

Record of the Proceedings of the Governing Body

REGULAR MEETING

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November 6, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, November 6, 2024 at the La Cygne Community Building. Council Members present were: Thomas Capp; Jerome Mitzner; Keith Stoker and Ed Smith. ABSENT: David Brenneman.

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; La Cygne Lodge, LLC, Connor Peterson and Clay Craft

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

Pledge of Allegiance – Council President Thomas Capp

MAYOR COMMENTS:

Mayor Wilson would like to thank the community members who have been organizing and hosting the fall activities within our town. It shows the pride of our community when so many volunteer their time to put together all the details involved with an event. I know our families appreciate all that you do.

Mayor Wilson thanked all the county election volunteers and those who voted in the 2024 election. The county indicated the polling center in La Cygne had a very good turnout, estimating around 500 – 600 voters.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of October 16, 2024 City Council Meeting;
Check Register: October 13, 2024 – October 31, 2024;
Cereal Malt Beverage Retail License: Dollar General Store;
Cereal Malt Beverage Retail License: Casey's General Store.

Motion seconded by Council Member Capp, voted on, passed 4-0

DISCUSSION FROM THE FLOOR:

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 HOTEL/LODGE LOCATED AT 110 S. 4TH STREET OF THE CITY OF LA CYGNE.

Clay Craft (Via Zoom) and Connor Peterson were present to answer any questions the governing body had regarding their application for a Conditional Use Permit for the La Cygne Lodge located at 110 S. 4th Street. The Council reviewed the recommendation received from the Planning & Zoning Commission. Council Member Capp reviewed the concerns with parking. Connor and Clay commented on their plan for off-street parking, which included: south of the building and they had some conversation with the business owner to the North regarding 2 leased shared spaces. Discussion was also held regarding the length of stay to avoid the lodge becoming a "rental". Clay and Connor

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DISCUSSION FROM THE FLOOR CONTINUED:

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reviewed the 14-day stay including a 2 to 3-day grace period in between. Connor stated they did not want it to become used as a "rental home", their intent is for it to be used by guests attending events in La Cygne, hunters, or construction workers in town temporarily. The council read the considered conditions aloud, no further comments were received. Council Member Stoker and Mitzner pointed out approval from the State Fire Marshall would be required prior to operation as well as any required State or Federal licenses. Mayor Wilson thanked Connor and Clay, the Planning commission, and the Governing body for proceeding through all necessary steps to complete the CUP process.

❖ Motion

Council Member Capp motioned to approve Ordinance No. 1531 of the City of La Cygne, Kansas governing body amending the City Zoning Map by approval of a Conditional Use Permit for a Hotel/Lodge located at 110 S. 4th Street of the City of La Cygne. Motion seconded by Council Member Smith, voted on, passed 4-0.

REPORTS OF CITY OFFICERS:

POLICE CHIEF ZACHARY MATHIES

Chief Mathies reported on the 2024 Totals for Traffic Stops (664), Citations (81), Calls for Service (555) and Reports (139). From October 1 – Oct 16: (0) Information Reports, (0) Alcohol Offenses, (0) Traffic Offense, (39) Traffic Warnings, (6) Criminal Offense Report, (0) Accident Reports, (0) Drug Offenses, (1) Warrant Arrests, (12) Traffic Citations, (26) Calls for Service; (0) Animal Citations.

Ram 301 has sold on Purple Wave for \$7500 to a citizen, has been decommissioned. Police Chief Mathies asked the council to designate the funds in to the Equipment reserve for police vehicle maintenance and the future purchase of a vehicle.

❖ Motion

Council Member Mitzner motioned to allocate the \$7500 received from the sale of the Ram 301 to the Police Equipment Reserve for the purpose of vehicle maintenance on the existing fleet and the purchase of a future police replacement vehicle. Motion seconded by Council Member Capp, voted on, passed 4-0.

Insurance approved Durango repairs, waiting on parts and Midwest Collision.

Hosting a Field Sobriety training on Friday, November 8 at the Fire Department Training Room.

Door to the Community Building was kicked by an unknown person(s) and cracked the glass. Council Member Mitzner suggested looking in to cameras and lighting to develop the front area of the City Hall/Community Building as a Safe Zone.

Kurtis West was hired as a Part-time Police Officer. Training will be covered on Friday, November 8.

Still have a Full-time Position available.

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REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER DEVIN CANADA

Devin submitted the spreadsheet report for the month of October. Police Chief Mathies highlighted the good results from the updated vegetation section. People have responded respectfully and neighbors have been helping neighbors to remove vegetation.

PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD

The radio communication system for the river pumps has been installed. An electrician is completing the wiring for the new carbon feeder unit. The crosswalk near the elementary school has been repainted.

FIRE CHIEF - DAN NASALROAD

Dan thanked the firemen who volunteered time to help with the hot dogs/chili on Halloween night at Thayer Park. Was another successful year but felt the number of Trick-or-Treaters was down a little.

CITY CLERK – JODI WADE

Report for October 2024

City Clerk

- Completed Monthly Financial Reports.
- Updated Review of the Edmunds Financial Software program.
- Attended Planning & Zoning Meeting.
- Attended Chamber of Commerce Meeting – preparations for Trunk or Treat
- Attended Progress Meeting with BG Consultants/Hodge Farms for Sewer Lagoons.
- Attended Planning & Zoning Hearing on the CUP for 110 S. 4th Street.
- Prepared Proclamation and Eulogy for Ret. Police Chief Tate A. West
- Attended KMGa Board Meeting and Conference.
- Assisted with Police interviews.
- Started training for new Office Professional.
- Completed spreadsheet information for Gas Rate review.
- Prepared spreadsheet and mailing list for Phase 2 of Lead Copper Inventory.
- Reviewed current drought concerns, reviewed the water conservation plan and necessary steps if the need to implement.

KMGa Board Meeting and Conference Review:

- Review of the 2024 Financial reports. The new purchase process with Woodriver had a positive impact during the cold spells this past year. We are committed to a 3-year term.
- Kimberly Svaty and Brad Mears provided several updates on bills in both the house and senate. We will be watching HB9527(SB5042) regarding the ability to use or not use eminent domain for utility purpose. They will also be watching the debate pertaining to the 3-mile Zoning. HB 2589 Authorizing Public Utilities and law enforcement agencies to enter into utility pole attachment agreements to allow for the installation of law enforcement equipment on structures located within the public right of way and exempting public utilities from civil liability relating thereto.
- Reviewed the upcoming gas pricing. Asked municipalities to continue to educate the public on best practices during arctic weather events. Gas market is focusing on the electric market, increase in electric demand (e.g data centers, electric

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CITY CLERK – JODI WADE

- vehicles and charging stations) will cause for increase in gas supply demand. Forecast for pricing is for the base to be more in the range of \$5.50 - \$6.25.
- City Clerk Wade received the 2024 Ron Huxman Distinguished Service Award in recognition of Exceptional Leadership and devoted service to both KMGA and to the Municipal Natural Gas Industry.

CITY TREASURER/UTILITY CLERK – CONNIE GORE

Utilities *Monthly items completed:*

- Shut off's were completed. We had **9** shut off's.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- At the end of October we had **277** customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- Attended the Gas Pipeline Safety Conference in Manhattan. See report.

Court *Monthly Court items completed*

- Reviewed the docket for October court.
- Court paper work, e-filed with the State, Payment form e-filed and the check to the State was processed.
- I have also been appointed to the KACM Board Scholarship committee.

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.
- Filed 3rd quarter payroll taxes.

Accounts Payable:

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

Cemetery: 1 Plot was sold, several were marked either for cremains, burial, or headstone.

Other:

- Sent Monthly Invoice: Invoiced BSNF for 2024 Mowing. Invoiced BSNF for bulk water.
- Administrative Book –on hold
- Entered all checks and deposits into Quicken and balanced the Quicken check register.
- Attended the KMEA Banquet in Wichita with the mayor to watch Jodi receive the Ron Huxman "Distinguished Service Award".
- Continued going through each article in Planning & Zoning book looking for typos adding Ordinance numbers and doubling checking that everything is ready for codification.
- Attended the Quarterly Emergency Management meeting: Note: Meeting was canceled after 15 minutes due the lack of a chair and vice chair.

Gas Pipeline Safety Conference 10/29/2024-10/30/2024

- Federal Regulation Part 192 (PHMSA) update:
The proposed changes were highlighted in this section. The new regulations should go into effect late 2024 or early 2025.

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CITY TREASURER/UTILITY CLERK – CONNIE GORE

Gas Pipeline Safety Conference 10/29/2024-10/30/2024

**The biggest change which will be the timeline to repair class 2 and 3 leaks. Class 3 leaks will have a 5-year window instead of a just watch to make sure it is not getting worse.

- KCC updated the Kansas regulations especially concerning incident reporting.
- BACKMM (Black Hill's & KCC) reviewed the 4 mock natural gas drills they did this year. (I attended the one in Argonia). They showed videos of each drill and pointed out mistakes and things they learned. They also showed a "shed" they blew up with a dummy inside at the mock drill in Chanute.
- KMU presented the Kansas Mutual Aid Program clarifying how the program works. Payment is usually on the requesting agency. Utility companies only send needed equipment and employees if they are not needed to efficiently run their own utilities.
- One of the breakout sessions was on preparing for inspections. They highly suggested that if agencies were doing any paper reporting that the inspection form provided by KCC have the location and page number written in the comment section.
- Safety of natural gas and propane was interesting as they showed the differences on how the 2 gases react differently. Controlled "mini" display explosions were demonstrated.
- Line Locating was interesting as I have never done or seen someone locating.
- KS 811 gave updates to the new regulations that started Jan 1, 2024. They also answered questions concerning non-compliant tickets. Ticket that are not electronically entered as completed (We do not participate in this due to time and cost and they charge for the electronic response). Large contractors, Evergy...are required to use the electronic system but automatically issue a non-compliance when they do not receive a response. 811 did not understand why there was a large increase in this and will now be working on a resolution.
- The Kansas Damage Prevention Council presented when and how to report damage, incidents, or accidents. In short always report and document, document, document and take pictures both wide and up close from the 8 points of the compass. Assign one person to do this and this only. Regardless of who is doing the report use common language. Never use large words or industry jargon. Review committees generally do not include people who work in the industry. Reports must be understood by people pulled off of the street. (Think of this as if these people are jurors).

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Hodges Farm has been on-site preparing the lagoon area and dewatering the cells in preparation for desludging. They have hit some snags isolating the cells since there are no valves within the system. They are dewatering cells 2 and 3 and will utilize a crawler machine to stir up the sludge prior to putting it in the bags. It is all a very interesting process to observe.

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

No new updates

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SPECIAL PROJECTS CONTINUED:

WATER TREATMENT PLANT IMPROVEMENTS:

A meeting was held with the City of Linn Valley, BG Consultants, Mayor Wilson, PWS Nasalroad, and the Council Utility Committee (David Brenneman and Thomas Capp). The City of Linn Valley will prepare a letter to submit to the governing body at the end of November 2024. The project schedule was reviewed. The project should go out for bid the end of 2024. Construction of the transmission line and booster pump station should take around 4-6 months to complete. BG Consultants estimates the potential to feed water to the new tower could occur around the end of the summer 2025. Council Member Capp stated quarterly meetings would be held starting in 2025 to maintain communication through the project and going forward.

REPORT OF COUNCIL COMMITTEES:

a] Utilities Committee: None

- ✓ KMGa Projected Gas Supply Requirements for the period of May 1, 2025 through April 30, 2026. Governing Body reviewed the estimated Gas purchase volumes for the period of May 1, 2025 through April 30, 2026. No further questions.

❖ Motion

Council Member Mitzner motioned to accept the proposed Projected Gas Supply Requirements for the period of May 1, 2025 through April 30, 2026 as presented from KMGa. Motion seconded by Council Member Capp, voted on, passed 4-0

- ✓ City Clerk Wade shared her receipt of the 2024 Ron Huxman Distinguished Service Award at the recent KMGa conference. CC Wade thanked the governing body, city staff and community members for all their support over the past 7 years. CC Wade expressed her love for her job and the opportunity to serve the community and assist with improvements.

b] Street Committee: None

c] City Facility Committee:

- ✓ DRAFT: Cemetery Rules and Regulation Sign – The governing body reviewed the rules sign draft. Council Member Mitzner suggested to make it simple, people will not take time to read over detailed signs. Suggested the sign should be placed near the Information Board.

d] Public Safety Committee: None

e] Employee Relations and Training: None

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: None

CHAMBER OF COMMERCE – Preparations have started for Christmas on Broadway. The theme is Frozen – A Winter Wonderland. Participants and volunteer judges are needed for the light-up parade.

PLANNING & ZONING COMMISSION (PZC): Covered under discussion from the floor.

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UNFINISHED BUSINESS:

COMPACTOR AGREEMENT BETWEEN THE CITY OF LA CYGNE AND LINN COUNTY

The commissioners will be inviting all cities to attend a meeting regarding the compactor agreements. Emails should be coming soon.

ARTICLE 3. KEEPING OF CHICKENS

Discussion was held regarding the draft Ordinance for Keeping of Chickens. Mayor Wilson went around the table asking each council member to share their thoughts regarding the draft. Council Member Ed Smith was satisfied with the draft as presented; Council Member Capp expressed his concerns regarding odor, rodents, predator nuisances and felt 20 chickens was too excessive; Council Member Stoker has concerns regarding the number of chickens and felt lot sizes under 2 acres could have 5 chickens and lots over 2 acres could have 10; Council Member Mitzner felt good about the draft and reminded everyone how much acreage a patron would need to have 10 – 15 chickens. Council Member Smith asked Chief Mathies if any nuisances have come forward for those who maintain poultry/fowl currently. Chief Mathies was not aware of any reported nuisances. Mayor Wilson expressed her concerns of the keeping of chickens not becoming too big to cause more work/cost upon the city.

Police Chief Mathies stated the ordinance could not be passed this evening until a full review of the animal control section was performed to be sure there was no conflict in definitions and regulation. Some discussion was held regarding non conformity certificates for those who currently house poultry/fowl as defined and regulated in the existing codes.

Council Member Mitzner suggested modifying the number of chickens to 1 chicken per 1500 square feet of property and to limit the count to either 10 or 15 chickens.

Police Chief Mathies will continue to work on the draft ordinance and get with the City Attorney and City Clerk to review the Animal Control section for the correct ordinance implementation wording.

NEW BUSINESS:

COMMUNITY THANKSGIVING MEAL

CC Wade had been contacted by Rosemary Long regarding the upcoming Community Thanksgiving meal to be held at the Christian Church on November 16, 2024. The city provided funding for the purchase of food items for the meal last year in the amount of \$500. There are some funds remaining from 2023 so Rosemary asked if the city would be able to contribute \$200 towards the purchase of food items for the meal.



Motion

Council Member Capp motioned to approve \$200 for the purchase of food items for the preparation of the Thanksgiving meal for the community to be held on November 16, 2024 at the La Cygne Christian Church. Motion seconded by Council Member Stoker, voted on, passed 4-0.

EXECUTIVE SESSION:

None

POLICY REVIEW IN PROGRESS

DRAFT COMPANY VEHICLE USE POLICY

RENTAL READY PROGRAM (LANDLORD REGISTRATION)

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NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

GOVERNING BODY REMARKS:

Police Chief Mathies asked the governing body if they would like to schedule a date for a Town Hall meeting to review the ATV/UTV regulation modifications.

❖ **Motion**

Council Member Capp motioned to request a Council Workshop on December 3, 2024 for the purpose of a Town Hall meeting at 6:30pm at the La Cygne Community Building to review the ATV/UTV regulations with the public. Motion seconded by Council Member Stoker, voted on, passed 4-0.

NOTES AND COMMUNICATION:

None

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 4-0. 8:46p.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 6th day of November 2024.