

REGULAR MEETING:

The La Cygne City Council met on Wednesday, June 16, 2021 at the La Cygne Community Building. Council Members present were: Thomas Capp; Danny Curtis; and Jerome Mitzner. Absent: Keith Stoker and James Thies.

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; Linn County News Tony Furse; Compactor Operator Bill Craven; Pam VanTyle; David Brenneman; Glen Harbinson; Emil Wilson; and Randy Hardwick.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Wilson presented Bill Craven with a certificate for his 26 years of service for the City of La Cygne in both the role of Animal control officer and Compactor operator. Bill Craven has announced his official retirement from the City of La Cygne affective the last day of June 2021. The Council commended Bill Craven for his commitment to the City over the years.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of June 2, 2021, City Council Meeting;
Minutes of June 7, 2021, Special Council Meeting;
May 2021 Treasurer's Report;
May 2021 Budget Report;
Check Register: June 3 – June 16, 2021;
1st Quarter 2021 Financial Statement;

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

DISCUSSION FROM THE FLOOR:

- ✓ Pam Van Tyle (Landlord) asked the Council about charging the landlords when a tenant moves out. Mayor Wilson asked Pam if she had received the letter regarding the billing process for rentals that was mailed to her in 2020 and Pam responded she had received the letter but did not return the form to the city. Pam explained the receipt of a bill for the period of April 1 – April 19th and April 19th – May 19th, which is during the period of time in between tenants. Mayor Wilson explained the billing process to Pam. Pam asked if the city could call the landlord if the tenant moves out. Mayor Wilson advised Pam Van Tyle to complete the form and return it to the city.

DISCUSSION FROM THE FLOOR CONTINUED:

- ✓ Glen Harbison expressed his concerns regarding the procedure for codes violations. He had received a phone call about cleaning up his property. Glen did not feel he should have to go to court just for not getting his property cleaned up within a specific time frame. Glen felt more time should be given between notices and the court costs should be reduced. David Brenneman indicated the weather this Spring and Summer has made it challenging to get work done. Council Member Curtis advised Glen to call in and speak with the Codes officer if an extension of time is needed.

SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT (MIDWEST ENGINEER GROUP)

We are waiting on the letter of review/approval from KDHE to proceed with the project. Dan Clair, KDHE, has received the plans with requested revisions. General Contractor has the pipe and valves, but is still waiting on the MJ retainers (hopefully gathered in next week or so). Will mobilize as soon as he has the retainers. Council Member Mitzner inquired if there was enough room for all of the equipment and materials. PWS Nasalroad is hoping the ground will be solid by the time mobilization occurs in order to have enough room.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

No update

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

Bid letting will occur on June 16, 2021.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING

- Emails and document review with Jodi;
- Municipal Court and calls with Chief Fenoughty;
- Reviewed and revised ordinance summary;
- Work on quit claim deed.

CHIEF OF POLICE – TINA FENOUGHTY

9 Traffic Stops Conducted

Citations issued since last meeting

Exhibition of Acceleration	1	Revoked DL	0
Stop Sign	0	Illegal Tag	0
Insurance	1	TOC	1
Expired Tag	0	Speed	0
Vicious Dog/RAL	1	Equipment	1
Seatbelt	0	Suspended DL	0

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

Calls for Service / Reports – 06/1/2021 thru 06/15/2021

Animal Complaint – 3	Traffic Complaints - 3
Assist Outside Agency – 3	Unattended Death – 1
Building Check – 1	Citizen Assist CFS / contact - 8
Fingerprints – 1	Juvenile Incident – 1
Check Welfare – 2	Felony Drug Cases Filed– 2
Follow Up – 14	Theft - 0
Suspicious Activity – 6	Vehicle Lockout – 1
Aggravated Assault – 1	Bank Alarm - 1
Domestic / Battery – 2	Ambulance – 0
Mental Health – 1	Motorist Assist – 1
Trespass – 1	Noise Complaint – 1
Misdemeanor Warrant – 1	CINC - 1

Unfinished Business

Chief Fenoughty reviewed a patrol analysis to investigate the need for signage on 1st street from E. Market St. to Swan St. The speed limit is 30 mph in the residential area unless otherwise posted. Chief Fenoughty stated the number of cars active on the street was not enough at this time to necessitate the need for more signage. Mayor Wilson asked if the patron could place a tri-fold “kids at play” sign in front of their house, Chief Fenoughty concurred.

Officer 301 and 303 completed yearly certification on all weapons on June 5, 2021.

VIN Inspections- 2 completed

New Business

Request for a 5-minute executive session.

❖ **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 7:33pm. Motion seconded by Council Member Mitzner voted on, passed 3-0. 7:28pm

Others in attendance included, but not limited to: Police Chief Fenoughty and City Attorney Harding.

OPEN SESSION RESUMED AT 7:33pm:

❖ **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 7:38pm. Motion seconded by Council Member Curtis voted on, passed 3-0. 7:33pm

Others in attendance included, but not limited to: Police Chief Fenoughty and City Attorney Harding.

OPEN SESSION RESUMED AT 7:38pm:

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

Request for 20-minute Executive session.

❖ **Motion**

Council Member Capp motioned to go in to executive session for 20-minutes for non-elected personnel for review of performance and will return to the Council table at 8:00pm. Motion seconded by Council Member Mitzner voted on, passed 3-0. 7:40pm

Others in attendance included, but not limited to: Police Chief Fenoughty and City Attorney Harding.

OPEN SESSION RESUMED AT 8:00pm:

Accrued Overtime for Department: Accrued overtime for last pay period = 24 hours

CODES ENFORCMENT – ALLISON FOX

Officer Fox reviewed the updated reports regarding nuisances, grass letters and condemnations.

Officer Fox gave an update on the condemnations.

- 612 N. 8th Street – demolition should start in 2-3 weeks;
- 602 N. 5th Street – waiting for City Attorney Harding to complete a quit claim deed;
- 116 N. 5th Street – owner has moved out and a no-occupancy notice has been placed on the residence;
- 402 N. Broadway – will wait until Officer Fox returns from academy in October 2021.

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

Report from 6/3/2021 to 6/16/2021

Committee discussions

Water and Gas:

- 2" gas and water service has been completed at JBB Farms (417 W Grand Ave).
- Water plant is being run manually until new check valves arrive.

Street:

- Street repairs have started and will continue weather permitting.

Sewer:

- Bartlett & West Engineering gave a final report.
- The East lift station generator is currently broken down and the turbo is bad. We cannot find parts. New is around \$28,000.
- East lift station has one pump that needs to be rebuilt. (Waiting on estimate)
- City Park lift station has had repairs completed.

Park:

- Nothing to report.

REPORTS OF CITY OFFICERS CONTINUED:

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

Cemetery:

- Mowing has slowed down.
- Will be removing decorations after June 20th, 2021.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

- Nothing to report

CITY CLERK – JODI WADE

- Working on the 2022 budget.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- None

STREET -

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) La Cygne Library parking lot water pooling. No response to date.

SEWER-NONE

PARK-

Mayor Wilson brought up to Council Member Curtis and Council Member Capp concerns about the operation of the La Cygne Community Park. Mayor Wilson suggested it might be time for the governing body, the Lincoln Township and the La Cygne Community Park Board to all meet together. Council Member Curtis explained the transition the current board was going through and the challenges with communication. Mayor Wilson stated how important it is to get the processes in place. Council Member Capp suggested to have the workshop in the Fall after the summer season and pool closes.

CEMETERY -

- A draft of Chapter XI. Public property, Article 1. Cemetery regulations were distributed to the Council for a final review. CC Wade will reach out to the cemetery board to see if they would like to meet with the committee soon to review the draft.

PUBLIC SAFETY –NONE

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING -

- (Postponed until Spring 2021) - Ethics/Public Service Training.
- Council Member Mitzner asked Mayor Wilson and CC Wade to give the council a copy of the draft Governing Handbook.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -

CC Wade updated the Council on the date of the Swanfest event which is scheduled for July 17, 2021. The parade will begin at 5pm followed by a community picnic. There will be kids' games, vendors, face painting, horseshoes, corn hole, a beer garden and fireworks at around 9:45pm. Council Member Capp suggested to make sure the trees are all trimmed up for the parade route.

LA CYGNE COMMUNITY PARK BOARD -NONE

PLANNING & ZONING COMMISSION (PZC) -NONE

UNFINISHED BUSINESS:

ORDINANCE NO. ANNEXING LAND TO THE CITY OF LA CYGNE, KS – Tabled UNTIL JULY 7, 2021 MEETING.

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

WATER CONSERVATION PLAN

Tabled until summer 2021.

NEW BUSINESS:

RESOLUTION NO. ENABLING FEES ESTABLISHED BY THE CITY AND REFERENCED WITHIN THE CODES OF THE CITY OF LA CYGNE, KANSAS.

Tabled until the July 7, 2021 meeting.

ORDINANCE NO. AMENDING SECTION 4-405 BY ADDING (F) AND REPLACING SECTION 4-413 OF CHAPTER IV, ARTICLE 4, OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

Council Member Capp asked why the Planning & Zoning Commission had reviewed the age limit of mobile homes. CC Wade indicated brand new mobile/manufactured homes are very expensive. The new Mobile Home Park owner has been able to find some homes in very good condition which were over 10 years old, but under 20. Some of the current mobile homes in the park are 40-60 years old. The Commission would like to suggest the age limit to be changed from 10 years old to 15 years old.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1488 amending section 4-405 by adding (f) and replacing section 4-413 of Chapter IV, Article 4 of the Code of the City of La Cygne, Kansas. Motion seconded by Council Member Mitzner voted on, passed 3-0.

ORDINANCE NO. ADDING SECTION 9-104 TO CHAPTER IX, ARTICLE 1, OF THE CODE OF THE CITY OF LA CYGNE, KANSAS.

Tabled until July 7, 2021 meeting.

NEW BUSINESS CONTINUED:

PURCHASE ORDER NO. 2021-8 FOR \$2,130 FOR A NEW BATTERY BACK-UP FOR THE CITY HALL SERVER. EXISTING BACK-UP IS FAULTING AND WAS PURCHASED IN 2014.

❖ **Motion**

Council Member Mitzner motioned to approve Purchase order No. 2021-8 for \$2,130 for a new battery back-up for the City Hall server from Advantage Computer. Motion seconded by Council Member Capp voted on, passed 3-0.

SPECIAL EVENT PERMIT FOR JOY EPPERSON FOR THE SALE OF CEREAL MALT BEVERAGE AT THE SWANFEST & BLAST IN THE PARK ON JULY 17, 2021 IN THE LA CYGNE COMMUNITY PARK ENCLOSED SHELTER.

Council Member Mitzner asked Chief Fenoughty if the application showed double barrier fencing around the premises. Discussion was held to add to the permit a requirement to have double barrier fencing at a minimum of 8' apart to prevent people from handing out beer to those outside of the premises.

❖ **Motion**

Council Member Capp motioned to approve the Special Event permit for the sale of Cereal Malt Beverage at the Swanfest & Blast in the park on July 17, 2021 in the enclosed shelter at the La Cygne community park with the stipulation to have double barrier fencing at a minimum of 8' apart. Motion seconded by Council Member Mitzner voted on, passed 3-0.

Mayor Wilson asked for a 2-minute recess

❖ **Motion**

Council Member Mitzner motioned for a 2-minute recess in order for the mayor to meet with City Attorney Harding and City Clerk Wade and will return to the Council table at 8:44pm. Motion seconded by Council Member Capp voted on, passed 3-0. 8:42pm

OTHER BUSINESS:

a] Mayor Wilson asked the Council to revisit the concern from Pam Van Tyle regarding the charges to the landlord for utility service between tenants. Mayor Wilson reviewed the options for the Council to consider, to include the following:

- Charges stand as is. Ordinance/rules stand as is;
- Waive one of the minimum charges;
- Shut off the property instead of automatically transferring to landlord's name;
- Change the ordinance/rules.

Council Member Curtis explained the landlord, per the ordinance, can have the utilities shut off in between tenants and therefore would not incur a minimum monthly bill. In response to the city calling the landlords when tenants move in or out, City Attorney Harding indicated it is the

OTHER BUSINESS CONTINUED:

responsibility of the landlord to establish contracts and deposits with their tenants as means for knowing when tenants move in and out. Mayor Wilson indicated the city was not going to call landlords in regards to the movement of their tenants. Mayor Wilson stated over 65% of the housing in La Cygne are rentals. Council Member Mitzner and Capp concurred the landlords need to complete their request forms indicating their choice regarding utilities in between tenants and return the form for the city to have on file. The current ordinance gives the landlord the option to shut off the utilities and not have a minimum charge in between tenants or to leave the utilities on and receive the minimum monthly charge between tenants.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] The La Cygne swimming pool is open. Hours are Monday through Saturday 1pm – 7pm and Sunday 1pm – 5pm. Season passes can be purchased at the La Cygne City Hall or at the pool admission window.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 3-0. Time 9:08pm.

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 16th day of June, 2021.