



City Commission Special Meeting

Thursday, May 21, 2026 at 5:00 PM
Commission Chambers, 124 S Bluff, Anthony, KS 67003

MINUTES

CALL TO ORDER

Mayor Cleveland called the special meeting to order at 5p.m.

ROLL CALL

PRESENT

Mayor Greg Cleveland
Commissioner Sherrie Eaton
Commissioner Jan Lanie
Commissioner Eric Smith
Commissioner Howard Hatfield

City Administrator Ewertz, City Superintendent Larry Berry, Brian Little - Entegritty Energy Partners, Kevin Cowan - Gilmore and Bell via Zoom, John Coleman - Entegritty Energy Partners via Zoom, Flint Richter - Entegritty Energy Partners via Zoom

PUBLIC COMMENT- NONE

ITEMS OF BUSINESS

1. **Approve Entegritty Energy Partners Solar Design-Build Contract**

The Entegritty Energy Partners Solar Design-Build Contract was reviewed by City Attorney Ritcha and presented to the Commission. The total of the contract due to Entegritty is \$5,440,491.00.

A motion was made to approve the Entegritty Energy Partners Solar Design-Build Contract.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

2. **Untable - Approve Equipment Lease Purchase Agreement for Solar Array**

A motion was made to untable approving the equipment lease purchase agreement for solar array.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

3. **Approve Equipment Lease Purchase and Escrow Agreement for Solar Array**

The Equipment Lease Purchase Agreement for the solar project was presented again to the Commission as prepared by Kevin Cowan of Gilmore and Bell. The total lease purchase price is \$4,962,161.00.

A motion was made to approve the equipment lease purchase and escrow agreement for solar array.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.
Voting Yea: Mayor Cleveland, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

Discussion was had pertaining to the motion, and a motion to amend or rescind the motion was had. A motion was made to rescind the motion for Item No. 3 "A motion was made to approve the equipment lease purchase and escrow agreement for solar array".

Motion made by Commissioner Lanie, Seconded by Commissioner Hatfield.
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

A motion was made to approve the equipment lease purchase and escrow agreement for solar array and designate the Mayor and City Administrator as authorized lessee representatives under the lease purchase agreement with Capital One Public Funding, LLC and the related escrow agreement among the City, Capital One Public Funding, LCC, and Security Bank of Kansas City, Kansas.

Motion made by Commissioner Lanie, Seconded by Commissioner Hatfield.
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

4. **Approve Ordinance No. S-326 Lease Purchase Agreement for Solar Array**

ORDINANCE NO. S-326

AN ORDINANCE AUTHORIZING THE CITY OF ANTHONY, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING CERTAIN SOLAR EQUIPMENT IMPROVEMENTS TO THE CITY'S ELECTRIC UTILITY SYSTEM; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, under the constitution and statutes of the State of Kansas, particularly Article 12, Section 5 of the Kansas Constitution and K.S.A. 12-101 *et seq.*, the City of Anthony, Kansas (the "City") is empowered to enter

into certain leases, lease purchase agreements and installment purchase agreements for the lease and/or acquisition of property; and

WHEREAS, K.S.A. 10-1116b provides in pertinent part that nothing in the provisions of K.S.A. 10-1101 *et seq.* (Kansas Cash Basis Law) shall prohibit a municipality from entering into a lease agreement, with or without an option to buy, or an installment-purchase agreement, if any of such agreements specifically state that the municipality is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during such municipality's current budget year or (b) funds made available from any lawfully operated revenue producing source; and

WHEREAS, the City has immediate need for acquisition and construction of a 2.25MW-AC/3MW-DC solar array (the "Equipment") to further its governmental and public purposes as contemplated by law, including to improve its electric utility system, but does not have sufficient moneys on hand legally available to purchase the Equipment for its use; and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable Equipment Lease Purchase Agreement (the "Lease") with Capital One Public Funding, LLC (the "Lessor"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Lessor, with an option to purchase the Lessor's interest in the Equipment, a form of which has been submitted to the governing body for review.

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

Section 1. Authorization and Approval of Lease.

(a) The Lease is hereby approved in substantially the form submitted to the governing body on the date hereof, with such changes therein as shall be approved by the Mayor, and which are consistent with the Term Sheet from the Lessor and previously approved by the City, the Mayor's execution of the Lease to be conclusive evidence of such approval.

(b) The obligation of the City to pay Rental Payments (as defined in the Lease) under the Lease is subject to annual appropriation and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.

(c) The Mayor is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The Clerk is hereby authorized to affix the City's seal to the Lease and attest said seal.

Section 2. Further Authority. The City shall, and the officials and agents of the City are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease, the other documents authorized or approved hereby and the Equipment.

Section 3. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body, execution by the Mayor and publication in the official City newspaper.

PASSED by the governing body of the City of Anthony, Kansas, this 21st day of May, 2026 and **SIGNED** by the Mayor.

A motion was made to approve Ordinance No. S-326 Lease Purchase Agreement for Solar Array.

Roll Call Vote: Mayor Cleveland - Yea, Commissioner Eaton - Yea, Commissioner Lanie - Yea, Commissioner Smith - Yea, Commissioner Hatfield - Yea

Motion made by Mayor Cleveland, Seconded by Commissioner Hatfield.

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

5. **Approve KMEA Task Order #2 for 25kV Feed to Solar Array**

KMEA Task Order #2 comes to a total of \$413,950.00. This task order falls under the current master agreement with KMEA.

A motion was made to approve the KMEA Task Order #2 for 25kV Feed to Solar Array.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith, Commissioner Hatfield. Motion Carried.

6. **Review Notice To Proceed for Entegritty Energy Partners for Solar Array**

The Commission reviewed the notice to proceed for Entegritty so they can complete the design of the array. Total funds approved with this NTP is \$190,408.00.

A motion was made to approve the Notice to Proceed for Entegritty Energy Partners for Solar Array.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith,
Commissioner Hatfield. Motion Carried.

ADJOURNMENT

A motion was made to adjourn the special meeting at 5:17p.m.

Motion made by Mayor Cleveland, Seconded by Commissioner Hatfield.
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Smith,
Commissioner Hatfield. Motion Carried.

Gregory Cleveland, Mayor

Melinda Ewertz, City Clerk/Administrator