

Record of the Proceedings of the Governing Body
REGULAR MEETING

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March 1, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 1, 2023 at the La Cygne Community Building. Council Members present were: Thomas Capp; David Brenneman; Jerome Mitzner; Danny Curtis and 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 LeStourgeon; Linn County Newspaper, Tony Furse; Linn County, Journal Charlene Simms; and Randy Harwick.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

- March 19, 2023 – Spring Fling at the Community Building
- April 8, 2023 – Chamber of Commerce Easter Egg Hunt
- April 15, 2023 – Dog Days in the Park

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of February 15, 2023 City Council Meeting;
Check Register: February 16 – March 1, 2023

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

DISCUSSION FROM THE FLOOR:

Randy Hardwick wanted to apologize for using the word “protest” when he spoke at the February 1 Council meeting. He had not intended to use such a strong word. He only wanted to let the council know he had read the information in the paper regarding the storage of campers at a residence and he had some concerns about the draft regulations the council was reviewing.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – BURTON HARDING:

- Municipal Court.
- Received Summons from the county from tax sales. Responded to County.
- Reviewed Fire Station plans and contracts.

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REPORTS OF CITY OFFICERS:

POLICE CHIEF – TINA FENOUGHTY :

5 Traffic Stops Conducted

Citations issued since last meeting - 3

Speed School Zone	2	Registration Viol	0
Suspended DL	0	No Tag	0
Insurance	0	NO DL	0
Improper Passing	0	Speed	0
Aggressive Dog/RAL/Tag	1	Paraphernalia	0
Animal Cruelty	0	Inattentive	0

Calls for Service / Reports – 02/15/2023 thru 02/27/2023

Animal Complaint – 5	Traffic Complaints - 2
Assist Outside Agency –2	Suicidal – 0
Ambulance – 0	Citizen Assist CFS / contact - 29
Fingerprints – 0	Juvenile Incident –3
Check Welfare – 3	Found Property – 0
Follow Up – TMTC	Criminal Damage - 1
Suspicious Activity – 5	Civil Matter – 1
Noise Complaint – 0	Disorderly Conduct- 1
Theft – 2	Non-Injury Accident – 0
Recovered Stolen– 1	Suspicious Vehicle – 1
Disturbance – 0	Warrant Attempt - 0
Armed Disturbance – 1	Misdemeanor Warrant – 1
Vehicle Lockout – 0	Felony Warrant – 1
Record Checks – 1	Sound of Shots/Fireworks – 0
CINC – 1	Report Requests – 1

VIN Inspections- 5 completed

Reports Made from 1/01 – 02/27 by year:

2022=31 (Tina/Jo)

2022=17 (Tina/Allison frequently solo)

2021=25 (Tina/Kurtis)

2020=17 (Kurtis/Tate)

2019=12 (Kurtis/Tate)

These are only the number of reports taken by officers, this does not include the number of calls for service.

New Business/Information

Anticipate new patrol vehicle in March in April – we are first on list when they come in.

Officer Ferrell start date for KLETC is March 27, 2023 through June 30, 2023.

Compliment/Recognize Officer Le Sturgeon and Officer Fox regarding handling a call with a subject in mental health crisis. Multiple compliments from citizens regarding their handling of the situation/being kind trying to get resolution/when all other avenues were exhausted how gently and

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with least amount of force necessary both officers took the subject to the ground and into custody; with no injuries to anyone and without the need for tools.

REPORTS OF CITY OFFICERS:

CODES OFFICER – ALLISON FOX:

Report from 02/16/2023 – 03/01/2023

Codes court cases

Code Letters:

- Nuisance (4) Corrected (7) Still in Progress (1) Citation
- INOP (7) Corrected (10) Still in Progress (1) Citation
- GRASS/WEED
- WORK ORDER

Permits:

- **417 S. 3rd St. – Building Permit – Approved**
- **904 N. 8th St. – Building Permit – Approved**
- **312 S. 7th St. – Building Permit – Approved**
- **102 W. Lincoln St. – Temporary Use Permit – Approved**
- **414 N. 6th St. – City Street Access Permit - Approved**

Projects:

- Broadway Trailer Park – Received an email from the owner with his general plan for both parks. Copy included. Reviewed the emails for each Mobile Home Park and the owners plan for the removal of the remaining trailers.
- Codes Book Review – working on a few sections of the codes book that need to be changed.
- CUP complaint – Spoke to City Attorney Harding and starting on the process as it will take some time to have the issue resolved.
- Mound City Code Enforcement Officer came to shadow me for a few hours on 02/22/2023.
- Attended Municipal Court.
- Worked with Nowak on having a few vehicles removed.

Police:

- Assisted in the execution of a search warrant.
- Had a few animal calls.
- Responded to a domestic disturbance.
- Assisted with a mental health call.

Mayor Wilson commended Codes Officer Fox on doing her job well. Mayor Wilson noted how the nice the city is looking when you drive around.

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Committee Discussions

Water and Gas:

- Waiting on Starbucks to complete punch list.
- Carbon Feeder for water plant. County denied our request for ARPA funds, see purchase order.

REPORTS OF CITY OFFICERS:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

Water and Gas:

- Reviewing contract with USDI.
- Theft of services and turn offs. Fees?

PURCHASE ORDER NO. 2023-4:

Powder Activated Carbon Feeder, 25 pounds/cu.ft. with a feed rate of 1.5 pounds/hour. Model No. W105Z. Quote from Acrison in the amount of \$65,000. Funds from the Water Capital Outlay (03-25-5001: 2023 Budget \$150,000).

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2023-4 from Acrison in the amount of up to \$70,000 for a powder activated Carbon Feeder Model No. W105Z for the Water Plant. Motion seconded by Council Member Stoker voted on, passed 5-0.

Street:

- Access aprons (?)
- Nowak will start street repairs when asphalt plant open.
- Beaver dams impacting water runoff.
- Purchased some extra gravel from Nowak.

Sewer:

- Rehabilitation of manholes is nearing completion.
- Relining is complete.
- About ten taps left to be completed.
- The sewer project has multiple crews working and there is going to be some inconvenience so please check the city webpage and Facebook for schedule.

Park:

- Purchase order for new mower.
- Stencil and paint for North Park is here.

PURCHASE ORDER NO. 2023-5:

Wright ZTR Mower (serial no. WZXT72S61G8E1B) from Blue Valley Tractor.

❖ **Motion**

Council Member Capp motioned to approve Purchase Order No. 2023-5 from Blue Valley Tractor in the amount of \$15,618 for a new Wright ZTR Mower for the La Cygne Community Park. Motion seconded by Council Member Stoker voted on, passed 5-0.

Cemetery:

- Concrete has been poured; we will fill in the edges.
- Have 2 trees that need to be removed.
- Will be removing loose decorations after March 20th in preparation for mowing season.

PWS Nasalroad brought up a discussion regarding theft of water or gas service. Concerns regarding the process if a tenant or owner turns a meter on. A meter is typically off due to non-payment or if the home has been unoccupied for a period less than 24-months. Chief Police Fenoughty reviewed some occurrences and estimated an amount of up to 5-hours between police and public works to

REPORTS OF CITY OFFICERS:

PUBLIC WORKS SUPERINTENDENT – DAN NASALROAD:

handle the process for theft of services. PWS Nasalroad stated it's becoming more of a problem and suggested looking at tier level penalty costs for repetitive offenders. PWS Nasalroad discussed the beaver damage occurring on the creek on the east side of the city. PWS Nasalroad suggested meeting with property owners to discuss the process for private property water management. The council and City Attorney Harding discussed the responsibility of the property owners and advised PWS Nasalroad and the city staff to inform property owners the beaver issues would have to be handled by the property owners.

FIRE CHIEF – DAN NASALROAD :

- Final plans have been approved.
- Met with Evergy on three phase power to the station.

CITY TREASURER – CONNIE GORE:

Utilities *Monthly items completed:*

- Sewer, Water, Gas reports were completed.
- Penalties were assessed and delinquent notices were mailed.
- March Utility billing process was completed. Bills were printed, mailed or emailed and bank pay customer lists were created and dropped off at each bank.
- At the end of January 2023 we had 125 customers signed up for Front Desk.
- Completed sales tax and filed with the State.

Court: *Monthly Court items completed*

- Reviewed the docket for the February court.
- Court paper work was completed and filed with the state and the state was paid their portion of the costs.

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.

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:

- Started the bank statement. Jodi finished when I went on vacation.

SPECIAL PROJECTS:

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

The Final Pay Application No. 4 from Starbuck Trucking in the amount of \$29,677.75 for the water plant settling ponds. Discussion was held on the punch list items remaining. PWS Nasalroad recommended the governing body hold a retainage amount of approximately \$10,000 for the completion of the punch list items.

SPECIAL PROJECTS CONTINUED:

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

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 4 for Starbuck Trucking with the modification of the amount due to \$19,677.75 and holding \$10,000 retainage until the completion of the punch list items as listed from the walkthrough with the City on Friday, January 27, 2023. Motion seconded by Council Member Stoker voted on, passed 5-0.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

All the relining is complete. A few manhole repairs remaining. Continue to work on the taps. Pay Application No. 9 Nowak Construction in the amount of \$279,765.49 for the period of January 1, 2023 to February 19, 2023.

❖ **Motion**

Council Member Capp motioned to approve Pay Application No. 9 for Nowak Construction in the amount of \$279,765.49 for the period of January 1, 2023 to February 19, 2023. Motion seconded by Council Member Stoker voted on, passed 5-0.

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

KDOT is reviewing all final numbers and will complete the closeout process.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

Finalizing specifications and plans for bidding. City Attorney Harding is reviewing the bid bond and project bond information and general conditions in the specifications. PWS Nasalroad met with Every to review the electric utility for the new station.

WATER TREATMENT PLANT ANALYSIS:

Dan Coltrain is finalizing the Master Plan for the Water Plant based on the analysis.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Abby Mills, BG Consultants, continues to prepare models and maps to present at the April 12, 2023 open house.

SPECIAL PROJECTS:

602 N. 5TH STREET:

City Council requested additional information to determine how many lots to plat. What additional information does the council need to complete the application for platting. Discussion was held regarding the water flow of the lot. CC Wade reviewed the preliminary platting and final plat process in the subdivision regulations. CC Wade reminded the council they own the lot and have the ability to plat the lots in any pattern and the minimal lot size for the R-1 district is 7,000 square feet. The discussion of the governing body focused primarily on the stormwater drainage and how the grading of the lot would affect or be affected by water flow. Mayor Wilson asked CC Wade what she needed from the governing body. CC Wade asked about forming a committee to work on this project. None of the council volunteered and PWS Nasalroad said he could help CC Wade with researching the platting process and preparing the preliminary plat with the survey company and engineer.

SPECIAL PROJECTS CONTINUED:

602 N. 5TH STREET:

❖ **Motion**

Council Member Brenneman motioned to plat 602 N. 5th Street in to 3 plats. Motion seconded by Council Member Stoker voted on, passed 5-0.

RECESS:

❖ **Motion**

Council Member Capp motioned to take a 7-minute recess break and will return to the table at 8:35pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 8:28pm

OPEN SESSION RESUMED AT 8:38pm:

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

Gas Rate Review – CC Wade is working on a report for the Gas Rates. The 2015 Gas bond final payment will be made in October 2023.

STREET -NONE

Street Infrastructure Project. Concept. Consulting. Financing. Current Special Hwy Reserve balance \$789,035. Presentation ideas for the April 12, 2023 Open House.

SEWER - NONE

PUBLIC SAFETY -NONE

EMPLOYEE RELATIONS & TRAINING-

- Court Clerk Gore is attending the Court Conference on March 2-3, 2023.
- Deputy City Clerk Vogt is attending the CCMFOA Clerks Spring Conference March 22-24, 2023.
- PWS Nasalroad and CC Wade are attending the KRWA Conference March 28 – 30, 2023.

CEMETERY -

PWS Nasalroad asked the committee about the metal sign placed on the south end of the new information display board. It indicates flowers being placed in hanging baskets which had been changed in the recent revision of the cemetery regulations. The new regulations do not allow shepherd hooks/hanging baskets. Council Member Brenneman and Council Member Curtis stated the sign was one that had originally been in the cemetery. Council Member Brenneman stated CC Wade had created a set of rules which could be placed in the Display board until a new metal sign was made.

Council Member Brenneman inquired about a storage shed in the cemetery for the equipment and mower. PWS Nasalroad referred to prior discussions last year of concerns about security on a building in the cemetery. PWS Nasalroad indicated the mower and equipment was currently being stored in the old Ambulance barn. PWS Nasalroad indicated he could look in to pricing for a storage building at the cemetery.

COUNCIL COMMITTEE REPORTS:

COMMUNITY BUILDING-

Mayor Wilson asked the Council Members if they had prepared any reports regarding the current and future use of the community building. Mayor Wilson read aloud what she had written which included:

- Only renting a portion of the building out or not to rent the building.
- Tax payers are already paying for community space at the library and the La Cygne Community Park.
- The building needs to be remodeled and brought up to code.
- Adding a door between the City Hall and Community Building.
- Re-do the bathrooms and remove the current kitchen. Install a small kitchenette.
- Have a court room/council meeting room which has a good executive session room and/or court interview room.
- Only area rented out to the community could be the back area.
- Needs new HVAC system.

Council Member Mitzner suggested internet service to allow for a smart board/TV/Docking station and Cameras. This would allow the meetings to be more electronic, less paper and live streamed or recorded for patrons.

After further discussion, it was suggested to get quotes for internet service and to halt rental of the building.

❖ **Motion**

Council Member Stoker motioned to not take any more rental requests for the community building beyond today. Motion seconded by Council Member Mitzner voted on, passed 3-2 (Nay – Council Member Curtis and Council Member Brenneman).

PARK-

Pool managers have been interviewed and offers have been presented to applicants. Lifeguards will be interviewed the first week of March 2023. Lifeguard Training is scheduled for April/May 2023. Waterslide is to be removed by April 2023. Pool is scheduled to open May 27, 2023. Council Member Stoker commended PWS Nasalroad for getting the fence at the Basketball/Tennis Court repaired.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-

Randy Broyles did not respond to his appointment to the Board of Appeals. Mayor Wilson made a recommendation to rescind the prior motion appointing Randy Broyles to the Board of Appeals.

❖ **Motion**

Council Member Capp motioned to rescind the motion to appoint Randy Broyles to the Board of Appeals. Motion seconded by Council Member Stoker voted on, passed 5-0.

OTHER BUSINESS:

2024 BUDGET PREPARATIONS 101. PUBLIC SERVICES AND CAPITAL IMPROVEMENT

CC Wade handed out the 2024 Capital Improvement Reserve, Equipment Reserve, Special Highway reserve, and Special Park and Pool Sales Tax Reserve forms and advised the Council to look through the list and determine what things have been completed and what needs to be added and to itemize the dollars and prioritize the projects.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Capp motioned to go in to executive discussion for 8-minutes for the preliminary discussion of the acquisition of real property for home development and to return to the council table at 9:10pm. Motion seconded by Council Member Mitzner voted on, passed 5-0. 9:02pm

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

OPEN SESSION RESUMED AT 9:10 pm:

❖ **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 9:17pm. Motion seconded by Council Member Stoker voted on, passed 5-0. 9:12 pm

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

OPEN SESSION RESUMED AT 9:17 pm:

❖ **Motion**

Council Member Capp 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 9:28pm. Motion seconded by Council Member Curtis voted on, passed 5-0. 9:18pm

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

OPEN SESSION RESUMED AT 9:28pm:

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UNFINISHED POLICY REVIEW:

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 Stoker, voted on, passed 5-0. Time 9:29p.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 1st day of March 2023.