

Record of the Proceedings of the Governing Body
REGULAR MEETING

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June 21, 2023

REGULAR MEETING:

The La Cygne City Council met on Wednesday, June 21, 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; 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 read a proclamation in honor of the Prairie View students and athletes for their hard work, dedication, sportsmanship, talent and exceptional team chemistry of the students and athletes who participated and succeeded in State Championship competitions.

b] Firework Rules and Regulations. Per Codes of the City of La Cygne consumer sales of fireworks is permitted from June 27 – July 5. Lawful discharge of fireworks is also permitted during these dates between the hours of 6am – 12am(midnight). Please follow all safety rules and regulations as defined in the Codes of the City of La Cygne. Please pick up all debris in your yards and on the street.

c] Mayor Wilson shared a conversation she had with a new patron in our community. The Mayor was asked, "How would you describe La Cygne and what it offers". Mayor Wilson went around the table and asked each council member what their response would have been to that question. Comments consisted of the following: great park, pool, cemetery and fishing; good community/good people; small town atmosphere; great schools, library and a great town to raise a family; great restaurants; improvements to infrastructure. Mayor Wilson reminded the council of their duty to be the salesman for our community.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

Council Member Capp motioned to accept the Consent Agenda with the addition of the firework license for Eddy's Fireworks.

Minutes of June 7, 2023 City Council Meeting;
2023 May Financial Budget Report;
2023 May Budget Report;
2023 May Treasurer's Report;
Check Register: June 8 – June 18, 2023

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

DISCUSSION FROM THE FLOOR:

NONE

REPORTS OF CITY OFFICERS:

CHIEF OF POLICE – TINA FENOUGHTY:

Chief Fenoughty presented Estimate #1495 from Multiplicity for outfitting the new 2023 Dodge Durango. Chief Fenoughty went over in detail the items considered to be installed on the vehicle. The total package cost would be \$21,219.60. This would not include the radio or decals. This package does include pricing for a K-9 Protection system. Chief Fenoughty wanted the council to review the estimate for now and let her know something by the next Council meeting.

SPECIAL PROJECTS:

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

No updates at this time.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Paul Owings, BG Consultants, reviewed the bids received for the Sewer Lagoon Improvements. The bids exceeded the estimated project cost. Paul Owings presented a recommendation letter from BG Consultants which would be to not accept the bids. Paul reviewed some options the city could move forward with which included: additional funding from USDA or modifying the specifications to only desludging the lagoons. If the cost for desludging the lagoons was under the threshold of \$250,000 it could be considered a small project by USDA and could be considered under the current loan from USDA. The small project process includes utilizing the city's procurement policy procedure to seek bids for the project.

Discussion was held regarding the estimated amount of funds remaining upon the completion of the sewer mains/manholes. PWS Nasalroad recommended doing only the desludging. Paul Owings and PWS Nasalroad discussed the improvements for the lift stations which are on the master plan for the Sewer system improvements and the addition of SCADA for the stations. Paul reminded the council that BG Consultants has already prepared the information pertaining to the lift stations and the work to perform could also fall under the USDI small project category as well.

The Mayor and Council members reviewed the performance of Nowak Construction and the other subcontractors on this project. Council Member Mitzner was pleased with the quality of work from Nowak Construction and thought they did a great job controlling traffic and communicating with the city. Council Member Curtis commented that this was a much better project experience than the water project. Mayor Wilson indicated the lessons learned from the water project helped prepare the city for this project.

Paul Owings also reviewed Change Order No. 4 for the Sewer Rehabilitation project. This change order balances out actual quantities installed on the project. Increases the calendar days to repair CCTV punch list items. The substantial completion date shall now be June 23, 2023 and final completion shall be August 31, 2023. This change order will increase the contract by \$77,306.63.

Paul Owings also reviewed Pay Application No. 12 for the Sewer Rehabilitation project in the amount of \$260,091.54. Upon payment of this application the remaining amount due would be the retainage in the amount of \$210,334.85.

SPECIAL PROJECTS CONTINUED:

❖ **Motion**

Council Member Capp motioned to accept the recommendation letter to not accept the bids for the sewer lagoon improvements and to proceed with the city procurement process for bids to perform the sewer lagoon desludging. Motion seconded by Council Member Stoker, voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to approve Change Order No. 4 in the amount of \$77,306.63 plus the increase in calendar days to repair the CCTV punch list items. Motion seconded by Council Member Curtis, voted on, passed 5-0.

❖ **Motion**

Council Member Mitzner motioned to approve Nowak Construction Pay Application No. 12 in the amount of \$260,091.54 for the period of 4/21/2023 to 6/20/2023. 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)

Council Members reviewed an email from Ian Stringham with KDOT regarding the status of the close-out for the KDOT CCLIP project. The email indicated CFS is continuing to work on the material deviations report. All items have been paid to the contractor. Once Ian gets an approved deviation report he will do a final zero-dollar estimate. The final reports will be reviewed by Ian and then HQ and then it goes to audit. There is no timeframe for completion of the process but everything is in the pipeline for finalization.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

No updates at this time.

WATER TREATMENT PLANT ANALYSIS:

CC Wade has provided the financial information to Dan Coltrane, MW Engineering Group. Dan Coltrane is creating a PER (cost estimate) for the Water Treatment Plant Improvement Projects for use to pursue grants or USDA Loans.

STORMWATER MASTER PLAN (BG CONSULTANTS):

Abby Mills, BG Consultants, has completed approximately 70% of the work on the Stormwater Master Plan. Abby submitted questions regarding the area between Market and Walnut along 6th Street. PWS Nasalroad had reviewed the area and sent some pictures and responses to Abby about the pipe which starts just to the south of the culvert pipe under Walnut Street and daylights to the storm vault underneath the concrete behind 520 E. Market Street. The owner of 520 E. Market Street indicated in heavy rains the storm vault can't keep up with the volume of water coming from the culvert under Walnut Street. CC Wade estimated the completion of the Stormwater Master Plan sometime in August or September 2023.

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SPECIAL PROJECTS CONTINUED:

602 N. 5TH STREET: DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS.

All paperwork has been signed for the listing with Clinch Realty. The sign is up.

COUNCIL COMMITTEE REPORTS:

WATER & GAS -NONE

STREET -NONE

SEWER -NONE

PUBLIC SAFETY – NONE

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY -NONE

COMMUNITY BUILDING-NONE

PARK-

Council Member Capp highlighted the events at the pool. He has noticed comments on Facebook regarding the events taking place at the pool. He commended Donna Krum and Macy Michalski, pool managers, on a job well done.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT:NONE

CHAMBER OF COMMERCE – NONE

PLANNING & ZONING COMMISSION (PZC)-NONE

OTHER BUSINESS:

RESOLUTION NO. AMENDING ARTICLE G. DISCIPLINE OF THE PERSONNEL POLICIES AND GUIDELINES OF THE CITY OF LA CYGNE, KANSAS.

CC Wade made all the revisions as requested by the council at the meeting on June 7, 2023. No further discussion was held.

❖ **Motion**

Council Member Mitzner motioned to approve Resolution No. 455 regarding the amendment of Article G. Discipline in the Personnel Policies and Guidelines of the City of La Cygne, Kansas. Motion seconded by Council Member Capp, voted on, passed 5-0.

DRAFT CHAPTER VI. FIRE, ARTICLE 2. FIREWORKS

CC Wade presented a draft of Chapter VI. Fire, Article 2. Fireworks. The council and City Attorney Harding provided a few revisions to the draft. City Attorney Harding suggested to not put in definitions of words which are not referenced in the article. Council Member Mitzner suggested to remove "possess" from 6-203 since people will store leftover fireworks or travel from one place to another with fireworks in their possession during off-season periods. CC Wade reviewed the difference between a Seasonal Retailer license and a Firework Display permit. Discussion was held regarding the time of day fireworks were permitted to be discharged during the firework season. A suggestion was made to have a later start time and an earlier ending time except on the actual day of the 4th. CC Wade will make the requested revisions prior to the next meeting.

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OTHER BUSINESS CONTINUED:

RESOLUTION NO. REGARDING FIREWORK DISPLAYS BY APPROVED ORGANIZATIONS ON NON-EXEMPT DAYS

CC Wade informed the council of the revisions to the resolution. The council had approved a resolution last year which enabled the council to approve by motion for Firework Displays organized by the La Cygne Community Park board. Since the Park Board is now dissolved, CC Wade corrected the resolution to refer to the La Cygne Council Park Committee.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 456 regarding firework displays by approved organizations on non-exempt days. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 456 regarding firework displays by approved organizations on non-exempt days with the correction to the approved date to be the 21st of June, 2023. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

❖ **Motion**

Council Member Mitzner motioned to approve for the La Cygne Council Park Committee to host a Firework Display on Saturday, July 8 at the La Cygne Community Park commencing at 6:00pm until 11:59pm. Motion seconded by Council Member Mitzner, voted on, passed 5-0.

UNFINISHED POLICY REVIEW:

ARTICLE 22 DRAFT OFF-STREET PARKING REGULATIONS

WATER AND SEWER RATE ANALYSIS

ARTICLE 5. PARKING

ATV/UTV REGULATIONS

ETHICS AND CUSTOMER SERVICE TRAINING

SOCIAL-MEDIA POLICY

BNSF QUIET ZONE

NOTES AND COMMUNICATIONS TO COUNCIL:

NONE

ADJOURNMENT:

❖ **Motion**

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 8:21p.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 21st day of June 2023.