

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 1 of 11 Pages

May 17, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, May 17, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; and Danny Curtis. 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; Police Officer Le Sturgeon; Codes Officer Allison Fox; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms (arrived late).

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson reminded patrons of the Farmer’s Market which is held every Friday from 4pm – 7pm at the La Cygne Library Swan room. This will be the 3rd Friday for the event and thus far it has been well attended.

Mayor Wilson reviewed succession practices being performed by the city staff by creating binders of procedures and processes for future employees.

Mayor Wilson brought attention to the growing season upon us and reminded patrons to maintain and mow their yards. She referred to the codes regarding the process for nuisances pertaining to yards/lots not mowed. The process includes grass letters being mailed to owners and if not taken care of the city will mow the lot and assess the costs to the owner of the lot. Mayor Wilson advised the community on the minimal staff we have available in the Public Works and the challenge of adding additional lots to mow to the list of daily tasks already being handled by that department.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of May 2, 2023 Special City Council Meeting;
Minutes of May 3, 2023 City Council Meeting;
April 2023 Budget Report;
April 2023 Treasurer’s Report;
Check Register: May 4 – May 17, 2023

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

DISCUSSION FROM THE FLOOR:

David Brenneman of 518 Sycamore St addressed the Council regarding the codes letter he received regarding a washing machine on the concrete near his house, which had been removed from his home. David reviewed the section referenced in the letter and indicated he did not see it as a violation to have the washing machine sitting outside on a concrete surface near his home. Mayor

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 2 of 11 Pages

May 17, 2023

DISCUSSION FROM THE FLOOR CONTINUED:

Wilson inquired how long the machine had been sitting outside. David indicated about 3 weeks. David indicated he was replacing the unit and was waiting to make sure the newly purchased unit would work before he got rid of the old washer. Mayor Wilson proceeded to ask if David had contacted City Hall to discuss his concerns. David indicated he did not because he had called before and wasn't happy with the conversation or response at that time. City Attorney addressed David on the fact the City Codes Officer wouldn't be able to know what the circumstance was pertaining to the washing machine unless he would call the City Hall to advise them. City Attorney Harding reviewed section 7-203 and section 7-808 of the Code of the City of La Cygne, Kansas. David expressed his concerns regarding the codes and City Attorney Harding reminded him the governing body is the one who creates and/or modifies the code. City Attorney Harding reviewed the options available to David which include: remove the nuisance, go to court and present his case to the judge, and/or provide suggestion to the council for modification to the codes. David suggested some change to the code since there are some people these days who like to use appliance items as yard art pieces or for gardens.

REPORTS OF CITY OFFICERS:

CHIEF OF POLICE – TINA FENOUGHTY:

8 - Traffic Stops Conducted

Citations issued since last meeting - 3

| | | | |
|------------------------|---|----------------|---|
| Speed School Zone | 1 | Expired Plate | 1 |
| Suspended DL | 0 | No Tag / Plate | 0 |
| Insurance | 0 | EXP DL | 0 |
| Improper Passing | 0 | Speed | 1 |
| Aggressive Dog/RAL/Tag | 1 | Paraphernalia | 0 |
| Animal Cruelty | 0 | Inattentive | 0 |

Calls for Service / Reports – 04/19/2023 @ 0800 hours to 05/12/2023 @ 1300 hours

| | |
|---------------------------|-----------------------------------|
| Animal Complaint – 8 | Traffic Complaints - 2 |
| Assist Outside Agency – 5 | Suicidal – 1 |
| Ambulance – 0 | Citizen Assist CFS / contact - 36 |
| Fingerprints – 0 | Juvenile Incident – 6 |
| Check Welfare – 2 | Fraud – 2 |
| Follow Up – TMTC | Criminal Damage - 16 |
| Suspicious Activity – 6 | Civil Matter – 7 |
| Motorist Assist – 2 | Disorderly Conduct - 0 |
| Theft – 0 | Building Checks – 1 |
| 911 Open Line – 1 | Suspicious Vehicle – 3 |
| Disturbance – 7 | Warrant Attempt - 1 |
| Fire Alarm – 1 | Misd. Warrant Arrest - 1 |
| Vehicle Lockout – 4 | Felony Warrant - 0 |
| Record Checks – 1 | CINC – 0 |
| Intoxicated Subject – 2 | Non-Injury Accident - 1 |

VIN Inspections - 9 completed

New Business / Information

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY:

Status on patrol unit: Chief Fenoughty has purchased a 2023 Dodge Durango Police vehicle. The vehicle will be picked up and brought back here to get outfitted. Chief Fenoughty will get a quote from a local company who performs outfitting police vehicles for other agencies. Council Member Capp asked if the vehicle had a specific engine (V-8 pursuit rated=yes) in it and if the company was licensed and insured for installation of items. Council Member Capp also asked if the vehicle came in under budget. Chief Fenoughty indicated the vehicle came in under the budget price with room to get the vehicle outfitted and the company is certified for installation.

Officer Ferrell is doing well at the academy and there are no concerns.

Billing has been submitted for assisting outside agency with holding of dogs at the pound and will continue to bill the outside agency weekly. The dogs are being held until final court decision.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

This report will include tasks outside of our normal day to day duties.

Report from 05-04-2023 to 05-17-2023

Committee Discussions

Water and Gas:

- Settling pond punch list complete.
- Settling ponds have been seeded.
- Reviewing contract with USDI.
- Theft of services and turn off. Fees?
- American Fence should be back next week to finish.
- New pump has been installed in water plant. Increase of about 15gpm.

Street:

- Access aprons?
- Asphalt repairs are complete.
- Pothole repairs have started.

Sewer:

- Final cleanup crew will be back next week.
- Sewer lagoon rehab bids went out on May 12, 2023.
- Final CCTV has been completed.

Park:

- Pool is up and running.
- Looking at adding water to the enclosed shelter.

Cemetery:

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

Community Building:

- Internet has been installed.

Fire Department

Colors have been selected so Hofer and Hofer can order the building.

Record of the Proceedings of the Governing Body
REGULAR MEETING

May 17, 2023

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX:

Report reflects: 04/05/23 – 05/12/23

Code Letters:

| Violation Type: | # Corrected | # Still in progress | # Citations | # New |
|-----------------|-------------|---------------------|-------------|-------|
| NUISANCE | 12 | 8 | 4 | 1 |
| INOP | 6 | 0 | 4 | 0 |
| GRASS/WEEDS | 0 | 16 | 0 | 0 |
| ILLEGAL BURN | 0 | 0 | 1 | 0 |
| WORK ORDERS | 0 | 0 | 0 | 0 |

Permits:

- 724 Market St. – Building Permit – Approved
- 19242 KS HWY 152 – Building Permit – Approved
- 202 N. 4th St. – Building Permit – Approved
- 311 N. 6th St. – Building Permit – Approved
- 203 S. 3rd St. – Building Permit – Approved
- Temporary Transient Vendor Permit - Approved

Other:

- Broadway Trailer Park – The owner is ordering a dumpster and the work will be started in a week.
- Visited multiple residences for follow-ups on building permits and nuisance checks.
- Created a permit application for Mobile Food Trucks.
- Updating the 2023 dog book
- Attended Municipal Court – 10 cases currently

Animal Control:

- Helped with the 4 dogs at the pound.

CITY CLERK – JODI WADE:

Report for April 2023

City Clerk

- Advantage Computer completed the annual cleaning of the Server and cleaned the City Treasurer computer and prepared a temporary laptop for the City Clerk to use while her laptop gets repaired.
- Trained the Pool Managers on the task of completing daily samples of the pool water.
- Reviewed the Final Draft of the Comprehensive Plan.
- Prepared financial reviews for new Fire Station based on the low bid received.
- Fulfilled KORA requests received.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE:

- Reviewed current 2023 Budget.
- Completed monthly reports.
- Completed Quarterly reports.
- Facilitated communication between the City and Nowak on the sewer punch list items.
- Working on the DRAFT Deed Restrictions/Covenant agreements for 602 N. 5th Street.
- Reviewed Substantial Completion Certificate for the Water Settling Pond Improvement project.
- Facilitated concerns from a patron regarding their utility bill.
- New lights installed in the City Hall.
- Modified the foyer area of the city hall by placing a chain across the entry area to the clerk desks to prevent patrons from approaching the clerks desks without permission.
- Followed up with Jessica Hightower, Linn County Economic Development, regarding the MIHP grant award. Linn County did not receive a grant this round and will consider submitting an application in the 3rd round.
- Jessica Hightower followed up on the survey for the annexed property in the industrial park which has not been completed to date. I advised her if the company is not able to get it completed in the next month or two we could source it to a different survey company.
- Assisted with the Dog days in the park.
- Prepared and assisted with the Build your city open house event at the La Cygne Library Swan room for the City.
- Attended a meeting of the Public Building Commission and Community Building Committee and Lincoln Township regarding discussion of the current La Cygne Community Building and the possibility of a new community building.

CITY TREASURER – CONNIE GORE:

TREASURER/COURT CLERK REPORT 04/01/2023-4/30/2023

Utilities *Monthly items completed:*

- Shut off's were completed.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- May 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 April 2023 we had **136** customers signed up for Front Desk.
- Completed sales tax and filed with the State.
- Met with Core & Main rep, public works on Handhelds and 30 day history meter reader.
- Update water meter data once repairs were completed.
- Worked on a flat rate charge for meter repairs.

Court *Monthly Court items completed*

- Reviewed the docket for the April court.
- Court paper work was completed and filed with the State and the State was paid their portion.

Payroll:

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

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

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

Cemetery: All basic data has been entered in all 3 cemeteries.

- The Pollman sections has been completed. (Need to review and cross reference dates at a later time).
- I have started the research for the Oaklawn section.

Other: Completed Bank Statement.

- Prepared for open house.
- Listened to the copper & lead webinar while working on other things.
- Attended the Open House
- Worked Dog Days
- Attended the County Quarterly Emergency Management Meeting.
- Attended/took minutes Variance Meeting Zoning Appeals, typed minutes and created the Variance Permit
- Met with Jodi and Brenda (KMIT) for the annual safety review. We did achieve the "gold" ranking again.
- Met with Mayor & Tina about safety in City Hall
- Attended The County Emergency Management Meeting about sever weather.

EXECUTIVE SESSION:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 15-minutes for the preliminary discussion of the acquisition of real property and to return to the council table at 7:35pm. Motion seconded by Council Member Stoker voted on, passed 4-0. 7:20pm

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

OPEN SESSION RESUMED AT 7:35pm:

CITY ATTORNEY – BURTON HARDING:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 3-minutes for consultation with attorney under attorney-client privilege pending litigation and to return to the council table at 7:38pm. Motion seconded by Council Member Stoker voted on, passed 4-0. 7:35pm

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

OPEN SESSION RESUMED AT 7:38pm:

EXECUTIVE SESSION CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter for an individual employee's performance and to return to the council table at 7:49pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:39pm

Others in attendance: Chief Fenoughty, Codes Officer Fox, City Attorney Harding, and CC Wade.

OPEN SESSION RESUMED AT 7:49pm:

Chief Fenoughty reviewed Part-time Police Officer position expectations. The following items were reviewed:

- To cover on-call status as needed when Full-time Officers are on leave or unavailable.
- Hours not to exceed 20 hours/month per Part-time Officer.
- Only as an emergency exception or special operation should a Part-time Officer overlap or be on duty when a Full-time Officer is working and only with approval from the Police Chief.
- Part-time Officers will hold KLETC certification prior to being hired and have their own gear and gun. The City of La Cygne will provide a uniform.
- To cover full or partial shifts when Full-time Officers are on leave (vacation, sick, holiday, personal day) or unavailable.

❖ **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 and to return to the council table at 7:57pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:52pm

Others in attendance: Chief Fenoughty, City Attorney Harding, and CC Wade.

OPEN SESSION RESUMED AT 7:57pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 3-minutes for non-elected personnel matter for an individual employee's performance and to return to the council table at 8:00pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:57pm

Others in attendance: Chief Fenoughty, City Attorney Harding, and CC Wade.

OPEN SESSION RESUMED AT 8:00pm:

Mayor Wilson stated Allison Fox submitted her resignation letter as the city Codes Officer effective May 19, 2023. Allison Fox has accepted a Full-time position as a Police Officer at another agency and will remain active as a Part-time Police Officer for the City of La Cygne.

EXECUTIVE SESSION CONTINUED:

❖ **Motion**

Council Member Capp motioned for CC Wade to prepare the job description for the city Codes Officer for advertisement. Motion seconded by Council Member Curtis voted on, passed 4-0.

SPECIAL PROJECTS:

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

Invoice No. LCY-03-001-INV13 Midwest Engineering Group in the amount of \$750.26

❖ **Motion**

Council Member Capp motioned to approve Invoice No. LCY-03-001-INV13 from Midwest Engineering Group in the amount of \$750.26 for services from March 19, 2023 through April 29, 2023. Motion seconded by Council Member Stoker, voted on, passed 4-0.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Pay Application No. 11 Nowak Construction in the amount of \$6483.75 for the period of March 21, 2023 through April 20, 2023.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 11 from Nowak Construction in the amount of \$6,483.75 for work performed from March 21, 2023 through April 20, 2023. Motion seconded by Council Member Stoker, voted on, passed 4-0.

Change Order No. 3 in the amount of \$6825 for concrete repair work for concrete driveways and sidewalk that needed replaced during the construction. **Tabled until reviewed at the Construction Progress meeting on May 23, 2023.**

Council Member Curtis inquired about the grate which was at the south end of the La Cygne Library alley on Walnut Street. PWS Nasalroad reviewed the grate when Nowak Construction had the hole open in that area. The grate was not connected to anything. The pipes found in the ground were packed full of dirt and not connected to anything and did not lead to any ditches. There was no purpose to put the grate back in the alley/street. Council Member Curtis wanted to be sure the La Cygne Library was not going to be held responsible for standing water since it was the city which required the library to install the grate. PWS Nasalroad reiterated the grate the library had installed was not connected to anything and therefore it wasn't providing the service it was meant to perform. PWS Nasalroad has checked the area during the recent rain events and there was not issue of standing water.

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

No updates at this time.

SPECIAL PROJECTS CONTINUED:

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Notice of Award has been signed by the Architect and Contractor (Hofer & Hofer and Associates). Contract was reviewed by City Attorney Harding and the following revisions were requested:

- Article 13. Correction of Faulty Work After Final Payment. City Attorney Harding suggested to modify the last sentence to read: The contractor shall promptly replace any such defects discovered within one year from the date of substantial completion.
- Article 15. Progress Payments. City Attorney Harding suggested revising the second sentence to read: A Payment request can be submitted once a month by the 25th of the month.
- Article 17. Bonding and Insurance. City Attorney Harding suggested adding listing the city as an additional insured on the insurance certificate.

WATER TREATMENT PLANT ANALYSIS:

PWS Nasalroad is working on small items from the Water Treatment Plant Master Plan until the city receives the completed Master Improvement Plan. CC Wade is working on water rate review.

STORMWATER MASTER PLAN (BG CONSULTANTS):

No updates at this time.

602 N. 5TH STREET: DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS.

CC Wade revisited the Deed Restrictions/Covenant Agreement Sample presented to the council a few meetings back. City Attorney Harding reviewed the sample and did not have any concerns. Council Member Capp inquired about the minimum number of lots 602 N. 5th Street could be platted in to and didn't see that in the restrictions. CC Wade will add the information pertaining to no fewer than 3 lots to Article II, Section 1. Discussion was also held regarding prohibiting rental/leasing of the new homes built on these lots. The council asked CC Wade to modify Article II, Section 13 to read: Leasing and Renting of homes will be prohibited, Single-Family homes are available for purchase only. Once CC Wade completes the revision, the deed restrictions will be presented to the realtor. PWS Nasalroad will reach out to a realtor for a listing contract for 602 N. 5th Street.

❖ **Motion**

Council Member Capp motioned to approve the Declaration of Covenants, Conditions, Easements and Restrictions of 602 N. 5th Street with the changes as indicated to Article II Section 1 and Section 13. Motion seconded by Council Member Curtis, voted on, passed 3-1 (Nay - Council Member Brenneman).

COUNCIL COMMITTEE REPORTS:

WATER & GAS - NONE

STREET - Mayor Wilson asked the committee to begin some preliminary planning for the street project.

SEWER - NONE

PUBLIC SAFETY - NONE

COUNCIL COMMITTEE REPORTS CONTINUED:

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

COMMUNITY BUILDING-NONE

PARK- Council Member Curtis asked about the leak in the pool. PWS Nasalroad stated the leak was temporarily patched last season. It is leaking again this season. It is in the niches to the water slide and will be repaired prior to the next season after the water slide is removed.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-NONE

OTHER BUSINESS:

a] Ordinance No. ____ adding Section 5-101(c) Mobile Food Vehicle to Chapter V, Article 1 of the Codes of the City of La Cygne, Kansas. Council Member Curtis asked if this affects the Conditional Use Permit for the Mobile Food Vehicle at 1002 E. Market Street. CC Wade advised this code is pertaining to temporary Mobile Food Vehicles on Commercial, Industrial and Public Zoned properties.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1509 adding Section 5-101(c) Mobile Food Vehicle to Chapter V, Article 1 of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Curtis voted on, passed 4-0.

b] Ordinance No. _____ amending Section 14-108(g) Meters, Chapter XIV, Article 1 of the Code of the City of La Cygne, Kansas to read: Customer(s)/Owner(s) shall be held responsible for any damage done to meters, lids, antennas, and cables servicing the account address. The city shall keep all meters in proper working condition without cost to the customer except where meter is damaged by neglect or fault of the customer/owner. Repair costs for damage due to neglect or fault of the customer(s)/owner(s) shall be charged to the customer(s)/owner(s) at the meter flat rate fee as established in the city's fee resolution, which shall be deposited to the credit of the water department fund of the city. No customer(s)/owner(s) or other person shall repair or remove any meter or break any seal on a meter, nor tamper with or interfere with the proper registration of any meter.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1510 amending Section 14-108(g) Meters, Chapter XIV, Article 1 of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Curtis voted on, passed 4-0.

c] Resolution No. ____ enabling fees established by the City and referenced within the Code of the City of La Cygne, Kansas by adding 14-108(g) – Flat Rate Meter Repair Fee.

Discussion was held on the amount of the fee. Council Member Curtis expressed some concern on the amount. PWS Nasalroad reviewed the discussion from the prior council meeting pertaining to the amount determined based on the costs associated with different repairs on the meter. In some repairs

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 11 of 11 Pages

May 17, 2023

OTHER BUSINESS CONTINUED:

the city will lose money and in some the city will gain, the amount of \$200 was a comparable balance in the overall costs.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 454 enabling fees established by the City and referenced within the Code of the City of La Cygne, Kansas by adding 14-108(g) – Flat Rate Meter Repair Fee. Motion seconded by Council Member Stoker voted on, passed 4-0.

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

Mayor Wilson asked the Council to review Chapter 6. Fire, Article 2. Fireworks prior to the next Council meeting. CC Wade will get information gathered also for the ATV/UTV Regulations.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] School will be out on May 19, 2023;
- b] La Cygne Swimming Pool will open on May 27, 2023;
- c] Ray of Hope has an ice cream and bake sale on Thursday, May 18, 2023;
- d] La Cygne Library will host a block party on Friday, May 26, 2023.
- e] La Cygne Historic Society is hosting the exhibit "Notorious" until May 29, 2023. Available Sunday – Saturday 1-5pm or by appointment.
- f] Memorial Day service at 10am at the Oaklawn Cemetery.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 4-0. Time 8:53p.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 17th day of May 2023.