

Record of the Proceedings of the Governing Body
REGULAR MEETING

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February 2, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 2, 2022 at the La Cygne Community Building. Council Members present were: Keith Stoker; Thomas Capp; David Brenneman; and Jerome Mitzner. Absent: 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; City Attorney Burton Harding (via Zoom link); Linn County News Tony Furse (via Zoom link) John Covey, PEC Engineers (via Zoom link), Bill Nager, Bartlett and West (via Zoom link); and Paul Owings, BG Consultants (via Zoom link).

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

The City of La Cygne has a couple of infrastructure projects taking place in 2022. The KDOT CCLIP project at the intersection of KS Hwy 152 and Industrial Blvd. is anticipated to start in March 2022. The city is asking all community members to be patient as the work is performed at this intersection. We suggest patrons to enter and exit the City of La Cygne on either East 2250 Road or East 2275 Road during construction in order to provide safety for the workers and for the truck traffic taking place during the project.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of January 19, 2022 City Council Meeting;
Check Register: January 20 – February 2, 2022;

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)

On January 26, 2022, PWS Nasalroad and CC Wade met with Trenton Morris, Midwest Engineering Group and Kevin Starbuck, Starbuck Trucking, to review the progress to date on the water settling ponds. PWS Nasalroad reviewed some concerns regarding the size of the pipe shown on

SPECIAL PROJECTS CONTINUED:

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

the plans for the connection from the river pumps to the settling ponds showed 12" but the actual pipe is 8". The contractor will purchase some reducers in order to use the 12" pipe and valves that were already purchased. The engineer and contractor are working on redesigning the piping coming out of the pond to the water plant. PWS Nasalroad pointed out to the engineer and contractor his concerns with the outtake on the new settling pond being too high. The engineer will need to determine the correction, the contractor installed it per the plans.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

CC Wade spoke with Paul Owings and Abby Mills with BG Consultants regarding the advertising to bid for the sewer rehabilitation project. Mike Billings with USDA has given us permission to proceed with Authorization to Advertise to Bid. Advertisement will be sent out the first part of February. The pre-bid meeting is scheduled for February 23, 2022 at 10am. Bids will be received and opened on March 9, 2022 at 10am. Bids will be reviewed and then awarded on March 16, 2022.

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

PWS Nasalroad and CC Wade will be meeting with Killough Construction, KDOT and CFS Engineering on Thursday, February 17, 2022. Time will be announced.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

CC Wade and PWS Nasalroad are working on the narratives. CC Wade has reached out to SEKRPC to review the narratives prior to submission of the application.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

Final rule was released by the Treasury. There was a change to the replacing lost public sector revenue. It was changed to a standard allowance for revenue loss or complete a full revenue loss calculator. If the amount of ARPA received is under \$10 million dollars the city can elect to apply it under the standard allowance for revenue loss. This category is considered a "standard allowance" and you don't have to use a revenue loss calculator to "justify" the actual revenue loss amount. The allowable activities under this category are broader and require less paperwork. The allowable activities must be provisions of government services or "public purpose". The first filing date for the annual report is April 30, 2022. CC Jodi Wade recommend the City Council make a motion to opt in early for the standard allowance for revenue loss of up to \$10 million. Things can change quickly with the Treasury department. The final rule comes in to affect April 1, 2022. The first report is for activity up to March 31, 2022 which is currently just the receipt of the first tranche of funds. Under the revenue loss category, the city does not have to do Davis-Bacon wage reporting. The estimated timing of the second tranche is May 10, 2022. The Treasury also broadened the water and sewer category by adding additional eligible uses including a broader range of lead remediation and stormwater management projects.

❖ **Motion**

Council Member Capp motioned to opt in early to elect to apply the City of La Cygne \$170, 769.66 ARPA funding under the standard allowance for revenue loss for ARPA funding received under \$10 million dollars. Motion seconded by Council Member Stoker voted on, passed 4-0.

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REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING: NONE

POLICE CHIEF – TINA FENOUGHTY :

Chief Fenoughty thanked Officer Fox for handling the department while she was out. Calls were down this past month due to COVID being so prevalent in the community and under the advice of Sheriff Friend the department leaned on the side of caution.

11- Traffic Stops Conducted

Citations issued since last meeting - 5

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

Calls for Service / Reports – 01/20/22 thru 02/01/22

Animal Complaint – 0	Traffic Complaints - 0
Assist Outside Agency – 1	Civil Stand-by – 1
Building Check – 3	Citizen Assist CFS / contact - 11
Fingerprints – 1	Juvenile Incident – 1
Check Welfare – 3	Federal Record Checks– 0
Follow Up – 5	Theft - 1
Suspicious Activity – 1	Vehicle Lockout – 1
Disturbance – 3	Drug Case- 0
Assault LEO – 0	Criminal Damage – 0
Non-Injury Accident – 0	Pedestrian Check – 1
Disorderly Conduct – 0	Warrant Attempt - 0
Felony Warrant – 2	Misdemeanor Warrant - 1

VIN Inspections- 4 completed

CODES ENFORCMET – ALLISON FOX:

Officer Fox has been maintaining the Police Department so the work on codes/nuisance has been a little slower. Officer Fox currently has (6) inops and (1) nuisance on the spreadsheet and (8) nuisance letters to mail out. Officer Fox asked the Council about how they would like for her to handle construction projects at homes which do not require a building permit since they are not changing the shape or the footprint of the existing home (e.g. foundation work, service line repairs) and have not been completed within a year's time due to lack of funds to complete the projects. There are three current house projects uncompleted which involve open trenches. Council Member Mitzner and Council Member Stoker (Public Safety Committee) expressed the safety concerns regarding open trenches and advised Officer Fox to reach out to the home owners to either fill in the hole/trench or install solid orange safety fencing around the hole/trench. Council Member Mitzner advised Officer Fox to develop a documentation trail of letters and contact with the patrons explaining the problem and providing date proof of time-frame and requirements for the patrons to complete.

REPORTS OF CITY OFFICERS CONTINUED:

CODES ENFORCMENT – ALLISON FOX:

Officer Fox also reached out to the City Council regarding the inspection of mobile home parks for annual licensing. Discussion was held regarding the current codes and regulations. Officer Fox has prepared an inspection form based on what is currently listed in the codes book to be used during the annual licensing inspection. Officer Fox read some requirements listed in the codes regarding concrete pads and asphalt roads/driveways and asked the Council if the parks will be required to meet the current codes as listed in the codes book. The Council would like to have a workshop to review what is listed in the City Codes book prior to performing the annual licensing for the mobile home parks.

Officer Fox reported on 402 S. Broadway. The owner responded to a phone call from Officer Fox regarding condemnation of the home. The owner would like to attend a City Council meeting to address the Council about the home. Council Member Capp responded he was OK waiting until the next Council meeting but did not want to wait any longer than that to continue forward with the required letter and process for condemnation.

PUBLIC WORKS DEPARTMENT – PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD: NONE

Mayor Wilson and the Council thanked the Public Works Department for getting the roads cleared during this weeks' snow event. They appreciate the hard work put in to keep the roads safe.

CITY CLERK – JODI WADE:

Report from 1/19/2022 – 2/02/2022

City Clerk

- Set up new filing cabinets for a Planning & Zoning section, codes section, cemetery section and nuisance section.
- Met with Mr. Electric regarding the lighting in the City Hall and potential lighting for Thayer Park.
- Attended a Zoom meeting for ARPA funds.
- Attended the Park Board meeting to review financials and budgeting.
- Participated in the construction meeting with Midwest Engineering Group and Starbuck Trucking regarding the water settling ponds.
- Attended the Planning & Zoning meeting.
- Completed the League of Municipality payroll survey.
- Completed the annual boundary survey for the Census.
- Completed the annual Workers Comp audit.
- W-2s and 1099s were completed, filed and mailed to employees.
- Completed the annual financial report.
- Prepared files for annual audit and scheduled audit for the last week in March 2022.
- Worked on draft letters for the KDOT CCLIP project and the sewer rehabilitation project.
- Submitted documents to survey company for a quote to complete the city boundary revision for the annexation of 713 Industrial Park Dr.
- Worked on the draft resolution for Covid sick leave.
- Completed the annual gas and water reports and filed.
- Working on preparations for the upcoming annual gas inspection on February 8-10.

Overtime Hours for City Hall for the last pay period: 12.25

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER/COURT CLERK – CONNIE GORE:

1/19/2022- 2/2/2022

Utilities

Monthly items completed: Meter readings enter and billing cycle completed. Bills printed, sorted and mailed.

January 2022 sales tax filed

January sewer report completed

Other:

Completed annual gas report for Jodi to file.

Court

Monthly Court items completed: Reviewed docket, mailed continuance letters as court was canceled in January.

Other:

Updated two returned codes books.

Worked on cemetery information for programmers on new module.

Started cleanup of records on Oak Lawn Cemetery.

Started entering the 4-digit zip codes into the utility module. (Recommended by post office)

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET –

Stormwater Master Plan RFQs were received. Request for Qualifications (RFQs) were received from the following companies:

Bartlett and West, Overland Park, KS

BG Consultants, Lawrence, KS

PEC (Professional Engineering Consultants), Lawrence, KS

McAfee Henderson Solutions, Lenexa, KS

❖ **Motion**

Council Member Mitzner motioned for a recess for Council Member Mitzner and Council Member Capp (Stormwater Review Committee) to meet regarding the RFQs received and will return to the Council table at 6:45 p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 6:35 p.m.

OPEN SESSION RESUMED AT 6:45pm:

CC Wade read aloud the Stormwater Committees' Review of the Request for Qualifications. The following results were announced:

1. BG Consultants with a fee amount of \$55,000;
2. Professional Engineering Consultants with a fee amount of \$65,000 + \$3,100 reimbursables;
3. Bartlett & West with a fee amount of \$55,000-\$75,000;
4. McAfee Henderson Solutions with a fee amount of \$119,000 + \$2,062 reimbursables.

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COUNCIL COMMITTEE REPORTS CONTINUED:

STREET –

❖ Motion

Council Member Capp motioned to call a Special Meeting on February 16, 2022 at 5:00pm for the purpose to interview BG Consultants and Professional Engineering Consultants. Motion seconded by Council Member Stoker voted on, passed 4-0.

SEWER-NONE

PUBLIC SAFETY –

Guide for Homeowners, Landlords and Tenants (at the table). Utility Clerk Gore has also acquired a copy of the landlord license policy and program for Pleasanton, KS and Osawatomie, KS. The Council discussed putting together a workshop to begin the process of working on a program for the City of La Cygne. Mayor Wilson reminded the Council Members who are landlords to be sure to recuse themselves when voting on matters regarding landlord policy since it would be a conflict of interest.

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY – NONE

PARK-NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

CHAMBER OF COMMERCE –NONE

PLANNING & ZONING COMMISSION (PZC) –

Completed review of community survey questions. Will be releasing the survey the second week of February and is looking at either March 22, 2022 or March 24, 2022 for the first community workshop for the Comprehensive Plan revision. The Commission was given the information regarding lot 602 N. 5th street and is researching information to create a recommendation.

UNFINISHED BUSINESS:

307 SWAN STREET – PROPERTY OWNED BY LINCOLN TOWNSHIP

Property owned by Lincoln Township. AMR has moved out of the building into the new location. Would the City of La Cygne have any interest in leasing the building from Lincoln Township?
(Tentative date of February 9 at 6pm to meet with Lincoln Township Trustee)

PWS Nasalroad did advise the Council if their intention with purchasing the building was for Public Works to have he was not interested in the building. The current floor plan of the building isn't practical for use by the Public Works, only the garage space is beneficial for storing equipment. PWS Nasalroad would like the Council to consider a simple annual agreement with Lincoln Township for the City to use the bay area for storage. Council Member Capp asked CC Wade to put together a simple lease.

INSTALLATION OF ELECTRICAL POWER AT THAYER PARK

Installation of an electrical pedestal in Thayer Park to provide power at the small shelter during Halloween and Christmas. CC Wade can get a quote from an electrician and Evergy regarding the installation of a pedestal and meter. The Chamber meeting was cancelled for January and will reconvene in February 2022. **(February 9 is the next Chamber meeting)**

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NEW BUSINESS:

RESOLUTION NO. ENABLING FEES ESTABLISHED BY THE CITY AND REFERENCED WITHIN THE CITY CODE OF THE CITY OF LA CYGNE, KS

Mayor Wilson reviewed the fees from 2021 and what the new fees would be for 2022 for Waste Management trash service for patrons in La Cygne.

❖ *Motion*

Council Member Mitzner motioned to approve Resolution No. 439 enabling fees established by the City and referenced within section 14-615 Charges for Collection & Disposal in the City Code of the City of La Cygne, Kansas. Motion seconded by Council Member Capp voted on, passed 4-0.

ORDINANCE NO. ADDING SECTION 11-201.1 BYLAWS OF THE LA CYGNE COMMUNITY PARK BOARD TO CHAPTER XI. PUBLIC PROPERTY, ARTICLE 2 OF THE CITY CODE OF THE CITY OF LA CYGNE, KANSAS

Discussion was held regarding the revisions to the Bylaws draft completed by CC Wade. The Park Board, by motion, recommended to approve the Bylaws of the La Cygne Community Park Board as presented at their meeting on January 25, 2022. Council Member Capp inquired about a section explaining the role of the Council Member assigned to the Park Board. CC Wade and Mayor Wilson indicated the role of the Council Member serving on the Park Board was to be a liaison keeping both groups informed. CC Wade expressed the importance for the Council Member to guide the Park Board through proper meeting procedures and to be sure they are following KORA/KOMA policy.

❖ *Motion*

Council Member Mitzner motioned to approve Ordinance No. 1499 adding section 11-201.1. Bylaws of the La Cygne Community Park Board to Chapter XI: Public Property, Article 2: Parks and Camping of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Brenneman voted on, passed 4-0.

CHAPTER XI. PUBLIC PROPERTY, ARTICLE 2, SECTIONS 11-202 THROUGH 11-210.

These sections need to be reviewed for conflict and updated with current rules and regulations for the Park. Council Member Capp asked CC Wade to give copies of the sections to the Park Board to begin working through and putting together a recommendation for the Council to review.

PURCHASE ORDER NO. 2022-2 IN THE AMOUNT OF \$36,125 FOR A USED 2020 CHEVY SILVERADO PICK-UP WITH 16,337 MILES AND WHITE IN COLOR.

PWS Nasalroad reminded the Council on the challenge of finding used trucks. At the time we purchased the other trucks we held off on replacing the one-ton. PWS Nasalroad had decided the one-ton didn't need to be replaced because it is only used for the snow-plow and hauling the mini-ex on the trailer. This truck would replace the last pick-up of the PWS Department fleet.

❖ *Motion*

Council Member Capp motioned to approve Purchase Order No. 2022-2 in the amount not to exceed \$36,500 for the 2020 Chevy Silverado truck with 16,337 miles on it with funds coming from the Gas Capital Outlay. Motion seconded by Council Member Stoker voted on, passed 4-0.

NEW BUSINESS CONTINUED:

PURCHASE ORDER NO. 2022-3 IN THE AMOUNT OF \$3,460 FOR THE FRONT DESK MODULE FOR GWORKS FINANCIAL SOFTWARE.

This module will allow the utility bills to be seen and paid online by the customer. It will also allow for ACH payments. Patrons who are signed up for Front Desk will be able to receive electronic notifications from the city.

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2022-3 in the amount of \$3,460 for the Front Desk Module for the gWorks Financial Software with funds coming from the General Fund Capital Outlay. Motion seconded by Council Member Stoker voted on, passed 4-0.

RESOLUTION NO. A RESOLUTION OF THE CITY OF LA CYGNE, LINN COUNTY, KANSAS REGARDING EMPLOYEE PAID LEAVE FOR COVID-19.

The Council held discussion regarding the current CDC regulations for positive tests, quarantine and mask requirements. The Council reviewed the city's sick leave policy monthly accrual amount of 8 hours/month and the maximum accrual amount of 1,440 hours. CC Wade expressed the challenges to draft a policy for all the variables that can affect if a person should or should not quarantine and/or receive COVID sick leave. Council Member Capp expressed his opinion to end the paid leave for COVID due to the amount of sick leave an employee can already accrue per the existing employee policy. Council Member Stoker discussed creating a "safety" policy which would be followed to help keep enough staff available to work while other staff members are following the current CDC guidelines if the test positive for COVID. Council Member Stoker indicated it would be similar to safety policy pertaining to PPE protection and safety guidelines when working around hazardous areas. Council Member Stoker indicated the policy would need to be given to all employees and posted in all departments. CC Wade will work on a draft. The resolution was not approved and the current resolution pertaining to Employee Paid Leave for COVID-19 will dissolve effective February 2, 2022.

ORDINANCE NO. AMENDING CHAPTER VIII, ARTICLE 1, OF THE CODE OF THE CITY OF LA CYGNE, KANSAS BY AMENDING SECTION 8-103 SETTING THE DATE AND TIME TO TRANSACT THE BUSINESS OF THE MUNICIPAL COURT. MUNICIPAL COURT WILL BE HELD ON THE 3RD TUESDAY OF EACH MONTH BEGINNING IN MARCH 2022 AT 6:00PM.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1500 amending section 8-103 of Chapter VII, Article 1 of the Code of the City of La Cygne by setting the date and time for Municipal Court to be held on the 3rd Tuesday of a each month beginning in March 2022 at 6:00pm at the Community Center. 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 for discussion with an attorney which would be deemed client-attorney privilege and will return to the Council table at 8:10 p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 8:00 p.m.

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

OPEN SESSION RESUMED AT 8:10pm:

OTHER BUSINESS:

Paper costs have increased from \$32/case up to \$48/case. Mayor Wilson asked the Council to be sure to hang on to packets which pertain to topics the committees are working on and bring them back and forth to meetings or leave them with CC Wade.

NOTES AND COMMUNICATIONS TO COUNCIL:

- A] Flyer from the League of Municipalities – The Value of Kansas Cities.
- B] KMGMA Member update as of January 31, 2022.

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 8:16 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 2nd day of February, 2022.