

City of Crooks
Planning and Zoning Commission
Meeting minutes
December 12, 2022

At 6:30pm, Director Richardson called the meeting to order at the Crooks Community Center. Answering roll call were Commissioner Glasford, Commissioner Masgai, Commissioner Gillespie, Commissioner Jongewaard, Commissioner Papke, and PZ Director Richardson. Absent with notice: Commissioner Hemme.

Approve posted agenda. Motion by Jongewaard to approve agenda, seconded by Gillespie. No discussion. All aye, motion carried.

Approve meeting minutes. Motion by Masgai to approve meeting minutes, seconded by Jongewaard. No discussion. All aye, motion carried.

Open comments. No open comments were received from the public.

Public hearings. Addendum TIF #2 plan. Richardson opened the hearing at 6:31pm. Tobin Morris, TIF Consultant, and Marwin Hofer, developer (“DWBP”) of Willow Creed Ridge, spoke on the amendment for the TIF #2 plan. The amendment is made due to the opportunity of developing a senior living facility in the development, furthering the goal of economic development in the Crooks community. The facility will create jobs, expedite receipt of TIF revenues, and assist with timelier satisfaction of the TIF debt. The amendment will modify the revenue split between the developer and the City to 50/50 until the City has recouped its share of TIF revenues. Richardson opened the floor for comments from the board. No comments were received. Richardson opened the floor for comments from the public. No comments were received from the public. Richardson closed the hearing at 6:36pm.

New business.

- a) Resolution 2022-03 (“Approving increased project costs for TIF #2”). Motion by Jongewaard to approve resolution, seconded by Papke. No discussion. All aye, motion carried.

**CROOKS PLANNING AND ZONING COMMISSION
RESOLUTION #2022-03**

**A RESOLUTION CREATING A MODIFICATION TO TAX INCREMENT FINANCING
DISTRICT NUMBER TWO, CITY OF CROOKS, AND THE ASSOCIATED PROJECT
COSTS**

WHEREAS, the Developer requests a modification to the allowable project costs associated with the creation of a tax increment financing district for purpose of developing a currently undeveloped property to augment the multi-family residential housing, commercial presence, as well as a senior living facility in the City of Crooks.

WHEREAS, the City of Crooks passed a resolution on May 31st, 2022, consenting to creating “Tax Increment Financing District Number Two, City of Crooks” (hereinafter “TIF District #2”).

WHEREAS, the City of Crooks submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #2 with total project costs of \$5,495,224; and

WHEREAS, the City of Crooks adopted TIF District #2 on May 31st, 2022; and

WHEREAS, due to inflation and unforeseen project costs, the City of Crooks is requesting an increase of \$1,000,000 to the project plan to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL 11-9-23

WHEREAS, SDCL § 11-9-23 **Redetermination of tax increment base when project costs increased by amendment of plan**. If the municipality adopts an amendment to the original project plan for any district that includes additional project costs for which tax increments may be received by the municipality, the tax increment base for the district shall be redetermined pursuant to § 11-9-20. The tax increment base as redetermined under this section is effective for the purposes of this chapter only if it exceeds the original tax increment base determined pursuant to § 11-9-20. The provisions of this section do not apply if the additional project costs are thirty-five percent or less than the amount approved in the original project plan and the additional project costs will be incurred before the expiration of the period specified in § 11-9-13.

WHEREAS, SDCL § 11-9-14 For the purposes of this chapter, the term, project costs, are any expenditures made or estimated to be made, or monetary obligations incurred or estimated to be incurred, by a municipality that are listed in a project plan as grants or costs of public works or improvements within a district, plus any incidental costs diminished by any income, special assessments, or other revenues, other than tax increments, received, or reasonably expected to be received, by the municipality in connection with the implementation of the plan.

WHEREAS, amendments to the Project Plan dated December 12th, 2022 have been updated to reflect the new amount of the total amount to be reimbursed and no expenditure may be provided for in the plan more than five years after a district is created unless an amendment is adopted by the governing body pursuant to § 11-9-23

NOW, THEREFORE, BE IT RESOLVED, THE CITY OF CROOKS PLANNING AND ZONING COMMISSION HEREBY:

- 1. Authority and Declaration of Necessity.** The Planning and Zoning Commission declares the necessity for the approval of amending TIF District #2 plan, pursuant to SDCL Chapter 11-9, and finds it necessary, to achieve the economic development goals of the City of Crooks, and thus is requesting an increase of \$1,000,000 to the project plan

to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL § 11-9-23

2. **Findings.** The Planning and Zoning Commission finds that there is statutory authority to refer said amendment to TIF District #2 to the Crooks City Council for their consideration.
 - a. Less than 5 years have passed since creation of the district
 - b. The additional project costs are less than 35% and thus do not constitute a redetermination of the tax increment base.
 - c. Taxing entities have been notified by First Class Mail.
 - d. South Dakota Department of Revenue has issued a letter stating the Base Value will not be changed.

3. **Recommendation of Amending Tax Increment Plan.** The Planning and Zoning Commission of the City of Crooks does hereby adopt the amendment of TIF District #2 and recommends to the City of Crooks City Council.

Ayes: Glasford, Papke, Jongewaard, Gillespie, Masgai, Richardson
Nays:
Abstains:

Chairman

Finance Officer

Adopted: 12/12/2022
Published:
Effective:

Old business. None.

Adjourn. Motion by Jongewaard to adjourn meeting at 6:37pm, seconded by Glasford. No discussion. All aye, motion carried.

Respectfully submitted,
Tobias Schantz
City Administrator/Finance Officer
City of Crooks, SD

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