



Date August 22, 2016

RESOLUTION CLOSING HEARING ON PETITION TO ESTABLISH
THE ROOSEVELT CULTURAL DISTRICT SELF-SUPPORTED
MUNICIPAL IMPROVEMENT DISTRICT AND APPROVING SAME

WHEREAS, on June 27, 2016, by Roll Call No. 16-1061 the City Council received a Petition to Establish the Roosevelt Cultural District Self-Supported Municipal Improvement District for the purpose of providing the Improvements and Services identified below within the district shown on the map attached hereto as Exhibit "1", and more specifically described in the attached Exhibit "2"; and,

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

WHEREAS, on July 25, 2016, by Roll Call No. 16-1201, the City Council received the final report and recommendation of the Plan and Zoning Commission which identified that the Commission considered the merit and feasibility of the proposed project and improvements at a public hearing on July 7, 2016, and voted 11-0 in support of a motion to recommend approval of the evaluative report and the proposed Roosevelt Cultural District Self-Supported Municipal Improvement District; and,

WHEREAS, on July 25, 2016, by Roll Call No. 16-1200, it was duly resolved by the City Council that the Petition to Establish the Roosevelt Cultural District Self-Supported Municipal Improvement District be set down for public hearing on August 22, 2016, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, notice of said hearing was published in the Des Moines Register on August 3, 2016, 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 notice by certified mail on August 4, 2016, to each owner of property 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 opportunity to be heard with respect thereto and have presented their views to the City Council; NOW THEREFORE,

Date August 22, 2016

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

1. The City Council hereby makes the following findings regarding the sufficiency of the Petition to Establish the Roosevelt Cultural District Self-Supported Municipal Improvement District:
 - a) The Petition identifies the name of the proposed district as the "Roosevelt Cultural District Self-Supported Municipal Improvement District" (herein referred to as the "District").
 - b) 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 25% or more of all property in the District.
 - c) The Petition contains a consolidated description of the District, which District is comprised of contiguous property wholly within the boundaries of the City of Des Moines zoned for commercial use.
 - d) The Petition identifies that the purpose of the District is to provide the following Improvements and Services within the District:

The proposed Improvements:

- i) The acquisition, construction, installation, and repair within the public rights-of-way of 42nd Street within the District of streetscape improvements consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements.
- ii) Capital, physical or other improvements designed to enhance the image and appearance of the District, including:
 - Signage and banners;
 - Seasonal and holiday decorations;
 - Street furnishings such as benches, litter receptacles, planters, and bus shelters;
 - Murals and public art;
 - Public plaza(s) and gateway features; and,
 - Installation of trees and plant materials.

The proposed Services:

- i) The operation and maintenance of the Improvements identified above.
- ii) Enhanced maintenance of public spaces, including:
 - Trash and litter removal in developed public spaces;
 - Removal of illegal graffiti, signs and stickers from public spaces and improvements; and,



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- Maintenance of trees and landscape plantings.
- iii) Activities in support of marketing, business retention and attraction, including:
 - Business-to-business communications programs;
 - Business district marketing materials and activities;
 - Marketing activities, including media and advertising campaigns and communication pieces (calendar of events, newsletters, shopping directories, maps, holiday brochures); and,
 - Miscellaneous business support services;
 - Establishment and promotion of special events, festivals, and holiday activities in public spaces.
- e) The Petition identifies that the tax which may be imposed upon property within the District to fund the proposed Improvements and Services shall not exceed the amount per thousand dollars (\$1,000) of taxable value of the Property in any one year specified by the table below, in addition to all other taxes:

<u>Fiscal Years</u> <u>of Levy</u>	<u>Levy per \$1000 of</u> <u>taxable value</u>
2017/18 through 2022/23	\$1.75
2023/24 and later	\$2.25

- f) The Petition identifies that the taxes levied for the District shall be used to fund the provision of the Improvements and Services for a period of ten (10) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2017, 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 6 months prior to the expiration of the current period.
2. The City Council further finds that the provision of the Improvements and Services within the District is feasible and would provide substantial benefit to each property within the District.
 3. The Legal Department is hereby authorized and directed to prepare an Ordinance establishing the Roosevelt Cultural District 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

57

Date August 22, 2016

(Council Communication No. 16-475)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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



July 12, 2016

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 July 7, 2016, the following action was taken regarding the establishment of the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID) for operation and maintenance of the identified improvements.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the evaluative report and establishment of the proposed Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID).

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RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the evaluative report and establishment of the proposed SW 9th Corridor Self-Supported Municipal Improvement District (SSMID).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

Property owners adjoining 42nd Street from Center Street to Crocker Street have submitted a petition to the City Council seeking to establish the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID). The purpose of the SSMID is intended to serve the administration and provision of services within the district, including:

- Enhanced maintenance of public spaces.
- Capital, physical, and other improvements designed to enhance the appearance of the District.
- Development and management of activities in support of marketing, business retention and attraction.

The SSMID also allows for the acquisition, construction, installation, operation and maintenance of “improvements” within the public rights-of-way of 42nd Street 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).

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of the evaluative report and establishment of the proposed Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID).

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Evaluation of Petition to Establish the "Roosevelt Cultural District Self-Supported Municipal Improvement District" and Recommendation to City Council

Property owners adjoining 42nd Street within the Proposed District have submitted a petition to the City Council to establish the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID). The petition states that the purpose of the SSMID is:

To undertake the administration and provision of the following services within the District:

- 1) To provide the following improvements (hereinafter collectively referred to as the "Improvements"):
 - a) The acquisition, construction, installation, and repair within the public rights-of-way of 42nd Street within the District of streetscape improvements consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements.
 - b) Capital, physical or other improvements designed to enhance the image and appearance of the District, including:
 - Signage and banners;
 - Seasonal and holiday decorations;
 - Street furnishings such as benches, litter receptacles, planters, and bus shelters;
 - Murals and public art;
 - Public plaza(s) and gateway features; and,
 - Installation of trees and plant materials.
- 2) To provide the following services (hereinafter collectively referred to as the "Services"):
 - a) The operation and maintenance of the Improvements identified above.
 - b) Enhanced maintenance of public spaces, including:
 - Trash and litter removal in developed public spaces;
 - Removal of illegal graffiti, signs and stickers from public spaces and improvements; and,
 - Maintenance of trees and landscape plantings.
 - c) Activities in support of marketing, business retention and attraction, including:
 - Business-to-business communications programs;
 - Business district marketing materials and activities;
 - Marketing activities, including media and advertising campaigns and communication pieces (calendar of events, newsletters, shopping directories, maps, holiday brochures); and,
 - Miscellaneous business support services;
 - Establishment and promotion of special events, festivals, and holiday activities in public spaces.
- 3) To provide for the payment (or reimbursement of the City with respect thereto) for all or part of the costs incurred in connection with:
 - The provision of the Services and Improvements as described above;
 - The administrative expenses for the provision of the Services and Improvements; and
 - Any other expenses reasonably incurred in fulfilling the purposes of the District.

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 ten (10) years commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2017 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>
2017/18 to 2022/23	\$ 1.75
2023/24 and later	\$2.25

The City anticipates that a Roosevelt Cultural District 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 the Roosevelt Cultural District nonprofit 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 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: "Roosevelt Cultural District Self-Supported Municipal Improvement District."
 - c. The property in the District is comprised of properties adjoining the 42nd Street right-of-way and the property within the District is zoned a mixture of uses: C-1, Neighborhood Retail Commercial; NPC, Neighborhood Pedestrian Commercial District; and PUD, Planned Unit Development.
 - d. The current and intended future uses of the property in the District include retail shopping, entertainment, and office uses. Plan DSM recommends that 42nd Street be designated a Community Mixed Use area, that includes a mix of medium- and high-density residential with retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods. 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 taxable properties within the District. As of June 30, 2016, the petition has been signed by 50% of the owners of taxable property in the district (4 of 8 owners). The signatures also represent ownership of property with an assessed value of more than the required 25% of the assessed value of all taxable property in the District. As of June 30, 2016, the signatures represent property ownership with an assessed value of 89.6% of the total assessed value for taxable property in the District (\$5.89M of \$6.58M).
3. The petition sufficiently describes the boundaries of the District. It includes a boundary map and legal description of all properties within the proposed District.
4. 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 ten (10) years commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2017 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>
2017/18 to 2022/23	\$ 1.75
2023/24 and later	\$2.25

5. The petition states that the purpose of the SSMID is undertake the administration and provision of services within the district, including: Enhanced maintenance of public spaces; Capital, physical, and other improvements designed to enhance the appearance of the District; Development and management of activities in support of marketing, business retention and attraction, and property improvement;
6. The petition also allows the SSMID to undertake the acquisition, construction, installation, operation and maintenance of "improvements" within the public rights-of-way of 42nd Street 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.
7. The petition states that proceeds of the Capital Improvement and Operation Fund 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 Act) 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.

8. The activities identified in the purposes of the SSMID further the objectives of Plan DSM by focusing beautification efforts and encouraging redevelopment along corridors and within identified neighborhood and community nodes.

Feasibility of the Project

In fiscal years 2017/18 through 2022/23, the proposed maximum Capital Improvement and Operation Tax levy of \$1.75/\$1000 of taxable assessed value will generate revenues of approximately \$5,700.00 annually. It is anticipated that as a tax exempt property the Des Moines Community Playhouse will agree to an annual payment in lieu of taxes (PILOT). That annual contribution has yet to be determined but will increase the annual revenue collected by the SSMID. The actual levy will be set annually by the City Council after receiving a recommendation from the Roosevelt Cultural District SSMID Board.

The SSMID Capital Improvement and Operation Fund may be combined with 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 "Roosevelt Cultural District 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 Roosevelt Cultural District SSMID has merit and is feasible. The Commission forwards this report to City Council to set the date of public hearing for establishment of the District for July 25, 2016.

**Exhibit #1:
Roosevelt Cultural District
SSMID Map**

California Dr

43rd St

R-2

R-2

School St

C-1

Crocker St

R-4

42nd St

41st St

R1-60

Chamberlain Ave

NPC

Rollins Ave

40th PI

PUD

Legend



 RCD SSMID Boundary

 Zoning Districts

 Parcels

R1-80

Center St

1235-WB-On Rmp

1235-WB-Off Rmp

WI235 Hwy

WI235 Hwy
35-EB-On Rmp