

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 1 of 6 Pages

March 19, 2025

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 19, 2025 at the La Cygne Community Building. Council Members present were: Thomas Capp; Jerome Mitzner; David Brenneman. ABSENT: Keith Stoker 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; Lauber Municipal Law, Jeff Deane; Gabby Jones; and Emil Wilson.

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

Pledge of Allegiance by Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson advised everyone to be safe when traveling this evening or tomorrow if we should get ice and/or snow from the front moving through.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the March 5, 2025 Council Meeting;
2025 February Treasurer's Report;
2025 February Budget Report;
Check Register: March 3, 2025 – March 16, 2025;

Motion seconded by Council Member Mitzner, voted on, passed 3-0 (Brenneman Abstain)

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

POLICE CHIEF ZACHARY MATHIES

Chief Mathies reported on the 2025 Totals for Traffic Stops (82), Citations (4), Calls for Service (109) and Reports (35). From March 5 – March 18: (4) Information Reports, (0) Alcohol Offenses, (1) Traffic Offense, (26) Traffic Warnings, (3) Criminal Offense Report, (0) Accident Reports, (0) Drug Offenses, (0) Warrant Arrests, (1) Traffic Citations, (25) Calls for Service; (0) Animal Citations; (13) UTV Registrations.

Officer Kurtis West started full-time with the department on March 17, 2025. The onboarding has gone smooth.

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF ZACHARY MATHIES

Chief Mathies presented a draft revision of Chapter 7, Article 4: Air Pollution. This section refers to open burning within the city limits. It has not been updated since 1988. Chief Mathies asked the council to review the draft. Council Member Mitzner suggested having the Public Safety Committee meet with Chief Mathies to review and then submit to the Council. The committee agreed to get together.

PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD

PWS Nasalroad stated his crew started working on patching the road, but the returning cold temperatures but a damper on progress. The small shed on the south side of the pool was moved over to the East side of the park. This will allow the installation of two handicapped parking areas in for the pool. The plumbing for the main bathroom at the park has been reconnected and the restrooms are open for the season. Park Maintenance is working on reinstalling the plumbing at the pool to get it ready to be cleaned down and pumps fired up for the season.

FIRE CHIEF - DAN NASALROAD

Chief Nasalroad reported an issue with the generator at the new fire station during the last power outage, contractors have been contacted to resolve the problem. Hofer & Hofer and Associates continues to fix the final items from the warranty walk thru. The concrete repair/sealing will have to wait until warmer temperatures.

Council Member Mitzner thanked the La Cygne Fire Station for their assistance on some of the county fire calls during the high wind storm event on March 14, 2025.

CITY CLERK – JODI WADE

CC Wade provided an update on the progress with the new software programs and reconstructing the server.

CC Wade presented the April 1, 2025 – April 1, 2026 Insurance Invoice. CC Wade reviewed the premiums. The process with Continental Western Group is to auto renew the policy and then we will go over the policy with Truly Insurance to review any modifications necessary to the policy.

❖ **Motion**

Council Member Capp motioned to approve the invoice from Truly Insurance for the period of April 1, 2025 through April 1, 2026 in the amount of \$74,074 for both the City and Fire Commercial property, General Liability, Business Auto, Commercial umbrella, and Inland Marine Coverage. Motion seconded by Council Member Mitzner, voted on, passed 3-0.

SPECIAL PROJECTS:

SEWER LAGOON DESLUDGING (BG CONSULTANTS)

Hodges Farm & Dredging is consulting with BG Consultants regarding the options of hauling off the sludge or land applying the sludge.

SPECIAL PROJECTS CONTINUED:

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

Final review and reimbursement of unused funds incomplete. CC Wade will reach out to Ian Stringham regarding the progress.

WATER TREATMENT PLANT IMPROVEMENTS ANALYSIS:

Updated schedule being reviewed.

STORMWATER MASTER PLAN/STREET IMPROVEMENT MASTER PLAN:

Mayor Wilson asked to move the Talking point discussion of Street/Stormwater Master Plan to later in the meeting.

CITY FACILITY IMPROVEMENT(CITY HALL, POLICE DEPARTMENT, AND COMMUNITY BUILDING)

Workshop was held on March 11, 2025 to begin discussion on the intent and necessity of improvements for the city facilities.

CITY OF LINN VALLEY WATER CONNECTION:

Mayor Lew Donelson contacted Mayor Wilson and came by the city hall to provide an update on the progress with the City of Linn Valley water project. Jason Hoskinson, BG Consultants, also contacted the city by email providing a detailed update on the project. Preconstruction meetings will be scheduled soon. PWS Nasalroad and CC Wade will attend the meetings. Payment for the contract-based quantity of water is still scheduled to be received from Linn Valley at the end of May 2025.

Mayor Wilson expressed her satisfaction with the communication between the City of Linn Valley and City of La Cygne as the connection for water progresses. Establishing a good atmosphere of communication from the get-go is essential for the relationship moving forward.

REPORT OF COUNCIL COMMITTEES:

a] **Utilities Committee:** Mayor Wilson asked the committee for their thoughts on reviewing the KMGa Gas Rate Analysis. Council Member Brenneman was in favor of the committee reviewing the analysis first and then bringing it to the Council. Council Member Capp was of the opinion the council should review it all together. CC Wade will reach out to the committee for resolution to move forward on the topic.

CC Wade presented a concern with the postal service not getting the utilities bill to our customers. We have had a few long-time customers recently express their frustration with receiving a late fee penalty. They have never been late with their payment and the issue is with the postal service either not getting the bill delivered or the delay with mail delivery. CC Wade asked the council to think about some options. CC Wade suggested shifting the due date to the last day of the month. This would allow those who need two (2) pay check periods to get all of their bills paid or those who are on Social Security and receive their checks the second or third week of the month to make their payments on time. Perhaps the later date would allow enough time if payments are mailed on the 3rd or 5th to get to the city hall.

b] **Street Committee:** Council Member Mitzner inquired about the section at 7th & Market. PWS Nasalroad reported he met with Kent Wade at the site and they reviewed the concerns with that section of road. The locations of current stormwater culverts/piping do cause an issue for directing water towards another channel. The area will be noted for improvement, but it will take the skill of an engineer/surveyor to figure out the grade and potential for routing the water to the North and West.

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 4 of 6 Pages

March 19, 2025

REPORT OF COUNCIL COMMITTEES CONTINUED:

c] **City Facility Committee:** None

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:

ORDINANCE NO. REPLACING CHAPTER 11: PUBLIC PROPERTY; ARTICLE 1: CEMETERY, OF THE CODE OF THE CITY OF LACYGNE, KS

CC Wade presented the Ordinance with the modifications as requested by the council at the last meeting. The council reviewed the following paragraph:

"No walkways, boxes, fences, edging material, mulch material, gravel, chairs, settees, structures, or other materials or items of any kind shall be permitted which shall interfere with the mowing, trimming and other duties of care and maintenance within the cemetery."

Council Member Capp suggested modifying the statement "shall" interfere with mowing" to "may interfere with mowing".

❖ Motion

Council Member Capp motioned to approve Ordinance No. 1538 an ordinance replacing Chapter 11: Public Property; Article 1: Cemetery, of the Code of the City of La Cygne, Kansas with the modification of the word "shall" to "may" as discussed. Motion seconded by Council Member Mitzner, voted on, passed 3-0.

402 S BROADWAY – CONDEMNED GARAGE TO BE REMOVED

City Attorney Harding presented a draft agreement for 402 S. Broadway. Discussion was held on the next step. Council Member Mitzner suggested to send the agreement to the owner of 402 S. Broadway to sign and return to the Council. Once received the council would finalize the agreement with signature.

Council Member Brenneman expressed his objection to the practice of the city accepting property in lieu of assessments. He stated his concerns with the potential for the value of the land to drop.

City Attorney Harding indicated he would forward the agreement and draft a new deed. City Attorney stated the legal description would be on the new deed attached with the Agreement.

❖ Motion

Council Member Mitzner motioned to empower Mayor Wilson to send the agreement to the owner (Grantor) of 402 S. Broadway for signature. Motion seconded by Council Member Mitzner, voted on, passed 2-1 (Nay: Council Member Brenneman).

RECESS

❖ **Motion**

Council Member Capp motioned for a 5-minute recess and to return to the council table at 7:48pm. Motion seconded by Council Member Mitzner, voted on, passed 3-0. 7:43pm

OPEN SESSION RESUMED AT 7:48pm:

NEW BUSINESS:

RESIGNATION OF CITY ATTORNEY HARDING

City Attorney Harding read aloud his letter of resignation effective March 31, 2025 as the City Attorney and City Prosecutor for the City of La Cygne. City Attorney Harding thanked the city for the opportunity to serve as both the attorney and prosecutor over the past several years. He appreciated the support from the city and the relationships which have grown during his terms. City Attorney Harding stated he would provide for a seamless transition for the city as they employ a new attorney and prosecutor. Mayor Wilson and Council Member Capp thanked City Attorney Harding for his service.

❖ **Motion**

Council Member Capp motioned to accept the resignation of City Attorney Burton Harding as the City Attorney and City Prosecutor effective March 31, 2025. Motion seconded by Council Member Brenneman, voted on, passed 3-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 5-minutes for non-elected personnel matter to review applications for city attorney and to return to the council table at 7:56pm. Motion seconded by Council Member Capp, voted on, passed 3-0. 7:51pm

Others in attendance: CC Wade

OPEN SESSION RESUMED AT 7:56pm:

❖ **Motion**

Council Member Mitzner motioned to hire the firm of Lauber Municipal Law to serve as the City Attorney and City Prosecutor for the City of La Cygne effective April 1, 2025. Motion seconded by Council Member Capp, voted on, passed 3-0.

Jeff Deane, of Lauber Municipal Law Firm, introduced himself to the council and indicated he would be the primary attorney from the firm to represent the city as the Attorney and Prosecutor. Mr. Deane commended the governing body on their meeting procedures and expressed his excitement with getting started.

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 6 of 6 Pages

March 19, 2025

NEW BUSINESS:

TALKING POINT FOR DISCUSSION OF STREET/STORMWATER MASTER PLAN

Mayor Wilson reviewed the timeline representing what actions have taken place to date on the stormwater and street master plan for improvement. CC Wade reviewed the Charter Ordinance No. 16 which provides the opportunity for bonds to be issued for street improvement projects.

Mayor Wilson reviewed the status on culvert pipes in relation to alleyways by asking PWS Nasalroad to provide an update. PWS Nasalroad stated he had replaced one alley culvert and discussed with the council the consideration to remove the other two alley culverts since there was not roadway in the alley and return it to a ditch.

The Council processed conversation regarding the widths of the current roads, defining roads as thorough-ways and potential need for some roads to be single lane one-way streets. CC Wade stressed the understanding this improvement project would consist of multiple small projects unlike the Water and Sewer main replacements. If the city is choosing not to do an overlay and wants to address the needs of each street individually it will take several years to get every road accomplished. Mayor Wilson indicated the need to get started and asked what steps needed to happen next. Council Member Mitzner suggested understanding the finances would be the first place to begin. CC Wade reviewed the process for a sales tax election, in regards to transitioning the current 1% sales tax for the pool to improvements for the streets, stormwater, and sidewalks. Council Member Mitzner expressed the need to know what the timeline schedule would look like for the sales tax election and the need to fine tune the wording for the sales tax question. CC Wade will reach back out to Greg with Raymond James and Kevin Cowan with Gilmore and Bell to provide a schedule.

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)

NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

GOVERNING BODY REMARKS: None

NOTES AND COMMUNICATION: None

ADJOURNMENT:

❖ Motion

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 3-0. 8:41p.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 19th day of March 2025.