

Record of the Proceedings of the Governing Body
REGULAR MEETING

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August 17, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, August 17, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp (arrived at 7:13pm); Jerome Mitzner and Mayor Debra Wilson.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Chief Tina Fenoughty; Codes Officer Allison Fox; City Attorney Burton Harding; Linn County Newspaper Tony Furse; Linn County Journal Roger Simms; Bill Marchand and Jim Thompson. Absent: PWS Dan Nasalroad.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- a. School Starts tomorrow! Watch for the kids and watch your speed in the school zone.
- b. We have accomplished a lot thus far this year. Thanks to the efforts of everyone, city staff, boards, volunteers, commissions and the Council!
- c. Demolish of unsafe and unfit structures and enforcing codes like our brush and grass, junk and INOP vehicles. A city that is attractive and safe makes people want to come live here.
- d. Council has put in extra time in workshops and committee meetings that moves us forward and helps us prepare better for informed discussions during council meetings.
- e. New Home permits: two were issued to the school a couple of years ago and two are being prepared for this year.
- f. City Staff is second to none in my opinion and although bigger cities can pay more our people do the work and go above and beyond.
- g. Board members and volunteers spending hours helping by using their skills to improve our city.
- h. Bill Marchand – Oak Lawn Cemetery Directory. Mayor Wilson commended Bill on his work on the directory and expressed how important the document of information and history will be for the cemetery in the years to come. Mayor Wilson presented Bill with a 3-D printed swan in appreciation of his work.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of August 3, 2022 City Council Meeting;
Minutes of August 10, 2022 Special City Council Meeting;
Check Register: August 4 – Aug 17, 2022;

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

DISCUSSION FROM THE FLOOR:

None

SPECIAL PROJECTS:

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

Starbuck Trucking, LLC is completing the work on the existing settling pond. CC Wade informed the council the existing pond will be filled in the next week in order for a seepage test to be performed.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Nowak Construction had some questions regarding the reconnection to existing sewer service lines in which the existing service line is not suitable for connection and is located in the city right-of-way. At the progress meeting with BG Consultants and Nowak Construction it was determined for Nowak to go approximately 10-15 ft. back on the service line located in the city right of way to find a stable section on the service line to reconnect to the tap. What if the service line runs under the road to attach to a city main on the opposite side? How far does Nowak go on the service line? Council Member Mitzner made the statement "the city took on this project, not the customer" and felt the city should absorb the cost for replacing the section of a service line that is not suitable for connection and is located in the city right-of-way. If the service line is still not suitable for connection outside of the right-of-way, the contractor would need to contact the owner of the property and the property owner would then be responsible for the cost of a suitable service line to make connection. All council members were in agreement. CC Wade will advise Nowak Construction and BG Consultants at the upcoming progress meeting on August 30, 2022.

CC Wade advised the council the tree impacting the sewer main on Chestnut/Alley has been removed. CC Wade asked the Council about the Nowak Construction and BG Consultants using the front of the community building as a job office for reviewing plans, printing out modified specs or plans, and completing inspection paperwork. CC Wade said the communication has been very good and both companies have done a great job keeping it clean. Council Member Brenneman inquired about the rental of the community building. CC Wade indicated the companies have only 1 table set up for their computers and we advise them ahead of time if the building is being rented so they know its not available. Council Member Curtis advised CC Wade to reach out to both companies and ask if they had pricing included in their bids for a job trailer or office space rental. If so, they would need to either reduce the contract price accordingly or put those dollars towards another unit price item that has been exceeded.

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

Killough Construction continues to work on the punch list items.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Fire Chief Dan Nasalroad and CC Wade met with Rick Zingre to review the 90% complete drawings. Rick will make a few adjustments to the drawings. CC Wade reached out to BG Consultants to visit about the stormwater for the lot.

SPECIAL PROJECTS CONTINUED:

602 N. 5TH STREET DEMOLITION BID (DOUBLE EAGLE EXCAVATING-JIM THOMPSON)

Double Eagle Excavating, Jim Thompson, has removed the home located at 602 N. 5th Street and has been working on the removal of dead trees and/or branches and grading the lot for final completion. Work has been completed and inspected.

WATER TREATMENT PLANT ANALYSIS:

PWS Nasalroad met with Dan Coltrain, MW Engineering group, to review information which had been presented originally. Dan Coltrain will prepare project cost estimates as defined by PWS Nasalroad and the council following their workshop discussion to create a phased master plan for the water plant.

Invoice No#1 in the amount of \$21,623.09 for completion of Technical Design Memo and Comprehensive Plan plus meeting & Site visits and expendables.

❖ **Motion**

Council Member Mitzner motioned to approve MW Engineering Group Invoice #1 in the amount of \$21,623.09 for work performed from 12/01/2021 through 7/23/2022. Motion seconded by Council Member Stoker voted on, passed 5-0.

109 N. 2ND STREET REMOVAL OF DUPLEX FROM THE RIGHT OF WAY:

The waiver agreement has been signed and advertisement has been posted for sealed bids for the removal of the house. Bids must be received by 4:00pm September 6, 2022. Bids will be opened at the City Council meeting on September 7, 2022.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Abby Mills created a community survey. Katie has prepared the document on the website to be released to the public. The city will also do a mailing to all patrons and have some copies of the survey located at the businesses around town.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

- Held Court and visited with defendants and attorneys.
- Communication with Pribble’s attorney.

CODES OFFICER – ALLISON FOX :

Report from 7/20/2022 to 8/15/2022

Code Letters:

- | | | | |
|--------------|---------------|-----------------------|----------|
| • Nuisance | (1) Corrected | (8) Still in Progress | (9) New |
| • INOP | | (1) Still in Progress | (2) New |
| • GRASS/WEED | (5) Corrected | (6) Still in Progress | (21) New |
| • WORK ORDER | (4) Corrected | (2) Still in Progress | |

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX :

Report from 7/20/2022 to 8/15/2022

Building Permits:

- 613 E. Market – Survey was done and the porch was reconstructed to fit within the setback requirements of the city.
- 609 Walnut St. – New home – Working with the owner on a survey for the lot. Have not heard back from the owner.
- 413 S. 1st Street – New home – waiting to get utility connection applications back from the owner. Survey of the lot is scheduled for 10/11/2022.
- 624 E. Market Street – Owner wanted to turn utilities on but it was explained that would not be an option due to our city codes requiring a lot to have a primary structure for utilities. The owner also explained they are planning to remove the existing accessory buildings in the near future.
- 709 Hillside Street – Decided to do a temporary dog fence – no building permit needed.

Mobile Home Park (627 N. Broadway):

Allison presented a progress report for the removal of trailers on Lot #1, #3, #5, #6, #16, #17 and #19. The progress report outlined incidents of the contractor performing the work which had occurred from 7/26/2022 – 8/17/2022 causing safety concerns and utility issues. Allison presented photo documents of the current condition of the Mobile Home Park. At this time Allison is in conversation with the property owner and property manager outlining how the project will proceed. Allison will continue to update the council on the results of those conversations. Allison indicated the property owner had stated funds were getting thin and wanted to know if he could ask for an extension? The Council advised Allison to reach out to the property owner regarding the time frame of extension he would like them to consider.

The issues with the demolition at the Mobile Home Park has brought forth a question of the city have a permit for demolition work to be performed. The city does not have a contractor licensing requirement but the incidents which occurred could have been avoided or addressed better if the contractor was required to obtain a permit. City Attorney Harding will review demolition permitting/regulation regarding certificates of insurance, bonds and registration. Jim Thompson advised the council Miami County has a demolition license program.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

Council Member Curtis personally thanked Dan and the public works crew for replacing the poles in the cemetery. Looks very nice. Council Member Curtis asked about the status of the sidewalk section in front of First Option Bank. Council Member Capp indicated it was to be repaired sometime in the next week.

Report from 7/31/2022 to 8/16/2022

Committee Discussions

Water and Gas:

- Met with MW Engineering on water plant upgrades and they are preparing a final draft.
- Old pond nearing completion. Should be able to start filling next week and start the seepage test.
- Gas meter relocation project to start in August 2022.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Street:

- CCLIP project, still waiting on the completion of some punch list items. They were down last week and removed some of the curbing that needs replaced.
- Access Aprons (s)

Sewer:

- Nowak Construction is moving right along on point repairs.
- Relining crews will be in town next week to start cleaning the mains before relining.
- CCTV completed with report to follow. Still no report.
- Need to determine how far Nowak has to go to get to a good section of a service line. There are services lines that cross under roads.
- Tree in alley behind 517 Chestnut has been removed.
- Tree removal on N. 4th Street and Market Street will possibly start this weekend.

Park:

- Some cameras have been installed but having internet issues.
- Someone drove and tore up the grass around the pool and skate park.
- Someone kicked in the door to the storage building where the Christmas decorations are stored. (Getting a quote on security gate for all doors).
- Pool has been drained and winterization work has started.

Cemetery:

- Mowing.
- Started replacing guard poles on the center loop.
- A headstone was put in the wrong location and we did mark it wrong. Mound City Monument will relocate for \$400.

FIRE CHIEF – DAN NASALROAD:

- Trucks have been pump tested and passed.
- Met with Rick Zingre on final station design, making a few changes.

POLICE CHIEF – TINA FENOUGHTY:

5 Traffic Stops Conducted

Citations issued since last meeting - 1

Speed School Zone	0	Registration Viol	0
Suspended License	1	No Tag	0
Insurance	0	NO DL	0
Speed Construction Zone	0	Speed	0
Vicious Dog/RAL/Tag	1	Paraphernalia	0
Illegal Burn	0	Parking	0

Calls for Service / Reports – 7/20/22 thru 08/17/22

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

Animal Complaint – 17	Traffic Complaints - 3
Assist Outside Agency – 3	Aggravated Robbery – 1
Ambulance – 2	Citizen Assist CFS / contact - 34
Fingerprints – 1	Juvenile Incident – 4
Check Welfare – 3	Found Property – 3
Follow Up – TMTC	Criminal Damage - 5
Suspicious Activity – 7	Civil Matter – 5
Noise Complaint – 0	Disorderly Conduct- 2
Theft – 4	Non-Injury Accident – 4
Aggravated Assault – 3	Aggravated Battery – 1
Disturbance – 5	Warrant Attempt - 1
Simple Assault – 2	Misdemeanor Warrant – 1
Vehicle Lockout – 2	Recovered Stolen – 1
Suicidal Subject – 2	Mental Health – 1
Trespass – 3	911 Hang up – 1

VIN Inspections- 17 completed

Report Requests – 4

Overtime for Department – 30.5 hours

Mayor Wilson requested a 10-minute executive session for non-elected personnel matter for an individual employee's performance for the police department.

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel matter for an individual employee's performance for the police department and will return to the Council table at 7:43 p.m. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:33 p.m.

Others in attendance included, but not limited to: City Attorney Harding and Chief Fenoughty.

OPEN SESSION RESUMED AT 7:43 p.m.

❖ **Motion**

Council Member Capp motioned to go in to executive session for 8-minutes for non-elected personnel matter for an individual employee's performance for the police department and will return to the Council table at 7:52 p.m. Motion seconded by Council Member Curtis voted on, passed 5-0. 7:44 p.m.

Others in attendance included, but not limited to: City Attorney Harding and Chief Fenoughty.

OPEN SESSION RESUMED AT 7:52 p.m.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

Report for the month of July:

Utilities *Monthly items completed:*

Sewer, Water, and Gas reports were completed. Rates are up even more for the July billing.

Sales Tax was completed and filed with the State.

Shut offs were completed.

Penalties were processed. (About 80 which is normal)

Billing cycle completed. Bills mailed or emailed. Bank lists to the banks.

Other:

Continued to create and input information into Front Dest getting prepared for when Simple City has the payment platform ready to go.

Completed the annual review of Utility Deposits for property owners. They will be refunded in August or when the 2-year time period is up.

Processed monthly invoices for abatements/misc.

Prepared 1 account and sent to collections.

Called 7 patrons asking them to sign up for the New Front Desk Module 5 answered/5 yes and left 2 messages.

Court *Monthly Court items completed*

Annual Caseload report completed for the State.

Court prep completed including Diversion reviews.

Court completed with the paperwork and payment submitted to the State.

Payroll: Reviewed time cards and updated the time off (sick/vacation spreadsheet)

Other:

Watched/Listened to Flood Plan Map Webinar

Met with Devona to better understand the flood map

Continued inputting information in the cemetery module.

Prepared VIN inspections forms to send to the Kansas Highway Patrol.

Sent monthly abatement/meter repair invoices.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

CC Wade presented a utility billing for 115 N. Broadway. The tenant questioned the city about water and sewer not being charged on the utility bill. City Treasurer Gore reviewed the service orders for the address. A service order dated November 2021 indicated a new water meter was installed and checked for leaks. On August 9, 2022 the Public Works department checked the meter and it was discovered the antennae and cable had not been installed which enables the handheld to read the meter. To date 28, 421 gallons of water has gone through the meter. City Treasurer calculated the \$970.83 cost for the water and sewer for 28, 421 gallons of use. Discussion was held regarding the installation of the meter and the missed antennae. Discussion was also held on the property owner waiting so long to address the lack of charges on the utility bill knowing water was being used. Council Member Stoker pointed out per ordinance the owner is responsible for the cost of all water which goes through the meter. Further discussion was held regarding the city splitting the cost with the property owner since there was fault on both parties.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

Council Member Curtis suggested a payment plan for the amount due by the owner.

❖ **Motion**

Council Member Mitzner motioned split the cost of \$970.83 (\$485.42ea) with the owner and to set up a 12-month payment plan for amount due by the owner. Motion seconded by Council Member Capp voted on, passed 4-1 (Nay-Stoker).

STREET -NONE

SEWER - NONE

PUBLIC SAFETY -

Council Member Mitzner asked Mayor Wilson to email the notice sent to the committee to the council members also.

COMMUNITY BUILDING- NONE

EMPLOYEE RELATIONS & TRAINING-

Article G. Discipline of the Personnel Policies and Guidelines City of La Cygne, KS. Council Member Mitzner and Council Member Curtis met to review the guidelines and review a policy from other entities in order to begin the process of a draft for the city.

CEMETERY -

Mayor Wilson received a text from a cemetery board member regarding a stone sign. The board will reach out the council representatives.

PARK-

The pool season has ended. Mayor Wilson asked CC Wade to reach out to the Lincoln Township about having a workshop regarding the park in the later part of September.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE - NONE

1. City Wide Garage Sales – September 2 & 3, 2022.
2. Trunk or Treat on Broadway – Friday, October 28, 2022. Time TBD.
3. Community Thanksgiving Dinner – tentatively looking at November 12, 2022.
4. Christmas on Broadway – December 11, 2022 from 3pm – 5pm.

PLANNING & ZONING COMMISSION (PZC) -

Workshop for the Comprehensive Plan to include both the planning and zoning commission and the council. IBTS recommended August 30, 2022 at 6pm.

❖ **Motion**

Council Member Capp motioned for a council workshop on Tuesday, August 30, 2022 at 6:00pm for the Comprehensive Plan review. Motion seconded by Council Member Mitzner voted on, passed 5-0.

SPECIAL COMMITTEE REPORTS CONTINUED:

BOARD OF ZONING APPEALS (BZA) -

Planning & Zoning Commission recommended Ron Wier as the Planning commissioner to serve on the Board of Zoning Appeals. Mayor Wilson presented the recommendation to appoint Ron Wier as the Planning & Zoning Commission member to serve on the Board of Zoning Appeals.

❖ **Motion**

Council Member Mitzner motioned to accept the recommendation from Mayor Wilson to appoint Ron Wier as the Planning & Zoning Commission member to serve on the Board of Zoning Appeals. Motion seconded by Council Member Stoker voted on, passed 5-0.

UNFINISHED BUSINESS:

FEMA DRAFT FLOOD INSURANCE RATE MAP (FIRM) DATABASE FOR LINN COUNTY, KS.

FEMA draft Flood Insurance Rate Map (FIRM) database for Linn County, KS. The engineering data will form the basis for mapping the proposed Special Flood Hazard Areas (SFHAs) on the FIRM for the City of La Cygne in the area being revised. A web map has been provided for review at <https://gis2.kda.ks.gov/gis/linn/>

The deadline for comments was August 15, 2022. Council Member Mitzner suggested keeping an eye on the floodplain mapping near the settling ponds for the Water Treatment plant.

WATER AND SEWER RATE ANALYSIS

Proposal from Carl Brown to perform Water and Sewer Rate Analysis (**TABLED UNTIL RECEIPT OF THE WATER TREATMENT PLANT ANALYSIS**)

LA HARPER HEIGHTS WATER VALVE REPLACEMENT

PWS Nasalroad and CC Wade reached out to the property manager, Stephanie Haupt, regarding blue prints for the facility. CC Wade will get copies made for PWS Nasalroad to review with a contractor to help resolve the issues with shut-off ability for water.

ARTICLE 18 DRAFT FACTORY BUILT HOME DISTRICT

CC Wade has added all revisions to the draft. Would the Council like an email copy or hard copy. All members requested a hard copy.

NEW BUSINESS:

NONE

OTHER BUSINESS:

NONE

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NOTES AND COMMUNICATIONS TO COUNCIL:

a] Revenue Neutral Rate and Budget hearing August 24, 2022 at 7:00pm at the La Cygne Community Building.

b] Katie Russell submitted a proposition to the Council for updating the website. No action was necessary at this time. Katie wanted to provide feedback on the statistical use of the city website and the cost for OneEach Technologies to host the city's website. Katie presented some option changes to the theme of the website which would provide a simpler front page.

TABLED ITEMS:

- a] BNSF Quiet Zone
- b] ATV/UTV Regulations
- c] Lincoln Township and City Council meeting to review Park Board operations.

GOVERNING BODY REMARKS:

NONE

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 8:31p.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 August, 2022.