

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

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**November 16, 2022**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, November 16, 2022 at the La Cygne Community Building. Council Members present were: Danny Curtis; Thomas Capp; Keith Stoker, and Jerome Mitzner. Absent: David Brenneman.

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; City Attorney Burton Harding; Linn County Newspaper Tony Furse; and Linn County Journal Roger Simms; Tan Nguyen and Kevin McPherson with Burns McDonnell; Leslie Stellar and JJ Stutler with Every; Chad and Bree Allen.

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

Pledge of Allegiance – Mayor Debra Wilson

**PUBLIC HEARING: AMENDING 2022 BUDGET**

- a] Close the regular meeting; 7:01pm
- b] Open the Public hearing for amending the 2022 Budget;
- c] Comments from the public; NONE
- d] Close the Public hearing for amending the 2022 Budget. 7:03pm

**MAYOR COMMENTS:**

- a] Proclamation in honor of Bree Allen. Mayor Wilson read and presented the proclamation to Bree Allen
  
- b] Community Thanksgiving meal will be provided on November 19, 2022 from 11am – 2pm at the Christian Church. Good-will donations are welcomed.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of November 2, 2022 City Council Meeting;  
October 2022 Budget Report;  
October 2022 Treasurer's Report;  
Check Register: November 2, 2022 – November 16, 2022;  
CMB License 2023-1 Casey's General Store #3397;  
CMB License 2023-2 Dollar General Store #13598.

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

**DISCUSSION FROM THE FLOOR:**

Tan Nguyen of Burns McDonnell presented plans for the installation of fiber optic cable through town along KS Highway 152 (Market Street). The sole use of the fiber cable is for communications between Evergy substations/plants. This particular cable will run from the La Cygne Power station to Centerville and then to Wolf Creek. Tan explained the installation process would involve directional boring to minimize ground disturbance, the cable would be installed approximately 36' deep or deeper if necessary and at least an horizontal distance of 12" from other utilities. CC Wade inquired about the project schedule. Tan Nguyen indicated the bid packages would be released in January or February 2023 and the cable would be operational by the end of December 2023. Kevin McPherson advised the council, PWS Nasalroad and CC Wade to reach out about questions and concerns.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY – BURTON HARDING:**

- Municipal Court
- Worked with Chief Fenoughty on court cases.

**POLICE CHIEF – TINA FENOUGHTY :**

4 Traffic Stops Conducted

Citations issued since last meeting - 5

Speed School Zone	2	Registration Viol	0
Suspended DL	0	No Tag	0
Insurance	0	NO DL	0
Speed Construction Zone	0	Speed	0
Aggressive Dog/RAL/Tag	3	Paraphernalia	0
Animal Cruelty	0	Parking	0

**Calls for Service / Reports – 11/03/22 thru 11/16/22**

Animal Complaint – 11	Traffic Complaints - 8
Assist Outside Agency –3	Harassing phone calls – 2
Ambulance – 2	Citizen Assist CFS / contact - 43
Fingerprints – 1	Juvenile Incident – 5
Check Welfare – 3	Found Property – 2
Follow Up – TMTC	Criminal Damage - 3
Suspicious Activity – 7	Civil Matter – 5
Noise Complaint – 0	Disorderly Conduct- 0
Theft – 5	Non-Injury Accident – 1
Stalking– 1	Suspicious Vehicle – 5
Disturbance – 4	Warrant Attempt - 3
Armed Disturbance – 0	Felony Warrant Arrest - 3
Vehicle Lockout – 3	CINC - 1
Record Checks – 3	DUI – 0
Trespass – 4	911 Hang up – 2

**VIN Inspections-** 4 completed

**Report Requests** – 5

**Overtime for Department** – Approximately 26 hours

**REPORTS OF CITY OFFICERS CONTINUED:**

**POLICE CHIEF – TINA FENOUGHTY :**

5 Intelligence cases pending/being worked at this time.  
Several cases needing completion for pending charges to be filed at CA Office.  
Officers have completed about 10 hours of training.  
Passed and received small animal kennel license after inspection.

**CODES OFFICER – ALLISON FOX :**

Report from 11/03/2022 – 11/16/2022

Code Letters:

- Nuisance (18) Corrected (5) Still in Progress (3) Citation (2) New
- INOP
- GRASS/WEED
- WORK ORDER

Permits:

- 310 N. 4<sup>th</sup> 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.
- 413 S. 1<sup>st</sup> – Building Permit – New home with garage – waiting for survey from owner.
- 520 N. 5<sup>th</sup> St – Building Permit – Wood ramp with handrail over existing steps – approved.
- 401 N. 7<sup>th</sup> St. – Building Permit – Concrete patio, concrete pad and new shop, lean-to, replacing concrete sidewalk – Approved.
- 110 S. 4<sup>th</sup> St. – Building Permit – Coffee and snow cones – In progress.

Projects:

- Lindentree Apartments – Spoke to owner. Working with insurance company to get the roof replaced.
- Trailer Parks – Spoke to the owner on 11/14/2022. Company coming to demo trailer #5 in the next month and the other two trailers on the east side by the first of the year.
- Looking into positive projects/programs – Grant programs for residents to improve their homes.

Other:

- Building permit section of codes book. Allison asked the council to review the building permit section in the codes book. The Article does not provide any regulations for the process of how to handle installation/construction which is not installed or built as listed on the permit application. Allison also pointed out the fee for not having a building permit is listed as \$500 upon conviction. Allison shared a couple of sample situations for the council to consider. Council Member Capp suggested to have Allison draft a new Building Permit Article. City Attorney Harding advised Allison to pull the permit if the work being installed or performed does not match what was applied for on the application. In essence the patron does not have a valid permit for the construction. At that point a ticket would be issued for no building permit.

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**PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :**

Report from 10/19/22 to 11/2/2022

**Committee Discussions**

Water and Gas:

- Met with Midwest Engineering on water plant upgrades and they are preparing a final draft.
- Old pond nearing completion. Still need some final dirt work and gravel.
- Carbon feeder for water plant. Waiting on Linn County to reply on ARPA funds.

Street:

- Access apron?
- Salt and sand have been delivered.
- Plow trucks have been tested and ready to go.
- Backhoe is having issues, trying to find a repair facility.

Sewer:

- Nowak Construction has been working on tap replacement and manhole replacement.
- Relining crews have been delayed due to staff shortage.
- The sewer project has multiple crews working and there is going to be some inconvenience so please check the city webpage and Facebook for schedules.
- Met with Nowak and Council Member Danny Curtis on the taps that are being installed.

Park:

- Started hanging Christmas lights in the park.

Cemetery:

- Quote for concrete by menu board.

**FIRE DEPARTMENT – DAN NASALROAD: NONE**

**CITY CLERK – JODI WADE: NONE**

**CITY TREASURER – CONNIE GORE: NONE**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel matter exception to review applications for police officer and will return to the Council table at 7:48 p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 7:38 p.m.**

Others in attendance included, but not limited to: City Attorney Harding, Chief Fenoughty, CC Wade

**OPEN SESSION RESUMED AT 7:48 p.m.**

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❖ **Motion**

**Council Member Capp motioned to offer Achilles Ferrel a full-time police officer position for the La Cygne Police Department at the rate of \$17.50 per hour effective December 5, 2022 upon the completion of a background check, psychological test, pre-employment physical and drug screening. 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 8-minutes for discussion of matters relating to security measures which would be jeopardize such security measures if discussed in an open meeting and will return to the Council table at 7:58 p.m. Motion seconded by Council Member Stoker voted on, passed 4-0.**

Others in attendance included, but not limited to: City Attorney Harding, Police Chief Fenoughty, CC Wade

**OPEN SESSION RESUMED AT 7:58 p.m.**

**REPORTS OF CITY OFFICERS CONTINUED:**

**POLICE CHIEF – TINA FENOUGHTY :**

Chief Fenoughty approached the council about purchasing another police vehicle. Chief Fenoughty reviewed some pricing on a 2022 Dodge Durango pursuit rated vehicle with minimal miles and not outfitted. The pricing ranged from \$39,000 up to \$45,000. The SUV's were located in North Carolina, Indiana, Missouri. This vehicle would be outfitted in stages and would be driven by the Chief. The other officers would utilize the existing trucks. Chief Fenoughty has budgeted for a new vehicle in the Police fund Capital outlay the past two years. Prices are not going down on used vehicles.

❖ **Motion**

**Council Member Capp motioned to approve up to \$45,000 for a new police vehicle. Motion seconded by Council Member Curtis, voted on, passed 4-0.**

**SPECIAL PROJECTS:**

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

No updates at this time.

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Continued progress with relining and tap replacement.

**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.

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**SPECIAL PROJECTS CONTINUED:**

**WATER TREATMENT PLANT ANALYSIS:**

No updates at this time.

**STORMWATER MASTER PLAN (BG CONSULTANTS):**

CC Wade will work with BG Consultants on ideas and possible dates for a town hall meeting in February 2023. Council Member Capp suggested a Chili cook-off.

**602 N. 5<sup>TH</sup> STREET:**

CC Wade informed the council the Planning & Zoning commissioners were reviewing the sections pertaining to lot splits and platting. They have learned a lot split can only divide the lot in to two lots. Minor Platting is for splitting a lot in to more than 2 and less than 5. CC Wade has been asked to get cost estimates for platting.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -NONE**

**STREET -NONE**

**SEWER - NONE**

**PUBLIC SAFETY -NONE**

**COMMUNITY BUILDING-NONE**

**EMPLOYEE RELATIONS & TRAINING-NONE**

**CEMETERY -**

The council asked if any other quotes had been received. CC Wade indicated no other quotes were turned in to the City Hall.

❖ **Motion**

**Council Member Capp motioned to approve the quote from Chaz Epperson in the amount of \$4,800 for a 2 car concrete parking area near the new cemetery display board. Motion seconded by Council Member Mitzner voted on, passed 4-0.**

**PARK-NONE**

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT- NONE**

**CHAMBER OF COMMERCE -NONE**

**PLANNING & ZONING COMMISSION (PZC) -NONE**

**OTHER BUSINESS:**

**ORDINANCE NO. REMOVING CHAPTER VII, ARTICLE 3, SECTION 7-303, LINE 7-303(B)(2) AND ADDING LINE 7-303(C).**

Ordinance No.\_\_\_\_ removing chapter VII. Health & Welfare, Article 3, Section 7-303. Nuisances Unlawful; Defined;Exceptions, Line 7-303(b)(2) and adding Line 7-303(c) Immediate Vehicle Hazard to the Code of the City of La Cygne, Kansas.

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**OTHER BUSINESS CONTINUED:**

**ORDINANCE NO. REMOVING CHAPTER VII, ARTICLE 3, SECTION 7-303, LINE 7-303(B)(2) AND ADDING LINE 7-303(C).**

Council members reviewed the sections in Article 3. Discussion was held regarding the purpose of removing 7-303(b)(2). CC Wade advised the council of the inability for Codes Officer Fox to initiate action for 30 days. Allison would like to be able to address the owners of INOP vehicles immediately to avoid any safety hazards from developing.

❖ **Motion**

**Council Member Mitzner motioned to approve Ordinance No. 1505 removing Chapter VII, Article 3, Section 7-303, Line 7-303(b)(2) and adding line 7-303(c) with a modification of removing the words "in the opinion of the Codes Enforcement Officer" from line 7-303(c) as discussed. Motion seconded by Council Member Curtis voted on, passed 4-0.**

**HOLIDAY GIFTS FOR CITY EMPLOYEES/ATTORNEY/JUDGE/FIREMEN/BOARD MEMBERS**

CC Wade inquired if the council wanted to give \$20 cash/gift cards to the City Employees/Attorney/Judge/Firemen/Board Members.

❖ **Motion**

**Council Member Mitzner motioned to approve a holiday gift of either cash or a gift card in the amount of \$20 for the City Employees/City Attorney/Judge/Firemen/Board members. Motion seconded by Council Member Stoker voted on, passed 4-0.**

**UNFINISHED POLICY REVIEW:**

**ARTICLE 18 DRAFT FACTORY BUILT HOME DISTRICT**

CC Wade distributed a revised draft dated 11-16-2022 and asked the Council to do a final review of the entire article.

**ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS**

**LA HARPER HEIGHTS WATER VALVE REPLACEMENT**

CC Wade advised the council the plans for La Harper were reviewed. The plans indicated a shut off valve on the service line after the water meter, but it can't be located. A quote was given to the La Harper Board to review for the installation of a new 2" shut off valve.

**ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES**

**WATER AND SEWER RATE ANALYSIS**

**ATV/UTV REGULATIONS**

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

**ARTICLE 5. PARKING**

**ETHICS AND CUSTOMER SERVICE TRAINING**

**SOCIAL-MEDIA POLICY**

**CHAPTER 6. FIRE, ARTICLE 2. FIREWORKS**

**BNSF QUIET ZONE**

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**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 Stoker, voted on, passed 4-0. Time 8:39p.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 16<sup>th</sup> day of November, 2022.