

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING**

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**September 21, 2022**

**REGULAR MEETING:**

The La Cygne City Council met on Wednesday, September 21, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp; Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; Police Chief Tina Fenoughty; Codes Officer Allison Fox; Officer Jo LeSturgeon; City Attorney Burton Harding; Linn County Newspaper Tony Furse; Linn County Journal Roger Simms.

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

Pledge of Allegiance – Mayor Debra Wilson

**MAYOR COMMENTS:**

- a. Mayor Wilson discussed changing the city council meeting time to 6:00pm all year round instead of changing at daylight savings time. The council tabled the discussion until the next council meeting.

**CONSENT AGENDA:**

**❖ Motion to approve Consent Agenda:**

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

Minutes of September 7, 2022 City Council Meeting;  
August 2022 Treasurer's Report;  
August 2022 Budget Report;  
Check Register: September 8, 2022 – September 21, 2022.

**Motion seconded by Council Stoker, voted on, passed 5-0.**

**DISCUSSION FROM THE FLOOR:**

Paul Owings, BG Consultants, reviewed the current sewer rehabilitation project. To date, there are only four (4) point repairs to complete, 10% of the re-lining is complete. The project is 25 % complete at this time. Nowak Construction indicated a possible completion of the project by the first of January if weather permits. Nowak has had three (3) crews in working on the project in order to maintain an effective pace. Paul discussed a concern with the sewer main located on the block between Sycamore Street and Elm Street in the alley between 8<sup>th</sup> and 9<sup>th</sup> Street. It was discovered the existing "flat" position of the sewer main created low service lines causing the slope to deviate from the requirement in the specification. The current slope of .1% is below the minimum design standard (MDS) of .4%. Paul also reviewed the potential for the sewer main located on the block between Vine Street and Sycamore Street in the alley between 8<sup>th</sup> and 9<sup>th</sup> Street could potentially have the same concerns. Paul reviewed the option of installing a new main on 9<sup>th</sup> Street from Vine Street down to the manhole located to the south of Elm Street at a cost of approximately \$320,000.

**DISCUSSION FROM THE FLOOR CONTINUED:**

Paul explained the cost is calculated per the pre-negotiated unit pricing found in the current contract agreement with NOWAK Construction. After further discussion, the council resolved to proceed with the installation of the sewer main on the block between Vine Street and Sycamore Street in the alley between 8<sup>th</sup> and 9<sup>th</sup> Street which per Paul can be installed to meet the current MDS of .4%. PWS Nasalroad and Paul Owings will monitor the new sewer main installed in the block between Sycamore Street and Elm Street in the alley between 8<sup>th</sup> and 9<sup>th</sup> Street to see how it is flowing. Paul Owings asked to be placed on the agenda in three (3) months to review the status.

**SPECIAL PROJECTS:**

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

Pay Application No. 3 from Starbuck Trucking, LLC in the amount of \$244,735.38 for the period of 12/10/2021 through 8/30/2022. Two change orders are included. Change order no. 1 is for the replacement of existing Pre-Sed Basin #1 outlet structure and SDR35 discharge piping. Change order no. 2 is for additional work to Pre-Sedimentation Basin #1. PWS Nasalroad indicated Starbuck Trucking was on-site today installing some fittings and discussed the last connection to be made.

❖ **Motion**

**Council Member Capp motioned to approve Pay Application No. 3 from Starbuck Trucking, LLC in the amount of \$244,735.38 for the period of 12/10/2021 through 8/20/2022 to include Change Order No. 1 and Change Order No. 2. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**SEWER REHABILITATION PROJECT (BG CONSULTANTS)**

Change order no. 1 from NOWAK Construction in the amount of \$6,945 for 6" sanitary service line and 6" saddle connection.

❖ **Motion**

**Council Member Capp motioned to approve Change Order No. 1 from Nowak Construction in the amount of \$6,945 for 6" sanitary service lines and 6" saddle connections in various locations on the project. Motion seconded by Council Member Stoker voted on, passed 5-0.**

Change order no. 2 from NOWAK Construction in the amount of \$0.00 for the substitution in construction method from remove and replace to reaming on segments 130 - 131, 54-54A, 31-30. Substitution in construction method from point repair and pipe lining to reaming on segment 78-79.

❖ **Motion**

**Council Member Mitzner motioned to Change Order No. 2 from Nowak Construction in the amount of \$0.00 for the substitution in construction method from remove and replace to reaming on segments 130-131, 54-54A, 31-30. And the substitution in construction method from point repair and pipe lining to reaming on segment 78-79. Motion seconded by Council Member Capp voted on, passed 5-0.**

**SPECIAL PROJECTS CONTINUED:**

**STREET PROJECT – KDOT CCLIP PROJECT AT KS HWY 152 AND INDUSTRIAL BLVD (KDOT/KILLOUGH CONSTRUCTION/CFS ENGINEERING)**

Killough Construction has completed most of the items on the punch list. Payment Voucher for CFS Engineering in the amount of \$21,530.17 for the period of July 7, 2022 through July 29, 2022.

❖ **Motion**

**Council Member Mitzner motioned to approve as to form CFS Engineering pay voucher in the amount of \$21,530.17 for the period of July 7, 2022 through July 29, 2022. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**NEW FIRE STATION/PUBLIC SAFETY BUILDING**

CC Wade reached out to BG Consultants for civil site engineering for the stormwater for the future site of the New Fire Station. Paul Owings, BG Consultants, is putting together a client-agreement to perform the services. The stamped civil site plan will be provided to Zingre & Associates Architects for bidding. CC Wade indicated Zingre Architects plans to put the project out for bid in January 2023.

**WATER TREATMENT PLANT ANALYSIS:**

Dan Coltrain is still working on the Water Treatment Plan Master Plan.

**109 N. 2<sup>ND</sup> STREET REMOVAL OF DUPLEX FROM THE RIGHT OF WAY:**

The duplex has been removed and Linn County Commissioners did waive the landfill dumping fee. CC Wade expressed her gratitude to Linn County Commissioners for waiving the landfill fees to assist with the cost for the demolition of the buildings in La Cygne. Mayor Wilson also expressed her gratitude for what the Commissioners have provided to encourage the City to complete the condemnation projects to date.

**STORMWATER MASTER PLAN (BG CONSULTANTS):**

Survey was put on the Facebook/Website page. Hard copies are available at the La Cygne City Hall and La Cygne Library.

**REPORTS OF CITY OFFICERS:**

**CITY ATTORNEY –BURTON HARDING:**

- Not much going on this week. Municipal Court addressed animal control concerns.

**POLICE CHIEF – TINA FENOUGHTY :**

9 Traffic Stops Conducted

Citations issued since last meeting - 1

Speed School Zone	1	Registration Viol	0
Suspended DL	1	No Tag	0
Insurance	0	NO DL	0
Speed Construction Zone	0	Speed	0
Aggressive Dog/RAL/Tag	3	Paraphernalia	0
Illegal Burn	19	Parking	0

**REPORTS OF CITY OFFICERS CONTINUED:**

**POLICE CHIEF – TINA FENOUGHTY :**

**Calls for Service / Reports – 8/17/22 thru 09/21/22**

Animal Complaint – 14	Traffic Complaints - 7
Assist Outside Agency – 1	Aggravated Robbery – 0
Ambulance – 2	Citizen Assist CFS / contact - 29
Fingerprints – 1	Juvenile Incident – 4
Check Welfare – 7	Found Property – 2
Follow Up – TMTC	Criminal Damage - 2
Suspicious Activity – 9	Civil Matter – 8
Noise Complaint – 1	Disorderly Conduct- 2
Theft – 3	Non-Injury Accident – 0
Intimidation of Witness- 1	Missing Child – 1
Disturbance – 4	Warrant Attempt - 3
Simple Assault – 0	Misdemeanor Warrant – 1
Vehicle Lockout – 4	Obstruction – 1
Suicidal Subject – 1	Mental Health – 1
Trespass – 4	911 Hang up – 0

**VIN Inspections-** 18 completed

**Report Requests** – 6

**Overtime for Department** – 26 hours

Police Chief Fenoughty introduced and welcomed

**CODES OFFICER – ALLISON FOX :**

Report from 9/07/2022 – 9/21/2022

Code Letters:

- |              |                |                       |              |         |
|--------------|----------------|-----------------------|--------------|---------|
| • Nuisance   | (16) Corrected | (8) Still in Progress | (2) Citation | (9) New |
| • INOP       |                | (1) Still in Progress |              |         |
| • GRASS/WEED | (5) Corrected  | (7) Still in Progress |              |         |
| • WORK ORDER | (1) Corrected  |                       |              |         |

Building Permits:

- 310 N. 4<sup>th</sup> Street – Front porch replaced and expanded with no building permit. History of property: April 9<sup>th</sup> 1998, the owner at that time asked for a variance to allow the front porch to be built, the variance was denied by the zoning board. On April 13, 1998, a building permit was issued by the codes officer to allow the front porch. The zoning regulations were in place at this time and therefore the building permit should not have been issued as it does not meet the requirements for setbacks. In 2002, the city council and city attorney were working together to write a letter to the owner of the house regarding the front porch but we have not found a copy of that letter. At this time, the current owner has replaced the front porch without a building permit and was told to stop all work until he completed one. The owner did complete a building permit but no permit has been issued at this time. I am still working this issue and waiting to hear back from the city attorney.

**REPORTS OF CITY OFFICERS CONTINUED:**

**CODES OFFICER – ALLISON FOX :**

- 712 Locust – Building a shed. Needs to get a boundary adjustment to comply with city setback requirements.
- 413 S. 1<sup>st</sup> Street – New home with garage – The owner called for an update on their building permit. I advised they needed to get a survey of the property before I could move forward.
- 215 N. 6<sup>th</sup> Street – Certified letter was sent to owner in regards to a fence that does not meet the requirements of the city codes. I presented two options to the owner and I am working with him to resolve the issues.

Projects:

- House numbers – Looking in to grants and working with department heads.
- Lindentree Apartments – The issues are being resolved but will take a few months to be completed.
- Trailer Parks – Executive session needed.

❖ **Motion**

**Council Member Capp motioned to go in to executive session for 7-minutes for the preliminary discussion of the acquisition of real property/real estate and will return to the Council table at 7:53 p.m. Motion seconded by Council Member Curtis voted on, passed 5-0. 7:46 p.m.**

Others in attendance included, but not limited to: City Attorney Harding and Codes Officer Fox

**OPEN SESSION RESUMED AT 7:53 p.m.**

**PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :**

All work performed was on the current projects and has been addressed under the special project section of the agenda. Council Member Capp thanked PWS Nasalroad for the extra hours put in over the weekends watching the sewer CCTV in preparation for the re-lining of the mains. Mayor Wilson also expressed her gratitude to PWS Nasalroad for the additional hours he has put in to insure the work being performed on the special projects.

**COUNCIL COMMITTEE REPORTS:**

**WATER & GAS - NONE**

**STREET -NONE**

**SEWER - NONE**

**PUBLIC SAFETY -NONE**

**COMMUNITY BUILDING-**

CC Wade informed the City Council of a second round of the HEAL Grant to improve the community building. CC Wade asked if the Council was ok to submit an application in this round.

**COUNCIL COMMITTEE REPORTS CONTINUED:**

**COMMUNITY BUILDING-**

❖ **Motion**

**Council Member Mitzner motioned to approve for CC Wade to submit an application for the HEAL grant program for improvements to the La Cygne Community Building. Motion seconded by Council Member Capp voted on, passed 5-0.**

**EMPLOYEE RELATIONS & TRAINING-**

Article G. Discipline of the Personnel Policies and Guidelines City of La Cygne, KS. **Tabled until next meeting**

**CEMETERY -**

Council Member Brenneman and Council Member Curtis gave an update on the progress with the new display sign. The posts are up, display windows have been received and the concrete slab will be poured soon. Mayor Wilson inquired about having enough volunteer help and Council Member Curtis confirmed he had plenty of helpers.

**PARK-**

Lincoln Township would like to meet on Wednesday, September 28, 2022 at 6:00pm with the City Council to review the Charter Ordinance pertaining to the La Cygne Community Park Board.

❖ **Motion**

**Council Member Mitzner motioned for a Council Workshop on Wednesday, September 28, 2022 at 6:00pm with Lincoln Township for the purpose to review the Charter Ordinances establishing the La Cygne Community Park Board. Motion seconded by Council Member Stoker voted on, passed 5-0.**

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT- NONE**

**CHAMBER OF COMMERCE - NONE**

1. Trunk or Treat on Broadway – Friday, October 28, 2022. Time TBD.
2. Community Thanksgiving Dinner – tentatively looking at November 12, 2022.
3. Christmas on Broadway – December 11, 2022 from 3pm – 5pm.

**PLANNING & ZONING COMMISSION (PZC) -** Meeting minutes for the August 10, 2022 meeting.

**UNFINISHED BUSINESS:**

**WATER AND SEWER RATE ANALYSIS**

Proposal from Carl Brown to perform Water and Sewer Rate Analysis (**TABLED UNTIL RECEIPT OF THE WATER TREATMENT PLANT ANALYSIS**)

**UNFINISHED BUSINESS CONTINUED:**

**LA HARPER HEIGHTS WATER VALVE REPLACEMENT**

PWS Nasalroad and CC Wade reached out to the property manager, Stephanie Haupt, regarding blue prints for the facility. Stephanie Haupt brought the plans in to the City Hall yesterday for CC Wade to make copies.

**ARTICLE 18 DRAFT FACTORY BUILT HOME DISTRICT**

The city council held a workshop prior to tonight's meeting to review the draft. The council was able to get through half of the draft.

**NEW BUSINESS:**

IBTS Phase 2: Plan/Regulation Review & Assessment Invoice No. R730-CYGN-0822 in the amount of \$6,820.

❖ **Motion**

**Council Member Mitzner motioned to approve Invoice No. R730-CYGN-0822 for IBTS in the amount of \$6,820 for Phase 2: Plan/Regulation Review and Assessment. Motion seconded by Council Member Capp voted on, passed 5-0.**

**OTHER BUSINESS:**

CC Wade reviewed a modified council agenda. CC Wade suggested getting the staff reports completed in the beginning of the meeting so the city employees can leave early. The remainder of the meeting would consist of committee action and unfinished policy review and new policy review. CC Wade expressed her concerns of policy not getting updated and addressed. CC Wade listed all the policies which have been brought to the attention of the council in the past 8 months. CC Wade indicated the current city staff rely on the Codes Book and the Zoning Regulations binders, as well as, the Administrative Policy and Employee Policies and Guidelines for daily operation. If these tools are not updated and current with the opinion of the governing body, then we need to concentrate on updating them.

CC Wade updated the council on the current costs associated with the completed demolitions to date. The current expense, which does not include city personnel, totals \$48,633 for four (4) houses. CC Wade reached out to the KS Department of Commerce and the Kansas Housing Resources Corporation Housing Development Division for information regarding incentive districts and funding opportunities for revitalizing neighborhoods and developing housing districts.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

None

**TABLED ITEMS:**

- a] BNSF Quiet Zone
- b] ATV/UTV Regulations
- c] Lincoln Township and City Council meeting to review Park Board operations.

**GOVERNING BODY REMARKS:**

NONE

**ADJOURNMENT:**

❖ ***Motion***

**Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Mitzner, voted on, passed 5-0. Time 8:14p.m.**

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 23<sup>rd</sup> day of September, 2022.