

REGULAR MEETING**October 1, 2008***Pages 1 of 5***REGULAR MEETING:**

The La Cygne City Council met in a regular session Wednesday, October 15, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, and Terry Weitman.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary Mahon; City Treasurer Linda Elder; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Assistant Superintendent Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; Leroy Turpen; Chase Jordan; Scott Stainbrook; Christine Teagarden; Tim Staton; Joyce Virgin; Linda and Fred Meisel; Melody Berry; Ernie Moylan; Jake Fleming; Jackie Pribble; Gavin Pribble; Clint and Roberta Peckman; David and Robyne Carr.

Mayor Keith A. Smith called the meeting to order at 7:00 p.m.

MAYOR'S COMMENTS:

- i. Invited everyone to the Elder's 'Grady's Kids' Fundraiser, Saturday night, October 18th.
- ii. Expressed appreciation for the write up in last week's papers regarding the concern for underage drinking and drugs. And, appreciation for all of the council members support.
- iii. Christine Teagarden with Linn County Insurance presented a \$500 Safety Grant to the La Cygne Fire Department for safety equipment and youth. The grant was sponsored by KAIA (Kansas Association of Insurance Agents) and Linn County Insurance and applied for by Fire Chief Dan Nasalroad. Christine also reported the city's insurance company, EMC, provided coloring books for children for fire safety week.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: October 2 - 15, 2008
 Minutes of October 1, 2008 City Council Meeting
 Minutes of October 7, 2008 Special City Council Meeting
 September 2008 Budget and Treasurer's Report
 3rd Quarter 2008 Financial Statement

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

DISCUSSION FROM THE FLOOR:**Joyce Virgin – Children's Coalition – Underage Drinking Program**

Joyce Virgin is the Coordinator for the Linn County Children's Coalition. Joyce and Melody Berry presented brochures providing information regarding the purpose and accomplishments the Coalition has been involved in locally. They also provided current statistics on Kansas youth and alcohol; along with plans to address the issue. Invited anyone concerned to attend the monthly meetings.

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DISCUSSION FROM THE FLOOR:**Clint and Roberta Peckman – Cemetery Boundary Clearing**

Clint Peckman expressed concern about the cemetery property being cleared behind his property. He explained when he walked the property prior to purchasing the location he was told by the sellers the back yard included back to the fence he has now learned is on what the city is calling cemetery property. He has been taking care of it and would like common law to have the fence be the line. Clint Peckman felt if another surveyor was used they would find a different area for their property, and, if the street was used it would be different again. Discussed the center of the street is not used as the streets in town are not all centered in the street right-of-ways.

Clint Peckman stated the Sylva's were allowed to keep property when their building was found to be in the cemetery property so would like to keep their fence area. Explained the Sylva's purchased that portion at the time the cemetery property purchase was taking place. The Peckman's asked to purchase the area and Council Member Turpen said ok for a price. City Attorney Sutherland noted the County Surveyor had done the survey that was currently done. If another survey was done that reported something different, then any dispute would have to be settled in court.

Mayor Smith said he would take their request under advisement and discuss with the Cemetery Committee. As a courtesy, before any action, will contact the landowners of the action. If indeed it is owned by the city, the city will have the right to clean the area for use of the cemetery.

Clint Peckman again asked the city to just plan for fewer gravesites in this area and expand the cemetery elsewhere.

Jackie Haupt Pribble – Codes, Policies, Personnel

Jackie Pribble asked why she was fired from the trash compactor. Mayor Smith agreed to talk further on that subject in executive session; and asked if she had any other concerns at this time regarding codes or policies. Jackie Pribble said she just wanted her job back.

Tim Staton – Proposed 1% County Sales Tax

Tim Staton, a representative from the City of Pleasanton and a surrogate for Dennis Arnold, presented statistics for income to Linn County if the proposed 1% County Sales Tax is passed on the November ballot. Tim was asking for public support along with the cities mayors jointly signing a letter of support to be published in the local paper. He explained that one-third of the revenues are dispersed proportionately to the cities for their use and if that use is for infrastructure such as sewer, water, and roads the county add a 50% match from their portion to the city. Determined this could provide an estimated \$49,444 for La Cygne with another half that amount, around \$24,500 added by the county for infrastructure. Deputy City Clerk Mahon asked if the match would be guaranteed to be renewed every year if a city committed to a long term infrastructure project and Tim confirmed yes.

- *Motion for Mayor Smith to Sign Support Letter for 1% Sales Tax Proposal*

Council Member Turpen moved to allow the mayor to sign the support letter for the 1% Sales Tax proposal. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:47 p.m.

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REPORTS OF CITY OFFICERS:**Police Chief and Codes Officer James W. Dean**

- i. **Yield Signs Report for Railroad at Industrial Street:** Reported he had spoken with Commissioner Pemberton and asked him to speak with Danny Morris and have not heard back yet.
- ii. **Strobe Light Donation:** Reported the City of Linn Valley will donate a strobe light for the Crown Vic at no cost. Consented.
- iii. **Codes Report:**
 1. 112 S 7th - has two houses and out buildings it has been determined the Carr's still own and they have no objection to condemning the outbuildings. Robyne Carr reported they did not realize they still owned the property until just recently. Originally the mortgage company, HFC, was selling the property and the auction had been cancelled without alerting the Carrs. Asked for a little time to find out what they can do as they had been trying to get the outbuildings knocked down for years. Jerry Boone reported KansasWorks could address the demolition if the Carr's would have a consent request written up, notarized, and turned in.
 2. 610 Locust property has been set for trial in November
 3. 202 N 7th - property has condemnation process in progress.
 4. 201 S 4th - notice of condition has been sent out.
 5. Council Member Boone asked about the property west of the water plant. Reported that information would be available at the next meeting.

Public Works Superintendent George Craig by Assistant Superintendent Jerome Moore

- i. **Replace Stihl Cut Off Saw:** Requested replacing the 16" Stihl Cut Off Saw that was also an item taken with the other items stolen from the cemetery garage. Obtained two quotes. Blue Valley Tractor was \$1,349 after government discount. Family Center was \$1,399 retail with a 15% government discount. The blades are \$16.99 at either location. Calculated saw would cost \$1,189 from Family Center in Paola.
 - *Motion to Purchase Stihl Cut Saw from Family Center*

Council Member Boone moved to purchase the cut saw for \$1,189 from Family Center in Paola. Discussed purchasing six blades also. **Amended motion to amount of \$1,291 for adding six blades. Seconded by Council Member Van Vlack, voted on, passed 5-0.** Time: 8:00 p.m.

- ii. **Jerome Moore to Attend Training Classes:** Requested attendance to workshop in Emporia requiring an overnight stay on November 4th – 5th for a class cost of only \$70.00. The Olathe workshop October 22nd and 23rd has been cancelled.
 - *Motion to Approve Attending Emporia Workshop for Jerome Moore*

Council Member Turpen moved for Jerome Moore to attend the workshop in Emporia on November 4th and 5th with per diem. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:02 p.m.

Fire Department – Fire Chief Dan Nasalroad

- i. **Fire Prevention Week:** October 6th thru 11th Fire Prevention Week went great. There were 280 students that went through the fire station and one day care. Thanked all of those who helped including, but not all inclusive, Linn County Fire Department, Police Department, and Leslie Mitzner. Also thanked Tony Williams for donating his trailer to haul the Mini Pumper back from Garden City; and, Mike Howard for donating the carpet for the offices.
- ii. **1987 GMC Mini Pumper Vehicle:** Have inspected the vehicle and appears it will only cost about \$160 in repairs to get it up and running again. Will know in a couple of days.

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STANDING COMMITTEE REPORTS:Water & Gas

- i. Chlorine Contact Basin: Council Member Van Vlack reported they are waiting for specs on the concrete; and, also getting a bid from Page on the electrical portion.

Sewer

- i. Status of Lagoon Project: Council Member Van Vlack reported there is still just one man working everyday and another inspector was there today. The pipe tie-ins are done.

Park

Jodi Wade provided a written report on the park items being currently addressed.

UNFINISHED BUSINESS:June 2008 Storm Report and FEMA Update

City Clerk Herrin reported the roofing contractor has not been back in touch with the city to go over the itemized list. And, FEMA had gone back over the ACV items and would be submitting that portion for qualifying for damages to the city. A check should be received by the city in a few weeks.

January 2009 Employee Health Insurance Changes

Discussed the report written by Deputy City Clerk Gary Mahon providing the pending 2009 rate changes reflecting a \$40 discount for those employees disclosing non-tobacco use and/or participating in the "iCan Quit" program. There are ten full time employees with health insurance. Without the tobacco difference the overall increase is \$24.79 a month for all employees. Options discussed included:

1. City allots an additional \$424.79 per month for health insurance premiums. Employees who qualify for the premium discount could use the \$40 towards other benefits such as AFLAC. Total Additional Premium Paid by city = \$424.79 per month.
2. City allots only for the final premium increase after discounts are given. Employees who qualify for the premium discount would be contributing to reduction of the total monthly premium but would not receive any additional benefit. (No incentive for employees to complete non-smoking forms or enroll in "iCan Quit" program.) Total additional premium paid by city = varies from \$24.79 to \$424.79 per month.
3. City allots only \$24.79 for premium increase. Employees not qualifying for premium discounts would pay an extra \$40 per month.

- *Motion to Approve Monthly \$24.79 Increase for Employee Health Insurance Change*

Council Member Sullivan moved to approve option 3 for \$24.79 monthly premium increase. Seconded by Council Member Weitman, voted on, passed 4-0-1 (Abstain: Boone) Time: 8:15 p.m.

Property Theft Report

Insurance Adjuster has reported the city will be receiving around \$4,300 after the deductible and actual cash values have been applied to the first report on theft. Will be turning in an amended report adding the Stihl Cut Saw to the lost items report.

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UNFINISHED BUSINESS: (Continued)**Inland Marine Insurance Coverage for Miscellaneous Tools and Equipment**

City Insurance Agent Christine Teagarden explained the inland marine coverage for items with a value of less than \$2,500 for a cost of \$.75 per \$100 of value. The coverage is on an actual cash value basis with a deductible. The coverage would also be specific to Fire, Public Works, or Police. Coverage would not be effective until the amounts are determined for each department. Discussed each department completing an inventory and actual cash values to determine amount potentially needed.

- *Motion to Approve Establishing Inland Marine Coverage for Tools and Equipment*

Council Member Van Vlack moved to go with inland marine insurance for floating property with total values and effective date to be done at a later time. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:21 p.m.

NEW BUSINESS:**Acquire Updated Financial Software Program**

City Clerk Herrin asked if the council would consider updating the city financial software program as the existing program had limitations in reports for the city council. Discussed Deputy City Clerk Mahon had some good ideas on what to look for in a software program. Noted a new program could cost between \$10 – 20,000. Council agreed to review a software program if Deputy City Clerk Mahon can locate one that would meet the needs.

KMGA Annual Budget Meeting, November 6th, Wichita, KS

- *Motion to Approve Attending KMGA Annual Budget Meeting*

Council Member Van Vlack moved for Deputy City Clerk Mahon to attend the KMGA Annual Budget Meeting and if unavailable for City Clerk Herrin to attend with per diem. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 8:25 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to sixty minutes for discussion of legal and personnel following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:28 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean, Jerome Moore, and Jackie Haupt.

Open Session Resumed at 9:37 p.m.**OTHER BUSINESS:****Hire Part-Time Police Officer Ernest Simmons**

- *Motion to Hire Part-Time Police Officer Ernest Simmons*

Council Member Turpen moved to hire part-time police officer Ernest Simmons at \$11.00 an hour. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 9:38 p.m.

New Mower for Cemetery

Council Member Turpen asked everyone to watch for yearend sales on mowers to replace the cemetery mower.

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Written:

- A] Joyce Virgin
- B] Roberta Peckman
- C] Jackie Haupt Pribble

NOTES AND COMMUNICATIONS TO COUNCIL:

- a. September 2008 Gas Report
- b. September 2008 Water Report

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Turpen moved to adjourn the meeting. Motion seconded by Council Member Boone, voted on, 5-0.**

Meeting adjourned 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 15th day of October 2008.