

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, January 2, 2008, at the La Cygne Community Building. Council Members present were: Jerry Boone, Joe Turpen, Terry Weitman, and Robert 'Bob' Sullivan. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Jodi Wade; Linda Meisel; Fred Meisel; Christine Teagarden; LeRoy Turpen; Robert Turpen; Fire Chief Doug Lloyd; Linn Valley Fire Chief Stan Giles; Christine Teagarden; and Matt Byerly.

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

MAYOR'S COMMENTS

1. School back in session.
2. Look forward to working with the council in 2008 towards reaching the previously discussed goals.
3. Acknowledged the Linn County News recognized several local businesses and individuals for 2007 outstanding service. City Treasurer Linda Elder received one of the honors. The city appreciates her extra efforts this last year and every year. Also felt the other city employees do a great job and encouraged everyone to stay focused on being here for the city.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: December 20 – January 2, 2008
Minutes of December 19, 2008 City Council Meeting

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

DISCUSSION FROM THE FLOOR:

Lonnie LawRance Regarding Gas Line at 210 Swan:

Not present.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- i. Fee for Moving Radio Equipment: Police Chief Dean presented a bid from Western Communications for \$750 to move the police radio equipment and two antenna's on the roof from one building to the next when the city is ready to move City Hall.

- *Motion to Accept Western Communications Bid of \$750 to Move Radio Equipment*

Council Member Weitman moved to accept Western Communications bid of \$750 to move the police radio equipment when moving City Hall. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:09 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Police Chief and Codes Officer James W. Dean (Continued)

- ii. New Police Vehicle Prices: Police Chief James Dean covered the following items regarding another police department vehicle:
 - 1999 Crown Vic's engine has 'thrown a rod'. The cost of repairs is \$4,700.00. Have been informed it has run dry on oil on two other occasions.
 - Secured a Quote for a new Crown Vic from Cox Motors.
 - Secured KHP prices for Dodge Ram 1500 Crew Cab, Dodge Durango, Dodge Charger, Ford Crown Vic, Chevrolet 1500 Crew Cab, and Used KHP 2006 Crown Vic.
 - A shop price for retrofitting the new equipment is about \$69.00 for every style of vehicle. Estimated 20 hours of service for every type of vehicle.
 - Secured prices for equipment of emergency vehicle lights, Stalker radar, an ION camera System made by Custom, Console for radio equipment, siren/switchback, prisoner transport cage, graphics, trunk organizer, and shotgun/rifle rack.
 - Budget is established for a lease option purchase.
 - Police Chief's choice would be Dodge Durango, or Chevrolet 1500 Crew Cab, or used KHP Crown Vic, or a used KHP pickup if available.Determined to have police chief check on lease options and do not want to spend \$4,700 on 1999 Crown Vic repairs. Will table and review further at another meeting.

Fire Chief Doug Lloyd

- i. Firefighter Pay Changes: Fire Chief Doug Lloyd noted this previously requested change was for the monthly meeting/training sessions, not fire calls. As far as the monthly payment to the Fire Department Activity Fund the actual monthly stipend would be based on the number attending the

- meeting/training session. The fire department will provide minutes of their meeting including the motion for the change as well as a list of all members agreeing to the change. Mayor Smith requested an ordinance change be drawn up and presented to the council.
- ii. Year End Report: Reported 53 calls in 2007. Two were fire calls applicable to apartment complexes that were saved due to the quick response by the department staff.
 - iii. Update on New Station in Industrial Park: The outside work is complete.
 - iv. South 9th Street Entrance to Fire Station: Fire Chief Lloyd reported the drainage area would require two 14" Culverts. He is also checking with County Economic Development, Dennis Arnold, about the trees being there for a sound barrier between the residential area and the industrial park; however two trees are dead.
 - v. Linn Valley Fire Chief Inquiry for Mutual Aide Agreement: Fire Chief Lloyd introduced Linn Valley Fire Chief Stan Giles. Noted the city currently has a mutual aid agreement with Linn County. Linn Valley and La Cygne are now inquiring about a mutual aid agreement between the two cities should a need arise when the county is not available. Mayor Smith asked that the departments get with the attorney for an agreement to bring back to the council.
 - vi. Replace Old 1962 Ford Fire Truck: Fire Chief Lloyd noted the '62 Ford is parked and not being used due to condition. Fire Chief Lloyd had just found another used pumper fire truck in Ottawa for under \$30,000 that holds 1,000 gallons. Reported this would help the city fire ratings and could then leave a truck on the west side of the tracks. Reported there is money under Capital Improvements for a lease purchase. Mayor Smith asked for the complete information to be given to the city clerk to be reviewed by the council.

STANDING COMMITTEE REPORTS:

Street

- i. Street Signs: The ordered street signs have been received.

Water

- i. Where Water is Drawn When a Fire Occurs: The fire department was asked how water is used when fighting a fire. Fire Chief Lloyd responded it is pumped off of the hydrant with a watch on the pressure.

Sewer

- i. Status of Video Inspection of Line on North Swan Street: Video is being done later this week.

Park

- i. Jodi Wade with New Pool Update: Jodi Wade reported she had received the Bohl and Associates design contract for \$7,500. She was going to go over it with City Attorney Sutherland and City Clerk Herrin. She had also received several surveys with a lot of support and design ideas. The group working on the project will prioritize what is needed for the pool. Another topic being discussed is advertising for the fundraisers while holding costs. Have discussed several different ideas. Will have the year's events and dates planned out in time to go into the city newsletter. The next meeting with the Park Board is still set for January 9th.

UNFINISHED BUSINESS:

Erickson/Moore Trailer Park License Renewal

Renewal application has been received by the city and approved by the Codes Officer.

- *Motion to Approve Mobile Home Park License for Erickson/Moore Trailer Park*

Council Member Weitman moved to authorize the mobile home license for Larry Erickson and Betty Moore. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:34 p.m.

Carpet for 206 Commercial

City Clerk Herrin reported the carpet chosen would not be in production by the carpet company until January 26th. Carpetman has agreed to lay the carpet as soon as it is available. The previous carpet motion included the carpet being laid by January 15th. That motion will require an amendment in order to stay with this particular carpet that has a snag free requirement.

- *Motion to Amend Installation Date of Carpet*

Council Member Weitman moved to amend the January 15th installation date for the carpet to February 29th. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:37 p.m.

Housing Authority Appointment

Mayor Smith recommended the appointment of Christine Teagarden to the Senior Housing Authority Board.

- *Motion to Accept Christine Teagarden to Senior Housing Authority Board*

Council Member Weitman moved to accept the appointment of Christine Teagarden to the Senior Housing Authority Board. Seconded by Council Member Boone, voted on, passed 4-1. Time: 7:38 p.m.

UNFINISHED BUSINESS: (Continued)

Two Park Board Appointments

Mayor Smith recommended the appointment of Sheila Thoele and Jodi Wade for the two open Park Board Appointments.

- *Motion to Accept Park Board Appointments*

Council Member Weitman moved to accept the recommended appointments of Sheila Thoele and Jodi Wade to the Park Board. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:39 p.m.

NEW BUSINESS:

Electrical Update for 206 Commercial

Council Member Weitman reported Keith Beattie was available as a part-time employee at \$25.00 per hour to update the wiring in 206 Commercial building. Estimated approximately forty hours depending on amount of wiring requiring to be replaced/installed. Discussed if a person was hired to update the wiring a motion would also be needed for the purchase of electrical supplies, of which costs are currently unknown.

- *Motion to Hire Keith Beattie at \$25 per hour for Part-Time Employment*

Council Member Boone moved to hire Keith Beattie as a part-time employee for the electrical updates for \$25.00 per hour. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:42 p.m.

- *Motion to Purchase Electrical Supplies for Cost up to \$5,000*

Council Member Sullivan moved to authorize the purchase of electrical supplies for up to \$5,000 for the city hall project at 206 Commercial. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:43 p.m.

Question About Bids on City Property for Sale

The question was asked if there had been any responses to the two city properties listed for sale. City Clerk Herrin reported there had been one sealed bid received which would not be opened until the March date specified so not sure if for both or just one location. And, there had also been one inquiry.

RWD #3 Invitation to Discuss Water Issues

Rural Water District #3 invited the City of La Cygne to their next regular meeting to discuss water issues. The meeting is 7:00 p.m., Wednesday, January 9th at the Prairie View High School Technology room. Discussed. Several indicated available to attend. A

majority of a quorum present is ok with notice given. Motion was made for a Special Meeting.

- *Motion for Special Meeting Wednesday, January 9, 2008*

Council Member Weitman moved to have a special council meeting for possible quorum present at the RWD #3 meeting next Wednesday, January 9th at 7:00 p.m. at the Prairie View High School. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:48 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to fifty minutes for discussion of legal, personnel, and land acquisition following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:50 p.m.

Others invited into or requesting a portion of time in executive session included: City Clerk Herrin and Police Chief James Dean.

Open Session Resumed at 8:32 p.m.

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OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Written Report:

- A] Senior Housing Authority Appointment
- B] Park Board Appointments
- C] Carpet at 206 Commercial
- D] Firefighter Pay Changes

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KCP&L Franchise Payment of \$9,196.99
- b] *HealthQuest* Lifeline Benefits with City's Health Insurance

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Member Sullivan, voted on, 2-2 (No: Turpen & Weitman).**

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Meeting adjourned at 8:35 p.m. by Mayor Keith Smith.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 2nd day of January 2008.

SPECIAL MEETING – Rural Water District #3

The La Cygne City Council met in special joint session on Wednesday, January 9, 2008 at the Prairie View High School with Rural Water District #3. Purpose of the meeting was to discuss water issues with the Rural Water District. The following council members were present creating a quorum: Jerry Boone, Robert “Bob” Sullivan, Joe Turpen and Terry Weitman. Absent: Travis Robbins. Mayor Keith Smith and all council members present signed the request for special meeting.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Public Works Superintendent George Craig, Public Works Jerome Moore; and Public Works Art Terry. Also present for the Rural Water District #3 Board Meeting was John Mick, David Reynolds, Larry Reynolds, Bernard Dumcun, Chris Caruthers, Paula Burke, and Attorney Paul Domney.

David Reynolds called the Rural Water Meeting to order at 7:00 p.m. Mr. Reynolds alerted everyone the meeting was being taped.

Discussion on Water Issues

David Reynolds asked the city what thoughts the city had as would like to just have a joint discussion at this time with no commitments tonight.

The following points were discussed:

- City asked what the rural water districts thoughts were with remaining a water-purchasing customer of the city.
- Council Member Weitman provided some recent history of a few years ago when the water districts met with the city do discuss if the city should also commit to RWD #13 or upgrade to include increasing capacity to meet rural water districts’ needs together with the city’s. The city had left that meeting with input from both rural water districts that ½ of the water volume would be left with the city and the city decided on that verbal commitment to move forward with increasing capacity at that time. Now there will be a hardship on the city if those volumes are not met and the city will need to explore other opportunities to sell water elsewhere.
- Rural Water District #3 has a minimum commitment to RWD #13 which includes about two-thirds of their volume.
- The volumes committed to RWD #13 are the same as what was committed in 1997.
- Fore RWD #3 to pump from the city it takes 2 pump stations running and the total cost with the pump stations is not a lot different than the price from RWD #13 without any pump stations.
- The line to and including the school has been left entirely with the city’s water and is about 25% of the volume for RWD #3.
- RWD #3 plans to maintain the amount they have been purchasing in the last few months and the school does use more water in the summer when they water the fields.

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- City noted current volumes were not enough and city would need to start looking to other entities to distribute water.
- RWD #3 noted they had a contract with the city to obtain water when they needed water. Would be turning to the city if RWD #13 had a problem and could not provide potable water. It would be up to the attorney's as to whether or not that contract had been broken.
- Lower volumes will effect pricing.
- Discussed using city water two days a week and RWD #13 the other days as La Cygne is currently cheaper
- Attorney Domney noted the city was well aware for a number of years that the rural water districts planned to go with RWD #13 and the volumes were set in 1997 and the people at the city knew then.
- Council Member Weitman noted the city would like to continue a good relationship with the rural water district. David Reynolds noted the attorney's letter stating the RWD was going to be cut off on a certain date if con tract was not renegotiated was not appreciated. Will try to work through mayor and chairman first in the future.
- Invited rural water district board to come inspect the water plant any time to see how the plant is currently better than meeting minimum state requirements.

David Reynolds thanked the city for their attendance. The City Council disbanded at 7:35 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 9th day of January 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, January 16, 2008, at the La Cygne Community Building. Council Members present were: Jerry Boone, Joe Turpen, Travis Robbins, and Robert 'Bob' Sullivan. Absent: Terry Weitman.

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Jodi Wade; Christine Teagarden; LeRoy Turpen; Robert Turpen; Fire Chief Doug Lloyd; Matt Byerley; Josh White with Midwest Communications; Dave Bolen; Assistant Fire Chief Scott Stainbrook; Linn County Emergency Management Director Doug Barlet; Kathy Faircloth with Peoples Telephone; Ed Billinger and Trevor Riley; Cody Preston; and Judy Kinder.

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

CERTIFICATE OF APPRECIATION

Mayor Keith Smith recognized Volunteer Firefighter Matt Byerley for his services to the city with a Certificate of Appreciation. Matt Byerley has accepted a firefighter position with Garden City. On behalf of the city Mayor Smith congratulated Matt Byerley and

thanked him for his previous commitments, inviting him back to the community any time.

Due to other commitments Mayor Smith left the meeting. Council President Joe Junior Turpen presided over the meeting.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: January 3 - 16, 2008
Minutes of January 2, 2008 City Council Meeting
Minutes of January 9, 2008 Special City Council Meeting
December 2007 Budget and Treasurer Reports
4th Quarter 2007 Financial Statement
2007 Annual Financial Statement

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

DISCUSSION FROM THE FLOOR:

Kathy Faircloth, Peoples Telecommunications Community Commitment:

Kathy Faircloth, General Manager for Peoples Telecommunications, presented a handout to the city council providing Peoples' Mission Statement with their future plans to replace current copper network in the city with Fiber to the Home network at a cost of over \$2.5 million. Ms. Faircloth noted the new system would transmit phone, Internet and even television service over the same fiber optic line and enhance the quality and performance of all three. Reiterated the phone company has been in place since 1914 and continues to be committed to the future of La Cygne and the surrounding area. Also a list of Peoples' previous years of support by taxes and donations, was presented. During the preparation time for the new system there will be surveyors in the city mapping out the right-of-ways for the new lines. The plans for installation are to begin in May and be up and running by the end of the year.

DISCUSSION FROM THE FLOOR: (Continued)

Doug Barlet, Linn County Emergency Preparedness Coordinator

Doug Barlet explained the county is re-establishing the Local Emergency Planning Committee and would like to have a representative from the city on the committee. The recommended names for the committee would be submitted to the state and the state will be the one accepting the committee representation for the county committee. Doug Lloyd's name had been mentioned as a representative as he is presently the coordinator of the Emergency Management Committee for the City.

- *Motion to Approve Doug Lloyd for County Local Emergency Planning Committee*

Council Member Robbins moved to approve the appointment of Doug Lloyd as the city representative on Linn County's Local Emergency Planning Committee. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:07 p.m.

Coordinator Barlet explained they will meet in late February or March and then the state will actually appoint after that meeting.

The Linn County Commissioners have committed to apply for grants. There is the opportunity to include the cities. The benefits include being eligible for grant funding from FEMA items like 'safe rooms' within a building hardened to withstand an F5 tornado, dikes, dams, and even home buy outs in some situations. The negative side is the time required to work with the project. The city will want someone designated to take the time to read and become familiar with the plan. If the city decides to participate the city would adopt the plan by resolution. Once established they will identify natural hazards for the area such as tornados, floods, etc. Then determine the vulnerability to the hazards and methods to address the vulnerabilities.

Coordinator Barlet will be attending more meetings in the future for further information and if anyone has any questions now or later, please contact him and he will check for the answers. The deadline with the state is April 7th. And, there will be two public hearings through the process. City Attorney Sutherland noted if the city is interested just a motion to participate would be required now and then later when more information is available the final decision could be made prior to passing a resolution.

- *Motion to Participate with County on FEMA Grant Project*

Council Member Robbins moved to approve to participate with Linn County on the FEMA Grant project. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:14 p.m.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

iii. Codes Enforcement Report:

1. 509 E. Vine: Have spoken with Brenda Maine. A dumpster has been ordered to dispose of the items in the yard. The

pickup has been removed. The trailer will be pulled out of the lot as well.

2. Vehicle at Property on 7th Street: Have spoken with the owner who has committed to have the vehicle removed shortly.
3. Two Other Complaints: Working on them and will report at next meeting.
4. Property with Accumulation in Alley: Council Member Robbins asked what action could be taken when the accumulation in a yard began to extend into the alley causing vehicles using the alley to drive on private property. Officer Dean reported he would look into it.

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REPORTS OF CITY OFFICERS: (Continued)

Police Chief and Codes Officer James W. Dean (Continued)

- iv. KDOT Safety Office: Police Chief James Dean reported there is a grant for the STEP program available to reimburse the city for overtime regarding extra patrol for up to \$1,500. Will be getting more information to see if the council wants to participate.
- v. Police Vehicles:
 - 1999 Crown Vic: Obtained formal prices for motor and air conditioning repairs. For a Ford Rebuilt Motor with a 3-year/36,000 mile warranty installed by Barrett Automotive and including labor and repair of the A/C system the cost would be \$4,520. There were other motors available, however the prices were not enough different versus the warranty. The actual time frame to repair was not known, estimated 2-3 weeks to allow time to order motor.
 - 1996 Crown Vic: Has transmission problems and other potential problems.
 - Chief Dean Recommendation: Repair 1999 and disperse with 1996.
 - New Vehicle Purchase:
 1. The only dealer close to the KHP program prices was Cox Motors for a Ford Crown Vic.
 2. Recommended Conrad Fire to retro fit a new vehicle as they do the highway patrols.
 3. Obtained lease interest rates from Labette Bank of 4.8% for three years, and from 1st Option of 4.5% with a \$100 origination fee for three years.
 4. Recommend a new Chevrolet Crew Cab 4WD with all of the equipment for \$35,000 from the KHP program using a lease plan.

- *Motion to Repair 1999 Crown Vic for \$4,520 by Barrett Automotive*

Council Member Sullivan moved to spend \$4,520 to have Barrett Automotive repair the 1999 Crown Vic. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:25 p.m.

Discussed estimated annual payments with a three-year lease versus possibility of a four-year lease.

- *Motion to Purchase 2008 Chevrolet Crew Cab with Equipment by Lease for Up To \$35,000*

Council Member Sullivan moved to purchase a 2008 Chevrolet Crew Cab with equipment using 1st Option Bank 3 or 4-year lease for a cost of up to \$35,000. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:32

Fire Chief Doug Lloyd

- vii. Fire Truck Replacement: Fire Chief Doug Lloyd presented information on a 1988 Spartan-Quality brand Fire Engine having the required 1250 gallons per minute pump, a 900 gallon poly water tank (new), diesel engine, automatic transmission, all fire equipment needed for the truck to be put in service (new), and a complete walk through of truck operation when delivered, for a price of \$25,000. Along with the truck information was a list of reasons to purchase this truck now. Presented seven-year lease rates of 4.7% from 1st Option Bank for a cost of \$5,116.33 beginning January 2009, and Labette lease rate of 6.9%. Noted this truck could be left on the west side of town at the old station building. Discussed the total costs of adding this payment with the existing payment on the other fire truck as well as unknown future utility costs on the new fire station as well as if leave utilities on in the old station. Council concurred the fire department personnel had been doing a great job with updating equipment and standards of the department; however, felt the city just did not have available funds for more debt right now. Tabled for now.

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REPORTS OF CITY OFFICERS: (Continued)

Fire Chief Doug Lloyd (Continued)

- viii. Fireman Pay Ordinance #1358: Discussed Section 2, Activity Fund Deposits, pertaining to Fire Chief's attendance to meetings. Concurred to add a monthly payment of \$30 for Fire Chief attendance to this section.

- *Motion to Approve Ordinance #1358 with Changes*

Council Member Sullivan moved to approve Ordinance #1358 with the change in the Activity Fund Deposits adding \$30 for Fire Chief attendance. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:46 p.m.

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- ix. Resignation of Scott Stainbrook as Assistant Fire Chief: Scott Stainbrook read a letter of resignation regarding his position as assistant fire chief. Scott indicated he would remain as a fireman.

- *Motion to Accept Assistant Fire Chief Scott Stainbrook's Resignation*

Council Member Robbins moved to accept Scott Stainbrook's resignation for the position of Assistant Fire Chief. Seconded by Council Member Turpen, voted on, passed 3-1 (No: Boone). Time: 7:48 p.m.

- x. Appointment of Dan Nasalroad as Assistant Fire Chief: Fire Chief Lloyd recommended the appointment of Dan Nasalroad as Assistant Fire Chief as he is a firefighter who is usually available during the day. Dan is currently participating in the firefighter training class to be a qualified firefighter.

- *Motion to Accept Appointment of Dan Nasalroad as Assistant Fire Chief*

Council Member Robbins moved to accept Dan Nasalroad as Assistant Fire Chief. Seconded by Council Member Sullivan, voted on, passed 3-0-1 (Abstain: Boone). Time: 7:50 p.m.

STANDING COMMITTEE REPORTS:

Water & Gas

- ii. Upgrade Computer for Water Plant: The water plant computer that records the records for such items as the turbidity and chlorine is seven years old. Inquiring about obtaining prices to replace the computer at the same time the computer company is here to move the city hall equipment. Council concurred to obtain prices.
- iii. Retain Land for Future Water Tower Location: Public Works Superintendent Craig asked the council to consider retaining the lots purchased last year for a fire station to be used in the future for a water tower. There is a large water main line in that area that would be easy to connect with a tower. Council agreed to consider while reviewing any bids received for the lots in mid March.
- iv. Wholesale Water Interest from Tanglewood Lakes and Linn Valley: Reviewed letter from Tanglewood Lakes and will invite them to attend the next city council meeting to discuss, or city council will attend one of their meetings to discuss further. PWS Craig reported Linn Valley is also interested. Linn Valley has some items they want to check out and will get back with the city.
- v. Gas Supply Inquiry at Henson Line Area: Council reviewed request from KCC for the city to consider adding an area in Miami County near the Henson corner where there are fourteen residences and a commercial entity currently served natural gas from Miami Pipeline, which is disbanding service in the area. Discussed some improvements to be required for possibility. Concurred city would be interested in further information as a possibility for additional customers in that area.

STANDING COMMITTEE REPORTS: (Continued)

Sewer

- ii. Sewer Line Inspection Report: City Clerk Herrin and PWS Craig reported additional information had been received today and would like to review with Sewer Committee and bring back to the next meeting. Tabled until the next meeting.

Park

- ii. Pending Items at South Park: Council Member Boone reported the Park Board is going to remove the old merry-go-rounds, move the tire swing to the correct location on the wooden play set and put up some new swings. They are also going to look into another bigger shelter house.
- iii. Jodi Wade with New Pool Update: Jodi Wade presented a list of fundraisers with some dates established. Will set up fund lines for income and expenses for the fundraisers keeping it clear for the public the already donated funds are not being used for fundraisers, but income over expenses are added to the donated funds. Inquired about aluminum can recycle collection at the trash compactor – will have to get with county for approval in that area. Bohl's and Associates presentation has been rescheduled for the 30th Park Board Meeting. They have been given some ideas for pool designs. Their contract has an attachment to it adding the La Cygne Park Board.
- iv. Skate Board Park: Jodi Wade requested a community meeting including the youth in the area interested in a skateboard park area. A grant for building a skate board park has been located and is due by March 1st. She has located a designer in Joplin who has agreed to come explain the costs to everyone interested. The grant also requires a commitment from the youth in the area so will discuss that at the community meeting too.

UNFINISHED BUSINESS:

Sample of Midwest Connections, Inc. Contract

Referred to Deputy City Clerk Mahon's attached request to table until the next meeting to allow time to insert appropriate language for bandwidth. Tabled.

NEW BUSINESS:

Railroad Warning Signs Prior to RR Crossings on Swan and Sycamore

PWS Craig reported public works was in the process of handling. Thanked George for going ahead and handling the railroads request.

Signage for City Hall & Police Department at 206 Commercial

Discussed obtaining a new sign for the top front of city hall to include the police department as well as window signs. Council concurred for city employees to obtain styles and prices and bring them back to the council for consideration. Council Member Turpen also recommended contacting the City of Butler as to who made their new sign above their city hall.

Update Peoples Telephone Franchise

City Clerk Herrin reported it had just been brought to attention the franchise originally written in 1973 was not reviewed in 1993 as noted in the franchise, nor had it been addressed since. Peoples Telephone has continued to pay the \$600 annual franchise fee. The purpose of adding it to the agenda was for council consideration of renewal, or to continue as is. Council asked for copies of other cities franchise for comparison. Will continue to review.

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NEW BUSINESS: (Continued)

Move Siren from 210 Commercial to 206 Commercial

Quote is good for 90 days. Tabled until after bids on property are opened in March.

Diehl Banwart Bolton Contract for 2007 Financial Audit

Discussed the same auditor has handled the city audit for years. Might be good to get another view. Asked city employees to check with other cities in the area as to who their auditor is and consider obtaining bids for the 2007 audit process.

City Insurance Bid Process

Discussed Linn County Insurance Agency will just become the agent handling the city's insurance through EMC as of this April 2008 renewal. It has just been a city process to bid the policy every three years, not a requirement. Council concurred since had just agreed to the April 2008 agent of record letter change would wait until 2009 to place the policy out for bids.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to twenty-five minutes for discussion of legal, personnel, and land acquisition following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:35 p.m.

Others invited into or requesting a portion of time in executive session included: City Clerk Herrin and Police Chief James Dean.

Open Session Resumed at 9:12 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Written Report:

- A] Pemberton Excavation Payment of \$14,790
- B] Upgrade Computer for Water Plant
- C] Retain Land for Future Water Tower Location
- D] Wholesale Water Interest from Tanglewood Lakes and Linn Valley
- E] Gas Supply Inquiry at Henson Line Area
- F] Midwest Connections, Inc. High Speed Wireless Internet
- G] Railroad Warning Signs Prior to RR Crossings on Swan & Sycamore
- H] Signage for City Hall and Police Department
- I] Update Peoples Telephone Franchise
- J] City Insurance Bid Process

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] January 9, 2008 Park Board Meeting Minutes
- b] 2007 Water Reports by Deputy City Clerk Mahon
- c] 2007 Gas Report by Deputy City Clerk Mahon
- d] KMU Regional Meetings Notice
- e] *Kansas Government Journal* Volume 93, Number 12, December 2007

OTHER BUSINESS (Continued):

KRWA Attorneys' Forum 2008

City Attorney Sutherland requested attendance to the KRWA Attorneys' Forum on Tuesday, March 25th in Wichita. It is a one-day session requiring per diem to drive to the meeting. It is an annual session covering current water issues.

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

Council Member Robbins moved for City Attorney Sutherland to attend the KRWA Attorneys' Forum in Wichita on March 25th with per diem for the day's travel. Seconded by Council Member Turpen, voted on, passed 3-0-1 (Abstain: Boone). Time: 9:17 p.m.

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Robbins moved to adjourn the meeting. Motion seconded by Council Members Sullivan, Turpen, and Boone, voted on, 4-0.**

Meeting adjourned at 9:18 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 January 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, February 6, 2008, at the La Cygne Community Building. Council Members present were: Jerry Boone, Joe Turpen, Travis Robbins, Robert 'Bob' Sullivan and Terry Weitman.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary D. Mahon; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Jerome Moore; Jodi Wade; LeRoy Turpen; Robert Turpen; Fire Chief Doug Lloyd; Josh White with Midwest Communications; Trevor Riley; Cody Preston; Judy Kinder; Chris Stockton; Cathy Stockton; Linda Meisel; Charles Reed; Johnna Schreckhies; and Mr. & Mrs. Mike Shultz.

In the absence of Mayor Keith A. Smith, Council President Joe Turpen called the meeting to order at 7:00 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: January 17 – February 6, 2008

Minutes of January 16, 2008 City Council Meeting

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

DISCUSSION FROM THE FLOOR:

Tanglewood Lakes Association, Charles Reed, Regarding Wholesale Water

On behalf of Tanglewood Lakes POA, Charles Reed expressed an interest in the Tanglewood Lakes area purchasing water from the city as well as have someone come in and install the lines. Discussed:

1. The city was able to sell the water, however unable to install and maintain the lines.
2. RWD #3 was also talking to Tanglewood Lakes about running a line to the area.
3. Potential costs between the RWD fees versus a line from the city.

Everyone expressed appreciation for discussing the options.

Five-Year Appreciation Certificate for Public Works Art Terry

Council President Joe Turpen presented a Certificate of Appreciation for five years of service for public works employee Art Terry. The certificate was passed to PWS Craig to pass on to Art Terry. Council expressed appreciation for Art's commitment.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- vi. Update on New Vehicle and Equipment: New truck is scheduled to be shipped April 24th and should be here by May 1st.
- vii. STEP Campaign Agreement: The \$1,500 grant reimburses the city for overtime for certified officers to work Labor Day and Memorial Day projects.

- *Motion to Approve STEP Campaign Agreement*

Council Member Robbins moved to approve the STEP Agreement for a grant of \$1,500 with the mayor signing agreement. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:12 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- i. KRWA Conference with Delegate, Wichita, KS: PWS George Craig requested attendance of Jerome Moore to the KRWA annual conference this March. This will meet 10 credit hours required for water and sewer

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certification. Also felt it would be good for someone from city hall to attend the staff topic sessions.

- ii. KRWA State 2 DDBPR/IDSE Training Session: Requested Art Terry attends the course in Chanute for 5 credit hours and to stay current on the state requirement changes.
- iii. Annual Sewer Lift Station Maintenance Agreement: Douglas Pump Service has provided this annual maintenance service yearly. They have also been good to work with on emergency call-outs. The annual maintenance saves the life of the lift station.

- *Motion to Approve Two Employees to Attend the KRWA Annual Conference in Wichita with Per Diem*

Council Member Weitman moved to approve two delegates to attend the KRWA annual conference in Wichita in March with per diem. Seconded by Council Member Turpen, voted on, passed 5-0.

Time: 7:16 p.m.

- *Motion to Approve Art Terry Attending KRWA Training Session In Chanute*

Council Member Boone moved to send Art Terry to the KRWA Training Session in Chanute with per diem. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:17

- *Motion to Approve Annual Lift Station Maintenance Agreement with Douglas Pump*

Council Member Turpen moved to approve the annual maintenance contract with Douglas Pump for the sewer lift stations for a cost of \$1,650. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:19 p.m.

- iv. Thanks:
 - a. PWS Craig thanked all of public works for completing the NIMS tests to meet FEMA requirements, and those council members who had been able to complete the tests to date.
 - b. Council Member Turpen thanked all of public works for the new street signs that had been installed, they look really nice. Discussed they would be installing more.

Fire Chief Doug Lloyd

- xi. Fact Sheets About NIMS for Grants: Fire Chief Doug Lloyd presented fact sheets regarding NIMS certificates required for grants. Also have applied for five different grants from different places.
- xii. KFFFA Annual Conference: Requested attendance for two this year. Provides good learning sessions for the fire departments. Fire Chief Lloyd and Assistant Chief Dan Nasalroad are both on special committees that meet during the conference.

- *Motion to Approve Two to Attend KFFFA Annual Conference*

Council Member Robbins moved for Doug Lloyd and Dan Nasalroad to attend the KFFFA Annual Conference with per diem. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:23 p.m.

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STANDING COMMITTEE REPORTS:

Water & Gas

- vi. Generator at Water Plant: Council Member Boone reported the generator will be up and running as soon as it is programmed.
- vii. Gas Supply Inquiry at Henson Line Area: KCC is reviewing and will have more information at a future meeting.

Sewer

- iii. Sewer Lagoon Project: Still waiting on paperwork.

Park

- v. Pending Items at South Park: Council Member Boone reported several items had been ordered through the KHP program including a new merry-go-round, six teeter-totters, a stand-up-spinner, and swings. Ordering through the KHP program saved the city around \$1,700.00.
- vi. Jodi Wade with New Pool Update: Jodi Wade reported the designers would have two pool drafts by the end of the month. Flyers were being prepared for the May 3rd Fund Raiser. Working with insurance agent Christine on insurance premiums for some of the pool items. Ransom & Co has been in contact as a financial entity to help if needed with bonds and tax information.
- vii. Skate Board Park: Jodi Wade reported there were about 25 youth and fifteen adults in attendance at the informational meeting for a skateboard park. Twelve youth signed up for a committee to help with the project. Some adults offered to help with the concrete work. American Ramp Company gave information on grants and overstock information. They will be bringing a 'traveling skate pad' to the area this spring for everyone to try out. Also checking into liability information on a skateboard park.

Public Safety

- i. Houses' Without House Numbers: Council discussed concern about houses still without house numbers. Noted house numbers are still available without cost at City Hall.

Community Building

- i. Front Part Painted by Linda Elder: Council thanked Linda for taking the time to paint the front part of the community building. Lots of positive comments; encouraged everyone to tell Linda thanks when they saw her.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member Turpen moved to go into executive session for legal for twenty minutes. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:38 p.m.

Others invited into executive session included: City Clerk Herrin, Deputy City Clerk Mahon, Public Works Superintendent George Craig, and Attorney Mike Shultz.

- *Motion to Extend Executive Session*

Council Member Turpen moved to extend executive session for fifteen minutes. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:52 p.m.

Open Session Resumed at 8:07 p.m.

UNFINISHED BUSINESS:

Midwest Connections, Inc. Contract

Deputy City Clerk Mahon presented contract proposal suggestions for council consideration in creating a contract with Midwest Connections, Inc.

Discussed the following:

1. Number of people each station can handle and how more stations are added when the demand increases. About 50 people had already expressed interest in this area.
2. How the electrical power is to be handled.
3. Amount of compensation for use of tower, or possibly handle like a franchise agreement.
4. Midwest Connections' services versus Peoples Telecommunications' services.
5. Giving the customers choices versus business commitment to the city.
6. Other sites are available to Midwest to consider besides the city's water tower.
7. Midwest Connections is available to work with the city once they know what the city wants considered in a contract.
8. Have Deputy City Clerk Mahon and City Attorney Sutherland work out the considerations and bring back to the council.

Review Peoples Telephone Franchise

City Clerk Herrin reported the sample ordinance provided by Peoples Telephone had been reviewed by City Attorney Sutherland. The following points were suggested to be considered to be added to the ordinance:

- i. An indemnity clause
- ii. A nonexclusive clause
- iii. Retain the paragraph pertaining to the city having a map or plat of the phone lines
- iv. What does the billing consist of, i.e. just phone, or include Internet &/or future cable?

Council concurred to contact Peoples for intent of billing on the franchise and to add the other three items to the contract to prepare for approval and review from Peoples Telecommunications.

2007 Financial Auditor Bids

City Clerk Herrin reported Lohenthal and Singleton had called and declined to place a bid at this time, as they were already booked for the 2007 audits. Agler from Ottawa left a verbal bid of \$7,000 with the understanding they would not be able to start the audit until the end of May or early June. The bid from Diehl, Banwart, Bolton is not to exceed \$5,405 plus travel and out-of-pocket expenses.

- *Motion to Hire Diehl, Banwart, & Bolton for 2007 Audit for \$5,405 Plus Expenses*

Council Member Robbins moved to hire Diehl, Banwart, and Bolton for the 2007 Audit as proposed. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:01 p.m.

NEW BUSINESS:

Mayor and Council Member Salary Review

Noted Pleasanton's Council Members were now receiving \$50 per meeting, and mayor's monthly salary was addressed last year.

- *Motion to Increase Council Member Salary to \$50 per Meeting*

Council Member Boone moved to increase the council members pay to \$50 per meeting. Seconded by Council Member Robbins, voted on, passed 4-1 (No: Weitman). Time: 9:05 p.m.

NEW BUSINESS: (Continued)

Overtime for City Hall Employees to Move

Discussed additional time would be required to sort as move of City Hall is completed.

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Council concurred it was already discussed and known it would require additional overtime. Also it was ok to utilize the Fire Department when needed and available and could then donate to the Fire Department's Activity Fund.

Employee Salary Reviews

Discussed having an executive session for personnel or just having a cost of living raise.

- *Motion for 3.5% Raise to All Employees*

Council Member Boone moved to give a 3.5% raise to all city employees. Seconded by Council Member Sullivan, voted on, Yes – 2 (Boone & Sullivan), No – 2 (Weitman and Robbins), Abstain – 1 (Turpen). No majority, motion dies.

Tabled until next meeting.

KPERS Training Session

City Clerk Herrin requested attendance by Deputy City Clerk or City Clerk to the KPERS Training Sessions. Discussed the three relatively close were Overland Park, Shawnee, and Pittsburg.

- *Motion to Approve Attendance to KPERS Training Session*

Council Member Turpen moved to have the Deputy City Clerk or the City Clerk attend the KPERS Workshop in Overland Park or Shawnee with per diem. Motion was not seconded. Council Member Turpen re-motined to include choice of date and town at the employee's discretion. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:22 p.m.

2008 Municipal Court Clerks' Conference

- *Motion to Approve Court Clerk Elder to Attend Conference*

Council Member Weitman moved to approve Linda Elder to attend the Court Clerks Conference with per diem. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 9:24 p.m.

La Cygne Library Request for Alley Improvement

Discussed this alley being a public project. There is more usage, as the library's drop box requires use of the alley to use. Estimated about four loads of rock. Council Member Weitman agreed to donate the rock with other arranged transportation. Concurred area needed rock however it was obtained.

- *Motion to Rock Alley Behind Library as a Community Project*

Council Member Boone moved to rock the alley behind the library as a community project. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 9:30 p.m.

Council Member Weitman noted if transportation could be arranged he would donate the materials.

KDOT Agreement with BNSF and City for Arms at Swan Street RR Crossing

City Attorney Sutherland noted this is a formality required by government funding.

- *Motion to Authorize Mayor to Sign KDOT Agreement for Swan Street RR Crossing Arms*

Council Member Weitman moved to authorize the mayor to sign the KDOT agreement for the railroad arms at the Swan Street Crossing. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 9:33 p.m.

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Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for five minutes for discussion of personnel. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:35 p.m.

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

Open Session Resumed at 9:43 p.m.

OTHER BUSINESS:

Lettering for City Hall

Council Member Boone asked about the status of the lettering for the front of city hall. City Clerk Herrin noted due to tonight's full agenda it had been scheduled for the next meeting. Discussed contacting locals Dan Nasalroad and J. J. Isenhower, as they both do this type of work.

CITY CLERK'S REPORT:

Verbal Report:

A] \$258,818 replacement cost value has been used to insure 206 Commercial at a cost of \$312.00 for coverage between November 21, 2007 – April 1, 2008.

Written Report:

- A] Midwest Connections, Inc. High Speed Wireless Internet
- B] Update Peoples Telephone Franchise
- C] 2007 Financial Auditor Bids
- D] KDOT Agreement with BNSF and City for Installing Arms at Swan Street

E] Items to be Placed on Next Agenda

NOTES AND COMMUNICATIONS TO COUNCIL:

a] None

ADJOURNMENT:

- *Motion for Adjournment*

Motion was made by Deputy City Clerk Mahon to adjourn and seconded by Linn County News Reporter Judy Kinder.

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

Meeting adjourned at 9:47 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 6th day of February 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, February 20, 2008, at the La Cygne Community Building. Council Members present were: Jerry Boone, Joe Turpen, Terry Weitman, and Robert 'Bob' Sullivan. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary D. Mahon, City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Christine Teagarden; LeRoy Turpen; Assistant Fire Chief Dan Nasalroad; Scott Stainbrook; Judy Kinder; Linda Meisel; Esther Shields; Jean Allen; Melody Troth; Danny Troth; Jake Fleming; Bob Short; Terry Holmes; Mark Patience; Quentin Kurtz P.A.; Danny Weitman; Chris Epperson; Mike Ernst; Betty Ernst; and Michael Feldman.

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

MAYORS COMMENTS:

1. Congratulations to the Prairie View High School Wrestling Team for placing first at the Regional meet; and to Coach Vandeventer for being named regional coach of the year.
2. Mayor Keith Smith read Council Member Travis Robbins' letter of resignation. He then recognized Council Member Robbins for his services to the city with a Certificate of Appreciation. Mayor Smith thanked him for all of his efforts towards city improvements and wished him the best.

EXECUTIVE SESSION

- *Motion for Executive Session*

Council Member Weitman moved to go in to executive session for 15 minutes legal and five minutes personnel for a total of up to twenty minutes. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:04 p.m.

Others invited into executive session included: Deputy City Clerk Mahon.

Open Session resumed at 7:19 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: February 7 - 20, 2008
Minutes of February 6, 2008 City Council Meeting
January 2008 Budget and Treasurer Reports

Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:20 p.m.

DISCUSSION FROM THE FLOOR:

RWD #1 Regarding Water Connection with City:

RWD #1 Chairman Mike Feldman asked what the rural water district had done wrong? Why the city had turned the water off to the district? And, where does the district stand with the city?

Council Member Boone responded the city had been told by members of the rural water district that city water would not be used by the district any longer; then, the three customers closest to the city were discussed and the city meter had to be turned off to

prevent backflow into the city's system. Later noted Mike Ernst was the RWD representative informing city personnel of discontinuing water service from the city. RWD Chairman Feldman noted this was the third time the district had changed over and did not wish to discontinue with the city.

Council Member Boone agreed the city wanted to continue to supply the district water including the previously agreed water to Power & Light.

RWD Chairman Feldman noted they have a minimum to purchase from Wholesale 13 and still don't know how to use both systems and both lines.

Discussed RWD #3 District being able to use water suppliers, however RWD #1 is set up differently and just how to split the system had not been determined yet.

Council Member Boone noted the city wanted to sell the district water with an agreement, and council concurred the goal was to work out something to continue to sell water. RWD Chairman Feldman noted they were trying to work out how to make it all work.

Mayor Smith explained Attorney Mike Shultz was to be present tonight on behalf of the city and had become ill. Asked if everyone could pick a time that would work and set down and see if this could be worked out? Chairman Feldman concurred they were here to work with the city.

Chairman Feldman introduced the rural water district's Attorney Quinton Kurtz. Mr. Kurtz noted the water contract was clear and the rural water district did not have to take any minimum; however, the desire was to make this work. Also, his December 11th letter made it clear the rural water district did want to purchase water and did not understand how the city now thought they didn't want to purchase.

City Attorney Sutherland responded the city didn't feel it had any alternative on the day the water valve was shut off and there are no changes now.

Discussed and concurred to have a special meeting. Chairman Feldman thanked the council and noted they would be in touch.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

viii. Codes Enforcement Report:

1. Reported was still working on removing a couple of cars in an alley; and, will be serving notice on a house on Chestnut.
2. Disposal of 1996 Crown Vic: Currently stripping the vehicle of equipment. Have found OMB Guns would be willing to purchase the vehicle as a credit and then the police department could purchase items from OMB using that credit. Working on filling out the paperwork for OMB estimate.
3. Training: Presented six training seminars occurring from March thru May with explanations for each. Due to time constraints deleting the request to attend the first seminar;

however, requested attendance for the other five for training and certification requirements.

- *Motion to Attend Five Training Sessions*

Council Member Turpen moved to approve training sessions 2 –6 with the dates of March 13, March 19, March 27, April 8, and May 21st with per diem. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:38 p.m.

4. KHP Training Today: Reported KHP is working on a software program that will be available to the city by January 2009.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- i. Training Workshop for Art Terry: Public Works Superintendent George Craig requested attendance for Art Terry to the Filter Profiling and Assessments Workshop, March 18-19, 2008 at Osawatomie, KS for a workshop fee of \$65.00 plus per diem. Ten hours of credit will be applied towards Art's water operator re-certification.

- *Motion to Approve Workshop for Art Terry*

Council Member Turpen moved to approve Art Terry to attend the Filter Profiling and Assessment Workshop with workshop fee costs and per diem. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:42 p.m.

Fire Chief Doug Lloyd

- xiii. Fire Station Door: In the absence of Fire Chief Doug Lloyd, Assistant Fire Chief Dan Nasalroad reported the fire truck had been out of service last weekend due to the garage door malfunctioning again. A bill will be coming for the temporary repairs, which will hold for a while.

STANDING COMMITTEE REPORTS:

Water & Gas

- viii. Gas Inquiry at Henson Line Area: PWS Craig reported the city is waiting to hear back from Leo Haynos with KCC.

Sewer

- iv. Sewer Lagoon Repair & Additional Line Status: Deputy City Clerk Gary Mahon reported he would have the application to go into SRF, and then Engineer John Brann will forward the specs to the state for approval prior to

placing the project out to bids. If the process stays on target the bids will be opened the second meeting in April and the construction can begin in May.

Park

- viii. Skate Board Park: Mayor Keith Smith presented a magazine write up for skate parks in small communities to pass on to the park board to add to the skate park information.

Public Safety

- i. Safety Measures for City Hall: Council Member Turpen asked if there would be any consideration for metal detectors or bulletproof protection for windows.

Community Building

- i. Ham Radio Club: Discussed comments received from the Ham Radio Club members regarding how nice the community building looks.

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SPECIAL COMMITTEE REPORTS:

Fiesta Committee

Fiesta Committee Chairman Chris Epperson reported a carnival near Arma, Kansas had been contacted and was available September 11 – 13, 2008. With their availability on those dates, the Fiesta has been set for that weekend. As for other events, currently planning on the same events as last year as well as a car show and a military presence that hopefully will not be deployed just before those dates.

UNFINISHED BUSINESS:

Midwest Connections, Inc. Contract

Deputy City Clerk Mahon presented a contract draft between Midwest Connections, Inc. and the City of La Cygne for the council review. He identified points within the contract of concerns previously discussed. Noted he would also like to add language to cover the description of the equipment to be placed on the tower. He had spoken with Josh White from Midwest Connections and they are planning on a new type of equipment than previously discussed and as soon as that description is available would add that to the contract if the council is interested. Then, if the council is ok with this draft, including the equipment language will forward the contract to Midwest Connections for their review and have the final draft ready for the next meeting for final council approval. Council concurred draft met approval with description of equipment added. Mayor Smith thanked Deputy City Clerk Mahon for working on the contract.

Signage for City Hall & Police Department at 206 Commercial

Deputy City Clerk Mahon reported he had asked Dan Nasalroad for a price on lettering for city hall and had not heard back from him yet. He had also asked Wilbur Fleming for lettering like what was on the Community Building, which are wood; and, J. J. Isenhour for metal lettering which he had been told would take a couple of weeks for a quote. Three individuals are working on different types of lettering and hopefully will have some information at the next meeting.

Peoples Telephone Franchise

City Clerk Herrin reported the attorney for Peoples Telephone was out of the office and had not had time to review the franchise ordinance. Requested tabling until the March 5th meeting. Tabled.

Ordinance #1359, Regarding Compensation to Council

Noted the motion made at the last meeting for council compensation change required the ordinance process.

- *Motion to Approve Ordinance #1359*

Council Member Boone moved to approve Ordinance #1359 pertaining to compensation for council. Seconded by Council Member Sullivan, voted on, passed 3-1 (No: Weitman). Time: 7:57 p.m.

Resolution #319, Regarding Agreement for Swan St. Railroad Crossing

Noted the agreement with KDOT approved at the last meeting also required a resolution by the city to meet government requirements. This is the required resolution to go with the already approved agreement.

- *Motion to Approve Resolution #319, Regarding Agreement for Swan St. Railroad Crossing*

Council Member Turpen moved to approve Resolution #319 regarding the agreement for the Swan Street Railroad Crossing Arms. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:58 p.m.

NEW BUSINESS:

Computer Quotes for Water Plant & City Hall

Computer quotes from Jayhawk Software included two options for the water plant computer with the difference being less RAM and GB's for \$115 difference. Council concurred for the difference would rather have the higher capacity computer as should the need arise for the space it would be available. The computers have a three-year warranty. Computers', software, one 19" LCD monitor, and computer installation total

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\$3,035.00.

- *Motion to Purchase Two Computers for \$3,035*

Council Member Turpen moved to purchase two computers, one for the water plant and one for city hall for a total of \$3,035.00. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:02 p.m.

Copier Replacement Quote

Reviewed quote from Modern Copy Systems to replace the three-year-old copier previously purchased from same company. With trade in the cash price is \$5,225.00. Three years ago the trade in replacement cost was \$5,100. Also checked with other cities in the county; Mound City has just taken bids on a copier and purchased from Modern Copy Systems. The high school and library also utilize this company for copiers, as their service is always prompt and courteous. Also reviewed the option of a per year maintenance contract for \$1,000 a year. Cost will be split between various funds.

- *Motion to purchase New Copier for \$5,225*

Council Member Turpen moved to purchase a Digital Laser KM 3060 for \$5,225.00 after trade in. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:05 p.m.

City Hall Window Coverings

Deputy City Clerk Gary Mahon reported the cost of window coverings for the police department and city hall to provide security and privacy when needed. The cost is around \$203 each for a total of about \$1,400 - \$1,500. The coverings are energy efficient and should prevent anyone outside from seeing figures inside. Actual cost unknown until ordered.

- *Motion to Purchase Window Coverings for up to \$1,500*

Council Member Turpen moved to approve the purchase of window blinds for a cost of up to \$1,500. Seconded by Council Member Sullivan, voted on, passed 3-1 (No: Boone). Time: 8:10 p.m.

Records Disposition List

Presented request to destroy city records/documents meeting destruction requirements as per state requirements, which refer to the City of Topeka's retention procedure policy. In reviewing the method of destruction, determined a form listing the items should be presented to the council. There are several pages to the destruction requirements; most records/documents can be destroyed 2, 3, and 5 years after expiration. Some records are retained permanently. Council concurred for employees to follow the state/Topeka destruction policy. Council Member Turpen asked for the city to retain payroll for ten years instead of the discussed five years (pertaining to detailed wage and hours worked data).

Review City Goals

Tabled due to time constraints.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to seventy-five minutes for discussion of legal, personnel, trade secrets, and land acquisition following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:18 p.m.

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent George Craig, Deputy City Clerk Gary Mahon, City Clerk Devona Herrin and Police Chief James Dean.

Open Session Resumed at 9:28 p.m.

OTHER BUSINESS:

Employee Salary Reviews

- *Motion for 3.5% Raise for Full Time Employees*

Council Member Turpen moved to give all full time employees a 3.5% raise. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:29 p.m.

Desk Planners

City Clerk Herrin asked about increasing the number of desk planners ordered from 150 to 200. This increased number will create a cost of \$500 - \$600. Council concurred.

New Horizon Fuel Contracts

Reported the fuel contracts changed this year would require council approval. The contracts are good until all of the available fuel is committed. This has happened. There is the possibility of being able to contract in the next few weeks for a different amount, therefore requested permission to sign up after discussing with someone so as to have the opportunity while the fuel is available. Concurred Mayor Smith would review if a contract became available.

CITY CLERK'S REPORT:

Written Report:

- A] Midwest Connections, Inc. High Speed Wireless Internet
- B] Peoples Telephone Franchise
- C] Gas Inquiry at Henson Line Area

- D] KDOT Agreement with BNSF and City for Installing Arms at Swan Street
- E] 1996 Crown Vic Disposal
- F] Ordinance #1359, Regarding Compensation to Council
- G] Computer Quotes for Water Plant & City Hall
- H] Copier Replacement Quote

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] *Kansas Government Journal*, Volume 94, Number 1, January 2008
- b] "Thank You" from Amateur Radio Club
- c] Fiesta 2007 Financial Report by Deputy City Clerk Mahon
- d] 'League News' Volume 13, Number 5, February 15, 2008

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ADJOURNMENT:

- *Motion for Adjournment*

Council Member Turpen moved to adjourn. Seconded by Council Member Sullivan, voted on, 2-2 (No: Boone and Weitman). Mayor Smith moved to adjourn. Time: 9:36 p.m.

Mayor Smith rescinded adjournment and reopened the meeting.

OTHER BUSINESS (Continued):

Resignation of Officer Lori Dennis

Police Chief Dean reported Officer Lori Dennis notified him of her immediate resignation effective February 18, 2008.

- *Motion to Accept Resignation of Officer Lori Dennis*

Council Member Boone moved to accept the immediate resignation of Lori Dennis. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 9:37 p.m.

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business Council Member Turpen moved to adjourn the meeting. Motion seconded by Council Members Boone, voted on, 4-0.

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Meeting adjourned at 9:38 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 February 2008.

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, March 5, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Turpen, Robert 'Bob' Sullivan and Terry Weitman. Absent: Open Position.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary D. Mahon; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; City Treasurer Linda Elder; Jodi Wade; Fire Chief Doug Lloyd; Trevor Riley; Judy Kinder; Linda Meisel; Scott Stainbrook; Robert Blanck; and Mike Shultz P.A.

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

MAYOR'S COMMENTS:

- i. Thanks to all of the city hall workers and public works crew as well as all others who helped put the new city hall together. Hope all enjoy the different building; it's a place the city can be proud of.
- ii. Thanks to Terry Weitman for the donation of the rock behind the library and city hall.
- iii. Acknowledged a thank you letter from the Max Thayer family.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: February 22 – March 5, 2008
Minutes of February 16, 2008 City Council Meeting

Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:07 p.m.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- ix. Codes: Reported a Notice to Appear for a codes violation had been served.
- x. New Police Officer: Currently running background checks on applicants.

Fire Chief Doug Lloyd

- xiv. New Station: Fire Chief Doug Lloyd reported the fire department is 'moving fast on going nowhere' on finishing the building. Asked for a letter from the city, maybe by John Sutherland, to the county about finishing the building. The portion committed by the city has been completed. Council Member Turpen reported he had sent an email to all three commissioners asking about the completion of the building. City Attorney Sutherland agreed to check with the county. Doug also noted the county is asking the fireman to do the electric and plumbing and they are not qualified for this type of work on the project.

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REPORTS OF CITY OFFICERS: (Continued)

Fire Chief Doug Lloyd (Continued)

- xv. FEMA/AFG: Requested approval to apply for a grant in the amount of \$76,900. If the city is selected for approval the city will share a 5% match, or \$3,845 for \$73,066 grant dollars. Fire Chief Lloyd also asked if the city was interested in applying for a grant for a new fire truck. The city would again be responsible for 5% of the cost if approved for the grant. Council agreed if he was willing to complete the grant application and if the city was selected the council would find the funds for the 5% match.
- xvi. Donation of SCBA: The city fire department received a donation from the Garnett Fire Department for 6 SCBA packs. A Thank You letter has been sent.
- xvii. Fire Truck: Tanglewood has asked if the city would be interested in taking the fire truck donated to them back. They have determined they will not be ready to establish a working fire department before at least another nine years. The fire department would like to park it by the fire station and go over it as time

allows determining if it is worth fixing back up and running, or scrapping it out if not worth the repairs. Council concurred it was ok to check into the status of the truck.

- xviii. Emergency Management Meeting: Reported the committee has new members and they are working towards getting ready for storms.

STANDING COMMITTEE REPORTS:

Water & Gas

- ix. Gas Supply Inquiry at Henson Line Area: Tabled.

Sewer

- v. Sewer Lagoon Repair & Additional Line Status: Waiting on engineer.

Park

- ix. Jodi Wade with New Pool Update: Jodi Wade reported: 1. The committee has reviewed preliminary drawing and sent in request for alterations. 2. Plan to have the final drawings at the May 3rd Mayfest. 3. The plans for the Mayfest are going well. They are receiving inquiries, have a lot of volunteers, and monetary donations.

Public Safety

- ii. Dr. Justesen to Join Local Medical Clinic: Council Member Turpen announced Dr. Justesen would be joining the La Cygne Medical Clinic on April 14th. There will be an Open House to meet the new doctor on March 13th from 5-7 p.m. at the Community Building. Olathe Medical Services will serve refreshments. All are invited to attend.

Community Building

- ii. Waive Fee for 5th Grade Traveling Basketball Team: Mayor Smith read the request for the city to consider waiving the community building fee for the fundraiser being held for the 5th Grade Traveling Basketball Team.

- *Motion to Approve Waiving Fee for 5th Grade Traveling Basketball Team Fundraiser*

Council Member Turpen moved to waive the community building fee for the 5th Grade Traveling Basketball Team fundraiser. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:25 p.m.

UNFINISHED BUSINESS:

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Midwest Connections, Inc. Contract

Deputy City Clerk Mahon requested to table until later in the meeting to allow time for the possibility of a representative to arrive.

Thank You's

City Treasurer Linda Elder thanked the council for the raise for the city employees. She also thanked George and all of the public works employees for their help and Linda Meisel for her help.

Deputy City Clerk Mahon thanked the council and city citizens for providing a much improved city hall for a much improved work environment and city hall to be proud of.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member Turpen moved to go into executive session for legal for up to thirty minutes. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:27 p.m.

Others invited into executive session included: City Clerk Herrin, Deputy City Clerk Mahon, Public Works Superintendent George Craig, and Attorney Mike Shultz.

Open Session Resumed at 7:57 p.m.

UNFINISHED BUSINESS: (Continued)

Signage for 206 Commercial

Deputy City Clerk Mahon reported:

- J. J. Isenhour has informed him he is too backed up with other work to give a bid at this time.
- Dan Nasalroad is having trouble obtaining a cost, as this is not the normal lettering he handles.
- Wilbur Fleming will charge \$20 a letter for wood letters like what is on the Community Building.

Mayor Smith reported Dan Bosley of Thriftway had been involved in having some signs made, so might be a contact on others who make signs. Deputy City Clerk Mahon noted he was thinking about metal signs like what was previously on the bank across the street. Mayor Smith asked if Joe Atwood at the High School shop would possibly have someone who could make them as a project. Deputy City Clerk will continue to check for different types of a sign.

Peoples Telephone Franchise, Ordinance #1360

City Clerk Herrin reported Peoples Telecommunications had reviewed the ordinance presented at the table.

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- *Motion to Approve Ordinance #1360, Peoples Telephone Franchise*

Council Member Turpen moved to approve Ordinance #1360 pertaining to the Peoples Telephone Franchise. Seconded by Council Member Weitman, voted on, passed 3-1 (No: Boone). Time: 8:06 p.m.

NEW BUSINESS:

Sponsor Spring Citywide Garage Sale

Council agreed to sponsor the Spring Citywide Garage Sale on Saturday, May 3rd.

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NEW BUSINESS: (Continued)

Division of Accounts & Reports Training Schedule

- *Motion for City Clerk or Deputy City Clerk to Attend DAR Training*

Council Member Turpen moved to approve one office person to attend the training classes on April 2nd and June 6th, depending on who is available. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:10 p.m.

Close Compactor for Easter, Sunday, March 23rd

Request was for closing the compactor for Easter, Sunday, March 23rd recognizing the employee is off without holiday pay.

- *Motion to Close compactor for Easter, Sunday, March 23rd*

Council Member Turpen moved to approve closing the compactor on Sunday, March 23rd for Easter. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:12 p.m.

Rate for Cleaning City Hall

Discussed \$75 a week, or possibility of an hourly rate, to include windows and the outside front along with the inside.

- *Motion to Pay \$75 a Week to Clean City Hall*

Council Member Boone moved to pay \$75 a week for cleaning city hall. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:13 p.m.

UNFINISHED BUSINESS: (Continued)

Midwest Connections, Inc. Contract

Deputy City Clerk Mahon presented a final draft for council approval reviewing the changes from the previous agreement. The latest draft included three free Internet

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accounts and \$100 per month user fee. Discussed the previous \$500 per month user fee offer and Midwest had declined indicating they would place the tower elsewhere in the area. Discussed changing the five year term to a two year term for the beginning of the contract then review after that time. Council agreed to 2-year term, changes to Section 5b, and three free Internet accounts with \$200 a month user fee.

- *Motion to Accept Midwest Connections Contract with Changes*

Council Member Sullivan moved to accept the Midwest Connections Contract with the discussed changes and with Midwest Connections agreeing to the changed contract. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:36 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to ten minutes for discussion of legal and personnel following a five-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:37 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member Turpen moved to extend executive session for five minutes. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:52 p.m.

Open Session Resumed at 8:58 p.m.

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OTHER BUSINESS:

Personnel Policies and Procedures Change Regarding Nepotism

- *Motion to Eliminate Section C-3(c) Concerning Nepotism from Personnel Policies*

Council Member Turpen moved to change the city Personnel Policies by eliminating Section C-3[c] concerning Nepotism. Seconded by Council Member Boone, voted on, passed 4-0.

Time: 9:00 p.m.

Next Council Meeting Scheduled for March 19th

Noted there will be a lack of quorum for the March 19th meeting as a council member will be out of town that week. Discussed Mayor Smith may be ready to set up a special meeting next week to appoint the vacant council position thus having a quorum available for the 19th meeting. Reviewed options if a special meeting appointing a person for the vacant position did not take place.

- *Motion to Reschedule Regular March 19th Meeting to March 26th if Quorum is Unavailable*

Council Member Turpen moved if there were a lack of quorum available on the regular meeting date of March 19th the regular meeting would be rescheduled for March 26th. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 9:03 p.m.

Old Fire Truck Parked in City Lot

Fire Chief Lloyd reported he had just received an inquiry as to the sale of the old fire truck that is parked and not running. Council requested a surplus resolution be ready at the next meeting for the old truck.

CITY CLERK'S REPORT:

Written Report:

A] Check Register Reflects Interest Payments for Gas Revenue Bond, Water G.O. Bond, and Wastewater SRF Loan.

B] Keith Beattie Replacing Old Wiring for Lights & Plug Ins – Mayor Smith noted he had discussed the wiring with Keith Beattie and since the materials are already on hand agreed to go ahead now and update the electrical wiring.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Park Board Minutes for February 27, 2008
- b] *Kansas Government Journal* Volume 94, Number 2, February 2008

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Members Sullivan, voted on, 4-0.**

Meeting adjourned 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 5th day of March 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, March 26, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Turpen, Robert 'Bob' Sullivan and Terry Weitman. Absent: Open Position.

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Jodi Wade; Fire Chief Doug Lloyd; Jerome Mitzner; Dan Nasalroad; Judy Kinder; Corey Preston; Linda Meisel; Esther Shields; LeRoy Turpen; Chris Teagarden; Jackie Pribble; Mike Van Vlack; and Ernie Moylan.

Mayor Keith A. Smith called the meeting to order at 7:05 p.m.

MAYOR'S COMMENTS:

- iv. Acknowledged thank you letter for the city's donation of Easter eggs.
- v. Read and signed the Proclamation for *Underage Drinking Prevention Week March 31 – April 4, 2008.*
- vi. Acknowledged the council was currently working with four council members. Expressed his appreciation of the council working together while he continued in his process of consideration of a candidate for the current council vacancy. His goal was to work on making a decision based on who would work best with the existing council, city employees, and the public. When a decision was made the existing council and city employees would be the first to know, and then the public, in an effort to continue to work hard to move forward with what's best for the City of La Cygne.

CONSENT AGENDA:

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City Clerk Herrin reported the check register included the annual insurance premiums which were down about \$5,000 from last year with the lower costs being the workman's comp premium. Also noted there had been changes worked out this year increasing some coverage's including the water plant after discussions with public works and Christine Teagarden.

- *Motion to Approve Consent Agenda*

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

Check Register: March 5 – March 26, 2008
Minutes of March 5, 2008 City Council Meeting
February 2008 Treasurer and Budget Reports

Motion seconded by Council Member Sullivan, voted on, passed 3-0-1 (Abstain: Turpen). Time: 7:08 p.m.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- xi. Codes: Reported 602 Chestnut had begun hauling debris from the premises.
- xii. New Police Officer: Have two interviews set up for Saturday, March 29th, at 3 p.m. and 4:30 p.m. along with Council Member Weitman, if available.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- i. Weed Spray: Presented a price of \$9,145.84 from Van Diest for the same quantity of weed spray as ordered and used last year. This is for the cemetery, the parks, the sewer, and other areas the city maintains.

- *Motion to Purchase Weed Spray from Van Diest for \$9,145.84*

Council Member Turpen moved to purchase weed spray from Van Diest for \$9,145.84. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:12 p.m.

- ii. Mosquito Spray and Training: Presented a price of \$5,160.75 from Van Diest for the same quantity of mosquito spray as ordered and used last year.

- *Motion to Purchase Mosquito Spray from Van Diest for \$5,160.75*

Council Member Turpen moved to purchase mosquito spray from Van Diest for \$5,160.75. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:13 p.m.

- iii. North Broadway Culvert Replacement: Reported the existing culvert on North Broadway had washed out and repaired 4-5 years ago and has now washed away again and needs to be replaced. The two culverts, rock, and other materials required should total less than \$3,000.

- *Motion to Repair North Broadway Culvert for up to \$3,000*

Council Member Boone moved to spend up to \$3,000 for repairing the culvert on North Broadway. Seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:15 p.m.

- iv. Videoring Portions of Sewer Lines: Reported locating a couple of areas in the sewer lines where there has been trouble and unable to determine if there is anything hanging down in the line to causes problems. Requested to spend up to \$1,500 to have the areas videoed for potential problems. If there is a service line hanging down can have them addressed at the next meeting.

- *Motion to Video Portion of Sewer Line for Cost of up to \$1,500*

Council Member Turpen moved to allow spending up to \$1,500 for videoing a portion of sewer lines to check for problems. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:16 p.m.

- v. Summer Employee: Requested hiring Jesse Funk again this summer as a seasonal employee for \$8.50 an hour. Jesse will be available after college semester ends mid-May until college begins again in the fall. Jesse is already certified on pesticides.

- *Motion to Hire Jesse Funk as Seasonal Employee for \$8.50 per hour*

Council Member Boone moved to hire Jesse Funk back as a summer employee for \$8.50 per hour. Seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:17 p.m.

Fire Chief Doug Lloyd

- xix. Fire Station: Reported the county was preparing to place the electrical out for bids with the firemen doing the labor.
- xx. 1974 Pierce Fire Truck: Presented 'Service Estimate' from Apparatus Services, L.L.C. reporting on mechanics inspection of current condition of the 1974 Pierce Fire Truck. Noted the city had spent \$10,000 on the truck in 1999 by Apparatus Services and felt it had another 10-15 years of good class A pumper service left if repairs were addressed. Requested \$5,000 to make the repairs and use the truck as a backup truck. Discussed it was a standard five-speed and not synchronized which makes it harder to drive if not familiar with that kind of shifting, but would train firefighters on how to drive the truck.

- *Motion to Spend Up To \$4,500 in 1974 Pierce Fire Truck*

Council Member Boone moved to spend up to \$4,000 on the fire truck. Fire Chief Lloyd commented he felt that was too low and would be back asking for more before repairs were completed; again asked for \$5,000 so would not have to return to the council. **Council Member Boone amended motion to a cost of up to \$4,500 for repairs to the Pierce through Apparatus Services. Seconded by Council Member Turpen, voted on, passed 4-0.** Time: 7:25 p.m.

- xxi. 1962 Ford Fire Truck: Discussed selling versus scrapping. Council agreed for the fire department personnel to scrap the truck and any monies could be put in the Fire Department Activity Fund.

STANDING COMMITTEE REPORTS:

Water & Gas

- x. Gas Supply Inquiry at Henson Line Area: No new information at this time.

Sewer

- vi. Sewer Lagoon Repair & Additional Line Status:
a. Ordinance 1361 – Approval of SRF Loan Agreement Amendment: Mayor Smith reported on the review of the status given by Deputy City Clerk Mahon in order to move forward with the lagoon repairs and adding the additional line to the sewer lagoons.

- *Motion to Approve Ordinance 1361 – Approval of SRF Loan Agreement Amendment*

Council Member Turpen moved to adopt Ordinance #1361 as presented. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:32 p.m.

- b. Ordinance 1362 – Charges for Collection and Disposal of Solid Waste: Discussed increase amounts.

- *Motion to Approve Ordinance 1362 – Charges for Collection and Disposal of Solid Waste*

Council Member Turpen moved to accept Ordinance #1362 as presented with the increase of \$.72 for the first thousand gallons and \$.70 for each additional thousand as required by the state. Seconded by Council Member Sullivan, voted on, passed 3-1 (No: Boone). Time: 7:35 p.m.

Park

- x. Low Spot Retaining Water in North Park: PWS Craig reported a resident had asked about the low spot being filled in as it was holding water and gradually getting bigger. Obtained an estimate of the materials required and the cost would be around \$3,000.00. The North Park fund does not have any monies to address this issue. Discussed holding off and looking for dirt without any cost to possibly address later. No other action taken.

COMMENTS:

'Meet the Doctor': Mayor Smith noted he felt the night the clinic held the "Meet the Doctor" open house went very well. The new doctor in the community will be an asset.

UNFINISHED BUSINESS:

Signage for 206 Commercial

Reported Deputy City Clerk Mahon just received the prices from a Garnett sign company at 4:30 this evening. For fourteen 12" Flat Aluminum letters installed the cost was \$751.00, and then for a 14" Logo the cost was another \$141.00. Discussed. Mayor Smith reported he had spoke with Mr. Atwood at the PVHS shop and they were too busy to take on this project by the end of this school season. Determined Mayor Smith would check back with Mr. Atwood and find out if they would consider this for a fall project and report back.

Reported the cost of a Bronze Plaque was \$622.00 installed; or an aluminum plaque was \$391.00 installed. Tabled for now.

NEW BUSINESS:

Ordinance 1363 – Eminent Domain Proceedings for Stevermer Property

City Attorney Sutherland reported he continued to be unable to complete the sell of the property from Stevermer's for the lagoon at the water plant. Had now been approximately two years without finalizing the process. Recommended moving forward with the condemnation process and if the Stevermer's signed during the process it could be finalized then, or after the process was complete, whichever comes first.

- *Motion to Adopt Ordinance #1363 – Eminent Domain Proceedings for Stevermer Property*

Council Member Turpen moved to adopt Ordinance 1363 as presented. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:46 p.m.

Open Bids for Two City Properties

City Attorney Sutherland opened three sealed envelopes for the city property at 210 Commercial:

1. Advertisement asking to publish the bid process
2. Jackie Pribble Amount: \$1,234.56
3. Esther Shields Amount: \$2,656.00

- *Motion to Accept Esther Shields Bid of \$2,656 for 210 Commercial*

Council Member Turpen moved to accept the bid of \$2,656 from Esther Shields for the property at 210 Commercial. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:53 p.m.

City Attorney Sutherland opened one sealed bid for the nine vacant lots owned by the

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city:

1. Jackie Pribble Amount: \$1,398.97

Council discussed. Council concurred could not accept this bid for the lots and declined action.

Quote to Move Siren from 210 Commercial to 206 Commercial

Reviewed quote from Blue Valley Siren to move the pole and siren for a cost of \$3,000.00 plus electrical expenses to move the noon clock. Esther Shields gave permission to leave the siren and clock where they were for now and would allow the city to reach the clock when needed for time changes. Tabled.

Prairie View After Prom Donation

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

Council Member Boone moved to donate \$150 to the PVHS After Prom party. Seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:58 p.m.

Utility Services to Inspect/Clean South Tower

PWS Craig reported Utility Services would be here tomorrow to inspect and clean the water tower by the Coop. This would result in water running from the fire hydrants and tower while they were here.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to twenty minutes for discussion of legal and personnel following a ten-minute break. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:00 p.m.

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

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Open Session Resumed at 8:30 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Written Report: None

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Verbal:

A] Gave Thanks for the Appreciation Cups

B] Gave Personnel Polices Update Pages to Council

C] Reported comments by E-Kan employee of Fire Station improvements he noted while inspecting fire extinguishers.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Planning Commission Minutes for March 13, 2008
- b] Public Hearing Notice for Re-zoning Block 4
- c] Public Hearing Notice for C.U.P. 110 S. 4th Street
- d] Acknowledgement of KDOT Project # 54 X-2635-01

COMMENTS

Hospital Board Report

Council Member Turpen reported the property for the new clinic had been checked for asbestos and should shortly be ready to go out to bids to contractors.

Plaque

Discussed different options for a plaque including contacting Mound City Trophies and will report back at the next meeting.

Ride-a-long with Police

Council Member Sullivan asked about riding with the police one evening to get a feel of what is involved with the police department while on patrol. Concurred ok.

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, 4-0.**

Meeting adjourned at 8:40 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 26th day of March 2008.

REGULAR MEETING:

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The La Cygne City Council met in a regular session Wednesday, April 2, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Turpen, Robert 'Bob' Sullivan and Terry Weitman. Absent: Open Position.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary D. Mahon; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Fire Chief Doug Lloyd; Assistant Fire Chief Dan Nasalroad; Jodi Wade; Esther Shields; Corey Preston; Judy Kinder; Linda Meisel; Scott Stainbrook; LeRoy Turpen; Tammy Davis; Jennifer Moore; Rod Benson; and Jake Fleming.

Mayor Keith A. Smith called the meeting to order at 7:03 p.m.

MAYOR'S COMMENTS:

- vii. Read Thank You from the Library employees and board for the rock placed in the alley behind the library.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: March 27 – April 2, 2008
Minutes of March 26, 2008 City Council Meeting

Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:05 p.m.

DISCUSSION FROM THE FLOOR:

Esther Shields Regarding 210 Commercial

Esther Shields asked the city to consider an agreement regarding the storm siren, rain gage, and handling of unmetered water and sewer. Council asked City Attorney Sutherland to review and would get back with Ms. Shields. Ms. Shields expressed appreciation for now having a place to put her paintings and other crafts, and was glad to work with the city on the details.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- xiii. New Police Officer: Has interviewed a couple of applicants and will discuss further in executive session for a possible decision later in the meeting.

Public Works Superintendent George Craig

- i. Steve Haupt and Fred Morris' Sewer Lines Videoed: Reported both areas of the city's sewer lines were videoed today. Near the Haupt property there is a service line protruding into the city main sewer line and the city's tile around the service line is broken. Near the Morris property there is another service line extending down into the city main sewer line causing problems. Both areas can have patches installed by ACE for repairs at a total cost of under \$5,500.00.

- *Motion to Hire ACE to Repair Both Problem Areas for Up To \$5,500*

Council Member Turpen moved to hire ACE to repair the two problem sewer lines for up to \$5,500. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:10 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Fire Chief Doug Lloyd

- xxii. Fire Chief: Fire Chief Doug Lloyd and family reported health concerns recently discovered for Doug. He was diagnosed with multiple myeloma and will be taking treatments for the cancer. Would like to stay active as much as possible. Felt he had good back up in the fire department if he was not available. Council concurred would work with him as he moves forward with treatments and continues as Fire Chief during this time.
- xxiii. Fire Hose for 1974 Pierce Truck: Assistant Fire Chief Dan Nasalroad reported the City of Paola had donated the required fire hose for the truck and Jerome Mitzner's fire department was also donating fire hose that would be used by the city and some to go to the county fire trucks as well. Also noted the Pierce is being taken to Apparatus this week to help with repair work costs.

STANDING COMMITTEE REPORTS:

Water & Gas

- xi. Gas Supply Inquiry at Henson Line Area: Meeting set up for April 8th around 10:00 a.m. with Leo Haynos of KCC, David Games and others of Magellan, and city employees with Gas Committee Council Members, if available.

Park

- xi. Final Plans for a New Pool: Jodi Wade report: 1. Presented pool design. 2. Estimated \$2.4 Million project. 3. Capacity for 270-280 people. 4. Established this design for the new pool goal. 5. Costs are comparable to other cities of similar size. 6. Will be bringing in Bond Attorney to discuss financial options.

7. Undetermined as to when to try to market for election vote; this year or next. 8. Discussed concerns as to the needs for a pool in this area. 9. Discussed the community will need to decide just what amenities they want in their community to draw others to the community. 10. Currently have a plan for concept of price and future planning. 11. Council Member Turpen recommended looking into a recreation commission through the school district.

- xii. Status on Skateboard Park: 1. Have estimated costs on a skate park. 2. Will be applying for a Sam's Club Grant for up to \$25,000. 3. Concrete, rebar, and ramp for a 75X30 area total \$31,000 with excavation extra. 4. American Ramp is bringing ramps for the youth to look at and try out. 5. Location in park for the skateboarding is undetermined at this time.
- xiii. Update on Mayfest: 1. Have about twenty volunteers lined up to help. 2. Have several Bar-B-Q Cook-off Teams lined up. 3. Have bands lined up to play, will need somewhere for them to play if bad weather. 4. Have vendors and crafts booths that will pay a fee for the space and then any sales they make are their own.

UNFINISHED BUSINESS:

Signage for 206 Commercial

Mayor Smith reported the Vo Ag Department at the high school is very interested in having the letters as a project for the next school year. Just need to get with him as to what kind of lettering and who is going to put the lettering on the building.

City Clerk Herrin reported an inside plaque could be purchased from 1st Place Trophies in Mound City for around \$100. Mayor Smith asked for further details.

NEW BUSINESS:

Fair Housing Month Proclamation

Mayor Smith read and signed the *Fair Housing Month* Proclamation.

Reschedule April 16, 2008 Meeting

Discussed Council Member Weitman will not be available for the regular meeting on April 16th. Mayor Smith is continuing to review council member options and may establish a special meeting prior to the 16th for an appointment. However, there are five Wednesday's this month and could postpone for one week if needed.

- *Motion for Change of Council Meeting to April 23rd if Lack of Quorum on April 16th*

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Council Member Turpen moved to approve changing the next council meeting to April 23rd if there is a lack of quorum on April 16th. Seconded by Council Member Sullivan, voted on, passed 3-1(No: Boone). Time: 7:43 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty-five minutes for discussion of trade secrets and personnel following a ten-minute break. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:45 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean and Deputy City Clerk Gary Mahon.

Open Session Resumed at 8:26 p.m.

OTHER BUSINESS:

Hire Police Officer – William R. Dean

- *Motion to Hire William R. Dean for Police Officer at \$10.00 per hour*

Council Member Turpen moved to hire William R. Dean as a police officer for \$10.00 per hour with a review after police academy schooling is complete. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:27 p.m.

CITY CLERK'S REPORT:

Written Report:

A] City's part for 2010 Census Count is complete.

Verbal Report:

A] Reminder of Dog Clinic on April 26th.

NOTES AND COMMUNICATIONS TO COUNCIL:

a] Thank You from Library Board & Staff

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Sullivan moved to adjourn the meeting. Motion seconded by Council Members Weitman, voted on, passed 4-0.**

Meeting adjourned at 8:30 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 2nd day of April 2008.

Pages 1 of 5

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, April 16, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Turpen, Robert 'Bob' Sullivan and Terry Weitman.

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Assistant Fire Chief Dan Nasalroad; Jake Fleming; Judy Kinder; Michael Van Vlack; Linda Meisel; Police Officer Will James; Jerome Moore; Tiffany Dediaker; Jennifer Williams; Doris Mc Elreath; Carol Stainbrook; and Judy Weir.

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

APPOINTMENT OF COUNCIL MEMBER:

Mayor Keith Smith recommended the appointment of Michael Van Vlack for the vacant city council position.

- *Motion to Appoint Michael Van Vlack as City Council Member*

Council Member Boone moved to accept the council member appointment of Michael Van Vlack. Seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:03 p.m.

Mr. Van Vlack repeated his oath of office to City Clerk Herrin. Was welcomed by all.

Mayor Smith appointed Council Member Van Vlack to the vacant standing committee positions of Sewer, Cemetery, and Employee Relations and Training. Noted the annual committee appointments will be handled at the next regular city council meeting after the first of May.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: April 3 - 16, 2008

Minutes of April 2, 2008 City Council Meeting
March 2008 Treasurer and Budget Reports
1st Quarter 2008 Financial Statement

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

SEWER LAGOON REPAIRS

Ponzer-Youngquist Engineer John Brann reported the city had received eight bidders for the wastewater lagoon repair and line addition project. The low bid was from Diversified Contracting LLC for \$99,387.20. The bid had been reviewed and the recommendation was to award to bid to Diversified contingent to KDHE giving final approval of about eighteen items to be checked. During the KDHE approval period will also forward the documents to Diversified for approval and their required paperwork to be put in place. Looking to start the project about the first part of June. The other items needed from the city will be the proof of publication for the advertising and the city attorney to handle a site certification.

- *Motion to Award Bid for Lagoon Repairs to Diversified for \$99,387.20 Contingent on KDHE Approval*

Council Member Turpen moved to approve spending the \$99,387.20 for lagoon repairs with Diversified Contracting as the contractor contingent upon approval of KDHE. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:08 p.m.

Page 2 of 5

DISCUSSION FROM THE FLOOR:

Questions from Oaklawn Cemetery Association Committee Members Doris Mc Elreath and Carol Stainbrook:

Carol Stainbrook explained they were now getting involved with the Oaklawn Cemetery and were wondering where the funds come from to make improvements and then how to obtain the funds for the improvements. Discussed the grave site monies received are put into an interest bearing account and only the interest is available for maintenance and improvements; additional monies for the maintenance and improvements are from the cities general fund which is based on the cities mill levy.

Reported on four items the committee would like to have funds for improvements with the most important one being the first:

1. A city light pole behind the sign as you enter the cemetery with an electrical outlet on the pole for electricity for Memorial Day activities and possibly a light by it to leave the flag hanging at all times.
2. The sign for the rules and regulations is deteriorating and needs repairs.
3. The stone fence and gate into the old section needs repairs.
4. General clean up including around the fences/boundary lines.

Discussed changing the Pollman Ordinance to allow access to the monies paid for the cemetery lots. And, discussed the committee acquiring details on the work needed and bringing a list back to the next council meeting.

Request to Waive Community Building Fees for Benefit Dinner for Mary Rose Keyes

Jennifer Williams asked the city if the fees for the community building could be waived for a benefit dinner for Mary Rose being held by her friends on May 17th to help with her medical expenses due to a major health problem.

- *Waive Community Building Fees for Benefit Dinner for Mary Rose Keyes*

Council Member Boone moved to waive the community building fees for the benefit dinner on May 17th. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:25 p.m.

REPORTS OF CITY OFFICERS:

City Attorney – John Sutherland

- i. Stevermer Condemnation Process: City Attorney Sutherland reported the resolution for condemnation had been published and now requested approval to move forward with the process by filing a lawsuit.

- *Motion to Proceed With Stevermer Condemnation Process*

Council Member Turpen moved to proceed with the Stevermer condemnation process. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:27 p.m.

- ii. Deed for 210 Commercial: Reported the proposed deed for the old city hall to Esther Shields was drawn up along with a gas line utility easement, and a siren agreement for the siren to remain at the same location for now. They are available for review by the council.
- iii. Status of Old Siren on Roof of 210 Commercial: Reported there is another unused old siren on the roof at 210 Commercial. The question is whether the city is interested in the expense of removing the siren or if the siren is just part of the building that was sold?

- *Leave Old Unused Siren on Roof as Building Property at 210 Commercial*

Council Member Turpen moved to leave the old siren with the old city hall property at no additional cost. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:31 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Police Chief and Codes Officer James W. Dean

Minutes 2008

- xiv. Reserve Officers: Requested appointment of Brad Cook, Jerome Moore, Lawrence Pemberton, and Aaron Koehn, as reserve officers for the city. Lawrence Pemberton would be available to attend part-time officers school later. Council noted they would consider and tabled.
- xv. Cash for Special Investigation Fund: Requested \$500 cash for the police department to have on hand for purchases in special case situations.

- *Motion to Authorize \$500 for Special Investigation Fund*

Council Member Boone moved to authorize having \$500 on hand for the police department to be handled by the police chief for a Special Investigation Fund. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:35 p.m.

- xvi. Ordinance #1367 Regarding Authorizing Certain Vehicles on City Streets: Reported this ordinance would allow certain vehicles on city streets meeting this ordinance's requirements.

- *Motion to Approve Ordinance #1367 Regarding Authorizing Certain Vehicles on City Streets*

Council Member Turpen moved to approve ordinance #1367 as presented by Police Chief Dean. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:38 p.m.

Public Works Superintendent George Craig

- xxiv. Resignation of Phillip Gratton: Reported Phillip had resigned and was going back to farming. Looking for another public works employee.
- xxv. Sewer Jetting 3-Year Program: Requested the city put in place a three-year program on sewer jetting versus the acid in the sewer lines program. The costs are about the same, the last sewer jetting vastly improved the lines for a longer period of time versus the acid; plus the employees would not have the risks from handling the acid. Already have one price for \$.40 a foot. Would like to obtain maintenance agreements from a couple of places for the best price and method.

- *Motion to Change to a Three-Year Sewer Jetting Program*

Council Member Turpen moved to go to a three-year program on sewer jetting. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:43 p.m.

- xxvi. Street Signs: The last of the street signs are in and public works will be putting them up.
- xxvii. Playground Equipment at the North Park: Due to the rains it has been too muddy to install.
- xxviii. Large Culvert at 4th Street and Park Street without Safety Screen: Council Member Sullivan asked on behalf of Linda Elder about concern for a child playing in the area during heavy rains and getting stuck in the culvert. Council Member Boone noted there was a screen on the one abutting the Wagner property. Discussed debris piles up at the screens. No action taken.

Fire Chief Doug Lloyd by Assistant Fire Chief Dan Nasalroad

- i. Industrial Park Fire Station Status: Electric supplies have been delivered. And, the firefighters have finished one coat of paint inside the bay area, with paint donated from JCFD.
- ii. Firefighter Member Change: Tiffany Boone is leaving the department and Jim Markley has joined.
- iii. Fire Training: The training is complete and those who participated are waiting on certificates.

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STANDING COMMITTEE REPORTS:

Cemetery

- xii. Jim Thompson Cutting Trees: Discussed contacting Jim Thompson about cutting the trees approved to be cut last fall and still outstanding.

Community Building

- vii. Damaged Post on Awning: Noted a vehicle or skate boarders had damaged a post on the awning.
- viii. South Guttering: City Clerk Herrin asked if Rainbow Guttering could be contacted again to look at the southeast corner guttering to see if something had come loose as leaking in that area again. Mayor Smith concurred.

SPECIAL COMMITTEE REPORTS:

- i. Planning Commission Recommendations:
 1. Ordinance #1364 Regarding Rezoning Block 4
 2. Ordinance #1365 Regarding Amending Zoning Map for Block 4

- *Motion to Approve Ordinance #1364 Regarding Rezoning Block 4*

Council Member Turpen moved to approve Ordinance #1364 Regarding Rezoning Block 4. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:57 p.m.

- *Motion to Approve Ordinance #1365 Regarding Amending Zoning Map for Block 4*

Council Member Turpen moved to approve Ordinance #1365 Regarding Amending Zoning Map for Block 4. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:58 p.m.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Post 'Closed' Sign on Elm Street Between 7th Street and 8th Street

Discussed vehicles attempting to drive on this area of an unapproved platted street. The results are ruts and the neighbors are unable to maintain the area in a neat and mannerly fashion. Upon Deputy City Clerk Mahon references for proper handling, it was found the city could continue to leave the street as a city unapproved street and place 'closed' signs where needed. Upon placing the closed signs in the applicable areas, if persons continued to drive in the area, due process could be taken upon those actions.

- *Motion to Post 'Closed' Sign on Elm Street Between 7th Street and 8th Street*

Council Member Sullivan moved to post a 'Closed' sign on Elm Street between 7th and 8th Streets to prevent vehicles from traveling on the unapproved street area. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:05 p.m.

Ordinance #1366 Regarding Charges for Collection of Solid Waste

- *Motion to Approve Ordinance #1366 Regarding Charges for Collection of Solid Waste*

Council Member Turpen moved to approve Ordinance #1366 regarding rates for solid waste. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:07 p.m.

Status of Old Siren on Roof of 210 Commercial

Previously handled in meeting.

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EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member Turpen moved to go into executive session for thirty minutes of personnel and ten minutes of legal following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:10 p.m.

Others invited into executive session included: City Clerk Herrin, Public Works Superintendent George Craig, and Police Chief James Dean.

Open Session Resumed at 9:00 p.m.

OTHER BUSINESS:

Gas Inquiry at Henson Line

Minutes 2008

City Clerk Herrin reported a conference call with Magellan, the City, and Leo Haynos with the KCC has tentatively been set up for this Friday at 10:30 a.m. The Gas Committee members would be contacted when final confirmation was made.

CITY CLERK'S REPORT:

Written Report:

A] John Brann, Ponzer-Youngquist, with Recommendation of Lagoon Repair Bids

B] Ordinance #1367 Draft

C] Resignation of Phillip Gratton

D] Sewer Jetting 3-Year Program

E] Post 'Closed' Sign on Elm Street Between 7th Street and 8th Street

F] Ordinance #1366 Regarding Charges for collection of Solid Waste

G] Gas Inquiry at Henson Line

NOTES AND COMMUNICATIONS TO COUNCIL:

a] Minutes of April 10, 2008 Planning Commission Meeting

ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned 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 16th day of April 2008.

SPECIAL MEETING – Fire Trucks

The La Cygne City Council met for a Special Meeting on Tuesday, April 29, 2008 at the La Cygne City Hall. Purpose of the meeting was the discussion of fire trucks. The following council members were present creating a quorum: Jerry Boone, Robert "Bob" Sullivan, Joe Turpen, Michael Van Vlack, and Terry Weitman. Absent: Mayor Keith Smith. All council members present signed the request for the special meeting.

Others present included: City Clerk Devona Herrin; City Fire Chief Doug Lloyd Sr.; Assistant Fire Chief Dan Nasalroad; and Fireman Danny Curtis.

Council President Joe Junior Turpen called the special meeting to order at 7:00 p.m.

Discussion on Fire Trucks

The following points were discussed:

- The City of Garnett has a 1968 Ford Fire Truck with a 500 gallon water tank that is pump tested and certified for sale for \$4,000.
- The 1968 Ford Fire Truck also has all the paperwork with it providing a good history, including new paint two years ago and replacing the tank in 2000. The truck is a two owner with the first owner being the City of Fort Scott. The siren box, ladders and fire hoses are included with the truck. It has an automatic transmission helping to make it user friendly.
- The city's 1974 Pierce was approved last March for repairs up to \$4,500. Those repairs have not begun; and, there may be more costs once the repair shop checks into the equipment.
- The firemen asked the city council to consider purchasing the 1968 Ford Truck in good running condition instead of repairing the 1974 Pierce Truck.
- If the 1974 Pierce should be sold or scrapped.
- Receiving an old ambulance vehicle from Crawford County that the fire department is going to use for another equipment vehicle.
- Plans to leave a fire truck on both sides of the track with an equipment truck, as now have firefighters on both sides and would help when there are trains slowing down response times.

- *Motion to Purchase 1968 Fire Truck from City of Garnett for \$4,000*

Council Member Boone moved to purchase the 1968 Ford Fire Truck from the City of Garnett for a cost of \$4,000.00. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:08 p.m.

- *Motion to Rescind Prior Motion to Repair 1974 Pierce Truck*

Council Member Turpen moved to rescind the March motion to repair the 1974 Pierce Truck. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:09 p.m.

- *Motion to Scrap 1974 Pierce*

Council Member Van Vlack moved to scrap the 1974 Pierce. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:10 p.m.

Council President Joe Junior Turpen adjourned the meeting at 7:12 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 29th day of April 2008.

REGULAR MEETING:

Minutes 2008

The La Cygne City Council met in a regular session Wednesday, May 7, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Turpen, Robert 'Bob' Sullivan, Michael Van Vlack, and Terry Weitman (arrived at 7:40 p.m.).

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Fire Chief Doug Lloyd; Jerome Mitzner; Jake Fleming; Judy Kinder; Linda Meisel; Police Officer Will James; Wilma Watson; LeRoy Turpen; Linn County Fire Chief Doug Barlett; Public Works Lisa Elmore; Corey Preston; Jackie Taylor; and Jodi Wade.

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

NEW YEAR ORGANIZATION:

City Officers

Mayor Keith Smith recommended the appointment of the following City Officers:

City Clerk	Devona Herrin
Deputy City Clerk	Gary D. Mahon
City Treasurer	Linda Elder
Chief of Police	James Dean
City Attorney	John Sutherland
Fire Chief	Doug Lloyd Sr.
Municipal Judge	John Wilson
Codes Officer/Zoning Compliance	James Dean
Public Health Officer	James Dean
Council Rep to Park Board	Jerry Boone

- *Motion to Accept City Officers as Recommended by Mayor*

Council Member Turpen moved to accept the list of City Officers as recommended by Mayor Smith. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:03 p.m.

Official City Newspaper

- *Motion to Accept Linn County News as Official City Newspaper*

Council Member Boone moved to accept the Linn County News as the official city newspaper. Seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:04 p.m.

Planning Commission

Mayor Keith Smith recommended another three year term for the following current expiring Planning Commission Members: Don Long, Kenny McClanahan, and Ron Wier.

- *Motion to Accept Planning Commission Members Recommendation*

Council Member Van Vlack moved to accept the recommended Planning Commission Members for another three year term. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:05 p.m.

Zoning Appeals Board

Mayor Keith Smith recommended another three year term for the following current expiring Zoning Appeals Board: Bob Burnett and Ron Wier.

- *Motion to Accept the Zoning Appeals Board Members as Recommended*

Council Member Turpen moved to accept the recommended Zoning Appeals Board members for another three year term. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:06 p.m.

Standing Committee Appointments

Mayor Smith recommended continuing with the following current Standing Committee Appointments:

Water & Gas	Jerry Boone	Terry Weitman
Street	Robert Sullivan	Terry Weitman
Sewer	Jerry Boone	Michael Van Vlack
Park	Jerry Boone	Robert Sullivan
Cemetery	Joe Turpen	Michael Van Vlack
Public Safety	Joe Turpen	Terry Weitman
Community Building	Robert Sullivan	Joe Turpen
Employee Relations/Training	Robert Sullivan	Michael Van Vlack

- *Motion to Accept Standing Committee Appointments*

Council Member Turpen moved to accept the recommended list of Standing Committee Appointments. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:07 p.m.

Early Payment of Payroll and Monthly Bills

- *Motion to Authorize the Payment of Payroll Checks and Routine Bills*

Council Member Turpen 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. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:08 p.m.

Resolution #320 – Waiver from Certain Accounting Procedures

- *Motion to Approve Resolution #320 – Waiver from Certain Accounting Procedures*

Council Member Van Vlack moved to approve Resolution #320. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:09 p.m.

Appoint Council President

- *Motion to Appoint Terry Weitman as Council President*

Council Member Turpen moved to appoint Council Member Terry Weitman as Council President. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:10 p.m.

Mayor Keith Smith quoted Thomas Jefferson 'I may not agree with what you say, but I will fight to the death for your right to say it'. With that said, Mayor Smith went on to say their intentions are to hire, appoint, or put in place the best for our community. Everyone has the right to freedom of speech. And, with that, he felt the city employees, and everyone else, do the best they can during trying circumstances. He thanked everyone for their continuing hard work.

MAYOR'S COMMENTS:

1. The continued rain has been a trial for all. Since the first of January it is been reported the area has not had more than 3-5 days in a row without some kind of moisture.
2. Comments have been received about Peoples Communications construction project. He had been assured the contracting company would do whatever was necessary to put back property to its normal condition. The project is a good improvement for the community. Mayor Smith congratulated Police Chief Dean, Public Works Superintendent Craig and the public works crew for the additional work that has been placed on them because of this project. He knew they were doing their best.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: April 17 – May 7, 2008
Minutes of April 16, 2008 City Council Meeting
Minutes of April 29, 2008 Special City Council Meeting
April 2008 Treasurer and Budget Reports

Motion seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:15 p.m.

Mayor Smith thanked those who attended the special meeting to trade the repair costs of one fire truck for the purchase of another fire truck in good running condition.

DISCUSSION FROM THE FLOOR:

Wilma Watson Representative for Linn Valley Regarding Animal Control:

Linn Valley Animal Control Person, Wilma Watson, explained they currently take any loose animals to Pleasanton's dog pound for holding. With the rising fuel costs she asked the City of La Cygne to consider allowing Linn Valley to bring any loose animals to the city pound instead. Police Chief Dean noted he had not had a chance to review the agreement Ms. Watson had presented to him earlier to see if it would work with the city's needs. Mayor Smith asked if Chief Dean would be ready by the next regular meeting and Chief Dean concurred. Ms. Watson thought they had about twenty dogs a year she would be looking to place in the pound and the volume was sporadic. Ms. Watson thanked the city for considering her proposal.

Linn County Fire Chief Doug Barlett Regarding Automatic Aide

Linn County Fire Chief Doug Barlett presented an Automatic Aide agreement the Linn County Commissioners had authorized him to present to each city in the county. Mr. Barlett noted the city currently had an agreement with the county. However it was not an automatic mutual aide agreement as this one. This agreement makes responses automatic and includes a charge for responding to false alarms. Discussed the current five-mile radius in the agreement. City Council concurred to delete the radius limitation.

- *Motion to Accept County Automatic Aide Agreement Without Radius Limitation*

Council Member Boone moved to accept the Automatic Aide Agreement with the exception of dropping the five mile radius limitation. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:25 p.m.

REPORTS OF CITY OFFICERS:

City Attorney – John Sutherland

- iv. CAAK Continuing Legal Education Seminar: City Attorney Sutherland requested to attend the Friday training sessions on behalf of the city.

- *Motion to Approve Attendance to CAAK Seminar by City Attorney Sutherland*

Council Member Turpen moved to approve City Attorney Sutherland to attend the Friday meetings of the CAAK seminar on June 6th with per diem. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:27 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Police Chief and Codes Officer James W. Dean

- xvii. Weather Sirens: Reported he tested the sirens this evening from his vehicle.
- xviii. Burglary at the 2nd Saturday Store: Reported several pieces of property had been recovered at the scene a little over a week ago. If anyone has any information on who took the items please contact the city police officers.
- xix. Partners Program for New Police Vehicle: Reported vehicle delivery has been placed on delay due to a strike with workers making parts for the vehicle. Now will probably be at least the end of June before the vehicle will be delivered.
- xx. Codes: Sent code enforcement letters and some have started cleaning up.

Public Works Superintendent George Craig

- xxix. New Employee: Public Works Superintendent George Craig reported hiring Lisa Elmore for the public works position.

- *Motion to Hire Lisa Elmore for Public Works at \$12.50 per Hour*

Council Member Turpen moved to hire Lisa Elmore for the public works position at \$12.50 per hour. Seconded by Council Member Van Vlack, voted on, passed 3-0-1 (Abstain: Boone). Time: 7:31 p.m.

Fire Chief Doug Lloyd

- iv. Regional Fire School Training: Scheduled to be held here in La Cygne July 12th and 13th.
- v. Kansas Firefighter Conference Report: Fireman Jerome Mitzner reported out of 500 departments' state wide there were over 400 represented at the conference. Attended several good seminars and Fireman Dan Nasalroad attended on behalf of the City. The dedication this year was to our own Fire Chief Douglas Lloyd Sr.
- vi. 1968 Ford Fire Truck Report: Have found the truck to be in good shape. Already have the signs on it and equipment, so ready to go.
- vii. Release & Indemnification Agreement for 1017 E. Market: Reviewed by attorneys.

- *Motion to Accept the Release & Indemnification Agreement for 1017 E. Market*

Council Member Van Vlack moved to accept the Release & Indemnification Agreement between the City, the Fire Department, and the Hospital District regarding the property at 1017 E. Market. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:37 p.m.

- viii. Thank you. Fire Chief Lloyd thanked all of his staff for filling in when he is sick during his treatments. He has completed two rounds of chemo so far.

STANDING COMMITTEE REPORTS:

Cemetery

- xiii. Cemetery Association Improvement Requests: Council Member Turpen reported the members had asked him about the gates into the older part of the cemetery. The gates are in need of cleaning and repainting. They have found a person who would clean them and sand blast them if there is a way to get the gates to him. Council Member Boone noted he would get the gates to him. Also, discussed the cost of electricity to the area previously discussed and the association is looking into solar lighting for a less expensive alternative.

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SPECIAL COMMITTEE REPORTS:

- ii. Pool Fundraising Group: Jodi Wade reported the Mayfest held last weekend went really well. For the first Mayfest ever they broke even on expenses versus income. Had pool designs for all to look at creating some good discussions about the plans. The next part will be to set up a community meeting to have open discussion from all citizens. Also, getting involved in the fall Festival to see where we could plan to be a part of it to continue to get the word out and raise funds. And, finally, with the sales tax approach will wait until the next April election to put on the ballot.

UNFINISHED BUSINESS:

Agreement with Esther Shields Regarding 210 Commercial Property

Esther Shields was unable to attend the meeting. Tabled until the next meeting.

NEW BUSINESS:

Kansas One-Call Proxy

- *Motion to Authorize Mayor to Select and Sign Proxy*

Council Member Turpen moved to authorize the mayor to select the nominees and sign the Kansas One-Call proxy. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:50 p.m.

Employee Health Insurance Rate Changes

Discussed the rates will be increasing up to 7.5% with the July premiums. Currently there is a flat benefit rate allowed that varies depending on type of coverage chosen between employee only up to employee with family. Currently the benefit amount has attempted to cover the costs of the insurance to the employee and for the employee choosing employee only leaving an extra average of \$50 to use towards AFLAC benefits. Recent rate reductions in the employee w/family portion have caused a higher benefit amount allowed than the health insurance premiums.

- *Motion to Pay the Proposed Increase in Premiums for Employee Health Insurance*

Council Member Boone moved to pay the proposed increase on the employees' health insurance rates. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:55 p.m.

- *Motion to Amend Benefit Costs to Cover Health Insurance Adding \$50 to Employee Only Premiums*

Council Member Weitman moved to amend benefit limits to cover the cost of health insurance only except for the employee only and to leave the \$50 additional for them. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:00 p.m.

Process to Change 3-mile Gas Customer Rates

Presented at the table. Will set up meeting with Gas Committee to review and bring back to the council.

Ordinance #1368, Regarding Charges for Collection and Disposal of Solid Waste

Discussed this is a housekeeping correction on the rate for the twice a week pick up from the previous ordinance presented at the last meeting.

- *Motion to Approve Ordinance #1368*

Council Member Turpen moved to approve Ordinance #1368 with change to (b) instead of the (a) reflected on the document at the table. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:12 p.m.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Minutes 2008

Council Member Turpen moved to go into executive session for fifty minutes of legal following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:13 p.m.

Others invited into executive session included: City Clerk Herrin, Public Works Superintendent George Craig, and Police Chief James Dean.

Open Session Resumed at 9:13 p.m.

OTHER BUSINESS:

Move Siren Costs

Discussed the cost to move the siren by Blue Valley was \$3,000 plus electrical costs.

CITY CLERK'S REPORT:

Written Report:

- A] New Year Organization
- B] State Health Insurance Premium Adjustments
- C] Dog Days Report
- D] Pollman Funds Transferred to CD
- E] Cemetery Street Light at 1st Street and Swan
- F] Community Building Roof
- G] Agreement with Esther Shields Regarding 210 Commercial Property

NOTES AND COMMUNICATIONS TO COUNCIL:

a] None

ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 9:18 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 7th day of May 2008.

SPECIAL MEETING – Personnel

The La Cygne City Council met for a Special Meeting on Wednesday, May 14, 2008 at the La Cygne City Hall. Purpose of the meeting was the discussion of Personnel. The

Minutes 2008

following council members were present creating a quorum: Jerry Boone, Robert "Bob" Sullivan, Joe Turpen, Michael Van Vlack, and Terry Weitman. All council members present signed the request for the special meeting.

Others present included: City Clerk Devona Herrin, Public Works Superintendent George Craig, Public Works Art Terry, and LeRoy Turpen.

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

Personnel

- *Motion for Executive Session for Personnel*

Council Member Van Vlack moved for executive session for up to fifteen minutes for personnel. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:01 p.m.

- *Motion to Extend Executive Session*

Council Member Van Vlack moved to extend executive session for up to thirty minutes for personnel. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:15 p.m.

Those invited into a portion of the executive session included: Art Terry.

Session opened at 7:34 p.m.

ADJOURNMENT:

- *Motion to Adjourn*

As there was not further business **Council Member Van Vlack moved to adjourn the special meeting. Seconded by Council Member Boone, voted on, passed 5-0.**

Meeting adjourned at 7:34 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 14th day of May 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, May 21, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Turpen, Robert 'Bob' Sullivan, Michael Van Vlack, and Terry Weitman.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary D. Mahon; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Fire Chief Doug Lloyd; Judy Kinder; Linda Meisel; Fred

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Meisel; Robert Turpen; Leroy Turpen; Esther Shields; Corey Preston; J. K. Fleming; and Mike Shultz P.A.

In the absence of Mayor Keith A. Smith, Council President Weitman called the meeting to order at 7:00 p.m.

MAYOR'S COMMENTS:

- viii. Water Boil Advisory lifted from the main water line damage by People's Telecommunications fiber optic contractor's work.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: May 8 - 21, 2008
Minutes of May 7, 2008 City Council Meeting
Minutes of May 14, 2008 Special City Council Meeting

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

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

- i. Stevermer Condemnation Status: The paperwork has been filed and now waiting on the Johnson County Police Department to serve the papers.
- ii. Street Project with Heckert Construction: City Attorney Sutherland noted at some point the city would need to pay Heckert Construction for work completed to the city's satisfaction. City Clerk Herrin reported in checking further the three year waiting period for a statement would not necessarily invalidate any payment due and had discussed the current status with the League learning another way would be to request the completion be handled within a given time frame or waive any future statement. City Attorney Sutherland noted that would not work either, a bill would still be due for work performed. The city could continue to just hold and see what happens. City Clerk Herrin asked if that would place the city in arbitration if waited too long. Discussed further. Requested any arbitration possibility be checked into and report back at next meeting.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member Van Vlack moved to go into executive session for legal for up to twenty minutes. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:08.m.

Others invited into executive session included: City Clerk Herrin, Deputy City Clerk Mahon, Public Works Superintendent George Craig, and Attorney Mike Shultz.

Open Session Resumed at 7:28.m.

REPORTS OF CITY OFFICERS: (Continued)

Police Chief and Codes Officer James W. Dean

- xxi. Thanks to Fire Department: Thanked the Fire Department for helping with all of the traffic control Monday due to the cut water line and repairs on Market Street.
- xxii. KLETC: Officer Will Dean's academy date has been moved up to June 9th.
- xxiii. Agreement with Linn Valley Regarding Animal Control: Have made changes to the agreement and gave a copy to City Attorney Sutherland for review.
- xxiv. Three Days of Training in August: Requested to attend training for computer records August 6th and 7th in Pittsburg and August 19th in Topeka.
- xxv. Codes Compliance: Continuing to work on codes. The tractor that is broke down will be moved when repaired.

- *Motion to Approve Training for August 6 – 7, and 19th*

Council Member Van Vlack moved to approve training attendance August 6 – 7 in Pittsburg, and August 19th to Topeka. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:30 p.m.

Public Works Superintendent George Craig

- xxx. Resignation of Art Terry: PWS Craig reported Public Works Employee Art Terry had resigned and his last working day was last Monday.

- *Motion to Accept Art Terry's Resignation*

Council Member Van Vlack moved to accept the resignation of Art Terry. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:31 p.m.

Fire Chief Doug Lloyd

- i. Storm Siren Set Off: Informed council the pumper truck from Garnett had the radio set up to enable the department to be able to set off the storm sirens from the fire truck should the need arise while the department is doing storm watch.

- xxxi. Storm Siren Testing Change: Requested to change the storm siren testing from once a month to once a week during the summer storm season. Will give notices to the newspapers and place posters throughout the city. The period will begin in June and go through October. Council concurred.

STANDING COMMITTEE REPORTS:

Mayor Smith Recommended Changes in Standing Committees:

Replace Jerry Boone with Michael Van Vlack for Water and Gas Committee

Replace Jerry Boone with Robert Sullivan for Sewer Committee

Replace Michael Van Vlack with Jerry Boone for Cemetery Committee

Replace Robert Sullivan with Jerry Boone for Community Building

- *Motion to Approve Recommended Changes to Standing Committees*

Council Member Van Vlack moved to accept the mayor's recommended Standing Committee changes. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:39 p.m.

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STANDING COMMITTEE REPORTS: (Continued)

Street

- xiv. 4th Street & Park Street Culverts with Protective Grates Missing: Passed.

Cemetery

- ix. Mowing: Noted the mowing had been addressed with lots of help including volunteers. Looks nice and ready for Memorial Day.

UNFINISHED BUSINESS:

Agreement with Esther Shields Regarding 210 Commercial Property

Esther Shields asked to have wording added to the gas easement to include the sidewalk being replaced if there ever was a time the city would have to dig in that area to repair/replace the line. Council concurred the wording could be added to the easement language even though any work done would require the city put the property back as found as currently written.

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Esther Shields asked the city to waive any water and sewer bills for the property, as there is currently no water meter to read the usage from. The water and sewer waiver would be for the length of time the siren remains on her property of for the period she owns the property, whichever change would occur first.

- *Motion to Waive Water and Sewer Utility for 210 Commercial for Period of Time Per Agreement*

Council Member Boone moved to waive the water and sewer bill for the property at 210 Commercial purchased by Esther Shields as long as she owns the property and the city's siren is on that property. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:45 p.m.

Process to Change 3-Mile Gas Customer Rates

Presented letter to be sent to the 3-mile customers for a change in natural gas rates. Also the process requires a public meeting for anyone wishing to obtain additional information on the rate change.

- *Motion to Begin Process for 3-Mile Gas Customer Rate Change*

Council Member Turpen moved to begin the process for the 3-mile gas customer rate change. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:48 p.m.

NEW BUSINESS:

City Backhoe

Council Member Boone reported he had run the city's backhoe a couple of times this week and found it to be weaker than previously thought. Discussed the city finding a way to replace the backhoe with a newer model of a different brand. One way would possibly be to bypass the annual replacement of the bobcat and find a lease purchase deal using those funds. Council Member Boone will look into different places to see what might possibly be a workable solution. Does not have to be done immediately, but will continue to review.

Oaklawn Cemetery Maintenance

Noted Robert Turpen has agreed to take care of the cemetery until another caretaker is located. Council recognized it would take more hours for Robert to weed eat and mow than his previous hours for just weed eating.

Minutes 2008

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to twenty minutes for discussion of legal and personnel following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:55 p.m.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member Van Vlack moved to extend executive session for up to twenty minutes. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 8:30 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean, Public Works Superintendent George Craig, and City Clerk Devona Herrin.

Open Session Resumed at 8:38 p.m.

OTHER BUSINESS:

Hire Jim Johnson for Public Works Position for \$13.50 per hour

- *Motion to Hire Jim Johnson for Public Works Position for \$13.50 per hour*

Council Member Van Vlack moved to hire James Johnson at \$13.50 per hour for the public works department. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 8:40 p.m.

CITY CLERK'S REPORT:

Verbal:

- A] Council Member Turpen will be unavailable for the June 4th and 18th meetings.
- B] City Clerk Herrin will be unavailable for the June 18th meeting. Deputy City Clerk Mahon will be present.
- C] Terry Sercer, CPA, will present 2007 audit report at June 4th meeting.
- D] Insurance Company EMC provided city with a KMU Safety Group Dividend for \$7,649.00.

Reminder:

- A] People's Telecommunications will be present at June 4th Meeting – Council noted the public is invited for this presentation.

NOTES AND COMMUNICATIONS TO COUNCIL: None.

ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 8:45 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 21st day of May 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, June 4, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Robert 'Bob' Sullivan, Michael Van Vlack, and Terry Weitman. Absent: Joe Junior Turpen.

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Fire Chief Doug Lloyd; Judy Kinder; Linda Meisel; Leroy Turpen; Corey Preston; J. K. Fleming; J. R. Caplinger, P.A., Kathy Faircloth; James Johnson; and Terry Sercer, CPA.

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

PUBLIC MEETING FOR THREE-MILE GAS RATE CHANGE

There were no questions regarding the three-mile gas rate change.

- *Motion to Approve Ordinance #1369 Regarding Three-Mile Rate Change*

Council Member Van Vlack moved to accept Ordinance #1369 regarding the three-mile rate change. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:02 p.m.

TERRY SERCER, CPA, 2007 AUDIT PRESENTATION

Terry Sercer congratulated the mayor, city council, and city on the new city hall, a great improvement for the city. He also thanked all of the city employees for their efforts in compiling the information for the audit. Mr. Sercer then went on to go over the Year Ended December 31, 2007 Statutory Basis Financial Statements and Independent Auditors' Report with Supplemental Information. Noted the city was in compliance with the cash-basis and budget laws of Kansas. The city's net revenues in the Gas Utility Fund

were insufficient to meet revenue bond covenants. Recommended the city watch the 2008 gas utility revenues for meeting covenants and may want to consider a rate increase to the utility at the end of 2008. If go years without meeting the covenant the bond holders could force the city to raise rates. Generally as long as the payments are made there is not a problem, but need to watch closely. The Internal Control issues included an added section regarding Preparation of Financial Statements now required to be noted.

MAYOR'S COMMENTS:

- ix. Hope everyone survived the recent severe storms without too much adversity.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: May 22 – June 4, 2008
Minutes of May 21, 2008 City Council Meeting

Motion seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:18 p.m.

DISCUSSION FROM THE FLOOR:

People's Telecommunications Regarding Fiber Optic Project

Kathy Faircloth, manager of People's Telecommunications, reported the phone company's plans for the upgrade include having the main lines completed in about another week, weather provided. This part of the project is the primary factor for the streets. The next part is to pull the fiber through, and then they will proceed to run the lines to the houses. Ms. Faircloth also noted any damages to property from the construction would be taken care of.

J. M. Caplinger Jr., attorney for People's Telecommunications, reported his firm helped People's get federal funds and loans as well as the engineering and contractor for this major project. This is a major upgrade Topeka does not even have, nor expect to have for

several years. He noted there are 36 miles of fiber in town with 25 miles of trunk or main line. These new lines will provide unlimited broad band, HD, and fiber optic for video conferencing with a life expectancy of twenty-five years. When the project is complete the phone company will have a cad program, which is quite expensive, available to locate the phone lines; and, would be glad to make this available to the city for the city to add city utilities to build from to help the city be able locate their utilities.

J.R. Caplinger reported there had been comments about the franchising fees added to the phone bills of which they have been explaining is a fee assessed by the city and then tacked onto the phone bill. This 4% amount can be amended if the city cares to address. Mayor Smith expressed appreciation to the phone company for the benefit of the improvement to the city. The city's major concern was to the clean up and appears to be the concern of the citizens. Also, the mayor expressed concern about individuals early on in the project not having proper identification when approaching residents' property. And, agreed the wet weather right now makes the project look worse.

Council Member Weitman asked about any future change in the phone company's rate structure. Kathy Faircloth responded the existing features and rates would be the same. They (People's) is looking at 1 'super head' for video/TV and if get it worked out the options will be unlimited. And, the city's proposed new medical facility will love the video conferencing abilities..

Judy Kinder, from the audience, asked if the project would be similar to Comcast. J.R. Caplinger noted People's was not offering this right now.

Midwest Communications to Address Wireless Security Concerns

Unable to attend. Tabled until the next meeting.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

- iii. Stevermer Condemnation Status: The notice has been served to Helen Stevermer; and, have not heard if papers have been served on Richard Stevermer yet.

Police Chief and Codes Officer James W. Dean

- xxvi. Agreement with Linn Valley Regarding Animal Control: Passed out an agreement between the governing body of La Cygne and Linn Valley regarding impoundment and related services for dogs impounded by the City of Linn Valley under the terms of ordinances of the City of Linn Valley. The terms include the City of Linn Valley paying \$10 per day per dog with being responsible for any veterinary bills for those animals. Recommended the city accept the agreement.

- *Motion to Accept Agreement Between Cities Regarding Animal Control*

Council Member Van Vlack moved to accept the Animal Control Agreement with the City of Linn Valley. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:38 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- xxxii. Surplus 1973 Oil Truck: PWS Craig reported Amino Brothers had offered \$1,000 for the 1973 Oil Truck. City Attorney Sutherland noted this item had already been surplus by the city and therefore would be ok to disperse with an acceptable value.

- *Motion to Surplus the 1973 Oil Truck for \$1,000 to Amino Brothers*

Council Member Van Vlack moved to accept the surplus offer of \$1,000 for the Oil Truck to Amino Brothers. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:40 p.m.

- xxxiii. KCC Annual Audit: Reported the annual KCC audit was completed today with the request for the city to place utility maps in another town in case of a major disaster like what hit Greensburg. Suggested contacting the City of Garnett as they also handle natural gas utility and have helped the city in the past. Council concurred.

Fire Chief Doug Lloyd

- ii. Kansas Forest Service 50/50 Grant: Informed council the fire department had received the \$5,225 grant from the Kansas Forest Service. The city's share is \$2,612.50. The items being purchased with the grant monies are a portable dump tank, a low level strainer, pagers, and helmets.
- iii. Number of Calls YTD: 30 responding calls so far this year.
- xxxiv. Storm Siren Testing: Worked fine. The Fire Department Officers can set off the sirens from P3 fire truck.
- xxxv. East Linn County Sirens: Mayor Smith asked if anyone knew what type of siren system was set up for around the power plant area. Doug responded the sheriff's office handles the county area.
- xxxvi. Emergency Management Members: Met tonight prior to the council meeting. Asked the council for city hall workers to assist calling public service places like the school when storm warnings occur to be able to get the warning information out sooner.
- xxxvii. New Fire Station Status: The basic plumbing is complete, the electrical is being addressed now, and the plan is to be in by July 1st.
- xxxviii. New Locker Equipment for New Fire Station: American Woodworking donated twenty wooden lockers made by Harry Smith Sr., Chris Self, Bill Smith, and Harry Smith Jr.
- xxxix. Firefighters Donation: The firefighters donated eight new face masks for air packs at a cost of \$1,500.

- xl. Mobile Phone for Fire Chief: Council Member Van Vlack requested a cell phone be provided for the fire chief for handling fire related business with all of the volunteer time involving grants and other donations for building up the fire department. Noted city hall was checking into the phone.

STANDING COMMITTEE REPORTS:

Street

- xv. 4th Street & Park Street Culverts with Protective Grates Missing: PWS Craig reported the grate had been installed.
- xvi. Street Signs Status: Project completed a couple of weeks ago.

Park

- i. North Park Playground Equipment Status: Public Works is putting the equipment together in the shop as they have time available. Currently too muddy to install, and one calls have taken up every available time for public works.

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STANDING COMMITTEE REPORTS: (Continued)

Cemetery

- x. Mowing: Council Member Boone noted it currently does not look good.

Public Safety

- i. New Police Pickup Status: Chief Dean reported the current target date of Mid-June was still the date he had information for.

Community Building

- i. Roof: The roof is leaking, was bad with the last storm. Requested all property of the city be checked by insurance since all were involved in the hail storm and some were now leaking.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

City Web Site

Linda Meisel commented the city's web site looked really nice. Asked if when the city had time if the newest council member's name could be added.

Introduced Newest Public Works Employee Jim Johnson

PWS Craig introduced Jim Johnson to all of the council members and public. Everyone welcomed Jim.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Van Vlack moved to go into executive session for up to fifteen minutes for discussion of personnel following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:58 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean.

Open Session Resumed at 8:21 p.m.

OTHER BUSINESS:

Hire Part Time Police Officer Aaron Koehn for \$10.00 per hour

- *Motion to Hire Aaron Koehn for \$10 per hour for up to 20 Hours a Week*

Council Member Van Vlack moved to hire Aaron Koehn for \$10.00 per hour for up to twenty hours a week as a part time police officer while Will is in training. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:22 p.m.

Backhoe

Council Member Sullivan asked about status for checking into a backhoe? Discussed:

1. Cost range estimated at \$50,000
2. Whether to look at a used one – declined
3. Lease from banks versus backhoe company
4. 3600 hours on current 12 year old backhoe
5. Hydraulics are weak on city's backhoe, not repairing, need new one
6. Put on next agenda.

CITY CLERK'S REPORT:

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Verbal:

- A] KMGA Financial Statements Available For Review at City Hall
- B] Changes Have Been Made to Certificate of Deposits for Higher Interest Rates
– Council asked to check with other banks for possible higher interest rates.

Written:

- A] Updating Codes Books
- B] Public Meeting for Three-Mile Gas Rate Change
- C] 2007 Audit Review by Terry Sercer, CPA
- D] Lagoon Line Addition & Repairs
- E] Street Project with Heckert Construction
- F] Municipal Water Conservation Plan
- G] 2009 Budget
- H] Magellan LLC at Henson Corner Update
- I] Employee's Health Insurance Rates as of July 1st

NOTES AND COMMUNICATIONS TO COUNCIL:

- a. La Cygne Park Board Meeting Minutes, May 28, 2008

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Member Van Vlack, voted on, 4-0.**

Meeting adjourned at 8:38 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 4th day of June 2008.

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, June 18, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Robert 'Bob' Sullivan, Michael Van Vlack, and Terry Weitman. Absent: Joe Junior Turpen.

Others present included: Deputy City Clerk Gary Mahon, Public Works Superintendent George Craig, Police Chief James Dean, Assistant Fire Chief Dan Nasalroad, Attorney Mike Shultz, Mike Lewis, Leroy Turpen,

J.K. Fleming, Linda Misel, Jodi Wade, Harry Smith & Family, Judy Kinder, and Dustin Cass.

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

MAYOR'S COMMENTS:

x. None

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

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

Check Register: June 05 - 18, 2008
Minutes of June 04, 2008 City Council Meeting
Treasurer & Budget Reports for May 2008

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

Police Chief /Codes Officer James W. Dean

- Several properties with tall grass had been cited and owners/occupants notified
- Police Officer Will Dean in KLETC training at Hutchinson. Doing good
- Training for legislative updates to be held in Hutchinson July 24th. Will address at next council meeting.

Fire Department

Fireman J.K. Fleming presented American Woodworks with Certificates of Appreciation for their generous contribution of twenty (20) hand made individual lockers. The lockers were installed in the new rural fire station in the industrial park. Receiving the certificates were Harry Smith and Chris Self.

City Attorney – John Sutherland

Reported that attorneys had been in contact with the Stevermers concerning the land condemnation process. Next step is to obtain services of three (3) appraisers. Surveyor Jim Schmitz will be visiting the Stevermers to answer questions about recent surveys.

Fire Department

Assistant Chief Dan Nasalroad reported on status of new rural fire station in the industrial park. Noted that plumbing and electrical were nearing completion. Dan expects the fire department to occupy the building within two (2) weeks.

STANDING COMMITTEE REPORTS:

Park

Park Board Chairman Jodi Wade reported that she was completing a presentation format to be used in educating and promoting the public about the new swim pool project. Jodi also noted that there had been recent vandalism in the park which included the spray painting of words/slogans on the new bath house. Police Chief James Dean is investigating.

Cemetery

Vandalism of spray painting on some stones was reported and discussed.

SPECIAL COMMITTEE REPORTS:

Fiesta Committee will meet at 7:00 p.m. next Tuesday, June 24th at the library.

Alumni dance in park was well attended. Good crowd * No problems * Grounds kept clean

UNFINISHED BUSINESS:

Purchase of Backhoe

Council reviewed material and quotes submitted by Sellers Equipment for a JCB 3CX backhoe as well as material and quotes submitted by

Victor L. Phillips Co. for a Case 580 M Series 3 backhoe. Mike Lewis representing the Victor L. Phillips Co. was present.

Sellers Equipment quote = \$58,834 and Victor L. Phillips quote = \$49,000

It was noted the city would require a 3 ft. bucket at an additional cost of \$950. Mike Lewis noted that the Case would have a 1 year or 1000 hour bumper-to-bumper warranty plus a 2 year or 2,000 hour power train warranty. Mr. Lewis also promised to bring a loaner backhoe, and pay freight, if the new backhoe would be down for repairs for more than a day. The promise of the loaner would be good for the lifetime of the backhoe.

✓ *Motion to Purchase Case Backhoe*

Council Member Boone moved to purchase a new Case 580M Series 3 extend-a-hoe loader backhoe from Victor L. Phillips Co. for \$49,000 plus a 3 foot bucket for \$950. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:27 p.m.

Backhoe Lease/Purchase Authorization

Deputy City Clerk requested Council to authorize Lease Purchase Agreement with either Labette Bank or First Option Bank. Rate of Interest with Labette Bank = 5.75%. Rate of Interest with First Option Bank = 5.384%. Term of agreement would be seven (7) years.

✓ *Motion to Enter Lease/Purchase Agreement with First Option Bank*

Council Member VanVlack moved to enter into a seven (7) year lease/purchase agreement with First Option Bank at the rate of 5.384% Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:32 p.m.

Authorization to Invest Depositories with either City Bank

Per council's request from last meeting, city clerk Devona Herrin had checked with banks regarding CD interest rates. Deputy Clerk Mahon explained that the city had recently placed its investments into several CD's with varying maturity dates. If Council wished for the city to

place CD's on highest available rate at time of renewal, a motion would need to be made authorizing city staff to place investments in the bank offering highest rate of return at time of renewal. After discussion Council tabled this item until the next meeting.

NEW BUSINESS:

Storm Property Damage to City Buildings

It was reported that the insurance adjuster, Public Works Supervisor George Craig, and reps from Action Roofing had recently inspected city property for damage from the June hail storm. Councilman Boone suggested hiring the crew from Action Roofing as they had agreed to perform the work for whatever money the insurance company pays.

In response to Mayor and Council question. Deputy Clerk Mahon noted that numbers had not yet been received from the insurance carrier but expected to have them within a week. Mayor and other council members would rather wait until receiving numbers from insurance carrier before entering into agreement with roofer. Council expressed willingness to hold special meeting with roofers present after receiving info from insurance company.

Budget Preparations

Deputy City Clerk noted that it was time to begin formulating the 2009 budget. Mahon asked council to review the goals/project spreadsheet and bring to next meeting any new projects, goals, or ideas so they can be incorporated into the 2009 budget.

Executive Session

✓ Motion to Go Into Executive Session

Council Member Van Vlack moved to go into executive session for up to sixty (60) minutes for legal and personnel following a ten (10) minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:52 p.m.

Executive Session (Continued)

Others invited into or requesting a portion of time in executive session included: Attorney Mike Shultz, Deputy City Clerk Gary Mahon, Public Works Superintendent George Craig, and Police Chief James Dean.

Open Session Resumed at 8:58 p.m.

OTHER BUSINESS:

Legal Proceedings against Linn County Rural Water District #3

✓ *Motion to Initiate Legal Proceedings Against Linn County RWD #3*

Council Member Weitman moved to authorize Michael Shultz, of the law firm of Kaup & Shultz, to file a lawsuit on behalf of the City against Rural Water District No. 3, Linn County, Kansas, alleging the claims set forth in the draft petition that Mr. Shultz presented to the City Council. Motion seconded by Council VanVlack, voted on, passed 4-0. Time: 9:00 p.m.

CITY CLERK'S REPORT:

Verbal: None

Written:

- a. Updating Codes Books
- b. City Web Site
- c. Fiesta – Now 'Festival', Sept 11-13, 2008
- d. Lagoon Line Addition and Repairs
- e. 2009 Budget
- f. Magellan LLC at Henson Corner Update
- g. Employee's Health Insurance Rates as of July 1st
- h. Outside Three Mile Customer Services Changes
- i. FEMA Report for 2007 Damages
- j. Municipal Water Conservation Plan
- k. Criminal Damage at Oak Lawn Cemetery and South City Park
- l. Authorization to Invest Depositories in Either City Bank
- m. Property Damage to City Buildings from June Hail Storm

NOTES AND COMMUNICATIONS TO COUNCIL:

- b. KPERS 2009 Contribution Rate Change Notice

ADJOURNMENT:

✓ *Motion for Adjournment*

As there was no further business **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Member Van Vlack, voted on, 4-0.**

Meeting adjourned at 9:01 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 18th day of June, 2008.

(Gary D. Mahon)

Pages 1 of 4

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, July 2, 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; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Assistant Fire Chief Dan Nasalroad; Judy Kinder; Linda Meisel; Fred Meisel; Leroy Turpen; Corey Preston; J. K. Fleming; Jason Mathews; Scott Stainbrook; Rod Benson; and Esther Shields.

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

MAYOR'S COMMENTS:

- i. Everyone is welcome to the July 4th fireworks held at the city park and sponsored by Julie's Thriftway.
- ii. Read Fire Chief Doug Lloyd's letter of resignation as Fire Chief and Emergency Management Coordinator due to health problems and plans to move to another town. Mayor Smith noted regrets and will miss Doug's contributions to the city. Mayor Smith concurred Assistant Fire Chief Dan Nasalroad would fill in during this time period while the city reviews for a fire chief.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: June 19 – July 2, 2008
Minutes of June 18, 2008 City Council Meeting

Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:05 p.m.

DISCUSSION FROM THE FLOOR:

Two Requests for Council Consideration from Esther Shields

1. Farmers Market on Main Street: Asked the city council to consider a farmers market on main street once a month or once a week to allow individuals to sale their wares be it food items, or cloths, or whatever without any charge for the set up. Noted clean up would have to be addressed and possibly a signup sheet.
2. New Picnic Tables for Shelter House: Asked the city to consider having a community get-together with local contractors to build new picnic tables using all volunteers. Esther volunteered to furnish the food for a gathering. This would help with the ever rising costs and still provide new tables for the community to enjoy. The mayor thanked her for her ideas.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- xxvii. Attend Legislative Update Training Seminar July 24th in Hutchinson:
Presented a cost breakdown for the training seminar for an approximate cost of \$255 including wages. The class will provide training on recent changes in the law and recent decisions made by the state and federal courts.

- *Motion to Approve Police Chief Dean to Attend Training in Hutchinson*

Council Member Weitman moved to grant attendance to the training seminar in Hutchinson on July 24th for the approximate cost of \$255.00. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:12 p.m.

Page 2 of 4

REPORTS OF CITY OFFICERS: (Continued)

Police Chief and Codes Officer James Dean (Continued)

- xxviii. An arrest had been made for a case that occurred in May.
- xxix. Working on two more codes cases.
- xxx. Officer Dean's training classes are going well.
- xxxi. The new vehicle has still more delays from the factory; may be the end of July or August before it is ready, or longer.

Fire Department – Assistant Fire Chief Dan Nasalroad

- iv. New Fire Station at Industrial Park: The ribbon cutting ceremony has been set for Saturday, July 26th, at 10:00 a.m. Everyone is invited to attend and hope all of the city council and city employees are available to attend.

Minutes 2008

- v. State Fire Training School: The State Fire Training School is on schedule to be held here in La Cygne on Saturday and Sunday, July 12th and 13th. The city will see several eastern Kansas firefighters here for the training.

STANDING COMMITTEE REPORTS:

Park

- ii. North Park Playground Equipment Status: Installed by public works employees.
- iii. Attendance at Park Board Meetings: Jodi Wade reported the last three months the park board had been struggling with attendance. Have just recently received a resignation, so will have a spot to fill.
- iv. Volunteer Day at the Park: Park Board has discussed having a volunteer day at the park with the ball association to paint and repair the bleachers and areas around the fields.
- v. Drainage on South End of Park: Park Board is looking at improving the drainage at the south end of the park. Plans include contacting Phil Balch with Kansas Wildlife and Parks for a possible review of the area. Also, discussed using volunteers with their equipment or public works for the drainage improvements.
- vi. Information on Recreation Commission: Jodi reported a Recreation Commission is not able to own or purchase property so wouldn't assist with a pool construction.
- vii. Esther Shields Regarding Attendance at Park Board Meetings: Esther asked the council to note the poor attendance of park board members and if the current members are no longer able to attend would the council look to finding someone else. Council Member Boone responded that there had just been recent conflicts and it was not the intent to discontinue attending.

Cemetery

- xi. Mowing: Council Member Boone noted it currently does not look good. Public works is working hard today and tomorrow to have the cemetery in shape for the July 4th holiday. Suggested putting it out for bids for mowing and weed-eating. Storm damage clean up, limbs falling, removing flowers, and marking graves was asked about. Council asked for an advertisement for a bid for seasonal mowing and weed-eating only is placed in the local papers.

UNFINISHED BUSINESS:

Authorize to Invest Depositories with Either Bank

- *Motion for Authorization to Invest Depositories in Either City Bank*

Council Member Boone moved to authorize city employees to review interest rates with both banks as CD's renew and make a financial decision best for the city. Seconded by Council Member Sullivan, voted on, passed 4-0-1 (Abstain: Weitman) Time: 7:32 p.m. Mayor Smith asked to be contacted before making any changes.

UNFINISHED BUSINESS: (Continued)

2009 Budget Review

Reviewed goals and projects. Made some adjustments. Asked for the 2009 Budget to be kept as close as possible to the current budget in dollar amounts with understanding it could prevent some of the goals listed from being addressed. A rough draft will be at the next council meeting.

Storm Property Damage Report

Tabled until the next meeting.

NEW BUSINESS:

Water Conservation Plan Update

- *Motion to Approve Water Conservation Plan Update*

Council Member Weitman moved to approve the Water Conservation Plan update as presented at the table. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:45 p.m.

KMGA Appointment Recertification

Mayor Smith recommended recertification for KMGA appointment. Noted alternate position is a permanent position and does not require action.

- *Motion to Reappoint City Clerk Herrin to KMGA Board*

Council Member Turpen moved to accept the reappointment of City Clerk Herrin to the KMGA Board.

Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:47 p.m.

Resolution #321, 2004 Water Temp Note (Final)

- *Motion to Approve Resolution #321*

Council Member Turpen moved to approve Resolution #321. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:48 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty minutes for discussion of legal and personnel following a ten-minute break. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:49 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean, and Fire Department Officers Dan Nasalroad and Scott Stainbrook.

Open Session Resumed at 8:40 p.m.

OTHER BUSINESS:

Accept Resignation of Fire Chief and Emergency Management Coordinator Doug Lloyd

- *Motion to Accept Resignation of Fire Chief Doug Lloyd*

Council Member Turpen moved to regretfully accept the resignation of Doug Lloyd as fire chief and emergency management coordinator. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:41 p.m.

Next Meeting

Noted city attorney and Council Member Bob Sullivan would not be in attendance. Majority will be available for a quorum.

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OTHER BUSINESS: (Continued)

Topics from Kansas Journal

City Clerk Herrin noted there were recent changes in legislation effecting cities listed in the Journal. Asked the council to read the Journal and will have House Bill items listed on the next agenda.

CITY CLERK'S REPORT:

Written:

- A] Updating Codes Books
- B] Water Conservation Plan Update – Bring your handout
- C] 2009 Budget
- D] Authorization to Invest Depositories in Either City Bank
- E] Property Damage to City Buildings from June Hail Storm
- F] 2004 Final Water Temp Note Payment, Resolution #321

NOTES AND COMMUNICATIONS TO COUNCIL:

- c. La Cygne Park Board Meeting Minutes, June 25, 2008
- d. Sewer Lagoon Improvements Project Activities Schedule

ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 8:45 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 2nd day of July 2008.

Pages 1 of 4

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, July 16, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone, Joe Junior Turpen, Michael Van Vlack, and Terry Weitman. Absent: Robert 'Bob' Sullivan.

Others present included: City Clerk Devona Herrin; City Police Chief James Dean; City Public Works Superintendent George Craig; Acting Fire Chief Dan Nasalroad; Judy Kinder; Linda Meisel; Fred Meisel; Leroy Turpen; Corey Preston; J. K. Fleming; Scott Stainbrook; Marcella Troth; David Troth; and Wilbur Fleming.

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

MAYOR'S COMMENTS:

- iii. Hoped everyone enjoyed the fourth and all were safe.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: July 3 - 17, 2008
Minutes of July 2, 2008 City Council Meeting

Budget and Treasurer's Report for June 2008
2008 Second Quarter Financial Statement

Motion seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:03 p.m.

DISCUSSION FROM THE FLOOR:

David Troth with Local 4-H Clubs Regarding a Dog Project

David Troth and his mother, Marcella Troth, presented a community service project being undertaken by local 4-H Dog Club groups whereby the participants were inquiring as to donating dog food to local animal shelters. The food would be brought to the city to give to the city kennel. The areas targeted by the group included La Cygne, Pleasanton, and Prescott.

Mayor Smith thanked David and his group for their commitment and appreciated the donation to help the dog kennel. Looked forward to working with them.

Wilbur Fleming Regarding Fence Request at 114 N Railroad

Wilbur Fleming explained to the council how his property was on both sides of an unimproved alley that is inaccessible to traffic due to a cement slab on the north end. Mr. Fleming agreed to place a gate in the area if required by the city and either way agreed if the utilities ever needed to be addressed in the area he understood the fence would be moved for access. PWS Craig did not see any problem with a fence as long as there was access. Noted in the 30 years Mr. Fleming had lived there this had not occurred.

- *Motion to Approve Fence Location for Wilbur Fleming's Property.*

Council Member Boone moved to approve the fence location variation across the alley to extend across his property on both sides. Seconded by Council Member VanVlack, voted on, passed 4-0.
Time: 7:08 p.m.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- xxxii. Discuss No Parking on Elm Between 8th and 9th Streets: Presented a request from the LaHarper Heights Manager regarding the hazards of vehicles parking on the south side of Elm Street between 8th and 9th Streets. For safety reasons would like to post 'no parking' in the area.

Minutes 2008

- *Motion to Post 'No Parking' on Elm Between 8th and 9th Streets*

Council Member VanVlack moved to post 'No Parking' between 8th and 9th Streets on Elm Street for Public Safety. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:12 p.m.

- xxxiii. Thanks to Fire Department for Assistance: Thanked Dan Nasalroad along with the fire department for their assistance last week that helped lead to the capture of a person involved in a car theft and burglaries.

Public Works Superintendent – George Craig

- i. Hach Annual Agreement: Requested approving another annual contract agreement with Hach for calibrating and certifying the equipment at the water plant. This year's cost is \$3,793, down from last year.

- *Motion to Approve Hach Annual Agreement for \$3,793*

Council Member Turpen moved to approve the annual Hach Service Contract Agreement for \$3,793 for the water plant. Seconded by Council Member, VanVlack, voted on, passed 4-0. Time: 7:15 p.m.

Fire Department – Assistant Fire Chief Dan Nasalroad

- vi. Appointment of Fire Chief and Assistant Fire Chief: Dan Nasalroad reported the fire department had met and he had agreed to be the fire chief with Scott Stainbrook as the Assistant Fire Chief.
- vii. Statewide Training Classes Held July 12-13th: Reported the state classes held last weekend went well. There were around 50 – 55 firefighters from around the area here for training.

- *Motion to Appoint Fire Chief Nasalroad and Assistant Fire Chief Stainbrook*

Council Member Turpen moved to approve the appointment of Dan Nasalroad as Fire Chief and Scott Stainbrook as Assistant Fire Chief. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:18 p.m.

- viii. New Fire Station Ribbon Cutting, July 26th at 10:00 A.M.: Invited everyone to the Ribbon Cutting for the new fire station on Saturday, July 26th at 10 A.M.

STANDING COMMITTEE REPORTS:

Sewer

- i. Contractor to Begin Lagoon Repair Work: Council Member VanVlack reported contractor Mike Page is to begin the lagoon repair work next week.

Park

- viii. Resignation of Council Member Boone from Park Board: Council Member Boone thanked all of the Park Board Members he had worked with

the last three years for all of their hard work and donated time. Noted the new shower house, the playground equipment installed by the board members, new transformer pads electrical wiring donated including more camper hookups; more done than just mowing for the last thirty years. Officially resigned effective immediately and would like to see Esther Shields appointed to the board to donate her time and labor. Council thanked Council Member Boone for his time donated to the park; Mayor Smith noted he had received comments of Boone's presence in the park to address items when needed.

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STANDING COMMITTEE REPORTS: (Continued)

Cemetery

- xii. Resignation of Joe Summers: Council acknowledged resignation of Joe Summers effective immediately.
- xiii. Bids for Mowing: Noted there were no bids received. Council Member Boone reported a couple of members had looked at the cost for contracting and decided it was probably better to hire an individual to do the work. No action taken.

SPECIAL COMMITTEE REPORTS:

Fall Festival

Chair Member Linda Meisel reported they were in need of volunteers. Currently only three people on the committee. Mayor Smith asked the committee to make a list of the topics they needed help with and present it back to the council to try to help locate helpers.

UNFINISHED BUSINESS:

2009 Budget Review

Reviewed the funds listed in the 2009 Budget. Noted the three utility funds estimated expenses exceeded the estimated income for 2009. A decision will need to be made on how to cut expenses to match income or increase rates to increase income. Requested both clerks to review for areas to cut costs and what rates would need to be considered. Also discussed the water plant roof condition and to have Deputy City Clerk Mahon to contact the insurance company and see what they say about the condition and if the city can go back on Kirkham Michaels Engineers.

As for the General Fund and Employee Benefit Fund the council requested the total mill levy to remain in the area of 60.5-60.75, similar to last year. Did not want to lower the mills and then have to take a 4-5 mill increase the next year. Agreed to set up a special meeting on July 30th to review the budget for approval for publication to present for the Public Hearing in August.

- *Motion for Special Meeting for Budget on July 30th*

Council Member Weitman moved to call a special meeting for the topic of the 2009 Budget. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:54 p.m.

Storm Property Damage Report

Tabled.

NEW BUSINESS:

Location for Christmas Dinner

Saturday, December 13th, was chosen for the Employee Appreciation Christmas Dinner at the Community Center. Will have the dinner catered.

KANSASWORKS Grant for 2007 Flood Damages

Mayor Smith presented a card from KANSASWORKS for further information regarding a ten million dollar grant for entities needing help cleaning up from the 2007 flood. Asked city employees to check into the information for possible help with damages to city property from the flood.

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NEW BUSINESS: (Continued)

RWD #1 Lawsuit Filed

- *Motion to File Lawsuit with RWD #1*

Council Member Turpen moved that the City Council authorize Michael Shultz of Kaup and Shultz, attorneys at law, in his discretion, either to add Rural Water District #1, Linn County, Kansas, as a defendant in the lawsuit that the City filed and has pending against RWD #3, Linn County, Kansas, or to file a separate action against RWD #1. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:02 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to twenty minutes for discussion of personnel following a ten-minute break. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:03 p.m.

Others invited into or requesting a portion of time in executive session included: City Clerk Devona Herrin and Public Works Superintendent George Craig.

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Extend Executive Session

- *Motion to Extend Executive Session*

Council Member VanVlack moved to extend executive session ten minutes for personnel. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:33 p.m.

Open Session Resumed at 8:43 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Written:

A] 2007 Insurance Refund for \$1,029

NOTES AND COMMUNICATIONS TO COUNCIL:

- e. Planning Commission Minutes for July 10, 2008

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Member Turpen, voted on, 4-0.**

Meeting adjourned at 8:44 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 16th day of July 2008.

The La Cygne City Council met for a Special Meeting on Wednesday, July 30, 2008 at the La Cygne City Hall. Purpose of the meeting is listed below. The following council members were present creating a quorum: Jerry Boone, Robert "Bob" Sullivan, Joe Turpen, Michael Van Vlack, and Terry Weitman. All council members present signed the request for the special meeting.

Others present included: City Clerk Devona Herrin, Police Chief James Dean, Fire Chief Dan Nasalroad, Assistant Fire Chief Scott Stainbrook, Jake Fleming, Dustin Kass with Osawatomie Graphic, Robert Turpen, and LeRoy Turpen.

Mayor Keith Smith called the special meeting to order at 7:00 p.m. for the discussion of:

Minutes 2008

1. 2009 Budget Review for Publication
2. National Emergency Grant Worksite Agreement KansasWorks
3. Water Plant.

2009 Budget Review for Publication

Discussed the following items:

- a. SRF Wastewater Loan amount changed due to increase in amount borrowed to cover the changes to the wastewater lagoon.
- b. Change in the General Gov Capital Outlay fund.
- c. Employees benefits changes in KPER's due to state changes effective July 2009, and health insurance variable changes between single employee rates up to family rates. The Insurance Reserve is to be prepared for unknown changes and if not used moved to the next year.
- d. The mill levy versus the total tax dollars levied. Presented at the table a tax mill rate of 62.667 matching the tax dollars levied for 2008 at 60.953 mills for a total of \$407,602. Concern was expressed for an increase in mills creating higher tax costs to the public versus having less total tax dollars available. If stay around the 60.953 mills there will only be around \$395,000 tax dollars available, a decrease from 2008. Council Member Turpen pointed out there would be an increase in taxes with an increase in mills for those whose valuations stayed the same or increased and other entities were already increasing their taxes too. City Clerk Herrin talked about an increase in tax valuation to offset increasing taxes; however, it is up to the council if they want to keep the mills flat and work with less dollars, or keep the total tax dollar amount flat which with the state formulas increases the mills. Reviewed the Computation page for the maximum tax levy without an ordinance could be as high as \$417,811 leaving over \$10,000 on the table at the 62.667 mills.
- e. The council can lower the mills and total dollar amount at the public hearing, however once the budget is published the mills cannot be increased further.
- f. Mayor Smith asked for an alternate budget available of 61.8 mill range at the Public Hearing on August 20th.

- *Motion to Publish Budget as Presented*

Council Member Turpen moved to publish the 2009 budget as presented. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:23 p.m.

National Emergency Grant Worksite Agreement KansasWorks

Council reviewed the grant only applied to hiring workers and some small equipment. Any materials, such as fencing, would be at the expense of the city and the workers would install.

- *Motion to Authorize Mayor Smith to Sign the NEG Worksite Agreement*

Council Member Turpen moved to authorize Mayor Smith to sign the grant applying to the 2007 flood improvement project called NEG Worksite Agreement with KansasWorks. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:28 p.m.

Water Plant

Council noted the inside chlorine contact basin needs a roof; however, they do not have the information on those needs yet. They should be available at the next meeting.

ADJOURNMENT:

As the topics were covered **Mayor Smith adjourned the special meeting.**

Meeting adjourned at 7:30 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 30th day of July 2008.

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, August 06, 2008, at the La Cygne City Hall. Council Members present were: Jerry Boone; Robert 'Bob' Sullivan; Michael Van Vlack; Joe Junior Turpen; and Terry Weitman.

Others present included: Deputy City Clerk Gary Mahon; Public Works Superintendent George Craig; Police Chief James Dean; Fire Chief Dan Nasalroad; Fireman J.K. Fleming; Attorney John Sutherland; Linda Misel; Park Board Chairman Jodi Wade; LeRoy Turpen; Judy Kinder; and Dustin Kass.

In absence of the Mayor, Council President Terry Weitman presided and called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

Council President Terry Weitman read a Certificate of Appreciation that would be forwarded to Kenneth McClanahan for his many years as caretaker of Oak Lawn Cemetery.

CONSENT AGENDA:

✓ Motion to Approve Consent Agenda

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

Check Register: July 17 thru August 06, 2008
Minutes of July 16, 2008 City Council Meeting
Minutes of July 30, 2008 Special City Council Meeting

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

Police Chief /Codes Officer James W. Dean

- New Police Truck has arrived;
- New Truck to shop on 8/07 for upgrades (siren, radio, lights, etc.);
- New Truck received ding during transporting;
- Codes – 1 violation pending in court, several letters to be issued

Fire Chief Dan Nasalroad

- Fireman Brock Barber resigned – returned to school at K-State

Public Works Superintendent George Craig

- Trees receiving damaged from hail storm have been marked on city property for FEMA to examine;

STANDING COMMITTEE REPORTS:

Water & Gas

Chlorine Contact Basin:

- Needs to be capped due to falling debris from rusting overhead beams;
- KDHE requires design by engineer;
- Requested Deputy Clerk Mahon to contact Ponzer-Youngquist

STANDING COMMITTEE REPORTS: (Continued)

Sewer

Per Superintendent George Craig - Lagoon Restoration will proceed after Mike Page finishes required paper work regarding minority hiring.

Park – Appointment of Bob Sullivan as Council Rep to Park Board.

Council President Terry Weitman noted that it was the wishes of Mayor Smith that Council Member Robert Sullivan be appointed to the LaCygne Community Park

Minutes 2008

Board. In the absence of Mayor Smith, Council President Terry Weitman officially appointed Robert Sullivan to the LaCygne Community Park Board.

Cemetery

Pruning/Removal of Trees

- Council Member Boone reported that Roger DeMott had offered to prune and remove damaged trees at the cemetery at no monetary cost. Roger would use the wood for firewood as payment.

✓ ***Motion to Approve Roger De Mott to Prune/Cut Oak Lawn Cemetery Trees***

Council Member Boone moved to allow Roger DeMott to prune and cut damaged trees in Oak Lawn Cemetery for firewood. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:09 p.m.

Naming of New Portion of Cemetery

- Council reviewed preliminary plot map of new areas of cemetery;
- Noted that west section (section 5) has corner lots pinned;
- Discussed altering road in section 5;
- Council O.K. with section 5 as mapped. Do not change road.
- Noted that east section (section 6) has not been pinned yet;
- Discusses entrance and exit of section 6;
- Unsure if closed portion of Locust could be re-opened or if it had been sold to an adjoining land owner;
- Cemetery Committee to make further study of section 6 before finalizing;
- Section 5 deemed to be final. Will address naming later.

SPECIAL COMMITTEE REPORTS:

LaCygne Community Park Board Chairman Jodi Wade

- Received \$1,000 grant from Sam's Club to be used for new pool/skateboard park;
- Community Meeting 7:00 pm, 8/13/08, at Library regarding new swimming pool;
- Recreation Commission Informational Meeting on 8/18/08 at City Hall;
- Park Volunteer Work Day on 8/23/08.

UNFINISHED BUSINESS:

Storm Property Damage Report

- Council reviewed quotes from insurance company;
- Noted that city had received \$53,898.17 from EMC;
- Noted that FEMA may possibly pick up portion that insurance does not cover;
- Noted that Action Roofers had reviewed earlier estimates;
- Committee will submit numbers to Action Roofers.

Review Charges for Water Salesman and Commercial Water Sold at Hydrant

Minutes 2008

PWS George Craig noted:

- City's Auto Water Salesman charges \$5.00/1000 gal;
- City Residents Pay \$5.65/1000 gal;
- RWD 3 Auto Sales are approximately \$8.25 to \$8.50 per 1000 gal;
- RWD 1 Commercial Rates are approximately \$12.00 per 1000 gal;
- PWS Craig suggested council consider raising the city's Water Salesman and Commercial rates;
- Council asked Water Committee to make recommendation at next Council Meeting.

NEW BUSINESS:

Economic Development Presentation, August 7, 2008 @ Labette Bank

- Council Member Sullivan will attend;
- Deputy Clerk Mahon will remind Mayor Smith;

Linn County \$1200 Park Distribution

✓ ***Motion to Distribute County Park Money***

Council Member Turpen moved to apply the \$1200 Linn County Park money to the North Park (Bittiker). Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:31 p.m.

Executive Session

✓ ***Motion to Go Into Executive Session***

Council Member Turpen moved to go into executive session for up to fifty-five (55) minutes for legal and personnel following a ten (10) minute break. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:33 p.m.

Others invited into or requesting a portion of time in executive session included: Deputy City Clerk Gary Mahon, and Police Chief James Dean.

Open Session Resumed at 8:12 p.m.

OTHER BUSINESS:

Oak Lawn Cemetery Maintenance

✓ ***Motion to Hire VanVlack & Boone to Mow/Trim Cemetery***

Council Member Turpen moved to hire Jerry Boone and Mike VanVlack to mow and trim Oak Lawn Cemetery at the rate of \$9.50 per hour. Motion seconded by Council Member Sullivan, voted on, passed 3-0-2. Abstain: Boone & VanVlack Time: 8:14 p.m.

Naming a Portion of New Cemetery Addition

✓ *Motion to Name New Portion of Cemetery*

Council Member Turpen moved to name the west portion (section 5) of the newest addition to the cemetery: "LaCygne Cemetery". Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:18 p.m.

LaCygne Community Park Minutes

Council requested that Park Board Member Bob Sullivan address the following with the LaCygne Community Park Board:

- Grading Ball Park Area – City has equipment to do that;
- Rock Hauling – Wade can probably do just as economically;
- Architect – Concerned about expense for minor projects;

CITY CLERK'S REPORT:

Verbal: None

Written:

- a. Draft Map for East Part of Newest Section
- b. Valuations for 2009 Budget

NOTES AND COMMUNICATIONS TO COUNCIL:

- f. LaCygne Park Board Meeting Minutes for July 30, 2008

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 9:01 p.m.

I, _____ LaCygne Deputy City Clerk, do
(Gary D. Mahon) 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 Aug. 2008.

The La Cygne City Council met for a Special Meeting on Thursday, August 07, 2008 at the La Cygne City Hall. Purpose of the meeting is listed below. The following council members were present: Jerry Boone; Robert "Bob" Sullivan; Joe Turpen;

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Michael VanVlack, and Terry Weitman. All council members present signed the request for the special meeting.

Others present included: Deputy City Clerk Gary Mahon.

Mayor Keith Smith called the special meeting to order at 6:00 p.m. for the purpose of:

4. Repairs to Hail Damaged Property

Council Members VanVlack & Boone reported on their meeting with Clint Walker of Action Roofing, LLC that had been held earlier in the day. The meeting was regarding damage to city property received from the recent hail storm.

Council reviewed spread sheet that explained amounts that EMC Insurance would reimburse for damaged property. It was noted that:

- Location No 17 (Firehouse at 110 N 1st) and Location No. 19 (Park Garage for Mower) were for appearance only and would not be receiving any repairs;
- Sky Lights in street barn would not be replaced;
- Swimming Pool House has some wood rot and will require new sheeting;
- New sheeting cost = \$25/sheet (includes installation),
- Estimating 10 to 15 sheets,
- This cost is not included in either EMC or Action Roofing quotes,
- Action Roofing quote = \$59,345.00;
- City has received \$53,898.17 from EMC Insurance;
- Depreciation hold back is either \$1873.94 or \$2758.60;
- FEMA might possibly cover some of the City's responsibility;
- Estimate City's maximum responsibility to be approximately \$3572.89 excluding pool house roofing.

✓ *Motion to Award Building Repairs to Action Roofing*

Council Member VanVlack moved to hire Action Roofing to do repairs as listed up to a cost of \$60,000. Motion seconded by Council Member Boone.

Discussion: Council Member Weitman asked if there might be other local contractors interested in making the repairs. Concerned about everyone having an opportunity. Council Member VanVlack noted that no one else had offered to help with inspecting the property and providing estimates. Council Member Turpen asked for clarification as to what work was being performed. It was noted all repairs on the spread sheet list to be performed as discussed. **Motion was then voted on, passed 4-1.**

Opposed: Weitman

ADJOURNMENT:

✓ *Motion for Adjournment*

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

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The meeting adjourned at 6:10 p.m.

I, _____ LaCygne Deputy City Clerk, do
(Gary D. Mahon) 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 Aug. 2008.

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, August 20, 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; City Police Chief James Dean; City Public Works Superintendent George Craig; Fire Chief Dan Nasalroad; Judy Kinder; Chase Jordan; Linda Meisel; Leroy Turpen; Mr. and Mrs. Lloyd Lane; and Jodi Wade.

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

2009 BUDGET HEARING: Postponed until September 3rd meeting to allow for proper publication.

MAYOR'S COMMENTS:

- i. Read 'Thank You's from family of Bob Nichols, family of Harry Smith, and Linda Elder.
- ii. Noted High School Sports season is here.
- iii. Expressed appreciation for the Ground Breaking event held by the Lincoln/Scott Township Hospital Board for the new doctors office facility. Joe Turpen gave an update on the contractors work progress.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: August 7 – 20, 2008
Minutes of August 06, 2008 City Council Meeting
Minutes of August 07, 2008 Special City Council Meeting
Budget and Treasurer's Report for July 2008

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

DISCUSSION FROM THE FLOOR:

Alex Golladay, 627 N. 5th, Vacant House with Water Usage – Tabled. Golladay was not present.

Lloyd Lane, Closing Unimproved Chestnut West of 1st Street or Approving Location for Garage

Mr. Lane explained he was present because he had a concrete slab area where he was preparing to build a garage and had even received a permit of which now he is told won't work. Mr. Lane noted he had obtained a permit for the slab only about 4-to-5 years ago and there was no problem then. Mayor and Council discussed closing the unimproved Chestnut Street which would then allow the necessary setback for the building. Council Member Boone requested the records be checked as the road had been closed several years ago. The codes were checked and no ordinance found. Mayor Smith asked the Lane's to hold off on the construction for everyone's benefit until the closing of the street process was complete in about thirty days.

- *Motion to Begin Street Closing Process on Chestnut West of 1st Street.*

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DISCUSSION FROM THE FLOOR: (Continued)

Lloyd Lane, Closing Unimproved Chestnut West of 1st Street or Approving Location for Garage (Continued)

Council Member Turpen moved to have a hearing at the earliest possible date for closing the unimproved portion of Chestnut west of 1st Street. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:17 p.m.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- Hail Damage to 1996 Crown Vic: The vehicle was totaled by the insurance company. The value determined was \$3,206.00. The city has the option of keeping the car and EMC would pay the city \$2,306.00 or EMC takes the car and pays the city \$2,967.00.

- *Motion for EMC Taking Vehicle for \$2967 and Payment Earmarked for Police Equipment*

Council Member VanVlack moved to sale the 1996 Crown Vic to EMC for the insurance amount of \$2,967.00 and earmark the money for police equipment. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:18 p.m.

Public Works Superintendent – George Craig

- i. White Vinyl Fence Materials for Compactor: Presented a brochure for Country Estate Vinyl Fencing called ‘The Melbourne’ (with Lattice) for a cost of \$10,657 for 250 feet of six-foot high fence delivered to the job site.

- *Motion to Purchase 250 Foot of Vinyl Fence for \$10,657*

Council Member Boone moved to purchase 250 foot of vinyl fence for \$10,657.00. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:28 p.m.

Fire Department – Assistant Fire Chief Dan Nasalroad

- i. Forrest Service Grant: Dan Nasalroad reported the grant had been completed and the equipment received.

STANDING COMMITTEE REPORTS:

Water & Gas

- i. Chlorine Contact Basin: George reported the engineer is still waiting on information from the original building engineer and has continued to ask for it.
- ii. Water Salesman & Commercial Rates: Council discussed the rural water districts charging \$8.50 per thousand at a wholesale site and \$12.00 per thousand for commercial rates.

- *Motion to Increase Water Salesman Rates and Commercial Hydrant Rates to \$12 per Thousand*

Council Member VanVlack moved to raise the water salesman rates from \$5 to \$12 per thousand gallons of water and to include the commercial hydrant, effective immediately. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:30 p.m. Noted a sign will be posted.

Sewer

- i. Contractor to Begin Lagoon Repair Work: George reported the contractor had located the lines and would be getting started.

STANDING COMMITTEE REPORTS: (Continued)

Park

- i. Park Board Vacancy for Tammy Weitman’s Resignation: Mayor Smith recommended the appointment of Charlie Moore to the Park Board Committee vacancy.

- *Motion to Accept Appointment of Charlie Moore to Park Board Vacancy*

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Council Member Turpen moved to accept the appointment of Charlie Moore to the Park Board Committee. Seconded by Council Member Boone, voted on, passed 5 – 0. Time: 7:32 p.m.

- ii. Appreciation of Service to Tammy Weitman and Jerry Boone: Jodi Wade presented certificates of appreciation to Jerry Boone and Tammy Weitman for their time given to the Park Board.

Cemetery

- i. Property Line Concerns: Council Member Boone reported there are out buildings belonging to adjoining property owners on the cemetery property side. Discussed need to talk with property owners abutting the cemetery property. Mayor Smith asked to have them contacted to come to a city council meeting to discuss. Council Member Boone noted he would talk to the property owners and report back. Mayor Smith also asked the clerk to contact the owners the first part of next week for attendance.
- ii. Name for Section 6: Council concurred both Section 5 and 6 were to be called La Cygne Cemetery.

- *Motion to Amend Previous Week's Motion to Include Section 5 & 6*

Council Member Turpen moved to amend his motion from last meeting to include both Section 5 and Section 6 to be known as 'La Cygne Cemetery'. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:38 p.m.

- iii. Older Section Cemetery Roads: Council Member Boone reported the older section of the cemetery needed rock placed on the roads. Boone offered to use the city grader and not charge for labor to blade the roads if the rock could be purchased. Discussed measuring the roads for the amount of rock needed, the type of rock needed, and how many pounds per cubic foot. Will have measured and an estimate of cost of rock for the next council meeting.
- iv. Brush in Road for New Area of Cemetery: Council Member Turpen reported the person clearing the property for the new doctors office building volunteered to clear the brush free of charge in 2-3 weeks. Discussed there are some concerns now about clearing the brush and asked to hold off for awhile.

SPECIAL COMMITTEE REPORTS:

Park Board

Jodi Wade reported on the following:

- Have located grants for Tennis Courts and reviewing city's court for applying either for improvements or replacing.
- Time to prepare and submit grant application for the skate board park area.
- Working on having a parking area graded and unsure as to whom to ask to have the grading done.

SPECIAL COMMITTEE REPORTS: (Continued)

Park Board (Continued)

- Asked who she is to ask if the city can help for certain projects or if the park board should look another direction for help. Council Member Boone told her to ask George &/or the Park Committee Council Members.
- There was not much attendance at the meeting for the sales tax issue. The committee is going to proceed for the April election.
- Going to try to do a 'greased' pig contest for the festival if a pig can be located.
- Found Wild Life & Parks will provide a person and the equipment to do a topo of the park grounds and let them know how to properly set up the drainage for the area.
- A community clean up day is scheduled for this Saturday. Hope to have lots of volunteers.

Fall Festival

Chair Member Linda Meisel reported on the following:

- a. Mud Volleyball needs a sponsor, or lead person to handle as the previous person is unavailable this year. Discussed the mud volleyball and the possibility of sand volleyball. Jodi inquired about future mud volleyball and if an area needs to be established for this.
- b. Banners and tennis net are still missing after being removed from last year's festival. Asked if anyone knew where they were. Places had been checked and still not found.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

KACM 2008 Fall Conference, September 18-19, 2008, Junction City

- *Motion for Linda Elder to Attend KACM Fall Conference with Per Diem*

Council Member Turpen moved to approve Linda Elder attending the KACM Fall Conference September 18th and 19th in Junction City with per diem. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:58 p.m.

State Health Plan Training, September 8th, Emporia, Kansas

- *Motion for City Clerk or Deputy City Clerk to Attend State Health Plan Training with Per Diem*

Council Member Turpen moved to approve City Clerk Herrin attending the Kansas State Health

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Plan Training class with Deputy City Clerk Mahon as a backup with per diem. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:59 p.m.

Conditional Use Permit 08-02 for Motorcycle Repair Shop

- *Motion to Approve CUP 08-02 for 103 N Broadway*

Council Member Van Vlack moved to accept the Conditional Use Permit #08-02 at 103 N Broadway for a Motorcycle Repair Shop as recommended. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:03 p.m.

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Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty-five minutes for discussion of personnel and legal following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:05 p.m.

Others invited into or requesting a portion of time in executive session included: City Clerk Devona Herrin and Public Works Superintendent George Craig.

Open Session Resumed at 8:57 p.m.

OTHER BUSINESS:

Introduce New Osawatomie Graphic Reporter

Mayor Keith Smith introduced the new Osawatomie Graphic Reporter Chase Jordon.

Hire Richard White for Temporary Public Works Employee

- *Motion to Hire Richard White for \$9 per Hour until End of October*

Council Member Turpen moved to hire Richard White at \$9.00 per hour until the end of October to assist public works. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:59 p.m.

Request for Ordinance for Pay Rate for Council Member Conducting Meeting

- *Ordinance for Pay Rate for Council Member Conducting Meeting*

Council Member Turpen moved to have the City Clerk draw up an ordinance to amend the person conducting the council meeting when the mayor is absent to have a pay rate amount to be determined at a later meeting. Seconded by Council Member Van Vlack, voted on, passed 4-1 (No: Weitman). Time: 9:00 p.m.

Budget Hearing Changed to September 3rd Meeting

Minutes 2008

City Clerk Herrin reported the Budget Hearing had been delayed until the September 3rd meeting as the budget had not been published until this week's paper.

CITY CLERK'S REPORT: None.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a. Planning Commission Minutes for August 14, 2008
- b. Thank You Cards
- c. July 2008 Water & Gas Production Reports
- d. Letter from Teresa Whitaker

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Weitman moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, 4-1 (No: Boone).**

Meeting adjourned 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 20th day of August 2008.

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REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, September 3, 2008, at the La Cygne City Hall. Council Members present were: Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, and Terry Weitman. Absent: Jerry Boone.

Others present included: City Clerk Devona Herrin; Deputy City Clerk Gary Mahon; City Police Chief James Dean; Assistant Fire Chief Scott Stainbrook; Judy Kinder; Cody Preston; Linda Meisel; Fred Meisel; Leroy Turpen; Danny Curtis; Jake Fleming; Rod Benson; Jerome Mitzner; Kathy Querry; Clint & Roberta Peckman; and Amanda Nash.

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

2009 BUDGET HEARING:

Mayor Smith asked for any discussion regarding the published budget or any other options. There were no comments.

- *Motion to Approve 2009 Budget as Published*

Council Member Weitman moved to approve the 2009 Budget numbered 2 at the table as published in the official paper. Seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:03 p.m.

MAYOR'S COMMENTS:

iv. Enjoy the rain.

CONSENT AGENDA:

City Clerk Herrin noted a correction on page three of the Minutes of August 20, 2008; and, noted the Sewer Revolving Loan payment for \$15,638.11 was included on the final check register presented at the table.

- *Motion to Approve Consent Agenda with Corrections*

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

Check Register: August 21 – September 3, 2008
Minutes of August 20, 2008 City Council Meeting

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

DISCUSSION FROM THE FLOOR:

La Cygne Cemetery Improvements

Area property owners Kathy Querry, Amanda Nash, Clint and Roberta Peckman were present.

Mr. Peckman asked the council if they knew what had happened originally when the cemetery property was purchased as he understood there was not a survey at that time. He spoke about how the existing fence line is the legal landline and would be glad to clean up but would rather not look out back at a cemetery. He asked to see the bill of sale as he believed the land in question was his.

DISCUSSION FROM THE FLOOR: (Continued)

La Cygne Cemetery Improvements (Continued)

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City Clerk Herrin acknowledged the city had purchased the property from the Boone's in late 2000 or early 2001 and a survey had been done at that time identifying the area the city acquired for the cemetery. These records are on file.

Mrs. Peckman noted the fence had been there for over thirty years along with the trees, want to keep what they felt was theirs.

Mayor Smith thanked everyone for attending as the city council was looking for discussion in expanding the cemetery and how to proceed. Will have the Cemetery Committee review further and hopefully everyone can meet back again at the next city council meeting.

The Nash's also commented that they had owned their property for a long time and had thought the property line was the fence in their back yards too.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- ii. New Truck Update: The truck is back from the body shop with the charges being billed to GMAC. The light bar arrived today, so will set up an appointment to have everything installed.
- iii. Reserve Training Update: The reserves have been through the training and are ready to get started. There are three reserves.
- iv. Codes Update: Issued several building permits. Sent out several more letters for clean up. At 602 Chestnut the junk cars are gone. And, have issued summons to others.
- v. Officer Will Dean: Looking forward to having Officer Will Dean back from the academy. Plan to attend his graduation ceremony.
- vi. Saturday, September 27th, Night Out Against Crime: The County informed Police Chief Dean of this date. Looking for ideas for that night.

Fire Department – Assistant Fire Chief Scott Stainbrook

- ii. Automatic Aid Agreement with Linn County: Assistant Fire Chief Scott Stainbrook asked the city to entertain the Automatic Aid Agreement for the city to give the same response agreement to the county the county gives to the city. Discussed the city thought that had already been done. Now a matter of getting the agreement signed.

- *Motion to Approve Signing Automatic Aid Agreement with Linn County Fire Department*

Council Member Van Vlack moved to approve signing the automatic aid agreement with Linn County Fire Department. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:18 p.m.

STANDING COMMITTEE REPORTS:

Water & Gas

- iii. Chlorine Contact Basin: Deputy City Clerk Gary Mahon presented a report compiled from information received from John Brann with Ponzer-Youngquist. The engineer has finally been able to provide the following conservative estimates leaning on the high end for repairs to the water plant:
 - 1. Total Estimated Building Repair Costs ---\$37,000
 - 2. 12” Thick Concrete Top for Chlorine Contact -\$30,000
 - 3. 20% Contingency -----\$13,400
 - 4. Ponzer-Youngquist Fee -----\$10,900
 - 5. Ponzer-Youngquist Inspection Fee -----\$ 8,200
 - 6. Total estimate ----- \$99,500

Discussed what portion of project would require approval by the state. Asked about cost bid for skinning the building instead of the listed repair option, as well as a different thickness for the concrete. Deputy City Clerk Mahon noted the city does not have to go through the formal bidding process since the city is not borrowing state funds for the project. Discussed if wanted to go ahead with approving drawing up the engineer’s contract. Tabled.

Sewer

- ii. Status of Lagoon Repair Work: Council Member Van Vlack reported the trucking firm to deliver the pipe lost the shipment and has been unable to locate it. Deputy City Clerk Mahon reported there is a time frame on this project for FEMA to pay their portion, which is a pretty sizable sum.

Cemetery

- v. Gravel for Older Section Cemetery Roads: Council Member VanVlack reported George Craig had determined the cost to gravel the roads with 400 Ton of rock for up to \$5,000.00.

- *Motion to Purchase 400 Ton of Rock for \$5,000*

Council Member Turpen moved to purchase 400 ton of rock from Wade Quarries delivered to the Old Section of the cemetery. Seconded by Council Member VanVlack, voted on, passed 4-0.

SPECIAL COMMITTEE REPORTS:

Fall Festival

Chair Member Linda Meisel reported on the following:

- a. The carnival has items here already.
- b. Still looking for someone to help with volleyball and bingo.

Park Board

Jodi Wade left the following report:

- o Painted over the graffiti and painted the concessions stand as well as other repairs getting ready for the festival.

UNFINISHED BUSINESS:

Ordinance for Pay Rate for Council Member Conducting Meeting

Council discussed the additional amount to insert into the ordinance for compensation for the council member presiding over a meeting in the absence of the mayor. The range discussed was \$20.00 - \$70.00. City Clerk Herrin noted the ordinance number would be the next number in sequence.

- *Motion to Approve Ordinance for Additional \$50 for Council Member Conducting the Meeting*

Council Member Turpen moved to have the next ordinance number applied to compensation to council members presiding over a meeting in the amount of \$50 per meeting. Seconded by Council Member VanVlack, voted on, passed 3-1 (No: Weitman). Time: 7:42 p.m.

NEW BUSINESS:

Close Compactor at Noon for Festival, September 13th

Council discussed the compactor had been closed at noon on years past. The fence is currently down and waiting for the new materials to arrive. Mayor and council agreed to close the compactor again at noon this year for the city festival.

KPERS Fall Designated Agent Workshops

City Clerk Herrin requested attendance by both the city clerk and the deputy city clerk for training for the many 2009 changes. There are several meeting dates within a fifty mile radius to allow attendance on separate dates and thus prevent shortage of employees at city hall.

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- *Motion for City Clerk and Deputy City Clerk to Attend KPERS Workshops*

Council Member Turpen moved to approve City Clerk Herrin and Deputy City Clerk Mahon to attend KPERS workshops near the city with per diem. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:45 p.m.

KMU Workshop for “Identity Theft Prevention Program”, September 25th

- *Motion to Approve Attendance to KMU Workshop for “Identity Theft Prevention Program”*

Council Member Turpen moved for Deputy City Clerk or City Clerk to attend the KMU Workshop in Gardner on September 25th with per diem. Seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7.48 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to thirty minutes for discussion of personnel and legal following a ten-minute break. Seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:50 p.m.

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

Open Session Resumed at 8:25 p.m.

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OTHER BUSINESS:

Reserve Police Officers

- *Motion to Appoint Jerome Moore, Larry Pemberton, and Brad Cook as Reserve Police Officers*

Council Member VanVlack moved to have Jerome Moore, Larry Pemberton, and Brad Cook as reserve police officers. Seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:28 p.m.

Retain Ponzer-Youngquist Firm for Water Plant Chlorine Contact and Building Repair Project Design

- *Motion to Hire Ponzer-Youngquist for Water Plant Repair Project Design*

Council Member Weitman moved to retain Ponzer-Youngquist firm for the engineering portion of the repairs to the water plant for a fee of up to \$10,900.00. Seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 8:29 p.m.

CITY CLERK'S REPORT:

- a. Payments
- b. 2009 Budget Hearing
- c. La Cygne Cemetery Improvements
- d. Automatic Aid Agreement with Linn County
- e. Gravel for Cemetery Roads
- f. Close Compactor at Noon for Festival, September 13th
- g. KPERS Fall Designated Agent Workshops
- h. Water Plant Building Repair Status

NOTES AND COMMUNICATIONS TO COUNCIL:

- e. Notice of Public Hearing, September 17, 2008
- f. Thank You Card from Linda Elder
- g. *Kansas Government Journal* August 2008, Volume 94 – Number 8

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member VanVlack moved to adjourn the meeting. Motion seconded by Council Member Turpen, voted on, 4-0.**

Meeting adjourned at 8:30 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 3rd day of September 2008.

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, September 17, 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; City Police Chief James Dean; Fire Chief Dan Nasalroad, Assistant Fire Chief Scott Stainbrook; Judy Kinder; Chase Jordon; Linda Meisel; Fred Meisel; Leroy Turpen; Robert Turpen; Patricia Lane; L. Drew Lane; Jake Fleming; Jerome Mitzner; Dale Sylva; and, James N. Sylva.

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

PUBLIC HEARING FOR STREET CLOSING:

Mayor Smith opened the public hearing for the discussion of closing Chestnut Street west of First Street by asking if there were any comments from the public. Jim Sylva began by stating they were not there to keep the neighbors structure from being built but they did not want the street closed as his son would not be able to build in that area but the neighbor could and did not want any building in the street area. Discussed the street area would be closed for a road, however the city would retain the utilities and therefore there would be no building in the area. The Sylva's felt if the street was closed they would need to resurvey and did not want the expense either. Discussed the concern was for the Lane's, just south of this part of Chestnut Street to be able to rebuild on the cement slab on their property just beside the street property. Since the street was unimproved, public works did not have any concerns about needing to be in this particular area, and there was already an existing slab to build on, the council concurred to allow a variance for the Lane's to build.

- *Motion to Approve Variance at 216 N. First Street for Garage*

Council Member Turpen moved to allow L. Drew Lane to build his garage on his existing slab, therefore allowing a variance on the property for this construction. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:14 p.m.

- *Motion to Leave Chestnut West of First Open*

Council Member Turpen moved to leave Chestnut Street open. Discussed the motion would not be required as it was an open unimproved street. Council agreed to let the motion die.

Mayor Smith closed the public hearing portion of the meeting.

MAYOR'S COMMENTS:

- v. Thanked everyone for the festival and felt it went fairly well for all the rain.
- vi. Thought the City Wide Garage Sale went well as saw a lot of people in town that day.
- vii. New fence by the trash compactor looks very good.
- viii. Council Member Turpen reported the slab had been poured today for the new hospital clinic so they will soon be building upwards. And, the hole where the house was has been filled in.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: September 4 - 17, 2008
Minutes of September 3, 2008 City Council Meeting
Treasurer and Budget Reports for August 2008

Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:20 p.m.

DISCUSSION FROM THE FLOOR:

La Cygne Cemetery Improvements

Council discussed the following:

- a. Gravel added is a good improvement
- b. Looking at cleaning the property line on the north west part of the old cemetery to move the brush back from the drive in that area
- c. Looking at other improvements the Oak Lawn Cemetery Association members are asking about.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- vii. Saturday, September 27th, Night Out Against Crime: The event is scheduled for 6:00 p.m. at the park. Serving hot dogs. Have Halloween bags for the children, and other items. The Cub Scouts will be there and will hold two raffles. The Fireman will be there with some items. The police reserves will also be available. Come on out, have a good time and win some door prizes.
- viii. Festival: No problems.
- ix. Burglary of City Property: Over \$6,500 of property was removed overnight last night. Please contact the police chief if you know anything about it.

Public Works Superintendent George Craig

- i. Annual Gas Pipeline Safety Seminar: PWS Craig submitted a proposal to two to attend the KCC Annual Seminar in Salina, Kansas. As of the time of the meeting he was thinking about Jim Johnson and himself attending.

- *Motion for Up To Two Public Works Employees to Attend Gas Seminar*

Council Member Van Vlack moved to send up to two public works employees to the annual Gas Seminar in Salina, October 28th thru 30th with per diem. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:25 p.m.

- ii. S205 Bobcat Skid-Steer Loader Trade In: Presented request for trade in of the existing bobcat using FEMA funds for payment at a total cost of \$3,800.00. The trade would be with KC Bobcat.

- *Motion to Trade Bobcats for Additional \$3,800*

Council Member Boone moved to spend \$3,800.00 for trading in the bobcat for a new model. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:30 p.m.

Page 3 of 5

REPORTS OF CITY OFFICERS: (Continued)

Fire Department – Fire Chief Dan Nasalroad

- iii. Fire Safety Week: The first week of October is Fire Safety Week. Arrangements have been made for the elementary students to go to the fire station this year for a tour. Asked if public works could help clean up and mow around the building as the county has a discrepancy on the yard maintenance.
- iv. Festival Support: Mayor Smith expressed appreciation for the fire department's involvement at the festival.

STANDING COMMITTEE REPORTS:

Water & Gas

- iv. Chlorine Contact Basin: Engineer is working on repair design.

Sewer

- iii. Status of Lagoon Repair Work: Contractor is at the site. Work is going very slow.

Park

- vi. Play Equipment Waiting to be Installed: Council Member Boone asked to have the play equipment waiting to be installed addressed. Discussed if Mayor and Council Members would be available the last Saturday of this month to do the work. If they determine there are enough available they will let everyone know and set up a work time.

Cemetery

- i. Shelter Building: Discussed the roof needs repaired on this small building. Will have Action Roofing address while they are in the area working on other city buildings.

SPECIAL COMMITTEE REPORTS:

Minutes 2008

Fall Festival

Chair Member Linda Meisel reported on the following:

- a. The community had a lot of good workers for the festival.
- b. Everyone enjoyed the greased pig contest.
- c. Eight teams played mud volleyball.
- d. A good parade for the rainy weather.

UNFINISHED BUSINESS:

June 2008 Storm Report

- a. Action Roofing Repairs: Clint Walker will be getting with the city tomorrow to go over the additional figures Walker found different from the original quote of work to be done by the adjuster.
- b. Insurance Adjusters Recap: Additional items have been added to cover damage to the interior of the street barn office and the ceiling of the community building.
- c. FEMA Totals: FEMA will pay a portion of the nonrecoverable ACV depreciation and the \$500 deductible based on the original loss information submitted to the insurance company. The debris removal is separated between work completed and work to be completed. They will return to inspect the work in about three months to verify the work is all completed. There have not been any payments received to date.

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UNFINISHED BUSINESS: (Continued)

Magellan Pipeline LLC Connecting to City Natural Gas Line

Discussed filling in the blanks on the agreement and rewording how the cost of gas is figured. Agreed wanted to move forward with the project and needed to have the agreement ready to go in the next couple of days by both parties to be able to have Northern Pipeline ready to complete the work by the end of October.

- *Motion to Approve Agreement Between Magellan Pipeline and City*

Council Member Weitman moved to approve the contract in general with the specific changes to be approved by the mayor for the final decision. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:52 p.m.

NEW BUSINESS:

January 2009 Employee Health Insurance Changes

Discussed the major change in the employee health insurance effective January 2009 is the premiums for tobacco users. The current monthly rate for the ten employees is

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\$7,299.86. Without the tobacco factor the monthly increase in premiums is only \$24.79 total for all employees (the detail breakdown varies by employee ratings). With the tobacco factor the monthly increase is \$224.79. Per the insurance provider the \$40.00 a month per employee tobacco charge can be paid for by the city or passed on to the employee. The insurance provider has a program called *I Quit* the employee can sign up for and then have the charge waived; however, they do have to complete the program even if they do not quit smoking. Council tabled for review until the next meeting.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to thirty minutes for legal and fifteen minutes for personnel following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:00 p.m.

Others invited into or requesting a portion of time in executive session included: City Clerk Herrin, Public Works Superintendent Craig; and Police Chief James Dean.

Open Session Resumed at 8:50 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

- i. Magellan Connecting to City Gas Line

NOTES AND COMMUNICATIONS TO COUNCIL:

- h. August 2008 Water and Gas Reports
- i. Thank You Card from First Option Bank

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ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 8:52 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 September 2008.

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, October 1, 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; City Police Chief James Dean; City Attorney John Sutherland; City Public Works Superintendent George Craig; Fire Chief Dan Nasalroad; Judy Kinder; Leroy Turpen; Chase Jordan; Scott Stainbrook; Jerome Mitzner; Christine Teagarden; and Jerome Moore.

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

MAYOR’S COMMENTS:

- ix. Read and endorsed the Proclamation *Put the Brakes on Fatalities Day*.
- x. Emphasized three concerns and requested the applicable city employees address the concerns:
 - 1. With reports drugs are escalating, requested everyone get more aggressive and not concerned if people like it or not. Use whatever materials needed including the media.
 - 2. Underage drinking also needs more aggressive action to deter.
 - 3. And, cleaning up the town to have a town everyone can be proud of. Want the properties in severe disrepair addressed now. Understand legal systems don’t always work that fast, but be as aggressive as possible. Include clearing the areas around gas and water meters.
 - 4. Requested these areas show action with improvement or will find someone who will.
 - 5. Police Chief/Codes Officer James Dean noted the city is working with the children’s coalition on youth concerns and updating codes also gives the city a little more leverage.
 - 6. Recommended the city tap anything onto the website for info to the public; even just ‘did you know’ items and reminders.
 - 7. Police Chief Dean requested the public obtain vehicle tag information, description of people, and any other potential pertinent information if they saw anything suspicious of a drug house and just drop it in the drop box at city hall. This would provide information the police could use without being identified.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: September 18 – October 1, 2008
Minutes of September 17, 2008 City Council Meeting

Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:15 p.m.

DISCUSSION FROM THE FLOOR:

None

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REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

- i. LKM Annual Conference, Wichita, KS: Requested attending the attorney's session at the LKM Annual Conference on October 14th in Wichita, Kansas.
 - *Motion for Attorney to Attend LKM Conference on October 14th*

Council Member Turpen moved for City Attorney Sutherland to attend the LKM Conference on October 14th with per diem. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:16 p.m.

Police Chief and Codes Officer James W. Dean

- x. Night Out Against Crime Report: Very successful. Thirty two adults and thirty nine children were present. Passed out nice door prizes and literature.
- xi. Codes Report: Kansas Works mowed the part of the lawn they could at 112 S 7th. There is also a house on the south end of the same property would recommend start proceeding with condemnation due to the condition.
- xii. Video Camera in Police Vehicle: The video camera the city had been using for a test camera for the company has been given to the city by the company in exchange for being a test site.
- xiii. Officer Will Dean Certified: Officer Dean graduated from the academy with a 92 GPA and is certified. Did very well with the class.
- xiv. Equipment Request: Requested to purchase two bullet resistant vests from MSA and two Mossberg 590A1 Shotguns from Simmons Guns for \$724.80 for a total cost of \$2,109.63. Discussed type of guns and if any grants available.

- *Motion to Purchase Two Vests and Two Shotguns*

Council Member Turpen moved to approve the purchase of two bullet resistant vests and two Mossberg shotguns for a total cost of \$2,109.63 using money earmarked for police equipment. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:25 p.m.

Public Works Superintendent George Craig

- i. Jerome Moore to Attend Training Classes to Retain Wastewater Certification: Requested attendance in Olathe on October 22nd and 23rd for Jerome Moore to obtain credit hours to retain his wastewater certification. The cost of the two day training session is \$140 and will use a city vehicle for traveling each day to the class.

- *Motion for Jerome Moore to Attend Wastewater Training Class in Olathe*

Council Member Van Vlack moved for Jerome Moore to attend the wastewater class October 22nd and 23rd for a cost of \$140 and using a city vehicle for travel. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:26 p.m.

- ii. Painting Public Works Buildings: With the new fence at the compactor ending by the older public works buildings, requested painting the various colored buildings a dark slate gray blue. Obtained a price for twenty-five gallons for a total of \$325.00.

- *Motion to Purchase Paint for Cost of \$325*

Council Member Van Vlack moved to get twenty-five gallons of paint for approximately \$325 to paint the city barns. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:28 p.m.
Mayor Smith asked if a Swan Logo couldn't be added to the front of the building to help identify it as a city building.

REPORTS OF CITY OFFICERS: (Continued)

Fire Department – Assistant Fire Chief Dan Nasalroad

- v. Fire Prevention Week: October 6th thru 11th is Fire Prevention Week. Asked to have the notice put on the bulletin board. Brochures are being handed out to the school children. And, thanked public works and Mike Van Vlack for their hard work in helping to get the outside of the station ready.
- vi. Garden City Donating a 1987 GMC Mini Pumper Vehicle: Garden City will donate the mini pumper if the city will go to the expense of transporting it to

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La Cygne. The rescue body is in good shape and the tank has a 250 gallon capacity. The motor is not running. It has overheated and they are not going to spend any more money on it. Believe it can be repaired fairly reasonably, however, will need to bring it back before will know for sure. Estimated could probably handle the mileage out there and back and repairs for less than \$1,000.00. Will need to use city trailer to haul.

- *Motion to Spend Up To \$500 to Pick up Mini Pumper*

Council Member Weitman moved to approve up to \$500 to go get the mini pumper to check it out. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:35 p.m.

STANDING COMMITTEE REPORTS:

Water & Gas

- i. Chlorine Contact Basin: Council Member Van Vlack reported the engineer is still waiting on building information.

Sewer

- i. Status of Lagoon Project: Council Member Van Vlack reported there is still just one man working everyday and the inspector is there.

Park

- iii. Water Hydrants Left Running: Jodi Wade provided written report on pranksters turning on water hydrants at night and leaving them running. Asked for city police to monitor late at night and anyone else in the area observing to report.
- iv. New Playground Equipment: Jodi Wade provided a written report about city guys assembling the equipment and they have someone coming to dig and put in the footings. Appreciate everyone's help, and may need more help once the footings are in place.

Cemetery

- vii. Cleaning Out Brush at East Property Line of New (La Cygne) Section: Council Member Turpen recommended leaving three feet of brush on the cemetery side of the property line. Then the dozer guy could just go south from that spot and clear it out. This would allow the existing buildings currently on city property to remain as they are for now, but not move the city property line.

- *Motion to Clear Fence Row Beginning Three Feet West of Property Line*

Council Member Boone moved to clear the fence row beginning three feet west of the property line for a road. Council Member Turpen discussed sending a letter to each property owner as a courtesy alerting them of the project by their property. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:45 p.m.

Council Member Turpen and Mayor Smith requested the letter be sent to the adjoining property owners.

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- viii. Dead Trees in Old Cemetery Portion: Council Member Boone reported old stumps had been removed and the areas reseeded; and, another five dead trees have been taken out and removed.

Public Safety

- i. 7th & Vine: Thanked Kansas Works for what clean up had been done at the property.

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UNFINISHED BUSINESS:

June 2008 Storm Report and FEMA Update

City Clerk Herrin reported FEMA had submitted payment for the debris removal portion of the June storm damage. A report has been sent back to FEMA addressing the buildings where the insurance was provided on actual cash value basis; however, FEMA had considered them all as having replacement cost coverage. Will report back to the council when the city hears back from FEMA's review.

January 2009 Employee Health Insurance Changes

Discussed the rates for 2009 Employee Health Insurance includes a cost of \$40 per month increase for tobacco user employees. The letters sent to employees report the difference as a discount for non-tobacco user employees. The State Health Plan has left it to each entity as to whether the \$40 difference between the two employee types is passed onto the applicable employee, or the city can pay the additional premiums. There are ten employees on the health plan with 5-6 of them non-tobacco users. The tobacco users also have the option to sign up for the 'IQuit' program and still receive the reduced premiums; however, they have to complete the program during the year whether they quit tobacco or not. A determination of who pays the premiums will have to be determined by the next council meeting for employee decisions in October for the 2009 annual sign up period. Tabled until the next meeting.

Property Theft Report

A report has not yet been completed by the insurance company. Topic tabled until the next meeting.

NEW BUSINESS:

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Uniform Public Offense Code Edition 2008, Ordinance #1372

- *Motion to Approve Ordinance #1372*

Council Member Turpen moved to approve Ordinance #1372. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:03 p.m.

Standard Traffic Ordinances Edition 2008, Ordinance #1371

- *Motion to Approve Ordinance #1371*

Council Member Turpen moved to approve Ordinance #1371. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:04 p.m.

KCP&L Iatan Construction Site Tour

Mayor Smith presented the invitation to attend the KCP&L tour in Weston, Missouri.

County Proposed 1 Cent Sales Tax for Capital Improvements

Mayor Smith reported Dennis Arnold with Linn County Economic Development was unable to attend the meeting to present the 1 cent sales tax project being presented on the November ballot. If the tax passes, the county will provide a percentage of matching funds when the funds are used for infrastructure improvements by the city.

Inland Marine Insurance Coverage for Miscellaneous Tools and Equipment

City Clerk Herrin presented some options to cover city's miscellaneous tools and equipment when they are not stored in the designated insured location premises. Insurance Agent Christine Teagarden was present and explained how inland marine coverage worked. The rate is \$.75 per hundred dollars of value, subject to a deductible and does not cover anything with an individual value of over \$2,500. Council asked to put the topic on the next meeting for further review.

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Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to fifty minutes for discussion of legal and personnel following a ten-minute break. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:25 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean, and City Clerk Herrin.

Open Session Resumed at 9:15 p.m.

OTHER BUSINESS:

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Pay Increase for Officer William Dean

- *Motion for \$2.00 Pay Increase for Officer William Dean*

Council Member Turpen moved to increase Officer William Dean's pay up to \$12.00 per hour effective the beginning of payroll period September 29th. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:16 p.m.

Pay Increase for Police Chief James Dean

- *Motion for \$1.06 Pay Increase for Police Chief James Dean*

Council Member Turpen moved to increase Police Chief James Dean's pay up to \$14.00 per hour effective the beginning of the payroll period beginning September 29th. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 9:17 p.m.

CITY CLERK'S REPORT:

Written:

A] January 2009 Employee Health Insurance Changes

NOTES AND COMMUNICATIONS TO COUNCIL:

- j. September 24, 2008 Park Board Meeting Minutes
- k. *Kansas Government Journal* September 2008, Volume 94, Number 9
- l. KDOT, Railway Crossing at Industrial Street – Discussed if the city currently had any yield signs to use. Asked Police Chief Dean to contact Danny Morris with the county for yield signs since this road is in the county more than in the city.

ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 9:23 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 1st day of October 2008.

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The La Cygne City Council met for a Special Meeting on Thursday, October 07, 2008 at the La Cygne City Hall. Purpose of the meeting is listed below. The following council members were present: Terry Weitman; Joe Turpen; Michael VanVlack, and Jerry Boone. All council members present signed the request for the special meeting.

Others present included: City Treasurer Linda Elder, John Brann, Jerome Moore.

Council Member Terry Weitman called the special meeting to order at 7:00 p.m. for the purpose of:

5. Repairs to Water Treatment Plant

John Brann discussed list of items for labor and materials to do repair work.

✓ *Motion to Award Design Metals to do work at Water Plant*

Council Member VanVlack moved to hire Design Metals proposal to do work at Water Plant for \$36,500.00. Motion seconded by Council Member Boone. Motion was then voted on, passed 4-0.

John Brann ask for 2 copies of the proposal to be signed and Alternate 1 be initialed by the Mayor and mailed to him.

Jerome will contact Mike Page concerning electrical work and Terry Weitman will contact Keith Beattie concerning electrical work.

ADJOURNMENT:

✓ *Motion for Adjournment*

As there was no further business **Council Member Boone moved to adjourn the special meeting. Motion seconded by Council Member Turpen, voted on, passed 4-0.**

The meeting adjourned at 7:19 p.m.

I, _____ LaCygne City Treasurer, do
(Linda Elder) 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 Aug. 2008.

REGULAR MEETING:

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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:

- xi. Invited everyone to the Elder's 'Grady's Kids' Fundraiser, Saturday night, October 18th.
- xii. 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.
- xiii. 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.

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.

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- xv. 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.
- xvi. Strobe Light Donation: Reported the City of Linn Valley will donate a strobe light for the Crown Vic at no cost. Consented.
- xvii. 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

- iii. 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.

- iv. 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

- vii. 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.

- viii. 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.

STANDING COMMITTEE REPORTS:

Water & Gas

- ii. 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

- ii. 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

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“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

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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.

CITY CLERK'S REPORT:

Written:

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

NOTES AND COMMUNICATIONS TO COUNCIL:

- m. September 2008 Gas Report
- n. 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.

The La Cygne City Council met for a Special Meeting on Wednesday, October 29, 2008 at the La Cygne City Hall. Purpose of the meeting is listed below. The following council members were present creating a quorum: Jerry Boone, Robert "Bob" Sullivan, Joe Turpen, Michael Van Vlack, and Terry Weitman. All council members present signed the request for the special meeting.

Others present included: City Clerk Devona Herrin, Police Chief James Dean, and Chase Jordan.

Mayor Keith Smith called the special meeting to order at 6:00 p.m. for the discussion of:

- 6. Water Plant Building Repairs, and
- 7. Oaklawn Cemetery Mower.

Water Plant Building Repairs

Council Member VanVlack reported the engineer would set up a contractors meeting after the contractors were chosen and then set a date for the work to begin. Not sure how long that process would take. City Clerk Herrin reported engineer John Brann had called and asked to be called tomorrow after this meeting to keep moving forward.

Proposals at the table:

- 1. Electrical relocation to support re-work of walls and roof in Water Plant for a cost of \$2,435 from Diversified Contracting.

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2. Chlorine Contact Basin Cover improvement for a cost of \$14,408.60 from Walker Flatwork, Inc.
3. Insurance requirements on file with the city for both contractors.

- *Motion to Hire Diversified Contracting for Electrical Relocation*

Council Member Weitman moved to hire Diversified Contracting for the electrical relocation repairs at the water plant for a sum of \$2,435. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 6:05 p.m.

- *Motion to Hire Walker Flatwork to Install Chlorine Contact Basin Cover*

Council Member Weitman moved to hire Walker Flatwork for \$14,408.60 to install the chlorine contact basin cap due to the need for urgency and recognizing this is outside the city's usual bid policy. Seconded by Council Member Boone, voted on, passed 4-0-1 (Abstain: VanVlack). Time: 6:08 p.m.

Oaklawn Cemetery Mower

Mayor and council discussed purchasing a new cemetery mower or if going to contract out the work next year. Council Member VanVlack reported it would cost about \$1,450 every time the cemetery was mowed if it was contracted out and therefore more cost effective to buy a mower and pay someone to mow.

Discussed:

1. Various mower types and costs.
2. Condition of the existing four mowers with two having oil problems.
3. Cemetery mowers include a mulching kit.
4. Cemetery budget and if any other cost improvements planned for this year.
5. Trade or surplus the mower in the poorest condition to help offset the cost of this mower.

- *Motion to Purchase 52" Grasshopper for \$7,300*

Council Member Sullivan moved to purchase the Grasshopper with 52" deck for \$7,300. Seconded by Council Member Turpen, voted on, passed 4-1 (No: Boone). Time: 6:30 p.m.

ADJOURNMENT:

As the topics were covered Mayor Smith moved for adjournment.

Council Member Turpen moved to adjourn the meeting. Seconded by Council Member VanVlack, voted on, passed 5-0.

Meeting adjourned at 6:32 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 29th day of October 2008.

REGULAR MEETING:

Minutes 2008

The La Cygne City Council met in a regular session Wednesday, November 5, 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; City Police Chief James Dean; City Attorney John Sutherland; Fire Chief Dan Nasalroad; Judy Kinder; Leroy Turpen; Chase Jordan; Scott Stainbrook; Jake Fleming; Brian Turpen; Linda and Fred Meisel.

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

MAYOR'S COMMENTS:

- xiv. Hoped everyone had a Happy Halloween and enjoyed the good things the fire department had during the evening including the hot dogs.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: October 16 – November 5, 2008
Minutes of October 15, 2008 City Council Meeting
Minutes of October 29, 2008 Special City Council Meeting – adding City Attorney Sutherland as being in attendance.

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

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

xviii. Codes Report:

1. 112 S. 7th: Have received written consent from the property owners for the city to demolish the two outbuildings.
2. 212 N. 7th: The property is being sold to Frankie Noel and he has asked for some time to remove the trailer.

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3. 114 W. Market: Two letters have been sent to the property owner with knowledge of one having been received. Property has a valuation of \$12,160.
 4. 502 N. 7th: Have sent notice and received abate on the home.
 5. 201 S. 4th: Roof has an open area with carpet placed over it. The property owner plans to have a written plan to abate. Property has a value of \$14,000.
 6. Other properties: Have other notices going through the court process.
- xix. Vest Grant: Received approval for a \$700 Vest Grant. The grant will be received as soon as the bill for the vests is received and a copy forwarded.
- xx. KLETC Training *Legal Issues in Car Stops*: Requested attendance to the training session in Independence, Kansas on November 13th for 4 hours of training credit. Expenses would be for time and travel.

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

Council Member Weitman moved to authorize Police Chief Dean to attend the training session in Independence, Kansas on November 13th with the appropriate expenses paid. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:10 p.m.

- xxi. 112 S. 7th Condemnation Process: Council Member VanVlack asked about plans to proceed with the condemnation. City Attorney Sutherland noted the city would need to know the cost and authorize. Police Chief Dean agreed to get some bids, bring them to the council, and put the cost on the tax rolls when completed.

- *Motion to Solicit for Bids*

Council Member VanVlack moved to have the police chief solicit for bids the demolition for two buildings at 112 S. 7th Street. Seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:12 p.m.

Public Works Superintendent George Craig, Assistant Superintendent Jerome Moore

- v. Water Treatment Plant Building Repair Project: Council Member VanVlack reported public works was getting the water plant ready for the building repair project.

- *Motion for Council Member VanVlack to be Inspector for Water Plant Project*

Council Member Boone moved to have Mike VanVlack be the inspector for the water treatment plant building repair project. Seconded by Council Member Turpen, voted on, passed 4-0-1 (Abstain: VanVlack). Time: 7:13 p.m.

Fire Department – Fire Chief Dan Nasalroad

- ix. Hose and Reel for Newest Purchased Small Pumper Truck: Reported the truck is now up and running but needs a hose reel and hose. Have checked used and

new prices. Ingram's, in Ottawa, have agreed to \$900 for a hose reel and with a 100 feet of hose should be able to purchase for about \$1,333.95. Not sure about any shipping costs. Asked for approval of up to \$1,500 for the purchase of the equipment.

- *Motion to Spend Up To \$1,500 for Reel and Hose from Ingram's*

Council Member Boone moved to approve the fire department up to \$1,500.00 for reel and hose from Ingram Fire in Ottawa. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:14 p.m.

Fire Department will contact Mayor Smith regarding possible help with delivery to La Cygne.

- x. Fire Department Halloween Event: Had lots of fun and served 270 hot dogs.

STANDING COMMITTEE REPORTS:

Water & Gas

- iii. Chlorine Contact Basin and Building Repair: Council Member Van Vlack reported the contractors have met and the plans are for all contractors to be done next week.
- iv. Gas Line for Clint Clark: Council Member VanVlack reported –
 1. Clint Clark had bought 1,160 feet of gas line from Tom Moylan in order to hook up to city gas at his house.
 2. The line begins at Grand Street and runs north to his house.
 3. For adequate pressure the meter would have to be placed near his house.
 4. Noted the city needs to see what to do to make it possible even though there is a city policy not to go outside the city limits with city utilities.
 5. The line has passed a pressure test and will have to get approval from KCC.

Discussed the city is looking for more gas customers. Council Member VanVlack agreed to look at any necessary easements and what else was needed; believed any easements went with the line.

STANDING COMMITTEE REPORTS: (Continued)

Sewer

- iii. Status of Lagoon Project: Council Member Van Vlack reported the contractor is still working on it and they are moving faster. It should be done by the deadline.

SPECIAL COMMITTEE REPORTS:

Festival: Linda Meisel reported the committee was checking into one bill for advertising as they were not sure about the total amount pertaining to the festival. Otherwise thought the final figure was around a \$1,300 cost. All agreed, for the rainy weather, that day it was an overall good day and not a bad cost for the city event.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Review Placing the 2008 Audit Out for Bids

Discussed. Will leave with current audit firm.

Action Roofing LLC Invoice

Council Member VanVlack reported:

1. Action Roofing is getting an itemized statement and warranty for the city.
2. The guttering still needs to be done.
3. The roof on the portion of the water plant needing repairs is a known outstanding due to waiting on the city.
4. Think the community building is complete, will know after it rains.

Discussed paying a portion of the remaining outstanding; one way would be to authorize the mayor.

- *Motion to Authorize Mayor to Pay Action Roofing \$15,000 for City Roof Repairs*

Council Member Turpen moved to give the mayor the authority to pay Action Roofing \$15,000.00 for necessary repairs to city property. Seconded by Council Member VanVlack, voted on, passed 5-0.

Time: 7:30 p.m.

Open House Date for City Hall

Tentatively set Open House date for Monday, December 15th. Discussed time frame and possibly continuing through 5 p.m. for those getting home from their work places. Will discuss with other city employees and get back with Mayor on time frame.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty-five minutes for discussion of legal and personnel following a ten-minute break – added five minutes for land acquisition for a total of fifty minutes. Seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:35 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean and City Clerk Herrin.

Open Session Resumed at 8:22 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Written:

- A] Property Theft Report
- B] Action Roofing LLC
- C] Magellan LLC Gas Pipe Line Installation Status – Check on line installation specs.

COMMENTS:

1. Police Chief Dean reported the county is checking for signs for the railroad crossing by Reed Mineral.
2. Reminder of Community Dinner on November 15th.

NOTES AND COMMUNICATIONS TO COUNCIL:

None.

ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 8:25 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 5th day of November 2008.

REGULAR MEETING:

Minutes 2008

The La Cygne City Council met in a regular session Wednesday, November 19, 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; City Police Chief James Dean; City Attorney John Sutherland; Fire Chief Dan Nasalroad; Assistant Public Works Superintendent Jerome Moore; Judy Kinder; Leroy Turpen; Chase Jordan; Scott Stainbrook; Jake Fleming; Beth Smith; Public Works Jim Johnson; Randy Taylor; Mrs. Taylor; and, Linda and Fred Meisel.

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

MAYOR'S COMMENTS:

- xv. Local School Winter Sports practices have begun and activities will begin soon.
- xvi. Read City Clerk Herrin's letter of resignation with last day December 1, 2008; and, presented plaque for service.
- xvii. Submitted for approval by the council Gary Mahon as City Clerk.

- *Motion to Accept Herrin's Resignation and Appoint Mahon as City Clerk*

Council Member VanVlack moved to accept the resignation of Devona Herrin as City Clerk effective December 1st and accept the recommendation of Gary Mahon as City Clerk. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:05 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: November 6 - 19, 2008
Minutes of November 5, 2008 City Council Meeting
October 2008 Budget and Treasurer Report.

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

DISCUSSION FROM THE FLOOR:

Beth Smith for Christmas Sharing Project

Beth Smith presented a request for the city to consider helping with the Christmas Sharing Project by providing secure storage for the items to be dispersed to those in need. Previously the La Cygne Elementary School has had the giving tree for toys for those in need. This year the school is just going to collect food items. Discussed using the

conference room to store the Christmas Sharing Project and then the city police officers will help with delivery.

- *Motion to Store Gifts for Christmas Sharing Project*

Council Member Boone moved to approve using the city's conference room to store items for the Christmas Sharing Project. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:10 p.m.

- *Motion to Donate \$500 to Christmas Sharing Project*

Council Member Boone moved for the City of La Cygne to donate \$500 to the Christmas Sharing Project. Seconded by Council Member Turpen. Beth Smith noted it was for toys only for local children in need and thanks for helping with the cause. **Voted on, passed 5-0.** Time: 7:13 p.m. The Fire Department also volunteered space for any overflow of items.

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REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

- xxii. Yield Signs Report for Railroad at Industrial Street: Installed.
- xxiii. Codes Report:
 1. 112 S. 7th: Have acquired three bids for the city to demolish the two outbuildings at this property. Black and Sons from Pleasanton bid \$3,200. The other two bids were American Woodworks for \$8,500; and, Diversified Contracting for \$5,300. Council Member Boone reported he had spoke with the owners and they wanted to talk to the council about tearing down the buildings themselves. Mayor Smith asked to put this back on the next agenda.
 2. 212 N. 7th: The property is sold to Frankie Noel and he has asked for some time to remove the trailer.
 3. 201 S. 4th: Clarence Miller has entered into a plan for replacing the roof and the work is currently in progress.
 4. 114 W. Market: The freezer has been removed from the property and the storage shed that was falling down has been torn down. The Taylor's have admitted already spending \$12,000 on the house for repairs and the current value of the total property is \$12,160. There is still the condition of the foundation, mold with holes in the wall, and the roof sagging. Have been unable to obtain a written plan for improvements and recommend proceeding with condemnation. Randall Taylor was present and explained he did not have a phone to contact the city. He would be glad to discuss and put a plan in writing. Discussed property has been a codes concern in previous years with some improvement and then improvements cease.

Discussed possible health concerns too. Mr. Taylor is to get with Codes Officer James Dean and reports will be passed on to the council.

- xxiv. Wiring Concerns for 2002 Crown Vic: There is a wiring problem in the 2002 Crown Vic causing the batteries to go bad quickly. The cost for Commenco to rewire is \$3,405. The trade in value is \$2,775 and the retail value is \$6,365. Obtained cost of used KHP 2007 Crown Vic with approximately 49,500 miles for an equipped price of \$18,600. Also presented new vehicle prices. Discussed average lifetime of police vehicles with maintenance and that the 1999 unit with a rebuilt motor is currently in better shape than the 2002. No action taken.
- xxv. Training Classes: Requested attendance to the following various training classes for all three officers. Police Chief Dean requested attendance to the KLETC “Train the Trainer” class for the ‘Kansas Stalking Statute and Policy’. Requested Officer Will Dean attend a ‘Glock Armorer’ session in Garnett next March, and covered six other classes held at Midwest Counterdrug Training Center in Johnston, IA for costs of travel and salaries for both Officers’ Will Dean and Ernie Simmons.

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

Council Member VanVlack moved to authorize Police Chief Dean to attend the training session on ‘Kansas Stalking Statute and Policy’ in Mission, Kansas on January 15th with per diem. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:40 p.m. Will review other training classes later.

Public Works Superintendent George Craig, Assistant Superintendent Jerome Moore

- vi. Gas Meter for New Doctor’s Clinic: Jerome Moore requested a gas meter change for the new doctor’s clinic to meet the load requirements for the generator on the property. The cost of the meter is \$900.00.

- *Motion to Purchase Gas Meter for New Medical Clinic*

Council Member VanVlack moved to authorize buying the required gas meter for the medical clinic for up to \$900. Seconded by Council Member Weitman, voted on, passed 5-1. Time: 7:42 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig, Assistant Superintendent Jerome Moore

- vii. Magellan, LLC Gas Line Installation: Reported Northern Pipeline is in the process of installing and KCC has been down to inspect.
- viii. Water Treatment Plant Building Repair: Reported they are making steady progress.

Fire Department – Fire Chief Dan Nasalroad

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- x. State Fire Fighters Relief Association Conference: Requested attendance to the annual conference on January 17th in Salina for Fire Chief Dan Nasalroad and Fire Secretary Jake Fleming. Expenses would be one night's lodging, meals and mileage.

- *Motion to Approve Attendance to Annual Fire Fighters Conference*

Council Member Turpen moved to approve Dan Nasalroad and Jake Fleming attending the annual conference in Salina with per diem. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:44 p.m.

STANDING COMMITTEE REPORTS:

Water & Gas

- v. Chlorine Contact Basin and Building Repair: Discussed.
- vi. Gas Line Agreement for Clint Clark: An agreement for gas service between Clint Clark and the city was drawn up by Gary Mahon. Council and attorney concurred to agreement.

- *Motion to Approve Gas Line Agreement for Clint Clark*

Council Member Turpen moved to have Mayor Smith sign the agreement between Clint Clark and the City. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:45 p.m.

Sewer

- iv. Status of Lagoon Project: Council Member Van Vlack reported the contractor is still working on it. Discussed may need more time, however, work is progressing.

Cemetery

- i. Status of Response from Peckman's: Council Member Turpen asked if anyone had heard from the Peckman's. Response was no.
- ii. New Mower: Has been delivered.

SPECIAL COMMITTEE REPORTS:

Festival: Linda Meisel reported the next festival is the third weekend in September. They are looking for another carnival as the one that was here this year has closed down.

UNFINISHED BUSINESS:

Employee Christmas Appreciation Dinner

Discussed who would organize. Mayor Smith reported he would check into it and get back.

NEW BUSINESS:

Ordinance #1373, Pertaining to Sale of Lots and Graves in Oak Lawn Cemetery

- *Motion to Approve Ordinance #1373*

Council Member Turpen moved to approve Ordinance #1373 pertaining to the sale and graves in Oak Lawn Cemetery. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:53 p.m.

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NEW BUSINESS: (Continued)

Compactor Holiday Schedule

Discussed changing the compactors Christmas Holiday schedule to be Wednesday, Christmas Eve, December 24th and Thursday, Christmas Day, December 25th instead of the regular employees 25th and 26th scheduled days off. Discussion included concerns to have the Compactor open on Friday, December 26th due to the additional need from the public at this holiday time. And, discussed hiring a part-time person to fill in when Bill is off.

- *Motion to Change Holiday Schedule for Compactor to December 24th & 25th, and be Open on December 26th*

Council Member Turpen moved to change the Compactor Christmas Holiday Schedule to December 24th and 25th; and, to be open Friday, December 26th. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:57 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to thirty minutes for discussion of legal and personnel following a ten-minute break. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:00 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean.

Open Session Resumed at 8:35 p.m.

OTHER BUSINESS:

Traffic Speeds on East Market/Highway 152

Police Chief Dean reported he had completed an impromptu traffic survey of the traffic speeds in the area of the two day care facilities and medical facility being built and would recommend obtaining approval from KDOT to reduce the speed to 40mph coming into the city limits and then down to 30mph on the east side of the church. Council Member Turpen noted the request had already been made to KDOT and understood they were waiting until the medical clinic was open for a traffic check. Requested a copy of the letter to KDOT be forwarded on to Police Chief Dean to follow up.

Additional School Zone Signs

Police Chief Dean reported he had received a request to consider putting up signs at the intersection corners in the 700 Block of Market Street for the 20mph school zone notice between the flashers. No action taken.

CITY CLERK'S REPORT:

Verbal:

A] June FEMA Storm Report - Report amended and additional payment being processed.

Written:

A] Employee Holiday Appreciation Dinner

NOTES AND COMMUNICATIONS TO COUNCIL:

- i. October 2008 Water Report
- ii. October 2008 Gas Report

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ADJOURNMENT:

- *Motion for Adjournment*

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

Meeting adjourned at 8:41 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 19th day of November 2008.

December 03, 2008 Council Meeting

REGULAR MEETING:

The La Cygne City Council met in a regular session Wednesday, December 03, 2008, at the LaCygne City Hall. Council Members present were: Jerry Boone, Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, and Terry Weitman.

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Others present included: City Attorney John Sutherland; City Clerk Gary Mahon; Police Department Will Dean; Public Works Jerome Moore; Jackie Taylor; Chase Jordan; Brian Turpen; Fred & Linda Meisel; Janet Reynolds; Mary Heide; Richard Teagarden; LeRoy Turpen; and Beth Smith.

Mayor Keith A. Smith called the meeting to order at 7:01 p.m.

MAYOR'S COMMENTS:

- Congratulations to Gary Mahon on assuming position of City Clerk;
- School winter sports season starting;
- Read thank you from Beth Smith for the Council's initial launch of a 'Christmas Sharing' program.
 - a. An excess of 60 children and 23 families will benefit from this year's contributions

CONSENT AGENDA:

City Clerk Mahon noted an error in the 11/19/08 minutes. On page 2 of the minutes the vote to authorize buying a gas meter for the medical clinic site was erroneously recorded as 5-1. The correct tally is 5-0.

✓ Motion to Approve Consent Agenda

Council Member Turpen moved to approve the check register and corrected minutes of the consent agenda that consisted of:

Check Register: November 20 thru December 03, 2008 Minutes of November 19, 2008 City Council Meeting

Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:05 p.m.
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DISCUSSION FROM THE FLOOR:

Beth Smith for Christmas Sharing Project

- Thanked Council for initiating the Christmas Sharing Project;
- To date: Have collected gifts for 65 children and 24 families;
- Noted several individual wishes other than toys;
 - Mattresses, Box Springs, Dental Fillings; Dressers, Dance Lessons
- Thanks to Fred & Linda Meisel for donating wrapping paper;
- Donations have been received from several local businesses.

Library/Sidewalk Curb Proposal

December 03, 2008 Council Meeting

Janet Reynolds, Mary Heide, and Richard Teagarden (all representing the LaCygne Library) addressed the Council concerning a proposed gutter, curb, and sidewalk proposal. The proposed project as envisioned:

DISCUSSION FROM THE FLOOR: Library/Sidewalk Curb Proposal

(Continued)

- ❖ Library Frontage extends from Walnut Street (South) to Chestnut Street (North);
 - Distance of 292.5 feet
- ❖ Library proposes to construct new curb, guttering, and widen existing sidewalk;
 - Major reason for the proposal is to alleviate ponding water in front of the existing curb by improving drainage of storm water
 - Proposed area is from Walnut Street northward to north end of existing library building
 - A distance of approximately 195 ft.
 - This leaves approximately 100 ft. on the north end of the block uncommitted to new construction or improvements.
- ❖ Library plans for the south 195 ft include;
 - Cutting 18 inches into existing asphalt
 - Remove asphalt and existing curb
 - Fine grade
 - Pour new concrete curb & gutter
 - Extend existing sidewalk westward to newly poured gutter
- ❖ Cost of the project is approximately \$92 per linear foot (LF)
- ❖ Cost of the project excluding widening the sidewalk = approximately \$60 per LF
- ❖ Cost of replacing curb only and backfilling to existing sidewalk = approximately \$42 per LF
- ❖ Meyers Brothers are the proposed contractors for the project
- ❖ Cost quotes are *'not to exceed'* quotes, actual costs may be lower
- ❖ Library seeking approval of the concept
 - Meyers Brothers will finalize plans upon gaining approval from city for the proposed plan
 - Meyers Brothers did not want to create survey expenses for library until receiving approval of the proposed concept
- ❖ Janet Reynolds asked the Council to approve the project so the library could authorize Meyer Brothers to continue with necessary surveys, etc.
- ❖ Discussion of City possibly finishing the north 100 ft
- ❖ City Clerk directed to apply for Sidewalk Grant from Linn County
- ❖ Will make final determination of City's participation at a later date

✓ *Motion Approving Library Gutter, Curb, and Sidewalk Project*

Council Member Weitman moved to authorize the LaCygne Library to continue with survey for proposed gutter, curb and sidewalk plans. Seconded by Council Member Boone. Discussion: City Clerk Mahon pointed out that this motion was giving approval of the library's plans to improve the south 195 ft of the block. Council acknowledged. **Motion was then voted on, passed 5-0.**
Time: 7:23 p.m.

December 03, 2008 Council Meeting

REPORTS OF CITY OFFICERS:

Police Chief and Codes Officer James W. Dean

Police Officer Will Dean presented Council with a written report from Police Chief James Dean.

Areas addressed:

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- ❖ Proposed Shooting Range
- ❖ Vehicle Problems – 2002 Crown Vic
 - Officer Will noted that still having problems with 2002 Crown Vic. Recommended replacement. Council still considering that option.

REPORTS OF CITY OFFICERS: Police Chief and Codes Officer James W. Dean (Continued)

- ❖ Codes – 112 S. 7th Street
 - Mayor indicated that Police Chief wants to wait as there have been new developments concerning the owners
- ❖ Codes – 114 W. Market Street
 - Noted that the requested time line of actions to be taken to make necessary repairs had not been turned in by the agreed upon deadline
 - Noted that the estimated cast of repairs to the property would be approximately 140% of the assessed value

✓ *Motion to Commence Condemnation Proceedings at 114 West Market*

Council Member VanVlack moved to begin condemnation proceedings on property located at 114 W. Market. Seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:29 p.m.

STANDING COMMITTEE REPORTS:

Water & Gas

Council Member Van Vlack reported that the roof restoration was completed. Work was progressing on the sidewall and insulation was being put back in the walls. Mike predicted work to be complete by the end of next week.

Sewer

Council Member Van Vlack reported that there were three valves left to be installed + fencing, seeding, and clean up.

Cemetery

Council Member Van Vlack reported that the new Grass Hopper mower had been repaired by Blue Valley Tractor and returned to the City.

December 03, 2008 Council Meeting

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

Action Roofing – Final Payment Request

- ❖ The invoice from Action Roofing was reviewed.
- ❖ Original Bid was for \$59,345
- ❖ Original Authorization was for expenditures up to \$60,000
 - To include costs for unknown amount of sheeting on pool house

UNFINISHED BUSINESS: Action Roofing – Final Payment Request
(Continued)

- ❖ Final Bill = \$62,207.88
 - Increase includes:
 - ◆ Extra sheeting for damages found on shelter houses after the work had commenced.+\$525
 - ◆ Replacement of shingles on the underneath porch at the community building +\$375
 - ◆ Extra footage (900+ ft) on city hall and community building. Vertical portions of the sides and front had not been included in the original measurements. +\$2962.88
- ❖ City had already made payments totaling \$44,672.50 leaving a balance of \$18,535.38
- ❖ There is an estimated \$3500 of work to be done on water plant building after restoration project is completed.
- ❖ It was noted there were still 3 or 4 small leaks in the community building.
 - Council indicated that would be covered through warranties

✓ *Motion to Authorize Payment to Action Roofing*

Council Member Turpen moved to withhold \$3500 from Action Roofing's final bill until water plant building is finished and pay the remaining balance of \$15,035.38. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:37 p.m.

NEW BUSINESS:

Mayor Smith announced that items f] Shooting Range Proposal and g] Water Plant Restoration Project – Inspection Fees would be table until later.

December 03, 2008 Council Meeting

Mobile Home Park License Renewals

✓ *Motion to Approve Mobile Home Park Licenses*

Council Member Van Vlack moved to approve Mobile Home Park Licenses for Erickson/Moore and also for Richard/Rebecca Marsh. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:39 p.m.

Cereal Malt Beverage License Renewals

✓ *Motion to Renew Cereal Malt Beverage Licenses*

Council Member Van Vlack moved to approve cereal malt beverage licenses to Stub's Market, Casey's Retail Company, and JDS Inc. dba Julie's Thriftway. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:40 p.m.

Appoint Director to Kansas Municipal Gas Agency Board of Directors

✓ *Motion to Appoint Gary Mahon as Director to KMG*

Council Member Van Vlack moved to replace Devona Herrin by appointing Gary Mahon as a director to Kansas Municipal Gas Agency Board of Directors. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:41 p.m.

NEW BUSINESS: (Continued)

Appoint Alternate Member to Kansas Municipal Gas Agency Board of Directors

It was suggested that George Craig be replaced as an alternate until such time as he is able to return to work.

✓ *Motion to Appoint Jerome Moore as an Alternate Member to KMG*

Council Member Van Vlack moved to appoint Jerome Moore as an alternate member to Kansas Municipal Gas Agency Board of Directors. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:43 p.m.

December 03, 2008 Council Meeting

2008 Budget Amendment – Sewer Utility

City Clerk Mahon reported that there would not be enough budget authority to carry the sewer utility. Main reason was because of engineering fees associated with lagoon repairs due to 2007 flood plus unexpected costs for video of sewers and cleaning of sewers. Funds are or will be available to cover the amended expenses.

✓ *Motion to Amend 2008 Sewer Utility Budget*

Council Member Turpen moved to authorize hearing for amending the 2008 sewer budget. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:45 p.m.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to sixty five (65) minutes, following a ten (10) minute break, for Legal, Land Acquisition & Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:47 p.m.

Others invited into or requesting a portion of time in executive session included: Police Officer Will Dean, and City Clerk Gary Mahon.

Open Session Resumed at 8:51 p.m.

OTHER BUSINESS:

Mayor Smith reminded all of the Christmas Homes Tour December 14th. Council Member Van Vlack invited all to drive through his property to view his Christmas displays.

City Clerk & City Treasurer Pay Raise

✓ *Motion to Award Pay Raise to Gary Mahon, City Clerk*

Due to increased work responsibilities, **Council Member Van Vlack moved to grant a pay raise to \$16.75 per hour to City Clerk Gary Mahon effective December 1, 2008. Motion seconded by Council Member Turpen, voted on, passed 5-0.** Time: 8:53 p.m.

✓ *Motion to Award Pay Raise to Linda Elder, City Treasurer*

Due to increased work responsibilities, **Council Member Van Vlack moved to grant a pay raise to \$14.00 per hour to City Treasurer Linda Elder effective December 1, 2008. Motion seconded by Council Member Turpen, voted on, passed 5-0.** Time: 8:54 p.m.

Water Plant Restoration Project – Inspection Fees

✓ *Motion to Pay Mike Van Vlack for Water Plant Restoration Inspection*

Council Member Boone moved to pay Mike Van Vlack \$8200.00 compensation as inspector of the water plant repair project. Motion seconded by Council Member Turpen, voted on, tied 2-2-1 Opposed: Weitman & Sullivan; Abstained: Van Vlack. Mayor Smith cast his vote Yes. Motion passed 3-2-1 Time: 8:56 p.m.

December 03, 2008 Council Meeting

CITY CLERK'S REPORT:

Written:

- A] Director & Alternate Member for Kansas Municipal Gas Agency (KMGA)
- B] 2008 Budget Amendment – Sewer Utility

NOTES AND COMMUNICATIONS TO COUNCIL:

None

ADJOURNMENT:

✓ *Motion for Adjournment*

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

Meeting adjourned at 8:57 p.m.

I, _____ LaCygne Deputy City Clerk, do hereby declare the
(Gary D. Mahon) above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 3rd day of December, 2008.

December 17, 2008 Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, December 17, 2008, at the LaCygne City Hall. Council Members present were: Jerry Boone, Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, and Terry Weitman.

Others present included: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; Chase Jordan; Fred & Linda Meisel; and LeRoy Turpen.

In the absence of Mayor Keith Smith, Council President Terry Weitman called the meeting to order at 7:01 p.m.

MAYOR'S COMMENTS:

- Council President (CP) Terry Weitman noted that refreshments of cookies had been provided by Mayor Smith
- CP Weitman reminded all of upcoming Budget Amendment Hearing to be held 6:30 p.m., Monday, Dec 22nd at City Hall

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Turpen moved to approve the consent agenda which consisted of:

Check Register: December 04 thru December 17, 2008
Minutes of December 03, 2008 City Council Meeting
November 2008 Budget & Treasurer Report

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

Police Chief James Dean

- ❖ Condemnation Resolution No. 322 - 114 W. 114th Street – Randy Taylor
 - Resolution must be published two times
 - Hold hearing 30+ days after second publication
 - First eligible council meeting date to hold hearing = Feb. 04, 2009
 - Council had moved to commence condemnation proceedings at 12/03/2008 meeting

December 17, 2008 Meeting

✓ *Motion to Approve Resolution No. 322 (114 W. Market Condemnation Hearing)*

Council Member VanVlack moved to approve Resolution No. 322. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:05 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Police Chief James Dean (Continued)

Upcoming Training Classes

- ❖ Pipeline Safety & Education Meetings for Emergency Responders
 - 9:00 a.m. to 1:00 pm, Feb 05, 2009 at Ottawa, Ks
 - Police Chief Dean requested permission for two personnel from any department (Police, Fire or Public Works) to attend.

✓ *Motion to Approve Attendance at Pipeline Safety & Education Meetings for Emergency Responders*

Council Member Turpen moved to allow Police Chief Dean and Guest to attend the Pipeline Safety & Education Meetings in Ottawa on February 05, 2009. Seconded by Council Member VanVlack, voted on, passed 5-0. Time:

7:07 p.m.

- ❖ Basic Narcotics Investigators Course Sept. 14th – 25th, 2009 at Camp Dodge, Johnston, Iowa
 - 80 Hours
 - Requested Permission for personnel attend
 - Free Room & Meals

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- City Pay Fuel & Salaries
- ❖ Patrol Officers Response to Street Drugs Feb 23 – 27, 2009 at Camp Dodge, Johnston, Iowa
 - 40 Hours
 - Requested Permission for personnel to attend
 - Free Room & Meals
 - City Pay Fuel & Salaries
- ❖ Glock Armorer March 17, 2009 at Garnett, Kansas
 - 8:00 am to 5:00 pm
 - Training on maintaining and servicing handguns
 - Registration Cost = \$150
 - Officer Will Dean would like to attend and volunteered to go without receiving pay since it was scheduled on his normal day off
 - Requested use of city patrol car for transportation

No action taken on the three requested training events. CP Weitman noted that council would take the requests under advisement.

December 17, 2008 Meeting

Public Works Department

Jerome Moore reported that Magellan's natural gas service would be hooked up and on-line tomorrow.

STANDING COMMITTEE REPORTS:

Water & Gas

Council Member Van Vlack reported that we were still waiting on the electrician to complete electrical work.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Housing Authority Board Appointments

Terms of Dennis Arnold and Robert Burnett expire December 31, 2008. Dennis Arnold would accept another term. Robert Burnett has declined to accept another term. Mayor Smith had recommended the re-appointment of Dennis Arnold. Still searching for a replacement to Robert Burnett.

✓ *Motion to Re-appoint Dennis Arnold to Housing Authority Board*

Council Member VanVlack moved to accept the Mayor's recommendation and re-appoint Dennis Arnold to a new three year term on the Housing Authority Board. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:15 p.m.

Park Board Appointments

Tabled. Will possibly be discussed at the special meeting scheduled for 6:30 p.m., Monday, December 22, 2008.

Authority to Transfer Funds to Capital Improvement and/or Equipment Reserve Funds

- ❖ Noted that motion was necessary to transfer any excess general funds from the General Fund
- ❖ City Clerk Mahon was not anticipating much excess – if any
- ❖ Council Member Turpen inquired as to amount of carry over budgeted for 2009
 - Clerk Mahon not sure of exact number but noted it was a significant amount

December 17, 2008 Meeting

✓ *Motion to Transfer Excess Funds to Capital Improvement and Equipment Reserve Funds*

Council Member Turpen moved to allow the year end transfer of any excess general funds, minus the budgeted 2009 carry-over amount, to the capital improvement and equipment reserve funds at a 50% - 50% allocation. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:18 p.m.

Personnel Policy Changes

City Clerk Mahon noted a conflicting statement in personnel policies concerning vacation leave. The statement is on page 9, section E-4, paragraph (d) *Scheduling* of the City's personnel policies. The printed version included the sentence "All vacation leave must be used in the year it was earned or forfeited." Mahon pointed out that this sentence was in direct conflict with the portion of the policy that permitted and listed the amount of allowable accumulated hours. As the statement was in the old policy, Mahon felt it was accidentally left in when the updated version was passed by council.

Clerk Mahon requested permission to delete the statement from personnel policies, thus eliminating conflicting statements. Discussion included the total number of hours allowed to accumulate, comparison of those hours to other entities such as school, general motors, etc.

NEW BUSINESS: (Continued)

Personnel Policy Changes (Continued)

✓ *Motion to Delete Sentence Regarding Unused Vacation Time from Personnel Policies*

Council Member VanVlack moved to delete from the personnel policies the sentence: "All vacation leave must be used in the year it was earned or forfeited." Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:28 p.m.

Holiday Bonuses

✓ *Motion to Pay Holiday Bonuses*

Council Member Boone moved to give Holiday Bonuses of \$100 to all full time employees and to make such an annual standard procedure. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:29 p.m.

Christmas Eve Closing

Public Works Employee Jerome Moore asked Council to consider declaring Dec 24th a holiday for employees or at the very least allowing early closing time. Discussion followed.

December 17, 2008 Meeting

✓ *Motion to Declare Dec 24th a Holiday In Addition to Dec 25th and 26th*

Council Member VanVlack moved to add December 24, 2008 as a holiday in addition to December 25 & 26 of 2008. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:36 p.m.

City Clerk Mahon asked if public works employees were to receive overtime pay if called out on Dec. 24th per the normal holiday pay arrangement. Council concurred in the affirmative.

Additional Water Meter for New Medical Facility

Council Member Turpen noted this item had been discussed before but no action taken. The new medical center under construction would like to have two water meters. One meter for normal purposes and the additional meter would be used to meter water for a sprinkling system. It is customary procedure that sewer charges not be applied to water that is not discharged through the sewer system. An additional meter would allow for an accurate accounting of water not flowing to the sewer system. The medical facility has budgeted for expense of the extra meter.

✓ *Motion to Allow Separate Meter for Medical Center Sprinkler System*

Council Member VanVlack moved to allow separate water meter for Medical Center Sprinkler System. Motion seconded by Council Member Sullivan, voted on, passed 4-0-1

Abstain: Turpen Time: 7:38 p.m.

NEW BUSINESS: (Continued)

License Renewal – Outpost Iske Lucky 13 Inc.

Council Member Boone asked if this could be discussed in executive session under legal. Attorney Sutherland allowed. Item tabled.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to to fifty (50) minutes, following a ten (10) minute break, for Legal, Land Acquisition & Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:39 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief James Dean and City Clerk Gary Mahon.

Open Session Resumed at 8:39 p.m.

December 17, 2008 Meeting

OTHER BUSINESS:

Land Acquisition – Water Plant Settling Pond

✓ *Motion to Purchase Land From Stevermer*

Council Member Turpen moved to buy 4.62 acres from Stevermers for a water plant settling pond in the amount of twenty three thousand dollars (\$23,000.00) Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:41 p.m.

Repairs to 2002 Crown Vic Police Car

✓ *Motion to Authorize Repairs to 2002 Crown Vic Police Car*

Council Member Van Vlack moved to authorize repairs to the 2002 Crown Vic Police Car up to Three Thousand Six Hundred Dollars (\$3600.00). Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 8:42 p.m.

Midwest Glycol – Unfinished Construction

Council Member Boone reported of an open hole at the Midwest Glycol site in the Industrial Park. Jerry felt the hole was a danger as well as breeding ground for mosquitoes. Police Chief James noted that Dennis Arnold had been contacted twice about filling the hole. Discussion followed.

✓ *Motion to Fill In Hole at Midwest Glycol Site*

Council Member Turpen moved to have either City Public Works or Kansas Works Employees fill in the hole at Midwest Glycol Site in the Industrial Park and send bill to Linn County Economic Development director Linn County Economic Development Director Dennis Arnold or to County Commissioners. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:52 p.m.

CITY CLERK'S REPORT:

Verbal: None

Written:

- a] Reminder of Budget Amendment Hearing for 12/22/2008
- b] Housing Authority and Park Board Appointments
- c] Authority to Transfer Excess Funds from the General Fund
- d] Personnel Policy Change
- e] Permission to Close Early on Christmas Eve & Holiday Bonuses

December 17, 2008 Meeting

NOTES AND COMMUNICATIONS TO COUNCIL:

November 2008 Water Production

November 2008 Gas Production

Security Notice (Inserted by City Clerk as a Joke)

Letter to County Election Officer Certifying Council Vacancies for 2009 Election

Letter to Dennis Arnold Applying for Sidewalk Grant

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Turpen moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0. The meeting was adjourned at 8:53 p.m.**

I, _____ LaCygne Deputy City Clerk, do
hereby declare the (Gary D. Mahon)
above to be true and correct, to the best of my
knowledge, and do hereby subscribe my name
this 17th day of December, 2008.

December 22, 2009 Special Meeting

SPECIAL MEETING:

The La Cygne City Council met For a Special Meeting on Monday, December 22, 2008, at the LaCygne 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 Gary Mahon

Mayor Keith Smith called the special meeting to order at 6:30 p.m. for the purposes of:

1. Budget Amendment Hearing – Sewer Fund
2. Park Board Appointments

Park Board Appointments

Mayor Smith reported that the terms of Charlie Moore and Ken McClanahan were expiring December 31, 2008. Additionally, Sheila Thoele had submitted her resignation from the Park Board.

Mayor Smith submitted the following appointments:

- Re-appoint Charlie Moore to a new two (2) year term
- Re-appoint Ken McClanahan to a new two (2) year term
- Appoint Trevor Riley to complete unexpired term of Sheila Thoele. Term Ends 12/31/09

✓ *Motion to Approve Park Board Appointments*

Council Member Turpen moved to approve the Mayor's recommendation of re-appointing Charlie Moore and Ken McClanahan to new terms plus appointing Trevor Riley to complete the unexpired term of Sheila Thoele. Seconded by Council Member VanVlack, voted on, passed 5-0. Time: 6:33 p.m.

BUDGET AMENDMENT HEARING – Sewer Fund

Mayor Smith Called the hearing to order at 6:33 p.m. Purpose of the hearing was to receive comments regarding increasing the sewer fund budget authority for 2008. There were no citizens were in attendance. City Clerk Gary Mahon explained that budget was short due to the unexpected expenses of engineers necessitated by damage from the 2007 flood. Also there were some unexpected expenses for video taping and roto-rootr of clogged lines.

✓ *Motion to Amend 2008 Sewer Fund Budget*

Council Member VanVlack moved to amend the 2008 Sewer Fund budget as presented. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 6:38 p.m.

ADJOURNMENT:

✓ *Motion for Adjournment*

Council Member Boone moved to adjourn the special meeting. Motion seconded by Council Member Turpen, voted on, passed 5-0. The meeting was adjourned at 6:38 p.m.

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I, _____ LaCygne Deputy City Clerk, do
hereby declare the (Gary D. Mahon)
above to be true and correct, to the best of my
knowledge, and do hereby subscribe my name
this 22nd day of December, 2008.