

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, August 19, 2020 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Logan Smith and Danny Curtis. Absent: Jerome Mitzner

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; City Attorney Burton Harding; Corporal Kurtis West; Linn County News Tony Furse; and patron Michael Hixon.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

Mayor Wilson reminded everyone to continue to social distance, wear mask when necessary, sanitize and limit personal contact with common surfaces. The case numbers for Linn County have slightly increased, COVID-19 is not going anywhere so it is important to continue to follow all recommendations.

Mayor Wilson asked the Council Members if they had an opportunity to review the Agenda prior to tonight's meeting. No comments.

**CONSENT AGENDA:**

Mayor Wilson removed Check Register August 15 – August 19, 2020 which was not able to be presented this evening due to technology issues.

**❖ Motion to approve Consent Agenda:**

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

Minutes of August 5, 2020 Council Meeting;  
Minutes of August 10, 2020 Special Council Meeting;  
Minutes of August 11, 2020 Special Council Meeting;  
Check Register: August 6 – August 14, 2020;

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

**DISCUSSION FROM THE FLOOR:**

NONE

**SPECIAL PROJECTS:**

**SEWER IMPROVEMENT PROJECT**

Notice for BG Consultants to proceed with the preliminary design phase for the Sewer rehabilitation project as indicated in Exhibit A of the agreement between Owner and Engineer for professional services signed by the City on September 4, 2019. CC Wade reviewed the letter received from USDA confirming the request for a \$6,261,000 loan at 1.125% for a 40-year term.

**SPECIAL PROJECTS CONT:**

**SEWER IMPROVEMENT PROJECT**

❖ **Motion**

**Council Member Capp motioned to send notice to BG Consultants to proceed with the preliminary design phase for the Sewer Rehabilitation project as indicated in Exhibit A of the agreement between owner and engineer for professional services signed by the City on September 4, 2019. Motion seconded by Council Member Smith, voted on, passed 4-0.**

Mayor Wilson discussed the importance of understanding the City's (Owner) role during the Sewer Rehabilitation project. Mayor Wilson reviewed a draft of the areas of responsibility for the City Clerk, City Attorney and Public Works superintendent. Mayor Wilson asked the Council members to consider volunteering to be a project representative for the sewer project as well as the KDOT CCLIP project or CDBG-CV Grant. Council Member Capp asked CC Wade if she could reach out to BG Consultants to find out if construction project meetings could be held in the evenings in order for a Council Member to attend.

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

- **Letters of Interest:** CC Wade distributed copies of the (2) received letters of interest for KDOT qualified construction engineering inspection. CC Wade contacted the client references listed on both letters of interest.

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5-minutes for the discussion of employer-employee negotiations and will return to the Council table at 7:24pm. Motion seconded by Council Member Smith, voted on, passed 4-0. 7:19pm**

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

**Open Session Resumed at 7:24pm**

Mayor Wilson asked CC Wade to provide copies of the letters of intent to all the Council members to review prior to the September 2, 2020 meeting.

- Acquisition Packets: CC Wade distributed packets to all Council members/Mayor for review. The Council would need to determine opinion on the waiver appraisal process and determine just compensation for the offers.

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 15-minutes for preliminary discussion of the acquisition of real property and will return to the Council table at 7:43pm. Motion seconded by Council Member Smith, voted on, passed 4-0. 7:29pm**

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

**Open Session Resumed at 7:44pm**

**SPECIAL PROJECTS CONT:**

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

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 10-minutes following a 3-minute break for preliminary discussion of the acquisition of real property and will return to the Council table at 8:00pm. Motion seconded by Council Member Smith, voted on, passed 4-0. 7:47pm**

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

**Open Session Resumed at 7:47pm**

**EMERGENCY SEWER LINE REPAIR – DOUBLE EAGLE EXCAVATING**

Double eagle excavating is scheduled to begin work on August 25, 2020. BNSF Railroad has been contacted and will have flagman scheduled for that week. Locates have been called in to Dig Safe.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING**

City Attorney Harding reported the redlined draft of the Linn Valley Water Purchase agreement is being emailed back to City Attorney Brun of the City of Linn Valley Thursday, August 20. City Attorney Harding and Attorney Gary Thompson (legal representation for Michael Hixon) discussed the situation regarding the Gas service line located at 18325 E. 2300 Lane. Michael Hixon, owner of the property, was advised he would have 60-days to convert over to propane and the city (at its own expense) will cap off the existing Gas service line at the main for 18325 E. 2300 Lane. Michael Hixon advised the Council Members he was making progress on getting a contractor to complete the installation of propane and he would contact PWS Nasalroad as soon the conversion is complete.

City Attorney Harding advised the Council he spoke with Attorney Gary Thompson regarding the Conditional Use permit application for 1002 E. Market St which was approved by the La Cygne Planning & Zoning Commission and now goes through a 14-day protest period prior to being forwarded to the City Council for final review/approval/denial.

**CHIEF OF POLICE/CODES OFFICER - CORPORAL WEST REVIEWED CHIEF FENOUGHTY’S REPORT.**

**Traffic Stops Conducted**

**Citations issued since last meeting**

Speed in School Zone	0	Revoked DL	0
Failure to Signal	0	Eye Protection	0
Reckless Driving	0	No DL	0
Improper Display	0	Speed	0
Dog Tags	0	Insurance	1
Dog at large	0	Stop Sign	1

**Codes Enforcement**

Corporal West has spoken with three (3) property owners in reference to grass and in-opt vehicles. Property owners for two grass letters have stated they are going to get the issues addressed. In-opt vehicle will be addressed with the tenant per the property owner.

**REPORTS OF CITY OFFICERS CONT:**

**CHIEF OF POLICE / CODES OFFICER - CORPORAL WEST**

**Animal Control**

2020/2021 there have been 211 dogs tagged

**VIN Inspections**- 2 completed

**New Business**

-CC Wade reminded the Council Members the citations for dog tags were postponed due to COVID and the delay of Dog days. Mayor Wilson inquired if Dog days had taken place. CC Wade stated Dog days took place July 25, 2020.

❖ **Motion**

**Council Member Thies motioned for citations to be issued beginning September 1, 2020 for those who have not tagged their dogs for 2020/2021. Motion seconded by Council Member Curtis, voted on, passed 4-0.**

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter for an individual employee's performance and will return to the Council table at 8:12pm. Motion seconded by Council Member Thies, voted on, passed 4-0. 8:07pm**

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

**Open Session Resumed at 8:12pm**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel for an individual employee's performance and will return to the Council table at 8:20pm. Motion seconded by Council Member Curtis, voted on, passed 4-0. 8:15pm**

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

**Open Session Resumed at 8:20pm**

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

PWS Nasalroad was not in attendance and did not have any items to report this evening.

**REPORTS OF CITY OFFICERS CONT:**

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

**EXECUTIVE SESSION:**

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 3-minutes for non-elected personnel for an individual employee's performance and will return to the Council table at 8:24pm. Motion seconded by Council Member Smith, voted on, passed 4-0. 8:21pm**

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

**Open Session Resumed at 8:21pm**

❖ **Motion**

**Council Member Capp motioned to approve a .50 cent raise to both PWS Dan Nasalroad and Public works operator Jesse Merrill for completing OQ training on Gas utility effective on the next payroll cycle. Motion seconded by Council Member Smith, voted on, passed 4-0.**

**FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –**

None

**CITY CLERK – JODI WADE**

Report from 8/6/2020 – 8/19/2020

- Worked with Simple City to set up the Sewer Project Funds and the KDOT CCLIP funds.
- Prepared Sewer Utility bills with the new debt service fee added.
- Contacted (3) Financial Advisors regarding interim Construction Financing for the Sewer Project.
- Contacted all references for the KDOT CCLIP Construction Inspector.
- Worked on a job description for a potential fellowship position for the City Codes.
- Corresponded with Attorney's regarding the LVL Water Purchase Agreement.
- Prepared packets for the Council to review acquisition drafts.
- Prepared packets for CDBG-CV grant applications.
- Reviewed water sample reports received from KDHE. Forwarded information to Stewart and Codee for prompt follow-up.
- Completed advertisement for Ex-mark mower.
- Prepared Charter Ordinance for publication.
- Coordinated with BNSF and JLL for the flagman for the emergency sewer repair.
- Reviewed the Federal executive order regarding payroll social security tax deferral from September 1 – December 31.
- Planning & Zoning Packets prepared for Conditional use applications and re-zoning applications. Prepared all paperwork for Public Hearing for First Option bank.
- Completed July Financials.
- Reviewed new Website.
- Purchased a new version of Quicken, reviewing account set-up.

**REPORTS OF CITY OFFICERS CONT:**

**CITY CLERK – JODI WADE**

- Attended (2) Special Meetings and (1) Workshop.
- Corresponded with Emergency Management regarding badges and generator locations.

Meetings/Trainings Attended virtually:

- League of Municipality Weekly Conference Call
- MRWAD (Marais Des Cygnes Water Assurance District)

Overtime Hours for City Hall for the last pay period: 17.75 hours

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS -**

- Gas line located at 18325 E 2300 Lane – Discussed earlier under Reports of City Officers- City Attorney Burton Harding.
- (In Committee review) Draft Ordinance for Gas Utility.
- (In Committee review) Vacant Pit or Riser - Meter installation fee. CC Wade drafted a section for in the City Codes book under the Water and Gas Utility. The sections would be titled as follows: "Existing vacant water meter pit-Meter installation fee" and "Existing vacant gas riser – Meter installation fee". Both sections would read, "in order for a utility service to be activated for a property which already contains an existing water meter pit but does not have an installed meter, the property owner shall complete an application for service and submit the required fee as indicated in the City Codes book- fee schedule". Mayor Wilson asked the Council for comments, none received. Council member Capp inquired about approving the sections, CC Wade will draft the Ordinance and the necessary Resolution.

**STREET –**

- (In Committee review) RFP for Stormwater Master Planning.
- (In Committee review) 104 S. 4<sup>th</sup> Street (Frankie's Liquor Parking access/driveway): City Attorney Harding shared a summary regarding the workshop held on-location on August 22, 2020. City Attorney Harding suggested to have CC Wade research the original dedication of the street and right-of-way to see if the dimensions were defined. IF the middle of the street is defined and we measure out to the right-of-way (ROW). If the potholes are in the ROW then the City is responsible, if they are out of the ROW then the business owner is responsible. Mayor Wilson reminded the Council members about improving the regulations for C-2 districts pertaining to access driveways to parking lots.

**SEWER-**

- The new sewer rate went in to affect on August 1, 2020 and the debt service fee line will reflect on the September 1 billing. Discussion was held regarding registered accounts in which the meter has been turned off for an extended period of time and is not being charged the minimum monthly charge. The new sewer rate has a \$15 base charge for all registered accounts therefore the minimum which includes the base charge of \$15 plus the \$20 debt service fee for sewer would need to be charged to those registered accounts. Further discussion was held regarding the reasons for the meters being left off, review of the established sewer rates and the finances necessary for debt repayment. The minimum charge will not be charged to these types of accounts on the September 1 billing and will be reviewed at the next meeting.

**COUNCIL COMMITTEE REPORTS CONT:**

**PARK-**

Council Member Capp inquired about the condition of the park. He noticed the weeds around the ballfield and in the camping areas and was concerned about the mowing being kept up. Council Member Curtis wasn't sure the discussion could be held in open meeting. He would like to review KOMA regulations first before any comment.

**CEMETERY –**

Council Member Capp commented on how nice the cemetery has looked this season. He commended the caretaker on a job well done.

**PUBLIC SAFETY –NONE**

**COMMUNITY BUILDING-**

A wedding in the Community Building was booked back in February 2020 for October 1-3, 2020. Can the wedding still take place and would the \$85 refundable deposit cover the necessary cleaning fees? Discussion was held regarding the current increase in cases in Linn County, social distancing and mass group recommendations. The Council made a decision to close the community building for the remainder of the 2020 year. CC Wade will contact any tentative rentals on the schedule.

❖ **Motion**

**Council Member Capp motioned to close the La Cygne Community building for non-essential operations (rentals) and for it only to be used for government business until December 31, 2020. Motion seconded by Council Member Smith, voted on, passed 3-1. (Abstain: Council Member Curtis due to conflict of interest as an employee of Peoples Telecommunications.)**

**EMPLOYEE RELATIONS & TRAINING –**

(In Committee Review) **Customer service and/or Ethics ½ or full day 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.

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT -NONE**

**SWANFEST COMMITTEE -NONE**

**PLANNING & ZONING –** (1) Vacant seat still remains.

**LA CYGNE COMMUNITY PARK BOARD-**(1) Vacant seats still remains.

**UNFINISHED BUSINESS:**

**106 SOUTH COMMERCIAL STREET (OLD WATER TOWER LOT)**

106 S Commercial Street (Old Water Tower lot). Consideration was given at the October 2019 Council meeting to surplus real estate property located at 106 S. Commercial Street. The Council asked PWS Nasalroad to evaluate the utility locates for the lot area. PWS Nasalroad has determined the footings from the old water tower were cut off approx. 4ft below the ground, the water main is in the utility ROW, there is a possible old service line on the North side of the property line which goes

**UNFINISHED BUSINESS CONT:**

**106 SOUTH COMMERCIAL STREET (OLD WATER TOWER LOT)**

from the main gas line to the West about 20' that is not live and has been capped off. Is the Council still wanting to advertise this lot for surplus real estate sale? Discussion was held regarding the size of the lot. Council Member Capp advised CC Wade to put flyers on as many Ad boards around town as well as on the Facebook page/Website and in the paper. Council Member Capp also stated to allow time for interested people to review information regarding the lot.

❖ **Motion**

**Council Member Curtis motioned to advertise the sale of real estate property located at 106 Commercial St, La Cygne, KS. Motion seconded by Council Member Thies, voted on, passed 4-0.**

**NEW BUSINESS:**

**AFTER-ACTION REVIEW WORKSHOP FOR THE WATER IMPROVEMENT PROJECT**

Mayor Wilson discussed having a workshop for an "After-action review" of the Water improvement project. Mayor Wilson stated it was important to reflect on things that went well and problems/issues that occurred on the project in order to better prepare for the upcoming sewer rehabilitation project. Council Member Curtis asked the Mayor how much time we be needed for the workshop and she advised 1-hr.

❖ **Motion**

**Council Member Curtis motioned to have a workshop on September 2, 2020 at 6pm at the La Cygne Community building for the purpose of "After-Action" review of the Water improvement project. Motion seconded by Council Member Capp, voted on, passed 4-0.**

**EXECUTIVE SESSION:**

None – All Executive Sessions were done earlier on the agenda.

**OTHER BUSINESS:**

None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

Ray of Hope Community Impact Foundation Information Brochure

**ADJOURNMENT:**

❖ **Motion**

**Council Member Curtis moved to adjourn the meeting. Motion seconded by Council Member Capp, voted on, passed 4-0. Time 9:28pm.**

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 19<sup>th</sup> of August 2020.