

**BELTON, MISSOURI TAX INCREMENT FINANCING COMMISSION**  
**520 MAIN STREET, BELTON, MO**  
**AGENDA – December 4, 2013, 7:00 P.M.**

**I. CALL MEETING TO ORDER**

**II. ELECTION OF OFFICERS**

- A. Annual election of Commission officers. Current officers are: Fred Hastie, Chairman; Ron Brannon, Vice-Chairman; vacant, Treasurer; Dot Watkins, Secretary; Brad Foster, Assistant Secretary.
- B. Resolution 12-4-13-1 electing officers.

**III. ROLL CALL**

**IV. REVIEW AND APPROVAL OF AGENDA**

**V. APPROVE MINUTES FROM FEBRUARY 15, 2012 TIF COMMISSION MEETING**

**VI. CALL PUBLIC HEARING TO ORDER TO CONSIDER FIRST AMENDMENT TO Y BELTON PLAZA TIF PLAN**

**HEARING ITEMS:** The Commission will hear all protests, objections, comments and other evidence presented at the hearing

- A. Roll Call for Public Hearing
- B. Consideration of proposed First Amendment to the Y Belton Plaza TIF Plan
  - 1. Developer presentation
  - 2. City Staff Report (Brad Foster)
  - 3. Public Comments, if any

**VII. CLOSE PUBLIC HEARING**

(Do not close public hearing if the hearing is continued. If hearing is continued, must do so by motion, second and vote to a time, place and date certain)

*Action recommended:* STAFF RECOMMENDS THAT THE TIF COMMISSION ADOPT RESOLUTION NO. 12-4-13-2 RECOMMENDING TO THE CITY COUNCIL THAT THE FIRST AMENDMENT TO THE Y BELTON PLAZA TIF PLAN BE APPROVED AS PRESENTED

**VIII. OTHER BUSINESS**

**IX. ADJOURN**

**FEBRUARY 15, 2012  
MINUTES OF THE  
TAX INCREMENT FINANCING COMMISSION MEETING  
CITY HALL ANNEX, 520 MAIN STREET  
BELTON, MISSOURI**

Vice Chairman Ron Branan called the meeting to order at 7:02 p.m.

**When roll call was taken, Belton Tax Increment Financing (TIF) Commission Members present:** Vice Chairman Ron Branan; Commissioners Pete Peterson, Doug Thompson, David Martin, and Gary Mallory.

**Absent:** Chairman Fred Hastie;

**Members present from the Belton School District:** Jerry Miller and Kirby Hall

**Members present from Cass County:** Billie Pinkepank

**Staff members present:** Brad Foster, Assistant City Manager; Aaron March, TIF Attorney representing the City of Belton; and Dot Watkins, secretary. A quorum was present.

**Jerry Miller moved to approve the minutes of the September 14, 2011 TIF Commission Meeting.** Seconded by Pete Peterson. All members present voted Aye. Motion carried.

Vice Chairman Branan called the public hearing to order. This hearing is being held to hear all protests, objections, comments, and other evidence to consider the First Amended and Restated Southtowne Plaza TIF Plan.

For the record, roll call was taken of all the taxing jurisdictions.

**Belton TIF Commission members present:** Vice Chairman Ron Branan, Commissioners David Martin, Doug Thompson, Pete Peterson, and Gary Mallory. Absent: Chairman Fred Hastie.

**Members present from the Belton School District:** Jerry Miller and Kirby Hall. **Members present from Cass County:** Billie Pinkepank.

**Staff members present:** Brad Foster, Assistant City Manager; Aaron March, TIF Attorney representing the City of Belton; and Dot Watkins as recording secretary. A quorum was present.

Brad Foster, Assistant City Manager, gave the staff report on the First Amended and Restated Southtowne Plaza TIF Plan. Mr. Foster noted for the record that all the necessary notices have been mailed and/or published in the Cass County Democrat Missourian; public notices went out earlier by certified mail on December 29, 2011 to all the taxing bodies; public notices went out by certified mail to all property owners on January 5, 2012. The purpose of this hearing is for the TIF Commission to consider recommending to the City Council the approval or denial of the proposed First Amended and Restated Southtowne Plaza Tax Increment Financing Redevelopment Plan. It is generally located south of Y Highway, west of 71 Highway and consists of approximately 50 acres. Attached and made part of these minutes is a copy of the staff report.

**Scott Nuttleman, with Menard Inc., 5101 Menard Dr., Eau Claire, WI 54703** spoke in favor of the proposed TIF amendment. When Menard's starting looking for locations in the Kansas City metro area a location on the south side of the metro was a clear choice and this location at Y

Highway and 71 Highway was the best choice. This is one of four locations we are looking at in the metro area. This plan, which was previously approved, and the amendment before you are critical to make this the best site also a practical site for Menard's from a financial standpoint. Menard's appreciates the efforts of the city to make this happen. We think this is where we should be and want to be. Menard's brings to the table relatively large stores, 162,000 heated square feet, more of a large transaction generator, not a large traffic generator. For this reason the on-site plan shows not a large parking lot, we don't bring in lots and lots of cars, but generate a lot of sales. Menard's also brings in a lot of regional traffic. We will employ about 200 people. The plan is to open by early 2013.

Vice Chairman Branan asked of the 200 employees, about how many from this community. Mr. Nuttleman explained that there will be a few transfers, they typically bring in experience managers from other stores for new locations and give other employees the opportunity to transfer to this area. He said roughly approximately 175 people will be hired from the community and surrounding communities.

Discussion by the Commission: Gary Mallory asked if this does anything about the lake. Mr. Foster said it still makes it a 3<sup>rd</sup> tier project if the city moves forward with the lake. It still contemplates that as a possibility but no guarantee. Mr. Mallory asked if any of the funds generated by the TIF will be set aside to be used for the lake. Mr. Foster said yes it could be. Mr. Mallory then questioned why the city would not go ahead and bring the TIF project to conclusion and let that money go back the school district, water district, etc. Mr. Foster said because of the need for the lake for storm water detention versus letting it not develop that way and letting each individual parcel build their own on site detention, for it to be set aside forever. He continued saying the idea was that eventually we would have one single regional detention area, and those areas being set aside for retention could be reclaimed and used for development. Mr. Mallory suggested letting the city street department and city engineers build a levy.

Jerry Miller, Belton School District, asked, wasn't this road (Markey Parkway) included in the bond issue passed a year ago? Mr. Foster answered no that was for Y Highway. Mr. Mallory asked if 25% of the TIF fund would go for the city portion of Markey Parkway from Y to 58 Highway. Mr. Foster said the city already allocated money for widening Mullen from 58 south; it is still in the mix but not part of this project. The project set aside is just for widening Mullen Road from Hy-Vee across the tracks. There is a potential for the Regional TDD to go farther south from there. Aaron March, City Attorney, then explained the Regional TDD is in the process of being formed. The Board of Directors of that TDD will establish a budget. The county commission has two representatives on that board as does the city and the road district also has a member. Until that body meets as a governmental body and establishes its budget and its relationship with the city we are just guessing what it might do and negotiate with the city.

Kirby Hall, Belton School District, said the school district is in favor of this project. He then added the school district hopes down the road when TIF projects are considered that the city's portion percentage wise and the other taxing entities portions percentage wise would be identical, rather than the 50% going to the city and the 25% PILOTS going to the district. We would hope those numbers would be a minimum of 25% but would be consistent in the future. The school district would like to have their fair share down the road. For future reference the school district would like that to be taken into consideration.

Aaron March explained the resolution before the commission tonight approves the amended plan. Approval of the plan the first time requires a series of technical findings that the area is blighted, but for tax increment financing the project wouldn't happen, that there is no plan for gaming establishment. All those technical findings were previously made when the plan was originally adopted. Because we are simply refining the plan that had been approved it does not impact any of those findings.

Being no further input, Gary Mallory moved to close the public hearing at 7:26 p.m. It was seconded by Jerry Miller. When a vote was cast all members present voted aye. The public hearing was closed.

**RESOLUTION NO. 2-15-12-1: RESOLUTION OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON, MISSOURI, RECOMMENDING APPROVAL OF THE FIRST AMENDMENT TO THE SOUTHTOWNE PLAZA TAX INCREMENT FINANCING REDEVELOPMENT PLAN TO THE CITY COUNCIL OF BELTON, MISSOURI.** Presented by Jerry Miller, seconded by Kirby Hall. All members present voted Aye. Resolution passed.

Gary Mallory moved to **RECOMMEND DESIGNATION OF MENARD, INC. AS THE DEVELOPER TO IMPLEMENT REDEVELOPMENT PROJECTS 1 AND 2 OF THE FIRST AMENDED AND RESTATED SOUTHTOWNE PLAZA TIF PLAN.** Seconded by Kirby Hall. All members present voted Aye. Motion passed.


Gary Mallory moved to **RECOMMEND DESIGNATION OF HERMAN ENTERPRISES, LLC AS THE DEVELOPER TO IMPLEMENT REDEVELOPMENT PROJECT 3 OF THE FIRST AMENDED AND RESTATED SOUTHTOWNE PLAZA TIF PLAN.** Seconded by Kirby Hall. All members present voted Aye. Motion passed.

**RESOLUTION 2-15-12-2: A RESOLUTION TO APPROVE THE UPDATED COMMISSION HANDBOOK INCLUDING UPDATED BY-LAWS AND BIDDING POLICIES AND PROCEDURES.** Presented by Billie Pinkepank, Seconded by Jerry Miller. All members present voted Aye. Motion passed.

**OTHER BUSINESS:**

Brad Foster, Assistant City Manager, added that at the last meeting Mr. Mallory asked about TIF administration cost that the county may incur and was there a possibility of the city contributing toward their additional costs. Mr. Foster said after consulting with the city finance director, it was her opinion that the county should not receive any of the EATS or economic activity taxes because the city does all the calculations and billing. The county simply has to submit a check to the city for the amount they are billed, so all the administration costs are incurred by the city. As far as the PILOTS, they already have received an assessment and collection fee for the PILOTS and these fees are charged according to state statute and are sufficient to cover costs from the assessor and or collector.

David Martin moved to adjourn at 7:35 p.m. Seconded by Jerry Miller. All members present voted aye. Meeting adjourned.

  
\_\_\_\_\_  
Dot Watkins, Deputy City Clerk  
TIF Commission Secretary

RESOLUTION NO. 12-4-13-1

RESOLUTION OF THE TAX INCREMENT FINANCING COMMISSION OF BELTON,  
MISSOURI, ELECTING OFFICERS OF THE COMMISSION.

WHEREAS, the Tax Increment Financing Commission of Belton, Missouri ("Commission"), was created pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended ("Act"), and by Ordinance No. 95-2305 of the Board of Aldermen of Belton, Missouri adopted on May 5, 1995; and

WHEREAS, the Commission's By-Laws require that the Commission annually elect at its annual meeting a Chairman, Vice-Chairman, Treasurer, Secretary and Assistant Secretary. All officers except for the Secretary and Assistant Secretary must be commissioners appointed by the Mayor of the City of Belton; and

WHEREAS, the Commission desires to elect a Chairman, Vice-Chairman, Treasurer, Secretary and Assistant Secretary as its officers.

NOW, THEREFORE, BE IT RESOLVED by the Commission that:

Fred Hastie is elected Chairman.

Ron Brannon is elected Vice-Chairman.

\_\_\_\_\_ is elected Treasurer.

Dot Watkins is elected Secretary.

Brad Foster is elected Assistant Secretary.

Each of the above officers shall hold office until his or her successor has been duly elected and qualified, or until his or her resignation, death or removal.

Passed this 4<sup>th</sup> day of December, 2013.

\_\_\_\_\_  
Fred Hastie, Chairman

ATTEST:

\_\_\_\_\_  
Dot Watkins, Secretary

Approved as to form and legality

\_\_\_\_\_  
Rich Wood, Counsel to the Commission

**CITY OF BELTON, MISSOURI  
TAX INCREMENT FINANCING COMMISSION MEETING**

Date: Wednesday, December 4, 2013

Time: 7:00 P.M.

Place: Belton City Hall Annex, 520 Main Street, Belton, Mo

**STAFF REPORT  
FIRST AMENDED AND RESTATED Y BELTON PLAZA TAX INCREMENT  
FINANCING REDEVELOPMENT PLAN**

**1. Purpose**

The purpose of this hearing is for the TIF Commission to consider recommending to the City Council the approval or denial of the proposed First Amended and Restated ("First Amendment") Y Belton Plaza Tax Increment Financing Redevelopment Plan ("Original Plan").

**2. Public Notice**

In accordance with Section 99.830 of the Revised Statutes of Missouri, City staff prepared and delivered all required notices of this hearing. The public hearing was noticed to all taxing bodies via certified mail on October 18, 2013. The public hearing notices were published in The Cass County Democrat Missourian on November 8, 2013 and November 29, 2013. The public hearing notice was mailed to all property owners via certified mail on November 22, 2013.

**3. Redevelopment Area**

The Redevelopment Area consists of approximately 43 acres of property generally located at the northwest corner of Interstate 49 and 163<sup>rd</sup> Street.

**4. Background**

The Original Plan was adopted in September, 2007, calling for the construction of a warehouse club and retail within the Redevelopment Area, as well as the construction of infrastructure improvements related to this redevelopment, including the extension of Markey Parkway. The 2007 Plan established that 338,000 square feet of retail space would be constructed with 134,900 square feet being the national warehouse club facility. The total Redevelopment Project costs were to be \$63,196,593. Of this amount \$19,200,000 would have been TIF reimbursable which represents 30% of the total project costs. The City's adopted TIF policy recommends 15%.

**5. Proposed First Amendment**

As previously determined by the City, the Y-Belton Plaza Redevelopment Area is considered a Blighted Area under the Act. The purpose of this Amended Plan is to incentivize private investment in a key area of the City where development is not otherwise economically feasible because of significant blighting factors. Redevelopment will occur through two Redevelopment Projects in the two Redevelopment Project Areas.

Redevelopment Project 1 will include construction of the following improvements: a retail building with approximately 58,475 square feet of retail space, a retail building with

approximately 38,220 square feet of retail space, a restaurant building with approximately 4,374 square feet of space, a multi-tenant building with approximately 5,000 square feet of space, a hotel with approximately 80,000 square feet of space, other commercial uses permitted by the Comprehensive Plan in Redevelopment Project Area 1, and Public Improvements servicing such development.

Redevelopment Project 2 will include construction of the following improvements: a retail building or buildings with approximately 106,350 square feet of retail space, three restaurant buildings with approximately 23,000 combined square feet of space, other commercial uses permitted by the Comprehensive Plan in Redevelopment Project Area 2, and Public Improvements servicing such development.

The total square footage of commercial development in Phase 1 & 2 is 315,419.

A Community Improvement District (CID) will be formed for two primary reasons. The first is to impose a special assessment tax bill that will be imposed on all of the improvements in this site. This new revenue will then be used to help pay the TIF reimbursable expenses. The CID will also impose a 1% sales tax when the Belton Towne Center TDD 1% sales tax expires in 2029. Currently, the Y Belton Plaza site is part of the Belton Towne Center TDD district which also includes the Home Depot, Target, and Kohl's area. The TDD revenue generated will pay for road improvements associated with the extension of Markey Parkway and the eventual closing of QuikTrip Way adjacent to this site.

The total project cost to develop Redevelopment Project 1 and Redevelopment Project 2 is \$70,572,259. The City's adopted TIF policy states that TIF assistance should not exceed 15% of the total project costs. The amount of TIF assistance in this application to the extent possible is \$10,000,000 which represents 14.17% of the total project costs. There is an additional \$4,000,000 in public assistance associated with this project that will be funded from Transportation Development District (TDD) sales tax generated from the Belton Towne Center TDD tax and then the CID 1% sales tax after 2029.

The City's TIF policy states: "TIF applications for retail and service commercial projects should be limited to those projects that encourage an inflow of customers from outside the City or will provide services or fill retail markets that are currently unavailable or in short supply in the City". The first and primary tenant on this site is a sporting goods retailer that will occupy a building that is 58,475 square feet. This is a market that is not found in Belton to any degree with the closest similar retailer being in Lee's Summit, Leawood, Overland Park, or Olathe.

## **6. Recommendation.**

The staff recommends approval of the First Amendment to the Y Belton Plaza TIF Plan with the following conditions:

1. Markey Parkway shall be constructed of concrete with an appropriate aggregate material as stipulated in the City of Belton Design and Construction Manual. QuikTrip Way will not be closed until Markey Parkway is completed as depicted on the site plan. At the northern terminus of Markey Parkway, a temporary drive shall be installed to access the south parking area of the Quik and Tasty Distribution Center. The location and construction material of said drive will be coordinated between the developer and Quik and Tasty.
2. Markey Parkway roadway construction shall commence on or before Dec. 20, 2013, and shall be completed no later than March 15, 2013.



3. The second access to the Crossroads Methodist Church property shall commence during the construction of Markey Parkway as previously agreed to between Christie Development and the Church; and
4. The Markey Parkway road-way material and construction shall be designed in accordance with city standards at the direction and oversight of the City's Public Works Department for both temporary and permanent installations.

*ACTIONS RECOMMENDED:*

CLOSE THE PUBLIC HEARING.

RECOMMEND APPROVAL OF THE FIRST AMENDED AND RESTATED Y BELTON PLAZA TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND FORWARD TO CITY COUNCIL FOR APPROVAL BY ADOPTING RESOLUTION NO. 12-4-13-2 RECOMMENDING TO THE CITY COUNCIL THAT THE FIRST AMENDMENT BE APPROVED AS PRESENTED.

**RESOLUTION NO. 12-4-13-2**

**A RESOLUTION OF THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF BELTON, MISSOURI, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE FIRST AMENDED AND RESTATED Y-BELTON PLAZA TAX INCREMENT FINANCING PLAN, DESIGNATE Y BELTON, L.L.C. AS THE DEVELOPER FOR THE PLAN, AND TAKE RELATED ACTIONS TO IMPLEMENT THE PLAN.**

WHEREAS, the Tax Increment Financing Commission of Belton, Missouri (“**TIF Commission**”), has been duly formed by the City Council of the City of Belton, Missouri (“**City Council**”) pursuant to Section 99.820.2 of the Revised Statutes of Missouri (“**RSMo**”);

WHEREAS, on September 25, 2007, the City Council approved the Y-Belton Tax Increment Financing Redevelopment Plan (the “**Redevelopment Plan**”);

WHEREAS, the Redevelopment Area for the Redevelopment Plan, which contains approximately 43.36 acres, is generally located in Belton, Missouri, at the northwest intersection of US Highway 71 and Missouri Highway Y;

WHEREAS, the Amendment to the Redevelopment Plan (the “**Amendment**”), as prepared by Husch Blackwell LLP on behalf of Y Belton, L.L.C. (the “**Developer**”), generally proposes the following changes to the Redevelopment Plan for the Redevelopment Area: revises the scope of development; revises the project costs; revises the reimbursable project costs and the method of financing such costs; revises the TIF revenue projections; and contains other revisions that are consistent with these items;

WHEREAS, on October 18, 2013, the City mailed written notices of the scheduled TIF Commission public hearing to consider the Amendment to all taxing districts from which taxable property is included in the proposed Redevelopment Area, in compliance with Sections 99.825 and 99.830, RSMo;

WHEREAS, in accordance with the written procedures relating to bids and proposals for implementation of redevelopment projects as adopted by the City, the City, on November 8, 2013, published in the *Cass County Democrat-Missourian* a notice of request for proposals for the implementation of redevelopment projects for the TIF Plan, which provided reasonable opportunity for any person to submit proposals for redevelopment projects in compliance with Section 99.820.1(3), RSMo;

WHEREAS, on November 8, 2013, the City published notice in the *Cass County Democrat-Missourian* of the scheduled TIF Commission public hearing to consider the merits of the Amendment, in compliance with Section 99.830, RSMo;

WHEREAS, on November 15, 2013, the Amendment was filed with the City Clerk;

WHEREAS, on November 22, 2013, the City mailed written notices of the scheduled TIF Commission 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 Redevelopment Area, in compliance with Section 99.830, RSMo;

WHEREAS, on November 26, 2013, the City mailed written notices of revisions to the Amendment to all taxing districts from which taxable property is included in the proposed Redevelopment Area, in compliance with Sections 99.825 and 99.830, RSMo;

WHEREAS, on November 27, 2012, notice of the TIF Commission meeting at which the public hearing will be held for consideration of the TIF Plan was posted in compliance with the Missouri Sunshine Law, Sections 610.010 to 610.225, RSMo;

WHEREAS, on November 29, 2013, the City again published notice in the *Cass County Democrat-Missourian* of the scheduled TIF Commission public hearing to consider the merits of the Amendment, in compliance with Section 99.830, RSMo;

WHEREAS, a copy of the notice of the public hearing has been submitted to the Director of the Department of Economic Development, in compliance with Sections 99.825 and 99.830, RSMo;

NOW, THEREFORE, be it resolved by the Tax Increment Financing Commission for the City of Belton:

1. **Re-Affirmation of Prior Findings.** The TIF Commission recommends that the City Council by ordinance re-affirm the findings previously made by the Council pursuant to Section 99.810, RSMo, that (i) the Redevelopment Area as a whole has not been subject to growth and development through investment by private enterprise, (ii) the Redevelopment Area as a whole would not reasonably be anticipated to be developed without the adoption of tax increment financing, (iii) the Amendment conforms with the City's Comprehensive Plan, (iv) the Amendment contains estimated dates of completion of the redevelopment projects and estimated dates for the retirement of obligations incurred to finance redevelopment project costs, and said dates are not more than twenty-three (23) years from the adoption of an ordinance approving a redevelopment project within the Redevelopment Area, (v) a relocation assistance plan was developed for relocation assistance for businesses and residences, and (vi) the TIF Plan does not include the initial development or redevelopment of any gambling establishment.

2. **Findings.** A new cost-benefit analysis showing the economic impact of the Amendment on each taxing district and political subdivision within the Redevelopment Area if the project is built pursuant to the Amendment or is not built and evidence that the proposed project is financially feasible for the Developer to construct with TIF assistance has been provided to the City and the TIF Commission.

3. **Recommendations.** The TIF Commission recommends that the City Council take the following actions with respect to the Amendment:

A. Adopt an ordinance which re-affirms the findings set forth in Section 1 above and which makes the finding recommended in Section 2 above;

B. Approve the Amendment;

C. Designate the Redevelopment Area as a redevelopment area as provided in Section 99.805(12);

D. Designate the Redevelopment Project Areas and approve the Redevelopment Projects described in the Amendment;

E. Declare that Y Belton, L.L.C., is the developer for the Amendment;

F. Negotiate and enter into a contract with the Developer for implementation of the Amendment, which shall contain the following requirements:

(i) Markey Parkway shall be constructed of concrete with an appropriate aggregate material as stipulated in the City of Belton Design and Construction Manual. Quik Trip Way will not be closed until Markey Parkway is completed as depicted on the site plan. At

the northern terminus of Markey Parkway, a temporary drive shall be installed to access the south parking area of the Quik and Tasty Distribution Center. The location and construction material of said drive will be coordinanted between the Developer and Quik and Tasty;

(ii) Roadway construction shall commence on or before December 20, 2013, and shall be completed no later than March 15, 2013;

(iii) The second access to the Crossroads Methodist Church property shall be constructed during the construction of Markey Parkway as previously agreed to between the Developer and the Church;

(iv) The Markey Parkway roadway material and construction shall be designed in accordance with City standards at the direction and oversight of the City's Public Works Department for both temporary and permanent installations;

(v) To the extent possible, the maximum Reimbursable Project Costs of \$14,000,000 will be split \$4,000,000 from TDD eligible budget line items and \$10,000,000 from TIF eligible budget line items as shown in Exhibit 3 to the Amendment; and

G. Adopt an ordinance at the appropriate time to initiate tax increment financing in the redevelopment project areas within the Redevelopment Area.

APPROVED BY THE TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF BELTON THIS 4<sup>TH</sup> DAY OF DECEMBER, 2013.

By: \_\_\_\_\_  
Chair of the Tax Increment Financing  
Commission