

SPECIAL MEETING:

The La Cygne City Council met on Thursday, August 27, 2020 at the Community Building, 204 Commercial Street, La Cygne, KS. Council Members present were: Danny Curtis; James This; Jerome Mitzner; and Thomas Capp.

Absent: Logan Smith

Others in attendance included, but not limited to: City Treasurer Connie Gore; City Attorney Burton Harding; Public Works Superintendent Dan Nasalroad, Jim Thompson, and Kevin Weers.

MAYOR DEBRA WILSON CALLED THE SPECIAL MEETING TO ORDER AT 5:00 p.m.

The Purpose the Special Meeting was called for:

- ❖ **REVIEW AND/OR APPROVAL OF AN EMERGENCY SEWER REPAIR AND/OR REPLACEMENT AT EAST 2150 ROAD.**

PW Superintendent Nasalroad brought Council up to date on the project as of today. Double Eagle Excavating's bid was accepted and the west side of track was uncovered and the steel casing was located. The east side was uncovered but the casing has not been found. Railroad has allowed contractor to go father this time but we are now to the point to is to dangerous to dig any farther. Mr. Thompson has ceased digging and will come up with a new plan but is going to need more money. PWS Nasalroad told Mr. Thompson he was not authorized to approve change orders. Mr. Thompson said the project now needs to be re-bored with a new line and casing, PWS Nasalroad agreed. PWS Nasalroad is concerned that the sewer pipe on the west is being supported by a rope and afraid it is going to blow apart.

Council Members had a short discussion on the needs to re-bore.

❖ **Motion**

Council Member Capp motioned to go into executive session for the consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship, K.S.A. 75-4219(b) (2). Council to return at 5:26 pm. Council Member Curtis seconded. Passed 4-0. Time 5:06 pm.

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

Open Session Resumed at 5:26 pm

City Attorney Harding questioned Mr. Thompson about if the City accepted the new bid from Weers Construction what part of his contract would be taken off of the new contract. Kevin Weers explained the new bid replaces Mr. Thompson's bid with the exception of the labor and machine cost already incurred by Mr. Thompson.

Mr. Weers proceeded to lay out a timeline for the project to restart with 2 options.

Option 1: Start date of September 2, 2020 with 4 days estimated completion time, but would not work on the Holiday.

Option 2: September 9, 2020 is Mr. Weers recommendation. This allows for less time for open pits, exposed lines and allows time for the material to be ordered and delivered.

Discussion was held about exposed sewer pipe and fiber cable and railroad easement. PWS Nasalroad does not want the fiber cable covered due to concern about re-excavating it. Mr. Thompson suggested using pipes to hold the sewer line in place and possibly using the City's trench box to help stabilize the line. If we have to re-dig Mr. Thompson will have to get another permit from the railroad. In addition, the railroad flagman will still be required. At this time the flagman is on standby, but will require a new request for his service. Mr. Thompson stated that the west side needed to be backfill up to the 45-degree pipe.

Council Member Capp inquired about the road remaining closed. PWS said it could be re-opened if needed.

PWS Nasalroad questioned how far the casing should be extended to be out of the railroad's easement. It will need to be approximately 20 feet to clear the railroad easement but will have to have a 45-degree pipe going into the forced main.

Discussion on how to proceed including who is responsible if the sewer line blows apart. Mr. Thompson stated that on the west side where the 4" ties into the 8" the bed will have to be raised.

Council Member Mitzner suggested that the two bids, Double Eagle and Weers Construction be handled separately. Mr. Thompson would need to come to the next council meeting with his figures of what is owed to him as of today. Mr. Thompson is also to secure the pipe.

❖ **Motion**

Council Member Mitzner motioned to go into executive session for the consultation with an attorney for the city which would be deemed privileged in an attorney-client relationship, K.S.A. 75-4219(b) (2). Council to return at 5:56pm. Council Member Capp seconded. Passed 4-0 Time 5:41 pm.

Others in attendance included, but not limited to: City Attorney Harding and PWS Nasalroad.

Open Session Resumed at 5:56 pm

Council Member Capp discussed the issue of an open hole and the breakage of the sewer line and who is responsible. The casing issue should have been addressed when the railroad widened this area. We need to be sure the casing is out of the railroad right away. Mr. Thompson stated that the west side at the 45 will be backfilled to where it flattens out. Mayor Wilson stated we need to backfill to ensure the pipe is safe.

Mr. Weers said to expect the bore time to take a couple of days unless there was a surprise under the tracks. If a problem such as rock or a rail car arises then usually a project will have to move and start over.

❖ **Motion**

Council Member Mitzner motioned to continue the contract with Double Eagle until the new contract is in place.

Council Member Capp Seconded. Passed 4-0 Time 6:01pm.

❖ **Motion**

Council Member Mitzner motioned to enter into an agreement with Ron Weers Construction pending a signed contract.

Council Member Capp Seconded. Passed 3-0 with Council Member This abstaining.

Time 6:00 pm.

ADJOURNMENT:

❖ **Motion**

Council Member Mitzner moved to adjourn the meeting. Motion seconded by Council Member Capp, passed 4-0. Time 6:05pm.

I, _____ La Cygne City Treasurer, do hereby declare
(Connie Gore) the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name on this 27th of August 2020.