

Record of the Proceedings of the Governing Body
REGULAR MEETING

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January 4, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, January 4, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Jerome Mitzner; and Keith Stoker. Absent: Danny Curtis

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Tina Fenoughty; Codes Officer Allison Fox; Officer Le Sturgeon; Linn County Newspaper Tony Furse; and Linn County Journal Roger Simms.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Happy New Year's to everyone!!

NEW YEAR ORGANIZATION:

a] Resolution # ____ - Authority to Pay Payroll and Certain Bills Early

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 446 Authorizing the payment of payroll and certain bills early. Motion seconded by Council Member Capp voted on, passed 4-0.

b] Resolution # ____ - Waiver from Certain Accounting Procedures

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 447 regarding a waiver from GAAP prescribed statements and general fixed assets accounting. Motion seconded by Council Member Capp voted on, passed 4-0.

c] Official City Newspaper – Linn County News

❖ **Motion**

Council Member Capp motioned to approve Linn County News as the official city newspaper. Motion seconded by Council Member Mitzner voted on, passed 4-0.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

Council Member Capp motioned to accept the Consent Agenda as presented.

Minutes of December 22, 2022 City Council Meeting;
Check Register: December 22, 2022 – January 4, 2022;

Motion seconded by Council Mitzner, voted on, passed 4-0.

DISCUSSION FROM THE FLOOR:

NONE

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING: NONE

POLICE CHIEF – TINA FENOUGHTY :

It's been business as usual in the police department. Chief Fenoughty described a couple of events which occurred over the New Year's weekend. Chief Fenoughty is still working on a police vehicle.

CODES OFFICER – ALLISON FOX:

Report from 11/16/2022 – 12/07/2022

Code Letters:

- Nuisance (2) Corrected (4) Still in Progress (5) Citation (4) New
- INOP (19) Corrected (10) Still in Progress (3) Citation (11) New
- GRASS/WEED
- WORK ORDER

Permits:

- **310 N. 4th Street** – Building Permit – Letter signed. Waiting for survey
- **712 Locust** – Building Permit – Building a shed. Needs to get a boundary adjustment to comply with city setback requirements. Still waiting for update from owner.
- **609 Walnut** – Building Permit – House was moved in – Approved
- **904 N. 8th** – Building Permit – Circle driveway - Approved

Projects:

- Trailer Parks – Trailer #5 was demoed on site. The remaining 3 trailers on the east side of the property will be demoed in the next month or so.
- Investigated multiple addresses where I received complaints of people living in sheds.
- Helped with a few animal control calls.
- Working on a few sections of the codes book that need to be changed.
- CUP complaint was received. Will be working with the owners of the business to get the issue taken care of.
- Had a large shed removed from the city that was brought in without the proper permits.
- Putting together a local contractors list for patrons to use in regards to demolition of old houses and structures on their properties.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

Committee Discussions

Water and Gas:

- Old pond nearing completion. Would like to take a 10k refund and seed the top of the banks. Discussion was held on gravel vs. seeding. PWS Nasalroad proposed having his crew build a gravel access road to the back borrow pit area.

❖ **Motion**

Council Member Mitzner motioned to approve the recommendation from PWS Nasalroad to request a change order to remove the \$10,000 for the gravel road in the water settling pond improvement project contract. Motion seconded by Council Member Capp voted on, passed 4-0.

Street:

- Access aprons (?)
- Would like to extend 8th street court out to Lincoln Street.
- Backhoe is having issues and is at Mid-American tractor waiting on a call back.

Sewer:

- Nowak Construction has been working on tap replacements.
- Relining is about 90% complete.
- The sewer project has multiple crews working and there is going to be some inconvenience so please check the city webpage and facebook for schedule.

Park:

- Need to look at a new mower for next year.

Cemetery:

- Concrete for menu board should be completed in the next few weeks depending on weather.
- Have 2 trees that need to be removed.

FIRE DEPARTMENT – DAN NASALROAD:

Station should go to bid in February.

CITY CLERK – JODI WADE: NONE

CITY TREASURER – CONNIE GORE: NONE

Utilities

Monthly items completed:

- Shut offs were completed.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed. Front desk has made this procedure shorter.
- January 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 December 2022 we had 105 customers signed up for Front Desk.
- Continued working with tech on the Front Desk payment issues, I think we are getting closer to getting all of the bugs worked out.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

Other:

- Worked with Simple City tech/programming to solve a sales tax issue. Sales tax was filed and paid. We have now at least temporarily and a lengthy step to the utility billing process.
- Worked with tech on how to complete the bad debt write offs.
- Conference call With Dixie (KMGA), Dan & Jodi trying to better understand the OFO and winter weather alert and how it effects the City. To get a better understanding of how we purchase gas and the pricing when those purchases are made. (Monthly vs daily)
- Court Monthly Court items completed
- Reviewed the docket and diversions for the December court.
- Court paper work was completed and filed with the State and the State was paid their portion of the costs.
- Sent all Court forms and administrative court orders to Judge Purvis for changes/approval.

Payroll:

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

Cemetery: Continued entering data into the Oaklawn section.

Researched a footstone placed in the wrong lot. Schnieder Funeral said family marked the wrong lot. A monument company is to move the foot stone to the correct location.

Other:

Attended the 2nd council meeting of the month in place of Jodi.

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT (MIDWEST ENGINEERING GROUP/STARBUCK TRUCKING, LLC)

No updates at this time.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

No updates at this time.

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

No updates at this time.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

No updates at this time.

WATER TREATMENT PLANT ANALYSIS:

No updates at this time.

SPECIAL PROJECTS CONTINUED:

STORMWATER MASTER PLAN (BG CONSULTANTS):

CC Wade is working on a town hall meeting for February 2023. Jenn Vogt put a question out on Facebook asking the public to suggest how they would like to be informed about the capital improvement projects for the city. We want to hear from the patrons of what would encourage them to get more engaged with city business.

602 N. 5TH STREET:

Planning & Zoning will discuss further at their January 2023 meeting.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET –

Every Fiber Optic Cable installation along Market Street – Burns & McDonnell (Tan Nguyen and Kevin McPherson).

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 8 minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and will return to the council table at 7:27 p.m. Motion seconded by Council Member Mitzner voted on, passed 4-0. 7:19pm.

Others in attendance: City Attorney Burton Harding, CC Wade

OPEN SESSION RESUMED AT 7:27pm:

SEWER - NONE

PUBLIC SAFETY -NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

COMMUNITY BUILDING-NONE

PARK-NONE

Council Member Brenneman inquired about workers comp waiver forms for volunteers. CC Wade reminded everyone that any volunteer who performs work in the La Cygne Community Park would have to complete a workers comp waiver form.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE -NONE

PLANNING & ZONING COMMISSION (PZC) -NONE

OTHER BUSINESS:

AUTHORITY TO TRANSFER EXCESS GENERAL FUNDS

CC Wade reviewed the motion which was made at the December 22, 2022 meeting. She explained the process for reviewing the annual capital improvement projects and equipment purchases master plans to determine how to split the excess general funds for the reserve accounts.

❖ **Motion**

Council Member Capp motioned to rescind the motion made at the December 21, 2022 meeting stating to approve the allocation of the excess general funds as indicated on the 2022 and 2023 Capital Improvement and Equipment purchase plans. Motion seconded by Council Member Mitzner voted on, passed 4-0.

❖ **Motion**

Council Member Capp motioned to allow the maximum year-end transfer from the general fund to the capital improvement and equipment reserve fund with 80% allocated to capital improvement and 20% allocated to equipment reserve. Motion seconded by Council Member Mitzner voted on, passed 4-0.

COST OF LIVING ADJUSTMENT (COLA) CONSIDERATIONS FOR 2023 AND REVIEW OF EMPLOYEE WAGE SCALES

CC Wade presented draft Administrative Policy 33 for review by the council. CC Wade reviewed the recommended changes to the policy presented by the council at the Special Council meeting on January 2, 2023.

CC Wade reviewed the evaluation process as outlined in the Personnel Policies and Guidelines for the City of La Cygne and confirmed with City Attorney Burton Harding the process still met current HR legal process and procedures. City Attorney Harding indicated the procedure outlined in the Personnel Policies and Guidelines for evaluations was appropriate.

❖ **Motion**

Council Member Capp motioned to approve Administrative Policy No. 33 Employee Scales and Evaluation Procedures as presented. Motion seconded by Council Member Stoker voted on, passed 4-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10 minutes for non-elected personnel matter exception to conduct employee reviews and will return to the council table at 8:03p.m. Motion seconded by Council Member Mitzner voted on, passed 4-0. 7:53pm.

Others in attendance: City Attorney Burton Harding

OPEN SESSION RESUMED AT 8:03pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10 minutes for non-elected personnel matter exception to conduct employee reviews and will return to the council table at 8:13p.m. Motion seconded by Council Member Mitzner voted on, passed 4-0. 8:03pm.

Others in attendance: City Attorney Burton Harding

OPEN SESSION RESUMED AT 8:13pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 20 minutes for non-elected personnel matter exception to conduct employee reviews and will return to the council table at 8:34p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 8:14pm.

Others in attendance: City Attorney Burton Harding and PWS Nasalroad

OPEN SESSION RESUMED AT 8:34pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 20 minutes for non-elected personnel matter exception to conduct employee reviews and will return to the council table at 8:55p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 8:35pm.

Others in attendance: City Attorney Burton Harding and CC Wade

OPEN SESSION RESUMED AT 8:55pm:

OTHER BUSINESS:

❖ **Motion**

Council Member Capp motioned to approve all employee wage raises as presented to become effective on January 2, 2023. Motion seconded by Council Member Mitzner voted on, passed 4-0.

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UNFINISHED POLICY REVIEW:

ARTICLE 18 DRAFT FACTORY BUILT HOME DISTRICT

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ATV/UTV REGULATIONS

CHAPTER 11. PUBLIC PROPERTY, ARTICLE 2. PARKS AND CAMPING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

CHAPTER 6. FIRE, ARTICLE 2. FIREWORKS

BNSF QUIET ZONE

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

GOVERNING BODY REMARKS:

NONE

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 4-0. Time 8:58p.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 4th day of January, 2023.