

Record of the Proceedings of the Governing Body
REGULAR MEETING

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March 15, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 15, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Danny Curtis and Keith Stoker. ABSENT: Jerome Mitzner

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; Jo LeSturgeon; Linn County Newspaper, Tony Furse (via Zoom); Linn County, Journal Roger Simms.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- March 19, 2023 – Spring Fling at the Community Building
- April 12, 2023 – “Build Our City” Open House, La Cygne Library Swan Room, 4p – 7p.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of March 1, 2023 City Council Meeting;
February 2023 Budget Report;
February 2023 Treasurer’s Report;
Check Register: March 2, 2023 – March 15, 2023

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

DISCUSSION FROM THE FLOOR:

NONE

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING:

- Couple calls with Chief Fenoughty and Codes Officer Fox.

REPORTS OF CITY OFFICERS:

POLICE CHIEF – TINA FENOUGHTY :

Arrangements have been made with attendees from other districts for Officer Ferrell to ride to and from KLETC Academy. Chief Fenoughty reminded the council and patrons of Dog Days on April 15, 2023 from 10am – noon at the La Cygne Community Park. Dog Tags need to be renewed prior to the end of April 2023.

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX:

Report from 03/02/2023 – 03/14/2023

Codes court cases: 12 cases currently

Code Letters:

- | | | | | |
|----------------|---------------|-----------------------|--------------|---------|
| • Nuisance | (1) Corrected | (5) Still in Progress | (3) Citation | (9) New |
| • INOP | (5) Corrected | (2) Still in Progress | (5) Citation | (3) New |
| • GRASS/WEED | | | | |
| • ILLEGAL BURN | | | (1) Citation | |
| • WORK ORDER | | | | |

Permits:

- **702 N. Broadway – Building Permit - Approved**

Projects:

- Broadway Trailer Park – No update at this time. Owner is still following the plan he submitted at the last meeting.
- CUP complaint – Complaint was received. Spoke to City Attorney Harding and starting on the process as it will take some time to have the issue resolved.
- Attended Municipal Court.
- Attended District Court.

Police:

- Helped with juvenile transport.
- Multiple Dog Calls.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Committee Discussions

Water and Gas:

- Waiting on Starbucks to complete the punch list items.
- Repaired Gas leak on 1st Street.
- Reviewing contract with USDI.
- Theft of services and turn offs. FEES?

Street:

- Access aprons (?)
- Nowak will start street repairs when asphalt plant open.
- Expanded parking behind City Hall.

Sewer:

- 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:

- New mower has been delivered.
- Stencil and paint for North (Bittiker) Park is here.
- Expanded parking at the North (Bittiker) Park.

REPORTS OF CITY OFFICERS:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Cemetery:

- Repaired pot holes.
- Have two (2) trees that need to be removed.
- Will be removing loose decorations after March 20th in preparation for mowing season.

Community Building:

- Internet has been ordered.

FIRE CHIEF – DAN NASALROAD :

- Project is out for bids. Open bids on April 11, 2023.
- Met with Evergy on three phase power to the new fire station.

SPECIAL PROJECTS:

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

No updates at this time.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Abby Mills, BG Consultants, met with PWS Nasalroad and CC Wade regarding the advertisement of bids for the Sewer Lagoon Improvements.

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

KDOT is reviewing all final numbers and will complete the closeout process.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Advertisement went out for bids on Monday, March 6, 2023. Pre-Bid Meeting on March 23, 2023 at 10am. Bid opening will be held on April 11, 2023 at 1pm.

WATER TREATMENT PLANT ANALYSIS:

Dan Coltrain is finalizing the Master Plan for the Water Plant based on the analysis.

STORMWATER MASTER PLAN (BG CONSULTANTS):

No updates at this time. Abby Mills, BG Consultants, will be present at the Open House on April 12, 2023.

602 N. 5TH STREET:

CC Wade and PWS Nasalroad did some research on the process for marketing city lots for home development. PWS Nasalroad presented the Council a draft sample of a Deed Restriction which could be attached to the lot. The Deed Restriction or Covenant Agreement would be tools the Council could utilize to create the parameters for what is built on the lots. The lots already have been zoned by the Planning Commission, the councils' role would be to create parameters, such as; incentive districts, deed restrictions, easements, greenspace areas in preparation to sell the lot for development. PWS Nasalroad will continue to research the process for adding the deed restrictions and the ability to modify or remove the restrictions. CC Wade presented a service program provided

SPECIAL PROJECTS CONTINUED:

602 N. 5TH STREET:

by IBTS through a service agreement with the League of Municipalities. The city could participate in a service agreement with IBTS to provide shared services in areas, such as; Planning & Zoning, Stormwater services, Building Code department services and fees, Fire Code Review and Inspection services, etc. Council Member Curtis and Council Member Capp immediately expressed concern for spending money for contract services. CC Wade and City Attorney Harding both expressed the challenges and time it takes to research the processes and procedures for planning in a city and the benefit of contracting with a professional planner whose day in and day out responsibilities are planning would save time and possibly costs. PWS Nasalroad reminded the council that no one volunteered to serve on a committee to work on this and the city staff was asked to perform the research. The staff is advising the council of what they are capable of doing and what services are needed to complete and perform portions of the process. CC Wade indicated she would email the sample service agreement to the Council to review. Council Member Stoker expressed the benefit of having someone available on an as-needed-basis to review projects and determine language used in documents involved in development.

COUNCIL COMMITTEE REPORTS:

Mayor Wilson addressed the council about Chapter I, Article 6, Section 1-604 Purpose and duties of the council committees. The last sentence in this section reads, "the members of the supervising committee shall have the right to oversee, directly, the employees who perform tasks within that committee's concern and direct said employees to perform said city functions in the best interest of the city unless otherwise prohibited by this code, statute, or custom".

Mayor Wilson continued by reading in Chapter 4 of the Governing Handbook which reads, "It is not the role of the Council Member to supervise City employees on the job or become involved in day-to-day administration of City affairs. Contact with staff should be through the City Clerk or the Mayor except for general questions and even then, the mayor and/or City Clerk should be copied. Any issues with the employees should be addressed with the mayor and/or City Clerk."

Mayor Wilson found these to be contradicting regulations and asked the Council which regulation did they want to follow? Discussion was held on the past and current practice of council members which is to reach out to the mayor or City Clerk. Council Member Stoker expressed only during an emergency event, such as a tornado, would there occur a time in which direction may come from a Council member upon authority from the Mayor. Council Member Curtis expressed the process he has utilized over the years he has been on the Council.

City Attorney Harding read the information from the KS Statutes pertaining to the role of the mayor and the role of the Council Members. City Attorney Harding stated it would not be a good practice to have too many "chiefs". He summarized the role of the mayor as administrative and the role of the council to handle budget, finances, codes and regulations. City Attorney Harding indicated the council could remove the last sentence in Section 1-604 paragraph and then both books would agree on the basis that it is not the role of a Council member supervise City employees.

❖ **Motion**

Council Member Stoker motioned to delete the last sentence in Chapter I, Article 6, Section 1-604 starting with "In addition to these other grants of specific duty..". Motion seconded by Council Member Capp voted on, passed 4-0.

COUNCIL COMMITTEE REPORTS CONTINUED:

WATER & GAS -NONE

STREET -NONE

SEWER - NONE

PUBLIC SAFETY -NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

COMMUNITY BUILDING-

Council Member Curtis inquired about the internet service for the community building. PWS Nasalroad indicated it was listed in his report that service had been ordered. CC Wade had left a message for Peoples Telecommunications and was waiting for a call back to set up an account.

PARK-

Council Member Capp asked about the new mower. PWS Nasalroad indicated it had been picked up.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-

April 12, 2023 Open House, La Cygne Library Swan Room, 4pm – 7pm.

OTHER BUSINESS:

APRIL 2023-APRIL 2024 INSURANCE POLICY RENEWAL, TRULY INSURANCE

CC Wade presented the invoice for the city insurance. Council Member Curtis stated the council had asked last year for the clerk to get quotes from other insurance companies to compare. CC Wade stated she has not found a company that does not have EMC as the underwriter. City Attorney Harding concurred with CC Wade's statement that several cities of the 3rd are dealing with the same concern. Larger cities of the 2nd and 1st have more options because they have much larger valued packages and needs. PWS Nasalroad explained to the council if they are looking for a lower premium they need to start first with reviewing the policy schedules and determining what they want covered and what type of coverage they want on the property and what the deductibles are set at for each occurrence. PWS Nasalroad and CC Wade did review the schedules with the agents and removed some items and added the ambulance barn which was recently acquired. PWS Nasalroad pointed out the premium difference between 2022 policy and 2023 policy is \$2916. The increase in property coverage is due to the increase in cost of materials and supply. CC Wade will email the schedules to the Council so they can review what is insured, how it is insured and the deductible amounts. The council can then determine any items to be removed (self-insured).

❖ **Motion**

Council Member Capp motioned to approve the payment of \$66,067 to Truly Insurance for the April 2023 – April 2024 insurance policy. Motion seconded by Council Member Curtis voted on, passed 4-0.

OTHER BUSINESS CONTINUED:

ARTICLE 18 DRAFT REVIEW, FACTORY-BUILT HOME DISTRICT

Tabled until April 5, 2023 council meeting.

2024 BUDGET PREPARATIONS 101. PUBLIC SERVICES AND CAPITAL IMPROVEMENT

Tabled until April 5, 2023 council meeting.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 15-minutes for non-elected personnel matter for an individual employee's performance for the Police Department and to return to the council table at 8:22pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 8:07pm

Others in attendance: City Attorney Harding, Chief Fenoughty, Officer Le Sturgeon, and Codes Officer Allison Fox.

OPEN SESSION RESUMED AT 8:22 pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel matter for an individual employee's performance for the Police Department and to return to the council table at 8:29pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 8:24pm

Others in attendance: City Attorney Harding, Chief Fenoughty, Officer Le Sturgeon, and Codes Officer Allison Fox.

OPEN SESSION RESUMED AT 8:29 pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel matter for an individual employee's performance for the Police Department and to return to the council table at 8:35pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 8:30pm

Others in attendance: City Attorney Harding, Chief Fenoughty, Officer Le Sturgeon, and Codes Officer Allison Fox.

OPEN SESSION RESUMED AT 8:35pm:

OTHER BUSINESS CONTINUED:

ARTICLE E. ATTENDANCE AND LEAVE OF THE PERSONNEL POLICIES AND GUIDELINES

CC Wade improved the format of the wording in this article so things were in a better outline format. CC Wade asked the council for clarification on E-3. Holidays. She had reviewed the motion made in January 17, 2007 which created a Personal day in lieu of Martin Luther King or Presidents Day. There has been some confusion on whether the employees are supposed to get a personal day for one of those holidays as well as an accrued eight (8) hour Personal Day each year. Prior to 2007, employees did not accrue Personal Day. The original policy offered a Floating Holiday to be used either on Martin Luther King or Presidents Day at the discretion of the governing body. Discussion was held. Council Member Curtis asked if the City Hall was closed on either Martin Luther King Day or Presidents Day. CC Wade stated the City Hall is open on both days.

After discussion, the council recommended removing the line under Holidays for Martin Luther King Day or Presidents' Day. The Full-Time city employees will have 10 paid holidays for a total of 80 benefit hours.

Under Section E-3(c), the Council removed line (4) and line E-3(e) modified to read "total hours for holidays add up to 80 benefit hours per year".

Under Section E-4 Personal Day a discussion was held on whether the eight (8) hours had to be used in the full amount or if it could be used in 1-hour increments. CC Wade indicated the software program is able to monitor the usage at an hourly rate. Department heads indicated they would still like to have a Request for Time Off Form completed for approval by the Department Head if the full eight (8) hour day was taken.

Under Section E-5(d) Scheduling. Was modified to read "Request for Time-Off form". Wording was added for submission of form at least two weeks prior to the 1st day of vacation leave.

Under Section E-6(d) Notification. "Reason for the absence no later than one hour prior to the beginning of the first workday for which sick leave is taken" was modified from an hour after work shift began.

E-7 was added to define Unauthorized Leave.

E-11. Absences without leave. Was renamed to No Call-No Show and renumbered as E-13.

E-12. Request for Leave. Was renamed Request for Time-Off Form and renumbered as E-14. This form will be added to the book as Appendix "A".

CC Wade will prepare the revisions in a Resolution form for the Council to review at the next meeting.

UNFINISHED POLICY REVIEW:

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

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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 9:00p.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 15th day of March 2023.