

Record of the Proceedings of the Governing Body

REGULAR MEETING

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March 20, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 20, 2024 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; and Jerome Mitzner. Absent: David Brenneman; Ed Smith.

Others in attendance included, but not limited to: City Attorney Burton Harding via Zoom; City Clerk (CC) Jodi Wade; Public Works Superintendent Dan Nasalroad; Interim Police Chief Haley; Codes Officer Devin Canada; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; and Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Chamber of Commerce Easter Egg Hunt in the La Cygne Community Park will be held at 10am on Saturday, March 30, 2024. Kids from the ages of babies up to fourteen may participate.

b] Dog Days will be held at 10am on March 30 at the La Cygne Community Park. This year the veterinary asked for patrons to sign up ahead of time and walk-ins will be held as available between appointments.

c] Spring Fling Pop-up, March 24, 2024 at the La Cygne Community Park at 1:00pm to 5:00pm. A variety of vendors will be present.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of the March 6, 2024 Council Meeting;
February 2024 Budget Report;
February 2024 Treasurer's Report;
Check Register: March 2, 2024 – March 15, 2024.

Motion seconded by Council Member Stoker, voted on, passed 3-0.

DISCUSSION FROM THE FLOOR:

NONE

REPORTS OF CITY OFFICERS:

INTERIM POLICE CHIEF (IPC) CRAIG HALEY

IPC Haley provided a 30-day Report for the period of 2/19/2024 – 3/20/2024. He told the council to let him know what they would like to see in the report for the Police Department. IPC Haley stated he had been organizing the department; inventorying equipment and gear; vehicles cleaned

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and inspected; reported the decal had been installed on the 2023 Durango. IPC Haley appreciated the review of the policies presented at the last council meeting. IPC Haley stated he had reviewed the current SOP for the Police Department and would continue to work on updating several sections. He advised the council he would attempt to spread it out so they wouldn't have to review so many at one meeting.

To date the city has received applications for Part-Time Officers, Police Officers and for Police Chief. IPC Haley asked for an executive session to review applications for Part-time Officers.

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 15-minutes for non-elected personnel matter for review of applications for the police department for part time officers and to return to the council table at 7:23pm. Motion seconded by Council Member Capp voted on, passed 3-0. 7:08pm

Others in attendance: City Clerk Wade, IPC Haley

OPEN SESSION RESUMED AT 7:23pm:

❖ **Motion**

Council Member Mitzner motioned to empower Mayor Wilson to work with Interim Chief Haley to hire part-time police officers for the La Cygne Police Department. Motion seconded by Council Member Capp, voted on, passed 3-0.

Body Cameras/Tazer replacement. IPC Haley presented a bundled acquisition from AXON for 4 Body cameras and 4 Tazers in the amount of \$25,787.20. IPS Haley explained the current conditions of the body cameras and the importance for the officers to have operating cameras. He stated the prior chief was getting quotes for the purchase of Tazers. CC Wade reviewed the quote and 5-year payment plan and indicated the special for this month included additional cartridges for the Tazers which would lower the price to \$24,491.00. Discussion was held regarding the current asset spreadsheet the departments have been preparing. IPC Haley indicated the life-span for most electronic equipment is approximately 5-years. Council Member Mitzner asked what the purchase order dollar value was in the city's procurement policy for competitive/sealed bids. CC Wade stated she would need to review the policy. Mayor Wilson asked IPC Haley and CC Wade to review the city's purchasing policy and prepare a purchase order accordingly for the next council meeting.

CODES OFFICER – DEVIN CANADA

Report reflects 3/4/2024 through 3/15/2024

Code Letters:

Violation Type:	# Corrected	#in Progress	# Citations	# New
NUISANCE	4	4	0	2
INOP	1	1	0	0
VERBAL WARNINGS	12	5	0	5
OTHER	0	3	5	0

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – DEVIN CANADA

Condemnations to consider:

- 317 S. 3rd Street – red brick house, bricks separating, crack in the porch, it has been reported no floor in the living room area.
- 402 S. Broadway garage needs to be taken down. It was supposed to come down when the house was demolished.
- 408 Vine Street – Hole in the side of the mobile home, siding coming off, no skirting.
- 318 4th Street – Dilapidated white house has hole in roof and in the porch roof.
- 610 Locust Street – Trailer porch is condemnable. Foxes are living in trailer, shed has holes in the roof.
- 420 Swan Street – prior police chief had reported she fell through the floor during a walk through.
- 724 6th Street – House has no porch, siding is damaged. For a while the window was opened exposing it to weathering. One door does not close.
- 803 S. 4th Street – made initial contact when I first started. Shed roof completely collapsed in.
- 742 N. 6th Street – damaged porch, door broken, siding damaged. Shed in the back has rot.
- 206 S. 3rd Street – House has a hole in the back of it.

Officer Canada showed pictures of each location to the council and asked how they would like for him to move forward with these homes. City Attorney Harding reviewed the process for condemning homes, which per codes initializes with an informal contact to discuss repair or removal by the property owner. If the property owner chooses to not proceed with any improvement or repair the next step would be a public hearing for the council to determine what steps would be taken. City Attorney Harding alerted the council regarding condemning building as unsafe/dangerous and the proper measures which would need to be taken to make sure the property is boarded up and safety fenced to prevent entrance to the structure until repaired or removed.

The governing body asked Codes Officer Canada to proceed with the condemnation process as outlined in the Codes of the city by sending letters to start the property owners. Discussion was held to prioritize the list of properties. It was determined the following properties would be addressed first:

- 610 Locust Street
- 318 4th Street
- 408 Vine Street
- 402 S. Broadway

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

PWS Nasalroad presented the council with items for surplus, to include: 2018 Grasshopper mower 72"; 2010 Torro 60" Commercial Mower; 2010 John Deere skid steer; Brush Hog front loading bucket; 1982 Pumper Fire Truck. PWS Nasalroad would like to surplus the items through Purple Wave Auction services. PWS Nasalroad indicated if any other departments had items to surplus as well, let him know.

❖ **Motion**

Council Member Mitzner motioned to empower PWS Nasalroad to contact Purple Wave Auction services to surplus the presented items and other items presented from other departments. Motion seconded by Council Member Capp, voted on, passed 3-0.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

PWS Nasalroad discussed getting started with an analysis of the streets. PWS Nasalroad and CC Wade will begin the process of gathering the data for existing streets and right-of-ways in order to put together a working map for the council to review. The city needs to determine which roads are thorough ways and which ones are arterial or collector. Combining this information with the stormwater analysis will help determine the street projects and to prioritize them.

CITY CLERK – JODI WADE

CC Wade updated the council regarding the School Zone Flashing lights on Market Street. One set of lights was affected by the high winds a month ago. PWS Nasalroad secured the light for the time being. CC Wade had reached out to KDOT and School Zone Light companies. KDOT responded with the opportunity to provide the flashing lights for the school zone area located on KS Hwy 152 between 9th and 6th Street. The city would need to update the school zone signs to the new standard.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (REED ENVIRONMENTAL/BG CONSULTANTS)

CC Wade met with Greg (Raymond James Financial), Kevin Cowan (Gilmore & Bell Bond Counsel), Dan (USDA) regarding the temporary financing bonds and USDA loan for the sewer rehabilitation project. Discussion was held on the remainder of work to be performed and the estimated cost for the project. Considering what was remaining and the timeframe for getting the electronic parts for the lift station, Dan with USDA indicated he would be receptive to proceeding with closing out the full amount of the requested loan in the timeframe defined by contract (June 2024). If the city does not utilize the entire \$6.26 million then we can use the overage to pay on the backside of the loan to reduce it by a year. Doing this would avoid additional interests and closing cost to refinance the temporary notes for another quarter. Kevin Cowan would move forward with the paperwork to present to the council at the May 15th meeting and we would close on the bonds May 28, 2024.

KDOT CCLIP (KILLOUGH CONSTRUCTION/CFS ENG/BG CONSULTANTS)

No new updates

NEW FIRE STATION

Hofer & Hofer & Associates continues to work on the punch list items. They are down to seeding, Locksmith to finish on the doors, Clifford Power to review the operation of the generator, stormwater culvert under the road to the west. CC Wade stated the surety company was inquiring if the project was complete in order to close the surety bond.

❖ **Motion**

Council Member Mitzner motioned to proceed with the surety bond closure. Motion seconded by Council Member Capp, voted on, passed 3-0.

WATER TREATMENT PLANT ANALYSIS

No new updates

COUNCIL COMMITTEE REPORTS:

- a] Utilities Committee: NONE
- b] Street Committee: NONE
- c] City Facility Committee: NONE
- d] Public Safety Committee: NONE
- e] Employee Relations and Training Committee: Council Member Mitzner inquired about training opportunities, workshops, or conferences for the codes position. CC Wade stated the Codes Officer has participated in two webinars and we continue to seek local training opportunities. CC Wade indicated the League of Municipalities is working on some trainings for Zoning Administrators.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: Quarterly Linn County Emergency Management meeting will be held at the La Cygne Community Building April 2024.

CHAMBER OF COMMERCE – Donated eggs for the Easter Egg hunt can be delivered to either the La Cygne City Hall or the La Cygne Library.

PLANNING & ZONING COMMISSION (PZC): Two Public Hearings for Conditional Use Permits were held on March 13, 2024 at 6:00pm at the La Cygne Community Building for Harsco Environmental – Reed Minerals and Whistle Ready Mix. Both hearings were adjourned to the April 10, 2024 meeting. The Planning Commission asked both companies to bring copies of their permits and SDS information to the city hall prior to the April 10, 2024 meeting. The Planning Commission will hold a workshop on April 2, 2024 at 4:30pm to review their finding of facts to date.

A letter of interest was received from Melanie Smith on March 1, 2024 for serving in the position of Planning & Zoning Commissioner. She has been a professional editor for many years. Proofing and editing of written documents is a skill she would bring to the position.

❖ **Motion**

Council Member Capp motioned to accept the recommendation of Mayor Wilson to appoint Melanie Smith to the Planning & Zoning Commission. Motion seconded by Council Member Stoker, voted on, passed 3-0.

UNFINISHED BUSINESS:

DRAFT ORDINANCE NO. AMENDING CHAPTER 5. BUSINESS REGULATIONS, ARTICLE 1. SOLICITORS, CANVASSERS, PEDDLERS SECTION 5-103. LICENSING PROCEDURE OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

Tabled until the April 3, 2024 meeting.

528 N. 6TH STREET

No updates at this time.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes following a 5-minute break for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and to return to the council table at 8:45pm. Motion seconded by Council Member Stoker voted on, passed 3-0. 8:30pm

Others in attendance: City Attorney Harding, PWS Nasalroad, City Clerk Wade

OPEN SESSION RESUMED AT 8:45pm:

NEW BUSINESS:

RENEWAL OF THE CITY OF LA CYGNE INSURANCE WITH TRULY INSURANCE

CC Wade presented a comparison chart for insurance with EMC as the underwriter and Continental Western Group as the underwriter. The premium difference between the two was not very significant, but the deductible amounts were. EMC deductible is \$2500 per claim but for wind/hail claims it would be either \$10,000 or \$25,000 per occurrence depending on the plan selected. Discussion was held on the claims submitted over the past 5 – 10 years which consisted of two significant wind/hail storms. CC Wade also brought up concerns regarding cyber coverage and stated she would need to research the cyber policies to determine a reasonable fit for the city. CC Wade also stated looking further in on liability coverage as well. The Council also took in to considerations the dividends received from EMC over the past five years. One other difference between the two companies was Continental Western group separates the Fire from the Public Entity policy.

❖ **Motion**

Council Member Capp motioned to proceed forward with Continental Western Group as the underwriter for Insurance through Truly Insurance for the City of La Cygne. Motion seconded by Council Member Stoker, voted on, passed 3-0.

POLICE CHIEF JOB DESCRIPTION

CC Wade presented a draft updated police chief job description for the council to review. Mayor Wilson and Council Member Capp read each section of the description. Corrections and modifications were noted. CC Wade will complete the modifications prior to beginning the process to review applications for the position. CC Wade had submitted the ad for the police chief position to the newspaper, website and area listings through the Kansas Police job board.

POLICY REVIEW IN PROGRESS

STANDARD OPERATION PROCEDURE MANUAL FOR POLICE AND CITY HALL

DRAFT COMPANY VEHICLE USE POLICY

RENTAL READY PROGRAM (LANDLORD REGISTRATION)

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

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NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

NOTES AND COMMUNICATIONS TO COUNCIL:

GOVERNING BODY REMARKS

ADJOURNMENT:

❖ Motion

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 3-0. Time 9:46p.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 20th day of March 2024.