

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 1 of 9 Pages

February 1, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 1, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Jerome Mitzner; Keith Stoker; and Danny Curtis.

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; Linn County Newspaper Tony Furse; and Linn County Journal Roger Simms; Randy Harwick; Leon and Pearl Callahan; John and Cheryl Holman; Teresa Anaya; Darian Mendell; Jolene Stuchlik; Clariece Blevins; David and Sammy Moll; and Tina Medina.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Thank you to the representatives from the federal, state, county and local agencies for providing the opportunity to review the Floodplain Mapping with our community members at the Open House on January 25, 2023.

b] The City Newsletter will be coming out the end of February or first part of March. This edition will have relevant information of upcoming events in our community, city financial review and infrastructure project updates.

c] The City will begin posting a video series during the month of February and March exploring the City of La Cygne from the perspective of the city government. Be sure to tune in and follow along!

d] The city council will begin working on the 2024 Budget next month. We will initiate with updating the Capital Improvement and Equipment Reserve master plans.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of January 18, 2023 City Council Meeting;
Check Register: January 19, 2023 – February 1, 2023

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

DISCUSSION FROM THE FLOOR:

Cheryl Holman addressed the city council about a codes letter she had received regarding the INOP vehicle located in her driveway. Cheryl asked questions regarding the procedures for addressing codes. Cheryl pointed out other INOP vehicles located in her neighborhood area. Chief Fenoughty

DISCUSSION FROM THE FLOOR:

addressed the questions Cheryl Holman had about the procedures for codes and indicated that over 39 letter had been mailed out in the past two weeks regarding INOP vehicles.

Council Member Curtis indicated he knew some of the individuals attending the meeting were concerned about the draft RV application and permit process being considered by the council. Council Member Curtis invited the audience to present their concerns.

Randy Hardwick, Clariiece Blevins, Leon and Pearl Callahan expressed their concerns about the cost for the permit, about letting individuals stay in their camper for a temporary period and where they can park the RV on their property.

Council Member Brenneman indicated the Codes of the City of La Cygne needed to be reviewed regarding the regulations pertaining to recreational vehicle storage.

Mayor Wilson briefly explained the draft being reviewed by the council which included the policies which have already been in place for the past several years. She explained the recent review the council has been performing regarding the articles found in the zoning regulations and within the Codes of the City of La Cygne. She indicated it is a slow process to work through but the council is diligently working through one article at a time.

Mayor Wilson let the patrons know the review of the draft is included on the agenda for the meeting tonight and they were welcome to stay to listen to the discussion. Mayor Wilson thanked the patrons for attending the meeting and bringing forth their concerns.

The patrons in attendance thanked Council Member Brenneman and Council Member Curtis for bringing attention to the council to review the Codes of the City of La Cygne regarding storage of recreational vehicles.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

- Things have been slow, only a few emails with City Clerk Wade.
- Council Member Brenneman asked City Attorney Harding if a recommendation was made to change a job position from part-time to a full-time position should the council make a motion to approve. City Attorney stated a council can make a motion to establish the change in position.
- Council Member Brenneman asked City Attorney Harding about the process for contacting all city council members if the mayor calls a special meeting of the council. City Attorney Harding indicated the clerk is to make an attempt to contact all council members, the newspaper and patrons by the means available to notify them of the place, time and date of the meeting.

POLICE CHIEF – TINA FENOUGHTY :

Business as usual. Officer LeSturgeon will be out of the office next week for training. Chief Fenoughty is checking in on the Academy class schedule for Achilles Ferrell. Chief Fenoughty has not found any vehicles to date.

CODES OFFICER – ALLISON FOX:

Report from 1/04/2023 – 01/18/2023

Code Letters:

- | | | | | |
|--------------|-----------|-----------------------|----------|---------|
| • Nuisance | Corrected | (6) Still in Progress | Citation | (7) New |
| • INOP | Corrected | (2) Still in Progress | Citation | (9) New |
| • GRASS/WEED | | | | |

REPORTS OF CITY OFFICERS:

CODES OFFICER – ALLISON FOX:

- WORK ORDER

Codes Court Cases: 13 currently

Permits:

- **310 N. 4th Street** – Building Permit – Letter signed. Waiting for survey

Projects:

- Broadway Trailer Park – Spoke to the owner on 1/25/2023. The last two trailers will be demoed on site by April 2023. I advised him that we needed to have a meeting after the demolition was complete to discuss the process going forward. I also mentioned that when the north park was complete with the demolition, I would be starting on the south park.
- Working on a few sections of the codes book that need to be changed.
- CUP Complaint was received. Will be working with the owners of the business to get the issue taken care of.
- Created a new application for “Temporary Uses” as the P&Z book already states that a permit is required.
- Attended two cases at District Court.
- Attended a Codes Enforcement Training online.

Codes Officer Fox addressed the council regarding the draft application for permits. The first permit pertained to In-home daycare.

The second draft application pertained to recreational vehicle storage. Codes Officer Fox revised the draft by listing all of the article sections, Kansas Statutes and codes sections under each regulation listed on the draft to show where they could be found in the books.

Council Member Curtis indicated he drove around town and counted an approximate total of 35 RVs parked in town. He expressed his concern of punishing everyone for the actions of a few people. Council Member Brenneman expressed his concerns regarding charging a fee for the permit. Council Member Capp asked Codes Officer Fox how having a permit would help with enforcing the rules and regulations which are already in place. Codes Officer Fox indicated there wasn't anything in the codes at this time to help enforce the rules. Council Member Capp stated the fee for the permit would help cover some of the administrative costs.

Pearl Callahan, a patron attending the meeting, asked who created the codes book. Mayor Wilson explained the codes had been created by city council members throughout the history of the city. Ordinances are approved by the council and implemented and upheld by the city employees.

Council Member Mitzner addressed the council members if they supported keeping the codes book and upholding what was in the book. Council Member Stoker stated the city needed to continue to follow what was in the book but it was also important for the council to review the codes for possible modification or updating. Council Member Curtis stated he wanted to go through the codes regarding standards for Recreational vehicles but in the meantime the book must be followed.

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX:

❖ **Motion**

Council Member Curtis motioned to review the codes book for the process of recreational vehicle storage. Motion seconded by Council Member Mitzner voted on, passed 5-0.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

Purchase order No. 2023-2 and 2023-3. PWS Nasalroad reviewed Purchase Order No. 2023-2 regarding a new pump for the water treatment plant and to rebuild three (3) pumps with larger impellers for the water treatment plant. The new pump would be a cast iron stainless steel fitted pump instead of a stainless steel one. The pump which will be removed and the other two redundant pumps will be rebuilt with larger impellers. The total cost for the new pump and the rebuild kits would be \$43,000 which included shipping and travel. If any minor repairs are found during the rebuild the city will be contacted prior to repairs being performed.

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2023-2 in the amount of \$43,000 for (1) new pump and (3) rebuild kits plus the addition of a larger impeller. Motion seconded by Council Member Stoker voted on, passed 5-0.

PWS Nasalroad reviewed Purchase Order No. 2023-3 for chain link fence around the new settling pond at the water plant. The fence would begin at the north end of the water plant and travel to the north within about 10' of the north property line. It would then continue to the west towards the creek bank. This would enclose the new settling pond as a safety precaution.

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2023-3 in the amount up to \$37,000 for Chain link fencing around the settling ponds at the Water Treatment Plant. Motion seconded by Council Member Mitzner voted on, passed 5-0.

Committee Discussions

Water and Gas:

- Old pond nearing completion. Did a walk through with Trenton, Midwest Engineering, and they will be preparing a punch list.
- Carbon Feeder for the water plant. The Linn County Commissioners declined the city's ARPA fund application request.
- KRWA has been here working on our water loss.

Street:

- Access Aprons(?)
- Would like to extend 8th Street Court out to Lincoln Street;
- Backhoe is back.

Sewer:

- Nowak Construction and subs are rehabilitating man holes;
- Relining is about 99% complete;
- The sewer project has multiple crews working and there is going to be some inconvenience so please check the city webpage and Facebook for schedule.

REPORTS OF CITY OFFICERS CONTINUED:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

Park:

- Need to look for a mower for next year;
- Decorations have been removed and stored;

Cemetery:

- Concrete for menu board should be completed in the next few weeks depending on the weather.
- Have 2 trees that need to be removed.

Community Building:

- Replaced the hot water heater.

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for the preliminary discussion of the acquisition of real property and to return to the council table at 8:08pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:58pm

Others in attendance: PWS Nasalroad and CC Wade

OPEN SESSION RESUMED AT 8:08pm:

FIRE CHIEF – DAN NASALROAD :

- New Fire Station should go to bid in February 2023;
- History Lesson for a later meeting.

CITY CLERK – JODI WADE:

Report for January 2023

- KDOT CCLIP call for projects for fiscal years 2025/2026 application opening;
 - KS DEPT of Wildlife and Parks LWCF Grant Application due September 15, 2023;
 - Continued work on Water Reports and Rates;
 - Completed and submitted Water Annual Report 2022;
 - Attended 1st Housing Committee meeting for Linn County;
 - Reviewed phone service and costs. Watched a webinar on VoIP systems;
 - Attended Floodplain Open House on January 25, 2023;
 - Attended Sewer Project progress meeting;
 - Reviewed Gas utility rate codes;
 - Working on a video series for Facebook;
 - Attending CDBG workshop;
 - Restructuring pay scale for pool managers/assistant manager/lifeguards;
 - End of Year record retention review;
 - Researching cost for a shredding company to dispose of old records;
 - Research Minimum Housing Improvement programs;
 - Preparing records for Audit review.
-
- Facilitated 1st of the month meeting with city hall staff;

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

- Working on Water and Gas annual reports for 2022;
- Updating Emergency personnel badges for the City of La Cygne;
- Prepared a public City Budget flyer to go out with the newsletter every year;
- Continue to work on water rate reviews.

SPECIAL PROJECTS:

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

Starbuck Trucking has submitted for substantial completion of the settling pond improvement project. Trenton, MW Engineering Group, performed a walk-thru on Friday, January 26 with PWS Nasalroad. Punch list items, if any, will be submitted to Starbuck Trucking, LLC. Upon completion of punch list items, any necessary change orders will be reviewed and added or deducted from the contract price for the final billing.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Pay Application No. 8 from Nowak Construction in the amount of \$288,976.80 for the period of 12/21/2022 through 1/19/2023.

❖ **Motion**

Council Member Mitzner motioned to approve Pay Application No. 8 from Nowak Construction in the amount of \$288,976.80 for the period of 12/21/2022 through 1/19/2023. Motion seconded by Council Member Capp voted on, passed 5-0.

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

CFS Engineering, Payment Voucher in the amount of \$682.77 for the period of October 29, 2022 through December 30, 2022, Review of quantity and measurements.

❖ **Motion**

Council Member Capp motioned to approve to form the Payment Voucher from CFS Engineering for the amount of \$682.77 for the period of October 29, 2022 through December 30, 2022. Motion seconded by Council Member Stoker voted on, passed 5-0.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Fire Chief Nasalroad is reviewing the received construction specifications and drawings for review prior to advertising for bid.

WATER TREATMENT PLANT ANALYSIS:

No Updates at this time.

STORMWATER MASTER PLAN (BG CONSULTANTS):

CC Wade visiting with Abby Mills, BG Consultants, regarding the status of the stormwater survey. Abby Mills will attend the February 15, 2023 council meeting in person or via Zoom to present an update on the information gathered to date.

Record of the Proceedings of the Governing Body

REGULAR MEETING

Page 7 of 9 Pages

February 1, 2023

SPECIAL PROJECTS CONTINUED:

602 N. 5TH STREET:

Estimated cost for platting the lot would be around \$4000. The city council would need to create a name for the subdivided plat. Abby Mills will be able to present to the council information pertaining to the waterflow for this section of the city at the council meeting on February 15, 2023.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER - NONE

PUBLIC SAFETY -NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -

Give information to Council Member Brenneman for the cemetery Information Board.

COMMUNITY BUILDING-NONE

PARK-

Council Member Stoker thanked PWS Nasalroad for fixing items in the park. Council Member Stoker asked PWS Nasalroad about the fence between the tennis courts and basketball courts. PWS Nasalroad indicated in was on the list to be repaired. Council Member Curtis thanked the previous board members for the plaque placed near the eagle by the flag pole honoring the service provided by Bill Ross for the years he was the park maintenance person.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE -

PLANNING & ZONING COMMISSION (PZC)-

Draft Comprehensive plan. What is the opinion of the council of the draft. Is the council satisfied with the draft and ready for it be shared with the citizens of the community for review? Council Member Brenneman asked if he could get a printed copy of the draft. Council Member Mitzner stated he was satisfied with the draft being presented to the citizens for review. The rest of the council advised CC Wade to proceed with introducing the draft to the citizens.

OTHER BUSINESS:

KMGA PREPAY GAS SUPPLY PROJECT

CC Wade presented a spreadsheet showing the division of the volume of gas in the winter months and the summer months to meet the total annual supply the council determined to dedicate to the prepay project. An example showed what a .33 cent savings would provide for an annual amount of 20,000 MMBTU of gas.

RECESS:

❖ Motion

Council Member Mitzner motioned for a 3-minute recess for the City Attorney to meet with City Clerk Wade and to return to the council table at 8:40pm. Motion seconded by Council Member Capp voted on, passed 5-0. 8:37pm

OPEN SESSION RESUMED AT 8:40pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 20-minutes for discussion of data relating to trade secrets of partnerships of the city with a non-profit organization and to return to the council table at 9:02pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 8:42pm

Others in attendance: City Attorney Harding, CC Wade, David and Samantha Moll, Jolene Stuchlik, Darian Mendell, and Tina Medina.

OPEN SESSION RESUMED AT 9:02pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 28-minutes for discussion of data relating to trade secrets of partnerships of the city with a non-profit organization and to return to the council table at 9:30pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 9:02pm

Others in attendance: City Attorney Harding, CC Wade, David and Samantha Moll, Jolene Stuchlik, Darian Mendell, and Tina Medina.

OPEN SESSION RESUMED AT 9:30pm:

UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ATV/UTV REGULATIONS

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

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

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 9 of 9 Pages

February 1, 2023

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:32p.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 1st day of February, 2023.