

AGENDA
JOINT CITY/COUNTY/USD #443/DODGE CITY
COMMUNITY COLLEGE MEETING

Learning Center, 308 W. Frontview

Thursday, May 29, 2014

6:00 p.m.

MEETING #4958

CALL TO ORDER

ROLL CALL

Joint Public Hearing Regarding Adoption of Commercial Neighborhood Revitalization Area and Plan.

NEW BUSINESS

1. Discussion and Approval of Interlocal Agreement between the City of Dodge City, Ford County, USD #443, Board of Education, and Dodge City Community College Board of Trustees.

2. Discussion and Approval of Commercial Neighborhood Revitalization Program.

ADJOURNMENT

Commercial Neighborhood Revitalization Plan

Interlocal Agreement

THIS INTERLOCAL AGREEMENT (hereinafter the “Agreement”) entered into this _____ day of _____, 2014, by and between the City of Dodge City, Kansas a duly organized municipal corporation (the “City”), Ford County, Kansas (the “County”), Unified School District No. 443, Ford County, Kansas (“USD 443”) and Dodge City Community College, Ford County, Kansas (“DCCC”), hereinafter referred to individually as a “Party” and collectively the “Parties”.

WHEREAS, K.S.A. 12-2904 allows the Parties as public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

WHEREAS, K.S.A. 12-17,114 et seq. provides a program for commercial neighborhood revitalization and further allows for the use of interlocal agreements between municipalities to develop and establish programs for commercial neighborhood revitalization (the “Commercial Neighborhood Revitalization Plan”); and

WHEREAS, it is the desire and intent of the Parties hereto to provide the maximum economic development incentive by acting jointly as provided for in K.S.A. 12-17,119.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Each of the Parties individually and collectively, following a public hearing as provided by statute, do hereby adopt the Commercial Neighborhood Revitalization Plan attached hereto as Exhibit A, and incorporated herein by this reference, (the “Plan”). The Parties further agree the Plan, as attached hereto, marked Exhibit A will not be amended without approval of all of the Parties.

2. The Parties individually and collectively further agree that the City shall administer the Plan. The Parties individually and collectively further authorize and direct the County to establish a Commercial Neighborhood Revitalization Fund pursuant to K.S.A. 12-17,118 for the purpose of financing the redevelopment of designated revitalization areas and to provide ad valorem tax rebates to approved owners pursuant to KSA 12-17,118(d). Any increment (as defined in KSA 12-17,115(e)), in property taxes levied by each of the Parties and collected by the County resulting from qualified improvements to property pursuant to the Plan shall be credited to the County’s Commercial Neighborhood Revitalization Fund and disbursed pursuant to KSA 12-17,118(d) and in accordance with the provisions of the Plan.

3. The Parties, in conjunction with the Dodge City/Ford County Development Corporation agree to undertake a review of the Commercial Neighborhood Revitalization Plan at least every three (3) years hereafter, to determine any needed modifications to the Plan. The Parties agree that any Party may terminate its participation in this Agreement and the Plan by providing thirty (30) days

advance written notice to all Parties; provided however, any applications for ad valorem tax rebates pursuant to the Plan submitted prior to the date of the Party's notice of termination shall be, if approved, considered eligible for the duration of the rebate period and the terminating Party's authorization as provided herein shall remain in full force and effect during such rebate period.

- 4. This Agreement shall remain in effect until terminated by majority vote of the remaining Parties.

IN WITNESS WHEREOF, the Parties have hereunto executed this agreement as of the day and year first above written.

City of Dodge City, Kansas

Brian Delzeit, Mayor

ATTEST:

Nannette Pogue, City Clerk

Ford County, Kansas

Chris Boys, Commissioner

Danny Gillum, Commissioner

Shawn Tasset, Commissioner

ATTEST:

Sharon Seibel, County Clerk

Unified School District No. 443

By: _____

Lisa Killion, Board President

ATTEST:

William Hammond, Clerk of the Board

Dodge City Community College

By: _____

Dr. Merrill Conant, Board Chair

ATTEST:

Carla Patee, Clerk of the Board

Approved this _____ day of _____, 20____, by the Attorney General of
the State of Kansas.

Kansas Attorney General

DRAFT

Commercial Neighborhood Revitalization Plan

May 29, 2014

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SECTION I: PURPOSE

The Commercial Neighborhood Revitalization Plan (the “Plan”) is similar to the original Neighborhood Revitalization Plan (the “NRP”), which focused on residential housing improvements in the area south of Comanche Street in Dodge City. The Commercial Neighborhood Revitalization Plan (the “CNRP”) is intended to promote and encourage commercial development through the creation, rehabilitation, conservation, revitalization or redevelopment of commercial and other properties located in the area generally described as the Downtown Commercial District which includes the Dodge City Downtown Historic District, all as delineated in attachment A and hereinafter referred to as the “Area”. Within the Area are located a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use as provided for in KSA 12-17,115(c)(3). Certain incentives may be used for the renovation and/or removal of the eligible structures including a real estate tax rebate incentive (the “Rebate”) as provided for herein will be available for eligible improvements within the Area.

In accordance with the provisions of K.S.A. 12-17,117, the City Commission, County Commission, Board of Education and Board of Trustees of Dodge City Community College each held public hearings and considered the existing conditions and alternatives with respect to the designated Area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the taxing units. Accordingly, the taxing entities carefully reviewed, evaluated and determined that the Area met one or more of the conditions required in order to be designated as a “Revitalization Area” pursuant to the statute. The above taxing entities are

parties to a certain Interlocal Agreement dated May ____, 2014, and have by said Agreement authorized the City to administer the Plan.

SECTION II: ASSESSED VALUATION OF REAL PROPERTY WITHIN THE AREA

The total assessed valuation for the parcels contained in the defined plan Area is:

Land _____

Improvements _____

Total Assessed Valuation _____

The assessed valuation of each individual parcel in the Area can be accessed through the County Appraiser’s Office, which is located at the Ford County Government Center, 100 Gunsmoke, Dodge City.

SECTION III: LEGAL DESCRIPTION AND MAP OF REVITALIZATION AREA

Legal Description

The redevelopment Area is contained within the contiguous city limits of the city of Dodge City and is generally referred to as the Downtown Commercial District (the “Commercial District”), which includes the Dodge City Downtown Historic District (the “Historic District”) as approved

by the National Register of Historic Places as well as some buildings for which applications are pending. The Historic District is legally described in Exhibit A attached hereto and made a part hereof by this reference.

The Commercial District, which includes the Historic District, is legally described in Exhibit B attached hereto and made a part hereof by this reference.

Map

A map reflecting both the Commercial District and the Historic District and depicting the existing parcels of real estate therein is on file at the City Development Services Department.

(Exhibit C)

SECTION IV: LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of each parcel of land within the Area may be accessed through the County Appraiser's Office, which is located at the Ford County Government Center, 100 Gunsmoke, Dodge City.

SECTION V: ZONING CLASSIFICATIONS AND FUTURE LAND USE MAP

Zoning Classifications and Future Land Use Maps for the Area are available by contacting the Director of Development Services at City Hall, 806 Second Ave., Dodge City.

SECTION VI: EXPANSION OR CAPITAL IMPROVEMENTS PLANNED AND MUNICIPAL SERVICES PROVIDED FOR THE AREA

Public Safety

Ongoing Fire Hydrant Replacement Program

Ongoing Police Protection Services

Ongoing Fire Protection Services

Community Projects/Services

Operation of the Public Transportation Program

Operation and/or Support of “Why Not Dodge?” Projects

Snow Removal and Equipment Replacement

Street Lighting Program

Transportation – Streets

Annual Street Maintenance Program

Directional/Attraction Signing for Municipal Services, Local Business and Events

Street Construction for New Developments

Transportation – Signals

Continued Maintenance of Existing Signal Locations

Continue Support of County Emergency Siren Program

Solid Waste

Continue operation of Sanitation Services

Continue operation of Recycling Programs

Storm water

Maintain Federal Emergency Management Flood Insurance Program

Continue Enforcement of Storm water Detention and Soil Erosion for New Development

Comply with all regulations in compliance with NPDES

Storm water Inlet Annual Cleaning/Maintenance

Parks and Recreation

Continue operation of City Public Parks

Continue to Offer and Develop Parks & Recreation Programs

Add and Maintain Walking/Bike Trails

Complete Park Improvements

Water Pollution Control

Continue Operation of Sewer Utility

Ongoing Sewer System Maintenance
Main Extensions for New Developments
South Wastewater Plant Maintenance & Upgrades
Manhole Rehabilitation/Replacements
Maintain and Upgrade Lift Stations

Water Projects

Ongoing Water Utility Maintenance Including Meter Replacement
Control Water Loss
Main Extensions for New Developments
Water Well and Water Storage Facility Maintenance
Construct new Water Wells

**SECTION VII: STATEMENT SPECIFYING ELIGIBILITY REQUIREMENTS FOR A
TAX REBATE FOR COMMERCIAL RENOVATION AND REVITALIZATION***

Rehabilitation, conservation, alterations, improvements and additions to any existing commercial structure, construction of new commercial structures, including the conversion of all or part of a residential structure into a commercial structure located within the Area, shall be eligible to apply but shall be subject to the requirements of the plan as provided herein.

Commercial property must be located within the appropriate zoning districts to be eligible.

*Residential rehabilitation, alterations and additions should utilize the Neighborhood Revitalization Program for residences adopted in accordance with Resolution No. 2009-31 on December 21, 2009.

SECTION VIII: CRITERIA FOR DETERMINATION OF ELIGIBILITY FOR REBATE

1. Construction of the improvements must have been commenced on or after May ____, 2014, the effective date of enactment of the Plan, as documented by a building permit.
2. In order to participate either the minimum cost of all improvements to each parcel shall not be less than Fifteen Thousand dollars (\$15,000.00) as documented by a building permit or, all improvements to a parcel shall result in a minimum increase in assessed valuation of Five percent (5%) for commercial property as determined by the Ford County Appraiser following partial or total completion of the improvement.
3. Property eligible for other real estate tax incentives under any other program adopted pursuant to statutory or constitutional authority, such as NRP, RHID, IRB, etc., may participate in only one (1) such program at the same time. (i.e.: NRP, RHID, IRB)
4. The property for which the Rebate is requested shall, following the improvements, conform to all applicable city codes and regulations in effect at the time the improvements are made and shall remain in compliance for the duration of the Rebate period. If a code violation is not corrected within a reasonable time the Rebate shall be terminated. This includes new as well as the existing improvements on the property.
5. Any property located within the Area that is not current in the payment of any taxes, special assessments or city utility payments shall not be eligible for the Rebate.

6. Any owner of any property located within Ford County who is not current in the payment of any real estate taxes, special assessments or city utility payments shall not be eligible to participate in the Plan.
7. No application shall be considered for an improvement to property concerning which an unresolved tax protest has been filed.
8. If any participating Owner fails to maintain a current tax payment status on the participating property, or any other property located in Ford County in which the Owner has an ownership interest throughout the ten (10) year Rebate period, the Owner and participating property shall be disqualified from the Rebate program, and no further Rebates shall be made to the Owner.

SECTION IX: CONTENTS OF APPLICATION FOR TAX REBATE

Applications for a Rebate of property tax increments shall contain the following information.

Application Part I:

1. Owner's name
2. Owner's mailing address
3. Owner's daytime phone number
4. Address of property
5. Legal description of property
6. Parcel I.D. No.

7. Building Permit No.
8. Existing use of property
9. Proposed use of property
10. Age of principal building(s)
11. Occupancy status during last five (5) years
12. Buildings proposed to be demolished
13. Nature of proposed improvements
14. Estimated cost of proposed improvements
15. Date construction is to start
16. Estimated date of completion of construction
17. County Appraiser's statement of existing assessed valuation of real estate and improvements

Application Part II:

1. Status of construction as of January 1 following commencement
2. County Appraiser's statement of increase in assessed valuation of improvements
3. County Clerk's statement of tax and special assessment status
4. City Clerk's statement of utility billing status
5. Director of Development Services statement of program compliance

SECTION X: PROCEDURES TO SUBMIT APPLICATION

1. The applicant shall obtain an application for the Plan Rebate from the City Development Services Department when a building permit is issued.
2. The applicant shall complete and sign Part 1 of the application and file the original with the City Development Services Department within sixty (60) calendar days following issuance of the building permit.
3. The City Development Services Department shall forward the application to the Ford county Appraiser for determination of the existing assessed valuation of the property and existing improvements.
4. Upon completion by the County Appraiser, the County Appraiser will return the application to the City Development Services Department.
5. The applicant shall certify the status of the improvement project as of December 31 of the year during which construction of the improvement is completed by completing and signing part 2 of the application. The applicant shall file the application with the City Development Services Department on or before December 31 in the year immediately preceding the commencement of the rebate period.
6. Upon notification by City Development Services Department, the County Appraiser shall conduct an on-site inspection of the construction project and determine the new valuation of the real estate and improvements as of January 1, and shall complete the Appraiser's portion of the application and shall report the new valuation to the County Clerk by June 15th. The tax records on the project shall be revised by the County Clerk's Office.

7. Upon determination by the County Appraiser that the improvements meet the percentage test for rebate, determination by the County Clerk that the taxes and assessments on the property are not delinquent and determination by the City Clerk that utility billings are current and determination by City Development Services Department that the project is complete and application meets the requirements for a rebate, the City Development Services Department shall make a recommendation for approval.
8. Once approved, the City Development Services Department will notify the applicant of the approval.
9. Upon the full payment of the real estate taxes, the County Treasurer shall make the rebate within thirty (30) days after the next distribution date as specified in K.S.A. 12-1678a from the Commercial Neighborhood Revitalization Fund established by Ford County in conjunction with the taxing entities participating in the Interlocal Agreement.
10. The Dodge City/Ford County Economic Development Corporation will make periodic reports on the rebate program to the governing bodies of the participating taxing entities.

SECTION XI: STANDARDS AND CRITERIA FOR REVIEW AND APPROVAL

1. The property for which a Rebate is requested shall conform to all applicable city codes and regulations in effect at the time the improvements are made and shall remain in compliance for the duration of the Rebate period or the Rebate shall be terminated.
2. Any property that is delinquent in any tax payment or special assessment shall not be eligible for a Rebate and such property shall be disqualified from receiving any

continuing and/or additional tax rebate payments. Any property that is past due in any city utility payment shall not be eligible for a tax rebate payment.

3. Following establishment of the increase in assessed value resulting from a specific improvement, the fixed Rebate percentage shall be applied to any change in assessed value or mill levy during subsequent years.
4. Any property for which a Rebate has been approved, shall no longer be eligible for the approved Rebate at such time as the approved Owner ceases to retain an ownership interest in said property.
5. The City Manager, or his/her designee, shall have the authority and discretion to approve or reject applications based on the eligibility standards and review criteria contained herein. If an applicant is dissatisfied with the City Manager's decision, a written appeal may be submitted to the City Commission for final determination.

SECTION XII: REBATE FORMULA

1. For an approved parcel located in the Historic District the qualified Owner, as defined herein, shall receive a 100% Rebate of the incremental increase in *ad valorem* property tax resulting from improvements made pursuant to this Plan for a period not to exceed ten (10) calendar years.
2. For an approved parcel located in the Commercial District, but not the Historic District, the qualified owner, as defined herein, shall receive the following Rebate of the incremental increase in *ad valorem* property tax resulting from improvements made pursuant to this Plan for a period not to exceed ten (10) calendar years:

<u>Year</u>	<u>Rebate</u>
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

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