

# **Record of the Proceedings of the Governing Body**

## **REGULAR MEETING**

Page 1 of 7 Pages

**June 5, 2024**

### **REGULAR MEETING:**

The La Cygne City Council met on Wednesday, June 5, 2024 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; Ed Smith; Jerome Mitzner(via Zoom); 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; Interim Chief Craig Haley; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Woodworth Snow, LLC Ken Snow; Emil Wilson; Zachary Mathies and family.

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

Pledge of Allegiance – Mayor Debra Wilson

### **MAYOR COMMENTS:**

a] 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.

b] La Cygne Farmers Market is open on Fridays at 4:00pm at the La Cygne Library Swan Room.

c] Wiener Dog Races, June 16, 2024, La Cygne Community Park.

d] Blast in the Park, July 6, 2024, La Cygne Community Park. Visit the City of La Cygne website for information regarding Volunteers and/or Sponsors for this event. Sponsorships go towards the cost of the Fireworks.

### **EXECUTIVE SESSION:**

Mayor Wilson asked for a 5-minute executive session for non-elected personnel to review applications for Police Department and to include Zachary Mathies and City Clerk Jodi Wade.

#### **❖ 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 7:08pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:03pm**

Others in attendance: City Clerk Wade and Zachary Mathies

### **OPEN SESSION RESUMED AT 7:08pm:**

Mayor Debra Wilson made a recommendation to appoint Zachary Mathies as the Police Chief for the City of La Cygne.

# **Record of the Proceedings of the Governing Body**

## **REGULAR MEETING**

Page 2 of 7 Pages

**June 5, 2024**

### **EXECUTIVE SESSION CONTINUED:**

#### ❖ **Motion**

**Council Member Capp motioned to approve Mayor Wilson's recommendation to appoint Zachary Mathies as the La Cygne Police Chief effective June 1, 2024. Motion seconded by Council Member Brenneman voted on, passed 5-0. 7:08pm**

### **CONSENT AGENDA:**

#### ❖ **Motion to approve Consent Agenda:**

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

Minutes of the May 15, 2024 Council Meeting;

Minutes of the May 22, 2024 Special Council Meeting;

Check Register: May 14, 2024 – May 31, 2024.

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

### **DISCUSSION FROM THE FLOOR:**

NONE

### **EXECUTIVE SESSION:**

#### ❖ **Motion**

**Council Member Capp motioned to go in to executive discussion for 20-minutes for consultation with an attorney regarding the Water Department which would be deemed privileged and to return to the council table at 7:35pm. Motion seconded by Council Member Smith voted on, passed 5-0. 7:15pm**

Others in attendance: City Clerk Wade, City Attorney Burton Harding via Zoom, Attorney Ken Snow (via Zoom), Jerome Mitzner (via Zoom).

### **OPEN SESSION RESUMED AT 7:35pm:**

#### ❖ **Motion**

**Council Member Capp motioned to go in to executive discussion for 20-minutes for consultation with an attorney regarding the Water Department which would be deemed privileged and to return to the council table at 7:47pm. Motion seconded by Council Member Smith voted on, passed 5-0. 7:37pm**

Others in attendance: City Clerk Wade, City Attorney Burton Harding via Zoom, Attorney Ken Snow (via Zoom), Jerome Mitzner (via Zoom).

# Record of the Proceedings of the Governing Body

## REGULAR MEETING

Page 3 of 7 Pages

June 5, 2024

### **OPEN SESSION RESUMED AT 7:47pm:**

#### ❖ **Motion**

**Council Member Capp motioned to go in to executive discussion for 8-minutes for consultation with an attorney regarding the Water Department which would be deemed privileged and to return to the council table at 7:55pm. Motion seconded by Council Member Smith voted on, passed 5-0. 7:47pm**

Others in attendance: City Clerk Wade, City Attorney Burton Harding via Zoom, Attorney Ken Snow (via Zoom), Jerome Mitzner (via Zoom).

### **OPEN SESSION RESUMED AT 7:55pm:**

### **REPORTS OF CITY OFFICERS:**

#### **INTERIM CHIEF CRAIG HALEY**

Interim Chief Haley reported the call for services during the Memorial Day weekend did provide for a safer community due to more patrolling.

#### **CODES ENFORCEMENT OFFICER – DEVIN CANADA**

Report reflects 5/13/2024 through 5/31/2024

#### Code Letters:

| Violation Type: | # Corrected | #in Progress | # Citations | # New |
|-----------------|-------------|--------------|-------------|-------|
| NUISANCE        | 0           | 6            | 3           | 2     |
| INOP            | 0           | 0            | 0           | 0     |
| GRASS/WEEDS     | 1           | 1            | 0           | 1     |
| VERBAL WARNINGS | 11          | 1            | 0           | 4     |
| OTHER           | 0           | 5            | 0           | 0     |
| WORK ORDERS     | PW          | PW           | NA          | 0     |

#### PERMITS:

Building Permits cover time from April 5<sup>th</sup> – May 31<sup>st</sup>.

305 E. Park – Fence

510 Locust – room attachment to garage

423 E. Market – Fence

311 N. 6<sup>th</sup> - Add on to the Garage

Codes Officer Canada provided a record of the number of Codes letters issued from the period of 1989 – 2024 in the areas of Nuisance, Unfit/Unsafe Structure, INOP, Grass, Animals, Permits, and Zoning. Codes Officer Canada pointed out how it cycled through the years and explained the importance of making sure the codes are enforced to maintain the health, safety and welfare of the citizens of this community.

#### **PUBLIC WORK SUPERINTENDENT – DAN NASALROAD**

PWS Nasalroad is getting quotes for the removal of 3 dead trees and 1 leaning tree in the cemetery.

# **Record of the Proceedings of the Governing Body**

## **REGULAR MEETING**

Page 4 of 7 Pages

**June 5, 2024**

### **REPORTS OF CITY OFFICERS CONTINUED:**

#### **CITY CLERK – JODI WADE**

Report for May 2024

##### **City Clerk**

- Completed Monthly Financial Reports.
- Attended virtual KMGa Board Meeting
- Attended virtual MRWAD (Marais Des Cygne Water Assurance District) mtg.
- Attended Planning & Zoning Meeting.
- Reviewed webinar for GovTech Edmunds financial software program.
- Met with Matt Young, Pleasanton Mayor.
- KMIT Safety Audit.
- General Liability Audit.
- Prepared City Attorney and City Prosecutor Contracts.
- Prepared, Processed and Filed all paperwork to close out the GO Temp Notes 2022.
- Prepared, Processed and Filed all paperwork for the GO BOND Series 2024.
- Prepared Summer Newsletter.
- Phone Calls with Ken Snow, Attorney, regarding Settlement Agreement with RWD#3.
- Attended Budget Training class with the State.
- Assisted Pool Mechanical Manager with chemicals on opening weekend.
- Reviewed RWD#3 annual reports and finances.
- Completed CUP documents for HARSCO and Whistle Redi mix.
- Reviewed TextMyGov software program.
- Reviewed Incode court software program.
- Visited with Peoples Internet service about IT Support.
- Visited with Chris Martin regarding IT support.
- Researched the City of La Cygne 218 agreement pertaining to Social Security.
- Finalizing City Limit Boundary Resolution with surveyor and Linn County.

#### **CITY TREASURER – CONNIE GORE**

05/01/2024-05/31/2024

Utilities      *Monthly items completed:*

- Shut off's were completed by Jodi. We had 2 shut off's. I helped Jodi do them.
- 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 May 2024 we had 256 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.
- Completed 2 diversions for prosecutor's review.
- Researched 2 old DUI cases and sent required certified documents, 1 to JOCO District court and the other to SGO District court.

Payroll:

- 1<sup>st</sup> Payroll: Completed the 1<sup>st</sup> of the month payroll and filed the taxes and KPERS.

# **Record of the Proceedings of the Governing Body**

## **REGULAR MEETING**

Page 5 of 7 Pages

**June 5, 2024**

### **REPORTS OF CITY OFFICERS CONTINUED:**

#### **CITY TREASURER – CONNIE GORE**

- Completed the 2<sup>nd</sup> payroll and filed taxes.

#### Accounts Payable:

- Coded and processed invoices.
- Created And printed checks
- Mailed checks and filed invoices

Cemetery: Nothing to report.

#### Pool:

- City Hall representative at the lifeguard orientation.
- Set up lifeguards to payroll software.
- Tracked pool parties and swim lesson payments
- Set up tablet with credit card payment system. Showed pool managers how it works.

#### Other:

- Sent Monthly Invoice: 2 mowing
- Administrative Book –on hold
- Listened to the Planning & Zoning Webinar put on by Lenexa
- Looked into and watch Incode Court Software Demo.
- Participated in the KMIT Risk management audit.
- Received a short video training on to upload documents to the website and started uploading the agendas and minutes.
- Took part in the GOV Tech financial software webinar.

### **RECESS:**

Mayor Wilson asked for a 5-minute recess to allow her to visit with Interim Chief Haley before he left the meeting.

#### ❖ **Motion**

**Council Member Capp motioned for a 5-minute recess to allow Mayor Wilson to visit with Interim Chief Haley before he left the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0.**

### **SPECIAL PROJECTS:**

#### **SEWER REHABILITATION PROJECT (REED ENVIRONMENTAL/BG CONSULTANTS)**

No new updates

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

No new updates

#### **WATER TREATMENT PLANT IMPROVEMENTS:**

No updates at this time.

#### **602 N 5<sup>TH</sup> STREET PROPERTY (CLINCH REALTY)**

**Tabled until the June 19, 2024 Council meeting.**

# Record of the Proceedings of the Governing Body

## REGULAR MEETING

Page 6 of 7 Pages

June 5, 2024

### **REPORT OF COUNCIL COMMITTEES:**

a] **Utilities Committee:** None

b] **Street Committee:** None

c] **City Facility Committee:** PWS Nasalroad will be getting quotes to replace the lights at the tennis court/basketball court. Old mercury bulbs, can't find replacement.

d] **Public Safety Committee:** Council Member Capp asked CC Wade to get quotes and present at the next meeting.

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

### **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 seat on the Board of Zoning Appeals.

### **UNFINISHED BUSINESS:**

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

PWS Nasalroad accepted the letter, dated 5/24/2024, from Mr. Electric regarding the review of the electric panels, existing wiring, rough in wiring. Codes Officer Canada visited the sight to review the smoke detector installation and the basement. All smoke detectors were wired in and tested. No framing in the basement. The roof and trusses have been replaced. All items in the letter dated October 18, 2023 from the Public Officer required to be performed in order for the placard to be removed have been completed as of today's date. The placard has been removed. The other nuisances regarding 825 N. 7<sup>th</sup> Street are being handled under different case situations. Discussion was held with City Attorney Harding on how to proceed with closing the abatement regarding the blighted premises from the fire.

❖ **Motion**

**Council Member Smith motioned to terminate the abatement of blighted premises effective June 5, 2024. Motion seconded by Council Member Brenneman, voted on, passed 5-0.**

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

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

### **EMPLOYEE PAY SCALES**

Council would like to set up a future workshop.

**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

# Record of the Proceedings of the Governing Body

## REGULAR MEETING

Page 7 of 7 Pages

June 5, 2024

### **NEW BUSINESS:**

**ORDINANCE NO. AMENDING CHAPTER VI, ARTICLE 1, SECTION 6-106 AND 6-107 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS PROVIDING FOR VOLUNTEER FIRE DEPARTMENT COMPENSATION.**

The original motion to adjust the pay for the Volunteer Firemen was approved at the February 7, 2018 council meeting, but was not done as an ordinance to update the codes book.

#### **❖ Motion**

**Council Member Stoker motioned to approve Ordinance No. 1527 amending Chapter VI, Article 1, Section 6-106 and 6-107 of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Smith, voted on, passed 5-0.**

### **ARTICLE 2. FIREWORKS, SECTION 6-205. FIREWORKS DISPLAY PERMIT.**

CC Wade asked the council to review the section regarding firework display permits. The question asked was if the permit holder would be renting the entire park for the private display event? Who is responsible for barricading and cleaning up the debris from the private display event? What would be the certificate of insurance coverage amounts requirements? The council members discussed the pros and cons of allowing a private firework display event (e.g. for a wedding, reunion gathering, etc.) to occur in the La Cygne Community Park. Concerns were expressed regarding the liability on the city since it is a public zoned property of the city. Upon further discussion and review, the council asked CC Wade to modify section 6-205 to read Firework Display Permit for City Designated Events. The council agreed to avoid the liability risk it was best to only have a firework display permitted at a city designated event. A request to modify line 6-203(c) to reflect the wording of section 6-205 was also pointed out. The council asked CC Wade to prepare a draft for the next meeting.

### **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 5<sup>th</sup> day of June 2024.