

REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, January 8, 2003. Council Members present were: Sam Barber; Connie McGinnis; Esther Shields; Tony Williams; and Mike VanVlack.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; LeRoy Turpen; City Police Chief Chuck Farrell Jr.; Planning Commission Chairman Randy Tinsley; Kelly VanTuyl; Dennis VanTuyl; Jim Schmidt; City Fire Chief Ernie Moylan; and Bob Bousfield.

Mayor Terry Weitman called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Shields moved to approve the consent agenda that consisted of:

Check Register: December 16, 2002 – January 8, 2003;
Minutes of December 18, 2002 Regular City Council Meeting;
Minutes of December 30, 2002 Special City Council Meeting;
Amended November 2002 Financial Statement

Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

1. Sewer Line Repairs and Point Repairs

George Craig reported he, Council Member VanVlack, and Jerome Moore had met with Rob Gavin yesterday to go over additional point repairs with any additional monies left over in the project. There was to have been a report for tonight's council meeting but it was not received.

2. Time Extension Request Granted

The record noted the state had granted the time extension request.

3. Pay Requests

- *Motion to Approve Pay Estimate of \$32,217.76 for Haupt Construction*

Council Member Barber moved to approve the pay estimate of \$32,217.76 for Haupt Construction. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:06 p.m.

- *Motion to Approve Pay Estimate of \$79,047 for Mc Corkendale Construction*

Council Member VanVlack moved to approve the pay estimate of \$79,047.00 for Mc Corkendale Construction. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:08 p.m.

WATER IMPROVEMENT PROJECT

Council Member VanVlack reported he and the public works employees had met with Rob Gavin and went over several questions with the most recent design report. Noted Mr. Gavin would check into the questions and report back.

GAS IMPROVEMENT GRANT

Nothing

DISCUSSION FROM THE FLOOR:

Kelly and Dennis VanTuyl: Regarding Buildings in Alley Behind Them

Dennis Van Tuyl asked about the status. City Attorney Sutherland reported there was no additional information at this time as he was waiting on some technical matters information prior to moving forward.

Bob Bousfield Regarding the Radio Hamm Fest

Bob Bousfield asked if the city would again waive the community building fee for the non-profit Hamm Fest in February. Mr. Bousfield noted the appreciation for the fee being waived in prior years. The council noted appreciation for their donation last year for tables.

- *Motion to Waive Community Building Fee for Hamm Fest*

Council Member Barber moved to waive community building fee for nonprofit Hamm Fest. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:10 p.m.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

John Sutherland reported the contested outstanding bill of \$12,046.23 from TXU had been resolved in the city's favor and the bill has been reversed. Noted the December 2002 Pharmacy payment was received and deposited this month.

Chief of Police Farrell

Reported on police activities for December 2002 and the annual 2002 report. Noted the property at 407 S. 2nd owned by the James' has not been cleaned up as the grandson Larry James had reported he would do a few months ago. The demolition and clean up was to be done by January 1, 2003, or a report back to the codes officer on the status. Neither has occurred. Council discussed. Mayor Weitman requested the codes officer proceed with the demolition process.

Public Works Superintendent George Craig

The following items were covered:

1. Noted Public Works Employee James Hazelet quit working for the city at the end of the regular working day on Tuesday, December 31, 2002.
2. Art Terry, a State Class IV Operator, has agreed to be an independent contractor for the city water department to meet state regulations. The state, by phone, has agreed to this agreement until the city can get an employee certified by the state.
3. Morgan Brown is addressing any gas issues on a more regular basis.
4. River Intake Pipe Update
Mayor Weitman reported McCorkendale Construction had responded to the city's emergency needs around December 20th, 2002 when the pipe failed to function properly by furnishing equipment to keep water flowing to the water plant. They have made every effort to respond to our immediate needs during this time. McCorkendale Construction has an engineer working with them to replace the broken intake pipe. Now they are at a time when an engineer's design is required to replace the broken pipe in order for the company to meet

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

4. Continued.....

the State Corp of Engineers requirements about doing work along the riverbed. McCorkendale Construction is asking for approval from the city council to do the rest of the work with their engineer to put us completely back together. This has left a way to move forward as quickly as possible and still meet the state requirements for the project being by the river. The engineer's design fees are \$7,500.00. This is not going to be a small project. It will take over a month for the design and to get the required state approval notices.

- *Motion to Approve McCorkendale Construction's Engineer for Design*

Council Member VanVlack moved to have McCorkendale Construction continue with their engineers to do the design work because of necessity of work already done. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:24 p.m.

Fire Chief Ernie Moylan

Fire Chief Moylan reported on the need for a new radio for the Pierce Fire Truck, as it is not working on then county required frequencies. The cost of a new radio is \$518.00. The other fire truck radio also needs some reprogramming to work correctly for a cost of up to \$20.00.

- *Motion to Approve Purchase of New Radio and Cost of Reprogramming Existing Radio*

Council Member McGinnis moved to spend up to \$538.00 to purchase a new radio and to reprogram the existing radio. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:25 p.m.

STANDING COMMITTEE REPORTS:

Water & Gas

Discussed pending easements still outstanding for the Gas Project. Council Member Shields volunteered to sort the easements and see who now needed to be contacted.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the next meeting is on January 20th, 2003.

Emergency Disaster Committee

Randy Tinsley reported the committee is working on the Contact People List and with Churches for locations should there be a need for shelter. The committee viewed the Methodist Church facilities during their meeting earlier this evening. Will be looking at all of the churches in the community. Also working on a guide to go by and then get with the neighboring communities for shelter if the entire city had to be evacuated for some reasons.

Planning Commission Committee

Planning Commission Chairman Randy Tinsley reported they are meeting tomorrow night to go over the rest of the rough draft of the final Comprehensive Plan from Kirkham Michael Engineers and then will send it back to them for a completed final.

UNFINISHED BUSINESS:

Appointment of Planning Commission Member

Mayor Weitman recommend the appointment of Ernie Marmon to the Planning Commission Committee with the approval of the city council. Ernie Marmon has served with the city in years past.

- *Motion to Approve Ernie Marmon to the Planning Commission Committee*

Council Member Williams moved to accept the appointment of Ernie Marmon to the Planning Commission Committee. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:34 p.m.

NEW BUSINESS:

Annual Mobile Home Park Licenses

- *Motion to Approve La Cygne Mobile Home Park, owned by Larry Erickson & Betty Moore, License*

Council member VanVlack moved to approve the license renewal for the La Cygne Mobile Home Park owned by Larry Erickson and Betty Moore. Seconded by Council Member Shields, voted on, passed 5-0. Time: 7:36 p.m.

Richard Marsh Trailer Park at 520 N. 5th and Brokerage Securities, Jim Thompson, at 704 E. Sycamore had not responded to their notices prior to this meeting date. Discussed. Instructed City Clerk to send reminders for next meeting and if still no response will review for further action at that time.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to one hour and forty minutes following a 10-minute break. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:40 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin, Jim Schmidt, and Public Works Superintendent Craig.

Open Session Resumed at 9:20 p.m.

OTHER BUSINESS:

Survey of Grandview Ave Between 5th & 6th Streets

Discussed this survey that was tabled two months ago.

- *Motion To Approve Survey for a Cost up to \$1,500*

Council Member VanVlack moved to approve the survey for the blocks abutting Grandview Ave between 5th and 6th Streets for a cost of up to \$1,500.00. Seconded by Council Member Shields, voted on, passed 5-0. Time: 9:22 p.m.

Hire Second Public Works Employee

- *Motion to Hire Second Public Works Employee*

Council Member Williams moved to hire a second public works employee. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:23 p.m.

OTHER BUSINESS: (Continued)

Compensation for Art Terry, Water Contract Individual

- *Motion to Compensate Art Terry \$50 a Week for Contract Water Operator*

Council Member Barber moved to pay Art Terry \$50.00 a week for being the contract water operator. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:24 p.m.

City Clerk Herrin asked how he was to be paid, added to salary payroll or added to contract labor list. Instructed to set up however Mr. Terry wanted.

Clean Up of 407 S 2nd Street, James Property

Mayor Weitman asked Codes Officer Farrell to begin with the legal process of notification of the property owners for the clean up of 407 S 2nd Street.

SEK Annual Meeting, January 21, 2003

Discussed. No one was available. Tabled.

Mayor Met with Woody Woodman, of KCP&L

Mayor Weitman reported he was able to attend last Monday the meeting held by KCP&L with municipalities to go over any concerns the cities had with the electric company. Discussed the trees in the alley south of Grandview between 5th and 6th Streets that had been marked last summer to be removed from the power lines so the trees could be removed to allow access in this alley for utility easements. Mr. Woodman was going to check into the status of when they would be cut since they are marked by KCP&L already.

Street Light by 4th & Market

Discussed a street light by 4th and Market by the McIntosh residence stays on all of the time. Asked City Clerk to report to electric company for repair.

Water Level of River

Council Member Shields reported she had been in contact with Don Spreitzer who works closely with the Water Assurance District on the status of the water level of the river. It has been reported there are repairs taking place at the Melvern Lake and they are not letting as much water out because of it. The water level is being watched at the river and if it gets lower will request additional release.

DISCUSSION FROM THE FLOOR: (Continued)

Mayor Weitman asked if there was any further discussion from the floor.

Gail Grizzle, Complaint of Town Police Officers

Mr. Grizzle noted he wanted to file a complaint of the town officers. He had learned from his son that one evening there were some empty railroad cars sitting on the side railroad tracks and some kids were playing in them. An officer went there and his boy ended up on the railroad car because an officer told him to get in the car and look into it to see if there were any other kids left in the car. Mr. Grizzle reported if his kid had got on the car on his own then he would have had a problem with it and dealt with his son about it; but he understood Mike, the cop, asked his son to check it out for him. The cop should have done it, not his son, Kyle. He did not have a problem with Mike as an officer, nor did his son, and his son saw nothing wrong with it. There were some kids playing on the empty car and then Mike asked Kyle to go look and Mike should have looked himself. Kyle's seventeen. It wasn't a big deal to his son, but had his son been hurt because of it, it would have been a big deal.

Mayor Weitman reported they would look into it and Mr. Grizzle would get a response back. Asked Public Relations Council Members Barber and Shields to look into it and report back.

CITY CLERK'S REPORT:

City Clerk Herrin reported a Franchise Payment from KCP&L for the six months ended November of 2002 had been received in the amount of \$9,925.81. The franchise total was \$19,365.97 less \$9,440.16 for street light billings.

Written report included:

- a] Amend 2002 November Financial Statement
- b] Date Reminders

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Paola Chamber of Commerce, 'Meet the Tax Man Seminar' Friday, February 7, 2003
- b] LKM Letter of Participation
- c] KDHR *Connecting You to Workforce Services*
- d] LKM *Leadership Supervisor Training Session*
- e] Planning Commission Meeting Minutes of December 12, 2002
- f] CMS Panhandle Companies Letter of Notice of Agreement to Sell
- g] KMGA Project Participation Fee Notice
- h] KRWA, "Wastewater Lagoon Operation and Maintenance" Session, Tuesday, January 14, 2003, Burlington, Kansas
- I] KRWA *Clarifier* December 2002
- J] KCC Letter Regarding Interest Rates paid on Utility Deposits
- K] NRW Letter of Introduction

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Barber, voted on, 5-0.**

Meeting adjourned at 9:38 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 8th day of January 2003.

The La Cygne City Council held a Special Meeting at 7:00 p.m., Monday, January 13, 2003, at La Cygne City Hall.

Council Members present were: Esther Shields, Tony Williams, Connie McGinnis, Mike VanVlack, and, Sam Barber who arrived at 7:08 p.m.

Others present included: City Clerk Devona Herrin, Public Works Superintendent George Craig, and City Attorney John Sutherland.

SPECIAL MEETING

Mayor Weitman called the Special Meeting to order at 7:03 p.m.

The purpose of the Special Meeting was for:

1. Survey on Grandview Ave between 5th and 6th Streets
2. Sewer CDBG/EDA/Loan Project Review
3. Personnel

Mayor Weitman announced the purpose of the Special Meeting was for the three items listed above.

1. Sewer CDBG/EDA/Loan Project Review

Reviewed the three primary contractors status of contract costs after change orders. Haupt Construction totaled \$345,912.00; Insituform totaled approved amount of \$446,246.00; and Mc Corkendale Construction totaled \$308,923.25. There were two change orders where the work had already been done and the change orders need to be addressed. These are the two change orders presented at this meeting. The Change Order for Haupt Construction is adding additional Rip Rap for a change of \$28,805.00. The Change order for McCorkendale Construction is for the addition of one 10" x 4" service connection and stubout to serve the Masons' property. This change was originally approved at the August 21, 2002 meeting as change order #2, and now needs to be recognized as Change Order #3 for the amount of \$5,845.00.

Discussed additional difference in the Insituform statement to Kirkham Michaels Engineers of \$61,325.00. City Clerk Herrin reported Rob Gavin was setting up a meeting to go over the statement with Insituform. With total known expenses excluding the \$61,325.00 the three projects funds remaining total \$15,368.88. All of the work has been completed except for the approved additional sewer line repairs. Will address the final amount of sewer lines to be repaired at the regular city council meeting next week after hearing Mr. Gavin's report.

- *Motion to Approve Change Request #2 of \$28,805 for Haupt Construction*

Council Member VanVlack moved to approve Change Order #2 for Haupt Construction in the amount of \$28,805.00. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:31 p.m.

- *Motion to Approve Change Request #3 of \$5,856 for McCorkendale Construction*

Council Member Williams moved to approve Change Order #3 for McCorkendale Construction in the amount of \$5,856, (amending from August 21, 2002 meeting). Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:32 p.m.

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2. Survey on Grandview Ave Between 5th and 6th Streets

City Clerk Herrin reported Surveyor Jim Schmidt had contacted the city asking if the city wanted the survey to become a 'Permanent Survey' which would establish the permanent corners of the two blocks, the alleys, and streets surrounding this street. The additional cost is estimated to be less than \$500.00 with the city handling the required notices.

- *Motion for Permanent Survey with Additional Cost of Up to \$500*

Council Member VanVlack moved to spend up to \$500.00 more to make the survey Permanent. Seconded by Council Member Shields, voted on, passed 5-0. Time: 7:38 p.m.

3. Personnel

- *Motion to go into Executive Session for up to One Hour*

Council Member VanVlack moved to go into executive session for up to One Hour for personnel. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:40 p.m.

Open Session Resumed at 8:15 p.m.

No further questions or comments pertaining to the three items listed.

Adjourn

With no further business, **Council Member VanVlack moved to adjourn the meeting. Seconded by Council Member Williams, voted on, passed 5-0.**

The meeting was adjourned at 8:16 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 13th day of January 2003.

REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, January 22, 2003. Council Members present were: Sam Barber; Connie McGinnis; Esther Shields; Tony Williams; and Mike VanVlack.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; LeRoy Turpen; City Police Chief Chuck Farrell Jr.; Randy Tinsley; Dennis VanTuyl; Bruce Spain and Kevin Stonequist with Miami County Emergency Dive Team; City Fire Chief Ernie Moylan; and Rob Gavin.

Mayor Terry Weitman called the meeting to order at 7:00 p.m.

PRESENTATION OF EQUIPMENT TO MIAMI COUNTY EMERGENCY TEAM

Mayor Weitman expressed thanks from the city to the Miami County Emergency Team by presenting a one-inch 1.2HP Water Pump and hose attachments to Bruce Spain and Kevin Stonequist who are with the Dive Team. A request from Public Works to add 10 Utility Bags to the donation for a total cost of \$575.61 was reviewed.

- *Motion to Approve donation of \$575.61*

Council Member VanVlack moved to donate \$575.61 to the Miami County Dive team for the purchase of ten extra large utility bags and the 1HP motor with accessories. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:05 p.m.

Noted the donation was in consideration for the divers helping with the river pumps in mid-December.

A picture was taken of Mayor Weitman presenting the motor to the two present members of the dive team.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Shields moved to approve the consent agenda that consisted of:

Check Register: January 8 – 20, 2003;
Minutes of January 8, 2003 Regular City Council Meeting;
Minutes of January 13, 2003 Special City Council Meeting
December 2002 Financial Statement
4th Quarter 2002 Financial Statement;
Annual 2002 Financial Statement

Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:06 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- i. Insituform Payment/Billing Status
- ii. Completion Status of the Three Projects

- iii. 4th Quarter Report for 2002 (Noted in Agenda)
- iv. Kirkham Michael Engineers Payment Request

Rob Gavin reported the Lagoon Project and the East Interceptor Project were basically complete except for an individuals gray water line on the East Interceptor and it will be addressed. The fence is being put up at the new pump station.

Mr. Gavin reported for the Manhole and Sewer Line Project there were additional linings on point repairs done. It was noticed the items on the pay list from the contractor were different from the original and change orders. It was found the plan sheets given to the contractors from the engineering firm have the items listed but they were not on the original bids the engineers firm drew up. Then there was extra depth involved in the repairs and a total of \$61,000 was used for these items on the plan sheets. Due to this cost Mr. Gavin put a hold on the line repairs scheduled and will amend that change request to complete fewer line repairs so as not to go over the total dollars available. Mr. Gavin will bring the change order to amend.

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WATER IMPROVEMENT PROJECT

- i. Status/Response to 90% Plans & Specs Review (No Discussion)
- ii. Kirkham Michael Payment Request

Mr. Gavin reported he was not really covering this project at this time, but Mark, from the Kirkham Michael office was going over the items and would have further information available next Wednesday for the Public Works employees for the Water Improvement Plans.

GAS IMPROVEMENT GRANT

- i. Pipeline Information & Pressurizing in the Future
- ii. 4th Quarter 2002 Progress Report for CDBG Grant (Noted in Agenda)
- iii. Kirkham Michael Payment Request

Mr. Gavin presented some design options of the proposed replacement of the 18.5 mile 4" natural gas pipeline drawn up from Aquilla, who is the firm helping Kirkham Michaels with this project. Noted that the report indicates replacing with a 4" steel pipeline would provide the greatest capacity in the future over a 6" polyethylene, but that a 6" polyethylene would provide adequate capacity to include some growth. Will have the plans ready by the third week in February.

Discussed easements. Mr. Gavin brought the additional easements for the one-mile change in the line and noted his firm would mail these additional easements to the appropriate individuals when he returned to his office. Council Member Shields noted she would also try to help City Hall in making contact and getting these completed.

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT **(Continued)**

Council Member Barber asked if Insituform was the only one working on the project now. Mr. Gavin responded yes, that was basically all that was left. Haupt Construction is finalizing the sewer and will have final paperwork shortly.

- iv. Kirkham Michael Payment Request

Discussed payment request for invoices over the already paid \$81,000 for 90% complete. The additional invoices of \$9,000 total the final contract amount of \$90,000. City Clerk Herrin reported it was her understanding that there was 10% retention to the engineer until all parts of the projects were complete and a final close out report was received from the firm. Mr.

Gavin was not aware of this, but would look into it and get back with the city council. Mr. Gavin noted there would not be any additional charges if the firm ran over their contract maximum amount; and if there was 10% retention they would just wait for the final payment.

WATER IMPROVEMENT PROJECT (Continued)

iii. Kirkham Michael Payment Request

Discussed the contract amount was for \$35,000 and this payment request was for the final payment of \$9,250.60 and noted the percentage complete for the design was 100%. To date the final design is still pending and not 100% complete. Concurred to place payment on hold till final design was received and approved by the council.

GAS IMPROVEMENT GRANT (Continued)

Discussed contract amount for design was for \$120,000. The invoice for \$4,025 notes the design is 49% complete.

- *Motion to Pay \$4,025 Invoice*

Council Member Barber moved to approve payment of invoice for \$4,025.00 to Kirkham Michael Engineers for the Gas System Design. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:30 p.m.

DISCUSSION FROM THE FLOOR:

Waive Community Building Fee for Twisters Wrestling Team on February 8, 2003

Council Member VanVlack reported the local school wrestling team was asking the city to waive the community building fee for a fundraiser on February 8, 2003.

- *Motion to Waive Community Building Fee for Twisters Wrestling Team*

Council Member VanVlack moved to waive the community building fee for a fundraiser by the Twisters Wrestling Team on February 8, 2003. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:31 p.m.

Kelly and Dennis VanTuyl: Regarding Buildings in Alley Behind Them

Dennis Van Tuyl asked if anything further had been done? City Attorney Sutherland reported no, it was still pending.

REPORTS OF CITY OFFICERS:

Chief of Police Farrell

Reported on police activities for January 1 - 20, 2003. Requested attendance for Police Officer Mike Watson to a Field Training Officer Program on February 11-13, 2003 in South Hutchinson, KS for 24 hours of training with a fee of \$75.00 and accommodations.

- *Motion to Approve Training Course for Mike Watson*

Council Member Barber moved to approve Mike Watson attending the FTO class for 24 hours training on February 11-13, 2003 with per deum. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:38 p.m.

Reported notice had been sent to the Jessie James residence providing them with the thirty-day notice for condemnation. The certified notice from the post office has not been received yet, and if it is not accepted the notice will be hand delivered.

Public Works Superintendent George Craig

The following items were covered:

5. Gas Meter Damage Early Last Sunday Morning

Thanked Fire Chief Ernie Moylan and Police Officer Mike Watson for their help in restoring gas to a residence around 3:00 a.m. last Sunday morning after a vehicle had ran over the gas meter.

6. KRWA 2003 Conference March 25-27, 2003

Requested to send one public works employee to the conference. Would like to make reservations now as the motels fill up quickly for this conference, and then decide at a later date who will actually attend.

- *Motion to Reserve Room for Conference & Superintendent Chose Employee Later*

Council Member Barber moved to send one employee to the Conference, reserve a room now, and have the Superintendent chose the employee at a later date. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:38 p.m.

Fire Chief Ernie Moylan

Ernie Moylan reported they have found a leak in the older water tank and have found two companies that will come to the vehicle and then provide bids to the city for the repairs. Once the bids are received he will report back to the council.

STANDING COMMITTEE REPORTS:

Park

Council Member VanVlack reported he had ordered an 18 X 21 shelter cover for the Park Board today and it should be delivered and installed in about three weeks. (The cement slab is already in place and ready for the cover.)

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SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the next meeting is February 17, 2003 at 7:00 p.m. Mardi Gra is the Theme. The Committee is requesting permission for use of the Community Building for a Spring Break Dance on March 22, 2003.

- *Motion to Waive Community Building Fee for Fiesta Committee Fund Raiser*

Council Member VanVlack moved to waive the Community Building Fee for the Fiesta Committee. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:42 p.m.

REPORTS OF CITY OFFICERS: (Continued)

City Attorney Sutherland requested attendance to the KRWA Attorney Forum in Wichita, Kansas on Tuesday, March 25, 2003.

- *Motion for City Attorney Sutherland to Attend KRWA Attorney Forum*

Council Member VanVlack moved to send City Attorney Sutherland to the KRWA Attorney Forum. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:43 p.m.

SPECIAL COMMITTEE REPORTS: (Continued)

Emergency Disaster Committee

Working on a manual.

Planning Commission Committee

Planning Commission Chairman Randy Tinsley reported they had received the final Comprehensive Plan Book from Kirkham Michael Engineers Firm and would be going over it at the next meeting for any changes before having copies made.

UNFINISHED BUSINESS:

Interlocal Cooperation Agreement Creating the Kansas Shared Services Authority

- *Motion to Authorize to Sign Kansas Shared Services Authority Interlocal Agreement*

Council Member VanVlack moved to authorize city to sign the Kansas shared Services Authority Interlocal Cooperation Agreement. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:44 p.m.

Annual Mobile Home Park License for Richard Marsh Trailer Park at 520 N. 5th

Extended to February 5, 2003 City Council Meeting

Annual Mobile Home Park License for Brokerage Securities, Jim Thompson, at 704 E Sycamore

Reported no response to the license renewal from the owner. Council requested thirty-day letter to be sent. City Attorney Sutherland will send the letter.

NEW BUSINESS:

“City Hall Day at the Capitol”, Thursday, January 30, 2003

Reviewed. No action.

NEW BUSINESS: (Continued)

2003 Budget Review

City Clerk Herrin reported the with the current cuts projected from the state the County & City Revenue Sharing of \$18,477 will be cut from the General Fund and the LAVTR of \$10,371 will be cut from the General Fund causing a reduction of almost \$30,000 from the \$404,000 General Fund Budget. Discussed having workshop to go over areas for budget changes due to the shortfall. City Clerk was not sure at the time of meeting if the Special Highway Fund which is state funded would be effected or not.

- *Motion For Workshop*

REGULAR MEETING

Year = 2003

Council Member VanVlack moved to have a 2003 Budget Workshop on Wednesday, January 29th at 7:00 p.m. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:54 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to 65 minutes following a 10-minute break. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:56 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin; Public Works Superintendent Craig; Art Terry; and Police Chief Farrell.

Open Session Resumed at 9:08 p.m.

OTHER BUSINESS:

Purchase Fire Arm for Police Department

- *Motion to Purchase Fire Arm for Police Department for Up to \$600*

Council Member Barber moved to spend up to \$600.00 for the Police Department to purchase a firearm. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:10 p.m.

Hire Public Works Employee Art Terry

- *Motion to Hire Art Terry as Public Works Employee for \$11.50 Per Hour*

Council Member VanVlack moved to hire Art Terry as a Public Works Employee starting February 3, 2003 at \$11.50 per hour. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:11 p.m.

Council noted Mr. Terry was a Class IV Certified Water Operator and a Class III Wastewater Operator.

CITY CLERK'S REPORT:

City Clerk Herrin reported she would be attending the Fireman's Relief Conference Saturday, January 25th with Fire Chief Moylan.

No written report.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMGa Executive Committee Meeting Reports
- b] KDHE Contractor Operator Acknowledgement
- c] KRWA *Attorneys Forum* Tuesday, March 25, 2003, Wichita, Kansas
- d] LKM *League News* Volume 8, Number 1, January 17, 2003
- e] Certificate of Achievement, Jerome Moore, Generator Maintenance Training
- f] 'Thank You' from Iota Tau Sorority
- g] Classic Communications, Inc Bankruptcy Court Notice
- h] Planning Commission Meeting Minutes of January 9, 2003
- i] Classic Communications Letter to Customers
- j] *Kansas Government Journal* Volume 88 – Number 12, December 2002

Discussed items e, g, and i listed above.

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member Barber moved to adjourn. Seconded by Council Member Shields, voted on, 5-0.**

Meeting adjourned at 9:15 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 22nd day of January 2003.

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The La Cygne City Council held a Special Meeting at 7:00 p.m., Wednesday, January 29, 2003, at La Cygne City Hall.

Council Members present were: Esther Shields, Tony Williams, Mike VanVlack, and, Sam Barber who arrived at 7:08 p.m.

Others present included: City Clerk Devona Herrin, Public Works Superintendent George Craig, City Police Chief Chuck Farrell, City Fire Chief Ernie Moylan, Roger Sims, Julie Funk, and City Attorney John Sutherland.

SPECIAL MEETING

Mayor Weitman called the Special Meeting to order at 7:04 p.m.

The purpose of the Special Meeting was for:

4. Personnel

5. Sewer CDBG/EDA/Loan Project Review

Mayor Weitman announced the purpose of the Special Meeting was for the two items listed above.

3. Sewer CDBG/EDA/Loan Project Review

Mayor Weitman noted that as earlier discussed a resident had brought it to the city's attention that a sewer line was missed when the new sewer line was installed east of town. This particular gray water line had been discussed with the engineering firm and they were aware of it prior to the contractors doing the work in the area. Now notice was received yesterday from the engineering firm of a mobilization charge of \$1,000 by the contractors to come back and add this work to the project. Mayor Weitman asked to have Kirkham Michael Engineers to come to the next meeting and explain why the city is responsible. May have other questions for the engineers too. Council Member Shields asked if there would be a charge for the engineers to come to the council meeting. Mayor Weitman responded there shouldn't. Concurred they would have questions ready.

2. Personnel

- *Motion to go into Executive Session for up to thirty minutes*

Council Member VanVlack moved to go into executive session for up to thirty minutes for personnel. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:08 p.m.

Extend

- *Motion to Extend Executive Session for up to One Hour*

Council Member Barber moved to extend executive session for up to one hour for personnel. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:35 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin, Public Works Superintendent Craig, Clint McCammon, and Jonathan Henry.

REGULAR MEETING

Year = 2003

Open Session Resumed at 8:15 p.m.

No further questions or comments pertaining to the two items listed.

Adjourn

With no further business, **Council Member VanVlack moved to adjourn the meeting. Seconded by Council Member Shields, voted on, passed 4-0.**

The meeting was adjourned at 8:15 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 29th day of January 2003.

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REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, February 5, 2003. Council Members present were: Mike VanVlack, Sam Barber; Esther Shields, and, Tony Williams. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; City Treasurer Linda Elder; City Fire Chief Ernie Moylan; Jerry Boone; Kenny Ross; Michael Olson with Kirkham Michael Engineers; Mike DeMott; Robert Turpen; Roger Sims; Kelly & Dennis Van Tuyl; Randy Taylor; Gary Armentrout; Travis Robbins; and, Julie Funk.

Mayor Terry Weitman called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Shields moved to approve the consent agenda that consisted of:

Check Register: January 20 - February 5, 2002;
Minutes of November 6, 2002 Public Hearing;
Minutes of January 22, 2003 Regular City Council Meeting;
Minutes of January 29, 2003 Special City Council Meeting.

Motion seconded by Council Member Barber, voted on, passed 4-0. Time: 7:11 p.m.

UTILITY IMPROVEMENTS REPORTS

CDBG Sewer Grant – State Revolving Loan – EDA Grant

Mike Olson with Kirkham Michael Engineers introduced himself as the office manager of the Overland Park Office for the firm. He explained he had been asked to attend the meeting due to some concerns and was trying to gather information for all concerned. Asked what the primary concerns of the city were.

Mayor Weitman noted there were two issues with the sewer project currently of concern. Council Member VanVlack reported the first concern was regarding the east interceptor project where a gray water line was missed. Now the city has been informed the contractors are going to charge \$1,000 mobilization fee.

Mike Olson reported the facts he had gathered from Corey were that the property owner had indicated there was only one connection.

Mayor Weitman noted the city felt that Rob had been aware of it.

Mike Olson asked if there were any alternatives to addressing the property in question. Such as hiring a local contractor to put the other line back in the primary service line and avoid the mobilization costs?

Mayor Weitman indicated the city wanted to stay within the grant guidelines and EDA requirements.

Mike Olson asked when the next council meeting was to gather the information by. Two weeks.

Council Member VanVlack asked how had the \$61,000 change order without approval of the council been accomplished?

Mike Olson noted he had been checking and asking about the options. The typical procedure is to get a price then being set up for approval, and then authorize the contractor to do the work. Have some questions as to how the process went. Noted had three projects going simultaneously that came in under budget less than \$300,000 from the original project. Trying to see what was originally set up and then what was added, such as more video, 23 manhole covers, and going from 4,000 linear feet of line repairs to adding 7,000 more. One option, instead of adding the liner repair is to identify the worst and change the order to reduce the number of feet of repairs. The city doubled the amount of line to be viewed and the engineers did not charge anything extra to view them. Then changed the 4,000 linear feet of repair to 7,000 without any extra charge. Understand the city wants to know what to do to balance this budget.

Council Member Barber reported the city had looked to the engineer to keep the city in control with the budget and then when the \$61,000 came up put project on hold and get back in line. Then in the middle of this the Stanage deal of \$1,000 came up.

Mayor Weitman asked how did the slip up of \$61,000 happen? And, now to stay within budget and get the work done?

Mike Olson noted the engineers and contractor felt they wanted to do what should be done and were on the project at the time the repairs were identified. Both should not have moved forward without authorization.

Concurred for the property of Ken Stanage, one line is in but the gray water line is not.

UTILITY IMPROVEMENTS REPORTS

Water Improvement Project

Council Member VanVlack the water project may now be good to go. He and the public works employees met with Mark and should have the plans.

Mike Olson confirmed they had submitted 90% plans for review and comments. From his review it looked like the first preliminary plans had been for \$300,000 and then bumped up to \$500,000. Asked if anyone knew if the engineering firm increased the project or did the city ask for it.

Mayor Weitman noted the city had done a study to go with the wholesale water district or update the plant on their own, and figure the rates for both options.

Mike Olson asked about where the liquid feed came into the plans.

Superintendent Craig concurred it was in the original plans.

Mike Olson asked if the council had received the dates Mark had targeted, with the building date being separate from the plant date.

Council Member VanVlack concurred they had received them with February 10th and February 24th for the building portion.

Gas Improvement Project

Mike Olson asked if the easement portion was complete.

Noted they had been sent out but not all received back yet.

Council Member Shields noted the Linn County patrons had been contacted personally.

City Clerk Herrin noted the original plans before the state did not include easements. Then when the money was in place it was decided by the engineering firm to get the easements. Concern about keeping the project moving forward in a timely manner so as not to jeopardize the city's chances of another grant in the future because the previous projects exceeded time frames.

Mayor Weitman noted the city's number one priority is to get the projects finished and take a breath.

Mike Olson asked to be put on the next meeting agenda and would bring Rob who was currently in Ireland to go over the projects in detail.

Mayor Weitman concurred and thanked him for coming.

DISCUSSION FROM THE FLOOR:

Kenny Ross with Sunrise Builders, Regarding Street on South End of 7th Street

Kenny Ross explained he has purchased property in the city and if all goes well is going to build a triplex apartment building at 7th Street and Sycamore. The road to this property is now just one lane with a pile of gravel. Wondered if the city would improve it by blading, or whatever. The street easement is 70' wide and there is less than ten feet width of new gravel in the street. Mr. Ross noted he had made improvements to the city in the past by adding culverts, etc.

Mayor Weitman asked if other cities develop the street where builders are building?

Mr. Ross responded there usually is no existing street and the developer owns the street to begin with. He didn't own this street, the city does. There were also other problems in the area that are not major at this time and survey's, etc, will help with that later. He was bringing tax dollars to the city and improvements.

Mayor Weitman noted the current government cuts and the budget being short this year.

Asked him what he was looking for.

Mr. Ross noted he couldn't force the city to do anything. You may have a surveyor come in later and then find the street is not where it was thought to be. The city can blade and make it wider after the construction is done.

Mayor Weitman noted he was sure Kenny knew about the revitalization program offered by the city that helps with new construction. Asked if this project would require a zoning change?

Mr. Ross said yes. It had already been filed and will be presented to the Planning Commission next week. Have a surveyor down there now checking the property boundary lines. Made the recommendation to the council that surveyor's be brought in when it is not clear where boundary lines and roads are, and then set up the area.

Mayor Weitman asked the street committee to look into it and noted they would not hold up the progress of the building.

Council Member Barber asked if he would like for the street to wait till the construction was done.

Mr. Ross said yes, would rather wait till the development was done so as not to have to address the street while heavy equipment was in there.

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DISCUSSION FROM THE FLOOR: (Continued)

Jim's Food Fair, Regarding Natural Gas Prices

Jim O'Neil explained he had some concerns about the gas bill situation with the high gas bills. Would like to ask what's going on, how long term will it be, and will the prices stay high? Noted he had watched the gas prices go up the last three years. Have concern for those older individuals that can't afford these rates.

Mayor Weitman noted that for those on fixed incomes there are energy assistance programs available. The gas rates with neighboring cities are in line with our city. Our city has eighteen

miles of transmission line the city is responsible for and it now needs to be updated. If you look at the distance of transporting the city is not out of line. The city previously looked at the option of selling the gas, but decided that would not be in the best interest of the city.

Jerry Boone asked if the cost to purchase the gas is \$4.77 then why is \$6.37 more paid (per mcf)?

Mayor Weitman noted the difference between the cost of gas and the determined cost per mcf is to maintain the line and the additional costs involved including the cost of lost gas within the system. The answer would be to raise volume by raising the number of meters, but that is not an option. Have to fix the line or sell it.

Jerry Boone noted the cost is just too high.

Mayor Weitman asked Mr. Boone how to fix it.

Mr. Boone responded to make the cost \$7.37.

Mr. O'Neill asked what kind of shape the line was in.

Mayor Weitman noted the distribution (transmission) line is the part needing options.

Mr. O'Neill asked what was the gas loss?

Noted it averages around 1,000 mcf's a month.

Mr. Boone asked why not just repair the leaks.

Council Member Barber noted the city had spent a lot of time looking for them.

Mayor Weitman noted the line is over forty years old and has already doubled its life expectancy.

Mr. Boone reported the city needed to drop the engineering.

Council Member Shields noted the city couldn't get grants without engineers.

Mayor Weitman noted if the city can get the line in and cut the gas loss, may be able to cut the rate and meet the payment. The loan payback is based on the volume purchased.

Council Member Barber noted just need to get the line in the ground then get situated.

Mayor Weitman noted the city now buys gas differently and this may let us lower rates after we get the project complete.

Mr. O'Neill noted he understood the town has to pay to help make the payment.

Mr. Boone asked how many were on gas in the country.

Noted around 20 over three miles.

Mr. Boone asked why their rates were different.

Explained because they don't have to share in the city distribution system.

Council Member Shields asked if there could be any hook up fee for the privilege of having gas?

City Clerk Herrin will look into that as a possibility.

EXECUTIVE SESSION

- *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to fifteen minutes for legal. Seconded by Council Member Shields, voted on, passed 4-0. Time: 7:55 p.m.

Those requesting time or invited into executive session included: City Police Chief Farrell.
Open Session Resumed at 8:10 p.m.

114 West Market Street Owned by Randy Taylor

Randy Taylor noted he was present regarding the ninety-day extension on his property.

Mayor Weitman asked him where he was on the repairs of the property.

Mr. Taylor noted he had not been able to do any tape or mudding due to cold weather. Also, unable to put on the shingles till warmer weather.

Mayor Weitman asked what percentage he considered to have complete.

Mr. Taylor noted he was 75% on the back part and there was not that much on the front part. Noted earlier stated Mr. Taylor was to be 50% complete by this time and 100% by a future date.

Mr. Taylor noted his son would be moved in when school's out, so it will be occupied then.

Mayor Weitman asked if it would be livable when he moves in.

Mr. Taylor noted any items still to be done at that time would just be cosmetic like painting.

Council Member VanVlack noted can have Mr. Taylor check with Codes Officer Farrell as it is being repaired.

Mr. Taylor noted he had been in City Hall earlier in the week to touch base and spoke with Linda Elder.

Mayor Weitman asked Mr. Taylor to get with Chuck between now and the next meeting.

Mr. Taylor agreed he would get with him and be back at the next meeting. The only way to contact Mr. Taylor is by mail, he did not have a phone at his residence.

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DISCUSSION FROM THE FLOOR: (Continued)

Mike DeMott Regarding Letter for Street Survey

Mike DeMott asked what the letter for the street survey was about.

It was explained Grandview Street required a survey and when this is done it is best to make it a permanent survey for future records but requires certified notices to those living in the blocks on each side of the street.

Dennis Van Tuyl: Regarding Property Behind Theirs

Kelly Van Tuyl asked the City Attorney if anything had been done with their alley.

City Attorney Sutherland noted nothing had been done and waiting till survey is done.

Mike DeMott Regarding Gas Leak in Ditch

Mike DeMott asked when the gas leak in the ditch in their front yard was going to be repaired. Noted former city employee Pat Summers had been notified around two years ago and nothing had been done. Noted it was not on current records to be addressed but would be now.

Kelly VanTuyl thanked the city employees for their quick response to the gas leaks at their home and nearby homes.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

i. Annual Mobile Home Park License for Brokerage Securities, Jim Thompson, at 704 E. Sycamore. No Report.

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report of for January 2003. Reported the police vehicles are being serviced. The 1999 Crown Vic is waiting on parts for a leaking oil line; the other two have been serviced.

Council Member Shields asked to have all officers to please check the north and east doors of the Historical Building when doing door checks.

Public Works Superintendent George Craig

Reported they had been busy checking gas leaks. Added odorize to the system and it worked. Met with Rex Heape from KDHE and went over the water plan updates. Received ok for meeting state required updates. Rex also looked at the river pumps and was going to report back to the state and will try to help move forward with state approval for the river pump repairs. The one river pump is working after the city crew blew it out to check for any blockages; hired Mark Michelle to do the welding for this and it worked fine. The other pump has been checked and is fine, now just waiting for the new line to be put in.

STANDING COMMITTEE REPORTS:

Community Building

Council Member VanVlack noted the Hamm Fest was held last weekend and the heaters are now working in the building.

SPECIAL COMMITTEE REPORTS:

Emergency Disaster Committee

Postponed till next Wednesday night.

UNFINISHED BUSINESS:

Annual Mobile Home Park License for Richard Marsh Trailer Park at 520 N. 5th

- *Motion to Grant Approval of License Renewal*

Council Member VanVlack moved to grant approval of the license renewal for the Richard Marsh Trailer Park. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:27 p.m.

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UNFINISHED BUSINESS: (Continued)

Annual Mobile Home Park License for Brokerage Securities, Jim Thompson, at 704 E. Sycamore

Discussed still have a problem with one trailer in the park. Noted Jim Thompson had spoke to the woman to try to get her to clean it up and has tried to clean up around it himself and it just goes back to the way it was. Discussed sending her a notice as it's the person living there, but also he is the property owner. Discussed if city could do anything under the nuisance ordinance. City Attorney Sutherland noted he would have to check. Jerry Boone requested to get rid of all cats. Chuck recommended the city go with a nuisance order on the one trailer and grant a license. Mayor Weitman noted Jim thinks city might have quicker options. Concurred to send nuisance abatement and table license till next agenda.

NEW BUSINESS:

2003 Kansas Municipal Court Clerks' Conference

City Treasurer and Court Clerk Linda Elder noted the expenses are totally paid for by the state and would be gone from the office on Friday.

- *Motion for Linda Elder to Attend Conference*

Council Member Shields moved to send Linda Elder to Court Clerks' Conference with any related costs incurred. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:33 p.m.

PVHS 'After-Prom 2003' Donation

- *Motion to Donate \$150 to PVHS After-Prom 2003*

Council Member Shields moved to donate \$150 to the PVHS After-Prom 2003. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:34 p.m.

Date for Dog Days in April

- *Motion to Designate Saturday, April 19, 2003 for Dog Days*

Council Member VanVlack moved to designate Dog Days on Saturday, April 19th. Seconded by Council Member Shields, voted on, passed 4-0. Time: 8:35 p.m.

Iota Tau Lights Donation

Council Member Shields asked why they don't repair some of the old instead of buying new.

- *Motion For Regular \$500 Donation for Lights*

REGULAR MEETING

Year = 2003

Council Member VanVlack moved to donate the regular \$500 donation for lights to Iota Tau. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:36 p.m.

Spring City Wide Garage Sale

- *Motion for First Saturday in May (May 3, 2003) for Garage Sale*

Council Member VanVlack moved to have the first Saturday in May, May 3rd, as the day for the Spring City Wide Garage Sale. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:37 p.m.

City Clerks & Municipal Finance Officers Spring Conference, March 11-14, 2003, Wichita, KS

- *Motion For Devona Herrin to Attend CCMFOA Conference*

Council Member Shields moved to send Devona Herrin to CCMFOA Conference with per diem. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:40 p.m.

Southeast Kansas Mayors' Meeting, February 22, 2003, Parsons, Kansas

Unable to attend.

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NEW BUSINESS: (Continued)

City Newsletter

City Treasurer Linda Elder reported she would be doing a newsletter this month and was looking for information to put in the newsletter.

Extend Council Meeting Time

- *Motion to Extend Meeting to Full Extent*

Council Member Barber moved to extend the meeting to the full extent. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:43 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Shields moved to go into executive session for discussion of personnel, trade secrets, and legal for up to one hour and forty minutes. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:44 p.m.

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent Craig, Jonathon Henry, Gary Armentrout, City Clerk Herrin and Police Chief Farrell.

Open Session Resumed at 10:14 p.m.

OTHER BUSINESS:

Hire Jonathon Henry as Public Works Employee

- *Motion to Hire Jonathon Henry as Public Works Employee*

Council Member Barber moved to hire as a public works employee Jonathan Henry at \$9.00 per hour and to start on March 3, 2003. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 10:15 p.m.

2003 General Budget Cuts Review

- i. Community Building Capital Outlay
- ii. Cemetery Improvements

REGULAR MEETING

Year = 2003

- iii. Employee Benefit Payments
- iv. General Capital Outlay
- v. Utility Late Notice Processing
- vi. New Water and Gas Hookups

Discussed the Following:

Payroll Overtime Factor in General Budget

Mayor Weitman request City Clerk Herrin provide print out of employees in the general fund with a breakdown of the overtime and when it comes into play. Also to check on when overtime is by law to come into play for police officers.

New Water and Gas Hookups/Service Call

Discussed reviewing an additional charge or water and gas hookups &/or services calls as a way to help with the rates. Concurred Water and Gas Committee will work on this project.

Use of Left Over Funds from 2002 General Fund

Mayor Weitman asked City Clerk Herrin to check with City CPA Sercer if the city can make changes to the year end decision to move any left over general funds to capital funds and leave them in the general fund.

CITY CLERK'S REPORT:

City Clerk's written report included:

- a. Chamber of Commerce Meeting February 20, 2003, Noon, at the Longhorn Restaurant
- b. PVHS 'After-Prom' Donation
- c. Dog Days in April
- d. Iota Tau Donation

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NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KRWA 2003 Conference Registration Forms Booklet
- b] KMU Membership Letter
- c] KDHE "Technical, Financial, Managerial Capacity Survey" Response
- d] LKM, *League News* Volume 8, Number 2, January 24, 2003
- e] 1975 Flood Plan Map Received from State Office 01/29/03
- f] ASTRA/ASPA February 20, 2003 Meeting, Topeka, Kansas
- g] Don't Loose Your Marbles
- h] LKM, *League News* Volume 8, Number 3, January 31, 2003

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member Shields moved to adjourn. Motion seconded by Council Member VanVlack, voted on, 2 – 2 (Against VanVlack and Williams). Mayor Weitman cast vote to adjourn.**

The meeting was adjourned at 10:25 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 5th day of February 2003.

The La Cygne City Council held a Special Meeting at 7:00 p.m., Thursday, February 13, 2003, at La Cygne City Community Building.

REGULAR MEETING

Year = 2003

Council Members present were: Esther Shields, Connie McGinnis, Tony Williams, Mike VanVlack, and, Sam Barber.

Others present included: City Clerk Devona Herrin.

SPECIAL MEETING

Mayor Weitman called the Special Meeting to order at 7:05 p.m.

The purpose of the Special Meeting was for:

6. Personnel.

Mayor Weitman announced the purpose of the Special Meeting was for Personnel, the item listed above.

4. Personnel

- *Motion to go into Executive Session for up to One Hour*

Council Member VanVlack moved to go into executive session for up to one hour for personnel. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:06 p.m.

Extend

- *Motion to Extend Executive Session for up to One Hour*

Council Member VanVlack moved to extend executive session for up to thirty minutes for personnel. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:07 p.m.

Others invited into or requesting a portion of time included: None.

Open Session Resumed at 8:30 p.m.

No further questions or comments pertaining to the item listed.

Adjourn

With no further business, **Council Member VanVlack moved to adjourn the meeting. Seconded by Council Member McGinnis, voted on, passed 5-0.**

The meeting was adjourned at 8:31 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 13th day of February 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, February 19, 2003. Council Members present were: Sam Barber; Connie McGinnis; Esther Shields; Tony Williams; and Mike VanVlack.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; LeRoy Turpen; City Police Chief Chuck Farrell Jr.; Randy Tinsley; City Treasurer Linda Elder; Frankie Howard; Mike Olsen with Kirkham Michael Engineers; Jennifer Leach; Randy Taylor; Jerry Boone; and Danny McElreath.

Mayor Terry Weitman called the meeting to order at 7:02 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Shields moved to approve the consent agenda that consisted of:

Check Register: February 6 – 19, 2003;
Minutes of February 5, 2003 Regular City Council Meeting;
Minutes of February 13, 2003 Special City Council Meeting

Motion seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:03 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

Mike Olson, V.P. of Kirkham Michael Engineers presented a written report from Rob Gavin on the following:

i. Lagoon Project:

Mike Olson reported the construction is complete and need to schedule a final walkthrough with KDHE and City.

Presented Pay Estimate No. 5 for approval and work includes release of retention. Council questioned payment of retainage if the final walkthrough was not yet complete. Mike Olson agreed that it is usually paid after the final walkthrough is completed. Council Member Barber asked if the walkthrough could be handled quickly as the quicker the walk through the quicker the final payment is made and finished with the project. Discussed making payment for the listed work completed of \$15,045.80 and hold the rest as it would be close to the retainage amount.

- *Motion to Pay Estimate No. 5 in the amount of \$15,045.80*

Council Member Barber moved to make payment of pay estimate number five in the amount of \$15,045.80. Seconded by Council Member Shields, voted on, passed 5-0. Time: 7:08 p.m.

ii. East Interceptor Project

Mike Olson reported the construction is complete except for gray water line at Ken Stange house. KM is working with the contractor to complete with no mobilization cost to the City. Need to schedule a walk through with KDHE and City.

Council Member Barber reported there were still some fences that needed to be put back and a gate on Danny Troth's property just north of the new pump station as had been agreed with the landowner. Mike Olson noted he would check on getting that done.

Presented Change Order No. 4 for approval, work includes actual costs for service lines and road borings. Road borings had to be extended to miss existing utilities.

Council discussed. Had several questions as to the description of changes against other previous change orders and the original bid. City Clerk Herrin asked if the six cleanouts on the change order were left out of the original bid and then put in here. Mike Olson said no, they would be different ones and these kind of changes have to be made while out in the field; this is part of construction and then document later. Mike Olson recommended to put change order no. 4 on hold and review against previous changes and the original bid information, then look at holding back roughly \$31,000 from the pending pay request till information answering questions is provided to the council.

REGULAR MEETING

Year = 2003

Presented Pay Estimate No. 5 for approval. Work includes service line connections, septic tank abandonment, additional bore and reduction of retainage to 1%. Council discussed, expressed concern over the items listed in the change order adding to the total cost. Agreed to pay the \$44,003.25 of the work completed with some retainage till answers are provided.

- *Motion for Payment on Pay Estimate No. 5 in the Amount of \$44,002.25*

Council Member Barber moved to pay \$44,022.25 on pay estimate number five on the east interceptor project. Seconded by Council Member VanVlack, voted on, passed 5-0.
Time: 7:27 p.m.

iii. Manhole and Line Repair Project

Mike Olson presented a map showing all the sewer lines to be repaired (2771 L.F.) had the dollars been available as at first thought.

Presented Change Order No. 2 Revised for approval. The lining was reduced to bring the project into available budget. KM reduced the total by \$72,000 to cover additional manhole repairs. Insituform destroyed the original C.O. 2 at KM request. Work includes additional sewer lines to be repaired. Need to get Insituform authorized to begin lining ASAP. Rob Gavin can meet with City Clerk Herrin the first of next week if she has questions.

Presented Change Order No. 3 for approval. Work includes the additional manhole repairs that were shown on the plans and not in the bid tab.

Council discussed both change order requests. Noted the original bid included 1800 L.F. of line repair. Then the first Change Order No. 2 increased the L.F. to 2771, but now known this amount will take the cost outside the city budget, so KM completed Revised Change Order No. 2. Council Member Williams asked if this is where the \$61,000 of work already done without a change order comes into effect. Mike Olson responded these are the changes to the manhole repairs that have already been done while the contractor was here. Council Member Williams asked that even if the change order came through then why wasn't the city notified. Mike Olson noted it was in Change Order No. 3. Mike Olson read the Change Order No. 3 descriptions of changes made. He noted the quantities should have been in the original bid and this is why the price came in lower than expected on the original bid. Council Member Shields asked who should have caught the missed information. Mike Olson responded KM should have, but it still costs this much to do the job. Council Member Williams asked why we have to. Mike Olson responded we agreed to a bid tab for a unit price and the number of units was wrong. The contractor bid what the bid document said at the unit price then the number didn't match the plan. If it had been pointed out by the contractor then KM would have caught it, but no one asked about it during the bid process. Council Member VanVlack noted now there is a void with this difference. Council Member McGinnis noted if she bids a job and it goes over (pause). Mayor Weitman asked that when the units were identified why wasn't the city informed. At some point there is an overrun. Mike Olson concurred at some time you have to address the overage. Council Member VanVlack noted it was found out it was not in the KM bid tab and now there are extra costs to the city. Mike Olson noted the goal is to be in under budget and will get with the City Clerk to keep it under budget. Mayor Weitman noted he felt the audit process failed somewhere. Mike Olson concurred he felt there was a question of how come the bid documents didn't match the plan and no one questioned it. Usually the contractor asks for clarity when working up the bid process. Council Member McGinnis noted she understood it might not be caught originally and then when it changes why not question it then. Mike Olson noted the city had to understand they have to have faith and trust in their engineers, but a time comes when there is a need to contact the council. Mayor Weitman noted as a contractor himself the contractor had to know he was in an overrun situation and then the engineer inspector also had to know when the contractor told him. Mike Olson noted the one to notify the contractor would be the engineer. That KM is going to be here and if they overstepped the bounds then they did. When in the heat of construction they try to keep the project moving forward. Council Member Shields responded the city has special meetings and could have kept them moving. Mayor Weitman noted he was confident the city would have authorized the work but it should have been the city's decision at the time.

Presented Pay Estimate No. 4 for approval. The work includes the additional video taping of were lines and the 8-point repairs in C.O. 2. Mike Olson recommended the pay estimate to Insituform with holding 10% retainage and the part of the work that is yet to be done. Some concern as there is a clause when there is a delay of payment it is justification of a claim. It does not set well to authorize additional work but not authorize payment for work that was done that was in the plan. City Clerk Herrin noted it appeared prior pay request payments had previously been made for the work that was now in the change orders being questioned. How does that apply for current issues for a claim? Mike Olson noted currently there were no issues for a claim. Council Member Williams noted the problem is they went on without approval till now. Mayor Weitman noted if our agent authorized the work then the contractor went forward in good faith. Council Member Shields asked who the inspector was. Mike Olson responded Corey (KM employee). Mayor Weitman noted if he saw an overrun in his job he had better tell someone fast. City Clerk Herrin noted the sub-contractors for this job are calling and sending bills for payments on this project. Mike Olson noted the pay estimate includes video, cleaning, and point repairs for a total of \$34,680.55.

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a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT (Cont.)

- *Motion to Approve Pay Estimate No. 4 in the Amount of \$34,680.55*

Council Member Williams moved to approve pay estimate number four for the amount of \$34,680.55. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:08 p.m.

Council Member Shields asked if KM makes sure the subs are paid. Mayor Weitman asked if a sub could file a claim. Mike Olson noted if the sub is not getting paid then they can go after the bond or file a lien.

Council Member McGinnis noted wanted to make a note to stay away from Contractor in the future. Mike Olson responded he believed Insituform is a good company. Don't know what happened here. There should have been communication including the city.

Mike Olson noted the goal here is to do the job right and under budget.

Council Member Barber noted the city still cannot move forward till the change order is approved or just do the original amount (of line repairs). Discussed the original bid included 1800 L.F. of pipeline and then it was increased to around 3500 L.F. Now still planned on 2771 L.F. to repair. Noted it could have been more if the change in costs of covers hadn't arisen.

Council concurred they would commit to a special meeting for answers if needed to keep moving forward. Mike Olson asked to give Rob adequate time to pull the info together.

Mike Olson noted he would get the amounts of the payments approved correctly determined and get the proper paper work to Mayor Weitman for signatures. Rob Gavin will schedule the walk through with KDHE.

WATER IMPROVEMENT PROJECT

Mike Olson noted he had the Notice to Bidders for the building; however City Clerk Herrin had questions before publishing. Council Member Barber asked why put the bid out for the building when it is the last thing to be done. Mike Olson concurred it should not have to go to bid now if it is the last to be done, he would check and get back with the council.

Mike Olson noted the water plant plans had been sent to KDHE for approval and waiting for response.

GAS IMPROVEMENT GRANT

Mike Olson reported the design of the gas line is scheduled for Friday the 21st. KM will incorporate the Aquilla design into our plans and specs and plan to advertise for bids on the 28th or as it fits the City's Official Paper. Will submit plans to KCC, however there is no formal review process.

City Clerk Herrin asked about the easements still outstanding and how the items such as will brush be cleared on one owners property, versus another owner wishing to have the line laid

behind brush and not clear it be handled as part of the bids when the information has not yet been passed on. Mike Olson noted that with easements still pending and requests for some items with the easements that the 28th date was a bit optimistic and these items did need to be added to the bid information.

DISCUSSION FROM THE FLOOR:

114 West Market Street owned by Randy Taylor

Codes Officer Glenn Farrell reported he had inspected the property and some work has been done. The inside part needs to wait till the roof is put on. The walls have been prepared for dry wall but needs the new roof to prevent leaking first.

Randy Taylor noted it depends on the weather to get the roof fixed. His son wants to move into the house in the middle of June and it will be done by then.

Mayor Weitman asked if he was requesting a ninety-day extension?

Randy Taylor responded yes. Mayor Weitman asked if there was a possibility of another ninety-day extension then? Randy Taylor responded there shouldn't be. Council Member McGinnis asked if it was possible to have the repairs completed in that time frame. Codes Officer Farrell responded it would be contingent on the roof and the weather, but was possible.

- *Motion to Grant Another Ninety Days for Randy Taylor*

Council Member Barber moved to give Randy Taylor another ninety days as he's shown he wants to keep it. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:30 p.m.

Sewer Charges for Dumping, Danny McElreath

Danny McElreath explained that he was entering the Port-a-Potty Business. He has a 200-gallon dump tank and needs a deposit or waste location. Asking the city to dump in the lagoon or at the park dump station.

Council discussed if this was possible. Discussed ordinance change for a rate.

Mayor Weitman asked the Sewer Committee to work on a rate structure and set up an ordinance for review.

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DISCUSSION FROM THE FLOOR: (Continued)

Jennifer Leach Regarding Condition of Property at 629 N 7th Street

Jennifer Leach explained someone in Spring Hill owns the house behind hers. Have to request to have it mowed and complain repeatedly each summer. Now there are cats and opossums around it, it's infested, gross – including spray paint on the doors. Asked if there were any options for better care of the property.

Mayor Weitman noted he had also received a complaint from another neighbor of this property location. Jennifer Leach noted it is bad again. Codes Officer Farrell noted every summer 2-3 notices to mow are sent by the city, and always gets bad before it is mowed.

Jennifer Leach asked if the termites and a wood basement would affect it being a safe structure. Codes Officer Farrell reported he had walked around the property and could not see where it was sinking when he checked the foundation previously. Jennifer Leach gave an incident when one of this property owners trees fell on their fence and when they called the property owner he just said it was ok for the Leach's to remove the tree for him. Codes Officer Farrell noted he does eventually mow it. Mayor Weitman asked City Attorney Sutherland if the city could notify the property owner of the complaints. City Attorney Sutherland noted that would be all until a point of writing up as nuisance is possible. LeRoy Turpen asked why not have an ordinance from cats. Jennifer Leach noted she could keep doing what she was doing but would like to do more when she can.

Ball Congress, Randy Tinsley, Grade School Ball Field

Randy Tinsley reported he had been to a ball congress meeting and learned the grade school ball field would not be mowed by the school and had heard it was a possibility the city would mow it along with the park in the summer time, or the association would pay the city to mow. Discussed that the Township had been asked if they would take this over, but the city had not been approached. Noted by council that if the ball field were not mowed a notice to mow would be sent to the school by the city. Roger Sims reported the school would mow the ball field, but at the same height as the play ground. The ball teams want it lower so the ball association has been mowing it in summers past. Randy Tinsley noted the younger kids couldn't see the ball in the higher grass so they did mow it lower.

REPORTS OF CITY OFFICERS:

Chief of Police Farrell

Reported on police activities for February 1 - 17, 2003.
Tabled nuisance report on property at Thompson's Trailer Park till next meeting.

Public Works Superintendent George Craig

The following items were covered:

1. Art Terry and Jerome Moore attended the Kansas One-Call, 'Excavation Safety Program' in Paola, today.
2. Getting the gas and water meters ordered to stay with the 10% annual replacement.
3. River Pump Repair by McCorkendale Construction
Reported the bid for the pit, which will be 42' deep and 30' around, will have a total cost of up to \$118,237.00. The 8' pit will be able to house the south pump when the south one goes down in the future for cost savings then. The proper state agencies have been notified. \$10,662.50 of the total cost incurred against the 2002 expenses.

- *Motion to Spend Up To \$118,237 for Water Intake by McCorkendale*

Council Member VanVlack moved to spend up to \$118,237 for the water intake by McCorkendale Construction. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:52 p.m.

STANDING COMMITTEE REPORTS:

Community Building

Council Member McGinnis noted the information had been passed on that the community building was losing paper towels, trash bags, toilet paper, etc, at different times. Would like to explain that will not furnish these items anymore. Asked that those renting the building be alerted they will need to bring these items themselves.

Cemetery

Council Member Shields reported that Esther Boone used to put the flag up and take it down at the cemetery but due to health problems was not longer able to do this. Asked if there were any volunteers? Who puts up the park flag? How about asking Kenny McClanahan?

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the Spring Break Dance is next month on March 22nd. Have a band, the cost is \$5.00 per person and then drinks set up.

Emergency Disaster Committee

REGULAR MEETING

Year = 2003

Randy Tinsley reported they met last Wednesday. Compiled list for emergency contact. Met with Roger from Baldwin. They are setting up trailers for different disasters. This is through the United Methodist Church who he represents. There is another branch with the state for communication if a disaster hits. Changed the name to La Cygne EDT (Emergency Disaster Team). Also want to get pamphlets prepared and pass them out. Council Member Williams reported he had checked with the school system and they just asked for a letter to put in file and to arrange for a contact person with a key. Randy noted they had looked at using all of the churches then went to one confined building and chose the school. Also found there is a Search & Rescue Team available when the need occurs.

Planning Commission Committee

PC Chairman Randy Tinsley reported the committee had reviewed the Use Permit for Tami Henry for her business "Dream in Green". Began the process on Kenny Ross's project on zoning. Reviewed the final draft on the comprehensive plan and dropped a copy off with Louisburg codes person for another opinion.

a. Application for Use Permit, Tami Henry, (Dream in Green)

- *Motion to Approve Use Permit for 'Dream in Green' Business by Tami Henry*

Council Member Shields moved to approve the use permit for Tami Henry's business 'Dream in Green'. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:12 p.m.

UNFINISHED BUSINESS:

Annual Mobile Home Park License for Brokerage Securities, Jim Thompson, at 704 E. Sycamore

Noted only hold up on park license is the condition around one trailer and handling it through the Nuisance Ordinance. Codes Officer Farrell recommended going ahead with the park license and continue to address the one trailer.

- *Motion to Grant License for Brokerage Securities Mobile Home Park License*

Council Member Barber moved to grant mobile home park license for Brokerage Securities, Jim Thompson. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:15 p.m.

NEW BUSINESS:

La Cygne Elementary PTO Carnival Donations

- *Motion to Donate Left Over Fiesta Items*

Council Member McGinnis moved to donate left over items from the Fiesta items to PTO Carnival. Seconded by Council Member Shields, voted on, passed 5-0. Time: 9:18 p.m.

City Newsletter

City Clerk Herrin reported City Treasurer Linda Elder had prepared a seven-page city newsletter that would be mailed shortly. Linda wanted to also thank Chuck Farrell for helping prepare them for mailing.

NEW BUSINESS: (Continued)

Petition for 'Sale of Alcoholic Liquors'

City Clerk Herrin reported per County Clerk Proffitt thirty qualified elector signatures were required. County Clerk Proffitt had reviewed the petition and verified thirty-two signatures were absolutely good and pass that interpretation of the statute. Noted the governing body of the city has the power to determine the sufficiency of such petition.

- *Motion to Find Petition Valid and Sufficient to Call for Ballot on Election*

Council Member VanVlack moved the council finds the petition valid and sufficient to put on the next General Election ballot of April 1. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:20 p.m.

Mayor Weitman directed the City Clerk to direct the County Clerk to put the petition on the April 1st Election Ballot.

Resignation of Reserve Police Officer

The written resignation of Reserve Police Officer Mike VanVlack was presented to council.

- *Motion to Accept Resignation of Reserve Police Officer Mike VanVlack*

Council Member Barber moved to accept the resignation of Mike VanVlack as reserve police officer. Seconded by Council Member McGinnis, voted on, passed 4-0 (VanVlack – Abstain) Time: 9:22 p.m.

2003 Budget Review

- i. Community Building Capital Outlay
- ii. Employee Benefit Payments
- iii. Utility Late Notice Processing
- iv. New Water and Gas Hookups

City Clerk Herrin reported she had spoke with CPA Terry Sercer and the city can apply amounts left over from last years general fund to this years fund to make up the difference that will not be available from the state if the state cutbacks hold. This will help with this year, but will have to be ready to adjust with next years budget. Council Member VanVlack noted another item to consider would be to put the two department heads that come out of the general fund on salary. Discussed how to move forward with the listed items.

Mayor Weitman assigned item 'i' to the Community Building Committee, item 'ii' to the Employee Relations Committee, item 'iii' to Council Members Shields and Williams, and, item 'iv' to the Water and Gas Committee, for further review.

Extend Meeting

- *Motion to Extend Meeting*

Council Member Barber moved to extend the meeting to full extent (10:30 p.m.). Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:30 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to 45 minutes following a 10-minute break. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:31 p.m.

Others invited into or requesting a portion of time included: Police Chief Farrell.

Open Session Resumed at 9:36 p.m.

OTHER BUSINESS:

Announcement from Connie McGinnis

Connie McGinnis announced her decision to run for council member as a write in.

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CITY CLERK'S REPORT:

Omitted.

Written report included:

- i. PTO Carnival Donation
- ii. Classic Cable 2002 Franchise Payments

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] ADA Symposium 2003
- b] La Cygne Chamber of Commerce Letter
- c] Utility Service Water Tower Report
- d] LKM *League News* Volume 8, Number 4, February 7, 2003
- e] Annual Gas Reports
- f] KDCH '2000 Census and Survey Update'
- g] Gas Leakage Detection Training Seminar
- h] KSU, *Walk Kansas*, March 15 – May 9, 2003
- I] Classic Communications Letter
- J] Tourism & Economic Development Program
- K] LS LTAP Training Opportunities
- L] Vance Bros., Maintenance Seminar, February 28, 2003
- M] Planning Commission Minutes of February 13, 2003
- N] LKM, *League News*, Volume 8, Number 5, February 14, 2003
- O] EMC Insurance Companies, '2002 Federal Terrorism Risk Insurance Act'
- P] FTOP Certificate for Mike Watson
- Q] KDHE "Public Notice No. KS-AG-03-043"

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member VanVlack, voted on, passed 5-0.**

Meeting adjourned at 10:28 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 19th day of February 2003.

The La Cygne City Council held a Special Meeting at 7:00 p.m., Friday, February 21, 2003, at La Cygne City Hall.

Council Members present were: Esther Shields, Connie McGinnis, Tony Williams, Mike VanVlack, and, Sam Barber.

Others present included: City Clerk Devona Herrin, Public Works Superintendent George Craig, Randy Tinsley, and Julie Funk.

SPECIAL MEETING

Mayor Weitman called the Special Meeting to order at 7:00 p.m.

The purpose of the Special Meeting was for:

7. Water Utility – River Intake Structure Repair.

Mayor Weitman announced the purpose of the Special Meeting was for water utility pertaining to the river intake repair, the item listed above.

5. Water Utility – River Intake Structure Repair

Superintendent Craig reported McCorkendale Construction had originally planned to be out a couple of weeks before starting on the new structure, but with the weather and the river currently low decided to move forward now. With this change in plans need to move forward now with the change required to the electrical on the existing river pump to keep that pump operating while the work on the new pump is being completed.

Discussed previous trouble with the existing south pump flow. Public Works Superintendent has determined the check valve is twenty some feet deep and believe it is starting to mess up. The new structure is set up for two pumps to be ready to move the south pump when it breaks. Now checking with Layne Western to go ahead and move the south pump over after the project is completed.

Mayor Weitman asked if there was any more discussion about moving the place of the south pump now. Public Works Superintendent Craig noted the move would be up to the council. Council Member VanVlack discussed putting the south pump in the new part now and then take the old tower out now while McCorkendale's are here to get it done, then will not have to any further work with the river structure and pumps for a long time.

Discussed fact McCorkendale Construction cleared the area today and would like the electric completed this weekend so they can begin their part on Monday.

- *Motion to Approve Moving Electrical to Install New Piping for River Pump*

Council Member Barber moved to accept the work to be done to move electrical out of the contractor's way to install new piping for the river pump and hooking up one new motor at new river intake for a cost of up to \$1,839.56. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:08 p.m.

- *Motion to Accept Part #2 to Move Feeder from Sough Pump to New Inlet*

Council Member Barber moved to accept part two to move feeder from south pump up to new inlet and move disconnect and hookup motor for a cost of up to \$634.69. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:09 p.m.

Public Works Superintendent Craig noted he would get with Layne Western on Monday to try to find out the final cost to them moving the south pump to the new part when the new part is completed. Discussed Layne Western's potential costs to pull and McCorkendale's costs to remove the old south pipe. McCorkendale's will remove the south pipe for no additional cost if is removed while they are here building the new structure. Discussed how to authorize the moving of the south pump if the work is completed prior to the next council meeting.

- *Motion to Pay Up To \$2,000 to Move the South Pump to the New Location*

Council Member VanVlack moved to pay up to \$2,000.00 to move the south pump to the new location after the structure is completed. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:18 p.m.

Randy Tinsley asked if anyone would have a picture of how it will be set up at the new structure. Public Works Superintendent Craig will get that information Monday from McCorkendale Construction.

No further questions or comments pertaining to the item listed.

Adjourn

With no further business, **Council Member Shields moved to adjourn the meeting. Seconded by Council Member VanVlack, voted on, passed 5-0.**

The meeting was adjourned at 7:20 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 21st day of February 2003.

The La Cygne City Council held a Special Meeting at 7:00 p.m., Monday, March 3, 2003, at La Cygne City Hall.

Council Members present were: Esther Shields, Connie McGinnis, Mike VanVlack, and, Sam Barber. Absent: Tony Williams.

Others present included: City Clerk Devona Herrin, Public Works Superintendent George Craig, Public Works Employees Jerome Moore, Art Terry, and John Henry, Kirkham Michael Engineers Rob Gavin and Mike Olson, Tom Adams with Adams Construction, Roger Sims, and Julie Funk.

SPECIAL MEETING

Mayor Weitman called the Special Meeting to order at 7:04 p.m.

The purpose of the Special Meeting was for:

- 8. CDBG/State Revolving Loan/EDA Grant Sewer Projects (Lagoon, East Interceptor, Manhole & Lining Repairs)**
- 9. Water Improvement Project, and,**
- 10. Gas Improvement Project – CDBG Grant.**

Mayor Weitman announced the purpose of the Special Meeting was for the items listed above.

6. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- i. Sewer Line and Manhole Repair – Insituform Technologies USA

Rob Gavin noted the city had withheld dollars for various reasons from the previous pay request number four. With the pay amount approved of \$34,680.55, the pay request as been adjusted to reflect this amount and all that is needed is the mayor’s signature.

Discussed the eight point repairs in change order two with Insituform and this change order was held because of the changes in the lining numbers. Change Order 2REV covers these point repairs and the amount of lining to be done and stay within budget. Change Order #3 includes the manhole covers shown in the plan but not on the bid tab. For explanation the total number of man hole repairs were not transferred to the bid tab at the time of bidding.

Mayor Weitman noted the whole issue was what was on the plans and what was shown as one unit on the bid tab. Was this a glitch?

Rob Gavin noted that it was just a unit price item.

Council Member Barber noted the city’s question was if the bid was per unit price why wasn’t it brought to the council sooner?

Rob Gavin noted he had brought it to them as soon as he caught it.

Council Member McGinnis asked who authorized the work without the council ok?

Rob Gavin responded it was on the plans.

Council Member McGinnis asked when they knew it wasn't in the bid wasn't it supposed to come to the council?

Rob Gavin responded yes, but because it was in the plans it didn't show up right away.

Council Member Barbers asked with these changes here tonight will the numbers get back on track?

Rob Gavin responded with a motion to withdraw the previously signed Change Order #2 and passing Change Order #2REV it would be within budget.

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Discussed one-year protection on workmanship. Noted the road is sinking around the manhole on 4th Street between Locust & Swan; and the road around the manhole on 6th Street between Vine & Sycamore. Would be noted on the walk through.

Mayor Weitman noted the city never questioned the contractor didn't do the work, just wanted to make sure it's done as would have been authorized and kept under budget.

Discussed the Change Orders pending were for the work done and the lining to be done, all under budget.

- *Motion to rescind Change Order #2*

Council Member Barber made a motion to rescind Change Order #2. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:20 p.m.

- *Motion to Accept Change Order #2REV*

Council Member Barber moved to accept Change Order #2REV. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:21 p.m.

- *Motion to Accept Change Order #3*

Council Member Barber moved to accept Change Order #3. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:22 p.m.

City Clerk Herrin asked if Pay Estimate #5 included pay for work completed in Change Order #2REV. Rob Gavin responded affirmative.

Discussed change in retainage and if hold to retainage payment the amount for pay request #5 would be \$37,864.45 instead of the requested amount listed by KM of \$45,925.00. Discussion included it's usual to reduce retainage to 5% from 10% for work done over six months ago when other work on the project is still pending to be done. To reduce previous work done to 5% retainage would add \$13,811.35 to the \$37,864.45 payment and leave \$13,811.35 in the retainage amount.

- *Motion to Approve Pay Request #5 With Changes*

Council Member Barber moved to approve Pay Request #5 with the changes in retainage to equal five percent for \$13,811.35 and the pay amount of 51,675.80. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:34 p.m.

Discussed time frame of the lining repairs. Rob Gavin reported it would go fairly quickly.

Anticipated about 800 feet a day and be out in a week or so. Noted Insituform was ready to go to work now, just waiting for the go ahead.

- ii. East Interceptor – McCorkendale Construction

Rob Gavin reported the Stanage connection would be done Friday for the gray water with no additional charges to the city. The gate on the Troth property would be done by Friday. Council Member Barber asked about the fence between the Serale and Troth properties. Rob Gavin noted it would be put back too and will let the contractor know to make sure it is on the list.

Rob Gavin explained the Change Order #4 for McCorkendale Construction was to design the service links to properties and with these is some give and take on the quantities. KM did not have the Insurance Company property on the original plans, and then when they were added it was missed to add to the plans, so this is part of the final quantity items.

Rob Gavin noted the Stanage's length of line will be in a future change order.

Rob Gavin explained the road bore across the highway was extended to get away from the rural water district's water line and a gas line on the north side. Then, by Reed Minerals there is gas stuff and they had to bore under it and this was not anticipated.

Council Member Barber asked if the city should expect one more change order for Stanage. Rob Gavin responded affirmative.

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- *Motion to Approve Change Order #4 for \$7,175*

Council Member Barber moved to approve Change Order #4 in the amount of \$7,175.00. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:43 p.m.

iii. Lagoon Project – Haupt Construction

Noted the Walk Through with KDHE is scheduled for Friday, March 7th, with Haupt Construction at 9:30 a.m. and East Interceptor at 10:30 a.m., to meet at City Hall.

2. WATER IMPROVEMENT PROJECT

Mike Olson noted he had a tentative schedule for the metal building and water project to go to bids. The tentative schedule was for April for both.

Asked for Engineers' cost estimate. Discussed what was sent to KDHE and if what the city last had there was an issue with the splitter on the diagram that it was known KDHE had a question about. Also discussed questions about the building being done before the plant project.

Mike Olson noted he would have Mark Seipe to the council meeting to discuss the questions.

Council discussed this was not the first water project, but there had been two others that had been done prior and then changes had been made each time as different issues came up after the grant the city had applied for had been declined. Noted the current contract was for a new design with a design cost of \$35,000 and construction cost of \$24,000. Mike Olson noted all needed to review contract to make sure all items to be covered were known.

3. GAS IMPROVEMENT PROJECT – CDBG GRANT

Rob Gavin noted it had been brought to his attention by the City Clerk that the easement agreements would include clearing brush and not clearing brush and need to get this information on the plans with the best details as can possibly get. Need to get on the outstanding easements as soon as possible. Aquilla has been doing drawings and ordorizer work as they are specking the valves and ordorizer, which is their speciality.

Mayor Weitman asked how to handle the easements.

Rob Gavin responded need to obtain them if possible as now there are conflicts with other utilities in the road. When he previously checked with J.R. in Miami County was told the line would have to be in the back of the ditch and that is near where the other utilities are.

Council Member Barber asked about those property owners that would have a hardship with a utility easement. Rob Gavin noted would have to set up meeting with them and talk to them about the difficulty.

Mayor Weitman asked who is 'we'? Together with KM?

Rob Gavin responded affirmative to together.

Mike Olson noted if the city could make contact then tie it down to when to discuss. Rob Gavin noted he was going back out this week to see what can and can't do with J.R. to put the line in the ditch. Stressed need to move forward quickly.

City Clerk Herrin asked for a date to review the line to see if the parts that do have problems can be looked at to stay in the ditch, or what other action to move forward with. Rob Gavin did not have a date in mind at this time.

1. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT (Continued)

Rob Gavin noted the walk through is set for Friday, March 7th with the Lagoon project at 9:30 a.m. and East Interceptor at 10:30 a.m.

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4. PAY REQUESTS FROM STATE, GRANT ADMINISTRATOR, & KIRKHAM MICHAEL ENGINEERS

- a. CDBG Project #99-PF-038, SEKRPC Contractual Administrative Services, Invoice #1, in the amount of \$2,500
 - o *Motion to Approve Contract Admin Invoice #1*

Council Member Shields moved to approve payment for CDBG project #99-PF-038, SEKRPC Contractual Administrative Services, Invoice #1, in the amount of \$2,500.00. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:10 p.m.

- b. EDA sewer Project #05-01-03448, SEKRPC Contractual Administrative Services, in the amount of \$5,000
 - o *Motion to Approve Contract Admin for EDA for \$5000*

Council Member VanVlack moved to approve EDA sewer project #05-01-03448, SEKRPC Contractual Administrative Services, in the amount of \$5,00.00. Seconded by Council Member Shields, voted on, passed 4-0. Time: 8:11 p.m.

- c. KWPCLF Project #C20 1294 01, third payment request in the amount of \$14,203.46
 - o *Motion to Approve KWPCLF Project #C20 1294 01 in Amount of \$14,203.46*

Council Member Shields moved to approve KWPCLF Project #C20 1294 01, third payment request in the amount of \$14,203.46. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:11 p.m.

- d. G.O. Water System Bond Series 2002 payment request in the amount of \$14,387.10
 - o *Motion to Approve G.O. Water System Bond Payment in Amount of \$14,387.10*

Council Member Shields moved to approve G.O. Water System Bond Series 2002 payment request in the amount of \$14,387.10. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:12 p.m.

- e. Natural Gas Utility System Revenue Bond Series 2002 payment request in the amount of \$58,311.67
 - o *Motion to Approve Natural Gas Revenue Bond Payment in Amount of \$58,311.67*

Council Member Shields moved to approve natural gas utility system revenue bond series 2002 payment request in the amount of \$58,311.67. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:12 p.m.

- f. Kirkham Michael Engineers, Invoice #53687, payment request in the amount of \$3,700 for Gas Design

- o *Motion to Approve Payment Request for KM in Amount of \$3,700*

Council Member VanVlack moved to approve Kirkham Michael Engineers, Invoice #53687, payment request in the amount of \$3,700.00 for Gas Design. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:13 p.m.

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- g. Kirkham Michael Engineers, Invoice #54180, payment request in the amount of \$2,880.00 for WTP Construction Phase. (Invoice #53251, payment request in the amount of \$9,250.00 for Design Engineering for 100% complete still on hold.)

Discussed how could be in construction phase when the design portion was not complete. Mike Olson noted he would check with Mark and to hold the request till further information was received.

- o *Motion to Table Payment Request for Further Information*

Council Member VanVlack moved to table payment request till further information from Mike Olson. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:15 p.m.

- h. CDBG Project No. 99-PF-038 – Drawdown #6, in amount of \$118,747.00

- o *Motion to Approve CDBG Drawdown #6 in Amount of \$118,747*

Council Member Barber moved to approve CDBG Project No. 99-PF-038, drawdown #6 in the amount of \$118,747.00. Seconded by Council Member Shields, voted on, passed 4-0. Time: 8:16 p.m.

- i. EDA Sewer project – 05-01-03448, Reimbursement #3 in Amount of \$127,641.00

- o *Motion to Approve EDA Sewer Project Reimbursement #3 in Amount of \$127,641*

Council Member Barber moved to approve EDA Sewer Project Reimbursement #3 in the amount of \$127,641.00. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:17 p.m.

Adjourn

With no further business, **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Shields, voted on, passed 4-0.**

The meeting was adjourned at 8:18 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 3rd day of March 2003.

REGULAR MEETING

Year = 2003

The LaCygne City Council met in regular session on Wednesday, March 5, 2003. Council Members present were: Sam Barber; Connie McGinnis; Esther Shields; Tony Williams; and Mike VanVlack.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; Jerome Moore; Art Terry; John Henry; LeRoy Turpen; City Police Chief Chuck Farrell Jr.; Randy Tinsley; Jerry Boone; Travis Robbins; Jim Johnson; Mike DeMott; Tate West; Emil Wilson; and Derrick Chapman.

Mayor Terry Weitman called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda that consisted of:

Check Register: February 20 – March 5, 2003;
Minutes of February 19, 2003 Regular City Council Meeting;
Minutes of February 21, 2003 Special City Council Meeting

Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:01 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

b. WATER IMPROVEMENT PROJECT

c. GAS IMPROVEMENT GRANT

None

DISCUSSION FROM THE FLOOR:

Emil & Debbie Wilson Regarding Gas Meter and Usage

Emil Wilson reported he had had his gas meter taken out a couple days ago and the meter wasn't reading correctly. During that time spoke with Linda in city hall about a pending \$2300 gas bill. Before the meter was taken out Jerome and George came and looked at the meter and Jerome thought something was funny. The guys checked upstairs and found no leak so they took out the meter. Mr. Wilson noted he had a leak earlier but they discontinued how the line was coming inside the building and moved the stove. Previous to the line change they had found some small leaks. Per information he read on the Internet they would not have that bad a leak and still be alive. The gas reading as of tonight is 0068. Mr. Wilson noted if had major gas leak he would pay for it. One night he did smell gas from odorant but same as smell from three years ago when moved into the place and usage was not that high then. Really saying think meter is messed up and the gas was not used.

Jerome Moore, with Public Works, responded the meter is going to be sent to be tested but the man scheduled to pick it up has not arrived yet. The reading indicates 6,400 cubic feet.

Mr. Wilson noted there was a two-day period when they had the gas line changed that the gas was off and then they turned it back on themselves without telling the city. Then one day someone turned the gas off and then they indicated it (the meter) was turning fast.

Council Member Shields asked if they only heat the upstairs part.

Mr. Wilson responded affirmative.

Mayor Weitman asked if Mr. Wilson wanted to pay the bill.

Mr. Wilson responded negative.

Discussed waiting till the meter test was back.

Mr. Wilson noted he was willing to hook the stop up the old way where it was before they moved it.

Concurred to wait till the meter is checked and get back with them.

DISCUSSION FROM THE FLOOR: (Continued)

Hunter's Safety, Jim Long, Regarding Use of Community Building March 28-29, 2003

Discussed this had been done last year and the building had been left in good order.

- *Motion to Waive Community Building Fee for Hunter's Safety Course*

Council Member Shields moved to allow the use of the Community Building for no charge for the Hunter's Safety Course on March 28-29, 2003. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:12 p.m.

REPORTS OF CITY OFFICERS:

Chief of Police Farrell

Reported on police activities for the month of February 2003.

Requested approval to attend a training session on the investigation and prosecution of firearm cases called "Project Safe Neighborhood Training" on March 21, 2003, at 1:30 p.m. at the Miami County Administration Building, County Commission Chambers, in Paola, Kansas. It is put on by the Kansas United States Attorney's Office in cooperation with the Bureau of Alcohol, Tobacco & Firearms.

- *Motion to Approve Sending Chuck Farrell to Training Session*

Council Member McGinnis moved to send Chuck Farrell to this training session on March 21, 2003. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:16 p.m.

Reported the individual in question regarding nuisance report on property at Thompson's Trailer Park has moved and the animals are gone.

Public Works Superintendent George Craig

George Craig discussed whom to send to the KRWA Annual Meeting. Due to legal topics suggested city clerk, but if schedule did not allow, Art Terry would be his recommendation and need to make a decision for the voting delegate report. Discussed workload of city clerk. Concurred to have George chose a public works employee as decided at a previous meeting. George noted then Art Terry would be attending.

STANDING COMMITTEE REPORTS:

Water & Gas

- i. New Water and Gas Hookup Rates

Council Member VanVlack reported he had checked on new meters with other towns. \$100 for most towns, no that's late charges. Reviewed notes, determined will research more and bring back next time.

Sewer

- i. Danny McElreath Regarding Waste Disposal for Port-a-Potties

Council Member VanVlack reported he had called on prices to be able to dump in the surrounding dumpsites. Determined \$10 a load to be comparable to local cities in the area for 1,000 gallons or less. (Presented hand written costs for other locations.)

- *Motion to Charge Danny McElreath \$10.00 a Load*

Council Member VanVlack moved to charge Danny McElreath \$10.00 a load. Seconded by Shields, voted on, passed 5-0. Time: 7:22 p.m.

Discussed size of load left out of motion.

- *Motion to Charge Danny McElreath \$10.00 a Load with Maximum of 1,000 Gallons*

Council Member VanVlack moved to charge Danny McElreath \$10.00 a load payable each month and to notify the city each month of the usage for a maximum of 1,000 gallons a load. Seconded by Council Member Shields, voted on, passed 5-0. Time: 7:23 p.m.

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STANDING COMMITTEE REPORTS: (Continued)

Sewer (Continued)

Noted City Attorney Sutherland will draw up ordinance for this sewer charge.

Jim Johnson reported Danny McElreath is already set up to get started, just need to get going. Noted McElreath's dump tank is a 300-gallon tank.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the next meeting is March 17th.

Emergency Disaster Committee

Noted new name is now 'La Cygne EDT'. City Clerk Herrin will have name correction on the next agenda.

Randy Tinsley reported they met tonight. Still gathering information. Spoke to the school and will set up at the grade school should a need arise. Also discussed setting up a booth at the Fiesta to get information out. Still in the preliminary, preliminary stages. Need fliers, pens, and other ways to get the word out.

Planning Commission Committee

PC Chairman Randy Tinsley reported their next meeting was scheduled for Thursday, next week. They had the final draft of the Comprehensive Plan being reviewed by the Codes Person in Louisburg. They should be working on this at the next meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Lake Region Resource Conservation & Development Council Questionnaire

Council Member Shields reported she had also received this questionnaire along with the city receiving a copy. Asked for anything important regarding the questionnaire from the council. She noted she would fill it out and send it back after the other council members had provided feedback to her. The report is due back by March 15th,

which is before the next regularly scheduled council meeting. All concurred.

Executive Session

Request made for twenty-five minutes legal and one hundred minutes personnel.

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to 125 minutes. Seconded by Council Member Barber, voted on, passed 5-0. Time: 7:32 p.m.

Others invited into or requesting a portion of time included: Police Chief Farrell and City Clerk Herrin.

Open Session Resumed at 8:50 p.m.

OTHER BUSINESS:

Termination of City Police Chief Glenn D. Farrell Jr.

- *Motion to Terminate Chuck Farrell*

Council Member VanVlack read “This Council is elected by the people of the City, with their belief of high and moral standards in mind. And it is the duty of the council to do what is best for the people of La Cygne.

So with the interest of the City in mind **I make a motion to terminate Chuck Farrell for conduct unbecoming of a City Employee” immediately. Seconded by Council Member Shields, voted on, passed 5-0. Time: 8:53 p.m.**

Mayor Weitman noted it was his duty to inform Chuck that he has a right to a hearing.

Chuck Farrell noted he did want one.

Discussed if there was a date in mind. Concurred Chuck Farrell could think about a date and set it up later.

Chuck Farrell asked when this was in effect.

Council Member VanVlack reported immediately.

Resignation of Mayor Terry Weitman

Council President Connie McGinnis read a letter from Terry Weitman stating “Be it known that, due to circumstances beyond my control, I feel it necessary to resign my position as Mayor of La Cygne, Kansas, effective immediately.”

Council Member Shields asked if we have to let it stand.

Council Member VanVlack noted it will still stand.

REGULAR MEETING

Year = 2003

Council Member Barber noted it had a sway that Terry had been mayor when he made the decision to run again for council the last time. He hoped the city will give a vote as Terry is still running for mayor next month.

Council President Connie McGinnis Began Presiding Over the Meeting

CITY CLERK'S REPORT:

City Clerk Herrin noted the Permanent Survey being completed by the County Surveyor tomorrow, March 6th at 9:30 a.m.

Written report included:

- iii. Reminder – March 6, 2003, Permanent Survey

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMG A Agenda and Minutes
- b] East Kansas Agri-Energy News Release
- c] "2003 Works! Conference" Winfield, Kansas, March 18-20, 2003
- d] LKM, *Alert*, "911 Bill" February 26, 2003
- e] LKM, *Alert*, "House Acts to Limit Annexation Authority" February 26, 2003
- f] 2002 Water Production Reports
- g] National League of Cities Seminar, June 26-28, 2003, Wichita, KS.
- h] LKM, *League News*, Volume 8, Number 6, February 21, 2003
- i] KLTAP, '2003 Kansas Culverts & Drainage Workshop'
- j] "The 2003 Kansas Legislature" Guide
- k] *Kansas Government Journal* Volume 89, Number 1, January 2003
- l] Osawatomie Graphic Letter to Council

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member Shields moved to adjourn. Seconded by Council Member Barber, voted on, passed 4-0.**

Meeting adjourned at 8:57 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 5th day of March 2003.

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The LaCygne City Council met on March 19, 2003.

Council Members present were: Esther Shields, Sam Barber, and Tony Williams. Absent: Mike VanVlack.

Others present included: City Clerk Devona Herrin, City Attorney John Sutherland; and the attached list of 97 known individuals.

Mayor Connie McGinnis announced a city council meeting could not be held, as there was not a quorum present. A Special Meeting was announced for March 26, 2003 to cover the agenda items.

The La Cygne City Council held a Special Meeting at 7:00 p.m., Wednesday, March 26, 2003, at La Cygne Community Building.

Council Members present were: Esther Shields, Tony Williams, and, Sam Barber.

Others present included: City Clerk Devona Herrin, Public Works Superintendent George Craig, Public Works Employees Jerome Moore, City Attorney John Sutherland, and 97 other individuals listed on the attached sheets. (A count of individuals totaled 108 not including the front tables of city council and staff.)

SPECIAL MEETING

Mayor Connie McGinnis called the Special Meeting to order at 7:05 p.m.

The purpose of the Special Meeting was for:

- 11. Agenda Items of March 19, 2003**
- 12. Council Member Issues, and,**
- 13. City Police Chief Issues.**

OATH OF OFFICE – MAYOR CONNIE MCGINNIS

City Clerk Herrin officially swore in Connie McGinnis as Mayor of the City of La Cygne.

APPOINTMENT OF COUNCIL MEMBER – RICK WADDELL

Mayor McGinnis recommended the appointment of Rick Waddell to fill her vacated position of City Council Member.

- o *Motion to Approve Appointment of Rick Waddell for City Council Member*

Council Member Barber moved to approve the appointment of Rick Waddell for City Council Member to fill the position of former City Council Member McGinnis. Seconded by Council Member Williams, voted on, passed 3-0. Time: 7:08 p.m.

City Clerk Herrin officially swore in Rick Waddell as Council Member of the City of La Cygne.

EXECUTIVE SESSION

- *Motion for Executive Session for Personnel*

Council Member Waddell moved to go into executive session for fifteen minutes for personnel. Seconded by Council Member Barber, voted on, passed 4-0. Time: 7:09 p.m.

Open Session Resumed at 7:22 p.m.

RESIGNATION OF COUNCIL MEMBER VANVLACK

Mayor McGinnis read the written resignation submitted by Council Member Michael VanVlack to be effective March 25, 2003. Explained that left three for a quorum allowing the council to appoint another council member being Rick Waddell.

- *Motion to Accept Council Member VanVlack Resignation*

Council Member Barber moved to accept the resignation of Mike VanVlack. Seconded by Council Member Williams and Waddell, voted on, passed 4-0. Time: 7:24 p.m.

Mayor McGinnis explained the council had gone into executive session to bring Rick Waddell up to date on personnel activities.

EXECUTIVE SESSION

- *Motion to Go Into Executive Session*

Council Member Waddell moved to go into executive session for up to thirty minutes for personnel and invited Chuck Farrell to attend. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:25 p.m.

Open Session Resumed at 7:55 p.m.

Mayor McGinnis returned the meeting to order. She noted the city had no idea when they left the meeting for executive session that Tate West was passing out a letter to the public. Mayor McGinnis reported he had not resigned March 25th; he had verbally resigned two weeks ago.

REINSTATE CHUCK FARREL WITH BACK PAY

- *Motion to Reinstate Chuck Farrell with Back Pay*

Council Member Waddell moved to reinstate Chuck Farrell with back pay with hours approved by the council with formal hourly wage. Seconded by Council Member Williams, voted on, passed 3-1, (No: Shields) Time: 7:57 p.m.

CHIEF OF POLICE, CODES OFFICER, AND PUBLIC HEALTH OFFICER

Mayor McGinnis recommended the reappointment of Chuck Farrell as Chief of Police, Codes Officer, and Public Health Officer.

- *Motion for Reappointment*

Council Member Waddell moved to reappoint Chuck Farrell (Glenn D. Farrell Jr.) as Chief of Police, Codes Officer, and Public Health Officer. Seconded by Council Member Williams, voted on, passed 3-1 (No: Shields). Time: 7:58 p.m.

City Clerk Herrin officially swore in Glenn D. Farrell Jr. as Chief of Police, Codes Officer, and Public Health Officer.

Comments by New Council Member Waddell

Council Member Waddell explained to the audience he had been on the council before and had knowledge of how city council works to keep the city going. Expressed the need to have this many people at the council meetings in the future. Understood many people had been affected, even personally, by recent events. Expressed the need to get back to working together as a city and go forward.

Mayor McGinnis noted one reason why she appointed Rick Waddell was because we needed someone who knew how city government worked and he knew right and wrong of the process.

DISCUSSION FROM THE FLOOR

21ST Century Grant by Charlene Sims

Charlene Sims introduced herself and Jeanie Pease. Explained they were visiting all councils in the county to explain the After School Program. The current After School Programs cover many areas including having open gyms for the public, open computer labs, countywide computer programs, as well as eight after school programs for school age children. With the one-cent sales tax being presented on the ballot half of the tax dollars generated will be allocated to the Linn County Schools for the eight after school programs; the other ½ will be distributed to the cities. The City of La Cygne would receive an estimated \$30,000 to use however they want.

DISCUSSION FROM THE FLOOR (Continued)

21ST Century Grant by Charlene Sims (Continued)

The After School Program provides extended learning for children with such as math skills. Several children who once struggled have now shown improvement through this program. Another class is the Balanced Business Class.

The current program has been run with grants for the last three years and has had volunteers who have also helped. Noted that these children in the schools become the parts of the community of the future. The time periods for this program are from 3:30 – 6:00 p.m. in the evening after school. Any student in Linn County K – 12 can attend. Right now some items such as payroll is handled by the Prairie View Schools.

Ms. Mays, from the audience, asked how this program would affect Fontana school, which is in Miami County. The response was this tax program was written for the Linn County School District. Ms. Mays asked what happens if the tax doesn't pass. The response included they were looking as several options the same as several other counties. Ms. Mays asked if they had looked into charging a fee. The response included they were looking at that option with a sliding scale fee. Ms. Mays asked why they didn't just go to SRS for those who could not afford the fee. The response included this was also items being reviewed; however, there were also families that just barely didn't qualify for SRS but still needed care and couldn't afford it. Also explained they had been told to look at big businesses in the county for support but this county only really had one big business to pull from.

Thanked everyone for the opportunity to speak to the city prior to the upcoming election.

Melinda Waite Regarding Issues Surrounding Termination of Police Chief

Melinda Waite reported she wanted to finish the return of Chief Farrell with a thank you to everyone for the support. Noted she hoped that everyone doesn't believe the written letter passed out; however, did have some questions for the council. Expressed her thoughts that something has been going on that we, the city, do not know about. Council Member Shields noted it had been a difficult decision and didn't take it lightly and she had to stand on her own convictions.

Ms. Waite noted she would like to see Council Member Shields resign and not even go up for re-election.

Ms. Waite said she hoped everyone would continue to come to the meetings, as she would personally be here.

Kim Jones Regarding a Building Permit

Kim Jones explained that she had been attempting to obtain a building permit during recent weeks. She thanked Mayor McGinnis for kindly working with her to get the paper work completed during the Codes Officers' absence.

Ms. Jones told Chuck she was glad he was back.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Barber moved to approve the consent agenda that consisted of:

Check Register: March 6 - 19, 2003;
Minutes of March 3, 2003 Special City Council Meeting;
Minutes of March 5, 2003 Regular City Council Meeting

Motion seconded by Council Member Shields, voted on, passed 4-0. Time: 8:12 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG Sewer Grant – State Revolving Loan – EDA Grant

b. Water Improvement Project**c. Gas Improvement Project**

City Clerk Herrin reported the engineering firm Kirkham Michaels was unable to attend tonight to cover the items and had some other items to go over with the council. In order to go over the items for discussion prior to the next meeting it was discussed having a workshop just before next weeks' meeting at 6:30 p.m. Concurred to table items and have the workshop with Kirkham Michaels Engineers next Wednesday at 6:30 p.m. just before the regular scheduled council meeting.

DISCUSSION FROM THE FLOOR: (Continued)**Derrick Ross**

Derrick Ross asked about what Tate passed out if it was ten percent true they needed to know and that is hypocritical of now keeping the police chief. The council just called for a vote and gave no explanation. He questioned everything in the letter.

Council responded that some of the letter is personal and other parts personnel, both are not to be discussed by the council.

Derrick Ross stated he felt the whole first section was not personal.

Council Member Waddell noted that just because someone printed something about someone does not make it all true.

Mayor McGinnis noted the part where Tate did 22 arrests probably was but 13 probably didn't need it.

Discussion took place from the floor that the city would not be writing any tickets anymore because the public probably didn't need it.

Council Member Waddell responded that that was not what was meant. Tate will not be arresting anyone in La Cygne anymore and those would be the ones that were in question, not tickets from any other officer.

Derrick Ross stated the information just did not jive.

Council responded that Chuck did not cheat on the intoxilizer, the pay was ok, and the time and pay was approved by the council including the comp time pay adjustment.

Derrick Ross asked if \$42,800 was gross after comp time how many hours did that compute too; just wants to make sure this shit needs to get straight. She (Council Member Shields) knows something isn't right or she wouldn't have voted differently.

Council Member Waddell responded it's what America is all about, having the right to be different.

Derrick Ross asked about the statement about Tony Williams.

Mayor McGinnis responded that is personal business, does not belong in city council, and one person's comments.

Jim Johnson, from the audience, noted that even if items are right or wrong, it's good to see young people here taking an interest in the city.

Mayor McGinnis asked if there was anything else from the floor

Dani McCammon

Dani McCammon noted she was glad to see Chuck back. Then, turned to Derrick Ross and commended him for his opinions. Wanted to note that the point of the whole thing is, "Was proper protocol followed?" If not, it is pointless whatever happens in ones personal life. She did not really need to know about another's personal life. 'Was proper protocol followed?' Concurred each has a right to an opinion. Would like to see Esther resign, especially in light of her discriminatory remark at the last meeting. Told the audience if they had questions about public reports they were available at city hall and copies were available for twenty-five cents a copy.

David Breneman

David Breneman noted the council isn't always going to go with all the same decisions. Five people are not always going to agree or something is wrong.

DISCUSSION FROM THE FLOOR: (Continued)

Tami Henry

Tami Henry noted she loved her sister and she is married to a person who is black. Asked if there was a reason we shouldn't have a black person here, since because of last weeks' comment he was not here tonight and he is employed by the city. Council Member Shields strongly expressed there was nothing meant to ethnics from last weeks' statement; she had just used the statement all her life. She was sorry if she offended anyone, the city employee is a good employee.

Marsha Crider

Marsha Crider stated she didn't think Chuck shouldn't have been fired. Did not ever want Tate on her property again. Recently had grandkids and he said he had a search warrant, which he didn't present, and he was mouthy in talking to her.

Mark Lee

Mark Lee asked if when the council makes decisions do you decide between you first, or ask others for their opinion. Mayor Weitman responded they have to decide themselves and try to decide what is best for the city. Council Member Waddell responded he had found previously if you ask everybody's opinion then you never get business done. When you vote a person into office you're voting the decisions made by that person will be made thoughtfully and honestly. Mark Lee asked if you have the public at the council meetings can you get a show of hands? Council Member Waddell responded sometimes the loudest voice is then the only one heard. However, if there were many and they always showed up then it would influence him.

Kim Jones

Kim Jones asked if the number of previous attendees dwindled because they felt it didn't help to attend? Council Member Barber responded that in meetings in the past people have been allowed to voice their opinions.

Wayne Jennings

Wayne Jennings asked if council should let the previous man talk more (than his five minutes) Also, noted how a preacher made an ethnic comment out of context and now is facing a million dollar lawsuit. The council has to listen to the public.

Mark Lee

Mark Lee asked if legal can stand up and talk about this and say to the public what is legal to say. Noted he took it the man sitting was a lawyer and at least could say there is no comment or what. Jim Johnson, from audience, noted the man in question was still not identified to Mark. Council Member Waddell responded the man in question is John Sutherland, the City Attorney.

Kenny Ross

Kenny Ross reported he had gone to the KRWA Convention this week and only returned now to attend this evening meeting. Said he thinks the city can solicit bids from several different engineers and with these different bids can save money. Council Member Shields noted she believed former Mayor Weitman could best respond. Terry Weitman, from audience, reported the city is currently working with A & L Underground through the Attorney General's office to bring a Shared Services Program to give small cities buying power, which will help with these costs in the future. Kenny Ross reported some engineers don't always put out the best plans and city should research more in the future.

Kenny Ross (Continued)

Mayor McGinnis reported she thought the council had learned from recent events with projects. Kenny Ross also reported he thought the city should require survey's before any building. Also, just learned of a new sanitation system that does not require manholes and would be beneficial to the whole county and Linn Valley Lakes. Think it is wise for the council to have special meetings for input and let the community put in input. Realize you still have to make the final decision, but can get more information and is beneficial to businesses and individuals.

Marsha Crider

Marsha Crider reported she had recently had a domestic incident where Chuck came and took the report and passed the information on to John Sutherland. She had called John Sutherland and he will not return her calls, he has done nothing and thinks something should be done. 'Chuck sent all of the reports to you and you have done nothing.'

Chris Epperson

Chris Epperson noted a few weeks ago you all had a reason to fire Chuck. Now you have a new member and all of a sudden you have changed your minds. I agree with Derrick, if everyone is swayed by others what else are you swayed by. If there is still a member or two that do not want him reinstated then what is the cause?

Mayor McGinnis noted it had been three weeks since the previous action was taken and it was taken too quick for a full review. Chuck knows those reasons now.

Council Member Barber noted that if you (anyone) brought information to him and then he reacted too quickly without looking at the whole issue, it can happen.

Chris Epperson asked if pressured once, were you pressured tonight.

Mayor McGinnis responded he had no idea what it feels like.

Council Member Waddell responded he thought everyone in this room had made a decision under pressure that they would have done differently later.

Chris Epperson noted if they found out the 'right' information then ok.

Council Member Waddell noted he was glad Chuck was back; he's done a real good job in the past and didn't care what is on that paper.

Chris Epperson responded as long as the council feels the right decision was now made and no more rash decisions were made.

Wayne Jennings

Wayne Jennings asked if they are under pressure again could they handle it?

Mayor McGinnis responded 'I can now.'

Derrick Ross

Derrick Ross stated 'you guys messed up a lot of peoples' lives'. You owe it to us to do a damn better job. To do research better before a decision is made. You owe it to us to make it right.

Council Member Barber responded they had tried to consider the city, but sometimes they still make mistakes. Will try not to do it again and will try to learn from this as go forward.

Betty Kopper

Betty Kopper noted she would like to thank the council for trying to handle the city.

Karen Thomas

Karen Thomas concurred the council is a thankless job and appreciate what you guys do.

Tami Henry

Tami Henry asked if it was ok to attend the meetings even if you just owned a business in town and did not live in town?

Mayor McGinnis responded city meetings are open meetings to all the public.

Tami Henry responded she would like to continue to come.

Mayor McGinnis acknowledged they would now move on to the rest of the agenda
(Time: 8:52 p.m.)

REPORTS OF CITY OFFICERS

Public Works Superintendent – George Craig

George Craig introduced himself to the audience then continued with the following items:

1. Pot Hole Patching – Superintendent Craig informed the audience of the need for a ramp repair at Swan Manor. Asked how the people felt about repairing streets. Kenny Ross replied they need to fix all the streets of La Cygne. Johnnye Lane, who works at Swan Manor, explained that there is already a handicap area off the road, however the road has dropped down in that area and when it rains it makes it impassible for wheelchairs, or other handicap equipment. Discussed with city clerk how costs for each item take away funds for other items. Superintendent Craig asked for a load of patch for some repairs.

- *Motion to Approve Ordering a Load of Patch*

Council Member Shields moved to approve the purchase of a load of patch for street repairs. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:55 p.m.

2. Mosquito Spray – Superintendent Craig announced to the audience it was time to order mosquito spray. Asked them how they felt about the city spending about \$4,000 for public works to spray. Dixie Boone responded it was a waste of money. Kenny Ross responded it was money that could be spent on streets. Others noted it did make a difference in the area, especially around the parks where the kids have summer recreation. Superintendent Craig asked for a vote from the audience; there was a raising of hands for and a raising of hands against. The number for each was about even. Concurred to table till next meeting for more information.
3. Weed Spray – Superintendent Craig explained there was a need to order weed spray for a cost of up to \$3,000 for the parks, cemetery, sewer lagoon, gas line, and streets.

- *Motion to Purchase Weed Spray of a Cost of Up To \$3,000*

Council Member Barber moved to spend up to \$3,000 on Weed Spray. Seconded by Council Member Shields, voted on, passed 4-0. Time: 9:00 p.m. Discussion: Noted the city is obligated by KDHE to spray the sewer lagoon and some spray is obligated on the gas line. Prices were checked prior to the request; last year \$10,390 was spent and by mixing themselves the price has been greatly reduced.

4. Hach Maintenance Agreement – Superintendent Craig explained the water plant has several Hach pieces of equipment that require recalibration by KDHE on a scheduled basis. Hach has a maintenance agreement to do the recalibration every three months for an annual cost of \$3,180.00. There are nine pieces of equipment that require this. If something is broke they repair it while they are there and we pay for the parts. Council Member Waddell asked when the next recalibration was required. Noted in the next thirty days. Concurred to table till the next meeting and get more information.
5. Process for Residential Gas Meter Replacement – Superintendent Craig asked for consent to change the public works employees schedule so they could work on a weekend to change out residential gas meters, as someone has to be home to relight pilots. Would like to switch out two on Friday's to Saturday's and Monday for Sunday's when ready to begin the process.

- *Motion for Consent to Change Work Schedules*

Council Member Shields moved to allow Public Works Superintendent Craig to decide on hours necessary for employees to change out residential gas meters. Seconded by Council Member Barber, voted on, passed 4-0. Time: 9:05 p.m.

REPORTS OF CITY OFFICERS (Continued)

Public Works Superintendent – George Craig (Continued)

6. Gas Meter for PVHS & Clark Brothers Hog Farm – Superintendent Craig explained the meters for PVHS and Clark Brothers Hog Farm were 1962 meters and 1969 read outs. Need to order two meters to replace these, and this is usually done every ten years. Reviewed the attached estimate. Council Member Barber asked if the cost was \$2,300 each. Concurred and they are temperature compensated. The regulators there do not require changing out.

- *Motion to Purchase Two Meters for Cost up to \$4,600*

Council Member Shields moved to purchase two meters for a cost up to \$4,600.00. Seconded by Council Member Barber, voted on, passed 4-0. Time: 9:07 p.m.

DISCUSSION FROM THE FLOOR: (Continued)

Kenny Ross

Kenny Ross stated he believed he had an opinion in town even though he did not live in town.

Kim Halaquist

Kim Halaquist asked about a speed bump on the street by the north park. Discussion took place for this new topic to be put on the next week's agenda. Mayor McGinnis announced if anyone has some concerns such as this to come to city hall and have the item put on the next agenda.

STANDING COMMITTEE REPORTS:

Water & Gas:

- i. New Water and Gas Hookup Rates – Tabled

Special Project

- i. 2003 Budget – Utility Late Notice Procedure Review

Council Member Shields discussed the current late notice process for late utility bill payments. Currently a late notice is mailed out after the due date of the fifteenth of each month. Then notice is sent out again using door hangers at the end of the month. These door hangers take quite a bit of time and would like to discontinue.

Council Member Waddell asked if the door hangers were beneficial. City Treasurer Elder noted they work real hard to work with people, especially when the bills are really high. Believe it just extends time and allows a person to prolong paying the bill. Council Member Shields read the current ordinance that did not include the wording for door hangers.

- *Motion to Discontinue Door Hangers with Utility Late Notices*

Council Member Shields moved to discontinue door hangers as a part of utility late notices. Seconded by Council Member Barber, voted on, passed 4-0. Time: 9:16 p.m.

Cemetery

- i. Footstones – Skipped

SPECIAL COMMITTEE REPORTS:

Fiesta

Mayor McGinnis reported the fund raising dance was held last Saturday night. Attendance was low. Advance notice to the public was questioned. Dixie Boone stated it was never posted at her business, and it was about time they did start posting city items at their business. Determined it was supposed to have been posted at every business in town.

Planning Commission Committee

- i. Ordinance #1287, To Amend Zoning Regulations for Block 64, Lots 7 & 8, in the First Addition to the City of La Cygne. Mayor McGinnis read the ordinance to the audience and asked if there were any questions. Kenny Ross volunteered to answer any questions anyone might have.

- *Motion to Approve Ordinance #1287*

Council Member Shields moved to accept the recommendation of the Planning Commission to approve Ordinance #1287. Seconded by Council Member Barber, voted on, passed 4-0. Time: 9:20 p.m.

- ii. Kirkham Michael Engineers Pay Request, Phase 2, Comp Plan, 100% Complete. Planning Commission Chairman Randy Tinsley asked the council to table this request till after the next Planning Commission meeting to make sure they were comfortable with the final print. Also asked the council to review the final draft. Discussed a workshop to include the city council. Explained the Comprehensive Plan being for future growth in the area. Set workshop to include city council for April 10th.

UNFINISHED BUSINESS:

Emil Wilson Regarding Gas Meter Usage

Superintendent George Craig reported the meter results were back. The meter was .4 of 1% fast. It was not reading at all at the time it was first picked up by the company. It was reported the meter was turning fast at the time the meter was checked for monthly reading. The city crew turned the meter off and then the individual turned it back on later without informing the city. Then when the city later checked, found it back on and spinning fast. The gas did go through the meter and was used somehow. Requested the city clerk contact them and ask them to attend the next meeting.

NEW BUSINESS:

La Cygne Boxing Club Sponsorship Request

Council reviewed the written request. Asked if anyone was present regarding this club. Tabled till next meeting.

EXECUTIVE SESSION

- *Motion for Executive Session for Personnel*

Council Member Shields moved to go into executive session for up to fifteen minutes for personnel. Seconded by Council Member Barber, voted on, passed 4-0. Time: 9:34 p.m.

Open Session Resumed at 9:50 p.m.

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OTHER BUSINESS

None

CITY CLERKS REPORT

None

NOTES & COMMUNICATIONS TO COUNCIL

- a. KRW Finance Authority Refinance Letter
- b. Kansas Association of County Planning & Zoning Officials, April 24-25, 2003, Emporia, Kansas
- c. "Thank You" from Mine Creek Amateur Radio Club
- d. LKM, *League News*, Volume 8, Number 9, March 14, 2003
- e. "Thank You" to Linda Elder from Brook Haupt
- f. MLA, 'Municipal Finance' Course, April 12, 2003, Pittsburg, KS
- g. KDCH Letter Regarding '2000 Census and Surveys'
- h. La Cygne Chamber Easter Egg Hunt
- i. LKM, *League News*, Volume 8, Number 8, March 7, 2003
- j. LKM 2003 Annual Conference, 'Kansas Homecoming' Planning Request
- k. *Kansas Government Journal*, Volume 89, Number 2, February 2003
- l. KMGA Meeting Agenda and Statement

Mayor McGinnis expressed interest in attending the Planning & Zoning Session in Emporia, April 24-25, 2003. Discussed if this was geared just for counties or would apply to cities too.

- *Motion for Mayor McGinnis to Attend Planning & Zoning Session in Emporia, KS*

Council Member Waddell moved to send Mayor McGinnis to the Planning & Zoning Session if found that it applies to cities as well. Seconded by Council Member Shields, voted on, passed 4-0. Time: 9:55 p.m.

ADJOURNMENT

- *Motion to Adjourn*

With no further business, **Council Member Shields moved to adjourn the meeting. Seconded by Council Member Waddell, voted on, passed 4-0.**

The meeting was adjourned at 9:56 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 26th day of March 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday April 2, 2003, following a workshop covering the water and gas projects. Council Members present were: Sam Barber; Rick Waddell; Esther Shields; and Tony Williams.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Treasurer Linda Elder; City Public Works Superintendent George Craig; and the thirty-one known listed on the sign in sheet.

Mayor Connie McGinnis called the meeting to order at 7:18 p.m. She expressed her congratulations to the two new council members elected at yesterday's election. And, thanked everyone that voted for her.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Shields moved to approve the consent agenda that consisted of:

Check Register: December 5 – 18, 2002;
Minutes of December 4, 2002 City Council Meeting;
November 2002 Financial Statement

Motion seconded by Council Member Waddell, voted on, passed 4-0. Time: 7:19 p.m.

UTILITY IMPROVEMENTS REPORTS

a. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- i. Purchase of Tractor Mower and Equipment with SRF Monies

Public Works Superintendent Craig presented information on several different tractors with accessories. Discussed different types of equipment/accessories. The purchase price can be added to the grant total with the primary use going to the sewer lagoon maintenance; however, can be used for other areas as well. R & R, of Fort Scott, priced theirs at \$44,670 for the whole works including a TS 100 utility tractor, low profile. Concurred to have a workshop to go over the various types prior to the next regularly scheduled meeting.

- *Motion to Have Workshop at 6:30 P.M. Prior to Next Meeting*

Council Member Waddell moved to discuss further during a workshop to take place thirty minutes prior to the next regularly scheduled council meeting. Seconded by Council Member Shields, voted on, passed 4-0. Time: 7:25 p.m.

- ii. Manhole by/in Road Right of Way, Farming Around It

City Clerk Herrin reported Richard Teagarden had asked about protecting a manhole that had been installed with the east interceptor project that was now in the field they are farming and will be planting all the way around it. Not sure just where this manhole is; possibly in the right of way, or road easement. Mayor McGinnis asked Council Members Barber and Williams to check it out, get with Rob, formerly with Kirkham Michaels, and to report back at the next meeting.

- iii. EDA, "Interim Construction Summary"

City Clerk Herrin reported the letter from Clay Richmond with EDA is an update they have for the project.

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UTILITY IMPROVEMENTS REPORTS (Continued)

b. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- iv. Fair Housing Proclamations for Month of April

- *Motion to Declare April as Fair Housing Month*

Council Member Shields moved to declare April as Fair Housing Month with signing of proclamation. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 7:30 p.m.

- *Motion to Publish Fair Housing Hot Line Notice*

Council Member Waddell moved to publish the Hot Line notice for Fair Housing in next weeks' paper. Seconded by Council Member Shields, voted on, passed 4-0. Time: 7:34 p.m.

- v. Sewer Lining and Manhole Repair Project

Council Member Barber asked if Insituform had started yet, or a date set as to when they would start. Lindy Cummins with Kirkham Michaels reported KDHE has to approve the change and then they will be moving forward.

c. WATER IMPROVEMENT PROJECT

- i. *Media Repair*

Superintendent Craig discussed the necessity to get the needed media repair done as soon as possible. Had been waiting on completion of this project design, but now running out of time. Discussed setting up meeting with Water Committee and Public Works next week to hammer out the details and then get it out for bids in the next two weeks. Concurred next Wednesday morning at 9:00 a.m. at the Water Plant would work. After that meeting will bring the topic back to the next council meeting.

COMMITTEE ASSIGNMENTS

Mayor McGinnis moved to appoint council members to Committee Assignments for handling projects. Recommended the appointment of Council Members Waddell and Shields for Water and Gas; Council Member Williams with Barber for Street; Council Member Williams with Barber for Sewer; Council Member Waddell with Barber for Park; Council Member Waddell with Shields for Cemetery; Council Member Waddell with Williams for Public Safety; Council Member Waddell with Williams for Community Building; and; leave Council Members Barber and Shields for Employee Relations and Training.

- *Motion to Accept Committee Assignment Recommendations*

Council Member Waddell moved to accept the committee assignments recommended by Mayor McGinnis. Seconded by Council Member Barber, voted on, passed 4-0. Time: 7:36 p.m.

UTILITY IMPROVEMENTS REPORTS (Continued)

c. WATER IMPROVEMENT PROJECT (Continued)

- i. Bid Specs from Kirkham Michael Engineers

Mayor McGinnis noted the two-committee members would go to the Wednesday morning meeting and if the two new council member elects' were available to be there they were welcome too to learn what the project was about. Set meeting for 9:00 a.m. Discussed moving forward now with approval of putting media out to bids, determined to wait till next meeting.

UTILITY IMPROVEMENTS REPORTS (Continued)

d. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. Invoice #54230, Engineer Pay Request, 53% Complete

City Clerk Herrin reported the invoice was for \$1800.00, indicating the design part of the project was 53% complete with a total of all invoices of \$63,635.73 of the total \$120,000 contract. Have been working on the easements, working with Aquilla on the design, and have some of the maps of the gas line and the direction it's going. With the easements, there has been some progress, however, not in the last couple of weeks. There are some areas need to look at and see if can just possibly use the road easements. Asked Lindy Cummins if he had a date when the city's information could be passed over to them. Discussed next Wednesday, after they had gone over the water plant project. Asked for someone else to pick up any outstanding easements if cannot go with the road utility easements already in place. Lindy Cummins reported Aquilla's close to being done on the design. He will be meeting with them sometime next week. Wants to also walk the line and see it for himself.

- *Motion to Approve \$1,800 Invoice*

Council Member Barber moved to approve the invoice for \$1800 to Kirkham Michael Engineers. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 7:43 p.m.

DISCUSSION FROM THE FLOOR

Kim Halaquist, Speed Bump by North Park

No one present to discuss. Tabled

Dennis and Kelly VanTuyl Regarding Structures in Alley

Dennis VanTuyl reported he had two questions. One question was if any decisions had been made about the alley yet, and could someone explain what the survey was the city did and how it affected him. City Attorney Sutherland reported still need some further information and not taking any action now as waiting for official decision for boundary lines. City Clerk Herrin reported it was understood it would still be a couple of weeks before a final response from the county survey. Discussed there may be a difference of as much as two feet going east and west on the block the VanTuyl's live in, and it may be exactly where it is thought to be. VanTuyl's noted the county surveyor's stakes are off from their initial survey markers. City Clerk Herrin reported she had not seen the final write up so did not know how it was going to be when completed. Mr. VanTuyl asked if that meant that the city was not going to do anything with the alley until they got all the paperwork back from the surveyor. City Attorney Sutherland confirmed that had to wait till the county's official survey was completed. Mr. VanTuyl noted he had just hoped to get the issue settled before the new council took over, as they would not know what started it. Noted there were still some council members that would be the same and they would remember it. Discussed it had been almost a year ago when it started.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell noted he did not have a report for this meeting. Requested attendance to an In-service Training Class in Kansas City, Missouri on April 9, 2003 for no fee, but will provide seven hours credit.

- *Motion for Police Chief Farrell to Attend Training Class*

Council Member Barber moved to approve the training class for Police Chief Farrell on April 9th. Seconded by Council Member Barber, voted on, passed 4-0. Time: 7:47 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

i. KCC Gas Audit

Superintendent Craig reported KCC had been to the city for a gas audit bringing two state officials and one federal official. City needed a citywide leak survey. KCC requested an outside person come do the survey with us. The City of Garnett sent a man over to help us get it done and meet KCC requirements. They are not charging for this help, they would just like for our city to return the favor if it's ever needed. They are also going to send a guy to help get the paperwork straight. The biggest line leak found so far is in Sam Barber's driveway.

ii. Hach Maintenance Agreement

Superintendent Craig explained the city has nine Hach Calibrators and do not have anyone certified to keep them calibrated. State requires this to be done every three months, having the Hach sticker on there satisfies the state. For \$3,180 Hach will come every three months to inspect; and, if anything needs done they will repair and the city is only charged for the parts, no other labor. This is an annual fee. Have not seen anything on training classes to train an employee recently. They do not offer this training session every year.

- *Motion to Accept Maintenance Agreement*

Council Member Waddell moved to accept the Hach Maintenance agreement for \$3,180.00. Seconded by Council Member Shields, voted on, passed 4-0. Time: 7:50 p.m.

iii. Mosquito Spray

Discussed the previous years when spray was done and when it wasn't. Cost to spray is up to \$4,000.00. Determined there is a difference when spraying is done, and now the West Nile Virus is a concern.

- *Motion to Purchase Mosquito Spray*

Council Member Waddell moved to purchase mosquito spray for a cost of up to \$4,000.00. Seconded by Council Member Barber, voted on, passed 4-0. Time: 7:52 p.m.

DISCUSSION FROM THE FLOOR (Continued)

Kenny Boone, Waste Blowing from H.B. Reed

Kenny Boone asked if there was anything the city could do about the waste blowing from the business of H.B. Reed in the Industrial Park. Noted the coal waste piles are higher and bigger than usual and with the winds blowing it is blowing over all of the homes in the south end of town. Discussed water sprayers being used to keep the dust down, but comments did not feel the amount being used was enough for the volume on the premises. Mr. Boone had spoke with Roger Reed, who was nice about it, but indicated there was nothing he could do to fix it. Mr. Boone asked the council to drive down and look at the piles of powder waste, and to see if there was any way to put pressure on to get it removed. Mayor McGinnis asked the Public Safety Committee to review and bring back a report to the next meeting.

REGULAR MEETING

Year = 2003

Park

- a. North Park - Mayor McGinnis reported she had inspected the north park equipment and it does need some repair or just torn down on the wooden part of the gym. Asked Council Members Barber and Waddell to review and bring back report.
- b. Park Board Member Darlene VanVlack Resignation – Mayor McGinnis read the resignation letter that included Mrs. VanVlack had enjoyed working with everyone. The resignation was effective March 20, 2003.
- c. Appointment of Park Board Member, Steve Hisel – Mayor McGinnis recommended the appointment of Steve Hisel to fill the Park Board vacancy.

- *Motion to Accept Appointment of Steve Hisel to Park Board*

Council Member Waddell moved to accept the appointment of Steve Hisel to the Park Board. Seconded by Council Member Shields, voted on, passed 4-0. Time: 8:00 p.m.

Cemetery

- a. Footstones – Council Member Shields reported the cemetery caretaker, Kenny McClanahan had asked if any footstones added in the future could be placed at ground level to be safe to mow over. Discussed adding this information to the cemetery codes section with an ordinance. Requested City Clerk to draw up ordinance.

SPECIAL COMMITTEE REPORTS:

Fiesta

Mayor McGinnis reported the next meeting would be April 14th. Appreciate any volunteers who want to come and help.

Emergency Disaster Committee

Council Member Williams reported a meeting was held at 6:00 p.m. tonight, just prior to the council meeting. However, no business was discussed, as there was not enough in attendance.

Planning Commission Committee

- a. Resignations of Tammy Lyons and Jim Johnson – Mayor McGinnis acknowledged the two resignations received. Mrs. Lyons had made hers effective March 28, 2003 and Mr. Johnson's was effective March 20, 2003.
- b. Appointment of Planning Commission Member - Tabled

Accept all Resignations

- *Motion to Accept All Resignations*

Council Member Waddell moved to accept all resignations received tonight on committee reports. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:08 p.m.

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UNFINISHED BUSINESS:

Emil and Debbie Wilson Regarding Gas Meter Usage

Superintendent Craig reported the meter had been sent in and had come back .4% out of tolerance. This computes to one mcf adjustment for the amount of gas used. Mr. & Mrs. Wilson felt the meter was not working properly as far as reading what the actual use going through the meter was for the month in question. Concerned that they had no problems the month prior, and none since a new meter was put in, but did not feel that the amount of usage that the meter reported would have gone undetected by them due to the odor it would have caused, and poison gases released. Wanted to have the old line that they had replaced with a totally new line checked for leaks now. Discussed number of heating stoves connected during the high usage period and now with the new line, the extreme cold during the time in question, and the building structure itself. The Wilson's were also concerned that the meter was changed after it was removed from their premises and prior to having it tested so that it tested correctly. City Council expressed concern that the Wilson's had turned the gas back on after repairing a leak and not having the city turn the gas back on, nor notifying the city that it had been turned back on so the city could watch for any signs of problems at that time. Discussed the safety of pressuring checking the old line with air. The Wilson's wanted the line checked to show there were no leaks to cause the meter reading, felt that was the only possible cause.

- *Motion to Check the Line for Leaks if Safety Allows*

Council Member Waddell motioned to check the line for leaks and then work out some kind of compromise from there. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:45 p.m

La Cygne Boxing Club Sponsorship Request

No further information. Tabled.

Council Member Waddell asked about a break, he was thirsty.

NEW BUSINESS:

Close Compactor Easter Sunday, April 20, 2003

- *Motion to Close Compactor Easter Sunday*

Council Member Shields moved to close the compactor on Sunday, April 20, 2003. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 8:48 p.m.

"Green Thumb, Experience Works" Program

Discussed the government program is available to the city if the city knows of anyone who qualifies and the city is in a position to use the program.

Utility Billing Workshop, April 24, 2003, Iola, KS

- *Motion to Approve City Clerk and City Treasurer to Workshop*

Council Member Shields moved to send both City Clerk Herrin and City Treasurer Elder to the Workshop. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 8:50 p.m.

KMGA Annual Board of Directors Meeting, May 7, 2003, Wichita, KS

And

KMU 74th Annual Conference, May 7-9, 2003, Wichita, KS

Council discussed attendance to the two meetings that are consecutive to each other. With the date being the same as the first May City Council Meeting, difficult to send City Clerk Herrin or Superintendent Craig. Requested City Clerk Herrin to check and see if someone else could fill in for just this meeting with KMGA and attend the KMU Conference, then report back at the next meeting.

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NEW BUSINESS: (Continued)

LKM/MLA Governing Body Institute Training, May 16-17, 2003

City Clerk Herrin explained this is training for council covering the Open Meetings Act, the Open Records Act, the Responsibilities of the Mayor & Council, the Constitutional Home Rule, Revenue Sources, Planning & Development, and Municipal Services. Geared to new members as well as existing members to help understand the process. Could just attend the Saturday session. Cost is \$100 per person and does include a Governing Body Handbook, which if do not go will be ordering one for each council member. Everybody check calendars, find out how soon have to report the number attending and put with next agenda.

EXECUTIVE SESSION:

Council Member Shields moved to go into Executive Session for up to twenty minutes following a ten-minute break. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 8:57 p.m.

Others requesting time or invited into executive session were: City Treasurer Elder (did not go into session).

Open Session Resumed at 9:14 P.M.

OTHER BUSINESS

Pending Liquor Ordinance

Discussed and reviewed the League's Sample Ordinance for Retail Liquor and the States Fees Charged. City can charge an Occupational Tax on an annual basis in the amounts between \$100 up to \$300.

- *Motion to Set City Fee at \$100*

Council Member Waddell moved to set the fee at \$100.00. Died for a lack of a second.

- *Motion to Set City Fee at \$200*

Council Member Shields moved to set the fee at \$200.00. Died for a lack of a second.

- *Motion to Set City Fee at \$300*

Council Member Barber moved to set the fee at \$300.00. Died for a lack of a second.

- *Motion to Set City Fee at \$150*

Council Member Williams moved to set the fee at \$150.00. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 9:25 p.m.

- *Motion for Liquor Ordinance To Be Drawn Up*

Council Member Shields moved to direct a Liquor Ordinance be drawn up for the next meeting. Seconded by Council Member Barber, voted on, passed 4-0. Time: 9:26 p.m

City Employees Performance Appraisals

City Clerk Herrin reported this was the time of year for city employee performance appraisals. Discussed whether to set a date and complete the appraisals or to wait till later in the year. Comments included some of the existing council members would not be there later in the year to follow through with any recommendations from the reviews.

- *Motion to Delay Performance Appraisals*

Council Member Waddell moved to wait on performance appraisals till the new council comes on and has time to review. Seconded by Council Member Williams, voted on, passed 3-1 (No: Barber). Time: 9:28 p.m.

OTHER BUSINESS (Continued)

Planning Commission Members

Mayor McGinnis asked for volunteers for Planning Commission Members.

CITY CLERK'S REPORT:

City Clerk's Written Report Included: None

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMU, *SPCC Workshop*, April 11, 2003, McPherson, KS
- b] FSCC, *Water Plant Operators Workshop*, May 14-15, 2003, Emporia, KS
- c] LKM *League News*, Volume 8, Number 10, March 21, 2003
- d] Edwards Chemicals, Inc. Seminar on 'Chlorine Dioxide'
- e] Van Diest 'Mosquito Clinics'
- f] KMGGA Letter Regarding Natural Gas Market

ADJOURNMENT:

With no further business, **Council Member Shields moved to adjourn the meeting. Seconded by Council Member Waddell, voted on, passed 4-0.**

Meeting adjourned at 9:30 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 2nd day of April 2003.

REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday April 16, 2003, following a workshop covering the Sewer Project regarding Maintenance Equipment for the Lagoon. Council Members present were: Sam Barber; Rick Waddell; Esther Shields; and Tony Williams.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Superintendent George Craig; Roger Sims with Osawatomie Graphic; Julie funk with Linn County News; Jerry Boone; Travis Robbins; LeRoy Turpen; Brad Heide; Dennis VanTuyl; Robert Turpen; Frankie Howard; Johnnye A. Lane; John Lane; Mike DeMott; Teresa Robbins; Art Terry; and Jerome Moore.

Mayor Connie McGinnis called the meeting to order at 7:02 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Shields moved to approve the consent agenda as presented that consisted of:

Check Register: April 2 – 16, 2003;
Minutes of April 2, 2003 City Council Meeting;

Motion seconded by Council Member Waddell, voted on, passed 4-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORTS

b. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- vi. Purchase of Tractor Mower and Equipment with SRF Monies

Discussed the current information received does not cover a specific type of equipment for maintenance of the lagoons. Mayor McGinnis assigned a committee of Council Member Barber and Council Member Williams to look at needed equipment and find out what the state will allow the city to purchase with the SRF monies for the next meeting.

- vii. Manhole by/in Road Right of Way, Farming Around It

No Report Put on Next Agenda.

- viii. Lining Repair VS Line Replacement on One Section

City Clerk Herrin reported Insituform Technologies had begun repair on one stretch of lining consisting of 529 feet when they found it was not an eight-inch line but a six-inch line. Insituform did not have the equipment to repair a six-inch line and reported it would be more cost effective to take the dollars set aside for repair to instead replace the line with an eight-inch line and two manholes. Kirkham Michaels had contacted the sub-contractor that Insituform has hired for this project for this type of installation but as of the date of this meeting they had not responded back if they would even be interested in this additional project.

Discussed if could use local contractors if only the SRF monies were involved. Will have to get with the state for this answer, if Insituform's sub-contractor does not want to bid the project and keep it under the specified project requirements.

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UTILITY IMPROVEMENTS REPORTS (Continued)

b. WATER IMPROVEMENT PROJECT

- ii. *Bid Specs Including Media Repair*

Noted these should be at the May 7th meeting and received by Public Works Employees prior for review.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. Meeting with Kirkham Michaels and Aquilla

City Clerk Herrin reported the Gas Committee of Council Members Shields and Waddell, along with Public Works Superintendent Craig, and the two new members of the council if they wished to attend would be meeting on April 22, 2003 at 9:30 a.m. at City Hall for informal discussion of the possibility of Aquilla taking over the Gas Project for Design an Inspection from Kirkham Michaels if the detail could be worked out. Then after the meeting

would report back to the Council at the next meeting for council decision.

DISCUSSION FROM THE FLOOR

Emil Wilson Regarding Gas Meter Usage

Wilson's were not present. Reviewed the written report of the pressure test by the Public Works Employees. Noted that would indicate a gas leak. Requested the bill be adjusted .4% which converted to one MCF for this usage.

George Craig Requesting City Water For a House in City Limits

George Craig reported he had ten acres in the city limits of La Cygne. He is getting ready to build a house on this property and asked for water line to be run to this property. The elevation is 4 ½ feet taller than the water tower. Discussed there is a Rural Water line available in the front of the property. They have an agreement not to take any customers from the city limits. The cost to hook up with Rural Water is \$4,000 just for the hook up fee. Discussed a pressure pump with holding tank and Mr. Craig noted that was against the law. The city would have to give the Rural Water permission to put someone from the city on their line, as well as then there is the \$4,000 cost versus an average cost of \$250 by the city. Discussed if city water could work. Pressure was a concern with city water, but Rural Water does have pressure in this area. Discussed putting a city meter there and buying water from rural water for this one property. Discussed no other citizen in La Cygne lives high like that so it has not come up before. Will discuss options with Rural Water #1 and get back with Mr. Craig.

Brad Heide Regarding Water Line Break on Rental Property

Brad Heide reported they had had a water line break on some rental property. Not sure how long the water ran through the leak, but it used 128,400 gallons of water. The bill came to \$732.21. Asked if there was any kind of breaks for that type of leak. The line was fixed as soon as it was found. Noted the sewer charge had been adjusted already for this break. Discussed if could just charge for the actual cost of production of water. Noted the ordinance stated the bill is due if the usage goes through the meter without any change in costs. Can set up payments and stop the late fees if the council wants to do this. Discussed there were other fees on the total bill covering gas usage and taxes. Can get the water portion off the bill and set up with a separate payment bill. Mr. Heide said he didn't know if there was anything else that could be done; wanted to talk to the renters and think want to set up on payments after he talks with them. Noted there are other landowners that help renters out when there are water leaks on those properties.

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DISCUSSION FROM THE FLOOR (Continued)

Brad Heide Regarding Water Line Break on Rental Property (Continued)

- *Motion to Remove from Bill and Set Up on Payments*

Council Member Barber moved to make arrangements to remove the water costs from this bill with no later charges and to set it up on payments. Seconded by Council Member Shields, voted on, passed 4-0. Time: 7:32 p.m.

Discussed what date Mr. Heide would be in to set up payments. Agreed on this Friday or next Monday after he had had a chance to speak with the renters.

Dennis VanTuyl Regarding Status of Alley

Dennis VanTuyl asked if anything had been worked out yet. City Attorney Sutherland responded 'No'.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell reported on written reports for March 2003 and April 1-17, 2003. Noted the time limit is up for the Jessie James property owners to get it cleaned up. The old buildings in the back are still there, as they didn't burn. And, the things they didn't dump in the county are still there along with the foundation and other things that didn't burn. If do bid it out think should take the out buildings with it. It was condemned previously, then they were given additional time to get it taken care of, then it burnt on January 15th and then an additional thirty days was given and nothing has been done since the fire. Originally the grandson came in and asked for some additional time to get it cleaned up and he never did get it finished and then it burned. The listed property owners are deceased and it is in an estate. If the city has to go in clean it up and then the bill is sent. If not paid in thirty days then it is added to the tax roll. City Attorney Sutherland recommended it be tabled till the next meeting and review notices.

Public Works Superintendent George Craig

- iv. Four-inch Natural Gas Line Replacement of 1200 Feet in Industrial Park

Superintendent Craig reported found 1200 feet of line in Industrial Park had several leaks in it and it is buried in flat ash. Iowa Pipeline, formerly K & B Construction, came in and replaced it with poly. Will be shutting down Reed Mineral Friday and will then disconnect the old line and attach the replacement line. The bid for this process is \$10,169.00.

- *Motion to Accept Bid of \$10,169 from Iowa Pipeline*

Council Member Waddell moved to accept the bid from Iowa Pipeline for \$10,169.00. Seconded by Council Member Shields, voted on, passed 4-0. Time: 7:45 p.m.

STANDING COMMITTEE REPORTS:

Park

North Park – Play Equipment: Did not get it checked out, will report at next meeting.

Cemetery

Footstones – Council Member Shields reported this had already been addressed in the City Ordinances and Policy Procedures Manual.

Page 4 of 6

SPECIAL COMMITTEE REPORTS:

Fiesta

Mayor McGinnis reported the previous meeting was cancelled and would be held next Monday.

Emergency Disaster Committee

Council Member Williams reported not enough attendance for a meeting.

UNFINISHED BUSINESS:

Alcoholic Liquor Ordinance

City Clerk Herrin reported this ordinance was pulled from the League Sample Ordinance file. Explained the first part of the ordinance explains that they are required to meet the “*Kansas Liquor Control Act*” as part of this ordinance. Reviewed the cost of \$150 established at the

REGULAR MEETING

Year = 2003

last meeting for the Occupational Tax fee. Reviewed the Restrictions on Location section, as the minimum requirement is 200 feet from the nearest property line of any existing hospital school, church, or library. This is what the current city ordinances state for other alcohol ordinances; however, it can be made tougher. The City of Paola has amended theirs to 500 feet and added city parks to the list.

- *Motion to Establish 200 Feet From Nearest Hospital, School, Church, or Library*

Council Member Waddell moved to establish ordinance to say 200 feet from the nearest property line of any existing hospital, school, church, or library. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:53 p.m

- *Motion to Approve Ordinance #1288 with Previous Information*

Council Member Barber moved to approve Ordinance #1288 with the previous information approved. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 7:55 p.m.

KMGA Annual Board of Directors Meeting, May 7, 2003, Wichita, KS
KMU 74th Annual Conference, May 7-9, 2003, Wichita, KS

City Clerk Herrin reported the city could for this one meeting appoint another person to attend this meeting instead of the two current designated individuals. Jerome Moore can attend. This meeting is the morning of the same day of the KMU conference begins. The KMGA is the annual meeting that requires a quorum of city members to have the meeting and set it up at this time as usually there is someone attending the KMU meeting from the cities involved.

- *Motion to Send Jerome Moore to the KMGA Meeting and the KMU Conference*

Council Member Waddell moved to send Jerome Moore to the KMGA Meeting and the KMU Conference. Seconded by Council Member Barber, voted on, passed 4-0. Time: 7:48 p.m.

- *Motion to Designate Jerome Moore as Delegate for KMGA Meeting*

Council Member Waddell moved to designate Jerome Moore as the Delegate to the KMGA Meeting. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:00 p.m.

LKM/MLA Governing Body Institute Training, May 16-17, 2003

Discussed the core meeting section is May 17, 2003. It is geared for new Council Members and Mayors, as well as current members and city employees. It is on a Saturday.

- *Motion for All Available to Go*

Council Member Waddell moved to have all applicable available attendees to go to the Governing Body Institute Training Course and to send in final count after the May 7th meeting. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:03 p.m.

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NEW BUSINESS:

Use Permit for Frankie Howard at 104 S. 4th Street

Noted Planning Commission had approved at their last meeting.

- *Motion to Approve Use Permit*

Council Member Barber moved to approve Use Permit for Frankie Howard at 104 S. 4th Street. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 8:03 p.m.

Delete Earthquake Coverage on City Property

City Clerk Herrin reported the city buildings have earthquake coverage provided by the insurance carrier. Discussed if wanted to delete this coverage. It is unknown at this time just

what the cost for this coverage is. The information has been requested from the insurance company but they have not responded to date. It could take some time before this information is provided and the policy renewed April 1st. Concurred to wait till the information is received and if decide at that time if the cost is worth continuing the coverage.

KDSRS Public Community Partner/Stakeholder Meeting, April 18, 2003

Discussed. No one was able to attend.

KDHE Survey

Requested to be placed on next agenda for new council members to complete.

Kansas One-Call Proxy

- *Motion to Authorize City Clerk to Complete Proxy*

Council Member Shields moved to mark for all listed on the ballot and authorize City Clerk Herrin to complete and return the Kansas One-Call Proxy. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 8:13 p.m.

EXECUTIVE SESSION: None.

OTHER BUSINESS

2003 First Quarter Financial Statement

Discussed the presented First Quarter Statement. City Clerk Herrin reported the final numbers were correct, however, there was some changes that needed to be worked out before the final draft was approved. These changes included some differences between Employee Benefits and Payroll with the old program and the new program that is planning on being put in place as of the first of this year. The total for both departments together is the same, just have different amounts listed as they appear to be applied somewhat differently. City Clerk meeting with Pat Crislip of Summit on Friday, April 25th to work on the differences. Will have final statement ready for the next meeting.

CITY CLERK'S REPORT:

City Clerk Herrin reported Dog Days is Saturday, April 19, 2003, and the City Wide Garage Sale is Saturday, May 3, 2003.

City Clerk's Written Report Included:

- a. Footstones at Cemetery
- b. Alcoholic Liquor Ordinance #1288
- c. Received \$5,000 from La Cygne Pharmacy

Mayor McGinnis noted she would like to compliment Kenny McClanahan on the great job out at the cemetery. Jerry Boone noted the City Park looked good too.

REGULAR MEETING

Year = 2003

OTHER BUSINESS: (Continued):

Planning Commission Appointments

Mayor McGinnis recommended the appointment of Gerald Stanley to the Planning Commission Committee along with Mike DeMott.

- *Motion to Appoint Gerald Stanley and Mike DeMott to Planning Commission Committee*

Council Member Barber moved to accept the recommended appointments as listed. Seconded by Council Member Waddell, voted on, passed 4-0. Time: 8:28 p.m.

City Clerk Herrin asked Mr. DeMott if he would be interested in a reappointment at the May meeting as his term would expire at that time. Mr. DeMott concurred.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Linn County Election Officer Certifying Letter Regarding Sale of Alcoholic Liquor by the Package
- b] Linn County Election Officer Certifying Letter Regarding Elected Position of mayor and Two Council Members
- c] City Gas Production Costs from 1993 - 2003
- d] LKM *League News*, Volume 8, Number 11, April 7, 2003
- e] Kansas Pipeline Safety Newsletter, Includes Operator Qualifications
- f] "Kansas Regulatory Foulston Siefkin Issue Alert
- g] La Cygne Planning Commission Roster
- h] APGA Management Conference, Golden, CO, May 6-7, 2003
- I] LKM Editorial Packet Concerning the State Budget Crisis

- *Motion to Send Letter to State Regarding Budget Crisis*

Council Member Waddell moved to have Mayor send letter to the state regarding the State Budget Crisis using sample in packet. Seconded by Council Member Barber, voted on, passed 4-0. Time: 8:33 p.m.

ADJOURNMENT:

With no further business, **Council Member Waddell moved to adjourn the meeting. Seconded by Council Member Shields, voted on, passed 4-0.**

Meeting adjourned at 8:35 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 16th day of April 2003.

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REGULAR MEETING:

The La Cygne City Council met in regular rescheduled session on Wednesday, May 7, 2003. Council Members present were: Tony Williams and Sam Barber.

Others present included: City Clerk Devona Herrin; City Chief of Police Glenn Farrell; City Attorney John Sutherland; Public Works Superintendent George Craig; Public Works Employee Art Terry; Mayor Elect Terry Weitman; Council Members Elect Jerry Boone and Travis Robbins; Exiting Council Members Esther Shields, Connie McGinnis, and Rick Waddell; Roger Sims; Julie Funk; Teresa Robbins; LeRoy Turpen Jr.; Mark Seip with Kirkham Michael Engineers; Kelly & Dennis VanTuyl; Johnnye Lane; Arlen Thompson with Aquila; Kevin and Karen Collins; Marty Bradley and his employee; Emil and Debra Wilson; Randy Tinsley; and, LeRoy Turpen.

REGULAR MEETING

Year = 2003

Council Member Sam Barber called the meeting to order at 7:11 p.m.

Mayor Elect Terry Weitman

City Attorney Sutherland read a letter from Terry Weitman thanking all of those in the city who voted for him. Due to other commitments he was declining the appointment of Mayor.

Oath of Office for Two New Council Members

City Clerk Herrin swore in new Council Members Jerry Boone and Travis Robbins. Each signed oath of office.

Appoint Council President

- *Appoint Council President*

Council Member Boone moved to appoint Sam Barber as Council President. Seconded by Council Member Williams, voted on, passed 3-0 (Barber Abstained) Time: 7:15 p.m.

Oath of Office for Mayor

City Clerk Herrin swore in Sam Barber as City Mayor. Mayor Barber signed oath of office.

Appoint Council Member

Mayor Barber recommended the appointment of former Council Member McGinnis to the Council to fill his vacated position.

- *Motion to Accept McGinnis as Council Member*

Council Member Robbins moved to accept the appointment of Connie McGinnis as Council Member. Seconded by Council Member Williams, voted on, passed 3-0. Time: 7:17 p.m.

Oath of Office for Council Member

City Clerk swore in Connie McGinnis as Council Member. Council Member McGinnis signed oath of office.

Appoint Council President

- *Appoint McGinnis as Council President*

Council Member Robbins moved to appoint Connie McGinnis as Council President. Seconded by Council Member Boone, voted on, passed 3-0 (McGinnis Abstained) Time: 7:19 p.m.

RECOGNIZE FORMER CITY OFFICIALS

Mayor Barber recognized former City Officials:

- Plaque for VanVlack who was not present;
- Presented plaque to Esther Shields as expression of appreciation for services to city;
- Presented plaque to Terry Weitman as expression of appreciation of several years of service to the city;
- Thanked Rick Waddell for his stepping in and helping during the last two months.

NEW YEAR ORGANIZATION:

Mayor Sam Barber recommended the following appointments for **City Officers:**

City Clerk	Devona Herrin
City Treasurer	Linda Elder
Chief of Police	Glenn D. Farrell Jr.
City Attorney	John S. Sutherland
Fire Chief	Ernie Moylan
Municipal Judge	Robert Stocking
Codes Officer/Zoning Compliance	Glenn D. Farrell Jr.
Public Health Officer	Glenn D. Farrell Jr.

- *Motion to Approve Recommended Appointments*

Council Member Robbins moved to accept the recommended appointments. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:22 p.m.

Mayor Sam Barber recommended Travis Robbins for Council Representative to the Park Board.

- *Motion to Approve Council Representative to Park Board*

Council Member McGinnis moved to accept the recommendation of Travis Robbins for Council Representative to the Park Board. Seconded by Council Member Boone, voted on, passed 3-0 (Robbins Abstained) Time: 7:23 p.m.

Mayor Sam Barber recommended the Osawatomie Graphic for the Official City Newspaper after reviewing a letter from the Graphic asking for reconsideration. Council Member McGinnis noted the Graphic provided excellent coverage on the Fiesta last year.

- *Motion to Approve Official City Newspaper*

Council Member McGinnis moved to accept the recommendation of the Osawatomie Graphic for the Official City Newspaper. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:25 p.m.

Mayor Sam Barber recommended the following appointment to the **Planning Commission**

3-Year Term	Mike DeMott
3-Year Term	Darlene VanVlack
3-Year Term	Bob Burnett

Planning Commission Chairman Randy Tinsley confirmed the existing members would accept another term.

- *Motion to Approve Planning Commission Appointments*

Council Member Robbins moved to accept the recommended Planning Commission appointments. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:27 p.m.

Mayor Sam Barber discussed the appointments of Archie Reynolds and Clarice Braden to the **Zoning Appeals Board** for another three-year term. It was unknown at this time if they would accept this appointment. Action was tabled until the next meeting.

Mayor Sam Barber recommended the following **Standing Committee Appointments**

Water & Gas	Travis Robbins & Jerry Boone
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Street	Tony Williams & [Open]
Sewer	Jerry Boone & Connie McGinnis
Park	Travis Robbins & Connie McGinnis
Cemetery	Jerry Boone & Connie McGinnis
Public Safety	Connie McGinnis & Tony Williams
Community Building	Tony Williams & [Open]
Employee Relations/Training	Travis Robbins & [Open]

- *Motion to Approve Appointments as Presented*

Council Member Robbins moved to accept the mayor's recommended appointments as presented. Motion seconded by Council Member Boone, voted on, passed 4-0. Time 7:33 p.m.

NEW YEAR ORGANIZATION: (Continued)

Early Payment of Payroll & Monthly Bills

- *Motion for Early Payment of Payroll & Monthly Bills*

Council Member McGinnis moved to authorize the payment of payroll checks and routine monthly bills if they become due and payable prior to appearing on the next council meeting check voucher list. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time 7:34 p.m.

Resolution No 277 - Waiver from Certain Accounting Procedures

- *Motion to Approve Resolution No. 277*

Council Member Robbins moved to approve Resolution #277 & waive GAAP-Prescribed Statements and General Fixed Accounting Procedures. Seconded by Council Member Williams, voted on, passed 4-0. Time 7:35 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda, with the exception of payment to the Clark Brothers, which consisted of:

- Check Register: April 17 - May 7, 2003;
- Minutes of April 16, 2003 Regular City Council Meeting;
- January 2003 Financial Statement
- February 2003 Financial Statement
- March 2003 Financial Statement
- First Quarter 2003 Financial Statement

Motion was seconded by Council Member Boone, voted on, passed 4-0. Time: 7:37 p.m.

UTILITY IMPROVEMENTS REPORT

CDBG SEWER GRANT - STATE REVOLVING LOAN - EDA GRANT

Purchase of Tractor Mower and Equipment with SRF Monies

Mayor Barber reported he had been working with Council Member Williams gathering information on what equipment would be justified for the sewer department. Determined if certain equipment would not be of primary use of a similar sewer department it would be hard for the city to get approval. Council Member Williams noted the city was basically back to a

tractor and equipment. Mayor Barber noted Public Works Superintendent Craig would like to get some equipment down to the lagoon to test out. Discussed if there was a deadline for a decision. Mayor Barber noted there was no immediate deadline from SRF, only to use it.

Manhole by/in Road Right of Way, Farming Around It

Discussed. Asked Public Works to mark the manhole with posts.

Lining Repair VS Line Replacement on One Section

Public Works Superintendent Craig reported the State Department has a rule of placing a manhole every four hundred foot of a sewer line. Reported it does not have to be a maximum of this it can be longer when there are circumstances that warrant. There is a total of 822 feet in this section. It can be done with just two manholes, one every 411 feet. The cost with just two manholes would be \$36,063 from Adams Construction bid. These plans have to be submitted to KDHE for approval prior to the work being done. This total does not include seeding, that will be done by the city. The required culvert would be left in. Discussed funds. Will require a change order with the existing project from Insituform Technologies.

- *Motion to Approve Sewer Line Change for a Cost Up To \$36,063*

Council Member McGinnis moved to accept this change for a cost up to \$36,063 for the presented sewer line section repair. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:48 p.m.

CDBG SEWER GRANT - STATE REVOLVING LOAN - EDA GRANT (Continued)

Clark Brothers Request Payment for Damage to Beans

Discussed the location of the bean damage. Public Works Superintendent Craig reported he did not see Haupt Construction get out of the easements when the lagoon project was being done. There is some farming done on city property, but it keeps weeds out. Determined to check further and report back.

Lagoon Project, Haupt Construction, Pay Estimate #6, Final

Discussed this project being complete.

- *Motion to Approve Final Payment to Haupt Construction for \$33,086.70*

Council Member McGinnis moved to approve final payment of \$33,086.70 to Haupt Construction for the lagoon addition. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:54 p.m.

East Interceptor, McCorkendale Construction, Change Order #5

Discussed this change order was for the Stanage property adjustment for all sewer issues.

- *Motion to Approve Change Order #5*

Council Member Robbins moved to approve Change Order #5 as stated. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:56 p.m.

East Interceptor, McCorkendale Construction, Pay Estimate #6, Final

Discussed this project being complete.

- *Motion to Approve Final Payment to McCorkendale Construction for \$30,939.81*

Council Member Robbins moved to approve the final payment of \$30,939.81 for McCorkendale Construction for the east interceptor project. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:57 p.m.

WATER IMPROVEMENT PROJECT

Bid Specs Including Media Repair - Phase 1

Mark Seip, with Kirkham Michael Engineers, presented two copies of a set of plans. Noted Public Works Superintendent Craig had been given a copy earlier. Passed out a handout titled [La Cygne WTP Phase 1 - Filter Upgrade Cost Estimate] and explained there were parts that could be cut out and parts the city could do themselves, or delay something. The total cost on the sheet was \$142,000. Asked if George had any comments.

Public Works Superintendent Craig asked about the following items:

1. The reasoning for the filter to waste to have an earlier estimate of \$5,000 and now is \$20,000 estimate.

Mark noted it was probably how it was packaged, done differently by each person.

2. The liquid palmer was still in the plans.

3. Three pumps listed to replace then to change, which is applicable. (Mark noted he would change the heads on the existing pumps; but will take that off.)

4. Asked about the use of city office space and restrooms instead of contractor bringing mobile unit.

George and Mark discussed the differences from what was written and what was previously discussed.

Council Member Boone discussed just staying with state update requirements and working with the Public Works Superintendent to make sure those are what is done. Concurred media has to be done now; the state updates have to be done by January 2004. Discussed Phase 1 is part media that has to be done and other part is state requirements. Discussed tiles to be looked at during the same time the media is done.

Mark reported there were two bidders that he knew of that would go head to head with bidding, but you never know for sure. Discussed delaying the air scour portion to a later date, it would be great to have but is not necessary. Discussed getting this out to bids and then decide what part to do depending on price. Mark noted he recommended advertising at least three weeks to give contractors a chance to work it. Discussed having a time frame for contractors to complete work once awarded. Mayor Barber asked if before bids go out did George and the Water Committee want to review and approve. George concurred. Discussed having them go over them and then have a special meeting. Mark responded he could get the revised documents done quickly. Council Member Boone asked if George could just let Mark know what as needed. Mark concurred. All agreed need to get moving and once it's ironed out will set special meeting to go over.

GAS IMPROVEMENT PROJECT - CDBG GRANT

Easements Pending

City Clerk Herrin reported Lindy had other commitments tonight and could not be here. Arlen Thompson with Aquila is here tonight, and he has recently taken on the position of mayor in Louisburg. Still have about 50% of the easements pending. Have looked at the line and there are some easements that will be needed for this line. Aquila does have a department that can do these easements but they are already committed with other jobs and cannot take this on at this time. If the city does go forward with this will need to find another avenue. Allen Steele with Aquila is out of the office this week and Lindy is out of the office next week. With this information it looks like it will need to be tabled for the next two weeks. Discussed that the easements that are signed are in any kind of order along the road.

Discontinue Line

City Clerk Herrin reported they had also looked at the line and discussed if the city could even stay in Miami County for repairs. Also looked at discontinuing the three customers west of the high school and just go north on 1095 north of the high school. Since it is a distribution line there are some Class 3 areas that have to be repaired, but as a distribution line do not have to replace the whole line. In the past few years letters have been received from the state indicating the line needed to be buried and during this time there has also been a gas leak that according to reading appeared to be happening between the Panhandle Station and the City Limits. Now have found there has been some misreading on the meter in town. Now with the ground wet the loss does not appear to be as great. Public Works Superintendent Craig reported the last reading after the rain were not taken from the same previous area either; however, there are several small leaks all the way along there. Understand the welds that were done when it was installed used couplings and are rusting out. Other than this area under the road, public works has not been able to find any leaks. Discussed if easements are done properly it could cost from \$150 - \$200 per easement and estimate somewhere maybe around 80 of them; and, this may be in the existing Kirkham Michael contract, not sure. Public Works Superintendent Craig reported that Miami County will not let us dig up the road to fix the leaks and that's where they are. They will let us put it in the ditch but not sure how much cable is in the ditch. Discussed what happens with the Kirkham Michael Contract if this project is not done; unknown what would happen there. Noted there would be the one part under the road that would have to be repaired and the part by the High School that is a Class 3 area and will have to be buried. Noted when the KCC Auditors were here and looking at the line a month ago said it had to be buried; now they are saying it does not have to be done right now, but they are encouraging it as with the area growing it will be an ongoing project. As more and more homes are built in the area then that area will have to be buried if not before. With an ideal situation it would be all buried, but if that is not ideal, then they can help set up ways to take of now issues and then what to set up for the future. Since it is a distribution line they (KCC) has indicated they will be more understanding as to whether or not it is buried. Discussed holding a conference call with the Gas Committee, Public Works Superintendent Craig, and Leo Haynos with KCC. George will set this up.

Kirkham Michael Pay Request, Design 57% Complete

Discussed having Kirkham Michaels hold any further engineering work until further notice.

- *Motion to Pay Kirkham Michael Engineers in Amount of \$5,045*

Council Member McGinnis moved to approve payment to Kirkham Michaels in the amount of \$5,045 for work done in March. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:42 p.m.

DISCUSSION FROM THE FLOOR:Emil and Debbie Wilson Regarding Gas Meter

Emil Wilson handed out a written report to the city council. Apologized to the council for missing the last meeting and to the city clerk for some frustrating conversations. Council took time to read the handout. Mr. Wilson then presented a diagram of the layout of the house including the gas line under the floor. Mr. Wilson reported other people had been in his house and no one said anything about smelling as when they were there, so must of went through two sets of bricks to the outside. The Wilson's have always said they had a small minor leak; but still maintain it's a messed up meter showing different usage than was used. Maintained when the new meter was installed it was not longer using large amounts of gas using the same new line. Discussed the last time at the council meeting it was determined to test the old line and then it tested that it was losing gas. Wanted to test again right before the property sold and the city determined it was not safe. Discussed the meter was tested and was .4% off; however, the dial would not immediately turn and the inspector would not put in writing the dial was tampered with or not. Council noted the ordinance state when gas goes through the meter the individual pays for it; but seems like there should be a way to work this out. Discussed if new

owner would possibly let the city council walk through and see for themselves. Council Member Williams discussed going back and averaging a winter usage. Mr. Wilson reported he would pay the highest bill there was in the last year as long as it wasn't the last two really big bills.

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DISCUSSION FROM THE FLOOR: (Continued)

Emil and Debbie Wilson Regarding Gas Meter (Continued)

- *Motion to Charge Highest Winter Bill Excluding Last Two Bills*

Council Member McGinnis motioned to go over previous bills excluding the \$400 and \$2400 bills, find the highest bill and charge that amount. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:20 p.m.

Council Member Travis noted there are rules in the city for contracting the handling of gas lines and turning it on and off. City Clerk Herrin also noted a Certificate of Insurance is also required from these contractors.

George Craig, Water Line Request

George Craig reported he owned 9.8 acres in the north city limits. Mr. Craig is getting ready to build a new home and needs water to the property. The property is four and a half foot taller than the city water tower. Asked the city to provide water to him. Mayor Barber asked if this kind of a decision had ever had to be made in the past. Mr. Craig responded that the city annexed in meters east of town knowing they were going to have to pay \$3500 for each meter, and a meter that the people had already paid for. City Clerk Herrin reported that the city did not know at the time of annexation that the city was going to have to pay for them. Mayor Barber noted there was a lot more involved in that and did not know that the city was going to have to pay for meters that had already been paid for. Discussed what is the cost to install a city meter. Mr. Craig reported three meters were installed last week for a cost of about \$280 each. Mr. Craig reported a rural water meter is \$4000 a piece. Council asked if the city furnished Mr. Craig the meter would rural water furnish him the water. City Attorney Sutherland said it was possible for Mr. Craig to purchase water from the rural water district with an agreement with the city. City Clerk Herrin noted that when Mr. Craig bought the property Max Thayer signed an agreement for a water line to run to Mr. Craig's property through Mr. Thayer's property. Council Member McGinnis reported she had talked with Eddie Andersen with the rural water district and the cost would be \$4000, but were welcome to come to the rural water board and discuss it. Discussed if would have to pay rural water prices then, and consensus was yes. Question was asked of how many more pieces of property could be bought in this area that would require someone to purchase a meter. Question was asked why it was annexed the way it was. Mayor Barber noted that was done on a different day and a different time. Discussed getting with Eddie and the rural water district to see if could work out something. Council Member Boone asked if a pressure pump could be added to a water line to get water up to him. Mr. Craig said he could check on that. Mr. Craig reported that the rural water district had 660-foot water rights on his property so they would have to release that anyway to get city water there. Mr. Craig said he needed a water meter; he thinks he has the house he is living in sold and needs a meter. Discussed obligations of the city to provide water. Discussed the next rural water district meeting is Tuesday the 13th. Mayor Barber asked to have the city put on their agenda for that meeting. Discussed who could attend. Mayor Barber asked Council Members Boone and Williams to attend; and the City Clerk to set it up with the RWD.

Dennis VanTuyl Regarding Status of Alley

Dennis VanTuyl asked if now that the survey was done wouldn't the city move on. City Attorney Sutherland responded yes would be moving forward now. Just looked at the map of the survey for the first time tonight; will review it and have a decision shortly. Will put back on the agenda.

REGULAR MEETING

Year = 2003

Kelly VanTuyl, Regarding Fogging for Mosquitoes

Kelly VanTuyl asked if the city would be spraying for mosquitoes this year. Public Works Superintendent Craig noted that they had not had any complaints of mosquitoes yet so had not started spraying until they were out. Mrs. VanTuyl reported the mosquitoes are out. City responded they would start spraying.

ADJOURNMENT TO RECONVENE May 14, 2003

c Motion to Adjourn and Reconvene on May 14, 2003 at 7:00 p.m.

Council Member McGinnis moved to adjourn and reconvene on next Wednesday, May 14, 2003 at 7:00 p.m. Seconded by Council Member Robbins, voted on, passed 4-0.

The meeting was adjourned at 9:35 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and to hereby subscribe my name this 7th day of May 2003.

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REGULAR MEETING:

The La Cygne City Council met in regular rescheduled session on Wednesday, May 14 5, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and Tony Williams.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Mike DeMott; Robert Turpen; Roger Sims; Kelly & Dennis Van Tuyl; Max Thayer; LeRoy Turpen; Terry Weitman; and, Julie Funk.

Mayor Sam Barber called the meeting back to order at 7:30 p.m.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report of for April 2003. Reported the Marijuana Eradication Class had been rescheduled to June 18th & 19th in Topeka, Kansas. This is a class that meets education requirements.

1. Condemnation of 407 S. 2nd, Jessie James Property

City Attorney Sutherland reported the paper work was in place and ready to be cleaned up. Codes Officer Farrell noted the City Crew could do the work or the city could hire it done. Either way a bill is then sent to the property owners and if not paid in thirty days it is added to the property tax roll. Council Member Boone noted there are lots of other properties in town like this one, what about them. City Attorney Sutherland and Codes Officer Farrell concurred there are lots of properties to process. Mayor Barber asked if to go further did the city need to solicit bids. Codes Officer Farrell reported the foundation and refuse that had burnt was left and if the City Crew did the work the refuse would have to be taken to Prescott; recommended putting it out to bids, but up to the council. Council Member Robbins noted it was also weedy in places around the refuse.

- *Motion to Place For Bids Jessie James Property*

Council Member Robbins moved to place for bids the clean up of the property located at 407 S. 2nd known as the Jessie James property. Seconded by Council Member McGinnis, voted on, passed 3-1 (No: Boone) Time: 7:38 p.m.

Public Works Superintendent George Craig

Public Works Superintendent George Craig reported on the following items:

1. KCC Annual Inspection Report – City is back in compliance.
2. River Pumps – New project all done except for some electrical wiring.
3. City Wide Clean Up - Reported the city would have the prisoners the first three weeks of September this year. City Wide Clean Up is scheduled for the Saturday before the Fiesta. Asked about doing the clean up during the four days the prisoners were there to help the week before the Fiesta, leaving them free the week of Fiesta for other things, and then would not have to do the full Saturday Volunteer Clean Up but use that time instead for other things.
4. Sewer Line Replacement of One Section under Sewer Project – Reported the bids reviewed on May 7th did not include the add-on for Insituform as the primary contractor as Adams Construction is only a sub-contractor. There is a mark up for the primary contractor that was omitted from the first information given. There was some discussion as to whether the length of the repair is 822 feet or 830 feet. The tape measure says 822 feet, the video inspection reports 830 feet to the lamp hole in question. If it's only 822 feet the actual cost will be \$37,869.30 instead of the \$36,063 previously provided. If it is 830 feet the cost is \$38,104.50. Recommended adding the cost to cover up to the 830 feet and then there would be an adjustment of less cost if it is actually only 822 feet.

- *Motion to Amend Last Bid to Add Up To \$2,041.50 to That Bid*

Council Member McGinnis moved to amend last weeks motion to add up to \$2,041.50 to that bid. Seconded by Council Member Boone, voted on, passed 4-0.
Time: 7:46 p.m.

5. North Tower Visual Inspection Report – Reported there was some graffiti on the walls that they would be coming back to paint over. Noted the rest of the report was ok. Some rust noted but not visible on the photos.
6. KCC Annual Inspection Report – Reported back in compliance. Have set up a phone conference with Leo Haynos of KCC along with Council Members Robbins and Boone to see what can be done and what can wait with the gas line replacement. Time for conference is either 9:00 a.m. or 8 a.m. not completely sure at this meeting time.

Page 2 of 5**REPORTS OF CITY OFFICERS: (Continued):**Fire Chief Ernie Moylan

In the absence of the Fire Chief it was reported the following items had been purchased by the fire department: 4 Hood Cobra Ultimate and three Battery Sticks for a total of \$198.92.

STANDING COMMITTEE REPORTS:Water & Gas

Council Member Robbins asked about the status of the Water Project since last week. Public Works Superintendent Craig reported he had received another book thicker than the last book and was checking the changes. So far it still has the liquid chemical feed in the project and they keep asking for it to be taken out. Council Member Robbins noted he would try to get to the plant and look at this book before the next meeting. Public Works Superintendent Craig reported he had had the opportunity to speak to another engineer and discussed the air scours which have also been a topic. With the other engineer he learned of a different way of handling them and that it was more cost feasible to do that part now. Mayor Barber asked if they had spoke with anyone with KDHE. Mr. Craig responded he had not had an opportunity to yet.

REGULAR MEETING

Year = 2003

Streets

Council asked about potholes. Public Works Superintendent Craig reported they had patched some. The subcontractor Adams would be handling any potholes for a year that occur due to repairs to the manholes. Noted those needed repairs needed to be reported to Kirkham Micheals to forward on the contractor. Mayor Barber asked them to get a list to them to get those known repaired.

Park

Council discussed the equipment at the north park. Council Member McGinnis reported she felt the condition of the equipment was at the point it needed to be torn down. Mayor Barber asked if the structure was strong and could possibly be repaired. Council Member Robbins had not looked at the equipment prior to the meeting, he would look at it too and then they could review together. Did note the basketball goal had been bent down already. Will put back on next agenda.

Cemetery

Council Member Boone reported the cemetery looked nice with the new part mowed. Reported this was the year that it had been discussed a new cemetery mower would be purchased and the old cemetery mower passed to the Public Works Department for their use when needed. Reported John Deere Heritage Tractor had an Exmark, 60-inch lawnmower for a price of \$6955. This did not include the seat with suspension that was on the current lawnmower, that is an additional \$500. They were not interested in any trade in at that price. Did recommend adding the better seat.

- *Motion to Purchase Exmark Mower for Up To \$7620*

Council Member Boone moved to purchase an Exmark mower with a good seat.

Discussion: Discussed total cost to include the good seat and mulching attachments for a cost of \$160. **Added mulching system to motion for a total cost of up to \$7,620.00. Seconded by Council Member McGinnis, voted on, passed 4-0.** Time: 8:04 p.m.

Public Works Superintendent asked about the new part of the cemetery that needs leveled to be properly taken care of. Understood there had been previous discussion about getting someone with a chisel and level it. Asked if there is anyone that can as there are big ruts in it right now. Council Member McGinnis asked if a tiller on the back of the tractor would work as she had one set up right now like that that could be used maybe. She reported she would look at the area tomorrow. Public Works Superintendent Craig noted it would also have to be reseeded.

Employee Relations

- *Motion to Send Police Chief Farrell to School*

Council Member McGinnis moved to send Chuck Farrell to the Marijuana Eradication class with usual perdium. Seconded by Council Member Boone, voted on, passed 4-0.

Time: 8:05 p.m.

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SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the committee would be having an Ice Cream Social with Karaoke sometime in July. There will also be a D.J. there.

REGULAR MEETING

Year = 2003

Emergency Disaster Committee

Looking for volunteers.

UNFINISHED BUSINESS:

KDHE Survey

Discussed the request from KDHE for each Council Member to complete the attached form and return to KDHE as soon as possible. City Clerk Herrin noted she would mail those handed in by this Friday.

LKM/MLA Governing Body Institute Training, May 16-17, 2003

City Clerk Herrin reported Mayor Barber was signed up to attend the workshop. Passed on the information that any Council Member not already signed up could also attend at the last minute if they found they had time to attend.

NEW BUSINESS:

CMB Application for Earl Swisher

Police Chief Farrell reported the application checked out ok for the Cereal Malt Beverage License for Earl Swisher for the restaurant he is planning to open on Broadway that will be called Big Daddy's Pizza.

- *Motion to Approve CMB Application for Earl Swisher*

Council Member McGinnis moved to approve the cereal malt beverage license for Earl Swisher. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:12 p.m.

Library District #2 of Linn County Donation Request

Discussed items listed on the request.

- *Motion to Donate Ten Cases of Pop (Cola) to Library*

Council Member McGinnis moved to donate up to ten cases of pop to the Library. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:15 p.m.

KDA, Training for Basics of NFIPF Workshop, May 28, 2003, Topeka, KS

City Clerk Herrin reported the city had looked into the Flood Plan during the time Nate Harris was mayor and the findings then had been there were no homes in the flood areas designated in the city. Now it is known there are two homes that are determined to be in the flood area and this is a workshop to provide the basics of what is involved. Discussed if anyone might be available to attend the workshop. Determined to put back on unfinished business for the next meeting as have time to determine at that meeting if anyone can/should attend.

Right-of-Way Access Agreement from Envision Group, LLC

This agreement is for wells to be dug in the city right-of-way around Casey's as KDHE has hired this firm to check for any hazardous spills from this area.

- *Motion For Approval of Right-of-Way Access*

Council Member Robbins moved to approve the right-of-way access for Envision Group and have Mayor sign the agreement. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:25 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and legal for up to forty-five minutes following a ten minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:26 p.m.

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent Craig and City Clerk Herrin.

Open Session Resumed at 9:15 p.m.

OTHER BUSINESS:

Appoint New Council Member

Mayor Barber recommended the appointment of Terry Weitman to fill the vacated position of previous Council Member Mike VanVlack for the two years left of that term.

- *Motion to Appoint Terry Weitman as Council Member*

Council Member Robbins moved to approved the recommended appointment of Terry Weitman as Council Member. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 9:16 p.m.

Oath of Office for Council Member Terry Weitman

City Clerk Herrin swore in Terry Weitman as Council Member. Council Member Weitman took his place with the council.

Zoning Appeals Board Appointments

Mayor Barber recommended the reappointments for another three year term for Archie Reynolds and Clarice Braden.

- *Motion to Approve Appointments to Zoning Appeals Board*

Council Member Weitman moved to accept the recommendations of Archie Reynolds and Clarice Braden for the Zoning Appeals Board. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 9:20 p.m.

Standing Committee Appointments

Discussed making changes to the Standing Committee Appointments. Mayor Barber noted he would review and make the recommended changes at the next meeting.

Public Safety Committee to Meet with Police Chief

Council Member McGinnis asked City Clerk Herrin to set up a meeting between the Public Safety Committee of Williams and herself with Police Chief Farrell on this Friday at 9:00 a.m.

CITY CLERK'S REPORT:

City Clerk's written report included:

- a. New Year Organization
- e. Discussion From the Floor from Van Tuyl

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Margaret A Wilson Letter Regarding Legal Survey (Discussed, Survey Complete.)
- b] KMBA Agenda for May 7, 2003 Board of Directors Meeting
- c] Thank You from Prairie View High School After Prom
- d] Youth Leadership Camp
- e] "Bond Counsel Bulletin" April 2003
- f] "Brownfields in Small and Rural Communities Workshop"
- g] Certificate of Completion, Glenn Farrell
- h] KRWA "Wastewater Lagoon Operation and Maintenance" Training Course
- I] "Math Problem"
- J] KSCDBG Workshop Notice
- K] *Kansas Government Journal* Volume 89 – Number 3, March 2003
- L] *KRWA Clarifier* April 2003
- M] USDJ, FBI, Regarding 'Community Call to Action'
- N] KDHE, Letter Regarding Lead & Copper Monitoring in Water Supply

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Williams, voted on, 5-0.**

The meeting was adjourned at 9:22 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 14th day of May 2003.

REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, May 21, 2003. Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Terry Weitman; and, Tony Williams.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; Jerome Moore; City Police Chief Chuck Farrell Jr.; Mike DeMott; Kelly and Dennis Van Tuyl; Rebecca Marsh; Morgan Brown; Paul Kasper; Stephanie Walker; Lindy Cummins; and Amit Shrivastava.

Mayor Sam Barber Weitman called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda that consisted of:

Check Register: May 8 - 19, 2003;
Minutes of May 7, 2003 Regular City Council Meeting;
Minutes of May 14, 2003 Reconvened City Council Meeting
May 2003 Trial Balance

Motion seconded by Council Member Williams, voted on, passed 5-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

i. Purchase of Tractor Mower and Equipment with SRF Monies

Council Member McGinnis reported she had obtained bids from Paola John Deere, Butler John Deere, and Fort Scott's Ford place called R & R. The best bid was from R & R for a PL 90 with cab and air, mid mount, and bush hog loader of which it by itself cost \$2610. This total bid was \$39,705, the cheapest bid obtained. Conley Sales in Pleasanton can sell the same bush hog for \$50 less. Her recommendation was to purchase the PL 90 and loader from R & R and the bush hog mower from Conley Sales. Mayor Barber noted any bid acceptance would have to be contingent on state acceptance. Council Member Williams noted it was a two-wheel drive tractor. Council Member McGinnis noted she would like to give business to businesses in the county when possible. Council Member Boone reported if Connie made the motion he would second it.

- *Motion to Purchase With State Approval a Tractor Mower for up to \$39644.75*

Council Member McGinnis moved to buy with the state's permission and specs from the bid from R & R Equipment the Tractor for up to \$32,555 and the mower from Conley Sales for up to \$7,089.75. Mayor Barber recognized the second from Council Member Boone, voted on, passed 5-0. Time: 7:08 p.m.

i. Clark Brothers Request Payment for Damage to Beans

Council Member McGinnis reported she had researched the damage issue and recommended payment.

- *Motion to Pay up to \$750 to Clark Brothers for Damage to Beans*

Council Member McGinnis moved to pay up to \$750 to Clark Brothers for damage to beans. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:09 p.m.

b. WATER IMPROVEMENT PROJECT

i. Bid Specs Including Media Repair – Phase 1

REGULAR MEETING

Year = 2003

Lindy Cummins reported that after meeting with public works and water committee at the water plant previously they had revised the bid specs to include only Phase 1. Just prior to tonight's meeting he had met with Public Works Superintendent George Craig and went briefly over the specs. They noted there were some adjustments to be made and will be done. Felt ready to go to bids after a final look at the adjustments. Council Member Robbins noted the city did need to get something going on Phase 1 was everyone agreeable. Public Works Superintendent Craig concurred it was ready to go out to bids and noted the blower and piping would be a separate part of the bids so it could be omitted if it was determined to be too costly. Mr. Craig reported the media needs to be changed every 5-7 years and if it is too costly it could be looked at to do in the future with the next change in media.

- *Motion for Phase 1 – Media Repair for Bids*

Council Member Robbins moved to put Phase 1 – Media Repair of water plant project out to bids. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:14 p.m.

Discussed setting bid date.

- *Motion for Bid Dates*

Council Member Robbins moved to set the bids to be received by June 16th, 2003 to be opened at 2:00 p.m. at City Hall. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:18 p.m.

ii. Additional Redesign Costs

City Clerk Herrin asked if there were still any pending additional costs not already approved by the council. Lindy Cummins reported there was a request for supplemental costs and they had been discussed at the previous meeting at the water plant. This discussion included the agreement that the city would inspect this phase themselves and then Kirkham Michaels would just use part of the inspection fees to cover these additional costs for the design as didn't do an entire new set of plans just revised the existing ones. Mayor Barber asked if breaking up the project into phases added to the costs. Lindy concurred and added the original design fees hadn't planned on electrical being added. Council Member Robbins noted that on the original contract the inspection fee total was \$24,000 and the total additional redesign cost for all three phases is \$18,799.00. Did any changes need to be made or is the city obligated to pay the \$24,000 even if it is not used towards inspection. Lindy responded that if the project was scrapped then the city was not obligated to pay the \$24,000.00. Concurred at this time it would be appropriate to assign the additional fees for design from the inspection fee amount for this phase. May need some inspection service on the other two phases.

- *Motion to Approve \$5,223 of Redesign Costs for Phase 1 from Inspection Costs*

Council Member Robbins moved to approve \$5,223 of redesign costs for Phase 1 out of the inspection costs with city employees doing the inspection on Phase 1. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:28 p.m.

c. GAS IMPROVEMENT GRANT

i. Easements Pending and Discontinuing Line

Mayor Barber reported the city had had a time set to meet with KCC to discuss if still need to or had to replace the line to the city, as now understand may not have to replace all of the line. Public Works Superintendent George Craig tried Monday morning to reach Leo Haynos and was unable to make contact with him. On Tuesday morning Leo Haynos called city hall and left a message that he had been detained and for us to call him back. George had tried repeatedly since then and has not received a call back.

Mayor Barber reported that the city had also been looking into the bond issue portion of the project and found the clause that allows for early payment was not put in the legal contract. To pay back the bond portion now would create a large amount of penalty fees for the city

and it would have to be paid back in full. The city is committed as far as the financial part. City Clerk Herrin explained the way the bonds work with the expectancy of a long-term refund from those who purchase city bonds.

Mayor Barber noted now with the easements there is another snag. Lindy Cummins agreed the easement acquisition is an overwhelming task for anyone. He had spoke with Allen Steele of Aquila before the last few weeks and everything was put on hold about the easements. Aquila does not have the staff currently available to take this task on. Noted it has been awhile since last looked at the cost estimates. If the city goes straight north of the high school and cuts out the extra line, with less pipe to be replaced it could possibly work out to hire a specialist to finish the easements. The original Kirkham Michael contract did call for the preparation of

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c. GAS IMPROVEMENT GRANT (Continued)

ii. **Easements Pending and Discontinuing Line (Continued)**

easements, but not the procurement of them. Kirkham Michael's has prepared the easements. City Clerk will check with Commerce & Housing regarding the ability to move money from the construction portion of the project to easement expenses. Lindy Cummins will get with Allen Steele of Aquila to determine number of linier feet that is older. The first figures were based on 80,000 linier feet to replace and the actual amount looks like it will be less. Council Member Robbins reported when he was with the KCC employees and public works it had been discussed that the populated areas including the school surroundings area would have to be buried now. Public Works Superintendent Craig reported they had just been told that the pipe had to be buried if it was within 660 feet from the school. There is pipe in that area above ground that has never been an issue and now suddenly it is. Discussed the line from the gashouse out about two miles is in good shape and has good cathodic protection. Council Member Robbins noted it looked like need to come to town till the money is spent. Mayor Barber noted it looked like the city needed to get clarification with KCC and a cost estimate update with easements. Lindy Cummins noted the scope of their contract just did not include this additional information. Council Member Boone noted that he believed that Rob had previously said KM would take care of the easements. Lindy responded that KM did take care of preparing them, but they do not procure them. Council Member Boone asked what the cost of each easement would be. Lindy did not know at this time. City Clerk Herrin reported at one point she had been told the cost could be anywhere from \$150-200 per easement. However, this cost could include the cost of preparation, which is already done. Lindy said he would obtain the acquiring easement costs from a firm that does this and for the costs for linier foot of line replacement. Mayor Barber asked when that could be available. Lindy noted would need to get with Aquila and would be glad to have both of them meet with KCC here and go over the line for to identify what the actual need replacement is. Council Member Weitman asked why we were meeting with KCC. Noted the original project went forward based on information from KCC that the line needed to be replaced. Asked why the engineer didn't know that then if it's not the case now that KCC doesn't require it to be buried. Isn't that part of the engineer's responsibility. Lindy responded he did not know and would have to ask Rob. Mayor Barber noted the city looks strongly to our engineer for guidance as don't always know even what the right question is to ask. Employee Morgan Brown commented that one point is that KCC is an enforcement agency; it is up to the city, the city engineers, and the people to know what is right. It is not the responsibility of KCC to step in and help, and nor will they tell you how to do it; but, they will step in if it is not done right. Lindy responded that Aquila is a gas contractor and Allen Steele is an engineer with Aquila. He felt there was a known agreement with the city that KM would be working together with a gas person. Mayor Barber commented the city didn't realize it would be subbed out. Council Member Robbins asked if we didn't need Allen here to tell us what is needed. Mayor concurred it looked like he was needed. Lindy agreed as previous conversation between him and Allen indicated there might actually be less line to repair. Now need to know the cost of easements, how much money is left after easements and what to do with it. City Clerk Herrin also noted if the city changes the line and goes north from the high school will need to put the paperwork in place to abandon the old line and those customers on that line. Public Works Superintendent Craig reported Mike Rush with KCC talked like the city

could possibly leave the line for now as a runoff for those three customers while it was still working ok as a branch off the new line on 1095 Road.

iii. Kirkham Michael Pay Request for March 29 – April 25, 2003

Council Member Boone asked what had been done for those hours charged. No response. Discussed it for a prior period other than this month when they had been asked to put it on hold. Discussed this was all part of the total cost of \$120,000 for design that had already been approved when the project was started, the firm is just charging monthly against this amount.

- *Motion to Pay for Services Between March 29 – April 25, 2003 for \$1791.60*

Council Member McGinnis moved to pay Kirkham Michael's \$1,791.60 for services between March 29, through April 25, 2003. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:14 p.m.

DISCUSSION FROM THE FLOOR:

Sunrise Builders, Kenny Ross, Regarding Water Meter Charge

Kenny Ross was not present. Tabled.

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DISCUSSION FROM THE FLOOR: (Continued)

Richard & Rebecca Marsh, Letter Regarding Request for Water

Rebecca Marsh referred to her letter she had previously submitted to the city council regarding her concerns for a water meter on a rental trailer that had been turned on by public works and water was running inside with no one there. Mrs. Marsh reported she had requested the water be turned on and put in their name when they were told there was an outstanding bill on the unit and would have to check it out and get back with them. Then someone from the city called back and said they would go ahead and put it in their name and try to get it turned on when someone was available. It did get turned on that afternoon, the bathroom faucets were wide open and the water ran for twenty hours. Mrs. Marsh noted they did not feel the water used during that time should be charged to them, as they were not aware the water had been turned on. Mayor Barber reported by ordinance the water that goes through the meter is the customer's responsibility. The guys are not required to stay to watch the meter and it is not uncommon when a hot water heater is filling for the water to run awhile when something's been vacant. Asked if the Water Committee had any thoughts. No comments. Mrs. Marsh asked if it was common practice to just go turn water on when it's asked to be turned on. Mayor Barber responded yes, they turn the requested water on when they can get away to do it between jobs. Council Member Robbins responded yes, it is common practice. Mrs. Marsh asked about if there wasn't a city ordinance to not have someone living in a place without water. Noted the prior tenants were there after the water was turned off. Mrs. Marsh asked if a landlord can be notified when the utilities are turned off, or when they are late since the landlord is responsible. City Clerk Herrin responded that the city could notify the landlord if they are requested to. Also discussed the landlord can check with City Hall if they suspect some outstanding bills with their tenants. Council discussed allowing sewer adjustment since water did not go down the sewer but over the floors. Unknown at this time how much water was involved. Council Member Boone asked Mrs. Marsh to let the city check the usage, adjust the sewer, and get back with her. Mrs. Marsh agreed. Mayor Barber noted her concerns and recognized the city couldn't do much more than that. Mrs. Marsh said she understood.

George Craig, Water Line Request

George Craig asked the council if they could de-annex his property on the northwest edge of town. Or un-annex him? Noted it won't help him, but it won't hurt him either. City Attorney Sutherland responded de-annexation is possible. A petition would have to be filed, notices sent, a hearing held, and a finding made on whether it should happen or not. The Rural Water District Contract notes the city will not provide service outside the city limits unless already in service at the time the contract was put in place; and also the rural water district will not service the water patrons in the corporate boundaries. When this property was annexed the rural water districts' letter did not turn this portion over to the city. They have retained this area as part of their boundaries as far as providing water. It would probably be cleaner for the city to give written permission, but he is a patron of theirs even though he is in the city limits. Suggested running any deannexation through the Planning Commission to see if any effects to the city comp plan and growth. Mr. Craig asked about a time frame. City Attorney Sutherland noted Mr. Craig would have to prepare a petition and present it, and then a notice had to be published for two weeks; at a minimum it would take at least a month. Mr. Craig asked if he paid \$4,000 for a meter tomorrow from the rural water district would the city possibly decide not to de-annex him. City Attorney Sutherland responded that decision could not be made tonight, it will have to go through the process and during that time may find a reason not to de-annex. Mr. Craig responded then it might be to his benefit to just sell the property. Mr. Sutherland agreed he would provide guidelines for deannexation to Mr. Craig. Discussed the way the contract reads and the letter from the rural water district declining to release the property there was an overlap at this time. Concurred a letter from the city to the rural water district giving permission for them to provide water would give Mr. Craig the choice if he wanted to for water from them now.

- *Motion for Letter to RWD #1 Providing Permission for Release*

Council Member McGinnis moved for letter to RWD #1 by City Attorney for city to release by giving permission for water to George Craig's property. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:44 p.m.

Dennis & Kelly Van Tuyl Regarding Status of Alley

Kelly Van Tuyl asked if any decisions had been made regarding the alley behind their home. Mayor Barber asked them what they wanted to see done. Dennis Van Tuyl responded they would still like to see what had been started a year ago where if her (Mrs. Williams) property is sold, burned, condemned, whatever, then the trailer is moved out of the alley and the city retains the rights to the alley. City Attorney Sutherland responded that is what is being worked on. Kelly asked if there were any deed changes would it change the process. City Attorney Sutherland responded no, the city would set up the agreement with the owner of the property. Kelly asked if she doesn't want to sign something then what. City Attorney Sutherland responded it would be a council decision at that time for further action.

DISCUSSION FROM THE FLOOR: (Continued)Ruby Roy Regarding Fireworks in the City Limits

City Clerk Herrin reported Mrs. Roy had called and was unable to attend tonight. Will place back on the next meeting agenda.

REPORTS OF CITY OFFICERS:Chief of Police Farrell

Reported on police activities for the period of May 1 –20, 2003.

Public Works Superintendent George Craig

George Craig presented the following items:

- i. River Pumps – The work is basically done but the wiring that is installed with a trench. When that is complete then McCorkendale Contractors will lay 2-3 loads of gravel or the city can do it. Propose the city does the work with hiring a bobcat to smooth out the area, then rock and seed by city employees. George Hecke has been very good during this process when part of his drive has been in a mess with equipment in the area, would like to add some rock by the steps he has to get to the river when the other rock is laid instead of reseeding. Council Member Boone concurred. George reported he felt a local contractor with a bobcat could be hired for about \$50 an hour, and then they would haul the rock, so it would not be that expensive.

- *Motion to City to Finish Outstanding Work*

Council Member McGinnis moved to let the city take care of this outstanding work around the river pumps. Seconded by Council Member Boone, voted on, passed 5-0.

Time: 8:57 p.m.

- ii. Gas House Meter – Meter has been inspected and found it does not measure low flow. Have three different options to replace this meter with the correct type of meter that will measure low flow: 1. A rebuilt meter with a new corrector for \$2300; 2. A new meter with the existing corrector for \$2500; and, 3. A new meter with a new corrector for \$3700. They will all meet the needs for the city. With a new corrector the city would be able to adjust it by computer in the future with the right software. Morgan Brown noted there is a one year warranty on a rebuilt and a ten year warranty on a new meter, however, it is just for any adjustments that might be required after they are pulled and checked. George Craig noted would also need a screen for \$75 with any meter purchased to help protect them. Discussed there are five meters the city has now with correctors; the woodworking shop, Reed Minerals, the high school, the pig farm, and the city gas house meter. Morgan Brown reported he had the program for two of the correctors and could provide it to the city.

- *Motion to Purchase Gas House Meter for up to \$2375*

Council Member Boone moved to purchase a rebuilt meter with a new corrector and screen for the gashouse. Seconded by Council Member McGinnis, voted on, passed 5-0.

Time: 9:05 p.m.

- iii. High Service Pump – Reported the pump is knocking. The cost from Layne Western is \$1200 to pull and inspect it, and then they report back what it is. Council Member Boone reported he had heard it and it sounds like a bearing. Mayor Barber noted he had also heard it and it might be a good time to pull it and see what it is. George Craig reported the city is currently running on a service pump with a variable speed. Now have it running but it will vary for no apparent reason. Think it is ok now, but would like the water committee to be able to make decisions to get repairs done when know what is wrong.

- *Motion to Pull Pump and Inspect for up to \$1200*

Council Member Robbins moved to have Layne Western pull the pump for \$1200 to determine what is the matter with the pump. Discussion: Cost of repairs. If a bearing the cost should be less than \$1,000; but if a bowl don't know the cost. Council Member Robbins moved to add to the motion to give approval to the Water Committee for up to \$1000 for repairs once known. Seconded by Council Member McGinnis, voted on, passed 5-0.

Time: 9:10 p.m.

Mayor Barber called for Executive Session

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DISCUSSION FROM THE FLOOR: (Continued)

Kelly Van Tuyl, Regarding Alley Behind Property (Continued)

Kelly Van Tuyl asked for permission to intervene a moment. Asked if Linda (Mrs. Williams) has already allowed the property in question to change hands can it be requested to have the trailer moved now for the residents in the block to be able to use the alley. City Attorney Sutherland responded her request would be noted.

Executive Session

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to fifteen minutes for personnel and inviting George Craig and Morgan Brown. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:12 p.m.

Open Session Resumed at 9:28 p.m.

STANDING COMMITTEE REPORTS:

Standing Committee Appointments

Mayor Barber recommended the appointment of Council Member Weitman to the Street Committee, the Community Building, and Employee Relations & Training.

- *Motion to Approve Appointments*

Council Member Robbins moved to approve recommended appointments. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:31 p.m.

Park

i. Condition of North Park Equipment – Council Member Robbins reported he would get with Council Member McGinnis to look at the equipment together and get a plan.

Cemetery

- ii. Exmark Mower from Heritage Tractor, Inc – Discussed the actual cost to purchase the mower was \$7,782.20 for a 27 horsepower mower. Prior approval had been for up to \$7,620.

- a. *Motion to Add \$162.20 to Cost of Mower*

Council Member Robbins moved to add \$162.20 to the purchase price of the Exmark mower. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:34 p.m.

Public Safety

Council Member McGinnis reported the committee had met with Police Chief Farrell to discuss the possibility of part time help in the police department. The recommendation was to advertise for part time police officer to help defray overtime in the department and have some more time through the night.

- *Motion to Advertise for Part Time Police Officer*

Council Member McGinnis moved to advertise for part time police officer placing ad in paper for two weeks. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:36 p.m.

REGULAR MEETING

Year = 2003

Community Building

Council Member Williams reported he had inspected the roof and it is cracked in the front. Believe tar will fix it. Asked George if the prisoners would possibly have time next time they are here to add the tar, or if not he would try to get it done on a weekend.

SPECIAL COMMITTEE REPORTS:

None

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UNFINISHED BUSINESS:

Change City Wide Clean Up from Saturday, September 13th, to Monday-Thursday, September 8-11, 2003

Public Works Superintendent reported the Osawatomie Correctional Facility would be here during that time to help out. City Clerk Herrin volunteered to make flyers and have them dispensed ahead of time to alert the public.

- *Motion to Change City Wide Clean Up Date*

Council Member McGinnis moved to change the City Wide Clean Up Date from Saturday, September 13th to Monday through Thursday, September 8-11, 2003. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:42 p.m.

LKM/MLA Governing Body Institute Training, Report by Mayor Barber

Mayor Barber reported the session covered several issues pertaining to city government. Worth attending and recommended other to attend if they had a chance.

KDA, Training for Basics of NFIPF Workshop, May 28, 2003

No one available to attend.

NEW BUSINESS:

City Representative for Marias des Cygnes River Water Assurance District No. #2

Discussed former Council Member Esther Shields had been the previous city representative. She has now declined to continue to be the representative. Mayor Barber asked for volunteers. The meetings are in Ottawa of a morning during the week. Determined it did not have to be the mayor or a council member. Mayor Barber asked Kelly Van Tuyl if she would be interested. Kelly agreed to review and see what it involved.

Use Permit for Earl Swisher for Property Located at 103 N. Broadway

- *Motion to Approve Use Permit for Earl Swisher*

Council Member McGinnis moved to approve the use permit for Earl Swisher for property located at 103 N. Broadway to be used as a pizza place. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:47 p.m.

Use Permit for Ryan & Stephanie Walker for Property Located at 402 E Market

- *Motion to Approve Use Permit for Ryan & Stephanie Walker*

Council Member McGinnis moved to approve the use permit for Ryan & Stephanie Walker for property located at 402 E Market for a retail liquor store. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:48 p.m.

Lot Split Request in Grandview Addition for Paul Kasper

Noted the property had been surveyed and split would be filed with the county. Planning Commission had

approved the request at the last Planning Commission meeting.

- *Motion to Approve Lot Split for Paul Kasper*

Council Member McGinnis moved to approve the Planning Commission recommendation of lot split for Paul Kasper. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:50 p.m.

Extend Meeting Time

- *Motion to Extend Meeting to up to 10:30 p.m.*

Council Member McGinnis moved to extend the meeting up to 10:30 p.m. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:52 p.m.

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Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to twenty minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:53 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin.

Open Session Resumed at 10:18 p.m.

OTHER BUSINESS:

Blue Cross Blue Shield Employee Renewal Rates

City Clerk Herrin reported there were changes in premiums and had some alternate deductibles and other premiums to go over. Needed more time than allowed to go over the options. With the current increases and no changes in deductibles the increase in cost for the next six months is between \$10,000-11,000.

- *Motion for Special Meeting*

Council Member Robbins moved to schedule a Special Meeting for May 28th, at 7:00 p.m. for the purpose of Employee Health Insurance and Personnel Performance Appraisals. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:22 p.m.

Change First Meeting in June Date

Discussed City Attorney would not be available on June 4th for the regularly scheduled city council meeting. The meeting could be held without him, or changed to Monday June 2nd when he would be available.

- *Motion to Change June 4th Meeting to June 2nd*

Council Member McGinnis moved to change the June 4th Council Meeting date to June 2nd at 7:00 p.m. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:24 p.m.

Flood Plan

Council Member Boone asked if the city was going to address the Flood Plan. City Clerk Herrin noted that was what the workshop was listed under unfinished business on May 28,

REGULAR MEETING

Year = 2003

2003 that no one was able to attend at this time. Still have some paper work on the Flood Plan and it can be looked at again when there is more time.

CITY CLERK'S REPORT:

Written report included:

- iv. Keg Ordinance
- v. Earthquake Property Coverage Premium (Noted annual premium \$129.00)

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] May 8, 2003 Planning Commission Minutes
- b] Letter of Thanks from La Cygne PTO
- c] KRWA, "Water System Operation & Maintenance" Seminar, June 10, 2003
- d] KMG A Letter Regarding Natural Gas Prices for June 2003
- e] *League News*, Volume 8, Number 12, May 7, 2003
- f] *League News*, Volume 8, Number 13, May 16, 2003
- g] FY 2005 Kansas Water Plan (Noted – Requested to be put back on agenda.)

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Williams, voted on, passed 5-0.**

Meeting adjourned at 10:28 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 21st day of March 2003.

The LaCygne City Council held a Special Meeting at 7:00 p.m., Wednesday, May 28, 2003, at LaCygne City Hall. The purpose of the Special Meeting was regarding: 1. City Employees Health Insurance, and, 2. City Employees Performance Reviews.

Council Members present were: Jerry Boone, Travis Robbins, Terry Weitman, and Tony Williams. Absent: Connie McGinnis

Others present included: City Clerk Devona Herrin, City Attorney John Sutherland, Public Works Superintendent George Craig, Bill Craven, and Roger Sims.

Mayor Barber called the Special Meeting to order at 7:00 p.m.

Mayor Barber announced the purpose of the Special Meeting was for:

1. City Employees health insurance.

Discussed the different options available this year for employee health insurance coverage. The renewal rates have taken a substantial increase again this year. The current employee benefits available are: Single - \$287.78; Emp/Spouse - \$493.21; Emp/Children - \$499.73; and, Emp/Family - \$613.89. The 2003-2004 Blue Choice premiums are: Single - \$364.23; Emp/Spouse - \$782.28; Emp/Children - \$700.07; and, Emp/Family - \$1118.10. This is an increase from last year of: \$113.82 for Single; \$244.74 for Emp/Spouse; \$281.01 for Emp/Children; and, \$348.91 for Emp/Family. The employees are currently paying a portion of the premiums of: Single - \$0; Emp/Spouse - \$44.33; Emp/Children - \$17.67; and, Emp/Family - \$155.29.

City Clerk Herrin reported the current coverage includes a \$1000 deductible with the renewal premium of \$1,118.10 versus an optional premium with higher deductibles of \$972.38. Noted there is not a lot of difference in premiums for what you are giving up in

coverage. Checked into the state pool and those rates are still higher than these rates at this time. Presented some other deductible options including higher prescription limits and accident deductibles with not a lot of difference in premiums. The different plans offered through Blue Cross besides the Blue Choice were a Triple Option Comprehensive Major Medical and AffordBlue Triple Option. Noted with the current employees coverage's the increase per month was around \$1,783.15 if still with the current plan for a six-month increase total of \$10,698.90. Mayor Barber noted last years the employees' added input in deciding what would work best as far as change in deductibles and costs. Council Member Weitman noted his employer contributes a set amount and then each employee decides what deductible they want to control what premiums are paid. City Clerk Herrin noted this group was small enough that unless the employees went to larger deductible options this would not work. Noted a different budget is used for employee benefits versus salaries for employees.

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Discussed employee salaries. Most departments are already at or over the May budget percentage of 42% for salaries for the year. Have experienced some savings without the part time police officer since March. Council Member Weitman noted it looked like it would be a choice between employee benefits or raises. Probably looking at a cost of \$10,000 either way. Mayor Barber noted insurance would be more beneficial since it is not taxed. Council Member Robbins pointed out the inequity for those needing more than single coverage. Discussed the city has established this plan to help with family needs on insurance for several years. Also noted there is the risk some will drop the insurance plan after a monetary raise just to have access to the dollars. Asked about what it takes to qualify for city insurance and City Clerk Herrin reported the policy states an employee has to work regularly with a minimum of thirty hours a week. Council Member Robbins pointed out that it looks like it's more beneficial for the employee to giving more benefits than a raise as the usual amount of raises would not cover the increase in insurance premiums. City Clerk Herrin noted that most employees also have AFLAC coverage's, which they purchase out of their own pockets, and any dental options that are purchased are deducted from the employees' payroll. Council Member Williams recommended the council pay the increase in benefits for the employees.

- *Motion to Pay Increase in Health Insurance Benefits*

Council Member Robbins moved to cover the increase in the city employees' health insurance to cover the increase in premiums for the period of 2003 to 2004 term. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:43 p.m.

Mayor Barber reported the next item of business was 2. Employee Performance Reviews.

- *Motion to Executive Session*

Council Member Robbins moved to go into Executive Session for personnel evaluations up to 9:00 p.m. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:45 p.m.

Those invited into a portion of the session included: Bill Craven and George Craig.

Opened Session and asked City Clerk Herrin to contact Linda Elder, if she is available.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member Robbins moved to extend Executive Session for personnel up to 10:00 p.m. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:05 p.m.

Open Session Resumed at 9:55 p.m.

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member Boone moved to adjourn. Seconded by Council Member Williams, voted on, passed 4-0.**

Meeting adjourned at 9:56 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 28th day of May 2003.

REGULAR MEETING:

The La Cygne City Council met in regular rescheduled session on Monday June 2, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, and Tony Williams. This meeting was rescheduled at a prior meeting due to conflicts on the regular date of Wednesday, June 4, 2003.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Kelly & Dennis Van Tuyl; Jennifer McDaniel; Ruby Roy; Lindy Cummins; and, Julie Funk.

Mayor Sam Barber called the meeting to order at 7:00 p.m. following a workshop at 6:00 p.m. for the Gas Project.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda that consisted of:

- Check Register: May 21 – June 2, 2003;
- Minutes of May 21, 2003 Regular City Council Meeting;
- Minutes of May 28, 2003 Special City Council Meeting

Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- ii. Formally Approve Change Order #4 for Insituform Technologies

City Clerk Herrin reported this was a formality. The amount had previously been approved and not the request was in the state required change order format.

- *Motion to Approve Change Order #4 for Insituform Technologies*

Council Member Robbins moved to approve Change Order #4 for Insituform Technologies. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:04 p.m.

iii. Letter to KDHE Requesting Purchase of Tractor & KDHE Response

Noted the response approved the purchase of the Tractor and equipment using SRF monies. Council Member McGinnis reported she had seen the tractor set up and waiting for delivery at the store and would recommend the tires be spread out for safety. This would take about two hours of labor and the cost would be between \$50-100.00 if done before delivered. Public Works Employee Jerome Moore agreed extending to the maximum would be necessary.

- *Motion to Spend up to \$100 for Extending the Tires on the Tractor*

Council Member McGinnis moved to pay up to \$100 for extending the tires on the tractor. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:09 p.m.

iv. KDHE – CDBG Monitoring Response

City Clerk Herrin reported the response indicated all was in order for the city.

v. SRF Drawdown Request for \$127,309.45

- a. Motion for Council Member Weitman to Sign & Approved Request for \$127,309.45*

Council Member McGinnis moved to have Council Member Weitman to sign the requests with drawdowns including this one for \$127,309.45. Seconded by Council Member Williams, voted on, passed 4-0 (Abstain: Weitman). Time: 7:14 p.m.

b. WATER IMPROVEMENT PROJECT

iii. Kirkham Michael Payment Request Invoice #53251

City Clerk Herrin reported this is the statement sent to the city in January for the final payment of \$9,250.60 for design of the project. At the last meeting there was agreement to use the inspection portion of the contract for the now in process Phase I part of the design which is additional above the design portion.

- *Motion for Approval of Payment Request of \$9,250.60*

Council Member Robbins moved to approve the payment request for design for \$9,250.60. Council Member Boone asked if this was the original bill and noted affirmative. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:20 p.m.

iv. KDHE Letter Regarding Drinking Water Compliance Including Training

Discussed state requirements and dates to be implemented pending. KRWA is presenting a training workshop in Ottawa on June 17, 2003.

- *Motion for Employee Art Terry to Attend Workshop in Ottawa on June 17, 2003*

Council Member McGinnis moved for Art Terry to attend the workshop in Ottawa on June 17, 2003 with per diem. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:22 p.m.

c. GAS IMPROVEMENT GRANTiv. Easements Pending and Discontinuing Line

Mayor Barber reported the city council had discussed earlier in the workshop possible ways to handle the easements and alignments for the gas line. Council Members McGinnis and Boone volunteered to work on the still pending easements with Council Member Robbins volunteering to help when one of them couldn't. No date was set for completion. Noted they would work together when it worked for both schedules.

Discussed the alignment issue of just going north of the high school on 1095 Road instead of going on west as the current line does. This would possibly discontinue three customers at a projected cost of around \$3,500 per customer. Another option discussed was to leave the existing old line in place in that area for those three customers, it was unknown at the time of discussion if the state would allow that line to remain as is above ground. The third option discussed was for the customer to share in the cost of running a smaller line from the new line west to their locations. Discussed the possibility of one of the customers having an existing old line on property that may need replacing also. Discussed talking to the three customers involved. Council will talk with them.

v. Glenn Smith, Gas Consultant

Mayor Barber reported the city had been contacted by a Glenn Smith who used to work with the KCC and is now a gas consultant. Discussed if this might be one way to review the current situation for the city. City Clerk Herrin reported the fees are \$75 per hour. Discussed further, no action taken.

DISCUSSION FROM THE FLOOR:Sunrise Builders, Kenny Ross, Regarding Water Meter Charge

Kenny Ross reported he had built houses in the City of La Cygne previously and only paid \$100-\$125 for water meters. Now he has a bill for \$800 and some dollars for three meters after being told it would be around \$150 by a city employee. Mr. Ross reported he looked up his previous bill and it was \$100.00. Mayor Barber noted they realized the City Clerk had given him past rates and she wasn't aware of the rate changes. Mr. Ross responded that was why he came in advance was to get a total cost figure and when you tell someone something you should stand by it. Mr. Ross stated he had no problem if in the future the city wanted to change the price and set a set price he had no problem with that, then he knew how to plan. And why the old bill didn't follow all of the detail in the past he had not idea. Mayor Barber asked if he felt the bill was \$300 more than expected? Mr. Ross responded he expected the bill to be approximately a close figure of what he was told and a person should know exactly what a meter costs. In Kansas City they tell you down to the T. If the city is going to charge materials and stuff then post it. Mr. Ross stated when he asked about a sewer hook up he was told the same price each time and that was what the bill was for. The city needs to get the info straight. Mayor Barber asked if the actual costs are set at like \$400 a meter would it require a change in ordinance. Noted affirmative. Mr. Ross noted the city should figure out costs and then charge the same for up to so many feet. Mayor Barber asked if Mr. Ross wanted the bill readjusted? Mr. Ross responded 'Yes'. He was told a different figure and don't expect more.

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DISCUSSION FROM THE FLOOR: (Continued)Sunrise Builders, Kenny Ross, Regarding Water Meter Charge (Continued)

City Clerk Herrin noted she had told Mr. Ross the estimated cost would probably be between \$150-\$200 per meter. Council Member Weitman noted the price of materials in all areas fluctuates and the only way to set a price would be to set it extremely higher and is that fair for everyone? Council Member Robbins noted to change for everybody it would take the highest fee to be covered. Mr. Ross responded affirmative as then the city is covered. Mayor Barber asked if Mr. Ross hadn't been told \$150 - \$200 then would he had collected figures? Mr. Ross responded then he would have requested the bill to be itemized in advance to know

what the cost would be. Mr. Ross would appreciate it if there was a set water fee and leave it the same but add a charge of a city's fee for measuring. Public Works Employee Moore noted the city could set a fee and re-evaluate it every year. Mr. Ross noted he had received a bill for \$880.90 for a detailed itemized statement for the three meters and sixty feet for each meter. If it had been set at \$300 for each meter then that would have been ok if known up front. Then, for example, in the future if 70 feet or less set a fee and over that length a greater cost. Council Member Boone asked if he then expected to get a \$450 bill? Now what's fair? Mr. Ross replied whatever I was told; would feel better if a set price for builders. Council Member Williams noted he felt they needed to stand by what he was told. Council Member Weitman noted the fees now are only for what is actually charged now for actual work done instead of more to cover the greatest cost possible. Council Member Robbins replied yes, right now a person only pays the bare minimum. Council Member Boone noted the problem here was the employee gave Mr. Ross an average cost. Council Member Robbins noted he still felt the current plan was better for the customer. Council Member Williams noted they needed to handle this particular situation.

- *Motion to Adjust Statement to \$450*

Council Member Williams moved to charge \$150 each for meter service as quoted for a total of \$450. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:55 p.m.

Ruby Roy Regarding Fireworks in the City Limits

Ruby Roy asked if there had been any decision by the city on any changes in the shooting off of fireworks. Council Member McGinnis noted she had discussed with others in the community how they felt about the fireworks and several commented they would like to see the hours cut back to day before and the day after the fourth, but still sell them. Ruby Roy noted when they are shot during the week till midnight and then you have to get up at 4:30 a.m. it's hard. City Police Chief Farrell noted the current time frame is from June 27th to July 5th from 6:00 a.m. to 12:00 midnight. Ruby Roy asked about just going to 10:00 p.m. instead of midnight. Mayor Barber asked is any changes would require a change in the ordinance. City Attorney Sutherland said yes. Discussed if it would be enforceable. City Police Chief Farrell noted they enforce the ordinance now. Kelly VanTuyl asked if it would be tough to enforce when the stands open so early. Mayor Barber agreed sales before the day to shot would cause some to get set off early. City Police Chief Farrell said a lot of fireworks collected are not sold here, but come from Missouri. Kelly Van Tuyl asked if the city would allow smoke bombs and snakes since they are not noisy. Council Member McGinnis noted the time frame was just for nine days. Asked about just cutting back on the hours except on the 4th and weekends. City Police Chief Farrell noted they could have fliers to have handed out at the stands to pass new information out. Noted any ordinance would not be published till June 26th in order to give enough time to draw up and ordinance, have it approved, and published.

- *Motion to Amend Hours of Shooting Fireworks in City of LaCygne*

Council Member McGinnis moved to draw up an amended ordinance changing the hours of shooting fireworks from 6:00 a.m. to 10 p.m. during weekdays except July 3rd and 4th, then until midnight.

Discussion took place. Council Member Boone noted he would not vote for it as he had too many family members who liked to shoot.

Mayor Barber noted the motion died for a lack of a second.

Ruby Roy asked how many signatures it would take for next year to be reviewed again.

Mayor Barber asked the City Attorney what they could do. City Attorney Sutherland responded the same thing; bring a petition to the floor again.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for May 2003. Reported the code violation at 4th and Vine had been addressed with a ten-day notice sent as the fence does not meet codes and there was no permit requested.

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REPORTS OF CITY OFFICERS: (Continued)

City Attorney – John Sutherland

City Attorney Sutherland reported he had completed a Liability Release for the firing range known as Turkey Track for the city police officers as requested by Turkey Track while the officers are using the range to qualify. Mayor Barber noted it would take city council approval.

- *Motion to Authorize Signing Liability Release*

Council Member Robbins moved to authorize the signing by the Mayor and Chief of Police of the Liability Release for Turkey Track. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:16 p.m.

Public Works Superintendent George Craig

Public Works Superintendent George Craig reported on the following items:

7. Layne Western Inspection of High Service Pumps – Noted initial inspection indicates a bottom bearing being the problem will know more after inspection is complete.
8. River Pumps – Now capable of 610 gallons a minute with only one pump. No grass yet.
9. 14' Aluminum John Boat – Located a used boat for \$150 that can be used on the water ponds when they need attention. Requested permission to purchase the boat.

- *Motion to Purchase 14' Aluminum John Boat*

Council Member Robbins moved to buy the boat for \$150.00. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:18 p.m.

10. Generator at City Park Lift Station – Reported when the electricity went out the other night the generator would not run both pumps at the same time and had to use the battery from the truck to keep it running. Then after the electricity came back on in checking for the problem the voltage on the generator blew and cannot find parts for the old generator. Council Member Boone asked if it could be wired to the big generator? They did not know, it is not wired for it at this time; just know the voltage panel is out of it and the governor wasn't working last night either. Checked on a cost for a new one and they run between \$12,000 - \$20,000 for a new one. The difference depends on type and recommends propane or diesel, but not gasoline. Council Member Boone asked if they had checked on a tractor generator that could be attached to the new tractor being purchased. Mayor Barber noted that every time the electricity goes out they have to go down and hook up a generator to the lift station, has there been any checking on costs to put a stationary one in place? Council Member Robbins asked if there were any other towns the city could borrow from while trying to figure out what is the best way to go? Noted none known. Discussed KW's. Public Works Superintendent Craig reported he could have Tinsley Electric check the amps and the KW's and see if the given info was correct. Mayor Barber asked him to check on a rental to be ready if the electric goes out while checking other options, but still need more information right now. Public Works Superintendent Craig asked if this couldn't be an emergency and couldn't the committee decide. Mayor Barber asked him to check on a rental for now and would get back together before next meeting if had to.

Fire Chief Ernie Moylan

In the absence of the Fire Chief it was reported six safety lights were purchased.

STANDING COMMITTEE REPORTS:

Park

Council Member Robbins noted he had looked at the equipment and thought it just needs some parts replaced instead of taken out. Put it back on the agenda and he and Council Member McGinnis would try to get together and report back together.

Cemetery

Council Member Boone reported the cemetery looked nice between the efforts of Kenny McClanahan and the public works employees. Council Member McGinnis reported she and her husband had looked at the new part and thought it would be better to wait till fall, then burn the grass, then work it and reseed it. This would save having to use roundup now to kill what is currently growing there.

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STANDING COMMITTEE REPORTS: (Continued)

Public Safety

Reported there had been one application received to date for the part-time police officer.

Water & Gas

Mayor Barber asked the water committee to look at an ordinance for costs of water meter and put on the next agenda to discuss.

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

Review Draft of Ordinance for the Sale of Beer & Cereal Malt Beverages in Kegs

Discussed. Want to review further. Assigned to Public Safety Committee.

City Representative for Marias des Cygnes River Water Assurance District #2

Mayor Barber noted Kelly VanTuyl had declined as representative due to other commitments. He will talk with Esther Shields and see if she will go ahead and continue. Will look into any costs for her to attend.

NEW BUSINESS:

Set Up Attendance at Board Meeting for KSSA Interlocal Agreement

- *Motion for Council Member Weitman and George Craig to Attend Meetings*

Council Member McGinnis moved to have Council Member Weitman be the representative for the city. Mayor Barber asked about George Craig also attending. **Council Member McGinnis included in her motion to include George Craig. Seconded by Council Member Robbins, voted on, passed 4-0 (Abstain: Weitman).** Time: 8:52 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and legal for up to one hour following a ten-minute break. Seconded by Council Member _____, voted on, passed 5-0. Time: 8:53 p.m.

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent Craig and City Police Chief Farrell.

Open Session Resumed at 9:37 p.m.

OTHER BUSINESS:

Review Capital Improvements Plan

Discussed criteria. Reviewed some items from last years list. No action taken.

Discontinue Part-time Employee Morgan Brown

- *Motion to discontinue Employee Morgan Brown*

Council Member McGinnis moved to discontinue part time employee Morgan Brown’s services. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:45 p.m. Mayor Barber noted he would try to contact Morgan Brown himself. This action was not taken due to any hardship, but for budget purposes effective as of today.

CITY CLERK’S REPORT:

City Clerk’s written report included:

- a. Keg Ordinance
- f. June 18th Meeting:
 - i. 2002 Audit Review with CPA
 - ii. Open Demolition Bids
 - iii. Open Rock Bids
 - iv. Open Water Project Phase 1 Bids
- g. City Health Insurance Benefit Limits Revised effective with July 2003 Premiums

Employee/Single	\$401.60
Employee/Spouse	\$737.95
Employee/Children	\$717.74
Employee/Family	\$962.80

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Linn County Bids Notice for 1978 Barber Greene Paver-Finisher
- b] LKM 95th Annual Conference October 11-14, 2003, Topeka, KS
- c] KDHE 2001 Audit Response
- d] *The Emerging Natural Gas Crisis, “KMU Dispatch”, May 2003*
- e] *Kansas Ready Mixed Concrete Awards Program*
- f] FY 2005 Kansas Water Plan – Discussed, put back on agenda.
- g] Alpha International Corp. Notice
- h] Donation to Oaklawn Cemetery

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Williams, voted on, 5-0.**

The meeting was adjourned at 9:55 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 2nd day of June 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday June 18, 2003. Council Members present were: Jerry Boone, Travis Robbins, Terry Weitman, and Tony Williams. Absent: Connie McGinnis.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Superintendent George Craig; Roger Sims with Osawatomie Graphic; Julie Funk with Linn County News; LeRoy Turpen; Kelly VanTuyl; Dennis VanTuyl; Frankie Howard; Mike DeMott; Gary Armentrout; Max Thayer; Linda Weldon; Lindy Cummins; Mark Seip; and Kenny Ross.

Mayor Samuel Barber called the meeting to order at 7:00 p.m.

PUBLIC HEARING TO CLOSE CDBG SEWER GRANT

Linda Weldon, Grant Administrator with SEKRPC, explained the forms and requirements to close out the portion of the sewer project applicable to the CDBG portion of 99-PF-038. This covered the new third cell in the lagoon, manhole repairs and sewer lining repairs. Reviewed the grant forms.

- *Motion for Authorization to Sign All Required CDBG Forms for Close Out*

Council Member Robbins moved to authorize Council Member Weitman, City Clerk, and City Treasurer to sign all of the required forms to close out the CDBG Grant. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:10 p.m.

EDA Final Drawdown

Linda Weldon presented the paperwork for the final draw down for EDA in the amount of \$83,821.00 for the total amount utilized of \$600,000.00.

- *Motion for Authorization of Final EDA Draw Down of \$83,821*

Council Member Robbins moved to approve the signing for the final draw down for EDA monies in the amount of \$83,821.00. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:12

Linda Weldon noted this concludes the Public Hearing. (Time: 7:13 p.m.)

CONSENT AGENDA:

Mayor Barber moved to the consent agenda in the absence of Terry Sercer for the Audit Report. Asked for review and approval of the consent agenda. Terry Sercer arrived.

TERRY SERCER, CPA, 2002 ANNUAL AUDIT REPORT

Terry Sercer reviewed the Independent Auditors' Report explaining how the city waives the Generally Accepted Accounting Principals and follows statutory basis of accounting. The audit does record year-end encumbrances in the statements. Reported the cash basis law of which you won't spend the money unless you have the cash and the budget to spend it drives the city. There were no violations on the expenditures required to meet the law. Exceptions are allowed on grants. The city is in compliance to the Cash Budget Law.

Review the General Fund noting three things. 1. The LAVTR revenue has been cut out and will not be received for the 2003 budget. 2. The State Revenue Sharing was cut last year and will not be available revenue this year. 3. Basically this leaves \$30,000 less than expected for revenue when the 2003 Budget was established. At the year-end of 2002 there was \$67,820.98 in the general fund available to transfer. Have left this in the general fund instead of transferring out to the Capital Improvement Fund and to the Equipment Reserve Fund.

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TERRY SERCER, CPA, 2002 ANNUAL AUDIT REPORT (Continued)

The city needs half of it to make up this years revenue cuts previously mentioned and the city wanted to take the other half and use it on the streets so it has been left there to use in the Street General Fund.

Mr. Sercer noted the city was in compliance with the Kansas Statues in all but one fund. There was a negative balance in the Gas Fund due to the Gas Revenue Bonds requirement to set up a reserve account for future needs. This was not possible in 2002 and may not be met in 2003 as the project is not yet complete and there are other expenses still coming from the gas fund. The Gas Reserve Account is the only thing that is short right now and have never seen this as an issue in the past with other cities if the payments are made on time. What could happen would be the city would be forced to raise rates again. Think you will be ok once the project is done. There were no Budget Law violations. Noted with all of the special projects the city is currently working on there is over \$4,000,000 in total being utilized by the city for revenue. When the city spends over \$300,000 the audit becomes a federal audit as well. The city met all three audit requirements and there were no violations.

Mr. Sercer noted the cover letter is same as every year. It lists the lack of separation of duties as are required to report. Staff is too small for complete separation of duties. There was no evidence of wrongdoing or misappropriation of City funds. It is important the city council be involved in the accounting process, as the auditor doesn't always know if the right item is being bought.

Mr. Sercer noted he would be returning in a few weeks for next years budget plan. Asked the city to consider their needs including the employee benefits as they have continued to fluctuate.

Thanked the city for their time and would see them again soon. (Time: 7:34 p.m.)

CONSENT AGENDA: (Continued)

- *Motion to Approve Consent Agenda*

Council Member Weitman moved to approve the consent agenda as presented that consisted of:

Check Register: June 3 – 18, 2003;
Minutes of June 2, 2003 City Council Meeting;
May 2003 Treasurers Report;
May 2003 Budget Report.

Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:36 p.m.

UTILITY IMPROVEMENTS REPORTS

c. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- ix. Pay Request #6 for Insituform Technologies for \$45,144.00

Discussed this is for work previously completed.

- *Motion to Approve Pay Request #6 of \$45,144 for Insituform Technologies*

Council Member Robbins moved to approve pay request #6 in the amount of \$45,144 for Insituform Technologies. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:42 p.m.

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UTILITY IMPROVEMENTS REPORTS (Continued)

b. WATER IMPROVEMENT PROJECT

iii. Phase I – Filter Upgrade Bids

Mark Seip of Kirkham Michael Engineers presented letter of summary of bid results and recommendation. Noted the bigger contractors had backed out of the bidding as they were looking for bigger projects, especially this time of year. Suggested accepting the bid from SMI-CO without the air scour blower for a total of \$92,982; then, put the air scour in the next phase bids in an attempt to obtain a lower bid with the next round. Noted costs of materials currently are running higher thus increasing the total bids. SMI-CO has offered to look at the remaining part of Phase II and offer some ideas on what can be done to help with costs. Think if both phases had been put together it might have been more competitive as a larger project. Discussed belief that some of the mobilization costs were moved around by each bidder and is the reason why there is so much difference between some of the line items.

BIDS:

SMI-CO Const.	\$145,908.00 (Air Scours \$52,926 incl.)
Curtis Const.	\$182,597.40 (Air Scours \$25,231.30 incl.)
Engineer Est.	\$131,000.00 (Air Scours \$20,000.00 incl.)

Discussed options and proper procedure of pulling Air Scours portion and/or re-negotiating that portion with the contractor.

- *Motion to Approve SMI-CO Bid with Change Order to Delete Air Scours Line Item*

Council Member Robbins moved to approve the SMI-CO Construction bid with a change order to delete line item #4, the Air Scours, for \$52,926.00 for a total of \$92,982.00 after adjustment. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:16 p.m.

iv. Phase II – Plant Upgrade

Mark Seip presented an initial list of all the items to be addressed in this phase. Noted he envisioned all of the electrical work being done in this phase. Discussed time frame. Mr. Seip was not ready to prepare for bid on the electrical. Will get with Phase 1 contractor and with others involved to schedule a meeting and then get schedule worked up for Phase II. Will try to have a schedule ready for the next meeting.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. Kirkham Michael Payment Request of \$11,589.84 (\$12,369.84) of Contract

City Clerk Herrin reported this was part of the \$120,000 contract already approved and this is the portion for Aquila, Kirkham Michael’s Sub-contractor. No action taken.

v. Quotes for Processing Unfinished Easements

Lindy Cummins with Kirkham Michael Engineers presented a written project status report that included the following:

- 4” steel pipe recommended and generally agreed after reviewing route.
- Length of the project is approximately 15 miles of line that requires replacement. This excludes servicing the three customers on the “loop” road NW of the school.
- The CP rectifier that is already in place will be sufficient for the new line. This represents a cost reduction of \$20,000.
- Only 1000 CY of rock excavation is expected compared to the original estimate of 7000 CY. This represents a cost reduction of about \$150,000.
- All other costs are expected to be as originally presented; therefore, a cost reduction of \$170,000 may be expected from the original estimate of \$2,052,000. The new estimate will therefore be \$1,882,000.
- Next steps are procurement of easements and final design.

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c. **GAS IMPROVEMENT PROJECT – CDBG GRANT (Continued)**

Mr. Cummins explained Right-of-Way Companies specialize in procuring right-of-way agreements. Two companies work with Aquila and have offered bids for the outstanding right-of-ways for the city after reviewing the existing remaining work. Noted the key point now is the length of time to procure these and this is their expertise. Twin Peaks cost was a daily rate of \$295 inclusive of travel and phone expenses. Capital Electric cost was an average daily rate of \$440 with the cost of travel and phone expenses added. Mr. Cummins recommended asking the company for a contract and have them send it back to the city for approval. Estimated Twin Peaks to cost \$4,425 if completed in three weeks as estimated.

- *Motion to Propose Cost of \$4,425 in Three Week Period with Twin Peaks*

Council Member Robbins moved to propose at a cost of \$4,425 in three weeks period with Twin Peaks requesting back to them for contract to start no later than July 7th. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:45 p.m.

vi. Kirkham Michael Payment Request of \$11,589.84 (\$12,369.84) of Contract

Reviewed payment request. The total request is for \$12,369.84 instead of the \$11,589.84 listed on the first page. City Clerk Herrin corrected.

- *Motion to Approve Payment of \$12,369.84 for Kirkham Michael Engineers*

Council Member Robbins moved to pay \$12,369.84 on base contract with Kirkham Michael Engineers. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:46 p.m.

Mr. Cummins noted he would proceed with the final design using steel pipe and eliminate the dogleg.

DISCUSSION FROM THE FLOOR

Dennis & Kelly VanTuyl, Regarding Alley behind Property

Kelly VanTuyl asked City Attorney Sutherland if anything had been worked out with her neighbor yet. City Attorney Sutherland noted the city now had an agreement in principal. Now just looking at getting the power pole for Ms. Williams out of the VanTuyl yard, then have the agreement with if the property is ever sold, burned, moved, etc. it will be moved from the alley with no claims to the alley. Ms. Williams has agreed to sign this. Now working on the power pole and then will have the paperwork done. Mrs. VanTuyl said ‘Thank you’.

Kenny Ross, Regarding Improvements to South 7th Street

Kenny Ross began presentation by reading a written report providing the following: Wished a good evening to the mayor, council, and attendees. Hope to be done with the current Sunrise Project on 7th and Elm in September of this year and open for business. Looking for improving south 7th Street. Currently two-way traffic is impossible. There is a necessity to

improve and maintain this area. Safety should be the first consideration for the road for bike riders, walkers and to improve two-way traffic. Even if close south 7th Street then Elm Street to Sycamore Street is still too narrow. Would like to resolve this with the city in a respectful manner and work together to achieve improvements for the community.

Mr. Ross presented a map of the area showing all of the vacant city lots in the area along with existing unimproved streets to be considered for improving. Discussed the city consider closing the south half of 7th Street in the given area; or one way going in and one way going out on Elm Street by LaHarper Heights. The parking for the apartments will be in the front yard by 7th Street. Council Member Boone reported it would need a drainage ditch continuous down the 80-foot length on the side of the apartments. Mayor Barber noted it looks like the west side runs pretty straight. Mr. Ross noted the west side of it moves off about three feet per surveyor. Council Member Boone noted could widen on the east side and would need to put a ditch on the west side with culverts and would need to be cleaned up.

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DISCUSSION FROM THE FLOOR (Continued)

Kenny Ross, Regarding Improvements to South 7th Street (Continued)

Mayor Barber asked the Street Committee to review the street with Mr. Ross. Mr. Ross asked about working with the city on opening Elm Street too. Council Member Weitman noted the Street Committee consisting of himself and Council Member Williams would set a time to meet with Mr. Ross. Mr. Ross noted right now evening or anything would work for him as he is at the site project. Discussed possibly this Friday afternoon. Mr. Ross said 'Thank you'.

Max Thayer Discussing Annexation North of City

Max Thayer noted the city currently has many projects on the table with a large amount of money on the water department while looking at the rural water districts pulling out in the future. Recommended the city look now at annexation to the north and put water up there. Pointed out a need to develop more retail customers or believe the city will be upside down. Believed the citizens or the council could do the annexation. Knew of three people that were interested just north of the city. Noted if the city waits till there are rural water meters in the area then it will also cost the city \$4,000 to purchase each meter that has already been paid for by a customer for that price. With the 69 Highway becoming a four-lane from the city this city will grow faster. Council Member Weitman asked how the city acquires territory from the rural water districts. City Attorney Sutherland responded it's a negotiation process. Mr. Thayer reported he just learned yesterday that 660' of his original property was retained by the rural water district that was not released when his land was annexed.

Mr. Thayer reported that when the RWD ran a line to Neal Byrd's he paid a portion as it ran past that part of his property now sold to George Craig. At that time he only gave the RWD a 20' easement for the existing line.

Council Member Boone asked about the city running a line north to this area. City Attorney Sutherland noted the city still will have to get a release but there are no meters there, just the line. George Craig noted it is ok to pump water up a hill but cannot put in an in line pump on the individual line as it has the potential to backflush. Council Member Boone asked about the city putting it's own pump at the tower and running water to this area. George Craig reported the estimated cost would be around \$30,000 for the pump. Discussed long-range plans. Mr. Thayer noted that would be to develop this area. Council Member Weitman asked if the city shouldn't get a release first from the water district. Mr. Thayer noted the rural water rates just keep increasing. Recommended letting the residents in the new area know up front the city utilities would not be immediate but will be coming. Council Member Weitman asked about the need to know the area in question and what the return would be on the investment, just how many residents will be in the area in the near future. Council Member Boone asked if the rural water district currently pulled any water off of the city's north water tower. Answer was 'unknown'.

Mayor Barber noted any planning for the future should probably include the Planning Commission and their Comprehensive Plan for the city and council. Mr. Thayer volunteered to work on the project till the end of September when he returned to Florida for the winter. Noted he would need help with got to the negotiating.

George Craig reported he had started at the March 5th meeting earlier this year to get a letter of release from the city for the rural water district to provide him water to his new property and think the city owes him \$1,000 for the rate change that has taken place on rural water meters since that date, as will be purchasing a meter from them tomorrow. Now the rural water district has told him they will take his money for a meter without a letter from the city. Council Member Williams reported when he attended the rural water district's meeting concerning this property they said then they did not need a letter as they had retained rights to this area. Discussed if city should go ahead and send a letter anyway. City Attorney Sutherland noted the city could do whatever it wanted regarding the letter. Council Member Boone asked if any way to help Mr. Craig out, as wouldn't like it if it were him. No more discussion, noted council was sorry there was nothing to do at this time.

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REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell reported on written report for June 1 – 17, 2003. Reported the Locator System had been installed in City Hall this afternoon for Missing and Exploited Children.

Public Works Superintendent George Craig

- v. KCC Roundtable Discussion July 10th, Topeka, Kansas

Superintendent Craig reported he felt this would be more for information and possibly the City Clerk could attend. Discussed. Determined the KCC will let the city know what takes place without anyone from the city in attendance. Tabled.

- vi. KCC Annual Inspection Compliance Letter

Superintendent Craig reported Public Works Employee Jerome Moore and himself were currently the only ones certified for gas Operator Qualifications. The federal and state are now upgrading the qualifications to another level. Requested permission for the two of them go to the City of Garnett for a couple of days to see how they put the paper work together and are preparing for this next step.

- *Motion to Allow Two Employees to Visit Garnett*

Council Member Weitman moved to allow Jerome Moore and George Craig to go to Garnett for a couple of working days. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:28 p.m.

- vii. Payments Request for Klemp Electric and Tinsley Electric

Superintendent Craig presented two bills just received today for payment prior to the next city council meeting. Klemp Electric submitted bill for \$730.00 for repair of the high service pump. Tinsley Electric submitted bills for: repair of the hour meter at the water plant for \$200.74; review of the sewer generator at the industrial park for \$160.00; and, two rectifier fuses for \$120.53 for a grand total of \$481.27.

Noted now all of the pumps are running good. Mayor Barber noted it was good of the public works city employees to catch the problem early.

- *Motion to Approve Klemp Electric Bill for \$730*

Council Member Robbins moved to approve the bill from Klemp Electric for \$730.00. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:32 p.m.

- *Motion to Approve Tinsley Electric Bills for \$481.27*

Council Member Robbins moved to approve the bills from Tinsley Electric for a total of \$481.27. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:33 p.m.

Fire Chief Ernie Moylan

- i. Noted the purchase of a 9V Battery, D Cell Battery, Strobe Alarm, Electric Smoke Alarm, and a Spark Plug for a total of \$142.78.
- ii. Requested approval for the purchase of three King Cobra Hoods and one XL Quest Advance pants for a total of \$511.95. These are replacement items.

- *Motion to Approve Purchase for Total of \$511.95*

Council Member Weitman moved to approve the purchase of replacement items for a total of \$511.95. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:34 p.m.

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STANDING COMMITTEE REPORTS:

Street

Mayor Barber asked if the city was any where with this years plan for chip and seal of the roads. Superintendent Craig noted he wanted to talk with the Street Committee on what direction to go this year.

Park

North Park – Play Equipment: Council Member Robbins reported the need to look at replacing the swings and other equipment parts to possibly upgrade the accessories. Believe it could be done for less than \$100, then maybe do more later; and this should solve some of the problems.

Community Building

Council Member Williams reported he had purchased the wood for the ‘C’ repair. Just have to cut it out and hang it.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee (1 Vacancy – Can be within 3 Miles of City)

1. Jerry Stoner, 103 N Broadway, Upstairs, Retail Music Store, Use Permit

1. *Approve Use Permit for Jerry Stoner for Retail Music Store*

Council Member Robbins moved to accept the Planning Commissions recommendation for a use permit for Jerry Stoner for a Retail Music Store. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 9:38 p.m.

2. Frankie Howard, 104 S. 4th Street, New Addition, Retail Tobacco Sales, Use Permit

- *Approve Use Permit for Frankie Howard for Retail Tobacco Sales*

Council Member Weitman moved to accept the Planning Commissions recommendation for a use permit for Frankie Howard for Retail Tobacco Sales. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:39 p.m.

3. Updated Comprehensive Plan and Approved by Committee

Requested City Clerk forward copies to all Council Members and place back on the next agenda.

4. Kirkham Michael Request for Payment of \$1,673.10 of \$8500 Contract

- *Approve Payment of \$1,673.10 for Kirkham Michael's Contract*

Council Member Robbins moved to approve payment of \$1,673.10 to Kirkham Michael Engineers for the Comprehensive Plan project. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:43 p.m.

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UNFINISHED BUSINESS:

City Representative for Marias des Cygnes River Water Assurance District #2

City Clerk Herrin reported Esther Shields had consented to continue to be the City Representative for this district. There had been no final decision made on if any stipend would be allowed for the time to attend these meetings. Mayor Barber noted he would look into that part; in the meantime would continue with the mileage and meals to attend the meetings in Ottawa. Mayor Barber recommended Esther Shields for City Representative.

- *Motion to Accept Appointment of Esther Shields as City Representative*

Council Member Robbins moved to accept the appointment of Esther Shields as City Representative for the Marias des Cygnes River Water Assurance District #2. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:45 p.m.

Final Bill from McCorkendale Construction Inc. for River Intake Pump Repair for \$134,378.25 of which \$125,737 was Previously Approved. Difference of \$8,641.25.

- *Motion to Approve the Difference of \$8,641.25 for McCorkendale Construction*

Council Member Weitman moved to approve the \$8,641.25 difference to cover the total due for McCorkendale Construction. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:48 p.m.

NEW BUSINESS:

Bids: Demolition of Structures Located at 407 S. 2nd Street

City Attorney Sutherland read the following bids:

- | | |
|---------------------------|------------|
| 1. Harris Excavating, LLC | \$3,390.00 |
| 2. Larry Morgan | \$2,495.00 |

City Clerk Herrin reported both could provide evidence of insurance requirements.

- *Motion to Approve Bid of \$2,495 from Larry Morgan*

Council Member Williams moved to accept the bid of \$2,495 from Larry Morgan. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:51 p.m.

Extend Meeting

- *Motion to Extend Meeting Time*

Council Member Weitman moved to extend the meeting till 10:30 p.m. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:52 p.m.

Bids: Rock/Gravel

REGULAR MEETING

Year = 2003

City Attorney Sutherland opened and read the following bids:

	Wade Quarries		Ash Grove Aggregates	
	FOB QRY	Delivered	FOB QRY	Delivered
AB 3	\$4.45	\$6.95	\$4.60	\$6.80
AB 1, AB 2, AB 4	4.65	7.15	4.60	6.80
CHIPS (CM-K) Washed	6.75	9.25		
CHIPS (CM-K) Unwashed	6.25	8.75		
CHIPS			6.25	8.45
1 1/4" Clean	5.65	8.15	6.25	8.45
2" Clean	5.65	8.15	6.25	8.45

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NEW BUSINESS: (Continued)

Bids: Rock/Gravel (Continued)

Discussed options with the different bids on different rock being lower between the two bidders.

- *Motion to Accept Rock from Both Suppliers*

Council Member Weitman moved to accept the rock from both suppliers with the city supervisor using discretion based on cheapest price, quality, and availability. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 10:08 p.m.

Close Compactor on July 5, 2003

City Clerk Herrin reported the regular Holiday of July 4th was on a Friday this year, which is a usual day the compactor is closed. The city has the option of paying for six days for the compactor that week or closing on July 5, 2003 for the Holiday time. Noted Compactor employee would like that day off.

- *Motion to Close Compactor on July 5, 2003*

Council Member Williams moved to close the compactor on July 5, 2003 for the Holiday. Seconded by Council Member Boone, voted on, passed 4-0. Time: 10:10 p.m.

City Clerk to Attend CCMFOA Meeting, June 20, 2003

- *Motion to Approve City Clerk to Attend CCMFOA Meeting at Wichita*

Council Member Robbins moved to approve City Clerk Herrin to attend the CCMFOA Meeting at Wichita on June 20, 2003 with pay and per diem. Seconded by Council Member Williams, voted on, passed 4-0. Time: 10:11 p.m.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member Robbins moved to go into Executive Session for up to fifteen minutes for personnel. Seconded by Council Member Williams, voted on, passed 4-0. Time: 10:12 p.m.

Open Session Resumed at 10:27 p.m.

OTHER BUSINESS

REGULAR MEETING

Year = 2003

Mound City Economic Development Presents KANSTEP State Program

Discussed. Noted this had been presented to the council by film last year. No one was available to attend for update.

CITY CLERK'S REPORT:

City Clerk's Written Report: None

Council noted there was a meeting on Friday, June 20, 2003, at 1:00 p.m. at Linn Valley Lakes regarding the four lane pending on 69 Highway and a turn off for Linn Valley Lakes.

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NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Special City and County Highway Fund 2003 & 2004 Estimated Report
- b] KDOT "KLINK" Resurfacing Program
- c] KDOT "Geometric Improvements" Program
- d] KDOT "Economic Development projects for 2007" Program
- e] Bond Counsel Bulletin "Arbitrage is Not a Four-Letter Word"
- f] KDOC, "Community Capacity Building Program" Workshop
- g] Park Board Minutes of June 1, 2003
- h] Planning Commission Minutes of June 12, 2003

IJ KMGGA 'Natural Gas Market Report'

J] Letter Announcing Purchase of Panhandle Eastern by Southern Union

ADJOURNMENT:

Meeting adjourned at 10:30 p.m. due to time.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 18th day of June 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, July 2, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Terry Weitman; and, Tony Williams.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; Police Officer Mike Watson; Mike DeMott; Kelly and Dennis Van Tuyl; and Melissa Wurtz.

Mayor Sam Barber called the meeting to order at 7:02 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda that consisted of:

Check Register: June 19 – July 2, 2003;
Minutes of June 18, 2003 Regular City Council Meeting;

Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:03 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

vi. Pay Request for Weights and Installation on Tractor

- *Motion to Pay \$575.00 for Weights and Installation on Tractor*

Council Member McGinnis moved to pay the \$575.00 for weights and installation of weights on the tractor. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:05 p.m.

ii. Authorization for Letter to Request Additional Funds from SRF

City Clerk Herrin reported the state required a letter from the city requesting the authorization to increase the amount of money needed from SRF to complete the project. The total amount for the tractor and equipment is \$40,319.75 and an additional \$20,332.77 to complete the replacement of the additional sewer line replacement pending to be completed. This totals \$60,652.52.

- *Motion to Authorize Letter to Request Additional Funds from SRF for \$60,652.52*

Council Member Robbins moved to authorize the letter to request the additional funds of \$60,652.52 from SRF. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:10 p.m.

b. WATER IMPROVEMENT PROJECT

v. Bid Results Update – Phase 1

Discussed the added letter from Mark Seip was to cover the Phase II process, but only lists the reasons why it should be done which the council already understands. Discussed concern the chlorine contact basin and the settling pond are the exact same level so there is concern how the current mapping changes set out will work without constant employee observation. Discussed the desire to keep the gravity flow system in place while meeting the state required updates as a safer less manpower method and would require fewer pumps to maintain.

Discussed the letters of response from SMI-CO Construction and Kirkham Michaels about the inability to delete line item #4 without deleting line item #3, as SMI-CO was not clear on the bid just what was expected in each line item. City employees were told by Mark Seip of Kirkham Michaels Engineers just prior to the meeting that KDHE had now given tentative approval while asking for further clarification too of the Phase I information. Concurred the bid could be higher if go back and try to re-bid. Noted concern on how to handle the current bid and meet the KDHE requirements of stainless steel and have a good long lasting quality of materials in the project. Concurred a letter in writing that SMI-CO has agreed to the stainless steel for this listed price would be one way to work with the bid and not have a change request show up later for this.

b. WATER IMPROVEMENT PROJECT (Continued)

vi. Bid Results Update – Phase 1 (Continued)

- *Motion to Authorize Signing Bid Notice with Stipulation of Stainless Equipment Included as Needed*

Council Member Boone moved to authorize the signing of the Notice of Bid for Phase I with the stipulation of the stainless steel equipment being used as needed with a letter acknowledging. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:30 p.m.

c. GAS IMPROVEMENT GRANT

vi. Easement Contract with Twinpeaks Field Services

Introduced Melissa Wurtz, President of Twinpeaks Field Services. Explained any filing costs would be at the cost of the city. They would bill bi-weekly. The city would be provided a track report of all easements they worked with and the status of any easements they were unable to obtain and why. Any costs paid to the property owners for acquisition would be up to the city to approve. The rate is \$45 per hour or \$295 daily and includes administrative and travel expenses. Fees are set not to exceed 24 days or \$7,080.00.

- *Motion to Sign Contract Not to Exceed Twenty-Four Days or \$7,080*

Council Member Robbins moved to approve signing the contract with time not to exceed twenty-four days or \$7,080.00. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:36 p.m.

DISCUSSION FROM THE FLOOR:

Harry Smith, Market Street, Request for New Water Meter

Harry Smith was unable to attend. City Clerk Herrin reported the Smith's live on Market Street in the 900 Block on the south side of the highway. When their house was built their water line was split off from a line already in place just west of their house from another house they owned. Now they have new renters in the rental house and have noticed a decline in water pressure they would like to change. They are requesting a separate line be run to their house from the main water line that runs under the highway. Discussed this will require KDOT approval of the plans and the property owner is ultimately responsible for the costs of the project. Mayor Barber asked that we check with KDOT and find out just what they would require, then check the costs if possible and let the Smith's know.

Dennis & Kelly Van Tuyl Regarding Status of Alley

Kelly VanTuyl asked what the status was. City Clerk Herrin noted this was listed later in the agenda.

County Resident Asks for Compactor to be Open One Weekday Morning

City Clerk Herrin reported a county resident had asked if it would be possible to have the trash compactor open one weekday morning a week. Noted could make some changes as to the days the compactor is open to make this adjustment and not increase payroll any further. No action was taken.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

- i. Proposed Agreement with Williams – City Attorney Sutherland asked the council to review the agreement for the buildings belonging to Linda and George Williams currently in the alley west of their property. The VanTuyl's asked if they could have a copy of this agreement. Cit Attorney Sutherland concurred it would be a filed document. Mr. Sutherland asked for any comments or recommended changes. Discussed the legal name of Linda Williams now versus what her last name was when she purchased the property. Will add F.K.A. to cover her identity under both names.

- *Motion to Authorize Mayor to Sign Agreement with Known Corrections*

Council Member Robbins moved to authorize the mayor to sign the agreement with known corrections. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:55 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Chief of Police Glenn Farrell Jr.

In the absence of Chief of Police Farrell, Officer Mike Watson presented a written report on police activities for the month of June 2003. He asked if there were any questions regarding any of the numbers or items on the report. There were no questions.

Public Works Superintendent George Craig

George Craig presented the following items:

- iv. South Water Tower – Utility Services has completed its annual inspection of the south water tower and it will require repainting of the interior this year. This cost is included with the annual contract we have with the company.
- v. North Clarifier at the Water Plant – The problem with the motor was a bearing out of it Layne Western has repaired it and it is running fine now.
- vi. Southeast Sewer Line Replacement as Part of Sewer Project – Reported Sub-Contractor Tom Adams has not begun the project this week as had been previously indicated from the engineers.

City Attorney John Sutherland (Continued)

- i. Beer Garden for Fiesta – City Attorney Sutherland reported he had spoke with ABC in Topeka and was told with a temporary permit it would be a possibility to have a beer garden with Fiesta. He will do some further checking on what all is required.

Public Works Superintendent George Craig (Continued)

- vii. Flag on South Water Tower – Mayor Barber asked Public Works Superintendent Craig about the status of the flag on the south water tower and if it was currently working properly. Mr. Craig responded the flag no longer works all of the time. It works of and on. This is the only flag still in use on a water tower in the entire state of Kansas. Instead of replacing now, would like to wait till next year and look at the currently used method at other plants in the state where there is a recorder in the water plant that reads the levels. Mayor Barber asked if the flag would be addressed in the water inspection report as an item that needs to be addressed in the future.
- viii. Water Hydrants – Council Member Boone noted there were some problems with water hydrants and have several that need valves repaired or hydrants replaced. Discussed the hydrant valve on the hydrant by the south water tower is ok, the valve going to the tower would not shut off completely on the day it was being inspected. Another hydrant valve from a hydrant at a previous fire location had the valve turned off and when they opened the hydrant did not turn the valve on so there was no water. Still concern over condition of hydrants. Mayor Barber asked Mr. Craig to get with Fire Chief Ernie Moylan and check them if the fire department has not been doing this during their fire inspections.

STANDING COMMITTEE REPORTS:Street

- i. Review of South Street per Request from Kenny Ross – Council Members Weitman and Williams reported they had looked at this location at different times prior to the meeting. Recommended expanding the existing area of the street 3-½ feet east and cut a new trench along it. It is not a primary drain right there. Noted there is currently twelve feet of driving surface and to make the additional recommended width would take the street as wide as many other streets in town including Swan Street which is only fifteen feet wide as far as driving width of pavement and used by traffic going both directions. Believe the maintainer could make the 3-½ feet extension and then add some gravel to that area. Then get natural compaction through Mother Nature and then go back and chip and seal at a later time, waiting over a year for the natural compaction. This area would currently only have the three units of vehicle traffic and other areas in the city handle more traffic with this width.

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STANDING COMMITTEE REPORTS: (Continued)Street (Continued)

- ii. Chip & Seal with County Helping the City – Council Member Weitman reported he had been checking into the possibility of the county providing their equipment and manpower to help the city with chip and sealing of the streets this year and in the future as they have the equipment in place to do the project in less than a week and get it done quickly as it needs to be to hold properly. Using the city equipment takes much longer and there is a time gap with the smaller equipment in getting the oil down and when the chips are laid. He spoke with Commissioner Herb Pemberton and he was in agreement and in support; however need further support from the county to get the project moving forward. The city for 2002 paid county tax of \$191,733 through property valuations and this doesn't include the vehicle tax base. Recommended the city send a letter to the county and a representative to the next commissioners meeting to be present for the request of assistance. Believe if the city can have up a week's worth of help that is as far as the city dollars will go with the materials for the streets. Noted scheduling for this year might be difficult with the county but would like to find out. Discussed who could attend the commissioners meeting next Monday morning. Agreed Mayor and another person from the city would attend. Requested City Clerk contacts the County Clerk and is placed on their agenda.

Park

- i. Snack Shack – Council Member Boone reported there were volunteers who would pour a cement slab for nothing if the city will move the dirt away from it. Council Member Robbins noted it was Sheila Goenhour's husband would do the work and provide the concrete and in return they want a sign on the building that it was done by them as a sort of advertising. Council Member Robbins noted he would talk to the rest of the Park Board and they could be ready to go at any time.
- ii. South Restrooms in Park Vandalized – Council Member Robbins reported fireworks vandalized the older restrooms pretty badly; all of the toilets are pretty well gone. The Park Board had been talking about expanding these with a grant next year, but now there are no restrooms open all of the time in the park.
- iii. Condition of North Park Equipment – Council Member Robbins noted he was working on

REGULAR MEETING

Year = 2003

getting some swings and other items for the park. City Clerk noted this should not have been on this agenda.

- iv. Resignation of Park Board Member Susan Moylan – Mayor Barber noted the resignation.
- v. Park Board Appointment of Sheila Thoele – Mayor Barber recommended the appointment of Sheila Thoele per the Park Board recommendation.

- *Motion to Accept Appointment of Sheila Thoele to Park Board*

Council Member McGinnis moved to accept the appointment of Sheila Thoele to the Park Board. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:18 p.m.

SPECIAL COMMITTEE REPORTS:

Emergency Disaster Committee

Council Member McGinnis gave resignation from the committee due to too many conflicts.

Planning Commission Committee (1 Vacancy – Can be within 3 miles of city)

- i. Approval of Updated Comprehensive Plan – Discussed. Not all had completed the reading. Tabled.

UNFINISHED BUSINESS:

None

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NEW BUSINESS:

LKM/MLA Course Guiding the Municipal Organization

Discussed if any Council Members would be available to attend the training session. City Clerk requested attendance.

- *Motion for City Clerk Herrin to Attend Training Session*

Council Member Robbins moved to approve City Clerk Herrin attends the July 19th training session for LKM with cost and expenses paid. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:30 p.m.

SEKRPC General Commission Meeting, July 3, 2003, Erie, Kansas

No one available to attend tabled.

Amend Next City Council Meeting from Wednesday, July 16, 2003

Discussed. City Clerk unable to attend on July 16th will be out of town. City Accountant Sercer will be present at that meeting to go over budget.

- *Motion to Change Council Meeting Date to Tuesday, July 15, 2003*

Council Member Robbins moved to change the regularly scheduled meeting of July 16th to Tuesday, July 15th at usual time and place. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:33 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to twenty-five minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:35 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin.

Extend Executive Session

Mike DeMott, from the floor, provided the information of George Williams middle initial as 'J' as listed in the phone book.

- *Motion to Extend Executive Session*

Council Member Boone moved to extend executive session for five minutes for personnel. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:10 p.m.

Open Session Resumed at 9:15 p.m.

OTHER BUSINESS:

Capital Improvement Items

City Clerk Herrin asked the council to keep in mind Capital Improvement Items to be discussed with next years budget.

CITY CLERK'S REPORT:

Discussed Written report that included:

- vi. La Cygne Pharmacy Payment of \$7,500 Received
- vii. KCP&L Utility Franchise Payment of \$5,004.62 Received

OTHER BUSINESS: (Continued)

Proposed Agreement with Williams (Continued)

Council Member Weitman reported it had been brought to his attention that under item #9, the electric poll in question did not belong to KCP&L but is the property owner's poll. That change will be made.

Meter Tank Pieces behind Water Plant

Council Member Boone asked about the pieces of metal tank that were cut up and laying in the grass behind the water plant, if the pieces could be further cut up and hauled off by someone. There were two individuals that would like to haul it off. Mayor Barber reported with the two other existing clarifiers using the same type of curved materials may need to use some for repairs, and then if don't need them can look at later.

Surplus Items

Discussed if could do surplus items more than once a year if needed. Requested City Clerk to check it out.

KRWA to Review Water Rates

Discussed KRWA being able to review water rates as part of being a member. Requested City Clerk check on what the rate for them to check this would be.

NOTES AND COMMUNICATIONS TO COUNCIL:

REGULAR MEETING

Year = 2003

- a] KCP&L Franchise Ending May 2003
- b] "Thank You" from Connie McGinnis
- c] *League News* Volume 8, Number 14, June 20, 2003
- d] KDHE Letter Regarding Access to Statistics Information
- e] Bond Counsel Bulletin "Iraq, Italy and Municipal Finance"
- f] KRWA Membership Renewal Letter and Certificate
- g] Estimated Distribution for 2004 of Local Alcoholic Liquor Fund
- h] SIK *Legislative Alert* June 27, 2003
- I] *Kansas Government Journal* Volume 89, Number 5, May 2003
- J] KMGA, Gas Prices for July through October 2003 – Discussed
- K] SEK Newsletter
- L] LKM "New Destination-based Sourcing Rules for Sales Taxes"
- M] KDOT Letter Regarding Improvements to US-69 in Linn & Miami Counties

OTHER BUSINESS: (Continued)

Johnson County Liquor Sales on Sunday

Council Member Weitman noted Johnson County has now passed sales of liquor on Sunday.

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Boone, voted on, passed 5-0.**

Meeting adjourned at 9:30 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 2nd of July 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Tuesday, July 15, 2003, with meeting time changed at prior City Council Meeting. Council Members present were: Jerry Boone, Connie McGinnis, Terry Weitman, and Tony Williams. Absent: Travis Robbins.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Superintendent George Craig; Roger Sims with Osawatomie Graphic; Julie Funk with Linn County News; LeRoy Turpen; Robert Turpen; and Terry Sercer, CPA.

Mayor Samuel Barber called the meeting to order at 7:03 p.m.

2004 Budget Review with Terry Sercer, CPA

Terry Sercer, with Diehl Fletcher, Banwart & Bolton, reported the city would need to publish the 2004 Budget Publication Page in next week's paper for the Public Hearing to be held on August 6, 2003. Once the budget is published the amounts cannot go up. There are two tax levy funds required to be published, the General Fund and the Employee Benefit Fund. The total property valuations are up for 2004. The total valuations in 2003 were \$288,868 and now with growth in the city combined with increased valuations of existing property the total valuations for 2004 is \$321,519. The city's 2003 mill levy is 56.364 and recommends 56.433 mills for 2004. With valuations up that creates \$34,000 more dollars. This creates an additional total amount of \$15,000 over last year's dollars. The city would have to pass an ordinance for this slight increase.

With state aide cut over \$30,000 for this year and next year from these funds, have taken the city's 2004 budget and split the difference by leaving the additional \$15,000 in valuation

increases in the budget and leaving the other \$15,000 cut from the budget. If the city wants to leave the income flat would have to cut another \$15,000 more dollars from the general fund and/or the employee benefit fund.

Reported had left \$45,000 in the general street budget for 2003 to be spent on street budget. However, the 2004 budget portion has been cut to \$26,094. The sales tax income budget has an anomaly; right now for 2003 it appears to be up. The state in the past gave La Cygne a big tax dollar amount and then pulled it back later. If this year's sales tax is right there may be \$40,000 more dollars available. A conservative amount was used for 2004, as not sure what it will actually be. Don't believe prudent to raise it and then the state pull it back. If the sales tax does continue to come in above the budgeted amount then can raise the income level and amend next years budget to use it.

Reported the employee benefits were higher due two increased premiums for health insurance. The city would have to make some tough decisions on coverage or tax dollars if premiums continue to rise.

Reported the Special Highway Funds were originally cut from the State funds too then replaced with another fund from the state so they have continued for now. No guarantee it will be paid in full in 2004, or the second half of 2003. It could be cut \$16,000 or two payments if not renewed this July by the State.

Reported the 1993 G.O. Bonds were paid off this year by the city. Now the Water G.O. Bonds will continue to be paid from this fund per the water bond ordinance. The dollars will be transferred from the Water Fund to make these payments.

Reported the Gas Fund is required to maintain a reserve account that consists of \$40,000 by year-end 2003 and an additional \$36,000 for gas reserve payments. Now a year later from when the project was put in place the city is making payments and seeing a return. Does not look like the city will meet the reserves per the bond ordinance requirement this year nor next year. Once the project is done, then the city may have trouble if the fund does not start building the reserve. Otherwise, may be forced to raise rates; need to monitor and watch closely.

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2004 Budget Review with Terry Sercer, CPA (Continued)

Explained the valuation increase increases the tax dollars charged. The General Fund mill levy went down but the Employee Benefit mills went up. If the sales tax money does come in then the city can change the budget. The state is changing the rules on sales tax and not sure how it will effect the city at this time. At this time the city council needs to change the presented budget or approve and sign it to get it in next weeks paper.

Mayor Barber asked if anyone had any ideas or thoughts.

Council Member Weitman noted surprise the city was able to have this budget without also having to raise the mill levy, instead of just the valuation.

Mayor Barber noted wages have dramatically increased, partly due to overtime; but don't want to give up any benefits being provided. Need to watch for ways to cut costs in the future and monitor effects.

Terry Sercer noted it is like the river water pump on utilities going out or police needed more than usual or the office overtime which has included the special projects. This budget can be printed and then if council wants to cut it more at the public hearing it can, you just cannot increase it anymore after tonight.

Council Member Weitman recommended not cutting the presented budget, just look at ways to cut it during the year.

Terry Sercer reported the city would need to have the required ordinance at the next meeting.

- *Motion to Approve Budget Draft for Publication*

Council Member McGinnis moved to approve draft for publication of budget. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:39 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Weitman moved to approve the consent agenda as presented that consisted of:

Check Register: July 3 – 15, 2003;
Minutes of July 2, 2003 City Council Meeting;
June 2003 Treasurers Report;
June & YTD 2003 Budget VS Revenue & Expenses Report
2003 Second Quarter Financial Statement.

Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:40 p.m.

UTILITY IMPROVEMENTS REPORTS

d. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- x. SRF Drawdown Request #4 for \$ _____

Discussed this is for work previously completed, now authorizing the drawdown request for reimbursement from SRF funds.

- *Motion to Approve Drawdown Request #4 of \$ _____*

Council Member McGinnis moved to approve drawdown request #4 and authorize signing the request. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:44 p.m.

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UTILITY IMPROVEMENTS REPORTS (Continued)

CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT (Cont.)

- xi. Application for SRF Amendment for \$6 _____

Discussed the State's request for the previously determined and approved additional amount needed to meet all of the sewer project expenses including the tractor and equipment be placed in the City's minutes for the approval of the application form and signatures authorized.

- *Motion to Approve Application for SRF Amendment for \$6 _____*

Council Member Williams moved to approve the application form for the SRF amendment for additional monies and authorize the signing of the required forms. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:48 p.m.

- xii. Status of Sewer Project Completion

City Clerk Herrin reported the Lining Repairs were completed and once Insituform's subcontractor, Adams Construction, was done with the replacement line on the southeast end of town the total project would be complete.

b. WATER IMPROVEMENT PROJECT

vii. Status of Phase II

Public Works Superintendent George Craig reported Mark Seip with Kirkham Michael Engineers will be here tomorrow at 9:00 a.m. to go over the Phase II portion of the project. The updates require the plant to chlorinate the water before and after the filters. Looking for a way to do it with gravity flow and fewer motors.

c. **GAS IMPROVEMENT PROJECT – CDBG GRANT**

i. Update

City Clerk Herrin reported Twinpeaks was working on the easements and Alan Steele with Aquila was working on the final part of the design. Would not be able to finish the design until Twinpeaks was finished with the easements and added any requirements from them to the final draft. Mike Rush with KCC had also called and asked for a draft to be sent to the state as soon as one was available.

viii. Discontinue Service for a Portion of Existing Line

Discussed the need to move forward with the three customers that are on the existing line but will not be on the new line running north of the high school. City Attorney Sutherland reported he would look at the requirements and have a report for the next meeting.

DISCUSSION FROM THE FLOOR

None

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REPORTS OF CITY OFFICERS:

City Attorney – John Sutherland

i. Proposed Agreement with Linda Williams

City Attorney Sutherland reported he had made the two requested changes to the agreement by adding Grizzle to the name and changing the electric pole to an individual meter pole. Mayor Barber reported he had delivered the agreement to the Williams for review and asked them to bring it to City Hall.

No other comments for additional changes.

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell reported on written report for July 1 – 14, 2003.

Public Works Superintendent George Craig

viii. Harry Smith, Market Street, Request for New Water Meter Report

REGULAR MEETING

Year = 2003

Superintendent Craig reported the state would require the concrete be put back on the road and curb and sidewalk. Have bids for the work; however have been unable to contact the Smith's. Will keep trying.

Fire Chief Ernie Moylan

- iii. Noted the purchase of 1 Battery MPA 1200, 3 SL20X Maglight Batteries, 6 Red Light Trackers, and, 1 Universal Spanner Wrench for a total of \$417.83 from Chief Supply; Rags, Trash Bags, and Propane from Stainbrook's for \$52.93.

STANDING COMMITTEE REPORTS:

Water & Gas

Council Member Boone asked why the fire department was needed to check the hydrants. Public Works Superintendent Craig noted they could check them and report back. They would check so many at a time and not all at once as this is a time of high water production usage.

Street

- i. Chip & Seal Project

Discussed there was \$50,000 in the budget to spend on the street. Public Works Superintendent Craig reported 32,000 feet of road could be chip and sealed for about \$42,000 with Vance Brothers spraying and then two trucks to keep up with them. Then recommend if any dollars left over due to volume of traffic look at east Lincoln for base repairs. Spoke with Danny Morris, (County), to see if could get their chipper or help to do the work for the chip and seal with the rock part. Do not have any response. Would like to save the good streets then spend a couple of years to fix the bad streets. Would like to shoot for August 4th to start the chip and seal as will have Osawatomie Correctional Facility workers here that week and the next to help. If unable to get the County chip spreader will try to get another one and use it.

- *Motion to Approve Chip & Seal Project for Up To \$40,000*

Council Member Boone moved to go ahead with the project for up to \$40,000. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:10 p.m.

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STANDING COMMITTEE REPORTS:

Park

- i. Park & Pool 2004 Budget Approval Request

Discussed this budget has been applied to the total City Budget previously approved for publication.

- *Motion to Approve Park Board Recommended 2004 Budget*

Council Member McGinnis moved to approve the 2004 Park and Pool Budget as recommended by the Park Board. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:12 p.m.

Discussed clearing around the snack shack for the volunteer cement work to be done.

Community Building

Council Member Williams reported he had purchased the wood for the 'C' repair. Just have to

cut it out and hang it.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee (1 Vacancy – Can be within 3 Miles of City)

1. Approval of Updated Comprehensive Plan

- 1. *Approve Updated Comprehensive Plan*

Council Member Weitman moved to approve the updated Comprehensive Plan as presented by the Planning Commission. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:17 p.m.

2. Amend Use Permit for Frankie Howard, 104 S. 4th Street, New Addition, Retail Tobacco Sales to Include Bait Shop

- *Amend Use Permit for Frankie Howard for Retail Tobacco Sales and Bait Shop*

Council Member McGinnis moved to approve amending Use Permit to include Bait Shop as recommended by the Planning Commission. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:18 p.m.

UNFINISHED BUSINESS:

Water Project – Phase I, SmiCo Response for Contract

City Clerk Herrin reported SmiCo had responded in writing agreeing to the stainless steel materials and the contract had been signed for them to move forward. Unknown at this time as to when they expected to have all of the materials ready and begin the project at the water plant.

NEW BUSINESS:

None

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to ten minutes for legal following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:20 p.m.

Open Session Resumed at 8:40 p.m.

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OTHER BUSINESS

Beer Garden for Fiesta

Council Member McGinnis asked if the city about approval for a beer garden during the Fiesta. Discussed. This is for Jerry Chambers with the proper forms and application including his accepting the liability coverage. It would be for 3.2 beers. Concurred city was not totally against it. Mr. Chambers would have to get everything in order and make the request before the council could provide a definite answer.

Interlocal Agreement With Other Cities Update

Council Member Weitman reported he had been in touch with Rich Maxwell regarding setting a date for all of the cities involved to get together and get them set up to utilize this program

REGULAR MEETING

Year = 2003

that will be directed by the cities involved. Looking at July 31, 2003, for an evening meeting either in Ottawa area or the Stanley area. There are currently four cities involved.

City Employees Health Insurance

City Clerk Herrin reported a firm asking to present the city with other options for Health Insurance had contacted the city. Have discussed with the Employee Relations Committee and tentatively set up a meeting date of September 9, 2003 in the morning for a presentation to the committee.

CITY CLERK'S REPORT:

City Clerk's Written Report: None

NOTES AND COMMUNICATIONS TO COUNCIL:

a] *Kansas Government Journal* Volume 89, Number 6, June 2003

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Williams, voted on, passed 2-2 (No: Weitman and Boone).**

Mayor Barber adjourned the meeting at 8:53 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 15th day of July 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session with the 2003 Budget Hearing included on Wednesday, August 6, 2003. Council Members present were: Jerry Boone, Connie McGinnis, Terry Weitman, and Tony Williams. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Public Works Superintendent George Craig, Julie Funk; Roger Sims; Kelly VanTuyl, Dennis VanTuyl, Kenny Ross, LeRoy Turpen, Mark Seip, Lindy Cummins, Jimmy Lynn Farrell, and Mike DeMott.

Mayor Sam Barber called the meeting to order at 7:00 p.m. reporting the meeting agenda would be moved around to cover the water project first, break to have the Budget Hearing at 7:30 p.m., then due to extenuating circumstances would need to reschedule the meeting to reconvene at a later date.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Boone moved to approve the consent agenda that consisted of:

Check Register: July 16 – August 6, 2003;
Minutes of July 15, 2003 Regular City Council Meeting;

Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:01 p.m.

UTILITY IMPROVEMENTS REPORT

WATER IMPROVEMENT PROJECT

- i. Phase 1 Proposed Engineering Amendment #1
- ii. Phase 1 Notice to Proceed Authorization
- iii. Phase 1 Contract Authorization with Smi-Co Construction, Inc
- iv. Phase 1 Change Order

Mark Seip, with Kirkham Michael Engineers, reported they had reviewed the request for the engineering amendment to Phase 1 and were rescinding this amendment as the Phase 2 portion will be less and compensate. Mr. Seip reported the background of the amendment was looking at Phase 2 design, looking at building the chlorine tank, and keeping operations simpler was a change in scope of the original contract. Then looked at the overall project and deleting a lot of work in the next Phase II part, so with the attached handouts will just keep moving forward. Now to get Phase I going forward need to get the Contract approved and the Notice to Proceed.

Mayor Barber asked if the reconfiguration had been taken to KDHE?

Mr. Seip reported it was being done this week. Presented the design on the new clearwell. Presented handouts on the Change Order to add chlorine contact basin and the original letter from Smi-Co Construction.

Reviewed handouts. Discussed change orders and how they are handled after a contract is awarded.

Lindy Cummins reported the city needed to first award the contract, or award with deleting #6 for \$31,262 with a change order, or with the change order adding the chlorine contact basin. This does not have to be decided tonight; just the contract and then changes can be done later, including moving the basin to Phase II if the city wants to.

Council Member Boone noted the city needs to get this going and stay in compliance with the state. Asked if there was any room for deductions.

Mr. Seip noted they could not negotiate any reductions until a contract is signed.

City Attorney Sutherland noted he saw three choices: 1. Award Contract with change order; 2. Award Contract and leave as is; or, 3. Award the whole thing.

Mr. Seip responded all the council needed to do tonight was to award the contract and then look at contract changes. Mr. Cummins responded he felt the contractor just wanted to know the contract was awarded then they could move forward.

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WATER IMPROVEMENT PROJECT (Continued)

Discussed deleting Change #6 (Rapid Mix Structure) in Phase 1, with contract awarded contingent on this change. Noted city did not want the contractor doing something in the contract before the city has a chance to make the changes to the contract. Council Member Boone noted the city had already spent thousands of dollars and nothing has been done yet. Mayor Barber noted the city could have contractor put a hold on the Rapid Mix Structure.

Placed meeting on hold for Budget Hearing at 7:30 p.m.

7:30 P.M.: 2004 BUDGET PUBLIC HEARING

The purpose of the hearing was to receive public comment concerning the proposed year 2004 budget.

Mayor Barber began the Public Hearing by asking for comments or questions from citizens in attendance.

No one present had any questions or comments concerning the budget.

- *Motion to Adopt 2004 Budget*

Council Member Weitman moved to accept the year 2004 Budget as published. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:33 p.m.

- *Motion to Approve Ordinance #1292, Amending Local Taxes*

Council Member Weitman moved to approve Ordinance #1292, Amending Local Taxes, as presented. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:34 p.m.

Mayor Barber adjourned the hearing and resumed the regularly scheduled meeting portion.

WATER IMPROVEMENT PROJECT: (Continued)

Discussed the options to get Phase 1 project moving forward.

- *Motion to Accept Phase 1 with Change Order for Total Cost of \$245,497*

Council Member Williams moved to accept Phase 1 with the presented change order for a total cost of \$245,497. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:28 p.m.

- *Motion to Accept Notice to Proceed with Phase 1*

Council Member McGinnis moved to accept the Notice to Proceed with Phase 1. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:29 p.m.

- *Motion to Authorize Mayor to Sign Necessary Documents for Phase 1 Contract and Change Order*

Council Member Weitman moved to authorize the mayor to sign the necessary documents for the Phase 1 contract and change order. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:40 p.m.

REPORTS OF CITY OFFICERS:

Public Works Superintendent George Craig

Public Works Superintendent Craig reported the chip and seal on the roads was going well. Requested an extra \$10,000 that had been held back for other street repair items to go ahead and use it on the existing streets to keep them maintained and not lose any more ground with them.

- *Motion to Authorize Additional \$10,000 for Use on Chip & Seal of Streets*

Council Member McGinnis moved to authorize an additional \$10,000 to chip & seal more streets. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:42 p.m. Council Member Weitman noted was pleased to see the work being done to date. Council concurred.

ADJOURNMENT TO RECONVENE August 13, 2003

- *Motion to Adjourn and Reconvene on August 13, 2003 at 7:00 p.m.*

Council Member Weitman moved to adjourn and reconvene on next Wednesday, August 13, 2003 at 7:00 p.m. Seconded by Council Member Williams, voted on, Passed 4-0.

The meeting was adjourned at 9:35 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 6th day of August 2003.

REGULAR MEETING:

The La Cygne City Council met in regular rescheduled session on Wednesday, August 13, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and Tony Williams.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; City Fire Chief Ernie Moylan; Mike DeMott; Roger Sims; Kelly & Dennis Van Tuyl; Julie Funk; Angie Differ; Esther Shields; Sara Weatherman; and _____ .

Mayor Sam Barber called the meeting back to order at 7:00 p.m. with a full quorum was present.

UTILITY IMPROVEMENTS REPORT

A. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- i. Amendment Revising Original Loan Agreement

- *Motion to Approve and Signing Amendment #2 Revising Original Loan Agreement*

Council Member Robbins moved to authorize the signing and approval of the increased amount to Amendment #2 revising the original loan agreement. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:03 p.m.

- ii. Ordinance 1291, Authorizing the Execution of a Second Amendment to the Loan Agreement

- *Motion to Approve Ordinance #1291*

Council Member Robbins moved to accept Ordinance #1291 as presented. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:05 p.m.

- iii. Form of Opinion of Municipality’s Counsel

Mayor Barber instructed City Attorney Sutherland to provide the Opinion of City’s Council for the amendment to the loan agreement.

- iv. KDHE Certificate of Completion

Noted KDHE had submitted letter noting completion of the project numbered CDBG #99-PF-038.

- v. EDA Final Construction Summary

Noted EDA Final Construction Summary report received for the project.

- vi. KDHE Final Walk Through Report

Noted KDHE had completed final walk through last Wednesday, August 6, 2003 with an approval from them.

- vii. Insituform Change Order #5 – Final

The final change order reduced the final expenses with contractor Insituform Technologies to a final cost of \$428,410.50. Requesting final payment with no retention.

- *Motion to Accept and Sign Change Order #5 with Insituform Technologies*

Council Member Robbins moved to approve and sign Change Order #5 as presented. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:09 p.m.

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UTILITY IMPROVEMENTS REPORT (Continued)

CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- viii. Insituform Pay Request #7 – Final

Requesting final payment with no retention. All work has been completed.

- *Motion to Approve Final Payment of \$120,850.84 to Insituform*

Council Member McGinnis moved to authorize payment to Insituform in the amount of \$127,850.84. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:10 p.m.

- ix. Certificate of Completion Form from City to KDHE

- *Motion to Authorize Signing Certificate of Completion Form to KDHE*

Council Member McGinnis moved to authorize Council Member Weitman to sign the certificate for KDHE. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:12 p.m.

B. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. Authority to Cease Service for Three Rural Customers

City Attorney Sutherland reported to move forward with the change in gas line the city would need to authorize the necessary paperwork be sent to the state authority and the customers involved would need to be contacted by the city to begin the process. He could send the necessary paperwork to the state.

- *Motion to Start Paperwork and Contact Customers*

Council Member Boone moved to put in motion the required paperwork to the state and to contact the people involved. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:16 p.m.

DISCUSSION FROM THE FLOOR:

- a. Esther Shields, Requesting Waiver of Building Permit Fee for Historical Society to Move

Star Valley School Building to City Historical Site

Esther Shields reported the La Cygne Historical Society is looking at purchasing the Star Valley School and moving it to the City Historical Museum Site. The cost is \$2,000 to purchase it. Now looking at costs to move it. Would like for the city to waive the building permit fees for this move if it is accomplished.

- *Motion to Waive Building Permit Fee for Star Valley School Building*

Council Member McGinnis moved to waive the Building Permit Fee to bring the schoolhouse into town to place by the Historical Museum. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:19 p.m.

Esther Shields reported their current information for costs included a house movers bid of \$6500; \$2500 to move the old foundation; REA gave a cost of \$1,200 for their lines to be moved; content items from others to put back in the building for \$2500; and then there will be other costs from other utilities to move around their lines. This total cost is above their budget and looking for help with these additional costs.

Discussed other possibilities such as grants the society could look into.

b. Kenny Ross, Regarding Road on South 7th Street

Noted Kenny Ross was not present. Had reported to council members he was happy with the work that had been done by the city crew on the street earlier this week.

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DISCUSSION FROM THE FLOOR: (Continued)

c. Sara Weatherman with Ash Grove Aggregates

Sara Weatherman with Ash Grove Aggregates expressed concern with the city's method of bids for rock. Explained the process the city went through earlier this year for bids and after receiving the open bids information had added a verbal \$.25 more for washed chips from Ash Grove. This written bid information made Ash Groves chips cheaper than the competitors and was expecting to get the business for these chips when the city ordered. Then found someone else had already delivered the rock to the city. Asked why.

Public Works Superintendent responded he had understood on big orders he was to still call and get a final price and when he did this the price changed to where both places were the same cost. Checked with a couple of council members and went with the same company as purchasing other rock.

Mayor Barber noted the city did accept the option to use either bid submitted.

Determined there were no quality issues.

Discussed to have the price change after printed does not seem fair, unless it is for quality.

Discussed the city needs to be more specific in the future when getting bids for rock. Noted appreciation for what Ms. Weatherman was trying to do and will try to use more forethought in the future.

Ms. Weatherman thanked the council for their time and asked if there were any future changes in the city's rock use she would like an opportunity to share in the opportunity to do business with the city on behalf of Ash Grove Aggregates.

d. Angie Kiffer Regarding Speeding Traffic by 214 S. 5th Street

Angie Kiffer reported there were vehicles going too fast by her house and in her alley. It needs to stop and the city needs to make it stop. Stated when she calls to report the incidents no one comes from the city. Wants laws enforced in her area and needs the speed limit lowered. Reported two vehicles when down her alley at fifty miles an hour and the police officer on call already knew about it when she reported it but the officer continued to sit at the liquor store. Ms. Kiffer noted she was really frustrated as so many cars are going to the White's house and these kids are drinking and driving and she is fed up so what can be done. Mayor Barber noted the officers are working, but are not out all of the time.

Ms. Kiffer reported she knows people going into Casey's and drinking and driving and getting

away with it and it needs to be stopped. Knows of drink' in and dopen people down the street from where she lives and nothing is done about it.

Ms. Kiffer noted the officer did find one of the drivers from the particular incident and the officer did speak with them, then she found out it was called road rage. This is bullshit. My kids don't play in the road, but the alleyway is different. Ms. Kiffer reported she followed behind this vehicle and was going fifty miles an hour in her vehicle. Took down the tag number, found Chuck and told him to do something about it now. He ran the tag and told her he would be there in a minute. Ms. Kiffer stated she was sure the driver was drinking and smoking and wanted a breathalyzer test done on her but Chuck would not run one – it should have been done.

City Police Chief Farrell reported he did not smell or see evidence of alcohol so had no probable cause to the test. Ms. Kiffer asked if she had not been drinking why would they swap places from the drivers seat. City Attorney Sutherland responded the officer has to have probable cause and did not appear to be there at that time.

Ms. Kiffer wanted to know what was going to be done to stop it. If nothing then she wanted to put a fence in her front yard for some protection for her children. And, it needs to apply to everyone, not just certain people as now certain laws apply to some but not to others.

Council Member Robbins noted it sounded like the officer did take action, but there are actions he cannot do without cause.

Mayor Barber advised Ms. Kiffer should not go at same speed because that puts her in the wrong too.

Ms. Kiffer disagreed and noted she wanted as fence as right now she could not even put a fence in her back yard.

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DISCUSSION FROM THE FLOOR: (Continued)

d. Angie Kiffer Regarding Speeding Traffic by 214 S. 5th Street (Continued)

Codes Officer Farrell noted Ms. Kiffer could put a fence in her back yard with back yard requirements.

Discussed process of La Cygne officers allowing citizens to sign tickets, which is not done by the county nor the state police departments.

Ms. Kiffer stated she expected somebody to acknowledge there are drugs going on down the street from her house and really fed up nothing is being done. Discussed what had occurred in the area to watch for speeders. Discussed residential speed limits. City has the choice to lower below the standard thirty miles per hour if the council wants to make the decision and post the different speed limit throughout the area it is to apply to.

Mayor Barber asked the Public Safety Committee to check further and get back with the council with their ideas.

Ms. Kiffer thanked the council for listening.

e. Dennis VanTuyl Regarding Progress with Alley Behind His House

Dennis VanTuyl asked if the council had received any signed forms from the Williams yet. Mayor Barber responded not yet, would be checking back with them.

Discussed the need for more community interest in city business and would be continuing to come to show support and involvement.

f. Mike DeMott Regarding Access to Alley Behind His House

Mike DeMott asked what had been done to provide access for utilities in the alley behind his house. Devona Herrin reported they had given the utilities consent to cross their property and Mr. Medlin has also indicated the utility companies could obtain access through his drive to the alley area. Discussed a tree still in the alley that was to be cut down. Will check further to make sure there have been no changes.

g. Kelly VanTuyl Regarding Width of Grandview

Kelly VanTuyl asked how wide Grandview was. The map was not at the meeting. She will check with city hall later during business hours.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for July 2003. Working on a report for the next meeting for a possible consideration of condemnation.

Public Works Superintendent George Craig

Public Works Superintendent George Craig reported on the following items:

11. Chip & Seal Update – Thanked Chuck, the truck drivers, city crew, and everyone else who helped with the chip & seal street project. The street corners are done south of Market. Will stop now to see where the budget is once these bills are paid then if there is any money left will finish corners in September.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

12. Water Operator Maintenance Course at FSCC – FSCC is providing this course beginning August 18th for eighteen weeks. The course is \$800 per person and the hours are Noon to 4:00p.m. each Monday and Wednesday. Requested permission to send Jon Henry and Jerome Moore to the course. Jerome would then test in December and Jon next March when he has been working with the water plant for a year. Discussed sending one employee this year and one next year versus sending both this year. Reviewed the water budget for expenses. Council expressed concern over budget as reason to only send one this year.

- *Motion to Send Jerome Moore to Water Operation Class at FSCC*

Council Member Robbins moved to send Jerome Moore to the Water Operation Class at FSCC. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:12 p.m.

13. New Water Contact Basin - Reported the contractor working on building the new water contact basin has met with a water line that cannot be moved and the basin will need to be moved four foot south and two foot east of the original design to fit the area. Asking for acknowledgement since this is different from the original diagram.

- *Motion to Move Basin South Four Feet and East Two Feet*

Council Member Boone moved to approve moving the new water contact basin four feet south and two feet east due to the underground water line. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:15 p.m.

Fire Chief Ernie Moylan

Fire Chief Ernie Moylan reported the eight air packs the fire department require being rehydroed. Would like to purchase two more air packs prior to sending them off to be checked and repaired if needed so as not to be short any while this process is in place. The bottles are \$450 each and they come ready for service. The others should be tested within every five years in the future. The cost of testing is \$22.00 each, and if a total valve replacement is

REGULAR MEETING

Year = 2003

required this is up to an additional \$67.00 each. Need to set up an account with Keller Fire and Safety to have them tested and any repairs needed done.

- *Motion to Set Up Account With Keller, Purchase Two Bottles, and Update Bottles*

Council Member Robbins moved to set up an account with Keller, purchase two air pack bottles for \$450 each, and start sending in the eight existing bottles for testing and repairs as needed for a cost not to exceed \$800 for all eight. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:22 p.m.

STANDING COMMITTEE REPORTS:

Streets

Mayor Barber asked the committee if they had had a chance to review the request from Jim Burke to look at west Lincoln Street. Committee just received the request and had not had time to get together and look over the options, if any. Noted this particular part of the street is supposed to be built originally from ditch materials, not solid street materials. Noted Public Works has been working on widening South 7th Street.

Park

Council Member Robbins asked if there was any ordinance for tearing up city property such as the basketball goals that had been bent at the North Park. Will look at putting up signs against destruction of public property.

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STANDING COMMITTEE REPORTS: (Continued)

Community Building

Reported the prisoners had tarred the roof in places this week.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported there are several queen candidates this year. The next meeting is Monday, August 18, 2003. All are welcome.

Emergency Disaster Committee

Did not meet this month.

UNFINISHED BUSINESS:

Stipend for City Representative Attendance for Marias des Cygnes Water Assurance District #2 Meetings

Mayor Barber reported Esther Shields has agreed to continue to be the representative for the city for this district. Asking for a stipend for her attendance to these meetings in the amount equal to a council pay per meeting.

- *Motion for Council Pay Per Meeting for City Representative*

Council Member McGinnis moved to pay council pay per meeting for attendance to the water district meetings. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:30 p.m.

Kansas Shared Services Authority, July 31, 2003 Meeting Report

REGULAR MEETING

Year = 2003

Mayor Barber reported there are four cities currently involved with this new entity. They met together with Alex of A&L Underground to establish some beginnings. The City of La Cygne was voted to be President of the Committee. Council Member Weitman reported the entity had possibilities but would need to convince other cities for more participation and to grow to survive.

NEW BUSINESS:

Ordinance #1289, Updating “Uniform Public Offense Code” for Kansas Cities

- *Motion to Approve Ordinance #1289, Update “Uniform Public Offense Code”*

Council Member Robbins moved to adopt Ordinance #1289 as presented. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:34 p.m.

Ordinance #1290, Updating “Standard Traffic Ordinance” for Kansas Cities

Discussed spelling of KANSAS in description of ordinance.

- *Motion to Approve Ordinance #1290 with correcting spelling for KANSAS*

Council Member Robbins moved to approve Ordinance #1290 with correcting KANSAS’s spelling. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:36 p.m.

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NEW BUSINESS: (Continued)

“Kansas Association for Court Management” Conference, September 18-19,2003. Overland Park, Kansas, for Court Clerk Linda Elder

- *Motion For Attendance to Court Management Conference*

Council Member McGinnis moved to approve attendance to the Court Conference with per diem. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:38 p.m.

Distribution of Park Money

Discussed the amount of distribution this year was the same as past years, \$1,200. Council asked if either of the associations had provided any evidence to the city as to cost for the ball associations. Requested the City Clerk write letters to both associations requesting the information prior to making any distribution.

Executive Break

- *Motion to Take Ten Minute Break*

Council Member McGinnis moved to take a ten-minute break. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:43 p.m.

Open Session Resumed at 8:43 p.m.

OTHER BUSINESS:

Payment for Pemberton Excavation for \$2,710

City Clerk Herrin requested payment for Pemberton Excavation for two trucks used for the

chip and seal street project so as not to delay payment to Mr. Pemberton.

- *Motion to Approve Payment of \$2,710 to Pemberton Excavation*

Council Member McGinnis moved to approved the payment of \$2,710.00 for two trucks from Pemberton Excavation. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:53 p.m.

Envision Group L.L.C. 'Right-of-Way Agreement' Amendment

City Clerk Herrin presented another wider area around Casey's where KDHE has asked Envision Group to place wells searching the area for ground contamination. City Attorney Sutherland asked what the time frame was for these wells, as it was not listed on the agreement. City Clerk will contact Envision Group and bring additional information to the next meeting.

City Web Site

City Clerk Herrin reported City Treasurer Linda Elder is getting ready to begin a web page for the city through the Library web site. Asked if the city council or any one else had any ideas on what they would like to see. Discussed some council members looking at other city web sites and then would get back with ideas.

Natural Gas Report

Mayor Sam Barber reported the city had received information on an anti-trust suit being filed against the gas companies for prices. Council Member Weitman reported he had also read the report and the company was basing it's information on how predictions of gas prices was to be around \$2.70 for the next ten years just a few years ago and now they are way past that price. Discussed if the city did not join in the actual suit would the city be entitled to any monies recovered should that occur. City Attorney Sutherland noted if the city did not join in and was

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OTHER BUSINESS: (Continued)

Natural Gas Report (Continued)

just an average member from being a part of the whole then the average member does not always receive as much as those participating in the suit. Not sure what the potential to receive from the suit would be so hard to determine if it would be to the city's advantage to join in. Will try to research and put on next agenda.

Budget Reports

City Clerk Herrin presented two different reports for monthly and annual budget/expense and revenue reports for review as to how council would like to have the reports for review. One report included a percentage of each budget versus revenue/expenses for that budget. Determined the percentage in the report was helpful. Will use this report.

Trash on Market Between Lonesome Dove and Flea Market Businesses in Ditch

Council Member Boone reported there is trash building in the ditch or ravine between two businesses on Market Street. Asked to have this addressed, as it is illegal dumping. Will have Codes Officer look into it.

CITY CLERK'S REPORT:

City Clerk's written report included:

- a. FRA Payment for 2003 is: \$3,379.45
- h. Park Distribution Amount is \$1,200.00.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Park Board Meeting Minutes of July 27, 2003
- b] Benefits for Kansas Firefighters Relief Fund
- c] Water Totals Through June 2003
- d] *Bond Counsel Bulletin* July 2003, Triplett, Woolf & Garretson, LLC
- e] Planning Commission Meeting Minutes of July 10, 2003
- f] KMGA Updates
- g] KMGA Annual Report
- h] *Developing Kansas* Summer 2003, Volume 5, Number 4, KDCH
- I] "Kansas Association of County Planning & Zoning Officials"
- J] *Kansas Government Journal* Volume 89, Number 7, July 2003
- K] *KRWA Clarifier* August 2003 – City Attorney Sutherland noted he had also received a letter regarding the Statement of Financial Interest Response from KRWA to the Rural Water Districts and this does apply to them.

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member Boone moved to adjourn. Motion seconded by Council Member McGinnis, voted on, 5 – 0.**

The meeting was adjourned at 9:25 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 13th day of August 2003.

The LaCygne City Council held a Special Meeting at 5:00 p.m., Wednesday, August 18, 2003, at LaCygne Community Building. The purpose of the Special Meeting was regarding: 1. Water Project – Phase I Status.

Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, and Tony Williams.

Others present included: City Clerk Devona Herrin, City Attorney John Sutherland, Public Works Superintendent George Craig, Jerome Moore, Art Terry, Julie Funk, and Roger Sims.

Mayor Sam Barber called the Special Meeting to order at 5:00 p.m.

Mayor Barber announced the purpose of the Special Meeting was for:
1. Phase I of the Water Project.

Mayor Barber expressed appreciation for the press being available on such short notice then asked for an update on the current status of the water project.

Public Works Superintendent Craig reported they became concerned when Mark (Kirkham Michael Engineers) called last Thursday asking for some contact time figures for the plant that they felt should have been part of the initial engineering information gathered prior to the project being put in place. George then called KDHE to make sure the project had been approved by the state and was told it had not been approved and with the information George provided the chlorine contact basin would not be approved at all. Reported Rex Cox (Topeka KDHE) did not have any

paperwork for the La Cygne project and Kirkham Michaels is saying KDHE does have the paperwork and gave verbal approval. Discussed other issues regarding the project status. KDHE did ask the City to *Stop* the project until further notice from them.

Discussed who should inform the contractor. Discussed the possibility of a meeting with Rex Heape, Rex Cox, and Dan Claar of KDHE, the City Council Members, Kirkham Michael Engineers and City Employees so all would hear the same information as to what is required to keep the water plant in compliance with the pending state requirements. Dan Claar is unavailable until this Friday to try to set a date. Did discuss the possibility of next Wednesday, August 27th if at all possible with Dan Claar's schedule.

Mayor Barber asked if ceasing any of the contractors work for the updates would cause any problems with the current running of the plant. Mr. Craig responded 'No'.

Council Member Boone noted the contractor would expect payment for the work done and think this should be the engineer's responsibility. Discussed being told by the engineers in previous council meetings there was KDHE approval and still maintains it's approvable. Noted the City Council had moved forward with the project on the engineer's direction and now find there are problems with KDHE.

Discussed how to halt project. Engineers were unavailable to attend tonight due to other commitments. Did say they would have a fax report before the meeting, but it was not here at the time the meeting began. Mr. Craig left the meeting to check for a fax. Discussed who should be responsible for any additional fees due to the hold up and to let the contractor know it was KDHE halting the project for lack of approval to the engineers.

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Public Works superintendent Craig presented a fax from Mark Seip with Kirkham Michael Engineers. Noted the replacement media did not originally require approval but was submitted for information. Then with the change to build the chlorine contact basin it changed the requirements of approval from KDHE.

City Clerk Herrin reported Rex Heape with KDHE had also contacted her as well as Public Works Superintendent Craig to alert the city to make sure construction was halted until the city received written approval from KDHE. Dan Claar with KDHE is the one who has to write these letters of approval.

Public Works Employee Art Terry explained from previous cities he had worked for there is a study of the plant for improvements, then the plans are ok'd by the city council, then plans are sent to the state for approval, the they are sent out as bid documents and the bids accepted, and go forward with construction.

Council Member Boone noted they (the city) had looked at the plans and asked for gravity flow for fewer potential problems in the future. Discussed the reason for hiring a professional group was for the information to be the best possible option. Concerned as to what has actually occurred.

Discussed the desire for all to hear at the same time what is actually being required of the city water plant to meet state requirements. Discussed the possibility of another engineer sitting in on the meeting.

- *Motion to Suspend Construction Per KDHE Recommendation*

Council Member Weitman moved to follow the recommendation of KDHE to suspend construction until Kirkham Michael's obtains necessary critical information to KDHE and receives the required approval. Seconded by Council Member McGinnis, voted on, passed 5-0.
Time: 5:24 p.m.

City Attorney Sutherland noted the fax from Mark Seip says the contractor SMI-CO is doing the drawings for Kirkham Michaels to send to KDHE. Discussed who should be responsible for any costs associated with this delay. Discussed any other possible hold ups for the media repair. Mr. Craig noted the contractor was waiting on the tax-exempt form to order the products.

Mayor Barber asked if there were any further discussions?

Discussed the possibility of legal action if the project creates additional expenses.

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Robbins, voted on, passed 5-0.**

Meeting adjourned at 5:33 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 18th day of August 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, August 20, 2003, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and Terry Weitman. Absent: Tony Williams.

Others present at some point in the meeting included: City Treasurer Linda Elder, City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Fire Chief Ernie Moylan; City Public Works Superintendent George Craig; Jerome Moore; Art Terry; Lindy Cummins with Kirkham Michael Engineers; Robert Perkins; Roger Sims with Osawatomie Graphic; Julie Funk with Linn County News; LeRoy Turpen; Robert Turpen; Kelly and Dennis VanTuyl; Joe Weeks; Ron Pendagrass; Angie Kiffer; and Rick McRae.

Mayor Samuel Barber called the meeting to order at 7:00 p.m. Noted the meeting would be recorded.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda with a change on page 19 of the minutes under 'Other Business' for payment to Pemberton Excavation whereas it should read 'seconded by Council Member Boone' not McGinnis as she made the motion, otherwise as presented that consisted of:

Check Register: July 3 – 15, 2003;
Minutes of July 2, 2003 City Council Meeting;
June 2003 Treasurers Report;
June & YTD 2003 Budget VS Revenue & Expenses Report
2003 Second Quarter Financial Statement.

Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:01 p.m.

UTILITY IMPROVEMENTS REPORTS

b. WATER IMPROVEMENT PROJECT

ix. Phase I Update

Lindy Cummins of Kirkham Michael Engineers apologized from the engineers part as they had assumed they could go ahead with the shop drawings of the project as the original project did not have any new construction, then the change in the contract changed this. Dan Claar now wants detailed information of the entire project. Now understand Dan Claar wants to have a meeting with everyone. Mayor Barber noted the city was informed they did want a meeting and it was tentatively set for Wednesday, August 27th, but won't know for certain until Friday of Dan's schedule. City been told to put the project on hold until we get more information from them. Lindy reported they have asked for all detailed information on the project to them. They will not respond until they have all the information they want for a decision. Discussed the meeting will be in La Cygne, understand the exact location would be where all information can be spread out for all.

During the excavation they have found a 4" water line that could be replaced with a 2" water line. Now is the time to do it if you are going to be doing it. Believe this line just runs to the water plant. George noted it just feeds the water plant. Noted it is clean water.

Wonder what contractor thinks of this. Lindy reported they had apologized to the contractor and contractor responded no problem unless it rains. Mayor Barber asked if there weren't some concerns for the media. Lindy concurred KDHE had asked for the shop drawings. Council Member Weitman reported he understood there were some requirements to be done with the status of the construction that has been done to date and now stopped. Mr. Craig reported he had checked with SMI-CO and they did have the materials to shore up the open line in the pit, then later told they did not but could get the materials at the city's expense. The City employees took four-inch gas line pipe and shored up the line themselves at own expense.

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b. WATER IMPROVEMENT PROJECT (Continued)

i. Phase I Update (Continued)

Council Member Boone reported that in all the conversation about the system the way it is now set up will turn the water an orange color or something. Lindy noted he had not heard that before. George concurred with the current process under construction the water will be orange or black. Good water, just colored. Council Member Boone directed Lindy Cummins to check that. Council Member Robbins asked if this shouldn't be one of the items discussed at the meeting with KDHE. Council Member Weitman noted it would be Friday before we know when this meeting will be. Mayor Barber noted tentatively the 27th, but will not know for sure till Friday. Mayor Barber asked if there was any more discussion.

e. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

xiii. SRF Drawdown Request #6 for \$136,537.52

Discussed this is for work completed, now authorizing the drawdown request for reimbursement from SRF funds. Unless other work is identified later there will be no further drawdowns.

- *Motion to Approve Drawdown Request #6 of \$136,537.52*

Council Member McGinnis moved to approve drawdown request #6 in the amount of \$136,537.52 and authorize signing the request. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:15 p.m.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

i. Update

Lindy Cummins reported they are in the design plans and specifications with three easements being potential problems. Council noted one landowner refused to meet with city council members to discuss easements with him just this afternoon. Lindy Cummins reported he would be meeting with Aquila on Friday then put the gathered information to date on the map. City Attorney Sutherland reported he was getting the letter sent to the state on moving the line and letters to the three customers in question that will be affected. City Clerk Herrin reported Twin Peaks provided information they should have a report on the final easements next Friday.

a. **SEWER PROJECT (Continued)**

ii. Removal of Septic Tank at Oupost

Lindy Cummins reported the septic tank at the business known, as "Outpost" did not get salvaged as originally agreed. They checked for excavating and removing costs but no one would guarantee it could be removed without damaging it. Priced out a new septic tank. Discussed with the owner at the time of agreement, Leon Rhodes, and he would accept a 1,000-gallon tank. Mr. Rhodes wants to work any agreement through the city even though Kirkham Michaels has accepted the responsibility on behalf of the city. Kirkham Michaels has agreed to pay \$750 to Mr. Rhodes in exchange for a release from Mr. Rhodes to the city and Kirkham Michaels, but he wants to go to the city for this release. City Attorney Sutherland noted that would be ok and he would draw up the agreement. Kirkham Michaels will make a check out to the city then the city can exchange checks with Mr. Rhodes when he signs the release.

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c. **GAS IMPROVEMENT PROJECT – CDBG GRANT (Continued)**

iii. Engineer Design Invoice

- *Motion to Approve Design Payment of \$7,194.20*

Council Member McGinnis moved to approve Invoice #56144 in the amount of \$7,194.20 for gas improvement design. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:25 p.m.

DISCUSSION FROM THE FLOOR

7th & Sycamore Resident(s) Concerning Traffic

Bob Perkins, 617 Sycamore reported he had kids down there and tonight went down there observed an erratic display of bad driving. Just a lot of not caring, driving around of 40-50 mph and kids on the side of the road. Have a lot of kids down there from tricycle age to bicycle age. They are kids. They are out there along the edge of the road. There are kids all the way around the corners of the road. Went around and got a petition of those in the area. There are 26 signatures wanting a four-way stop. Everyone in the trailer park, all of those east and north of me, could not get a hold of anyone west of me. Presented list to the council. Mayor Barber reported he had a few previous discussions with Bob to put two stop signs in place and spoke to George about the hold up and found it was for a one call. Will need to get some more stop signs to put up two more. George reported they couldn't be put up till tomorrow to meet the one-call requirements. Will have to get a 4-way sign. Mr. Perkins said 2-way is better than none. Will take the two now and the other two later. Mayor Barber noted personally if that is what the neighborhood wants he don't have a problem. Council concurred no problems. Travis asked again if there were any foreseen problems to putting up a stop sign? None noted.

- *Motion for Four-Way Stop Sign at 7th and Sycamore*

Council Member McGinnis moved to authorize a 7th and Sycamore to amend the two-way stop signs now to a four-way stop. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:30 p.m.

Council Member Robbins reported he thought as soon as it was ok to put them up they would be put up, was that correct? Public Works Superintendent Craig responded they had a swimming pool they had to drain tomorrow and try to blow out and several other things, but will try to get it as soon as we can. Ms. Kiffer said she thought probably a stop sign would be more important than a swimming pool. Mr. Perkins said at this time right now I could go back to those same 26 people and they would say the stop sign is more important than the swimming pool, these are our children, they have to be alive before they can go to the swimming pool to swim; not ran over by a car. Mr. Craig reported they would get to it just as soon as they possibly could. Mr. Perkins responded he was told they would be here at 10am this morning and then got home from work and they weren't so that was why he was there tonight. City Clerk Herrin responded that it was her fault; she did not know there were changes in the one call requirements and was out of the office today or would have let the Perkins' know if she had known. Reported George did not know what she had told the Perkins prior to her being out of the office and did not know there was now another day added to the one-call requirements.

Dennis & Kelly VanTuyl Regarding the Status on Alley

Dennis VanTuyl asked if the pending paperwork had been signed yet. Mayor Barber responded he had not had a chance to get back with Ms. Williams yet and it had not been returned yet. He would try to get that done.

DISCUSSION FROM THE FLOOR (Continued)

Angie Kiffer, 5th & Elm

Angie Kiffer reported she was back and having the same kind of problems as the gentleman over there with traffic. It is the same traffic down the street. I'm not going to stop. I want something done, I want the officers to do their job, they don't need to be burning gas sitting. If they are having problems maybe they should be there and not just sitting and talking. When the kids are speeding 40 mph they need to be stopped, not just watch them go by. The other night the same kids swerved at my car with my mom in the car and then they were back screaming obscenities at my mom. Mr. Perkins said this goes on all the time with a whole list of problems, and she lives about 4 doors down. Ms. Kiffer then said she went to the officer and told him and then all I said to the girls was 'shut up little girl', but then the officer doesn't say anything to them, but then whenever my mom pulls up and was extremely frustrated and scared and the girls were cussing and my mom was cussing and you know what he did, he didn't say anything to the girls, he told my mom to shut up or he was going to arrest her. I want it to stop. I will keep going to whoever, the state or whoever. Mr. Perkins said they get no acknowledgement on their road from the police. They just zoom past when the police are setting on Market. Continued stating unhappiness of how the teenagers are going too fast in their area of town. Reported the teenagers are cussing the adults. If the city does not take care of the problem then they will. Ms. Kiffer offered to take the job of city police officer to get the problem taken care of. Mr. Perkins stated he felt 30 mph was too fast for the narrow streets of this city. Ms. Kiffer noted the problem is not the neighbors, but in one house and there are kids driving to that house at all times of the day and night. Discussed lowering the speed limit in residential areas. Driving is not a right but a privilege. Discussed changing the speed limit with an ordinance in identified locations throughout the entire city. Discussed curfew for minors.

Council Member McGinnis noted she had not had a chance to get with Committee Member Williams to review what is best for the entire city. Mr. Perkins said he felt it was best for the city council to do what his neighborhood wanted. Public Safety Committee will look at lowering the speed limit for residential.

Lincoln Street West of Broadway

Residents Rick McRae and Joe Weeks were present asking about when any work was going to be done on this street that is crumbling. Council Member Weitman reported he had looked at the road and didn't feel there was anything that could be put on it to fix it, needs scarified and put back. Then there is the city's financial situation to get the work done. Discussed if maybe check with the county to see if they could help with the scarifier process. Citizens asked for some kind of time frame the city would stick to for the repairs. Concurred it needed to be torn up and build a base. Would be rock for a while during the base period. Mr. McRae asked about the trees on the edge of the road that are not being trimmed by the property owner, how can they be addressed.

Concurred the city would address this street as soon as possible and would first check with the county.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell reported on written report for August 1 - 19, 2003. Reported he and Officer Watson had completed the proper intoxilizer profency tests.

Public Works Superintendent George Craig

- ix. None at this time.

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REPORTS OF CITY OFFICERS: (Continued)

Fire Chief Ernie Moylan

- iv. Electric Primer Motor for Fire Truck

Fire Chief Ernie Moylan reported the electric primer motor had gone out of the Pierce Fire Truck. Current estimates were under \$550 dollars. Scott Stainbrook was looking for the best price and where to even find one. City Treasurer Linda Elder reported Scott had found one today and the cost was under \$500. Thanked Scott for doing a good job on the price.

STANDING COMMITTEE REPORTS:

Park

Council Member Robbins reported they are winterizing the pool the end of the week with the help of public works department.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the committee had changed the age group of the queen back to the high school girls as it used to be and apologized to anyone who was upset because they had not been notified of the change, or how it was being done. Did not leave anyone out intentionally. Next meeting is September 2nd at City Hall, still asking for help. Will try to get the Prince and Princesses lined up this week for photos in the newspapers.

Planning Commission Committee (a Vacancy – Can be within 3 miles of city)

1. Comprehensive and 3-Mile Plan
2. Temporary Business Signs and Banners

Chairman Randy Tinsley was unable to attend to discuss. Tabled till next meeting.

UNFINISHED BUSINESS:

Envision Group Right-of-Way Agreement

Noted the time frame in the agreement was when the reports were complete and the property would be put back with the equipment removed.

- *Motion to Approve Agreement with Envision*

Council Member Robbins moved to approve the agreement with Envision Group and authorize signing. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:25 p.m.

NAGC Requesting Injunction for Natural Gas Prices

Council Member Weitman reported he had contacted NAGC to find out for sure what the cost would be if the city did join in filing the injunction and the cost is \$.10 per unit of gas for the time filed forward. It could take several years to settle. NAGC mentioned several would be signing up in September, but did not provide numbers of how many had or would be, just several. If the gas is locked at \$5.50 that adds less than 2% to gas costs. If it's a good case will likely be settled before going to court.

City Attorney Sutherland reported the city would need to figure out what the actual costs would be and what the potential of possible recovery would be if there was a settlement. City would have to go back and determine excess gas over the cost of \$2.74 and how much of it was used. Noted any class action settlement would be more if the city was a principal in the suit.

Tabled till next meeting. City Clerk to contact other cities for their comments.

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NEW BUSINESS:

SEK Meeting, August 27, 2003, 12 Noon, Linn County Courthouse

No action. May be another meeting that day.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to forty minutes following a ten-minute break for legal and personnel. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:40 p.m.

Others invited into or requesting a portion of executive time was: George Craig.

Open Session Resumed at 9:25 p.m.

OTHER BUSINESS

City Wide Clean Up

Discussed how to get the word out to the citizens. Already put on the notice board. Will put up fliers. Council requested a note be put on the utility bills going out first of September.

City Credit Card

Discussed the city obtaining a credit card for when items have to be purchased over the phone and paid for at the time of purchase.

- *Motion to Authorize Pursuing City Credit Card*

Council Member Robbins moved to authorize pursuing research for a city credit card. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 9:35 p.m.

Art Terry and Jon Henry, Vacation Time for 2003

Mayor Barber reported the city council had approved a week's vacation for both employees for this year after their probation time had passed as part of the hiring process. Now needed to get it as part of the records.

- *Motion for One Week's Vacation as Condition of Employment*

Council Member Weitman moved that as a condition of employment a one-week vacation was approved as hired early in the year for both Art Terry and Jon Henry. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 9:38 p.m.

Water Pressure Concern for Two Residents North of Town

Mayor Barber reported it had been brought to his attention of the concern of water pressure for two residents on the north end of town. Requested Council Members Jerry Boone and Connie McGinnis look into this pressure issue and report back. Changed from committee members as one entity are Council Member Robbins' parents.

City Wide Garage Sale

City Clerk Herrin reported the Chamber of Commerce is doing the advertising and adding a map this year. It is Saturday, September 6, 2003.

OTHER BUSINESS: (Continued)

Flag on South Water Tower

Council Member Boone expressed concern that the flag on the south water tower is not working. Several members in the community as well as members of the council also look at that flag to tell how much water is in the tower. Would like to see it fixed. Discussed the utility report in "Notes and Communications" that indicates the float system is scheduled to be done. Would like to make sure it gets done.

CITY CLERK'S REPORT:

City Clerk's Written Report: None

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMU "Public Relations & Accounting Workshop"
- b] MLA "Home Rule: Legal Concerns, Issues & the Future" Course
- c] KMGGA Agenda & Minutes
- d] LKM 95th Annual Conference October 11-14, 2003, Topeka, KS
- e] MLA "Ethics in the Public Sector" Course
- f] Kansas Water Office Letter Regarding Kansas Drought Issues

- g] Utility Service Inc. Report on South Water Tower
- h] FSCC "Utilities Management" Course, Parsons, KS
- I] Paola Adult Education Classes
- J] *League News* Volume 8, Number 15, August 8, 2003

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Weitman, voted on, passed 3-1 (No: Weitman).**

Meeting adjourned at 9:43 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 20th day of August 2003.

REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, September 3, 2003 at the La Cygne Community Building. Council Members present were: Connie McGinnis; Travis Robbins; Terry Weitman; and, Tony Williams. Absent: Jerry Boone

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; City Police Chief Glenn Farrell Jr.; Mike DeMott; Kelly and Dennis Van Tuyl; Staci Barthole; Kim Halaquist; Randy Lee; Tami Henry; Mark B Lee; Debbie May; Mike VanVlack; Ron Pendergrass; L. M. Lee; City Fire Chief Ernie Moylan; Lindy Cummins with Kirkham Michael Engineers; Angie Kiffer; Jimmy Lynn Farrell; and Shawn Ferrell.

Mayor Sam Barber called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Robbins moved to approve the consent agenda that consisted of:

- Check Register: August 21 – September 3, 2003;
- Minutes of August 18, 2003 Special City Council Meeting;
- Minutes of August 20, 2003 Regular City Council Meeting;

Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- vii. Final Reports Filed

Lindy Cummins reported all of the final required reports have been filed except EPA 5700 Form. The information is being gathered and should be filed within a week.

b. WATER IMPROVEMENT PROJECT

- vii. Phase 1 Status

Lindy Cummins reported the shop drawings had been submitted. Spoke with KDHE today and they had declined the project with the current materials. The air header pipe by Tonka Equipment was considered to be equal but is not up to specs per KDHE. Mr. Cummins agreed it would not be up to specs. Working on getting this changed to meet state specs.

Discussed working with KDHE on the chlorine contact tank portion of the project. Will submit drawings and hopeful KDHE will go ahead with the approval of this part if they are content with the equipment submitted.

Discussed having a meeting with the city public works employees and council to discuss improvements for Phase 2 and 3. Dan Claar with KDHE wants assurance the building will be over the chlorine contact basin before it is put in use. One of the items to review would be the consideration of dropping the back up generator. The location for the workshop would maybe be at the plant as in the past. A date for the workshop would be the week of the 20th to the 22nd, either early morning or late afternoon. Since the actual date would be after the next council meeting will set a firm date at that meeting.

Discussed the covered tank by the water plant is the old pump well where the pump set. Mr. Cummins reported KDHE expressed doubts the piping arrangement would flow and concerned about water quality. If the city decides to go that way KDHE will probably request it be piped in series. The city would want to look at the cost benefit ratio, as the minimum volume is 14,000 gallons. This smaller extra volume may need to be compared to cost. The discharge series would be different and would add extra line.

b. WATER IMPROVEMENT PROJECT (Continued)viii. Bid Results Update – Phase 1 (Continued)**c. GAS IMPROVEMENT GRANT**vii. Status

Lindy Cummins reported there were three property owners holding five parcels that looks like won't be signing the easements. For two areas of concern have presented two options for the city to consider. The north end is one area with difficulty getting easements. One option has the contractor dealing with all of the utilities already in the right of way with the additional costs of working around the utilities estimated at \$31,400.00. Another option is to cross over to the east side of the railroad tracks and follow the right of way south in to Henson. This appears to be county owned right of way and the additional estimate cost is \$12,960. It would take approximately 2-3 weeks additional to get the paperwork done for the second option and this would just get the railroad permit applied for but not obtained by the end of that time. Then there is one other option of condemnation, but that time frame is unknown and then the judge sets the rate of fees for this purchase along with the additional legal fees. Unknown at this time if there are any other utilities on the east side of the railroad tracks.

Noted just south of the above area are three short properties where the property owners won't sign and the city will either have to get in the county right of way or go through the process of condemnation.

North of the High School there is a spring on the Newport Property that requires the pipe line go around the spring or bore under the highway and get on the school property. Both options had estimates and Mr. Cummins explained the costs. Option 2 to cross under the road and get on school property would have an estimated additional cost of \$5,600. Option 1 would go

around the spring and cost an estimated additional \$7,000. With either option recommended cutting the corner and shying away from the corner to avoid any possible future road expansion.

Discussed who would go to the school board and find out about the right of way. Discussed cost of railroad bores versus highway bores. Railroad has some very special requirements while the highway will take a directional bore. Noted the design phase is at a standstill till the easements are finished. Mr. Cummins noted they could not take any plans to the county till these issues are resolved, now 90% complete, need to find quantities, then 10-15 days once the final information on the easements is known to get the other items to the county. Discussed if there were any possible problems on the different options that would cause problems. No issues known at the time of the meeting. Discussed authorizing the option changes for approval pending obtaining the easements for the different locations. Mr. Cummins noted he would let the city know right away if they ran into any resistance.

Asked about any additional engineering fees. Mr. Cummins responded no it was part of doing the business.

- *Motion to Approve Change in Options*

Council Member Robbins motioned to move forward with the design to cross over the railroad tracks and go on the east side and also to go on the school property option for installation. Mayor Barber noted there was a motion to go with the second option for both locations. **Seconded by Council Member McGinnis, voted on, passed 5-0.** Time: 7:34 p.m.

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT
(Continued)

viii. Rhodes/Outpost Septic Tank Removal

Mr. Cummins reported they had received the release agreement drawn up by City Attorney Sutherland and it was acceptable for their company. He presented a check for \$750 for the city to forward to Mr. Rhodes for the septic tank that was not removed from the Outpost during sewer construction. He asked for a signed copy for Kirkham Michael records.

- *Motion to Accept Check from Kirkham Michael's for Wild Spiegody's Outpost*

Council Member Robbins moved to accept the check from Kirkham Michaels for Wild Spiegody's Outpost and proceed with agreement with them. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:37 p.m.

DISCUSSION FROM THE FLOOR:

Lindy Cummins, Kirkham Michael Engineers

Lindy Cummins reported Kirkham Michaels was mailing a check for a donation to the city Fiesta. Council and Mayor thanked him.

Tammy Lyons, Youth Basketball Sign Up at Community Building

City Clerk Herrin reported Tammy Lyons had been unable to attend. Ms. Lyons was asking if the Community Building fee could be waived for youth basketball sign up on September 11th and 16th.

- *Motion to Waive Community Building Fee for Youth Basketball Sign Up*

REGULAR MEETING

Year = 2003

Council Member Robbins moved to waive the community building fee for youth basketball sign up with the understanding it is kept in order. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:38 p.m.

Kelly VanTuyl, Cadmus Grange Nomination

Kelly VanTuyl reported the Cadmus Grange #350 annually nominates a teacher or police officer for an award for service. This year the Grange has sent in the nomination of Chuck Farrell for Police Officer of the Year. The state recognition is September 17th. If he wins he can go to accept it at the State Convention. Thanked those who helped put all of the information together for the nomination. Read the nomination application form and presented it to Police Chief Farrell.

Angie Kiffer asked who gets to nominate? Just Kelly and Jimmy Lynn? Ms. VanTuyl responded the Cadmus Grange Local Organization put the nomination together and then it is sent to the Kansas State Grange, then that winner goes on to the National Grange. Those that helped put the paperwork together are not members of the Grange; they only provided information requested for the forms. A couple of years ago Marvin Stites was nominated and won.

Mayor Barber congratulated Police Chief Farrell for his nomination. Council concurred.

Dennis & Kelly Van Tuyl Regarding Status of Alley

Dennis VanTuyl asked if the paperwork had been signed yet? Mayor Barber reported he had spoke with Mrs. Williams but she had had some personal set backs and going to try to resolve further delay but did not feel comfortable providing further details right now.

Distribution of Park Money

Representatives were in attendance for the Soccer Association and the Ball Congress.

Tami Henry reported she had just taken over the financial records for the Soccer Association. They are now keeping track of income and expense records but were not provided any past information from the prior individuals maintaining the account. Had a balance that was less than the past due bills leaving the funds empty. They were currently doing fundraisers trying to build the funds back up and reorganizing to keep the program going.

Debbie May with the Ball Association asked about the \$50 for the concession stand the Park Board charges. Said she thinks the city should look at what is being done as they have some money but also need some fences repaired. Asked that the city waive this fee and split the park money equally.

Council Member Robbins reported the Park Board decided on the fee and it was his understanding that in the past when there were times help was needed on the concession stand there was no one available to help.

Ms. May noted she thought it was petty to ask for the \$50 back after giving money to the ball associations.

Mayor Barber asked her to take that request to the Park Board. Council Member Robbins noted the Park Board does run through the city funds but handles the expenses for the park with the funds available. Right now they were trying to build a new restroom facility with grant monies added, the pool costs a lot to maintain, but if the ball fence needs fixed maybe need to look at that instead of the restrooms. Invited the ball associations to attend the park board meetings and see what they do as the board controls their own budget under the city cover.

- *Motion to Split the \$1200 between the Soccer and Ball Association*

Council Member McGinnis moved to split the \$1200 half and half between the Soccer Association and the Ball Congress. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:00 p.m.

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DISCUSSION FROM THE FLOOR: (Continued)

Mayor Barber asked if Any Other Discussion from the Floor

Angie Kiffer noted she was here but noticed her street was listed later on the agenda. Did the council want her to speak now or wait till later about the speed limits signs? Council Member McGinnis asked counselor if that would take an ordinance. City Attorney Sutherland said would have to review and be ready to put up signs. Mayor Barber noted they would talk about it later on the agenda.

REPORTS OF CITY OFFICERS:

Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for the month of August 2003.

i. Dog Pound Inspection Report

Chief Farrell presented a written report from the State Animal Inspector dated September 2, 2003. Reported the building failed inspection as the wooden poles have rotted at the ground. No longer allowed to put any animals in the run or the big pen. The inspector suggested if the city is going to stay with the same type to use horse panels. The city was given until September 23rd to come up with a plan of attack on what to do. Inspector also advised the first wet snow would not hold the pens up any longer. Chief Farrell noted council could consider till next meeting and then see what can come up with at the next meeting, but before the 23rd. If decided to rebuild would have to go with metal poles as the wood has all rotted to the ground.

Mayor Barber asked Chief Farrell to work up some costs and bring back to the next council meeting.

ii. Property Condition at 414 N 1st

Codes Officer Farrell presented photos of exterior and interior of property condition at 414 N 1st. Recommended this building should not be inhabited by anyone and the city should begin condemnation. Discussed the last occupant had left in May, and been vacant since. Mayor Barber noted the recommendation was to start the condemnation proceedings. Were there any other options as it takes awhile and then costs the city money? Codes Officer Farrell reported if over fifty percent of the building is damaged than it is possible to destroy or the owner can fix it up to par. The city has another house you have been working with the owner for a year and it still is not done nor lived in. Council Member McGinnis asked who owned this property. Owner is Roy Wade. Council Member Robbins asked if it has to be condemned. Codes Officer Farrell responded no, the owner can rejuvenate it after discussing the plans with the city council, but it could cost more than the value of the property.

- *Motion to Begin Condemnation Process at 414 N 1st*

Council Member Robbins moved to start the condemnation process for the property located at 414 N 1st Street. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:12 p.m.

Angie Kiffer asked where the pictures were taken. Council Member Robbins noted inside. Ms. Kiffer asked how he had permission – what makes that ok? City Attorney Sutherland noted the Codes Officer does have the authority. Ms. Kiffer reported that's baloney, hope you were invited in or look to be taken to court. Mayor Barber noted the city ordinances give the right in certain circumstances.

Public Works Superintendent George Craig

George Craig presented the following items:

- ix. Soft Start Pump at the Water Plant – Reported the electric wiring causes problems if the electricity even blinks as it goes off. This part can be bypassed for about \$200 per electrician Randy Tinsley. Called Layne Western to see if could be fixed and they said they would have an answer today, but called today and they were unavailable. Noted it's a variable speed based on the tower and head pressure. The part to bypass is a computer on the wall that tells it how fast to run. Have already put a \$1200 panel in it this spring because of lightning. Council Member Robbins asked if it's the whole system of the soft start that is not running compatible? Noted not sure a soft start is bad and not sure how that works with the variable speed. Is there just a way to get away from the variable speed?
Mayor Barber asked Public Works to get with the Water Committee and report back.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- x. Pipeline Group Education Program, Iola, KS, Thursday, September 18, 2003; KMU 'Natural Gas Distribution Workshop' September 24-25, 2003; KCC Annual Gas Pipeline Safety TSI Seminar – Requested to send Jerome Moore to the meetings if he was able to attend around his current water classes. If Jerome is unavailable to attend George Craig will attend.

- *Motion for Jerome or George to Attend Workshops*

Council Member McGinnis moved to send either Jerome Moore or George Craig, whichever can go, to the workshops. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:30 p.m.

- xi. Chip & Seal of Streets – Reported an estimated amount of \$45,756.16 had been spent on the chip and seal of roads to date. Would like to request another \$2,500 for more oil to finish the corners, believe have enough rock in stock to work with without ordering more. Will have prisoners for a couple more weeks and will also do the community building. Do you want to paint the community building on the inside? Council Member Williams noted needed to fix the roof first and then look at the paint. Will look at the roof problem tomorrow morning.

EXECUTIVE SESSION:

- *Motion to Go Into Executive Session for Legal up to Fifteen Minutes*

Council Member McGinnis moved to go into executive session for up to fifteen minutes for legal. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:35 p.m.

Open Session Resumed at 8:40 p.m.

STANDING COMMITTEE REPORTS:

Street

- iii. Lincoln Street West of Broadway – Requested to be placed back on the next agenda.

Park

- vi. North Park – Council Member Robbins reported he had purchased new swings and now need to get them put up. Noted would need help to weld a brace on the basketball backboards. Council Member Williams will help with the welding.

Public Safety

- i. 5th & Elm, Angie Kiffer, Traffic Concerns, Request Lower Speed Limits

Noted concern was for lower speed limits. Council Member McGinnis noted the committee is still working on it. Ms. Kiffer asked for how long. Mayor Barber noted the request effects more than just Ms. Kiffer and the city would like to look at a traffic study. Ms. Kiffer reported school had started and now the kids are taking another route away from her house but the other house is still a problem and the kids are still on other streets. She will not wait a year when it can be done, the last meeting you said it could be done. Mayor Barber noted the city wants to take the right approach and be fair to all. Ms. Kiffer noted she would not wait. She is not playing, want them lowered or will take some other pictures, just listened to run around all night. Council Member Robbins noted the city council had moved forward on several items and had others in town who do not want the speed limits lowered. Felt it would be in the best interest of all to review. Ms. Kiffer responded the city council can raise your eyebrows all you want.....he comes and around on four wheelers and checks.....no one else does. Tami Henry asked about starting a petition for a request to show how many are interested. Ms. Kiffer said “Then what?” Ms. Henry responded “Wouldn’t that help?” Ms. Kiffer responded, “No, It wouldn’t”. Ms. Henry responded, “Think it would be smoother”. Mayor Barber noted that 7th and Elm had the same problem earlier. Council Member Robbins reported he had spoke with Bob Perkins and the stop signs did help immensely. Ms. Kiffer asked if it would take a long time then put stop signs at her corner. Council noted there are stop signs east and west, to put them north and south could cause some issues with the bus barn and county barn when there have previously been no problems. Ms. Kiffer responded they need to slow down too, like at last meeting if it just seems too fast maybe a stop sign would help, then next summer will have the same house and the same problem. Mayor Barber noted the city council takes recommendations into consideration and she is not being ignored. Ms. Kiffer requested a stop sign now, maybe that would prevent problems, she is not going away.

STANDING COMMITTEE REPORTS: (Continued)

Community Building

City Clerk asked if the council wanted to spend some money on paint now for the inside of the community building if the roof is fixed as the prisoners will be able to take this project on before the next meeting if want it done. Concurred to go ahead with painting if time and roof allowed.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee (1 Vacancy – Can be within 3 miles of city)

- ii. Comprehensive and 3-Mile Plan
- iii. Temporary Business Signs and Banners

Planning Commission Chairman was unavailable. Tabled until he was available.

UNFINISHED BUSINESS:

NAGC Requesting Injunction for Natural Gas Prices

City Clerk Herrin reported she had contacted both Garnett and Humboldt Cities. Garnett is gathering information and will probably make a decision later this month whether to join in the injunction. Humboldt is still gathering information and plans to attend a meeting in November to will go over this injunction in more detail prior to deciding. Concurred to wait till after the November meeting and try to have someone from our city also attend.

Credit Card for City Business

Discussed the requirement to obtain a card from the bank would require a name on each card under the city's identity. Recommended just three cards are issued for now, one for public works, one for city hall and one for the policy department.

- *Motion to Approve Credit Card for City for Three Employees*

Council Member McGinnis moved to approve the request to obtain a credit card for the city with City Clerk Herrin, Police Chief Farrell, and Public Works Employee Moore listed as the purchasers. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:05 p.m.

NEW BUSINESS:

Combine Groups of City CD's

Discussed blending the many smaller CD's into groups for the city and makes it easier to monitor interest rates. One CD would be for the City Fire Department, one CD for the Pollman Cemetery funds, and on CD of other city departments. These CD's can be added to or amounts taken from at any time without any penalties. Discussed length of time for CD's now with current low interest rates. Concurred six months now would be ok to watch the rates with.

- *Motion for Combining to Three CD's with First Term of Six Months*

Council Member McGinnis moved to reduce CD's to three with six months for first term. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:18 p.m.

LKM Annual Conference, and Voting Delegate, October 11-14, 2003

Tabled until next meeting.

2003 YTD Budget

City Clerk Herrin went over the current budget. Concern expressed over the utility budgets due to unusual expenses this year. Concurred to watch closely all spending from all budgets for the rest of the year. Will forward a copy of the budget to City CPA Terry Sercer for review of potential areas to be addressed now.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and land acquisition for up to thirty minutes following a ten-minute break and extending meeting up to thirty minutes. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:30 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin.

Open Session Resumed at 10:12 p.m.

OTHER BUSINESS:

Revitalization Program

Discussed when the Revitalization Program renewed or expired. Determined should be sometime next year.

CITY CLERK'S REPORT:

Discussed Written report that included:

- viii. Wastewater, Water, and Gas Second Half Bond Payments Made
- ix. NAGC Requesting Injunction for Natural Gas Prices
 - x. City Wide Clean Up September 8-12, 2003
- xi. Distribution of Park Money
- xii. City CD's

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KDR 'Tax Amnesty' Program
- b] KDOT Fiesta Parade Letter
- c] BCBSKS Letter
- d] Pipeline Group Letter
- e] LKM Nomination Form
- f] LKM 95th Annual Conference Registration Brochure
- g] *Kansas Government Journal* Volume 89 – Number 8, August 2003

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Weitman, voted on, 2-2 (No: Robbins & Weitman)**

Mayor Barber adjourned the meeting at 10:15 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 3rd of September 2003.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, September 17, 2003, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Tony Williams, and Terry Weitman.

Others present at some point in the meeting included: City Treasurer Linda Elder, City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Superintendent George Craig; Roger Sims with Osawatomie Graphic; Julie Funk with Linn County News; LeRoy Turpen; Kelly and Dennis VanTuyl; Ron Pendagrass; Angie Kiffer; Merle Raymond, Bill Bowen, Kenneth McClanahan, Gary Armentrout, and Mark Seip with Kirkham Michael Engineers.

Mayor Samuel Barber called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda as presented that consisted of:

Check Register: September 4 – 15, 2003;
Minutes of September 3, 2003 City Council Meeting;
August 2003 Treasurers Report;
August 2003 Budget Report

Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:01 p.m.

UTILITY IMPROVEMENTS REPORTS

f. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- xiv. Final Paperwork for State

Mark Seip reported Council Member Weitman had signed the final paperwork to be submitted to the state.

b. WATER IMPROVEMENT PROJECT

- x. Phase I Update

Mark Seip reported the approval had been received from the state and the contractor was back on site. There has been emphasis placed on the filter to waste portion, to get started on as quickly as possible. This approval required a Change Order #2 after a battle for air scour approval. This negotiated a new under drain poured in place. This 6-inch under drain is the conventional way for the process. It requires more work for the contractor, but less for the supplier so there is not additional cost to the city. Once it's installed it should be permanent. It may take a few days longer to install. Explained the diagrams for the change. Noted it's what the state prefers and it's what is in the new plants.

Public Works Superintendent Craig reported according to Rex Cox with the State this should provide a much longer service to the plant.

Mark Seip noted this change increased the contract date by two weeks but again no change in cost to the city. Requested council approval for the change order.

- *Motion to Approve Change Order #2*

Council Member Boone moved to accept Change Order #2 for the water project. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:09 p.m.

b. WATER IMPROVEMENT PROJECT (Continued)

- iv. Phase I Update (Continued)

Mark Seip reported there were a couple of other items to address. Two pipes will have to be relocated. Recommend this be done on a time and material basis as unknown how to estimate. One pipe needs to be moved about ten feet to get out of harms way, and there are a couple of foundations that are unknown what and where they are and they have to get them out of the way. Estimate it will cost less than \$5,000 for the moves and foundation excavation. Recommend the four-inch line move to the south. The clarifier line is not exposed yet and this backwash line is not known if it will have to be moved, and if so probably just a couple of feet.

With so many unknowns it's a little easier to be reasonable with time and materials compared to a lump sum price with the foundation work being unknown as to how far it goes. Hard to do an estimate when unperceived conditions exist.

Can hold the change order till after the work for a final price. Can set the cost not to exceed a certain amount such as \$5,000.00.

- *Motion to Approve Work on Time and Material Work Basis*

Council Member Robbins moved to approve time and materials work basis for line and demolition for a cost not to exceed up to \$5,000. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:16 p.m.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. Update

Mark Seip reported the additional easements are being worked up and will be sent to Laura with Twin Peaks tomorrow.

Discussed the Prairie View High School had approved the easement with the condition the school meter was not near the drive way, that it either stayed north of the road or east of their drive way near the La Cygne sign.

- *Motion to Accept Easement with Condition of Location of Meter*

Council Member Robbins moved to accept High School easement with the condition of leaving the meter in its current location of moving it east by the lagoons. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:22 p.m.

DISCUSSION FROM THE FLOOR

Harvey Taylor, Night Out Against Crime

Tabled. Not able to attend.

Dennis & Kelly VanTuyl Regarding the Status on Alley

Dennis VanTuyl noted he had no questions for tonight’s meeting.

Kelly VanTuyl Regarding Nomination for Police Officer of the Year

Kelly VanTuyl reported a paper indicated the final decisions would be announced on September 17th and she meant for the date to be October 17th, not sure how it got mixed up.

DISCUSSION FROM THE FLOOR (Continued)

Merle Raymond Regarding Condemnation of Property at 414 N. 1st

Merle Raymond reported he had purchased this property from Roy Wade and then learned it had been processed by the city. He is in the process of redoing it. Codes Officer Farrell reported Mr. Raymond had told him earlier tonight he is going to redo it all including the outside and had no problem if he rebuilds it. Discussed time frame. Mr. Raymond noted he did not know for sure as he had to redo the water lines, at least thirty days. Mayor Barber noted the city would normally try to work with someone if they want to rebuild. Council Member Robbins discussed time frame and having codes inspect and approve completion is satisfactory. Council discussed.

- *Motion to Allow Sixty Days with Codes Officer Approval of Completion of Improvements*

Council Member McGinnis moved to give Merle Raymond sixty days to complete improvements with codes officer inspecting. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:26 p.m.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented a written report on police activities for September 1 – 16, 2003.

1. Dog Pound Report.

Presented diagram for a new dog pound. The current size is twenty-two foot by ten & one-half foot. The replacing pound would extend five foot longer to the east for more width for walk space as well as give each pen a little more space for movement.

The new diagram includes a concrete pad and then fencing parts for \$758.00. There is no labor included except the laying of the concrete. Does include the horse panels. Have reviewed this with the mayor and if approved by the council and by the state inspector can sink steel poles before pouring the concrete. The gates are not included in the price, as not sure what type would be preferred due to costs versus durability.

The location would be where the existing dog pound is. A solid pad is easier to control fleas and keep clean. For fencing would use four foot by twenty foot horse panels and go eight foot tall. Discussed type of gates; wood versus metal or pipe and the safety quality as well as sturdiness of each one. Council members discussed donating some welding time towards the project to help with the costs. Total costs should not exceed \$1,000.00.

- *Motion to Approve Dog Pound for Cost Not to Exceed \$1,000.00*

Council Member Weitman moved to proceed with this project and take up the offer of council members free labor for a cost up to \$1, 000.00. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:40 p.m.

2. Officer Watson to Attend Class on Weapons of Mass Destruction

Requested attendance of class for Mike Watson in Derby, Kansas for October 20-21, 2003. This will provide sixteen hours towards the forth hours of training required. This class is for training the trainer. The class is free; the costs are travel, meals, and motel.

- *Motion to Approve Class Attendance for Officer Michael Watson*

Council Member Robbins moved to send Mike Watson to class for credit towards certification with normal expenses paid. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:43 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

x. Soft Start High Service Pump

Public Works Superintendent George Craig reported they were still at the same place as the last meeting with the soft start high service pump. Have found out it is all one computer control. Council Member Robbins noted he had not had time to find out how to separate the soft start from the computer. PWS Craig noted when the electric even blinks it won't restart itself. PWS Craig had contacted Layne Western but they did not respond back to him; understand it would cost \$1,200 to fix again and Randy Tinsley can bypass for \$200. It is used every other day.

Mayor Barber noted the soft start was supposed to provide an electric savings as well as wear and tear on the motor. PWS Craig noted the man that wired it put a timer on it so it wouldn't

turn on at certain time of the day. This has already been taken out. Then have spent \$1,200 when lightning hit it. Council Member Weitman noted it did not sound like the kind of soft start that will work for the plant needs. PWS Craig concurred public works would like to have it bypassed. Noted it looked like Layne Western would buy it back but they won't even return his calls. Council Member Boone asked about trying again for a response and tabling till next meeting. Discussed further. PWS Craig noted it could be bypassed and put a switch where you can turn it on and run it automatically with the other one.

- *Motion to Rewire Soft Start Pump to Bypass Computer Portion*

Council Member Boone moved to rewire the soft start pump for a cost of up to \$300.00. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:50 p.m.

STANDING COMMITTEE REPORTS:

Street

- Lincoln Street West of Broadway – Passed.

Sewer

Council Member Boone noted city needed to start mowing the lagoons.

Public Safety

- 5th & Elm, Angie Kiffer, Traffic Concerns, Request Lower Speed Limits

City Attorney Sutherland reported he had spoke with County Traffic Coordinator Larry Robinson and found the city cannot make changes without a recognized traffic study. The county will help but probably will not do it all. Mrs. Kiffer asked the council to just put a lower speed limit on south 5th Street. Council Member Robbins explained it's a state law to do a traffic study to change the speed limit on any of the streets. City Attorney Sutherland noted the study would apply to whatever type of traffic is there; such as vehicles, pedestrians, bicycles, etc. Mrs. Kiffer then requested stop signs be put up at the corners – like at 5th & Vine instead of 5th & Sycamore and be a 4-way. Council Member Weitman noted he had seen in other communities where there are signs in areas that say such as “Slow Children Playing” and place in areas where there are day cares, churches, playgrounds and such where there are more children than usual in the area. Police Officer Farrell noted that if those were posted and then if a child was playing in the area a driver could be sited for ‘Basic Speed’ if traveling faster than conditions warrant. Mrs. Kiffer noted that was her first request – introduced her father-in-law who lives across the street from her and they run a day care. This area will have 10-15 kids daily in the area and it's the safety of the children that matter. Council Member Boone noted if the kids are playing in the streets it is the parent's fault and not the city's fault. Mrs. Kiffer concurred but noted her kids had also gotten out of her site while she was occupied and gone across the street to the grandparents before she even knew they had left the house.

STANDING COMMITTEE REPORTS: (Continued)

Public Safety (Continued)

City Attorney Sutherland noted the city should have more leeway on Children Playing signs than the other changes; need to take a look at the area and decide. Mrs. Kiffer noted some of the previous drivers down her street had found different routes and were not traveling in her area now. Mayor Barber noted any council decision effects everyone traveling on those streets, but would look at the signs. Mrs. Kiffer reported that would be wonderful, anything would be appreciated. Discussed different areas of concern. City Attorney Sutherland noted the council just needed to direct Chuck to review the areas. Mayor Barber asked Chuck to review.

Community Building

Noted the front part had new paint.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the Fiesta was this Saturday. Received a donation from Apac for \$100.00. Kick off is at 6:30 a.m. with Chris Cakes serving pancakes and sausage for \$5.00 a plate.

Planning Commission Committee (3 Vacancies – 2 Can be within 3 miles of city)

1. Temporary Business Signs and Banners

Chairman Kenny McClanahan reported the PC had received complaints on signs around the city. The PC now had obtained copies of Paola sign regulations and would be looking them over. Asked for attendance from the council at the next PC meeting for input on future changes for the city regarding signs.

Chairman Kenny McClanahan reported he had been in contact with other members regarding the Planning and Zoning Training Session being presented by the LKM on October 11, 2003. Thought he had three that would consider attending.

2. Resignations – Randy Tinsley & Darlene VanVlack

Mayor Barber reported they had received the above listed resignations. Noted the city appreciated their previous help with this city committee.

- *Motion to Accept Resignations of Randy Tinsley & Darlene VanVlack from the Planning Commission*

Council Member McGinnis moved to accept the resignations of Randy Tinsley and Darlene VanVlack from the Planning Commission. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:05 p.m.

3. Appointments of Don Wagner & Angie Kiffer

Mayor Barber recommended the appointments of Don Wagner and Angie Kiffer for Planning Commission Members.

- *Motion to Accept Appointments of Don Wagner & Angie Kiffer to the Planning Commission*

Council Member Weitman moved to accept the mayor's recommended appointments of Don Wagner and Angie Kiffer to the Planning Commission. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:06 p.m.

SPECIAL COMMITTEE REPORTS: (Continued)

Planning Commission Committee (Continued)

4. Planning and Zoning Training Session by LKM on October 11, 2003

Discussed the possibility of three Planning Commission Members attending the Planning and Zoning Training Session by LKM on October 11, 2003 in Topeka, Kansas. Will not be able to confirm the actual number until next week.

- *Motion to Send Up To Three Individuals to Planning and Zoning Training Session*

REGULAR MEETING

Year = 2003

Council Member McGinnis moved to send up to three people to the Planning and Zoning Training Session at the League. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:08 p.m.

UNFINISHED BUSINESS:

LKM Annual Conference, and Voting Delegate, October 11-14, 2003

Discussed. No one for sure available right now. Concurred someone from the council or a city employee can go if decide it will work with their schedule.

NEW BUSINESS:

Regional City Clerk's Meeting, September 25, 2003

City Clerk Herrin requested permission for the possible attendance of both City Clerk and City Treasurer if the schedule would allow.

- *Motion for City Clerk and City Treasurer to Attend Regional Meeting*

Council Member McGinnis moved to send both Devona and Linda to the Regional City Clerk's Meeting if they were available to attend. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:15 p.m.

High School Work Study Group for City Projects

City Clerk Herrin reported Prairie View High School Teacher Cheryl Kratzberg had contacted to city to see if there were any projects available for a work-study group. Discussed the possibility of the group cleaning the kitchen, and other areas of the community building that need a good detailed cleaning. Explained that the city does not have to continue with the group if the work is completed or it is not going well. It will not take an employee's time while they are here as a Para will be with them at all times.

- *Motion to Participate with the High School Work Study Group*

Council Member Robbins moved to participate with the Work Study Group and see how the projects work. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:20 p.m.

Kansas Summit on Natural Gas, October 2, 2003, Topeka, Kansas

Discussed. No one available to commit to attend at this time. City Clerk will check with KMGA to if they are sending someone to attend.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to fifty minutes following a ten-minute break for legal and land acquisition. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:24 p.m.

Others invited into or requesting a portion of executive time was: City Clerk Herrin and Police Chief Farrell.

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Open Session Resumed at 9:21 p.m.

OTHER BUSINESS

None

CITY CLERK'S REPORT:

REGULAR MEETING

Year = 2003

City Clerk's Written Report:

1. Property at 412 N. 1st
2. High School Work Study Group

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KDOT Fiesta Parade Response
- b] KDHE Lead & Copper: Triennial Monitoring of Water Report
- c] Lindentree Apartments Letter
- d] KC Star, Friday, September 5, 2003, "Natural Gas Prices Cool"
- e] KC Star, Friday, September 5, 2003, "Senate Debates Overtime Pay Plan"
- f] LKM 95th Annual Conference Registration Brochure
- g] *League News*, Volume 8, Number 16, August 28, 2003
- h] KMGA Natural Gas Fixed Price November, 2003 – March 2004
- i] KC Star, Saturday, September 13, 2003, "Natural Gas Price Outlook Stays Volatile"
JJ "Emergency Bulletin for Local Officials" September 2003
- k] Planning Commission Meeting Minutes of September 11, 2003
- l] *Thank You* from La Cygne Library District #2
- m] KHRC 9th Annual Employment Seminar, Topeka, Kansas
- n] NAGC Annual Meeting, Lake of the Ozarks, Missouri

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Boone, voted on, passed 5-0.**

Meeting adjourned at 9:25 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 17th day of September 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, October 1, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Terry Weitman; and, Tony Williams.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Supervisor George Craig; City Police Mike Watson; Mike DeMott; Kelly and Dennis Van Tuyl; and LeRoy Turpen.

Mayor Sam Barber called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda that consisted of:

Check Register: September 18 – October 1, 2003;
Minutes of September 17, 2003 Regular City Council Meeting;

Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORT

a. CDBG SEWER GRANT – STATE REVOLVING LOAN – EDA GRANT

- viii. SRF Payment of \$136,537.52 Received

City Clerk Herrin reported the final outstanding amount due for current bills had been received from the state revolving loan fund.

- ix. Final Outstanding Paperwork

City Clerk Herrin reported the state had requested some additional paperwork. This was being processed this week. Had also requested the final paperwork from Kirkham Michaels to complete the O & M Manual. Once this was done final payment could be made to them and close this project.

b. WATER IMPROVEMENT PROJECT

- ix. Status

Public Works Superintendent George Craig reported the project was moving forward. Met with Mark Seip of Kirkham Michaels and looking for ways to build the building with enough space for everything. Looking into a slab and ramp and don't think it will fit. Need a 54-inch space to put the control panels; there is space on the east wall on the back just south of the door, the north wall has too much moisture.

Mayor Barber reported they were discussing the building to be constructed and they were looking at the idea to utilize some area for storage and to elevate the floor as to not have to deal with a steep ramp. Discussed extending the dock with cement but more expensive. Just an idea now, but would need to be done when the building is added. For now public works is checking on the possibility of weekly deliveries on chemicals during construction so as not to have too much to store. These are just some things to think about right now and be ready to make some decisions.

- x. Smi-Co Pay Request of \$57,555.90

a. *Motion to Approve Pay Request for \$57,555.90 for Smi-Co Inc*

Council Member Robbins moved to approve paying Smi-Co Inc. in the amount of \$57,555.90. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:12 p.m.

- xi. Kirkham Michael Design Pay Request of \$8,088.00

• *Motion to Approve Pay Request of \$8,088.00 to Kirkham Michaels for Three Phases*

Council Member Robbins moved to approve payment in the amount of \$8,088.00 for design fees of the three phases. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:14 p.m.

c. GAS IMPROVEMENT GRANT

- ix. Status

Still working on some easements.

- x. Workshop for Design

Noted the Gas Committee will be having a workshop with Kirkham Michaels to go over the design on Wednesday, October 8, 2003 at 3 p.m. at City Hall.

iii. Kirkham Michael Design Pay Request of \$9,013.60

- *Motion to Approve Pay Request of \$9,013.60 to Kirkham Michael Engineers*

Council Member Robbins moved to pay Kirkham Michaels \$9,013.60 for the gas improvement project for the design phase. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:17 p.m.

DISCUSSION FROM THE FLOOR:

Dennis & Kelly Van Tuyl Regarding Status of Alley

Dennis VanTuyl asked if any information on the paperwork being signed yet? Mayor Barber reported he had spoke with Mrs. Williams and she had indicated she would be in to sign by the end of the week or early next week. She did ask if she could have her clothesline back. Dennis VanTuyl said he would consider it; the time frame had taken a long time. Then asked for the time frame if Mrs. Williams does not come in and sign as she has said she would. Mayor Barber noted that a time frame could be set if the council wishes to set a time frame. City Attorney Sutherland noted he would send a letter to her at the end of next week if she does not come in and sign. Mayor Barber concurred she would get a letter if she does not come in and sign. Kelly VanTuyl noted guess it was better late then never to finish this.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

Reported the CAAK Meeting on October 24, 2003 in Topeka, Kansas is usually with the League Conference but the time schedule had been changed this year. Requested attendance to this meeting.

- *Motion to Approve Attendance to CAAK Meeting*

Council Member Robbins moved to send John Sutherland to the CAAK Meeting on October 24, 2003 with normal mileage and associated fees. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:23 p.m.

Chief of Police Glenn Farrell Jr.

In the absence of Chief of Police Farrell, Officer Watson presented a written report on police activities for the month of September 2003 and a written note about the dog pound.

iii. Dog Pound Report

City Clerk Herrin noted the diagram also attached to the note about the cost of the panels would actually be \$39-\$40 instead of the previous \$2.10 each. This creates an increase of the total cost to be around \$2,041.00. Council discussed options, including going ahead and pouring the concrete, setting the posts, and building the gates and then look for fencing. Discussed chain link fencing versus horse panels and other options. Discussed approving additional funds but not necessarily spending the funds yet allow the project to continue to move forward.

- a. *Motion to Add \$1,500 to Dog Pound Project*

Council Member McGinnis moved to increase the amount of money to be used up to \$1,500 more. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:36 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- xii. City Dump Truck – Public Works Superintendent George Craig reported the dump truck was having repeated flats on the front tires. Have tried to find some decent used one and none are available. Noted the dump truck also had other existing problems such as the front lift does not work, the breaks leak, the hydraulic hoist leaks, the hydraulic on the snow plow is inoperable, the spreader box is rusted out, and the rear wheel duals won't stay on about half the time.

Noted previous information from the State Surplus book listed used dump trucks from between \$8,000 to \$13,000, including a stainless steel spreader box and a snowplow. Reviewed the Equipment Reserve Fund to have a balance of just over \$23,000. Mayor Barber noted the fund is for these kinds of equipment problems, even though the fund is lower than desired. Discussed if the surplus equipment that will be put up for sale could be put back in the equipment reserve fund. City Clerk will check with city CPA. Discussed proceeding with the surplus process of the excess city equipment. Discussed going to the State Surplus for a used dump truck. George Craig reported the last time he was there they had about 100 of them to choose from and would suggest starting them early in the morning to see how they started up when they ran.

- *Motion to Spend Up to \$12,000 at State Surplus for Dump Truck With Boone and One Other to Pick it Out*

Council Member Boone moved to spend up to \$12,000 at State Surplus for a dump truck and for Boone and one other council member and/or city employee to pick it out. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:46 p.m.

- xiii. Chip & Seal of Streets – Reported city had some chips and oil left over. They were going to try to build up some swags in some road areas with the left over.
- xiv. Changing Water Meters – Reported public works had been changing out water meters. One had been changed today that dated back to 1910 and this one had been given to the Historical Society.

STANDING COMMITTEE REPORTS:

Water & Gas

Council Member McGinnis reported two people had asked about the Penny's concrete trucks delivering the concrete for the water plant project. Council Member Boone noted he had also checked and found the contractor always purchased their concrete from them and did not know until after the project was underway there was a concrete company locally they could have received bids from. Noted any future projects they will check.

Public Safety

- ii. 5th & Elm, Children 'Slow Signs'

No update.

Community Building

City Clerk Herrin reported mice had been observed in the building. Also discussed the amount of natural gas being used while no heat is on. The hot water heater is gas and the commercial stove has pilots that are always lit.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis read a Thank You Letter from Maxine and Junior Mooney. Reported the next Fiesta will be September 18, 2004 with a Hawaii Luau Theme. Always looking for volunteers for help. Mayor Barber noted he had heard positive comments.

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SPECIAL COMMITTEE REPORTS: (Continued)

Planning Commission Committee (1 Vacancy – Can be within 3 miles of city)

iv. Appointment of Planning Commission Member

Mayor Barber made the appointment recommendation of Ron Wier as a Planning Commission Member.

a. *Motion to Approve Ron Wier for Planning Commission Member*

Council Member McGinnis moved to accept the recommended appointment of Ron Wier as a Planning Commission Member. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:57 p.m.

v. Next Meeting On October 9th, Temporary Business Signs and Banners

City Clerk Herrin reported the Council was invited by the Planning Commission to attend their next meeting on October 9th to discuss temporary business signs and banners. It is an open meeting and this discussion is to consider any changes.

UNFINISHED BUSINESS:

City Wide Clean Up

City Clerk Herrin noted this is discussing any changes for next year and to establish a date that will work with public works while the prisoners are here to help. Public Works Superintendent Craig noted he would like to see it last only the first three days of the week and finish any loose ends on Thursday, or just two days, as some people put out items every day of the week. Discussed staying with September. Discussed the Tuesday and Wednesday after Labor Day Weekend; this would be September 7th & 8th. Discussed a newsletter in August alerting the public along with advertising with posters around the city.

a. *Motion for City Wide Clean Up September 7th & 8th of 2004*

Council Member McGinnis moved to have City Wide Clean Up next year on September 7th & 8th 2004. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:03 p.m.

NEW BUSINESS:

Master Municipal Clerks Academy, November 6-7, 2003, Wichita, KS

REGULAR MEETING

Year = 2003

City Clerk Herrin reported she might not be able to attend. Tabled till next meeting and schedule reviewed.

KMGA Board of Directors Meeting, Wichita, KS, November 17-18, 2003

Discussed topics if attend the two day program. City Clerk will check topic of Monday's agenda. Tabled until next meeting.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel for up to thirty minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:08 p.m.

Others invited into or requesting a portion of time included: Public Works Superintendent Craig.

Extend Executive Session

- b. *Motion to Extend Executive Session*

Council Member Weitman moved to extend executive session for up to ten minutes for personnel. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:49 p.m.

Open Session Resumed at 9:00 p.m.

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OTHER BUSINESS:

City Bar-B-Q

City Clerk Herrin reported there was food left over from the Night Out Against Crime and recommended a cook out just before the next meeting at 6:00 p.m. on October 15th. Discussed. Also inviting Fiesta Committee members and news reporters.

Public Works Over Time Documented

- c. *Motion for Public Works to Document Work Completed During Overtime Hours*

Council Member Boone moved to have a description of what is done for all overtime by public works and time spent, basically justification of overtime by public works, and check into a time clock for public works. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:10 p.m.

Fiesta

Discussed who won the Bessie Bingo and other drawings.

CITY CLERK'S REPORT:

Discussed Written report that included:

- xiii. Police Chief Vacation
- xiv. Public Works Report on Dump Truck

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KLATP, 2003 Kansas Snow & Ice Control Workshop
- b] Planning Commission Members as of September 17, 2003
- c] *KMU Dispatch* Volume 28, Issue #9, September 2003
- d] Kirkham Michael Consulting Engineers Brochure
- e] EBH & Associates Brochure

f] MAP *Waterlog* Vol. 24, No. 4, Oct., Nov., Dec. 2003

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Williams, voted on, passed 5-0.**

Adjourned the meeting at 9:14 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 1st of October 2003.

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REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, October 15, 2003, at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Tony Williams, and Terry Weitman. Absent: Connie McGinnis.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Jerome Moore; Jennifer McDaniel with Osawatomie Graphic; Julie Funk with Linn County News; Kelly and Dennis VanTuyl; Mike DeMott; Angie Kiffer; Cecil Adams, and SRS Area Director Steve Fincher.

Mayor Samuel Barber called the meeting to order at 7:06 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Weitman moved to approve the consent agenda as presented that consisted of:

Check Register: October 2 – 15, 2003;
Minutes of October 1, 2003 City Council Meeting;
September 2003 Treasurers Report;
September 2003 Budget Report;
3rd Quarter 2003 Financial Statement

Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:07 p.m.

DISCUSSION FROM THE FLOOR

Dennis & Kelly VanTuyl Regarding the Status on Alley

Mayor Sam Barber reported the signed agreement was turned in this week to City Hall. Now it will be filed with the county. Dennis VanTuyl asked if they could have a copy. City Attorney Sutherland noted it was a public record after it was received back from the county and anyone could have a copy that requested it. The VanTuyl's said Thanks for finally getting it done.

Mike DeMott asked why the utility pole was left in the alley too, why it was not moved now onto the property owner's property. Discussed report from KCP&L that indicated this would

have the line hanging over the trailer by the way it was coming from the main line and they would not do this. Because it is also in the alley for now it will have to be moved when the trailer is moved and that is noted in the agreement.

Steve Fincher, SRS Area Director, Regarding Linn County Office Closing

Steve Fincher presented handouts of SRS Services Available in the area. His unit is responsible for eleven counties in southeast Kansas with Linn being one of the furthest north. There are 336 staff member positions for the area with forty-five vacant due to budget. He was presenting the items available through SRS to the leaders of the communities to keep the awareness of the availability of the services for the county even with the Mound City Office closing at the end of the year. With the consolidation of offices the Mound City Office will then be working out of the Fort Scott Office. Individuals now in need do not have to go only to the office in the county they live, they can now go to the office that is closest to meet their needs such as where they are working, shopping, etc. Also establishing Access Points at different places in each town for individuals to obtain the forms and information on the items available. There is also now information on the Internet for those who want to use that avenue. Continually looking for ways to improve service accessibility as the brick and mortar offices are closed. Looking to utilize resources differently since the state agency opened in 1973 with requirements of an office in each county. The Mound City office currently has four full time employees to run the programs. The case load in Mound City is small, has less than 2% of the

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DISCUSSION FROM THE FLOOR (Continued)

Steve Fincher, SRS Area Director, Regarding Linn County Office Closing (Cont.)

SEK caseload. Then there is also people in the area that are not in a position to see staff in Mound City without taking time off work to do so. Now with universal access they can go to the place that is most convenient for them as opposed to going to the county location where you reside. There is now a toll free number for everyone instead of having to call long distance. Presented data analysis for Linn County. Presented Access Sites and how they are being developed throughout the area. SRS is committed to making this change work in all the communities. All of the staff has an opportunity to stay with SRS. The rationale as to what offices to leave open was based on several factors, including population shifts and growth. The goal is to work with the consumer needs where they are. Mr. Fincher asked if there were any questions and thanked the city for their time and participation.

Frankie & Mike Howard, Request Waiver of Community Building Fee for Fundraiser

City Clerk Herrin reported the Howard's had asked the city to waive the community building fee for a fundraiser they are helping with for Corey Tennis, a local baby with a heart problem.

- *Motion to Waive the Community Building Fee for Fundraiser*

Council Member Boone moved to waive the community building fee for the fundraiser for Corey Tennis. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:43 p.m.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee

- i. Cecil Adams, 318 S. 1st, Request for Home in Lot Behind Garage

City Clerk Herrin reported the Planning Commission had approved this based on the information received from the City Attorney dealing with separate lots for the home and the garage as well as the garage existing prior to 1991 when the standards for a building in front of a home were put in place for new structures. Planning Commission Member Mike DeMott concurred.

- *Motion to Approve Request for Home Per Planning Commission's Recommendations*

Council Member Weitman moved to grant approval of request for home on lot behind garage based on the approval from the Planning Commission on the plan submitted to them. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:47 p.m.

UTILITY IMPROVEMENTS REPORTS

g. CDBG SEWER GRANT-STATE REVOLVING LOAN – EDA GRANT

- xv. Kirkham Michael Final Payment Request of \$9,000

City Clerk Herrin reported the final paperwork had been received and the retention could now be paid.

- *Motion to Approve Final Payment of \$9,000 to Kirkham Michael Engineers*

Council Member Robbins moved to approve payment of \$9,000 for the final payment for this project to Kirkham Michael Engineers. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:51 p.m.

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UTILITY IMPROVEMENTS REPORTS (Continued)

b. WATER IMPROVEMENT PROJECT

- xi. Status*

Council Member Boone reported the walls for the new part has been poured and the forms stripped. Work continues to move forward.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. Status

City Clerk Herrin presented status on the easements. The property that is a part of the wetlands and the railroad property initial information indicates these will take some time to obtain the permits. Noted the state will not allow the project to go to bids until the permits are received.

City Clerk Herrin presented statements from Twin Peaks Services for easement filings, easement valuations, and previously authorized easement work processed. Invoice for work processed is \$2,655; and, the valuations and filings totaled \$413.50. Also noted only one day left with the current contract, discussed extending to complete the easements that have now come up with moving the line east of the railroad tracks.

- *Motion to Authorize to Extend up to \$1500 or Five Days with Twin Peaks if Needed*

Council Member Robbins moved to approve up to \$1,500 and up to five days to Twin Peaks Contract if needed to complete easements. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:08 p.m.

- *Motion to Authorize Payment of Invoices for \$2,655 and \$413.50 to Twin Peaks*

Council Member Robbins moved to approve invoices of \$2,655 and \$413.50 to Twin Peaks for services completed. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:09 p.m.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented a written report on police activities for October 1 - 14, 2003. Noted the fire occurred on South 7th Street.

1. Dog Pound Report.

Reported he would be checking with Ryan Walker on when the cement work can be done, and D & C Fencing on when the pipe can be ordered and delivered. When the times are in place will remove the old dog pens just before start building the new pens.

Public Works Superintendent George Craig

No report.

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STANDING COMMITTEE REPORTS:

Public Safety

2. 5th & Elm, Angie Kiffer, Children Slow Signs

Police Chief Farrell reported he had identified locations to place the signs; three at 5th and Sycamore, around three trailer parks, and at Grand & Querry. Discussed the locations in the areas identified.

- *Motion to Install Slow Moving Signs*

Council Member Williams moved to approve to install slow moving signs at designated areas at police chief's recommendations. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:20 p.m.

SPECIAL COMMITTEE REPORTS:

Fiesta

Presented written report of officer appointments. President: Linda Jo Chambers, Vice President Connie McGinnis, Secretaries Linda Elder, Tammy Weitman, and Russell Claar, and, Treasurer Devona Herrin.

Discussed fundraiser of a New Year's Eve Dance. Asked the council to waive the Community Building Fee for the dance. Will have party favors and a DJ. \$7.00 per person. No one under 18 years of age without a legal guardian.

- *Motion to Waive Community Building Fee for Fiesta Fundraiser*

Council Member Robbins moved to waive the Community Building Fee for the Fiesta Fundraiser on New Year's Eve. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:22 p.m.

UNFINISHED BUSINESS:

KMGA Board of Directors Meeting, November 17-18, 2003

Discussed. Requires one to attend at least on Tuesday, November 18, 2003 to the 9 A.M. meeting and the later 1 P.M. meeting. Mayor will check his schedule for attendance, as well as Council Member Weitman. In their absence City Clerk will attend.

- *Motion to Authorize Up To Two People to Attend KMGA Meeting*

Council Member Robbins moved to authorize up to two people to attend the KMGA Board of Directors Meeting November 17-18, 2003 in Wichita, Kansas. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:30 p.m.

1991 International Dump Truck Contingent on Additional \$1,500 Cost Approval

City Clerk Herrin noted the Council had located a 1991 International Dump Truck with snowplow and spreader for an additional cost of \$1,500 over the amount approved at the last meeting.

- *Motion to Approve the Additional Cost of \$1,500 for the Dump Truck*

Council Member Boone moved to approve the additional cost of \$1,500 for the 1991 Dump Truck. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:31 p.m.

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NEW BUSINESS:

LKM/MLA Personnel Management Course, Burlington, KS November 14th

City Clerk Herrin requested permission for the attendance of this course. Discussed the possibility of the Mayor and/or Council Members also attending. Tabled until next meeting to give time for everyone to check schedules.

La Cygne Library Request Consideration to Waive Community Building Fee for Presentation on October 16, 2003

City Clerk Herrin presented flyer on presentation being given by the Library that they are anticipating attendance to be larger than their meeting room will allow. Noted the library had loaned their meeting room to the city in the past.

- *Motion to Waive Community Building Fee for the Library*

Council Member Robbins moved to waive the community building fee for the library presentation on October 16th. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:37 p.m.

Contract with Diehl, Banwart, Bolton, Jarred & Bledsoe, Chartered for 2003 Audit

- *Motion to Approve Contract with CPA Firm*

Council Member Robbins moved to approve the contract with CPA Firm as presented. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:40 p.m.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member Robbins moved to go into Executive Session for up to forty-five minutes following a ten-minute break for personnel, legal and land acquisition. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:47 p.m.

Others invited into or requesting a portion of executive time was: City Clerk Herrin.

Open Session Resumed at 9:34 p.m.

OTHER BUSINESS

Christmas Party, Saturday, December 6th

City Clerk Herrin reported Council Member McGinnis had agreed to handle the party again this year and was asking for December 6th for the date.

- *Motion to Set December 6th for Christmas Party*

Council Member Robbins moved to have the Christmas Party on December 6th. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:37 p.m.

Kansas Shared Services Authority Proposal Received

Discussed.

Surplus of City Property

Discussed. Tabled till next meeting when Public Works Superintendent Craig would be available to present equipment list.

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OTHER BUSINESS (Continued)

Acquisition of Easements for Gas Projects

- *Motion to Authorize Council Members Boone and Williams Along With Twin Peaks to Acquire Easements*

Council Member Robbins moved to authorize Council Members Boone and Williams to negotiate along with Twin Peaks the acquiring of easements for the gas project. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:46 p.m.

Time Clocks

Discussed. City Clerk had some costs for different types. Determined to continue researching.

CITY CLERK'S REPORT:

City Clerk's Written Report:

3. None

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Cebridge Connections
- b] Marias des Cygnes River Water Assurance District #2
- c] *Kansas Government Journal*, Volume 89, Number 9, September 2003
- d] 3rd Quarter 2003 Gas Figures
- e] Greg Grant R.L.S.

Noted items b., c., and d.

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Williams moved to adjourn the meeting. Seconded by Council Member Robbins, voted on, 2-2 (Against: Boone and Weitman)**

Meeting adjourned at 9:52 p.m. by Mayor Sam Barber.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 15th day of October 2003.

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REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, November 5, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone; Connie McGinnis; Terry Weitman; and, Tony Williams. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Julie Funk; Roger Sims; Public Works Assistant Jerome Moore; City Police Chief Glenn Farrell Jr.; Mike DeMott; and Dennis Van Tuyl.

Mayor Sam Barber called the meeting to order at 7:01 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Williams moved to approve the consent agenda that consisted of:

Check Register: October 16 – November 5, 2003;
Minutes of October 15, 2003 Regular City Council Meeting;

Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

xii. Status

Public Works Jerome Moore reported the filter to waste is in, just need to connect the four inch pipe to it. Smi-Co is moving right along.

xiii. Smi-Co Pay Request #2 for \$66,132.90

- a. *Motion to Approve Pay Request #2 for \$66,132.90 for Smi-Co Inc*

Council Member McGinnis moved to approve paying Smi-Co Inc. pay request number two in the amount of \$66,132.90. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:07 p.m.

b. GAS IMPROVEMENT GRANT

xi. Status

Skipped, Kirkham Michael Engineers not present.

ii. Kirkham Michael Design Pay Request of \$2,944.88

- *Motion to Approve Pay Request of \$2,944.88 to Kirkham Michael Engineers*

Council Member Weitman moved to pay Kirkham Michaels \$2,9944.88 for the gas improvement project for the design phase. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:10 p.m.

DISCUSSION FROM THE FLOOR:

None.

REPORTS OF CITY OFFICERS:

Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for the month of October 2003.

i. Dog Pound Report

Chief of Police Farrell reported the old dog pound had been flattened. The area was ready for Ryan, with La Cygne Concrete, to form it and then he would put in the poles two feet below ground prior to pouring the concrete which hope to pour by Monday. The city guys have cut some of the pipe for them to be ready.

Page 2 of 4

REPORTS OF CITY OFFICERS: (Continued)

Chief of Police Glenn Farrell Jr. (Continued)

xii. Children At Play Signs

Reported the flags have been placed for the signs, the one call's have been made, and now just waiting for the one call time to pass prior to installing through out the city.

UTILITY IMPROVEMENTS REPORT (Continued)

a. **WATER IMPROVEMENT PROJECT (Continued)**

Lindy Cummins with Kirkham Michael Engineers arrived and moved back to reports for status from the engineers.

Status – Mr. Cummins reported the concrete work was done and as of today SMI-CO was finishing moving the four inch water line. The city had been furnished pay estimate #2 from the contractor. The drawings by Tonka for the under drains were approved by the state yesterday. Now they can be manufactured and not sure of the delivery date. It comes pre-fabricated.

b. GAS IMPROVEMENT GRANT

Status – Mr. Cummins presented a map of the property owners along the gas line with notes on the status of the easements. He only had the one copy and would forward a copy to the city in a few days. They did find where there were easements obtained in 1962 that were notarized but never recorded with the counties; located five on the county road and almost all on the Highway that didn't get recorded. City Clerk Herrin noted the city was aware of the ones in Linn County now that were not recorded and they were being addressed to be recorded. Now waiting on a response about the wetlands and will stay in the county widened right of ways to keep the line running in a straight line. Mayor Barber noted the invoices for SMI-CO and Kirkham Michaels had been approved earlier in the meeting.

STANDING COMMITTEE REPORTS:

Water & Gas

Council Member Boone asked how the testing survey on leaks was going. Jerome Moore reported they had the business district done and a quarter of the town, fixing any leaks found as they go. So far they had found two service taps that were pretty big ones.

Sewer

Council Member Boone asked if any chemicals were being used at the lagoon. Jerome Moore reported with the changes now the city was not using anything but natural waves as the state recommends. With this the test results have been lower than the state requirements. Council Member Boone asked what about the smell? Can a deodorant be put in the lines? Sometimes the breeze out of the south is not too good. Jerome Moore noted he would check on what can be done tomorrow.

Park

City Clerk Herrin reported the Park Board is checking on engineers for drawings for a restroom and using a grant for matching funds.

Public Safety

Police Chief Farrell reported there was a class for police officers in Pleasanton on November 18-21st for no cost that he had signed Officer Mike Watson and himself to attend. It is in regards to drug and alcohol recognition and goes towards their required credit hours.

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SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the next meeting is next Monday night at her house. A video will be shown about Baxter Black to be reviewed for a money fundraiser next spring. For those that don't know he is a comedian. All are invited and still looking for volunteers.

Emergency Disaster Committee

Mayor Barber reported the City of Pleasanton was sponsoring a meeting tomorrow night at 7:00 p.m. regarding the review and update of the County's Plan. Mayor Barber was planning to attend and invited anyone else available to attend with him.

Kansas Shared Services Committee

Mayor Barber noted he would like to have the monthly items ordered by city hall and public works to compile a list and contact the Shared Services to check prices for buying the items. Reported all four cities did agree to enter and agreement with LLC and can utilize this source for buying power, especially in preplanning purchases.

UNFINISHED BUSINESS:

LKM/MLA Personnel Management Course, Burlington, KS Nov. 14th

d. *Motion for City Clerk to Attend Personnel Course*

Council Member McGinnis moved to send City Clerk to the Personnel Management Course with per diem. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:43 p.m.

REGULAR MEETING

Year = 2003

Christmas Party, December 6th

Council Member McGinnis reported Bobbi Barber is catering again this year. There is also going to be a gift exchange with a ten-dollar limit. The time to begin is 6:00 p.m. Will invite the fire department, the Planning Commission, the Fiesta Committee, and the Park Board. Need RSVP's as soon as possible.

NEW BUSINESS:

LKM Regional Suppers

Mayor Sam Barber reported the session with the supper would feature a discussion of the League of Kansas Municipalities 2004 Legislative Priorities. The one in Iola is November 12th and the one in Ottawa is December 4th. Asked any council member able to attend to get with City Clerk in time for reservations.

La Cygne Community Dinner Donation, November 15th

Discussed this is a community wide project with the churches playing a big part in it, as well as several others.

e. *Motion to Donate \$50 to Community Thanksgiving Dinner*

Council Member McGinnis moved to donate \$50 to the Community Thanksgiving Dinner. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:52 p.m.

Clerks Region VII Conference, December 4-6, 2003, Wichita, KS

Discussed reservations for motel. They have already been tentatively made; however can be cancelled with twenty-four hour notice.

f. *Motion for City Clerk to Attend Clerks Region VII Conference*

Council Member Weitman moved to send the City Clerk to the Clerks Region VII Conference in Wichita, Kansas December 4-6th. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:57 p.m.

Page 4 of 4

NEW BUSINESS: (Continued)

SRS Community Access Site Agreement

Discussed if the workload from being available for this information became heavy it could be discontinued.

g. *Motion to Approve SRS Community Access Site Agreement*

Council Member Weitman authorized the mayor to sign the agreement if deemed necessary. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:00 p.m.

Iota Tau Christmas Chili Supper Donation

Discussed amount donated this year and could be handled by the city. Several already donating personally.

h. *Motion to Donate \$25 to Iota Tau Christmas Chili Supper*

Council Member Williams moved to donate \$25 to the Iota Tau Christmas Chili Supper. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:03 p.m.

Thank You from Connie McGinnis

Council Member McGinnis said a Big Thank You to the city and council for the lovely flowers she enjoyed from them while she was recuperating. The Council expressed thanks to Linda Elder for taking care of that for them. Also was glad to see Connie back.

REGULAR MEETING

Year = 2003

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and land acquisition for up to fifty minutes following a ten-minute break. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:06 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin.

Open Session Resumed at 9:01 p.m.

OTHER BUSINESS:

Jerry Boone Turned 60

Council Member Weitman noted the city now had another senior citizen with Council Member Jerry Boone turning 60 this week.

CITY CLERK'S REPORT:

xv. None.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] *Kansas Government Journal*, Volume 89, Number 10, October 2003
- b] TWG Bond Counsel Bulletin, October 2003
- c] Park Board Minutes of Meeting on October 26, 2003

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Weitman, voted on, passed 4-0.**

Adjourned the meeting at 9:05 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 5th of November 2003.

Page 1 of 4 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, November 19, 2003, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Tony Williams, and Terry Weitman.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Supervisor George Craig; Roger Simms with Osawatomie Graphic; Julie Funk with Linn County News; Dennis VanTuyl; Christopher Henricks; and Le Roy Turpen.

Mayor Samuel Barber called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Robbins moved to approve the consent agenda as presented that consisted of:

Check Register: November 6 – 19, 2003;
Minutes of November 5, 2003 City Council Meeting;
October 2003 Treasurers Report;

Motion seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

xii. Status

Public Works Superintendent Craig reported the contractor had some parts ordered and they were not in yet. The media should be in before too long.

b. GAS IMPROVEMENT PROJECT – CDBG GRANT

i. Status and Twin Peaks, Additional Time for Additional Easement Work

City Clerk Herrin discussed with Council Member Boone the outstanding easements still to be completed.

- *Motion to Authorize up to Five More Days with Twin Peaks*

Council Member Robbins moved to authorize up to five more days with Twin Peaks to finish the easements. Council Member Boone asked if another five days would have to be approved again after these. Determined unknown at this time, hope not. **Seconded by Council Member Weitman, voted on, passed 5-0.** Time: 7:08 p.m.

DISCUSSION FROM THE FLOOR

Dennis VanTuyl Regarding the Status of Paperwork on Alley

Dennis VanTuyl asked if the paperwork was back in city hall regarding the alley issue. City Clerk Herrin reported it was not back yet, possibly someone would have to go pick it up. Would check on it. Mr. VanTuyl asked if it was ok to move the old electric line pole that was in their property. Determined the pole was the no longer in use to anyone's knowledge. The city did not have the old pole as part of any of the previous discussions and had no part in it. Mr. VanTuyl said, "Thanks, he would take care of it."

DISCUSSION FROM THE FLOOR (Continued)

Dennis VanTuyl Regarding Grange Nomination of Police Chief Farrell

Dennis VanTuyl reported Chuck did not receive the State Grange Award this year, but did qualify to be presented again next year. The local acknowledgement for the local award would be December 13th at 5:30 p.m. at the Grange Hall. At that time will give the Certificate of Appreciation to him if he is available to attend, or will give it to him later. All are welcome to attend for free food and a dance later.

Mayor Barber acknowledged and said thanks to Dennis and the Grange for their efforts.

Christopher Henricks Requesting to Purchase Street Property on South Railroad

Christopher Henricks asked the council if instead of giving Railroad Street property to somebody he would rather buy it. Would the city sell Railroad? Council concurred there had

been talk about closing the street. Mr. Henricks said he would like to buy the property where the trailer is instead of the lot where the trailer isn't. Council Member Robbins noted the city could only look into closing the street and then it would go back to the property owners by the street. Mr. Henricks asked if there was any way to just buy it. Council concurred there was no way, it would have to be closed.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell noted there would be no activity report for this meeting. Also, reported the dog pound was coming along; all the poles were pushed but three. The concrete would be poured tomorrow or Friday.

K152 Railroad Crossing will be Closed December 3-5, 2003 for repairs. Will detour the heavy traffic to Elm during this time.

Public Works Superintendent George Craig

1. Wastewater Treatment Class for John Henry – Requested this be tabled until the next meeting.
2. KCP&L has hung the Christmas Decoration across the highway. The city crew is putting up the rest of the decorations and will be done shortly.

STANDING COMMITTEE REPORTS:

Water & Gas

Council Member Boone reported Ward and Jean Allen, who have been citizens of La Cygne all of their lives, received a bill for a gas line closure that they felt was too high in cost and he agreed. Three employees cut off and capped the line then they were charged \$200.00. Public Works Superintendent Craig noted this value for this type of work was put in place several years ago. Discussed the process previously was done by outside contractor and they charged this amount to the city. Now additional training for city employees has been done and they have the equipment to handle the process and take on the responsibility of working with a live gas line during this process, there is a need to pass this extra on without adding to other customer's average gas costs on their gas bills. Council Member Boone noted he still felt they were overcharged for the \$200.00. He ran to help the citizens and what good if he could be of no help. If it had been hired out then he would not complain. Mayor Barber asked the Gas Committee to review what had previously been put in place for this process and the council would re-look at what had previously been put in place.

Page 3 of 4

STANDING COMMITTEE REPORTS: (Continued)

Sewer

Mayor Barber noted the lift stations were back to normal.

Public Safety

Council Member Williams noted the 'Slow Children' signs looked good. Thanked George and the guys for doing a nice job.

SPECIAL COMMITTEE REPORTS:

Fiesta

REGULAR MEETING

Year = 2003

Council Member McGinnis reported there was a total profit of \$2,218.02 not counting the Park Board Queens profit. Together they total over \$5,000 and both are being transferred to the Pool Fund.

Planning Commission Committee

1. Recommendation of Adopting Signs & Banners Regulations from Garnett

Discussed there were parts that would need to be modified for LaCygne zoning identities, etc. Also discussed if needed to have a public hearing for just this part or wait and do all articles at one time, which would delay this part being put into place. Concurred to put back on the December 3rd agenda and give everyone more time to go over it in more detail.

UNFINISHED BUSINESS:

Christmas Party, December 6th

Council Member McGinnis reported the invitations are out.

NEW BUSINESS:

The Consortium Drug Supervisory Training Session

City Clerk Herrin requested permission for the attendance of this course as required to meet the KCC drug program requirements. The nearest meeting is December 10th in Chanute, KS.

- *Motion for City Clerk to Attend DER Training*

Council Member Robbins moved for the City Clerk to attend the DER Training on December 10th in Chanute with per diem. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:44 p.m.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to one hour and ten minutes following a ten-minute break for personnel, legal and land acquisition. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:47 p.m.

Others invited into or requesting a portion of executive time was: City Clerk Herrin and Public Works Superintendent Craig.

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EXTEND EXECUTIVE SESSION:

- *Motion to Extend Executive Session*

Council Member Boone moved to extend executive session for up to twenty-five minutes for legal and personnel. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:10 p.m.

Open Session Resumed at 9:30 p.m.

OTHER BUSINESS

Burning Leaves on Market Street

REGULAR MEETING

Year = 2003

Council Member McGinnis reported a citizen who had seen another citizen rake all his leaves onto Market Street and burn them there had contacted her. Felt this was hard on the asphalt and why did the city allow it. Council Member Weitman noted this occurred on a state highway, not city property. Council Member McGinnis noted this person was really upset over it and she told them she would report it as requested.

National Association of Gas Consumers Lawsuit Regarding Natural Gas Prices

City Clerk Herrin noted she had not had time to put together the information she had gathered from the meeting. Would put it together and have it ready for the next meeting.

CITY CLERK'S REPORT:

City Clerk's Written Report:

4. PC Signs & Banners Recommendations

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] *Alert*, LKM, November 11, 2003
- b] KMU Workshop Certificate for Jerome Moore
- c] LKM/MLA Workshop, *KOMA/KORA*, December 6, 2003
- d] Planning Commission Minutes of November 13, 2003 Meeting
- e] *Thank You Card* from La Cygne Community Dinner Organizers (425 Served)

Noted item e.

OTHER BUSINESS (Continued)

Part-Time Compactor Employee to Fill In for Bill Craven

Noted Bob Swisher no longer wanted to fill in at the trash compactor when Bill needed off. Determined not to advertise in the paper, just by word of mouth. Will review any applications at the next meeting.

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Weitman, voted on, passed 5-0.**

Meeting adjourned at 9:38 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 19th day of November 2003.

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REGULAR MEETING:

The LaCygne City Council met in regular session on Wednesday, December 3, 2003, 2003. Council Members present were: Jerry Boone, Travis Robbins, Tony Williams, and Connie McGinnis by phone conference. Absent: Terry Weitman.

Others present included: City Clerk Devona Herrin and LeRoy Turpen.

Mayor Sam Barber called the meeting to order at 7:02 p.m.

ADJOURNMENT TO RECONVENE ON MONDAY, December 8, 2003:

REGULAR MEETING

Year = 2003

- *Motion to Adjourn to Reconvene Monday, December 8, 2003*

Council Member Robbins moved to adjourn to reconvene on Monday, December 8, 2003, at 7:00 p.m. Motion seconded by Council Member Boone, voted on, 4-0.

The meeting was adjourned for this day at 7:03 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 3rd day of December 2003.

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REGULAR MEETING:

The La Cygne City Council met and reconvened in regular session on Monday, December 8, 2003 at the La Cygne Community Building. Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Terry Weitman; and, Tony Williams.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Jackie Walker; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Jim and Lisa Finfrock; Kevin Collins; Tom Patterson; and Kenny Ross.

Mayor Sam Barber called the meeting back to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member McGinnis moved to approve the consent agenda that consisted of:

Check Register: November 20 – December 3, 2003;
Minutes of November 19, 2003 Regular City Council Meeting;

Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:02 p.m.

DISCUSSION FROM THE FLOOR:

Tom Patterson and Kenny Ross Regarding Roads and Sewer Mains

Kenny Ross noted he had previously been to the city council in the past year to discuss south 6th Street. Presented a diagram of the area being discussed. Pointed out the existing new triplex apartment built earlier this year. Noted ditch work needing to be done south of that property. Now proposing another triplex apartment south of this unit, and eventually another one north west of the existing unit. Then pointed out plans to build on both sides of south 6th street with up to seven houses, one being his own. The sewer in the alley in this area is on the north side of the property instead of in the alley. Would like to close Elm Street in this area as it is unimproved currently and this would make the lots buildable around the existing drainage. A water line does run down where this street is designated so would want to retain a utility easement.

Council Member McGinnis asked if he was just talking about between 6th & 7th Streets for the closing. Mr. Ross responded affirmative for now.

Tom Patterson reported a ditch usually runs down a road and they are not asking to change the run off of the city, to just accept and work around it. He was here to see what the city would commit to on south 6th to make the street workable. His main concern is there going to be a street and the city make improvements on it. With the new rules and land locking with closed streets, will now have to have lots facing the open streets in the area. Will need gravel to get in and out of the area. The city needs to tell us where the street is. Then on Elm Street it would be tough to open due to the deep ditch to address if opened it.

Mr. Ross noted they would need 6th Street fixed up like 7th Street.

Mr. Patterson noted it was a 70' street. Now since done without a survey of the alley looks like the city sewer is south of the alley on his property. Cannot really move it so will have to let everyone know it is there. Also, have two concrete culverts that the city could use for drainage under the part of 6th Street to be improved. The street is the city's, but is unimproved.

Council Member Robbins asked if more apartments were built northwest of the existing apartments, how would they have access to a road? Mr. Ross responded he would put in a private drive to those three units. Noted the trash truck and emergency has to have a way to get in and turn around. Now on south 7th it barely works and the trash truck will back into the ditch to turn around. For fire trucks and emergency vehicles in multiple it will be difficult to work there. So, 6th Street should be widened a little wider to allow for emergency vehicles. Mayor Barber asked if they wanted a commitment on 6th Street before they go the Planning Commission.

Mr. Patterson noted he just wanted a commitment on the improvements for south 6th Street. Council Member Robbins noted just dirt work and culverts at this time? Mr. Patterson responded just wanted a commitment to work on the street when the building is done. With Linn Street intersecting south having been closed years ago when it didn't take approval of property owners there is no other way to the south end of this property. Mr. Ross noted he was looking at eight houses on 6th Street then with Elm closed two triplexes.

City Attorney Sutherland noted the city would have to look at the costs before any commitment.

Mr. Ross noted he would have to have a culvert at a drive to get to the street and needed a street to make the drive workable for future use.

Mr. Patterson noted this is an open street and now needs to be improved. He is getting ready to sell the lots as they sit and just want to know if the city will open 6th Street and make it usable. Just want to be able to work to get to the south lots.

Mayor Barber noted would get with the Street Committee and review the area for options.

Council Member Weitman noted the city would need to see an estimated cost of what it would be to improve the street and if the city would have the finances to do it. May need to look at two budget years to do it.

Page 2 of 6

DISCUSSION FROM THE FLOOR: (Continued)

Tom Patterson and Kenny Ross Regarding Roads and Sewer Mains (Continued)

Mr. Patterson said he agreed, just wanted to know the existing council wants to go forward with the street the use the bottom part ad Linn Street that ran along the south part has already been closed and is history.

Mr. Ross noted he had been good in the past with the units he had built in putting in culverts and drives for those units. Would like to set a date to look at the area with the Street Committee. Council Member Weitman suggested next Saturday at 11 a.m. Council Member Robbins asked about what they wanted done right now with Elm Street? Mr. Ross responded his concern was to have access and to make use of as much ground as he could. At the same time want to be able to put in culverts and concrete drives to the street. Mr. Robbins asked if there was going to be a petition to close Elm Street? Mr. Ross noted he just had to get this done and no since in a survey till it was done. Closing Elm Street would be a big plus, but right now going to the Planning Commission for a rezoning request and will discuss then. There is also a gas meter that needs to be moved over to the bus barn as it is theirs and not on their property. Also wanted to thank the city for the 7th Street improvements.

Hester's Trash Hauling, Leon Hester & Levi Roberts

No one present. Tabled.

Jim Finfrock Regarding Paint Ball Problem

Jim Finfrock noted it was a real hassle cleaning paint balls off his truck. It happened three years ago several times and there wasn't anything done. Now it's happened again and tired of cleaning it up. Lost a days work of about \$750 a day to use the truck.

City Police Chief Farrell noted the city has ordinances against the use of paint ball guns and enforces it.

Mr. Finfrock wanted stiffer fines for the teenagers when caught. Noted several locations were hit this time besides his. There are times when the city has no police officers out and the existing officers have already put in a lot of time and the kids are coming out when they are not out. Or, the kids know when the officer is on the other end of town and then they hit. Will anything be done this time if they are caught? Last time nothing happened after they were caught. Would like to know this time when action is pending and will push to keep the action going. Asked if any way to get another officer full time to help keep the coverage better.

Council Member Robbins noted maybe the officers could work some different hours for awhile so the individuals would not know for sure when they would be out.

City Police Chief Farrell noted these last occurrences happened between 3-5 a.m. on Sunday morning. Mayor Barber concurred the kids seem to keep track of when the officers are off.

Mr. Finfrock also noted there are young kids driving too fast and sliding around 7th Street and just missed having a wreck. The kids are out too late and it is getting bad again.

Mayor Barber noted the police department would continue to investigate. Mr. Finfrock noted they would be here again if they get hit again.

Kevin Collins Regarding Criminal Damage and Signs for Children on North 7th Street

Mayor Barber asked Kevin Collins if he had spoke to the police department about these issues.

Mr. Collins noted he had but had concerns as to why then headed north on 7th Street there is a stop sign on Chestnut then no more all the way north. Drivers get up to 70 mph and they need to be stopped before we take matters into our own hands. Why not any stop signs going north and south on 7th Street? There's several going east and west.

Council Member Robbins noted the ones speeding are going to do it no matter how many signs are put up. Could put thousands of dollars on signs and they still wouldn't pay attention to the signs.

Mayor Barber asked the public to communicate with the police when they see these occurrences happening.

Mr. Finfrock noted if he signed a complaint then the other party would file a complaint against him.

Mr. Collins noted it seems to happen more on weekends. Was there any way to get another officer on duty on weekends? Noted the police department was doing investigation but once it goes to the county will it then be pursued? And why not. Need more police officers and for something to happen when the incidents are taken on to the county.

Mayor Barber noted they would listen to their concerns and take them seriously.

Mr. Collins said thank you.

Melinda Waite Requests Closing Railroad Street East of Block 2

Mayor Barber read a request from Melinda Waite to close Railroad Street east of Block 2. Discussed the requirements to begin this process that includes a fee for handling this process.

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

xiv. Status

Public Works Superintendent George Craig reported SMI-CO is still waiting for parts. Mayor Barber noted the city had just received the plans for the next phase. Will discuss possible changes with KDHE and go from there.

b. GAS IMPROVEMENT GRANT

xiii. Status

City Clerk Herrin noted was still pending some easement work.

ii. Kirkham Michael Design Pay Request of \$3,046.00

- *Motion to Approve Pay Request of \$3,046.00 to Kirkham Michael Engineers*

Council Member Robbins moved to pay Kirkham Michaels \$3,046.00 for the gas improvement project for the design phase. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:06 p.m.

REPORTS OF CITY OFFICERS:

Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for the month of November 2003.

i. Dog Pound Report

Chief of Police Farrell reported they are waiting for concrete to be poured after it had been backed up 18” for the county trash truck to circle.

xiv. K152 RR Crossing Closed December 3-5, 2003

Noted the repairs were done and the street was back open.

Public Works Superintendent – George Craig

i. Workshop, Columbus, Kansas, December 9-10, 2003 for Art Terry

Public Works Superintendent George Craig requested attendance to the ten-hour wastewater workshop for Art Terry to maintain his wastewater certification. The cost is \$65 and he will commute. Discussed if needed to send anyone else to this workshop. Determined not at this time.

- a. *Motion for Art Terry to Attend Wastewater Workshop*

Council Member Weitman moved to send Art Terry to the Wastewater class in Columbus with mileage. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:15 p.m.

xv. Wastewater Treatment Class for John Henry at Fort Scott Community College

PWS Craig requested attendance for John Henry to the FSCC Wastewater Treatment Class for the next semester. The class is Monday and Wednesday afternoons. John Henry is currently attending college with a grant and this grant will pay his tuition and the credits will be applied to his units for this class. The city will have the expenses of his time to attend and transportation. He has expressed his intention to stay with the city.

- a. *Motion for John Henry to attend FSCC Wastewater Treatment Class*

Council Member McGinnis moved to send John Henry to the FSCC Wastewater Treatment Class with the utilization of his grant for tuition. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:17 p.m.

xvi. Children At Play Signs

Reported two of the existing signs have been moved for easier access to the property owners of their properties.

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STANDING COMMITTEE REPORTS:

Water & Gas

Council Member Boone asked if SMI-CO could go ahead and clean up the mess around the water plant.

Street

Noted a conference was set up to look at south 6th Street this Saturday at 11 a.m. Noted the extended culvert being installed on the Erhart property on north 1st Street had been handled by the Street Committee and approved for the Erhart's to move forward.

Sewer

Discussed adding buildings at the two lift stations for the generators. Had earlier received estimate of around \$5,000 with plans from Tony Williams prior to his becoming a council member. Sewer Committee will look at the prior information and put together plans for bids at the next meeting.

Park

Noted there is a water hydrant at the park that is leaking and getting worse. Also the timer on the tennis court is not kicking off, as it should. Council Member Robbins will check on it.

Cemetery

Council Member Robbins noted the cemetery garage roof is looking rough. Council Member Boone suggested a new roof be a heavy tin roof.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the posters are ready for the New Year's Eve Dance.

Planning Commission Committee

- i. Recommend Adopting Signs & Banners Regulations from Garnett, Kansas

Discussed if the City Council wanted the PC to move forward with the signs part of the updates and then put it together with the rest of the updates, or just have a public hearing on the updates one section at a time. Concurred the recommended signs submitted would meet city needs with the parts changed to apply to our city.

- a. *Adopt Signs with Recommendations from PC for City Changes*

Council Member Robbins moved to adopt signs and banners regulations after reviewing recommendations with changes for our city. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:36 p.m.

Kansas Shared Services Committee

Mayor Barber reported two other cities are looking at KSSA to become members. Also, the legal name has been changed from LLC to IMC (Interlocal Management Committee). And, a list of items has been received of what this committee can do to help the cities.

UNFINISHED BUSINESS:

NAGC Lawsuit Regarding Natural Gas Prices

Discussed. Noted the driving force of the future rates is the gas market, not this one cost to the city. Tabled till the next meeting and council will try to get feedback from the public on the feeling of the citizens. The estimated annual cost to the city is less than \$7,000. If successful will receive these costs back plus previous costs for excessive gas rates charged since 2000.

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NEW BUSINESS:

La Cygne Elementary School Request for Fireworks on May 20, 2003

Discussed what would be required from the city. Determined with existing ordinance they need approval from the city to have fireworks on a date other than those designated in the ordinance. Noted the fire department, the ambulance service, the police, and the National Guard will be in attendance.

- b. *Motion to Grant Request for Fireworks on May 20, 2004 for School Celebration*

Council Member Robbins moved to grant the request by the La Cygne Elementary School for fireworks on May 20, 2004 for their celebration. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:51 p.m.

PVHS After Prom Activities

Tabled until next meeting.

Surplus Items

Discussed having an auction instead of sealed bids and waiting until after the first of the year for the sale of the items.

Mayor Barber asked all of the council to look the list over and consider sealed bids versus auction, then put the list back on next week's agenda for further review.

Holiday Work Hours for City Employees

Discussed compactor being full after Thanksgiving Holidays' and having to close due to container being full from county leaving for more days than usual prior to the Holiday. Felt the county needs to keep it accessible, especially right after a holiday. Asked why County Employee Eddie Fleming isn't coming to the council when he directs changes to City Employee Bill Craven. The paperwork he has requested keeps Bill tied up and prevents him from helping the public. Council Member Robbins reported he was told KDHE requires the regulation of the paperwork. Noted while on the subject rock needs to be hauled by the county again as it is getting difficult to get the trash to the compactor with the weather.

Discussed need to talk to the commissioners. Council Member Robbins noted while discussing the compactor they also need to look at a cleaner port-a-potty for the workers. Discussed just going to Commissioner Herb Pemberton prior to see if he had any answers. Council Member Boone reported he would discuss with him. Discussed allowing City Hall, Public Works, and Compactor Employees the option to take off three days for Christmas and two days for New Years. This additional day would not be a paid holiday; it would be at the employee's option.

- i. *Motion to Close City Hall & City Facilities December 24th & 31st*

Council Member Robbins moved to close City Hall and all facilities with the option of employees working on December 24th and 31st at employees own expense or using vacation with police officers remaining on usual duty. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:16 p.m.

Extend Meeting

- j. *Motion to Extend*

Council Member McGinnis moved to extend the meeting to the maximum. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:18 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel, legal, and land acquisition for up to sixty minutes following a ten-minute break. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:20 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin and City Police Chief Farrell.

Open Session Resumed at 10:20 p.m.

OTHER BUSINESS:

Hire City Employee Gary Mahon for Deputy City Clerk Position

- k. *Motion to Hire Gary Mahon for Deputy City Clerk*

Council Member Robbins moved to hire Gary Mahon as Deputy City Clerk at a rate of \$14.00 per hour beginning as soon as notice is given to his former employer with benefits according to handbook. Seconded by Council Member McGinnis. Discussed if any other issues. Council Member Robbins added retaining years of service for vacation time for Gary. Seconded again by Council Member McGinnis, voted on, passed 5-0. Time: 10.24 p.m.

City Clerk Herrin noted the deputy clerk parameters would be one of the first items addressed after Gary begins working for the city. Will look into obtaining a computer for another workstation at the next meeting.

Termination of Three Gas Customers Outside City Limits

- l. *Motion to Terminate Three Gas Customers Due to New Line*

Council Member Robbins moved to authorize John Sutherland to send letters on three gas customers for termination of services. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 10:25 p.m.

CITY CLERK'S REPORT:

xvi. Next Meeting Reminders

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Park Board Minutes of November 16, 2003 Meeting
- b] LKM Report of Special Committee
- c] KDHE La Cygne Kansas Water Pollution Control Permit
- d] Juvenile Prevention Services Workshop Certificate for G. Farrell
- e] Counter-Terrorist Education Course Certificate for M. Watson
- f] Kettle Corn Available for All Occasions
- g] Government Agency Pesticide Certification

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Robbins, voted on, passed 5-0.**

Adjourned the meeting at 10:26 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 8th of December 2003.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, December 17, 2003, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and Tony Williams. Absent: Terry Weitman.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Supervisor George Craig; Roger Simms with Osawatomie Graphic; Julie Funk with Linn County News; Dennis and Kelly VanTuyl; Kenny Ross; Joe Weeks; Dave Davenport; and Mike Becker.

Mayor Samuel Barber called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Robbins moved to approve the consent agenda as presented that consisted of:

- Check Register: December 4 - 14, 2003;
- Minutes of December 3, 2003 City Council Meeting;
- Minutes of December 8, 2003 Reconvened City Council Meeting;
- November 2003 Financial Statement

Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:02 p.m.

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

xiii. Status

Public Works Superintendent Craig reported the contractor still waiting on some parts ordered and they were not in yet. The media should be in before too long. For Phase 2 and 3, they have been sent to the state where Rex Cox (KDHE) went over it and will send back to Kirkham Michael Engineers for changes.

xiv. Kirkham Michael Engineers Pay Request

- *Motion to Approve Pay Request for \$8,088.00 for Invoice #57633*

Council Member McGinnis moved to approve pay request for \$8,088.00 for Invoice #57633. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:05 p.m.

b. GAS IMPROVEMENT PROJECT – CDBG GRANT

i. Status

City Clerk Herrin reported Twin Peaks has three more easements they are in the final

paperwork stages, expect to have completed in the next few working days. Also noted there is one property owner in Miami County that the city has been unable to obtain an easement. City Attorney Sutherland presented Resolution #280 as pertains to the three pieces of property owned by this individual for condemnation.

- *Motion to Pass Resolution #280 as Pertains to Condemnation*

Council Member Robbins moved to pass Resolution #280 as pertains to condemnation process for easements. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:11 p.m.

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b. GAS IMPROVEMENT PROJECT – CDBG GRANT (Continued)

Discussed the requirement by the state of a competent engineer to do the initial survey.

- *Motion to Authorize Kirkham Michael Engineers For Costs up to \$1,000 for Process of Resolution #280*

Council Member Robbins moved to allow Kirkham Michael Engineers with costs up to \$1,000 to proceed as pertains to Resolution #280. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:13 p.m.

DISCUSSION FROM THE FLOOR

Mike Becker Regarding Existing Gas Line from Fontana to Henson

Mike Becker reported he was interested in expanding his coal methane in the area around Fontana. In order to accomplish this he was looking for a line to sell. He had heard that the City of La Cygne was putting in a new gas line and would like to purchase the existing line from the City limits to the Panhandle Eastern connection. Mayor Barber noted the city did not know what part of the line is usable. Mr. Becker wondered if there was a way to find out. Mayor Barber asked if anyone knew where to start to obtain this information. City Attorney Sutherland noted probably the KCC. Mr. Becker noted he was serious about looking at the old line for use so would do some homework, get with KCC, and get back with the city. General discussion included there are parts of the existing line the city is planning on retaining to blend with the new line and will not be available to sell. Mr. Becker thanked everyone for his or her time.

Eastern Star Requests Waiver of Community Building Fee for Fundraiser

- *Motion to Approve Request for Waiver of Community Building Fee*

Council Member McGinnis moved to waive the Community Building Fee for the Eastern Star fundraiser. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:21 p.m.

Kelly VanTuyl Presents Grange Certificate to Police Chief Farrell

Kelly Van Tuyl reported they missed having Police Chief Farrell attend the Grange dinner last Saturday, but understood his other commitments. Mrs. Van Tuyl presented Police Chief Farrell with the local Certificate for Community Person of the Year award. Mayor Barber acknowledged and said thanks to the Van Tuyls' and the Grange for their efforts.

New Year's Eve Fundraiser

Council Member McGinnis reported the Fiesta Committee wouldn't be putting on the New Year's Eve Dance for a city fundraiser that the members of the committee wanted to change it to a fundraiser by individuals for Paul Ross Weitman a child who was badly burned. Asking the city to waive the community building fees for the event. The Masons and Eastern Star will also serve Chili before the dance as a fundraiser for the child; and, there are raffles for fundraisers.

- *Motion to Waive Community Building Fee and Move Dance from City Fiesta Committee*

Council Member Robbins moved to change the New Year's Eve Dance from the City Fiesta Committee to the individuals and to waive the community building fees. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:26 p.m.

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DISCUSSION FROM THE FLOOR (Continued)

Kenny Ross Regarding South 6th Street

Kenny Ross reported he had met with Council Member Williams last Saturday as planned. Council Member Weitman was unavailable due to family commitments. A couple of the city employees were also in attendance. Noted he was not sure if the city ID's the street first or the property lines established first. City Attorney Sutherland noted the property lines are established first. Council Member Williams noted it looked like the cost of a road in this area would depend on where the road actually is as appears or if it needs to go to the west. Mr. Ross noted whether he found the corners of the property or not the city would still have to establish the street. There is already a corner established at the east end of one block with the existing apartments just built. Council Member Williams asked if he still wanted to close the street running east and west in the area (Elm Street). Mr. Ross responded in the future and this would increase the city tax base with new construction. Council Member Boone noted there is a five-year tax break for new construction in the city for the property owner. Mr. Ross concurred and noted he could do it either way, did not have to apply for the tax break. Council Member Williams noted the other council member was out and hadn't had a chance to discuss with him. Mr. Ross also noted there is a city sewer main south of the alley on private property and can measure this from the east side survey. Discussed a prescriptive easement for the existing sewer identified out of the alley, as it was not done intentionally and was over twenty years ago. Mayor Barber also mentioned looking at tax assessments for the street in this area, but need to check on how to proceed with this option. Will keep the issue on the agenda. Council Member Williams noted on the east and west road will have to contact all of the property owners involved. Mr. Ross noted he could have the road surveyed and platted on a map with the lots and file all at one time to get it started; has talked to the Planning Commission a little about the project already.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented an activity report for the period of December 1-15, 2003. Also, reported the dog pound is waiting for the concrete to be poured. Requested a Video Camera for the newest police vehicle, the old one will not fit in the new car without taking out seats and rewiring; plus this one is mobile to move from vehicle to vehicle if need be as it doesn't require all of the old wiring set ups and fits on the window instead of on the dash.

- *Motion to Purchase Video Camera for Police Vehicle*

Council Member Robbins moved to purchase a video camera for \$1,495 plus shipping and handling. Seconded by Council Member McGinnis, voted on, passed 3-1 (No: Boone). Time: 7:45 p.m.

Public Works Superintendent George Craig

3. Jerome Moore has finished his water class and will take his Class 2 water test tomorrow.
4. Art Terry and George Craig have taken their written parts for CDL licenses and will take the driving part this Friday. Jerome Moore and Jon Henry will take theirs next month.

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STANDING COMMITTEE REPORTS:

Park

Council Member Robbins reported he had not heard any more comments about the light at the tennis court, but had also not had it looked at yet. Would check into it. Noted public works had the water hydrant that had been leaking turned off.

Community Building

City Clerk Herrin reported the back door was not sealed tight and could see light in the daytime from the bottom of the door. Council Member Williams noted public works could buy a seal and install at the back door. This could be some help with the heat bills for the building.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee

2. Request to Close Railroad Street East of Block 2

Executive Session

- *Motion to Go Into Executive Session for Legal*

Council Member Robbins moved to go into executive session for up to ten minutes for legal. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:50 p.m.

Open Session: Resumed at 8:02 p.m.

Discussed request from Melinda Waite to close Railroad Street East of Block 2 and the state requirements for this process. Requirements include the party making the request to make an initial deposit for expenses and not to proceed until the expenses are paid. Mayor Barber instructed the City Clerk to send a letter of the requirements to Ms. Waite as he had called her by phone with the information but had not received any deposit to date.

UNFINISHED BUSINESS:

NAGC Lawsuit Regarding Natural Gas Prices

City Clerk provided list of cities that have already joined in the lawsuit. Mr. Weeks spoke from the floor and felt comparatively speaking the cost to join was still fairly reasonable and supported the city council in their decision. Noted if the lawsuit is awarded the city is reimbursed for the costs of these legal fees. The cost should not exceed \$7,000 a year and the award would be the costs of the increase of gas from the last three years, which is much

greater; as well as future lower gas rates.

- *Motion to Join NAGC Lawsuit Regarding Natural Gas Prices*

Council Member Williams moved to join the NAGC Lawsuit regarding the natural gas prices. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:30 p.m.

PVHS After Prom Activities for 2004

- *Motion to Donate \$150 to PVHS 2004 After Prom Activities*

Council Member Boone moved to donate \$150 to PVHS 2004 After Prom Activities. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:31 p.m.

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UNFINISHED BUSINESS: (Continued)

Surplus Items

Discussed delaying the sale of surplus items until spring; and, having an auction rather than sealed bids and which would cost less. Mayor Barber asked for the surplus topic to be tabled until after the first of the year.

Noted during discussion that the December 8th County Commission Meeting requested Ed Fleming run any compactor changes in the future through the City Council.

NEW BUSINESS:

Boundary Resolution #279

- *Motion for Acceptance of Boundary Resolution #279*

Council Member Robbins moved to accept boundary Resolution #279. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:38 p.m.

Authority to Transfer 2003 Funds

- *Motion for Authority to Transfer 2003 Funds*

Council Member Robbins moved to transfer any excess funds from the general fund to the Capital Improvement Fund and/or the Equipment Reserve Fund with the percentages to be determined when all totals are in. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:41 p.m.

Senior Housing Appointment Recommendation of Bob Mangold

- *Motion to Accept Senior Housing Appointment Recommendation of Bob Mangold*

Council Member McGinnis moved to accept the Senior Housing Appointment recommendation of Bob Mangold. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:42 p.m.

Park Board Members Two-Year Appointments of Steve Hisel & Sheila Thoele

- *Motion to Approve Two-Year Appointments to Park Board*

Council Member Robbins moved to accept the recommendation of two-year appointments to the Park Board of Steve Hisel and Sheila Thoele. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:43 p.m.

Cereal Malt Beverage Renewal Licenses for: Casey's, Stub's, Bits & Pieces, Lonesome Dove @ Kim Wilmurth, Loma Farms, Jim's Food Fair, and, Big Daddy's Pizza

City Clerk Herrin noted the Lonesome Dove application was not yet notarized and unsure of

just what type of application was being applied for, if it was for a Class B license or just to sell 3.2 liquor by the drink. Once the application was completed it was acceptable for either type of license.

- *Motion to Approve as Listed with Complete Information for Lonesome Dove*

Council Member Robbins moved to approve the licenses as listed contingent with Lonesome Dove completing the information. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:48 p.m.

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NEW BUSINESS: (Continued)

Computer and Equipment for Deputy City Clerk

City Clerk Herrin presented estimates for a computer with equipment. Noted also need another monitor as Chuck's is going out. Due to space in the city office looking at two space saving monitors and will give the monitor Linda is using to Chuck for his computer. Discussed 17-inch flat screen monitors versus 15 inch.

- *Motion to Purchase Computer and Equipment for up to \$2,588 with 15' Monitors*

Council Member Robbins moved to spend up to \$2,588.00 to include labor, installation and software and to negotiate for two 15-inch monitors. Seconded by Council Member McGinnis, voted on, passed 3-1 (No: Boone). Time: 8:58 p.m.

Switch Mobile Phone Companies for City Employees

City Clerk Herrin reported the city was looking at changing mobile phone companies for better reception at less monthly cost. This request was being presented, as there was a deposit of \$100 per phone for a total of \$700, or which is refunded in thirty days. Discussed retaining the same phone numbers – this takes up to thirty days to change out and can change with new numbers in one day. Discussed what the cost to replace a phone would be.

- *Motion to Switch Mobile Phone Carriers*

Council Member Robbins moved to switch mobile phone carriers for up to seven phones with a \$100 each deposit. Added to motion: And check on cost to replace if lost, if will need to insure. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:08 p.m.

Fax Machine for City Hall

City Clerk Herrin reported she had been in contact with KSSA to look for a new fax machine, as the one in city hall was no longer working properly. KSSA had located one for less than \$500 that was a laser fax, which will help on printing costs. Continuing to look for best option. Mayor Barber noted, as it was under \$500, to go for the best deal.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to twenty minutes following a ten-minute break for personnel. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:12 p.m.

Others invited into or requesting a portion of executive time was: None.

Open Session Resumed at 9:40 p.m.

OTHER BUSINESS

Place New Mower in Shed

Council Member McGinnis requested public works find a way to put the new mower in a shed, even if it was with the Historical sheds.

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CITY CLERK'S REPORT:

City Clerk's Written Report:

5. New Year Notes

6. Annual Mobile Home Park Licenses on January 7, 2004 Agenda

Verbal: The city had received over \$2,000 in Alcohol Tax this year.

NOTES AND COMMUNICATIONS TO COUNCIL:

a] Planning Commission Meeting Minutes of December 11, 2003

b] IIMC Region VII Conference Certificate of Participation

c] The Consortium Notice of Change in Laboratory

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Boone, voted on, passed 4-0.**

Meeting adjourned at 9:43 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 17th day of December 2003.
