



City Commission Regular Meeting

Tuesday, August 03, 2021 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 Clerk/Administrator Cyndra Kastens, Police Chief Kenny Hodson, Deputy City Clerk, Sherri Miller, Gary Appling, Sheila Adams, Teresa Cullop, Creighton Cullop, Teresa Hays, Joe Hall, David Hall and City Attorney Brandon Ritcha.

- Approval of Agenda

A motion was made to approve the agenda.

Motion made by Commissioner Lanie, Seconded by Commissioner Smith.

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

PUBLIC COMMENT

Gary Appling was present to share some concerns about the dog park regarding weeds, no water and the announcer stand.

PUBLIC HEARINGS

1. CMB Distance Waiver for PRIDE Chaparral Alumni Street Dance

Mayor Cleveland opened the public meeting. Teresa Hays presented PRIDE's request to the Commission. Admin Kastens reported on one letter received by a nearby property owner concerned about security in the area. The police will patrol that area especially. A motion was

made to approve the CMB Distance Limitation Waiver for the 2021 PRIDE Chaparral Alumni Street Dance.

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

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

A motion was made to approve the Special Event Retailers permit for the 2021 PRIDE Street Dance.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

CONSENT AGENDA

2. Approve Minutes - Regular Meeting of July 20, 2021

3. Special Appropriations:

Fund #12 Airport - Runway Extension Project: EBH Quantum Spatial and Electrical subcontract work \$30,710.87

Fund #34 Capital Lake Maint. & Imp. - RV Dump Station: EBH Design work \$500.00

4. Appropriation Ordinance No. 6093 \$221,782.95

5. Approve 8.3.2021 Payroll \$56,102.85

6. Re-appoint Sherry Warner to Planning Commission 3-year Term to Expire August 2024

7. Municipal Court Report July 01 thru July 29, 2021

8. Appoint Matt Reed to the Anthony Fire Department

9. Contract for Demolition in Airport RPZ with DLS \$74,500 AIP Project No. 12

10. Contract for Engineering and Related Services with EBH \$163,500 for Cell 1 Lagoon Improvements Project# C20 3005 01

Mayor Cleveland asked if any items should be removed from the consent agenda for further discussion. 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

REGULAR BUSINESS

11. Sealed Bid Opening for Transformers **Scheduled 6:05 p.m.

Commissioner Hodson opened the sealed bids for transformers which called for 6-5 KVA, 4-15 KVA, 2-50 KVA Pole Mounts and 3-50 KVA Pad Mount transformers. Only one bid was received from T & R Electric. A motion was made to accept the T & R Electric bid for the transformers for \$9,052.00 plus taxes.

Motion made by Commissioner Smith, Seconded by Mayor Cleveland.

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

12. Balloon Fest - Chamber of Commerce, Sheila Adams

Sheila Adams, Chamber of Commerce, was present to present the annual list of approvals for the Balloon Fest on September 17-19. A motion was made to waive the Municipal Hall rental fee and approve the Temporary Food Establishments Exemption Application list.

Motion made by Commissioner Eaton, Seconded by Commissioner Lanie.

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

13. Executive Session to Discuss Dangerous Structure Pursuant to "consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship, K.S.A. 75-4319 (b) (2)."

Mayor Cleveland made a motion to go into Executive Session for fifteen minutes until 6:30 p.m. Commissioner Smith seconded. Motion carried 5-0.

At 6:15 p.m. chambers were cleared. Remaining present was the City Commission, City Administrator, Deputy City Clerk, Police Chief and City Attorney.

At 6:30 p.m. Mayor Cleveland made a motion to extend the executive session five minutes until 6:35 p.m. Commissioner Smith seconded the motion. Motion carried 5-0.

At 6:35 p.m. Mayor Cleveland called the regular meeting back to order. No binding action was taken.

14. Resolution 1083 Dangerous Structure 112 S. Jennings

Mayor Cleveland exited the Commission chambers to abstain from the discussion due to conflict of interest. In the absence of the Mayor, Commissioner Lanie conducted the meeting discussion. A great discussion took place with City Attorney Ritcha, Joe Hall, Attorney David Hall, and the Commission.

RESOLUTION NO. 1083

A RESOLUTION AUTHORIZING THE GOVERNING BODY OF THE CITY TO FIX A TIME AND PLACE AT WHICH THE OWNER, THE OWNERS AGENT, ANY LIENHOLDER OF RECORD AND ANY OCCUPANT OF THE STRUCTURE MAY APPEAR AND SHOW CAUSE WHY THE STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AUTHORIZED BY ARTICLE 5 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, the public officer of the City of Anthony has presented a report to the City Commission that a dangerous structure has developed in the North Twenty-four and one half (24.5) ft. of Lot Fourteen (14) in Block Forty-nine (49) in the City of Anthony, Harper County, Kansas, as shown by the recorded plat thereof. Commonly known as, 112 S. Jennings Anthony, Kansas 67003.

WHEREAS, copies of this resolution and a copy of the City Code regarding dangerous structures will be sent to the property owner of record, Joseph W. & Sierra M. Hall, 614 N. Madison, Anthony, KS 67003.

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to set a Public Hearing for September 21, 2021 at 6:05 p.m. in the City Commission room at the City Building, 124 S. Bluff, Anthony, KS 67003, for the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why structure should not be condemned and ordered repaired or demolished.

ADOPTED at Anthony, Kansas this day 3rd of August, 2021.

A motion was made to approve Resolution No. 1083 as presented.

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

15. Resolution No. 1085 Dangerous Structure 432 S. Anthony Gilchrist 2021

RESOLUTION NO. 1085

A RESOLUTION AUTHORIZING THE GOVERNING BODY OF THE CITY TO FIX A TIME AND PLACE AT WHICH THE OWNER, THE OWNERS AGENT, ANY LIENHOLDER OF RECORDS AND ANY OCCUPANT OF THE STRUCTURE MAY APPEAR AND SHOW CAUSE WHY THE STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AUTHORIZED BY ARTICLE 5 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, the public officer of the City of Anthony has presented a report to the City Commission that a dangerous structure has developed in Lot Fifteen (15) & Sixteen (16) in Block Five (5) in Meig's Addition,

to the City of Anthony, Harper County, Kansas, as shown by the recorded plat thereof. Commonly known as, 432 S. Anthony, Anthony, Kansas 67003.

WHEREAS, copies of this resolution and a copy of the City Code regarding dangerous structures will be served/mailed to the property owner of record, George W. Gilchrist Jr., 36867 County RD 880, Wakita, OK 73771.

BE IT RESOLVED BY THE CITY COMMISSION that the Public Officers and other Agents of the City of Anthony are authorized to set a Public Hearing for September 21, 2021 at 6:10 p.m. in the City Commission room at the City Building, 124 S. Bluff, Anthony, KS 67003, for the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

ADOPTED at Anthony, Kansas this 3rd day of August, 2021.

A motion was made to approve Resolution No. 1085 as presented.

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

16. Health Nuisance 302 N. Kansas Fye 2021

The Commission reviewed the nuisance. A motion was made to approve the Findings of Fact and issue the order.

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

17. Health Resolution No. 1086 415 N. Anthony Trahan 2021

RESOLUTION NO. 1086

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 Fifty (50) ft. of the West Half (1/2) of Block Eight (8) in East Highland Addition, in the City of Anthony, Harper County, Kansas; as shown by the recorded Plat thereof, 415 N. Anthony, Anthony, Kansas.

WHEREAS, Notice of Violations have been served in person to the property owner of record, Thomas Trahan.

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 13, 2021; 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 3rd day of August, 2021.

A motion was made to approve Resolution No. 1086 as presented.

Motion made by Mayor Cleveland, Seconded by Commissioner Lanie.

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

18. Theater Request for Porta Potty Assistance

Commissioner Smith recused himself to present a request on behalf of the Theater for the city to pay to rent porta potties for the upcoming Cruise Event Fundraiser. He did indicate that he had talked with the Recreation Commission to use theirs.

Commissioner Hodson made a motion to allow the theater to use the Rec porta potties contingent upon Rec approval. Mayor Cleveland seconded. Motion carried 4-0-1 with Commissioner Smith abstaining.

19. Resolution No. 1087 Amending Personnel Policies to add Temporary Employees

Admin Kastens presented Resolution No. 1087 which would better clarify and allow the city to hire temporary employees for staffing emergencies and training when necessary.

RESOLUTION NO. 1087

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ANTHONY, KANSAS AMENDING ARTICLE C, SECTION C-1 DEFINITIONS AND APPENDIX D OF THE CITY OF ANTHONY'S PERSONNEL POLICIES AND GUIDELINES TO CREATE OPPORTUNITY TO HIRE TEMPORARY EMPLOYEES FOR EMERGENCIES OR STAFF TRAINING PURPOSES.

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

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

AND WHEREAS, the City has discovered times of need where staffing issues can develop which could require the need to hire temporary employees and or onsite training may be necessary on a temporary basis for new employees.

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

Section 1. That Article C, Section C-1 is hereby amended to read as follows by adding

C-1 (e) Temporary Employee.

C-1. Definitions.

- (a) Full Time Employee is one employed to work a normal work week of at least 30 hours on a regular and continuing basis. The work week is any consecutive seven-day period, except as otherwise provided in Article E-1: Hours of Work. The work week for all employees will be Sunday to Saturday.
- (b) Part Time Employee is one employed to work less than 30 hour per week on a regular and continuing basis.
- (c) Seasonal Employee is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.
- (d) Volunteer is a non-paid individual in the position he or she holds. When acting as a volunteer an individual is not an employee regardless of other City employment.
- (e) Temporary Employee is one who is temporarily employed on a part time basis to fill a need with the city. The City Administrator is authorized to fill any of the approved city positions on a temporary basis to fulfill emergency staff needs or training purposes.

Section 2. Appendix D to the City of Anthony's Personnel Policies and guidelines is hereby amended by adding the following statement:

"The City Administrator shall establish the pay for temporary employees hired for emergency or staff training purposes".

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 3rd day of August, 2021.

A motion was made to approve Resolution No. 1087 as presented.

Motion made by Commissioner Lanie, Seconded by Mayor Cleveland.

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

STAFF REPORTS

18. Administrator Report

Admin Kastens presented a written report on the CCLIP Grant, 800 MHz Communication Tower Equipment, KDOL Inspection and other department activities.

19. Chief of Police report

We served some notices

I inspected some properties

We investigated a disturbance in the 100 E. Main and arrested Robert Calderon for battery

We are investigating a theft of ID and money in the 400 block of S. Springfield

We investigated one traffic accident

We arrested Jamaica Dunn for driving while suspended

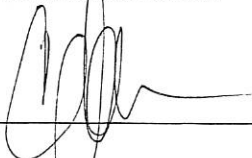
EXECUTIVE SESSION - Moved to Regular Business

ADJOURNMENT

A motion was made to adjourn the regular commission meeting.

Motion made by Commissioner Lanie, Seconded by Mayor Cleveland.

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



Cyndra Kastens, City Clerk/Administrator



Gregory Cleveland, Mayor