

Record of the Proceedings of the Governing Body

REGULAR MEETING

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January 17, 2024

REGULAR MEETING:

The La Cygne City Council met on Wednesday, January 17, 2024 at the La Cygne Community Building. Council Members present were: Ed Smith; David Brenneman; Thomas Capp; and Jerome Mitzner. Absent: Keith Stoker.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Police Chief (PC) Tina Fenoughty; Public Works Superintendent Dan Nasalroad; Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; and Waste Management John Blessing

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

No Comments

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the January 3, 2024 Council Meeting;
December 2023 Budget Report;
December 2023 Treasurer's Report;
4th Quarter 2023 Financial Report;
2023 Annual Financial Report;
Check Register: December 20, 2023 – January 15, 2024.

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

DISCUSSION FROM THE FLOOR:

John Blessing, Waste Management, presented the contract renewal for the Solid Waste Services they provide in the City of La Cygne. John explained the changes in the rate structure, to include: no longer having a curb-side rate, the base rate of \$20.57 would include (1) 95gl trash cart, the second cart rental would be \$10 per cart per month. John explained how the city's 2nd cart had originally resulted in a very low rate of only \$3 per month which does not cover the cost for the additional volume being hauled off. It was necessary for Waste Management to bring the 2nd cart rate up to the current cost for hauling the additional volume.

The council asked John if would be possible for information to be issued out to the current customers prior to the rate change going in to affect on their utility bill. CC Wade indicated she thought the billing for the new rates would be on the March 2024 utility bill, therefore the city would have the month of February to notify the customers. John Blessing also indicated he could ask about an addendum to the agreement extending the start of the new rate in order to allow the city to provide information to the customers if it was determined the new billing rate would go on the February Utility bill.

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DISCUSSION FROM THE FLOOR CONTINUED:

❖ Motion

Council Member Capp motioned to approve the agreement for Waste Management Services as presented. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

REPORTS OF CITY OFFICERS:

POLICE CHIEF – TINA FENOUGHTY

30-Traffic Stops Conducted

Citations issued since last meeting – 5

Speed School Zone	1	Expired Plate	0
Suspended DL	0	Switch Tag	1
Insurance	0	Expired DL	0
Parking	1	Speed	0
Aggressive Dog/RAL/Tag	1	Paraphernalia	0
Animal Cruelty	0	Stop Sign	1

Calls for Service/Reports – 12/15/2023 @ 2359 hours to 01/16/2024 @ 0000 hours

Animal Complaint	6	Traffic Complaints	3
Assist Outside Agency	8	Suicidal Subject	2
Criminal Damage	0	Citizen Assist CFS/contact	23
Theft	1	Juvenile Incident	3
Check Welfare	3	Illegal Burn	1
Alarm Calls	1	Suspicious Odor	1
Suspicious Activity	6	Civil Matter	4
Motorist Assist	2	Ambulance	2
Non-injury Accident	1	Violation of PFA	2
911 Hang Up	2	Suspicious Vehicle	3
Disturbance	6	Warrant Arrest	1
Parking Complaint	1	Misd. Warrant Arrest	1
Vehicle Lockout	3	Felony Warrant	1
Record Checks	2	CINC	0
Intoxicated Subject	1	Building Checks	4

VIN Inspections 4 completed

New Business/Information

1/03/2024 – KS Dept. of Agriculture came by for an unannounced pound inspection – Passed.

In process of applying for \$10,000 grant for AXON body Camera's (application due in late March)

CODES OFFICER – DEVIN CANADA

Report from 1/02/2024 – 1/12/2024

Code Letters:

• Nuisance	(3) Corrected	(3) Still in Progress	(0) Citation	(4) New
• INOP	(2) Corrected	(3) Still in Progress	(0) Citation	(0) New

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REPORTS OF CITY OFFICERS CONTINUED:

CODES OFFICER – DEVIN CANADA

- | | | | | |
|------------------|---------------|-----------------------|--------------|---------|
| • VERBAL WARNING | (3) Corrected | (2) Still in Progress | (0) Citation | (4) New |
| • OTHER | (0) Corrected | (4) Still in Progress | (0) Citation | (0) New |

Permits: NONE

Other: NONE

Verbal Warnings:

- 310 N. 4th Street – Plastic in burn pile
- 331 E. Grand – Yard clean-up.
- 314 S. 7th Street – Cans in the Yard (abated)
- 311 S. 7th Street – Abundance of tires in the yard.
- 00000 Linn – Fridge, sink and metal in the yard (abated, except for sink)
- 617 E. Vine Street – Junk close to the home.
- 206 S. 3rd Street – Junk in the treeline.
- 206 E. Market – RV in front of the Front Line of the building. (abated)

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD

None

CITY CLERK – JODI WADE

None

CITY TREASURER – CONNIE GORE

None

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

None

SEWER LAGOON DESLUDGING (REED ENVIRONMENTAL LLC)

None

STORMWATER MASTER PLAN (BG CONSULTANTS):

None

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

None

WATER PLANT IMPROVEMENT ANALYSIS

None

NEW FIRE STATION

Hofer & Hofer and Associates Pay Application No. 6 in the amount of \$152, 302.50 for work performed up to 12/26/2023.

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SPECIAL PROJECTS CONTINUED:

NEW FIRE STATION

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 6 for Hofer & Hofer and Associates in the amount of \$152,302.50 for work performed up to 12/26/2023. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

COUNCIL COMMITTEE REPORTS:

Mayor Wilson held a discussion with the Council regarding the current Standing Committees. She asked the council about revising the standing committee categories to simplify the list and then each council member would only be assigned to two committees. After discussion, the council advised CC Wade to draft an Ordinance for the next meeting establishing the following Standing Committees.

1. **UTILITY COMMITTEE (WATER, SEWER & GAS)**
2. **STREET COMMITTEE**
3. **PUBLIC SAFETY COMMITTEE (POLICE & FIRE)**
4. **CITY FACILITIES COMMITTEE (PARK, CEMETERY, ANY CITY OWNED BUILDINGS)**
5. **EMPLOYEE RELATIONS & TRAINING COMMITTEE**

CC Wade reminded the governing body to appoint a Council President as part of the New Year Organization. Council Member Mitzner recommended Council Member Thomas Capp. No further discussion was held.

❖ **Motion**

Council Member Mitzner motioned to approve Council Member Thomas Capp as the Council President. Motion seconded by Council Member Smith, voted on, passed 4-0. (abstain – Council Member Capp).

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT - NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC) - NONE

NEW BUSINESS:

ADMINISTRATIVE POLICY NO. 32 PAY SCALES AND ANNUAL EVALUATIONS:

RECESS:

❖ **Motion**

Council Member Capp motioned to take a 3-minute recess to allow City Clerk Wade to retrieve the employee evaluations from the City Hall and to return to the council table at 7:32pm. Motion seconded by Council Member Mitzner, voted on, passed 4-0. 7:29pm

OPEN SESSION RESUMED AT 7:32pm:

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NEW BUSINESS CONTINUED:

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 15-minutes for non-elected personnel matter exception for employee reviews for the Police Department and to return to the council table at 7:50pm. Motion seconded by Council Member Smith voted on, passed 4-0. 7:40pm

Others in attendance: CC Wade, City Attorney Harding, Police Chief Fenoughty

OPEN SESSION RESUMED AT 7:50pm:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel matter exception for employee reviews for the Police Department and to return to the council table at 7:55pm. Motion seconded by Council Member Brenneman voted on, passed 4-0. 7:50pm

Others in attendance: CC Wade, City Attorney Harding, Police Chief Fenoughty

OPEN SESSION RESUMED AT 7:55pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 15-minutes for non-elected personnel matter exception for employee reviews for the Public Works Department and to return to the council table at 8:11pm. Motion seconded by Council Member Smith voted on, passed 4-0. 7:55pm

Others in attendance: CC Wade, City Attorney Harding, PWS Nasalroad

OPEN SESSION RESUMED AT 8:11pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 15-minutes for non-elected personnel matter exception for employee reviews for the Public Works Department and to return to the council table at 8:11pm. Motion seconded by Council Member Smith voted on, passed 4-0. 7:55pm

Others in attendance: CC Wade, City Attorney Harding, PWS Nasalroad

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NEW BUSINESS CONTINUED:

RECESS:

❖ **Motion**

Council Member Capp motioned to take a 5-minute recess and to return to the council table at 8:18pm. Motion seconded by Council Member Smith, voted on, passed 4-0. 8:13pm

OPEN SESSION RESUMED AT 8:18pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 8-minutes for non-elected personnel matter exception for employee reviews for the Deputy City Clerk and to return to the council table at 8:28pm. Motion seconded by Council Member Capp voted on, passed 4-0. 8:20pm

Others in attendance: CC Wade, City Attorney Harding

OPEN SESSION RESUMED AT 8:28pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 15-minutes for non-elected personnel matter exception for employee reviews for Department Supervisors and to return to the council table at 8:45pm. Motion seconded by Council Member Brenneman voted on, passed 4-0. 8:30pm

OPEN SESSION RESUMED AT 8:45pm:

Others in attendance: City Attorney Harding

FERRIS LAWN MOWER DONATED BY LINCOLN TOWNSHIP TO THE CITY OF LA CYGNE

PWS Nasalroad stated Lincoln Township had approached him about donating a Ferris Lawn Mower to the City of La Cygne. PWS Nasalroad asked the council to discuss their considerations.

❖ **Motion**

Council Member Capp motioned to accept the donation of a Ferris Lawn Mower from Lincoln Township. Motion seconded by Council Member Mitzner, voted on, passed 4-0.

WATER PLANT CARBON ROOM AND HIGH PRESSURE PUMP HOUSE HEATERS

The new heaters installed during Phase 2 of the water improvement project are not working. Will have looked at by an electrician.

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NEW BUSINESS CONTINUED:

CITY HALL FRONT ENTRANCE/FOYER MODIFICATION FOR SAFETY PURPOSES

Council Member Capp asked CC Wade about the progress with finding a contractor to remodel the front entrance/foyer area of the City Hall for safety purposes. CC Wade will try to get a contractor in next week now that the cubicles have been set up.

KMGA WINTER STORM GERRI (JANUARY 13-16, 2024)

CC Wade read a report from KMGA on daily index pricing for gas during winter storm Gerri. Panhandle Eastern increased to \$25.72. The good news, the City of La Cygne elected to secure gas supply with fixed and/or monthly pricing by utilizing the WoodRiver project, thus not being subject to the daily index prices. Natural gas price indexes did recede on January 17, 2023.

UNFINISHED BUSINESS:

528 N. 6TH STREET AGREEMENT DATED OCTOBER 10, 2003.

Property owner was not present at this meeting. The council asked City Attorney Harding how to proceed. City Attorney Harding advised the council to have him draft a letter to the owner of the property informing them the process for an injunction order from the district judge will be started. Council Member Mitzner reminded the council of the importance of setting a precedence of following the procedures as outlined in regulations and signed agreements.

❖ Motion

Council Member Mitzner motioned to approve City Attorney Harding to file an injunction to be proceeded by a letter to the property owner of 528 N. 6th Street informing them of the court order to have them move the home at their own expense. Motion seconded by Council Member Capp, voted on, passed 4-0.

POLICY REVIEW IN PROGRESS

DRAFT LANDLORD REGISTRATION ARTICLE.

DRAFT ARTICLE 3. WORK-SITE UTILITY VEHICLES, GOLF CARTS, AND ALL TERRAIN VEHICLES

NEW POLICY REVIEW:

** Mayor Wilson asked for CC Wade to modify the order of the new policy's listed for review by moving Company Vehicle Use to the top.

COMPANY VEHICLE USE

ARTICLE 5. PARKING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

ALCOHOL REGULATIONS

MODIFY STREET EXCAVATION POLICY

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

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ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Smith, voted on, passed 4-0. Time 9:08p.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 17th day of January 2024.