

City Commission Regular Meeting

Tuesday, August 01, 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

Administrator Cyndra Kastens, Deputy City Clerk Sherri Miller, Superintendent Randy Moore, Police Chief Kenny Hodson, Joe and Donna Crowe.

- 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 July 18, 2023 Regular Meeting Minutes
2. Approve July 20, 2023 Special Meeting Minutes
3. Appropriation Ordinance No 3171 \$119,578.92
4. Approve 08.01.2023 Payroll \$67,459.11
5. Approve Reappointment to Housing Authority for Connie Copenhaver, Brian Waldschmidt and Karl Berry - Terms to expire 2025

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

6. Bid Opening Street Signs

Mayor Cleveland opened the two bids received for Street Signs. A motion was made to table the bids until the August 15, 2023 meeting.

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

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

There was further discussion after the motion was passed.

7. Resolution No. 1131 Continuation of Health Insurance for Retirees

RESOLUTION NO. 1131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ANTHONY, KANSAS AMENDING ARTICLE F, SECTION F-9 HEALTH CARE PROGRAM AND ARTICLE I SEPARATION FROM CITY EMPLOYMENT, BY ADDING LANGUAGE TO ALLOW CONTINUATION OF HEALTH INSURANCE COVERAGE FOR RETIREES OF THE CITY OF ANTHONY'S PERSONNEL POLICIES AND GUIDELINES

WHEREAS, it is beneficial for the City of Anthony to have updated written and adopted Personnel Polices and Guidelines;

AND WHEREAS, the City of Anthony desires to provide the opportunity for the continuation of health care coverage for retiring employees;

AND WHEREAS, the City of Anthony's Personnel Policies and Guidelines needs to be amended to reflect new and updated City policies.

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

Section 1. The following shall be added to Article I Separation from City Employment:

I-8 Continuation of Health Insurance for Retiring Employees. Employees retiring from the City, under age 65, shall be eligible for continued participation in the City's Health Insurance Plan in accordance with the provisions of K.S.A. 12-5040 et. seq. and amendments thereto, and by meeting all of the following conditions:

- (a) The employee has a minimum of ten (10) years employment. Years of employment include employment with any local government entity.

- (b) The employee must submit a completed Form 18 – Retiree Request to Continue Health Coverage to the City Clerk within 30 days following the retirement date of the employee.
- (c) The employee shall pay the full cost of the premium. Premium is payable to the City of Anthony by the 15th day of each month prior to the month of coverage eligibility.
- (d) Coverage is eligible for the retiring employee, their spouse, and dependents. If coverage for the eligible employee was continued at retirement, the covered surviving spouse of the employee may continue under the City’s Health Insurance Plan provided that, all such costs and premiums for the health insurance are paid by the employee’s surviving spouse as due in section (c) herein. Coverage shall cease to be made available upon (1) the last day of the month prior to the date of birth in which the employee or spouse reaches age sixty-five (65), (2) failure to make required premium payments by the due date, or (3) the retired employee or spouse becoming covered or becoming eligible to be covered under a plan of another employer.

Dependent children covered under the City of Anthony Health Insurance Plan at the time of the employee’s retirement and where the employee is eligible for retirement in accordance with this section, such dependent children are eligible to continue coverage until the earlier of the retiree or surviving spouse reaching age 65 or the dependent children reaching age 26.

Section 2. The following shall be added to Article F, Section F-9 Health Care Program:

F-9 Health Care Program

- (i) Retirees of the City, under age 65, shall be eligible for continued participation in the City’s Health Care Program in accordance with Section I-8 of Article I Separation from City Employment.

This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

ADOPTED by the Governing Body of the City of Anthony, Kansas, this 1st day of August, 2023.

After resolution presentation and insurance discussion, a motion was made to approve Resolution No. 1131 Continuation of Health Insurance for Retirees.

Motion made by Mayor Cleveland, Seconded by Commissioner Eaton.

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

8. Resolution No. 1132 Reinvestment Housing Incentive District

RESOLUTION NO. 1132

A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF ANTHONY, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY.

WHEREAS, K.S.A. 12-5241 *et seq.*, as amended (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000 to designate reinvestment housing incentive districts within such city; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a reinvestment housing incentive district and providing the legal description of property to be contained therein; and

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a reinvestment housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

WHEREAS, the City of Anthony, Kansas (the “City”) has an estimated population of 2,033 and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, the Governing Body of the City has produced a Housing Assessment Tool report in 2023 (the “Needs Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, based on the Needs Analysis, the Governing Body of the City proposes to commence proceedings necessary to create a Reinvestment Housing Incentive District, in accordance with the provisions of the Act.

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

Section 1. The Governing Body hereby adopts and incorporates by this reference as part of this Resolution the Needs Analysis, a copy of which is on file in the office of the City Clerk, and based on a review of said Needs Analysis makes the following findings and determinations.

Section 2. The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

Section 3. The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

Section 4. The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.

Section 5. The Governing Body hereby finds and determines that the future economic well-being of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

Section 6. Based on the findings and determinations contained in *Sections 2 through 5* of this Resolution, the Governing Body proposes to establish a Reinvestment Housing Incentive District pursuant

to the Act, within boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the maps depicting the existing parcels of land attached hereto as *Exhibit B* (the "District").

Section 7. The City Clerk is hereby directed to publish this Resolution one time in the official City newspaper, and to send a certified copy of this Resolution to the Secretary for the Secretary's review and approval.

Section 8. The Mayor, City Administrator/City Clerk, other City officials and Gilmore & Bell, P.C. are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 9. This Resolution shall take effect after its adoption and publication once in the official City newspaper.

ADOPTED by the Governing Body of the City of Anthony, Kansas, on August 1, 2023.

A motion was made to approve Resolution No 1132 Reinvestment Housing Incentive District.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

9. ~~**Request for Anthony Lake to Serve as Fire Protection for Harper County EOP**~~

Removed from the agenda due to Anthony Lake not meeting ER standards for this purpose.

10. **Approve Tree Board Recommendation to Appoint Bill Moyer to Fill Troy Lankton Term to Expire July 2025 and Reappoint Conna Livingston Term to Expire 2027 and Bryce Osborn Term to Expire 2025**

A motion was made to approve the Tree Board recommendation to appoint Bill Moyer to fill Troy Lankton's term to expire July 2025 and to reappoint Conna Livingston, term to expire in 2027 and reappoint Bryce Osborn, term to expire in 2025.

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

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

11. **Health Resolution No. 1130 - 217-221 S. Bluff & 115-117 W. Grant - Bloyer 2023**

RESOLUTION NO. 1130

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 Lots Thirteen (13) and Fourteen (14) in Block Sixty-Four (64), Original Town, in the City of Anthony, Harper County, Kansas; as shown by the recorded Plat thereof, 217, 221 S. Bluff, & 115 & 117 W. Grant, Anthony, Kansas.

WHEREAS, Notice of Violations have been mailed to the property owner of record by certified mail to David & Dorita Bloyer, 18286 61st Rd, Winfield, KS 67156; Notice was delivered and left with individual on Friday, June 23, 12:45 PM.

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 August 11, 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 1st day of August, 2023.

A motion was made to approve Health Resolution No 1130 for 217-221 S Bluff and 115-117 W Grant - Bloyer 2023.

Motion made by Mayor Cleveland, Seconded by Commissioner Eaton.

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

12. Dangerous Structure Ordinance S-314 Directing Action to Remove 422 N. Massachusetts Williams 2023

A motion was made to approve Dangerous Structure Ordinance S-314 directing action to remove 422 N. Massachusetts Williams 2023.

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

13. Approve July 2023 Court Report

A motion was made to approve the July 2023 Court Report.

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

STAFF REPORTS

14. Administrator Report

The Administrator provided a written report on BASE Grant/HCCF, Water Department, CDBG Grant, Demo Bids, 2023 Budget, SEED Grant, Rural Champion Grant, Solar and JD's Retirement. Commissioners were given documents to review for Behind the Meter Generation Policy & Procedures.

15. Superintendent Report

The Superintendent provided a written report on boat ramp repair, softener heads, contacted KDHE about water tank cleaning regs, permits, lake evergreens and grass, stop sign at Industrial Rd, wheat crop damage and other department activities.

16. Chief of Police Report

We inspected some properties to be cleaned up

We served several weed notices

We investigated a fraud case in the 600 block of E. Evans

We investigated a harassment by phone case

We investigated a disturbance in the 200 block of W. Steadman and turned the case over to the CA

We investigated a COTP case in the 600 block of N. Anthony and arrested Mathew Clark for COTP

We investigated a domestic disturbance in the 200 block of S. Springfield and turned the case over to the CA

We investigated a fraud case in the 200 block of S. Mass.

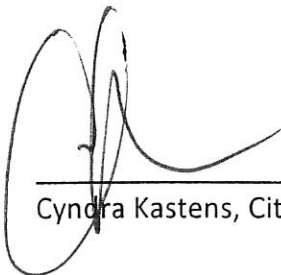
EXECUTIVE SESSION - NONE

ADJOURNMENT

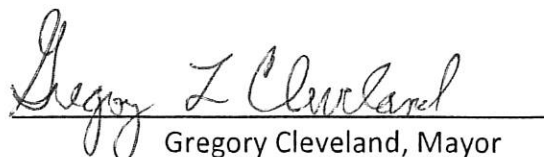
A motion was made to adjourn the meeting.

Motion made by Mayor Cleveland, Seconded by Commissioner Hodson Jr..

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



Cyndra Kastens, City Clerk/Administrator



Gregory Cleveland, Mayor