

ARTICLE XIV. TAX INCREMENT FINANCING COMMISSION
Sections 130.1020 – 130.1090

SECTION 130.1020: CREATION OF COMMISSION

There is hereby created a Commission to be known as the "Tax Increment Financing Commission of the City of Sikeston, Missouri" (the "Commission"). (R.O. 2009 §2.100.010; Ord. No. 5195 §1, 4-10-98)

SECTION 130.1030: AUTHORITY OF COMMISSION

The Commission shall serve as an advisory board to the City as it relates to the consideration of tax increment financing proposals submitted by interested parties or initiated by any public agency in accordance with the Act. The City Council hereby authorizes and approves the exercise by the Commission of only those powers that are required by the Act to be exercised by the Commission, as follows:

1. The Commission shall hold public hearings and give notices pursuant to Sections 99.815 and 99.830 of the Act on proposed redevelopment plans, redevelopment projects and designation of redevelopment areas and amendments thereto.
2. The Commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas and amendments thereto within thirty (30) days following completion of a hearing on any such plan, project designation or amendment and shall make recommendations to the City within ninety (90) days of a hearing referred to in Section 99.825 of the Act concerning adoption of or amendment to redevelopment plans, redevelopment projects and/or designation of redevelopment areas. (R.O. 2009 §2.100.020; Ord. No. 5195 §2, 4-10-98)

SECTION 130.1040: ORGANIZATION OF COMMISSION

The Commission shall elect from among its members a Chairman, Vice Chairman and Secretary. Meetings of the Commission shall be open to the public to the extent provided by law and a record shall be kept of each meeting. The Commission may establish rules and procedures not in conflict with City ordinances or policies or the Act and shall meet as required to fulfill its obligations set forth in the Act. (R.O. 2009 §2.100.030; Ord. No. 5195 §3, 4-10-98)

SECTION 130.1050: MEMBERSHIP

The Commission shall consist of eleven (11) members, six (6) of whom shall be appointed by the Council and five (5) of whom shall be appointed as provided in the Act. The members appointed by the Council shall serve terms of four (4) years, except two (2) of the initial appointments shall be for a term of two (2) years and two (2) of the initial appointments shall be for a term of three (3) years. The members appointed by the other taxing jurisdictions as provided in the Act shall serve from the time that the affected school district(s) and other affected taxing jurisdictions are notified in writing of a proposed redevelopment plan or designation of a development area until final approval or disapproval of the redevelopment plan, redevelopment project or designation of a redevelopment area by the City. The appropriate officials of the City are hereby directed to provide notice to other taxing districts of the establishment of the Commission in the manner required by the Act. (R.O. 2009 §2.100.040; Ord. No. 5195 §4, 4-10-98; Ord. No. 5425, 10-01)

SECTION 130.1060: GENERAL POLICY REGARDING TAX INCREMENT FINANCING

It shall be the policy of the City to consider the use of tax increment financing for those projects which demonstrate a substantial and significant public benefit by eliminating blight, financing desirable public improvements, strengthening the employment and economic base of the City and other taxing jurisdictions, increasing property values, reducing poverty, creating economic stability, upgrading older neighborhoods and areas and facilitating economic self-sufficiency. Each project shall be funded by the sponsor of the project making a deposit with the City Clerk in the amount of five thousand dollars (\$5,000.00), which sum shall be augmented from time to time when it is exhausted as needed for expenses and costs necessary to develop the project. The City shall bear no expense in connection with any tax increment financing project. (R.O. 2009 §2.100.050; Ord. No. 5195 §5, 4-10-98)

SECTION 130.1070: PROCEDURES FOR BIDS AND PROPOSALS

The City hereby adopts the following procedures for bids and proposals for the implementation of redevelopment projects:

1. The City or the Commission shall solicit proposals with respect to the implementation of each proposed redevelopment project.
2. Each request for proposals shall state the primary objectives of the proposed redevelopment area or redevelopment project.
3. Each request for proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.
4. Each request for proposals shall be mailed to those persons or firms which the City or the Commission determines might be interested in submitting a bid and shall be published in a newspaper of general circulation in the City. Each request for proposals shall provide at least thirty (30) days for the submission of a proposal.
5. Each proposal must demonstrate that "but for" the use of tax increment financing, the project is not feasible and would not be completed.
6. Criteria for the selection of proposals will include the impact of the proposed project on the City and other taxing jurisdictions, including the projected term for which tax increment financing will be utilized. The City or the Commission may establish such additional criteria as it deems appropriate for the selection of bids and proposals; provided, such criteria shall be generally stated in the request for proposals. (R.O. 2009 §2.100.060; Ord. No. 5195 §6, 4-10-98)

SECTION 130.1080: RELOCATION POLICY

The following Relocation Policy shall apply to any plan, project or area for redevelopment under the operation of Chapter 99, RSMo., Chapter 100, RSMo., Chapter 353, RSMo., which was filed for approval, approved or amended on or after August 31, 1991 and which proposes or includes within its provisions or necessitates displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 to 4655, as amended) or to Subsection (1) of Section 523.205, RSMo.:

1. As used herein, the following terms shall mean:

BUSINESS: Any lawful activity which is conducted:

- a. Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or commodities; or
- b. Primarily for the sale of services to the public.
- c. On a not-for-profit basis by any organization that has obtained an exemption from the payment of Federal income taxes as provided in Section 501(c)(3) of Title 26, U.S.C., as amended, and veterans organizations.

DECENT, SAFE AND SANITARY DWELLING: A dwelling which meets applicable housing and occupancy codes. The dwelling shall:

- a. Be structurally sound, weather-tight and in good repair;
- b. Contain a safe electrical wiring system;
- c. Contain an adequate heating system;
- d. Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and
- e. For a handicapped person, be free of barriers which would preclude reasonable ingress, egress or use of the dwelling.

DISPLACED PERSON: Any person that moves from the real property or moves his/her personal property from the real property permanently and voluntarily as a direct result of the acquisition, rehabilitation or demolition of or the written notice of intent to acquire such real property, in whole or in part, for a public purpose.

HANDICAPPED PERSON: Any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary.

PERSON: Any individual, family, partnership, corporation, or association that has a legal right to occupy the property including, but not limited to, month-to-month tenants.

URBAN REDEVELOPMENT CORPORATION: As defined in Section 353.020, RSMo.

2. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan. The relocation plan shall comply with all applicable provisions of this Relocation Policy.

3. Unless the property acquisition under any plan, project or area for redevelopment approved under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter 353, RSMo., is subject to Federal relocation standards or Subsection (1) of Section 523.205, RSMo., any such plan approved in connection with such property acquisition shall include a relocation plan which shall, either by incorporation of this Relocation Policy or by express provision therein, provide for the following:

a. Payments to all eligible displaced persons who occupied property to be acquired for not less than ninety (90) days prior to the initiation of negotiations who are required to vacate the premises;

b. A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;

c. A program for providing proper and timely notice to all displaced persons, including a general description of their potential rights and benefits if they are displaced, their eligibility for relocation assistance, and the nature of that assistance. The notices required for compliance with this Section are as follows:

(1) A general information notice that shall be issued at the approval and selection of a designated redeveloper and shall inform residential and non-residential owners and occupants of a potential project, including the potential acquisition of the property;

(2) A notice of relocation eligibility that shall be issued as soon as feasible after the execution of the redevelopment agreement and shall inform residential and non-residential occupants within the project area who will be displaced of their relocation assistance and nature of that assistance, including ninety (90) days' advance notice of the date the occupants must vacate;

d. A program for referrals of displaced persons with provisions for a minimum of three (3) decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety (90) days' notice of referral sites for all displaced persons prior to the date such displaced persons are required to vacate the premises, and arrangements for transportation to inspect referral sites; and

e. Every displaced person shall be given a ninety (90) day notice to vacate, prior to the date such displaced person is required to vacate the premises.

4. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one (1) of the following, at the option of the person:

a. A one thousand dollar (\$1,000.00) fixed moving expense payment; or

b. Actual reasonable costs of relocation including actual moving costs, utility deposits, key deposits, storage of personal property up to one (1) month, utility transfer and connection fees and other initial rehousing deposits including first (1st) and last month's rent and security deposit.

5. All displaced businesses eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:

a. A three thousand dollar (\$3,000.00) fixed moving expense payment and up to an additional ten thousand dollars (\$10,000.00) for re-establishment expenses. Re-establishment expenses are limited to costs incurred for physical improvements to the replacement property to accommodate the particular business at issue; or

b. Actual costs of moving including costs for packing, crating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationery, and up to an additional ten thousand dollars (\$10,000.00) for re-establishment expenses. Re-establishment expenses are limited to actual costs incurred for physical improvements to the replacement property to accommodate the particular business at issue.

6. If a displaced person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the developer or the City shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim

shall be made within thirty (30) days following receipt of sufficient documentation to support the claim. All claims shall be filed with the displacing agency within six (6) months after:

a. For tenants, the date of displacement;

b. For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.

7. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of this Section and his/her entitlement to payment and shall be filed with the acquiring public agency. However, any such waiver shall not include a waiver of any notice provisions of this Section, and a displaced person shall remain entitled to all of the provisions regarding programs which are contained in Subsections (3)(b) and (3)(c) of this Section.

8. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance concurrent with the notice of referral sites as required in Subsection (3)(c) of this Section.

9. Any urban redevelopment corporation, its assigns or transferees, which has been provided any assistance under the operation of Chapter 99, RSMo., Chapter 100, RSMo., Chapter 353, RSMo., or Chapter 523, RSMo., with land acquisition by the City, shall be required to make a report to the City Council or appropriate public agency which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment area and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.

10. An urban redevelopment corporation which fails to comply with the relocation requirements provided in Section 523.205, RSMo., shall not be eligible for tax abatement as provided for in Chapter 353, RSMo.

11. The requirements set out herein shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter 353, RSMo., the City Council or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.

12. Relocation assistance shall not be provided to any person who purposely resides or located his/her business in a redevelopment area solely for the purpose of obtaining relocation benefits.

13. The provisions of Sections 523.200 and 523.205, RSMo., shall apply to land acquisitions under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter 353, RSMo., filed for approval, approved or amended on or after August 31, 1991, and, as provided by Subsection (2) of Section 523.205, RSMo., any other land acquisition by a political subdivision or governmental entity through condemnation proceedings initiated after December 31, 2006. (R.O. 2009 §2.100.070; Ord. No. 5250 §1, 2-99)

SECTION 130.1090: THE RELOCATION POLICY

The Relocation Policy shall apply to any plan, project or area for redevelopment under the operation of Chapter 99, Chapter 100 or Chapter 353, RSMo., as amended, which is hereafter filed for approval, approved or amended. (R.O. 2009 §2.100.080; Ord. No. 5250 §2, 2-99)