

REGULAR MEETING:

The La Cygne City Council met on Wednesday, August 5, 2020 at the La Cygne Community Building. Council Members present were: James Thies; Thomas Capp; Jerome Mitzner and Danny Curtis. Absent: Logan Smith

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Corporal Kurtis West; Linn County News Tony Furse; Mike Hixon; and Emil Wilson.

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

Pledge of Allegiance – Mayor Debra Wilson

2021 La CYGNE BUDGET HEARING:

Mayor Debra Wilson closed the regular meeting at 7:01pm and opened the Public Hearing at 7:01pm.

COMMENTS FROM THE PUBLIC - No comments from the public.

Council Member Capp asked CC Wade if the items addressed in the 2nd draft Budget workshop had been added to the final draft. CC Wade reviewed the final draft to ensure the Linn County Economic Development Grant funding had been added to the General Fund Street and the adjustments were made under the Police Fund for Planning & Zoning costs and/or condemnation.

Mayor Debra Wilson closed the Public Hearing at 7:06pm and opened the Regular meeting at 7:06pm.

❖ **Motion**

Council Member Mitzner motioned to approve the 2021 Budget as presented. Motion seconded by Council Member Capp, voted on, passed 4-0.

MAYOR COMMENTS:

Mayor Debra Wilson reminded patrons of the upcoming school year which will begin on August 19, 2020. She reminded patrons of school zone safety and students walking to school. Council Member Mitzner asked Corporal West when the school zone lights would be activated. Corporal West is planning to turn the lights on the week before school starts to make sure everything is working properly and to help prepare patrons for the zone.

Mayor Wilson updated the Council and patrons on the COVID-19 cases for Linn County. The number of cases for Linn County is currently at 30. Mayor Wilson reminded everyone to continue to social distance, wear mask when necessary and to sanitize and limit personal contact with common surfaces.

CONSENT AGENDA:

CC Wade advised the Council of an error on an address for a motion which was made at the July 15, 2020 meeting. The address of 413 Locust used in the motion should have been 317 N. 4th Street.

CONSENT AGENDA:

❖ **Motion**

Council Member Curtis motioned to rescind the motion to waive the sewer rate at 413 Locust for the sewer as long as no improvement is made to tap the sewer. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

❖ **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 Mitzner, voted on, passed 4-0.

❖ **Motion to approve Consent Agenda:**

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

Minutes of July 15, 2020 Council Meeting;
Minutes of July 22, 2020 Special Council Meeting;
Check Register: July 16 – August 5, 2020;

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

SEWER IMPROVEMENT PROJECT

Mike Billings (USDA) and Paul Owings (BG Consultants) were not able to attend the meeting this evening but have submitted the notification of funding for the La Cygne Sewer Rehabilitation Project. CC Wade reviewed the change with the funding from when the application was submitted to USDA. The original funding reviewed was a \$5,761,000 loan at 3.375% int. rate plus a \$500,000 grant which amounted to an annual payment of \$264,564. The new funding offered by USDA would be a \$6,261,000 loan at 1.125% int. rate which amounts to an annual payment of \$195,281.

City Attorney Harding has briefly reviewed the conditions outlined in the letter received from USDA. CC Wade advised the Council on the next step which would include a motion for the Mayor to sign the Letter of Intent to meet Conditions (form RD-1942-46) and the Request for Obligation of Funds (form RD-1940-1). City Attorney Harding informed the Council they had up to 10 days to return the signed forms. Council Member Capp suggested scheduling a special meeting next week in order to give the Council time to review the letter of conditions.

❖ **Motion**

Council Member Capp motioned for a special Council meeting on Tuesday, August 11 at 6:00pm for the review of the USDA letter of conditions regarding the Sewer Rehabilitation project funding. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

SPECIAL PROJECTS CONT:

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

CC Wade reviewed the selection criteria chart for letters of interest from KDOT qualified consulting firms for the construction engineering inspection during the CCLIP project. The request for firm responses was emailed out on July 20, 2020 and a Letter of Interest must be received by August 7, 2020 at 5:00pm. Council Member Capp asked if any had been received to date and CC Wade responded one (1) had been received thus far.

CC Wade forwarded some Right-of-Way and Easement forms to City Attorney Harding for review. Once we send the forms back to Jason Hoskinson (BG Consultants), he will complete them with the legal survey information for the property which would need to be acquired for the CCLIP project. The forms and letters would then be mailed to the five (5) properties involved with the project.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING

City Attorney Harding is presently reviewing the forms for the CCLIP project and will continue to review the letter of conditions from USDA regarding the Sewer rehabilitation project. City Attorney Harding thanked the Council and patrons for their support during the primary elections. The Council congratulated City Attorney Harding.

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	1
Failure to Signal	0	Eye Protection	0
Reckless Driving	1	No DL	0
Improper Display	1	Speed	0
Dog Tags	0	Insurance	1
Dog at large	0	Laned Roadway	1

Calls for Service / Reports – 07/13/2020 thru 08/04/2020

Animal Complaint – 4	Violation of PFA - 1
Vehicle Lockout – 0	Civil Matter – 3
Trespass – 1	Motor Vehicle Accident w/ DUI - 1
Check Welfare – 1	Suspicious Activity – 1
Follow Ups – 6	Found Property – 2
911 Hang Up – 1	Juvenile Case - 1

Codes Enforcement

Grass Letters – 12
INOP Veh Letter- 5
Nuisance Letters – 3
Follow Ups - 5

Animal Control

2020/2021 there have been 186 dogs tagged

VIN Inspections- 1 completed

REPORTS OF CITY OFFICERS CONT:

CHIEF OF POLICE/CODES OFFICER -CORPORAL WEST

New Business

- July 25th "Dog Days" resulted in 15 city tags issued with a total of 25 animals seen that day.
- Pound Inspection completed – passed with flying colors – no violations
- Executive Session needed X 2 for personnel matter

Accrued Overtime for Department: Accrued overtime for last pay period = 5.5 Hours (dog days and other confidential matter)

Mayor Debra Wilson upon request by Corporal West adjusted the agenda to move in to Executive session since Corporal West needed to leave the meeting early.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 5-minutes for non-elected personnel matter exception for review of applications and will return to the Council table at 7:37pm. Motion seconded by Council Member Capp, voted on, passed 4-0. 7:32pm

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

❖ **Motion**

Council Member Mitzner 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 7:42pm. Motion seconded by Council Member Curtis, voted on, passed 4-0. 7:37pm

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

❖ **Motion**

Council Member Capp motioned to go in to executive session for 5-minutes for non-elected personnel matter exception for review of applications and will return to the Council table at 7:47pm. Motion seconded by Council Member Curtis, voted on, passed 4-0. 7:42pm

Open Session Resumed at 7:47pm

REPORTS OF CITY OFFICERS CONT:

CHIEF OF POLICE/CODES OFFICER -CORPORAL WEST

❖ **Motion**

Council Member Mitzner motioned to hire Craig Haley as a part-time police officer at the rate of \$18.25/hr effective today, August 5, 2020 and upon completion of pre-employment screening. Motion seconded by Council Member Capp, voted on, passed 4-0.

REPORTS OF CITY OFFICERS CONT:

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

Report from 7-15-2020 to 08-05-2020

Water and Gas:

- Restored two water services
- USDI repaired two gas leaks. One is a temp fix but service should be discontinued. PWS Nasalroad advised the Council of an agreement between Clint Clark and the City of La Cygne dated November 19,2008 pertaining to the gas service line for 18325 E. 2300 Lane which had not been disclosed to the current property owner when the house was purchased. The current resident, Michael Hixon, was present at the Council meeting. Prior to discussion, Council Member Capp suggested to go to Executive Session.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive session for 15-minutes 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 8:11pm. Motion seconded by Council Member Mitzner, voted on, passed 4-0. 7:56pm

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

Open Session Resumed at 8:11pm

City Attorney Harding began to advise Michael Hixon that the agreement between Clint Clark and the City of La Cygne would be void, but was immediately informed by Michael Hixon that he had reached out to Attorney Gary Thompson for legal representation. City Attorney Harding left the Community Building in order to avoid any conflict of client privilege. Council Member Capp suggested to table the discussion until the August 19, 2020 meeting in order to allow time for Gary Thompson to reach out to City Attorney Harding regarding the agreement for 18325 E. 2300 Lane.

❖ **Motion**

Council Member Capp motioned to table the review of the agreement for the gas service line located at 18325 E. 2300 Lane until the August 19, 2020 meeting. Motion seconded by Council Member Curtis, voted on, passed 4-0.

Water and Gas Cont:

- Now able to monitor the water plant from our cell phones. Looking at cameras for inside plant.

Street:

- Still doing street repairs as weather permits.
- Still trimming trees back out of the roadways.
- Codes mowing
- Mowed the South park.

REPORTS OF CITY OFFICERS CONT:

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

Report from 7-15-2020 to 08-05-2020

Sewer:

- Sprayed lagoon fence line.
- Railroad sewer project (waiting on flag person scheduling). CC Wade has reached out to JLL (Permitting company for BNSF railroad) and Brian Hennigh (Roadmaster for BNSF) attempting to get the flagman scheduled. Council Member Curtis noted the locates had not been called in yet and would need to be done immediately.

Park:

Cemetery:

- Mowing and weed eating is caught up.
- Removed all loose flowers and decorations.
- Exmark cemetery mower, does the Council want to scrap the mower or put an ad out to surplus the old mower.

❖ **Motion**

Council Member Mitzner motioned to advertise for sealed bids to surplus the Exmark mower. Motion seconded by Council Member Thies, voted on, passed 4-0.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD –

- Annual truck inspections have been completed; minor repairs needed. Council Member Mitzner asked if Fire Chief Nasalroad was satisfied with the work performed by the new inspection company (Apparatus Services). Fire Chief Nasalroad confirmed his satisfaction of their performance. The back-up engine passed inspection. On the regular engine the relief valve needed to be repaired, which has been completed, and will be re-inspected next week.

CITY CLERK – JODI WADE

Report from 7/16/2020 – 8/5/2020

- Researched right-of-way and parking lots in areas zoned C-2 in the codes book/zoning regulations/mapping.
- Melissa Vancrum of Rouse Frets White Goss Gentile Rhodes reached out via phone and email to speak to James Brun, City Attorney for Linn Valley Lakes regarding the draft she emailed to him for review. They are having a phone conversation tomorrow (8-6-2020)
- Compiled the Community Building survey for the Public Building Commission.
- Completed the Notice of Award and hand delivered to Double Eagle Excavating. Reached out to BNSF railroad regarding scheduling the flagmen for the project.
- Spoke to Jason, BG Consultants, regarding the acquisition survey, letters and forms for the KDOT CCLIP project. I forwarded drafts of the forms to City Attorney Harding for review.
- Prepped the La Cygne Community Building for the KORA/KOMA training on July 29, 2020.
- Prepped 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.
- Review and Revision of the new website platform which is scheduled to go live August 6, 2020.
- Updated the General message for the after-hour calls and for each of the extensions.

REPORTS OF CITY OFFICERS CONT:

CITY CLERK – JODI WADE

- Researched easement and agreements for a Gas easement pertaining to 18325 E. 2300 Lane, La Cygne, KS 66040.
- Assisted with interviews for Part-time Police Officer.
- Researched Zoning regulations and City Code pertaining to Mobile Home Parks.
- Spoke to Ransom Financial regarding current Bond market and temporary financing.
- Reviewed procedure for applications for use permits and zoning regarding the role of the City Council.
- Reviewed emails from Paul Owings (BG Consultants) and Mike Billings (USDA) regarding the financing for the Sewer Rehabilitation project.

Meetings/Trainings Attended virtually:

- No meetings or trainings

Projects:

- Capital Improvement Planning.

Overtime Hours for City Hall for the last pay period: 2.5 hours

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- (In Committee review) Draft of Gas Utility Ordinance.
- (In Committee review) 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. A long discussion was held to determine the definition for the fee. Council Member Curtis understood the fee as being charged anytime a customer turns a service back on. CC Wade explained the City Codes already have verbiage for brand new utility service connections when someone builds a new home and needs to tap in to the City's mains for water, sewer or gas service. We do not have a fee section established to re-install a meter in to a pit or on a riser for a vacant lot or dilapidated home lot in which the meters had been removed at the request of the owners because utility service was not necessary. Since the lot already has an established pit, sewer tap and riser, it would not fall under the "new home" codes requirements. Council Member Curtis asked CC Wade to draft the section for a fee for vacant pits with no existing meter or risers with no existing meter. Council Member Curtis and Council Member Capp agreed we should have some type of fee to cover the expense of the meter equipment and installation. Council Member Mitzner expressed the importance of having policy in our Codes to avoid making single situation decisions and to provide equality across the board.
- 317 N. 4th Street – installation of a meter in an existing pit on this vacant lot. A service line would be installed for a water hydrant to water the community garden near the United Methodist Church. Dave & Patsy Berglund had attended a prior Council meeting asking about the cost. Discussion was held regarding a similar decision which was made at the July 19, 2020 meeting. Since the Committee does not have the draft fee policy created yet for a return to service fee for vacant lots, Council Member Curtis felt it was best to proceed on this lot with no charge to put the meter in. Council Member Capp agreed with the suggestion to not charge a fee to put the meter in the existing pit.

COUNCIL COMMITTEE REPORTS CONT:

WATER & GAS -

- 317 N. 4th Street

❖ **Motion**

Council Member Capp motioned to install a water meter in the existing pit at 317 N. 4th Street at no charge but the owner must pay the deposit for water and maintain the service. Motion seconded by Council Member Curtis, voted on, passed 4-0.

STREET -

- RFP for Stormwater Master Planning. Tabled until August 19, 2020 meeting for further review.
- 104 S. 4th Street (Frankie's Liquor Parking Access) 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). Mayor Wilson asked if the Committee and/or Council Members took an opportunity to drive by the location to review the situation. Council Member Capp explained how 4th street tapers from North to South and suggested to stick with the original offer for the City to square up (cold patch) the edge of the road and Frankie Elder provide the gravel to protect the edge of the street over to her parking lot. Council Member Mitzner drove around town to review other businesses which had access driveways off of the City streets. He measured the distance of the entrance from the corner connection with KS Hwy 152 and he measured the width of the access driveway. Council Member Mitzner felt it was important to set some detailed policy pertaining to the access driveway from the street to the parking area in the C-2 zoned areas. Council Member Mitzner stated the business owners should maintain the access/driveway connection from their property line to the street edge. Council Member Thies stated simply repairing the pot holes would not fix the problem unless we define the specifics for the access/driveway connection. Council Member Mitzner stated there were 3-4 other businesses in town that have the same situation of an undefined access/driveway connection to the street. Council Member Curtis suggested a workshop be held at the location in order to allow everyone to physically review the street and necessary repairs.

❖ **Motion**

Council Member Capp motioned to have a Council workshop on Tuesday, August 11 at 104 S. 4th Street following the Special Council meeting being held at 6pm. Council Member Capp would like Frankie Elder to be present. Motion seconded by Council Member Curtis, voted on, passed 4-0.

SEWER-

- CC Wade reached out to Cat Romaine with JLL regarding the necessary flagging for the Emergency Sewer line repair. Hand delivered a Notice of Award to Jim Thompson with Double Eagle excavating and followed up with Danny McElreath with McElreath Excavating regarding the bid results.

COUNCIL COMMITTEE REPORTS CONT:

PARK- Council Member Curtis thanked PWS Nasalroad for their assistance with mowing over the past 2 weeks.

CEMETERY -NONE

PUBLIC SAFETY –NONE

COMMUNITY BUILDING-

Peoples Telecommunications Community Blood drive is scheduled for December 2020 and they want to know if they can use the Community Building. Discussion was held regarding the use of the building by the Public. Council Member Curtis suggested to reach out to Peoples' and let them know we can pencil them in for the date in December in case the Community Building would be available for use by the public at that time.

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. Council Member Mitzner suggested to wait until the Spring of 2021 to see how the status is regarding COVID 19.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

PLANNING & ZONING – (1) Vacant seat still remains. Unapproved minutes July 9, 2020 meeting.

LA CYGNE COMMUNITY PARK BOARD-(1) Vacant seats still remains. No Park Board meeting in July.

UNFINISHED BUSINESS:

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. The request had not been fully processed by the Planning & Zoning Commission. The application filed will proceed with a Public hearing in September 2020.

NEW BUSINESS:

CDBG-CV GRANT FOR MEALS PROGRAM AWARD LETTER OF CONDITIONS.

City of La Cygne received a letter of conditions from the Kansas Department of Commerce awarding the City a Community Block Grant-CV of \$22,000. The following forms need to be signed: Grant Agreement NO. 20-CV-091; Certification regarding Lobbying; Authorized Signature Form; Designation of Depository; and Authorization for Electronic Deposit of Supplier Payment. Purpose of the grant is for Meal programs being provided due to COVID-19 as outlined in the application proposal. A plan for disbursing the funds will need to be adopted by the Council.

❖ **Motion**

Council Member Mitzner motioned for Mayor Wilson to sign the Grant Agreement No. 20-CV-091, Certification regarding Lobbying, Authorized Signature Form, Designation of Depository, and Authorization for Electronic Deposit of Supplier Payment form. Motion seconded by Council Member Capp, voted on, passed 4-0.

NEW BUSINESS CONT:

CDBG-CV GRANT FOR MEALS PROGRAM AWARD LETTER OF CONDITIONS.

❖ **Motion**

Council Member Mitzner motioned to the accept the draft application and plan for disbursing funds as presented. 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:

KDHE letter regarding Haloacetic Acids (HAA) MCL Exceedance Violation. Sample collected 5/11/2020 was at 58 ug/L. The average for the year is currently at 67 ug/L. The Kansas and Federal EPA required level of 60 ug/L was exceeded. Public notice must be issued within (30) days. CC Wade will mail out a newsletter next week.

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 4-0. 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 5th of August 2020.