

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 1 of 9 Pages

April 5, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, April 5, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Jerome Mitzner; Danny Curtis and Keith Stoker.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Police Officer Le Sturgeon; Codes Officer Allison Fox; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Darlene Engert, George and Barbara.

CALL REGULAR MEETING TO ORDER (7:00 P.M.)

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- Easter Egg Hunt – Saturday, April 8, 2023 La Cygne Community Park 10am.
- Build Your City - Open House, April 12, 2023, La Cygne Library Swan Room 4p-7p.
- Dog Days – Saturday, April 15, 2023, La Cygne Community Park 10am – Noon.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of March 15, 2023 City Council Meeting;
Check Register: March 16 – April 5, 2023

Motion seconded by Council Member Mitzner, voted on, passed 5-0.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

Meeting with Linn County Commissioner Hightower, Mayor Wilson, Police Chief Fenoughty, CC Wade and Court Clerk Gore.

POLICE CHIEF – TINA FENOUGHTY :

12 – Traffic Stops Conducted
Citations issued since last meeting - 9

Speed School Zone	2	Registration Viol	2
Suspended DL	2	No Tag	0

Record of the Proceedings of the Governing Body
REGULAR MEETING

April 5, 2023

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY:

Insurance	1	NO DL	0
Improper Passing	0	Speed	0
Aggressive Dog/RAL/Tag	1	Paraphernalia	0
Animal Cruelty	0	Inattentive	1

Calls for Service / Reports – 02/27/2023 thru 04/05/2023

Animal Complaint – 9	Traffic Complaints - 2
Assist Outside Agency –12	Suicidal – 2
Ambulance – 0	Citizen Assist CFS / contact - 31
Fingerprints – 3	Juvenile Incident –11
Check Welfare – 3	Drug Arrest – 1
Follow Up – TMTC	Criminal Damage - 1
Suspicious Activity – 15	Civil Matter – 5
Motorist Assist – 1	Disorderly Conduct- 3
Theft – 8	Building Checks – 7
911 Open Line– 2	Suspicious Vehicle – 3
Disturbance – 6	Warrant Attempt - 1
Armed Disturbance – 2	Misdemeanor Warrant – 2
Vehicle Lockout – 3	Felony Warrant – 1
Record Checks – 6	
CINC – 4	

VIN Inspections- 9 completed

New Business/Information

- 2 Follow-ups reference new vehicle purchase – middle of May.
- Officer Ferrell started KLETC 3/27/2023 and is doing well.
- Pursuit Assist with Linn Valley Police – resulted in multiple charges and subject had a federal warrant.
- Assisted Osawatomie PD and several agencies over the course of several months that resulted in multiple drug arrests.
- 3 Round trips to Andover, KS – 2 Round Trips to Louisburg – 1 Trip to Shawnee Mission Main Hospital.
- 4 dogs in the kennel being held for Miami County – we will be billing Miami County for the costs.

CODES OFFICER – ALLISON FOX:

Report from 03/14/2023 – 04/05/2023

Code Letters:

- | | | | | |
|--------------|---------------|-----------------------|--------------|---------|
| • Nuisance | (4) Corrected | (8) Still in Progress | (1) Citation | (6) New |
| • INOP | (3) Corrected | (1) Still in Progress | (1) Citation | |
| • GRASS/WEED | | | | |
| • WORK ORDER | | | | |

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – ALLISON FOX:

Permits:

- **913 Market St. – Building Permit – Approved**
- **724 Market St. – Building Permit - Approved**

Other:

- Broadway Trailer Park – Spoke to owner, he is still planning on having the remaining 3 trailers torn down by the end of the month.
- Industrial Park Businesses Conditional Use Permits (CUP)
- CUP complaint – Spoke to City Attorney Harding and starting on the process as it will take some time to have the issue resolved.
- Attended Municipal Court – 12 cases currently.
- Attended District Court

Animal Control:

- Heled with 4 dogs at the pound.
- The sewer project has multiple crews working and there is going to be some inconvenience so please check the city webpage and Facebook for schedule.

Application for Rezoning: 00000 E. Market Street (abuts 1002 E. Market St on West side)

ORDINANCE NO. TO AMEND THE ZONING REGULATIONS OF THE CITY OF LA CYGNE FOR 00000 E. MARKET STREET (ABUTS 1002 E. MARKET STREET ON THE WEST SIDE):

Public Hearing was held March 8, 2023. Applicant Darlene Engert submitted a request to rezone 00000 E. Market Street (abuts 1002 E. Market Street on West side) from an R-1 (Low density Residential) to C-1 (Restricted Commercial District). Recommendation from the Planning & Zoning Commission is to rezone the lot from a R-1 to C-1.

The recommendation from the Planning and Zoning Commission and finding of facts from the public hearing were reviewed by the council.

Council Member Mitzner had concerns about an access point for the lot from KS Hwy 152. Council Member Mitzner advised the owner, Darlene Engert, that she would need to reach out to KDOT to find out if they would allow an access to the lot from the highway.

CC Wade presented some utility questions upon review by the Public Works Superintendent, Dan Nasalroad. Darlene Engert indicated the Food Trailer is currently hooked up to a water hydrant and sewer service line for 1002 E. Market Street. Discussion was held on the current regulations for a commercial business to be attached to the utilities and the requirement for restaurant services to have a grease trap to protect the sewer lines. The regulations regarding a Food Trailer/Mobile Kitchen pertain to a trailer which is transient. The food trailer/mobile kitchen owned by Darlene Engert is stationary year-round. Question arose if this qualifies as a food trailer or is it a drive-up restaurant?

Darlene Engert expressed her efforts at this time is to have outdoor seating available for her customers who are traveling through and want to eat on the premises. The council inquired about the process to modify the current Conditional Use Permit to allow eating on the premises. City Attorney Harding discussed the process for revoking the current Conditional Use Permit and approving a new Conditional Use permit. The current Conditional Use Permit is biennial with an expiration in September of 2024.

City Attorney Harding suggested suspending enforcement while the Planning & Zoning, Owner and council does some further research. Council Member Curtis suggested to not move forward with rezoning and evaluate modifying the current CUP for outdoor seating. Darlene Engert expressed her interest in having the lot rezoned to commercial as she sees future growth potential for the business.

REPORTS OF CITY OFFICERS CONTINUED:

APPLICATION FOR REZONING CONTINUED:

Darlene has already invested in the fees for rezoning and would prefer not to delay the process. Council Member Curtis asked about the process if the Council sends the recommendation back to the Planning & Zoning Commission to find out about highway access and utility hook up. City Attorney advised the council of the time frame for the process. The planning commission would have a limited time period to either accept or deny the changes and send the recommendation back to the council if accepted.

❖ **Motion**

Council Member Curtis motioned to deny the recommendation to rezone lot 00000 E. Market St (about 1002 E. Market Street on West side) to be rezoned from R-1 (low density residential) to C-1 (restricted commercial district) for the reason more research is necessary by the property owner regarding an access point and utilities. The codes enforcement officer will suspend the enforcement of the dining on the premises until further review of the current conditional use permit held by Darlene Engert for the Food Trailer/Mobile Kitchen. Motion seconded by Council Member Stoker voted on, passed 5-0.

CITY CLERK – JODI WADE:

- Attended the KRWA conference. 2300 Attendees and 250 testing for certifications. Discussions were held regarding water supply. Concerns with the Aqua Duct and Reservoirs. New Copper and Lead ruling was reviewed.
- Getting things ready for the upcoming Open House on April 12, 2023.
- Sewer walk-thru will be tomorrow, April 6 with Nowak Construction, BG Consultants, USDA and City.

CITY TREASURER – CONNIE GORE :

Utilities *Monthly items completed:*

- Shut off's were completed.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- April utility billing process was completed. Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- At the end of March 2023 we had 131 customers signed up for Front Desk.
- Completed sales tax and filed with the State.

Court *Monthly Court items completed*

- Reviewed the docket for the March court.
- Court paper work was completed and filed with the State and the State was paid their portion.
- Met with Tina, Jo, Allison, Achilles, and the Judge. New ideas and procedures were discussed. New Journal entry form, do we try a computer at court?
- Filed out new forms prior to court.
- Met with Judge right before court and a couple of days after court. Review of the docket and procedures during court.
- Met with court appointed attorney.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER – CONNIE GORE :

- Attended the Dept. of Justice Court Clerks Conference.
- Met with Jason Hightower, Jodi, Tina, Burton & the Mayor.

Payroll:

- 1st Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.
- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.

Cemetery: All basic data has been entered in all 3 cemeteries.

- The Pollman sections has been completed. (Need to review and cross reference dates at a later time).
- I have started the research for the Oaklawn section.
- Research Johnston Family Plots & Leo McRae Plots.

Other: Completed Bank Statement.

- Spent one morning running Certified Driving records for anyone who that would possibly drive a city vehicle for the annual KMIT safety review. Exception: Myself as it is not legal for me to run on myself and one employee has a Missouri DL. (Gave to Tina to run).
- Auditor was here. Helped answer questions and find requested documents.
- Meeting with Jodi & Jenn. Touch base on where we are at on projects.
- Attended the "If I were Mayor" at Prairie View High School with Mayor Wilson.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship regarding Codes Enforcement and to return to the council table at 8:03pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 7:58pm

Others in attendance: City Attorney Harding, CC Wade, and Codes Officer Allison Fox

OPEN SESSION RESUMED AT 8:03 pm:

SPECIAL PROJECTS:

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

No updates at this time.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Substantial completion walk-thru will be tomorrow, April 6, 2023 at 10:30am. Council Member Curtis inquired about the box grate to culvert which was located at the south end of the alley behind the library. It was not replaced when Nowak filled the hole from working on the man-hole/taps. CC Wade will add the concern to the punch list.

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 6 of 9 Pages

April 5, 2023

SPECIAL PROJECTS CONTINUED:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Pay Application No. 10 Nowak Construction in the amount of \$192,214.62 for the period of February 20, 2023 to March 20, 2023.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 10 for Nowak Construction in the amount of \$192,214.62 for the period of February 20, 2023 to March 20, 2023. Motion seconded by Council Member Stoker voted on, passed 5-0.

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

KDOT is reviewing all final numbers and will complete the closeout process.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Pre bid meeting was held on March 23, 2023 at 10am. CC Wade reported five (5) contractors attended the meeting. CC Wade inquired about the Building Permit fee. Would the fee be waived for this project. Council Member Mitzner inquired about how much of the project was covered with grant funding. CC Wade reported \$270,166 was grant funding the remainder is from the City's Capital Improvement reserve.

❖ **Motion**

Council Member Mitzner motioned to waive the Building Permit Fee for the new Fire Station project. Motion seconded by Council Member Stoker voted on, passed 5-0.

WATER TREATMENT PLANT ANALYSIS:

Dan Coltrain is finalizing the Master Plan for the Water Plant based on the analysis. CC Wade asked the council if they would consider having her reach out to Carl Brown for an updated quote for a water rate financial forecast analysis. CC Wade has worked with KRWA to gather all necessary information regarding production costs. CC Wade needs the assistance of a financial analyst to develop some scenario forecast on the water rates for the council to review. Mayor Wilson and the governing body agreed to have CC Wade reach out to Carl Brown for a quote.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Abby Mills, BG Consultants, continues to prepare models and maps to present at the April 12, 2023 open house.

602 N. 5TH STREET:

Council Member Brenneman expressed his concerns regarding the lack of progress on the platting of 602 N. 5th Street in to three (3) lots and also shared his thoughts regarding the amount of responsibility being asked of council members and what responsibility should be expected of the city staff. Council Member Brenneman reviewed the motion which was made at a prior meeting. Discussion was held regarding the conversation at the past two meetings since the motion. Council Member Mitzner, who was not at the past two meetings, expressed concerns over the statements being made and reminded the council they had asked the city staff to research the process of platting

SPECIAL PROJECTS CONTINUED:

and to provide information to the council of their findings. Mayor Wilson and Council Member Stoker indicated the motion would need to be rescinded in order to reevaluate the newly presented information regarding deed restrictions and/or covenant agreements.

❖ **Motion**

Council Member Capp motioned to rescind the prior motion from the March 1, 2023 meeting to plat 602 N. 5th Street in to 3 plats. Motion seconded by Council Member Stoker voted on, passed 3-2(Nay - Council Member Curtis and Council Member Brenneman).

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER - NONE

PUBLIC SAFETY -NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -

Council Member Brenneman will have some information at the next meeting regarding signage for the Oak Lawn cemetery.

COMMUNITY BUILDING-

Council Member Stoker brought up some concerns from the patrons regarding the closing of the community building. The patrons wanted to know if the city was considering building a new community building to replace the one on Commercial Street. Council Member Stoker had been to two events recently at a community center in a city park. Council Member Stoker opened the floor to discussion regarding a new community center. Council Member Mitzner asked if the patrons were satisfied with the current facilities available for rental. Council Member Stoker indicated none of the available facilities could house 100 people or more. Council Member Mitzner also brought up the fact the community building and the community park were the only two public areas which allow alcohol. Council Member Curtis expressed the fact the city will never break even or gain profit from its public facilities and pointed out they will always cost the tax payer. CC Wade reminded the Council that the Public Building Commission did a survey and conducted research on some community building styles just a couple of years ago. CC Wade suggested reaching out to the PBC as soon as possible while there is opportunity in the Pool and Park reserves which could be utilized for a matching grant. Discussion was held on meeting with the Public Building Commission. Mayor Wilson reviewed the Community Building committee and the Park Committee. Council Member Stoker reminded the council that 3 council members can't be present together due to quorum. Mayor Wilson asked to have the Park Committee, consisting of Thomas Capp and Keith Stoker, meet with the Public Building Commission since its regarding a structure in the park.

PARK-NONE

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 8 of 9 Pages

April 5, 2023

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-

Meeting minutes from March 8, 2023 meeting were reviewed.

OTHER BUSINESS:

ORDINANCE NO. AMENDING ARTICLE 26: AMENDMENT PROCEDURES, SECTION 26-3 CONDITIONAL USE PERMITS, LINE 26-302 AND LINE 26-304 OF THE ZONING REGULATIONS AND ADDING LINE 26-306 AND LINE 26-307 TO THE ZONING REGULATIONS.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1507 amending Article 26: Amendment Procedures, Section 26-3 Conditional Use Permits, Line 26-302 and Line 26-304 of the Zoning Regulations and adding Line 26-306 and Line 26-307 to the Zoning Regulations. Motion seconded by Council Member Brenneman voted on, passed 5-0.

ORDINANCE NO. AMENDING CHAPTER 1, ARTICLE 6. BOARDS AND COMMISSIONS, OF THE CODE OF THE CITY OF LA CYGNE, KANSAS BY AMENDING SECTION 1-604 PURPOSE AND DUTIES OF THE COUNCIL COMMITTEE.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1508 amending Chapter 1, Article 6. Boards and Commissions, of the Code of the City of La Cygne, Kansas by amending section 1-604 Purpose and Duties of the Council Committee. Motion seconded by Council Member Stoker voted on, passed 5-0.

RESOLUTION NO. AMENDING ARTICLE E. ATTENDANCE AND LEAVE IN THE PERSONNEL POLICIES AND GUIDELINES OF THE CITY OF LA CYGNE, KANSAS.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 453 regarding the amendment of Article E. Attendance and Leave in the Personnel Policies and Guidelines of the City of La Cygne, Kansas. Motion seconded by Council Member Stoker voted on, passed 5-0.

RECESS:

❖ **Motion**

Council Member Capp motioned to take a 5-minute recess break and will return to the table at 9:06pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 9:01pm

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 9 of 9 Pages

April 5, 2023

OPEN SESSION RESUMED AT 9:06pm:

2024 BUDGET PREPARATIONS 101. PUBLIC SERVICES AND CAPITAL IMPROVEMENT

CC Wade handed out the 2024 Capital Improvement Reserve, Equipment Reserve, Special Highway reserve, and Special Park and Pool Sales Tax Reserve forms. CC Wade reviewed the Public Services provided by the city. CC Wade reviewed the taxing entities and how costs could be divided differently for the taxpayers.

UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ATV/UTV REGULATIONS

CHAPTER 11. PUBLIC PROPERTY, ARTICLE 2. PARKS AND CAMPING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

CHAPTER 6. FIRE, ARTICLE 2. FIREWORKS

BNSF QUIET ZONE

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 Mitzner, voted on, passed 5-0. Time 9:58p.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 5th day of April 2023.