

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

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**November 3, 2021**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, November 3, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Danny Curtis; James Thies; and Thomas Capp. Absent: Jerome Mitzner

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Police Chief Fenoughty; City Attorney Burton Harding; Paul (Jim) Long; Nathan 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] Daylight savings will occur this Sunday, November 7<sup>th</sup>. Council meetings starting on November 17, 2021 will begin at 6:00pm.

b] In honor of Veterans Day, the La Cygne City Hall and the La Cygne Compactor will be closed on Thursday, November 11, 2021.

c] Thanksgiving drive-through meal, Saturday, November 13<sup>th</sup>, 2021 from 3pm – 5pm. Hosted by the La Cygne Library.

d] The Halloween events over the past weekend were very well attended. Mayor Wilson thanked those who hosted Trunk-or-Treats (Businesses on Broadway, Family Café and the Christian Church), the firemen who gave out hot dogs and chili and those who hosted a haunted house. The community truly enjoyed everything.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of October 20, 2021 City Council Meeting;  
Check Register: October 21 - November 3, 2021;  
CMB Retail License renewal for 2022 – Dollar General Store #13598

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

**\*\* Mayor Wilson asked for Council Approval to modify the agenda by moving the Unfinished business item: (a)[ Paul (Jim) Long, owner of Hook-N-Deals, regarding sewer rate reduction for filling minnow tanks] to Discussion from the floor.**

Council Approved

**DISCUSSION FROM THE FLOOR:**

Paul (Jim) Long, new owner of Hook N Deals, addressed the Council about reducing the sewer rate for the water used to fill the minnow tanks since it is drained by a hose outside and not down the sewer. Council Member Curtis asked how much metered water was used to fill the tanks. Jim Long indicated the meter amount was approximately 1,000 to 1,500 for the tanks according to the prior owner. The Council reviewed the current rates for sewer which includes \$15.38 base rate, \$3.59/1,000 gallon and \$20 debt service fee. The Council indicated policy would need to be developed for all commercial businesses if they were to consider a reduction in the sewer rate. Discussion was held regarding larger businesses who used much greater amounts of water were not given any reduction to their sewer rates for water that did not go down the sewer (e.g. watering piles for dust, gardening, washing equipment). The Council thanked the Longs' for attending the meeting but at this time they would not issue a reduction for the sewer. Nathan Long inquired about concerns with the water meter after two months of over 10,000 gallons of usage. CC Wade advised the Council that public works has been monitoring the meter for the past week or so. If the owner of the property would like to have the meter sent in for testing, then they would need to contact city hall in order to proceed.

**SPECIAL PROJECTS:**

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

Contracts were signed, performance and payment bonds have been received, Notice to Proceed was dated November 1, 2021 and signed. Number of days to achieve substantial completion is 120 days.

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Greg Grant plans to complete survey of right of way, set pins and flags, weather permitting.

Paul Owings, BG Consultants, will set up a meeting with PWS Nasalroad and CC Wade for the middle of November 2021.

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

Project scheduled for March 2022.

Killough Construction completed the asphalt patch at KS Highway 152 and Industrial Rd. Council Member Capp commented on a job well done by Killough. Council Member Capp indicated the patch could not go down 6" due to the culvert pipe so Killough plated over the culverts.

**NEW FIRE STATION/PUBLIC SAFETY BUILDING**

Grant application submission is March 2022. Council Member Capp asked if we were presenting the drawing in the application which included both the fire and police departments. CC Wade indicated that was the plan being submitted for the grant. CC Wade will also research temporary financing since interest rates were so low.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING:**

City Attorney Harding has been reviewing the cemetery statutes and ordinances with CC Wade and also working on a letter for the Council for the sewer project. City Attorney Harding hopes to have the Quit Claim Deed signed by the next meeting for the house located at 602 N. 5<sup>th</sup> Street.

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**November 3, 2021**

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY – BURTON HARDING:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Curtis 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 7:24 p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 7:19 p.m.**

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

**OPEN SESSION RESUMED AT 7:24 p.m.:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5 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 7:29 p.m. Motion seconded by Council Member Thies voted on, passed 4-0. 7:24 p.m.**

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

**OPEN SESSION RESUMED AT 7:29 p.m.:**

**CHIEF OF POLICE – TINA FENOUGHTY**

**27 Traffic Stops Conducted**

**Citations issued since last meeting**

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

**Calls for Service / Reports – 10/19/2021 thru 11/1/2021**

Animal Complaint – 7	Traffic Complaints - 2
Assist Outside Agency – 1	Criminal Threat – 2
Building Check – 1	Citizen Assist CFS / contact - 19
Fingerprints – 1	Juvenile Incident – 5
Check Welfare – 2	911 Hang-Up– 0
Follow Up – 15	Theft – 0

**REPORTS OF CITY OFFICERS:**

**CHIEF OF POLICE – TINA FENOUGHTY**

Suspicious Activity – 1	Vehicle Lockout – 0
Disturbance – 1	Drug Case- 0
Motorist Assist – 1	Criminal Damage – 0
Non-Injury Accident – 1	Civil Stand by – 2
Suicidal Subject – 1	Warrant Attempt - 5
Felony Warrant – 2	Misdemeanor Warrant - 0

**Codes**

Will be addressed in Officer Fox Code Report at the next meeting

**VIN Inspections**- 4 completed

**New Business / Information**

Currently maintaining a dangerous dog at the pound pending Nov. 4 court trial.

**Accrued Overtime for Department:** Accrued overtime for last pay period = 11 hours

**CODES OFFICER – ALLISON FOX**

Not in attendance

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

This report will include tasks outside of our normal day to day duties.  
Report from 10/20/2021 to 11/03/2021.

**Committee Discussions**

**Water and Gas:**

- Starbucks has removed the concrete today on the condemnation on 8<sup>th</sup> Street;
- Midwest Engineering agreement for water treatment plant;
- Starbucks has started on the pond today;
- Pre-construction meeting for the pond was held last week.

**Street:**

- Still working on drainage at 3<sup>rd</sup> and Chestnut. Culverts came in today;
- Killough completed the temp repair on Industrial;
- Tires replaced on dumb truck, \$2500;
- Did some repair on N. 8<sup>th</sup> gravel road.

**Sewer:**

- East lift station generator is still down, parts are coming from Japan;
- Working with BG Consultants on sewer project. Lift station upgrades;
- Still waiting on new pump for the east lift station;
- Preliminary survey of North 2<sup>nd</sup> Street completed, waiting on report.

**REPORTS OF CITY OFFICERS CONTINUED:**

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

**Park:**

- Mowing and maintaining park;
- Duane Jeppesen from Quality Pools will be down in the next few weeks to check on pool leak;
- Vandalism at the bathhouse, bathhouse winterized and closed for the season. Council Member Curtis, Park Board member, was not aware something had happened. Chief Fenoughty indicated the stall doors were broken off sometime on Sunday (10/31/2021) evening. Mayor Wilson asked Chief Fenoughty and/or PWS Nasalroad to be sure to reach out to Council Member Curtis and Park Board Chairman Tony Stallings when events such as this happen.

**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 went well, ran out of everything rather quick this year.

**CITY CLERK – JODI WADE**

Report from 10/21/2021 – 11/03/2021

City Clerk

- Presented Bill Craven with donations received from patrons of the community.
- Prepared employee evaluation packets for the Mayor and department supervisors.
- Met with Trenton Morris, MW Engineering Group and Kevin Starbuck, Starbuck Trucking for a pre-construction meeting for the water settling pond improvement.
- Met with Shelley with Midwest Assistance Program to complete the SEARCH Grant application.
- Set up the “haunted hall” for the Trunk or Treat on Broadway.
- Cleaned up the community building for the November 2 elections.
- Reached out to Double A’s Electric on the completion of the electric boxes on the poles.
- Met with Gary Spears regarding the hanging of the Christmas pole light decorations.
- Completed end of month financial reports.
- Completed the cemetery ordinances for Burton Harding to review.
- Follow-up with Greg Grant on the survey pins and flags for the 2<sup>nd</sup> Street/ROW alley.
- Submitted requested documents to IBTS for the upcoming kickoff meeting for the Comprehensive Plan revision.
- Attended the workshop with the City Council, Lincoln Township and Park Board.
- Researched charter ordinances.
- Researched land use maps.
- Researched water treatment plant upgrade projects.
- Reached out to Casey’s General Store Corporate office regarding the lot of the old Casey’s building.

Overtime Hours for City Hall for the last pay period: 10.75

**REPORTS OF CITY OFFICERS CONTINUED:**

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

- Finished and mailed utility bills;
- Worked on the cemetery project;
- Monthly sewer report complete;
- Citation entries;
- Court prep & emailed judge & Burton;
- Worked with a defendant attorney;
- Finished payroll;
- Entered financials in to Quicken and reconciled;
- Worked on accounts payable.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

SEARCH grant to complete a water treatment plant study. Discussed in New Business.

**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 has reviewed and is satisfied with the document as presented. Council had no further discussion.

❖ **Motion**

**Council Member Capp motioned to have CC Wade proceed with issuing out the Request for Qualification for the Stormwater Master Plan. Motion seconded by Council Member Stoker voted on, passed 4-0.**

**SEWER-**

- None

**PARK-**

Council Member Curtis noticed the park was being mowed again today so the grass hasn't fully stopped growing yet.

**CEMETERY –**

A draft of Chapter XI. Public property, Article 1. Cemetery regulations. Discussed in New Business.

**PUBLIC SAFETY –**

- None

**COMMUNITY BUILDING-**

- None

**EMPLOYEE RELATIONS & TRAINING**

- None

**SPECIAL COMMITTEE REPORTS:**

**LA CYGNE COMMUNITY PARK BOARD -NONE**

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

**CHAMBER OF COMMERCE – NONE**

**EMERGENCY MANAGEMENT - NONE**

**UNFINISHED BUSINESS:**

a] Paul (Jim) Long and Nicholas Long, owners of Hook-N-Deals, was discussed earlier in the meeting under discussion from the floor.

b] Public Works Laborer 1, Public Works Laborer 2 and Public Works Operator job descriptions were reviewed. Council Member Capp advised CC Wade to swap the role of a Laborer 1 and Laborer 2. Council Member Stoker asked CC Wade to add the pre-employment physical and to put that information along with the drug testing in a bulleted area under description. Council Member Stoker also pointed out adding "high school graduate or equivalent." Discussion was held regarding the benefits. Council Member Capp suggested to have the benefit plan the same for the Laborer 1 and 2. CC Wade will make the modifications prior to the next meeting.

**NEW BUSINESS:**

**SURPLUS EQUIPMENT SEALED BIDS FOR THE FOLLOWING ITEMS:**

- i. Bush Hog M546 Front Bucket attachment;
- ii. 1997 Sams Car Hauler 16ft Dual Axel Trailer (VIN:11YUC1924VT000505);
- iii. 2008 Chevy Silverado 1500 Crew Cab 4wd Truck (VIN:2GCEK13CX81317070);
- iv. 2005 Ford F150 2wd Truck (VIN: 1FTRF12W85NB09412)

**Bids received:**

Jim Thompson	\$400	1997 Sam's Car Hauler Trailer
	\$1,275	2008 Chevy Silverado
	\$375	2005 Ford F-150
Jerome Moore:	\$1,000	2008 Chevy Silverado
	\$1,000	2005 Ford F-150
Doug Barrett:	\$1,505	2005 Ford F-150
Rodney Benson:	\$510	1997 Sam's Car Hauler Trailer
Dwayne Diediker:	\$477	1997 Sam's Car Hauler Trailer
	\$257	Bush Hog M546

The Council rejected the low bids for the 1997 Sam's Car Hauler Trailer and Bush Hog M546.

❖ **Motion**

**Council Member Capp motioned to accept the \$1,275 bid from Jim Thompson for the 2008 Chevy Silverado 1500 Crew Cab 4wd Truck (VIN#2GCEK13CX81317070). Motion seconded by Council Member Stoker voted on, passed 4-0.**

**NEW BUSINESS CONTINUED:**

**SURPLUS EQUIPMENT SEALED BIDS FOR THE FOLLOWING ITEMS.**

❖ **Motion**

**Council Member Capp motioned to accept the \$1,505 bid from Doug Barrett for the 2005 Ford F-150 2wd Truck (VIN#1FTRF12W85NB09412). Motion seconded by Council Member Stoker voted on, passed 4-0.**

**BLUE CROSS BLUE SHIELD HEALTH INSURANCE RENEWAL.**

CC Wade reviewed the Health and Dental Insurance premium for 2022. The insurance premium was up about 4% from 2021.

❖ **Motion**

**Council Member Capp motioned to approve to renew the Blue Cross Blue Shield Health Insurance for 2022. Motion seconded by Council Member Stoker voted on, passed 4-0.**

**ORDINANCE NO. AMENDING AND RESTATING CHAPTER XI, PUBLIC PROPERTY, ARTICLE 1. CEMETERY, SECTION 11-110, OF THE CODES OF THE CITY OF LA CYGNE, KANSAS RELATING TO PERMANENT MAINTENANCE FUND, OAK LAWN CEMETERY.**

CC Wade reviewed the Ordinance with the Council. Further discussion was held regarding the permanent maintenance fund. Council Member Curtis had concerns regarding the potential expenditure of the cemetery funds if they weren't in a permanent maintenance fund or reserve. CC Wade asked the Council what their intentions were for the funds in a reserve or permanent maintenance fund. She also asked how much they felt was necessary to keep in the reserve. Council Member Stoker discussed setting a limit the reserve could not go below or a cap. City Attorney Harding addressed changing the wording to "Repeal" the section to clearly remove it and then pass the ordinance which is replacing the entire cemetery chapter. CC Wade will make the necessary revisions for the next meeting.

**ORDINANCE NO. REPLACING CHAPTER XI. PUBLIC PROPERTY, ARTICLE 1. CEMETERY OF THE CODES OF THE CITY OF LA CYGNE KS.**

Postponed to the next Council meeting.

**SEARCH GRANT APPLICATION PAPERWORK FOR AN ANALYSIS OF THE WATER TREATMENT PLANT BY MIDWEST ENGINEERING GROUP, LLC. TOTAL COST FOR THE ANALYSIS IS \$33,500. SEARCH GRANT IS FOR UP TO \$30,000.**

CC Wade reviewed the documents, which consisted of: KS 1780 Guide 03a, KS 1780 Guide 04a, KS 1780 Guide 05, KS 1780 Guide 11 and KS 1780 Guide 25.

❖ **Motion**

**Council Member Capp motioned to approve for CC Wade to proceed with the SEARCH Grant application. Motion seconded by Council Member Stoker voted on, passed 4-0.**

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**November 3, 2021**

**GWORKS ANNUAL LICENSE FEE FOR SIMPLE CITY DESKTOP FINANCIAL ACCOUNTING AND PRODUCT SUPPORT AGREEMENT FEE FOR THE TERM STARTING 01/01/2022 AND ENDING 12/31/2022 IN THE AMOUNT OF \$5,529.95.**

❖ **Motion**

**Council Member Capp motioned to approve the annual gWorks annual license for Simple City Desktop financial accounting and product support agreement for the term starting 01/01/2022 and ending 12/31/2022. Motion seconded by Council Member Stoker voted on, passed 4-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10 minutes following a 3-minute break 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 8:44 p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 8:31 p.m.**

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

**OPEN SESSION RESUMED AT 8:44 p.m.:**

**EXECUTIVE SESSION:**

❖ **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 8:55 p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 8:44 p.m.**

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

**OPEN SESSION RESUMED AT 8:55 p.m.:**

**RECESS:**

❖ **Motion**

**Council Member Capp motioned for a 5-minute recess while Council Member Curtis and City Attorney Harding meet and will return to the Council table at 9:00 p.m. Motion seconded by Council Member Thies voted on, passed 4-0. 8:55 p.m.**

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**November 3, 2021**

**OPEN SESSION RESUMED AT 9:00 p.m.:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5 minutes for non-elected personnel matter exception for an individual employee's performance for Park Board and will return to the Council table at 9:05 p.m. Motion seconded by Council Member Thies voted on, passed 4-0. 9:00 p.m.**

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

**OPEN SESSION RESUMED AT 9:05 p.m.:**

**OTHER BUSINESS:**

**NOTES AND COMMUNICATIONS TO COUNCIL:**

**GOVERNING BODY REMARKS:**

None

**ADJOURNMENT:**

❖ **Motion**

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 4-0. Time 9:06 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 3<sup>rd</sup> day of November, 2021.