



City Commission Regular Meeting

Tuesday, March 21, 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.
Comissioner Eric Smith

City Administrator Cyndra Kastens, Deputy City Clerk Sherri Miller, Police Chief Kenny Hodson, Jim Templin, Howard Hatfield, Allen Finley, Josie Duwe, Callie Carpenter and T.J. Fischer

- Approval of Agenda

A motion was made to approve the agenda.

Motion made by Mayor Cleveland, Seconded by Commissioner Smith.

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

PUBLIC COMMENT

Howard Hatfield and Jim Templin were present to discuss the truck traffic going north on Jennings.

CONSENT AGENDA

1. Approve March 7, 2023 Regular Meeting Minutes
2. Special Appropriations:

Fund #01 General - Nationwide Insurance - Anthony Golf Board Insurance \$14,267.00
(Exceeds 2023 Budget by \$3,267.00)

Fund #34 Capital Fire - Feld Equipment - \$23,870.00 Ladder Truck#50 Repair

Fund #34 Lake Maintenance & Imp - Home Lumber Fund #34 Lake Maintenance – RV Dump
Water Station \$384.78 – Grout/screw/blades/bits

3. Appropriation Ordinance No. 6132 \$250,319.73
4. Approve 03.14.2023 Payroll \$60,492.01
5. Approve 2023 CMB License for Family Dollar
6. Dangerous Structure Resolution 1116 Findings of Unsafe or Dangerous Structure 422 N. Massachusetts Williams 2023

RESOLUTION NO. 1116

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT NINETEN (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 27th 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. Kansas, 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 29th day of March, 2023, and to have the removal completed within 30 days of the date of commencement and not later than the 28th day of April, 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 21st day of March, 2023,

7. Approve Rec Commission Recommendation to Accept Resignation of Joel Walker and Appoint TJ Fischer to Fill Remainder of Term to Expire July 2024
8. Municipal Court Report February 2023
9. Appoint Hunter Turner to the Anthony Fire Department as Recommended by Anthony Fire Department

Mayor Cleveland asked if any items should be pulled from the consent agenda for further review. Mayor Cleveland requested Item #2 Fund #01 General-Nationwide Insurance-Anthony Golf Board Insurance \$14,267.00 be pulled for further discussion. A motion was made to approve items 1 through 9 less Item #2 (#01).

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

Discussion on Item #2 - Fund #01 General-Nationwide Insurance-Anthony Golf Board Insurance \$14,267.00. The Commission expressed concern that this amount exceeds the 2023 Budget by \$3,267.00. A motion was made to pay the \$14,267.00 this year but not pay the

excess on the next budget cycle unless the Anthony Golf Board obtained current insurance bids to review.

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

10. KCC Regulatory Discussion

City Administrator Kastens discussed KCC Regulatory Jurisdiction of the City of Anthony and a review of the application of the Cold Weather Rule. After a lengthy discussion, the Administrator was given directions to present this discussion at a later date to allow time for further consideration.

11. Municipal Hall Waiver Request Approved

Administrator Kastens presented the request from Carl Schmidt to waive the fees for an inspirational speaker presentation open to the public at Municipal Hall. A motion was made to waive the Municipal Hall Rental Fees for the event on April 1, 2023.

Motion made by Commissioner Lanie, Seconded by Commissioner Smith.

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

12. Approve KDOT Cost Share Spring 2023 Application

A motion was made to approve the KDOT Cost Share Spring 2023 Application for the reconstruction of the two blocks on the east side of the COOP service station.

Motion made by Mayor Cleveland, Seconded by Commissioner Eaton.

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

13. Wayne Dennis Fund

Administrator Kastens presented the application pending for Wayne Dennis funds and sought direction from the Commission in regard to the construct of the Will and the terms for committee appointments. After discussion and in trying to fully honor Mr. Dennis' requests in his will, the Commission guided the Administrator to follow the term limits set by Mr. Dennis. The Commission set a 30-day grace period before incorporating the term limits.

14. Approve Bid for Grill Guard for Fire Department Grass Truck

Bids were opened at the Fire Meeting and presented to the City Commission by the Fire Chief for a grill guard for the fire department grass truck. Bids received were from Blanchat Mfg for \$5052.00 and Anderson Welding for \$5474.93. A motion was made to approve the bid from Anderson Welding for \$5474.93 for the grill guard for the fire department grass truck.

Motion made by Commissioner Eaton, Seconded by Mayor Cleveland.

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

STAFF REPORTS

15. Chief of Police report

We inspected some properties to be cleaned up

We investigated a theft in the 700 block of E. Oak

We arrested Annetta Weeks for DUI

We investigated a domestic disturbance in the 500 block of N. Santa Fe and arrested Stephan Bryce Norman for aggravated domestic battery

We investigated two minor traffic accidents

EXECUTIVE SESSION

16. Executive Session to Discuss Staffing Pursuant to “Personnel Matters of NonElected Personnel, K.S.A. 75-4319 (b) (1).”

At 7:45 p.m. Mayor Cleveland made a motion to go into Executive Session for fifteen minutes until 8:00 p.m. to Discuss Staffing Pursuant to “Personnel Matters of Non-Elected Personnel, K.S.A. 75-4319 (b) (1).” Commissioner Smith seconded the motion. Motion carried 5-0. The Commission chambers were cleared with the Commissioners remaining present.

At 8:00 p.m., Mayor Cleveland called the regular meeting back to order. No binding action was taken.

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