

Record of the Proceedings of the Governing Body
REGULAR MEETING

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December 7, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, December 7, 2022 at the La Cygne Community Building. Council Members present were: Danny Curtis; Thomas Capp; David Brenneman; and Jerome Mitzner. Absent: Keith Stoker and Mayor Debra Wilson.

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; John Purvis.

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

Pledge of Allegiance – Council President Danny Curtis

MAYOR COMMENTS:

a] Customer Appreciation Day: Friday, December 9, 2022. Cookies and Treats available to patrons at the City Hall.

b] Christmas on Broadway: Sunday, December 11, 2022 from 3-5pm. Fun activities for people to enjoy. Santa, Christmas train, craft activities, Band and Choir singing, Snowflake Prince/Princess, games, hot chocolate and hot cider, cookies, Christmas meal and the Grinch!

c] City Hall closure and Trash Compactor closure for the holidays: City Hall will be closed Friday, December 23, 2022 and Monday, December 26, 2022 and Monday January 2, 2023. The Trash compactor will be closed on December 25, 2022 and January 1, 2023.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of November 16, 2022 City Council Meeting;
Check Register: November 17, 2022 – December 5, 2022;
Check Register: December 6, 2022 – December 7, 2022;

Motion seconded by Council Mitzner, voted on, passed 3-0.

DISCUSSION FROM THE FLOOR:

NONE

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REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING:

- Meetings with City Clerk and Public works regarding easement issues.
- Meetings and calls with Police Chief regarding municipal court cases.
- Coordinating with attorneys regarding City Judge
 - Burton introduced John Purvis who has served as judge pro tem in the La Cygne Municipal Court. John Purvis shared his experience as a judge in the cities of Solomon, Chapman, and Hope as well as Dickison County and Geary County. Burton advised the council would have to wait until Judge Fisher submits his resignation from his position before the mayor could appoint a new judge. It had been announced that Judge Richard Fisher was to be appointed as a 6th Judicial Judge and therefore would not be able to serve any longer as the La Cygne Municipal Judge.
- Research on legal issues regarding the water contracts.
- Review prior ordinance regarding easement.

POLICE CHIEF – TINA FENOUGHTY :

8 Traffic Stops Conducted

Citations issued since last meeting - 0

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

Calls for Service / Reports – 11/16/22 thru 12/07/22

Animal Complaint – 8	Traffic Complaints - 4
Assist Outside Agency -2	Harassing phone calls – 1
Ambulance – 0	Citizen Assist CFS / contact - 33
Fingerprints – 1	Juvenile Incident – 6
Check Welfare – 5	Found Property – 3
Follow Up – TMTC	Criminal Damage - 2
Suspicious Activity – 5	Civil Matter – 2
Noise Complaint – 1	Disorderly Conduct- 0
Theft – 5	Non-Injury Accident – 0
Stalking– 0	Suspicious Vehicle – 5
Disturbance – 3	Warrant Attempt - 1
Armed Disturbance – 0	Felony Warrant Arrest - 1
Vehicle Lockout – 1	CINC - 0
Record Checks – 2	DUI – 0
Trespass – 3	911 Hang up – 1

VIN Inspections- 3 completed

Report Requests – 2

Overtime for Department – Approximately 22 hours

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

On the night of Wednesday, 11/23/22 Officer's conducted a saturation patrol within City Limits. The result was the above listed arrest for a felony warrant and the additional following information. While backing a Linn County Sheriff Deputy on a traffic stop information was shared that had been provided to Chief Fenoughty from a CI. Later while both La Cygne Officers' were tied up with an arrest Deputy Kiser conducted a traffic stop after observing a traffic violation that resulted in multiple drug charges. Deputy Kiser recovered over 3.5 grams of a white crystal like substance that field tested positive methamphetamine, .5 grams of green leafy substance and 2 items of paraphernalia.

Chief Fenoughty thanked Sheriff Friend for coverage while the City Hall was closed on Thursday, December 1st and 2nd.

CODES OFFICER – ALLISON FOX :

Report from 11/16/2022 – 12/07/2022

Code Letters:

- Nuisance (2) Corrected (5) Still in Progress (4) Citation (0) New
- INOP (29) 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.
- 413 S. 1st – Building Permit – New home with garage – waiting for survey from owner.
- 520 N. 5th St – Building Permit – Wood ramp with handrail over existing steps – approved.
- 110 S. 4th St. – Building Permit – Coffee and snow cones – In progress.

Projects:

- Trailer Parks – 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 that codes enforcement can do for the residents of the city.

Other:

- 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.
- Several trials are scheduled for the December 20th court pertaining to codes.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD : NONE

Committee Discussions

Water and Gas:
Street:

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD CONTINUED :

Sewer:
Park:
Cemetery:

PWS Nasalroad presented a revised job description for the Public Works Laborer 1. PWS Nasalroad explained the benefit section for the Laborer 2 and Laborer 1 were identical and a discussion was held on the purpose of the Laborer 2 and Laborer 1 was to have a "step-up" ability. PWS Nasalroad would like the benefits for the Laborer 1 to be the same as the full-time Public Works Operator. The Council agreed with the change and was satisfied with the revised Laborer 1 job description.

FIRE DEPARTMENT – DAN NASALROAD: NONE

CITY CLERK – JODI WADE:

- Attended KS Department of Commerce Grocery Store Model Virtual Webinar.
- Reviewed Blue Cross and Blue Shield 2023 Insurance policy.
- Attended Marias Des Cygnes Water Assurance District meeting.
- Planning & Zoning meeting.
- Webinar for preparing for year-end.
- Reviewed KCPL franchise agreement.
- Reviewed Payroll/Position Reports for 2021 and 2022.
- Interviewed applicants for Public Works position.
- Reviewed condemned/demolished homes with County Appraiser office/County Treasurer.
- Prepared and submitted amended budget for 2023.
- Research on Water production operation/cost.
- Researched information on Street Project pre-planning.
- Gathered cost information for platting 602 N. 5th Street.
- Attended progress meeting for Sewer Rehabilitation project.
- Attended Linn County Commissioner meeting regarding ARPA Fund application.
- Preparing draft Article 1. Building Code section.
- Reviewed invoices and pay applications on infrastructure projects.
- Worked with gWorks technicians on some issues with financial program.
- Attended Housing meeting with Linn County Economic Development to review a draft Neighborhood Revitalization program.
- Completed monthly financial reports.

CITY TREASURER – CONNIE GORE:

Utilities *Monthly items completed:*

- Shut offs were completed.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- 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.
- Prior to Front Desk we mailed 503-515 bills each month with the permit. We have never mailed the Cities bills. For December we mailed 418 bills with postcard stamps at .44. Bills

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

(56) going to the same address were mailed in 23 envelopes at .60. There were 11 bills hand delivered (mostly City bills). 7 Bills were e-mailed. A total of 492 bills were printed. The minimum to mail with a permit is 500 which was roughly 180.00 each month plus the annual cost of the permit. Front Desk allows customers to opt out of receiving a paper bill, therefore we are printing less bills.

- At the end of November we had 90 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.

Other:

- Sales tax was filed and paid.
- Spent a couple of hours researching a utility deposit or lack thereof from 2005.
- Met with Tom from Core & Main and learned how to do 30 day reads and "program" the water meters with the hand-helds. After the training I created a "how to" manual for City Hall and Public works.

Court *Monthly Court items completed*

- Reviewed the docket and diversions for the November court.
- Court had 13 defendants (most who did not show up) and 33 cases.
- Court paper work was completed and filed with the State and the State was paid their portion of the costs.

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.

Other:

- Watched another of the webinars on Rural Grocery stores.
- Entered accounts payable checks in the system and printed checks for Jenn
- Watched the Simple City year ending webinar.

SPECIAL PROJECTS:

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

No updates at this time.

SPECIAL PROJECTS CONTINUED:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Nowak Construction pay application No. 6 in the amount of \$446,892.11 for the period of October 20, 2022 to November 18, 2022.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 6 in the amount of \$446,892.11 for the period of October 20, 2022 to November 18, 2022. Motion seconded by Council Member Mitzner voted on, passed 3-0.

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

CFS Engineering Payment Voucher #08 for the period of October 1, 2022 through October 28, 2022 in the amount of \$4,973.81. Quantities, material certifications and change orders are being prepared and submitted to KDOT for review.

❖ **Motion**

Council Member Capp motioned to approve as to form Payment Voucher #8 for the period of October 1, 2022 through October 28, 2022 in the amount of \$4,973.81. Motion seconded by Council Member Mitzner voted on, passed 3-0.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Topography survey performed. Still on track for advertisement for bid in January 2023.

WATER TREATMENT PLANT ANALYSIS:

CC Wade is working with KRWA reviewing the cost of operations and production and the current rates for all customers in order to provide financial information for the water treatment plant master plan.

STORMWATER MASTER PLAN (BG CONSULTANTS):

CC Wade is working on a town hall meeting for February 2023.

602 N. 5TH STREET:

CC Wade is gathering the estimated costs for platting the lot.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET –

Every Fiber Optic Cable installation along Market Street – Burns & McDonnell (Tan Nguyen and Kevin McPherson). **Tabled until the next meeting on December 21, 2022.**

SEWER - NONE

PUBLIC SAFETY -NONE

COUNCIL COMMITTEE REPORTS CONTINUED:

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

Discussion was held regarding a complaint submitted about a chip in the base under a stone. PWS Nasalroad reviewed the chip. There isn't anything in the regulations for the cemetery pertaining to repairs to the bases. The point for the stones to be placed on a concrete base is to avoid settling of the stone and to protect the stone. Council did not advise PWS Nasalroad to move forward with a repair.

COMMUNITY BUILDING-

Request for fee to be waived: Grady's Kids for vigil held on November 19, 2022 for Jeremy and Stacy Nash granddaughter.

❖ **Motion**

Council Member Mitzner motioned to waive the rental fee for Grady's Kids vigil held on November 19, 2022 for Jeremy and Stacey Nash's granddaughter. Motion seconded by Council Member Capp voted on, passed 3-0.

Request for fee to be waived: Mound City Radio Control Club for meeting February 2023.

❖ **Motion**

Council Member Mitzner motioned to waive the rental fee for the Mound City Radio Control Club meeting in February 2023. Motion seconded by Council Member Capp voted on, passed 3-0.

Council Member Capp addressed the council about reviewing the fee for utilizing the Community Building and suggested to consider eliminating the fee.

PARK-

Christmas lights are looking good at the park. Council Member Mitzner inquired about getting a quote for the installation of electrical service for Thayer Park. PWS Nasalroad will get a quote.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE -NONE

PLANNING & ZONING COMMISSION (PZC) -NONE

LA HARPER HEIGHTS BOARD: The term for Jason Hightower ends on December 31, 2022. CC Wade was informed by Jason Hightower that he would like to continue for another term on the La Harper Heights Board.

❖ **Motion**

Council Member Capp motioned to approve the recommendation for Jason Hightower to serve another term on the La Harper Heights Board. Motion seconded by Council Member Mitzner voted on, passed 3-0.

OTHER BUSINESS:

TRANSFER STREET FUNDS PER STATUTES K.S.A. 68-590 AND K.S.A. 12-1,118.

❖ **Motion**

Council Member Capp motioned to approve the transfer of street funds per statute to the special highway fund. Motion seconded by Council Member Mitzner voted on, passed 3-0.

AUTHORITY TO TRANSFER EXCESS GENERAL FUNDS

TABLED UNTIL THE DECEMBER 21, 2022 meeting.

COST OF LIVING ADJUSTMENT (COLA) CONSIDERATIONS FOR 2023?

The City of La Cygne adjusted the COLA as follows in the past 5years:

- ✓ 2.0% in 2018
- ✓ 2.5% in 2019
- ✓ 2.0% in 2020
- ✓ 1.3% in 2021
- ✓ 3.0% in 2022

CC Wade advised the council of the process for implementing COLA if they chose. CC Wade felt explained the order of determining the COLA for the city first and then proceeding with employee evaluation reviews. Council Member Mitzner stated he felt it was best to table the COLA determination until the next meeting when Council Member Stoker and Mayor Wilson were present.

TABLED UNTIL THE DECEMBER 21, 2022 meeting.

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

CC Wade explained the removal of the collection fees and the removal of abatements.

❖ **Motion**

Council Member Capp motioned to approve the modifications of \$118.78 in fees and \$5971.28 in abatements from accounts as presented. Motion seconded by Council Member Curtis voted on, passed 3-0.

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

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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 Brenneman, voted on, passed 3-0. Time 7:59p.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 7th day of December, 2022.