

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 1 of 8 Pages

January 3, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, January 3, 2024 at the La Cygne Community Building. Council Members present were: Keith Stoker; David Brenneman; Danny Curtis; Thomas Capp; and Jerome Mitzner. Absent: City Attorney Burton Harding.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Police Chief (PC) Tina Fenoughty; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; and Ed Smith

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson read her 2023 Year in Review report. (view copy in Meeting Minute Binder)

NEW YEAR ORGANIZATION:

RESOLUTION NO. AUTHORITY TO PAY PAYROLL AND CERTAIN BILLS EARLY

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 459 authorizing to pay payroll and certain bills early. Motion seconded by Council Member Stoker, voted on, passed 5-0.

RESOLUTION NO. WAIVER FROM GAAP-PREScribed STATEMENTS AND GENERAL FIXED ASSETS ACCOUNTING

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 460 regarding a waiver from GAAP-prescribed statements and general fixed assets accounting. Motion seconded by Council Member Stoker, voted on, passed 5-0.

OFFICIAL CITY NEWSPAPER – LINN COUNTY NEWSPAPER

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 460 regarding a waiver from GAAP-prescribed statements and general fixed assets accounting. Motion seconded by Council Member Stoker, voted on, passed 5-0.

Record of the Proceedings of the Governing Body
REGULAR MEETING

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of the December 20, 2023 Council Meeting;
Check Register: December 21, 2023 – December 29, 2023;

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

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

POLICE CHIEF – TINA FENOUGHTY

Chief Fenoughty presented the 4th Quarter Statistics for her 2023 Year End Review. Chief Fenoughty reviewed the differenced in overall totals for 2023 in comparison to prior years. Chief Fenoughty has completed the employee evaluations for her department. Chief Fenoughty and Senior Officer Le Sturgeon will be attending district court several times this week for their cases.

CODES OFFICER – DEVIN CANADA

Report from 12/18/2023 – 12/29/2023

Code Letters:

• Nuisance	(3) Corrected	(2) Still in Progress	(1) Citation	(4) New
• INOP	(1) Corrected	(5) Still in Progress	(0) Citation	(1) New
• OTHER	(1) Corrected	(2) Still in Progress	(0) Citation	(0) New

Permits:

- **Use Permit: 119 N. Broadway**
- **Use Permit: 702 Linnco Drive**
- **Use Permit: 1009 Linnco Drive (x2)**

Other:

- Got a hold of the owner of 112 South 7th. He is given a month more to find someone to demo the house.
- Got a hold of the owner of 528 N. 6th Street. He asked for one more chance to address the council. The letter sent before the last council meeting gives him slightly more than 30 days to get himself on the agenda. He has been informed of the consequences of no action.
- Verbal warning to 206 South 3rd about INOP RV and junk in tree line.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

None

REPORTS OF CITY OFFICERS:

CITY CLERK – JODI WADE

Report for December 2023

- Participated in a webinar on Payroll/Time & Attendance Software.
- Participated in a webinar for software to Archive Social Media activity.
- Prepared items for Council Meeting presentation for Stormwater Master Plan.
- Attended virtual meeting for KWO Water Project Grant.
- Filled in as Court Clerk.
- Prepared facilities for Christmas on Broadway.
- Participated in the Project Construction meeting for the new Fire Station.
- Prepared documents for Quarterly Safety meeting.
- Christmas Cards and Gift cards for Employees, Council and Board members.
- Worked with MW Engineering on preparations of documents for the KWO Water Project Grant Application.
- Reviewed all fund lines in the Budget.
- Performed Spec Hwy transfer.
- Prepared Vault for year-end transition.
- Corresponded with IBTS regarding Regulation Review.
- Attended Planning & Zoning Meeting.
- Reached out, again, to KDOT regarding the progress on the CCLIP close-out.
- Reviewed and submitted 2023 Ordinances to Ransom Financial for Codification.
- Researched getting the Planning & Zoning Regulations in electronic form to have available on-line.
- Completed Monthly Financial Reports.
- Working on RFP for Attorney.
- Training Codes Officer.
- Prepare for Final Year-end closeout.

CITY TREASURER – CONNIE GORE

Utilities *Monthly items completed:*

- Shut off's were completed. We had **7** for December.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed. 55 notices sent this is down about 20 notices from previous months. Jenn has started posting on Facebook before they will be assessed and that seems to have helped.
- December utility billing process was completed. Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- At the end of Dec. **2023** we had **187** customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- **Gas rates are still down.**
- Worked on the files getting ready for end of year. Place 2023 in boxes for storage/retention.

Court *Monthly Court items completed*

- Reviewed the docket for December 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.

REPORTS OF CITY OFFICERS:

CITY TREASURER – CONNIE GORE

- Swore Jodi as interm court clerk per Judge Purvis in for a Special Hearing and court trial Dec 8. Went over how court will work and what she will need to do.
- Was able to find a court appointed attorney as the regular one was acting as prosecutor.
- Found an interpreter for a case if needed. (A deal has now been worked out).

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.
- Updated vacation/sick spreadsheets for 2024.

Other:

- Worked on a non-conforming/vacant lot map.
- Sent Monthly Invoices: (6) 2nd or final notices, (1) added to Utility account, (5) to collections, (4) to the County tax role. *(1 sent to collections and not the county-- property was sold).*
- Periodically helped the codes officer, answering questions and helping to train him.
- Helped with Christmas on Broadway and was a judge for the float contest.
- Put Christmas tree up in City Hall and helped decorate.
- Attended the USDI annual Emergency Response meeting.
- Safety meeting was completed at employee Christmas dinner.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

None

SEWER LAGOON DESLUDGING (REED ENVIRONMENTAL LLC)

Will begin work the end of March 2024 or beginning of April 2024

STORMWATER MASTER PLAN (BG CONSULTANTS):

Schedule a workshop to review the Master Plan presented by BG Consultants.

❖ **Motion**

Council Member Mitzner motioned to approve for a workshop on January 17, 2024 at 6pm for the purpose to start reviewing the Stormwater Master Plan. Motion seconded by Council Member Stoker, voted on, passed 5-0.

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

Reached out to Ian Stringham, KDOT Construction MGR. He stated he does not have an answer regarding the remaining funds on the CCLIP project “until the project is complete and he is done with CFS and get’s their final invoice”. He stated it does take some to get completed as they work on them through the winter as time allows and he also has 40 other jobs his office has to get through. He thinks this job is close but will still have to get the contractor to submit some paperwork so he thinks maybe April 2024 he will be complete with our project which will then have to go to Topeka for audit. CC Wade spoke to CFS and they submitted and signed off on final plans November 2023 and were told the request from KDOT for the final invoice would be in January 2024.

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 5 of 8 Pages

January 3, 2024

SPECIAL PROJECTS CONTINUED:

WATER PLANT IMPROVEMENT ANALYSIS

CC Wade submitted the application for the Water Project Grant through the Kansas Water Office on December 27, 2023.

NEW FIRE STATION

Construction continues. Inside walls are all framed, sheetrock and metal siding installed inside, concrete apron has been poured. Council Member Capp stated the crews were painting the office/training area, installing HVAC and electrical.

COUNCIL COMMITTEE REPORTS:

Mayor Wilson asked the Council Members to provide a list of their top 3 choices for committees after the meeting.

WATER & GAS -NONE

STREET -NONE

SEWER -NONE

PUBLIC SAFETY – NONE

CEMETERY -NONE

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING-NONE

PARK - NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT - NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)

Resignation letter from Ed Smith.

❖ **Motion**

Council Member Capp motioned to accept the resignation letter from Commissioner Ed Smith from the Planning and Zoning Commission effective January 5, 2024. Motion seconded by Council Member Capp, voted on, passed 5-0.

NEW BUSINESS:

NONE

UNFINISHED BUSINESS:

COST OF LIVING(COLA) CONSIDERATIONS FOR 2024. THE CITY OF LA CYGNE ADJUSTED THE COLA AS FOLLOWS IN THE PAST 5 YEARS:

- ✓ 2.5% in 2019
- ✓ 2.0% in 2020

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 6 of 8 Pages

January 3, 2024

UNFINISHED BUSINESS CONTINUED:

- ✓ 1.3% in 2021
- ✓ 3.0% in 2022
- ✓ Pay scales were fully revised and YOS increase was given in 2023

The CRCS (Civil Service Retirement System) adjusted to 3.2% for 2024 and the FERS (federal Employment Retirement System) adjusted to 2.2%. (Note: these are the retirement programs which do not include additional pay raises).

Council Member Mitzner inquired what amount was factored in the 2024 Budget. CC Wade indicated 3.5%. Council Member Mitzner suggested tabling the decision on the COLA until the next meeting to allow the council time to do some research.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter exception for employee reviews and to return to the council table at 7:42pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 7:32pm

Others in attendance: CC Wade

OPEN SESSION RESUMED AT 7:42pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 20-minutes for non-elected personnel matter exception for employee reviews and to return to the council table at 7:42pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 8:02pm

Others in attendance: CC Wade

OPEN SESSION RESUMED AT 8:02pm:

❖ **Motion**

Council Member Capp motioned to approve a 3% COLA to take effect January 1, 2024. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

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

Codes Officer Canada contacted the property owner by phone and certified mail. The property owner responded and was provided the opportunity to attend a Council meeting in January to present their concerns or plan for moving the home. Property owner was not present at this meeting will see if the owner shows up to the January 17, 2024 meeting.

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 7 of 8 Pages

January 3, 2024

UNFINISHED BUSINESS CONTINUED:

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.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter exception for an individual employee's performance and to return to the council table at 8:17pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 8:07pm

Others in attendance: CC Wade

OPEN SESSION RESUMED AT 8:17pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion, following a 5-minute Recess Break, for 13-minutes for non-elected personnel matter exception for an individual employee's performance and to return to the council table at 8:20pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 8:38pm

Others in attendance: CC Wade

OPEN SESSION RESUMED AT 8:38pm:

POLICY REVIEW IN PROGRESS

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

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

COMPANY VEHICLE USE

ALCOHOL REGULATIONS

MODIFY STREET EXCAVATION POLICY

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 8 of 8 Pages

January 3, 2024

NOTES AND COMMUNICATIONS TO COUNCIL:

Monday, January 8th is the official swearing in of elected officials. Since COVID the swearing in has been handled at the La Cygne City Hall. Does the City want to continue with that practice or do they want to schedule a Special Meeting for the purpose of swearing in the newly elected officials? The newly elected officials will come by City Hall on Monday, January 8th for their official swearing in.

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 8:40p.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 3rd day of January 2024.