

Record of the Proceedings of the Governing Body

REGULAR MEETING

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May 15, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, May 15, 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; Police Officer Achilles Ferrell; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Gilmore & Bell Kevin Cowan; Emil Wilson; and Patty Younger.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] City-Wide Clean-up completed on May 11, 2024 consisted of 5.2 tons collected in a 4-hour period. A few items were set out which were not serviceable (household trash/Washing machine). A couple of addresses got missed but Waste Management followed up this week to pick up those items.

b] 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.

c] The La Cygne Swimming Pool will open on May 25, 2024. Season Passes, Pool Party reservations and Swimming Lesson registration can all be handled currently on-line or at the City Hall until May 24, 2024. Once the pool is open all purchases must be made through the admissions window at the pool. Pool hours are Monday – Sunday, Noon to 6pm.

d] Mayor Wilson stated the Fire Station open house was success. It was nice to see everyone drop by to tour the station, grab a bite to eat, visit with friends and play games.

PUBLIC HEARING FOR ABATEMENT OF BLIGHTED PREMISES:

Mayor Wilson closed the regular meeting at 7:02pm and opened the public hearing for abatement of blighted premises for 402 S. Broadway. No comments were received from the public. Mayor Wilson closed the public hearing for abatement and opened the regular meeting.

Discussion was held by Codes Officer Canada and the City Council regarding the removal of the garage and filling in the storm cellar. Council Member Capp asked PWS Nasalroad if the work could be performed by the city. PWS Nasalroad indicated he would be able to accomplish the removal of the garage and could fill the shallow storm cellar with gravel.



Motion

Council Member Mitzner made motion to dispose of the structure and storm cellar located at 402 S. Broadway, La Cygne, KS and as defined by Resolution No. 467. Motion seconded by Council Member Smith, voted on, passed 5-0.

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CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the May 1, 2024 Council Meeting;
2024 April Budget Report;
2024 April Treasurer's Report;
Check Register: April 28, 2024 – May 13, 2024.

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

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 paraphrased the discussion from the May 1, 2024 meeting regarding the Charter Ordinance. Council Member Stoker reviewed the contents which could be put in a resolution pertaining to the purchasing of bonds, therefore the governing body could include the requirement of an election if they felt it was needed. Kevin Cowan concurred with Council Member Stoker. No further discussion was held.

❖ Motion

Council Member Capp motioned to approve Charter Ordinance No. 16 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. Motion seconded by Council Member Mitzner, voted on, passed 5-1 (Yay - Mayor Wilson, Council Member Capp, Council Member Mitzner, Council Member Smith, and Council Member Stoker) and (Nay - Council Member Brenneman).

REPORTS OF CITY OFFICERS:

OFFICER ACHILLES FERRELL

Officer Ferrell reviewed the 48 traffic stops, one resulting in a DUI. Officer Ferrell indicated the department had received the new AXON Body cameras. He stated the cameras are definitely an improvement from the ones the department had prior. The cameras are very user friendly.

CODES ENFORCEMENT OFFICER – DEVIN CANADA

Codes Officer Canada thanked patrons for attempting to mow their grass and ditches. Most every yard has standing water in areas.

Codes Officer Canada met with the new Plant Manager at US Minerals to perform the quarterly review of the operations. A couple of repairs had been completed but some of the major repairs to the silo will take up to a year.

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REPORTS OF CITY OFFICERS CONTINUED:

CODES ENFORCEMENT OFFICER – DEVIN CANADA

Discussion was brought forth regarding grass nuisance at the property located to the 1009 Linco Drive. The property owner asked if the grass could remain tall to help minimize the dust from US Minerals. Council Member Mitzner stated the city must enforce the codes as written and stated these are two separate issues, a nuisance for grass and a complaint regarding dust. Council Member Stoker stated the grass needed to be cut to meet the requirement of the codes. Mayor Wilson stated the issue regarding the dust from US Minerals would be considered a civil matter if there is damage being caused to owner's property/facility or machines by dust from US Minerals. The council does sympathize with the property owner regarding the dust concerns. The Planning & Zoning Commission did hold a workshop to visit with both US Minerals and Harsco regarding the dust concerns. Council Member Stoker stated if US Minerals can't keep the dust on their property they need to be shut down.

PUBLIC WORK SUPERINTENDENT – DAN NASALROAD

Water:

- The Pedisphere tower was drained down, cleaned, and refilled. The company performing the inspection was very impressed on the construction of the tower and the installation of the antennae on the tower.

Park:

- Pool is filled and ready for opening.

PWS Nasalroad asked the council about boarding up the home at 112 S. 7th Street. He clarified only on the broken windows or doors need to be boarded. The council stated the property needed to be boarded to prevent entry. If the door/widow was solid and locked it did not need to be boarded.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (REED ENVIRONMENTAL/BG CONSULTANTS)

CC Wade advised the council about the quote with Reed Environmental. BG Consultants was informed by USDA the project would need to go back out for sealed rebids since the price exceeded the \$250,000 small project threshold. The council will need to rescind their prior motion in to allow the project to rebid.

❖ Motion

Council Member Capp motioned to rescind the motion from the April 17, 2024 council meeting approving the quote from Reed Environmental in the amount of \$412,400 to desludge the sewer lagoons. Motion seconded by Council Member Stoker, voted on, passed 5-0.

ORDINANCE NO. AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2024 OF THE CITY OF LA CYGNE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Kevin Cowan, Gilmore & Bell, reviewed the close out process for the temporary construction bonds to roll over to the USDA loan.

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SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (REED ENVIRONMENTAL/BG CONSULTANTS)

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1526 authorizing and providing for the issuance of General Obligation Bonds, Series 2024 of the City of La Cygne, Kansas. Motion seconded by Council Member Stoker, voted on, passed 5-0.

RESOLUTION NO. PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2024, OF THE CITY OF LA CYGNE, KANSAS PREVIOUSLY AUTHORIZED BY ORDINANCE NO. OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 469 prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Series 2024, of the City of La Cygne, Kansas previously authorized by Ordinance No. 1526 of the issuer. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

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

No new updates

NEW FIRE STATION

Project is complete. Warranty period is through February 21, 2025.

WATER TREATMENT PLANT IMPROVEMENTS:

No updates at this time.

602 N 5TH STREET PROPERTY (CLINCH REALTY)

Patty Younger approached the Council about purchasing the lots located at 602 N. 5th Street. Patty stated she was only interested in placing a brand new double wide Manufactured home on the property. She recognized the water flow through the North part of the lot. The council advised her to put together her offer and provide it to the Clinch Realty Agent in order for it to be presented to the council for review.

REPORT OF COUNCIL COMMITTEES:

a] **Utilities Committee:** None

b] **Street Committee:** None

c] **City Facility Committee:** The committee will meet with CC Wade to discuss thoughts regarding the City Hall and Community Building

d] **Public Safety Committee:** None

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

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SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC): Mayor Wilson is still looking for someone to fill the vacant set on the Board of Zoning Appeals.

RECESS:

❖ **Motion**

Council Member Capp motioned for a 5-minute recess and to return to the council table at 8:23pm. Motion seconded by Council Member Smith, voted on, passed 5-0. 8:18pm

UNFINISHED BUSINESS:

CONTINUED PUBLIC HEARING FOR ABATEMENT OF BLIGHTED PREMISES: 825 N. 7TH STREET COURT UNITS A AND B. HEARING WAS CONTINUED FROM THE APRIL 17, 2024 MEETING.

PWS Nasalroad advised the council Andrea Kincaid had cancelled the appointment to meet with him to review the electric work on Monday following the April 17 meeting. He has not heard back from Andrea Kincaid as of tonight's meeting. The council noticed the siding was installed on the home. The council adjourned the hearing to the June 5, 2024 council meeting to discuss the progress to date and the electric.

REQUEST FOR PROPOSALS FOR LEGAL SERVICES:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected employee review of applications for legal services and to return to the council table at 8:38pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 8:33pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 8:38pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected employee review of applications for legal services and to return to the council table at 8:45pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 8:40pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 8:45pm:

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UNFINISHED BUSINESS CONTINUED:

REQUEST FOR PROPOSALS FOR LEGAL SERVICES:

❖ **Motion**

Council Member Capp motioned to approve the contracts as presented for the City Attorney and City Prosecutor for the City of La Cygne, Kansas. Motion seconded by Council Member Mitzner voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to accept Harding Law Firm, LLC as the City Attorney and the City Prosecutor for the City of La Cygne effective June 1, 2024. Motion seconded by Council Member Stoker voted on, passed 5-0.

528 N. 6TH STREET

The application for a Variance Permit is on hold until the vacant seat on the Board of Zoning Appeals is filled.

POLICE DEPARTMENT DISCUSSION POINTS OF STRUCTURE AND PARAMETERS.

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected employee review of applications for Police Chief and to return to the council table at 9:05pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 8:55pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 9:05pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected employee review of applications for Police Chief and to return to the council table at 9:18pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 9:13pm

Others in attendance: City Clerk Wade

OPEN SESSION RESUMED AT 9:18pm:

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

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NEW BUSINESS:

RESOLUTION NO. ENABLING FEES ESTABLISHED BY THE CITY AND REFERENCED WITHIN THE CODE OF THE CITY OF LA CYGNE, KANSAS.

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 470 enabling fees for the cemetery and mobile food trucks established by the city and referenced within the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Capp, voted on, passed 5-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for consultation with an attorney which would be deemed privileged and to return to the council table at 9:32pm. Motion seconded by Council Member Smith voted on, passed 5-0. 9:22pm

Others in attendance: City Clerk Wade, City Attorney Burton Harding via Zoom.

OPEN SESSION RESUMED AT 9:32pm:

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 9:35p.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 15th day of May 2024.