

REGULAR MEETING:

The La Cygne City Council met on Wednesday, April 7, 2021 at the La Cygne Community Building. Council Members present were: James Thies; Danny Curtis; Keith Stoker; and Jerome Mitzner; and Thomas Capp.

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 Allison Fox; County News Tony Furse; Emil Wilson; Opal Stewart; Jerry Cobos and Ramona on Zoom.

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

Pledge of Allegiance – Mayor Debra Wilson

PUBLIC HEARING – CONDEMNATION 602 N. 5th Street

Codes Officer Tina Fenoughty and Intern Allison Fox have completed the procedures for recommendation to condemn the house located at 602 N. 5th Street. Resolution 429 was published for a hearing today on abatement of certain conditions in violation of the nuisance codes of the City of La Cygne, KS. Opal Stewart advised the Council of her Mother's recent death. She indicated there was not a will and Opal nor her sisters have the ability to fix up the house located at 602 N. 5th Street. Opal Stewart asked the Council if they could have until the end of May to get any salvageable items out of the house. Opal indicated they would like to sign the house over to the City of La Cygne. Council Member Capp asked about the yard work until the end of May. Opal stated they would try to have someone mow the lawn prior to the end of May 2021.

No further comments from the audience or the Council Members. Mayor Wilson closed the public hearing at 7:08pm.

OPEN SESSION RESUMED AT 7:08pm

❖ **Motion**

Council Member Capp motioned to condemn the house located at 602 N. 5th Street, per the "Finding of Facts" as presented. The current owner, Opal Stewart, has until May 30, 2021 to remove personnel items from the house. Motion seconded by Council Member Stoker voted on, passed 5-0.

MAYOR COMMENTS:

NONE

CONSENT AGENDA:

❖ **Motion to approve Consent Agenda:**

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

Minutes of March 17, 2021 City Council Meeting;
Check Register: March 18 – April 7, 2021;

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT (MIDWEST ENGINEER GROUP)

Soil sample results from Terracon were sent to Midwest Engineering for review. City Attorney Harding has reviewed letters to send to the property owners located on the East side of the site location for the new settling pond. CC Wade mailed the letters out on April 1, 2021. Discussion was held regarding performance and payment bonds. CC Wade reviewed the current Administrative policy No. 8 regarding bonds for projects \$2,500 or greater. CC Wade asked City Attorney Harding to review the KS statutes pertaining to bonds for government projects.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Paul Owings, BG Consultants, and PWS Nasalroad continue to review options for sewer main extensions on 4th Street and Grand Avenue. They are reviewing options which would not install the new sewer main under 4th Street. PWS Nasalroad explained the possibility of going down the "alley ways" behind the houses in the 4th street area as opposed to putting the main under 4th Street.

STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL ROAD (BG CONSULTANTS)

CC Wade reached out to Jason Hoskinson, BG Consultants, about meeting the Street Committee on April 21, 2021 prior to the City Council meeting. Council Member Thies is able to attend but Council Member Mitzner would not be available. Council Member Stoker offered to take Council Member Mitzner's place in the meeting. They will meet at 6:15pm on Wednesday, April 21, 2021.

SEWER LAGOON ANALYSIS: (BARTLETT & WEST)

Bartlett & West has completed Task 1 and a portion of Task 2 as indicated in the Contract agreement for the analysis of the sewer lagoons.

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 5-minutes for discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships and will return to the Council table at 7:35pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:30pm

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

OPEN SESSION RESUMED AT 7:35pm:

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING

City Attorney Harding reviewed the following report:

- Municipal Court
- Phone calls pertaining to Planning & Zoning applications.
- Draft letters reviewed for residents on 1st Street regarding the new water settling pond.
- Draft street use agreement for Beachner Grain.
- Draft letter review for residents near the temporary auger site for Beachner Grain.

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

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

Speed in School Zone	2	Revoked DL	0
Vicious Dog/RAL	4	Insurance	0

Calls for Service / Reports – 03/16/2021 thru 04/06/2021

Animal Complaint – 6	Warrant Arrests - 2
Assist Outside Agency – 3	Civil Matter / Child Custody Standby – 0
Criminal Threat – 1	Citizen Assist CFS / contact - 14
Theft – 2	Juvenile Incident – 4
Check Welfare – 3	Motorist Assist - 1
Follow Up – 15	Non-Injury Accident – 0
Suspicious Activity – 3	Pedestrian Check – 0
Aggravated Assault – 0	Mental Health Emergency - 2
Domestic / Battery - 1	Ambulance - 3

VIN Inspections- 2 completed

New Business – Concern from citizen regarding no stop sign at 5th and Grand Avenue. The intersection was investigated and a decision was made to hold off on getting a stop sign. A mysterious new stop sign showed up on the existing post a day after the concern. Chief Fenoughty is not sure where the sign came from. PWS Nasalroad and Chief Fenoughty drove around town and none of the other stop signs were missing.

Accrued Overtime for Department: Accrued overtime for last pay period =0 hours

Council Member Curtis inquired about the dog deemed vicious. Chief Fenoughty is checking to see if the dog has been removed. City Attorney Harding asked if Chief Fenoughty noticed a difference in the things happening around town. Chief Fenoughty indicated there has been a significant increase in counterfeit bills processing through Casey's. Also, an increase in domestic/juvenile cases which could be stemming from the COVID-19 and more people being stuck at home. Chief Fenoughty shared the following report of the 1st quarter statistics for her department.

Actual Case Reports – 2019= 20 cases, 2020=21 cases, 2021=43 cases
Status Type Calls – No Report – 2019= 128, 2020=93, 2021=197
Traffic Stops Only – 2019=39, 2020=21, 2021=78

Council Member Capp asked Chief Fenoughty to break out the call per officer. Council Member Capp told Chief Fenoughty to keep up the good work.

CODES OFFICER – INTERN ALLISON FOX

Report from 3/17/2021 through 4/7/2021

- (6) Nuisance letters
- (9) INOP letters
- (1) Hold

REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – INTERN ALLISON FOX

Intern Allison informed the Council she was making personal calls to people regarding the nuisance prior to sending out certified letters. The cost adds up quickly for the letters and so far she has had a lot better success talking to people directly. Council Member Curtis thanked Allison for calling people first and explaining to them the nuisance.

Intern Allison inquired about the condemned house at 612 N. 8th Street, March 15th was the last day for the owner to complete the demolition ordered by the City of La Cygne pursuant to Resolution No. 422. How would the City like to proceed with the advertising for bids for the demolition of the house. Discussion was held.

❖ **Motion**

Council Member Curtis motioned to advertise on April 14th and April 21st for sealed bids for the demolition of the house at 612 N. 8th Street. Sealed bids will be due to the City Hall on May 4, 2021. Motion seconded by Council Member Capp voted on, passed 5-0.

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

Report from 3/17/2021 to 4/7/2021

Committee discussions

Water and Gas:

- Gas inspection will be April 28th.
- Terracon samples show we have "lean clay" for the pre-sedimentation pond project.
- Bids for pre-sedimentation pond should be going out in the next few weeks.
- Date set to move gas main on the KDOT CCLIP project (April 12, 2021)

Street:

- Preliminary plans on two street projects.
- PWS Nasalroad and the Street Committee (Council Member Thies and Council Member Mitzner) met with the Owner (Frankie Reedy) of Frankie's Liquor. The Owner requested to have the City show her the edge of the street. PWS Nasalroad painted a line on both the East and West side of 4th street south of Market (KS Hwy 152) showing the edge of the street. Basically, the owner circled back to the original deal offered to her from the City which included the City using cold patch to repair the edge of the street and the Owner of Frankie's Liquor providing the gravel to place on the access driveway from her off street parking lot to the edge of the street. The offer was accepted by the owner Frankie Reedy. The Council was okay with PWS Nasalroad proceeding with the original offer.

Sewer:

- New check valves have been installed in the City Park lift station.
- Met with Engineer (Paul Owings) on the sewer project extensions.

Park:

- Parking lot has been extended.
- New mulch was put in the play area.
- Plans to do some painting.

REPORTS OF CITY OFFICERS CONTINUED:

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

Cemetery:

- Roads were bladed.
- Mowing has started.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

- Nothing to report.

CITY CLERK – JODI WADE

Report from 3/18/2021 – 4/7/2021

City Clerk

- Meeting with Jackie Messer, Linn County Public Works Supt, regarding 4th Street.
- Simple City Front Desk Webinar.
- KRWA Annual Board of Directors meeting.
- Assisted with Dog Days on March 27, 2021.
- KMIT Safety Inspection.
- Met with Rick Zingre to review the Community Building and City Hall.
- Assisted with Chamber of Commerce Easter Egg Hunt at the Park.
- Prepared KDOT Cost Share Program Application.
- Prepared and mailed letters to the property owners near the settling pond construction site.
- Prepared the Street-use Agreement and patron letters regarding temporary street use.
- Handled technical issues with the computers.
- Prepared Planning & Zoning Agenda.
- Prepared Park Board Financials.
- Virtual meeting with Bartlett & West regarding sewer lagoon analysis.
- Dan Caltrain, MW Engineering, discussion regarding Performance & Payment Bonds.
- Reviewed Court Assigned attorney regulations.
- Met with Street Committee.
- Phone meeting with Gas Committee.

Overtime Hours for City Hall for the last pay period: 7.25 hours Jodi

CITY TREASURER/COURT CLERK – CONNIE GORE

- Studied monthly sewer report formulas. Found we are using correct formulas, however still question if we need professional input as pumps have changed.
- Prepared utility bills and mailed, completed deposit refunds, utility reports, monthly sewer report, monthly water report.
- Helped Richard Teagarden with several cemetery issues (Oaklawn section).
- Worked on Rental property map.
- Listened to League of Municipality webinar.
- Did Accounts Payable/Payroll while Katie was on vacation.
- Reviewed Safety manual and training manual for KMIT inspection and was available for questions.
- Reviewed Court Docket, citation entries. Worked with Judge Schultz on finding a court appointed attorney. Called Louisburg Court Clerk to get information (very helpful) on how they pay their appointed attorney.
- Worked Dog Days.
- Worked with Public Works on water meter location IDs in the Broadway alley.

REPORTS OF CITY OFFICERS CONTINUED:

CITY TREASURER/COURT CLERK – CONNIE GORE

- Worked with Advantage Computer and Simple City to resolve computer/printer issues.
- Processed utility shut-offs.
- Worked with a resident, met with the Mayor over an Energy assistance check and how it is applied. Fixed the Energy assistance check to one time apply to the past due gas amount.
- Worked on Sales Tax and found an issue with an account.
- Entered credit card payments, utility payments, VIN inspections, researched 2020 service orders for court, reviewed accounts payable for Katie to process, updated service orders.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- CC Wade received the Gas invoice from KMGGA for the February 2021 gas purchase which amounted to \$350,950.84. CC Wade has paid the invoice under protest.

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 15-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 8:28pm. Motion seconded by Council Member Capp voted on, passed 5-0. 8:13pm

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

OPEN SESSION RESUMED AT 8:28pm:

❖ **Motion**

Council Member Stoker motioned for the City of La Cygne to use money from the Gas Utility Reserves to pay the KMGGA Invoice for February 2021 in the amount of \$350,950.84 with no additional charges to be passed on to our gas customers. Motion seconded by Council Member Thies voted on, passed 5-0.

❖ **Motion**

Council Member Mitzner motioned to take a 3-minute break and will return to the Council table at 8:34pm. Motion seconded by Council Member Capp voted on, passed 5-0. 8:31pm

OPEN SESSION RESUMED AT 8:34pm:

- Resolution No.____ temporarily modifying Chapter XIV, Article 3, Section 14-238(a)(4)(B) the rate for customers outside three-mile territorial limits. CC Wade explained to the Council how the price for gas was used in the formula to calculate the rate for the customers outside three-mile territorial limits. The City is not passing on the additional charges for gas endured on February 12 – February 18, 2021. This resolution would allow the City to remove the daily index pricing for that period from the calculation.

COUNCIL COMMITTEE REPORTS CONTINUED:

WATER & GAS -

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 431 temporarily modifying Chapter XIV, Article 3, Section 14-238(a)(4)(B) the rate for customers outside three-mile territorial limits. Motion seconded by Council Member Thies voted on, passed 5-0.

❖ **Motion**

Council Member Curtis 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 8:49pm. Motion seconded by Council Member Capp voted on, passed 5-0. 8:39pm

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

OPEN SESSION RESUMED AT 8:49pm:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes for discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships and will return to the Council table at 8:55pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 8:50pm

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

OPEN SESSION RESUMED AT 8:55pm:

STREET -

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) Finkle Williams architect is working with a Civil engineer on possible solutions to present to the La Cygne Library board and the City to review regarding the pooling water on the North Side of the library.
- CC Wade reviewed the Treasurer's Report balance for the Special Highway and Street Fund. CC Wade is preparing the KDOT Cost Share Program application for the 4th Street Improvement project. This grant would be a 90/10 split for construction costs. CC Wade explained using \$195,000 from the Special Highway or General Street fund plus \$65,000 from the Linn County Economic Infrastructure Grant for a 25% contribution for construction. Loans from USDA are at 2.25% for a 20-year term. The City could get a loan to cover the "soft costs" of the construction project. The City Council agreed to have CC Wade complete the application for the KDOT Cost Share program for Spring 2021 round.

SEWER-NONE

COUNCIL COMMITTEE REPORTS CONTINUED:

PARK-

Council Member Curtis stated the Park board met and decided to open the swimming pool for the 2021 season. Jodi Wade is assisting the Board with the mechanics to get the pool cleaned up and back in operation.

CEMETERY -

- (Postponed until January 2021) Chapter XI. Public property, Article 1. Cemetery regulations. Mayor Wilson asked the Committee to set up a time to meet. Council Member Curtis and Council Member Capp indicated they could meet at 6pm on April 21, 2021.

PUBLIC SAFETY -NONE

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING -

- (Postponed until Spring 2021) -Ethics/Public Service Training.
- City Officials training on March 19, 2021 sponsored by Lauber Municipal Law, LLC. Council Member Mitzner attended and indicated the training was very beneficial and suggested other City officials to attend if possible in the future. Council Member Mitzner also suggested the Planning & zoning committee to attend.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

LA CYGNE COMMUNITY PARK BOARD -NONE

PLANNING & ZONING COMMISSION (PZC) -

Unapproved minutes March 11, 2021. CC Wade asked the Council about a workshop for both the Council and Planning & Zoning members to discuss the structure of the Commission, Board of Zoning Appeals, and Zoning Administrator. Council asked to see if April 29 at 6pm would work for the Planning & Zoning members.

UNFINISHED BUSINESS:

ORDINANCE NO. ANNEXING LAND TO THE CITY OF LA CYGNE, KS - TABLED UNTIL APRIL 7 2021 MEETING.

RESOLUTION NO. 02-17 REGARDING MAINTENANCE OF STREETS WITHIN THE LINN COUNTY INDUSTRIAL PARK, LA CYGNE, KS. TABLED UNTIL APRIL 7, 2021 MEETING.

EMPLOYEE POLICY & GUIDELINES

Tabled until summer 2021.

WATER CONSERVATION PLAN

Tabled until summer 2021.

NEW BUSINESS:

STREET USE AGREEMENT FOR S. RAILROAD FROM KS HWY 152 TO SYCAMORE FOR A 1-YEAR PERIOD

Beachner Grain approached the City about a need to use S. Railroad to access their existing Grain Bin (Silos). The Auger to remove the grain is not working and the railroad may not let Beachner Grain replace the system. In the meantime, Beachner Grain needs to get the product out of the silos. City Attorney Harding and CC Wade drafted a Street Use Agreement for S. Railroad Street from KS Hwy 152 (Market St) down to Sycamore Street for a 1-year period. A letter will be sent to all property owners along the West side of S Railroad street and those on the East side of 3rd Street. Council Member Thies asked CC Wade to inform the Planning & Zoning Commission about this agreement and suggested to take pictures/videos of the road prior to the use beginning.

❖ **Motion**

Council Member Capp motioned to send the Street Use agreement to Beachner Grain for consideration. Motion seconded by Council Member Stoker voted on, passed 5-0.

COURT ASSIGNED ATTORNEY:

Per K.S.A. 12-4405, the code of procedure for municipal courts provides that counsel must be appointed for an indigent accused person if the municipal judge has reason to believe that if found guilty, the accused might be deprived of his or her liberty. The denial of counsel will preclude the imposition of a jail sentence. When the trial begins, the judge must be aware that no imprisonment may be imposed unless the accused is represented by counsel or has waived counsel in writing. Court Clerk Gore sent out Request for Proposals to several attorneys. Only one attorney responded, Stephanie Kice, at a rate of \$250 - \$350/case.

❖ **Motion**

Council Member Capp motioned to approve Stephanie Kice as the court assigned attorney at a rate of \$250-\$350/case on an as needed basis. Motion seconded by Council Member Curtis voted on, passed 5-0.

DIEHL, BANWART,BOLTON

Contract to perform the Audit of the 2020 financials, in the amount of NTE \$6,780 for the standard audit services and approximately \$2,215 to perform the Single Audit of the City's federal grants.

❖ **Motion**

Council Member Curtis motioned to approve the contract for Diehl, Banwart, Bolton to perform the Audit of the 2020 financials in the amount of NTE \$6,780 for the standard audit and approximately \$2,215 to perform the single audit of the City's federal grants.. Motion seconded by Council Member Stoker voted on, passed 5-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter exception for an individual employee's performance and will return to the Council table at 9:38pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 9:33pm

OPEN SESSION RESUMED AT 9:38pm:

OTHER BUSINESS:

- a] Financial Audit is scheduled for April 19, 2021.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] League of Municipality Municipal Training Institute Classes.
 - ✓ Municipal Finance: April 16, 2021, 9am to Noon.
 - ✓ Planning & Zoning Course: May 4, 2021, 8:30am – Noon.
 - ✓ League's Leadership Summit and Mayor's Conference: June 18-19, 2021 in Lawrence.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 9:42pm.

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 7th day of April, 2021.