

Record of the Proceedings of the Governing Body
REGULAR MEETING

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August 2, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, August 2, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; and Danny Curtis. ABSENT: Jerome Mitzner and City Attorney Burton Harding.

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; and Devin Canada.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] The Prairie View School district will be back in session on August 16, 2023. Please use caution when traveling through the school zone areas and neighborhood streets for students walking or riding their bikes to school.

b] The Linn County Fair & Rodeo will begin this weekend August 5 – August 12. Please support our local youth and adults who participate in the various events taking place. The queen candidates are selling advanced tickets at locations around our community.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

Council Member Capp motioned to accept the Consent Agenda.

Minutes of July 5, 2023 City Council Meeting;
2023 June Budget Report;
2023 June Treasurer's Report;
2nd Quarter, 2023 Financial Statement;
Check Register: July 1, 2023 – July 16, 2023;
Check Register: July 17, 2023 - July 28, 2023;

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

DISCUSSION FROM THE FLOOR:

None

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REPORTS OF CITY OFFICERS:

CHIEF OF POLICE – TINA FENOUGHTY:

16 - Traffic Stops Conducted

Citations issued since last meeting - 6

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

Calls for Service / Reports – 07/05/2023 @ 1630 hours to 07/28/2023 @ 1000 hours

Animal Complaint – 17	Traffic Complaints - 6
Assist Outside Agency – 3	Runaway Juvenile – 1
Criminal Damage – 1	Citizen Assist CFS / contact - 28
Fingerprints – 0	Juvenile Incident – 5
Check Welfare – 0	Fraud – 1
Follow Up – TMTC	Criminal Damage - 1
Suspicious Activity – 6	Civil Matter – 6
Motorist Assist – 1	Disorderly Conduct - 0
Non-Injury Accident – 2	Violation of PFA – 2
911 Open Line – 0	Suspicious Vehicle – 4
Disturbance – 7	Warrant Attempt - 3
Parking Complaint – 2	Misc. Warrant Arrest - 3
Vehicle Lockout – 2	Felony Warrant - 1
Record Checks – 1	CINC – 0
Intoxicated Subject – 1	Recovered Stolen Vehicle - 0

VIN Inspections - 7 completed

Codes – Waiting for certified signature cards to return.

New Business / Information

- Thanked everyone who was able to attend Officer Ferrill and Angel’s swearing in ceremony.
- Details regarding assist with KCMO case. Mayor Wilson recognized the rapport Chief Fenoughty has with the community which helps assist with cases such as described.
- Radio and equipment are being ordered for upfitting of the 2023 Durango.
- School crossing lights will be activated sometime during the week beginning August 7, 2023.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel employee performance review for the Police Department and to return to the council table at 7:20pm. Motion seconded by Council Member Curtis, voted on, passed 4-0. 7:15pm

Others in attendance: Chief Fenoughty and CC Wade.

OPEN SESSION RESUMED AT 7:20pm:

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REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY:

RECESS:

❖ **Motion**

Council Member Capp motioned to recess for 5-minutes and to return to the council table at 7:25pm. Motion seconded by Council Member Stoker, voted on, passed 4-0. 7:20pm

OPEN SESSION RESUMED AT 7:25pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel employee performance review for the Police Department and to return to the council table at 7:30pm. Motion seconded by Council Member Curtis, voted on, passed 4-0. 7:25pm

Others in attendance: Chief Fenoughty and CC Wade.

OPEN SESSION RESUMED AT 7:30pm:

❖ **Motion**

Council Member Capp motioned to appoint officer Jo Le Sturgeon as the Interim Police Chief effective August 11, 2023 at the pay rate of \$24.25 per hour while Chief Fenoughty is on a leave of absence. Motion seconded by Council Member Stoker, voted on, passed 4-0.

CC Wade recommended a motion to also appoint Officer Jo Le Sturgeon as Interim Codes Officer, Public Health officer and Zoning Administrator.

❖ **Motion**

Council Member Capp motioned to appoint officer Jo Le Sturgeon as Interim Codes Officer, Public Health Officer and Zoning Administrator effective August 11, 2023. Motion seconded by Council Member Curtis, voted on, passed 4-0.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

This report will include tasks outside of our normal day to day duties.
Report from 07-07-2023 to 08-02-2023

Committee Discussions

Water and Gas:

- Theft of services and turn offs. Fees?
- All three booster pumps in the plant have been rebuilt and installed. One pump is still being rebuilt and it will be a backup.
- Requesting bids for a skid steer. Looking to replace in 2023 and Backhoe in 2024 through gas reserves.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORK SUPERINTENDENT – DAN NASALROAD:

Street:

- Access aprons?
- Parking stripes have been painted downtown; still have to do in front of the library.
- K152 resurfacing project has started.

Sewer:

- SAK has been making repairs on the punch list.
- Lagoon de-sludge will be going out for bids soon.

Park:

- Looking at adding water to the enclosed shelter.
- There has been no interest in the water slide. Ideas?
- Pool will be closing at the end of the year so we will begin getting it closed for the season.
- Getting an estimate on the bathhouse sewer line.

Cemetery: Nothing to report.

Community Building: Nothing to report

Fire Department

Site work has started on the Fire Station. Still shooting for completion before the end of 2023.

Chief Nasalroad reported the discovery of an old water cistern (6' deep x 8' wide) during the excavation of the lot for the new fire station. Rick Zingre, Zingre Architects, was contacted by Hofer & Hofer & Associates on how to proceed. Rick indicated a change order would need to be approved by the city prior to any further work being performed. Chief Nasalroad indicated BG Consultants is currently engineering the required flowable fill to be utilized to fill the void (cistern). Chief Nasalroad asked the council if they wanted to authorize Chief Nasalroad to approve the change order or if they wanted to wait until the next meeting or call a special meeting upon receipt of the change order.

❖ **Motion**

Council Member Capp motioned to approve up to \$5,000 for the change order to flowable-fill the old water cistern void on the new fire station lot. If the amount is over \$5,000 the council would need to review the change order request at either a special meeting or regular council meeting. Motion seconded by Council Member Brenneman, voted on, passed 4-0.

Chief Nasalroad presented an estimate from Wildcat Fence Co. in the amount of \$7,900 for 250 Linear feet of 6' cedar fencing at the new fire station lot and to the north of the fire station garage by the water treatment plant. Chief Nasalroad reviewed the zoning regulations pertaining to screening for off-street parking lots located on commercial, public, or industrial lots that abut a residential district. Chief Nasalroad explained a portion of the cost would come out of the Fire Fund and a portion out of the Water Fund. Chief Nasalroad confirmed both properties had been surveyed.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORK SUPERINTENDENT – DAN NASALROAD:

Fire Department

❖ **Motion**

Council Member Curtis motioned to approve up to \$7,900 for the installation of 250 Linear Feet of 6' cedar privacy fencing respectively at the new fire station (219 S. 4th Street) and the garage (110 N. 1st Street) to the north of the water treatment plant. Motion seconded by Council Member Stoker, voted on, passed 4-0.

CITYCLERK – JODI WADE:

Report for July 2023

City Clerk

- 2024 Budget Water, Sewer, Gas, and Streets;
- Building Permits for 219 S. 4th Street, 630 N. 6th Street and 716 N. 5th Street;
- June Financial Statements;
- 2nd Quarter Reports;
- 6-month Employee Coaching Forms;
- Hired Daniel Morris for Public Works Laborer 1 position;
- Advertising for Codes Enforcement Officer;
- Floodplain Mapping – Preliminary final Floodplain FEMA map review;
- Article 18 Ordinance draft;
- Facilitated Safety Meetings for employees;
- Completed annual KCC Gas Audit;
- Record destruction completed by Pro Shred;
- Blast in the Park Action Report completed;
- Researching the insurance requirements for a local licensed Display Firework Operator to perform the firework show for the Blast in the Park;
- Completed KORA requests;
- Reviewed current and 2024 Budget with department supervisors;
- Reviewing fall conferences and training for employees;
- Preparing a newsletter/survey for the Copper & Lead Inventory.

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.
- Worked on new rates for budget customers and sent letters for August 1 rates.
- July utility billing process was completed. Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- As of the end of July 2023 we had 157 customers signed up for Front Desk.
- Completed sales tax and filed with the State.
- Budget Customer's new rates were figured and letters sent.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

Court *Monthly Court items completed*

- Reviewed the docket for the July court.
- Court paper work was completed and filed with the State and the State was paid their portion.
- Annual Case Load Report was sent to the State.

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.

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.
- Sold 3 plots in La Cygne Section #6. These are the first 3 sold in this section and found that our map and information at City Hall is wrong. We found what we believe is the correct map but will have to do some research to be sure. Bruce and Dan will need to dig up several of the pins to be sure. The deeds for the 3 can be completed and mailed at this time as those pins were found stamped with the Lot number.

Other:

Prepared for 2 safety meetings.
Worked on Landlord Licensing and Rental Permits
Sorted and recorded certified mail abatements (returns/signed for)
Sent an abatement letter to the current owner of record as LNCO just updated the records from May. Abatement had not been completed 7/26/2023.
Abatement Invoices: mowing 4

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Paul Owings, BG Consultants, will issue the RFPs for the sewer desludging in the later part of August 2023. Nowak Construction has the lining company working on the corrections/repairs found in the post CCTV.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Crews have arrived to begin the sitework. Pay Application No. 1 from Hofer & Hofer & Associates in the amount of \$11,357.10 for the period of 5/08/23 through 7/21/2023.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 1 from Hofer & Hofer & Associates in the amount of \$11,357.10 for the period of 5/08/23 through 7/21/2023. Motion seconded by Council Member Stoker, voted on, passed 4-0.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

CC Wade will schedule a time for the committee to meet upon receipt of the water rate analysis.

STREET -NONE

SEWER -NONE

PUBLIC SAFETY - NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -

Connie Gore and Bruce Snyder have been working on grave site maps. Some concerns have been discovered on the graves along the roadway in Section 4 and in the new La Cygne Cemetery. Research is being done to determine if the graves are plotted and available to be sold.

COMMUNITY BUILDING-NONE

PARK-

PWS Nasalroad asked the committee to set up a date for a workshop to discuss an overview of the park and create some future planning proposals. PWS Nasalroad indicated several ideas and projects have been brought up and discussed but he felt it was important for the committee to review the space available and the finances for operation. Council Member Curtis also asked PWS Nasalroad about when he normally schedules repairs which need to be performed on the pool.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: CC Wade attended the Linn County Emergency Planning Committee meeting on July 27, 2023. Every did a presentation on the new F500 Foam trailer being built and will be stored at the Linn County Fire Department. Sheriff Kevin Friend hosted a tour of the Linn County Justice Center.

CHAMBER OF COMMERCE - NONE

PLANNING & ZONING COMMISSION (PZC)-

Reviewing Zoning Districts and Map. Mayor Wilson introduced Commissioner Devin Canada who was present at the meeting and asked him to reflect on the project the planning commission has been working on currently.

OTHER BUSINESS:

DRAFT CHAPTER VI. FIRE, ARTICLE 2. FIREWORKS

CC Wade presented the revised draft of the Fireworks article. Discussion was held regarding the Firework Season. The council conquered to keep the current dates and times as listed in the draft to lawfully discharge Consumer Fireworks. Council Member Curtis presented some questions regarding the Firework Display Permit. Discussion was held regarding the role of the City Fire Chief in approving the location of the display event. The Council suggested to have City Attorney Harding review section 6-205.

DRAFT ATV/UTV REGULATIONS

Discussion was held regarding the language in the current codes pertaining to the use and operation of an ATV/UTV vehicle on city streets. The council determined a workshop with the police officers would be beneficial for this Article.

❖ **Motion**

Council Member Capp motioned to have a workshop with the police department on Wednesday, August 9, 2023 at 5pm for the purpose of review of articles and regulations pertaining to ATV/UTV, golf carts and dirtbikes. Motion seconded by Council Member Stoker, voted on, passed 4-0.

LANDLORD LICENSING OUTLINE

Mayor Wilson introduced an outline to begin the process for developing a landlord licensing program for the City of La Cygne. Rental property is a for profit business and currently the landlords have not been required to obtain a Use permit. Mayor Wilson asked the governing body to begin reviewing the draft prepared by the clerks from programs in other communities.

2024 BUDGET – REVENUE NEUTRAL RATE

CC Wade presented a draft of the non-tax levy funds and utility funds for the council to review in preparation for the upcoming public hearings. Discussion was held regarding the Capital Improvement Reserve and Equipment Reserve funds. CC Wade asked the council to suggest what format would be best suited for them to review on an annual basis in order to determine how the funds should be allocated in the city's asset management plan. Council Member Stoker and Brenneman suggested a spreadsheet showing the assets in each department area and the required annual maintenance or future project endeavors.

UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

NOTES AND COMMUNICATIONS TO COUNCIL:

a] Truly Insurance dividend was received in the amount of \$8,734.58.

b] Mayoral Candidate Panel held for the community and at the schools. Mayor Wilson suggested the idea of having the candidates running for seats to hold an open forum debate/discussion. Council members discussed past panel events. No action was taken to proceed with setting up a candidate panel.

c] Council Member Curtis asked if CC Wade could move the Executive Session of the agenda before Other Business so the council can get all business which involves city staff taken care of before the council proceeds with their business involving article and regulation review.

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ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Curtis, voted on, passed 4-0. Time 9:08p.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 2nd day of August 2023.