



City Commission Special Meeting

Tuesday, November 14, 2023 at 4:00 PM
Commission Chambers, 124 S Bluff, Anthony, KS 67003

MINUTES

CALL TO ORDER

Mayor Cleveland called the Special Meeting to order at 4:00 p.m.

ROLL CALL

PRESENT

Mayor Greg Cleveland
Commissioner Sherrie Eaton
Commissioner Kenny Hodson Jr.
Commissioner Eric Smith

City Clerk/Administrator Cyndra Kastens, Jerry Angle

ABSENT

Commissioner Jan Lanie

PUBLIC COMMENT - NONE

ITEMS OF BUSINESS

1. Untable Sunrise 2nd Electric Bid Opening

A motion was made to Untable Sunrise 2nd Electric Bid Opening.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Hodson Jr., Commissioner Smith

The following bids were untabled from the November 7, 2023, meeting: Border States \$241,949.92; Stanion \$424,088.70; Sunbelt Solomon \$51,306.50; T&R Electric \$52,980.00; Midwest Electric \$66,450.00. Jerry Angle presented the bid tabulations of the electrical material and transformers with the following recommendations: Border States for \$175,436.25; Stanion for \$28,269.57 and Solomon for \$51,306.50. Materials paid from Electric Equipment Replacement and then reimbursed by the BASE Grant.

A motion was made to accept the bids for RFP for Sunrise 2nd materials from Border States, Stanion, and Sunbelt Solomon for \$255,012.32 as presented.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Hodson Jr., Commissioner Smith

2. Resolution No. 1137 Calling for Public Hearing to Establish RHID and Adopt a Plan for the Development of Housing and Public Facilities

RESOLUTION NO. 1137

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ANTHONY, KANSAS, DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (SUNRISE 2ND ADDITION REINVESTMENT HOUSING INCENTIVE DISTRICT)

WHEREAS, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000 to designate Reinvestment Housing incentive districts within such city; and

WHEREAS, the City of Anthony, Kansas (the “City”) has an estimated population of 2,033 and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the governing body of the City (the “Governing Body”) has performed a Housing Assessment Tool report in 2023 (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, the Governing Body adopted Resolution No. 1132 on August 1, 2023, which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a reinvestment housing incentive district pursuant to the Act, and authorized the submission of such resolution and the Needs Analysis to the Kansas Department of Commerce in accordance with the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated August 23, 2023, authorized the City to proceed with the establishment of a Reinvestment Housing incentive district pursuant to the Act; and

WHEREAS, the City has caused to be prepared a plan (the “Plan”) for the development or redevelopment of housing and public facilities in the proposed Sunrise 2nd Addition Reinvestment Housing Incentive District (the “District”) in accordance with the provisions of the Act; and

WHEREAS, the Plan includes:

1. The legal description and map required by K.S.A. 12-5244(a).
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement value separately.
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District.
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof.

5. A listing of the names, addresses, and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District.
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District.
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefit derived from the District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the District.

WHEREAS, the Governing Body proposes to continue proceedings necessary to create the District, in accordance with the provisions of the Act, and adopt the Plan, by calling of a public hearing on such matters.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANTHONY, KANSAS AS FOLLOWS:

Section 1. Proposed Reinvestment Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a reinvestment housing incentive district. The District is proposed to be formed within the boundaries of the real estate legally described in **Exhibit A** attached hereto, and shown on the map depicting the existing parcels of land attached hereto as **Exhibit B**. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as **Exhibit C**.

Section 2. Proposed Plan; Development Agreement. The Governing Body hereby further declares its intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in **Exhibit D** attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in **Exhibit E** attached hereto.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on December 19, 2023, at City Hall, in the Commission Chambers, located at 124 S. Bluff Avenue, Anthony, Kansas 67003, with the public hearing to commence at 6:00 P.M. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

1. A certified copy of this resolution shall be delivered to:
 - a. The Board of County Commissioners of Harper County, Kansas;
 - b. The Board of Education of Unified School District No. 361, Harper County, Kansas (Chaparral); and
 - c. The Planning Commission of the City of Anthony, Kansas.

2. This Resolution, specifically including **Exhibits A** through **E** attached hereto, shall be published at least once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.
3. This Resolution, including **Exhibits A** through **E** attached hereto, shall be available for inspection at the office of the clerk of the City at normal business hours. Members of the public are invited to review the plan and attend the public hearing on the date announced in this Resolution.

Section 5. Further Action. The Mayor, City Clerk/Administrator, City officials and employees, including the City Attorney, and Gilmore & Bell, P.C., are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

ADOPTED by the governing body of the City of Anthony, Kansas, on November 14, 2023.

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED SUNRISE 2ND ADDITION REINVESTMENT HOUSING INCENTIVE DISTRICT

All of Sunrise 2nd Addition, to the City of Anthony; including all rights of way, easements, future public streets, detention areas

The foregoing description includes the following lots and blocks:

Sunrise 2nd Addition: Lot 1, Block 1; Lots 1, 2, 3, 4, 5, Block 2; Lots 1, 2, 3, 4, Block 3; Lot 1 Block 4; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Block 5

EXHIBIT C

**NAMES AND ADDRESSES OF THE OWNERS OF RECORD
OF ALL REAL ESTATE PARCELS WITHIN THE PROPOSED
SUNRISE 2ND ADDITION
REINVESTMENT HOUSING INCENTIVE DISTRICT
AND THE EXISTING ASSESSED VALUATION OF SAID REAL ESTATE PARCELS NAMES AND ADDRESSES OF THE
DEVELOPERS**

<u>Owner of Real Property:</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
City of Anthony	P.O. Box 504	Anthony	KS	67003
McDermott Wootonn FLP	436 S Jennings	Anthony	KS	67003
NOVA II Properties, LLC	271 NW 160 Rd	Harper	KS	67058
Christian Church of Anthony KS	P.O. Box 445	Anthony	KS	67003

Existing Assessed Valuation of the District: \$54,128

EXHIBIT D

**DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES OR PROJECTS
THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE PROPOSED
SUNRISE 2ND ADDITION
REINVESTMENT HOUSING INCENTIVE DISTRICT**

Housing Facilities

Development and construction of 16 moderate income houses (\$200,000 to \$350,000), as well as development of multi-family housing structures on several lots.

Public Facilities

Construction and installation of public street, water, sanitary sewer, storm sewer and electric utility improvements, and other necessary infrastructure to serve new homes and housing structures within the development area.

EXHIBIT E

**SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER AND
OF THE COMPREHENSIVE FEASIBILITY ANALYSIS**

Contractual Assurances

None

Feasibility Study

The feasibility study shows that the planned development will generate approximately \$1,646,279 in incremental taxes on a net present value basis over a 25-year period, which, is about 37.42% of the total cost and value of the proposed housing development in the District. The feasibility study also shows that the incremental taxes over a 25-year period would cover costs incurred to install the public infrastructure improvements to serve the District. The City

has recently been awarded a grant it will be using in connection with the housing development planned for the District.

A motion was made to approve Resolution No. 1137 for establishing an RHID.

Motion made by Commissioner Smith, Seconded by Commissioner Hodson Jr..

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Hodson Jr., Commissioner Smith

ADJOURNMENT

A motion was made to adjourn the Special Meeting.

Motion made by Commissioner Hodson Jr., Seconded by Mayor Cleveland.

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Hodson Jr., Commissioner Smith

Gregory Cleveland, Mayor

Cyndra Kastens, City Clerk/Administrator