JOPLIN CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, JUNE 5, 2023
5th FLOOR COUNCIL CHAMBERS
602 S. MAIN ST. JOPLIN MO
6:00 P.M.

This meeting can be viewed live on KGCS-TV channel 21 and regional cable television systems including Sparklight in Joplin; or livestream at http://www.joplinmo.org/182/Video-Multimedia

Persons wishing to address the City Council regarding an item on the agenda should complete a Request to Address Council and give it to the City Clerk prior to the start of the meeting. When your name is called, approach the podium, and state your name clearly for the record. If your request pertains to a Public Hearing item, you do not need to submit a request. You will have five (5) minutes to speak.

PLEASE NOTE: No outside electronic devices are allowed to be used on City equipment without prior City approval. If you have handouts, you must provide 12 copies of the material to the City Clerk.

1. **Call To Order**
   Invocation
   Pledge of Allegiance of the United States of America

2. **Roll Call**

3. **Presentations**

4. **Finalization Of Consent Agenda**

5. **Reports And Communications**

6. **Citizen Requests And Petitions**

7. **Public Hearings**

   1. Public Hearing Procedures

      Documents:

      PUBLIC HEARING PROCEDURES.PDF

   2. COUNCIL BILL NO. 2023-510
      AN ORDINANCE approving a Petition to Establish the 32nd Street Theatre Community Improvement District and creating the 32nd Street Theatre Community Improvement District; approving a Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and 32nd Street Entertainment, LLC; authorizing the City Manager to execute the Agreement on behalf of the City of Joplin; and containing an emergency clause.

      Documents:

      2023-510 ORDINANCE APPROVING 32ND STREET THEATRE CID

COOPERATIVE AGREEMENT.PDF

8. **Consent Agenda**

9. **Resolutions**

10. **Ordinances - Emergency**

    1. COUNCIL BILL NO. 2023-509
    AN ORDINANCE approving the Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan; approving a Side Letter Agreement for the Implementation of Redevelopment Project 4; approving a Side Letter Agreement for the Implementation of Redevelopment Project 5; authorizing the City Manager to execute the Agreements on behalf of the City of Joplin; and containing an emergency clause.

    Documents:

    2023-509 ORDINANCE APPROVING SECOND AMENDMENT TO 32ND STREET TIF PLAN.PDF

    2. COUNCIL BILL NO. 2023-510
    AN ORDINANCE approving a Petition to Establish the 32nd Street Theatre Community Improvement District and creating the 32nd Street Theatre Community Improvement District; approving a Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and 32nd Street Entertainment, LLC; authorizing the City Manager to execute the Agreement on behalf of the City of Joplin; and containing an emergency clause.

    Documents:

    2023-510 ORDINANCE APPROVING 32ND STREET THEATRE CID COOPERATIVE AGREEMENT.PDF

    3. COUNCIL BILL NO. 2023-511
    AN ORDINANCE approving the Amended and Restated Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC; authorizing the City Manager to execute said Amendment on behalf of the City of Joplin; and containing an emergency clause.

    Documents:

    2023-511 ORDINANCE APPROVING AMENDED AND RESTATED COOPERATIVE AGREEMENT 32ND STREET PLACE.PDF

11. **Ordinances - First Reading**

12. **Ordinances - Second Reading And Third Reading**

13. **Unfinished Business**

14. **New Business**

Joplin, built on generations of people with grit and determination, is a regional hub at the crossroads of America. Our diverse people and employers thrive because of our healthy lifestyles, exceptional neighborhoods, lifelong learning opportunities and cultural & recreational amenities.

Ad Omnia Parata

Together we are ready for anything.

Notice posted at 12:00 PM on this 25th day of May 2023 (RSMo 610.020)

PUBLIC HEARING PROCEDURES

Persons wishing to testify before the City Council are requested to follow these rules:

1. Proponents of the issue will be asked to present their information, then the opponents will be asked to testify and then rebuttal testimony may be allowed by the Council.

2. Approach the podium and state your name and address clearly for the record.

3. Please give your testimony as briefly and completely as possible. By the rules of the City Council you have five (5) minutes within which to give your testimony. Please follow the clock on the dais in front of you. You must complete your testimony within the 5 minute time limit.

4. Please do not repeat testimony that has been given previously. We want you to state your facts, but limit your information to only new information.

5. Everyone is invited to speak, however, if you have a spokesperson please allow them to speak without interrupting for applause or other demonstrations.

6. When the Public Hearing is closed by the Mayor, no additional testimony is allowed except when invited by the Mayor or other members of the Council.

7. Remember that this is a Public Hearing and all sides have a right to give testimony. Please respect their right to do so.

8. The City Council of the City of Joplin through this introduction, accepts into evidence the 2012 Comprehensive Plan, the Zoning Code of the City of Joplin, the Subdivision Regulations of the City of Joplin, the Telecommunications Ordinance, and the Stormwater Management Regulations of the City of Joplin being Appendices 29-A, 29-B, 29-D, 29-E and 29-F of the Joplin Municipal Code. Report of the Planning and Zoning Commission, recommendations of the City's staff, and other written documentation presented as that information applies to each public hearing.

Thank you for your consideration and understanding.

COUNCIL BILL NO. 2023-510 **ORDINANCE NO.**

AN ORDINANCE approving a Petition to Establish the 32nd Street Theatre Community Improvement District and creating the 32nd Street Theatre Community Improvement District; approving a Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and 32nd Street Entertainment, LLC; authorizing the City Manager to execute the Agreement on behalf of the City of Joplin; and containing an emergency clause.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, the City of Joplin, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on April 28, 2023, property owners within the proposed community improvement district, collectively owning more than fifty percent (50%) by assessed value of the real property and fifty percent (50%) per capita of all owners of real property within the proposed community improvement district filed with the City Clerk a petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled the 32nd Street Theatre Community Improvement District (the "District"), said Petition recites the following facts:

(a) The legal description of the proposed District, including a map illustrating the district boundaries;

(b) The name for the proposed District;

(c) A notice that the signatures of the signers may not be withdrawn later than seven (7) days after the petition is filed with the City Clerk;

(d) A five-year plan stating a description of the purposes of the proposed District, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement that the District will be a political subdivision governed by a five (5) member board appointed by the Mayor with the consent of the City Council;

(f) The total assessed value of all real property within the proposed District;

(g) That the Petitioners are not seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(h) The proposed length of time for the existence of the District;

(i) The proposed method of financing for the District projects and services by implementation of a District Sales Tax on all retail sales made within the District which are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo, at a rate not to exceed one percent (1%), upon an affirmative vote of the qualified voters of the District and in accordance with the CID Act;

(j) That the proposed District will have no power to submit a real property tax to the qualified voters for approval;

(k) That the proposed District will have no power to submit a special assessment to the qualified voters for approval;

(l) The limitations, if any, on the borrowing capacity of the District, the limitations, if any, on the revenue generated by the District, and any other limitations on the powers of the District; and

(m) Requesting that the District be established; and

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven (7) days after the Petition was filed with the City Clerk; and

WHEREAS, all the real property included in the District is entirely located within the City of Joplin; and

WHEREAS, on May 15, 2023, the City Council held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak; and

WHEREAS, a Cooperative Agreement among the City, the District, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC has been negotiated and drafted for approval by the parties; and

WHEREAS, the City Council having considered the evidence and testimony given at the public hearing, desires to approve the Petition and establish the District, make such other findings as necessary, approve the Cooperative Agreement among the City, the District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC and 32nd Street Entertainment, LLC, and authorize the City Manager to execute the Agreement on behalf of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

Section 2. The City Clerk has verified the Petition substantially complies with all submission requirements of the CID Act.

Section 3. The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described and shown in the attached Petition.

Section 4. As set forth in the Petition, the District shall be governed by a board of directors consisting of five (5) members, appointed by the Mayor with the consent of the City Council in accordance with Section 67.1451.5 of the CID Act. The initial Board of Directors and their terms are as follows:

_____	2 years
_____	2 years
Fred Osborn	2 years
Dan Pekarek	4 years
Michael Siebert	4 years

Section 5. The District's Board of Directors shall have the authority to impose a sales tax as set forth in the Petition and in conformance with the CID Act.

Section 6. The District shall have and possess without limitation such powers authorized under the CID Act and as set forth or otherwise limited in the Petition.

Section 7. The District will continue to exist and function until the earlier of: (1) until all of the obligations (and accrued interest), as defined in the CID Act, of the District have been repaid, or (2) the date which is twenty-seven (27) years from the date of this Ordinance establishing the District. The City may extend the duration of the District pursuant to Section 67.1481 of the CID Act.

Section 8. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") the report specified in Section 67.1421.6 of the CID Act, substantially in the form provided by the Department.

Section 9. That the Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and 32nd Street Entertainment, LLC, is approved in substantially the form attached hereto as Exhibit B and the City Manager is authorized to execute said Agreement on behalf of the City.

Section 10. The City Manager, City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all

certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 11. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 12. This Ordinance relating to the creation of a Community Improvement District and the Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC, is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraph (6), of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage. This petition needs to be approved to advance the project.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____

day of _____, 2023, by a _____vote.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Exhibit A

Petition to Establish the 32nd Street Theatre Community Improvement District

[see attached]

Exhibit B

Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC

[see attached]

COUNCIL BILL NO. 2023-509 ORDINANCE NO.

AN ORDINANCE approving the Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan; approving a Side Letter Agreement for the Implementation of Redevelopment Project 4; approving a Side Letter Agreement for the Implementation of Redevelopment Project 5; authorizing the City Manager to execute the Agreements on behalf of the City of Joplin; and containing an emergency clause.

WHEREAS, on December 28, 2020, the City Council of the City of Joplin, Missouri (the "City") adopted Ordinance No. 2020-210 approving the 32nd Street Place Tax Increment Financing Redevelopment Plan (the "Redevelopment Plan"), all pursuant to the provisions of the Real Property Tax Increment Allocation Act, Sections 99.800 to 99.865, RSMo (the "Act"); and

WHEREAS, on August 1, 2022, the City Council adopted Ordinance No. 2022-122 approving the First Amendment to the Redevelopment Plan to reconfigure the boundaries of Redevelopment Project Areas 3 and 4; and

WHEREAS, a proposed Second Amendment to the Redevelopment Plan (the "Second Amendment") to reinstate a proposed movie theater into Redevelopment Project Area 4 was submitted to the Joplin Tax Increment Financing Commission (the "Commission") for consideration; and

WHEREAS, notice of a public hearing on April 27, 2023, before the Commission to discuss the proposed Second Amendment was provided in accordance with the provisions of the Act; and

WHEREAS, a public hearing before the Commission was held on April 27, 2023, and at the public hearing all interested parties were provided with an opportunity to present evidence and testimony regarding the Second Amendment and, on said date, the Commission having heard and considered the objections, protests, comments and other evidence adduced at the public hearing, closed the public hearing and voted to adopt a resolution recommending to the City Council that the Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan be approved and adopted; and

WHEREAS, a Side Letter Agreement for the Implementation of Redevelopment Project 4 Under the Redevelopment Plan between the City, Woodsonia Joplin, LLC, and the 32nd Street Theatre Community Improvement District has been negotiated and drafted for approval by the parties; and

WHEREAS, a Side Letter Agreement for the Implementation of Redevelopment Project 5 Under the Redevelopment Plan between the City, HDDA-Joplin, LLC, Woodsonia Joplin, LLC, and the 32nd Street Place Community Improvement District has been negotiated and drafted for approval by the parties; and

WHEREAS, the City Council having considered the evidence and testimony submitted at the Commission public hearing and the recommendations of the Commission, desires to approve the Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan, approve the Side Letter Agreement for the Implementation of Redevelopment Project 4, approve the Side Letter Agreement for the Implementation of Redevelopment Project 5 and authorize the City Manager to execute the Agreements on behalf of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan, a copy of which is attached hereto as Exhibit "A", is hereby approved and adopted.

Section 2. That the Side Letter Agreement for the Implementation of Redevelopment Project 4 Under the 32nd Street Place Tax Increment Financing Redevelopment Plan attached hereto as Exhibit "B" is approved and the City Manager is authorized to execute said Agreement on behalf of the City.

Section 3. That the Side Letter Agreement for the Implementation of Redevelopment Project 5 Under the 32nd Street Place Tax Increment Financing Redevelopment Plan is approved in substantially the form attached hereto as Exhibit "C" and the City Manager is authorized to execute said Agreement on behalf of the City.

Section 4. This Ordinance relating to the Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan, the Side Letter Agreement for the Implementation of Redevelopment Project 4 Under the 32nd Street Place Tax Increment Financing Redevelopment Plan, and the Side Letter Agreement for the Implementation of Redevelopment Project 5 Under the 32nd Street Place Tax Increment Financing Redevelopment Plan is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraph (6), of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage. This Ordinance needs to be approved to advance the project.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day

of _____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney

Exhibit A

Second Amendment to the 32nd Street Place Tax Increment Financing Redevelopment Plan

[see attached]

Exhibit B

Side Letter Agreement for the Implementation of Redevelopment Project 4 Under the 32nd Street Place Tax Increment Financing Redevelopment Plan

[see attached]

Exhibit C

Side Letter Agreement for the Implementation of Redevelopment Project 5 Under the 32nd Street Place Tax Increment Financing Redevelopment Plan

[see attached]

COUNCIL BILL NO. 2023-510 **ORDINANCE NO.**

AN ORDINANCE approving a Petition to Establish the 32nd Street Theatre Community Improvement District and creating the 32nd Street Theatre Community Improvement District; approving a Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and 32nd Street Entertainment, LLC; authorizing the City Manager to execute the Agreement on behalf of the City of Joplin; and containing an emergency clause.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, the City of Joplin, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on April 28, 2023, property owners within the proposed community improvement district, collectively owning more than fifty percent (50%) by assessed value of the real property and fifty percent (50%) per capita of all owners of real property within the proposed community improvement district filed with the City Clerk a petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled the 32nd Street Theatre Community Improvement District (the "District"), said Petition recites the following facts:

(a) The legal description of the proposed District, including a map illustrating the district boundaries;

(b) The name for the proposed District;

(c) A notice that the signatures of the signers may not be withdrawn later than seven (7) days after the petition is filed with the City Clerk;

(d) A five-year plan stating a description of the purposes of the proposed District, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement that the District will be a political subdivision governed by a five (5) member board appointed by the Mayor with the consent of the City Council;

(f) The total assessed value of all real property within the proposed District;

(g) That the Petitioners are not seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(h) The proposed length of time for the existence of the District;

(i) The proposed method of financing for the District projects and services by implementation of a District Sales Tax on all retail sales made within the District which are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo, at a rate not to exceed one percent (1%), upon an affirmative vote of the qualified voters of the District and in accordance with the CID Act;

(j) That the proposed District will have no power to submit a real property tax to the qualified voters for approval;

(k) That the proposed District will have no power to submit a special assessment to the qualified voters for approval;

(l) The limitations, if any, on the borrowing capacity of the District, the limitations, if any, on the revenue generated by the District, and any other limitations on the powers of the District; and

(m) Requesting that the District be established; and

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven (7) days after the Petition was filed with the City Clerk; and

WHEREAS, all the real property included in the District is entirely located within the City of Joplin; and

WHEREAS, on May 15, 2023, the City Council held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak; and

WHEREAS, a Cooperative Agreement among the City, the District, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC has been negotiated and drafted for approval by the parties; and

WHEREAS, the City Council having considered the evidence and testimony given at the public hearing, desires to approve the Petition and establish the District, make such other findings as necessary, approve the Cooperative Agreement among the City, the District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC and 32nd Street Entertainment, LLC, and authorize the City Manager to execute the Agreement on behalf of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

Section 2. The City Clerk has verified the Petition substantially complies with all submission requirements of the CID Act.

Section 3. The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described and shown in the attached Petition.

Section 4. As set forth in the Petition, the District shall be governed by a board of directors consisting of five (5) members, appointed by the Mayor with the consent of the City Council in accordance with Section 67.1451.5 of the CID Act. The initial Board of Directors and their terms are as follows:

_____	2 years
_____	2 years
Fred Osborn	2 years
Dan Pekarek	4 years
Michael Siebert	4 years

Section 5. The District's Board of Directors shall have the authority to impose a sales tax as set forth in the Petition and in conformance with the CID Act.

Section 6. The District shall have and possess without limitation such powers authorized under the CID Act and as set forth or otherwise limited in the Petition.

Section 7. The District will continue to exist and function until the earlier of: (1) until all of the obligations (and accrued interest), as defined in the CID Act, of the District have been repaid, or (2) the date which is twenty-seven (27) years from the date of this Ordinance establishing the District. The City may extend the duration of the District pursuant to Section 67.1481 of the CID Act.

Section 8. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") the report specified in Section 67.1421.6 of the CID Act, substantially in the form provided by the Department.

Section 9. That the Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and 32nd Street Entertainment, LLC, is approved in substantially the form attached hereto as Exhibit B and the City Manager is authorized to execute said Agreement on behalf of the City.

Section 10. The City Manager, City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all

certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 11. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 12. This Ordinance relating to the creation of a Community Improvement District and the Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC, is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraph (6), of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage. This petition needs to be approved to advance the project.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____

day of _____, 2023, by a _____vote.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Exhibit A

Petition to Establish the 32nd Street Theatre Community Improvement District

[see attached]

Exhibit B

Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Theatre Community Improvement District, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC

[see attached]

COUNCIL BILL NO. 2023-511 ORDINANCE NO.

AN ORDINANCE approving the Amended and Restated Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC; authorizing the City Manager to execute said Amendment on behalf of the City of Joplin; and containing an emergency clause.

WHEREAS, the City of Joplin, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri; and

WHEREAS, on August 3, 2020, the City Council adopted Ordinance No. 2020-113 creating the 32nd Street Place Community Improvement District (the "District") as a political subdivision of the State of Missouri to fund certain public facilities and the rehabilitation of blighted private property within the project area, all in accordance the Missouri Community Improvement District Act, Sections 67.1401-67.1571, Revised Statutes of Missouri, as amended (the "CID Act)"; and

WHEREAS, the boundaries of the District have been subsequently amended by: Ordinance No. 2020-193 dated December 7, 2020; Ordinance No. 2020-205 dated December 21, 2020; Ordinance No. 2021-012 dated January 19, 2021; and Ordinance No. 2021-177 dated December 6, 2021; and

WHEREAS, the District, the City, and Woodsonia Joplin, LLC, a Nebraska limited liability company ("Woodsonia") entered into the Cooperative Agreement dated December 30, 2020, as amended by the First Amendment to Cooperative Agreement dated April 26, 2022 (collectively, the "Original Cooperative Agreement"), which sets forth the parties' rights and obligations with respect to District administration and the financing and construction of the District's project, which specifically includes: (a) acquisition of property within the District for public improvements; (b) capital improvements within the District as permitted by the CID Act, including (i) Hammons Boulevard improvements and realignment, (ii) traffic light at the intersection of 32nd Street and Hammons Boulevard and other improvements along 32nd Street to its intersection with Rangeline Road, (iii) 36th Street improvements and its intersection with Rangeline Road; and (iv) related hardscape, landscaping, and utility improvements; (c) remediation of blighting conditions on private property within the District as permitted under the CID Act provided that the City Council first determines that the action to be taken is reasonably anticipated to remediate the blighting conditions and will serve a public purpose; (d) administration and operation of the District as permitted under the CID Act; and (e) further all other lawful purposes of the District under the CID Act and services authorized by the formation petition as approved by the City Council (collectively, the "Project"); and

WHEREAS, the qualified voters within the District approved a community improvement sales tax (the "Sales Tax") in a mail-in ballot election and the Sales Tax became effective on January 1, 2021, all in accordance with the CID Act; and

WHEREAS, to finance the Project, the Industrial Development Authority of the City of Joplin, Missouri, issued as of February 15, 2021, its Sales Tax Revenue Bonds (32nd Street Place

Community Improvement District Project), Series 2021, in the original principal amount of $15,925,000 (the "2021 Bonds"). The 2021 Bonds are payable solely from the Sales Tax; and

WHEREAS, Woodsonia, in coordination with its wholly-owned affiliate, 32nd Street Entertainment, LLC ("Movie Theater Developer"), intends to undertake the development of an approximately eight (8)-screen movie theater with a bar/restaurant, an arcade/family entertainment facility, a parking lot, and related improvements on property within the District that is designated as Redevelopment Project Area #4 under the 32ND Street Place Tax Increment Financing Plan and Projects, as amended ("TIF Plan"); and

WHEREAS, Woodsonia, the City and the District anticipate that there will be available proceeds from the 2021 Bonds after the Project is complete and fully funded to fund in whole or in part: (i) the acquisition of property and the design and construction of parking lot improvements for the planned movie theater within the District; and (ii) demolition of a vacant hotel (on property within the District designated as Redevelopment Project Area #5 under the TIF Plan) to facilitate the development of one and possibly two new hotels by the current owner of such property; and

WHEREAS, Woodsonia, the City and the District desire to amend and restate the Original Cooperative Agreement by the Amended and Restated Cooperative Agreement, in substantially the form attached hereto, to: (a) revise the Project to add: (i) the acquisition of the movie theater parking lot property and the construction of the movie theater parking lot improvements; (ii) the demolition of the vacant hotel; (b) update Exhibit E-2, the District's Project budget, to provide for the funding of the acquisition and construction of the movie theater parking lot property and improvements and the hotel demolition with available 2021 Bond proceeds; (c) provide for a contribution of City funds to assist in the acquisition and construction of the movie theater parking lot property and improvements; (d) approve a partial assignment of the Amended and Restated Cooperative Agreement from Woodsonia to the Movie Theater Developer as to the movie theater project only; and (e) to make such other amendments to the Original Cooperative Agreement included in the Amended and Restated Cooperative Agreement as presented to the City Council for approval.

BE IT ORDAINED BY THE COUNIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the Amended and Restated Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC, which agreement includes a partial assignment to 32nd Street Entertainment, LLC, as to the movie theater project only, is approved in substantially the form attached hereto as Exhibit A, and the City Manager is authorized to execute said amendment on behalf of the City.

Section 2. The City Manager, City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 4. This Ordinance relating to the Amended and Restated Cooperative Agreement is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraph (6), of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage. The Amended and Restated Cooperative Agreement needs to be approved to advance the District's project.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ of May,

2023, by a vote of _____.

_____
Doug W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Exhibit A

Amended and Restated Cooperative Agreement