

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, March 4, 2020 at La Cygne City Hall. Council Members present were: Danny Curtis; James Thies; Thomas Capp; Keith Stoker; 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; Joel Taylor and Steve Cutshaw (Loma Farms LLC); and Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

None

**NEW YEAR ORGANIZATION:**

Council held discussion regarding who would consider the position of Council President. A recommendation was made for Council Member Curtis.

❖ **Motion**

**Council Member Stoker motioned to approve Council Member Danny Curtis as the new Council President. Motion seconded by Council Member Mitzner voted on, passed 3-0. Abstain – Council Member Curtis**

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of February 19, 2020 City Council Meeting;  
Check Register: February 20 – March 4, 2020;  
City Wide Garage Sales, May 2 & May 3, 2020;

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

**DISCUSSION FROM THE FLOOR:**

- Tate West was on the agenda regarding Olive Hope but did not show up at the meeting.
- Letter from Lesli George-Mitzner regarding the use of the community building for the La Cygne Farmers Market and Homemade Ice Cream. Homemade Ice Cream is a fundraiser for the Cub Scouts, local non-profits and community organizations. Lesli asked if the fee could be waived, but a deposit check would be submitted to hold for the season from May through August. She understands they would not be able to use the building if someone else has it rented. Event will be held on Wednesdays.

**DISCUSSION FROM THE FLOOR CONT:**

- Letter from Lesli George-Mitzner continued:

❖ **Motion**

**Council Member Capp motioned to approve the use of the community building for the La Cygne Farmers Market and Homemade Ice Cream on Wednesdays starting in May through August, fee will be waived and deposit check required to hold for the season. Motion seconded by Council Member Stoker voted on, passed 3-0. Abstain – Council Member Mitzner**

**SPECIAL PROJECTS:**

**Report from Public Works Superintendent (PWS) – Dan Nasalroad**

**WATER TREATMENT PLANT**

None

**SEWER IMPROVEMENT PROJECT**

PWS Nasalroad had asked BG Consultants for pricing to do a boundary survey while performing the topographic survey of the sewer lagoons. A price quote of \$2500 was received from BG Consultants. PWS Nasalroad reviewed the plat map and the City does have some additional land space to the East of the lagoons which could be utilized for placement of sludge when the settling ponds are de-slugged. PWS Nasalroad felt it was important to know where the boundaries are for future reference since those who farm in that area do tend to plant crops in what appears to be our plat, which has not been an issue. Council Member Stoker inquired about the product being spread. PWS Nasalroad stated it was standard practice to spread the sludge on fields and it is an approved KDHE (Kansas Dept of Health & Environ) method.

❖ **Motion**

**Council Member Stoker motioned to accept BG Consultants' quote for \$2500 for a boundary survey of the Sewer lagoon plats. Motion seconded by Council Member Capp, voted on, passed 4-0.**

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING –**

- BG Consultants Attorney attempted to contact City Attorney Harding regarding the changes to the Consultant-Client Agreement for the topographic survey of the sewer lagoon berms. City Attorney attempted to call back but they have not made contact with each other.

**INTERIM CHIEF OF POLICE/CODES OFFICER -KURTIS WEST**

- Reviewed Report at the table.

**REPORTS OF CITY OFFICERS CONT:**

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

- Report in agenda was reviewed, to include the following:
  - (7) Reports of gas leaks to do initial assessment of the scene for USDI
  - Continued work on Preventative Maintenance Program. Will establish a PM schedule upon completion.
  - Checked a sewer issue at Dollar General Store, it was on their service line. Walked the sewer main and did find some minor issues to be resolved.
  - 2005 Ford Truck had some issues. Concerned with the age of our fleet. Average age of trucks is 2006. Would like to formulate a long-term plan for replacing the fleet with vehicles that suite our needs.
  - Reviewed service contracts for the Water Towers. It cost 10,000/year per tower for the contract service. For that \$100,000/tower over 10 years we receive (10) inspections, (5) cleanings and (1) exterior painting. It does include emergency repair and graffiti removal. For the new tower alone, we will pay \$115,607 through 2027 and at that time will be eligible for a repaint. Research of cost of painting a tower seems to range from \$60,000 to \$300,000 so it seems the service contract may be the way to go. PWS Nasalroad will continue to discuss this with the Water Committee.
  - Replaced the hydraulic line on the old dump truck for \$80 so if sold it can be driven with the snow plow attachment.
  - Cody Blanchett started descaling the water plant clarifiers. The south one is done and has started the north one. Only able to be done by hand with a scraper.
  - Replaced and reprogramed the chlorine pump at the north tower at a cost of around \$1000.
  - A ¾" valve at the bottom of the water tower failed causing water to spray on MW Connections equipment. The equipment was covered as quickly as possible in the event. This is the 3<sup>rd</sup> time this valve has failed. We believe we have solved the issue with some heat tape and a different fitting. This is a design flaw in the tower construction as this small 8-inch section of pipe is unprotected from the cold.
  - Record of a gas small at People Telecommunications. Contacted USDI. Contacted the Gas Committee. Repairs complete 2/25/2020. USDI had to come back because of complaints of gas smell. During the investigation the was cut and around 25' of pipe was replaced under the road. The old section was pressure tested and no leaks were found although the coating was worn through in many spots due to improper installation (bedded in a bed of rock). It seems the leak had been there for a long time and permeated the soil.
  - Reports of gas smells at the Pharmacy. Investigation found a leaking main across K-152 in the front yard of 1002 Market Street. Bypass was welded in as to not shut off the business district along KS-152 while repair was being made. Repair completed by USDI on 2/26/2020.
  - Waiting on Douglas Pump to come down and repair the lift station in the Industrial Park for \$1390 and to look at a new pump in the Park lift station.
  - Reviewed the maps of the sewer lagoons with the sewer committee. Would like to have BG Consultants perform a boundary survey of the property owned by the city. The additional land to the east could be used for sludge from the backwash pond that is completely full and needs to be cleaned out.
  - PWS Nasalroad, Council Member Stoker and Council Member Curtis met and interviewed applicants for the public works laborer position.

**REPORTS OF CITY OFFICERS CONT:**

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

PWS Nasalroad expressed some confusion regarding the spending limits for the Public Works department and for Department Heads. In the Administrative policy it outlines an amount between \$500-\$2500 for the Public works department can be approved by the Mayor and City Clerk, but we have been told our limits are only \$500 and anything over that amount needs Council approval. PWS Nasalroad would like to ask the Council to review the policy and statutes regarding purchasing for the Department Heads and to consider updating the Administrative Policy for the City of La Cygne. CC Wade added with the increase in cost for things it gets challenging to stay under the \$500 limit. To go buy our rolls of stamps every six months costs over \$500. PWS Nasalroad would like to purchase a generator for the Public Works and is currently researching possibilities.

❖ **Motion**

**Council Member Stoker motioned to approve up to \$1000 for the purchase of a new generator for the Public Works department . Motion seconded by Council Member Capp, voted on, passed 4-0.**

**FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –**

None

**CITY CLERK – JODI WADE**

- The server went down last night (3/3/2020). Advantage came today (3/4/2020) to work on the server. They got it back up in operation by 4:45pm today. We will need to replace the computer portion of the server. Advantage will put together a quote.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS –**

The 1<sup>st</sup> draft of the Gas Utility section of the codes book was given to the Committee members on February 26, 2020. PWS Nasalroad asked the Committee to consider a “tap” (application) fee for a new Gas service, currently there is not one.

**STREET –NONE**

**SEWER-**

Council Member Capp inquired about the rental of a truck to haul the sludge from the backwash ponds. PWS Nasalroad is going to do some further research on areas for the sludge. Depending on the location determines if we would need to rent a tank or Vac truck. Council Member Stoker suggested contacting United Rentals for some quotes.

**PARK-NONE**

**CEMETERY –**

Council Member Mitzner inquired about the mowing position for the cemetery. CC Wade indicated we had 2 or 3 applications. Council Member Mitzner suggested to reach out to Kansasworks also.

**PUBLIC SAFETY -NONE**

**COUNCIL COMMITTEE REPORTS CONT:**

**COMMUNITY BUILDING-**

Mayor Wilson asked the Council to consider asking the Public Building Commission to begin researching the remodel/replacement of the Community Building/City Hall. CC Wade explained who the Public Building Commission was and the resources of bonds/grants they have available. CC Wade stated this would be a year long process to determine the needs and costs for these buildings.

❖ **Motion**

**Council Member Mitzner motioned for the Public Building Commission to research the remodel or replacement of the La Cygne Community Building and/or City hall/Police Station . Motion seconded by Council Member Capp, voted on, passed 4-0.**

**EMPLOYEE RELATIONS & TRAINING –**

Special Meeting for Interviewing Applicants for the position of Chief of Police set for March 9, 2020 starting at 5pm and last interview to start at 7pm.

CC Wade received information for a KORA/KOMA training and Public Relations for our governing body and City employees through Jeff Deane with Lauber Municipal Law, LLC. Potential dates presented were April 8, 22, or 29<sup>th</sup>. We would have the KORA/KOMA first and then schedule a separate date for the Public Relations. Council Members suggested April 29, 2020 in the evening.

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT –NONE**

**SWANFEST COMMITTEE –**

Next meeting March 6, 2020 at 6pm and March 30, 2020 at 6pm at the Community Building, a light meal will be provided (free will donation accepted). Theme for the Swanfest is "French Roots-Mardi Gras/French Quarter". Date for Swanfest is July 11 from 11am – 4pm.

**PLANNING & ZONING COMMISSION**

Meeting Minutes from February 13, 2020 meeting. Draft of the Request for Proposal (RFP) for the review and revision of the Comprehensive Plan & Zoning Regulations for the City of La Cygne Planning & Zoning Commission. Council members asked CC Wade to proceed with sending out the RFP on March 13, 2020.

**ZONING APPEALS BOARD**

Mayor Wilson explained the Zoning Appeals board which would consist of (5) members all residents of the City to include: (1) Council member, (2) Planning/Zoning Board Members, and (2) citizens at large. We have (2) citizens at large who have submitted interest – Chelsie Stainbrook and Randy Broyles. Discussion was held regarding a volunteer from the Council. Council Member Stoker offered to be the Council Member on the Zoning Appeals Board.

❖ **Motion**

**Council Member Mitzner motioned to approve Chelsie Stainbrook and Randy Broyles for the citizens at large for the Zoning Appeals Board. Motion seconded by Council Member Stoker, voted on, passed 4-0.**

**SPECIAL COMMITTEE REPORTS CONT:**

**ZONING APPEALS BOARD CONT**

❖ **Motion**

**Council Member Mitzner motioned to approve Council Member Stoker as the Council Member for the Zoning Appeals Board. Motion seconded by Council Member Curtis, voted on, passed 3-0. Abstain – Council Member Stoker.**

**UNFINISHED BUSINESS:**

**PUBLIC SAFETY COMMITTEE:**

Discussion was held at a prior meeting regarding the City-Wide Clean-up day May 9<sup>th</sup>. CC Wade reviewed the use of (1) truck or (2) trucks. Collecting bulk items fills up the trucks quicker than standard solid waste. The most (2) trucks can pick up in bulk items is an average of 6-ton. Quoted price from Waste Management was \$2900 for (2) trucks.

❖ **Motion**

**Council Member Stoker motioned to approve the quote from Waste Management in the amount of \$2900 for the City-Wide clean-up day scheduled for May 9th. Motion seconded by Council Member Curtis, voted on, passed 4-0.**

**ORDINANCE NO. 1464 PERTAINING TO THE AMENDMENTS AND ADDITIONS TO THE WATER UTILITY SECTION OF THE LA CYGNE CODES BOOK.**

Ordinance No. 1464 was passed at the February 19, 2020 meeting. Unfortunately, the motion was made with the wrong number for the sequence of the Ordinances. The Council needs a motion to correct the number of the Ordinance pertaining to the amendments and additions to the water utility section of the La Cygne Codes Book.

❖ **Motion**

**Council Member Stoker motioned to rescind the motion for Ordinance 1464 as stated at the February 19, 2020 meeting. Motion seconded by Council Member Capp, voted on, passed 4-0.**

❖ **Motion**

**Council Member Stoker motioned to approve Ordinance No. 1466 pertaining to the amendments and additions to the Water Utility section of the City of La Cygne Codes Book. Motion seconded by Council Member Mitzner, voted on, passed 4-0.**

**NEW BUSINESS:**

**ORDINANCE NO. REZONING 410 W GRAND AVE (SUBDIVISION 33-19-24) 416 AND 417 W GRAND AVE (S32,T19,R24) FROM AGRICULTURAL (A) TO RESTRICTED COMMERCIAL DISTRICT (C-1).**

Joel Taylor introduced himself to the Council and asked for consideration from the Council to rezone the Loma Farms property located at 410, 416 and 417 W Grand Ave from Agricultural to Restricted Commercial District for the purpose of operating a wedding venue/bed and breakfast. Joel

**NEW BUSINESS CONT:**

**ORDINANCE NO. REZONING 410 W GRAND AVE (SUBDIVISION 33-19-24) 416 AND 417 W GRAND AVE (S32,T19,R24) FROM AGRICULTURAL (A) TO RESTRICTED COMMERCIAL DISTRICT (C-1) CONT.**

explained the property had been used for this purpose years ago until the death of one of the owners. After several years of no events being held at the property it returned to the zone of Agricultural. The Council was supportive of the considerations given by the Planning & Zoning Commission.

❖ **Motion**

**Council Member Stoker motioned to approve Ordinance No. 1467 to rezone land generally located at 410, 416, and 417 Grand Ave in La Cygne, KS with the legal description of subdivision 33-19-24, Acres 29.8, W 30A of NW4 NW4 less RD Section 33 Township 19 Range 24 and S32, T19, R24 Acres 75.3, N2 NE4 & PT lots 5 & 6 LYG N of RR EX BEG NW/C NE4 TH E 1320 S 590 W 970 N 277.8 W 350 N to POB & EX BEG 640 N SE/C Lot, and S32, T19, R24 Acres 75.3, N2 NE4 & PT Lots 5& 6 LYG N OF RR EX BEG NW/C N E4 TH E 1320 S 590 W 970 N 277.8 W 350 POB & EX BEG 640 N SE/C Lot from "A" Agricultural to "C-1" Restricted Commercial District. Motion seconded by Council Member Stoker, voted on, passed 4-0.**

**SPECTRUM LEASE AGREEMENT (FCC NOTIFICATION FOR SPECTRUM MANAGER LEASE)**

City Clerk Wade explained the purpose of this agreement is for the assignment of an FRN number for our new auto-read meters within the City of La Cygne limits. This is a standard procedure required by the Federal Communication Commission for any type of transmittal services. No fees involved.

❖ **Motion**

**Council Member Stoker motioned to approve for Mayor Wilson to sign the Spectrum Lease Agreement. Motion seconded by Council Member Capp, voted on, passed 4-0.**

\*\*\*Council Member Thies arrived to the Council Meeting\*\*\*

**QUOTE IN THE AMOUNT OF \$1075 FROM KENT WADE TO REMODEL/REPLACE THE FRONT SERVICE COUNTER AND ELECTRICAL OUTLETS**

CC Wade explained the necessity to improve the front counter service area to allow a divider between the "waiting area" and the "work space". The purpose of the counter is for the exchange of money or documents, not a place to conduct discussion regarding utility accounts or other matters of the city.

❖ **Motion**

**Council Member Mitzner motioned approve the quote from Kent Wade in the amount of \$1075 (\$475/materials and \$600/labor) to replace the front service counter. Motion seconded by Council Member Stoker, voted on, passed 5-0.**

**ORDINANCE NO. AMENDING CHAPTER XIV, ARTICLE 6 SOLID WASTE, 14-603(A,B) AND 14-613 (C) AND ADDING 14-613 (A,B)**

Public Safety Committee reviewed the amendments and additions to the Solid Waste section of the La Cygne City Codes book. CC Wade clarified the addition of 14-613 (a) which requires patrons to have utility services with the City of La Cygne in order to participate in the trash pick-up program provided by Waste Management through the City.

**NEW BUSINESS CONT:**

**ORDINANCE NO. AMENDING CHAPTER XIV, ARTICLE 6 SOLID WASTE, 14-603(A,B) AND 14-613 (C) AND ADDING 14-613 (A,B) CONT**

❖ **Motion**

**Council Member Mitzner motioned to adopt Ordinance No. 1468 Amending Chapter XIV, Article 6 Solid Waste, 14-603 (a, b) Permits; Fees; and Application required and 14-613 (c) additional rules and regulations and adding 14-613 (a, b) additional rules and regulations of La Cygne, Kansas relating to solid waste utility bills and responsibilities . Motion seconded by Council Member Stoker, voted on, passed 5-0.**

**NEPOTISM POLICY**

Council members made a recommendation to Mayor Wilson for a change in the agenda to move in to Executive Session prior to this item of new business.

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Stoker 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 for consultation with attorney under attorney-client privilege following a 3-minute break. Motion seconded by Council Member Capp, voted on, passed 5-0. 6:58pm**

**Open Session resumed at 7:11pm**

❖ **Motion**

**Council Member Mitzner 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 for consultation with attorney under attorney-client privilege. Motion seconded by Council Member Curtis, voted on, passed 5-0. 7:11pm**

**Open Session resumed at 7:16pm**

**NEW BUSINESS CONT:**

**NEPOTISM POLICY**

Council Member Stoker asked to remove all the examples ending with "in-law" in section (c)(1) and in paragraph (c)(2)(g) of the Nepotism Policy. Discussion was held regarding the wording in section (c)(2)(g) the only correction in that paragraph the spelling of the word "vote".

❖ **Motion**

**Council Member Stoker motioned to adopt the Nepotism Policy as presented and with the removal of "in-laws" as indicated in section (c)(1) and in paragraph (c)(2)(g) and the correction of the spelling of the word "vote" in section (c)(2)(g). Motion seconded by Council Member Capp, voted on, passed 5-0.**

**NEW BUSINESS CONT:**

**QUOTE FROM DOUBLE EAGLE EXCAVATING (JIM THOMPSON) IN THE AMOUNT OF \$1950 TO INSTALL A 2" METER/PIT AND TO HOOK IN TO THE MAIN AND CONNECT THE SERVICE LINE AT 602 E MARKET STREET (OLD SYD'S BUILDING)**

The Council held discussion regarding the schedule for Jim Thompson to get this work completed and wanted the work done within the next few weeks. CC Wade and PWS Nasalroad both held conversations with Jim Thompson on the importance of getting the work completed. The new owners have been involved in the conversations and scheduling.

❖ **Motion**

**Council Member Capp motioned to accept the quote from Double Eagle Excavating in the amount of \$1950 to install a 2" water meter/pit and to hook up to the 6" main at 602 East Market St. Motion seconded by Council Member Stoker, voted on, passed 5-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Curtis motioned to go in to executive session for 3-minutes for non-elected personnel matter exception for an individual employee's performance. Motion seconded by Council Member Capp, voted on, passed 5-0. 7:22 pm**

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

**Open Session resumed at 7:25pm**

❖ **Motion**

**Council Member Mitzner motioned to go in to executive session for 5-minutes for non-elected personnel matter exception for review of applications for Public Works Laborer. Motion seconded by Council Member Stoker, voted on, passed 5-0. 7:25pm**

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

**Open Session resumed at 7:30pm**

❖ **Motion**

**Council Member Stoker motioned to go in to executive session for 5-minutes following a 2-minute break for non-elected personnel matter exception for review of applications for City Hall Fellowship. Motion seconded by Council Member Thies, voted on, passed 5-0. 7:30pm**

**Open Session resumed at 7:37pm**

**OTHER BUSINESS:**

❖ **Motion**

**Council Member Curtis motioned to hire Katherine Russell for the City Hall Fellowship position starting March 23, 2020 at the pay rate of \$12.00/hr. Motion seconded by Council Member Stoker, voted on, passed 5-0.**

❖ **Motion**

**Council Member Curtis motioned hire Jesse Merrill for the Public Works Laborer position at the pay rate of \$14.50/hr upon completion of the pre-employment physical and drug screening and two-week notice to prior employer. Motion seconded by Council Member Capp, voted on, passed 5-0.**

**NOTES AND COMMUNICATIONS TO COUNCIL:**

A] Harmful Algal Bloom voluntary routine monitoring program will be subsidized by KDHE, cost to our PWS system will be no more than \$25/sample.

**ADJOURNMENT:**

❖ **Motion**

**Council Member Stoker moved to adjourn the meeting. Motion seconded by Council Member Capp, voted on, passed 5-0. Time 7:39pm.**

I, \_\_\_\_\_  
(Jodi Wade)

La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name on this 4<sup>th</sup> of March 2020.