

Record of the Proceedings of the Governing Body

REGULAR MEETING

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NOVEMBER 15, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, November 15, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; Keith Stoker; David Brenneman; Danny Curtis; and 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; City Attorney Burton Harding (via Zoom) Linn County Newspaper, Tony Furse; Linn County Journal Roger Simms; Devin Canada.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Thank you to those who came out to vote in the November 2023 elections. La Cygne has a small number of register voters participate (approximately 131). It would be nice to see more participants in the next election.

b] I would like to invite everyone to the Community Thanksgiving Dinner this Saturday, November 18, 2023 from 11am – 2:00pm at the La Cygne Christian Church. Free Will Donations will be accepted to help cover the cost of the meal.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda.

Minutes of the October 18, 2023 Council Meeting;
Minutes of November 2, 2023 Special City Council Meeting;
October 2023 Budget Report;
October 2023 Treasurer's Report;
Check Register: October 14, 2023 – November 10, 2023;
CMB License 2023-1 Casey's General Store #3397
CMB License 2023-2 Dollar General Store #13598

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

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

FIRE CHIEF – DAN NASALROAD

Fire Chief Dan Nasalroad presented Purchase Order 2023-9 in the amount of not to exceed \$20,000 for a ¾ ton single-cab, single axle, pick up truck to be used as a brush fire unit. Fire Chief Nasalroad reviewed the brush skid unit which was donated to the department. Originally Chief Nasalroad thought they would be able to bumper haul the unit with one of the fire trucks but it is not possible with the style of bumpers on the engines. Using a pick-up truck would make access to the grass fires easier than attempting to get an engine in the area.

❖ **Motion**

Council Member Mitzner motioned to approve Purchase Order No. 2023-9 in the amount of not to exceed \$20,000 for a ¾ ton pick-up truck for a brush fire unit. Motion seconded by Council Member Stoker, voted on, passed 5-0.

POLICE CHIEF – TINA FENOUGHTY

Chief Fenoughty asked the council for the following executive sessions:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 10-minutes for non-elected personnel matter for an individual employee's performance in the Police Department and to return to the council table at 7:19pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 7:09pm

Others in attendance: CC Wade.

OPEN SESSION RESUMED AT 7:19pm:

❖ **Motion**

Council Member Mitzner motioned to relieve Interim Chief LeSturgeon from the duty of Interim Chief and to reinstate Police Chief Tina Fenoughty as the active Chief effective November 20, 2023. Motion seconded by Council Member Capp, voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for non-elected personnel matter to review applications for Codes Enforcement Officer and to return to the council table at 7:27pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 7:22pm

Others in attendance: CC Wade.

OPEN SESSION RESUMED AT 7:27pm:

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY

❖ **Motion**

Council Member Mitzner motioned to approve hiring Devin Canada as the Codes Enforcement Officer effective November 27, 2023 at the rate of \$17/hour upon completion of the preemployment physical and drug screening. Motion seconded by Council Member Capp, voted on, passed 3-2 (Nay-Council Member Brenneman and Council Member Curtis).

❖ **Motion**

Council Member Mitzner motioned to return Senior Officer LeSturgeon to her regular officer pay effective November 29, 2023. Motion seconded by Council Member Stoker, voted on, passed 5-0.

Discussion was briefly held regarding the Zoning Administrator title. CC Wade had discussed with the Planning & Zoning Commission and with the Clerks the roles of the Zoning Administrator. Most of the tasks handled by the Zoning Administrator were clerical. CC Wade was reviewing the Zoning Regulations and Subdivision Regulations to determine what permits or applications were signed by the City Clerk. CC Wade recommended assigning the title of Zoning Administrator to either the City Treasurer or Deputy City Clerk instead of the Codes Enforcement Officer. CC Wade will advise the governing body at the next meeting.

SPECIAL PROJECTS:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

SAK Construction is offering a (1) year extended warranty which will commence at the end of the contract warranty period. SAK has agreed to CCTV the following lines prior to the final month of the 1-year extended warranty: 13-12, 14-13, 103-102, and 110-109.

❖ **Motion**

Council Member Mitzner motioned to accept SAK Constructions (1) year extended warranty which will commence at the end of the contract warranty period for lines 13-12, 14-13, 103-102 and 110-109 which SAK will CCTV prior to the end of the extended warranty period. Motion seconded by Council Member Capp, voted on, passed 5-0.

BG Consultants Invoice in the amount of \$1080.00 for Resident Project Observation work for the month of October 2023.

❖ **Motion**

Council Member Capp motioned to approve BG Consultants Invoice in the amount of \$1080 for Resident Project Observation work for the month of October 2023. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

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

No updates at this time

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SPECIAL PROJECTS CONTINUED:

WATER PLANT IMPROVEMENT ANALYSIS

CC Wade is reviewing the KWO Water Project fund application for grant which was released at the end of last week. Application is due by December 29, 2023. CC Wade is also reaching out to review the KS State Revolving Loan Fund and USDA grants/loans.

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

Project is complete. Payment schedules have been reviewed and all payments are complete to Starbucks Trucking and Midwest Engineering Group. The governing body asked CC Wade to send a Thank-you letter Starbucks, LLC for a great job on the ponds.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Construction continues forward. Council Member Stoker asked when the completion date was for the project. PWS Nasalroad indicated January 22, 2024.

SEWER LAGOON DESLUDGING (REED ENVIRONMENTAL LLC)

No update at this time.

STORMWATER MASTER PLAN (BG CONSULTANTS):

CC Wade reviewed the stormwater master plan information with Abby Mills, BG Consultants. Abby will present the information at the December 6, 2023 Council meeting.

BG Consultants Invoice in the amount of \$5060.00 for service performed during the month of October 2023 on the Stormwater Master Plan.

❖ **Motion**

Council Member Capp motioned to approve BG Consultants Invoice in the amount of \$5060 for service performed during the month of October 2023 on the Stormwater Master Plan. Motion seconded by Council Member Curtis, voted on, passed 5-0.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

Mayor Wilson had the Council review three draft Ordinances pertaining to utility accounts.

- Draft Ordinance amending returned electronic credit/debit card and check payments procedure and policy.
- Draft Ordinance pertaining to Solid Waste (trash) service on accounts that have been shut-off for non-payment for a period longer than a 30-day billing cycle.
- Draft Ordinance regarding Utility accounts in a deceased individuals name.

The Council had some further modifications to the wording. CC Wade advised putting an effective date for the solid waste deposit in order to validate when it came in to affect. CC Wade will have the drafts in ordinance form for the next meeting.

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STREET – PWS Nasalroad brought up a concern of patrons blowing yard debris/leaves in to the streets. The yard debris, especially along Market Street, will block/clog the new stormwater piping installed at the intersection of Market and Industrial Road. Council Member Stoker referenced the codes regarding the permitting of burning leaves to avoid yard debris in the ditches and roadways. Council Member Mitzner also acknowledged the amount of yard debris causing issues in the ditches around town when reviewing areas for the stormwater survey. PWS Nasalroad read a sample of an ordinance from another entity pertaining to grass clippings and yard debris. The governing body asked PWS Nasalroad to have a draft prepared for review at the next council meeting.

SEWER – NONE

PUBLIC SAFETY – NONE

CEMETERY – NONE

COMMUNITY BUILDING – NONE

EMPLOYEE RELATIONS & TRAINING – CC Wade presented the “Return to Work Authorization Form” and “Light Duty Request” form for the council’s review. The governing body inquired if City Attorney had any concerns with the forms. He stated he was satisfied with the forms. CC Wade will prepare the resolution to add the forms to the Administrative Policy of the City.

PARK – Mayor Wilson and Council Member Stoker commented on the Christmas decorations in the City Park. Both were very excited of the progress. PWS Nasalroad indicated it was a start and hoped to be able to add more in the years to come.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT: 3rd Quarter Report (Linn County Emergency Mgmt.)

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC) – IBTS virtually attended the November 8, 2023 Planning Commission meeting. The Commission will begin to work through each Article of the Zoning Regulations to ensure the language correlates with the 2023 Comprehensive Plan, to review current zoning districts and discuss future district zones, and to review the zoning map.

NEW BUSINESS:

ORDINANCE NO. _____ AMENDING CHAPTER X, ARTICLE 1, SECTION 10-101 OF THE CODE OF THE CITY OF LA CYGNE.

Ordinance No. _____ 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, 39th Edition of 2023.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1516 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, 39th Edition, 2023”. Motion seconded by Council Member Capp, voted on, passed 5-0.

NEW BUSINESS CONTINUED:

ORDINANCE NO. AMENDING CHAPTER XIII, ARTICLE 1, SECTION 13-101 OF THE CODE OF THE CITY OF LA CYGNE.

Ordinance No. _____ Amending Chapter XIII, Article 1, Section 13-101 of the Code of the City of La Cygne, Kansas, to incorporate by reference the Standard Traffic Ordinances for Kansas Cities 50th Edition, 2023.

❖ **Motion**

Council Member Mitzner motioned to approve Ordinance No. 1517 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, 50th Edition, 2023". Motion seconded by Council Member Capp, voted on, passed 5-0.

BLUE CROSS AND BLUE SHIELD JANUARY 2024 RENEWAL

Blue Cross and Blue Shield of Kansas Renewal Summary Page January 2024. Group total for 2024 is \$10,517.77/month. There will be some adjustments to employees effective immediately and in January. Total Health Insurance Budget for 2024 was \$130,000. BCBS does not include vision. CC Wade has not received VSP pricing for 2024 to date. CC Wade will meet with BCBS in March 2024 to review different plans in preparation for the 2025 Budget.

❖ **Motion**

Council Member Mitzner motioned to approve the 2024 Renewal for the Blue Cross and Blue Shield of Kansas group rates. Motion seconded by Council Member Curtis, voted on, passed 5-0.

UNFINISHED BUSINESS:

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

No updates at this time.

402 S. BROADWAY – CONTRACT AGREEMENT FOR TITLE SEARCH AND DEED PREPARATION

Contract agreement to proceed with the title review and quit claim deed at the owner's cost was presented to the owner of 402 S. Broadway. The owner responded with requests for the agreement to read "all bills owed on the property" to be removed and indicated she would not be paying for a title search or anything for that matter. Discussion was held by the council on whether to pursue forward with the city handling the costs for the purpose of investing in repurposing a couple more lots or to not proceed forward with the agreement. CC Wade indicated if the city did not proceed forward with the agreement, the Collections Bureau will proceed forward with the collection of the \$16,400. The council decided not to proceed forward with the agreement and to let the Collections Bureau move forward with collecting the funds.

209 N BROADWAY – WATER STANDING AT THE CORNER OF CHESTNUT AND BROADWAY AFTER RAIN.

Action: Council will proceed with action upon review of the stormwater survey and an engineers' opinion.

UNFINISHED BUSINESS CONTINUED:

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

Action: CC Wade needs assistance from Chief Fenoughty and Sr. Officer Le Sturgeon to prepare a draft.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 20-minutes following a 5-minute break for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship pending litigation/threatened litigation and to return to the council table at 8:45pm. Motion seconded by Council Member Curtis, voted on, passed 5-0. 8:20pm

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

OPEN SESSION RESUMED AT 8:45pm:

UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

IBTS and the Planning & Zoning Commission are reviewing the article draft.

DRAFT LANDLORD REGISTRATION ARTICLE.

Mayor Wilson asked the council if they felt it was viable to review, develop and discuss a Landlord Registration program. Council Member Curtis noted concerns of not creating liability concerns for the Codes Officer or the city. Council Member Mitzner expressed concern of not getting in to a lot of expense but indicated the importance of providing safe, livable structures for rentals. Council Member Stoker indicated some items provided on the checklist are already listed in the codes book under the minimum housing requirements. Mayor Wilson stated the program would simply involve the registration of the rentals and a checklist the Landlord and tenants would review prior to renting. Mayor Wilson stated the city requires Use permits of all other business types in the city and landlords are conducting a business for profit and should be held accountable to have a permit for conducting business.

NEW POLICY REVIEW:

ARTICLE 5. PARKING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

COMPANY VEHICLE USE

NOTES AND COMMUNICATIONS TO COUNCIL:

CC Wade asked the governing body if they were interested in hosting another City-Wide clean up day in 2024. All council members were in support of the event and feel the patrons look forward to it happening each year. CC Wade will request May 11, 2024 as the date for the event.

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ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Curtis, voted on, passed 5-0. Time 8:57p.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 15th day of November 2023.