City Commission Regular Meeting

Tuesday, April 20, 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

Administrator Cyndra Kastens, Police Chief Kenny Hodson, Deputy City Clerk Sherri Miller, Water/Wastewater Department Head Terry Stark, Justin Francis, and Donna Crowe.

- Approval of Agenda

A motion was made to approve the agenda adding item #14 Promote Anthony.

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

PUBLIC COMMENT - NONE

PUBLIC HEARINGS - NONE

CONSENT AGENDA

1. Appropriation Ordinance No. 6086 $170,541.07
2. Special Appropriations: Fund 14 Industrial Development - Harper County, Sunrise Addition Land Purchase $10,059.75
3. Approve 4.13.21 Payroll $51,509.96
4. Authorization to go out for Bids for Stock Electric Poles: 35-40' and 5-30'

5. Agreement with EBH for Federal-Aid Construction Engineering Inspection Services - CCLIP Project No. KS-5155-01 $112,852.87

6. Lake Board Capital $200 for Flowers and Mulch at Main Lake Entrance

7. Reappoint Drew Berry, Mike Lanie, and Phil Schmidt to ID Board (4-year term)

8. Approve Regular Meeting Minutes of April 6, 2021 and Special Meeting Minutes of April 7, 2021

The Mayor asked if any consent agenda items should be pulled for further discussion. Hearing none, a motion was made to approve the consent agenda as presented.

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

REGULAR BUSINESS

9. 911 Memorial - Justin Francis & Donna Crowe

Donna Crowe informed the Commission of needed repairs at the 911 memorial: a ring set, swivel hook, and sealant at a cost of $154.83. A motion was made to approve the request for the 911 Memorial needs for $154.83 to be paid out of Special Parks and Recreation.

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

10. Wayne Dennis Committee Recommendations: $3,000 to Anthony Chamber and $33,406.42 to Anthony Lake Board

The Commission reviewed the recommendations from the Wayne Dennis Committee of $3,000 to the Anthony Chamber and $33,406.42 to the Anthony Lake Board for an ADA accessible boat dock. The Commission, seeking more information on these approvals, attempted to reach the WD Chairperson by phone, no answer, then contacted Committee member Tony Duran for further consultation on the approvals. After a great discussion, a motion was made to table the approval to the Anthony Chamber for $3,000 until the Commission could get more information.

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

A motion was then made by Mayor Cleveland to approve $33,406.42 to Wahoo Docks for the purchase of the lake dock. There was further discussion in regard to the lead time on the dock. The motion died from lack of a second.

After consultation with the Lake Board Chairperson, Connie Jacobs, a motion was then made to table the approval for the dock until the next meeting to get more specifics on the dock lead time.

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

11. Resolution No. 1075 Dangerous Structure 112 S Jennings

Mayor Cleveland opened the bid for demolition. Admin Kastens updated the Commission on the legal status of the property and adjoining structures. After much discussion, a motion was made to approve Dangerous Structure Resolution No. 1075 as presented.

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

RESOLUTION NO. 1075

A RESOLUTION AUTHORIZING THE GOVERNING BODY OF THE CITY TO FIX A TIME AND PLACE AT WHICH 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 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, Chris Elliott, 1010 Sunrise Lane, 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 June 15, 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 20th day of April 2021.

12. **City of Anthony Structural Hazard Assessments**

Chief Hodson presented a review of over 30 structures ranked in order of severity for dangerous/unfit conditions. After discussion, the Commission did guide the Chief to send courtesy letters to the owners giving them an opportunity to correct voluntarily before official orders would be served.

13. **Resolution No. 1074 KMEA Power Purchase Authorization (Renewing Peak Contracts)**

Admin Kastens presented the bid options for replacing the City's summer 5/16 peak power contract as follows: Nextera 2-year $35.50/MWH or 4-year $37.30/MWH. After much discussion on securing the two-year or the four-year, a motion was made to approve Resolution No. 1074 with KMEA Authorizing the Purchase of a Power Contract.

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

RESOLUTION NO. 1074

A RESOLUTION OF THE CITY OF ANTHONY, KANSAS, AUTHORIZING THE EXECUTION OF A POWER PURCHASE AGREEMENT, EFFECTIVE AS OF APRIL 20, 2021 BETWEEN THE CITY OF ANTHONY, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY RELATING TO THE PURCHASE OF ELECTRICITY BY THE CITY FROM THE KANSAS MUNICIPAL ENERGY AGENCY FOR SALE OR USE BY THE CITY; AND MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Kansas Municipal Energy Agency ("***KMEA***") is a municipal energy agency organized and existing under the laws of the State of Kansas, including K.S.A. 12-885 *et seq.*; and

WHEREAS, the City of Anthony, Kansas (the "***City***") owns or operates a utility furnishing electricity, and the City is a member in good standing of KMEA; and

WHEREAS, the City is authorized to enter into contracts for the supply of electricity from any person, firm, corporation or other municipality for a period not in excess of forty (40) years under K.S.A. 12-825j; and

WHEREAS, the City considered options for the supply of electricity and determined the proposal by KMEA to purchase energy from NextEra Energy Marketing, LLC was in the best interests of the City; and

WHEREAS, the City desires to enter into a Power Purchase Agreement effective as of April 20, 2021 (the "***Power Purchase Agreement***") with KMEA relating to the City's purchase of electricity from KMEA commencing on June 1, 2021 in substantially the forms presented to the governing body with this Resolution;

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

Section 1. Approval. The Power Purchase Agreement is hereby approved in substantially the forms presented to the governing body this date.

Section 2. Pledge of Revenues; Obligation to Make Payments. The governing body of the City hereby pledges the gross revenues (the "***Revenues***") of the City's electric utility system (the "***System***") to the City's payment obligations under the Power Purchase Agreement. The payments by the City for electricity under the Power Purchase Agreement shall constitute operating expenses of the System. The obligation of the City to make payments to KMEA under the Power Purchase Agreement, whether or not reduced to judgment, shall not constitute general obligations of the City, and the City shall not be required to make such payments from any source other than the Revenues of the System.

Section 3. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to pay all operating expenses of the System, including the obligation to make the payments required by the Power Purchase Agreement.

Section 4. Execution of Power Purchase Agreement. The Mayor and Clerk are hereby authorized to execute the Power Purchase Agreement in substantially the forms presented to the governing body this date, with such changes or additions as the Mayor and Clerk shall deem necessary and appropriate, such official's signature thereon being conclusive evidence of such official's and the City's approval thereof. The Mayor and Clerk are authorized and directed to execute any and all other documents or certificates necessary to effect the purposes set forth in this Resolution and the Power Purchase Agreement.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

ADOPTED at Anthony, Kansas this 20th day of April 2021.

A motion was then made to go with the four-year contract with Nextera.

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

14. Sunrise Land Addition

Admin Kastens presented an inquiry from the Anthony Economic Development/ID Board seeking guidance on their charge for the newly purchased Sunrise Addition land. The Commission guided the Board to be welcome to brainstorm ideas to report back to the Commission.

15. Promote Anthony

Admin Kastens showed the Commission a rough draft of the landing page she will be having our website company develop to house the Remote Worker videos, Anthony Feature Attribute Videos, Annual Events promos, the new County-Wide Economic Development videos and more. All were in support of the landing page direction.

16. **County Wide Economic Development Video**

Admin Kastens presented a multi-jurisdictional effort to develop a county-wide economic development video. The project would partner the City's of Attica, Anthony, Harper, and Harper County to showcase a larger number of Harper County's economic resources together and promote possibilities for future economic opportunities. The Commission was in support of partnering in the project and committed the Admin to continue to be involved. The original estimated cost for the City of Anthony was $3,816.67 but will be increased now since the scope of work includes more partners. The Admin will get a final dollar value for participation and report that back to the Commission for approval.

17. **Masner Property/Easements**

Admin Kastens updated the Commission on the land north of McDonald's (which the City was seeking sewer easements and written permission to clean the drainage on by the property owner). The owner is instead discussing donation options due to flooding conditions. The Commission guided the Admin to discuss donation further with the property owner of just the land in question.

18. **Street Capital Planning**

Admin Kastens informed the Commission that she and Street Department Head Rhea have the information ready to review for the next street capital planning meeting. The special meeting was set for May 10th at 6:00 p.m.

19. **City of Anthony Employment Positions**

Admin Kastens and the Commission discussed the great difficulty the City has been experiencing with being able to hire employees due to the insurance company's driving requirements and the extreme impact it is having on City operations.

STAFF REPORTS

18. **Administrator Report**

Admin Kastens provided a written report on the following: CORE Community Harper County, CDBG-CV Business Grants, 432 S Anthony, Tanner Asper Tournament, American Rescue Plan, Rural Development Cell 1 & 2, Sandridge Meters, and some department activities.

19. **Chief of Police Report**

The Police Chief reported on the following police department activity:
We served some notices
I attended the Graduation of Officer Thompson
I inspected some properties
We arrested Dallas Dent for possession of Meth and drug Paraphernalia
We took a harassment complaint
We are investigated a theft in the 400 block of N. Anthony

We are investigating a case of stalking
Took a report of a lost or stolen tag
We arrested Sandra Crouch for possession of drug paraphernalia
We investigated a disturbance in the 600 block of N. Lincoln, and we transported one minor male to another jurisdiction
We respond to suspicious activity in a vacant house in the 200 block of S. Lincoln, and we picked up 4 juveniles for trespassing and possession of Marijuana

EXECUTIVE SESSION - NONE

ADJOURNMENT

A motion was made to adjourn the regular city commission meeting.

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

Cyndra Kastens, City Clerk/Administrator

Gregory L Cleveland

Gregory Cleveland, Mayor