

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

Page 1 of 7 Pages

**April 15, 2020**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, April 15, 2020 at La Cygne City Hall. Council Members present were: Danny Curtis; Thomas Capp; Keith Stoker; and Jerome Mitzner. Absent: James Thies.

Others in attendance included, but not limited to: City Clerk Jodi Wade; City Attorney Burton Harding; Linn County News Tony Furse.

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

Live stream start time was 7pm.

**MAYOR COMMENTS:**

Mayor Wilson commented on the Easter celebrations and thanked the churches and volunteers who found ways to minister to their people and still follow the guidelines to protect our citizens. The churches are rotating each month to deliver senior meals to our homebound elder population for La Cygne and Linn Valley.

The Library has been providing Senior lunches for those who are not homebound but have additional needs during the crises. The number of lunches being picked up are now approaching 100. We are thankful for the efforts made by the La Cygne Library during the crises.

Mayor Wilson addressed the upcoming Executive Orders from the Governor and Linn County Public Health Officer. The Governors' stay home order expires on April 19 and the Linn County order expires on April 30, but we are waiting to hear if they are to be extended. Things can change and new orders are can be issued daily. Mayor Wilson reminded patrons to check on the Linn County Emergency Management website, City of La Cygne Website or Facebook pages for current updates.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of April 1, 2020 Council Meeting;  
March 2020 Budget Report;  
March 2020 Treasurer Report;  
First Quarter 2020 Financial Statement;  
Check Register: April 2 – April 15, 2020;

**Motion seconded by Council Member Capp, voted on, passed 4-0.**

**DISCUSSION FROM THE FLOOR:**

Temporarily suspended

**SPECIAL PROJECTS:**

**SEWER IMPROVEMENT PROJECT**

BG Consultants is preparing the Topographic survey based on the information from the field. Data is being researched and collected for the Boundary survey. No comments from the Council.

**KDOT CCLIP**

An on-site field check meeting with Hugh Bogle(KDOT), Donna Shmit (KDOT), Jason Hoskinson (BG Consultants) is scheduled for May 14, 2020 at 10am. No comments from the Council

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING –**

- City Attorney Harding informed the City about a new Executive Order being released by the Kansas Governor extending the Stay Home order until May 3, 2020. City Attorney Harding will review Planning & Zoning recommendations under new business.

**INTERIM CHIEF OF POLICE / CODES OFFICER -TINA FENOUGHTY**

- Chief Fenoughty thanked the Council for the opportunity to work for the City of La Cygne. Chief Fenoughty is working from home this week as she transitions from her prior position. Chief Fenoughty has been in touch with Corporal West. City of La Cygne Police continue to patrol and no issues to report to date.

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

- Water/Gas: Timer on the pump that puts the odorant in the gas distribution system malfunctioned. Water service to the old Syd's Market has been completed.
- Street: Would like to order cold patch material from Killough Construction in Ottawa, 25 ton @\$125 a ton (delivered) for \$3125. Did put some rock on the new 8<sup>th</sup> street as they were complaining of pot holes and it is already gravel. Council Member Stoker confirmed the price did include delivery. Council Member Capp inquired if PWS Nasalroad would be able to pull enough crew to patch potholes, PWS Nasalroad said he has enough help to get the work done.

❖ **Motion**

**Council Member Mitzner motioned to approve the expenditure of \$3125 for 25-ton of cold patch material from Killough Construction in Ottawa to be delivered. Motion seconded by Council Member Stoker, voted on, passed 4-0.**

- Linn County Public Works helped with some repair at the intersection of Industrial Road and KS Hwy 152. A temporary "patch" was put in place until the CCLIP project gets started.
- Sewer: The new ABS pump purchased from Douglas Pump was sent back for repairs and was determined the pump was good, they sent an electrician down and found that they had not installed a resistor in the control box. Working fine now. (No cost to us). Industrial park Lift Station repairs will be scheduled.
- Park: Taped off playground equipment.
- Cemetery: Everything is mowed and weeded. Worked the roads. Bruce Snyder, new caretaker, started on Monday.

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

Nothing to report.

**REPORTS OF CITY OFFICERS CONT:**

**CITY CLERK – JODI WADE**

Report from 4/2/2020 – 4/15/2020

- Auditor is tentatively scheduled for April 27 & 28 2020.
- Completed paperwork and oath for new employees, Christina Fenoughty and Bruce Snyder.
- Training intern Katie Russell.
- City Treasurer Connie Gore is working from home on items that do not require internet. She is not able to get internet at her location. Council Member Curtis inquired about the lack of internet service and stated there was service available in that area from Peoples Telecommunications. City Clerk Wade said she contacted Peoples Telecommunications and they stated it was not available on her side of the road. CC Wade also contacted Midwest Connections and they attempted to get a signal out of our Parker but were unable due to the trees surrounding Connie's home. Council Member Curtis asked what Connie was working on at home w/o internet. CC Wade stated she is organizing all of the Planning & Zoning information for our files and that she is able to download things to her computer and work on them at home and then she brings the info back on a flash drive to load back on to the server.
- Graphics for the front door /windows have been installed.
- Reviewing Executive Orders to keep up with changes.
- State Budget workbook was released on April 14. Will start working on the 2021 Budget.
- Researched the sewer lagoon property in preparation for the boundary survey. Discovered the lagoon area is two separate pieces of property that we not merged because they are under two different exemption orders. Doing research to find out how to get it fixed.
- Researching League information pertaining to condemnation and

Meetings Attended virtually:

- Conference calls with the League of Municipality every 2-3 days.
- Conference call with Linn County Emergency Management as needed.

Projects:

- Updating City Website
- Capital Improvement Planning
- Replaced the sink faucet in the back room.
- Still working on completion of the front counter.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

- ✓ Water Commission request to change the authorized places of use under our current water rights. The Water rights must include all areas you may possibly intend to serve. We have (4) Files and it is \$200 per file to update and add City of Linn Valley/Linn Valley Lakes. Total of \$800. Takes 6-9 months to process the applications. No water can be released to the entity until the rights are updated. CC Wade contacted RWD1 to find out if Linn Valley was included in their legal description, if so, we would not have to update our water rights. Tabled until May 6<sup>th</sup>, 2020 meeting.
- ✓ Double Eagle Excavating completed the installation of the new 2" water meter and pit at the old Syd's Market location 602 Market St. The Meter/pit was not installed during the Water Improvement project and the location for the meter has been corrected to the proper distance from the main.

**COUNCIL COMMITTEE REPORTS CONT:**

**WATER & GAS -**

- ✓ Discussion was held regarding a water leak at 610 Walnut St. The loss of water was in the amount of 40,000 gallons. The resident is asking the City Council if they would considering waiving the sewer charge in the amount of \$147.51 and the resident will pay the remaining balance. The other option the resident proposed was to pay an additional \$10/month until balance is paid off. City Clerk Wade advised the Council the leak was inside the home. Council Member Stoker suggested removing the Sewer charge from the bill. Council Member Mitzner suggested the balance be paid within a 3-month time frame.

**STREET -**

- ✓ Discussion was held about reaching out to some Engineer companies for RFQ/RFP's for performing a survey for storm water run-off. Council Member Curtis expressed some concern about obligating time/money right now to another Capital Improvement project.

❖ **Motion**

**Council Member Mitzner motioned to have City Clerk Wade move forward with submitting an RFQ/RFP to Engineer companies for conducting a storm water survey for the City of La Cygne. Motion seconded by Council Member Stoker, voted on, passed 4-0.**

**SEWER-**

- ✓ Discussion was held pertaining to a sewer line repair at 503 N 4<sup>th</sup> St. The sewer service line was bored through by Orr Wyatt Streetscapes during their installation of the new water mains in the Water Improvement project. The house had been vacant for the past 3 or so years. Invoice has been sent to Orr-Wyatt/BG Consultant. Past the warranty period. No response from Orr-Wyatt. Total cost of repair \$1825. City Attorney Harding would like to review the Contract for the Water Improvement Project regarding damage and warranty periods. Council Member Stoker commented on the importance of reimbursing Double Eagle Excavating, who has already completed the repair work, while the Council and Attorney review the situation with Orr-Wyatt Streetscapes. Item tabled until May 6<sup>th</sup>, 2020 Council meeting.

**PARK-NONE**

**CEMETERY -NONE**

**PUBLIC SAFETY -**

**COMMUNITY BUILDING-**

- ✓ Packet was given to the Public Building Commission to allow them to begin research on an improvement project. Packet included a prior inspection of the Comm. Building performed in 2012, revenue history for the past 5 years and expense history for the past 5 years.

**EMPLOYEE RELATIONS & TRAINING -**

- ✓ Council Member Mitzner, Council Member Stoker, Mayor Wilson, and City Clerk Wade participated in conference call to determine the City Hall employees work set-up during the Covid 19 Stay home order. It was determined the City Clerk and the City Treasurer should work at separate locations to protect their health. City Clerk Wade will continue working on-site at the City Hall. City Treasurer Gore is working from home w/o internet access (not possible to get a signal out there). There will be occasional days in which City Treasurer Gore will have to come in to the office to do the Utility Billings. On those days, City Clerk Wade will work from home. Council Member Curtis questioned the lack of internet service and thought

# Record of the Proceedings of the Governing Body

## REGULAR MEETING

Page 5 of 7 Pages

April 15, 2020

Peoples Telecommunications had service in that area. City Clerk Wade said she had contacted Peoples Telecommunications, Midwest Connections and checked in to Hot Spots and none of those services were able to provide service and a VPN can't work through a satellite Hot spot.

### **SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT** – Executive Order 20-17 (Unemployment Insurance) and 20-18 (regarding Church/Funeral gatherings) were forwarded to the Council and businesses.

**SWANFEST COMMITTEE -NONE**

### **UNFINISHED BUSINESS:**

#### **DAVID MCGRUFF CONTRACT FOR MEDICAL SCREENING SERVICES-**

City Attorney Harding emailed a final Contract agreement which was signed by Mayor Wilson as directed by motion from the April 15, 2020 meeting.

#### **PURCHASE ORDER REQUEST FOR UNIFORM VS CLOTHING ALLOTMENT**

PWS Nasalroad reviewed the discussion from the April 15 Council meeting pertaining to cancelling the agreement with Unifirst for uniforms for the Public Works employees and the City going with an annual clothing allotment. Council Member Curtis advised PWS Nasalroad to require the public works employees to wear the shirts provided. Council Member Mitzner inquired about the savings amount if we cancel with Unifirst. CC Wade stated a savings of about \$1000-\$1500 on an annual basis. Council Member Capp asked if the balance at the end of the year for an employee is carried forward, City Clerk Wade stated it would not. A new employee will have \$950 to purchase (1) Winter coat, (1) Light-weight coat, (1) pair of boots, (1) pair of bibs, (4-5) pair of jeans, (5) T-shirts, (5) long sleeve shirts, (2) Hoodies. After their initial purchase, each employee will have a \$400 allotment each year to replace items as needed.

#### **❖ Motion**

**Council Member Mitzner motioned to end contract with Unifirst and move forward with the clothing allotment program as indicated in the request form. Motion seconded by Council Member Capp, voted on, passed 4-0.**

#### **ADMINISTRATIVE POLICY NO. 9 – PURCHASING AND BIDDING POLICY**

City Attorney Harding presented a draft to replace the existing Admin Policy No. 9 with some hypothetical dollar amounts for the Council to review. City Clerk Wade presented a couple of policy examples from (2) other cities similar in population size as La Cygne. Discussion was held regarding Purchase Order program/procedure. City Clerk Wade advised the Council that we do not currently utilize a Purchase Order program. The Department heads, upon review of the budget with the Clerk, authorize any purchases made for their departments. Receipts are required to be submitted to the Clerk for proof of purchase. Dollar values were discussed.

#### **❖ Motion**

**Council Member Mitzner motioned to approve the Administrative Policy No 9 – Purchasing and Bidding Policy as presented by City Attorney Harding. Motion seconded by Council Member Capp, voted on, passed 4-0.**

#### **ADVANTAGE COMPUTER/SERVER QUOTE-**

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

Page 6 of 7 Pages

**April 15, 2020**

Advantage Quote for (2) new desktops and (1) new laptop w/ Window 10 and Microsoft Office 2019 in the amount of \$3380 + installation (includes 3-yr parts warranty) **OR** Peoples Telecommunications Quote for (2) new desktops and (1) laptop w/ Windows 10 and Microsoft Office 2019 in the amount of \$3989.99 (includes 1 year warranty). Server Quote in the amount of \$3770. Tabled until the May 6, 2020 meeting.

**NEW BUSINESS:**

**CITY OF LA CYGNE WEBSITE UPGRADE DEVELOPMENT:**

The platform our website currently runs on will be coming to its end of life at the end of 2020. We would like to upgrade now in order to improve our website's ability. Our intern, Katie Russell, has received training on the administrative role for the website. One-time upgrade fee of \$945. Council Member Capp was concerned about expending the dollars right now and asked if the new intern had the knowledge for building & maintaining the website. City Clerk Wade said the intern has the knowledge to update the information on the website but was not sure about the ability to build/maintain the website. City Clerk Wade also noted the amount of time it would take for a person to build/maintain a website. **Item was tabled until May 20<sup>th</sup>, 2020 meeting.**

**PLANNING & ZONING RECOMMENDATION TO AMEND ARTICLE 6, TABLE 6-1 BY ADDING LINE 19 TO PERMIT R-1 TO ALLOW A CONDITIONS USE PERMIT FOR FOOD TRAILERS & MOBILE KITCHENS FOR THE PURPOSE OF FOOD SALES.**

City Attorney Harding asked for consultation for legal under executive session. Council Members did not have any comments.

❖ **Motion**

**Council Member Mitzner motioned to go in to executive session for 20-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship. Motion seconded by Council Member Curtis, voted on, passed 4-0. 8:32pm**

**Open Session resumed at 8:52pm**

Council Member Curtis asked for confirmation on what the Planning & Zoning Commission is recommending. City Attorney Harding stated the recommendation is to add to Table 6-1 line 19 which adds the language "Food trailers & Mobile kitchens for the purpose of food sales" as a Conditional use permitted item for R-1 (Residential Zoned District-1).

❖ **Motion**

**Council Member Curtis motioned to accept the recommendation from the Planning & Zoning Commission to amend Article 6, Table 6-1 by adding line 19 to permit R-1 to allow a conditions use permit for Food trailers & Mobile kitchens for the purpose of food sales. Motion seconded by Council Member Stoker, voted on, passed 4-0.**

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

Page 7 of 7 Pages

**April 15, 2020**

**TRASH COMPACTOR JOB DESCRIPTION SUPERVISION.**

Mayor Wilson addressed the Council to consider putting the position of the Trash Compactor Attendant under the supervision of the Public Works Department. Currently the job description states the supervision is done by the Mayor and City Council. Council Member Mitzner asked if this had been discussed with Public Works Superintendent Nasalroad. Council Member Capp asked to have PWS Nasalroad join the conference call. PWS Nasalroad left the decision up to the Council and Mayor.

❖ **Motion**

**Council Member Stoker motioned to change the supervision of the Trash Compactor Attendant on the job description from Mayor and Council to Public Works Superintendent. Motion seconded by Council Member Mitzner, voted on, passed 4-0.**

**EXECUTIVE SESSION:**

None

**OTHER BUSINESS:**

None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

a] Kansas Rural Water Association E-News

**ADJOURNMENT:**

❖ **Motion**

**Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 4-0. Time 9:30pm.**

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 15<sup>th</sup> of April 2020.