

Record of the Proceedings of the Governing Body

REGULAR MEETING

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September 4, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, September 4, 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; Public Works Superintendent (PWS) Dan Nasalroad; Linn County Newspaper, Tony Furse; Linn County Journal, Roger Sims; Wagon Wheel Restaurant Owner, Steve Keaton; Linda Jo Hisel; Carrie Page; and Chelsie Stainbrook.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson read the Constitution Week Proclamation. Renee Slinkard, Marais Des Cygnes Chapter of DAR, talked a little about the history of their organization and read a few words honoring the United States Constitution. Renee reminded everyone to ring bells on September 17, 2024 in honor of the constitution and she shared about the National Award received by a student from Louisburg for his work titled "Rise of USA".

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of the August 21, 2024 Council Meeting;

Check Register: August 20, 2024 – August 30, 2024.

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

DISCUSSION FROM THE FLOOR:

WAGON WHEEL OWNERS AND MANAGERS

Steve Keaton (Wagon Wheel Restaurant Owner) addressed the governing body again about law enforcement. Steve validated he was not anti-police but the current actions of the police are impacting his business. Steve referred to a string on Facebook discussing the concerns from patrons who attend his restaurant of the actions by the police when patrons leave the premises. Steve also stated he realizes price increases has played some part in the decline but the negative feelings towards the police are creating a challenge to find a balance as an operator of a drinking establishment.

Max Day discussed concerns about the police slowing down and utilizing their blinkers. He made a statement that the police should be following the same rules they are enforcing. Max Day shared his concerns for patrons walking around town and the importance of people driving slow through town. Police Chief Mathies stated the police are held to the standards of the law. He stated he would address all officers on these matters. Police Chief Mathies explained the intent of enforcement

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DISCUSSION FROM THE FLOOR CONTINUED:

by education and reviewed the past months statistics. He also explained how an active presence help hinder other criminal, drug and theft activity.

Linda Jo Hisel, Wagon Wheel manager, expressed the concerns being voiced by the patrons attending the restaurant of being harassed by the police. She read the state law regarding tag lights and questioned the actions by the police. She indicated patrons were not comfortable coming in to enjoy a drink at the bar knowing they will be followed when they leave the premises.

Carrie Page, Wagon Wheel manager, discussed the burden being put on the restaurant. She reviewed a scenario at closing time in which 5 people had been pulled over within a 30-minute period. Carrie also made the statement, "Stop following people. Pull them over if you are going to pull them over – don't just follow them – that is harassment."

Mayor Wilson, the Council and Police Chief Mathies thanked everyone for attending the meeting and sharing their concerns. Mayor Wilson reminded the patrons of the availability of the Police Chief during the day at the City Hall if they wanted have discussions over concerns and not have to wait until a council meeting.

UNITED METHODIST CHURCH BOARD MEMBER: CHELSIE STAINBROOK

Chelsie Stainbrook submitted a request for Chestnut Street to be closed between 4th Street and 5th Street on Saturday, September 28, 2024 from 11:30am until 3:30pm for a Back to School family fun day at the church. PWS Nasalroad stated he could set barricades/cones on Friday at the corners of 4th and 5th Street to be used to block Chestnut Street and will pick them up on Monday.

❖ Motion

Council Member Capp motioned to approve Resolution No. 474 for the temporary closing and blocking of Chestnut Street between 4th and 5th Street on Saturday, September 28, 2024 from 11:30am until 4:30pm. Motion seconded by Council Member Stoker, voted on, passed 5-0.

REPORTS OF CITY OFFICERS:

POLICE CHIEF ZACHARY MATHIES

Chief Mathies reported on the 2024 Totals for Traffic Stops (503), Citations (55), and Reports (118). During last two weeks of August: (3) Information Reports, (0) Alcohol Offenses, (3) Traffic Offense, (68) Traffic Warnings, (0) Accident Reports, (2) Drug Offenses, (1) Warrant Arrests, (5) Traffic Citations. Chief Mathies reported on the status of the upfitting of the Ford Explorer patrol car which is now ready for patrolling. The only remaining item to install would be a grill guard.

Discussion was held on the remaining dollar amount from the approved \$25,000 for the purchase of the Explorer. Chief Mathies indicated the total cost to date for the purchase and upfitting of the Explorer was around \$21,000. Chief Mathies asked the governing body if the remaining funds could be used for the removal/installation of the decal on the Durango and repairs of the light and siren on the Dodge Ram 302 patrol unit.

❖ Motion

Council Member Capp motioned to approve the use of the remainder \$25,000 funding to finish upfitting the Explorer and to perform a few minor repairs on the other patrol units as defined by Police Chief Mathies. Motion seconded by Council Member Smith, voted on, passed 5-0.

Chief Mathies asked the council about the process to surplus the Dodge Ram 301 unit. Chief Mathies has been contacted by a couple police departments that would be interested in purchasing the

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REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF ZACHARY MATHIES

vehicle. Discussion was held on the process to surplus the vehicle either through advertisement for sealed offers or through purple wave.

❖ Motion

Council Member Capp motioned to surplus the Dodge Ram 301 unit to interested police departments first and if not sold then surplus through purple wave. Motion seconded by Council Member Stoker, voted on, passed 5-0.

Chief Mathies reported the puppies "at-large" on 8/30/2024 will be released to Always and Furever.

Chief Mathies thanked the owner at the residence of 6th and Lincoln for removing the tree which was blocking the westbound traffic from seeing the southbound at the STOP sign.

Chief Mathies reported no DUIs were issued over the Labor Day weekend.

CODES OFFICER – DEVIN CANADA

Report reflects 8/2/2024 through 8/30/2024. Council Member Capp commented on the Excel spreadsheet attached with the report. He appreciated having the detail information to go with the stats.

Code Letters:

Violation Type:	# Corrected	#in Progress	# Citations	# New
NUISANCE	0	0	0	0
INOP	0	0	0	0
GRASS/WEEDS	0	0	0	0
VERBAL WARNINGS	7	2	0	12
OTHER	0	2	1	0
WORK ORDERS	PW	PW	NA	0

Permits:

Building Permit – 401 S 5th Street - Fence

Building Permit – 220 S Industrial - Fence

Other:

Animal Control: None

PUBLIC WORKS SUPERINTENDENT(PWS) – DAN NASALROAD

Trimming of limbs along the bus routes has been performed, still a few areas to work on. Lead and Copper Inventory will have a final push this week and then will get with CC Wade and Subsurface to prepare for submission. PWS Nasalroad thanked Codes Officer Canada for assisting with the Lead and Copper Inventory by going door to door and making phone calls. The Water Plant experienced some gremlins last week but everything is settled now. The new carbon feeder arrived and preparations are being made for installation. Council Member Brenneman inquired about the complaint submitted regarding the culvert at 6th & Sycamore. PWS Nasalroad stated it is on the list to be worked on, he will try to bend it with the tooth of the bucket.

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Council Member Stoker inquired about repainting the crosswalk by the grade school going west from the corner of 7th and Walnut Street. The current crosswalks leading to the sidewalk in front of the school have faded. A work order for Public Works will be submitted.

FIRE CHIEF – DAN NASALROAD

None

CITY CLERK – JODI WADE

- Completed Monthly Financial Reports.
- Prepared the final 2025 Budget.
- Prepared Planning & Zoning Agenda.
- Attended Board of Zoning Appeals hearing.
- Attended Quarterly MRWAD meeting.
- Attended Employee Workshop August 2024.
- Prepared the Grant Application for the Water Office Project Grant to submit on September 3, 2024.
- Attended onboarding meeting with the Mayor and the Board of Zoning appeals.
- Completed response letters from council agenda items.
- Began review of the Water Production Cost/Expense spreadsheet for Rural Water District #3.
- Reviewed Conditional Use Permit information with the property owner of the Manufactured Home Park located on Sycamore and Vine Street between 7th and 8th Street.
- Met with Stewart Kasper, KRWA, to review report forms and new spreadsheet for the wastewater ponds at the Water Plant.
- Reviewed utility connection files for the new homes built to confirm completion.
- Reviewed the 2025 Employee Wage Scale with Department Supervisors.
- Completed meeting minutes for Council meeting, Planning & Zoning Meeting and Board of Zoning Appeals meeting/hearing.
- Started project close-out for the New Fire Station.
- Contacted Lincoln Township for the 2nd half of the levy dollars for the Community Park.
- Assisted with daily counter tasks and phone calls.

CITY TREASURER – CONNIE GORE

Utilities *Monthly items completed:*

- Shut off's were completed. We had 10 shut off's.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- August utility billing process was completed. Bills were printed, mailed or e-mailed. 305 Postcards mailed, 14 envelopes with 33 postcards mailed and 9 postcards e-mailed, 12 Hand delivered.
- 2 Budget customers still not working correctly.
- At the end of August we had 266 customers signed up for Front Desk.
- Completed the sales tax and filed with the State.

Court *Monthly Court items completed*

- Reviewed the docket for August court.

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CITY TREASURER – CONNIE GORE

- Court paper work, e-filed with the State, Payment form e-filed and the check to the State was processed.

Payroll:

- 1st Payroll: Completed the 1st payroll of the month and filed the taxes and KPERS.
- Completed the 2nd payroll of the month and filed taxes and KPERS.
- 3rd payroll completed for the month. Taxes and KPERS were filed.

Accounts Payable:

- Coded and processed invoices.
- Created and printed checks
- Copied invoices, mailed checks and filed invoices.

Pool: Closed this month. Finished out the payroll and organized paper work for next year.

Other:

- Sent Monthly Invoice: Helped Jodi with all of the Sue Duncan invoices/collections. Invoiced 2 final mowings. Turned over 3 accounts to the County and Collections.
- Administrative Book –on hold
- Entered all checks and deposits into Quicken and balanced the Quicken check register.
- Attended Chamber meeting. Next meeting is in October.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

A financial audit is being performed by USDA. CC Wade has submitted all revenue and expense reports and invoices for review. USDA should have confirmation by next week on the project dollars before committing to the Sewer Lagoon Desludging bid.

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

No new updates

WATER TREATMENT PLANT IMPROVEMENTS:

Grant Application was submitted on Tuesday, September 3, 2024 for the clearwell improvement to the Water Treatment Plant.

REPORT OF COUNCIL COMMITTEES:

a] **Utilities Committee:** None

b] **Street Committee:** None

c] **City Facility Committee:** Council Member Brenneman inquired about a metal sign for the Oaklawn Cemetery listing the rules pertaining to the cemetery. CC Wade will get with Council Member Brenneman to create a draft for the metal sign.

PWS Nasalroad asked the committee about the regulations for camping once the park is winterized. PWS Nasalroad will winterize the park on October 1, 2024. The city has received some inquiries to camp the latter part of October. The council reviewed the camping policy which indicates the season is April 1 through October 31, 2024. The council advised the staff to proceed with the

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REPORT OF COUNCIL COMMITTEES CONTINUED:

season as defined in the camping policy and for PWS Nasalroad to go ahead and proceed with winterization on October 1, 2024 as scheduled. The council asked the clerks to advise those camping after October 1 they must be self-sustaining and the park would only remain available until October 31, 2024. The council will review the camping policy in preparation for the next season to determine if self-sustained camping would continue beyond the current established season.

d] **Public Safety Committee:** Council Member Mitzner expressed his appreciation for the Police Chief and the patrolling going on through town. He stated the statistics show the patrolling is for education benefit not revenue based. Council Member Capp has received several compliments about the presence of the police in the school zone area. Mayor Wilson thanked Chief Mathies and the department for creating a safer community for our citizens.

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

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: NONE

CHAMBER OF COMMERCE –Next chamber meeting will be held on October 8, 2024 at 8am at the La Cygne Historical Society.

PLANNING & ZONING COMMISSION (PZC): Ordinance No. ____ 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. CC Wade informed the council a conditional use permit was issued only a month ago for this location but a corporate restructuring changed the name from Harsco Reed-Environmental to Reed Minerals, LLC. A Conditional Use Permit (CUP) can't be transferred so a new CUP would need to be issued.

❖ Motion

Council Member Mitzner motioned to approve Ordinance No. 1529 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 Capp, voted on, passed 5-0.

BOARD OF ZONING APPEALS): The Public hearing for 520 N. 6th Street has been continued to September 16, 2024 at 5:30pm.

UNFINISHED BUSINESS:

EMPLOYEE PAY SCALES

CC Wade presented draft Administrative Policy No. 33 reflecting the revisions for the Employee Pay Scale for 2025.

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UNFINISHED BUSINESS CONTINUED:

EMPLOYEE PAY SCALES

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 475 amending Administrative Policy #33 Employee Pay scales and Evaluation Procedures. Motion seconded by Council Member Capp, voted on, passed 4-1 (Nay-Council Member Brenneman)

RECESS:

❖ **Motion**

Council Member Stoker motioned for a 5-minute recess and to return to the council table at 8:57pm. Motion seconded by Council Member Capp, voted on, passed 5-0.

OPEN SESSION RESUMED AT 8:57pm:

NEW BUSINESS:

ORDINANCE NO. REPLACING SECTION 7-601 AND 7-602 OF CHAPTER VII, ARTICLE 6 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

Police Chief Mathies presented the draft with the modifications as requested and upon review by the City Attorney. The Council continued discussion concerning the wording of the draft and the opportunity it provides for personal opinion on subject matter. Council Member Stoker felt it needed more specific detail or to be more defined. Council Member Mitzner suggested to modify 7-601(1)(e) to read "on or about residential property which, because of its height, has an unmaintained appearance on the neighborhood". Council Member Smith agreed this was a better word selection which makes the point clear for patrons to maintain the vegetation on their property. The Council was in agreement with section 7-602 Definitions for the types of vegetation. The governing body asked Chief Mathies to present a draft at the next council meeting with the modifications as presented.

COMMON SPEED LIMIT OF 20 MPH THROUGHOUT THE CITY UNLESS POSTED OTHERWISE

Police Chief Mathies revisited the discussion regarding the establishment of a common speed limit of 20 MPH throughout the city unless posted otherwise. Council Member Stoker said he only received negative feedback from patrons he spoke with recently. Council Member Capp suggested having the N/S roads at 30mph and the E/W roads at 20mph. Mayor Wilson asked the governing body to encourage patrons to attend the council meeting to provide feedback regarding the speed limit. Council Member Brenneman also stated he received negative feedback regarding a common speed limit. Council Member Smith stated signs wouldn't change the behavior. Lowering the speed limit from 30 to 20mph isn't going to fix it either. Council Member Smith would like to drive the streets at the speeds listed on the draft presented by Police Chief Mathies.

Police Chief Mathies stated this change is a safety measure not a revenue collector. Council Member Stoker indicated the placement of signs around town with a lower speed limit and/children at play shows the Council at least recognizes the concern.

The council tabled the discussion until the September 18, 2024 council meeting.

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EXECUTIVE SESSION:

❖ Motion

Council Member Capp motioned to go in to executive discussion for 5-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 9:22pm. Motion seconded by Council Member Stoker, voted on, passed 5-0. 9:17pm

Others in attendance: CC Wade

OPEN SESSION RESUMED AT 9:22pm:

GOVERNING BODY REMARKS:

Mayor Wilson wanted to thank the council and staff for streamlining items on the agenda to allow for ample time to chew on topics which need attentive overview. She complimented the council on the great job they are doing in their elected positions.

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. 9:24p.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 4th day of September 2024.