

**REGULAR MEETING:**

The La Cygne City Council reconvened on Monday, July 12, 2021 at the La Cygne Community Building to continue the July 7, 2021 Agenda. Council Members present were: Keith Stoker; Danny Curtis; and Jerome Mitzner. Absent: Thomas Capp and James Thies.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; Linn County News Tony Furse (Zoom); and Glen Harbinson.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

Mayor Wilson elaborated on the Mayors Conference she recently attended. Great subjects were covered during the conference (e.g. American Rescue Plan Act). Many discussions included rental property impact on the city and the evolution of landlord licensing programs.

**CONSENT AGENDA:**

❖ **Motion to approve Consent Agenda:**

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

Minutes of June 16, 2021 City Council Meeting;  
Minutes of June 18, 2021 Special City Council Meeting;  
Check Register: June 17 – July 7, 2021

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

**DISCUSSION FROM THE FLOOR:**

✓ NONE

**SPECIAL PROJECTS:**

**WATER PLANT SETTLING POND PROJECT (MIDWEST ENGINEER GROUP)**

Email from Kevin Starbuck dated June 22, 2021 indicated he was going to start delivering materials to our job site later this week. The materials have been delivered to the site as of June 25, 2021. Danny Coltrain with MW Engineering is reviewing the material submittals from Starbuck Trucking and is waiting for a letter to proceed from Dan Clair with KDHE. The City needs to review the contract agreement with MW Engineering prior to beginning the construction phase.

❖ **Motion**

**Council Member Mitzner approved for Mayor Wilson to sign the construction phases on the Agreement for profession services with MW Engineering Group with line 16 modified to read "Conduct periodic inspections to confirm progress of work". Motion seconded by Council Member Stoker voted on, passed 3-0.**

**SPECIAL PROJECTS CONTINUED:**

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

PW Nasalroad and CC Wade met with BG Consultants’ Paul Owings and Abby on Friday, July 9, 2021 to review the preliminary drawings, look at the sewer lift stations and the sewer lagoon. Paul Owings reviewed some sewer lines which were not showing on the preconstruction CCTV, some line size issues, the tap replacement process and manholes. Paul and Abby reviewed the lift stations and sewer lagoons for possible prioritized alternates if there is extra money available.

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

The Notice to award contract was mailed in to KDOT and has been expedited. Funding in the amount of \$379,000 will need to be paid by August 5, 2021 to KDOT. Pay applications will cycle through KDOT throughout the project for their work performed and the work performed by CFS Engineering. CC Wade has reviewed the 2021 budget and is recommending the funds are taken from the General Street Fund (01-16-5001) as indicated in Purchase Order No. 2021-9.

❖ **Motion**

**Council Member Mitzner motioned to approve Purchase Order No. 2021-9 in the amount of \$379,000 for the commitment of funds for the KDOT CCLIP Project No. 054 KA-5147-01 utilizing the dollars from the General Street Fund Capital Outlay and Linn County Economic Development Grant. Motion seconded by Council Member Stoker voted on, passed 3-0.**

**NEW FIRE STATION (ZINGRE AND ASSOCIATES)**

New Fire Station and/or Public Safety Building. Rick Zingre with Zingre and Associates submitted a drawing for a Public Safety building.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING**

- None

**CHIEF OF POLICE – TINA FENOUGHTY**

**6 Traffic Stops Conducted**

**Citations issued since last meeting**

Exhibition of Acceleration	0	Revoked DL	0
Stop Sign	0	Illegal Tag	0
Insurance	0	TOC	0
Expired Tag	0	Speed	0
Vicious Dog/RAL	1	Equipment	0
Seatbelt	0	Suspended DL	2

**REPORTS OF CITY OFFICERS CONTINUED:**

**CHIEF OF POLICE – TINA FENOUGHTY**

**Calls for Service / Reports – 06/17/2021 thru 07/07/2021**

Animal Complaint – 11	Traffic Complaints - 7
Assist Outside Agency – 0	Unattended Death – 0
Building Check – 1	Citizen Assist CFS / contact - 10
Fingerprints – 1	Juvenile Incident – 1
Check Welfare – 0	911 Hang up– 0
Follow Up – 9	Theft - 0
Suspicious Activity – 2	Vehicle Lockout – 1
Aggravated Assault – 0	Bank Alarm - 1
Domestic / Battery – 0	Ambulance – 0
Mental Health – 0	Motorist Assist – 1
Trespass – 1	Sexual Assault – 1
Felony Warrant – 1	Felony Drug Arrest - 1

**Unfinished Business**

Chief Fenoughty has received 5 or 6 applications for the Part-time Officer position. Interviews will be scheduled for next week.

**VIN Inspections-** 2 completed

**New Business**

Multiple complaints regarding the railroad/train traffic. Chief Fenoughty has been in touch with the BNSF area representative and with Linn County Sheriff Kevin Friend. Council Member Stoker asked what is the legal length of time a train can block a crossing. Chief Fenoughty responded with 15 minutes. The event which occurred on July 2 was due to a broken down train which had to be handled by an emergency railroad crew to call in an additional engine to move the train.

**Accrued Overtime for Department:** Accrued overtime for last pay period = 32 hours

**CODES ENFORCMENT – ALLISON FOX**

Officer Fox is attending KLETC academy. Council discussed having Chief Fenoughty sign any documents during the interim while Officer Fox is at training.

❖ **Motion**

**Council Member Mitzner motioned for Chief Fenoughty to act as interim Codes Officer while Officer Fox is attending academy or during any absence of the current Codes Officer. Motion seconded by Council Member Stoker voted on, passed 3-0.**

Council Member Curtis presented a photo of a fence located at the corner of 5<sup>th</sup> Street and Locust. Discussion was held regarding the location of the fence in the side yard. The question was whether the fence had to be in line with the back corner of the building on the side yard location or if it could line up with the front of the building on the side yard. Chief Fenoughty will review the zoning regulations pertaining to fencing. Council Member Mitzner stated there has been confusion over the years regarding the side yard fence on corner lots and consistency is necessary for all locations.

**REPORTS OF CITY OFFICERS CONTINUED:**

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

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

**Committee discussions**

**Water and Gas:**

- New check valves have been installed in the water plant, gained about 80gpm.
- Materials for the pond have arrived. Still waiting on KDHE review.

**Street:**

- Street repairs have started and will continue weather permitting.
- Started spraying for mosquitos.
- Beachner finished their road project.

**Sewer:**

- Pay request for new pump at the east lift station.
- East lift station generator is broken down. Turbo is bad and cannot find parts. New is around \$28,000. Update: found someone to rebuild the turbo but parts are coming from Japan. Council Member Stoker inquired about the plan if we should lose power. We would have to use a back-up generator or honey-wagon if the power is out for longer than 2 hours.
- Pump at the industrial lift station has gone back in for warranty repair.
- Will be meeting with B&G consultants on Friday July 9<sup>th</sup> for review of upcoming sewer project.
- Park lift station generator will not start automatically.

**Park:**

- Added some gravel to the parking area.

**Cemetery:**

- Mowing continues.
- Decorations have been removed.
- Discussion was held regarding the Cemetery Caretaker assisting with the Compactor. We have not received any applications for the part-time compactor operator position. If the current employee needs to take off, can the cemetery caretaker fill-in. PWS Nasalroad and CC Wade will review the current hours of both employees. Council Member Stoker indicated we need to either fill-in the position if needed or close the compactor that day.

**Verizon Tower project has started**

**FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD**

- Pump testing will be done this month.
- Reviewed new plans for Public Safety Building, making a few changes.
- 4<sup>th</sup> of July went well.

**CITY CLERK – JODI WADE**

Report from 6/20/2021 – 7/7/2021

- Prepared Final Draft of 2022 Budget;
- Attended American Rescue Plan Webinar;
- Month end reports;

**REPORTS OF CITY OFFICERS CONTINUED:**

**CITY CLERK – JODI WADE**

- Prepared pay application no. 2 for the CDBG-CV Meal program grant;
- Prepared Ordinance regarding police reporting and Resolution for the fee schedule;
- Prepared application review for rezoning permit for 602 Market St;
- Prepared application review for construction of duplexes for 401 N. 1<sup>st</sup> St;
- Prepared application review for residential lot regarding tiny home at 413 S. 1<sup>st</sup> St;
- Prepared Use Permit for 19438 KS Highway, La Cygne, KS;
- Advantage Computers installed the new backup battery unit;
- Attended Special Meeting for KDOT CCLIP project;
- Prepared advertisements for part-time police officer;
- City Hall refrigerator broke, searching for a new refrigerator;
- Assisted the Park Board with the chlorinator at the pool;
- Assisted Mayor with draft by-laws for the La Cygne Community Park Board;
- Reviewed the construction debris dumping assistance program with the Linn County Public Works department;
- Working on 2<sup>nd</sup> Quarter reports;
- Coordinated with BNSF railroad and the Linn County Sheriff's office in regards to the broken train on July 2, 2021;
- Reached out to gWorks regarding our utility module pertaining to landlord accounts. Inquired about technical support to perform a data clean-up or removal/reinstall of the utility module to maybe help with some of the technical issues we have been encountering;
- Reviewed the RNR (revenue neutral rate) procedure with Linn County Clerk David Lamb;

Overtime Hours for City Hall for the last pay period: 15.50 hours Jodi.

**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 read a resignation letter from Linda Elder. Mayor Wilson expressed her appreciation for everything Linda Elder has done for the Park over the year. The board members are given little information regarding their roles. Mayor Wilson would like to improve the training and

**COUNCIL COMMITTEE REPORTS CONTINUED:**

**PARK-**

guidance for the La Cygne Park board. In the recent research performed on documents for the La the Cygne Community Park Board it was discovered that the by-laws had never been created as directed by Charter Ordinance No. 6. Mayor Wilson would like to reach out to the Lincoln Township and Park Board to schedule a workshop with the Council the last week of July 2021 or first week of August 2021.

❖ **Motion**

**Council Member Stoker motioned to accept the resignation of Linda Elder from the La Cygne Community Park Board effective June 26, 2021. Motion seconded by Council Member Mitzner voted on, passed 3-0.**

**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 indicated the final meeting would be held on July 14, 2021 at the La Cygne Library to make sure everything is in place for the Swanfest and Blast in the Park.

**LA CYGNE COMMUNITY PARK BOARD –**

Council Member Mitzner inquired how the President of the Park board was assigned. Mayor Wilson said it was up to the Park Board members to vote on who will be the President of the board. Mayor Wilson indicated the desire to look for someone interested in serving on the board. CC Wade will reach out to the Lincoln Township board and Park Board to determine a date for a workshop of the Council, Lincoln Township and Park Board members.

**PLANNING & ZONING COMMISSION (PZC) -**

Unapproved minutes for the June 10, 2021 meeting were reviewed.

**UNFINISHED BUSINESS:**

**ORDINANCE NO. ANNEXING LAND TO THE CITY OF LA CYGNE, KS – TABLED UNTIL JULY 21, 2021 MEETING.**

**RESOLUTION NO. 02-17 REGARDING MAINTENANCE OF STREETS WITHIN THE LINN COUNTY INDUSTRIAL PARK, LA CYGNE, KS. TABLED UNTIL JULY 21, 2021 MEETING.**

**WATER CONSERVATION PLAN**

Tabled until Spring 2022.

**NEW BUSINESS:**

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

❖ **Motion**

**Council Member Mitzner motioned to adopt Ordinance No. 1489 adding section 9-104 Police Reports, Fingerprints and VIN Inspections to Chapter IX, Article 1 of the Code of the City of La Cygne, KS. Motion seconded by Council Member Stoker voted on, passed 3-0.**

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

❖ **Motion**

**Council Member Mitzner motioned to approve Resolution No. 433 enabling fees established by the city and referenced within the code of the City of La Cygne, Kansas. Motion seconded by Council Member Stoker voted on, passed 3-0.**

**PURCHASE ORDER NO. 2021-10: WOULD THE COUNCIL WANT TO ENDURE THE COST TO PROCEED WITH A DETERMINATION OF DESCENT IN ORDER TO CREATE A QUIT CLAIM DEED FOR THE LOT LOCATED AT 602 N. 5<sup>TH</sup> STREET.**

❖ **Motion**

**Council Member Mitzner motioned to proceed with the determination of descent in the amount not to exceed \$1,000 in order to process the quit claim deed for 602 N. 5<sup>th</sup> Street. Motion seconded by Council Member Curtis voted on, passed 3-0.**

**PURCHASE ORDER NO 2021-11: EBARA PUMP MODEL 100DLMKFU6152 11.5 TRIM 650GPM @ 75 TDH TO REPLACE THE PUMP IN THE INDUSTRIAL PARK LIFT STATION IN THE AMOUNT OF \$13,240.**

❖ **Motion**

**Council Member Mitzner motioned to approve Purchase Order No. 2021-11 in the amount of \$13,240 for a new Ebara pump for the Industrial Park lift station. Motion seconded by Council Member Stoker voted on, passed 3-0.**

**NEW BUSINESS CONTINUED:**

**US DEPT OF TREASURY CORONAVIRUS LOCAL FISCAL RECOVERY FUND AWARD TERMS AND CONDITIONS.**

❖ ***Motion***

**Council Member Mitzner motioned to approve Mayor Wilson as the Authorized Official and Jodi Wade as the authorized representative to sign the terms and conditions for the Coronavirus Local Fiscal Recovery Funds Award. Motion seconded by Council Member Stoker voted on, passed 3-0.**

**ASSURANCES OF COMPLIANCE WITH TITLE VI OF CIVIL RIGHTS ACT OF 1964 PERTAINING TO THE LOCAL FISCAL RECOVERY FUNDS AWARD.**

❖ ***Motion***

**Council Member Mitzner motioned to approve Mayor Wilson as the Authorized Official and Jodi Wade as the authorized representative to sign the Assurance of Compliance with Title VI of Civil Rights Act of 1964 for the Coronavirus Local Fiscal Recovery Funds Award. Motion seconded by Council Member Stoker voted on, passed 3-0.**

**NOTICE TO THE LINN COUNTY CLERK WITH INTENT TO EXCEED THE REVENUE NEUTRAL RATE.**

❖ ***Motion***

**Council Member Mitzner motioned to give notice to the Linn County Clerk of the intent for the City of La Cygne to exceed the Revenue neutral rate and our proposed mill levy rate is 84.593. The date of the hearing is August 25 at 7pm and will be held at the La Cygne Community Building in La Cygne, KS. Motion seconded by Council Member Stoker voted on, passed 3-0.**

**REFERRAL LETTER FOR 210 S. 3<sup>RD</sup> STREET, LA CYGNE, KS FOR AN APPLICATION FOR CONSTRUCTION DEBRIS DUMPING ASSISTANCE THROUGH LINN COUNTY.**

❖ ***Motion***

**Council Member Stoker motioned to give Mayor Wilson the authority to sign the referral letter on behalf of the governing body recommending debris dumping assistance from Linn County for the demolition of the house located at 210 S. 3<sup>rd</sup> Street. Motion seconded by Council Member Mitzner voted on, passed 3-0.**

**IBTS (INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY) PROJECT PROPOSAL IN THE AMOUNT OF \$28,580 PLUS EXPENSES IN ORDER TO REVISE THE CITY OF LA CYGNE COMPREHENSIVE PLAN, ZONING REGULATIONS AND SUBDIVISION REGULATIONS.**

❖ ***Motion***

**Council Member Stoker motioned to approve the proposal in the amount of \$28,580 plus expenses from IBTS to revise the Comprehensive Plan and Zoning Regulations. Motion seconded by Council Member Mitzner voted on, passed 3-0.**

**CDBG-CV GRANT FOR MEAL PROGRAMS PAYMENT REQUEST NO. 2**

CDBG-CV Meal Program Grant – Request for Payment No. 2 in the amount of \$8364.42. The Council awarded the La Cygne Library a \$14,100 grant. To date, the City has paid out \$11,007.89 to the La Cygne Library. The City still owes the La Cygne Library \$3,092.11 for the original awarded grant. The City would still have \$5272.51 remaining of CDBG-CV Grant funds. CC Wade checked with both the Library and Food Pantry to see if they had further expenses for meal programs from COVID-19. The La Cygne Library still has expenses remaining and the Food Pantry does not. The City would need to make a motion to award the remaining CDBG-CV grant funds to the La Cygne Library. The closing of the grant fund is July 31, 2021. Any unused dollars would be returned to the State.

❖ **Motion**

**Council Member Stoker motioned to award the remaining \$5,272.51 grant dollars to the La Cygne Library for the Meal programs provided during the Covid-19 Pandemic. Motion seconded by Council Member Mitzner voted on, passed 3-0.**

**OTHER BUSINESS:**

a] Special parks and recreation fund: Letter to Linn County Clerk regarding the distribution of Park money for 2021

**NOTES AND COMMUNICATIONS TO COUNCIL:**

a] Swanfest and Blast in the Park, July 17, 2021. Parade to begin at 5:00pm.

**ADJOURNMENT:**

❖ **Motion**

**Council Member Mitzner moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 3-0. Time 8:38pm.**

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 12<sup>th</sup> day of July, 2021.