

Record of the Proceedings of the Governing Body
REGULAR MEETING

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February 15, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, February 1, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Jerome Mitzner; and Danny Curtis. Absent: Keith Stoker.

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; Jo LeSturgeon; Achilles Ferrell; Tanner Snow; Planning & Zoning, Devona Herrin; John and Cheryl Holman; 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:

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of February 1, 2023 City Council Meeting;
Minutes of February 13, 2023 Special City Council Meeting;
January 2023 Budget Report;
January 2023 Treasurer's Report;
Check Register: February 2 – February 15, 2023

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

DISCUSSION FROM THE FLOOR:

Tanner Snow presented some improvement ideas for Bittiker Park to the council. Tanner described the condition of the basketball court and suggested some dirt be brought in to grade the areas along the edge of the court and to paint the court lines. Tanner inquired about the lights for the court. Tanner also asked about improving the playground with more play items for toddlers. Tanner indicated he had family and friends willing to volunteer their time and equipment to do the work but wanted to know if the city would be willing to purchase the paint for the courts and provide the dirt.

PWS Nasalroad indicated his crew could certainly complete the dirt work and paint the court. PWS Nasalroad had already looked in to stencils and the paint for putting lines on the court. PWS Nasalroad reviewed the problems with vandalism of the light and timer at the court. The current light was damaged during the last vandalism incident and hasn't been replaced. PWS Nasalroad also mentioned additional projects to include; extending the parking area and/or adding a second court for the younger children. Council Member Brenneman expressed his support for the volunteers doing the work. City Attorney Harding reviewed the question from Council Brenneman and PWS Nasalroad about having volunteers perform the work. CC Wade reminded the council if volunteers are asked to perform services they are required to complete a workers' comp exemption affidavit form.

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DISCUSSION FROM THE FLOOR:

Further discussion was held regarding the purchase of the paint and Tanner indicated he priced the paint at Stainbrooks and at Sherwin Williams and the cost for 2-gallons of paint and tape would be around \$104 - \$125. Tanner estimated it would take around 6-yards of dirt to shore-up around the court.

❖ **Motion**

Council Member Capp motioned to approve funds in the amount of \$250 out of the Bittiker Park fund for the purchase of supplies needed to improve the existing basketball court and for volunteers to complete a workers' comp release prior to performing any services. Motion seconded by Council Member Mitzner voted on, passed 4-0.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

- Draft of letter to Evergy regarding fiber optic cable through the city;
- Read/Review KMGA Prepay Project Documents;
- Draft Quit Claim Deed from Lincoln Township;
- Visit with Codes Officer Fox and CC Wade regarding CUP issue in the City and other questions on regulations.

POLICE CHIEF – TINA FENOUGHTY :

8 Traffic Stops Conducted

Citations issued since last meeting - 5

Speed School Zone	1	Registration Viol	0
Suspended DL	0	No Tag	0
Insurance	0	NO DL	0
Improper Passing	0	Speed	0
Aggressive Dog/RAL/Tag	4	Paraphernalia	0
Animal Cruelty	0	Inattentive	0

Calls for Service / Reports – 01/18/2023 thru 02/15/2023

Animal Complaint – 8	Traffic Complaints - 3
Assist Outside Agency –5	Suicidal – 2
Ambulance – 3	Citizen Assist CFS / contact - 33
Fingerprints – 3	Juvenile Incident –11
Check Welfare – 2	Found Property – 3
Follow Up – TMTC	Criminal Damage - 1
Suspicious Activity – 2	Civil Matter – 4
Noise Complaint – 2	Disorderly Conduct- 2
Theft – 0	Non-Injury Accident – 1
Recovered Stolen– 1	Suspicious Vehicle – 7
Disturbance – 3	Warrant Attempt - 2
Armed Disturbance – 0	Misdemeanor Warrant – 2
Vehicle Lockout – 3	Felony Warrant – 1
Record Checks – 4	Sound of Shots/Fireworks – 2
CINC – 4	

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REPORTS OF CITY OFFICERS:

POLICE CHIEF – TINA FENOUGHTY :

VIN Inspections- 5 completed
Report Requests – 2

Chief Fenoughty is still looking for a vehicle for the Police Department, KLETC has 2 academy classes coming up in March and April for Rookie Officer Achilles Ferrell to attend. Chief Fenoughty requested an executive session after reports of officers.

CODES OFFICER – ALLISON FOX:

Codes Officer Fox had been contacted by the Mound City Codes Officer to shadow her for a day next week. CO Fox contacted the owner of the Mobile Home Parks, Ryan Hill, to review the next step for the park located between Sycamore and Vine Street. Ryan sent CO Fox the plan for the removal of structures and improvements to the park. CO Fox is waiting advisement from the council regarding the draft applications for In-home Daycare and Recreational Vehicle storage.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD :

Presented a proposal from MOSCA Design for a 17' Christmas tree with LED lights, a 5-point star topper, and pre-attached ornaments and three (3) Illuminated Deer family photo op light up frames in the amount of \$7,017. PWS Nasalroad received a \$2500 contribution from Lincoln Township to help with the cost. PWS Nasalroad shared his hope to expand the lights in the park and to create a Santa house utilizing the Rock House structure. Additional funding for the lights would come from the revenue received from the Verizon Tower property lease. Council Member Mitzner asked if there was enough storage available for the Christmas decoration items.

❖ **Motion**

Council Member Capp motioned to approve the proposal from MOSCA design in the amount of \$7017 with funding coming from Lincoln Township and additional funding from the city for a Christmas tree and deer photo op frames. Motion seconded by Council Member Mitzner voted on, passed 4-0.

PWS Nasalroad reviewed an estimate for repair on the 2020 CHEV Silverado 1500 Truck from Midwest Collision. During one of the last weather events, the truck slid on the road near the North tower and collided with a tree. PWS Nasalroad wanted to know if the council wanted to file a claim with the insurance company or proceed with self-insure repair. Council Member Curtis asked if it had been a while since the city filed a claim. CC Wade indicated the last claim filed was from the hail storm a couple of years ago.

❖ **Motion**

Council Member Mitzner motioned to file a claim with the insurance company and the city funding the deductible not to exceed \$1000. Motion seconded by Council Member Brenneman voted on, passed 4-0.

FIRE CHIEF – DAN NASALROAD :

- Reviewed the received plans for bidding purposes. Made final comments and will be ready to go out to bid the end of this month or first part of April 2023.

REPORTS OF CITY OFFICERS:

CITY TREASURER – CONNIE GORE:

Utilities *Monthly items completed:*

- Showed Jenn how to do shut off's and helped her complete them.
- Sewer, Water, and Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- February utility billing process was completed. Bills were printed, mailed or e-mailed & bank pay customer lists were created and dropped off at each bank.
- At the end of January 2023 we had **115** customers signed up for Front Desk.

Other:

- Completed the annual water report for Jodi to file electronically. * Worked with Jodi to understand the monthly reports and how we need them to work for us.
- Completed the annual gas report for Jodi to file electronically.

Court *Monthly Court items completed*

- Reviewed the docket and diversions for the January court.
- Met with the Judge Purvis, Tina, Allison, Jo, and Achilles and went over court procedures.
- Updated all of the forms used for court.
- Re-did court docket removing all hearing and trials as Burton was sick.
- Working on a new court Administrative Order book as we have a new judge. (Before all the orders were just on the computer, but as we have court at the community building this could be needed at court.
- Court paper work was completed and filed with the State and the State was paid their portion of the costs.
- Completed the court contract for the Judge and had him sign it.
- Swore the new judge in.
- Note: Court went very well with the new Judge.

Payroll:

- 1st Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.
- 2nd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.
- 3rd Payroll: Reviewed time cards, reviewed the payroll reports and benefit deductions. I completed the vacation/sick spreadsheet.

Cemetery: Continued entering data into the Oaklawn section. Up to (S's) in Oaklawn. Had several funerals/headstone settings that required marking and or research and basic record keeping.

Other:

Watched webinar for a new phone system.

EXECUTIVE SESSION

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 20-minutes for the non-elected personnel matter exception and to return to the council table at 7:41pm. Motion seconded by Council Member Mitzner voted on, passed 4-0. 7:21pm

Others in attendance: Police Chief Fenoughty, City Attorney Harding, Codes Officer Fox, Officer Le Sturgeon, and CC Wade.

OPEN SESSION RESUMED AT 7:41pm:

SPECIAL PROJECTS:

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

No updates at this time.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Abby Mills and Paul Owings, BG Consultants, zoomed in to give an update on the progress of the sewer rehabilitation project. Abby Mills reviewed the current change order for unit estimates on the project. To date the change order value is at \$80,000. This leaves approximately \$1.1 million dollars in construction funding for the lagoon improvements and/or lift station improvements.

Discussion was held on the slope of the sewer main located between 8th/9th street and Sycamore/Elm Street. Abby reviewed some options for the "flat" service lines to the main, to include: addition of individual grinder pumps on the service lines (approx. cost of \$8,000-\$10,000) or modifying the main (\$325,000). Council Member Curtis inquired how many houses are affected or attached to the main. PWS Nasalroad has only received reports from one (1) house having issues prior to the project and at this time. Council Member Capp asked the engineers about the state required slope for sewer mains. Paul Owings, reviewed the state slope requirement of .4%, the CCTV was reviewed prior to construction and it calculated at .34% but now that the main was relined in a "straight line" the slope is showing .1%. Why the original main was installed with a .1% slope can't be answered. Council Member Mitzner commented we are spending dollars to upgrade the system and need to review all problems and determine resolution. PWS Nasalroad wants to look at the final CCTV to see if there is any debris in the main or if the issue is all in the service lines. Council Member Mitzner also inquired about the sink holes to the north of 9th Street.

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

No updates at this time.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Fire Chief Nasalroad is reviewing the received construction specifications and drawings for review prior to advertising for bid.

WATER TREATMENT PLANT ANALYSIS:

No updates at this time.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Abby Mills reviewed the progress on the stormwater mapping. To date she has completed the watershed review and mapping and is in the process of building models to show the flow. Abby is also mapping the problem areas indicated by the public survey. Abby is also reviewing new structures which have been built that have affected some of the natural flow areas. Abby will prepare capital improvement projects for stormwater and create a prioritized list.

CC Wade asked Abby to review the waterflow on the city owned lot at 602 N. 5th Street. Abby described the tributary in the NW corner of the lot. Abby suggested the city could realign the tributary but would need to be sure it didn't decrease the volume ability of the tributary. Abby's

SPECIAL PROJECTS:

STORMWATER MASTER PLAN (BG CONSULTANTS):

recommendation was to give consideration of where the city wants to direct the water and then BG Consultants could calculate the necessary easement requirement to provide the area for the volume.

CC Wade confirmed the project was still on schedule for substantial completion in April 2023 and final completion in May 2023.

602 N. 5TH STREET:

Tabled until after the open house on April 12, 2023.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes after a 2-minute recess for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and to return to the council table at 8:16pm. Motion seconded by Council Member Mitzner voted on, passed 4-0. 8:07pm

Others in attendance: City Attorney Harding and CC Wade

OPEN SESSION RESUMED AT 8:16pm:

SEWER - NONE

PUBLIC SAFETY -NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -

CC Wade provided the requested information to Council Member Brenneman for the information display board at the cemetery. Council Member Brenneman took the information to a printing company to have formatted, printed and laminated. Council Member Curtis asked about the reimbursing Council Member Brenneman for the costs to have the information created for the board.

❖ **Motion**

Council Member Mitzner motioned to reimburse Council Member Brenneman for all expenses involved with printing the information for the Oaklawn Cemetery information board. Motion seconded by Council Member Curtis voted on, passed 3-0. Abstain: Council Member Brenneman

COMMUNITY BUILDING-

Council Member Capp brought back up the topic about the use of the community building. Prior discussions have been held on the minimal rental use and the possibility of expanding the city hall operations in to the community building. Council Member Mitzner made some suggestions for improving the community building for governing body meetings by the addition of display boards and a television for zoom meetings. PWS expressed some concerns for the items getting damaged when the building is rented by the public. Discussion was held on building cabinets around the items.

COUNCIL COMMITTEE REPORTS:

Suggestions for getting carts to use to haul items over for the meetings. CC Wade reminded the Council there currently isn't internet or wi-fi available in the community building.

PARK-

Council Member Capp inquired about bids for a new mower for the park. PWS Nasalroad has it on his list of to-dos.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE – Easter Egg Hunt will be held on Saturday, April 8, 2023 at the La Cygne Community Park.

PLANNING & ZONING COMMISSION (PZC)-

City Open-House scheduled for Wednesday, April 12, 2023. Details will be coming out soon. Topics for discussion will include the Comprehensive Plan draft, Stormwater, and Streets. Unapproved meeting minutes for the February 8, 2023 meeting were presented.

OTHER BUSINESS:

LOAN RESOLUTION NO. AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING AND/OR EXTENDING ITS SEWER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

CC Wade explained this resolution was in preparation for the close-out of the financials for the sewer project which will roll in to the USDA loan. Council Member Mitzner asked for confirmation on the interest rate established when the paperwork was signed with USDA. CC Wade confirmed the interest rate was locked in at the time of signing.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 451 authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving and/or extending its sewer facility to serve an area lawfully within its jurisdiction to serve. Motion seconded by Council Member Mitzner voted on, passed 4-0.

ORDINANCE NO. AUTHORIZING EXECUTION OF THE NATURAL GAS PREPAY PARTICIPATION AGREEMENT WITH THE KANSAS MUNICIPAL GAS AGENCY AND ALL OTHER NECESSARY DOCUMENTS WITH RESPECT THERETO AND PROVIDING FOR THE PLEDGE OF THE REVENUES OF THE NATURAL GAS UTILITY SYSTEM OF THE CITY TO SECURE SUCH AGREEMENT.

CC Wade had City Attorney Harding review the agreement documents and ordinance. No further questions from the council.

❖ **Motion**

Council Member Capp motioned to approve Ordinance No. 1506 authorizing execution of the natural gas Prepay Participation Agreement with the Kansas Municipal Gas Agency and all other necessary documents with respect thereto and providing for the pledge of the revenues of the natural gas utility system of the city to secure such agreement. Motion seconded by Council Member Mitzner voted on, passed 3-1.

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OTHER BUSINESS:

RESOLUTION NO ENABLING FEES ESTABLISHED BY THE CITY AND REFERENCED WITHIN THE CODE OF THE CITY OF LA CYGNE, KANSAS

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 452 enabling fees established by the city and referenced within the code of the city of La Cygne, Kansas. Motion seconded by Council Member Capp voted on, passed 4-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 5-minutes for the preliminary discussion of the acquisition of real property and to return to the council table at 8:48pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 8:43pm

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

OPEN SESSION RESUMED AT 8:48 pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 5-minutes for the preliminary discussion of the acquisition of real property and to return to the council table at 8:55pm. Motion seconded by Council Member Capp voted on, passed 4-0. 8:50pm

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

OPEN SESSION RESUMED AT 8:55 pm:

❖ **Motion**

Council Member Mitzner motioned to go in to executive discussion for 10-minutes for the preliminary discussion of the acquisition of real property and to return to the council table at 9:07pm. Motion seconded by Council Member Curtis voted on, passed 4-0. 8:57pm

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

OPEN SESSION RESUMED AT 9:07pm:

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UNFINISHED POLICY REVIEW:

RECREATIONAL VEHICLE STORAGE/PERMIT APPLICATION

Discussion was held on continuing to work on the regulations but the Council felt they needed to have a workshop to have time to go through the article thoroughly.

❖ **Motion**

Council Member Mitzner motioned to schedule a council workshop on March 1, 2023 at 6pm at the La Cygne Community Building for the review of the draft Article 18 and recreational vehicle storage. Motion seconded by Council Member Capp voted on, passed 4-0.

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

ARTICLE G. DISCIPLINE – EMPLOYEE POLICY AND PROCEDURES

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ATV/UTV REGULATIONS

CHAPTER 11. PUBLIC PROPERTY, ARTICLE 2. PARKS AND CAMPING

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

CHAPTER 6. FIRE, ARTICLE 2. FIREWORKS

BNSF QUIET ZONE

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 Curtis, voted on, passed 4-0. Time 9:18p.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 February, 2023.