

Record of the Proceedings of the Governing Body
REGULAR MEETING

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September 7, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, September 7, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp. Absent: Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Codes Officer Allison Fox; City Attorney Burton Harding; Linn County Newspaper Tony Furse; Linn County Journal Roger Simms; Jim Thompson Renee Slinkard; Joshua Lankton. Absent: PWS Dan Nasalroad.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- a. Mayor Wilson read a Proclamation for Direct Support Professionals Recognition week, September 11-17, 2022 and presented a copy to Joshua Lankton.
- b. Mayor Wilson read a proclamation for Constitution Week, September 17 – 23, 2022 and presented a copy to Renee Slinkard.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of August 17, 2022 City Council Meeting;
Minutes of August 24, 2022 Special City Council Meeting;
Minutes of August 30, 2022 Special City Council Meeting;
Check Register: Aug 18 – September 7, 2022.

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

DISCUSSION FROM THE FLOOR:

None

SPECIAL PROJECTS:

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

The seepage test was performed on the existing settling pond. It passed.

SPECIAL PROJECTS CONTINUED:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Nowak Construction has almost finished the point repairs. The relining company has been preparing the lines on the North side of town for the relining process. Nowak started working on one of the mains to be replaced. Progress meeting was held on Tuesday, August 30, 2022 with BG Consultant, Nowak Construction, PWS Nasalroad and CC Wade.

In regards to the mobile office costs. Mobilization was done as a lump sum pricing. Nowak Construction stated the city would just need to advise them of the rental cost for the community building and they would pay for their use. Discussion was held by the Council to determine the amount for the rental. Council Member Stoker addressed times when the community building is rented by patrons. Council Member Capp and Curtis both expressed support for a monthly amount to be charged to Nowak Construction. Upon completion of discussion the Council came to an agreement for a monthly rental.

❖ **Motion**

Council Member Capp motioned to invoice Nowak Construction \$20 per day for use of the community building as a temporary job office by Nowak Construction. Motion seconded by Council Member Curtis voted on, passed 4-0.

Nowak Construction Pay Application No. 3 in the amount of \$342,312.36 for the period of July 20, 2022 – August 19, 2022 was presented and reviewed.

❖ **Motion**

Council Member Capp motioned to approve Nowak Construction Pay Application No. 3 in the amount of \$342,312.36 for the period of July 20, 2022 – August 19, 2022. Motion seconded by Council Member Curtis voted on, passed 4-0.

Discussion was held regarding the sewer taps for the vacant/unused business buildings in the C-3 Downtown district. PWS Nasalroad reviewed the sewer main/tap locations for the buildings on the East side of Broadway/Commercial and the West side. There are a few buildings which have been vacant for several years. The purpose of the sewer rehabilitation project is to cut down on the infiltration of the system. Discussion was held regarding the challenge to access the taps located in the alley on the East side of Commercial. Council Member Capp asked if capped risers were an option and PWS Nasalroad indicated that would not be an option. After further discussion, the council decided to leave all taps open for the existing downtown buildings.

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

Killough Construction has completed most of the items on the punch list. The white line on the south side of the highway still needs to be addressed. Council Member Capp asked if all of the storm water boxes were done. PWS Nasalroad stated they were all completed.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Zingre and Associates, P.A., Invoice No. 3980 in the amount of \$10,640.00 for work performed from 8/4/2022 through 8/30/2022.

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SPECIAL PROJECTS CONTINUED:
NEW FIRE STATION/PUBLIC SAFETY BUILDING

❖ **Motion**

Council Member Capp motioned to approve Invoice No. 3980 from Zingre and Associates in the amount of \$10,640.00 for the work performed from 8/4/2022 through 8/30/2022 for the new fire station. Motion seconded by Council Member Stoker voted on, passed 4-0.

WATER TREATMENT PLANT ANALYSIS:

Dan Coltrain is still working on the Water Treatment Plan Master Plan.

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

Sealed bids were due on Tuesday, September 6, 2022. Mayor Wilson will open the sealed bids at the meeting on September 7, 2022. CC Wade presented the sealed bids to the mayor to open. Only one bid had been received from Jim Thompson with Double Eagle Excavating in the amount of \$10,500 for the removal of the duplex, foundation, all utilities capped and for the city to submit an application for the waiver of the landfill dumping fee. Council Member Capp asked if Jim Thompson could get it completed within the next two weeks. Jim Thompson confirmed he could have it completed by September 23, 2022.

❖ **Motion**

Council Member Capp motioned to approve the bid in the amount of \$10,500 from Jim Thompson with Double Eagle Excavating for the removal of the duplex located at 109 N. 2nd Street to be completed by September 23, 2022. The cost will go under the sewer rehabilitation project. Motion seconded by Council Member Curtis voted on, passed 4-0.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Survey was put on the Facebook/Website page. Hard copies are available at the La Cygne City Hall and La Cygne Library.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

- Phone conversations and emails regarding codes and zoning regulations with Codes Officer Fox and City Clerk Wade.

POLICE CHIEF – TINA FENOUGHTY :

- Chief Fenoughty was out on calls this evening. CC Wade had been contacted by Chief Fenoughty to present the hiring of a full-time police officer. CC Wade had conducted interviews. Chief Fenoughty spoke to Mayor Debra Wilson and the public safety committee regarding hiring Jo LeSturgeon. Mayor Wilson hired Jo LeSturgeon with a start date of August 30, 2022. CC Wade indicated all pre-employment physicals and drug screening have been completed.

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

❖ **Motion**

Council Member Curtis motioned to approve hiring Jo LeSturgeon as a full-time police officer effective as of August 30, 2022 and pay rate of \$20.25 per hour. Motion seconded by Council Member Stoker voted on, passed 4-0.

CODES OFFICER – ALLISON FOX :

Report from 8/18/2022 – 9/7/2022

Code Letters:

- | | | | | |
|--------------|---------------|------------------------|--------------|---------|
| • Nuisance | (8) Corrected | (17) Still in Progress | (1) Citation | (9) New |
| • INOP | | (2) Still in Progress | | |
| • GRASS/WEED | (6) Corrected | (12) Still in Progress | | |
| • WORK ORDER | (2) Corrected | | | |

Building Permits:

- 310 N. 4th Street – Front porch replaced and expanded with no building permit. History of property: April 9th 1998, the owner at that time asked for a variance to allow the front porch to be built, the variance was denied by the zoning board. On April 13, 1998, a building permit was issued by the codes officer to allow the front porch. The zoning regulations were in place at this time and therefore the building permit should not have been issued as it does not meet the requirements for setbacks. In 2002, the city council and city attorney were working together to write a letter to the owner of the house regarding the front porch but we have not found a copy of that letter. At this time, the current owner has replaced the front porch without a building permit and was told to stop all work until he completed one. The owner did complete a building permit but no permit has been issued at this time. I am still working this issue and waiting to hear back from the city attorney.
- 1002 E. Market – Lean-too – Approved.
- 324 Chestnut – 8 x 10 shed – Approved.
- 712 Locust – Building a shed. Needs to get a boundary adjustment to comply with city setback requirements.
- 413 S. 1st Street – New home with garage – The owner called for an update on their building permit. I advised they needed to get a survey of the property before I could move forward.
- 215 N. 6th Street – Certified letter was sent to owner in regards to a fence that does not meet the requirements of the city codes. I presented two options to the owner and I am working with him to resolve the issues.

Projects:

- 402 S. Broadway - The house was demolished and made safe for the public. I will contact the owner in regards to the garage and cellar still remaining on the property.
- House numbers – I made a map of the city and labeled each lot with the correct address. I will start going around to each one and making sure that the address is clearly posted on the front of the residence/property.
 - I. Would buying uniform reflective address numbers for all lots with or without a residence be something council would be interested in doing?

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX :

Report from 8/18/2022 – 9/7/2022

- Demolition application/contract – Have not started yet.
- Rewriting Article 5 of Vehicle parking – Will bring copies to the council meeting when ready to be reviewed.
- Lindentree Apartments – Investigating a bug infestation and the condition of the roof under Health & Welfare and Minimum Housing of the codes book.
- Trailer Parks – Executive session needed.

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for the preliminary discussion of the acquisition of real property/real estate and will return to the Council table at 7:51 p.m. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:41 p.m.

Others in attendance included, but not limited to: City Attorney Harding and Codes Officer Fox

OPEN SESSION RESUMED AT 7:51 p.m.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

Report from 8/16/2022 to 09/07/2022

Committee Discussions

Water and Gas:

- Met with MW Engineering on water plant upgrades and they are preparing a final draft.
- Old pond nearing completion. Finished seepage test and passed. Waiting on one tee.
- Gas meter relocation project, still waiting on a date.
- Land acquisition? Executive Session.

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for the preliminary discussion of the acquisition of real property/real estate and will return to the Council table at 8:06 p.m. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:56 p.m.

Others in attendance included, but not limited to: City Attorney Harding, PWS Nasalroad and CC Wade.

OPEN SESSION RESUMED AT 8:06 p.m.

Street:

- CCLIP project, still waiting on the completion of two punch list items.
- Access Aprons (s)

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Sewer:

- Nowak Construction has completed point repairs.
- Relining crews will be in town next week to start.
- CCTV completed with report to follow. Still no report.
- Started to repair manholes.
- Tree on North 4th Street has been removed.
- The tree at 1002 E. Market street will be removed this weekend.
- Downtown sewer taps?

Park:

- Some cameras have been installed but having internet issues. Kwikom did get the internet repaired.
- A screen was torn out of the window on the enclosed pavilion.

Cemetery:

- Mowing.

FIRE CHIEF – DAN NASALROAD:

- Training building will be coming down this week.
- Met with Rick Zingre, Zingre and Associates, on final station design, waiting on changes.

CITY CLERK – JODI WADE:

August 2022 report.

- Met with Rick Zingre to review the 80% complete Fire station preliminary plans.
- Conducted police interviews for part-time and full-time positions.
- Attended the Planning & Zoning Commission meeting.
- Attended the Employee Committee meeting on August 10, 2022.
- Attended the Special Council meeting on August 10, 2022.
- Attended the Chamber of Commerce meeting on August 17, 2022.
- Attended MRWAD meeting on August 24, 2022.
- Conducted the Budget and RNR public hearings on August 24, 2022.
- Attended the Sewer Rehabilitation progress meeting with BG Consultants and Nowak.
- New Employee Hire procedures for a new Police officer and Permanent Part-time clerk.
- Attended the Planning & Zoning and City Council workshop for the Comprehensive Plan with IBTS.
- Attended the KORA/KOMA training.
- Monthly financials.
- Oriented Allison on files for Planning & Zoning.
- Completed all letters for applicants who interviewed.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE:

Report for the month of August:

- **Utilities** **Monthly items completed:**
Finished completing the utility bills. There were several issues and some bills were hand corrected. The biggest issue was with the Budget/even pay customers. I am hopeful this issue has been fixed.
Worked and still working with the software tech people to resolve these issues. The issues are both with the new module (Front Desk) and the utility software. The date issue was resolved, but still have no idea why August bill had the due date of 8/12/2022.
- **Court** **Monthly Court items completed**
Reinstated a driver's license with the State.
Updated court software by removing old officer badge numbers and setting up new officers.
- **Payroll:** Reviewed time cards and updated the time off (sick/vacation spreadsheet)
- **Cemetery:** Cemetery continued the input of information. Input of information in Pollman is completed with the exception of the one I will have to research the deeds. Worked with a resident and monument company with a grave location issue. I also had Bruce mark a couple of other graves as the people were convinced the placements were incorrect. I have not heard back from either of them since we marked the entire lot and the graves.
- **Other:**
Listened to the reconnect grant (4th street) webinar with Jessica Hightower and Shaun West.
Listened to the Kora/Koma webinar

COUNCIL COMMITTEE REPORTS:

WATER & GAS - NONE

STREET -NONE

SEWER - NONE

PUBLIC SAFETY -NONE

COMMUNITY BUILDING- NONE

EMPLOYEE RELATIONS & TRAINING-

Article G. Discipline of the Personnel Policies and Guidelines City of La Cygne, KS. **Tabled until next meeting**

CEMETERY –

Council Member Brenneman and Council Member Curtis presented a quote for the cemetery map sign. Total estimated cost would be \$2053.83. Council Member Curtis and a couple of volunteers will be building the display unit and installing it at the cemetery.

❖ **Motion**

Council Member Capp motioned to approve up to \$2500 for the construction of a cemetery display board to be built by Council Member Curtis and volunteers and to waiver the building permit fee. Motion seconded by Council Member Stoker voted on, passed 4-0.

COUNCIL COMMITTEE REPORTS

PARK-

Mayor Wilson read a letter from Council Member Brenneman asking to resign from his position on the La Cygne Community Park Board. Mayor Wilson appoints members to the park board and therefore she would need to remove Council Member Brenneman from the La Cygne Community Park Board. Mayor Wilson would like to move forward with setting up a workshop with Lincoln Township to review the La Cygne Community Park Board. CC Wade will reach out to the members of Lincoln Township.

Mayor Wilson proceeded with removing Council Member Brenneman from the La Cygne Community Park Board as the committee liason.

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) -

Mayor Wilson commented on the workshop held with IBTS. She expressed the importance of the communication between the council and the planning & zoning commission members. She appreciated the information presented by IBTS in preparation for the next town hall meeting with the community.

UNFINISHED BUSINESS:

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

Discussion was held on having another workshop to review the revised draft.

❖ **Motion**

Council Member Curtis motioned for a Council Workshop on September 21, 2022 at 6:00 pm regarding Article 18 Draft Factory Built home district. Motion seconded by Council Member Brenneman voted on, passed 4-0.

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NEW BUSINESS:

NONE

OTHER BUSINESS:

CC Wade read an email from Jessica Hightower, Economic Development, regarding Linn County's participation in the grant application with SEKRPC for the Reconnecting Communities Grant through the Bipartisan Infrastructure Law. This grant will provide funding for planning and feasibility studies for the connecting roadways around the county. The grant is a 80/20 match. For now, the commissioners have voted to pay the entire 20% for our county. If SEKRPC is awarded the grant, we will be asked to work with the engineering firm to determine what roads qualify and how they will factor in to the plans for future construction.

NOTES AND COMMUNICATIONS TO COUNCIL:

None

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 Curtis, voted on, passed 4-0. Time 8:28p.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 7th day of September, 2022.