

Subject: Fwd: Question/request for Mr. Grimm

From: Heather Cole <heather.cole@como.gov>

To: Andrew Beverley <andrew.beverley@columbiabancshares.com>, Andy Waters <awaters36@gmail.com>, Christine King <chking@cpsk12.org>, "Ernie Wren, III" <erniewren@gmail.com>, Heather Cole <Heather.Cole@como.gov>, Helen Wade <hwade@cpsk12.org>, Jeremy Root <Jar281@nyu.edu>, "John G. Clark" <jgclark@mchsi.com>, June Pitchford <jpitchford@boonecountymo.org>, Ken Pearson <Kmpearson11@gmail.com>, Lynn Cannon <LMCANNON@gocolumbiamo.com>, Maria Oropallo <maria.oropallo@gmail.com>, Martin Ghafoori <ghafoorim@stifel.com>, Melissa Carr <mcarr@dbrl.org>, Michael Kelly <michael.kelly@lssliving.org>, Nancy Thompson <Nancy.Thompson@como.gov>, Paul Cushing <pcushing@cpsk12.org>, "Tony St. Romaine" <Tony.St.Romaine@como.gov>

Time: Wednesday, October 18, 2017 9:50:11 AM GMT-06:00

Good morning,

Please see the communication below in response to a question by Mr. Clark. Mr. Clark's original questions are at the bottom & it goes up from there.

Thanks,

Heather Cole

Assistant to the City Manager
Vision Zero Program Manager
City of Columbia
701 E. Broadway - 2nd Floor
Columbia, MO 65201
Phone: [573.874.6338](tel:573.874.6338)
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From: Grimm, Mark (G&B) <MGRIMM@gilmorebell.com>

Date: Wed, Oct 18, 2017 at 8:22 AM

Subject: FW: Question/request for Mr. Grimm

To: Heather Cole <heather.cole@como.gov>

Cc: "Tony St. Romaine" <Tony.St.Romaine@como.gov>, Nancy Thompson <nancy.thompson@como.gov>

Section 99.820.4(2) of the TIF Act requires the Commission to “vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and . . . make recommendations to the governing body . . . concerning the adoption of . . . redevelopment plans and redevelopment projects and the designation of redevelopment areas.”

On the other hand, Section 99.810.1 of the TIF Act requires the Council (not the Commission) to make various findings (some of which are referenced in the emails from Mr. Clark and Mr. Wren). The Commission may, not is not obligated to, consider each of those items in addition to the attached resolution (which addresses the requirements of 99.820.4(2)).

If the Commission wishes to address the findings required to ultimately be made by the Council, the motions could be worded as follows:

1. I move that the TIF Commission find that the Redevelopment Area on the whole is a

“conservation area,” as defined in Section 99.805(3) of the Act.

2. I move that the TIF Commission find that the Redevelopment Area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing.
3. I move that the TIF Commission find that the Redevelopment Plan conforms to the comprehensive plan for the development of the municipality as a whole.
4. I move that the TIF Commission find that the estimated dates of completion of the Redevelopment Project and retirement of obligations incurred to finance redevelopment project costs have been stated in the Redevelopment Plan, and these dates are no more than 23 years from the adoption of the ordinance approving the Redevelopment Project.
5. I move that the TIF Commission find that a plan has been developed for relocation assistance for businesses and residences.
6. I move that the TIF Commission find that a cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared, which cost-benefit analysis shows the impact on the economy if the Redevelopment Project is not built and if the Redevelopment Project is built pursuant to the Redevelopment Plan, includes a fiscal impact study on every affected political subdivision, and includes sufficient information from the Developer for the TIF Commission to evaluate whether the Redevelopment Project as proposed is financially feasible.
7. I move that the TIF Commission find that the Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.
8. I move that the TIF Commission find that the Redevelopment Area includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed Redevelopment Project.

The attached resolution meets the requirements of state law. If the Commission wishes to consider and make a recommendation on the other findings, it should vote on the resolution after acting on the foregoing findings.

Mark

Mark D. Grimm | Gilmore & Bell, P.C.

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From: **Ernie Wren** <erniewren@gmail.com>
Date: Tue, Oct 17, 2017 at 2:46 PM
Subject: Re: Question/request for Mr. Grimm
To: Heather Cole <heather.cole@como.gov>, jgclark@socket.net

Heather,

I agree with John's request that there be three separate motions drafted. One each for "but for", "conservation area" and recommendation to the city council.

I believe this would provide clarity and transparency to the public and council regarding the TIF commission's determinations.

As per Robert's Rules of Order I would also request that each motion be made in the positive, for the TIF members to vote yes or no.

Thank You,

Ernie Wren

TIF Chair

On Tue, Oct 17, 2017 at 2:39 PM John G. Clark <jgclark@socket.net> wrote:

Ms. Cole,

I would like the Commission to vote on each of the required findings included in the Act, Sections 99.800 to 99.865 and in the applicable City resolutions.

Mr. Grimm,

1. Is it permissible for the Commission to vote on each of the required findings, separately and in order as they appear in the Act and applicable City resolutions, and, only then, on a resolution to approval or deny?
2. If not, why not?
3. If yes, would you please draft the necessary individual motions to approve or reject each finding separately and then a final resolution to approve or deny the application? Then, please send them to the Commission ASAP?
4. If yes, who has the authority to formally ask you to draft such motions and resolutions? And what would be the procedure for making that request?

All the best,

John G. Clark

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John G. Clark, JD, CPA

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RESOLUTION OF THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF COLUMBIA, MISSOURI, APPROVING THE BROADWAY HOTEL PHASE TWO REDEVELOPMENT PLAN; DESIGNATING A REDEVELOPMENT AREA; APPROVING A REDEVELOPMENT PROJECT; AND EXPRESSING ITS RECOMMENDATIONS TO THE CITY COUNCIL OF THE CITY OF COLUMBIA, MISSOURI.

WHEREAS, the City Council of the City of Columbia, Missouri, has created the Tax Increment Financing Commission of the City of Columbia, Missouri (the “TIF Commission”); and

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”) authorizes the TIF Commission to hold public hearings with respect to proposed redevelopment areas, redevelopment plans and redevelopment projects and to make recommendations thereon to the City Council; and

WHEREAS, in response to a solicitation of proposals by the City, Broadway Lodging Two, LLC (the “Developer”) submitted a proposal for redevelopment of a single parcel of property located at 1104 East Walnut Street (the “Redevelopment Area”); and

WHEREAS, the TIF Commission has reviewed a plan for redevelopment known as the Broadway Hotel Phase Two Redevelopment Plan, attached as **Exhibit A** hereto and incorporated herein (the “Redevelopment Plan”), for renovation of the Redevelopment Area; and

WHEREAS, the Redevelopment Plan envisions the demolition of the existing structure located in the Redevelopment Area and the construction of an eight-story hotel, including approximately 80 guest rooms and ancillary lobby, meeting and support areas; and

WHEREAS, the TIF Commission has also reviewed a cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area, attached as **Exhibit B** hereto and is incorporated herein, which cost-benefit analysis shows the impact on the economy if the Redevelopment Project is not built and if the Redevelopment Project is built pursuant to the Redevelopment Plan, and which includes a fiscal impact study on every affected political subdivision, and which includes sufficient information from the Developer for the TIF Commission to evaluate whether the Redevelopment Project as proposed is financially feasible; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the Act on October 4, 2017 and October 30, 2017, and received comments from all interested persons and taxing districts relative to (1) the Redevelopment Plan, (2) the designation of the Redevelopment Area, and (3) the approval of the redevelopment project, as described in the Redevelopment Plan (the “Redevelopment Project”);

NOW, THEREFORE, BE IT RESOLVED BY THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

1. The Redevelopment Plan, attached as **Exhibit A** hereto, the Redevelopment Area described therein and the Redevelopment Project are hereby adopted and approved.
2. The TIF Commission recommends to the City Council that the City Council adopt ordinances in the form required by the Act to:
 - a. Approve the Redevelopment Plan.

b. Approve and designate the Redevelopment Area as a “redevelopment area” as provided in the Act.

c. Approve the Redevelopment Project.

d. Adopt tax increment financing with respect to the Redevelopment Project by passage of an ordinance complying with the terms of Section 99.845 of the Act.

3. The officers of the TIF Commission are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable to carry out and perform the purpose of this Resolution.

4. The sections of this Resolution shall be severable. If any section of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the TIF Commission has or would have enacted the valid sections without the void ones, unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

ADOPTED by the Tax Increment Financing Commission of the City of Columbia, Missouri, this _____ day of _____, 2017.

Chairman

EXHIBIT A

REDEVELOPMENT PLAN

[On file in the office of the City Manager]

EXHIBIT B

COST/BENEFIT ANALYSIS

[On file in the office of the City Manager]