

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday January 7, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and, Terry Weitman. Absent: 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; Kelly & Dennis Van Tuyl; Roger Sims; Tom Patterson; Kenny Ross; Bob Bousfield; and, Julie Funk.

Mayor Sam Barber called the meeting to order at 7:03 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: December 18-31, 2003 – January 7, 2004;  
Minutes of December 17, 2003 Regular City Council Meeting.

**Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:04 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

- i. Status & Pay Request #3 for SMI-CO, Inc.

Public Works Superintendent Craig reported SMI-CO Construction is planning to put anthracite in the plant tomorrow and then take the under drain tiles out on Friday. With the new anthracite on the existing portion it should be ok. Anticipate being down with this under drain about three weeks and just run on one filter during that time. They will basically be working on the inside and should take care of the other pending items during this time. Council Member Boone noted he did not understand why the valve is not working and it's a new product.

Mayor Barber asked if there was a need to hold up the pay request of \$56,664.00 until the existing product is repaired, or would that hold up the work.

PWS Craig noted it should not hold up the work. One valve just needs to be turned and the other two are not holding up.

Council Member Robbins discussed approving the pay request pending the changes being done.

Mayor Barber discussed making the payment less that part that is still not done.

Council Member Boone discussed didn't want to get into a situation like he had seen before with payment made and work not done. Mayor Barber concurred.

Discussed deleting the piping charges of \$15,496 or not paying till fixed right. Discussed approximately \$46,000 of the pay request is just materials for the project.

- *Motion for Approval of Payment Request with Contingent Requirements*

**Council Member Robbins moved to approve the payment request for the amount of \$41,168.00 and holding the additional \$15,496 to hold contingent on getting valves changed then make that payment. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:18 p.m.**

**c. GAS IMPROVEMENT GRANT**

i. Status

Discussed the previous meetings motion for the initial survey to meet the state requirements for Resolution #280. Kirkham Michaels does not have a surveyor on staff. City Clerk Herrin reported she had checked with the League and discussed with City Attorney Sutherland on how a competent surveyor could do the survey and work with KM to meet the requirements. Have done an initial contact with Schmitz Surveying and Jim Schmitz could not give an exact cost, as it would depend on what had already been surveyed in the area for a beginning point.

- *Motion for Schmitz Surveying to Complete Surveying Requirements*

**Council Member Robbins moved to hire Schmitz Surveying to complete surveys required on Windler's properties with normal fees to the city. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:23 p.m.**

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**DISCUSSION FROM THE FLOOR:**Mike Becker Regarding Purchase of Existing Gas Line

City Clerk Herrin reported Mr. Becker was tabling for tonight's meeting and would be back at the next meeting.

Kenny Ross Regarding South 6<sup>th</sup> Street Construction

Council Member Weitman reported he had not spoke with Council Member Williams yet. Did want to note that two citizens had approached him on the north end of town that had a street that was in bad need of repairs that the city was back burning on. He told them he did not think that was the city's intent at all for them.

Council Member Weitman noted he was concerned about the water carried from Sixth Street but found that heavy flow runs elsewhere. The water in this area runs from Fifth Street. The intended road area looks like it could have a base laid but need to look at how to develop costs to do this.

Kenny Ross noted this area would be involved if he was doing a development, but he doesn't own the street the city does.

Council Member Weitman responded not to get him wrong about growth; the dollars for the work are an issue.

Mr. Ross noted Tom Patterson has offered to provide pipe for the ditch drain.

Tom Patterson reported he had people waiting to know if there was going to be a road to sell the property; then can talk about pipe and backfill and the need for a survey for the road.

Mr. Ross noted he was ready to start building his own personal house in this area.

Council Weitman discussed if the noted material was going to work; without an engineer, cannot determine if it will work for drainage.

Mr. Patterson noted somehow the road has been fixed up by the bus barn and it dead ends. Not sure who did it. Want to do the same thing on Sixth Street.

Mr. Ross noted based on water travel it looks like the pipe and road fill would work.

Mr. Patterson noted that the road is currently unimproved and to make it usable just use the existing culverts he has now and then tear them out later if they don't work.

Mr. Ross noted for a survey base line there are already hubs on Seventh Street side of this block to pull from.

Council Member Weitman noted there was no need to double survey the place.

Mr. Patterson asked if the city council would accept Kenny's survey of the location.

Mr. Ross noted he would not be surveying the east side.

Discussed different ways to share in the costs of the survey to include the street. Mr. Ross noted the total survey would probably be around \$3,000 give or take. City Attorney Sutherland suggested surveyor could give an idea of the cost to each to meet each needs.

Council Member Robbins noted could get hold of surveyor and see what he would charge the city for the east side with Mr. Ross having the west side surveyed. Mr. Ross noted the surveyor should be surveying both sides; that normally they stake out roads in housing developments and pick the center of the road. Mr. Patterson noted they are not doing a

housing development today, that is in the future. If decide you want a 25' wide street for pavement then use that. Mr. Ross noted then leave right of way on sides for utilities. Mr. Patterson said there was a water line recently laid in the area. PWS Craig noted KM had ID'd where to place the water line before it was laid. City Attorney Sutherland noted the city could talk to surveyor Schmitz after Mr. Ross had his survey complete to see what the city would still need to identify the street. Mr. Ross responded he was not going to start his survey without a commitment.

Mr. Patterson discussed just doing a construction street. Mr. Ross noted he would have to be able to put in a concrete drive and know where the final base would be to just have to do it once. Council Member Weitman noted right now there is no way to see how much fill you need to get to the final elevation. Mr. Ross noted the houses will have to be higher than the street so the drainage will drain into the street. Council Member Weitman noted it looks like need the balance of the street elevations, housing elevations, and drainage. Mayor Barber noted it looked like it all needed to be done at the same time. Mr. Patterson reported the city could always add to the height of the road later. Mr. Ross reported the city couldn't build the street higher and have it work with the houses.

Council Member Weitman noted it looked like there was a need to establish the centerline, then don't build too high,.....

- *Motion to Go With Construction Road*

**Council Member Boone made motion to go with construction road.**

Discussion: Council Member Robbins asked what if there is not enough money to complete the road, then we find we can't fulfill the commitment later. Mr. Patterson said he just wanted the unimproved road to have a base road now and if it's just a survey what has been the hold up. Council Member Robbins asked if Mr. Ross could build houses if rock is laid as the ground is. Mr. Ross noted the city could not raise the area or a street would build a damn. Mr. Patterson said he just wanted a road. Mr. Ross said he wanted what he had on Seventh Street. Mr. Patterson said he just needed a culvert, which he had, dirt and gravel and he could build the road enough to use. Just wanted permission to put it there, to make it to drive down, and know it's ok by the city. Then later it will be the city's street and you can take care of it later if it doesn't suit you.

**Mayor Barber noted Council Member Boone has a motion on the table for construction road and survey.**

Discussion: Council Member Robbins asked if there was going to be any ditch work done.

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

Kenny Ross Regarding South 6<sup>th</sup> Street Construction (Continued)

**Council Member McGinnis seconded the motion.**

Discussion: Mayor Barber asked the council if they were going to attach a cost; or make the cost up to a certain amount. Mr. Patterson asked if he could use the city's maintainer to cut the ditches by the city's work crew to work with him. Mayor Barber noted that could be done. Now need to discuss if need to establish a price to go with the motion. Discussed costs.

**Council Member Boone added to motion 'up to \$3,000'. Council Member McGinnis seconded again, voted on, passed 4-0. Time: 7:55 p.m.**

Mr. Patterson noted he was just dealing with the road and thanked the council for their time. Mr. Ross thanked the council. Mr. Patterson noted he was hoping the city council would be more receptive and he really appreciated the open discussion.

Bob Bousfield for Mine Creek Radio Club to Waive Community Building Fee

Bob Bousfield asked the City Council to waive the Community Building Fee for the Hamfest held the first Saturday in February by the Mine Creek Radio Club. This is an annual event and the fee has been waived in prior years.

- *Motion to Waive Community Building Fee for Mine Creek Radio Club*

**Council Member Robbins moved to waive the community building fee for the Mine Creek Radio Club for the first Saturday in February. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:58 p.m.**

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for December 2003. Noted he would have a whole 2003-year report at the next meeting.

Public Works Superintendent George Craig

Public Works Superintendent George Craig reported on the following items:

1. Certification of Water Supply System – Reported Jerome Moore had passed his Class 2 water certification test and was now certified.
2. Increase Water Plant Output Volume – Reported he had been in contact with Greg Taylor with KDHE and learned the City of Parker will now continue to be pulling from the rural water district the city provides water for. This combined with the La Cygne Power Plant to pull off the other rural water district now provided water by the city creates a need to look at increasing the potential output volume to be ready for the summer. Currently it looks like it would require the change out of three transfer pumps in the basement and two high service pumps in the clearwell house. KDHE does not have a problem with this and would like to talk to the engineers of Ponsier Youngquest to see what the cost would be to engineer this change for the plant. Mayor Barber reported the public works had just previously dealt with the river pumps plugging up one day. Ernie Moylan and the rural fire department helped put a pump in the river and broke the debris free and it started working again. PWS Craig noted they had had the plant shut down 3-4 hours for construction and then when turned the plant back on the river pumps were found to be plugged. The county fire department has the equipment to back flush this. Council Member Weitman asked if the Public Wholesale Water District #13 was going to be awhile before being put in place. PWS Craig noted he had been told it would be awhile. With this needed increase in volume coming from the rural water districts asked if they could possibly be included to help with the costs. KDHE has expressed they would like for the city to make this change. Council Member Weitman noted with the increased costs due to their increased volume shouldn't it be to their interest to join in. Mayor Barber asked if the city council needed to invite the RWD's to a city meeting. PWS Craig noted would like to get with the engineers first as have been looking at some costs but not sure if some piping sizes may be a cost too. Mayor Barber asked if a motion was needed for an estimate. City Attorney Sutherland noted it would not be required for an estimate. Council Member Boone noted he would ask for a cost of it all and bring it back to the council.

**REPORTS OF CITY OFFICERS: (Continued)**

Public Works Superintendent George Craig (Continued)

3. Miscellaneous – Mayor Barber noted he had had some concerns brought to him about the pump at the plant. Council Member Boone reported he was on the water committee and had not been contacted about anything. Mayor Barber asked the city employees to let them know what is going on. Council Member Robbins noted when he was at the water plant regarding the pump, electrician Randy Tinsley was not for getting rid of the soft start yet as it protects the motor when you lose power; that is might be best to figure out what the bug is so it will kick back on after it shuts down. Mayor Barber requested to make sure Jerry Boone is on track on the motor that burned up.

## REGULAR MEETING

Year = 2004

### Fire Chief Ernie Moylan

Fire Chief Moylan reported on the following:

1. AFG Donated Two Air Packs and Four Extra Bottles – AFG Inc. in Springhill, Kansas has donated two air packs and four extra bottles to the La Cygne Fire Department. (Ernie works for AFG.)
2. Need for Gate Valves – Reported a need to invest in gate valves to put beside the pumps. Both trucks are capable and would increase water response. They are pricey, but money well spent. Will get costs and report back.
3. Kansas Firefighter Relief Associations Seminar, Saturday, January 17, 2004 – Fire Chief Moylan reported he and Fire Treasurer Herrin had attended last year. He would be unable to attend this year as his work would have him out in California at this time, he did request Fire Treasurer Herrin attend to stay informed with the state paperwork requirements.

- *Motion for Herrin to Attend Seminar on January 17, 2004*

**Council Member Robbins moved to send Herrin to the Firefighter Relief Associations Seminar with usual travel expenses. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:19 p.m.**

### **STANDING COMMITTEE REPORTS:**

#### Employee Relations & Training

Council Member Robbins noted he wanted to congratulate Jerome Moore on his certification to Class 2 Water Operator. Mayor Barber concurred and asked George to tell him “Job well done”.

Council Member Weitman discussed where he had read in the *Government Journal* where a lot of cities are going to HR Courts and taking this item away from the city councils.

### **SPECIAL COMMITTEE REPORTS:**

#### Fiesta

No meeting this month.

#### Planning Commission Committee

1. Pending Application for Use Permit at 146B Market

Mayor Barber reported he had discussed this use permit with Planning Commission Chairman Kenny McClanahan as the business is wishing to open immediately. PC McClanahan was ok with the city council reviewing the use permit for this retail business prior to their meeting, if the council wished to do so to help the business to get their doors open officially for business.

- *Motion to Approve Use Permit for 146B Market Contingent on Findings of Planning Commission*

**Council Member Weitman moved to approve the use permit for 416B Market contingent on the findings of the Planning Commission Committee. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:25 p.m.**

### **UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Mobile Home Park License Renewals for 2004

- i. Betty Moore & Larry Erickson on North Broadway
- ii. Brokerage Securities, Jim Thompson on Vine & Sycamore
- iii. Richard Marsh on N. 5<sup>th</sup> Street

Codes Officer Farrell noted all three trailer courts met the requirements this year for their completed applications.

- *Motion to Approve Three Mobile Home Park Licenses*

**Council Member Robbins moved to approve all three mobile home park licenses based on Codes Officer Farrell's approval. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:50 p.m.**

2003 Budget Review

City Clerk Herrin passed out the 2003-year end budget and treasurer's report. Explained this will be on the next agenda for approval. Discussed items on the report now for items for the council to review prior to approval at the next meeting.

**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 thirty minutes following a ten-minute break. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:50 p.m.**

Others invited into or requesting a portion of time in executive session included: City Clerk Herrin.

Open Session Resumed at 9:30 p.m.

**OTHER BUSINESS:**

Part-time Trash Compactor Employee

Mayor Barber reported the city had received some applications for the part-time trash compactor position. Discussed setting up an interview for one of the applicants and who would do the interviewing.

- *Motion for Council Member McGinnis and Mayor Barber to Interview and Decide to Hire*

**Council Member Robbins moved for Mayor Barber and Council Member McGinnis to interview and to decide if want to hire. Seconded by Council Member Weitman. Added to Motion: Council Member Robbins moved to add to motion 'same rate of pay as previous part time compactor employee. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 9:38 p.m.**

Thank You to County Employee Ed Fleming

Council Member Boone noted he wanted to thank county employee Eddie Fleming for coming down and dumping out the trash compactor over last weekend when it had filled up on Saturday.

City Clerk Received CMC

Mayor Barber reported City Clerk Herrin had received her CMC (Certified Municipal Clerk) notice for completing the three-year educational requirements, plus the other requirements for the certificate.

Thanks to County Fire Department for Assistance with Water Pumps

Mayor Barber noted he wanted to give a special thanks to firemen Danny Morris, Mike VanVlack, and Ernie Moylan for assisting with the water pumps.

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CITY CLERK'S REPORT:

City Clerk's written report included:

- a. Use Permit Application
  - b. Annual Mobile Home Park License Renewals
- Verbal report noted the KCP&L Franchise Payment of \$8,058.57 after Light Fees

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Planning Commission Meeting Agenda
- b] Public Hearing for Zoning Change Notice Set for January 8, 2004
- c] Kansas Water Pollution control Permit Renewal
- d] FSCC 2004 Environmental Spring Classes
- e] KRWA *Wastewater Lagoon Operation & Maintenance* Training Course
- f] MLA *Guiding the Municipal Organization* Course, January 10, 2004
- g] Utility Service Annual Water Tank Maintenance Service Notice
- h] KRWA *Clarifier* December 2003
- I] *Kansas Government Journal* Volume 89 – Number 11, November 2003
- J] MLA 2004 Curriculum
- K] City Hall Day at the Capitol, Thursday, January 29, 2004
- L] KCP&L Franchise Payment of \$8,058.57 After Light Fees

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Robbins, voted on, 2-2 (No: Boone & Weitman).**

Mayor Barber adjourned the meeting at 9:40 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 7<sup>th</sup> day of January 2004.

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January 21, 2004

*No Regular Meeting – Lack of Quorum*

The LaCygne City Council held a Special Meeting at 5:24 p.m., Wednesday, January 28, 2004, at LaCygne Community Building. The purpose of the Special Meeting was regarding: 1. Gas Project – Status Update.

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, Jerome Moore, Lindy Cummins, Allen Steele, Julie Funk, and Roger Sims.

Mayor Sam Barber called the Special Meeting to order at 5:24 p.m.

Mayor Barber announced the purpose of the Special Meeting was for:

1. The Gas Project – Status Update

A. Contract Change with Engineers

Lindy Cummins, with Kirkham Michael Engineers, noted this would be a good time for the city to look at changing the engineer contract to just Aquila during the Inspection Phase. He reported they would discontinue at the end of the design phase with the changes occurring with Kirkham Michael Engineers and just let the city deal directly with Aquila. The inspection part of the project consists of managing the pipeline to insure it's installed properly and to protect the city interests as an independent inspector.

Council Member Boone asked about the time frame. Mr. Cummins noted that depends on what the construction project runs into for needed time. Mr. Steele noted that no matter the time frame for the construction, the inspection process is there for the work. Mr. Cummins explained the cost for inspection was determined by estimating the time it would take to oversee the project. Mr. Steele noted this would include making sure the inspector is there when the line is going into the ground and he would also be inspecting the materials being used by the contractor. One example would be if they hit an area where they found no rock the inspector would make sure the city wasn't billed for rock fees for that portion. He would make sure what is established is done and if any unexpected extras to bring them back to the city for review and approval. He can also provide contractor and his own progress reports to the city council.

Mr. Cummins noted Allen, with Aquila, can prepare a contract for the city to consider and then the city can review.

Mayor Barber asked if Aquila could just take over the existing contract.

Mr. Cummins noted the Kirkham Michael contract has a seven-day termination clause that goes for either party. At the end of the design would be a good time to terminate that one. Or, they can keep it like it is and Kirkham Michael can just send the work to Aquila.

Discussed if wish to have another entity take over the project the city will have to rebid or renegotiate and the project is on hold during this time. City Attorney Sutherland noted at some point is should be more convenient to work directly with Aquila.

Mr. Cummins noted the payment requests from the contractor or change orders would be done by Allen. They also have an estimate of the costs to date for the project as outlined currently.

Mayor Barber asked the council if they were ok to have Aquila draw up a contract.

A. Contract Change with Engineers (Continued)

Council Member Weitman noted the city is committed to spending the \$90,000 and is under contract now for this amount. Council Member Boone noted they could draw it



up but he was not ready as felt it could be done for \$40,000. Council Member Weitman noted the city would then have to be on hold and rebid; and, you will not find someone for that price.  
Discussed further. Mr. Steele asked when the city would want a contract for review. Concurred by February 18<sup>th</sup> meeting.

**B. Condemnation Process – Ordinance #1293**

City Attorney Sutherland noted this ordinance was for the three Windler properties. Noted Mr. Schmitz, the surveyor, had filed the survey for the properties for three permanent easements and three temporary easements. Dale Windler owns two of the tracks and Alava Windler owns the other track. Once the ordinance is passed the city will then petition Miami County to appoint three appraisers and then report back to the court with the amounts the appraisers believe to be paid.

- *Motion to Pass Ordinance #1293*

**Council Member Robbins moved to approve Ordinance #1293 to move ahead with the Windler property condemnation. Seconded by Council Member Boone, voted on, passed 4-0.** Time: 5:50 p.m.

- *Motion to Approve Petition and Costs*

**Council Member Robbins approved to move forward with the petition and pay the filing fee of \$111.00 along with costs of notices. Seconded by Council Member Boone, voted on, passed 4-0.** Time: 5:51 p.m.

City Attorney Sutherland noted the city would have to get three qualified Miami County Resident appraisers and then can give these names to the county. He will look for some Miami County appraisers.

**C. Discontinuation of Line with Three Customers**

City Attorney Sutherland reported two of the three entities had responded to his offers for discontinuance and the third party was now discussing issues with him but was not reaching any conclusion. Will be mailing the notice to discontinue and the current status of the three customers regarding the discontinuance to KCC tomorrow.  
Discussed it could take up to three months to complete the process, or the third customer may come to an agreement while in the process.

**D. Miami County Right Of Way Permits**

Discussed the current requirements for these permits for Miami County. Noted the city is a government entity and wish to waive the fee of \$750.00. Directed Council Member Weitman to contact JR with Miami County and check on what city can possibly do to get this waived.

**E. General Discussion of Project**

Noted the draft of the bid documents were 95% complete.  
Mr. Cummins noted there are some items to clear up like working days versus calendar days for completed work time.  
Discussed the depth of the line to be 36 inches and 48 inches in the creek beds and in agricultural land.  
Left a 95% complete bid book for the city to review.

## REGULAR MEETING

Year = 2004

Council Member Boone asked if Allen owned Aquila? No, just had a few shares in the company.

Discussed the extra costs to run the line west of 1095 to cover the three customers.

Concurred it had been discussed previously it would be an additional \$110,000 to take the line west of 1095 just to handle those three customers. Mr. Steele concurred that sounded about right for the distance involved.

### ADJOURNMENT:

- *Motion to Adjourn*

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

Meeting adjourned at 6:12 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 28<sup>th</sup> day of January 2004.

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### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, February 4, 2004, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, 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 Supervisor George Craig; Roger Sims with Osawatomie Graphic; Julie Funk with Linn County News; Kenny Ross; Mike Page; and Freeman Thomas.

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: January 8 – February 4, 2004;  
Minutes of January 7, 2004 City Council Meeting;  
No Meeting due to Lack of Quorum on January 21, 2004  
Minutes of January 28, 2004 Special City Council Meeting;  
December 2003 Budget & Treasurer's Report;  
Fourth Quarter 2003 Financial Statement;  
Annual 2003 Financial Statement

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

*UTILITY IMPROVEMENTS REPORTS*

#### a. WATER IMPROVEMENT PROJECT

- i. Status – KDHE Letter Regarding Phase 1, Filter Upgrades

Public Works Superintendent Craig reported KDHE wanted further information to check a valve in the process. Mark, with Kirkham Michael Engineers, has faxed the plans today to

KDHE. This will create a change order.

- ii. Status – Phase 2 & 3

Public Works superintendent Craig reported KDHE has approved the plans for Phase 2 and 3 portions they are responsible for reviewing. Kirkham Michael Engineers should have the bid and contract ready for the February 18<sup>th</sup> meeting.

**b. GAS IMPROVEMENT PROJECT – CDBG GRANT**

- i. Status

City Clerk Herrin reported the last of the easements had been signed and now just a matter of finishing the condemnation location. The county and state road permits have been filed. The final paper work is being prepared to put the project to bids.

**DISCUSSION FROM THE FLOOR**

Mike Becker Regarding Existing Gas Line from Fontana to Henson  
Not present. Tabled.

David Sweat with Ambulance Service  
Not present. Tabled.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented an activity report for the period of January 2004. Also noted the annual 2003 report was included in the packet providing year totals for each year from 1994 to 2003.

Requested attendance to the K.N.O.A. Training Conference, March 22-25, 2004 in Wichita Kansas. This will finish his annual training except for firearms this year.

- *Motion to Approve Attendance to Training Conference*

**Council Member Robbins moved to approve sending Chuck Farrell to the K.N.O.A. Training Conference in Wichita with the normal expenses. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:10 p.m.**

Noted the new video camera for the police car had been received and worked beautifully.

Public Works Superintendent George Craig

1. Generator Shed Diagram @ Two Lift Stations:  
Requested the diagrams and design be used to obtain bids for two lift station sheds.

- *Motion to Put the Specs Out for Bids*

**Council Member McGinnis moved to put the specs out for bids.** Discussed: Publish in next weeks paper and open bids in thirty days, choosing the second meeting in March to open bids. **Council Member McGinnis added to the motion placing the bid spec in next week's**

**paper and opening the sealed bids at the second meeting in March. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:13 p.m.**

2. KMU Workshop for Natural Gas, February 25, 2004:  
Requested attendance for Jerome Moore and George Craig to the KMU Workshop that goes over OQ 2 training requirements for natural gas.

- *Motion to Attend KUM Workshop for Jerome Moore and George Craig*

**Council Member Robbins moved to send George and Jerome to the OQ2 Workshop in Osage City on February 25<sup>th</sup> with usual expenses. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:15 p.m.**

3. Transfer and High Service Pumps Upgrade for Water Plant:  
Reported the cost for an engineers report for this project using Ponzer-Youngquist Firm would be \$9,000. After some discussion with Layne Western some rough estimates for possible total cost would be around \$50,000, including the engineers costs. This cost would change if it were found a bunch of pipe is to be changed too. This is to increase production at the water plant. Recently RWD #1 has increased their pumps and they have the ability to pull harder than the water plant can produce. Discussed this may be time to discuss with both rural water districts so see if they are interested in sharing the costs to increase productivity. Kenny Ross was present. Mr. Ross noted he was a member of RWD #1 and they might be interested. Mayor Barber requested the City Clerk draft a letter to both rural water districts board members to invite them to the February 18<sup>th</sup> City Council meeting to discuss this possible project.

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**REPORTS OF CITY OFFICERS: (Continued)**

Public Works Superintendent George Craig (Continued)

4. LKM/MLA Environmental Issues Workshop, February 6, 2004  
Requested attendance to this workshop for Art Terry, Council Member Boone, and any other council members interested. Council Member Williams volunteered to attend.

- *Motion to Attend LKM/MLA Workshop*

**Council Member McGinnis moved to send Art Terry, and Council Members Boone and Williams to the LKM/MLA Workshop with usual costs. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:24 p.m.**

**STANDING COMMITTEE REPORTS:**

Water & Gas

Council Member Boone asked why SMI-CO was not pouring concrete in the water plant if they could get someone to pour?

Public Works Superintendent Craig reported the time the cement truck would be sitting outside while they bucketed the cement in was too long for the cold temperatures. Also, only two yards of concrete were needed for this part of the project. SMI-CO had tried several concrete plants this week and no one would deliver.

**SPECIAL COMMITTEE REPORTS:**

Planning Commission Committee

1. Ordinance #1294 for Rezoning Request in Block 64, Lots 5 and 6  
This ordinance request is from Kenny Ross to build a triplex apartment in the four hundred block of S. 7<sup>th</sup> Street, La Cygne, Kansas. The Planning Commission concurred to the change from R-1 to R-2.

## REGULAR MEETING

Year = 2004

- *Motion to Approve Ordinance #1294*

**Council Member Robbins moved to approve Ordinance #1294 with the Planning Commission's concurrence. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:29 p.m.**

### Kansas Shared Services Committee

Mayor Barber noted KSSA was getting the word out around the state. They were putting a notice in the KMU monthly newsletter.

### **UNFINISHED BUSINESS:**

None

### **NEW BUSINESS:**

#### Waste Management Refuse Agreement Renewal with the City of La Cygne

Reviewed agreement renewal submitted by Waste Management. Requested the City Clerk discuss the following items with Waste Management and report back at the next meeting. 1. Under Definitions, 'Exclusive Rights', 2. Under Scope of Contract, 'Term, for Renewal', 3. Obligation to Pay Section, 4. Escalation Clause on Landfill Costs, and, 5. Performance Bond to Determine what is Usual.

Discussed who is required to obtain a permit to haul refuse or wastes in the city limits.

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### **NEW BUSINESS: (Continued)**

#### Proposed 4-Plex Apartments in Sweet Prairie Estates

Mike Page introduced himself and gave a presentation on a Senior Housing project he is currently working on in four different cities. This project would create duplex's in Greeley, Garnett, and Parker, Kansas. And, a four-plex in La Cygne. The program is based on an income tax credit that redirects the dollars to local uses. Will not know until May of 2004 if the dollars will be available. These will have two bedrooms, own laundry hookups, garage, and a Fema storm shelter. Due to the price of the lots only a four-plex would work in La Cygne. Their guidelines include only two people per bedroom, at least one individual living in the unit must be 55 years of age or older. The rent is based on Linn County Median Income and includes trash, sewer, and water for approximately \$380 a month. They are handicap accessible. Will take about a year to complete the program paperwork and have them constructed. For part of the paperwork for approval is a letter of recommendation from the city mayor and a resolution by the city in support for the project. The city is not committed in any way monetarily.

- *Motion to Accept Resolution #281 for the Project*

**Council Member McGinnis moved to accept Resolution #281. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:05 p.m.**

#### Spring City Garage Sale

- *Motion to Approve Advertising to Sponsor City Wide Garage Sale First Saturday in May 2004*

**Council Member Weitman moved to sponsor and pay for the advertising for the Spring City Wide Garage Sale on the first Saturday in May. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:12 p.m.**

#### Dog Days in Spring

## REGULAR MEETING

Year = 2004

City Clerk Herrin noted the vet is available on Saturday, April 17<sup>th</sup>. The usual hours are 9:00 a.m. to 12 noon.

- *Motion to Designate April 17, 2004 for Dog Days*

**Council Member Robbins moved to set up April 17, 2004 for Dog Days. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:15 p.m.**

### City Hall and Community Building Cleaning Person Change

Carla Snow has resigned from cleaning the buildings, she has returned to college. Trudy Trinkle has been filing in and will fill the position for the same fees. Mayor Barber recommended the position to Trudy Savage.

- *Motion to Hire Trudy Trinkle for Cleaning with Same Wages*

**Council Member Robbins moved to hire Trudy Trinkle for cleaning City Hall and the Community Building with the same wages. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:17 p.m.**

### La Cygne Elementary RIF Program Donation Request

- *Motion to Donate \$50.00 to RIF Program*

**Council Member Robbins moved to donate \$50.00 to the La Cygne Elementary RIF Program. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:18 p.m.**

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### **NEW BUSINESS: (Continued)**

#### KMGA Board of Directors Meeting, February 26, 2004

- *Motion for City Clerk to Attend KMGA Board Meeting*

**Council Member Robbins moved to send City Clerk Herrin to the KMGA Board Meeting on February 26<sup>th</sup> with usual expenses. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:23 p.m.**

#### CCMFOA Annual Spring Conference, March 9-12, 2004

- *Motion for City Clerk to Attend CCMFOA Spring Conference*

**Council Member McGinnis moved to send City Clerk Herrin to the CCMFOA Spring Conference in Wichita in March with the usual expenses. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:25 p.m.**

#### Marias des Cygnes River Water Assurance Dist. #2 Meeting

Noted the District #2 meeting is next week on February 10<sup>th</sup> in Ottawa, Kansas. Esther Shields is unavailable to attend this meeting. Discussed who should attend. Mayor Barber recommended Deputy City Clerk Gary Mahon.

- *Motion for Deputy City Clerk Mahon to Attend District #2 Meeting*

**Council Member Boone moved to send Deputy City Clerk Mahon to the Water Assurance District meeting with usual expenses. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:27 p.m.**

### **EXECUTIVE SESSION:**

- *Motion for Executive Session*

**Council Member McGinnis moved to go into Executive Session for up to five minutes following a ten-minute break for personnel. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:28p.m.**

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

Open Session Resumed at 8:45 p.m.

**OTHER BUSINESS**

KRWA Attorney's Forum 2004, Wichita, Kansas, March 23, 2004

City Attorney Sutherland requested attendance to the KRWA Attorney's Forum presented free of charge during the KRWA Annual Conference in March. Travel expenses would be incurred.

- *Motion for City Attorney to Attend KRWA Attorney's Forum*

**Council Member Robbins moved to send City Attorney Sutherland to the KRWA Attorney's Forum with the usual expenses. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:48 p.m.**

KRWA Annual Conference March 23-25, 2004 in Wichita, Kansas

City Clerk Herrin presented the pending conference asking for two public works employees to attend. Jerome Moore for wastewater topics and to meet his required wastewater credit hours for his upcoming certificate renewal. Public Works Superintendent George Craig for water topics and to begin his credits towards future certification. Discussed. No action. City Clerk will put topic on next agenda.

**CITY CLERK'S REPORT:**

City Clerk's Written Report:

1. Spring City Garage Sale
2. City Dog Days in Spring
3. City Cleaning Person Change
4. Employee Benefits Review – Reported now looking at another carrier for possible coverage. Should have a response by the next meeting if rates are competitive.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Planning Commission Meeting Minutes of January 8, 2004
- b] *League News*, Volume 9, Number 1, January 16, 2004
- c] NAGC Letter from Wheatley and Ranquist, P.A.
- d] Certificates of Attendance for Glenn D. Farrell, Jr.
- e] *Kansas Government Journal*, Volume 89 – Number 12, December 2003
- f] Letter to Miami County Public Works
- g] Annual Gas Figures
- h] *League News* Volume 9, Number 2, January 23, 2004
- I] Letter of Thanks to AFG for Donation to La Cygne Fire Department
- J] KLTAP 2004 Kansas Culverts & Drainage Workshop
- K] KRWA 37<sup>th</sup> Conference March 23-25, 2004 Booklet
- L] *League News* Volume 9, Number 3, January 30, 2004
- M] "Thank You" from La Cygne Elementary Children for Holidays Donations

**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 5-0.**

Meeting adjourned at 8:55 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 4th day of February 2004.

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, February 18, 2004 at the La Cygne Community Building. 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; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Julie Funk, Glenn Warford, Ed Andersen, Paula McGuire, George W. Miller, Larry Reynolds, David Reynolds, Rick McRae, and Dale Windler.

Mayor Sam Barber called the meeting back to order at 7:00 p.m.

**CONSENT AGENDA:**

- *Motion to Approve Consent Agenda*

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

Check Register: February 5 – 18, 2004;  
Minutes of February 4, 2004 Regular City Council Meeting;  
January 2004 Treasurer’s Report

**Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:01 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

- ii. SMI-CO Pay Request #4 for \$26,572.40

Public Works Superintendent George Craig reported he had met with SMI-CO and the contract states the city will pay the request for materials when the materials are here and these have been delivered. They are scheduled to begin working on the dried concrete this Friday as it will have set long enough to be safe to begin working on it again. Fifty percent of this pay request is for the materials that have been delivered.

- *Motion to Approve SMI-CO Pay Request #4 for \$26,572.40*

**Council Member Robbins moved to approve pay request #4 in the amount of \$26,572.40 for SMI-CO. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:06 p.m.**

- iii. Set Bid Date for Phase 2 and 3

Public Works Superintendent George Craig reported KDHE has approved the parts of these phases that apply to their requirements. The additional changes to the types of doors have also been addressed. Discussed a steel building versus a wood pole building and the possible



differences in costs. The steel building should have insulation in it. Wood would be less maintenance but metal would be less expensive to install. Discussed if the bids received were outside the monies established for the work any and all bids could be rejected and look at other options.

- *Motion to Approve Setting Bid Dates for Phase 2 & 3*

**Council Member Boone approves setting the bid dates for Phase 2 and 3. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:15 p.m.**

### **b. GAS IMPROVEMENT GRANT**

#### ii. Status

City Clerk Herrin reported the design work was almost complete. Also, the contract with Aquila had been received today for review and to be put on the next agenda. Discussed adding a city meter outside the Panhandle Station with the project. Directed the City Clerk to pass this request on to the Engineer.

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### **DISCUSSION FROM THE FLOOR:**

#### RWD's #1 & #3, Upgrade Transfer and High Service Pumps

Mayor Barber thanked the two rural water districts for their attendance at this evenings meeting. The purpose of asking them here was due to the high usage of water consumption and the need to look at increasing pump capacity in an attempt to keep up with the increase in volume. Noted that with the current information the city has been able to put together it is looking like the entire project could be done for about \$50,000. Public Works Superintendent Craig concurred unless there are piping changes identified, which would increase the cost. Mayor Barber asked if the rural water districts would entertain the idea of helping to pay for this project.

Ed Andersen, with RWD #1, asked if the city had a bid for this project?

Mayor Barber noted the city had an approximate estimate and a bid for the engineering process from Ponzer-Youngquist of \$9,000.00. Before the city went any further the city is asking the rural water districts for a commitment for help to pay for the project and would like the rural water districts thoughts.

Council Member Boone noted if the water treatment plant capacity is not increased the plant would not be able to provide the continued increase to the needed volume.

Public Works Superintendent Craig noted the plant can currently produce at 380 a minute and with the change should be able to go up to 700 a minute.

Mayor Barber reported the water treatment plant needs to be reconfigured now for the updates to handle the summer period.

Public Works Superintendent Craig reported the actual chlorine contact time that would be possible would not be available until the engineers worked up their report.

Mayor Barber noted the city plant had to ask for help a few times last summer from the rural water districts to be able to keep up with those demands and the plant ran for longer periods during the day than it is set up to do.

Council Member Robins noted if the increase is not done then will have to stop meters or volume increase in some manner. Mayor Barber concurred it would restrict uses. Council Member Robbins noted the city was aware the rural water districts would be going to the wholesale water district in the future and then the city will not need this volume increase capacity. With the knowledge it's hard to ask the city to spend that \$50,000 and then it won't

be using it. Public Works Superintendent Craig noted that without the upgrade it is going to get tough.

Council Member Robbins discussed with the rural water districts they are adding new meters on a regular basis and without this upgrade everyone will be put on restrictions. Mayor Barber noted he knew of other water districts not served by La Cygne that had meter requests on waiting lists. RWD #3 noted they had three areas in their district that were restricted, but it was due to the pipe size in the area not able to handle any more volume.

Council Member Weitman noted it appeared everyone needed the engineer's report before any further decisions could be done to see what for sure was possible for an upgrade.

RWD#3 asked how much the Power Plant would be pulling from RWD #1 when it was in place. Public Works Superintendent Craig reported it was his understanding it was about 20,000 gallons a day.

Mayor Barber noted he hoped if all worked together could get this done before hot weather and the highest usage. Ed Andersen, with RWD #1, asked if this pump upgrade is done would that be sufficient or would there be something else. The Power Plant is scheduled to fill the standpipe at night and it's part of their contract.

Rural Water Districts asked the city to write up what they were asking for and get the outline to each district.

Council Member Weitman asked what the increased amount now is to the plant when adding the Power Plant along with the City of Parker. It was estimated an additional 2-½ hours a day added to the plant run time.

Discussed if any previous discussion by city for this project with anyone. Noted Ponzer-Youngquist had come done and completed an initial inspection to determine the fees for the engineers design as well as KDHE had had a representative here and both felt it was possible and worth looking into.

Mayor Barber instructed the City Clerk to draft a letter to both rural water districts about the proposed project and then would get back together. Discussed needing this information quickly. All concurred. Thanked them for coming and taking the time to discuss. City Clerk handed out CCR reports for 2003 to both districts.

### **REPORTS OF CITY OFFICERS:**

#### **Chief of Police Glenn Farrell Jr.**

Chief of Police Farrell presented a written report on police activities for February 1 – 17, 2004.

##### **i. Dog Pound Report**

Chief of Police Farrell reported concrete was poured and will get with the completion work as soon as it warms up a little more.

##### **iii. Complimentary Letter Received**

Council and Mayor noted the letter of compliment the Chief of Police received after helping a county citizen while in the city limits.

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### **REPORTS OF CITY OFFICERS: (Continued)**

#### **Public Works Superintendent – George Craig**

##### **i. KRWA's Annual Conference, with Voting Delegate, March 23-25, 2004**

Public Works Superintendent George Craig requested attendance of Jerome Moore and himself to the KRWA Annual Conference. Discussed Jerome attending the sewer portions and George attending the water segments.

- *Motion for George Craig and Jerome Moore to attend KRWA Conference*

**Council Member Robbins moved to send George Craig and Jerome Moore to the KRWA Annual Conference in Wichita with usual expenses; adding George as delegate. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:53 p.m.**

**STANDING COMMITTEE REPORTS:**

Park

Noted the lights at the tennis court are continuing to stay on all night. Public Works will check on the timer and if they cannot repair will call in an electrician.

Street

From the floor, Rick McRae asked what the status was for his street. Will the city be doing any streets this year? Lincoln Street was missed the last two times chip and seal was done by the city on city streets. Then further west on the street it is still gravel, when will it be surfaced. Mayor Barber noted yes the city would be doing streets this year and yes the city knows that street needs to be done, but it needs major repairs and is a thirty-foot street. Have looked at tearing it up and resurfacing. Mr. McRae reported he had even spoke with is neighbors about closing the street. Some were for it and some against it. Requested to keep this street at the top of the list for street repairs.

**SPECIAL COMMITTEE REPORTS:**

Planning Commission Committee

- i. Request to Close Railroad Street East of Block 2

Council Member Weitman asked if there was any public comment at the public hearing held earlier this month by the Planning Commission. City Clerk reported the questions brought up at the public hearing were by the commission members themselves in an attempt to make sure this would not cause any problems in the future to abandon a street. The Commission has requested the Codes Officer and the City Attorney to be at their next meeting to complete the Public Hearing with adequate information.

**UNFINISHED BUSINESS:**

Waste Management Renewal Refuse Agreement

City Clerk Herrin reported the answers to the previous questions. The exclusive segment has been changed to apply only to those residents paying for services through the city utility bill process. This is a five-year contract and will automatically renew if not addressed by either party in 2009.

- *Motion to Approve Waste Management Renewal Refuse Agreement*

**Council Member Weitman moved to accept the Waste Management Renewal Refuse Agreement as changed. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:15 p.m.**

**NEW BUSINESS:**

Office of Deputy City Clerk Ordinance #1295

- *Motion to Approve Ordinance #1295*

**Council Member Robbins moved to approve Ordinance #1295. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:16 p.m.**

Mayor Barber recommended the appointment of Gary Mahon as Deputy City Clerk.

- *Motion to Appoint Gary Mahon as Deputy City Clerk*

**Council Member Weitman moved to accept the appointment of Gary Mahon as Deputy City Clerk. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:17 p.m.**

Region 8 CCMFOA Meeting, February 25, 2004, at Burlington, Kansas

- *Motion for City Clerk to Attend Region 8 CCMFOA Meeting*

**Council Member Boone moved to send City Clerk Herrin to the Region 8 meeting. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:19 p.m.**

2004 Municipal Court Clerk's Conference

- *Motion to Court Clerk Elder to Attend Conference*

**Council Member Williams moved for Court Clerk Elder to attend the 2004 Municipal Court Clerk's conference. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:23 p.m.**

Kansas Floodplain Participation Meeting, March 9-10, 2004, Ft. Scott, Kansas

City Clerk Herrin reported the city has some areas designated in the flood plain areas. The city is not currently part of the State flood plain program. There is a meeting in Ft. Scott March 9-10 for a day and a half to learn more about joining and what is required. There is a resolution and an ordinance that is several pages long for a high cost to print. Recommend have Deputy City Clerk attend the meeting to gather further information on how to proceed.

- *Motion to Send Deputy City Clerk to Floodplain Meeting*

**Council Member Robbins moved to send Deputy City Clerk Mahon to the Floodplain meeting in Ft. Scott March 9-10, 2004. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:27 p.m.**

Library Inquiry for City Property at Block 68, Lots 1-3, Option for New Library

City Clerk Herrin presented on behalf of the Library the question if the city would consider selling Lots 1-3 in Block 68 for a new library site. Discussed. Council asked if it was known what the Library would do with the current building. Discussed any other possible plans for Block 68. Noted previous doctor's board had mentioned it as a possible location for a new doctor's office, but nothing further recently. Council concurred willing to discuss some possibility with the library, such as the possibility of some type of exchange. Directed City Clerk to let them know and they are welcome to present further discussion at future meetings.

Office Copier Replacement Update VS. One-Year Maintenance Warranty

City Clerk Herrin presented the cost of a new more current copier continuing with the current provider of Modern Copy Systems for a price of \$5,100. Also, presented two maintenance agreements to continue with the existing model for about three more years. The total maintenance agreement is for an annual price of \$975.00. The new model includes a network scan system in the program and a 200-sheet bypass the existing copier does not have. It also comes with a three-year maintenance agreement just as the existing copier did. Discussed the cost of a copier with the current status is averaging 1800-2000 a year. Asked what the cost of leasing a copier each year with continuing updates of copiers would cost. Requested City Clerk check on a lease and to check on this possibility with KSSA, then report back at the next meeting.

## REGULAR MEETING

Year = 2004

### Dale Windler Regarding Easement on His Property for the New Gas Line

Mr. Windler noted he was at the meeting to discuss an easement for his property for the new gas line the city is installing. Tony Williams had talked with him previously and he cannot get information from anyone. He also does not want the city to waste their time with other 'Hooter' women again either. Mayor Barber noted the city apologized if there was any miscommunication, but that was not the intent. Discussed taking a ten-minute break to allow the City Clerk to get the gas paperwork and maps at City Hall for further discussion.

- *Motion for Ten-Minute Break*

**Council Member Robbins moved to take a ten-minute break. Seconded by Council Member Williams, voted on, passed 4-0.** Time: 8:45 p.m.

### Resumed Meeting at 8:55 p.m.

Reviewed maps with Mr. Windler. He wanted design and bid specs before he would consider signing any paper work. Wanted the information to include just how and what equipment would be on his property and at what location before he would consider signing anything. Explained this was not normal procedure and for a fifteen-foot permanent easement this type of detail would not be worked out until the final paperwork was done and the bids for contract ready to go without any further changes. He wanted the city to go on the east side of the railroad tracks. Explained the city had tried that avenue and there were Wetlands on that side that the state would not sign off on to go that way. Explained the side of the road had fiber optics and there was no space left for the gas line. Mr. Windler spoke of how his dad was one of the people who helped pave the road that is now covering the existing gas line. Mr. Windler noted he would discuss with the city when they had all the detailed information. The city noted they would continue to move forward during this time with current plans. Mr. Windler left. (Time: 9:20 p.m.)

### Executive Session

- *Motion to Go Into Executive Session*

**Council Member Robbins moved to go into executive session for discussion of personnel and legal for up to thirty-five minutes. Seconded by Council Member Williams, voted on, passed 4-0.** Time: 9:22 p.m.

Others invited into or requesting a portion of time included: City Clerk Herrin.

### Open Session Resumed at 9:53 p.m.

### **OTHER BUSINESS:**

None

### **CITY CLERK'S REPORT:**

- i. None

### **NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Planning Commission Meeting Minutes of February 12, 2004
- b] *League News*, Volume 9, Number 4, February 6, 2004
- c] Minutes of MRWAD #2 Meeting on February 10, 2004
- d] Kansas Housing Resources Corporation Letter
- e] KSSA Letter
- f] *League News*, Volume 9, Number 5, February 13, 2004
- g] Citizen Thank You to Chief of Police
- h] *Kansas Government Journal* Volume 90 – Number 1, January 2004
- I] KRWA Conference Sessions Letter

Mayor Barber reported he had heard on TV that a quorum of the city council of the city of Independence, Missouri had gotten into trouble as they had met together at a restaurant with other city candidates without notice. Someone in the community saw them and now they are being asked for copies of any minutes of the meeting and what was discussed, even though they are saying it was not a meeting. However, a quorum constitutes a meeting and can cause trouble.

**ADJOURNMENT:**

- *Motion to Adjourn*

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

Adjourned the meeting at 9:55 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 18<sup>th</sup> day of February 2004.

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**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, March 3, 2004, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, 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 Supervisor George Craig; Roger Sims with Osawatome Graphic; Julie Funk with Linn County News; Terry Holmes; Tom Likely; Russ Reut; Donna Reut; Lori Peek; Chris Waddell; Janet Reynolds; LeRoy Turpen; Paul Earl; Mark C. Patience; Betty Ernst; Ed Andersen; Robert Blanck; Chris Trinkle; Mark Michelle; and Morgan Brown.

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: February 19 – March 3, 2004;  
Minutes of February 18, 2004 City Council Meeting;

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

*UTILITY IMPROVEMENTS REPORTS*

a. **WATER IMPROVEMENT PROJECT**

- iii. Status – KDHE Letter Regarding Phase 1, Filter Upgrades

Public Works Superintendent Craig reported the first filters done were put into operation yesterday evening. SMI-CO came today and stubbed out the media in the south filter and they should be down to take the tiles out and start on it next. New filter is working great.

- iv. Status – Phase 2 & 3

City Clerk Herrin reported the bids for Phase 2 and 3 would not be opened on March 12<sup>th</sup> as noted in the last meeting but will be March 19<sup>th</sup> as the bids were published a week later than planned.

**DISCUSSION FROM THE FLOOR**

RWD's 1 & 3, Upgrade Water Plant Transfer & High Service

Mayor Barber noted that at the last city council meeting they talked with the rural water districts and asked if they would go in with us on the project to increase services. Didn't get a whole lot of discussion at the time did Eddie have any comments now. Ed Andersen reported RWD #1 met with #3 last Monday night in Parker and talked it over. #1 and #3 is good to go into the study of it at a cost of \$9,000. It is their understanding cost will be shared three ways and they do not have a problem with that. Would like to get the engineers report done and see what they say about the costs and go with city from there on it. RWD's would like to have a written report sent to each of the entities when the engineers make their report. If the engineers were going to go over the \$9,000, then they would like to be contacted and renegotiate.

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**DISCUSSION FROM THE FLOOR (Continued)**

RWD's 1 & 3, Upgrade Water Plant Transfer & High Service (Continued)

Tom Likely noted they realize this is on a time schedule and would like to do the best that they can do to help the city in getting this done before the drought season. Mayor Barber concurred and noted appreciation for that. Then asked for any input from council. Council Member Boone noted it sounds good to him. Mayor Barber asked city attorney if some sort of contract should be drawn up. City Attorney Sutherland noted more than likely, then suppose the council can move to go ahead with the contract and then put some kind of contract together to get the three together. Assuming the council wants to go forward with the contract with the engineers.

- *Motion to Approver Ponzer-Younquist Engineers for Study on Pumps*

**Council Member Robbins moved to approve Ponzer-Younquist Engineers to do a study on the pumps (Public Works Superintendent Craig noted it would cover the whole hydraulics of it) at the city water plant for a total of \$9,000 with the city contributing \$3,000 of the cost and RWD #1 and #3 contributing \$3,000 each. Seconded by council Member Williams, voted on, passed 5-0. Time: 7:08 p.m.**

Mayor Barber noted the city had a motion and second getting started with the project with the help of the rural water districts and all council members were in favor. Will get agreement drawn up and to the rural water districts. Tom Likely and Ed Andersen noted they would have a special meeting after drawn up and get it back as soon as possible. Mayor Barber noted he appreciated them getting with us, and moving forward with this, do appreciate that. Will let you know as soon as we know. Mr. Likely asked how long the engineer would take. Estimated a month or less.

Mark Patience asked when a hydraulics analysis was last done? Public Works Superintendent Craig asked the council if they knew when there had been a hydraulics analysis on the pumps? Mayor Barber noted he did not know if there was one done, have had engineering studies done, but don't know if hydraulics were included in the study or not.

Public Works Superintendent Craig reported he did know the line from the city's clearwell to the towers will stand it because last summer there were times when our plant would outrun our clearwell and so when really tight they would kick the other high service pump on and run two high service pumps until our clearwell got down to a ¼ then kick one off and then run at 800 and some gallon a minute and run great so don't think that is the problem, think the problem is getting it into the filters.

City Attorney Sutherland said he thought the previous study dealt with the towers. Council concurred.

Mayor Barber thanked everyone again for their help with this project.

Chris Trinkle, Drainage on Property on Market Street

Not present. Tabled.

Library Representatives Inquiring About City Property for New Library

Russ Ruth introduced himself as the president of the boards trustee for the library. He introduced Paul Earl as on the board along with Lori Peek. Then two of their library employees Chris Waddell and Janet Reynolds. Noted here they are and what's up? Mayor Barber noted that's what he was hoping they could tell us. What to you have in the works?

Mr. Reut reported the library board was in the preliminary stages of upgrading the library size. They started talking about a new building a couple of months ago. Have included in their budget this year \$10,000 for a set aside for a future building for construction, purchase, or whatever. Have a committee of Lori Peek, Chris and Janet who are now studying possible funding through foundations or whatever. Really in the primary stages. Did talk to the county appraisers office and they have the building appraised at \$58,020 on the tax-exempt records. And that's about where they are. They had heard the city had a vacant lot the city might be interested in turning loose of. The library board is a long ways from doing anything right now, just at the phase of studying it and looking at grants. Did the city have questions?

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**DISCUSSION FROM THE FLOOR (Continued)**Library Representatives Inquiring About City Property for New Library (Continued)

Mayor Barber asked if they had a time frame?

Mr. Ruth reported the Kansas library associate had come to their library and completed a study of the existing building and size. We have 2,700 sq ft and they say a town of this size with our learning library should have approximately 4,400, so we're probably looking at a building about 5,000 sq ft and probably about 1-3-4 yrs from where that will be. Don't know if you have a building or property you would be interested in. What is city's time frame?

Mayor Barber reported the city did not really have a time frame set aside. Just keep looking for a way to upgrade city hall. The city does have the lot down there that was purchased when working with the post office and do believe that is the property you are talking about. Discussed the location of the lot.

Mr. Ruth asked what the city's idea was at this point in time?

Mayor Barber noted he was not sure he could speak for the whole council, but think the council would entertain the idea of a swap with maybe compensation. You said the appraised value was \$58,000? Mr. Reutt noted it was \$57, 010 last year and \$58,020 this year.

Mayor Barber noted he was sure they knew space in city hall was cramped right now.

Mr. Earl noted the library also needed space now and had not been that far sighted to be ready for it. Their first step really is to decide how much space they need and then start working on plans and then a time line. They plan to visit other cities libraries. And will be interested in the ability to readily expand, as 5,000 square feet won't last for many years around here with Johnson County coming and putting the 4 lanes in.

Mayor Barber noted at this time he was not sure how that lot would even work. Ms. Waddell noted they would need to find out how that lot would work and how much of the lot could be built on.

Discussed the need to change zoning if that lot was used. Discussed the size of the total lot being 150 x 150. Discussed possible parking from the lot area.

Mr. Earl asked if the city would be interested in their building if they move out?

Mayor Barber noted he would think so. I would have to speak with the council, but know there is a need for the city to expand.

Mr. Ruth noted each had an asset and could look at a swap. Very open to go forward, but it's very early. Surprised the word got out at this point, but you know the newspapers.

Discussed getting the building guidelines to the library for a commercial lot this size. These guidelines are available at city hall.

Mr. Ruth noted they have \$3000 in their capital funds for different uses. Can set aside 10% for capital fund expenditures. Excited about a building fund.

Mayor Barber noted if they are still 4-5 years out the city does not know exactly where they would be at that time, but would entertain the idea.



Mr. Ruth noted they had never done this before. They will keep going along and find out what they need. Noted if they did not build there they would be looking for another place in La Cygne. Council Members Robbins and Weitman concurred there would be interest by the City as the city is growing and the current facility is already outgrown.

Mr. Ruth noted they were at the place where they need to go forward with plans, even though they couldn't commit at this time. Going to try to do fundraisers and get the community involved because without the community they cannot really do this and it is a great library. Have 10 computers now for public use, a lot of books – 21,000 books or so. Mayor Barber noted they might even find a community citizen that would help. Mr. Ruth invited the city council to come to any of their meetings at any time; they meet the first Monday of each month at 5:00 p.m. Mayor Barber concurred they also wanted to see what could be done for the community betterment for both parties.

Mr. Earl noted the library also has presentations, with one being the 18<sup>th</sup> of this month. Like to advertise for the library to get the word out.

**DISCUSSION FROM THE FLOOR (Continued)****Chris Trinkle, Drainage on Property on Market Street**

Chris Trinkle presented a diagram for adding on to his garage east of the existing wall. He noted he was trying to figure out how we are going to make this easy with the current drainage.

Mayor Barber noted originally Chris wanted to add further east of his building than this diagram. Mayor Barber checked it out and talked to Chris to get a little bit of what he was wanting and what he had wanted to do would have covered up that drainage ditch. It's pretty much a main drainage for the town and runs right through his property beside his shop.

Originally he needed to cover up part of that ditch and didn't know exactly how to handle it. Got to talking to him and Aust was there and didn't think it was a good idea.

Chris Trinkle noted after they got to talking he didn't think it was a good idea either. Mr. Aust just happened to be there at the time, is not directly involved in the project.

Council Member Weitman noted he did enjoy the entertainment last week of watching Chris take that old tree out by the ditch.

Mayor Barber noted tonight's drawing doesn't look like it will interfere with that drain at all. Was that going to meet his needs?

Mr. Trinkle noted this would be the minimum. He would like to see culverts put in the drainage ditch so that somebody will not drive into it. Don't know whose responsibility it is or what, but something needs to be done one way or another for safety.

Mr. Turpen noted there's a lot of water that goes down through there. He'd seen it to the bottom of that house. Mr. Trinkle noted he had seen it in the house. Council Member Boone noted there's a lot going through that ditch now days. Mr. Trinkle noted that ditch takes up half of his lot the way it goes through there and it screws him to where he can't do anything. Council Member Boone asked Mr. Trinkle if he was talking about what they looked at earlier? If so, it would take about two twenty-inch tubes and covering it. Discussed if 18 or 20-inch tubes were needed.

Mayor Barber noted when he was down there looking, he guessed about 1998 was when the city added some pipe. Council Member Boone noted if they remembered right it was one time about 12 o'clock at night because that was flooded there where it goes up to the highway and we unplugged that so it wouldn't flood Chris's house. We installed that the very next day and we put the concrete, tubes and everything in and that was our project.

Mayor Barber asked if the city put in two more culverts then what. Council Member Boone noted that will keep people from driving into it and will be at the end of Chris' shop. Council Member Boone noted it goes right through the property but this is the city's drainage. Mayor Barber asked if it was the city's or just storm run off? The drainage has been there forever.

What problems are the culverts going to solve? Mr. Trinkle noted it would just keep someone from falling in or driving in. Discussed whose responsibility it was. Public Works

Superintendent Craig noted he had obtained the requested estimate for the Tubes, the T, and the Culverts for a cost of \$960.

Discussed if it was the city's responsibility. City Attorney Sutherland noted not necessarily if on private property. Discussed the city could be liable if it does the work and it is not designed right. Council Member Boone noted the city did that in '98, and was the city project you might say for a safety purpose. Because you put them under that drain so some kid wouldn't jump in there and drown so... You know the city started the project so don't know why we can't at least help him along with the project. I'm just one person, but you know...

Council Member Williams noted he felt we ought to finish it, as we started it.

Council Member Robbins asked if there was any trouble with backing up now since they've done the work in '98? Mr. Trinkle noted nothing like it used to be.

Council Member Robbins asked Mr. Trinkle if he was wanting to know if he can do it, or if city is going to do it, or split cost or what we are looking at?

Mayor Barber noted it's kind of questionable. Don't know if it's actually our responsibility or who's responsibility to make that improvement or, I know in some places the city has done that to some ditches to help take care of a problem like a section of a road or a street and I know in some places people have wanted to improve their own ditches have done it themselves.

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### **DISCUSSION FROM THE FLOOR (Continued)**

#### **Chris Trinkle, Drainage on Property on Market Street (Continued)**

Council Member Boone noted the city had done it at Wagner's to improve that and a lot more others. Council Member Weitman noted Wagner's was to keep the road from washing away though wasn't it. Council Member Boone responded it was in the yard, but whatever. Council Member Robbins noted that was a road improvement. Council Member Boone noted if anybody doesn't want to do it all you got to do is say so. Council Member Robbins noted his stand was that he didn't know if he wanted to necessarily want to do it or not. Did know that area takes a lot of drainage and stuff and is a bad deal for Chris, but the only thing was didn't want to commit to several thousand dollars of pipe into Chris's and then down the road here somebody say you know I have this ditch in my lot. But as far as stopping him didn't know that it's not going to effect the flow and what we really have to do about it. Council Member Weitman noted his take was somewhat along those lines. Didn't want to see Chris not be able to do what he wants to do but at the same time didn't want to put the city in a liability situation where we do it by the city and, though not an attorney, but have dealings with storm water discharge people; if we create a problem, then it becomes our problem and when I say our problem I mean for the city. If Chris does it and it creates a problem then it is Chris's problem so how do you get from here to there to give him what he wants? And keep our city out of liability?

Mayor Barber noted the part he didn't know about was the part of what we have already done is on his property. Council Member Weitman noted he knew in the future, and didn't know when that future was for the city, but the cities are going to become responsible for water discharge permits aren't they Devona? City Clerk Herrin responded could see that coming to the smaller cities, yes.

Mr. Trinkle noted if it's going to be an improvement to the whole city why should the individual have to do the whole improvement themselves. Mayor Barber noted that would be an improvement to the area around it. Council Member McGinnis asked if there should be any reason now why if the tubes that are in there now are handling everything and you put the same tubes in there that match it why it wouldn't handle it. He only wants to put in the same amount. Council Member Williams asked if the city bought the materials and Chris installed it, would the city be liable. Mayor Barber responded he wouldn't think any more than what we already are for what we've done already. Noted no one would know for sure the results prior to the change without an engineer's study of the area. Council Member Weitman noted he would also like to solve the situation, but didn't want to put the city in a liability situation. Council Member Williams noted he felt if the city provides the material and Chris installs it and screws it up, that's his problem. Council Member Boone noted the city had already put some tubes in so if we were going to be responsible for the liability we already are, so that would be no different. City Attorney Sutherland noted if it's going to change the runoff the city could be more involved. Mayor Barber felt it's not going to change it any more than

already. Council Member Weitman asked if the city participates in it could there be some kind of an agreement that if there is a problem with the NPDS people that it is Chris's problem? City Attorney Sutherland noted he didn't think that would go anywhere.

Mr. Trinkle asked who else has storm water issues? Noted there are others. Council Member McGinnis noted her stepdaughter does on her property.

Council Member Boone noted down by Linnie Lane's there's a drain. Asked who installed those tubes up there? Mayor Barber noted the city had repaired them many times in the past. Council Member Boone noted the city had installed tubes in there too. What was the difference? Don't think the city ought to pick and choose who they do this for. Mr. Trinkle concurred the city council was just going personal. Mayor Barber noted there was nothing personal in this discussion. Council Member Robbins concurred there was no cause to be personal, and if they could just set there and see for sure... Council Member Boone noted all he was saying was it was the same thing done right up there. Council Member Weitman asked where? Council Member Boone noted the culverts that come under the highway from Linnie Lanes under the Isenhour property. All those tubes down through there, the new tubes.

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### **DISCUSSION FROM THE FLOOR (Continued)**

#### **Chris Trinkle, Drainage on Property on Market Street (Continued)**

Mayor Barber noted those were there where those old ones were falling in, and city fixed it. Council Member Robbins noted the one question he had was if we don't care one way or another and you want to go forward with it whether you buy the stuff or the city does does....the thing I mean is it's not a ....if I could see that it would never cause a problem I would say let's kick out the money and the rock and whatever we have to do, but if it does create a liability that's what I am worried about.

Mayor Barber noted Mr. Trinkle needed to understand there wasn't anybody here trying to shut him down. There is the liability issue and don't want you to think we are going to allow something that is going to bite you in the butt in the long run.

Mr. Trinkle asked how can you if the existing is the same thing as what this is.

Mayor Barber noted now it's just a matter of if somebody wants to make a motion to do it or pay part of it and let you install it. Jerry brought up some good points; we have tried to take care of drainage problems in the past, in cases where it has affected the public. You are right there on the corner with a lot of activity.

Council Member Williams noted basically in the long run if he wanted to do it himself we couldn't stop him. Council Member Weitman noted that's probably right. Council Member Williams noted ok, so if all we are doing is supplying him with the material and letting him do it, so how can we be liable? I guess that's the question I am asking.

Mayor Barber responded he didn't know. We have discussed this question quite a bit. Is there anybody on the council that wishes to make a decision on that? Or a motion towards that decision?

Council Member Williams noted the worst scenario is the backup will be on Mr. Trinkle and nobody else. Mr. Trinkle agreed.

- *Motion for City to Buy the Pipe and Mr. Trinkle Can Install*

**Council Member Williams moved by motion to buy the pipe and let him install it.**

**Seconded by Council Member Boone.** Mayor Barber asked if there was a cost on what they wanted to do. Public Works Superintendent Craig noted to take it clear back to the edge he though they measured forty foot back to the concrete where it originally started. Then for two 45's, the T, the band and everything Mr. Craig though it was really \$956 or \$54 that was bid a week ago, but less than \$960. Mayor Barber noted they had a motion and a second. City Attorney Sutherland noted they had to put a price on it. **Council Member Williams added for a cost of up to \$960. Seconded by Council Member Boone.** Mayor Barber asked for further discussion. Asked for all in favor...opposed? Council Member Robbins noted he was opposing, but it's not because he didn't want Chris to fix up his place, it's just because he didn't want to get into a position where everybody wants it as just don't know that it is the city's responsibility to buy the stuff. Think Chris should be able to do it, but opposed to

buying the stuff. Mayor Barber noted he was counting three for, one against....Council Member Weitman noted he abstained for the same reasons. Mayor Barber noted abstain goes toward the majority so that would be 4-1. Council Member Robbins noted the only reason he was saying that was that the city had a couple of people who already put culverts in their ditches now and don't know how he is going to answer them if they want reimbursed. So that is the only reason why he is opposed. Council Member McGinnis noted the city has put culverts in other places too. **Voted on, passed, 3-Yes, 1-No (Robbins), 1-Abstain (Weitman)** Time: 7:50 p.m.

Mayor Barber noted Mr. Trinkle could coordinate with George on this project. Appreciate Mr. Trinkle coming to the city before doing the work and going through the proper channels.

**b. GAS IMPROVEMENT PROJECT – CDBG GRANT**

i. Inspection Contract with Aquila

Discussed this is the contract with Aquila for taking over where KM will leave off. There was a question of 10% retainage on services until the final paperwork is received. Discussed the wish to have this added to this contract to make sure all was in place prior to final payment. Council Member Boone noted this contract doesn't tell us that they will have someone at the project the whole time the project is going on. City Clerk Herrin noted the actual draft for the project says that. Council Member Boone noted he would like to see that as well as the as built part. Noted this is available at City Hall. Requested to put this on the next agenda with the changes or if they have a problem they can respond at the next meeting.

ii. Twin Peaks Field Services Summary of Charges

- *Motion to Approve Final Payment to Twin Peaks for Services*

**Council Member McGinnis moved to approve the final payment to Twin Peaks for services in the amount of \$744.99. Seconded by Council Member Williams, voted on, passed 5-0.** Time: 7:57 p.m.

iii. Insurance Limits for Miami County Bridge Permit

City Clerk Herrin reported that to obtain the bridge permit in Miami county they are requiring a million dollar liability from the city on the gas utility. We currently only have \$500,000 limits. Asked our insurance agent if we could increase just the gas utility portion to one million with EMC. He came back and said no. Asked if we could put a million on the whole policy, as it is a package policy for the whole city. There is a \$500,000 tort limit for cities and if we make a million dollar package policy that throws us out of our tort. But we can put a million dollar umbrella over our policy, that does not throw us out of our tort, but it will be more expensive. Mayor Barber asked if that were the only way they would allow us to get this permit? City Clerk Herrin noted yes, the only way is to have 1 million liability limits or \$500,000 cash in the bank and prove it, which we don't have in our gas fund. This is to get the permit to hang it on the bridge.

Discussed Location – Just into Miami County north of Linn County on Sutherland property. Council Member Weitman noted the reason is because we are hanging on a bridge that we do not currently hang onto. City Clerk Herrin noted actually the engineer went a little further and

said the existing one hanging on their bridge shouldn't be hanging there without this coverage already in place. However, we are already there.

Discussed the possible costs for increasing the liability coverage of the city's insurance policy. Council Member Boone noted maybe the city ought to bore instead of hanging it on the bridge. Discussed avoiding eliminating the tort provided to municipalities. For tort claims the state statutes say no one can sue for any more than the tort limit because of being a municipality. Discussed did not currently have an umbrella policy in place for the city. Noted the existing bridge crossing may require additional coverage in the future.

Council Member Boone asked about getting an estimate of boring from somebody. Discussed the possibility of the engineers providing a cost for the possible change at this late date. Public Works Superintendent offered to get with Danny McElreath to give us a rough idea without any cost to the city.

Discussed obtaining an umbrella policy for now and check with American Gas for other alternatives prior to the next meeting. Will use the umbrella coverage to move forward with the bridge permit. If the umbrella is cancelled there will be a charge.

- *Motion to Add Umbrella Coverage to Insurance to Get Permit in Place*

**Council Member Robbins moved to add an umbrella to the insurance to get the permit required to move forward with the gas project. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:12 p.m.**

b. **GAS IMPROVEMENT PROJECT – CDBG GRANT (Continued)**

iv. Odorizer Replacement

Public Works Superintendent George Craig reported KCC representatives were down a couple of weeks ago. At that time they determined our odorizer was not consistent enough. They were back today. They would like to have a little more odorant and they are satisfied with what has been done now but they would like to have another odorizer up there as soon as possible. He passed out information on a new odorizer and meter and quotes for installing. Received a bid from Aquila for \$91,400 for labor and all materials. The odorizer is \$23,549. Meter \$5,250; phone is \$285 and \$34 a month. Labor on this one is \$20,000, concrete slab is \$300, and flanges and valves are \$5000. However, this odorizer comes with 100-gallon returnable cylinder for \$6,494. We cannot accept that and get a 50 gallon disposable barrel, and that 50 gallons will last the city over five years with current usage. Changing out the odorant takes it down to \$49,380. The next bid is Mark Michelle and Morgan Brown, their bid is taking the old odorizer out and they will deduct \$4,000 off their bid and leave the odorizer in. If you did that it would make it a little bit less than \$49,380.

Discussed the change in odorant costs.

Discussed having three bids. Per Council Member Boone one for \$91,400, one for \$49,380 and one for \$28,440, and take \$4,000 off this to leave the old odorizer in the ground. One is Aquila, one is Iowa Pipeline, and one is Michelle Excavating. All for the same job. This project does have to be approved by KCC. This is a pulse odorizer. Discussed Michelle bid includes flanges and valves. The Iowa Pipeline bid has a difference in costs for the flanges and valves creating the difference in costs. Morgan Brown noted the estimates for labor and materials were just that, as they had not had time to check on prices for materials. Discussed \$1,140 is the difference between the two bids. Morgan noted he estimated his materials costs. Discussed adjusting the Michelle bid by \$2,000 to leave the old odorizer in the ground. Sam asked if for the \$2000 difference would it be beneficial to take it out of the ground now. It could leak in say 5years if left and would cost more then to remove around the new equipment; versus removing it now with this project. This new meter will have the software to be connected to city hall. This will be a meter on the city's side to compare to the panhandle reading. The meter is the only part not originally in the plans for design. Discussed bids being firm bids. All bidders had the same information.

For Michelle Excavating and Welding to do the work and remove the old odorizer tank it would be done for \$20,300 for labor only. Iowa Pipeline will do the labor for \$20,000 and leave the old odorizer tank in the ground. The other difference is the cost of materials. The city can purchase these materials for both contractors.  
Discussed time frame. Could be done when the materials are received.

- *Motion to Hire Michelle Excavating and Welding for Cost of \$20,300*

**Council Member Robbins moved to hire Michelle Excavating and Welding along with Morgan Brown to install the new odorizer and remove the old odorizer for a cost of \$20,300 and we supply the parts and materials. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:47 p.m.**

- *Motion to Purchase Odorizer, Meter, and Materials for Up to \$35,000*

**Council Member Robbins moved to buy the listed odorizer, meter, and materials for a cost of up to \$35,000. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:50 p.m.**

**REPORTS OF CITY OFFICERS:**

City Attorney – John Sutherland

City Attorney Sutherland reported the condemnation notice on the Windler property for the gas project was published in today's paper. He would meet with the Miami court on March 16<sup>th</sup>.

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**REPORTS OF CITY OFFICERS: (Continued)**

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented an activity report for the period of February 2004. Noted the dog pound is still in the building stage, waiting for good weather.

Public Works Superintendent George Craig

Nothing.

**STANDING COMMITTEE REPORTS:**

Street:

City Clerk Herrin reported a citizen from west Park Street had been into city hall asking when that street would have repairs made.

**SPECIAL COMMITTEE REPORTS:**

Fiesta Committee

Council Member McGinnis reported the next meeting would be held March 15<sup>th</sup>. They were having a contest with the La Cygne 4<sup>th</sup> and 5<sup>th</sup> graders for a title for the Fiesta. The winner will receive a \$25 gift certificate.

**UNFINISHED BUSINESS:**

Collection and Disposal of Solid Waste Ordinance #1296

- *Motion to Approve Solid Waste Ordinance #1296*

**Council Member McGinnis moved to approve solid waste Ordinance #1296 as written. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:58 p.m.**

Sewer Generator Sheds Bid Proposal, Review Bid Bond Requirement

Discussed waiving the city's policy procedure for bid bond requirement on this individual project.

- *Motion to Waive Bid on This Project*

**Council Member Williams moved to waive the bid bond on this project only for the reason the contractor is not paid until completion. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:03 p.m.**

**NEW BUSINESS:**

Close Compactor for Easter, April 11, 2004

Discussed closing the compactor on Easter Sunday, April 11, 2004. Compactor employee understands this is not a city holiday and will use a vacation day or the day without pay. Have closed on this day in years past.

- *Motion to Close Compactor for Easter Sunday, April 11, 2004*

**Council Member McGinnis moved to close the compactor on Easter Sunday, April 11, 2004. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:04 p.m.**

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**NEW BUSINESS: (Continued)**

Three Hogs on the South End of Town

Council Member McGinnis reported she had been contacted by citizens on the south end of town concerned about three hogs a resident had put on his property near them in a small pen. Have reviewed the current city ordinance regarding animals and would like to change the city ordinance of no farm animals when there's a minimum acreage of five acres or less. The city is going to grow, and a lot of animals, especially farm animals are unsightly. And, it's not healthy for the animals or the community.

Mayor Barber assigned the project to review the ordinance for possible changes to the Public Safety Committee and bring the findings back to the council.

**EXECUTIVE SESSION:**

- *Motion for Executive Session*

**Council Member McGinnis moved to go into Executive Session for up to thirty-five minutes following a ten-minute break for legal and personnel. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:15p.m.**

Others invited into or requesting a portion of executive time was: City Clerk Herrin and Public Works Superintendent Craig.

**EXTEND MEETING:**

- *Motion to Extend Meeting*

**Council Member McGinnis moved to extend the meeting to 10:30 p.m. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:16 p.m.**

## **REGULAR MEETING**

**Year = 2004**

Open Session Resumed at 9:55 p.m.

### **OTHER BUSINESS**

#### **Identify Public Works Trucks as City Vehicles**

Mayor Barber requested Public Works Superintendent Craig to get the truck identified as city vehicles unless the council had an objection to his request. There were no objections.

#### **CITY CLERK'S REPORT:**

City Clerk's Written Report:

5. KMGMA Board Meeting Report

City Clerk's Verbal Report:

1. LKM has a program available to update personnel criteria including pay plans.

Will contact the League to tentative set a date for someone to come present information to the city council and report back.

### **NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] KDHE Water Supply Loan Fund Solicitation of Projects
- b] Letter from Froggatte Company Investment Bankers
- c] MLA Workshop on "Issues in Public Safety Management"
- d] *League News*, Volume 9, Number 6, February 20, 2004
- e] *League Alert* February 25, 2004
- f] *League News*, Volume 9, Number 7, February 27, 2004

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### **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 10:02 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 2004.

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### **REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, March 17, 2004 at the La Cygne Community Building. 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; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Julie Funk, Scott Calvert, Grady Elder, Bobbi Barber, and LeRoy Turpen.

Mayor Sam Barber called the meeting to order at 7:03 p.m.

### **CONSENT AGENDA:**



- *Motion to Approve Consent Agenda*

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

Check Register: March 4 - 17, 2004;  
Minutes of March 3, 2004 Regular City Council Meeting;  
February 2004 Treasurer's and Budget Report

**Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:04 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

iv. Status

Public Works Superintendent George Craig reported the media is in, they will start sterilizing and backwashing. Now getting the blowers done and have some valves to hook up; will be done shortly. As to the filter to waste piping, KDHE has sent a report and now wants it done differently. Mark (with Kirkham Michael Engineers) is coming Friday at 11:00 a.m. to go over the project and changes.

v. SMI-CO Pay Request #5 for \$25,830.50

Public Works Superintendent George Craig noted he had gone over the items and this is where SMI-CO is on the project. It was noted a request for payment has been received with both the contractor and engineer's signatures.

- *Motion to Approve Pay Request #5 for \$25,830.50*

**Council Member Robbins moved to pay the \$25,830.50 on pay request #5 to SMI-CO Construction. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:07 p.m.**

**b. GAS IMPROVEMENT GRANT**

iv. Status

- i. Conditional Bridge Permit Received: This is for the new overhang beside the Sutherland property. Miami County has forwarded the conditional necessary papers in order to proceed with the bids.
- ii. Odorometer and Meter Status with KCC Notice: Public Works Superintendent Craig reported KCC has written a letter requesting the replacement now. All of the necessary materials have been ordered and are waiting for the parts to come in.

v. Inspection Contract with Aquila

Mayor asked John if he had looked over this contract. John noted they had added for reimbursable expenses for travel. It didn't have actually reimbursable expenses defined anywhere.

Council Member Weitman noted he had questions on this contract, it was his understanding they were simply going to take over and honor Kirkham Michael's contract. Then where did this additional \$9800 come from? His next question was whether the city still had a contract with Kirkham Michael? The city had a contract and is trying to work with it. It's a concern now with the \$9800 for travel expenses. City Attorney Sutherland noted he thought the expenses were down to maximum of \$5000 now.

vi. Inspection Contract with Aquila (Continued)

He noted there was something about reimbursable expenses, but not sure travel is part of it. Council Member Weitman noted he had to travel for his job and does not get reimbursed. City Clerk Herrin reported the phone call that originally took place with Allen is that they were making a change as the inspector they had had identified to do this project in Miami County has recently been promoted and is no longer available so they would be utilizing the part of the contract to cover these expenses. Explained to him that Kirkham Michael had never charged us for those expense before and we did not feel like that was what those expenses noted in the contract were for. Allen responded they felt like that was what it was for, that there would be up to \$10,000 expenses to get the inspector here. Council Member Weitman noted that is an Aquila problem due to the promotion, how does it become a problem for the city of La Cygne. City Clerk Herrin reported along with this was discussed the final mapping for when the project was completed, that had also came up with Aquila and they talked about that being an extra expense. Allen said they would take care of the final mapping and they would split the expenses in half for travel and would cap it on the city's side for a maximum of \$5000, but that was the best that they could do. City Clerk Herrin let them know that all she could do would be to present it to the council. Council Member Weitman noted the city had a contract with Kirkham Michael's and was trying to be a partner with their situation and let them transfer their contract. Recommended to just let Kirkham Michael's honor their contract, this issue is between Kirkham Michael and Aquila, not us. Need to go back to Kirkham Michael. City Clerk Herrin noted as far as the the contract with Kirkham Michael's, as per the minutes, the last time they were here Lindy said they would basically be getting out of the contract. Discussed if that would that put them out, or have to be in writing? City Attorney Sutherland noted, they would have to put it in writing. Council Member Boone reported there are others interested in this inspection for a lot less money. He was not willing to give any more as thought the city had a contract with Kirkham Michael's and Aquila. Mayor Barber noted it sounded like need to make a few more phone calls. City Attorney Sutherland noted the contract doesn't really give any specifications in the contract. Discussed two different parts in the Kirkham Michael contract, one part for design and another for inspection. City Attorney Sutherland noted the city needs to either tell them we accept the change; or don't accept it explaining we don't believe that would be for reimbursable expenses. Council Member Weitman noted the city is at impasse. Now what happens, do we hold the project up. City Clerk Herrin reported the city would have to go out to public bids for inspectors, taking 2-3 months to complete the process. Council Member Boone noted still don't think the city should be conned like this. Council Member Williams noted it's not our responsibility to take care of these expenses. Mayor Barber noted he is hearing that Aquila is going to pick up where they left off with the same contract and now there are these added expenses. What I'm hearing from the council sounds like need to work on this a little more. And, Kirkham Michael's can put it in writing if they don't want to stay with the contract. City Attorney Sutherland noted it takes seven days written notice for either party to cancel. Council Member Weitman reported he didn't want to hold up the project, but would rather do that then be held hostage. Council Member Boone agreed. Council Member Weitman noted this has swayed his opinion of what he thought was a very reputable company, it still may be, but right now questioning it. City Attorney Sutherland noted should let Aquila know not going to go with this change and let Kirkham Michael's know about the contract. Mayor Barber noted he wanted to be there tomorrow and put the call on a speakerphone. City Clerk Herrin asked what to do between now and the next meeting if Aquila is not interested? Council Member Weitman noted to let Kirkham Michael's know they still have a contract to honor. City Clerk Herrin then asked if anything else to start before the next meeting, such as a special meeting? Will get with the grant

administrator and let them know. Mayor Barber noted if it does come down to something that needs special attention then will hold a special meeting, whether it's this contract and they do agree to it or if need to work something else out. Council Member Boone noted if Aquila agrees then we can let project bids out too at the special meeting. Mayor Barber he thought there would be no problem to get the message to Aquila that we are not going to pay any more than we have agreed to.

vii. Let Project to Bids

Tabled.

viii. KDHE Time Extension Request

- *Motion to Sign KDHE Time Extension Request*

**Council Member Robbins moved to sign the necessary documents to extend. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:25 p.m.**

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**b. GAS IMPROVEMENT GRANT (Continued)**

ix. Authorize City Attorney to Set Condemnation Public Hearing Date

Mayor Barber reported the notice had been filed and now need to have the appraisers to value the condemned property and set a public hearing date. City Attorney Sutherland noted they want the hearing date and the date the appraisers return with the values to be at the same time.

- *Motion to Authorize City Attorney to Set Condemnation Public Hearing Date*

**Council Member Robbins moved to authorize City Attorney Sutherland to be able to set the condemnation public hearing date. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:27 p.m.**

**DISCUSSION FROM THE FLOOR:**

Brad Aust

Not present. Tabled.

Scott Calvert Regarding Culvert in Front Property Ditch

Scott Calvert reported his drainage backs up around his entire block of property during heavy rains. Would like a couple of culverts to help with the drainage at one of his driveways. Asking for a ten-inch and a twelve-inch culvert to place side by side. Council Member Boone noted he had looked at the two culverts in the two drives and the one at the west end is a ten-inch and the other at the east end is a fourteen-inch drainpipe. Noted the one at the west end is too small. Mayor Barber asked if the one at the west end wasn't the one that was damaged by a truck awhile back and was it adequate before the damage occurred? Mr. Calvert said it was backing up before too. Mr. Calvert asked if it wasn't the city's responsibility from the water meter out to the road as the city's right of way? Mayor Barber noted yes. Sam, looked at the ordinances and it is the owners responsibility for his culverts. The owner pays for his culverts and the city can install it. Council Member Boone added that pays for one load of rock. Mr. Calvert noted on Chris' there was a drainage problem and the city took care of it. Council Member Boone responded that was a drainage problem started several years ago and never got finished, and Chris put the labor in it. Mr. Calvert responded he would put the labor in too.

Council Member Boone noted Mr. Calvert did have a problem. Mr. Calvert asked if some drainage areas west of his property had gotten covered up where there used to be culverts on the east side of the road but west of his house diverting it to his property now? Was there one going under Walnut covered up? LeRoy Turpen noted he meant at 5<sup>th</sup> and Walnut intersection and where that runoff goes south. Never remember one being there. Mayor Barber noted what

the ordinance states and asked if Scott had read the ordinance. Scott said yes. Council Member Boone noted what Mr. Calvert has now will not handle it. Mr. Calvert said he would like to have two in there side by side. Council Member Boone said he felt one fourteen-inch might do it. Mr. Calvert responded he had a twelve going into the fourteen and it would not handle it. Mayor Barber asked if council had any suggestions. Council Member Boone responded he would suggest helping out with at least a fourteen-inch pipe. Mr. Calvert reported instead of a fourteen he would rather double up side by side with a ten-inch pipe and a twelve-inch pipe, twenty foot in length. Council Member Boone asked if he wanted to leave the one that is in there now and add another one. Mr. Calvert responded he would take the ten-inch back out and move it over, then have a twelve-inch going into the fourteen and then two ten's behind the twelve. Council Member Boone reiterated, you need forty foot of two tens, is that what you are saying. Mr. Calvert said he needed a twenty foot ten-inch and a twenty foot twelve-inch. The one I bought was \$70 and it was a ten-inch. Mr. Craig noted that would be more than \$70. Mayor Barber noted maybe that was when George was off. Mr. Calvert noted he did not get the rock. Mr. Craig noted he had just bought a twelve-inch and it was like \$10 a foot. Mr. Calvert noted the one he purchased was plastic. Mr. Calvert repeated he would do the labor. Council Member Boone asked Public Works Superintendent Craig to check the prices and see what it would cost, and it was a concern if not banded when side by side. Mayor Barber noted they were talking the other day about taking that plastic out and then putting in a fourteen-inch. Council Member Boone said yes, and see if that'd handle it. That's what he'd do first. And then if that didn't work could add a ten-inch and banding the two. If that's 14 inch he's thinking that will handle a lot of water. Council Member Boone continued by asking Public Works Superintendent Craig why not measure that, the big one, and see what a tube and a band is and go from there. Mayor Barber asked if they got that straight there? Are we going to have George put that in? Council Member Boone asked if going to put the cost of it in before we do it? Council Member Williams asked if they shouldn't see what they were dealing with first? Council Member Boone asked about finding out what it costs and the band. Mayor Barber asked City Attorney Sutherland if the ordinance didn't read that the property owner pays for the culvert and he's already bought his and the city trades him out, would that be the same as what it reads or by rights should he have to incur the difference? City Attorney Sutherland responded with, legitimately, probably, would just have to see what the difference in price is going to be. That's in all fairness to what the ordinances say. Mayor Barber noted they need to keep in mind when we try to do these things to follow the ordinance. Mr. Calvert noted after he poured his foundation the water runs off both sides of his house on his property into that fourteen-inch drain. Mayor Barber asked if Mr. Calvert understood where he was coming from with the question he was asking John.

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

**Scott Calvert Regarding Culvert in Front Property Ditch (Continued)**

Mr. Calvert responded, yes. Mayor Barber responded, ok, because he knew about the question Mr. Calvert had brought up about Chris's deal, and noted there is a controversy on that one; if you look at it from one aspect the city shouldn't have done it and then if you look at it from another aspect and some say the city should have done it. Had a split decision on that one here. There's different thinking going on. This is residential and we do have statutes in place for it, in fairness trying to keep up with what has been done in the past. and what was done the other day does not necessarily set precedence issues. Have to keep in mind what is in our books and try to follow that and that is what we plan on doing. Is there a motion to make to go with that? City Attorney Sutherland responded he didn't know if people want to give cost estimates first? Mayor Barber noted if they go by the statutes doesn't really need a motion. If the city is going to incur the costs and they want to take care of the costs then would take a motion. City Attorney Sutherland concurred. Mayor Barber noted he didn't know the difference in costs between the steel and the plastic. He may have already paid enough to cover the steel and everything. Noted George would have to go measure it up and find out the cost and everything. And the statute says the city installs it so that would clear that up too so he wouldn't be out anything else. And then if it doesn't handle it then we'll come back and then if understand ordinance Mr. Calvert would have to pay for another culvert and the city would have to put it in to make adequate drainage. Discussed the length required and if it gets too long would require city approval. Council Member Williams noted the city used to only

allow sixteen foot, but that may have changed. Mr. Calvert noted it could go up to forty-foot and then the city gets involved. Council Member Weitman noted his point was if he had a twenty-foot driveway and then he wanted to make it forty-foot, could he expect to get that. Public Works Superintendent Craig reported it's one culvert with one load of rock one time. To extend is at the property owner's expense. It's about \$200 for a twenty-foot extension. Mr. Calvert noted this one is an additional culvert and he didn't get any rock. Mayor Barber asked Mr. Calvert to keep in contact and would try to get the problem solved. City Attorney Sutherland noted if George says it can be swapped out for nearly zero balance, then just do it. If additional cost then need to bring back to the council.

Grady Elder Regarding a Fund Raiser for 'Kids in Need' at the Community Building

Grady Elder reported he and his family, Mike and Frankie Howard along with wife Linda, were establishing a new charity for "Kids in Need". He was asking to waive the community-building fee for a fundraiser and to possibly block off some parking in front of the building for some booth spaces if established, and to put a notice in the city newsletter of the fundraiser to help get the word out. This is to have a fund ready for when a need arises. A committee will handle it. For the fundraiser a participant can declare another charity if they wish for a percentage of their winnings should they be the winner.

- *Motion to Waive the Community Building Fees and Publish in Newsletter*

**Council Member Weitman moved to waive the community building fees, put notice in publication, and block off parking space if needed. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:47 p.m.**

Mayor Barber asked who the panel committee was? Mr. Elder noted right now they had decided on Mike Howard, Chad Allen, and waiting on three other people who have been asked for a response. Mr. Elder invited everyone to come and play.

Bobbi Barber Regarding a Cancer Walk on Broadway Street in July

Bobbi Barber reported she was the chairman for the Linn County Cancer Walk being held on July 9<sup>th</sup> and 10<sup>th</sup> this year in La Cygne. She had spoke with the high school about having it on the football field and there were concerns about the new grass. Mrs. Barber asked the city council for permission to close off main streets of downtown for the walk and luminaries and to use the community building with the fee waived for the event. Would need to close off the area from noon on Friday to allow time to set up until about 8:30 a.m. on Saturday morning. Tents will be in the area that will be decorated and there will be luminaries in the street and relay teams will be walking all night. This will be the first walk in La Cygne. Last year Pleasanton raised \$22,000. It has previously been done on the tracks and had over 1,000 luminaries. The streets to be closed are Broadway from Market through Chestnut, Commercial from Broadway through Chestnut, Walnut from Broadway going east to the alley between Broadway and 4<sup>th</sup> Street, and, Chestnut and Third Street through Broadway.

- *Motion to Approve Street Closings and Waive Community Building for Cancer Walk*

**Council Member Boone moved for the Cancer Walk to approve the street closings and waive the community building fees. Seconded by Council Member Williams. Discussion: Council Member Weitman pledged Jerry Boone has to walk. Mrs. Barber encouraged the city council members have a relay team. The next Cancer Walk meeting will be on April 15<sup>th</sup>. Voted on, passed 4-0. Time: 7:55 p.m.**

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**REPORTS OF CITY OFFICERS:**

Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for March 1 - 16, 2004.

Public Works Superintendent – George Craig

- ii. KDHE "Inspection of Wastewater Treatment Facility" Report

## REGULAR MEETING

Year = 2004

Public Works Superintendent George Craig noted the report indicated having been out of compliance but should be ok once the water plant project is complete.

iii. Mosquito Clinic, Ottawa, KS, Tuesday, March 30<sup>th</sup>

Public Works Superintendent Craig requested to send John Henry this year to this clinic as there are no fees for attending and it includes a check of the city's equipment if done at this clinic.

a. *Motion for John Henry to Attend Mosquito Clinic*

**Council Member Robbins moved to send John Henry to the Mosquito Clinic. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:59 p.m.**

iv. Purchase Mosquito Spray

Public Works Superintendent Craig requested to purchase mosquito spray for up to \$4,500 while attending the clinic if the city wished to spray for mosquitoes this year. No action taken.

v. "Excavation Safety Program" by Kansas One Call

Public Works Superintendent Craig requested he and John Henry attend the Kansas One Call session on April 1<sup>st</sup>.

There is no fee for attending, but it does work towards operator qualifications for the gas system.

b. *Motion for George Craig and John Henry to Attend "Excavation Safety Program"*

**Council Member Boone moved to send George Craig and John Henry to the "Excavation Safety Program" on April 1<sup>st</sup>. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:03 p.m.**

vi. Cold Mix for Potholes

Public Works Superintendent Craig reported he would be ordering a load of cold mix. Council concurred this was needed for pothole repairs and to order it as it was maintenance.

vii. Water and Gas Meters Annual 10% Replacements

Public Works Superintendent Craig reported they were ordering the annual 50 water meters to meet the 10% replacement program. For the gas meters the meters between the Henson gas house and the city limits were all being replaced as part of the project being done this year and those numbers would meet the 10% replacement criteria so they were not replacing any more this year as part of the replacement program.

Noted a new lid for Casey's water meter had been made and was working.

x. Purchase Mosquito Spray (Continued)

Council Member Weitman requested a return back to the mosquito spray purchase. Who made the motion to get a certified mosquito person, was it Mr. Boone? In light of Mr. Boone's motion to certify the person, I would like to make a motion to give him some liquid to work with.

a. *Motion to Purchase Mosquito Spray*

**Council Member Weitman moved to purchase the mosquito spray for a cost of up to \$4,500. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:05 p.m.**

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**STANDING COMMITTEE REPORTS:**Sewer

Council Member Boone noted there was a problem. Reported the city has two ten-inch lines running into an eight-inch line. When we got heavy flow from the water the sewer lines from the pumping station at the park cannot handle it. Evidently there's some surface water getting into the sewer. Don't know what to do about that. Public Works Superintendent Craig reported the new pump station was not a factor, it did not even run an hour through the whole thing, which takes it out of the picture all together. We have popped some manholes and have found what I talked about today. We need to do some more checking. What Jerry talked about is we have two eight inch main lines going to a ten inch; all four pumps were running and could not keep up. Council Member Boone noted they couldn't pump it fast enough. Down in the lift stations, inside the stations, in the grates is the highest he'd ever seen it. And the pumps just couldn't get it. He felt it's an engineering thing where they should have looked at how much that eight-inch line was going to have pumped into it. Public Works Superintendent Craig noted the new station with the six houses added was not the factor. The one at the Industrial Park and the one at the City Park were both maxed out. They barely held their own until about 12:30 at night and then they did start to gain. Council Member Boone noted the flow can't get away down there. Mayor Barber asked if you think it's because we got the added length down there at the other end of the lagoon. Council Member Boone reported he didn't know what it is, but have two ten inch going into an eight inch down there and it was at full flow going into it. Council Member Weitman asked if the two ten inch were added but the eight inch going out is the same as it was? Council Member Boone reported two tens were added into one eight, right? Public Works Superintendent Craig responded it was two eights into one ten. Council Member Weitman noted that makes it sound like we've got infiltration somewhere. Council Member Boone noted he thought it was a lot of surface water; the only time we ever have it is when it comes a big hard rain. And that's saying that surface water it getting in there, and a lot of it, from up north from what he could tell. Council Member Boone noted the manhole lid a half a block north of him fills up that line so bad it will push that lid off and come out of there. And, if he didn't have a trap in his lines it would come back in his lines and into his house. He has a clean out out in front and it popped that lid off and went all over the yard and under the house. Don't know what the problem is. Asked if the manhole by Toby's was realigned? Public Works Superintendent Craig responded he did not remember, would have to check the records. Mayor Barber reported he did ask George during that time even with a lot of things going on to go around and start popping manholes and he did do that to try to find out if there is any particular one causing the problem. Council Member Boone noted if that one for sure wasn't realigned he knows it's got a real problem. That's a lot of water. Mayor Barber concurred, so need to identify the problem. Mayor Barber asked George if he didn't happen to look at the other end of the lagoon whenever the pumps were running all the time and did there appear to be any obstruction? Public Works Superintendent responded the water got about two feet high, but not like there was any problem, it was running ok. City Attorney Sutherland noted the city will have to try to identify what direction it is coming from.

Cemetery

Council Member Boone noted the cemetery looks nice.

**SPECIAL COMMITTEE REPORTS:**Emergency Disaster Committee

Discussed the city's committee consists of Diane Dotts and Randy Tinsley. Tony Williams is still on the committee too. Noted the committee asked for the Police Chief to be in attendance in the future. He will be more than happy to attend, but will be unavailable next Monday. City Clerk Herrin reported the next meeting is at 6:00 p.m. on Monday, March 22<sup>nd</sup>. Randy

attends, on the city's behalf, the county meeting that meets the second Wednesday of every month. They have also asked for a city person to attend to keep the city council up to speed. Also discussed how the fire department deals with the search and rescue part of an emergency and will also be involved in part of it.

The sirens went off last Wednesday with the state weather drill. Discussed the volume of sound from them.

Planning Commission Committee

- ii. Recommending Agreements for Updating Zoning & Subdivision Regulations; and Establishing Interlocal Agreement

Mayor Barber reported he had attended the meeting and was there for part of the proposal from James Kaup P.A. an attorney that attended and left a proposal for finishing up the city comprehensive plan. City Attorney Sutherland reported Mr. Kaup was originally with the League and did a lot of this work and now he is saying his expertise is in this area. It was Sutherland's understanding the committee was most interested in the zoning and subdivision proposals. Noted the proposals were really given at the very end and did not really have a lot of time to go over them. This committee had previously spoken with another company about this and should have a feel for if this is what they really want to do and look it over further.

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**SPECIAL COMMITTEE REPORTS: (Continued)**

Planning Commission Committee (Continued)

- iii. Recommending Agreements for Updating Zoning & Subdivision Regulations; and Establishing Interlocal Agreement (Continued)

Noted there is a fee for every set until you get down to section seven and then a fee for Mr. Kaup to write the ordinance and come to the council that is an extra fee for both zoning and subdivision. Both are extra cost situations. Reported Mr. Kaup noted everything is negotiable and can talk about it. Need to know if he thought we would do some ourselves, or what. Might need to find that out first. The committee really didn't have a good chance to go over it, and might be good to compare from the other entity, as not the same thing but similar. Maybe should give it back to the committee and let them look at it further. The committee wanted to do something along this line and this was the only thing presented to them so felt they would like to pursue something like that. Whether it's exactly what they wanted not sure as they didn't have a lot of time to do a lot of talking. Assuming from what Mr. Kaup discussed he would take what the city wanted and he would take a general form and adjust to the city's and then sort of cut and paste to make a product that works. No particular problem with that and then it would all be codified in one thing. It would be a good situation for sure. City Clerk Herrin noted Kenny McClanahan also said something about where the items would all be indexed and easy to find in one spot instead of parts in different areas. City Attorney Sutherland noted there is also an administrative manual to tell you why and how it all fits together. Mayor Barber noted he knew the city had started on this a few years ago and have set aside costs for this purpose and this is an ongoing step and this is just the next step. Can certainly look this agreement over in further detail. City Attorney Sutherland felt that would be a good thing. City Clerk Herrin asked if everyone had the Planning Commission minutes here where they asked to go with this. City Attorney Sutherland responded the knew they wanted it, but think there could be some room to negotiate a little bit and how it compares to the process they went with the other firm on the use map. Sure it's the councils' duty to negotiate in the final process with this individual. Mayor Barber said ok. City Attorney Sutherland recommended the Planning Commission do a little more review of the contract for further detail of what is covered.

**UNFINISHED BUSINESS:**

Replace Copier or Establish Maintenance Contract

Mayor Barber noted the council had previously looked at this and discussed if to put money into a contract, or to look at a new one. Right now if city renews the maintenance agreement it



will be retroactive and take care of problems we have right now with it. Also due to the time frame right now think employees felt it might be better to go for the agreement and then put it in the budget next year to purchase. City Clerk Herrin reported she had checked on a lease and found they really recommended a rental instead of a lease and they couldn't come close to the price of the purchase price in this type of copier. In fact they felt this was a fair price in the offer. (Pause for mayor to leave the table.)

*b. Motion to Approve One Year Service Agreement*

**Council Member Weitman moved to accept the one-year service agreement. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:38 p.m.**

**NEW BUSINESS:**

**Neighborhood Revitalization Program Support**

Mayor Barber reported the Neighborhood Revitalization Program sunsets in April. So far from the information he had received it will end at that time. If the city is in support need to send a letter for support. Heard that part of the problem was the paperwork it created, like when someone said it was sent in and they couldn't find it, then have to back up and review again. Council Member Robbins noted he had also heard the commissioners had thought it wasn't fair as it didn't help the county residents too. Council Member Weitman noted if paperwork was the problem then set rules to retain. Mayor Barber requested the City Clerk to write a letter of support to the commissioners. Council Member Weitman said he didn't know about the argument that growth would happen anyway without the program. Roger Sims noted the city and school could do it without the county being involved. Mayor Barber asked if the city wanted to get with Dennis Arnold and have him come to discuss for just the city to participate and what additional paperwork for the city if any. Council Member Weitman noted with it having a five-year abatement it's just now reaping the benefit of the first year and that wouldn't have been the biggest year for involvement. Council Member Robbins noted he felt should send a letter.

*c. Motion to Send Letter in Support of Program*

**Council Member Robbins moved to send letter to the commissioners in support of the program. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:47 p.m.**

**NEW BUSINESS: (Continued)**

**Neighborhood Revitalization Program Support (Continued)**

Mayor Barber noted due to time frame maybe go ahead and invite Dennis to bring the information on how the city can proceed. Roger Sims noted the treasurer and appraiser would still be handling the paperwork if the city continues the program there will just be no county tax break. Mayor Barber requested City Clerk contact Dennis Arnold and invite him to the next meeting.

**KDHE Kansas Source Water Assessment Program Nearing Completion**

Mayor Barber noted the last time discussed this was just getting started. City Clerk attended a meeting for this project. KDHE completed the project for the city and now there is available at city hall the details of the findings and a map of the area if anyone is interested.

**Sealed Bids Opened for Sewer Generator Buildings**

City Attorney Sutherland opened and reported on the sealed bids for the Sewer Generator Buildings.

Contractor	Quote
Clayton Stoker	\$8,050 for Industrial Site \$6,450 for Park Site
Has declared dimensions and detail.	Total: \$14,500
Pemberton Excavating	\$12,800 per plans and specifications
B&C Construction Bill Cox	\$11,600 per plans and drawings

Discussed Clayton Stoker's contained additional costs for a four-foot retaining wall at the Industrial Site. Multiplying the park site costs times two totals \$12,900 for Clayton Stoker. Public Works Superintendent Craig noted if felt if that floods it's up to the bottom lift station. Noted the locations were marked and flagged for all interested contractors.

*d. Motion to Award Contract to B&C Construction for \$11,600*

**Council Member Boone moved to award B & C Construction the bid for \$11,600 contingent on proof of insurance. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:02 p.m.**

**Executive Session**

- *Motion to Go Into Executive Session*

**Council Member Robbins moved to go into executive session for discussion of legal for up to twenty-five minutes followed by a ten minute break. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:04 p.m.**

Others invited into or requesting a portion of time included: City Clerk Herrin.

Open Session Resumed at 9:37 p.m.

**OTHER BUSINESS:**

Ordinance # \_\_\_\_\_, for Closing Railroad Street East of Block 2

Tabled.

**CITY CLERK'S REPORT:**

Verbal: Flood Plan Coordinator will be at City Hall on March 31, 2004 at 9:30 a.m. Discussed the purpose was to give information to the city on how small cities could participate without mounds of paperwork.

Written Report:

3. Funds for Planning Commission Activities
4. Copier Information Received
5. Reminders:
  - a. April 17, 2004 – Dog Tags and Vaccinations
  - b. May 1, 2004 – City Wide Garage Sale

Verbal: Getting newsletter ready and plan to have out in the next couple of weeks. If you have anything you want in the newsletter, let city hall know and will add to it. Will be adding the Kansas One Call notice. Discussed how often the newsletter goes out. Noted the water report generates a newsletter this time of year it varies from year to year. Mayor asked to try to include local activities when known. Council Member Robbins asked if there was any way to let people know the people in city hall don't make the rules for utility actions. Discussed putting the guidelines in the newsletter as a reminder.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] RWD's Signed *Engineer's Shared Cost Agreement*
- b] Planning Commission's "Notice of Public Hearing" per Request to Vacate City Street and Alley
- c] *League News*, Volume 9, Number 9, March 12, 2004

## REGULAR MEETING

Year = 2004

- d] KMGA March Executive Committee Meeting Notice
- e] Classic Communications Inc Franchise Payment of \$2,316.90
- f] Mine Creek Amateur Radio Club Thank You Letter
- g] Mirza Shriners Thank You for Donation
- h] *A Program Worth Keeping*, by Roger Sims, Published in Osawatomie Graphic, Submitted to City Hall by Concerned Individual
- I] KLTAP "2004 Gravel Road Maintenance Workshop"
- J] *League News*, Volume 9, Number 8, March 5, 2004
- K] MLA "Municipal Finance" Course, April 24, 2004
- L] Minutes of Planning Commission Meeting on March 11, 2004
- M] *Kansas Government Journal*, Volume 90, Number 2, February 2004

Discussed the League News covering the bills pending regarding the Landlord Liability and Annexation.

### **ADJOURNMENT:**

- *Motion to Adjourn*

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

Adjourned the meeting at 9:55 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 17<sup>th</sup> day of March 2004.

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*Page 1 of 1*

The LaCygne City Council held a Special Meeting at 7:00 p.m., Friday, March 19, 2004, at LaCygne City Hall. The purpose of the Special Meeting was regarding: 1. Gas Project – Status Update: Contract for Inspection Services and Let Notice to Bidders.

Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, and Tony Williams.

Others present included: City Clerk Devona Herrin and City Attorney John Sutherland.

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

Mayor Barber announced the purpose of the Special Meeting was for:

2. The Gas Project – Status Update

A. Contract for Inspection Services

Discussed the following items:

1. 5% Retention is in the contract,
2. City Attorney Sutherland noted the travel expenses of \$9,000 are now omitted and looks ok,
3. Noted met requirements asked for,
4. Mayor Barber noted he had spoke with Alan Steele of Aquila earlier with Council Member Boone and City Clerk Herrin noting the city was not agreeing to any changes in the contract for travel expenses and Aquila agreed to stay with the \$90,000.

- *Motion to Accept Inspection Contract with Aquila for up to \$90,000*

## REGULAR MEETING

Year = 2004

**Council Member Williams moved to accept the inspection contract with Aquila for up to \$90,000, replacing Kirkham Michael Engineers for the inspection portion. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:08 p.m.**

### B. Let Notice to Bidders

Discussed the following items:

1. Accept bids until opened on April 22, 2004 at 2:00 p.m.
2. Sent list of contractors to engineers and grant administrator
3. Publication will be on March 24, 2004.

- *Motion to Accept Notice to Bidders and Publish*

**Council Member McGinnis moved to publish the notice to bidders and proceed with process. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:14 p.m.**

### 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 7:16 p.m.

I, \_\_\_\_\_, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 19<sup>th</sup> day of March 2004.

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Page 1 of 7 Pages

### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, April 7, 2004, at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, 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 Supervisor George Craig; Roger Sims with Osawatome Graphic; Julie Funk with Linn County News; LeRoy Turpen; Linda Ross, Dennis Arnold with Linn County Economic Development, Dale Windler, and Dennis VanTuyl.

Mayor Samuel 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 as presented that consisted of:**

Check Register: March 18 – April 7, 2004;  
Minutes of March 17, 2004 City Council Meeting;  
Minutes of March 19, 2004 Special City Council Meeting.

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

UTILITY IMPROVEMENTS REPORTS

#### a. WATER IMPROVEMENT PROJECT

**I. 2002 Water Plant Improvement Project**

- v. Status – KDHE Letter Regarding Phase 1, Filter Upgrades

Public Works Superintendent Craig reported the contractor is still working on the punch list items.

**II. Upgrade of Transfer and High Service Pumps with RWD's**

- i. Status

Public Works Superintendent Craig reported the engineers' report has been received and they have put it out to bids with the bids due back to the engineer on April 15<sup>th</sup>. They will fax the bid reports to the city after they are tabulated. Discussed having a meeting with the RWD's on Monday, April 19<sup>th</sup> to go over the bids for this project.

- *Motion to Set Up Special Meeting April 19, 2004 with RWD's for Project*

**Council Member Robbins moved to set a special meeting for April 19<sup>th</sup> at 7:00 p.m. at the Community Building with the rural water districts to go over the project estimates. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:07 p.m.**

**a. WATER IMPROVEMENT PROJECT (Continued)**

**I. 2002 Water Plant Improvement Project (Continued)**

- i. Phase 2 and 3 Bids with Engineer's Recommendation

Mayor Barber asked where the city was right now with the two bids running quite a bit over the estimated figures from the engineer. Noted he had met with Ron Smith of SMI-CO along with Council Member Boone and City Clerk Herrin earlier that day and discussed options. None of the options were a major cost reduction and asked for new ideas. Council Member Boone noted his primary concern was to the cost of the building and the bid was more than the city could afford so need to put back to bids again. Discussed how long it would take to put out to bids again. Public Works Superintendent Craig reported he had spoke with some other contractors about the cost of a building if it was build on a different scale. Mayor Barber noted it looked like the city was back to the drawing board with Phase 1 and 2 going together. PWS Craig noted the building does not need to go so far to the west and can make some adjustments there. Council Member Boone noted there are other contractors around that are not near as expensive, don't know what gage of metal is being used, but feel it is out of line. City Clerk Herrin noted there was approximately \$61,000 left in the project fund after the expenses for Phase 1 were paid. Discussed ways to cut the expenses including temporary notes, which take time to process. Council Member Boone noted need to know the final costs before do anything more. Discussed what part of the project was done previously to increase the costs of the project during the project. Council Member Boone noted he felt the city could save over \$90,000 on the building portion if wait and maybe some on the electric. PWS Craig noted could wait maybe a few months but KDHE wanted it done now as they had already given years of notice prior. Have to have the buildings before putting the new process to work.

**b. GAS IMPROVEMENT PROJECT – CDBG GRANT**

- v. Status – Including Odorizer and Meter with KCC Notice

Public Works Superintendent Craig reported most of the materials were delivered today and trying to get to the project next week. Will notify KCC when ready to attach the equipment to the line.

City Clerk Herrin noted to date there have been ten requests for the bid documents from contractors.

**DISCUSSION FROM THE FLOOR****Dennis Arnold Regarding Neighborhood Revitalization Program**

Dennis Arnold with Linn County Economic Development reported the city by itself or along with the school district could continue the Neighborhood Revitalization Program without the county participating. The paperwork and accounting would be handled by City Hall. The county treasurer would handle sending the check to the city and the city would set up a separate fund to handle the process. This has caused the county concerns for some areas when there is a revitalization program in place and the same area is asking for infrastructure improvements at the same time; it can add stress to the tax base. The current program sunsets on May 14<sup>th</sup> of this year. Parker may also consider continuing the program; however how they are set up does not have to be the same. The county is dropping the program. Discussed looking at options for businesses. Noted the state established this program for cities where the infrastructure is already in place for more growth. Linn County has over 50% of its population out of the city limits. Noted the growth curve was markedly different, especially with commercial. Discussed contacting the school district for interest. City Attorney Sutherland noted the council could direct Dennis Arnold to get with him to go over parameters, or just vote to set direction and parameters. Need to process quickly to keep in place and reduce paperwork for continuance.

*Page 3 of 7*

**DISCUSSION FROM THE FLOOR (Continued)****Linda Ross Regarding Proposition #3, School Busing, for School Children**

Passed out handouts covering the school concerns of overcrowding for some of the district's grade schools. Asked if the city was interested in sending a letter to the school board about the possibility of losing the elementary school for all grades in La Cygne. Noted the school would be here if the proposition was chosen, would just only have two grades attending instead of all of the elementary grades. Concurred would personally all like to see all of the grades remain. Not sure if city should be involved as it is a hard decision for the board with many concerns at stake. Mayor Barber noted he would think about a letter if it could be done without personal feelings involved.

**Johnny Ann Lane Regarding Closing Broadway & Access to Swan Manor**

Mayor Barber reported this issue had been resolved. The Cancer Walk was changed to be held at the City Park with the Park Board's approval.

**Dale Windler Regarding the Gas Line Easement on His Property**

Dale Windler noted he probably didn't wear the right garb tonight but came anyway as had not heard anything from the city after his last time at the council meeting. Noted he did not feel any of the prior visits counted as city council business but were just general visits. He did not like the way it had been previously handled. City Clerk Herrin noted the city had in the very beginning attempted to contact him by letter for his response and he said he did not have to respond to that either. Council and Mayor asked him several times for a date that would work for him in the next two weeks, if he was willing to meet, and where. At that time he noted he did not want anyone at his home. He would meet with the council, without the newspapers, in La Cygne when it rained and was convenient for him. Again city officials

noted it needed to take place in the next two weeks and asked Mr. Windler to name the time and place. Mr. Windler said if it worked out for him he would meet with the city next Tuesday, April 13<sup>th</sup> at 8:00p.m. at the Community Building. Council reported he would only be meeting with the Gas Committee Council Members, the Mayor, the City Attorney, and the City Clerk. Mr. Windler asked for place cards to identify each one for him a stranger. City Attorney Sutherland and Mayor Barber thanked him for coming.

**REPORTS OF CITY OFFICERS:**

City Attorney – John Sutherland

City Attorney Sutherland reported the condemnation hearing on the Windler property is set for April 28<sup>th</sup> at 10:00 a.m. at the Miami County Courthouse. Mayor Barber noted this is the first time the city has had to take any property through the condemnation process.

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented an activity report for the period of March 2004. Noted the dog pound building process was worked on last weekend and needed more time to finish.

Public Works Superintendent George Craig

Nothing. Council noted there had been some pot holes patched last week.

**STANDING COMMITTEE REPORTS:**

Park:

Noted the people had been caught that had damaged the park and soccer fields with deep ruts.

**SPECIAL COMMITTEE REPORTS:**

Fiesta Committee

Council Member McGinnis reported the next meeting would be next week.

Emergency Disaster Committee

Noted the next meeting will be the third Wednesday this month at 6:00 p.m.

Planning Commission Committee

i. Agreements for Updating Zoning and Subdivision Regulations

City Attorney Sutherland reported he had spoken with Planning Commission Chairman Kenny McClanahan and has learned that they felt they had done all they could do and wanted to work with Attorney James Kaup on updating these regulations. These prices are less than any they had previously received quotes for and there are funds in place for this process so recommend going ahead and moving forward with the project. Still concerned about a couple of items for possible additional expenses such as the actual ordinance for the city to pass. If he would cut out the additional expenses for the ordinance and the city realize there would be more costs if he has to make more trips this would work for the city. The quotes are \$8,000 for zoning and \$2,250 for the subdivision regulations for a total of \$10,250. Then there is a separate module for the three-mile interlocal agreement for \$3,500 and the city could look at that later. Council can direct the City Clerk to check on a final price and then bring it back to the council at the next meeting for approval. Mayor so directed.

Kansas Shared Services Committee

City Clerk Herrin reported she had received the question from KSSC if the city was interested in a joint venture with health insurance. Discussed this had been reviewed earlier with agents and determined this probably would not work when there were adverse situations and determined no to go further.

**UNFINISHED BUSINESS:**

Jean Allen Regarding a Gas Line Disconnect Charges Bill

Discussed the current process for this type of work by the city. The usual cost is \$200 and her son was given this price prior to the work being done. Council Members felt this particular case was accomplished for less. Discussed the ordinance states the council will give approval prior to the work being done and this job was completed the day the son wanted the work done without going to the council first. Discussed the various costs involved including preparation time. Council Member Robbins noted there was probably around \$150 tied up this time plus insurance equipment and training. Mayor Barber asked if the council was going to stand on the current cost or do something.

- *Motion to Change Bill to \$125 In This Case Only*

**Council Member Robbins moved to change the bill for Jean Allen to \$125 for this process in this case only. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:48 p.m.**

Mayor Barber asked the Gas Committee to review this ordinance that was put into place in 2000 to see if further changes need to be made.

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**UNFINISHED BUSINESS: (Continued)**

National Flood Insurance Program, Including BFE Workshop

City Clerk Herrin reported the city is going to be required to be a member of the National Flood Insurance Program if the city wants to apply for any future CDBG grants. This is a requirement that was put in place in the last two years. Noted there is a three-page ordinance that can be used that refers to the actual process of the program to help with publication costs in joining the program. Also there are individuals available in the state office in Topeka when there is a detailed need for paperwork should a person in the city find themselves trying to build a building in the flood zones areas of the city. The city employees do need to be trained enough to recognize when the process needs to be put in place for a property owner. The Base Flood Elevation Workshop in Fort Scott on April 15<sup>th</sup> is to help provide this information on how the general process is established to help explain. Asked for both City Clerk and Deputy City Clerk to attend for both to be able to have first hand training to pass on the necessary information when needed.

- *Motion to Send City Clerk and Deputy City Clerk to BFE Workshop*

**Council Member Boone moved to send Deputy City Clerk Mahon and City Clerk Herrin to the Flood Program Workshop in Fort Scott on April 15<sup>th</sup>. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:59 p.m.**

- *Motion to Move Forward with Joining National Flood Insurance Program*



**Council Member McGinnis motioned to move forward with the city joining the Flood Program. Seconded by Council Member Boone, voted on, passed 5-0. Time: 5:09 p.m.**

Employee Policy Services programs with LKM Workshop

City Clerk Herrin reported the League of Kansas Municipalities has an individual that will present a workshop to the City Council on personnel policies and procedures and how they can help with updating this portion of the city's codes. The cost would be mileage plus \$175, which will be applied to the total process if the city decides to move forward. The date that was tentatively set was May 26<sup>th</sup> that evening. Discussed and considered the other items still on agenda taking up time. Determined to leave tentative date and review first of May to make sure will work with current workload.

\$1,000,000 Umbrella Policy Premium Quoted

City Clerk Herrin reported the actual cost of an umbrella policy is \$2,145. This is required to meet the Miami County liability requirements for the gas line to hang on the sides of the bridges.

- *Motion to Purchase Umbrella Policy for \$2,145*

**Council Member Robbins moved to purchase the umbrella policy for the city for a cost of \$2,145. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:08 p.m.**

**NEW BUSINESS:**

KMU 75<sup>th</sup> Annual Conference May 12-14, 2004 with KMGGA Meeting in Conjunction

Discussed who to attend with the topics covered.

- *Motion to Send City Clerk to KMU Meeting May 12-14, 2004*

**Council Member McGinnis moved to send City Clerk Herrin to the KMU meeting with per diem. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:16 p.m.**

**NEW BUSINESS: (Continued)**

Kansas One-Call Proxy

Discussed this does not absolutely require the proxy to be sent back this year.

- *Motion to Sign and Return Kansas One-Call Proxy*

**Council Member Weitman moved to sign and return the Kansas One-Call Proxy. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:18 p.m.**

**EXECUTIVE SESSION:**

- *Motion for Executive Session*

**Council Member McGinnis moved to go into Executive Session for up to thirty minutes following a ten-minute break for legal and personnel. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:19 p.m.**

Others invited into or requesting a portion of executive time was: City Clerk Herrin, City Police Chief Farrell, and Public Works Superintendent Craig.

**EXTEND MEETING:**

- *Motion to Extend Meeting*

**Council Member McGinnis moved to extend the meeting to 10:30 p.m. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:20 p.m.**

Open Session Resumed at 9:58 p.m.

**OTHER BUSINESS**

**Farm Animals in City Limits**

Council Member McGinnis noted the current codes regarding animals are allowed as long as they do not become a nuisance. She had checked with property owners with animals and recommended changing the ordinance to state one equine for one acre of property and no swine. This would allow forty head for forty acres. City Clerk Herrin asked about chickens. Mayor Barber discussed having the given items desired to legal for proper write up. Council Member Boone noted he would not get involved as he had family and friends this would apply to. Council Member McGinnis noted there are now some places where there were animals to the point it is just mud lots now and it's unhealthy from not being cleaned up. City Attorney Sutherland recommended he find some examples of other cities animal ordinances and the council along with him could work with some parameters for this project. Concurred.

**CITY CLERK'S REPORT:**

City Clerk's Written Report:

6. National Flood Insurance Program
7. Reminders:
  - a. April 17, 2004 – Dog Tags and Vaccinations
  - b. May 1, 2004 – City Wide Garage Sale
  - c. Emergency Disaster Committee Meets 6:00 p.m. on 04/07/04

City Clerk's Verbal Report:

1. Noted the Emergency Disaster Committee meeting changed to 04/21/04.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] KNOA Certificate of Training for Glenn D. Farrell Jr.
- b] KCC Response to Noncompliance with Odorizer
- c] *League News*, Volume 9, Number 11, March 26, 2004
- d] KMGa Natural Gas Prices Process for Summer 2004
- e] *League News*, Volume 9, Number 10, March 19, 2004
- f] Kansas MIP Letter of Rating
- g] Certificate of Training in Floodplain Management for Gary Mahon
- h] CDBG "Workshop Notice"
- i] KDOT Letter on "Local Transportation Partners"
- J] *SEK, Inc. E-NEWS*, Volume 3, Issue 2, April 2004
- K] La Cygne Neighborhood Revitalization Program Letter to Commissioners
- L] MLA "Municipal Finance" Workshop, April 24, 2004
- M] *League Report*, Regarding Eminent Domain Bill Votes

Council Member Robbins reported he had spoke to the individual currently looking for a missing young man and would like to offer the Community Building for restrooms and kitchen facilities if they should need that in the future while the search continues. Council and Mayor concurred.

**ADJOURNMENT:**

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Robbins, voted on, passed 5-0.**

Meeting adjourned at 10:11 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 7th day of April 2004.

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*Page 1 of 1*

The LaCygne City Council held a Special Meeting at 7:00 p.m., Monday, April 19, 2004, at LaCygne Community Building. The purpose of the Special Meeting was regarding: 1. Water Project – Transfer and High Service Pump Upgrade with Rural Water Districts 1 & 3.

Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and Terry Weitman. Absent: Tony Williams.

Others present included: City Clerk Devona Herrin, John Brann III with Ponzer-Younquist, P.A., Charlene Simms, Julie Funk, Tom Likely with RWD #3, Eddie Andersen with RWD #1, Public Works Superintendent George Craig, and City Attorney John Sutherland.

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

Mayor Barber announced the purpose of the Special Meeting was for:

3. Water Project – Transfer and High Service Pump Upgrade with Rural Water Districts #1 & #3.

Mayor Barber reported the bids received were from: Lee Matthews Equipment, of Kansas City, Missouri who submitted the low bid in the amount of \$49,900.00. Alliance Pump & Mechanical Services, Inc., of Independence, Missouri, submitted the second low bid in the amount of \$48,601.00. The engineer's estimate was \$75,000.00. Both contractors have experience in the installation of pumps of this type and size. Lee Matthews Equipment has performed work on previous projects of Ponzer-Youngquist and has shown the ability, performance and timeliness to complete this project.

Discussed the following items:

5. Number of Pumps involved. Two transfer pumps and three other smaller ones.
6. Lowest estimate under the previously discussed \$50,000 so should not be a problem. RWD #3 can give final ok after their meeting this Wednesday night.
7. Electrical large enough to take the increased capacity.
8. Projected time frame of seventy-five days, to have installed by the end of June.
9. Contract for work will be with the city and the RWD's will pay their portion to the city.
10. Payments made on monthly basis. Projected to be a two-week project so may just be one payment.
11. Project to be complete while water plant stays in service to customers.

ADJOURNMENT:

- *Motion to Adjourn*

**REGULAR MEETING**

**Year = 2004**

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

Meeting adjourned at 7:15 p.m.

I, \_\_\_\_\_, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 19<sup>th</sup> day of April 2004.

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**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, May 5, 2004, at the LaCygne Community Building. Council Members present were: Connie McGinnis, Travis Robbins, Terry Weitman, and Tony Williams. Absent: Jerry Boone.

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 Sims with Osawatome Graphic; Julie Funk with Linn County News; LeRoy Turpen; Kenny Ross, Mike DeMott, and Dennis VanTuyl.

Mayor Samuel Barber called the meeting to order at 7: 08 p.m.

**NEW YEAR ORGANIZATION:**

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

City Clerk	Devona Herrin
Deputy City Clerk	Gary D. Mahon
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.
Council Rep to Park Board	Jerry Boone

- *Motion to Approve Recommended Appointments*

**Council Member McGinnis moved to accept the recommended appointments. Seconded by Council Member Robbins, voted on, passed 4-0.** Time: 7:12 p.m.

Mayor Sam Barber recommended the Osawatome Graphic for the Official City Newspaper after reviewing a letter from the Graphic asking for continuance. Mayor Sam Barber recommended the following appointments to the **Planning Commission:**

3-Year Term	Gerald Stanley
3-Year Term	Ernie Marmon.

Mayor Sam Barber recommended the following appointment to the **Zoning Appeals Board:**

3-Year Term	Beverly Burke.
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- *Motion to Approve Official City Newspaper & Appointments*

**Council Member McGinnis moved to accept the recommendations of the mayor. Seconded by Council Member Williams, voted on, passed 4-0.** Time: 7:13 p.m.

Mayor Sam Barber recommended the following **Standing Committee Appointments**

Water & Gas	Tony Williams	Terry Weitman
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**REGULAR MEETING**

**Year = 2004**

Street	Travis Robbins	Terry Weitman
Sewer	Jerry Boone	Terry Weitman
Park	Jerry Boone	Connie McGinnis
Cemetery	Jerry Boone	Connie McGinnis
Public Safety	Jerry Boone	Tony Williams
Community Building	Travis Robbins	Connie McGinnis
Employee Relations/Training	Travis Robbins	Tony Williams

- *Motion to Approve Appointments as Presented*

**Council Member Robbins moved to accept the mayor’s recommended appointments as presented. Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time 7:16 p.m.**

*Page 2 of 9*

**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 7:17 p.m.**

**Resolution No 283 - Waiver from Certain Accounting Procedures**

- *Motion to Approve Resolution No. 283*

**Council Member Weitman moved to approve Resolution #283 & waive GAAP- Prescribed Statements and General Fixed Accounting Procedures. Seconded by Council Member Williams, voted on, passed 4-0. Time 7:20 p.m.**

**Appoint Council President**

- *Appoint Robbins as Council President*

**Council Member McGinnis moved to appoint Travis Robbins as Council President. Seconded by Council Member Weitman and so moved to close to further nominations, voted on, passed 4-0 Time: 7:21 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: April 22 – May 5, 2004;  
Minutes of April 21, 2004 City Council Meeting.

**Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:22 p.m.**

*UTILITY IMPROVEMENTS REPORTS*

**a. WATER IMPROVEMENT PROJECT**

**III. 2002 Water Plant Improvement Project**

vi. Phase 2 & 3 Workshop: Project Changes & Financial Process

Discussed some project changes to the building and some electrical items creating a reduction in costs. Prior to these changes the original total low bid was \$253,155, based on: Phase 2 for electrical and mechanical was \$103,755; and, for Phase 3 the building was \$96,870 and the foundation was \$52,530. The building roof was all one piece and the foundation had oversized piers. These items were among the changes in the second workup. With the project changes, the total bid from the low contractor is \$195,790, for a total reduction of \$57,365.00; based on: Phase 2 for \$78,184.00; and, for Phase 3 of \$88,106 for the building and \$29,500 for the foundation. City Attorney Sutherland noted the need for sufficient plans to be able to tell everything is there for approval. Discussed the need for the contractor and engineer to communicate the changes and have them in a change request format. Instructed the City Clerk to have the contractor and engineer get together and have the proper papers and design drawn up for approval with the new cost figures.

Discussed obtaining temporary notes for the additional amount required to complete the project as there is only approximately \$61,000 left from the bonds issued for the project. This is possible through the local bank and the city attorney can prepare the necessary ordinances.

a. **WATER IMPROVEMENT PROJECT (Continued)**

**IV. Upgrade of Transfer and High Service Pumps with RWD's**

i. Status

Public Works Superintendent Craig reported the contractor is waiting for the pumps.

b. **GAS IMPROVEMENT PROJECT – CDBG GRANT**

vi. Bids Reviewed – Notice of Award

Discussed the requirements for the bid procedure. The necessary bonds for the bid acceptance were noted by Allen Steele with Aquila to be in place for the lowest bidder Miller Paving and Construction for a total of \$1,079,982.20 which included the alternate bid.

- *Motion to Accept Low Bid with Recommendation from Aquila*

**Council Member Weitman moved to accept the low bid from Miller Paving and Construction with the recommendation from Aquila. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:57 p.m.**

vii. Discontinuing Gas Line on Lamb Road

City Clerk Herrin reported the three customers from this area had signed the notice to discontinue agreements for a total combined cost of \$18,880.49. The checks will be mailed after council approval and the approval is received from the KCC. Asked for council approval now so the checks could be mailed as soon as the KCC sent notice to the city.

- *Motion to Approve Cost of \$18,880.49 to Discontinue Three Customers on Lamb Road*

**Council Member Robbins moved to approve the total combined cost of \$18,880.49 to discontinue the three customers on Lamb Road. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:09 p.m.**

viii. Condemnation on Windler Properties

City Clerk Herrin reported the Miami County Courts had determined a total cost of \$17,740 for the condemnation of easement process for the three properties owned by Mr. Windler. The

court costs portion totaled \$2,500. Council Members and Mayor noted special thanks to everyone on the line to make this project feasibly possible.

- *Motion to Approve Court Cost to Move Forward*

**Council Member Weitman moved to approve court costs of \$17,740 on Mr. Windler's property to move forward with the gas project and again many thanks to those who cooperated. Seconded by Council Member Williams, voted on, passed 3-0 (Abstain: McGinnis). Time: 8:12 p.m.**

### **DISCUSSION FROM THE FLOOR**

#### **Brad Aust Regarding Annexation**

Council Member Williams reported Mr. Aust was unable to attend this evening but had contacted him regarding his question for the city. Mr. Aust is asking what the process is to bring in two acres just south of the business of Stainbrooks for a commercial business of a car wash. The request to be in the city limits is for the water and sewer utilities. The council and mayor noted they would look into it, including the utilities access.

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### **DISCUSSION FROM THE FLOOR (Continued)**

#### **Dennis & Kelly VanTuyl to Widen Culvert on Grandview**

Dennis VanTuyl requested to extend the current twenty-foot culvert he has in the front of his building that enters off of Grandview to a thirty-foot culvert, adding the additional ten-foot east of the existing culvert. This additional length would be ten-foot shy of the alley. Mr. VanTuyl and his neighbor just south of him, Mike DeMott, are installing a privacy fence along the east boundaries of their properties and this will leave room for KCP&L to have access to the pole that will be inside the VanTuyl's property. If the culvert is widened Mr. VanTuyl will add gravel and allow KCP&L to use this area to reach the electric pole should it be necessary and then they would not be tearing up someone's yard. Understood the city would install with Mr. VanTuyl bearing the costs of the materials, or he can hire someone and pay for the installation and the materials. Offered to meet with the Street Committee if any concerns.

- *Motion to Approve Installing Culvert Extension with Mr. VanTuyl Paying for Materials*

**Council Member Robbins moved to approve the city public works installing the ten-foot extension on the existing culvert with Mr. VanTuyl paying for the materials including culvert and rock. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:33 p.m.**

#### **Dennis VanTuyl and Mike DeMott Regarding Weed Barrier East of Fence**

Mr. VanTuyl requested to put down some kind of weed barrier on the east side of his privacy fence at his expense. This is in the alley but there is only about 18 inches between the fence and the now existing mobile home on the property just east of his property in that part of the alley. The weed barrier would help with the ease of maintaining weeds in this area of the alley since access is difficult with a mower. Discussed Public Works marking where a gas line is currently running in this area across properties so as not to damage it.

City Attorney Sutherland noted there was not apparent objection unless something unanticipated arose in the future. Mr. VanTuyl asked about putting a goat in the area. Noted this would not be allowed on city property.

Mr. DeMott requested to gravel eight feet on the east side of his fence for his half of the alley portion and will put down a weed barrier under the rock. This was also noted at no apparent objection unless something unanticipated arose in the future.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented an activity report for the period of April 2004. Reported the city had sent out notices last week about clean up issues including mowing of grass. Council Member Robbins asked about the property across from Bill Ross that had been in some form of condition requiring repairs for some time. Codes Officer Farrell noted the city will be drafting a letter giving that property owner sixty days to complete the project or the city will begin the condemnation process. Also noted the house between the water plant and the city shop was not improved as the owner had committed previously. The owner had begun but did not finish and did not report back to the city either when the work stopped. Would be addressing this one too.

**REPORTS OF CITY OFFICERS: (Continued)**

Public Works Superintendent George Craig

1. Wastewater Workshop and Test, May 19 & 20, Emporia, for Jonathan Henry

PWS George Craig requested Jonathan Henry attend the wastewater workshop and then take the state test being offered in Emporia on May 19 & 20 with the test taking place at the same location the afternoon of the 20<sup>th</sup>. The cost of the workshop is \$65.00 and the test is \$25.00. Mr. Henry will complete the semester wastewater program in Fort Scott Community College next week.

- *Motion for Jonathan Henry to Attend Workshop and Test*

**Council Member Weitman moved to send Jonathan Henry to the workshop and state test center with usual expenses. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:47 p.m.**

**STANDING COMMITTEE REPORTS:**

Water & Gas

1. Kenny Ross Requesting Process to Remove Gas Riser East of S. 6<sup>th</sup> Street

Kenny Ross reported he had located two gas risers he would like to see moved on his properties. One is on the east side of 6<sup>th</sup> Street and the other is Bill Ross' meter he would like to see moved for improvements.

Mayor Barber noted that one was an abandoned service riser and the other was a meter belonging to Bill Ross' Bus Barn. City Clerk Herrin reported the active meter was in the city utility easement.

Council Member Williams asked if this abandoned riser could just be cut, then drop and cap? PWS Craig noted there were more steps to the procedure. Council Member Robbins noted this current fee had been established by the city as costing \$200 in advance to the person making the request.

PWS Craig requested if the city removed they not just dig down and cap but recommended go back to the main and disconnect there so it wouldn't risk being hit later when no longer known it was underground. Mr. Ross requested he would like to see it completely removed, as



he is not going to use gas in any of his homes. If a road grader would hit it there would be fire in the area they he does not want. Council Member Weitman concurred that if there was not going to be any gas used in the area it would be best to cut off where the main is. The gas meter in use is a different issue.

Mr. Ross noted he thought Mr. Ross' meter deserved to be looked at differently as it did not look good where it was located and he was improving the area. Council Member Weitman noted his meter was not on his property, but across the street and this was not uncommon throughout town. Mr. Ross noted he was used to seeing it differently and for future improvements needs to be different. Mr. Ross noted there was currently an ugly barrier around this gas meter. It was also noted currently the line from the meter to building is the responsibility of the property owner, moving it would make the line a city line instead of a private line. Mayor Barber noted Mr. Ross was requesting another person's gas meter be moved. Mr. Ross noted he felt it should be on the Bus Barn's property and he was willing to trench the new line to get it there. City Clerk noted the gas line was in the Elm Street utility easement. Mr. Ross responded there would only be a ten-foot easement for a water line in that area. Mayor Barber noted Mr. Ross was requesting this gas meter be moved closer to the property owner. Council Member Weitman again noted his meter was across the street from his property and if that person comes and request to move it, is that going to be done? Mr. Ross responded he did not know why he had to have a meter where he did not have gas, as he wants to get this area presentable. This area was an eyesore and trying to get it to look nice. If you want to leave the riser it will just be up to the city to fix when it is mowed over. Council Member Weitman disagreed it would be the city's responsibility to bear the costs if it was hit by someone with a mower. Mr. Ross noted it was not good to have these here if you look at

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### **STANDING COMMITTEE REPORTS: (Continued)**

#### **Water & Gas (Continued)**

##### **1. Kenny Ross Requesting Process to Remove Gas Riser East of S. 6<sup>th</sup> Street**

safety. Council Member Robbins noted Mr. Ross could have the abandoned riser removed for a fee. Mr. Ross noted he did not want to argue, just found it and wanted it removed. Council Member Weitman asked if Mr. Ross was making the recommendation to pay the normal price to remove the abandoned riser. Mr. Ross reported he was willing to pay the \$200 for safety and will talk to Mr. Bill Ross owner of the Bus Barn on moving that meter.

- *Motion to Remove Riser in East Side of 6<sup>th</sup> Street with Requester Paying \$200 Fee*

**Council Member Weitman moved to remove the riser on the east side of 6<sup>th</sup> Street with the requester paying the normal \$200 fee and the city baring the cost of removing to the main. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:03 p.m.**

Mr. Ross reported he would talk with Bill Ross and get a letter from him for the city.

#### **Street**

##### **1. South 6<sup>th</sup> Street Construction Road**

Council Members Williams and Weitman noted they had viewed this area prior to the council meeting. Council Member Williams discussed the possibility of lowering the sewer manhole cover six-to-eight inches from its existing height. Noted the street area would need a lot of fill if not able to lower. Discussed shooting elevations from one end to the other and if could be done with the equipment available from the city, council members, and Kenny Ross.

Discussed need to determine the elevation and width with the center line (center line of road right of way already established). Discussed if the city was qualified to shoot the elevations and have a good benchmark that would work years from now. Council Member Williams noted the need to get the construction road going. Mayor Barber noted as to the financing the city had already approved \$3,000 to lay the gravel. Council Member Weitman noted that the city would need to look into other financing options to make a formal road. Mr. Ross noted the city in years past had already promised the current land owner, Tom Patterson a road, and it wasn't just him but Tom too that wants it so the city has a responsibility and he could bring Tom back to the meetings and they could go over past records. Mayor Barber noted there needs to be a decision of who is going to bear the costs of a new street. Council Member Weitman noted if it becomes a property assessment then it follows the owner of the adjoining

properties. Mr. Ross responded since the city sewer main is there on private property and they are giving it away, was hoping for a trade off. If necessary action can be taken against the city for the sewer line in the property. Mr. Ross noted he knew what the temporary easement for the sewer main says and don't think Tom will be happy with an improvement district. Council Member Weitman asked if Mr. Ross was asking for all the street money to be spent on this street? Mr. Ross responded he thought for now what the city did on the south end of 7<sup>th</sup> Street would work till you have a water problem in the area. Mr. Ross noted the city only had a temporary easement on the sewer main laid (in the 1980's) and the city is responsible for any damages and you don't want to go there. Mr. Ross also noted years ago the city promised (Tom Patterson) a road down there so he (Mr. Patterson) would have to talk to the city about that. Council Member Robbins noted there are a lot of city streets to be done. Mr. Ross responded there is a sales tax for street funding and don't know where the money is going, as he's not asking for what the city did for the post office; not asking for hot asphalt at this time. Council Member Weitman discussed if the \$3,000 previously approved would include the public works labor and city equipment. Council concurred it could be done that way. PWS Craig noted there was five loads of rock delivered on 7<sup>th</sup> Street at about \$150 a load. Mayor Barber noted need to work up plan to get started. Mr. Ross noted they needed to work together. Mr. Ross recommended lowering the manhole and going with a gradual flow for about twenty feet. Noted the county was going to make another ditch by the Bus Barn property to help with the water run off flow, that Commissioner Pemberton has approved that and it will help with the flow of the run off from this area too as well as from the county property west of where the ditch is being built.

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**SPECIAL COMMITTEE REPORTS:****Fiesta Committee**

Council Member McGinnis reported the next meeting would be next Tuesday night the 11<sup>th</sup> at 7:00 p.m.

**UNFINISHED BUSINESS:****Neighborhood Revitalization Program – Plan & Interlocal Agreement**

Mayor Barber noted the employees at city hall had spent considerable time preparing this agreement. With this gathering of information it has been found there is going to be a lot of work to it. The county is not going to help with the record keeping. The city will have to decide what percentage of taxes to apply, as well as many other details at to the processing of this program. Discussed if the city still wanted to keep this program alive and if it does promote actual growth when it was originally set up for blighted neighborhoods to begin with. It will be a lot of work to give our city patrons a gift. Council Member Weitman noted it was a valid point, as think the residence growth will happen anyway and the county has other things in place for commercial growth. Council Member Robbins noted if it would work in the blighted homes it would be better for fixing those lower valued homes up and also give them a break for the increase in taxes, but don't see that happening either. Council Member McGinnis noted the program was nice when she built in the city, but admits she would have built anyway. Mayor Barber also noted if the school board continues with it they will also have additional record keeping and then the city will get the concerns on what is not processed as someone considers correctly and want exceptions. Council Member Robbins noted he was very much for it when the city began the steps to continue, but now have some concerns. Mayor Barber noted it was much easier for the city with 'Big Brother' was running it, and was easier for the whole than just for one part. Council Member Weitman asked if the city could go back and pick it up at a later date if they chose. City Attorney Sutherland confirmed, the city would just have to do some additional paperwork to re-establish. Mayor Barber also noted if the city hammer's out the details and then the school board declines the city will be doing the work for just the city tax portion. Asked for a motion to move forward or to let the program expire.

- *Motion to Allow Neighborhood Revitalization Program to Expire*

## REGULAR MEETING

Year = 2004

**Council Member McGinnis moved to let the Neighborhood Revitalization Program expire.** Council Member Robbins noted a lot of time had been spent to keep it going. City Attorney Sutherland noted if the motion dies for a lack of a second and the item is tabled it dies anyway. **Seconded by Council Member Weitman, voted on, passed 4-0.** Time: 9:33 p.m.

### Excess City Equipment

Council Member McGinnis recommended to table this item until the next meeting and Council Member Boone was present to discuss the items together with him as he was the council person who drew the list up from the city's equipment.

### BREAK

- *Motion for Ten-Minute Break*

**Council Member McGinnis moved for a ten-minute break. Seconded by Council Member Williams, voted on, passed 4-0.** Time: 9:35 p.m.

Open Session Resumed at 9:45 p.m.

### Reschedule Personnel Evaluations

Discussed dates. Mayor Barber set next Wednesday, May 12<sup>th</sup>, at 7:00 p.m. at City Hall, requesting department heads to be present at about 8-8:15 p.m.

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### NEW BUSINESS:

#### Danny McElreath Sold Port-a-Potties to Gerkin Rentals in Paola, Asking About a Monthly Fee for Waste Disposal

Mayor Barber noted the previous agreement had been \$10.00 per 1,000-gallon load dump. Discussed the new business is not located in Linn County. City Attorney Sutherland recommended the city check on the volume estimated from this new customer and ask for a written proposal from him for the 19<sup>th</sup> meeting. Concurred.

### EXTEND MEETING

- *Motion to Extend Meeting*

**Council Member Robbins moved to extend meeting to 10:30 p.m. Seconded by Council Member Weitman, voted on, passed 4-0.** Time: 9:55 p.m.

#### State Budget Seminar, June 2<sup>nd</sup>, Iola, KS

- *Motion to Send City Clerk and Deputy City Clerk to State Budget Seminar*

**Council Member Robbins moved to send City Clerk Herrin and Deputy City Clerk Mahon to the State Budget Seminar in Iola, Kansas with normal fees. Seconded by Council Member Weitman, voted on, passed 4-0.** Time: 9:56 p.m.

### EXECUTIVE SESSION:

- *Motion for Executive Session*

**Council Member McGinnis moved to go into Executive Session for up to fifteen minutes for legal. Seconded by Council Member Robbins, voted on, passed 4-0.** Time: 9:57 p.m.

Others invited into or requesting a portion of executive time was: City Clerk Herrin

Open Session Resumed at 10:13 p.m.

**OTHER BUSINESS**

City Employee Health Insurance Premiums

City Clerk Herrin reported the city had just received the new rates for health insurance for next year and the rates had actually taken a reduction. City Clerk will have a full report at the next meeting.

CAAK Conference, June 11, 2004, Lawrence, KS

City Attorney Sutherland reported there was a Kansas Attorney Conference in Lawrence, Kansas he was requesting the city to attend. It is a one-day program at a cost of \$50.00 to attend the meeting.

- *Motion for City Attorney to Attend CAAK Conference*

**Council Member Weitman moved to send City Attorney Sutherland to the CAAK Conference on June 11<sup>th</sup> in Lawrence, Kansas with usual fees. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 10:16 p.m.**

**CITY CLERK'S REPORT:**

City Clerk's Written Report:

8. Neighborhood Revitalization Program
9. Reminders:
  - a. Emergency Disaster Committee Meets 6:00 p.m. 05/05/04
  - b. May 13 & 14, City Clerk in Wichita for KMU Conference
  - c. LKM Employee Coverage Workshop on May 26, 2004

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] KDOT "Set-Aside Program" for 2007
- b] Kansas Nonpoint Source Advisory Committee Forum
- c] *League News*, Volume 9, Number 13, April 19, 2004
- d] *Kansas Government Journal* Volume 90 – Number 4, April 2004

**ADJOURNMENT:**

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Robbins, voted on, 2-2, (No: Weitman and Williams)**

Mayor Barber moved to adjourn at 10:20 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 5th day of May 2004.

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## REGULAR MEETING

Year = 2004

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The LaCygne City Council held a Special Meeting scheduled for 7:00 p.m., Wednesday, May 12, 2004, at LaCygne City Hall. The purpose of the Special Meeting was: 1. Employee Evaluations

Council Members present were: Jerry Boone, Travis Robbins, Terry Weitman, and Tony Williams. Connie McGinnis arrived at 7:36 p.m.

Others present included: Deputy City Clerk Gary Mahon, Chief of Police Glenn Farrell Jr.; Public Works Superintendent George Craig; City Attorney John Sutherland; and Animal Control Bill Craven.

Mayor Sam Barber called the Special Meeting to order at 7:32 p.m.

- *Motion to Go Into Executive Session*

*Council Member Travis Robbins moved to go into executive session for up to two hours for evaluation of personnel. Motion was seconded by Council Member Williams, voted on, passed 4-0. Time: 7:33 p.m.*

Council Member Connie McGinnis arrived and joined the executive session at 7:36 p.m.

Council Member Connie McGinnis left the meeting at approximately 7:46 p.m.

Open Session Resumed at 9:17 p.m.

### ADJOURNMENT:

- *Motion to Adjourn*

*There being no further business, Council Member Robbins moved to adjourn. Motion was seconded by Council Member Boone, voted on, passed 4-0*

The Special Meeting was adjourned at 9:18 p.m.

I, \_\_\_\_\_, La Cygne Deputy City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 12<sup>th</sup> day of May 2004.

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### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, May 19, 2004 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; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Julie Funk, Danny Bosely, Mike DeMott, LeRoy Turpen, Kelly and Dennis VanTuyt.

Mayor Sam Barber called the meeting to order at 7:03 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: May 6 - 19, 2004;

Minutes of May 5, 2004 Regular City Council Meeting;  
Minutes of May 12, 2004 Special City Council Meeting;  
April 2004 Treasurer's and Budget Report;

**Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:04 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECTS**

I. 2002 Water Plant Improvement Project

- i. **Status – Phase 2 & 3:** The change orders for both phases were reviewed by the engineer and everything appears to be in order. City will need to award the two phases on the bid tabs and simultaneously approve the change orders. The Phase 2, Electrical Mechanical, original bid was \$103,755. The Phase 3, Building and Foundation, original bid was \$149,400. After the Change Orders the Phase 2, Electrical Mechanical, bid will total \$78,184; and, the Phase 3, Building and Foundation, bid will total \$117,606. These changes will have a total cost of \$195,790. After the known outstanding fees are paid from the special water project fund there is \$55,796.86 left for these additional phases. The city will require another approximately \$140,000 to complete the project. Arrangements have been discussed with the Labette Bank for temporary notes, which will require an ordinance, by the city council.

- *Motion to Accept Bids From SMI-CO for Both Phases with Change Orders, Contingent on Financing*

Council Member Weitman moved to accept the SMI-CO bid with the change orders for a total cost of \$195,790 contingent on the necessary signature of officials and the necessary financing is arranged. Seconded by Council Member Robbins, voted on, passed 5-0. **Time: 7:13 p.m.**

Council Member Boone noted other ways to obtain the funds for the project. Noted the city Capital Gains could pay for it; or, KDHE will have money for the city in three days to a week for any emergency that would occur later in the year. Discussed if this would constitute an emergency, as the state required these changes. Also there is money there with the state that can be paid back with no interest. Requested the City Clerk call Rex Cox with KDHE about these funds available. Noted the Capital Outlay established for water production will cover this if do not take out a loan, just leaves the water fund without any surplus. PWS Craig noted the pumps to be set up in Phase I were in place.

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**UTILITY IMPROVEMENTS REPORT (Continued)**

**b. GAS IMPROVEMENT GRANT**

- vi. Status
  - i. Public Works Superintendent Craig reported the pre-construction meeting was set for 1:00 p.m. tomorrow, Thursday, with Miller Paving and Construction, Aquila, and the Grant Administrator.
  - ii. PWS Craig noted the phone line should be connected at the odordizer this Friday.

vii. Kirkham Michael Consulting Request for Design Final Payment

City Clerk Herrin noted the final request is for the outstanding fees due Kirkham Michael Engineer Firm. The total of \$14,159.15 is more than the ten-percent that was pending final process as it was mixed in with those final statements.

- *Motion to Approve Final Payment of \$14,159.15 for Design*

**Council Member Robbins moved to pay Kirkham Michaels the \$14,159.15 to complete design fees with Kirkham Michael Engineers. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:24 p.m.**

**DISCUSSION FROM THE FLOOR:**

Ina McReynolds Regarding Frozen Water Pipes after Winterizing Her Home

Mrs. McReynolds was unable to attend and left a letter of request for the city to pay for broken pipes as she had requested the meter be turned off and the meter would not shut off and water filled back into her lines after she had them winterized, thus they froze and burst. PWS Craig reported last fall the city had been requested to turn off the water and gas at this location. Nothing was said about disconnecting any line or why the water was to be turned off. This last March they were asked to turn it back on. When they did they found the water would not quit running so turned the water back off and notified a family member. They were later asked to turn it back on again and the meter and valve were working fine at that time. About thirty days later, the setter was found to be busted and would not shut off as it was supposed to and the city crew replaced the setter and meter at that time. Understood there had been others at this location during the thirty day time period trying to repair some broken lines, including a cracked toilet. Discussed the house may not have been winterized properly. Noted the traps had not been drained and were still connected when Jimmy Thompson did the repairs. Concurred with the meter not running during this time frame does not look like city liability. Mayor Barber requested the City Clerk draft a letter to Mrs. McReynolds informing her of the city's decision.

Dennis VanTuyl, Regarding City Reserve Police Officer

Dennis VanTuyl reported it was his understanding there had been discussion by the city council if the city was going to make the reserve officer official police officer, or remain a reserve, or how he will affect the city. Asked what was being discussed. City Police Chief Farrell noted the Reserve Officer had completed the OJT that Officer Mike Watson gave him and now needs to qualify in firearms. Afterwards, if he passes firearms, he will still be a reserve for the city. Mr. VanTuyl asked if there had been any discussion for in the future. Mayor Barber noted he was not sure. Mr. VanTuyl noted he had heard some council were for him and some against. Asked if a reserve officer could write a ticket. City Police Chief concurred he could write a ticket as long as he is in uniform. And, he is currently working under the Police Chief's authority.

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**REPORTS OF CITY OFFICERS:**Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for May 1 - 18, 2004.

Condemnations:

- i. **Reported on property on Market Street between the Water Plant and the City Barn. The property has not had the noted items completed after the last time this process was started. Will get with the City Attorney and work on moving the process forward.**
- ii. Council Member Robbins asked if anything had begun on the property across from Bill Ross' (N. 7<sup>th</sup> Street). Noted a letter had been sent to the property owner giving him sixty days to complete the outstanding project.

KDOT Road Safety Audit: Reported the State will begin in Linn County later this year and was taking surveys for any specific areas to be targeted for an audit. What they use is reasonable and prudent speed requirements. If anyone wants to have them look at an area have to notify them by first of June.

Public Works Superintendent – George Craig

- viii. HACH Preventative Maintenance Agreement

Public Works Superintendent George Craig reported this agreement helps keep the city in compliance with KDHE on nine instruments that require an annual inspection. The cost for this next annual year is \$3,339 with the city adding another chlorine analyzer to be calibrated. This is for calibration of the testing equipment. Last year one was repaired during the inspection and there was not additional bill for the repair.

e. *Motion to Enter Into Maintenance Agreement for \$3,339*

**Council Member Weitman moved to enter into the maintenance agreement with HACH for \$3,339. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:40 p.m.**

xi. Lift Station Generator Building at Industrial Park

PWS Craig reported the electric line is too close to the new generator building being built. He had checked with KCP&L and electrician Randy Tinsley for setting a pole in a different location and changing the service line. Randy Tinsley will furnish the materials including the pole for a total cost of \$622.00. This is less than KCP&L's fees.

a. *Motion for Randy Tinsley to Move Electric Service for \$622*

**Council Member Boone voted on paying Randy Tinsley \$622 for the materials and labor for moving the line. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:43 p.m.**

**STANDING COMMITTEE REPORTS:**

Water & Gas

i. Danny Goodsell Survey Stakes Replacement Request

Mayor Barber reported that after the ice storm a few years ago the gas line in this area was cleared out and the property line stakes were also accidentally removed. He and Chuck had looked for them earlier this year with a metal detector and couldn't locate them. Have contacted the surveyor that generally does any work for the city and he recommended the city contact the original surveyor to replace them for cost effectiveness. Council Member Weitman asked if it was apparent the crew for the city could have removed the stakes. Mayor Barber concurred, it did appear so, and noted there has been some discussion concerning this with the property owner for a long period of time. Noted Taylor Surveying from Ottawa has estimated

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**STANDING COMMITTEE REPORTS: (Continued)**

Water & Gas (Continued)

ii. Danny Goodsell Survey Stakes Replacement Request (Continued)

the cost would be on a time basis and could range from \$600-\$1,000, will not know until the actual work is done. City Attorney noted this would need approval for the surveyor to correct.

b. *Motion to Arrange for Surveyor for Replacement Stakes for Cost Not to Exceed \$1,000*

**Council Member Weitman moved in light of the circumstances to contact the original surveyor to replace the stakes for a cost not to exceed \$1,000. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:50 p.m.**

Street

1. South 6<sup>th</sup> Street Construction Road

PWS Craig reported he had not 'shot' the street yet. Did just get the manhole lid in to go replace the one there.

Cemetery

Council Member Boone asked if on the new part of the cemetery was there supposed to be a road already bladed and graveled. Police Chief Farrell noted that the bladed road in question was done after the property was purchased just to get in the area to clean it up. A final road was going to be determined after the lots were platted for the best usage for the area. City Clerk Herrin noted the final road area was set



aside to have plots platted first. It had been started over a year ago and was not yet platted.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Council Member McGinnis reported the future meetings from now until the Fiesta would be on the second Monday of the month at 7:00 p.m.

**UNFINISHED BUSINESS:**

Gerkin Rentals in Paola, Asking About a Monthly Fee for Waste Disposal

City Clerk Herrin reported they had not yet been contacted from the last meeting. Tabled to be put on the next meeting agenda.

Excess City Equipment

Council Member McGinnis asked if there was anything on the list anyone would like to keep. PWS Craig noted it would depend on the value of the items as some could be used in the case of emergency if they had no value to sale. Would like to retain the sweeper if it was not going to be replaced, does need new brushes. Council Member Boone asked if the water tank on the sweeper now worked. PWS Craig reported it was his understanding the hydraulics was not functioning, but had not personally inspected it, just knew the water tank currently was not working. Council Member Weitman asked about the pneumatic roller. Council Member Boone concurred need to keep it. Mayor Barber asked about the 1T Truck. PWS noted it could be used on some things it would depend on what it was worth to sell. Council Member McGinnis asked if the city could have sealed bids with the right to refuse any and all bids if they felt the offered sale price was such it was worth keeping. Dennis VanTuyl, from the floor, noted he thought the city did that years ago on an old police car. Police Chief Farrell concurred. Council Member McGinnis noted if they could do that then decide after the bids

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**UNFINISHED BUSINESS: (Continued)**

Excess City Equipment (Continued)

are reviewed. Mayor Barber asked about the chip spreader. PWS noted it would not fit the new dump truck. Council Member Robbins asked if there was anything else to add. Discussed adding scrap metal. Noted this action will require a resolution be done at the next meeting.

c. *Motion to Take Sealed Bids With Right to Refuse Any and All Bids*

**Council Member McGinnis moved to add the listed items for sealed bids with a set price or reserve right to refuse any and all bids with the roller deleted and add scrap metal with a resolution as listed. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:05 p.m.**

d. *Motion for Bids to be Received by June 30<sup>th</sup> and Opened During July 7<sup>th</sup> Regular Meeting*

**Council Member McGinnis moved to have all bids received by June 30<sup>th</sup> and to open the bids at the next meeting scheduled in July. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:09**

**NEW BUSINESS:**

Cereal malt Beverage Application for Danny and Julie Bosley Effective 06/01/04

Noted all information was checked and no concerns.

e. *Motion to Approve Cereal Malt Beverage License for Danny and Julie Bosley*

**Council Member Robbins moved to approve the Cereal Malt Beverage License for Danny and Julie Bosley. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:11 p.m.**

Blue Cross/Blue Shield Benefits 2004

City Clerk Herrin reported the BCBS health insurance premiums for the year period have been reduced by BCBS. Discussed if the city council will leave the current city benefits for the employees the same or reduce them to match the reduced rates for this year. Noted the rates could likely increase again next year and if left alone would not have to adjust next year possibly. Noted the Employee Benefits fund was funded this year for another increase in premiums and this would allow dollars to be left in the fund to be used next year if there were increases then as they will not be moved from this fund. Mayor Barber asked to have the Employee Relations Committee look at the total benefits for the employees together with the possibility of raises for city employees this year. Council Member Williams concurred to just leave the benefits the same this year and let the fund build for next year. Noted to leave benefits as they are for now. Will modify later if needed and requested by the Employee Relations Committee. Discussed the need for salary reviews as had been three years since any changes other than what affected employee benefits.

#### Work Schedule for Trash Compactor

Mayor Barber reported the individual who had backed up Bill when he was off had located a full time job and would no longer be available to fill in. Discussed options for applications. Concurred to take applications and post locally without the cost of advertising in the paper. Will review any applications received at the next meeting.

Discussed changing the days the compactor is closed to include a Sunday. Council concurred did not want to take this option as it is often the only day available for some to get to site. Discussed if an open dumpster could be added by the county when overflow occurred. Also discussed if county wouldn't be financially ahead to have two compactor units on site and then just haul off container when it is full but have the next one ready to keep the flow continuing; would the trade off be of value. Also discussed just afternoon hours on both Saturday and Sunday. Want to leave open on Sundays. Understand there may be times there is a problem but felt there would be a greater problem with illegal dumping if do not have access for those who only have Sunday to dump.

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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, land acquisition, and personnel for up to forty minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:43 p.m.**

**Others invited into or requesting a portion of time included: City Treasurer Linda Elder and City Clerk Herrin.**

Open Session Resumed at 9:28 p.m.

#### **OTHER BUSINESS:**

##### USGS/EPA

**City Clerk Herrin reported a request had been received from USGS/EPA from Washington D.C. for the city to allow testing of water samples from the river. Will pass this request information on to the water committee and have on the next meeting agenda for the council to review.**

##### **CITY CLERK'S REPORT:**

Verbal Report: City Auditor Terry Sercer will be present to do the 2003 audit next Tuesday and Wednesday, May 25<sup>th</sup> and 26<sup>th</sup>.

Written Report:

6. Reminders:

- a. LKM Employee Coverage Workshop on May 26, 2004

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] KDA Flood Training Certificates for Devona Herrin and Gary Mahon
- b] Kansas Mayors' Association Annual Conference
- c] KDOT *KLINK* Program for 2008
- d] Water Reports
- e] Notice of Completed 2004 K.C.C. Inspection
- f] KMU Membership Letter and Plaque

**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 9:35 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 19th day of May 2004.

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*Page 1 of 3*

The LaCygne City Council held a Special Meeting at 6:00 p.m., Wednesday, May 26, 2004, at LaCygne Community Building. The purpose of the Special Meeting was regarding: 1. Personnel, and, 2. The Water Project.

Council Members present were: Jerry Boone, Tony Williams, Travis Robbins, and Terry Weitman. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin, Roger Simms, Julie Funk, Bret Glendening with the Kansas League, and City Attorney John Sutherland.

Mayor Sam Barber called the Special Meeting to order at 6:00 p.m.

Mayor Barber announced the purpose of the Special Meeting was for the topics of Personnel and the Water Project.

4. Personnel

Mayor Barber reported he had been informed there were two public works employees who had handed in their notices, Art Terry and Jonathan Henry. Also noted Public Works Employee Jerome Moore was scheduled for vacation beginning June 19<sup>th</sup> for a week and had already purchased airline tickets. The High Service Pump Project is also slotted to begin that same week as Jerome is out. Jonathan has volunteered to help part time during this time and on the days he is not working at his new job. Discussed if he would actually be available during this time or when the time was closer find he would not be able to do both. Mayor Barber noted Jonathan had given him three days he could help. Discussed if other options were available. Noted there were contractors available for gas leaks and water line breaks. Discussed contacting KRWA and KSSA for potential help during this time. Mayor Barber noted PWS Craig should possibly contact those people.

Discussed the following items:

12. Possibly contracting some of the work out done by public works employees.

13. Hiring only one full time and then possibly some part time employees for some of the tasks. Like job duties that occur every month, such as meter reading and seasonal mowing.
14. If other cities that used part time for some of these projects would have those employees available and split between the cities.
15. Noted some council members could help in emergency without pay.
16. Want to look for someone qualified, not just a quick fix.
17. Estimated hourly rate with benefits for Art was about \$18.00 and for Jonathan was about \$13.00.
18. Employees need to be qualified in gas, water, and sewer. Currently only have one employee qualified in all three. Need to get City Superintendent qualified.
19. Leaving wages for employees open dependent on qualifications.
20. Not setting any time limit to receive applications, to leave open until filled.
21. Advertise and review applications at each meeting. Have some applications on file that can be reviewed.

Page 2 of 3

1. Personnel: (Continued)

- *Motion to Advertise for Public Works Employee for Two Weeks with Wage Based on Experience and Qualifications*

**Council Member Robbins moved to advertise for a public works employee for two weeks in the papers with wage based on experience and qualifications.** Mayor Barber asked if the city was advertising for full and part time or just full time. Noted running an ad anyway. **Council Member Robbins added “full and part time positions available” to the motion. Seconded by Council Member Williams, voted on, passed 4-0.** Time: 6:20 p.m.

5. Water Project

Mayor Barber reported the City Clerk had researched the alternative funding with the state and found there was emergency funding to cover the city until the proper bonds could be put in place, and these funds were through the Department of Commerce and Housing. There were SRF (State Revolving Loan Funds) funds available at a 3.69% current interest rate and took several months to put in place if approved. The local bank is offering 3.75% without any loan or origination fees. There would be the bond attorney fees to put the proper paperwork in place for the city. Discussed using the Capital Outlay funds from the Water Production fund, which would deplete all reserves in that fund.

- *Motion to Approve Loan from Labette Bank in La Cygne*

**Council Member Boone moved to borrow the funds from the Labette Bank to finish the project through temporary notes.** Discussed finalizing the paperwork. **Seconded by Council Member Williams, voted on, passed 4-0.** Time: 6:27 p.m.

City Attorney Sutherland noted the city would need to figure out how much the amount would be, the note date, and the due dates for payments. Discussed the amount would be \$140,000 plus legal fees. Discussed giving authority for details such as setting note date and payment date to the city attorney and city clerk.

- *Motion to Approve Loan for \$140,000 Plus Legal Fees With Authority To Finalize Paperwork to City Attorney & City Clerk*

## REGULAR MEETING

Year = 2004

**Council Member Robbins moved to set amount of loan for \$140,000 and legal fees and to give authority to the City Attorney and City Clerk to work with the dates of note and payments and all that needs finalized. Seconded by Council Member Boone, voted on, passed 4-0. Time: 6:31 p.m.**

Mayor Barber noted the ordinance to finalize the paperwork would be done at the next meeting on June 2<sup>nd</sup>.

1. Personnel: (Continued)

### EXECUTIVE SESSION

- *Motion for Executive Session*

**Council Member Boone moved for executive session for personnel for five minutes. Seconded by Council Member Williams, voted on, passed 4-0. Time: 6:33 p.m.**

Open Session Resumed at 6:38 p.m.

Page 3 of 3

1. Personnel: (Continued)

Council Member Weitman asked if there would be a motion to accept the resignations. Mayor Barber noted he had nothing in writing and the final days for both individuals were not totally clear. Noted known days were June 4<sup>th</sup> for Art Terry and June 8<sup>th</sup> for Jonathan Henry. Art had offered to help out around his other job for the three days the city was working with the High Transfer Pump project and Jonathan had too. City Clerk Herrin noted Art Terry was a noted contract operator with KDHE for this area if there was a problem and could be called on with this method, as he was no longer a full time employee. Mayor Barber noted the city would contact KRWA and KSSA for other operator options.

### ADJOURNMENT:

- *Motion to Adjourn*

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

Meeting adjourned at 6:44 p.m.

I, \_\_\_\_\_, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 26<sup>th</sup> day of May 2004.

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### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, June 2, 2004 at the LaCygne 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; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Julie Funk, Kelly and Dennis VanTuyl.

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 as presented that consisted of:**

Check Register: May 20-June 2, 2004;  
 Minutes of May 19, 2004 Regular City Council Meeting;  
 Minutes of May 26, 2004 Special City Council Meeting,

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

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECTS**

**II. 2002 Water Plant Improvement Project**

- i. **Status – Phase 2 & 3: City Clerk Herrin will check with Kirkham Michael Engineers on Contract Status.**
- ii. **Financial Process – Ordinance #1298: City Attorney Sutherland noted the amount of the loan would be for \$140,000 at 3.75% interest for four years. Just need to set the date the bonds are to go in place, as this is a date of record for the bonds.**

- *Motion to Approve Ordinance 1298 for Water Improvement Notes*

Council Member Robbins moved to approve Ordinance #1298 for the notes for the water improvement project at a total of \$140,000 at 3.75% with the City Attorney and City Clerk to work out the dates and publication. Seconded by Council Member Weitman, voted on, passed 5-0. **Time: 7:08 p.m.**

**III. Upgrade of Transfer and High Service Pumps with RWD's**

**Mayor Barber noted the letter to KDHE from Ponzer-Younquist, P.A. Public Works Superintendent Craig reported he had received notice from Ponzer-Younquist, P. A. that KDHE had responded that with this the filters are ready to leave one pump running during the backwash and they are ok with that. The materials for the project are to be here on the 8<sup>th</sup> or 9<sup>th</sup> and the contractor will be here about a week later.**

**UTILITY IMPROVEMENTS REPORT**

**b. GAS IMPROVEMENT GRANT**

**viii. Construction Contract and Notice to Award Paperwork**

- *Motion to Approve Contract and Notice to Award Paperwork*

## REGULAR MEETING

Year = 2004

**Council Member Robbins moved to approve completing paperwork for Notice to Proceed. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:13 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 May 2004.

Property on Market Street Between Water Plant and City Barn Condemnation:

Codes Officer Farrell asked the council how they wanted to proceed. Council Member Boone noted the yard had been mowed in the last two weeks and it's as good as others in town. Council Member Weitman noted the property was noted for condemnation last year and believed the time limitations (for improvements) were way past. City Attorney Sutherland asked if there had been any improvements. Codes Officer Farrell noted the property owner had been given time last summer for a new roof and it was not started. A little work had been done in the bathroom. City Attorney Sutherland asked if any visible work had been done. Codes Officer Farrell responded some inside, not much; the house is now locked and not able to get inside; the roof in the front has bigger holes now and the back is in worse shape. Mayor Barber noted there actually is not physical headway at all. City Attorney Sutherland noted the council would need to give recommendation to move forward if chose to do so. Council Member Robbins asked if the property owners had talked to anyone from the city about the status of the project. Codes Officer responded there had been no contact since at the council meeting last summer. Council Member Weitman asked if the process was started would they have the opportunity to come forward again? City Attorney Sutherland responded in the affirmative. Council Member Boone noted the owner of the property is now the son as he is eighteen years of age and his name is Gene.

- *Motion to Proceed with Condemnation on 114 W. Market Property*

**Council Member Weitman moved to proceed with the condemnation process in light of the lack of communication from the property owner not responding to the city. Seconded by Council Member Robbins, voted on, passed 3-2; No: Boone and Williams. Time: 7:23 p.m.**

Council Member Robbins asked what about if there is a request for utilities, could they be declined. Codes Officer Farrell responded in the affirmative.

Public Works Superintendent – George Craig

None.

### **STANDING COMMITTEE REPORTS:**

Water & Gas

iii. Bill Ross's Request to Move Gas Meter at Bus Barn

PWS Craig reported he could provide the estimate to Mr. Ross tomorrow. Council Member Weitman reported because of his relationship with Bill Ross he should be removed from any action. Council Member Boone reported him too. Council Member Robbins noted he could speak with Bill Ross. Mayor Barber asked if Kenny Ross was going to do the trenching on this. PWS Craig noted there might not be that much trenching, it depends on where he wants it.

Street

1. Ditch on Northeast Grand

Noted the ditch on Grand by the new duplex is very deep. PWS Craig noted the culvert there washed out awhile back and was replaced. It needs to be that deep as it runs a lot of water. Mayor Barber asked if there was anything to do. Council Member Weitman asked if the condition had changed after the owner had purchased the property. PWS Craig noted there was a lot of brush in the ditch and they did clean it out when they worked on the collapsed culvert.

2. Weed Eating 4<sup>th</sup> Street

Council Member Robbins noted the prisoners' weed-eated on 4<sup>th</sup> Street including yards already trimmed. In doing so they scalped their yards and it now does not look good. PWS Craig noted they usually clean 1<sup>st</sup> Street, Market, and 4<sup>th</sup> Street just prior to Memorial Weekend. They had a new supervisor this year and public works was not able to have a person with them to make sure the instructions were clear. Any trimming done on already trimmed areas was not intended.

Sewer

Council Member Boone reported he had a problem at his house and wanted to know what is going to be done. When there's a bad rain it's bad and he's tired of it. His yard is a mess; it's a problem with the city sewer and needs to be fixed. Kelly VanTuyt asked how long it had been that way. Council Member Boone responded sine he had changed his sewer, and now it is happening more often. If it happens again there's going to be trouble. I need to be off the sewer committee for this. He wants it fixed, don't care how you do it. Mayor Barber noted they need to identify where the extra water comes from when it rains. Council Member Boone noted the sewer was higher this year than he's ever seen it in the lift station. Council Member Williams asked where the sewer line comes from north of the property. Council Member Boone noted he never had a problem with the old sewer line, just since the new sewer line. Council Member Weitman asked if anyone had posed this question to the engineers? Or, with the last sewer change? Council Member Boone noted he had had trouble years ago, but now the pressure is worse. It's between the clean out and check valve on his property. Council Member Robbins asked about just looking at changing the check valve. Discussed would not be the answer to fix the backup. PWS Craig noted the lift station pumps 600 gallons a minute and then when you double that it won't pump faster. There is one ten-inch line going to the lagoon from two eight inch; and, it now goes into the south end of the sewer lagoon that has been extended south, instead of the north end as it used to. This adds to the length the waste has to move. The pumps run hard in heavy rains. Council Member Boone noted it was an act of poor engineering. Mayor Barber recommended they call the engineers that worked on the lagoon first. Council Member Boone noted it is a bad situation somewhere. Mayor Barber noted the city does still have some money left in the sewer state revolving loan fund. City Attorney Sutherland asked if the city had more flow now? Council Member Boone noted he didn't believe there was that kind of change.

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**STANDING COMMITTEE REPORTS: (Continued)**

Sewer (Continued)

Council Member Weitman noted the city needed an engineer to tell them what the situation is to cause this. City Attorney Sutherland noted they need to determine if it's a design flaw or if there are unknown factors. City Clerk Herrin asked if going to go back to the previous engineer first. City Attorney Sutherland noted need to give them a chance first. Council Member Robbins asked if the city didn't want to be careful about adding new sewers until this is addressed as to not add to the increased flow anymore until determined. PWS Craig noted they had popped manholes all over town and have not found but one spot bad and it was addressed. Discussed have the sewer lines videoed from last years repairs.

Cemetery



## REGULAR MEETING

Year = 2004

Council Member Boone noted Caretaker Kenny McClanahan had the cemetery looking nice this year. Also, reported somebody stole all of the flags from the Star Valley Cemetery.

### SPECIAL COMMITTEE REPORTS:

None

### UNFINISHED BUSINESS:

#### Gerkin Rentals in Paola, Asking About a Monthly Fee for Waste Disposal

City Clerk Herrin reported initial contact had been made but still needed to gather further information. Would put back on the next agenda.

#### Excess City Equipment Resolution #284

Reviewed. No discussion.

f. *Motion to Approve Resolution #284*

**Council Member Weitman moved to approve Resolution #284. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:54 p.m.**

#### Excess City Equipment Advertisement Notice

g. *Motion to Advertise Excess City Equipment*

**Council Member Weitman moved to advertise the excess city equipment. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:55 p.m.**

### NEW BUSINESS:

#### Cereal malt Beverage Application for Casey's Retail Co. Effective 07/01/04

New application requested due to Casey's name change.

h. *Motion to Approve Cereal Malt Beverage License for Casey's Retail Company*

**Council Member Weitman moved to approve the Cereal Malt Beverage License for Casey's Retail Company. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:56 p.m.**

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### NEW BUSINESS: (Continued)

#### Region 8 Clerks's Meeting, Gridley, KS, June 10, 2004

City Clerk Herrin reported if time allowed either Deputy City Clerk Mahon or herself would like to attend this region clerk's meeting.

i. *Motion to Approve Attendance to Region 8 Clerk's Meeting*

**Council Member Weitman moved if their schedule allowed to allow either the Deputy City Clerk or the City Clerk to attend the Region 8 Clerk's Meeting with per diem. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:57 p.m.**

#### USGS/EPA Requesting Participation in Water Sampling Program

Public Works Superintendent Craig reported KDHE says it is not mandatory to participate. They will pay the city \$50 a sample and reimburse the city for ice with receipts. The samples

## REGULAR MEETING

Year = 2004

are taken two times a week. They want one tomorrow if approved. Would rather provide the samples than have someone outside public works who may not get the information to where it meets requirements and could later cause and concern for the city when the reports are in.

*j. Motion to Cooperate with USGS/EPA in Water Sampling Program*

**Council Member Weitman moved to cooperate with USGS/EPA in the effort to obtain the water samples. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:01 p.m.**

Discussed proceeds being applied to something special.

### Updating Personnel Policies & Guidelines and Classifications

Mayor Barber reported the Council had met with Bret from the League and felt everyone was in positive aspect of having them review and update the job descriptions and updating the personnel policies and guidelines. Got the feeling the council was not real enthusiastic about the salary portion. Council Member Weitman concurred wasn't buying into the wage study as each city and the job within them vary by city; for example, the public works superintendent of one city may have more responsibilities than another. Council Member Robbins noted they did not break down the other city's salaries by tenure either.

Mayor Barber asked about the updating of the job descriptions. Council Member Weitman noted for \$22.50, it couldn't be done for that price in house.

Mayor Barber asked about updating the personnel policies and guidelines. Council Member Weitman noted it would be handy to have all the items in one easy to read book. Mayor Barber asked if Bret would then identify what ordinances the city would need to revoke and have the resolution option to work with in the future. City Clerk Herrin noted she would make sure that would be part of the project.

*k. Motion to Approve Up To \$1,200 to Update Job Descriptions and Policies & Guidelines*

**Council Member Robbins moved to approve up to \$1,200 with the League to help develop updated job descriptions and to straighten out the personnel policies and guidelines. Seconded by Weitman, voted on, passed 5-0. Time: 8:10 p.m.**

### Executive Session

- *Motion to Go Into Executive Session*

**Council Member McGinnis moved to go into executive session for discussion of legal, land acquisition, and personnel for up to fifty-five minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:12 p.m.**

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

Open Session Resumed at 9:17 p.m.

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### **OTHER BUSINESS:**

### Linn County Children's Coalition Meeting About Big Brothers Big Sisters Organization

**Mayor Barber read a letter from Roger Sims about the Linn County Children's Coalition meeting on June 29, 2004 at the La Cygne Community Building to promote the creation of a Big Brothers Big Sisters organization locally. Asking to waive the fees for the building that evening.**

*l. Motion to Waive Community Building Fees for Meeting June 29, 2004*

Council Member Boone moved to waive the fees for the Children's Coalition meeting on June 29<sup>th</sup>. Seconded by Council Member McGinnis, voted on, passed 5-0. **Time: 9:19 p.m.**

### Land Swap Between Labette Bank and City of LaCygne

**Mayor Barber reported the city had been approached about a land swap with Labette Bank for property the city owns for the existing bank building. Instructed City Attorney Sutherland and City Clerk Herrin to help work out the details. Felt it is wonderful the bank is willing to work with the city in this manner.**

## REGULAR MEETING

Year = 2004

### CITY CLERK'S REPORT:

Verbal Report: City Auditor Terry Sercer will be present at the next city council meeting with the 2003 audit report.

Written Report:

- b. Updating Zoning Codes: Council provided the following – 1. Fence requirements; and, 2. Where does a house face when back from the street its' long drive is from.
- c. Casey's Retail Company CMB License
- d. Reminders:
  - 1.

### NOTES AND COMMUNICATIONS TO COUNCIL:

- a] La Cygne Planning Commission Meeting Minutes of May 13, 2004
- b] KHRC Letter Announcing Offer of Tax Credit Financing
- c] KCC Inspection Response

### ADJOURNMENT:

- *Motion to Adjourn*

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

Adjourned the meeting at 9:27 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 June 2004.

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### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday June 16, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins (arrived at 7:55 p.m.), Tony Williams, and, Terry Weitman.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; Kristie Cook, Jamie Wilson, Jeff Dovel, and Terry Sercer, CPA.

Mayor Sam Barber called the meeting to order at 7:03 p.m.

### CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: June 3 – 16, 2004;  
Minutes of June 2, 2004 Regular City Council Meeting;  
May 2004 Treasurer's and Budget Reports.

**Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:04 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

xii. 2002 Water Plant Improvement Project

Public Works Superintendent Craig reported SMI-CO Construction called City Clerk Herrin and will be moving in to work on the project any time. Noted KDHE responded to Phase 2 letter from the engineers.

xiii. Upgrade of Transfer and High Service Pumps with RWD's

Public Works Superintendent Craig reported the high service pumps should be here any time and they will then begin on this project.

**c. GAS IMPROVEMENT GRANT**

ix. Change Order 1, Boring Under Railroad Tracks at Henson

Discussed the costs on the change order. Jeff, with Aquila, noted the contract price is \$65.00 a foot for the standard bore. Also, Aquila Engineer Alan Steele has given a verbal approval, and he will be signing the form tomorrow. The change order was just received from Miller Construction late this afternoon. Discussed the deep ditch excavation section. The total cost for the change order is \$13,210 and if the excavation is found to be deeper than the 9-10 feet, it would add the \$9.75 a foot change. Noted the prices are in line and the deep ditch excavation is not anticipated.

- *Motion to Approve Change Order #1 for up to \$13,210*

**Council Member Weitman moved to approve Change Order #1 for the gas project for a cost of up to \$13,210.00. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:12 p.m.**

Mayor Barber asked Jeff if there was anything else to report. Jeff noted they had lowered the gas pressure to 62 lbs and monitored the pressure at the gashouse finding it to be at 57 lbs. The contract started on 06/11/04 and they are 75% done with the right of way. Welding has begun and they have covered  $\frac{3}{4}$  of a mile beginning at 343<sup>rd</sup> and going north.

**DISCUSSION FROM THE FLOOR:**

Jamie Wilson, Regarding Signs for Bicycles on Commercial Sidewalks

Jamie Wilson reported his business door faces southwest (on corner of Broadway and Market) and bicycle are going by at ninety miles an hour. They have almost run over a lady customer and herself as they were coming out the door. Asked the council if there was anything to be done about them to prevent accidents when anyone coming out of any business steps onto the sidewalk. Police Chief Farrell noted if anything is done they need to include skateboards too. Council Member Boone noted he would rather see them on the sidewalk than on the street. Ms. Wilson asked if they could go other way, as there are needs for safety purposes for all businesses not just hers. City Attorney Sutherland noted to enforce any changes would require an ordinance; might want to look at options to see if any other options are available. Mayor Barber assigned the project to the Safety Committee and see what they can come up with.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for June 1 – 15, 2004.

**Dog Pound:** Presented estimate from D.C. Fencing to finish the construction for the dog pound, as he did not have the necessary equipment to finish. D.C. Fencing estimated it would take about twelve hours of labor at \$30.00 and hour; then, six gates for \$20.00 per gate, for a total of \$480 plus any extra pipe that may be needed that is not already on site. Mayor Barber asked about the original plan to construct the dog pound. Council Member Williams asked about working on it on Saturday's with Council Member Boone. Police Chief Farrell reported Saturday's were not good for him; he had already been on site a couple of Sundays' and did not have the equipment to get it done. Council Member Boone noted he and Council Member Williams had previously agreed to donate their time. Council Member McGinnis noted the project needs to be done and put the pound back in use. Police Chief Farrell noted the cost is only \$480 for labor and gates unless some more pipe than is already there is found to be needed and that should be minimal as D.C. Manufacturing will use what is there and he can get it all done including the welding as he goes with the project. Discussed for the cost it could be done faster than trying to work on it as individuals have spare time.

- *Motion to Approve D. C. Fencing to Finish Dog Pound for Cost of up to \$600*

**Council Member McGinnis moved to approve hiring D. C. Fencing to finish the dog pound for a cost of up to \$600.00. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:24 p.m.**

**Condemnation of 114 W. Market:** Reported he had spoken with the son last Monday about the condition of the home. At the time the son was taking parts of the roof off to repair. Explained to him that he needed to be here at tonight's meeting to discuss the property with the council, but he is not here. He said he plans to move into the home in a couple of weeks. City Attorney Sutherland noted it is up to the council how far they want to go with the process if the owner is going to move forward with improvements. Mayor Barber noted he did not know since there was no one here; and, does it change now that the son has total control. City Attorney noted ownership does not change that the city is still in the process of condemnation. Mayor Barber asked Codes Officer Farrell to talk to him and let him know the importance of getting in touch with the city regarding the condition and repairs. Codes Officer Farrell noted the electricity is on, but there is no water, nor is there any sewer at this location. City Attorney Sutherland noted to let him know that he understands the water will not be turned on until the process is addressed and handled.

Public Works Superintendent George Craig

Public Works Superintendent George Craig reported they had fixed a water leak today and were in the process of fixing a gas leak.

**STANDING COMMITTEE REPORTS:**

Street

Council Member Weitman reported he had received a call from David Brenneman regarding south 6<sup>th</sup> Street where for some reason the area is washing lower than the flow line and then that area holds water for mosquitoes. PWS Craig noted they had been going to repair when it dries up. Council Member Weitman noted he was not sure how to get back to the natural flow line, maybe by using some rock. PWS noted earlier it looked like could maybe fill in with dirt when it got pretty dry, didn't consider rock, that may work, the landowners do mow in this area.

**STANDING COMMITTEE REPORTS: (Continued)**

Sewer

Council asked about the status of the status of the sewer backing up issue. PWS Craig reported he had spoke with Lindy Cummins, Kirkham Michael Engineers, and is to have a response the middles of next week regarding the lagoon size and the ten-inch line running into the lagoon.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Meet the 29<sup>th</sup> at 7:00 p.m.

Kansas Shared Services Committee

2. Interlocal Management Company LLC Resignation Letter

Discussed options if there was anyone else to administer the committee after LLC agreement expires per their letter on August 1, 2004. Discussed time limitations for city personnel to handle. Issue is to decide if go forward without LLC and administer another way or to disband the KSSA.

- *Motion to Authorize Mayor Barber as City Representative to Handle Decision*

**Council Member Weitman moved to authorize city representative, Mayor Barber, to go with his own decision after meeting with other cities. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:35 p.m.**

**UNFINISHED BUSINESS:**

Gerkin Rentals in Paola, Asking About a Monthly Fee for Waste Disposal

Discussed:

1. Current rate of \$10.00 per load for up to 1,000 gallons
2. Time frame for a rate review for any future rate adjustments.

- *Motion to Extend Rate of \$10 a Load Subject to Review in Two Years or Change in Ownership*

**Council Member Weitman moved to extend the \$10.00 a load for up to 1,000 gallons per load for Gerkin Rentals subject to a review in two years or any change in ownership or assignment. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:44 p.m.**

**NEW BUSINESS:**

Landlord Liability

Discussed the law than had been passed effective July 1, 2004 to eliminate this ordinance for cities. As a third class city there is the option of passing a Charter Ordinance as the law does not apply uniformly to all cities; this opts out of the law that has been established effective July 1, 2004.

- *Motion to Approve Charter Ordinance #10 Pertaining to Landlord Liability*

**Council Member Weitman moved to adopt Charter Ordinance #10 pertaining to Landlord Liability issues. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:47 p.m.**

## REGULAR MEETING

Year = 2004

Mayor Barber requested City Attorney and City Clerk to address the portion of the city's existing ordinance pertaining to owners and placing liens on property for outstanding utility accounts.

### Linn County Business Appreciation Dinner, June 25, 2004

Mayor Barber asked to let someone know if anyone was interested in attending on behalf of the city to get the reservations in.

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### 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: 7:54 p.m.**

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent Craig and City Clerk Herrin.

Council Member Robbins arrived at 7:55 p.m.

Open Session Resumed at 8:50 p.m.

### **TERRY SERCER, CPA, 2003 ANNUAL AUDIT REPORT**

Terry Sercer with Chartered CPA firm reported on the 2003 annual audit report. He noted the standard statement of reporting standards. Noted the general fund had experienced tax cuts in the amount of about \$30,000 from cuts in Ad Valorem and Revenue Sharing by the state. The sales tax was reflecting an increase of \$33,320.55 last year but do not believe the sales tax went up that much, want to wait another year to make sure it stays up. This is due to years past there were increases and then suddenly it was pulled back and it's something that is never a firm number.

The General Fund transfer was done a little differently this year. There is \$38,000 that was planned to be carried over and used this year. There have left an additional \$60,000 there also. If the city wants to use it this year it will require amending the budget, but it is there if you need it for streets, or to spend on another major repair, or it can be used in 2005 as part of that budget process. Did transfer \$19,750 to the Equipment Reserve Fund. Would recommend factoring the balance in 2004 and watch the sales tax at the same time.

The Gas Fund did not meet the Bond Requirements in 2003. It did not meet the requirements in 2002, now failed again in 2003 and probably will in 2004. If it does not turn around by 2005 will have to raise the rates. The bondholders could force the city to raise the rates but usually don't while the changes are still in process.

Discussed a Separate Letter recommending the following:

1. Separation of Duties: Recommended rotation of duties with the city office employees
2. Management Issues: Dealing with fraud by clearly noting what is purchased and purpose with city credit cards; Disallow extended personal use of phones, particularly cell phones, as that's a taxable benefit to the employee (realize some special circumstances will require some calls). Recommended putting policies in effect before it becomes an issue with an employee; Charge Account items such as gas and batteries be identified for specific vehicles for which they are purchased. This is to keep records of city assets.

Asked City Clerk to let him know when the County Treasurer sends the estimated evaluations for 2005 and he will schedule a time to get with the council for next years budget. In the meantime be thinking about items to put on the to do list. Mayor Barber asked for capital improvement ideas to be turned into the city clerk to look at placing them on next years budget.

### EXECUTIVE SESSION

- *Motion for Executive Session*

**Council Member Robbins moved to go into executive session for up to twenty minutes. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:13 p.m.**

Open Session Resumed at 9:35 p.m.

**OTHER BUSINESS:**

Reinstating Public Works Employee Art Terry

Mayor Barber reported he was requesting reinstating Art Terry as a public works employee with the City of La Cygne.

- *Motion for Reinstating Public Works Employee Art Terry*

**Council Member Boone moved to bring back Art Terry as a public works employee at the same rate of pay. Seconded by Council Member Williams, noted his effective date would be when available, voted on, passed 5-0. Time: 9:36 p.m.**

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**OTHER BUSINESS: (Continued)**

Employee Wage Changes

- *Motion for Wage Increases for City Employees*

**Council Member Robbins moved for a wage increase for the following employees to receive the following hourly rate: Devona Herrin - \$15.30; Gary Mahon - \$14.25; Chuck Farrell - \$15.30; Mike Watson - \$12.25; Bill Craven - \$8.25; Kenny McClanahan - \$9.00; George Craig - \$14.00; Art Terry - \$12.00; Jerome Moore - \$12.20; and Linda Elder - \$12.00, to be effective June 14, 2004. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:38 p.m.**

Part Time Backup Employee for Trash Compactor

- *Motion to Hire Jackie Pribble as Part Time Backup Employee for Trash Compactor*

**Council Member McGinnis moved to hire Jackie Pribble as the part time backup employee for the trash compactor at \$7.75 per hour. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:40 p.m.**

Job Descriptions

City Clerk Herrin noted the League had forwarded drafts for the updated job descriptions for the city. The drafts have been passed out to each council member for review and comments for anything to be added, deleted, or changed. Mayor Barber asked each council member to review and report back at the next meeting.

**CITY CLERK'S REPORT:**

City Clerk's written report included:

- a. Gerkins Rental
- c. Landlord Liability

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] La Cygne Planning commission Meeting Minutes of June 10, 2004
- b] KRWA "Introduction to GIS/GPS", June 30, 2004
- c] *League News* Volume 9, Number 14, June 9, 2004
- d] *Kansas Government Journal*, Volume 90 – Number 5, May 2004



e] Wheatley & Ranquist, P.A., Letter on Federal Antitrust Case

**ADJOURNMENT:**

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Weitman, voted on, passed 5-0.**

Adjourned the meeting at 9:45 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 16<sup>th</sup> day of June 2004.

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**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, July 7, 2004 at the LaCygne Community Building. 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; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Julie Funk, Kelly and Dennis VanTuyl, Le Roy Turpen, Randy & Gene Taylor, and Jeff Dovel with Aquila.

Mayor Sam Barber called the meeting to order at 7:10 p.m. when a full quorum was present.

**CONSENT AGENDA:**

- *Motion to Approve Consent Agenda*

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

Check Register: June 17 – July 7, 2004;  
Minutes of June 16, 2004 Regular City Council Meeting.

**Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:12 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECTS**

**IV. 2002 Water Plant Improvement Project**

- i. **Status – Phase 2 & 3:** City Clerk Herrin reported Ron with SMI-CO had called and reported they were still finishing up the metal building design for Mark with Kirkham Michael for Mark's signature. Ron had also asked about the Notice to Proceed and city clerk did not locate one with the rest of the papers. Ron can start next week on the mechanical and would like a Notice to Proceed for his file.

- *Motion Authorizing Mayor to Sign Notice to Proceed*

Council Member Weitman moved to authorize Mayor Barber to sign the notice to proceed. Seconded by Council Member Boone, voted on, passed 4-0. **Time: 7:14 p.m.**

**V. Upgrade of Transfer and High Service Pumps with RWD's**

Public Works Superintendent George Craig reported the contractor had gotten into the transfer pumps and would be changing out one of the high service pumps tomorrow.

**b. GAS IMPROVEMENT GRANT**

x. Status

Jeff Dovel with Aquila reported Miller Construction had 3 ½ miles of pipe in the ground. They are having trouble with the weather and personnel. There will be trouble meeting the contract time if they do not pick up speed. KCC did approve their OQ training today.

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**UTILITY IMPROVEMENTS REPORT (Continued)**

**b. GAS IMPROVEMENT GRANT (Continued)**

ii. Aquila Pay Request #1 for \$13,500 & Request #2 for \$12,600

- *Motion to Approve Pay Requests #1 for \$13,500 & #2 for \$12,600*

**Council Member Weitman moved to approve pay requests #1 and #2. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:19 p.m.**

xi. Miller Pavement & Construction Pay Request #1 for \$403,747.88

- *Motion to Approve Pay Request #1 for \$403,747.88 for Miller Construction*

**Council Member Weitman moved to approve pay request #1 to Miller Pavement & Construction contingent on necessary signatures. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:21 p.m. City Clerk Herrin noted the amount was for \$403,747.88.**

**EXECUTIVE SESSION**

- *Motion for Executive Session*

**Council Member Weitman moved to go into executive session for up to fifteen minutes for land acquisition. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:22 p.m.**

Open Session Resumed at 7:35 p.m.

**DISCUSSION FROM THE FLOOR:**

Randy & Gene Taylor, Regarding Condemnation Proceedings at 114 W. Market

Mayor Barber asked the Taylor's to tell the council what changes were being done on the property at 114 W. Market. Randy Taylor reported his son, Gene had moved into the dwelling and was working on fixing it up. He had put a new roof on the front porch and was in the process of replacing the back porch roof now. Gene Taylor reported he was going to put on the rest of the roof and vinyl siding when he could come with a vehicle to get the materials here to the house. Felt he could get this accomplished in the next 2-3 months at the most.

Mayor Barber noted in the past the council has usually allowed a time frame for repairs, then at the end of that time they would come back before the council and keep the council informed.

Gene Taylor noted he would be picking up the materials for the water parts tomorrow and then would be getting the water turned on.

Mayor Barber asked for an idea on the time for repairs.

Gene Taylor noted it would be at least ninety days.

City Attorney Sutherland asked where the materials were to be picked up.

Gene Taylor reported the materials were modular excess materials that he was being given to us and as soon as he can get a trailer to haul the materials, as the siding is 30-40' sheets, he would be putting it on the house. He knows some people with trailers, just hasn't had time to check with them.

City Attorney asked if they were aware the property was up to tax sale?

Randy Taylor responded the taxes were a part of Chapter 13 bankruptcy and he had already contacted the county of which the county had indicated they were not aware of the bankruptcy that covered five years of the back taxes. The bankruptcy was filed in federal court in Kansas City, Kansas. The taxes have been paid to date since the bankruptcy filing period. William Griffin is the trustee the bankruptcy payments are sent to.

Mayor Barber asked what the council wishes were for allowance. Discussed the need for updates in the future if more time was given. Gene Taylor noted he could have work done in 90 days and could give updates to Codes Officer Farrell during this time.

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

Randy & Gene Taylor, Regarding Condemnation Proceedings at 114 W. Market

- *Motion to Extend 90 Days for Restoration of Property*

Council Member Weitman moved to extend the condemnation 90 days from today for restoration of the house with progress reports through the codes officer during the time. Seconded by Council Member Boone, voted on, passed 4-0. **Time: 7:45 p.m.**

Mayor Barber thanked the Taylor's for their time coming before the council.

**Grady Elder, Additional Police Protection**

Not present. Tabled.

**REPORTS OF CITY OFFICERS:**

Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for June 2004. The dog retained was sent to Pleasanton, as the Vets Clinic was full at the time. The city dog pound will be completed when it quits raining.

Public Works Superintendent – George Craig

None.

Fire Chief – Ernie Moylan

Council Member Boone asked what a person is to do to get a house burned in town. Police Chief Farrell reported Fire Chief Moylan determines if it can be burned, he does like to see the shingles removed when possible. Council Member Boone noted he had an older home in his area that the owner was asking him about. Police Chief Farrell noted it probably wouldn't be a problem for the house in question. Council Member Robbins noted someone had tried last year to remove the shingles and the roof is too weak. Council Member Boone reported the owner said he would knock the building down into a pile before burning.

**STANDING COMMITTEE REPORTS:**

Street

3. South 6<sup>th</sup> Street Drainage

Noted at the last meeting the ditch is now lower than the pipe, but did not formulate an action plan while discussing. PWS Craig noted he had looked at it and would be glad to get with the Street Committee and go over it again. The landowners want to be able to continue to mow it and rip-rap would not allow that, it would have to be weed eated. Discussed the ideal way to prevent further cutting would be rip-wrap. Council Member Boone asked about any chip and sealing to be done this year as it hasn't been discussed. Mayor Barber noted the council had discussed addressing Lincoln and Park this year and right now the weather has been a factor. PWS asked exactly what they wanted done with the streets. The south ditch

needs to be improved along the road. Concurred, need to tear the road up and then let it settle for a period of time before adding chip and seal. Discussed doing this with a blade and roller. Mayor Barber noted they needed a plan and then go forward with it.

Kelly VanTuyl asked if they were still on the agenda for a culvert extension at their home. They have just been waiting. Council Member Robbins asked if they were buying the culvert or what had been decided on that. Noted the city will check the previous minutes.

Street Committed noted they would try to get with each other and look at the street for what needs to be done and see what would like to do and what the dollars available would allow.

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**STANDING COMMITTEE REPORTS: (Continued)**

Sewer

City Clerk Herrin reported Lindy Cummins with Kirkham Michael Engineers had responded to the request to look at the previous sewer lagoon and mains update. Mr. Cummins reported the noted mentioned there had been two force mains tied together and this was done to shorten the length of the force main and reduce the costs to the city. At the lagoon the water level was dropped two feet to lesson the head to pump against; and, it looks like the two changes cancel out each other (the length of the pipe with reducing the level at the lagoon).

Discussed the pipe flow concerns. Noted it seems like under normal conditions the system handles it.

Mayor Barber noted the city does have a time frame this year for the additional SRF money available.

Council Member Robbins asked about the cost to have Ponzer Younquist Engineers look at it. PWS Craig reported PY would look at it and then gives a cost to the city for any changes and engineering fees. Mayor Barber asked PWS Craig to contact PY and have them look at it and give the city an estimate.

Park

Council Member Boone reported there was a new storage building put on a cement slab by the pool for pool supplies.

Public Safety

**1. Signs for Bicycles on Commercial Sidewalks**

Mayor Barber asked if the committee had received any ideas from other towns. Police Chief Farrell reported Pleasanton has signs up to stay off the sidewalk and to ride on the streets. Mayor Barber asked if it was just in the commercial areas? Police Chief Farrell noted it would be safer if they didn't ride on the sidewalks. Noted it would take an ordinance to make it enforceable. Council Member Boone requested the item be tabled for now.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Mayor Barber reported the committee is still looking for volunteers. Kelly VanTuyl asked if alcohol was allowed on the street during the fiesta. Police Chief Farrell responded no, the city ordinances only allow alcohol in the community building and mentions the city park.

Kansas Shared Services Committee

Mayor Barber reported the committee had met and voted to dissolve the KSSA. Found that trying to be competitive was just not there. Many of the state contracts for discounts are also available for cities.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Rock Bids

The rock bids were opened and read by City Attorney Sutherland.

AGGREGATE MATERIALS BID				
	Ash Grove Quarries		Wade Quarries	
ITEM	FOB QUARRY	DELIVERED	FOB QUARRY	DELIVERED
AB3 - Aggregate for Base Construction	\$ 4.95	\$ 7.25	\$ 4.45	\$ 6.80
AB1, AB2, AB4 - Agg for Road Rock			\$ 4.65	\$ 6.95
CM-K (Chips) Washed	\$ 8.00	\$ 10.30	\$ 6.75	\$ 8.95
CM-K (Chips) Unwashed	\$ 7.00	\$ 9.30	\$ 6.25	\$ 8.45
1 1/4" Clean Lateral Rock	\$ 6.50	\$ 8.80	\$ 5.65	\$ 8.15
2" Clean Lateral Rock	\$ 6.50	\$ 8.80	\$ 5.65	\$ 8.15

Council Member Boone noted the city could deliver with city equipment. Council Member Weitman noted the city would not be sure what quarry the materials would be coming out of. Council Member Boone noted right now it was from Cadmus. Council Member Robbins recommended the city accept both ways and let them decide when needing the materials, discussed the 15 days notice. PWS Craig noted that had not been a problem in the past.

- a. *Motion to Accept Rock Bids from Wade Quarries*

Council Member Weitman moved to accept the rock material bid as Wade Quarries being the city supplier with both options to use at the city's discretion. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:22 p.m.

Surplus Equipment Bids

City Attorney Sutherland opened and read the sealed bids.

SURPLUS EQUIPMENT 2004							
EQUIP	C. CLAYTON	D. GAIKOWSKI	T. ALLEN	J. THOMPSON	J. BOONE	B. CRAVEN	WES RECY
76 FORD		210	1284	300			160
83 CHEV		61	81	127	200		80
88 CHEV		406	1680	550			1650
95 S/S SP			162				210
92 FORD		35	215				180
SICKLE B				50			15
88 CASE T		211	1131	650			375
KING KUT		21	67				45
BRUSH H			181	75	100		355
91 SWEEP			381				180
CHIP SPD				60			45
CHIPPER							255
EXMARK	700	101	331		505	50	310
METAL SC							160

Discussed if rejecting any bids. Reviewed the sweeper, discussed repairing and have new brushes put on.

b. *Motion to Accept Highest Bids & Rejecting All Bids on the Sweeper*

**Council Member Boone moved to accept all the highest bids and rejecting all bids on the sweeper. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:48 p.m.**

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**NEW BUSINESS: (Continued)**

**Job Descriptions and Employee Policy Guidelines Draft**

Discussed the Job Descriptions. Mayor Barber instructed City Clerk to work with public works and work the job descriptions into one for a superintendent and one for employees with an addition on one for Assistant Superintendent, as the role changes when the superintendent is absent. Also to work out the details between the Treasurer, City Clerk, and one for Deputy City Clerk, then bring back to the next meeting.

Tabled the Employee Policy Guidelines until the next meeting.

**Appointments to KMGGA Board of Directors**

Mayor Barber recommended reappointing the same persons for this position, City Clerk Herrin and Public Works Superintendent George Craig as alternate.

c. *Motion to Reappoint Herrin and Craig to KMGGA Board of Directors*

**Council Member Weitman moved to accept the appointments as recommended by Mayor Barber. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:20 p.m.**

**Extend Meeting**

d. *Motion to Extend Meeting*

**Council Member Weitman moved to extend the meeting for thirty minutes. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:21 p.m.**

**Executive Session**

- *Motion to Go Into Executive Session*

**Council Member Weitman moved to go into executive session for discussion of legal, land acquisition, and personnel for up to twenty-five minutes following a ten-minute break. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:22 p.m.**

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

Open Session Resumed at 9:56 p.m.

**OTHER BUSINESS:**

**City Liability Limits**

City Clerk Herrin reported the renewal policy had been received and with the change in liability the policy was increased \$500,000 too so the city now has a total of \$2,000,000 liability limits. No action was taken to amend this limit.

**2005 Budget Items**

Discussed reviewing for next years budget to be done later in the month. Mayor Barber noted some electrical items that would like to address for the water plant.

**CITY CLERK'S REPORT:**

Verbal Report: City Auditor Terry Sercer may be present at the next city council meeting for next years budget.

Written Report: None.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] KDC "Destination Development Conference" July 20, 2004
- b] MLA "Nuisance Abatement" Course, July 24, 2004

**Miscellaneous**

Council Member Boone recommended the money from the surplus items be put in the equipment fund.

**ADJOURNMENT:**

- *Motion to Adjourn*

With no further business, **Council Member Williams moved to adjourn. Seconded by Council Member Boone, voted on, 2-2 (No: Robbins & Weitman).**

**Mayor Barber adjourned the meeting at 10:03 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 7th day of July 2004.**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday July 21, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Tony Williams, and, Terry Weitman.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; Jeff Dovel, Grady Elder, Judy Kinder, and Terry Sercer, CPA.

Mayor Sam Barber called the meeting to order at 7:01 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: July 8 – 21, 2004,
- Minutes of July 7, 2004 Regular City Council Meeting;
- June 2004 Treasurer and Budget Report,
- 2004 Second Quarter Report

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

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

xiv. 2002 Water Plant Improvement Project

City Clerk Herrin reported Mark, with Kirkham Michael's had reviewed the shop drawings; they were good and would be signed this week. There were a couple of minor details he would work out with Ron at SMI-CO.

xv. Upgrade of Transfer and High Service Pumps with RWD's

Public Works Superintendent Craig reported the work on the project was basically done. They had a few items to address and that would be done next week.

a. Pay Estimate for Lee Mathews Construction for \$48,900

i. *Motion to Approve Pay Estimate #1 for \$48,900*

**Council Member Weitman moved to approve pay estimate #1 in the amount of \$48,900 to Lee Mathews Construction for services. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:06 p.m.**

**c. GAS IMPROVEMENT GRANT**

xii. Status

Jeff Dovel with Aquila reported Miller Paving & Construction had 5.2 miles of pipe in the ground, pushing 25% done. With this pace will not make the contract finishing date. Kevin James with Miller Paving & Construction is supposed to be here at 3:00p.m. tomorrow. The city can talk to them at that time about the time issue. Council Members Boone and Williams noted they could be here at that time. Discussed having a workshop at that time to discuss the project.

Council Member Boone asked if they were having any trouble with Miami County. Jeff Dovel responded affirmative, they were told by Miami County they would be shut down if they got on Miami County right-of-way again without calling, as Millers has encroached on the county land again without calling. Miami County has said they will no longer give any leeway. Discussed concerns with Miami County RWD #3. There are utility easements for both utilities in some of the areas. City Attorney Sutherland reported he had been in touch with their attorney and informed they had been checking with the state looking for distance requirements. The utility agreements appear to be in place and need to try to avoid the rural water lines. Jeff Dovel noted there is no way to locate the rural water line until it is hit as it is not marked in any way.

Council Member Boone asked why one area was backhoed instead of using a trencher. Jeff Dovel noted probably no way to get the trencher into that spot as there was no truck available to move it.

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**c. GAS IMPROVEMENT GRANT (Continued)**

xiii. Aquila Pay Estimate #3 for \$12,600

• *Motion to Authorize Pay Estimate #3 for \$12,600*

**Council Member Weitman moved to authorize pay estimate #3 to Aquila for \$12,600.00. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:15 p.m.**

**TERRY SERCER, CPA, 2005 BUDGET REVIEW**



## REGULAR MEETING

Year = 2004

Terry Sercer, CPA, with Diehl Banwart Bolton Jarred & Bledsoe Chartered of Fort Scott, presented the preliminary city budget for 2005. Noted the budget was based on 2004 figures and plus or minus any known changes in 2005, such as purchases to be done, or to adjust costs such as for the increase in gasoline prices.

2004 mill levy is 56.484 at \$321,521.00. Worked the 2005 estimate at a mill levy of 54.82 with \$328,020.00. In theory the amount of tax dollars will not change; the valuations are up but this takes the mill levy down. If the city wants to increase any taxed funds they will have to pass a resolution. As the 2005 budget is designed now, it will not require a resolution. In any year the city cannot spend more than is budgeted in the budget without amending the budget. The bottom line of each fund is the most that can be spent.

Discussed the General Fund. Estimated conservatively on the sales tax revenues as if over estimate it affects the expenditures allowed being available. Added a lot more into the streets in 2005; took what could be left over from 2004 to spend in 2005 on the streets for a major improvement for that year instead of just average amounts for both this year and next year. Discussed how the liquor taxes are allowed to be spent.

Discussed the Water Utility Funds and how the bottom line is the total of the fund.

Discussed the Gas Utility Fund. The last couple of years have been tight in this fund. Paid the bonds in 2003 and 2004 from the capital gas project. If there is any left from the capital gas project when completed this year, it may be applied to the reserve required for the debt that is applicable in this fund. Once the project is done, if the gas utility is not holding the required reserves and making the payments will have to review the rates.

Discussed the Sewer Utility Fund. There is now an \$80,000 capital outlay reserve in 2005 scheduled. If it is used it will wipe out this fund in total.

Except for the Gas Utility fund the other funds are healthy. Will watch the gas fund closely in 2005 after the project is complete.

Discussed the Employee Benefit Fund. The health insurance premiums are doing ok right now. The levy for this fund went down from 21 to 17 mills.

Discussed the 2004 carry over does not include any extra for the Capital Outlay and Equipment Reserve Funds to have any transfers at the end of the year. If this is desired will have to take away that amount from the general street amount allocated and it will limit the carryover. Noted the sales tax income is conservative and if they are more then the city can easily make transfers subject to having \$117,000 left at year-end for carry over.

Discussed publishing the budget and holding the required public hearing within the statute time frames. Important to have the budget to the County Clerk by August 25<sup>th</sup>. Discussed moving/consolidating the compactor fund to the general fund for the 2006 budget.

- *Motion to Publish the 2005 Budget With Public Hearing Set for August 16, 2004*

**Council Member McGinnis moved to publish the 2005 Budget as presented with a public hearing for the budget on August 16<sup>th</sup> at 7:00p.m. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:05 p.m.**

### **DISCUSSION FROM THE FLOOR:**

#### Grady Elder, Additional Police Protection

Grady Elder thanked the council for their time in working on the city budget for the city. Asked that while the council was working on the budget to please look at having full twenty-four hour protection for the city residents. He owns the car wash and has had three break-ins. Would like some strong consideration to add to the police force in the budget to help protect the city. Mayor Barber noted the council had received requests for additional police protection previously. Mr. Elder asked that the council give it strong consideration at the very least. Mayor Barber asked the Public Safety Committee to look at it again even though it had been looked at previously. Thanked him for his time and concern.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for July 1-20, 2004.

**Dog Pound:** Reported D.C. Fencing had closed their doors and had left word they would be unable to complete the dog pound construction. Clint McCammon offered to complete the pound for the cost of \$600.00 and after discussing with Mayor Barber gave permission for Clint McCammon to do the work instead. He has completed the project and found during the project it was a bigger project then he expected and he has asked for another \$300.00. Discussed he had agreed to complete for the previously agreed amount with D. C. Fencing. Discussed the materials he had to purchase were at cost, not a business' cost. Noted he didn't quit the project, he did finish it, and just brought the request to the council. Noted he paid for a helper and the estimated time took longer; and, if he hadn't completed the project the city would have had to run another ad and start again.

- *Motion to Pay \$300 for a Total of \$900 to Clint McCammon*

**Council Member Robbins moved to pay \$300 for a total of \$900 to Clint McCammon for completing the dog pound. Died for a lack of a second.**

Council McGinnis asked if he was out any money of his own. Police Chief Farrell reported he didn't make anything after his expenses and his dad helped with the gates. Mayor Barber asked for any other discussion. Council Member Boone noted when you bid a job as a contractor you don't expect to add to it. Mayor Barber noted it looked like the city will stay with the \$600. Do appreciate him taking the job on and finishing it.

Public Works Superintendent George Craig

- i. 515 Broadway, Water Meter in Basement with Line Leaking: Public Works Superintendent George Craig reported there is no shut off valve to the meter to be able to replace it in the basement. The main water line is across the street and the replacement outside the property will require cutting the street or the cost of a bore under the street. Mayor Barber asked if there were a couple of valves in the area around the house. Noted yes they were supposed to be in the street but were now buried by street materials and could not be located. Discussed the need to put a new pit on the outside of the property where it should be and right now what is there is an old galvanized line that could break very easily once you begin working. PWS Craig reported he had inquired with contractors that do boring and found it would be about \$1,000 from the lower of two bidders.

- *Motion to Repair Line & Meter at 515 Broadway*

**Council Member Weitman moved to repair the water line at 515 Broadway by means of a bore for a cost of the bore of up to \$1,000.00. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:25p.m.**

- ii. West Lincoln Street Repairs: PWS Craig reported to rework the street and get it ready to be paved would require about \$3,500 of rock to put on it after it's tore up and built back work one ditch side; the other side of the ditch is ok. Mayor Barber asked if there would be any benefit to plow before adding a base in some places? PWS Craig noted it would not take that long to work it and the one ditch. Discussed how much would need reworked.

- *Motion to Begin Repair on W. Lincoln for a Cost of Up To \$3,500*

**Council Member Weitman moved to start repairs on West Lincoln and spend up to \$3,500 on materials for reworking the road. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:30 p.m.**

- iii. Lagoon Pumping System: PWS Craig presented design work fees from Ponzer-Youngquist, P.A. Discussed the three steps listed for the study: 1. Study and recommended improvements @ \$1,000; 2. Preliminary and final design of the recommended improvements @ \$5,500; and, 3. For bidding services and services during the construction @ \$2,000. Discussed if could just let system dump into two cells instead of just the third cell. This is not allowed by the state and KDHE. PWS Craig noted the initial discussion included putting in a 12-14 inch tube to handle the flow and when the anticipated growth does take place put two lift stations on that line and the park lift station on the existing 10-inch line. Will have to check the flow rates and keep everything going right before a method can be determined.

- *Motion to Spend Up To \$1,000 for Study with Ponzer-Youngquist*

**Council Member Boone moved to spend up to \$1,000 for the study and recommendation of the sewer project. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:44 p.m.**

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**STANDING COMMITTEE REPORTS:**

Street

- i. South 6<sup>th</sup> Street Drainage  
Council Member Robbins reported the ideas of placing rock in the area by the post office seems to be ok with the post office, not sure who is supposed to be doing it. Will get with Committee Councilman Weitman and try to get cost estimate to bring back to the city to decide.

Park

Council Member Robbins noted the storage shed by the pool is a good improvement.

Cemetery

Council Member Boone reported the roads in the old part of the cemetery have about become all grass. Asked about adding some gravel to the roads and taking a blade to it. Suggested ½-inch clean rock and asked about needing a cost estimate or just get it.

- i. Bid for Removal of Two Dead Trees

City Clerk Herrin reported Caretaker Kenny McClanahan had obtained a bid from Kenny Baucom Tree Service to remove two trees that had died. He has been the service the city has used in the past in the cemetery with no damage to the surrounding plots.

- *Motion to Approve Bid of \$1,000 to Remove Two Trees with Baucom Tree Service*

**Council Member McGinnis moved to pay up to \$1,000 for the removal of two trees by Kenny Baucom. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:50 p.m.**

Public Safety

- i. Signs for Bicycles on Commercial Sidewalks

Council Member Boone asked if there were signs what kind and where. Police Chief Farrell noted they should be on downtown sidewalks as there are also good-sized plate glass

windows the kids riding could fall into in this area. Discussed placing the signs anywhere where sidewalks are in front of a business. Police Chief Farrell noted the primary area is from Market north on Broadway to Chestnut. Will need an ordinance and fine fees. Mayor Barber asked the committee to look at what Pleasanton has in place for their city and adjust it for our city to possibly use for our city.

Street (Continued)

Council Member McGinnis noted she had received a complaint at 7<sup>th</sup> and Lincoln about Hedge Bushes blocking vision of drivers. Council Member Williams also noted the northwest corner of 7<sup>th</sup> and Sycamore has bushes that need trimmed for better vision at that corner. Codes Officer Farrell noted they now need to be trimmed back and the bushes lowered.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Meet the 27<sup>th</sup> at 7:00 p.m. Still needing help.

**UNFINISHED BUSINESS:**

Job Descriptions and Employee Policy Guidelines

Tabled until later in the meeting.

**NEW BUSINESS:**

Distribution of Park Money

Discussed the distribution amount for the city was \$1,200 again this year.

- *Motion to Split Half to Soccer and Half to Ball Associations*

**Council Member Robbins moved to split the \$1,200 in half between the Soccer and Ball Congress/Associations. Seconded by Council Member Williams, voted on, passed 5-0.**

Time: 9:00 p.m.

Water and Gas Utilities Lien Ordinance

City Attorney Sutherland presented lien ordinances for both gas and water utilities to make clearer the outstanding utility fees may be assessed to the tax rolls for a property owner. Needed ordinance numbers for the two ordinances. Will table until after break.

Emergency Water Supply Plan

Presented an "Emergency Water Supply Plan" as required by KDHE. There were no changes or questions recommended.

- *Motion to Adopt Emergency Water Supply Plan*

**Council Member Robbins moved to adopt the "Emergency Water Supply Plan" as presented for the city. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:09 p.m.**

Bond Counsel for Temporary Notes for Water Project

City Attorney Sutherland reported the State Attorney General wants a bond council attorney to review the temporary notes paperwork prior to approving. Requested approval for forwarding to a bond council attorney. Mayor Barber instructed City Attorney Sutherland to move forward with the bond council.

**Executive Session & Extend Meeting**

- *Motion to Go Into Executive Session & Extend Meeting*

**Council Member McGinnis moved to go into executive session for discussion of personnel and legal for up to forty minutes following a ten-minute break and to extend the meeting up to another thirty minutes. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:15 p.m.**

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

Open Session Resumed at 10:05 p.m.

**OTHER BUSINESS:**

Water and Gas Utilities Lien Ordinance (Continued)

The Ordinance numbers would be 1299 for the Water Lien Ordinance and 1300 for the Gas Lien Ordinance.

- *Motion to Adopt Ordinances 1299 and 1230*

**Council Member Weitman moved to adopt Ordinance #1299. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 10:07 p.m.**

**Council Member Weitman moved to adopt Ordinance #1300. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 10:08 p.m.**

Job Descriptions and Employee Policy Guidelines

Discussed the Job Descriptions. Mayor Barber instructed City Clerk Herrin to forward the adjusted job descriptions to the League to make sure they did not have any further recommendations to add prior to approving. Mayor Barber asked to have the Employee Policy Guidelines on the next meeting agenda.

**OTHER BUSINESS: (Continued)**

Special Meeting for Legal on August 12, 2004 at 6:00 p.m.

- *Special Meeting for Legal on August 12, 2004 at 6:00 p.m.*

**Council Member Robbins moved to have a Special Meeting for the purpose of legal on August 21, 2004 at 6:00 p.m. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 10:14 p.m.**

Request for Removal from Committee

Council Member Boone requested to be removed from the Public Safety Committee. He reported his reasons were due to the fact that it includes the Police Department and he is not happy about the recent robberies and drugs in the city and the police salaries and he cannot do anything about it by himself. Mayor Barber asked about switching him and Council Member Weitman from Gas and Water. Mayor Barber recommended a change in the committee members to place Council Member Boone on the Water and Gas Committee and place Council Member Weitman on the Public Safety Committee.

## REGULAR MEETING

Year = 2004

- *Motion to Accept Committee Appointment Changes*

**Council Member Robbins moved to accept the recommended committee appointment changes. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 10:16 p.m.**

### CITY CLERK'S REPORT:

Verbal Report: Reminder of workshop tomorrow at 3:00 p.m.

City Clerk's written report included:

- a. Park Funds Distribution is \$1,200.

### NOTES AND COMMUNICATIONS TO COUNCIL:

- a] 2004 Water Production Reports as of June 2004
- b] MLA *Personnel Management* Course, August 20, 2004
- c] 50<sup>th</sup> Wedding Anniversary Invitation for Kenny & Arlene McClanahan

### ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Boone, voted on, passed 5-0.**

Adjourned the meeting at 10:21 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 21<sup>st</sup> day of July 2004.

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### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, August 4, 2004 at the LaCygne Community Building. 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; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Kristie Cook, and Kelly VanTuyl.

Mayor Sam Barber called the meeting to order at 7:02 p.m.

### CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: July 22 – August 4, 2004;  
Minutes of July 21, 2004 Regular City Council Meeting.

**Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:03 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECTS**

**VI. 2002 Water Plant Improvement Project**

- i. Status – Phase 2 & 3: City Clerk Herrin reported the contract documents had now all been signed and distributed. Ron with SMI-CO had stopped by. Public Works Superintendent Craig reported SMI\_CO had brought in equipment today and planned on getting started with the footings this week.**
- ii. Temporary Notes, Ordinances #1301 & #1302: City Attorney Sutherland reported he had been in contact with Bond Counsel completing the temporary notes for state approval. The paperwork requires authorization for an engagement letter giving approval to execute it, and two ordinances to move forward with the necessary items. The Bond Counsel is being handled through Triplett, Woolf & Garretson, LLC, Wichita, Kansas.**

- *Motion to Authorize Engagement Letter*

Council Member Williams moved to accept the letter for the mayor to sign. Seconded by Council Member Boone, voted on, passed 4-0. **Time: 7:10 p.m.**

- *Motion to Approve Ordinance 1301 Repealing Ordinance 1298*

Council Member Boone moved to approve Ordinance 1301. Seconded by Council Member Williams, voted on, passed 4-0. **Time: 7:12 p.m.**

- *Motion to Approve Ordinance 1302 for Temporary Water Notes Authorization*

Council Member Williams moved to accept Ordinance 1302 for the new water ordinance for the temporary water notes authority of \$140,000 for the water plant. Seconded by Council Member Boone, voted on, passed 4-0. **Time: 7:14 p.m.**

- *Motion to Approve Resolution Number 285 Relating to Ordinance Number 1302*

Council Member Weitman moved to adopt resolution #285 that goes along with Ordinance 1302. Seconded by Council Member Boone, voted on, passed 4-0. **Time: 7:15 p.m.**

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**UTILITY IMPROVEMENTS REPORT (Continued)**

**a. WATER IMPROVEMENT PROJECTS (Continued)**

**VII. Upgrade of Transfer and High Service Pumps with RWD's**

Public Works Superintendent George Craig reported the project is complete except for the final walk though.

**b. GAS IMPROVEMENT GRANT**

**xiv. Status**

City Clerk Herrin reported Miller Paving and Construction were now fifty-percent complete. They are currently testing the north 3.2 miles of line and will be going live with the line shortly. Jeff Dovel with Aquila is not here tonight as Miller's is working late.

**xv. Miller Paving & Construction Pay Estimate #2**

City Clerk Herrin presented the pay request in the amount of \$177,453.77 for work completed the month of July. Noted overruns on Pad Dirt and Rock Shield, and expecting overruns on Rock Excavation on the next bid as they are just getting into Linn County and there is known rock in this area. Discussed overruns. Council Member Boone wants to look into the rock excavation numbers. City Clerk Herrin noted Lindy Cummins (design engineer with Kirkham Michaels) had alerted her to expect some overruns with the rock excavation. Council Member Boone noted he had not problem paying, just wanted to review the 'as built's'.

- *Motion to Approve Pay Request #2 for Miller Paving & Construction*

## REGULAR MEETING

Year = 2004

Council Member Boone moved to pay Miller Paving & Construction pay estimate number 2 for the amount of \$177,453.77.00. Seconded by Council Member Williams, voted on, passed 4-0. **Time: 7:43 p.m.**

### **DISCUSSION FROM THE FLOOR:**

#### Kelly VanTuyl Regarding Fence Construction on Her Property

**Kelly VanTuyl expressed thanks to Publics Works Employees George Craig and Jerome Moore for the completing the culvert installation in a timely manner for the VanTuyl's to work on the rest of their project in that area of their yard. Also, Mrs. VanTuyl thanked those on the council that stopped by to view their project and let everyone know they should be complete by Sunday.**

### **REPORTS OF CITY OFFICERS:**

#### Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for July 2004. The dog pound is up and running with residents.

Discussed 7<sup>th</sup> and Sycamore corner with brush to be removed this coming weekend.

Discussed 7<sup>th</sup> & Lincoln with bushes that were trimmed last weekend. Discussed the vehicle parked by Swan Manner, the notice was sent but not picked up by the owners; waiting for them to come into city hall and will hand deliver it at that time.

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### **REPORTS OF CITY OFFICERS: (Continued)**

#### Public Works Superintendent – George Craig

Public Works Superintendent Craig reported one of the pumps at the park lift station was down, but should have it back from the repair shop tomorrow.

West Lincoln Street – Reported they were working the street over. Had laid rock on it and plan to put on another load as it settles. Council Member Weitman noted he had seen it and it looked good. Mayor Barber reported he had been asked if gravel was left for a while would there be any spray to keep the dust down, as that was a concern. PWS Craig noted they still have a few chip pieces to pick up and the road needed rolled.

East Lincoln Street – Asked about getting an estimate on East Lincoln. Discussed if thought there would be any money left from West Lincoln. Noted West Lincoln should be completed under budget. Discussed Park Street needing some attention too. Noted felt East Lincoln had more traffic and was in worse shape but would go either way council wanted. For East Lincoln need to tear the road up back to 7<sup>th</sup> Street and bring ditches to grade and get the swags worked up. If there was a lot of money could just use pug, but don't have that much. Discussed part of East Lincoln was shared by the county.

**Ditch Repair on Lincoln – Mayor Barber noted he had a request from Connie Eaton about a ditch repair on Lincoln outstanding and would like public works to look at her property. PWS Craig noted what really happened was a truck with tandems left tracks near the area of a previous water leak, but he would sure take care of it.**

Bob Stainbrook's Gas Line with Gas Project – Mayor Barber noted Bob Stainbrook had an agreement with his easement to move his meter when the new gas line was installed. Asked public works to find out what the city can do to help. PWS Craig noted the easement book says to run it up to the house so the contractor should do it. Council Member Boone noted the city did not have the equipment to do it; have the contractors run the equipment up there now.



Discussed length of line; actual length unknown at this time. Mayor Barber asked public works to work with the gas committee and see how to get the concerns addressed. PWS Craig reported he did not know what the original agreement was. Mayor Barber noted that's what needed to be found out and see what can work.

**STANDING COMMITTEE REPORTS:**

Water & Gas

i. Water Treatment Pollution Control Permit

PWS Craig reported they take weekly chlorine samples and log it. Then in August, KDHE will issue a permit. The city's original permit allotted limits have been exceeded and since the state has made a lot of change it is now more difficult, but is like that for all cities.

Street

4. South 6<sup>th</sup> Street Drainage

Council Member Weitman reported he had not had time to get any number done for costs to address this drainage. Police Chief Farrell reported the concerns for this area have also been addressed to him for drainage further down south from this area on the east side, it looks like that will need more gravel by where Ty Aldridge used to live. Tabled.

5. Faded Street Signs

Council Member Robbins asked if the city had any street signs in stock, or how they were handled. PWS Craig reported they were ordered as needed. Noted several signs were getting faded.

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**STANDING COMMITTEE REPORTS: (Continued)**

Sewer

i. Wastewater Treatment Facility Permit Notice – Noted.

Park

Council Member Boone asked if anyone knew where the park mower was. It had been broke down and was in the shop for repairs. No one was sure if it had been returned at the time of meeting. Noted Beth Smith will be back August 6<sup>th</sup> from vacation and the grass is growing fast. Hate to see her get in a bind and she does a good job.

Council Member Robbins reported he had an individual ask if he could donate weld to fix the basketball goals at the North Park. Determined that would not be a problem. Discussed scrap metal available if he should need any for the weld. Mayor Barber asked Council Member Robbins to thank him for volunteering.

Cemetery

Council Member Boone reported he would like to mark out the road in the new part of the cemetery on the bottom part instead of the top part as originally discussed. Felt the top part would be better left for gravesites.

Public Safety

1. Signs for Bicycles on Commercial Sidewalks

Council Member Williams reported he had a hard time putting kids out on the streets on bikes. Council Member Boone concurred. Discussed. Mayor Barber asked if they would rather leave the topic alone then? Asked the committee to review the sample ordinances on tonight's agenda and table the decision for one more meeting. It will take a city ordinance if there is a decision to change.

Community Building

Council Member Robbins discussed the missing letters on the sign above the building. Would like to ask Wilbur Fleming if he would do it and for a cost. Council concurred to ask.

City Clerk Herrin reported there was a toilet in the ladies room that ran when flushed if the chain did not catch right, there were some leaks in the ceiling, some from the air conditioning freezing up and then water from thawing requiring some new ceiling tiles, and the gas use has continued to be high for the summer months. Discussed turning off the gas cook stove pilots and see what the gas does for a month.

**SPECIAL COMMITTEE REPORTS:**

Emergency Disaster Committee

Police Chief Farrell reported the committee met earlier tonight.

**UNFINISHED BUSINESS:**

Employee Policy Guidelines

Mayor Barber tabled until after executive session.

*Page 5 of 6*

**UNFINISHED BUSINESS:**

Public Works Employee

Mayor Barber noted the city needed to decide if going to hire another public works employee as need to notify the applicants if going to hire another person, or just go as they are. PWS Craig reported it is very hard to keep up with three and right now they are not. Mayor Barber asked if there had been a report from KDHE yet as when they were here reviewing the water plant they told him they would be recommending the water plant have a full time person. Discussed a KDHE recommendation usually became required. PWS Craig reported KDHE had called back recently and asked Art if he was getting more time to spend in the water plant and they told them yes. Discussed the outstanding work still to be done outside. Discussed twenty years ago you could hire school kids for mowing. Mayor Barber noted two individuals had applied for mowing city properties. City Attorney Sutherland noted you could no longer hire young individuals to run power equipment. Mayor Barber asked the Employee Relations and Training Committee to review this and bring the recommendation to the next meeting if want to pursue another employee.

**NEW BUSINESS:**

KRWA Seminar *Ensuring Financial Capacity & A Review of the Fair Standards Act*

No one available to attend.

Public Works Employee (Continued)

Council Member Robbins asked if the next years budget had been lowered for employees prior to public works having four? City Clerk Herrin responded it had not been lowered for fewer employees.

**Executive Session**

- *Motion to Go Into Executive Session*

**Council Member Robbins moved to go into executive session for discussion of legal, land acquisition, and personnel for up to fifty minutes following a ten-minute break. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:32 p.m.**

Others invited into or requesting a portion of time included: City Clerk Herrin.

Open Session Resumed at 9:30 p.m.

**OTHER BUSINESS:**

**Smoke Free Facility – City Hall and Water Plant**

- *Motion to Make Water Plant and City Hall a Smoke Free Facility*

Council Member Robbins moved to make the water plant and city hall a smoke free facility. Seconded by Council Member Williams. **City Clerk Herrin asked if there would be any designated area in the building for smoking. Response was no designated smoking areas in the buildings.** Voted on, passed 4-0. **Time: 9:33 p.m.**

**Employee Policy Guidelines (Continued)**

**Reviewed Personnel Policies & Guidelines as furnished by the League from pages 1-15. Discussed the following:**

1. **Deleting or amending sections pertaining to pay range plans, as this is not being adopted at this time.**
2. **Overtime authorization.**
3. **Call Out Policies: asked City Clerk to find out why public works is compensated weekly.**

*Page 6 of 6*

**OTHER BUSINESS: (Continued)**

**Employee Policy Guidelines (Continued)**

4. **Holidays.**
5. **Vacation leave: asked City Clerk to find other methods of identifying the first year's employment status based on hours worked possibly.**
6. **Funeral leave.**
7. **KPER's additional life insurance.**
8. **Educational Reimbursement Program.**

**EXTEND MEETING**

- *Motion to Extend Meeting*

**(During Personnel Policies & Guidelines process)** Council Member Weitman moved to extend the meeting thirty minutes. Seconded by Council Member Boone, voted on, passed 4-0. **Time: 9:59 p.m.**

**CITY CLERK'S REPORT:**

Verbal Report:

1. The sale of surplus equipment totaled \$6,367.00 after the last person pays for his items.
2. Council Member McGinnis will be absent from the August 18<sup>th</sup> meeting, Council Member Boone will be absent from the September 1, 2004 meeting, and Council Member Weitman's current plans will have him absent from the August 12<sup>th</sup> Special Meeting.

Written Report:

1. Council Meeting 08/12/04 at 6:00 p.m.
2. Council Public Hearing on 2005 Budget on 08/16/04.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Park and Pool Meeting Minutes of 07/28/04
- b] Firefighters Relief Association Benefits
- c] Panhandle Eastern Pipe Line Ad Valorem Tax Refund
- d] KMU Letter of Special Meeting
- e] *Bond Counsel Bulletin* by Triplett, Woolf & Garretson, LLC
- f] *League 2004 Municipal Revenue Practices Annual Survey*

**ADJOURNMENT:**

- *Motion to Adjourn*

## REGULAR MEETING

Year = 2004

With no further business, **Council Member Robbins moved to adjourn. Seconded by Council Member Weitman, voted on, 2-2 (No: Boone & Williams).**

**Mayor Barber adjourned the meeting at 10:14 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 4th day of August 2004.

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The LaCygne City Council held a Special Meeting scheduled for 6:00 p.m., Thursday, August 12, 2004, at LaCygne Community Building. The purpose of the Special Meeting was: 1. Legal, 2. Gas Project, and, 3. Personnel.

Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, Terry Weitman, and Tony Williams.

Others present included: Deputy City Clerk Gary Mahon, James Kaup, P.A., City Attorney John Sutherland, Jeff Dovel with Aquila, and City Clerk Devona Herrin.

Mayor Sam Barber called the Special Meeting to order at 6:03 p.m. Noted the special meeting was called for the reasons of legal, the gas project, and personnel.

- *Motion to Go Into Executive Session*

*Council Member Robbins moved to go into executive session for up to one hour for legal. Motion was seconded by Council Member Williams, voted on, passed 5-0. Time: 6:04 p.m.*

Those invited into executive session were: Deputy City Clerk Mahon, James Kaup, P.A., and City Clerk Herrin.

### Open Session Resumed at 7:04 p.m.

Discussed long term issues for annexing and being ready to grow. Discussed looking into options for addressing the short-term issue of water capacity. Mayor Barber directed Attorney Kaup to check for options in any changes available for capacity. Attorney Kaup will report back to City Attorney Sutherland or city hall prior to the September 1<sup>st</sup> city council meeting.

### 2. GAS PROJECT

Mayor Barber reported this portion was to cover concerns with overage of rock and look at savings in the x-rays. The city is not obligated by KCC to use all the x-rays that are listed in the project contract. Mike (Rush) with KCC has recommended x-rays in front of the school and the bridges.

Council Member Boone noted he felt definitely should be in front of the school. Jeff Dovel, with Aquila, noted it would take fifty in front of the school.

Council Member Boone wanted to keep that number down for reduction in costs.

Jeff Dovel noted there are no state regulations that say the city has to do the x-rays.

Mayor Barber asked City Attorney Sutherland if the x-rays are left out was there anything that can hurt the city?

Jeff Dovel noted the contractor had said he didn't care either way if the city did the x-rays.

Mayor Barber noted it looked like the decision was up to the city.

Jeff Dovel noted the city could save here with the x-rays and put that money towards padding ditch and rock. The contractors have about 3 ½ miles to go and it looks like mostly rock.

Jeff Dovel reported he had spoke with Mr. Newport (across from the high school) and he has problems with the right of way on his land. He has also said he has had a steer that has been hurt already.

Council Member Boone asked if he wanted us to stay out of his property?

Jeff Dovel noted he wanted the contractor out for now until he rereads the agreement.

City Clerk Herrin noted the temporary easements for this property would be pulled and reviewed with the prior easement and the new permanent easement Mr. Newport signed earlier.

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## 2. GAS PROJECT (Continued)

Mayor Barber noted the city needed to determine if there were going to be any x-rays at the school. Council Member Boone asked Jeff Dovel how many should be done is any were done? Jeff Dovel noted at least twenty in each direction. Council Member Boone noted there would then be 44 total. Mayor Barber noted that would save about \$15,000. Council Member Williams asked how important it was to x-ray it there. Jeff Dovel noted it was not, as it's across from the school. Discussed pressure tests being able to tell if there are any areas of concern. Jeff Dovel noted he felt the x-rays were added to the contract to leave the inspector with that option if there was some concern. Council Member Williams recommended the city save the dollars. Jeff Dovel noted the asset to the city would have been to x-ray 100% of the welds. Council Member Williams recommended the city save on the x-rays and put the dollars towards rock and pad. Mayor Barber noted would need a motion.

- *Motion to Abstain from Additional X-Rays Over the 24 Already Used*

**Council Member Boone moved to save the rest of the x-rays on the gas project.**

Council Member Williams noted have already used 24 and will not use anymore.

**Seconded by Council Member Williams, voted on, passed 5-0.** Time: 7:26 p.m.

Discussed it would be ok on the bridge without x-rays. Mayor Barber reported he had seen a weld that had been cut out on the project and it looked good.

Jeff Dovel reported it would probably be four more weeks yet before the contractor would be done completely. Discussed the bridge overhang was not done yet and then there were going to be tie ends and meter sets.

Mayor Barber reported there were still three locations to complete for easements being on the properties of Boney, McGuire, and Newport. The City Clerk would be out at the areas if needed for the easement work. Jeff Dovel reported the easement with Stainbrook's had been worked out and Miller Paving and Construction would install the line.

Discussed when someone would be talking with Mr. Newport. Council Member Boone noted he could go with Jeff Dovel anytime. Determined would go right after the special meeting.

## 3. Personnel

Council Member Robbins reported he and Council Member Williams had met with Harry Smith Jr. for an interview for a full time public works position with the city. Mr. Smith has a CDL license and would like to give his current employer a week's notice. Discussed a start date and determined it would work with whatever date could be worked out with Mr. Smith. Nine dollars an hour had been discussed at the starting wage. Mayor Barber asked for any other questions.

- *Motion to Hire Harry Smith Jr. as Public Works Employee for \$9.00 per hour*

**Council Member McGinnis moved to hire Harry Smith Jr. at the rate of \$9.00 per hour to take effect when he is available to work as a full time employee in public works. Seconded by Council Member Robbins, voted on, passed 5-0.** Time: 7:30 p.m.

**ADJOURNMENT:**

- *Motion to Adjourn*

***There being no further business, Council Member McGinnis moved to adjourn. Council Member Boone, voted on, passed 5-0, seconded motion***

The Special Meeting was adjourned at 7:34 p.m.

I, \_\_\_\_\_, La Cygne Deputy City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 12<sup>th</sup> day of August 2004.

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The La Cygne City Council held a Public Hearing at 7:00 p.m., Monday, August 16, 2004 at the La Cygne Community Building. The purpose of the Public Hearing was for the 2005 Budget.

Council Members present were: Connie McGinnis, Terry Weitman, Tony Williams, and Travis Robbins. Absent: Jerry Boone.

Others present included: City Clerk Devona Herrin, Kristie Cook, and, Charlene Sims.

Mayor Sam Barber called the Public Hearing to order at 7:17 p.m. when a quorum was present.

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. Noted an ordinance would not be required, as the mill levy was not being increased this year.

- *Motion to Adopt 2005 Budget*

**Council Member Weitman moved to accept the year 2005 Budget as published. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:18 p.m.**

**Adjourn**

- *Motion to Adjourn*

**Council Member Robbins moved to adjourn. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:19 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 16th day of August 2004.

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**REGULAR MEETING:**

## REGULAR MEETING

Year = 2004

The La Cygne City Council met in regular session on Wednesday, September 01, 2004 at the LaCygne Community Building. Council Members present were: Travis Robbins; Terry Weitman; Connie McGinnis and, Tony Williams. Absent: Jerry Boone.

Others present included: Deputy City Clerk Gary Mahon; City Attorney John Sutherland; Chief of Police Glenn Farrell Jr.; Public Works Superintendent George Craig, Kristy Cook, Roger Sims, Marian Sparks, LeRoy Turpen, Jeff Dovel, Dennis Van Tuyl, Mr. & Mrs. Dan Gulotta, and Gerald "Skip" Williams.

Mayor Sam Barber called the meeting to order at 7:00 p.m.

### CONSENT AGENDA:

Deputy City Clerk Gary Mahon informed Council that the check register included a check to Kansas Department of Health & Environment in the amount of \$15,638.11. This was for payment due to the state revolving fund for the sewer project. The new balance capitalized is now \$337,448.44

✓ *Motion to Approve Consent Agenda*

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

Check Register: August 19 – September 01, 2004;  
Minutes of August 18, 2004 Regular City Council Meeting.

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

### UTILITY IMPROVEMENTS REPORT

#### WATER IMPROVEMENT PROJECTS

##### 2002 Water Plant Improvement Project

**Status – Phase 2 & 3:** Public Works Superintendent Craig reported that Ponzer Youngquist would be doing a walk through inspection on Friday, September 3<sup>rd</sup>. A valve on a high service pump will also be installed that day.

**SMI-CO, Phase 3, Pay Request #1:** Pay request of \$33,024.60 included \$7,194 for mobilization and \$29,500 for concrete less 10% retention. Superintendent Craig noted that the concrete work had been completed.

✓ *Motion to Authorize SMI-CO Pay Request # 1*

Council Member Robbins moved to pay SMI-Co \$33,024.60 per pay request # 1. Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:05 p.m.

#### GAS IMPROVEMENT GRANT

##### Status

Jeff Doval of Aquila reported that there is approximately 3 mile of line left to install. He estimated that approximately 1-1/2 mile would be rough digging. Additionally there are many loose ends to tie up. Mr. Doval was concerned the project may not meet the September 18<sup>th</sup> completion date. Mayor Barber noted that Ken of Miller Construction estimated a completion date of having the pipe in the ground to be either September 10<sup>th</sup> or 13<sup>th</sup>.

Jeff Doval asked council if Aquila's inspection services would be required after September 18<sup>th</sup>. Aquila needed to know in order to make adequate scheduling plans for personnel. It was noted that inspection services would only be needed until pipe was in the ground. Inspector would not be needed for clean up but would be required for final walk through inspection.

Page 2 of 6

### UTILITY IMPROVEMENTS REPORT (Continued)

#### GAS IMPROVEMENT GRANT      Status

## REGULAR MEETING

Year = 2004

Costs for the extended inspection services would be \$900.00 per day. It was noted that Miller would be required to pay liquidated damages of \$1,000.00 per day.

Attorney Sutherland stated that an agreement could be written to have the inspection services if needed, but not be obligated to. Council agreed they wanted inspections after September 18<sup>th</sup> if necessary.

✓ *Motion to Retain Aquila after September 18<sup>th</sup> if Necessary*

Council Member Weitman moved to retain the inspection services of Aquila after September 18, 2004, if such services are needed, as fees will be paid from liquidation damages to be received from Miller Construction. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:12 p.m.

### Aquila Pay Estimate

A pay estimate request from Aquila in the amount of \$12,600.00 was presented to Council. Deputy Clerk Mahon noted that total paid to date, including this request, would total \$76,500.00. This was approximately 86% of contract. Only 90% will be paid until after final inspections and acceptance.

✓ *Motion to Approve Pay Estimate Request for Aquila*

Council Member Weitman moved to approve the pay estimate for Aquila in the amount of \$12,600.00. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:14 p.m.

### SEKRPC, 50% of Administrative Fee

Council was presented with statement from Southeast Kansas Regional Planning Commission in the amount of \$8,500.00. The bill is for 50% of completed administrative services in connection with current gas line replacement grant.

✓ *Motion to Authorize SEKRPC Pay Request*

Council Member Robbins moved to pay Southeast Kansas Regional Planning Commission the requested amount of \$8500.00. Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:16 p.m.

### DISCUSSION FROM THE FLOOR:

#### Marian Sparks – Ditch on South 6<sup>th</sup> Street

Marian Sparks addressed Council on ditch drainage problems near her residence on south 6<sup>th</sup> street. Property is located on west side of 6<sup>th</sup> a block south of post office. Ms. Sparks reported following problems with ditch: 1. does not drain properly; 2. standing water; 3. breeding ground for mosquitoes; 4. mowing difficulties. Ms Sparks asked who was responsible for ditch maintenance.

Upon inquiry from Mayor, Deputy Clerk Mahon was not aware of any ordinance or policy that specifically stated who was responsible for ditch maintenance. Mahon thought there was policy/ordinance that indicated property owner was responsible for mowing. A quick review of ordinances and policies by the Attorney and Deputy Clerk did not uncover any specifics.

The Mayor and Council informed Ms. Sparks that the City was in the process of investigating proper methods to correct an erosion problem in the same ditch a block north of her. They did not have a specific answer for her at this time but assured her they were attempting to find a workable solution to the problem.

### DISCUSSION FROM THE FLOOR: (Continued)

Page 3 of 6

#### Mr. & Mrs. Dan Gulotta

The Gulotta's addressed Council in regards to property at 4<sup>th</sup> & Locust owned by James & Sandra White. Concerns identified included: 1. Amount of trash on the property; 2. Number of vehicles on property; 3. Boarded windows; 4. Dilapidated porch; 5. Fire safety hazards; 6. Verbal and visual harassment from occupants on the White property; and 7. Uncooperativeness regarding adequate access to his (Gullotta) driveway.

Mr. Gulotta noted that the White's had recently purchased the property just west of his house. The newly purchased property adjoins the White's original property that was on the corner of 4<sup>th</sup> and Locust. The



Gulotta's are trying to sell their property and feel the condition of the adjoining White property is a hindrance. It was questioned as how the property could pass city codes.

Mr. Gulotta noted that the White's had the newly acquired property surveyed. The survey indicates that a fence constructed by the Gulottas is actually on the White property. Mr. Gulotta indicated his willingness to move the fence and at the present time had no disagreement with the survey results. Mr. Gulotta reported that the White's had informed him that they would hold him liable for criminal trespass if he attempted to move the fence onto his property.

Police Chief/Codes Officer Farrell noted he would begin this month to issue any appropriate citations. He advised the Gulottas to obtain legal counsel in regards to moving the fence. Attorney Sutherland concurred that the City could address any code violations. Mayor Barber thanked the Gulottas for their concerns and advised that the City will investigate what it can do.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

City Attorney Sutherland reported that Rolland Grigsby was available to do codes work on an as-needed basis. His rate is \$25 per hour. Mr. Grigsby is now working with the city of Butler, Missouri and could work out a schedule allowing approximately 2 days per week. He could start anytime. No action taken.

Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for August 2004 and a list of stop signs that need replaced. Chief Farrell also suggested placing a stop sign on 9<sup>th</sup> at Elm Street. Vehicles leaving LaHarper Heights have not been yielding right-of-way. Chief Farrell also noted there were numerous street signs as well as stop signs that are leaning.

Mayor Barber inquired if there were state regulations regarding height for stop signs that would also apply to cities. Attorney Sutherland thought there were and suggested the City contact Larry Robertson of the Linn County Highway Department. Mayor Barber felt that stop signs placed at improper height could possibly become an issue for the City in the future. Attorney Sutherland concurred that placing the stop signs at normal height would be considered normal maintenance.

Public Works Superintendent – George Craig

Superintendent Craig gave brief report on water plant progress.

REPORTS OF CITY OFFICERS: (Continued)

Fire Chief Moylan

Fire Chief Moylan was not in attendance. Ordinance # 1304 regarding fireman pay was reviewed and acted upon.

✓ *Motion to Approve Ordinance No. 1304 Establishing Firemen Pay*  
Council Member Weitman moved to approve ordinance number 1304. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:51 p.m.

STANDING COMMITTEE REPORTS:

Street

South 6<sup>th</sup> Street Drainage between Market and Elm

Council Member Robbins reported that neither the Post Office nor property owner was interested in sharing the cost of ditch repairs. Discussion followed as how best to determine appropriate measures for correcting erosion. No action taken. Item to be included on next meeting agenda.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Council Member McGinnis reported that the committee would be meeting each Monday at 7 p.m. In lieu of Labor Day the committee will meet on Tuesday. Designs for T-Shirts were shown to Council. T Shirts have to be ordered and paid for in advance this year. It was noted that a great day was shaping up and that there were already reservations for 20 booths. Resolution No. 286 was presented to Council for consideration regarding the closing of streets to accommodate Fiesta activities.

✓ *Motion to Approve Resolution 284 Regarding Closing of Streets for Fiesta Activities*

Council Member McGinnis moved to approve Resolution No. 286. *Discussion: Resolution states that Broadway would be closed from Market to Grand. Should read from Market to Chestnut. Council Member McGinnis withdrew her motion.*

Council Member McGinnis moved to approve Resolution No. 286 after making change to read from Market to Chestnut. Motion seconded by Council Member Williams, voted on, passed 4-0. **Time: 7:57 p.m.**

**UNFINISHED BUSINESS:**

Employee Policy Guidelines

To be addressed at end of meeting.

**NEW BUSINESS:**

League 96<sup>th</sup> Annual Conference Attendance & Voting Delegate

✓ *Motion to Approve City Clerk Attendance at Conference*

Council Member McGinnis moved to send City Clerk Devona Herrin to Annual League Conference with usual travel expenses allowed. Motion seconded by Council Member Weitman, voted on, passed 4-0. **Time: 8:00 p.m.**

✓ *Motion to Name Herrin as Official Voting Delegate to Annual League Conference*

Council Member McGinnis moved to appoint City Clerk Devona Herrin as the City's official voting delegate at the League Conference in October. Motion seconded by Council Member Williams, voted on, passed 4-0. **Time: 8:02 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 45 minutes following a 10 minute break. Motion seconded by Council Member Robbins, voted on, passed 4-0. **Time: 8:03 p.m.**

Open Session Resumed at 8:58 p.m.

✓ *Motion to go into Executive Session*

**Council Member Robbins moved to go into executive session for discussion of land acquisition for up to 5 minutes. Motion seconded by Council Member Weitman, voted on, passed 4-0. Time: 9:02 p.m.**

Open Session Resumed at 9:07 p.m.

**OTHER BUSINESS:**

None.

**CITY CLERK'S REPORT:**

Verbal Report: None

Written Report: Reminders

- 3. City Wide Clean UP September 7<sup>th</sup> & 8th
- 4. Fiesta, September 18<sup>th</sup>.

**UNFINISHED BUSINESS – Continued from earlier in meeting**

Employee Policy Guidelines

Council finished its first review of the Personnel Policies and Guidelines Draft. Items discussed and changes made were:

- 1. Article E-5 needs to have section added indicating that upon termination, voluntary or involuntary, unused sick leave will not be compensated;
- 2. Article I-2. O.K. as written;
- 3. Article J-3. Complaint Procedure. O.K. as written;
- 4. Article J-4. Change third sentence to read “If the Mayor is the subject of the complaint, the council president or city attorney shall coordinate the investigation of the complaint”;
- 5. Article J-4, 2<sup>nd</sup> Paragraph. Change first sentence to read “Based upon the investigation report, either the Mayor, Council President, or City Attorney shall determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment.”;
- 6. Article J-4, 3<sup>rd</sup> Paragraph. Change first sentence to read “ If either the Mayor, Council President, or City Attorney, determines that the complaints of sexual harassment are founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment.”;
- 7. Article O-2, First paragraph. Change last sentence to read “At no time may any charge exceed \$500, without prior approval.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Blue Valley Public Safety Inc.
- b] LKM/MLA Kansas Open Records Act Course
- c] Letter to KDOT for Fiesta Parade
- d] *Kansas Government Journal*, Volume 90-Number 8, August 2004

**ADJOURNMENT:**

✓ *Motion to Adjourn*

**Having no further business, Council Member McGinnis moved to adjourn. Motion seconded by Council Member Robbins, voted on, passed 4-0.**

The meeting was adjourned at 9:34 p.m.

I, \_\_\_\_\_, LaCygne Deputy 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 day of September 2004.

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**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday September 15, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Tony Williams, Gerald “Skip” Williams, and, Connie McGinnis.

## REGULAR MEETING

Year = 2004

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; Jeff Dovel, Kristie Cook, Kevin James, Charlie James, Doug Sims, Roland Grigsby, and Sandy White.

Mayor Sam Barber called the meeting to order at 7:02 p.m.

### **CONSENT AGENDA:**

- *Motion to Approve Consent Agenda*

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

Check Register: September 2 - 15, 2004,  
Minutes of September 1, 2004 Regular City Council Meeting,  
Minutes of September 9, 2004 Special City Council Meeting,  
August 2004 Treasurer and Budget Report.

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

### **UTILITY IMPROVEMENTS REPORT**

#### **a. WATER IMPROVEMENT PROJECT**

##### xvi. 2002 Water Plant Improvement Project

Noted SMI-CO was to be here on September 6<sup>th</sup> to begin work. They have met with public works and gone over the plans. PWS George Craig will contact Ron at SMI-CO and check on status of beginning the final part of the project.

Triplett, Woolf & Garretson, LLC, - Legal Fees: Pay request for handling the temporary notes.

- *Motion to Approve Pay Request of \$1,090.19 for Legal Fess to Triplett, Woolf & Garretson, LLC*

**Council Member Robbins moved to approve the payment of \$1,090.19 to Triplett, Woolf & Garretson, LLC for the legal handling of the temporary notes. Seconded by Council Member McGinnis, voted on, passed 5-0.** Time: 7:05 p.m.

##### xvii. Upgrade of Transfer and High Service Pumps with RWD's

Public Works Superintendent Craig reported John with Ponzer-Youngquist had done the final walk-through last Friday and all was good.

#### Lee Mathews Equipment – Final Payment Request

- *Motion to Approve Final Pay Request of \$1,000 on Invoice from Lee Mathews Equipment*

**Council Member Robbins moved to approve payment of \$1,000 on the invoice from Lee Mathews Equipment. Seconded by Council Member G. Williams, voted on, passed 5-0.** Time: 7:07 p.m.

### **c. GAS IMPROVEMENT GRANT**

##### xvi. Status

Jeff Dovel with Aquila reported Miller Paving & Construction had another 8.7 miles in the ground and is on test today. It looks like all services and painting will be done by Friday. The

next item is the clean up. The expansion piece required by Miami County has been added on the bridge and is holding right now.

**c. GAS IMPROVEMENT GRANT (Continued)**

xvii. Miller Paving & Construction, LLC Letter

Kevin James reported Miller had until the 18<sup>th</sup> to finish the installation of the pipe and right now it looks like they will be done a day early. Noted the total job had an overrun of 54% in rock and a 60% total overrun. If they get any rain in the next few weeks, may need more than the 20 left for clean up to finish the clean up. It would be nice to have a cushion on days for clean up.

Kevin James noted to the city to be particularly observant of the expansion valve, as it is a concern. Someone needs to check it once a quarter or once a month. It is made for up to 300 lbs and is currently being tested at 450 lbs. Concern is it will leak when it does expand. Miller's will start hauling equipment in to clean up tomorrow and anticipate being done in twenty days. Will work with each homeowner and do a walk through with each county superintendent, Danny and Dennis. It will be Kevin and Charlie James in charge of the clean up crew and will make sure everyone is satisfied.

Miami County RWD #3 sent a bill to Miller's and they are working it out. There were some miss-marked services, and when they are completely done they will get with them to get it settled.

Jeff Dovel noted there was no way to locate the water lines and some phone lines were not marked either. Asked the council to feel free to call after the end of this week if they had any questions later.

Kevin James noted Miller's would get with Jeff Dovel for a final walk through after clean up and will sign off on the project. Miller's will also respond if called on something in the future if there are more questions or items come up.

Jeff Dovel noted he needed to get with Miller's and finalize the bill with measurements.

xviii. RWD #3, Miami County, KS. Letter

(Addressed in previous comments.)

xix. Miller Paving & Construction, LLC Change Order #2

This is for a specific request for a two-inch tap on the high school meter. This was not included in the original contract, only the residential tap sizes were noted.

- *Motion to Approve Change Order #2 for \$795.00*

**Council Member McGinnis moved to approve change order number 2 in the amount of \$795.00 for the two-inch tap at the high school. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:16 p.m.**

xx. Aquila Final Pay Request

City Clerk Herrin reported this pay request is for \$13,500. This total amount reaches the total contract amount of \$90,000. There are still maps outstanding and some other clean up items that were previously discussed with Aquila prior to signing the contract for retention of 10%, or \$9,000.00. The difference from the retention is \$4,500.

- *Motion to Authorize \$4,500 of the \$13,500 to Aquila*

**Council Member Robbins moved to approve the payment of \$4,500 of the \$13,500 to Aquila. Seconded by Council Member G. Williams, voted on, passed 5-0. Time: 7:19 p.m.**

Everyone thanked each other for attending the council meeting.

**DISCUSSION FROM THE FLOOR:**

None

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**SPECIAL COMMITTEE REPORTS:**

Planning Commission Committee

xviii. Change in Codes Officer

Mayor Barber asked Roland Grigsby if he had any questions for the council. Roland Grigsby introduced himself and noted he had worked previously for the city when Nate Harris was mayor. He now works full time in the county appraiser's office. He is also a consultant for the City of Butler, Missouri. When he was previously approached to consider handling codes for the City of La Cygne he thought he could work it into his current schedule, but now realize that will not work. Wouldn't mind helping to train someone to do the work, but his current workload is too much to add a couple of more days a week of work. Mayor Barber noted he would be contacting Mr. Grigsby for some names of individuals he knew that might be interested. Mr. Grigsby recommended the city first set up the scope of work of what is expected and know how to proceed before hiring someone.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for September 1-14, 2004.

Night Out Against Crime, September 25, 2004 – The whole county celebrates on this date. La Cygne's is at the City Park from 6-8 p.m. with hamburgers, hot dogs, and give aways.

Public Works Superintendent George Craig

- iv. Sewer Lift Station Phase Monitors: Public Works Superintendent George Craig reported the phase monitor was tripped last night at the park lift station and the industrial park lift station. The one at the industrial park reset itself. The one at the city park went out. Douglas Pump came right down and it would take two weeks to order the kind that is currently used at the station. Also the last time it was bought it cost around \$700.00. Douglas Pump asked about changing the phase monitor to a universal type for \$125. Would like to change out all of the lift stations to the universal type and keep one extra on hand for when there are problems. There seems to be a replacement needed at least once a year and this would make it easier to handle as well as lower the cost.

- *Motion to Purchase Universal Phase Monitors Including a Back Up*

**Council Member Boone moved to purchase two phase monitors and a back up changing to the universal model. Seconded by Council Member T. Williams, voted on, passed 5-0.**  
Time: 7:35 p.m.

- v. Fiesta Preparations: PWS Craig asked Council Member McGinnis to let public works know if they needed any last minute items done on the Fiesta they could help with. Cost of Street Signs: PWS Craig reported if all of the listed street signs were purchased a rough estimate of cost would be around \$2,500.

Fire Chief – Ernie Moylan

City Clerk Herrin reported there would be computer training tomorrow night for the fire department reports to be sent to the state. A state representative will be coming to present the training.

Council Member McGinnis reported the old fire truck used for parades had a flat tire.

**STANDING COMMITTEE REPORTS:**

**Appointments:** Mayor Barber asked to table the appointment changes until the next meeting.

Water & Gas

- i. New Building at Water Plant

Council Member Boone reported he was still concerned about the new building to be built at the water plant. PWS Craig will call SMI-CO for the information and report back to the water committee.

**STANDING COMMITTEE REPORTS: (Continued)**

Street

- ii. South 6<sup>th</sup> Street Drainage

Council Member Robbins reported he was not sure just how to set up a job of this type, he could not design it and put it out to bids. Noted the property owner is not interested in sharing in the costs as the ditch was built to the specs provided by the city at the time the post office was built. Council Member Boone reported he had also looked into it and it should hold with concrete; and, if too expensive maybe look at using asphalt. Mayor Barber asked if anyone had done any fact finding on costs. PWS Craig reported one local contractor looked at the ditch and thought he could put in a ditch liner for about \$2,400 that would go all the length of the post office and 60-90 feet south into the next block that is also having erosion problems. Council Member T. Williams asked if that was forming it too? PWS said yes, but did not get into great detail as the discussion included maybe wanting to do both blocks at the same time. City Attorney Sutherland noted that as a 3<sup>rd</sup> Class City the city could get a bid including specs from one person and if they felt it was reasonable just go with that bid. Discussed how high it needed to be on the sides. Determined needed at least four feet up on the sides for heavy rains. Will have person give details on work and bring back to the table.

- iii. Lincoln and Park Street Repairs

Mayor Barber asked if public works had any estimates on the costs of completing West Lincoln; and, had they done any more shaping? PWS Craig reported he had some estimates on East Lincoln and Park but did not have them with him. And, no, they had not done any more shaping, were waiting awhile.

iv. South 6<sup>th</sup> Street

Council Member Boone noted Tom Patterson has tubes down there on that road.

Community Building

Council Member Robbins reported he hoped to have something on the sign at the next meeting.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Council Member McGinnis reported they were ready for Saturday. She is also selling Bessie Bingo tickets now.

The next year's fiesta is the third Saturday in September. The theme for next year is: "You won't siesta at the La Cygne Fiesta".

Planning Commission Committee

i. Use Permit Application for 116 E. Market, Teresa Robbins

- *Motion to Approve Use Permit Application for 116 E. Market for Teresa Robbins*

**Council Member Boone moved to approve Use Permit for Teresa Robbins. Seconded by Council Member G. Williams, voted on, passed 5-0 (Abstain – Robbins). Time: 7:50 p.m.**

ii. Use Permit Application for 116 E. Market, Julie Nelson

- *Motion to Approve Use Permit for 116 E. Market for Julie Nelson*

**Council Member McGinnis moved to approve Use Permit for Julie Nelson to put in fitness unit. Seconded by Council Member T. Williams, voted on, passed 5-0. Time: 7:53 p.m.**

iii. Continuance of Council Approval for Use Permits

City Clerk Herrin explained the Planning Commission was asking about continuing to put a pending business on hold until the use permit was approved from both the commission and council. The Planning Commission was recommending having someone in city hall approve accepted business changes and only forward the requests that were outside the guidelines. Council directed the Planning Commission to move forward with this change as they update the manual and then the council will have the ordinance changed to concur.

**UNFINISHED BUSINESS:**

Employee Policy Guidelines

Discussed changes to the wording for vacation time and any potential comprehensive time allowed for city employees. City Clerk Herrin will present different options available at the next meeting.

**NEW BUSINESS:**

Prairie View High School Applied Business Technology Class Letter



## REGULAR MEETING

Year = 2004

Discussed. No one had any ideas from City Hall. Tabled.

### KPERS Designated Agent Workshop for 2004

City Clerk Herrin requested attendance to the October 27<sup>th</sup> or 28<sup>th</sup> date to be determined around city workload.

- *Motion to Approve Attendance to KPERS Designated Agent Workshop*

**Council Member Robbins moved to approve sending City Clerk Herrin to the KPER's class at a date that would fit into city hall time. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:09 p.m.**

KDHE, Surface Water Treatment Rule Compliance for the Month of July, along with Public Notice to be Published

Discussed. Directed to mail notice in the next couple of days.

### Library About Relocating at Bittiker Park Site

Council Member Robbins reported the library had contacted the city about using the Bittiker Park as a site for building a new library. Their plan is to keep a park setting beside the new library. Homer Bittiker had been contacted and he had no problem with the change to a library while keeping a park setting beside it. The library has an architect hired and would want to move forward with a design. They need a site before they can work on a design. Discussed donating and what would be done with the old library. Discussed what kind of an agreement could be drawn up to include the park area. City Attorney Sutherland noted the city could make a motion to pursue and check interest.

- *Motion to Pursue Agreement and Steps to Move Forward with Bittiker Park for New Library*

**Council Member Robbins moved to move forward with the steps toward an agreement by City Attorney Sutherland for changing Bittiker Park to the Library with a park site. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:18 p.m.**

Mayor Barber asked the library to be contacted and have representatives at the next City Council Meeting on October 6<sup>th</sup> with additional information as to plans.

### 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 minutes following a ten-minute break. Seconded by Council Member G. Williams, voted on, passed 5-0. Time: 8:20 p.m.**

Others invited into or requesting a portion of time in executive session included: City Clerk Herrin.

Open Session Resumed at 9:00 p.m.

### OTHER BUSINESS:

#### Rate Change Notice to be Sent to Rural Water Districts

- *Motion to Work Up Water Rates for Production and Send Notices to Rural Water Districts*

**Council Member McGinnis moved to have the city clerk work up water rates for production and send notices to the rural water districts of rate changes. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:01 p.m.**

**OTHER BUSINESS: (Continued)**

Time Clocks

Mayor Barber will check into obtaining two time clocks.

Time Spent At Water Plant

Council Member Boone noted he thought Art Terry should spend more time in the water plant.

**CITY CLERK'S REPORT:**

Verbal Report: None

City Clerk's written report included:

- a. Fiesta, September 18<sup>th</sup>!

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Planning Commission Meeting Minutes of September 9, 2004
- b] *League News*, Volume 8, Number 15, September 3, 2004
- c] Month to Date, 2004, Water Production Report
- d] MRWAD #2 August 2004 Meeting Minutes

**ADJOURNMENT:**

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Robbins, voted on, passed 5-0.**

Adjourned the meeting at 9:04 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 15th day of September 2004.

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**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, October 6, 2004 at the LaCygne Community Building. Council Members present were: Jerry Boone; Travis Robbins; Gerald "Skip" Williams; and, Tony Williams. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Kristie Cook; Sandy White; Paul Earl; Chris Waddell; Lori Peek; Ed Kinney; Jim Pettijohn; Janet Reynolds, and Russ Ruth.

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 as presented that consisted of:**

Check Register: September 16 – October 6, 2004;  
Minutes of September 15, 2004 Regular City Council Meeting.

**Motion seconded by Council Member Skip Williams, voted on, passed 4-0.** Time: 7:04 p.m.

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECTS**

VIII. 2002 Water Plant Improvement Project

- i. Status – Phase 2 & 3: Public Works Superintendent George Craig reported the contractor is erecting the metal for the building; and, KCP&L is running the new service while Mike Page is working on the electrical portion. Discussed pillars and concrete not matching up right and contractor having to make changes to the length of pillars as they built.
- ii. Final Record Plans from Kirkham Michael Engineers: The engineers presented a written estimate of \$4,000 to provide the city with a set of Final Record Plans for all three phases of the project. Discussed if really needed prints or just leave it. No action taken.

**b. GAS IMPROVEMENT GRANT**

xxi. Status

Council Member Boone reported what is cleaned up is looking good. Out by Stainbrook's where water was standing, they have worked it and it is looking better too. PWS Craig reported public works is going to change out a couple of more meters out along the line that were not in the original project. Also, they are waiting to hear back from KCC on when it is time to start checking the new line.

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**UTILITY IMPROVEMENTS REPORT (Continued)**

**b. GAS IMPROVEMENT GRANT (Continued)**

xxii. Miller Paving & Construction Pay Estimate #4

Reviewed the pay request in the amount of \$223,915.22 for work completed from 08/16/04 through 09/18/04. Also reviewed the request from Miami County RWD #3 regarding their concerns for a bill to Miller Paving & Construction for \$7,271.01 and for the city to alert them prior to making final payment to Miller. Discussed pay request payment less the amount requested from Miami County RWD #3 for this payment.

- *Motion to Approve Pay Request #4 Less Miami County RWD #3's Request*

Council Member Tony Williams moved to pay Miller Paving & Construction pay estimate number 4 for the amount of \$216,644.21 which holds the requested amount for Miami County RWD #3, and payment made with the approval of the engineer after this change. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:14 p.m.

xxiii. Initial Monitoring Report of CDBG #02-PF-150

Mayor Barber noted the report indicated all necessary items were met for the city requirements.

xxiv. Status of Land Conditions for Property Owners

Mayor Barber asked about the status of comments from property owners where the new gas line was buried, and any of those who had crop damage. City Clerk Herrin noted some with known crop damage had been contacted by phone and with harvest there had not been very many call backs to date. Discussed sending a letter to all property owners known along the line and have them respond if they still had some concerns or crop damage to handle. If receive any call will have PWS Craig visit with the individuals to cover concerns.

- *Motion for Letter to Property Owners for Concerns*

Council Member Skip Williams moved to send property owners a letter to contact the city if they have any concerns on the condition of the clean up or crop damage. Seconded by Council Member Robbins, voted on, passed 4-0. **Time: 7:15 p.m.**

**DISCUSSION FROM THE FLOOR:**

Request to Waive Community Building Fee for Hunters Safety, October 29<sup>th</sup> & 30<sup>th</sup>

- *Motion to Waive Community Building Fee for Hunters Safety Course on October 29<sup>th</sup> and 30<sup>th</sup>*

**Council Member Robbins moved to honor the request to waive the community building fee on October 29<sup>th</sup> and 30<sup>th</sup> for the Hunters Safety Course. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:18 p.m.**

Library Relocation

Council Member Robbins reported he had attended the last library board meeting and invited them to this city council meeting to inform the city of what the library is attempting to accomplish with the need to locate an area that will work for space for a bigger library.

Russell Ruth introduced himself as the President of the Board of Trustees for the library in La Cygne. He also introduced the others with him, including Jim Pettijohn and Ed Kenny as the architects hired by the library to help them find a location and design or rehabilitate that location for a library. Still in the early stages of the project.

Mayor Barber noted he had had a citizen express concern about traffic in the one area previously discussed on the north end of town (Bittiker Park). Asked if this type of residential area is a common location for libraries today.

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

Library Relocation (Continued)

Mr. Ruth noted they wanted to put it in the best place and would like to extend where they are, but just not enough room for any future growth.

Mr. Kenny noted the library serves more than La Cygne and they start by looking at the population it serves and where the majority of that population is.

Discussed:

- i. Six different sites currently being surveyed for potential. City Hall's current location doesn't meet size needs. Market Street is very busy for kids. Location needs room for future expansion. Traffic and parking to be reviewed at all sites. Lighting and effects to consider at all locations.
- ii. Completing process called programming to identify footage needed to meet the needs required. Currently looks like about 5,500 sq. ft. for now with room to add on later.
- iii. Envision meeting room to hold up to 100 people.
- iv. Bittiker Park still one of the locations, and keep a park as part of the project. Insurance for a park portion is only about \$250 a year. Would require a special use permit with a public hearing prior added to time frame for this location to be a definite possibility.

Architects requested time to complete evaluations of all locations to cover all the necessary considerations including cost to purchase, or rehabilitate. Will take back to the library board

## REGULAR MEETING

Year = 2004

on November 1<sup>st</sup> meeting and then bring those findings to the November 3<sup>rd</sup> City Council Meeting.

Everyone thanked everyone for his or her time.

### REPORTS OF CITY OFFICERS:

#### Chief of Police Glenn Farrell Jr.

Chief of Police Farrell presented a written report on police activities for September 2004. The State Inspector inspected the new dog pound last Monday. Requested panels be added on the north and east side for wind protection, and to paint the panels. Bill Craven is putting up the panels now and will paint the panels in the spring.

Codes Officer Farrell reported he had spoke with Sandy White at 4<sup>th</sup> and Locust about the house. The White's are working on the outside of it now, will then address the roof and then work on the inside.

#### Public Works Superintendent – George Craig

1. Decamp Ponds at Water Treatment Plant: Public Works Superintendent Craig reported the city water plant continues to be out of compliance with the decamp ponds as they now have to do backwashes more often which increases the flow to these ponds. This is due to the changes that have been done to the treatment plant. KDHE has informed them that to find the best way to correct this is to contact an engineer to review the problem.

Discussed the need to have them bigger as they fill up with mud quickly; how many cells might be needed, if enough room in that property area. Discussed need to make sure engineer specializes in this area. Noted Ponzer-Younquist Engineers had made the last change and it was working well.

- *Motion to Contact Ponzer-Younquist Engineers for Engineering Estimate*

**Council Member Boone moved to contact Ponzer-Younquist for an engineering request for review of these ponds. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:54 p.m.**

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### REPORTS OF CITY OFFICERS: (Continued)

#### Public Works Superintendent – George Craig (Continued)

2. Price on Tires for Backhoe: PWS Craig reported he had obtained prices for four tires for the backhoe. Chris Trinkle was the lowest price at \$1,250.00. Also checked with Cross Midwest, Greeley, Leon, and Stainbrooks. All prices were for 10 ply tires and included mounting.

- *Motion to Purchase Tires for Backhoe from Chris Trinkle for \$1,250*

**Council Member Skip Williams moved to purchase tires for the backhoe from Chris Trinkle for \$1,250. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:55 p.m.**

3. Annual Gas Pipeline Safety TSI Seminar: Requested attendance for two public works employees to attend this seminar in Salina. The other two public works employees are scheduled to be available for the usual city work during the meeting time frame.

- *Motion for George Craig and Jerome Moore to Attend Annual Seminar*

**Council Member Boone moved to send George Craig and Jerome Moore to the annual gas seminar in Salina with usual per diem. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:58 p.m.**

**STANDING COMMITTEE REPORTS:**

**APPOINTMENTS**

**Mayor Barber recommended the following changes in committee appointments:**

Add Skip Williams to the Street Committee,

Add Skip Williams to the Sewer Committee,

Add Connie McGinnis to the Public Safety Committee, and,

Change Connie McGinnis from the Community Building Committee and add Skip Williams.

- *Motion to Accept Appointments as Presented*

**Council Member Robbins moved to accept the recommended appointments as presented. Seconded by Skip Williams, voted on, passed 4-0. Time: 8:00 p.m.**

**Street**

**6. South 6<sup>th</sup> Street Drainage**

Council Member Robbins asked if the city had received any bids for concrete for this ditch area. PWS Craig reported he had contacted several, but had not received any responses. Discussed just smoothing out the area while and see if it doesn't settle out with time. That could be done with city equipment. Discussed waiting to see if any bids were received.

**7. Improvements on South End of 6<sup>th</sup> Street**

Council Member Boone reported it had been flagged out and he thought everyone would be happy with the road. Mayor Barber asked if there was beginning work on the construction path. Council Member Boone responded Tom Patterson had been working hard at it, and he was helping too. Also reported Kenneth Ray is going to start building a home in the area. Mayor Barber asked council if they had read the material on a benefit district, as the expense can get costly. Council Member Boone responded they have been paying taxes, and now building, think we should try to help the community here. Council Member Robbins asked about the other taxpayers who had roads that needed repair and the costs for that. Council Member Boone noted Kenny and Tom had shot grades and center lines and he had had public works cut the sewer lid top down and reset the lid. Then they hauled in clay and rock to have it built up, they are helping and should get it done.

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**STANDING COMMITTEE REPORTS: (Continued)**

**Street (Continued)**

**8. Lincoln Avenue Pending Improvements**

Mayor Barber asked if there had been any more work done on Lincoln Avenue. PWS Craig reported they had it to do as soon as they were done with the south end of 6<sup>th</sup> Street.

**Sewer**

Council Member Boone reported there is a project coming up with the piping to the lagoons. PWS Craig reported they just received the information and want to give everyone a chance to review the report prior. Will have it on the next agenda.

**Park**

Council Member Boone reported the playground equipment is arriving later this week. The park board is going to meet tomorrow and determine if it can be constructed by volunteers or will have to pay someone else to do it. Believe it is going to be placed around the same area as the other playground equipment.

**Community Building**

Council Member Robbins reported he had a couple of different prices on the front lettering but did not think they were providing the information so going to get everyone with the same information and get with Skip to go over it before the next meeting.

## REGULAR MEETING

Year = 2004

### **SPECIAL COMMITTEE REPORTS:**

#### Emergency Disaster Committee

No meeting tonight.

#### Planning Commission Committee

##### 1. Change in Codes Officer

Mayor Barber noted he had not had time to get back with Rolland Grigsby for names, to please put back on the next agenda. Council Member Robbins noted he had been contacted by someone who he thought had some background in this area. Discussed and will have him get with Sam or have him come to a City Council Meeting.

### **UNFINISHED BUSINESS:**

#### Employee Policy Guidelines – Vacation and Comp Time Options

City Clerk Herrin reported she had not received anything from the League yet on options for these items. Mayor Barber asked to check into how travel time is handled by others for hourly employees when going to meetings out of town. Table item until next meeting.

### **NEW BUSINESS:**

#### Extension Request for Perfection of Appropriation of Water File No. 36,821

- *Motion to Authorize Mayor To Sign Extension Request*

**Council Member Robbins moved to authorize the mayor to sign the extension request for perfection of appropriation of water file #36,821 for the city. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:24 p.m.**

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### **NEW BUSINESS: (Continued)**

#### City Clerk to Attend Master Municipal Clerks Academy, November 11-12, 2004

- *Motion for City Clerk to Attend MMCA, November 11-12, 2004 in Wichita*

**Council Member Robbins moved to send City Clerk Herrin to the Master Municipal Clerks Academy on November 11-12, 2004 with per diem. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:27 p.m.**

#### Date for Special Meeting with Rural Water Districts

Discussed setting date to meet with both Rural Water Districts for October 28, 2004. This would not work with City Attorney Sutherland. Discussed other possible dates. Will contact Rural Water Districts for a Wednesday or Thursday in November, then bring back to the table at the next council meeting.

### **Executive Session**

- *Motion to Go Into Executive Session*

**Council Member Robbins moved to go into executive session for discussion of legal and personnel for up to forty minutes following a ten-minute break. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:32 p.m.**

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

Open Session Resumed at 9:25 p.m.

**OTHER BUSINESS:**

Purchase of a Skid Loader/Uni-Loader/Bobcat

Council Member Boone reported he had spoke with PWS Craig and others about a skid loader. He had checked prices and found one for \$25,129.00 for a government bid price. It includes some additional items such as a dirt bucket and trencher. It is a new John Deere model. There is \$29,000 in the equipment reserve fund to spend on this purchase. There is also another \$6,000 to be added back into the equipment reserve fund from the earlier sale of surplus equipment.

Mayor Barber noted the city had discussed such a purchase in the past, but was trying to build the equipment reserve fund and try to budget each year for these items. Discussed purchasing one now or having in the budget for next year. Discussed a lease agreement – Council Member Boone noted a lease agreement would increase the cost to \$37,000 and that would not be a good deal. He had spoke with Caterpillar and they do not offer cities any special deals. Spoke with Case and they were a lot higher. Discussed if the cab, air, and heat were worth the additional costs. Discussed garaging availability. Discussed having a demo brought to the city for all to see. Discussed pay plan options available to city governments. Will review pay plans and put back on the next agenda.

Time Clock for Compactor

- *Motion to Purchase Time Clock for Compactor*

Council Member Tony Williams moved to purchase a time clock for the compactor and dogcatcher. Seconded by Council Member Skip Williams, voted on, passed 4-0. **Time: 9:46 p.m.**

Mayor Barber noted he would take care of getting it purchased.

Three time clocks will be available for city employees; one at the city barn, one at city hall, and one at the compactor.

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CITY CLERK'S REPORT:

Verbal Report:

3. Asked about city adding informational notice regarding Vote on Hospital District in the next newsletter if one is sent during October.

- a. *Motion to Approve Adding Informational Notice About Hospital to Newsletter*

**Council Member Skip Williams moved to approve having the informational notice added to a newsletter if one is sent this month. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 9:49 p.m.**

Written Report:

5. None.

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] KDOT Letter to Governments
- b] Notice of Preliminary Replat in Blocks 63, 64, and 65
- c] Notice of Lot Split Request on NW Corner of Block 5
- d] KMGAs Reports and Notice of Board of Directors Meeting
- e] La Cygne Water Treatment Plant pollution Control Permit
- f] La Cygne Lagoon Wastewater Pollution Control Permit
- g] *Kansas Government Journal*, Volume 90, Number 9, September 2004
- h] *Kansas Government Journal*, Volume 90, Number 10, September 2004
- i] Used Bike Collection, October 15, 2004 – Noted in meeting.

**ADJOURNMENT:**

- *Motion to Adjourn*



## REGULAR MEETING

Year = 2004

With no further business, **Council Member Tony Williams moved to adjourn. Seconded by Council Member Robbins, voted on, 4-0.**

Adjourned the meeting at 9:51 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 October 2004.

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### **REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday October 20, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Tony Williams, Gerald "Skip" Williams, and, Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; Kristie Cook, Tom Kimper, Rick Courtney, Harry Smith, LeRoy Turpen, J. F. Moore, Randy Taylor, and Tim Loomis.

Mayor Sam Barber called the meeting to order at 7:00 p.m.

### **CONSENT AGENDA:**

Council Member Skip Williams asked to have the hours on overtime wages for employees broke down on the check register report as had been done previously. City Clerk Herrin noted it could be put back in the memo section of the report and will make the change back.

- *Motion to Approve Consent Agenda*

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

Check Register: October 7 - 20, 2004,  
Minutes of October 6, 2004 Regular City Council Meeting,  
September 2004 Treasurer and Budget Report,  
2004 Third Quarter Financial Statement.

**Motion seconded by Council G. Williams, voted on, passed 5-0. Time: 7:03 p.m.**

### **UTILITY IMPROVEMENTS REPORT**

#### **a. WATER IMPROVEMENT PROJECT**

xix. 2002 Water Plant Improvement Project

a. Status – Phase 2 & 3

Public Works Superintendent George Craig reported all the metal beams are up and they are starting on the electrical and tin. Still waiting on two valves that have not arrived for the plumbing. Now basically waiting on the building to be completed.

b. SMI-CO Phase 3 Pay Request #2 Revised for \$39,073.50

City Clerk Herrin reported the original request did not reflect the credit changes from the total requested amount making the percentage higher than shown. The numbers were reviewed and adjusted for this credit for the new total of \$39,073.50.

Discussed the building was not 69% constructed but this percentage included all of the materials that have already been delivered to the site waiting to be constructed. This is basically for the materials and part of the construction. The amount still outstanding after this payment for this phase is \$45,507.90.

- *Motion to Approve SMI-CO Revised Pay Request #2 for \$39,073.50*

**Council Member T. Williams moved to approve the payment of \$39,073.50 to SMI-CO for Phase 3 pay request number two. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:10 p.m.**

- xx. Upgrade Sludge/Backwash Lagoons
  - a. Ponzer-Youngquist Proposal for Engineering Fees

Discussed existing conditions. The increase in volume of production has increased the number of backwashes and now the lagoons do not allow enough settling time.

- *Motion to Approve Ponzer-Youngquist for Engineering Fees for \$4,500*

**Council Member T. Williams moved to approve Ponzer-Youngquist to do the engineering for a cost of up to \$4,500. Seconded by Council Member G. Williams, voted on, passed 5-0. Time: 7:14 p.m.**

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**UTILITY IMPROVEMENTS REPORT (Continued)**

**b. GAS IMPROVEMENT GRANT**

- xxv. Miller Paving & Construction Time Extension Request

Mayor Barber reported Aquila had ok'd the thirty-day extension request for Miller Paving for cleanup.

- *Motion to Approve Thirty Day Extension Request from Miller Paving & Construction*

**Council Member Boone moved to approve the additional thirty days for Millers for the gas project. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:17 p.m.**

- xxvi. CDBG #02-PF-150 Extension Request

- *Motion to Approve CDBG Extension Request*

**Council Member McGinnis moved to authorize the CDBG contract extension request. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:19 p.m.**

**c. SEWER IMPROVEMENT PROJECT - #C20-1294-01**

- i. Letter to KDHE Authorizing Ponzer-Youngquist to Proceed

Noted KDHE had also responded to this letter approving Ponzer-Youngquist to Proceed.

- xxvii. Ponzer-Youngquist Analysis of Existing Lift Stations

PWS Craig reported the analysis indicated the estimated bid for this project is \$56,500. The city can reduce the bid some by doing the seeding and erosion control ourselves. The engineer was ok with that. Reviewed the report. Before KDHE will determine if the city can contact the previous contractor for just one bid or it will have to go out for bids they want to see the details of the project.

Council Member Boone asked if since another engineer previously did this, can some of this go back on Kirkham Michaels. City Attorney Sutherland noted would have to see if another engineer would give an opinion that it was designed wrong. Council Member G. Williams noted if it works 98% of the time it would probably be hard to determine. Discussed with no further action.

- *Motion to Send Letter to Ponzer-Youngquist to Proceed with Project*

**Council Member McGinnis moved to send the letter to proceed to Ponzer-Youngquist on the Lift Station. Seconded by Council Member G. Williams, voted on, passed 5-0.**

Time: 7:32 p.m.

**DISCUSSION FROM THE FLOOR:**

Miami County Rural Water #3, Tom Kemper & Rick Courtney

Mr. Tom Kimper with Miami County Rural Water #3 inquired into the status of the completion between the city and Miller Paving & Construction. Asked if the city would entertain a meeting with all parties to get the RWD #3 bill between Miller's and them resolved.

Mayor Barber reported the city had withheld from the last payment the amount of money the RWD had sent notice of lien on.

Discussed where some areas had been noted by RWD as not being properly marked and then they have other areas they felt were properly marked and Miller is saying no. Don't know all the details and need to sit in same room and try to get this settled. City Attorney Sutherland noted the city does not necessarily need to get involved. MCRWD #3 noted they would like to get it resolved. Mayor Barber reported at one previous meeting Kevin James had reported he would be taking care of this issue. MCRWD #3 reported they had attempted to get with Miller's and go over the paperwork step by step and they had not gotten back with them. Mayor Barber recommended the city may not set up a meeting right now and see how it goes forward during the cleanup part. Will get back with MCRWD #3 prior to settling with Miller's.

Appreciation expressed for everyone's time.

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**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for October 1-18, 2004.

a. 114 West market Street Condemnation – Resolution #287

Mr. Randy Taylor reported his son, Gene Taylor had decided to take out a loan with 1<sup>st</sup> Option Bank and hire the repair work to be done, as he had not been able to get to it. He has made arrangements with his grandmother to co-sign. If that does not take place he does have someone who has offered to purchase the property.

Mayor Barber noted that Gene had not stayed in touch with Codes Officer Farrell as he had previously said he would, that there had been no contact since he was at the last meeting. Now there is the recommendation and resolution on the table to move forward.

City Attorney Sutherland noted in passing the resolution it would keep the process moving forward and then at the Public Hearing at the December 1<sup>st</sup> meeting the council can make a final decision if want to rescind if work is visible. Council Member McGinnis noted the council had already given three extensions with no evidence of moving forward, if there is proof at the public hearing then make changes. Mayor Barber noted if the resolution were passed the property owner would have until December 1 to move forward or not.

- *Motion to Approve Resolution #287*

**Council Member Robbins moved to approve Resolution #287. Seconded by Council Member McGinnis. Council Member G. Williams asked if there were other structures the**

city was looking at or just his one? It was noted others were addressed too at different times. **Voted on, passed 4-0 (Abstain: Boone).** Time: 7:48 p.m.

Mayor Barber asked Mr. Taylor if he understood the process. Mr. Taylor said yes, he understood and as Gene was at work now he would also let him know.

Public Works Superintendent George Craig

- vi. South 6<sup>th</sup> Street: Public Works Superintendent George Craig reported they were finished on South 6<sup>th</sup> Street. The total cost to date is \$2,309.37. It looks good.
- vii. East Lincoln and Park Street: PWS Craig reported he estimated about \$4,000 would be needed for rock for East Lincoln Street. Need to try to work out the ditches, bring the materials back to the top and work in the top adding base rock. This will tear up the top part and set up a base on it.  
Mayor Barber asked if the west side of Lincoln is established, or was anything else being done right now. PWS Craig noted they planned on adding more base rock later.

- *Motion to Purchase Rock for Up To \$6,000 for Lincoln & Park Streets*

**Council Member G. Williams moved to go ahead with East Lincoln repairs and upgrade with up to \$4,000 in rock.** Discussed: Park Street area west of Broadway estimated to take about \$2,000 for rock there. Both could be done this year. **Motion amended to add: Include Park Street for a total cost of up to \$6,000 for rock. Seconded by Council Member Robbins, voted on, passed 5-0.** Time: 7:54 p.m.

**STANDING COMMITTEE REPORTS:**

Water & Gas

- ii. Sell Excess Gas Pipe

Council Member Boone reported the city has several joints of used 4” steel gas pipe lying around. Asked about some of it being sold to the public. Discussed having to put out to bids or surplus. Council Member Boone asked about just putting a price on it and sell as asked. Noted there were other items such as a small generator also being asked about and need to just make another list of all the items. Miller’s is removing the pipe on the replaced gas line. Not sure how soon the city can do a surplus again. Will find out and report back under unfinished business.

- iii. Consider Changing Rate Charge Method for Gas

Mayor Barber reported he had had an individual approach him about a rate change with the gas. Right now the bill is of 1,000 MCF’s and asked about changing to bill per 100 MCF’s. Currently the billing system is not set up to bill by the 100’s. Mr. Massey is the one asking for the change. His concern was the way the minimum bill when less than 1,000 MCF’s are used as it charges the same for anything less than 1,000. Some cities have made the change to 100 MCF’s. No action taken at this time.

**STANDING COMMITTEE REPORTS: (Continued)**

Water & Gas (Continued)

- iv. Comparison of Gas Usage Between Old and New Line

Council Member T. Williams asked if there were any records being kept for comparison between the usage on the old gas line and the new gas line. Yes records are kept each month.

- v. Cathodic Protection on New Gas Line

## REGULAR MEETING

Year = 2004

Council Member G. Williams asked if the new line had the proper cathodic protection. PWS Craig reported it did last week when public works checked it for KCC. Right now the rectifier has even been left off, as there is more than adequate protection showing on the tests. Also, now have everyone's in town also ok. The distribution line was low when Miller's was working on it. Now it is good, but not overprotected.

### Street

- v. South 6<sup>th</sup> Street Drainage

PWS Craig reported he had asked again for bids and still had not received any.

- vi. Improvements on South 6<sup>th</sup> Street

PWS Craig reported they may take a few more loads of rock here when they work on Lincoln Street; otherwise they are done.

### Park

Council Member Boone reported the playground equipment is set up except for the border and mulch. Would like to thank everyone that helped for two long days and those who fed the workers.

### Community Building

- i. Replace Letters on Front of Building

Council Member Robbins reported he still needed to get with the two people interested in doing the letters. Discussed the committee could handle this if the total cost was less than \$500.00. The committee will handle and let the council know.

- ii. Refund Community Building Fee to Ernie Moylan

Council Member McGinnis reported she had given permission to Ernie Moylan to get rid of broken items in the corner of the community building when the Moylan's were decorating for a wedding reception. He also repaired the toilet in the women's restroom. Asked if his fee could be returned to him in exchange for the extra cleanup done.

- *Motion to Refund Community Building Fee to Ernie Moylan*

**Council Member McGinnis moved to refund the community building fee to Ernie Moylan for the improvements made. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:15 p.m.**

### **SPECIAL COMMITTEE REPORTS:**

#### Fiesta

Council Member McGinnis reported the next meeting would be November 8<sup>th</sup> at 7:00 p.m. at the Community Building if it is available. They are looking into a May Car Show for next year. They are going to try harder to make profit next year and going to use it to purchase new tables and chairs for the Community Building.

It will be the 50<sup>th</sup> year for the celebration and would like to make it a two-day event. Looking for volunteers.

#### Planning Commission Committee

- iv. Change in Codes Officer

Mayor Barber noted he had still not had a chance to make any contacts. Requested it be put back on the next agenda.

**UNFINISHED BUSINESS:****Purchase of Uniloader/Bobcat/Skidsteer**

Mayor Barber noted the council had been approached at the last meeting about the purchase of a bobcat or skid steer and discussed the procedure on how to handle.

Council Member Boone reported he had a quote from Caterpillar for \$38,000 and from Case for \$39,975, both higher than a bobcat talked about. Last meeting talked about a John Deere, looked at it and it's the first year for the one looked at. Don't feel it's the machine needed. In the meantime Bobcat brought one down and we have used it. Has a lot of safety devices. Most of the council has looked at it and it's what the guys are wanting. The machine is here to look at tonight if anyone else is interested.

Council Member Boone reported Cat does not give government discounts and Case is \$40,000 after discounts. Public Works Jerome Moore reported Case told him the price included government discounts and that's all he could do. Council Member Robbins noted the Case has 20 more horsepower that looks like one of the differences. Council Member Boone reported they are all pretty much equal to each other.

Discussed attachments that would be useful to city work, or maybe not as useful.

Discussed rubber tracks versus regular tires and the various types of uses best for each. The rubber tracks are about \$3,000 each and won't last on asphalt.

Council Member T. Williams asked about any warranty on the bobcat. Bobcat representative, Tim Loomis, reported there is a one-year unlimited hours full coverage warranty.

Discussed a high-flow machine versus a regular machine and the uses for each. Discussed if found the high-flow machine would be a better option for the city it could be changed out for additional costs with the roll up program in a year or so.

Discussed the roll up program of which for a bobcat the city can trade each year for a minimum cost of \$2,000, or based on \$12 per hour use if hour use is over the minimum cost. This can be decided before the year warranty is up, but does not have to be decided right now.

Discussed financing options. 1. Pay in full right now. 2. Three year lease purchase agreement with nonappropriation clause through Bobcat for 4.64%. 3. Three year lease purchase agreement with nonappropriation clause through Labette Bank for 4.5% and can do the roll up program each year if the city chooses that program.

Council Member Robbins asked about renting for a month and see how much one is used and then applying the rent to the purchase price; have been on the council for years and public works has never asked to rent one of these. Discussed the purchase of this would shut the use of the backhoe down a lot. Mayor Barber noted there had been times when he had helped with the streets and a lot of city streets edges have a lot of buildup because the city did not have one of these and did not rent one then.

Discussed different attachments than the ones listed. Estimated a set of forks would be about \$700 and do need forks.

Mr. Loomis reported Bobcat is here to take care of their customers and since he lives here it would be easy for him to bring items down when they are needed.

Mayor Barber noted in the past the city had tried to budget ahead of time for major purchases and this has been sudden. The last purchase was the tractor and was recommended as part of the sewer SRF.....

- *Motion to Purchase Bobcat for Up To \$26,000 With Lease Agreement From Labette Bank*

**Council Member G. Williams moved to get the money from the bank, make the changes in the attachments by eliminating the trencher and teeth and putting in the forks and cutting blade to still be less than this total.....Discussed attachment costs: Bolt on tooth bar about \$300-400; current total cost price is \$26,976.73; adjusted cost would be about \$25,321 with the forks. ...at a cost of up to \$26,000. Seconded by Council Member Boone, voted on, 4-1 (No: Robbins) Time: 8:53 p.m.**

Mayor Barber noted if the final cost goes above the \$26,000 they would have to bring the bobcat back to the council for final approval prior to purchasing.

## REGULAR MEETING

Year = 2004

Discussed getting with a Salesman for delivery. Council Member Boone asked about the free hats, coffee, and donuts. Council Members Boone and Williams will meet with the salesman Thursday morning at 7:00 a.m. at the Street Barn.

Mayor Barber noted the City Clerk would get the paperwork in order as approved.

### Employee Policy Guidelines – Continued

Tabled until next meeting.

### Date for Special Meeting with Rural Water Districts 1 & 3

- *Motion for Special Meeting with Rural Water Districts 1 & 3*

**Council Member Robbins moved to have a Special Meeting with Rural Water Districts 1 & 3 on November 4<sup>th</sup> at 7:00 p.m. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:00 p.m.**

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### **UNFINISHED BUSINESS:** (Continued)

#### Bobcat Purchase

Tim Loomis thanked everyone for the purchase of the bobcat on behalf of K.C. Bobcat.

### **NEW BUSINESS:**

#### KMGA Board of Directors Meeting, November 4, 2004, Wichita, KS

Discussed sending someone as a city representative as that is what makes up the board and a quorum of the board. City Clerk Herrin is the delegate and PWS Craig is the alternate, currently.

- *Motion to Send PWS Craig to KMGA Board of Directors Meeting*

**Council Member McGinnis moved to send George, if have to send somebody, to the KMGA Board of Directors Meeting, November 4<sup>th</sup> in Wichita, Kansas. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:06 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 thirty-five minutes following a ten-minute break. Seconded by Council Member T. Williams, voted on, passed 5-0. Time: 9:08 p.m.**

Others invited into or requesting a portion of time in executive session included: City Clerk Herrin.

### Open Session Resumed at 9:54 p.m.

### **OTHER BUSINESS:**

#### Rate Change for Reed Minerals Gas Sales Agreement

- *Motion to Amend Reed Minerals Gas Sales Agreement with a Rate Change to \$2.50*

**Council Member McGinnis moved to amend Exhibit “A” on the Gas Sales Agreement with Reed Minerals from \$.52 plus cost of gas to \$2.50 plus cost of gas effective immediately. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:56 p.m.**

### **CITY CLERK’S REPORT:**

Verbal Report:

- a. Consortium Agreement Updated
- b. Extension Request to KCC for 3-mile Customer Rates

City Clerk’s written report included:

- a. KDHE Authorizing Ponzer-Youngquist to Proceed with Sewer Project
- b. Purchase of Uniloaders/Bobcat/Skidsteer
- c. Employee Policy Guidelines

- d. Date of Special Meeting with Rural Water District's 1 & 3

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] "League News" Volume 9, Number 16, October 15, 2004
- b] October 14, 2004 Minutes of La Cygne Planning Commission
- c] LKM/MLA, "Downtown Revitalization" Course, November 5, 2004
- d] LKM Regional Supper November 4, 2004, Parsons, Kansas
- e] KCC Response for Leak Tests
- f] KMGGA Reports
- g] Emergency Committee Roster, October 2004
- h] 2004 Third Quarter Gas Report
- I] 2004 Third Quarter Water Report

**ADJOURNMENT:**

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member T. Williams, voted on, passed 5-0.**

Adjourned the meeting at 9:59 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 20th day of October 2004.

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday October 20, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Tony Williams, Gerald "Skip" Williams, and, Connie McGinnis.

Others present included: Deputy City Clerk Gary Mahon; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; Kristie Cook, and Gary Armentrout.

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 as presented that consisted of:**

- Check Register: October 21 – Nov 3, 2004,
- Minutes of October 20, 2004 Regular City Council Meeting,

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

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

- xxi. 2002 Water Plant Improvement Project

- i. Status – Phase 2 & 3

Public Works Superintendent George Craig reported on the water plant building construction. Noted that: Some of the metal was up; Electrical supplies still to arrive; Mike page will start electrical work after the roof is up.

- xxii. Upgrade Sludge/Backwash Lagoons



Public Works Superintendent George Craig noted that John Brann from Ponzer Youngquest is planning to come down when we have drier weather.

**b. GAS IMPROVEMENT GRANT**

It was noted that clean up activities were continuing. Discussion centered on the old used pipe being picked up and who was entitled to receive pipe. Council had questions regarding old pipe possibly being taken without proper authorization. Deputy Clerk Mahon reported of such a possible instance but the matter had been resolved. In response to direct questions, Deputy City Clerk Mahon informed council that although he had not actually read the contract it was his understanding the contract stated that in addition to clean up, Miller Paving was in charge of the removal and disposal of the old pipe and that Miller was allowing land owners to take pipe located on their land then disposing of any remaining pipe at their discretion. Several council members questioned whether the contract stated that Miller was in charge of the disposal of the old pipe. Mayor Barber noted the subject had been discussed at the pre-construction meeting. Council requested that City Clerk contact Alan Steele and report back as to what actually happened.

**c. SEWER IMPROVEMENT PROJECT - #C20-1294-01**

- i. Status Waiting on improved weather

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell gave a report on police activities for the month of October 2004. A written copy was distributed to council members.

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**REPORTS OF CITY OFFICERS:** (Continued)

Public Works Superintendent George Craig

Superintendent George Craig reported that the river pump intakes had clogged on Sunday and again today. To unclog the intakes, the City borrows a pump from the Linn County Rural Fire Department. George suggested the City purchase a pump so as not to be so reliant on the county. George suggested purchasing a Honda 12 horse for \$2300. He noted the county's is an 11 horse and performs very well. Discussion followed.

**STANDING COMMITTEE REPORTS:**

Water & Gas

Council Member Boone reported that he had received a report of a hissing sound across from the grade school where a gas meter used to be located. Superintendent Craig said he would check it out tomorrow.

Park

Council Member Robbins reported that chips for the playground undercover had arrived and would be spread as soon as it dries up.

Cemetery

## REGULAR MEETING

Year = 2004

It was noted that gravel for Cemetery roads had been discussed at the July 21<sup>st</sup> meeting but no action was taken. Superintendent Craig gave a ball park figure of \$1500 to gravel the cemetery roads. Discussion Followed.

✓ *Motion to Purchase Rock for Cemetery Roads*

**Council Member McGinnis moved to spend up to \$1500 for rock for the cemetery roads. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:19 p.m.**

Council suggested purchasing 1/2" rock.

### Community Building

Council Member Robbins reported that he was awaiting a cost estimate from Grady Elder. This item will be placed on the next meeting agenda.

### **SPECIAL COMMITTEE REPORTS:**

#### Fiesta

Council Member McGinnis reported that the Fiesta Committee had met last Monday. The Fiesta committee will be sponsoring a car show the 3<sup>rd</sup> week-end of next June in the Park.

### **UNFINISHED BUSINESS:**

#### Resolution #288 Bobcat Purchase

Council approved the signing of proper paper work for the lease/purchase of a Bobcat loader at the October 20, 2004, meeting. A resolution designating such was included in the paperwork but needed to be officially approved at this meeting. The resolution was at the request of Labette Bank.

✓ *Motion to Approve Resolution 288*

**Council Member McGinnis moved to approve Resolution 288 concerning the Municipal Bobcat Lease Agreement. Motion was seconded by Council Member Boone, voted on, passed 5-0. Time: 7:22 p.m.**

#### Employee Policy Guidelines

Council Member G. Williams asked to have this item placed on next meeting's agenda. Skip would like to visit with City Clerk Herrin before presenting to council.

#### Surplus Equipment

Deputy Clerk Mahon noted that he and Devona had researched and could find nothing that prevented cities from holding more than one surplus sale per year. City Attorney Sutherland concurred. Council asked Superintendent Craig to submit a list of surplus equipment for its consideration at the next meeting.

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### **NEW BUSINESS:**

#### Cereal Malt Beverage License – Casey's

✓ *Motion to Approve 2005 Cereal Malt Beverage License for Casey's*

**Council Member Robbins moved to approve the 2005 cereal malt beverage application for Casey's Retail Company. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:26 p.m.**

Linn County Policy Regarding Metal at Trash Compactor

Council Member Robbins reminded Council of the Linn County Policy regarding recycling of metal at the Trash Compactor. The county policy is that any metal left at the trash compactor becomes the property of Wes' Recycling. Compact operator Bill Craven is merely doing his job in asking people not to remove metal from the compactor site.

Council Member Boone noted that rock needs to be hauled in and the general area cleaned up. Council Member Robbins noted that he had talked to Linn County about that and suggested having the area chipped and sealed. He agreed to visit with road foreman Danny Morris to discuss alternatives.

Mayor Barber noted he would contact proper personnel about purchasing concrete barriers to help contain trash. Superintendent Craig noted he thought the barriers cost approximately \$30 each.

**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 twenty minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:30 p.m.**

Open Session Resumed at 8:00 p.m.

**OTHER BUSINESS:**

Employee Appreciation Dinner

Discussion was held on holding an employee appreciation dinner. Dates, location, price, etc. were discussed. Council Member McGinnis volunteered to be in charge.

✓ *Motion to Hold Employee Appreciation Dinner*

**Council Member McGinnis moved hold the employee appreciation dinner at 6:30 p.m. on Saturday, December 04, 2004. Motion seconded by Council Member G. Williams, voted on, passed 5-0. Time: 8:09 p.m.**

Cereal Malt Beverage Ordinance

Deputy Clerk Mahon informed Council of the need to change the City's present ordinance regarding Cereal Malt Beverages. Currently the city ordinance prohibits the sale of cereal malt beverages on election days. However, the liquor stores can sell beer and liquor on their premises. Mahon noted the law needs to be equalized. State law used to prohibit sales on election days, but dropped that law a few years ago. The City did not change theirs at the same time. Since the City did not have any liquor stores during previous elections, the discrepancy was not noticed until this year. An ordinance changing current city law will be introduced at a future meeting.

CITY CLERK'S REPORT:

Verbal Report:

- c. Reminded of meeting with Rural Water Districts on November 4<sup>th</sup>;
- d. KMGMA Meeting – No One from LaCygne will be attending

City Clerk's written report included:

- e. Purchase of BobCat
- f. Employee Policy Guidelines

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Certificate for George Craig Attending Pipeline Safety Seminar;
- b] October 2, 2004 Minutes of La Cygne Planning Commission Special Meeting;
- c] Letter from La Cygne Elementary School About Saving Box Tops;
- d] *KMU Dispatch*, October 2004, "George's Corner: Natural Gas Regulatory Update:"
- e] Linn County Solid Waste Department Letter Dated October 18, 20004;
- f] *NAGC Newsletter* October 15, 2004;
- g] Certificate for Michael Watson Attending "Survival Spanish for Public Safety Professionals";
- h] Planning Commission Resignation Letter to Angie Kiffer;
- i] KDA Appropriation of Water Extension Letter;
- j] KMGA Reports;
- k] The Pipeline Group Letter.

**ADJOURNMENT:**

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Boone, voted on, passed 5-0.**

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

I, \_\_\_\_\_, La Cygne Deputy 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 November 2004.

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*Page 1 of 1*

The LaCygne City Council held a Special Meeting at 7:00 p.m., Thursday, November 4, 2004, at LaCygne Community Building. The purpose of the Special Meeting was regarding: 1. Concerns with Rural Water Districts #1 and #3.

Council Members present were: Jerry Boone, Tony Williams, Travis Robbins, and Skip Williams. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin, Deputy City Clerk Gary Mahon, Roger Simms, Kristie Cook, City Attorney John Sutherland, Tom Likely, Kris Carothers, Terry Holmes, Gary Armentrout, Mark Patience, Betty J Ernst, Larry Reynolds, David Reynolds, Paula McGuire, Bernard Duncum, Attorney Darcy Domoney, Attorney Gary Hanson, and Attorney Jim Kaup.

Mayor Sam Barber called the Special Meeting to order at 7:05 p.m. for the purpose of legal concerns with Rural Water Districts #1 and #2.

**EXECUTIVE SESSION**

- *Motion for Executive Session for Legal*

Council Member Robbins moved to go into executive session for up to one hour with Rural Water Districts #1 and #3 with legal representatives for legal issues. Seconded by Council Member Williams, voted on, passed 4-0. **Time: 7:07 p.m.**

Attorney Jim Kaup noted he recognized some concern about going into legal with other representatives and this can be done legally under the open meetings act.

Session closed for executive session, all in attendance except news media.

Open Session Resumed at 8:07 p.m.

## REGULAR MEETING

Year = 2004

Attorney Jim Kaup thanked everyone for coming.

Mayor Barber opened the meeting back up and asked if there were any items to be covered under the topic of the meeting.

Roger Sims, with Osawatomie Graphic, reported his paper would file a formal protest, as he believes the open meetings act was violated when everyone else was brought into the room for executive session. He wanted to give the city notice.

### ADJOURNMENT:

- *Motion to Adjourn*

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

Meeting adjourned at 8:10 p.m.

I, \_\_\_\_\_, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 4<sup>th</sup> day of November 2004.

*Page 1 of 5 Pages*

### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday November 17, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Tony Williams, Gerald "Skip" Williams, and, Connie McGinnis. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; Kristie Cook, Dale Windler, Kenny Ross, and Randy Taylor.

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 as presented that consisted of:**

Check Register: November 4 - 17, 2004,  
Minutes of November 3, 2004 Regular City Council Meeting,  
Minutes of November 4, 2004 Special City Council Meeting,  
October 2004 Treasurer and Budget Report.

**Motion seconded by Council Member G. Williams, voted on, passed 4-0.** Time: 7:03 p.m.

### UTILITY IMPROVEMENTS REPORT

#### a. WATER IMPROVEMENT PROJECT

xxiii. 2002 Water Plant Improvement Project

a. Status – Phase 2 & 3

Public Works Superintendent George Craig reported the building tin is all up. The two valves have still not arrived yet. Would like to wait till the valves arrive before completing the plant work; this way the water plant will only be shut down one time instead of four times if they do it in different parts while they continue to wait on the valves. SMI-CO may have to ask for

an extension because of waiting on the valves. Council concurred to wait and just do one plant shut down.

xxiv. Upgrade Sludge/Backwash Lagoons

a. Ponzer-Youngquist Proposal for Engineering Fees

Public Works Superintendent George Craig reported Ponzer-Youngquist had had the grades all shot last week, but do not have the reports back to work with at this time.

**b. GAS IMPROVEMENT GRANT**

xxviii. Status

Public Works Superintendent George Craig reported the walk-through took place today. Miller Paving still has some risers to take up and other things on the list that was created today. They have indicated they will get the items completed on the list except for taking up the pipe that is left. Today they did not agree to pick up the old pipe. They have gone back and repaired some fences earlier this week. Property owners McGuire and Hendrickson did get their pipe on their property.

xxix. Miller Paving & Construction Time Extension Request

Discussed the request for an additional thirty days for Miller Paving to complete the clean up project. Aquila is ok with this extension and will sign the change request.

- *Motion to Approve Second Thirty Day Extension Request from Miller Paving & Construction*

**Council Member G. Williams moved to approve giving another thirty-day extension request to Miller Paving for clean up. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:10 p.m.**

**c. SEWER IMPROVEMENT PROJECT - #C20-1294-01**

i. Status

Public Works Superintendent George Craig reported Ponzer-Youngquist shot elevations for this project last Thursday and Friday. They are waiting for the results to be turned into the engineers.

**DISCUSSION FROM THE FLOOR:**

Dale Windler, Regarding Gas Line on His Property

Mr. Windler noted the city clerk has sent out letters about the clean up and he did not receive one. Asked what is to be done about the reseeding. Council Member Boone responded when it was dry enough the reseeding would be done. Mr. Windler noted he would also like to talk to the adjuster for the crops. Discussed he had already been compensated for his crops. Mr. Windler asked where that was in writing. City Attorney Sutherland explained he would have to go back to the court. Mr. Windler asked the city clerk if a letter was mailed to him. City Clerk Herrin noted letters were mailed, if one was missed she was not aware of it at this time. Mr. Windler requested a letter be mailed to him from the city. Mr. Windler also noted there were still some fence posts missing and the end of his culvert was ruined by the construction crew. Mr. Windler instructed the council to have the contractor contact him at his place of work. Discussed this information would be reported to the contractor. Mr. Windler again asked about crop damages and it was noted he had already been compensated. Again noted the contractor would be notified.

Randy Taylor, Regarding Culverts at 114 W. Market

Randy Taylor asked if the culverts next to the street were the city’s responsibility or the property owners? The one where the city barn is is clogged and the one by his mailbox is clogged. There are two holding water and not draining; one is underneath his walkway and the other is by the driveway and the city barn driveway. Mayor Barber explained the landowners are responsible and the city will watch for fill in; asked PWS Craig to check and make sure the city is ok.

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented a written report for November 1-16, 2004.

Codes Officer Farrell reported as to the 114 West Market Street Condemnation status, Randy Taylor had advised him they have their loan. Codes Officer Farrell noted he explained to Mr. Taylor to be at the December 1, Public Hearing at the Community Building.

Public Works Superintendent George Craig

- viii. Gas Corrosion: Public Works Superintendent George Craig reported corrosion on gas pipes vary depending on the coated pipe. Requested to send Jerome Moore to a class on corrosion control to become certified in this area. The class is in Great Bend, Kansas, February 9-11, 2005.

- *Motion for Jerome Moore to Attend Corrosion Control Seminar*

**Council Member Boone moved for Jerome Moore to attend corrosion control class with per diem. Seconded by Council Member T. Williams, voted on, passed 4-0.** Time: 7:22 p.m.

**STANDING COMMITTEE REPORTS:**

Water & Gas

- vi. Gas

Council Member Boone reported the gas project might be complete in thirty days.

- vii. Water

Council Member Boone reported there would be divers here tomorrow to look at the river pump drain. It has been stopping up.

**STANDING COMMITTEE REPORTS: (Continued)**

Street

- vii. South 6<sup>th</sup> Street Drainage

Received a concrete estimate from Ryan Walker for a 6’ wide drainage ditch liner for a total of \$4,355.25. Estimate did not note length. PWS Craig requested time to get back with Ryan and make sure everything needed is included. Mayor Barber asked him to work with Skip and Travis and bring it back to the council.

Cemetery

Council Member Boone reported it had been rocked and looks nice.

Community Building

- iii. Replace Letters on Front of Building

Tabled until next meeting.

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Council Member McGinnis reported the next meeting would be January 3, 2005. Looking for volunteers.

Planning Commission Committee

- v. Change in Codes Officer

Mayor Barber noted he had one application to date and working on another one. Requested it be put back on the next agenda.

- vi. Plat Approval in Part of First Addition for Blocks 64, 65, & Part of 63

Discussed the utility easements in each building lot. Noted Bill Ross will pay to have his gas line moved by next spring. Note a lot in Block 63 has a zoning request pending for a change to R-2 for an apartment unit.

- *Motion to Approve Plat in Part of First Addition for Blocks 64, 65, and Part of 63*

**Council Member McGinnis moved to approve the plat in the first part of the First Addition for part of Block 63, and Blocks 64 and 65, as presented with eight foot utility easements in Lot 3 of Block 64, Lot 4 in Block 65, and Lot 2 in Block 65; and, contingent on Bill Ross moving the gas line in the spring at his expense. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:42 p.m.**

- vii. Planning Commission Member Appointment

Discussed the Planning Commission is needing another member, preferably one out of the city limits. Mayor Barber noted he would entertain names and check with some.

**UNFINISHED BUSINESS:**

Surplus Equipment

PWS Craig reported they now had one molder and one four-inch meter in surplus. Would like to hold off until there are more items to surplus. Council concurred. Tabled.

New Property Location for Library District #2

Mayor Barber reported the library's gratitude and their thanks to everyone and especially Council Member Travis Robbins while they were looking for a new location to build a new library building. They have chosen to use the Swan Manor property for their new location.

**NEW BUSINESS:**

19" Computer Monitor for City Treasurer



## REGULAR MEETING

Year = 2004

Discussed the different bids included in the packet included different contrast ratios. Asked for further clarification on the quality of each and report back at the next meeting.

### Iota Tau Christmas Chili Supper

- *Motion to Donate \$25 for Iota Tau Annual Chili Supper*

**Council Member McGinnis moved to donate \$25 to the annual chili supper for Iota Tau. Seconded by Council Member G. Williams, voted on, passed 4-0. Time: 7:51 p.m.**

### Rural Water Districts Water Rate Ordinance #1305

Tabled.

### Appointment of People to a Joint Water Study Committee

Mayor Barber recommended the appointment of Council Member Robbins and City Clerk Herrin, along with legal representatives Jim Kaup and John Sutherland to represent the city as part of a Joint Water Study Committee with Rural Water Districts 1 and 3.

- *Appointment to a Joint Water Study Committee with the Rural Water Districts*

**Council Member McGinnis moved to accept Council Member Travis Robbins and City Clerk Herrin as the representatives for the City of La Cygne on a joint committee together with Rural Water Districts 1 and 3, along with Jim Kaup and John Sutherland as legal representatives, concerning present and future contracts, capacities, and charges, along with other related items, and forward to the City of La Cygne any recommendations the joint committee may generate. Seconded by Council Member Boone, voted on, passed 4-0. 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 personnel for up to ten minutes following a ten-minute break. Seconded by Council Member G. Williams, voted on, passed 4-0. Time: 7:55 p.m.**

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

### Open Session Resumed at 8:12 p.m.

### OTHER BUSINESS:

#### Salary Change for Harry Smith Jr.

- *Motion to Increase Hourly Salary \$1.00 per Hour for Harry Smith Jr.*

**Council Member G. Williams moved to give \$1.00 an hour raise to Harry Smith Jr effective immediately. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:13 p.m. City Clerk Herrin asked if the raise could be effective the first day of the pay period for payroll, noted this would be as of last Monday, November 15, 2004. Council concurred.**

#### Iota Tau Annual Christmas Lights Donation

- *Motion to Donate \$500 for Annual Christmas Lights Donation*

**Council Member McGinnis moved to give Iota Tau the annual \$500 for Christmas Lights. Seconded by Council Member T. Williams, voted on, passed 5-0. Time: 8:14 p.m.**

CITY CLERK'S REPORT:

Verbal Report:

- a. Received EMC Dividend of \$1,277.93.

City Clerk's written report included: None.

Reminders:

- i. Community Thanksgiving Dinner November 20, 2004
- ii. Iota Tau Christmas Chili Dinner November 30, 2004

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] LKM/MLA *Ethics Course* December 11, 2004, Ottawa City Hall
- b] November 10, 2004 Minutes of La Cygne Planning Commission Meeting
- c] LKM Notice of Certified Public Manager Program
- d] *Thank You* from City Clerk Herrin
- e] City Christmas Appreciation Dinner, December 4, 2004, Invitation
- f] Gas Report Through October
- g] Water Reports through October
- h] Notice of Available Grant Funding Involving Violent Crimes Against Crime
- I] MRWA District No. 2 Meeting August 31, 2004 Minutes
- J] Community Food Drive Sponsored by Country Chiropractic

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member T. Williams, voted on, passed 3-1 (No: Boone)**

• Adjourned the meeting at 8:16 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 17th day of November 2004.

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REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, December 1, 2004 at the LaCygne Community Building. Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Gerald "Skip" Williams; and, Tony Williams.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Roger Sims; Public Works Superintendent George Craig; City Police Officer Michael Watson; Gary Armentrout, Jackie Walker; Bob Newport; Gene Taylor, and Randy Taylor.

Mayor Sam Barber called the meeting to order at 7:00 p.m.

PUBLIC HEARING: 114 West Market Street Condemnation

Mayor Barber opened the Public Hearing portion of the meeting to cover the concerns regarding the condition of the property at 114 West Market Street for possible condemnation.

Randy Taylor noted his son had received the loan for the improvements. The roof has been replaced on the two story portion of the house. The materials have been purchased for the

back portion, just waiting for the weather to work on it. Also, have purchased the paint to paint the exterior. Codes Officer Farrell is aware they are working on it when weather allows.

City Attorney Sutherland noted the city now needed to determine if they want to go forward with condemnation or allow more time to get the work done with a time frame established. Discussed time frame for continued improvement.

- *Motion to Extend Condemnation Proceedings 90 Days*

**Council Member Skip Williams moved to give a 90 day extension for improvements to 114 West Market Street.** City Attorney Sutherland asked the Taylor's how long they thought it would take to finish with weather and snow now being a factor. Randy Taylor felt there should be noticeable improvement in 90 days and they would come back then to report. Discussed the first meeting in March, 2005. **Council Member Skip Williams added to his motion to extend the extension to the first meeting in March, 2005. Seconded by Council Member Robbins, voted on, passed 5-0.** Time: 7:05 p.m.

Randy Taylor reported they are also working on the inside plaster board as they can during bad weather.

With no other questions, Mayor Barber adjourned the Public Hearing portion of the meeting.

**CONSENT AGENDA:**

- *Motion to Approve Consent Agenda*

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

Check Register: November 18 – December 1, 2004;  
Minutes of November 17, 2004 Regular City Council Meeting.

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

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECTS**

**IX. 2002 Water Plant Improvement Project**

**Status – Phase 2 & 3:** Public Works Superintendent George Craig reported the doors are in, SMI-CO is redoing the piping downstairs to get the air scours to work and filter to waste higher, and, the electrician is doing his part of the wiring.

**i. Kirkham Michael Final Pay Request:**

Discussed if there was any reason to hold the final design portion further. The design portion is finished. There will be some pay requests for SMI-CO to finish handling. Should not be a problem.

- *Motion to Approve Kirkham Michael Final Design Pay Request for \$1,300*

Council Member Robbins moved to approve the \$1,300.00 to Kirkham Michaels as the final payment for the design of this project. Seconded by Council Member Skip Williams, voted on, passed 5-0. **Time: 7:12 p.m.**

**ii. SMI-CO Final Pay Request for Phase 1**

**City Clerk Herrin noted this would need to be contingent on Engineers Approval. PWS Craig reported they had gone back through the punch list and had no problems with Phase 1. SMI-CO is done as far as they can go until the other phases are done. The amount for approval of this pay request is \$17,543.30.**

- *Motion to Approve Final Pay Request for Phase 1 to SMI-CO*

Council Member Robbins moved to approve to pay the \$17,543.30 on invoice #6 with SMI-CO contingent on the engineers approval. Seconded by Council Member McGinnis, voted on, passed 5-0. **Time: 7:15 p.m.**

**X. Upgrade Sludge/Backwash Lagoon**

**Status:**

**PWS Craig reported John, with Ponzer Younquist now has all of the elevations and hopes to have something to the city sometime next week.**

**b. GAS IMPROVEMENT GRANT**

**xxx. Status**

**Mayor Barber reported the city had met today on what was left to be done to include final seeding in March or April of next year. There was the question on the gas pipe that was removed by those other than the city or Millers that now has stubs and who would remove and clean up. One option given was for Miller Paving who offered an hourly price to remove them. PWS Craig reported there are six stubs in this area Miami County wants addressed and at first glance it appears public works employees can handle the project. Discussed if Miami County would take care of the stubs and then bill the entity responsible for leaving them, or if they would bill the city if the city did not get it done. Discussed if city employees had time to complete the project in a timely manner. Council Member Boone noted the city is responsible for all pipe left laying in Miami County and they want it removed. Discussed the city believed up until a couple of weeks ago Miller was going to handle the removal and it was part of the contract. Discussed a three man crew cannot clean up all of the pipe as it will also take two flagmen for traffic. Concurred need to follow up with Miami County on how they are looking at handling the pipe.**

**b. GAS IMPROVEMENT GRANT (Continued)**

**i. Status (Continued)**

**Discussed obtaining a firm quote from Miller's on removing the pipe instead of have it done on an hourly basis.**

- *Motion for Contract Price from Miller's for Removing the Pipe Remaining Above Ground*

Council Member Tony Williams moved to get with Miller Paving and get a hard bid price for the removal of the pipe still above ground. Seconded by council Member Boone, voted on, passed 5-0. **Time: 7:39 p.m.**

**c. SEWER IMPROVEMENT PROJECT - #C20-1294-01**

**PWS Craig reported Ponzer Younquist will need to set more grade stakes and will try to get it done sometime next week.**

**DISCUSSION FROM THE FLOOR:**

**Request to Waive Community Building Fee for Volunteer Christmas Day Breakfast**

- *Motion to Waive Community Building Fee for Volunteer Christmas Day Breakfast*

**Council Member McGinnis moved to honor the request to waive the community building fee for the Christmas Day Breakfast as requested. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 7:40 p.m.**

Bob Newport, Requesting Release of 4” Gas Line Pipe Under 1095 for Water Line Use

Bob Newport asked about using the discontinued gas line running west across 1095 from his property for a sleeve for a rural water line. Mr. Newport reported the rural water district is ok if the city is ok. Mayor Barber noted Mr. Newport also had some issues with the new gas line in this area. Mr. Newport noted he would be willing to trade off the items on his property with the acceptance of the rural water district having the gas pipe for the water line. City Attorney Sutherland noted the rural water district would have to agree in writing.

- *Motion to Release 4” Gas Pipe Under 1095 to RWD in Exchange for Mr. Newport’s Release*

**Council Member Skip Williams moved to release the 4” gas pipe under 1095 to the rural water district for Mr. Newport in exchange for the release of his clean up claims. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 7:44 p.m.**

Mayor Barber noted City Attorney Sutherland would get the papers written up and get them to the rural water district and then to Mr. Newport.

Gary Armentrout with Kansas Rural Water Association

Gary Armentrout requested permission to get on the city’s water plant property to take pictures of the new cover over the clarifier for an article for KRWA.

- *Motion for Approval for KRWA to Take Pictures of New Cover Over Clarifier*

**Council Member Boone moved to give permission for Gary Armentrout to get on the city property to take pictures of the new water plant building. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:45 p.m.**

**REPORTS OF CITY OFFICERS:**

Chief of Police Glenn Farrell Jr.

No Report.

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**REPORTS OF CITY OFFICERS: (Continued)**

Public Works Superintendent – George Craig

1. Water Plant Clarifiers: Public Works Superintendent Craig reported they were in the process of obtaining a current bid to repair one clarifier this year if it’s not too late to get done and will report back with the info at the next meeting. Mayor Barber asked him to bring it back to the council when he was ready.

**STANDING COMMITTEE REPORTS:**

Street

9. South 6<sup>th</sup> Street Drainage

PWS Craig reported the previously received bid was for just the first part with the size being 2 x 2 x 2. To include the next street the total cost would be \$8,500. Council discussed this size not being big enough to meet the maximum demand. Discussed looking at other options. Street Committee will review further and report back.

Public Safety

Council Member Robbins reported he had personally had a fire at his residence recently and he would like to commend the fire department for their quick response in showing up and helping out. He really appreciated everyone of them for being there.

## REGULAR MEETING

Year = 2004

### Employee Relations & Training

Council Member Robbins asked Public Works to put together an agenda of which employee needs what for next year for attending training sessions and keeping certifications active. Also, if there is another street class similar to the one Vance Brothers put on a few years ago, Council Member Robbins would like the time frame to try to attend.

### SPECIAL COMMITTEE REPORTS:

#### Planning Commission Committee

1. Change in Codes Officer: Still Checking.
2. Planning Commission Member Appointment: Still Checking.

### UNFINISHED BUSINESS:

#### 19" Computer Monitor for City Treasurer

Reviewed. For better results a resolution of 450 or better is recommended.

- *Motion to Purchase 19" Flat Screen Monitor*

**Council Member Skip Williams moved to purchase a 19" Flat Screen Monitor from Jayhawk Software for \$516 plus \$35 for shipping. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:00 p.m.**

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### NEW BUSINESS:

#### Cereal Malt Beverage License Renewal for: Loma Farms, Big Daddy's, Stub's Market, and Jim's Food Fair

City Clerk Herrin reported would need to wait till the next meeting for Big Daddy's as all of the paperwork had not been completed yet by city hall.

- *Motion to Approve Cereal Malt Beverage Licenses for Loma Farms, Stub's Market, and Jim's Food Fair*

**Council Member McGinnis moved to approve cereal malt beverage licenses for Loma Farms, Stub's Market, and Jim's Food Fair. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:01 p.m.**

#### Ordinance #1305, To allow for the Sale of Cereal Malt Beverages on Election Day

- *Motion to Approve Ordinance #1305*

**Council Member McGinnis moved to approve Ordinance #1305 to allow for the sale of Cereal Malt Beverages on Election Day. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:02 p.m.**

#### Ordinance #1306, Vacating the Alley in Block 64

Noted this is part of the replatting process for this area that was approved at the last council

## REGULAR MEETING

Year = 2004

meeting.

- *Motion to Approve Ordinance #1306*

**Council Member Robbins moved to approve Ordinance #1306 vacating the alley in Block 64. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:04 p.m.**

### Street Lights Requested for South 6<sup>th</sup> Street & 7<sup>th</sup> Street

Discussed the locations. The one location on S. 7<sup>th</sup> Street already has a yard light up and Kenny Ross is requesting to transfer it over to a city street light. Discussed other possible sites in the area. Discussed steel poles versus wood poles and the cost.

- *Motion to Approve the Three Steel Light Poles Where Requested*

**Council Member Tony Williams moved to approve the three light poles where requested with steel pipe for the poles. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 8:14 p.m.**

### Miller Paving and Construction, Pay Request for Release of RWD Claim to \$7,271.01

City Attorney Sutherland reported the city had previously held out \$7,000 and something from Miller Paving due to request of statement from Miami County RWD #3. Kevin James with Miller Paving and Construction has given the city a hold harmless agreement to covers the city if at some point there could be a suit between the rural water district and Miller's, Miller's will also provide the defense for the city. With the hold harmless agreement it would be ok to go ahead and pay Miller's the exact amount of \$7,271.01 that was previously withheld.

- *Motion to Approve Miller Paving Pay Request of \$7,271.01 Previously Withheld*

**Council Member McGinnis moved to pay Miller Paving the \$7,271.01 previously withheld. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 8:17 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 personnel for up to fifteen minutes following a ten-minute break. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:20 p.m.**

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

Open Session Resumed at 8:40 p.m.

### OTHER BUSINESS:

#### Personnel Policies and Guidelines

**Council Member Skip Williams recommended the council hold a special meeting to go over the changes and finishing touches on the rough draft as expect it to take over an hour. Discussed any Wednesday night of this month as a possibility.**

- *Motion to Have Special Meeting for Purpose of Personnel Policies and Guidelines*

Council Member Skip Williams moved to have a special meeting next Wednesday night, December 8<sup>th</sup> at 6:30 p.m. Seconded by Council Member Robbins, voted on, passed 5-0. **Time: 8:44 p.m.**

## REGULAR MEETING

Year = 2004

### CITY CLERK'S REPORT:

Verbal Report:

4. None

Written Report:

6. City Holiday Diner, Saturday, December 4<sup>th</sup> at 6:30 p.m.

### NOTES AND COMMUNICATIONS TO COUNCIL:

- a] La Cygne FRA Redetermination Hearing Notice
- b] KMGGA Memorandum
- c] SEKRPC General Commission
- d] Notice of Public Hearing for Zoning Change
- e] Pipe and Cable Locating Training Session, Topeka, KS
- f] Applebee's Grand Opening Invitation in Paola, KS

### ADJOURNMENT:

- *Motion to Adjourn*

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

Adjourned the meeting at 8:47 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 day of December 2004.

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Page 1 of 6 Pages

### REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday December 15, 2004 at the La Cygne Community Building. Council Members present were: Jerry Boone, Tony Williams, Gerald "Skip" Williams, Travis Robbins, and, Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Officer Mike Watson; City Attorney John Sutherland; City Fire Chief Ernie Moylan; Charlene Sims; Roger Sims; and Kristie Cook.

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 as presented that consisted of:**

Check Register: December 2 - 15, 2004,  
Minutes of December 1, 2004 Regular City Council Meeting,  
November 2004 Treasurer and Budget Report.

**Motion seconded by Council Member Skip Williams,** Skip Williams asked about check #3131 for the Christmas dinner and if the total amount was all for the dinner didn't that take the cost over the approved \$1,000 amount. City Clerk Herrin noted there were dishes and utensils bought for the community building that should have been charged there and not for the dinner. The adjustment will be made in the amount of \$46.93. **Council Member McGinnis moved to amend the check charges from general government to the**



**community building for the amount of \$46.93. Amendment seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 7:04 p.m.**

**UTILITY IMPROVEMENTS REPORT**

**a. WATER IMPROVEMENT PROJECT**

xxv. 2002 Water Plant Improvement Project

a. Status – Phase 2 & 3

Public Works Superintendent George Craig reported KCP&L is the hold up now on the electric, as they have to move some of the power to another transformer. There is also a part on the wall on the contact basin that needs finished and some other finish items. Then they cannot do the air scours training until the electric is done.

b. SMI-CO Extension Request for Phase 2

PWS Craig reported he felt they were doing the best they could with the weather and electric holdups and by doing it this way this will only shut the plant down one time.

- *Motion to Approve SMI-CO Extension Request for Phase 2*

**Council Member Skip Williams moved to give extension until December 19<sup>th</sup> for Phase 2. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:10 p.m.**

c. SMI-CO Pay Request #1 for Phase 2

d. SMI-CO Pay Request #3 for Phase 3

PWS Craig reported after reviewing the requests he saw no problems with either Pay Request. Noted the contractors are actually further along than the pay request reflect. Also, the parts noted on Phase 3 are done. The engineer's had not signed the pay request, as they were not here to verify the work was complete and relied on public works for that information.

- *Motion to Approve SMI-CO Pay Request #1 for Phase 2 & Request #3 for Phase 3*

**Council Member Robbins moved to approve Request #1 for Phase 2 in the amount of \$27,276.30 and Request #3 for Phase 3 in the amount of \$24,661.80 both contingent on the engineer's approval. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 7:16 p.m.**

**UTILITY IMPROVEMENTS REPORT (Continued)**

**a. WATER IMPROVEMENT PROJECT (Continued)**

xxvi. Upgrade Sludge/Backwash Lagoons

a. Status

Public Works Superintendent George Craig reported John with Ponzer-Younquist had been down and looked around the plant for different options with the current set up.

b. Ponzer-Younquist, P.A. Pay Request

Public Works Superintendent George Craig reported they had the surveying portion complete. Pay request is for 40% of the \$4,500 total project for a total of \$1,800.

- *Motion to Approve Ponzer-Youngquist, P.A. Pay Request for \$1,800*

**Council Member Robbins moved to pay Ponzer-Youngquist invoice of \$1,800 for the design on the WTP lagoons. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 7:18 p.m.**

**b. GAS IMPROVEMENT GRANT**

xxxi. Status

Public Works Superintendent George Craig reported public works cut off the stubs where the pipe was taken in Miami County. Found one riser that was left that Millers has not yet removed. City Clerk Herrin reported Kevin James of Millers Paving had called yesterday and the riser had been reported to them. According to Kevin he is going to have Doug out here next week to take care of the riser, the pipe overhang on Jim Stainbrooks, and the corner where the pipe was mangled during Millers clean up.

**c. SEWER IMPROVEMENT PROJECT - #C20-1294-01**

i. Status

Public Works Superintendent George Craig reported it has been too muddy for Ponzer-Youngquist to get into the area to shoot elevations until this week. They had been down before, but could not obtain access.

**DISCUSSION FROM THE FLOOR:**

None

**REPORTS OF CITY OFFICERS:**

Police Chief & Codes Officer Chuck Farrell Jr

Police Officer Mike Watson noted the written report for November 2004 was included in the packet.

Public Works Superintendent George Craig

- ix. Water Tower Level Chart Recorder for Water Plant: Public Works Superintendent George Craig reported this chart recorder would tell public works what the water usage is at all times including during the night. Then, if the rural water districts would have timers and could work with them to have them set to go off during the low times. This would also help with any leaks to be able to catch it before there was extensive water loss. Equipment Sales has provided a bid for \$3,945.00.

- *Motion to Purchase Chart Recorder for Cost of \$3,945.00*

**Council Member Boone moved to accept the bid of \$3,945 for the water tower level chart recorder from Equipment Sales. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 7:24 p.m.**

**REPORTS OF CITY OFFICERS: (Continued)**

Public Works Superintendent George Craig (Continued)

- x. Repair Proposals for the North and South Water Clarifier's: PWS Craig reported he had received bids to repair both clarifiers from Utility Service Co. for \$47,270 and Cunningham Sandblasting & Painting for \$58,022. There were additional items in the bid from Cunningham Sandblasting; however, the public works employees can do those items. Neither bid included the welding. Discussed the welding being done by the city employees. If the city employees cannot do the welding, discussed finding a local welder who could handle the welding. Council Members Boone and Tony Williams reported they could provide the welder and rods and do the work for \$60 an hour. Discussed this is the ideal time of year to do this project as you will have one clarifier out of service while it is being repaired.

- *Motion to Accept Utility Co. Proposal for \$47,270*

**Council Member Skip Williams moved to accept the proposal of Utility Co. for the cleaning of both clarifiers for a cost of \$47,270. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:34 p.m.**

Discussed authorizing PWS Craig to have the authority to hire somebody for up to \$60 an hour if he would need someone. Then, he could hire Tony and Jerry, or someone else if they were not available at the time the welding needed to be done on the clarifier. Noted unknown at this time just how much welding will be required. Discussed authorizing up to 80 hours which should give adequate time to get the project done or bring item back to the council during a council meeting while the welding is going on.

- *Motion to Authorize PWS Craig to Hire Welding for Up To \$60 an Hour*

**Council Member Robbins moved to authorize PWS George Craig to hire out welding for up to \$60 an hour for the clarifiers for up to 80 hours after the sandblasting is done. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:38 p.m.**

- xi. 6x6x8' Building for Chemicals Distribution in Water Plant: PWS Craig reported the water plant needed a building this size to be able to heat it for the ammonia chemical at this point in the water process. Diversified Supply provided a bid of \$1,330.10 on a short notice, with an additional \$400 for the electrical portion to run the ammonia from this new location. Discussed cost considered high with public works possibly building this area since it was inside the bigger building and did not require a weathered roof. Discussed the consideration of a cement pad to avoid any chemicals spilling into the ground. Jerry and Tony volunteered to pour the pad for no cost. PWS Craig will check on the cost of the materials to build.
- xii. Job Estimate to Rebuild Sewer Lift Station Motor: PWS Craig reported they had a bid of \$3,282 from Douglas Pump Service to rebuild the pump, bearings, and seal. Or, they had a bid of \$4,696 from JCI to purchase a new pump with a sleeve ready to fit into the area the pump sits at the lift station. This is a 7 ½ horse motor for the park lift station and need one ready to go for when one goes down suddenly as it is hard to get anyone quickly for repairs.

- *Motion to Rebuild Sewer Lift Station Motor for \$3,282*

**Council Member Skip Williams moved to have the pump and motor rebuilt for a cost of \$3,282 from Douglas Pump Service. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:43 p.m.**

Discussed turning in the previous damage to insurance as it was caused by an electrical shortage from KCP&L. KCP&L found the cause to be from a squirrel on the line and shorting it out, making it a no fault. Determined would not turn this one to keep small claims down to help keep insurance costs down.

City Fire Chief – Ernie Moylan

- i. Alternator for Pierce Fire Truck: Fire Chief Ernie Moylan reported the fire department needs an alternator for the Pierce Fire Truck. He had checked several places and only one had it available to purchase for a cost of around \$840-\$900. This was at Olathe Armature. The other places either did not have the option of ordering or were in the same price range as Olathe Armature. Recommended the purchase from Olathe Armature.

- *Motion to Purchase Alternator for Pierce Fire Truck*

**Council Member Robbins moved to approve the request to replace the alternator on the fire truck for up to \$900. Seconded by Council Member Boone, voted on, passed 5-0.**  
Time: 7:46 p.m.

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**REPORTS OF CITY OFFICERS: (Continued)**

City Fire Chief – Ernie Moylan (Continued)

- ii. KFRA Seminar, Saturday, January 8, 2005: Fire Chief Ernie Moylan requested he and Fire Department Treasurer Herrin attend the KFRA Seminar in Salina on Saturday, January 8, 2005. Noted the seminar itself has not charge for attending.

- *Motion for Moylan and Herrin to Attend KFRA Seminar*

**Council Member Robbins moved to send Ernie Moylan and Devona Herrin to the KFRA Seminar at Salina on January 8, 2005 and pay usual per diem. Seconded by Council Member McGinnis, voted on, passed 5-0.** Time: 7:48 p.m.

Travis Robbins expressed his appreciation again to everyone helping from the fire department with the fire at his house.

**STANDING COMMITTEE REPORTS:**

Street

- viii. South 6<sup>th</sup> Street Drainage

No Action.

Cemetery

**SPECIAL COMMITTEE REPORTS:**

Fiesta

Council Member McGinnis reported the next meeting would be January 3, 2005. Looking for volunteers.

Planning Commission Committee

- viii. Change in Codes Officer

Mayor Barber noted still looking.

- ix. Planning Commission Member Appointment

Mayor Barber noted he would entertain names and check with some.

**UNFINISHED BUSINESS:**

Personnel Policies and Guidelines

Discussed having a Special Meeting after the first of the year since last week's special meeting was cancelled. Decided to wait until the first regular meeting in January to schedule a special meeting that month. Will put on that meeting's agenda for a special meeting date.

Ordinance #1307 for RWD Rate Change

City Clerk Herrin reported the requested rate information had been sent to the respective rural water district attorneys. They had been requested to respond back prior to this date if any other concerns and there had been no further contact.

- *Motion to Approve Ordinance #1307 for RWD Rate Change*

**Council Member Tony Williams moved to adopt Ordinance #1307 for the Rural Water Rate Change. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:55 p.m.**

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**NEW BUSINESS:**

Cereal Malt Beverage License Renewal for Big Daddy's Pizza

City Clerk Herrin reported necessary paperwork had been received and was in order.

- *Motion to Approve Cereal Malt Beverage License Renewal for Big Daddy's Pizza*

**Council Member McGinnis moved to approve the Cereal Malt Beverage License for Big Daddy's Pizza. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 7:56 p.m.**

Authority to Transfer 2004 Funds

Discussed how any excess funds are transferred from the General Fund to the Equipment Reserve Fund and/or the Capitol Improvement Fund; and, what each fund is for. Discussed the balance of the Equipment Reserve Fund is low compared to the Capital Improvement Fund. This transfer will include the earlier monies from the Surplus Equipment Sale.

- *Motion to Authorize the Transfer of Excess 2004 Funds*

**Council Member Skip Williams moved to transfer any excess funds with 70% going to Equipment Reserve and 30% going to Capital Improvement Funds. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:07 p.m.**

Two Senior Housing Appointment Recommendations

City Clerk Herrin reported Dennis Arnold and Bob Burnett are the four-year terms expiring and they have agreed to accept another four-year term appointment.

Mayor Barber recommended Dennis Arnold and Bob Burnett for a four-year appointment to the Senior Housing Board.

- *Motion to Accept Dennis Arnold and Bob Burnett to the Senior Housing Board*

**Council Member McGinnis moved to accept the recommendation of Dennis Arnold and Bob Burnett to the Senior Housing Board for another four-year appointment. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:08 p.m.**

Two Park Board Members Two-Year Appointments

Tabled until the next meeting.

Close Compactor December 25, 2004 and January 1, 2005

Discussed changing the designated holiday dates for the trash compactor to the actual holiday date.

- *Motion to Close Compactor on December 25, 2004 and January 1, 2005*

**Council Member Robbins moved to close the compactor on December 25, 2004 and January 1, 2005 in lieu of the designated holiday dates. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:11 p.m.**

Annual Mobile Home Park Licenses for: La Cygne Mobile Home Park, Brokerage Securities Park, and Richard Marsh Trailer Park.

City Clerk Herrin reported all of the applications had been received and were in order.

- *Motion to Approve Annual Mobile Home Park Licenses*

**Council Member McGinnis moved to approve the annual mobile home park licenses for the La Cygne Mobile Home Park, the Brokerage Securities Park, and the Richard Marsh Trailer Park. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:13 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 minutes following a ten-minute break. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:14 p.m.**

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

Open Session Resumed at 9:00 p.m.

**OTHER BUSINESS:**

None

**CITY CLERK'S REPORT:**

City Clerk's written report included:

1. Authority to Transfer Excess 2004 Funds
2. Employee Policy Guidelines
3. Two Senior Housing Appointment Recommendations
4. Two Park Board Members Two-Year Appointments

Reminders: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Dam Safety Conference Scheduled February 24-25, 2005

## REGULAR MEETING

Year = 2004

- b] KMGA Board Meeting Minutes and Agenda
- c] 2004 Monthly Gas Report Through November
- d] 2004 Monthly Water Reports Through November
- e] Holiday Cards

### **OTHER BUSINESS:**

#### Gas Line to City of La Cygne

Council Member Robbins asked if there continued to be anything pending on the gas line replacement. Council Member Boone stated he knew of people who were not happy with the clean up. City Clerk Herrin noted that for Miami County it was her understanding the work had been done that could be done until the county's seeding time beginning in March. The only part pending was the need to have another extension put in writing to cover the period until then. Discussed the need to have that request at the next meeting.

### **ADJOURNMENT:**

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Tony Williams, voted on, passed 5-0.**

- Adjourned the meeting at 9:05 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 15th day of December 2004.

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