

Record of the Proceedings of the Governing Body
REGULAR MEETING

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July 5, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, July 5, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; Danny Curtis; and 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; Officer Jo LeSturgeon; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; James McCarson, and Robert Sullivan.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Mayor Wilson reminded the governing body and invited the patrons to the upcoming Blast in the Park on Saturday, July 8, 2023 at the La Cygne Community Park. Activities will begin at 6:00pm. Deputy City Clerk Vogt has organized the event to include: Vendors, Food Trucks, Petting Zoo, Inflatables, Music, and Fireworks. Grady's Kids motorcycle ride will be ending in the park at the enclosed shelter where they will be hosting a silent auction for their charity.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

Council Member Mitzner motioned to accept the Consent Agenda.

Minutes of June 7, 2023 City Council Meeting;
Minutes of June 29, 2023 Special Council Meeting;
Check Register: June 19 – June 30, 2023.

Motion seconded by Council Member Capp, voted on, passed 5-0.

DISCUSSION FROM THE FLOOR:

109 N. 2ND STREET – JAMES MC CARSON:

James McCarson addressed the council regarding an agreement between the property owner of 109 N. 2nd Street and the City. James referred to the following statement in the Agreement and Waiver dated June 30, 2022, "The City shall be responsible for maintenance of its own property". Mayor Wilson described to James Mc Carson that the public right of way is owned by the property owner but is controlled by the city, therefore, the city has the ability to put in streets, utilities, sidewalks or ditches as needed. Council Member Capp reviewed a GIS image with James Mc Carson to show how the majority of the yards of the properties in La Cygne are in the public right-of-way due to the fact the streets aren't built the full width of the right-of-way. The mayor continued to explain how property owners are not to build permanent structures in public right-of-ways or alleys and the ditches in the right-of-way are not be obstructed or modified by the property owners. Mayor Wilson asked James McCarson if he understood the public right of way and the responsibility of care for the

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DISCUSSION FROM THE FLOOR CONTINUED:

109 N. 2ND STREET – JAMES MC CARSON:

weeds or grass by the property owner. James stated he understood. James also addressed how rough and rutted the area was where the duplex had been removed during the sewer project. He asked if the Public Works could grade it or smooth it out better so the owner could get a mow that area. PWS Nasalroad stated the public works could fix the ground area where the duplex was removed.

627 N. BROADWAY ST – RYAN HILL:

Ryan Hill, property owner, addressed the council regarding the notice he received for the immediate hazards to be corrected at the mobile home park located at 627 N. Broadway Street. Ryan reviewed the concerns presented by the council. Ryan explained the breakdown of the mowing equipment for the park. Ryan had concerns regarding the \$2764.32 invoice he received from the city for the mowing and trimming performed by the city. Ryan indicated he requested photos of the property prior to mowing and has been informed photos were not taken. Ryan felt the invoice was excessive and asked the council to waive the invoice.

Chief Fenoughty addressed the council regarding the invoice. The processes as outlined in the codes for weeds nuisance had been followed and the code does not require photos to be taken. The work was performed by the public works. PWS Nasalroad stated the last time it was mowed a brush hog had been used by the property management which doesn't turn well and resulted in areas being left uncut. He explained the extent of the overgrown weeds and brush around the buildings and trailers and in the waterways. PWS Nasalroad described the necessity for chainsaws to remove some of the overgrowth. Chief Fenoughty also commented she hadn't reviewed the south mobile home park located between Vine and Sycamore Street yet. She did have a conversation and walk thru today with the property management and Ryan Hill (via facetime on the phone) to discuss the issues going on in the park on 627 N. Broadway St.

Mayor Wilson opened the floor for discussion from the council members. All council members agreed the work performed by the public works was necessary for the health and welfare of the patrons living in the park as well as the surrounding residence. The Council also agreed that the city did follow the codes and processes properly. Council Member Stoker addressed the concern regarding photos not being taken and advised the staff to photo document the property prior to performing the work because a picture speaks a thousand words. Council Member Stoker and Brenneman reminded the public works of the importance to thoroughly walk the areas prior to mowing to avoid damage to the mowers. The consensus of council was to not waive the invoice. Mayor Wilson asked Ryan Hill what type of payment schedule would he need to accomplish paying the invoice in full. Ryan requested a 4 to 6-month payment plan. Mayor Wilson advised Ryan Hill to contact City Clerk Wade at the City Hall to set up the payment plan.

REPORTS OF CITY OFFICERS:

CHIEF OF POLICE – TINA FENOUGHTY:

2 - Traffic Stops Conducted

Citations issued since last meeting - 3

Speed School Zone	0	Expired Plate	0
Suspended DL	0	No Tag / Plate	0
Insurance	0	EXP DL	0
Improper Passing	0	Speed	0
Aggressive Dog/RAL/Tag	1	Paraphernalia	0
Animal Cruelty	2	Inattentive	0

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REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY:

Calls for Service / Reports – 06/06/2023 @ 1700 hours to 07/05/2023 @ 1630 hours

Animal Complaint – 15	Traffic Complaints - 7
Assist Outside Agency – 3	Suicidal – 1
Runaway/Andover – 1	Citizen Assist CFS / contact - 41
Fingerprints – 2	Juvenile Incident – 4
Check Welfare – 0	Fraud – 1
Follow Up – TMTC	Criminal Damage - 1
Suspicious Activity – 5	Civil Matter – 7
Motorist Assist – 1	Disorderly Conduct - 1
Non-Injury Accident – 1	Drug Investigation – 1
911 Open Line – 2	Suspicious Vehicle – 2
Disturbance – 5	Warrant Attempt - 1
Parking Complaint – 1	Misd. Warrant Arrest - 0
Vehicle Lockout – 2	Felony Warrant - 0
Record Checks – 3	CINC – 1
Intoxicated Subject – 2	Recovered Stolen Vehicle - 1

VIN Inspections - 8 completed

Codes – Over 20 letters sent out the last couple of weeks for code violations.

New Business / Information

New patrol unit: Chief Fenoughty requested approval for the bid from Multiplicity in Louisburg, KS for upfitting the new 2023 Dodge Durango police vehicle in the amount of \$21,219.60 which does not include the radio or the decals. Discussion was held by the council. Council Member Curtis was not in favor of spending the money on the K-9 unit at this time. Council Member Curtis opened the discussion regarding Angel as the a therapy support dog for the La Cygne Police Department. He questioned how permission was given and pointed out the council had not been asked. Mayor Wilson proceeded with asking each council member to discuss their thoughts on having a support dog. Council Member Mitzner stated the dog was not city property but she is a city asset and felt the council needed to determine what role the dog has in the police program. Council Member Curtis restated his concern about the "missed step" for the city to authorize having the dog in the department and what needed to happen in order to approve a support dog for the department. Council Member Stoker stated a therapy dog is a useful tool for the department. Council Member Brenneman agreed with the statements of the dog being a useful tool and asset to the department but was concerned about spending the \$2,252 for the K-9 unit for the vehicle. Mayor Wilson summarized the comments from the council stating it appears the council agrees Angel is an asset to the city and then asked City Attorney Harding what the process was to authorize Angel to be used. Council Member Capp inquired about the insurance coverage for a dog. Chief Fenoughty had reached out to the city's insurance company and was informed there is no difference between a bite dog, drug dog or therapy dog. The policy was an estimated million policy and the premium was \$2900/year. Chief Fenoughty has been vigorously in-house training the dog in preparation to be certified. Angel is currently under Chief Fenoughty's insurance policy. Chief Fenoughty asked the council to cover the bite-protection policy and the K-9 cage in the car and she would be responsible for all other costs associated with the dog. City Attorney Harding indicated the dog would be similar to any other equipment the Police Chief would determine necessary in the department and what the budget will allow or support. City Attorney Harding reminded the council in the hiring process for Chief Fenoughty, she expressed in her interview the desire to build community connection for the

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY:

department. The only request Chief Fenoughty added was to have Angel sworn in as an officer so if anyone intentionally hurts her or purposely damages the K-9 cage unit it would be a felony charge.

❖ **Motion**

Council Member Capp motioned to approve up to \$22,000 for upfitting the new 2023 Dodge Durango Police Vehicle as outlined in estimate #1495 from Multiplicity of Louisburg, KS. Motion seconded by Council Member Stoker, voted on, passed 4-1. (Nay – Council Member Brenneman)

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

This report will include tasks outside of our normal day to day duties.
Report from 06-07-2023 to 06-30-2023

Committee Discussions

Water and Gas:

- Theft of services and turn offs. Fees?
- American Fence has finished installing the fence around the pre-sedimentation ponds.
- New utility locator has been delivered.
- Two of the three water plant pumps have been completed.

Street:

- Access aprons?
- Parking stripes have been painted downtown; still have to do in front of the library.
- Pothole repairs mostly completed.
- Lots of codes mowing and cleaning up this week.

Sewer:

- Final cleanup crew will be back next week.
- I have received the final CCTV and will review when time permits.
- Park lift station had electrical issues; they have been repaired.

Park:

- Getting things ready for the Blast.
- Looking at adding water to the enclosed shelter.
- We moved the slide to a pad we prepared by the old storage building.

Cemetery: Nothing to report.

Community Building: Nothing to report

Fire Department

Change order No. 1, colors have been decided and Engineer is reviewing building companies specs. Should be starting site work in the next few weeks.

REPORTS OF CITY OFFICERS CONTINUED:

CITYCLERK – JODI WADE:

Report for June 2023

City Clerk

- Keller Fire Inspection of all fire extinguishers.
- Pre Bid meeting for the Sewer Lagoons on June 2, 2023
- Fire Station Pre-Construction meeting on June 6, 2023
- Public Building Commission meeting on June 7, 2023 for the Revenue Bonds for the Fire Station.
- Sewer Lagoon Bid opening on June 9, 2023.
- KCC Gas Inspection June 13 – 15, 2023 with Lyle Powers.
- Building Permit for a new manufactured home at 00000 N. 6th Street.
- Completed all paperwork to process the receipt of the Revenue Bonds for the Fire Station.
- Completed a draft of Article 2 Fireworks.
- Completed a draft of Article 24, Section 24-7 Fences in the Zoning Regulations.
- Attended the Planning & Zoning Meeting.
- Worked on the 2024 Budget first draft.
- Submitted financial information to MW Engineering Group to prepare a PER for the Water Plant Improvement Master Plan.
- Completed two (2) Building Permits for fencing.
- Preparing Article 18 in to Ordinance form.
- Every year will be hosting a Public Hearing on July 13 at the KU Edwards Best Conference Center in Overland Park at 6pm regarding increases in the electrical rates.

CITY TREASURER – CONNIE GORE:

06-01-2023 to 6/30/2023

Utilities *Monthly items completed:*

- Shut off's were completed.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- Worked on the budget customers. New rates if need will start August 1, 2023.
- June 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 **June 2023** we had **150** customers signed up for Front Desk.
- Completed sales tax and filed with the State.

Court *Monthly Court items completed*

- Reviewed the docket for the June court.
- Court paper work was completed and filed with the State and the State was paid their portion.
- Participated in a zoom workshop with the National Center for State Courts

Payroll:

- 1st Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions.
- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.

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CITY TREASURER – CONNIE GORE:

Cemetery:

The Pollman sections has been completed. (Need to review and cross reference dates at a later time).

- The Oaklawn section getting really close to being completed.

Other:

Invoiced abatements /repairs

Mowing: (6)

Gas Meter Repair (1)

Codes Letter sent for Chief Fenoughty

Business License (1)

Building Permit (2)

Grass/Weed Abatement (13)

Junk/Trash/Tires...(6)

Graffiti on House (1)

Derelict Porch (1)

IN OP's (2)

Unsecured Door (2)

Hours on codes: 12.

SPECIAL PROJECTS:

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

No updates at this time.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

No updates at this time.

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

Change Order No. 1. The owner and contractor have agreed to modify the scope of work to change the steel building siding panels from a thickness of 24 ga to a thickness of 26 ga. The finish of these panels will be Kynar as specified. The contractor will provide a wainscot color variation with separation trims as needed, for all four sides of the building. The wainscot will be approximately 36" tall. These changes will be provided for the deduct lump sum of \$8,800.

❖ **Motion**

Council Member Mitzner motioned to approve Change Order No. 1 for the change in the gauge of the steel and addition of wainscot for the deduct lump sum amount of \$8,800. Motion seconded by Council Member Brenneman, voted on, passed 5-0.

WATER TREATMENT PLANT ANALYSIS:

No updates at this time.

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SPECIAL PROJECTS CONTINUED:

STORMWATER MASTER PLAN (BG CONSULTANTS):

No updates at this time.

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

No updates at this time.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes following a 2-minute recess for non-elected personnel review of application for Public Works and to return to the council table at 8:08pm. Motion seconded by Council Member Mitzner, voted on, passed 5-0. 8:03pm

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

OPEN SESSION RESUMED AT 8:08pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 7-minutes for non-elected personnel review of application for Public Works and to return to the council table at 8:15pm. Motion seconded by Council Member Mitzner, voted on, passed 5-0. 8:08pm

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

OPEN SESSION RESUMED AT 8:15pm:

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER -NONE

PUBLIC SAFETY - NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

COMMUNITY BUILDING-NONE

PARK-NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT:NONE

CHAMBER OF COMMERCE - NONE

PLANNING & ZONING COMMISSION (PZC)-NONE

OTHER BUSINESS:

528 N. 6TH STREET AGREEMENT DATED OCTOBER 10, 2003.

Council members reviewed the agreement and the letter sent to the property owners on July 20, 2022. To date the dwelling has not been moved. CC Wade reviewed the timeline of action by the codes officer which included conversations about getting a survey performed to determine how the dwelling could be positioned on the lot to meet all setbacks. City Attorney Harding asked the council what they wanted Chief Fenoughty to state if the moving of the dwelling is not completed. The council stated to have Chief Fenoughty invite the current property owners to the first meeting in August (August 5, 2023). Council Member Capp and Mitzner advised for the Chief to make a phone call and to send a written letter to invite them to the meeting.

2024 BUDGET – REVENUE NEUTRAL RATE

CC Wade reviewed the budgets for the city for the past three (3) years. Discussion was held on the definition of revenue neutral rate. CC Wade emphasized the importance for the city to focus on the Budget amount and not to get sidetracked by the Mill levy number or revenue neutral rate number. Council members reviewed three proposed budgets in the amount ranging from \$538,878 up to \$574,911. The difference between the budget dollars was reflected in the dollars being transferred to the reserve funds, which included: Capital Improvement, Equipment, Cemetery, and Special Highway. The 2023 budget amount was \$545,606 and the council chose not to transfer any funds in to the Capital Improvement or Equipment reserves in 2023. CC Wade included an index increase of about 10% on all commodities (fuel, utilities and supplies). CC Wade also adjusted the salary line for all departments to reflect the new pay scales established in 2023. CC Wade reduced the capital outlay lines for all departments. Council Member Curtis inquired about the penalty if the city motioned to NOT exceed the revenue neutral rate and the budget ended up exceeding it? CC Wade indicated the city would have to pay the amount exceeded back to the tax payers. Upon review of the General Fund budget, the council agreed to exceed the 70.252 revenue neutral rate with a budget amount of \$559,468 at an estimated tax rate of 72.037.

❖ **Motion**

Council Member Capp motioned the governing body of the City of La Cygne, hereby notifies the Linn County Clerk of intent to exceed the revenue neutral rate and the proposed mill levy rate is 72.037. The date of the hearing is August 23, 2023 at 6:00pm and will be held at the La Cygne Community Building, 204 Commercial Street in La Cygne, Kansas. Motion seconded by Council Member Curtis, voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to approve publication for the Revenue Neutral Rate hearing to be held on August 23, 2023 at 6:00pm at the La Cygne Community building located at 204 Commercial Street in La Cygne, Kansas and the 2024 Budget hearing to be held following the Revenue Neutral Rate hearing. Motion seconded by Council Member Stoker, voted on, passed 5-0.

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UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ATV/UTV REGULATIONS

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:10p.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 5th day of July 2023.