



City Commission Regular Meeting

Tuesday, April 04, 2023 at 6:00 PM
Commission Chambers, 124 S Bluff, Anthony, KS 67003

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, Police Chief Kenny Hodson, Superintendent Randy Moore, Creighton Cullop, Nate Houston, Judy Kelley, Mark Kelley, Sid Burkholder, Ami DeLacerda, Josh Teel and Josh Rathgeber.

- 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

Judy Kelley was present representing the Southern Kansas Bowhunters Club to request to be on the April 18, 2023, agenda to renegotiate boundary lines on the Southern Kansas Bowhunters Club lease. Sid Burkholder also requested the city review the Gun Club Lease at the same time.

Creighton Cullop was present to thank the commission for the work on the demo project at 432 S Anthony and the hope to see it keep going.

CONSENT AGENDA

1. Approve 3.21.23 Regular Meeting Minutes
2. Appropriation Ordinance No 6133 \$277,797.89

3. Approve 03.28.2023 Payroll \$62,493.57
4. Approve KA-6909-01 FY25 KDOT CCLIP Agreement (Main and Anthony Intersection) and appoint City Administrator as the Signatory for the Project

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 Mayor Cleveland, Seconded by Commissioner Smith.

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

PUBLIC HEARINGS - NONE

REGULAR BUSINESS

5. **Dangerous Structure Request for Extension - Lot 1 Block 73 a.k.a. Southwest Corner of Grant and S. Massachusetts - Rathgeber**

Josh Rathgeber was present to request an extension for the dangerous structure demolition order for Resolution No. 1113 at Lot 1 Block 73 a.k.a. Southwest Corner of Grant and South Massachusetts. A motion was made to extend the dangerous structure deadline for demolition of the dangerous structure and final site clean up to be completed by the end of May 2023.

Motion made by Commissioner Lanie, Seconded by Commissioner Smith.

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

6. **Approve Opioid Settlement with Teva, Allergan, CVS, Walgreens, and Walmart - Deputy Chief Nate Houston**

Deputy Chief Nate Houston was present to request approval of the second opioid settlement with Teva, Allergan, CVS, Walgreens, and Walmart. A motion was made to approve the Opioid Settlement with Teva, Allergan, CVS, Walgreens, and Walmart.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.

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

7. **Planning Commission Recommendation for Approval of Ordinance S-310 Rezone 120 N LL&G**

Zoning Administrator Cyndra Kastens presented the Planning Commission's recommendation to approve the rezone of property located at 120 N LL&G for drainage basins to match the B-1 zoning of the rest of the Family Dollar property. Ordinance S-310 was presented and a motion was made to approve Ordinance S-310 to rezone a portion of land for drainage basins located at 120 N LL&G from R-1 Residential to B-2 Service Business.

Motion made by Commissioner Smith, Seconded by Mayor Cleveland.

A roll call vote was taken. Mayor Cleveland - Yea, Commissioner Eaton - Yea, Commissioner Lanie-Yea, Commissioner Hodson Jr.- Yea, Commissioner Smith - Yea. Motion passed.

8. Planning Commission Recommendation for Approval of Ordinance S-311 Rezone 103 W Steadman

Ami DeLacerda representing Harper County, was present to request approval of the Planning Commission's recommendation to approve the rezone of property located at 103 W Steadman. Ordinance S-311 was presented and a motion was made to approve Ordinance S-311 to rezone property located at 103 W Steadman from B-1 Central Business to R-1 Residential.

Motion made by Commissioner Lanie, Seconded by Mayor Cleveland.

A roll call vote was taken. Mayor Cleveland - Yea, Commissioner Eaton - Yea, Commissioner Lanie-Yea, Commissioner Hodson Jr.- Yea, Commissioner Smith - Yea. Motion passed.

9. Planning Commission Recommendation for Approval of Ordinance S-312 Special Use Permit in R-1 Residential

Ami DeLacerda representing Harper County, was present to request approval of the Planning Commission's recommendation for a Special Use Permit in an R-1 Residential District for daycare for six (6) persons or more. Ordinance S-312 was presented for approval of the Special Use Permit. A motion was made to approve Ordinance S-312 to allow the Special Use Permit for a daycare on property located at 103 W Steadman with conditions.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.

A roll call vote was taken. Mayor Cleveland - Yea, Commissioner Eaton - Yea, Commissioner Lanie-Yea, Commissioner Hodson Jr.- Yea, Commissioner Smith - Yea. Motion passed.

10. Reappoint Larry Berry as City of Anthony Director 1 for KMEA - Permanent Appointment Until Removed

A motion was made to reappoint Larry Berry as the City of Anthony Director 1 for KMEA as a permanent appointment until removed.

Motion made by Commissioner Smith, Seconded by Commissioner Lanie.

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

11. Request to Obtain Bids for VFD's For High Service Pump #2

A motion was made to approve the request from Superintendent Moore to obtain bids for a VFD for the High Service Pump #2.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.

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

12. Health Resolution No. 1117 308 S. Madison Davis 2023

RESOLUTION NO. 1117

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 South Half (1/2) of Lot Four (4) and the North Half (1/2) of Lot Five (5) in Block Eighty-two (82), in the City of Anthony, Harper County, Kansas; as shown by the recorded Plat thereof, 308 S. Madison, Anthony, Kansas.

WHEREAS, Notice of Violations have been mailed to the property owner of record by certified mail Isaac Lee Davis, 320 W. Forest St, Pittsburg, KS 66762; Notice was never picked up by property owner. On March 10, 2023, Rowdy Bazer, tenant, was served notice of violations in person by Chief Kenny Hodson.

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 April 14, 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 4th day of April, 2023.

A motion was made to approve Resolution No. 1117 308 S Madison Davis 2023 as presented.

Motion made by Mayor Cleveland, Seconded by Commissioner Eaton.

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

13. Dangerous Structure Resolution No. 1118 of Findings of Unsafe or Dangerous Structure Williams 2023

RESOLUTION NO. 1118

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT NINETEEN (19) IN BLOCK THREE (3) IN GRAY'S ADDITION IN THE CITY OF ANTHONY, HARPER COUNTY, KANSAS, COMMONLY KNOWN AND REFERRED TO AS 422 N. MASSACHUSETTS ANTHONY, KANSAS, IS DANGEROUS OR UNSAFE AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Anthony, Kansas did on the 17th day of January, 2023, file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was dangerous or unsafe; and,

WHEREAS, the governing body did by Resolution No. 1109 dated the 17th day of January, 2023, fix the time and place of a hearing at which the owner, his or her agent, lienholders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 1109 was published in the official city paper on the 25th day of January, 2023, and on the 1st day of February, 2023, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 7th day of March, 2023, the governing body did conduct the hearing scheduled in Resolution No. 1109 and took evidence from the following: the enforcing officer on behalf of the city; The following parties in interest failed to appear or appeared and did not present evidence: Aspen Williams.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANTHONY, KANSAS, THAT:

1. The governing body hereby finds that the structure located at:

Lot Nineteen (19) in Block Three (3) in Gray's Addition in the City of Anthony, Harper County, Kansas.

and commonly known and referred to as 422 N. Massachusetts, Anthony, Kansas, is dangerous or unsafe and directs that such structure is to be removed and the premises made safe and secure.

2. The owner of such structure is hereby directed to commence the removal of the property no later than the 13th day of April, 2023, and to have the removal completed within 30 days of the date of commencement and not later than the 12th day of May, 2023. Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the removal of the property. The owner shall bear full responsibility for any and all expenses associated with the removal of the structure and making the premises safe and secure.

3. If the owner fails to commence the removal of the structure within the time stated herein, or any additional time granted by the governing body, or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed, make the premises safe and secure, or let the same to contract, and the costs of razing and removing and making secure, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, shall be assessed as a special assessment against the lot of parcel of land upon which the structure is located, and or by an action in district court, and any other manner of collection provided by law.

4. The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition, with the ground level and free of debris, at owner's expense. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. The cost of which shall be recovered by any means stated in Section 3 of this resolution.

5. The owner of the structure must obtain an approved demolition permit from the City of Anthony prior to starting construction/demolition.

APPEAL, Any person affected by an order issued by the governing body under this resolution may, within 30 days following service of the order, petition the district court of Harper County for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

BE IT FURTHER RESOLVED, that if the owner fails to commence the repair or removal of the structure within the time provided herein or fails to diligently prosecute the same until it is completed, the governing body may take such further action as it deems necessary to raze and remove the structure without further notice to the owner or other parties in interest.

BE IT FURTHER RESOLVED that the City Clerk or designated representative shall cause this Resolution to be published once in the official city paper and mail a copy to the owner, agents, lienholders, occupants, and other parties in interest.

Adopted this 4th day of April, 2023,

A motion was made to approve Dangerous Structure Resolution No. 1118 Findings of Unsafe or Dangerous Structure Williams 2023.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

14. Dangerous Structure Ordinance S-313 Directing Action To Remove 301 N. Kansas Drosselmeyer 2023

A motion was made to approve Dangerous Structure Ordinance S-313 Directing Action to Remove 301 N Kansas Drosselmeyer 2023.

Motion made by Commissioner Eaton, Seconded by Commissioner Smith.

A roll call vote was taken. Mayor Cleveland - Yea, Commissioner Eaton - Yea, Commissioner Lanie-Yea, Commissioner Hodson Jr.- Yea, Commissioner Smith - Yea. Motion passed.

15. 2023 EMC Insurance Renewal

Administrator Kastens presented the 2023 EMC Insurance Renewal. The Commission gave the Administrator direction to obtain a quote for more coverage on Cyber Liability and to increase the Umbrella coverage to \$3,000,000.

STAFF REPORTS

16. Administrator Report

The Administrator provided a written report on Turf Runway Rehab, AWOS & Beacon, Wayne Dennis Committee, Streets, Golf Course Irrigation, Housing Committee Update, Rec Trails Grant, Cost-Share Grant.

17. Chief of Police Report

We inspected some properties to be cleaned up

We arrested Mackenzie Graves on an out of county warrant

We investigated a case theft and criminal damage to property in the 500 block of South Kansas

We investigated a theft in the 400 block of South Anthony

We investigated a sexual assault case and we arrested Keagan Boice for rape, sexual battery and aggravated battery

EXECUTIVE SESSION - NONE

ADJOURNMENT

A motion was made to 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

Gregory Cleveland, Mayor

Cyndra Kastens, City Clerk/Administrator