

**CITY OF MISSION, KANSAS**

**FINANCE AND ADMINISTRATION  
COMMITTEE MEETING**

**WEDNESDAY, NOVEMBER 4, 2009**

**7:30 p.m.**

**(or immediately following the 6:30 p.m. Community Development Committee Meeting)  
MISSION CITY HALL**

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**Note: All action that occurs at this Committee is only a recommendation to the City Council.**

1. Pre-Development Agreement Mission Commons Investors, LLC ([Mike Scanlon](#))
2. MCVB Membership Ordinance Amendments ([Mike Scanlon](#))
3. Council Policy on Community Investment Districts ([Mike Scanlon](#))
4. Subsidy/Self Sufficiency Policy Review, SPJCC ([Christy Humerickhouse](#))
5. Review and Approval of 2010 Salary Grades ([Laura Smith](#))
6. 2010 Employee Benefits ([Laura Smith](#))
7. Mission Square IRB Ordinance and Issuance Calendar ([Laura Smith](#))
8. Rental of Parking Lot at Ceres Building ([Mike Scanlon](#))

**Sue Grosdidier, Chairperson – 677-9986**

**COMMITTEE:** John Weber, Debbie Kring, David Shepard

<p style="text-align: center;">CITY OF MISSION ACTION ITEM SUMMARY Community Development Department</p>	<p>Item Number: 1. Date: October 30, 2009 From: Martin Rivarola</p>
<p>SUBJECT: Pre-Development Agreement Mission Commons Investors LLC</p>	
<p>DETAILS:</p> <p>The site of the former Herff Jones plant, located on Metcalf Avenue between Martway and 61<sup>st</sup> Street, has been vacant for a number of years. The 6-acre site, has been evaluated by different entities in the past couple of years as a redevelopment opportunity. The site was part of the West Gateway Vision Plan, and is regulated by the West Gateway Form Based Code. The Mission Comprehensive Plan and the Form Base Code designate this part of the City as an area well suited for higher density mixed-use, pedestrian friendly development. Residential uses and buildings which adequately address the public streets with attractive streetscape amenities are encouraged.</p> <p>Lane4 Property Group has begun looking at redevelopment opportunities at the current Herff Jones site, located at Metcalf Avenue between Martway and 61<sup>st</sup> Street. As part of their due diligence, representatives from the development group have met with City Staff a number of times, and are in the process of preparing a Development Plan which would meet the City's Zoning Regulations. The Development Group has also indicated that they would like to explore potential for Tax Increment Financing (TIF) and Community Improvement District (CID) for this project. This type of public/private partnership would need to be formalized in the form of a Development Agreement between the Developer and City.</p> <p>The attached Predevelopment Agreement with Mission Commons Investors LLC designates this development group as the "Developer of Record" for a period of nine months. During this time, the City will work with the developer to explore project feasibility, opportunities for partnership in the form of TIF/CID, and approval of development plans by the Planning Commission and City Council (if required).</p> <p>The project concept will be presented at the Finance and Administration Committee meeting of November 4<sup>th</sup> by representatives of the Development Group.</p>	
<p>RECOMMENDATION: Approve a Predevelopment Agreement with Mission Commons Investors LLC for study of development at former "Herff Jones" site, located at Metcalf Avenue, between Martway and 61<sup>st</sup> Streets.</p>	
<p>Amount Requested: NA</p>	
<p>Line Item Code &amp; Description: NA</p>	
<p>Available Budget: NA</p>	

## PREDEVELOPMENT AGREEMENT

THIS PREDEVELOPMENT AGREEMENT (this “Agreement”) is entered into as of the \_\_\_ day of \_\_\_\_\_, 2009 (the “Effective Date”), between the City of Mission, Kansas, a municipal corporation of the State of Kansas (the “City”), and Mission Commons Investors, LLC, a Kansas limited liability company, and its successors and assigns, (the “Developer”) (the City and Developer are hereby collectively referred to as the “Parties”).

### RECITALS

A. The parties desire to enter into this Predevelopment Agreement in order to designate the Developer as the exclusive developer during the period hereof for the purpose of implementing a mixed use development (“Development”) within the City of Mission and set forth matters that may be included in any Final Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the City and the Developer agree as follows:

1. DEVELOPER OF RECORD. The City acknowledges that there are risks and costs of preliminary planning activities and other requirements associated with the preparation for a project plan under development. As an inducement to Developer to assume those costs and undertake those activities set forth herein, the City designates Developer as the exclusive developer of record for the Project Area (bounded on the south by 61<sup>st</sup> Street, on the east by Broadmoor, on the north by Martway and on the west by Metcalf Avenue) for nine (9) months from the date hereof. During said period of time, as long as this Agreement is in effect, the City agrees that it will not enter into a Final Redevelopment Agreement with any other person or entity, in the implementation of any redevelopment project within the Project Area without the written consent of Developer.

2. BASIC TERMS OF FINAL DEVELOPMENT AGREEMENT.

The parties agree that before either party is obligated to proceed with any development within the Project Area, a Final Development Agreement, as to the development of said project, satisfactory to both parties in their sole and absolute discretion, must be entered into. Although the specific terms of such Final Development Agreement must be negotiated between the parties,

the parties presently believe that such terms must necessarily address, at a minimum, the following matters, to-wit:

A. Determination of Project. The parties must agree on the proposed square footages of buildings, number of living units or hotel rooms, and the exterior design for the development.

B. Land Acquisition. Developer owns or controls the Project Area and no eminent domain will be necessary.

C. Agreement on Site Work, Infrastructure and Utilities. The parties shall agree on how site work, utilities, street, intersection, sidewalk and similar improvements are to be addressed by the development plan.

D. Agreement on Plans and Specifications. The parties shall agree on the plans and specifications of the exterior design of the development.

E. Agreement on Progress Schedule. The parties shall agree on a progress schedule by which the redevelopment project will be undertaken and completed.

F. Zoning Changes. The parties shall agree as to how any necessary zoning changes will be addressed. Nothing contained within this Agreement, nor any future agreement, shall be deemed to bind the City, acting in its governmental capacity, to make any such zoning changes.

G. Other Matters. The Final Development Agreement shall also address any other matters that either party deems appropriate.

3. OBLIGATIONS OF THE PARTIES TO PROCEED.

The obligation of the parties to proceed beyond this Preliminary Development Agreement is dependent upon the parties entering into a Final Development Agreement prior to the termination of this Agreement. Nothing contained herein shall: (i) obligate the City to create or approve the Development; (ii) obligate the City to create or approve a development plan for Project Area; (iii) obligate the City to approve or provide public incentives; or (vi) obligate either party to enter into a Final Development Agreement.

4. MISCELLANEOUS.

A. Costs. Each party shall be solely responsible for all costs and expenses incurred by such party in connection with the matters contemplated by this Agreement. Developer agrees to pay to the City all plan review and similar fees of general applicability required by City ordinance, however it is understood by Developer that payment of such fees do not ensure approval of the Development. Some costs may be reimbursable pursuant to the terms of any Final Development Agreement.

B. Assignability. Neither party shall assign this Agreement without the written consent of the other party.

C. Amendments. This Agreement may be supplemented or amended only by written instrument executed by the parties affected by such supplement or amendment.

D. Applicable Law. This Agreement shall be deemed to be entered into in the state of Kansas, and shall be enforceable under the laws of that state.

E. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon the parties hereto, and the permitted successors and assigns of the parties.

F. Non-liability of City Officials and Employees. No member of the governing body, official or employee of the City shall be personally liable to Developer, or any successor in interest to Developer, pursuant to the provisions of this Agreement, nor for any default or breach of the Agreement by the City.

G. Not A Partnership. The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the parties.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

CITY OF MISSION, a Kansas municipal corporation

\_\_\_\_\_  
Laura L. McConwell, Mayor

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk

MISSION COMMONS INVESTORS, LLC  
a Kansas limited liability company

By: \_\_\_\_\_

Title: \_\_\_\_\_

CONSENT

The undersigned owner of the Project Area hereby consents to the foregoing and appointment of the Developer as exclusive developer for the period set forth herein.

HERFF JONES, INC.,  
an Indiana corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

<p>CITY OF MISSION ACTION ITEM SUMMARY Finance and Administration Committee</p>	<p>Item Number: 2. Date: October 30, 2009 From: Mike Scanlon, City Administrator</p>
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SUBJECT: This Ordinance increases the number of voting members on the Mission Convention and Visitors Bureau from 15 to 25.

RECOMMENDATION:

That the Finance and Administration Committee recommend to the City Council approval an Ordinance that allows the Mission Convention and Visitor's Bureau to have up to 25 voting members.

DETAILS:

This Ordinance increases the number of voting members from 15 to 25 on the Mission Convention and Visitor's Bureau.

This Ordinance is necessary to allow broader participation in MCVB and to help increase the number of people that can help at MCVB Events.

Related State Statute and City Ordinances: Charter Ordinance 24 and City Council Policy 105
Amount Requested: N/A
Line Item Code & Description: N/A
Available Budget: N/A

**CITY OF MISSION**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 660.010 OF THE CITY OF MISSION, KANSAS MUNICIPAL CODE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:**

**Section One: Section 660.010 of the Code of the City of Mission is hereby amended as follows:**

**SECTION 660.010: COMMITTEE ESTABLISHED -- MEMBERSHIP**

In order to promote commerce and attract visitors to our community, the Mission Convention and Visitors Bureau (MCVB) is hereby established. Membership may include up to 25 members consisting of the following: one (1) member from each Council Ward shall be appointed and must be residents thereof; ten(10) members from the Mission business community and ten(10) members from the Mission community; and up to two (2) members from the Governing Body. Members of the MCVB shall be appointed at the first (1st) regular meeting of the Governing Body in January. Terms of appointment shall be for a period of two (2) years, staggered to avoid expirations in the same year. The Mayor may reappoint members to a term of less than two (2) years to fill an unexpired term or to avoid expiration of terms within the same year. Terms shall automatically expire at the end of two (2) years.

**Section Two:** This Ordinance shall take effect and be in full force from and after its publication according to law.

**PASSED AND APPROVED BY THE CITY COUNCIL** this 18<sup>th</sup> day of November 2009.

**APPROVED BY THE MAYOR** this 18<sup>th</sup> day of November 2009.

\_\_\_\_\_  
Laura L. McConwell, Mayor

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk

<p style="text-align: center;">CITY OF MISSION ACTION ITEM SUMMARY Community Development Department</p>	<p>Item Number: 3. Date: October 30, 2009 From: Martin Rivarola</p>
<p>SUBJECT: Community Improvement District – City Council Policy</p>	
<p>DETAILS:</p> <p>The Kansas Legislature enacted the Community Improvement District (CID) Act during its legislative session of 2009, which allows cities to establish a “CID” to provide financing for economic development. CIDs are entirely a local option. CIDs are formed through the voluntary petition of property owners within the proposed District.</p> <p>The CID legislation allows for the imposition of an additional sales tax (of up to 2%) and/or a special assessment property tax within the District. The CID Revenues may be used to finance land acquisition, horizontal development costs, vertical development costs and certain operational costs of the development project. According to State Law, a municipality may issue special or general obligation bonds to finance CID Projects or CID Revenues may be utilized on an on pay-as-you-go basis to reimburse the costs of a CID Project. CIDs have proven to be a useful tool for local development and redevelopment in Missouri and other States. Given that this tool is now available to the City for economic development purposes, Staff proposes to establish a City Council policy for future use of this tool, similar to Council Policy No. 106 on the use of Tax Increment Financing.</p> <p>Pete Heaven, Lathrop &amp; Gage, has prepared a proposed “Community Improvement District City Council Policy” and will be presenting it to the Finance and Administration Committee on November 4<sup>th</sup>, 2009. This Policy establishes the procedures of the City, for considering applications for Community Improvement Districts.</p>	
<p>RECOMMENDATION: Approve City Council Policy No. ___, Community Improvement District (CID) Policy</p>	
<p>Amount Requested: NA</p>	
<p>Line Item Code &amp; Description: NA</p>	
<p>Available Budget: NA</p>	

**CITY OF MISSION**  
**CITY COUNCIL POLICY MANUAL**

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**POLICY NO. \_\_\_\_**

**COMMUNITY IMPROVEMENT DISTRICT POLICY**

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**1.01 PURPOSE**

The proper use of a Community Improvement District (“CID”) can help promote and develop the general and economic welfare of and quality of life in the City of Mission, Kansas (the “City”). This Policy establishes the procedures of the City, for considering applications for Community Improvement Districts used for economic development, including community development and tourism and cultural activities, in accordance with the provisions of K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive (the “Act”).

**1.02 LEGAL AUTHORITY**

The establishment of a CID is within the sole discretion of the Governing Body of the City. The Governing Body is under no obligation to approve a petition or form a CID, nor does the City relinquish its authority to initiate projects by whatever other financing means it deems necessary to promote the general health and welfare of the City. This policy is intended to provide a guide for the Governing Body in considering petitions, and outlines the policies and procedures to be followed by applicants. The Governing Body reserves the right to reject a petition for creation of a CID at any time in the review process when it considers such action to be in the best interests of the City.

1. General Policies

- a. Application. Interested parties shall submit a CID request by petition in a form designated by the City. The City Staff shall review all CID applications for compliance with this policy and Kansas (the “State”) law and decide whether or not to forward the petition to the City Council for consideration and action. If City Staff believes the petition meets the criteria set forth in this Policy and should be recommended for approval, City Staff will work with the petitioner(s) to develop a Finance Plan to present to the Governing Body when it considers the petition.
- b. Petition. A valid CID petition must be submitted with signatures of either of the following:

- i. 100% of the property owners of all of the land area within the proposed Special Assessment CID who seek financing solely by assessment. If all landowners petition for a CID, then the City may proceed with its creation by a majority vote of the Governing Body and assessments without notice or public hearing; or
- ii. By property owners representing more than 55% of the land area of the proposed Sales Tax CID and also signed by property owners collectively owning more than 55% of the assessed value of the land within the proposed CID. If this petition method is utilized, then the City will be required to adopt a resolution giving public notice of a hearing on the advisability of the creation and financing of a CID. After hearing, the Governing Body may adopt an ordinance by a majority vote to authorize the project and create the CID.
- iii. If the CID is both a Special Assessment CID and a Sales Tax CID, then 100% of the property owners must sign petition.

The CID boundaries and the method of financing the project shall not require that all property that is benefited by the project, whether the benefited property is within or without the CID, be included in the CID or be subject to an assessment or the CID sales tax.

- c. Term. The Governing Body shall review the financial feasibility of each CID and shall determine the appropriate term of financing for projects within the CID. Any CID sales tax shall expire no later than the date the bonds issued to finance such project or refunding bonds issued for the project mature. In the event of pay-as-you-go financing is utilized, CID sales tax shall expire at the earlier of twenty-two (22) years from the date the state director of taxation begins collecting such tax or when all pay-as-you-go costs have been reimbursed. CID Bonds shall mature no more than twenty-two (22) years from date of issue.
- d. No Council or public hearing consideration will occur unless all information is provided at least ten (10) business days prior to the scheduled meeting. All fees and requirements of a funding agreement must also be met before Governing Body consideration.

2. Criteria for Use of Community Improvement District

- a. The decision to establish a CID is within the sole discretion of the Governing Body. In determining whether or not to approve a petition to establish a CID, the Governing Body will evaluate whether or not creation of a CID is in the City's best interest, by considering one or more of the following criteria:
  - i. Promotes and supports efforts to develop or redevelop commercial sites to provide for reinvestment in our community;

- ii. Stimulates quality, retail development to enhance the City's economic base;
  - iii. Attracts and promotes mixed use, including residential, urban development;
  - iv. Allows for the construction of infrastructure including the construction of infrastructure beyond what the City would require or otherwise build;
  - v. The projects will be located in an area that has been targeted by the Governing Body for economic development or redevelopment; or has specific site constraints making development more difficult or costly;
  - vi. The impact on other infrastructure systems, to include the cost of core system extensions to areas not adjacent to existing systems;
  - vii. The financial risk to the City and any other government units of the financing proposal, to include exposure of the general property tax levy, enterprise funds positions and credit rating;
  - viii. Recommendation of the City Staff; or
  - ix. Whatever other factors the Governing Body deems relevant.
- b. Conformance to local requirements including:
- i. Compliance with uses anticipated in the Comprehensive Plan.
  - ii. High degree of architectural design and site layout.
  - iii. Enhanced use of landscaping, water quality BMP's and other sustainable features.
  - iv. Design of infrastructure to meet public and/or private standards.
- c. Additional Considerations:
- i. Costs of the proposed improvements identified in the CID;
  - ii. Sources of funding, including the amount of private equity funding in comparison to public funding;
  - iii. Payment risk mitigation mechanisms offered by the applicant;
  - iv. Experience and stability of the proposed developer;
  - v. Whether or not tenants are committed by lease or other document, and the nature of the tenants;

- vi. Economic competition the projects within the CID has and is expected to have in the future; and
- vii. Impact to current businesses within the City.

### **1.03 FINANCING**

1. Source of Funds. Eligible CID projects may be financed by any single, a combination, or all of the following sources:
  - a. The City is authorized to levy and collect CID Special Assessments imposed on property in the CID pursuant to the Act which have been paid in full prior to the date set by the Governing Body as provided in the General Improvement and Assessment Law, K.S.A. 12-6a10, *et. seq.* Two exceptions to the General Improvement and Assessment Law are:
    - i. No assessments can be levied against the City-at-large, and
    - ii. If a project is also financed by a pledge of sales tax revenues or annually appropriated funds of the City, the amount of each annual special assessment may be reduced or eliminated to the extent that sufficient taxes and/or funds have been received to pay the debt service on any bonds issued pursuant to the Act.
  - b. A pledge of all of the revenue received from a CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, within a CID, in any increment of .10% or .25%, not to exceed 2% (the "CID Sales Tax"), as authorized by the Act; or
  - c. Any other funds annually appropriated by the Governing Body.
2. Finance Plan. If the City Staff reviews the petition and finds it in the City's best interest to recommend creation of the CID to the Governing Body, City Staff will work with the applicant to create a Finance Plan that shall be presented to the Governing Body for consideration along with the petition. The Finance Plan shall address the recommended method of financing and specific terms associated therewith.
3. Bonds.
  - a. The City may issue CID Bonds to finance a project. In no event shall special assessments be levied against the City-at-large. Guidelines for the issuance of CID Bonds include:
    - i. If bonds are issued, the sales tax imposed to pay the bonds shall expire no later than the date the bonds mature;

- ii. If pay-as-you-go financing is utilized, the sales tax imposed shall expire 22 years from the date the State Director of Taxation begins collecting the tax or when all project costs have been paid; and
    - iii. The minimum issue size for CID bonds issued by the City will be \$3,000,000, unless an exception is approved by the Governing Body.
  - b. CID Bonds issued under this Policy must include security for the bonds of a sufficient amount to minimize any risk of default and be allowed by State and Federal Tax laws.
  - c. CID Bonds issued under this Policy must be sold to qualified investors (as defined by the Securities and Exchange Commission Regulation D) in accordance with the minimum denominations as provided therein.
  - d. CID Bonds must initially be offered in denominations of \$100,000 or greater. The minimum denomination may be reduced (upon consultation with the City's bond counsel and financial advisor) when one or more of the following are met:
    - i. The projects being bond financed are substantially leased;
    - ii. The estimated revenue stream yields significant debt service coverage on the bonds;
    - iii. Construction of the projects being bond financed is 100% complete;
    - iv. The repayment term is less than or equal to 60% of the maximum permitted repayment term; and/or
    - v. Waiver of the minimum denomination provision by the Governing Body.
  - e. If a negotiated sale of the bonds is necessary, the City will normally select the underwriter(s) needed to structure, price, and sell the bonds through a competitive process. Exceptions to this process may be approved by the City Administrator upon consultation with the City's bond counsel and financial advisor. City Staff and the City's financial advisor will be directly involved in all negotiated sale pricing.
  - f. At its sole discretion, the City may require that an independent feasibility study of future CID revenues be performed, with any such cost borne by the applicant(s).
4. Reimbursement CID. Petitioner(s) may be reimbursed for projects within the CID on a "pay-as-you-go" basis until the Governing Body determines issuance of CID Bonds is viable and in the City's best interest.
  5. Project Funds. A separate fund shall be created for each CID and each project and such fund shall be identified by a suitable title. The proceeds from the sale of bonds, CID

sales taxes and any other moneys appropriated by the Governing Body shall be credited to such fund and the fund shall be solely used to pay the costs of the projects.

6. Fees Associated with CID.

- a. Initial Application Fee. A non-refundable fee in the amount of \$5,000 shall accompany the CID application.
- b. Funding Agreement. The City will retain administrative and professional staff, outside counsel and consultants, and incur expenses which it, in its sole discretion, deems necessary to consider the CID. The applicant shall enter into a funding agreement in order to reimburse the City for: its fees and expenses; the time of its administrative and professional staff, as the City may from time to time deem appropriate; all charges for the City's outside counsel, including the fees of the City Attorney, and consultants; and all other expenses incurred by the City. The funding agreement shall call for the applicant to establish a fund in an amount of not less than \$20,000.00 in order to ensure the prompt and timely payment of the above charges.

7. Development Agreement.

- a. Prior to beginning development of the CID (including the issuance of bonds), the Owner shall execute a Predevelopment Agreement or Development Agreement as approved by the Governing Body.

#### **1.04 PROCEDURES**

The following procedures shall govern the approval of each CID within the City. These provisions may be waived or modified by the City Administrator, if such waiver or modification is in the best interest of the City and does not conflict with any statutory or procedural requirement of state law.

1. CID Application Process. The applicant shall make application for a CID by completing and filing one hard copy and one digital copy of the petition. The petition shall include, but is not limited to:
  - a. Legal description of the proposed boundaries of the CID;
  - b. Map of the district area with accompanying tax parcel I.D. information;
  - c. A detailed description that identifies the proposed buildings, facilities and other improvements to be constructed in the CID, including the estimated fair market and assessed value of the improvements and the estimated date in which construction of the improvements will be commenced and completed; and
  - d. Current and proposed taxable retail sales within the CID.

2. General Petition Procedure. The City will only consider full and complete applications. The applicant will also be responsible for providing whatever additional information requested by City Staff or the Governing Body as necessary for assisting the City in making its recommendation or decision on the application and the petition. Any inaccuracy, misstatement or error in fact may render the application null and void and may be cause for the repeal of any development assistance ultimately provided by the City through the Act in reliance upon said information.
3. Application and Administration Fees. Each CID petition shall be accompanied by an application fee. This fee is in addition to other fees which may be required by the City, including fees for the issuance of tax-exempt or taxable bonds, costs incurred for preparation of studies as required by this Policy, and costs incurred, if any, for review and work done by the City's Financial Advisor and Bond Counsel. In addition, any applicant that receives approval shall pay an annual administration service fee. All fees shall be due and payable as provided for herein or as otherwise set forth in an approved Development Agreement.
  - a. Initial Application Fee. A non-refundable amount of \$5,000 shall accompany the CID petition.
  - b. Annual Administrative Service Fee. An amount equal to 5% of the annual taxes reimbursed to applicant or its successor in interest.

## **1.05 GOVERNING BODY ACTIONS**

No elected or appointed officer, employee or committee of the City shall be authorized to speak for or commit the Governing Body to the establishment of a CID.

Upon receiving the recommendation of City Staff, the Governing Body shall determine whether to reject the petition or to further consider the request. Upon a favorable vote for further consideration, the Governing Body shall follow the statutorily prescribed process for the establishment of a district. This process shall be an expression of good faith intent, but shall not in any way bind the City to establishing a district.

Approval of the creation of a CID based on the information presented does not constitute an implied or other approval of a site plan, special use permit, plat, rezoning or other land development application. All proposals for development are subject to land use approvals by the appropriate body.

## **1.06 WAIVER OF REQUIREMENTS**

The Governing Body reserves the right to grant or deny a CID under circumstances beyond the scope of this Policy or to waive provisions herein. However, no such action or waiver shall be

taken or made except upon a finding by the Governing Body that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest. The Governing Body shall not waive any statutory requirement of State law.

## **1.07 DEFINITIONS AND DESCRIPTIONS**

For the purpose of this Policy, the words or phrases as used in this Policy shall have meaning or be construed as follows unless otherwise defined by State Statute.

APPLICANT: The individual(s) or business(es) and its officers, employees, and agents requesting approval of the creation of a CID.

DEVELOPMENT AGREEMENT: A written agreement between the City and a Developer for the completion of a development or redevelopment project. Such agreement shall address issues involved in the project, including but not limited to the following: Schedule of construction; acquisition of land; eligible CID expenses; scope of development (including development criteria); indemnity of the City and insurance requirements; reimbursement of City costs; financing (private and/or public); transfer restrictions prior to completion; maintenance and restrictive covenants; City inspection and information access rights; reporting requirements; and remedies upon default.

PROJECT: Any project or undertaking whether within or without the CID, to

- (1) Acquire, improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip or extend:
  - (a) buildings, structures and facilities;
  - (b) sidewalks, streets, roads, interchanges, highway access roads, intersections, alleys, parking lots, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, pedestrian amenities, abandoned cemeteries, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heading and electrical services and connections located within or without the public right-of-way, water mains and extensions, and other site improvements;
  - (c) parking garages;
  - (d) streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
  - (e) parks, lawns, trees and other landscape;
  - (f) communication and information booths, bus stops and other shelters, stations, terminals, hangars, rest rooms and kiosks;
  - (g) paintings, murals, display cases, sculptures, fountains and other cultural amenities;
  - (h) airports, railroads, light rail and other mass transit facilities;
  - (i) lakes, dams, docks, wharfs, lake or river ports, channels and levies, waterways and drainage conduits.
- (2) Within the CID, to operate or to contract for the provision of music, news, child care, or parking lots or garages, and buses, minibuses or other modes of transportation.

- (3) Within the CID, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons.
- (4) Within the CID, to provide or contract for cleaning, maintenance and other services to public or private property.
- (5) Within the CID, to produce and promote any tourism, recreational or cultural activity or special event, including, but not limited to, advertising, decoration of any public place in the CID, promotion of such activity and special events and furnishing music in any public place.
- (6) Within the CID, to support business activity and economic development, including but not limited to, the promotion of business activity, development and retention and the recruitment of developers and business.
- (7) Within the CID, to provide or support training programs for employees of businesses.
- (8) To contract for or conduct economic impact, planning, marketing or other studies.

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Laura McConwell, Mayor

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Martha Sumrall, City Clerk

#### **REFERENCES**

K.S.A. 12-6a26 through K.S.A. 12-6a36

**APPROVED BY THE GOVERNING BODY ON NOVEMBER 18, 2009**

<p>CITY OF MISSION ACTION ITEM SUMMARY Finance and Administration Committee</p>	<p>Item Number: 4. Date: October 30, 2009 From: Mike Scanlon, City Administrator</p>
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SUBJECT: Community Center Subsidy and Fee Structure

RECOMMENDATION:

That the Finance and Administration Committee recommend to the City Council a Resolution establishing City Council Policy that creates the framework for ongoing fee and rate review by Parks and Recreation staff based on an overall subsidy and self-sufficiency structure.

DETAILS:

It's important for the City Council to provide clear direction to the staff as it relates to establishment of rates and the long-term viability of having a subsidy/self-sufficiency rate. At Wednesday night's meeting additional material will be presented related to the profitability and self-sufficiency rate of the Community Center. Attached to this Action Item Summary is the "Policy and Perceptions" report prepared by staff for the City Council during our 2007 Budget deliberations. There is a General Fund Subsidy summary that's listed in the Policy and Perceptions report. That summary is being updated and will be provided Wednesday night.

Related State Statute and City Ordinances: Resolution 755 and Resolution 763
Amount Requested: N/A
Line Item Code & Description: N/A
Available Budget: N/A