

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 1 of 7 Pages

May 18, 2022

REGULAR MEETING:

The La Cygne City Council met on Wednesday, May 18, 2022 at the La Cygne Community Building. Council Members present were: David Brenneman; Keith Stoker; Danny Curtis; Thomas Capp. Absent: Jerome Mitzner

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; Public Works Superintendent Dan Nasalroad; Police Chief Fenoughty; City Attorney Burton Harding; Linn County Newspaper Tony Furse.

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

Pledge of Allegiance – Mayor Debra Wilson

MAYOR COMMENTS:

a] Council Member Curtis reminded everyone school was about to get out for the summer. Everyone needs to be alert around town of the young kids running around.

CONSENT AGENDA:

❖ Motion to approve Consent Agenda:

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

May 4, 2022 City Council meeting was cancelled due to lack of quorum;
Minutes of May 10, 2022; Special City Council Meeting;
Check Register: April 30 – May 18, 2022.

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

DISCUSSION FROM THE FLOOR:

NONE

SPECIAL PROJECTS:

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

Starbuck Trucking, LLC and Midwest Engineering Group were on-site to connect the raw water line to Basin #2, completion of the seepage test and plugged the outlet line on Basin #1. Basin #2 is being filled in preparation for operation. The next phase will be desludging Basin #1. New pond filled and running the plant. Couple issues with the height inside. Holding off on cutting open the existing pond. Water looks cleaner in the new settling pond but so far no difference in the chemicals.

SPECIAL PROJECTS CONTINUED:

SEWER REHABILITATION PROJECT (BG CONSULTANTS)

The contract between Nowak and the City was presented for signature. The notice to proceed was reviewed and dated to start May 30, 2022 with 355 calendar days for substantial completion and 365 calendar days for final completion. PWS Nasalroad informed the council he would be meeting with NOWAK and BG Consultants to review an alternate installation process for the 4-6 sewer mains which need to be fully replaced. Council Member Curtis inquired about the issue with the road at the intersection of Lincoln Ave. and 7th street where there is a "sink hole" at the sewer main location. PWS Nasalroad stated BG Consultants is planning to CCTV the main at that location to determine for sure the issue in order to repair. It will be addressed in this project.

❖ **Motion**

Council Member Curtis motioned to approve for Mayor Wilson, CC Wade and City Attorney Harding to sign the contract agreement with NOWAK Construction. Motion seconded by Council Member Stoker voted on, passed 4-0.

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

PWS Nasalroad handled some issues arose on Monday regarding the overlay on Industrial Blvd. The concrete contractor has cooperated and worked through the issues. PWS Nasalroad, Council Member Capp, KDOT, BG Consultants, CFS Engineers and Killough all met on the jobsite to review the issues. KDOT will be required to be on-site prior to the pouring the Industrial Blvd. overlay again. The concrete contractor is having some trouble getting scheduled for more concrete but is determined to make it happen in the next couple of days.

NEW FIRE STATION/PUBLIC SAFETY BUILDING

CC Wade visited with Rick Zingre regarding preparations for plans for bidding purposes. To avoid more cost in design since the foundation for a metal building would be different then for a Pole Barn building, Rick advised the council to select one style and proceed with the design. Rick will also present an itemized cost for his services. The Council can then decide what consulting services they would like to have from the architect for this project. Discussion was held on whether to go with steel or pole barn (post & beam). Council Member Curtis thought maybe it was not worth chasing the idea of post & beam. Council Member Stoker and Council Member Brenneman would like to see the difference in the estimated cost.

❖ **Motion**

Council Member Curtis motioned to approve up to \$5,000 for preliminary services from Zingre & Associates to provide estimated costs for a pole barn (post & beam) style building. Motion seconded by Council Member Stoker voted on, passed 4-0.

ARPA (AMERICAN RESCUE PLAN ACT)

No updates at this time.

STORMWATER MASTER PLAN

Signed agreement was emailed to BG Consultants.

Record of the Proceedings of the Governing Body
REGULAR MEETING

May 18, 2022

REPORTS OF CITY OFFICERS:

CITY ATTORNEY –BURTON HARDING:

City Attorney Harding had Municipal Court last night. Several violations for codes in court. Judge Fisher has applied for the Miami County position which could affect his ability to serve as the judge for the City of La Cygne. City Attorney Harding is still working on a court appointed attorney. City Attorney Harding also reviewed some items submitted from CC Wade for the upcoming sewer project.

❖ **Motion**

Council Member Capp 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 regarding 109 N. 2nd Street and will return to the Council table at 7:29p.m. Motion seconded by Council Member Stoker voted on, passed 4-0. 7:19p.m.

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

OPEN SESSION RESUMED AT 7:29 p.m.:

POLICE CHIEF – TINA FENOUGHTY :

7- Traffic Stops Conducted

Citations issued since last meeting - 8

Speed School Zone	4	Registration Viol	0
Suspended License	0	No Tag	0
Insurance	0	NO DL	0
Speed Construction Zone	0	Speed	0
Vicious Dog/RAL/Tag	4	Paraphernalia	0
Illegal Burn	0	Equipment	0

Calls for Service / Reports – 5/09/22 thru 05/17/22

Animal Complaint – 17	Traffic Complaints - 3
Assist Outside Agency – 3	Suicidal Subject – 5
Ambulance – 1	Citizen Assist CFS / contact - 40
Fingerprints – 2	Juvenile Incident – 2
Check Welfare – 6	Federal Record Checks– 2
Follow Up – 30	Criminal Damage - 1
Suspicious Activity – 15	Civil Matter – 5
Vehicle Lockout – 4	Found Property- 3
Theft – 4	Non-Injury Accident – 1
Noise Complaint – 2	Trespass – 3
Disturbance – 7	Warrant Attempt - 0
Felony Warrant – 1	Misdemeanor Warrant – 3
Harrasing Phone Call – 3	Fireworks – 1
Unattended Death – 1	Mental Health – 6
Trespass – 3	911 Hang up – 2
Battery – 1	Disorderly Conduct - 1

VIN Inspections- 4 completed

REPORTS OF CITY OFFICERS CONTINUED:

POLICE CHIEF – TINA FENOUGHTY :

Chief Fenoughty indicated to the council the calls have exploded out of the water with summer approaching and maybe the full moon. Her department has been stacked with calls. Couple of other agency have come in to help. Chief Fenoughty addressed a recent event with a passenger being taken to the jail in the rear passenger seat of her police vehicle. Chief Fenoughty is looking in to some cage options to protect the window from the actions of the rear passenger.

CODES ENFORCMENT – ALLISON FOX:

The conex container has been removed from 807 N. 6th Street. Officer Fox is working on the UTV/ATV project as time allows. Nuisance letters were sent to the owner of the Manufactured home park. A phone call was received from the general manager of the park. To date code letters have been sent to nine (9) patrons regarding grass, one (1) for nuisance (going to court), one (1) for citation for INOP and two (2) new INOPS.

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

Report from 4/10/22 to 5/18/2022

Committee Discussions

Water and Gas:

- Water plant evaluation is continuing. Preliminary report in the next two weeks;
- New pre-sedimentation pond is on line to the plant;
- Old pond was set to be drained today but due to the rain it will be next week;
- Fencing contractor is working on a quote for new fencing around the settling ponds. PWS Nasalroad had temporary orange fencing put up for now.

Street:

- CCLIP project issues. The overlay specs were not met and all was removed and will maybe pour tomorrow;
- County graded North 8th Street. Thank you to Linn County for helping;
- Scheduled to start pothole repairs next week;
- Access aprons(?)
- PWS Nasalroad has left some messages for the beaver trapper to address the beavers located on the North and South side of KS Hwy 152 near the pedestrian bridge.
- PWS Nasalroad would like to request the services of BG Consultants on an hourly basis for the remainder of the CCLIP project.

❖ **Motion**

Council Member Capp motioned to proceed with BG Consultants on an hourly basis as needed and as outlined in the consultant-client agreement for the remainder of the KDOT CCLIP project. Motion seconded by Council Member Stoker voted on, passed 4-0.

Sewer:

- Meeting with NOWAK on Friday, May 20, 2022;
- Researching mower options.

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 5 of 7 Pages

May 18, 2022

REPORTS OF CITY OFFICERS CONTINUED:

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

Park:

- Pool inspection performed today, found leaks on the niches for the waterslide. A temporary repair has been made but will have to be addressed at the end of the season.
- Finished all plumbing repairs in the park

Cemetery:

- Mowing and getting ready for Memorial Day.

FIRE DEPARTMENT – DAN NASALROAD:

- Went to La Cygne Elementary School and did fire safety classes. Thank you to Jake Nasalroad and Deputy Angie for helping to set things up. Participated in two (2) pre-school class presentations.

COUNCIL COMMITTEE REPORTS:

WATER & GAS - NONE

STREET - NONE

SEWER - NONE

PUBLIC SAFETY - NONE

- ✓ Mobile/Manufactured/Modular Home Code.

❖ **Motion**

Council Member Stoker motioned for a council workshop at 6pm on June 1, 2022 for the review of Article 18 pertaining to Manufactured Home parks. Motion seconded by Council Member Brenneman voted on, passed 4-0.

COMMUNITY BUILDING-

Council Member Brenneman asked about removing the \$100 disinfection fee which was added during the COVID pandemic. Discussion was held.

❖ **Motion**

Council Member Brenneman motioned to remove the \$100 disinfection fee for the cleaning of the community building when rented. Motion seconded by Council Member Curtis voted on, passed 4-0.

EMPLOYEE RELATIONS & TRAINING-NONE

CEMETERY – NONE

PARK-NONE

SPECIAL COMMITTEE REPORTS:

EMERGENCY MANAGEMENT- NONE

CHAMBER OF COMMERCE - NONE

SPECIAL COMMITTEE REPORTS CONTINUED:

PLANNING & ZONING COMMISSION (PZC) -

CC Wade asked City Attorney Harding about the process for the recommendation regarding 602 N. 5th Street. A motion was made at the Planning & Zoning April 13, 2022 meeting but CC Wade was not sure if the process was being handled properly. Discussion was held regarding advertising for bids for demolition and determination for sub-dividing lots. City Attorney Harding indicated the City Council would be the governing body to advertise and approve bids for demolition. The Planning & Zoning can make the recommendation for the council to proceed with demolition. The Planning & Zoning Commission can review the lot regarding sub-division and make a recommendation to the council for approval. CC Wade will review the process with the Planning & Zoning Commission and will have the commission rescind the motion made at the April 13, 2022 meeting. Council Member Stoker asked City Attorney Harding if the council could proceed with advertising for bids for the demolition of 602 N. 5th Street and City Attorney Harding concurred.

❖ **Motion**

Council Member Stoker motioned to approve for CC Wade to proceed with advertising for sealed bids for the demolition of 602 N. 5th Street. Motion seconded by Council Member Capp voted on, passed 4-0.

UNFINISHED BUSINESS:

WATER AND SEWER RATE ANALYSIS PROPOSAL FROM CARL BROWN

Tabled until receipt of the water treatment plant analysis.

NEW BUSINESS:

RESOLUTION NO. _____ GENERAL OBLIGATION TEMPORARY RENEWAL AND IMPROVEMENT NOTES SERIES 2022 FOR THE SEWER REHABILITATION PROJECT INTERIM FINANCING.

CC Wade reviewed the purpose for Resolution No. _____ General Obligation temporary renewal and improvement notes Series 2022 for the Sewer Rehabilitation Project Interim Financing. The bonds were sold today and the interest rate came in at 3.25. These bonds will redeem the prior temporary notes taken through Labette Bank for the design phase of the sewer project.

❖ **Motion**

Council Member Capp motioned to approve Resolution No. 444 general obligation temporary renewal and improvement notes Series 2022 for the sewer rehabilitation project interim financing. Motion seconded by Council Member Brenneman voted on, passed 4-0. 8:05p.m.

SERIES NOTE 2022 FOR THE SEWER REHABILITATION PROJECT PAPERWORK FOR BOND PURCHASE TO INCLUDE: NOTE PURCHASE AGREEMENT, TRANSCRIPT CERTIFICATE, AGREEMENT BETWEEN ISSUER AND AGENT, UNDERWRITING SAFEKEEPING AGREEMENT, CLOSING CERTIFICATE AND CONTINUING DISCLOSURE UNDERTAKING.

❖ **Motion**

Council Member Capp motioned to for Mayor Wilson and CC Wade to sign all paperwork for the Series Note 2022 bond purchase. Motion seconded by Council Member Curtis voted on, passed 4-0.

Record of the Proceedings of the Governing Body
REGULAR MEETING

Page 7 of 7 Pages

May 18, 2022

EXECUTIVE SESSION:

NONE

OTHER BUSINESS:

NONE

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 4-0. Time 8:07p.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 18th day of May, 2022.