

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

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**September 20, 2023**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, September 20, 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; Public Works Superintendent (PWS) Dan Nasalroad; Interim Chief Jo LeSturgeon; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Devin Canada.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

- a] City Wide Garage Sales – September 30 – October 1<sup>st</sup>, 2023.
- b] Networking Event for Businesses – September 26, 2023 at 8:00am (Coffee/Doughnuts provided).
- c] Prairie View HS Homecoming game is Friday, September 22. FFA will be providing a chili dinner – be sure to go out and join the festivities.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

**Council Member Mitzner motioned to accept the Consent Agenda.**

Minutes of September 6, 2023 City Council Meeting;  
August 2023 Budget Report;  
August 2023 Treasurer's Report;  
Check Register: September 2, 2023 – September 15, 2023;

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

**DISCUSSION FROM THE FLOOR:**

NONE

**REPORTS OF CITY OFFICERS:**

**INTERIM CHIEF OF POLICE – JO LESTOURGEON:**

**New Business/Information**

Interim Chief LeSturgeon asked for an executive session. Mayor Wilson asked for the executive session to be called for after all reports of city officers

**REPORTS OF CITY OFFICERS CONTINUED:**

**PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:**

Water and Gas:

- Review bids for a skid steer. Looking to replace this year and back hoe next year through gas reserves. PWS Nasalroad presented the following three (3) bids:
  1. Kirby Smith Machinery – TAKEUCHI – TL10V-CR 2024, CAB, Rubber tracks, air conditioning/heat, defroster, hydraulic quick attach, roll-up door, AM/FM/MP3 Radio, 76" HD smooth bucket with BOCE. **\$64,995.**
  2. Foley Equipment – Caterpillar – 259D3STD2C 2023, Cab, Rubber tracks, air conditioning/heat, Cab door, Radio/Bluetooth, smooth bucket. **\$69,283.**
  3. Foley Equipment – Caterpillar – 239D3STD2C 2023, Cab, Rubber tracks, air conditioning/heat, Cab door, Radio/Bluetooth, smooth bucket. **\$58,255.**

Council Member Stoker presented information he had researched for leasing a skid steer. Based on the average number of hours used on the current machine, Council Member Stoker presented a lease program in the amount of \$1320 per month for less than 500 hours of operation per year. Council Member Curtis calculated the amounts and indicated it would be \$63,408 to lease the skid steer for 3 years. Council Member Stoker presented the concern of the low hours on equipment and questioned what equipment the public works tended to be more comfortable with or used more often. PWS Nasalroad responded it varies with each superintendent and crew. The past superintendent preferred the backhoe. The current employees are more comfortable with the skid steer. PWS Nasalroad indicated the TAKEUCHI had more reach than the current skid steer which would enable it to load snow in to the dump truck when clearing the downtown area. Council Member Mitzner and Capp inquired about the amount available in the Gas Capital Outlay. CC Wade stated the budgeted amount for 2023 is \$150,000.

❖ **Motion**

**Council Member Capp motioned to approve up to \$76,000 from the Gas Utility funds for the purchase of a TAKEUCHI – TL10V-CR 2024 skid steer for the public works department. Motion seconded by Council Member Mitzner, voted on, passed 3-2 (Nay: Council Member Stoker and Council Member Brenneman).**

**CITY CLERK – JODI WADE**

CC Wade presented some draft spreadsheets for the Equipment Reserve Fund and the Capital Improvement Reserve Fund to identify the allocation of the reserves. Council members reviewed the format and were satisfied with how the information was presented. CC Wade will get with the department heads and prepare the spreadsheets with the city information.

**INTERIM CHIEF OF POLICE – JO LESTOURGEON:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Mitzner motioned to go in to executive discussion for 7-minutes for non-elected personnel employee performance review for the police department and to return to the council table at 7:39pm. Motion seconded by Council Member Capp, voted on, passed 5-0. 7:32pm.**

Others in attendance: CC Wade and City Attorney Harding

**OPEN SESSION RESUMED AT 7:39pm:**

**SPECIAL PROJECTS:**

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Abby Mills, BG Consultants, reviewed the CCTV after the relining punch list items were performed. Abby reviewed concerns with PWS Nasalroad regarding two relined mains. Abby is preparing options for the council to consider.

**KDOT CCLIP KS HWY 152 & INDUSTRIAL ROAD IMPROVEMENT PROJECT:**

PWS Nasalroad reviewed the "cleaning" of the striping and removal of the asphalt "turtles" at the intersection of Industrial and KS Hwy 152. KDOT made the decision to not have the striping repainted. The cleaning did improve the intersection.

**WATER PLANT IMPROVEMENT ANALYSIS:**

PWS Nasalroad and CC Wade are reviewing and preparing reports to be presented to the Council. CC Wade would like to recommend a special council meeting specifically on the topic of the Water plant to review the information. Council Member Mitzner inquired if it needed to be a meeting or workshop. CC Wade suggested a special meeting in case there was a need for executive session and to be able to conduct business.

❖ **Motion**

**Council Member Mitzner motioned to schedule a special council meeting on Tuesday, October 10, 2023 at 6:00pm for the purpose to discuss and review the water plant analysis and water rates. Motion seconded by Council Member Curtis, voted on, passed 5-0.**

**WATER PLANT SETTLING POND IMPROVEMENT PROJECT:**

Starbucks completed the final item on the punch list. The final pay application will be prepared.

**NEW FIRE STATION 2022:**

Concrete subcontractor is waiting on the rebar drawings. Building should arrive around October 18, 2023. Fencing has been installed.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

- Purchase Order No. 2023-8 – Geode GPS Kit/8" Tablet/Subsurface Map Program in the amount of \$4894. PWS Nasalroad explained the importance of creating an electronic history of the utility systems. This program also imported the Copper and Lead Inventory workbook within their software which will benefit the city in the acquisition of information.

❖ **Motion**

**Council Member Mitzner motioned to approve Purchase Order No. 2023-8 in the amount of \$4894 to purchase the Subsurface Maps 2021 program to include the GEODE GPS Kit, 8" Tablet, survey pole, mount and rod as presented. Motion seconded by Council Member Brenneman, voted on, passed 5-0.**

**COUNCIL COMMITTEE REPORTS CONTINUED:**

- KS LIEAP program responded back. The city may not HOLD the checks. Effective 2024, checks good for a period of 90 days instead of 180 days. City will review the possibility of a program in which a fund is created to hold the energy assistance deposits and then apply it in to the customers' account in October.
- Copper and Lead Inventory: CC Wade reviewed the "campaign" Deputy City Clerk Vogt has put together in order to try to get as much information from the community to complete the Copper and Lead Inventory. CC Wade showed the post card being mailed to all addresses within the City of La Cygne. The post card has a QR code which links to the city website posting regarding the copper and lead inventory program. Hard copies of the information will also be available around town. CC Wade asked the Council if there were OK with offering a \$10 credit to the customers December 1, 2023 water bill if they return the survey by October 31, 2023. The Council was in support of the credit.

**STREET -NONE**

**SEWER -NONE**

**PUBLIC SAFETY -NONE**

**EMPLOYEE RELATIONS & TRAINING-NONE**

**CEMETERY -**

Council Member Brenneman presented a video of the Chronicle Cemetery Software. Council Member Brenneman discussed the cost for the software program which included \$15,000 to establish the program data and \$720/year for the annual license (included unlimited users). The total \$15,000 could be made in two separate payments. The Council really liked the program and the benefits it would bring to building the database of the cemetery, storing the data in the cloud and providing better public access to the cemetery information and mapping locations for gravesites. Council Member Mitzner suggested reaching out to different organizations, such as; La Cygne Library, Historical Society, Cemetery Board, Schneider Funeral Home, and Lincoln Township, to review the video and get their feedback on the program and possible funding opportunities.

**COMMUNITY BUILDING-**

**PARK-**

Swimming Pool winterized. Park will be winterized around October 2, 2023. CC Wade and PWS Nasalroad have reached out for quotes on repairs needed to the swimming pool.

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT:NONE**

**CHAMBER OF COMMERCE - NONE**

**SPECIAL COMMITTEE REPORTS CONTINUED:**

**PLANNING & ZONING COMMISSION (PZC)-** Mayor Wilson presented a recommendation for Ed Smith of 402 E. Park Avenue, who submitted a letter of interest to be on the PZ Commission.

❖ **Motion**

**Council Member Mitzner motioned to appoint Ed Smith to the Planning & Zoning Commission effective September 20, 2023. Motion seconded by Council Member Capp, voted on, passed 5-0.**

**NEW BUSINESS:**

**1% SALES TAX RESOLUTION IN CHAPTER 1, ARTICLE 7 SECTION 1-701 AND 1-702.**

CC Wade reviewed Article 7 Section 1-701 and 1-702. CC Wade read the original resolutions containing the Question for Sales Tax election. Transcribing errors occurred during the codification process in 2017. CC Wade will email the resolutions to Citycode Financials and have the sections corrected. Per Resolution No. 122 (Ordinance No. 1-701), **"A special question election was held for the question of levying a retailers' sales tax in the City of La Cygne, Linn County, Kansas, in the amount of one percent (1.0%), such tax to take effect on the 1<sup>st</sup> day of October, 1988."** Currently Article 7, section 1-701 reads, "The levy and imposition of a one percent (1%) citywide retailers' sales tax and application of the revenue received therefrom to pay the costs of street improvements and public safety, is authorized, with collection of the sales tax to commence on October 1, 1988."

Article 7, Section 1-702 was also not transcribed in full. Resolution No. 329 (Ordinance No. 1376). The termination date for the sales tax was excluded when codified.

**UNFINISHED BUSINESS:**

**ORDINANCE NO. ARTICLE 18 FACTORY-BUILT HOME DISTRICT**

Council Member Curtis reviewed questions with City Attorney Harding regarding the benefit of implementing permit (registration) of recreational vehicles. City Attorney Harding indicated the process would still be the same through the court but registering the recreational vehicles would help to identify where they should be located and the ability to avoid the problems arising with in-op storage and residing in recreational vehicles on R-1 properties. Council Member Mitzner made a motion to approve Article 18 as presented, the motion died due to a lack of second. Mayor Wilson asked the Council if the permitting of Recreational Vehicles section was the hold up on the approval of the Article. Council Member Curtis indicated he would like to have the permit process for Recreational Vehicle Storage removed from the Article. CC Wade indicated removing line b. and c. of section 18-1302 and removing the words referencing a permit in section 18-1303, would exclude a permitting process for Recreational Vehicles.

❖ **Motion**

**Council Member Curtis motioned to approve Ordinance No. 1514 Article 18 Factory-Built Home District with the removal of line b. and c. of Section 18-1302 and removing the words referencing a permit in section 18-1303. Motion seconded by Council Member Stoker, voted on, passed 5-0.**

CC Wade reminded the council of the waiving of the licensing for the Mobile Home Parks for the past year. Per the new Article 18, the Mobile Home Parks will operate under a Conditional Use Permit. The process to implement the Conditional Use permit will be initiated upon publication of the Ordinance.

**UNFINISHED BUSINESS CONTINUED:**

**528 N 6<sup>TH</sup> STREET**

Chief Fenoughty was not able to get in touch with the home owner prior to going on leave. Mayor Wilson will get with Interim Chief LeSturgeon to bring her up to date with getting the house removed from the alley.

**402 S. BROADWAY**

CC Wade contacted City Attorney Harding for assistance on putting together an agreement for a Title Search and a Quit claim deed.

**209 N BROADWAY**

Water standing at the corner of Chestnut and Broadway after rain events. Council concurred the necessity to review the Stormwater Survey and to have engineered information prior to any work being performed to resolve the problem.

**PLUGGED CULVERTS**

Discussion was held by the council on the responsibility of the culverts on alley at alley access points. Council Member Curtis stated if the city has control of the right of way (alley) and culverts had been installed, then the city should be responsible for damaged culverts. Council Member Stoker agreed with Council Member Curtis. Council Member Brenneman also concurred the city needs to maintain and replace alley culverts if damaged.

Council Member Mitzner suggested to have work orders drawn up for all three locations in order to have PWS Nasalroad take pictures and supply reports for the council to review the condition of the culvert pipes.

- Alley culvert West side of 7<sup>th</sup> Street south of Swan.
- Alley culvert plugged and no culvert present to new home on west side of 7<sup>th</sup> Street south of Walnut Street.
- Alley culvert plugged on the West side of 5<sup>th</sup> Street North of Walnut.

**DRAFT ARTICLE 3. WORK-SITE UTILITY VEHICLES, GOLF CARTS AND ALL-TERRAIN VEHICLES**

CC Wade indicated Chief Fenoughty and Interim Chief LeSturgeon would need to assist with the draft revisions for Article 3.

**STORMWATER SURVEY (BG CONSULTING – ABBY MILLS)**

No updates at-this-time.

**POLICY REVIEW IN PROGRESS:**

Mayor Wilson asked CC Wade to provide the *Article 22 DRAFT Off-Street Parking Regulations* at the next Council meeting to review.

**GOVERNING BODY REMARKS**

Council Member Mitzner suggested using the small projector with the White Board for presenting information from the laptop and getting a blue tooth speaker to help with the sound levels for presentations in the community building.

Council Member Mitzner shared the amount of County Tax he pays in annually to the county as a patron of the City of La Cygne. Council Member Mitzner recommended getting the Mayors' of each municipality together to meet with the County to find out where the tax dollars are going which are

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**GOVERNING BODY REMARKS CONTINUED:**

paid in to the county by the residents of the municipalities. The municipalities are providing police and fire services, community facilities, libraries and recreational facilities through their ad valorem taxes so Council Member Mitzner would like to know what the county is providing to the cities with the county taxes collected.

**ADJOURNMENT:**

❖ ***Motion***

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Curtis, voted on, passed 5-0. Time 9:37p.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 20<sup>th</sup> day of September 2023.