

Record of the Proceedings of the Governing Body

REGULAR MEETING

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December 6, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, December 6, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; Danny Curtis; and Jerome Mitzner (via Zoom).

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Codes Officer Devin Canada; City Attorney Burton Harding; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

PUBLIC HEARING FOR 2023 AMENDED BUDGET

- A. Close Regular Meeting;
- B. Open Public Hearing for 2023 Amended Budget;
- C. Public discussion – No patrons present, no comments presented;
- D. Close Public Hearing for 2023 Amended Budget.

REGULAR MEETING RESUMED (7:10pm)

Mayor Wilson asked the Council if they had any further questions or discussion regarding the 2023 Amended Budget. No comments received from the Council.

❖ Motion

Council Member Capp motioned to approve the 2023 Amended Budget for Solid Waste and General Bond and Interest funds as presented. Motion seconded by Council Member Curtis, voted on, passed 5-0.

MAYOR COMMENTS:

a] Customer Appreciation Day: Friday, December 15, 2023. Cookies and Treats available to patrons at the City Hall.

B] Christmas on Broadway: Sunday December 10, 2023 from 3-5pm. Whoville Parade of Lights – line up at 5pm and parade begins at 5:30pm. Fun activities for people to enjoy. Santa, Christmas Train, Band and Choir performances, Snowflake Prince/Princesses, hot chocolate and hot cider, cookies and the Grinch!

C] City Hall and Trash Compactor closure for the holidays: City Hall will be closed Monday, December 25, 2023 and Tuesday, December 26, 2023 and Monday, January 1, 2024. The Trash Compactor will be closed on Sunday, December 24, 2023, Monday, December 25, 2023 and January 1, 2024.

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CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the November 15, 2023 Council Meeting;
Check Register: November 10 – December 1, 2023;
Drinking Establishment License, The Wagon Wheel 2023 – 2025;
CMB On-Premise Retail License, Quik Taco 2024.

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

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

CITY CLERK – JODI WADE

City Clerk

- Attended the KS Financial Officer Association Conference.
- Prepared for Special Meeting due to lack of quorum.
- Met with Miami County Rural Water District #2 to tour the Hillsdale Water Plant improvement projects.
- Attended MRWAD meeting virtually.
- Attended Planning & Zoning Meeting.
- Reviewed Blue Cross and Blue Shield Insurance Policy for 2024.
- Prepared Safety Meeting for November 2023.
- Attended the Hazard Mitigation Regional J meeting.
- Participated in the PVHS Career Fair Day.
- Prepared hiring packet for Codes Enforcement Position.
- Phone Conversation with Attorney Greg Musil regarding US Minerals CUP.
- Prepared exit paperwork for Codee Blanchett.
- Continued Research for funding for the Water Plant improvement project.
- Processed paperwork for purchase of 2013 Chevrolet 2500 for Brush Unit.
- Processed paperwork for purchase of 2005 Polaris 4 x 4 for Brush Unit.
- Reviewed pay application for Hofer & Hofer and Associates for Fire Station.
- Reviewed pay application for Nowak Construction for Sewer Project.
- Decorated City Hall and Thayer Park for Christmas on Broadway.
- Reviewed Budget.
- Prepared Evaluation folders for Supervisors/Department Heads.
- Completed Monthly Financial Reports.

CC Wade presented the new rates for the Waste Management services for La Cygne. The rates have been modified to a base rate of \$20.57 which includes one tote and a rate of \$10 for each additional cart. Council Member Capp and Council Member Stoker asked CC Wade to research the ability and rate amounts from other trash service companies.

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REPORTS OF CITY OFFICERS:

CITY TREASURER – CONNIE GORE

Utilities *Monthly items completed:*

- Shut off's were completed. We had **4** for November. (2 Frequent shut off's 1 of which is gas only and 2 who have not been on the shut list before).
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- December utility billing process was completed including those who received the \$10.00 credit for returning the Lead and Copper Survey. (79 returned for \$790.00 in credits). Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- At the end of Nov 2023 we had 181 customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- Drafted an Ordinances for grass/leaves in the streets.
- Gas rates are still down.

Court *Monthly Court items completed*

- Reviewed the docket for November court.
- Court
- Court paper work, e-filed with the State, Payment form e-filed and copy given to accounts payable for a check.
- Completed 3 diversions for Burton's review and e-mailed them to the defendants.
- Completed updating the new fines per the Judge in the software.

Payroll:

- 1st Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.
- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.

Cemetery: Nothing to report.

Other:

- Worked on a non-conforming/vacant lot map.
- Sent Monthly Invoices: 1 to the county tax role, 2 new mowing invoices
- Attended Special Council meeting for Jodi and completed the minutes.
- Participated in the kick off zoom meeting for region J for Hazard mitigation.
- Attended Monthly Safety Meeting: Electrical, Winter Driving, Fire—quiz, then discussion.
- Attended the emergency management "Stop the Bleed" training.

CODES OFFICER – DEVIN CANADA

11/27/230-012/6/23

- 1 INOP Letter sent – 901 E. Market Street
- 1 Verbal Warning for Nuisance – 413 S. Broadway
- 1 Letter personally delivered for violating a placard – 825 N. 7th Street
- 1 Building Permit signed – 622 N. Broadway

Email to Ryan Hill, owner of North and South Manufactured Home Park, regarding an update on progress with removal of dilapidated homes.

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REPORTS OF CITY OFFICERS:

CODES OFFICER(CO) – DEVIN CANADA

Email to property owner David Carr concerning 112 S. 7th Street condemnation and whether he still plans to demolish it.

Letter to Gale Grizzle concerning the house at 528 N. 6th Street where the home was built partly on the alley right of way.

Codes Officer (CO) Canada inquired about recognizing historic home information on a map. He noticed when reviewing the homes for demolition that some homes have historic interest in the development or operations of the city. (CO) Canada expressed interest in documenting the information. Council Member Curtis advised (CO) Canada to focus on learning his current job responsibilities and enforcing the codes of the city. Council Member Stoker suggested having the historic society take on the project of documenting the information.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Pay Application No. 13 – Final from NOWAK Construction in the amount of \$201,334.85 for the period of 06/21/2023 through 11/09/2023. Abby Mills, BG Consultants, reviewed the final close-out procedure for the project. CC Wade advised the council all work had been completed as requested.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 13-Final from Nowak Construction in the amount of \$201,334.85. Motion seconded by Council Member Stoker, voted on, passed 5-0.

SEWER LAGOON DESLUDGING (REED ENVIRONMENTAL LLC)

Abby Mills, BG Consultants advised the council on the status of the project. Reed Environmental has secured a contract with a land owner for land application. Samples have been taken and submitted to KDHE. Upon receipt of the results from KDHE and issuance of permit, Reed Environmental will be able to proceed with the project. Reed Environmental asked to extend the project end date to April 2024. Abby Mills stated the work to be performed by Reed Environmental would take approximately 2 weeks, weather permitting.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Abby Mills and Paul Owings, BG Consultants, presented the Stormwater Master Plan. Abby reviewed the mapping created utilizing LIDAR information, public comments from the survey, FEMA flood mapping information, and research after storm events. BG Consultants' intention was to present a master plan that was reasonable and attainable. The project estimation of costs were built utilizing as much natural waterways as feasible, modification to depth and slope of existing ditches for temporary storage, and possible basin/berm/rip-rap to store and slow the movement of water. Abby presented three improvement projects, to include: 4th street improvement project, Lincoln street culvert pipe additions and south 6th Street volume issues and containment. Abby reviewed different types of stormwater rate structures utilized by entities to cover the cost for ditch repair, replacement and maintenance. Council Member Curtis inquired about the standing water at the NW corner of the Library. Abby Mills addressed the lack of an outlet for the water to flow and suggested the use of a storm drain to move the water to an area of flow. Council Member Curtis proceeded with concerns about culvert sizes. Abby stressed the importance of a "minimum" culvert pipe size in the city codes. Discussion was held on the modification of the ditch to meet the necessary culvert size and slope.

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SPECIAL PROJECTS CONTINUED:

STORMWATER MASTER PLAN (BG CONSULTANTS):

Mayor Wilson and the Council thanked BG Consultants for the presentation and asked for some time to review the information presented tonight. Abby and Paul left their contact information if the council had any further questions as they reviewed the report and Project information.

STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL BLVD (KDOT/KILLOUGH CONSTRUCTION/CFS ENGINEERING)

No updates at this time

WATER PLANT IMPROVEMENT ANALYSIS

No updates at this time.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Pay Application No. 5 from Hofer & Hofer and Associates in the amount of \$147,826.80 for the period to 11/27/2023.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 5 from Hofer & Hofer & Associates in the amount of \$147,826.80. Motion seconded by Council Member Stoker, voted on, passed 5-0.

RECESS:

❖ **Motion**

Council Member Stoker motioned for a 5-minute recess and to return to the table at 8:29pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 8:24pm

DISCUSSION FROM THE FLOOR:

WADE BOOTH – PASTOR REGARDING A FAITH-BASED MISSION OF PROVIDING AN EMERGENCY SHELTER FOR ANY DISASTER VICTIMS AND A SOUP KITCHEN FOR A NOON MEAL FOR THE ELDERLY

Pastor Wade Booth introduced himself and his mission utilizing the old Prescott Manor. Mr. Booth reviewed the Homelessness in Kansas and shared some statistics regarding the homeless. Mr. Booth expressed the benefits of the shelter for the Chief of Police or for a City to have a place for homeless individuals to go. Mr. Booth estimated a \$2,000/month cost for utilities and operational costs. Mayor Wilson thanked Mr. Booth for taking the time to introduce the mission to the council.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER -NONE

PUBLIC SAFETY – NONE

CEMETERY -NONE

COMMUNITY BUILDING-

Mayor Wilson reminded the Council of the closure of the Community Building for rental and asked them to be thinking about moving forward on utilization of the building. The City still pays the utilities and insurance for the building and it is important we are making the most use of the facility.

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COUNCIL COMMITTEE REPORTS CONTINUED:

EMPLOYEE RELATIONS & TRAINING-NONE

PARK- Council Member Stoker commented on how nice the park Christmas lights looked. PWS Nasalroad recognized Bill Ross, Jodi Wade and Sandi Thomas for building and painting the Santa sled and reindeers.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT - NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-NONE

NEW BUSINESS:

ORDINANCE NO. 1518 ADOPTING THE COMPREHENSIVE PLAN 2023 UPDATE FOR THE CITY OF LA CYGNE, KANSAS.

❖ Motion

Council Member Capp motioned to approve Ordinance No. 1518 adopting the Comprehensive Plan 2023 update for the City of La Cygne, Kansas. Motion seconded by Council Member Stoker, voted on, passed 4-1 (Nay-Council Member Brenneman).

ORDINANCE NO. 1519 AMENDING CHAPTER XIV, ARTICLE 6, SECTION 14-613 BY ADDING 14-6213(D), 14-613(D), 14-613(E), 14-613(F) AND ADDING SECTION 14-616 RETURNED CHECKS, ELECTRONIC CHECKS, CREDIT/DEBIT CARDS, AND ACH PAYMENTS AND LINES (A)(B)(C)(D)(E) AND SECTION 14-617 ON LINE ELECTRONIC PAYMENT AND CREDIT/DEBIT CARD PAYMENTS AND LINES (A)(B)(C) OF THE CODE OF THE CITY OF LA CYGNE, KANSAS RELATING TO SOLID WASTE BILLS.

❖ Motion

Council Member Capp motioned to approve Ordinance No. 1519 amending Chapter XIV, Article 6, Section 14-613 by adding 14-613(d), 14-613(d)(1), 14-613(e), 14-613(f) and addition section 14-616 Returned Checks, Electronic Checks, credit/debit cards, and ACH payments and lines (a)(b)(c)(d)(e) and section 14-617 On Line Electronic Payment and Credit/Debit Card payments and lines (a)(b)(c) of the Code of the City of La Cygne, Kansas relating to Solid Waste Bills. Motion seconded by Council Member Stoker, voted on, passed 5-0.

ORDINANCE NO. 1520 AMENDING CHAPTER XIV, ARTICLE 1, SECTION 14-118 UTILITY BILLS; COLLECTIONS AND BILLING BY ADDING SECTION 14-118(E) 1,2,3,4,5,6,; AND 14-118(F) 1,2,3,4,5; AND 14-118(G) 1,2,3 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS RELATING TO WATER UTILITY BILLS.

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NEW BUSINESS CONTINUED:

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1520 amending Chapter XIV, Article 1, Section 14-118 Utility Bills; Collections and Billing by adding section 14-118(e) 1,2,3,4,5,6; and 14-118(f) 1,2,3,4,5; and 14-118(g) 1,2,3, of the Code of the City of La Cygne, Kansas relating to water utility bills. Motion seconded by Council Member Stoker, voted on, passed 5-0.

ORDINANCE NO. 1521 AMENDING CHAPTER XIV, ARTICLE 31, SECTION 14-308 COLLECTIONS AND BILLING BY ADDING SECTION 14-308(E) 1,2,3,4,5,6; AND 14-308(F) 1,2,3,4,5; AND 14-308(G) 1,2,3 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS RELATING TO GAS UTILITY BILLS.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1521 amending Chapter XIV, Article 3, Section 14-308 Collections and Billing by adding section 14-308(e) 1,2,3,4,5,6; and 14-308(f) 1,2,3,4,5; and 14-308(g) 1,2,3, of the Code of the City of La Cygne, Kansas relating to gas utility bills. Motion seconded by Council Member Stoker, voted on, passed 5-0.

RESOLUTION NO. 458 ADDING ADMINISTRATIVE POLICY #34 LIGHT DUTY REQUEST/APPROVAL FORM AND RETURN TO WORK FORM

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 458 adding Administrative Policy #34 Light Duty Request/Approval form and Return to Work Form. Motion seconded by Council Member Stoker, voted on, passed 5-0.

REQUEST FOR AUTHORIZATION TO WRITE-OFF BAD DEBT: COLLECTION FEES

❖ **Motion**

Council Member Capp motioned to approve the Request for Authorization to write-off bad debt: Collection fees. Motion seconded by Council Member Stoker, voted on, passed 5-0.

ORDINANCE NO. 1522 AMENDING CHAPTER VII, ARTICLE 2, SECTION 7-203 HEALTH NUISANCES BY ADDING 7-203(J) YARD WASTE OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1522 amending Chapter VII, Article 2, Section 7-203 Health Nuisances by adding 7-203(j) yard waste of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Stoker, voted on, passed 5-0.

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NEW BUSINESS CONTINUED:

TRANSFER STREET FUNDS PER STATUTES K.S.A. 68-590

❖ **Motion**

Council Member Capp motioned to approve the transfer of street funds to the special highway fund per K.S.A. 68-590. Motion seconded by Council Member Curtis, voted on, passed 5-0.

UNFINISHED BUSINESS:

602 N 5TH STREET REAL ESTATE LISTING WITH CLINCH REALTY

CC Wade asked if the Council wanted to relist the property at 602 N. 5th Street with Clinch Realty.

❖ **Motion**

Council Member Capp motioned to relist the property at 602 N. 5th Street with Clinch Realty for another 6-month term. Motion seconded by Council Member Curtis, voted on, passed 5-0.

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

No updates at this time.

209 N BROADWAY – WATER STANDING AT THE CORNER OF CHESTNUT AND BROADWAY AFTER RAIN.

Action: Council will proceed with action upon review of the stormwater survey and an engineers' opinion.

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

Action: CC Wade needs assistance from Chief Fenoughty and Sr. Officer Le Sturgeon to prepare a draft.

UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

IBTS and the Planning & Zoning Commission are reviewing the article draft.

DRAFT LANDLORD REGISTRATION ARTICLE.

No updates at this time.

NEW POLICY REVIEW:

ARTICLE 5. PARKING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

COMPANY VEHICLE USE

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NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:02p.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 December 2023.