

# **Record of the Proceedings of the Governing Body**

## **SPECIAL MEETING**

Page 1 of 11 Pages

**May 10, 2022**

### **SPECIAL MEETING:**

The La Cygne City Council met on Tuesday, May 10, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp and Jerome Mitzner. Absent: City Attorney Harding (Available by speaker phone if needed)

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent Dan Nasalroad; Police Chief Fenoughty; Codes Officer Allison Fox; Linn County Newspaper Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

### **MAYOR COMMENTS:**

a] Mayor Wilson invited City Clerk Jodi Wade to the table. Mayor Wilson read an award application she had submitted on behalf of CC Wade. CC Wade did not receive the award but Mayor Wilson expressed her appreciation and gratitude for the hard work and dedication CC Wade puts forth towards her daily duties.

b] Mayor Wilson attended the Mayor's Annual conference in Manhattan, KS and wanted to share some information brought forth by other City Mayors and Administrators. Mayor Wilson reviewed the importance of a city to establish four (4) truths about the city. These truths would be the values the city wants to establish in its operations.

c] Mayor Wilson reviewed the possibility of videoing or live streaming the city council meetings in order to engage the public in the business of the city.

d] Mayor Wilson suggested finding more informal ways/means to visit with the community. Having a "pop-up" tent at events/venues being held within the city by other organizations might be a way to help get information out to people.

e] Mayor Wilson discussed a white board for the Community Building to present slides or to present written information.

f] Mayor Wilson, Police Chief Tina Fenoughty and Officer Allison Fox attended the Linn County Commissioner meeting on May 9, 2022 regarding the following three items:

1. New fire station building project.
2. Economic development grant.
3. SRO program/dispatch

Council Member Mitzner commented on how well La Cygne represented at the meeting. None of our City Representatives lost their composure – great job!

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of April 20, 2022 City Council Meeting;  
Check Register: April 21 – April 29, 2022.

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

**DISCUSSION FROM THE FLOOR:**

Jerome Mitzner, resident of 820 Elm Street, received a letter from the Linn County Planning & Zoning Director regarding the notice of public hearing for consideration for a Conditional Use Permit for the construction and operation of a 280-foot, self-support tower and 75-foot by 75-foot equipment compound to be located upon property located at 305 S. Industrial Blvd, La Cygne, KS 66040. Jerome had some concerns regarding the FCC transmissions interfering with other transmissions in the area. Jerome is not able to attend the hearing scheduled for Tuesday, June 14, 2022 at 7pm at the Linn County Courthouse Annex. CC Wade had also received the same information for the City of La Cygne and was planning to attend the public hearing. CC Wade will attempt to research information regarding the FCC transmissions.

**SPECIAL PROJECTS:**

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

Starbuck Trucking, LLC and Midwest Engineering Group were on site the last week of April 2022 prior to the rainstorms. Work was performed on the connection to the Pre-Sedimentation Basin #2. A seepage test on Pre-Sedimentation Basin #2 has been completed. PWS Nasalroad advised the Council the city would be operating on the towers only tomorrow and he would also be meeting with a fencing contractor to review the new pond area.

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

A pre-construction meeting was held on Tuesday, April 26, 2022 with BG Consultants, Nowak Construction and the City. The contract between Nowak and the City was presented for signature. The notice to proceed was reviewed and dated to start May 30, 2022 with 355 calendar days for substantial completion and 365 calendar days for final completion. Discussion was held regarding the performance of work. Nowak indicated they would run two crews. The relining company went through the procedure for "door knocking" and "door hangers" to provide notification to patrons of work being performed on the main in their area. BG Consultants is working with Brian Hennigh with BNSF on the work to be performed in the "yard area" of the railroad right-of-way. CC Wade recommended for the Council to review the sections pertaining to the engineer, contractor and owner roles according to the contract. The Council suggested to have a workshop.

❖ **Motion**

**Council Member Mitzner motioned to schedule a Council Workshop at 6pm for either Monday, May 16 or Tuesday, May 17, 2022 depending on City Attorney Harding's availability to review the contract with Nowak construction. Motion seconded by Council Member Curtis voted on, passed 5-0.**

**SPECIAL PROJECTS CONTINUED:**

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

Killough Construction has installed all of the stormwater piping at the intersection of Market St and Industrial Blvd. They have started removing the existing pavement on Industrial Blvd in order to begin the dirt work for the new roadway. The temporary detour road has been in use to date. Killough is targeting to pour concrete on Thursday, May 12, 2022.

Reviewed a change request from BG Consultants to extend the concrete portion of the intersection apron south approximately 10-12 feet to the south edge of the adjacent driveway. Discussion was held.

❖ **Motion**

**Council Member Capp motioned to authorize the change to extend the concrete portion of the intersection apron south approximately 10-12 feet to the south edge of the adjacent driveway and authorize the mayor to execute the KDOT Change Order, not to exceed \$3,000. Motion seconded by Council Member Mitzner voted on, passed 5-0.**

**NEW FIRE STATION/PUBLIC SAFETY BUILDING**

CC Wade has received a revised project estimate report (PER) from Zingre Architects for the fire station project. CC Wade has visited with Gilmore & Bell regarding the process for revenue bonds through the Public Building Commission. The Council held discussion regarding the ARPA funds for the fire station. The Council advised CC Wade to proceed with all of the ARPA funds going towards the fire station project and Council Member Mitzner indicated to look for other funding for emergency address signs. Mayor Wilson went around the table and asked each Council member to share their thoughts regarding moving forward with the project. CC Wade suggested having the bid contain pricing for the base fire stations finished out and alternate #1 would be for a pole barn building instead of a steel framed and alternate #2 would be for the additional future shell. Council Member Curtis inquired about the cost and role of the architect. Mayor Wilson expressed the importance for council members to be able to answer to the public on spending the funds for this project.

❖ **Motion**

**Council Member Capp motioned for CC Wade to proceed with reaching out to the Public Building Commission to review the fire station project and to follow up with the Zingre Architect regarding the bid format. Motion seconded by Council Member Mitzner voted on, passed 5-0.**

**ARPA (AMERICAN RESCUE PLAN ACT)**

No updates at this time.

**STORMWATER MASTER PLAN**

BG Consultants Client Agreement for Stormwater Master Plan. The agreement has been reviewed by City Attorney Harding and he had no concerns.

❖ **Motion**

**Council Member Mitzner motioned to approve for Mayor Wilson to sign the Consultant-Client Agreement with BG Consultants for services to perform the Stormwater Master Plan. Motion seconded by Council Member Stoker voted on, passed 5-0.**

# Record of the Proceedings of the Governing Body

## SPECIAL MEETING

Page 4 of 11 Pages

May 10, 2022

### **REPORTS OF CITY OFFICERS:**

#### **CITY ATTORNEY – BURTON HARDING:**

None

#### **POLICE CHIEF – TINA FENOUGHTY :**

4 - Traffic Stops Conducted

Citations issued since last meeting - 7

Speed School Zone	6	Registration Viol	0
Suspended License	0	No Tag	0
Insurance	0	NO DL	0
Speed Construction Zone	0	Speed	0
Vicious Dog/RAL/Tag	1	Paraphernalia	0
Illegal Burn	0	Equipment	0

#### **Calls for Service / Reports – 4/20/22 thru 05/03/22**

Animal Complaint – 8	Traffic Complaints - 0
Assist Outside Agency – 1	Sexual Assault – 1
Ambulance – 2	Citizen Assist CFS / contact - 21
Fingerprints – 0	Juvenile Incident – 1
Check Welfare – 1	Federal Record Checks– 1
Follow Up – 22	Felony Pursuit - 1
Suspicious Activity – 7	Civil Matter – 2
Vehicle Lockout – 1	Found Property- 1
Aggravated assault – 1	Non-Injury Accident – 2
Missing Juvenile – 1	Trespass – 1
Disturbance – 3	Warrant Attempt - 0
Felony Warrant – 0	Misdemeanor Warrant - 0

**VIN Inspections-** 5 completed

**Accrued Overtime for Department** – 15.5 hours

Chief Fenoughty indicated they have been getting called out at night at least 3-5 times a week recently and therefore her department has had some overtime hours. Chief Fenoughty stated she attended the Linn County Commissioners meeting on Monday, May 9 to speak on behalf of the concerns in eliminating the SRO program and charging fees for dispatching. Chief Fenoughty also mentioned she learned things might change some with VIN inspections by the county which would mean the cities could endure greater requests for VIN inspections.

**New Business** – On May 21, 2022 there will be a large memorial ride with razor/UTV vehicles for the Osawatomie firefighter. They will be travelling through the City of La Cygne on that ride and the route was reviewed.

#### ❖ **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 review and will return to the Council table at 7:24p.m. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:18p.m.**

**REPORTS OF CITY OFFICERS CONTINUED:**

**POLICE CHIEF – TINA FENOUGHTY :**

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

**OPEN SESSION RESUMED AT 7:24 p.m.:**

**New Business continued:** Mayor Wilson read a resignation letter from part-time officer Brett Jenkins.

❖ **Motion**

**Council Member Mitzner motioned to accept the resignation letter received from Brett Jenkins and thanked him for his service to the City of La Cygne. Motion seconded by Council Member Capp voted on, passed 5-0.**

**CODES ENFORCMENT – ALLISON FOX:**

ATV/UTV information was presented by Officer Fox which described each type of vehicle. Officer Fox reviewed comparisons of rules and regulations for other nearby cities. Officer Fox also showed a registration sticker program utilized by the City of Linn Valley. Officer Fox asked the Council to review the information and let her know if they have any questions or concerns. The estimated costs for rolls of registration stickers would be approximately \$297.50/roll of 200 stickers.

Council Member Capp advised Officer Fox to proceed forward with a draft Ordinance to add regulations pertaining to registering ATV/UTV to be added to the Codes of the City of La Cygne. Council Member Curtis verified if residents outside of the City of La Cygne would be required to register with the City of La Cygne. Officer Fox indicated in order for the ATV/UTV to be ridden on the city streets it would need to be registered with the city. Council Member Capp stated in order to ride a ATV/UTV in Paola you must have registered with the City of Paola.

Council Member Brenneman brought the copy of section 30-5: Penalties from the Codes of the City of La Cygne Book to clarify how the penalty amount is established for nuisances. Discussion was held regarding the process for a ticket and the fine determination by the judge. The 30-5 code defines a penalty not-to-exceed \$500 therefore the judge sets the amount. Further discussion was held regarding having conversations first with patrons explaining the codes and permits required. The Council also suggested getting information out clearly on the website, Facebook, brochures and perhaps putting signs at the entrances of the city stating we are a zoned community and require permits.

Officer Fox mailed nine (9) nuisance letters to the owner of the North Broadway Manufactured Home Park. The Conex container located at 807 N. 6<sup>th</sup> Street will be removed as soon as the ground dries up in the yard.

Discussion was held regarding the definition of accessory structures and fencing. The definition of fencing was reviewed and the Council suggested to have Planning & Zoning revisit the section pertaining to fencing. Council Member Curtis stated the importance for the City to not give a building permit unless everything is correct and according to regulation. We need to go by the book.

**REPORTS OF CITY OFFICERS CONTINUED:**

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

Report from 4/20/22 to 5/10/2022

**Committee Discussions**

Water and Gas:

- Water plant evaluation is continuing. Preliminary report in the next two weeks.
- Connection from river to new pond has been completed and filled partially.
- Connection of both ponds to the plant is scheduled for tomorrow.
- Fencing contractor is coming tomorrow to review the area around the new ponds.

Street:

- Cold patch has been delivered.
- CCLIP project is moving along, close to pouring concrete.
- County is going to help with North 8<sup>th</sup> street.
- Access aprons? Council Member Mitzner suggested having the street committee get Article 21 draft back out to review.

Sewer:

- Working with Nowak on getting started. Meeting with them next week on some alternative replacement options for the mains to be replaced.
- Researching mower options.

Park:

- Rick Saucedo has been hired as a Public Works laborer class 2. PWS Nasalroad gave the Council a copy of the monthly report for the park maintenance. Mayor Wilson asked PWS Nasalroad to have Rick attend a meeting to be introduced to the council.
- Getting pool ready for leak inspection.
- Repaired and replace some benches.
- Vandalism in the park. PWS Nasalroad has researched some cameras suggested by Officer Fox.

Cemetery:

- Mowing and getting ready for Memorial Day.

**FIRE DEPARTMENT – DAN NASALROAD:**

- Thanks to Beachner Grain with their help with grain excavation training. Also thanked Duncan Services.
- Fire Chief Nasalroad reviewed the comments made by the Linn County Commissioner at their meeting on May 2, 2022. He thanked the Mayor and Police Chief for attending the May 9, 2022 meeting on behalf of the City of La Cygne. Fire Chief Nasalroad reviewed the Fireman Relief Association Benefit fund which is distributed by the state of Kansas based on the valuation of the city. The City of La Cygne Fire Department receives approximately \$4,800/year and approximately \$4,500 is the cost paid for life insurance/disability. The volunteer firemen are covered under workers comp by the City of La Cygne.

**REPORTS OF CITY OFFICERS CONTINUED:**

**CITY CLERK – JODI WADE:**

- Assisted with Dog Days in the Park.
- Participated in training on new cemetery module for gWorks.
- Spoke to the senior classes out at Prairie View High School.
- Budget Workshop 1.
- Interviewed and hired Richard Saucedo for Public Works Laborer 2.
- Assisted with the annual Easter Egg hunt.
- Participated in the Linn County Job Fair in Mound City.
- Met with local Kansas City gWorks representatives regarding software changes.
- Attended the Pre-Construction meeting with Nowak/BG for the sewer rehabilitation project.
- Helped train the Public Works on the cleaning/opening of the La Cygne swimming pool.
- Attended the KMGa Board of Directors meeting.
- Met with Truly Insurance to review the current policy.
- Reached out to the Public Building Commission regarding revenue bonds for the fire station.
- Prepared the draft budget workbook for 2023.
- Researched information regarding the river intake pump specifications.
- Reviewed the temporary bond financing statement for the sewer project.
- Submitted past water analysis reports to Midwest Engineering Group engineers.
- Reviewed a Change Order request from BG Consultants/Killough for the KDOT CCLIP project.
- Read through the sewer contract books.
- Ray of Hope is using the Community Building in October 2022 for a community event and would like to ask the council to waive the fee.

❖ **Motion**

**Council Member Mitzner motioned to waive the community building fee for Ray of Hope for the community event to be held in October 2022. Motion seconded by Council Member Capp voted on, passed 4-0-1 (abstain – Council Member Stoker due to conflict of interest as a member of Ray of Hope).**

- Beachner Grain street agreement for South Railroad Street. CC Wade asked the council if there has been any issues or concerns. None have been received to date.

❖ **Motion**

**Council Member Mitzner motioned to approve the Beachner Grain street agreement for another term. Motion seconded by Council Member Capp voted on, passed 5-0.**

**REPORTS OF CITY OFFICERS CONTINUED:**

**CITY TREASURER/COURT CLERK – CONNIE GORE:**

**4-1-2022-4/30/2022**

**Utilities**

***Monthly items completed:***

Sewer, water, and gas reports completed. Gas rates dropped enough that no adjustments were needed. Rates went back to normal for the May billing cycle.

Sales tax completed and filed with the state.

Shut offs were completed. We only had four this month.

**Other:**

Updated addresses and streets in the utility software in preparation for the new Front Desk module. Example added N, S, E, W or changed street name from Park St to Park Ave.

**Court**

***Monthly Court items completed***

Court prep completed including diversion review.

Court completed with the paperwork submitted to the state.

Prepared a couple of diversion for Burton's review.

**Payroll:**

Completed the second payroll of the month.

Reviewed the time cards for Katie for the 3<sup>rd</sup> payroll.

Helped April update the 1<sup>st</sup> and 2<sup>nd</sup> payroll vacation/sick time spreadsheet.

Updated the 3<sup>rd</sup> payroll vacation/spreadsheet for April 2022.

**Other:**

Completed training on the new cemetery module.

Continued helping with training of April.

Reviewed the accounts payable invoices and then helped April complete the process.

Completed bank reconciliation in Simple City.

Started entering information into the new cemetery module for the Pollman section of the cemetery.

Helped Jodi complete some nonconforming certificates.

Spent several hours on the phone with IT/Tech trying to resolve a couple of issues.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS - NONE**

**STREET -NONE**

**SEWER-**

❖ **Motion**

**Council Member Capp 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 and will return to the Council table at 8:42p.m. Motion seconded by Council Member Mitzner voted on, passed 5-0. 8:37p.m.**

**Record of the Proceedings of the Governing Body**  
**SPECIAL MEETING**

Page 9 of 11 Pages

**May 10, 2022**

**COUNCIL COMMITTEE REPORTS CONTINUED:**

Others in attendance included, but not limited to: CC Wade and City Attorney Harding (Via speaker phone)

**OPEN SESSION RESUMED AT 8:42 p.m.:**

**PUBLIC SAFETY -NONE**

- ✓ Mobile/Manufactured/Modular Home Code (**Tabled until the May 18, 2022 meeting**).

**COMMUNITY BUILDING-NONE**

**EMPLOYEE RELATIONS & TRAINING-NONE**

**CEMETERY – NONE**

**PARK-NONE**

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT**

Doug Bartlett sent the Regional Hazard Plan Participation form to be signed by the mayor. The city already passed Resolution 408 on November 6, 2019 adopting the Kansas Homeland Security Region J Hazard Mitigation Plan. Completing this form would make the city eligible for submitting an application for the Building Resilient Infrastructure and Communities (BRIC) 2022 grant.

❖ **Motion**

**Council Member Mitzner motioned to approve for Mayor Wilson to sign the Regional Hazard Plan Participation letter. Motion seconded by Council Member Curtis voted on, passed 5-0.**

**CHAMBER OF COMMERCE - NONE**

**PLANNING & ZONING COMMISSION (PZC) - NONE**

**UNFINISHED BUSINESS:**

**WATER AND SEWER RATE ANALYSIS PROPOSAL FROM CARL BROWN**

Tabled until receipt of the water treatment plant analysis.

**NEW BUSINESS:**

**CODES ENFORCEMENT OFFICER/ ZONING ADMINISTRATOR PERMANENT PART-TIME POSITION. JOB DESCRIPTION.**

Discussion was held regarding the job description for the codes enforcement officer. Chief Fenoughty advised the Council of her department still being down one full-time officer, she is currently operating with an officer and a half. Council Member Curtis asked if this would cost the tax payers more and CC Wade and Chief Fenoughty indicated the dollar amount was already within the budget. The current workload of the codes enforcement officer is being handled by various city staff which deters them from their regular duties.

**Record of the Proceedings of the Governing Body**  
**SPECIAL MEETING**

Page 10 of 11 Pages

**May 10, 2022**

**NEW BUSINESS CONTINUED:**

**CODES ENFORCEMENT OFFICER/ZONING ADMINISTRATOR PERMANENT PART-TIME POSITION. JOB DESCRIPTION.**

❖ **Motion**

Council Member Capp motioned to approve the job description for a permanent part-time codes enforcement officer/zoning administrator. Motion seconded by Council Member Stoker voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to advertise for a codes enforcement/zoning administrator. Motion seconded by Council Member Stoker voted on, passed 3-2 (Yay: Council Member Stoker, Council Member Capp and Council Member Mitzner. Nay: Council Member Breneman and Council Member Curtis).

**EXECUTIVE SESSION:**

NONE

**OTHER BUSINESS:**

Council Member Mitzner reviewed the assistance available from Linn County for removal of blithe. Linn County has a program to waive the dumping fee for homes which have been condemned by the city for removal. Council Member Mitzner suggested to have the owner of 109 N. 2<sup>nd</sup> Street contact the city for an application to have the fees waived.

Council Member Mitzner reviewed a power point slide presentation received from Dustin Bledsoe regarding a quiet zone for the railroad. Dustin did a lot of research work and even completed an application for the Council to submit if they chose to move forward with the request. To have BNSF railroad come and look at the area would not cost anything. Council Member Mitzner asked the council members to review the information prior to the next council meeting.

**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 Curtis, voted on, passed 5-0. Time 9:00p.m.

**Record of the Proceedings of the Governing Body**

**SPECIAL MEETING**

Page 11 of 11 Pages

**May 10, 2022**

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 10<sup>th</sup> day of May, 2022.