

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 1 of 7 Pages

August 21, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, August 21, 2024 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Keith Stoker, Jerome Mitzner and Ed Smith.

Others in attendance included, but not limited to: City Attorney Burton Harding (Via Zoom); City Clerk (CC) Jodi Wade; Police Chief Zachary Mathies; Linn County Newspaper, Tony Furse; Linn County Journal, Roger Sims; Board of Zoning Appeals Member, Robert Blanck; Board of Zoning Appeals Member, Rena Tedrow; John and Cheryl Holman; and Wagon Wheel Restaurant Owner, Steve Keaton.

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

Pledge of Allegiance – Mayor Debra Wilson

PUBLIC HEARING – REVENUE NEUTRAL RATE

Close the Regular Meeting 7:00pm

Open the Public Hearing for the Revenue Neutral Rate

No Comments were received from the floor.

Close the Public Hearing for the Revenue Neutral Rate

Open the Regular Meeting.

❖ Motion

Council Member Capp motioned to approve Resolution No. 473, a resolution of the City of La Cygne, Kansas to levy a property tax rate exceeding the Revenue Neutral Rate. Motion seconded by Council Member Mitzner, Roll Call vote of the Governing Body: Yay – Jerome Mitzner, Ed Smith, Thomas Capp, Keith Stoker, David Brenneman. Nay – None. Passed 5-0

PUBLIC HEARING – 2025 BUDGET HEARING

Close the Regular Meeting 7:03pm

Open the Public Hearing for the 2025 Budget Hearing

Cheryl Holman asked the council about a paper she could sign to not have her taxes raised.

Cheryl stated a relative who lives in Missouri signs a paper each year to not have their taxes raised.

Mayor Wilson stated she was not aware of the rules and regulations in Missouri. Mayor Wilson advised Cheryl Holman she was not aware of any paperwork in Kansas for a patron to sign to not have their taxes raised.

No further comments were received from the floor.

Close the Public Hearing for the 2025 Budget Hearing

Open the Regular Meeting

❖ Motion

Council Member Capp motioned to approve the 2025 Budget for the City of La Cygne as presented. Motion seconded by Council Member Stoker, voted on, passed 4-1 (Nay-David Brenneman).

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 2 of 7 Pages

August 21, 2024

MAYOR COMMENTS:

a] Lead and Copper Inventory: Public Works and the Codes Officer have been placing door hangers to help alert patrons to contact the city to complete the inventory.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of the August 21, 2024 Council Meeting;
2024 July Treasurer's Report;
2024 July Budget Report;
Check Register: August 2, 2024 – August 19, 2024.

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

DISCUSSION FROM THE FLOOR:

Steve Keaton (Wagon Wheel Restaurant Owner) addressed the governing body about law enforcement. Steve validated he was not anti-police but the current actions of the police have created some negative reaction to his business. Patrons are afraid to leave the restaurant due to seeing multiple stops in front of the Wagon Wheel business. Police Chief Mathies asked Steve if he had concerns about them pulling in or parking in his parking during school zone and Steve stated he did not. Police Chief Mathies indicated its difficult to dictate where people pull in when required to pull over. Steve stated the recent conversation at his restaurant was concerns of patrons being pulled over for small minor infractions (taillight out, broken tail light, etc.) as a means to check for drunk drivers, etc. Chief Mathies and the governing body thanked Steve for coming in to share his concerns. Chief Mathies indicated he would visit with the officers about the use of the parking area.

Robert Blanck, Board of Zoning Appeals, approached the governing body with some questions resulting from a variance hearing held on August 15, 2024. Robert Blanck inquired about the intent of alleyways and who maintains the vegetation in a right of way. City Attorney Harding stated the city controls the right of way but the property owner is responsible for the maintenance of the right-of-way. Robert then asked who makes the final determination following a public hearing for the Board of Zoning Appeals. City Attorney Harding first stated the board makes a recommendation and then its forwarded to the Council for final approval. CC Wade referred to Article 25, Section 25-3 Variances (under the authority of K.S.A. 12-759) which outlines the public hearing process for the Board of Appeals and final approval. This section states the Board of Zoning Appeals will provide the final determination and if anyone wanted to appeal the decision they would need to file the appeal with the Linn County District Court. Rena Tedrow, Board of Zoning Appeals, advised the City Attorney the home located at 528 N. 6th Street had not been through probate so the deed is still in the name of the deceased. City Attorney Harding referenced #3 under Section 8 of the Agreement between the City of La Cygne and Linda & George Williams which states The "Williams" are no longer residing in the home as their principal residence as determined by the City Codes Officer. Council Member Stoker asked what would happen if the residence is left where it currently is until the home become dilapidated or is destroyed. City Attorney Harding advised the council of Easement by Prescription if a long enough time goes by and the city doesn't follow through with the agreement. Mayor Wilson summarized the discussion, due to time, by reminding everyone the Board of Appeals is only responsible for handling the Variance. The agreement is a separate item between the city and the Williams. She also reminded

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 3 of 7 Pages

August 21, 2024

DISCUSSION FROM THE FLOOR CONTINUED:

everyone the city does endure cost in these matters when building or structures have to be removed to access utilities during infrastructure repairs.

REPORTS OF CITY OFFICERS:

POLICE CHIEF ZACHARY MATHIES

Chief Mathies reported on the 2024 Totals for Traffic Stops (420), Citations(46) and Reports(104). During the month of July and August the count to date: (8) Information Reports, (2) Alcohol Offenses, (1) Traffic Offense, (97) Traffic Warnings, (2) Accident Reports, (2) Drug Offenses, (3) Warrant Arrests, (10) Traffic Citations. Chief Mathies expressed the importance of enforcement through education. The current proactive policing has led to less petty crimes around town. During the first weeks of school zone, the traffic lights have been working and most violators are in the afternoon. Chief Mathies updated the status on the 2021 Ford Explorer which is approximately 95% complete to have on the road in service. Chief Mathies had the new decal wrap installed on the Explorer. The Council was pleased with the wrap and recommended to have all the vehicles wrapped the same.

VEGETATION ORDINANCE: The council asked Chief Mathies about the status of the ordinance revising the section regarding weeds and vegetation. Chief Mathies had City Attorney Harding review the draft and would need to add a line back in regarding dry, fire-hazardous weeds. Further discussion was held regarding a Tree/brush fence row (or screening). The council understood the nuisance pertaining to overgrowth/vegetation around or near primary structures and accessory structures. The concern was regarding those who have tree rows along their property lines or along creeks which run through their property. Chief Mathies will continue to work on the draft.

4th STREET STOP SIGNS: Complaints were discussed at a prior meeting regarding speeding on 4th Street. The council tabled the discussion to allow time to drive the road and visit with patrons about locating a couple of stop signs on 4th Street. Council Member Smith asked neighbors on 4th Street and the response received was (2) signs was a little much but (1) on Lincoln would seem sufficient. Council Member Capp stated patrons told him no stop signs on 4th Street. Council Member Stoker stated patrons informed him no stop signs on 4th Street. Further discussion was held.

❖ Motion

Council Member Mitzner motioned to empower the Police and Public Works to install a 4-way Stop at the intersection of 4th Street and Lincoln. Motion seconded by Council Member Smith, voted on, failed 2-3 (Nay: Brenneman, Capp and Stoker).

UTV/ATV: Chief Mathies had distributed a draft copy of the UTV/ATV section for the council to begin reviewing. Chief Mathies confirmed Council Member Smith and Council Member Mitzner had received their copies. Council Member Capp inquired if out of towners would be required to have a permit. Chief Mathies stated they would need to get a permit unless they have an active permit with another city or county. Mayor Wilson advised the council they would go through the draft a paragraph at a time during the forthcoming council meetings and/or workshops.

COMMON SPEED LIMIT THROUGHOUT TOWN: Council Member Mitzner inquired about the status on having a common speed limit throughout town. Council Member Mitzner did drive around town and felt most roads would be considered unsafe to travel at a greater speed than 20mph. A comment was made regarding the number of signs that would be necessary. Chief Mathies informed the council signs would be placed at the main entrances in to the city limit stating "All roads are 20mph unless marked". Council Member Brenneman stated he got feedback from patrons not in favor

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 4 of 7 Pages

August 21, 2024

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF ZACHARY MATHIES

of a common speed limit through town. Council Member Capp suggested North/South roads 30mph and East/West roads at 20mph since most East/West roads were very narrow. Council Member Smith stated patrons felt it was simply a "money maker" strategy. Council Member Mitzner also suggested having the main throughways (Broadway, Market, Linco) a certain speed limit and the rest 20mph. Chief Mathies will continue to conduct some studies.

SCHOOL ZONE LIGHTS: Purchase Order No. 2024-822 for new school zone lights. Chief Mathies reviewed 4 quotes as follows: Gade Sales Co - \$7,548, Radarsign - \$5990, Mid-American Signal \$6300, and Mid-American Signal \$6000. Chief Mathies discussed the differences in the systems relevant to remote access for programming, inclusion of poles and subscription fees. Chief Mathies recommended Radarsign based on the remote access and price which also included free shipping, 2-year warranty and approximate delivery in 4-6 weeks.

❖ Motion

Council Member Capp motioned to approve Purchase Order No. 2024-822 for Radarsign in the amount of \$5990 for the purchase of (2) new School Zone beacon packages. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

CODES OFFICER – DEVIN CANADA

Chief Mathies reported the Codes Officer has been currently addressing large brush piles around town which haven't been burned and have weeds growing around them. Discussion was held about open burning. Council Member Stoker inquired about a city burn site. Discussion was held on what other city's have and what the process would be to establish a community burn site. Mayor Wilson asked CC Wade to research burn site permits for the next council meeting.

PUBLIC WORKS SUPERINTENDENT(PWS)–DAN NASALROAD (PRESENTED BY CITY CLERK WADE SINCE DAN NASALROAD WAS NOT PRESENT

None

FIRE CHIEF – DAN NASALROAD

None

CITY CLERK – JODI WADE

None

CITY TREASURER – CONNIE GORE

None

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

CC Wade presented the notice from BG Consultants regarding the bids received for the desludging of the sewer lagoon. Hodges Farms and Dredging was the low bid in the amount of \$648,900. CC Wade met with USDA and BG Consultants to review the current financials. At this time all parties agreed the remaining funds amounted to \$1,000,000. Discussion was held on the

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 5 of 7 Pages

August 21, 2024

SPECIAL PROJECTS CONTINUED:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

remaining phases which include the lagoon desludging and the improvements to the lift stations. Public Works Superintendent Dan Nasalroad was contacted for discussion. Everyone concurred the pricing for desludging is only going to get more expensive. The council concurred if the funds are available then the work should be performed.

❖ **Motion**

Council Member Capp motioned to accept the bid from Hodges Farms and Dredging in the amount of \$648,900 for desludging Cell 2 and Cell 3 of the sewer lagoons. Motion seconded by Council Member Stoker, voted on, passed 5-0.

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

No new updates

SPECIAL PROJECTS CONTINUED:

WATER TREATMENT PLANT IMPROVEMENTS:

Grant Application in Progress

402 S BROADWAY

The Council reviewed the request from the owner of 402 S. Broadway to deed the property to the city in lieu of the outstanding abatements on the property. Costs were reviewed and the current outstanding property tax amount of \$2225. The council discussed the amount of money spent by the city to date to demolish the dilapidated home and mowing every year. Currently the city has a total of \$18,749 invested in to the property in abatement. Council member Capp stated the costs in abatement will continue to rise since the city has to mow it every season. Council Member Stoker stated to have the city keep mowing it and we will collect when the house is sold on the court steps. Mayor Wilson advised the council if they proceeded with the quit claim deed to be sure it would be contingent upon a title search. Council member Mitzner stated it puts excess work on our staff and frustration if complications arise in reselling the property. The Council asked CC Wade to reply to the property owner with a "decline" to the request.

REPORT OF COUNCIL COMMITTEES:

- a] **Utilities Committee:** Council Member Brenneman addressed the concern for utility bills not arriving to patrons in the mail. Discussion was held regarding the efforts taken, as requested by the Post office, to assist with the delivery of the post cards. To date, nothing has improved the delivery of the post cards. The city purchased the module to allow on-line bill viewing and payment to allow another means for patrons to receive their utility bills.
- b] **Street Committee:** None
- c] **City Facility Committee:** Mayor Wilson asked the council to clarify their expectations regarding consultants for projects. She recapped the comments regarding past consultants. She stated if we aren't clear about our expectations then we will continue to have issues and concerns with consultants on projects.
- d] **Public Safety Committee:** None
- e] **Employee Relations and Training:** None

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 6 of 7 Pages

August 21, 2024

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: NONE

CHAMBER OF COMMERCE – Chamber of Commerce sponsored City-Wide Garage Sales will be on August 31 – September 1, 2024. Next chamber meeting will be held on October 8, 2024 at 8am at the La Cygne Historical Society.

PLANNING & ZONING COMMISSION (PZC): Draft meeting minutes for the August 14, 2024 were provided for the council to review.

BOARD OF ZONING APPEALS): Draft minutes for the August 15, 2024 Public Hearing were provided for the council to review. The hearing was continued to September 16, 2024 at 5:30pm.

UNFINISHED BUSINESS:

EMPLOYEE PAY SCALES

CC Wade presented a draft of the employee scale created during the recent workshop. The council was satisfied with the format. CC Wade will review with the Department heads prior to approval of the scale.

NEW BUSINESS:

PURCHASE ORDER NO. 2024-14 FROM JIM THOMPSON IN THE AMOUNT OF \$8,125 TO INSTALL WATER, SEWER AND GAS UTILITY CONNECTIONS FOR THE NEW FIRE STATION.

CC Wade indicated this would be the final invoice for the project and then could proceed with closing it out.

❖ Motion

Council Member Capp motioned to Purchase Order No. 2024-14 from Jim Thompson in the amount of \$8,125 to tap the water, sewer, and gas utilities for the New Fire Station. Motion seconded by Council Member Stoker, voted on, passed 4-1 (Abstain-Council Member Brenneman).

PURCHASE ORDER NO. 2024-15 FROM JIM THOMPSON IN THE AMOUNT OF \$975 FOR A 6" MJ MULLER WATER VALVE FOR THE WATER PLANT

❖ Motion

Council Member Capp motioned to Purchase Order No. 2024-15 from Jim Thompson in the amount of \$975 for a 6" MJ Muller Water Valve for the Water Plant. Motion seconded by Council Member Stoker, voted on, passed 4-1 (Abstain-Council Member Brenneman).

EXECUTIVE SESSION:

❖ Motion

Council Member Capp motioned to go in to executive discussion for 10-minutes 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 9:25pm. Motion seconded by Council Member Stoker, voted on, passed 5-0. 9:15pm

Others in attendance: City Attorney Harding and CC Wade

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 7 of 7 Pages

August 21, 2024

OPENSESSION RESUMED AT 9:25pm:

EXECUTIVE SESSION CONTINUED:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter exception for an individual employee's performance for the Police Department and to return to the council table at 9:40pm. Motion seconded by Council Member Smith, voted on, passed 5-0. 9:30pm

Others in attendance: CC Wade

OPENSESSION RESUMED AT 9:40pm:

POLICY REVIEW IN PROGRESS

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

NOTES AND COMMUNICATION:

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. 9:42p.m.

I, _____
(Jodi Wade)

La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name on this 21st day of August 2024.