

REGULAR MEETING:

The La Cygne City Council met on Wednesday, December 2, 2020 at the La Cygne Community Building. Council Members present were: James Thies; Danny Curtis; and Jerome Mitzner. ABSENT: Thomas Capp and Logan Smith

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; Codes Enforcement Officer Allison Fox; and Linn County News Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

****BUDGET HEARING TO AMEND THE 2020 Budget****

CC Wade presented the 2020 Amended Budget for the Solid Waste fund. No comments or changes were made.

❖ **Motion**

Council Member Mitzner motioned to approve the 2020 Amended Budget as presented for the Solid Waste Fund (05). Motion seconded by Council Member Curtis, voted on, passed 3-0.

MAYOR COMMENTS:

a] Christmas on Broadway – sponsored by the La Cygne Chamber of Commerce, December 6th, 4:00pm – 6:00pm, Santa, Mayor’s Tree, Christmas Train (Library), Goody bags (PTO), Hot Chocolate/Cookies (Peoples Telecom & First Option Bank), Activities in Thayer Park (Beauty Broadway/Tami Blanck), and Story Time by Ms. Claus.

b] City Hall and the Trash Compactor will be closed on December 24 and December 25, 2020 in observance of Christmas Eve and Christmas Day.

c] Christmas Grab-N-Go meals, reserve the meal by December 13 and pick up by December 19. Contact or text (913) 602-6888 to make reservations and to find out more information.

d] Mayor Wilson thanked the Council and community for their patience the last couple of weeks. Covid-19 did affect our City Hall operations which required the City hall personnel to avoid contact with patrons. Everyone is now healthy and back to work. The City Hall employees will greet patrons at the door with a mask on and if necessary for a patron to enter the City Hall, they will be required to wear a mask.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of November 4, 2020 City Council Meeting;
October 2020 Budget Report;
October 2020 Treasurers Report;
Check Register: November 5 – December 2, 2020;
Dollar General Store Cereal Malt Beverage License 2021

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

Water Plant Settling Ponds

- i. Midwest Engineering Group, LLC, Daniel Coltrane, started coordinating survey and Geotech testing.

Sewer Project

Paul Owings, BG Consultants, said things were progressing well. Manhole surveys have been nearly completed and information is being prepared for the drawings/specifications. CC Wade confirmed the necessity to send a letter to owners of vacant lots and dilapidated homes which have not had active accounts for 3-5 years regarding the removal of the sewer tap. The purpose of this project is to minimize the infiltration in to the City sewer system and removing unused taps would be helpful.

KDOT CCLIP Improvement project

- i. Jason Hoskinson, BG Consultants, stated the design work is 99% finished. The plans will be sent to the City and to KDOT this month to be reviewed and to prepare the bid package. Utilities are beginning relocation plans (their cost). KDOT bid planned for April 2021. Summer 2021 construction.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING

City Attorney Harding reviewed topics from the Linn County Commissioner meeting held on Monday, November 30, 2020. The County Commissioners reviewed the Contract agreement presented by Sherriff Friend regarding a charge of \$25 to jail an inmate at the Linn County Jail. The Commissioners did not move forward with the agreement at this time and will have further discussion at a later meeting.

City Attorney Harding also reviewed Resolution #2020-25 an Order exempting Linn County, KS from the face mask mandate provisions of Executive order 20-68 that was signed by the Commissioners on November 30, 2020. City Attorney Harding reminded the Council they do have home rule capability which allows the city to implement an ordinance regarding face masks if they felt the necessity.

REPORTS OF CITY OFFICERS CONT:

CITY ATTORNEY –BURTON HARDING

City Attorney Harding had reviewed the Consent to Assignment and lease agreement with Midwest Connections. Everything in the paperwork for the Consent to Assignment was in order.

❖ **Motion**

Council Member Mitzner motioned to give written consent to approve the signing of the Consent to Assignment to transferring the Midwest Connections lease to JMZ Corporation. Motion seconded by Council Member Thies, voted on, passed 3-0.

CHIEF OF POLICE / CODES OFFICER

Chief Fenoughty introduced Allison Fox, applicant for the Codes Enforcement/Part Time Police Officer position. Mayor Wilson hired Allison Fox upon completion of interviews and review by the Council Committee.

❖ **Motion**

Council Member Mitzner motioned to hire Allison Fox at a rate of \$13.50/hr for the permanent part-time position of Codes Enforcement and Part-time Police officer effective November 23, 2020. Motion seconded by Council Member Curtis, voted on, passed 3-0.

22 Traffic Stops Conducted

Citations issued since last meeting

Speed in School Zone	3	Revoked DL	1		
Equipment	2	Illegal Tag	1		
No DL	2	Speed	5	Insurance	2

Calls for Service / Reports – 11/03/20 thru 11/30/20

Animal Complaint – 10	Motorist Assist - 1
Vehicle Lockout – 0	Civil Matter / Child Custody Standby – 3
Electronic Solicitation – 1	Citizen Assist CFS / contact - 4
Animal Cruelty – 1	Juvenile Incident – 1
Check Welfare – 1	Traffic Hazard– 1
Follow Up – 10	Assist Outside Agency – 5
Suspicious Activity – 3	Non-Injury Accident – 1
Pedestrian Check – 1	Possession of Drug Paraphernalia - 1
Fingerprints - 2	Business Burglary – 1

Felony Warrant Arrest – 2 Felony Warrant Arrest Attempts – 4

Codes Enforcement

The following letters have been sent:

Follow Ups – 1

Notice to Appear Issued for Nuisance - 1

VIN Inspections- 4 completed

REPORTS OF CITY OFFICERS CONT:
CHIEF OF POLICE/CODES OFFICER CONTINUED

Accrued Overtime for Department: Accrued overtime for last pay period = 7 hours

EXECUTIVE SESSION

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 10-minutes for non-elected personnel matter for application review and will return to the Council table at 6:30pm. Motion seconded by Council Member Curtis voted on, passed 3-0. 6:20pm

Others in attendance included, but not limited to: City Attorney Harding, Police Chief Fenoughty, City Clerk Wade, and Codes Officer Allison Fox.

OPEN SESSION RESUMED AT 6:30pm

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

Report from 11-16-2020 to 12-02-2020

Committee Discussions:

Water and Gas:

- Continued clearing lot for pre-sediment pond.
- Midwest Engineering Group thought survey would start this week.
- Worked on price quote with USDI to move a gas main for the upcoming KDOT CCLIP project scheduled for this January.
- All work has been completed on the house that USD 362 built. The new home now has Water, Sewer and Gas service.

Sewer:

- Two lift station pumps are not working at this time. The City's spare pump is currently installed in the Industrial Park lift station. A pump in the City Park Lift station needs to be replaced. PWS Nasalroad expressed his frustrations with the current vendor we are using for pumps and their lack of communication and slow pace for completion of repairs. PWS Nasalroad has reached out to some other companies and is going to have a new vendor handle the pump repair for the City Park Lift station pump.

Purchase Order #2020-1 for a Mini-Excavator:

- PWS presented a Quote for a 2021 Sany SY35-CAB Excavator. A demo unit was brought down yesterday for the Public Works crew to test. PWS Nasalroad researched several different brands of units comparing pricing, components and warranty periods. The Sany Unit has a 5-year warranty compared to other brands which had only a 1-year warranty period. Council Member Thies inquired about the teeth on the bucket being removable in order to have a smooth bucket for digging near pipes and about the boom. PWS Nasalroad explained some options for the buckets and indicated the boom was offset on this unit which allowed better vision from the cab. Council Member Thies and Curtis inquired about a trailer. PWS Nasalroad said a trailer would need to be purchased because the unit is too heavy for the trailer the City currently owns. PWS Nasalroad said the price was in the middle to low range for excavators.

REPORTS OF CITY OFFICERS CONT:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD –

Council Member Mitzner inquired about which fund would be used to purchase the unit and CC Wade indicated the funds would come out of the GAS Utility.

❖ **Motion**

Council Member Mitzner motioned to approve the purchase order for the 2021 Sany SY35-CAB Excavator with an 18" Bucket and 12" bucket in the amount of \$35,000. Motion seconded by Council Member Thies, voted on, passed 3-0.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

- Christmas Sharing Tree Project has started. If wanting to adopt a family contact Kylee Capp, Beth Smith or Dan Nasalroad.
- Fire Truck is being prepped for the Christmas on Broadway event this Sunday.

CITY CLERK – JODI WADE

Report from 11/4/2020 – 12/2/2020

- Added revisions to draft of Article 22.
- Emailed a draft copy of the Cemetery regulations to committee and Attorney for review.
- Set up 2021 Budget in Simple City.
- Reviewed Fund transfers for 2020.
- Follow-up with Attorney regarding the LVL Water purchase agreement
- Interviewed and handled new employee paperwork for Allison Fox.
- Reviewed all Boards and Commission member terms.
- Renewed Government Agency registration for pesticide certification.
- Researched Virtual meeting set-up options for City Hall/Community Building.
- Completed Pay Application 1 for CDBG-CV Grant.
- Completed paperwork for Linn County Sidewalk Grant.
- Reached out to Electricians for quotes for Electric Box replacement for Christmas Lights.
- Researched meeting minutes for Christmas light storage information.
- Completed Blue Cross and Blue Shield health insurance renewal.
- Working with Kevin Cowan (Gilmore & Bell) and Pat Foreman (Labbette Bank) on paperwork for temporary financing for Design services for the sewer project.
- Preparing Calendars and Gift Cards (?) for Employee Holiday gifts.
- SURVIVED COVID-19 10-day quarantine period!!

Meetings/Trainings Attended virtually:

- League of Municipality Weekly Conference Call
- KPERS Delegate virtual training.
- Chamber of Commerce meeting.

Overtime Hours for City Hall for the last pay period: 0 hours (Jodi)
14.50 hours (CCMFOA Training) (Connie)

PURCHASE ORDER FOR A SAMSUNG S5E TABLE PLUS DEFENDER CASE (\$30.79/MTH) + VERIZON SERVICE LINE (\$40.01/MTH)

CC Wade recommended the purchase of the Samsung S5E tablet to be used as a KIOSK for times when virtual meeting needs to occur and a council member or patron does not have access to the internet. The City already has service through Verizon and we would just add another line. Having

REPORTS OF CITY OFFICERS CONT:

CITY CLERK – JODI WADE

the data capability allows it to be used in the Community building or at a Council members home which does not have internet service.

❖ **Motion**

Council Member Mitzner motioned to approve the purchase of a Samsung S5E tablet and defender case in the amount of \$447.48 plus the additional line from Verizon for the amount of \$40.01/mth. Motion seconded by Council Member Thies, voted on, passed 3-0.

PURCHASE ORDER FOR ZOOM MEETING PRO SERVICE

CC Wade has reviewed the different types of virtual meeting services and found ZOOM to be the best option for the City. It is simple to use and has the necessary functions for our Council meetings. We are not sure if we will be faced with virtual meetings again but this would have us prepared.

❖ **Motion**

Council Member Mitzner motioned to approve the purchase order for ZOOM meeting pro at the amount of \$131.31/year. Motion seconded by Council Member Curtis, voted on, passed 3-0.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET –NONE

SEWER-NONE

PARK-

- Council Member Curtis reviewed the meeting minutes from the La Cygne Community Park Board regarding the Home Christmas Lights Contest. The La Cygne Community Park Board is sponsoring the contest which will consist of 3 categories (traditional, whimsical and theme) which will be judged and a prize awarded to the first, second and third place winners. Gift cards for businesses in La Cygne in the amount of \$50 for first, \$30 for second and \$20 for third will be issued. Deadline for entries is December 10th. Maps will be available December 16th for everyone to judge the houses in the contest and can be returned to the La Cygne Library. Votes are due by December 23rd. The winner will be announced December 28th.

CEMETERY –

- CC Wade will need to reschedule a meeting for the committee to review the draft for the Cemetery regulations.

PUBLIC SAFETY –

- Mayor Wilson asked if the committee/council had an opportunity to review the Animal Control Regulation/Code Draft. Council Member Thies discussed the addition of a Leash Law. Currently there is a section pertaining to Running at Large which does not specifically state the dog has to be on a leash. City Attorney Harding and Police Chief Fenoughty will review the running at large section.

COUNCIL COMMITTEE REPORTS CONT:

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING –NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

PLANNING & ZONING - NONE

SWANFEST COMMITTEE -NONE

LA CYGNE COMMUNITY PARK BOARD – DECEMBER UNAPPROVED MEETING MINUTES

- Susan Harper – term ends December 31,2020 and is interested in serving another term
- Tony Stallings – term ends December 31, 2020 and is interested in serving another term

❖ **Motion**

Council Member Curtis motioned to appoint Susan Harper and Tony Stallings to the La Cygne Community Park Board for another term. Motion seconded by Council Member Thies, voted on, passed 3-0.

LA HARPER HEIGHTS HOUSING AUTHORITY -

- Gerald Stanley – term ends December 31,2020 and is interested in serving another term
- Kelly Haupt – term ends December 31, 2020 and is interested in serving another term
- Paul Kana – term ended in December 31,2019 the Council has not made a motion to renew his term.

❖ **Motion**

Council Member Curtis motioned to appoint Gerald Stanley, Kelly Haupt and Paul Kana to the La Harper Heights Housing Authority Board for another term. Motion seconded by Council Member Mitzner, voted on, passed 3-0.

UNFINISHED BUSINESS:

STREET COMMITTEE FOLLOW UP REGARDING THE WATER POOLING ON THE CORNER OF BROADWAY AND CHESTNUT STREET.

Council Member Mitzner reviewed the area during the last rain event which was a lighter rain. Council Member Mitzner looked up information pertaining to the addition to the La Cygne Library. The total square footage of 8900 was added on to the existing building, therefore 8900 square feet of green space was lost. During a 1" rain event that size of hard surface can produce approximately 5,518 gallons of water run-off. Council Member Mitzner felt it was important for the Friends of the Library to reach out to the General Contractor and Engineer for the new addition project to review the specs regarding stormwater run-off. Most projects only have a 1-year warranty period and this should be reviewed before the period ends. Council Member Curtis continued to stress the point the water had already been pooling some in the area prior to the construction. Council Member Mitzner emphasized the importance to NOT spend money trying to fix one problem and possibly create another. Council Member Mitzner reminded the Council the City would be conducting a Storm water survey in the Fall of 2021 which would help determine where water should be pushed. Mayor Wilson asked if there was a recommendation from the committee at this time. Council Member Mitzner indicated he would meet with Council Member Thies to determine their recommendation.

UNFINISHED BUSINESS CONTINUED:

DRAFT REVISION OF ARTICLE 22, SECTION 22-3.

The Council reviewed the revisions to the draft which were suggested at the prior Council meeting. City Attorney Harding suggested to change the words "durable materials" to concrete or asphalt in section 22-302(c) and to remove "shall be constructed from materials such as concrete or asphalt in order to protect the edge of the paved street and to provide long service life relatively free from routine maintenance".

City Attorney Harding also reviewed Section 22-201 asking the Council if their intention was to include "change in ownership of the business" as a reason for applicability of this article. The Council did state it was their intention for this article to be applicable if the business should change ownership.

CC Wade will make the adjustments to the Article and have it prepared in Ordinance form for the next Council meeting.

EMERGENCY SEWER LINE REPAIR UNDER THE RAILROAD TRACKS TO THE WEST OF INDUSTRIAL PARK

Pay application 1 and Change order 1 have been received from Ron Weers Construction in the amount of \$33,708.00 (Original contract \$35,000 and CO 1 -\$1292.00). An invoice from Double Eagle Excavating for work performed on August 25 & 26, 2020 in the amount of \$8,800 was also received. CC Wade spoke to Ryan Weers regarding some final grading work which was included on the Double Eagle Excavating invoice which should have been included in Ron Weers Construction Contract. Ryan Weers advised CC Wade to remove \$1,000 from the Double Eagle Excavating invoice and he will take care of that on his end. This brings the totals for both pay apps/invoice to be \$33,708 and \$7,800 respectfully.

❖ **Motion**

Council Member Mitzner motioned to approve Pay application 1 from Ron Weers Construction in the amount of \$33,708. Motion seconded by Council Member Curtis, voted on, passed 3-0.

❖ **Motion**

Council Member Curtis motioned to approve the invoice from Double Eagle Excavation in the amount of \$7,800. Motion seconded by Council Member Mitzner, voted on, passed 3-0.

NEW BUSINESS:

10 X 12 STORAGE SHED TO STORE CHRISTMAS POLE LIGHTS, THAYER PARK DECORATIONS AND BROADWAY CHRISTMAS DECORATIONS

Discussion was held regarding where items had been stored in the past which included the Historical Society building and by Josh Baldwin with Dreamscapes. CC Wade asked the Council to consider possible ideas for storage. CC Wade stated several items have been purchased over the years or donated by patrons for decorations and the city needs to have a common location to store those items so they won't get destroyed or lost. Council Member Thies suggested building a lean-to starting from the Cemetery shed and going to the West to create a storage unit and some open bays

NEW BUSINESS CONT:

10 X 12 STORAGE SHED TO STORE CHRISTMAS POLE LIGHTS, THAYER PARK DECORATIONS AND BROADWAY CHRISTMAS DECORATIONS

for mini-ex, backhoe and dump truck. CC Wade will continue to research ideas and cost. Currently the Pole light decorations are in the Rock House building in the La Cygne Community Park.

2020 SIDEWALK GRANT FOR REPAIR PROGRAM FOR COMMERCIAL AREA OF THE CITY

CC Wade reviewed the matching grant received from Linn County in the amount of \$2500. Peoples Telecommunications submitted an application requesting grant dollars for a recent repair of the sidewalk in front of their building. Total cost for their repair was \$8,547.

The Council confirmed if the work had been completed. CC Wade confirmed the works was complete. No other applications have been received for the year of 2020.

❖ **Motion**

Council Member Mitzner motioned to award \$5,000 to Peoples Telecommunications for the sidewalk repair performed. Motion seconded by Council Member Thisis, voted on, passed 2-0. (Abstain: Council Member Curtis due to conflict of interest)

GIFT CARDS FOR CITY EMPLOYEE AND BOARD MEMBERS HOLIDAY GIFTS

Does the Council want to give Gift Cards in the amount of \$20 from local restaurants and Calendars for City Employees/Attorney/Judge/Fireman/Board Members (Planning & Zoning Commission and La Cygne Community Park Board) for Holiday gift?

❖ **Motion**

Council Member Mitzner motioned to approve the purchase of \$20 Gift Cards and Calendars for the City Employees/Attorney/Judge/Firemen/Board Members. Motion seconded by Council Member Thisis, voted on, passed 3-0.

REPLACE SONICWALL FIREWALL FOR THE CITY SERVER

Replace SonicWall Firewall for the City Server \$1323.00. The firewall has aged out and not sure if update would be compatible with new equipment. Need to replace the firewall. 1-2 hour shut down. The quote includes a 2-year additional advanced gateway service which blocks even more malware.

❖ **Motion**

Council Member Mitzner motioned to approve the quote from Advantage computers in the amount of \$1323 to replace the SonicWall Firewall for the City Server. Motion seconded by Council Member Curtis, voted on, passed 3-0.

INTERNET SERVICE FOR THE COMMUNITY BUILDING

CC Wade reached out to Peoples Telecommunications to confirm if Wi-Fi service was available in the La Cygne Community Building. The cost for 100mb would range from \$148 to \$150/month plus a one-time cost of \$135 to install the router. Discussion was held regarding the necessity for internet service in the building. CC Wade advised the Council the city is capable to do a virtual meeting from the City Hall. The reason for researching the service for the Community Building was for the purpose

NEW BUSINESS CONT:

INTERNET SERVICE FOR THE COMMUNITY BUILDING CONTINUED:

of government in-person meetings continuing to be held in the Community building throughout 2021 and the necessity for using laptops/projector in the building. The City will wait to see how things go in the first part of 2021.

ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT, AND CONSENT TO ASSIGNMENT

Midwest Connections desires to assign the telecommunications tower site lease agreement to JMZ Corporation. This item was handled under City Attorney Reports.

EXECUTIVE SESSION:

NONE

OTHER BUSINESS:

None

NOTES AND COMMUNICATIONS TO COUNCIL:

None

ADJOURNMENT:

❖ **Motion**

Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 3-0. Time 8:15pm.

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 2nd day of December, 2020.