

REGULAR MEETING:

The La Cygne City Council met on Wednesday, November 4, 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; Office Assistant Katie Russell; Frankie Elder – Frankie’s Liquor Owner; Linda Elder; Emil Wilson and Linn County News Tony Furse.

CALL REGULAR MEETING TO ORDER (6:00 P.M.)

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Lunch will be provided for the Veterans on Wednesday, November 11, 2020 at the La Cygne Library “great room”. Please call 757-2151 if you plan to attend.

b] La Cygne City Hall and the La Cygne Compactor will be closed on Wednesday, November 11, 2020.

c] Mayor Wilson thanked the election poll workers who volunteered their time during the elections yesterday. It was a busy day and week for the election officials with record numbers coming out to vote.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of October 21, 2020 City Council Meeting;
Minutes of November 2, 2020 Special Council Meeting;
Check Register: October 22 – November 4, 2020;
CMB Retail License renewal for 2021 – Casey’s General Store #3397

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT

- i. Temporary financing for design services in the amount of \$436,000. Sealed bids received from First Option Bank and Labette bank for 2 to 3-year interim financing. The bids were read by Mayor Wilson. First Option Bank offered 36-month term with possibility of payoff without penalty as soon as 24 months with an interest rate of 2.5% and no origination fee. Labette Bank offered 36-month term with possibility of early payoff without penalty as soon as 24-months with an interest rate of 1.74% and no origination fee.

❖ **Motion**

Council Member Mitzner motioned to approve the bid received from Labette Bank for the temporary financing for the design services for the sewer rehabilitation project in the amount of \$436,000 for 2 to 3-year term at the rate of 1.74% with no origination fee and no prepayment penalty. Motion seconded by Council Member Capp, voted on, passed 5-0.

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

- i. CC Wade received notice from KDOT of the bid letting date being moved from February 2021 to April 2021.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING

City Attorney Harding has been working on Municipal Court, Land acquisitions, and Planning & Zoning items and acquisitions.

CHIEF OF POLICE / CODES OFFICER

17 Traffic Stops Conducted

Citations issued since last meeting

Illegal Tag	4	No DL	2
Expired Tag	1	Vicious Dog/RAL	1
Insurance	6	Revoked DL	2

Calls for Service / Reports – 10/19/20 thru 11/03/20

Animal Complaint – 3	911 Hang Up - 1
Vehicle Lockout – 2	Civil Matter / Child Custody Standby – 6
Citizen Assist CFS / contact – 3	Check Welfare – 4
Traffic Hazard– 1	Follow Up – 4
Theft – 1	Registered Offender Check – 2
Pedestrian Check – 2	Transport back of prisoner - 1

REPORTS OF CITY OFFICERS CONT:

CHIEF OF POLICE/CODES OFFICER

Codes Enforcement

No letters sent this period.

Animal Control

Nothing new to report

VIN Inspections- 1 completed

New Business

None at this time

Accrued Overtime for Department: Accrued overtime for last pay period = 8.25 hours

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

PWS Nasalroad had a busy day with some Gas issues. Council Member Thies inquired about the 1-ton plow and the Dump truck plow being in operation and ready for snow season. PWS Nasalroad confirmed both units have been checked and are ready for the season. PWS Nasalroad has ordered and received salt & sand. PWS Nasalroad has completed the annual employee evaluations for the Public Works department.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

Annual serving of the hot dogs at Thayer Park on Halloween, October 31, 2020 went well and Fire Chief Nasalroad thanked all those who stopped by and those who volunteered their time. Fire Chief Nasalroad noted the Linn County Newspaper reported the event as if it was funded by the City of La Cygne Fire Department. Fire Chief Nasalroad made it clear no tax dollars were used for the event, it is all by volunteer and donation.

CITY CLERK – JODI WADE

- Draft for Article 22
- Resolution for Training Reimbursement
- Resolution for a Public Hearing for 612 N. 8th Street for condemnation.
- Finalized the LVL Water purchase agreement with the attorney.
- Accepted applications for Part-time Police/Codes Enforcement officer position.
- Researched financing for settling ponds.
- Preparing 2021 budget to enter in to the system.
- Prepared Amended Budget.
- Set up towers with webcams for virtual trainings and meetings.
- Updated Webpage with new photos.
- Researching Mobile Homes.
- Researching Event Venue.
- Met with Evergy Lineman Manager.

Meetings/Trainings Attended virtually:

- League of Municipality Weekly Conference Call
- KMGA virtual board meeting.
- Sales Tax Web portal webinar.

Overtime Hours for City Hall for the last pay period: 6.25 hours (Jodi)/ .75 hours (Connie)

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET –

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 15-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 6:30pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 6:15pm

The following Memorandum from Mayor Wilson was read aloud:

Business Parking Lots and access from the city streets across the right of way.

A few months ago, the Governing Body was approached by a member of the public with a concern about potholes at the corner of 4th and Market St. regarding its repair and who the responsible party would be. After being addressed, the Council resolved to try to confront the problem and the concern of that citizen. What began with a relatively simple question and request began to become larger and more complex as the relevant codes, statues and policies were examined that applied to the issue. We found that the surface level request was the tip of the ice burg regarding several underlying issues that factored into the situation. Among other complications, some of the issues that required addressing were the definition of access under our codes and the requirements of that access, and questions of property lines and city easement and right of way issues that bore on the specific problem.

We have researched and have discussed in depth and are close to the finish line on a revised ordinance that will spell out all necessary details going forward for new businesses and businesses that change hands or the type of business in order to address not only the immediate issue, but to lay the groundwork so that going forward there will be clear rules and policies for any future problems like the one before the Governing Body now.

So first The City attorney has prepared a letter for the property owner of 104 South 4th Street, to explain our position.

Our position is that similar to cities all across the country – a property owner is responsible for their own access to the city street and that access will by necessity be permitted across the Public Right of Way to allow access to the paved edge of the street. This is true for driveways to homes and access points to businesses. To clarify this, imagine the driveway to your home had potholes. The city is not going to repair or put gravel on each driveway or access in town. The property owner is responsible for the maintenance of their permitted driveway.

We are currently grappling with defining the entry and exit point for the parking lot in question. We will be requesting that the property owner submit a plan or design for approval, designating where she would like the entry/exit point to be and its approximate dimensions. Once defined that property owner will be responsible for the upkeep of that access (like our own personal driveways) is the owners' responsibility.

COUNCIL COMMITTEE REPORTS:

STREET –

• **Memorandum from Mayor Wilson continued:**

- If the access point does not run the whole length of the property (which is preferable and will be specified in the new ordinance) it will be the owners responsibility to lay out her parking lot in a way that directs traffic in the way she desires in the same way that both of our banks and Casey's designated their own entrances with green spaces and paved access. If it is the property owners desire that patrons of the business do not enter the parking area through where the City has placed concrete barriers, the onus to direct traffic on to that private property will be on that property owner. We are not defining how the property owner might choose to do this.

Secondly – While we were deliberating the governing body decided to place barriers in the right of way in front of the property at 104 South 4th Street.

1. Because control of the public right of way is up to the city.
2. To prevent people from making the pot holes worse while we were deliberating.
3. This was always intended to be temporary.

The governing body will now discuss this statement. We will also discuss and review the proposed ordinance.

- ***Draft revision of Article 22, Section 22-3.*** Discussion was held regarding section 22-204 Residential Districts parking for more than (3) vehicles. Since section 22-501 defines the number of spaces for residential and we have some homes which have circular driveways in the front of their houses it was determined to remove section 22-204. Council Members discussed the definition and purpose of an apron to help protect the paved edge of the street from the traffic coming off the street to enter the parking lot. A determination of approximately a minimum of 10-feet from the paved edge of the street back towards the property line should be constructed of either asphalt or concrete. Mayor Wilson inquired about the term unsignalized/signalized for defining the intersection as being a "controlled" intersection. City Attorney Harding concluded the terms would refer to either electronic signals or signs. Mayor Wilson suggested the City consider what would result if a business owner did not fulfill the requirements for a permit. Discussion was also held regarding section 22-601 (E) Screening and the Council decided to remove the sentence in the paragraph regarding fencing in the front yard which is not permissible in the City.
- ***La Cygne Library parking area drainage.*** Council Member Curtis who works across the street from the NW corner of the La Cygne Library has noticed for the past 10-years the corner of the block has held water. Council Member Curtis suggested to have the City install a culvert under Broadway street to the West towards a drainage ditch located on the North side of Peoples Telecommunications. Mayor Wilson asked if there was a complaint submitted and Council Member Curtis stated a person from out of town had called him complaining about the lack of drainage at that NW Corner of the Library lot. Mayor Wilson expressed concerns about the change in the amount of water since the loss of green space originally on the North end of the Library's lot which would help absorb water. Mayor Wilson referred to the discussion held at the last Council meeting regarding gravel lots vs. paved lots. Prior to the concrete being poured for the new parking area on the North side of the Library, PWS Nasalroad and Council Member Mitzner had approached the General Contractor for the Library Addition project asking to see the plans for the parking area on the North side of the new Library Addition.

COUNCIL COMMITTEE REPORTS CONT:

STREET –

La Cygne Library parking area drainage continued:

The General Contractor verbally stated their plan for a drain system in the parking area but that is not what was built. Mayor Wilson asked if this is an issue for the Library to approach with their General Contractor or not? Council Member Mitzner suggested the importance of time in order to avoid the Library missing out on their warranty period if something needed to be addressed with their General Contractor and Engineer regarding stormwater drainage. Council Member Capp feels the General Contractor/Engineer did not do what they were supposed to do and also pointed out the fact of the amount of water now coming off of the larger roof space on to hard surface with very little or no green space to absorb it is causing a bigger issue. Council Member Curtis again expressed the ease for the City to just install a culvert underneath Broadway street to the West towards the culvert. Mayor Wilson asked the if the Street Committee could look at the area during the next rain event.

SEWER-NONE

PARK-

- Mayor Wilson asked the Park Committee and Park Board Chairman Linda Elder about the playground equipment listed to be scrapped in the unapproved Park Board meeting minutes. Mayor Wilson asked if the equipment could be sold on Facebook. Council Member Curtis said pea gravel had been hauled in and spread in the small playground by Park Maintenance Jim Johnson. Council Member Curtis, Council Member Capp, and patron (Terry) installed the eagle statue in honor of Bill Ross for all the work he had done for the park the last several years. A memorial bench was also installed.

CEMETERY –

- (In Committee review) Chapter XI. Public property, Article 1. Cemetery regulations. CC Wade will give the committee members another draft to review.

PUBLIC SAFETY –

- Council Member Mitzner is still reviewing the Animal control policy presented by Chief Fenoughty. The draft has been tabled until the November 18, 2020 meeting.

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING –

- (Postponed until Spring 2021) -Ethics/Public Service Training.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

LA CYGNE COMMUNITY PARK BOARD – OCTOBER UNAPPROVED MEETING MINUTES

PLANNING & ZONING COMMISSION (PZC) -NONE

UNFINISHED BUSINESS:

RESOLUTION NO. AN ADMINISTRATIVE POLICY FOR PROFESSIONAL STANDARDS FOR BOARD MEMBERS/COMMISSION MEMBERS/VOLUNTEERS.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 420 an Administrative Policy for professional standards for Board members/Commission members/Volunteers as presented. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

RESOLUTION NO. AN ADMINISTRATIVE POLICY FOR POLICE OFFICER RECRUIT TRAINING AND EQUIPMENT AGREEMENT

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 421 an Administrative Policy regarding a Police recruit training and equipment agreement as presented. Motion seconded by Council Member Capp, voted on, passed 5-0.

CONCRETE BLOCK BARRIERS LOCATED AT 104 S. 4TH STREET

Council Member Curtis asked if the Public Works crew could remove the concrete block barriers the City set at 104 S. 4th Street.

❖ **Motion**

Council Member Curtis motioned to have the City Public Works remove the concrete block barriers which were temporarily placed at 104 S. 4th Street. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

NEW BUSINESS:

BLUE CROSS BLUE SHIELD HEALTH INSURANCE RENEWAL

CC Wade advised the Council on the upcoming renewal for health insurance through Blue Cross and Blue Shield. The 2020 annual amount was \$59,452 and for 2021 the annual amount will be \$60,314, a difference of \$862.00.

❖ **Motion**

Council Member Mitzner motioned to approve the renewal with Blue Cross and Blue Shield Kansas for an annual total of \$60,314. Motion seconded by Council Member Capp, voted on, passed 5-0.

AMENDING THE 2020 BUDGET FOR SOLID WASTE (TRASH SERVICE) Notice of Budget Hearing for amending the 2020 Budget. Hearing to be held on December 2, 2020 at 6pm.

❖ **Motion**

Council Member Capp motioned to publish notice for a Budget hearing on December 2, 2020 at 6pm for amending the 2020 Budget for Solid Waste (trash service). Motion seconded by Council Member Curtis, voted on, passed 5-0.

NEW BUSINESS CONT:

CONSENT TO ASSIGNMENT OF LAND LEASE AGREEMENT REGARDING VERIZON WIRELESS TOWER

City Attorney Harding advised the Council of the section for assignment found in the contract agreement the City signed with Verizon Wireless.

❖ **Motion**

Council Member Capp motioned to approve for Mayor Wilson to sign the consent to assignment of land lease agreement from Alltel Corporation d/b/a Verizon Wireless to STC Towers LLC. Motion seconded by Council Member Curtis voted on, passed 5-0.

UNLOCKING THE DOORS OF THE LA CYGNE CITY HALL

Mayor Wilson opened a forum to discuss unlocking the doors to the La Cygne City Hall. Mayor Wilson has received some calls from concerned patrons. Office assistant Katie Russell asked the Council about the employees having to wear masks and the concerns regarding the challenges of communicating with masks on. Council Member Mitzner expressed concern regarding opening up the doors and the importance of wearing a mask. Council Member Mitzner made a point if the City had to quarantine all of the clerks, there is nobody available to handle the City business and to date cases are rising in Johnson County and in Linn County. Further discussion was held and the City Council made no motion to unlock the doors to the La Cygne City Hall door and to continue to conduct business as it has been.

RESOLUTION NO. ORDERING A HEARING ON ABATEMENT OF CERTAIN CONDITIONS IN VIOLATION OF THE NUISANCE CODES OF THE CITY OF LA CYGNE, KS.

CC Wade confirmed all communication steps had been completed to date regarding the house located at 612 N. 8th Street. The next step is a notice for a public hearing.

❖ **Motion**

Council Member Curtis motioned to approve Resolution No. 422 ordering a hearing of the Governing Body to be held on January 6, 2021 at 6:00pm at the La Cygne Community Building. Motion seconded by Council Member Mitzner voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to take a 5-minute break for City Attorney Harding and Council Member Smith to meet and will return to the Council table at 7:55pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 7:50pm

EXECUTIVE SESSION:

NONE

OTHER BUSINESS:

❖ **Motion**

Council Member Curtis motioned to approve a City liquor license (Class B) for River Lodge and Hunt Club located at 417 W. Grand and 410 W. Grand upon receipt of an approved license from the State. Motion seconded by Council Member Capp voted on, passed 4-0.

NOTES AND COMMUNICATIONS TO COUNCIL:

- Chamber of Commerce October 14, 2020 unapproved meeting minutes
- Christmas on Broadway, December 6, 2020 from 4pm – 6pm.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 5-0. Time 7:58pm.

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 4th day of November, 2020.