

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

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**November 2, 2022**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, November 2, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Danny Curtis; Thomas Capp; Keith Stoker, and 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; Linn County Newspaper Tony Furse; and Linn County Journal Roger Simms.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

a] Upon passing Ordinance No. 1504, the council meetings will remain at 7:00pmgoing forward.

b] In honor of Veterans Day, the City Hall and Trash Compactor will be closed on Friday, November 11, 2022.

c] Community Thanksgiving meal will be provided on November 19, 2022 from 11am – 2pm at the Christian Church. Good-will donations are welcomed.

d] Elections will be held at the La Cygne Community building on Tuesday, November 8, 2022. Mayor Wilson encouraged everyone to be sure to get out and vote.

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel for an individual employee's performance and will return to the Council table at 7:12 p.m. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:02 p.m.**

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

**OPEN SESSION RESUMED AT 7:12 p.m.**

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of October 19, 2022 City Council Meeting;

**CONSENT AGENDA CONTINUED:**

Check Register: October 20, 2022 – November 2, 2022;

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

**DISCUSSION FROM THE FLOOR:**

NONE

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY – BURTON HARDING:**

- Calls and emails with City and Defendants/Defense attorneys regarding municipal court.
- Review/Revise and emails with City regarding Verizon Tower lease.
- Met with Police Chief regarding citizen animal situation.

**POLICE CHIEF – TINA FENOUGHTY :**

- La Cygne Kennel is full. Chief Fenoughty and City Attorney Harding have been reviewing state statutes and City Codes of the City of La Cygne regarding process and procedures for the animals in the pound.
- Chief Fenoughty reviewed and incident which occurred in La Cygne. Officer Le Sturgeon, Deputy Haley, Deputy Kaiser and Codes Officer Fox all played essential roles to apprehend the suspect.
- Chief Fenoughty reviewed the long shifts the officers had been working the past few weeks. Mayor Wilson reminded Chief Fenoughty to take some days off and to use the "10" codes.
- Council Member Mitzner inquired about the expenses for the animals in the kennel and if that was coming out of the police budget. Chief Fenoughty stated the expense is coming out of her budget and she has put some caps on the amount to utilize as her and City Attorney Harding determine the process for rehoming the dogs. Chief Fenoughty also stated some of the expense would be recovered in restitution.

**CODES OFFICER – ALLISON FOX :**

Report from 10/19/2022 – 11/2/2022

Code Letters:

- Nuisance (11) Corrected (15) Still in Progress (1) Citation (0) New
- INOP
- GRASS/WEED (1) Still in Progress
- WORK ORDER

Permits:

- 310 N. 4<sup>th</sup> Street – Building Permit – Letter signed. Waiting for survey
- 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. 1<sup>st</sup> – Building Permit – New home with garage – waiting for survey from owner.
- 825 N. 7<sup>th</sup> St. Ct Units A&B – Building Permit – Wood front porches on both units – APPROVED.

**REPORTS OF CITY OFFICERS CONTINUED:**

**CODES OFFICER – ALLISON FOX :**

Report from 10/19/2022 – 11/2/2022

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 – Owner had some small issues taken care of at the Broadway Park. Owner is working with a company to remove the existing homes.
- Codes Book – Updating a few sections of the book.

Other:

- Safety vest has arrived. Will have decal put on back.
- Magnet signs have arrived for codes vehicle.
- Looking into positive projects/programs that codes enforcement can do for the residents of the city.

**PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :**

Report from 10/19/22 to 11/2/2022

**Committee Discussions**

Water and Gas:

- Met with Midwest Engineering on water plant upgrades and they are preparing a final draft.
- Old pond nearing completion.
- Gas meter relocation project has been completed.
- Executive session for Attorney Client privilege.
- Carbon feeder for water plant.
- Connection from old pond to water plant was completed November 2, 2022.
- Executive session for preliminary acquisition of real estate.

Street:

- Access apron?

Sewer:

- Nowak Construction has completed point repairs.
- Relining crews are back in town this week.
- The tree on E. Market has been removed.
- The sewer project has multiple crews working and there is going to be some inconvenience so please check the city webpage and Facebook for schedules.

Park:

- Started hanging Christmas lights in the park.
- All cameras are up and running.

Cemetery:

- Quote for concrete by menu board.

**REPORTS OF CITY OFFICERS CONTINUED:**

**FIRE DEPARTMENT – DAN NASALROAD:**

- Halloween went good with no issues, served 300 hotdogs and chili by 8:00pm. Thanks to all those who helped.

**PUBLIC WORKS OPERATOR POSITION AVAILABLE**

PWS Nasalroad advised the City Council of an opening in the Public Works Department for an Operator. PWS Nasalroad asked the council for approval to advertise in the newspaper. Council Member Curtis inquired if an employee quit. PWS Nasalroad confirmed the employee quit.

❖ **Motion**

**Council Member Mitzner motioned to approve advertising for a Public Works Operator in the Linn County Newspaper. Motion seconded by Council Member Capp voted on, passed 5-0.**

**CITY CLERK – JODI WADE:**

Report for October 2022

- Attended KS Department of Commerce Grocery Store Model Webinar.
- Attended the KCC Pipeline Safety Seminar in Manhattan, KS.
- Reviewed 2023 Blue Cross and Blue Shield Insurance premiums.
- Reviewed 2023 VSP (Vision) premiums.
- Reviewed Rural Water District #1 and District #3 contracts.
- Researched Farm Winery License information for zoning purposes.
- Prepared application for Linn County ARPA Funds. CC Wade reviewed the improvement plans for the Water Treatment Plant and PWS Nasalroad reiterated the need for some items to be addressed sooner than later. CC Wade reviewed the draft application for the Linn County ARPA Funds and asked the council if they were ready for the application to be submitted.

❖ **Motion**

**Council Member Capp motioned to approve the Linn County ARPA Fund draft application for matching funds of \$65,000 to improve the existing Carbon Room and to install a new automated hopper/feeder system. Motion seconded by Council Member Stoker voted on, passed 5-0.**

- Reviewed the KCPL (EVERGY) Franchise agreement.
- Reviewed the Verizon Tower transfer of lease agreement.
- Attended construction meeting with BG Consultants and NOWAK Construction.
- Review Drug and Alcohol Policy.
- Prepared and participated in the Broadway Trunk or Treat.
- Participated in the La Cygne Elementary Trunk or Treat.
- Completed quarterly financial reports.
- Completed monthly financial reports.

CC Wade addressed the City Council regarding a proclamation for Cross Country State Champion Bree Allen and the possibility for a future City of La Cygne sign honoring student athletes and teams who have excelled in their sport at USD 362 Prairie View High School

**REPORTS OF CITY OFFICERS CONTINUED:**

**CITY TREASURER – CONNIE GORE:**

**10/01/2022-10/31/2022**

**Utilities      *Monthly items completed:***

Shut offs were completed.

Sewer, Water, and Gas report completed.

November 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.

At the end of October we had 74 customers signed up for Front Desk.

I did work for several hours with Tech and one customer trying to understand and or fix the payment issue with the new Front Desk module. (Customer's choice is the discontinue using Front Desk and continue with the old payment system).

**Other:**

Completed the bank reconciliation. Sales tax was filed and paid.

Reviewed and chose videos for the upcoming safety meeting that needs to be scheduled.

**Court      *Monthly Court items completed***

Reviewed the docket and diversions for the October court. (NO COURT DUE TO ILLNESS)

Court paper work was completed.

Special court hearing for a dangerous dog.

**Payroll:**

Worked with Jodi on setting up insurance and AFLAC changes.

1<sup>st</sup> Payroll: Trained Jenn on the bi-weekly payroll procedure and it just happened to be the end of the quarter. I had her do the time sheets and I reviewed them. Will probably continue this through the end of the year as it is good for me to at least review the payroll procedures. Then had her enter the information into the system and we both reviewed all of the reports and benefit spreadsheets. Helped Jenn file the quarterly payroll taxes.

2<sup>nd</sup> Payroll: Reviewed time cards, watched Jenn do payroll, helped review the reports. I completed the vacation/sick spreadsheet.

**Cemetery:** Continued entering data into the Oaklawn section.

**Other:** Watched part of the webinar on Rural Grocery stores. I need to go back and watch it again as I had a customer to help during about 1/2 of the webinar.

Volunteered for Trunk or Treat on Broadway.

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 15-minutes following a 3-minute break for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship for contract review and will return to the Council table at 8:04 p.m. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:46 p.m.**

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

**OPEN SESSION RESUMED AT 8:04 p.m.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5-minutes for preliminary discussion of the acquisition of real property and will return to the Council table at 8:12 p.m. Motion seconded by Council Member Mitzner voted on, passed 5-0. 8:07 p.m.**

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

**OPEN SESSION RESUMED AT 8:12 p.m.**

**SPECIAL PROJECTS:**

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

The final connection of the plant for the ponds has been completed. Remaining work includes grading/seeding. PWS Nasalroad will contact the fencing company regarding the new fence for the perimeter.

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Continued work throughout town. Several roads will be partially closed. Patrons need to be cautious of workers and equipment. PWS Nasalroad reminded patrons to be patient and realize our community is in construction mode, there will be equipment parked around town, possible gravel on roadways and dirt or gravel storage piles in various locations. The only crews required to provide prior door knocker notice is the relining crews. Council Member Mitzner asked about the seeding. PWS Nasalroad is going to have a conversation with NOWAK Construction prior to the winter season. PWS Nasalroad has concerns about the road cuts with snow plowing this winter. As for the seeding, PWS Nasalroad indicated NOWAK Construction had planned to seed near the end of the project.

Pay Application No. 5 for NOWAK Construction in the amount of \$671,571.93 for the period of September 20, 2022 to October 19, 2022. PWS Nasalroad stated the project as of the progress meeting on October 25, 2022 was 55% complete.

❖ **Motion**

**Council Member Capp motioned to approve Pay Application No. 5 for Nowak Construction in the amount of \$671,571.93 for the period of September 20, 2022 to October 19, 2022. Motion seconded by Council Member Mitzner voted on, passed 5-0.**

**SPECIAL PROJECTS CONTINUED:**

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

CFS Payment Voucher in the amount of \$9,532.36 for the period of August 27, 2022 through September 30, 2022. CC Wade reviewed the costs breakdown with James Wiegand, CFS inspector, for the month of September 2022. CC Wade advised the council of the frustrations with communication throughout the KDOT CCLIP project by having a different company perform the duties of inspection.

❖ **Motion**

**Council Member Capp motioned to approve to form the Payment Voucher in the amount of \$9,532.36 for CFS Engineers for the period of August 27, 2022 to September 30, 2022. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**NEW FIRE STATION/PUBLIC SAFETY BUILDING**

No updates at this time.

**WATER TREATMENT PLANT ANALYSIS:**

No updates at this time.

**STORMWATER MASTER PLAN (BG CONSULTANTS):**

No updates at this time.

**602 N. 5<sup>TH</sup> STREET:**

No updates at this time.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -NONE**

**STREET -NONE**

**SEWER - NONE**

**PUBLIC SAFETY -NONE**

**COMMUNITY BUILDING-NONE**

**EMPLOYEE RELATIONS & TRAINING-NONE**

**CEMETERY –**

CC Wade had emailed a quote for a concrete parking area around the new display board. Council Member Brenneman will reach out to a couple other contractors for pricing.

**PARK-NONE**

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT- NONE**

**CHAMBER OF COMMERCE -**

1. Community Thanksgiving Dinner – November 19, 2022 at the Christian Church. Donations are welcome to help cover the cost for the turkeys which amounted to \$1200. The Chamber of Commerce has donated \$500 to help.

**SPECIAL COMMITTEE REPORTS CONTINUED:**

❖ **Motion**

**Council Member Mitzner motioned to approve a contribution of \$500 to the Community Thanksgiving meal. Motion seconded by Council Member Curtis voted on, passed 5-0.**

**PLANNING & ZONING COMMISSION (PZC)** - October 12, 2022 unapproved minutes.

**OTHER BUSINESS:**

a] Reassignment of the Ground Lease agreement for the 40' x 40' lease area situated in Lot 6, Linn County Industrial Park. Known as 419 S. 5<sup>th</sup> Street. Vertical Bridge Development, LLC, a Delaware limited liability company is the new tenant requesting assignment.

❖ **Motion**

**Council Member Capp motioned to approve the request for reassignment for the lease of property located at 419 S. 5<sup>th</sup> Street to Vertical Bridge Development, LLC. Motion seconded by Council Member Mitzner voted on, passed 5-0.**

c] Projected Gas supply for May 1, 2023 through April 30, 2024. CC Wade reviewed the current gas usage for the city and the decrease in meters the past year. Council Member Brenneman and Council Member Capp inquired about changes to the process of purchasing which resulted from the arctic blast which occurred in 2021. Council Member Curtis also asked if there were any updates on the regulations resulting from the arctic blast. CC Wade said updates have been discussed at KMG board meetings indicating progress is being made for one town in Kansas and hopefully a ruling will come from FERC sometime in the first part of 2023.

**RECESS:**

❖ **Motion**

**Council Member Capp motioned to recess for 3-minutes for City Attorney Harding to provide counsel to Council Member Curtis and will return to the Council table at 8:39pm. Motion seconded by Council Member Mitzner voted on, passed 5-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Curtis motioned to go in to executive session for 10-minutes for the review of data relating to trade secrets pertaining to the sewer rehabilitation project and will return to the Council table at 8:53pm p.m. Motion seconded by Council Member Capp voted on, passed 5-0. 8:43 p.m.**

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

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**November 2, 2022**

**OPEN SESSION RESUMED AT 8:53 p.m.**

**UNFINISHED POLICY REVIEW:**

**ARTICLE 18 DRAFT FACTORY BUILT HOME DISTRICT**

Mayor Wilson and the City Council continued the review of Article 18 draft. The final sections pertaining to signage were completed. CC Wade will perform all the revisions as requested by the city council and present a revised draft at the next council meeting.

**ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS**

**LA HARPER HEIGHTS WATER VALVE REPLACEMENT**

**ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES**

**WATER AND SEWER RATE ANALYSIS**

**ATV/UTV REGULATIONS**

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

**ARTICLE 5. PARKING**

**ETHICS AND CUSTOMER SERVICE TRAINING**

**SOCIAL-MEDIA POLICY**

**CHAPTER 6. FIRE, ARTICLE 2. FIREWORKS**

**BNSF QUIET ZONE**

**NOTES AND COMMUNICATIONS TO COUNCIL:**

None

**GOVERNING BODY REMARKS:**

NONE

**ADJOURNMENT:**

**❖ Motion**

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 5-0. Time 9:34p.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 2<sup>nd</sup> day of November, 2022.