

January 13, 2010

REGULAR MEETING:

The La Cygne City Council met in a postponed session on Wednesday, January 13, 2010 at the LaCygne City Hall. The meeting had been regularly scheduled for January 6, 2009 but was postponed to January 13th due to inclement weather. 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; Fire Chief Dan Nasalroad; Police Officer Will Dean; Public Works Employee Jerome Moore; Fireman Tommy Capp; Robert Blanc; Jodi Wade; Harley Wade; Charlene Sims; Judy Kinder; Le Roy Turpen; Linda Meisel; Fred Meisel; and Randy Taylor Jr.

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

MAYOR'S COMMENTS:

- Concerns and prayers for those in Haiti suffering from recent earth quake.

CONSENT AGENDA:

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

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

Minutes of December 16, 2009 City Council Meeting

Check Register: December 17, 2009 thru January 13, 2010

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

Police Chief Dean requested authorization for officers to attend upcoming training events.

Asset Forfeiture in Kansas – January 20, 2010 – Lenexa, Kansas

CEU's: 4

Fee: None

Costs: Fuel and meals

Request Attendance For: William Dean and Paul Filla

✓ ***Motion to Authorize Attendance at Asset Forfeiture Training***

Council Member VanVlack moved to send officers Paul Filla & William Dean to Asset Forfeiture training in Lenexa, Kansas on January 20th with City to pay necessary associated expenses. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:04 p.m.

❖ Arson Investigation – January 27, 2010 – Pleasanton, Kansas

Minutes: Year = 2010

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- CEU's: 8
- Fees: None but lunch is provided
- Costs: Wages and fuel for Chief Dean (Regular Work Day)
- Request Attendance For: James Dean, William Dean, Paul Filla, and Dan Nasalroad

✓ *Motion to Authorize Attendance at Arson Investigation*

Council Member Weitman moved to send officers James Dean, Paul Filla & William Dean plus Fire Chief Dan Nasalroad to Arson Investigation in Pleasanton, Ks on January 27th with City to pay necessary associated expenses. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:06 p.m.

- ❖ Cyber Investigation – Hutchinson, Kansas – February 8, 2010
 - CEU's: 8
 - Fee: No Fee for Class
 - Costs: Lodging and Fuel approx \$85 (Will attending on day off without compensation)
 - Request Attendance For: Officer Will Dean
- ❖ STOP – Cyber Investigation 101 – Hutchinson, Kansas – February 9-10, 2010
 - CEU's: 16
 - Fee: No Fee for Class
 - Costs: Lodging \$90 + Wages for 1 day
 - Request Attendance For: Officer Will Dean

✓ *Motion to Authorize Attendance at Cyber Investigation Training*

Council Member VanVlack send officer Will Dean to all Cyber Investigation Training Session in Hutchinson, Kansas Feb 8 thru 10, 2010 with City paying costs up to One Hundred Seventy Five Dollars (\$175.00). seconded by Council Member Boone, voted on, passed 4-0. Time: 7:08 p.m.

Chief Dean noted that this will give Officer Will Dean all necessary training CEU's for the year. James Dean will need to take one more class. However, both will still be required to attend mandatory firearms training.

Chief Dean also reported that 250 reports, including codes, were taken last year. So far 14 reports and 40 calls for service have been taken already this year.

PUBLIC WORKS DEPARTMENT – JEROME MOORE

- ❖ Pump Maintenance Recommendations
 - Douglas Pump
 - Lift Stations 6 pumps
 - Check wear, amps, volts, meg motors
 - Change Oil if needed
- ❖ \$220 per pump
 - Total Cost = \$1320 if performed one time per year
 - Total Cost = \$2640 if performed two times per year
- ❖ Jerome Moore recommended performing maintenance two times per year

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✓ Motion to Authorize Maintenance of Sewer Lift Station Pumps

Council Member Weitman moved to enter into agreement with Douglas Pump Service authorizing semi-annual maintenance of lift station pumps at a cost of Two Thousand Six Hundred Forty Dollars (\$2640.00). Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:12 p.m.

- ❖ Repair/Replace Sewer Lift Station Pump
 - Cost to repair: \$6,000 - \$6800
 - Cost to replace: \$13,000+

✓ Motion to Authorize Repair of Sewer Lift Station Pump

Council Member Weitman moved to authorize Jerome Moore to move forward with repair of the sewer lift station. Discussion: Mayor Smith requested that no agreement be made if cost is over \$6800. **Motion seconded by Council Member VanVlack, voted on, passed 4-0.** Time: 7:15 p.m.

- ❖ Jerome Moore:
 - Noted that Skid Loader is scheduled to be shipped next week
 - Asked permission to look at Surplus Dump Truck
 - Cost = \$3,000
 - Used for smaller jobs
 - Current large dump truck not available due to salt/sand dispenser
 - Councilman Weitman asked reasoning for additional truck
 - Expressed concern over financial responsibility of purchasing another truck
 - Jerome will report findings at next council meeting

FIRE DEPARTMENT – DAN NASALROAD, FIRE CHIEF

- ❖ Firefighter Relief Seminar
 - January 16, 2010 – Salina, Ks
 - Cost: Hotel = \$79
 - Would like for himself + one other fireman to attend

✓ Motion to Authorize Attendance of Firefighter Relief Seminar

Council Member Van Vlack moved to send Fire Chief Nasalroad + one other fireman to the Firefighter Relief Seminar in Salina, Ks on January 16, 2010. Motion seconded by Council Member Weitman, voted on, passed 3-0-1. Abstain Fleming (Fire Dept) Time: 7:19 p.m.

2009 Report

- ❖ 56 Calls
 - 6 Structure
 - 4 Auto Aid to County

Fire Chief Nasalroad expressed Thanks to all who helped in setting up shelter at the community building during the power outage of January 7th.

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COUNCIL COMMITTEE REPORTS:

STREET

Mayor Smith asked street committee and public works to be developing schedule for street maintenance.

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS

Power Outage – January 7th

- ❖ Chairman Linda Meisel
 - Thanks to all who helped set up community building for shelter
 - Fire Department
 - Emergency Committee Members
 - Linn County Emergency Preparedness
 - Generators
 - City Lost Power at 10:30 a.m.
 - Generators up and going in community building by 12:30 pm
 - Power restored at 4:00 p.m.
 - No citizens came to community for shelter
 - Had power been off 2 – 4 more hours, after sunset, probably would have had participants
 - Temperatures approaching 0 or below
 - Activities provided good training for possible future disasters

Generator Prices

- ❖ 25 KW for community Building & 40 KW for city hall
 - \$40,000+

Storm Shelters (School)

- ❖ Prairie View has hired an architect & structural engineer
 - Reviewing present school facilities to determine adequacy of present storm shelter areas

UNFINISHED BUSINESS: None

NEW BUSINESS:

PARK BOARD APPOINTMENT

- ❖ Terms of Jodi Wade and Trevor Riley Expired
 - Trevor Riley did not want to serve again
- ❖ Mayor Smith recommended the re-appointment of Jodi Wade (2 year term)
- ❖ No recommendation at this time to fill the position vacated by Trevor Riley

✓ *Motion to Appoint Jodi Wade to Park Board*

Council Member Weitman moved to accept the Mayor's appointment of Jodi Wade to the Park Board. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:32 p.m.

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HOUSING AUTHORITY BOARD APPOINTMENT

The term of Joe Turpen has expired. Mayor Smith recommended the re-appointment of Joe Turpen to the Housing Authority Board. (4 year term)

✓ *Motion to Re-appoint Joe Turpen to the Housing Authority Board*

Council Member Van Vlack moved to accept the Mayor's recommendation and appoint Joe Turpen to the Housing Authority Board. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:33 p.m.

TAYLOR CONDEMNATION

City Clerk Mahon asked permission to return unopened bids received last fall regarding demolition of the Taylor property at 114 W. Market. Bids were never opened due to court restraining order that has now been lifted.

✓ *Motion to Return Unopened Taylor Property Demolition Bids*

Council Member VanVlack moved to send back the unopened Taylor property demolition bids that were received last fall. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:34 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to ten (10) minutes for personnel following a ten (10) minute break. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:35 p.m.

After ten (10) minute break and prior to going into executive session Mayor Smith asked for an additional ten (10) minutes for property acquisition.

✓ *Motion to Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to twenty (20) minutes for personnel and land acquisition. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:46 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.

Open Session Resumed at 8:06 p.m.

OTHER BUSINESS:

None

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CITY CLERK'S REPORT

Verbal: None

Written:

- a) Douglas Pump Inspection Price Quotes
- b) Appointments to Park Board & Housing Authority Board
- c) Taylor Condemnation – Status of Original Demolition Bids

NOTES AND COMMUNICATIONS TO COUNCIL:

- a) Park Board Minutes: December 10, 2009

ADJOURNMENT:

✓ *Motion to Adjourn*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Weitman, voted on, passed 4-0** The meeting was adjourned at 8:07 p.m.

I, _____ LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 13th day of January 2010.

(Gary D. Mahon)

January 20, 2010

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, January 20, 2010 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; Fire Chief Dan Nasalroad; Public Works Employee Jerome Moore; Robert Blanck; LeRoy Turpen; Linda Meisel; Charlene Sims; Judy Kinder; Randy Taylor; and Mike Shultz.

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

MAYOR'S COMMENTS:

- ❖ Noted a Thank You received from Joe Teagarden (mail carrier)
 - Appreciated good work of public works in recent clearing of streets after snow storm
- ❖ Mayor also commended public works employees for their hard work
 - Streets were in great shape after snow storm
- ❖ Mayor Smith acknowledged the following DAYS OF INFAMY:
 - Dec. 7, 1941 Bombing of Pearl Harbor
 - Sept. 11, 2001 Terrorist Bombing of Twin Towers in New York City
 - Jan 20, 1977 Vicki Fleming giving birth to Councilman J.K. Fleming
 - HAPPY BIRTHDAY JAKE

January 20, 2010

CONSENT AGENDA:

City Clerk Mahon noted the following corrections:

- ❖ January 13, 2010 Minutes
 - Page 2: Minutes incorrectly stated that "So far 40 reports have been taken already this year". Sentence should read: "So far 14 reports and 40 calls for service have been taken so far this year".
- ❖ 2009 Annual Financial Statement
 - Copy given to council members did not include Pool Bonds 2009 \$1,620,000
 - This will be added under the Bond Obligation section in the Annual Statement

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

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

Minutes of January 13, 2010 City Council Meeting
Check Register: January 14, 2010 thru January 20, 2010
Treasurer's Report: December 2009
Budget Report: December 2009
Annual Financial Statement: 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

In the absence of Police Chief James Dean, Fire Chief Dan Nasalroad presented request to attend a training session.

- ❖ Pipeline Safety Emergency Response Program – Feb 11th – Ottawa, Ks
 - Registration Fee: None
 - Lunch Provided
 - Requesting Attendance: Police Chief, Fire Chief, and 2 Public Works Employees

✓ ***Motion to Authorize Attendance at Pipeline Safety Emergency Response Program***

Council Member VanVlack moved to send Police Chief Dean, Fire Chief Nasalroad, and two (2) Public Works Employees to Pipeline Safety Emergency Response Program on February 11th at Ottawa, Kansas. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:09 p.m.

PUBLIC WORKS DEPARTMENT – JEROME MOORE

- ❖ Cost for repairing lift station pump in Industrial Park = \$6602 + Freight
 - Should be installed and running by this Friday (Jan 22nd)
- ❖ Repairs (probe) that were authorized in Dec 2009 have been repaired/installed
- ❖ Surplus Dump Truck is not anything we would want

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COUNCIL COMMITTEE REPORTS:

WATER/GAS/SEWER

- ❖ Mayor Smith asked if there were any future needed improvements on water or sewer lines that the City should be planning for.
 - Sewers are O.K.
 - Water lines in southwest part of town need to be upgraded.

COMMUNITY BUILDING

- ❖ Council inquired about roof repairs to Community Building and Water Plant
 - Clerk Mahon reported that none had been made
 - Contractor had been contacted at least twice
 - Perhaps it needed to be turned over to City Attorney Sutherland
 - Mayor Smith asked City Clerk to contact them again and he would visit with attorney
 - There is also issue with water leak at the street barn

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

AUDITING CONTRACT

✓ *Motion to Approve 2009 Auditing Contract*

Council Member Robbins moved to approve the 2009 Auditing Contract from Diehl, Banwart, & Bolt in an amount not to exceed Five Thousand Six Hundred Twenty Five Dollars (\$5625.00) plus travel and out-of-pocket expenses. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:16 p.m.

PARK BOARD APPOINTMENT

Mayor Smith appointed Robert Blanck to the LaCygne Community Park Board.

✓ *Motion to Approve Robert Blanck to Park Board*

Council Member Van Vlack moved to approve the appointment of Robert Blanck to the Park Board. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:17 p.m.

FIESTA COMMITTEE APPOINTMENTS

Mayor Smith appointed the following to the Fiesta (Festival) Committee: Linda Meisel; Chris Waddell; Johnyeann Lane; Jodi Wade; Amy Loomis; Barbara Duncan; Melissa DeMott.

✓ *Motion to Approve Fiesta (Festival) Committee Appointments*

Council Member VanVlack moved to approve the Fiesta (Festival) Committee appointments as presented. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:18 p.m.

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TAYLOR CONDEMNATION – 114 W MARKET

Specs relating to demolition of house at 114 W. Market had been reviewed by Public Works, Police, City Attorney, and Governing Body. There were no suggested changes to the specifications as presented.

✓ *Motion to Advertise for Demolition Bids for Property at 114 W. Market*

Council Member VanVlack moved to advertise for demolition bids relating to the Taylor Condemnation with bids due by first regularly scheduled meeting in March. Discussion: Randy Taylor inquired as to whether or not he could go ahead and tear it down and not have to pay demolition costs. He was informed he could submit a bid. **Motion seconded by Council Member Robbins, voted on, passed 5-0.** Time: 7:21 p.m.

CREDIT CARD RESOLUTION NO. 334

- ❖ City Clerk Gary Mahon requested authorization to change city VISA credit card providers.
- ❖ Currently handled through Labette Bank
- ❖ City has one account with five cards issued
 - City Clerk, City Treasurer, Police Chief, Fire Chief, and Public Works Dept.
- ❖ City receives monthly statement but is not broken down by department
 - Makes it difficult to track down purchaser if no receipt has been turned in
- ❖ City Clerk would like to have account where statements are broken down by departments
 - Labette Bank does not provide that capability
- ❖ Interest rates not a factor as bills are always paid on time

✓ *Motion to Approve Credit Card Resolution No. 334*

Council Member Van Vlack moved to approve Resolution No. 334. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:23 p.m.

UTILITY SERVICE CO., MAINTENANCE PROGRAM

Council had been presented with contract for maintenance to south and north water towers. City has had same agreement for several years. There was no increase in premium this year.

✓ *Motion to Approve Water Tower Maintenance Contract*

Council Member Robbins moved to approve the water tank maintenance contract with Utility Service Co., Inc. in the amount of Eleven Thousand Nineteen and .08 Dollars (\$11,019.08). Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:26 p.m.

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to sixty (60) minutes for legal and land acquisition. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:27 p.m.

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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; City Clerk Gary Mahon; and Randy Taylor.

Open Session Resumed at 8:36 p.m.

OTHER BUSINESS:

DESTRUCTION OF ORIGINAL TAYLOR DEMOLITION BIDS

City Clerk Mahon noted that Council had given permission at the January 13, 2009 to return the unopened Taylor property demolition bids received in June 2009 to the original bidders. Upon retrieving the bids from the file it was determined that two of the envelopes did not display the name of the submitting bidder.

Mahon noted that since all bids could not be returned, he would shred them. The unopened bids were shredded at the conclusion of the meeting.

CITY CLERK'S REPORT

Verbal: None

Written:

- d) Financial Report
- e) Pipeline Safety Course
- f) Auditing Contract
- g) Park Board Appointment
- h) Festival (Fiesta) Committee Appointments
- i) Taylor Condemnation Proceedings
- j) Credit Card Resolution No. 334
- k) Utility Service Co., Maintenance Program
- l) Mike Shultz

NOTES AND COMMUNICATIONS TO COUNCIL:

- b) Thank You from Joe Teagarden – Snow Removal
- c) Thank You from 1st Option Bank – Fire Truck
- d) Notice of Kansas Rural Water Association Convention
- e) List of Housing Authority Board Members
- f) Water Records: December 2009
- g) Gas Records: December 2009

ADJOURNMENT:

✓ *Motion to Adjourn*

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 8:40 p.m.

Minutes: Year = 2010

January 20, 2010

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 January 2010.

February 03, 2010

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, February 03, 2010 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; Fire Chief Dan Nasalroad; Public Works Employee Jim Johnson; Police Chief James Dean; LeRoy Turpen; Judy Kinder; Fred Meisel; Linda Meisel; Robert Blanck; and Charlene Sims.

In the absence of Mayor Smith, Council President Mike VanVlack called the meeting to order at 7:01 p.m.

CONSENT AGENDA:

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

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

Minutes of January 20, 2010 City Council Meeting
Check Register: January 21, 2010 thru February 03, 2010

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

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – JOHN SUTHERLAND

City Attorney John Sutherland requested permission to attend the Attorney's Forum segment of the 2010 Kansas Rural Water Association Conference. Johns has always attended in past years.

- ❖ March 30th at Wichita
- ❖ Registration: None
- ❖ Meals: None (Provided at Conference)
- ❖ Costs: Mileage

✓ ***Motion to Authorize Attendance at Attorney's Forum***

Council Member Robbins moved to send City Attorney Sutherland to the Attorney's Forum at the Kansas Rural Water Conference in Wichita on March 30, 2010. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:04 p.m.

February 03, 2010

DISCUSSION FROM THE FLOOR:

Linda Hisel & Chris Waddell – Christmas Lighting Project – Pole Flags Project

Iota Tau Considering 2 Projects

- ❖ Outlining Business Buildings in Christmas Lights
 - Do not have cost estimates yet
 - Would probably hire someone (electrician) to put up
 - Would Public Works help take down if needed?
 - Will contact property owners for permission and cooperation

- ❖ Display of Flags on Light Poles
 - Considering purchasing and displaying flags for holidays and special occasions
 - Would need help of City to put up and take down
- ❖ Iota Tau wanted to know if City had any objections before they proceeded further
 - Council Members expressed willingness of City to help in displaying lights and flags
 - Council Members were favorable to Iota Tau further investigating the projects

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT – JIM JOHNSON

Lybarger Oil Complaint – Water Tower Overflow

- ❖ Lee Parker of Lybarger Oil asked for Guarantee that water tower will not run over again
 - Lybarger's underground fuel tanks having problems with retaining water
 - Fuel tower overflowing is the problem
 - Per Jim: Stated their underground tanks had been there longer than the water tower
 - Had recently replaced seals on tanks but still having problems
 - Council questioned Lybarger's allegations
 - Water tower is 105 years old
 - ◆ Fairly certain fuel tanks have not been there that long
 - Tower has run over in past years
 - ◆ No problem created with fuel tanks in those instances
 - Tanks have retained water before during times when tower did not run over
 - Does Lybarger have problems with tanks after a heavy rainfall?

Council in agreement that City cannot guarantee the tower will not overflow again.

- ❖ Reported that new 8 ply tires for the backhoe had been ordered at a cost of \$360 + Mounting
 - Tires chewed up when moving all the old river bridge demolition concrete
- ❖ Requested permission for Lisa Elmore to attend ProSeal Pavement Preservation Conference
 - February 24, 2010 at Cabela's in Kansas City, Kansas
- ❖ Requested permission for Jerome Moore to attend Kansas Rural Water Association Conference
 - March 30th thru April 1st in Wichita, Kansas
- ❖ Reported that Christmas Decorations had not been taken down
 - Wet ground conditions
 - Bad electrical wiring to switch boxes
 - Concerned about combination of wet grounds and bad electrical wiring
 - Waiting for ground to dry up

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✓ *Motion to Authorize Attendance at Kansas Rural Water Conference*

Council Member Robbins moved to send Jerome Moore to the Kansas Rural Water Conference in Wichita from March 30 through April 1, 2010. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:17 p.m.

✓ *Motion to Authorize Attendance at ProSeal Pavement Preservation Conference*

Council Member Weitman moved to send Lisa Elmore to the Pavement Preservation Conference in Kansas City, Kansas on February 24, 2010 in conjunction with Mayor Smith's objective of developing a street maintenance program. Motion seconded by Council Member Fleming, voted on, passed 4-0-1. Abstain: Boone Time: 7:18 p.m.

COUNCIL COMMITTEE REPORTS: None

SPECIAL COMMITTEE REPORTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION

✓ *Motion to Go Into Executive Session*

Council Member Fleming moved to go into executive session for up to forty (40) minutes for personnel, legal and land acquisition following a ten (10) minute break. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:20 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 7:54 p.m.

OTHER BUSINESS:

NEWSLETTER

City Clerk Mahon noted that a newsletter would be printed approximately the first week in March. Anyone with articles was asked to have them submitted by March 1st.

CITY CLERK'S REPORT

Verbal: None

Written:

m) Kansas Rural Water Association Conference

NOTES AND COMMUNICATIONS TO COUNCIL:

h) List of Current Park Board Members

i) 2009 Water Quality Report [Consumer Confidence Report]

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ADJOURNMENT:

✓ *Motion to Adjourn*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Weitman, voted on, passed 5-0** The meeting was adjourned at 7:56 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 February 2010.

February 17, 2010

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, February 17, 2010 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; Fire Chief Dan Nasalroad; Public Works Employee Jerome Moore; Police Chief James Dean; Police Officer Will Dean; LeRoy Turpen; Judy Kinder; Linda Meisel; and Charlene Sims.

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

MAYOR'S COMMENTS:

- ❖ Condolences to the Giles Family and Linn Valley on the tragic death of their Fire Chief Stan Giles
 - Fire Chief Nasalroad noted that a memorial fund had been established to the Linn Valley Volunteer Fire Department in memory of Mr. Giles

CONSENT AGENDA:

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

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

Minutes of February 03, 2010 City Council Meeting
Check Register: February 03, 2010 thru February 16, 2010
Treasurer's Report: February 2010
Budget Report: February 2010

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

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Officer Will Dean did not attend the Cyber Investigation training in Hutchinson due to weather conditions
 - Learned there is another session scheduled in March in Lenexa

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- Officer Will James will attend
- ❖ Health Fair, Feb 17th, at Jayhawk Linn was well attended
 - Program was well planned
 - Kids very interested in the event

PUBLIC WORKS DEPARTMENT

- ❖ Jerome Moore
 - KCC Inspection: March 11th
 - Will inspect records for both 2008 and 2009

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ La Cygne City and County Rural Station 950 are temporarily covering all of Linn Valley calls
 - Accidental death of Linn Valley Fire Chief Stan Giles still being investigated
 - Linn Valley Fire Dept. operations have been suspended until investigation complete
 - City and County have met to coordinate operations of Linn Valley call outs

COUNCIL COMMITTEE REPORTS: None

SPECIAL COMMITTEE REPORTS: None

WATER & GAS

- ❖ Councilman Van Vlack
 - Linn County Commissioners approved purchase of new heaters for the rural fire station in LaCygne
 - Expect to begin installing in two weeks
 - Councilman Van Vlack requested that City try to have new gas lines to building installed

STREET

- ❖ Councilman Fleming
 - Christian Church has purchased two houses on Southwest corner of their block (Block 25)
 - Will be tearing down the houses
 - ◆ Church will initially use space as a parking lot
 - Church will own all of the block with exception of northwest corner
 - ◆ Presently owned by Linn County for Ambulance Service
 - Christian Church asked permission to gravel the alley
 - ◆ Church will pay all expenses and do the work
 - No objections forthcoming from any Council Member
- ❖ Councilman Weitman
 - Inquired about Lisa Elmore's attendance at the Pavement Preservation Conference
 - Conference not until next week – February 24th
 - Requested that Lisa submit report of the conference at the next meeting
 - Not necessary for Lisa to personally be at council meeting but as a minimum please submit written report to share findings

February 17, 2010

CEMETERY

- ❖ Mayor Smith
 - Noted that City recently received a check from the estate of Dora Plunkett
 - Amount = \$3,049.41
 - To be used for Cemetery
 - ◆ No restrictions or special instructions for use
 - Mayor asked Cemetery Committee to think about possible uses for the donation and make recommendation at a later date.

UNFINISHED BUSINESS:

ROOFING ISSUES

- ❖ Status of Inquiries to Action Roofing
 - City Clerk had left messages approximately 3 to 4 weeks ago
 - No response received
 - City Clerk had not tried to contact Action Roofing the past two weeks
 - City Clerk thought City Attorney was going to contact Action Roofing
 - Council requested Attorney Sutherland to contact Action Roofing

NEW BUSINESS:

2010 MUNICIPAL COURT CLERK'S CONFERENCE

- ❖ March 25th & 26th at Salina, Kansas
- ❖ Expenses reimbursed by State of Kansas
 - Exception: Some meals
- ❖ Good Conference to attend
 - Learn of new changes in law, etc.

✓ *Motion to Authorize Attendance at Municipal Court Clerk's Conference*

Council Member VanVlack moved to authorize Court Clerk Linda Elder to attend the Court Clerk's Conference in Salina on March 25th & 26th. Motion seconded by Council Member Weitman, voted on, passed 4-0. Time: 7:14 p.m.

KANSAS RURAL WATER BOARD/COUNCIL TRAINING

- ❖ March 10th at Pittsburg, Kansas
- ❖ City Clerk interested in sessions dealing with funding options and financial statements
- ❖ Fees: No registration fees – Lunch provided
- ❖ Five hours credit towards operator certification if 50% or more of council attend
- ❖ Council suggested attendance also be available for plant operator Art Terry if he wanted to attend

✓ *Motion to Authorize Attendance at KRWA Board/Council Training*

Council Member VanVlack moved to authorize City Clerk Gary Mahon and Water Plant Operator Art Terry to attend the Board/Council Training at Pittsburg, Ks on March 10th. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:16 p.m.

February 17, 2010

VOTING DELEGATE TO KANSAS RURAL WATER ASSOCIATION CONFERENCE

✓ *Motion to Name Jerome Moore as Voting Delegate*

Council Member VanVlack moved to name Jerome Moore as the City's official voting delegate at the upcoming Kansas Rural Water Association Conference. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:17 p.m.

EXECUTIVE SESSION None

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- n) Dora Plunkett Cemetery Bequeathment
- o) 2010 Municipal Court Clerk's Conference
- p) Kansas Rural Water Association Board/Council Training
- q) Designation of a Voting Delegate to the Kansas Rural Water Association Conference

NOTES AND COMMUNICATIONS TO COUNCIL:

- j) Notice of Excavation Safety Program
- k) Certificate of Completion – James Dean – Pipeline Emergency Response
- l) Water Report: January 2010
- m) Gas Report: January 2010

ADJOURNMENT:

✓ *Motion to Adjourn*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Weitman, voted on, passed 2-1-1** Abstained: Boone
The meeting was adjourned at 7:20 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 17th day of February 2010.

March 03, 2010 Special Meeting

SPECIAL MEETING:

The La Cygne City Council met in special session on Wednesday, March 03, 2010 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; Fire Chief Dan Nasalroad; Public Works Employee Jerome Moore; Police Chief James Dean; Charlene Sims; Judy Kinder; Robert Blanck; LeRoy Turpen; and Linda Meisel.

Mayor Smith called the special meeting to order at 6:00 p.m. for the purpose of conducting business as listed on the agenda for the March 03, 2010 regularly scheduled meeting. The regularly scheduled meeting was to have started at 7:00 p.m.

MAYOR'S COMMENTS:

- ❖ Spring Clean Up
 - Urged citizens to take pride in their property
 - Spring is good time for cleaning up
- ❖ Meeting Information
 - Mayor Requested City Departments to Submit Information & Supporting Materials on Requests Prior to Council Meetings
 - Turn in Agenda Items, Requests, and Supporting Materials
 - No later than the Friday before the Meetings
 - Benefits Council to Have Some Time to Contemplate the Requests
 - Allows Mayor to Visit With Clerk, If Necessary, About Finances For Big Ticket Items
- ❖ Chamber of Commerce Meeting
 - March 10th at KCPL Generating Station
 - Lunch Served
 - Tour of Generating Station
 - Contact KCPL if planning on attending

CONSENT AGENDA:

City Clerk Gary Mahon noted that the Check Register included check # 12197 in the amount of \$8633.75. Payment was for interest on the general obligation bonds for 2002 water improvements.

✓ **Motion to Approve Consent Agenda**

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

Minutes of February 17, 2010 City Council Meeting
Check Register: February 17, 2010 thru March 03, 2010

Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 6:08 p.m.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Officer Will Dean had Gall Bladder Surgery
 - Will be out of service three more weeks
 - Officer Paul Filla filling in

March 03, 2010

- Officer Filla beginning to work on Codes Violations
- ❖ Chief Dean Attended the Chiefs Law Enforcement Meeting in Pleasanton This Moring

PUBLIC WORKS

- ❖ Written Report of the Proseal Pavement Preservation Seminar was submitted by Lisa Elmore
 - Seminar was attended by Public Works Employee Lisa Elmore and Councilman Jerry Boone
 - Councilman Boone noted that first part of meeting was very technical
 - Noted that Mike Cook of Paving Maintenance Supply would demonstrate at No Charge
 - City Could later rent machines to do work or teach our employees how to perform repairs
 - Councilman Weitman noted that most repair work was simple
 - Councilman Weitman expressed thanks and gratitude to Lisa for the Report
 - Very helpful in sharing information

COUNCIL COMMITTEE REPORTS:

WATER & GAS

- ❖ Councilman VanVlack reported that the new gas line had been installed to the Rural Fire Station
 - Linn County had awarded bids for installing new gas heaters
 - Expected project to be completed in near future

CEMETERY

- ❖ Councilman Boone suggested possible use of money donated from Plunkett estate.
 - Purchase gravel to repair low spots in roads
 - Repair or replace Cross at the entrance of the cemetery
 - J.J. Isenhower could make cross out of rock

COMMUNITY BUILDING

- ❖ Action Roofing
 - Clint Walker of Action Roofing had been contacted regarding leaks
 - Representatives inspected Community Building, Water Plant, and Street Barn
 - Will attempt to correct and make repairs when weather warms

SPECIAL COMMITTEE REPORTS: None

EMERGENCY PREPAREDNESS

- ❖ Chairman Linda Meisel reported that the committee recommended the purchase of radios
 - Radios for use of committee members
 - Funding to be distributed between Emergency Management, Equipment Reserve and Purchases by Private Individuals
- ❖ Emergency Generators
 - Continuing search for generator
 - To be used during power outages and emergencies
 - Possible funding from equipment reserve fund
- ❖ No actions taken as items were not on original agenda

March 03, 2010

UNFINISHED BUSINESS: None

NEW BUSINESS:

RESOLUTION No. 335 – HAZARD MITIGATION PLAN

Emergency Management Committee Chairman Linda Meisel reported that this Resolution was the final step in adopting the County Hazard Mitigation Plan. The City will be included as part of the plan. It had been recommended to develop a plan to help ensure FEMA funding should future disasters occur.

✓ *Motion to Approve Resolution No. 335 (Linn County Hazard Mitigation)*

Council Member VanVlack moved to approve Resolution No. 335 adopting the County Hazard Mitigation Plan. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 6:25 p.m.

PTO SCHOOL CARNIVAL DONATION

- ❖ Tami Blanck had submitted a written request for financial support of School Carnival
 - PTO experiencing financial difficulties
 - Asking organizations and businesses for assistance in getting back on firm footing
 - Asked Council to consider \$60 donation to help fund this year's school carnival

✓ *Motion to Donate to PTO School Carnival*

Council Member Robbins moved to donate \$60 to the LaCygne Elementary PTO for the School Carnival. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 6:27 p.m.

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for legal, land acquisition, and personnel for up to thirty (30) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 6:29 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Attorney Mike Shultz and City Clerk Gary Mahon.

Open Session Resumed at 7:08 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT None

NOTES AND COMMUNICATIONS TO COUNCIL: None

March 03, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Special Meeting*

Council Member VanVlack moved to adjourn the special meeting. Motion seconded by Council Member Fleming, voted on, passed 5-0. The special meeting was adjourned at 7:09 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 March 2010.

March 03, 2010 Regular Meeting

REGULAR MEETING:

The La Cygne City Council met in regular session Wednesday, March 03, 2010 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; Charlene Sims; Judy Kinder; LeRoy Turpen; and Linda Meisel

Mayor Smith called the regular meeting to order at 7:09 p.m.

MAYOR'S COMMENTS: (See Special Meeting Minutes of March 03, 2010)

CONSENT AGENDA: (See Special Meeting Minutes of March 03, 2010)

DISCUSSION FROM THE FLOOR: (See Special Meeting Minutes of March 03, 2010)

REPORTS OF CITY OFFICERS: (See Special Meeting Minutes of March 03, 2010)

COUNCIL COMMITTEE REPORTS: (See Special Meeting Minutes of March 03, 2010)

SPECIAL COMMITTEE REPORTS: (See Special Meeting Minutes of March 03, 2010)

UNFINISHED BUSINESS: (See Special Meeting Minutes of March 03, 2010)

NEW BUSINESS: (See Special Meeting Minutes of March 03, 2010)

EXECUTIVE SESSION (See Special Meeting Minutes of March 03, 2010)

OTHER BUSINESS:

Purchase of Taylor Property – 114 W. Market

✓ *Motion Purchase Taylor Property at 114 W. Market*

Council Member VanVlack moved to purchase the Taylor property at 114 W. Market for five thousand dollars (\$5,000.00). Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:11 p.m.

CITY CLERK'S REPORT:

Verbal: None

Written:

- r) Mike Shultz, Attorney
- s) Payment to KDHE – Sewer Revolving Loan
- t) Resolution No. 335 – Linn County Hazard Mitigation
- u) La Cygne PTO Carnival Donation
- v) Chamber of Commerce – KCPL Tour

Minutes: Year = 2010

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Chamber of Commerce Meeting – KCPL Tour
- b] Severe Weather Awareness Week Flyer – Emergency Planning Committee

ADJOURNMENT:

✓ *Motion for Adjournment*

There being no further business, **Council Member Weitman moved to adjourn the meeting. Motion seconded by Council Member Boone, 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 3rd day of March, 2010.

March 17, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, March 17, 2010 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; Fire Chief Dan Nasalroad; Public Works Employee Jim Johnson; Public Works Employee Jerome Moore; Police Chief James Dean; Emergency Preparedness Coordinator Linda Meisel; Charlene Sims; Judy Kinder; Robert Blanck; LeRoy Turpen; Fred Meisel; Jerome Mitzner; and Paul Myer.

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

MAYOR'S COMMENTS:

- ❖ School Spring Break this week
- ❖ Noted that Linda Meisel was official pincher for St. Patrick's Day Non-Green Appareled Violators

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

- Minutes of March 03, 2010 Special Meeting
- Minutes of March 03, 2010 Regular Meeting
- Check Register: March 04 thru March 17, 2010
- Budget Report: February 2010
- Treasurer Report: February 2010

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

March 17, 2010

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT

- ❖ 2010 Spring Mosquito Workshop
 - April 8th at Ottawa, Kansas
 - Sponsored by Van Diest Supply
 - Annual Event
 - Will Calibrate Spray Machine
 - Jerome Moore Would Like to Attend

✓ *Motion to Approve Attendance at 2010 Spring Mosquito Workshop*

Council Member VanVlack moved to send Jerome Moore to the 2010 Spring Mosquito Workshop in Ottawa, Kansas on April 8th. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:04 p.m.

- ❖ Pothole/Paving Cold Mix – Jim Johnson
 - Jim stated he could do street repair patching by himself – one man operation
 - Could he use tractor that is used to mow lagoon?
 - Tractor may have been purchased from Sewer Grant Funds
 - City Clerk will check to determine if grant imposed any use restrictions
 - Cost from Carter Waters = \$86.98/ton; 23 ton minimum = \$2,000+
 - Per Sack = \$10.56
 - Suggested experimenting with 2 sacks to determine if product was suitable for our needs
 - Councilman Weitman requested that Jim visit with him and Councilman Fleming
 - Item tabled until next meeting
- ❖ City Street Shoulders – Mailbox Ruts – Jim Johnson
 - Jim Johnson reported that there were some areas where traffic to mail boxes located on the sides of the streets had created ruts
 - Jim asked who is responsible for upkeep such as adding gravel? City? Or Property Owner?
 - Mayor noted that he had maintained his own – assumed it was property owner's responsibility
 - Street Committee was asked to investigate and report at next meeting
- ❖ Purchase of Welding Rod – Jim Johnson
 - Jim reported that he had purchased \$95 of welding rod from Stainbrook's
 - Due to availability, he had to purchase in large quantity
 - Will use the rod eventually and saved money by not driving to Paola
- ❖ Clarification of Brush Pick-Up – Jim Johnson
 - Jim Asked Council if City was supposed to pick up firewood
 - Noted that tree had been cut at property by Car Wash
 - Brush was removed but firewood left stacked by/on sidewalk
 - Council suggested that property owner be contacted to determine their intentions
- ❖ Pothole at intersection of Market and Industrial Park Drive
 - Large pot hole. Who's responsibility? State? County? Or City?
 - Pothole located south of state highway
 - That portion of street is in city limits but County maintains.
 - Councilman Fleming will oversee repair of the pothole.

March 17, 2010

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Proposal to donate \$3 of Court Receipts to Children’s Coalition
 - Grant to Children’s Coalition ends this year
 - Programs funded by grant have been working
 - Number of kids drinking has decreased significantly over the years
 - Suggested that \$3 of court costs collected be forwarded to children’s Coalition
 - City currently keeps \$40 of court costs collected
 - Would the \$3 come from the current \$40 or raise city’s portion from \$40 to \$43?
 - ◆ City Attorney Sutherland will check to determine if costs can be increased to \$43
 - Number of cases per year estimated to be 120 to 150 yielding approximately \$450
 - Item tabled until next meeting to allow Attorney time to check out rules & regulations
- ❖ Transportation Safety Conference at Overland Park
 - Pre-Conference March 29
 - Conference March 30 & 31
 - Registration = \$35
 - Requesting authorization for Officer Paul Filla to attend

✓ *Motion to Approve Attendance at Transportation Safety Conference*

Council Member VanVlack moved to send Officer Paul Filla to the Transportation Safety Conference March 29, 30, & 31, 2010 at Overland Park. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:22 p.m.

- ❖ Training- Legal Issues in Car Stops- April 13th
 - Class Full – Request Withdrawn
- ❖ Simmons Gun Demonstration – June 4, 2010 – Spring Hill, KS
 - Registration: Free
 - Request Authorization for Chief James Dean to attend

✓ *Motion to Approve Attendance to Simmons Gun Demonstration*

Council Member VanVlack moved to send Police Chief James Dean to the Simmons Gun Demonstration at Spring Hill, Kansas on June 04, 2010. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:23 p.m.

- ❖ Officer Will Dean expected to return to work next week from gall bladder surgery
- ❖ KDOT Annual Meeting – Seat Belt – April 14th – Olathe, Ks

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Firefighters Association Annual Conference
 - Salina, Kansas – April 21-24, 2010
 - Registration: \$75 per delegate
 - Other Costs: Hotel, Meals, Fuel
 - Request authorization for Fire Chief Nasalroad and possibly one other fireman to attend

Minutes: Year = 2010

March 17, 2010

✓ *Motion to Approve Attendance to Simmons Gun Demonstration*

Council Member VanVlack moved to send Fire Chief Dan Nasalroad plus one other fireman, to be named, to the annual Kansas State Firefighters Association Conference in Salina, Kansas from April 21-34, 2010. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:25 p.m.

- ❖ Turn-Out Gear Purchase
 - Requested 2 sets @\$1100 each. Total: \$2200
 - Purchased 5 sets last year
 - This will make the department's gear current and in compliance
 - ◆ Will need to purchase 2 sets annually from now on to stay in compliance

✓ *Motion to Purchase Firefighter Turn-Out Gear*

Council Member VanVlack moved to authorize purchase of two (2) sets of firefighter turn-out gear at a cost of Two Thousand Two Hundred Dollars (\$2200.00). Motion seconded by Council Member Weitman, voted on, passed 4-0-1. Abstained: Fleming (Firefighter)
Time: 7:27 p.m.

- ❖ Firefighter Class – April 6, 2010
 - City sponsoring training class at the Rural Fire Barn
 - Other Departments will be in attendance
 - Class under the auspices of Kansas University

COUNCIL COMMITTEE REPORTS: None

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS – LINDA MEISEL

- ❖ Generator information
 - Northern Tool (Northstar) 10,500 KW Surge: 13,000 \$2674.75
 - Grainger (Generac) 15,000 KW Surge: 22,500 \$2799.00
 - Lowes (Generac) 15,000 KW Surge: 22,500 \$2249.00
 - Home Depot (Generac) 15,000 KW Surge: 22,500 \$2399.00
 - Linda recommended Northstar from Northern Tool
 - Same size as County Generator used during power failure last January
 - ◆ Worked well
 - City can use county generators in emergency
 - ◆ Cannot guarantee if they would always be available
 - Storage of generator would not be an issue
 - Linda asked Council to consider funding purchase from the equipment reserve fund
 - Item tabled until next council meeting

PARK & POOL – JODI WADE

- ❖ Vandalism
 - Jodi reported on several acts of vandalism the past few weeks
 - Asked neighbors and citizens to report suspicious activity

March 17, 2010

- ❖ Pool Construction
 - Construction in full swing with advent of good working weather
 - Plan to spray the pool walls next week

UNFINISHED BUSINESS: None

NEW BUSINESS:

INSURANCE RENEWAL – PAUL MYERS

- ❖ Paul Myers of Linn County Insurance reported on Proposed Insurance Coverage for 2010
 - 2010 Premium: \$29,644
 - Increase of approximately \$1400
 - Reviewed items covered
 - Need to add the new John Deere uni-loader and remove the BobCat uni-loader
 - Noted that very few companies insure cities
 - EMC one of the few and has insured cities for years
 - City has blanket property coverage of \$4,511,000

✓ *Motion to Approve Insurance Proposal*

Council Member Weitman moved to approve the 2010 insurance coverage from EMC through agent Linn County Insurance in the amount of Twenty Nine Thousand Six Hundred Forty Four Dollars (\$29,644.00). Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:50 p.m.

PRAIRIE VIEW AFTER-PROM DONATION

✓ *Motion to Donate to Prairie View After Prom*

Council Member Robbins moved to donate \$150 to the Prairie View After-Prom Committee. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:52 p.m.

COMMUNITY BUILDING WAIVER REQUEST – NICHOLE HAYS SERVOS

- ❖ Nichole is a former resident who was stricken with Neurofibromatosis (NF)
- ❖ Would like to do a benefit fund raiser at the Community Building
 - Requested through written letter that fee be waived

✓ *Motion To Waive Community Building Fee*

Council Member Boone moved to waive the community building fee for Nichole Hays Servos for a Neurofibromatosis Benefit. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:53 p.m.

March 17, 2010

XMARK MOWER - COUNCILMAN VANVLACK

- ❖ The XMark Mower was taken to Heritage Tractor in Paola for check up & Repair Cost Estimates
- ❖ Council was presented with written report of suggested repairs and costs
 - Total Cost of Repairs ranged from \$1516 to \$2016
- ❖ Discussion followed pertaining to costs of new mowers from different dealers
 - Pros and Cons of repairs vs new purchase discussed
- ❖ Prices will be put together and presented at next meeting

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal, and personnel for up to seventy (70) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:06 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: City Clerk Gary Mahon and Fire Chief Dan Nasalroad.

Open Session Resumed at 9:16 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- a. Dennis Bland – Discussion from the Floor
- b. Spring Mosquito Workshop
- c. Court Receipts to Children's Coalition Proposal
- d. Transportation Safety Pre-Conference & Conference – March 20=9th thru 31st
- e. Police Dept. Training – Legal Issues in Car Stops
- f. Simmons Gun Demonstration
- g. Emergency Preparedness
- h. Prairie View After-Prom Donation Request
- i. Community Building Rent Waiver Request

NOTES AND COMMUNICATIONS TO COUNCIL: None

- a. Emergency Preparedness Feb 2nd Agenda, Mission Statement, & Minutes
- b. Thank You from Mine Creek Amateur Radio Club
- c. Park Board Minutes: January 2010
- d. Park Board Minutes: February 2010
- e. League of Kansas Municipalities Civility & Public Service Course

March 17, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 9:17 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 17th day of March 2010.

April 07, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, April 07, 2010 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; Fire Chief Dan Nasalroad; Public Works Employee Jim Johnson; Public Works Employee Jerome Moore; Public Works Employee Art Terry; Public Works Employee Lisa Elmore; Police Chief James Dean; Emergency Preparedness Coordinator Linda Meisel; Fred Meisel; Charlene Sims; Judy Kinder; Robert Blanck; LeRoy Turpen; Faye Clements; Jodi Wade; Tom Waisner; Dawn Waisner; five members of LaCygne Cub Scout Pack #3047, their parents, and pack leaders.

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

MAYOR'S COMMENTS: None

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Minutes of March 17, 2010 Regular Meeting
Check Register: March 18 thru April 02, 2010

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

DISCUSSION FROM THE FLOOR:

LA CYGNE CUB SCOUT PACK #3047

- ❖ Cub Scouts gave presentation on their current project of recycling
- ❖ Zach Sweat reported on cardboard recycling
- ❖ Tommy Waisner reported on Aluminum Cans
- ❖ Spencer Mitzner reported on newspapers & magazines
 - Will be collecting Sat April 10th at McElreath Storage #7
 - Items will be taken to Central Fiber Corporation in Wellsville
- ❖ Mayor thanked Scouts and Leaders for the very informative presentation

April 07, 2010

REPORTS OF CITY OFFICERS:

CITY ATTORNEY – JOHN SUTHERLAND

Proposed Fire Codes Ordinances

- ❖ Fire Chief had requested that Fire Codes be adopted
- ❖ Attorney Sutherland noted that more information was needed
 - What set of codes does the city wish to reference
 - There are several sets
 - Codes of area communities seem to differ a great deal
 - Jack Carpenter of State Fire Marshall's office suggested International Fire Code 2000
- ❖ Fire Chief Dan Nasalroad will research further and report back at a later date

POLICE DEPARTMENT – CHIEF JAMES DEAN

Chief James Dean had submitted a list of training classes for Council's consideration. Mayor Smith thanked Chief Dean for submitting the requests in advance of tonight's meeting. It was noted that some of the classes were Telenet Conferences and would be offered at the KU Edwards campus in Overland Park. There are no registration fees for the classes.

✓ *Motion to Approve Attendance at Critical Issues in Methamphetamine Training*

Council Member VanVlack moved to send Police Chief James Dean and Police Officer Will Dean to 'Critical Issues in Methamphetamine' on May 05, 2010 in Overland Park. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:20 p.m.

✓ *Motion to Approve Attendance at Response to Sexual Assault Training*

Council Member VanVlack moved to send Officer Paul Filla to 'Law Enforcement Response to Sexual Assault' training on April 29, 2010 in Pittsburg, Ks. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:20 p.m.

✓ *Motion to Approve Attendance at The Highway Serial Killings Initiative Seminar*

Council Member VanVlack moved to send Officer Paul Filla to 'The Highway Serial Killings Initiative Seminar' on May 25, 2010 in Overland Park, Ks. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:21 p.m.

✓ *Motion to Approve Attendance at Domestic Violence Part I Training*

Council Member VanVlack moved to send Police Chief James Dean to 'Domestic Violence Part I' training on June 02, 2010 in Overland Park. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:22 p.m.

✓ *Motion to Approve Attendance at Legislative Update Review*

Council Member VanVlack moved to send Police Chief James Dean and Police Officer Will Dean to Legislative Update review on July 07, 2010 in Overland Park, KS. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:23 p.m.

April 07, 2010

✓ *Motion to Approve Attendance at Domestic Violence Strangulation*

Council Member VanVlack moved to send Police Chief James Dean to 'Domestic Violence Strangulation' training on September 01, 2010 in Overland Park, Ks. Motion seconded by Councilman Weitman, voted on, passed 5-0. Time: 7:24 p.m.

PUBLIC WORKS DEPARTMENT

Alley Repairs – 500 Block Between 7th & 6th Streets

- ❖ Ralph & Kim Jones diverting water around their property
- ❖ The Jones' had spoken previously with council member about project
 - Councilman Boone had visited with them but was at least 2 years or more ago
 - ◆ Did not give them permission to dig and lay pipe in alley
 - ◆ Did give them suggestions for diverting around their property
- ❖ Codes Officer James Dean Reported
 - The Jones' did not contact Kansas One Call
 - Had used miniature track hoe to dig in alley
 - Diverted water without any permit from the City of Lacygne
- ❖ Mayor Smith asked Dean, Boone, and Mahon to get together and inform Jones' of city requirements

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Thank you to all who helped at the Easter Egg Hunt
- ❖ Thank you to Linda Elder for taking pictures at the Fire Departments last meeting.

COUNCIL COMMITTEE REPORTS:

STREET

- ❖ Councilman Fleming – Pot Hole at Market & Industrial Park Boulevard
 - Was informed that Linn County would not repair the pot hole
 - County stops at City Limits
- ❖ Fire Chief Nasalroad noted that pot hole was hard on the fire equipment
- ❖ City Clerk Mahon noted that County Commissioner Pemberton had indicated in an earlier conversation that County would fix the pot hole.
 - Mahon will call Commissioner Pemberton to verify status
- ❖ Inquiry as to road culvert project at intersection of 6th & Vine
 - Public Works Employee Jim Johnson
 - Work has not been completed due to wet weather
 - ◆ Ditch running with water and concrete cannot be poured
 - Councilman Weitman noted that project had been bid with using winter concrete
 - Project expected to be completed with advent of dry weather

SEWER

- ❖ Councilman Boone:
 - Ditch on south side of lagoons is eroding again
 - The rip/rap strips did not work
 - ◆ Engineer had signed off on the project
 - Problem not an emergency but needs to be addressed
 - No action taken

April 07, 2010

CEMETERY

- ❖ Councilman Boone:
 - Had received complaints and personal observations:
 - Sticks not picked up
 - Leaves not cleaned up
 - Caretaker dragging his feet in maintaining cemetery

PARK

- ❖ Councilman Robbins:
 - Noted that Jim Johnson had been working on a ditch drainage problem
 - Culvert will have to be purchased to make drain properly

EMPLOYEE RELATIONS

- ❖ Councilman Robbins:
 - Reported that City had undergone a recent safety audit
 - Audit recommended regular safety meetings
 - City office worker Patti Endecott had agreed to organize safety meetings
 - Patti has been compiling materials and ideas for the sessions

✓ *Motion to Authorize Safety Coordinator and Safety Meetings*

Council Member VanVlack moved to have all employees attend 30 minute safety meetings at least once per month with Patti Endecott being named as Safety Coordinator. Motion seconded by Councilman Robbins, voted on, passed 5-0. Time: 7:49 p.m.

SPECIAL COMMITTEE REPORTS:

LA CYGNE FESTIVAL (FIESTA) & CHAMBER OF COMMERCE

No Reports. Due to Family Illness, Barbara Duncan was unable to attend the meeting.

EMERGENCY PREPAREDNESS – LINDA MEISEL

This business item was tabled from the March 17, 2010 meeting.

- ❖ Generator information
 - Northern Tool (Northstar) 10,500 KW Surge: 13,000 \$2755.00
 - Grainger (Generac) 15,000 KW Surge: 22,500 \$2799.00
 - Lowes (Generac) 15,000 KW Surge: 22,500 \$2249.00
 - Home Depot (Generac) 15,000 KW Surge: 22,500 \$2399.00
 - Linda recommended Northstar from Northern Tool
 - Price has increased since last meeting to \$2755.00 (Was \$2674.75)

✓ *Motion to Purchase Emergency Generator*

Council Member Weitman moved to purchase a 10,500 kw Northstar generator from Northern Tool in an amount not to exceed Two Thousand Seven Hundred Fifty Five Dollars (\$2755.00) with purchase being funded from the equipment reserve fund. Motion seconded by Councilman Fleming, voted on, passed 4-0-1. Abstained: VanVlack (Emergency Preparedness Committee Member)

April 07, 2010

- ❖ 2-Way Radios
 - Linda Meisel recommended the purchase of eight radios at a total cost of \$2125
 - One to be used as a base unit
 - Remainder to be used by Emergency personnel, public works, and police department
 - Funded from what source?
 - City Clerk had not been contacted prior to meeting for financing opinion
 - ◆ Suggested dividing between Police, Gas, Water, Sewer, & Street Funds

✓ *Motion to Purchase Radios for Emergency Use*

Council Member Robbins moved to purchase eight (8) emergency radios that include four (4) mobile units for Public Works and Police at a cost not to exceed \$Two Thousand One Hundred Twenty-Five Dollars (\$2125.00). Motion seconded by Councilman Fleming, voted on, passed 4-0-1. Abstained: VanVlack (Emergency Preparedness Committee Member) Time: 7:49 p.m.

- ❖ Weather Radios
 - Will be available at City Hall for residents to purchase
 - New tower at Parker makes weather info for our area accessible
- ❖ Reverse 911
 - Linn County now has reverse 911 available
 - Go to Linn County web site to sign up

PARK & POOL – JODI WADE

- ❖ The new slide is scheduled to arrive the second week of May
- ❖ Council noted that a repaired cut in the street made by construction company had settled
 - Jodi said construction company was aware and would repair the street

UNFINISHED BUSINESS:

STREET SHOULDER UPKEEP – MAIL BOX RUTS

- ❖ Councilman Weitman:
 - There are some mailbox approaches that need attention
 - Felt city had a lot to lose if not maintained
 - Start losing shoulders of roads
- ❖ Council concurred to fill needed areas with rock

POTHOLE/PAVEMENT REPAIRS

- ❖ Public Works Employee Jim Johnson had found a new product for patching potholes.
 - Slightly higher price but better product
- ❖ Councilman Weitman recommended the newer product

\$3 COURT FEE INCREASE FOR CHILDREN'S COALITION

- ❖ Request from Children's Coalition to help fund their programs
 - Grant funding was ending this year
 - Suggested \$3 from each court case be earmarked for Children's Coalition
 - Present portion of fees that goes to city = \$40
 - Judge Warren recommended raising city portion of fees to \$45
 - City portion has been \$40 since 1988 or before
 - Comparison of surrounding city's fees ranged from \$35.00 to \$75.00
 - Council directed City Clerk to draw up an ordinance raising court fees by \$5.00

April 07, 2010

MOWER REPAIR? PURCHASE?

- ❖ Councilman Boone presented information on mowers:
 - All are commercial mowers
 - Several brand options and price quotes were presented
 - Council narrowed selection to two:
 - Toro 74293 60" 27hp Kohler
 - Bad Boy 60" cut
 - Dealers will be contacted to demonstrate the mowers
- ❖ Item tabled until next meeting

NEW BUSINESS:

YOUTH GRANT PROGRAM

- ❖ Linn County Economic Development has received grant to fund youth employment for the summer
 - 21 positions available
 - Linn County pays \$3.75 per hour. City must match or pay more
 - Up to 30 hours per week
 - Maximum of 10 weeks
 - Must be Linn County resident between 16 and 22
 - Income guidelines apply

✓ *Motion to Participate in Youth Grant Program*

Council Member VanVlack moved to participate in the 2010 Youth Grant Program and authorize three (3) positions at a total salary of \$7.50 per hour. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:34 p.m.

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for legal, and personnel for up to seventy (70) minutes following a ten (10) minute break. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:41 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Public Works Employees Jim Johnson, Jerome Moore, Lisa Elmore, and Art Terry. City Clerk Gary Mahon.

✓ *Motion To Extend Meeting and Executive Session*

Council Member VanVlack moved to extend the regular meeting and the executive session for legal and personnel up to 10:30 p.m. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 9:58 p.m.

Open Session Resumed at 10:20 p.m.

April 07, 2010

OTHER BUSINESS:

JIM JOHNSON APPOINTMENT & RAISE

✓ *Motion To Appoint Jim Johnson as Public Works Supervisor with \$1.50 Raise*

Council Member VanVlack moved to appoint Jim Johnson as Supervisor of the Public Works Department and raise his wages by \$1.50 per hour up to a total of \$15.50 per hour. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 10:22 p.m.

CITY CLERK'S REPORT

Verbal: None

Written:

- j. Bond Payments
- k. Dog & Cat Vaccinations
- l. Police Department Training Requests
- m. Alley Repairs – 500 Block between 7th & 6th Streets
- n. LaCygne Festival (Fiesta) and LaCygne Area Chamber of Commerce
- o. Emergency Radios
- p. Unfinished Business Items
- q. New Business Items

NOTES AND COMMUNICATIONS TO COUNCIL: None

- a. Minutes of Park Board Meeting: March 25, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 10:23 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 7th day of April 2010.

April 20, 2010

The La Cygne City Council met in Regular session on Wednesday, April 21, 2010 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 Jim Johnson; Fire Chief Dan Nasalroad; Assistant Fire Chief Scott Stainbrook; Emergency Preparedness Coordinator Linda Meisel;

April 20, 2010

Faye Clements; Emil Wilson; Debra Wilson; Fireman Bill Smith; City Treasurer Linda Elder; Rob Blanck; LeRoy Turpen; Police Officer Paul Filla; Police Officer Will Dean; Fred Morris; Kathy Faircloth & Ed; and Fred Morris Sr.

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

MAYOR'S COMMENTS: School year almost over.

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

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

Minutes of April 07, 2010 Regular Meeting
Check Register: April 08 thru April 17, 2010
Budget Report: March 2010
Treasurer Report: March 2010
Financial Statement: 1st Quarter 2010

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

DISCUSSION FROM THE FLOOR:

CYNTHIA DOWNARD

- ❖ Complaint Against Police Chief James Dean
- ❖ Daughter recently involved in a fight on 4/13/10
- ❖ Cynthia accused Police Chief Dean of being negligent in his handling of case
 - Said that Chief Dean stated he did not have enough man power to protect the child
- ❖ Inquired about circulating petition to get rid of Police Chief
 - Mayor informed her that she could start a petition against anyone for anything

- ❖ Police Chief Dean
- ❖ Incident was an on-going investigation
- ❖ Noted that Ms. Downard had not submitted some of the required statements until last night
 - As a result there are now six (6) more witnesses to interview
 - Ms. Downard agreed that statement not submitted until last night

- ❖ Council assured Ms. Downard that the City would do all it could to make the system work.

KATHY FAIRCLOTH – PEOPLES TELECOMMUNICATIONS

- ❖ Kathy Faircloth, General Manager of Peoples Telecommunications, registered a complaint against Councilman Jerry Boone
- ❖ Ms. Faircloth reported that Jerry Boone had made unfounded accusations about certain telephone company employees
- ❖ Ms. Faircloth also reported that a city employee had informed her that Jerry had stated he (Jerry) would inflict physical, possibly fatal, harm by shooting Pat Peuser if certain actions did not stop.
- ❖ Mayor Smith inquired if this dispute was civil between Jerry and Peoples Telecommunications or if it also involved the City
 - Attorney Sutherland: Civil
- ❖ Ms. Faircloth had reported the incidents to City Police on Monday, April 19th

April 20, 2010

EMIL WILSON – CHAMBER OF COMMERCE

- ❖ Chamber Membership = 45
- ❖ Adopting 2 Mile Stretch of K-152
 - Will Clean Up 3 times per year
 - There are 4 more sections (8 miles) available between U.S. 69 & K-7 Highways
- ❖ Blooming La Cygne
 - Businesses purchasing pots of flowers to decorate outside their business
 - 8 pots last year
 - 25 pots so far this year
- ❖ Purpose of Chamber of Commerce
 - Provide avenue for businesses and citizens to work together to make LaCygne better place to live
- ❖ Working on improving 'Welcome To La Cygne' sign east of town
- ❖ Chamber Meets the 2nd Wednesday of Every Month
- ❖ Will host information booth at Fiesta
 - Teen Texting Contest
- ❖ Robert Blanck asked about erecting 'Welcome to LaCygne' sign at corner of K-152 and Railroad Street
 - Robert was directed to contact City Codes officials

At this point in the meeting, various personnel were called to assist in the search for a missing child at the community park. Therefore no report from the Fire Department. Police report was later in the meeting. Child was found later in the evening.

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Pothole at Market & Industrial Park Boulevard
 - City filled pothole with new patch material that recently arrived
 - Material appears to have done a good job and is holding right now
- ❖ Box Culvert at 6th & Vine
 - Noel will start repairing next Monday morning (weather permitting)
- ❖ Mailbox Approaches
 - Have repaired (graveled) several mailbox approaches with several still remaining
- ❖ Lawnmower Comparison
 - Reps from Toro and Bad Boy demonstrated their mowers
 - Employee Lisa Elmore had provided her written impression of the 2 mowers
 - Council reviewed Lisa's written comments
 - Discussion followed regarding the price of the two mowers
 - It was unclear what the price was for the Bad Boy mower from the Greeley dealership
 - No Action taken until later in the meeting
- ❖ Water Tower Maintenance
 - Towers being drained on a staggered basis for interior inspections
 - Process started today (April 21st)
- ❖ Maintenance of City Property at 114 W. Market
 - This is property purchased from Randy Taylor
 - House has been demolished and debris removed

April 20, 2010

- Consensus of Council to seed the empty lot and keep mowed
- Superintendent Johnson inquired as to future plans with water well on the property
 - Cap? Or Plug it?
 - ◆ Attorney Sutherland will investigate state statutes and give recommendation at next meeting
- ❖ City Property West of 1st Street (Future Use For Water Plant Sludge Ponds)
 - Adjacent property owners had been mowing and using portion for racing ATV's
 - Supt. Johnson had received complaints from other neighbors about noise
 - 'No Trespassing' signs were posted
 - Adjacent property owner now wants the city property to be kept mowed
 - Adjacent property owner has offered to mow himself
 - Mowed property helps keep snakes out
 - City Attorney Sutherland suggested a lease agreement
 - Mayor Smith requested that property owner be invited to next council meeting to discuss
- ❖ Employee Activity Reports
 - Supt. Johnson showed Council the "Cheat Sheets" he was requiring PW Employees to maintain
 - An accounting of their daily activities and projects
 - Mayor Smith requested copies be kept at both Public Works and City Hall
- ❖ New Locks
 - Locks on gates to city owned property have been changed
 - Curtis Wycoff had submitted costs for replacing locks to public works buildings
 - 8 locks: \$802.80
 - Keys cannot be re-produced without going to him
 - Keys will be issued to employees, police, and city hall

✓ *Motion to Authorize Purchase of Locks for Public Works Buildings*

Council Member VanVlack moved to have Wycoff install new locks and make keys at a cost of eight hundred two and 80/00 dollars (\$802.80). Motion seconded by Councilman Fleming, voted on, passed 5-0. Time: 7:38 p.m.

- ❖ Thank You to City Employees
 - Supt. Johnson noted the good cooperation from City Employees after he was named Superintendent
- ❖ Confirmation of Kathy Faircloth's Statements (See: Discussion From the Floor Earlier in the Meeting)
 - Jim Johnson confirmed that statements attributed to a city employee by Kathy Faircloth were actually made by him.
 - Jim wanted Council to take Kathy's statements seriously, that her statements were accurate, and that he was backing her fully

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Councilman Boone had met with the Ladies Cemetery Society
 - Ladies would like assistance in:
 - New lighted flag pole
 - ◆ New 4" x 30' pole = \$650 to \$800
 - Does not include installation or lighting
 - Repair of shelter house
 - ◆ Materials would cost approximately \$250

April 20, 2010

- Repair of incinerator
- Remove and replace Cross at different location
 - ◆ J.J. Isenhower could make one of either cedar or hedge for approx \$500
- ❖ City had recently received \$3,000+ from Dora Plunkett estate
- ❖ City has paid for routine maintenance (mowing, gravel, etc.) of cemetery and Ladies paid for beautification projects (trees, flowers, ornaments, etc.)

✓ *Motion to Fund Cemetery Projects*

Council Member VanVlack moved to authorize up to two thousand dollars (\$2,000.00) for 3 projects (flag pole, shelter house, and cross) at cemetery. Motion seconded by Councilman Boone, voted on, passed 5-0. Time: 7:57 p.m.

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS – LINDA MEISEL

- ❖ The generator for emergency purposes arrived last Friday

FIESTA

- ❖ June 5th with Parade at 9:30

UNFINISHED BUSINESS:

MOWER REPAIR OR PURCHASE

This topic had been discussed earlier in the meeting (See Officers Report: Public Works)
Price for the Bad Boy Mower from the Greeley dealership was not clear

✓ *Motion to Purchase Toro Mower*

Council Member Robbins moved to purchase a Toro 74296, 60", 27hp, Kohler engine mower from Blue Valley Tractor & Supply at a cost of five thousand seventy eight and 88/00 dollars (\$5078.88) after a trade in of eighteen hundred dollars (\$1800.00). Motion seconded by Council Member Fleming, voted on, passed 4-0-1. (Opposed: Boone) Time: 8:00p.m.

ORDINANCE NO. 1383

- ❖ Paragraph (a) of the proposed ordinance originally read:

Court Costs in the amount of Forty-Five Dollars (\$45.00) shall be collected on behalf of the City of La Cygne, Kansas for all Municipal Court conviction of which Three Dollars (\$3.00) will be appropriated for Linn County Children's Coalition activities.

- ❖ Attorney Sutherland recommended that paragraph (a) of the proposed ordinance be changed to read:

Court Costs in the amount of Forty-Five Dollars (\$45.00) shall be collected on behalf of the City of La Cygne, Kansas for all Municipal Court convictions.

- ❖ The words "of which Three Dollars (\$3.00) will be appropriated for Linn County Children's Coalition activities." would be eliminated.
- ❖ Contributions could later be made to the Coalition at the Council's discretion.

April 20, 2010

✓ *Motion to Approve Ordinance No. 1383*

Council Member VanVlack moved to participate approve Ordinance No. 1383 with the deletion as stated. Motion seconded by Council Member Robbins, voted on, passed 5-0.

Time: 8:02 p.m.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

Department has been very busy in recent days
McElreath Storage Units recently burglarized
Vandalism at Community Park
Entrance Sign damaged
Swans removed from entrance portals

NEW BUSINESS: None

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for legal, and personnel for up to forty (40) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:05 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Fire Chief Dan Nasalroad and Public Works Superintendent Jim Johnson.

Open Session Resumed at 8:40 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- r. Mower Repair or Purchase
- s. Ordinance No. 1383 – Court Costs

NOTES AND COMMUNICATIONS TO COUNCIL:

- f. Notice of Public Hearing – Mike Howard C.U.P Application
- g. Gas Report: March 2010
- h. Water Report: March 2010

April 20, 2010

ADJOURNMENT:

✓ Motion to Adjourn Meeting

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 Regular meeting was adjourned at 8:42 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 21st day of April 2010.

May 05, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, May 05, 2010 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 Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Police Officer Will Dean; Judy Kinder; Charlene Sims; Fred Meisel; Bill Craven; Patti Endecott; LeRoy Turpen; Dan Bosley; Sylva family members and Lane family members.

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

NEW YEAR ORGANIZATION:

CITY OFFICERS APPOINTMENTS

- ❖ Mayor Keith Smith appointed the following City Officers:
 - City Clerk – Gary Mahon
 - City Treasurer – Linda Elder
 - Chief of Police – James Dean
 - City Attorney – John Sutherland
 - Fire Chief – Dan Nasalroad
 - Municipal Judge – Claude Warren
 - Codes Officer/Zoning Compliance – James Dean with assistance from Paul Filla
 - Public Health Officer – James Dean
 - Council Representative to Park Board – J.K. Fleming

✓ Motion to Approve City Officer Appointments

Council Member Robbins moved to accept the Mayor's Appointments to City Offices. Motion seconded by Councilman Van Vlack, voted on, passed 5-0. Time: 7:02 p.m.

May 05, 2010

OFFICIAL CITY NEWSPAPER

Mayor Smith recommended naming *Linn County News* as the official city newspaper.

✓ *Motion to Name Official City Newspaper*

Council Member Weitman moved to accept the Mayor's recommendation and name the *Linn County News* as the official city newspaper. Motion seconded by Councilman Boone, voted on, passed 5-0. Time: 7:03 p.m.

PLANNING COMMISSION APPOINTMENTS

- ❖ Mayor Smith appointed the following Planning Commission Member to three year terms:
 - Mike Feldman
 - Mike DeMott
 - Steve Hisel

✓ *Motion to Approve Planning Commission Appointments*

Council Member VanVlack moved to accept the Mayor's appointments to the Planning Commission. Motion seconded by Councilman Fleming, voted on, passed 5-0. Time: 7:03 p.m.

ZONING APPEALS BOARD APPOINTMENT

Mayor Smith appointed Steve Hisel to the Zoning Appeals board for a three year term.

✓ *Motion to Zoning Board Appointment*

Council Member VanVlack moved to accept the Mayor's appointment to the Zoning Appeals Board. Motion seconded by Councilman Fleming, voted on, passed 5-0. Time: 7:04 p.m.

STANDING COUNCIL COMMITTEE APPOINTMENTS

- ❖ Mayor Smith appointed the following council members to the Standing Council Committees:
 - Water & Gas: Mike Van Vlack and Terry Weitman
 - Street: Terry Weitman and Travis Robbins
 - Sewer: Jerry Boone and J.K. Fleming
 - Park: Jerry Boone and J.K. Fleming
 - Cemetery: Mike Van Vlack and Jerry Boone
 - Public Safety: Mike Van Vlack and Terry Weitman
 - Community Building: Travis Robbins and J.K. Fleming
 - Employee Relations: Travis Robbins and J. K. Fleming

✓ *Motion to Accept Mayoral Appointments to Standing Council Committees*

Council Member VanVlack moved to accept the Mayor's appointment to the Council Standing Committees. Motion seconded by Councilman Boone, voted on, passed 5-0. Time: 7:05 p.m.

May 05, 2010

RESOLUTION No. 336 – WAIVER OF ACCOUNTING PROCEDURES

✓ *Motion to Approve Resolution No. 336*

Council Member VanVlack moved to approve Resolution No. 336 waiving certain accounting procedures. Motion seconded by Councilman Robbins, voted on, passed 5-0. Time: 7:06 p.m.

RESOLUTION No. 337 – AUTHORIZING EARLY PAYMENT OF CERTAIN BILLS

✓ *Motion to Approve Resolution No. 337*

Council Member VanVlack moved to approve Resolution No. 337 authorizing early payment of certain bills. Motion seconded by Councilman Fleming, voted on, passed 5-0. Time: 7:06 p.m.

ELECTION OF COUNCIL PRESIDENT

✓ *Motion to Appoint Council President*

Council Member Robbins moved to appoint Terry Weitman as Council President. Motion seconded by Councilman Fleming, voted on, passed 4-0-1. (Abstained: Weitman) Time: 7:07 p.m.

MAYOR'S COMMENTS:

- ❖ Condolences to City Clerk Gary Mahon on the recent loss of his mother
- ❖ Future Newsletter
 - Contact various city departments for input
 - Mahon noted that Patti Endecott had put together the last two newsletters

EMPLOYEE RECOGNITION

- ❖ Mayor Smith recognized anniversaries of the following employees and presented them with Certificates of Appreciation:
 - Patti Endecott
 - First Year Anniversary – City Hall Support Staff
 - Bill Craven
 - Fifteen Years of Service – Solid Waste Compact Operator and Animal Control Officer

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

Council Member Robbins moved to approve the consent agenda which consisted of:
Minutes of April 21, 2010 Regular Meeting
Check Register: April 22 thru May 05, 2010
Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:12 p.m.

May 05, 2010

DISCUSSION FROM THE FLOOR:

LANE & SYLVA FAMILIES – USE OF CITY OWNED PROPERTY WEST OF 216 N. 1ST STREET

- ❖ Lane Family
 - Lane family had been using property that adjoins theirs on the west for past four or five years
 - Stated that owners had given permission to use the property
 - Had constructed dirt track for running/racing ATV's
 - Had been keeping portion of property mowed
 - City recently put up "No Trespassing" signs
 - Concerned that if property not kept mowed it will promote infiltration of snakes and other animals
 - Feel that this area provides place for people to race their ATV's which keeps them off city streets
 - Questioned liability issue
 - If liable for this property the city must be liable for accidents in its parks. What is difference?
 - Requested permission to use the property as they have for the past few years
 - Expressed Thanks to City for cleaning up trash on near-by property that had been there for a long period of time.
- ❖ Sylva Family
 - Object to noise caused by the running of the ATV's
 - Disputed contention that snakes and other varmints would become a problem
 - If so, why was only race track portion mowed?
 - Race track not being used only by Lane family
 - Others from town and possibly out of town also using the area
- ❖ Mayor & Council
 - Noted that City acquired ownership of the property only within the past year.
 - Previously owned by private individuals
 - Mayor and Council cited liability factor of the City.
 - Example: Mayor has had to run kids off who like to play in his deep ditch. It is Mayor's property and is therefore responsible.
 - Mayor and Councilman Boone: If property needs mowed it should be city's responsibility
 - Councilman Weitman: Race track for ATV's is great but it should be on private property
 - Noted that rules, regulations, state statutes regarding tort claims protects cities from lawsuits in established parks.
 - This property is not an established park.
 - Mayor and Council asked City Clerk to check into insurance requirements and/or restrictions
 - This item tabled until next meeting.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Thank You to Fire Department and Linn County Sheriff's Office assistance with:
 - Today's (5/5/10) evacuation due to chemical spill in Industrial Park
 - Last week's search for a missing child
 - Mayor Smith noted the appreciation communicated to him from the Senior Citizens for how smooth the evacuation process was carried out
- ❖ Noted a recent drug arrest in the City Park

May 05, 2010

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Sewer Lift Station
 - Went down. Cost to repair: \$5,000 +
 - Due to heavy infiltration of run-off water
 - On going problem
- ❖ Culvert Repair at 6th & Vine
 - Scheduled for in morning (5/6/10). Weather permitting
- ❖ Cemetery
 - Mower has been repaired and back in operation
 - Excess gasoline usage
 - Caused by mulching kit
 - ◆ Mower not large enough for the mulching kit
 - ◆ Kit removed and gas consumption dramatically reduced
 - Visited with caretaker about his duties
 - Cemetery looking much better now
- ❖ Street/Pothole Repairs
 - Low on patching material
 - Need another 12 tons to finish repairs
 - Councilman Weitman: Complimented Jim on the repairs. Looks really good.

✓ *Motion authorizing Purchase of Street Patching Material*

Council Member Weitman moved to authorize the purchase of twelve (12) tons of high performance patching material. Motion seconded by Councilman Boone, voted on, passed 5-0. Time: 7:36 p.m.

- ❖ Cemetery Projects
 - Jim noted that Oaklawn Cemetery Ladies Association did not request rock for the roads. However the newer portion did need some rock.
- ❖ Noted water leaks in the area of 6th and Grand would be repaired in the next few days
- ❖ Noted that the north water tower is scheduled to be drained for inspection on May 20th
- ❖ Alley drainage behind Ralph & Kim Jones property at 532 N. 7th
 - Jim reported that after the area is back filled, he saw no problem with what the Jones' had done in the alley.
 - It appears the piping, etc. will channel much of the water toward proper drainage
 - Jim noted that adjoining neighbor is O.K. with finishing the project as is layed out.
 - Council indicated they were O.K. with Supt. Johnson's recommendations.
- ❖ Bittiker Park Improvements
 - Supt. Johnson noted that Lisa Elmore would like to fix up area around benches, etc. in Bittiker Park
 - Rock for landscaping
 - Roses, etc. for beautification
 - Cost = approximately \$400
 - City Clerk Mahon reported there were plenty of funds to handle the project.
 - Consensus of Council was for Lisa to proceed with the project

May 05, 2010

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Chemical Spill at Midwest Wood Building in Industrial Park (5/5/10)
 - Spill is now under control and being cleaned up
 - Thank you to all the organizations that assisted
 - City and County Fire Departments; Police Department; Sheriff Department; Olathe Hazmat; Johnson County Med-X; AMR; Public Works; City Hall; Phil Mathews of Prairie View Bus Service.
 - 350 gallon tub of chemical tipped over
 - Spill alone not a problem
 - Other chemicals on premises and the spilled chemical had potential for fire, explosion, and inhalation problems if mixed together.

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Councilman Boone
 - Noted that public works had done a nice job on recent projects
 - Rock is needed on the new road in the new part
 - The original 3" base needs covered
 - Estimated 3 loads of rock needed
 - Ravine on north side of entrance road
 - Was cleared and prepped for mowing last year
 - Is growing back in weeds
 - Needs to be cleaned up and mowed.

 - Ditches alongside streets in town need mowing

COMMUNITY BUILDING

- ❖ Mayor Smith
 - Nichole Hays Servos recently sponsored a benefit to aid Neurofibromatosis at Community Building
 - Event was well attended and successful
 - Compliments received on appearance of the community building
 - Nichole forwarded Thank you to Council for waiver of building permit fee

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS – LINDA MEISEL

- ❖ Correction to 4/21/10 Authorization to purchase Radios
 - Original motion stated total cost to purchase 8 radios was not to exceed \$2125
 - \$2125 was for the maximum cost of 4 mobile radios.
 - Motion was intended to also cover maximum cost of \$ 1310 for 4 portable radios
 - Total original maximum cost was \$3435
 - Final Bill came in at \$2950.49
 - Council authorization for the remaining \$825.49 is needed to correct the error and allow payment.

May 05, 2010

✓ *Motion to Authorize Payment of Emergency Radios*

Council Member Robbins moved to authorize an additional Eight Hundred Twenty-five and 49/00 dollars (\$825.49) for the purchase of eight radios for emergency preparedness. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:57 p.m.

UNFINISHED BUSINESS:

WATER WELL AT 114 W. MARKET – CAP OR PLUG? ATTORNEY SUTHERLAND

- ❖ Attorney Sutherland suggested plugging the well would be best but would be expensive
- ❖ There is no state statutes addressing the situation
- ❖ Council felt capping the well would make it safe
- ❖ Mayor Smith directed Public Works Superintendent Jim Johnson to have the well capped

NEW BUSINESS:

BUILDING PERMIT FEES

- ❖ City Clerk Mahon
 - Asked Council to consider lowering building permit fees for certain activities
 - Patios, Storage Buildings, Fences, etc.
 - In many instances permit fee rivals the cost of construction
 - City Treasurer Linda Elder had compiled list of fees from neighboring cities
 - Council indicated willingness to consider reduction of fees in certain instances
 - Requested that item be reviewed by planning commission first and their recommendation returned to Council.

BUDGET MUNICIPAL SEMINAR – JUNE 8TH

✓ *Motion To Approve Attendance at Budget Municipal Seminar*

Council Member VanVlack moved to send City Clerk Gary Mahon to budget training in Overland Park, Ks on June 8, 2010 with city paying related costs. Motion seconded by Council Member Fleming, voted on, passed 5-0.

REQUEST TO WAIVE CONCESSION STAND BUILDING PERMIT FEE

✓ *Motion To Waive Building Permit Fee for Ball Association Concession Stand*

Council Member Boone moved to waive the building permit fee for the ball association's construction of a concession stand at the ball fields at the elementary school. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:10 p.m.

May 05, 2010

L & K TRASH PICK-UP FEE INCREASE

- ❖ L & K Trash Service Requested a 5% Increase In Trash Service Fees
 - Concern expressed that when contract was approved that L & K indicated fees were satisfactory and there would be no need for an increase.
 - Clerk Mahon noted that L & K had stated there would be no need for an increase for the first year and would be reviewed at that time
- ❖ Council reviewed information submitted by L & K listing increases in their expenses the past year
- ❖ If approved the new monthly rates to City Customers would be:
 - \$11.46 for pick up one time each week
 - \$19.82 for pick up two times each week

✓ *Motion To Approve Ordinance No. 1384 Authorizing Rate Increase for Trash Pick-Up Service*

Council Member Weitman moved to approve Ordinance No. 1384 authorizing an increase in monthly fees for residential trash service. Motion seconded by Council Member Robbins, voted on, passed 3-2. Opposed: Boone & Van Vlack.

SPECIAL COMMITTEE REPORTS:

LA CYGNE FESTIVAL (FIESTA) – LINDA MEISEL

- ❖ Festival is June 5th
- ❖ Kids Parade at 9:30 a.m.
- ❖ Main Parade at 10:00 a.m.
- ❖ No ATV's will be allowed in parade or in the park unless operated by a licensed driver

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for legal, and personnel for up to thirty-five (35) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:16 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Fire Chief Dan Nasalroad and Police Chief James Dean.

Open Session Resumed at 9:01 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- t. New Year Organization
- u. Certificates of Appreciation
- v. Emergency Preparedness – Amend Authorization to Purchase Radios
- w. Unfinished Business
- x. New Business
- y. Budget Municipal Seminar – June 8th – Overland Park
- z. L & K Trash Pick-Up Fee Increase Request

May 05, 2010

NOTES AND COMMUNICATIONS TO COUNCIL:

- i. Letter announcing awarding 2 Federally Funded Youth Grant Positions
- j. Ad for Part-Time Summer Help
- k. Chamber of Commerce News

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 9:05 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 5th day of May 2010.

May 19, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, May 19, 2010 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 Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Police Officer Will Dean; Judy Kinder; Charlene Sims; Fred Meisel; Jim Sylva; Carol Sylva; Dale Sylva; Lloyd Lane; LeRoy Turpen; Barbara Fruit; Mary Ruppel; and Dan Bosley.

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

MAYOR'S COMMENTS:

- ❖ Noted the continuing wet weather
 - Urged residents to keep up with mowing and weed eating
- ❖ Clerk's Note: Linda Miesel's cell phone went off at this time
 - City Clerk asked for \$5.00 interruption-of-meeting fee
 - Clerk was ignored
- ❖ Mayor read Thank you notes from
 - Gary Mahon for flowers sent to his mother's services
 - Cub Scout Pack 3047 for city furnishing trash bags for cub scouts project of trash pick up
 - Half a trailer load was picked up off city streets
- ❖ Mayor noted retirement reception of Prairie View Staff:
 - Jim & Beverly Burk
 - Combined service of 66 years teaching at Prairie View
 - Roy Casper
 - 10 Years at Prairie View as Technology specialist

May 19, 2010

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

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

Minutes of May 05, 2010 Regular Meeting
Check Register: May 06 thru May 19, 2010
Treasurer Report: April 2010
Budget Report: April 2010

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

DISCUSSION FROM THE FLOOR:

BARBARA FRUIT

- ❖ Expressed concerns of perceived drug problems
- ❖ At Lindentree Apartments
 - Barbara is former resident
 - ◆ Now lives at La Harper Heights
- ❖ Barbara described activities at Lindentree
- ❖ Asked what should a person do?
 - Per Police Chief James Dean
 - ◆ Call authorities as soon as incidents happen
 - Calling several days later does not help
 - ◆ Keep calling until law enforcement arrives
 - ◆ Report incidents to manager of the apartments

MARY RUPPEL

- ❖ Expressed concerns about underage drinking and response time of Law Enforcement Officials
- ❖ Had called law enforcement for assistance
 - County and State responded immediately
 - City Police 45 minutes later
 - Per Chief James Dean
 - ◆ City police chief not on duty at the time
 - ◆ City officers were not dispatched by County in this instance
 - ◆ County and state officers happened to be nearby at time of incident and were dispatched
- ❖ Mary stated she had names, vehicle tag numbers, and pictures of people involved in drug dealings at Linden Tree Apartments.
 - Police Chief James Dean advised her to provide that information to the proper authorities

USE/MOWING OF CITY PROPERTY BEHIND 216 N. 1ST: LANE & SYLVA FAMILIES

This item was moved up from the "Unfinished Business" section to accommodate the Lane & Sylva family members who were in attendance.

- ❖ Mayor Smith noted that he had given the matter consideration and his position had not changed
 - It is city owned property
 - Does not feel like city should allow the use of ATV's on the property
 - Noted report of City Clerk's conversation with insurance company
 - City could be held liable for accidents/injuries from activities on city owned property
 - ◆ Especially if City is aware of the activities
 - Insurance Co. (EMC) does not recommend allowing the activity without some type of signed legal document assigning liability to the participants of the activities

May 19, 2010

- ◆ If the ATV activities were allowed there would be additional procedures the City would be required to adhere to
 - City Parks fall under a different classification due to their status of being official designated parks
 - ◆ Provides protection against lawsuits
 - Addition of ATV tracks and skate board parks would place City under new procedures to which it must adhere
- ❖ Mayor Smith noted the property is agriculture and not required by the city to be kept mowed.
- ❖ Mayor Smith asked Council Members for their thoughts and opinions.
 - All Council Members concurred with Mayor Smith's statements
- ❖ Permission was denied to use the city owned property.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Noted report in packet from Officer Paul Filla about sexual assault class he attended
- ❖ Meth Awareness class attended by Chief James Dean and Officer Will Dean was a beneficial class
- ❖ Monitor on his computer went down and had to be replaced
- ❖ Currently working on
 - 15 open codes violation cases
 - More are being added
 - 20 open criminal cases

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Trenching/Excavation Training (June 2nd) and Confined Space Entry Training (June 3rd)
 - Both sessions at Fort Scott, KS
 - Requested authorization for Art Terry and Lisa Elmore to attend both sessions
 - 5 credit hours earned each day. Total of 10 hours
 - ◆ Would be applied to Art's water certificate requirements and added to Lisa's accumulation of hours necessary to take water certification test
 - Cost: \$90 per person for each session

✓ *Motion to Authorize Attendance at Trenching/Excavation and Confined Space Entry Training*

Council Member Robbins moved to send Lisa Elmore and Art Terry to Trenching/Excavation and Confined Space Entry training on June 2nd & 3rd in Fort Scott, KS with city to pay usual associated costs. Motion seconded by Council Member Van Vlack, voted on, passed 5-0.

- ❖ North water tower is being drained for annual inspections
- ❖ Rural Water District No. 3 is back on
- ❖ Clogged ditches being restored to draining as time permits
 - May cause some temporary mudding along roadside
- ❖ Good safety meeting recently held at City Hall on May 12th
- ❖ Have been assisting in Cemetery
 - Will probably have to help get cemetery in shape for Memorial Week-End
- ❖ Work Order No. 2340 – Shingle Clean-up
 - Will complete when dries up. Too muddy to go on property and retrieve shingles
- ❖ Henson Gas Line
 - Many things have been neglected
 - Signage and overall general maintenance
 - ◆ Will commence catching up, repairing and replacing neglected items

Minutes: Year = 2010

May 19, 2010

- ❖ Summer Youth Grant Program Employment
 - Recommended hiring Tyler Henry and James Hoyt
 - City Clerk Gary Mahon noted that part of payroll was being funded by a Youth Grant
 - Applications would also have to be approved by Dennis Arnold of the Linn County Economic Development department

✓ *Motion to Hire Tyler Henry and James Hoyt for Summer Help*

Council Member VanVlack moved to authorize hiring Tyler Henry and James Hoyt for summer help contingent on approval by Linn County Economic Development. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:28 p.m.

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Presented request for purchase of two (2) Viper Select Gallonage Nozzles
 - Cost: \$451.95 each + shipping

✓ *Motion to Authorize Purchase of Fire Hose Nozzles*

Council Member VanVlack moved to authorize the purchase of two (2) nozzles up to a total cost of one thousand dollars (\$1,000.00) Motion seconded by Council Member Weitman, voted on, passed 4-0-1. Abstained: Fleming (Fire Dept) Time: 7:31 p.m.

- ❖ Fire & Rescue Training
 - June 9th thru 15th at Spring Hill, Kansas
 - No Registration Fee
 - Cost of Books: Approximately \$80
 - Miscellaneous Costs: Meals, Fuel, Etc.
 - Might be a cost for National Certification Class
 - Minimum number of participants required for class to be held
 - Will not know until later if minimum met and class will be held
 - Main purpose for Dan to attend is to gain knowledge of designing fire codes for the City

✓ *Motion to Authorize Attendance at Fire & Rescue Training*

Council Member VanVlack moved to send Fire Chief Dan Nasalroad to Fire & Rescue Training at Spring Hill, KS from June 09 through June 15, 2010 with City to pay for books and other related costs. Motion seconded by Council Member Weitman, voted on, passed 4-0-1. Abstained: Fleming (Fire Dept)

COUNCIL COMMITTEE REPORTS:

STREET

- ❖ Councilman Robbins
 - Who mows ditches along K-152 from railroad tracks going west?
 - Answer: Adjacent property owners or the city
 - KDOT maintains from white line to white line (curb to curb) inside of city limits
 - KDOT maintains all of Road right-of-way outside of city limits.

May 19, 2010

CEMETERY

- ❖ Per Councilman Boone: New Cross is coming along fine and should be installed by Memorial Week-End

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS – LINDA MEISEL

- ❖ Radios are in and have been distributed
- ❖ Generator has been fueled, oiled and ready to go

UNFINISHED BUSINESS:

MOWING OF RURAL FIRE STATION GROUNDS

- ❖ Councilman VanVlack had attended the Linn County Commissioners meeting the previous Monday and the topic of Mowing the Rural Fire Station was discussed. Comments from the Commission meeting included:
 - It was noted that volunteers and city personnel from La Cygne had mowed property last year
 - It was noted that City was now enforcing policy of only allowing city employees to use city equipment
 - Commissioner Pemberton felt the City was doing enough to maintain the station
 - Also felt that county did not have enough time to devote to mowing the property
 - County only had brush cutter with which to mow
- ❖ Councilman VanVlack stated that he would suggest to the Linn County Commissioners at their next meeting that mowing of the rural fire stations be put out for bid.
 - There is a total of 5 acres at the La Cygne Rural Fire Station

NEW BUSINESS:

ORDINANCE NO. 1385 - BUILDING PERMIT FEES

- ❖ Per Council request the Planning Commission was asked its opinion/recommendation regarding building permit fees
- ❖ Planning Commission noted that although it had never been involved in setting fees before it would offer suggestions for council to consider
- ❖ The Fee schedule listed in Ordinance No. 1385 was suggested by the Planning Commission

✓ *Motion To Approve Ordinance No. 1385*

Council Member Robbins moved to approve Ordinance No. 1385 setting building permit fees. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:43 p.m.

May 19, 2010

SPECIAL MEETING CALLED FOR MAY 26, 2010

- ❖ Attorney Mike Shultz was unable to attend tonight's meeting
 - Continuing retina problems with eye prevents driving at night
- ❖ Mayor and Council agreed to hold a Special Meeting at 6:00 p.m., Wednesday, May 26, 2010 at City Hall
 - Purpose is to meet with Attorney Mike Shultz to discuss ongoing litigation with Rural Water Districts
- ❖ City Clerk Mahon informed reporters from Linn County News and Osawatomie Graphic that this was their paper's official notification of the Special Meeting

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to fifteen (15) minutes following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:46 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Police Chief James Dean.

Open Session Resumed at 8:11 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- aa. Changes to 1st Draft of May 5th Minutes
- bb. Discussion from the Floor – Brenda Fruit
- cc. Memo from Paul Filla – Pittsburg Training
- dd. Jim Johnson Trenching, Excavation, and Confined Space Training
- ee. Dan Nasalroad request to purchase hose nozzles
- ff. Use & mowing of property behind 216 N. 1st
- gg. Ordinance No. 1385 – Building Permit Fees
- hh. Mike Shultz – Executive Session

NOTES AND COMMUNICATIONS TO COUNCIL:

- l. Report – Safety Matters – Patti Endecott
 - m. Kansas Rural Water Association Certificate
 - n. Minutes of La Cygne Planning Commission: May 13, 2010
 - o. Minutes of La Cygne Park Board: April 29, 2010
-
- ❖ Mayor Smith expressed his Thank you to Patti Endecott for organizing and conducting the employee safety meeting May 12th.
 - Noted Patti's interest in the project and time spent gathering materials and ideas

May 19, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:13 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 May 2010.

SPECIAL MEETING:

May 26, 2010 Special Meeting

The La Cygne City Council met in Special session on Wednesday, May 26, 2010 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; and Terry Weitman. Mike Van Vlack arrived at 6:09 p.m.

Others in attendance included: City Attorney John Sutherland; City Clerk Gary Mahon; Public Works Superintendent Jim Johnson; and Attorney Mike Shultz.

Stated purposes of the special meeting were:

1. Consultation with attorneys in regards to litigation with Linn County Rural Water Districts No. 1 & No. 3;
2. Sewer Lift Station Pump Repairs

Mayor Smith and all Council Members signed the "*Request To Call Special Council Meeting*".

Mayor Smith called the special meeting to order at 6:02 p.m.

Since item No. 1 would require executive session it was decided to address item No. 2 first.

SEWER LIFT STATION PUMP REPAIRS

- ❖ Sewer Lift Station Pump Needs Repairs
- ❖ Job Estimate from Douglas Pump = \$4398.30
 - Recommend replacing bearings, mechanical seal, o-ring set, oil plugs, wear ring and case ring. Dynamic balance impeller and rotor. Reassemble unit, paint and test operation
- ❖ Supt. Johnson noted that city has been having problems with pumps at this station in past.
 - Recently replaced the other pump at a cost of approximately \$5,000
- ❖ Douglas Pump has indicated that grit and acid is eating the pumps up
 - Where is acid and grit coming from?
 - Possibly Reed Minerals?
 - Supt. Johnson will ask Douglas Pump if they can identify the type of grit, acid, etc.
- ❖ It was noted that the City had also used the services of K.C. Pump, J.C.I, and Lee Mathews in past years
- ❖ Council requested Superintendent Johnson to contact other dealers for quotes and recommendations.
 - Decision of what to do and who to use will be left to discretion of Mayor and Sewer Committee

May 26, 2010 Special Meeting

✓ *Motion to Authorize Repairs/Replacement of Sewer Lift Station Pump*

Council Member Robbins moved to authorize Mayor Smith and Sewer Committee Council Members Jerry Boone & Jake Fleming to repair or replace the sewer lift station pump at their discretion. Motion seconded by Council Member Van Vlack, voted on, passed 5-0.

Time: 6:17 p.m.

CONSULTATION WITH ATTORNEYS IN REGARDS TO LITIGATION WITH LINN COUNTY RURAL WATER DISTRICTS NO. 1 AND NO. 3

✓ *Motion To Go Into Executive Session*

Council Member Van Vlack moved to go into executive session for up to thirty (30) minutes for legal consultation. Motion seconded by Council Member Weitman, voted on, passed 5-0.

Time: 6:18 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: City Clerk Gary Mahon and Attorney Mike Shultz.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member Van Vlack moved to extend the executive session for up to thirty (30) minutes for legal consultation. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 6:48 p.m.

Open Session Resumed at 7:14 p.m.

No actions taken by Council.

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Van Vlack moved to adjourn the meeting. Motion seconded by Council Member Fleming, voted on, passed 5-0.** The Special meeting was adjourned at 7:15 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 26th day of May 2010.

June 02, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, June 02, 2010 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Absent: Mayor Keith Smith

June 02, 2010

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; and LeRoy Turpen.

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

MAYOR'S COMMENTS:

- ❖ Thank You Notes from the following were read:
 - Oak Lawn Cemetery Ladies for installation of new cross
 - Simple Living Furniture – For plant sent at their opening
 - Nicole Hays Servos – For waiving community building rent

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

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

Minutes of May 19, 2010 Regular Meeting
Minutes of May 26, 2010 Special Meeting
Check Register: May 20 thru June 02, 2010

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Several code violations letter have been sent out
- ❖ 2 Lawns have been mowed and owners will be billed
- ❖ Midwest Wood Building
 - Have performed inspections at Midwest Wood Property in conjunction with Fire Chief Dan Nasalroad
 - Owner of Chemical Storage company trying to comply with requirements
 - ◆ Example: eye wash stand, showers, etc.
 - Larry West will submit diagram of Building and what areas each business occupies
 - ◆ Each area to be numbered on the outside to identify the type of business inside
- ❖ Commenco will do radio installation in vehicles next Tuesday
- ❖ Police Officer Paul Filla is scheduled for shoulder surgery in the morning
 - Will be absent for approximately one month
- ❖ Reported that Dog Catcher Bill Craven had backed the Dodge Pick-up into the trash compactor
 - Seeking bids for repairs.

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Supt. Johnson reported on a rumor that accused him of assigning most of the menial and undesirable tasks to a certain employee.
 - Jim referred Council to the task sheets he has been periodically distributing to council members
 - The task sheets show the tasks that each of the public works employees have performed

June 02, 2010

- ❖ Uni-Loader Repairs
 - The new uni-loader is needing repairs
 - Dealer says City must haul in to their shop
 - Dealer will not come here and fix nor will they come and transport
 - City trailer needs new tires
 - Jim feels trailer not sturdy enough to haul many loads thus question expense of putting on new tires for 1 trip.
- ❖ Repair of Sewer Lift Station pump – Industrial Park
 - The pump is actually 16 years old
 - The pump fixed last winter was due to rags getting into sewer
 - Cost to repair pump = \$4398.30 (Douglas Pump)
 - Cost for a new pump ranged from \$7,110 to \$12,265
 - Supt. Johnson recommended repairing the pump
 - Douglas Pump provides fast service and performs good work on repairs

✓ *Motion to Authorize Repair of Sewer Lift Station Pump in the Industrial Park*

Council Member Boone moved to authorize Douglas Pumps to repair the lift station pump in the Industrial Park at a cost of Four Thousand Three Hundred Ninety Eight and 30/00 Dollars (\$4398.30. Motion seconded by Council Member Van Vlack, voted on, passed 5-0.
Time: 7:15 p.m.

- ❖ Noted that Public Works had assisted in the clean up of several properties that were in violation of codes
- ❖ Noted that one of the overhead doors at the street barn had broken
 - Repairs were made today
 - Cost will be approximately \$250 to \$300
- ❖ Summer Help
 - Helping with mowing in the park
 - Cleaned and mowed ditches for Memorial Week-end on roads approaching cemetery
 - Helped mow and prepare cemetery for Memorial Week-End
 - Summer Help is doing a good job
- ❖ Cemetery Caretaker
 - Supt. Johnson reported on complaints he had received from area citizens about the condition of the cemetery over Memorial Week-End
 - Supt. Johnson began reviewing the cemetery caretakers job performance. City Attorney Sutherland reminded Council that discussion of employees job performance would best be carried out in executive session
 - Discussion of caretaker's performance was discontinued until executive session.

FIRE CHIEF – DAN NASALROAD

- ❖ State Fire Marshall will be here next week to go over the new state fire reporting system
- ❖ Dan has been working to develop new fire codes for the city

COUNCIL COMMITTEE REPORTS:

PARK

- ❖ Councilman Boone
 - Lots of progress on the new pool construction
 - Possibly ready to open by the end of this month.

June 02, 2010

SPECIAL COMMITTEE REPORTS:

FIESTA – LINDA MEISEL

- ❖ Reminded everyone of the upcoming Festival (Fiesta) this Saturday, June 5th

EMERGENCY PREPAREDNESS – LINDA MEISEL

- ❖ There will not be a meeting in July
- ❖ New Members
 - Teresa Whitaker and Ernie Moylan

UNFINISHED BUSINESS: None

NEW BUSINESS:

ORDINANCE NO. 1386 – C.U.P. – MIKE HOWARD – 102 N. 2ND

- ❖ The La Cygne Planning Commission recommended that a Conditional Use Permit be issued to Mike Howard
 - Property is currently zoned C-2
 - C.U.P would allow for 50% occupancy on ground floor for residential living

✓ *Motion To Approve Ordinance No. 1386*

Council Member Robbins moved to approve Ordinance No. 1386 granting a Conditional Use Permit to Mike Howard. Motion seconded by Council Member Fleming, voted on, passed 3-2. (Opposed: VanVlack & Boone) Time: 7:24 p.m.

DISCUSSION FROM THE FLOOR:

- ❖ Linda Meisel inquired as to whether the Community Building had been rented for the sale of fireworks again this year.
 - Per City Clerk Mahon: Yes
- ❖ Responses to other questions from Linda, Council members VanVlack & Boone, and Fire Chief Nasalroad:
 - Rent = \$75 per day. (Note: This answer was in error. Rent for the entire building is \$75 per day. Rent for the front section is \$30 per day. Whitcrafts use only the front section for the sale of fireworks, so their rent is actually \$30 per day not the \$75 per day as stated at the meeting. Council Members were notified of the error on June 5th)
 - All rent due in 2009 was paid.
 - The Whitcrafts provide the City with an insurance certificate
 - Local insurance provider is aware of the fireworks sale in the building

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for legal and personnel for up to thirty (30) minutes. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:24 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Public Works Superintendent Jim Johnson and City Clerk Gary Mahon.

June 02, 2010

Open Session Resumed at 7:50 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- ii. Sewer Pump Repairs – Industrial Park
- jj. Street Barn Overhead Door Repairs/Replacement
- kk. Ordinance No. 1386 – C.U.P. – Mike Howard – 102 N. 2nd

NOTES AND COMMUNICATIONS TO COUNCIL:

- p. Chamber of Commerce Newsletter
- q. Chamber of Commerce Minutes: May 12, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 7:51 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 June 2010.

June 16, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, June 16, 2010 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 Jim Johnson; Fire Chief Dan Nasalroad; Assistant Fire Chief Scott Stainbrook; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Le Roy Turpen; and Dan Bosley.

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

MAYOR'S COMMENTS:

- ❖ Noted that 4th of July would be here before Council's next meeting
 - Urged everyone to have a safe and happy 4th of July holiday
 - Requested that City Clerk Gary Mahon post City Regulations around town concerning discharge of fireworks within city limits

CONSENT AGENDA:

June 16, 2010

City Clerk Gary Mahon noted that the annual payment of \$8217.77 was for the Pierce fire truck. It had been reported that it was for payment of the F-800 fire truck. Mayor Smith commented that the 2010 budget appeared to be in good shape. Clerk Mahon noted that the sewer and street department budgets were tight but nothing to be alarmed about at this time.

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

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

- Minutes of June 02, 2010 Regular Meeting
- Check Register: June 03 thru June 16, 2010
- Treasurer's Report: May 2010
- Budget Report: May 2010

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Several code violations letter have been sent out
 - Some have complied
- ❖ Councilman Boone noted excess weeds and landfill on property adjoining his

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Culvert Repairs at 6th & Vine
 - Contract had been awarded to Fred Noel Construction on December 02, 2009
 - Work not started
 - ◆ Extremely wet weather to blame
 - Noel now says they are behind and will not be able to do until next January, per Supt. Johnson
 - Council not agreeable to waiting that long
 - Walker Flatworks would still do the work as per their original bid
 - Could start in the morning
 - Original bid was \$5100
 - ◆ Included \$200 for winter service
 - Council discussed whether to award to Walker or re-bid the project

✓ ***Motion to Award 6th & Vine Culvert Project to Walker Flatware***

Council Member Weitman moved to award the 6th & Vine culvert repair bid to Walker Flatwork. Motion seconded by Council Member Boone, voted on, passed 4-0-1. Abstained: Van Vlack Time: 7:10 p.m.

- ❖ Superintendent Johnson will notify Walker and Noel of the decision.
- ❖ La Harper Heights Extended Parking Area
 - La Harper Heights had asked to revive the parking lot extension project
 - Clerk's Note: In December 2009 the City had originally granted temporary use of a portion of unimproved Elm Street in the 700 block. La Harper Heights later asked that the project not be started at that time.
 - Supt. Johnson noted that he would start working on the project again

Minutes: Year = 2010

June 16, 2010

- ❖ Superintendent Johnson inquired about Cemetery applications
 - Mayor Smith indicated they would be reviewed later
- ❖ Superintendent Johnson reported that Roger De Mott had volunteered to take down a dead tree in Oak Lawn Cemetery
 - Permission was denied by Council

FIRE CHIEF – DAN NASALROAD

- ❖ Pierce Fire Truck Repairs
 - Has a broken leaf spring
 - \$7,000 per side to replace with new springs
 - \$4800 to rebuild both sides
 - More expense if there is rust between the leaves
 - More expense if springs have ever been on overloads
 - Discussion Followed

✓ *Motion to Authorize Repairs to Pierce Fire Truck*

Council Member Weitman moved to authorize up to five thousand dollars (\$5,000) in repairs to the 90 Pierce fire truck. Motion seconded by Council Member Boone, voted on, passed 4-0-1. Abstained: Fleming Time: 7:18 p.m.

- ❖ Fire Chief Nasalroad announced that Ted LeVigne was a new member of the Volunteer Fire Dept.

COUNCIL COMMITTEE REPORTS:

PARK

- ❖ Councilman Robbins thanked Public Works for getting new basketball nets for Bittiker Park

SPECIAL COMMITTEE REPORTS: None

FESTIVAL – LINDA MEISEL

- ❖ Good Turnout despite hot weather
- ❖ Financial Report not yet ready

UNFINISHED BUSINESS: None

NEW BUSINESS:

RAILROAD CROSSINGS – QUIET ZONE

- ❖ Councilman Boone had inquired about possibly establishing "Quiet Zones" at the City's railroad crossings
- ❖ Mayor Smith read Clerk's report of the basics of establishing a "Quiet Zone"
- ❖ Council discussed complaints heard around the City including blocking of crossings at night, continuous of horns blowing, and continuous bell ringing at crossings when trains are stopped.
- ❖ City Clerk Mahon will check with Branson, MO about their experience in establishing a "Quiet Zone"

June 16, 2010

2011 BUDGET

- ❖ Mayor Smith asked Council to submit to City Clerk Mahon by next meeting any projects they wish to have included on the 2011 budget
- ❖ Clerk Mahon noted that work sheets had been given to the Fire Dept. and Police Dept. and he asked Supt. Johnson to submit any big ticket items so they could be considered for the 2011 budget
- ❖ Mayor Smith presented possibility of increasing the City sales tax
 - Money to be reserved expressly for infrastructure improvements such as fire hydrants, water tower, etc.
 - Asked Council to think about it and let him know their opinion

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to thirty-five (35) minutes following a ten (10) minute break. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:38 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Fire Chief Dan Nasalroad.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member Van Vlack moved to extend the executive session for up to ten (10) minutes. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:23 p.m.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member Van Vlack moved to extend the executive session for up to ten (10) minutes. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:33 p.m.

Executive Session Extended

✓ *Motion To Extend Executive Session*

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

Open Session Resumed at 8:51 p.m.

OTHER BUSINESS: None

June 16, 2010

CITY CLERK'S REPORT

Verbal: Noted that the 2009 audit was completed today. (June 16th) No violations were reported by the auditor Terry Sercer.

Written:

- ll. 2009 Audit
- mm. 2011 Budget Preparation
- nn. Fire Truck Payment
- oo. Railroad "Quiet Zone"

NOTES AND COMMUNICATIONS TO COUNCIL:

- r. Gas Report: May 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:52 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 June 2010.

July 07, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, July 07, 2010 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 Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Police Officer Will Dean; Assistant Fire Chief Scott Stainbrook; Fireman Tommy Capp; Fireman Danny Curtis; Fireman Rod Benson; Fireman Bill Smith; Fireman Jason Matthews; Brenda Iverson; Kathy Faircloth; Ed Billinger; Fred Meisel; Dan Bosley; Julie Bosley; Judy Kinder; Charlene Sims; and LeRoy Turpen.

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

MAYOR'S COMMENTS:

- ❖ Safe and Happy 4th of July Week-end
- ❖ Son Logan recuperating from successful gall bladder surgery

CONSENT AGENDA:

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

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

Minutes of June 16, 2010 Regular Meeting

Check Register: June 17 through July 07, 2010

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Presented Council with a written and oral statistics report for June 2010
- ❖ Reported on the July 3rd traffic stop event
 - 352 vehicles checked
 - 21 No proof of insurance
 - 8 No valid driver's license
 - ◆ Includes 5 suspended
 - 1 Drug violator
 - Possession of methamphetamine, possession of marijuana, possession of drug paraphernalia
 - 1 Transport open container of CMB/Liquor
 - 2 drivers were evaluated for DUI

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Summer Shirts
 - Noted that present uniform shirts are somewhat hot and uncomfortable on the hot days of summer
 - Discussed the possibility of purchasing light weight shirts similar to T-Shirts for summer use
 - It was noted that:
 - Aramark could provide shirts similar to Haynes T-Shirts with lettering from approx. \$6 to \$7
 - Lisa Elmore was checking into other shirts and prices
 - Council tabled item until prices could be furnished at next meeting
- ❖ Supt. Johnson reported on progress of tree trimming at intersections and that Box Culvert repairs at 6th and Vine have not started yet

FIRE CHIEF – DAN NASALROAD

- ❖ Leaf springs repair to Pierce Fire Truck are complete
 - Cost = \$4200 which was under the estimate of \$4800
- ❖ Forest Service Grant
 - Received a matching grant for radio upgrades of \$3884
 - Requested permission to spend city portion of grant (\$1942) for the purchase of radios

July 07, 2010

✓ *Motion To Approve Matching Grant Radio Purchases*

Council Member Weitman moved to pay 50% (\$1942.00) of the cost of radios per the grant agreement. Motion seconded by Council Member Robbins, voted on, passed 4-0-1.

Abstained: Fleming (Fire Dept. Member) Time: 7:09 p.m.

- ❖ Radios are being purchased from Western Communications in Butler, Missouri.
- ❖ Chief Nasalroad is currently developing fire codes for future Council consideration
 - State will be adopting codes in the future
 - City needs to adopt first or the state codes will become the city's minimum

RAILROAD PEDESTRIAN CROSSING

- ❖ In response to Questions by Mayor Smith, City Clerk Gary Mahon reported;
 - Railroad had failed to replace the pedestrian crossing alongside K-152 when the R.R. replaced the vehicular crossing
 - R.R. Roadmaster was aware of the situation
 - There is supposed to be pedestrian crossing signs installed
 - Could not install the crossing until signs were available
 - ◆ Roadmaster thought signs should be in around Thursday, July 8th and will replace crossing shortly thereafter

COUNCIL COMMITTEE REPORTS:

PARK

Mayor Smith: Pool looks good and happy that it is now finished and open.

SPECIAL COMMITTEE REPORTS:

CEMETERY

- ❖ Councilman Van Vlack reported there are approximately five (5) trees in the Cemetery that have died or are already dead
 - Limbs are falling off one in particular
 - City Clerk Mahon noted another just as bad
- ❖ Council discussed obtaining bids for removal of trees
 - Perhaps also asking for bid on retainer fees for future tree removal
- ❖ Council requested City Clerk to request bids for removal of each of the five trees including stump removal.

STREET

- ❖ Councilman Weitman inquired as to the schedule of culvert repair at 6th and Vine
- ❖ Superintendent Johnson noted that weather had been a culprit to some degree but was not sure why work had not commenced on other days
 - Supt. Johnson will continue to contact Walkers in an attempt to move the project forward

COMMUNITY BUILDING

- ❖ City Clerk Mahon reported that the City had recently received a \$3900+ electric bill
 - City had only been paying minimum since 2001 or 2002
 - \$3900 = 1 year bill since July 2009

July 07, 2010

- KCPL personnel stated it was our responsibility to notify them that something was wrong
- Mahon will be contacting other officials of KCPL

FIESTA – LINDA MEISEL

- ❖ Noted a loss of approximately \$1500 this year
 - May be more income coming to help offset
 - Discrepancy in contract with company handling the inflatable venues.

UNFINISHED BUSINESS:

RAILROAD CROSSING – QUIET ZONE UPDATE

- ❖ City Clerk Mahon reported
 - Branson, Missouri had used RCL of Benbrook, TX for installation of an automated horn system
 - RCL provided information that was distributed to Council in their "Blue Sheets"
 - Cost = approximately \$100,000 per crossing
 - KDOT may have program for assisting with crossing at K-152
 - City Clerk Mahon will contact KDOT for more information

NEW BUSINESS:

STREET LIGHT REQUEST – 8TH & ELM

- ❖ La Harper Heights manager Teresa Whitaker had inquired to City Clerk Mahon about the City possibly installing a street light in the vicinity of the south west corner of the intersection of 8th & Elm.
 - It is dark in the area where La Harper's west drive turns off Elm
 - Presently there is a street light on the northeast corner of the intersection of 8th & Elm
 - Trees prevent light from shining from the present light unto the darkened area
- ❖ The request had been forward from Clerk Mahon to Mayor Smith and Street Committee Weitman and Robbins for their recommendation
 - Questions raised included:
 - City's responsibility to light parking areas
 - Possibility of La Harper Heights installing a dusk to dawn light on pole already located in the location
 - Trimming of trees
- ❖ Council asked Superintendent Johnson to look at trees to determine if trimming would be beneficial before a final decision is made.

HACH SERVICE CONTRACT

- ❖ The annual service contract to inspect, calibrate, and perform needed maintenance on the water plant meters, sensors, probes, and other equipment was presented to Council.
 - Cost = \$5044
 - Increase of \$30 from 2009

✓ *Motion To Approve Hach Service Contract*

Council Member Weitman moved to renew the annual service contract with Hach in the amount of Five Thousand Forty Four Dollars (\$5044.00). Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:35 p.m.

July 07, 2010

2011 BUDGET PREPARATION

- ❖ 1st Draft of 2011 Budget had previously been distributed to Council
- ❖ Includes all submitted department requests
- ❖ Requires 30+ mill increase to fund this version
- ❖ Mayor Smith:
 - We are a small town and resources are not unlimited
 - Budget will have to be cut from present version
 - At least \$150,000 to \$180,000 in cuts
- ❖ Lease Payments
 - Need to reduce or eliminate some before adding more
- ❖ Valuation lower again this year
 - 1 mill will raise approximately \$6000
- ❖ All departments need to cut their budgets to the bone
- ❖ Would accept a 3.5 to 5 mil increase
 - Due to drop in valuation a 3.5 mil increase does not raise total tax revenue
- ❖ Requested each department to explain why their budgets have increased, what they need, and why they need it.
- ❖ Mayor has thoughts on where to cut the budget but would like to hear from departments first.
- ❖ Need to have budget process wrapped up in July so publication could occur August 4th

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to forty (40) minutes. Motion seconded by Council Member Fleming, voted on, passed 5-0.
Time: 7:48 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: City Clerk Gary Mahon.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member Van Vlack moved to extend executive session for legal and personnel for up to ten (10) minutes. 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:

PAY RAISES

Mayor Smith noted that some employees had not received a raise since 2008 while others had received a raise in 2009. He would like to resume the practice of granting employee raises at the same time on an annual basis. Mayor Smith recommended giving Bill Craven, Jerome Moore, and Art Terry (who last received a pay increase in 2009) a \$.25 per hour raise and giving James Dean, Will Dean, Linda Elder, Lisa Elmore, and Gary Mahon (who last received a pay increase in 2008) a \$.50 per hour raise.

July 07, 2010

✓ *Motion To Grant Pay Raises*

Council Member Weitman moved to accept the Mayor's recommendation and approve pay raises as stated effective with current pay period. Motion seconded by Council Member Fleming, voted on, passed 4-0-1. Abstained: Boone Time: 8:52 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- pp. Light Weight Summer Shirts
- qq. Fire Department Reports
- rr. Railroad "Quiet Zone"
- ss. Community Building Electric Bill
- tt. 2011 Budget Preparation

NOTES AND COMMUNICATIONS TO COUNCIL:

- s. Notes from June 16th Safety Meeting
- t. Chamber of Commerce Minutes – June 9th
- u. Park Board Minutes: May 27th
- v. Park Board Minutes: June 15th

BITTIKER PARK

- ❖ Councilman Boone:
 - Would like to check into purchasing new picnic tables and benches for the north park (Bittiker)
 - Budget currently has approximately \$5200
 - Council asked Jerry to check on prices and report back

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:55 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 7th day of July 2010.

July 21, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, July 21, 2010 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 Clerk Gary Mahon; Police Chief James Dean; Police Officer Will Dean; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Linn County Economic Development Director Dennis Arnold; Park Board Chairman Jodi Wade; Fireman Bill Smith; Fireman Danny Curtis; Kathy Faircloth; Jerome Mitzner; Robbie Blanck; Le Roy Turpen; Robert Turpen; Dan Bosley; Glen Harbison; Charlene Sims; and Judy Kinder.

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

MAYOR'S COMMENTS:

- ❖ Asked Council and Department heads to be seriously contemplating the 2011 budget
- ❖ Reported on meetings with department heads
 - Complimented all departments – doing good job
 - Proud of all departments
- ❖ Councilman Robbins noted there were erroneous rumors circulating about fuel purchases
 - To set record straight – new fuel card check out was set in place to improve situation and protect employees and council
 - Employees were not charged with stealing fuel
- ❖ Mayor Smith read a thank you note from the family of Stan Giles (Former Fire Chief of Linn Valley)

CONSENT AGENDA:

- ✓ **Motion to Approve Consent Agenda**

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

Minutes of July 07, 2010 Regular Meeting
Check Register: July 08 through July 21, 2010
Budget Report: June 2010
Treasurer Report: June 2010
2nd Quarter Financial Statement

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

DISCUSSION FROM THE FLOOR:

DENNIS ARNOLD – U.S. MINERALS

Linn County Economic Development Director Dennis Arnold reported:

- ❖ Linn County Commissioners had approved a contract to sell and lease land in the La Cygne Industrial Park to U.S. Minerals
 - U. S. Minerals had not yet signed the contract
- ❖ U.S. Minerals now has the contract for residual fly ash (burned coal) from the La Cygne Kansas City Power & Light generating station.
 - Reed Minerals had held the contract for several years
 - Mr. Arnold stated that Reed Minerals intended to continue operations in La Cygne despite losing the local fly ash contract
 - Reed Minerals currently processes the fly ash for use on shingles and other products
- ❖

July 21, 2010

- ❖ U.S. Minerals will be hauling the fly ash from KCPL to La Cygne and then shipping by rail to its customers
 - Per Mr. Arnold: Only a small amount of processing will occur at La Cygne
 - Rail spur/lead in the industrial park will be extended eastward
- ❖ U.S. Minerals will create approximately 12 new jobs within a designated time frame
 - Average contract = \$14 per hour
- ❖ Linn County's contract with U.S. Minerals contains required measures to control dust and environmental concerns
 - Would be up to City to enforce
- ❖ Council expressed concerns about furthering a dust and environmental problem similar to those now created by Reed Mineral operations
 - Informed Mr. Arnold that a Conditional Use Permit was necessary for U.S. Minerals to operate a business (as described by Mr. Arnold) in the Industrial Park
 - Mr. Arnold doubted the need for a permit and acknowledged it would be better left for attorneys to resolve
 - City not trying to keep business out, but rather set some conditions if necessary
 - Amount of fly ash to be stored on the property, measures to control dust, site lines to intersecting streets, toxic run-off, plus other concerns were mentioned as concerns
 - Mr. Arnold stated that the current stacks of fly ash at Reed Minerals were very high because Reed Minerals knew what was coming and was stock piling in preparation.
 - Stacks would probably become smaller in time
- ❖ Mr. Arnold indicated he would inform U.S. Minerals of City's Conditional Use Permit requirement
 - Noted that the requirement might be a possible deal breaker
- ❖ Mayor and Council noted their willingness to visit with U.S. Mineral officials to discuss the issues

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

FCC Licensing

- ❖ City has three FCC licenses
 - Proposal covers all licenses
- ❖ Cost to add narrow band, change coordinates and other modifications = \$2025.00
- ❖ Proposal is with Commenco of Kansas City, Missouri
- ❖ Noted that licensing had been included in the 2010 police department budget

In-Car Radio Repeaters

- ❖ Cost to purchase, set up, program, install repeaters = \$2161.15 per repeater
 - Requested 3 for total cost of \$6483.45
- ❖ Noted that repeaters had been factored in the police department 2010 budget
- ❖ Council discussed whether or not to purchase 3 repeaters
 - No decision had been made on what to do with one of the police cars
 - Repair? Replace? Or Eliminate?
- ❖ Equipment bids are good for 30 days

✓ *Motion To Approve Modifying and Updating FCC Licenses*

Council Member Van Vlack moved to spend up to Two Thousand Twenty Five Dollars (\$2025.00) to modify existing FCC License per the Commenco proposal. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:47 p.m.

July 21, 2010

✓ *Motion To Purchase Two Radio Repeaters*

Council Member Van Vlack moved to authorize expenditure of Four Thousand Three Hundred Twenty Two and 30/00 Dollars (\$4322.30) for two repeaters from Commenco. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:53 p.m.

Training Sessions

- ❖ Chief James Dean requested permission for attendance at several training sessions
- ❖ No Registration Costs

✓ *Motion To Approve Police Department Training Sessions*

Council Member Robbins moved to authorize police department attendance to the following training sessions: James Dean to Racial Profiling, July 26th; James and Will Dean to SFST Refresher Course, August 03rd; James and Will Dean to Telenet II, August 04th; Will Dean or Paul Filla to Bulletproof Mind, September 25th. All sessions at Johnson County Community College. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:53 p.m.

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

Summer Shirts

- ❖ Lisa Elmore obtained prices from Design For Sports in Paola
 - Prices ranged from \$7.00 to \$10.50 per shirt depending on pockets/no pockets and lettering on front only or front and back
- ❖ City Clerk Mahon noted that prices checked with other vendors were very similar with no appreciable difference and that over all the cost would be minimal
 - It was suggested that public works be given authority to purchase up to 5 shirts of their choice per employee
- ❖ Wording of: "City of La Cygne" must be printed on the shirts

✓ *Motion To Approve Summer Shirts for Public Works Employees*

Council Member Robbins moved to authorize the purchase of T-Shirts for public works personnel with shirts to include wording of "City of La Cygne". Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:57 p.m.

- ❖ Superintendent Johnson thanked Councilmen Robbins and Fleming for recent involvement with employee concerns
- ❖ Superintendent Johnson asked residents to bring their needs and wants to City's attention

Extension of Summer Help Hours

- ❖ Youth Grant subsidies was for 10 weeks
 - Period will end July 30th
- ❖ Per Jim: Boys have been good help and public works has a need for them
 - Mowing of cemetery has added extra responsibilities to public works department
- ❖ City Clerk Gary Mahon estimated the extra hours would cost approximately \$1300
 - Noted that City originally applied for 3 youths and that City currently did not have cemetery caretaker
 - Extending summer youth employment by two weeks would still be under original cost estimates

July 21, 2010

- ◆ There would be no grant reimbursement for the two week period
- ❖ Council noted that in lieu of cemetery caretaker the youth positions were very beneficial in maintaining the cemetery
- ❖ Supt. Johnson inquired about possibility of keeping youths on part-time after school hour basis
 - Council felt this would not be very helpful since it would entail only about 1 hour per day.

✓ *Motion To Extend Summer Youth Employment*

Council Member Van Vlack moved to extend the summer youth employment by two weeks with their emphasis to be on cemetery maintenance. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 8:03 p.m.

Cemetery Tree Bidding Specifications

- ❖ Superintendent Johnson noted that regarding specs for Oaklawn Cemetery tree removal:
 - No specifications for how deep to grind stumps for stump removal were given
 - Was dirt to be put back in where stump was removed?
- ❖ Council reaction was that experienced and competent tree removers would surely know that ground was to be left level for mowing purposes

FIRE CHIEF – DAN NASALROAD

- ❖ Mayor Smith noted recent training involving the K.U. Burn Trailer
 - Good Training
 - Very Interesting
- ❖ Fire Chief Nasalroad reported that Firefighter I Class is now completed
 - Thanks to Jerome Mitzner for finishing as instructor of the class
 - Original instructor was deployed to Afghanistan

COUNCIL COMMITTEE REPORTS: NONE

SPECIAL COMMITTEE REPORTS:

PARK & POOL

- ❖ Park Board Chairman Jodi Wade reported
 - New Pool opened July 3rd
 - Some punch list items left to complete
 - Some will not be completed until after pool closes for the season
 - Pool will remain open daily until August 15th
 - Then remain open on week-ends through Labor Day
 - Average daily attendance has been 110 – 121
 - Tops of 152 on one of the very hottest days
 - Remainder of sod scheduled to be installed July 22nd
 - Will seed area north of pool in late August or early September
 - Making plans to expand the parking lot
 - Daily operations will not change this year
 - Trying to get established
 - Will try to incorporate suggestions and experiences into daily operations policy for next year
 - Thanks to the public works department for their help
 - Parking, piping, and many other tasks
 - Road where drain crosses to go to river is being repaired

July 21, 2010

UNFINISHED BUSINESS:

BITTIKER PARK IMPROVEMENTS

- ❖ Councilman Boone reported that he was reviewing new park and recreation material books

NEW BUSINESS:

APPOINTMENT TO KMGa BOARD OF DIRECTORS

✓ *Motion To Appoint Gary Mahon to KMGa Board of Directors (2 Year Term)*

Council Member Van Vlack moved to appoint City Clerk Gary Mahon as a Primary Director to the KMGa Board of Directors. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:17 p.m.

OAKLAWN CEMETERY TREE REMOVAL BIDS

Bidder	Address	Leave Stumps Total of 9 trees	Remove Stumps Total of 9 Trees
Carl's Tree Service	La Cygne, Ks	\$3,400	\$3,800
Baucom Tree Service	Pleasanton, KS	\$2,900	\$4,000
American Woodworking Chris Self	La Cygne, Ks Parker, Kansas	\$3,850	\$4,355
Tree Solutions	Fort Scott, KS	\$3,975	\$4,575
Good Neighbor Tree Service	Lenexa, KS	\$4,500	\$5,400
Quality Tree Service	Osawatomie, Ks	\$5,400	\$6,225
Double Eagle Excavating	La Cygne, Ks	\$5,950	\$8,500

✓ *Motion To Award Tree Removal Bid to Carl Marr*

Council Member Van Vlack moved to award bid for removal of trees in Oaklawn Cemetery, including stump removal and debris clean-up, to Carl Marrs in the amount of Thirty Eight Hundred Dollars (\$3800.00). Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 8:39 p.m.

RECESS

✓ *Motion For a 10 Minute Recess*

Council Member Van Vlack moved to recess for ten (10) minutes. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:44 p.m.

July 21, 2010

Meeting Reconvened at 8:58 p.m.

2011 BUDGET REVISIONS – DRAFT NO. 2

- ❖ Council had previously been presented with Draft No. 2 – Option A and Option B
- ❖ City Clerk Mahon explained:
 - Options A & B only dealt with the general fund and employee benefit fund
 - General and Employee Benefits are the only two funds that require local tax revenue
 - The utility funds (public works) are revenue driven and all revenue received is budgeted to be spent in the utility funds
 - Public Works had indicated earlier that they had no special requests for equipment or vehicles in the 2011 budget
 - Options A & B were merely examples and not compulsory budgets
 - Total city evaluation had dropped again
 - As long as the tax base remains steady or is dropping and cash carry over is dropping:
 - Present tax rates (mill levys) cannot withstand increases in budget expenditures, or
 - Increases in budget expenditures will require increases in tax rates (mill levys)
- ❖ Option A is the result of the following changes to the 1st Draft:
 - Police Department reduced its original request by \$25,443
 - Employee Benefits was reduced by \$8,332
 - Transfers of \$40,000 would have to be made from equipment reserve and capital improvement back into the general fund
 - This option would require a tax levy of approximately 78.525 mills
- ❖ Option B
- ❖ In order to get mill levy down to the Mayor's preferred area of approximately 65 to 68 mills, City Clerk Mahon prepared Option B to give an example of what had to happen to achieve that goal
 - Option B put the Police Department and Fire Department back to their 2008 budget levels plus any new lease payments incurred since 2008
 - General Government had already submitted its budget slightly below 2008 levels
 - Employee Benefits remained reduced by \$8,332 from the 1st draft
 - Transfers of \$40,000 would still have to be made from equipment reserve and capital improvement back into the general fund
 - Option B would require an approximate tax levy of 70.605 mills
 - To get to 65.5 mills would require another \$30,000 in cuts or new found revenue
- ❖ Fire Chief Nasalroad noted the fire departments requested increase was due to:
 - New tanker payment incurred last December
 - Councilman Weitman noted a portion of tanker was paid out of equipment reserve fund and he was under impression that increased lease payment was to be absorbed in already established budget
 - \$10,000 addition to capital outlay
 - Purchase of Air-Packs at \$5,000 each
- ❖ After several minutes of discussion with very little progress, it was decided to hold a budget work shop.
 - All departments were invited to attend

✓ *Motion To Hold Budget Workshop*

Council Member Van Vlack moved to hold a budget workshop at 6:00 p.m. on Monday, August 2nd. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 9:23 p.m.

July 21, 2010

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for personnel for up to fifteen (15) minutes. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 9:27 p.m.

In addition to the Mayor and Council Members those who requested time or were invited into the executive session included: Public Works Superintendent Jim Johnson and City Clerk Gary Mahon.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member Van Vlack moved to extend executive session for personnel for up to five (5) minutes. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 9:44 p.m.

Open Session Resumed at 9:52 p.m.

OTHER BUSINESS: NONE

CITY CLERK'S REPORT

Verbal: None

Written:

- uu. Dennis Arnold – Industrial Park – U.S. Minerals
- vv. Police Department
- ww. Summer Shirts
- xx. Bittiker Park Improvements
- yy. Appointment to KMGGA Board of Directors
- zz. Oaklawn Cemetery Tree Removal Bids
- aaa. 2011 Budget Preparation

NOTES AND COMMUNICATIONS TO COUNCIL:

- w. Park Board Minutes – June 24, 2010
- x. Park Board Minutes – June 25, 2010
- y. Chamber of Commerce Minutes: July 14, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 9:54 p.m.

July 21, 2010

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 July 2010.

August 04, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, August 04, 2010 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 Clerk Gary Mahon; Police Chief James Dean; Reserve Officer Brad Cook; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Dan Bosley; Fred Meisel; LeRoy Turpen; and Bill Smith.

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

MAYOR'S COMMENTS:

- ❖ School Starting Soon – Watch for Kids
- ❖ Encouraged citizens to consider running for city office
 - Mayor and 2 Council Positions will be open
 - Encouraged younger citizens and women to seek office

CONSENT AGENDA:

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

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

Minutes of July 21, 2010 Regular Meeting
Check Register: July 22 through August 04, 2010

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

DISCUSSION FROM THE FLOOR: None

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Have handled 200+ cases to date this year
- ❖ More letters sent out for codes violations
- ❖ Reported on house being taken down
- ❖ Presented written report of police activities for July 2010

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Request for Mosquito Spraying – City of Parker
 - Supt. Johnson reported that actual cost to spray mosquitoes for City of Parker = \$227.06
 - Does not include rent to cover wear/tear of equipment

August 04, 2010

✓ *Motion To Approve Mosquito Spraying for City of Parker*

Council Member VanVlack moved to approve mosquito spraying for City of Parker, at their request, with total charges to be Three Hundred Dollars (\$300.00) per spraying. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:09 p.m.

- ❖ Noted that utilities have been experiencing more gas /water leaks due to dry weather
- ❖ Tree removal in cemetery was progressing rapidly
 - Good job being performed by the contractor

COUNCIL COMMITTEE REPORTS:

WATER & GAS

- ❖ Councilman Weitman
 - City needs to be aggressive in management of utility leaks and other corresponding problems
 - Cited the replacement of the main transmission line a few years ago
 - Felt it would be beneficial to rejuvenate the public works program in identifying leaks and other problems
 - ◆ Will meet with Superintendent Johnson to start the ball rolling

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS

- ❖ Coordinator Linda Meisel
 - Reported that Linn County had:
 - 1 case of H1N1; 1 case of Rocky Mountain Spotted Fever; and 1 case of Lymes Disease

UNFINISHED BUSINESS:

BITTIKER PARK

- ❖ Councilman Boone reported that he is still investigating equipment for the park
 - Felt that prices were too high thus far
 - Will place on agenda at a future date if equipment at reasonable prices is located

2011 BUDGET PREPARATION

- ❖ Mayor Smith thanked all for their participation in last Monday's budget workshop
- ❖ Thanked City Clerk Mahon for his work
- ❖ City Clerk Mahon noted:
 - Present Budget proposal required transfer of money back from Equipment Reserve and Capital Improvement into the general fund
 - This will require the passage of Resolutions 338 & 339
 - Due to the fact that the 2011 budget will be increasing taxes – An ordinance is required
 - Authorization to publish the proposed budget and setting a hearing date is required

August 04, 2010

✓ *Motion To Approve Resolution No. 338 Transferring Funds from Equipment Reserve*

Council Member VanVlack moved to approve Resolution No. 338. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:17 p.m.

✓ *Motion To Approve Resolution No. 339 Transferring Funds from Capital Improvement*

Council Member VanVlack moved to approve Resolution No. 339. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:17 p.m.

✓ *Motion To Approve Ordinance 1389 Attesting to Increase in Tax Revenue*

Council Member VanVlack moved to approve Ordinance No. 1389. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:18 p.m.

✓ *Motion To Publish Proposed 2011 Budget and Set Hearing Date*

Council Member Robbins moved to publish the proposed 2011 budget with hearing to be held on August 25, 2010. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:19 p.m.

- ❖ City Clerk Gary Mahon
 - Thanked Mayor and Council for their compliments
 - Noted that he had been made aware of the dissatisfaction of some individuals in regards to the recent budget proceedings & proposals as the budget formulating process progressed
 - Expressed his disappointment that no one had come to him directly with their concerns but continued to chatter with one another thus possibly communicating inaccurate information
 - ◆ Gary felt that if the individuals had come to him, many questions would have been correctly answered thus eliminating the unfounded misconceptions
 - Noted that, if here next year, he will initiate the budget process differently
 - Mayor/Council will indicate what mil levy is acceptable
 - Budget will then be determined
 - Departments will then be given opportunity to ask for changes
 - Clerk Mahon feels this will improve the degree of cooperation between governing body and various departments

NEW BUSINESS:

GIRL SCOUT REQUEST FOR USE OF COMMUNITY BUILDING

- ❖ City Clerk Mahon reported that leaders of local Girl Scouts had requested use of the front portion of the Community Building
- ❖ Would require two Sundays per month
 - One to two hours each meeting. Starting around 4:00 p.m.
- ❖ Rental Fees to Be Waived
- ❖ Girl Scouts agreeable to being "Bumped"
 - If someone wanted to use facilities on a Sunday that Scout meeting was scheduled, the Girl Scouts would make plans to meet elsewhere and/or at another time.

✓ *Motion To Authorize Use of Community Building by Girl Scouts*

Minutes: Year = 2010

Council Member VanVlack moved to allow the Girl Scouts to use the front portion of the Community Building two Sundays per month with provision they would be "bumped" if others wanted the facilities on the same day. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:22 p.m.

STANDARD TRAFFIC ORDINANCES

- ❖ Council was asked to choose between Ordinance 1387 and 1390
 - Both ordinances were to adopt by reference the 2010 edition of "*Standard Traffic Ordinances for Kansas Cities*"
 - Ordinance 1387 set fine for not wearing seat belts at the State recommendation of \$5
 - Ordinance 1390 set fine for not wearing seat belts at Judge and Police Chief Recommendation of \$30
 - ◆ \$30 has been the fine in past years. However not wearing seat belts could not be a primary stop until this year

✓ *Motion To Adopt Ordinance No. 1390*

Council Member VanVlack moved to adopt Ordinance No. 1390. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:26 p.m.

- ❖ Ordinance No. 1388 was to adopt by reference the 2010 edition of the "*Uniform Public Offense code for Kansas Cities*"

✓ *Motion To Adopt Ordinance No. 1388*

Council Member VanVlack moved to adopt Ordinance No. 1388. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:27 p.m.

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to twenty-five (25) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:28 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: City Clerk Gary Mahon and Public Works Superintendent Jim Johnson.

Open Session Resumed at 8:04 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- a. Budget Workshop
- b. Unfinished Business
- c. New Business

August 04, 2010

NOTES AND COMMUNICATIONS TO COUNCIL: None

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:07 p.m.

I, _____ LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 4th day of August 2010.

(Gary D. Mahon)

August 18, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, August 18, 2010 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 Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Fred Meisel; Charlene Sims; Judy Kinder; Bill Smith; Le Roy Turpen; Dan Bosley; Bob Sullivan; and Terry Sercer.

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

MAYOR'S COMMENTS:

❖ School Has Started – Watch for Kids

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Minutes of August 04, 2010 Regular Meeting
Check Register: August 05 thru August 18, 2010
Treasurer Report: July 2010
Budget Report: July 2010

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

DISCUSSION FROM THE FLOOR: None

JERRY BOONE

❖ Jerry Boone addressed Council and General Public about his recent conviction and fine for unlawful burning

August 18, 2010

- Judge fined him \$646
 - Feels people do not want to let go of the situation
- No one has ever been charged and fined for same type of violation before or since his fire
- Fine included \$400+ for firemen's labor, equipment, and materials
 - Appears to be first time in history that a citizen has had to pay for time, equipment, and materials
- Jerry appeared in court 2nd time and asked for community service in lieu of fine which was granted by the judge
 - This decision was rescinded a few days later based on reports to judge by various individuals
 - Jerry feels he was falsely accused of
 - ◆ Sitting in café for 2 hours while claiming to be performing community service
 - ◆ Driving around town in his truck while claiming to be performing community service
 - Jerry stated he did not have his truck that day and was always on his 4-wheeler
- Jerry feels that city officials are picking and choosing whom to issue tickets

ROBERT SULLIVAN

- ❖ Robert Sullivan inquired as to how long building permits were valid
 - Answer = 6 months with option to extend for another 6 months
- ❖ Robert inquired as to whether or not City had talked to owner of property next to Syd's
 - Codes Office James Dean noted he had spoken with Eddie Shay and that Eddie said he would have building completed within 12 months
- ❖ It was noted that property was growing in weeds
 - Councilman Boone noted there was the same problem of weeds on McElreath property on west side of town
- ❖ Mayor Smith instructed Codes Officer Dean to contact Eddie Shay and have the matter taken care of

SPECIAL REPORT:

2009 AUDIT REPORT – TERRY SERCER

- ❖ Audit was completed 2 months ago. Scheduling conflicts delayed reporting to Council
- ❖ Good Report
- ❖ Auditors gave an unqualified opinion
 - Highest level of opinion that can be given
- ❖ No adjustments needed to any of the financial numbers as prepared by City Clerk Gary Mahon
- ❖ No cash or budget violations
- ❖ No violations of statutes
- ❖ Preparation of Financial Statements Weakness
 - Financial statements are prepared by auditors using City Clerk's numbers
 - Auditors also audit the financial statements
 - ◆ Only way to change is have City Clerk earn a CPA degree or hire another firm to prepare financial statements before having them audited
 - Expensive and not necessary
- ❖ Mr. Sercer's firm (Diehl, Banwart, and Bolton) are audited every 3 years
 - Audited this year and received a passing grade
- ❖ There were no questions presented to Mr. Sercer from Council

August 18, 2010

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Training Request: "Safety School Initiative Threat Assessment Training"
 - September 21, 2010 – Johnson County Community College
 - No Registration Fee
 - Requested permission for James Dean to attend
 - Requested permission for Will Dean to attend since it was his day off anyway

✓ *Motion To Approve Training Request for September 21, 2010*

Council Member VanVlack moved to send Officers James Dean and Will Dean to "School Initiative Threat Assessment Training" at Johnson County Community College on September 21, 2010 at no cost. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:23 p.m.

- ❖ Reported that Part-Time Officer Paul Filla continued to improve and was helping with desk work on occasion
- ❖ Reported that the 2002 Crown Vic was in for repairs of power steering
- ❖ Reported that they would be looking at steering on the 99 Crown Vic
- ❖ Chief Dean and Council discussed possibility of purchasing a good used vehicle and locations thereof

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Reported on leaks at City Park and other places. All have been fixed
- ❖ Reported on gas line leak on K-152 – Fixed
- ❖ Department has been helping Dan Nasalroad with mowing at Cemetery
 - Dan doing good job – just needs help getting caught up – grass growing fast
- ❖ Reported on Gas Line Loss Audit
 - Have 500+ meters to check
 - Just started but so far have found 14 meters that show 0 usage for past several months
 - ◆ Of the 14, 7 are problems of which 4 are major problems
 - Some residents not billed for several years
 - Noted that one of the questioned meters was Councilman Weitman
 - After checking the service, everything checked out O.K.
 - Councilman Weitman noted that the audit was a work in progress and there would possibly be more problems uncovered as meters are checked
 - Superintendent Johnson noted that many of the problem meters are being cleaned up and/or changed

FIRE DEPARTMENT – CHIEF NASALROAD

- ❖ Thanked Bill Smith for the recent donation of cabinets to the Fire Department

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Caretaker Dan Nasalroad inquired about flag pole that was to be purchased

August 18, 2010

- City Clerk Mahon informed that ladies were checking prices and trying to determine way to light flag
 - Flag pole was not their top priority at the moment

PUBLIC SAFETY

- ❖ Night out Against Crime – Saturday, August 21st – 7 – 9 p.m.
 - At Swimming Pool – Pool Party
 - Fire Department cooking Hot Dogs, Etc.
 - Prizes
 - Explorer Post up and Running – Will Be Recruiting
 - Cub Scouts will be recruiting

SPECIAL COMMITTEE REPORTS:

FIESTA

- ❖ 2011 Fiesta will be held 1st week-end in June

UNFINISHED BUSINESS: None

NEW BUSINESS:

DONATION REQUEST – ICE CREAM SOCIAL

- ❖ Council reviewed request from Linda Elder to help fund the money-raising event for the local food pantry
- ❖ Mayor noted that last year Council did not contribute for this event, opting to do something at Christmas
 - Left-over and unclaimed hams were given to food pantry at Christmas time last year
- ❖ No action taken due to lack of a motion

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for legal and personnel for up to twenty (20) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:36 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Public Works Superintendent Jim Johnson.

Open Session Resumed at 8:02 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- a. 2009 audit report – Terry Sercer

August 18, 2010

- b. Gas Line Loss Audit
- c. Police Department Training Request
- d. Donation Request – Ice Cream Social

NOTES AND COMMUNICATIONS TO COUNCIL:

- a. Public Hearing Notice – C.U.P. for U.S. Minerals
- b. Minutes: Park Board – July 29th
- c. Minutes: Chamber of Commerce – August 11th
- d. Newsletter: Chamber of Commerce – July 2010
- e. Water Report: July 2010
- f. Gas Report: July 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:04 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 August 2010.

August 25, 2010 Budget Hearing

BUDGET HEARING:

The La Cygne City Council met in special session for the 2011 budget hearing on Wednesday, August 25, 2010 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; Emergency Preparedness Coordinator Linda Meisel; and Fred Meisel.

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

Mayor Smith stated the purpose of the Hearing. Mayor Smith then asked all in attendance if they had any comments or questions concerning the proposed 2011 budget. City Clerk noted that the proposed budget expenditures could be reduced but not increased. There were no questions or comments from Council Members or anyone else in attendance.

✓ *Motion to Approve 2011 Budget*

Council Member Robbins moved to approve the proposed budget as presented. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:02 p.m.

August 25, 2010 Budget Hearing

ADJOURNMENT:

✓ *Motion to Adjourn*

There being no further business, **Council Member Weitman moved to adjourn. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:03 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 25th day of August 2010.

September 01, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, September 01, 2010 at the LaCygne City Hall. Council Members present were: Jake Fleming; Travis Robbins; Mike VanVlack; 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 Superintendent Jim Johnson; Police Officer Paul Filla; Mr. & Mrs. Eddie Shay; Fred & Linda Meisel; Melody Berry; City Treasurer Linda Elder; Rod Benson; Bill Smith; Emil Wilson; Robert Sullivan; LeRoy Turpen; Charlene Sims; and Judy Kinder.

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

MAYOR'S COMMENTS:

- ❖ Condolences to long-time city employee Bill Craven on the recent loss of his mother

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Minutes of August 18, 2010 Regular Meeting
Minutes of August 25, 2011 Budget Hearing
Check Register: August 19 thru September 01, 2010

Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:06 p.m.

SPECIAL REPORT:

EDDIE SHAY – 616 MARKET: BUILDING CONSTRUCTION PROGRESS

- ❖ Per Council Request, Eddie Shay was present to report on status of building construction at 616 Market
 - Eddie cited several reasons for slow progress

September 01, 2010

- Weather, Saving up of Money, Murphy's Law,
- Scheduling has been a problem
- Apologized for allowing weeds to grow up on property
- Codes Officer James Dean noted that there was only 27 days left on the building permit
 - Eddie will apply for a 6 month extension
 - ◆ This will require building to be finished by end of March 2011

DISCUSSION FROM THE FLOOR: None

EMIL WILSON - CIRCUS

- ❖ Emil Wilson, Chamber of Commerce Vice-President, reported on upcoming circus
 - Culpepper & Merriweather Circus
 - Sunday, September 5th in the park
 - 2 Shows: 2 & 4:30 p.m.
 - Encouraged everyone to attend

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Night out Against Crime – August 21st
 - Event was well attended – 140 total
 - Certificates of Appreciation prepared for individuals and groups who assisted in the event
 - Paul Fila, Rodney Benson, Emil Wilson, Linda Elder, Melody Berry, Fred Meisel were present to receive certificates
- ❖ Underage Drinking Program
 - Melody Berry presented information on the success of the underage drinking problem in Linn County
 - Progress has been made the past few years in reducing underage drinking
- ❖ Paul Filla has been released from Dr. regarding shoulder surgery and is now available for full duty
 - Paul doing good job on codes
 - 30 notices sent out the past two weeks
 - Several repeat offenders
 - ◆ Mostly tall grass and some inoperable vehicles
- ❖ 2002 Crown Vic
 - Transmission is shot
 - Cost = \$3,000 to move equipment from 2002 to the 1999 Crown Vic
 - No Camera in the 1999
 - Cost = \$1200 to repair transmission
 - Not worth it
 - Estimate lease payments for a new \$23,000 vehicle to be approximately \$7900 to \$8000 per year
- ❖ Commenco Radios
 - Licensing will take another 30 to 45 days

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Continuing gas line/meter loss monitoring
 - 48 more leaks – mostly minor

September 01, 2010

- ❖ Water plant pump motor froze up
 - Has been repaired
- ❖ Ditches
 - Need to redo at LeRoy Turpen residence and at Sam Barber (Roberta Sparks) residence
- ❖ Library has requested stripes be painted for parking stalls
 - City has painted stripes in the past
- ❖ Discussed possibility of constructing restroom facilities at street barn
 - Now have access to city sewer via the old Taylor property to the east
 - Jim feels Public Works can build and keep cost low
 - Currently paying \$80 per month to rent a porta potty
- ❖ Sewer
 - Recently spent \$7,000+ for chemicals for annual sewer purging/cleaning
 - Have barely started the cleaning process but will finish as time allows

COUNCIL COMMITTEE REPORTS: None

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS

- ❖ Investigating possibility of storm shelter and grants to finance their construction

UNFINISHED BUSINESS: None

NEW BUSINESS:

ORDINANCE No. 1391

- ❖ Rezoning of Lots 3 and 4 in block 64 + lots 1, 2, and 3 in block 65 from R-1 to R-3
- ❖ Planning Commission had recommended approval of rezoning
- ❖ Minutes of Public Hearing had been previously distributed to Council Members

✓ *Motion To Approve Ordinance No. 1391*

Council Member Weitman moved to take recommendation of the Planning Commission and approve Rezoning Ordinance No. 1391. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:43 p.m.

September 01, 2010

DISBURSEMENT OF \$1200 LINN COUNTY PARK/RECREATION MONEY

- ❖ Discussion on how to use the annual \$1200 park/recreation money received from Linn County
 - Lights for basketball court at Bittiker Park?
 - Public Works asked to research cost
 - Possibility of using old lights/poles from swimming pool
 - Item tabled until next meeting
 - Council asked to bring suggestions for disbursement of funds to next meeting

LEAGUE OF KANSAS MUNICIPALITIES CONVENTION VOTING DELEGATE

- ❖ Convention is October 9 thru 12
- ❖ John Sutherland expressed interest in attending the session for attorneys (If one is scheduled)

✓ *Motion To Name John Sutherland as Voting Delegate to League Convention*

Council Member VanVlack moved to appoint John Sutherland as the City Voting Delegate to the League of Kansas Municipalities Conference. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:48 p.m.

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to fifty-five (55) minutes following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:49 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Public Works Superintendent Jim Johnson and City Clerk Gary Mahon.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member VanVlack moved to extend the executive session for legal and personnel for up to ten (10) minutes. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:54 p.m.

Open Session Resumed at 9:03 p.m.

OTHER BUSINESS: None

CITY CLERK'S REPORT

Verbal: None

Written:

- e. Back Hoe Payment
- f. Bond Payment
- g. Eddie Shay – Construction Progress Report
- h. Ordinance No. 1391 – Rezoning

September 01, 2010

- i. Disbursement of \$1200 Park/Recreation Money
- j. League of Kansas Municipalities - Convention

NOTES AND COMMUNICATIONS TO COUNCIL: None

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 9:04 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 1st day of September 2010.

September 15, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, September 15, 2010 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 Jim Johnson; Police Officer Will Dean; Fire Chief Dan Nasalroad; Linda Meisel; Fred Meisel Judy Kinder; Charlene Sims; Le Roy Turpen; Fred Meisel; Danny Curtis; Bill Smith; Bob Sullivan; and Jodi Wade.

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

MAYOR'S COMMENTS:

- ❖ Reminded Council there was an extra Wednesday this month so next meeting would be in three weeks
- ❖ Read Thank You Note from the family of Bertie Schulenberg

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

- Minutes of September 01, 2010 Regular Meeting
- Check Register: September 02 through September 15, 2010
- Budget Report: August 2010
- Treasurer Report: August 2010

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

DISCUSSION FROM THE FLOOR:

September 15, 2010

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

Training Requests

1. Telenet II: Skills for Effective Testimony in Court
 - 1.1. 1 to 3 pm, Oct 06, 2010 @ Johnson County Community College
 - 1.2. Registration: No Charge
 - 1.3. Training Hours: 2
 - 1.4. Attendees: James Dean and Paul Filla

2. Man Tracking for Patrol Officers
 - 2.1. 8:30 to 5:00, October 18 & 19, 2010 @ Hutchinson, Kansas
 - 2.2. Course Fee: \$160 single occupancy meals and lodging

✓ *Motion To Approve Attendance at Man Tracking School*

Council Member Weitman moved to sent Police Officer Will Dean to "Man Tracking for Patrol Officers" on October 18 & 19 at Hutchinson, Kansas with City to pay appropriate associated fees. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:06 p.m.

✓ *Motion To Approve Attendance at Telenet II Testimony in Court*

Council Member VanVlack moved to send Police Chief James Dean and Police Officer Paul Filla to TelenetII: "Skills for Effective Testimony in Court" On October 06, 2010 in Overland Park with City to incur necessary costs. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:07 p.m.

- ❖ Police Chief Dean submitted written report for August 2010 activities
- ❖ Noted that 27.7 hours of overtime will be reimbursed by Grant from State of Kansas
 - Approximately \$571.00

- ❖ 99 Crown Vic beginning to have transmission troubles
 - New engine: 25,000 current miles
 - Overall the 99 is in good shape

- ❖ Investigating Lease/Purchase of new car for police department
 - Checked with Squad Cars U.S.A.
 - Have some Dodge Charges
 - ◆ Approx \$24,000 + Equipment Installation = Approx \$31,000
 - ◆ Lease payments = approx \$8800 per year
 - 1st payment not due for 1 year
 - Mayor inquired about cost of used cars
 - Chief Dean stated there was not that great of difference in cost
 - ◆ Car with 19,000 miles and limited lights = \$24,000
 - ◆ 2008 model = \$20,000 + equipment installation

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Have checked 30 more gas meters
 - Found a few small leaks – nothing major

Minutes: Year = 2010

September 15, 2010

- ❖ Anonymous contributor donated blades for the motor grader and they have been installed
- ❖ Restroom Project for Street Barn
 - Current Porta Potti costing \$80 per month
 - Materials for new restroom = \$1008.40
 - Public Works personnel could do the work of building and installing fixtures
 - Lisa is O.K. with having a unisex restroom
- ❖ Garage Door Repairs
 - Had to have repaired
 - Recent repairs were necessitated due to human error
 - Suggest installation of electronic eye and pressure indicator to keep doors from lowering onto equipment
 - Will get more information

✓ *Motion To Purchase Materials for Restroom*

Council Member Boone moved to authorize purchase of materials for constructing a restroom at the street barn. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:18 p.m.

- ❖ Supt. Johnson noted he would be on vacation next week
 - Will be available in case of emergencies

FIRE CHIEF – DAN NASALROAD

- ❖ Radios have arrived
 - 50% funded by grant
- ❖ Thank You to volunteer fireman for helping at recent ice cream social
- ❖ Special Training scheduled for next Monday
 - Old house at 8th & Walnut
 - Other fire departments will be participating

COUNCIL COMMITTEE REPORTS: None

SPECIAL COMMITTEE REPORTS:

PARK & POOL – JODI WADE

- ❖ Pool being closed for season
 - Pool will be drained after a couple more adjustments
 - Will be drained to ½ way up in the deep end
- ❖ Contractors are almost finished with touch up items on the new pool
- ❖ Positive Feedback from patrons concerning new pool
- ❖ Many useful suggestions to possibly be implemented next year
- ❖ Grand Opening planned for next year

UNFINISHED BUSINESS:

DISBURSEMENT OF \$1200 LINN COUNTY PARK/POOL FUNDS

- ❖ Suggestions
 - Light on basketball court at Bittiker Park

September 15, 2010

- Time limit
- Scholarships to help kids pay for soccer, football, fees, etc.

✓ *Motion To Purchase Basketball Court Light for Bittiker Park*

Council Member Boone moved to apply the \$1200 to purchasing/installing a light for the basketball court at Bittiker Park.. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:30 p.m.

NEW BUSINESS:

ORDINANCE NO. 1391 (Later Re-numbered and published as No. 1393)

- ❖ Rezoning of Lot 4 of Block 65 (South 6th Street) from R-1 to C-2
- ❖ Planning Commission had recommended approval of rezoning
- ❖ Minutes of Public Hearing had been previously distributed to Council Members

✓ *Motion To Approve Ordinance No. 1391*

Council Member VanVlack moved to take recommendation of the Planning Commission and approve Rezoning Ordinance No. 1391 rezoning lot 4 of block 65 from R-1 to C-2. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:32 p.m. **Clerk's Note: The official number of this ordinance is 1393. No. 1391 had previously been used on another zoning ordinance.**

ORDINANCE NO. 1392

- ❖ Issuance of Conditional Use Permit
 - Allow construction of 2400 sq ft storage building on lot 4 of block 65 (South 6th Street)
 - Planning Commission had recommended approval of the Conditional Use Permit
 - Minutes of Public Hearing had been previously distributed to Council Members

✓ *Motion To Approve Ordinance No. 1392*

Council Member VanVlack moved to take recommendation of the Planning Commission and approve Conditional Use Permit Ordinance No. 1392. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:33 p.m.

PLANNING COMMISSION APPOINTMENT

Due to health reasons, Don Wagner had orally submitted his resignation as planning commission member to City Clerk Gary Mahon.

Mayor Smith appointed Bill Smith to fill the unexpired planning commission term vacated by Don Wagner. Term to end May 2012.

✓ *Motion To Appoint Bill Smith to Planning Commission*

Council Member VanVlack moved to accept recommendation of Mayor and accept appointment of Bill Smith to the Planning Commission to fill unexpired term of Don Wagner with term to expire May 2012. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:34 p.m.

September 15, 2010

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to forty-five (45) minutes following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:37 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: City Clerk Gary Mahon and Chief of Police James Dean.

Open Session Resumed at 8:12 p.m.

OTHER BUSINESS: None

Attorney Sutherland noted that the attorney association meeting was not being held in conjunction with the League of Kansas Municipalities Convention this year. Therefore he could not attend the League conference as the city's voting delegate. City Clerk Mahon noted that the deadline for submitting voting delegates had passed. John asked to attend the City Attorney Association meeting in Topeka on October 22nd.

✓ *Motion To Authorize Attendance at City Attorney Association Meeting*

Council Member VanVlack moved to authorize City Attorney Sutherland to attend the City Attorney Association Meeting in Topeka on October 22, 2010 with city to pay normal associated costs. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:14 p.m.

CITY CLERK'S REPORT

Verbal: None

Written:

- k. Disbursement of \$1200 Park & Recreation money
- l. Ordinances No. 1391 & 1392 (Ord 1391 later re-numbered 1393)
- m. Appointment of Planning Commission Member to Fill Don Wagner Vacancy

NOTES AND COMMUNICATIONS TO COUNCIL:

- a. Water Report: August 2010
- b. Gas Report: August 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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

September 15, 2010

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 September 2010.

October 06, 2010

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, October 06, 2010 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Mike VanVlack; and Terry Weitman.

Absent: Travis Robbins; 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 Jim Johnson; Police Officer Paul Filla; Fire Chief Dan Nasalroad; Linda Meisel; Fred Meisel Judy Kinder; Charlene Sims; Le Roy Turpen; Bill Smith; Bob Sullivan; and Danny McElreath.

In the absence of Mayor Keith Smith, Council President (CP) Terry Weitman chaired the meeting and called the meeting to order at 7:00 p.m.

MAYOR'S COMMENTS:

Mayor Smith was not in attendance

CONSENT AGENDA:

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

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

Minutes of September 15, 2010 Regular Meeting
Check Register: September 16 through October 06, 2010

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

DISCUSSION FROM THE FLOOR:

DENA JONES

- ❖ Asked Council to consider instituting some type of traffic controls on both 4th Street & Broadway
 - Traffic goes by at high rate of speed
 - Currently no stop signs on either street
 - Dangerous to pedestrians
 - No sidewalks to walk on
 - Traffic does not slow down for people walking in street
- ❖ CP Weitman stated that request would be passed on to Police Chief
 - Police Chief and Safety Committee will study and make recommendation in future

October 06, 2010

ROBERT SULLIVAN

- ❖ Bob inquired about status of pedestrian crossing at the railroad that parallels K-152 Highway (Market St)
- ❖ City Clerk Mahon noted that repeated phone calls to road master have not been returned
 - Mahon had contacted another supervisor who had promised to look into the matter, but they had not gotten back with any information
 - That contact was at least 6 weeks ago or perhaps longer
- ❖ City Clerk was requested to contact railroad and determine status of project.

REPORTS OF CITY OFFICERS:

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Recent Problems included a water leak, 2 gas leaks, and odorant additive to natural gas
 - One of the gas leaks required replacement of over 100 ft of service line
 - Will be investigating reason for over dosage of odorant into natural gas lines
 - Possibly a problem with a valve
- ❖ Gas Pipeline Safety Seminar – Salina, Ks – Oct 26th thru 28th
 - Registration = \$80 per person
 - K.C.C. recommends attendance at the annual event

✓ *Motion To Authorize Attendance at Pipeline Safety Seminar*

Council Member VanVlack moved to send Jerome Moore to the Annual Gas Pipeline Safety Seminar in Salina, Ks from October 26th through 28th with City to incur normal associated costs. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:08 p.m.

- ❖ Noted that Lisa Elmore had started work on the flower/rock garden in Bittiker Park – Looks good
- ❖ Basketball Court Lighting Project in Bittiker Park
 - KCPL had been contacted requesting requirements to establish electrical service
 - No response yet from KCPL
- ❖ McElreath Utility Lines at Storage Buildings
 - Two offices being created within the storage buildings
 - Verbal Agreement between City Officials and McElreath
 - City to provide two sewer taps and two water meters in exchange for utility easements necessitated by construction of the new river bridge in 2008
 - Sewer line would be approximately 500 ft
 - Classify as a private line
 - Main is 5 ft deep – plenty of fall from storage buildings to main
 - Use a 4" water line abandoned by RWD 3
 - Saves 420 ft of new pipe
 - Allows for installation of fire hydrant
 - Costs
 - Out-of-pocket expenses would be for pipe
 - Both parties agreed to split cost of materials with Danny McElreath to do the digging

✓ *Motion To Authorize Water/Sewer Project to McElreath Storage Buildings*

Council Member VanVlack moved to authorize the project of water/sewer lines to McElreath Storage Buildings with McElreath to do digging and other costs to be split 50/50. Motion seconded by Council Member Boone, voted on, passed 4-0.

Minutes: Year = 2010

October 06, 2010

- ❖ Drainage at 505 N. 7th – Mike Rodman
 - Water from north part of city drains eastward through north portion of Rodman's property
 - Causing washed out cuts and ruts in Yard
 - Rodman suggests 170 ft long ditch containing perforated pipe, rock lining etc.
 - Rodman would furnish pipe and rock
 - Asked City to do the digging and backfilling as he does not have the equipment
 - Superintendent Johnson had no problem with City helping by doing the digging and backfilling
 - Have concerns that newly constructed ditch will continue to wash
 - ◆ Council instructed Supt. Johnson to inform Rodman of his concern

✓ *Motion To Authorize Assisting With Ditch Drainage Problem at Mike Rodman Residence (505N 7th)*

Council Member VanVlack moved to authorize helping Mike Rodman with ditch drainage problems. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:22 p.m.

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Gave Police Report for the month of September 2010
- ❖ Reported that Police Officer Will Dean had injured his knee while on duty
 - During a call-out to assist Linn County
 - Injury will require surgery
- ❖ Training Requests
 1. Intelligence-Led Policing for Rural Executives
 - a. November 9th & 10th at KLETC in Hutchinson
 - b. Training Hrs: 16
 - c. Registration: None
 2. Civil Process – Evictions
 - a. November 16th Bonner Springs, KS
 - b. Training Hrs: ???
 - c. Registration: \$15
 3. Domestic Violence Stalking Orders & Protection from Abuse Orders
 - a. January 05, 2011 Telenet II Johnson County Community College
 - b. Training Hrs: 2
 - c. Registration: Free
 4. Street Survival
 - a. March 29-30, 2011 Overland Park, Kansas
 - b. Training Hours: ???
 - c. Registration: \$160
- ❖ Annual Training Requirements (Per Chief Dean)
 - 30 hrs per year
 - Year = July 1 thru June 30
- ❖ Consensus of Council to postpone training due to current shortage of personnel – No action taken

FIRE CHIEF – DAN NASALROAD

- ❖ Fire Protection Week coming up
 - Will present programs at schools on Friday of that week
 - Emphasis will be on Smoke Detectors
- ❖ Heaters for First Street Fire Station
- ❖ Old heaters not working correctly

October 06, 2010

- Wasting gas; Using large amounts
- Presented Council with info on HeatStar Radiant Tube Heaters
 - Cost: \$769.00 + shipping
 - 45,000 BTU
- Insulation in building is O.K.
 - Need to fill a crack at top of walls between wall and roof.

✓ *Motion To Purchase Heater for First Street Fire Station*

Council Member VanVlack moved to authorize up to \$1,000 for purchase of Heatstar Radiant Tube Heater for the fire station. Motion seconded by Council Member Weitman, voted on, passed 3-0-1. Abstained: Fleming (Fire Dept.)

COUNCIL COMMITTEE REPORTS: None

PARK

- ❖ Councilman Boone noted that the rock garden in the north park (Bittiker) was looking nice.

CEMETERY

- ❖ Dan Nasalroad reported that there are beginning to be issues with 4-wheelers
 - Activities have been occurring on the roads

SPECIAL COMMITTEE REPORTS:

EMERGENCY PREPAREDNESS

- ❖ Gathering information on storm shelters
 - Very expensive: \$80,000 to \$100,000 for a 100 person unit

UNFINISHED BUSINESS:

NEW BUSINESS:

❖ **SETOFF PROGRAM ATTENDANCE REQUEST**

- ❖ City Treasurer submitted written request to attend training on the Kansas Setoff Program
 - Oct 21st – KU Edwards Campus – Overland Park, Ks
 - Registration: Free
 - ½ Day

✓ *Motion To Approve Attendance at Setoff Program*

Council Member VanVlack moved to send Linda Elder to the Setoff Program in Overland Park on October 21st. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:40 p.m.

October 06, 2010

REQUEST FOR WAIVER OF COMMUNITY BUILDING FEE – FRANKIE ELDER

- ❖ Frankie Elder submitted written request for waiver of Community Building Fee
 - Providing training for her liquor store employees
 - Also invited employees of two other liquor stores in Linn County
 - Training to include: Ways to spot fake ID's. current licensee laws, etc.
 - Educating employees to prevent alcohol from ending in the hands of underage kids

- ❖ Council consensus was not to waive the fee. No action taken.

EXECUTIVE SESSION

✓ Motion To Go Into Executive Session

Council Member Fleming moved to go into executive session for legal and personnel for up to forty-five (45) minutes following a ten (10) minute break. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:42 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Police Chief James Dean and Fire Chief Dan Nasalroad.

Open Session Resumed at 8:18 p.m.

OTHER BUSINESS:

- ❖ Fire Chief Dan Nasalroad inquired about speed limits on Industrial Boulevard
 - Noted high rates of speed
 - Portions of the road are in City and portions of same road are in county
 - Confusion on what speed limit actually is
 - No action taken

CITY CLERK'S REPORT

Verbal: None

Written:

- n. Quorum
- o. Bond & Interest Payments
- p. Police Dept. Agenda Items
- q. Public Works Agenda Items
- r. New Business Agenda Items

NOTES AND COMMUNICATIONS TO COUNCIL:

- c. Memo from Paul Filla – "Bullet Proof Mind" Training
- d. Minutes: Sept 8th Chamber of Commerce
- e. Minutes: Sept 30th Park Board

October 06, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Boone, voted on, passed 4-0.** The meeting was adjourned at 8:23 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 06th day of October 2010.

October 20, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, October 20, 2010 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 Clerk Gary Mahon; Police Chief James Dean; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Police Officer Will Dean; Bill Smith; Bob Sullivan; Le Roy Turpen; Brandi Patterson; Francis Miller; and Eddie Childress.

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

MAYOR'S COMMENTS:

- ❖ Noted two cancellations on tonight's agenda
 - U.S. Minerals and Mike Shultz
- ❖ Halloween fast approaching

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Minutes of October 06, 2010 Regular Meeting
Check Register: October 07 through October 20, 2010
Budget Report: September 2010;
Treasurer Report: September 2010;
Quarterly Treasurer Report: 3rd Quarter 2010

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

DISCUSSION FROM THE FLOOR:

BRANDI PATTERSON

- ❖ Brandi Patterson presented Public Works Department with home baked cookies
 - Appreciation for gas department's work to repair broken gas line at her restaurant – "Brandi's"
 - Above and beyond call of duty to rapidly get her back into operation

October 20, 2010

SPECIAL BUSINESS:

ORDINANCE NO. 1395: U.S. MINERALS CONDITIONAL USE PERMIT

City Clerk Mahon had previously reported to Council that representatives from U.S. Minerals would be unable to attend tonight's meeting and would like to have a continuance.

✓ *Motion To Approve Continuance of Ordinance No. 1395 (U.S. Mineral Conditional Use Application)*

Council Member Robbins moved to continue consideration of Ordinance No. 1395 (U.S. Mineral Conditional Use Permit Application) and schedule for the next meeting on November 03, 2010. Motion seconded by Council Member Fleming, voted on, passed 5-0.

Time: 7:04 p.m.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Continuing to work on codes violations
- ❖ 2002 Chevy Tahoe 4x4
 - From Kansas Surplus
 - 29,000 miles
 - \$13,000
 - +\$7,000 to equip for police use
 - ◆ Inquired as to amount of money in equipment reserve fund
 - Per City Clerk: Equip Reserve = \$1043.10; Cap Imp = \$14,099.74
 - ◆ Camera from present vehicle would not work in the Tahoe
 - Mayor noted he would have Public Safety Committee consider the proposal
- ❖ Reported:
 - Officer Will Dean will undergo knee surgery tomorrow (Oct. 21st)
 - Torn A.C.L. and Meniscus
 - Part-time officer Paul Filla doing well and back to normal duties following shoulder surgery
 - Police Department assisted Kansas Dept. of Revenue with tax warrants today
 - Officer Filla and two reserves assisted
- ❖ In response to inquiry of status of 2002 Ford Crown Vic, Police Chief Dean noted:
 - Car presently at Barrett's Automotive
 - Has been there for repairs on several occasions. Tired of spending money on it
 - Currently the transmission is slipping
 - ◆ Would only run 30 – 40 miles per hour
 - Cost of new transmission ranges from \$1500 to \$3200
 - Car had been checked by both Doug Barrett and Brian Stainbrook
- ❖ Mayor Smith asked that since one officer would be out of service for a few months, could the department get along with the present 99 Crown Vic and 2007 truck.
 - Chief Dean indicated they could.

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Mc Elreath Project is finished
 - New water line, fire hydrant, and sewer line to the storage buildings on West Market
- ❖ Painting of street parking stripes and school crossings lanes well underway
 - Weather may prevent entire project from being completed until Spring

October 20, 2010

- Surface temperature must be between 50 to 100 degrees
- ❖ Electrical service to Bittiker Park is installed
 - Inquired as to who responsible for poles and new lighting
 - Noted that old pool lights would not work well for the basketball court
 - Mayor reported that he and City Clerk Mahon would look for lighting equipment also
 - Supt. Johnson volunteered to dig any needed electric lines.

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Fire Department serving hot dogs and refreshment to trick or treaters on Sunday, Oct 31
 - Start at 5:00 p.m.

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Councilman Boone
 - Thanked Public Works for tearing out the old and damaged incinerator

SPECIAL COMMITTEE REPORTS:

NONE

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

ORDINANCE No. 1394

- ❖ Ordinance 1394 raises rates by 10% to customers more than 3 miles from city limits
 - Rates for residents within city limits will not change
 - 3 mile customers pay less than city customers due to K.C.C. regulations in years past
 - Can only raise 3 mile customer rates 10% per year until equal with city rates
 - Will take a few more years before rates are equal
 - Linda Meisel noted an error in Section 2 of the proposed ordinance
 - Proposed ordinance states that increase will be effective with the November 01, 2009 billing
 - ◆ Correct date should read: November 01, 2010

✓ *Motion To Approve Ordinance No. 1394 (3 Mile Customer Gas Rate Increase)*

Council Member Weitman moved to adopt Ordinance No. 1394 as amended with correct billing date in Section 2. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:18 p.m.

October 20, 2010

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Minutes: Year = 2010

Council Member Robbins moved to go into executive session for legal and personnel for up to forty (40) minutes. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:19 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Police Chief James Dean.

Open Session Resumed at 7:59 p.m.

OTHER BUSINESS:

Mayor Smith noted that Burlington Northern Railroad has indicated it does not want to replace the pedestrian crossing at K-152 highway. Mayor indicated his unhappiness with the decision and declared his intentions to investigate further.

CITY CLERK'S REPORT

Verbal: Reported that KCPL will be starting a large project in conjunction with new EPA Clean Air Act regulations. Officials will be forwarding information and scheduling time at a future meeting regarding the issuance of tax exempt revenue bonds for the project.

Written:

- a] Ordinance 1395: U.S. Minerals Conditional Use Permit
- b] Ordinance 1394: Gas Rate Increase – 3 Mile Customers

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Monthly Water Production Report: September 2010
- b] Monthly Gas Report: September 2010
- c] Chamber of Commerce Minutes: Oct. 13, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:03 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 20th day of October 2010.

October 28, 2010 Special Meeting

SPECIAL MEETING:

The La Cygne City Council met in Special session on Thursday, October 28, 2010 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman.

Others in attendance included: City Attorney John Sutherland; City Clerk Gary Mahon; Linda Meisel; Bill Smith; James Dean; and Brenda Evans.

Stated purposes of the special meeting were:

3. Personnel

Mayor Smith and all Council Members signed the "Request To Call Special Council Meeting".

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

✓ *Motion To Go Into Executive Session*

Council Member Van Vlack moved to go into executive session for up to forty-five (45) minutes for personnel. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:02 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: None.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member Van Vlack moved to extend the executive session for up to thirty (30) minutes for personnel. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:44 p.m.

Open Session Resumed at 7:55 p.m.

No actions taken by Council.

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the special meeting. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** The Special meeting was adjourned at 7:56 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 28th day of October 2010.

November 03, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, November 03, 2010 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 Clerk Gary Mahon; Police Chief James Dean; Police Officer Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Robert Sullivan; Fred Meisel; Brenda Evans; LeRoy Turpen; Scott Stainbrook; Mike Shultz; Jim Dale; Julie Dale; Beth Smith; and Danny Curtis.

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

MAYOR'S COMMENTS:

SPECIAL BUSINESS:

MAYORAL PROCLAMATION: NATIONAL AMERICAN INDIAN HERITAGE MONTH

- ❖ Mayor Smith read a declaration proclaiming November as National American Indian Heritage Month
- ❖ Julie Dale gave a brief accounting and history of Indian Heritage Month
 - Mrs. Dale sponsored the proclamation through her membership in the National Society of Daughters of the American Revolution

CONSENT AGENDA:

✓ **Motion to Approve Consent Agenda**

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

Minutes of October 20, 2010 Regular Meeting
Minutes of October 28, 2010 Special Meeting
Check Register: October 21 through November 03, 2010

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

DISCUSSION FROM THE FLOOR:

BETH SMITH – CHRISTMAS GIVING TREE

- ❖ Noted that official name of the event is: "Christmas Sharing Project"
- ❖ Asked permission to use north room of City Hall for project operations
- ❖ Served 93 children in 2010
 - Expecting same number this year – possibly more
 - Due to financial difficulties donations will probably be less
 - Number of gifts to each child may be cut back this year
- ❖ Have applied to Toys 4 Tots (Marines) again this year
 - Large increase in paper work requirements this year
- ❖ Beth reported on thank-you's and words of gratitude received from last year's recipients.

November 03, 2010

❖ *Motion To Donate \$500 To Christmas Sharing Project*

Council Member Boone moved to donate \$500 to the Christmas Sharing Project. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:11 p.m.

ROBERT SULLIVAN

- ❖ Robert Sullivan inquired as to update on pedestrian railroad crossing on Market Street (K-152)
- ❖ Mayor noted the newspaper article had provided some positive feedback and possible assistance from citizens
- ❖ City Clerk will be exploring suggestions and names supplied to him from concerned citizens

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF JAMES DEAN

- ❖ Reported on police department activities for October 2010
- ❖ Noted that two radars had been submitted for maintenance
 - One has been repaired
 - One cannot be repaired
- ❖ Received report back from Barret's Automotive on the 2002 Crown Vic
 - Report originally submitted to Mayor and Council in sealed envelopes placed in their mail boxes
 - Envelopes had been removed from mail boxes to be distributed to them at tonight's meeting
 - Chief Dean publicly read total amount of repairs submitted in sealed envelopes
 - \$4679.00

PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON

- ❖ Reported that activities had been normal
- ❖ Have received materials for construction of restroom at street barn
- ❖ Battery Charger at east sewer lift station has failed
 - Charger is integrated with circuit board
 - \$800 to repair; \$1100 for new
 - Presently using \$50 charger that seems to perform just as adequately
 - Council Consensus to keep using the \$50 charger that is working
- ❖ Air Compressor kaput
 - New one from Tractor Supply = \$449.99
 - 60 hp; 60 gal
 - Will salvage old one along with gas meters, etc.
 - Jim will check prices with some more suppliers also

✓ *Motion To Approve Purchase of Air Compressor*

Council Member VanVlack moved to authorize spending up to Four Hundred Fifty Dollars (\$450.00) for an air compressor. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:22 p.m.

November 03, 2010

- ❖ Supt. Johnson noted that he would try to do some ditch work at the Mike Rodman property this week
 - Elevations have been shot in preparation
 - Rodman can add gravel whenever ready after city performs ditch work

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Cautioned citizens to be aware of dangers of carbon monoxide
 - Advent of cold weather and firing up of furnaces
 - Use caution and be aware of preventive maintenance and warning devices
- ❖ Thanks to Volunteer Firemen who helped with recent hot dog/hamburger grilling activities
 - 100 year celebration at library
 - Halloween
 - 300 served by 8:30 p.m.
- ❖ Chided City Clerk for mislabeling an agenda item as Air Batteries. Should be Air Bottles
 - City Clerk feigned remorse for the error ☺
- ❖ Air Bottles Not Working Properly
 - Malfunctions discovered during recent training
 - Need six 45 minute bottles
 - Purchase four this budget year
 - Purchase two next budget year
 - \$1040.95 per unit from Hawkins

Council Member Boone moved to authorize spending up to Four Thousand Three Hundred Dollars (\$4300.00) for air bottles. Motion seconded by Council Member VanVlack, voted on, passed 4-0-1. Abstained: Fleming Time: 7:22 p.m.

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Dan Nasalroad noted that the old cinder block incinerator had been torn down and removed
- ❖ A large dumpster had been brought in
 - Felt too large and would like something smaller
- ❖ Dan Nasalroad reported that Burn Bans were not issued anymore
 - Red Flag Warnings may be issued during adverse conditions
 - They are advisories only

SPECIAL COMMITTEE REPORTS:

NONE

November 03, 2010

UNFINISHED BUSINESS:

ORDINANCE NO. 1395: U.S. MINERALS CONDITIONAL USE PERMIT

✓ *Motion To Continue Consideration of Ordinance No. 1395: U.S. Minerals Conditional Use Permit*

Council Member VanVlack moved to continue consideration of Ordinance No. 1395 until the November 17, 2010 regularly scheduled meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:31 p.m.

NEW BUSINESS:

CEREAL MALT BEVERAGE LICENSE – CASEY’S

- ❖ Council reviewed application for 2011 cereal malt beverage license from Casey’s Retail Company
 - Police Chief James Dean had reported favorably to the City Clerk

✓ *Motion To Approve 2011 Cereal Malt Beverage License for Casey’s Retail Company*

Council Member VanVlack moved to grant a Cereal Malt Beverage License to Casey’s Retail Company. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:31 p.m.

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for legal and personnel for up to eighty (80) minutes following a ten (10) minute break. Motion seconded by Council Member Van Vlack, voted on, passed 5-0. Time: 7:33 p.m.

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into portions of the executive session included: Attorney Mike Shultz; City Clerk Gary Mahon; Police Chief James Dean; and Police Officer Paul Filla.

Executive Session Extended

✓ *Motion To Extend Executive Session*

Council Member VanVlack moved to extend the executive session for legal and personnel for up to thirty (30) minutes. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:01 p.m.

Open Session Resumed at 9:27 p.m.

November 03, 2010

OTHER BUSINESS:

TERMINATION OF POLICE CHIEF JAMES DEAN

✓ *Motion To Terminate Employment of Police Chief James Dean*

Council Member Weitman moved to terminate the employment of Police Chief James Dean with the City of La Cygne to be effective immediately. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 9:28 p.m.

HIRING PAUL FILLA AS POLICE CHIEF

✓ *Motion To Hire Paul Filla as Police Chief*

Council Member VanVlack moved to hire Paul Filla as Police Chief for the City of La Cygne at the rate of twelve dollars per hour (\$12.00/hr). Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 9:29 p.m.

CITY CLERK'S REPORT

Verbal: None.

Written:

- a] Mayoral Proclamation: National American Indian Heritage Month
- b] Ordinance No. 1395: U.S. Minerals Conditional Use Permit Application
- c] Cereal Malt Beverage License – Casey's
- d] Attorney Mike Shultz

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] None

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 9:29 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 3rd day of November 2010.

November 17, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, November 17, 2010 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 Clerk Gary Mahon; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Robert Sullivan; Fred Meisel; Brenda Evans; Mr. & Mrs. Dean; LeRoy Turpen; and approximately 50 citizens who came to witness the swearing in of Police Chief Paul Filla.

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

MAYOR'S COMMENTS:

- ❖ Welcomed everyone to the meeting
- ❖ Noted the large crowd for the swearing-in of Police Chief Paul Filla

SPECIAL BUSINESS:

OATH OF OFFICE: POLICE CHIEF PAUL FILLA

- ❖ City Clerk Gary Mahon administered the Oath of Office to Police Chief Paul Filla
 - Paul's wife, Lynn, assisted by holding the Bible on which Paul took the Oath of Office
- ❖ A reception hosted by Lynn was held at the Community Building immediately following

CONSENT AGENDA:

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

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

Minutes of November 03, 2010 Special Meeting

Minutes of November 03, 2010 Regular Meeting

Check Register: November 04 through November 17, 2010

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

DISCUSSION FROM THE FLOOR:

SUBJECT: TERMINATION OF JAMES DEAN

Brenda Evans and Mr. & Mrs. Dean (parents of James Dean) addressed Council concerning the recent termination of James Dean as Police Chief. Comments from Breda and the Deans included, but not limited to:

- ❖ Requested reason for termination
 - Council: Will not give reasons. Topic had been discussed with Chief Dean in executive session.
- ❖ Concern for Police Officer Safety
 - Charged Council with safety negligence by not having police cars repaired and maintained
 - James did not want to keep pumping money into the vehicles
 - Had to use personal vehicle to start police car from time to time

Minutes: Year = 2010

- ◆ Councilman Boone noted that Council has never refused to have vehicle repaired
 - ◆ Boone: Council has provided new pick-up and kept second car operational
 - ◆ Boone: Costs for repairing third vehicle not received until last meeting
- ❖ Petitions placed around town for reinstatement of James have been taken down
 - Constitutes theft
- ❖ Why was raise given to James if doing a bad job?
 - Council: Raises had been given to all employees
- ❖ Felt there were unfair accusations
- ❖ Felt James would not have told things if not true
- ❖ Termination is tearing family apart
 - Never been separated from grandchildren

No action was taken by Council.

BARBARA DUNCAN – THANKSGIVING DINNER

- ❖ Updated Council on the annual Community Thanksgiving Dinner
- ❖ Saturday, November 20th at Elementary School

SPECIAL BUSINESS:

ORDINANCE NO. 1395: U.S. MINERALS CONDITIONAL USE PERMIT

U.S. Minerals was not present but had requested a continuance until the first meeting in December.

✓ *Motion To Continue Consideration of Ordinance No. 1395: U.S. Minerals Conditional Use Permit*

Council Member VanVlack moved to continue consideration of Ordinance No. 1395 until the December 01, 2010 regularly scheduled meeting stipulating that this would be the last continuance to be granted. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:13 p.m.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF PAUL FILLA

- ❖ Transition Proceedings
 - Inventory of evidence room is complete
 - All equipment is accounted for
 - Thank you to Mike Van Vlack for assistance in getting office into shape
 - Has taken 4 -5 days
 - Thanks also to Jerome Moore for his help
 - Thanks to Jim Johnson for installing new interior door and other assistance

COUNCIL COMMITTEE REPORTS:

STREET

- ❖ Councilman Weitman reported:
 - He, Jerry Boone, Gary Mahon met with Pete Kemmeter of Heckert Construction
 - Pete acknowledged they dropped the ball in not doing original promised maintenance
 - Heckert will prepare a proposal on performing maintenance or perhaps a reduction of price

November 17, 2010

PUBLIC SAFETY

- ❖ Councilman Weitman reported:
 - Recent prices to repair 2002 police car submitted at last meeting by James Dean
 - Doug Barrett had been instructed by James Dean to use all new parts when preparing pricing
 - ◆ Also to include anything that could be repaired in addition to transmission
 - Doug had informed Councilman Weitman that more favorable prices could be obtained by using re-conditioned parts and equipment

SPECIAL COMMITTEE REPORTS:

FIESTA

- ❖ Linda Meisel reported:
 - Meeting 6:00 p.m. tomorrow night at library
 - Very little interest shown so far
 - ◆ Only 2 at last meeting.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

MOBILE HOME PARK LICENSES

✓ *Motion To Approve Mobile Home Park License for Richard & Rebecca Marsh*

Council Member VanVlack moved to grant Mobile Home Park License No. 272 to Richard & Rebecca Marsh. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:23 p.m.

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

Council Member VanVlack moved to grant Mobile Home Park License No. 271 to Brian & Romona Slocum/Trevor & Heather Best. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:23 p.m.

CEREAL MALT BEVERAGE LICENSE

✓ *Motion To Approve 2011 Cereal Malt Beverage License for Stub's Market*

Council Member VanVlack moved to grant a Cereal Malt Beverage License to Stub's Market located at 603 Market. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:25 p.m.

✓ *Motion To Approve 2011 Cereal Malt Beverage License for JDS, Inc dba Julie's Thriftway*

Council Member VanVlack moved to grant a Cereal Malt Beverage License to JDS, Inc. dba Julie's Thriftway at 403 Market. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:26 p.m.

November 17, 2010

COMMUNITY THANKSGIVING DINNER DONATION REQUEST

✓ *Motion To Donate to Community Thanksgiving Dinner*

Council Member Weitman moved to donate One Hundred Dollars (\$100.00) to the Community Thanksgiving Dinner. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:27 p.m.

EXECUTIVE SESSION

None

OTHER BUSINESS:

None

CITY CLERK'S REPORT

Verbal: None.

Written:

- a] Meeting Quorum
- b] Oath of Office: Police Chief Filla
- c] U.S. Minerals
- d] New Business Items

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Park Board Minutes: October 28, 2010
- b] Water Records: October 2010
- c] Gas Records: October 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 7:30 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 17th day of November 2010.

December 01, 2010

REGULAR MEETING:

The La Cygne City Council met in Regular session on Wednesday, December 01, 2010 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; Attorney Jim Kaup; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Robert Sullivan; Fred Meisel; Marvin Clements; Faye Clements; Jason Vukas; Robert Constinjio ^(sp); Robert Blanck; Dennis Arnold; Eddie Childress; and Claude Warren.

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

MAYOR'S COMMENTS:

- ❖ Welcomed everyone to the meeting
- ❖ Wished himself a Happy Birthday
- ❖ Thanks to Fire Chief Dan Nasalroad for picking up donated toys from "Toys For Tots" organization
 - Spur of the moment notice

EXECUTIVE SESSION:

✓ *Motion To Go Into Executive Session*

Council Member VanVlack moved to go into executive session for up to fifteen (15) minutes for discussion of personnel and legal. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:02 p.m.

Open Session Resumed at 7:17 p.m.

HIRING OF JOHN EPPERSON AS POLICE OFFICER

✓ *Motion To Hire John Epperson As Police Officer*

Council Member VanVlack moved to hire John Epperson as a full time police officer for the City of La Cygne at the rate of thirteen dollars per hour (\$13.00/hr). Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:20 p.m.

OATH OF OFFICE: POLICE OFFICER JOHN EPPERSON

City Clerk Gary Mahon administered the Oath of Office to John Epperson as police officer for the City of La Cygne.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Minutes of November 17, 2010 Regular Meeting

Check Register: November 18 through December 01, 2010

Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:23 p.m.

December 01, 2010

DISCUSSION FROM THE FLOOR:

None.

SPECIAL BUSINESS:

ORDINANCE NO. 1395: U.S. MINERALS CONDITIONAL USE PERMIT

- ❖ Council conducted deliberations on proposed ordinance No. 1395
 - Planning Commission had recommended issuance of a Conditional Use Permit subject to certain conditions
 - The conditions were presented to Council in ordinance form and numbered ordinance No. 1395
- ❖ Attorney Jim Kaup commenced the proceedings
 - Reviewed packet that had been assembled by City Clerk Mahon and distributed to Council Members prior to the October 20, 2010 meeting
 - Updated Council on the legalities of Conditional Use Permits
 - Reviewed the 11 Factors to follow as guidelines in considering issuance of Conditional Use Permit
 - Discussed Council's Options
 - Approve; Reject; Send Back to Planning Commission; or Extend Deliberations
- ❖ Jason Vukas and Robert Constinjio^(sp) of U.S. Minerals were present and gave opening statements
 - Jason thanked the City for its cooperation in the on-going process
 - Granting of Extensions
 - Making proposed ordinance available for review
- ❖ Representatives from U.S. Minerals and City of La Cygne had reached accord on the 10 conditions with exception of Numbers 3, 6, 8, 9, and 10.
 - U.S. Minerals evaluated explanations and accepted conditions 8, 9, & 10 during the meeting
 - A large portion of the meeting was devoted to conditions No. 3 and 6
- ❖ Approximately one hour was spent exchanging comments and questions between Council Members, Reps from U.S. Minerals, and audience members.
- ❖ Questions and comments expounded included, but not limited to, the following topics:
 - Regulating hours of operation
 - Decibel levels
 - Where measured
 - Duration of high noise levels
 - Jim Kaup: Setting decibel limit for U.S. Minerals does not set precedent for other tenants in the Industrial Park
 - Dust and Dirt contamination
 - Age of equipment to be used in processing plant
 - Per Jason: Use existing equipment with new equipment
 - Per Jason: Will use natural gas for processing operations
 - What assurances won't have same problems in La Cygne that U.S. Minerals has experienced at other sites
 - Noted recent OSHA fines at Illinois and Louisiana plants

December 01, 2010

- Jason: Have preventive maintenance programs in place
 - ◆ Recent problems were due to human error.
 - ◆ OSHA problems not related to environmental discrepancies
- ❖ Council changed condition No. 3 to read: "Any operation of the facility between the hours of 11:00 p.m. and 5:00 a.m. shall not result in a noise level in excess of 85 db as measured at any point on the presently-existing north boundary line of the LaCygne Industrial Park. "Operation" shall include any permitted activity, including the off-loading of boiler slag and the on-loading of processed slag and its by-products".
- ❖ Council changed condition No. 6 to read: "The facility shall operate in compliance with the Agreement for the Sale of Real Estate entered into between applicant and Linn County in July 2010. The City shall be notified in writing of any amendment or rescission of that Agreement, in which case the City may amend those Conditions in this Permit which relate directly to the subject matter of such amendment(s) to the Agreement, or to its rescission.
- ❖ All other conditions remained unchanged as originally recommended by the Planning Commission.
- ❖ Once again, Attorney Jim Kaup asked Council to review the guideline factors to be used in rendering a decision.
 - He noted that factors No. 4 & No. 5 would be irrelevant in this case

✓ *Motion To Approve Ordinance No. 1395 as Amended (U.S. Minerals Conditional Use Permit)*

Council Member VanVlack moved to accept Ordinance No. 1395 with changes as noted to condition No. 3 and condition No. 6. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 8:48 p.m.

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF PAUL FILLA

- ❖ Chief Filla had just returned from a meeting in Hutchinson and reported on those activities.

COUNCIL COMMITTEE REPORTS:

CEMETERY

- ❖ Supt. Jim Johnson noted that the Railroad had cleaned ditches along the railroad on north end of cemetery
 - City furnished dump truck to haul stumps, limbs, etc.
 - Railroad cleaned and graded in exchange for the help
 - Property can now be mowed.

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

None

December 01, 2010

NEW BUSINESS:

CHRISTMAS FESTIVITIES

- ❖ Mayor Smith suggested that the City follow same format as last year
 - Reception for employees and volunteers
 - Give small hams, planners, pens, etc.
- ❖ Council concurred

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to thirty (30) minutes following a ten (10) minute break for the discussion of personnel and legal. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:55 p.m.

Open Session Resumed at 9:33 p.m.

OTHER BUSINESS:

PAY RAISE FOR PAUL FILLA

✓ *Motion To Grant Pay Raise to Police Chief Paul Filla*

Council Member Van Vlack moved to raise Police Chief Paul Filla's rate of pay to Thirteen and 50/00 Dollars per hour (\$13.50/hr) starting with the next pay period. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 9:36 p.m.

CITY CLERK'S REPORT

Verbal:

- ❖ City Clerk Mahon noted that Don Long and Lonnie Farmer had finished platting the new sections of the cemetery.
 - Lots are now available to be sold in both of the newest sections
 - Mahon noted the tremendous number of hours Farmer and Long had contributed to the project
 - Did Council want to give any compensation in light of the many hours spent and miles driven?
 - ◆ Council wanted time to consider the suggestion

Written:

- a] Kansas City Power & Light: Bond Inducement Resolution No. 340
- b] U.S. Minerals Conditional Use Permit
- c] Christmas Festivities
- d] 2011 City Election

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Certification of 2011 Election to County Clerk
- b] 2011 City Election Information

December 01, 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 9:39 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 December 2010.

December 15, 2010

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, December 15, 2010 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 Paul Filla; Police Officer John Epperson; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Bill Smith; Robert Sullivan; Robert Blanck; and LeRoy Turpen;

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

MAYOR'S COMMENTS:

- ❖ Wished everyone Merry Christmas & Happy New Year
- ❖ Extended appreciation to employees and volunteers of all departments the great work they perform throughout the year

CONSENT AGENDA:

City Clerk Gary Mahon pointed out that the check register contained check #13613 to Kansas Municipal Insurance Trust in the amount of \$19,958.00. This was for the 2011 Work Comp Premium.

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

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

Minutes of December 01, 2010 Regular Meeting
Check Register: December 02 through December 15, 2010
Budget Report: November 2010
Treasurer Report: November 2010

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

December 15, 2010

DISCUSSION FROM THE FLOOR:

BETH SMITH – CHRISTMAS SHARING

- ❖ Presents for 118 children and 44 families
- ❖ Will be Distributed Dec. 17th
- ❖ Thanks to entire community, including Linn Valley, for generosity
- ❖ Thanks to Richard & Donna Wright for many hours of wrapping presents

REPORTS OF CITY OFFICERS:

POLICE DEPARTMENT – CHIEF PAUL FILLA

- ❖ Reported on Commitment to Excellence Award received from Linn County Children’s Coalition
- ❖ Noted Memorandum of Agreement proposed by Linn County Children’s Coalition
 - No Action taken by Council
- ❖ Participation in Night Out Against Crime and the Summer Pool Party
- ❖ Complimented Officer Epperson on recent juvenile stop
 - Dope and alcohol involved
 - Performance moving in the right direction
- ❖ 2002 Crown Vic
 - Had Barrett’s Automotive and Brian’s Automotive submit repair estimates using re-conditioned parts
 - Both totals were over \$3,000
 - Chief Filla recommended that the 2002 Crown Vic not be repaired
 - Maybe parted out or junked

PUBLIC WORKS – SUPERINTENDENT JIM JOHNSON

- ❖ River intake pipe recently froze
 - Not sure of reason why
 - Perhaps low water usage allowed ice to form
 - Investigating ways to keep from freezing
- ❖ Invited all to see the shop
 - Recently cleaned and organized fueled by the inspiration of Lisa Elmore
- ❖ Noted complaints recently received about taste and odor of water
 - Not sure of reason – Maybe ice?
 - Will clean clarifier and contact basin

FIRE DEPARTMENT – CHIEF DAN NASALROAD

- ❖ Firefighter Relief Seminar
 - January 15, 2011 @ Salina
 - Requested permission for 1 firefighter and himself to attend
 - Seminar provides new info for 2011 regarding fireman’s relief fund and procedures

✓ *Motion To Authorize Attendance at Firefighters Relief Seminar*

Council Member VanVlack moved to authorize Fire Chief Dan Nasalroad and 1 additional fireman to attend Firefighter Relief Seminar in Salina, Kansas on January 15, 2011. Motion seconded by Council Member Weitman, voted on, passed 4-0-1 Abstained: Fleming. Time: 7:15 p.m.

December 15, 2010

- ❖ Request to Re-Order Heater for Fire Station
 - Original order for \$1000 to Northern in October
 - Northern finally shipped – but shipped only part – not entire unit
 - Order has been canceled
 - Has found heater from Grainger at cost of \$1500
 - Cold weather is here – need heater

✓ *Motion To Purchase Heater from Grainger*

Council Member Weitman moved to authorize Fire Chief Dan Nasalroad to purchase heater from Grainger at cost of Fifteen Hundred Dollars (\$1500.00). Motion seconded by Council Member VanVlack, voted on, passed 4-0-1 Abstained: Fleming. Time: 7:21 p.m.

COUNCIL COMMITTEE REPORTS:

None

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

AUTHORITY TO TRANSFER FUNDS TO CAPITAL IMPROVEMENT AND/OR EQUIPMENT RESERVE FUNDS

- ❖ Council Members, Police Chief, and Fire Chief had previously been supplied with the City Clerk's estimate for possible 2010 general fund cash excess. An explanation of how numbers were estimated accompanied the spread sheet.
- ❖ Fire Chief Nasalroad asked if there were a cut-off date for expenses. Clerk Mahon explained that there was not cut-off date and that excess was determined after all expenses and encumbrances for 2010 had been calculated. No transfer would be made until after the 2010 audit was completed in July 2011.
- ❖ The motion is necessary to allow for transfer should there be excess but does not obligate the transfer.

✓ *Motion To Allow Transfer of 2010 General Fund Excess*

Council Member Weitman moved allow the maximum year-end transfer from the general fund to the capital improvement and equipment reserve fund with 50% allocated to capital improvement and 50% allocated to equipment reserve. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:25 p.m.

December 15, 2010

EXECUTIVE SESSION

✓ *Motion To Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to fifty (50) minutes for the discussion of personnel and legal. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:27 p.m.

Due to the North Room being utilized for the Christmas Sharing Project, the executive session was held at the Community Building. Others invited into or requesting time in the executive session included: City Clerk Gary Mahon and Police Chief Paul Filla.

Open Session Resumed at 8:15 p.m.

OTHER BUSINESS:

CONTRIBUTION TO CHILDREN'S COALITION

✓ *Motion To Contribute to Linn County Children's Coalition Prevention Fund*

Council Member Robbins moved to direct the Court Clerk to determine number of fines collected that contain court costs since July 1, 2010 and disburse \$3 per fine to Children's Coalition, with project to be reviewed next January. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:16 p.m.

CITY CLERK'S REPORT

Written:

- a] Fire Truck Payment
- b] Commitment to Excellence Award – Children's Coalition
- c] Memorandum of Agreement – Children's Coalition
- d] Firefighter Relief Seminar
- e] Transfer of Excess Funds

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Gas Report: November 2010
- b] Water Report: November 2010
- c] Chamber of Commerce Year-End Report: 2010

ADJOURNMENT:

✓ *Motion to Adjourn Meeting*

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 Regular meeting was adjourned at 8:18 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 15th day of December 2010.