

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

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**October 20, 2021**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, October 20, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Danny Curtis; James Thies; and Jerome Mitzner. Thomas Capp arrived at 7:10pm.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; Codes Officer Allison Fox, City Attorney Burton Harding; Paul (Jim) Long and Linn County News Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

a] Complimented patrons on the great turnout for the Peoples Telecommunications Customer Appreciation Day.

b] Thanked Ray of Hope for hosting a fish fry for the community.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of October 6, 2021 City Council Meeting;  
Third Quarter 2021 Financial Statement;  
September 2021 Budget Report;  
September 2021 Treasurer's Report;  
Check Register: October 7 – October 20, 2021;

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

**DISCUSSION FROM THE FLOOR:**

Paul (Jim) Long, new owner of Hook N Deals, addressed the Council about the sewer. The bait shop has minnow tanks which are filled daily in the warmer months. He would like to put in additional tanks in the future. The water from the tanks is pumped outside to drain down, it does not go down the sewer pipes. Paul Long would like to know if the sewer usage could be adjusted. Mayor Wilson thanked Paul for attending the meeting and the Council would research their codes and will address the question at the next meeting.

**SPECIAL PROJECTS:**

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

Approval letter from Dan Clair with KDHE for the new pre-sedimentation basin #2 and repairs to pre-sedimentation basin #1. A pre-construction meeting is scheduled for October 26 at 8:30 a.m.

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**SPECIAL PROJECTS CONTINUED:**

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

BG Consultants will submit for permits next week. Paul Owings will schedule a meeting with PWS Nasalroad and CC Wade the middle of November. Estimated bid schedule is looking like January 2022.

**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**

Grant application submission is March 2022.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING:**

City Attorney Harding has been reviewing the cemetery statutes and ordinances with CC Wade and also drafted a right-of-way memorandum.

**CHIEF OF POLICE – TINA FENOUGHTY**

**9 Traffic Stops Conducted**

**Citations issued since last meeting**

Speed School Zone	2	Tag Expired.	0
Fail to Yield	0	No Tag	0
Insurance	1	No DL	1
RR Crossing	0	Speed	0
Vicious Dog/RAL/Tags	6	Marijuana	1
Drive Violation of Rest.	0	Paraphernalia	1

**Calls for Service / Reports – 10/04/2021 thru 10/19/2021**

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

**VIN Inspections – 5 completed**

**New Business:** Currently maintaining a dangerous dog at the pound pending November 4 court trial. Council Member Mitzner asked if this was a dangerous dog we've addressed before, Chief Fenoughty stated it was not.

**Accrued Overtime for Department:** Overtime for last period = 8

**REPORTS OF CITY OFFICERS:**

**CODES OFFICER – ALLISON FOX**

Officer Fox stated she has sent out nuisance letters and will have an updated report at the next meeting of the Council. Officer Fox presented the following list of four (4) houses to consider for condemnation.

- 402 S. Broadway
- 610 Locust
- 617 N. 7<sup>th</sup>
- 317 S. 3<sup>rd</sup>

Council Member Mitzner asked what her order of priority would be and Officer Fox indicated 402 S. Broadway would be the first house she would recommend. The Council will review prior to the next council meeting.

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

This report will include tasks outside of our normal day to day duties.  
Report from 10/06/2021 to 10/22/2021.

**Committee Discussions**

**Water and Gas:**

- Starbucks has removed the house on 8<sup>th</sup> street, still needs to remove concrete.
- KDHE sent final approval letter for the pond.
- Midwest Engineering agreement for water treatment plant. PWS Nasalroad recommended moving forward with having Midwest Engineering perform an analysis of the water plant capacity and mechanics. Midwest Engineering presented an estimated cost to perform the analysis in the amount of \$33,500. CC Wade is meeting with Shelly Underwood of MAP to review the application for a SEARCH grant to cover up to \$30,000 of the analysis cost.

❖ **Motion**

**Council Member Mitzner motioned to approve for CC Wade and PWS Nasalroad to begin the process to submit for grant funding to cover the cost for an analysis of the water treatment plant capacity and mechanics. Motion seconded by Council Member Stoker voted on, passed 5-0.**

- Starbucks will be starting on the settling improvement ponds next week.
- New gas service at 326 East Market Street, removed old service.
- Pre-construction meeting for pond, October 26, 2021 at 8:30 a.m.

**Street:**

- Still working on drainage at 3<sup>rd</sup> and Chestnut. (Waiting on culverts).
- Replacing and repairing stop signs.
- Met with KDOT and Killough Construction on the Industrial Drive intersection.
- Killough estimate for a temporary repair of Industrial Drive and KS Hwy 152 until the KDOT CCLIP project gets underway is \$3,300 for 4" asphalt or \$5,000 for 6" asphalt. Discussion was held by the Council regarding the inability to just place a plate over the holes. The general consensus of the Council was to do a 6" asphalt overlay but suggest Killough to put something in the hole to prevent the patch from immediately faulting again.

**REPORTS OF CITY OFFICERS CONTINUED:**

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

❖ **Motion**

**Council Member Capp motioned to approve up to \$5,000 for the installation of 6" asphalt at the intersection of Industrial Park and KS Hwy 152. Motion seconded by Council Member Mitzner voted on, passed 4-0. (Council Member Stoker had to step away from the table to take a personal phone call and did not vote).**

- Tires ordered for dump truck, \$2,500.

**Sewer:**

- East lift station generator is still down, parts are coming from Japan.
- Working with BG on sewer project. Lift station upgrades.
- Still waiting on new pump for the east lift station.
- Preliminary survey of N 2<sup>nd</sup> street completed.
- BG Consultants will be submitting drawings to KDHE this week.

**Park:**

- Mowing and maintaining park.
- Duane Jeppesen from Quality Pools will be down in the next few weeks to check on pool leak.
- 2018 mower is back from repairs at a total of \$241.41 but still needs an additional \$1,000 in repairs. Will forward information to the park board.
- Currently there is one camper.
- Future Staffing. Public Works? PWS Nasalroad readdressed the Council regarding the prior discussions regarding permanent part-time employees and part-time employees and/or possibly another full-time public works general laborer. Job descriptions for a general laborer 1 and general laborer 2 were given to the Employee Relations Committee (Stoker/Mitzner) to review. PWS Nasalroad made a recommendation to advertise for a full-time general laborer 1. This individual could help with various tasks to include mowing the park, trash compactor, small painting jobs, etc. PWS Nasalroad felt having a full-time person would improve the City's handling of turnover and allow the opportunity for the operators to attend trainings for their certifications. Discussion was held regarding the Community Park. Council Member Curtis indicated the park maintenance needs to be under the City. Council Member Capp suggested to have another meeting with the Park Board and Lincoln Township. Council Member Mitzner concurred a workshop needed to be scheduled immediately.

❖ **Motion**

**Council Member Mitzner motioned to start the process to advertise for a full-time Public Works Laborer 1. Motion seconded by Council Member Stoker voted on, passed 5-0.**

❖ **Motion**

**Council Member Stoker motioned to call a Council Workshop for Tuesday, October 26 with the Lincoln Township and the La Cygne Park Board at the La Cygne Community Building to discuss the maintenance and operations of the La Cygne Community Park. Motion seconded by Council Member Capp voted on, passed 5-0.**

**REPORTS OF CITY OFFICERS CONTINUED:**

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

**Cemetery:**

- Mowing continues.
- Removed a large limb and probably need to have the tree removed. Did damage to three stones.

**FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD**

- Halloween cookout is on Sunday, October 31, 2021 at Thayer Park starting around 5 p.m.
- Structure fire at 104 Swan Street – thanked Linn Valley Lakes Fire Dept/LINN CO Rural Fire Dept./La Cygne Police Department/Public Works/City Hall/Red Cross for their assistance.
- Fire reporting is back in compliance.

**CITY CLERK – JODI WADE**

Report from 10/07/2021 – 10/20/2021

**City Clerk**

- Completed month-end financial reports.
- Attended the League of Municipality Conference.
- Participated in the Sugar Mound Arts & Crafts Parade.
- Attended the Planning & Zoning Meeting.
- Virtual Meeting with IBTS – Curt Skoog.
- Assisted with coordination of pre-construction meeting with MW Engineering group and Starbuck Trucking.
- Reviewed survey of right-of-way alley between 2<sup>nd</sup> Street and Railroad Street.
- Advised the home owner of 104 Swan and insurance company regarding the insurance proceed process for following a house fire.
- Review the supplier gas price increase. Packet for the Gas Committee to review regarding gas price increases.
- Reviewed the 2021 amended budget.
- Prepared draft job descriptions and wage cost estimates for Public Works employees.
- Prepared evaluation packets for all full-time employees.
- Reviewed the "Guide for Renters, Landlords and Homeowners" and Building Inspector/Zoning Administrator job descriptions for the City of Russell.
- Researched the SEARCH grant with USDA and MAP (Midwest Assistance Program).

Council Member Capp inquired about the electric on the poles on Broadway and Market. Evergy has disconnected the power. CC Wade will check with the electrician about progress on the boxes.

Overtime Hours for City Hall for the last pay period: 8.75

**CITY TREASURER/COURT CLERK – CONNIE GORE**

10/6/2021 – 10/20/2021

- Attended Court Clerk conference in Lawrence 1.5 days (Sept 29/30).
- Monthly water, gas, sewer reports.
- September sales tax.
- Court prep.

**REPORTS OF CITY OFFICERS CONTINUED:**

**CITY TREASURER/COURT CLERK – CONNIE GORE**

- Court and follow up paperwork.
- Participated in the Arts & Crafts Parade in Mound City.
- Vacation.
- Worked on gas rates as the \$5.50 base was surpassed.
- Prepped meter read sheets and handhelds.
- Entered meter readings.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

SEARCH grant to complete a water treatment plant study. CC Wade has contacted Shelly Underwood with Midwest Assistance Program to find out the process and details to submit for a \$30,000 grant. Estimated cost for the study is \$33,500.

**STREET –**

CC Wade has prepared an RFQ for the committee (Jerome Mitzner and Thomas Capp) to review. This RFQ would be issued out to five (5) or six (6) consulting/engineer firms for consideration. Committee needs to review and determine approval for sending out the RFQ (Request for qualifications). Council Member Mitzner and Capp will report a follow-up on Monday, October 25, 2021.

**SEWER-**

- None

**PARK-**

La Cygne Community Park Board packet – Has the Board reviewed the Bylaws draft? Council Member Curtis said the board was reviewing the information. Council Member Curtis stated he was not going to approve or sign anything until they were sure everything was legally in place.

**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. Discussion was held regarding the current amount in the permanent maintenance fund which CC Wade reported \$62,146.66 was the current balance with \$47,098 invested in CDs and \$15,048.12 in cash on hand. Currently the City budgets \$20,000 to be transferred over to the Oaklawn cemetery fund to reimburse the cost for the cemetery caretaker to maintain the cemetery. City Attorney Harding advised the Council of Home Rule to opt out of maintaining a permanent maintenance fund. Council Member Curtis suggested to repeal the permanent maintenance fund but keep the current money invested in the CDs. The monies from all the graves sold going forward would just go in to the cemetery fund for maintenance. The Council members discussed the cost for graves. CC Wade reminded them the fee for the graves would be established annually in the fee schedule and didn't need to be determined for the drafting of the ordinance to repeal the permanent maintenance fund. The general consensus of the Council was for CC Wade to draft an ordinance to repeal the permanent maintenance fund and an ordinance revising other sections of the existing cemetery chapter in the City Codes of the City of La Cygne, KS.

**COUNCIL COMMITTEE REPORTS CONTINUED:**

**PUBLIC SAFETY –**

- Mayor Wilson asked some Council Members to step up to be on a committee to begin the process of drafting a program for renters, landowners and homeowners. Council Members Stoker and Mitzner offered to be on the committee.

**COMMUNITY BUILDING-**

- None

**EMPLOYEE RELATIONS & TRAINING**

- None

**SPECIAL COMMITTEE REPORTS:**

**LA CYGNE COMMUNITY PARK BOARD –** Unapproved minutes for the September 28, 2021 meeting.

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

**CHAMBER OF COMMERCE – NONE**

**EMERGENCY MANAGEMENT - NONE**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10 minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 7:53 p.m. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:43 p.m.**

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

**OPEN SESSION RESUMED AT 7:53 p.m.:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10 minutes for the 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 8:05 p.m. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:55 p.m.**

Others in attendance included, but not limited to: City Attorney Harding, PWS Nasalroad and CC Wade.

**OPEN SESSION RESUMED AT 8:05 p.m.:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Mitzner motioned to go in to executive session for 5 minutes for the 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 8:15 p.m. Motion seconded by Council Member Capp voted on, passed 5-0. 8:05 p.m.**

Others in attendance included, but not limited to: City Attorney Harding, PWS Nasalroad and CC Wade.

**OPEN SESSION RESUMED AT 8:15 p.m.:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Thies 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 8:19 p.m. Motion seconded by Council Member Curtis voted on, passed 5-0. 8:14 p.m.**

Others in attendance included, but not limited to: PWS Nasalroad and CC Wade.

**OPEN SESSION RESUMED AT 8:19 p.m.:**

❖ **Motion**

**Council Member Mitzner motioned to increase the public works part-time employees pay rate to \$12.00 per hour effective this payroll period. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**UNFINISHED BUSINESS:**

NONE

**NEW BUSINESS:**

**PUBLICATION FOR THE BUDGET HEARING FOR AMENDING THE 2021 BUDGET ON NOVEMBER 17, 2021.**

CC Wade reviewed amendments to the 2021 budget to include the following: park – \$19,000 increase in the capital outlay and contract services for pool and park repairs, sewer – \$103,500



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increase in the capital outlay for repairs to the lift stations, water – \$308,400 increase in the capital outlay for water settling pond project, gas – \$112,100 increase in the contract services for arctic blast invoice from KMGa, and solid waste – \$3,000 increase in the contract services due to increase in trash customers.

**NEW BUSINESS CONTINUED:**

**PUBLICATION FOR THE BUDGET HEARING FOR AMENDING THE 2021 BUDGET ON NOVEMBER 17, 2021.**

❖ **Motion**

**Council Member Mitzner motioned to approve the publication for the budget hearing on November 17, 2021 at 6:00 p.m. at the La Cygne Community Building. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**OTHER BUSINESS:**

**KMGa GAS PRICING FOR WINTER MONTHS AND FOR 2022.**

CC Wade reviewed the October update from KMGa regarding gas pricing. CC Wade and Utility Clerk Gore reviewed Chapter XIV, Article 3, section 14-329 regarding the adjustment of gas rates if the base supplier costs increase above \$5.50/MCF. The supplier cost for gas for September came in at \$5.66/MCF. Office Assistant Katie Russell has been posting information on social media for our patrons regarding preparations to their homes to help keep gas usage down. The current issue is a supply vs. demand problem. Approximately 20% of gas production is exported. Production has remained flat over the summer and injections into storage this summer have been below historical volumes. Energy Information Administration (EIA) projects storage inventory will begin the winter season below the five-year average.

**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 6 p.m.

b] Trunk or Treat, Friday, October 29, 2021 from 6 p.m. – 8 p.m. on Broadway Street. Broadway will be blocked off at Market Street. Trunk or Treat at Family Café on Sunday, October 31, 2021. Hot Dogs at Thayer Park by the La Cygne Fire Dept.

c] Thanksgiving drive-through meal, Saturday, November 13<sup>th</sup> from 3 p.m. – 5 p.m. Hosted by the La Cygne Library. Looking for donations to help with the cost of food and possible donations of cookies and rolls.

d] Council workshop on October 26, 2021 with the La Cygne Park Board and Lincoln Township at the La Cygne Community Building.

**GOVERNING BODY REMARKS:**

None

**ADJOURNMENT:**

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❖ **Motion**

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Thies, voted on, passed 5-0. Time 9:07 p.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 20<sup>th</sup> day of October, 2021.