

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

## **REGULAR MEETING**

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**October 2, 2024**

### **REGULAR MEETING:**

The La Cygne City Council met on Wednesday, October 2, 2024 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; and Keith Stoker. ABSENT: Jerome Mitzner and Ed Smith.

Others in attendance included, but not limited to: City Attorney Burton Harding; 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.

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

Pledge of Allegiance – Mayor Debra Wilson

### **MAYOR COMMENTS:**

This Friday is the Prairie View High School Homecoming game, please support our local students by attending their Friday Night under the lights! Ray of Hope will be hosting their Fiesta Celebration on October 19, 2024 from 5-7pm.

### **CONSENT AGENDA:**

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

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

Minutes of the September 18, 2024 Council Meeting;

Check Register: September 17, 2024 – September 27, 2024.

**Motion seconded by Council Member Stoker, voted on, passed 3-0**

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

None

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

#### **POLICE CHIEF ZACHARY MATHIES**

Chief Mathies reported on the 2024 Totals for Traffic Stops (580), Citations (63), Calls for Service (508) and Reports (127). During first two weeks of September: (1) Information Reports, (1) Alcohol Offenses, (1) Traffic Offense, (40) Traffic Warnings, (1) Criminal Offense Report, (0) Accident Reports, (2) Drug Offenses, (1) Warrant Arrests, (3) Traffic Citations, (27) Calls for Service.

Awarded \$1000.00 from KDOT for our S.T.E.P Enforcement Campaigns, for equipment.

Storm Sirens were tested, both operated correctly. This will be a monthly test, weather dependent.

Agreement signed with Purplewave for Patrol Unit 301; Reminder, this is a non-reserve auction.

PT Officer Marino began training.

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

#### **CODES OFFICER – DEVIN CANADA**

Report reflects 9/1/2024 through 9/26/2024

Code Letters:

Violation Type:	# Corrected	#in Progress	# Citations	# New
NUISANCE	0	1	0	0
INOP	0	0	0	0
GRASS/WEEDS	0	0	0	0
VERBAL WARNINGS	11	8	0	8
OTHER	0	1(Andrea RV	0	0
WORK ORDERS	PW	PW	NA	0

#### **PERMITS:**

Building Permit – 401 S. 5<sup>th</sup> – Fence for Daycare  
Building Permit – 220 S. Industrial Blvd - Fence  
Building Permit – 413 S. 1<sup>st</sup> Street - Fence  
Building Permit – 519 Locust - Garage

#### **VIN Inspections:**

**ANIMAL CONTROL:** Returned to owner or adopted – 2  
Taken to the Shelter – 3 Puppies

#### **PUBLIC WORKS SUPERINTENDENT(PWS)–DAN NASALROAD**

PWS Nasalroad reported on the continued road patch work and mowing the sewer lagoons and ditch near the pedestrian bridge. Continued work on maintenance at the Water Plant. Council Member Stoker inquired about the crosswalk at the elementary school. PWS Nasalroad will be meeting with the Principal to determine an In-Service day or holiday break which would allow the road to be temporary closed for painting.

#### **FIRE CHIEF – DAN NASALROAD**

The concrete was donated by Whistle Redi-Mix for the installation of the flag pole at the new station. Fire Chief Nasalroad did a walk-thru at the new Prairie View Daycare Center located at 401 S. 5<sup>th</sup> Street.

#### **CITY CLERK – JODI WADE**

- Completed Monthly Financial Reports.
- Updated Review of the Edmunds Financial Software program.
- Attended Planning & Zoning Meeting.
- Met with Andrew McCollom, USDI Area Representative, to review the contract and operations for the City of La Cygne. Operations will now be handled out of Unionville, MO instead of Wichita, KS.
- Attended the 2<sup>nd</sup> State Water meeting in Topeka, KS.
- Reviewed the Draft Compactor Agreement. Attended Linn County Commissioner meeting asking for more detailed information to understand the agreement modifications.
- Preparing the Request to Extend the Perfection Period for Water Right No. 36821

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

#### **CITY CLERK – JODI WADE**

- Researching the process for final adoption of the National Flood Insurance Program regulations.
- Preparing requested reports for KMGAs Gas rate review.
- Preparing further report request for the Subpoena for Winter Storm Uri.
- Received final Audit report. Audit report was submitted to all required entities.
- Reviewed Budget in preparation for the last quarter of the year.
- Prepared for interviews of Office Professional Applicants on September 30 and October 1.
- Attended the Board of Zoning Appeals Meeting on Sept 16, 2024.

#### **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.
- September 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 September we had **273** customers signed up for Front Desk.
- Completed the sales tax and filed with the State.

##### **Court      *Monthly Court items completed***

- Reviewed the docket for September court.
- Court paper work, e-filed with the State, Payment form e-filed and the check to the State was processed.
- Attended the KMCA Court Clerks Conference in Hays. I have been nominated to the board of directors as a Trustee for this organization.

##### **Payroll:**

- 1<sup>st</sup> Payroll: Completed the 1<sup>st</sup> payroll of the month and filed the taxes and KPERS.
- Completed the 2<sup>nd</sup> payroll of the month and filed taxes and KPERS.

##### **Accounts Payable:**

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

##### **Other:**

- Sent Monthly Invoice: Invoiced 5 Mowing. Turned over 2 accounts to the County and Collections.
- Administrative Book –on hold
- Entered all checks and deposits into Quicken and balanced the Quicken check register.
- Attended the 2- hour Vin inspection training and am now certified to do the VIN inspections but will say I don't want to do them but felt I would have a better understanding of the paperwork that I submit to the Highway Patrol and I am the one who answers the questions when they call with questions.
- Started going through each article in Planning & Zoning book looking for typos adding Ordinance numbers and doubling checking that everything is ready for codification.

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

#### **COURT CLERK – CONNIE GORE**

Connie Gore attended the Kansas Association of Court Management Conference (KACM) and presented a summary of the topics discussed at the conference. Council Member Capp congratulated Connie Gore on being voted in as a Trustee for the Board of Directors.

### **SPECIAL PROJECTS:**

#### **SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Contract Books have been received back from the Contractor. Signatures are needed from the City/City Attorney and USDA. Contractor would like to get started within the next month.

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

No new updates

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

No new updates

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

a] **Utilities Committee:** None

b] **Street Committee:** None

c] **City Facility Committee:** Discussion was held regarding a bench and foot stone which were placed in the walkway at the cemetery. The question was asked to the council if benches and foot stones were allowed to be placed in the cemetery. The Council reviewed Chapter XI, Article 1, Section 11-112. Chief Mathies asked City Attorney Harding if the city would be able to have the bench or foot stone removed. City Attorney Harding said the codes do not specifically say benches or foot stones are not allowed. The codes indicate the setting of all monuments and headstones must be within the regulations as outlined in Section 11-112. The Council discussed creating a rule sign for the cemetery which would also reference the codes. Discussion was also held regarding the required PERMIT for placing a headstone in the cemetery. The challenge for the City Clerk is getting the information to the plot (grave) owner or the monument companies to prevent items being ordered which are not allowed in the cemetery. The council asked the city staff to prepare a draft of the cemetery regulations for them to review at the next meeting.

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 4<sup>th</sup> Street and CUP 2024 for 621 N. Broadway Street have been posted for October 9, 2024 at 6:00pm.

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### **UNFINISHED BUSINESS:**

None

### **NEW BUSINESS:**

#### **PURCHASE ORDER NO. 2024-16**

Purchase Order No. 2024-16 in the amount of \$13,537 for a remote IO link for the Intake Structure (River Pump) from Microcomm.

#### ❖ **Motion**

**Council Member Capp motioned to approve Purchase Order No. 2024-16 in the amount of \$13,537 for a remote IO link for the Intake Structure from Microcomm. Motion seconded by Council Member Stoker, voted on, passed 3-0**

#### **PURCHASE ORDER NO. 2024-17**

Purchase Order No. 2024-17 in the amount of \$7,379 for a new rolling door for the South Double Door Opening on the water plant.

#### ❖ **Motion**

**Council Member Capp motioned to approve Purchase Order No. 2024-17 in the amount of \$7,379 for a new rolling door for the south double door on the water plant. Motion seconded by Council Member Stoker, voted on, passed 3-0**

#### **COMPACTOR AGREEMENT BETWEEN THE CITY OF LA CYGNE AND LINN COUNTY**

The council reviewed the emails received from Shaun West, Linn County Public Works Supt., regarding the draft joint compactor agreement. CC Wade advised the council she had attended the Linn County Commissioner meeting to advise them our city had some questions regarding the draft and was not prepared to sign the agreement. The council discussed concerns regarding the city being the permit holder. City Attorney Harding pointed out in the email from Shaun West it stated the State wanted the new licenses to list the city entities under the operation of Linn County, since all of the licenses tie back to the County landfill license which governs their county-wide operation. Council Member Stoker asked if the compactor site would be closed or removed if the city did not agree to signing the agreement. Council Member Stoker expressed his support of having the compactor available. Council Member Capp asked some questions regarding the pricing and cost for the Waste Management service. The Council felt the agreement needed to be tabled until the next meeting with the entire council was present. Council Member Stoker asked CC Wade to ask the county in a response email if the State just wants the city listed or are they requiring the county to have the city's licensed.

#### **APPROPRIATION OF WATER FILE NO. 36821**

CC Wade presented a copy of the letter dated November 22, 2019 from the KS Dept of Agriculture regarding the extension of the period to perfect the proposed appropriation. The request submitted was approved for the period up to December 31, 2024. The state advised us the year 2024 will be the fortieth (40) and final full year after the Approval of Application, signed February 28, 1984. K.S.A. 5-8-6(c) states the maximum period allowed for the development of a municipal water right is 40 years after the approval date. The City will need to complete a new application for another appropriation. The current Water Appropriations held by the city amount to 94,000,000 gallons. The

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### **NEW BUSINESS:**

#### **APPROPRIATION OF WATER FILE NO. 36821**

state will review the usage over the past several years and take in to consideration growth in the next 20 years to develop an appropriation amount for the city to perfect.

CC Wade is working with KRWa on getting the necessary application form and information needed.

#### **CITY OF LINN VALLEY WATER PURCHASE AGREEMENT**

CC Wade presented a copy of the City of Linn Valley Water Purchase Agreement paragraph 9 regarding water supply and a copy of the City of Linn Valley Letter of Intent to Meet Conditions from USDA dated September 23, 2021. CC Wade reviewed paragraph 9(b) pertaining to Minimum Payment Commencement. Per the agreement the City of Linn Valley shall be responsible to pay the Seller (City of La Cygne) for a minimum of 12,000,000gallons annually beginning upon the earlier to occur of (i) the month of the Purchaser's first metered water consumption or (ii) three (3) years after the date of the Purchaser's receipt of a letter containing conditions of approval from the U.S. Department of Agriculture (USDA). The paragraph also states the three (3) year period may be extended by mutual agreement of the Parties for reasonable cause of a delay in installation of infrastructure with evidence that Purchaser has been diligently proceeding towards completion of installation. CC Wade asked the council how they would like to proceed. After discussion, Mayor Wilson asked CC Wade to reach out to the City of Linn Valley to determine some dates for the Water Committee, Clerk and Mayor to meet with them to review the contract and progress of the project.

### **EXECUTIVE SESSION:**

None

### **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:**

### **POLICY REVIEW IN PROGRESS**

#### **CHICKEN REGULATIONS**

Police Chief Mathies presented a draft Article 3. Keeping of Chickens for the Council to review based upon the discussion held at the last council meeting.

Section 2-501. Definitions was reviewed. The only modification was the removal of the word vexatious from paragraph F.

Section 2-502. Unlawful Keeping of Chickens; Nuisance. Only suggestion was to add a line referencing the Fee Schedule.

Section 2-503. Keeping of Chickens. Line (d) was modified to "No more than 5 total chickens may be kept at a residence within the city, unless the property is at least 2 acres, then not more than 10"

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Section 2-503. Keeping of Chickens. Line (g) Chicken tractors was removed since Chicken Tractors are mobile units (pens) which can easily be relocated.

Section 2-503. Keeping of Chickens Line (h). The floor area of the coop and chicken run were discussed. The council asked to separate the two descriptions. The chicken run/pen area must equal at least 10 square feet of area per chicken up to 200 square feet. The chicken coop may not exceed a total square footage of 100 square feet.

Chief Mathies asked the council if they wanted a line added to Section 2-503 regarding the slaughtering of chickens. The council indicated they wanted something stating no slaughtering in public view.

Section 2-504. Permit Required. Everything was good, no modification.

Section 2-505. Revocation and Suspension. Modified the first sentence " a Chicken Permit may be revoked or suspended by the **Judge**" instead of the city clerk.

Chief Mathies will prepare a final draft based upon the corrections or amendments presented this evening.

### **DRAFT COMPANY VEHICLE USE POLICY** **RENTAL READY PROGRAM (LANDLORD REGISTRATION)**

### **NEW POLICY REVIEW:**

**ARTICLE 5. PARKING**  
**SOCIAL-MEDIA POLICY**  
**BNSF QUIET ZONE**

### **GOVERNING BODY REMARKS:**

### **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 3-0. 9:02p.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 2<sup>nd</sup> day of October 2024.