

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

PUBLIC MEETING NOTICE

**Annual Meeting of the Board of Directors of the Smithville
Commons Community Improvement District**

September 26, 2023 at 2:00 p.m.

Smithville City Hall, 107 West Main Street, Smithville, MO 64089

Tentative Agenda

- A. Approve Minutes of September 30, 2022 Special Board Meeting (Resolution 2023-1)
- B. Appoint Officers of the District (Resolution No. 2023-2)
- C. Adopt Budget for FYE 10/31/2024 and Appropriate Funds (Resolution No. 2023-3)
- D. Authorize audited financials (Resolution 2023-4)
- E. Approve FYE 10/31/2023 Annual Report Filing to City Clerk, Missouri Department of Economic Development, State Auditor and Missouri Department of Revenue (Resolution No. 2023-5)
- F. Approve FYE 10/31/2023 Annual Financial Report Filing to Missouri State Auditor (Resolution No. 2023-6)
- G. Additional business as may be necessary and appropriate to operate the District

This is an open meeting and the public is invited to observe and attend the meeting.

Arrangements for attendance by telephone conference call have been made. Persons wanting to attend telephonically should call 1-800-737-4367 and at the prompt enter 1261928#.

Any person with a disability desiring reasonable accommodation to attend this meeting should contact Amy Grant at 816-572-4503 at least 24 hours prior to the meeting.

Date and Time Posted: September 25, 2023 11:00 a.m.

Location posted: City Hall and City website

Name of Person Posting: Linda Drummond, City Clerk

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE BOARD OF DIRECTORS

RESOLUTION NO. 2023-1

**APPROVING THE MINUTES OF THE SEPTEMBER 30, 2022
SPECIAL BOARD MEETING**

WHEREAS, the Bylaws of the Smithville Commons Community Improvement District (the “**District**”) require the District to keep minutes of Board of Directors meetings;

WHEREAS, the Board of Directors of the District conducted a Special Board of Directors meeting on September 30, 2022; and

WHEREAS, minutes of such meeting have been prepared and circulated to members of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Smithville Commons Community Improvement District, as follows:

1. The minutes of the Board of Directors meeting held on September 30, 2022, attached hereto as **Exhibit A**, shall be and are hereby approved in all respects.

PASSED by the Board of Directors of Smithville Community Improvement District on September 26, 2023.

Justin Kaufmann, Executive Director

EXHIBIT A

September 30, 2022 Meeting Minutes

[See Attached]

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

MINUTES OF THE BOARD OF DIRECTORS MEETING

September 30, 2022

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m.

II. ROLL CALL

Members of the Board of Directors (the "Board") for the Smithville Commons Community Improvement District (the "District") were present as follows: Dante Cosentino, Adam Lyngar, and Anna Mitchell (Directors Justin Kaufmann and Jennifer Kaufmann were absent). Others Present: Amy Grant, Paralegal with Polsinelli PC and Stephen Larson, Treasurer for the CID.

III. NEW BUSINESS

After determining that a simple majority of the Board members was present and a quorum was recognized, the meeting was commenced.

Ms. Grant explained that the City discovered an error in the prior budgets and that this special meeting needed to be held in order to adopt the correct budgets.

A. Resolution 2022-13: Approve Minutes of September 22, 2022 Special Board Meeting: A motion was made by Dante Cosentino and seconded by Anna Mitchell. A vote was held, the motion unanimously carried and Resolution 2022-13 was adopted.

B. Resolution 2022-14: Adopt an amended budget for FYE 10/31/2023 and Appropriate Funds: A motion was made by Dante Cosentino and seconded by Anna Mitchell. A vote was held, the motion unanimously carried and Resolution 2022-14 was adopted.

C. Resolution 2022-15: Adopt an amended budget for FYE 10/31/2022 and Appropriate Funds: A motion was made by Dante Cosentino and seconded by Anna Mitchell. A vote was held, the motion unanimously carried and Resolution 2022-15 was adopted.

D. ADJOURNMENT

There being no other business to come before the Board, Dante Cosentino made a motion to adjourn the meeting. The motion was seconded by Anna Mitchell carried by all in attendance.

SMITHVILLE COMMONS COMMUNITY
IMPROVEMENT DISTRICT

Justin Kaufmann, Secretary

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE BOARD OF DIRECTORS

RESOLUTION NO. 2023-2

APPOINTING OFFICERS OF THE DISTRICT

WHEREAS, the Bylaws of the Smithville Commons Community Improvement District (the “**District**”) require the District’s Board of Directors (the “**Board**”) to appoint a chairman, executive director, secretary, treasurer and such other officers or employees as it deems necessary;

WHEREAS, the Board desires to appoint a chairman, secretary, treasurer and executive director as the officers of the District in accordance with the Bylaws;

WHEREAS, the Board desires to appoint an agent for the District to serve as Treasurer of the District; and

WHEREAS, the chairman, secretary, treasurer and executive director shall have the powers and duties described in the Bylaws; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Smithville Commons Community Improvement District, as follows:

1. Justin Kaufmann serves on the Board of Directors and is appointed Executive Director and Secretary of the District.
2. Dante Cosentino serves on the Board of Directors and is appointed as the Chairman of the District.
3. Stephen Larson is appointed as an agent of the District and shall serve as Treasurer of the District.
4. Each officer of the District shall exercise those powers and perform those duties as set forth in the Bylaws of the District.
5. This Resolution shall take effect immediately.

PASSED by the Board of Directors of Smithville Commons Community Improvement District on September 26, 2023.

Justin Kaufmann, Executive Director

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE BOARD OF DIRECTORS

RESOLUTION NO. 2023-3

APPROVING A BUDGET FOR FYE 10/31/2024 AND APPROPRIATE FUNDS

WHEREAS, the Smithville Commons Community Improvement District (the “**District**”) is required to adopt an annual budget for the operation of the District;

WHEREAS, the District has prepared a proposed annual budget for FYE 10/31/2024 and has provided a copy to the City for review and comment; and

WHEREAS, the District desires to adopt the proposed annual budget for the operation of the District with respect to the District’s FYE 10/31/2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Smithville Commons Community Improvement District, as follows:

1. The District hereby adopts as its annual Budget with respect to the FYE 10/31/2024, the Budget attached hereto as **Exhibit A**, and appropriates funds in accordance therewith.
2. This Resolution shall take effect immediately.

PASSED by the Board of Directors of Smithville Commons Community Improvement District on September 26, 2023.

Justin Kaufmann, Executive Director

EXHIBIT A

FYE 10/31/2024 Budget

[See Attached]

Smithville Commons Community Improvement District Budget

FYE 10/31/2024 BUDGET

Budget Message:

The Smithville Commons Community Improvement District was formed as a political subdivision of the State of Missouri on August 1, 2017. The District was formed for the purpose of providing revenue sources to assist with and support the financing of the costs of certain public and private improvements that serve the area encompassing the District. The District's sole source of revenue is a 1% sales tax, the collection of which commenced on April 1, 2020 and will terminate after 23 years.

	FYE 10/31/2024*		FYE 10/31/2023*		FYE 10/31/2022
	(as proposed)		(as amended)		(actual)
FUNDS AVAILABLE					
- Cash on Hand (Beginning of Fiscal Year)	\$ 83,790.00	\$	83,790.00	\$	297,096.00
ESTIMATED REVENUE:					
- CID Sales Tax (1% effective April 1, 2020)	\$ 389,962.00	\$	373,750.00	\$	345,227.10
- CID Use Tax (1% effective April 1, 2020)	\$ 6,630.00	\$	6,500.00	\$	5,211.70
- Net Proceeds of Developer Advances	\$ -	\$	-	\$	-
TOTAL ESTIMATED FUNDS AVAILABLE & REVENUE:	\$ 480,382.00	\$	464,040.00	\$	647,534.80
ESTIMATED EXPENDITURES:					
- TIF EATs (50%)	\$ 194,981.00	\$	186,875.00	\$	64,611.03
- City Administrative Fee (1%)^^	\$ 3,900.00	\$	3,737.50	\$	6,474.38
- District Operating Expenses	\$ 5,000.00	\$	5,000.00	\$	24,693.50
- Audit	\$ 15,000.00	\$	10,000.00	\$	7,612.50
- Repayment of Developer Advances (principal and interest)^	\$ 195,035.00	\$	130,000.00	\$	451,425.00
- District Services	\$ -	\$	-	\$	-
TOTAL ESTIMATED EXPENDITURES:	\$ 413,916.00	\$	335,612.50	\$	554,816.41
FUNDS AVAILABLE:					
- Cash on Hand End of Fiscal Year	\$ 66,466.00	\$	128,427.50	\$	92,718.39

* Estimated values.

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE BOARD OF DIRECTORS

RESOLUTION NO. 2023-4

AUTHORIZING AUDITED FINANCIALS

WHEREAS, the Smithville Commons Community Improvement District (the “District”), the City of Smithville (the “City), and Development Associates Smithville, LLC (the “Developer”) entered into that certain Cooperative Agreement, dated as of July 16, 2019 (the “Agreement”);

WHEREAS, the Agreement provides that the District shall furnish annual audited financial statements for each Fiscal Year no later than ninety (90) days following the end of each Fiscal Year.

WHEREAS, the District has authorized the City to perform all functions incident to the administration, enforcement, and operation of the District’s Sales Tax, to the extent not performed by the Stated.

WHEREAS, the District wishes to authorize the City to obtain audited financials for the fiscal year ending December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City is authorized to obtain audited financials of the District’s fiscal year ending December 31, 2023.
2. To the extent the District does not have sufficient funds and Development Associates Smithville, LLC, its successors and assigns (the “Developer”), pays for such an audit on behalf of the District, the Developer shall be reimbursed for such costs pursuant to the Reimbursement Agreement between the District and Developer.
3. This Resolution shall take effect immediately.

PASSED by the Board of Directors of Smithville Commons Community Improvement District on September 26, 2023.

Justin Kaufmann, Executive Director

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE BOARD OF DIRECTORS

RESOLUTION NO. 2023-5

**AUTHORIZING PREPARATION AND SUBMITTAL
OF FYE 10/31/2023 ANNUAL REPORT**

WHEREAS, State law requires that the District state the services provided, revenues collected, and expenditures made by the District during the most recently completed fiscal year, and that the District attach the written resolutions approved by the District's Board of Directors during that period under Section 67.1471.4, RSMo.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Smithville Commons Community Improvement District, as follows:

1. The District hereby directs its legal counsel, Polsinelli PC, to prepare and provide a copy of the FYE 10/31/2023 Annual Report to the Executive Director and Treasurer of the District at its earliest opportunity.
2. To the extent that changes to the Annual Report may be required, the District authorizes the Executive Director and Treasurer to review and approve such changes on behalf of the District
3. If Polsinelli PC does not receive any comments from any of the above-referenced parties within the earlier of 15 days after the report is delivered or the statutory due date for such report, the report shall be deemed approved and the District authorizes Polsinelli PC to submit such report to the City Clerk, Missouri Department of Economic Development, Missouri State Auditor and Missouri Department of Revenue on its behalf.
4. This Resolution shall take effect immediately.

PASSED by the Board of Directors of Smithville Commons Community Improvement District on September 26, 2023

Justin Kaufmann, Executive Director

SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE BOARD OF DIRECTORS

RESOLUTION NO. 2023-6

**AUTHORIZING PREPARATION AND SUBMITTAL OF FYE 10/31/2023
ANNUAL REPORT TO THE STATE AUDITOR**

WHEREAS, State law requires the District to file a financial report with the State Auditor's Office each year under Section 105.145, RSMo. and 15 CSR 40-3.030.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Smithville Commons Community Improvement District, as follows:

1. The District hereby directs the City of Smithville to engage Clifton Larson Allen to prepare and provide a copy of the FYE 10/31/2023 Financial Report to the Executive Director, Treasurer and District's legal counsel, Polsinelli PC, at its earliest opportunity.
2. To the extent that changes to the attached financial statement may be required, the District authorizes the Executive Director and Treasurer to review and approve such changes on behalf of the District.
3. If the accountant does not receive any comments from any of the above-referenced parties within the earlier of 15 days after the report is delivered or the statutory due date for such report, the report shall be deemed approved and the District authorizes Polsinelli PC to submit such report to the Missouri State Auditor's Office on its behalf.
4. This Resolution shall take effect immediately.

PASSED by the Board of Directors of Smithville Commons Community Improvement District on September 26, 2023.

Justin Kaufmann, Executive Director