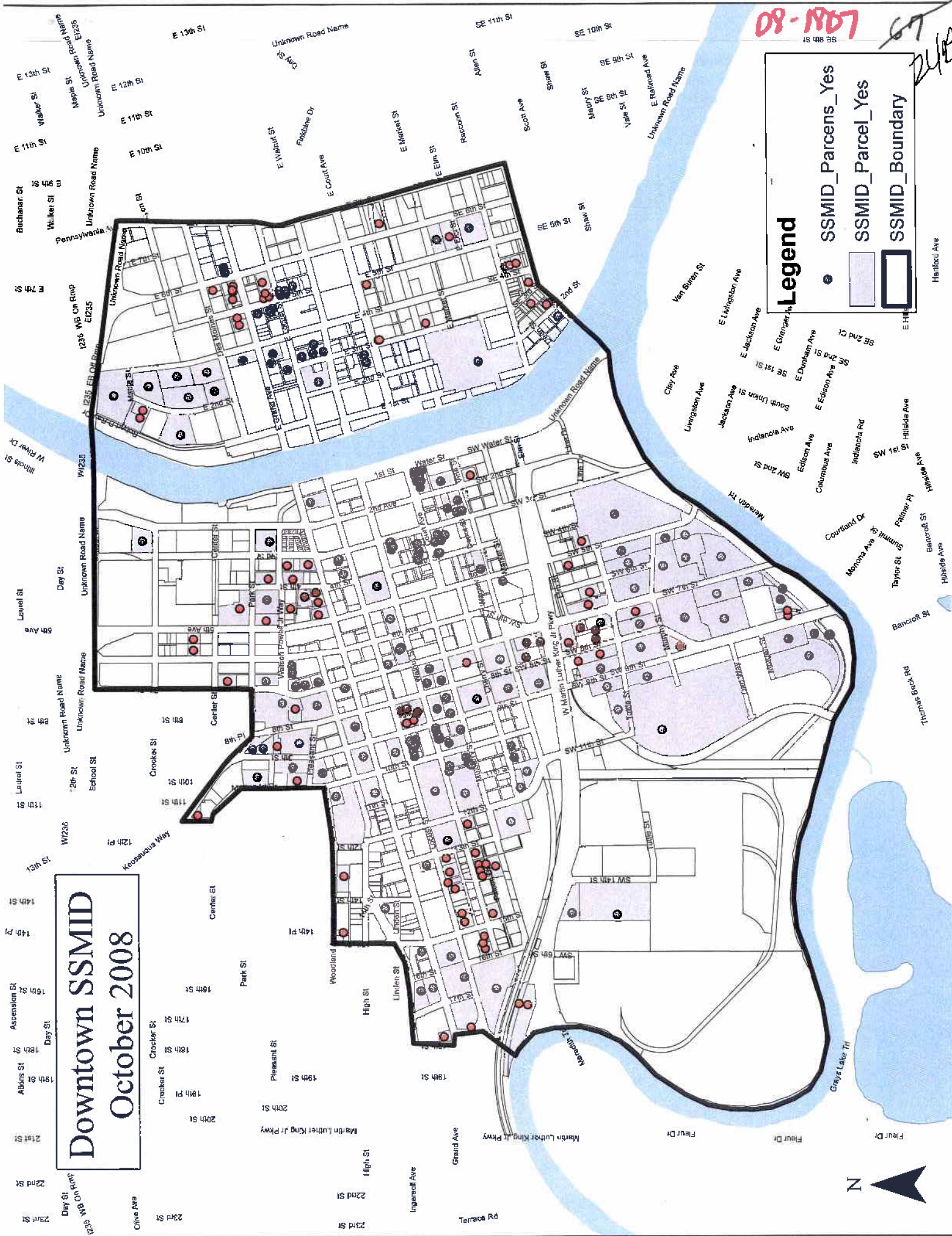
Mayor

08-1907 67 248

Legend

- SSMID_Parcens_Yes
- SSMID_Parcels_Yes
- SSMID_Boundary

**Downtown SSMID
October 2008**



★ Roll Call Number

08-1807

Agenda Item Number

24B
67

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 Coloman 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	✓			
MAHAFFEY	✓			
MEYER	✓			
VLAŠIS	✓			
TOTAL	6			1

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.

MOTION CARRIED APPROVED
T. M. Franklin Cownie
Mayor

Diane Rauh City Clerk



**Council
Communication**
Office of the City Manager

Date | October 13, 2008

Agenda Item No. ~~67~~
Roll Call No. 08-ND7
Communication No. 08-621
Submitted by: Larry Hulse, CD Director

24B

AGENDA HEADING:

Petition to continue the existing Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for an additional 5-years beginning July 1, 2009 pursuant to Chapter 386 of the Iowa Code.

SYNOPSIS:

Staff recommends City Council receive, file and refer the petition to the City Planning and Zoning Commission for preparation of an evaluative report on the merit and feasibility of continuing the existing Downtown Des Moines SSMID District and Operation Fund for an additional five years. The evaluative report is to be received by the City Council at the November 10, 2008 regular City Council meeting. The petition specifies a tax levy rate not to exceed \$2.00 per thousand dollars of taxable valuation and excludes residentially assessed properties.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

On October 1, 2008, the City Clerk received a petition to continue the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to Chapter 386 of the Iowa Code (see attached). 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.

Pursuant to Iowa Code Section 386.3(3), "the City Council shall notify the city planning commission upon receipt of a petition. It shall be the duty of the city planning commission to make recommendations to the council in regard to the proposed district. The city planning commission shall, with due diligence, prepare an evaluative report for the council on the merit and feasibility of the project. The Council shall not hold its public hearings or take further action on the establishment of the district until it has received the report of the city planning commission. In addition to its report, the commission may, from time to time, recommend to the council amendments and changes relating to the project."

Staff has placed the proposed continuance of the existing Downtown Des Moines SSMID on the agenda for the November 6, 2008 Plan and Zoning Commission meeting. It is anticipated that the evaluative report and recommendations of the Plan and Zoning Commission will be forwarded to the City Council for the November 10, 2008 regular meeting.

Percentages of support and/or opposition will be presented in the evaluative report from the Plan and Zoning Commission.

PREVIOUS COUNCIL ACTION(S):

Date: February 6, 2006

Roll Call Number: 06-284 and 06-285

Action: Alternate Two – The noticed boundary less any properties located north of Ingersoll Avenue and west of 15th Street, (generally properties located within the boundary of the existing Sherman Hill Neighborhood Plan). Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. (Council Communication No. 06-057) Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14.540. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Receive and file evaluative report from the Plan and Zoning Commission; set date of public hearing for consideration of the SSMID; hold public hearing and 3 readings of an ordinance to continue to the Downtown Des Moines SSMID.

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.