

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, July 21, 2021 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; Danny Curtis; and Jerome Mitzner. Absent: James Thies and Mayor Debra Wilson

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; and Glen Harbinson.

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

Pledge of Allegiance – Council President Danny Curtis

**MAYOR COMMENTS:**

Council President Curtis thanked everyone for their support on a successful Swanfest and Blast in the Park. Despite the wet grounds and slight delay of the launch of fireworks it seemed to be well attended and lots of fun for all.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of July 7, 2021 City Council Meeting;  
June 2021 Budget Report;  
June 2021 Treasurer's Report;  
Check Register: July 7 – July 21, 2021;  
2<sup>nd</sup> Quarter 2021 Financial Statement.

**Motion seconded by Council Member Stoker, voted on, passed 4-0.**

**DISCUSSION FROM THE FLOOR:**

✓ NONE

**SPECIAL PROJECTS:**

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

MW Engineers received a follow-up from KDHE with a few review comments. Danny Coltrain and Trenton Morris are completing the requested changes (Monday, July 19) and submitting the plans back to KDHE and are hopeful for a quick turnaround on issuing the permit.

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

BG Consultants' crew has been in town double checking items pertaining to the preliminary plans.

**SPECIAL PROJECTS CONTINUED:**

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

KDOT confirmed receipt of the \$379,000 check for the City’s project cost. The KDOT area representative and the General Contractor will reach out to schedule a pre-construction meeting.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING**

- Working on the determination of descent for 602 N. 5<sup>th</sup> Street.

**CHIEF OF POLICE – TINA FENOUGHTY**

**12 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	2
Vicious Dog/RAL	1	Equipment	0
Seatbelt	0	Suspended DL	0

**Calls for Service / Reports – 07/06/2021 thru 07/19/2021**

Animal Complaint – 12	Traffic Complaints - 2
Assist Outside Agency – 0	Unattended Death – 0
Building Check – 0	Citizen Assist CFS / contact - 12
Fingerprints – 1	Juvenile Incident – 0
Check Welfare – 2	911 Hang up– 0
Follow Up – 5	Theft - 0
Suspicious Activity – 2	Vehicle Lockout – 0
Aggravated Assault – 0	Business Alarm - 0
Domestic / Battery – 0	Ambulance – 1
Mental Health – 1	Motorist Assist – 0
Trespass – 1	Sexual Assault – 0
Felony Warrant – 1	Misdemeanor Warrant - 1

**Unfinished Business**

Chief Fenoughty followed up regarding the fence located at 505 Locust Street. Per the regulations it states no fence shall be constructed in the established or required front yard. If fencing is 4’ or less in height it may be constructed along the side yard line in the required front yard and have a visual density of 50% or less per square foot. Chief Fenoughty indicated there were 12-15 houses in town which had the same set-up of the fence on the side yard for a house located on a corner.

**VIN Inspections-** 1 completed

**REPORTS OF CITY OFFICERS CONTINUED:**

**CHIEF OF POLICE – TINA FENOUGHTY**

**New Business**

Request for Executive Session

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 15-minutes for non-elected personnel matter to review applications for part-time police officer and will return to the table at 7:40pm. Motion seconded by Council Member Stoker voted on, passed 4-0. 7:25pm**

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

**OPEN SESSION RESUMED AT 7:40pm**

❖ **Motion**

**Council Member Mitzner motioned to approve for Mayor Wilson to hire the part-time Police officer upon the recommendation of Chief Fenoughty and City Clerk Wade. Motion seconded by Council Member Capp voted on, passed 4-0.**

**Accrued Overtime for Department:** Accrued overtime for last pay period = 30 hours

**CODES ENFORCMENT – ALLISON FOX**

Officer Fox is attending KLETC academy. Chief Fenoughty reported on some grass nuisances being handled.

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

Report from 7/07/2021 to 7/21/2021

**Committee discussions**

**Water and Gas:**

- Spoke with Trenton Morris with Midwest Engineers and he thought maybe by the end of next week for our permit from KDHE.
- 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.
- Replacing trucks. PWS Nasalroad reviewed the current condition of the public works trucks. Currently (2) trucks are broken down.

**Sewer:**

- 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.
- Park lift station generator will not start automatically.

**REPORTS OF CITY OFFICERS CONTINUED:**

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

**Park:**

**Cemetery:**

- Mowing continues.

**FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD**

- Viewed new plans for Public safety building, making a few changes.

**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;
- Submitted RNR (Revenue Neutral Rate) to the Linn County Clerk;
- Set up interviews for part-time police officer position;
- Purchased new refrigerator for the City Hall;
- Attended Linn County Comprehensive Plan community meeting;
- Reviewed emails from MW Engineers regarding Water Settling Pond Project;
- Mailed KDOT the \$379,000 check for the City's cost on the CCLIP project, confirmed receipt;
- Completed city street access permit for 402 S. 3<sup>rd</sup> Street;
- Reviewed parcel (lot) information with Linn County GIS/Mapping;
- Completed monthly reports;
- Completed quarterly reports;
- Researched diving board issue and repaired;
- Reached out to Peoples Telecommunications regarding broadband;
- Submitted pay application 2 for the CDBG-CV Meal Program Grant;
- Advertisement for public hearing for rezoning/letters to patrons;
- Reviewed excavation regulations regarding sewer line installation;
- Contacted Labette Bank regarding pledges;
- Updated codes book with new fee schedule and police section;
- Volunteered with Swanfest/Blast in the Park.

Overtime Hours for City Hall for the last pay period: 13.50 hours Jodi.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

- None

**COUNCIL COMMITTEE REPORTS CONTINUED:**

**STREET -**

- (Postponed until Fall 2021) RFP for Stormwater Master Planning.
- (In Committee review) La Cygne Library parking lot water pooling. No response to date. Council Member Curtis indicated he had received a letter from the library board. Council Member Curtis asked CC Wade where information regarding the pooling water had been sent. CC Wade indicated Dino Simmermon of Meyer Brothers requested information be sent to him and he would provide the information to the Architect and library board. Council Member Curtis said information needed to be sent directly to the library board.

**SEWER-**

- None

**PARK-**

- Workshop with City Council, Lincoln Township and Park Board to review draft bylaws and discuss operation of the La Cygne Community Park Board. The Council indicated any day after 5:00pm would work. CC Wade will reach out to everyone with a date and time. Council Member Capp thanked Jim Johnson on the upkeep of the park, looks good.

**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 -**

Thanks to the Park Board, Chamber of Commerce, Fire Department, Police Department, volunteers, vendors and Wald & Company for a successful Swanfest/Blast in the Park. Everyone enjoyed the food (400 hot dogs served), bingo, kids games and fireworks.

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

Unapproved minutes for the July 8, 2021 meeting were reviewed. Council Member Mitzner confirmed the rezoning information would be forwarded to the Council for final review.

**SPECIAL COMMITTEE REPORTS:**

**LA CYGNE COMMUNITY PARK BOARD –**

Council Member Mitzner commented on the “text” communication to approve supply purchases and park use. Discussion was held regarding the establishment of a purchasing policy to enable the park Chairman to approve some purchases or usage in the park. Discussion was further held regarding the lack of bylaws and procedure operations.

**UNFINISHED BUSINESS:**

**ORDINANCE NO. ANNEXING LAND TO THE CITY OF LA CYGNE, KS – TABLED UNTIL SEPTEMBER 1, 2021 MEETING.**

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

**WATER CONSERVATION PLAN**

Tabled until Summer 2022.

**NEW BUSINESS:**

**PURCHASE ORDER NO. 2021-12 CITY HALL FRIGIDAIRE REFRIGERATOR. IN THE AMOUNT OF \$800 FOR PRODUCT AND DELIVERY.**

❖ **Motion**

**Council Member Mitzner motioned to approve Purchase order no. 2021-12 for a new Frigidaire refrigerator for the La Cygne City Hall. Motion seconded by Council Member Capp voted on, passed 4-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 8-minutes for non-elected personnel performance review and will return to the Council table at 8:12pm. Motion seconded by Council Member Stoker voted on, passed 4-0. 8:04pm**

Others in attendance included, but not limited to: CC Wade

**OPEN SESSION RESUMED AT 8:12pm:**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for (2) 10-minute sessions, one on the topic of right-of-way and one on social media policy 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 8:36pm. Motion seconded by Council Member Stoker voted on, passed 4-0. 8:16pm**

**EXECUTIVE SESSION CONTINUED:**

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

**OPEN SESSION RESUMED AT 8:36pm:**

**OTHER BUSINESS:**

**PUBLIC WORKS TRUCK REPLACEMENT.**

PWS Nasalroad reviewed the current condition of the trucks used by the Public Works department.

- 2005 Ford F150 4x2 80,000 miles Transmission out (\$3800 for rebuilt);
- 2006 Chev Silverado 4x4 170,000 miles Dash is out;
- 2008 Dodge 3500 4x4 90,000 miles Charging, electrical issues, flat bed rusted;
- 2009 Dodge 1500 4x2 100,000 miles Coolant fan out, rear end issue, transmission.

CC Wade reviewed the purchasing policy for the City regarding equipment over \$30,000. The Council has three (3) options to consider, to include: competitive sealed bids, competitive negotiations or non-competitive negotiations. Discussion was held regarding which approach the Council felt comfortable to use for the purchase of used vehicles. PWS Nasalroad presented a funding request of using \$60,000 out of the Gas reserve for two (2) trucks and \$30,000 out of the equipment reserve for one (1) truck. PWS Nasalroad advised the Council of sales tax being charged if gas department funds were used for the purchase. PWS Nasalroad had reached out to USA Fleet and Olathe regarding basic 2-wheel drive, 6 cylinder 4-door fleet trucks (Dodge/Ford) that had around 8,000+ miles on them. PWS Nasalroad will further research for more options on Monday, July 26, 2021, but would like to know he has approval to confirm a purchase. The used trucks sell fast and it is challenging to pull together a special meeting in time to get approval.

❖ **Motion**

**Council Member Mitzner motioned to empower PWS Dan Nasalroad to shop and buy upon approval from the Water and Gas Committee for two (2) vehicles not to exceed \$60,000 and funds coming from the gas reserve. Motion seconded by Council Member Capp voted on, passed 4-0.**

❖ **Motion**

**Council Member Mitzner motioned to empower PWS Dan Nasalroad to shop and buy upon approval from the Water Gas Committee for one (1) vehicle not to exceed \$30,000 and funds coming from the equipment reserve. Motion seconded by Council Member Capp voted on, passed 4-0.**

**NOTES AND COMMUNICATIONS TO COUNCIL:**

None.

**ADJOURNMENT:**

❖ ***Motion***

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 4-0. Time 9:00pm.**

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 21<sup>st</sup> day of July, 2021.