

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 19, 2020 at La Cygne City Hall. Council Members present were: Danny Curtis; James Thies; Thomas Capp; Keith Stoker ABSENT –Jerome Mitzner.

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; Linda Elder – Grady’s Kids; Russell Pope – Chamber of Commerce; and Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- Mayor Wilson stated “I appreciate everyone who committed and completed their review of the printed materials prior to our meeting. This helps by making the most of our meeting time and supplies us with the information needed to make informed decisions. I also want to thank ALL of our Supervisors for putting their reports in writing for us to review. And thank our committee members for stepping up to review the bulk of some information outside of this meeting and bringing their recommendations to the council.
- Daylight Savings time begins March 8, 2020. The March 4th meeting will begin at 6:00pm and the March 18th meeting will begin at 7:00pm.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of February 5, 2020 City Council Meeting;
January 2020 Budget Report;
January 2020 Treasurer’s Report;
Check Register: February 6 – Feb 19, 2020;

Motion seconded by Council Member Stoker, voted on, passed 4-0.

DISCUSSION FROM THE FLOOR:

- Linda Elder representing Grady’s Kids presented a project for building bus shelters at the La Cygne Elementary School. The shelters they would like to build would consist of posts inside the school yard fence with an overhang roof to cover the sidewalk area where the kids stand. The Council stated USD 362 School Board would need to submit the Building Permit with plans showing the location and specifications for the Shelters. The Council reviewed Article 1, Sec 12-110 pertaining to Obstructing sidewalks. They advised Linda Elder to be sure the height of the Shelters would not obstruct the walkway.

DISCUSSION FROM THE FLOOR CONT:

- Russell Pope, new President for the Chamber of Commerce. Russel introduced himself to the Council and shared some upcoming community events, to include; Cabin Fever Reliever-Feb 23, Trivia Night-March 7. Russell patrons to the upcoming Swanfest meeting scheduled for Monday, February 24 at 6pm at the Community Building.

SPECIAL PROJECTS:

Report from Public Works Superintendent (PWS) – Dan Nasalroad

Report from City Clerk (CC) – Jodi Wade

WATER TREATMENT PLANT

None – Final pay application has not been received.

SEWER IMPROVEMENT PROJECT

PWS Nasalroad reviewed the information pertaining to a survey of the Sewer lagoon south berm. A Consultant-Client agreement was received from BG Consultants in the amount Not-To-Exceed \$6,000 to perform a topographical survey of the Project Location which will establish horizontal and vertical control and locate above ground topographic features. Set two horizontal control points and establish two benchmarks. A 22" x 36" survey map will be prepared. City Attorney Harding reviewed the contract and submitted a request to BG Consultants to change verbiage pertaining to the Consultant having no responsibility for any error of others unless they are *actually* aware of the error and BG Consultant's total liability if they do something wrong being limited to the amount that they were paid. We have not received comments or a revised agreement to date.

❖ **Motion**

Council Member Capp motioned to accept BG Consultants' "Consultant-Client Agreement" for services for South Lagoon Berm Topographic Survey in an amount not to exceed \$6,000 pending on the acceptance by BG Consultants of the City Attorney Harding's verbiage changes. Motion seconded by Council Member Stoker, voted on, passed 4-0.

KDOT CCLIP

Progress has been made on the CCLIP drawings per Jason Hoskinson, BG Consultants. Looking at maybe March to be ready to start discussing easement acquisitions.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING –

- City Attorney Harding inquired about applications from the property owner located at 1002 Market Street. City Clerk Wade stated none had been received to date.
- City Attorney Harding asked the Council about setting up a workshop to review the procedures and process for Condemnations.

INTERIM CHIEF OF POLICE / CODES OFFICER -KURTIS WEST

- Reviewed Report at the table.
 - ✓ Interim Chief West was on vacation the past week no citations issued since last meeting.

REPORTS OF CITY OFFICERS CONT:

INTERIM CHIEF OF POLICE / CODES OFFICER - KURTIS WEST

- ✓ Concerns regarding property owners who have vehicles parked in the city easement has been brought forth. These items are obstructing access. Council Member Stoker asked Codes Officer West to review the codes regarding alleys, utility easements, and thorough ways. PWS Nasalroad pointed out several gas and sewer mains run through the alleys and access needs to be available if we need to dig to service a broken line. The Public Safety Committee will review the City Codes.

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

- Report in agenda was reviewed, to include the following:
 - Clifford Power quote for East Lift Station - \$6,957.62, this seemed extremely high so the Public Works (PW) has been making the needed repairs. Reviewing the maintenance contract on the other two generators.
 - Douglas pump installed the new pump in the Park Lift Station which is not working properly. Douglas Pump reviewed the Industrial Park Lift Station and gave a quote of \$1,390 to replace the Submeg controller.
 - Pushed slush off the roads before it froze.
 - Met with USDI on gas valve locations and future repairs or replacement.
 - Hauled gravel to First Baptist Church to fix waterline settling issue.
 - Hauled/spread gravel behind City Hall and at East lift station.
 - Temporary fix at 152 and Industrial.
 - Cleaned & Inventoried the Gas House
 - Surplus the old Dump Truck (refer to procedure in K.S.A. 75-6602). Can't be driven with the plow on due to a leaking hydraulic hose.
 - Responded to (4) Gas leaks to do initial assessment of scene for USDI. Had to evacuate one house until USDI arrived to make repair.
 - Continued preventative maintenance program. All heavy equipment has been completed. One lift station generator is left to complete and all the light equipment still needs to be completed. All the heavy equipment seems to be in pretty good shape.
 - Dan Nasalroad completed his OQ gas classes and tests, just waiting on completing hands-on testing.
 - Met with Double Eagle Excavating and scheduled the old Syd's Market to be completed next week.
 - Scrap old Fire Hydrants.
 - Council Member Capp inquired about the fee schedule we use when billing for codes violations or repairs. Discussion was held on how the fees are determined and set. Council Member Curtis expressed frustration regarding the process for the code letters given to patrons regarding mowing their grass. Council Member Curtis expressed his displeasure with a situation between his neighbor and Captain Shaun West and how Captain West handled the issuing of the codes notice. City Attorney Harding explained the standard practice of sending only (1) letter per calendar year regarding mowing and the owner usually has (10) days to get it cut. In regards to the types of fees, Patrons are given internal fees for some situations and court fees for other. Council will review the current fee schedule.

REPORTS OF CITY OFFICERS CONT:

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

All repairs on trucks have been completed.

CITY CLERK – JODI WADE

- Year-End reporting has been completed and filed. Auditor is tentatively scheduled for April 20-22, 2020.
- (3) inquiries have been received for the Fellowship program. Follow-up phone calls have been performed. One inquiry did not meet requirements, the other already accepted another position and one is still available and meets requirements.
- Credential badges from Linn County Emergency Management have been picked up and delivered to Council members. Public works need to complete the credential form. The form and picture have been sent in for Mayor Wilson. Must have these badges to enter the City limits in an emergency event.
- Fact sheet regarding the Medical Examiner’s Certificate for Category 2: Excepted Interstate CDL (at table). City Clerk Wade reviewed the motion made at the February 5, 2020 meeting for Jeff Chaplin to complete a Medical Exam. The state does not require a Category 2- Excepted Interstate Driver to have a Medical Examiner’s Certificate.

❖ **Motion**

Council Member Capp motioned to rescind the motion approved at the February 5, 2020 meeting for 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 and motion to approve an increase in pay for Jeff Chaplin in the amount of \$.25/hour for maintaining his CDL training effective at the start of the current payroll period with no Medical Examiner Certification required since he is Category 2: Excepted Interstate CDL. Motion seconded by Council Member Stoker, voted on, passed 4-0.

- Meetings attended Planning & Zoning/Water Committee/Marais Des Cygnes Water Assurance District No. 2/Chamber of Commerce
- Front Reception Counter improvement.
- New desk for front reception area (current desk is damaged)
- Updating Aerial Maps and Street Maps
- Reviewing Sections of the Codes Book
- Organizing the permanent files
- Capital Improvement Planning & Budget Workshop preparations
- Court Clerk Gore attending Court training March 6th.
- City Clerk Wade attending Clerk Spring Conference in Manhattan, KS March 11-13.

COUNCIL COMMITTEE REPORTS:

WATER & GAS –

The 3rd draft of the Water Utility section of the codes book was reviewed by the Committee members on February 14, 2020. The Committee reviewed the items amended and the additions which included an annual 2.5% increase per 1,000 gallon of water effective Jan. 1 2021. Council Member Thies questioned 14-108 (g) pertaining to the responsibility of the owner for the meter/lids/antennae. City Attorney Harding reflected on the words “where meter damage is caused by neglect or fault of the customer”. Acts due to vandalism would be reviewed on a case by case situation. City Clerk Wade held discussion to change the title of section 14-112(d) from Vacancies to “Temporary and Extended Shut-offs”.

❖ **Motion**

Council Member Stoker motioned to approve Ordinance No. 1464 upon the change of the title of section 14-112(d) to Temporary and Extended Shut-offs. Motion seconded by Council Member Curtis, voted on, passed 4-0.

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.

❖ **Motion**

Council Member Stoker motioned to waive the Community Building fee for Peoples Telecommunications Community Blood drives on July 7, 2020 and December 3, 2020 . Motion seconded by Council Member Capp, voted on, passed 3-1. Abstain: Council Member Curtis due to conflict of interest.

EMPLOYEE RELATIONS & TRAINING -

Advertisements for Police Chief, Public Works, Cemetery, and Fellowship will end this week. We have received applications for all positions. Discussion was held regarding a workshop for Nepotism and Interviewing procedures. Mayor Wilson and Council requested a workshop for February 26, 2020 at 6pm at the La Cygne City Hall.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT –NONE

SWANFEST COMMITTEE -NONE

PLANNING & ZONING COMMISSION - NONE

UNFINISHED BUSINESS:

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

Draft #3 of the Water Utility discussed under Council Committee Reports.

NEW BUSINESS:

MUNICIPAL TRAINING INSTITUTE: PERSONNEL MANAGEMENT (CORE), FRIDAY, MARCH 27, 2020, DE SOTO, KS, \$75

Mayor Wilson would like to attend this class as part of her Mayor training courses.

❖ **Motion**

Council Member Stoker motioned to send the new Mayor, Debra Wilson, to the Municipal Training Institute: Personnel Management on March 27, 2020 in De Soto, KS. Motion seconded by Council Member Capp, voted on, passed 4-0.

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.

City Clerk Wade spoke to Waste Management after reviewing the contract agreement. The prices presented in Resolution 411 were incorrect. The annual percentage increase was only to be on the base rate and the totes are \$3.00/tote per the contract. Prices have been revised.

❖ **Motion**

Council Member Stoker motioned to approve Resolution No. 412 as presented. Motion seconded by Council Member Capp, voted on, passed 4-0.

RESOLUTION NO. - A RESOLUTION DEFINING POLICY REGARDING AN EMPLOYEE ON EXTENDED UNPAID LEAVE.

❖ **Motion**

Council Member Capp motioned to add Resolution No. 413 to the Personnel Policies and Guidelines. Motion seconded by Council Member Stoker, voted on, passed 4-0.

REPLACEMENT COMPUTERS FOR (2) DESKTOPS AND (1) LAPTOP COMPUTER FOR THE LA CYGNE CITY HALL.

Quotes were reviewed from Advantage Computer and Peoples Telecommunications. Prices included \$2700 for (2) new desktop w/Office 2019 from Peoples and \$2370 for (2) new desktop w/office 2019 from Advantage. Laptop is \$1289.99 from Peoples and \$1010 from Advantage. System components were similar, warranty for Advantage is 3 year on parts for desktop and Peoples is 1 year on parts for desktop. Discussion was held on whether to rebuild current towers or to replace with new. City Clerk Wade was advised to do some further research prior to making a decision. The purpose is to upgrade to Windows 10/Office 2019. Current computers/laptop are 5-7 years old. No Action Taken.

BUILDING PERMIT FEE FOR LIBRARY DISTRICT #2 OF LINN COUNTY.

A letter from the La Cygne Library Chairman, Beverly Burke, asking the Council to consider waiving the Building permit fee for the new addition to the library. Discussion was held about the amount of service the library provides for our community. City Attorney Harding suggested to the Council options of lowering the amount to a reasonable cost since it is an estimated \$1,637,957 dollar project.

❖ **Motion**

Council Member Stoker motioned to waive the Building Permit fee for the new addition for the La Cygne Library. Motion seconded by Council Member Capp, voted on, passed 4-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 10-minutes for non-elected personnel for review of an individual employee performance following a 5-minute break. Motion seconded by Council Member Capp, voted on, passed 4-0. 7:37pm

Open Session resumed at 7:52pm

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel review of an individual employee performance. Motion seconded by Council Member Curtis, voted on, passed 4-0. 7:52pm

****Council Member Capp had a family emergency and had to leave the Executive session.**

Open Session resumed at 8:02pm

❖ **Motion**

Council Member Thies motioned to go in to executive session for 5-minutes for the preliminary discussion of the acquisition of real property. Motion seconded by Council Member Stoker, voted on, passed 3-0. 8:02 pm

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

Open Session resumed at 8:07pm

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 3-minutes for discussion/review of data relating to financial affairs or trade secrets. Motion seconded by Council Member Curtis, voted on, passed 3-0. 8:08pm

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

Open Session resumed at 8:11pm

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 15-minutes for non-elected personnel matter exception for an individual employee's performance. Motion seconded by Council Member Thies, voted on, passed 3-0. 8:13pm

Open Session resumed at 8:28pm

EXECUTIVE SESSION CONT:

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 15-minutes for non-elected personnel matter exception to review applications for police chief/cemetery caretaker/public works/fellowship. Motion seconded by Council Member Thies, voted on, passed 3-0. 8:29pm

Open Session resumed at 8:44pm

OTHER BUSINESS:

❖ **Motion**

Council Member Stoker motioned to have the City Clerk research and schedule a Public Relations seminar for all Full-time and Part-time employees. Motion seconded by Council Member Thies, voted on, passed 3-0.

❖ **Motion**

Council Member Stoker motioned to increase Interim Chief Kurtis West temporary pay by 10% to correspond with the temporary duties as Interim Chief effective at the start of the current payroll period. Motion seconded by Council Member Thies, voted on, passed 3-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Curtis motioned to go in to executive session for 5-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship. Motion seconded by Council Member Thies, voted on, passed 3-0. 8:48pm

Open Session resumed at 8:53pm

NOTES AND COMMUNICATIONS TO COUNCIL:

a] Legislative updates from the League of Municipalities.

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 19th of February 2020.