

Record of the Proceedings of the Governing Body
REGULAR MEETING

February 5, 2020

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 5, 2020 at La Cygne City Hall. Council Members present were: Danny Curtis; James Thies; Thomas Capp; ABSENT –Jerome Mitzner and Keith Stoker.

Others in attendance included, but not limited to: City Clerk Jodi Wade; City Attorney Burton Harding; Linn County News Tony Furse; Public Works Superintendent/Fire Chief Dan Nasalroad; Interim Police Chief Kurtis West; and Robert Blanck.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- Mayor Debra Wilson thanked the patrons for the opportunity to serve as the Mayor of La Cygne.
- Resignation letter from Debra Wilson to resign from the Planning & Zoning Committee effective January 13, 2020 was read.

❖ **Motion**

Council Member Curtis motioned to accept the resignation letter from Debra Wilson from the Planning & Zoning Commission effective January 13, 2020. Motion seconded by Council Member Thies, voted on, passed 3-0.

NEW YEAR ORGANIZATION:

COUNCIL STANDING COMMITTEE APPOINTMENTS

Mayor Wilson met individually with each Council member and recommended the following committee placements:

- A] Water & Gas----- Danny Curtis and Keith Stoker
- B] Street----- Jerome Mitzner and James Thies
- C] Sewer----- James Thies and Thomas Capp
- D] Park----- Thomas Capp and Danny Curtis
- E] Cemetery----- Danny Curtis and Thomas Capp
- F] Public Safety----- Jerome Mitzner and Keith Stoker
- G] Community Building--- James Thies and Danny Curtis
- H] Employee Relations & Training--- Jerome Mitzner and Keith Stoker

❖ **Motion**

Council Member Curtis motioned to accept the Committee appointments as presented by Mayor Wilson. Motion seconded by Council Member Capp, voted on, passed 3-0.

ELECT COUNCIL PRESIDENT

Tabled until February 19, 2020 meeting

NEW YEAR ORGANIZATION:

PLANNING COMMISSION MEMBER (1) LETTER OF INTEREST FROM DEVIN CANATA

Mayor Wilson recommended Devin for the Planning & Zoning Commission vacancy. As a young citizen of our community, Devin has interest in getting involved.

❖ **Motion**

Council Member Curtis motioned to accept the recommendation of Devin Canata to fill the vacancy on the Planning & Zoning Commission. Motion seconded by Council Member Thies, voted on, passed 3-0.

LA HARPER HEIGHTS/SENIOR HOUSING BOARD (1) LETTER OF INTEREST FROM CONNIE GORE

Mayor Wilson recommended Connie Gore for the vacancy on the Senior Housing Board.

❖ **Motion**

Council Member Capp motioned to accept the recommendation of Connie Gore to fill the vacancy on the La Harper Heights Senior Housing Board. Motion seconded by Council Member Thies, voted on, passed 3-0.

LA CYGNE COMMUNITY PARK BOARD (1) LETTER OF INTEREST FROM LINDA ELDER

Mayor Wilson recommended Linda Elder for the vacancy on the La Cygne Community Park Board.

❖ **Motion**

Council Member Thies motioned to accept the recommendation of Linda Elder to fill the vacancy on the La Cygne Community Park Board. Motion seconded by Council Member Capp, voted on, passed 3-0.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of January 15, 2020 City Council Meeting;
Minutes of January 21, 2020 Special Meeting;
December 2019 Budget Report;
December 2019 Treasurer's Report;
4th Quarter, 2019 Financial Statement;
2019 Annual Financial Statement;
Check Register: January 16 – February 5, 2020

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

DISCUSSION FROM THE FLOOR:

- NONE

SPECIAL PROJECTS:

Report from Public Works Superintendent (PWS) – Dan Nasalroad
Report from City Clerk (CC) – Jodi Wade

WATER TREATMENT PLANT

PWS Nasalroad updated the Council regarding the Punch list items. A water heater was attached to a sink which runs constantly in order to have a persistent flow for testing. There is no need for Hot water at the location but the Engineer had it in the plans. PWS Nasalroad at this time is satisfied with completion of the obligations of the contract. We have not received a final pay application from BG Consultants on behalf of Shelley Electric. The Engineer is still in conversation with the manufacturer regarding the water heater.

SEWER IMPROVEMENT PROJECT

PWS updated the Council on the conversations with Paul Owings, BG Consultant, regarding the height of the berms for the Sewer lagoons. Per USDA's checklist, our berms need to be at a requested height for the estimated 100yr and 500yr flood elevations. We do not have a recent survey of the lagoons to know exactly the current height of the berms. Through LIDAR evaluations, Paul Owings estimates we are about 10" shy of the requested height but that is just an estimation. There is consideration for having a survey performed to determine the current elevations of the berms.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING –

City Attorney Harding informed the Council about the review of a permit issued to Darlene Engert located at 1002 Market street. City Attorney Harding briefly explained the concerns regarding the Food Truck/food business Mrs. Engert is requesting to perform on a residential zoned lot. He advised the Council the Planning & Zoning, along with his guidance, is reviewing the information submitted by Darlene Engert and her attorney. Upon review and research of the Planning & Zoning Commission, the Council will be presented with a recommendation from the Commission to be reviewed. Robert Blanck inquired if the issue pertained to the fact the lot was zoned Residential and not Commercial. City Attorney Harding responded yes and continued to explain the State of Kansas does have regulations regarding Food Trucks but he recommends for the City to have regulations pertaining to Food Trucks in their codes or articles since they are becoming more prevalent at festivals.

POLICE OFFICER -KURTIS WEST

- Reviewed Report at the table.
 - ✓ Animal Control - 279 tags for 2019/2020 and 6 for 2020/2021
 - ✓ Vin Inspections – 4
 - ✓ 4 Citations (2-Speed Zone, 1 expired tag, and 1 No Insurance)
 - ✓ Two applications have been completed and submitted for Grant dollars to help with purchase of safety equipment.
 - ✓ Application for a Building Permit was submitted to install a fence. Owner of the property spoke to the neighbors about the location of the fence and a metal detector was used to attempt to find some survey pins per Mayor Wilson. Per Article in the Planning & Zoning book, the codes officer is not the one who approves permits for fencing. Council member Thies asked if the owners have had a survey done to determine the property lines, Interim-Chief West stated the owners have not had a survey done. The Council inquired about the set-backs from the property line in regards to fencing. Discussion was held to review the articles/codes pertaining to fencing.

REPORTS OF CITY OFFICERS CONT:

POLICE OFFICER -KURTIS WEST

- ✓ City Attorney Harding reviewed the citation issued to 310 Elm St. Council Member Curtis reviewed the events to date and expressed his frustration with the fact it has been nearly 2 years and the clean-up work is still not completed at this address. City Attorney Harding reviewed the process with the trial taking place tomorrow evening which means the owners would need to continue with cleaning the property and/or face a fine. City Attorney Harding reviewed the steps for Abatement which gives the owners 30 days to fix and if not completed the City takes care of cleaning the lot and assess cost to the tax roll of the owner. City Attorney Harding suggested waiting till executive session to go in to for legal discussion.
- ✓ Letter had been sent out regarding a propane tank. The tank has been relocated.
- ✓ Council Member Curtis asked Interim Chief West if he had his body camera on during the incident which took place on Friday evening. Interim Chief West stated yes,
- ✓ Council Member Capp asked Interim Chief West what hours he has been working. Interim Chief West indicated 7am-7pm or 7am – Midnight, On-Call Monday- Friday and has discussed with the county to handle the weekends.

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

- Report at the table was reviewed, to include the following:
 - Maintenance on vehicles and equipment being done In-house.
 - Met with USDI to rework the emergency response to a gas leak. Our employees will be responding to gas leaks if the USDI responders are not close.
 - Conversations with State and County regarding a temporary repair at KS 152 hwy and Industrial Rd. Will need some type of repair until the CCLIP project is underway.
 - East lift station generator is having some issues. Clifford Power assessed the problem and found the governor actuator not working. Waiting on estimate for repair.
 - Class attended in Chanute, toured their Water Plant and learned of a new EPA requirement which will begin in 2021.
 - Cody Blanchett attended a class regarding Algae Bloom and Surface water treatment.
 - Douglas Pump installed a new pump at the Park lift station to replace the ABS pump. They also took a look at the Industrial Park lift station as one pump was not working there and they found a ground relay needing to be replaced.
 - Met with USD 362 representative and USDI representative regarding the gas service for the new houses they are building on 6th street.

Council Member Capp asked about the trucks traveling on Elm St to get down to the Industrial park. PWS Nasalroad and Interim Chief West are aware of the problem which is a result of GPS indicating incorrect routes to the Industrial Park. Discussion held regarding the repair/improvement of the Industrial park sign and the possible establishment of a truck route. US Minerals and Harsco have both been contacted regarding the situation and the damage starting to result from the trucks traveling on the side streets.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

One of the Tankers has an air leak which will be addressed and repaired.

Interim Chief West needed to leave for a prior scheduled appointment at 7pm and asked the Council if they needed him present for any Executive Session items. City Attorney Harding stated he needed Interim Chief West present for his Executive session for legal. Mayor Wilson revised the agenda to allow for an executive session.

EXECUTIVE SESSION

❖ **Motion**

Council Member Capp motioned for executive session for 15 minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship. Motion seconded by Council Member Curtis voted on, passed 3-0.
7:02pm

Others in attendance; City Attorney Harding, City Clerk Wade and Interim Chief West.

Open Session resumed at 7:17pm:

REPORTS OF CITY OFFICERS CONT:

CITY CLERK (CC) – JODI WADE –

- City Codes books were given to all Council Members along with a brief review of the importance of referencing the Codes of the City of La Cygne prior to answering questions from citizens.
- City Attorney Harding inquired about a KOMA/KORA training for the Council. CC Wade has received a quote from one firm and is waiting for a quote from the League of Municipalities.
- CC Wade is getting quotes for (2) new Desktop computers and (1) Laptop. Windows 7 is no longer supported which means the security will no longer be updated. It is in the best interest of the City to upgrade the computers to Windows 10.
- Fellowship/Intern position for a clerk in the City Hall. CC Wade reviewed the conditions of the program which include the following:
 - I. Individual in their last year of college or who has graduated in the past 2 years.
 - II. Fellowship is for 1-2 years with potential to become a permanent employee
 - III. Orientation, 16-week track program, Project Assignments.
 - IV. Permanent Part-time position (more than 1,000 hours/year but less than 2,080 hours/year).
 - V. Limited benefits as outlined in section E-4, E-5 and KPERS in the Personnel policy.
 - VI. Health Insurance/Vision/Dental plans offered at a 70/30 split.
 - VII. Starting pay \$12/hour. Evaluations performed at 6 months and 1-year mark. Potential for \$.50 raise.
 - VIII. Must complete pre-employment physical and drug screen.

❖ **Motion**

Council Member Capp motioned to accept the Fellowship Program as presented. Motion seconded by Council Member Curtis, voted on, passed 3-0.

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Council Member Capp asked CC Wade about advertising. CC Wade will reach out to the extension offices at the colleges near-by. CC Wade has already been contacted by prior seasonal/summer employees regarding intern positions.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER-NONE

PARK-NONE

CEMETERY -NONE

PUBLIC SAFETY -NONE

COMMUNITY BUILDING-

Peoples Telecommunications has scheduled (2) Community Blood drives for 2020 (July 7 and Dec 3) and would like to ask the Council to waive the fee for the Community Building. Council Member Curtis asked to abstain due to conflict of interest. Item tabled to February 19, 2020 Council meeting.

EMPLOYEE RELATIONS & TRAINING - NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -

SWANFEST COMMITTEE -

The Swanfest committee would like to use the Community Building for their meeting location and wanted to know if there would be a fee?

❖ Motion

Council Member Capp motioned to approve the use of the Community Building by the Swanfest Committee for their meetings with no fees charged. Motion seconded by Council Member Curtis, voted on, passed 3-0.

PLANNING & ZONING COMMISSION

Meeting minutes provided and reviewed.

UNFINISHED BUSINESS:

WATER, SEWER, AND GAS UTILITY SECTIONS OF THE CITY OF LA CYGNE CODES BOOK

City Clerk Wade asked if the Council had reviewed the Draft #3 presented to them at the prior meeting. CC Wade updated the Mayor and Council regarding the changes recommended. Mayor Wilson asked CC Wade to defer the discussion to the appropriate committees for review to then be presented to the Council.

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, KS.

CC Wade reviewed annual increase for the Solid Waste Services. CC Wade told the Council they could review the other fees listed if necessary, but approval is necessary at the February 19 meeting in order to get the rates on the utility bills. She reminded the Council the fees are reviewed annually.

NEW BUSINESS CONT:

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, KS.

❖ Motion

Council Member Curtis motioned to accept Resolution No. 411 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 seconded by Council Member Capp voted on, passed 3-0.

ORDINANCE NO. _____ - AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LA CYGNE, KANSAS BY AMENDING CHAPTER XIII, ARTICLE 1, SECTION 13-101 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS TO INCORPORATE BY REFERENCE THE "STANDARD TRAFFIC ORDINANCES FOR KANSAS CITIES," 47TH EDITION 2019

❖ Motion

Council Member Curtis motioned to approve Ordinance No. 1464 regulating traffic within the corporate limits of the City of La Cygne, Kansas by amending chapter XIII, Article 1, Section 13-101 of the code of the City of La Cygne, Kansas to incorporate by reference the "Standard Traffic Ordinances for Kansas Cities," 47th Edition 2019. Motion seconded by Council Member Capp voted on, passed 3-0.

ORDINANCE NO. _____ - AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LA CYGNE, KANSAS BY AMENDING CHAPTER X, ARTICLE 1, SECTION 10-101 OF THE CODE OF THE CITY OF LA CYGNE, KANSAS, TO INCORPORATE BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," 35TH EDITION OF 2019.

❖ Motion

Council Member Curtis motioned to approve Ordinance No. 1465 regulating Public Offenses within the corporate limit of the City of La Cygne, Kansas by amending chapter X, Article 1, Section 10-101 of the code of the City of La Cygne, Kansas, to incorporate by reference the "Uniform Public Offense Code for Kansas Cities," 35th edition of 2019. Motion seconded by Council Member Capp voted on, passed 3-0.

CITY WIDE CLEAN UP BY WASTE MANAGEMENT

CC Wade just received a quote from Waste management in the amount of \$2900 for two trucks to pass through all city streets the second Saturday of May. The amount picked up over the past 4 years has decreased. There is a greater expense to have metal/tires/construction waste picked up. Council Member Thies asked what was being gained by having this single day pick up when most of the items listed on the flyer that can't be picked up are what needs to be removed from yards. Item tabled until next meeting. CC Wade was asked to get the cost for (1) truck.

CITY OF LA CYGNE CLOSING CERTIFICATE FOR PUBLIC BUILDING COMMISSION REFUNDING REVENUE BONDS SERIES 2020, DATED FEBRUARY 6, 2020 IN THE AMOUNT OF \$1,200,000.

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CC Wade stated the purchase of the bonds will close tomorrow and all final paperwork has been submitted.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Curtis motioned to go in to executive session for 10-minutes for non-elected personnel review of an individual employee performance following a 5-minute break. Motion seconded by Council Member Capp, voted on, passed 3-0. 8:08pm

Open Session resumed at 8:25pm

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel review of an individual employee performance. Motion seconded by Council Member Capp, voted on, passed 3-0. 8:28pm

Others in attendance included, but not limited to: City Attorney Harding, City Clerk Wade and PWS Nasalroad.

Open Session resumed at 8:33pm

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for the discussion/review of data relating to financial affairs or trade secrets of partnerships. Motion seconded by Council Member Capp, voted on, passed 3-0. 8:36pm

Others in attendance included, but not limited to: City Attorney Harding, City Clerk Wade.

Open Session resumed at 8:46pm

❖ **Motion**

Council Member Capp motioned to recess into executive session for 5 minutes for discussion of employer-employee negotiations. Motion seconded by Council Member Capp, voted on, passed 3-0. 8:46pm

Others in attendance included, but not limited to: City Attorney Harding, City Clerk Wade.

Open Session resumed at 8:51pm.

OTHER BUSINESS:

❖ **Motion**

Council Member Capp motioned to approve an increase in pay for Jeff Chaplin in the amount of \$.50/hour for completing his OQ training effective at the start of the next payroll period. Motion seconded by Council Member Thies, voted on, passed 3-0.

OTHER BUSINESS CONT:

❖ **Motion**

Council Member Thies motioned to approve an increase in pay for Jeff Chaplin in the amount of \$.25/hour for maintaining his CDL training and effective upon his completion of his DOT physical in which the city will cover up to \$50 of the expense for the physical to be completed on company time. Motion seconded by Council Member Capp, voted on, passed 3-0.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Chamber of Commerce Agenda.
- b] Kansas Rural Water Association – KRWA Apprenticeship Development Committee

ADJOURNMENT:

❖ **Motion**

Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Thies, voted on, passed 3-0. Time 8:55pm.

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 5th of February 2020.