

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, October 7, 2020 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Danny Curtis; Jerome Mitzner; and Logan Smith.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; City Attorney Burton Harding; Police Chief Tina Fenoughty; Public Works Superintendent (PWS) Dan Nasalroad; City Treasurer (CT) Connie Gore; Ramona & Bryan Slocum-MHP Owner; Rebecca Marsh- Residential MH Owner; Danny Welch – RV Owner; Carlos Ramirez – RV Owner; Emil Wilson; Frankie Elder – Frankie’s Liquor Owner; Linda Elder; and Linn County News Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

a] Daylight savings time is November 1, 2020. Please remember the Council meetings, beginning with November 4, 2020, will now be held at 6pm.

b] Covid still exists and we need to continue to be aware of the recommendations and social distance when in groups.

c] Mayor Wilson spoke about growth in our community. Our community has an option to grow or stay the same. The role of the governing body is to set up policy to build up the community. Mayor Wilson thanked the volunteers from our churches, library, Council, Historical society, Park Board, Planning & Zoning and other organizations for helping our community step forward.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of September 16, 2020 City Council Meeting;  
Minutes of September 23, 2020 City Council Meeting;  
Check Register: September 17 - October 7, 2020;

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

**DISCUSSION FROM THE FLOOR:**

**REBECCA MARSH-**

Rebecca expressed her concern about the letter she received from the city stating campers were not allowed in a Mobile Home Park. She explained how she had gone through the procedures with the City in order to have approval for the recreational camper trailer. The camper, which is in her name, is to be used as a “guest house” for her family when visiting. Rebecca stated she does not intend to rent it out. Rebecca wants to know what the next step would be in order to keep the camper on her lot.

**DISCUSSION FROM THE FLOOR CONT:**

**DANNY WELCH – RV OWNER**

Danny has lived in a recreational vehicle (camper) at the Slocum Manufactured Home Park for the past 5 years. He has maintained the area around his RV, kept it clean and had no issues. As a resident, he spends money in the community and income for utility services. La Cygne has a lack of places to stay or live and no motels which creates a challenge for contractors who temporarily work in this area. Danny would like for the Council to reconsider their policy and he would appreciate an extension of time if the RV's have to be removed in order to find another place.

**RYAN HILL (SPEAKER PHONE) – OWNER OF MANUFACTURED HOME PARK ON VINE STREET AND BROADWAY ST.**

Ryan reviewed the letter he emailed to Mayor Wilson. Ryan explained his goal to provide affordable housing in La Cygne. He has currently invested \$30,000 in the MHP on Vine street improving the current homes and establishing policy for those renting by requiring background checks and signing lease agreements. Ryan reviewed the benefits of having long-term RV owners because they do contribute monetarily to the community and several are contractors who work at our local industries. Ryan stated he would require background checks on the RVs, have security camera systems in the park, and conform to the Kansas lease laws as outlined in his letter. Ryan wants to do what is right for both the residents and the city, he wants to be a good partner with the city and create safe and affordable housing.

**RAMONA SLOCUM – PAST OWNER OF THE MANUFACTURED HOME PARK (MHP) ON BROADWAY STREET**

Ramona just sold the MHP on Broadway Street to Ryan Hill. She is here tonight to represent the park along with Ryan Hill. Ramona indicated there is nothing in Article 18 (Manufactured Home Park District) about "NO" Recreational Vehicles (RVs) allowed. Ramona also referred to Article 21 – Nonconformities. The MHP on Broadway has been around for 30 years, the MHP on Vine Street has been around for 20 years and at various points in time the City has condoned those Manufactured Home Parks having recreational vehicle (RVs) lots by continuing to license the park with the recreational vehicle lots in them. Ramona reviewed Article 9, Section 9-11 in the Zoning regulations which refers to trailer parks which are allowed in C-2 zoned districts and questioned how the City was able to put a trailer park in the La Cygne Community Park. Ramona has owned the MHP on Broadway for 11 years and has had no violations on any of the RVs in the park. She expressed how they have tried to improve the MHP over the years. Ramona indicated the RV lots have provided housing opportunity for contractors who are in town for 4-6 months working for Evergy.

**CARLOS RAMIREZ – RV OWNER**

Carlos is an owner of an RV in the Manufactured home park located on Broadway Street. Carlos expressed the importance for having the RV lots for individuals like him who are working in the community and providing money for the community by buying things locally.

Mayor Wilson thanked all the MHP owners and recreational vehicle representatives for coming to express their opinions and concerns regarding recreational vehicles in the Manufactured home parks. Mayor Wilson indicated the importance for the City to update the policy in the Codes Book and Zoning Regulations in order to provide clarity in the matters of the City's infrastructure operations, procedures and requirements in the various districts.

City Attorney Harding indicated Ryan Hill is one of his clients and therefore if and when necessary, the Council would need to seek separate legal counsel.

Danny Welch did emphasize the amount of time it does take to relocate and would appreciate the Council extending the deadline.

**DISCUSSION FROM THE FLOOR CONT:**

Council Member Mitzner addressed changing the deadline indicated in the letter for removal of recreational vehicles from Manufactured home parks while the Council reviews and confirms the policy.

❖ **Motion**

**Council Member Mitzner motioned to extend the deadline to June 1, 2021 for recreational vehicles to be removed from the Manufactured home park. Motion seconded by Council Member Curtis voted on, passed 5-0.**

**SPECIAL PROJECTS:**

**SEWER IMPROVEMENT PROJECT**

- i. BG Consultants Inspection crew for the manholes will restart on Monday, October 5, 2020 at 9am. Public Works Superintendent Nasalroad confirmed BG Consultants had started.
- ii. Paul Owings (BG Consultant Engineer) met with Mayor Wilson, PWS Nasalroad, and CC Wade to do a preliminary review of the upcoming sewer project and the design process. Discussion was held regarding the purpose of the project to include – decreasing maintenance, decreasing infiltration and more cost effective to rehabilitate as opposed to waiting longer and having to replace. The scope of work to be performed in the project was also reviewed which included: Fix all priority 1, 2 and 3 service taps, mainline rehabilitation (re-line if able and replace if necessary), manhole rehabilitation, lagoon improvements and miscellaneous improvements. Paul estimated first 3-4 months to complete preliminary drawings and next 5-8 months to complete final drawings for bid letting. Paul discussed having a decision log which would be routed through the Engineer to document all items requiring decisions during the project to avoid changes happening out in the field.

**STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL ROAD**

- i. 2 out of the 5 acquisition offers have been completed and returned as of September 30, 2020.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING**

City Attorney Harding has been reviewing the agreement for the Sewer Rehabilitation project which he received from CC Wade and working on Planning & Zoning items. City Attorney Harding asked for an executive session for legal for 10 minutes later in the meeting.

**REPORTS OF CITY OFFICERS CONT:**

**CHIEF OF POLICE/CODES OFFICER**

**49** Traffic Stops Conducted

**Citations issued since last meeting**

Speed in School Zone	14	Suspended DL	4
TOC	1	Illegal Tag	2
Expired DL	0	No DL	2
Expired Tag	4	Speed	6
Vicious Dog/RAL	2	Insurance	4
Seatbelt	1	Illegal UTV use	2

**Calls for Service / Reports – 09/15/20 thru 10/05/20**

Animal Complaint – 4	Prowler - 1
Vehicle Lockout – 3	Civil Matter / Child Custody Standby – 8
Found Property – 2	Citizen Assist CFS / contact - 1
Traffic Hazard – 1	Suspicious Activity – 2
Theft / Shoplift – 1	Missing Child – 1
Assist Outside Agency – 1	Tresspass – 1
911 Hangup – 1	CINC - 1

**Codes Enforcement**

The following letters have been sent:  
Follow Ups – 3

**Animal Control**

Rough draft of City Code for Animals was sent out to City Attorney Harding and City Clerk (CC) Wade to review. CC Wade handed out copies to the Public safety committee members (Council Member Mitzner and Council Member Smith) and to the Mayor for review.

**VIN Inspections-** 1 completed

**New Business**

Chief Fenoughty asked for any questions or comments regarding the rough draft of the City Code for Animals be addressed to her for review and consideration. Chief Fenoughty pointed out the section referring to the number of pets an owner is allowed. Chief Fenoughty needs to know what the City would like the amount to be and/or if they want a separate number for dogs and cats.

Accrued Overtime for Department: Accrued overtime for last pay period = 6.25 hours  
Executive Session request for 5 minutes for non-elected personnel for review of application.

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10 minutes for non-elected personnel matter for application review and will return to the Council table at 7:37pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:32pm**

**OPEN SESSION RESUMED AT 7:37pm**

**REPORTS OF CITY OFFICERS CONT:**

**CHIEF OF POLICE/CODES OFFICER**

Council Member Capp asked Chief Fenoughty about the State and City laws pertaining to ATVs and Side-by-sides traveling on the highways. Chief Fenoughty stated the Kansas statues read the ATVs can cross over a highway but they can't travel on the highway.

**PUBLIC WORKS DEPARTMENT – PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD**

Report from 9-17-2020 to 10-7-2020

**Committee Discussions**

**Water and Gas:**

- All water valves have been exercised.
- All hydrant valves have been exercised.
- Started clearing lot for pre-sediment pond.
- Talked with an engineer about the pre-sediment pond.

**Street:**

- Dump truck is getting the plow installed.

**Sewer:**

- Manhole survey is on-going.
- Added a gate at the sewer lagoon on the south end in order to mow the grass in the SW Corner. PWS Nasalroad still needs to put up some signs on the gate/fence.

**Cemetery:**

- Grass has slowed way down, all caught up.

**FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –**

- Annual serving of the hot dogs at Thayer Park on Halloween, October 31, 2020. The hot dogs/chili will be available starting around 5pm-5:30pm and go until all of the food is gone.
- Met with Richard Zingre (Architect) regarding the new Fire Station. He has done a few stations in our area to include; Paola, Linn County and Fort Scott. He will be putting together a preliminary proposal/concept.

**CITY CLERK – JODI WADE**

Report from 9/17/2020 – 10/7/2020

- Research through Planning & Zoning regarding lot sizes and set-backs for Commercial and Residential zoned districts.
- Completed the transaction of sale of the 2014 Exmark Mower.
- 4<sup>th</sup> Quarter Budget review.
- Researched mil levy information with the State.
- Researched neighborhood revitalization programs.
- Continued the research on 612 N. 8<sup>th</sup> Street for condemnation.
- Sorted files and records in the vault.
- Ordered the 2021 planners
- Completed the transaction of sale for 106 S. Commercial Street.

**REPORTS OF CITY OFFICERS CONT:**



**STREET –**

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) 104 S. 4<sup>th</sup> Street (Frankie's Liquor Parking access/driveway): Mayor Wilson presented the action review report to the Council for Article 22, Section 22-3: Off Street Parking Lots. The Mayor and the Council reviewed each request for action bullet point under the sections for Surfacing, Access, Trucks and Setbacks. Mayor Wilson asked CC Wade to share the historical research pertaining to Article 22 which lead to finding some conflict regarding what the intention was by the Planning & Zoning and Council when the Ordinance had been approved. Discussion was held regarding the type of surfacing for a parking lot. Various opinions were shared regarding asphalt/concrete vs. gravel. City Attorney Harding suggested the removal of the paragraph pertaining to gravel areas in existence prior to the effective date of the regulations since gravel had been listed in the prior paragraph as an accepted surface. Discussion was then held on trucks travelling on streets with "NO TRUCK" signs. The signs were put in place to stop "thru-truck" travelling and did not pertain to delivery trucks making deliveries. PWS Nasalroad stated Google maps was sending trucks down the incorrect route to the Industrial park which has caused issues of damage to city streets/railings and grounds in the La Cygne Community Park. Discussion was held regarding the set-back of the access point to a business from the interconnect of the City street with KS Hwy 152. KDOT has a requirement of 115' in developed areas. Council discussed having the access point set back at least 30'-40' from the interconnect of KS Hwy 152 to provide safe transition at the controlled intersection.

Mayor Wilson summarized the points indicated by the Council in order for CC Wade to draft an Ordinance for Article 22, Section 22-3: Off street parking lots. The Council made the following suggestions:

- ✓ Surface could be asphalt, concrete or 6" gravel.
- ✓ Access could either be one combined entrance/exit or a separate entrance and exit with a minimum and maximum width defined accordingly.
- ✓ Apron of concrete or asphalt is required for the access point to protect the city street edge from the traffic of cars and trucks when entering the business and would be the responsibility of the owner to install and maintain.
- ✓ Truck traffic is OK for making a delivery to a business but not to travel through the residential area.
- ✓ Set-backs for the access points to be approximately 35'-40' from a controlled intersection.

**SEWER-**

Council Member Thies asked if the invoice had been received from Double Eagle Excavating for the Emergency Sewer line repair. CC Wade stated it had not been received yet.

**PARK-**

Comments were made on a job well done by Jim Johnson.

**CEMETERY –**

- (In Committee review) Chapter XI. Public property, Article 1. Cemetery regulations. Tabled until next meeting.

**PUBLIC SAFETY –**

Draft copies of the Animal control policy were handed out for review.

**COUNCIL COMMITTEE REPORTS CONT:**

**COMMUNITY BUILDING-**

- Elections will be held on November 3, 2020 at the La Cygne Community Building. County Election board will have the building cleared out and disinfected in time for our Council meeting at 6pm on November 4.

**EMPLOYEE RELATIONS & TRAINING -**

- (Postponed until Spring 2021) -Ethics/Public Service Training.
- Mayor Wilson asked CC Wade to put together a draft regarding a Training Policy which requires employees to reimburse the City for their training if they leave within in a certain period of time.
- Jeff Deane with Lauber Municipal Law inquired about using the Community Building for in-person governing body training courses. These trainings would be offered to city representatives in the surrounding counties. Council Member Mitzner suggested adding a cleaning fee to the registration fee to cover the cost of disinfecting the building after use and to determine a maximum occupancy count which would meet the six-foot social distancing recommendations.

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT -NONE**

**SWANFEST COMMITTEE -NONE**

**LA CYGNE COMMUNITY PARK BOARD - (1) VACANT SEAT**

Council Member Mitzner confirmed the individual would need to either live within the City of La Cygne or Lincoln Township to serve on the board.

**PLANNING & ZONING COMMISSION (PZC) -**

- **ORDINANCE NO. TO AMEND THE ZONING REGULATIONS OF THE CITY OF LA CYGNE, KS THAT THE ZONING DISTRICTS OF LA CYGNE, KANSAS ARE AMENDED BY REZONING THE DESCRIBED LAND LOCATED AT 410 W GRAND AVENUE (SUBDIVISION 33-19-24, ACRES 29.8, W 30A OF NW4 NW4 LESS RD), 416 W GRAND AVENUE (SECTION 32 TOWNSHIP 19 RANGE 24, ACRES 75.3, N2NE4 & PT LOTS 5 & 6 LYG N O F RR EX BEG NW/C NE4 TH E 1320 S 590 W 970 N 277.8 W 350 N TO POB & EX BEG 640 N SE/C LOT) AND 417 GRAND AVENUE (S32-T19-R24, ACRES 75, N2NE4 & PT LOTS 5 & 6 LYG N O F RR EX BEG NW/C N E4 TH E 1320 S 590 W 970 N 277.8 W 350 N TO POB & EX BG 640 N SE/C LOT) FROM C-1 (RESTRICTED COMMERCIAL DISTRICT) TO C-2 (GENERAL COMMERCIAL)**

❖ **Motion**

**Council Member Curtis motioned to approve Ordinance No. 1477 to rezone land generally located at 410 W Grand Avenue, 416 W Grand Avenue, and 417 Grand Avenue in La Cygne, KS from C-1 (Restricted Commercial District) to C-2 (General Commercial). Motion seconded by Council Member Capp, voted on, passed 5-0.**

**UNFINISHED BUSINESS:**

**RESOLUTION TO ADOPT AN ADMINISTRATIVE POLICY FOR PROFESSIONAL STANDARDS FOR BOARD MEMBERS.**

City Attorney Harding is still reviewing. **Resolution is tabled until the next meeting on October 21, 2020.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 3 minutes for non-elected personnel matter for individual employee review and will return to the Council table at 8:56pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 8:53pm**

Others in attendance included, but not limited to: City Attorney Harding

**OPEN SESSION RESUMED AT 8:56pm**

❖ **Motion**

**Council Member Capp motioned to approve a pay raise for City Clerk Wade to \$18.77 per hour effective this payroll period. Motion seconded by Council Member Mitzner, voted on, passed 5-0.**

CC Wade thanked the Council for recognizing her efforts and appreciated their support over the past two years. CC Wade stated she will continue to strive to show improvement in her role and to serve the City and community members of La Cygne.

**NEW BUSINESS:**

**ZINGRE AND ASSOCIATES, P.A. AGREEMENT FOR PRELIMINARY ARCHITECTURAL SERVICES FOR SCHEMATIC DESIGN/COST ESTIMATE(PER) FOR A NEW FIRE STATION FOR THE CITY OF LA CYGNE IN AN AMOUNT NOT TO EXCEED \$3,010.**

PWS Nasalroad met with Rick Zingre to review the location for the fire station and to discuss the general concept for design of the station. Rick will put together a preliminary drawing and cost analysis for the new station for the Council to review and to determine if the funds are available. Council Member Capp asked City Attorney Harding if this would be a conflict of interest for the (3) Council members who are on the roster for volunteer fireman to discuss or vote. City Attorney is going to double check with the Attorney General to confirm for sure, but he was of the opinion it would not be since the firemen are not full/part-time employees of the City but volunteers who receive a stipend per call. **The agreement was tabled until the next meeting on October 21, 2020.**

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) WATER CERTIFICATION EXAMS:**

Codee Blanchett, Water Certification Exam for Class II, December 16-17, 2020, Emporia, KS. Jeff Chaplin, Wastewater Certification Exam for Class I, December 16-17, 2020, Emporia, KS. Cost for each exam is \$25. Cost for preparation class through FSCC \$140. 2-nights of hotel accommodations/meals. Total cost for Codee Blanchett and Jeff Chaplin is \$330 for the exams. PWS Nasalroad indicated both have been studying information and our Contract operator, Stewart Kasper, has been tutoring them.

**NEW BUSINESS CONT:**

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) WATER CERTIFICATION EXAMS:**

❖ **Motion**

Council Member Capp motioned to approve for Codee Blanchett to take the Class II Water Certification preparation classes/exam and for Jeff Chaplin to take the Class I Wastewater preparation classes/exam on December 16-17, 2020 in Emporia, KS with the city covering costs for 2-nights hotel and meals. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10 minutes for data related to financial affairs or trade secrets and will return to the Council table at 9:16pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 9:06pm

Others in attendance included, but not limited to: City Attorney Harding and City Clerk Wade

**OPEN SESSION RESUMED AT 9:16pm**

**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Capp motioned to go in to executive session for 8 minutes for data related to financial affairs or trade secrets and will return to the Council table at 9:25pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 9:17pm

Others in attendance included, but not limited to: City Attorney Harding and City Clerk Wade

**OPEN SESSION RESUMED AT 9:25pm**

**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Curtis motioned to go in to executive session for 5-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 9:31pm. Motion seconded by Council Member Capp voted on, passed 5-0. 9:26pm

Others in attendance included, but not limited to: City Attorney Harding

**OPEN SESSION RESUMED AT 9:31pm**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and will return to the Council table at 9:44pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 9:34pm**

Others in attendance included, but not limited to: City Attorney Harding, City Treasurer Connie Gore

**OPEN SESSION RESUMED AT 9:44pm**

**OTHER BUSINESS:**

None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- Trunk-N-Treat, October 30, 2020 from 6pm – 8pm on Broadway Street. Broadway will be blocked off at Market Street. Beauty on Broadway, Peoples Telecommunications and the City of La Cygne will provide goodies for the kids for Halloween.

**ADJOURNMENT:**

❖ **Motion**

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 5-0. Time 9:48pm.**

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 7<sup>th</sup> day of October, 2020.