

Board Meeting Agenda

Tax Increment Financing Commission

City of Kansas City, Missouri

DATE: February 8, 2022
TIME: **9:30 a.m.**
PLACE: Economic Development Corporation Board Room, 4th Floor
300 Wyandotte
Kansas City, Missouri

Videoconference

<https://us06web.zoom.us/j/89120225749?pwd=cHc3OTlpMmFNK2pqZFIGdEROazlvdz09>

Meeting ID: 891 2022 5749

Passcode: 199445

By Telephone: +1 312 626 6799

PLATTE-CLAY COUNTY/PLATTE RIII AGENDA ITEMS

PUBLIC HEARING – 9:45 AM

ROLL CALL

1. **Barry Towne TIF Plan - Fourth Amendment: Consideration of approval of the Fourth Amendment of the Barry Towne TIF Plan, and other matters related thereto. (David Leader) Exhibit 1**

Action recommended: CONTINUING THE PUBLIC HEARING TO 9:35 AM MARCH 8, 2022.

2. **Consideration of acceptance of the Platte-Clay County/Platte RIII Commission Minutes, and other matters related thereto. (La'Sherry Banks) Exhibit 2**

Minutes of the January 11, 2022 Platte-Clay County/Platte RIII meeting are included for the Commission's review prior to the meeting.

Action recommended: ACCEPTANCE OF THE JANUARY 11, 2022 PLATTE-CLAY COUNTY/PLATTE RIII MINUTES AS PRESENTED.

3. **Consent Agenda (Cost Certifications): Consideration of the Cost Consent Agenda for Platte-Clay County/Platte RIII, and other matters related thereto. Exhibit 3**

The Consent Agenda items for February 2022 are included in the Commission's Board Packet for review prior to the meeting. The following items are included:

- Cost Certifications (Exhibit 3)

Barry Towne TIF Plan: Consideration of certification of costs totaling \$623,964.33, and other matters related thereto.

Request from:	MD Management
Total amount requested:	\$623,964.33.
Use of funds:	NID Special Assessments
Cost certifier:	Ralph Johnson
Questioned or disallowed costs:	None
EATs reporting requirement:	67% compliant for the current reporting period (2nd half 2021), 2nd Half Reports are not due to the Commission until 1-31-2022. 100% Compliant for the last reporting period (1st half 2021).

Owner	Reimbursement Amount
BT Commercial/BTGSi 1300 NW 88th St (Parcel 0604090112)	\$ 87,550.07
BTGSi Commercial 1101 NW Barry Rd (Parcel 0303595264)	90,934.53
BTGSi Commercial 1100 NW 88th St (Parcel 1035050752)	134,353.87
BTGSi Commercial 1100 NW 88th ST (Parcel 1544314624)	147,111.29
BT Commercial 8801 NW Old Stagecoach Rd (Parcel 1297586944)	11,802.60
BT Commercial 8800 N Platte Purchase Rd (Parcel 1311764224)	41,139.57
DMF Company 8708 N Platte Purchase Dr (Parcel 0277257984)	58,834.39
BT Apartments 1200 NW Barry Rd (Parcel 0265039616)	16,574.53
BT Apartments 1600 NW Barry Rd (Parcel 1275096832)	4,062.08
BT Apartments 8451 N Platte Purchase Dr (Parcel 0223309568)	3,952.52
BT Holdings for Barry Christian Church 1500 NW Barry Rd (Parcel 0328396544)	27,648.88
Total	\$ 623,964.33

Notes: NID Special Assessment reimbursement of the 2021 Property Tax.

Recommendation: Approval of certification of costs totaling \$623,964.33.

Action recommended: APPROVAL OF THE COST CONSENT AGENDA FOR PLATTE-CLAY COUNTY/PLATTE RIII AND AUTHORIZE AND DIRECT THE CHAIR, VICE-CHAIR, OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

CLAY COUNTY/LIBERTY-NKC AGENDA ITEMS

ROLL CALL

4. Consideration of acceptance of the Clay County/Liberty-NKC TIFC Minutes, and other matters related thereto. (La’Sherry Banks) Exhibit 4

Minutes of the December 14, 2021 Clay County/Liberty-NKC meeting are included for the Commission’s review prior to the meeting.

Action recommended: ACCEPTANCE OF THE DECEMBER 14, 2021 CLAY COUNTY/LIBERTY-NKC MINUTES AS PRESENTED.

5. Consideration of Cost Certifications for Clay County/Liberty-NKC, and other matters related thereto. Exhibit 5

The items for February 2022 are included in the Commission’s Board Packet for review prior to the meeting. The following items are included:

- Cost Certifications (**Exhibit 5**)

Shoal Creek Parkway TIF Plan: Consideration of certification of costs totaling \$34,775.04, and other matters related thereto.

Request from: City of Kansas City, MO
Total amount requested: \$34,775.04
Use of funds: Hodge Park Improvements Project N
Cost certifier: CHV CPAs
Questioned or disallowed costs: \$34,775.04 – Cost incurred over 18 months
Questioned or disallowed costs: \$4,092.57 – Cost over budget
EATs reporting requirement: 33% compliant for the current reporting period (2nd half 2021), 2nd Half Reports are not due to the Commission until 1-31-2022. 100% Compliant for the last reporting period (1st half 2021).

Notes: Hodge Park Improvements Project N. Improvements include General Park Improvements & Completing the Hodge-Smithville Trail within the Park, New Playground, Multi-purpose Playing Fields and Parking Lot Improvements. Pay Draw 3.

Recommendation: Approval of certification of costs totaling \$30,682.47.

Action recommended: GRANT A WAIVER OF THE REQUIREMENT THAT COST BE SUBMITTED FOR REIMBURSEMENT WITHIN 18 MONTHS OF BEING INCURRED AND APPROVAL OF THE CERTIFICATION OF COST TOTALING \$30,682.47 FOR PARK IMPROVEMENT COST WITHIN THE SHOAL CREEK PARKWAY TIF PLAN AND AUTHORIZE AND DIRECT THE CHAIR, VICE-CHAIR, OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

Shoal Creek Parkway TIF Plan: Consideration of certification of costs totaling \$2,906,309, and other matters related thereto.

Request from: City of Kansas City, MO
Total amount requested: \$2,906,309
Use of funds: Public Infrastructure related to Fire Station
Cost certifier: CHV CPAs
Questioned or disallowed costs: \$1,341,730 – Cost incurred over 18 months
Questioned or disallowed costs: \$808,070 – Cost disallowed
Amount Not Questioned: \$756,509
EATs reporting requirement: 33% compliant for the current reporting period (2nd half 2021), 2nd Half Reports are not due to the Commission until 1-31-2022. 100% Compliant for the last reporting period (1st half 2021).

Notes: Public Infrastructure improvements in connection with the construction of Fire Station #15.

Recommendation: Approval of certification of costs totaling \$2,098,239.

Action recommended: GRANT A WAIVER OF THE REQUIREMENT THAT COST BE SUBMITTED FOR REIMBURSEMENT WITHIN 18 MONTHS OF BEING INCURRED AND APPROVAL OF THE CERTIFICATION OF COST TOTALING \$1,341,730 AND TOTAL REIMBURSEMENT OF \$2,098,239 FOR INFRASTRUCTURE IMPROVEMENTS WITHIN THE SHOAL CREEK PARKWAY TIF PLAN AND AUTHORIZE AND DIRECT THE CHAIR, VICE-CHAIR OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

CLAY COUNTY/NKC AGENDA ITEMS

PUBLIC HEARING – 10:00 AM

ROLL CALL

6. **North Oak TIF Plan – Twelfth Amendment: Consideration of approval of the Twelfth Amendment of the North Oak TIF Plan, and other matters related thereto. (Heather Brown)**

Action recommended: CONTINUING THE PUBLIC HEARING TO 9:45 AM MARCH 8, 2022.

7. **Consideration of acceptance of the Clay County/NKC TIFC Minutes, and other matters related thereto. (La’Sherry Banks) Exhibit 2**

Minutes of the January 11, 2022 Clay County/NKC meeting are included for the Commission’s review prior to the meeting.

Action recommended: ACCEPTANCE OF THE JANUARY 11, 2022 CLAY COUNTY/NKC MINUTES AS PRESENTED.

8. **Briarcliff West TIF Plan: Consideration of acceptance of the Five-Year Progress Report in connection with the Briarcliff West TIF Plan, and other matters related thereto. (Sandra L. Rayford) Exhibit 8**

The Briarcliff West TIF Plan was approved by City Council May 3, 1990, Ordinance No. 065497 which has been amended several times. The Briarcliff TIF Plan contemplated the development and new construction of office and commercial, retail, housing and hotel development. Briarcliff Development Company entered in to an Agreement with the Tax Increment Financing Commission on September 5, 1990. The Redevelopment Agreement requires that the Developer provide the Commission a Progress Report every five years during the life of the TIF Plan. Enclosed with your board packets is a copy of a PowerPoint presentation provided by the Developer as their Progress Report.

Action recommended: ACCEPTANCE OF THE FIVE-YEAR PROGRESS REPORT OF THE BRIARCLIFF WEST TIF PLAN

ADMINISTRATIVE TIF COMMISSION AGENDA ITEMS

ROLL CALL

9. Consideration of acceptance of the Administrative TIFC Minutes, and other matters related thereto. (*La'Sherry Banks*) Exhibit 2

Minutes of the January 11, 2022 Administrative TIFC meeting are included for the Commission's review prior to the meeting.

Action recommended: ACCEPTANCE OF THE JANUARY 11, 2022 ADMINISTRATIVE TIFC MINUTES AS PRESENTED.

10. Economic Activity Taxes: Consideration of acceptance of the Economic Activity Taxes Report, and other matters related thereto. Exhibit 10

The most current Economic Activity Taxes Report is included for the Commission's review prior to the meeting:

- EATs Report

Action recommended: NONE; INFORMATION ONLY

11. Affirmative Action and Contract Compliance Subcommittee Reports: Consideration of acceptance of the Affirmative Action and Contract Compliance Reports, and other matters related thereto. (*Sandra Rayford*) Exhibit 11

The Contract Compliance Committee met on Monday, January 24, 2022 to consider the request for reimbursement of rehabilitation costs to WSHI, Inc., the Developer in accordance with the Settlement Agreement between the TIF Commission and WSHI, LLC.

There was also a discussion regarding the appropriate City Administration staff signatures required for approval of Developer requests for reimbursement of funds for Public Improvements.

Action recommended: NONE; INFORMATION ONLY

12. Governance, Finance and Audit Subcommittee: Consideration of acceptance of the Governance, Finance and Audit Reports, and other matters related thereto. (*Tammy Queen*) Exhibit 12

The Governance, Finance and Audit Subcommittee met on January 31, 2022 to consider the following item:

- Monthly Financials as prepared by Cochran Head (*Michael Keenen of Cochran Head*)

Action recommended: ACCEPTANCE OF THE FINANCIAL REPORT

13. **Neighborhood & Housing Subcommittee: Consideration of the Neighborhood & Housing Report, and other matters related thereto. (Ryana Parks-Shaw) Exhibit 13**

The most current Housing Report is included for the Commission’s review prior to the meeting.

Action recommended: NONE; INFORMATION ONLY.

14. **Administrative: Consideration of the Chair’s Report, and other matters related thereto. (Chair Canady)**

Action recommended: NONE; INFORMATION ONLY.

15. **Administrative: Consideration of the Executive Director’s Report, and other matters related thereto. (Heather Brown)**

Action recommended: NONE; INFORMATION ONLY.

JACKSON COUNTY/KCMO AGENDA ITEMS

ROLL CALL

16. **Consideration of acceptance of the Jackson County/KCMO TIFC Minutes, and other matters related thereto. (La’Sherry Banks) Exhibit 2**

Minutes of the January 11, 2022 Jackson County/KCMO meeting are included for the Commission’s review prior to the meeting.

Action recommended: ACCEPTANCE OF THE JANUARY 11, 2022 JACKSON COUNTY/KCMO MINUTES AS PRESENTED.

17. **Consent Agenda (Cost Certifications): Consideration of the Cost Consent Agenda for Jackson County/KCMO, and other matters related thereto. Exhibit 17**

The Consent Agenda items for January 11, 2022 are included in the Commission’s Board Packet for review prior to the meeting. The following items are included:

- Cost Certifications (Exhibit 17)

Overlook TIF Plan: Consideration of certification of costs totaling \$230,635, and other matters related thereto.

Request from:	Oz Development Company
Total amount requested:	\$230,635
Use of funds:	Project Redevelopment Cost
Cost certifier:	Novak Birks
Questioned or disallowed costs:	None
EATs reporting requirement:	Initial Reporting Period Pending Project Completion.

Notes: Project Costs include Design & Engineering Cost and Building & Site Demolition Costs. Draw Request #2.

Recommendation: Approval of certification of costs totaling \$230,635.

Overlook TIF Plan: Consideration of certification of costs totaling \$354,121, and other matters related thereto.

Request from: Oz Development Company
Total amount requested: \$354,121
Use of funds: Project Redevelopment Cost
Cost certifier: Novak Birks
Questioned or disallowed costs: \$311,272
EATs reporting requirement: Initial Reporting Period Pending Project Completion.

Notes: Project Costs include Design & Engineering Cost and Building & Site Demolition Costs. Draw Request #3.

Recommendation: Approval of certification of costs totaling \$42,849.

Action recommended: APPROVAL OF THE COST CONSENT AGENDA FOR JACKSON COUNTY/KCMO AND AUTHORIZE AND DIRECT THE CHAIR, VICE-CHAIR, OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

18. 11th Street Corridor TIF Plan/YMCA – Project C: Consideration of approval of the Certificate of Completion and Compliance in connection with the 11th Street Corridor TIF Plan, and other matters related thereto. (Sandra L. Rayford) Exhibit 18

This Certificate of Completion and Compliance is issued to the Young Men’s Christian Association of Greater Kansas City (the “Redeveloper”) in accordance with Section 17 of the Redevelopment Agreement, dated October 31, 2018 and amended on December 18, 2018 (the “Redevelopment Agreement”), between the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”) and Redeveloper in connection with the completion of the improvements (the “Completed Improvements”) contemplated by Redevelopment Project C (Lyric Building) of the Eleventh Street Corridor Tax Increment Financing (the “TIF Plan”) and for which costs through May 21, 2020 were certified pursuant to an Independent Accountant’s report by Miller Haviland Ketter, dated September 15, 2020.

REDEVELOPMENT PROJECT COSTS:

	<u>Budget</u>	<u>Actual</u>
Total Cost of Project and Public Improvements	\$34,477,711	\$34,050,729
Redevelopment Costs Eligible for Reimbursement	\$16,951,533	\$16,951,533

COMPLIANCE WITH COMMISSION POLICIES: The Redeveloper is in compliance with the policies attached to and incorporated within the Redevelopment Agreement, including the Affirmative Action Ordinance and the Workforce Policy (as is described by the Redevelopment Agreement).

Cost Certification: All costs through May 20, 2020 have been certified by the Commission.

Staff recommends approval of the Certificate of Completion and Compliance.

Action recommended: APPROVAL OF THE CERTIFICATE OF COMPLETION AND COMPLIANCE TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER KANSAS CITY FOR THE COMPLETED PROJECT IMPROVEMENT COSTS AND DIRECT THE CHAIR, VICE-CHAIR, OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

19. Country Club Plaza TIF Plan. Consideration of the Termination of the Amended and Restated Redevelopment Agreement with Country Club Plaza JV LLC, and other matters related thereto (Wesley Fields) Exhibit 19

A plan for redevelopment known as the "Country Club Plaza Tax Increment Financing Plan" for an area designated therein as the redevelopment area (the "Redevelopment Area") was approved by the City Council (the "Council") of the City of Kansas City, Missouri on April 17, 1997, pursuant to Ordinance No. 970374 Original (the "Original TIF Plan"). The Original TIF Plan has been subsequently amended by a series of ordinances passed by the Council (the Original TIF Plan, together with all amendments thereto, shall hereafter be referred to as the "Plan"). On October 22, 1997, the Commission and J. C. Nichols Company entered into a Redevelopment Agreement (the "Original Agreement") that provides for the implementation of the Plan.

Pursuant to those certain Agreements for Purchase and Sale of Real Estate, dated as of December 21, 2015, Highwoods Realty Limited Partnership ("Highwoods"), as successor in interest to J. C. Nichols Company, sold to Country Club Plaza JV LLC (the "Joint Venture") certain property located within Redevelopment Project Areas 1, 2 and 3, as described by the Plan, and, pursuant to an Assignment Agreement among Highwoods, the Joint Venture and the Commission, Highwoods assigned its rights, interests, duties and obligations under the Original Agreement to the Joint Venture with respect to Redevelopment Projects 1, 2 and 3 of the Plan and, pursuant to and in furtherance of that Assignment Agreement, on March 1, 2016, the Joint Venture entered into an Amended and Restated Redevelopment Agreement with the Commission with respect to Redevelopment Projects 1, 2 and 3 of the Plan.

The Commission, pursuant to Resolution 7-11-17, issued a Certificate of Completion for the improvements contemplated by Redevelopment Projects 1, 2, and 3 and such Certificate represents the Commission's conclusive determination of the satisfaction and termination of the covenants of the Original Agreement and the Amended Redevelopment Agreement with respect to the completion of the improvements contemplated by Redevelopment Projects 1, 2 and 3, except for the continuing obligations set forth in Schedule I to the Amended Redevelopment Agreement, which includes the obligation of the Commission to reimburse all certified Redevelopment Project Costs the Joint Venture is entitled to receive thereunder.

The Joint Venture has acknowledged that it has submitted to the Commission for certification and reimbursement all Redevelopment Project Costs the Joint Venture intends to submit and that the Commission has reimbursed all certified Redevelopment Project Costs it is entitled to receive.

Based upon the foregoing, staff to the Commission desire to terminate the Amended Redevelopment Agreement; provided, however, the Joint Venture shall continue to pay Payments in Lieu of Taxes and report all Economic Activity Taxes within the Redevelopment Project Areas 1, 2 and 3, in accordance with Sections 18 and 19 of Schedule 1 to the Amended Redevelopment Agreement, until such time as the Redevelopment Projects 1, 2, and 3 have expired or terminated and tax increment allocation financing is no longer authorized within such Redevelopment Project Areas.

To the extent the Commission finds acceptable the terms of the Termination of the Amended and Restated Redevelopment Agreement as described in this Agenda item and as more particularly set forth on **Exhibit 19** to the Commission Board Packet, staff and counsel recommend its approval.

Action recommended:

APPROVAL OF THE TERMINATION OF THE AMENDED AND RESTATED REDEVELOPMENT AGREEMENT RELATED TO REDEVELOPMENT PROJECTS 1, 2 AND 3 OF THE COUNTRY CLUB PLAZA TIF PLAN, SUBJECT TO MODIFICATIONS ACCEPTED BY THE CHAIR, EXECUTIVE DIRECTOR AND LEGAL COUNSEL.

EXECUTIVE SESSION

- 20. Consideration of legal matters, real estate matters, sealed bids or proposals, or confidential communications between the Commission pursuant to Section 610.021(1), (2), (12), or (17), RSMo, respectively. (Chair Canady)**

RESUME BUSINESS SESSION

- 21. Adjournment**

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technology
organizational structure
people
processes
all work together**