

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 3, 2021 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Danny Curtis; Keith Stoker (arrived at 6:10pm). Absent: Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; City Attorney Burton Harding; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; Codes Officer Intern Allison Fox; Linn County News Tony Furse; Linn County Economic Development Admin Jessica Hightower; Emil Wilson; Bunny Higgins; Brad and Janelle Aust; and Rob Thayer.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- Daylight savings time begins March 14, 2021. The March 3rd, 2021 meeting will begin at 6:00pm and the March 17th meeting will begin at 7:00pm.
- Mayor Wilson thanked the community, industry and businesses for conserving on their use of gas during the extreme cold event which occurred February 12 – 21, 2021. Mayor Wilson complimented the Industrial users for closing their operations down in order to ensure supply was available for the health and wellness of our citizens. Our community pulled together during a trying time which will help as the future financial burden is determined. The City is hopeful the efforts taken will reduce the potential extraordinary cost.

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of February 16, 2021 Special Council Meeting;
Minutes of February 17, 2021 City Council Meeting;
Minutes of February 23, 2021 Special Council Meeting;
Check Register: February 18 – March 3, 2021;

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

DISCUSSION FROM THE FLOOR:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 30-minutes for trade secrets and will return to the Council table at 6:35pm. Motion seconded by Council Member Curtis voted on, passed 3-0. 6:05pm

Others in attendance included, but not limited to: City Attorney Harding, CC Wade, PWS Nasalroad, Brad and Janelle Aust; Jessica Hightower; and Rob Thayer

OPEN SESSION RESUMED AT 6:35pm:

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT

PWS Nasalroad met with Dan Coltrain, MW Engineer group, to review the preliminary plans and to on-site review of the plant and existing settling ponds. MW Engineer Group is scheduled to attend the April 7, 2021 Council meeting to present the preliminary plans and costs for the project. In the meantime, PWS Nasalroad will get soil samples to Terracon.

SEWER REHABILITATION PROJECT

PWS Nasalroad and CC Wade participated in a Zoom meeting with BG Consultants regarding possible extensions of the sewer main on 4th street and Grand avenue. PWS Nasalroad is getting some final information for Paul Owings to complete the preliminary drawing for those extensions and the cost. BG Consultants would attend the April 21 meeting to present.

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

No updates at this time

NEW LA CYGNE FIRE STATION PROJECT

Preliminary plans and cost estimates were received from Zingre Architects. Fire Chief Nasalroad will review those plans and follow up with the Council at the next meeting.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING(ATTENDED VIRTUALLY BY ZOOM)

City Attorney Harding reviewed the following report:

- Worked on Municipal Court cases
- Reviewed and revised the contract with engineers for feasibility survey.
- Reviewed final Water purchase contract with the City of Linn Valley.
- Researched legal questions regarding public land use and RWD.
- Participated in a meeting with the Governor’s office regarding relief for municipalities struck with high electric and natural gas bills.

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

**13 Traffic Stops Conducted
Citations issued since last meeting**

Speed in School Zone	0	Revoked DL	0
Stop Sign	1	Illegal Tag	0
Expired DL	0	No DL	0
Expired Tag	0	Speed	0
Vicious Dog/RAL	4	Insurance	0
Seatbelt	0	Suspended DL	1

Calls for Service / Reports – 02/16/2021 thru 03/01/2021

Animal Complaint – 5	Funeral Escort - 1
Vehicle Lockout – 2	Civil Matter / Child Custody Standby – 0
Computer Crime – 1	Citizen Assist CFS / contact - 9
Theft – 0	Juvenile Incident – 3
Check Welfare – 6	Traffic Hazard– 1
Follow Up – 6	Assist Outside Agency – 0
Suspicious Activity – 1	Pedestrian Check – 0
Sexual Assault – 0	Trespass - 1
Domestic / Battery – 0	Ambulance - 0

Animal Control

-Nothing at this time

Codes Enforcement

- Chief Fenoughty indicated some codes violations will be going to court next week.

VIN Inspections- 1 completed

New Business

Chief Fenoughty presented a quote from Brite in the amount of \$1,872 for the annual maintenance agreement for the Getac Cloud and SW maintenance. Chief Fenoughty explained this support was for their body cams and video equipment in their vehicles and for State compliance. Mayor Wilson asked if a PO had been put together. Chief Fenoughty indicated she had just received the invoice shortly before the meeting and wanted to get it taken care of before it expired. CC Wade stated the cost falls under the contract service budget line for the Police Department.

❖ **Motion**

Council Member Capp motioned to approve the quote from Brite in the amount of \$1,872 for the annual maintenance agreement for the Getac Cloud and SW maintenance. Motion seconded by Council Member Stoker voted on, passed 4-0.

Other Business

- Chief Fenoughty reminded citizens that solicitors are required to have a permit here in the City of La Cygne. Please call the City Hall if you are suspicious of solicitors in town.

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – INTERN ALLISON FOX

Report from 2/17/2021 to 03/03/2021

- (5) Nuisance letters
- (3) INOP letters
- (6) Court on 3/11/2021
- (2) Hold

Allison presented a Power point presentation regarding the property located at 602 N. 5th Street. Allison reviewed the problems with the house which cause it to be found as an unfit structure. Allison recommended a resolution ordering a hearing on abatement for the house located at 602 N. 5th Street.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 429 ordering a hearing on abatement of certain conditions in violation of the nuisance codes of the City of La Cygne, KS for the house located at 602 N. 5th street. Hearing shall be held on the 7th day of April, 2021 at 7:00pm. Motion seconded by Council Member Curtis voted on, passed 4-0.

Council Member Curtis asked for follow up on the house located at 612 N. 8th street. Allison indicated March 15, 2021 is the final day for the owner to have the house removed. Allison will address the Council at the March 17, 2021 meeting regarding advertisement for bids for demolition.

Mayor Wilson complimented Allison Fox on her progress with codes.

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

Report from 2/17/2021 to 03/03/2021

Committee discussions

Water and Gas:

- Met with Midwest Engineering on the settling pond project. MW Engineering is planning to be at the Council meeting on April 7th.
- Gas inspection will be April 28, 2021.
- Water plant ran at capacity during the cold snap to help supply water to this part of the County.
- Met with Mark Frashier with Mark Frashier Construction regarding the water and gas needs for 417 Grand Avenue (JBB Farms). PWS Nasalroad is putting together estimated costs.

Street:

- Trying to get all equipment in working order as we had a lot of issues during the cold snap. Everything is now back in service.

Sewer:

- New lift station pump has yet to be repaired, waiting on parts.
- Check Valve installation at the City Park lift station has been halted as we need two valves. PWS Nasalroad reviewed the revised cost estimate received from Alliance pump & Mechanical service, Inc for the addition of (2) Stainless steel knife valves, hardware,

REPORTS OF CITY OFFICERS CONTINUED:

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

gaskets, labor and possible service truck (honey-wagon) trips. The new estimated total is \$9,916.06. Council Member Capp asked if there was any other choice or option. PWS Nasalroad indicated the existing valves were attached using all-thread and it has sieved. The knife valves have to be replaced.

❖ **Motion**

Council Member Capp motioned to revise PO 2021-4 to up to the amount of \$12,000 to replace (2) Check valves and (2) Stainless steel knife valves. Motion seconded by Council Member Stoker voted on, passed 4-0.

Park:

- Working on getting prices for the playground area. Either pea rock or wood chips.
- Need to look at gravel and expanding the parking. (Cars parking in the grass)

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

- Received conceptual drawing and cost estimates for the station, I have not had time to review them.
- Had our first meeting in months and started to plan training schedule.
- Looking for people to be volunteer firemen.

CITY CLERK – JODI WADE

Report from 2/18/2021 – 3/3/2021

City Clerk

- Met with the Gas Committee (February 10, 2021) regarding the upcoming gas bills.
- Prepared for Special Council meeting on February 23, 2021 regarding gas financial situation.
- Attended Planning & Zoning special meeting (February 25) to assist with questions regarding Article 22.
- Attended the Chamber of Commerce meeting (February 24, 2021).
- Advantage computers installed the new Firewall for the server. Also attempted to evaluate problems on one of the new towers we had purchased in April 2020.
- Attended a meeting with Midwest Engineering (March 1, 2021)
- Attended a meeting with BG Consultants (March 2, 2021) regarding extension of sewer mains on 4th street and Grand Ave between First Street and 4th Street.
- Participated in the Virtual meeting with representatives from Governor Kelly's office regarding the gas pricing situation.
- Reviewed Water Purchase agreement from the City of Linn Valley.
- Reviewed the agreement for Bartlett & West for engineer review of the sewer lagoons.
- Reviewed Insurance Policy renewal.
- Prepared documents for the La Cygne Community Park board meeting (March 2, 2021).
- Prepared documents for the La Cygne Library meeting (March 10, 2021).
- Completed/submitted the annual gas reports.
- Reviewed the procedures regarding annexations.
- Reviewed design and cost estimates for the new Fire Station.

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

- Reached out to Gilmore & Bell (Bond Counsel) regarding “no-fund warrants” and reviewed K.S.A. 10-116(a) Cash basis law. Spoke to First Option Bank regarding short-term loans.
- Completed an investigation of Natural Gas pricing request from the State of Kansas Attorney General’s Office.
- Completed a letter of Testimony for HB 2429 for use by the League of Municipalities during presentation on Wednesday, March 3, 2021 to the House.

Office Assistant

- Prepared and posted videos for the public regarding issues with the gas.
- Printed and prepared mailing of utility bills with a letter of notice regarding gas situation.
- Updated City website, participated in a virtual meeting with One Each Technologies (Web platform Co.)
- Monitored and responded to questions or concerns on the City of La Cygne Facebook page.
- Working on Spring Newsletter.
- Set-up and prepared Dog Days for March 27, 2021 from 10am – Noon.

Overtime Hours for City Hall for the last pay period: 15.50 hours Jodi (9.75 was put to comp)
2.25 hours Connie

CITY TREASURER/COURT CLERK – CONNIE GORE

- Continued working on the gas emergency/phone calls.
- Prepared utility bills and mailed in envelopes with a flyer.
- Prepared accounts/invoices and turned over to County and collections.
- Worked on Planning/Zoning meeting, workshop, started updating a returned binder.
- Completed monthly sewer and water report.
- Updated City Codes books (Those in City hall, Judge, and Dan)
- Prepared documents for zoom court to send to Judge Schultz
- Completed monthly bill audit for Waste Management.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- CC Wade received a certified letter from the KS Attorney General’s office. CC Wade submitted the requested information regarding an investigation of natural gas pricing during state of disaster emergency.
- CC Wade has been in conversation with KMG, Gilmore & Bell Bond Counsel, and financial institutions regarding options for municipalities required to make “spike” payment.

COUNCIL COMMITTEE REPORTS CONTINUED:

WATER & GAS CONTINUED -

- HB 2429 to create a low-interest loan program for a city to borrow from the state. Loan would be paid back over a 10-year period, with an interest rate 2% below the market rate as per K.S.A. 75-4237. This loan would be only for repayment of the extraordinary costs, not for normal operating expenses.
- Resolution No. ___ temporarily prohibiting utility penalties. The Gas Committee members, Council Member Stoker and Council Member Curtis, reviewed their discussion regarding the increased utility bills due to the increased consumption by patrons during the extreme cold weather. CC Wade advised the Council regarding executive orders which were issued during the Covid pandemic which were issued by the Governor. The situation at hand is relevant to our City and it would be up to the Council if they would like to issue a resolution regarding any changes in the procedure for utility billing.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 430 temporarily prohibiting the 10% penalty to be applied to the past due amount for the month of March 1, 2021 utility bill effective until March 31, 2021. Motion seconded by Council Member Stoker voted on, passed 4-0.

STREET -

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) Follow up regarding the water pooling on the corner of Broadway and Chestnut street next to the La Cygne Library. The Committee is scheduled to meet with the La Cygne Library team on Wednesday, March 10th at 5:30pm.
- Jerome Mitzner attended the Planning & Zoning Public special meeting on February 25, 2021 regarding Article 22. Planning & Zoning scheduled a workshop for March 4, 2021 at 7pm regarding Article 22.

SEWER-NONE

PARK-

Council Member Curtis informed the Council the Park Board met on March 2, 2021 at 5:00pm. Will be proofing the minutes prior to submitting to the Council. Indicated the Library staff is meeting with the Park Board for a special meeting at the Pavilion in the park.

CEMETERY -

- (Postponed until January 2021) Chapter XI. Public property, Article 1. Cemetery regulations. No meeting scheduled to date. Council Member Capp asked CC Wade for a draft of the regulations.

PUBLIC SAFETY -NONE

COUNCIL COMMITTEE REPORTS CONTINUED:

COMMUNITY BUILDING-

- Rental of the Community Building to the Public. The Council discussed the procedure for cleaning the building in between groups. Discussion was held regarding the refundable deposit issued in the past and whether the City would need to instead change that to a cleaning fee to help with the cost to have the building cleaned in between groups. The Council concurred on preparing information for possible opening to rental in April 2021. The building would only be available for rental on one day of the weekend and to only one group to allow cleaning to be done in between use. CC Wade will gather information for the Council.
- City Hall status of unlocking the door to the Public. The Council referred to CC Wade regarding the reopening of City Hall. CC Wade indicated the majority of the staff in the City Hall has either had Covid or had their vaccinations. Entry in to City hall would require a mask, check temperature and limited to approximately 3 people due to the limited space in the foyer. Mayor Wilson expressed the importance of daily cleaning of common surfaces.

❖ **Motion**

Council Member Capp motioned to reopen the City Hall to the public affective March 4, 2021 at 8:00am. Motion seconded by Council Member Stoker voted on, passed 4-0.

EMPLOYEE RELATIONS & TRAINING –

- (Postponed until Spring 2021) -Ethics/Public Service Training.
- Potential City Officials training on March 19, 2021 sponsored by Lauber Municipal Law, LLC. Mayor Wilson informed the Council of the benefit of attending this training. The Mayor indicated how great an opportunity it is to attend this training right here in town and for a reasonable price. Mayor Wilson has already attended this training when she started her position as Mayor. Council Member Capp asked if any of the City staff would be interested in attending. CC Wade stated it would be beneficial for Office intern Katie Russell to attend.

❖ **Motion**

Council Member Capp motioned to send up to 5 City representatives to the City Official training on March 19, 2021 sponsored by Lauber Municipal Law, LLC . Motion seconded by Council Member Stoker voted on, passed 4-0.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE –

Chamber of Commerce is looking for volunteers to help with Swanfest. CC Wade advised Council Member Curtis the Chamber had inquired about having Swanfest on the same day as Blast in the Park.

LA CYGNE COMMUNITY PARK BOARD –NONE

PLANNING & ZONING COMMISSION (PZC) -

Unapproved minutes February 11, 2021

UNFINISHED BUSINESS:

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

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

EMPLOYEE POLICY & GUIDELINES

Tabled until summer 2021.

NEW BUSINESS:

WATER CONSERVATION PLAN

Tabled until summer 2021.

CONTRACTOR-CLIENT SERVICE AGREEMENT WITH BARTLETT AND WEST

CC Wade has reviewed the agreement received from Bartlett & West for engineering review of the existing sewer lagoon facilities for capacity and conditions for future growth. City Attorney Harding has reviewed the agreement and asked Bartlett & West to modify a few sections. The modifications have been completed and City Attorney Harding is satisfied with the document.

❖ **Motion**

Council Member Capp motioned approve for Mayor Wilson to sign the agreement with Barlett & West in the amount of \$54,000 to perform an engineer review of the existing sewer lagoon facilities to have completed by April 7, 2021. Motion seconded by Council Member Curtis voted on, passed 4-0.

WATER PURCHASE CONTRACT WITH THE CITY OF LINN VALLEY, KS

City Attorney Harding indicated he has reviewed the Water purchase contract for the City of Linn Valley and is satisfied with the document. CC Wade reminded the Council the contract is contingent upon the approval of the water improvement project for the City of Linn Valley.

❖ **Motion**

Council Member Capp motioned approve for Mayor Wilson to sign the Water purchase contract with the City of Linn Valley, KS effective March 3, 2021. Motion seconded by Council Member Stoker voted on, passed 4-0.

TRULY INSURANCE POLICY FOR APRIL 1, 2021 THROUGH APRIL 2022

CC Wade reviewed Truly Insurance Policy renewal for April 1, 2021 through April 1, 2022. Increase amount is \$6,240. The change in amount is due to the improvements in the Water Utility, purchase of new dump truck, Mini-excavator, trailer and mower. Just a slight increase under each section. Council Member Capp asked when was the last time the City checked pricing from other agencies. CC Wade didn't know when it had been performed. Discussion was held regarding reaching out to other agencies to compare some pricing. CC Wade indicated the challenge to get that accomplished before the renewal date of April 1, 2021 and suggested renewing the current policy with the current agency and then doing some research before the next renewal. Council Member Stoker and Capp asked CC Wade to see what she could achieve prior to the March 17, 2021 meeting.

NEW BUSINESS:

PRAIRIE VIEW HIGH SCHOOL AFTER PROM:

Mayor Wilson held a discussion regarding donations from a City. She expressed her concern of using tax payers' dollars to contribute to organizations or events. She asked how we could determine which ones and not show favoritism. Council Member Curtis and Capp discussed past practices of the City. CC Wade stated in her trainings they suggest that a City should not use tax payers' dollars for donations, but instead city employees or Council Members can personally make a donation as a City representative. City Attorney Harding stated from a legal standpoint there are not laws pertaining to it but he also indicated using tax payers' dollars for donations was not a "best practice" due to the issue of showing favoritism to one group vs. another and what determines the amount the City would give out each year? Conversation ended with direction given for employees or representatives to make personal donations if they so choose.

ORDINANCE NO. AMENDING TABLE 15-1 IN ARTICLE 15 OF THE LA CYGNE ZONING REGULATIONS:

Ordinance No. ___ amending Table 15-1 in Article 15 of the La Cygne Zoning regulations, to amend line 21 of Table 15-1 to allow manufacturing processing with a conditional use permit in zones I-1 and I-2. City Attorney Harding reviewed the current line 21 in Table 15 and stated he has reviewed the definition for Line 21. City Attorney Harding questioned the Council if they would require a Conditional Use permit for the businesses defined in both I-1 (lite industrial) and I-2 (heavy industrial). CC Wade indicated the current regulations do not currently permit the defined businesses in the light industrial (I-1).

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1484 amending table 15-1 in Article 15 of the La Cygne Zoning regulations to amend line 21. Motion seconded by Council Member Stoker voted on, passed 4-0.

WAGE RATE INCREASE FOR FULL-TIME EMPLOYEES FOR THE CITY OF LA CYGNE FOR 2021

CC Wade presented the following wage rate increases for 2021.

Jodi Wade, City Clerk:	\$0.43
Connie Gore, Treasurer:	\$0.22
Dan Nasalroad, PWS:	\$0.27
Codee Blanchett, WTR OP:	\$0.41
Jeff Chaplin, WSTR OP:	\$0.22
Jesse Merrill, PW OP:	\$0.20
Tina Fenoughty, POL CHF	\$0.27
Kurtis West, POL OFF:	\$0.24

❖ **Motion**

Council Member Capp motioned to approve the wage rates as presented effective March 1, 2021. Motion seconded by Council Member Stoker voted on, passed 4-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session after a 5-minute break for 30 minutes for non-elected personnel performance review and will return to the Council table at 8:05pm. Motion seconded by Council Member Thies voted on, passed 4-0. 7:30pm

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

OPEN SESSION RESUMED AT 8:05pm:

OTHER BUSINESS:

Bunny Higgins commented on the City insurance policy. Bunny indicated the challenge of researching insurance policies due to the complexity of coverage for a Municipality and the time it takes to make sure you are comparing similar policies.

NOTES AND COMMUNICATIONS TO COUNCIL:

- State of Kansas, Governor Kelly letter to the Federal Regulatory Commission, dated February 19, 2021.

ADJOURNMENT:

❖ Motion

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 4-0. Time 7:57pm.

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 March, 2021.