

January 07, 2009 Regular Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, January 07, 2009 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; J.K. Fleming; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Travis Robbins; C.J. Curtis; Janet Reynolds; Chris Waddell; Richard Teagarden; Fred Meisel; and Linda Meisel.

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

MAYOR'S COMMENTS:

- Read Thank You note from Mound Builder's 4-H Club for use of community building for Carolyn Hightower benefit.

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

Council Member Turpen moved to approve the consent agenda which consisted of:

Check Register: December 18, 2008 thru January 02, 2009

Minutes of December 17, 2008 Regular City Council Meeting

Minutes of December 22, 2008 Special City Council Meeting

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

Police Chief James Dean

- ❖ Domestic Violence Training – Jan 20th at Pittsburg
 - No Registration Fee
 - Class Limit of 75
 - Requested permission for Himself and Police Officer Will Dean to attend

✓ ***Motion to Attendance at Domestic Violence Training***

Council Member Turpen moved to allow Police Chief James Dean and Police Officer William Dean to attend the Domestic Violence training at Pittsburg on January 20, 2009. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:04 p.m.

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REPORTS OF CITY OFFICERS: (Continued)

Police Chief James Dean (Continued)

❖ Glock Armorer Training

- March 17, 2009 at Garnett, Kansas
- Cost = \$150.00
- Class Limit = 35
- Officer Will Dean had requested to attend
- Training being held on Officer Will Dean's day off. Officer W. Dean volunteered to attend without pay
- City to pay registration and fuel

✓ *Motion to Approve Attendance at Glock Armorer Training*

Council Member Turpen moved to allow Police Officer Will Dean to attend Glock Armorer training on March 17, 2009 at Garnett, Ks with city paying registration and fuel. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:07 p.m.

Public Works Department

Jerome Moore reported that the water plant chlorinator unit needs replaced. Current chlorinator has been in service for approximately 20 years and is rusting and deteriorating. Jerome had contacted Hawkins Inc. and Curtis Instrumentation Services Co. Two quotes were received from Hawkins for two types of chlorinators.

- Hawkins = \$9150.00
- Hawkins = \$8890.00
- Curtis = \$7308.25

Discussion followed. Mr. Curtis was in attendance and noted that the equipment could be purchased and installed within 2 – 3 weeks. Mr. Curtis also reduced the quote by 25 cents.

✓ *Motion to Purchase Chlorinator*

Council Member Weitman moved to purchase a chlorinator from Curtis Instrumentation Service Co. for the amount of \$7308.00. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:10 p.m.

Fire Chief – Dan Nasalroad

Fire Chief Nasalroad requested permission to purchase a used air compressor with the cost being split 50/50 with Linn County. The compressor would be used to fill breathing apparatus. Currently the city takes bottles to Mound City to be filled. City used to have a firm service the cylinders on a monthly basis at a cost of approximately \$100 per month. Cost of the used compressor = \$4,000 plus shipping. Dan estimated the City's share to be approximately \$2250. The compressor is being brokered through Fenton Fire Equipment. Discussion followed.

The proposal had not yet been submitted to the county commissioners. Dan wanted city's approval before taking to Linn County.

Minutes: Year = 2009

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REPORTS OF CITY OFFICERS: (Continued)

Fire Chief – Dan Nasalroad (Continued)

✓ *Motion to Cost-Share Purchase of Used Air Compressor*

Council Member Weitman moved to cost-share with Linn County the purchase of a used Bower air compressor at a cost of \$2,000 plus shipping. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:14 p.m.

Fireman Troth Resignation: Fire Chief Nasalroad noted that long time volunteer fireman Danny Troth had resigned from the volunteer fire department.

STANDING COMMITTEE REPORTS:

Park

Council Member Boone inquired about a tree that had been cut, noting that good parts had been taken and debris of limbs, sawdust, etc. had been left. He volunteered Kansas Works to clean debris. Council Member Sullivan will check status and let Jerry know.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

UNFINISHED BUSINESS:

Library Sidewalk/Gutter Repair

Janet Reynolds, Chris Waddell, and Richard Teagarden reported that changes to the original plans were necessitated due to various elevations alongside the road. A December 15th survey noted high points at the north end of the block, at the library sidewalk, and at the north end of the library building.

Janet noted that water was getting under the building and they suspected it was from water that pooled alongside Broadway in front of the library. Council asked Janet to arrange a meeting between contractor and city street committee to finalize plans for addressing grade level between street and proposed project. Dan Nasalroad questioned if the completed project would guarantee the elimination of the library's water problem.

Janet Reynolds will attempt to arrange a time for Meyer Brothers reps and the City Street Committee to meet. Council Members were in agreement to complete the project as envisioned by the library: extended sidewalk; new curb; and new gutter.

NEW BUSINESS:

2009 Audit Contract

City Clerk Mahon noted that Council had decided last October to use the services of Diehl, Banwart, & Bolton for the 2008 audit. However a contract had not been executed. A new contract had been submitted reflecting a 2% increase over the previous year. Total expenses for 2007 were \$5491.86. Proposed 2008 contract = \$5515 + out-of-pocket expenses

Minutes: Year = 2009

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NEW BUSINESS: (Continued)

2009 Audit Contract (Continued)

✓ *Motion Accept 2008 Audit Contract*

Council Member Turpen moved to enter into the 2008 audit contract with Diehl, Banwart, and Bolton at a cost not to exceed \$5515.00 + out-of-pocket expenses. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:4 p.m.

Oak Lawn Cemetery Mowing/Caretaker Options

Council discussed options for mowing and maintenance of cemetery. Consensus of council to advertise for caretaker position. City Clerk directed to place ads in local paper.

Mobile Home Park License – Brokerage Securities – James Thompson

City Clerk Mahon noted that Codes Officer James Dean had inspected the trailer park in November. A couple of minor violations had been found and subsequently corrected by the owners. Officer Dean had recommended approval of the license.

✓ *Motion to Approve Mobile Home Park License for Jim Thompson*

Council Member Van Vlack moved grant mobile home park license to Brokerage Securities – James Thompson. Discussion: Council Member Turpen noted that license was for two years. 1/01/08 through 12/31/10. City Clerk Mahon noted that it should read 1/01/08 through 12/31/09 and correction would be made before license issued. **Motion was then seconded by Council Member Turpen, voted on, passed 5-0.** Time: 7:47 p.m.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to to thirty (30) minutes, following a ten (10) minute break, for Legal, & Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:50 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 8:30 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: None

Written:

- a] Franchise Fees;
- b] Library Sidewalk/Gutter
- c] 2009 Audit Contract
- d] Oak Lawn Cemetery Mowing/Caretaker Options
- e] City Elections

Minutes: Year = 2009

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NOTES AND COMMUNICATIONS TO COUNCIL:

A] 'Kansas Government Journal' December 2008

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 4-1.** Opposed: Boone The meeting was adjourned at 8:33 p.m.

I, _____
(Gary D. Mahon)

LaCygne Deputy City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 7th day of January, 2008.

Minutes: Year = 2009

January 21, 2009 Regular Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, January 21, 2009 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; J.K. Fleming; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Fred Meisel, Linda Meisel, and Mike Shultz.

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

MAYOR'S COMMENTS:

- Council President (CP) Terry Weitman reported that Mayor Smith was home ill with strep throat

CONSENT AGENDA:

Council Member Turpen noted an error on page 4 of the January 7, 2009 minutes (page 9 of the packet). The correct authorized dates for the mobile home park license issued to Brokerage Securities should read 01/01/09 through 12/31/09. The minutes as erroneously written stated 01/01/08 through 12/31/09. The correction was duly noted.

✓ Motion to Approve Consent Agenda

Council Member Turpen moved to approve the consent agenda which consisted of:

Check Register: January 08 thru January 16, 2009
Minutes of January 07, 2009 Regular City Council Meeting (As Corrected Above)
Financial Statement: 4th Quarter 2008
Financial Statement: Annual 2008
Treasurer's Report: December 2008
Budget Report: December 2008

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

Police Chief James Dean

- ❖ Property Room and Evidence Control Seminar
 - Hutchinson, Kansas at KLETC
 - \$150 or \$200 with lodging and meals at KLETC
 - Class Limit of 30
 - August 10, 2008
 - Requested permission for Police Officer Will Dean to attend

Minutes: Year = 2009

January 21, 2009 Regular Meeting

REPORTS OF CITY OFFICERS: (Continued)

Police Chief James Dean (Continued)

✓ *Motion to Authorize Attendance at Property Room & Evidence Control Seminar*

Council Member Turpen moved to allow Police Officer William Dean to attend the Property Room & Evidence Control Seminar at Hutchinson on August 10, 2008 at registration cost of \$200. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:06 p.m.

❖ Terror From the Right: A National Overview of Far Right Terrorism

- February 11, 2009 at Overland Park, Kansas
- Cost = \$19.00
- Class Limit = 60
- Request for Police Chief James Dean to attend

✓ *Motion to Approve Attendance at Terrorism Seminar*

Council Member Turpen moved to allow Police Chief James Dean to attend Terror From the Right Seminar at Overland Park, Ks on February 11, 2009. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:07 p.m.

❖ Calibre Press "Street Survival" Seminar

- March 12 & 13, 2009
- At Johnson County Regional Police Academy
- Cost = \$193.50
- Class Limit = ??
- Request for Police Officer Will Dean and Ernie Simmons to attend

✓ *Motion to Approve Attendance at Street Survival Seminar*

Council Member Turpen moved to allow Police Officer Will Dean to attend Street Survival Seminar in Overland Park on March 12 & 13, 2009. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:08 p.m.

❖ Intoxilizer Training

- February 10, 2009
- At Johnson County Community College, Overland Park, KS
- Cost = No Charge
- Class Limit = 200
- Request for Police Officer Will Dean to attend

✓ *Motion to Approve Attendance at Intoxilizer Training*

Council Member Turpen moved to allow Police Officers Will Dean & Ernie Simmons to attend Intoxilizer Training in Overland Park on February 10, 2009. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:11 p.m.

Police Chief Dean reported that property at 602 Chestnut has been cleaned with debris to be hauled off. Chief Dean noted that the Chiefs of Police would be meeting with reps from the Linn County Sheriff Department next week.

January 21, 2009 Regular Meeting

REPORTS OF CITY OFFICERS: (Continued)

Public Works Department

Jerome Moore reported that the new water plant chlorinator unit has been installed.

❖ Meters 101

- February 17, 2009 at Bass Pro Shop, Olathe, KS
- Water Loss Accountability, Leak Detection methods
- Cost = No Registration Fee
- Class Limit = ??
- Request for 2 Public Works Employees to Attend

✓ *Motion to Attend Meters 101*

Council Member Turpen moved to allow two (2) slots from the public works department to attend Water Loss, Leak Detection Seminar on February 17, 2009 at Bass Pro Shops in Olathe. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:14 p.m.

STANDING COMMITTEE REPORTS:

Sewer

Council Member Van Vlack reported that he, Councilmember Jerry Boone, John Brann of Ponzer-Youngquist, Jerome Moore, and Mike Page had recently met regarding the sewer lagoon. It was decided not to install the valves that were included in the original design. Page was having trouble getting the valves plus they were not needed nor required by KDHE. It was also decided not to concrete the base of the fence posts. Elimination of the valves and concrete would save money.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS:

Library Sidewalk Curb & Gutter Repair

Council President Weitman reported that he had recently met with two (2) representatives from Meyer Brothers concerning the library sidewalk, curb, and gutter repair along Broadway. Terry felt that the project would not be as extensive as first thought.

- Contractors want to raise gutter in middle of block (paralleling Broadway) and slope downward (drain) to north and south ends of block.
- Construct curb and sidewalk accordingly
- Three options on cost estimates
 - Construction price with not to exceed limit
 - \$1500 to engineer to develop site plan
 - Full Blown engineering plan
- City would probably pay 1/3 of engineering costs (Need to confer with library)
- Discussion
 - Why original building did not have engineer to sign off on project
 - Old basement possibly holding water?
 - Contractor says no water damage being done to building, Detriment is people having to walk through water to get to building
 - After project finished if still having water problems? Library's problem
 - Library responsible for entire length of block?

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UNFINISHED BUSINESS: (Continued)

Library Sidewalk/Gutter Repair (Continued)

✓ *Motion to Proceed With Cost Estimates*

Council Member Turpen moved to proceed with option of obtaining cost estimates with a not-to-exceed limitation, then determine if city wanted to proceed with project. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:33 p.m.

NEW BUSINESS:

Water Tank Maintenance Program

Council reviewed 2009 water tower maintenance agreement with Utility Service Co. Total price for 2009 increased by 15% from \$9581.80 to \$11,019.08.

✓ *Motion to Approve Water Tower Maintenance Contract*

Council Member Van lack moved to approve the 2009 water tower maintenance payment of \$11,019.08. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:36 p.m.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty (40) minutes, following a ten (10) minute break, for Legal, & Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:40 p.m.

- Executive Session Extended

✓ *Motion to Extend Executive Session*

Council Member Turpen moved to extend the executive session for up to fifteen (15) minutes for Legal, & Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:28 p.m.

Open Session Resumed at 8:43 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: As of 1/21/09 three citizens had signed up to run for council: Robert Sullivan, Joe Turpen, and Terry Weitman.

Written:

- a] Utility Service Co. Inc
- b] Transfer of Excess Funds
- c] Police Pick-Up Lease Payment
- d] Annual Financial Statement
- e] Library Sidewalk, Gutter & Curb Repair
- f] Attorney Mike Shultz

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NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Thank You to Public Works from Marge Tribby
- b] Water Production: December 2008
- c] Gas Production: December 2008

ADJOURNMENT:

✓ Motion for Adjournment

There being no further business, **Council Member Turpen moved to adjourn the meeting. Motion seconded by Council Member Sullivan, voted on, passed 5-0.** The meeting was adjourned at 8:47 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 21st day of January, 2009

REGULAR MEETING:

February 04, 2009

The La Cygne City Council met in regular session Wednesday, February 04, 2009 at the LaCygne City Hall. Council Members present were: Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, and Terry Weitman. Absent: Jerry Boone.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fireman J.K. Fleming; Fireman Tommy Capp; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Linda Meisel; Jess Randall; Randy Taylor; Linda Jo Hisel; and Travis Robbins.

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

PUBLIC HEARING: CONDEMNATION ** 114 W. MARKET ** TAYLOR

A Public Hearing per Resolution No. 322 was called to order at 7:00 p.m. The public hearing was to receive comments pertaining to a two story house and other structures located at 114 W. Market as to whether or not it should be condemned. Owner of the property, Randall Taylor, and his legal counsel, Jess Randall, were in attendance. Mayor Smith asked LaCygne City Attorney John Sutherland to preside over the hearing.

Comments Received Include, But Not Limited To, The Following:

- ❖ Taylor & Randall (T & R) feel the report and subsequent resolution is based on house being unsafe & dangerous
- ❖ T & R: feel the house might more accurately be categorized nuisance as opposed to unsafe and dangerous
 - City Attorney Sutherland referenced KSA 4-201 stating city can cause rehabilitation
- ❖ Several minutes spent with Attorney Randall arguing that City had to prove property as unsafe and dangerous with City Attorney Sutherland countering argument with rehabilitation costs, house unfit for use, and habitation.
- ❖ T & R: asked for clarification of what the city considered to be the unsafe & dangerous aspects
 - City Responded:
 - Foundation shows signs of dry rot

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February 04, 2009

- Rotten flooring and sagging floor joists
- Mold growing on the ceilings of both the upper and lower floors
- East porch roof is rotting and collapsing
- Kitchen floor is rotten
- Ceilings inside the residence are falling down
- Holes in the walls which allow sunlight through to inside of residence
- Front porch roof & north roof of residence are sagging
- Shed in northwest corner of property is structurally unsound (City acknowledged this had been remedied)
- Large cedar tree in front yard has been notched with chainsaw + it is split and dangerous. Storm or vehicle could cause tree to fall (City Acknowledged this had been remedied)
- Siding is falling of the residence
- Electric Box has exposed wiring
- Faulty plumbing
- ❖ T & R: asked when property was last inspected
 - Police Chief Dean answered – Outside continually observed by visual drive-bys. Interior last inspected Oct 2008.
- ❖ T & R: How does City know property still in same condition?
 - Police Chief Dean answered -Property owner never notified city of any improvements so have to assume property still in same condition.
- ❖ T & R: do not feel house is unsafe and dangerous
 - Flooring replaced in kitchen (per Randy Taylor)
 - Sheet Rock put up in places (per Randy Taylor)
 - East Porch might be considered unsafe (per Randy Taylor)
- ❖ T & R: Planning on having relatives move after more improvements are made (Per Randy Taylor)
- ❖ T & R: Feel that unsightly house does not make a house unsafe and dangerous (Per Jess Randall)
- ❖ T & R: Not sure when someone last occupied the house
- ❖ T & R: Material purchased to fix up house but not put on yet
- ❖ T & R: Suggested capping/covering foundation and putting on siding
 - Police Chief Dean: Would be cosmetic only
- ❖ City Attorney John Sutherland
- ❖ Chief of Police James Dean (COP) estimates it would take approximately \$12,000 to bring house up to standard
- ❖ COP Noted the Following
 - Report filed with City Council concerning property at 114 W. Market
 - Council Adopted Resolution 322
 - Resolution published and mailed certified to property owner
 - Response received from Taylor that he had received the notice
 - No response to previous proceedings had ever been received from Taylor
- ❖ COP noted that Taylor had already put approximately \$9,000 to \$12,000 of repairs into house
 - Windows
 - Siding
- ❖ COP does not believe house could be furthered repaired at ½ assessed valuation
 - Assessed valuation = approximately \$12,0000
- ❖ City had set deadline for Taylor to submit a timeline and report of repairing the house
 - Never received by City
- ❖ City noted at previous meeting that Randy Taylor had mentioned mold problems. Was the problem ever addressed?
 - Per Randy: Not very much mold. Only a few small spots showing
 - City: Small spots showing could possibly be a sign of larger mold problem underneath surface
- ❖ T & R asked COP if he still considered the house to be unsafe & dangerous?
 - COP: Does not know interior condition as of this meeting
 - Has not been inside house since October
 - Had not received report from Taylor on any improvements made
- ❖ COP recommended condemnation (Removal of house)
- ❖ Attorney Sutherland recommended house be condemned due to unfit for human use and habitations

Minutes: Year = 2009

February 04, 2009

- Noted that structure must be removed if cost of fixing is over 50% of appraised value
- Noted that Owner must be given time to comply with condemnation order
- Noted that Owner has 30 days to appeal

Finding of Facts:

- 1) House cannot be renovated for an amount equal to, or less than, 50% of valuation of house
- 2) House has been abandoned for considerable period of time
- 3) House should be removed or torn down
- 4) House is unfit for human use or habitation
- 5) Foundation shows signs of dry rot
- 6) House has rotten flooring and sagging floor joists
- 7) Mold growing on the ceilings of both the upper and lower floors
- 8) East porch roof is rotting and collapsing
- 9) Kitchen floor is rotten
- 10) Ceilings inside the residence are falling in
- 11) There are holes in exterior walls which allow outside elements to enter
- 12) Front porch roof & north roof of residence are sagging
- 13) Siding is falling off the residence
- 14) Electric box has exposed wiring
- 15) Faulty plumbing

✓ *Motion to Condemn Taylor Property at 114 W. Market*

Council Member Turpen moved to condemn the property at 114 W. Market, allowing sixty (60) days to make improvements, submit schedule, or demolish house. Motion seconded by Council Member VanVlack. Attorney Sutherland noted 50% value factor requiring demolition. **Motion voted on, passed 4-0.** Time: 7:53 p.m.

The hearing was closed at 7:53 p.m.

REGULAR MEETING RESUMED AT 7:53 p.m.:

MAYOR'S COMMENTS:

- Noted that City and County was under a Burn Ban Thurs Feb 5 and Friday Feb 6 due to high winds and low humidity
- Forwarded compliments and thank you's to the fire department that were received from the Scheele family for the department's excellent and professional service at their recent fire
- Reported that Councilman Boone was recovering from gangrene complications due to recent gall bladder surgery and wished him a speedy recovery
- Reported that the New Medical Building would be open for business on February 25th
- Joe Turpen noted that an open house at the medical facility is being planned for sometime in April or May

CHANGE IN STARTING TIMES FOR NEXT (FEB 18TH) MEETING

Mayor and Council were invited to tour the new medical facility prior to its opening. It was decided to gather at 6:15 p.m. on Wednesday, February 18, 2009 at the new medical facility for a tour. Council will then return to city hall for its regularly scheduled meeting.

Minutes: Year = 2009

February 04, 2009

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

Council Member Turpen moved to approve the consent agenda which consisted of:

Minutes of January 21, 2009 City Council Meeting
Check Register: January 22 thru February 04, 2009

Motion seconded by Council Member VanVlack voted on, passed 4-0. Time: 7:57 p.m.

2009 Minutes February 04, 2009

DISCUSSION FROM THE FLOOR: Linda Jo Hisel asked Council for assistance in collecting damages from MP Nexlevel. While laying fiber optic cable for Peoples Telecommunications last summer, MP Nexlevel cut into a 6" water main at the intersection of 4th and Market on two different occasions. Each time caused Linda to have to shut down her business (LJ's Lunchbox). Linda has approached both MP and Peoples. MP indicated they had paid City of LaCygne and that City would have her money. City Clerk Mahon stated that was not true. The bill that City had turned into MP was for city damages and there were no damages for any businesses or private individuals included. Council instructed Attorney Sutherland to assist Linda Hisel by submitting letter to MP or other appropriate means.

REPORTS OF CITY OFFICERS:

City Attorney Sutherland

Attorney Sutherland asked permission to attend the Kansas Rural Water Association Attorney Forum in Wichita on March 24th.

✓ ***Motion to Authorize Attendance at KRWA Attorney Forum***

Council Member VanVlack moved to authorize Attorney Sutherland to attend the Attorney Forum at the Kansas Rural Water Association Convention on March 24, 2009. Motion seconded by Council Member Turpen, voted on, passed 4-0. Time: 8:09 p.m.

Police Chief James Dean

- ❖ Park Vandalism
 - Door on restroom kicked in again.
 - Makes 2nd Time
 - Asked Public for Assistance
- ❖ Bullet Proof Vests Are In
 - Receiving partial reimbursement from federal grant
- ❖ Richmond, Kansas Police Department Disbanded
 - Used equipment available
 - 2 Police Cars Available
 - Will view equipment and police cars on Feb 5th

Public Works Department – Jerome Moore

- ❖ Kansas Rural Water Association 2009 Conference
 - March 24 thru 26, 2009 @ Wichita
 - Registration = \$100 per person + meals
 - Ask permission for up to 2 people to attend

February 04, 2009

✓ *Motion to Kansas Rural Water Association 2009 Conference*

Council Member Turpen moved to allow two people to attend the Kansas Rural Water Association Conference, March 24-26, 2009 in Wichita. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:09 p.m.

Fire Department – J. K. Fleming

J.K. relayed thank you's from rural fire chief Jerome Mitzner for the city's assistance in a recent fire. City sent 3 trucks plus 7 firemen. Total trucks present = 5 with 14 firemen. Quick response and cooperation enabled the combined fire departments to save the house.

- ❖ Update Fire Gear
 - 6 new sets purchased within last two years
 - Recommend purchasing 5 sets this year then 2 sets per year thereafter
 - Cost = \$972.90 per set + shipping
 - Purchase from Jerry Ingram Fire Equipment @ Ottawa, Ks

✓ *Motion to Purchase New Fire Gear*

Council Member Turpen moved to authorize the purchase of five (5) new sets of fire gear from Jerry Ingram Fire at a cost of \$972.90 per set plus shipping. Discussion: Council Member Sullivan asked if this expenditure had been anticipated and included on this year's budget. No one in attendance had worked on the fire budget and the question could not be answered. **Motion was then seconded by Council Member VanVlack, voted on, passed 4-0.** Time: 8:16 p.m.

- ❖ Status of Previously Authorized Air Compressor
 - Linn County Commissioners had agreed to share expense 50/50 with City of LaCygne
 - Compressor scheduled to be delivered Feb 05, 2009

STANDING COMMITTEE REPORTS:

Sewer

Council Member Van Vlack reported that the fence had been installed at the sewer lagoon. Mike indicated reservations of the quality of work exhibited. Mike asked others to also view the completed project and render an opinion.

Public Safety

Council Member Turpen reported that the Linn County Fire Department had recently encountered transmission problems with one of their trucks. The Mayor and Public Safety Committee had given rural fire permission to use the City's pumper if/when needed until the rural truck is repaired.

Street

Mayor Smith noted erosion problems at the intersection of the roads on the southeast corner of the post office property. Jerome Moore will look into the problem and report back.

SPECIAL COMMITTEE REPORTS: None

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UNFINISHED BUSINESS:

Library Sidewalk Curb & Gutter Repair

Council Member Weitman reported that he had not received any facts or numbers from Meyer Brothers since our last meeting. It was noted that a surveyor had been on site today and perhaps numbers would be forthcoming shortly.

NEW BUSINESS:

Basics of Budgeting Workshop & Municipal Seminar

- ❖ Basics of Budgeting Work Shop
 - Iola, Kansas April 1st
 - Registration = \$50
 - Nuts & Bolts of Preparing Budget

- ❖ Municipal Seminar
 - Overland Park, Kansas June 17th
 - Registration = \$50
 - Deals more with Electronics of Submitting Budget to State

✓ *Motion to Authorize Attendance at Basics of Budgeting Work Shop and Municipal Seminar*

Council Member VanVlack moved to send City Clerk Gary Mahon to the Basics of Budgeting Work Shop in Iola April 1st and the Municipal Seminar in Overland Park June 17th. Motion was seconded by Council Member Turpen, voted on, passed 4-0. Time: 8:22 p.m.

Council Member Weitman suggested forewarning Iola personnel of the impending visit. He felt Overland Park could handle the situation.

EMC (Linn Co Ins) Risk Management Seminar - Gary

City Clerk Mahon reported that EMC was hosting a Risk Management Seminar Feb 19th at Topeka. Linn County Insurance is a sponsor and has invited reps from LaCygne, Pleasanton, and Linn Valley. There is no cost to the city. Gary also noted that the timing was good as notice was received that EMC was canceling the city's work comp coverage effective April 01, 2009. Mahon reported that there are a couple of options available. He will report when more info is available.

✓ *Motion to Authorize Attendance at Risk Management Seminar*

Council Member VanVlack moved to send City Clerk Gary Mahon to the Risk Management Seminar in Topeka on February 19th. Motion was seconded by Council Member Turpen, voted on, passed 4-0. Time: 8:25 p.m.

Minutes: Year = 2009

February 04, 2009

Summer Employment Program Overview

Linn County Economic Development is having a question/answer session and overview of a youth employee program for the summer. It is a luncheon meeting. Would like to have a rep from LaCygne attend. Council Member VanVlack will check with Kansas Works as they also have a youth program.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to fifteen (15) minutes, following a ten (10) minute break, for Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 8:31 p.m.

Open Session Resumed at 8:56 p.m.

OTHER BUSINESS:

Clarification of Public Hearing Condemnation Motion

Council Member Turpen noted that Linn County News Reporter Judy Kinder would like clarification of the motion in the earlier public hearing held tonight regarding condemnation of the Taylor property. It was noted that the motion was to continue the condemnation proceedings giving 60 days to remove or demolish. The property could not be repaired due to the cost being over 50% of the value of the property. Attorney Sutherland noted that the 50% factor was noted at the time the original motion was passed.

CITY CLERK'S REPORT:

Verbal: None

Written:

- a] Public Hearing – 114 W. Market – Randall Taylor
- b] Park Damage
- c] Kansas Rural Water Association 2009 Conference
- d] Sidewalk, Curb, and Gutter Repair at LaCygne Library
- e] Basics of Budgeting Workshop and Municipal Seminar
- f] Kansas Rural Water Association Attorney Forum

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of January 28, 2009 Park Board Meeting

Minutes: Year = 2009

February 04, 2009

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 4-0.** The meeting was adjourned at 9:02 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 4th day of February, 2009.

REGULAR MEETING: **February 18, 2009**

The La Cygne City Council met in regular session Wednesday, February 18, 2009 at the LaCygne City Hall. Council Members present were: Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, Jerry Boone and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fireman J.K. Fleming; Fireman Tommy Capp; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Linda Meisel; Jess Randall; Randy Taylor; Linda Jo Hisel; and Travis Robbins.

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

PUBLIC HEARING: CONDEMNATION ** 114 W. MARKET ** TAYLOR

A Public Hearing per Resolution No. 322 was called to order at 7:00 p.m. The public hearing was to receive comments pertaining to a two story house and other structures located at 114 W. Market as to whether or not it should be condemned. Owner of the property, Randall Taylor, and his legal counsel, Jess Randall, were in attendance. Mayor Smith asked LaCygne City Attorney John Sutherland to preside over the hearing.s

Comments Received Include, But Not Limited To, The Following:

- ❖ Taylor & Randall (T & R) feel the report and subsequent resolution is based on house being unsafe & dangerous
- ❖ T & R: feel the house might more accurately be categorized nuisance as opposed to unsafe and dangerous
 - City Attorney Sutherland referenced KSA 4-201 stating city can cause rehabilitation
- ❖ Several minutes spent with Attorney Randall arguing that City had to prove property as unsafe and dangerous with City Attorney Sutherland countering argument with rehabilitation costs, house unfit for use, and habitation.
- ❖ T & R: asked for clarification of what the city considered to be the unsafe & dangerous aspects
 - City Responded:
 - Foundation shows signs of dry rot
 - Rotten flooring and sagging floor joists
 - Mold growing on the ceilings of both the upper and lower floors
 - East porch roof is rotting and collapsing
 - Kitchen floor is rotten
 - Ceilings inside the residence are falling down
 - Holes in the walls which allow sunlight through to inside of residence
 - Front porch roof & north roof of residence are sagging
 - Shed in northwest corner of property is structurally unsound (City acknowledged this had been remedied)

February 18, 2009

Minutes: Year = 2009

- Large cedar tree in front yard has been notched with chainsaw + it is split and dangerous. Storm or vehicle could cause tree to fall (City Acknowledged this had been remedied)
- Siding is falling of the residence
- Electric Box has exposed wiring
- Faulty plumbing
- ❖ T & R: asked when property was last inspected
 - Police Chief Dean answered – Outside continually observed by visual drive-bys. Interior last inspected Oct 2008.

PUBLIC HEARING: CONDEMNATION ** 114 W. MARKET ** TAYLOR (Continued)

- ❖ T & R: How does City know property still in same condition?
 - Police Chief Dean answered -Property owner never notified city of any improvements so have to assume property still in same condition.
- ❖ T & R: do not feel house is unsafe and dangerous
 - Flooring replaced in kitchen (per Randy Taylor)
 - Sheet Rock put up in places (per Randy Taylor)
 - East Porch might be considered unsafe (per Randy Taylor)
- ❖ T & R: Planning on having relatives move after more improvements are made (Per Randy Taylor)
- ❖ T & R: Feel that unsightly house does not make a house unsafe and dangerous (Per Jess Randall)
- ❖ T & R: Not sure when someone last occupied the house
- ❖ T & R: Material purchased to fix up house but not put on yet
- ❖ T & R: Suggested capping/covering foundation and putting on siding
 - Police Chief Dean: Would be cosmetic only
- ❖ City Attorney John Sutherland
- ❖ Chief of Police James Dean (COP) estimates it would take approximately \$12,000 to bring house up to standard
- ❖ COP Noted the Following
 - Report filed with City Council concerning property at 114 W. Market
 - Council Adopted Resolution 322
 - Resolution published and mailed certified to property owner
 - Response received from Taylor that he had received the notice
 - No response to previous proceedings had ever been received from Taylor
- ❖ COP noted that Taylor had already put approximately \$9,000 to \$12,000 of repairs into house
 - Windows
 - Siding
- ❖ COP does not believe house could be furthered repaired at ½ assessed valuation
 - Assessed valuation = approximately \$12,0000
- ❖ City had set deadline for Taylor to submit a timeline and report of repairing the house
 - Never received by City
- ❖ City noted at previous meeting that Randy Taylor had mentioned mold problems. Was the problem ever addressed?
 - Per Randy: Not very much mold. Only a few small spots showing
 - City: Small spots showing could possibly be a sign of larger mold problem underneath surface
- ❖ T & R asked COP if he still considered the house to be unsafe & dangerous?
 - COP: Does not know interior condition as of this meeting
 - Has not been inside house since October
 - Had not received report from Taylor on any improvements made
- ❖ COP recommended condemnation (Removal of house)
- ❖ Attorney Sutherland recommended house be condemned due to unfit for human use and habitations
 - Noted that structure must be removed if cost of fixing is over 50% of appraised value
 - Noted that Owner must be given time to comply with condemnation order
 - Noted that Owner has 30 days to appeal

February 18, 2009

Minutes: Year = 2009

Finding of Facts:

- 16) House cannot be renovated for an amount equal to, or less than, 50% of valuation of house
- 17) House has been abandoned for considerable period of time
- 18) House should be removed or torn down
- 19) House is unfit for human use or habitation
- 20) Foundation shows signs of dry rot

PUBLIC HEARING: CONDEMNATION ** 114 W. MARKET ** TAYLOR (Continued)

- 21) House has rotten flooring and sagging floor joists
- 22) Mold growing on the ceilings of both the upper and lower floors
- 23) East porch roof is rotting and collapsing
- 24) Kitchen floor is rotten
- 25) Ceilings inside the residence are falling in
- 26) There are holes in exterior walls which allow outside elements to enter
- 27) Front porch roof & north roof of residence are sagging
- 28) Siding is falling off the residence
- 29) Electric box has exposed wiring
- 30) Faulty plumbing

✓ *Motion to Condemn Taylor Property at 114 W. Market*

Council Member Turpen moved to condemn the property at 114 W. Market, allowing sixty (60) days to make improvements, submit schedule, or demolish house. Motion seconded by Council Member VanVlack. Attorney Sutherland noted 50% value factor requiring demolition. Motion voted on, passed 4-0. Time: 7:53 p.m.

The hearing was closed at 7:53 p.m.

REGULAR MEETING RESUMED AT 7:53 p.m.:

MAYOR'S COMMENTS:

- Noted that City and County was under a Burn Ban Thurs Feb 5 and Friday Feb 6 due to high winds and low humidity
- Forwarded compliments and thank you's to the fire department that were received from the Scheele family for the department's excellent and professional service at their recent fire
- Reported that Councilman Boone was recovering from gangrene complications due to recent gall bladder surgery and wished him a speedy recovery
- Reported that the New Medical Building would be open for business on February 25th
- Joe Turpen noted that an open house at the medical facility is being planned for sometime in April or May

CHANGE IN STARTING TIMES FOR NEXT (FEB 18TH) MEETING

Mayor and Council were invited to tour the new medical facility prior to its opening. It was decided to gather at 6:15 p.m. on Wednesday, February 18, 2009 at the new medical facility for a tour. Council will then return to city hall for its regularly scheduled meeting.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Turpen moved to approve the consent agenda which consisted of:

Minutes of January 21, 2009 City Council Meeting
Check Register: January 22 thru February 04, 2009

Motion seconded by Council Member VanVlack voted on, passed 4-0. Time: 7:57 p.m.

February 18, 2009

Minutes: Year = 2009

DISCUSSION FROM THE FLOOR: Linda Jo Hisel asked Council for assistance in collecting damages from MP Nexlevel. While laying fiber optic cable for Peoples Telecommunications last summer, MP Nexlevel cut into a 6" water main at the intersection of 4th and Market on two different occasions. Each time caused Linda to have to shut down her business (LJ's Lunchbox). Linda has approached both MP and Peoples. MP indicated they had paid City of LaCygne and that City would have her money. City Clerk Mahon stated that was not true. The bill that City had turned into MP was for city damages and there were no damages for any businesses or private individuals included. Council instructed Attorney Sutherland to assist Linda Hisel by submitting letter to MP or other appropriate means.

REPORTS OF CITY OFFICERS:

City Attorney Sutherland

Attorney Sutherland asked permission to attend the Kansas Rural Water Association Attorney Forum in Wichita on March 24th.

✓ *Motion to Authorize Attendance at KRWA Attorney Forum*

Council Member VanVlack moved to authorize Attorney Sutherland to attend the Attorney Forum at the Kansas Rural Water Association Convention on March 24, 2009. Motion seconded by Council Member Turpen, voted on, passed 4-0. Time: 8:09 p.m.

Police Chief James Dean

- ❖ Park Vandalism
 - Door on restroom kicked in again.
 - Makes 2nd Time
 - Asked Public for Assistance
- ❖ Bullet Proof Vests Are In
 - Receiving partial reimbursement from federal grant
- ❖ Richmond, Kansas Police Department Disbanded
 - Used equipment available
 - 2 Police Cars Available
 - Will view equipment and police cars on Feb 5th

Public Works Department – Jerome Moore

- ❖ Kansas Rural Water Association 2009 Conference
 - March 24 thru 26, 2009 @ Wichita
 - Registration = \$100 per person + meals
 - Ask permission for up to 2 people to attend

✓ *Motion to Kansas Rural Water Association 2009 Conference*

Council Member Turpen moved to allow two people to attend the Kansas Rural Water Association Conference, March 24-26, 2009 in Wichita. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:09 p.m.

Fire Department – J. K. Fleming

J.K. relayed thank you's from rural fire chief Jerome Mitzner for the city's assistance in a recent fire. City sent 3 trucks plus 7 firemen. Total trucks present = 5 with 14 firemen. Quick response and cooperation enabled the combined fire departments to save the house.

February 18, 2009

Minutes: Year = 2009

- ❖ Update Fire Gear
 - 6 new sets purchased within last two years
 - Recommend purchasing 5 sets this year then 2 sets per year thereafter
 - Cost = \$972.90 per set + shipping
 - Purchase from Jerry Ingram Fire Equipment @ Ottawa, Ks

✓ *Motion to Purchase New Fire Gear*

Council Member Turpen moved to authorize the purchase of five (5) new sets of fire gear from Jerry Ingram Fire at a cost of \$972.90 per set plus shipping. Discussion: Council Member Sullivan asked if this expenditure had been anticipated and included on this year's budget. No one in attendance had worked on the fire budget and the question could not be answered. **Motion was then seconded by Council Member VanVlack, voted on, passed 4-0.** Time: 8:16 p.m.

- ❖ Status of Previously Authorized Air Compressor
 - Linn County Commissioners had agreed to share expense 50/50 with City of LaCygne
 - Compressor scheduled to be delivered Feb 05, 2009

STANDING COMMITTEE REPORTS:

Sewer

Council Member Van Vlack reported that the fence had been installed at the sewer lagoon. Mike indicated reservations of the quality of work exhibited. Mike asked others to also view the completed project and render an opinion.

Public Safety

Council Member Turpen reported that the Linn County Fire Department had recently encountered transmission problems with one of their trucks. The Mayor and Public Safety Committee had given rural fire permission to use the City's pumper if/when needed until the rural truck is repaired.

Street

Mayor Smith noted erosion problems at the intersection of the roads on the southeast corner of the post office property. Jerome Moore will look into the problem and report back.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS:

Library Sidewalk Curb & Gutter Repair

Council Member Weitman reported that he had not received any facts or numbers from Meyer Brothers since our last meeting. It was noted that a surveyor had been on site today and perhaps numbers would be forthcoming shortly.

NEW BUSINESS:

Basics of Budgeting Workshop & Municipal Seminar

- ❖ Basics of Budgeting Work Shop
 - Iola, Kansas April 1st
 - Registration = \$50
 - Nuts & Bolts of Preparing Budget

February 18, 2009

Minutes: Year = 2009

❖ Municipal Seminar

- Overland Park, Kansas June 17th
- Registration = \$50
- Deals more with Electronics of Submitting Budget to State

✓ *Motion to Authorize Attendance at Basics of Budgeting Work Shop and Municipal Seminar*

Council Member VanVlack moved to send City Clerk Gary Mahon to the Basics of Budgeting Work Shop in Iola April 1st and the Municipal Seminar in Overland Park June 17th. Motion was seconded by Council Member Turpen, voted on, passed 4-0. Time: 8:22 p.m.

Council Member Weitman suggested forewarning Iola personnel of the impending visit. He felt Overland Park could handle the situation.

EMC (Linn Co Ins) Risk Management Seminar - Gary

City Clerk Mahon reported that EMC was hosting a Risk Management Seminar Feb 19th at Topeka. Linn County Insurance is a sponsor and has invited reps from LaCygne, Pleasanton, and Linn Valley. There is no cost to the city. Gary also noted that the timing was good as notice was received that EMC was canceling the city's work comp coverage effective April 01, 2009. Mahon reported that there are a couple of options available. He will report when more info is available.

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Council Member VanVlack moved to send City Clerk Gary Mahon to the Risk Management Seminar in Topeka on February 19th. Motion was seconded by Council Member Turpen, voted on, passed 4-0. Time: 8:25 p.m.

Summer Employment Program Overview

Linn County Economic Development is having a question/answer session and overview of a youth employee program for the summer. It is a luncheon meeting. Would like to have a rep from LaCygne attend. Council Member VanVlack will check with Kansas Works as they also have a youth program.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to fifteen (15) minutes, following a ten (10) minute break, for Personnel. Motion seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 8:31 p.m.

Open Session Resumed at 8:56 p.m.

OTHER BUSINESS:

Clarification of Public Hearing Condemnation Motion

Council Member Turpen noted that Linn County News Reporter Judy Kinder would like clarification of the motion in the earlier public hearing held tonight regarding condemnation of the Taylor property. It was noted that the motion was to continue the condemnation proceedings giving 60 days to remove or demolish. The property could not be repaired due to the cost being over 50% of the value of the property. Attorney Sutherland noted that the 50% factor was noted at the time the original motion was passed.

February 18, 2009

Minutes: Year = 2009

CITY CLERK'S REPORT:

Verbal: None

Written:

- a] Public Hearing – 114 W. Market – Randall Taylor
- b] Park Damage
- c] Kansas Rural Water Association 2009 Conference
- d] Sidewalk, Curb, and Gutter Repair at LaCygne Library
- e] Basics of Budgeting Workshop and Municipal Seminar
- f] Kansas Rural Water Association Attorney Forum

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of January 28, 2009 Park Board Meeting

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 4-0.** The meeting was adjourned at 9:02 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 18th day of February, 2009.

REGULAR MEETING:

March 04, 2009

The La Cygne City Council met in regular session Wednesday, March 04, 2009 at the LaCygne City Hall. Council Members present were: Robert 'Bob' Sullivan, Joe Junior Turpen, Michael Van Vlack, and Jerry Boone. Absent: Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Janet Reynolds; Chris Waddell; Richard Teagarden; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Linda Meisel; and Fred Meisel;

Mayor Keith Smith called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

- Expressed Sympathy to Council Member Weitman and his family in the loss of Terry's father
- Noted the passing of long time community citizen Wilma Claar
- Noted the new Medical Facilities are now open
- Noted two new businesses in La Cygne
 - Cook Chiropractic now open
 - Second Hand Rose opening soon

CONSENT AGENDA:

March 04, 2009

Minutes: Year = 2009

✓ **Motion to Approve Consent Agenda**

Council Member Turpen moved to approve the consent agenda which consisted of:

Minutes of February 18, 2009 City Council Meeting

Check Register: February 19 thru 28, 2009

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

DISCUSSION FROM THE FLOOR:

La Cygne Library: Janet Reynolds, Chris Waddell, & Richard Teagarden

- ❖ Library Board met with Meyer Brothers
 - Agreed to sidewalk extension + new curb
 - No new gutter
 - 192 ft. = \$14,341.42
- ❖ City Portion Approx 103 ft
 - Per Library the City Share = \$7693.58 – Sidewalk Grant of Approx \$2500 = Approx \$5193.58
- ❖ Did Library seek quotes from other contractors?
 - No – Wanted to stay with contractor who did original building constructions
- ❖ Council Member Turpen: Contractor who did concrete at new medical center quoted \$10,000 for the same project
- ❖ Problem of water pooling will not be totally eliminated – per Janet Reynolds

La Cygne Library: Janet Reynolds, Chris Waddell, & Richard Teagarden (Continued)

✓ **Motion to Approve Extended Sidewalk and Curbing**

Council Member Boone moved to approve expenditures up to \$7693.58 for portion of new curb and sidewalk extension in front of Library. Motion seconded by Council Member VanVlack, voted on, passed 3-0-1. Abstain: Turpen Time: 7:17 p.m.

Council Member Turpen noted that he was not against the project, but felt the entire cost of the project should be the responsibility of the library.

REPORTS OF CITY OFFICERS:

City Attorney Sutherland

Attorney Sutherland reported that the City was now the owner of the former Stevermer property acquired through eminent domain procedures.

Police Chief James Dean

Mayor Smith: After giving thought to the subject felt [1] maybe computer was needed; [2] Rifles definitely on back burner; and [3] Hate to pass up good deal on Richmond, Ks police car.

Computer Purchase Request

- ❖ Presented new Lap Top Cost Estimates
 - Advantage Installed = \$2684 Not Installed = \$1595
 - Micro Center Installed = \$2839 Not Installed = \$1300
 - Best Buy Installed = \$2439 Not Installed = \$900
 - Peoples Telecommunications Installed = Unknown Not Installed = \$1950

March 04, 2009

Minutes: Year = 2009

- ❖ Presented new Desktop Cost Estimates
 - Advantage Installed = \$ 1658 Not Installed = \$899
 - Micro Center (Rebuilt) Installed = \$1500 Not Installed = \$500
 - Best Buy Installed = \$1527 Not Installed = \$527
 - Peoples Telecommunications Installed = Unknown Not Installed = \$1284
- ❖ Original Cost Estimates from Best Buy Did Not Include Installation
- ❖ Original Cost Estimates from Best Buy Included Software Packages that were only for a 90 day trial, then had to be purchased
- ❖ Additional Add-ons for Lap Top = \$1539
- ❖ Additional Add-ons for Desk Top = \$1000
- ❖ Chief of Police recommended purchasing from Advantage Computer
 - Back ground checks have already been completed for Advantage Computer personnel
 - Advantage is the company that originally set up all other computers plus the new server
 - Computers quoted by Advantage come with larger hard drives
 - Lap Tops with other companies would have to be sent back to the manufacturer for repairs

Police Chief James Dean - Computer Purchase (Continued)

✓ *Motion to Purchase Computers from Advantage Computer*

Council Member Turpen moved to purchase both the desktop and laptop computers from Advantage Computers at the quoted total price of Four Thousand Three Hundred Forty Two Dollars (\$4342.00). Motion seconded by Council Member VanVlack, voted on, passed 3-1.

No: Sullivan

Rifles

- ❖ Law Enforcement Support Office (LESO) for military surplus will be receiving rifles that will cost less than \$50 each
- ❖ Will be 18 to 24 months before they are available
- ❖ Have signed up to receive two (2) if available
- ❖ Police officers have purchased their own rifles in the meantime

Richmond, KS Surplus Police Cars

- ❖ Chief of Police Dean: Does not want to purchase now. Wants to keep money in his budget.
- ❖ Council asked Fire Chief Nasalroad if he was interested in one of the cars
 - Feels he does not have enough money in budget
 - Concerned about high utility bills being charged to Fire Dept.
 - ◆ Has been charged for Historical Society Utility Bills
 - ◆ City started paying utility bills in exchange for storing 58 fire truck
 - ◆ Christmas decorations also stored there (Not sure which was first - decorations or fire truck)
 - ◆ As of Today - Historical Society bills are no longer being charged to Fire Dept Fund
 - ◆ Offered to store old 58 fire truck in another building
 - ◆ Suggested renting storage space for Christmas Decorations
 - ◆ Mayor Smith asked Fire Chief Nasalroad to investigate other storage arrangements

Public Works Department – Jerome Moore

New Truck Search

- ❖ Jerome Moore noted that Council Member Boone had been pricing 1 ton trucks and had found one to recommend
- ❖ Jerome had priced comparable trucks on the internet and could not find one for as low a price
- ❖ Police Chief James Dean had checked the Highway Patrol Surplus site with unfavorable results

March 04, 2009

Minutes: Year = 2009

- ❖ Per Council Member Boone:
 - Had checked dealerships in Kansas City Metro Area, Osawatomie, Paola, Olathe, Garnett, Butler and other places in eastern Kansas and Western Missouri
 - Most trucks were priced at \$30,000 to \$38,000
 - Recommended a 2007 Dodge 1 Ton Diesel for \$24,244
 - Located at Olathe Dodge
 - 8,000 miles
 - Flat Bed included
 - 52 gal fuel tank
 - Snow Plow Package
 - Single Cab
- ❖ Financing
 - Could divide payment between utilities and equipment reserve
 - Could finance through banks
 - Could pay outright, then finance and reimburse the utility funds with loan proceeds
- ❖ City Clerk instructed to contact banks for financing rates to determine if we might want to finance rather than pay outright
- ❖ City would not be trading in or selling either of the present trucks

✓ *Motion to Purchase 2007 Dodge 1 Ton*

Council Member Boone moved to purchase a 2007 Dodge 1 Ton Diesel from Olathe Dodge in the amount of Twenty Four Thousand Two Hundred Forty Four Dollars (\$24,244.00). Motion seconded by Council Member Turpen, voted on, passed 4-0. Time: 7:49 p.m.

Fire Department – Chief Dan Nasalroad

Kansas State Fire Fighters Association (KSFFA) Conference

- ❖ Request to send four (4) firemen
- ❖ Cost = \$70 registration per fireman + Hotel and other usual expenses
- ❖ April 22 through 25

✓ *Motion to Authorize KSFFA Conference Attendance*

Council Member Turpen moved to authorize four (4) firemen to attend the Kansas State Fire Fighters Association Conference in Great Bend April 22nd through 25th. Motion was seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:53 p.m.

STANDING COMMITTEE REPORTS:

Park Council Member Jerry Boone Expressed Concerns About New Shelter House Project

- ❖ Live tree had been cut
 - Cost \$600
 - Ruts cut into ground and debris not cleaned up
 - Area left for City to clean up
 - Kansas Works would have cut and cleaned up and not cost Park Board anything
- ❖ Proposed Shelter House Site requires relocation of some water and electrical lines
 - Water and electrical just put in a few years ago
- ❖ Moving shelter house 20 ft east would save cost of relocating lines and would have saved tree
 - Park Board wants to build in chosen location for cosmetic reasons
- ❖ Council Member Sullivan noted
 - The contractor (Diversified) had included moving the lines in their bid
 - Location of the shelter house was discussed again after Boone requested moving shelter house and park board wants to leave it where originally planned
- ❖ Council Member Boone noted that Kansas Works would not be helping with Park projects anymore

March 04, 2009

Minutes: Year = 2009

Community Building

Mayor Smith noted he had received recommendation that the blue curtains in front windows of the community building be replaced. City Clerk Mahon reported that Treasurer Linda Elder had been investigating replacement curtains. He will ask her to make recommendations to forward to the council.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Kansas Works Youth Program

- ❖ Same program as Kansas Works but for Youth ages 16 – 21
- ❖ City will ask for five (5) youth for Park, Cemetery, Public Works, and General City
- ❖ City Sets rate to be paid
- ❖ May be able to carry over the youth we already have
- ❖ Council was in agreement to register for the program

Panhandle Pipeline Transportation Agreement

Routine agreement with Panhandle to transport the City's natural gas purchases through their pipeline

✓ *Motion to Approve Small Customer Transportation Agreement No. 11480 with Panhandle*

Council Member Turpen moved to approve the Transportation Agreement with Panhandle for a period of 10 years. Motion was seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:15 p.m.

City Burn Site

- ❖ Property located on north side of Oak Lawn Cemetery
- ❖ Approximately .18 acres
- ❖ City Fire Department had approved the site
- ❖ Fire Chief Dan Nasalroad suggested placing gates up by Bob Durbin property
- ❖ Council Member Boone indicated that would not be necessary as was city street
- ❖ Mayor would like signage placed on property indicating no dumping
- ❖ State of Kansas will give burn site a temporary permit through December 31st the review
- ❖ Only Brush and trees can be burned at the site – No other debris of any kind permitted
- ❖ Only City allowed to dump at the site
- ❖ Property owned by Council Member Boone who purchased it at a Sheriff's sale previous Fall
- ❖ Asking price = \$1,000
- ❖ Will discuss purchase and price during executive session; Land Acquisition

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty-five (45) minutes, following a ten (10) minute break, for Personnel & Legal. Motion seconded by Council Member Van Vlack, voted on, passed 4-0. Mayor Smith requested the time be amended to add five (5) minutes for land acquisition. No Objections. Time: 8:31 p.m.

March 04, 2009

Minutes: Year = 2009

Others asking for time or invited into the executive session included: Police Chief James Dean and City Clerk Gary Mahon.

Open Session Resumed at 9:26 p.m.

OTHER BUSINESS:

Purchase of Land for a City Burn Site

✓ *Motion to Purchase Land for Use As a City Burn Site*

Council Member Van Vlack moved to approve the purchase of land from Jerry Boone for a price of up to One Thousand Dollars (\$1,000.00) Motion seconded by Council Member Turpen, voted on, passed 3-0-1. Abstain: Boone Time: 8:09 p.m.

CITY CLERK'S REPORT:

Verbal: None

Written:

- a] Correction to First Draft of 2/18/09 Minutes
- b] Suspension of 1% KPERs Insurance/Disability Contributions
- c] Check Register Bond/Loan Payments
- d] Police Department Equipment Requests
- e] Special Park & Pool Sales Tax Vote
- f] Kansas Works Youth Program
- g] Panhandle Energy Transportation Agreement

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Thank You from Mine Creek Amateur Radio Club
- b] Thank You from Kansas Rural Water Association

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Turpen moved to adjourn the meeting. Motion seconded by Council Member Boone, voted on, Tied 2-2. Mayor Smith voted yes. Motion passed 3-2. n** The meeting was adjourned at 9:32 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 4th day of March, 2009.

March 18, 2009 Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, March 18, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Robert 'Bob' Sullivan; Michael Van Vlack; and Terry Weitman. Absent: Joe Turpen.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Police Officer Will Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Linda Meisel; Meisel; Jean Allen; Esther Shields; Bruce Holt; Jodi Wade; Ken McClanahan; Tommy Capp; J.K. Fleming; Christine Teagarden; Diane Stainbrook; Robert Blanc; Trevor Riley; Scott Stainbrook; and Charlie Moore.

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March 18, 2009 Meeting

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

MAYOR'S COMMENTS:

- ❖ Thanks to Janet Reynolds, Charlotte Reynolds and Chris Waddell for their assistance with the newsletter
- ❖ Reminded everyone of upcoming City Elections
- ❖ Noted that Silver Creek Pharmacy had medical supplies available for loan, i.e. wheel chairs
- ❖ Encouraged the Police Dept to keep up efforts on drug elimination
- ❖ Encouraged the Police Dept to step up activities on codes enforcement

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

Council Member Weitman moved to approve the consent agenda which consisted of:

Minutes of March 04, 2009 City Council Meeting
Check Register: March 05 thru 18, 2009
Treasurer's Report: February 2009;
Budget Report: February 2009

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

Police Chief James Dean

Training Requests

- ❖ 1. Kansas Joint Law Enforcement Conference
 - Topeka, Ks 4/14 - 4/15/09
 - Cost: \$30 + wages, fuel and 2 nights lodging
- ❖ 2. Telenet II: SRS/Law Enforcement Joint Investigations
 - Overland Park, KS 06/03/09
 - Cost: Wages & fuel
- ❖ 3. Telenet II: Legislative Update
 - Overland Park, KS 7/01/09
 - Cost: Wages & Fuel
- ❖ 4. On-Line Data Entry
 - KLETC Hutchinson, KS 08/05/09
 - Cost: Wages, Fuel, and 3 Meals
- ❖ 5. MOCIC Services & Intelligence Database
 - Emporia, KS 4/28/09
 - Cost: Wages, Fuel, and 2 Meals
- ❖ Ranking of requests
 - #1 Needed; #3 Needed; #5 Good; #2 So-So; #4 Could be eliminated
- ❖ Request was tabled until next meeting when Public Safety Committeeman Joe Turpen is present

Taser Gun Purchase Requests

- ❖ Chief Of Police James Dean presented council with price quotes for taser guns
 - X263 w/Taser Cam & accessories = \$1496.30
 - Taser without Taser Cam = \$1054.30
- ❖ Reasons to Purchase

Minutes: Year = 2009

March 18, 2009 Meeting

- Makes safer environment for the police officers
- Quite often the officers are alone with no back up
- Tasers are safe and effective means of deterrent
- One of the best options in enhancing officer security
- ❖ Request was tabled until next meeting when Public Safety Committeeman Joe Turpen is present

C.O.P.S. Grant

- ❖ Chief Of Police James Dean requested permission to apply for grant
- ❖ Must apply on-line within next two weeks
- ❖ If successful the grant would pay for an additional officer for the next three years
 - City would be obligated to keep and pay wages for at least one year (4th year)
- ❖ Grant is for the position not person
 - Example: If hire officer, then officer leaves after one year, still eligible to hire another officer
- ❖ Rate of Pay is set when hire officer
- ❖ It was consensus of council for Chief Dean to apply for the grant

Public Works Department – Jerome Moore

Gas O-Q Training

Jerome requested authorization for one person from public works to attend training at Garnett, Ks on April 2nd.

Mosquito Spray Purchase and Calibration

Jerome requested authorization to spend up to \$1600 for mosquito spray and to calibrate spray machine.

✓ *Motion to Authorize Attendance at O-Q Training*

Council Member VanVlack moved to authorize one public works employee to attend training at Garnett, Kansas on April 2nd. Motion was seconded by Council Member Boone, voted on, passed 4-0. Time: 7:23 p.m.

✓ *Motion to Authorize Purchase of Mosquito Spray and Calibration of Spray Machine*

Council Member Weitman moved to authorize the expenditure of up to \$1600.00 for mosquito spray and to have the spray machine calibrated at Ottawa, Ks on April 2nd. Motion was seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:24 p.m.

Fire Department – Chief Dan Nasalroad

- ❖ Dan has found a place to move old fire truck and Christmas decorations from historical society
 - He will try to move the items within next two weeks
- ❖ Council inquired about available funds to purchase police car from Richmond, Kansas
 - Asked City Clerk Mahon to check availability of funds later when council is in exec session

Public Works Department – Jerome Moore

Repair 2003 Chevy 3500

- ❖ Estimated cost to repair = \$2826.94
- ❖ City Clerk directed to prepare proper documents to list the truck as surplus
 - Include any other eligible city property

March 18, 2009 Meeting

STANDING COMMITTEE REPORTS:

Street

- ❖ Council inquired about status of ditch by post office
 - Jerome Moore indicated that the problem was being addressed

Community Building

- ❖ Reported that City Treasurer Linda Elder had ordered new curtains

SPECIAL COMMITTEE REPORTS:

New Swimming Pool

- ❖ Jodi Wade introduced the committee members that were in attendance
- ❖ Jodi gave history on current pool and an update on the proposed new pool
 - New pool will be approximately 25 % larger than current pool (approx 4,000 sq ft)
 - 20 year bond funded by 1% sales tax could fund approx \$1.5 Million
 - 25 year bond funded by 1% sales tax could fund approx \$1.8 Million
- ❖ Committee is ready to present project to the public
- ❖ If project is approved, attempts will be made to contract work to local contractors
- ❖ Have not been able to find grants to assist with the project
- ❖ Mayor: Concerned about defeat of County Sales Tax initiative in Nov 08
 - Jodi: Citizens go to metro area to shop and pay over 7% sales tax without questioning it
 - Time to come together as a community
- ❖ Points Discussed:
 - Does LaCygne need a pool?
 - Can current pool be refurbished?
 - If refurbished, pool would have to be brought up to today's codes
 - Current pool has fiber glass liner. Leaks have severely damaged area underneath Pool
 - Restoration a few years ago was merely a band-aid fix
 - Do operations break even? – No
 - Can community support a pool of this size?
 - Expenses are estimated to increase to an estimated \$29,000 per year
- ❖ Jodi asked Council for permission to proceed with project
 - Next step would be holding election for sales tax referendum
 - There were no objections from any council member to proceed with the project

LaCygne Community Park Board

Park Board Chairman Jodi Wade addressed concerns the Council and Township Board had expressed about the new shelter house being planned for the park.

- ❖ Proposed Shelter House 40'x70'x8' Construction Cost = \$34,470
- ❖ Jodi explained the process of building the shelter
 - Idea conceived in 2007
 - Construction open shelter with option of enclosing in the future
 - Project bogged down then restarted in summer of 2008 at Township's urging
- ❖ Council & Township concerned about location due to:
 - Live tree had to be cut to make space for shelter house
 - Jodi: Tree to be replaced with new trees
 - Expense of electric and water lines being moved from camp site area
 - Shelter being constructed in low area that retains water
 - Jodi: Rock house and parking area are in the low spot also
 - Distance from restrooms

Minutes: Year = 2009

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- K McClanahan: Area south of restrooms has new electric service lines in the way
- Bruce Holt: Mistake made at Linn County Park by not placing shelter house closer to restroom
- Not building in first chosen location
 - Jodi: Three potential sites selected. This is site voted on. Never changed.
- Why not move shelter 20 ft east and save tree and expense of moving utilities?
 - Jodi: Might need that area for future ball field
- ❖ Noted that Lincoln Township had also received complaints about proposed location of shelter house
- ❖ Was noted that Park Board appointed by Mayor with approval of Township Board
- ❖ Mayor Smith asked Park Board to consider opinions of Township Board and City Council on projects
- ❖ Park Board frustrated that the project has been on-going for over a year and now people are wanting changes after contracts are let
- ❖ Councilmember Weitman commended Park Board for doing its job The park board did not fail
- ❖ Conclusion = Mayor Smith requested Park Board to meet with Township Board and settle on a location

UNFINISHED BUSINESS: None

NEW BUSINESS:

Insurance Renewal Quotes

Christine Teagarden of Linn County Insurance presented quotes for insurance coverage.

- ❖ Property = \$27,836 Work Comp = \$16,000
- ❖ Christine noted that EMC insures 500 cities in Kansas and 85% of the school districts
- ❖ The property insurance premium was basically the same as last year
- ❖ The Work Comp quote was not from EMC as EMC was canceling the city's work comp
- ❖ City Clerk Mahon had obtained a quote of \$13,734 from Kansas Municipal Insurance Trust (KMIT) for Work Comp Coverage
 - Ms Teagarden explained the reason for such high work comp rates was the mod factor of 1.34
 - The City had experienced significant work comp claims the past year
 - Normal mod factor is 1.0

✓ *Motion to Approve Linn County Insurance Property Insurance Quote*

Council Member VanVlack moved to approve the property insurance quote of twenty seven thousand eight hundred thirty six dollars (\$27,836.00) from Linn County Insurance. Motion was seconded by Council Member Boone, voted on, passed 4-0. Time: 8:34 p.m.

✓ *Motion to Award Kansas Municipal Insurance Trust (KMIT) for Work Comp Insurance*

Council Member Weitman moved to award the workman Comp coverage to KMIT in the amount of thirteen thousand seven hundred thirty four dollars (\$13,734.00) Motion was seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:37 p.m.

Minutes: Year = 2009

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Cemetery – New Section Approval

Tabled until next meeting when Cemetery Committee man Joe Turpen will be present.

Forks & Man Lifts for Backhoe

Tabled until next meeting. Council Member VanVlack to gather more information.

Amend Park & Pool Budget

Due to the fact that the shelter house was not completed in 2007 there is a large carry over of cash into 2009. The extra carry over was not budgeted to be spent. The park and pool budget will need to be amended to allow for the expenditure of the extra carry over. The first step in the process is to hold a hearing.

✓ *Motion to Hold Hearing for Amending 2009 Special Park & Pool Budget*

Council Member Weitman moved to hold hearing to amend the special park & pool budget on April 15, 2009 at 7:00 p.m. Motion was seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:40 p.m.

Housing Authority Board Appointment

Mayor Smith recommended the appointment of Dorothy Erhart to the Housing Authority Board

✓ *Motion to Appoint Dorothy Erhart to the Housing Authority Board*

Council Member VanVlack moved to approve the appointment of Dorothy Erhart to the Housing Authority Board. Motion was seconded by Council Member Sullivan, voted on, passed 4-0. Time: 8:41 p.m.

Prairie View After Prom

✓ *Motion to Donate to Prairie View After Prom*

Council Member VanVlack moved to donate \$150 to the Prairie View After Prom. Motion was seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:42 p.m.

Resolution No. 324: Railroad Crossing on Industrial Park Boulevard

Resolution No. 324 was presented to council. The resolution authorized the Mayor to sign agreements between the City, Burlington Northern Railroad and the Kansas Secretary of Transportation to install crossing lights and gates on Industrial Park Boulevard. There is no cost to the city other than placement and maintenance of advance warning signs.

✓ *Motion to Approve Resolution No. 324*

Council Member Weitman moved to adopt Resolution No. 324 . Motion was seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:43 p.m.

Minutes: Year = 2009

March 18, 2009 Meeting

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to forty-five (45) minutes, following a ten (10) minute break for Personnel & Legal. Motion seconded by Council Member Weitman, voted on, passed 4-0. Time: 8:44 p.m.

Those requesting a portion of time or being invited into the executive session included: Police Chief James Dean and City Clerk Gary Mahon.

Open Session Resumed at 9:38 p.m.

OTHER BUSINESS:

Authorization for Part Time City Hall Office Help

✓ *Motion to Authorize Part Time City Hall Office Help*

Council Member Van Vlack authorized the City Clerk to place ads for part time city hall office help with salary to be determined. Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 9:40 p.m.

Authorization for Temporary Public Works Employee

✓ *Motion to Authorize Temporary Full Time Public Works Employee*

Council Member Van Vlack authorized the City Clerk to place ads for temporary full time public works employee with salary to be determined. Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 9:40 p.m.

CITY CLERK'S REPORT:

Verbal: Noted that the Dog/Cat Vaccinations scheduled for April 4th would be held at the community building due to construction on K-152 in front of the street barn

Written:

- a] City Burn Permit
- b] Police Chief Dean
- c] Public Works – Jerome Moore
- d] Pool Committee
- e] Park Board
- f] Insurance Renewal Quotes & Workman Comp Quotes
- g] Cemetery – New Section Approval
- h] Forks & Man Lifts for Backhoe
- i] Set Hearing Date for Amending Park & Pool Budget
- j] Housing Authority Board Appointment
- k] Prairie View After Prom Donation
- l] Resolution No. 324 – Railroad Crossing on Industrial Park Boulevard

Minutes: Year = 2009

March 18, 2009 Meeting

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Report – February 2008
- b] Water Production Report – February 2008
- c] Water Production Report – Summary
- d] Letter to KDOT requesting extension of 30 mile speed limit
- e] Park Board Minutes: February 26, 2009

ADJOURNMENT:

✓ Motion for Adjournment

There being no further business, **Council Member VanVlack moved to adjourn the meeting. Motion seconded by Council Member Sullivan, voted on, passed 4-0.** The meeting was adjourned at 9:42 p.m.

I, _____ LaCygne 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 18th day of March, 2009.

April 01, 2009 Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, April 01, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Robert 'Bob' Sullivan; Joe Turpen; Michael Van Vlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; Denise Cassells; Leroy Turpen; Robert Turpen; Linda Meisel; Travis Robbins; J.K. Fleming; and Don Long.

Mayor Keith Smith called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

- ❖ Vote next Tuesday, April 7th, for 3 council members
- ❖ Encouraged Police Chief to continue enforcement of city clean up codes
 - Jerry Boone noted that recent visitor commented on "trashy" look of the town
 - Jerry offered to go door-to-door and offer assistance in cleaning up their property if owners desired
 - Noted that some people were unable to take proper care of their property
- ❖ Noted later in meeting that Brock Barber, son of former Mayor Sam Barber, had recently been life flighted to KU Med Center – Brain Tumor

Minutes: Year = 2009

April 01, 2009 Meeting

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of March 18, 2009 City Council Meeting

Check Register: March 16 thru April 01, 2009

Discussion: Council Member Turpen noted that the minutes showed they were being signed by "Deputy City Clerk Gary Mahon". The correct title should be "City Clerk". With crossed fingers, Mahon promised to try and do better in the future.

Motion seconded by Council Member Boone voted on, passed 5-0. Time: 7:08 p.m.

REPORTS OF CITY OFFICERS:

Police Chief James Dean

At Council's March 18th meeting, Police Chief Dean had requested permission to attend the following training numbered 1 through 5.

Training Requests

- ❖ 1. Kansas Joint Law Enforcement Conference
 - Topeka, Ks 4/14 – 4/15/09
 - Cost: \$30 + wages, fuel and 2 nights lodging
- ❖ 2. Telenet II: SRS/Law Enforcement Joint Investigations
 - Overland Park, KS 06/03/09
 - Cost: Wages & fuel
- ❖ 3. Telenet II: Legislative Update
 - Overland Park, KS 7/01/09
 - Cost: Wages & Fuel
- ❖ 4. On-Line Data Entry
 - KLETC Hutchinson, KS 08/05/09
 - Cost: Wages, Fuel, and 3 Meals
- ❖ 5. MOCIC Services & Intelligence Database
 - Emporia, KS 4/28/09
 - Cost: Wages, Fuel, and 2 Meals

At tonight's April 1st meeting, Chief of Police reduced his request to include only No.1, No.4, and No.5.

- ❖ Noted that officers are required to obtain 40 hrs training per year to retain certifications
 - The year runs from July 1st through June 30th
 - Chief Dean currently needs another 10 to 12 hours to meet requirements for 2008 -2009
 - Current year will end June 30th

✓ **Motion to Authorize Police Training Sessions**

Council Member Turpen moved to allow Chief of Police James Dean to attend the following training sessions with costs as presented:

No. 1 Kansas Joint Law Enforcement Conference, Topeka, Ks, 4/14 – 15, 2009;

No. 4 On-Line Data Entry, KLETC Hutchinson, KS, August 05, 2009;

No. 5 MOCIC Services and Intelligence Database, Emporia, KS, April 28, 2009

Motion was seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:14 p.m.

Minutes: Year = 2009

April 01, 2009 Meeting

Taser Gun Purchase Requests

- ❖ Chief Of Police James Dean presented council with price quotes for taser guns
 - X263 w/Taser Cam & accessories = \$1496.30
 - Taser without Taser Cam = \$1054.30
- ❖ Mayor and Council asked for justification from Chief Dean for the purchase. Officer Dean's Response:
 - Help reduce liability
 - Pepper Spray produces more problems to certain individuals, i.e. children, asthma, pregnancy
 - Helps prevent injury to officer & potential injury to suspect
 - City officers now are frequently required to respond alone
 - Back-up from Linn County very limited if available at all
 - County sometimes has only one officer on duty for the entire county
 - ◆ Councilmember Weitman suggested COP Dean and other officials attend County Commission meeting to discuss the situation
 - ◆ Was noted that City does have mutual aid agreement with Linn Valley and other cities
- ❖ Mayor noted that if purchase is approved, he felt spending the extra \$450 for camera was warranted
 - Camera is activated when finger is placed on trigger of gun
- ❖ Range of Taser Gun depends on cartridge size. Max of approximately 30 feet
- ❖ Warnings are given before using
- ❖ Requesting only one gun. Officers will share.

- ❖ Weapon fits on officer's equipment belt
- ❖ Chief of Police was asked which officer requested the taser gun
 - No comment
- ❖ Council requested this item be placed on next meeting's agenda
 - Want more time to evaluate and study the proposal

Amend Code 5-302 – False Alarms

COP Dean requested that Code 5-302 be amended.

- ❖ Alarm users would be allowed only two (2) chargeable false alarms in a ninety (90) day period.
 - Currently they are allowed two (2) in one calendar month
- ❖ The fine for violations would increase from \$50 to \$150 for each chargeable false alarm
- ❖ Add a new subsection stating that business owners complete alarm report within three (3) days or face a fine.
- ❖ Request tabled until next meeting. Mayor and Council would like more time to evaluate.

314 W. Market

COP Dean reported that the condemned house at 314 W. Market had been broken into. City personnel had tried to secure as best they could. Time limit for the property to be cleaned up is April 25th.

Fire Department – Chief Dan Nasalroad

City Utility Charges to Fire Department

- ❖ Chief Nasalroad reported that Fire Dept was being charged for water at New Rural Fire Building. Chief Nasalroad reported:
 - New building has metered water whereas the old fire building does not have water at all
 - Did not budget for water in the 2009 budget

Minutes: Year = 2009

April 01, 2009 Meeting

- Will fill trucks at hydrants rather than inside building as are not charged for water from hydrants
 - Does not know of any other entity that charges fire departments for water
 - Feels it is uncalled-for to charge fire department for water
 - Suggested that council consider rescinding the practice
 - Chief Nasalroad also voiced disapproval of requests to report amounts of water used from hydrants by the fire department
 - Does not know how much rural fire trucks use when fighting fires or training
 - Major concern is fighting fires or training – not counting gallons of water
- ❖ City Clerk Mahon reported:
- City also bills itself for utilities used at: city hall; community building; water plant; street building, and the original fire station
 - The procedure is actually a wash. City sends itself a bill and then pays itself
 - It is true the practice shows as an added expense affecting department budgets
 - Clerk's Note (not stated at meeting): The practice also shows as an added income in various fund budgets
 - Mahon had requested and received an explanation from auditor Terry Sercer and felt Council should know of the reasons before making a decision
 - Mahon read auditor's explanation, noting that Chief Nasalroad was also in possession of the same information. Some of the reasons for the practice include:
 - May be obligated to do so by bond ordinances
 - Only true for Gas department at present time. Water & Sewer bonds have expired
 - Not doing so might affect contracts with other entities
 - Auditor specifically cited the water department and rural water contracts
 - Good, sound financial practices
 - Helps give more accurate assessment of actual cost of departments, including fire dept
 - Mahon suggested that an easy and fast solution was to simply raise the budget
 - Mahon also noted
 - That it was never his intention to bill for water used through hydrants
 - Precise hydrant usage numbers were never asked for or expected.
 - Gary has asked only for estimates of water used through the hydrants
 - Reason for asking for estimates was to help with monthly reports in identifying where water was used & not for billing purposes.
- ❖ No action taken by council

STANDING COMMITTEE REPORTS:

Sewer

- ❖ Council Member Boone noted that the city used to chemically clean the sewers annually. City had quit for some time, cleaned in 2007 and skipped 2008. Boone noted that it costs approximately \$2,000 each time a jettor is brought in. Quotes for cleaning chemicals for Continental Research were \$2930 for 100 gal SLP and \$3978 for 102 gal of citra float. SLP is the cleaner and citra float is the odorizer.

✓ *Motion to Approve Purchase of Sewer Cleaning Chemicals*

Council Member VanVlack moved to purchase 100 gal of SLP and 102 gal Citra Float at a cost of up to six thousand nine hundred and eight dollars (\$6908.00). Discussion: Council Member Sullivan: Is work performed by city personnel? Yes. **Motion was seconded by Council Member Boone, voted on, passed 5-0.** Time: 7:51 p.m.

Minutes: Year = 2009

April 01, 2009 Meeting

Park

Mayor Smith reported that the park board and Lincoln Township Board had met regarding the shelter house. The shelter house will remain where park board originally planned. Future tree removals must be approved by Lincoln Township.

UNFINISHED BUSINESS: None

Interest Rates for Truck Purchase

- ❖ Labette Bank had lowest rate
- ❖ Loan would increase cost approximately \$1750 over three years and \$2,000 over four years
- ❖ Clerk Mahon noted that due to unfilled positions in city hall & public works that:
 - City had unintentionally saved approx \$31,000 in salaries since last October and approximately \$18,000 thus far this budget year
- ❖ Clerk suggested paying for truck outright
- ❖ Mayor concurred noting adding extra interest would negate the good deal received on the purchase
- ❖ Council concurred

Cemetery – New Section Approval

- ❖ Don Long reviewed latest proposal with Council
 - Move lots five feet west to accommodate for irregular fence line
 - Not sell first row of lots until present fence is removed and new fence placed on property line
 - Will give city a few years to save funds for a nice fence
- ❖ Cost to build new road and extend across ravine is estimated to be around \$5,000 (Includes two 36" by 30' tubes)

✓ *Motion to Approve New Section of Cemetery*

Council Member Turpen moved to purchase two 36" by 30' tubes + rock for the new east section of La Cygne Cemetery up to five thousand dollars (\$5,000.00). Motion was seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:09 p.m.

Forks & Man Lifts for Backhoe – Van Vlack

Council Member Van Vlack presented cost for purchasing forks and kit from Budget Attachments. Mike was requesting the purchase so the backhoe could be fitted with a platform to more safely lift personnel up to heights needed in certain projects, i.e. hanging Christmas decorations.

✓ *Motion to Approve New Section of Cemetery*

Council Member VanVlack moved to purchase forks and kit from Budget Attachments at a cost of seven hundred eighty-five dollars (\$785.00) Motion was seconded by Council Member Boone, voted on, passed 5-0. Time: 8:12 p.m.

NEW BUSINESS:

Resolution for Surplus Equipment

- ❖ Resolution No. 325 listing surplus equipment was presented to Council
- ❖ Add to Resolution:
 - 9. Large Trap – Animal
- ❖ Council Member Weitman inquired about Lawn Mowers
 - Are there extra mowers since none were traded in when we purchased a new one last fall?

Minutes: Year = 2009

April 01, 2009 Meeting

- Determined that city has 5 on hand
 - Park, Cemetery, and 3 public works
- ❖ Add to Resolution:
 - 10. ExMark Mower

✓ *Motion to Approve Resolution No. 325*

Council Member VanVlack moved to approve Resolution No. 325 with the additions of items 9 and 10. Motion was seconded by Council Member Turpen, voted on, passed 5-0. Time: 8:18 p.m.

Resolution Authorizing Mayor to Sign Documents Joining KMIT

City Clerk Mahon noted that Council had authorized joining KMIT at the last meeting. This was a resolution needed by KMIT authorizing the Mayor to sign documents. The Resolution will be number No. 326.

✓ *Motion to Approve Resolution No. 326 Authorizing Mayor to Sign KMIT Documents*

Council Member VanVlack moved to approve Resolution No. 326. Motion was seconded by Council Member Turpen, voted on, passed 5-0. Time: 8:19 p.m.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to fifty (50) minutes, following a ten (10) minute break for Personnel & Legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:18 p.m.

Those requesting a portion of time or being invited into the executive session included: Police Chief James Dean and City Clerk Gary Mahon.

Open Session Resumed at 9:17 p.m.

OTHER BUSINESS:

Hire Art Terry for Public Works Department

✓ *Motion to Hire Art Terry for Public Works Department*

Council Member Van Vlack moved to temporarily hire Art Terry full time for the public works department with salary to be determined. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 9:18 p.m.

CITY CLERK'S REPORT:

Verbal: Noted that the Dog/Cat Vaccinations scheduled for April 4th would be held at the community building due to construction on K-152 in front of the street barn

Minutes: Year = 2009

April 01, 2009 Meeting

Written:

- a) a] City Elections – Vote for 3
- b) Police Chief Dean Requests
- c) Interest Rates for Truck Purchases
- d) Cemetery – New Section Approval
- e) Forks & Man Lifts for Backhoe
- f) Resolution No. 325 – Surplus Equipment
- g) Resolution to Join KMIT

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of Park Board: March 21, 2009
- b] Minutes of Park Board: March 26, 2009

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 9:19 p.m.

I, _____ LaCygne 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 01st day of April, 2009.

April 08, 2009 Special Meeting

SPECIAL MEETING:

The La Cygne City Council met For a Special Meeting on Wednesday, April 08, 2009, 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; Fire Chief Dan Nasalroad; and Council Member-Elect Jake Fleming.

Mayor Keith Smith called the special meeting to order at 7:07 p.m. for the purposes of:

- 1. Vehicle Purchase

Vehicle Purchase

Mayor Smith reported that the City of LaCygne had been contemplating the past few weeks the possible purchase of one or two used police vehicles from the City of Richmond, Kansas. It had been reported that the City of Richmond had another very interested party.

Fire Chief Dan Nasalroad stated that if the City chose to purchase the car it would be a good addition to the fire department for use as a first responder vehicle. This would enable the fire department to leave first responder gear in the car making it immediately available and ready-to-go. Presently Chief Nasalroad uses his personal vehicle which requires him to first retrieve the gear before actually responding. There have been times he has driven by the scene en route to retrieve the first responder equipment.

Minutes: Year = 2009

April 08, 2009 Special Meeting

The vehicle best suited to the Fire Department's needs is a 2001 Ford Crown Vic. Mileage is approximately 68,000 to 69,000. The vehicle is equipped with a complete set of emergency lights. Price = \$2400.00

✓ *Motion to Purchase 2001 Ford Crown-Vic from City of Richmond, Kansa*

Council Member Turpen moved to purchase from the City of Richmond, Kansas a 2001 Ford Crown-Vic Police Car for Two Thousand Four Hundred Dollars (\$2400.00) from the Equipment Reserve Fund to be used by the Fire Department. Motion was seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:11 p.m.

ADJOURNMENT:

✓ *Motion for Adjournment*

Council Member VanVlack moved to adjourn the special meeting. Motion seconded by Council Member Turpen, voted on, passed 5-0.

The meeting was adjourned at 7:12 p.m.

I, _____ LaCygne 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 8th day of April, 2009.

April 15, 2009 Regular Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, April 15, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Joe Turpen; Michael Van Vlack; and Terry Weitman. Council Member Robert Sullivan arrived at 7:27 p.m.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Council Member Elect Travis Robbins; Council Member Elect Jake Fleming; LeRoy Turpen; Judy Kinder; Linda Meisel; Jodi Wade; Harley Wade; Fireman Tommy Capp; Fireman Danny Curtis; Tiffany Boone; Lonnie LawRance; Denise Cassels; and Craig Cassels.

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

PUBLIC HEARING – AMEND PARK & POOL 2009 BUDGET:

Mayor Smith called the public hearing to order at 7:06 p.m. Purpose of hearing was to amend the 2009 Park & Pool Budget allowing for the expenditure of funds on hand. The original budget was for expenditures of \$67,715. The amended budget would allow for expenditures of up to \$118,788. The extra cash is on hand because a major shelter house project was not completed in 2008 and the unspent funds carried over into 2009 without being budgeted for expenditure in 2009.

No comments were received for citizens in the audience.

Minutes: Year = 2009

April 15, 2009 Regular Meeting

✓ *Motion to Amend 2009 Park & Pool Budget*

Noting no objections were received and that expected 2008 expenses would not occur until 2009 creating a larger than expected cash carry over, **Council Member Weitman moved to amend the Special Park & Pool Budget allowing for expenses to increase from \$67,715 to \$118,788. Motion was seconded by Council Member VanVlack, voted on, passed 4-0.** Time: 7:06 p.m.

MAYOR'S COMMENTS:

- ❖ Read Thank You from Edith Ross family for memorial donation
- ❖ Recognized Officer Will Dean's 1st Anniversary with the City of LaCygne
- ❖ Recognized outgoing Council Member Joe Turpen and Thanked Him for his Dedicated Service
- ❖ Emphasized the need to use respect when communicating complaints and concerns
 - Mayor and Council will listen
 - But will not act unless complaints are in writing and signed
 - Council trying to move LaCygne forward
 - Not always to everyone's liking or as fast as desired
 - Citizens & Council Members are requested to use proper forms when registering complaints

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Minutes of April 01, 2009 City Council Meeting
Minutes of April 08, 2009 City Council Special Meeting
Check Register: April 02 thru April 15, 2009
Treasurer's Report: March 2009
Budget Report: March 2009
Financial Statement: 1st Quarter 2009

Motion seconded by Council Member Boone voted on, passed 4-0. Time: 7:12 p.m.

DISCUSSION FROM THE FLOOR:

Lonnie LawRance – Gas Pipe Damage/Leak

- ❖ Lonnie LawRance questioned amount of a bill he received from the city as a result of damages for accident on November 12, 2007
- ❖ Statement total = \$540.74
 - Includes loss of 41 mcf of gas = \$447.80
 - Includes overtime wages for 2 men for 2 hours = \$78.90
 - Penalties & Late Fees = \$14.04
- ❖ Lonnie felt statement was too high
 - Stated that Councilman Boone said it should not be over \$250
 - Councilman Boone stated that he was only stating what another citizen had been charged for the same type of accident
 - Stated that 41 mcf of gas could not have passed through in the amount of time the gas was leaking
 - Councilman Weitman noted that a time frame obtained from police report indicated that the leak had been in excess of 20 minutes and at 30 lb pressure a 1-1/4" line would have leaked at least 41 mcf and probably more.
 - Lonnie noted he had not seen the police report
 - Lonnie stated that Police Reports from La Cygne were not worth anything
- ❖ Lonnie noted that after leak was fixed, the gas pipe is still 2" to 3" above ground
 - He does not consider this to be an acceptable repair

No action taken by Council.

Minutes: Year = 2009

April 15, 2009 Regular Meeting

REPORTS OF CITY OFFICERS:

Police Chief James Dean

Taser Gun Purchase Requests This item was continued from previous meeting.

- ❖ Chief Of Police James Dean presented council with price quotes for taser guns
 - X263 w/Taser Cam & accessories = \$1496.30
 - Taser without Taser Cam = \$1054.30
- ❖ Councilman Turpen noted that originally opposed, he was reconsidering
 - Had read a communication from another law enforcement officer that gave reasons and justification for the taser guns.

✓ *Motion to Approve Purchase of Taser Guns*

Council Member Turpen moved to purchase a Taser Gun with camera at a cost of One Thousand Four Hundred Ninety Six and 30/00 Dollars (\$1496.30) Motion died for lack of second. Motion failed. Time: 7:26 p.m.

Council Member Robert Sullivan arrived at 7:27 p.m.

Amend Code 5-302 – False Alarms This item was continued from previous meeting.

COP Dean requested that Code 5-302 be amended.

- ❖ Alarm users would be allowed only two (2) chargeable false alarms in a ninety (90) day period.
 - Currently they are allowed two (2) in one calendar month
- ❖ The fine for violations would increase from \$50 to \$150 for each chargeable false alarm
- ❖ Add a new subsection stating that business owners complete alarm report within three (3) days or face a fine.
- ❖ COP Dean noted that one business had 5 alarms in 60 days and 7 alarms in 90 days
 - All were unfounded and owners do not respond if police has premises secured
- ❖ Several businesses in town have alarms
- ❖ Council feels this is a service that City should provide
 - Part of taxes paid by businesses is for police security
- ❖ Mayor and Council suggested writing letter to businesses encouraging cooperation
- ❖ If no cooperation received then city may have to pursue other alternatives
- ❖ Alarm reports are to be filed by property owners within 3 days
 - Police Dept. not receiving them

It was consensus of Council not to make any changes at the present time

C.O.P.S. Grant

- ❖ Has been accepted for review
- ❖ Will receive answer on award in September

Fire Department – Tommy Capp

First Response Vehicle

The 2001 Crown Vic purchased from the City of Richmond had arrived. Looks good and runs good.

MAYOR'S COMMENTS:

- ❖ Recognized outgoing Council Member Robert Sullivan and Thanked Him for his Dedicated Service

Minutes: Year = 2009

April 15, 2009 Regular Meeting

STANDING COMMITTEE REPORTS:

Cemetery

- ❖ Council Member Boone noted that the entrance gates to original cemetery had been taken down. They will be Sandblasted and repainted.
- ❖ Drainage tubes are here and construction on road for newest part of cemetery will commence when weather clears and dries up
- ❖ Newest section of cemetery is being staked off by Don Long and Lonnie Farmer

STANDING COMMITTEE REPORTS:

Special Pool Project

Park Board Chairman Jodi Wade Reported:

- ❖ June 23rd is date set for sales tax question ballot/election
 - Originally thought cost of election would be \$1,000 +
 - Actual cost will be around \$2200
- ❖ Committee also looking into renovation costs
 - 1st estimates show a minimum of \$400,000 to \$500,000
- ❖ June 23rd is the Vote Date

UNFINISHED BUSINESS:

Man lift – Backhoe - VanVlack

- ❖ Budget Attachments has man lifts available
 - Mike did not know Budget Attachments had the man lifts when purchasing the forks
 - City had originally planned to build its own man lift
 - Cost from Budget = \$1,000
 - OSHA Approved, Painted, with Safety Equipment

✓ *Motion to Purchase Man Lift from Budget Attachments*

Council Member VanVlack moved to purchase a man lift from Budget Attachments for One Thousand Dollars (\$1,000.00). Motion was seconded by Council Member Boone. Discussion: Council Member Weitman stated that he felt the man lift was very much needed to improve over all safety. He noted the dangers of having employees lifted to working heights by means of the backhoe bucket. **Motion was then voted on, passed 5-0.** Time: 7:44 p.m.

NEW BUSINESS:

Medical Clinic Open House

Council Member Turpen announced that a Grand Opening/Open House would be held at the new medical clinic from 4:00 p.m. to 6:00 p.m., Wednesday, May 19th. Since its opening, the clinic has gained new patients. The new furniture has arrived also.

KMGA Board Meeting Attendance – May 7, 2009

City Clerk Mahon informed Council that either Jerome Moore or himself would possibly attend the KMGA board meeting in Wichita on May 7th if there were objections from Council. No objections.

Minutes: Year = 2009

April 15, 2009 Regular Meeting

Ponzer – Youngquist Final Bill

Final engineering bill was received from Ponzer-Youngquist

City Clerk Mahon asked if O.K. to cut check

- Council noted problems with fence on south side
 - Bean stubble washing against it causing it to lean
- ❖ "Keep Out" signs were not in original specs so city will order and install them
- ❖ Council asked City Clerk to contact Ponzer-Youngquist about fence problem before issuing final check

Gravel for Elm Street Meisel Request

Fred & Linda Meisel requested gravel for a portion of Elm Street

- ❖ That portion of Elm extending eastward from intersection of 9th and Elm
 - Street is platted but current status is: unimproved
 - Meisels were not sure of city policy and did not want to do something wrong
 - Want to gravel a strip on platted segment enabling them to get to a shop east of their house
 - Meisel's would consider all options including cost share
- ❖ Council agreeable to project
 - Felt should start with 3" base, allow to set, then top with smaller rock
 - Council consensus to gravel a portion of the unimproved section starting with 3" base rock

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for up to forty (40) minutes, following a ten (10) minute break for Personnel & Legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:57 p.m.

Those requesting a portion of time or being invited into the executive session included: Police Chief James Dean and City Clerk Gary Mahon.

Open Session Resumed at 8:47 p.m.

OTHER BUSINESS:

Hire Paul Filla for Police Department – Part Time

✓ *Motion to Hire Paul Filla for Part-Time Police Officer*

Council Member Van Vlack moved to hire Paul Filla as part-time police officer beginning May 01, 2009 at Ten Dollars (\$10.00) per hour. Motion seconded by Council Member Boone, voted on, passed 4-0-1. Abstained:Turpen Time: 9:18 p.m.

CITY CLERK'S REPORT:

Verbal: None

Written:

- h) Thank You to Joe & Robert
- i) Public Hearing – Amend 2009 Park/Pool Budget
- j) Lonnie LawRance
- k) Taser Guns & False Alarms
- l) KMGGA Board Meeting Attendance
- m) Ponzer-Youngquist Final Bill

Minutes: Year = 2009

April 15, 2009 Regular Meeting

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Records: March 2009
- b] Water Records: March 2009
- c] Minutes of Planning Commission: April 09, 2009

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member VanVlack moved to adjourn the meeting. Motion seconded by Council Member Sullivan, voted on, passed 5-0.** The meeting was adjourned at 8:50 p.m.

I, _____ LaCygne 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 15th day of April, 2009.

May 06, 2009 Regular Meeting

OATH OF OFFICE:

Prior to opening the meeting, City Clerk Gary Mahon administered the Oath of Office to newly elected Council Members Jake Fleming, Travis Robbins, and Terry Weitman.

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, May 06, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; City Treasurer Linda Elder; Police Chief James Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Public Works Jim Johnson; Police Officer Will Dean; Park Board Chairman Jodi Wade; Connie Schlezner; Judy Kinder; Joe Turpen; LeRoy Turpen; Richard Marsh; Tiffany Boone; Mike Gilliland; Scott & Dawn Waisner; Christina Brown; Fireman Tommy Capp; Bryan Turpen; Mr. & Mrs. Claude Warren; Fred & Linda Meisel; Betty Bullock; Boy Scout Leader Larry Pope and four members of the local scout troops.

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

NEW YEAR ORGANIZATION:

Council had previously been presented with a prepared list of annual appointments. Mayor Smith noted the following changes to the original submitted list: move Jerry Boone from park committee to community building committee; move Jake Fleming from community building committee to park committee; and insert Claude Warren as appointee for Municipal Judge. The new list (with changes) of annual appointments included:

City Clerk – Gary Mahon;
City Attorney – John Sutherland;

City Treasurer – Linda Elder;
Fire Chief – Dan Nasalroad;

Chief of Police – James Dean;

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May 06, 2009 Regular Meeting

Municipal Judge – Claude Warren; Codes Officer/Zoning Administrator – James Dean;
Public Health Officer – James Dean; Council Representative to Park Board – Travis Robbins.

Official City Newspaper – *Linn County News*

Planning Commission (3 year terms) – Don Wagner, Bob Burnett, and Linda Meisel

Zoning Appeals Board – Don Wagner (3 year term), Ken McClanahan (3 year term), and Steve Hisel (1 year term).

Standing Committee Appointments:

Water & Gas	Mike VanVlack & Travis Robbins
Street	Terry Weitman & Jake Fleming
Sewer	Jerry Boone & Terry Weitman
Park	Jake Fleming & Travis Robbins
Cemetery	Mike VanVlack & Jerry Boone
Public Safety	Mike VanVlack & Terry Weitman
Community Building	Jerry Boone & Travis Robbins
Employee Relations & Training	Travis Robbins & Jake Fleming

✓ *Motion to Accept Annual City Officer Appointments*

Council Member Weitman moved to accept the annual appointments of City Officers as presented. Motion was seconded by Council Member Boone, voted on, passed 5-0. Time: 7:05 p.m.

Mayor Smith introduced new Municipal Judge Appointee, Claude Warren, to the Council and audience and Thanked him for accepting the appointment.

✓ *Motion to Designate Official City Newspaper*

Council Member VanVlack moved to designate the *Linn County News* as the official city newspaper. Motion was seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:06 p.m.

✓ *Motion to Accept Annual Planning Commission Appointments*

Council Member Weitman moved to accept the annual appointments of Planning Commission Members as presented. Motion was seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:06 p.m.

✓ *Motion to Accept Annual Zoning Appeals Board Appointments*

Council Member VanVlack moved to accept the annual appointments of Zoning Appeals Board Members as presented. Motion was seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:07 p.m.

✓ *Motion to Accept Annual Standing Committee Appointments*

Council Member Robbins moved to accept the annual appointments of Standing Committee appointments as presented. Motion was seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:07 p.m.

Minutes: Year = 2009

May 06, 2009 Regular Meeting

Resolution #327 – Waiver from Certain Accounting Procedures

✓ *Motion to Approve Resolution No. 327*

Council Member VanVlack moved to approve Resolution No. 327. Motion was seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:08 p.m.

Resolution #328 – Authority to Pay Payroll and Certain Bills Early

✓ *Motion to Approve Resolution No. 328*

Council Member VanVlack moved to approve Resolution No. 328. Motion was seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:09 p.m.

Elect Council President

✓ *Motion to Appoint Mike VanVlack Council President*

Council Member Boone moved to appoint Mike VanVlack as Council President. Motion was seconded by Council Member Fleming, voted on, passed 4-0-1. (Abstained: VanVlack)

Time: 7:08 p.m.

MAYOR'S COMMENTS:

Mayor Smith introduced Boy Scout Leader Larry Pope and four members of the local Boy Scout Troops. The scouts reported on their recent activities in conjunction with promoting a green environment. The Scouts have planted trees in the park and picked up trash from city streets during the past few days. The scouts are currently collecting aluminum cans which can be left at the Waisner residence. Currently there are 20 boys participating in LaCygne Boy Scouts. Mayor Smith, Council, and audience expressed their appreciation to the scouts for their civic minded projects.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Weitman moved to approve the consent agenda which consisted of:

Minutes of April 15, 2009 City Council Meeting

Check Register: April 16 thru May 06, 2009

Motion was seconded by Council Member VanVlack voted on, passed 5-0. Time: 7:18 p.m.

DISCUSSION FROM THE FLOOR:

Betty Bullock (Hillside Drive) – Sewer Concerns

- ❖ Recent problems with sewage backing up behind her home
- ❖ City Sewer has had to be cleaned twice in the past three weeks
 - Betty concerned with cost to city
 - Encouraged City to find problem and correct
- ❖ Originally thought it was her problem
 - Betty was going to have her line dug up
 - Public Works Employee Jerome Moore requested she wait until problem verified
 - Camera was run through her line showing no problems
 - It was city sewer backing up into her basement
- ❖ Betty grateful to Jerome Moore for his assistance and advice
- ❖ Council Member VanVlack reported that City thinks it has discovered problem
 - Will attempt to correct problem when weather dries up

Minutes: Year = 2009

May 06, 2009 Regular Meeting

Richard Marsh – Utility Meter Readings/Billings

Per Richard Marsh:

- ❖ Utility Billing problems the past three months
- ❖ Normal Billing is around \$18 to \$30 per month
 - Jan Bill = \$16.36
 - Extra people living at house
 - Feb Bill = \$100.54
 - Only two people at house
 - Mar Bill = \$79.70
- ❖ Requested City to calculate average and reimburse difference
- ❖ Noted that gas bills had been high due to some errors
 - Units 2, 3, & 6 all had been billed for the same amount of usage the same month

Per Linda Elder:

- ❖ Average water usage had been 5300 gal per month for a six month period
- ❖ Average water usage was 6700 gal per month for the following period up until when a meter was changed in August 2008
- ❖ Average water usage was 5900 gal per month from Sept 08 through the last bill
 - This includes the high numbers of the last two billings
- ❖ It is not known why meter readings show low usage for a few months then high usage the past 2 to 3 months
 - Average monthly usage remains stable
- ❖ Noted an error the City made on Mr. Marsh's gas billing the previous month that will be corrected

Mayor Smith requested City Clerk Mahon to provide him with a more complete set of numbers. After review either Mr. Smith or Mahon will call Mr. Marsh.

REPORTS OF CITY OFFICERS:

City Attorney John Sutherland

Conference Attendance Requests

City Attorney's Association of Kansas Spring CLE
Overland Park Convention Center – June 5th - \$50 Registration

- ✓ *Motion to Approve Attendance at City Attorney's Conference*

Council Member VanVlack moved to send John Sutherland to the City Attorney's Association Conference on June 5th and pay registration of \$50 plus other customary associated costs. Motion was seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:33 p.m.

Police Chief James Dean

Taylor Condemnation 114 W. Market

- ❖ Sixty (60) day time period for Taylor to demolish and remove house has expired
- ❖ Need Decision From Council
 - City Tear Down? Or Bid Out?

- ✓ *Motion to Advertise for Bids to Demolish/Remove House at 114 W. Market*

Council Member VanVlack moved advertise for bids to demolish and remove the house at 114 W. Market with bids to be open at Council's first meeting in June scheduled for

Minutes: Year = 2009

6/03/2009. Motion was seconded by Council Member Robbins, voted on, passed 5-0. Time:
7:38 p.m.

Training Requests

- ❖ 1. Train the Trainer
 - Racial Profiling Update
 - Will enable Chief Dean to train local officers
 - May 18th – Mission, Kansas
 - No registration costs
 - Costs = wages & fuel
- ❖ 2. Simmons Ammunition & Firearms Demonstration
 - May 29th – Mill Creek Firing Range - Spring Hill, KS
 - Lunch Provided
 - No registration costs

✓ *Motion to Approve Attendance at Train the Trainer*

Council Member VanVlack moved to authorize Chief Dean to attend the Train the Trainer class May 18th in Mission, KS. Motion was seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:40 p.m.

✓ *Motion to Approve Attendance at Simmons Firearms Demonstration*

Council Member VanVlack moved to authorize Chief Dean to attend the Simmons Ammunition and Firearms demonstration at Mill Creek Firing Range Northwest of Spring Hill on May 29th. Motion was seconded by Council Member Weitman, voted on, passed 5-0.

Time: 7:42 p.m.

Update on Codes Activities

- ❖ Midwest Glycol has been sent certified letters to fill in excavation and cut grass at their location in the Industrial Park
 - Message also left on voice mail
 - Message also sent by email
 - Response received to the email
 - John Sutherland to check on next step and report later in meeting
- ❖ COP Dean reported on 602 Chestnut
 - Property not cleaned up – will start proceedings
- ❖ Property at 112 S 7th
 - Went to bankruptcy
 - Now back to original owner
 - Checking to determine who legal owner of property is

Public Works Department – Jerome Moore

- ❖ Hach Service Contract Proposal
 - 1 year = \$5,014.00
 - Hach will service and examine water plant equipment
 - City has utilized this service in the past

Note: Council Member Boone left meeting at 7:48 p.m. (Cell Phone Call) and returned later.

✓ *Motion to Approve Hach Service Contract*

Minutes: Year = 2009

Council Member Robbins moved to approve the Hach Service Contract in the amount of Five Thousand Fourteen Dollars (\$5014.00). Motion was seconded by Council Member VanVlack, voted on, passed 4-0. (Boone Absent) Time: 7:50 p.m.

Fire Department – Chief Dan Nasalroad

- ❖ Fire Hydrant Testing
- ❖ Planning to test hydrants in City
 - Flow, pressure, etc
- ❖ Will need to do advance notice to public
 - To Warn of discoloration, etc
 - Flyers throughout City
 - Newsletter
- ❖ Consensus of Council to allow the hydrants to be tested

STANDING COMMITTEE REPORTS:

Cemetery

- ❖ Council Member Boone Reported:
- ❖ Cemetery Mowing got a little behind schedule due to wet weather
- ❖ Kansas Works employees were mowing and weed eating to help catch up
- ❖ Kansas Works program originally scheduled to go until June 30th
- ❖ A Citizen in LaCygne complained to Kansas Official
- ❖ Program now ending on May 15th
- ❖ Council Member Boone thanked Kansas Works
 - Good Program
 - Work performed all over town
 - Including his own property
 - One of biggest flood victims in LaCygne
- ❖ Program cost City nothing in wages
- ❖ Cost to City was for equipment & fuel
- ❖ Sorry that workers being let go earlier than planned

Community Building

- ❖ Council was provided with diagram of leaks
- ❖ City Clerk had contacted contractor
- ❖ City Clerk also directed to contact sub-contractor who had sealed the roof

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 329 – Authorizing and Calling of Special Election for Swim Pool Sales Tax

Town Hall meetings are being held to explain/promote the Swim Pool Sales Tax referendum. Park Board Chairman Jodi Wade indicated that the meetings have been going well.

✓ *Motion to Approve Resolution No. 329 Calling for a Special Election June 23rd*

Council Member Weitman moved to approve Resolution No. 329 calling for a special sales tax election on June 23, 2009. Motion was seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:00 p.m.

Surplus Equipment Bids

Bids were opened and read for surplus equipment. No bids were received for the following items: Wehlen Strobes; Miscellaneous Holsters, etc; Old Uniforms; Deli Computer & Monitor; HP Scanner; and the HP Printers.

The following bids were received:

2000 Chevrolet 1 Ton:	Larry Erickson	\$1150.00
	Matt Regge	\$ 600.00

Animal Trap:	Jim Johnson	\$ 15.00
	Steve Hisel	\$ 55.00

ExMark Mower:	Terry Weitman	\$ 777.77
	Jim Johnson	\$1050.00
	Richard White	\$ 800.00
	Mike Gilliland	\$ 616.00
	Jim McCammon	\$ 753.00

✓ *Motion to Accept Bid on 2000 Chevrolet 1 Ton*

Council Member VanVlack moved to accept the bid of One Thousand One Hundred Fifty dollars (\$1150.00) from Larry Erickson for the Chevrolet 1 ton. Motion was seconded by Council Member Boone, voted on, passed 4-1. (Opposed: Robbins) Time: 8:09 p.m.

✓ *Motion to Accept Bid for Animal Trap*

Council Member Fleming moved to accept the bid of Fifty One Dollars (\$51.00) from Steve Hisel for the animal trap. Motion was seconded by Council Member Boone, voted on, passed 5-0. Time: 8:11 p.m.

✓ *Motion to Accept Bid for ExMark Mower*

Council Member VanVlack moved to accept the bid of One Thousand Fifty Dollars (\$1050.00) from Jim Johnson for the ExMark mower. Motion was seconded by Council Member Boone, voted on, passed 3-2. (Opposed: Robbins & Weitman)

Thank You from Linda Meisel

Linda Meisel thanked public works and council for the quick response and gravel on Elm Street.

Bleachers at Elementary School Ball Park

- ❖ Bleachers at ball fields at elementary school had been given to the city in April 2006
 - Were given by Prairie View USD 362
- ❖ Bleachers need repairs
- ❖ Mike DeMott on behalf of LaCygne Softball Association had asked that City give bleachers to Softball Association
 - They have purchased materials to repair the bleachers

✓ *Motion to Give Bleachers to LaCygne Softball Association*

Minutes: Year = 2009

Council Member Weitman moved to donate the bleachers to the LaCygne Softball Association. Motion was seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:15 p.m.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Weitman moved to go into executive session for up to sixty-five (65) minutes, following a ten (10) minute break for Personnel & Legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:18 p.m.

Those requesting a portion of time or being invited into the executive session included: Police Chief James Dean and City Clerk Gary Mahon.

Executive Session Extended

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to extend the executive session for up to five (5) minutes for personnel. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 9:33 p.m.

Open Session Resumed at 9:38 p.m.

OTHER BUSINESS:

Hire Patti Endecott as Part-Time City Hall Help

✓ *Motion to Patti Endecott as Part-Time City Hall Help*

Council Member Robbins moved to hire Patti Endecott for part-time help in City Hall as needed (max 20 hours per week) under the direction of City Clerk Gary Mahon. Motion was seconded by Council Member Weitman, voted on, passed 4-1. (Opposed: Boone) Time: 9:40 p.m.

CITY CLERK'S REPORT:

Verbal: None.

Written:

- n) New Year Organization
- o) Discussion from the Floor – Betty Bullock
- p) Condemnation of Taylor Property
- q) Training Request & Invitation to Firearms & Ammo Demo – Chief Dean
- r) Hach Service Contract
- s) Community Building Leaks
- t) Resolution No. 329 – Authorizing and Calling of Special Election
- u) Surplus Equipment Bids

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Certification of Election Results

Minutes: Year = 2009

ADJOURNMENT:

✓ Motion for Adjournment

There being no further business, **Council Member VanVlack moved to adjourn the meeting. Motion seconded by Council Member Fleming, voted on, passed 5-0.** The meeting was adjourned at 9:42 p.m.

I, _____ LaCygne 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 6th day of May, 2009.

May 20, 2009 Regular Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, May 20, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; Doug Carder; LeRoy Turpen; Paul Filla; Fred Meisel; Linda Meisel; Dale McIntosh; Joe Turpen; and Brian Turpen.

Mayor Keith Smith called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

- ❖ Congratulations to Medical Board Chairman Joe Turpen for the successful grand opening of the new medical center.
- ❖ Many positive comments heard from those in attendance
- ❖ Reminder that School is Out – Watch for kids out playing
- ❖ Noted that he has received a very large number of high grass & weed complaints
 - No more excuses. Weeds must be cut

CONSENT AGENDA:

✓ Motion to Approve Consent Agenda

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of May 06, 2009 City Council Meeting
Check Register: May 06 thru May 20, 2009
Budget Report: April 2009
Treasurer's Report: April 2009

Motion seconded by Council Member Robbins voted on, passed 5-0. Time: 7:07 p.m.

REPORTS OF CITY OFFICERS:

Police Chief James Dean

- ❖ Recent Training Conference in Topeka was a success
- ❖ Codes
 - 602 Chestnut owner has requested city to clean up and put bill on tax rolls

Minutes: Year = 2009

May 20, 2009 Regular Meeting

- Will confer with City Attorney Sutherland on legalities
- Midwest Glycol property is being mowed, pit has been pumped out, fence installed around pit, and will be filled in as soon as ground dries further
- 112 S. 7th Mr. Carr trying to obtain clear deed so demolition can proceed

Public Works – Jerome Moore

Safety Chlorine School

- ❖ Request permission for Art Terry to attend Chlorine Safety Class in Iola on June 11th
 - Had originally been listed in error as Salina on June 9th
 - No Registration Fee
 - 5 Hours water certification credit

✓ *Motion to Authorize Attendance at Chlorine Safety Class*

Council Member VanVlack moved to send Art Terry to Chlorine Safety Class at Iola, Kansas on June 11th. Motion was seconded by Council Member Weitman, voted on, passed 5-0.

Time: 7:12 p.m.

City of Parker Request for Mosquito Spraying

Jerome Moore informed Council that the cost to spray mosquitoes for the City of Parker would range from a minimum \$530 to possibly \$600 if there are increased costs for fuel, chemical, etc. over the summer. This represents the total cost for all 3 requested sprayings.

✓ *Motion to Assist City of Parker in Mosquito Spraying*

Council Member Weitman moved to present the City of Parker with the cost quotes and honor them if the City of Parker accepts and wishes to proceed. Motion was seconded by Council Member Boone, voted on, passed 5-0. Time: 7:14 p.m.

STANDING COMMITTEE REPORTS:

Park

- ❖ Council Member Robbins reported of standing water problem between Jerry Stanley property and north side of Bittiker Park.
 - Ground not draining and leaving standing water
 - Council Member Boone suggested blading the area then reseeding
 - Volunteered to do the work
 - Adding more dirt suggested
 - Sometimes just moves pocket of water to other areas
- ❖ Street Committee will look at and make recommendation

Cemetery

- ❖ Council Member Boone:
 - Cemetery looking good for Memorial Weekend
 - Ladies of Oak Lawn Cemetery Association have the entrance gates repainted and public works will assist them in re-hanging at the entrance to old part of cemetery
 - Public Works also helped install the merry-go-round in the park yesterday

Community Building

- ❖ Noted that City had not received response from Contractor regarding Community Building leaks.
- ❖ Council Member Boone asked City Clerk to Contact person who put on the sealant

Minutes: Year = 2009

May 20, 2009 Regular Meeting

- City Clerk Mahon noted that the main contractor had been contacted and Mahon not sure if City had info on the subcontractor but would try to find.

UNFINISHED BUSINESS:

Council Member Boone suggested that Council consider raises for some employees who had not received one in the past year. Mayor Smith noted that he had intended to address that very subject later in the meeting after discussing in executive session.

NEW BUSINESS:

Ditch Maintenance – Council Member Robbins

Council Member Robbins noted increasing problems with backed up and overflowing ditches after a rain. Question: Who is responsible for maintaining water flow through ditches? City? or Residents?

- ❖ Individual Residents would be maintaining flow differently
 - Hiring different contractors
 - Digging at different depths
- ❖ Proper water flow necessary to maintain road beds
 - Overflowing water will seep under black top and weaken the road
- ❖ Noted that public works has been encouraged for several years to observe and list ditches that need work
- ❖ Noted that when culverts need replacing, the cost is borne by the owner
 - Discussed possibility of some owners not being able to afford new culvert
 - Will address that problem if and when it happens
- ❖ Noted that property owners are in charge of sidewalk costs and mowing ditches
 - Felt city should be in charge of maintaining water flow in ditches
- ❖ The Mayor and each of the 5 council members confirmed that it is the responsibility of the City to maintain water flow throughout the city's ditches.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Weitman moved to go into executive session for up to forty-five (45) minutes, following a ten (10) minute break for Personnel & Legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:35 p.m.

City Clerk Gary Mahon informed the press that during executive session a speaker phone would be used to visit with Attorney Mike Shultz.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: City Clerk Gary Mahon.

Executive Session Extended

✓ *Motion to Extend Executive Session*

Council Member VanVlack moved to extend the executive session up to ten (10) minutes, for Personnel. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:31 p.m.

Open Session Resumed at 8:41 p.m.

OTHER BUSINESS:

Pay Raises

✓ *Motion to Authorize Pay Raises for Jerome Moore, Jim Johnson, and Bill Craven*

Council Member Fleming moved to give pay raises to Jim Johnson and Jerome Moore of 50 cents (\$.50) per hour and a pay raise to Bill Craven of twenty-five cents (\$.25) per hour. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 8:43 p.m.

CITY CLERK'S REPORT:

Verbal: None

Written:

- v) Gas Records: April 2009
- w) Notice of Public Hearing for Zoning Change – McElreath
- x) Specs for Demolition of Taylor Property

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Records: April 2009
- b] Notice of Public Hearing for Zoning Change – McElreath
- c] Specs for Demolition of Taylor Property

Council Member VanVlack inquired as to certain parts of the Demolition Specs including:

- ❖ Noted the City would be disconnecting some of the utilities
 - The specs keep the responsibility to ensure that utilities have been disconnected upon the contractor
- ❖ Noted the City could do much of the grading
- ❖ Felt the City doing some of this work might make for lower bids
- ❖ City Clerk Mahon noted:
 - Specs had been given to Mike, Jim Johnson, and Attorney Sutherland for their review
 - Changes could be made and new specs forwarded to the bidders
- ❖ Council did not want to change at this time

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member VanVlack moved to adjourn the meeting. Motion seconded by Council Member Fleming, voted on, passed 4-1.** Opposed: Boone. The meeting was adjourned at 8:49 p.m.

I, _____
(Gary D. Mahon)

LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 20th day of May, 2009.

Minutes: Year = 2009

REGULAR MEETING: **June 03, 2009**

The La Cygne City Council met in regular session Wednesday, June 03, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; and Terry Weitman. Council Member Van Vlack arrived at 7:16 p.m.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Police Officer Will Filla; Fred Meisel; Linda Meisel; Brian Turpen; Robert Sullivan; Fireman Jerome Mitzner; Jim Thompson; Jodi & Harley Wade; Deborah Thompson; and Jeff Thoele.

✓ *Motion to Appoint Temporary Chairman*
Due to the absence of Mayor Smith and Council President Mike VanVlack, **Council Member Robbins moved to appoint Council Member Weitman as temporary chairman. Motion was seconded by Council Member Fleming, voted on, passed 3-0-1.** Abstained: Weitman Time: 7:01 p.m.

Temporary Chairman (TC) Weitman called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

- ❖ City Clerk Mahon informed Council and Audience that the City had been served with a restraining order and temporary injunction which temporarily barred further action regarding the demolition of Taylor Property at 114 W. Market.
 - Attorney Sutherland reported that demolition bids, scheduled to be open during the meeting, could not be opened until the restraining order and temporary injunction are lifted.
 - Three (3) bids were received: Jim Thompson, Jeff Thoele, and Brad Aust
 - Bidders present were: Jim Thompson & Jeff Thoele
 - In agreement with bidders present, the city will keep submitted bids on file and unopened until further notice

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Robbins moved to approve the consent agenda which consisted of:
Minutes of May 20, 2009 City Council Meeting
Check Register: May 21 thru June 03, 2009
Motion seconded by Council Member Boone voted on, passed 4-0. Time: 7:08 p.m.

NEW BUSINESS:

Temporary Chairman Weitman moved "New Business" items involving City Auditor Terry Sercer to beginning of meeting to accommodate Mr. Sercer's lengthy travel distance.

2008 Audit Report

Terry Sercer of Diehl, Banwart, Bolton, CPA's, P.A. reported on the annual audit

- ❖ Each Council Member was presented with a copy of the audit
- ❖ Housing Authority financials are not included
- ❖ There were no Violations
- ❖ Gas Utility Statute was not met
 - Statute Reserve requirement of \$197,300 was not met
 - Cash reserves to pay bills were adequate

Minutes: Year = 2009

- ❖ Management Letter **June 03, 2009**
 - Encourages Council to be aware of and look for uncommon receipts coming in such as insurance proceeds and grants.
 - Encourage Council to take close look at monthly bills and payments
 - Complimented Council and doing a good job of this
- ❖ Council did not have any questions for Mr. Sercer

Council President Van Vlack arrived at 7:16 p.m.

Contract- Rural Water Litigation – Diehl, Banwart, Bolton, CPA's

Council reviewed proposed contract to provide services for upcoming Rural Water litigation

- ❖ Attorney Sutherland noted that costs were not cited in the contract
- ❖ Mr. Sercer Responded:
 - Cannot Give Total Costs
 - How many hours for depositions?
 - How many hours for actual court?
 - Mileage?
 - Can Give Rates
 - Partner Charges = \$140 per hour
 - Sercer's Charges = \$120 per hour
 - Staff Charges = \$50 - \$60 per hour
- ❖ Mr. Sercer will issue new proposal to include estimates
- ❖ Contract will be presented at the June 17th meeting.

REPORTS OF CITY OFFICERS:

Police Chief James Dean

Kids – Drug Safety Initiative

- ❖ Community Safety Net provides drug awareness education geared toward children
 - City has approximately 185 kids ages 9 thru 12
 - Program consists of safety book and test on CD
 - Seeking sponsorships
 - Several area businesses have signed up
 - Police Chief Dean asking City to sponsor ten (10) at cost of \$159.45

✓ *Motion to Sponsor Kids Community Safety Net Program*
Council Member Weitman moved to sponsor ten kids in the Kid's Community Safety Net program at a cost of \$159.45. Motion was seconded by Council Member Boone, voted on, passed 5-0. Time: 7:32 p.m.

Codes Report

- ❖ Worked eight (8) new cases in last three (3) days
- ❖ 602 Chestnut
 - Cleaning up and shed torn down
 - Several more loads to go to Prescott
- ❖ Several tall grass reports
 - 90% have complied – most were done without having to be notified

Minutes: Year = 2009

June 03, 2009

Police Chief Dean reported that car 302 was in the shop again. Problem is probably with transmission this time.

Public Works – Jerome Moore

River Pump Meter Replacement

- ❖ River Pump Meter has quit working
- ❖ C.A. Curtis of Curtis Instrumentation checked the meter
 - Electronics are out and cannot be replaced without returning to factory for total refurbish
 - Cost & time is better to replace rather than repair
- ❖ Cost = \$4349.80 for new meter and \$2250.00 for labor and installation
- ❖ Meter is needed to verify amounts of water taken from river for maintaining water rights, etc.

✓ *Motion to Purchase River Pump Meter*

Council Member Boone moved to purchase a river pump meter from Curtis Instrumentation at a cost of \$6599.80. Motion was seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:38 p.m.

Safety Chlorine School

- ❖ Request permission for Lisa Elmore to attend Chlorine Safety Class in Iola on June 11th along with Art Terry

✓ *Motion to Authorize Attendance at Chlorine Safety Class*

Council Member Robbins moved to send Lisa Elmore to Chlorine Safety Class at Iola, Kansas on June 11th. Motion was seconded by Council Member Fleming, voted on, passed 4-0-1.

Abstained: Boone Time: 7:12 p.m.

Fire Department – Fire Chief Nasalroad

Fire Chief Nasalroad announced that the Fire Department will be testing hydrants throughout the City on June 18th & 19th. Citizens may notice varying degrees of turbulence in their water during the testing periods.

STANDING COMMITTEE REPORTS:

Community Building

City Clerk Mahon reported that Lee Schmucker of Protec Industries had addressed leaks in the community building. Jerome Moore asked about the water plant roof. Mahon will contact Lee again as he forgot about the water plant roof.

UNFINISHED BUSINESS:

Richard Marsh – Utility Billing Mr. Marsh was not present at the meeting.

Minutes: Year = 2009

June 03, 2009

NEW BUSINESS:

Ordinance No. 1374 - Nuisances

- ❖ Purpose of ordinance is to add a 3rd option for abatement
- ❖ Present Ordinance requires Codes Officer to get municipal court order or resolution from council
 - Sometimes creates a time sequence of six weeks or more
 - Too long to wait for simple infractions such as tall grass
- ❖ Attorney Sutherland
 - Proposed ordinance addresses delivery of notices but does not address time line of abatement
 - Amendments need to be made to section 7-207 also
- ❖ A new proposed ordinance will be introduced at next meeting

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Weitman moved to go into executive session for up to thirty-five (35) minutes, following a ten (10) minute break for Personnel & Legal. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:49 p.m.

In addition to the Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Chief of Police James Dean.

Open Session Resumed at 8:34 p.m.

OTHER BUSINESS:

Council noted that new shelter house in Park was almost complete. Shelter House looks really nice.

CITY CLERK'S REPORT:

Verbal: Noted that check in the amount of \$7345.00 will be forwarded to the LaCygne Library. This represents the City's share of the new walk and curbing in front of the library. City had received a \$2500.00 grant from Linn County thus reducing the City's cost to \$4845.00.

Reminded Council that budget time was upon us. Please bring their wish list for 2010 to next meeting.

Written:

- y) 2008 Annual Audit
- z) Kids – Drug Safety Initiative
- aa) Contract – Rural Water Litigation – Diehl, Banwart Bolton, CPA's
- bb) Demolition Bids
- cc) Ordinance No. 1374 - Nuisances

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of Park Board Meeting: April 30, 2009
- b] Minutes of Park Board Meeting: May 28, 2009
- c] 2008 Annual Audit Report

Minutes: Year = 2009

June 03, 2009

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Boone, voted on, passed 5-0.** The meeting was adjourned at 8:37 p.m.

I, _____ LaCygne 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 June, 2009.

REGULAR MEETING:

June 17, 2009

The La Cygne City Council met in regular session Wednesday, June 17, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Jerome Moore; Fire Chief Dan Nasalroad; Park Board Chairman Jodi Wade; Linda Meisel; Judy Kinder; and LeRoy Turpen.

MAYOR'S COMMENTS:

- ❖ Food Pantry is low. Encouraged people to donate. Any and all donations appreciated.
- ❖ Thankful that City was spared from severe damage during recent storms.
 - Fire Department assisted Drexel Monday Evening
 - City sent two trucks and four men
 - Eye Opener – Reviewing City's emergency preparedness status
 - Discussion on storm shelters throughout City
 - Elementary School & Churches
 - Need to determine who is responsible for opening in bad weather

CONSENT AGENDA:

City Clerk Gary Mahon informed Council that check # 10899 and check # 10999 would be voided. One was a double payment and the other was actually a credit memo rather than an invoice.

✓ ***Motion to Approve Consent Agenda***

Council Member Weitman moved to approve the consent agenda as presented noting the two voided checks. The consent agenda consisted of:

Minutes of June 03, 2009 City Council Meeting
Check Register: June 04 through June 17, 2009
Treasurer Report: May 2009
Budget Report: May 2009

Motion seconded by Council Member VanVlack voted on, passed 5-0. Time: 7:10 p.m.

Minutes: Year = 2009

REPORTS OF CITY OFFICERS:

June 17, 2009

City Attorney John Sutherland

Attorney Sutherland reported that an answer had been filed in response to the restraining order and temporary injunction of demolition of the Taylor Property (114 W. Market). A motion to dismiss will be filed shortly.

Police Chief James Dean

Children at Play Signs – 1st & Chestnut

Chief Dean had received a request for "Children at Play" signs. Two for 1st Street and one for Chestnut. There are several children in that area whose homes have small yards. Consequently the children are frequently in the street. After discussion, Council decided to take under consideration.

Codes Report

Have received good compliance with abatements of tall grass and weeds. A couple of violators have been dragging their feet and their situations will be further addressed.

Request to Citizens For Timely Submission of Incident Reports

Chief Dean noted that lack of submission of incident reports by victims was hampering the working of cases. Even if a victim does not want to press charges, an incident report needs to be filed while the information is fresh in their minds. Waiting several weeks produces inaccurate and unclear reports from the victims.

Public Works – Jerome Moore

Clarification of City Burn Site Procedures

- ❖ Mayor noted that site was purchased to be used as a burn site for the disposal of citizen's trees, limbs, and brush.
- ❖ Jerome Moore noted that City would want to keep control of what goes into the site
 - Burn permit is only temporary and will be inspected again soon
 - Feels City should keep tight control of the site to prevent banned debris from being dumped
- ❖ City will pick up and haul to burn site only tree limbs and brush as per the burn permit requirements
 - Will haul as the City's schedule and weather conditions permit (dry yards & road to burn site)
 - City will not be responsible for cutting up limbs and fallen trees
 - May lend assistance in special or unusual circumstances
- ❖ Citizens Responsibility
 - Cut debris into manageable sizes (i.e. 4 ft lengths)
 - Place debris close to the street without placing in ditch
- ❖ City Hall will take requests and forward names, addresses, phone numbers, etc. to public works

Fire Department – Fire Chief Nasalroad

- ❖ Fire Hydrant testing starts tomorrow (June 18th)
- ❖ Might notice temporary low pressure and discoloration
- ❖ Thanks to Jake Fleming, Tommy Capp, and Robert Stifter for assisting him with the recent Drexel, MO storm emergency activities
 - Drexel, MO storm has made the department aware of the need to review and upgrade emergency procedures for the City of La Cygne.
 - Reaffirmed Council Member Van Vlack's request of adding emergency preparedness as a line item in next year's budget: \$2500 suggested

Minutes: Year = 2009

June 17, 2009

- ❖ Mayor Smith complimented Fire Dept on quick response to a home medical emergency
 - Response time was less than two minutes
 - Fire Chief's city owned vehicle helped reduce response time
- ❖ Emergency Management Suggestions
 - Equip public vehicles with radios
 - Cell phones do not always work in emergencies
 - Chain saw purchased to clear the way when trees are downed

STANDING COMMITTEE REPORTS:

Community Building

City Clerk Mahon reported that the Community Building still had four leaks. Roofers have been contacted.

Park

- ❖ New Pavilion
 - Picnic tables have been ordered
 - Pavilion appreciated by citizens
 - Recently used for family reunion – 140 people

SPECIAL COMMITTEE REPORTS:

Park Board – Jodi Wade

- ❖ Thank You to public works for assistance in providing dirt for new pavilion and other areas at park
- ❖ Shelter House by the playground has new electrical wiring
- ❖ Flag Pole is now lit at night – Bob Nickell Memorial
- ❖ Thank You to Peoples Telecommunications and Public Works for trenching and boring projects
- ❖ Bill Ross doing some painting
- ❖ Picnic tables have been ordered for the Pavilion
- ❖ Sales Tax election for new pool is next Tuesday

UNFINISHED BUSINESS:

Open Bids to Demolish Property at 114 W. Market

Restraining Order and Temporary injunction still in effect. Bids not opened.

Contract – Rural Water Litigation – Diehl, Banwart, Bolton, CPA's

Council reviewed a contract for services to assist the City in connection with litigation with Linn County Rural Water districts.

✓ *Motion to Approve Contract With Diehl, Banwart, Bolton, CPA's LLC*

Council Member Robbins moved to go approve the contract with Diehl, Banwart, Bolton, CPA's for services rendered in association with rural water litigation, voted on, passed 5-0.

Time: 7:33 p.m.

Ordinance No. 1374 – Nuisances

Attorney Sutherland has recommended changes to the Ordinance. City Clerk Mahon will make changes and the ordinance will be addressed after council returns from executive session.

Minutes: Year = 2009

June 17, 2009

NEW BUSINESS:

Resolution No. 330 – Analysis and Development of Hazard Mitigation Plan

- ❖ FEMA requesting plan of problem areas regarding hazardous events + City's plan for fixing
- ❖ County is establishing a mitigation plan
 - City can be part of county plan
 - City must submit a plan
 - EFM Consultants will write city plan under county umbrella
 - City required to pass Resolution No. 330 authorizing EFM Consultants to write plan
- ❖ No expense to City
 - Paid by Grant funded through Linn County

✓ *Motion to Approve Resolution No. 330*

Council Member VanVlack moved to adopt Resolution No. 330. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:38 p.m.

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member Fleming moved to go into executive session for up to ninety (90) minutes, following a fifteen (15) minute break for Personnel, Trade Secrets, & Legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:41 p.m.

In addition to the Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Chief of Police James Dean and City Clerk Gary Mahon.

Open Session Resumed at 8:52 p.m.

OTHER BUSINESS:

Ordinance No. 1374 - Nuisances

Council was presented with proposal of Ordinance No. 1374. Attorney Sutherland had made changes to the draft included in Council's original packet. Purpose of the ordinance is to provide another, more rapid, avenue for complying with nuisance abatements.

✓ *Motion to Approve Ordinance No. 1374*

Council Member Van Vlack moved to adopt Ordinance No. 1374. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:54 p.m.

Promotion of Jerome Moore to Public Works Superintendent

✓ *Motion to Promote Jerome Moore to Public Works Superintendent*

Council Member Robbins moved to promote Jerome Moore from Assistant Superintendent to Public Works Superintendent. Motion seconded by Council Member Weitman, voted on, passed 3-0-2. Abstained: Boone & VanVlack Time: 8:57 p.m.

Minutes: Year = 2009

CITY CLERK'S REPORT:

June 17, 2009

Verbal: Reminded Council that budget time was upon us. Please submit their 2010 wish list and will try to incorporate into the budget.

Written:

- dd) Fire Truck Payment
- ee) 'Children at Play' Signs
- ff) Taylor Property Condemnation
- gg) Auditor Contract for RWD Litigation
- hh) Ordinance No. 137 Nuisances
- ii) Resolution No. 330 Analysis and Development of Hazard Mitigation Plan

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Report: May 2009
- b] Water Report: May 2009
- c] Planning Commission Minutes: June 11, 2009

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** The meeting was adjourned at 8:57 p.m.

I, _____ LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 17th day of June, 2009.
(Gary D. Mahon)

REGULAR MEETING:

July 01, 2009

The La Cygne City Council met in regular session Wednesday, July 01, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; LeRoy Turpen; Kevin Gray; Joe Turpen; Bob Sullivan; Bill Smith; Chris Self; Jodi Wade; Harley Wade; Linda Meisel; Fred Meisel; Paul Shirley; Sharon Shirley; and Danny McElreath.

Mayor Keith Smith called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

- ❖ Happy Birthday America
- ❖ Noted that two members of the governing body would be out-of-town on the next regularly scheduled meeting date and that one member would be out-of-town the following week. Did we want to change meeting dates?
 - This would also allow more time for council to review budget and implement suggestions.

Minutes: Year = 2009

July 01, 2009

✓ *Motion to Change Next Regularly Scheduled Meeting Date*

Due to Council Member's vacation schedules, **Council Member VanVlack moved to postpone the next regularly scheduled meeting until Wednesday, July 22, 2009. Motion was seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:04 p.m.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Weitman moved to approve the consent agenda which consisted of:

Minutes of June 17, 2009 City Council Meeting

Check Register: June 18 thru July 01, 2009

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

REPORTS OF CITY OFFICERS:

CITY ATTORNEY JOHN SUTHERLAND

Motion to overturn Taylor Property restraining order and lift temporary injunction has been filed. Pre-trial conference is set for July 24th.

PUBLIC WORKS SUPERINTENDENT – JEROME MOORE

Have been burning brush for citizens.

FIRE CHIEF – DAN NASALROAD

- ❖ Emergency Management Committee had recently met
 - Storm Shelters
 - Call list has been established
 - Radios
 - Feel there is a need for a minimum of 3 radios to be placed in city owned pick-ups
 - Chief of Police James Dean reported that 3 hand held and 3 mobile radios could be purchased and installed at a cost of \$2756.69
 - If order before August 31st = total rebate of \$150
 - Present hand held radios do not work well
 - Mayor asked for more time to contemplate purchase
 - Asked public safety committee Weitman and VanVlack to review and render suggestions
 - Emergency Generator
 - Recommended for use at City Hall
 - Needed for major problems
 - Through Kansas Surplus = \$1500 to \$2500

STANDING COMMITTEE REPORTS:

CEMETERY

- ❖ Council Member Boone dissatisfied with recent appearance and upkeep of cemetery grounds.

SPECIAL COMMITTEE REPORTS:

PARK BOARD/POOL COMMITTEE – JODI WADE

- ❖ Thanks to all who worked on the new swimming pool vote project
 - Thank You to the community for voting
 - Thank You to City Hall personnel for their assistance with documents, etc.

[Note to clarify the minutes: Sales Tax vote for new swimming pool passed 76-74 on June 23, 2009]

Minutes: Year = 2009

July 01, 2009

UNFINISHED BUSINESS: None

NEW BUSINESS:

ORDINANCE NO. 1376 – IMPLEMENTATION OF 1% SALES TAX

City Clerk Mahon noted this ordinance authorized the implementation of the just passed 1% sales tax increase. The additional 1% would start being collected by city businesses on October 1, 2009.

✓ *Motion to Approve Ordinance No. 1376 – Implementation of Additional 1% Sales Tax*

Council Member Robbins moved to approve Ordinance No. 1376. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:16 p.m.

AUTHORIZATION TO SOLICIT PROPOSALS FOR MARKETING OF SWIM POOL BONDS

✓ *Motion to Authorize Solicitation of Proposals for Marketing Swim Pool Bonds*

Council Member Weitman moved to authorize City Clerk Gary Mahon, Attorney Kevin Cowan of Gilmore & Bell, PC, and the La Cygne Pool Committee to solicit proposals from firms interested in marketing bonds to finance construction of a new swimming pool. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:18 p.m.

ORDINANCE NO. 1375 – REZONING – DANNY McELREATH – MARKET & INDUSTRIAL PARK DRIVE

An ordinance to rezone property at the southwest corner of Market (K-152) and Industrial Park Drive was presented to Council. The ordinance had been forwarded to council from the planning commission (vote: 5-2-1) recommending the zoning change. If rezoned it is intention of Danny McElreath to sell the lot to Chris Self and Bill Smith who will then construct a building to operate a furniture store.

- ❖ Paul & Sharon Shirley
 - On Record that they oppose the rezoning
 - Proposed building = metal
 - Parking lot would parallel Market Street
 - Area is totally surrounded by homes
 - Area should remain zoned residential

- ❖ Chris Self, Robert Smith & Danny McElreath
 - Very little increase in truck traffic
 - Presented proto type of planned building
 - Presented diagram showing location of proposed use of the lot

After hearing comments from Council and citizens in attendance, Mayor Smith asked Council to render a decision.

✓ *Motion to Approve Ordinance No. 1375 – Rezoning at Market and Industrial Park Drive*

Council Member VanVlack moved to approve Ordinance No. 1375 allowing the rezoning. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:29 p.m.

Minutes: Year = 2009

REQUEST FOR FESTIVAL (FIESTA) DONATION

- ❖ LaCygne Festival Committee soliciting donations to help fund this year's celebration
 - No precedent – City had never been asked to donate before
 - City is the underwriter of the Festival
 - Festival income has exceeded expenses the past few years
- ❖ Linda Meisel reported
 - Unable to book a carnival this year
 - Parade will be in the evening – 6:30 p.m.
 - Will have large hay bale races
 - Encouraged council to form a team

No decision was made – place on next meeting agenda

FOOD PANTRY DONATIONS

Mayor Smith reported that the community food pantry, sponsored by the Methodist Church, was very low and in need of donations. Either non-perishable food items or monetary. After discussion, the item was tabled until next meeting.

BUDGET PREPARATION – 2010

- ❖ A first draft of the 2010 budget had been presented to Council
- ❖ City Clerk Mahon noted that information regarding evaluations, delinquency rates, etc., had not yet been received from the County
 - Such information is not usually available until after July 1st
 - Therefore any references in the first draft to mill levies or tax dollars required will not be accurate.
- ❖ Mayor Smith asked all departments to be especially frugal this year
 - Do not want to increase tax burden on citizens, but at same time
 - Do not want to decrease services
 - Everyone asked to review budget and be ready to make recommendations at the July 22nd meeting

Executive Session

✓ *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to sixty (60) minutes for personnel, legal and trade secrets, following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:49 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: City Clerk Gary Mahon and Fire Chief Dan Nasalroad.

Executive Session Extended

✓ *Motion to Extend Executive Session*

Council Member VanVlack moved to extend the executive session up to ten (10) minutes, for personnel, legal & trade secrets. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:55 p.m.

Open Session Resumed at 9:05 p.m.

Minutes: Year = 2009

OTHER BUSINESS:

July 01, 2009

FRONTENAC – DITCH TRENCHING IMPLEMENT

Council Member VanVlack reported that the City of Frontenac had assembled a device to furrow ditches. The device could be attached to their present equipment and enabled the city to uniformly furrow ditches and more easily dispose of the dirt. Mike asked permission for Superintendent Moore and himself to visit with Frontenac personnel and view the equipment. Council was in agreement to do so.

KDOT OPENING OF REST AREA ON US 69 HIGHWAY + LUNCHEON

Mayor Smith, Attorney Sutherland, Council Member VanVlack, and PW Supt. Jerome Moore will attend the opening of the new safety rest area on US 69 and the celebratory luncheon of the US 69 highway project to follow at Pleasanton High School on July 22nd. Lunch is being hosted by Koss Construction and Ideker, Inc. City Clerk Mahon was instructed to make reservations for the luncheon.

CITY CLERK'S REPORT:

Verbal: None

Written:

- jj) Implementation of 1% Sales Tax
- kk) Ordinance No. 1375 – Zoning Change
- ll) LaCygne Festival (Fiesta) Donation Request
- mm) Opening of Safety Rest Area and Completion of US 69
- nn) 2010 Budget Preparations

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of Park Board Meeting: June 25, 2009
- b] Opening of US-69 Highway & Rest Area Ceremonies
- c] July 18th Ice Cream Social Announcement

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** The meeting was adjourned at 9:11 p.m.

I, _____ LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 1st day of July, 2009.
(Gary D. Mahon)

REGULAR MEETING:

July 29, 2009

The La Cygne City Council met in regular session Wednesday, July 29, 2009 at the LaCygne City Hall. The meeting had been postponed from July 22nd due to a lack of quorum on July 22nd. Council Members present were: Jerry Boone; Jake Fleming; Mike VanVlack; and Terry Weitman. Absent: Travis Robbins.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Police Officer Will Dean; Public Works Employee Jim Johnson; Fire

Minutes: Year = 2009

July 29, 2009

Chief Dan Nasalroad; Fireman Danny Curtis; Judy Kinder; LeRoy Turpen; Devona Herrin; Jodie Wade; Fred Meisel; and Linda Meisel.

Mayor Keith Smith called the meeting to order at 7:02 p.m.

MAYOR'S COMMENTS:

- Noted that 2010 Budget needed to be completed this week to allow for publication in the August 5th newspaper;
- Read a Thank You Note from the Cub Scouts for recent use of the park , noting the nice addition of the Pavilion as well as the over all upkeep of the park;
- Reported on the dedication of the rest area and official opening of U.S. 69 highway.

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of July 01, 2009 City Council Meeting
Check Register: July 02 through July 29, 2009
Treasurer Report: June 2009
Budget Report: June 2009
Quarterly Financial Report: 2nd Quarter 2009

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

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- 1) Request to Attend 2 Training Sessions
 - a) Search and Seizure Update
 - i) August 11th
 - ii) Independence Kansas
 - iii) 4 training hours
 - iv) No registration fee
 - v) Updates of recent Supreme Court decisions affecting search and seizure
 - b) Asset Forfeiture in Kansas
 - i) August 24th
 - ii) Shawnee, Kansas
 - iii) 4 training hours
 - iv) No registration fee
 - v) Discusses seizure and forfeiture of property gained through violations of law

✓ ***Motion to Approve Training Sessions for Police Chief James Dean***

Council Member VanVlack moved to authorize sending Police Chief James Dean to both the Search & Seizure Update Training in Independence, Kansas on August 11, 2009 and the Asset Forfeiture in Kansas Training in Shawnee, Kansas on August 24, 2009. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:08 p.m.

Police Chief Dean noted that the Department's grant application through the Department of Justice did not make the first cut. However, the application remains on file for future consideration.

Minutes: Year = 2009

PUBLIC WORKS DEPARTMENT – JIM JOHNSON

July 29, 2009

- ❖ Backhoe Mishap
 - Occurred while working on a project – main damage to radiator
 - Will take 2 – 3 months to get parts and repair
 - Mayor had previously approved rental of replacement back hoe in the interim

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Mike Rodman has joined the Volunteer Fire Department
- ❖ Appointment of Linda Meisel as Emergency Preparedness Coordinator
 - Chief Nasalroad requested that a new Emergency Preparedness Coordinator be appointed
 - Recommended the appointment of Linda Meisel
 - Ms. Meisel is presently member of the Emergency Preparedness Committee

At the recommendation of Fire Chief Nasalroad, Mayor Keith Smith appointed Linda Meisel as Coordinator of LaCygne Emergency Preparedness

✓ *Motion to Approve Appointment of Linda Meisel as Emergency Preparedness Coordinator*

Council Member Fleming moved to approve the Mayor's appointment of Linda Meisel as the Emergency Preparedness Coordinator. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:17 p.m.

- ❖ Discontinuance of Elementary School as Storm Shelter
 - Noted that elementary school was no longer available to community as storm shelter
 - School citing insurance and liability concerns
 - Mayor Smith noted that Kansas Tort Claim Liability Act may protect school from being sued from bodily harm sustained during an emergency.
 - Emergency Preparedness asked to access the situation further and approach school district for possible solutions.
- ❖ Chief Nasalroad expressed his gratitude and thanks to the fire fighters who helped prepare the hamburgers and hot dogs for the July 18th Ice Cream Social and Concert. Event was a big success.
- ❖ Emergency Preparedness Regional Program
 - Requires everyone involved with program to carry a card with picture ID
 - Cannot enter scene of emergency without the card
 - Forms were presented to Mayor, Council Members, and other City Officials
 - Forms need to be turned back in by the August 19th meeting
 - Picture ID's will be taken at that time

COUNCIL COMMITTEE REPORTS:

SEWER

Council Member Boone reported that the city needs to stop accepting concrete from the river bridge demolition projects. The concrete, originally tabbed to be used for fill, contains too much rebar. Jim Johnson confirmed the difficulty, or inability, to load the concrete to haul to fill sites due to the extruding rebar. Council concurred to stop accepting the concrete.

CEMETERY

- ❖ Council Member Boone reported that the cemetery was looking good and being well kept. Noted that Bob Merriman had been working hard to bring it into shape.

Minutes: Year = 2009

July 29, 2009

SPECIAL COMMITTEE REPORTS:

PARK BOARD/POOL COMMITTEE – JODI WADE

- ❖ Request for Pool Demolition Bid Requests
 - Drawings and Specs are available at City Hall
 - Sealed bids due by 2:30 p.m. August 11, 2009
 - Date for opening bids not set yet
- ❖ Invitations for Pool Construction Bids will be out late August or early September
 - Projected completion of new pool is Memorial Day 2010
 - Mayor noted that he had visited with an individual who had looked at the plans and that the individual was impressed.

UNFINISHED BUSINESS:

LACYGNE FESTIVAL (FIESTA) DONATIONS

Council was in agreement not to donate as the City was basically the “underwriter” of the event anyway.

FOOD PANTRY DONATIONS

Noting that the Food Pantry was a praiseworthy project, Council took no action to donate at this time.

CITY BURN SITE PROCEDURES

- ❖ Public Works expressed concern about amount of time spent on hauling tree limbs and brush to the city’s burn site
 - Council designated second Friday of each month as pick-up day for limbs and brush
 - Beginning in August, 2009
 - Consideration will be given to additional pick-up days in instances of severe weather, etc.
 - Citizens are asked to contact city hall to be placed on a list for pick up

NEW BUSINESS:

WAIVER OF CITY BUILDING PERMIT FEES FOR SWIM POOL PROJECT

City Clerk Mahon asked Council to make official the waiving of permit fees for construction of the new Swimming Pool.

✓ *Motion to Waive City Fees for Construction of Swimming Pool*

Council Member VanVlack moved to waive city permit fees for the new pool project. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:35 p.m.

ORDINANCE No. 1377 – CREATION OF PUBLIC BUILDING COMMISSION

An ordinance to officially create a Public Building Commission was presented to Council.

✓ *Motion to Approve Ordinance No. 1377 – Creation of Public Building Commission*

Council Member Weitman moved to adopt Ordinance No. 1377. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:36 p.m.

Minutes: Year = 2009

July 29, 2009

APPOINTMENT OF PUBLIC BUILDING COMMISSION MEMBERS

Mayor Smith appointed the following individuals to be members of the Public Building Commission: Roger Wade; Charlie Moore; Scott Calvert; Diane Stainbrook; and Robert Blanck.

✓ *Motion to Accept Appointments to the Public Building Commission*

Council Member Weitman moved to accept the Mayor's recommended appointments to the Public Building Commission.. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:37 p.m.

KANSAS RURAL WATER TRAINING – STIMULUS FUNDS & RATE CHECKUP – IOLA – JULY 28TH

City Clerk Mahon reported that this training had already been held the day before. With approval from the Mayor, Clerk Mahon attended the session in Iola.

KANSAS ASSOCIATION FOR COURT MANAGEMENT FALL CONFERENCE

- ❖ Overland Park – Sept 24th & 25th
 - Requested by Court Clerk Linda Elder
 - Registration = \$50.00
 - 3 Meals at Conference = \$42
 - Hotel = \$107.00
 - Hotel cost to be split with City of Pleasanton

❖ *Motion to Authorize Linda Elder to attend Kansas Association for Court Management*

Council Member VanVlack moved to authorize Linda Elder to attend the Kansas Association for Court Management Fall Conference in Overland Park on September 24 & 25, 2009. Motion seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:40 p.m.

2010 BUDGET PREPARATION

Draft No. 3 of the 2010 Budget was presented to Council

- ❖ Clerk Mahon noted that in Draft No. 2 he had failed to include an adequate amount of income for Motor Vehicle Taxes in the 2009 column.
 - Correction of this error resulted in lowering the required mills to 66.017
 - This would be an increase of 3.350 mills over the 2009 budget
- ❖ To lower 2010 mil levy to the 2009 level, Clerk Mahon noted the following:
 - \$5,000 had been budgeted for transfer to each the capital improvement fund and the equipment reserve fund
 - \$10,000 total
 - This was a new budget line item this year
 - Elimination of the budgeted transfers would reduce the mill levy another 1.5 mills (approximately)
- ❖ Mahon noted that any further cuts to the budget would have to occur in the general fund
 - Employee Benefit fund had already been reduced from the 2009 level
- ❖ Council asked Mahon to prepare budget numbers using different expense cutting scenarios
 - Council would review the new numbers after executive session.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Minutes: Year = 2009

Council Member VanVlack moved to go into executive session for up to seventy (70) minutes, following a ten (10) minute break for Personnel, Legal, & Trade Secrets. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:55 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: City Clerk Gary Mahon; Fire Chief Dan Nasalroad; and Police Chief James Dean.

Open Session Resumed at 9:00 p.m.

OTHER BUSINESS:

HIRE BOB MERRIMAN AS OAK LAWN CEMETERY CARETAKER

✓ *Motion to Hire Bob Merriman as Oak Lawn Cemetery Caretaker*

Council Member VanVlack moved to hire Bob Merriman as Oak Lawn Cemetery caretaker at the rate of nine dollars (\$9.00) per hour. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 9:02 p.m.

2010 BUDGET PREPARATION

Options for reducing mil levy were presented by Clerk Mahon

- 1) Option 1
 - a) Eliminate \$5,000 transfer to capital improvement and \$5,000 transfer to equipment reserve
 - i) New Mil Rate = 64.295
 - (a) Increase of 1.661 mils over 2009 budget
- 2) Option 2
 - a) Eliminate \$5,000 transfer to capital improvement and \$5,000 transfer to equipment reserve
 - b) Reduce Police Wages to \$120,000 (Reduction of \$5,000)
 - c) Reduce Police Contractual Services to \$24,000 (Reduction of \$3300)
 - i) New Mil Rate = 62.865
 - (a) Increase of .231 mils over 2009 budget
- 3) Option 3
 - a) Eliminate \$5,000 transfer to capital improvement and \$5,000 transfer to equipment reserve
 - b) Reduce Police Wages to \$120,000 (Reduction of \$5,000)
 - c) Reduce Police Contractual Services to \$20,000 (Reduction of \$7300)
 - d) Reduce Police Commodities to \$23,000 (Reduction of \$4300)
 - i) New Mil Rate = 61.745
 - (a) Decrease of **-(.889)** mils under 2009 budget
- 4) OPTION 4
 - a) Include \$2,500 transfer to capital improvement and \$2,500 transfer to equipment reserve
 - b) Reduce Police Wages to \$120,000 (Reduction of \$5,000)
 - c) Reduce Police Contractual Services to \$20,000 (Reduction of \$7300)
 - d) Reduce Police Commodities to \$23,000 (Reduction of \$4300)
 - i) New Mil Rate = 62.606
 - (a) Decrease of **-(.028)** mils under 2009 budget

✓ *Motion to Publish Hearing for Proposed 2010 Budget*

Council Member Weitman moved use option No. 4 to Draft No. 3 and publish notice of budget hearing. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 9:06 p.m.

Minutes: Year = 2009

CITY CLERK'S REPORT:

July 29, 2009

Verbal: None

Written:

- oo) Deposition Schedules
- pp) U.S. 69 Rest Area Dedication & Highway Celebratory Luncheon
- qq) Curtis Instrumentation Service Co.
- rr) Unfinished Business Agenda Items
- ss) City Burn Site Procedures
- tt) Waiver of City Building Permit Fees for Swim Pool Project
- uu) Establishment of Public Building Commission and Appointment of Members
- vv) Kansas Rural Water Training – Stimulus Funds & Rate Checkup – Iola – July 28th
- ww) Kansas Association for Court Management – Overland Park – Sept 24th & 25th
- xx) 2010 Budget Preparation

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Report: June 2009
- b] Water Report: June 2009
- c] Minutes of Park Board Meeting: July 08, 2009
- d] Thank You from Community Safety Net
- e] Children's Coalition Town Hall Meeting Schedule

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 4-0.** The meeting was adjourned at 9:08 p.m.

I, _____ LaCygne 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 29th day of July, 2009.

REGULAR MEETING:

First Draft – Not Officially Approved

The La Cygne City Council met in regular session Wednesday, August 05, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Officer Will Dean; Public Works Employee Jim Johnson; Fire Chief Dan Nasalroad; LeRoy Turpen; Joe Turpen; Linda Meisel; Jackie Taylor; Mike Shultz; and Kevin Gray.

Mayor Keith Smith called the meeting to order at 7:01 p.m.

MAYOR'S COMMENTS:

- Noted that school would commence within the next two weeks
- Relayed Thank You from police officer to fire department for their assistance in a recent domestic situation

Minutes: Year = 2009

- Read a Thank You from Gerald Stanley to Public Works Dept for their recent work in realigning a drainage ditch between the Stanley property and Bittiker Park

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

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

Minutes of July 29, 2009 City Council Meeting

Check Register: July 30 through August 05, 2009

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

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT – JIM JOHNSON

Reported that the back hoe was repaired and back in operation.

COUNCIL COMMITTEE REPORTS:

CEMETERY

❖ Mayor Smith reported that the cemetery was looking good.

PARK

Councilman Robbins commended park caretaker Bill Ross on the excellent job he was doing of maintaining the Community Park.

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

MOBILE HOME PARK LICENSE – SLOCUM & BEST

City Clerk Mahon noted that the trailer court on North Broadway had recently sold. Codes Officer James Dean, through a written report, noted that the new owners were also evaluating the condition of the mobile homes and had assured Mr. Dean that any mobile home which could not be brought up to a livable unity would be removed and replaced.

Clerk Mahon noted that Codes Officer Dean would be conducting an annual inspection in October or November in conjunction with their annual license renewal application.

✓ ***Motion to Approve Mobile Home Park License for Slocum & Best***

Council Member VanVlack moved to grant a mobile home park license for Brian/Ramona Slocum and Trevor/Heather Best. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:08 p.m.

APPROVAL OF PONZER-YOUNGQUIST FINAL BILL – SEWER LAGOONS

Minutes: Year = 2009

Ponzer-Youngquist had requested final payment of \$600 for fees associated with lagoon repairs necessitated by the 2007 flood. Council expressed concern about perimeter fence crossing the ditch that catches and channels runoff from the adjoining agricultural field. Council felt there was great potential for debris to be washed against the fence thus resulting in sections of fence being swept away. Council would have preferred that a "swing gate" type configuration be installed at that location. Council asked City Clerk to send letter to Ponzer-Youngquist expressing their concerns

✓ *Motion to Authorize Final Payment to Ponzer-Youngquist for Lagoon Work*

Council Member Weitman moved to authorize final payment of \$600 to Ponzer-Youngquist and send letter expressing Council's concerns. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:11 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to forty-five (45) minutes for Legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:13 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Attorney Mike Shultz; and City Clerk Gary Mahon.

✓ *Motion to Extend Executive Session*

Council Member VanVlack moved to extend executive session for up to an additional fifteen (15) minutes for Legal. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:58 p.m.

Open Session Resumed at 8:13 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: City Clerk Mahon reported that Solid Waste Systems had sold a portion of their routes to L & K which is based in Louisburg. The City was informed Monday, August 3rd of the sale and that L & K trucks would start picking up the trash on Tuesday, August 4th. Reps from both Solid Waste and L & K will attend the 8/19/09 Council Meeting to seek Council approval for transfer of the city's contract with the providers.

Written:

- yy) Dave Malone – MKM Consulting – Refinance Gas Bonds
- zz) Mobile Home Park License – Slocum/Best – North Broadway
- aaa) Ponzer-Youngquist-Final Bill-Sewer Lagoon
- bbb) Attorney Mike Shultz

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Thank You to Jim Johnson & Crew from Gerald Stanley
- b] League of Kansas Municipalities – Ethics Course

ADJOURNMENT:

✓ *Motion for Adjournment*

Minutes: Year = 2009

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** The meeting was adjourned at 8:17 p.m.

I, _____ LaCygne 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 05th day of August, 2009.

REGULAR MEETING: **August 05, 2009**

The La Cygne City Council met in regular session Wednesday, August 05, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Officer Will Dean; Public Works Employee Jim Johnson; Fire Chief Dan Nasalroad; LeRoy Turpen; Joe Turpen; Linda Meisel; Jackie Taylor; Mike Shultz; and Kevin Gray.

Mayor Keith Smith called the meeting to order at 7:01 p.m.

MAYOR'S COMMENTS:

- Noted that school would commence within the next two weeks
- Relayed Thank You from police officer to fire department for their assistance in a recent domestic situation
- Read a Thank You from Gerald Stanley to Public Works Dept for their recent work in realigning a drainage ditch between the Stanley property and Bittiker Park

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

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

Minutes of July 29, 2009 City Council Meeting
Check Register: July 30 through August 05, 2009

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

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT – JIM JOHNSON

Reported that the back hoe was repaired and back in operation.

COUNCIL COMMITTEE REPORTS:

CEMETERY

❖ Mayor Smith reported that the cemetery was looking good.

PARK

Councilman Robbins commended park caretaker Bill Ross on the excellent job he was doing of maintaining the Community Park.

Minutes: Year = 2009

August 05, 2009

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

MOBILE HOME PARK LICENSE – SLOCUM & BEST

City Clerk Mahon noted that the trailer court on North Broadway had recently sold. Codes Officer James Dean , through a written report, noted that the new owners were also evaluating the condition of the mobile homes and had assured Mr. Dean that any mobile home which could not be brought up to a livable unity would be removed and replaced.

Clerk Mahon noted that Codes Officer Dean would be conducting an annual inspection in October or November in conjunction with their annual license renewal application.

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Ponzer-Youngquist had requested final payment of \$600 for fees associated with lagoon repairs necessitated by the 2007 flood. Council expressed concern about perimeter fence crossing the ditch that catches and channels runoff from the adjoining agricultural field. Council felt there was great potential for debris to be washed against the fence thus resulting in sections of fence being swept away. Council would have preferred that a "swing gate" type configuration been installed at that location. Council asked City Clerk to send letter to Ponzer-Youngquist expressing their concerns

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Council Member Weitman moved to authorize final payment of \$600 to Ponzer-Youngquist and send letter expressing Council's concerns. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:11 p.m.

EXECUTIVE SESSION

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In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Attorney Mike Shultz; and City Clerk Gary Mahon.

✓ *Motion to Extend Executive Session*

Council Member VanVlack moved to extend executive session for up to an additional fifteen (15) minutes for Legal. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:58 p.m.

Open Session Resumed at 8:13 p.m.

Minutes: Year = 2009

August 05, 2009

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: City Clerk Mahon reported that Solid Waste Systems had sold a portion of their routes to L & K which is based in Louisburg. The City was informed Monday, August 3rd of the sale and that L & K trucks would start picking up the trash on Tuesday, August 4th. Reps from both Solid Waste and L & K will attend the 8/19/09 Council Meeting to seek Council approval for transfer of the city's contract with the providers.

Written:

- ccc) Dave Malone – MKM Consulting – Refinance Gas Bonds
- ddd) Mobile Home Park License – Slocum/Best – North Broadway
- eee) Ponzer-Youngquist-Final Bill-Sewer Lagoon
- fff) Attorney Mike Shultz

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Thank You to Jim Johnson & Crew from Gerald Stanley
- b] League of Kansas Municipalities – Ethics Course

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** The meeting was adjourned at 8:17 p.m.

I, _____ LaCygne 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 05th day of August, 2009.

August 19, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, August 19, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Police Officer Will Dean; Fire Chief Dan Nasalroad; Brian Turpen; Danny Capp; Dave Malone; Linda Meisel; Fred Meisel; Dan Stainbrook; Diane Stainbrook; Robert Blanck; Dan Bosley; LeRoy Turpen; Joe Turpen; Larry Smith Bryce Smith; Greg Praver; Jeremy Olsten; Judy Kinder; Roger Wade; Jodi Wade; Harley Wade; Charlie Moore; and Scott Calvert.

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

MAYOR'S COMMENTS:

- ❖ Schools are in session – Watch for the kids
- ❖ Read Letter from KDHE noting good results of recent water tests
 - Testing reduced to annual from quarterly
 - Mayor expressed gratitude to public works for good work

Minutes: Year = 2009

August 19, 2009

2010 Budget Hearing:

Hearing for the 2010 budget was held. Mayor Smith asked for comments from citizens in attendance. No comments were received.

✓ *Motion to Approve 2010 Budget*

Council Member VanVlack moved to approve the final budget for 2010. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:03 p.m.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of August 05, 2009 City Council Meeting
Check Register: August 06 through August 19, 2009
Treasurer's Report: July 2009
Budget Report: July 2009

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

DISCUSSION FROM THE FLOOR:

DAVE MALONE – MKM CONSULTING

Dave Malone of MKM Consulting, Augusta, Ks presented Council with different scenarios if City were to refinance its current gas bonds.

- ❖ Current note = \$1,260,000
 - New Note = \$1,300,000
- ❖ Current interest rate = 5.92%
 - Rates could be reduced to range of 3.66% to 4.074%
- ❖ Savings range \$153,631 to \$244,154 depending on chosen scenario
 - Annual payments would vary
 - Maturity dates would vary
 - Possible elimination of existing bond reserve
- ❖ Could be set up as G.O. bonds without affecting City's debt limit
- ❖ Council tabled decision until a later meeting
 - Wants time to absorb material and formulate questions

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, CHIEF

- ❖ Alcohol Compliance Check
 - Held in cooperation with K.B.I. and Children's Coalition
 - Held August 18
 - One store cited for selling to minors
- ❖ Police Department recently assisted Parker Police Department and Linn County Sheriff in terminating a party comprised of minors in possession of alcohol.

PUBLIC WORKS DEPARTMENT – JEROME MOORE, SUPERVISOR

- ❖ Presented costs to replace S205 Bobcat
 - S185 with 2 speed = \$3800

Minutes: Year = 2009

August 19, 2009

- S630 = \$4300
- S630 with 2 speed = \$4600
- ❖ Delivery = 3 to 6 weeks
- ❖ Council would like to check prices with Victor L. Phillips (Case Tractors)
- ❖ Tabled until next meeting

- ❖ Inquiry for individual water meters at trailer park on North Broadway
- ❖ Superintendent Moore reported that owners had inquired about individual meters for trailer park
 - Felt should be owners responsibility for all facets
 - Including costs of equipment & hiring contractors to install
 - Owners should be responsible for entire system after location of the current 2" meter
- ❖ Council: Would individual meters be of any benefit to City?
 - Jerome: Not Really. Would have 19 more meters to read
 - Mahon: City would be able to turn off water meters rather than gas meters for billing non-payments,
 - Would make turn-ons less complicated in some instances.
- ❖ Superintendent Moore asked Council for direction
 - Council Consensus was no as there did not appear to be any benefit to the city and would create more work in reading meters.

FIRE DEPARTMENT – DAN NASALROAD, CHIEF

Request for Automatic External Defibrillator (AED)

- ❖ Cost = Approximately \$2,000
 - Would be carried by Fire Department personnel
 - All current firemen are certified

✓ *Motion to Approve Purchase of Defibrillator*

Council Member Weitman moved to approve up to \$2,000 for the purchase of a defibrillator. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:29 p.m.

COUNCIL COMMITTEE REPORTS:

CEMETERY

Removal of Dead Trees

- ❖ Roger DeMott volunteered to remove two dead trees in cemetery
 - Would cut down, remove debris, and plant two new trees in their place
 - No charge to city
- ❖ Council O.K. for Roger to remove trees
- ❖ Need liability release from Roger before commencing work

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

WASTE MANAGEMENT TO L & K CONTRACT – GREG PRAVER & JEREMY OLSTEN

Greg Praver & Jeremy Olsten of Waste Management + Larry & Bryce Smith of L & K were present to discuss the recent sale of Waste Management's territory to L & K. Per contract with the City, permission from the city is needed to transfer contract to L & K.

Minutes: Year = 2009

August 19, 2009

- ❖ Business sold to L & K on August 1st
- ❖ City not notified of pending sale until August 3rd
 - L & K began picking up trash August 4th
- ❖ Waste Management had lost contract for large portion of Miami County
 - This made it cost prohibitive to send trucks from Topeka for LaCygne
- ❖ Rates will not change immediately
 - Possible change in approximately 6 months
- ❖ Current insurance requirement = \$5 million
 - Asked to be reduced to \$2 Million
- ❖ Current contract requires \$5,000 surety bond
- ❖ Current contract has performance clause
 - Can be exercised if citizens not happy with service
- ❖ Current contract just renewed March 1st for five years

✓ *Motion to Approve Reassignment of Solid Waste Contract*

Council Member Weitman moved to approve the reassignment of the Solid Waste contract with Waste Management to L & K of Louisburg, Kansas and amend the insurance requirement from a \$5 million to a \$2 million umbrella coverage. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:46 p.m.

REVIEW OF POOL DEMOLITION BIDS

- ❖ Members of the Public Building Commission were in Attendance
- ❖ Diane Stainbrook noted that a recommendation for Bonding Company would be ready for the Council's September 2nd meeting.
- ❖ Charlie Moore, President of the Public Building Commission reviewed pool demolition bid process
 - Twelve bids had been received
 - Low bid of Thoele Construction (\$12,800) was not accepted
 - Did not include bid bond, use bid form, or list unit prices as per bid specifications
 - Next 3 low bidders were interviewed
 - Greg Bair (\$16,770), Kenny Construction (\$19,390), and Kaw Valley (\$29,640)
 - ◆ Bair has own crusher and can crush concrete and leave on site
 - PBC felt that all 3 met specifications and could perform requirements of the job.
- ❖ PBC recommended awarding the demolition contract to Greg Bair of Louisburg

✓ *Motion to Award Pool Demolition Contract to Greg Bair*

Council Member Weitman moved to take recommendation of Public Building Commission and award the pool demolition bid to Greg Bair. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:52 p.m.

TRAINING – HEALTH INSURANCE OPEN ENROLLMENT

City Clerk Mahon asked permission to attend upcoming Training on City's Health Insurance. Mahon noted that he would check further as to type of training to determine if it was beneficial for him to attend. If not beneficial he would not attend.

✓ *Motion to Authorize Mahon to Personnel Training for Health Insurance*

Council Member VanVlack moved to take authorize City Clerk Mahon to attend Personnel Officer Training concerning the city's health insurance. Motion seconded by Council Member Boone, voted on, passed 5-0.

Minutes: Year = 2009

August 19, 2009

APPROVAL FOR COURTROOM TRANSLATORS

Municipal Judge Claude Warren submitted written request to council authorizing hiring translators for court proceedings when necessary. Charges were expected to run between \$25 to \$40 per hour plus mileage. 1 to 2 hour minimum.

✓ *Motion to Authorize Translators for Municipal Court*

Council Member Robbins moved to approve hiring translators for municipal court as needed. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:55 p.m.

ORDINANCE NO. 1378 – CHANGING MUNICIPAL COURT TIME

Municipal Court Judge Claude Warren had submitted written request to change starting time for Municipal Court to 7:00 p.m. Current starting time is 7:30 p.m.

✓ *Motion to Adopt Ordinance No. 1378 – Changing Municipal Court Time to 7:00 p.m.*

Council Member VanVlack moved to approve Ordinance No. 1378. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:57 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to thirty-five (35) minutes for Legal & Personnel following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:58 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Fire Chief Dan Nasalroad; Police Chief James Dean; and Public Works Superintendent Jerome Moore.

✓ *Motion to Extend Executive Session*

Council Member VanVlack moved to extend executive session for up to an additional fifteen (15) minutes for Personnel. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:43 p.m.

Open Session Resumed at 8:58 p.m.

OTHER BUSINESS: None

REQUEST FROM JOHN SUTHERLAND TO ATTEND ATTORNEY ASSOCIATION MEETING

City Clerk Mahon noted that Attorney Sutherland had previously asked to have this item on the agenda. Clerk Mahon had forgotten to include it. Sutherland would like permission to attend the City Attorneys Association segment of the League of Kansas Municipalities Conference on October 6th in Topeka. Registration = \$65.

✓ *Motion to Authorize City Attorney Sutherland to Attend Attorney Association Meeting*

Council Member Robbins moved to send John Sutherland to the City Attorneys Association Meeting at the League of Kansas Municipalities Conference on October 6th with City paying usual related expenses. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:00 p.m.

Minutes: Year = 2009

August 19, 2009

IDENTIFICATION ON CITY OWNED VEHICLES

Councilmember Robbins inquired as to why city vehicles were not marked with some type of city identification. Superintendent Moore noted he could check with Dan Nasalroad about costs of labeling the vehicles. Council concurred for Supt. Moore to obtain costs.

CITY CLERK'S REPORT:

Verbal: None

Written:

- ggg) ID Pictures for Emergency Cards
- hhh) 2010 Budget Hearing
- iii) Dave Malone – MKM Consulting – Refinance Gas Bonds
- jjj) Solid Waste to L & K Contract – Greg Praver & Jeremy Olsten
- kkk) Resolution – Select Bonding Company for Swimming Pool Financing
- lll) Review of Pool Demolition Bids
- mmm) Training – Health Insurance Open Enrollment
- nnn) Approval for Courtroom Translators
- ooo) Ordinance No. 1378- Changing Municipal Court Time

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Report: July 2009
- b] Water Report: July 2009

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0.** The meeting was adjourned at 9:02 p.m.

I, _____ LaCygne 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 19th day of August, 2009.

September 02, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, September 02, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Absent: Mayor Keith Smith.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jerome Moore; Police Officer Will Dean; Fire Chief Dan Nasalroad; Diane Stainbrook; Fred & Linda Meisel; Dan & Julie Bosley; Jodi Wade; Herb Pemberton; Dwayne Pemberton; and Chris Mathews.

In the absence of Mayor Smith, Council President (CP) Mike VanVlack called the meeting to order at 7:00 p.m.

Minutes: Year = 2009

September 02, 2009

MAYOR'S COMMENTS:

CP VanVlack read a thank you note from Mayor Smith thanking everyone for their cards, visits, and prayers after his recent heart attack. Mayor Smith is doing well and expected to return to work in another week or so.

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

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

Minutes of August 19, 2009 City Council Meeting

Check Register: August 20 through September 02, 2009

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, CHIEF

Requests for Training

- ❖ Police Officers Required to obtain 40 hours annually
 - New Year started July 1st
- ❖ Law Enforcement Intelligence Initiatives Training
 - Sept 17, 2009 Mission, Kansas
 - Training Hours = 4
 - Registration = 0
- ❖ Youth Drug Trends
 - Sept 29, 2009 Greenbush
 - Registration = \$45
 - Training Hours = 5

✓ ***Motion to Approve Law Enforcement Intelligence Initiatives Training***

Council Member VanVlack moved to approve Police Chief Dean to attend "Law Enforcement Intelligence Initiatives" Training on September 17th at Mission. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:05 p.m.

✓ ***Motion to Approve Attendance at Emerging Youth Drug Trends in Kansas***

Council Member Robbins moved to approve Police Chief Dean to attend "Emerging Youth Drug Trends" in Kansas training September 29th at Greenbush. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:06 p.m.

PUBLIC WORKS DEPARTMENT – JEROME MOORE, SUPERVISOR

Vehicle/Equipment I.D. Decals

- ❖ Presented costs for vehicle/equipment I.D. decals
- ❖ Price Quotes obtained from Dan Nasalroad
 - \$160 for permanent decals; \$120 for magnetic signs
 - Total for 2 trucks & backhoe
 - Trucks = 2007 Dodge & Dog Catcher Truck

Minutes: Year = 2009

September 02, 2009

✓ *Motion to Approve I.D. Decals*

Council Member Robbins moved to approve the purchase of permanent I.D. decals from Dan Nasalroad at a cost of One Hundred Sixty Dollars (\$160.00). Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:07 p.m.

Price Quotes for Uni-Loaders (Trading in 2008 S205 Bob Cat)

- ❖ Presented quotes from :
 - Heritage Tractor, Paola, Ks
 - 2010 John Deere 318D = \$5,000
 - Victor L. Phillips, Joplin, Missouri
 - Case Series 3 Model 435 = \$17,660
- ❖ Quote from last meeting for new Bob Cat = \$3800
- ❖ Supt. Moore noted that present Bob Cat attachments would work on John Deere
- ❖ Councilman Boone noted that the John Deere had a rear as well as a front escape route
- ❖ Noted that City had been trading every year.
 - Felt trading for a larger uni-loader might allow City to keep longer before trading.

✓ *Motion to Purchase John Deere Skid Steer*

Council Member Boone moved to trade in the 2008 Bob Cat and purchase a 2010 John Deere 318D Skid Steer from Heritage Tractor, Inc. at a cost of five thousand dollars (\$5,000.00). Discussion: Clerk Mahon asked what fund to pay from. Answer = Equipment Reserve. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:14 p.m.

Pipeline Safety Seminar October 27th thru 29th, Salina, Kansas

✓ *Motion to Authorize Attendance at Pipeline Safety Seminar*

Council Member Weitman moved to authorize Public Works Superintendent Moore to attend the Pipeline Safety Seminar in Salina, Ks October 27th through 29th with City to pay usual expenses. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:16 p.m.

FIRE DEPARTMENT – DAN NASALROAD, CHIEF

Water Rescue Training

- ❖ Held at north end of LaCygne Lake on 399th street
- ❖ Training conducted by Johnson County Fire Dept
- ❖ Attended by units from LaCygne, Drexel, Osawatomie, Linn Valley and Linn County
- ❖ Hope to have more training in the future

COUNCIL COMMITTEE REPORTS:

SEWER Councilmember Boone

Request for Variance of Usual Sewer Hook Up Requirements

- ❖ Bill Smith/Chris Self – New Furniture Store – Market and Industrial Park Drive
 - Main sewer line south of new store = 20 ft deep
 - City had trouble with this line before
 - Dirt unstable making digging that deep dangerous
 - Councilmember Boone asked Council their opinion on tapping into manhole
 - This would allow sewer line to be laid at a more shallow depth
 - Avoid danger of deep trench in unstable soil
 - Each Councilmember was polled and verbally agreed to permit tapping into the manhole in this instance

Minutes: Year = 2009

September 02, 2009

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

RESOLUTION No. 331: SELECT BONDING COMPANY FOR SWIMMING POOL FINANCING

- ❖ Diane Stainbrook reported on behalf of Public Building Commission
 - Recommend selection of George K. Baum & Company to be underwriter
 - Proposals were forwarded to five companies
 - Interviewed two companies
 - Public Building Commission selected George K. Baum
- ❖ Resolution No. 331 ratifies the PBC's selection of George K. Baum
- ❖ Diane noted that demolition of the pool would not commence until funding was in place

✓ *Motion to Approve Resolution No. 331*

Council Member Robbins moved to approve Resolution No. 331. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:23 p.m.

VOTING DELEGATES TO LEAGUE OF KANSAS MUNICIPALITIES

✓ *Motion to Name John Sutherland as Voting Delegate to League of Municipalities Conference*

Council Member VanVlack moved to designate John Sutherland as the city's voting delegate to the League of Kansas Municipalities Conference in October. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:25 p.m.

L & K SERVICES CONTRACT

- ❖ L & K requested an amendment to section 14.0
 - Original contract requires \$5,000 surety bond
 - L & K would like section to read \$5,000 irrevocable letter of credit
 - Attorney Sutherland saw no problem
 - Clerk Mahon noted that Attorney Mike Shultz also had stated that irrevocable letter of credit was better than surety bond

✓ *Motion to Amend Section 14.0 of Solid Waste Contract with L & K Services*

Council Member Weitman moved to amend section 14.0 of the solid waste contract with L & K Services by replacing surety bond with \$5,000 irrevocable letter of credit. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:27 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Fleming moved to go into executive session for up to forty-five (45) minutes for Legal & Personnel following a ten (10) minute break. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:28 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Police Chief James Dean; Herb Pemberton; and Dwayne Pemberton.

Minutes: Year = 2009

September 02, 2009

✓ *Motion to Extend Executive Session*

Council Member Weitman moved to extend executive session for up to an additional fifteen (15) minutes for Personnel & Legal. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 8:23 p.m.

✓ *Motion to Extend Executive Session*

Council Member Robbins moved to extend executive session for up to an additional ten (10) minutes for Personnel & Legal. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:38 p.m.

Open Session Resumed at 8:48 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: None

Written:

ppp) Mayor Smith Update
qqq) Payment to State Revolving Fund
rrr) Payments to Victor Phillips Company (Back Hoe Repair)
sss) I.D. Labeling City Vehicles
ttt) Uni-Loader Costs
uuu) Selection of Bonding Company for Swimming Pool Financing
vvv) Voting Delegates to League of Kansas Municipalities Conference

NOTES AND COMMUNICATIONS TO COUNCIL:

a]

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 4-1.** Opposed: Boone
The meeting was adjourned at 8:49 p.m.

I, _____
(Gary D. Mahon)

LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 2nd day of September, 2009.

Minutes: Year = 2009

REGULAR MEETING:

September 16, 2009

The La Cygne City Council met in regular session Wednesday, September 16, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Mike VanVlack; and Terry Weitman. Absent: Travis Robbins.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jerome Moore; Police Officer Will Dean; Fire Chief Dan Nasalroad; Rural Fire Station Chief Jerome Mitzner; Linda Meisel; Steve Shogren; Diane Stainbrook; Jodi Wade; Roger Wade; Charlie Moore; Scott Friend; LeRoy Turpen; Judy Kinder; & Charlene Sims.

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

MAYOR'S COMMENTS:

- ❖ Read a Thank You note from Totally Tan (Linda Bowman) for flowers welcoming her new business
- ❖ Mayor thanked all for phone calls, visits, thoughts, prayers, and other acts of kindness he had received since his heart attack.
 - Cardiologist & EKG report great progress

CONSENT AGENDA:

- ✓ **Motion to Approve Consent Agenda**

Council Member VanVlack moved to approve the consent agenda which consisted of:

- Minutes of September 02, 2009 City Council Meeting
- Check Register: September 03 through September 16, 2009
- Budget Report: August 2009
- Treasurer's Report: August 2009

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

DISCUSSION FROM THE FLOOR:

STEVEN SHOGREN (GEORGE K. BAUM)

- ❖ Steve Shogren – Senior Vice President of George K. Baum investment firm
 - Investment Banker
 - Selected by Public Building Commission to market swimming pool bonds
 - City will make payments to retire the bond debt
 - PBC will lease the facilities
 - Presented Range of Yields as of Market Close on 9/15/09
 - Steve working to obtain an A Rating for PBC
 - Market is more responsive to top ratings now than before the economic recession
 - There is now a large percentage spread between top ratings and non-ratings
 - Recommending \$1,620,000 bond issue
 - Debt service reserve fund to require ½ of 1 years debt service
 - Method of funding = newly passed 1% sales tax
 - To help obtain high rating, Steve will also advise rating companies of existing 1% sales tax revenue to promote the City's capability to pay off debt.
 - ◆ This does not commit the original (1989) sales tax revenue to paying off bonds
 - However City is ultimately responsible for paying off bonds, even if the newly enacted sales tax revenue should fall short of projections.
 - Steve asked Council if there were any objections
 - No objections stated from Council

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, CHIEF

- ❖ Police Dept. awarded a \$1200 STEPS grant for 2010

Minutes: Year = 2009

September 16, 2009

- Used to help pay Overtime for Labor Day, Thanksgiving, and Memorial Day
- ❖ Received \$525 reimbursement for 2009 Labor Day overtime, from 2009 grant
- ❖ Currently working on 15 codes cases
 - Thanks to Linda Elder and Patti Endecott for their assistance
- ❖ Several police cases pending
- ❖ Requirements for accident forms that are sent to Topeka are changing
 - Will require training on new software
 - Several classes being held between now and November by Kansas Highway Patrol
 - Would like authorization to attend class of his (J.Dean) choosing
 - ◆ No action taken

PUBLIC WORKS DEPARTMENT – JEROME MOORE, SUPERVISOR

Price Quotes for Rip/Rap in Ditch on 6th Street between Market & Vine

- ❖ Ditch on East Side of Post Office has had significant erosion problems
 - Supt. Moore received price quote of \$1500 for rock (rip/rap)
 - Councilman Weitman noted that the erosion was on the lower part of the ditch
 - This should not have made the original sides of the ditch any more difficult to mow

✓ *Motion to Purchase Rip Rap for Post Office Ditch*

Council Member Fleming moved to approve up to fifteen hundred dollars (\$1500.00) to rip/rap the ditch on 6th street between Market and Vine. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:43 p.m.

Price Quotes for Snow Plow

- ❖ Supt. Moore had received only one quote for a snow plow
 - Price quote placed on table at Mayor's seat
 - No Discussion or Action taken

FIRE DEPARTMENT – DAN NASALROAD, CHIEF

Storm Shelter

- ❖ Attended September Prairie View School Board Meeting along with Emergency Preparedness Coordinator Linda Meisel
- ❖ Presented rationales to Board for re-opening school's storm shelter to area residents
 - Tort laws protect schools from suits
 - FEMA suggests using best available facilities for shelter from storms
- ❖ Supt. of Schools promised to call Fire Chief and discuss further
- ❖ Fire Chief not optimistic that school will re-open shelters for use of the general public

COUNCIL COMMITTEE REPORTS:

CEMETERY Councilmember Boone

- ❖ Two mowers in shop for repairs
- ❖ Bill Craven volunteered and helped mow cemetery using his own personal mower
- ❖ Councilmember Boone asked City to pay Bill for his time at same rate Bob Merriman receives
- ❖ Council was in agreement to do so

SPECIAL COMMITTEE REPORTS:

FESTIVAL LINDA MEISEL

- ❖ Festival this Saturday Sept 19th
- ❖ 20 Booths signed up
- ❖ Parade at 6 pm

Minutes: Year = 2009

September 16, 2009

UNFINISHED BUSINESS:

REFINANCE GAS BONDS

- ❖ Refinancing
- ❖ Amount of funds necessary to refinance not to exceed \$1,315,000
- ❖ Council reviewed four options previously presented by Dave Malone of MKM Consulting
 1. G.O. Refunding – Tail End Savings – Net Interest 3.66% - Estimated Savings = \$244,154
 2. G.O. Refunding – Level Pay – Net Interest 3.81% - Estimated Savings = \$184,054
 3. Revenue Refunding – Tail End Savings – Net Interest 3.94% - Estimated Savings = \$209,455
 4. Revenue Refunding – Level Pay – Net Interest 4.07% - Estimated Savings = \$153,631
- ❖ Advantages & Disadvantages discussed
- ❖ Council felt G.O. Refunding – Tail End Savings best option at this time
 - Annual payments remain relatively the same as current payments
 - Yields highest estimated savings
 - Bonds paid off approximately 1-2/3 years early
 - Maturity date = 2021 but payment in 2020 only about 1/3 of other years
 - G.O. Bond does not affect debt to evaluation ratio restrictions as gas utility is exempt
 - Frees up \$38,000 that is now required to be held in reserve
 - Actual interest rate and savings will not be determined until bonds are offered and sold

✓ *Motion to Accept Agreement with MKM Consulting*

Council Member VanVlack moved to approve agreement with MKM Consulting as financial advisor for refinancing the city's 2002 gas bonds. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:55 p.m.

✓ *Motion to Refinance Gas Bonds*

Council Member VanVlack moved to use the G.O. Refunding Tail End Savings option as presented by MKM Consulting to refinance the 2002 gas bonds. Motion seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:56 p.m.

✓ *Motion to Approve Resolution No. 332 of Intent to Refinance*

Council Member Fleming moved to approve Resolution No. 332. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:57 p.m.

NEW BUSINESS:

ORDINANCE No. 1380 – PARKING REGULATIONS

- ❖ Rural Station Fire Chief Jerome Mitzner requested "No Parking" restrictions on LinnCo Drive
- ❖ Auctions to be held in former Mid-West Wood facilities
- ❖ Not opposed to Auctions – Great for City and Community
- ❖ Concerned about auction patrons parking on LinnCo street which runs in front of Fire Department
 - Concerned that parking on both sides of LinnCo street would impede ability of emergency vehicles in responding to calls
- ❖ Council was presented with Ordinance that would disallow parking on the south side of Linn Co Street.

✓ *Motion to Approve Ordinance No. 1380 – Parking Regulations*

Council Member VanVlack moved to approve Ordinance No. 1380. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 8:00 p.m.

Minutes: Year = 2009

September 16, 2009

- ❖ Installation of stop light at intersection of Market (K-152) and Industrial Boulevard discussed
 - To be activated by emergency vehicles approaching intersection
 - Rural Chief Mitzner felt the high costs would far outweigh the benefits
 - Installation would also have to be negotiated with Kansas Dept. of Transportation

Attorney John Sutherland requested that another section be added to Ordinance No. 1380 noting how fines for violating the parking regulations would be assessed. Councilmember VanVlack who made the original motion and Councilmember Boone who seconded the original motion did not have any objections to the addition. Remainder of Council Members was in agreement with the addition also.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Fleming moved to go into executive session for up to forty-five (45) minutes for Legal, Personnel, and Trade Secrets following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 8:06 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Police Chief James Dean; Municipal Judge Claude Warren; Fire Chief Dan Nasalroad; City Clerk Gary Mahon. Attorney Mike Shultz participated in a portion of the executive session by telephone for legal purposes.

✓ *Motion to Extend Executive Session*

Council Member VanVlack moved to extend executive session for up to an additional ten (10) minutes for Legal. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 9:02 p.m.

Open Session Resumed at 9:09 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: Submitted written report on Compactor Fund, General Street, Special Highway, Sewer, and Park/Pool budgets through August 31, 2009. City Clerk Mahon noted that although some funds were a little tight (street & sewer) it appeared all were still in good shape. Funds should easily handle the normal expected expenses.

Written:

www) 2009 Budget Concerns;
xxx) Steven Shogren & Kevin Cowen;
yyy) Gas Bond Refinancing;
zzz) Scheduled Participants in Executive Session

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of Park Board: August 27, 2009
- b] Water Production Report: August 2009
- c] Gas Production Report: August 2009

Minutes: Year = 2009

September 16, 2009

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Boone, voted on, tied 2-2.** Opposed: Weitman & VanVlack. **Mayor Smith cast his tie-breaking vote Yes. Motion passed 3-2.** The meeting was adjourned at 9:12 p.m.

All in attendance wish to say Thank You to Mayor Smith for casting his tie-breaking vote in the affirmative, thus allowing all to go home at a decent hour to enjoy the loving comradeship of their household, thereby strengthening the solidarity of the family unit.

I, _____ LaCygne 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 16th day of September, 2009.

October 07, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, October 07, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Travis Robbins; Mike VanVlack; and Terry Weitman. Absent: Jake Fleming.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jerome Moore; Fire Chief Dan Nasalroad; Fred Meisel; Linda Meisel; Charlene Sims; Judy Kinder; Tommy Capp; LeRoy Turpen; Chris Self; Bob Sullivan; Harley Wade; and Jodi Wade.

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

MAYOR'S COMMENTS:

- ❖ Condolences to Police Officer Paul Filla on the loss of his Mother and more recently his Father
- ❖ Compliments & Congratulations to Fire Department on recent Fire Prevention Week Activities
 - Local elementary students visited fire station
 - Kids very enthused and excited to fire department's presentation

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of September 16, 2009 City Council Meeting

Check Register: September 17 through October 07, 2009

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

DISCUSSION FROM THE FLOOR: None

Minutes: Year = 2009

October 07, 2009

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JEROME MOORE

- ❖ Presented Council with Quotes for Snow Plow to attach to Dodge Truck
 - Blue Valley Tractor & Supply
 - 4 options ranging from \$4598 to \$5498 + \$300 for installation
 - America Equipment
 - 3 options ranging from \$3867 to \$4989
 - CSTK
 - 1 option = \$4874.78
- ❖ Jerome stated that prices include installation
- ❖ City currently uses dump truck, bobcat, maintainer and backhoe for snow removal
- ❖ Item tabled until next council meeting
 - Council required time to consider the request

FIRE DEPARTMENT – DAN NASALROAD, FIRE CHIEF

- ❖ Recent Activities Included:
 - Night Out Against Crime
 - 2009 Fiesta
 - Fire Prevention Week – Grade School Students
 - 2 New Firefighters On Board
 - 2 Structure Fires
 - One in County – City Assisted
 - One in City – County Assisted
- ❖ Thank You to Public Works Employees
 - Installed 'No Parking' and 'Fire Department' signs on Linn Co Drive
 - Signs look good

POLICE DEPARTMENT – JAMES DEAN, CHIEF

- ❖ Training Session November 21st
 - To be held at LaCygne City Hall
 - New Accident Report Forms
 - Alcohol & Beverage Control may possibly give presentation also
- ❖ Chief Dean will be attending 'Train the Trainer' class in Topeka in a few days

COUNCIL COMMITTEE REPORTS:

STREET

Councilman Weitman inquired about progress on 6th street ditch lining. Superintendent Moore reported that the project was scheduled after completion of work at the water plant and cemetery.

CEMETERY

- ❖ Councilman Boone Reported:
 - Grass has been graded off in preparation for road in new section
 - Busy fixing and clearing brush
 - Work on drainage ditch on north side of entrance road
 - Graded and sloped so can now be mowed
 - Weeds removed
 - Re-seeded

Minutes: Year = 2009

October 07, 2009

SPECIAL COMMITTEE REPORTS:

Pool Jodi Wade

- ❖ Bids came in lower than architects estimates
- ❖ Pool Subcontractor bids opened Sept 30th
 - Awarded to K.C. Guinite
- ❖ General Contractor bids opened October 1st
 - Public Building Commission to make decision on October 8th
- ❖ George K. Baum working on bond ratings
- ❖ Park has been winterized
- ❖ Demolition of present pool to begin Monday, October 11th

UNFINISHED BUSINESS: None

NEW BUSINESS:

ORDINANCE No. 1379 – INCREASE IN 3 MILE TERRITORY GAS RATES

Rates for customers living 3 miles or more from city are significantly less than city residents
Result of several years of Kansas Corporation Commission regulations
KCC no longer regulates 3 mile customers
City can now raise rates of 3 mile customers to be equal with city residents
Can only raise 10% per year until equal
Will take 2 – 3 more years after this year to equalize rates
Ordinance No. 1379 will increase 3 mile rates by 10%

✓ *Motion to Approve Ordinance No. 1379 – 3 Mile Gas Rates*

Council Member VanVlack moved to approve Ordinance No. 1379. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:16 p.m.

AMERICAN WOODWORKING – CHRIS SELF – DITCH TUBING

- ❖ Chris Self addressed Council concerning ditch that parallels Industrial Boulevard south from Market
 - Chris would like to take out existing tubes
 - Re-grade ditch for better drainage
 - Install concrete box for clean out
 - Re-install tubes to run full length
 - Approx 240 ft
 - Cover with dirt
 - Ditch to south (Carol Stainbrook) of Chris' property has standing water
 - Chris would also re-grade this portion to drain and install tubing
 - Chris would pay all costs
- ❖ Council had no objections but it was noted that Linn County does all the maintenance on Industrial Boulevard
- ❖ Mayor asked City Clerk Mahon to contact County officials to determine if they would be O.K. with the project
- ❖ Item tabled until next meeting after receiving county response.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to fifty (50) minutes for Legal & Personnel following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:25 p.m.

Minutes: Year = 2009

October 07, 2009

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: City Clerk Gary Mahon.

Open Session Resumed at 8:02 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: City Clerk Mahon reported that insurance reimbursement for repair of the backhoe was received. Reimbursement was approximately \$1200 short of the \$2700 repair expense. \$500 was due to the deductible. The other \$700 was a result of the Victor L. Phillips Company inflating the freight charges. EMC insurance will forward the \$700 to the city after they receive proof from Victor Phillips of actual freight charges. To date, Victor L Phillips Co. refuses to supply freight invoices.

Written:

aaaa) Swim Pool Progress Report
bbbb) Ordinance No. 1379 – Increase in 3 Mile Territory Gas Rates
cccc) Mike Shultz

NOTES AND COMMUNICATIONS TO COUNCIL: None

a]

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member VanVlack moved to adjourn the meeting. Motion seconded by Council Member Robbins, voted on, passed 4-0** The meeting was adjourned at 8:05 p.m.

All in attendance wish to say Thank You to Mayor Smith for casting his tie-breaking vote in the affirmative, thus allowing all to go home at a decent hour to enjoy the loving comradeship of their household, thereby strengthening the solidarity of the family unit.

I, _____ LaCygne 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 07th day of October, 2009.

October 21, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, October 21, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jerome Moore; Fire Chief Dan Nasalroad; Fireman Danny Capp; Fireman Rod Benson; Fred Meisel; Linda Meisel; Charlene Sims; Judy Kinder; Tommy Capp; LeRoy Turpen; Dan Bosley; Steve Shogren; Kevin Cowen; PBC Secretary Diane Stainbrook; PBC President Charlie Moore; Dan Malone of MKM Consulting; and Mark Detter of DeWaay Financial Network

Minutes: Year = 2009

October 21, 2009

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

MAYOR'S COMMENTS:

- ❖ Read a Thank You from Paul Filla and family in reference to the death of Paul's father.

CONSENT AGENDA:

✓ ***Motion to Approve Consent Agenda***

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of October 07, 2009 City Council Meeting
Check Register: October 08 thru October 21, 2009
Budget Report: September 2009
Treasurer's Report: September 2009

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

DISCUSSION FROM THE FLOOR:

DAN BOSLEY

Subject: Future Water Service Line Maintenance

- ❖ Dan is owner of Syd's Market (Formerly Stub's) at 6th and Market
- ❖ Water to his building comes from water main on Market Street
 - Service line travels north to his building
 - Water Meter is on Northeast corner of Syd's Market building
- ❖ Dan thinks Syd's Market building is built to east edge of his property line
- ❖ New building being constructed by Eddie Shay on adjoining lots east of Syds
- ❖ Dan's question: Is city responsible for service line from Market Street to Syd's water meter?
 - If so, will there be enough room between existing Syd's building and new building being constructed by Eddie Shay to allow for future maintenance on service line?
 - Supt. Moore indicated that the service line feeding Syd's Market is actually on the west edge of Eddie Shay's property
- ❖ Mayor instructed City Clerk to ask Eddie Shay to attend next council meeting.

BETH SMITH

Subject: Christmas Sharing Project

- ❖ Requested permission to use multi-purpose room in city hall for gift-wrapping
- ❖ Project benefited over 90 children last year
- ❖ Will cap limit of \$30 per gift
- ❖ Have received donation from Linn Valley Auxiliary for \$500
- ❖ Project had lots of great help last year
 - Special Thanks to Fire Department

✓ ***Motion to Assist Christmas Sharing Project***

Council Member Boone moved to donate five hundred dollars (\$500.00) to the Christmas Sharing Project and to authorize use of back room in city hall for the project. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:14 p.m.

Minutes: Year = 2009

October 21, 2009

LEGAL PROCEEDINGS APPROVING LEASE OF POOL FROM PBC:

Kevin Cowen of Gilmore & Bell (Wichita) + Steve Shogren of G. K. Baum (Wichita) were present to finalize proceedings and documents necessary to formally finance and lease the new swimming pool.

- ❖ Documents reviewed included:
 - Bond Purchase Agreement for Swimming Pool Bonds
 - Approval of Base Lease with Public Building Commission
 - Leases land on which pool is located to Public Building Commission
 - Approval of Lease with Public Building Commission
 - Leases land + new pool back to City of La Cygne
 - Ordinance No. 1381 Authorizing Pool Lease with Public Building Commission
 - Incorporates approval of Bond Purchase Agreement; Base Lease; and Lease into one document
- ❖ Steve Shogren reviewed Bond Ratings and Numbers
 - Bonds received an A- rating
 - Good rating
 - Annual payments will average \$109,701
 - Ave Sales Tax revenue past few years = approximately \$115,000 annually
 - 85% of bonds have been spoken for
 - Bonds have call option in 2019
 - Can pay off any time after 2019

✓ *Motion to Approve Ordinance No. 1381 Authorizing Pool Bonds and Lease*

Council Member Boone moved to approve Ordinance No. 1381 authorizing pool bonds and lease. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:32 p.m.

REFINANCING OF GAS REVENUE BONDS:

Dave Malone of MKM Consulting (Augusta), Kevin Cowen of Gilmore & Bell (Wichita), and Mark Detter of DeWaay Financial (Wichita) were present to finalize proceedings and documents necessary to approve refinancing of the 2002 Gas Revenue Bonds.

- ❖ Net Savings over 12 years = approximately \$252,316.25 (20.03% of outstanding issue)
 - \$149,108.92 present value savings (11.83% of outstanding issue)
- ❖ Reduce interest rate from 5.92% to 3.65%
- ❖ Pay off outstanding issue 1-1/2 years earlier
- ❖ Annual debt service remains approximately the same
- ❖ No bond reserve requirement
- ❖ Closing Date on Bonds = November 12, 2009
 - Two documents to approve
 - Ordinance No. 1382 authorizes issuance of gas refunding bonds
 - Resolution No. 333 prescribes the details of the bonds

✓ *Motion to Approve Ordinance No. 1382 Authorizing Gas Refunding Bonds*

Council Member VanVlack moved to approve Ordinance No. 1382 authorizing gas refunding bonds. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:42 p.m.

✓ *Motion to Approve Resolution No. 333 Prescribing Details of Bonds*

Council Member VanVlack moved to approve Resolution No. 333 detailing bond specifics. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:43 p.m.

Minutes: Year = 2009

October 21, 2009

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, CHIEF

- ❖ Old Computer desk would be donated to LaHarper Heights if no objection from council
 - Desk was listed as surplus equipment, but did not sell
- ❖ No objections from any council member

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Mayor Smith reported that cemetery was looking good.
 - Recent work on clean up and starting to construct road in newest addition

STREET

- ❖ Councilman Weitman asked about ditch work on 6th street (post office) and other places
 - Noted that special meeting held for ditch at post office and project later authorized for rip rap
 - Asked Superintendent Moore about status of the job
 - No Answer
 - Asked Superintendent Moore when to expect completion of project
 - No Answer
 - Asked about findings of trip to Arma to look at homemade ditch digger
 - Councilman VanVlack noted that trip to Arma had not been made yet

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

SNOW PLOW

- ❖ Quotes for snow plow attachment to fit on Dodge Truck were reviewed
- ❖ Councilman Robbins felt the City had enough equipment to handle snow removal
- ❖ Mayor Smith visited with City Clerk about finances
 - Funds tight but could make it work (Street fund and/or equipment reserve fund)
- ❖ No motion made by any Council Member
- ❖ No action taken

NEW BUSINESS: None

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to forty-five (45) minutes for Legal & Personnel following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:54 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: City Clerk Gary Mahon.

Open Session Resumed at 8:31 p.m.

Minutes: Year = 2009

October 21, 2009

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: None.

Written:

dddd)	Documents for leasing of pool and for refinancing gas revenue bonds
eeee)	Snow Plow Quotes
ffff)	American Woodworking – Chris Self – Ditch Tubing
gggg)	Dan Bosley
hhhh)	Mike Shultz

NOTES AND COMMUNICATIONS TO COUNCIL: None

a] Minutes – Public Building Commission – Meetings 8/03 thru 10/08/09

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0** The meeting was adjourned at 8:34 p.m.

I, _____ LaCygne 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 21st day of October, 2009.

November 04, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, November 04, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; and Mike VanVlack. Absent: Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jerome Moore; Fire Chief Dan Nasalroad; Fireman Tommy Capp; Fireman Danny Curtis; Linda Meisel; Charlene Sims; Judy Kinder; Le Roy Turpen; Joe Turpen; Eddie Shay; and Dan Bosley.

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

MAYOR'S COMMENTS:

❖ Fall Sports had concluded at local schools.

Minutes: Year = 2009

November 04, 2009

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of October 21, 2009 City Council Meeting

Check Register: October 22 thru November 04, 2009

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, POLICE CHIEF

Training – Underage Drinking

- ❖ Pittsburg, Kansas
- ❖ November 13, 2009
- ❖ No Registration Costs
- ❖ Request permission for Officer Will Dean to attend

Inter-Departmental Law Enforcement Meeting

- ❖ City law enforcement and county law enforcement officials met
- ❖ County is considering using former medical clinic building as a sub-station for Linn County Sheriff

Fire Department Assistance

- ❖ Thank You to Fire Dept for assisting in recent missing person occurrence

PUBLIC WORKS DEPARTMENT – JEROME MOORE, SUPERINTENDENT

Pipeline Safety Seminar

- ❖ Held at Salina, Kansas Oct 27 – 29
- ❖ Very informative seminar
- ❖ New Regulations being implemented in near future
 - Funds not yet allocated
- ❖ Jerome attended KMGa meeting a Wichita yesterday (Nov 3rd)

Cemetery – New road construction

- ❖ Construction is progressing on establishing a road in newest section of the cemetery
- ❖ Concrete from old river bridge demolition is being used for fill
 - Appears all of river bridge concrete will be used
 - No need to have crushed

FIRE DEPARTMENT – DAN NASALROAD, FIRE CHIEF

- ❖ Annual Halloween Set Up at Market & Broadway
 - 300 hot dogs served
 - Thanks to Volunteer Fire Fighters for their participation
- ❖ Thank you to American Wood Works
 - Used their shop to build props for recent training

Request for Purchase of New Bunker Gear

- ❖ Need for replacing bunker had been presented to Council several months ago.
 - Some sets purchased at that time
- ❖ Each set costs approximately \$1,000 + Freight
- ❖ Request authorization to purchase 7 sets
 - Estimate total cost = \$7500 (including freight)

Minutes: Year = 2009

November 04, 2009

- Current fire department budget will accommodate the purchase
- ❖ Will purchase 2 more sets beginning in 2010
 - This will bring department up-to-date
- ❖ Thereafter, will establish a regularly scheduled replacement rotation plan.

✓ *Motion to Authorize Purchase of Fire Department Bunker Gear*

Council Member VanVlack moved to authorize the purchase of seven (7) sets of bunker gear at a cost of up to seventy five hundred dollars (\$7500.00). Motion seconded by Council Member Robbins, voted on, passed 3-0-1. Abstained: Fleming (Fire Dept. Member)

Time: 7:09 p.m.

COUNCIL COMMITTEE REPORTS:

WATER & GAS

Lincoln/Scott Township Medical Board – Drainage at Medical Building on Market Street

- ❖ Council Member Robbins Reported:
- ❖ Drainage problems at Medical Building on East Market
 - Not draining properly from south to north on east property line
- ❖ Medical Building has more than one option for correcting problem
- ❖ City has water line in area that needs to be lowered to enhance drainage
 - City Water line only 24" deep at this location
 - This prevents ditch from being excavated further
 - Would it be beneficial to city to move the water line and make deeper?
- ❖ Council concurred that the city does not have a need to move the water line
 - Medical Board will need to exercise another option to improve their drainage problem

STREET

Mayor Smith asked Street Committee to begin developing a street repair/replacement plan
Would like to have it set up on a rotation basis so as not have everything due at same time

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

DAN BOSLEY & EDDIE SHAY – WATER LINE CONCERNS

- ❖ Eddie Shay is preparing to construct new building on property adjacent to Syd's Market (Dan Bosley, owner).
- ❖ Location = Block 48, Lots 1 thru 9. North side of Market between 6th & 7th streets
 - Bosley owns lots 1 thru 4; Shay owns lots 5 thru 9
- ❖ Water line to Syd's (Bosley) runs from Market along property line to back side of property.
 - Syd's (Bosley) Meter located on backside of property at NE corner of building
- ❖ Syd's building and Shay's new building will be approximately 7-1/2 apart

- ❖ Dan Bosley question: Will city be responsible for maintaining line after Shay constructs new building? And will City be able to get it fixed? (enough space?)
 - Present policy is for city to maintain water lines to meter. Customer responsible from meter to building
- ❖ Dan Bosley offered to pay for material if City wanted to install a new line now, before Shay's new building is erected
- ❖ Discussion followed
 - City noted that conditions would determine how quickly the city could respond to fixing a leak in the line.
 - City asked Eddie Shay about plans for construction and opening, etc.

Minutes: Year = 2009

November 04, 2009

- Building will be for lease or rent
 - Plan to sell fireworks during allowable 2 week period
 - ◆ Fireworks will not be stored on property
 - Has a couple of interests in renting the building but nothing firm yet
 - Plans to pull out the dirt that has already been spread on the property, then erect a wall between properties to curb water run-off, then level dirt back into space again.
- ❖ Superintendent Moore affirmed that the City would be able to repair a leak in the 7-1/2 ft space between the buildings

AMERICAN WOODWORKING – DITCH TUBING SOUTH FROM MARKET STREET ON WEST SIDE OF INDUSTRIAL BOULEVARD

Per Councilmember Fleming:

Plans call for use of 18" tubes on north reducing to 15" tubes on south end.

3 cleanouts

Drain openings in driveway

Danny Morris, County Road Foreman is O.K. with the project.

✓ *Motion to Approve Ditch Culvert/Tubing*

Council Member Fleming moved to approve installation of up to 200 ft. of culvert by American Woodworks, as presented, in the ditch adjoining Industrial Boulevard. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:32 p.m.

NEW BUSINESS:

CHRISTMAS PARTY

- ❖ Council was asked preference in holding Christmas party or not
- ❖ Noted past parties included Council, employees, and volunteers such as fire department, planning commission, etc.
- ❖ Cost = \$1,000 to \$1500
- ❖ Last year there were 70+ in attendance
- ❖ Council asked to think about it and make decision at next meeting

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Van Vlack moved to go into executive session for up to ten (10) minutes for Legal & Personnel following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:37 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Fire Chief Dan Nasalroad.

Open Session Resumed at 7:57 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT:

Verbal: None.

Minutes: Year = 2009

November 04, 2009

Written:

- iiii) Dan Bosley/Eddie Shay
- jjjj) American Woodworking – Chris Self
- kkkk) Christmas Party

NOTES AND COMMUNICATIONS TO COUNCIL: None

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 4-0** The meeting was adjourned at 7:59 p.m.

I, _____ LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 4th day of November, 2009.
(Gary D. Mahon)

November 18, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, November 18, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Police Officer Paul Filla; Public Works Employee Jim Johnson; Fire Chief Dan Nasalroad; Fireman Rod Benson; Judy Kinder; Le Roy Turpen; Joe Turpen; Roger Sims; and Mike Shultz.

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

MAYOR'S COMMENTS:

- ❖ Toys for Kids Project
 - 70 children on list thus far
 - Community very supportive and generous
 - Linn Valley and First Option Bank to help wrap presents
- ❖ Read Thank you note from Paul Filla in appreciation of donation in memory of his father

CONSENT AGENDA:

City Clerk Gary Mahon noted that check number 11746 listed on the check register had been voided and would not be issued. Check = \$16,770 to Gregg Bair Track Hoe for demolition of swimming pool. Demolition contract not fully completed.

✓ ***Motion to Approve Consent Agenda***

Council Member VanVlack moved to approve the consent agenda which consisted of:

- Minutes of November 04, 2009 City Council Meeting
- Check Register: November 05 thru November 18, 2009 (Noted Void Check 11746)
- Treasurer's Report: October 2009
- Budget Report: October 2009

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

Minutes: Year = 2009

November 18, 2009

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, POLICE CHIEF

Thank You to Mayor and Council for consideration and understanding to Officer Will James. Will's father-in-law recently passed away in Oregon. Officer Will James will be away for several days.

PUBLIC WORKS DEPARTMENT – JIM JOHNSON

Cemetery Project – Access Road in New Section

- ❖ 55% Complete
- ❖ All of river bridge demolition debris has been used
- ❖ Thanks to Boone & Van Vlack for their assistance
- ❖ Estimate 240 tons rock used thus far

6th Street Project – Rip/Rap & Culvert

- ❖ Have not started on rip/rap yet
- ❖ Also a problem with Culvert at intersection of 6th & Vine
- ❖ Mayor/Council noted that culvert problem had been identified quite some time ago
 - Jim stated problem getting worse and was in need of attention
- ❖ Council directed Jim to obtain pricing for fixing problem and submit at next meeting

Snow Plow for Dodge Truck

- ❖ Jim presented his point of view for the need to purchase a snow plow for the Dodge truck
 - Once the snow plow is placed on the Dump Truck it is loaded down
 - Need dump truck to do ditches
 - Would allow employee Lisa Elmore to operate Dodge Truck with snow plow
 - Difficult for Lisa to handle dump truck
 - Dump truck hard to hold in narrow streets when plowing snow
 - Difficult to turn corners
- ❖ Council will consider and get back with Jim

Council Member Van Vlack reported that the new uni-loader is scheduled to be delivered in early December.

FIRE DEPARTMENT – DAN NASALROAD, FIRE CHIEF

2000 Gal Tanker for Transporting Water

- ❖ Presented pictures and specs on an available tanker truck
 - New 2,000 gal tank
 - Located in Birmingham, Alabama
 - Request permission to go to Birmingham and inspect to determine if satisfactory for city's needs
- ❖ Council O.K. with trip to Birmingham for fact finding

COUNCIL COMMITTEE REPORTS: None

SPECIAL COMMITTEE REPORTS: None

Minutes: Year = 2009

November 18, 2009

UNFINISHED BUSINESS:

CHRISTMAS PARTY & BONUSES

- ❖ City Clerk Mahon reported on full time employees thoughts
 - Two enjoyed having the Christmas Dinner
 - Two were indifferent
 - Four did not want to have the dinner
- ❖ Mayor Smith felt it was important to recognize City Volunteers
 - Show gratitude and respect
- ❖ Mayor noted that budgets are tight this year
- ❖ Mayor suggested having an open house with snacks and favors
- ❖ Council Member Boone suggested bringing in the grill to cook the meat and everyone bring a covered dish
- ❖ Larger bonuses in lieu of Christmas Party was suggested
- ❖ Mayor will get with City Clerk Gary Mahon and set something up

NEW BUSINESS:

LA HARPER HEIGHTS – MAKE SHIFT PARKING LOT

- ❖ Housing Board Member Joe Turpen was present to represent La Harper Heights
- ❖ Request permission to use portion of Elm Street between 8th & 7th Streets for parking
 - That portion of street is currently unimproved and not used
 - Need room for six (6) parking additional spaces
 - There is an increase in number of cars per apartment from when apartments were originally built
- ❖ Jim Johnson reported there would be no problem with public works department
- ❖ Who would pay for gravel?
 - Estimate: Need 70 tons
 - There is crushed concrete from demolition of pool that might be available
 - Council Member Boone: Pool contractor stated he would not be using any of the crushed concrete for pool construction purposes
 - Council Member Robbins: Do not take crushed concrete until authorized with Jodi Wade and General Contractor of new pool construction
- ❖ Council instructed Jim Johnson to compile associated costs and report at next meeting

AMEND 2009 BUDGET – SOLID WASTE & SEWER

Solid Waste is over budget due to increase in number of customers being served + a slight increase in rates. Revenue has increased proportionately to the increase in expense. All available funds for the sewer fund were not budgeted for expenditure in the original budget. It is doubtful the sewer budget will stay within the originally published 2009 budget.

Notice of budget amendment needs to be published and then hold public hearing.

✓ *Motion to Hold Public Hearing to Amend the 2009 Budgets for Sewer and Solid Waste*

Council Member Van Vlack moved to hold public hearing for amending the 2009 budget for sewer and solid waste. Date of hearing: 7:00 p.m., Wednesday, December 16, 2009. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:47 p.m.

Minutes: Year = 2009

November 18, 2009

CEREAL MALT BEVERAGE LICENSE – CASEY’S GENERAL STORE

✓ *Motion to Approve Cereal Malt Beverage License – Casey’s General Store*

Council Member Van Vlack moved to grant a Cereal Malt Beverage license for 2010 to Casey’s. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:48 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to seventy (70) minutes for Legal, Personnel, & Trade Secrets following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:51 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: Fire Chief Dan Nasalroad. City Clerk Gary Mahon, & Attorney Mike Shultz.

Open Session Resumed at 9:10 p.m.

OTHER BUSINESS:

CITY CLERK’S REPORT:

Verbal: None.

Written:

- III) Gas Bond & Pool Bond Receipts
- mmmm) Christmas Party & Christmas Bonuses
- nnnn) La Harper Heights – Makeshift Parking Lot
- oooo) Amend Sewer & Solid Waste Budgets
- pppp) Cereal Malt Beverage License – Casey’s General Store

NOTES AND COMMUNICATIONS TO COUNCIL:

- a) Park Board Minutes: 9/24/09
- b) Park Board Minutes: 10/29/09
- c) Gas Report: October 2009
- d) Water Report: October 2009

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0** The meeting was adjourned at 9:12 p.m.

Minutes: Year = 2009

November 18, 2009

I, _____ LaCygne 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 18th day of November, 2009.

December 02, 2009

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, December 02, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Police Officer Paul Filla; Public Works Employee Jerome Moore; Fire Chief Dan Nasalroad; Judy Kinder; Le Roy Turpen; Joe Turpen; Linda Meisel; Charlene Sims; and Jodi Wade.

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

MAYOR'S COMMENTS:

- ❖ Reminded employees and volunteers of open house scheduled for 7:00 p.m. December 9th
- ❖ Toys for Tots gift wrapping going well
- ❖ Bill Craven hand injury = Bill progressing well

BUDGET AMENDMENT HEARING:

CITY CLERK NOTE: Following is an accounting of the budget amendment hearing. However later in the meeting it was determined that the published date for the hearing was actually December 16, 2009. Therefore the motion made at the Dec. 02, 2009 hearing/meeting to approve the amended budget is null and void. Another hearing will be held on December 16, 2009 during the regularly scheduled city council meeting.

A hearing on proposed amendments to the solid waste and sewer budget was held. City Clerk Gary Mahon explained that the solid waste fund was over budget and needed to be amended to allow for expenditures. Gary noted that the sewer budget was close and asked that it be amended in case there were emergency expenditures before the end of the year. It was noted there are sufficient funds to cover the amendments. All of available funds were not originally budgeted for expenditure in the original 2009 budget.

City Clerk Mahon asked if there were any comments from public citizens in attendance. No comments were received.

Mayor Smith asked Council for decision.

✓ *Motion to Amend 2009 Sewer & Solid Waste Budgets*

Council Member Weitman moved to amend the sewer & solid waste budgets as presented at the hearing. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:05 p.m.

Minutes: Year = 2009

December 02, 2009

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

Council Member VanVlack moved to approve the consent agenda which consisted of:

Minutes of November 18, 2009 City Council Meeting

Check Register: November 19 thru December 02, 2009

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, POLICE CHIEF

- ❖ S.T.E.P. program held during Thanksgiving Week-end
 - Funds used to pay for overtime
- ❖ Gravel, etc., being hauled from the McElreath property
- ❖ Officer Will Dean attending funeral of father-in-law, will be home this Friday
- ❖ Officer Paul Filla feeling better and recovering from recent bout with flu

PUBLIC WORKS DEPARTMENT – JEROME MOORE

- ❖ Cemetery project progressing nicely
- ❖ Mayor Smith reported that Heritage Tractor had called
 - Uni-loader will not be delivered until December 21st

FIRE DEPARTMENT – DAN NASALROAD, FIRE CHIEF

- ❖ Two new firemen
 - Scott Friend and Alan Robertson
- ❖ Prospective Tanker Truck still being made ready
 - Tentative plans are to go look at the equipment in approximately two weeks
 - Have asked Labette and First Option Banks for financing information
 - Hope to have everything in place by the Dec 16th meeting for council action

COUNCIL COMMITTEE REPORTS:

STREET

- ❖ Councilman Weitman – Ditch project on 6th street by post office – Good Job
- ❖ Mayor Smith – Project at 5th & Grandview – Much improved

PARK

- ❖ Councilman Boone asked how much money was in the Special Park & Rec Fund
 - \$5715.84 in cash – Not sure of budget authority
- ❖ Councilman Boone would like to rock the small parking area at north (Bittiker) park
 - Area getting sloppy and muddy
 - Clerk Mahon felt there was enough budget authority to cover cost of the rock

Minutes: Year = 2009

December 02, 2009

SPECIAL COMMITTEE REPORTS:

NEW POOL – JODI WADE

- ❖ Project is progressing
- ❖ Some issues of concern have been taken care of
 - Road has been repaired and patched
- ❖ Councilman Boone:
 - Noted contractor did good job of repairing road
 - Noted that trees on river bank need to be cleaned up where the pool drainage pipe was installed
 - Jodi reported that was on list of things for contractor to do

FIESTA

Linda Meisel reported that Fiesta will be held the first week-end in June.

UNFINISHED BUSINESS:

LA HARPER HEIGHT MAKE SHIFT PARKING – ASSOCIATED COSTS

- ❖ Costs submitted by Public Works Employee Jim Johnson were:
 - Estimate approximately 60 tons of base rock (3/4" to 1" with fines)
 - \$351.00 if city hauls
 - \$546.00 if Wade Quarry hauls
- ❖ Public Works Employee Jerome Moore
 - Do they want some type of vehicle stopping device?
 - Stop blocks? Telephone Poles?
 - What department does time for labor get charged to?
 - Answer: Street Department
- ❖ General Discussion
 - Concern if sixty tons will be enough rock
 - Who will maintain after initial establishment of parking area?
 - Housing board member Turpen noted Housing Authority very short of funds
 - How will the land be prepared prior to graveling?
 - Would housing authority consider cost sharing?
- ❖ Housing Board Member Turpen noted that next board meeting would be December 10th
- ❖ Council asked street committee to investigate questions and report at next meeting.

CULVERT REPAIRS 6TH & VINE

- ❖ Cost Proposals Submitted
 - Walkers Flatwork = \$5100.00
 - Fred Noel Construction = \$4970.00
 - Cost Reduction if city performs
 - ◆ 7 ton rock = \$105.00
 - ◆ Back Hoe = \$ 320.00
 - ◆ Bob Cat = \$120.00

✓ *Motion to Accept Culvert Repair Bid*

Council Member Weitman moved to accept the bid from Fred Noel Construction and take advantage of cost savings making the total cost = \$4425.00. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:36 p.m.

Minutes: Year = 2009

December 02, 2009

NEW BUSINESS:

CENSUS BOUNDARY ANNEXATION WORKSHOP

U.S. Census Bureau 2010 Boundary And Annexation Survey Workshop

- ❖ January 13, 2010 in Kansas City, Missouri
- ❖ No Registration Fee
- ❖ City Clerk Mahon asked permission to attend
 - Wants to assure that city annexations of the past ten years are recorded

✓ *Motion to Approve Attendance at Census Boundary Annexation Workshop*

Council Member Fleming moved to send City Clerk Gary Mahon to the Boundary and Annexation Survey Workshop in Kansas City on January 13, 2010 with city paying usual associated costs. Motion seconded by Council Member Robbins, voted on, passed 5-0.

Time: 7:39 p.m.

UNI-LOADER PURCHASE

Councilman Robbins asked if the uni-loader that is scheduled to be delivered is the same as what was approved. Councilman Boone and Public Works Employee Jerome Moore confirmed that what is being delivered is what was approved and ordered.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to thirty (30) minutes for Legal following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:42 p.m.

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: None

PROTEST OF PUBLIC HEARING PROCEDURES

Joe Turpen registered a complaint that the public hearing for amending the budget was illegal. Joe's contention was that the hearing was never declared closed by the Mayor and that omission makes the hearing illegal. Councilman Robbins asked Joe why his concern was not aired at the time the hearing ended. Mr. Turpen's response were negative and menacing. After an exchange of incensed words with council members, Mr. Turpen left the meeting.

After the ten minute break, council went into executive session.

Open Session Resumed at 8:07 p.m.

Minutes: Year = 2009

December 02, 2009

OTHER BUSINESS:

CLARIFICATION ON BUDGET AMENDMENT HEARING DATE

City Clerk Gary Mahon reported that the published date for the Amended Budget Hearing was actually December 16, 2009 which is the next regularly scheduled city council meeting. Mahon apologized for the error of placing it on tonight's agenda and assumed full responsibility for the error. Another hearing will be held again at the December 16th meeting. Tonight's motion to amend the budget is considered null and void as the published hearing has not yet been held.

CITY CLERK'S REPORT:

Verbal: None.

Written:

qqqq)	Amend Sewer & Solid Waste Budgets
rrrr)	La Harper Heights Make Shift Parking – Associated Costs
ssss)	Culvert Repairs at 6 th & Vine
tttt)	Cereal Malt Beverage and Mobile Home Park Licenses
uuuu)	Census Boundary Annexation Workshop

NOTES AND COMMUNICATIONS TO COUNCIL:

e)

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Boone moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0** The meeting was adjourned at 8:10 p.m.

I, _____ LaCygne 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 2nd day of December, 2009.

December 16, 2009

REGULAR MEETING

The La Cygne City Council met in regular session Wednesday, December 16, 2009 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Fire Chief Dan Nasalroad; Assistant Fire Chief Scott Stainbrook; Public Works Employees Jerome Moore and Jim Johnson; LeRoy Turpen; Charlene Sims; Judy Kinder; Teresa Whitaker; Dennis Arnold; Linda Meisel; Doug Barlet; and Dan Bosley.

Minutes: Year = 2009

December 16, 2009

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

MAYOR'S COMMENTS:

- ❖ LaCygne Christmas Toys for Kids
 - Special Thanks to:
 - Richard & Donna White
 - Dan Nasalroad and Tommy Capp
 - 90 Children & 38 Families Served
 - Mayor Read Thank you's from recipients of toys
 - Special Thanks to Beth Smith for Coordinating and Organizing

BUDGET AMENDMENT HEARING:

A hearing on proposed amendments to the solid waste and sewer budget was held. Mayor Smith explained details of proposed budget amendments. Mayor Smith then asked for comments and questions from the citizens in attendance. No comments or questions were received. The hearing was then closed.

✓ *Motion to Amend 2009 Sewer & Solid Waste Budgets*

Council Member Robbins moved to amend the sewer & solid waste budgets as presented at the hearing. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:05 p.m.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Fleming moved to approve the consent agenda which consisted of:

Minutes of December 02, 2009 City Council Meeting
Check Register: December 03 thru December 16, 2009
Treasurer's Report: November 2009
Budget Report: November 2009

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – JAMES DEAN, POLICE CHIEF

Taylor Property Condemnation

- ❖ Judge Smith ruled in favor of the City – Case Dismissed
- ❖ Taylor's have 30 days to appeal

Hit and Run Accident

- ❖ Person responsible fled the scene
- ❖ City Officers pursued
- ❖ Lost the person after entering Miami County (Dusty Gravel Roads)
- ❖ No Injuries

Minutes: Year = 2009

December 16, 2009

Request for old Dell Computer

- ❖ Teresa Whitaker offered to purchase old Dell Computer for \$50
- ❖ Computer formerly on surplus equipment list
 - Received no bids at that time
- ❖ Council agreeable to sell computer to Teresa
 - No formal motion made

Request to set aside funds for future police car purchase

- ❖ Anticipates approximately \$23,000 of 2009 budget authority to remain at end of year
- ❖ Requested it be transferred to equipment reserve fund
 - Allocate for new police department vehicle
- ❖ Noted expense of maintaining present vehicle
 - Expenditures of over \$3500 for 2009
- ❖ No action taken by council

PUBLIC WORKS DEPARTMENT – JEROME MOORE

Sewer Lift Station Upgrade Proposals

- ❖ Lee Mathews Equipment
 - Product Offering
 - Option 1 = \$1050.00
 - Option 2 = \$957.00
 - Option 3 = \$965.00
 - Sensor Options
 - Probe Stick = \$790.00
 - Float ITT Flygt (4 required with option 1,3) = \$170.00
 - Float Connery (4 required with option 1, 3) = \$50.00
 - Installation
 - Labor, travel time, and mileage = \$1640.00
- ❖ Douglas Pump Service, Inc.
 - Supply and Install = \$3760.00

Jerome Moore recommended Lee Mathews Equipment Option 1 + Probe Stick + Installation
Total = \$3480.00
Per Councilman Boone: Lift Station surviving with used parts
This will provide same system as present lift station in park

✓ *Motion to Approve Sewer Lift Station Upgrades*

Council Member Weitman moved to accept Lee Mathews proposal of option 1 for total cost of Three Thousand Four Hundred Eighty Dollars (3480.00). Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:12 p.m.

FIRE DEPARTMENT – DAN NASALROAD, FIRE CHIEF

1999 GMAC 7500 Tanker Proposal

- ❖ Cost of truck = \$65,000
- ❖ Dan contacted both First Option & Labette Bank for quotes on lease/purchase
 - First Option had better rates
 - Four Options ranging with terms from 4 years (4%) to 7 years (4.65%)
- ❖ Dan suggested:
 - Borrow \$40,000 for six years (4.45%)
 - Pay \$10,000 from 2009 Fire Budget
 - Pay \$15,000 from present equipment reserve fund
- ❖ Council discussed mechanisms of equipment reserve fund

Minutes: Year = 2009

December 16, 2009

- City Clerk could not give estimate of amount eligible to be transferred at end of 2009
 - Clerk was not aware of pending request from fire department so had not researched numbers
 - Noted that if transfers were to occur, a percentage to each fund (equipment reserve and capital improvement) had to be stated in motion to allow for transfer of excess funds.
- ❖ Council tabled item until later in meeting

Rural Fire Station Bay Heating Upgrades

- ❖ Doug Barlet, County Rural Fire Chief reported
 - Present electric heaters in building do not heat adequately
 - County will spend \$12,000 to \$15,000 to install new natural gas heaters
 - Asked City to provide (at city's cost) gas line and meter to building
 - Jerome estimated cost for materials to be \$1142.72
- ❖ City is presently responsible for utility bills
 - Electric bill in winter approaches \$600+ per month; Summer is approximately \$250 per month
- ❖ Estimated that winter electric bill could be cut in half with new gas heaters
- ❖ Fire Chief Nasalroad noted:
 - City has not only kept its end of the original agreement but has done more such as performing all the maintenance – mowing, etc.
- ❖ County not firm on installing new heaters yet
 - Doug Barlet will ask fire board to approve heaters then take to county commissioners.

✓ *Motion to Authorize Installation of Gas Line to Rural Fire Station*

Council Member Van Vlack moved to authorize installation of gas line to Rural Fire Building. Motion seconded by Council Member Weitman, voted on, passed 4-0-1. Abstain Fleming (Fire Dept) Time: 7:36 p.m.

COUNCIL COMMITTEE REPORTS:

None

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

LA HARPER HEIGHTS MAKE SHIFT PARKING – ASSOCIATED COSTS

- ❖ Dennis Arnold and Teresa Whitaker addressed council about need for expanded parking
- ❖ Dennis presented council with history of the Housing Authority
 - City is owner
 - Housing Board is agent of the City of Lacygne
- ❖ Housing Authority:
 - Has a budget
 - Can pay for costs associated with graveling area
 - Asking permission to use portion of Elm Street in 700 block for parking
 - Portion of street is currently unimproved and not used for through traffic
 - City's assistance in providing equipment and personnel to establish lot would be appreciated
 - Area now needed for overflow of visitors
 - Suggested that original base be designed and laid to prepare for possible future paving
 - Not currently contemplating hard surfacing

Minutes: Year = 2009

December 16, 2009

✓ *Motion to Allow Use of Portion of Elm Street for Parking*

Council Member Weitman moved to grant temporary use of a portion of unimproved Elm Street in the 700 block and allow city to donate use of equipment and personnel to establish such. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:49 p.m.

NEW BUSINESS:

CEREAL MALT BEVERAGE LICENSES

✓ *Motion to Approve Cereal Malt Beverage Licenses – Julie’s Thriftway & Syds (Stub’s)*

Council Member Van Vlack moved to grant cereal malt beverage licenses to Julie’s Thriftway and Stub’s (Syds). Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:52 p.m.

MOBILE HOME PARK LICENSES

Codes Officer James Dean recommended granting the licenses.

✓ *Motion to Approve Mobile Home Park Licenses – Marsh & Slocum/Best*

Council Member Van Vlack moved to grant a mobile home park licenses to Slocum/Best and a mobile home park license to Richard & Rebecca Marsh. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:53 p.m.

AUTHORIZATION TO USE EQUIPMENT RESERVE FUND FOR PARTIAL PAYMENT OF FIRE TRUCK

✓ *Motion to Use Equipment Reserve for Partial Payment of Fire Truck*

Council Member VanVlack moved to tag \$15,000 from the equipment reserve fund towards purchase of fire truck. Motion seconded by Council Member Weitzman, voted on, passed 4-0-1. Abstain: Fleming (Fire Dept) Time: 7:58 p.m.

AUTHORIZATION TO TRANSFER YEAR-END EXCESS FUNDS

✓ *Motion to transfer maximum year-end funds*

Council Member Weitman moved to allow the maximum year-end transfer from the general fund to the capital improvement and equipment reserve funds with 25% allocated to capital improvement and 75% allocated to equipment reserve.. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 8:00 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to forty (40) minutes for legal & personnel following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:03 p.m.

Minutes: Year = 2009

December 16, 2009

In addition to the Mayor, Council Members, and City Attorney, those requesting a portion of time or being invited into the executive session included: City Clerk Gary Mahon and Police Chief James Dean.

Open Session Resumed at 8:37 p.m.

OTHER BUSINESS:

FIRE TRUCK PURCHASE

✓ *Motion to Purchase Fire Truck*

Council Member VanVlack moved to authorize the purchase of a fire truck in the amount of sixty-five thousand dollars (\$65,000.00) with Fire Chief Nasalroad and City Clerk Mahon to finalize 6 year financial arrangements with First Option Bank. Motion seconded by Council Member Weitman, voted on, passed 4-0-1. Abstain: Fleming (Fire Dept.) Time: 8:41 p.m.

AUTHORIZE TRAVEL TO EXAMINE/PURCHASE PROPOSED FIRE TRUCK

✓ *Motion to Authorize Travel Expenses to Examine/Purchase Proposed Fire Truck*

Council Member VanVlack moved that the City incur the necessary travel expenses for Fire Chief Dan Nasalroad and one other person to Birmingham, Alabama for examination/purchase of proposed tanker fire truck. Motion seconded by Council Member Robbins, voted on, passed 4-0-1. Abstain: Fleming (Fire Dept.) Time: 8:42 p.m.

CITY CLERK'S REPORT

Verbal: None

Written:

vvvv)	Taylor Condemnation
wwwv)	Budget Amendment Hearing
xxxx)	La Harper Heights Parking
yyyy)	Licenses – Cereal Malt Beverage and Mobile Home Parks
zzzz)	Authority to Transfer Excess General Funds

NOTES AND COMMUNICATIONS TO COUNCIL:

- f) Gas Report: November 2009
- g) Water Report: November 2009

ADJOURNMENT:

✓ *Motion to Adjourn*

There being no further business, **Council Member Robbins moved to adjourn the meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0** The meeting was adjourned at 8:43 p.m.

I, _____ LaCygne 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 16th day of December, 2009.