

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 1 of 9 Pages

March 2, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 2, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; and Thomas Capp (arrived 6:10pm). Absent: Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; City Attorney Burton Harding; Codes Officer Allison Fox; Linn County Newspaper Tony Furse; Judith Patterson; Jerry Long; Joyce Saxton; Jim Thompson; and Roger Sims.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Daylight Savings time begins March 13, 2022. The March 16th meeting will begin at 7:00pm.

b] Comprehensive Plan Survey has been posted on the City of La Cygne website and Facebook page and is available around town at the library, pharmacy, and restaurants. This survey is important to help assist the Planning & Zoning Commission with the revision of the Comprehensive Plan for the City of La Cygne. Please complete by March 15, 2022.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of February 16, 2022 Special Council Meeting;
Minutes of February 16, 2022 City Council Meeting;
Check Register: February 17 – February 26, 2022;
Check Register: February 27 – March 2, 2022;
Retail Liquor License 2022 – Frankie’s Liquor

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

DISCUSSION FROM THE FLOOR:

Judith Patterson presented a request to the Council for water service at 17719 E 2150 Rd. Judith indicated the house was located just outside city limits. Judith spoke to RWD#1 about getting water to the home and RWD#1 indicated they would not put in a main to that area but indicated they would be willing to release that address from the Rural Water District. Commissioner Rick James had been contacted by Judith to discuss the use of the county right-of-way for a water line. Judith had a copy of the minutes from a recent County Commissioner meeting showing the county made a motion to support the use of the right-of-way for a water main. Judith did not have any cost estimates at this time. Jim Thompson was present and shared information on the current piping which serviced a home located at 18103 E. 2150 Rd. This piping is old black piping and varied in size from ¾” to 1”. Jerry Long was present and is the owner of 18103 E. 2150 Rd. Jerry shared his support for water service to 17719 E. 2150 Rd. Jerry reflected on the history of his family selling property to the city for the sewer lagoons and giving easement for the city to access the lagoons. Mayor Wilson thanked everyone

DISCUSSION FROM THE FLOOR CONTINUED:

for coming and advised the patrons of the process for the council to review the information presented and to consider further discussion on the next meeting agenda.

SPECIAL PROJECTS:

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

PWS Nasalroad is meeting with Trenton, Midwest Engineering Group, and Kevin Starbuck, Starbuck Trucking, LLC, to review the contract change order No. 1 which was received today in the amount of \$36,266. PWS Nasalroad reviewed the three (3) items of work included with this change order. The piping which had been indicated on existing plans to be 12" in size was actually 8" so there are reducing fittings included in the change order. Piping on the outlet side of the existing settling pond needs to be changed to current standard piping so the pipe and fittings are included in the change order for the by-pass and pipe replacement. The last item involves lowering the newly installed outlet piping on the new settling pond in order to provide storage capacity. PWS Nasalroad needs detailed breakdown from the engineer and contractor on these items.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

A pre-bid construction meeting was held on February 23, 2022 at the La Cygne Community Building. Abby Mills, BG Consultants, conducted the meeting. PWS Nasalroad and CC Wade were in attendance. Paul Owings, BG Consultants, zoomed in for the meeting. Five companies were present for the meeting. Questions were asked about the work performed in the railroad right-of-way area. Abby Mills will reach out to the area roadmaster for BNSF to review. Discussion was also held regarding drop lines at man holes. Abby Mills inquired if 24-hour notice to patrons regarding temporary shut-off of sewer use was ample time.

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

PWS Nasalroad, Council Member Brenneman, Council Member Capp, Police Chief Fenoughty, Officer Fox, CC Wade and Utility Clerk Gore all participated in the pre-construction meeting with KDOT, Killough Construction, and CFS Engineers. The project is expected to mobilize on March 14, 2022. Killough Construction has been visiting with Kelly Haupt of the Lincoln-Scott Township Medical Board regarding the use of the vacant lot on the SE corner of the intersection of Industrial and Market St as a parking area and lay down yard for material and equipment. Discussion was held regarding all required paperwork to start the project as well as during the project. Killough Construction indicated flagmen would be used during the project at times when traffic would need to be slowed down/controlled for the purpose of doing the pours. Construction meetings will be held twice a month.

CC Wade visited with the CHC-SEK Medical Clinic, Baptist Church, resident at 1002 Market St, residents along Industrial Blvd., and all businesses in the Industrial Park. Letter were not mailed out to patrons, at this time, but were hand delivered to all businesses in the Industrial Park and residents directly within the construction zone.

Council Member Curtis asked about Lincoln Street repairs. PWS Nasalroad and the street committee did review Lincoln Street. Discussion will be held with the contractor, once mobilized regarding possible temporary repair for the hole/dip on Lincoln St. PWS Nasalroad advised the police to patrol the road during the project to help slow people down if traffic begins to deter to Lincoln Street to avoid the construction area on Market Street.

SPECIAL PROJECTS CONTINUED:

NEW FIRE STATION/PUBLIC SAFETY BUILDING

CC Wade revised the application for the First Option Bank Trustee Foundation grant to include only the Fire Station and future shell. The completed application was submitted by email to First Option Bank on February 23, 2022.

STORMWATER MASTER PLAN

CC Wade sent out thank you notes to all engineers who interviewed and did follow up calls with Bartlett & West and Professional Engineering Consultants (PEC). CC Wade sent an email to BG Consultants confirming notice of receipt of the project. BG Consultants is preparing a contract for the City to review.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING:

- Reviewed and revised Building Storage Agreement between the City and Lincoln Township and sent a marked-up copy with my notes.
- Researched if there was any law prohibiting the City from sending fees incurred through the condemnation process to collections and determined that there was not.
- Began preliminary revisions of the code for factory built homes in the city and spoke to Jodi about those codes.
- Visited with CC Wade regarding the email from Verizon of a drawing showing the location of existing fiber cable in the right-of-way of the City of La Cygne. This fiber cable has been acquired by MCImetro and they are reaching out reaching out to update all documents/forms relating to the fiber cable within the city limits.

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 6:34p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 6:24p.m.

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

OPEN SESSION RESUMED AT 6:34pm:

POLICE CHIEF – TINA FENOUGHTY :

10- Traffic Stops Conducted

Citations issued since last meeting - 11

Speed School Zone	3	Tag Expired	0
Suspended License	2	No Tag	0
Insurance	1	NO DL	2
RR Crossing	0	Speed	2
Vicious Dog/RAL/Tag	0	Paraphernalia	0
Parking	1	Equipment	0

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

Calls for Service / Reports – 2/15/22 thru 03/2/22

Animal Complaint – 6	Traffic Complaints - 2
Assist Outside Agency – 5	Sexual Assault – 1
911 Hang Up – 1	Citizen Assist CFS / contact - 13
Fingerprints – 0	Juvenile Incident – 5
Check Welfare – 3	Federal Record Checks– 0
Follow Up – 24	Theft - 0
Suspicious Activity – 0	Vehicle Lockout – 3
Ambulance Assist – 1	Drug Case- 0
Assault LEO – 0	Suicidal Subject – 1
Non-Injury Accident – 1	Fire Call – 1
Harassing Phone Call – 1	Warrant Attempt - 2
Felony Warrant – 0	Misdemeanor Warrant - 2

VIN Inspections- 4 completed

New Business - There is a bill in the legislature being discussed (K.S.A. 38-2226) which would require in a Child Abuse/Neglect case for an officer from the jurisdiction of the incident to be physically present for the interview session. What this is indicating is if a child located in Kentucky is involved in a case which occurred in Kansas, the officer from the jurisdiction in Kansas would have to go to the jurisdiction in Kentucky for participation in the interview session of the case. Chief Fenoughty is being kept informed on this legislature bill and will continue to update the council.

CODES ENFORCMENT – ALLISON FOX:

Officer Fox reviewed the updates for codes. Currently four (4) nuisances and two (2) INOPs have been corrected. Progress is still being made on one (1) nuisance, one (1) INOP and three (3) yard construction clean-up. Citations were issued for one (1) nuisance, one (1) INOP, one (1) parking in the alley and one (1) obstructed meter. Officer Fox has a total of four (4) new nuisances to address and two (2) INOPs.

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

Report from 2/16/22 to 3/1/2022

Committee Discussions

Water and Gas:

- Pond construction continues. First tie in should be tomorrow. Change order review.
- Water plant analysis should be coming soon.
- Gas inspection with KCC finished. USDI had to make a few corrections in response to the letter from the inspector.
- Mayor Wilson and I met with Judith Patterson on running water to her house located at 17719 E. 2150 Road. I indicated it was approximately 7/10th of a mile from the intersection of 1st Street and Linn Drive which is where the city main is located to 17719 E. 2150 Road. It is approximately 1,800' from the intersection of 1st and Linn Drive straight down to the South edge of the La Cygne Community Park. Council Member Capp indicated there was not potential for growth in the area of 17719 E. 2150 Road due to flood plain.

REPORTS OF CITY OFFICERS CONTINUED:

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

Report from 2/16/22 to 3/1/2022

Street:

- Dump Truck is back from Inland Truck but was unable to fix problem.
- Snow removal x3
- Virtual meeting with all parties for CCLIP project.
- Started repairing or replacing traffic signs.
- Taken delivery of the new truck.

Sewer:

- Pre-bid meeting with Abby Mills, BG Consultants, and CC Wade. Five contractors were present for discussion.

Park:

- Water leak has been repaired.
- Attended Park Board meeting. Plan is to attend the meetings monthly and give them a maintenance report.

FIRE DEPARTMENT – DAN NASALROAD:

The preschool kids from Parker Elementary visited the fire station. Thanks to Tommy Capp and Jake Nasalroad for their help.

CITY CLERK – JODI WADE:

Report from 2/16/2022 – 3/2/2022

City Clerk

- Did some further research with other cities regarding the Front Desk module prior to confirming acceptance for the module.
- Worked on finalizing the narratives for the Public Safety building.
- Participated in the gas inspection with KCC February 8-10, 2022.
- Attended the Planning & Zoning meeting.
- Finalized survey questions for the Comprehensive Plan.
- Prepared draft letter for CCLIP Project and got with Linn County Mapping to create a map showing construction area and route.
- Attended Board of Trustee meeting for the La Cygne Community Park.
- Interviewed applicants for part-time office assistant while Katie is out on maternity leave.
- Spoke with Carl Brown regarding a water rate analysis for the City of La Cygne.
- Reviewed the financial information.
- Met with First Option Bank about ACH and electronic payment.
- Participated in the workshop on manufactured homes.
- Followed up with engineering companies who participated in the interviews for the Stormwater Master Plan.
- Attended the pre-bid meeting for the sewer rehabilitation project.
- Attended the MRWAD quarterly meeting. Updates on the legislative session.
- Prepared a draft Article 18 for the City Council to review.
- Followed up on City boundary resolution.
- Reached out to Advantage Computers regarding cybersecurity updates.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE:

Report from 2/16/2022 – 3/2/2022

- Attended preconstruction meeting for the KDOT CCLIP project.
- Overtime Hours for City Hall for the last pay period: 9.50

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 6:52p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 6:42p.m.

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

OPEN SESSION RESUMED AT 6:52pm:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 7:03p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 6:53p.m.

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

OPEN SESSION RESUMED AT 7:03pm:

CITY TREASURER/COURT CLERK – CONNIE GORE:

2/16/2022- 3/2/2022

Utilities

Monthly items completed:

Entered meter reads. Ran all utility billing reports and completed the billing cycle. Printed bills and mailed, emailed select bills and took bank pay customer lists to the banks.

Court

Monthly Court items completed: First court with the new Judge. Court paperwork completed and submitted to the State.

Completed a diversion, sent to Burton for review then to defendant.

Other:

Still working on the cemetery information for programmers on new module.

Still working on the clean-up of records on Oak Lawn Cemetery.

Met with Jodi and the mayor to review the codes and planning and zoning concerning the manufactured home parks. Attended council workshop on manufactured home parks.

Sold cemetery lots, completed the deeds and updated cards and maps.

Updated two codes books.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

Mayor Wilson inquired about follow up regarding water being provided to 17719 E. 2150 Rd. PWS Nasalroad would like to meet with the water committee for discussion after the meeting to explore the possible options. Item will be added to the next council meeting agenda.

STREET -NONE

SEWER-NONE

PUBLIC SAFETY -

Council would like to continue working on the mobile/manufactured/modular home code section of the City Codes before approaching another topic area. Council will continue to review the draft section presented by CC Wade.

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY - NONE

PARK-

Resignation of Tony Stallings from the La Cygne Community Park Board effective March 1, 2022.

❖ **Motion**

Council Member Capp motioned to accept the resignation of Tony Stallings from the La Cygne Community Park board effective March 1, 2022. Motion seconded by Council Member Stoker voted on, passed 4-0.

Council Member Brenneman advised the council of the following annual appointment of positions on the board: Chairman – Jenn Vogt; Vice-Chairman – Susan Harper; and Secretary – Maggie Riley. Council Member Brenneman stated PWS Nasalroad was present at the meeting regarding maintenance on the park for the upcoming year.

Council Member Brenneman asked the City Attorney about park board meetings being held at a resident's home. City Attorney Harding stated all meetings of the park board must follow the guidelines of the Kansas Open Meeting Act and therefore the individual would have to allow all public to attend the meeting at their home. City Attorney would advise against having meetings in a personal resident just on the basis of safety concern and perception.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

CHAMBER OF COMMERCE –The Chamber is reaching out to the business owners about participation in the Chamber meetings.

PLANNING & ZONING COMMISSION (PZC) – The Commission will be meeting with IBTS at the regular scheduled meeting on March 10, 2022.

UNFINISHED BUSINESS:

WATER AND SEWER RATE ANALYSIS PROPOSAL FROM CARL BROWN

CC Wade recommended having the water rate analysis performed at a net fee of \$6,104 and one site visit at the net fee of \$751/visit. Council Member Curtis inquired about the need to have this analysis done and asked when the last analysis had been performed. CC Wade responded the last analysis was performed around 2012/2014 prior to the water project. In the next 5-10 years the City is going to be faced with some changes as the Rural Water District contracts come up for renewal and taking on a new entity (City of Linn Valley) as well as expected capital improvement on the water plant. CC Wade needs assistance from an analyst to determine the financial set-up for the next 10 years. Council Member Curtis suggested to wait until the report for the water analysis of the water treatment plant before committing to the proposal for the water rate analysis.

307 SWAN STREET – PROPERTY OWNED BY LINCOLN TOWNSHIP

City Attorney Harding presented a revised building agreement for the council to review. Council Member Curtis was concerned about the cost of utility and maintenance. Council Member Stoker wasn't sure what public works really wanted. PWS Nasalroad said the building would be used to store the 1-ton and salt spreader in order to get them out of the elements. He does not have enough covered storage area at the public works location to get all equipment out of the elements. Council Member Brenneman indicated he was not for or against the agreement. Council Member Capp indicated it was up to PWS Nasalroad. Council Member Stoker indicated it was up to PWS Nasalroad. PWS Nasalroad wants to accept the building storage agreement as presented with the revisions from City Attorney Harding.

❖ **Motion**

Council Member Capp motioned to approve for Mayor Wilson to sign the building storage agreement as presented with the revisions from City Attorney Harding. Motion seconded by Council Member Stoker voted on, passed 4-0.

RESOLUTION OF THE CITY OF LA CYGNE REGARDING EMPLOYEE SAFETY PRACTICES AND PROCEDURES FOR COVID-19.

CC Wade is still working on a draft.

NEW BUSINESS:

NONE

EXECUTIVE SESSION:

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 10-minutes for non-elected personnel matter exception for individual employee's performance and will return to the Council table at 7:48p.m. Motion seconded by Council Member Capp voted on, passed 4-0. 7:38p.m.

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

OPEN SESSION RESUMED AT 7:48pm:

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 9 of 9 Pages

March 2, 2022

OTHER BUSINESS:

NONE

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

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 7:50 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 March, 2022.