

Record of the Proceedings of the Governing Body
REGULAR MEETING

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August 16, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, August 16, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; Danny Curtis; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Interim Chief Jo LeSturgeon; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Devin Canada; and Kent Wade

CALL REGULAR MEETING TO ORDER (7:00 P.M.)

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] School started today. Reminder to be cautious when driving around our community and be observant of the school zone.

b] Thank you to the patrons who attended the Council Workshop on August 10, 2023 regarding the review of ATV/UTV regulations. It was nice to have community involvement.

c] The Revenue Neutral Rate and Budget hearing will be held on August 23, 2023 at 6:00pm at the La Cygne Community Building.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of August 2, 2023 City Council Meeting;
2023 July Budget Report;
2023 July Treasurer's Report;
Check Register: August 3, 2023 – August 11, 2023;

Motion seconded by Council Member Capp, voted on, passed 5-0.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

INTERIM CHIEF OF POLICE – JO LESTOURGEON:

Interim Chief LeSturgeon informed the council about the graffiti vandalism which occurred on the skatepark ramps at the La Cygne Community Park and several STOP signs around town. She will continue to investigate the event to find the individuals who caused the damage.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Kissick Construction has been working on the Post CCTV punch-list. Should be completed. CCTV will be performed again after the repairs are completed. CC Wade also advised the council the advertisements for bid for the Sewer Lagoon desludging were released on August 7 and are due by August 18, 2023. BG Consultants will review the bids for accuracy to be sure things are apples to apples.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Change Order No. 2 was received in the amount of \$4786.88 to remove the old cistern completely and then fill the space (void) with flowable fill (lean concrete). The motion made at the August 2, 2023 meeting approved up to \$5,000. No action needed.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

CC Wade presented 3 utility bill questions for council consideration.

1. IF a customer has trash service which is billed on the city utility bill and is shut-off for non-payment, how long should we allow the trash service to continue? Discussion was held. An unpaid, shut-off utility account will be sent to collections after the 3rd billing is mailed out. The city continues to pay the invoice to Waste Management each month. It is a hassle to stop and start service in a short period of time. The council suggested collecting a 3-month deposit in advance for trash service to help recover the costs.
2. CC Wade and City Treasurer Gore are researching the LIEP Energy Assistance program to determine if there are existing regulations pertaining to the disbursement of LIEP Funds. Some who receive LIEP assistance would like to have the credit initiate in October or November so they will have the full amount to use through the winter. Currently the money is immediately deposited in the account and the credit is used to cover the minimum monthly charge until they begin to use gas in the colder months. The Council was supportive of finding out if the credit could be initialized in OCT/Nov and if so we could create the necessary process in our City Codes utility section.
3. Front Desk processing for electronic checks or debit cards. We have learned there is a three to four-day delay for insufficient fund transactions when payments are entered through the Front Desk program. A situation occurred for an account in shut-off for non-payment. The payment showed up in the bank so the account was turned back on and then the next day the funds were refunded due to insufficiency. The account was turned back off after attempts to contact the account owner for payment. Discussion was held regarding the fees charged for insufficient transactions. CC Wade will continue to look in to the operations of the Front Desk program and other payment options to determine how payment can be received from those on the shut-off list.

STREET -NONE

SEWER -NONE

PUBLIC SAFETY - NONE

EMPLOYEE RELATIONS & TRAINING-NONE

COUNCIL COMMITTEE REPORTS:

CEMETERY –

Council Member Brenneman has been researching programs which would enable the use of a QR code to access the burial information for the Oaklawn Cemetery to avoid having to build more bulletin boards for maps and to make it easier to update the information on a regular basis.

COMMUNITY BUILDING-NONE

PARK-

CC Wade asked if the committee would be able to meet on August 23, 2023 either before or after the RNR and Budget hearings. Council Member Stoker was not available. CC Wade will look for some other dates.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT-NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-NONE

OTHER BUSINESS:

KENT WADE – FOLLOW UP REGARDING FOUR (4) COMPLAINTS PERTAINING TO CULVERTS & DITCHES

Kent Wade approached the council to find out what action has been taken on the four (4) concerns he presented at the council meeting on April 19, 2023. Council Member Stoker stated he would need to find out from PWS Nasalroad on the status. Kent Wade started with the concern at the NW corner of the La Cygne Library lot (intersection of Chestnut and Broadway). Mayor Wilson indicated the concern has been discussed but no action has occurred. Kent Wade reviewed the zoning regulations which referenced the installation of culverts. He pointed out the lack of information in the regulations regarding ditches. He pointed out it only stated the ditches are not to be obstructed. Kent Wade questioned the council regarding who is responsible for the maintenance/care of the ditches. Kent Wade referenced culvert pipes under the access points for alleys and asked the council if the city is responsible for maintenance/replacement of those culverts? Council Member Mitzner stated it was not defined in the codes book/zoning regulations regarding the alley culvert pipes. Kent Wade responded with directing the council to determine/decide who is responsible for the alley culverts. Kent Wade had googled "right-of-way" pertaining to ditches and culverts. City Attorney Harding explained the right-of-way to clarify Kent Wade's question of how far in to the right-of-way is the property owner responsible for the care/maintenance of the grass/weeds/etc. City Attorney advised the property owner is responsible up to the street in the case for the City of La Cygne. Most streets in La Cygne do not expand the entire width of the right-of-way and the city has not installed sidewalks or curbing in the right-of-way. Council Member Mitzner expressed his concern of making a repair in one location and causing a problem in another location and reminded Mr. Wade the city was currently in the process of getting a stormwater survey completed for the entire city. Kent Wade also reviewed the apron, culvert and ditch near the new fire station site and felt concern on the flow of the water for the lot. Kent Wade finalized his conversation by expressing the importance for the city to take some action and start getting something done.

OTHER BUSINESS CONTINUED:

PURCHASE ORDER NO. 2023-7 FOR THE PURCHASE OF (5) MOBILE AND (5) PORTABLE DIGITAL RADIOS

Council Member Capp advised the council regarding the purpose for the purchase of digital radios for the La Cygne City Fire Department. Linn County switched over to digital transmission which enabled the ability for the La Cygne City Fire Department to communicate with the county using their current radios. The county provided the opportunity for the city to purchase the digital radios with the same company and pricing which was offered to the county. Council Member Brenneman inquired about how often the county changes over radios. Council Member Capp and Mitzner confirmed it has been over 15 years since radios had been purchased.

❖ **Motion**

Council Member Stoker motioned to approve Purchase Order No. 2023-7 in the amount of \$7473 to purchase (5) Portable, Analog/Digital, NXDN, Antenna, Battery & Charger and (5) Mobile, Analog/Digital, NXDN, 50-Watt display, and Antenna. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

ORDINANCE NO. REPLACING ARTICLE 2. FIREWORKS OF CHAPTER VI. FIRE PROTECTION OF THE CODES OF THE CITY OF LA CYGNE.

CC Wade read section 6-205 to verify the changes requested by the council at the last meeting. No further discussion was held.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1512 replacing Article 2. Fireworks of Chapter VI. Fire Protection of the Codes of the City of La Cygne, Kansas. Motion seconded by Council Member Stoker, voted on, passed 5-0.

ORDINANCE NO. ARTICLE 18 FACTORY-BUILT HOME DISTRICT

CC Wade reviewed the additions of the revisions to the ordinance for Article 18 that the council had recommended at the last council meeting. Mayor Wilson had been approached by some patrons regarding the registration fee for the Recreational Vehicle Storage permit. Patrons pointed out the fact they are required to tag/register a recreational vehicle therefore the city is already getting the money for the registration so why should there be a fee to get the permit. Discussion was held by the council. Council Member Curtis presented questions regarding the penalty or fine for violation of the permit regulations and asked how the permit would benefit in resolving the problem or violation in a more efficient timeframe. City Attorney Harding provided information on the penalty process. Council Member Curtis also inquired about how the permit or penalty information would assist with having the recreational vehicle towed off. City Attorney Harding indicated a judge order would be needed to go on to private property to remove the recreational vehicle. Council Member Curtis asked CC Wade to prepare the application form which would be utilized for registration and the permit for the next meeting.

MAYOR WILSON ASKED CC WADE TO PUT THE UNFINISHED BUSINESS SECTION BACK IN TO THE AGENDA WITH THE FOLLOWING ITEMS LISTED:

UNFINISHED BUSINESS:

LA CYGNE LIBRARY – STANDING WATER AT THE CORNER OF BROADWAY AND CHESTNUT

STORMWATER SURVEY

WATER RATE ANALYSIS

COMPREHENSIVE PLAN AND REGULATION REVIEW

ARTICLE 18 FACTORY BUILT HOMES DISTRICT

ATV/UTV

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 10-minutes for non-elected personnel employee performance review and to return to the council table at 8:41pm. Motion seconded by Council Member Capp, voted on, passed 5-0. 8:31pm

Others in attendance: City Attorney Harding.

OPEN SESSION RESUMED AT 8:41pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 4-minutes for non-elected personnel employee performance review and to return to the council table at 8:46pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 8:42pm

Others in attendance: City Attorney Harding.

OPEN SESSION RESUMED AT 8:46pm:

❖ **Motion**

Council Member Stoker motioned to go in to executive discussion for 7-minutes for non-elected personnel employee performance review following a 2-minute recess and to return to the council table at 8:55pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 8:46pm

Others in attendance: City Attorney Harding.

RECESS ENDED AT 8:48pm:

❖ **Motion**

Council Member Stoker motioned to rescind the motion made for executive discussion for 7-minutes for non-elected personnel employee performance review. Motion seconded by Council Member Curtis, voted on, passed 5-0. 8:48pm

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FUTURE POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

NOTES AND COMMUNICATIONS TO COUNCIL:

a] Commissioner Devin Canada and CC Wade gave an update on the progress with reviewing the zoning districts and zoning map. Commissioner Canada did some research on mixed use zones and shared the definition for mixed use choice, mixed use horizontal, and mixed-use vertical. Council Member Curtis asked if the Planning Commission would be reaching directly out to the patrons if there was consideration to change the lots zoning. CC Wade asked City Attorney Harding if the procedures were the same whether the city modified the zone or a patron makes a request to modify the zone. City Attorney Harding indicated he would need to refer to the book but stated the property owner would have to be notified regarding a zoning change. Commissioner Canada also shared about identifying the non-conforming lots to help improve the zoning map. Commissioner Canada mentioned modifying the residential zones by adding a residential zone with a smaller minimum lot size requirement to help utilize some of the smaller lots around town.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:08p.m.

I, _____ La Cygne City Clerk, do hereby declare
(Jodi Wade) the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name on this 16th day of August 2023.