

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

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**October 6, 2021**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, October 6, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Danny Curtis; Thomas Capp; James Thies; and Jerome Mitzner. Absent: Mayor Debra Wilson and City Attorney Harding.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; and Linn County News Tony Furse.

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

Pledge of Allegiance – Council President Danny Curtis

**MAYOR COMMENTS:**

- a] 2021 Sugar Mound Arts & Crafts Parade, October 9, 2021 at 10am, Theme is "This is Us" City will be entering a float. Line up is at 9am if you want to join us!
- b] Trunk-or-Treat on Broadway, October 29, 2021 from 6pm – 8pm. Participants welcome to set up a vehicle for trunk or treat to hand out candy.

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of September 15, 2021 City Council Meeting;  
Check Register: September 16 – October 6, 2021;

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

**DISCUSSION FROM THE FLOOR:**

None

**SPECIAL PROJECTS:**

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

PWS Nasalroad talked to MW Engineer group. Dan Caltrain anticipated receipt of the permit from KDHE in the next day or two.

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Continued progress on survey of mains and review of drawings to prepare for bid letting. Mike Billings, USDA representative, emailed a request for documents which will need to be submitted in order to authorize the bidding of the sewer project. CC Wade is working with Paul Owings, BG Consultants, and City Attorney Harding to complete the task.

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### **SPECIAL PROJECTS CONTINUED:**

#### **STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL ROAD (BG CONSULTANTS)**

Project scheduled for March 2022.

#### **NEW FIRE STATION/PUBLIC SAFETY BUILDING**

CC Wade and Katie Russell have been working on grant applications.

### **REPORTS OF CITY OFFICERS:**

#### **CITY ATTORNEY – BURTON HARDING:**

None

#### **CHIEF OF POLICE – TINA FENOUGHTY**

##### **14 Traffic Stops Conducted**

##### **Citations issued since last meeting**

Speed School Zone	1	Tag Expired.	3
Fail to Yield	0	No Tag	0
Insurance	2	No DL	1
RR Crossing	0	Speed	2
Vicious Dog/RAL	1	Marijuana	1
Drive Violation of Rest.	0	Misdeamor	1

##### **Calls for Service / Reports – 09/14/2021 thru 10/04/2021**

Animal Complaint – 8	Traffic Complaints - 3
Assist Outside Agency – 2	Pursuit – 0
Building Check – 2	Citizen Assist CFS / contact - 19
Fingerprints – 0	Juvenile Incident – 6
Check Welfare – 2	911 Hang up– 0
Follow Up – 17	Theft - 1
Suspicious Activity – 2	Vehicle Lockout – 2
Disturbance – 1	Drug Case - 1
Domestic / Battery – 0	Criminal Damage – 4
Burglary – 0	Civil Stand By – 0
Suicidal Subject – 1	Warrant Attempt – 2
Felony Warrant – 0	Misdemeanor Warrant - 1

##### **Codes - 0 Letters sent out, 1 Work Orders**

**VIN Inspections** – 3 completed

**New Business:** Chief Fenoughty reviewed the 3<sup>rd</sup> quarter report for Actual Case Reports, Status Type Calls – No Report, and Traffic Stops only.

### **EXECUTIVE SESSION:**

#### **❖ Motion**

**Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 7:11pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:06pm**

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### **REPORTS OF CITY OFFICERS:**

#### **CHIEF OF POLICE – TINA FENOUGHTY**

Others in attendance included, but not limited to: Police Chief Fenoughty and CC Wade

### **OPEN SESSION RESUMED AT 7:11pm:**

#### **❖ Motion**

**Council Member Capp motioned to approve a raise for Allison Fox to \$17.00 per hour for completion of KLETC Full-time Academy effective October 4, 2021. Motion seconded by Council Member Stoker voted on, passed 5-0.**

### **Unfinished Business:**

Accrued overtime for last period = 13.5 hours

#### **CODES ENFORCMENT – ALLISON FOX**

Chief Fenoughty attended graduation for Allison who finished 6<sup>th</sup> out of 28 graduates at the KLETC Full-time academy. Allison will return to work on October 7, 2021.

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

This report will include tasks outside of our normal day to day duties.  
Report from 09/15/2021 to 10/06/2021

### **Committee Discussions**

#### **Water and Gas:**

- Starbucks has removed the house on 8<sup>th</sup> street, still needs to remove concrete.
- KDHE thought we would have final approval in writing tomorrow on pond.
- Issues with our gas meter at our start point, USDI is working on it.
- Gas main extension on East Linnco Drive. PWS Nasalroad reviewed some cost estimates from USDI to install either a 4" gas main (\$27,000) or a 2" gas main (\$24,000). Conversation was held regarding the costs of installation. Council Member Capp inquired how the City would normally handle the cost associated with the installation of new mains for utilities when subdivisions or Industrial Parks are developed. The Council also discussed the limited number of parcels remaining in the East Industrial Park which is currently only two (2). Council Member Stoker asked about allowing propane tanks by condition in a conditional use permit if the business owner only required a small amount of gas for a water heater(s). The Council decided to hold off on making any decision until a potential business/customer decides to purchase a lot.

#### **Street:**

- Still working on drainage at 3<sup>rd</sup> and Chestnut. (Waiting on culverts).
- Surplus equipment. PWS Nasalroad reviewed the items to be sold by sealed bid. The Council decided to advertise the items for the next few weeks with sealed bids due in to the City hall by 4:30pm on Tuesday, November 2, 2021 and will be opened at the regular Council meeting on November 3, 2021.
- Trimming tree away from road and signs.
- Replacing and repairing stop signs.

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### **REPORTS OF CITY OFFICERS CONTINUED:**

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

##### **Sewer:**

- East lift station generator is still down, parts are coming from Japan.
- Working with B&G on sewer project. Lift station upgrades.
- Still waiting on new pump for the East lift station. Should be shipped this week.
- Survey of N 2<sup>nd</sup> street has been started.

##### **Park:**

- Mowing and maintaining park.
- Duane Jeppesen from Quality Pools will be down in the next few weeks to check on pool leak.
- Jim Thompson came and cleared out sewers at the shower house. Cleaned both sides and back in service.
- 2018 mower is at Blue Valley Tractor, waiting on estimate.
- Currently there are no campers.
- Winterized the concession stand and bathrooms. Main bathroom is still open.

##### **Cemetery:**

- Mowing continues. Grass is slowing down for the moment. PWS Nasalroad anticipates maybe one or two months of mowing left.
- Two trees have been removed.
- Roads were bladed.

Council Member Mitzner complimented Randy Hardwick on a job well done at the compactor. Everything looks really nice and clean. Council Member Mitzner appreciated the assistance Randy was providing to patrons when unloading their items at the compactor.

#### **FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD**

- Halloween cookout is on Sunday, October 31, 2021 at Thayer Park starting around 5pm and lasting until the last hot dog or the Fire Chief wears out.

#### **CITY CLERK – JODI WADE**

Report from 9/16/2021 – 10/06/2021

- Completed month-end financial reports;
- Completed quarterly reports;
- Attended virtual KMGMA Meeting;
- Reviewed budget to date;
- Reviewed cemetery grave costs for other districts/cities;
- Prepared ordinance for alcohol Sunday sales;
- Reviewed "A Guide for Renters, Landlords and Homeowners";
- Reviewed Commercial Property Rehabilitation and Matching Grant Preservation Program sample;
- Reading the Department of the Treasury Compliance and Reporting Guidance booklet;
- Reviewed the Liability of Landlords, Chapter 14, Section 14-126 of the City Codes of the City of La Cygne;
- Charter Ordinance review – Attempted to scan in all the Charter Ordinances for the City of La Cygne. There is a total of 14 charter ordinances. Able to find copies of all but two;
- Got items gathered for the City float for the Sugar Mound Arts & Crafts festival parade.

Overtime Hours for City Hall for the last pay period: NONE.

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### **COUNCIL COMMITTEE REPORTS:**

#### **WATER & GAS -**

- None

#### **STREET -**

- None

#### **SEWER-**

- None

#### **PARK-**

- None

#### **CEMETERY -**

- A draft of Chapter XI. Public property, Article 1. Cemetery regulations. CC Wade reviewed K.S.A. 17-1301c, 17-308, 17-1311, 17-312 and 17-312f regarding the Permanent Maintenance Fund, Oak Lawn Cemetery. CC Wade first reviewed Chapter XI, Section 11-110(a) of the City Codes of the City of La Cygne which states, "all monies arising from the sale of lots and graves in the Oak Lawn Cemetery, Linn County, KS as well as all monies received or derived in any way from said cemetery shall be placed in a permanent maintenance fund as such fund is described in K.S.A. 17-1311 with exceptions as noted in paragraph (g) of section 11-110". CC Wade reviewed K.S.A. 17-1311 which describes a percentage of the purchase price based upon the funding requirement as defined in K.S.A. 17-1301(c). K.S.A. 17-301(c) which defines "funding requirement" as the portion of the purchase price equal to 15% of the purchase price but not less than \$25, of a burial lot set aside in the permanent maintenance fund. CC Wade shared grave prices for cities or cemetery districts near La Cygne. The prices ranged from \$100 - \$650/grave. CC Wade reviewed Ordinance No. 350 which established an endowment fund for the cemetery of the City of La Cygne. Per K.S.A. 17-1312(f) Municipality within the state of Kansas that is empowered to issue bonds in payment of which taxes may be levied are exempt from the provisions of 17-1308, 17-1311, 17-1312 and 17-1312(a) through 17-1312(e). CC Wade asked the Council to consider how it would like to handle the funds of the cemetery. Currently in the budget, the city levies \$20,000 from the general fund to transfer to the Oak Lawn Cemetery to reimburse for the maintenance of the cemetery. Currently the city has a total of \$62,146.66 in the Pollman fund with \$47,098.54 invested in CDs. The Oak Lawn fund currently has \$11,910.53. The Council will review the statutes and determine how to set up the money for the cemetery going forward. City Attorney Harding did confirm if an ordinance was approved changing the funding process it would be applicable to all existing dollars in the fund currently.

#### **PUBLIC SAFETY -**

- None

#### **COMMUNITY BUILDING-**

- None

#### **EMPLOYEE RELATIONS & TRAINING**

- None

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT -NONE**

**SWANFEST COMMITTEE -NONE**

**PLANNING & ZONING COMMISSION (PZC) -NONE**

**LA CYGNE COMMUNITY PARK BOARD -NONE**

**UNFINISHED BUSINESS:**

**CEREAL MALT BEVERAGE/ALCOHOL LIQUOR: SUNDAY SALE EXTENSION**

Ordinance No. \_\_\_\_ amending chapter III (Beverages) of the Code of the City of La Cygne, KS by amending Article 2 (Cereal Malt Beverages) and amending Article 3 (Alcoholic Liquor) to authorize earlier Sunday sales of alcoholic liquor and cereal malt beverage in the original package within the City of La Cygne, Kansas.

❖ **Motion**

**Council Member Capp motioned to approve Ordinance No. 1494 amending Chapter III of the Codes of the City of La Cygne, KS by amending Article 2 and amending Article 3 to authorize earlier Sunday sales of alcoholic liquor and cereal malt beverage in the original package in the City of La Cygne, Kansas. Motion seconded by Council Member Mitzner voted on, passed 5-0.**

**KMIT HEALTH PLAN**

KMIT Health Plan Update: Our city is unable to join the launch. As a city under 50 employees we are paying ACA-approved age banded premium rates. Blue Cross pulled the last 12 months of claim experience for each city and compared it to current age banded premium rates for that city. For the cities whose overall claim experience exceed the "expected" average claim experience by more than 10% were determined to be ineligible to participate in the KMIT launch.

**NEW BUSINESS:**

**CINTAS STANDARD RENTAL SERVICE**

CC Wade reviewed the renewal agreement. No changes necessary. Service once a month has been fine.

❖ **Motion**

**Council Member Capp motioned to approve for City Clerk Wade to sign the agreement with Cintas for standard rental service. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**GWORKS – FRONT DESK STANDARD PACKAGE ANNUAL SUBSCRIPTION AND ONBOARDING FEE**

CC Wade reviewed the annual price of \$1,260/year for 150 Public Users and a one time \$3,000 onboarding fee to set up the program on our current system. CC Wade would not consider adding this module until the technicians clean/replace the current utility module scheduled for the end of 2021.

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**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Capp motioned to go in to executive session for 2-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 8:11pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 8:09pm

**OTHER BUSINESS:**

❖ **Motion**

Council Member Capp motioned to approve a \$1.50 raise for office assistant Katie Russell effective September 27, 2021. Motion seconded by Council Member Stoker voted on, passed 5-0.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

a] Due to daylight savings on November 7, the Council meetings, starting with Wednesday, November 17, 2021, will be held at 6pm.

b] Trunk-or-Treat, Friday, October 29, 2021 from 6pm – 8pm on Broadway Street. Broadway will be blocked off at Market Street.

**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 8:13pm.

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 6<sup>th</sup> day of October, 2021.