

Record of the Proceedings of the Governing Body
REGULAR MEETING

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October 5, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, October 5, 2022 at the La Cygne Community Building. Council Members present were: David Brennehan; Keith Stoker; Danny Curtis; Thomas Capp; Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Tina Fenoughty; Codes Officer Allison Fox; City Attorney Burton Harding (via speaker phone); Linn County Newspaper Tony Furse; Linn County Journal Roger Simms; Oaklawn Cemetery Association Judy Wier; Oak Lawn Cemetery Association Carol Jean Stainbrook.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson reviewed the following upcoming events:

- a] 2022 Sugar Mound Arts & Crafts Festival is October 8-9, 2022.
- b] Ray of Hope Fish Fry on Saturday, October 15, 2022, 5pm-7pm, La Cygne Community Building.
- c] Trunk-or-treat on Broadway, Friday, October 28, 2022 from 6pm – 8pm. Participants are welcome to set up a vehicle to hand out candy.
- d] Trunk-or-treat at Family Café, October 31, 2022.
- e] Halloween Hot Dogs and Chili sponsored by the La Cygne Fire Department, October 31, 2022 at Thayer Park starting around 5:30pm.
- f] Local government day – School Visit. Mayor Wilson asked the council members to consider presenting at the local schools about city government and about recognizing students who participate in a Mayor’s Essay contest.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of September 21, 2022 City Council Meeting;
Check Register: September 22 – October 5, 2022;
Rivers Lodge & Hunt Club LLC Drinking Establishment License 2022 – 2024

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

DISCUSSION FROM THE FLOOR:

Carol Jean Stainbrook, Oaklawn Cemetery Association representative, introduced herself to the council and handed out a drawing of a stonework project for the existing sign in the cemetery. Carol wanted the council’s consent for the design selected. She explained the block with the wording was already existing and a masonry contractor would be doing the stonework around the sign. The

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DISCUSSION FROM THE FLOOR CONTINUED:

Oaklawn Cemetery Association is handling the cost for the work to be performed. The council asked Public Works Superintendent Nasalroad if he had any concerns regarding the work being performed. The council complimented the Carol and the association for the work the consideration they give to components of the cemetery.

❖ **Motion**

Council Member Curtis motioned to give permission for the work to be performed around the existing Oak Lawn cemetery sign and to waive the building permit fee for the installation of the stonework. Motion seconded by Council Member Mitzner voted on, passed 5-0.

Carol Stainbrook also addressed the council about a project in the La Cygne Community Park of lining out a pickleball court on the existing tennis court. Carol wanted to find out what steps would need to be taken to paint the lines. Council Member Capp referred the project to Public Works Superintendent Nasalroad to look in the condition of the court and the process for painting lines. Council Member Capp did not have any concerns with using the court for both sports.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING: NONE

POLICE CHIEF – TINA FENOUGHTY :

4 Traffic Stops Conducted

Citations issued since last meeting - 8

Speed School Zone	0	Registration Viol	0
Suspended DL	0	No Tag	0
Insurance	0	NO DL	0
Speed Construction Zone	0	Speed	0
Aggressive Dog/RAL/Tag	8	Paraphernalia	0
Animal Cruelty	0	Parking	0

Calls for Service / Reports – 9/21/22 thru 10/05/22

Animal Complaint – 7	Traffic Complaints - 7
Assist Outside Agency – 2	Harassing phone calls – 2
Ambulance – 0	Citizen Assist CFS / contact - 46
Fingerprints – 1	Juvenile Incident – 2
Check Welfare – 3	Found Property – 2
Follow Up – TMTC	Criminal Damage - 2
Suspicious Activity – 7	Civil Matter – 4
Noise Complaint – 1	Disorderly Conduct- 0
Theft – 0	Non-Injury Accident – 2
Stalking– 1	Suspicious Vehicle – 4
Disturbance – 2	Warrant Attempt - 2
Armed Disturbance – 1	Misdemeanor Warrant – 1
Vehicle Lockout – 1	CINC/Transport to Wichita – 1
Record Checks – 2	DUI – 1
Trespass – 2	911 Hang up – 0

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REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

VIN Inspections- 7 completed

Report Requests – 2

Overtime for Department – 17.5 hours (as of this afternoon both Officers – any shift/call/call out worked is overtime until Sunday night)

Gas leak with accident – Sheriff’s office;

Unit 2 dash camera failed – under warranty shipped 2-day replaced and working again;

Radio’s have been re-programmed to communicate with dispatch;

Passed and received small animal kennel license after inspection and payment;

Sheriff’s office took about 3 calls, others were enroute to;

Sheriff’s office VIN Inspections - \$20 cash or check only – will not come to you –

Wednesdays/Thursday from 8am to 2pm only in south parking lot.

CODES OFFICER – ALLISON FOX :

Report from 9/07/2022 – 9/21/2022

Code Letters:

- Nuisance (3) Corrected (15) Still in Progress (5) Citation (15) New
- INOP (1) Still in Progress
- GRASS/WEED (7) Corrected
- WORK ORDER

Permits:

- 310 N. 4th Street – Building Permit – Working on letter to owner regarding the front porch.
- 712 Locust – Building Permit – Building a shed. Needs to get a boundary adjustment to comply with city setback requirements. Still waiting for update from owner.
- 413 S. 1st – Building Permit – New home with garage – waiting for survey from owner.
- 215 N. 6th – Building Permit – Fence was moved and now is in compliance with city code.
- 102 S. 4th – Use Permit – was approved and issued to Drinks by Dillion LLC.

Projects:

- House numbers – Looking in to grants and working with department heads.
- Lindentree Apartments – The issues are being resolved but will take a few months to be completed.
- Trailer Parks – Working with the owner to get a few minor codes violations taken care of and still trying to agree on a reasonable timeframe for the rest of the work to be completed.

Other:

- Codes vehicle was purchased and delivered. Magnetic signs will be purchased for the vehicle.
- Codes and Zoning Facebook page was created. Council Member suggested turning off the comment tool and utilize the page for getting information out to the public.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

Report from 9/21/22 to 10/5/2022

Committee Discussions

Water and Gas:

- Met with Midwest Engineering on water plant upgrades and they are preparing a final draft.
- Old pond nearing completion. Starbuck trucking, LLC has started to clean out the backwash ponds. They also helped clear out a path for fencing.
- Gas meter relocation project starting 10/06/2022.
- Executive session for contracts.

Street:

- CCLIP project punch list items complete, waiting on KDOT to sign off.
- Access aprons (?)
- Directional Bore permit? CC Wade referred to the Excavation Permit information in the Code of the City of La Cygne. She read Chapter, Article, section which indicated boring as a means of requirement for an Excavation Permit. CC Wade and PWS Nasalroad

Sewer:

- Nowak Construction has completed point repairs.
- Relining is moving right along.
- Started to repair manholes.
- The tree on E. Market will possibly be removed this weekend.

Park:

- Started planning Christmas lights in the park.
- Internet issues have been corrected in the park.

Cemetery:

- Mowing is coming to an end.

FIRE DEPARTMENT – DAN NASALROAD:

- Training building has been removed.
- Met with Rick Zingre on final station design, waiting on changes.
- Halloween night the firemen will be serving hot dogs and chili in Thayer Park.
- Need to check the radios in the firetrucks and the hand radios to see if they work on the digital since Linn County made the change today. Discussion was held on the short notice or lack of notification given regarding when the transition to digital was going to take place.

CITY CLERK – JODI WADE:

- Processed Katie Russell close-out documents.
- Started Jenn Vogt training.
- Scheduled AFLAC representative visit for all the new employees.
- Mapping training with Pam (Linn County Mapping Administrator)
- Attended Planning & Zoning Meeting.
- Met with Mc Kiney Municipal Finances.
- Trained Jenn Vogt on Accounts Payable.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE:

- Attended workshop on Article 18: Factory Built Home District.
- Prepared Park Board financial reports.
- Contacted KDOT and Killough Construction for follow-up on punch list items.
- Attended Sewer Rehabilitation progress meeting.
- Attended workshop with Lincoln Township and City Council regarding Park Board Charter Ord.
- Attended virtual KMGGA Board members meeting.
- Completed HEAL grant application.
- Reviewed invoices for all special projects.
- Completed monthly financial reports.
- Researched housing programs through the Kansas Department of Commerce and the Moderate Income Housing Program through the Kansas Housing Resources Corporation. Reviewed various incentive district information.
- Looking in to the Kansas Housing Investor Tax Credit program.
- Researching demolition and/or rehabilitation grant programs established in other cities our size.
- Working on financial reports for Water Rate information and costs for production.

CITY TREASURER – CONNIE GORE:

- **Utilities:** Monthly items completed:
Shut offs were completed. We normally have 7-9 a month, but this month we had 12. Sewer, Water, and Gas report completed. October Utility Billing process was completed. Bills were printed and mailed or e-mailed & bank pay customer lists were created and dropped off at each bank. As of the end of September we had 27 residents signed up for Front Desk. Still working with tech on some Front Desk issues. I hope we have most of them resolved.
- **Other:** Completed the bank reconciliation. Sales tax was filed and paid.
- **Court:** Monthly Court items completed
Reviewed the docket and diversions for September court.
Court paper work was completed and filed with the State.
Attended the Fall Court Clerks Conference in Pittsburg on the 29th and 30th.
- **Payroll:**
Completed the 2nd & 3rd payroll for September. Taxes were filed and paid.
Explained to Jenn how the time card review worked and showed her how to do the vacation/sick time spreadsheet.
- **Cemetery:** Cemetery continued the input of data. The input of information in Pollman is completed with the exception of the ones I will have to research the deeds. Worked with a resident and monument company with a grave location issue. I also had Bruce mark a couple of other graves as the people were convinced the placements were incorrect. I have not heard back from either of them since we marked the entire lot and the graves.
- **Other:**
Helped Jenn/Katie balance Quicken for the month of July.
Met with Pam from Linn County GIS Mapping to learn how to use the non-public mapping we can access through the county web site.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

PWS Nasalroad requested a 10-minute executive session for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship.

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and will return to the Council table at 7:40 p.m. Motion seconded by Council Member Curtis voted on, passed 5-0. 7:25 p.m.

Others in attendance included, but not limited to: PWS Nasalroad, CC Wade and City Attorney Harding (via speaker phone).

OPEN SESSION RESUMED AT 7:40 p.m.

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 10-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and will return to the Council table at 7:51 p.m. Motion seconded by Council Member Capp voted on, passed 5-0. 7:41 p.m.

Others in attendance included, but not limited to: PWS Nasalroad, CC Wade and City Attorney Harding (via speaker phone).

OPEN SESSION RESUMED AT 7:51 p.m.

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 10-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and will return to the Council table at 8:02 p.m. Motion seconded by Council Member Capp voted on, passed 5-0. 7:52 p.m.

Others in attendance included, but not limited to: PWS Nasalroad, CC Wade and City Attorney Harding (via speaker phone).

OPEN SESSION RESUMED AT 8:02 p.m.

SPECIAL PROJECTS:

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

Starbuck Trucking, LLC is finishing up on the last few items.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Pay Application No. 4 for NOWAK Construction in the amount of \$432,419.53 for the period of August 20, 2022 to September 19, 2022.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 4 for Nowak Construction in the amount of \$432,419.53 for the period of August 20, 2022 to September 19, 2022. Motion seconded by Council Member Stoker voted on, passed 5-0.

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

Killough Construction and CFS Engineers indicated the stripe would be fixed on Wednesday, September 28 and they were attempting to get the concrete contractor back in either the end of the week or the week of October 3 – 7, 2022. Both items have been completed.

Payment Voucher for CFS Engineers in the amount of \$11,214.64 for the period of July 30, 2022 through August 26, 2022.

❖ **Motion**

Council Member Capp motioned to approve as to form CFS Engineering pay voucher in the amount of \$11,214.64 for the period of July 30, 2022 through August 26, 2022. Motion seconded by Council Member Mitzner voted on, passed 5-0.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Agricultural Engineering Associates completed the boundary survey of the lot. Invoice No. 4005 for Zingre and Associates, P.A. in the amount of \$1,640.

❖ **Motion**

Council Member Capp motioned to approve Invoice No. 4005 for Zingre and Associates, P.A. in the amount of \$1,640. Motion seconded by Council Member Stoker voted on, passed 5-0.

WATER TREATMENT PLANT ANALYSIS:

Dan Coltrain is still working on the Water Treatment Plan Master Plan.

STORMWATER MASTER PLAN (BG CONSULTANTS):

BG Consultants will compile the information received from the surveys to prepare a presentation for a town hall meeting. Survey information will be submitted by the end of this week.

SPECIAL PROJECTS CONTINUED:

602 N. 5TH STREET:

Agricultural Engineering Associates completed the boundary survey of the lot. Planning and Zoning would need to begin the Subdivision process to create the established number of plats desired.

COUNCIL COMMITTEE REPORTS:

WATER & GAS - NONE

STREET - NONE

SEWER - NONE

PUBLIC SAFETY - NONE

COMMUNITY BUILDING-

CC Wade resubmitted the HEAL grant for the second round.

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY –

Concrete pad will be poured on Friday. Gravel parking area still needs to be built. Council Member Curtis advised CC Wade to laminate any items placed in the display case to prevent water damage.

PARK-

Lincoln Township and the governing body met on September 28, 2022 to review Charter Ordinance No. 7 (approved as Charter Ordinance No. 6) regarding the establishment of the La Cygne Community Park Board.

Charter Ordinance No. 15 repealing Charter Ordinance No. 6. Regarding the establishment of the La Cygne Community Park Board. The Charter must be passed by a 2/3 vote of the governing body. The mayor is included on the vote for a Charter Ordinance, thus 2/3 would mean four (4) votes to pass a charter ordinance. The Charter must be published once a week for two consecutive weeks in the newspaper. There is a 60-day period after publication to allow time for the public to petition for a referendum on the matter. If no petition is filed during this period, the charter ordinance becomes effective on the 61st day after the second publication.

The Council had discussion regarding the operations and maintenance of the park if the La Cygne Community Park board is dissolved. CC Wade reviewed the current responsibilities which are being handled by the La Cygne City Hall and La Cygne Public Works. Discussion was held regarding the concerns of asking volunteers to handle HR responsibilities of employees. Council Member Curtis commented on the need to have something in place before repealing the Charter Ordinance. Mayor Wilson, Council Member Capp and CC Wade explained how the park wouldn't be handled any differently than the other departments such as water, sewer, gas, community building, cemetery, etc. Mayor Wilson reviewed the discussion from the workshop indicating Lincoln Township would continue to be the levying entity for the park and the trustees would continue to review and approve the budget each year. Council Member Mitzner reminded the council of the conversation of support from both governing bodies (Lincoln Township and City) in regards to returning the operation and maintenance responsibility back to the city as per Kansas statutes. Council Member Brenneman continued to express his concerns for

COUNCIL COMMITTEE REPORTS CONTINUED:

PARK-

the process of how the business of the park would be operate. CC Wade reviewed the legal concerns with employees, workers compensation pertaining to volunteers and the struggle to meet quorum for board meetings.

❖ **Motion**

Council Member Capp motioned to approve Charter Ordinance No. 15 repealing Charter Ordinance No. 6 regarding the establishment of the La Cygne Community Park Board and returning the operation and maintenance responsibilities back to the City of La Cygne per Kansas Statutes. Motion seconded by Council Member Mitzner voted on, passed 4-2. (Council Member Curtis and Council Member Brennehan voted nay).

Mayor Wilson discussed assigning the council members for the Park Committee. Council Member Stoker had indicated he was interested in being on the Park Committee. Mayor Wilson assigned Council Member Stoker and Council Member Capp to serve on the Park Committee.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE -

1. Ray of Hope Fish Fry – October 15, 2022, 5pm – 7pm, Community Building
2. Trunk or Treat on Broadway – October 28, 2022, 6pm – 8pm
3. Community Thanksgiving Dinner – November 19, 2022

PLANNING & ZONING COMMISSION (PZC) - IBTS will be presenting the draft Comprehensive Plan at the October 12, 2022 Planning & Zoning meeting. CC Wade will email the draft to all planning & zoning commissioners and the governing body to review.

UNFINISHED POLICY REVIEW:

WATER AND SEWER RATE ANALYSIS

1. Carl Brown proposal for water and sewer rate review.

LA HARPER HEIGHTS WATER VALVE REPLACEMENT

1. PWS Nasalroad and CC Wade reached out to the property manager, Stephanie Haupt, regarding blue prints for the facility. CC Wade made copies of the plans and scanned them in electronically. PWS Nasalroad will review the blueprints and facility regarding shut-off valves for water.

ARTICLE 18 DRAFT FACTORY BUILT HOME DISTRICT

The city council held a workshop prior to tonight's meeting to review the draft. The council was able to get through half of the draft.

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

ATV/UTV REGULATIONS

CHAPTER 11. PUBLIC PROPERTY, ARTICLE 2. PARKS AND CAMPING

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NEW POLICY REVIEW:

ARTICLE 5. PARKING

ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

CHAPTER 6. FIRE, ARTICLE 2. FIREWORKS

OTHER BUSINESS:

a] Ordinance No. _____ amending Chapter 1. Administration, Article 2. Governing Body, Section 1-202(a). Meetings of the Code of the City of La Cygne, Kansas. This ordinance would establish the regular meeting of the governing body to be held on the first and third Wednesday of the month at 6:00pm. Discussion was held by the council. All members were in favor of the meetings be held at the same time throughout the year. The majority of the council members were in favor of 7:00pm. CC Wade will revise the ordinance to present at the next council meeting.

NOTES AND COMMUNICATIONS TO COUNCIL:

None

TABLED ITEMS:

a] BNSF Quiet Zone

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 8:53p.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 5th day of October, 2022.