

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

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**May 6, 2020**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, May 6, 2020 at La Cygne City Hall. Council Members present were: Danny Curtis; Thomas Capp; and Jerome Mitzner. Absent: James Thies and Keith Stoker.

Others in attendance included, but not limited to: City Clerk Jodi Wade; City Attorney Burton Harding; Police Chief Tina Fenoughty.

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

Live stream start time was 7pm.

**MAYOR COMMENTS:**

Mayor Wilson expressed her concerns from the recent storm on May 4, 2020 which caused damage to roofs, windows and siding. Mayor Wilson thanked the Emergency services and community members for their assistance during and after the storm.

Mayor Wilson posted a video on Facebook, City webpage, and the City of La Cygne YouTube Channel on May 1, 2020 updating our patrons on the current Covid-19 orders, local changes to the meeting procedures, hiring of a new Police Chief and intern, changes to the City Hall, books by local authors, city improvement projects, storm drainage, blight, volunteer opportunities and upcoming events such as; Swanfest and Blast in the Park.

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of April 15, 2020 City Council Meeting;  
Check Register: April 16 – May 6, 2020;

**Motion seconded by Council Member Curtis, voted on, passed 3-0.**

**DISCUSSION FROM THE FLOOR:**

Temporarily suspended

**SPECIAL PROJECTS:**

**WATER PLANT**

Waiting for As-builds from Shelley Electric. Had an issue with the generator on the last power-loss event. Contacted Clifford Power to investigate the issue with the new transfer switch they installed. Council Member Capp asked if any issues were found with the generator. City Clerk Wade had not received a report back from Clifford Power at the time of the meeting.

**SPECIAL PROJECTS CONT:**

**SEWER IMPROVEMENT PROJECT**

BG Consultant, Paul Owings, submitted a letter to Mike Billings with USDA regarding the results from the sewer lagoon berms. The current base flood elevation is 806.8' and the topographic survey showed for the most part the top of the lagoon is at or above the base flood elevation. There were a few areas that could be addressed during the project that would need to be brought up a 1/10<sup>th</sup> of a foot. If we are required to raise the top of the elevation to 807.8' there would be considerable cost. Paul indicated the cost would be greater than \$200,000. Paul's letter asked USDA to proceed with the project as originally presented.

City Clerk Wade asked the Sewer Committee to meet to review the increase in sewer rates that had been previously discussed for the future sewer improvement project. The rates were originally suggested to begin this Fall 2020. Council Member Capp will reach out to Council Member Thies and City Clerk Wade to set-up a meeting date and time.

The boundary survey is still in progress.

**KDOT CCLIP**

KDOT, BG Consultants, Donna Schmidt, Dan Nasalroad and City Clerk Wade will have a field check meeting on May 14 at 10am to review the drawings to date for the Industrial Road and KS Hwy 152 intersection CCLIP project. Council Member Capp would like to also attend and Mayor Debra Wilson. City Clerk Wade will reach out to Jason with BG Consultants for information prior to the meeting.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING –**

- City Attorney Harding advised the Council of Executive Order 20-29 establishing Phase 1 of the reopening of Kansas. City Attorney Harding also reviewed the definition of a mass gathering. In Phase 1, a gathering may consist of up to 10 people able to be a 6' distance from each other. There can be more the 1 group of 10 in an area as long as those groups of ten can maintain a distance of 6' from each other while maintaining a distance of 6' from each individual in the group.
- City Attorney Harding has been reviewing the contracts for Orr-Wyatt Streetscapes and BG Consultants in regards to the warranty period for the Water Improvement project. BG Consultants had an Inspector on the job who should have been checking for issues during the installation process. City Attorney Harding has not determined yet who the complaint would be filed with pertaining to the severed sewer line at 503 N. 4<sup>th</sup> Street that was recently repaired. Council Member Capp inquired about how much time City Attorney Harding has spent on reviewing information. City Attorney Harding currently has about 4 hours of time. Council Member Curtis suggested to go ahead and reimburse the home owner for the expenses of the repair while the City continues to reach out to the Contractor or BG Consultants. Council Member Mitzner suggested to have City Attorney Harding continue to pursue the sewer bill. Council Members had a few legal questions for City Attorney Harding pertaining to his role with addressing the sewer repair bill that will be discussed during Executive session.
- Council Member Mitzner inquired about the obligations of the City to enforce the Executive orders issued recently in Phase 1 of the reopening of Kansas. City Attorney Harding suggested the enforcement was directed more to businesses following the proper procedures than to individual people.

**REPORTS OF CITY OFFICERS CONT:**

**CHIEF OF POLICE/CODES OFFICER -TINA FENOUGHTY**

0 Citations issued since last meeting            1 – Traffic Stop

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

Civil Stand-by – 1                                      Criminal Damage to Property - 2  
Check Welfare – 4                                     Fraud (Counterfeit bills) - 2  
Criminal Threat – 1                                  Domestic - 1  
Forgery – 1

**Codes Enforcement**

The following letters have been sent:

Grass Letters – 5                                      Nuisance Letters – 2                                      INOP Veh Letter- 1

**Animal Control**

2019/2020 there have been 286 dogs tagged

2020/2021 there have been 069 dogs tagged

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

**VIN Inspections- 2** have been scheduled for 05/05/20. Council Member Curtis asked where the VIN Inspections were taking place. Police Chief Fenoughty stated in the front parking area.

**New Business**

-Dog Tags are available for the 2020/2021 year. The 2019/2020 dog tags have expired on April 30<sup>th</sup>, 2020.

-Two Grants have been submitted at this time. Corporal West is monitoring emails for notification of Grant status that appears to be delayed due to Covid-19.

-Due to Criminal Damage in the City Park patrol has been increased.

-We are starting to initiate traffic stops while being mindful of Covid-19 distancing

Council Member Capp complemented Police Chief Fenoughty on her interview on KCTV5 and inquired about the status on the alley clean-up. Police Chief Fenoughty has been briefed on the situation with the alley ways in town and will begin addressing patrons in the next couple of weeks.

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

**Water and Gas:**

- Chlorine Dioxide system is up and running.
- Replaced a gas service line on Locust.
- Met with gas committee to review gas codes.

**Street:**

- Ordered patch material.
- Started patching streets.
- Installed "NO TRUCKS ALLOWED" signs at 1<sup>st</sup>, Railroad, And south 4<sup>th</sup> streets.

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

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

##### **Sewer:**

- Industrial park lift station repair parts ordered.
- Waste water lagoons were mowed and banks trimmed.
- Talked with B&G about the height of the berms at the lagoons.

##### **Cemetery:**

- Bruce is doing a nice job of keeping up with the weather conditions.

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

- Fire hose that was ordered has arrived.
- Still no training.

#### **CITY CLERK – JODI WADE**

Report from 4/16/2020 – 5/6/2020

- Audit was performed on April 27 & April 28. We should hopefully receive our Financial Statements in a couple of weeks.
- Notices were prepared and mailed to all Utility Customers regarding a payment procedure for the March (16) and April (80) outstanding utility bills.
- Continue training intern Katie Russell.
- City Treasurer Connie Gore has completely sorted through all boxes for the Planning & Zoning Files to get the permits for Building, Use, Conditional and Zoning organized from past years to the present.
- State Budget workbook was released on April 14. Will start working on the 2021 Budget.
- County Mapping/Zoning will correct the plats for the sewer lagoons so it is all 1 piece of property.
- Researching information pertaining to Condemnation, Land Banks, Moderate Income Housing programs and Rural Housing Incentive Programs for dilapidated homes.
- Updating Business Cards.
- Researching temporary financing for Sewer Improvement Project.
- Met with Park Board Chairman, Linda Elder, to review Budget information.
- Put together Data information for the Public Building Commission for the current City Hall building and Community Building.

Council Member Capp asked about the staff in the City Hall. City Clerk Wade stated both of the clerks and the intern are working in the office every day. Mayor Wilson advised the Council that Municipal Court would be held in the Community Building.

### **COUNCIL COMMITTEE REPORTS:**

#### **WATER & GAS -**

- ✓ Water Commission request to change the authorized places of use under our current water rights. The Water rights must include all areas you may possibly intend to serve. We have (4) Files and it is \$200 per file to update and add City of Linn Valley/Linn Valley Lakes. Total of \$800. Takes 6-9 months to process the applications. No water can be released to the entity until the rights are updated. CC Wade contacted RWD1 to find out if Linn Valley was included

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### **COUNCIL COMMITTEE REPORTS CONT:**

#### **WATER & GAS -**

in their legal description. The only document found by RWD was a right-of-way easement to run a line through Linn Valley property. The document was emailed to Katie Tietsort. Upon review, DWR has concluded that the changes do need to be filed.

#### **❖ Motion**

**Council Member Mitzner motioned to move forward with completing the applications to update the (4) Water Right Files to include the City of Linn Valley/Linn Valley Lakes for the amount of \$200 per application for a grand total of \$800. Motion seconded by Council Member Curtis, voted on, passed 3-0.**

- ✓ The Gas committee met with PWS Nasalroad and City Clerk Wade to review the Gas utility section of the City Codes book. City Clerk Wade is working on completing the draft with the suggestions from the committee to present at the May 20<sup>th</sup> meeting.

#### **STREET -**

- ✓ City Clerk Wade reached out to some other communities the size of La Cygne to recommend some Engineering firms they have utilized for storm water drainage projects.

#### **SEWER-**

- ✓ Discussion was held during City Attorney Harding's report pertaining to a sewer line repair at 503 N 4<sup>th</sup> St. The sewer service line was bored through by Orr Wyatt Streetscapes during their installation of the new water mains in the Water Improvement project. The house had been vacant for the past 3 or so years. Invoice has been sent to Orr-Wyatt/BG Consultant. Past the warranty period. No response from Orr-Wyatt. Total cost of repair \$1825.

#### **❖ Motion**

**Council Member Curtis motioned to reimburse the owner of 503 N 4<sup>th</sup> St for the repairs performed by Double Eagle Excavating in the amount of \$1825. Motion seconded by Council Member Mitzner, voted on, passed 3-0.**

**PARK-** Mayor Wilson advised the Council that Linda Elder was assigned as the Chairperson of the Park Board. Council Member Mitzner asked what damages had occurred at the Community Park. City Clerk Wade stated the door on the women's bathroom had been kicked in which dented the metal face of the door and broke the wooden face of the door. Door has been replaced and report has been filed.

**CEMETERY -** A couple of large trees fell down and some large limbs during the storm on Monday, May 4, 2020. The gate to the Oak Lawn portion of the cemetery has been closed.

#### **PUBLIC SAFETY -NONE**

#### **COMMUNITY BUILDING-NONE**

#### **EMPLOYEE RELATIONS & TRAINING -**

- ✓ Council Member Mitzner asked City Clerk Wade to move forward with rescheduling the KORA/KOMA training and Customer Service Training perhaps in July 2020.

### **SPECIAL COMMITTEE REPORTS:**

#### **EMERGENCY MANAGEMENT -NONE**

#### **SWANFEST COMMITTEE -NONE**

#### **PLANNING & ZONING COMMISSION-NONE**

#### **LA CYGNE COMMUNITY PARK BOARD - MEETING MINUTES FROM MARCH 26 & MAY 4 MEETING**

**UNFINISHED BUSINESS:**

**RESOLUTION NO. FOR ADMINISTRATIVE POLICY NO 9 – PURCHASING AND BIDDING POLICY**

Discussion was held regarding the final draft presented by City Attorney Harding. Concerns regarding the advertising of items over the amount of \$3,000 and \$6,000 (PWS) prior to receiving sealed bids. City Attorney Harding explained the section was in the existing policy but for items over the amount of \$2500. Council Member Mitzner suggested tabling the policy until the Council is able to meet in person to discuss. The objective is to improve the policy to make the purchasing process more efficient for the City Department supervisors.

**ORDINANCE NO TO AMEND ARTICLE 6, TABLE 6-1 BY ADDING LINE 19 TO "PERMIT R-1 TO ALLOW A CONDITIONS USE PERMIT FOR FOOD TRAILERS & MOBILE KITCHENS FOR THE PURPOSE OF FOOD SALES"**

The recommendation from the Planning & Zoning was accepted by motion at the April 15, 2020 meeting and will need to be approved by ordinance.

❖ **Motion**

**Council Member Curtis motioned to approve Ordinance No. 1469 amending table 6-1, Article 6 of the La Cygne Zoning regulations to permit R-1 to allow a conditional use permit for food trailers & mobile kitchens for the purpose of food sales. Motion seconded by Council Member Mitzner, voted on, passed 3-0.**

**ADVANTAGE COMPUTER/SERVER QUOTE-**

Mayor Wilson asked the Council if they would like to review the quotes had been tabled. The Advantage Quote for (2) new desktops and (1) new laptop w/ Window 10 and Microsoft Office 2019 in the amount of \$3380 + installation (includes 3-yr parts warranty) **OR** Peoples Telecommunications Quote for (2) new desktops and (1) laptop w/ Windows 10 and Microsoft Office 2019 in the amount of \$3989.99 (includes 1 year warranty). Server Quote in the amount of \$3770. Council Member Mitzner suggested for the Council to move forward with purchasing the stated equipment which was needed by the City Hall staff. The computers are a necessity for operation and Council Member Mitzner would rather purchase the items now to allow time for set-up vs. facing an emergency situation.

❖ **Motion**

**Council Member Capp motioned to purchase (1) Laptop and (2) Desktop computers with Windows 10 and Microsoft Office 2019 from Advantage Computers in the amount of \$3380 and to upgrade the Server for the amount of \$3770 for a total of \$7150. Motion seconded by Council Member Mitzner, voted on, passed 3-0.**

**CITY OF LA CYGNE WEBSITE UPGRADE DEVELOPMENT:**

This item was tabled until the May meeting. The platform our website currently runs on will be coming to its end of life at the end of 2020. One-time upgrade fee of \$945. Mayor Wilson asked the Council if they would like to address this quote or table until May 20, 2020 meeting.

❖ **Motion**

**Council Member Mitzner motioned to approve the quote in the amount of \$945 from One-Each technologies for a one-time upgrade to a new platform. Motion seconded by Council Member Capp, voted on, passed 3-0.**

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### **NEW BUSINESS:**

**STIFFEL LETTER OF ENGAGEMENT FOR TEMPORARY FINANCING:** City Clerk Wade will review the temporary financing with the Sewer Committee to be addressed with the Council at a later meeting.

**ANNUAL 2019 CONSUMER CONFIDENCE REPORT:** will be issued in a Newsletter form on May 15, 2020

**BUDGET WORKSHOP FOR COUNCIL AND OTHER COMMITTEES:** Council Members discussed a tentative date of May 27<sup>th</sup> but chose to wait until the May 20<sup>th</sup> meeting to make a final decision for the workshop. Council Member Mitzner and Curtis both felt it was best to not have the Budget workshop on the same day as a Council meeting. Tabled until May 20, 2020 meeting.

**KORA/KOMA WORKSHOP:** KORA/KOMA workshop for Mayor, Governing Body, full-time City employees, Planning & Zoning, and La Cygne Community Park Board originally scheduled for April 29, 2020. Consider rescheduling for June/July 2020?? City Clerk Wade will reach out to the organizations helping with the training to see if July would work to reschedule the training. Tabled until May 20, 2020 meeting.

### **EXECUTIVE SESSION:**

#### ❖ **Motion**

**Council Member Mitzner motioned to go in to executive session for 5-minutes for consultation with attorney under attorney-client privilege. Motion seconded by Council Member Capp, voted on, passed 3-0. 9:07pm**

**Open Sesssion resumed at 9:12pm**

### **OTHER BUSINESS:**

#### ❖ **Motion**

**Council Member Mitzner motioned to direct City Attorney Harding to pursue the reimbursement of \$1825 invoice for the severed sewer line repair by Double Eagle excavating through a demand letter. Motion seconded by Council Member Capp, voted on, passed 3-0.**

### **NOTES AND COMMUNICATIONS TO COUNCIL:**

a] Linn County Public Health Officer Order

### **ADJOURNMENT:**

#### ❖ **Motion**

**Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Mitzner, Mayor Wilson had one more item for discussion under other business. Motion was rescinded by Council Member Curtis.**

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**OTHER BUSINESS:**

Mayor Wilson read a resignation letter from Council Member Stoker who accepted a new job in Moline, MO. Council Member Stoker expressed his enjoyment of serving La Cygne on various committee and as a Council Member. Keith Stoker will continue to be a part of the community.

❖ **Motion**

**Council Member Mitzner motioned to accept the resignation letter from Keith Stoker effective May 4, 2020 and thanked Keith Stoker for his service to the community. Motion seconded by Council Member Capp who also thanked Keith for his dedication to the community, voted on, passed 3-0.**

**ADJOURNMENT:**

❖ **Motion**

**Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Capp, voted on, passed 3-0.**

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 6<sup>th</sup> of May 2020.