

Record of the Proceedings of the Governing Body

REGULAR MEETING

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May 1, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, May 1, 2024 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; Ed Smith; Jerome Mitzner; and David Brenneman.

Others in attendance included, but not limited to: City Attorney Burton Harding (Zoom); City Clerk (CC) Jodi Wade; Public Works Superintendent Dan Nasalroad; Officer Ferrell; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Emil Wilson; Chris Friend (Harsco); Misti Stiffler(Harsco – Zoom); Brienne Marco (Harsco – Zoom); Ryan Whistle (Whistle Redi-Mix – Zoom); Patty Younger; and Robert Hunsberger.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] City Wide Garage Sales, May 3 – 5, 2024. Citizens hosting a garage sale may contact the La Cygne City Hall to place your address on the Garage Sale List.

b] City Wide Clean-up Day, May 11, 2024.

c] La Cygne Fire Station Grand Opening, May 4, 11:00am – 3:00pm. Citizens may stop by to tour the new station, see the fire trucks, enjoy hotdogs and hamburgers, and visit with the La Cygne Fire Department team.

d] Basketball Tournament, sponsored by Reyo's, La Cygne Community Park, May 5, 2024.

e] Lead and Copper Inventory completion. We still need the assistance of our citizens for the completion of the Federal and State required Lead and Copper pipe inventory for all homes, businesses, and public facilities.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the April 17, 2024 Council Meeting;
Minutes of April 15, 2024 Special Council Meeting;
1st Quarter 2024 Financial Report;
Check Register: April 13, 2024 – April 27, 2024.

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

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DISCUSSION FROM THE FLOOR:

KEVIN COWAN – GILMORE & BELL REGARDING CHARTER ORDINANCE NO. EXEMPTING THE CITY OF LA CYGNE, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-731 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO STREET IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

Kevin Cowan explained the challenges of funding street projects. K.S.A. 15-731 requires an election to be called any time the request to issue general bonds payable for street improvement projects arises. This charter would revise the language to read a "resolution" shall be adopted describing the street projects in which bonds are being requested. It doesn't eliminate the choice if the city would still like to consider having the bond question presented through election but it removes the requirement. Kevin also reviewed the structure for using sales tax dollars to fund the street improvement projects. He explained by retrieving short term general obligation bonds and paying them with sales tax revenue the bond would not go against the debt limit of the city. Kevin walked the council through the process for approval of a Charter Ordinance. Kevin answered questions of the council and stated his intention was to introduce this opportunity to the council tonight so they could consider it before the May 15, 2024 meeting. Kevin advised the council they could do a Sales tax question now and in the stated question put the date to go in effect at a later timeframe.

ROBERT HUNSBERGER

Robert resides at 321 Elm Street. He asked the council about codes pertaining to dogs persistently barking all day when outside in a pen. Robert submitted a complaint form but the problem continues. The Council asked Officer Ferrell if he had seen the complaint form. Officer Ferrell had not. CC Wade stated she would give Officer Ferrell a copy of the complaint form filed by Robert. The codes would be reviewed and the appropriate action would be taken.

NEW BUSINESS:

ORDINANCE NO. AN ORDINANCE OF THE CITY OF LA CYGNE, KANSAS GOVERNING BODY AMENDING THE CITY ZONING MAP BY APPROVAL OF A CONDITIONAL USE PERMIT FOR A CONCRETE BATCH PLANT LOCATED AT 701 LINNCO DRIVE IN THE LA CYGNE INDUSTRIAL PARK.

APPLICANT: Whistle Redi-Mix

ADDRESS/LEGAL: **701 Linnco Drive** – Linn County Industrial Park, Lot 8, Acres 3.5, La Cygne Industrial Park Lot 8 Section 04 Township 20 Range 24.

00000 Linnco Drive - Linn County Industrial Park, La Cygne Industrial Park- BEG NE/C Lot 7 TH S 324.99 W 100.33 N 300.22 NELY 69.41 ELY TO POB SECTION 04 TOWNSHIP 20 RANGE 24.

The council reviewed the conditions outlined in the Ordinance. No further discussion was held. Ryan Whistle did not have any further questions.



Motion

Council Member Capp motioned to approve Ordinance No. 1524 an ordinance of the City of La Cygne, Kansas. Governing Body amending the City Zoning Map by approval of a Conditional Use Permit for a Concrete Batch Plant located at 701 Linnco Drive in the La Cygne Industrial Park. Motion seconded by Council Member Smith, voted on, passed 5-0.

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NEW BUSINESS CONTINUED:

ORDINANCE NO. AN ORDINANCE OF THE CITY OF LA CYGNE, KANSAS GOVERNING BODY AMENDING THE CITY ZONING MAP BY APPROVAL OF A CONDITIONAL USE PERMIT FOR A FACILITY FOR STORAGE AND PROCESSING OF COAL SLAG FOR USE IN AIR BLAST/SURFACE PREPARATION AND ROOFIN MARKETS LOCATED AT 18730 E 2150 ROAD OF THE LA CYGNE INDUSTRIAL PARK.

APPLICANT: Harsco Environmental – Reed Minerals

ADDRESS/LEGAL: **18730 East 2150 Industrial Park Road** – Linn County Industrial Park, Acres 17.4, Lot 12, 13, 14, and 15 Linn County Industrial Park Section 04 Township 20 Range 24.

The council reviewed the conditions outlined in the Ordinance. Council Member Brenneman asked Chris Friend, Plant Manager for Harsco, about their processes for controlling the dust from the product which is piled in the yard area. Chris advised the council about the process for watering the piles, minimizing the sizes of the piles, and having the area graded during the year to keep the yard area organized. Codes Officer Canada stated he would be performing quarterly inspections of the facility to insure the operations were meeting the conditions as outlined in the permit. PWS Nasalroad indicated he spoke to the county Public Works Superintendent about repairing the large potholes on 2150 Road. Council Member Smith asked about the noise levels. Chris Friend stated the rail car shakers would be the only loud process at the facility and they don't typically operate them after hours or in the evening.

Motion

Council Member Mitzner motioned to approve Ordinance No. 1525 an ordinance of the City of La Cygne, Kansas. Governing Body amending the City Zoning Map by approval of a Conditional Use Permit for a facility for storage and processing of coal slag for use in the air blast/surface preparation and roofing markets located at 18730 E 2150 Road of the La Cygne Industrial Park. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

REPORTS OF CITY OFFICERS:

OFFICER ACHILLES FERRELL

Officer Ferrell reviewed the 31 traffic stops over the past two weeks and discussed items relevant to the storm on Saturday evening. The mayor and council members recognized the police department on their patrolling around town. They had received comments from citizens in regards to seeing the police vehicles active around the community.

CODES ENFORCEMENT OFFICER – DEVIN CANADA

Codes Officer Canada reviewed some modifications to the nuisance letter sent out for grass. The modifications were reviewed by Public Works and by the City Attorney. Codes Officer Canada discussed the concerns of the height of grass by the time the certified letters are mailed and response is received. It becomes difficult for Public Works to get in to the yard to mow when the grass ends up getting taller than 12 inches. Council Member Stoker stated there could be some concerns with the changes but understood the necessity.

Patty Younger, citizen of the community, asked about tall grass and weeds in the ditches. Mayor Wilson and Codes Officer Canada explained the ditches are the responsibility of the property owner to keep maintained.

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REPORTS OF CITY OFFICERS CONTINUED:

CODES ENFORCEMENT OFFICER – DEVIN CANADA

Mayor Wilson asked Codes Officer Canada to share about his attendance at the KACE (Kansas Association of Codes Enforcement) conference. Codes Officer Canada stated it helped with his confidence and was good to hear from the instructors about how to use simple words when talking one-on-one with citizens and to avoid legal terms. He also said it was a great opportunity to network with other codes officers.

PUBLIC WORK SUPERINTENDENT – DAN NASALROAD

Streets:

- Started patching potholes
- County has patched some holes on the Industrial Roads
- Purple Wave auction has ended. Skid Steer sold at \$20,500, Fire Truck \$8,800, Grasshopper mower \$6,300, Toro \$1950, and loader bucket \$675.
- Storm caused some down trees and were cleared from the streets.

Sewer:

- Contractor was notified bid was accepted.

Water:

- Still working on the Lead and Copper Survey. If you have not completed one please do!
- Cleaned out the old station on the north side of the Water Plant in preparation for the new carbon feeder.

Park:

- Working on plans for additional parking.
- Started filling the pool.

Fire Station:

- Open house is on Saturday, May 4, 2024 from 11am until 3:00pm. Ribbon cutting will be at noon.
- Generator has been hooked up and tested.
- Garage Door panel has been replaced.

Cemetery:

- Mowing has started.
- Two trees need to be removed.
- No trees down but lots of limbs were cleaned up.

CITY CLERK – JODI WADE

- Completed Monthly Financial Reports.
- Completed Quarterly Financial Reports.
- Assisted the Auditor with the 2023 City Financial Audit.
- Planning & Zoning Public hearings for Conditional Use Permits documentation preparation.
- Meeting with Linn County Sheriff, Kevin Friend, to review Police Department Budgets.
- Meeting with U.S. Minerals to discuss dust issues and Conditional Use Permit violations.
- Reviewed Sewer Rehabilitation and Improvement project financials.
- Reviewed Fire Station project financials.
- Webinar meeting with GovBuilt website software.

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REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

- Webinar meeting with TextMyGov – Text alert system.
- Webinar meeting with gWorks.
- Attended Police Department discussion points workshop.
- Completed exit paperwork for two (2) employees.
- Reviewed Building Permit applications.
- Reviewed and completed paperwork for two (2) boundary adjustments.
- Safety meeting preparations – Narcon
- Branding presentation – Official “swan” emblem for the city.
- Reviewed financial information for Swimming Pool bonds.
- Facilitated pool painting project and preparations for opening.
- Prepared two (2) Community Event Permits.
- Facilitated resolution for IT computer problems which resulted from an update by Google Chrome and Microsoft Edge.
- Reviewed positions of Deputy City Clerk/Office Assistant/City Treasurer/City Clerk/Court Clerk. Drafting new job descriptions.

CITY TREASURER/COURT CLERK – CONNIE GORE

Utilities *Monthly items completed:*

- Shut off’s were completed. We had **4** shut off’s.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- May utility billing process was completed. Bills were printed, mailed or e-mailed.
- At the end of 2024 we had 251 customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- **Gas rates are still down** but just below the maximum rate before increases happen.

Court *Monthly Court items completed*

- Reviewed the docket for April court.
- Court
- Court paper work, e-filed with the State, Payment form e-filed and copy given to accounts payable for a check.
- Met with Judge about court costs to help off set jail fees, what he would like to see in a prosecutor, and his opinion of court software.

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.
- Completed the 2nd payroll and filed taxes.

Cemetery: Nothing to report.

Other:

- Sent Monthly Invoice: 3 (2 meter repair & 1 new water meter ..for new service).
- Working on the Administrative Book gave Jodi things to review.
- Took part in a webinar “gov built” a different Web Site company.

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REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE

- Attended a gas workshop for gas emergencies put on by KCC in Argonia, met with city clerk in Argonia following the work shop about camp grounds, city pool..., met with Chamber of Commerce President in Anthony following meeting with the Argonia City clerk.
- Completed the accounts payable for the end of April and entered everything into Quicken.
- Worked getting the Auditor the requested information and answered their questions.
- Reviewed Payroll, accounts payable, Facebook, web site, and pool/park stuff with Jenn before her last day.
- Attended 2nd Quarter Emergency Management Meeting.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (REED ENVIRONMENTAL/BG CONSULTANTS)

Paperwork will be presented at the May 15, 2024 meeting to closeout the temporary financing to roll over to the USDA Loan. The closing date for the temporary financing bonds will be May 29=8, 2024.

Reed Environmental has been informed the Council approved to begin the work for desludging the sewer lagoons. The project will be billed through pay applications as work is completed.

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

No new updates

NEW FIRE STATION

Hofer & Hofer and Associates final pay application for retainage in the amount of \$90,988.97. PWS Nasalroad confirmed the work had all been completed. The concrete item on one of the bay entrances and the leaks will be monitored during the warranty period.

❖ Motion

Council Member Mitzner motioned to approve the payment of the retainage in the amount of \$90,988.97 to Hofer and Hofer and Associates for the completion of the New Fire Station. Motion seconded by Council Member Stoker, voted on, passed 5-0.

WATER TREATMENT PLANT IMPROVEMENTS:

Our grant application was not selected in the first round of Water Project Grant Funds from the Kansas Water Office. The applications for round 2 will be available this summer. There were 187 applications for water projects and 12 projects were selected of towns under 2,000 population. The projects selected ranged in cost from \$84,000 up to \$3.7 million. CC Wade will submit an application for Round 2.

REPORT OF COUNCIL COMMITTEES:

- a] **Utilities Committee:** **317 WALNUT STREET** – The rental house has not had a tenant since December 19, 2024. The owner called regarding the bills received which showed consumption. Public Works checked the meter and found the actual meter was leaking on the customer connection side. The

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REPORT OF COUNCIL COMMITTEES CONTINUED:

meter was replaced on April 22, 2024. Total amount billed for the 4-month period was \$531.96. Total amount for the period of February 1, 2024 to May 1, 2024 should have been \$266.52. Refund total \$265.44. (NTE \$275)

PWS Nasalroad explained how the meter pit is shallow due to its location. It appears the meter cracked at the neck probably from freezing. PWS Nasalroad recommended to pull the meter if the home is vacant during the winter months to prevent future occurrences. CC Wade indicated the May bill has not been issued so it could be modified. CC Wade indicated the total refund would be approximately \$199.89.

❖ **Motion**

Council Member Capp motioned to approve a refund not to exceed \$210 to the owner of 317 Walnut for the excess water usage due to a crack in the neck of the meter and to advise the owner to contact the City Hall if the rental is vacant during the winter months. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

b] **Street Committee:** None

c] **City Facility Committee:** Mayor Wilson read a Thank You card from the Parker PTO for the Family Season Pass for the pool which was donated by the City for their Basket Raffle fundraiser. The committee met at the Community Park. Council Member Stoker suggested to spray the gravel areas located to the North of the camping area near the horseshoe pits and to spread the gravel some more in the area south of the pool.

d] **Public Safety Committee:** CC Wade has reached out to KDOT to find out further information about their School Zone Light Tool Box program. She has also reached out to a Supplier to get a quote for new School Zone lights in case we are not able to move forward with KDOT or their timeframe to get the product is too far out.

e] **Employee Relations and Training Committee:** None

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: Fire Chief Nasalroad confirmed the weekend storm activity. The storm sirens were set off on Saturday due to a Radar indicated tornado. Our sirens are set off by the Linn County dispatch.

CHAMBER OF COMMERCE – Networking Evening, "Cocktails and Commerce", May 8, 2024 at 6pm at the Wagon Wheel.

PLANNING & ZONING COMMISSION (PZC): Webinar, May 2, 2024 at 11 am. Planning and Zoning 101. Member of Planning & Zoning and the Council are welcome to attend. Mayor Wilson made a recommendation for Rena Tedrow as a commission member on the Planning & Zoning Commission. Rena lives outside of La Cygne but within the 3-mile range. She reinstated the Farmers Market in La Cygne and has a background in the Planning and Zoning area while residing in Overland Park.

❖ **Motion**

Council Member Mitzner motioned to accept the recommendation of Mayor Wilson to appoint Rena Tedrow to the Planning & Zoning Commission effective immediately. Motion seconded by Council Member Capp, voted on, passed 4-1(Nay: Council Brenneman).

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NEW BUSINESS:

RESOLUTION NO. A RESOLUTION PROVIDING FOR THE TEMPORARY CLOSING AND BLOCKING OF CERTAIN CITY STREETS TO ACCOMMODATE THE LIBRARY BLOCK PARTY FAMILY ACTIVITIES ON WEDNESDAY, MAY 29, 2024 FROM 8:00AM - NOON:

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 468 providing for the temporary closing and blocking of certain city streets to accommodate the Library Block Party Family Activities on Wednesday, May 29, 2024 from 8:00am - Noon. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

UNFINISHED BUSINESS:

REQUEST FOR PROPOSALS FOR LEGAL SERVICES:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes following a 2-minute break consultation with an attorney which would be deemed privileged to return to the council table at 8:42pm. Motion seconded by Council Member Smith voted on, passed 5-0. 8:30pm

Others in attendance: City Clerk Wade, City Attorney Harding

OPEN SESSION RESUMED AT 8:42pm:

528 N. 6TH STREET

The property owner, Gale Grizzle, submitted an application for a variance permit. Currently the Board of Zoning Appeals only has one (1) member. Can the Planning & Zoning Commission be temporarily assigned the roles of the Board of Zoning Appeals or do we need to wait until we get the vacant seats filled? City Attorney Harding advised the Codes of the City of La Cygne state that the Board of Zoning Appeals shall consist of no fewer than 3 members, one of which shall be a member of the Planning & Zoning Commission. Mayor Wilson will work on finding one more member.

POLICE DEPARTMENT DISCUSSION POINTS OF STRUCTURE AND PARAMETERS.

CC Wade will complete the final draft as defined by the council and email for review.

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.

In progress

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel matter for review of applications and to return to the council table at 8:50pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 8:45pm

Others in attendance: City Clerk Wade

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OPEN SESSION RESUMED AT 8:50pm:

❖ Motion

Council Member Capp motioned to go in to executive discussion for 15-minutes for non-elected personnel matter for review of applications and to return to the council table at 9:07pm. Motion seconded by Council Member Smith voted on, passed 5-0. 8:52pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 9:07pm:

❖ Motion

Council Member Capp motioned to go in to executive discussion following a 5-minute break for 15-minutes for non-elected personnel matter for review of applications and to return to the council table at 9:27pm. Motion seconded by Council Member Smith voted on, passed 5-0. 9:07pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 9:27pm:

❖ Motion

Council Member Capp motioned to go in to executive discussion for 15-minutes for non-elected personnel matter for review of applications and to return to the council table at 9:43pm. Motion seconded by Council Member Smith voted on, passed 5-0. 9:28pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 9:43pm:

❖ Motion

Council Member Capp motioned to go in to executive discussion for 14-minutes for non-elected personnel matter for review of applications and to return to the council table at 9:59pm. Motion seconded by Council Member Smith voted on, passed 5-0. 9:45pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 9:59pm:

❖ Motion

Council Member Capp motioned to approve a 30-minute extension of the Council meeting. Motion seconded by Council Member Smith, voted on, passed 5-0. 10:00pm

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❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 6-minutes for non-elected personnel matter for review of applications and to return to the council table at 10:06pm. Motion seconded by Council Member Smith voted on, passed 5-0. 10:00pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 10:06pm:

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.

NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 10:08p.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 1st day of May 2024.