

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, October 21, 2020 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Danny Curtis; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; City Attorney Burton Harding; Police Chief Tina Fenoughty; Public Works Superintendent (PWS) Dan Nasalroad; Frankie Elder – Frankie’s Liquor Owner; Debbie Higgins; Sheila Schultz and Linn County News Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

a] Daylight savings time is November 1, 2020. Please remember the Council meetings, beginning with November 4, 2020, will now be held at 6pm.

b] Halloween is upon us and patrons need to be safe and have fun. A few events going on around town include – Trunk or Treat on Broadway on Friday, October 30 from 6-8pm, Trunk or Treat at Family Café on Saturday, October 31 and Hot dogs at Thayer Park prepared by the La Cygne Fire department starting at 5pm on Saturday October 31.

c] Mayor Wilson expressed concern of fewer in-person and inside events this holiday season and challenged the community to decorate the outside of their homes for the holidays to bring joy and brightness to the community.

d] Jennifer Vogt of Barefoot lifestyle photography provided services for professional head-shots to the Council this evening.

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of October 7, 2020 City Council Meeting;  
Third Quarter 2020 Financial Statement;  
September 2020 Budget Report;  
September 2020 Treasurer Report;  
Check Register: October 8 - October 21, 2020;

**Motion seconded by Council Member Mitzner, voted on, passed 3-0.**

**DISCUSSION FROM THE FLOOR:**

NONE

**SPECIAL PROJECTS:**

**SEWER REHABILITATION PROJECT**

- i. Temporary financing for design services in the amount of \$436,000. Sealed bids received from First Option Bank and Labette bank for 2 to 3-year interim financing. Protest period for the Charter Ordinance will end on October 25, 2020 at which time we can proceed forward with financing for the sewer project. City Attorney Harding advised the Council to wait until the November 4, 2020 meeting to review the interim financing.

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

- i. All acquisition offers have been completed. The Dedication of right-of-ways and permanent utility easements were mailed to the Linn County Register of Deeds office to be filed.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING**

City Attorney Harding has been working on Planning & Zoning items and acquisitions.

**CHIEF OF POLICE / CODES OFFICER**

**20 Traffic Stops Conducted**

**Citations issued since last meeting**

Speed in School Zone	5	Suspended DL	1	Illegal Tag	1
No DL	1	Expired Tag	2	Insurance	4
Illegal UTV use	1				

**Calls for Service / Reports – 10/05/20 thru 10/19/20**

Animal Complaint – 3	Criminal Damage - 1	
Vehicle Lockout – 4	Civil Matter / Child Custody Standby – 7	
Citizen Assist CFS / contact – 3	Shots Fired – 1	Juvenile Incident – 2
Check Welfare – 7	Missing Child – 1	Follow Up – 2
Sex Crime – 1	Suspicious Activity – 2	CINC – 1
Warrant Attempt – 1	Building Check – 1	Non-Injury Accident - 1

**Codes Enforcement**

Follow Ups – 1

**VIN Inspections**- 3 completed

**New Business**

Any questions or comments regarding the rough draft of the City Code for Animals.

**REPORTS OF CITY OFFICERS CONT:**

**CHIEF OF POLICE / CODES OFFICER**

Executive Session request for 20 minutes for non-elected personnel for review of application.

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 20-minutes for non-elected personnel matter for application review and will return to the Council table at 7:30pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 7:10pm**

Others in attendance included, but not limited to: City Attorney Harding, City Clerk Wade, and Applicant.

**OPEN SESSION RESUMED AT 7:30pm**

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

Report from 10-7-2020 to 10-21-2020

**Committee Discussions**

**Water and Gas:**

- Started clearing lot for pre-sediment pond.
- Met with Dan Coltrane of Midwest Engineering Group about the pre-sediment ponds with some preliminary ideas, will have a contract to us soon to review.
- A leak has developed on the west bank of the pond.
- Had numerous gas leaks and repairs.
- Worked on price quote with USDI to move a gas main for the upcoming 152 project.

**Street:**

- Dump truck snowplow has been installed.
- Salt and sand mixture has been delivered.
- Repairs are being made to the plow on the 1-ton

**Sewer:**

- Manhole survey is completed.
- Working with BG Consultants on some design issues on the upcoming sewer project.
- Received a quote from Douglas pump on the replacement pump at the Industrial park lift station, I have asked for some options so they are working on revising the quote.

**Cemetery:**

- Did some road work on Oak Lawn side.

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

- Annual serving of the hot dogs at Thayer Park on Halloween, October 31, 2020. The hot dogs/chili will be available starting around 5pm and go until all of the food is gone.

**CITY CLERK – JODI WADE**

Report from 10/8/2020 – 10/21/2020

- Draft for Article 22
- Draft for Training Reimbursement
- 3<sup>rd</sup> Quarter Financial Report
- Researched Mil levy information with the County.

**REPORTS OF CITY OFFICERS CONT:**

**CITY CLERK – JODI WADE**

- Workers Comp Annual Renewal Application
- Blue Cross & Blue Shield Annual Renewal application
- Continued research on 612 N. 8<sup>th</sup> Street for condemnation.
- Used Commerce Visa rewards to purchase a projector to be used with computers to do power point and slide presentations at Council meetings. Office Assistant Russell worked on instruction for set-up and use.
- Finalized the LVL Water purchase agreement with the attorney.
- Reviewed sewer maps with PWS Nasalroad
- Met with Evergy regarding the electrical boxes on the poles for the Christmas pole light decorations.
- Researched Building permits/Codes Enforcement with the League of Municipalities.

Meetings/Trainings Attended virtually:

- League of Municipality Weekly Conference Call
- Chamber of Commerce meeting

Overtime Hours for City Hall for the last pay period: 5 hours (Jodi)

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

- Ordinance No. \_\_\_\_ amending Chapter XIV, Article 3, Gas Utility Sections 14-301,14-301.1, 14-303, 14-405, 14-307, 14-308, 14-309, 14-310, 14-311, 14-314, 14-316, 14-319, 14-331, and 14-332. The City Council had no further question. CC Wade reviewed the paragraph pertaining to Vacant lots/abandoned houses/In-active accounts.

❖ **Motion**

**Council Member Curtis motioned to approve Ordinance No. 1478 an Ordinance amending chapter XIV, ARTICLE 3, 14-301 RULES, 14-301.1 SERVICE CONNECTIONS REQUIRED, 14-303 GAS SERVICE PIPES; LINES; TESTING RESPONSIBILITES, 14-305 QUANTITIES CONSUMED METERED, 14-307 DEPOSIT, 14-308 COLLECTION AND BILLING, 14-309 DAMAGE TO METERS, 14-310 METER REMOVAL (a) and (b), 14-311 METER TESTING, 14-314 SERVICE OF PIPE AND FIXTURES OUTSIDE, 14-316 NO INTER-CONNECTIONS, 14-319 NOTICE BY CUSTOMER TO DISCONTINUE SERVICE, SHUT OFF FEES, NONPAYMENT, REPAIRS, VACANCY CHARGES AND ADDING 14-301.1 SERVICE CONNECTIONS REQUIRED (a), (b), (c), (d), (e) AND (f), 14-303 GAS SERVICE PIPES; LINES; TESTING RESPONSIBILITIES A. 1 (a), AND, 2 (a), AND, 3 (a), (b) AND B. (1), (2), AND (3), 14-305 QUANTITIES CONSUMED METERED, (a), (b), AND (c) 14-307 DEPOSIT (a), (b) (c), AND (d), 14-308 COLLECTION AND BILLING (a), (b) 1, 2, (c) AND (d), 14-311 METER TESTING (a), (b), (c), AND (d) 14-319 NOTICE BY CUSTOMER TO DISCONTINUE SERVICE, SHUT OFF FEES, NONPAYMENT, REPAIRS, VACANCY CHARGES (a), (b), (c), (d), (e) AND (f) 14-331 BUDGET CUSTOMERS (a) AND (b) 14-332 LIABILITY OF LANDLORDS (a), (b), AND (c) OF LA CYGNE, KANSAS, RELATING TO GAS AND UTILITY BILLS AND RESPONSIBILITES. Motion seconded by Council Member Mitzner, voted on, passed 4-0.**

**COUNCIL COMMITTEE REPORTS CONT:**

**STREET –**

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- Draft revision of Article 22, Section 22-3. A draft containing information from the discussion held at the October 7 meeting was reviewed. Council Member Mitzner expressed concern regarding the option for C-2 businesses to have gravel parking areas, especially retail businesses which have a lot of in and out traffic. Council Member Thies expressed concerns regarding drainage and/or flooding problems with hard surfaced (concrete/asphalt) parking lots. In regards to the access driveway to the off-street parking lot, Council Member Thies suggested separate dimension detail for either a combined entrance or a separated entrance/exit. Council Member Capp suggested to define the apron. Discussion was held pertaining to the connection of the apron to the City street and who is responsible for maintaining the connection (apron). Council Member Mitzner suggested paragraph 22-302 could read "A concrete or asphalt apron at the entrance and exit connecting the off-street parking lot from the business property line to the paved roadway and to be maintained by the business owner." CC Wade advised the Council Members the C-3 district and MHP district do not make reference to Article 22 and do not have any surfacing requirements. The Council stated the on-street parking surfaces for C-3 should be either asphalt or concrete and the entrance/exit for MHP should be the same requirements as for C-1, C-2, I-1, I-2 and P districts. Mayor Wilson asked the Council if the setbacks for access entrances and exits pertained only to the controlled intersect with KS HWY 152 or does it apply to other controlled intersections of City streets around town near any C-1, C-2, I-1, I-2, or P districts. Council Member Mitzner stated he would need to check around town. The Council will table the draft until the November 4, 2020 meeting.

**SEWER-**

- Invoices were received today for the emergency sewer repair under the railroad. City Clerk Wade will prepare the invoice for review by the council for the November 4 meeting.

**PARK-**

- Council Member Curtis stated the pea-gravel had been installed in the small playground to the south of the rock house building. Council Member Curtis thanked Lincoln Township for contributing the funds to purchase the gravel. Council Member Curtis said Jim Johnson, park maintenance, did a great job spreading the gravel in the playground area.

**CEMETERY –**

- (In Committee review) Chapter XI. Public property, Article 1. Cemetery regulations. CC Wade will give the committee members another draft to review.

**PUBLIC SAFETY –**

- Council Member Mitzner has reviewed a little over ½ of the new 27-page Animal control policy presented by Chief Fenoughty. The draft has been tabled until the November 4, 2020 meeting.

**COMMUNITY BUILDING-**

None

**EMPLOYEE RELATIONS & TRAINING –**

- (Postponed until Spring 2021) -Ethics/Public Service Training.

**COUNCIL COMMITTEE REPORTS CONT:**

**EMPLOYEE RELATIONS & TRAINING –**

- Jeff Deane with Lauber Municipal Law inquired about using the Community Building for in-person governing body training courses. These trainings would be offered to city representatives in the surrounding counties. Council Member Mitzner suggested adding a cleaning fee to the registration fee to cover the cost of disinfecting the building after use and to determine a maximum occupancy count which would meet the six-foot social distancing recommendations.
- Draft Training and Equipment agreement for Police officer recruits. City Attorney Harding reviewed his red-lined draft of the agreement with the Council. Council Member Mitzner reviewed the process if an employee who attended KLETC leaves the City within a year. City Attorney Harding verified the agreement is enforceable. Council Member Capp discussed termination of an employee and it was determined to change the wording to “terminated for cause”. The Council advised CC Wade to prepare the agreement in Resolution form for the November 4, 2020 meeting.

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT -NONE**

**SWANFEST COMMITTEE -NONE**

**LA CYGNE COMMUNITY PARK BOARD – (1) VACANT SEAT**

Mayor Wilson made a recommendation to appoint Tony Stallings to the La Cygne Community Park board. Tony Stallings does reside within the City of La Cygne.

❖ **Motion**

**Council Member Mitzner motioned to approve the recommendation to appoint Tony Stallings to the La Cygne Community Park Board. Motion seconded by Council Member Capp, voted on, passed 4-0.**

**PLANNING & ZONING COMMISSION (PZC) –**

The unapproved meeting minutes from the October 8, 2020 meeting were in the agenda for the Council to review.

**UNFINISHED BUSINESS:**

**RESOLUTION TO ADOPT AN ADMINISTRATIVE POLICY FOR PROFESSIONAL STANDARDS FOR BOARD MEMBERS.**

City Attorney Harding presented his redlined draft of the Administrative policy for professional standards for board members. City Attorney Harding suggested to add a signature line to the form for the members to sign upon receiving the oath for their position. Fire Chief Nasalroad inquired about having the Volunteer fire department sign the same standards. The Council advised CC Wade to prepare the resolution with the addition of the signature line and to change the title to reference board members, commission members and volunteers in the title.

**UNFINISHED BUSINESS CONT:**

**ZINGRE AND ASSOCIATES, P.A. AGREEMENT FOR PRELIMINARY ARCHITECTURAL SERVICES FOR SCHEMATIC DESIGN/COST ESTIMATE FOR NEW FIRE STATION**

Zingre and Associates, P.A., agreement for preliminary architectural services for schematic design/cost estimate (PER) a new fire station for the City of La Cygne in the amount not to exceed \$3010. City Attorney Harding spoke to the Attorney General and determined it is OK for the Volunteer Firemen on the Council to vote on matters pertaining to the Fire fund as long as it isn't regarding something which benefits them personally/directly (salary/uniform). City Attorney Harding also explained how the firemen voting on fire funds could be perceived by the community so the volunteer firemen on the Council, if they so choose, could not vote on fire fund matters.

❖ **Motion**

**Council Member Capp motioned to approve the agreement with Zingre & Associates, P.A. for preliminary architectural services for a new fire station for the City of La Cygne not to exceed a stipulated sum of \$3010. Motion seconded by Council Member Mitzner, voted on, passed 4-0.**

**NEW BUSINESS:**

**ORDINANCE NO. AMENDING CHAPTER XIV, ARTICLE 1, WATER, 14-122 SHUT OFF FEES; NON-PAYMENT, REPAIRS, VACANCY CHARGES.**

Ordinance No. \_\_\_ amending Chapter XIV, Article 1 Water, 14-112 Shut off fees; nonpayment, repairs, vacancy charges and adding 14-112 (e) Vacated lot/abandoned home/non-active account.

❖ **Motion**

**Council Member Capp motioned to approve Ordinance No. 1479 amending chapter XIV, Article 1 Water, 14-112 Shut off fees; Non-payment, repairs, vacancy charges and adding 14-112 (e) vacated lot/abandoned home/non-active account. Motion seconded by Council Member Mitzner, voted on, passed 4-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 15-minutes following a 5-minute break for non-elected personnel matter for review applications and will return to the Council table at 9:18pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 8:58pm**

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

**OPEN SESSION RESUMED AT 9:18pm**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter for review applications and will return to the Council table at 9:23pm. Motion seconded by Council Member Curtis, voted on, passed 4-0. 9:18pm**

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

**OPEN SESSION RESUMED AT 9:23pm**

❖ **Motion**

**Council Member Capp motioned to approve for City Clerk Wade to advertise for a Permanent Part-time Police & Code Enforcement Officer. Motion seconded by Council Member Curtis voted on, passed 4-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Curtis motioned to go in to executive session for 3-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 9:27pm. Motion seconded by Council Member Capp voted on, passed 4-0. 9:24pm**

Others in attendance included, but not limited to: City Attorney Harding

**OPEN SESSION RESUMED AT 9:27pm**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel matter exception for an individual employee's performance and will return to the Council table at 9:39pm. Motion seconded by Council Member Thies voted on, passed 4-0. 9:29pm**

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

**OPEN SESSION RESUMED AT 9:39pm**

**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Thies motioned to go in to executive session for 5-minutes for non-elected personnel matter exception for an individual employee's performance and will return to the Council table at 9:44pm. Motion seconded by Council Member Mitzner voted on, passed 4-0. 9:39pm

Others in attendance included, but not limited to: City Attorney Harding

**OPEN SESSION RESUMED AT 9:40pm**

**\*\*\* Motion was rescinded by Council Member Thies due to incorrect designation for the Executive session**

**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Thies motioned to go in to executive session for 5-minutes for discussion of data relating to financial affairs or trade secrets and will return to the Council table at 9:46pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 9:41pm

Others in attendance included, but not limited to: City Attorney Harding

**OPEN SESSION RESUMED AT 9:46pm**

**EXECUTIVE SESSION:**

❖ **Motion**

Council Member Capp motioned to go in to executive session for 2-minutes for discussion of data relating to financial affairs or trade secrets of corporations, partnerships, or individual proprietorships and will return to the Council table at 9:50pm. Motion seconded by Council Member Thies voted on, passed 4-0. 9:48pm

Others in attendance included, but not limited to: City Attorney Harding, City Clerk Wade

**OPEN SESSION RESUMED AT 9:50pm**

**OTHER BUSINESS:**

❖ **Motion**

Council Member Curtis motioned to approve a City liquor license (Class B) for River Lodge and Hunt Club located at 417 W. Grand and 410 W. Grand upon receipt of an approved license from the State. Motion seconded by Council Member Capp voted on, passed 4-0.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- Christmas on Broadway, December 6, 2020 from 4pm – 6pm.

**ADJOURNMENT:**

❖ **Motion**

**Council Member Mitzner moved to adjourn the meeting. Motion seconded by Council Member Capp, voted on, passed 4-0. Time 9:54pm.**

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 21<sup>st</sup> day of October, 2020.