

**Record of the Proceedings of the Governing Body**

**REGULAR MEETING**

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**JUNE 15, 2022**

**REGULAR MEETING :**

The La Cygne City Council met on Wednesday, June 15, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp; Jerome Mitzner

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Police Chief Fenoughty; City Attorney Burton Harding; Linn County Newspaper Tony Furse; Linn County Journal Roger Simms.

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

Pledge of Allegiance - Mayor Debra Wilson

**MAYOR COMMENTS :**

- a) Mayor Wilson reminded patrons of the upcoming Blast in the Park event scheduled for July 9<sup>th</sup> at the La Cygne Community Park.
- b) Mayor Wilson had attended the Council Workshop regarding the draft Article 18 for Factory Built Homes. Mayor Wilson expressed the importance of providing affordable housing in our community which is safe and meets the health and welfare as required in our minimum housing codes. Mayor Wilson also indicated the Council would begin working towards a Landlord Rental Program to provide guidelines to make sure the rental homes provided are safe and meet the health and welfare standards as required by the minimum housing codes of the City.

**CONSENT AGENDA :**

❖ **Motion to approve Consent Agenda :**

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

Minutes of June 1, 2022 City Council Meeting;  
May 2022 Budget Report;  
May 2022 Treasurer's Report;  
Check Register: June 2 - June 15, 2022;  
Lucy's Bar & Grill Drinking Establishment License 7/11/22 - 7/10/24

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

**DISCUSSION FROM THE FLOOR :**

NONE

**SPECIAL PROJECTS :**

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

No updates at this time

**SPECIAL PROJECTS CONTINUED:**

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Nowak Construction located the manholes which were not found in the original CCTV inspection. Mayer is completing the CCTV of the mains which were not completed in the first inspection, notices were posted on patrons' doors in areas affected and posted on Facebook and the city website. Nowak construction is getting a parts list together for repairs on the manholes which will begin as soon as materials are received. KS Security Investment Letter was presented by CC Wade and reviewed by City Attorney Harding. Discussion was held regarding the \$5.7 million of bonds being invested in a standard money market fund in order to draw interest during the 1-year period of the sewer project. CC Wade indicated a portion of the funds could be considered for investment in some short-term Treasury bonds or other short-term bonds in order to gain some interest. The additional investing could be determined anytime in the next few months.

✦ **Motion**

Council Member Capp motioned to approve for Mayor Wilson to sign the Investment Letter of Instructions for the G.O. Temp Renewal and Improvement Note Series 2022 to allow Security Bank of Kansas City to invest the first \$250,000 in the SBKC fund and the remainder in the Federated Fund which will provide for 100% FDIC coverage on the SBKC Fund. Motion seconded by Council Member Curtis voted on, passed 5-0.

**STREET PROJECT - KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL BLVD (KDOT/KILLOUGH CONSTRUCTION/CFS ENGINEERING)**

Waiting for the rain to stop so things can dry out to get the project back in operation.

**NEW FIRE STATION / PUBLIC SAFETY BUILDING**

The Public Building Commission will be meeting on July 6, 2022 at 6:15 p.m. to review the cost estimates and prepare the publication for revenue bonds to finance a portion of the new fire station. CC Wade presented the contract agreement for design/engineering services from Zingre & Associates in the amount of \$48,430.00 + estimate for expenses (\$2,366.80). The Council reviewed the contract.

✦ **Motion**

Council Member Stoker motioned to approve the contract with Zingre & Associates, P.A. in the amount of \$50,796 for the new fire station for the City of La Cygne. Motion seconded by Council Member Mitzner voted on, passed 5-0.

**602 N. 5<sup>TH</sup> STREET DEMOLITION BIDS**

Mayor Wilson announced one bid had been received for the demolition of 602 N. 5<sup>th</sup> Street. Mayor Wilson opened the sealed bid from Bledsoe Excavation and read it aloud. The bid was in the amount of \$33,320. Council Member Curtis asked about a sealed bid which had been received by the Planning & Zoning Commission from Double Eagle Excavating. CC Wade had contacted Double Eagle Excavating and was informed to not move the bid forward. Further discussion was held regarding the funding available for condemnation.

✦ **Motion**

Council Member Curtis motioned to review the bids received. Motion seconded by Council Member Stoker voted on, passed 5-0.

Mayor Wilson asked for a committee to review the bid. Council Member Stoker and Capp volunteered.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY -BURTON HARDING:

City Attorney Harding reported on the negotiations with the attorney for 109 N. 2nd Street. The owner accepted to sign a waiver of release for the demolition of the portion of home not located on the right-of-way if the City of La Cygne would absorb the costs for the demolition of the entire home. The owner would like to request a period of 2-weeks to remove all personal belongings from the home prior to demolition.

Motion

Council Member Curtis motioned to accept the offer for the owner of 109 N 2nd Street to sign the waiver and in return the city would cover the cost of demolition of the home located at 109 N. 2nd Street and provide the owner a 2-week period to remove personal belongings. Motion seconded by Council Member Brenneman voted on, passed 5-0.

City Attorney Harding advised the council of the current situation with the jail. Bourbon County jail closed and therefore the surrounding jails are assisting with the movement of the inmates from Bourbon County temporarily. At this time, there is not jail space available and therefore it limits Chief Fenoughty on arrests. Mayor Wilson inquired about mutual agreements with Miami County. Chief Fenoughty indicated she could use Miami County but it would be for very limited time due to the costs associated for holding an inmate at Miami County. City Attorney Harding expressed again this is a temporary problem for Linn County jail as Bourbon County finds places to house all their inmates.

POLICE CHIEF - TINA FENOUGHTY:

1- Traffic Stops Conducted

Citations issued since last meeting - 1

Table with 4 columns: Citation Type, Count, Citation Type, Count. Includes rows for Speed School Zone, Suspended License, Insurance, Speed Construction Zone, Vicious Dog/RAL/Tag, Illegal Burn, Registration Viol, No Tag, EXP DL, Speed, Paraphernalia, and Parking.

Calls for Service / Reports - 6/01/22 thru 06/15/22

Table with 2 columns: Category and Count. Lists various incident types such as Animal Complaint, Traffic Complaints, Suicidal Subject, Citizen Assist CFS, Juvenile Incident, Federal Record Checks, Criminal Damage, Civil Matter, Hit and Run Accident, Non-Injury Accident, Stolen Vehicle, Warrant Attempt, Misdemeanor Warrant, Fireworks, Mental Health, and 911 Hang up.

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF - TINA FENOUGHTY:

VIN Inspections - 12 completed

Council Member Capp expressed concerns from citizens regarding night and weekend coverage. Chief Fenoughty ensured the council her department has been handling call outs in the evenings and on weekends. Chief Fenoughty pointed out she has been down one full-time officer since Corporal West left the department back in April 2021. Officer Fox was hired as 50% Police officer and 50% Codes Enforcement. Chief Fenoughty reviewed the lengthy reporting which is required for each case. She reviewed the number of cases in 2020 = 19, 2021 = 31 and 2022 to date = 77. Non-service calls do not require as much reporting and the number of calls in 2020 = 94, 2021 = 170 and 2022 to date = 238. Chief Fenoughty would like Officer Fox to be a full-time Police Officer and she would like to hire a part-time officer for up to 24 hours a week. Applications are currently being received for a Codes Enforcer which would relieve Office Fox of those responsibilities. Chief Fenoughty indicated the increase in VIN inspections as well as the requirement to hand deliver reports down to the sheriffs' office in Mound City affects the schedules for patrolling in La Cygne.

✦ Motion

Council Member Capp motioned to advertise for a part-time Police Officer for up to 24 hours per week. Motion seconded by Council Member Stoker voted on, passed 5-0.

Mayor Wilson thanked Chief Fenoughty for the job she is doing. Mayor Wilson appreciates the way Chief Fenoughty treats the citizens of the community and how she works hard to build a connection with community members.

CODES ENFORCEMENT - TINA FENOUGHTY:

Officer Fox is out due to illness. Chief Fenoughty reported on the current activity for codes. Work orders were submitted last week. Three work orders will be completed this week. To date, 24 grass/nuisance letters will be going out on June 16, 2022.

PUBLIC WORKS DEPARTMENT - PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD:

Report from 6/01/22 to 6/15/2022

Committee Discussions

Water and Gas:

- Water plant evaluation is continuing. Preliminary report still not ready.
- Old pond is drained, waiting for it to dry up so they can remove the sediment.
- Gas meter relocation estimate for \$16,932 needs approval. This is for the alley between Broadway and 4<sup>th</sup> Street and Walnut and Chestnut.

Street:

- CCLIP project: hired Jim Thompson to break up concrete vault found in front of the Industrial Blvd intersection.
- Issues with culvert junction box at the pharmacy, BG is working on a solution.
- Scheduled to start pothole repairs next week.
- Access aprons: Council Member Capp brought up concerns regarding the corner of Market Street and S. Commercial Street. Vehicles are pulling out of the Beachner lot on to S. Commercial Street at an area which is not for ingress/egress. Mayor Wilson asked CC Wade and the street committee to reach out to Beachner to review options for the

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS DEPARTMENT - PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD:

location. Mayor Wilson inquired about the Article pertaining to off-street parking lots and access points. CC Wade will pull the file out to review.

Sewer:

- Nowak Construction has started bringing in materials.
- CCTV completed with report to follow.
- Researching mower options.
- Nowak will be starting to repair manholes.

Park:

- Started to replace the boards on the bleachers at the baseball field.
- Mowing is getting caught back up.

Cemetery: Mowing is getting caught up.

FIRE DEPARTMENT - DAN NASALROAD:

- Nothing to report

CITY CLERK - JODI WADE:

CC Wade gave a brief follow up on the city officials quarterly meeting with the Linn County Commissioners. CC Wade expressed the importance for all city officials to be capable to answer questions concerning their budgets. CC Wade invited the Council members and Mayor to attend the next quarterly meeting.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

CC Wade will set up a time for the gas committee to review the current rates and to forecast some options for the future rates.

STREET -

CC Wade asked about moving forward with applying again for the KDOT Cost Share grant for 4<sup>th</sup> Street improvement. CC Wade also asked if the committee would like to have some copies of the city plat maps to begin looking at the options for streets in preparation for the upcoming street project. Council Member Mitzner would like a map.

SEWER - NONE

PUBLIC SAFETY -NONE

COMMUNITY BUILDING - NONE

EMPLOYEE RELATIONS & TRAINING -NONE

CEMETERY -

Council Member Curtis and Council Member Brennem an met with the cemetery beautification committee to review some projects in the cemetery and to find out where they would like an information board to be installed. Council Member Curtis reviewed pictures of three projects which included a new rock barrier wall around the Oak Lawn Cemetery sign, moving the three wooden crosses to a new location and replacing the old wooden barrier posts on the northwest corner of the Pollman section. The committee was in favor of placing the information board on the north side of the road at the main entrance of the cemetery. They requested a small parking area for people to park

COUNCIL COMMITTEE REPORTS CONTINUED:

CEMETERY CONTINUED -

when viewing the board. CC Wade will get some estimated costs for the information board and parking area.

PARK -

Council Member Brennman reviewed the plans for the Blast in the Park scheduled for July 9. The Park Board will be hosting a cake walk. Vendor/Craft booths will be available for \$25 per booth. There will be a live band from 7pm - 9pm. Mayor Wilson asked if baked goods were needed for the cake walk and Council Member Brennman thought they had it all covered.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT - NONE

CHAMBER OF COMMERCE -

The Chamber will be donating \$600 towards the fireworks for the Blast in the Park.

PLANNING & ZONING COMMISSION (PZC) - NONE

UNFINISHED BUSINESS:

WATER AND SEWER RATE ANALYSIS PROPOSAL FROM CARL BROWN

Tabled until receipt of the water treatment plant analysis.

NEW BUSINESS:

KMGA APPOINTMENT OF A DIRECTOR AND ALTERNATE DIRECTOR TO SERVE ON THE BOARD OF DIRECTORS FOR A TWO-YEAR TERM.

CC Wade recommended herself for director and PWS Nasalroad for alternate director. Council Member Capp confirmed this would just be renewing for another term, CC Wade concurred.

❖ Motion

Council Member Mitzner motioned to approve for City Clerk Jodi Wade to serve as director and Public Works Superintendent Dan Nasalroad for alternate director for the KMGA Board of Directors for a period of two years. Motion seconded by Council Member Stoker voted on, passed 5-0.

PURCHASE ORDER NO. 2022-5 IN THE AMOUNT OF \$3,510 FOR THE PURCHASE OF TWO (2) AMD RYZEN 5, 3.5 GHZ, 8GB DDR4 1TB SSD M.2 VGA, HDMI, DVI WINDOWS 10PRO AND MICROSOFT OFFICE 2021 FOR THE POLICE DEPARTMENT

❖ Motion

Council Member Capp motioned to approve Purchase order No. 2022-5 in the amount of \$3,510 for the purchase of two (2) new computers for the Police Department. Motion seconded by Council Member Stoker voted on, passed 5-0.

NEW BUSINESS CONTINUED:

PURCHASE ORDER NO. 2022-6 IN THE AMOUNT OF \$1,550 FOR THE PURCHASE OF ONE (1) LENOVO LAPTOP 15.6", 15, 8GB, 256GB SSD, 1920 X 1080, WINDOWS 10 PR. THIS LAPTOP WILL BE USED BY THE CODES ENFORCEMENT OFFICER / ZONING ADMINISTRATOR, CLERKS AND COURT.

✦ Motion

Council Member Capp motioned to approve Purchase order No. 2022-6 in the amount of \$1,550 for the purchase of one (1) new laptop computer for the Codes Enforcement Officer. Motion seconded by Council Member Stoker voted on, passed 5-0.

EXECUTIVE SESSION:

NONE

OTHER BUSINESS:

- a. KPERS rates will increase in January 2024: Notice was received from KPERS Board of Trustees regarding their decision to decrease KPERS' long-term assumed investment rate of return on the KPERS Trust Fund from 7.5% to 7%. The investment assumption has been changed eight times since 1962, most recently in 2016. This change affects employers because it is a major part of calculating funding. Meaning EMPLOYER contribution rates will increase to make up for the lower estimated investment returns over time. It DOESN'T affect member contributions or retiree benefits. In 2023, most KPERS local employers will pay 8.43% for their regular retirement. The Board and employers have certified this rate. The projected rate for 2024 is 8.96%.
- b. IRS mileage rate increases for July 1, 2022 - December 31, 2022.
- c. Council Member Mitzner inquired about the information regarding a "Quiet Zone" for the railroad for the City of La Cygne. CC Wade will be sure to add it as a tabled item on the agenda for future review.
- d. Council Member Mitzner also asked about an update on the UTV/ATV policy. CC Wade is working with Officer Fox on a draft.
- e. Mayor Wilson inquired about scheduling another workshop to continue work on Article 18 DRAFT Factory-Built Home District (MP).

✦ Motion

Council Member Capp motioned to schedule a council workshop on July 20<sup>th</sup> at 6:00 pm for the purpose of reviewing the Article 18 Draft Factory-Built Home District (MP). Motion seconded by Council Member Stoker voted on, passed 5-0.

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

GOVERNING BODY REMARKS:

NONE

ADJOURNMENT:

✦ Motion

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 8:44 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 15<sup>th</sup> day of June, 2022.