

REGULAR MEETING:

The La Cygne City Council met on Wednesday, November 17, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Jerome Mitzner; James Thies; and Thomas Capp. Absent: Danny Curtis.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; City Attorney Burton Harding; James McCarson, Jackie Pribble, Sandra Smith and Linn County News Tony Furse.

CALL REGULAR MEETING TO ORDER (6:00 P.M.)

Pledge of Allegiance – Mayor Debra Wilson

PUBLIC HEARING: AMENDING 2021 BUDGET PUBLIC HEARING

- a] Mayor Wilson closed the regular meeting at 6:00pm;
- b] Mayor Wilson opened the Public Hearing for amending the 2021 Budget at 6:00pm
- c] There were no community members present during the hearing therefore no comments were received.
- d] Mayor Wilson closed the Public Hearing for amending the 2021 Budget.

CALL REGULAR MEETING TO ORDER (6:03 P.M.)

AMENDING 2021 BUDGET

CC Wade reviewed the amendment to the park for possible repairs, water fund for the new water settling pond improvements, the gas fund for the winter storm invoice, the sewer fund for the capital improvements to the lift stations and solid waste funds for additional customer base.

❖ **Motion**

Council Member Capp motioned to amendments to the 2021 Budget as presented. Motion seconded by Council Member Mitzner voted on, passed 4-0.

MAYOR COMMENTS:

a] Thank you to the La Cygne Library for hosting the Thanksgiving dinner drive-through on November 13, 2021. We appreciate the efforts of all the volunteers, organizations and businesses that contributed to the event.

b] Christmas light pole decorations have been placed on the poles. Everyg will complete the final connection to the new electric boxes within the next week. We are thankful for the opportunity to purchase new lights for our community. We are excited to see them shine this season.

c] Christmas on Broadway, hosted by the La Cygne Chamber of Commerce, will take place on December 12, 2021 from 3-5pm. Businesses are welcome to set up a booth or activity. Santa and Mrs. Claus will be present, hot cocoa and cookies, craft projects, photo booths, the Christmas train, music by the Prairie View Jazz Band and Choir, and activities for the family to enjoy.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of November 3, 2021 City Council Meeting;
October 2021 Budget Report;
October 2021 Treasurers Report;
Check Register: November 4 – November 17, 2021.

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

DISCUSSION FROM THE FLOOR:

James McCarson addressed the matter of demolishing the duplex located at 109 N. 2nd Street in which a portion of the house is located on the City's right-of-way (alley). James asked the governing body to consider allowing the property owner to demolish the portion of the house which is on the right-of-way and leaving only a single (studio) unit available for housing.

Jackie Pribble, property owner of 109 N. 2nd Street, expressed to the Council her concern for evicting two people from the duplex out on the street. Jackie has been paying property taxes for over 40 years for the duplex. The building is well maintained and Jackie indicated she has invested \$2,000 recently on the plumbing for the units.

Sandra Smith, tenant residing at 109 N. 2nd Street, described her family which is currently living in the unit #1 and unit #2. She has a child living with her in her unit and the child's terminally ill father lives in unit #2. Sandra is concerned about how to move and the health risk of moving the gentleman in unit #2. She is not sure he would survive the move.

Mayor Wilson, on behalf of the governing body expressed empathy for the situation and indicated how difficult and challenging it is for everyone to evaluate and process. She ensured the patrons the governing body has been meticulous in researching the situation. Mayor Wilson thanked the patrons for attending the meeting and voicing options and concerns regarding the situation of the portion of the property located at 109 N. 2nd Street which is located in the City's right-of-way (alley). Mayor Wilson indicated the city had been informed that Jackie Pribble had reached out to the city attorney and therefore the governing body would follow the lead and advice of City Attorney Burton Harding in regards to responding to their questions and/or concerns.

SPECIAL PROJECTS:

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

Starbuck Trucking, LLC has been working on clearing the project area.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

PWS Nasalroad met with Paul Owings, BG Consultants, to review the current conditions of the sewer lift stations for considerations for alternates on the sewer project.

Survey flags have been placed on the City's right-of-way (alley/utility easement) between N. Railroad Street and 2nd Street. Certified letters have been mailed to property owners.

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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

Submission for the First Option Bank Trustee Foundation grant is March 1, 2022 and the Public Building Commission is reviewing financial options.

AMERICAN RESCUE PLAN FUNDS (ARPA)

CC Wade reviewed information from the Kansas Office of Recovery regarding upgrades to the Community Building in order to make it a safe facility to utilize for situations the city faced during the recent pandemic. Upgrades would allow the building to be used safely as the command headquarters during emergency events, warming/cooling center during weather emergencies, vaccination center and/or medical/health necessities.

HEAL GRANT PROGRAM

CC Wade reviewed the application for the Heal Grant Program to improve historic or architectural significant buildings located in the downtown of the city. The grant is a 1:1 matching grant, \$20/square ft. with a maximum match of \$75,000. Applications are due by 5:00pm December 20, 2021. Is the Council interested in pursuing this grant for improvements on the Community Building?

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

The determination of descent is completed and the quit claim deed will be available tomorrow. City Attorney Harding requested 10 minutes for executive session for consultation with an attorney.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner 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 and will return to the Council table at 6:35 p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 6:25 p.m.

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

OPEN SESSION RESUMED AT 6:35 p.m.:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner 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 6:45 p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 6:35 p.m.

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

REPORTS OF CITY OFFICERS CONTINUED:

OPEN SESSION RESUMED AT 6:45 p.m.:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner 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 6:55 p.m. Motion seconded by Council Member Thies voted on, passed 4-0. 6:45 p.m.

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

CHIEF OF POLICE – TINA FENOUGHTY

19 Traffic Stops Conducted

Citations issued since last meeting

Speed School Zone	4	Tag Expired	0
Fail to Yield	0	No Tag	0
Insurance	1	NO DL	0
RR Crossing	0	Speed	0
Vicious Dog/RAL/Tag	0	Marijuana	0
Drive Violation of Rest.	0	Equipment	1

Calls for Service / Reports – 11/1/2021 thru 11/17/2021

Animal Complaint – 5	Traffic Complaints - 0
Assist Outside Agency – 1	Criminal Threat – 3
Building Check – 0	Citizen Assist CFS / contact - 13
Fingerprints – 0	Juvenile Incident – 2
Check Welfare – 0	911 Hang-Up- 0
Follow Up – 10	Theft – 1
Suspicious Activity – 2	Vehicle Lockout – 0
Disturbance – 3	Drug Case- 0
Motorist Assist – 0	Criminal Damage – 1
Non-Injury Accident – 0	Pedestrian Check – 1
Suicidal Subject – 0	Warrant Attempt - 3
Felony Warrant – 0	Misdemeanor Warrant - 1

VIN Inspections- 1 completed

New Business / Information

Purchase order for equipment will be presented at the next Council meeting.

Accrued Overtime for Department: Accrued overtime for last pay period = 2 hours

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX

Officer Fox asked the Council if they reviewed the houses for consideration for condemnation notice. Officer Fox had recommended 402 S. Broadway. The Council concurred to proceed with the process for condemnation for 402 S. Broadway. Since the quit claim deed is complete and the residence of 602 N. 5th Street is now property of the City, Officer Fox asked the Council if she can proceed with request for bids for demolition. The Council advised Officer Fox to proceed with requests for bids.

Council Member Mitzner asked about permits/licensing for golf carts/ATVs/UTVs. Council Member Mitzner stated it is time to regulate what is driving on our streets. The majority of the utility vehicles are not insured which puts them at risk if they injure someone or damage property. Chief Fenoughty indicated she had been working on a possible program and she had just visited with Officer Fox regarding the same topic.

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

This report will include tasks outside of our normal day to day duties.
Report from 11/03/2021 to 11/16/2021.

Committee Discussions

Water and Gas:

- Starbuck has completed the condemnation on 8th Street;
- Midwest Engineering agreement for water treatment plant;
- Water settling pond construction continues;
- Researching past water plant evaluations.

Street:

- Culverts on 3rd and Chestnut completed;
- Christmas decorations are up, working on storage ideas;
- Salt and sand have been delivered;
- All snow removal equipment has been inspected, repaired and is ready for the season.

Sewer:

- East lift station generator is still down, parts are coming from Japan;
- Working with BG Consultants on possible lift station upgrades as an add-on project;
- Still waiting on new pump for the east lift station;
- Survey of N 2nd Street complete.

Park:

- Mowing and maintaining park;
- Duane Jeppesen from Quality Pools will be down in the next few weeks to check on pool leak;

Cemetery:

- Mowing continues.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

Worked on getting Jodi information for station grants.

CITY CLERK – JODI WADE

Report from 11/04/2021 – 11/17/2021

- Christmas pole light decorations are up and electric connection is complete.
- Attended the Planning & Zoning kickoff meeting with IBTS.
- Employee evaluations are complete and ready for the Council to review.
- SEARCH Grant application was submitted on November 11, 2021.
- HEAL Grant Program virtual training and application was received on November 8 for review.
- RFQ Stormwater Master Plan was emailed out on November 10, 2021.
- Participated in a virtual demo of the cemetery module for our software.
- Attended the Linn County Officials meeting on November 16, 2021.
- Attended the MRWAD (Marias Des Cygne Water Assurance District) meeting on Nov 16, 2021.
- Reached out to SEKRPC for assistance reviewing prepared narratives for First Option Bank Trustee Grant and potentially the HEAL Grant.
- Contacted Kansas Small Business Development Center for assistance on creating a business plan.
- Completed the cemetery ordinance revision.
- Completed Council packets for distribution in January.
- Completed the paperwork for the trucks sold in the recent surplus sale.
- Completed monthly financials.
- Organizing a City Employee Appreciation Day for December 10th from 11am till 1pm for the Mayor, City Council and City employees.

Overtime Hours for City Hall for the last pay period: 9.00

CC Wade discussed mobile home license renewals for 2022. The current licenses were extended while the P&Z Commission and Council reviewed the articles and codes regarding mobile home parks. Discussion was held on the process of licensing. CC Wade asked the Council if she could reach out to the Linn County building inspector or City of Linn Valley building inspector to contract for the inspection of the parks for the upcoming 2022 license renewal. Council Member Mitzner expressed the importance of following our current code and regulation processes for licensing as well as building a relationship with a building inspector to assist with future requests.

CITY TREASURER/COURT CLERK – CONNIE GORE

- Completed monthly water and gas reports;
- Completed sales tax;
- Figured extra gas charge over base rate;
- Worked on water rates for Jodi;
- Entered citations and answered defendant & attorney questions;
- Reviewed accounts payable and payroll time cards;
- Attended special LNCO commission meeting 11/16;
- Watched a Simple City demo on the cemetery module.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

SEARCH grant application was submitted to USDA for consideration. Public Hearing notice for December 1, 2021 meeting will run in the November 17 edition of the newspaper.

COUNCIL COMMITTEE REPORTS CONTINUED:

STREET –

RFQ (Request for Qualification) for Stormwater Master Planning was emailed to the following companies on November 10, 2021:

- Bartlett & West
- Schwab Eaton
- Lamp Rynearson
- Professional Engineer Services (PEC)
- McAfee Henderson Solutions
- BG Consultants

SEWER-None

PARK- None

CEMETERY – None

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:

Public Works Laborer 1, Public Works Laborer 2 and Public Works Operator job descriptions were reviewed at the last Council meeting and CC Wade presented the descriptions with the requested revisions. No further discussion was held. Council Member Capp asked PWS Nasalroad if he needed any more time to review the descriptions in which PWS Nasalroad indicated none was needed.

❖ **Motion**

Council Member Capp motioned to accept the Public Works Laborer 1, Public Works Laborer 2, and Public Works Operator job descriptions as presented. Motion seconded by Council Member Mitzner voted on, passed 4-0.

NEW BUSINESS:

ORDINANCE NO. REPEALING 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.

No further discussion was held regarding the ordinance.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1495 repealing Chapter XI, Public Property, Article 1. Cemetery, Section 11-110 of the Codes of the City of La Cygne, Kansas. Motion seconded by Council Member Capp voted on, passed 4-0.

NEW BUSINESS CONTINUED:

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

No further discussion was held regarding the ordinance.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1496 replacing Chapter XI, Public Property, Article 1. Cemetery of the Codes of the City of La Cygne, Kansas. Motion seconded by Council Member Mitzner voted on, passed 4-0.

CITY WIDE CLEAN-UP. WASTE MANAGEMENT REACHED OUT TO REVIEW DATES FOR THE CITY-WIDE CLEAN-UP. IS LA CYGNE INTERESTED IN DOING THIS IN 2022? DATE WOULD BE MAY 14, 2022 (SATURDAY AFTER GARAGE SALE WEEKEND).

Discussion was held on the tonnage which has been collected over the past five years. CC Wade reached out to ask Linn County about possible options utilizing the county roll-offs and Prescott landfill. The Council concurred with the date of May 14, 2022 as a possible city-wide clean-up date.

KMGA PROJECT GAS SUPPLY REQUIREMENTS FOR THE CITY OF LA CYGNE FOR MAY 1, 2022 THROUGH APRIL 20, 2023.

❖ **Motion**

Council Member Capp motioned to approve signing the KMGA Project gas supply requirements for the City of La Cygne for the period of May 1, 2022 through April 20, 2023. Motion seconded by Council Member Mitzner voted on, passed 4-0.

EXECUTIVE SESSION:

OTHER BUSINESS:

NOTES AND COMMUNICATIONS TO COUNCIL:

Mayor Wilson and Council Member Mitzner inquired about reaching out to David Brenneman, Council-elect in preparation for taking the oath in January 2022 for his seat on the council. Council Member Capp and Mitzner stressed the importance getting David informed on all of the current and upcoming projects.

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 8:45 p.m.

Record of the Proceedings of the Governing Body

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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 17th day of November, 2021.