

Record of the Proceedings of the Governing Body
REGULAR MEETING

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May 3, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, May 3, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; and Jerome Mitzner. ABSENT: David Brenneman; and Danny Curtis.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Jeff Ryan, April Ryan, Brad Snodgrass and Mary Snodgrass.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson commented on how nice things are looking around town and commended patrons on the improvements throughout the community.

Mayor Wilson reminded everyone of the deadline for the submission of election packets. The City of La Cygne will have three (3) seats available in the November election to include; Mayor and 2 council seats. Those interested in running for the available seats would need to have their packets submitted to the County Election Clerk by June 1, 2023.

Mayor Wilson also reminded patrons to be sure to register to vote. She emphasized the importance for everyone to participate in the elections. Patrons would need to register prior to October in order to participate in this years elections.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of April 19, 2023 City Council Meeting;
Check Register: April 20 – May 3, 2023

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

DISCUSSION FROM THE FLOOR:

April Ryan introduced herself to the Council. April Ryan is the recent owner of the property located at 410 Walnut. April Ryan stated she completed an application for Utility services for the house in January 2023. On the application she put the mailing address for the utility bill to be sent to which was not the location of 410 Walnut Street. April Ryan stated she has not received a utility bill in the mail to date. April Ryan called recently to discuss the utility connections for a different property located in the city which reminded her to inquire about the utility bills for 410 Walnut Street. It was determined the mailing address on the account was not correct. April Ryan was informed of the outstanding balance on the account to date and the late fees for the past 4 months. April Ryan advised the council of the remodel work being performed on this house to fix it up to be sold. April said they used water initially to pressure test the lines to find the leaks. If she had known she was going to be charged a minimum fee each month to leave the account active she would have closed

DISCUSSION FROM THE FLOOR CONTINUED:

the account since they didn't need to use the utilities until the house sold. April Ryan asked the Council to waive the penalties and consider only the first month and second month bill.

Mayor Wilson indicated she had a conversation with Utility Clerk Gore regarding the account. Utility Clerk Gore explained the technical glitch which has been occurring with the software. The addresses for each parcel are permanently set in the system, sometimes when a different mailing address is added it doesn't always synch the first time and it is challenging to catch when that glitch happens. The utility clerk did review the use of water on the account with the Mayor Wilson.

Council Member Capp inquired about how many months of bills had not been paid. April Ryan received copies of 4 outstanding utility bills. Council Member Capp asked what the total amount was for the penalties. April Ryan indicated a little over \$36.00 is what she calculated from the bills received.

CC Wade read the amounts of consumption used each month from January 2023 through May 2023. April Ryan was concerned they might still have some leaks but Brian Snodgrass (contractor) confirmed they had been using buckets of water to pour down the plumbing to check lines.

Council Member Mitzner advised April Ryan of the City Code which indicates any water which has gone through the meter is the responsibility of the owner. Council Member Mitzner expressed the concerns overall with the mailing of the utility bills which are not being delivered nor returned to the city.

❖ **Motion**

Council Member Mitzner motioned to waive the penalties to date on the utility bill for 410 Walnut Street but the owner is still responsible to pay the remaining balance for the water consumed. Motion seconded by Council Member Stoker voted on, passed 3-0.

Council Member Capp asked April Ryan if she wanted to close the account for 410 Walnut until it sold. April Ryan advised CC Wade to shut off the account for 410 Walnut effective now. Jeff Ryan inquired about city fees for turning water on/off temporarily. CC Wade stated as long as it was during business hours there were no costs, if its after business hours or on weekend there was a fee. CC Wade reviewed the process for closing the account to include the deposit being allocated to the final bill and if there is any outstanding amount the system would produce a final bill for April Ryan to pay.

Brian Snodgrass inquired about the sewer tap for 410 Walnut. PWS Nasalroad will obtain the records from the current sewer project to confirm if the tap was replaced at the home. Brian Snodgrass also asked about programs for assisting with the cost of demolition and wanted to know if any assistance was available for the costs associated with disposing of the debris. Mayor Wilson suggested reviewing the application for waiving the dumping fees at the Linn County Landfill.

Jeff Ryan inquired about the lack of population growth for the City of La Cygne. Mayor Wilson explained the lack of parcels available between the Marais Des Cygnes River and Middle Creek and the lack of availability of nice moderate-income housing.

REPORTS OF CITY OFFICERS:

Mayor Wilson reviewed Article 2 in the Administration section of the Codes of the City of La Cygne regarding city staff attendance at council meetings. Mayor Wilson reviewed the process of having the officers submit monthly reports regarding the activity in their departments. Mayor Wilson

REPORTS OF CITY OFFICERS CONTINUED:

and Council Member Stoker both indicated the importance of having those reports in the packets issued out prior to the meeting. Discussion was held pertaining to the staff being present at the council meetings. Council Member Mitzner expressed the benefit of having the department heads at the meetings to help field questions and when there are projects going on, for purchase orders and any concerns within their department to discuss but also recognized it's up to the employee if they have all the necessary information put in to the report submitted in the packet there isn't a need to be present. Mayor Wilson discussed the amount of meeting time the reports of officers can consume and the overtime cost of having the staff present. Council Member Mitzner likes having the reports of city officers at the beginning of the meeting so the staff doesn't have to sit through the business of the council. Mayor Wilson asked CC Wade to be sure all reports for city officers are in the packets for the council prior to the meeting and maybe we try having the department heads at just one meeting a month.

CITY ATTORNEY – BURTON HARDING: NONE

CHIEF OF POLICE – TINA FENOUGHTY: NONE

CODES OFFICER – ALLISON FOX: NONE

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

This report will include tasks outside of our normal day to day duties.
Report from 04-19-2023 to 05-03-2023

Committee Discussions

Water and Gas:

- Settling pond punch list complete. Council Member Mitzner inquired about the fencing installation. PWS Nasalroad reported the fencing company got started but weather and soft ground has delayed the progress.
- Have been hauling topsoil and seeding the top of the settling ponds.
- Reviewing contract with USDI.
- Theft of services and turn off. Fees?

Street:

- Access aprons?
- Asphalt repairs are nearing completion.
- Road patch material has been delivered and will start pothole repairs when asphalt crews have completed their work.

Sewer:

- Final cleanup crew is in town and started punch list.
- Sewer lagoon rehab bids will be going out shortly.

Park:

- Pool has been cleaned and filled.
- Repairs to the plumbing have been completed at the pool's bathhouse.
- Basketball court at the North Park has been stenciled.
- Added some rock to the parking areas.

Cemetery:

- Getting ready for Memorial Day.
- Have 2 trees that need to be removed.

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REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

Community Building:

- Internet has been installed.

Fire Department

Met with Evergy on three phase power to the station.

CITY CLERK – JODI WADE: NONE

CITY TREASURER – CONNIE GORE: NONE

SPECIAL PROJECTS:

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

Certificate of Substantial Completion. Starbuck Trucking, LLC completed all work necessary for both settling ponds to be in operation by November 15, 2022. A punch list was created and the warranty period will begin upon the date of substantial completion.

❖ **Motion**

Council Member Mitzner motioned for Mayor Wilson to sign the Certificate of Substantial Completion for the work performed by Starbuck Trucking, LLC on the Water Settling Ponds. Motion seconded by Council Member Capp voted on, passed 3-0.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Asphalt crew in town April 25 – May 2, 2023. Punch list items are being submitted to Jeremy Wills with NOWAK Construction as received from patrons.

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

Council Member Curtis had submitted pictures in the council packets of the new poured sidewalk during the KDOT CCLIP project. The photos were emailed to Ian Stringham with KDOT. Ian responded by email that the project had been already signed off on and therefore it would be the city's responsibility.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

A special council meeting was held on Tuesday, May 2, 2023 to review the project and bids received. CC Wade just received the estimated financing information for bonds in the amount of \$210,000 for a period of 5yr, 7yr and 10yr terms. Upon review of the interest and annual debt service payment amount, the council concurred the 7yr term would be the best fit for the financing.

❖ **Motion**

Council Member Mitzner motioned to recommend the Public Building Commission proceeds with a 7 year-term for Tax-Exempt Revenue Bonds, Series 2023 in the amount of \$210,000. Motion seconded by Council Member Capp, voted on, passed 3-0.

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SPECIAL PROJECTS CONTINUED:

NEW FIRE STATION/PUBLIC SAFETY BUILDING

CC Wade will reach out to the Public Building Commission and Bond Counsel to find out the next steps in the process. Council Member Capp confirmed with CC Wade the amount of \$208,000 would need to come from the Capital Improvement Reserve.

❖ **Motion**

Council Member Capp motioned to allocate \$208,000 from the Capital Improvement Reserve Fund towards the new Fire Station project. Motion seconded by Council Member Stoker, voted on, passed 3-0.

WATER TREATMENT PLANT ANALYSIS:

No updates at this time. PWS Nasalroad did advise the Council regarding the replacement of the pumps in the basement of the Water Plant. As of today, one new pump has been installed. An incremental increase in the GPM has reflected from installing the new pump. PWS Nasalroad explained the installation of a new Pulley/Chain System to get the old pumps and new pumps in and out of the basement.

STORMWATER MASTER PLAN (BG CONSULTANTS):

No updates at this time.

602 N. 5TH STREET:

Discussion was held on moving forward with preparing for the sale of the lot located at 602 N. 5th Street. CC Wade inquired about the Council and Attorney's opinion on the Deed Restrictions and/or Covenant Agreement. The Council was satisfied with the information in the Sample Deed Restriction and understood the ability for the Council or Developer to modify the restriction(s) if necessary. Council Member Mitzner suggested hiring a Real Estate Agent. Council Member Capp was concerned there was still a lot more to figure out before listing the lot. Council Member Mitzner asked City Attorney Harding if there were any state regulations pertaining to the sale process of lots by a municipality. City Attorney Harding indicated there weren't any. CC Wade asked the council if they had reviewed the joint agreement with IBTS for assistance with professional planning and regulations on an as needed basis. City Attorney Harding will review the information regarding the joint agreement with IBTS.

❖ **Motion**

Council Member Mitzner motioned to empower Dan Nasalroad and City Clerk Wade to move forward with the necessary measures for listing the property at 602 N. 5th Street. Motion seconded by Council Member Capp, voted on, passed 3-0.

❖ **Motion**

Council Member Mitzner motioned for the City to proceed with a joint agreement with IBTS for as-needed services, such as; Professional planning, regulation review, Codes Inspection, etc. upon the review and approval by City Attorney Harding. Motion seconded by Council Member Stoker, voted on, passed 3-0.

COUNCIL COMMITTEE REPORTS:

WATER & GAS :

Proposed "Flat Rate" fee for damaged water meter repair. Mayor Wilson, PWS Nasalroad and Utility Clerk Gore visited about concerns for collecting the costs for broken meters. Discussion was held by the council regarding the damage to meter antennae and wires. Utility Clerk Gore and PWS Nasalroad put together estimated costs for handling repairs to the meter. PWS Nasalroad expressed concerns with renters causing damage and then moving out before the billing for the repairs is initiated.

❖ **Motion**

Council Member Mitzner motioned to adopt the proposed flat rate fee for meter repair and to add it to the Fee Resolution section of the Codes of the City of La Cygne. Motion seconded by Council Member Stoker, voted on, passed 3-0.

STREET –

Mayor Wilson had CC Wade read the sections from the Codes of the City of La Cygne pertaining to installation of culverts and obstruction to ditches. Mayor Wilson reviewed the concerns brought forward from Kent Wade at the last council meeting regarding blocked ditches. CC Wade read the penalty section. City Attorney Harding attempted to interpret the statement regarding the initial installation of culverts and the meaning behind obstruction of a ditch. City Attorney described an obstructed ditch to be a crushed culvert pipe blocking the flow of the water.

SEWER - NONE

PUBLIC SAFETY –

RECESS:

❖ **Motion**

Council Member Mitzner motioned for a 5-minute recess to meet with City Attorney Harding and will return to the table at 8:43pm. Motion seconded by Council Member Capp, voted on, passed 3-0. 8:38pm

OPEN SESSION RESUMED AT 8:43pm

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 5-minutes for the discussion of matters relating to security measures regarding the city hall which would jeopardize such security measures if discussed in an open meeting and to return to the council table at 8:53pm. Motion seconded by Council Member Capp voted on, passed 3-0. 8:48pm

Others in attendance: City Attorney Harding, CC Wade

OPEN SESSION RESUMED AT 8:53pm:

COUNCIL COMMITTEE REPORTS CONTINUED:

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

COMMUNITY BUILDING-NONE

PARK-

No bids were received for the sale of the Waterslide. A reserve was set in the advertisement for bids. PWS Nasalroad asked the council if it would be OK to reach out to those who were interested to submit sealed bids with no reserve involved. Council Member Capp and Council Member Stoker advised PWS Nasalroad to proceed with requesting sealed bids with no reserve.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT:

CC Wade shared information from the two (2) Linn County Emergency Management meetings attended by City Treasurer Gore. The first meeting was an introductory meeting for representatives to meet and to begin conversation pertaining to the operations of the emergency management program. The Red Folder program was reviewed. City Treasurer Gore will be taking the red folders over to the Library to be distributed. These folders have information forms and pamphlets which are to be completed by the home owner regarding their health conditions and needs. The red folder is kept near the entrance of the home for AMR and Paramedics to access in an emergency situation.

The second meeting was regarding severe weather and threatening storm procedures.

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-NONE

EXECUTIVE SESSION:

❖ **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 Public Works and to return to the council table at 9:06pm. Motion seconded by Council Member Mitzner voted on, passed 3-0. 9:01pm

Others in attendance: PWS Nasalroad, City Attorney Harding, and CC Wade.

OPEN SESSION RESUMED AT 9:06pm:

❖ **Motion**

Council Member Mitzner motioned to approve for CC Wade to advertise for a Laborer 1 position in Public Works. Motion seconded by Council Member Capp, voted on, passed 3-0.

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EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for consultation with an attorney for the city under attorney-client privilege pending litigation/threatened litigation and to return to the council table at 9:19pm. Motion seconded by Council Member Mitzner, voted on, passed 3-0. 9:09pm

Others in attendance: City Attorney Harding, PWS Nasalroad and CC Wade

OPEN SESSION RESUMED AT 9:19pm:

OTHER BUSINESS:

a] DRAFT Article 18 – Factory Built Home District review. Mayor Wilson asked the council to get out their copies of draft Article 18 to continue the review of the Recreational Vehicle Park. Council Member Capp asked if a workshop could be scheduled to allow ample time for the review of the final sections of Article 18.

❖ **Motion**

Council Member Capp motioned for a Council Workshop on Thursday, May 11, 2023 at 6:30pm to review the remaining sections of the Draft Article 18 – Factory Built Home District. Motion seconded by Council Member Mitzner voted on, passed 3-0.

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

GOVERNING BODY REMARKS:

NONE

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ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 3-0. Time 9:29p.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 May 2023.