

REGULAR MEETING:

The La Cygne City Council met on Wednesday, December 16, 2020 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; and Danny Curtis. Absent: 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; 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] Mayor Wilson wished all of the patrons a Merry Christmas and to be sure they have a safe New Years' Eve celebration.

b] Mayor Wilson thanked the members of the Chamber of Commerce and businesses who participated in the Christmas on Broadway on December 6, 2020. Mayor Wilson thanked the Fire Chief for bringing up the fire engine and thanked Santa for his appearance.

c] City Hall and the trash compactor will be closed on December 24 & 25, 2020 and January 1, 2021.

d] Mayor Wilson reminded patrons who have reserved a meal through the Christmas Grab-N-Go Meal program the pick-up day is December 19. Please contact (913) 602-2888 for questions or information.

e] La Cygne Christmas Lighting Contest sponsored by the La Cygne Community Park board. Patrons may view homes between December 21 – 27 to vote. Return ballots to the La Cygne Library by 4pm December 28th. Winners announced December 30th.

f] Mayor Wilson reviewed some questions from citizens, to include the following:

1. Why does a city have Ordinances? – Mayor Wilson explained how ordinances are created so that we can govern in a way that is equal for everyone. When you have ordinances that are put in place by City Council it's simple to answer questions by checking the books to see what Ordinance applies and respond to the questions and situations guided by those rules or laws.

2. Why the actions of the City can't be just solely for one person, they must be in fairness to all? – Mayor Wilson expressed how the City has limited resources, equipment and personnel for handling the infrastructure. The City wants to be fair and good to all of our La Cygne citizens. We believe it doesn't matter how long you have lived in La Cygne or what your name is, if you are a resident of La Cygne you should be treated like all the other residents of La Cygne. Each citizen should have equal access.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

Council Member Capp motioned to accept the Consent Agenda with corrections to the motion to adjourn from Council Member Capp to Council Member Curtis and the title under Special Committee reports from Planning & Zoning to LaHarper Heights Housing Authority board for recommendation of members in the meeting minutes of the December 2, 2020 City Council meeting.

Minutes of December 2, 2020 City Council Meeting;
November 2020 Treasurer's Report;
November 2020 Budget Report;
Check Register: December 3 – December 16, 2020;

Motion seconded by Council Member Thies, voted on, passed 3-0.

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT

NONE

SEWER REHABILITATION PROJECT

- i. CC Wade received the paperwork from Gilmore & Bell and Labette Bank for the Temporary Note Series 2020 in the amount of \$460,000 for BG Consultants design services. The paperwork includes the transcript of proceedings authorizing the issuance of \$460,000 General Obligation Temporary Notes Series 2020, a Resolution authorizing and directing issuance, sale and delivery of General Obligation Temporary Notes Series 2020, an Ordinance authorizing improvement to the City's sewage collection and disposal works and the Federal Tax certificate.

❖ **Motion**

Council Member Capp motioned to authorize Mayor Wilson to sign the paperwork included in the Transcript of Proceedings and the Federal Tax certificate. Motion seconded by Council Member Curtis, voted on, passed 3-0.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 423 authorizing and directing the issuance, sale and delivery of General Obligation Temporary Notes series 2020, of the City of La Cygne, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Motion seconded by Council Member Curtis, voted on, passed 3-0.

SPECIAL PROJECTS CONTINUED:

SEWER REHABILITATION PROJECT CONTINUED

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1480 authorizing improvements to the City’s sewage collection and disposal works; and providing for the payment of the costs thereof. Motion seconded by Council Member Thies, voted on, passed 3-0.

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

NONE

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING (BURTON ARRIVED LATE AND HIS REPORT WAS GIVEN PRIOR TO EXECUTIVE SESSION)

City Attorney Harding reviewed the paperwork for the Temporary Notes Series 2020 and noted everything was in order with exception of correction to the local newspaper name. City Attorney Harding has been working on Municipal Court preparations. City Attorney Harding has been reviewing a notification from the Governing Commission with recommendations regarding operations and procedures within a Police Department. Most of the items listed in the recommendations were already being performed or have been completed by the City of La Cygne Police Department.

CHIEF OF POLICE/CODES OFFICER

22 Traffic Stops Conducted

Citations issued since last meeting

Speed in School Zone	1	Equipment	1
No DL	1	Insurance	1

Calls for Service / Reports – 12/01/20 thru 12/15/20

Animal Complaint – 2	Motorist Assist - 1
Vehicle Lockout – 1	Business Theft - 1
Citizen Assist CFS / contact – 6	Check Welfare – 1
Juvenile Incident– 1	Traffic Hazard – 2
Follow Up – 11	Assist Outside Agency – 2
Fingerprints – 1	Criminal Damage - 1

INOP Vehicle Letter - 1

Animal Control

Revised Draft to be presented at the January 2021 meeting

Accrued Overtime for Department:

New Business

None at this time

REPORTS OF CITY OFFICERS CONTINUED:

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

Report from 12/2/2020 to 12/16/2020

Committee Discussions

Water and Gas:

- Continued clearing lot for pre-sediment pond.
- Midwest Engineering Group completed the first survey.
- Mini-excavator and trailer have been purchased and delivered. Mayor Wilson and the City Council Committee had approved a EZ-Haul 16' trailer for \$4500 to be purchased from the same company the Mini-Excavator.

Sewer:

- Alliance pump has been down and sized up pumps for our application. Decision has been made to rebuild one of the pumps and the other needs to be replaced.
- Alliance pump discovered both check valves at the park lift station were not working, waiting on an estimate to repair or replace.
- Guide rails in two of the lift stations need repair.
- Working with BG Consultants on sewer project additions.
- Request a Sewer Workshop. Council members agreed to hold a Sewer Workshop on Thursday, December 17 at 5pm at the La Cygne Community Building.

Street: None

Park: None

Cemetery: None

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

Sharing tree project is almost complete. Working on finishing up the wrapping. Chief Nasalroad reminded patrons who have real Christmas trees to water them daily.

CITY CLERK – JODI WADE

City Clerk

- Reviewed 2020 Budget and made 2020 transfers.
- Fulfilled KORA Public Records request.
- Revised Article 22 draft.
- Worked with Advantage Computer to resolve computer problems.
- Worked with Simple City software to resolve some issues.
- Assisted Gilmore & Bell with Temporary Notes Series 2020 paperwork.
- Reviewed Financials with Mike Billings with USDA for sewer rehabilitation project.

Office Assistant

- Participated in year End webinars for Payroll and Accounts Payable.
- Completed Calendars and Gift Cards.
- Reviewed/responded to Facebook comments.
- Updated Website information.
- Attended One-Each website training.
- Prepared packets for electricians for light pole bids
- Reviewed reports for W-2s and 1099 preparations.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

Treasurer/Utility Clerk/Court Clerk

- Attended Osawatomie Municipal Court for training.
- Prepared year-end bad debt reports and collection bureau submissions.
- Prepared new court forms.
- Completed monthly reports.
- Reviewed year end procedures for Utility and Court.

Codes Officer/Planning & Zoning

- Prepared presentation for Manufactured Home Parks.
- Reviewed condemnation process and created a step-by-step procedure presentation
- Researching Tiny home subdivisions and preparing a report.
- Completed some building permit applications and Lot split requests.
- Reviewed the files to date for a Conditional use permit application for 417 Grand Avenue (event venue)

Meetings/Trainings Attended virtually:

- League of Municipality Weekly Conference Call
- Simple City Year-end Training.
- KPERS retirement training.
- La Harper Housing Authority Board meeting.
- City Attorney Annual evaluation.

Overtime Hours for City Hall for the last pay period: 4.5 hours (Jodi) / 2.25 hours (Connie)

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET –

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) La Cygne Library parking area drainage.

SEWER-NONE

PARK-NONE

CEMETERY –

- (Postponed until January 2021) Chapter XI. Public property, Article 1. Cemetery regulations.

PUBLIC SAFETY –

- Animal Control regulation draft postponed until January 2021 meeting.
- Certified letters were sent to the property owners of 612 N. 8th street regarding the upcoming Public Hearing scheduled for January 6, 2021 at 6pm.

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 -NONE

PLANNING & ZONING COMMISSION (PZC) -NONE

UNFINISHED BUSINESS:

DRAFT REVISION OF ARTICLE 22, SECTION 22-3. DRAFT DEFINITIONS. DRAFT APPLICATION. DRAFT PERMIT

CC Wade revisited the items requested to be changed from the last meeting. Discussion was held regarding the penalty and Zoning Administrator procedure for failure to meet the requirements of the access point permit. Mayor Wilson asked each Council Member to share their thoughts on the presented draft. Council Member Capp was satisfied with the draft, Council Member Thies had no comment at this time and Council Member Curtis reviewed section 22-403 further. Council Member Curtis suggest to remove off-street parking facility from paragraph (a)(b)(c)(e) in section 23-403. The maintenance of the access point connection is important for protecting the edge of the City street and should be enforced. CC Wade will make the necessary revisions and prepare the Article in ordinance form. PWS Nasalroad advised adding culvert pipe to the application form.

NEW BUSINESS:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter to review of application for a non-elected position and to return to the City Council table at 6:58pm. Motion seconded by Council Member Curtis, voted on, passed 3-0. 6:53pm

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

OPEN SESSION RESUMED AT 6:58pm

ORDINANCE NO. AMENDING CHAPTER VIII, ARTICLE 1, OF THE CODE OF THE CITY OF LA CYGNE, KS

The ordinance would amend section 8-102(a) same practice and procedure; 8-103 setting the date & time to transact the business of the Municipal Court; 8-111(a) amending the court costs; and adding section 8-102(b) Uniform Public Offense Code, 8-102(c) Standard Traffic Ordinance, and 8-111(d) Court Costs.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1481 amending section 8-102(a) same practice and procedure; 8-103 setting the date & time to transact the business of the Municipal Court; 8-111(a) amending the court costs; and adding section 8-102(b) Uniform Public Offense Code, 8-102(c) Standard Traffic Ordinance, and 8-111(d) Court Costs. Corrections made to the written court cost to read Sixty-five dollars and fifty cents and to change 8-111 from (b) to (d) to match the heading. Motion seconded by Council Member Thies, voted on, passed 3-0.

NEW BUSINESS CONTINUED:

AUTHORITY TO TRANSFER EXCESS GENERAL FUNDS

CC Wade reviewed the 2020 transfers which were performed. CC Wade reviewed the 2021 Capital Improvement plan for the City of La Cygne which included the purchase of a new vehicle for the Police Department and Public Works. CC Wade suggested a 50/50 split for the excess general funds.

❖ **Motion**

Council Member Capp motioned to allow the maximum year-end transfer from the General Fund to the Capital improvement and equipment reserve fund with 50% allocated to Capital Improvement and 50% allocated to equipment reserve. Motion seconded by Council Member Curtis, voted on, passed 3-0.

COUNCIL REVIEW FOR CONSIDERATION TO WRITE-OFF PAST OUTSTANDING (BAD) DEBT.

❖ **Motion**

Council Member Capp motioned to approve for Mayor Wilson to sign the Account modification form to write-off past outstanding debt in the amount of \$752.44. Motion seconded by Council Member Thies voted on, passed 3-0.

PURCHASE ORDER NO 2020-4 IN THE AMOUNT OF \$8,378.78 TO REBUILD A FLYGT 15 HP SUBMERSIBLE PUMP.

PWS Nasalroad presented a quote in the amount of \$8,378.78 from Alliance Pump, Independence, MO to rebuild the Flygt 15hp, 230V, 3ph, submersible pump model 3153.090.6379, serial number 3153.090-0530017 with a 456-impeller code.

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2020-04 in the amount of \$8378.78 to rebuild the Flygt 15hp, 230V,3ph, submersible pump model number 3153.090.6379. Motion seconded by Council Member Curtis voted on, passed 3-0.

PURCHASE ORDER NO. 2020-5 IN THE AMOUNT OF \$12,413 TO PURCHASE A NEW EBARA 15HP PUMP

PWS Nasalroad advised the Council the removed Flygt pump was not able to be rebuilt and therefore a new pump would need to be purchased for the City Park Lift Station. PWS Nasalroad has had issues with the prior vendor and would like to try out Alliance Pump & Mechanical services for the purchase of the new Ebara pump.

❖ **Motion**

Council Member Capp motioned to approve Purchase order number 2020-5 in the amount of \$12,413 for an Ebara 15hp, 235/125 trim, 230V, 3ph, 6" discharge with 50' of power & control cable, EP4MR seal fail and thermal relay, Flygt guide rail adaptor, Model Number 150DLFMU6114 pump. Motion seconded by Council Member Thies voted on, passed 3-0.

NEW BUSINESS CONTINUED:

REQUEST FOR RECESS:

CC Wade asked the Council for a 5-minute recess to allow her to speak with Mayor Wilson.

❖ **Motion**

Council Member Capp motioned to take a 5-minute break for CC Wade and Mayor Wilson to meet and will return to the Council table at 7:16pm. Motion seconded by Council Member Thies voted on, passed 3-0. 7:11pm

OPEN SESSION RESUMED AT 7:16pm

LA CYGNE MUNICIPAL COURT JUDGE: VACANT SEAT

Mayor Wilson made a recommendation to appoint Shiela Schultz, Attorney-at-law, as the La Cygne Municipal Court judge.

❖ **Motion**

Council Member Capp motioned to approve Mayor Wilson's recommendation to appoint Shiela Schultz as the La Cygne Municipal Court Judge effective immediately. Motion seconded by Council Member Thies voted on, passed 3-0.

Mayor Wilson, on behalf of the City of La Cygne, thanked Claude Warren for his many years of service to the City of La Cygne Municipal Court.

MOBILE HOME LICENSES

CC Wade asked the Council how they would like to handle the current Manufactured Home Licenses. The Planning & Zoning is currently evaluating the policy for MHP parks and reviewing the procedure for the Zoning Administrator/Codes Officer. The current deadline for revisions to the Article is May 31, 2021. Council discussed continuing the active license until May 31, 2021 or sooner.

❖ **Motion**

Council Member Capp motioned to extend the 2020 Mobile Home licenses for Prospect Properties LLC (Ryan Hill), Richard &/or Rebecca Marsh, and La Cygne Mobile Home Community until May 31, 2021 or earlier if Planning & Zoning completes the article. Motion seconded by Council Member Curtis voted on, passed 3-0.

ADVANTAGE COMPUTER WEB ANNUAL HOSTING

CC Wade reviewed the annual cost for the cityoflacygne.org domain and the city employee emails. If emails were established for Council members/boards, the emails would cost either \$36/year per email address for regular volume and \$48/year per email address for high-volume. All emails would be available on the server. The Council members would be able to access their emails from any device from anywhere. Discussion was held regarding the ability for constituents to contact elected officials. CC Wade indicated to date the process has been by written letter either unsealed or sealed to be placed in the Council member tray's in the City Hall or an email can be sent to the general mailbox (cityhall@cityoflacygne.org) to be placed in the Council members trays. Several of the Council members indicated they did not have personal devices to access electronic correspondence. City Attorney Harding reinforced the point that elected officials are to be available for constituents to reach out to but the means for that communication are not defined by statute or law. City Attorney Harding

NEW BUSINESS CONTINUED:

ADVANTAGE COMPUTER WEB ANNUAL HOSTING CONTINUED

Record of the Proceedings of the Governing Body

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and CC Wade will review the KORA records rules and exemptions pertaining to emails and phone numbers.

EXECUTIVE SESSION:

NONE

OTHER BUSINESS:

NONE

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Curtis, voted on, passed 3-0. Time 7:51pm.

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 16th day of December, 2020.