

Record of the Proceedings of the Governing Body
REGULAR MEETING

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December 1, 2021

REGULAR MEETING:

The La Cygne City Council met on Wednesday, December 1, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Danny Curtis; Thomas Capp; James Thies; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; Codes Officer Allison Fox; City Attorney Burton Harding; Linn County News Tony Furse; David Brenneman, Melissa West, Sandra Smith, Shawn Pavone, Jackie Pribble, Danny VanVlack and James McCarson.

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

Pledge of Allegiance – Mayor Debra Wilson

PUBLIC HEARING FOR USDA APPLICATION FOR SEARCH GRANT (6:00 P.M.)

- a] Mayor Wilson closed the regular meeting;
- b] Mayor Wilson opened the Public Hearing for the USDA Application for the SEARCH grant;
- c] Mayor Wilson asked for comments from the public
 - ✓ CC Wade advised the Council upon review of the application by USDA they have determined the city does not show financial need for assistance to perform the water analysis and therefore would not be eligible for the SEARCH grant program.
- d] Mayor Wilson closed the Public Hearing for the USDA Application for SEARCH Grant.

CALL REGULAR MEETING TO ORDER (6:01 P.M.)

MIDWEST ENGINEERING GROUP LETTER OF AGREEMENT FOR PROFESSIONAL SERVICES FOR A WATER TREATMENT PLANT STUDY IN THE AMOUNT OF \$33,500.

❖ **Motion**

Council Member Capp motioned to approve for the mayor to sign the Letter of Agreement with Midwest Engineering Group for professional services for a water treatment plant study in the amount of \$33,500. Motion seconded by Council Member Stoker voted on, passed 5-0.

MAYOR COMMENTS:

- a] Christmas Light Pole Decorations are up and in full operation. Thank you to Aaron Rice, Gary Spears and Everyg and our Public Works crew for getting the job done.
- b] City of La Cygne will host an appreciation day for the Council, Boards, Planning Commission and City Employees on December 10, 2021. The Boards and Planning Commission can stop by the City Hall from 10:30am until 11:30am. The Council members and City Staff are invited for lunch at noon at the La Cygne Community Building. The La Cygne City Hall will be closed from noon until 1:00pm.

MAYOR COMMENTS CONTINUED:

c] Christmas on Broadway, hosted by the La Cygne Chamber of Commerce, will take place on December 12, 2021 from 3-5pm. Businesses are welcome to set up a booth or activity. Santa and Mrs. Claus will be present, hot cocoa and cookies, craft projects, photo booths, the Christmas train, music by the Prairie View Band and Choir, and activities for the family to enjoy.

d] The La Cygne City Hall and Trash Compactor will be closed on December 24 and December 27, 2021 in recognition of Christmas. The La Cygne City Hall and Trash Compactor will be closed on January 3, 2022 in recognition of New Year's Day.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of November 17, 2021 City Council Meeting;
Check Register: November 18 – December 1, 2021;
Cereal Malt Beverage 2022 License for Casey's General Store;
Drinking Establishment License for the Wagon Wheel 2021-2023.

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

DISCUSSION FROM THE FLOOR:

Patrons present for the discussion from the floor were in reference to the Unfinished Business section handled later in the meeting.

SPECIAL PROJECTS:

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

- i. Starbuck Trucking LLC has been working on clearing the project area.
- ii. PWS Nasalroad is working with Midwest Engineering on request for proposals for the fencing around the perimeter of the settling ponds.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

- i. PWS Nasalroad will be meeting with Abby Mills, BG Consultants, on December 2 to review a few areas prior to finalizing the bid plans.
- ii. CC Wade has reached out to financial companies to begin the process for interim financing (bonds) for the construction phase of the sewer project.
- iii. Survey flags have been placed on the city right of way (alley/utility easement) between N. Railroad Street and 2nd Street.

STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL ROAD (BG CONSULTANTS)

Project scheduled for March 2022.

SPECIAL PROJECTS CONTINUED:

NEW FIRE STATION/PUBLIC SAFETY BUILDING

- i. Submission for the First Option Bank Trustee Foundation grant is March 1, 2022.
- ii. CC Wade visited with Kevin Cowan, Gilmore & Bell, regarding bonds through the Public Building Commission for the new Public Safety Building project.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

- i. CC Wade reached out to Linn County Economic Coordinator Jessica Hightower regarding applications for ARPA funds from the county for the Public Safety Building project. Jessica will email an application as soon as the county commissioners give her permission.

HEAL GRANT PROGRAM – COMMUNITY BUILDING

- i. CC Wade delivered applications for the HEAL Grant program to improve historic or architectural significant buildings located in the downtown of the city to the owners of vacant buildings. Applications are due by 5:00 p.m. December 20, 2021. CC Wade is working with Janet Reynolds, SEKRPC and the Kansas Small Business Development Center to complete the narratives and business plan for the HEAL Grant application for the La Cygne Community Building.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

Determination of descent has been completed and the quit claim deed has been filed with the register of deeds. The city now owns the lot located at 602 N. 5th Street.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp 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 6:25pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 6:20 pm

Others in attendance included, but not limited to: Police Chief Fenoughty and CC Wade

OPEN SESSION RESUMED AT 6:25pm:

CHIEF OF POLICE – TINA FENOUGHTY

20 Traffic Stops Conducted

Citations issued since last meeting

Speed School Zone	3	Tag Expired.	0
Fail to Yield	0	No Tag	0
Insurance	0	No DL	1
RR Crossing	0	Speed	3
Vicious Dog/RAL	0	Marijuana	0
Drive Violation of Rest.	0	Misdemeanor	0

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

Calls for Service / Reports – 11/15/2021 thru 11/29/2021

Animal Complaint – 4	Traffic Complaints - 1
Assist Outside Agency – 1	Pursuit – 0
Building Check – 0	Citizen Assist CFS / contact - 19
Fingerprints – 1	Juvenile Incident – 1
Check Welfare – 1	911 Hang up– 0
Follow Up – 14	Theft - 2
Suspicious Activity – 3	Vehicle Lockout – 0
Disturbance – 0	Drug Case - 0
Ambulance Disturbance – 1	Criminal Damage – 0
Non-Injury Accident – 1	Pedestrian Check – 2
Suicidal Subject – 0	Warrant Attempt – 4
Felony Warrant – 0	Misdemeanor Warrant - 1

VIN Inspections – 1 completed

New Business: Purchase order requests which are within the Department Supervisor’s procurement range, but Chief Fenoughty wanted to advise the Council of the following purchases she will be making:

#2021-DEC-01: In the amount of \$415 for (1) ALCO Sensor FST which includes 25 mouth pieces, 2 passive cups, drink sniffer, 1-year warranty, carrying case and web-based training.

#2021-DEC-02: In the amount of \$2,198 for (1) ProLaser 4 – Traffic Safety LIDAR which includes battery charger, 8 AA rechargeable batteries, USB cable and 12 VDC adapter, 3-year warranty and hard carry case.

#2021-DEC-03: In the amount of \$2,185.50 for (1) Tazer 7 Basic Bundle, 6-bay dock and core, tactical battery pack, wall mount bracket, training target and extended 5-year warranty for handle docking station and battery pack.

Unfinished Business:

Accrued overtime for last period = 0 hours

CODES ENFORCMENT – ALLISON FOX

Officer Fox will begin working on the requests for demolition for 602 N. 5th Street.

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

This report will include tasks outside of our normal day to day duties.

Report from 11/16/2021 to 12/01/2021

Committee Discussions

Water and Gas:

- Midwest Engineering Group agreement for water treatment plant.
- Pond construction continues.
- Getting estimates for fencing around the water treatment plant settling ponds.

REPORTS OF CITY OFFICERS CONTINUED:

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

Water and Gas:

- Purchase Order No. 2021-16 in the amount of \$10,428.95 for three (3) TU 5300 Turbidity analyzers, calibration, PH Calibration kit (1), and 2100q Calibration kit (1).

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2021-16 for an amount not to exceed \$11,000 for three (3) TU 5300 Turbidity analyzers and calibration kits as noted. Motion seconded by Council Member Stoker voted on, passed 5-0.

Street:

- Road repair at 5th and Grandview.

Sewer:

- East lift station turbo parts for generator have arrived and repair is being scheduled.
- New pump for the east lift station came in and was installed yesterday.
- Meeting with B&G tomorrow to go over final plans for sewer project.

Park:

- No luck getting anyone to come down and check the pool leak, Jodi is reaching out to other communities for recommendations.
- Finished mowing for the season last week.
- Mowers have been cleaned and will be serviced in the spring. Need to look at getting a new mower.

Cemetery:

- Mulched leaves and done mowing for the season.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

- Worked on getting information for station grants.

CITY CLERK – JODI WADE

Report from 11/18/2021 – 12/01/2021

- Met with Janet Reynolds for assistance with the HEAL Grant application narratives.
- Visited with Mike Billings, USDA, regarding the SEARCH Grant.
- Reached out to Raymond James regarding the interim financing for the sewer rehabilitation project.
- Finalized the Council packets.
- Entered the 2022 budget into gWorks financial software.
- Completed amended budget procedure.
- Reviewed budgets with department supervisors.
- Prepared invitations for the December 10, 2021 appreciation day for the city.
- Reached out to Dan Donham, Director of Planning & Development for the City of Linn Valley regarding future assistance with building inspection. Discussed adoption of current building codes for the City of La Cygne and the possibility of adopting building codes in the future.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

- Participated in the first of two trainings for water rates and asset management. Second class will be on December 14, 2021.
- Reviewed the process with Kevin Cowan of Gilmore & Bell regarding Public Building Commission bonds for the Public Safety Building.
- Completed the review of the charter ordinances for the City of La Cygne.

Overtime Hours for City Hall for the last pay period: 7.25

CITY TREASURER/COURT CLERK – CONNIE GORE

- Finished the utility bills and got them ready for Katie to mail;
- Emailed utility bills to four (4) customers and had bank pay customer ready for the bank;
- Worked on the cemetery files, spreadsheets and reports;
- Reviewed time cards and accounts payable;
- Completed and mailed invoices on abatements;
- Worked on collections, write-offs and sent files to collections;
- Watched the first of two trainings on getting great rates and asset management;
- Entered citations and sent to Burton via Drop Box;
- Reviewed court docket;
- Emailed the docket and documents to Judge Schultz and Burton;
- Talked to three (3) defense attorneys about client options;
- Emailed documents to court appointed attorney.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- None

STREET -

- None

SEWER-

- None

PARK-

- None

CEMETERY –

- None

PUBLIC SAFETY –

- Mayor Wilson reminded patrons regarding the influx in COVID cases, FLU and RSV as the cooler weather approaches. Please remember to follow recommended precautions to prevent the spread of any viruses and illnesses this winter season.

COMMUNITY BUILDING-

- None

EMPLOYEE RELATIONS & TRAINING

- None

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -

- None

CHAMBER OF COMMERCE -

The Chamber is considering to meet quarterly instead of monthly.

PLANNING & ZONING COMMISSION (PZC) -

The meeting with IBTS is scheduled for tomorrow, December 2, 2021, at the La Cygne Community building at 7:00 p.m. to review "GOALS of the Comprehensive Plan".

LA CYGNE COMMUNITY PARK BOARD(LCPB)-

La Cygne Community Park Board will not be meeting until the January meeting on January 25, 2022 at 5:00 p.m.

- The term for Park Board Member Jennifer Vogt will end on December 31, 2021. Mayor Wilson would like to recommend Jennifer Vogt for reappointment to the board.

❖ **Motion**

Council Member Mitzner motioned to approve Mayor Wilson's recommendation to appoint Jennifer Vogt for another term on the La Cygne Community Park Board. Motion seconded by Council Member Curtis voted on, passed 5-0.

- The term for Park Board member Maggie Riley will end on December 31, 2021. Mayor Wilson would like to recommend Maggie Riley for reappointment to the board.

❖ **Motion**

Council Member Mitzner motioned to approve Mayor Wilson's recommendation to appoint Maggie Riley for another term on the La Cygne Community Park Board. Motion seconded by Council Member Curtis voted on, passed 5-0.

DISCUSSION FROM THE FLOOR:

Patrons present for discussion from the floor included:

- ✓ Jackie Pribble – Owner of property located at 109 N. 2nd Street which was identified in a survey performed for the upcoming sewer rehabilitation project as having been built in the alley right of way of the city and on 2nd Street. Jackie had some concerns regarding the time limit given in the letter received and where the property lines are for her property. She also wanted to ask the governing body about some options.
- ✓ Melissa West – Owner of property located at 124 N Railroad which has some fencing built on the alley right of way of the city. Melissa had some concerns regarding the time limit stated in the letter received.
- ✓ Shawn Pavone – Godson of Jackie Pribble presented research information regarding the original construction of the building located at 109 N. 2nd Street. Discussion was held regarding the city's process for building permit approval and questions regarding documentation of surveying property. Shawn indicated the approximate value of the house was \$55,000-

\$60,000. Shawn asked about the setback requirements for the parcel the building should have been built upon.

- ✓ Danny VanVlack
- ✓ James McCarson – Asked about the \$20 debt service fee currently being paid by patrons and using that money to re-route the sewer line.
- ✓ Sandra Smith – Tenant currently residing in Unit 2 of the property located at 109 N. 2nd Street expressed her frustration with having to relocate due to the situation of the property. Sandra brought up eminent domain and asked if the city would be reimbursing her for the expense of relocating. City Attorney Harding informed Sandra that the eminent domain process is for when the City acquires property for right-of-way expansion. In this situation the City is not attempting to acquire property the City is asking the owner to remove its property from the City's property.

UNFINISHED BUSINESS:

SURVEY FLAGS PLACED ON THE CITY RIGHT OF WAY (ALLEY/UTILITY EASEMENT) BETWEEN N. RAILROAD STREET AND 2ND STREET.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 20 minutes following a 2-minute break 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 7:22 pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:00 pm

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

OPEN SESSION RESUMED AT 7:22 pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5 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 7:27 pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:22 pm

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

OPEN SESSION RESUMED AT 7:27 pm:

City Attorney Harding advised the audience that he had spoken to Jackie Pribble and Shawn Pavone earlier in the day regarding the property located at 109 N 2nd Street which is owned by Jackie Pribble and the current situation of the home not being located on the platted property.

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City Attorney Harding informed the property owners present that all property located within the city right of way (alley) and street must be removed in preparation for the upcoming sewer rehabilitation project.

City Attorney Harding stated the City's position is the house is not only located on the alley but on 2nd Street as well and therefore it needs to be moved or demolished. City Attorney Harding explained that re-routing the sewer main is not financially feasible for tax payers. The City has established May 1, 2022 as the deadline for property owner Jackie Pribble to have the building removed. There will be no reimbursement offered.

NEW BUSINESS:

CITY WIDE CLEAN-UP. THE DATE SELECTED AT THE LAST MEETING WAS TAKEN. NEXT AVAILABLE DATE IS JUNE 18, 2022.

Discussion was held on whether there would be as much success with the city wide clean-up if it wasn't near the garage sale weekend. The council decided to proceed with the June 18, 2022 date for two (2) trucks from Waste Management. CC Wade will check on the dates for 2023 to insure to get the second Saturday in May following garage sale weekend.

EMPLOYEE EVALUATIONS HAVE BEEN COMPLETED BY ALL DEPARTMENT SUPERVISORS AND ARE PREPARED FOR THE COUNCIL MEMBERS TO REVIEW.

The Council members will perform the evaluations at the next governing body meeting.

THE TERM FOR LA HARPER HEIGHTS BOARD MEMBER PATSY BERGLUND WILL END ON DECEMBER 31, 2021.

Mayor Wilson recommended Patsy Berglund for another term on the La Harper Heights Board.

❖ **Motion**

Council Member Capp motioned to approve Mayor Wilson's recommendation to appoint Patsy Berglund for another term on the La Harper Heights Board. Motion seconded by Council Member Mitzner voted on, passed 5-0.

EXECUTIVE SESSION:

None

OTHER BUSINESS:

The Statement of Substantial Interests for Local Office form must be completed by all Council members in January of each year in case their employment or interests have changed since the initial form submitted during the election season. CC Wade will email forms to the Council members and Mayor.

NOTES AND COMMUNICATIONS TO COUNCIL:

None

GOVERNING BODY REMARKS:

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None

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 8:35 p.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 1st day of December, 2021.