

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 1 of 8 Pages

February 21, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 21, 2024 at the La Cygne Community Building. Council Members present were: Ed Smith; David Brenneman; Thomas Capp; and Keith Stoker; Jerome Mitzner.

Others in attendance included, but not limited to: City Attorney Burton Harding; City Clerk (CC) Jodi Wade; Public Works Superintendent Dan Nasalroad; Codes Enforcement Officer Devin Canada; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms via Zoom; and Liberty National Life Insurance John-Francisco Marino

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson expressed her concerns with the postal delivery service for the City Utility bills. She stated the utility bills are dropped off at the post office all together on the same day. The bills are dropped usually around the 26th or 28th of the month. Mayor Wilson indicated it was out of the city's hand at that point on the timeframe of the postal service delivering the utility bills to the addressee. The City did invest in a financial program which created the ability for on-line bill access for our patrons. Enrolling in the program would help eliminate the inconvenience of accessing your monthly bill amount due.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the February 7, 2024 Council Meeting;
2024 January Budget Report;
2024 January Treasurer's Report;
Check Register: February 3, 2024 – February 17, 2024.

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

DISCUSSION FROM THE FLOOR:

NONE

REPORTS OF CITY OFFICERS:

CHIEF OF POLICE – TINA FENOUGHTY:

14 - Traffic Stops Conducted
Citations issued since last meeting -

Speed School Zone	1	Expired Plate	1
Suspended DL	0	Switch Tag	0

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 2 of 8 Pages

February 21, 2024

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY:

Insurance	0	EXP DL	0
Parking	0	Speed	2
Aggressive Dog/RAL/Tag	1	Paraphernalia	0
Animal Cruelty	0	Inattentive	0

Calls for Service / Reports – 01/16/2024 @ 0000 hours to 02/20/2024 @ 2359 hours

Animal Complaint – 12	Traffic Complaints - 5
Assist Outside Agency – 6	Suicidal Subject- 3
Criminal Damage – 3	Citizen Assist CFS / contact - 23
Theft – 3	Juvenile Incident – 6
Check Welfare – 6	Mental Health - 3
Alarm Calls – 1	Fraud – 1
Suspicious Activity – 10	Civil Matter – 5
Motorist Assist – 3	Ambulance - 4
Non-Injury Accident – 3	Violation of PFA – 2
911 Hang up – 2	Suspicious Vehicle – 3
Disturbance – 5	Warrant Attempt - 3
Possible Armed Dist. – 3	Misd. Warrant Arrest - 0
Vehicle Lockout – 4	Felony Warrant - 0
Record Checks – 2	CINC – 1
Intoxicated Subject – 1	Building Checks – 5
Burglary – 3	Noise Complaint - 2

VIN Inspections - 7 completed

New Business / Information

- All officers' have assisted codes with serving of letters and Notice to Appear tickets.
- 301 District Court ½ Day x2
- 303 Forensic Interview in Iola, Ks full day spent.
- 301 Completed writing two new extensive policies for Patrol Operations.
- All Officers' are down multiple reports and trying to get caught up plus follow up that are needed.
- 301 and 325 are working with 3 different graphic design companies in the metro area for full cost and design on decals for SUV. So far none have submitted both cost and artwork yet. We are following up by phone and emails with all 3 companies.
- 301 and 303 spent entire day with mental health subject after fight and staying at hospital until released.

CODES OFFICER – DEVIN CANADA

Report reflects 2/3/2024 through 2/16/2024

Code Letters:

Violation Type:	# Corrected	#in Progress	# Citations	# New
NUISANCE	9	5	0	2
INOP	3	3	0	0
VERBAL WARNINGS	6	5	0	2
OTHER	1	3	2	0

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 3 of 8 Pages

February 21, 2024

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – DEVIN CANADA

Codes Officer Canada presented an application for demolition for the property located at 718 Market Street. The property owner completed an application for the Linn County Debris dumping assistance and is asking if the Mayor/Council would submit a referral letter for the application. Codes Officer Canada presented pictures of the home to be demolished.

❖ **Motion**

Council Mitzner motioned to approve for the Mayor to complete a referral letter on behalf of the governing body recommending support for the owner to demolish the property located at 718 Market Street, La Cygne, KS. Motion seconded by Council Member Capp, voted on, passed 5-0.

Codes Officer Canada presented his report and recommendation to proceed with the condemnation process on 112 S. 7th Street. Codes Officer Canada provided pictures for the Council to review and the resolution for a Public Hearing for abatement of 112. S. 7th Street.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 461 ordering a hearing on abatement of certain conditions in violation of the nuisance code of the City of La Cygne, Kansas at 112 S. 7th Street, to be held on the 17th day of April 2024 at 7:00pm at the La Cygne Community Building. Motion seconded by Council Member Smith, voted on, passed 5-0.

Codes Officer Canada presented his report and recommendation to proceed with the abatement of certain conditions in violation of the nuisance codes of the City of La Cygne for the property located at 825 N. 7th Street Court. Codes Officer Canada provided pictures for the Council to review and the resolution for a Public Hearing.

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 462 ordering a hearing on abatement of certain conditions in violation of the nuisance code of the City of La Cygne, Kansas at 825 N. 7th Street Court, to be held on the 17th day of April 2024 at 7:00pm at the La Cygne Community Building. Motion seconded by Council Member Smith, voted on, passed 5-0.

Council Member Smith thanked Codes Officer Canada for the pictures and descriptions on both properties to aid the council with understanding the violations of nuisance.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

NONE

CITY CLERK – JODI WADE

City Clerk Wade asked the governing body about her roll with fringe benefits. Currently the city employees have an opportunity to participate in supplemental policies through AFLAC. CC Wade has

Record of the Proceedings of the Governing Body

REGULAR MEETING

February 21, 2024

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

been approached by Globe Family Heritage and Globe – Liberty National Life Insurance. Council held discussion and determined it was not a matter for the council to decide and would prefer it be handled by the City Clerk and Mayor for the city employees.

❖ **Motion**

Council Member Mitzner motioned to approve for the City Clerk and/or the Mayor to have the authority to sign agreements on behalf of the City of La Cygne for group agreements for city supplied fringe benefit programs. Motion seconded by Council Member Capp, voted on, passed 5-0.

CC Wade asked the council about having a workshop in March 2024 to review and discuss some financial updates on the Sewer Improvement project temporary financing, Special Park and Pool Sales Tax and Gas Rate review.

❖ **Motion**

Council Member Mitzner motioned to approve for a workshop on March 6, 2024 at 6:00pm at the La Cygne Community Building to review Temporary Financing, Bonds and Gas rate. Motion seconded by Council Member Capp, voted on, passed 5-0.

CITY TREASURER – CONNIE GORE

NONE

SPECIAL PROJECTS:

NEW FIRE STATION

Hofer & Hofer & Associates continue to work on the punch list items.

COUNCIL COMMITTEE REPORTS:

Ordinance No. ____ amending Chapter 1. Administration, Article 6. Boards and Commission, Section 1-601. Committees established of the Code of the City of La Cygne, Kansas. The section would be modified to the following five (5) standing committees; Utilities Committee; Street Committee; City Facility Committee; Public Safety Committee; Employee Relations and Training Committee.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1523 amending Chapter 1. Administration, Article 6 Boards and Commission, Section 1-601. Committees Established of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Smith, voted on, passed 5-0.

Mayor Wilson presented the following recommendation for the Council Standing Committees:

- a] Utilities Committee ----- Thomas Capp ----- David Brenneman
- b] Street Committee ----- Keith Stoker ----- Ed Smith
- c] City Facility Committee ----- David Brenneman ----- Keith Stoker
- d] Public Safety Committee ----- Jerome Mitzner ----- Thomas Capp
- e] Employee Relations and Training Committee ----- Jerome Mitzner ----- Ed Smith

COUNCIL COMMITTEE REPORTS CONTINUED:

❖ **Motion**

Council Member Capp motioned to approve the Mayor's recommendation for standing council committees as presented. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

PROJECTED GAS SUPPLY REQUIREMENTS

CC Wade provided the Annual KMGa projected gas supply requirements for the period of May 1 2024 through April 30, 2025. The Council reviewed the historical volume for the city over the past 13 years.

❖ **Motion**

Council Member Capp motioned to approve the projected gas supply requirements as presented by KMGa for the period of May 1, 2024 through April 30, 2024. Motion seconded by Council Member Smith, voted on, passed 5-0.

LA CYGNE CONCESSION STAND AND FIELD USE CONTRACT

CC Wade presented the contract which was created by the Park Board in its last year of operation. CC Wade asked to modify the "Council Representative" signature line to "Public Works Superintendent" since he supervises the park operations and maintenance. Council Member Smith asked if there had been any concerns expressed by the recreation programs. CC Wade indicated this would be the first season to utilize the form.

❖ **Motion**

Council Member Mitzner motioned to accept the La Cygne Concession Stand and Field Use Contract with the modification of the signature line from Council Representative to Public Works Superintendent as presented. Motion seconded by Council Member Capp voted on, passed 5-0.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: Quarterly Linn County Emergency Management meeting will be held at the La Cygne Community Building April 2024.

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC): Resignation letter from Commission Devin Canada presented and accepted by the Planning Commission at their February 12, 2024 meeting.

❖ **Motion**

Council Member Capp motioned to accept the resignation letter for Devin Canada from the Planning and Zoning Commission effective immediately. Motion seconded by Council Member Stoker, voted on, passed 5-0.

CC Wade advised the Council on the updating of the zoning regulations with IBTS. The Commission is having to basically "start over" on the regulations in order to get the book updated and understood.

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 6 of 8 Pages

February 21, 2024

NEW BUSINESS:

DRAFT ORDINANCE NO. AMENDING CHAPTER 5. BUSINESS REGULATIONS, ARTICLE 1. SOLICITORS, CANVASSERS, PEDDLERS SECTION 5-103. LICENSING PROCEDURE OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

CC Wade asked City Attorney Harding to read Chapter 5, Article 1, regarding Transient Vendors. CC Wade was not clear on whether this section permitted door to door sales or not. Discussion was held regarding the definition of a transient vendor. City Attorney Harding indicated it was referring to vending which involved a vehicle to transport the items in to be sold at a specified location for a specified period-of-time. He indicated the section did not reflect regulations regarding door-to-door sales. The council discussed the safety concerns and nuisance which can evolve from door-to-door sales. The council asked CC Wade to prepare a draft for the next meeting with the addition of a paragraph reflecting the Green River Ordinance.

UTILITY SAFETY & DESIGN, INC: REVIEW OF RENEWAL CONTRACT

CC Wade received the renewal contract from USDI for review. CC Wade will email a copy to the council members and City Attorney for review prior to the next council meeting. Modifications included the addition of a Flat Rate for monthly service instead of basing it on the number of current active meters; Any work outside of the base contract will receive a prior written approval from the owner and a "do not exceed" estimate of said service to be provided in advance. Council Member Mitzner asked if there were other companies to reach out to for our area in order to get another option to compare. PWS Nasalroad indicated there are few but they are located out of the Wichita area as well and the issue of having workers near our town would be of concern with the other companies as well.

RESOLUTION NO. ENABLING FEES ESTABLISHED BY THE CITY AND REFERENCED WITHIN THE CODE OF THE CITY OF LA CYGNE, KANSAS.

CC Wade reviewed the Fee Resolution which included the new rates for the Waste Management trash service. CC Wade also indicated the highlighted sections were already in the Codes Book and approved by prior ordinances but had not been updated in the Fee Resolution.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 463 as presented. Motion seconded by Council Member Stoker, voted on, passed 5-0.

UNFINISHED BUSINESS:

528 N. 6TH STREET AGREEMENT DATED OCTOBER 10, 2003.

The property owner came by the City Hall to pick up a Variance Application.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 20-minutes following a 4-minute break for non-elected personnel matter for an individual employee's performance and to return to the council table at 8:45pm. Motion seconded by Council Member Smith voted on, passed 5-0. 8:21pm

Others in attendance: CC Wade, City Attorney Harding

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 7 of 8 Pages

February 21, 2024

OPEN SESSION RESUMED AT 8:45pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 15-minutes for non-elected personnel matter for an individual employee's performance and to return to the council table at 9:00pm. Motion seconded by Council Member Brenneman, voted on, passed 5-0. 8:45pm

Others in attendance: CC Wade, City Attorney Harding

OPEN SESSION RESUMED AT 9:00pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel matter for an individual employee's performance and to return to the council table at 9:05pm. Motion seconded by Council Member Smith, voted on, passed 5-0. 9:00pm

Others in attendance: CC Wade, City Attorney Harding

OPEN SESSION RESUMED AT 9:05pm:

POLICY REVIEW IN PROGRESS

STANDARD OPERATION PROCEDURE MANUAL FOR POLICE AND CITY HALL

City Treasurer Gore, City Clerk Wade and Mayor Wilson reviewed an STO service for police policy. City Treasurer Gore is contacting another company so we can have two proposals for the council to review.

COMPANY VEHICLE USE

CC Wade presented the current Employee Personnel Guidelines Section N-2 regarding city owned vehicles. The council reviewed the current standards. CC Wade would have to review the current Federal tax publication regarding the fringe benefit taxes for use of a city owned vehicle. The council and CC Wade will do some research prior to the next council meeting for review and discussion.

DRAFT LANDLORD REGISTRATION ARTICLE.

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

NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

ALCOHOL REGULATIONS

MODIFY STREET EXCAVATION POLICY

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 8 of 8 Pages

February 21, 2024

NOTES AND COMMUNICATIONS TO COUNCIL:

GOVERNING BODY REMARKS

Council Member Capp inquired about a City Administrator. He expressed his concern with some of the tasks asked to be done by the City Clerk which fall in a "gray zone." Discussion was held on the role of a City Administrator and how the supervisory role currently falls upon the duty of the mayor. CC Wade stated most City Administrator positions are by contract. CC Wade suggested looking at the job description for the City Clerk and updating it to reflect the responsibilities of the City Clerk to avoid being caught in "gray areas."

Council Member Capp also stated the importance of indicating the deadlines for tasks asked of the Department Heads.

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:28p.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 21st day of February 2024.