



St. Clair
Washington
Missourian
St. Clair, MO
Circ. 16591
From Page:
1a
5/26/2010
18448



Counselor ⁸⁰⁰₁₁₄ Warns TIF Committee About Law

By Ed Pruneau
Missourian Managing Editor

City Counselor Mark Piontek has warned members of the Washington TIF Commission against discussing a pending development project outside of a public meeting.

The commission met Monday afternoon to review a revised proposal for the Rhine River development project on Front Street, between Olive and Stafford streets, at the site of the old Franklin County Concrete plant.

Developer Andy Unerstall is seeking up to \$900,000 in tax increment financing (TIF) assistance to help cover extraordinary costs for the planned \$7.8 million development that would include 18 residential townhouses, a new commercial/retail building and improvement and expansion of an existing building

• See Sunshine Law Page 2A





St. Clair
 Washington
 Missourian
 St. Clair, MO
 Circ. 16591
 From Page:
 2a
 5/26/2010
 18448



SUNSHINE LAW

CONTINUED FROM 1A

where Big Johnson's Doc Haus is located.

Two public hearings related to the TIF project are scheduled Wednesday, June 9, at 4 p.m. at city hall.

At the meeting Monday, commissioners heard a suggestion that any surplus TIF revenue over that requested by the developer be shared among the various taxing entities.

At one point, Greg Hoberock, commission member, asked if members were "free to discuss this among ourselves?"

Piontek, who was in the audience, told the commission that would be a Sunshine Law issue, referring to the common name for Missouri's open meeting and record laws.

Under the law, if enough members to constitute a quorum meet and discuss public business, they may be in violation of the law. Likewise, if enough members correspond through e-mails, there could be a violation.

"I would caution you all about having discussions outside of a meeting," Piontek said. "If you do it in small groups to get around the law, that's a problem.

"If it requires discussion, hold another meeting, or do it now," Piontek told the com-

mission members. "Or do it before or after the public hearings."

Mark Grimm, attorney with the Gilmore and Bell law firm, said that after the public hearings are closed, the commission will make a recommendation to the city council on the TIF project.

Grimm said he will prepare two separate resolutions, one recommending approval and one to deny the project. Those will be submitted to commission members prior to the hearings.

The commission has up to 30 days after the hearing to make its recommendation.

"I think the sense of the committee will be clear after the hearings," remarked Marty Tudor, chairman.

Grimm said notices of the hearing date have been sent to all the taxing districts that would be affected by the TIF. Public notices also will be published in the newspaper, he said.

The only property owner affected is the city's 353 Redevelopment Corporation which purchased the concrete plant site and plans to sell it to Unerstall.

Piontek suggested that commission members go into the hearings with an open mind and make their decision after hearing input from the public and taxing entities.