



# City Commission Regular Meeting

Tuesday, May 16, 2023 at 6:00 PM  
Commission Chambers, 124 S Bluff, Anthony, KS 67003

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## MINUTES

### OPENING

- Welcome / Call to Order
- Invocation / Pledge of Allegiance
- Roll Call

### PRESENT

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

City Administrator Cyndra Kastens, Deputy City Clerk Sherri Miller, Superintendent Randy Moore, Police Chief Kenny Hodson, Tiffany Hartson, Aspen Davis Williams, Jeff Pack, Billy Foss and Tiffany Asper.

- Approval of Agenda

A motion was made to approve the agenda.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

### PUBLIC COMMENT - NONE

### CONSENT AGENDA

1. Approve May 2, 2023 Regular Meeting Minutes
2. Special Appropriations:  
  
Fund #34 Street Improvements-Pavement Maintenance Products-\$1,552.50-Hot Pour
3. Appropriation Ordinance No 3166-\$209,315.30
4. Approve 5.09.2023 Payroll \$60,661.84
5. Plains State Bank Resolution COD 134361

Mayor Cleveland asked if any items should be pulled from the consent agenda for further review. Hearing none a motion was made to approve the consent agenda.

Motion made by Commissioner Smith, Seconded by Commissioner Eaton.

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

## **PUBLIC HEARINGS - NONE**

## **REGULAR BUSINESS**

### **6. Dangerous Structure Request for Extension - 422 N Massachusetts Williams**

Aspen Davis Williams was present to request an extension for the dangerous structure demolition order for Resolution No 1118 at 422 N. Massachusetts. A motion was made to extend the dangerous structure demolition deadline for 422 N. Massachusetts to June 6, 2023.

Motion made by Commissioner Lanie, Seconded by Commissioner Smith.

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

### **7. Request for Extension on Health Nuisance/Vehicle Nuisance - Mary Jo Bush 501 S Kansas**

Billy Foss was present to request an extension on Health Nuisance and Vehicle Nuisance for Mary Jo Bush at 501 S. Kansas. Resolution 1122 and Resolution 1125 will be amended.

### **8. Health Nuisance Resolution 1122 501 S. Kansas Bush 2023**

RESOLUTION NO. 1122

A RESOLUTION AUTHORIZING THE PUBLIC OFFICERS OR OTHER AGENTS OF THE CITY TO ABATE HEALTH NUISANCES AS AUTHORIZED BY ARTICLE 2 OF CHAPTER VII OF THE CITY OF ANTHONY CITY CODE.

WHEREAS, it is in the interest of the City Commission that the health, safety, and general welfare of the citizens of the City of Anthony be maintained;

WHEREAS, that a health nuisance has developed in the North Forty-six (46) ft. of Lot Two (2) in Block Seven (7) in Cades Addition, in the City of Anthony, Harper County, Kansas; as shown by the recorded Plat thereof, 501 S. Kansas, Anthony, Kansas.

WHEREAS, Notice of Violations was served in person to the property owner of record Mary Jo Bush, on May 3, 2023, by Officer Herman Manning.

WHEREAS, the property owner has not alleviated the alleged violations nor requested a hearing before the City Commission within the time periods specified;

WHEREAS, the public officer and other agents of the City of Anthony presents this Resolution to the City Commission;

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to abate the conditions causing the violations at the end of June 06, 2023; and

BE IT FURTHER RESOLVED that the cost incurred by the City shall be charged against the Lot or Lots or parcel of ground on which the nuisance or nuisances were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk certify the cost as provided and the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

Amount is due from property owner(s) for services rendered by the City of Anthony upon presentation of bill. Failure of property owner(s) to pay amount due may result in the City bringing an action in district court, or causing a special assessment to be levied on the property, or any other manner of collection provided by law.

ADOPTED at Anthony, Kansas, this 16th day of, 2023.

A motion was made to approve Health Nuisance Resolution 1122 501 S. Kansas Bush amending the completion date from May 26, 2023 to June 6, 2023.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

**9. Inoperable Vehicle Nuisance Resolution 1125 501 S. Kansas Bush 2023**

**RESOLUTION NO. 1125**

A RESOLUTION AUTHORIZING THE PUBLIC OFFICERS OR OTHER AGENTS OF THE CITY TO ABATE INOPERABLE VEHICLES AS AUTHORIZED BY ARTICLE 3 OF CHAPTER VII OF THE CITY OF ANTHONY CITY CODE.

WHEREAS, it is in the interest of the City Commission that the health, safety, and general welfare of the citizens of the City of Anthony be maintained;

WHEREAS, that a vehicle nuisance has developed in the North Forty-six (46) ft. of Lot Two (2) in Block Seven (7) in Cades Addition, in the City of Anthony, Harper County, Kansas, as shown by the recorded plat thereof 501 S. Kansas, Anthony, KS 67003.

WHEREAS, Notice of Violations was served in person to the property owner of record Mary Jo Bush, on May 3, 2023, by Officer Herman Manning,

WHEREAS, the property owner has not alleviated the alleged violations nor requested a hearing before the City Commission within the time periods specified;

WHEREAS, the public officer and other agents of the City of Anthony presents this Resolution to the City Commission;

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to abate the conditions causing the violations at the end of June 06, 2023; and

BE IT FURTHER RESOLVED that the cost incurred by the City to abate such conditions shall be charged against the Lot or Lots or parcel of ground on which the nuisance or nuisances were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk certify the cost as provided and the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

If any assessments levied pursuant to unpaid costs remain for a period of one year or more after their initial levy the City may collect the amount due in the same manner as a personal debt of the property owner to the City by bringing an action in District Court. Interest will accrue from and after the date a delinquency occurs. The City may pursue collection by levying a special assessment in addition to any other manner provided by law. Amount is due from property owner(s) for services rendered by the City of Anthony upon presentation of bill. Failure of property owner(s) to pay amount due may result in the City bringing an action in district court, or causing a special assessment to be levied on the property, or any other manner of collection provided by law.

ADOPTED at Anthony, Kansas, this 16<sup>th</sup> day of May, 2023.

A motion was made to approve Inoperable Vehicle Nuisance Resolution 1125 501 S. Kansas Bush amending the completion date from May 26, 2023 to June 6, 2023.

**10. Approve Ballfield Alcohol Consumption Exemption Application - Tanners Tournament**

Tiffany Asper was present to present a Ballfield Alcohol Consumption Exemption Application for Tanners Tournament on June 3, 2023. A motion was made to approve the Ballfield Alcohol Consumption Exemption Application.

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

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

**11. HCCF Agreement for BASE Grant**

There was a discussion about the HCCF/Cities Partnership Agreement for the BASE Grant. The Commission requested the City Administrator to meet with the HCCF Board to discuss further.

**12. Transient Guest Tax Recommendation to Approve \$4,000 to Anthony Golf Club**

A motion was made to approve the Transient Guest Tax Recommendation for \$4000 to the Anthony Golf Club. This will leave \$167.84 in the account until the next distribution.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

**13. 2023 Sunflower Balloon Fest Food Vendor Exemption List**

A motion was made to approve the 2023 Sunflower Balloon Fest Food Vendor Exemption List for the Anthony Chamber of Commerce.

Motion made by Mayor Cleveland, Seconded by Commissioner Hodson Jr..  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

**14. Discussion to Change Fireworks Sales to Local Sellers Only \*\*Untable**

A motion was made to untable the discussion to approve the requested change of city codes to only allow local sellers to sell fireworks.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

After discussion, the Commission agreed to take no action at this time.

**15. Review of Annual Commission Donation Approvals \*\*Untable**

A motion was made to untable the review of the list of annual commission donation approvals.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

After review and discussion, the Commission agreed to increase the Balloon Fest donation from \$250 to \$300 annually and leave the rest of the donations the same.

**16. Anthony Lake Watercraft Closure Discussion**

Admin Kastens reviewed the city code concerning the Anthony Lake Watercraft closing. Current closure procedures will need reviewed and amended. Until that time, the Administrator will consult with insurance and legal to determine recommended course of action.

**17. Amend Certified Water Operator Contract to Include Wastewater**

A motion was made to Amend the Certified Water Operator Contract to Include Wastewater.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

**18. Health Nuisance Resolution 1121 536 S. Kansas Foss 2023**

RESOLUTION NO. 1121

A RESOLUTION AUTHORIZING THE PUBLIC OFFICERS OR OTHER AGENTS OF THE CITY TO ABATE HEALTH NUISANCES AS AUTHORIZED BY ARTICLE 2 OF CHAPTER VII OF THE CITY OF ANTHONY CITY CODE.

WHEREAS, it is in the interest of the City Commission that the health, safety, and general welfare of the citizens of the City of Anthony be maintained.

WHEREAS, that a health nuisance has developed in Lot Seventeen (17) in Block Six (6) of Cade's Addition, in the City of Anthony, Harper County, Kansas; as shown by the recorded Plat thereof, 536 S. Kansas, Anthony, Kansas.

WHEREAS, Notice of Violations was served in person to the property owner of record William Leonard Foss II, on May 3, 2023, by Officer Herman Manning.

WHEREAS, the property owner has not alleviated the alleged violations nor requested a hearing before the City Commission within the time periods specified;

WHEREAS, the public officer and other agents of the City of Anthony presents this Resolution to the City Commission;

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to abate the conditions causing the violations at the end of, May 26, 2023; and

BE IT FURTHER RESOLVED that the cost incurred by the City shall be charged against the Lot or Lots or parcel of ground on which the nuisance or nuisances were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk certify the cost as provided and the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. Amount is due from property owner(s) for services rendered by the City of Anthony upon presentation of bill. Failure of property owner(s) to pay amount due may result in the City bringing an action in district court, or causing a special assessment to be levied on the property, or any other manner of collection provided by law.

ADOPTED at Anthony, Kansas, this 16th day of May, 2023

A motion was made to approve Health Nuisance Resolution 1121 536 S Kansas Foss.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

**19. Health Nuisance Resolution 1123 218 S. Bluff Elliott 2023**

RESOLUTION NO. 1123

A RESOLUTION AUTHORIZING THE PUBLIC OFFICERS OR OTHER AGENTS OF THE CITY TO ABATE HEALTH NUISANCES AS AUTHORIZED BY ARTICLE 2 OF CHAPTER VII OF THE CITY OF ANTHONY CITY CODE.

WHEREAS, it is in the interest of the City Commission that the health, safety, and general welfare of the citizens of the City of Anthony be maintained;

WHEREAS, that a health nuisance has developed in Lot Nine (9) in Block Sixty-five (65), in the City of Anthony, Harper County, Kansas; as shown by the recorded Plat thereof, 218 S. Bluff, Anthony, Kansas.

WHEREAS, Notice of Violations was served in person to the property owner of record Rocky J. Elliott, on May 3, 2023, by Officer Herman Manning.

WHEREAS, the property owner has not alleviated the alleged violations nor requested a hearing before the City Commission within the time periods specified;

WHEREAS, the public officer and other agents of the City of Anthony presents this Resolution to the City Commission;

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to abate the conditions causing the violations at the end of May 26, 2023; and

BE IT FURTHER RESOLVED that the cost incurred by the City shall be charged against the Lot or Lots or parcel of ground on which the nuisance or nuisances were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk certify the cost as provided and the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. Amount is due from property owner(s) for services rendered by the City of Anthony upon presentation of bill. Failure of property owner(s) to pay amount due may result in the City bringing an action in district court, or causing a special assessment to be levied on the property, or any other manner of collection provided by law.

ADOPTED at Anthony, Kansas, this 16th day of, 2023.

A motion was made to approve Health Nuisance Resolution 1123 218 S Bluff Elliott.

Motion made by Commissioner Smith, Seconded by Commissioner Eaton.

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

**20. Inoperable Vehicle Nuisance Resolution 1124 536 S. Kansas Foss 2023**

RESOLUTION NO. 1124

A RESOLUTION AUTHORIZING THE PUBLIC OFFICERS OR OTHER AGENTS OF THE CITY TO ABATE INOPERABLE VEHICLES AS AUTHORIZED BY ARTICLE 3 OF CHAPTER VII OF THE CITY OF ANTHONY CITY CODE.

WHEREAS, it is in the interest of the City Commission that the health, safety, and general welfare of the citizens of the City of Anthony be maintained;

WHEREAS, that a vehicle nuisance has developed in Lot Seventeen (17) in block Six (6) of Cade's Addition, in the City of Anthony, Harper County, Kansas, as shown by the recorded plat thereof 536 S. Kansas, Anthony, KS 67003.

WHEREAS, Notice of Violations was served in person to the property owner of record William Leonard Foss II, on May 3, 2023, by Officer Herman Manning,

WHEREAS, the property owner has not alleviated the alleged violations nor requested a hearing before the City Commission within the time periods specified;

WHEREAS, the public officer and other agents of the City of Anthony presents this Resolution to the City Commission;

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to abate the conditions causing the violations at the end of May 26, 2023; and

BE IT FURTHER RESOLVED that the cost incurred by the City to abate such conditions shall be charged against the Lot or Lots or parcel of ground on which the nuisance or nuisances were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk certify the cost as provided and the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

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ADOPTED at Anthony, Kansas, this 16<sup>th</sup> day of May, 2023.

A motion was made to approve Inoperable Vehicle Nuisance Resolution 1124 536 S Kansas Foss.



Motion made by Commissioner Lanie, Seconded by Commissioner Smith.  
Voting Yea: Mayor Cleveland, Commissioner Eaton, Commissioner Lanie, Commissioner Hodson Jr., Commissioner Smith

**21. Inoperable Vehicle Nuisance Resolution 1126 218 S. Bluff Elliott 2023**

RESOLUTION NO. 1126

A RESOLUTION AUTHORIZING THE PUBLIC OFFICERS OR OTHER AGENTS OF THE CITY TO ABATE INOPERABLE VEHICLES AS AUTHORIZED BY ARTICLE 3 OF CHAPTER VII OF THE CITY OF ANTHONY CITY CODE.

WHEREAS, it is in the interest of the City Commission that the health, safety, and general welfare of the citizens of the City of Anthony be maintained;

WHEREAS, that a vehicle nuisance has developed in Lot Nine (9) in block Sixty-five (65), in the City of Anthony, Harper County, Kansas, as shown by the recorded plat thereof 218 S. Bluff, Anthony, KS 67003.

WHEREAS, Notice of Violations was served in person to the property owner of record Rocky J. Elliott, on May 3, 2023, by Officer Herman Manning,

WHEREAS, the property owner has not alleviated the alleged violations nor requested a hearing before the City Commission within the time periods specified;

WHEREAS, the public officer and other agents of the City of Anthony presents this Resolution to the City Commission;

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to abate the conditions causing the violations at the end of May 26, 2023; and

BE IT FURTHER RESOLVED that the cost incurred by the City to abate such conditions shall be charged against the Lot or Lots or parcel of ground on which the nuisance or nuisances were located. The City Clerk shall, at the time of certifying other taxes to the County Clerk certify the cost as provided and the County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

If any assessments levied pursuant to unpaid costs remain for a period of one year or more after their initial levy the City may collect the amount due in the same manner as a personal debt of the property owner to the City by bringing an action in District Court. Interest will accrue from and after the date a delinquency occurs. The City may pursue collection by levying a special assessment in addition to any other manner provided by law. Amount is due from property owner(s) for services rendered by the City of Anthony upon presentation of bill. Failure of property owner(s) to pay amount due may result in the City bringing an action in district court, or causing a special assessment to be levied on the property, or any other manner of collection provided by law.

ADOPTED at Anthony, Kansas, this 16<sup>th</sup> day of May, 2023.

A motion was made to approve Inoperable Vehicle Nuisance Resolution 1126 218 S Bluff.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.

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

## **22. Municipal Court Report April 2023**

A motion was made to approve the Municipal Court Report for April 2023.

Motion made by Mayor Cleveland, Seconded by Commissioner Eaton.

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

## **STAFF REPORTS**

### **23. Administrator Report**

The Administrator provided a written report on Camp Host, Swimming Pool, Housing Committee Update and Rec Trails Grant.

### **24. Superintendent Report**

The Superintendent provided a written report on patching and painting on pool gutters, helped troubleshoot the circulation pump at the pool, met with rep from Ray Lindsey at the RV dump station, checked on restrooms at the Lake, Permits, direction for water department and line crew and other department activities.

### **25. Chief of Police report**

We inspected some properties to be cleaned up

We served around 15 weed notices

We arrested John Gomez on a warrant

We investigated a disorderly conduct case and turned it over to the CA for possible charges

We arrested Robert Lambert for disorderly conduct and possession of drug paraphernalia

We arrested Jody Bringer for DUI

We served a search warrant in the 600 block of N. Penn. We collected Marijuana, meth and fentanyl pills. We arrested Lacy Horn and Amber Grossberndt on drug charges.

## **EXECUTIVE SESSION - NONE**

## **ADJOURNMENT**

A motion was made adjourn the meeting.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

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Gregory Cleveland, Mayor

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City Clerk/Administrator, Cyndra Kastens