

Record of the Proceedings of the Governing Body
REGULAR MEETING

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September 15, 2021

REGULAR MEETING:

The La Cygne City Council met on Wednesday, September 15, 2021 at the La Cygne Community Building. Council Members present were: Keith Stoker; Danny Curtis; Thomas Capp; James Thies; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Fenoughty; City Attorney Harding; City Treasurer Connie Gore; Linn County News Tony Furse; Glen Harbinson.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- Linn County Survey – Revision of County comprehensive plan;
- 2021 Sugar Mound Arts & Crafts Parade, October 9, 2021 at 10am, Theme is "This is Us" City and Chamber of Commerce will be entering a float;
- Trunk-or-Treat on Broadway, October 29, 2021 from 6pm – 8pm. Participants welcome to set up a vehicle for trunk or treat to hand out candy;
- AMR Ambulance Barn is moving to the senior citizen building location;
- New restaurants and businesses opening this Fall/Winter in La Cygne. The Wagon Wheel will be located in the old Syd's Building on Market Street. Quick Taco's will be located in the old DJ's pool hall on Market Street. A sandwich and ice cream shop will be opening up on Broadway. Exciting to see new places popping up around town.
- Mayor Wilson wanted to give a special "Thank you" to Sheriff Kevin Friend for reaching out to the cities and sharing information as needed. Mayor Wilson appreciates the sheriff's efforts to keep the cities updated and informed.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of September 1, 2021 City Council Meeting;
August 2021 Treasurer's Report;
August 2021 Budget Report;
Check Register: September 1 – September 15, 2021;

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

DISCUSSION FROM THE FLOOR:

None

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SPECIAL PROJECTS:

WATER PLANT SETTLING POND PROJECT (MIDWEST ENGINEER GROUP/STARBUCK TRUCKING, LLC)

MW Engineering Group, LLC, Pay Application #1, in the amount of \$70,627.50 for stored materials.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 1 for Starbuck Trucking, LLC in the amount of \$70,627.50 for stored materials and delivery. Motion seconded by Council Member Mitzner voted on, passed 5-0.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Continued progress on survey of mains and review of drawings to prepare for bid letting. Mike Billings, USDA representative, emailed a request for documents which will need to be submitted in order to authorize the bidding of the sewer project. CC Wade is working with Paul Owings, BG Consultants, and City Attorney Harding to complete the task.

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

Project scheduled for March 2022.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

CC Wade and Katie Russell have been working on grant applications.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING

- One more week of publication for the Determination of Decent and will complete the process for the quit claim deed.
- Municipal Court is going well, have a person set for trial.
- Spoke with CC Wade about some paperwork requested by USDA prior to bidding.

CHIEF OF POLICE – TINA FENOUGHTY

10 Traffic Stops Conducted

Citations issued since last meeting

| | | | |
|--------------------------|---|---------------|---|
| Speed School Zone | 2 | Tag Expired. | 1 |
| Fail to Yield | 0 | No Tag | 1 |
| Insurance | 1 | No DL | 1 |
| RR Crossing | 0 | Speed | 2 |
| Vicious Dog/RAL | 2 | Pass on Right | 0 |
| Drive Violation of Rest. | 0 | Endorsement | 0 |

Calls for Service / Reports – 08/31/2021 thru 09/13/2021

| | |
|---------------------------|------------------------|
| Animal Complaint – 6 | Traffic Complaints - 2 |
| Assist Outside Agency – 3 | Pursuit – 1 |

REPORTS OF CITY OFFICERS CONTINUED:

CHIEF OF POLICE – TINA FENOUGHTY

| | |
|-------------------------|-----------------------------------|
| Building Check – 2 | Citizen Assist CFS / contact - 23 |
| Fingerprints – 0 | Juvenile Incident – 2 |
| Check Welfare – 3 | 911 Hang up- 0 |
| Follow Up – 10 | Theft - 1 |
| Suspicious Activity – 5 | Disorderly conduct – 1 |
| Aggravated Assault – 0 | Vandalism - 3 |
| Domestic / Battery – 0 | Criminal Damage – 4 |
| Burglary – 0 | Civil Stand By – 0 |
| Suicidal Subject – 1 | Recovered Property – 0 |
| Felony Warrant – 0 | Misdemeanor Warrant - 0 |

Codes - 0 Letters sent out, 3 Work Orders

Chief Fenoughty said it was a busy week. She thanked Chief Corey Murrison of the Linn Valley Police Department and the Pleasanton Police Department for assisting with calls.

VIN Inspections – 3 completed

New Business

Unfinished Business: Council Member Capp asked when Officer Fox graduates. Chief Fenoughty responded with graduation is October 1, 2021 and she will return to work on October 4, 2021. Chief Fenoughty plans to attend the graduation.

Accrued overtime for last period = 10.5 hours

CODES ENFORCMENT – ALLISON FOX

Officer Fox is attending KLETC academy. Chief Fenoughty will be attending Allison’s graduation on October 1.

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

Report from 9/01/2021 to 9/15/2021

Committee Discussions

Water and Gas

- Starbucks Trucking, LLC has started removing the house to be demolished at 612 N. 8th Street.
- Starbuck Trucking, LLC has started bringing in equipment for the pond and should start clearing trees next week. We met and went over some pre-construction topics.
- Still waiting on hard copy of permit for the pond.
- Issues with the gas meter at the Panhandle transfer station. USDI is working on the problem.

REPORTS OF CITY OFFICERS CONTINUED:

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

Committee Discussions

Street

- Street repairs have started and will continue weather permitting.
- Spraying for mosquitos has stopped for this year unless they become a problem.
- Still working on drainage at 3rd and Chestnut. (Waiting on culverts)

Sewer

- East lift station generator is still down, parts are coming from Japan.
- Working on BG Consultants on sewer project.
- Still waiting on new pump for the East lift station.

Park

- Mowing and maintaining park.
- Duane Jeppesen from Quality Pools will be down in the next few weeks to check on the pool leak.
- CC Wade showed the PW the winterization steps for the park and the process has started.
- Ordered parts to fix the toilet in the family restroom in the bathhouse at the pool.
- Caulking has been repaired on the pool deck under manufacturer's warranty.

Cemetery

- Mowing continues.
- Two trees are scheduled to be removed for \$1,850.

FIRE DEPARTMENT – FIRE CHIEF DAN NASALROAD

- Nothing to report.

CITY CLERK – JODI WADE

Report from 9/02/2021 – 9/15/2021

- Completed the month-end financial reports;
- Attended Chamber of Commerce meeting;
- Met with Jessica Hightower, Economic Development Administrator, regarding a couple of lots in the East Industrial Park;
- Attended the Planning & Zoning Commission meeting;
- Reviewed the winterization of the bathhouse and lifeguard shack at the pool with Public Works;
- Researched CMB and Alcohol guidelines;
- Contacted businesses for logos for the City's parade float for the Sugar Mound Arts & Crafts parade on October 9th;
- Completed one Building Permit;
- Completed one Use Permit and one Temporary Use Permit;
- Reviewed the budget reports to date;
- Submitted final documents for the CDBG-CV grant;

REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE

Report from 9/02/2021 – 9/15/2021

- Reviewed paperwork/contracts with Midwest Engineering for the water settling pond project;
- Coordinated Meals on Wheels pick up procedure.

Overtime Hours for City Hall for the last pay period: 4 hours Jodi.

CITY TREASURER – CONNIE GORE

Report from 9/01/2021 – 9/15/2021

- August sales tax report filed;
- Monthly sewer, water and gas reports completed;
- Court prep, court and court paperwork completed;
- Court comparison spreadsheet prepared;
- 41 Dog reminder letters mailed for 61 dogs – Letter states citations can start after October 1st for unregistered dogs;
- Worked with the post office and software technicians on a bar code for the utility bills. Would have to set up a special account with the post office for them to design a bar code. Bills would be processed, then uploaded to postal account (2-3 days) for the bar code to be imprinted on the post cards. The bar code does not always work. (The upload/download would have to be done monthly);
- New abatement invoices mailed for mowing.

Court Clerk Gore reviewed the report regarding the past six months of court operation under Judge Schultz, showing comparison of prior years of operation. Zoom Court is going well. Things are going smooth with our new Judge Schultz. Judge Schultz is very consistent in her procedures and organized with specific forms for every process. Court Clerk Gore indicated it does take her a little more time to get prepared for court.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

- None

STREET -

- Council Member Mitzner asked PWS Nasalroad about the hole at the intersection of Industrial and Market St. PWS Nasalroad stated it has been cold patched a few times. Council Member Capp suggested reaching out to Linn County or KDOT to see if they had a metal plate that could be put over the hole to hold it until the project gets started.

SEWER-

- None

PARK-

- Council Member Curtis thanked the Public Works for doing a good job maintaining the park.

COUNCIL COMMITTEE REPORTS CONTINUED:

CEMETERY –

- A draft of Chapter XI. Public property, Article 1. Cemetery regulations had been distributed to the Council for a final review. CC Wade reviewed some of the sections being added to the regulations or being revised. These sections included topics such as types of decorations, vaults, costs for deed transfers, grave costs, monument installation, and care of the cemetery. Council Members considered the types of decorations allowed on grave sites and the affects they have on the mowing and weed eating time for the caretaker. Discussion of the dangers of shepherd hooks if the get caught on the person mowing or they fall over and cause hazard for the mower itself. The revised regulation states the only decorations allowed consist of a memorial/headstone or grave marker, flowers in permanent monument vases, monument wreaths and small American flags. Council Member Capp discussed a letter/notice being sent out to all patrons to remove items which are not permissible in the cemetery. Discussion was also held on requiring vaults for all casket burials but not required for cremation burial.

PUBLIC SAFETY –

- None

COMMUNITY BUILDING-

- None

EMPLOYEE RELATIONS & TRAINING

- None

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -NONE

SWANFEST COMMITTEE -NONE

PLANNING & ZONING COMMISSION (PZC) -

Mayor Wilson made a recommendation to appoint Devin Canada for another term on the Planning & Zoning Commission.

❖ **Motion**

Council Member Capp motioned to approve the recommendation by Mayor Wilson to appoint Devin Canada for another term on the Planning & Zoning Commission. Motion seconded by Council Member Stoker voted on, passed 5-0.

Mayor Wilson read a resignation letter from Brendan O'Reilly from the Planning & Zoning Commission since he moved out of state.

❖ **Motion**

Council Member Capp motioned to accept the resignation letter from Brendan O'Reilly from the Planning & Zoning Commission. Motion seconded by Council Member Stoker voted on, passed 5-0.

SPECIAL COMMITTEE REPORTS CONTINUED:

LA CYGNE COMMUNITY PARK BOARD –

None

UNFINISHED BUSINESS:

CEREAL MALT BEVERAGE/ALCOHOL LIQUOR: SUNDAY SALE EXTENSION

Council Member Mitzner held discussion on helping to support our businesses. In his opinion, he didn't see any problem with extending the sale on Sunday to start at 9am. Council Member Mitzner indicated if they weren't purchasing it here, they would be purchasing it in another town. CC Wade reviewed the process for getting the regulation changed, which required the ordinance to be printed for a 60-day period prior to going in to affect. The Council asked CC Wade to prepare the ordinance for the next meeting.

NEW BUSINESS:

ORDINANCE NO. _____ REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LACYGNE, KS

Ordinance No. _____ regulating traffic within the corporate limits of the City of La Cygne, KS by amending Chapter XIII, Article 1, Section 13-101 of the Code of the City of La Cygne, KS to incorporate by reference the "Standard Traffic Ordinances for Kansas Cities, 48th Edition, 2021".

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1492 regulating traffic within the corporate limits of the City of La Cygne, KS by amending Chapter XIII, Article 1, Section 13-101 of the Code of the City of La Cygne, KS to incorporate by reference the "Standard Traffic Ordinances for Kansas Cities, 48th Edition, 2021". Motion seconded by Council Member Mitzner voted on, passed 5-0.

ORDINANCE NO. _____ REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LA CYGNE, KANSAS.

Ordinance No. _____ regulating Public Offenses within the corporate limits of the City of La Cygne, KS by amending Chapter X, Article 1, Section 10-101 of the code of the City of La Cygne, KS, to incorporate by reference the "Uniform Public Offense Code for Kansas Cities, 37th Edition of 2021".

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1493 regulating Public Offenses within the corporate limits of the City of La Cygne, KS by amending Chapter X, Article 1, Section 10-101 of the code of the City of La Cygne, KS, to incorporate by reference the "Uniform Public Offense Code for Kansas Cities, 37th Edition of 2021". Motion seconded by Council Member Capp voted on, passed 5-0.

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NEW BUSINESS CONTINUED:

AMERICAN RESCUE PLAN FUNDS

Council Member Mitzner inquired about the uses for the American Rescue Plan funds that have been received. Council Member Mitzner asked if the Treasury's office report clearly lined out the uses for the funds. CC Wade highlighted some points made during the webinars from the KS Office of Recovery regarding the use of funds. CC Wade indicated the possible commitment of time and paperwork necessary for any subgrants awarded with the funds. Water and sewer improvement projects were listed as possible uses. There was some emphasis on broadband also. The guidance received specified it had to be relevant to loss which occurred due to the Covid pandemic. Council Member Mitzner made some suggestions regarding improvements to the Community Building to be used as a warming/cooling shelter.

EXECUTIVE SESSION:

None

OTHER BUSINESS:

None

NOTES AND COMMUNICATIONS TO COUNCIL:

None

GOVERNING BODY REMARKS:

None

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Thies, voted on, passed 5-0. Time 8:25pm.

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 day of September, 2021.