

REGULAR MEETING:

The La Cygne City Council met on Wednesday, January 20, 2021 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Jerome Mitzner; and Danny Curtis. Absent: Logan Smith.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Linn County News Tony Furse; Linn County Economic Development Administrator Jessica Hightower.

CALL REGULAR MEETING TO ORDER (6:00 P.M.)

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

NONE

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of January 6, 2021 City Council Meeting;
December 2020 Budget Report;
December 2020 Treasurer Report;
1st Quarter 2020 Financial Statement;
2nd Quarter 2020 Financial Statement;
3rd Quarter 2020 Financial Statement;
4th Quarter 2020 Financial Statement;
2020 Annual Financial Statement;
Check Register: January 7 – January 20, 2021;

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

DISCUSSION FROM THE FLOOR:

- ✓ Jessica Hightower – Linn County Economic Development Administrator. Jessica addressed the Council about a submitted annexation application as an opportunity to help expand the businesses in the La Cygne area. Jessica asked the Council for an Executive session.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 20 minutes for review of financial affairs pertaining to trade secrets and will return to the Council table at 6:25pm. Motion seconded by Council Member Mitzner voted on, passed 4-0. 6:00pm

Others in attendance included, but not limited to: CC Wade, Jessica Hightower, City Attorney Harding

OPEN SESSION RESUMED AT 6:25pm:

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT

NONE

SEWER REHABILITATION PROJECT

NONE

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

BG Consultants will complete the final drawings and submit to KDOT next week. Jason Hoskinson will send a copy to the City of La Cygne for use on utility movement prior to construction.

NEW LA CYGNE FIRE STATION PROJECT

Zingre Architect working on preliminary design.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING

City Attorney Harding has been assisting the City with the following items:

- zoning questions regarding definitions;
- a petition for voluntary annexation;
- ongoing legal questions regarding the proposed CUP for the event venue located at 417 Grand Ave;
- Municipal court;
- working with the Chief of Police on situations that periodically arise in the City.

CHIEF OF POLICE / CODES OFFICER

Chief Fenoughy was unable to attend the meeting this evening. Intern Codes officer Allison Fox submitted a spreadsheet outlining the Code Nuisances that are being addressed and the timeline for expiration or abated.

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

Report from 1/06/2021 to 1/20/2021 – Dan Nasalroad was not able to attend the meeting this evening but he did submit the following report.

Committee Discussions

Water and Gas:

- Waiting on preliminary plan for pre-sediment pond.
- Gas leak at Commercial and Broadway.
- Working on water requirements on two new commercial accounts.
- Waiting on KDOT plans for 152 and Industrial road so we can move the gas main.

Street:

- Concerns on condition of South Commercial at Beachner Grain.

REPORTS OF CITY OFFICERS CONTINUED:

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

Sewer:

- Alliance Pump has informed me of shipping delays on our new lift station pump and rebuild parts. New pump should ship this week.
- Working with JBB Farms, LLC (417 Grand Ave) for a plan to provide city sewer.
- Investigating possible sewer extensions to add to the sewer rehabilitation project.

Park:

- Looking some improvement plans for the north park in 2021.

Cemetery:

- Nothing to report.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

- Reviewing initial site plan.

CITY CLERK – JODI WADE

The City Clerk report this week has been preparing everything included in this agenda packet.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- None

STREET – NONE

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

SEWER-NONE

PARK-

- CC Wade has received calls from prior pool employees inquiring if the pool would be open this summer. Council Member Curtis indicated the Park Board would be meeting on January 26, 2021.

CEMETERY –

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

PUBLIC SAFETY –

- None

COMMUNITY BUILDING-

- None

COUNCIL COMMITTEE REPORTS CONTINUED:

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) -

Mayor Wilson addressed concerns regarding the attendance and a text received from member Shawn Hite. Mayor Wilson indicated Shawn Hite has missed the past 6 months of meetings and indicated in a text that he disagreed with Administrative Policy #30 and would not be signing the policy. Mayor Wilson recommended removal of Shawn Hite from the Planning and Zoning Commission effective January 20, 2021. No comments from the Council.

❖ **Motion**

Council Member Capp motioned to accept the recommendation to remove Shawn Hite from the Planning and Zoning Commission effective January 20, 2021. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

UNFINISHED BUSINESS:

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

Mayor Wilson addressed the procedures for approving Article 22 Off Street Parking. This is an Article located in the Zoning Regulations, as per the League of Municipalities, the changes in text to an Article must go through the Planning & Zoning Commission. A copy of the red-lined draft of Article 22 was given to the Planning & Zoning Commission at their meeting on January 14, 2021. Notice for the Public Hearing on February 11, 2021 at 7:00pm for Article 22 was published in the Linn County Newspaper in the January 20, 2021 edition.

ORDINANCE NO. AMENDING AND RESTATING CHAPTER 2 OF THE CODES OF THE CITY OF LA CYGNE, KS RELATING TO ANIMAL CONTROL AND REGULATIONS.

Mayor Wilson asked if the Council had all had an opportunity to review the ordinance. Concerns from the Council which were submitted prior to this meeting had been reviewed and Chief Fenoughty indicated those issues were covered within the draft. Council Member Mitzner indicated he read through all 23 pages and felt it covered all necessary areas and was satisfied with the completed draft. No further comments from the Council members.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1482 amending and restating Chapter 2 of the Codes of the City of La Cygne relating to Animal Control and Regulations. Motion seconded by Council Member Curtis, voted on, passed 4-0.

NEW BUSINESS:

GAS ACQUISITION MANAGEMENT PROJECT PARTICIPATION AGREEMENT BETWEEN CITY OF LA CYGNE AND KANSAS MUNICIPAL GAS AGENCY FOR APRIL 1, 2021 THROUGH MARCH 31, 2022.

CC Wade advised the Council she was satisfied with the estimated amounts of monthly purchase.

❖ **Motion**

Council Member Mitzner motioned to approve signing the gas acquisition management project participation agreement with Kansas Municipal Gas Agency for April 1, 2021 through March 31, 2022. Motion seconded by Council Member Capp, voted on, passed 4-0.

PURCHASE ORDER 2021-1 KYOCERA TASKALFA COPIER/PRINTER/SCANNER REPLACEMENT

CC Wade reviewed the options presented for either a Black/White only copier (\$3543) and a Color copier (\$4353). Council Member Mitzner stated the benefit of being able to print with color especially when reviewing drafted document, flyers for town hall meetings and plans pertaining to the Capital improvement projects. CC Wade indicated the current maintenance agreement with Modern Copy Systems would just switch over to the new machine. CC Wade would like to add the 7-bin attachment kit (\$1710) to assist with so many people using the same machine. Having separate trays for each computer to print to would eliminate lost copies. CC Wade also indicated City Hall would keep the old machine since Modern Copy Systems no longer does trade-ins. The other machine can be used by another department.

❖ **Motion**

Council Member Mitzner motioned to approve the purchase of the Kyocera TASKalfa 3253ci Digital Laser Color Copier/printer/scanner with the 7-bin attachment kit for the amount of \$6063. Motion seconded by Council Member Capp, voted on, passed 4-0.

PURCHASE ORDER 2021-2 CHRISTMAS POLE LIGHT DECORATIONS

CC Wade submitted quotes from 3 companies for Pole Light decorations for the Council to review. Each Quote contained a 6' Snowflake and either a 4 ½' Wreath or a 6'-8' Christmas Tree. The three companies included Temple Display, Inc, Mosca Design and Display Sales. All three companies were American made items, not imports. CC Wade attempted to simplify the maintenance for the pole decorations by limiting the bulbs to the same style (LED C-7/C-9) and color (White). CC Wade will email photos of the decorations from each company for the Council to review and share with patrons. The prices in the quotes were for (10) snowflakes to be placed on Commercial/Broadway and (14) wreaths/trees to be placed on Market, but it is up to the people on what style of decorations for each street are desired. The companies offered a down payment in January and the remainder payment in June. The quotes range from \$9,832.80 - \$12,762 depending on the choices of decoration and company. The current discounts will be available until the end of February. CC Wade advised the Council they did not plan on this purchase in the 2021 budget for the City. If the Council chooses to move forward with the purchase, the money would be generated from the General street commodities fund.

This item was tabled until the next meeting, February 3, 2021, to allow the Council, patrons and city employees to review the decorations.

NEW BUSINESS CONTINUED:

PURCHASE ORDER 2021-3 STREET POLE ELECTRICAL BOXES FOR CHRISTMAS DECORATIONS

Office intern Katie Russell reached out to three companies (Waterman Electric, Mr. Electric and Double A's Electric) for quotes to replace the existing electrical boxes on the electric poles indicated for use for Christmas pole light decorations. Each company was invited to look at the existing boxes on the poles. Katie Russell had visited with the Evergy representative for community maintenance and was advised they would assist with disconnect of power for repair and connection for the new boxes. Two companies responded back with quotes. Mr Electric in the amount of \$19,785.16 and Double A's Electric for \$10,800. Council Member Mitzner inquired if we made sure we were comparing apples to apples in the bids. CC Wade confirmed the bids with both companies to make sure the specifications for both were the same. The funds for this repair were not planned on in the 2021 City budget but would come out of the General Street contract service fund. Council Member Curtis asked if all of the boxes needed to be replaced. CC Wade stated she was not sure of the condition of each box, some have been moved or are missing when the poles were replaced after the last storm. The panel had gone out for the ones on Commercial street and that was all she knew. Council Member Capp suggested if the City is going to take this project on from the ground up, then we should start anew with everything.

❖ **Motion**

Council Member Curtis motioned to approve the quote from Double A's Electric in the amount of \$10,800 to replace the 24 street pole electric boxes for the Christmas light pole decorations. Motion seconded by Council Member Capp, voted on, passed 4-0.

ORDINANCE NO. AMENDING CHAPTER X – PUBLIC OFFENSES, ARTICLE 2, BY ADDING SECTION 10-203 PUBLIC INDECENCY AND 10-204 URINATION OR DEFECATION IN PUBLIC PROHIBITED

City Attorney Harding wanted to address a couple of items in the Ordinance draft. City Attorney Harding felt the statement "the showing of the covered male genitals in a discernibly turgid state" should be removed. City Attorney Harding felt a few more private room additions needed to be added under the exceptions.

This item was tabled until the February 3, 2021 meeting.

CITY WIDE TRASH PICK-UP DAY IN MAY 2021.

CC Wade asked the Council if they would be interested in hosting a City-Wide trash pick-up day in 2021 if Waste Management is capable to perform the task. The Council advised CC Wade to reach out to Waste Management for a quote.

2021 CCMFOA CLERK VIRTUAL SPRING CONFERENCE, MARCH 17-19, \$225.

This years' conference will be completely virtual. This would allow all clerks and interns to listen in on classes related to all areas the clerks handle.

❖ **Motion**

Council Member Mitzner motioned to approve the fee of \$225 for the CCMFOA virtual conference March 17-19. Motion seconded by Council Member Capp, voted on, passed 4-0.

NEW BUSINESS CONTINUED:

APPLICATION FOR CONSTRUCTION DEBRIS DUMPING ASSISTANCE – LINN COUNTY KANSAS

Intern Codes officer Allison Fox has been researching the process for condemnation in preparation for the removal of the home at 612 N. 8th street if the owner does not respond. Linn County Public Works has an application for Construction debris dumping assistance for a reduced CD Dumping fee for debris from removal of dilapidated homes. The City has completed the application but would need a written referral signed by the Mayor to attach with the application. Council Member Curtis asked if we had received any response to date from the owner. CC Wade advised the owner has not responded to date. Council Member Curtis felt it was important for the City to be prepared if nothing is heard from the owner.

❖ **Motion**

Council Member Capp motioned to approve Mayor Wilson signing a written referral letter to be attached to the application for construction debris dumping assistance from Linn County KS. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

ORDINANCE NO. ANNEXING LAND TO THE CITY OF LA CYGNE KANSAS.

This item was tabled until further notice and information was received.

RESOLUTION NO. 02-17 REGARDING MAINTENANCE OF STREETS WITHIN THE LINN COUNTY INDUSTRIAL PARK, LA CYGNE KANSAS.

This item was tabled until further notice and information was received.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 5 minutes for non-elected personnel performance review and will return to the Council table at 7:35pm. Motion seconded by Council Member Capp voted on, passed 4-0. 7:30pm

Others in attendance included, but not limited to: CC Wade

OPEN SESSION RESUMED AT 7:35pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Thies motioned to go in to executive session for 2 minutes for non-elected personnel performance review and will return to the Council table at 7:40pm. Motion seconded by Council Member Mitzner voted on, passed 4-0. 7:38pm

Others in attendance included, but not limited to: CC Wade

OPEN SESSION RESUMED AT 7:40pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Thies motioned to go in to executive session for 5 minutes for non-elected personnel performance review and will return to the Council table at 7:46pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:41pm

Others in attendance included, but not limited to: CC Wade

OPEN SESSION RESUMED AT 7:46pm:

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 4-0. Time 7:53pm.

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 20th day of January, 2021.