

Record of the Proceedings of the Governing Body

REGULAR MEETING

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March 6, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 6, 2024 at the La Cygne Community Building. Council Members present were: Ed Smith; David Brenneman; Thomas Capp; and Keith Stoker; and Jerome Mitzner.

Others in attendance included, but not limited to: City Attorney Burton Harding via Zoom; City Clerk (CC) Jodi Wade; Public Works Superintendent Dan Nasalroad; Officer Achilles Ferrell; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms via Zoom; Frankie Elder-Reedy; Stephanie Felton; Robert Shoemaker; Joseph Parrish; Paul Shoemaker; Aaron West; Kimberly Pryor; Monica Pryor; Isabella Andrews-Pryor; Jeff Alexander; Draven Alexander; Desi Locklear; Laura Locklear; Sequoia Locklear; Luke Locklear; Dionne Benedick; Clyde Watson; Debra Robbins; Ken Robbins; Jo Stark; Hunter Knop; Rhonda Morris; Cheyenne Zollar; Jerry P. Boone; Sherrie Philpott; Eric Taylor; Kelli Osborn-Reeves; Damien Patterson; Jason Stiles; Mary Ruppel; Taylor Callahan; Zoe Cobey; Navach Cobey; Sandra Pointer; Jim & Deb Ryan; Kim& Adam Reeves; Tara Elkins; Max Day; Tina Fenoughty; Donna May Rogers; Christy Moore; Briana A.; Philip S. III; Kolten A.; Fred & Linda Miesel; and several other community individuals whose names could not be determined from the sign-in sheet.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Prairie View Schools will be out from March 11 – 15 for Spring Break. Please slow down and drive cautiously through town. I would like to congratulate all the students who have participated in their local, league, regional and state competitions for academics, agricultural, music and sports. Thank you for representing the Prairie View Buffalo Pride!

b] On February 23, I visited La Cygne Elementary to talk to the students and explain the “If I were Mayor” contest. This week I am visiting Prairie View High School and the Middle School to talk about being Mayor and doing a mock Council Meeting for the students to experience the responsibilities of the governing body and city employees. Mayor Wilson stated she had a very nice time at Prairie View High School and would like to continue having these events for the school.

c] Chamber of Commerce Easter Egg Hunt in the La Cygne Community Park will be held at 10am on Saturday, March 30, 2024. Kids from the ages of babies up to fourteen may participate.

d] Dog Days will be held at 10am on March 30 at the La Cygne Community Park. This year the veterinary asked for patrons to sign up ahead of time and walk-ins will be held as available between appointments.

f] Mayor Wilson thanked Tina Fenoughty for her service to the community of the City of La Cygne as the police chief.

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CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the February 21, 2024 Council Meeting;
Minutes of the February 28, 2024 City Council Special Meeting;
Check Register: February 22, 2024 – March 1, 2024.

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

DISCUSSION FROM THE FLOOR:

Mayor Wilson addressed the audience regarding the process for discussion from the floor. She indicated the allotted time available was 20 minutes due to the amount of business which is on the agenda for the evening. She stated the time would begin and those who would like to have the floor to speak would need to state their name for the record.

1. Max Day read aloud a prepared speech reflecting the accomplishments of Police Chief Fenoughty over the past few years. Max expressed his frustrations concerning Chief Fenoughty's departure from the Police Department. He asked the governing body to work together as a team.
2. Taylor Callahan read a prepared speech written by Tina Fenoughty and proceeded to ask the governing body to consider reappointment.
3. Adam Reeves expressed his gratitude for Tina Fenoughty helping him recover through his "not so good" years.
4. Jerry Paul Boone spoke about giving second chances and the importance of maintaining leadership.
5. Jeff and Draven Alexander both shared how devoted Tina Fenoughty had been to them over the years.
6. Sandra Pointer expressed how Tina Fenoughty has been there for her.
7. Samantha Davis shared how challenging it is to bond with the police officers in a community. She stated Tina Fenoughty had always done all she could to better a situation in a respectful manner and never harassed anyone.
8. Sherri Philpott stated she had not interacted with Tina Fenoughty but respects her and all she has done for the community. Sherri expressed to the governing body to do the right thing.
9. Jesse James stated Tina Fenoughty has taught him how to be a better person.

REPORTS OF CITY OFFICERS:

CODES OFFICER – DEVIN CANADA

Report reflects 2/19/2024 through 3/1/2024

Code Letters:

Violation Type:	# Corrected	#in Progress	# Citations	# New
NUISANCE	2	5	0	2
INOP	3	1	0	1
VERBAL WARNINGS	3	5	0	5
OTHER	1	5	1	0

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – DEVIN CANADA

Rustic Rebel LLC was issued a Use Permit for a business located at 110 S. 4th Street.

INTERIM POLICE CHIEF HALEY

Purchase Order No. 2024-3 in the amount of \$775 for a Stealth Version reflective Graphic Kit for a black 2023 Durango/Police Logo. Graphic only, does not include installation on the vehicle.

❖ **Motion**

Council Member Mitzner motioned to approve Purchase Order No. 2024-3 in the amount of \$775 for the graphic kit for the 2023 Durango/Police Logo. Motion seconded by Council Member Smith, voted on, passed 5-0.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

Met with Jarod Mann, BG Consultants, regarding the lift station improvements. We asked to have the project cost for the lift stations within the next couple of weeks. Still waiting to hear from Reed Environmental regarding the pricing for geo-tubes for the desludging.

Hofer and Hofer are working on the final punch list items for the new Fire Station. A substantial completion certificate is prepared for signature.

PWS Nasalroad brought up the topic of street improvements. Suggested we start by looking at each road individually to determine widths, repairs and considerations for stormwater and sidewalks. Council Member Smith asked if the city had established information regarding the types of streets and the widths. PWS Nasalroad indicated he was not aware of any information.

CITY CLERK – JODI WADE

- Completed Monthly Financial Reports.
- Webinar on Cybersecurity.
- Met with Jarod, BG Consultants, to review the progress with the Lift Stations.
- Prepared agenda packets for Council meeting.
- Met with Andrea Kincaid and Craig Bradley to review Structure Fire progress update.
- Met with BCBS to discuss Medicare.
- Watched webinar for Lexipol
- Attended MRWAD meeting virtually.
- Attended Planning & Zoning meeting.
- Prepared draft policy for City owned Vehicles.
- Reviewed Sewer Improvement Project financials.
- Reviewed Globe – Liberty National Life Insurance information.
- Reviewed Globe – Family Heritage supplemental insurance policies.
- Watched KORA webinar regarding Police reports.
- Participated in a meeting with gWorks regarding new cloud based Financial Hub and Payroll Hub.
- Prepared documents for Mayor meetings.
- Reviewed documents for March 13, 2024 Conditional Use Permit Public Hearings.
- Reviewed documents for publishing for Public Hearings for Abatement.
- Assisted with Zoning questions regarding Accessory Use buildings and structures.
- Follow up on Insurance quote from Continental Western Group.
- Imported shapefiles in to Subsurface Mapping program.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

- Reviewed contract for USDI.
- Completed 3 Open Records Requests.
- Completed Annual Water reports and Gas reports.
- Followed up on Permit renewals for Wastewater permits with KDHE.

CC Wade asked if the Request for Proposals could be extended to April 1, 2024. We have only received (1) response and another company indicated interest but held off from submission because they are currently representing a client and would have a conflict of interest until the public hearing was completed.

❖ **Motion**

Council Member Mitzner motioned to extend the due date for the Request For Proposal for Legal Services to April 1, 2024. Motion seconded by Council Member Smith, voted on, passed 5-0.

CITY TREASURER – CONNIE GORE

Utilities *Monthly items completed:*

- Shut-offs were completed. We had
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed. –Jenn did these as I was on vacation.
- February 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 February 2024 we had 203 customers signed up for Front Desk.
- Completed the sales tax and filed with the State.
- *Gas rates are still down.*
- Labeled, stamped and mailed current trash customer post cards

Court *Monthly Court items completed*

- Reviewed the docket for February court.
- Court
- Court paper work, e-filed with the State, Payment form e-filed and copy given to accounts payable for a check.
- Participated in a Police/Court KORA Webinar.
- Attended Court Clerks Conference in Wichita. (DJA/OJA)

Payroll:

- 1st Payroll: Reviewed time cards, & Cola back pay. I reviewed the payroll reports and benefit deductions and updated the vacation/sick spreadsheet.
- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.

Other:

- Sent Monthly Invoices: 1 final notice, 1 to County/CBK
- Worked on a draft letter for Bank Pay customers and sent to those customers.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE

- Started working on the Administrative Book. Called other Cities to see what they include in Codes, Personnel, Administrative, SOP'S.
- Watch Lexi Pol Webinar for police SOP.
- Watch the zoom presentation for the cloud based module of our current software.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (NOWAK CONSTRUCTION/BG CONSULTANTS)

BG Consultants is waiting for pricing from Reed Environmental for storing the sludge in geo-tubes to be hauled off in the Fall to a landfill. PWS Nasalroad met with BG Consultants on Tuesday, March 5, 2024 to review the lift stations.

KDOT CCLIP (KILLOUGH CONSTRUCTION/CFS ENG/BG CONSULTANTS)

Cook, Flatt & Stobel Engineers, P.A. (CFS) Payment Voucher #10 – Final in the amount of \$18,296.72 for the work performed from December 31,2022 through January 26, 2024.

❖ **Motion**

Council Member Capp motioned to approve as to form Payment Voucher #10 in the amount of \$18,296.72. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

NEW FIRE STATION

Hofer & Hofer & Associates Pay Application No. 8 in the amount of \$37,257.13 for the period to 02/22/2024. The Certificate of Substantial Completion with February 21, 2024 listed as the date of issuance has been presented for acceptance.

❖ **Motion**

Council Member Mitzner motioned to approve Pay Application No. 8 in the amount of \$37,257.13 for the period to 02/22/2024. Motion seconded by Council Member Capp, voted on, passed 5-0.

❖ **Motion**

Council Member Mitzner motioned to approve for Mayor Wilson to sign the Certificate of Substantial Completion effective February 21, 2024. Motion seconded by Council Member Capp, voted on, passed 5-0.

WATER TREATMENT PLANT ANALYSIS

Kansas Water Office received 187 applications for the Water Project Grant Fund with requests totaling \$323 million. The amount available this round was \$12,000,000. CC Wade will continue to seek other grant funding opportunities available in the meantime.

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COUNCIL COMMITTEE REPORTS:

- a] Utilities Committee: NONE
- b] Street Committee: NONE
- c] City Facility Committee: NONE
- d] Public Safety Committee: NONE
- e] Employee Relations and Training Committee: NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: Quarterly Linn County Emergency Management meeting will be held at the La Cygne Community Building April 2024.

CHAMBER OF COMMERCE – Jenn Vogt, Deputy City Clerk was voted in as the Chamber President.

PLANNING & ZONING COMMISSION (PZC): Two Public Hearings for Conditional Use Permits will be held on March 13, 2024 at 6:00pm at the La Cygne Community Building for Harsco Environmental – Reed Minerals and Whistle Ready Mix.

UNFINISHED BUSINESS:

DRAFT ORDINANCE NO. AMENDING CHAPTER 5. BUSINESS REGULATIONS, ARTICLE 1. SOLICITORS, CANVASSERS, PEDDLERS SECTION 5-103. LICENSING PROCEDURE OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

Tabled until the March 20, 2024 meeting.

UTILITY SAFETY & DESIGN, INC: REVIEW OF RENEWAL CONTRACT

CC Wade reviewed the modifications to the contract. No discussion was held. Council Member Mitzner asked if discussion had been held regarding improvement/projects. PWS Nasalroad stated some large meters need to be updated from a bladder meter to a roto-meter.

528 N. 6TH STREET

No updates at this time.

RECESS:

❖ **Motion**

Council Member Capp motioned to approve a 5-minute recess break to return to the council table at 8:07pm. Motion seconded by Council Member Stoker, voted on, passed 5-0. 8:02pm

NEW BUSINESS:

RESOLUTION NO. REPLACING ADMINISTRATIVE POLICY #16C BODY ARMOR OF THE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES WITHIN THE ADMINISTRATIVE POLICY BOOK OF THE CITY OF LA CYGNE, KS

Mayor Wilson read the Resolution out loud. No discussion.

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NEW BUSINESS CONTINUED:

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 464 replacing administrative policy #16c Body Armor of the Police Department Standard Operating Procedures within the Administrative Policy book of the City of La Cygne, KS. Motion seconded by Council Member Capp, voted on, passed 5-0.

RESOLUTION NO. ADDING ADMINISTRATIVE POLICY #16P VEHICLE USE-TAKE HOME OF THE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES WITHIN THE ADMINISTRATIVE POLICY BOOK OF THE CITY OF LA CYGNE, KS

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 465 adding administrative policy #16p Vehicle Use-Take Home of the Police Department Standard Operating Procedures within the Administrative Policy book of the City of La Cygne, KS with the stated revisions to section D(e)(m)(n). Motion seconded by Council Member Stoker, voted on, passed 5-0.

RESOLUTION NO. REPLACING ADMINISTRATIVE POLICY #16L BODY WORN VIDEO CAMERAS OF THE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES WITHIN THE ADMINISTRATIVE POLICY BOOK OF THE CITY OF LA CYGNE, KS

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 466 replacing administrative policy #16l Body Worn Video Cameras of the Police Department Standard Operating Procedures within the Administrative Policy book of the City of La Cygne, KS with the corrections as stated. Motion seconded by Council Member Stoker, voted on, passed 5-0.

RECESS:

❖ **Motion**

Council Member Capp motioned to approve a 2-minute recess break to return to the council table at 9:21pm. Motion seconded by Council Member Stoker, voted on, passed 5-0. 9:19pm

EXECUTIVE SESSION:

❖ **Motion**

Council Member Stoker motioned to go in to executive discussion for 10-minutes following a 4-minute break for non-elected personnel matter for an individual employee's performance and to return to the council table at 9:31pm. Motion seconded by Council Member Capp voted on, passed 5-0. 9:21pm

Others in attendance: City Attorney Harding

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OPEN SESSION RESUMED AT 9:31pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter for an individual employee's performance and to return to the council table at 9:42pm. Motion seconded by Council Member Smith, voted on, passed 5-0. 9:32pm

Others in attendance: City Attorney Harding

OPEN SESSION RESUMED AT 9:42pm:

POLICY REVIEW IN PROGRESS

STANDARD OPERATION PROCEDURE MANUAL FOR POLICE AND CITY HALL

Standard Operation Procedure Manuals for Police and City Hall – Lexipol was founded in 2003 by public safety experts to form an entire risk management solution for public safety and local government professionals. They provide policy management, accreditation, online training, wellness resources and grant assistance. They provide 24/7 industry news and analysis through the digital communities Police 1, Fire Rescue 1, Corrections1, EMS1 and Gov1. The clerks participated in a webinar to review the program. An estimated cost of \$3015 for an annual subscription for 3 Full time Sworn Officers and includes the implementation and 8 hours of 1:1 initial training. The annual subscription includes any updates released through the year, on average 3-4 packets of updates are issued each year.

DRAFT COMPANY VEHICLE USE POLICY

RENTAL READY PROGRAM (LANDLORD REGISTRATION)

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

NOTES AND COMMUNICATIONS TO COUNCIL:

GOVERNING BODY REMARKS

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:43p.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 6th day of March 2024.