

Record of the Proceedings of the Governing Body

REGULAR MEETING

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February 7, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 7, 2024 at the La Cygne Community Building. Council Members present were: Ed Smith; David Brenneman; Thomas Capp; and Keith Stoker. Absent: Jerome Mitzner and Debra Wilson

Others in attendance included, but not limited to: City Attorney Burton Harding; City Clerk (CC) Jodi Wade; Police Chief (PC) Tina Fenoughty; Public Works Superintendent Dan Nasalroad; Codes Enforcement Officer Devin Canada; Police Officer Ferrell; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms via Zoom; Gale Grizzle; Andrea Kincaid and Craig Bradley; Glen Harbison; and Jeff Stutz

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

Pledge of Allegiance – Council President Tommy Capp

MAYOR COMMENTS:

No Comments

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Smith motioned to accept the Consent Agenda.

Minutes of the January 17, 2024 Council Meeting;
Check Register: January 16 – February 2, 2024.

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

DISCUSSION FROM THE FLOOR:

GALE GRIZZLE – 528 N. 6TH STREET

Gale Grizzle, owner of 528 N. 6th Street, explained his reasons for not being in touch with the city over the past year and briefly discussed his financial constraints for getting the house moved from out of the alley. Gale Grizzle asked the council why the home could not be left where it is currently located since it has been that way for over 30 years. City Attorney Harding responded, "A portion of the home is sitting in the public right of way and the agreement made between the prior owners and the city was for the home to be moved upon their passing." Gale Grizzle discussed the difference in cost between the home being moved forward or it being turned sideways. Gale knows the house can meet the setbacks if placed in a North/South position, but if he moves the home forward in the East/West position it will not meet the required setbacks. Gale Grizzle stated all plumbing would have to be modified if the home is changed to a North/South position which would cost more money. Gale Grizzle stated he would be able to have the finances by July 2024 to complete the movement of the home.

CC Wade described the process through the Board of Zoning Appeals to apply for a variance. Gale Grizzle stated he would stop by the City Hall or call tomorrow morning to get the application for

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DISCUSSION FROM THE FLOOR CONTINUED:

GALE GRIZZLE – 528 N. 6TH STREET

a variance. City Attorney Harding reminded the council they had asked him to proceed with the injunction process and would need to make a motion to halt that process if they so choose. The council advised Gale Grizzle to get in contact with Codes Officer Canada.

❖ **Motion**

Council Member Stoker motioned to postpone moving forward with the injunction for 528 N. 6th Street until August 2024. Motion seconded by Council Member Brenneman, voted on, passed 4-0.

ANDREA KINCAID AND CRAIG BRADLEY – 825 N. 7TH STREET COURT

Andrea Kincaid and Craig Bradley explained to the council their reasons for delay in completing the work on the home located at 825 N. 7th Street Court. Craig Bradley stated they were waiting for insurance to process the claim, weather was a hold up and their baby was born. A fire occurred at the home in October 2023. City Attorney inquired about their reasoning for coming to the council this evening. Craig Bradley indicated they were asked to be present because their building permit was expired and they have yet to complete the work.

❖ **Motion**

Council Member Stoker motioned to go in to executive discussion for 10-minutes for legal and to return to the council table at 7:28pm. Motion seconded by Council Member Smith voted on, passed 4-0. 7:18pm

Others in attendance: CC Wade, City Attorney Harding, Police Chief Fenoughty

OPEN SESSION RESUMED AT 7:28pm

❖ **Motion**

Council Member Smith motioned to go in to executive discussion for 10-minutes for legal and to return to the council table at 7:39pm. Motion seconded by Council Member Stoker voted on, passed 4-0. 7:29pm

Others in attendance: CC Wade, City Attorney Harding, Police Chief Fenoughty

OPEN SESSION RESUMED AT 7:39pm

❖ **Motion**

Council Member Stoker motioned to go in to executive discussion for 10-minutes for legal and to return to the council table at 7:52pm. Motion seconded by Council Member Smith voted on, passed 4-0. 7:42pm

Others in attendance: CC Wade, City Attorney Harding, Police Chief Fenoughty

OPEN SESSION RESUMED AT 7:52pm

DISCUSSION FROM THE FLOOR CONTINUED:

ANDREA KINCAID AND CRAIG BRADLEY – 825 N. 7TH STREET COURT

City Attorney Harding advised Andrea Kincaid and Craig Bradley the Council would proceed with the abatement process which would include a public hearing. City Attorney told Craig Bradley and Andrea Kincaid they would need to be present at the hearing to tell the council their plan for completing the work. City Attorney Harding also asked Craig Bradley if they were living in campers on the 825 N. 7th Street Court property. Craig Bradley stated they are living in them while they are working on the home. He indicated he could no longer pay for a hotel room and he does not have family to keep the kids while they were working.

JEFF STULTZ – 204 N. 1ST STREET

Jeff Stultz received a letter regarding utility accounts needing to be changed if in a deceased persons' name. Jeff had asked the city treasurer/utility clerk if the deposit could be waived and he was informed he would need to ask the council. He indicated he had completed the paperwork. Jeff stated his account has always been paid on time.

❖ **Motion**

Council Member Brenneman motioned to waive the deposit for Jeff Stultz to change the name on the utility account from his deceased wife to his name. Motion seconded by Council Member Stoker, voted on, passed 4-0.

REPORTS OF CITY OFFICERS:

POLICE CHIEF – TINA FENOUGHTY:

Police Chief Fenoughty thanked the patrons and the city for their support and for nominating Angel as a Best of the Best Linn Co. Police Officer.

CODES OFFICER – DEVIN CANADA

Codes Officer Canada had a report on 112 S. 7th Street. City Attorney advised the council to table this item until the next meeting since the council will be moving forward on the abatement process with 825 N. 7th Street Court that way the public hearings could be held at the same time. Council President Capp asked to table this item until the February 21, 2024 Council meeting.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

Purchase Order No. 2024-1 Additional fencing at the swimming pool to remove the area where the waterslide used to be located. PWS Nasalroad advised the council for approval of the purchase order as a Not to Exceed \$4500. He was going to modify the installation in order to keep the area protected until the piers are fully removed.

❖ **Motion**

Council Member Stoker motioned to approve Purchase Order No. 2024-1 in an amount up to \$4500 for the installation of 70 linear ft of 6' Commercial galvanized chain link fence at the La Cygne Swimming Pool. Motion seconded by Council Member Smith, voted on, passed 4-0.

Purchase Order No. 2024-2 quote from Joe Tucker Painting to sandblast, power wash, repair cracks, apply pool lining and install two (2) plates on the deep end niches. PWS Nasalroad indicated we were not satisfied with the company who performed the sandblast and painting in 2020. It is getting difficult to find companies to paint pools and their schedules fill quickly.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

❖ **Motion**

Council Member Smith motioned to approve Purchase Order No. 2024-2 in the amount of \$35,000 for Joe Tucker Painting to sandblast, remove sand, power wash, repair cracks, caulk and install two (2) intake plates. Motion seconded by Council Member Stoker, voted on, passed 4-0.

PWS Nasalroad advised the council of Jeff Chaplin receiving his Class 2 Water Certification. For the first time in a while the City of La Cygne now has 2 Public Works employees certified in Water and Sewer. PWS Nasalroad plans to get Tristan in to some classes and trainings to begin working on his Sewer Certification.

PWS Nasalroad talked to the council about reaching out to Purple Wave to surplus some equipment. The city attempted to sell some items through sealed bids but the reserve amounts were not met. PWS Nasalroad will get with CC Wade to begin the process for getting the items listed with Purple Wave. PWS Nasalroad plans to list the Skid Steer, Brush hog bucket, mower and the Rescue 33 truck.

CITY CLERK – JODI WADE

The council had asked CC Wade to prepare a Request for Proposal for Legal Services. Council reviewed the draft and asked no questions or expressed any concerns. CC Wade pointed out attorney's or firms could submit for either the City Attorney or the City Prosecutor opening or both.

❖ **Motion**

Council Member Smith motioned to approve for CC Wade to proceed with mailing out the Request for Proposals for Legal Services for the City of La Cygne. Motion seconded by Council Member Stoker, voted on, passed 4-0.

CITY TREASURER – CONNIE GORE

City Treasurer Gore had prepared a draft letter for patrons who utilize the Bank Pay process for Utility Payments. Prior to the city having the Front Office module for the financial program, the city had created the essence of a bank pay program for patrons to use. Now that patrons can set up automatic payments through the Front Desk program and credit card payment it is not cost effective for the city to administer the Bank Pay program as well. This letter will be mailed to all patrons currently using the Bank Pay program advising them of their options for setting up a payment process.

❖ **Motion**

Council Member Smith motioned to move forward with ending the Bank Pay Program for the City of La Cygne and for City Treasurer Gore to issue the letter to the patrons currently on the program. Motion seconded by Council Member Stoker, voted on, passed 4-0.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE

01/01/2024-01/31/2024

Utilities *Monthly items completed:*

- Shut off's were completed. We had **1** (I called 2 others and was able to get the payment over the phone.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed. –Jenn did these as I was on vacation.
- January utility billing process was completed. Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- At the end of Jan. **2024** we had **195** customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- **Gas rates are still down.**
-

Court *Monthly Court items completed*

- Reviewed the docket for January court.
- Court
- Court paper work, e-filed with the State, Payment form e-filed and copy given to accounts payable for a check.

Payroll:

- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.

Cemetery: Worked with Richard to find the correct grave for an individual in the Oaklawn Section.

Other:

- Worked on a non-conforming/vacant lot map.
- Sent Monthly Invoices: 2 New -FD #300, 1 final notice, 2 to County/CBK
- Periodically helped the codes officer.
- Watch a 2-hour Cyber Security webinar put on by IIMC
- Worked on a draft letter for Bank Pay customers.
- Created and mailed letters and applications to those known "deceased" account holders.
- Helped create letter, then decided a post card would work better for the new trash rates and deposit.
- Helped facilitate the monthly safety meeting.

Started working on the Administrative Book. Called other Cities to see what they include in Codes, Personnel, Administrative, SOP'S.

SPECIAL PROJECTS:

NEW FIRE STATION

On February 1, 2024 a site visit was held with the following individuals present; Justin Wintjen and Lonnie Cash with Hofer & Hofer & Associates; Rick Zingre with Zingre Architects; Dan Nasalroad; Jodi Wade and Tommy Capp. The group met to review the work to date and prepare a punch list of items to finish or repair. PWS Nasalroad indicated things were getting down to the nitty-gritty. The

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site clean-up and landscaping and items listed on the punch list were all discussed. The Fire Department is planning to host a Grand Opening once the station is completed.

Hofer & Hofer and Associates Pay Application No. 7 in the amount of \$146,907.90 for work performed up to 01/31/2024.

❖ **Motion**

Council Member Stoker motioned to approve Pay Application No. 7 for Hofer & Hofer and Associates in the amount of \$146,907.90 for work performed up to 01/31/2024. Motion seconded by Council Member Smith, voted on, passed 4-0.

Hofer & Hofer and Associates Change Order No. 4 in the amount of \$607.81 for work an additional outside light on the front of the building. PWS Nasalroad explained the designed layout of the lights left a dark zone in front of Bay No. 2. Adding this light will ensure the entire front of the bays is lit up. The deduct was for some parking lot striping which was not necessary.

❖ **Motion**

Council Member Smith motioned to approve Change Order No. 4 in the amount of \$607.81 for an additional outside light on the front of the building for the area near Bay No. 2 and the deduction of the parking lot paint striping. Motion seconded by Council Member Stoker, voted on, passed 4-0.

COUNCIL COMMITTEE REPORTS:

a] Water & Gas ----- Keith Stoker

❖ **Motion**

Council Member Stoker motioned to go in to executive discussion for 15-minutes following a 3-minute break for legal for the Water Department and to return to the council table at 8:52pm. Motion seconded by Council Member Smith voted on, passed 4-0. 8:34pm

Others in attendance: CC Wade, City Attorney Harding, PWS Nasalroad

OPEN SESSION RESUMED AT 8:52pm:

b] Street ----- Tommy Capp ----- Jerome Mitzner

c] Sewer ----- Keith Stoker ----- Thomas Capp

d] Cemetery ----- David Brenneman

COUNCIL COMMITTEE REPORTS CONTINUED:

e] Public Safety ----- Jerome Mitzner ----- Keith Stoker

f] Community Building ----- David Brenneman ----- Tommy Capp

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g] Employee Relations & Training ----- _____ ----- Jerome Mitzner

h] Park ----- Keith Stoker ----- Tommy Capp

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT - NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC) - NONE

NEW BUSINESS:

AMENDMENT TO MUNICIPAL WASTE AGREEMENT – WASTE MANAGEMENT SERVICES

CC Wade received the addendum from Waste Management reflecting the new service rates not going in to affect until March 1, 2024 to allow notice to be sent to all patrons regarding the change in rates for 2024.

❖ **Motion**

Council Member Smith motioned to approve the amendment to Municipal Waste Agreement and for the Mayor to proceed with signing the 2024 agreement with Waste Management services. Motion seconded by Council Member Stoker, voted on, passed 4-0.

UNFINISHED BUSINESS:

528 N. 6TH STREET AGREEMENT DATED OCTOBER 10, 2003.

Addressed during Discussion from the floor with Gale Grizzle.

POLICY REVIEW IN PROGRESS

STANDARD OPERATION PROCEDURE MANUAL FOR POLICE AND CITY HALL

COMPANY VEHICLE USE

DRAFT LANDLORD REGISTRATION ARTICLE.

DRAFT ARTICLE 3. WORK-SITE UTILITY VEHICLES, GOLF CARTS, AND ALL TERRAIN VEHICLES

NEW POLICY REVIEW:

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

ALCOHOL REGULATIONS

MODIFY STREET EXCAVATION POLICY

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

ADJOURNMENT:

❖ **Motion**

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Council Member Stoker moved to adjourn the meeting. Motion seconded by Council Member Smith, voted on, passed 4-0. Time 8:57p.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 7th day of February 2024.