

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

## **REGULAR MEETING**

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**March 5, 2025**

### **REGULAR MEETING:**

The La Cygne City Council met on Wednesday, March 5, 2025 at the La Cygne Community Building. Council Members present were: Thomas Capp; Jerome Mitzner; Ed Smith and Keith Stoker. ABSENT: David Brenneman.

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; Lauber Municipal Law, Jeff Deane; Kent Wade; Eddie Shay; and Emil Wilson.

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

Pledge of Allegiance by Mayor Debra Wilson

### **MAYOR COMMENTS:**

Dog Days – April 5, 2025 at the La Cygne Community Park from 10am – 12pm, Residents of La Cygne may sign up on Facebook or Website link.

Easter Egg Hunt – April 19, 2025 at the La Cygne Community Park from 10am – 12pm, Ray of Hope will be accepting donations of eggs for the event.

City of La Cygne is accepting applications for Lifeguards for the 2025 Pool Season. Applications are available on-line and in the City Hall.

### **CONSENT AGENDA:**

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

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

Minutes of the February 26, 2025 Council Meeting;

Check Register: February 14, 2025 – March 2, 2025;

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

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

**Megan Reed** – No Show

**Eddie Shay (Sidewalk 7<sup>th</sup>/Market St)** – While in the process of removing an old foundation, Eddie also removed a short portion of old existing sidewalk which was buried under dirt on the West side of 7<sup>th</sup> Street from Market St up to the alley road. Discussion was held regarding the Codes of the City pertaining to sidewalks. The Street Committee will meet at the location and review the safety concerns and provide feedback. Eddie Shay was willing to put down gravel and/or replace the sidewalk, but he needed dimension information and direction on where to replace the sidewalk. The Council asked Eddie Shay to holdoff on doing anything until they had a chance to review the location. Council Member Smith suggested putting gravel in to any holes or ruts which could be a public hazard.

**DISCUSSION FROM THE FLOOR:**

**Kent Wade (Stormwater/Ditches)** – Kent addressed the Council in regards to the issues with the stormwater system and ditches in the City of La Cygne. Kent reflected on the items he presented the last two times he attended meetings in the past 2-3 years. Kent expressed his frustrations with the lack of maintenance being performed on the ditches and sidewalk at the intersections. Kent reviewed the water standing at 7<sup>th</sup> and Market Street, water standing at the intersects of the sidewalk and street, and water standing on the road by the La Cygne library. Kent asked the council what steps had been taken since they received the stormwater analysis information. Kent suggested the city could proceed with taking care of the little projects while they were preparing for the larger scope project. Kent firmly expressed it was time for the council to make some decisions and get started.

Kent apologized to the city clerk for keeping her occupied from her work but thanked her for listening to his concerns. Kent offered his time and knowledge to help get some of the smaller problem areas resolved. Kent made it clear the time is here for action. Council Member Smith expressed his appreciation to Kent for attending the meeting and keeping the topic in the forefront for the council. Mayor Wilson expressed the concerns the city has faced with unfilled positions and other infrastructure projects (e.g. Water Plant) taking precedence over the stormwater. She made the point, though, every area of infrastructure requires general maintenance to sustain smooth and safe operations and the stormwater/ditches are as important as the others. Mayor Wilson also expressed the challenges to figure out financially how to prioritize all those needs.

Kent also asked for a follow up on the question regarding culverts under the access to an alleyway. Is that culvert the responsibility of the city to install, maintain and/or replace? PWS Nasalroad indicated he had replaced one culvert on an alley which was brought up the last time Kent had been to the meeting and he had suggested to the council to only cut a ditch on the other two alleys since they were unmaintained alleyways.

Kent thanked the council members and staff for their commitment to the city and for listening to his concerns. The Street Committee indicated they would be looking in to the 7<sup>th</sup> Street and Market location regarding a sidewalk, stormwater ditch, and culvert. The council also indicated setting up a workshop to fully review the status with the Stormwater Survey Analysis to determine what steps could be taken now.

**REPORTS OF CITY OFFICERS:**

**Executive Session:**

❖ **Motion**

**Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter for an individual employee's performance and to return to the council table at 7:40pm. Motion seconded by Council Member Smith, voted on, passed 4-0. 7:30pm**

Others in attendance: CC Wade and City Attorney Harding

**OPEN SESSION RESUMED AT 7:40pm:**

**REPORTS OF CITY OFFICERS CONTINUED:**

**POLICE CHIEF ZACHARY MATHIES**

Chief Mathies reported on the 2025 Totals for Traffic Stops (61), Citations (4), Calls for Service (91) and Reports (26). From February 20 – March 4: (5) Information Reports, (0) Alcohol Offenses, (2) Traffic Offense, (10) Traffic Warnings, (2) Criminal Offense Report, (1) Accident Reports, (0) Drug Offenses, (4) Warrant Arrests, (2) Traffic Citations, (28) Calls for Service; (0) Animal Citations; (31) District and Building Checks.

Chief Mathies commended the officers on assisting with LNSO on March 3, 2025. Officer Marino, being bilingual, was able to assist with the communication barrier during the incident.

(9) Off-Highway Vehicle Registrations to date.

Chicken Permits applications are now available at the City Hall.

The canine taken in to custody and had been housed with Always and Forever since December 25, 2024 finally processed through the District Court. Custody of the canine was given to the City of La Cygne and then transferred over to Always & Forever so the canine could be adopted. The canine has been residing with a foster family that wanted to adopt him.

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

PWS Nasalroad presented Purchase Order No. 2025-06 in the amount of \$5052.49 from Inland Truck Parts & Service for the repairs on the 2007 International Dump Truck.

❖ **Motion**

**Council Member Mitzner motioned to approve Purchase Order No. 2025-6 in the amount of \$5052.49 for the repairs performed on the 2007 International Dump Truck by Inland Truck Parts & Services. Motion seconded by Council Member Stoker, voted on, passed 4-0.**

PWS Nasalroad reported on the damage from the wind during the last storm. The leak at Whistle Redi-mix has been repaired. PWS Nasalroad met with Kevin Starbuck and MW Engineering to do a walk-thru in the plant prior to ordering the materials for the Maintenance Improvement work on the Water Plant. Everything has been removed from the old Carbon Feeder Room to prepare for demolition. Spare piping and fittings have been moved over to the new Carbon Feeder Room storage area.

KDHE reviewed the Turbidity meter report. The discrepancy between the information on the screen on the wall vs. the reading in the SCADA system has been determined. The water plant operator will reach out to MicroCom will adjust the reading in the SCADA system to provide a reading beyond the number 1.

One of the Water Hydrants in the Park had a leak. PWS Nasalroad would like to review the water line for the hydrants near the Rock House building which are also part of the line system which feeds the water customer located at 18103 E 2150 Lane. The Water hydrants water line is out of old irrigation line and needs to be removed and/or replaced.

Discussion was held regarding stormwater and ditch repair work. PWS Nasalroad reviewed the necessity for some specific equipment to do the work right. Council Member Stoker also suggested hiring a third-party contractor to perform the work. The council suggested having a workshop to discuss.

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

#### **FIRE CHIEF - DAN NASALROAD**

Chief Nasalroad indicated there was a small fire in the compactor. Report has been submitted to Linn County Public Works Director, Shaun West. No injuries or damage to the unit.

#### **CITY CLERK – JODI WADE**

CC Wade provided an update on the new software programs. In regards to the cemetery software, CC Wade needed some help to count all the headstones within the cemetery. Council Member Stoker suggested reaching out to the young historians to see if they could help.

CC Wade updated the council on the server. Because it is almost 8-years old, it is time to update some elements within the rack. Since we are moving to new software, storing more data electronically and the possibility of expanding the city hall, now would be the time to update the server. CC Wade will work on compiling some quotes for review.

#### **CITY TREASURER/COURT CLERK/UTILITY CLERK – CONNIE GORE**

Utilities *Monthly items completed:*

- Shut off's were completed. We had (3) shut off's.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- At the end of February we had **287** customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- Still going through each account analyzing the gas, water and sewer.

Court *Monthly Court items completed*

- Reviewed the docket for February court.
- Called or texted the defendants we had good numbers for postponing court due to weather.
- Court paper work was completed. Cases were e-filed with the State. Payment form e-filed and the check to the State was processed.
- Researched a case from 1996. Case was located and verified with the State. Defendant to come in the first week of March to pay the \$500.00 fine.

Payroll:

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

Other:

- Administrative Book –on hold
- Took part in the 2nd webinar for the new financial software.
- Took part in the introduction webinar for the new court software.

### **SPECIAL PROJECTS:**

#### **SEWER LAGOON DESLUDGING (BG CONSULTANTS)**

None

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

None

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

Contracts have been signed with Starbuck Trucking, LLC and MW Engineering Group. Kevin and PWS Nasalroad met on Monday, March 3, 2025 to do another walk-thru of maintenance area and product list review prior to ordering all materials.

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

a] **Utilities Committee:** None

b] **Street Committee:** Will meet at 7<sup>th</sup> & Market Street to review the stormwater/sidewalk

c] **City Facility Committee:**  
Workshop rescheduled.

#### **❖ Motion**

**Council Member Mitzner motioned to call a Council Workshop for Tuesday, March 11 at 7:00pm at the La Cygne Community Building for the purpose of city facility review of the city hall, police department and community building. Motion seconded by Council Member Capp, voted on, passed 4-0.**

### **Cemetery Regulation Review**

CC Wade presented the draft containing revisions to Chapter XI: Public Property, Article 1: Cemetery, of the Code of the City Of La Cygne. The council reviewed the modifications. Chief Mathies referred to the new language in Section 11-106 "No walkways, boxes, fences, edging material, mulch material, gravel, chairs, settees, structures or other materials or items of any kind shall be permitted" and suggested to add a broad statement indicating "anything which would interfere with the mowing and edging maintenance within the cemetery".

CC Wade will put the draft in Ordinance form to present at the next council meeting.

d] **Public Safety Committee:** None

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

### **SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT:** None

**CHAMBER OF COMMERCE –** None

**PLANNING & ZONING COMMISSION (PZC):** None

### **UNFINISHED BUSINESS:**

#### **402 S BROADWAY – CONDEMNED GARAGE TO BE REMOVED**

City Attorney Harding will provide a draft agreement to Convey Deed in Lieu of Collections at the next meeting.

**NEW BUSINESS:**

**602 N. 5<sup>TH</sup> STREET DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS**

602 N. 5<sup>th</sup> Street – David & Tracy Lawver completed and filed the platting with Linn County on February 5, 2025. Mike Page, building contractor with M&M Adventures LLC reached out by email on February 5, 2025. Mike Page has been in discussion with David Lawver on building the Lawver's personal home and purchasing the remaining 2 lots located at 602 N. 5<sup>th</sup> Street. Mike and David Lawver also spoke about Mike Page purchasing all three lots to build homes upon. Mike Page reviewed the deed covenants and has some concerns regarding Article 1, Sec 9 which states the period of 18-months to complete the main building structure on a lot will initiate upon the closing of the sale. Mike Page would be purchasing all lots at the same time which means the closing date would be the same for all three. Mike Page is not able to complete the construction of all 3 homes within 18-months of the closing date of the purchase of the entire lots. Mike Page is asking the Council if they would accept an amendment to Section 9 modifying the start date of the 18-month period for each lot.

CC Wade drafted the following Attachment "A" and had City Attorney Harding review as a consideration for the Council regarding the request from Mike Page with M&M Adventures, LLC.

**ATTACHMENT "A"**

**ARTICLE III.**

**GENERAL PROVISIONS**

**Section 2.**      **Term and Amendment.** The provisions of this Declaration shall run with and bind the Property for a term of ten (10) years, commencing on the date hereof, after which period the provisions of this Declaration shall be automatically extended for successive terms of ten (10) years. The provisions of this declaration may be amended during the initial ten (10) year period by an instrument signed by Owners of not less than two-thirds (2/3) of all Lots. Any such amendment shall be effective upon the date that such instrument shall be properly executed, acknowledged, and filed of record in the office of the Register of Deeds for Linn County, Kansas. Notwithstanding any provisions of this Declaration to the contrary, the Developer, acting alone, may amend the provisions of this Declaration. Notwithstanding anything herein to the contrary, no provision of this Declaration which limits or restricts the liability of Developer, or which grants rights or authority to Developer, may be amended without the Developer's prior written consent affixed to such amendment.

On March 5, 2025, upon review and approval by the Governing Body of the City of La Cygne, the following addendum shall be added to the Declaration of Covenants, Conditions, Easements and Restrictions for the property located at 602 N. 5<sup>th</sup> Street known as Lawver Addition:

***"After the closing date of purchase by M&M Adventure, LLC ("Contractor") for all three (3) lots located at 602 N. 5<sup>th</sup> Street and known as Lawver Addition the 18-month period shall commence for construction of the first main residence building. Upon completion and closing date of sale of the first main residence building, the 18-month period shall commence for the construction of the second main residence building. The stated procedure shall apply to the third main residence building within Lawver Addition.***

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### **NEW BUSINESS:**

#### **602 N. 5<sup>TH</sup> STREET DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS**

*If construction is not completed within the 18-month period of the closing date of the sale of the prior main residence, the lot will be assessed yearly at a rate of 15% of the property purchase price with the assessment payable to the developer."*

Discussion was held by the Council. Council Member Stoker stated the point of the covenants was to secure the fact three (3) new homes would be built upon the lots. Council Member Stoker continued to say the lot was platted as requested in the covenants as to how quickly the three houses are built can be dependent upon several factors. The important part is making sure everything keeps moving forward. The agreement does not have language regarding the sale of the lots except that the covenants do and will always apply to the lots no matter who is the owner. Council Member Capp continued to express some concern over delay in the home or homes getting completed and the fear of unfinished work being left behind, he did not want to create any loop holes.

#### ❖ **Motion**

**Council Member Stoker motioned to approve the amendment to the 602 N. 5<sup>th</sup> Street Declaration of Covenants, Conditions, Easements, and Restrictions by the addition of Attachment "A" as presented. Motion seconded by Council Member Mitzner, voted on, passed 4-0.**

### **RECESS**

#### ❖ **Motion**

**Council Member Capp motioned for a 5-minute recess and to return to the council table at 8:58pm. Motion seconded by Council Member Mitzner, voted on, passed 4-0. 8:53pm**

### **OPEN SESSION RESUMED AT 8:58pm:**

### **UNFINISHED POLICY REVIEW**

#### **DRAFT COMPANY VEHICLE USE POLICY**

#### **CHAPTER 5. BUSINESS REGULATIONS, ARTICLE 1. SOLICITORS, CANVASSERS, PEDDLERS**

#### **CHAPTER 3. BEVERAGES, ARTICLE 2 CEREAL MALT BEVERAGE AND ARTICLE 3. ALCOHOLIC LIQUOR**

#### **RENTAL READY PROGRAM (LANDLORD REGISTRATION)**

#### **CEMETERY ARTICLE 1**

### **NEW POLICY REVIEW:**

#### **ARTICLE 5. PARKING**

#### **SOCIAL-MEDIA POLICY**

#### **BNSF QUIET ZONE**

**GOVERNING BODY REMARKS:** None

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**NOTES AND COMMUNICATION:** None

**ADJOURNMENT:**

❖ **Motion**

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Smith, voted on, passed 4-0. 8:59p.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 5<sup>th</sup> day of March 2025.