

## **PROCEDURES FOR CONSIDERATION OF DEVELOPMENT PROPOSALS**

This document details the procedures that the Tax Increment Financing Commission of the City of St. Joseph, Missouri ("Commission") will utilize in considering development proposals contemplating the use of tax increment financing (TIF). It also delineates the duties and responsibilities of an applicant respecting the content and timing of applications to the Commission; the payment of costs of application review, evaluation and consideration and, if applicable, on-going project administration costs incurred by the Commission or the City; the preparation of redevelopment plans; the coordination with the Commission and other taxing districts that levy taxes on land included within the area covered by the application; and the presentation of testimony before the Commission with regard to the approval of applications contemplating the use of tax increment financing. The Commission and/or the City, in their discretion, reserve the right to modify or waive, on a case-by-case basis, any of the procedures set forth herein, provided that all of the requirements set forth in 99.800 et seq. R.S.Mo. are met.

### **I. Preapplication**

1. An applicant shall submit a preapplication for all proposals for development contemplating the use of tax increment financing to the Planning and Community Services Director ("Director") of the City of St. Joseph, Missouri ("City").
2. The preapplication shall not exceed five (5) pages, but shall include, at a minimum:
  - a. A narrative description of the proposed development;
  - b. Estimated project costs and proposed funding sources, including commitments for funding;
  - c. The current assessed value of the property to be developed and the estimated assessed value of the property at the completion of development;
  - d. A narrative describing how the condition of the property justifies the use of TIF, specifying how the condition of the property fulfills the statutory criteria for a finding that the property is blighted, or that the property constitutes a conservation or economic development area; and
  - e. A narrative describing how the proposed development furthers the goals, policies and objectives of the City's Comprehensive Plan.
3. The Director shall perform a preliminary review of the preapplication and either schedule a meeting with the applicant to discuss the preapplication or provide the applicant with written comments on the preapplication. The written comments shall be sent to the applicant, or a meeting scheduled with the applicant, within fifteen (15) calendar days of the Director's receipt of the preapplication.

4. After preliminary review of the preapplication by the Director and agreement between the Director and the applicant on the general nature of the preapplication, the Director shall secure the signature of the Mayor of the City, the Commission chairperson and the applicant on a funding agreement in the form attached hereto as Exhibit A. The funding agreement shall provide that the applicant must pay all costs of the Commission and the City directly or indirectly related to consideration of the preapplication and Application (see Section II below), and if the Application is approved by the City, on-going project administration costs, as such costs are incurred by the Commission or City. Such costs may include, but shall not be limited to Commission and City staff time; legal, planning, financial, appraisal/title service/survey and other reasonably necessary outside consultant fees; plan preparation/modification administrative fees; Commission meeting expense fees; development plan approval fees; request for proposal submission fees; and all direct expenses related thereto. The funding agreement shall further provide that such costs shall be reimbursed to the applicant from the TIF generated revenues only if the Application is approved by the City.
5. At the time of execution of the funding agreement, the applicant shall pay to the Commission an initial deposit from which expenses incurred by the Commission and/or the City respecting consideration of the Application and, if the project is approved by the City, on-going project administration costs shall be paid. The amount of the deposit shall be set forth in the funding agreement.

## **II.** **Application**

1. The applicant shall submit ten (10) copies of a Development Proposal Application ("Application") to the Director, utilizing the form attached hereto as Exhibit B.
2. Upon receipt of the Application, the Director shall review the Application to determine if it is complete. If the Application is incomplete, or if additional information is needed, the Director will notify the applicant in writing that the Application is not complete or that additional information is required for evaluation of the Application, identifying the specific items that are needed to complete or fully evaluate the Application.
3. Upon the determination of the Director that the Application is complete, and upon execution of the funding agreement by the applicant and payment of the Deposit provided for therein, the Director will coordinate the review of the Application by City staff and the Commission. The Director shall also determine whether the applicant or City staff shall prepare the redevelopment plan ("Plan") required by Section 99.810 R.S.Mo., and shall notify the applicant of such determination in writing. If the Director determines that the applicant shall prepare the Plan, the applicant shall meet with the Director to discuss the contents of the Plan. The Plan shall at a minimum meet the requirements of Section 99.810 R.S.Mo.; however, the Director, at such meeting or within five (5) days thereafter, shall advise the applicant of other documents, studies, drawings, renderings, and other types of information that shall be included in or submitted with the Plan. The Director may require that a professionally prepared blight study be prepared on behalf of the applicant.

4. The Application shall be reviewed by the City's Financial Services Department, Legal Department, Planning and Community Services Department, and Public Works and Transportation Department and, when deemed appropriate, by other City staff, members of the Commission, the City's financial advisor and the City's bond counsel. Staff review of the Application shall generally occur within thirty (30) days of the date the applicant pays the Deposit provided for in the funding agreement to the Commission. However, more or less time may be required for particular applications.
5. The Director shall forward to each member of the Commission a copy of an Application, with respect to which a funding agreement has been executed and the Deposit paid by the applicant and which is determined by the Director to be complete, consistent with all elements of the City's Comprehensive Plan (or the Director determines that it is appropriate for the City to consider an amendment to its Comprehensive Plan so that a finding of consistency can be made) and in conformance with the then current "Policy for the Consideration of Tax Increment Financing Applications" ("Policy"). The applicant shall be notified in writing of the date that the Application is forwarded to the Commission. If the Application is determined not to be in conformance with the current Policy, it may, in the Director's discretion, not be forwarded to the Commission. In such instance, the applicant shall be notified in writing of such determination by the Director.
6. The Commission may want to hold one or more study sessions on the Application before any public hearing on the Application is held. If so, the Chairperson of the Commission shall notify the Director of such desire and the Director shall schedule such study sessions as the Commission may request with the applicant.
7. If the applicant has been requested by the Director to prepare the Plan, the applicant shall submit ten (10) copies of the completed Plan to the Director no later than fifteen (15) days before the date set for the public hearing. If City staff prepares the Plan, the Director shall submit (10) copies of the Plan to the Commission and mail written notice of such submission to the applicant.
8. After preparation of the Plan, and prior to the public hearing, the applicant is encouraged to meet with each of the taxing districts with property in the area covered by the Plan to present the Application and the Plan and receive and respond to their comments.

### **III.**

#### **Consideration of Application by the Commission**

1. Not less than forty-five (45) days prior to the Commission's public hearing on the Application, the Commission shall give notice by mail of a public hearing on the Application and the Plan, as required by Section 99.830 (3) R.S.Mo., to all taxing districts from which taxable property is included in the redevelopment area, redevelopment project or Plan as detailed in the Application. The notice shall include an invitation to each taxing district to submit comments to the Commission concerning the subject matter of the public hearing prior to the date of the public hearing.

2. The Commission shall publish notice of the public hearing two (2) times, the first time shall not be more than thirty (30) days and the second time shall not be more than ten (10) days prior to the public hearing, in a newspaper of general circulation in the City.
3. The Commission shall mail notice of the public hearing to all persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the area included in or proposed for inclusion within the redevelopment area, and all persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land not included in or proposed for inclusion within the redevelopment area, but which are within one hundred eighty-five (185) feet of the area covered by the redevelopment plan, not less than ten (10) days before the public hearing.
4. On the date set in the notices, the Commission shall hold a public hearing on the Application, the designation of the redevelopment area, if required, the Plan and the redevelopment project. At the public hearing, the Chairperson shall introduce the applicant and the items under consideration. The applicant shall make a presentation respecting the items under consideration that shall be followed by a presentation by the Director and other City staff members, as deemed appropriate, on any matters related to the items under consideration that the Director and/or Chairperson determine are relevant. Public comments on the items under consideration shall then be received from those in attendance who wish to comment and all written comments from those not in attendance at the public hearing shall be read into the record of the public hearing, followed by a response from the applicant. The public hearing may, in the discretion of the Commission, be continued to a specified date, time and location. No additional notice of such continuance shall be required. At the conclusion of the public hearing, the Commission shall take the items being considered under advisement. At the conclusion of the Commission's discussion of the items being considered, the Commission may take action by resolution to recommend approval, conditional approval, or disapproval of such items, or may continue consideration of such item or items to a specified date, time and location for additional consideration; provided, however, that the Commission shall take action on all items under consideration within thirty (30) days of the completion of the public hearing.
5. Within ninety (90) days of the completion of the public hearing, the Commission shall make recommendations to the St. Joseph City Council concerning designation of the redevelopment area, if necessary, and the adoption of the Plan and the redevelopment project. The Commission's recommendation, immediately after it is made, shall be forwarded to the St. Joseph City Council by the Director.