

REGULAR MEETING:

The La Cygne City Council met on Wednesday, July 1, 2020 at La Cygne Community Building. Council Members present were: James Thies (arrived 7:10pm); Thomas Capp; and Logan Smith. Absent: Jerome Mitzner and Danny Curtis.

Others in attendance included, but not limited to: City Clerk Jodi Wade; City Attorney Burton Harding; Public Works Superintendent Dan Nasalroad; Police Chief Tina Fenoughty; Linn County News Tony Furse; Linda Elder; Frankie's Liquor Frankie Elder; and Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Debra Wilson reminded patrons about the La Cygne Fireworks Display on July 11th, 2020 starting around 8:30pm at the La Cygne Community Park. Park Board Chairman Linda Elder stated the patrons could arrive anytime but the fireworks would be launched around 9:30pm – 9:45pm.

Mayor Wilson read a letter from Brynn Maul recognizing the Police Department and complimenting the efforts they put forth everyday in providing a safe environment for our community.

Mayor Wilson read a letter to Katie Parscale of the Linn County Clerk's office advising Linn County the money received from the special parks and recreation fund will be expended only for the maintenance of the North Bitaker Park.

OATH OF OFFICE:

Mayor Debra Wilson administered the Oath of Office to Logan Smith for the vacant seat on the La Cygne City Council.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of June 17, 2020 Council Meeting;

Check Register: June 18 – July 1, 2020;

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

DISCUSSION FROM THE FLOOR:

AMANDA MILLER – REGARDING SEWER RATE INCREASE

Amanda Miller was on the agenda but was not present.

DISCUSSION FROM THE FLOOR CONT:

FRANKIE ELDER – REGARDING THE REPAIR OF HER PARKING LOT/4TH STREET CONNECTION AT FRANKIE’S LIQUOR AND GET THE FUNK OUT LAUNDROMAT.

Frankie Elder owner of Frankie’s Liquor and Get the Funk Out Laundromat was not satisfied with the decision the City Council had made at the June 17, 2020 Council meeting regarding the connection area of her parking lot and 4th street. Frankie presented a plat map showing the right-of-way and plat lines from the Linn County GIS mapping site and questioned the Council regarding the width of the streets. At the June 17th meeting, the City Council had approved for Public Works to cold patch the potholes on the edge of 4th and for Frankie Elder to purchase/haul a truck load of gravel in which the City would spread around the connecting area of her parking lot and 4th Street. Frankie felt she shouldn’t have to pay for any of the repairs since the potholes are in the right of way. Public Works Superintendent Dan Nasalroad explained the City’s responsibility in the repairs of the streets falls from one edge of the street to the other edge of the street. City Clerk Wade attempted to define the purpose of the right-of way in platting a city is to provide a thorough way between the platted lots in which a city has the ability to build streets, ditches and install utilities. The City has control over what is built or installed in the right-of-way to ensure the thorough way is not inhibited for travel. Mayor Wilson advised Frankie Elder the Council will review further information, mapping and articles pertaining to streets & parking lots in the City Codes and Zoning regulations and get back with her. Mayor Wilson also indicated to Frankie, the Council re-reviewing the information doesn’t mean the decision would change.

SPECIAL PROJECTS:

WATER TREATMENT PROJECT:

Final pay application #9 from Shelley Electric for the Water Treatment Plant Improvement project in the amount of **\$56,048.31**. This amount is the final retainage for this project. Council Member Capp asked Public Works Superintendent (PWS) Dan Nasalroad if he was satisfied with the completion of the work. PWS Nasalroad stated he came in on the tail-end of the project and contract items had been completed.

❖ **Motion**

Council Member Capp motioned to approve the payment of the final pay application #9 to Shelley Electric for the Water Treatment Improvement project in the amount of \$56, 048.31. Motion seconded by Council Member Thies, voted on, passed 3-0.

Mayor Wilson and CC Wade reviewed the closing documents for the Water Treatment Plant Improvement project. The documents included the Substantial completion Certificate and Completion of Work Certificate which needed to be signed by the Mayor.

❖ **Motion**

Council Member Capp motioned to approve for Mayor Wilson to sign the Substantial Completion Certificate and the Completion of Work Certificate for the Water Treatment Plant Improvement project. Motion seconded by Council Member Thies, voted on, passed 3-0.

SPECIAL PROJECTS CONT:

SEWER IMPROVEMENT PROJECT

USDA requested some updated financial reports. The PER application had to be forwarded to a different office with USDA for approval due to the amount of the loan. Mike Billings facilitated any questions concerning the PER. CC Wade will continue to keep the Council updated on the progress of the Letter of Conditions for the Sewer improvement project.

STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL ROAD

CC Wade completed the LPA (Local Public Agency) Right of Way certification. Supplemental agreement No. 1 – Consultant/Client agreement between BG Consultants, Inc and the City of La Cygne for K-152 Hwy and Industrial Road Geometric Improvements for the following scope of services: provide property acquisition strip maps and legal description of property acquisition on an acquisition form for up to (5) properties adjacent to the Project.

❖ **Motion**

Council Member Capp motioned to approve Supplemental agreement No. 1 – Consultant/Client agreement between BG Consultants and the City of La Cygne to provide property acquisition strip maps and legal description of property acquisition on an acquisition form for up to (5) properties adjacent to the Project. Motion seconded by Council Member Thies, voted on, passed 3-0.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING –

- City Attorney Harding advised the Council he forwarded the revised Water Purchase agreement back to the City of Linn Valley Attorney, James Brun for review. The agreement is still in draft form. The Mayor of Linn Valley will be meeting with CC Wade to discuss some concerns with the agreement.

CHIEF OF POLICE / CODES OFFICER -TINA FENOUGHTY

Council Member Capp commended Police Chief Fenoughty on a job well done thus far for the La Cygne Police Department. Council Member Capp referred to positive comments from patrons regarding Police Chief Fenoughty’s performance and integration with the community.

Citations issued since last meeting

Speed in School Zone	0	Suspended DL	0
Failure to Signal	0	Eye Protection	0
Child Safety Restraint	0	No DL	0
No Tag	1	Speed	0
Dog Tags	0	Insurance	1
Dog at large	0	Stop Sign	2

Calls for Service / Reports – 06/16/2020 thru 06/30/2020

Animal Complaint – 6	Business Alarm -1
Fireworks Complaints – 5	Sexual Assault Investigations - 3
Suspicious Vehicle – 1	Ambulance Assist– 1
Stolen Vehicle – 1	Auto Burglary – 1
Suicidal Subject – 1	Criminal Trespass – 1
Theft – 2	Criminal Damage - 1

REPORTS OF CITY OFFICERS CONT:

CHIEF OF POLICE/CODES OFFICER -TINA FENOUGHTY

Codes Enforcement

The following letters have been sent:

- Grass Letters – 1
- INOP Veh Letter- 0
- Nuisance Letters - 0

Animal Control

2020/2021 there have been 171 dogs tagged

VIN Inspections- 2 completed

New Business

Executive Session regarding personnel matters – requesting 10 minutes;

Our Department was awarded a \$1000 in Grant Funds from the Kansas Pipeline Association – Mayor Debra Wilson commended Corporal West on a job well done preparing the Grant applications for submission;

Animal trap owned by City has been rented once;

July 25th is tentative date for “Dog Days” all info will be posted by 7-6-20;

Accrued Overtime for Department: Accrued overtime for last pay period = 1 Hour

Unfinished Business -None at this time

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

Report from 6-17-2020 to 07-01-2020

Water and Gas:

- USDI has completed the annual leak survey, waiting for report.
- KCC Audit has been completed on the gas system and will address issues when we receive the official report. We knew there would be some concerns for the period of 2019 with the transition in employees and getting set-up with a contract with USDI.
- Codee Blanchett and Dan Nasalroad attended a Surface Water treatment class in Paola and then did a tour of the Hillsdale Water Plant.

Street:

- Still working on street repairs as weather permits.
- Started trimming back some tree limbs along some of the streets.
- Began the codes clean-up of 602 N. 5th street. Public works is having to use the skid steer with the grappling bucket to get some of saplings out of the yard in order to do any mowing.
- The City mowing is a little behind due to only having one (1) working mower. The one (1) mower is currently being used in the cemetery.
- PWS Nasalroad presented mower bids from four (4) retailers to include: Romans Outdoor Power in Louisburg, KS (Bad Boy Renegade 72” w/36 HP Vanguard \$11,500 or Kubota 72” ZD1211 w/diesel engine \$15,000), Blue Valley Tractor in Stillwell, KS (Exmark 72” 25HP Kawasaki \$10,639), Family Center in Paola, KS (Farris 72” 37hp Vanguard \$12,499), and R&R

REPORTS OF CITY OFFICERS CONT:

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

Street Cont:

Equipment in Greeley, KS (Gravely 72" 35hp 400 series \$11,717 or Bad Boy 72" Rogue 1000cc Kawasaki \$8599).

Council Member Capp asked PWS Nasalroad a few questions regarding the diesel engine mower vs. the other engines. PWS Nasalroad has not test driven the Kubota but could set up an appointment.

❖ **Motion**

Council Member Capp motioned to approve up to \$16,000 for Public Works Superintendent to purchase a new mower that he feels would be in the best interest for the department to perform the work necessary for the City. Motion seconded by Council Member Thies, voted on, passed 3-0.

Sewer:

- Ordered new weed control chemicals for the lagoons.
- Railroad sewer project ready to go out for bids.

Park:

- Going to need to mulch the play area at Bitaker Park.
- Playground is open
-

Cemetery:

- Mowing and weed eating is caught up.
- Cemetery mower has a broken cam shaft.
- The Memorial Day decorations have been removed from the cemetery.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

- Training will resume July 6th.

CITY CLERK – JODI WADE

Report from 6/18/2020 – 7/1/2020

- Work on the 2021 State budget workbook – second draft is ready for review. CC Wade asked the Council if they could schedule a Budget Workshop to review the 2nd draft. CC Wade suggested having the workshop prior to the next Council meeting.

❖ **Motion**

Council Member Capp motioned to have a Budget Workshop on July 15 at 6pm prior to the scheduled Council Meeting to review the 2nd draft of the 2021 Budget. Motion seconded by Council Member Thies, voted on, passed 3-0.

- Created a draft codes/regulation section for the Cemetery Committee (Danny Curtis and Thomas Capp) to review.
- Researched Right-of-way information in codes book/zoning regulations/mapping.
- Continued working with City Attorney Burton Harding on the draft for the Water Purchase Agreement for the City of Linn Valley. Met with Mayor of Linn Valley, Cindy Smith, to review items in the agreement.
- Prepared the Resolution for the Administrative Policy – Purchasing Policy.

REPORTS OF CITY OFFICERS CONT:

CITY CLERK – JODI WADE

- Reviewed and updated the RFP for the sewer line repair under the railroad tracks in preparation for approval.
- Met with Lincoln Township and La Cygne Community Park Board to review the 2021 Budget.
- Printed and mailed the Community Building Survey for the Public Building Commission.
- Completed the front counter of the City Hall.
- Worked on the Gas Ordinance.
- Reviewed the Property insurance claim and reached out to two (2) local roofing contractors to submit quotes for the Council to review. We have received a quote from McCool Roofing and have not received the quote from Clint Walker prior to this Council meeting. Council member Capp extended the time for quote receipt to the next Council meeting, July 15.
- CC Wade met with one (1) person regarding disinfecting the Community Building between groups renting the facility. No quotes received to date.
- CC Wade participated in the 2019 Gas Audit to provide necessary records as requested.
- Assisted Advantage Computers with the installation of the new 2020 server, two (2) new computers and one (1) laptop. We updated our existing acer laptop and one of the existing towers to Windows 10. CC Wade gave the tower that was used by the Office Assistant to Public Works after everything had been removed from the hard-drive and restored to original state.
- Assisted USDA with some questions regarding the PER for the Sewer Project.
- Spoke to the Auditor, Terry Sercer, about getting some fund expense lines set in place for codes enforcement and planning & zoning and reporting the refinancing of the Pool Bond Series on the 2021 Budget Workbook.

Meetings/Trainings attended virtually:

- Completed the LPA Right of Way Certification

Overtime Hours for the City Hall for the last pay period: 8.50

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- Draft of Gas Utility Ordinance. Tabled until July 15, 2020 meeting for further review.

STREET –

- RFP for Stormwater Master Planning. Tabled until July 15, 2020 meeting for further review.

SEWER-

- RFQ for Emergency Sewer Line Repair. Discussion was held regarding the urgency to get the repair done on the force main line located under the railroad tracks on East 2150 Road to the West of the Industrial park. Council Member Capp inquired about East 2150 Road being closed during the repair. The RFP was reviewed.

❖ **Motion**

Council Member Capp motioned to approve the Request for Quote RFQ Number 2020-001 for an emergency sewer replacement near East 2150 Road under the railroad tracks and for CC Wade to issue the RFQ as soon as possible. Motion seconded by Council Member Thies, voted on, passed 3-0.

PARK- Council Member Capp commented the Park looks good.

CEMETERY – PWS Nasalroad stated the Memorial Decorations had been removed Monday, June 29.

COUNCIL COMMITTEE REPORTS CONT:

PUBLIC SAFETY – NONE

COMMUNITY BUILDING-

The Survey has been mailed out. CC Wade inquired about having the A/C Units checked from the storm.

EMPLOYEE RELATIONS & TRAINING –

Proposal from Wichita State University Division of Diversity and Community Engagement for a Customer service and/or Ethics ½ or full day training with Paula Downs. Tabled until the July 15, 2020 meeting.

CC Wade shared the following dates for KORA/KOMA training with Jeff Deane: July 29, August 5, or August 12. Tabled until July 15, 2020 meeting.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

UNFINISHED BUSINESS:

RESOLUTION NO. ADMINISTRATIVE POLICY – PURCHASING AND BIDDING POLICY- The Council had approved the draft for the Administrative Policy- Purchasing Policy and Competitive/Non-Competitive Purchasing Policy which replaces Administrative Policy No. 9 – Purchasing and Bidding Policy.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 419 Administrative policy – Purchasing and Competitive/Non-Competitive Purchasing Policy. Motion seconded by Council Member Thies, voted on, passed 3-0.

REOPENING THE LA CYGNE COMMUNITY BUILDING- Discussion was held regarding a new Executive Order to be issued by Kansas Governor Kelly on Thursday, July 2 regarding requirement of face masks. City Attorney Harding explained the options for the County Commissioners to either go forward with the Executive Order as presented by the KS Governor or to strengthen or lesson the order as presented.

The City Council chose to keep the La Cygne City Hall not available for public entry and for the La Cygne Community Building to not be available for rental. CC Wade will contact everyone who had reservations for July. CC Wade advised the Council the Community Building is a polling location for the primary elections being held in August.

CONFERENCE CALL PLATFORM FROM PEOPLES TELECOMMUNICATIONS- Tabled until July 15, 2020 meeting.

PROPERTY CLAIMS FOR HAIL DAMAGE QUOTES FOR REPAIRS: Tabled until July 15, 2020 meeting

NEW BUSINESS:

402 N 1ST STREET:

Beau Elder would like to purchase the property located at 402 N. 1st Street. There is a water meter pit at the location but the new meter was not installed since the home had been vacant for several years. Discussion was held regarding the cost for the installation of the meter, antennae, cable and lid. CC Wade reviewed the utility section for water/gas regarding a return to service fee and did not find anything. The Gas utility section has a code regarding a removal fee for removing gas meters. Council

NEW BUSINESS CONT:

402 N 1ST STREET:

members discussed potential verbiage for a return to service procedure for lots with meter pits but no meters installed. Council Members advised CC Wade to inform Beau Elder the meter would be installed with no charge to him but he would need to complete the application for service, pay the deposits and maintain an active system for at least a minimum of 12-months.

RESIGNATION LETTER FROM BETH SMITH, LA CYGNE COMMUNITY PARK BOARD

Mayor Wilson read a letter received from Beth Smith regarding her resignation from the La Cygne Community Park Board effective June 16, 2020.

❖ **Motion**

Council Member Capp motioned to accept the letter of resignation from Beth Smith effective June 16, 2020. Motion seconded by Council Member Thies, voted on, passed 3-0.

KMGA APPOINTMENT OF A DIRECTOR AND ALTERNATE TO SERVE ON THE BOARD OF DIRECTORS OF THE KANSAS MUNICIPAL GAS AGENCY.

CC Wade reviewed the annual appointment of these positions which were currently held by CC Wade as Director and Jerry McCarty as Alternate.

❖ **Motion**

Council Member Capp motioned to appoint CC Wade as the Director and PWS Nasalroad as the Alternate for the KMGA Board of Directors. Motion seconded by Council Member Thies, voted on, passed 3-0.

REQUEST FOR QUOTATION FOR EMERGENCY SEWER LINE REPLACEMENT RFO# 2020-001.

Discussed and approved earlier under Sewer committee reports.

SEK CENTER FOR AGING MEALS ON WHEELS PROGRAM.

Sara Russell contacted the La Cygne Hall regarding the possibility of being the "drop-zone" for the containers of meals for the volunteers to pick up daily at noon Mon-Fri. CC Wade said the program had been using the Senior Citizen Center during the pandemic period and the County had an employee from the La Cygne Lake monitor the drop off zone. Now that La Cygne Lake is open again for business, the County does not have an employee available. The only role the City Hall would play is to provide a spot for the totes/coolers to be stored overnight after the meals have been delivered. The City Council was OK with the City Hall being used as a "drop-off" zone for the Meals on Wheels program as long as it didn't interfere with the business of the City Hall.

HACH SERVICE AGREEMENT QUOTATION.

The annual service agreement from Hach for the monitoring equipment at the Water Treatment Plant in the amount of \$6600 was reviewed. PWS Nasalroad removed the items that had been removed during the Water Treatment Improvement Project. Equipment is to be cleaned and calibrated annually.

NEW BUSINESS CONT:

HACH SERVICE AGREEMENT QUOTATION.

❖ **Motion**

Council Member Capp motioned to approve the Hach Service Agreement in the amount of \$6600 for the period of September 28, 2020 to September 28, 2021. Motion seconded by Council Member Thies, voted on, passed 3-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes following a 5-minute break for non-elected personnel matter exception review of application. Motion seconded by Council Member Thies, voted on, passed 3-0. 9:04pm

Others in attendance included, but not limited to: City Attorney Harding and City Clerk Wade

Open Session Resumed at 9:19pm

❖ **Motion**

Council Member Thies 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. Motion seconded by Council Member Capp, voted on, passed 3-0. 9:19pm

Others in attendance included, but not limited to: City Attorney Harding and City Clerk Wade

Open Session Resumed at 9:24pm

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter exception. Motion seconded by Council Member Capp, voted on, passed 3-0. 9:24pm

Open Session Resumed at 9:29pm

OTHER BUSINESS:

- Council Member Capp made a recommendation for CC Wade to run an ad for a part-time Police Officer for the City of La Cygne.
- City Attorney Harding reminded everyone the primary elections would be taking place in August 2020.
- CC Wade will contact the Linn County Clerk to find out information regarding the voting at the Community Building.
- Mayor Debra Wilson advised the City Council of her recommendation to have CC Wade be the primary point of contact regarding the City of Linn Valley Water project communication.
- Police Chief Fenoughty informed the Council repairs had been completed on both Police vehicles from the hail damage during the last storm event.
- Mayor Wilson asked CC Wade for an update on the 2020 Census. CC Wade is not sure how to reach out to patrons who do not have the ability to complete the Census on-line and what we could do to reach out to the patrons to get them to complete the 2020 Census.

NOTES AND COMMUNICATIONS TO COUNCIL:

Mayor Wilson read the 2020 Distribution of Park Money for the special parks and recreation fund from Linn County during the Mayors Comments.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Thies, voted on, passed 3-0. Time 9:35pm.

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 1st of July 2020.