

Record of the Proceedings of the Governing Body

REGULAR MEETING

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September 18, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, September 18, 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; and Mellie Smith.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

No Comments

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the September 4, 2024 Council Meeting;
2024 August Budget Report;
2024 August Treasurer's Report;
Check Register: August 31, 2024 – September 16, 2024.

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

DISCUSSION FROM THE FLOOR:

MELLIE SMITH – CHICKEN REGULATIONS

Mellie shared comments with the City Council regarding their governing responsibility on behalf of the patrons as provided by constitutional right. Mellie provided regulations from other municipal entities relevant to housing chickens. Mellie asked the governing body to consider revising the current regulations regarding the housing of chickens on residential lots. Mellie provided insight pertaining to the rising cost of food and the benefits provided by ownership of chickens. Some discussion was held by the council. Mayor Wilson stated further conversation could continue later in the meeting as time provided or on a future agenda. The Council thanked Mellie for her articulated presentation and information she provided from other entities.

REPORTS OF CITY OFFICERS:

POLICE CHIEF ZACHARY MATHIES

Chief Mathies reported on the 2024 Totals for Traffic Stops (543), Citations (58), Calls for Service (489) and Reports (121). During first two weeks of September: (3) Information Reports, (1) Alcohol Offenses, (1) Traffic Offense, (40) Traffic Warnings, (1) Criminal Offense Report, (0) Accident Reports, (0) Drug Offenses, (1) Warrant Arrests, (3) Traffic Citations, (24) Calls for Service. Chief

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REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF ZACHARY MATHIES

Mathies reported on Dancefestopia, no issues or calls. Chief Mathies hosted a training for VIN Inspections. All Police employees are properly trained to perform the VIN inspections. Chief Mathies changed the Facebook to reflect walk-ins and fingerprinting as well.

PURCHASE ORDER: LCPD240003

Chief Mathies reviewed the information from Axon regarding In-car cameras. The quote in the amount of \$34,254 would be paid over a period of 5-years. The total annual amount would be \$6850 per year. The quote also included two (2) Axon Body 4 Camera's at no cost which would be used by the Part-Time Officers. The Axon Professional Installation and on-site training is included. Chief Mathies attempted to research other options because the price was steep, but Axon holds the market for the best program offers, technical support, unlimited cloud space and installation. Chief Mathies explained how the In-Car cameras network with the current Body Cameras and Tasers used by the officers. The current in-car camera in the 302 unit does not work but the one in the 301 unit operates but the Cloud space was not renewed (current cost \$2500/annually). Council Member Mitzner asked how many cameras were needed, Chief Mathies replied three. Council Member Mitzner also asked about the cameras view (e.g. front, rear, side, and cage area), Chief Mathies stated the camera would provide front and side and cage view, to include audio and video. Council Member Brenneman asked for clarity on the pricing. Council Member Stoker had no further questions. Council Member Capp inquired about the funds which Chief Mathies indicated had been worked in to his 2025 Budget. Chief Mathies stated the Axon representative would honor the 2024 pricing but the first installment payment would not be due until 2025 after receipt and installation of the equipment.



Motion

Council Member Capp motioned to approve Purchase Order No. LCPD240003 for (3) Fleet In Car Systems to include all hardware and Cradlepoint routers, unlimited Cloud Storage and Fleet camera licenses and Signal Units with Auto-Activation in the amount of \$34,250 over 5-years with an annual installment amount of \$6850 to start in 2025. Motion seconded by Council Member Stoker, voted on, passed 5-0.

CODES OFFICER – DEVIN CANADA

None

PUBLIC WORKS SUPERINTENDENT(PWS)–DAN NASALROAD

PWS Nasalroad reported the Radio Equipment for the River Pumps should be received this week. An electrician has been contacted for the installation of the new Carbon Feeder. The Public Works employees have attended some trainings this past week necessary for education credits for their certifications. PWS Nasalroad thanked the Prairie View Students for the Community Service they provided around town today.

PWS Nasalroad reported on the gas leak at the intersection of KS Hwy 152 and Maddox Road. A Class 2 leak was discovered and addressed to lower to a Class 3 leak. Due to the depth of the gas main, additional trenching equipment is needed to complete the repair. USDI has modified the Panhandle pressure to maintain classification of the leak until the repair can be completed.

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REPORTS OF CITY OFFICERS CONTINUED:

FIRE CHIEF – DAN NASALROAD

Staying on task, had a few calls over the past couple of weeks.

CITY CLERK – JODI WADE

CC Wade reported on the Subpoena received regarding Winter Storm Uri (Arctic Blast in February 2021). CC Wade completed all records requested and delivered the items today.

CC Wade reported on the status with USDA regarding the financials for the Sewer Improvement Project. The audit is completed and USDA confirmed moving forward with the Sewer Desludging Project as provided. The Notice of Award was signed and issued to Hodges Farms and Dredging.

CC Wade thanked the Public Works Department and Codes Officer Canada for all their efforts involved with the EPA required Lead and Copper Inventory for the City of La Cygne. The spreadsheet was uploaded into the portal today.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

USDA confirmed the financials and approved to proceed with the Sewer Lagoon Desludging Improvement project. The work is to be completed by December 31, 2024.

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

Council Member Mitzner asked about the status on the remaining balance of funding. CC Wade had received report from Ian that he had completed their review of the project and funds and now it has been sent to Topeka for audit. Upon completion by the state any funds remaining will be allocated back to the City.

WATER TREATMENT PLANT IMPROVEMENTS:

PWS Nasalroad advised the council of an emergency purchase to replace a flow meter within the plant. PWS Nasalroad did reach out to Dan Coltrane about coming up to the water plant to review some items regarding the GPM.

REPORT OF COUNCIL COMMITTEES:

a] **Utilities Committee:** CC Wade advised the committee she had spoke with Dixie, KMGA, regarding gas rates. Dixie referred CC Wade to a consultant with their company who specializes in rate forecasting. CC Wade will reach out to the consultant to provide necessary information as requested.

b] **Street Committee:** Council Member Smith proceeded with the discussion regarding a common speed limit throughout town. Council Member Smith drove the roadways at the speed outlined by memorandum presented by Police Chief Mathies. Council Member Smith was satisfied with the speeds as defined. Further discussion was also held for all East/West roads being a lower speed (20mph) because the roads are so narrow. Mayor Wilson asked the other council members to share their opinions. Council Member Mitzner expressed his thoughts in support of having a common 20mph speed limit around town unless otherwise posted or adjusting the East/West side roads. Council Members Brenneman, Capp and Stoker were not in support of changing the current speed limits as posted around town.

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REPORT OF COUNCIL COMMITTEES CONTINUED:

c] **City Facility Committee:** Discussion was held regarding a rules sign for the cemetery. PWS Nasalroad asked if it would be OK to print and laminate the rules and put them in the new Display Board. PWS Nasalroad will get a list of the rules.

Mayor Wilson asked CC Wade if any progress had been made on the consultants for the Community Building/City Hall. CC Wade has not had time the past few weeks due to preparing the grant application for the Water and documents requested by the Subpoena.

d] **Public Safety Committee:** None

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): Public Hearing notices for CUP 2024-4 for 110 South 4th Street and CUP 2024 for 621 N. Broadway Street have been posted for October 9, 2024 at 6:00pm.

BOARD OF ZONING APPEAL): The Public hearing for 520 N. 6th Street was held on September 16, 2024 at 5:30pm.

LA HARPER HEIGHTS BOARD: Resignation letter from Gerald Stanly was read by Mayor Debra Wilson. Gerald Stanley had volunteered his services as a member of the La Harper Board for 6 years. Gerald Stanley indicated his last day would be December 31, 2024. Mayor Wilson will reach out to the board to begin the process of finding a person to fill the future vacated seat of Gerald Stanley.

UNFINISHED 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.

Discussion was held regarding the vegetation along the property line. Council Member Brenneman asked Chief Mathies how he would determine who was responsible for cleaning up or clearing the nuisance along the property line. Chief Mathies responded with having conversation with both property owners to determine who considers/claims the trees or bushes as theirs and whether they consider it to be on their side of the property line. Upon determination through conversation the nuisance would be assigned to the defined property owner. No further discussion was held.

❖ Motion

Council Member Capp motioned to approve Ordinance No. 1530 replacing section 7-601 and 7-602 of Chapter VII, Article 6 of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Mitzner, voted on, passed 3-2 (Nay-Council Member Brenneman and Council Member Stoker)

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RECESS:



Motion

Council Member Capp motioned for a 5-minute recess and to return to the council table at 8:55pm. Motion seconded by Council Member Stoker, voted on, passed 5-0.

OPEN SESSION RESUMED AT 8:55pm:

NEW BUSINESS:

CHICKEN REGULATIONS

The council began discussion regarding the regulations pertaining to housing chickens on a residential property. The council reviewed the sample codes provided by Mellie Smith regarding chicken laws in other municipalities. The council members all agreed to no roosters and no "free range" would be allowed on properties, the chickens would have to be contained. The regulations would only pertain to chickens, in the future the council could consider regulations for poultry. Discussion was held regarding slaughtering. Hunters in our community slaughter deer, fish and turkey so the council felt it would be OK for slaughtering for personal use but commercial use would be prohibited. Discussion was also held whether the coop would be considered an accessory building and if any type of registration would be required for the having the chickens. The council agreed chickens would not be allowed in the C-3 district. The council discussed the possibility of an inspection process for those violating cleanliness, correct number of chickens, or complaints being received. The council directed Chief Mathies and the Codes Officer to create a draft for review.

DRAFT ARTICLE 3. WORK-SITE UTILITY VEHICLES, GOLF CARTS AND ALL TERRAIN VEHICLES.

13-301: No Changes

13-302: No Changes

13-303: Conversation was held pertaining to AG use and making stops to pick up kids from school or meals while in route. Chief Mathies explained how each case would be contingent upon the circumstances at the time.

13-304: (c) correct the wording, "A golf cart operated on any public streets, roads and alleys shall..."

13-305: No Changes

13-306: (UTV) Discussion was held on turn signals. The council agreed if it comes factory installed then its required, otherwise remove requirement for adding turning signals.

13-307: (ATV) No Changes

13-308: (b) correct the spelling of "free"

(c) Council agreed to an initial fee of \$20 and \$10 annual renewal fee.

Chief Mathies stated the City of La Cygne would recognize other city's registration.

Modify insurance to be required for Golf Carts.

(e) remove the word "have"

13-309: No changes

Council Members asked about Dirt bikes. Police Chief Mathies stated Dirt Bikes and Motorcycles are already covered under Standard Traffic Laws.

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EXECUTIVE SESSION:

None

GOVERNING BODY REMARKS:

POLICY REVIEW IN PROGRESS

DRAFT COMPANY VEHICLE USE POLICY

RENTAL READY PROGRAM (LANDLORD REGISTRATION)

NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

NOTES AND COMMUNICATION:

Governing Body suggested posting the regulations regarding Dirt Bikes.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. 9:05p.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 18th day of September 2024.