

Record of the Proceedings of the Governing Body
REGULAR MEETING

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December 15, 2021

REGULAR MEETING:

The La Cygne City Council met on Wednesday, December 15, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Danny Curtis; James Thies; and Jerome Mitzner. Absent: Thomas Capp, PWS Dan Nasalroad and Chief Tina Fenoughty; City Attorney Burton Harding.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Codes Officer Allison Fox; Linn County News Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson read aloud the 2021 year-end report and thanked the Council Members and the city employees for their commitment to the operations of the city and improvements. Mayor Wilson reminded the community the City Hall will be closed on December 24, 2021, December 27, 2021 and January 3, 2022 and the Trash Compactor will be closed on December 25, 2021 (Christmas) and January 1, 2022 (New Year's Day). Mayor Wilson thanked the members of the Chamber of Commerce, businesses and volunteers who participated in the Christmas on Broadway on December 12, 2021. The mayor appreciated the volunteer time dedicated by the city staff decorating the City Hall and Community Building for Christmas on Broadway as well as preparations for the city appreciation day.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of December 1, 2021 City Council Meeting;
November 2021 Treasurer's Report;
November 2021 Budget Report;
Check Register: December 2 – December 15, 2021;

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

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

Starbuck Trucking Pay Application No. 2 in the amount of \$140,428.37 for work performed from 7/17/2021 – 12/12/2021. The application includes \$27,354.37 for stored materials, \$23,037 for mobilization, and \$90,037 for work on Basin #1.

SPECIAL PROJECTS CONTINUED:

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

❖ **Motion**

Council Member Mitzner motioned to approve Pay Application No. 2 in the amount of \$140,428.37 for work performed by Starbuck Trucking from 7/17/2021 – 12/12/2021 on the water plant settling ponds. Motion seconded by Council Member Stoker voted on, passed 4-0.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

- i. PWS Nasalroad met with Abby Mills, BG Consultants, on December 2 to review the bid drawings, lagoon drawings and manhole schedule.
- ii. Raymond James: Engagement of and Disclosures by Underwriters/Senior Managing Underwriter or Placement Agent for General Obligation Temporary Notes, Series 2022. Confirmation for the City to engage Raymond James as underwriter or placement agent for the sewer rehabilitation temporary interim financing.

❖ **Motion**

Council Member Mitzner motioned to approve for CC Wade to sign the Engagement of and Disclosures by Underwriters/Senior Managing Underwriter or Placement Agent for General Obligation Temporary Notes, Series 2022. Motion seconded by Council Member Stoker voted on, passed 4-0.

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

- i. CC Wade will continue to work on the First Option Bank Trustee grant application narratives.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

- i. Deadline for NEUs to submit Project and Expenditure Report is April 30, 2022 and will cover the period between March 3, 2021 and March 31, 2022. Future reports will be due annually by the end of April.

HEAL GRANT PROGRAM – COMMUNITY BUILDING

- i. CC Wade emailed a copy of the application for the HEAL grant program to the Council Members to review. CC Wade presented a brief outline of the proposed Community Building revitalization to the Community Plaza. Council Member Mitzner asked if the city submits an application would that inhibit other building owners from submitting an application. CC Wade informed the Council there is no limit on how many building owners submit applications from the city. Council Mitzner clarified the total amount of grant awarded would be \$75,000, CC Wade concurred. CC Wade explained how the improvements would benefit the building for continued use as a warming/cooling center and/or command center during emergency events. Mayor Wilson asked if using funds from the capital improvement fund would hinder the Public Safety Building project, CC Wade stated it would not.

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REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

CHIEF OF POLICE – TINA FENOUGHTY

20 Traffic Stops Conducted

Citations issued since last meeting

Speed School Zone	3	Tag Expired.	2
Fail to Yield	0	No Tag	0
Insurance	2	No DL	1
RR Crossing	0	Speed	1
Vicious Dog/RAL	0	Paraphernalia	1
Suspended DL	1	Equipment	0

Calls for Service / Reports – 11/29/2021 thru 12/13/2021

Animal Complaint – 5	Traffic Complaints - 1
Assist Outside Agency – 0	Civil Stand-by – 2
Building Check – 0	Citizen Assist CFS / contact - 13
Fingerprints – 0	Juvenile Incident – 1
Check Welfare – 2	Federal Record Checks– 2
Follow Up – 16	Theft - 3
Suspicious Activity – 5	Vehicle Lockout – 1
Disturbance – 5	Drug Case - 1
Assault LEO – 1	Criminal Damage – 0
Non-Injury Accident – 0	Pedestrian Check – 1
Disorderly Conduct – 1	Warrant Attempt – 5
Felony Warrant – 2	Misdemeanor Warrant - 4

VIN Inspections – 4 completed

New Business: None at this time

Unfinished Business: None at this time

Accrued overtime for last period = 10 hours

CODES ENFORCEMENT – ALLISON FOX

Officer Fox sent letters and had phone conversations with patrons regarding leaves/debris in the ditches.

Officer Fox inquired about the demolition of 602 N. 5th Street. Council held discussion on whether to remove the house and the shed as well the removal of dead trees. Mayor Wilson explained the process to have Planning & Zoning review the lots to determine if any changes need to happen in the zoning of the lots or the boundary of the lots. The lot at 602 N. 5th Street is large enough to be divided for potentially 3 homes. Mayor Wilson asked the Council Members to go by the lot and think about possibilities.

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

NONE

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

Report from 12/02/2021 – 12/15/2021

- PWS Nasalroad and CC Wade met with Abby Mills, BG Consultants.
- CC Wade with Erin of Rural Water District #1.
- Attended Planning & Zoning meeting with IBTS.
- Handled procedures with KDHE for the water boil advisory.
- Delivered flyers to businesses/made calls/sent emails regarding water boil advisory.
- Met with the small business development center administrator regarding the HEAL grant.
- Attended regular Planning & Zoning meeting.
- Attended virtual meeting for KMIT board members.
- Prepared the Community Building for appreciation day and for Christmas on Broadway.
- Attended virtual water rates and asset management training.
- Completed monthly financial reports.
- Completed the application for the HEAL grant program.
- Researched mobile home park license procedure in the codes book.
- Prepared letters for employee evaluation packets.
- Assisted the mayor with end of year review report.
- Reviewed the beverages section of the Codes of the City of La Cygne.

Overtime Hours for City Hall for the last pay period: 10.25

CITY TREASURER/COURT CLERK – CONNIE GORE

12/01/2021 to 12/15/2021

Utilities

Monthly items completed: Shut offs, water report (found a possible leak at the park from the report), gas report and gas rates (still higher than normal but did come down a .58 cents per MCF), November sales tax completed and filed with the state, reviewed time cards and accounts payable, updated the vacation/sick time spreadsheet for payroll, and the Waste Management monthly bill audit was completed.

Worked on Peoples Telecommunications monetary donation for utilities and processed to various accounts. (Reviewed by City Hall employees, Public Works Superintendent, and the police department).

Came in and helped make phone calls the evening of the boil advisory.

Called the list of businesses and delivered flyers to businesses on Market when the boil advisory was rescinded.

Participated in the four-hour zoom training on asset management and getting great rates.

Court

Monthly Court items completed: Court, court paperwork, warrants, probation orders, payments processed and filed the electronic submittal to the state.

Created a new judge's agreement for Burton's approval.

Updated the ordinance on the court date and time for Council's approval.

Several texts and emails to the judge on warrants/bond modification on a person arrested.

Talked to County Attorney's office about a defendant and a possible certified court record.

Other

Helped with the employee/board appreciation lunch.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER/COURT CLERK – CONNIE GORE

Helped decorate for Christmas on Broadway. (Saturday)

Helped with Christmas on Broadway. (Sunday)

Met with the mayor discussing upcoming needs and projects.

Met with Jodi about upcoming needs and the research needed on alcohol and manufactured home parks licensing.

Read over the notary changes and created a log book to be used. (Katie did the zoom training as it was same time as the great rates training).

Briefly met with Diane Dotts on emergency management and will meet with her in January to update information.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER-NONE

PARK-NONE

CEMETERY –NONE

PUBLIC SAFETY –NONE

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING-NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

CHAMBER OF COMMERCE –NONE

PLANNING & ZONING COMMISSION (PZC) -NONE

LA CYGNE COMMUNITY PARK BOARD(LCPB)-NONE

UNFINISHED BUSINESS:

EMPLOYEE EVALUATIONS HAVE BEEN COMPLETED BY ALL DEPARTMENT SUPERVISORS AND ARE PREPARED FOR THE COUNCIL MEMBERS TO REVIEW.

Mayor Wilson moved the employee evaluations to the January 5, 2022 meeting since the department supervisors were not in attendance this evening as well as Council Member Capp.

NEW BUSINESS:

ORDINANCE NO. AMENDING CHAPTER VIII, ARTICLE 1, OF THE CODE OF THE CITY OF LA CYGNE, KS BY AMENDING SECTION 8-103 SETTING THE DATE & TIME TO TRANSACT THE BUSINESS OF MUNICIPAL COURT.

CC Wade asked for an executive session before considering the ordinance.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 5 minutes for non-elected personnel matter for review applications and resumes and will return to the Council table at 6:57 p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 6:52 p.m.

Others in attendance included, but not limited to: CC Wade and City Attorney Harding (via speaker phone)

OPEN SESSION RESUMED AT 6:57pm:

NEW BUSINESS CONTINUED:

ORDINANCE NO. AMENDING CHAPTER VIII, ARTICLE 1, OF THE CODE OF THE CITY OF LA CYGNE, KS BY AMENDING SECTION 8-103 SETTING THE DATE & TIME TO TRANACT THE BUSINESS OF MUNICIPAL COURT.

❖ **Motion**

Council Member Mitzner motioned to remove Sheila Schultz as the municipal judge for the City of La Cygne and to appoint Richard Fisher as the municipal judge for the City of La Cygne. Motion seconded by Council Member Curtis voted on, passed 4-0.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1497 amending Chapter VIII, Article 1, of the Code of the City of La Cygne, KS by amending section 8-103 setting date and time to transact the business of municipal court. Motion seconded by Council Member Curtis voted on, passed 4-0.

AUTHORITY TO TRANSFER EXCESS GENERAL FUNDS

CC Wade recommended putting the excess funds into the capital improvement reserve to recover the dollars being used on the Public Safety Building and/or Community Building projects. Council Member Mitzner asked if the excess funds can be earmarked in the capital improvement reserve. CC Wade encouraged the Council to earmark the funds as indicated in the 3-year and 5-year plans.

❖ **Motion**

Council Member Mitzner motioned to allow the maximum year-end transfer from the general fund to the capital improvement and equipment reserve fund with 100% allocated to the capital improvement and 50% earmarked to the Public Safety Building project and 0% allocated to the equipment reserve. Motion seconded by Council Member Stoker voted on, passed 4-0.

COUNCIL REVIEW FOR CONSIDERATION TO WRITE-OFF PAST OUTSTANDING (BAD) DEBT.

❖ **Motion**

Council Member Mitzner motioned to approve the modifications to accounts to write-off past outstanding debts as presented in the amount of \$2,23.47. Motion seconded by Council Member Stoker voted on, passed 4-0.

Council Member Mitzner asked if the Verizon Tower had been activated. Council Member Curtis commented that components had been installed upon the tower but he wasn't sure if it had been put in operation yet.

EXECUTIVE SESSION:

None

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OTHER BUSINESS:

Special meeting for swearing in elected officials on January 10, 2022.

❖ **Motion**

Council Member Mitzner motioned to have a special meeting at 6 p.m. on January 10, 2022 for the purpose of swearing in newly elected officials and annual organization business. Motion seconded by Council Member Curtis voted on, passed 4-0.

NOTES AND COMMUNICATIONS TO COUNCIL:

None

GOVERNING BODY REMARKS:

CC Wade thanked Council Member Thies for his commitment and dedication to serving as a Council Member for the City of La Cygne.

ADJOURNMENT:

❖ **Motion**

Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Thies, voted on, passed 4-0. Time 7:22 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 15th day of December, 2021.