

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 3, 2021 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp (arrived 6:07pm); Jerome Mitzner; and Danny Curtis. Absent: Logan Smith.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; City Attorney Burton Harding; Public Works Superintendent (PWS) Dan Nasalroad; Linn County News Tony Furse; Emil Wilson; and Dennis Higgins.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- Resignation letter from Council Member Logan Smith effective January 25, 2021 stating he resigns from his seat with the La Cygne City Council due to his conflicting work schedule.

❖ **Motion**

Council Member Mitzner motioned to accept the letter of resignation from Logan Smith effective January 25, 2021. Motion seconded by Council Member Curtis, voted on, passed 3-0.

- Mayor Wilson thanked the City staff for the work they do. Mayor Wilson stated she feels the City is lucky to have each one of the staff whom work for the City, to include; Public Works, City Clerk, City Treasurer, Police Department, Fire Department, Compactor Operator, Cemetery caretaker, Codes officer and Office staff. We passed our one-year mark of working together and Mayor Wilson can clearly say she admires each one. They roll with the changes, emergencies and special circumstances which arise. We have very little absenteeism and our budget is not as huge as larger cities but the staff is here doing the work and usually with a smile! Thank you! Council Member Mitzner also expressed his appreciation for the City staff and the positive efforts they put in to their job day in and day out.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of January 20, 2021 City Council Meeting;
Check Register: January 21 – February 3, 2021;

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT

CC Wade was informed by Daniel Coltrane, MW Engineering Group, LLC, he would have some preliminary plans and costs in 2 weeks.

SEWER REHABILITATION PROJECT

The manhole survey crew from BG Consultants came to town on Wednesday, February 3, 2021 to complete their work. PWS Nasalroad indicated there were still two (2) manholes that have not been located. Mayor Wilson proceeded to ask about a determination regarding existing sewer taps for vacant lot and abandoned homes. PWS Nasalroad reviewed a list of vacant and abandoned homes. PWS Nasalroad reminded the Council the purpose of doing this sewer rehabilitation project is to eliminate the infiltration going in to the sewer system. Our system, after a heavy rainstorm, is taking in a lot of excess water. Council Member Mitzner reviewed a prior conversation about sending letters to owners of vacant lots and abandoned homes informing them the taps will not be replaced in the upcoming sewer rehabilitation project to avoid infiltration. CC Wade will work with City Attorney Harding to prepare a letter. Mayor Wilson also addressed people living in houses which have not applied for utilities (water/gas/sewer) but are utilizing the sewer system. CC Wade presented sections 7-706 (d)(k)(l) from Chapter VII of the City Codes book which indicates every dwelling unit should contain a bathing facility, kitchen sink and lavatory facility which shall be in good working condition with public water under pressure and connected to the public sewer system. PWS indicated these people are using the City sewer system and not being charged. Council Member Mitzner and City Attorney Harding both stated if codes pertaining to the importance of homes being connected to public water and sewer were developed years ago to protect the public health & welfare of the community then it is important for us to continue to enforce those codes. Discussion was held regarding all habitable homes with residents living in them being billed the minimum charge for sewer. CC Wade reminded the Council the recent sewer rate was modified to be a \$15 base (just to have a tap) and \$3.50/1,000 gallon of use, plus \$20 debt service fee. Council Member Mitzner concluded with having CC Wade draft letters to be sent out to the owners of vacant lots and abandoned homes regarding taps not being reinstalled and to proceed with the steps as indicated in the codes book for the four (4) homes which are not complying with codes as indicated.

STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL ROAD

Jason Hoskinson, BG Consultants, submitted the final drawings to KDOT on January 22, 2021 for review and preparation for bid letting. The schedule is still set with a bid letting date of June 2021.

NEW LA CYGNE FIRE STATION PROJECT

Fire Chief Nasalroad and Council Member Jerome Mitzner reviewed the floor plan submitted by Rick Zingre (Zingre Architects) and submitted some revisions back regarding the location of the mechanical room.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING

City Attorney Harding has been getting settled in to his new position as the new County Attorney. He did not have anything to report but did request a 10-min executive session.

❖ **Motion**

Council Member Capp 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 6:38pm. Motion seconded by Council Member Mitzner voted on, passed 4-0. 6:28pm

Others in attendance included, but not limited to: CC Wade

OPEN SESSION RESUMED AT 6:38pm:

CHIEF OF POLICE / CODES OFFICER

Chief Fenoughty was unable to attend the meeting this evening. Intern Codes Officer Allison Fox submitted an updated spreadsheet outlining the Code Nuisances that are being addressed and the timeline for expiration or abated. Chief Fenoughty had two (2) press releases available at the table for the Council, which included:

- (1) An event on 1/25/2021 regarding information received on a person who was manufacturing explosives at a home located in La Cygne. Several items were seized as evidence, and a person was arrested and booked for Criminal use of explosives, possession of firearm under the influence and Criminal use of weapons.
- (2) An event on 1/28/2021 regarding a suspicious vehicle and person at Casey's General Store located at 406 E. Market Street. The vehicle proceeded west bound on KS Hwy 152, the La Cygne Officer attempted to make a car stop on the vehicle and a car chase ensued. The pursuit continued through the City with felony charges and out into the County. The chase was terminated after about 15-minutes when visual sight of the vehicle was lost.

23 Traffic Stops Conducted

Citations issued since last meeting

Speed in School Zone	1	Stop Sign	1	Illegal Tag	2
Insurance	2	Suspended DL	2		

Calls for Service / Reports – 01/20/2021 thru 02/01/2021

Animal Complaint – 3	Felony Drug Arrest - 1
Civil Matter / Child Custody Standby – 1	Illegal Burn – 2
Citizen Assist CFS / contact – 12	Juvenile Incident – 1
Check Welfare – 1	Follow Up – 14
Suspicious Activity – 3	Pedestrian Check – 2
Suicidal Subject - 1	Ambulance - 1

New Business

-Request approval of 2 new ordinances for code book.

-Accrued Overtime for Department: Accrued overtime for last pay period = 30

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

Report from 1/21/2021 to 2/3/2021

Committee Discussions

Water and Gas:

- Should be seeing a preliminary draft of plans for the pre-sediment pond in the next few weeks.
- Gas leak repaired at Commercial and Broadway.
- Water plant inspection completed state report to follow.

Sewer:

- New lift station pump has been installed at the park lift station and spare pump installed in the industrial park lift station. We still have one pump out that is being rebuilt for the Industrial Park.
- Check valves at the Park Lift Station.
- Created a list of empty homes and vacant buildings to determine sewer connections for the upcoming project.

Mayor Wilson commented on seeing the mini-excavator in action.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

- Reviewed preliminary floor and site plan and forwarded a few changes. Next step should be a concept drawing and budget cost.

CITY CLERK – JODI WADE

Report from 1/21/2021 – 2/3/2021

City Clerk

- Reviewed Power Point slide presentation for Article 22 draft.
- Researched information regarding pay scale and evaluation procedures.
- Met with the engineer for the venue project located at 417 Grand Ave.
- Corresponded with BG Consultants regarding sewer project.
- Reviewed drawings for 713 Industrial Park Rd.
- Reviewed water files for state inspection on February 2, 2021.
- Updated the Emergency Water Plan for the City of La Cygne.
- Researched gas pipeline and rates.
- Researched highway maintenance agreement with KDOT and will be meeting with KDOT and County PW Supt on February 4, 2021.

Office Assistant

- Set up Zoom meeting and slideshow for Planning & Zoning.
- Completed W-2s and 1099s.
- Updated City website.
- Cleaned up Account Payable vendors regarding 1099 requirements.
- Reached out to public regarding Christmas light decorations.

Treasurer/Utility Clerk/Court Clerk

- 22.25 hours preparing for the Planning & Zoning workshop and upcoming public hearings.
- 6.75 hours on court for February docket review, citation entries, and working on court administrative orders for the new judge.

REPORTS OF CITY OFFICERS CONTINUED:

Treasurer/Utility Clerk/Court Clerk (continued)

- Completed entire billing cycle entries, reviews, printed bills and prepared for mailing.
- Reviewed the annual water report for City Clerk before it was filed.
- Completed the January sewer report.
- Working on the January sales tax.

Codes Officer/Planning & Zoning

- Researched regulations and codes for manufacture/processing facility.
- Began the process for a lot merge application.
- Reviewed the file for 602 N. 5th Street for condemnation.
- Patrolled the town for nuisance and codes issues.
- Followed up on nuisance letters that were sent out.
- Completed psychological test.
- Received notification of part-time status.
- KLETC training in April 2021.

Meetings/Trainings Attended virtually:

- KS Census 2020 representative follow up meeting.
- Street Committee meeting January 25, 2021.

Overtime Hours for City Hall for the last pay period: 9 hours Jodi
½ hour Connie

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- None

STREET -NONE

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) La Cygne Library parking area drainage. Council Member Mitzner stated the committee will wait until the Stormwater survey is performed.
- Mayor Wilson, PWS Nasalroad, and CC Wade will be meeting with KDOT area rep Donna Schmit and Linn County Public Works Superintendent Jackie Messer on February 4, 2021 to review the section of KS HWY 152 between Industrial and Robertson Road and the existing Service agreement.

SEWER-NONE

PARK-NONE

CEMETERY -

- (Postponed until January 2021) Chapter XI. Public property, Article 1. Cemetery regulations. No meeting scheduled to date.

COUNCIL COMMITTEE REPORTS CONTINUED:

PUBLIC SAFETY –

- Council Member Mitzner stated Chief Fenoughty kept him informed about the situations reported in the press releases addressed earlier in the meeting.

COMMUNITY BUILDING-

- None

EMPLOYEE RELATIONS & TRAINING –

- (Postponed until Spring 2021) - Ethics/Public Service Training.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

LA CYGNE COMMUNITY PARK BOARD –

Unapproved Park Board minutes from the January 26, 2021 meeting were reviewed.

PLANNING & ZONING COMMISSION (PZC) -

Unapproved Planning & Zoning minutes from the January 14, 2021 meeting were reviewed.

UNFINISHED BUSINESS:

PURCHASE ORDER 2021-2 CHRISTMAS POLE LIGHT DECORATIONS

Office Assistant Katie Russell posted the pictures on the City's Facebook page to get feedback from the community. The community showed favoritism to the snowflake and Christmas tree. Council Member Mitzner stated the community has certainly expressed concerns about the decorations not being put up the past 2 years.

❖ **Motion**

Council Member Mitzner motioned to approve the expenditure of up to \$13,000 from the General Street Commodities for (24) new pole light Christmas decorations. Motion seconded by Council Member Capp, voted on, passed 4-0.

ORDINANCE NO. AMENDING CHAPTER X – PUBLIC OFFENSES, ARTICLE 2, BY ADDING SECTION 10-203 PUBLIC INDECENCY AND 10-204 URINATION OR DEFECATION IN PUBLIC PROHIBITED.

CC Wade had performed the revisions requested by City Attorney Harding. CC Wade reviewed the concerns Council Member Thies had with the ordinance in which the Chief indicated the discretion would be left to the officer and it was better to keep the wording in for use when necessary. No further comments or concerns from the Council.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1483 amending chapter X – Public offenses, Article 2 by adding Public Indecency and Urination. Motion seconded by Council Member Capp, voted on, passed 4-0.

UNFINISHED BUSINESS CONTINUED:

CITY WIDE TRASH PICK-UP ON MAY 8, 2021. COST FOR WASTE MANAGEMENT SERVICES WOULD BE \$2,900 FOR TWO (2) TRUCKS TO COME THROUGH TOWN. FLYERS WILL BE POSTED WITH ITEMS WHICH CAN BE PICKED UP. CITY-WIDE GARAGE SALES WILL BE ADVERTISED FOR MAY 1, 2021.

Review of past years tonnage:

2019: 4.52 tons

2018: 7.25 tons

2017: 7.74 tons

2016: 8.27 tons

Discussion was held by Council. Members indicated if the City is working on codes nuisances then we should be offering a day to help with getting items out for those who can't haul them to the landfill.

❖ **Motion**

Council Member Capp motioned to approve Waste Management's quote of \$2,900 for two (2) trucks to come through town on May 8, 2021 for City Wide Trash pick-up day. Motion seconded by Council Member Curtis, voted on, passed 4-0.

ORDINANCE NO. ANNEXING LAND TO THE CITY OF LA CYGNE, KS – TABLED UNTIL FEBRUARY 17, 2021 MEETING.

RESOLUTION NO. 02-17 REGARDING MAINTENANCE OF STREETS WITHIN THE LINN COUNTY INDUSTRIAL PARK, LA CYGNE, KS. TABLED UNTIL FEBRUARY 17, 2021 MEETING.

RESOLUTION NO. A RESOLUTION REGARDING EMPLOYEE PAID LEAVE FOR SPECIFIED REASONS RELATED TO COVID-19.

CC Wade reviewed the resolution confirming the information mirrored what had been listed in the Families First Coronavirus Response Act (FFCRA) from the Dept of Labor. CC Wade also added the requirement for Third-party documentation validating specified reason related to Covid-19 as indicated by the City Council at the last meeting. Discussion was held on the effective date and ending date.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 426 regarding Employee paid leave for Covid-19 effective January 1, 2021 and in effect until June 1, 2021. Motion seconded by Council Member Thies, voted on, passed 4-0.

NEW BUSINESS:

RESOLUTION NO. A RESOLUTION ENABLING FEES PERTAINING TO SOLID WASTE SERVICES, PERMITS AND APPLICATION ESTABLISHED BY THE CITY AND REFERENCED WITHIN THE CODE OF THE CITY OF LA CYGNE, KANSAS.

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 427 pertaining to section 14-615 Charges for Collection & Disposal as presented. Motion seconded by Council Member Capp, voted on, passed 4-0.

NEW BUSINESS CONTINUED:

SITE ACCESS AGREEMENT BETWEEN ALLTELL D/B/A VERIZON WIRELESS AND THE CITY OF LA CYGNE, KS.

CC Wade explained the purpose of this agreement is to enter into a site access license governing the site investigations that may be conducted by Alltell Corporations (d/b/a Verizon Wireless) authorized agents, contractors, consultants and employees. Council Member Mitzner asked City Attorney Harding if he had reviewed the agreement and if he had any concerns. City Attorney Harding had reviewed the agreement and stated it was in standard form and had no concerns or issues.

❖ **Motion**

Council Member Capp motioned to approve for the Mayor to sign the site access agreement for Alltell Corporation d/b/a Verizon Wireless. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

PURCHASE ORDER 2021-4 FOR (2) 6" AWWA LEVER CHECK VALVES FOR THE CITY PARK LIFT STATION.

PWS Nasalroad advised the Council of the new pump installed at the city park lift station. Alliance Pump had indicated the existing check valves were not operating properly and with a new pump going in it would be best to replace those valves to avoid annulment of the warranty on the new pump. Council Member Capp asked PWS Nasalroad how Alliance Pump was performing and PWS Nasalroad indicated the company has been communicating well to date.

❖ **Motion**

Council Member Capp motioned to approve Purchase Order 2021-4 for (2) 6" AWWA lever check valves from Alliance Pump for the city park lift station for up to \$6,000. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

KRWA (KANSAS RURAL WATER ASSOCIATION) DESIGNATION OF VOTING DELEGATE.

CC Wade recommended Codee Blanchett as the voting delegate and CC Wade as the alternate delegate.

❖ **Motion**

Council Member Capp motioned to approve Codee Blanchett as the voting delegate for KRWA (Kansas Rural Water Association) and City Clerk Wade as the alternate delegate. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

ADMINISTRATIVE POLICY NO. 31 EMPLOYEE PAY SCALES AND EVALUATION PROCEDURES FOR THE CITY OF LA CYGNE.

CC Wade put together a draft of pay scales and evaluation procedures from past drafts which had been worked on over the years. CC Wade indicated the importance of having set scales and procedures for annual evaluations in order to have consistency through the years. The pay scales would be evaluated every 3 years and adjusted if needed. Employee evaluations would be performed annually in October. During executive session, the Council would review the evaluations and certifications in December to determine any changes in pay for an employee which would then go in to effect on January 1 of each year. Council Member Capp discussed doing quarterly evaluations in order to maintain positive communication with employees on their performance. Discussion was held and a suggestion to do an annual evaluation and then a 6-month review would be a good place to start. CC Wade asked City Attorney Harding if this would go in the Employees Policy & Guidelines manual or

NEW BUSINESS CONTINUED:

ADMINISTRATIVE POLICY NO. 31 EMPLOYEE PAY SCALES AND EVALUATION PROCEDURES FOR THE CITY OF LA CYGNE. (CONTINUED)

Administrative Policy binder. City Attorney Harding indicated it would go in the Employee Policies & Guidelines manual. CC Wade will work on a draft to present at the next meeting on February 17, 2021.

CITY OF LAC CYGNE EMERGENCY WATER SUPPLY PLAN

CC Wade advised the City Council regarding the existing Emergency Water Supply Plan which had not been updated or reviewed in the past few years. CC Wade presented an updated City of La Cygne Emergency Water Supply Plan dated February 2021.

❖ **Motion**

Council Member Capp motioned to approve for Mayor Wilson to sign the updated City of La Cygne Emergency Water Supply Plan dated February 2021. Motion seconded by Council Member Curtis, voted on, passed 4-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5 minutes for non-elected personnel performance review and will return to the Council table at 7:39pm. Motion seconded by Council Member Thies voted on, passed 4-0. 7:34pm

Others in attendance included, but not limited to: CC Wade

OPEN SESSION RESUMED AT 7:39pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5 minutes for non-elected personnel performance review and will return to the Council table at 7:45pm. Motion seconded by Council Member Thies voted on, passed 4-0. 7:40pm

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

OPEN SESSION RESUMED AT 7:45pm:

OTHER BUSINESS:

❖ **Motion**

Council Member Curtis motioned to approve a Police officer 4th year pay rate of \$18.63 for Corporal Kurtis West effective immediately. Motion seconded by Council Member Capp, voted on, passed 4-0.

NOTES AND COMMUNICATIONS TO COUNCIL:

- Friends of the Library thank-you card regarding the CDBG-CV Meal Program grant.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Curtis, voted on, passed 4-0. Time 7:48pm.

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 3rd day of February, 2021.