

Record of the Proceedings of the Governing Body
REGULAR MEETING

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March 16, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, March 16, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent (PWS) Dan Nasalroad; City Attorney Burton Harding; Linn County Newspaper Tony Furse; Roger Sims; and Paul Owings (BG Consultants).

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Reminder to patrons the KDOT CCLIP project mobilized on Monday, March 14, 2022. Traffic will continue to flow through the intersection of Industrial Blvd. and Market St. (KS HWY 152) but all drivers need to be cautious of workers when traveling through this area.

b] The Comprehensive Plan Review Workshop sponsored by the La Cygne Planning and Zoning Commission will be held at the La Cygne Library on March 22, 2022 from 6pm – 8pm. Food will be provided for those attending. The community survey results will be reviewed during this workshop.

c] Dog Days will be held on April 9, 2022 from 2pm – 4pm at the enclosed shelter at the La Cygne Community Park.

d] Reminder to patrons to pick up any decorations at the cemetery which are not hanging on a stone or in a vase attached to the stone. Beginning March 21, the city will be removing decorations in preparation for the mowing season.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

Minutes of March 2, 2022 Council Meeting;
February 2022 Budget Report;
February 2022 Treasurer's Report;
Check Register: March 3 – March 16, 2022;

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

DISCUSSION FROM THE FLOOR:

None

SPECIAL PROJECTS:

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

PWS Nasalroad and CC Wade met with Dan Coltrain and Trenton Morris (MW Engineering Group), and Kevin Starbuck (Starbuck Trucking, LLC) regarding the Change Order No. 1 issued on March 2, 2022. We are waiting for the revised change order after review.

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

Bids were received and opened on March 9, 2022. BG Consultants has reviewed the bids to ensure the bids met all requirements as listed in the advertisement and specifications. Paul Owings with BG Consultants was present to review the bids received which included: Municipal Pipe & Tool at \$5,109,267.65; Tri-Star Utilities, Inc at \$4,367,825.00; and Nowak Construction at \$3,935,620.45. The Engineer's Opinion of Probable Cost was \$4,200,812.45. BG Consultants, Inc has reviewed the submitted bids and recommends the City Council award the construction contract to Nowak Construction, Inc in the amount of \$3,935,620.45 and authorize construction. No further questions from the City Council. Paul indicated it would take about a month to get documents prepared.

❖ **Motion**

Council Member Capp motioned to award the sewer rehabilitation project to Nowak Construction in the amount of \$3,935,620.45 and to authorize construction. 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)

Killough Construction mobilized on Monday, March 14, 2022. The project started with a delay of the Notice to Proceed until April 11 2022 due to potential utility conflicts. PWS Nasalroad updated the City Council regarding the electric poles. Everydy did move the poles but according to Killough Construction the poles are in the way of their digging. At this time, Everydy is requesting payment for an invoice for bracing the poles during construction in order to proceed with ordering the necessary materials. In addition to the electric, Killough has expressed concern regarding the water main and the stormwater piping. On the plans the water main was shown going down the middle of the road, but the water main is actually located on the East side of Industrial Blvd. in the ditch. The depth of the main along the East side of Industrial Blvd. is eight (8) feet at the corner of Market St. and Industrial Blvd. but towards the South it is only approximately three (3) feet. There is concern regarding part of the main being underneath the pre-fabricated stormwater piping. As for the gas utility, the gas line that USDI recently bored under KS Hwy 152 is slightly in conflict with a stormwater structure. The gas line located on the West side of Industrial Blvd. is also in conflict with a stormwater structure. USDI is working with PWS Nasalroad and Killough Construction to review options. PWS Nasalroad discovered while visiting with Brian Killough of Killough Construction that the city did not have a copy of the final plan set. Paul Owings (BG Consultants) delivered a hard copy to PWS Nasalroad at tonight's meeting. Discussion was held between Paul Owings and the City Council regarding the lack of an agreement for construction services with BG Consultants which has created a "gap" during situations such as what has occurred this week. Paul Owings stated it is a 3-dimensional issue and the ground hasn't been opened so he's not sure if there is a true conflict yet. BG Consultants is the only one who can change the design, Killough Construction cannot alter what was on the plans. Paul asked the City Council if they would be open to a construction administrative service contract. Council Members Curtis and Mitzner proceeded to ask why the electric utility didn't move their poles further and whether any other items were in conflict. PWS Nasalroad was confident the city would get through these issues and just needed to make a few adjustments in order to get

SPECIAL PROJECTS CONTINUED:

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

things back in line. Council Member Capp inquired if Killough Construction could work until the bracing poles came in for Everyg. PWS Nasalroad would need to inquire with KDOT and Killough Construction to see if any work could be performed.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

CC Wade submitted the application for the FOB Trustee Foundation grant. CC Wade has responded to questions from the evaluating committee.

ARPA (AMERICAN RESCUE PLAN ACT)

At this time \$100,000 of the ARPA dollars are committed to the new fire station if the grant from First Option Bank is received. If the grant from FOB is not received then the total ARPA funds in the amount of \$170,770 will be utilized towards the new fire station. If the grant from FOB is received, what project would the Council consider to dedicate the remaining \$70,770? The Council discussed possible options to improve the Community Building. CC Wade reminded the Council of the survey and work the Public Building Commission has performed to date regarding options for the Community Building. CC Wade advised the Council to be thinking of how to use the remainder of ARPA funds since there is a time frame on the expenditure of the dollars.

STORMWATER MASTER PLAN

BG Consultants is preparing the contract agreement.

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING:

- Reviewed resolution for Verizon Wireless. Email with Jodi.
- Municipal court and communications with defendants and defense counsel. Stephanie Kise, defense attorney, submitted a letter of resignation. City Attorney Harding will begin to look for another candidate to fulfill the opening.

POLICE CHIEF – TINA FENOUGHTY :

7- Traffic Stops Conducted

Citations issued since last meeting - 9

Speed School Zone	3	Tag Expired	1
Suspended License	1	No Tag	0
Insurance	1	NO DL	0
RR Crossing	0	Speed	0
Vicious Dog/RAL/Tag	1	Paraphernalia	1
Parking	0	Equipment	1

Calls for Service / Reports – 3/3/22 thru 03/16/22

Animal Complaint – 9	Traffic Complaints - 3
Assist Outside Agency – 0	Sexual Assault – 0
911 Hang Up – 1	Citizen Assist CFS / contact - 8
Fingerprints – 1	Juvenile Incident – 1
Check Welfare – 5	Federal Record Checks– 2

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

Follow Up – 22	Theft - 1
Suspicious Activity – 5	Vehicle Lockout – 2
Ambulance Assist – 1	Drug Case- 1
Found Property – 1	Suicidal Subject – 0

Calls for Service / Reports – 3/3/22 thru 03/16/22

Motorist Assist – 1	Fire Call – 2
Disturbance – 1	Warrant Attempt - 0
Felony Warrant – 0	Misdemeanor Warrant - 2

VIN Inspections- 4 completed

New Business – None at this time

CODES ENFORCMENT – ALLISON FOX:

Officer Fox had been called out for service. Mayor Wilson indicated Officer Fox had several letters prepared to send out.

PUBLIC WORKS DEPARTMENT – PUBLIC WORKS SUPERINTENDENT (PWS) DAN NASALROAD:

Report from 3/2/22 to 3/16/2022

Committee Discussions

Water and Gas:

- Met with Midwest Engineering Group and Starbuck Trucking on the change order for the pond. Waiting on an updated change order.
- Water plant evaluation is continuing.
- Gas inspection with KCC finished. Closed out inspection with no penalties.
- Patterson update. Met with the water committee.

Street:

- Dump truck has an appointment at Mid-American Hydraulic tomorrow.
- Snow removal.
- KDOT CCLIP project has been delayed by two weeks.

Sewer:

- Bid opening had three bids, BG Consultants is evaluating them.

Park:

- Security doors installed.

Cemetery:

- Notice sent out to remove decorations.

Misc:

- Cleaned up some of the outside mess at 602 N. 5th Street.

FIRE DEPARTMENT – DAN NASALROAD:

House fire at 324 Chestnut Street.

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REPORTS OF CITY OFFICERS CONTINUED:

CITY CLERK – JODI WADE:

None

CITY TREASURER/COURT CLERK – CONNIE GORE:

None

COUNCIL COMMITTEE REPORTS:

WATER & GAS -

The water committee and PWS Nasalroad met to discuss options related to providing city water to 17719 E. 2150 Rd.

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 15 minutes for review of data relating to the financial affairs of corporations and will return to the Council table at 8:07 p.m. Motion seconded by Council Member Capp voted on, passed 5-0. 7:52p.m.

❖ **Motion**

Council Member Mitzner rescinded the motion for executive session. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:53p.m.

❖ **Motion**

Council Member Mitzner motioned for a 5-minute recess for the City Attorney to meet with PWS Nasalroad. Motion seconded by Council Member Stoker voted on, passed 5-0. 7:54p.m.

❖ **Motion**

Council Member Mitzner motioned to go in to executive session for 15 minutes for trade secrets for engineering recommendation for bid letting on the water main extension and will return to the Council table at 8:15p.m. Motion seconded by Council Member Curtis voted on, passed 5-0. 8:00p.m.

Others in attendance included, but not limited to: PWS Nasalroad

OPEN SESSION RESUMED AT 8:00 p.m.:

PWS Nasalroad advised the Council that both river pumps shut off last week. Mike Page came to work on them. The city had a backup spare pump to replace one of the river pumps. The other pump is being repaired. PWS Nasalroad gave a special thank you to Mike Page for his dedication to get the pumps back in operation.

STREET -NONE

SEWER-NONE

PUBLIC SAFETY -NONE

COMMUNITY BUILDING-NONE

EMPLOYEE RELATIONS & TRAINING-NONE

COUNCIL COMMITTEE REPORTS CONTINUED:

CEMETERY – NONE

PARK-

Council Member Brenneman inquired if the park set of keys had been returned to the city hall. CC Wade confirmed they were returned.

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT -

Council Member Capp mentioned the County would be testing the tornado sirens in preparation for the upcoming storm season.

CHAMBER OF COMMERCE -

The Chamber will be hosting an Easter Egg Hunt on April 16, 2022 at 9:00am at the La Cygne Community Park.

PLANNING & ZONING COMMISSION (PZC) -

The Comprehensive Plan Revision Workshop will be held on Tuesday, March 22, 2022 from 6pm – 8pm at the La Cygne Library. Please help spread the word.

UNFINISHED BUSINESS:

WATER AND SEWER RATE ANALYSIS PROPOSAL FROM CARL BROWN

Tabled until receipt of the water treatment plant analysis.

307 SWAN STREET – PROPERTY OWNED BY LINCOLN TOWNSHIP

PWS Nasalroad had presented the signed agreement to the Lincoln Township. Lincoln Township had some concerns regarding the 24-hour notice to enter the areas in which the city was leasing. The Township also had some concerns regarding the maintenance costs. After further discussion, the Council concluded to leave the agreement as written and the Lincoln Township could either take it or leave it.

RESOLUTION OF THE CITY OF LA CYGNE REGARDING EMPLOYEE SAFETY PRACTICES AND PROCEDURES FOR COVID-19.

CC Wade presented a draft policy for the Council to review.

NEW BUSINESS:

2023 BUDGET WORKSHOP

CC Wade would like to schedule a workshop for April to begin working on the 2023 Budget. The Council would prefer to have the workshop separate from the Council meeting nights. CC Wade will review the April calendar and select a couple of dates.

NEW BUSINESS CONTINUED:

RESOLUTION NO. PROVIDING FOR ACKNOWLEDGEMENT OF CHANGE IN OWNERSHIP OF THE VERIZON FIBER OPTIC COMMUNICATIONS LOCATED WITHIN THE CITY RIGHT-OF-WAY OF THE CITY OF LA CYGNE, KANSAS FROM VERIZON WIRELESS SERVICES, LLC TO MCIMETRO.

CC Wade and City Attorney Harding recommend a resolution for the change in ownership of the fiber optic communication in order to create a paper trail. This resolution simply acknowledges the change in ownership from Verizon Wireless Services, LLC to MCImetro.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 440 acknowledging the change in ownership of the Verizon Wireless fiber optic communications located within the city right-of-way of the City of La Cygne, Kansas from Verizon Wireless Services, LLC to MCImetro. Motion seconded by Council Member Mitzner voted on, passed 5-0.

TRASH COMPACTOR CLOSED ON EASTER SUNDAY, APRIL 17, 2022

❖ **Motion**

Council Member Curtis motioned to close the La Cygne Trash Compactor on Easter Sunday, April 17, 2022. Motion seconded by Council Member Mitzner voted on, passed 5-0.

TRULY INSURANCE: ANNUAL RENEWAL OF CITY INSURANCE POLICY

CC Wade presented the pricing for the 2022-2023 insurance policy for the City. There was an increase in the commercial property and the business automotive. CC Wade reminded the Council they had just replaced the entire public works fleet which would be the reason for the increase in the automotive. Council Member Capp asked CC Wade if she had gotten other quotes for insurance as was discussed when the policy was renewed in 2021. CC Wade did not get additional quotes. CC Wade explained that EMC (underwriter) pretty much holds the market for municipal insurance. It is challenging to find an insurance broker who doesn't have EMC as the underwriter. What the council would really be comparing is just the different agencies. Council Member Brenneman also felt the city should get three quotes next year prior to renewal.

❖ **Motion**

Council Member Mitzner motioned to approve Quote #1 from Truly Insurance in the amount of \$64,396 and for City Clerk Wade to research the CyberSolutions portion to determine if Quote #1 should include \$1,905 for CyberSolutions (data compromise) or \$660.00 for CyberSolutions coverage based on what is covered in the maintenance agreements with the financial software and tech support companies. Motion seconded by Council Member Curtis voted on, passed 5-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Mitzner motioned for a 2-minute recess for City Attorney Harding to meet with Council Member Brenneman. Motion seconded by Council Member Capp voted on, passed 5-0.

EXECUTIVE SESSION:

❖ **Motion**

Council Member Stoker motioned to go in to executive session for 10 minutes for consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship and will return to the Council table at 9:10 p.m. Motion seconded by Council Member Capp voted on, passed 5-0. 9:00 p.m.

Others in attendance included, but not limited to: City Attorney Harding

OPEN SESSION RESUMED AT 9:10 p.m.:

OTHER BUSINESS:

❖ **Motion**

Council Member Curtis motioned for the clerk to proceed with a letter to the owner addressing the water main extension to 17719 E. 2150 Road regarding options discussed by the water committee. Motion seconded by Council Member Mitzner voted on, passed 5-0.

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 9:15 p.m.

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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 16th day of March, 2022.