

Record of the Proceedings of the Governing Body
REGULAR MEETING

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May 20, 2020

REGULAR MEETING:

The La Cygne City Council met on Wednesday, May 20, 2020 at La Cygne Community Building. Council Members present were: Danny Curtis; Thomas Capp; James Thies; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk Jodi Wade; Police Chief Tina Fenoughty; Public Works Superintendent Dan Nasalroad; Corporal Kurtis West; Tony Furse, Linn County Newspaper; Frankie Elder; and Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson reminded everyone to silence their phones and welcomed all those in attendance to our first in-person meeting since the start of the COVID-19 pandemic in March 2020. Mayor Wilson attended the Chamber of Commerce meeting this afternoon and informed the Council of the Chambers' decision to postpone their participation with Swanfest 2020 until next year. The Mayor expressed her joy to be back to in-person meetings.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of May 6, 2020 City Council Meeting;
April 2020 Treasurer's Report;
April 2020 Budget Report;
Check Register: May 7 – 20, 2020;

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

DISCUSSION FROM THE FLOOR:

None

SPECIAL PROJECTS:

WATER PLANT

The City of La Cygne and BG Consultants have received the As-Build plans and O&M Manuals from Shelley Electric. Eric Hethcoat, BG Consultants, is in the process of reviewing those items for approval. Eric will email the final pay application and paperwork for the June 3, 2020 Council meeting. PWS Nasalroad reported on the status of the generator at the water plant. Clifford Power replaced the starter on the motor and the generator is running properly. Council Member Curtis asked PWS Nasalroad to confirm if everything had been completed as indicated by the contract with Shelley Electric. PWS Nasalroad responded with satisfaction on the completion of work by Shelley Electric.

SPECIAL PROJECTS CONT:

SEWER IMPROVEMENT PROJECT

City Clerk Wade spoke to Mike Billings with USDA. The information received from BG Consultants regarding the sewer berm has been reviewed and the project will proceed as presented. If bids were to come in low and money is available, then the raising of the berms would need to be considered. Mike Billings anticipates a Letter of Conditions by the end of June 2020. PWS Nasalroad stated the crew for the boundary survey has not completed their work yet due to some issues of getting information from the county courthouse since it is closed to the public.

KDOT CCLIP

Hugh Bogle (KDOT-Project Manager), Jason Hoskinson (BG Consultants), Donna Schmidt (KDOT Area Rep), PWS Dan Nasalroad and City Clerk Wade participated in a field check for the upcoming CCLIP project. Jason Hoskinson will work with the City on preparations of the paperwork for acquisition of property for the project which must be completed by August 2020. Anticipated letting (bidding) for the project would occur in November 2020.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING – UNABLE TO ATTEND THE MEETING

CHIEF OF POLICE / CODES OFFICER -TINA FENOUGHTY

6 Citations issued since last meeting 7 – Traffic Stops Conducted

Suspended DL 1
Revoked DL 1
Tag Light 1
Speed 1
No Insurance 1
Seatbelt 1

Calls for Service / Reports – 05/04/20 thru 05/19/20

Ambulance Assist – 1 Criminal Threat -1
Check Welfare – 2 Vacation Watch - 1
Theft – 1 Codes Enforcement

The following letters have been sent:
Grass Letters – 1, INOP Veh Letter- 1, Nuisance Letters - 2

Animal Control

2019/2020 there have been 286 dogs tagged

2020/2021 there have been 077 dogs tagged

Postcards will be sent out at the end of May as a reminder to tag animals

VIN Inspections- 4 completed

REPORTS OF CITY OFFICERS CONT:

SATURATION PATROL DUE TO PLEASANTON CASES: to the theft and damage of multiple vehicles in the Pleasanton area, Chief Fenoughty and Corporal West worked 12-hr shifts for a 3-day period to help prevent any problems in the La Cygne area and to assist the Linn County Sheriff with locating the individual(s) causing the problem.

-Dog Tags are available for the 2020/2021 year. 2019/2020 dog tags expired on April 30th, 2020. Postcards will be sent to patrons reminding them to get the dog tags renewed.

-Still waiting to hear response on a final Grant application. Should know by July 1st.

ASSIST OUTSIDE AGENCY: Search warrant served at 702 N Broadway on 05-07-2020. An arrest was not made but pertinent evidence was found.

DISCUSSION REGARDING ABC VIOLATIONS: Chief Fenoughty reviewed (3) separate situations of Casey's General Store violating the Sunday rule of selling CMB product prior to noon. An ABC Agent was in town and spoke to the Manager of the Casey's store and gave them a 3rd verbal warning, next step could be a fine. Chief Fenoughty reached out to the ABC and League of Municipality for guidance regarding the suspension and revocation of city issued CMB licenses and reviewed the City of La Cygne Codes book. Research indicated a leeway of 5-minutes due to differences in clocks and up to (7) suspensions/warnings prior to revoking a license. Chief Fenoughty asked the Council for their advisement regarding the suspension/revoking of the City CMB license. Citizen/business owner, Frankie Elder, was in attendance and Mayor Wilson asked Frankie if she had any comments. Frankie Elder fully expressed her frustration for what has been going on for quite some time. As the owner of a Liquor store across the street from Casey's, she stated how upsetting it was to watch Sunday-after-Sunday people walking out of Casey's prior to noon with CMB product. Frankie is appalled at the allowance of up to seven (7) opportunities to violate the rules before revoking a license. Council Member Curtis stated this was the first time the Council has been informed of the situation. Frankie Elder indicated the City has been aware of this going on. Chief Fenoughty responded in regards to the 3 violations stating no records where on file for the 1st offense, and the second offense was for 3-minutes prior to noon and the 3rd offense was for 14-minutes prior to noon which is why we are discussing the procedure this evening with the Council. Discussion was held regarding the length for a suspension period. Council Member Mitzner suggested leaving it up to the Codes enforcement officer to set suspension term according to the violation up to 30-days.

-Discussion regarding Alley Parking: Chief Fenoughty asked the Council for guidance regarding the enforcement of code pertaining to utility right-of-way in the alleys. There are a variety of situations regarding the items in the alley blocking the ability to access the utilities if needed. PWS Nasalroad indicated items such as campers, inoperable cars, brush piles, scrap piles need to be removed in order to allow the utilities to be accessible. Chief Fenoughty will send out postcards with a 10-day period to work on removal. If issues/concerns arise with the patrons, Chief Fenoughty will site off of the STO (Standard Traffic Offense) book.

-Animal Trap Policy: Chief Fenoughty reviewed policy 7.1 pertaining to Animal Traps. In the past, the Animal Control officer has set live traps to keep varmints to minimum in our community. Unfortunately, over the years the traps have been stolen. This rental policy would help recover the cost for the traps. Council Member Mitzner expressed our community's concern for animals and utilizing the live traps.

REPORTS OF CITY OFFICERS CONT:

-Animal Trap Policy:

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 416 pertaining to Administrative Policy 7.1 Animal Trap Rentals effective May 31, 2020. Motion seconded by Council Member Capp, voted on, passed 4-0.

-Standard Operating Procedures (SOP) Manual: Chief Fenoughty found policies from pre 1996/1991, 2013 and 2018 that were being reviewed by Tate West. All policies need to be looked at and updated in order to protect the city. Chief Fenoughty will continue to work on getting the SOP manual up to date.

Council Member Capp inquired about the hours the Department is planning to run. Chief Fenoughty has been evaluating the workload and requirements of the department to determine the shifts/hours/manpower necessary for daily operation. Chief Fenoughty expressed some concerns regarding the duties of the Codes enforcement position and is researching the necessity of having a more qualified/certified individual for inspecting/issuing permits. Chief Fenoughty indicated there is enough workload in codes for a part-time position. Council Member Capp expressed concerns about traffic speeding through the La Cygne Community Park. Chief Fenoughty will be sure to patrol the area more often.

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

Report From 05-04-2020 to 05-18-2020

Committee Discussions

Water and Gas:

- Had issues with the water Plant Generator. Clifford Power changed out the starter and it is working fine now.
- Had issues with the Industrial Park generator.
- Met with Gas Committee regarding an increase in the transport rates from Panhandle Eastern Pipeline.
- USDI is conducting the annual leak survey.
- Met with Water committee to discuss plant operations and rates for wholesale water.

Street:

- Still doing repairs on streets weather permitting.
- Did initial storm clean-up then continued to pick up limbs from residents. Council Member Mitzner asked how long the debris pile would be open. PWS Nasalroad informed the Council the debris pile area belongs to the County and is still open.
- Met with KDOT and BG Consultants on K152 and Industrial.

Sewer:

- Industrial park lift station repair parts ordered.
- Reviewed railroad sewer project with committee.

REPORTS OF CITY OFFICERS CONT:

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

Cemetery:

- Had four trees down from storm, last one is being cleaned up. The City was able to clean up a few of the trees and Jim Thompson cleaned up the rest of the big trees. Mowing and weed eating has been kept up even with the weather. Council Member Mitzner inquired about gravel on the road and PWS Nasalroad stated they had graded the old section of the cemetery.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

- Still no training.
- Post the burning regulations on website and Facebook to remind patrons of what can be burned in a small contained fire at their residence.

CITY CLERK – JODI WADE

Report from 5/7/2020 – 5/20/2020

- Work on the 2021 State Budget workbook.
- Auto Insurance Adjuster reviewed hail damage to (2) Police Vehicles and (1) Fire Dept Vehicle. Payments have been issued and will be mailed to the City.
- Property Insurance Adjuster reviewed all properties on Tuesday, May 19. We should receive the report by May 22 or May 26. Our policy has a \$2500 deductible (Single charge).
- Met with the Water Committee (Danny Curtis) on Monday, May 18 regarding LVL rates.
- Met with the Sewer Committee (Thomas Capp) on Monday, May 18 regarding sewer rates.
- Met with Gas Committee (Danny Curtis) on Monday, May 18 regarding PEPL (Panhandle Eastern Pipeline) transport charge increase from \$.2875 to \$1.0034 effective March 1, 2020.
- Compiled data for the CDBG-CV Grant application for the Meals program/Food Pantry.
- Contacted Customer Service/Personnel training presenters to get information regarding costs.
- Reached out to Jeff Deane regarding the KORA/KOMA training for the July. He will follow up with some dates the first week of June.
- Working with Burton on the draft for the Water Contract Agreement for LVL (City of Linn Valley)
- Creating an RFP for the repairs to the sewer line located under the railroad down by the RR crossing near E 2150 Rd.

Meetings/Trainings Attended virtually:

- Field Check meeting for the KDOT CCLIP project.
- Conference calls with the League of Municipality every 2-3 days.
- Webinar training for State Budget workbook.
- MRWAD (Marais Des Cygne Water Assurance District) 2nd Quarter meeting

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

Approval was made at the May 6th Council meeting to proceed with filing the Water Right Files Applications with the Kansas Dept of Agriculture Water Division. A copy of the completed application was reviewed.

Gas Committee met Monday, May 18th regarding the transport rate increase from Panhandle Eastern Pipeline. The Committee discussed reviewing the gas expenses annually over the next couple of years to consider the necessity for changing our rates.

Draft of Gas Section for the City of La Cygne Codes Book is ready for review by the Council. The Council had no other suggestions at this time. City Clerk Wade will prepare an ordinance for approval at the June 3, 2020 meeting.

STREET -

City Clerk (CC) Wade submitted copies of an RFP (Request for Proposal) for Stormwater master plan survey to the street committee to review for consideration. The Council needs to determine the schedule for issuing the RFP.

SEWER-

Council needs to set a date for initiating the new sewer rate. The Sewer committee has met and determined a new rate. CC Wade will put together a packet for the June 3, 2020 meeting showing the new rate scale and a draft letter to be sent to the patrons in June explaining the increase. Council Member Mitzner suggested hosting a town hall meeting after the initiating of the rate to help explain it further to the community. The rate increase will need to occur on August 1, 2020.

Once the letter of conditions is received and reviewed, the Council will need to establish project roles and begin the process of securing some temporary financing.

PARK-

Council Member Curtis informed the Council of the decision by the La Cygne Community Park board to close the swimming pool for the 2020 season. Council Member Curtis explained how the requirements from the CDC and Executive Orders from the Governor made it very difficult for lifeguards and managers to perform their daily duties. He stated it was a very difficult decision for the board. The Blast in the Park is still scheduled for July 11, 2020. It may need to be modified depending on the requirements of the Executive Orders at that time. The park is currently in the process of replacing the baseball field lighting.

CEMETERY -

Definition of Maintenance for the cemetery. The Committee and Cemetery Board need to create a policy to define the maintenance to be performed by the City in order for the City to determine the annual budget amount for the cemetery. PWS Nasalroad explained the workload to maintain the cemetery and the importance for the City to define how much money for personnel, equipment, and supplies is going to be annually contributed to the maintenance of the cemetery. Mayor Wilson asked CC Wade to put together a packet showing the expenses involved with maintaining the cemetery, costs for contracting services and information on turning it over to the cemetery district for maintaining.

PUBLIC SAFETY -NONE

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COUNCIL COMMITTEE REPORTS CONT:

COMMUNITY BUILDING-

The Public Building Commission (PBC) met on Thursday, May 14 to review current dimensions and uses of the Community Building. The PBC is working on a survey to be put out to the community in July 2020. The PBC is going to reach out to the La Cygne Community Park Board and the Lincoln Township Board to set up a meeting to review the Community Building.

EMPLOYEE RELATIONS & TRAINING -

Establishing a Social Media Policy. The League of Municipalities expressed the importance of having this type of policy for your city, especially in times such as this, when we are depending heavily on electronic communication. The City of La Cygne does not currently have a policy. CC Wade sourced some samples from the League for the Council to consider. Council Member Mitzner advised the Council to be cautious when drafting a social media policy and infringing on peoples' rights when "not on the clock" for the City.

Mayor Wilson and Council Member Mitzner inquired about the progress for a customer service training for the governing body and city employees. CC Wade reached out to Morgan Barnes (training administrator for WSU). Morgan shared some video training options and some names of presentation leaders. CC Wade asked for specific topics of discussion. Mayor Wilson suggested a session on 'dealing with difficult people' and 'being a serving leader' would be beneficial for everyone. CC Wade suggested reaching out to Pleasanton and Mound City to see if they would be interested in participating in a training hosted by the City of La Cygne.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -

As mentioned earlier by Mayor Wilson, the Chamber of Commerce is postponing their participation with the Swanfest until 2021. Unless another group or organization would like to host the event, Swanfest will not take place on July 11, 2020.

PLANNING & ZONING COMMISSION-

Mayor Wilson attended the meeting which was only a workshop due to a lack of quorum.

UNFINISHED BUSINESS:

ADMINISTRATIVE POLICY NO 9 - PURCHASING AND BIDDING POLICY

Discussion continued amongst the governing body and city employees regarding the purchasing policy for normal daily operations and maintenance. The existing policy appears to be already to confusing to just revise. Council Member Mitzner suggested the department heads meet and draft a new purchasing policy to present to the Council at the June 3, 2020 meeting for review and discussion.

BUDGET WORKSHOP FOR 2021 BUDGET

Mayor Wilson stated the Planning & Zoning members would like to attend the workshop in order to learn how the budget is established. Discussion was held regarding the current Executive orders from the Governor and County. Council established the date of **Tuesday, June 9th at 5pm** for the Budget workshop as long as nothing changes in the orders from the Governor or County.

KORA/KOMA TRAINING WORKSHOP FOR MAYOR, GOVERNING BODY, FULL-TIME EMPLOYEES, PLANNING & ZONING AND LA CYGNE COMMUNITY PARK BOARD.

CC Wade reached out to Jeff Deane with Lauber Municipal Law and he is checking their schedule for a training on July 22 or July 29, 2020 at 6pm.

UNFINISHED BUSINESS:

Council Member Capp inquired about the status on the new computers and server. CC Wade was informed by Advantage it would be about 2-3 weeks to get the equipment built at their location. Installation will take a day to set-up with a down-time of about 4 hours to switch over to the new server.

NEW BUSINESS:

APPLICATION FOR THE CDBG-CV GRANT FOR FUNDING FOR MEALS PROGRAMS:

This grant can be applied for by Cities and Counties only. The funds can be disbursed to non-profit 503c organizations during the COVID-19 period for providing meal programs to citizens within the City limits of the City of La Cygne. SEK RPC (Southeast Kansas Regional Planning Committee) can assist with the completing the application. The grant is on a first come first serve basis. The notice of a Public Hearing was published in the paper on Wednesday, May 2020 for a Public Hearing to be held at the La Cygne Community Building on May 27 at 7pm.

❖ **Motion**

Council Member Mitzner motioned to approve the contract agreement with Southeast Kansas Regional Planning Committee to complete the CDBG-CV grant application on behalf of the City of La Cygne in the amount of \$2000. Motion seconded by Council Member Capp, voted on, passed 4-0.

❖ **Motion**

Council Member Curtis motioned to approve Resolution No. 417 for the purpose of the City of La Cygne applying for the CDBG-CV Grant for funding for meal programs affected by the Covid-19 pandemic. Motion seconded by Council Member Thies, voted on, passed 4-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 10-minutes for discussion of data relating to financial affairs or trade secrets. Motion seconded by Council Member Capp, voted on, passed 4-0. 9:15pm

Open Sesssion resumed at 9:25pm

OTHER BUSINESS:

Mayor Wilson reached out to Keith Stoker to see if he would be able to attend the Council meeting this evening. Unfortunately, he is not able to be back in town during the week. Mayor Wilson asked CC Wade to contact her when the gift is ready and she can take it to Keith when he is back in town.

NOTES AND COMMUNICATIONS TO COUNCIL:

Mayor Wilson informed the Council of notices/postings for the vacant seat on the Council. Interested patrons would need to complete a letter of interest which is available at the La Cygne City hall and on the City of La Cygne website.

NOTES AND COMMUNICATIONS TO COUNCIL:

Mayor Wilson expressed the importance of communication right now from the Council members due to the vacant seat. Personal work schedules can conflict with meetings and being (1) member down can create cause for a lack of quorum or the need to change a meeting date/time. Mayor Wilson asked the Council members to verbally indicate the best means for communication. Council Member Capp and Curtis stated direct phone calls work for them, Council Member Mitzner has access to phone call, text or emails during the day. Council Member Thies said he can't access his phone/emails when he is at work and indicated current personal issues are affecting his access to calls/texts/emails outside of work. Mayor Wilson expressed the importance to let the City Hall know days ahead of the status for attendance to Council meetings.

Mayor Wilson read a Thank-You card from La Harper Heights for patching the road near their entrance.

ADJOURNMENT:

❖ Motion

Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

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 20th of May 2020.