

Record of the Proceedings of the Governing Body
REGULAR MEETING

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September 6, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, September 6, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; Danny Curtis; and Jerome Mitzner. ABSENT: City Attorney Burton Harding.

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, and City Treasurer Connie Gore.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Proclamation – “Constitution Week” – September 17 – September 23, 2023 is Constitutional Week. Mayor Debra Wilson read and signed the proclamation.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of August 16, 2023 City Council Meeting;
Minutes of August 23, 2023 Special City Council Meeting;
Check Register: August 12, 2023 – September 1, 2023;

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

DISCUSSION FROM THE FLOOR:

Matthew Ernest – 111 S. 4th Street regarding gravel in the alley – Sewer Improvement project – replacement of gravel. Matthew Ernest was not present. The concern form and pictures were reviewed by the council. Mayor Wilson began the conversation with a review regarding access to streets and unimproved alleys from personal property. The sewer main in the alley to the north of 111 S. 4th Street was repaired during the sewer improvement project. Nowak Construction did return the work area to grade and did put down gravel (as shown in the pictures). PWS Nasalroad reviewed the work area and took pictures on August 24, 2023 the day after the work was performed by NOWAK construction. Council Member Capp asked CC Wade to review the access regulations for streets and alleys and the parking regulations for Residential areas. CC Wade indicated Article 22 states each R-1 property to have an access to the right-of-way(street) edge and off-street parking for 2-3 vehicles. CC Wade indicated information under the section for Accessory uses establishes setback information for detached garages/carports with a garage door facing the alley. Upon review of the pictures the council determined they were satisfied with the work performed by NOWAK construction.

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REPORTS OF CITY OFFICERS:

City Treasurer Connie Gore gave a brief presentation on the LIEAP Energy Assistance program. CT Gore has been researching regulation to determine if it would be possible to hold the LIEAP checks until the winter season since that is the time period in which gas use is higher and the benefit would be utilized better. Current patrons who receive the benefit would rather the credit not be used on minimum base charges during the summer when they are not using gas.

INTERIM CHIEF OF POLICE – JO LESTOURGEON:

38 – Traffic Stops Conducted
Citations issued since last meeting - 5

Speed School Zone	0	Expired Plate	0
Suspended DL	0	No Tag/Plate	1
Insurance	0	EXP DL	0
Improper Passing	0	Speed	0
Aggressive Dog/RAL/Tag	2	Trespassing	1
Animal Cruelty	0	Fail to Yield	1

Calls for Service / Reports – 07/28/2023 thru 09/06/2023

Animal Complaint – 5	Traffic Complaints - 0
Assist Outside Agency –8	Runaway Juvenile – 0
Criminal Damage – 2	Citizen Assist CFS / contact - 14
Fingerprints – 4	Juvenile Incident –7
Check Welfare – 6	Theft – 2
Follow Up – TMTC	Felony Cases - 3
Suspicious Activity – 6	Civil Matter – 1
Motorist Assist – 0	Disorderly Conduct- 0
Non-Injury Accident – 1	Violation of PFA – 0
911 Open Line– 0	Suspicious Vehicle – 1
Disturbance – 6	Warrant Attempt - 1
Parking Complaint – 0	Misdemeanor Warrant – 2
Vehicle Lockout – 2	Felony Warrant – 0
Record Checks – 4	CINC - 6
Intoxicated Subject – 0	Reported Stolen Vehicle - 0

VIN Inspections- 9 completed

New Business/Information

Interim Chief LeSturgeon presented an update on the progress with outfitting the Durango. Multiplicity is still waiting on a couple of parts.

Mayor Wilson thanked Interim Chief LeSturgeon for all the work she has been doing especially considering she was limited to no overtime.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

This report will include tasks outside of our normal day to day duties.
Report from 08-02-2023 to 09-01-2023

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Water and Gas:

- The low pressure gas warning system has been installed but still having some operational issues, USDI is working on it.
- Water Plant booster pump project has been completed. We estimate about a 50gpm gain in production with even higher gains when running all three pumps.
- 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.**

Discussion was held by the Council. The current skid steer was purchased in 2007 and continuously has mechanical issues when attempting to perform work. PWS Nasalroad reviewed various brands of skid steers and presented his recommendation. Council Member Stoker and Council Member Capp inquired about the amounts in the Gas reserves and Equipment reserves. PWS Nasalroad indicated replacement of the skid steer and backhoe was listed on the 3-year equipment reserve plan for 2024. PWS Nasalroad had reviewed the current Gas budget with CC Wade to confirm the availability of funds in 2023. PWS Nasalroad reminded the Council if purchases are made under Gas utility then sales tax applies. Council Member Capp made a motion to approve up to \$80,000 for the purchase of a new skid steer for public works. Mayor Wilson opened the floor for a second or further discussion. Council Member Stoker began a discussion on leasing a skid steer instead of purchasing. The motion by Council Member Capp died due to a lack of a second. The council asked PWS Nasalroad to research information on lease programs.

- Pre-sedimentation punch list complete, recommended closing out.

Street:

- Access aprons?
- We will begin looking at the streets and prioritizing for future repairs.
- K152 resurfacing project is complete. Waiting to see a punch list, only concern is the striping at Market and Industrial.

Sewer:

- Nowak has completed the punch list except one small issue that a local vendor will repair. Recommend closing out.
- Lagoon de-sludge bids have come back waiting for BG review.
- KDHE inspection was completed with no violations. Waiting on the written inspection report.

Park:

- Looking at adding water to the enclosed shelter.
- Met with Park Committee on future and current goals for all three parks.
- Still trying to get an estimate on the bathhouse sewer line.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Cemetery:

- Getting a bid on removing two trees.

Community Building:

- Need to start looking at the future plans for this building.

Fire Department

Site work has been completed. Spoke with Hofer and Hofer and they are waiting for the rebar drawing to come back so they can start the concrete portion. Building will be shipped and on site around the 18th of October.

CITY CLERK – JODI WADE

Report for August 2023

- Prepared for RNR & 2024 Budget Hearing;
- Virtual meeting with IBTS regarding the Comprehensive Plan and Zoning Regulation Review contract;
- Prepared agenda and documents for the Planning & Zoning Meeting;
- Participated in the Housing Committee virtual meeting for review of HAT with state agencies.
- Facilitated communication for a new manufactured home being delivered in to La Cygne;
- Prepared Council meeting agendas;
- Completed monthly financial reporting;
- Participated in a meeting with the Sub-secretary of USDA regarding the housing needs of rural communities;
- Researched GIS Software Programs;
- Researched templates for Capital Improvement and Asset management;
- Reviewed the Water Plant Rate Analysis information from MW Engineering Group;
- Attended MRWAD (Marais Des Cygne River Water Assurance District) meeting;
- Prepared DRAFT Recreational Vehicle Storage Registration Form;
- Submitted 3 corrections for the Final Draft Comprehensive Plan;
- Visited with Commissioner Hightower;
- Scanned entire Zoning Regulations to IBTS for review;
- Prepared La Cygne Community Park financial report for committee meeting;
- Prepared Article 27 to Ordinance format;
- Began process for 2 Building Permits for new homes and 1 Building permit for a shed;
- Participated in KS Tourism meeting to learn about their website and hard-copy information brochures/maps to have available at the city hall.
- Reviewed Fall newsletter prepared by the Deputy City Clerk Vogt;
- Presented Records/Files to KDHE for Sewer Inspection;
- Worked with Pam Cannon, Linn County Mapping, to prepare files to have new wall maps printed for the City Hall;

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

08/01/2023-08/31/2023

Utilities *Monthly items completed:*

- Shut off's were completed.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- September utility billing process was completed. Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- At the end of August 2023 we had 168 customers signed up for Front Desk.
- Completed sales tax and filed with the State.
- Worked on NSF credit card returns.
- Worked on Shut off rules, trash cancellation, and returned checks, credit/debit card/ACH returns.

Court *Monthly Court items completed*

- Reviewed the docket for the August court.
- Court
- Court paper work was completed and filed with the State and the State was paid their portion.

Payroll:

- 1st Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet
- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.
- 3rd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet

Cemetery:

- The data entry has been completed for all cemeteries. There is still some at the cemetery research that needs to be done.

Other:

Met with Kelly with Ks Tourism, Jenn is taking lead on this but I will help some.

Worked on a non-conforming map.

Worked on Landlord Licensing and Rental Permits

Sorted and recorded certified mail abatements (returns/signed for)

Invoices: mowing: 3 new

 Water meter repairs 6 new

 2nd & 3rd Invoices 5

 Bulk Water Sales 1

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Punchlist items completed for the Sewer Improvement project mains, manholes and taps. Bids have been received for the desludging of the sewer lagoons. Two proposals were received: \$244,700 from Reed Environmental, LLC and \$297,427 Hodges Farms and Dredging. BG Consultants, Inc recommends the City Council accept the proposal from Reed Environmental, LLC in the amount \$244,700 and authorize construction.

SPECIAL PROJECTS CONTINUED:

❖ **Motion**

Council Member Capp motioned to award the bid from Reed Environmental, LLC for sludge removal from Cell 2 and Cell 3 in the amount of \$244,700. Motion seconded by Council Member Stoker, voted on, passed 5-0.

KDOT CCLIP KS HWY 152 & INDUSTRIAL ROAD IMPROVEMENT PROJECT:

Striping was roughed up from the overlay and has been addressed with KDOT.

WATER PLANT IMPROVEMENT ANALYSIS:

Recommendation from MW Engineering Group, PWS Nasalroad and CC Wade. PWS Nasalroad informed the council that a lot of information was received in the meeting today with Dan Coltrane from MW Engineering. CC Wade and PWS Nasalroad both stated they would need another week or so to prepare the information to present to the council.

NEW FIRE STATION 2022:

Zingre and Associates Invoice No. 4210 in the amount of \$2254.50 for the period of July 1, 2023 through August 29, 2023. Council Member Mitzner asked PWS Nasalroad if he had reviewed the invoice. PWS Nasalroad confirmed everything was good on the invoice.

❖ **Motion**

Council Member Mitzner motioned to approve payment of the Zingre and Associates Invoice No. 4210 in the amount of \$2254.50 for the period of July 1, 2023 through August 29, 2023. Motion seconded by Council Member Stoker, voted on, passed 5-0.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER -NONE

PUBLIC SAFETY -

Mayor Wilson indicated the Codes Officer position is still open. She thanked Interim Chief LeSturgeon and the City Staff for maintaining the responsibilities of the codes department.

EMPLOYEE RELATIONS & TRAINING-NONE

COUNCIL COMMITTEE REPORTS:

CEMETERY -

Council Member Brenneman presented results from his research for cemetery programs which would allow the public to access the maps and cemetery plot information for the Oaklawn Cemetery. Council Member Brenneman had found a program which would allow a person to access an interactive map on a mobile device or computer. This map would display the location and burial information for

each grave. The company would utilize a drone with a GPS device to create a digital image of the cemetery. Council Member Brenneman also shared how a portion of the cost for the annual technical support fee could be recouped by customers purchasing "digital headstones" which would allow the customer to add pictures, information or stories to their loved ones grave database. CC Wade did review the videos Council Member Brenneman had forwarded to her and she reached out to the software company to find out the cost structure, the platform base the software functioned on, the type of sharefile for exporting or importing data, and what was included in the annual fee.

Mayor Wilson advised the Cemetery Committee there was an agenda item under new business tonight regarding GIS software and suggested to continue the conversation under new business.

COMMUNITY BUILDING-

PWS Nasalraod asked the council if they were ok with the purchase of a Smart TV for the community building. Council Member Curtis indicated the cost would be under the procurement policy requirement so the council did not need to make a motion of approval.

PARK-

The park committee had a meeting today at 5:30pm at the park to discuss and review future development. The committee did not have any recommendations or reports to present at the meeting tonight.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT:NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-

IBTS has completed a final review of the Comprehensive Plan. The Zoning Regulations were emailed to IBTS on Tuesday, August 30, 2023 to begin the review process. CC Wade informed the council that IBTS would like to have some combined meetings of the government bodies while reviewing the regulations.

NEW BUSINESS:

402 S. BROADWAY

The city proceeded with an emergency removal of the home located on this lot and \$16,400 costs were assessed against the property. The owner has inquired about signing a quit claim deed to the city in exchange for the invoice that she owes. CC Wade spoke to City Attorney Harding about an agreement and he advised to include verbiage for the property owner to perform a title search at the owners' cost. Council Member Brenneman expressed concern of the city taking back properties when the owners are not able to pay the bill. PWS Nasalroad advised the council the city has had to mow the lot persistently for past 4-5 years. Mayor Wilson indicated the city would simply be selling the lot to recover the abated cost endured by the city.

❖ **Motion**

Council Member Stoker motioned to proceed with preparing an agreement to include the owner covering the cost for a title search and preparation for a quit claim deed for the council to review. Motion seconded by Council Member Mitzner, voted on, passed 3-2 (Nay: Brenneman and Curtis.

AUTHORIZATION FOR LABETTE BANK NET TELLER BILL PAY SYSTEM.

Motion to authorize the following city officers to access the City of La Cygne Net Teller Bill Pay system to perform monthly payments on selected bills for City of La Cygne effective September 1, 2023:

City Clerk Jodi Wade
Deputy City Clerk Jenn Vogt
City Treasurer Connie Gore

CC Wade advised the council of an additional monthly spreadsheet to be reviewed by the City Treasurer prior to electronic payments being done monthly. CC Wade felt this would be an ideal process and procedure to show authorization for the auditor.

❖ **Motion**

Council Member Capp motioned to authorize City Clerk Jodi Wade, Deputy City Clerk Jenn Vogt and City Treasurer Connie Gore to access the City of La Cygne Net Teller Bill Pay system with Labette Bank to perform monthly payments on selected bills for the City of La Cygne. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

GIS SOFTWARE.

Mayor Wilson asked CC Wade to present the review she had put together regarding GIS software. CC Wade indicated she had sat in on a presentation for GIS software for Public Works and she had contacted Chronicle Cemetery GIS Software that Council Member Brenneman had emailed to her. CC Wade presented a chart showing things for the council to consider when reviewing GIS software functions. CC Wade also walked the council through how the cost for the programs is broken down. CC Wade indicated all programs have an annual technical support fee. Council Member Brenneman suggested to have a workshop to allow the council to view the programs and ask questions. Mayor Wilson asked the council when they would like to have a workshop. Council Member Curtis suggested to schedule it for the next council meeting date. Council Member Brenneman indicated he would work on getting some dates from the Chronicle Cemetery company. In regards to the GIS Software program PWS Nasalroad reviewed, the council asked PWS Nasalroad to put together a Purchase Order to present at the next council meeting.

UNFINISHED BUSINESS:

ORDINANCE NO. ARTICLE 18 FACTORY-BUILT HOME DISTRICT

Council Member Curtis had reviewed the Recreational Vehicle Registration form and did some research on insuring and tagging different types of recreational vehicles. Council Member Curtis did not think it was fair to punish everyone for the actions of a few and felt the sections regarding the requirement for a permit to store a recreational vehicle should be removed. Council Member Curtis has spoke to City Attorney Harding following the August 16, 2023 meeting and City Attorney Harding indicated the process to remove a recreational vehicle from a property which has violated the regulations would not be made any easier by having a permit requirement.

Council Member Stoker suggested to table the ordinance until the next meeting so City Attorney Harding could provide legal guidance.

ORDINANCE NO. REPLACING ARTICLE 27: SIGN REGULATIONS IN ITS ENTIRETY

Council did not have any further comments regarding the prepared final draft of the sign regulations.

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❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1513 replacing Article 27: Sign Regulations in its entirety. Motion seconded by Council Member Stoker, voted on, passed 5-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp 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 9:10pm. Motion seconded by Council Member Stoker, voted on, passed 5-0. 9:00pm

Others in attendance: CC Wade.

OPEN SESSION RESUMED AT 9:10pm:

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:11p.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 6th day of September 2023.