

REGULAR MEETING:

The La Cygne City Council met on Wednesday, July 15, 2020 at La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Logan Smith; Jerome Mitzner and Danny Curtis.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Tina Fenoughty; Linn County News Tony Furse; Linda Elder; Frankie's Liquor Frankie Elder; and Steve Najolia.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

Mayor Debra Wilson thanked the La Cygne Community Park Board, all organizations and individuals who voluntarily helped with the La Cygne Community Park Firework Display. The show was fantastic and the finale was incredible.

Mayor Wilson reminded patrons of the upcoming Primary elections on Tuesday, August 4, 2020. The last day to register to vote for the primary was July 15, 2020. The general election will take place in November and the last day to register to vote in the general election is October 5, 2020.

Mayor Wilson reminded patrons about the 2020 Census. Patrons should have received a form in the mail with a pin to go on-line to complete the 2020 Census and information about how to complete the survey through mail service. She reminded patrons it is their constitutional duty to complete the Census which helps to define the number of representatives for the state of Kansas and is used when defining the dollars for federal funding.

Mayor Wilson advised those in attendance the importance for the Governing body to hear from the patrons at the City council meetings but there is a formal process for conducting meetings. Citizens need to wait to be recognized and need to limit their comments in order to allow the Council to continue with business in the limited allotted time for the meeting.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of July 1, 2020 Council Meeting;
June 2020 Budget Report;
June 2020 Treasurer Report;
2nd Quarter 2020 Financial Statement;
Check Register: July 2– July 15, 2020;

Motion seconded by Council Member Capp, voted on, passed 5-0.

DISCUSSION FROM THE FLOOR:

STEVE NAJOLIA REGARDING POT HOLES AT FRANKIE'S LIQUOR AND LAUNDROMAT

Steve noted the pot holes and broken asphalt at 104 S. 4th Street. He visited with an employee at Frankie's Liquor/Get the Funk Out Laundromat about the pot holes and was advised to come to the Council meeting to express his concern. Mayor Wilson advised Steve Najolia the street committee has been reviewing the location and an update is on the agenda under street committee.

BOB SULLIVAN REGARDING THE USD362 BOND ISSUE ON THE ELECTION BALLOT

Bob Sullivan asked if the USD362 Bond question was going to be on a separate ballot from the primary candidate ballot. Mayor Wilson indicated she had looked at a ballot form and the question was on the same form.

SPECIAL PROJECTS:

SEWER IMPROVEMENT PROJECT

USDA requested information regarding the repair of the sewer line underneath the railroad tracks. USDA wanted to know if the repair would be performed now (in 2020) with fund from the 2020 sewer capital improvement fund or if it was still to be included in the work to be performed in the PER application for the Sewer Rehabilitation project. CC Wade advised USDA the request for proposals have been issued out and the repair would take place now using capital improvement funds. Council Member Curtis inquired about the material being provided by the city for the sewer repair and PWS Nasalroad stated only the pipe was being provided since it had already been purchased.

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

BG Consultants started working on the acquisition strip map and legal descriptions of property acquisition on an acquisition form for up to (5) properties adjacent to the Project.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING –NOT PRESENT

CHIEF OF POLICE/CODES OFFICER -TINA FENOUGHTY

Traffic Stops Conducted

Citations issued since last meeting - None

Calls for Service / Reports – 06/29/2020 thru 07/13/2020

Animal Complaint – 1	911 Hang Up - 1
Vehicle Lockout – 2	Assist Outside Agencies – 2 (with 2 arrests)
Pursuit – 1 (w-10 + charges)	Ambulance Assist– 0
Check Welfare – 1	Domestic Disturbance – 1
Follow Ups – 10	Fireworks – 2
Hold Up Alarm – 1	Juvenile Case - 1

Codes Enforcement

The following letters have been sent:

Follow Ups - 3

REPORTS OF CITY OFFICERS CONT:

CHIEF OF POLICE/CODES OFFICER -TINA FENOUGHTY

Animal Control

2020/2021 there have been 171 dogs tagged

VIN Inspections- 2 completed

New Business

-July 25th is date for "Dog Days" from 11am to 1pm.

Accrued Overtime for Department: Accrued overtime for last pay period = 5 Hours (4 Comp 1 for pay)

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

Mayor Wilson thanked Dan for bringing all of his crews down to the Park to help with the La Cygne Community Park Firework display. Linda Elder apologized for not including his departments in her Facebook post. Linda specifically thanked the Police department, Fire department, Public Works, and AMR for being at the firework display to help as needed.

Report from 7-02-2020 to 07-15-2020

Water and Gas:

- USDI has completed the annual leak survey, waiting for report.

Street:

- Still doing street repairs as weather permits.
- Started trimming back some tree limbs along some of the streets.
- Finished codes clean-up of 602 N. 5th street.

Sewer:

- Sprayed Lagoons
- Railroad sewer project went out for bids

Park:

Cemetery:

- Mowing and weed eating is caught up.
- Purchased 72" Ferris from Family Center

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

- Backed off of training meetings again due to COVID-19, still doing calls.

REPORTS OF CITY OFFICERS CONT:

CITY CLERK – JODI WADE

Report from 7/2/2020 – 7/15/2020

- Work on the 2021 State Budget workbook., second draft is prepared for review.
- Researched right-of-way and parking lots in areas zoned C-2 in the codes book/zoning regulations/mapping.
- Worked with Melissa Vancrum of Rouse Frets White Goss Gentile Rhodes regarding a draft for the Water Contract Agreement for LVL. Emailed the revised draft to Mayor of Linn Valley, Cindy Smith, to review on Friday, July 10, 2020.
- Printed and mailed the Community Building survey for the Public Building Commission.
- Completed the Front Counter of the City Hall.
- Worked on the draft for the Gas Ordinance.
- Draft prepared for a Reconnect Service Fee for Water and Gas meters which have been removed from the pits/risers due to inactivity over 2-3 years.
- Checked with County Clerk David Lamb regarding the use of the La Cygne Community Building for the primary elections on August 4, 2020. The County will disinfect the building prior, during and after the day of elections.
- Answered questions regarding the RFQ for the Emergency Sewer repair project which is out for bid.
- Reviewed Drought Watch, Warning and Emergency plans and procedures with the Marais Des Cygne Water Assurance District and Kansas Water Office.
- Completed survey requests from the Kansas Department of Health & Environment regarding the Water Plant operations.
- Reviewed the current status of the budget to date.
- Prepared 2nd quarter financial reports.
- Completed (1) Open Records report, responded to (1) Open record report and waiting for a response.
- Contacted Advantage Computer for assistance with updating the General message and voice mail accounts for the City.

Overtime Hours for City Hall for the last pay period: 10.50

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- Draft of Gas Utility Ordinance. Tabled until August 5, 2020 meeting for further review.

COUNCIL COMMITTEE REPORTS CONT:

WATER & GAS -

- Committee review of the codes pertaining to water for the "Community Garden" located in a lot owned by the Berglunds' but leased to the Methodist Church. Patsy Berglund had attended a prior council meeting to inquire about the cost for installing a meter in the new pit and if the Council would consider waiving the sewer rate. Discussion was held on what defines a garden as a Community Garden. Council Member Curtis stated in this situation the lot is vacant with an existing meter pit and nothing is hooked up to the sewer main and therefore at this time there is no sewer available. Council Member Curtis felt it wasn't necessary to define what the use of the water was for but rather the point is there is not a sewer tap at this vacant lot. PWS Nasalroad expressed his concern with putting a meter in the pit which is not hooked to anything at this time. Typically, a service line is already established to a hydrant or house prior to the meter being installed. Council members agreed a service line to a garden hydrant should be installed first before PWS Nasalroad would install a water meter.

❖ **Motion**

Council Member Curtis motioned to waive the sewer rate at 317 N. 4th Street for the sewer as long as no improvement is made to tap the sewer. Motion seconded by Council Member Capp, voted on, passed 5-0.

**** NOTE: The wrong address was used in this motion, the motion would need to be corrected at the next meeting.

- The Committee is still reviewing a "return to service" process and fee for properties which have the pits for a water meter and risers for a gas meter but no meter was installed.

STREET -

- RFP for Stormwater Master Planning. Tabled until August 5, 2020 meeting for further review.
- Committee review of the regulations/codes pertaining to the entrance/parking lot/street repair located at 104 S. 4th Street (Frankie's Liquor/Get the Funk Out Laundromat). Council Member Thies reviewed Article 22 from the Zoning regulations regarding off-street parking areas. In the regulations it indicates an aisle/driveway access is to be established for entry to an off-street parking lot. Council Member Thies did some measurements of 4th street at various locations in front of Truly Insurance, Frankie's Liquor, Get the Funk Out Laundromat, Woke Wellness and in front of a residence all along 4th street. In conclusion, he found the street tapers from North to South. Survey's would be the only way to determine the property lines for the businesses or the thorough way line for the City. PWS Nasalroad indicated the city has always measured from edge to edge of the street and maintained the street area between the edges. Council Member Capp indicated he felt the original motion given by the City to repair the edge of the street and for Frankie Elder to provide the gravel and the City to spread the gravel was a cooperative effort on the repair. Frankie Elder stated she was not told the City would do the asphalt portion of the work and she would not pay to have the gravel hauled in to her lot. Frankie Elder wanted defined to what line is her responsibility and to what line is the city's responsibility. After further discussion and comments from Frankie Elder, Linda Elder and Steve Najolia, the Council chose to table the topic until the August 5, 2020 meeting. Members of the Council and/or Street Committee will meet with Frankie Elder to further review the location prior to the next Council meeting.

COUNCIL COMMITTEE REPORTS CONT:

SEWER-

- RFQ for Emergency Sewer Line Repair has been put out for bids. Bids are to be returned on July 16, 2020 by 4:30pm. Bid forms will be reviewed by PWS Nasalroad to make sure they were completed correctly. The Council needs to set up a special meeting to review the final bids to make a selection.

❖ **Motion**

Council Member Capp motioned to have a special meeting of the Council on July 22 at 5pm for the purpose of reviewing the RFQ bid forms for the Emergency Sewer replacement and to select a contractor. Motion seconded by Council Member Smith, voted on, passed 5-0.

PARK- Council Member Curtis thanked Ray of Hope, AMR and everyone who helped with the La Cygne Community Park Firework Display and those who came to help clean-up. Wald & Co. did a great job on the show and cleaning up after the show.

CEMETERY – A draft of Cemetery regulations is being reviewed by the Committee.

PUBLIC SAFETY –NONE

COMMUNITY BUILDING-

The Survey has been mailed out to the patrons and to date 36 out of 440 survey cards have been returned to the City Hall. Mayor Wilson asked how the responses have been and CC Wade stated some supported the Community Building and some didn't so it will be interesting to tally the results.

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 August 5, 2020 meeting.

CC Wade shared the following dates for KORA/KOMA training received from Jeff Deane: July 29, August 5, or August 12.

❖ **Motion**

Council Member Mitzner motioned to have a special workshop for the Council on July 29 for KORA (Kansas Open Record Act) and KOMA (Kansas Open Meeting Act) training at the La Cygne Community Building at 6:00pm. Motion seconded by Council Member Thies, voted on, passed 5-0.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

SPECIAL COMMITTEE REPORTS CONT:

PLANNING & ZONING – (1) Vacant seat still remains on the Planning & Zoning Commission. Appointment of a Zoning Administrator and the Zoning Board of Appeals still to be done. Mayor Wilson recommended Police Chief Fenoughty for the position of Zoning Administrator.

❖ **Motion**

Council Member Capp motioned to approve the recommendation of Tina Fenoughty as the Zoning Board Administrator effective immediately. Motion seconded by Council Member Thies, voted on, passed 5-0.

LA CYGNE COMMUNITY PARK BOARD-(2) Vacant seats still remains on the La Cygne Community Park Board. Mayor Wilson received a letter of interest from Susan Harper which has been reviewed by Linda Elder, Park Board Chairman, also.

❖ **Motion**

Council Member Mitzner motioned to approve the recommendation of Susan Harper to fill (1) vacant seat on the La Cygne Community Park Board. Motion seconded by Council Member Capp, voted on, passed 5-0.

UNFINISHED BUSINESS:

PROPERTY CLAIMS FOR HAIL DAMAGE QUOTES FOR REPAIRS: Two (2) bids were received for the repairs from the hail storm to City properties. McCool Roofing in the amount of \$13,333.41 and Absolute Contracting Services Inc in the amount of \$14,530. These bids are for replacing the shingles on the following roofs: City Hall front canopy, Community Building front Canopy, Chemical sheds by the La Cygne Swimming Pool, Rock house building in the Park, Small shelter south of the bathhouse in the Park, Playground Shelter to the North of the Campgrounds, Lift Station in the Park, Baseball shed, bulletin board stand in the Park, Lift Station at Industrial Park, North Tower building, Compactor building, Carbon Room Building. Discussion was held about warranty's and lifespan of the shingles.

❖ **Motion**

Council Member Capp motioned to approve the bid from McCool Roofing in the amount of \$13,333.41. Motion seconded by Council Member Mitzner, voted on, passed 4-1. Council Member Smith abstained due to conflict of interest.

NEW BUSINESS:

ORDINANCE NO AMENDING ARTICLE 24 SECTION 24-7 FENCES 24-701(A) OF THE LA CYGNE ZONING REGULATIONS.

Planning & Zoning returned the Ordinance regarding Fences which had been sent to Council and then returned with recommendations. The regulation 24-701(a) will now read: A building permit application, fee and certificate is required to build a fence. The City Zoning Administrator is the authority of approval. The Zoning Administrator may require a survey, disclaimer, or other documentation prior to approving the application.

NEW BUSINESS CONT:

ORDINANCE NO AMENDING ARTICLE 24 SECTION 24-7 FENCES 24-701(A) OF THE LA CYGNE ZONING REGULATIONS CONTINUED.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1470 amending Article 24 Section 24-7 Fences 24-701(a) of the Zoning regulations to read as follows: A Building permit application, fee and certificate is required to build a fence. The city Zoning administrator is the authority of approval. The Zoning administrator may require a survey, disclaimer, or other documentation prior to approving the application. Motion seconded by Council Member Thies, voted on, passed 5-0.

PROPERTY LOCATED AT 317 WALNUT REQUESTING TO BE REZONED FROM C-3 TO R-1.

The Planning & Zoning commission forwarded an application requesting to rezone 317 Walnut Street from a C-3 to R-1. No action was taken by the Planning & Zoning commission on the application. The Council was not sure why the application had been forwarded to the governing body without verification of denial or acceptance from the Planning & Zoning commission. Item was tabled until the August 5, 2020 meeting.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes following a 5-minute break for discussion of matters relating to security measures which would jeopardize such security measures if discussed in an open meeting. Motion seconded by Council Member Thies, voted on, passed 5-0. 8:52pm

Others in attendance included, but not limited to: Police Chief Fenoughty and City Clerk Wade

Open Session Resumed at 9:03pm

❖ **Motion**

Council Member Thies motioned to go in to executive session for 8-minutes data relating to financial affairs. Motion seconded by Council Member Capp, voted on, passed 5-0. 9:03pm

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

Open Session Resumed at 9:11pm

❖ **Motion**

Council Member Capp motioned to go in to executive session for 10-minutes for non-elected personnel matter exception for an individual employee's performance. Motion seconded by Council Member Capp, voted on, passed 5-0. 9:11pm

Others in attendance included, but not limited to: Police Chief Fenoughty

Open Session Resumed at 9:21pm

OTHER BUSINESS:

DOG DAYS RESCHEDULED FOR JULY 25, 2020 FROM 11AM – 1PM AT THE LA CYGNE COMMUNITY BUILDING.

CC Wade reminded patrons about Dog Days being held on Saturday, July 25, 2020 at the La Cygne Community Building from 11am – 1pm.

NOTIFICATION FOR PUBLIC HEARING FOR THE 2021 BUDGET.

❖ **Motion**

Council Member Mitzner motioned to approve the publication notice for the Public Hearing for the 2021 Budget on August 5, 2020 at 7pm at the La Cygne Community Building. Motion seconded by Council Member Capp, voted on, passed 5-0.

NOTES AND COMMUNICATIONS TO COUNCIL:

Waste Management started summer heat hours. Trash routes will start at 6am for the months of July and August.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Thies, voted on, passed 5-0. Time 9:24pm.

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 15th of July 2020.