

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 1 of 131 Pages **YEAR = 2011**

**January 05, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, January 05, 2011 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; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Police Officer John Epperson; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; and LeRoy Turpen.

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

**MAYOR'S COMMENTS:**

❖ Hoped everyone enjoyed and had Happy Holidays!!!

**CONSENT AGENDA:**

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

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

Minutes of December 15, 2010 City Council Meeting

Check Register: December 16, 2010 through January 05, 2011

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

**DISCUSSION FROM THE FLOOR:**

**NOTICE OF INTENT TO BE ABSENT FROM FUTURE COUNCIL MEETINGS: WEITMAN & VAN VLACK**

- ❖ Councilman Weitman announced that he would not be able to attend the upcoming regularly scheduled council meetings in February.
  - Wanted to give ample notice so as not to create problems such as another council member having to be absent also.
- ❖ Councilman VanVlack announced that he would miss the upcoming January 19<sup>th</sup> meeting.
- ❖ City Clerk Mahon requested other council members to notify him immediately if something came up that prevented them from attending any of those same meetings.
  - Meetings would have to be canceled due to lack of quorum.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

Establish Beginning Salaries for Part Time Officers

Tate West and Clint McCammon had recently been hired by Chief Filla as part-time police officers for the City of LaCygne. Starting salaries needed to be formally authorized by Council.

**January 05, 2011**

✓ *Motion To Authorize Part-Time Police Officer Starting Salaries*

**Council Member Weitman moved to set the starting salary at ten dollars per hour (\$10.00/hour) for not only Tate West and Clint McCammon but also for any future part-time police officer that may be hired. Motion seconded by Council Member Robbins, voted on, passed 4-0-1.** Abstained: VanVlack

Ordinance No. 1396: Controlled Substances

- ❖ Proposed Ordinance No. 1396 drafted by Judge Claude Warren was presented to Council
  - Pertains to possession and/or use of marijuana and drug paraphernalia
  - City currently has no ordinances that address this issue
    - Cases must be processed through the county
      - ◆ City misses out on revenues from fines
  - City could only hear 1<sup>st</sup> infractions or amounts of less than 1 ounce
    - After 1<sup>st</sup> infraction or more than 1 ounce – case must go to county
  - Chief Filla recommended passage of the ordinance
  - Discussion about:
    - Court Appointed Attorney
    - Sentencing to Jail time

✓ *Motion To Approve Ordinance No. 1396 – Controlled Substances*

**Council Member Boone moved to approve Ordinance No. 1396. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** Time: 7:12 p.m.

- ❖ Chief Filla Reported:
  - Added links on the Police Dept. page of the City's Website
    - Missing & Exploited Children; Amber Alert; & Internet Safety
  - Plan to add registered offenders at a later date
- ❖ 2002 Crown Vic Police Car
  - Had recommended not sinking estimated \$3500 into car for repairs
  - Started pulling lights & camera out
    - Some items are personal property of Police Officer Will Dean
  - Will surplus the car
- ❖ Council requested other departments to turn in other possible items for surplus to city clerk

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Reported that Peoples Telecommunications telephone line from Water Tower to Water Plant will become inoperable in approximately six (6) months
  - Line carries communication to tell plant when tower is full or empty
  - Peoples converting to fiber optic line
    - Per Peoples: Fiber Optic line will not carry the transmission
  - Jim will obtain 3 bids to go wireless
- ❖ Fire Hydrant on west end of town has been installed
  - Chamber of Commerce members had inquired about putting up a "Welcome" sign
    - Will be asking for permission to do so at a later date

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- ❖ Complaints of bad tasting/smelling water
  - Received first on Dec 12<sup>th</sup> and more on Dec 22<sup>nd</sup>
  - Have changed chemical settings and cleaned out contact basin
  - Backwashing every day
  - Taste and smell have improved
  
- ❖ Suggested surplusing a trailer that the city obtained three (3) years ago
  - Cost was \$4500
  - City does not ever use nor has a use for it
  
- ❖ Basic Electrical Maintenance and Troubleshooting
  - January 11<sup>th</sup> & 12<sup>th</sup> at Pittsburg, KS
  - Fee: No Charge
  - Credit: 5 hours
  - Asked permission for Art Terry and himself to attend

✓ *Motion To Authorize Attendance at Basic Electrical Maintenance and Troubleshooting Seminar*

**Council Member VanVlack moved to authorize Superintendent Jim Johnson and Water Plant Operator Art Terry to attend the Basic Electrical Maintenance and Troubleshooting training session on January 11<sup>th</sup> and 12<sup>th</sup> at Pittsburg, Kansas with City to pay usual associated expenses. Motion seconded by Council Member Weitman, voted on, passed 5-0. Time: 7:25 p.m.**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Reported on property on extreme northwest edge of town that is for sale
  - Prospective buyer inquired about being able to target shoot
  - Firing of guns in city limits against ordinance
  - Council frowned upon possibility of issuing any type of permit
  
- ❖ Will be introducing educational tools about bullying into community in near future

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Announced that John Epperson had joined the fire department
- ❖ New hydrant on west edge of town is working very well
- ❖ Working on annual report – Not yet complete
  - Noted that department had 50 calls last year
    - Down from the previous year
  
- ❖ New heater ordered from Grainger does not fit
  - Will be sent back

**MAYOR – KEITH SMITH**

- ❖ Thank you cards from:
  - Linda Elder for Plant received after surgery
    - City Clerk had failed to present card to Council when first received 6 weeks ago
  - Linda Elder for Christmas Bonus and Ham
  - Beth Smith for \$500 Christmas start-up donations

**January 05, 2011**

**COUNCIL COMMITTEE REPORTS:**

**WATER/GAS**

- ❖ Councilman Robbins inquired about cost of water at Bulk Water Salesman
  - Cost is \$12 per 1000 gallon

**SPECIAL COMMITTEE REPORTS:**

**LINDA MEISEL**

- ❖ Thanked Councilman Mike VanVlack for organizing and hosting the Community Christmas Breakfast
- ❖ LaCygne Festival is scheduled for June 4<sup>th</sup>
  - Meeting scheduled for next Monday at 6:00 p.m.
    - Need project – Perhaps refurbishing Community Building
- ❖ Emergency Management Meeting
  - Supt. Jim Johnson noted need for gas shut off on west edge of town on this side of river
    - Closest valve is approximately 6 miles west
    - Valve not put back in when line was relocated to make way for new river bridge
    - Jim will check on prices

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**AUDIT CONTRACT – 2010 DIEHL, BANWART, BOLTON**

✓ *Motion To Approve 2011 Audit Contract*

**Council Member Weitman moved to award the 2010 audit contract to Diehl, Banwart, and Bolton at a cost of Five Thousand Six Hundred Sixty Five Dollars (\$5665.00) plus out-of-pocket expenses. Motion seconded by Council Member Robbins, voted on, passed 5-0.**

Time: 7:43 p.m.

**APPOINTMENT OF PARK BOARD, PUBLIC BUILDING COMMISSION, AND HOUSING AUTHORITY MEMBERS**

- ❖ Mayor Keith Smith made the following appointments:
  - Park Board – Kenneth McClanahan and Robert Blanck to two terms of two (2) years;
  - Public Building Commission – Diane Stainbrook and Robert Blanck to terms of four (4) years;
  - Housing Authority Board – Marvin Clements to a term of four (4) years.

✓ *Motion To Approve Park Board Appointments*

**Council Member Robbins moved to approve the Mayor's appointment of Kenneth McClanahan and Robert Blanck to the Park Board. Motion seconded by Council Member VanVlack, voted on, passed 4-1. Opposed: Boone**

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✓ *Motion To Approve Public Building Commission Appointments*

**Council Member Robbins moved to approve the Mayor's appointment of Diane Stainbrook and Robert Blanck to the Public Building Commission. Motion seconded by Council Member Boone, voted on, passed 5-0.**

✓ *Motion To Approve Housing Authority Board Appointment*

**Council Member Robbins moved to approve the Mayor's appointment of Marvin Clements to the Housing Authority Board. Motion seconded by Council Member Fleming, voted on, passed 5-0.**

**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 Van Vlack, voted on, passed 5-0. Time: 7:47 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 Police Chief 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 ten (10) minutes. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 8:53 p.m.**

Open Session Resumed at 9:03 p.m.

**OTHER BUSINESS:**

None.

**CITY CLERK'S REPORT**

Verbal: Noted that Mike VanVlack and Bob Sullivan had registered as candidates for Council Members.

Written:

- a] Salaries for Part-Time Officers
- b] Audit Contract – 2010 – Diehl, Banwart, Bolton
- c] Appointment of Various Board Members

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] None

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**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 9:05 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 5<sup>th</sup> day of January 2011.

**January 26, 2011 (Postponed From January 19<sup>th</sup>)**

**POSTPONED MEETING:**

Due to inclement weather (Snow) the regularly scheduled meeting for January 19, 2011 was postponed until 7:00 p.m., Wednesday, January 26, 2011. The La Cygne City Council met in session on Wednesday, January 26, 2011 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; and Mike VanVlack.

Absent: Terry Weitman.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Police Officer John Epperson; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Faye Clements; Deb Wilson; Charlene Sims; Emil Wilson; Robert Blanck; Judy Kinder; Jerome Moore; Claude Warren; and Fred Meisel.

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

**MAYOR'S COMMENTS:**

- ❖ Postponement of January 19<sup>th</sup> meeting due to snow
  - Sorry if postponement caused anyone problems
  - No-win situation
    - Some angry if did post-pone, some angry if did not post-pone
      - ◆ Err on the side of safety
- ❖ Thanks to Public Works Superintendent Jim Johnson and PW Employees
  - Positive comments received from public for good job of clearing streets of snow
  - Citizens appreciate the effort and results
- ❖ Read thank you note from Methodist Church
  - Donation of 17 hams to the Christmas food baskets
- ❖ PW Superintendent Jim Johnson noted that salt/sand supply was in good shape.
  - Will hold off ordering more unless need arises
    - Salt loses potency over summer
    - Hopefully Wade Quarries will have product on-hand if needed

**January 26, 2011 (Postponed From January 19<sup>th</sup>)**

**CONSENT AGENDA:**

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

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

Minutes of January 05, 2011 City Council Meeting  
Check Register: January 06 through January 26, 2011  
Budget Report: December 2010  
Treasurer Report: December 2010  
2010 Annual Financial Statement.

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

**APPROVAL OF UTILITY SERVICES CHECK #13710**

- ❖ Annual payment of \$11,019.08 for both north and south water tower maintenance contract
  - Have used same company for past 22 years
  - South tower is scheduled to be painted this year
  - Supt. Johnson suggests that Council consider re-bidding the contract this summer
    - Would have to notify Utility Services by August 1<sup>st</sup> if not going to renew agreement for 2012
  - Would council like to change color of tower?
  - City Clerk Mahon noted that Chamber of Commerce had recently inquired about possibility of having a logo painted on tower
    - Utility Services had been contacted for requirements, pricing, etc., but no response had been received back
  - Maintenance contract price is the same as last year

✓ ***Motion To Approve Utility Services Maintenance Payment***

**Council Member VanVlack moved to approve annual payment of Eleven Thousand Nineteen and 08/00 Dollars (\$11,019.08) to Utility Services for annual water tower maintenance. Motion seconded by Council Member Boone, voted on, passed 4-0.** Time: 7:07 p.m.

**APPROVAL OF MCELREATH EXCAVATING CHECK**

- ❖ Invoice had been received from McElreath Excavating for landscaping materials in the amount of \$1700.00.
  - Although there was general agreement to do the project, no formal motion had been made to authorize the expenditure
  - City Clerk noted that a formal motion was needed to satisfy auditing purposes

✓ ***Motion To Approve McElreath Excavating Payment***

**Council Member VanVlack moved to approve payment to McElreath Excavating in the amount of Seventeen Hundred Dollars (\$1700.00) Motion seconded by Council Member Fleming, voted on, passed 4-0.** Time: 7:08 p.m.

**DISCUSSION FROM THE FLOOR:**

None.

**January 26, 2011 (Postponed From January 19<sup>th</sup>)**

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Noted there are currently 72 unlicensed vehicles within city limits
  - Action will soon begin to correct the infractions
- ❖ Frankie's Liquor burglarized approximately 2 weeks ago
  - One suspect has been caught another still on the run
- ❖ Syds broken into last Sunday Evening
  - 4 Juveniles apprehended and currently in jail
- ❖ Commended actions of Officer John Epperson for his excellent performance which led to solving both cases so quickly
- ❖ Status of 1999 Patrol Car
  - Approximately 100,000 miles
  - Coming up on its last legs
  - Replacement does not need to be new
    - Would like SUV front wheel drive
  - Addition of 3 part-time officers has strained limits of availability of vehicles
  - Council consented to Chief Filla's request to begin looking at options
    - Will try to have 2 or 3 options available by next meeting

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Have not received any pricing for replacing telemetry between water tower and water plant
- ❖ Proposed Gas Valve for west side of town
  - Quote of \$8457.00 from Mid America
    - Includes all aspects except digging
- ❖ Curt Heide request for gas and water service removal at 4<sup>th</sup> and Park
  - Curt is tearing house down and would like gas risers and water service lines removed
  - City Ordinance or Policy has no set costs
  - Services would need to be capped underground
  - Jim suggested performing the service since Heide was improving over-all appearance of the property
    - Discussion followed as to what is fair to everyone in the City
  - City Attorney Sutherland noted that present City Ordinances state that owner is to make request and Public Works Superintendent to make feasibility study and present costs to council.
  - Councilman Robbins asked that this item be placed on next meeting agenda thus giving time for council members to review
- ❖ PW Supt Johnson noted recent freeze problems had been rectified
- ❖ Water Salesman had been recently broken into but was repaired and back up and running
- ❖ Art was not able to attend the recently scheduled training at Pittsburg due to adverse weather
- ❖ Reported on recent electrical surge that affected water plant and lift station in industrial park
  - Water Plant had no problems
  - Continuous problems at lift station
    - Finally called Douglas Pump for assistance
      - ◆ Everything started working fine as soon as they arrived.
- ❖ Supt. Johnson informed Council of maintenance quotes for annual lift station maintenance
  - Douglas Pumps: \$2640; JCI: \$3640; Mathews:: \$6,000+

**January 26, 2011 (Postponed From January 19<sup>th</sup>)**

✓ *Motion To Approve Douglas Pump Maintenance Agreement*

**Council Member Boone moved to approve a maintenance agreement with Douglas Pump in the amount of Two Thousand Six Hundred Forty Dollars (\$2640.00). Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:30 p.m.**

- ❖ 2011 Goals
  - Superintendent Johnson stated that PW Would like to have the shop repainted plus other needed maintenance
    - General clean-up of public works area on north side of Market

GOALS AND LONG RANGE PLANS

- ❖ This item had originally been scheduled under "Other Business" but was discussed at this point in the meeting.
- ❖ Mayor Smith requested that plans/ideas for future needs be submitted so we could begin to re-establish a long range improvement plan.
  - Asked departments to begin submitting ideas to City Clerk by next meeting with everything to be turned in by second meeting in February
    - Workshops would be scheduled as needed after receiving input from the departments

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

No Report

**COUNCIL COMMITTEE REPORTS:**

**CEMETERY**

- ❖ Dan Nasalroad reported:
  - Present mower is too small to do the job at cemetery
    - Works well on the Pollman Addition
    - Too small for the large open areas and older part of cemetery
    - 1 person cannot keep up
    - Asked permission to investigate prices of mowers
      - ◆ Council agreed
  - Asked how cemetery was funded
    - City Clerk informed that money came from General Fund
      - ◆ \$20,000 was budgeted for 2011

**SPECIAL COMMITTEE REPORTS:**

**CHAMBER OF COMMERCE – DEB WILSON**

- ❖ Reported that Chamber had 62 members in 2010
- ❖ Current year membership drive is underway
  - City is a member
  - Mayor and Council Members always welcome to attend meetings
    - Meetings are at Noon on the 2<sup>nd</sup> Wednesday of the month
- ❖ Chamber expanding and coordinating with other groups throughout the community
- ❖ Election Forum at 7:00 p.m., March 24<sup>th</sup> at Library

**January 26, 2011 (Postponed From January 19<sup>th</sup>)**

- Candidates for office invited to meet public and answer questions
- ❖ Reported on Adopt-A-Highway project
  - Adopted first two miles from U.S. 69 going west towards La Cygne
  - Pick-up 3 times per year
- ❖ Chamber has joined Kansas Downtown Network
  - La Cygne will be a network community
    - Mayor/Council Members are invited to attend the Kansas Downtown Network meetings

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**REQUEST FOR DONATION – LINN COUNTY TWISTERS WRESTLING**

✓ *Motion To Donate to Linn County Twisters*

**Council Member VanVlack moved to donate Two Hundred Dollars (\$200.00) to Linn County Twisters Wrestlers. Motion seconded by Council Member Robbins, voted on, passed 4-0.**

Time: 7:48 p.m.

**SURPLUS EQUIPMENT RESOLUTION NO. 341**

- ❖ Police Chief Filla requested to add the 2002 Crown Vic
  - Car had inadvertently been left off the list
- ❖ Resolution will be placed on next meeting's agenda

**SNOW PLOW FOR DODGE TRUCK**

- ❖ Councilman Boone:
  - Request is from him, not public works personnel
  - Has been watching public works during recent snow removal
    - Feels PW needs more equipment
      - ◆ Some beginning to wear out
  - Snow plow would cost in the area of \$5,000
  - Feel good equipment necessary to keep streets open
  - Difficult to round corners with the big equipment
    - Have to go back with skid loader to clean up corners
  - Louisburg Ford did have a good truck with blade but it is no longer there
  - Doesn't have anything in mind right now but would like agreement to look
- ❖ Council in agreement to have PW keep an eye out for something that would help with snow removal

**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 Van Vlack, voted on, passed 4-0. Time: 7:58 p.m.**

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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.

Open Session Resumed at 8:45 p.m.

**OTHER BUSINESS:**

**GOALS AND LONG RANGE PLANS**

Discussed earlier under City Officer's Reports: Public Works Superintendent

**COUNCIL QUORUM**

Councilman Boone asked why City requires 4 members to hold a meeting when state statutes only require 3.

It was noted that City chartered out of state law several years ago establishing 4 as a quorum to conduct city business

At that time the Attorney General was ruling that 2 was a majority of a quorum and 2 members meeting together was thus illegal.

With the City raising its quorum to 4 it then took 3 members to make a majority of a quorum, thus 2 members could legally be on a committee because 2 was no longer the majority of a quorum.

**CITY CLERK'S REPORT**

Verbal: None.

Written:

- a] Quorum Requirements
- b] Utility Service Maintenance Invoice for 2011
- c] McElreath Excavating Invoice
- d] Linn County Twisters Donation Request
- e] Surplus Equipment Resolution No. 341
- f] Goals & long Range Planning
- g] 2011 Spring Election Candidates as of January 14<sup>th</sup>

Supplemental Report:

- S1] Consent Agenda
- S2] Chamber of Commerce – Deb Wilson
- S3] Resolution No. 341
- S4] Snow Plow for Dodge Truck

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Water Report: December 2010
- b] Gas Report: December 2010
- c] Minutes: Park Board – December 09, 2010
- d] Minutes: Chamber of Commerce – January 12, 2011

**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 4-0.** The Regular meeting was adjourned at 8:50 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 26<sup>th</sup> day of January 2011.

**February 09, 2011 Special Meeting**

**SPECIAL MEETING:**

The La Cygne City Council met in Special session on Wednesday, February 09, 2011 at LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; and Mike Van Vlack. Absent: Terry Weitman

Others in attendance included: City Attorney John Sutherland and City Clerk Gary Mahon.

Stated purposes of the special meeting was:

1. Streets

Mayor Smith and four (4) Council Members signed the "Request To Call Special Council Meeting". Mayor Smith called the special meeting to order at 4:37 p.m.

**STREETS**

- ❖ City had recently received a statement in the amount of \$275,392.48 from Heckert Construction of Pittsburg, Kansas for street resurfacing project
  - Statement is for street resurfacing performed in July 2006
  - Heckert never made repairs/corrections to the original resurfacing project as verbally agreed upon
  - No billing was received from Heckert for over four years
- ❖ After receiving billing statement, City Officials began negotiating with Heckert to make repairs/corrections or reduce amount of bill
- ❖ City Attorney Sutherland announced
  - Heckert had agreed to accept payment of \$190,000 and sign full release of any future claims against the City

✓ *Motion to Accept Offer From Heckert Construction*

**Council Member Boone moved to accept Heckert Construction's offer of One Hundred Ninety Thousand Dollars (\$190,000.00) in exchange for full release of any future claims. Motion seconded by Council Member Fleming, voted on, passed 4-0.** Time: 4:42 p.m.

**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 Special meeting was adjourned at 4:43 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 09<sup>th</sup> day of February 2011.

**February 16, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, February 16, 2011 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; and Mike VanVlack.

Absent: Mayor Keith Smith and Councilman Terry Weitman.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Police Officer John Epperson; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Marvin Clements; Le Roy Turpen; Robert Blanck; Fred Meisel; and Scott Stainbrook.

Mayor Smith had appointed Councilman Mike Van Vlack to chair the meeting. The meeting was called to order at 7:00 p.m.

**MAYOR'S COMMENTS:**

None.

**CONSENT AGENDA:**

✓ **Motion to Approve Consent Agenda**

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

Minutes of January 26, 2011 Regular City Council Meeting (No Meeting held Feb 2)  
Minutes of February 09, 2011 Special City Council Meeting  
Check Register: January 27 through February 16, 2011  
Budget Report: January 2011  
Treasurer Report: January 2011

**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 – CHIEF PAUL FILLA**

- ❖ Abandoned Vehicles
  - 32 letters sent to owners
    - 16 have responded and are making plans to get rid of the vehicles
    - Allowed extra time because of weather – snow
- ❖ Dogs Running At-Large
  - Planning a Dog Round-Up
    - Complaints are increasing
- ❖ Training
  - Greenbush April 12<sup>th</sup>
    - 6 hours
  - City will host KBI as they present training in La Cygne either March 15<sup>th</sup> or 16<sup>th</sup>

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- ❖ Clint McCammon will be attending KLETC for part-time officers training in March
  - City will be paying salary for two weeks.
  
- ❖ Linn County Sheriff's department will no longer send faxes regarding police work
  - Cost = \$200 to update programs on computer to receive the information
  
- ❖ Police Car Update
  - Contacted two dealerships
    - 06 - 73,000 miles - \$15,500
    - 07 trailblazer \$13,500
    - Both are now gone
  - Chief Filla requested that Council authorize a dollar figure that would allow him to purchase a vehicle when a suitable one becomes available.
    - Purpose is to keep from losing out on a suitable car again
  - Finances
    - Council inquired about use of left over funds from Heckert street resurfacing project
      - ◆ City Clerk Mahon informed that auditor had stated those funds were to be used for street maintenance as that is what documents state the borrowed money was to be used for
      - ◆ Funds could be used to purchase equipment used for street maintenance
        - i.e. snow plow would qualify. Truck with snow plow would probably be O.K. since truck would be used at least partially on streets
        - Police cars run on streets but do not contribute to maintenance of streets
    - City Clerk noted that 2011 police budget had line item for over \$16,000 capital outlay expense
      - ◆ This is in addition to yearly Silverado pick-up payment
      - ◆ City Clerk did not know what James Dean had in mind for this expenditure when budget was adopted. Chief Filla not sure either.
  
- ❖ Council halted police car discussion to authorize training requests.

✓ *Motion To Approve Training at Greenbush*

**Council Member Van Vlack moved to send Chief Filla to Greenbush for training on April 12<sup>th</sup>. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:07 p.m.**

✓ *Motion To Approve KLETC Training for Clint McCammon*

**Council Member Van Vlack moved to approve two weeks training at Kansas Law Enforcement Training Center with City to pay 2 weeks salary of eighty (80) hours. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:08 p.m.**

- ❖ Discussion resumed on Police Car Purchase
  - Chief Filla noted that if purchasing a brand new car he would not have the same time problem as purchasing a used vehicle.
    - New vehicle would be ordered
    - Used vehicle may not set on lot very long

**February 16, 2011**

✓ *Motion To Authorize Purchase of Vehicle for Police Department*

**Council Member Robbins moved to authorize Police Chief Paul Filla up to Fifteen Thousand Dollars (\$15,000.00) out of police budget towards purchase of a vehicle. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:15 p.m.**

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Water Tower Painting
  - Schedule for this year. Does council want to change color?
    - Council expressed no interest in changing colors
- ❖ No Bids received on telemetry system for water tower
- ❖ Curt Heide Property at Park & Broadway
  - Capped the water and gas lines today
    - Took less than an hour
  - No real policy on how much to charge for this type of service
    - Have at times charged \$250 per service removal in past
    - Feels this is too high
  - Equipment charges? Materials? Equip Rental?
  - Discussion Followed

✓ *Motion To Set Service Charges at \$5 per hour*

**Council Member Robbins moved to authorize charges of \$45 per hour when providing services to property owners with such charges to be inclusive of wages and equipment rental. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:24 p.m.**

- ❖ PWS Johnson noted that sewer had recently backed up at Keith Heald residence
  - Originally thought there was no problem with City main.
    - Later discovered problem was caused by City main
  - Used personnel already hired by Keith so City will be receiving a bill
    - Because of this City did not have to call Reddi Rootr
- ❖ Two tires have been replaced on Dodge
  - Will be replacing the four tires on back in near future
- ❖ Snow Plow
  - Costs = approximately \$5,000
    - Had located plow with good used truck for \$14,000
      - ◆ It is no longer available
  - PWS Johnson suggested purchasing a snowplow for the Dodge and buy a good used pickup later
- ❖ Prospective customer on Hedge Lane inquired about hooking on to natural gas
  - Per Jim: \$200 permits from Miami County, Bore under road, weld pipe, 300 ft of pipe would be required
  - Customer would only be using as a back-up
  - Council: All costs would be responsibility of land owner.
- ❖ Council asked Jim to retrieve prices on snow plow and Council would discuss later in the meeting

**February 16, 2011**

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ County Fire Chief had extended Thank You for City keeping access to fire station open during recent heavy snow storms
- ❖ Noted the recent purchase of tires for the mini-pumper
  - More a safety issue than maintenance as needed to be assured truck could go in the deep snow.

**COUNCIL COMMITTEE REPORTS:**

None.

**SPECIAL COMMITTEE REPORTS:**

**SWAN FEST (FORMERLY LA CYGNE FESTIVAL)**

Linda Meisel reported that the name of the annual celebration had been changed to Swan Fest

**UNFINISHED BUSINESS:**

**RESOLUTION NO. 341 – SURPLUS EQUIPMENT**

✓ *Motion To Approve Resolution No. 341 Declaring Surplus Property*

**Council Member Fleming moved to approve Resolution No. 341 declaring surplus property. Motion seconded by Council Member Van Vlack, voted on, passed 4-0. Time: 7:35 p.m.**

**MOWER PURCHASE**

- ❖ Cemetery Caretaker Dan Nasalroad explained need for new cemetery mower
  - Present mower is too small
  - More to mow now than few years ago.
- ❖ Presented Council with 3 prices of 3 different mowers
- ❖ Suggested we keep the smaller mower and not trade anything in
  - Could be used by summer help for either cemetery or city mowing
- ❖ Dan questioned why money could not be used from the Pollman Trust Fund
  - City Clerk and Attorney Sutherland noted that it was a trust and principle was not used
    - Interest from Pollman investments is used to fund Oaklawn Cemetery expenses
- ❖ Council asked City Clerk and Attorney Sutherland to review Pollman Trust fund again.

**SNOW PLOW**

- ❖ Public Works Superintendent Jim Johnson reviewed snow plow quotes with Council
- ❖ Council asked Jim to contact Blue Valley for quotes and perhaps look at some plows before next meeting

**GOALS & LONG RANGE PLANS**

Tabled until next meeting

**February 16, 2011**

**NEW BUSINESS:**

**MUNICIPAL FINANCE SEMINAR**

- ❖ May 31<sup>st</sup> at Overland Park
- ❖ Fee: \$50
- ❖ Legislative updates, changes to budget forms, attorney general opinions, etc.

✓ *Motion To Send City Clerk Mahon to Municipal Finance Seminar*

**Council Member VanVlack moved to send City Clerk Gary Mahon to Municipal Finance Seminar in Overland Park on May 31, 2011. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:47 p.m.**

**KANSAS RURAL WATER ATTORNEY FORUM**

- ❖ March 29<sup>th</sup> at Wichita
- ❖ Fee: No registration fee

✓ *Motion To Send City Attorney John Sutherland to Attorney's Forum*

**Council Member Robbins moved to send City Attorney John Sutherland to Kansas Rural Water Attorney Forum in Wichita on Tuesday, March 29<sup>th</sup>. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:47 p.m.**

**PRAIRIE VIEW AFTER-PROM DONATION**

✓ *Motion To Donate \$150 to Prairie View After-Prom*

**Council Member VanVlack moved to donate One Hundred Fifty Dollars (\$150.00) to the Prairie View After-Prom committee. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:48 p.m.**

**MUNICIPAL COURT CONFERENCE**

- ❖ April 1<sup>st</sup> at Topeka
- ❖ Expenses reimbursed by the State of Kansas

✓ *Motion To Send Linda Elder to Municipal Court Conference*

**Council Member VanVlack moved to send Linda Elder to Municipal Court Clerk's Conference in Topeka on April 1<sup>st</sup>. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:49 p.m.**

**February 16, 2011**

**PERSONNEL POLICY AMENDMENT**

- ❖ Council reviewed suggested changes to Article C, Section C-3 of the City's Personnel Policies
- ❖ Changes would allow 5 mile residency requirement for emergency personnel to be waived by a majority vote of the City Council
  - Waiver valid for two years, but could be renewed

✓ *Motion To Amend Residency Requirement of Personnel Policy*

**Council Member Robbins moved to amend the residency requirement of the City's Personnel Policies as presented. Motion seconded by Council Member Fleming, voted on, passed 4-0.**

Time: 7:50 p.m.

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Van Vlack moved to go into executive session for legal for up to fifteen (15) minutes following a ten (10) minute break. Motion seconded by Council Member Fleming, voted on, passed 4-0.** Time: 7:52 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 Police Chief Paul Filla.

Open Session Resumed at 8:17 p.m.

**OTHER BUSINESS:**

**CLARIFICATION ON AUTHORITY TO PURCHASE POLICE CAR**

- ❖ Police Chief Paul Filla asked for clarification
  - Is the \$15,000 authorized for police car purchase the total amount that can be spent or is it \$15,000 plus equipment?
  - Council noted the expenditure(s) were coming out of his budget
    - Has option of calling special meeting if going over \$15,000

**TRAIN COMPLAINTS**

- ❖ Councilman Boone noted that the trains were blocking crossings for long periods of time
- ❖ Asked Police Chief Filla and/or City Clerk Mahon to ascertain what rules are about blocking crossings
- ❖ Also trains setting at 2 am and blowing their horns

**CITY CLERK'S REPORT**

Verbal: None.

Written:

- a] Unfinished Business Items
- b] New Business Items

**Record of the Proceedings of the Governing Body**  
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**February 16, 2011**

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Minutes: Park Board January 27, 2011
- b] Reminder to "Vote" Flyer
- c] Consumer Confidence Report 2010
- d] Water Report: January 2011
- e] Gas Report: January 2011

**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 3-1.** No: Boone. The Regular meeting was adjourned at 8:24 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 16<sup>th</sup> day of February 2011.

**March 02, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, March 02, 2011 at 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; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Police Officer John Epperson; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Marvin Clements; Le Roy Turpen; Robert Blanck; Fred Meisel; Bob Sullivan; James Dean; Emil Wilson, Debbie Wilson; Robert Blanck; Dan Bosley; Danny Curtis; and Mike Shultz.

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

**MAYOR'S COMMENTS:**

- ❖ Hoped the cancellation of meetings in February did not cause undue problems

**CONSENT AGENDA:**

City Clerk Gary Mahon noted that the check register contained check 13930 to Kansas Dept of Health & Environment for principal and interest on revolving loan fund and also check 13931 to Kansas State Treasurer for interest on general obligation water bonds.

**March 02, 2011**

✓ **Motion to Approve Consent Agenda**

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

Minutes of February 16, 2011 Regular City Council Meeting

Check Register: February 17 through March 02, 2011

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Purchased a 2008 Chevy Trailblazer for the Police Department
  - Cost = \$15,000
  - Mileage = 70,000 (Approximate)
  - Most equipment will transfer from the 2002 Crown Vic
    - Will need to purchase a siren box & switch
      - ◆ Cost: Approximate \$300
  - Car has been lettered by Dan Nasalroad
  
- ❖ Recently mailed 32 letters regarding abandoned or illegal vehicles
  - Most everyone has responded and made arrangements to correct irregularities
  - Have set March 25<sup>th</sup> as deadline for owners to make corrections

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Annual 2011 Kansas Rural Water Association Conference
  - March 29<sup>th</sup> thru 31<sup>st</sup>
  - Asked authorization for Jerome Moore and Lisa Elmore to attend
    - Lisa would take exam for water certification

✓ **Motion To Authorize Attendance at 2011 KRWA Conference**

**Council Member Weitman moved to grant request and authorize both Jerome Moore and Lisa Elmore to attend the 2011 Kansas Rural Water Association Conference with the City incurring the necessary associated costs. Motion seconded by Council Member Van Vlack, voted on, passed 5-0.**

- ❖ Park Board requested assistance in widening road in camping area of the park
  - Ask city to donate clay to help build up and widen road in camping area
    - Councilman Boone suggested filling in all of the low area around the road
      - ◆ This would eliminate water hole in wet periods as well as fortify the road
  - Council Members concurred that it was O.K. for City to assist in the project.
  
- ❖ Report of Damage to Moon property by Transport Truck
  - Transport driver became lost late at night while looking for a friend's residence
  - Ran truck into ditch and yard of Ed Moon.
    - City personnel called out to help free the stuck transport
    - Public Works repaired ditch and yard as best they could
      - ◆ Mr. Moon happy but would like gravel for his drive
        - City will supply a load
  - Trucking firm has been billed for all associated costs.

**March 02, 2011**

**COUNCIL COMMITTEE REPORTS:**

**PUBLIC SAFETY**

- ❖ Mayor Smith inquired as to state of readiness during the last major snow storm
  - Coordinator Linda Meisel noted that emergency management had everything ready and in place in case of emergency.

**SPECIAL COMMITTEE REPORTS:**

**CHAMBER OF COMMERCE**

- ❖ Marvin Clements (Chamber Member) reported on recent and upcoming Chamber events
- ❖ Swan Race
  - Held in conjunction with Swan Fest in June
  - Preliminary Plans are for Miniature Swans to be dropped off bridge into river
    - Swans numbered 1 thru 3000
  - First Swans to float to designated finish line near City Park declared winners
    - 1<sup>st</sup> = \$500; 2<sup>nd</sup> = \$250; 3<sup>rd</sup> = \$100
      - ◆ Possibility of 1<sup>st</sup> place winner could also win \$100,000 if their number matches one that had been pre-drawn before the race
  - Marvin has been meeting with various groups asking for assistance
    - Councilman Boone offered information and advice on river depth and flow
    - Councilman Boone offered to allow use of his property that adjoins the river as long as it is dry.
- ❖ Swan Fest scheduled for June 3<sup>rd</sup> & 4<sup>th</sup>
  - June 3<sup>rd</sup>: Evening parade downtown; Dinner at Community Building; Street Dance
  - June 4<sup>th</sup>: Activities in Park
    - Looking for ways to provide transportation from downtown to park for those who need assistance.
- ❖ Asked Council to consider adding a "Swan" logo to the water tower when it is painted later this year
  - Presented sketch of what an added logo might look like
- ❖ Reminded all of upcoming Candidate Forum
  - 7:00 p.m., March 24<sup>th</sup> at Library
  - Would like to have all candidates participate
  - No questions taken from the audience that night
    - Questions are pre-set
    - Citizens encouraged to submit questions before the forum
    - Reason is to keep a citizen or group of citizens from "targeting" candidates

**UNFINISHED BUSINESS:**

**SNOW PLOW QUOTES**

Tabled until next meeting.

**March 02, 2011**

**GOALS/LONG RANGE PLANNING**

- ❖ Mayor Smith noted the plans and goals submitted by Jim Johnson (public works) and Paul Filla (police)
- ❖ Will give council time to review and then get back with Jim and Paul

**NEW BUSINESS:**

**POLLMAN TRUST INFORMATION**

- ❖ Council had been provided with Copy of original Conveyance of property to City
  - Land to be used for cemetery
  - Income from sale of lots to be placed in a trust
    - Principal never to be spent
    - Interest could be used for maintenance, etc., of cemetery
    - Trust originally started with \$1000 gift and donation of land from Ed Pollman
- ❖ City Clerk Mahon noted that the question of spending money from the trust comes up about every eight years or so.
- ❖ City has been placing money in trust for approximately 90+ years as lots from the Pollman addition are sold.
  - Current balance = \$45,000
- ❖ Cemetery Caretaker Dan Nasalroad asked if there were any loop holes that would allow for spending the principle
  - Attorney Sutherland noted that according to the agreement the money was to be left in trust
  - City Clerk noted that he was not aware of any surviving family members living in the La Cygne community
    - However, he felt that current lot owners and citizens of the City would possibly be deemed to have a vested interest in the trust.
- ❖ No action was taken by council.

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Robbins moved to go into executive session for legal for up to thirty (30) minutes. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** 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: City Clerk Gary Mahon and Attorney Mike Shultz

**Executive Session Extended**

✓ *Motion To Extend Executive Session*

**Council Member VanVlack moved to extend the executive session for legal for up to fifteen (15) minutes. Motion seconded by Council Member Robbins, voted on, passed 5-0.** Time: 8:12 p.m.

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**March 02, 2011**

Open Session Resumed at 8:22 p.m.

**OTHER BUSINESS:**

None.

**CITY CLERK'S REPORT**

Verbal: None.

Written:

- a] Mike Shultz
- b] Kansas Federal Surplus Bids
- c] Unfinished Business
- d] New Business

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Chamber of Commerce Minutes – Feb 9<sup>th</sup>
- b] City Web-Site Usage Report

**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 8:24 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 2<sup>nd</sup> day of March 2011.  
(Gary D. Mahon)

**March 16, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, March 16, 2011 at 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; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Bill Smith; Le Roy Turpen; Robert Blanck; Fred Meisel; Bob Sullivan; James Dean; Rev. Jeff Fulks; and Mike Shultz.

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

**March 16, 2011**

**MAYOR'S COMMENTS:**

- ❖ Wished Good Luck to all candidates in upcoming city elections
- ❖ Expressed concerns about Japan's earthquake, tsunami, and nuclear power plant problems

**CONSENT AGENDA:**

✓ **Motion to Approve Consent Agenda**

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

Minutes of March 02, 2011 Regular City Council Meeting  
Check Register: March 03 through March 16, 2011  
Budget Report: February 2011  
Treasurer Report: February 2011

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

**DISCUSSION FROM THE FLOOR:**

**PASTOR JEFF FULKS – LA CYGNE CHRISTIAN CHURCH**

- ❖ Jeff Fulks, Minister of Christian Church, addressed Council concerning expanded parking and utility meters
- ❖ Wanted to reaffirm earlier discussions between Church Board Chairman Eddie Andersen and Public Works Superintendent Jim Johnson and Councilmember Weitman
- ❖ Christian Church already owned east half of block along Broadway from Locust to Swan
  - Recently purchased southwest quarter of the block bordered by 3<sup>rd</sup> Street on the west and Locust on the south
- ❖ Southeast corner of block already being used as parking lot and would like to use newly purchased southwest portion for parking also
  - Church would like to have water pits and gas risers removed
  - Church would like to have permission to gravel the alley between the southeast quarter and southwest quarter to enable parking on the entire south half of the block
  - Church is under impression that no culvert would be needed in the alley along Locust
    - If entire south half of block is to be graveled – Council concurred that culvert would probably not be necessary
  - Future plans are to construct new building on the south half of the block
  - Council had no objections to the plans/requests noting:
    - City retains all utility easement rights in alley and is not officially closing the alley

**REPORTS OF CITY OFFICERS:**

**MAYOR SMITH**

- ❖ Clarification of Stance on Spending
  - Wants to be cautious about spending
  - Requests should be beneficial, good, and necessary for citizens
    - Will work in trying to make requests a reality
  - Purchasing something extra just to make it easier may not happen

**March 16, 2011**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Noted that Eddie Shay will not meet deadline for construction of new building in 600 block of Market
  - Building permit expires this month
    - Filla told Eddie he would have to apply for a new building permit
  - Council requested that Eddie go through proper channels to renew permit
  
- ❖ Pipeline Safety Emergency Response Training
  - March 31<sup>st</sup> at Ottawa, Kansas
  - Announced that Public Works Superintendent Jim Johnson, Fire Chief Nasalroad, and himself will attend
  - No costs to the City
  
- ❖ KBI Training held at Community building today
  - Police officers throughout County attended
  
- ❖ Training in Olathe on March 24<sup>th</sup>
  - Chief Filla will attend
  - No Fees
  - Covers new system for receiving communications from Sheriff's office
  
- ❖ Part-time police officer Clint McCammon to graduate from KLETC this Friday
  - Taking training required to serve as police officer in part-time capacity
  
- ❖ New Police Car (2008 Chevy Blazer) is set-up and in operation

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Material for patching potholes has been ordered
  
- ❖ South water tower will be down for service next Tuesday, March 22<sup>nd</sup>
  - Tower will be drained for inspection
    - May cause fluctuations in pressure throughout town
  
- ❖ Noted that Basketball Court at Bittiker Park had not had lighting installed
  - Electricity has been installed
  - City Clerk Mahon reported that the project had been passed to him last summer
    - Mahon had not devoted time to the project as required
      - ◆ Asked if someone would like to pick up the ball and pursue
        - No one volunteered

**COUNCIL COMMITTEE REPORTS:**

**PARK**

- ❖ Councilman Boone requested that the north park (Bittiker) get a light pole for the basketball court

**CEMETERY**

- ❖ Councilman Boone requested that the drive be opened up, roads graded and widened and new rock applied in the old section.

**March 16, 2011**

**SPECIAL COMMITTEE REPORTS:**

**EMERGENCY MANAGEMENT – LINDA MEISEL**

- ❖ Radios that set off storm sirens are not narrow band compliant
- ❖ Must be compliant by January 01, 2013
- ❖ Contacted Blue Valley Sirens
  - This is Company that originally installed sirens and radios
  - Quotation to bring sirens into compliance: \$3015.75
- ❖ Sirens can be set off from:
  - City Hall; Police Chief's vehicle; One Fire Truck

✓ *Motion To Upgrade Sirens To Narrow Band Capabilities*

**Council Member Weitman moved to authorize project to upgrade sirens to make them narrow band compatible. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:28 p.m.**

- ❖ Emergency Gas Shut-off Valve
  - Linda noted that Council had briefly discussed pros/cons of adding a shut-off valve to main gas line on west edge of City
    - Currently have to travel to Henson to turn off gas
  - What does Council want to do
    - Superintendent Johnson had obtained quote for approximately \$8300
  - Council requested that more quotes be obtained

**SWAN FEST – CHAIRMAN LINDA MEISEL**

- ❖ Friday Evening June 3<sup>rd</sup>
  - Evening Parade
  - 5:30 Community Dinner
  - 8:00 Street Dance
- ❖ Will be closing streets for parade and street dance
- ❖ All other activities will be Saturday June 4<sup>th</sup> at the Park

**UNFINISHED BUSINESS:**

**SNOW PLOW QUOTES**

- ❖ Options were discussed
  - Contracting out the work; surplus equipment
- ❖ Council concurred to have Supt. Johnson obtain contracting prices and keep watch on available surplus equipment through the summer

**NEW BUSINESS:**

**DRAWING FOR \$50 GAS AWARENESS**

**March 16, 2011**

- ❖ Notice placed in March city-wide newsletter of \$50 drawing
  - Purpose was to measure how effective some of the city's gas awareness programs were working
  - Citizens asked to return survey and become eligible for drawing
    - Winner to receive \$50 credit on their utility bill
  - Only 5 surveys were returned
  - Winner of \$50 credit was Karen Garrett

**SURPLUS EQUIPMENT BIDS**

- ❖ Bids for Surplus Equipment were opened:
  - 1988 Hercules Trailer
    - No bids received
  - 1000 gallon water tank
    - One (1) Bid Received
      - ◆ Jerry Boone: \$110.00
  - 2002 Ford Crown Victoria
    - One (1) Bid Received
      - ◆ Jerry Boone: \$210.00

✓ *Motion To Accept Surplus Equipment Bids*

**Council Member Robbins moved to accept both surplus equipment bids as presented. Motion seconded by Council Member Fleming, voted on, passed 4-0-1.** Abstained: Boone  
Time: 7:45 p.m.

**DESIGNATION OF VOTING DELEGATE – KS RURAL WATER ASSOCIATION CONFERENCE**

✓ *Motion To Name Jerome Moore as Voting Delegate*

**Council Member VanVlack moved to name Jerome Moore as the City's voting delegate at the upcoming Kansas Rural Water Association Convention to be held in Wichita. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:47 p.m. **DIVERSIFIED CONTRACTING SEWER LAGOON PAY REQUEST**

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- ❖ Diversified Contracting had submitted a pay request for sewer lagoon work completed in 2008-2009
  - Amount submitted = \$99,387.20 = original bid
    - Pay request did not reflect change orders of January 2009
- ❖ Engineer John Brann of Ponzer-Youngquist had contacted Sue Page and was awaiting a call from Mike Page to discuss the change orders and confirm correct amount due
  - Ponzer-Youngquist was to notify City Clerk Mahon by e-mail as soon as Mike Page and Ponzer-Youngquist visited and determined a correct billing amount
    - No communication had been received from Ponzer-Youngquist by beginning of tonight's meeting. (Note: City Clerk Mahon checked e-mail later in meeting while council was in executive session: No e-mail had been received)
- ❖ No Action Taken by Council
  - Requested item be placed on next meeting agenda

**REQUEST FOR WAIVER OF COMMUNITY BUILDING FEE – GRADY'S KIDS**

- ❖ Benefit Poker Tournament being planned
  - Proceeds to benefit Grady's Kids aid organization

✓ *Motion To Waive Community Building Fee for Grady's Kids Organization*

**Council Member Robbins moved to waive the community building usage fee for Poker Tournament to benefit Grady's Kids organization. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:50 p.m.**

**REQUEST TO ATTEND FIREFIGHTER'S ASSOCIATION ANNUAL CONFERENCE**

- ❖ Manhattan, Kansas – April 28<sup>th</sup> thru 30<sup>th</sup>
- ❖ Registration: \$75 per person

✓ *Motion To Authorize Attendance At Firefighter's Association Conference*

**Council Member Weitman moved to authorize two (2) fire fighters to attend the Kansas State Firefighters' Association Annual Conference in Manhattan, Kansas from April 28<sup>th</sup> thru 30<sup>th</sup>, 2011. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:52 p.m.**

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Robbins moved to go into executive session up to forty-five (45) minutes for legal & personnel. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 7:53 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

Open Session Resumed at 8:39 p.m.

**March 16, 2011**

**OTHER BUSINESS:**

**MEDIATION AGREEMENT**

✓ *Motion To Approve Mediation Agreement*

**Councilman Weitman moved that the City approve the Mediation Agreement to permit the City to enter into mediated settlement discussions with Rural Water District No. 1 and Rural Water District No. 3 and relating to the lawsuit currently pending among the parties in Linn County District Court. Motion seconded by Council Member Boone, voted on, passed 5-0.**

Time: 8:41 p.m.

**WATER RATE ANALYSIS**

✓ *Motion To Approve Water Rate Analysis Proposal*

**Councilman Weitman moved that the City Council approve the Proposal for a Water Rate Analysis, City of LaCygne, Kansas, to be prepared by Carl Brown, according to the terms and conditions of the proposal, which proposal is dated March 15, 2011. Councilman Weitman furthered moved that the Mayor be authorized to accept the proposal by writing on behalf of the City. Motion seconded by Council Member Van Vlack, voted on, passed 5-0.**

Time: 8:42 p.m.

**CITY CLERK'S REPORT**

Verbal: Audit of the 2010 financial statements was to begin tomorrow March 17<sup>th</sup>.

Written:

- a] Mike Shultz
- b] Emergency Management
- c] Unfinished Business
- d] New Business

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Minutes: Chamber of Commerce – March 2011

**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 8:43 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 16<sup>th</sup> day of March 2011.

**March 30, 2011 Special Meeting**

**SPECIAL MEETING:**

The La Cygne City Council in Special Session on Wednesday, March 30, 2011 at the LaCygne City Hall. Council Members present were: Jerry Boone; Jake Fleming; Travis Robbins; Mike VanVlack; and Terry Weitman

Others present included but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Attorney Mike Shultz; Dan Hardin; and James Dean.

Mayor Keith Smith called the special meeting to order at 5:00 p.m. for the purposes of:

1. Rural Water Litigation

**EXECUTIVE SESSION:**

✓ *Motion to Go Into Executive Session*

**Council Member Weitman moved to go into executive session up to sixty (60) minutes for legal purposes and noting that Dan Hardin of BG Consultants would also participate in a portion of the session to help develop City litigation strategy. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** Time: 5:02 p.m.

In addition to the Mayor and Council Members, others participating in the executive session included: City Attorney John Sutherland; Attorney Mike Shultz; City Clerk Gary Mahon; and Dan Hardin.

Executive Session Extended

✓ *Motion to Extend Executive Session*

**Council Member Robbins moved to extend the executive session up to sixty (60) minutes for legal purposes. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** Time: 6:00 p.m.

Executive Session Extended

✓ *Motion to Extend Executive Session*

**Council Member Robbins moved to extend the executive session up to fifteen (15) minutes for legal purposes. Motion seconded by Council Member VanVlack, voted on, passed 5-0.** Time: 7:02 p.m.

Open Session Resumed at 7:17 p.m.

**March 30, 2011 Special Meeting**

**BG CONSULTANTS AGREEMENT**

✓ *Motion to Approve Agreement With BG Consultants*

**Council Member Weitman moved to enter into a Consultant-Client Agreement with BG Consultants, Inc., concerning pending litigation with the rural water districts. Motion seconded by Council Member Fleming.** Discussion: Attorney Shultz noted a contradiction between sections 5.2 on page 6 of 11 as compared to wording on page 9 of 12 concerning binding arbitration. Discussion followed.

**The motion was amended to read: enter into a Consultant-Client Agreement with BG Consultants, Inc., concerning pending litigation with the rural water districts noting that section 5.2 is hereby deleted and agreeing that binding arbitration will be part of the contract. Motion was then voted on, passed 5-0.** Time: 7:23 p.m.

**ADJOURNMENT:**

✓ *Motion for Adjournment*

**Council Member Fleming moved to adjourn the special meeting. Motion seconded by Council Member Boone, voted on, passed 5-0. The meeting was adjourned at 7:23 p.m.**

I, \_\_\_\_\_  
(Gary D. Mahon)

LaCygne Deputy City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 30<sup>th</sup> day of March 2011.

**April 06, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, April 06, 2011 at 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; City Attorney John Sutherland; Police Chief Paul Filla; Police Officer John Epperson; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Brian Turpen; Eddie Shay; Danny Curtis; LeRoy Turpen; Bob Sullivan; Jason Hightower; Bill Smith; Debbie Wilson; Emil Wilson; Esther Shields; Dan Bosley; and Jerome Mitzner.

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

**MAYOR'S COMMENTS:**

- ❖ Read excerpts from letter praising Officer John Epperson
- ❖ Congratulations to winners in recent City Elections
- ❖ Thank You's to outgoing Council Members

**CONSENT AGENDA:**

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

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

Minutes of March 16, 2011 Regular City Council Meeting  
Minutes of March 30, 2011 Special City Council Meeting  
Check Register: March 17 through April 06, 2011

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Reported on Arrest of 20 year old male
  - Attempted indecent liberties
    - No Bond. Charges to be filed.
- ❖ Upgrade of Radios to Narrow Band Compliant – Progress Report
  - Rep from Commenco recently visited with City Officials
  - City is compliant and licensed to convert to narrow band
    - Deadline to convert is January 01, 2013
  - Radios are ready but must be re-programmed
    - Waiting to coordinate with Linn County Sheriff's Department
    - Will take ½ day to reprogram all of City associated radios
      - ◆ Cost by Commenco = \$90 per hour

**April 06, 2011**

- Base station radio in city hall is legal
  - Paul does not think necessary to put repeaters in individual cars
    - There are a few dead spots around town, but they are manageable
  - Chief Filla recommended holding off installing repeaters in the individual police cars
    - Cost would be approximately \$6,000
  - Emergency Preparedness Coordinator Linda Meisel noted that the city's storm sirens cannot be converted to narrow band until the base station and police/fire radios are ready
  - Chief Filla noted that recent testing confirmed that the city's storm sirens could be set off from the police department 2008 Silverado.
- 
- ❖ Reported on recent "Pipeline Emergency Response" training at Ottawa, Kansas
    - Rated it as a good safety training meeting
  - ❖ Noted that Ron Taylor of 2<sup>nd</sup> Saturday Store had registered concern about Reed Mineral
    - Dust from coal residue was blowing into their building.

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Noted that Jerome Moore and Lisa Elmore had recently attended the Kansas Rural Water Association Convention in Wichita
  - Lisa was unable to take water license test due to illness
- ❖ Reported on Good Pipeline Safety Meeting at Ottawa
- ❖ Still searching for bids for water tower telemetry
- ❖ Reported on drainage problem at La Harper Heights
  - Problem of standing water southwest of buildings
    - Should City correct problem? Or have Housing Authority Board take care of problem?
      - ◆ Councilman Weitman suggested cutting some ditches to divert water
  - Jim will take pictures of area
  - Mayor asked that this item be placed on next meeting's agenda
- ❖ Continuing to work on the cattail problem at the water plant sludge ponds
  - Progress is being made.
- ❖ Reported that the park board would donate the old chain link fence that was around the old swimming pool if the City had a use for it.
  - Jim suggested putting up in front of water plant sludge ponds
    - Would catch blowing debris from trash compactor before it lands in sludge ponds
    - Would require purchasing some materials to erect the donated fence
      - 2" pipe for 10 posts

✓ *Motion Authorizing Sludge Pond Fence*

**Council Member VanVlack moved to allow Supt. Johnson to accept used fence from park board and construct the fence in front of sludge ponds for purpose of trapping trash, plus authorizing the purchase of 2" pipe for ten (10) poles. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:19 p.m.**

- ❖ Reported that problem with a sewer line on 8<sup>th</sup> street had been repaired

**April 06, 2011**

- ❖ Mowers are being readied for the upcoming mowing season
  - Supt. Johnson preparing a list of city-owned properties that are mowed each year
    - Will share list with Council. More properties mowed than what most people realize
- ❖ Noted that public works is assisting park board with installing a water line to the park maintenance building.
- ❖ Gas & Water Line Removal
  - Removed at property recently purchased by Christian Church
  - Removed at property recently purchased by Curt Heide (Park & Broadway)
    - Each party to be billed \$90 for two hours work at each site.

### **COUNCIL COMMITTEE REPORTS:**

#### **PARK**

- ❖ Councilman Robbins inquired as to why basketball Backboards in Bittiker Park had been painted black
  - Per Supt. Johnson: Black was only color that would cover recent graffiti

#### **CEMETERY**

- ❖ Councilman Boone reported that efforts were being made to coordinate the project of re-rocking the cemetery roads
  - Will try to do as many as can be done within current budget
- ❖ Councilman Boone also suggested starting a program of planting new trees every time an old one has to be taken out

### **SPECIAL COMMITTEE REPORTS:**

#### **CHAMBER OF COMMERCE – JASON HIGHTOWER**

- ❖ Noted upcoming county-wide chamber meeting to be held at Pleasanton
- ❖ Reported on upcoming Swan Fest Activities
  - Chamber is planning the "Great Swan Race"
    - Plastic swans (ducks) numbered, dropped into river, first to finish line wins
      - ◆ Possible to win \$100,000
- ❖ Chamber embarking on project of 'branding' the town by encouraging the use of "Swan" in anything connected to La Cygne
- ❖ Encouraging citizens to purchase Swans for decorative items in front of their homes/businesses
- ❖ Jason asked Council to consider the proposal of adding a "Swan" logo to the south water tower when it is painted later this year.
  - Cost = \$2800 if painted on one side; \$4200 if painted on both sides
- ❖ Discussion Followed
  - Council Members generally felt logo was good idea
  - Concerns about current budget restraints and on-going litigation with rural water districts
  - Chamber's current budget tied up with on-going fund raisers
  - Chamber and Council in agreement on benefits of "branding"
    - Available funds was sticking point
- ❖ Mayor asked to have this item placed on next meeting's agenda

**April 06, 2011**

- City Clerk Mahon noted that a decision needed to be made soon
  - Contractor needed to be setting its work schedule

**UNFINISHED BUSINESS:**

**DIVERSIFIED CONTRACTING SEWER LAGOON PAY REQUEST**

- ❖ No action taken
  - Mike Page had not yet contacted Ponzer Youngquist to concur on final amount due
  - Item will not be placed on agenda again until recommendation received from engineers

**NEW BUSINESS:**

**OFFICIAL APPOINTMENT OF SWAN FEST (FIESTA) COMMITTEE**

- ❖ Mayor Keith Smith appointed the following to the 2011 Swan Fest Committee:
  - Chris Waddell; Jodi Wade; Linda Meisel; Amy Loomis; Tami Blanck; Tina Stillians; and Nikki Schlesener

✓ *Motion To Accept Swan Fest Committee Appointments*

**Council Member Robbins moved to accept appointments to the Swan Fest committee as presented. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:49 p.m.

**APPROVAL OF MEDIATION AGREEMENT WITH ROBERT A. FOX**

- ❖ Council had approved entering into a mediation agreement with party to be named later at a previous meeting
- ❖ Attorney Mike Shultz had now requested that Council now approve the actual written agreement with Robert A. Fox
  - Cost of Agreement to be split equally with RWD 1 and RWD 3

✓ *Motion To Approve Mediation Agreement With Robert A. Fox*

**Council Member Robbins moved to approve the mediation agreement with Robert A. Fox. Motion seconded by Council Member Weitman, voted on, passed 5-0.** Time: 7:50 p.m.

**CITY ATTORNEY MEETING: JUNE 3<sup>RD</sup> AT LAWRENCE**

✓ *Motion To Authorize Attendance at City Attorney Meeting*

**Council Member Robbins moved to send John Sutherland to City Attorneys Association of Kansas meeting in Lawrence on June 3rd. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:51 p.m.

**YOUTH EMPLOYMENT GRANT**

- ❖ Nine are available

**April 06, 2011**

- Awarded to businesses first
- Government entities considered if any are left over
- ❖ Supt. Johnson would like to have two youths
  - One to assist with Public Works the other to assist with cemetery

✓ *Motion To Authorize Youth Grant Application*

**Council Member Boone moved to authorize applying for youth grant for two (2) positions. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:51 p.m.**

**EDDIE SHAY – EXPIRED BUILDING PERMIT**

- ❖ Building permit to construct commercial building in Block 48 on Market Street expired at end of March 2011
  - Permit originally issued September 2009
  - Eddie had been before council in November 2010 due to no progress being made on building
    - At that time Council directed Eddie to have project completed by end of March 2011 and Eddie agreed
- ❖ Eddie had visited with Codes Officer Filla and City Clerk Mahon on April 05, 2011 about an extension
  - Eddie was informed
    - Payment of permit fees would have to be made again
    - A firm completion date needed to be established
      - ◆ July 1<sup>st</sup> agreed upon with completion meaning building ready for occupancy or able to enter into lease agreement with tenant
    - \$500 fine could be imposed for missing deadline + possible other sanctions
- ❖ Eddie agreed to July 01, 2011 deadline and that the building would be roughed-in and enclosed within two weeks.
  - By July 1<sup>st</sup>
    - Building would be ready for occupancy
      - ◆ Completion of the interior of the portion of building designated to be rented/leased would be based on the lessee's business needs.
- ❖ Hard Surface Parking Area
  - Original building permit allowed two (2) years after building completion to hard surface the parking area after building was completed
  - Council extended only to July 1, 2012 the date by which the parking area must be permanently hard surfaced.
    - Eddie agreed to this stipulation.

✓ *Motion To Extend Building Permit for Eddie Shay*

**Council Member Robbins moved to extend completion date for Eddie Shay's commercial building permit to July 01, 2011 and extend completion date for hard surface parking to July 01, 2012 and require re-payment of original building permit fee. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:18 p.m.**

**April 06, 2011**

**SWAN LOGO ON WATER TOWER**

- ❖ Esther Shields, representing Lincoln Township Board, asked Council to re-open discussion of Swan Logo on Water Tower
  - Esther announced that Lincoln Township would donate \$2100 to the project if City would do the remaining \$2100

✓ *Motion To Authorize Painting of Swan Logo on Water Tower*

**Council Member Boone moved to match Lincoln Township's \$2100 contribution and authorize painting a Swan logo on two sides of the south water tower. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:20 p.m.**

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session up to fifteen (15) minutes for legal & personnel following a five (5) minute break. Motion seconded by Council Member VanVlack, voted on, passed 5-0. Time: 8:21 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 Paul Filla.

Open Session Resumed at 8:42 p.m.

**OTHER BUSINESS:**

None.

**CITY CLERK'S REPORT**

Verbal:

Written:

- a] Mike Shultz
- b] Consent Agenda
- c] Chamber of Commerce Update – Jason Hightower
- d] Unfinished Business Agenda Items
- e] New Business Agenda Items

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Thank You from Mine Creek Amateur Radio Club
- b] Certificate of Completion – Clint McCammon – Part-Time Basic - KLETC

**April 06, 2011**

**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 8:44 p.m.

I, \_\_\_\_\_ LaCygne City Clerk, do hereby declare the  
(Gary D. Mahon) above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 6th day of April 2011.

**April 20, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, April 20, 2011 at LaCygne City Hall. Council Members present were: Jerry Boone; Travis Robbins; Mike VanVlack; and Terry Weitman.

Councilman Jake Fleming arrived at 7:51 p.m.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Police Officer John Epperson; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Emergency Preparedness Coordinator Linda Meisel; Judy Kinder; Charlene Sims; Rod Benson; LeRoy Turpen; Marvin Clements; Art Terry; Esther Shields; Jean Allen; Bob Sullivan; Jerome Mitzner; Fred Meisel; Dan Bosley; Scott Stainbrook; and Danny Curtis.

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

**MAYOR'S COMMENTS:**

- ❖ Read Thank You from Nicole Hays Servos for use of Community Building for fund raising event
- ❖ Noted that this would be his last regularly scheduled meeting as Mayor
  - Thank you's to all employees, committee members, and council members he had worked with
- ❖ Presented outgoing Council Members Jerry Boone and Mike VanVlack with plaques of appreciation
- ❖ Council President and Mayor-Elect Terry Weitman presented outgoing Mayor Smith with plaque of appreciation

**CONSENT AGENDA:**

✓ *Motion to Approve Consent Agenda*

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

Minutes of April 06, 2011 Regular City Council Meeting  
Check Register: April 07 through April 20, 2011  
Budget Report: March 2011  
Treasurer's Report: March 2011

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 39 of 131 Pages **YEAR = 2011**

1<sup>st</sup> Quarter 2011 Financial Statement

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

**April 20, 2011**

**DISCUSSION FROM THE FLOOR:**

**ESTHER SHIELDS**

- ❖ Appreciated the Thank You note from the city concerning Lincoln Township's contribution to Swan Logo
  - Noted that it would be more appropriate for Swan Logo expense to be paid from General Fund
    - Utility funds are not supposed to be used for expenses not related to the utility
      - ◆ Swan Logo is an addition not necessitated by the water utility
  - Point was duly noted by Council and City Clerk
    - \$4200 Logo Expense will be paid out of general fund.

**MARVIN CLEMENTS**

- ❖ Thanked Council for adding the Swan Logo to the water tower
- ❖ Thanked Township Board for its financial contribution to Swan Logo
- ❖ Reported on the upcoming "Bike Across Kansas"
  - June 11th
  - 900+ Bikers and support staff
  - Ending at Linn County Park
- ❖ Reminded Council of Swan Race scheduled during the upcoming Swan Fest

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Reported on the April 12<sup>th</sup> seminar at Greenbush Educational Service Center
- ❖ Request to Amend Weed Ordinance
  - Suggested amending current city codes
    - High grass/weeds only 1 letter sent to violators
      - ◆ Letter stating that grass would be mowed by city if allowed to grow too high and no more notices would be sent
  - New ordinance will be presented to council at next meeting

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Reported on corrections made to alleviate drainage problem at LaHarper Heights
- ❖ Reported on pot holes in alley behind library
  - Filled in holes with gravel
  - Recent problem with citizen becoming stuck in a pot hole
- ❖ Reported on assistance given in moving storage building in city park + other projects
- ❖ Water plant sludge pond cattail problems
  - First two chemicals did not eliminate problem
  - Will try a 3<sup>rd</sup> chemical that state suggested
    - Cost will be approximately \$400
- ❖ Water tower telemetry – still only 1 quote received
- ❖ Gas Valve – Recently received another quote

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 40 of 131 Pages **YEAR = 2011**

**April 20, 2011**

- ❖ Cemetery – Dept. has spent approx 20 hours helping Dan who has been down in back
  - Cemetery is caught up and under control

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Thanked Public Works Dept. for their assistance
  - Dan had been down in back and unable to work for a few days
- ❖ Noted that fire department needs to order 2 sets of bunker gear
  - Cost approximately \$2500 for both
  - Dan noted and council concurred that the plan was for fire dept to replace two sets on an annual basis

✓ *Motion To Authorize Purchase of Bunker Gear*

**Council Member VanVlack moved to spend up to Two Thousand Five Hundred Dollars (\$2500) for two (2) sets of bunker gear. Motion seconded by Council Member Boone, voted on, passed 4-0.** Time: 7:24 p.m.

**COUNCIL COMMITTEE REPORTS:**

**CEMETERY**

- ❖ Caretaker Dan Nasalroad asked for clarification on re-seeding burial plots
- ❖ City Clerk Mahon noted that previous caretakers reported:
  - Local families took care of seeding plots; however
  - City re-seeded plots for families who no longer lived in the area
- ❖ Councilmen Boone and VanVlack state they felt City should take care of all seeding

✓ *Motion To Authorize & Direct Seeding of Oak Lawn Cemetery*

**Council Member Boone moved that City be in charge of seeding burial plots and other areas of cemetery as needed. Motion seconded by Council Member VanVlack, voted on, passed 4-0.** Time: 7:27 p.m.

- ❖ Caretaker Nasalroad reported on need for spreader
  - To pull behind mower
  - To help kill grubs
  - Council noted that department heads are authorized to spend up to \$500 for needed purchases

**SPECIAL COMMITTEE REPORTS:**

None.

**UNFINISHED BUSINESS:**

**DIVERSIFIED CONTRACTING SEWER LAGOON PAY REQUEST**

- ❖ A new pay estimate was received from Ponzer-Youngquist
  - New total = \$96,563.20
    - Credit of \$1200 for sterilization and \$1624 for concrete encasement line post

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 41 of 131 Pages **YEAR = 2011**

**April 20, 2011**

- Credit of \$10,100 for (4) 12" valves
- Add charge of \$10,100 for extra work of excavate existing valve; refill and recompact excavated material; and installation and seeding of three ditch checks
- Council inquired as to signed changed orders and how value of extra work was calculated
  - City does not have copy of signed change orders or statement of values for extra work
- Council instructed Attorney Sutherland to contact the parties to clarify the pay request

**NEW BUSINESS:**

**GOVERNING BODY INSTITUTE & MAYOR'S CONFERENCE**

- ❖ May 13-14, 2011 at Topeka, Kansas
- ❖ Registration: \$160
- ❖ Councilmember-Elect Bob Sullivan reported that he would like to attend the Institute, arriving on Friday evening
- ❖ Councilmember Weitman noted that it was a very worthwhile Conference

✓ *Motion To Authorize Attendance at Governing Body Institute and Mayor's Conference*

**Council Member Robbins moved to send Bob Sullivan to the Governing Body Institute & Mayor's Conference May 13<sup>th</sup> – 14<sup>th</sup> in Topeka, Kansas with City paying normal associated costs. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:39 p.m.**

**COLOR OF WATER TOWER ROOF**

- ❖ City Clerk noted that tower was to be painted aluminum with Lettering and Swan Logo to be black
  - Roof could painted a different color
  - Council concurred to paint roof black

**REQUEST TO PURCHASE TRAILER**

- ❖ Councilman Boone offered to purchase the 1988 Hercules Trailer
  - Trailer had been listed as surplus
    - No bids were received
    - Could now be sold to anyone giving a bona fide offer
  - Council concurred not to sell below amount they could receive for scrap
    - Decided not to sell at present time

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Robbins moved to go into executive session up to fifteen (15) minutes for personnel following a ten (10) minute break. Motion seconded by Council Member VanVlack, voted on, passed 4-0. Time: 7:50 p.m.**

In addition to the Mayor, Council Members, and City Attorney, those who requested time or were invited into the executive session included: Various public works employees.

Councilman Fleming arrived at the meeting at 7:51 p.m.

Executive Session Extended

**April 20, 2011**

✓ *Motion To Extend Executive Session*

**Council Member VanVlack moved to extend the executive session for personnel for up to fifteen (15) minutes. Motion seconded by Council Member Robbins, voted on, passed 5-0.**  
Time: 8:16 p.m.

Open Session Resumed at 8:27 p.m.

**OTHER BUSINESS:**

**1988 HERCULES TRAILER SALE**

- ❖ Councilman Robbins reported that he had visited with Jerry Boone during break
  - Jerry upped his offer for the trailer to \$300
    - Exceeds amount that could be received for scrap metal
  - Attorney Sutherland confirmed that trailer had been advertised for bids
    - None received so therefore could be sold

✓ *Motion To Sell 1988 Hercules Trailer*

**Council Member Robbins moved to accept offer of three hundred dollars (\$300.00) from Jerry Boone for purchase of 1988 Hercules trailer. Motion seconded by Council Member Fleming, voted on, passed 4-0-1.** Abstained: Boone Time: 8:30 p.m.

**CITY CLERK'S REPORT**

Verbal:

Written:

- a] Reports of City Officers
- b] Unfinished Business Agenda Items
- c] New Business Agenda Items
- d] Executive Session

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Thank you from La Harper Heights for drainage remedy
- b] Certification of 2011 Election
- c] Park Board Minutes: March 31, 2011

**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 8:31 p.m.

I, \_\_\_\_\_  
(Gary D. Mahon)

LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 20th day of April 2011.

**May 04, 2011**

**OATH OF OFFICE: (Terry Weitman, Linda Meisel, Robert Sullivan)**

City Clerk Gary Mahon administered the oath of office to Mayor-elect Terry Weitman and Council Members-elect Linda Meisel and Robert Sullivan. Time: 7:00 p.m.

Upon accepting the Office of Mayor, Terry Weitman was deemed to have automatically vacated and forfeited his former position as council member thereby creating a vacancy on the La Cygne City Council.

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, May 04, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; and Robert Sullivan.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Police Officer John Epperson; Myrna Weitman; Judy Kinder; Charlene Sims; Fred Meisel; Jean Allen; Esther Shields; Devona Herrin; Joe Turpen; and Danny Curtis.

Mayor Weitman called the meeting to order at 7:03 p.m. by leading in the Pledge of Allegiance.

**APPOINTMENT TO VACANT COUNCIL POSITION**

Mayor Terry Weitman appointed Esther Shields to fill the remainder of his vacated term. The term will end at the first regularly scheduled city council meeting in May 2013.

✓ *Motion to Accept Appointment of Esther Shields to City Council*

**Council Member Robbins moved to accept the Mayor's Appointment of Esther Shields to the remaining city council term that was vacated by Terry Weitman. Motion seconded by Council Member Fleming, voted on, passed 4-0.** Time: 7:04 p.m.

**OATH OF OFFICE: (Esther Shields)**

City Clerk Gary Mahon administered the Oath of Office to newly appointed city council member Esther Shields. Time: 7:05 p.m.

**MAYOR'S COMMENTS:**

- ❖ Read thank you cards
  - Pattie & Walt Endecott (Franklin Family)
  - Frankie Elder, Chris Epperson, and Deana Nash (Grady's Kids)
    - Use of Community Building for fund raiser
- ❖ Reminded of upcoming events
  - May 5<sup>th</sup>: Community Prayer Breakfast at Library
  - May 7<sup>th</sup>: City Wide Garage Sale
  - June 3-4: Swan Fest
    - Parade Friday @ 7pm
    - Dinner Friday @ 5:30 pm
  - June 11<sup>th</sup>: Bike Across America

**May 04, 2011**

**NEW YEAR ORGANIZATION:**

Mayor Weitman presented the following list of appointments for Council approval:

**CITY OFFICERS APPOINTMENTS**

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

**OFFICIAL CITY NEWSPAPER**

- ❖ *Linn County News*

**PLANNING COMMISSION APPOINTMENTS: 3 YEAR TERMS**

- ❖ Ron Wier
- ❖ Ken McClanahan
- ❖ Don Long

**STANDING COUNCIL COMMITTEE APPOINTMENTS**

- |                       |                    |
|-----------------------|--------------------|
| ❖ Water & Gas:        | Robbins & Meisel   |
| ❖ Street:             | Fleming & Meisel   |
| ❖ Sewer:              | Fleming & Sullivan |
| ❖ Park:               | Fleming & Sullivan |
| ❖ Cemetery:           | Meisel & Shields   |
| ❖ Public Safety:      | Meisel & Robbins   |
| ❖ Community Building: | Sullivan & Shields |
| ❖ Employee Relations: | Robbins & Shields  |

City Clerk Gary Mahon explained that council usually approves the entire list of appointments in one motion. However each council member has the right to request that the appointments be approved on an item by item or office by office basis.

✓ *Motion to Approve Mayoral Appointments*

**Council Member Robbins moved to approve the Mayor's appointments as listed. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:11 p.m.**

**May 04, 2011**

**Record of the Proceedings of the Governing Body**  
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**RESOLUTION No. 343 – WAIVER OF ACCOUNTING PROCEDURES**

✓ *Motion to Approve Resolution No. 343*

**Council Member Shields moved to approve Resolution No. 343 waiving certain accounting procedures. Motion seconded by Council Member Meisel, voted on, passed 5-0.** Time: 7:12 p.m.

**RESOLUTION No. 344 – AUTHORIZING EARLY PAYMENT OF CERTAIN BILLS**

✓ *Motion to Approve Resolution No. 344*

**Council Member Shields moved to approve Resolution No. 344 authorizing early payment of certain bills. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:13 p.m.

**ELECTION OF COUNCIL PRESIDENT**

✓ *Motion to Appoint Council President*

**Council Member Fleming moved to appoint Travis Robbins as Council President. Motion seconded by Council Member Meisel, voted on, passed 5-0.** Time: 7:13 p.m.

**CONSENT AGENDA:**

✓ *Motion to Approve Consent Agenda*

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

Minutes of April 16, 2011 Regular Meeting  
Check Register: April 21 thru May 04, 2011

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ 5 more letters have been sent for yard violations
- ❖ Dog Neutering Program
  - Sharon Woodrum – Louisburg, Kansas
    - Setting up program to provide low cost pet neutering services
- ❖ Council Member Sullivan inquired about property at 5<sup>th</sup> & Swan
  - No structure there but lots of debris Sullivan
    - Property owners recently received a letter Filla
- ❖ Mayor Weitman noted that new council was still in support of clean-up efforts

**May 04, 2011**

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Waiting on a 3<sup>rd</sup> price quote for gas valve
- ❖ Have Received 2 quotes for water tower telemetry to water plant
- ❖ Bike Across Kansas – June 11<sup>th</sup>
  - Would like to clean curbs on Market & Broadway in preparation for the event
    - Would prefer to do at night when cars are off the street
      - ◆ This would require overtime
        - 3 employees at 5 – 6 hours each
    - Council was O.K. with doing the project after-hours
- ❖ Lagoons recently mowed
  - Not sprayed – too windy
- ❖ Council Member Sullivan inquired about worn windsock at water plant
  - It is required and public works have been making plans to replace Johnson

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Noted that fire department has a windsock they will donate to water department
- ❖ Noted that Fireman Fleming and himself had attended the annual firefighters conference
  - New training requirements
    - Upgrading minimum standards
      - ◆ La Cygne Fire Dept. is ahead of scale
- ❖ Reminded of upcoming benefit for Osawatomie Fire Fighter on May 7<sup>th</sup>
  - Dinner and Motorcycle Ride

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Noted that part-time officers Tate West & Jim Hogue will be taking KLETC challenge test
  - Monday May 9<sup>th</sup>
    - Training had lapsed
      - ◆ Successful passing of exam eliminates need to attend KLETC school

**COUNCIL COMMITTEE REPORTS:**

**CEMETERY**

- ❖ Caretaker Nasalroad had received a price quote from Carl Marr to remove 4 dead oak trees
  - Before revealing amount wanted to determine if council wanted to use Carl or put out for bid
    - Carl had done an excellent job in tree removal last year
  - It was noted that previous council had indicated a willingness to use Carl on all future tree removals
    - 3<sup>rd</sup> class cities are not required to obtain bids
      - ◆ Council concurred
  - Price to remove 4 trees, stumps, and debris =\$2,000

**May 04, 2011**

✓ *Motion to Authorize Tree Removal at Oak Lawn Cemetery*

**Council Member Meisel moved to allow Carl's Tree Service to remove four (4) trees from Oak Lawn Cemetery at a cost of Two Thousand Dollars (\$2,000.00). Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 7:29 p.m.**

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**DIVERSIFIED CONTRACTING SEWER LAGOON PAY REQUEST**

Nothing to Report

**NEW BUSINESS:**

**MOSQUITO SPRAYING FOR PARKER**

- ❖ City of Parker had asked for assistance in mosquito spraying
  - La Cygne has helped the past two summers
- ❖ City Clerk Mahon had reported that costs would increase approximately \$5 due mainly to wages paid
  - Amount charged in 2010 = \$300
- ❖ Public Works Superintendent Johnson inquired about recouping more costs for machinery wear/tear
  - Noted that machine is old and getting worn out
    - Have to re-calibrate each year
  - Sprayed 3 times for Parker in 2009 and 1 time in 2010 Mahon
- ❖ Council discussed various costs associated with the project
- ❖ Mayor Weitman asked Public Works Superintendent to make recommendation at next meeting

**ORDINANCE NO.1397 – TALL WEEDS**

- ❖ The ordinance had been requested by Police Chief Paul Filla
  - Clarifies definition of weeds and procedures to cite non-compliance
  - Allows option of issuing only one notice per calendar year
    - Saves time and money in notifying repeat offenders
  - Ordinance applies to only weeds and does not apply to other nuisances

✓ *Motion To Approve Ordinance No. 1397 – Weeds*

**Council Member Robbins moved to approve Ordinance No. 1397 as presented. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:39 p.m.**

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**May 04, 2011**

**RESOLUTION No. 342 – CLOSE STREETS FOR SWAN FEST**

✓ *Motion To Approve Resolution No. 342*

**Council Member Fleming moved to approve resolution No. 342. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:40 p.m.

**SUMMER HELP – YOUTH GRANT**

- ❖ City Clerk Mahon reported that the City did not receive Summer Youth Grant Employment funds this year
- ❖ Public Works Superintendent Johnson and Cemetery Caretaker Nasalroad noted the benefits to their departments of having the extra summer help
  - Youths would have to be at least 16 years old to operate mowers, etc.

✓ *Motion To Authorize 2 Part-time Summer Help Positions*

**Council Member Robbins moved to authorize two (2) positions for part-time summer help at \$7.25 per hour with applicants being at least sixteen (16) years of age.** Discussion: Set time frame such as 10 weeks? No time frame set. **Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:44 p.m.

**RESOLUTION No. 345 – ELEMENTARY PLAY DAY STREET CLOSING**

- ❖ Resolution would allow closing of Walnut from 8<sup>th</sup> to 7<sup>th</sup> on May 23rd from 9:00 a.m. to 3:00 p.m.

✓ *Motion To Approve Resolution No. 345*

**Council Member Fleming moved to approve resolution No. 345. Motion seconded by Council Member Meisel, voted on, passed 5-0.** Time: 7:47 p.m.

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to fifty (50) minutes following a ten (10) minute break. Motion seconded by Council Member Meisel, 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 portions of the executive session included: City Clerk Gary Mahon and Police Chief Paul Filla.

Open Session Resumed at 8:46 p.m.

**May 04, 2011**

**OTHER BUSINESS:**

**AUTHORIZATION TO SEND RESERVES TO FUTURE PART-TIME KLETC TRAINING**

✓ *Motion To Authorize Future Part-Time KLETC Training for Reserves*

**Council Member Meisel moved to allow Police Chief Paul Filla to send one (1) Reserve Officer per year to part-time KLETC training school and be paid wages for a forty (40) hour week at the rate of ten dollars (\$10.00) per hour. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:48 p.m.**

**LIGHTING OF BASKETBALL COURT AT BITTIKER PARK**

- ❖ City Clerk Mahon accepted responsibility for project not being completed
  - Project was forwarded to him and he has not completed the task
    - Received one quote for lighting the court
    - Noted that electricity had been installed and is ready to go
  - Asked if anyone wanted to take over the project?
    - No volunteers (Damn it)

**ADDITIONAL STREET LIGHTS FOR BROADWAY**

- ❖ Police Chief Filla reported that the northern portion of Broadway was dark and would benefit from more street lights
  - City Clerk Mahon noted that street lights were paid through franchise tax on residents/businesses monthly electric bills
    - City would need to determine where it wanted new lights, what wattage, type of pole, underground or above ground wiring, etc.
      - ◆ Approved request would then be submitted to KCPL who would draft drawings and agreement
  - City Clerk asked Chief Filla to provide suggested locations and get back with him on the other aspects in order to present to council for their consideration

**CITY CLERK'S REPORT**

Verbal: None

Written:

- a. New Year Organization
- b. Annual Appointments
- c. Unfinished Business Items
- d. New Business Items

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a. Certificate of Participation: Paul Filla – Addressing the Needs of Children in Drug Environments

**Record of the Proceedings of the Governing Body**  
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**May 04, 2011**

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Shields, voted on, passed 5-0.** The Regular meeting was adjourned at 8:53 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 4th day of May 2011.

**May 11, 2011 Special Meeting**

**SPECIAL MEETING:**

The La Cygne City Council met in Special Session on Wednesday, May 11, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others present included but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Attorney Mike Shultz; and Attorney Jim Kaup.

Mayor Terry Weitman called the special meeting to order at 7:04 p.m. for the purposes of:

2. Rural Water Litigation

**EXECUTIVE SESSION:**

✓ *Motion to Go Into Executive Session*

**Council Member Meisel moved to go into executive session up to Ninety (90) minutes for purpose of discussing rural water litigation. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:05 p.m.

In addition to the Mayor and Council Members, others participating in the executive session included: City Attorney John Sutherland; Attorney Mike Shultz; Attorney Jim Kaup; and City Clerk Gary Mahon.

Open Session at 8:35 p.m.

Executive Session Extended

✓ *Motion to Extend Executive Session*

**Council Member Robbins moved to extend the executive session up to twenty (20) minutes, following a five (5) minute break, for purpose of discussing rural water litigation. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 8:36 p.m.

Open Session at 9:01 p.m.

Executive Session Extended

**May 11, 2011 Special Meeting**

✓ *Motion to Extend Executive Session*

**Council Member Robbins moved to extend the executive session up to fifteen (15) minutes for purposes of discussing rural water litigation. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 9:03 p.m.

Open Session Resumed at 9:18 p.m.

**ADJOURNMENT:**

✓ *Motion for Adjournment*

**Council Member Fleming moved to adjourn the special meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0. The meeting was adjourned at 9:21 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 11<sup>th</sup> day of May 2011.

**May 18, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, May 18, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; and Robert Sullivan. Absent: Esther Shields.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Police Officer John Epperson; Judy Kinder; Charlene Sims; Fred Meisel; Le Roy Turpen; Allen Huggins; and Jerry Boone.

Mayor Weitman called the meeting to order at 7:01 p.m. by inviting Council Member Linda Meisel to lead in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

❖ Reminded everyone of upcoming community events including Swan Fest and Bike Across Kansas.

**CONSENT AGENDA:**

✓ *Motion to Approve Consent Agenda*

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

Minutes of May 4, 2011 regular city council meeting;  
Minutes of May 11, 2011 special city council meeting;  
Check Register: May 05 through May 18, 2011;  
Budget Report: April 2011;  
Treasurer Report: April 2011;

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

**May 18, 2011**

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Street Light on North Broadway
  - Recommended addition of 1 street light
    - Approximately half way between light at Lincoln and Broadway and the next light south
      - ◆ Area where Grandview would intersect Broadway if Grandview extended west
  - Council had previously been provided with list of annual cost for various size and style of street lights
    - Electric franchise tax collected by KCPL from city customers to pay for street lights

✓ *Motion to Authorize Additional Street Light on North Broadway*

**Council Member Robbins moved to add a street light on Broadway south of Lincoln in the area where an extended Grandview would intersect with Broadway. Motion seconded by Council Member Meisel, voted on, passed 4-0. Time: 7:29 p.m.**

- ❖ City Clerk Mahon asked for clarification as to what size/style of street light
  - Answer: 9500 lumen single, wood pole, overhead
- ❖ Chief Filla noted that he would be meeting next Monday with Swan Fest Committee
  - Parade security, parade routes, event scheduling, etc.
- ❖ Mayor Weitman noted that Linn County News Reporter Judy Kinder would be taking a leave of absence until sometime in August
  - Wished her an enjoyable summer

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Reed Mineral Water
  - 2" meter = \$2,000+ 4" meter = \$4,000+
  - Cost would be billed to Reed Mineral
    - Supt. Johnson volunteered to have public works install meters with no charge
  - Police Chief Filla reported that most of the fly ash had been removed and that additional fly ash will be taken out on a regular schedule
    - This should help alleviate the dust problem by not having large inventory on hand
    - Reed Minerals is investigating the purchase of a water truck for use in spraying stored product
- ❖ Have received only 2 quotes for a main gas valve
- ❖ Moving a water meter from road to house
  - Charlie Bangs residence
    - Charlie will be billed approximately \$300
- ❖ Having trouble getting price quotes for water tower telemetry

**May 18, 2011**

- ❖ Kansas Department of Transportation – Curb Cleaning
  - KDOT will help when they get their sweeper repaired
  - Mayor Weitman noted he had received positive comments from citizens about the curb cleaning

**COUNCIL COMMITTEE REPORTS:**

**CEMETERY**

- ❖ Caretaker Dan Nasalroad reported that Carl Marrs had ground the stumps if the recently removed trees
  - Also had removed and disposed of a limb that had recently fallen

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**CITY OF PARKER REQUEST FOR MOSQUITO SPRAYING**

- ❖ Public Works Superintendent Johnson recommended that City not do spraying for Parker
  - Noted age of current machine
  - Did not feel City was charging enough for equipment rental
  - Price of new sprayer range from \$7792 to \$11,000
    - City only charged \$72.94 per spraying for equipment charges last year
  - Possibility of share costing new machine suggested
  - Possibility of Parker purchasing small sprayer for approx. \$2,000 suggested
- ❖ City Clerk was instructed to contact City of Parker that City of La Cygne would not assist in mosquito spraying this year

**DIVERSIFIED CONTRACTING SEWER LAGOON PAY REQUEST**

Nothing to Report

**STREET LIGHTS - BROADWAY**

- ❖ Addressed during Reports of City Officers: Police Chief Filla

**BASKETBALL LIGHTS – BITTIKER PARK**

- ❖ City Clerk Mahon had provided Council with estimates to light basketball court at Bittiker Park; total estimated cost = approximately \$950
  - Suggested using two 6 x 6 treated lumber poles (installed)
    - Each pole to hold a halogen light (300 or 500 watt)
  - Wiring, Junction Boxes, Conduit, Switches, Etc
  - Noted that estimate included installation of the poles
    - Supt. Johnson had volunteered public works to install poles if needed and would also do electrical hook-up and laying of wire.

**May 18, 2011**

- ❖ City Clerk Mahon instructed to contact KCPL as to availability of used poles.
- ❖ No decision made. Park Board will review and make recommendations

**NEW BUSINESS:**

**AMENDMENTS TO PERSONNEL POLICIES**

- ❖ Council had been presented with proposals for amending Section E-13 and E-4
- ❖ Section E-13. Credits for Paid Leave
  - This amendment would restrict an employee from accumulating vacation or sick leave if they are on any type of leave for more than 30 days.

✓ *Motion To Approve Resolution No. 342*

**Council Member Meisel moved to approve amendment to Section E-13 of the personnel policies as presented. Motion seconded by Council Member Fleming, voted on, passed 4-0.**  
Time: 7:32 p.m.

- ❖ Section E-4, Vacation Leave Paragraph (d) Scheduling
  - This amendment would remove the sentence: "All vacation leave must be used in the year it was earned, or forfeited."
    - This sentence is in direct contradiction of the policy to allow accumulation of a maximum number of vacation hours.
  - After some discussion it was decided to table this item until after executive session so that the City Clerk could make copies of the current policy on accumulated hours and have ready for Council to review after executive session.

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to thirty (30) minutes following a ten (10) minute break. Motion seconded by Council Member Sullivan, voted on, passed 4-0.** Time: 7:37 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: Police Chief Paul Filla and Public Works Superintendent Jim Johnson.

Open Session Resumed at 8:13 p.m.

**OTHER BUSINESS:**

**PUBLIC DISCUSSION FROM THE FLOOR**

**May 18, 2011**

- ❖ Mayor Weitman recognized Jerry Boone's request to address Council
  - Jerry wanted to know if City had changed policy on picking up citizen's brush, noting it had always been regularly scheduled that pick-ups would be the second Friday of the month
    - Jerry referred to the large amount of brush being picked up today at the Linda Elder residence
  - Mayor Weitman noted that Public Works Superintendent Johnson had approached him about the project
    - Mayor had instructed Supt. Johnson not to make the pick up at Elder's a priority
      - ◆ If Public Works found itself with some extra or slack time it was O.K. to start picking up as long as it did not interfere with completion of other projects
  - Fire Chief Nasalroad inquired as to how much brush the City was expected to pick up before citizen's should be required to contract out for disposal
    - Mayor noted that the City would look into that
  - Jerry thanked Mayor for the explanation and noted that he had some brush at his place that was ready to be picked up

#### **SUMMER HELP**

✓ *Motion To Hire Summer Help*

**Council Member Robbins moved to hire James Hoyt and Larry Owens as part-time summer help at the rate of Seven and 50/00 Dollars per hour (\$7.50/hr.). Motion seconded by Council Member Fleming, voted on, passed 4-0.** Time: 8:17 p.m.

#### **PERSONNEL POLICIES**

- ❖ City Clerk Mahon asked Council to consider amending Section E-4, Vacation Leave Paragraph (d) *Scheduling*
  - Council tabled item until further notice

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

Verbal: None

Written:

- e. Unfinished Business Items
- f. New Business Items
- g. Other Business items

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

- b. Minutes: Park Board – April 28, 2011
- c. Minutes: Chamber of Commerce – May 11, 2011

#### **ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Robbins moved to adjourn the meeting. Motion seconded by Council Member Meisel, voted on, passed 4-0.** The Regular meeting was adjourned at 8:18 p.m.

**May 18, 2011**

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 May 2011.

**June 01, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, June 01, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Fred Meisel; LeRoy Turpen; Judy Houtman; and Roger Sims.

Mayor Weitman called the meeting to order at 7:00 p.m. by inviting Council Member Esther Shields to lead in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

- ❖ June 3 & 4: Swan Fest
- ❖ June 11: Bike Across Kansas
- ❖ Joplin Tornado
  - Thank you to local firemen who traveled to Joplin to lend assistance
  - Contrary to uniformed allegations, the city was not left unprotected
    - Only 3 firemen assisted at Joplin
    - Mayor had authorized their participation in providing the aid
  - Fire Chief Nasalroad thanked Mayor Weitman for allowing them to assist at Joplin
    - Tornado left utter devastation
      - ◆ Gave new insight on what we need to do to prepare for such an emergency
- ❖ Mayor reported that Ken Mack was placing donation jars around town to collect aid to Joplin
  - There was some confusion about the City's involvement
    - City officials had agreed that the project was a good idea but the City was not a sponsor of the project
      - ◆ Felt churches or civic organizations should head the project
    - Businesses hosting the collection jars thought the City was sponsoring the project
      - ◆ In lieu of the confusion, the money will be turned in to the City to act as fiduciary
      - ◆ Ken Mack would now like for collected money to go to a "Tornado Fund"
        - Benefit other towns also such as Reading, Ks and Sedalia, Mo

**June 01, 2011**

**CONSENT AGENDA:**

- ✓ *Motion to Approve Consent Agenda*

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

Minutes of May 18, 2011 regular city council meeting;

Check Register: May 19 through June 01, 2011;

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Extra patrol and police officers on duty over Memorial Week-end
  - Numerous car stops
- ❖ Kansas Highway Patrol and Burlington Northern Santa Fe Railroad
  - July 14<sup>th</sup>: “Beware of Tracks” campaign
- ❖ Yard clean ups going well
- ❖ Making preparations for upcoming Swan Fest street closings
- ❖ Bike Across Kansas recent meeting at La Cygne Lake

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Swan Fest Preparations
  - 12 new road barricades constructed
  - Cleaning curbs
- ❖ Requested authorization to pay for flowers and mulch
  - Location on west side of town near McElreath’s Storage
    - Area around newly installed fire hydrant
  - Council Member Shields volunteered to do the project
- ❖ Large tree fell in cemetery during windy morning of Memorial Day, May 30
  - Carl’s Tree Service removed for \$650
  - There are 5 or 6 more trees that may be candidates for removal
    - Oak Blight

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Nasalroad reported that City was never unprotected when firemen went to assist at Joplin
  - Only 3 city firemen participated
    - 13+ throughout the county
  - Upcoming meeting in Bourbon County
    - Round table discussion of lessons learned at Joplin
- ❖ Fire Department set to participate in Swan Fest parade

**June 01, 2011**

**COUNCIL COMMITTEE REPORTS:**

**CEMETERY**

- ❖ Council Member Shields
  - Cemetery in great shape for Memorial Week-end
  - Excellent Memorial Day program
    - Many positive comments

**COMMUNITY BUILDING**

- ❖ Public Works Superintendent Johnson noted that downspout on north side of building needs repair
  - Council Member Shields will contact Rainbow Guttering

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**BASKETBALL COURT LIGHTING – BITTIKER PARK**

- ❖ Kansas City Power & Light will donate poles
  - City Clerk unsure of delivery date – awaiting reply from KCPL
- ❖ Per Superintendent Jim Johnson:
  - Public works will set poles
    - Waiting on basketball court project before renting post hole digger
      - ◆ Wanting to use to build fence in front of water plant sludge ponds
  - Public works will dig trench and lay conduit and wire
    - Will not hook up switches or lights
- ❖ Council instructed City Clerk to advertise for bids to do the electrical work
  - Mayor Weitman will assist in drawing up specs

**NEW BUSINESS:**

**SUNDAY LIQUOR SALES: FRANKIE ELDER**

- ❖ Frankie Elder (Owner of Frankie's Liquor) asked for Council's consideration to allow for Sunday sales of liquor
  - Frankie noted this would allow her to be open 52 more days + 3 more holidays
  - Presently losing revenue to Missouri which allows Sunday liquor sales
- ❖ The process for allowing Sunday liquor sales had been previously presented to Council
- ❖ Discussion Followed
  - Can election be held before council acts on an ordinance?
  - Does Frankie have recourse if Council does not adopt ordinance establishing Sunday Sales?
- ❖ Item tabled until June 15<sup>th</sup> meeting
  - Council Members want more time to think about and visit with citizens

**NATURAL GAS DISTRIBUTION OPERATOR REQUALIFICATION WORKSHOP**

- ❖ Garnett, Kansas June 08, 2011
- ❖ Registration: \$95 for first registration then \$50 per additional registration
- ❖ Counts toward K.C.C. QPA qualification

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 59 of 131 Pages **YEAR = 2011**

**June 01, 2011**

✓ *Motion To Authorize Attendance at Operator Requalification Workshop*

**Council Member Robbins moved to send Jim Johnson and Jerome Moore to Natural Gas Distribution Operator Requalification Workshop in Garnett, Ks on June 08, 2011. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:35 p.m.

**WATER TOWER – HISTORICAL REGISTER**

- ❖ Council Member Shields reported
  - Checking on age of south water tower and possibility of placing on National Historical Register
    - Might make tower eligible for reimbursement of maintenance/repair costs

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming 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 Robbins, 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 portions of the executive session included: City Clerk Gary Mahon; Police Chief Paul Filla; and Public Works Superintendent Jim Johnson.

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session for personnel for up to fifteen (15) minutes. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 8:18 p.m.

Open Session Resumed at 8:25 p.m.

**OTHER BUSINESS:**

**SUMMER HELP**

- ❖ After being awarded the position at the May 18, 2011 Council Meeting, James Hoyt had declined the position as part-time summer help

✓ *Motion To Hire Ted LaVigne as Part-time Summer Help*

**Council Member Fleming moved to hire Ted LaVigne as part-time summer help at the rate of Seven and 50/00 Dollars per hour (\$7.50/hr). Motion seconded by Council Member Robbins, voted on, passed 5-0.** Time: 8:27 p.m.

**CITY CLERK'S REPORT**

Verbal: None

Written:

- h. Basketball Court Lighting: Bittiker Park
- i. Sunday Liquor Sales – Frankie Elder
- j. Natural Gas Distribution Operator Requalification Workshop

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 60 of 131 Pages **YEAR = 2011**

**June 01, 2011**

**NOTES AND COMMUNICATIONS TO COUNCIL:**

None

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Shields moved to adjourn the meeting. Motion seconded by Council Member Fleming, voted on, passed 5-0.** The Regular meeting was adjourned at 8:278 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 June 2011.

**June 15, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, June 15, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Attorney John Sutherland; City Clerk Gary Mahon; Police Chief Paul Filla; Police Officer John Epperson; Attorney Mike Shultz; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Marvin Clements; Faye Clements; Linda Elder; Frankie Elder; Robert Turpen; Bill Smith; Danny Curtis; Fred Meisel; LeRoy Turpen; Judy Houtman; and Charlene Sims.

Mayor Weitman called the meeting to order at 7:00 p.m. by inviting Council Member Linda Meisel to lead in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

- ❖ Commented on team work involved in painting Swan Logo on south water tower
  - Chamber had the vision
  - Endorsed and forwarded to city
  - Lincoln Township contributed funds
  - Maintenance contractors scheduled painting job
- ❖ Everyone working together = Team Work = Job Accomplished

**CONSENT AGENDA:**

✓ *Motion to Approve Consent Agenda*

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

Minutes of June 01, 2011 regular city council meeting;  
Check Register: June 02 through June 15, 2011;  
Treasurer's Report: May 2011  
Budget Report: May 2011

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

**June 15, 2011**

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Department continues to work on codes
- ❖ Assisted with Bike Across Kansas
- ❖ Provided Assistance with Swan Fest Parade and related activities

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Council Member Shields expressed her appreciation to public works personnel for recent gutter cleaning and painting of parking stripes
  
- ❖ Reported on:
  - Recent Gas Seminar at Garnett
  - Flowers and mulch added to west side approach to City of LaCygne
    - Thanks to Esther Shields for her assistance
  - Trash Compactor area
    - No bin on site for metal
      - ◆ Dumping on ground including materials other than metal
    - Mayor Weitman had been assured by county commissioner Pemberton that bins would be provided.
      - ◆ Mayor Weitman will contact Pemberton again
  
- ❖ Reported about brush pick up problems
  - Citizens expectant of City to cart off large trees or large amounts of brush they had cut/cleared
  - Original plan was for people to cut into 4 ft lengths/bundles and place by side of road
  - Supt. Johnson willing to pick up but would like for citizens to cut up into small portions
  - Council requested that info be put in next newsletter and citizens reminded when they call in
  
- ❖ Water Tower Telemetry Price Quotes
  - Only 1 quote received
    - Price has increased
  - Quote received from "Independent Sales & Service Company" – Overland Park
    - Quote had been forwarded to Council Members
    - Their telemetry equipment would be compatible with City's present equipment

✓ *Motion To Authorize Replacement of Water Tower Level Telemetry System*

**Council Member Robbins moved to authorize the replacement of Tower Level Telemetry System from INDEPENDENT SALES & SERVICE COMPANY of Overland Park for Four Thousand Seven Hundred Sixty Nine Dollars (\$4769.00) including installation. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:17 p.m.**

- ❖ Learned from Supt. Johnson that protective clothing will be required by K.C.C. next year in certain gas related work situations
  - i.e. removing meters, repairs, when working on live lines
  - Prices had been obtained and presented to Council
    - Hoods, Coveralls, and Gloves
    - Total for 4 sets = \$1,000 or less

**June 15, 2011**

✓ *Motion To Authorize Purchase of Gas Department Safety Clothing*

**Council Member Robbins moved to authorize up to One Thousand Dollars (\$1,000.00) for the purchase of 4 sets of fire safety gear for the gas department. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 7:23 p.m.**

- ❖ Noted that the Water Plant SCBA Backpacks and Masks had recently been found to be deficient
  - Discovered during recent chlorine leak
  - Good, but used, packs were purchased from Lexington, MO fire dept to replace our flawed sets
    - Cost = \$600 for two sets

#### **FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Thanks for Volunteer Firemen for their assistance with Swan Fest activities
- ❖ Scott Stainbrook stepping down as Assistant Fire Chief
  - Chief Nasalroad appointed J.K. Fleming as Assistant Fire Chief
- ❖ State Fire Marshall will discontinue paying for the “Firehouse” software
  - New internet based records recording
    - Will be free but will require training
- ❖ Emergency Management
  - Attended meeting in Bourbon County
  - Lessons learned from the Joplin Tornado
- ❖ Computer Purchase Request
  - Present fire department computer was handed down from Johnson County
    - Needs to be replaced
  - Requested authorization of up to \$1500 to purchase new computer

✓ *Motion To Authorize Purchase of Fire Department Computer Equipment*

**Council Member Meisel moved to authorize up to One Thousand Five Hundred Dollars (\$1,500.00) for the purchase of Computer for the fire department. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:28 p.m.**

#### **COUNCIL COMMITTEE REPORTS:**

##### **WATER & GAS**

- ❖ Council Member Shields had prepared and presented a written report on South Water Tower History
  - Erected in 1911 and put into operation March 15, 1912
  - Report was compiled from Esther’s research of old newspaper articles

##### **PARK**

- ❖ No bids received yet for Bittiker Park basketball court lighting
  - Have received some inquiries

**June 15, 2011**

**COMMUNITY BUILDING**

- ❖ Council Member Shields reported on Community Building needed repairs
  - She had received complaints from some citizens and asked for a list
  - A list was compiled by Faye Clements
  - Mayor Weitman requested Council Members Shields and Sullivan to form a committee to study possible upgrades
  - Council Member Meisel questioned feasibility of keeping community building
    - Felt it was a sink hole for city funds

**SPECIAL COMMITTEE REPORTS:**

**CHAMBER OF COMMERCE**

- ❖ On behalf of the Chamber of Commerce Marvin Clements:
  - Thanked community for recognition of the water tower Swan Logo project
  - C of C always looking for ways to draw people into the community
  - C of C always looking for new ideas and promotions
  - Great \$100,000 Swan Race postponed to 9:00 a.m., July 2<sup>nd</sup>
    - River water too high to hold on June 4<sup>th</sup>
  - Starting repairs on "Welcome To La Cygne" sign on east hill of K-152
    - KCPL providing lumber and two poles
    - Still searching for one more bucket truck
    - Will take approximately one week of work and many man hours
    - Project will require cash payments of approximately \$200 for hardware and miscellaneous materials
      - ◆ Asked Council to consider donating to help out

✓ *Motion To Donate \$200 Towards Repair of Sign*

**Council Member Shields moved to donate \$200 to Chamber of Commerce for expenses related to restoration of "Welcome To La Cygne" sign on east hill of K-152. Motion seconded by Council Member Sullivan, voted on, passed 4-1. Opposed: Meisel**

**UNFINISHED BUSINESS:**

**SUNDAY LIQUOR SALES – FRANKIE ELDER**

- ❖ Frankie Elder addressed Council with request to institute Sunday liquor sales
  - More business days – Additional Revenue for City also
  - Excellent compliance record
  - Active in programs to prevent underage drinking
    - Asked by Children's Coalition to provide training to other liquor stores
      - ◆ Coordinate training county-wide
- ❖ Mayor Weitman noted he had 3 citizens contact him and all were in favor of Sunday Sales
- ❖ City Clerk Mahon reported that process would be to adopt an ordinance
  - 60 day protest period after publication
    - ◆ Citizens could petition for a public voteIf no protest – Ordinance becomes law

**June 15, 2011**

- If Council did not adopt ordinance then an initiative petition could be circulated asking citizens to vote on ordinance to allow Sunday sales.
- ❖ It was consensus of Council to have City Clerk draw up an ordinance for Sunday liquor sales
  - Ordinance to also allow for Sunday sales of cereal malt beverages
  - Ordinance to be presented to Council at July 6<sup>th</sup> meeting

**GAS SHUT OFF VALVE - EMERGENCY MANAGEMENT COMMITTEE – LINDA MEISEL**

- ❖ Council Member Meisel inquired about status of shut-off gas valve for west side of City of Lacygne
  - Felt it was time to take action and what was hold up?
- ❖ Mayor Weitman noted that Council had previously agreed for Supt. Johnson to obtain bids on the valve and bring to Council
- ❖ Discussion followed
- ❖ Council requested Supt. Johnson to have bids and recommendations for next meeting

**NEW BUSINESS:**

**PART-TIME PAY RATE FOR POLICE OFFICE JEROME MOORE**

✓ *Motion To Set Pay Rate For Part-Time Police Officer Jerome Moore*

**Council Member Meisel moved to set minimum wage (\$7.25) as the pay rate for part-time police officer Jerome Moore. Motion seconded by Council Member Shields, voted on, passed 5-0.**

**PAY RATE FOR PART-TIME SUMMER HELP ALEX WATSON**

Ted LaVigne had been hired at the last meeting as part-time summer help. Ted was unable to fulfill those duties. Mayor Weitman had authorized the hiring of Alex Watson to the position vacated by Ted LaVigne. A motion was needed to authorize a pay rate for Alex.

✓ *Motion To Set Pay Rate For Part-Time Summer Help Alex Watson*

**Council Member Fleming moved to set the pay rate for part-time summer help Alex Watson at Seven and 50/00 Dollars per hour (\$7.50/hr). Motion seconded by Council Member Meisel, voted on, passed 5-0.**

**APPOINT WORK-PLACE SAFETY COMMITTEE**

- ❖ Mayor Weitman reported to Council that our work comp carrier had suggested that a committee be formed to assess and review the city's safety practices, procedures, manuals, etc.
  - Committee to meet on a routine but infrequent basis such as quarterly
  - Committee needed to include two council members
    - Mayor asked Shields and Robbins as they would be available for daytime meetings
  - Committee would also include each department head

**June 15, 2011**

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to seventy-five (75) minutes following a ten (10) minute break. Motion seconded by Council Member Meisel, 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 portions of the executive session included: City Clerk Gary Mahon; Attorney Mike Shultz; and Fire Chief Dan Nasalroad.

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session for legal for up to ten (10) minutes. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 9:31 p.m.**

Open Session Resumed at 9:42 p.m.

**OTHER BUSINESS:**

**CITY CLERK'S REPORT**

Verbal: None

Written:

- k. Sunday Liquor Sales – Frankie Elder
- l. New Business

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a. Water Report: May 2011
- b. Gas Report: May 2011
- c. Minutes: Planning Commission – June 09, 2011
- d. Minutes: Chamber of Commerce Exec Committee – June 01, 2011

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to get out of here (translation = adjourn). Motion seconded by Council Member Shields, voted on, passed 5-0.** The Regular meeting was adjourned at 9:48 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 15<sup>th</sup> day of June 2011.

**July 01, 2011 Special Meeting**

**SPECIAL MEETING:**

The La Cygne City Council met in Special Session on Friday, July 01, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others present included but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; and Attorney Mike Shultz.

Mayor Terry Weitman called the special meeting to order at 6:04 p.m. for the purposes of:

3. Rural Water Litigation

**EXECUTIVE SESSION:**

✓ *Motion to Go Into Executive Session*  
**Council Member Fleming moved to go into executive session up to Fifty (50) minutes for legal consultation of rural water litigation. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 6:05 p.m.

In addition to the Mayor and Council Members, others participating in the executive session included: City Attorney John Sutherland; Attorney Mike Shultz; and City Clerk Gary Mahon.

Open Session at 6:55 p.m.

Executive Session Extended

✓ *Motion to Extend Executive Session*  
**Council Member Meisel moved to extend the executive session up to twenty (20) minutes. For legal consultation of rural water litigation. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 6:56 p.m.

Open Session at 7:16 p.m.

Executive Session Extended

✓ *Motion to Extend Executive Session*  
**Council Member Meisel moved to extend the executive session up to thirty (30) minutes for legal consultation of rural water litigation. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:17 p.m.

Open Session Resumed at 7:47 p.m.

**ADJOURNMENT:**

✓ *Motion for Adjournment*  
**Council Member Shields moved to adjourn the special meeting. Motion seconded by Council Member Meisel, voted on, passed 5-0. The meeting was adjourned at 7:48 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 1<sup>st</sup> day of July, 2011.

**July 06, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, July 01, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

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; Frankie Elder; Fred Meisel; LeRoy Turpen; Judy Houtman; Chris Sparks; Robert Blanck; George Arzberger; Teresa Whitaker; and Charlene Sims.

Mayor Weitman called the meeting to order at 7:00 p.m. by inviting Council Member Travis Robbins to lead in the Pledge of Allegiance.

**CONSENT AGENDA:**

✓ **Motion to Approve Consent Agenda**

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

Minutes of June 15, 2011 regular city council meeting;  
Minutes of July 01, 2011 special city council meeting;  
Check Register: June 16 through July 06, 2011;

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

**DISCUSSION FROM THE FLOOR:**

**CHRIS SPARKS – BEACHNER GRAIN**

- ❖ Chris Sparks, manager of Beachner Grain addressed council
  - Invited all to Customer Appreciation Day – July 21<sup>st</sup>
    - Bar-B-Q, Homemade Ice Cream, Music
  - Chris is new manager – starting last March

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Drivers License Check held on June 9<sup>th</sup>
  - 262 Cars checked between 6 and 9 p.m.
- ❖ Upcoming Drivers Safe Lane on July 14<sup>th</sup> – 11 am to Noon
  - K-152 and Burlington Northern Railroad
    - Sponsored by Highway Patrol and Burlington Northern Railroad
- ❖ Spay/Neuter Campaign
  - Tuesday, July 19<sup>th</sup>
  - Leave pets at street barn to be spayed or neutered
  - Pick up the next day

**July 06, 2011**

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Concern about unsupervised children setting off fire crackers and other fireworks
  - Asked Council to consider ordinance to possibly regulate such activities

**COUNCIL COMMITTEE REPORTS:**

**COMMUNITY BUILDING**

Council Member Shields reported on needed Community Building upgrades

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**GAS SHUT OFF VALVE**

- ❖ Public Works Superintendent Jim Johnson reported that he had received only 1 quote for Emergency gas shut-off valve
  - Northern Pipe Line submitted bid of \$10,453.66
    - Includes material, equipment, temporary bypass and labor to install
    - PWS Johnson noted that KCC had suggested using Northern Pipeline

✓ *Motion To Authorize Emergency Gas Valve Installation*

**Council Member Robbins moved to proceed with the installation of the gas valve and accept the quote from Northern Pipeline in the amount of Ten Thousand Four Hundred Fifty Three and 66/00 Dollars (\$10,453.66) . Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:10 p.m.**

**NEW BUSINESS:**

**BITTIKER PARK BASKETBALL LIGHTING BIDS**

- ❖ Only one bid was received
  - Page Electrical Contracting
    - \$1725.00
    - Included everything but poles and setting poles
      - ◆ KCPL to donate poles and public works to set

✓ *Motion To Accept Bittiker Park Basketball Lighting Bid*

**Council Member Fleming moved to accept bid from Page Electrical for turn-key lighting installation at Bittiker Park as proposed in the amount of One Thousand Seven Hundred Twenty Five and no/00 (\$1725.00). Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:10 p.m.**

**July 06, 2011**

**ORDINANCE: SUNDAY LIQUOR SALES**

- ❖ Council was presented with Ordinance No. 1398 authorizing Liquor and Cereal Malt Beverage Sales on Sunday
- ❖ During the course of discussion on the Ordinance, George Arzberger arrived and discussion was halted to honor Mr. Arzberger on his upcoming 100<sup>th</sup> birthday

**MAYOR'S COMMENTS**

**PROCLAMATION: GEORGE ARZBERGER DAY**

- ❖ Mayor Weitman Proclaimed July 11, 2011 as George Arzberger Day in La Cygne
  - Mr. Arzberger was born in La Cygne and will be 100 on July 11<sup>th</sup>
  - Citizens in attendance joined in honoring George for his many contributions to the La Cygne community over the past 100 years.

**NEW BUSINESS:**

**ORDINANCE: SUNDAY LIQUOR SALES**

Ordinance No. 1398 introduced for Council's consideration again

✓ *Motion To Approve Ordinance No. 1398 (Sunday Liquor Sales)*

**Council Member Robbins moved approve Ordinance No. 1398 authorizing packaged liquor and cereal malt beverage sales on Sundays. Motion seconded by Council Member Sullivan, voted on, passed 4-1. Opposed: Shields**

**2012 BUDGET PREPARATION**

- ❖ A first draft of the 2012 budget had been presented to Council
  - City evaluation down 10% this year
  - Same mil levy as last year = 13.5% reduction in tax revenue
  - 1<sup>st</sup> draft of general fund budget reflects a 13.5% reduction of last year's budget
- ❖ Discussion Followed

✓ *Motion To Hold Budget Workshop*

**Council Member Shields moved to hold a budget workshop at 6:00 p.m., Wednesday, July 13, 2011 at City Hall. Motion seconded by Council Member Meisel, voted on, passed 5-0.**  
Time: 7:42 p.m.

**EXECUTIVE SESSION**

None

**OTHER BUSINESS:**

None

**July 06, 2011**

**CITY CLERK'S REPORT**

Verbal: None

Written:

- m. Beachner Grain
- n. New Business Items

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- e. Certification of Completion – Jim Johnson – Gas Operator Qualification
- f. Certification of Completion – Jerome Moore – Gas Operator Qualification
- g. Linn County Twisters Thank You for Donation
- h. Park Board Minutes: May 26, 2011
- i. Chamber of Commerce Minutes: June 08, 2011

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved adjourn. Motion seconded by Council Member Shields, voted on, passed 5-0.** The Regular meeting was adjourned at 7:44 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 6<sup>th</sup> day of July 2011.

**July 13, 2011**

City Council held a budget workshop at 6:00 p.m. on July 13, 2011.

**July 20, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, July 20, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

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; Fred Meisel; Jean Allen; Faye Clements; Bill Smith; Charlene Sims; Judy Houtman; Ken Houtman; Scott Stainbrook; Debbie Wilson; and Emil Wilson.

Mayor Weitman called the meeting to order at 7:00 p.m. by inviting City Clerk Gary Mahon to lead in the Pledge of Allegiance. He led with inspiration.

**July 20, 2011**

**MAYOR'S COMMENTS:**

- ❖ Happy Birthday to Council Member Esther Shields
  - Cake & Ice Cream to be served after the meeting
- ❖ Commended Public Works for the nice fence constructed in front of water plant sludge ponds
- ❖ Noted that Farmer's Market was growing and now being held on Saturday mornings in addition to Wednesday evenings

**CONSENT AGENDA:**

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

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

Minutes of July 06, 2011 regular city council meeting;  
Check Register: July 07 through July 20, 2011;  
Budget Report: June 2011;  
Treasurer Report: June 2011;  
Quarterly Financial Statement: 2<sup>nd</sup> Qtr. 2011

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Noted that fence in front of water plant sludge ponds was completed
- ❖ Things have been going smoothly in public works
  
- ❖ Mayor Weitman asked that during the heat wave that everyone keep an eye out on their neighbors

**FIRE CHIEF – DAN NASALROAD**

- ❖ Requested purchase of a training manikin
  - 6'1", 165 lbs – Rescue Randy
  - Cost: \$1160.49 + \$135 handling Shipping: ???

✓ ***Motion to Purchase Training Manikin (Manikin Dan)***

**Council Member Robbins moved to allow for the purchase of a training manikin as presented up to a cost of Fifteen Hundred Dollars (\$1500.00). Motion seconded by Council Member Meisel, voted on, passed 4-0-1.** Abstain: Fleming Time: 7:06 p.m.

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Received \$500 grant from Children's Coalition to be applied to Police Wages
  
- ❖ Contact with Burlington Northern Railroad
  - Checking on cross walk

**July 20, 2011**

- No answer to request to clean railroad right-of-way from Chestnut to Swan
- Right-of-way has been mowed

❖ Officer John Epperson attending KLETC in Hutchinson to complete reciprocal training from Missouri

**COUNCIL COMMITTEE REPORTS:**

**COMMUNITY BUILDING**

- ❖ Council Member Shields invited Faye Clements to report on recent fact finding of community building needs
- ❖ Faye noted that a committee had been created consisting of:
  - Co-chairmen Bob Sullivan & Esther Shields with Faye Clements, Linda Elder, Doris McElreath, and Kathy Lawrence as committee members
  - Noted that most people questioned would like to see the community building upgraded
  - Public Works has recently repaired some items
  - Fire Chief Nasalroad toured the building
  - Roof still has some minor leaks
    - General Contractor never got completely fixed after hail storm a couple of years ago
  - Noted Swan Fest Committee was in favor of a percentage of profits going to upkeep of building
  - People looking for city officials to lead
  - Noted that there are people who have volunteered to work on improvements
  - Need job description for cleaning person to do deep cleaning on routine basis
  - Need to review current rental agreement
    - Renters should also be required to clean up streets
  - Inventory kitchen dishes and utensils
  - Users need to see good facilities

**PUBLIC SAFETY**

- ❖ It was noted that the senior citizens building could be opened in case of heat emergencies
  - Contact Jean Allen or Police Chief Paul Filla

**EMPLOYEE RELATIONS**

Safety Policy Committee will meet in the morning.

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**BITTIKER PARK LIGHT POSTS**

- ❖ City Clerk Mahon noted that he would like Council to reconsider the type of posts to be used for lighting the basketball court at Bittiker Park
  - Felt large diameter light posts donated by KCPL would be too large and out of place for such a small court
  - Noted that light fixtures quoted in the proposal submitted by Diversified Contracting were the type used for pole yard lights

**July 20, 2011**

- Would be bright enough but would not be able to direct or focus light primarily on the playing court.
- Would not look good for basketball court lighting
- Council Member Meisel will look into other lighting options and City Clerk Mahon will contact Diversified as to other options.

**NEW BUSINESS:**

**HACH SERVICE MAINTENANCE AGREEMENT RENEWAL**

✓ *Motion To Approve Hach Service Maintenance Agreement*

**Council Member Robbins moved to approve a service maintenance agreement with Hach in the amount of Five Thousand One Hundred Seventy Seven and no/00 Dollars (\$5177.00). Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:30 p.m.**

**WATER TOWER MAINTENANCE CONTRACT**

- ❖ Public Works Superintendent suggested that annual water tower maintenance contract be put out for bids
  - Had contacted seven companies and all said they could do cheaper than what City is paying now
  - Does maintenance need to be performed every year?
  - Present contract automatically renews January 1st unless we notify them by August 1st

✓ *Motion To Terminate Present Water Maintenance Contract*

**Council Member Robbins moved to send appropriate notice to Utility Services of City's intent to non-renew present water tower maintenance contract and to explore other options. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:40 p.m.**

**2012 BUDGET PREPARATION**

✓ *Motion To Hold Budget Workshop*

**Council Member Shields moved to hold a budget workshop at 6:00 p.m., Thursday, July 21<sup>st</sup> at City Hall. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:42 p.m.**

**EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for personnel for up to thirty (30) minutes following a ten (10) minute break. Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:44 p.m.**

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

**July 20, 2011**

Open Session Resumed at 8:17 p.m.

**OTHER BUSINESS:**

None

**CITY CLERK'S REPORT**

Verbal: None

Written:

- o. Community Building
- p. New Business
- q.** 2012 Budget Preparation

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a. Gas Report: June 2011
- b. Water Report: June 2011

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Meisel, voted on, passed 5-0.** The Regular meeting was adjourned at 8:19 p.m.

I, \_\_\_\_\_ LaCygne City Clerk, do hereby declare the  
(Gary D. Mahon) above to be true and correct, to the best of my  
knowledge, and do hereby subscribe my name  
this 20th day of July 2011.

**August 03, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in Regular session on Wednesday, August 03, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

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; Fred Meisel; Allen Huggins; LeRoy Turpen; Mitch Clark; Julie Clark; Bill Smith; and Les Mitzner.

Mayor Weitman called the meeting to order at 7:01 p.m. by inviting City Clerk Gary Mahon to lead in the Pledge of Allegiance. Following Gary's example, those in attendance recited the pledge with a heightened level of inspired enthusiasm.

**August 03, 2011**

**MAYOR'S COMMENTS:**

- ❖ Farmer's Market continues to grow. Good project.

**CONSENT AGENDA:**

✓ **Motion to Approve Consent Agenda**

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

Minutes of July 20, 2011 regular city council meeting;

Check Register: July 21 through August 03, 2011;

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Officer Tate West recently suffered a dog bite
  - Officer West treated at doctor's office and doing O.K.
  - Dog impounded for 10 days
    - Was illegally freed from dog pound by unknown person(s) but was returned by owner
      - ◆ Dog then taken to Louisburg Animal Clinic to be held for remainder of 10 day period
      - ◆ Dog was deemed to be O.K. and free of rabies
- ❖ Thank you to public works personnel for recent clean-up of dog pound
- ❖ Received grant money from Children's Coalition to be used in helping prevent underage drinking parties
- ❖ Working in conjunction with Children's Mercy Hospital on a serious child abuse case
- ❖ In answer to Council Member Sullivan: Dog pound can house up to five dogs.

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Contacting entities for bids on water tower maintenance proposals
- ❖ Noted that city can go three year intervals on water tower inspections
- ❖ Noted that a prospective company had offered to inspect water towers
  - \$500 per tower
  - Do not have to drain towers
  - Sub with camera takes pictures
    - Identify thickness of tank
    - Identify thickness of paint
    - Identify other deficiencies
  - Council Member Robbins asked to review material that Johnson had before making a decision
- ❖ Supt. Johnson inquired as to what present property insurance covers in regards to water towers
  - City Clerk Mahon: Wind, tornado, and other damages
    - Mahon will check with insurance company for further explanation

**August 03, 2011**

- ❖ Installation of new telecommunications between south water tower and plant has commenced
- ❖ Installation of new main valve on west side of town scheduled to be started next week
  
- ❖ Chlorination Safety school conducted by Jerome Mitzner was very good
  - Will send Thank You letter
  
- ❖ Reported on minor problems experienced at water plant due to recent excessive heat wave
  - All problems handled satisfactorily
  - Moving lots of water during the heat wave since RWD 1 & RWD 3 are presently purchasing all their needs from the City

**FIRE CHIEF – DAN NASALROAD**

- ❖ Chlorination Safety School was very good
  - Conducted by Jerome Mitzner
  
- ❖ Have assisted with two county grass fires

**COUNCIL COMMITTEE REPORTS:**

**PARK**

- ❖ Council Member Shields noted she would be making a “Must Be This Tall” sign for use on entering the slide at the pool.

Bittiker Park Basketball Court Lighting

- ❖ Council Member Meisel reported that she had contacted six entities regarding lighting fixtures and only one responded. Council was presented with information.
  - Flex Court Athletics
  - Suggested one pole with two 500 watt halogen lights
    - Cost: \$1015 to \$1075 + shipping
- ❖ Council asked City Clerk Mahon to contact Diversified to coordinate purchasing these lights with Diversified’s original proposal

**COMMUNITY BUILDING**

- ❖ Pro Tech had to postpone their scheduled roof consultation due to a death in the family
  - Tentatively scheduled to be here next Tuesday or Wednesday.

**SPECIAL COMMITTEE REPORTS:**

**SWAN FEST COMMITTEE**

- ❖ It was reported that three people were at the August 1<sup>st</sup> committee meeting. Those three will set a deadline date for having more people involved on the committee. If more do not step forward the Swan Fest will not be held.

**August 03, 2011**

**UNFINISHED BUSINESS:**

**2012 BUDGET**

- ❖ Mayor Weitman summarized the budget to date
- ❖ 4<sup>th</sup> Draft of the Proposed 2012 Budget was presented to Council
- ❖ It was noted that a motion was needed to publish Notice of Public Hearing for the proposed budget
  - Budget would be formally adopted at the hearing
    - Budget could be lowered at the hearing but could not be raised

✓ *Motion To Publish Proposed 2012 Budget and Set Hearing Date*

**Council Member Meisel moved to approve for publication the proposed 2012 budget with the public hearing date to be 7:00 p.m., August 24, 2011. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 7:31 p.m.**

✓ *Motion To Continue August 17<sup>th</sup> Meeting to August 24, 2011*

**Council Member Meisel moved to continue the regularly scheduled August 17<sup>th</sup> meeting to August 24, 2011 following the 2012 Budget Hearing. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:32 p.m.**

**NEW BUSINESS:**

**CUB SCOUT COMMUNITY BUILDING USE**

- ❖ Den Mother Leslie Mitzner requested up to one week use of community building for September 3<sup>rd</sup> garage sale
  - Scouts have outgrown holding sale at individual homes
  - City-Wide garage sale is September 3<sup>rd</sup>
    - Fee has been waived for that day
  - Takes several days to accumulate, move, and set up for the sale
  - Would like to have community for up to one week to be able to set up
    - At bare minimum: need facility for Thurs, Fri, and Sat.
    - Willing to pay rental fees if necessary

✓ *Motion To Allow Cub Scout Use of Community Building*

**Council Member Shields moved to allow Cub Scouts to use community building from August 28<sup>th</sup> through September 03, 2011 with rental fees to be waived Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:35 p.m**

**MUNICIPAL LEADERSHIP ACADEMY**

- ❖ Kansas Opens Meeting Act (KOMA) / Kansas Open Records Act (KORA)
- ❖ Lawrence, KS., August 20
- ❖ Registration: \$100
- ❖ Council Member Sullivan requested authorization to attend

**August 03, 2011**

✓ *Motion To Authorize Attendance at Municipal Leadership Academy*

**Council Member Robbins moved to send Council Member Sullivan to Municipal Leadership Academy in Lawrence on August 20<sup>th</sup>. Motion seconded by Council Member Fleming, voted on, passed 4-0-1.** Abstained: Sullivan Time: 7:39 p.m.

### **EXECUTIVE SESSION**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for personnel for up to ten (10) minutes following a ten (10) minute break. Motion seconded by Council Member Robbins, voted on, passed 5-0.** Time: 7:39 p.m.

In addition to the Mayor and Council Members those who requested time or were invited into portions of the executive session included: Police Chief Paul Filla.

Open Session Resumed at 8:00 p.m.

### **OTHER BUSINESS:**

None

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

Verbal: City Clerk read the following statement from Attorney Mike Shultz:

"As you know, the mediation with the Rural Water Districts #1 and #3 did not resolve the lawsuits between the parties. Last fall, the parties agreed to delay any further court proceedings until the mediation option was tried.

On August 08, 2011, the attorneys will have a telephone conference with the judge, and the City will urge the judge to set a fast-paced schedule to get the litigation moving and to set a new trial date on damages as soon as possible."

Written: None

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

- c. Acclamation of Unselfish Daring Feat To Protect the Public Welfare
- d. Letter to Utility Services Cancelling Water Tank Maintenance Contract
- e. Chamber of Commerce Agenda for August 10<sup>th</sup> Meeting
- f. Chamber of Commerce Minutes: July 13, 2011

**August 03, 2011**

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Shields moved to adjourn the meeting. Motion seconded by Council Member Meisel, 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 3<sup>rd</sup> day of August 2011.

**August 24, 2011**

**REGULAR MEETING:**

The La Cygne City Council met On August 24, 2011 in a meeting that had been continued from the August 17<sup>th</sup> regularly scheduled meeting. The meeting was held at the La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Fred Meisel; Allen Huggins; LeRoy Turpen; Roger DeMott; Kay DeMott; Jean Allen; Rob Blanck; Charlene Sims; and Jackie Taylor.

Mayor Weitman called the meeting to order at 7:03 p.m. immediately following the conclusion of the 2012 Budget Hearing.

**MAYOR'S COMMENTS:**

❖ City Wide Garage Sale – September 3<sup>rd</sup>.

**CONSENT AGENDA:**

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

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

Minutes of August 03, 2011 regular city council meeting;  
Check Register: August 04 through August 24, 2011;  
Treasurer's Report: July 2011;  
Budget Report: July 2011.

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

**August 24, 2011**

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Reported on scam phone calls that claimed people had won a prize from Reader's Digest
  - People were being asked to forward money to claim their prize
  - Most calls going to older citizens
- ❖ Midwest Wood is making progress on cleaning up their property
  - Some vehicles have been removed with plans to remove others
- ❖ Radio is down on the 99 Crown Vic
- ❖ Council Member Sullivan: Are buildings ever inspected for codes violations?
  - Filla: Yes, that is how violations at Midwest Wood were discovered

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Gas valve installation on the main line at west edge of town is complete
  - A step by step synopsis of the installation was compiled and filed
  - Lengthy operation
  - No loss of gas during installation
- ❖ Ordered load of cold mix for patching streets
  - 2<sup>nd</sup> load this year
  - Streets have lots of settling and enlarged cracks
  - Who to contact for help in stopping the cracks?
- ❖ Water Plant computer quit working
  - Computer needed for maintaining records
  - Info automatically recorded
  - Software program requires Microsoft XP
    - May have to purchase new software in near future
  - Computer was repaired by Nastec PC
- ❖ Batteries went bad on the Case Backhoe and were replaced
- ❖ Two major water leaks the past few days
  - Portable water pump quit and had to be replaced
- ❖ Water Tower Maintenance
  - Quote from Pittsburg Tank & Tower Maintenance Co – Henderson, Kentucky
  - \$1000 to inspect both tanks
  - Towers do not need to be drained
  - Camera takes pictures
  - Measures thickness of walls, paint, etc.
  - Suggest doing inspections to verify previous reports from Utility Consultants

**August 24, 2011**

✓ *Motion To Authorize Inspection of Water Towers By Pittsburg Tank*

**Council Member Robbins moved to authorize Pittsburg Tank & Tower Maintenance Co to inspect both water towers at a total cost of One Thousand Dollars (\$1,000.00). Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:14 p.m.**

- ❖ Council Member Sullivan: What is status of summer help?
- ❖ Johnson: Alex Watson has returned to school and is no longer working
  - Using Larry Owens on an 'as needed' basis
  - Would like to keep Larry on until end of cemetery mowing season

**COUNCIL COMMITTEE REPORTS:**

**CEMETERY**

- ❖ Council Member Shields inquired about report of tall grass in portion of cemetery
  - Nasalroad: All of cemetery has been mowed

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**BITTIKER PARK BASKETBALL LIGHTING**

- ❖ City Clerk Mahon reported:
  - Original quote from Diversified was \$1725
    - Did not include poles or setting poles
  - To eliminate light fixtures from original quote subtract \$740
  - To add 3 ft concrete bollard for metal light pole and installation of pole and light fixtures to be purchased separately from Flex Court add \$750 to \$800
  - Cost of Triple 1500 W hinged light system from Flex Court add \$1325
    - Includes \$250 for freight
  - Total Cost now = \$3110

✓ *Motion To Approve Bittker Park Basketball Court Lighting Proposal*

**Council Member Sullivan moved to approve the Bittiker Park Basketball Lighting proposal as presented for Three Thousand One Hundred Ten Dollars (\$3110.00) . Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:22 p.m.**

**WATER TOWER INSURANCE**

- ❖ City Clerk provided written explanation on page 36 of meeting packets as to what City's property insurance covered on the water tower
- ❖ No action taken by Council

**August 24, 2011**

**NEW BUSINESS:**

**ATTACHMENT OF CHRISTMAS LIGHTS TO CITY HALL & COMMUNITY BUILDING**

- ❖ Iota Tau Sorority is embarking on a project of outlining the outside of buildings on Broadway and adjoining commercial areas with Christmas Lights this upcoming season.
- ❖ Permission was requested to add Christmas lights to the outside designs of City Hall and the Community Building

✓ *Motion To Authorize Christmas Lights on City Buildings*

**Council Member Shields moved to authorize Iota Tau to decorate City Hall and the Community Building with Christmas Lights. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:26 p.m**

**PAINTING OF PUBLIC WORKS BUILDINGS**

- ❖ Public Works Superintendent Johnson asked Council's consideration in painting the public works buildings
  - Estimated Costs for purchasing equipment: Approximately \$700
    - Plus an estimated 30 gallon of paint
  - Total estimated costs = \$1500
    - Council concern there could possibly be other unforeseen costs arise during the project

✓ *Motion To Authorize Painting of Public Works Buildings*

**Council Member Shields moved authorize purchase of equipment and paint to beautify the public works buildings at a cost up to two thousand dollars (\$2,000.00). Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:32 p.m.**

**WATER & SEWER RATE INCREASES**

- ❖ City Clerk Mahon Reported:
  - Water fund cash balances have shrunk from \$641,000 to \$310,211
    - Due to loss of sales to RWD 1 & RWD 3
    - Cash balances dropping approximately \$50,000+ per year for the past four years
  - Suggested that Council consider possibility of at least temporarily raising water rates to city customers to slow or halt further erosion of ending cash balances
    - Possibility of adjusting rates in future after rural water litigation is settled
- ❖ Sewer Fund has also been losing money the past couple of years
  - Sales of water to city customers has inexplicably declined the past few years
    - Sewer fund has always been tight but reduction of sales has helped make even tighter

✓ *Motion To Appoint Water Finance Study Committee*

**Council Member Robbins moved appoint a Water Finance Study Committee to analyze the Water Utility financial issues and to make a report back to the City Council on the financial issues in the Water Utility, options available to the City and on the committee's recommendation for action. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:35 p.m.**

**August 24, 2011**

✓ *Motion To Appoint Water Finance Study Committee*

**Council Member Fleming moved that Travis Robbins, Gary Mahon and Michael Shultz be appointed to the Water Finance Study Committee and report back to City Council by September 21, 2011 unless the Mayor extends the time within which to submit the report. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:37 p.m.**

**ORDINANCES 1399 & 1400**

- ❖ Council was presented with Ordinance No. 1399 and Ordinance 1400
  - 1399 pertains to the 2011 edition of Standard Traffic Ordinances
  - 1400 pertains to the 2011 edition of Uniform Public Offense Code

✓ *Motion To Approve Ordinance No. 1399 Standard Traffic Ordinances*

**Council Member Shields moved to accept Ordinance No. 1399. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:39 p.m.**

✓ *Motion To Approve Ordinance No. 1400 Uniform Public Offenses*

**Council Member Robbins moved to accept Ordinance No. 1400. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:39 p.m.**

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for personnel and legal for up to forty (40) minutes following a ten (10) minute break. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:41 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: Public Works Superintendent Jim Johnson.

Open Session Resumed at 8:27 p.m.

**OTHER BUSINESS:**

**ROGER DEMOTT OFFER TO CUT DEAD TREES**

- ❖ Council Member Shields reported that Roger DeMott had offered to cut dead trees in exchange for the wood
  - At cemetery and park
- ❖ Roger had been in attendance earlier at the meeting but had now left
- ❖ Council noted there was nothing to address at cemetery at this time
  - Noted that because of surrounding tomb stones insurance liability should be required
- ❖ Council felt park trees should be decision of the park board
  - Noted the need for release of liability
  - Suggested clarification in any pending agreement as to the responsibility of clean up

**August 24, 2011**

**KANSAS MAIN STREET MEETING**

- ❖ Council Member Shields reported on recent Kansas Main Street Meeting
  - Held at Hoisington, Kansas
  - Great Meeting – Good Ideas for the town
  - Fae Clements, Doris McElreath, and Deb Wilson also attended

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- g. Planning Commission Minutes: August 11, 2011
- h. Chamber of Commerce Minutes: August 10, 2011

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Meisel moved to adjourn the meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0.** The Regular meeting was adjourned at 8:32 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 24th day of August 2011.

**September 07, 2011**

**REGULAR MEETING:**

The La Cygne City Council met in regular session on Wednesday, September 07, 2011 at the La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Fred Meisel; LeRoy Turpen; Judy Kinder; Charlene Sims; Julie Clark; Mitch Clark; Billy Smith; Robert Blanck; Allen Huggins; Aaron Huggins; and three residents of La Harper Heights.

Mayor Weitman called the meeting to order at 7:00 by asking Dan Nasalroad to lead in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

- ❖ Took full credit for the nice weather. ☺ ☺

**September 07, 2011**

**CONSENT AGENDA:**

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

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

Minutes of August 24, 2011 Hearing for the 2012 Budget;  
Minutes of August 24, 2011 regular city council meeting;  
Check Register: August 25 through September 07, 2011;

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Night Out Against Crime
  - 6:00 p.m., Saturday, September 24<sup>th</sup>
  - At Community Park Pavilion
  - Ice Cream Social held at same time
- ❖ Children’s Coalition donated money for DUI Patrol
  - Used to pay extra salaries over Labor Day Week-End
    - Three tickets issued for DUI with one being a minor
- ❖ Take Back the Drugs Project
  - In conjunction with Children’s Mercy Hospital
  - Purpose is to get outdated/expired drugs off shelves at home and out of hands of minors

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Will be grilling hot dogs/hamburgers for the Night Out Against Crime/Ice Cream Social
- ❖ Will assist with Benefit Dinner October 22<sup>nd</sup>
  - Proceeds to help fund Children’s Christmas Project
- ❖ Requested that Citizens do not burn during this extremely dry weather

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ New Telemetry system from water tower to water plant is installed
  - Scheduled to be activated tomorrow (Sept 8<sup>th</sup>)
- ❖ Three water main breaks and one gas line break since last meeting
- ❖ Will commence painting the street barn in a few days
- ❖ Water Plant Equipment Repairs
  - Panel Meter to display raw water flow rate and flow total not working
    - Replacement cost = \$950 from Independent Sales & Service Co.
  - Honeywell Chart Recorders not working

**September 07, 2011**

- Replacement cost = \$1990 from Independent Sales & Service Co.
- Possibility that electric surge such as lightning may have damaged the equipment
- 1 year warranty on parts and workmanship
- 

✓ *Motion To Approve Purchase of Water Plant Equipment*

**Council Member Robbins moved to approve the purchase of Honeywell Chart recorder for One Thousand Nine Hundred Ninety Dollars (\$1990.00) and the purchase of flow rate meter for nine hundred fifty dollars (\$950.00) as presented. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:12 p.m.**

- ❖ Council Member Sullivan: Salt and Sand purchased for next winter?
  - Johnson: Not yet but have been obtaining price quotes

**COUNCIL COMMITTEE REPORTS:**

**PARK**

- ❖ Council inquired as to status of basketball lighting program
  - City Clerk Mahon: Pole & Light have been ordered. Delivery expected around September 8<sup>th</sup>.
    - Diversified Contracting is aware of the status of project

**COMMUNITY BUILDING**

- ❖ Reported that Kathy Lawrence had donated 15 gallon of paint to paint the Community Building
  - Committee was searching for volunteers to do the painting
- ❖ City Clerk reported on roof repair suggestions from Pro-Tech
  - Pro-Tech thinks that probable entries of water infiltration are from the roof ridge and guttering
  - Suggestions:
    - 2" Foam addition to the ridge and re-cover with Bench Mark
    - Eaves: Remove outside fasteners, pull gutters, caulk along interior side, and replace gutters
    - Parapet: Coat back side of east wall parapet with foam down to the roof
  - Cost: Approximately \$6,000 to \$8,000
- ❖ Discussion of needed improvements
  - Upgrade of restrooms including handicap accessibility
  - Upgrade of kitchen
  - Upgrade of front meeting room
  - Suggested gutting all restroom and kitchen walls from front room and redesigning floor plan for front portion of building
- ❖ Mayor Weitman encouraged the committee to develop an over-all plan to include estimated costs and prioritize the committee's suggested renovations.

**SPECIAL COMMITTEE REPORTS:**

None

**September 07, 2011**

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**LA HARPER HEIGHTS PETITION FOR 9<sup>TH</sup> STREET EXTENSION (OPENING)**

- ❖ Petition received by residents of La Harper Heights
  - Requesting extension of 9<sup>th</sup> street on south to Rural/City fire station in industrial park
  - Property in industrial park is owned by Linn County
    - Will need to contact county commissioners
  - Extension of roadway to be used as a private drive for emergency vehicles
  - Fire Chief Nasalroad in favor of opening street
  - Opening of street would increase traffic on 9<sup>th</sup>
  - City Clerk: Need to know estimated costs and determine if County Commissioners are interested
  - Consensus of council to visit with County Commissioners
    - Council Member Shields will schedule to be on Commission agenda and present project to commissioners

**STREET LIGHT REQUEST – MITCH/JULIE CLARK – 306 E. GRAND**

- ❖ Mitch & Julie Clark requested installation of street light in front of their property at 306 E. Grand
- ❖ It was noted that the Clark's house is not in the city limits and do not pay the franchise fee on their electric bills
  - City street lights are funded by a 5% utility fee on electric bills
- ❖ Mitch was not willing to be annexed into the City
- ❖ After discussion Mitch decided to put in a privately owned dusk-to-dawn light

**LEAGUE OF KS MUNICIPALITIES FALL CONFERENCE**

- ❖ Council Member Sullivan asked to attend the conference
  - October 8 – 10 at Wichita
  - Registration: \$200
- ❖ City Attorney Sutherland asked to attend the City Attorneys Association seminar portion
  - October 7 at Wichita
  - Registration: \$65

✓ *Motion To Authorize Attendance at League of Kansas Municipalities Fall Conference*

**Council Member Robbins moved to send Councilman Sullivan and City Attorney Sutherland to the League of Kansas Municipalities Fall Conference. Motion seconded by Council Member Fleming, voted on, passed 4-0-1. Abstained: Sullivan Time: 7:45 p.m**

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 88 of 131 Pages **YEAR = 2011**

**September 07, 2011**

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for personnel and legal for up to twenty five (25) minutes following a ten (10) minute break. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:47 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: City Clerk Gary Mahon and Police Chief Paul Filla.

Open Session Resumed at 8:22 p.m.

**OTHER BUSINESS:**

None.

**CITY CLERK'S REPORT**

None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- i. Public Hearing Notice – Rezone – Deric Mark
- j. Public Hearing Notice – C.U.P. – Deric Mark

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Meisel, voted on, passed 5-0.** The Regular meeting was adjourned at 8:242 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 07th day of September 2011.

**September 21, 2011**

**REGULAR MEETING:**

The La Cygne City Council met On September 21, 2011 in its regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

**September 21, 2011**

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Police Officer John Epperson; Public Works Superintendent: Jim Johnson; Fire Chief Dan Nasalroad; City Treasurer Linda Elder; Fred Meisel; Allen Huggins; LeRoy Turpen; Faye Clements; Marvin Clements; Johnnye Ann Lane; Judy Kinder; Charlene Sims; Deric Mark; Cynthia Downard; Judy Martin; JoAnn Johnson and Freda Brady.

Mayor Weitman called the meeting to order at 7:00 p.m. by asking Police Chief Filla to lead in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

None

**CONSENT AGENDA:**

City Clerk Mahon reported an error on the check register that was included in Council's original meeting packet. The correct amount of check # 114938 to Killough Construction is \$1407.60 for the purchase of 13.14 ton of cold mix. The check register erroneously listed the amount as \$94.87 for notebooks and sheet protectors.

✓ **Motion to Approve Consent Agenda**

**Council Member Meisel moved to approve the consent agenda, with noted correction, which consisted of:**

- Minutes of September 07, 2011 regular city council meeting;
- Check Register: September 08 through September 21, 2011;
- Treasurer's Report: August 2011;
- Budget Report: August 2011.

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Night Out Against Crime & Ice Cream Social
  - Saturday – September 24<sup>th</sup> at the Park Pavilion
- ❖ Clearing Out Evidence Room
  - Many evidence items recently released
- ❖ Commended Officer Epperson on Recent Swift Recovery of Stolen Jewelry
  - Suspects are in jail

**September 21, 2011**

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ 3 more water main breaks since last meeting
  - Dry weather = biggest reason
  - 2 leaks on 5<sup>th</sup> street
    - One of oldest lines in the city
      - ◆ Cement/fiber glass
- ❖ Some streets getting in bad shape
  - City does not have equipment to repair
  - Dry weather causing large cracks
  - Mayor authorized contacting someone for advice
    - Some streets had faulty workmanship with original contractor
- ❖ Street Department Buildings Painting Project
  - Will finish most of surface area tomorrow
  - Adding new identification sign with a Swan logo
  - Mayor Weitman commended public works employees for the great improvement in appearance of public works building and yard
- ❖ New recording equipment being installed in the Water Plant
- ❖ River Pump has recently dropped from 500 gpm to 390 gpm
  - Not sure of reason
    - Reduced head pressure due to lower level of river??
- ❖ Winter Road Clearing Equipment
  - Blade and salt spreader on dump truck in bad shape
    - Plow could be fixed but still in poor shape
  - Asked council to consider purchase of plow for the Dodge pick-up
    - Quoted cost last year = \$5600
      - ◆ Probably higher this year
    - Plow would be interchangeable with other trucks should city trade vehicles in future
- ❖ Council Member Meisel: Thanked public works for taking down Christmas banner at Market/Broadway

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Thank you to Calvary Baptist Church for honoring emergency personnel and first responders at their church services on 9.11.11
- ❖ Currently undertaking a “*Pre-Incident Planning*” project
  - Focusing on the large buildings in city
    - Have completed Midwest Wood and La Harper Heights
    - Will work on the school next

**COUNCIL COMMITTEE REPORTS:**

**PARK**

- ❖ Council Member Sullivan inquired about Bittiker Park Basketball Court Lights
  - City Clerk Mahon informed that lights and pole had been back ordered and were now scheduled to be shipped on Monday Sept 26th

**September 21, 2011**

**COMMUNITY BUILDING**

- ❖ Council Member Shields asked Faye Clements to report on improvement committee findings
  - No leaks were noticed after/during last Sunday's rain
  - Would like to proceed with painting project
    - Paint donated by Mr. & Mrs. Lawrence
    - Gathering up volunteers
    - Will work around current community building bookings
  - Committee suggests:
    - Removing present walls to enable making restrooms larger
    - Making improvements to the front room to make it more attractive and professional
  - Committee looking for council to give budget to make these improvements
  - Need to restructure cleaning schedules/methods
  - Remove plaque (Faye was referring to Library Building Dedication plaque still attached to the front of present city hall building)

**HISTORICAL SOCIETY**

- ❖ Council Member Shields noted that the Historical Society could use some help with a bird problem
  - Screening needs to be installed along eaves and other open areas in the north storage/display annex building
  - An agreement has been struck with an individual to install the screening
    - Tall ladders are needed to help reach the high areas
      - ◆ PW Supt. Jim Johnson promised use of the City's ladders
  - Volunteers to help clean will be needed after screening is installed

**SPECIAL COMMITTEE REPORTS:**

**SWAN FEST COMMITTEE**

- ❖ Canceled for this meeting. On October 5<sup>th</sup> agenda
  - Swan Fest Committee holding a meeting Oct 3<sup>rd</sup>
  - Reviewing recent survey and want to analyze results before reporting to Council
- ❖ Mayor Weitman noted:
  - Event has been part of community for over 50 years
  - Would hate to see it discontinued if there are citizens interested and willing to work in keeping it going

**CHAMBER OF COMMERCE – REVITALIZATION – LINDA MEISEL**

- ❖ Councilmember Meisel reported:
  - C of C has formed a committee to investigate possible ways/means of revitalizing the downtown business area
    - Committee composed of C of C members and Council Reps
      - ◆ Bob Sullivan, Linda Meisel, Faye Clements, Deb Wilson, Gary Mahon, & Dennis Arnold
  - Purpose is to try to find initiatives and resources to revitalize the core business district of La Cygne
  - 19 property owners have been invited to an October 18<sup>th</sup> meeting to begin working together towards revitalizing the area
  - The committee will meet again on Oct 11<sup>th</sup> at Linda Meisel's home
  - Only commercially zoned areas are being targeted at this time.

**September 21, 2011**

**UNFINISHED BUSINESS:**

**9<sup>TH</sup> STREET EXTENSION**

- Fire Chief Dan Nasalroad noted that Council Member Shields, Public Works Supt. Johnson and himself had attended a recent Linn County Commissioners meeting about 9<sup>th</sup> street
  - It would not be a public road extension but rather a private drive for emergency vehicles only
  - Linn County Commissioners were receptive to the proposal and indicated a willingness to share in ½ of costs
    - ◆ A cost estimate of \$3157.40 had been compiled by Supt. Johnson and was included in council meeting packets.
- Mayor Weitman noted that after last council meeting he realized that not all voices of those on 9<sup>th</sup> street had been heard
- Letters were sent to property owners along 9<sup>th</sup> street giving them the opportunity to express their opinions
  - The letter generated responses of 2 definite yea and 1 definite no
  - Others noted they preferred the drive be for emergency vehicles only
- It was noted that the drive would not be used for every emergency call
- Superintendent Jim Johnson and Fire Chief Nasalroad noted that present roads are adequate to support the trucks and other emergency vehicles.

✓ *Motion To Extend 9<sup>th</sup> Street As A Private Drive to Rural/City Fire Building*

**Council Member Meisel moved to extend 9<sup>th</sup> street to the rural/city fire station as a private drive for emergency vehicle use only. Motion seconded by Council Member Shields, voted on, passed 5-0.**

**WATER/SEWER RATE INCREASES**

- ❖ Per City Clerk Mahon:
  - Attorney Shultz and other associates would like to review our recommendation
    - Have not completed the review yet
  - Will place this item on the next meeting agenda

**NEW BUSINESS:**

**REQUEST FOR NIGHT OUT AGAINST CRIME – LINDA ELDER & PAUL FILLA**

- ❖ Linda Elder Reported:
  - The annual ice cream social had been combined with the Night Out Against Crime program
  - Ice Cream social was started to help with the local food pantry with non-perishable food items
    - Currently the pantry serves 102 families
    - Open 3 times a month
    - Families limited to 1 visit per month
    - Takes \$500 to keep pantry going for 100 families
  - Fire Department will also be grilling hot dogs, hamburgers, etc. in conjunction with Night Out Against Crime

**September 21, 2011**

- ❖ Paul Filla Reported:
  - Usually have a good turnout here
  - Event funded by donated money as well as Crime Stopper and Children's Coalition donations
  - Asked City to consider helping fund the event by making a donation
- ❖ In answer to Council question it was determined that City had not donated to past ice cream socials but the City had supported Night Out Against Crime activities through expenditures through the city police department
  - Fire Chief Dan Nasalroad noted he would ask firefighters to donate also

✓ *Motion To Authorize Night Out Against Crime/Ice Cream Social Expenditures*

**Council Member Robbins moved to approve Paul Filla to spend up to two hundred fifty dollars (\$250.00) for Night Out Against Crime and Ice Cream Social expenditures. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:39 p.m.

#### **ZONING CHANGE REQUEST – DERIC MARK**

Public hearings for a zoning change and conditional use permit were held by the La Cygne Planning Commission on September 08, 2011. The applications were submitted by Deric Mark of 620 N. 6<sup>th</sup> Street. The zoning change request was to change their present zoning classification from R-1 (Low Density Residential District) to C-2 (General Commercial District). The stated purpose was to allow application for a conditional use permit to operate a dog kennel. The conditional use permit cannot be granted unless the property is rezoned to C-2.

The Planning Commission recommended to the City Council that the request for a zoning change from R-1 to C-2 be denied.

- ❖ Mayor Weitman asked Council Members and Deric Mark if they had any comments on the recommendation.
  - Deric Mark:
    - Moved into the City of La Cygne three years ago
    - Had the dogs with them when they moved in
    - No complaints about their dogs until a couple of months ago
  - It was noted that there were approximately ten (10) residents in attendance at the public hearing
    - All voiced objections to the re-zoning
      - ◆ Did not want a C-2 zoning in the middle of residential homes
  - Two letters were received for the public hearing also
    - One in favor and one opposed
  - It was noted that if the property were rezoned to C-2 that any type business allowed in C-2 zoning could be established on the property.

✓ *Motion To Deny Zoning Change for Deric Mark*

**Council Member Robbins moved to follow the recommendation of the Planning Commission and deny the zoning change request of Deric Mark. Motion seconded by Council Member Fleming, voted on, passed 4-0-1.** Abstained: Meisel

**September 21, 2011**

**CONDITIONAL USE PERMIT – DOG KENNEL – DERIC MARK**

Per Attorney Sutherland: As the property will not be rezoned to C-2, this application becomes a moot point and cannot be approved.

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for personnel and legal for up to thirty-five (35) minutes following a ten (10) minute break. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:47 p.m.**

In addition to the Mayor and Council Members those who requested time or were invited into portions of the executive session included: City Clerk Mahon; Police Chief Filla; and Fire Chief Nasalroad.

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session for personnel and legal for up to ten (10) minutes. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 8:32 p.m.**

Open Session Resumed at 8:42 p.m.

**OTHER BUSINESS:**

None.

**CITY CLERK'S REPORT**

Verbal: None

Written:

- a] 9<sup>th</sup> Street Extension
- b] Water/Sewer Rate Increases
- c] Request for Night Out Against Crime
- d] Zoning change and Conditional Use Permit Application – Deric Mark

**NOTES AND COMMUNICATIONS TO COUNCIL:**

None.

**September 21, 2011**

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Meisel moved to adjourn the meeting. Motion seconded by Council Member Shields, voted on, passed 5-0.** The Regular meeting was adjourned at 8:43 p.m.

I, \_\_\_\_\_ LaCygne City Clerk, do hereby declare the  
(Gary D. Mahon) above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 21<sup>st</sup> day of September 2011.

**October 05, 2011**

**REGULAR MEETING:**

The La Cygne City Council met On October 05, 2011 for a regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent: Jim Johnson; Fire Chief Dan Nasalroad; Le Roy Turpen; Rhonda Matthews; Judy Kinder; Faye Clements; Danny Curtis; Fred Meisel; Charlene Sims; Jim Kaup; and Mike Shultz.

Mayor Weitman called the meeting to order at 7:01 p.m. by asking City Clerk Mahon to lead in the Pledge of Allegiance. Under Mahon's leadership the Pledge of Allegiance was delivered by all present in perhaps one of the most robust and inspiring recitations in recent memory.

**MAYOR'S COMMENTS:**

- ❖ Thank You to County Commissioners and Employees for 9<sup>th</sup> Street Emergency Vehicle Access
  - Great Job - Very Professional
- ❖ Oct 12<sup>th</sup> County-Wide Chamber of Commerce Meeting at Community Building
- ❖ Oct 12<sup>th</sup> Ribbon Cutting Ceremony for Dr. Jaccard
  - Open house 11 - 2
- ❖ Received Thank You from Linda Elder & Paul Filla for support
  - Night Out Against Crime and Ice Cream Social
- ❖ Clarified recent statement by Linn County Sheriff Walker
  - Attendance for Night Out Against Crime in La Cygne was up significantly
    - Walker had reported that attendance county-wide was down
  - Mayor Weitman expressed his hope that someone from the Linn County Sheriff's Dept. would attend LaCygne's Night Out Against Crime activities next year

**CONSENT AGENDA:**

Council Member Meisel inquired about check # 15022 to Iota Tau in the amount of \$500. City Clerk Mahon explained that this was from a motion made in the 1990's to automatically write the check every year as a donation to help defray costs of Christmas lighting.

**October 05, 2011**

✓ *Motion to Approve Consent Agenda*

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

Minutes of September 21, 2011 regular city council meeting;  
Check Register: September 22 through October 05, 2011;

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

**DISCUSSION FROM THE FLOOR:**

**DANNY CURTIS**

Danny announced that Peoples Telecommunications would be holding their annual Open House on October 14<sup>th</sup> from 11 am to 2 pm. Everyone invited.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Noted that "Take Back Drugs Day" would be held October 29<sup>th</sup>
  - Old medicine to be turned in for disposal
- ❖ Successful Night Out Against Crime
  - Well Organized – Great Turn Out
  - Thanks to Firefighters, Frankie Noel, Mayor, Council, Linda Elder, Leslie Mitzner, Julie's Thriftway, Family Café, 2<sup>nd</sup> Hand Rose, Frankie's Liquor, Crime Stoppers, Children's Coalition, Devona Herrin and Linn County Commissioners.

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Thank you to Linn County for assistance with 9<sup>th</sup> Street to Fire Barn
  - County did great job
  - Cost of supplies came in less than originally estimated
- ❖ Painting and maintenance of public works buildings almost complete
- ❖ Four more water main breaks since last meeting
  - Three occurred in one day
- ❖ Fire Hydrant installed across street from Industrial Park Fire Station
- ❖ Street Patch Work
  - Have used all 14 tons
  - Patching is probably no more than just a band-aid
  - Company coming tomorrow to view streets and give advice on how to patch.
- ❖ Water Plant recording equipment has been installed
- ❖ River pump still pumping at lower rate than usual but has not diminished anymore since last meeting
- ❖ KCC Pipeline Seminar is Oct 25 – 27
  - Communications that City received did not give price or location
    - Location in past years = Salina, Kansas
  - KCC highly recommends attendance at this seminar
  - City has attended annually for past several years
  - Discussed having Mayor give authority to attend after receiving more information

✓ *Motion Authorizing Mayor to Approve KCC Gas Seminar*

**Council Member Robbins moved to authorize Mayor Weitman to approve gas seminar after receiving appropriate information. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:14 p.m.

**October 05, 2011**

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Noted there had recently been two fatalities in Kansas City metro area house fires
  - Batteries were not replaced in smoke detectors
  - City Fire Dept has some smoke detectors available for those who need them
  - Landlords and property managers are required to have smoke detectors
- ❖ Extremely Dry Conditions – Please No Burning
- ❖ Pump Tests recently performed
  - Both trucks passed
- ❖ Will be performing study to try to obtain better insurance rating
- ❖ Thank You to Linn County for their assistance in extending 9<sup>th</sup> street access to the Fire Station.
- ❖ Will be serving hotdogs Halloween night at corner of Broadway and Market commencing at 6:00 pm
- ❖ Next week is Fire Safety Week

**COUNCIL COMMITTEE REPORTS:**

None

**SPECIAL COMMITTEE REPORTS:**

**SWAN FEST COMMITTEE**

- ❖ Rhonda Matthews reported on Swan Fest (Fiesta) happenings
- ❖ Committee had recently completed a survey asking peoples what they wanted from the event
  - Good response
  - Wanted it held in September
  - Be a 1 day event
  - Parade and entire event be held uptown
  - Have A Street Dance
- ❖ Rhonda noted the event had been held for over 50 years
  - Would like to see direction and support from Council
  - Suggested that Council make committee appointments rather than random volunteers
- ❖ Mayor Weitman noted
  - Fiesta formerly under auspices of a separate entity (Betterment Association)
  - City took over when the entity quit having the Fiesta
    - Plan was to have interested citizens come forth and take over the event
      - ◆ That was fifteen years ago
- ❖ Mayor Weitman asked Council for recommendations
- ❖ Item will be on next meeting agenda and everyone asked to bring their ideas

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**MUTUAL AID FOR WATER & SEWER UTILITIES**

- ❖ Council reviewed a mutual aid proposal for water and sewer utilities
  - City of Mound City was proposing to all the cities in Linn County
    - Pleasanton and Mound City have signed the agreement
  - Agreement provides vehicle for determining costs and who is in charge of employees and equipment in the event of one city assisting another

**October 05, 2011**

✓ *Motion To Authorize Mutual Aid Agreement for Water & Sewer Utilities*

**Council Member Robbins moved to authorize Mayor Weitman to sign the Linn County Mutual Aid Program For Water and Sewer Utilities. Motion seconded by Council Member Sullivan, voted on, passed 5-0.** Time: 7:32 p.m.

#### **REQUIREMENTS FOR HOUSE NUMBERS**

- ❖ Police Chief Filla proposed that the City of La Cygne adopt an ordinance requiring all houses and businesses to display their street numbers
  - Referenced ordinance adopted by Pleasanton
  - Numbers are needed to assist personnel in locating homes in case of emergency
  - Council requested an ordinance be drawn up for their consideration

#### **AMEND BUDGET – COMMUNITY PARK & POOL**

City Clerk Gary Mahon reported that the Park & Pool budget needed to be amended to allow enough budget authority for the recent payment to Heckert Construction. The payment was for the 2006 street resurfacing project. Although money was always available, this expenditure had not been included in annual budgets the past few years. The reason was to help prevent future boards and councils from accidentally spending the money before the Heckert bill was finalized.

✓ *Motion To Hold Hearing For 2011 Budget Amendment*

**Council Member Robbins moved to set November 02, 2011 a date for budget hearing for amending the 2011 budget. Motion seconded by Council Member Meisel, voted on, passed 5-0.** Time: 7:38 p.m.

#### **ORDINANCE NO. 1401 – NO PARKING 9<sup>TH</sup> STREET**

Fire Chief Nasalroad requested that the west side of 9<sup>th</sup> street from Elm to Linn Street be closed. The reason was to provide safer access for emergency vehicles on that portion of the narrow 9<sup>th</sup> street.

✓ *Motion To Adopt Ordinance No. 1401 Regarding Parking On 9<sup>th</sup> Street*

**Council Member Fleming moved to approve ordinance No. 1401. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:40 p.m.

#### **HOUSING AUTHORITY BOARD APPOINTMENT**

Christine Teagarden had recently resigned her position as a member of the La Cygne Housing Authority Board. Mayor Weitman appointed Melody Troth to fulfill the remainder of Christine's unexpired term. The term will end in December 2011.

✓ *Motion To Appoint Melody Troth To The Housing Authority Board*

**Council Member Meisel moved to accept the Mayor's recommendation and appoint Melody Troth to the unexpired term of Christine Teagarden on the Housing Authority Board. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:41 p.m.

**October 05, 2011**

**EXECUTIVE SESSION:**

*✓ Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal for up to thirty (30) minutes. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:44 p.m.

In addition to the Mayor, Council Members, and City Attorney John Sutherland those who requested time or were invited into portions of the executive session included (but not limited to): City Clerk Mahon; Attorney Mike Shultz, and Attorney Jim Kaup.

Executive Session Extended

*✓ Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session up to five (05) minutes for legal. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 8:16 p.m.

Open Session Resumed at 8:22 p.m.

**OTHER BUSINESS:**

**INTERIM WATER RATE INCREASES**

- Attorney Mike Shultz had presented to council two reports. It was announced that the reports were also available to the public.
  - Report Regarding the Financial Condition of The City's Water Utility (3 pages)
  - Report Regarding overview of water issues and recommendations for finances of the water utility (18 pages)
- Attorney Shultz then reported on the contents of both reports
- (City Clerk Note: The written reports are made a part of the official minutes that are archived at City Hall.)
  
- An ordinance pertaining to interim water rate increases, along with a couple of options, will be presented to Council.
- Attorney Shultz indicated the ordinance would be presented at next meeting.

**EXECUTIVE SESSION:**

*✓ Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to thirty-five (35) minutes following a five (05) minute break. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 9:03 p.m.

In addition to the Mayor, Council Members, and City Attorney Sutherland, those who requested time or were invited into portions of the executive session included (but not limited to): Fire Chief Dan Nasalroad and Public Works Superintendent Jim Johnson.

**October 05, 2011**

Open Session Resumed at 9:44 p.m.

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Minutes – September 14<sup>th</sup> Chamber of Commerce
- b] Letter notifying 3 mile customers of pending rate increase

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Shields moved to adjourn the meeting. Motion seconded by Council Member Meisel, voted on, passed 5-0.** The Regular meeting was adjourned at 9:45 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 05<sup>th</sup> day of October 2011.

**October 19, 2011**

**REGULAR MEETING:**

The La Cygne City Council met On October 19, 2011 for a regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent: Jim Johnson; Fire Chief Dan Nasalroad; Le Roy Turpen; Rhonda Matthews; Judy Kinder; Charlene Sims; Terry Sercer; Tom Beachner; and Fred Meisel.

Mayor Weitman called the meeting to order at 7:00 p.m. by asking Public Works Superintendent Jim Johnson to lead, with vigor, in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

None

**October 19, 2011**

**CONSENT AGENDA:**

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

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

Minutes of October 05, 2011 regular city council meeting;  
Check Register: October 06 through October 19, 2011;  
Treasurer's Report: September 2011  
Budget Report: September 2011

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

**SPECIAL BUSINESS:**

**2010 AUDIT REPORT**

- ❖ City Auditor Terry Sercer of Diehl, Banwart, & Bolton reported on the 2010 Audit
  - Apologized for lateness of the report citing unforeseen circumstances
  - Good Report
  - No violations of cash basis law or budget law
  - No violations of Kansas statutes
  - Reviewed the financial notes
  - Reviewed the control letters
  - Noted the importance of maintaining good minutes
  - Utility Billing Records
    - Noted difficulty with balancing preliminary utility billing reports
      - ◆ Finally was able to tie everything together
    - Have asked that a preliminary billing register be prepared then run a final register anytime after an adjustment is made
      - ◆ Auditors need the final billing register when doing the audit
- ❖ Council had no questions and thanked Mr. Sercer for the report

**2011 AUDIT CONTRACT**

- ❖ Council reviewed the proposed 2011 audit contract
  - 2011 contract reflected a 1% increase (\$60)

✓ ***Motion To Accept Contract For 2011 Audit***

**Council Member Shields moved to accept the contract as presented from Diehl, Banwart, and Bolton to perform the 2011 audit. Motion seconded by Council Member Meisel, voted on, passed 5-0.** Time: 7:17 p.m.

**BUFFALO STRIPE: TOM BEACHNER – STREET REPAIRS**

Tom Beachner of Buffalo Stripe reported to Council on his recent tour of the city's streets:

- ❖ Noted he had also looked at streets one year ago for Heckert Construction
- ❖ He has recently made repairs to streets in Coffeerville & Salina
- ❖ Presented Council with written estimate to perform crack seal operation
  - Council did not publicize estimated cost at this time
- ❖ Operation would consist of routing out then sealing the cracks

**October 19, 2011**

- Estimated this would lengthen life of streets approximately 10 to 15 years
- ❖ Estimates taking 3 weeks to make repairs
- ❖ Could start repairs immediately
  
- ❖ Consensus of Council to have Mayor and Street Committee (Fleming & Meisel) meet to review proposals then call a special meeting if needed

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Noted that “Take Back Drugs Day” would be held October 29<sup>th</sup>
  - Old medicine to be turned in for disposal
- ❖ Radars in vehicles were recently re-certified
- ❖ Officers Epperson and West along with Fire Chief Nasalroad made presentation at school today
- ❖ Halloween coming up
  - Patrolling will be increased for the evening

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Water leaks continue due to dry conditions
- ❖ Council had been presented with quote from Killough to repair streets
- ❖ Supt. Johnson noted that he needed to order 14 tons of cold mix from Killough Construction
  - Need for repairs to streets that have been dug into for water repairs

✓ *Motion To Purchase Cold Mix*

**Council Member Robbins moved to authorize Supt. Johnson to order 14 ton of cold mix from Killough Construction for street and water repairs. Motion seconded by Council Member Fleming, voted on, passed 5-0.**

- ❖ Requested purchase of hammer-drill
  - Have been searching and uncovering valves in water lines
    - Uncovering valves with backhoe damages larger area of streets than is necessary
    - Hammer-drill would reduce size of excavated areas
  - Supt. Johnson feels he can purchase a hammer-drill for \$500 or less
    - Cost to rent = \$45/hour or \$155/week

✓ *Motion To Authorize \$500 for Hammer-drill Purchase*

**Council Member Robbins moved to allow up to five hundred dollars (\$500.00) for the purchase of a hammer-drill. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:46 p.m.**

- ❖ Residential Gas Line Installation
  - Supt. Johnson reported that a request to have a residential gas line installed on the Henson line would cost the resident a minimum of \$2,000 – probably more.
  - Home will be approximately 700 feet from the road

**October 19, 2011**

- Resident would hire contractor to dig ditch, backfill, etc.
- City would have to actually lay the line
- Panhandle will weld tap to the main line
- Resident seems willing to pay the associated costs
- ❖ Council requested that Supt. Johnson write an agreement and present to the resident & Council
  - Council requested that Supt. Johnson leave a copy of the agreement and estimated costs at City Hall also

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Pump Tests recently performed
  - Both trucks passed
- ❖ Fire Prevention Week was last week
  - Presentations given to 250 kids at the fire station
    - Still have one pre-school group to do
    - Thanks to all the firemen that helped
  - Fire Prevention books with CD's given to kids in certain grades
    - Thanks to area businesses that contributed to purchasing the books and CD's
- ❖ Assisted Captain America at elementary school with kid's lunch today
- ❖ Chicken N Noodles and Ham N Beans at Community Building this Saturday
  - Donations to help with Christmas for Kids program
- ❖ Halloween Hot Dogs at Broadway and Market
  - Starting at 6:00 p.m. – October 31<sup>st</sup>
- ❖ Dry Conditions still prevail – Please No Burning

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Supt. Johnson thanked Council Member Sullivan for the literature he brought back from the League of Municipalities Conference

**COUNCIL COMMITTEE REPORTS:**

**PARK**

- ❖ Council Member Sullivan noted that installation of the Bittiker Park basketball court light had commenced

**SPECIAL COMMITTEE REPORTS:**

None

**UNFINISHED BUSINESS:**

**CHOOSE ONE: (SWAN FEST) – (FESTIVAL) – (FIESTA)** *Swan Fest chosen at 11/02/11 Council Meeting*

- ❖ Mayor had asked Council at its last meeting to bring their ideas and recommendations regarding (Swan Fest) – (Festival) – (Fiesta) to this meeting
  - Council had been asked to appoint committee and provide guidance to committee
- ❖ It was noted by Rhonda Matthews that it was suggested to hold (Swan Fest) – (Festival) – (Fiesta) on September 8<sup>th</sup> next year

**October 19, 2011**

- A group of five citizens have been helping to develop plans for next year
- ❖ Mayor noted that he had heard some interest expressed at the Chamber of Commerce Revitalization meeting last night
- ❖ Mayor felt there should be a rep from the City Council and also one or two reps from the Chamber of Commerce
- ❖ Mayor asked Council Members for their thoughts and suggestions
  - No response
- ❖ In the end, Council Member Sullivan volunteered to be the Council Rep to (Swan Fest) – (Festival) – (Fiesta) Committee
- ❖ Mayor asked Council Member Shields to contact Chamber of Commerce and request they provide one or two members to be on the (Swan Fest) – (Festival) – (Fiesta) Committee
- ❖ Mayor Weitman appointed Robert Sullivan to be the Council Rep on the (Swan Fest) – (Festival) – (Fiesta) Committee plus two from Chamber of Commerce to be named later.

✓ *Motion To Appoint Fiesta Committee Reps*

**Council Member Robbins moved to approve the Mayor's appointments to (Swan Fest) – (Festival) – (Fiesta) Committee. Motion seconded by Council Member Fleming, voted on, passed 5-0.**

**NEW BUSINESS:**

**ORDINANCE 1402 – 3 MILE RATE INCREASE**

- ❖ Rates to customers 3 miles and beyond the city limits currently pay lower rates than do city residents
  - K.C.C. rules, regulations, and tariffs had produced the discrepancy over the years
  - Changes in K.C.C. now allows for rates to be equalized
    - Rates to 3 mile customers can only be raised 10% per year
    - Will take another 2 to 3 years to get rates equalized

✓ *Motion To Approve Ordinance No. 1402 – 3 Mile Gas Utility Rates*

**Council Member Robbins moved to approve Ordinance No. 1402. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 8:09 p.m.**

**ORDINANCE NO. 1403 – HOUSE NUMBERS**

- ❖ Purpose of Ordinance is to require buildings to be identified by posting address numbers that are readily visible from the street
  - Needed to assist first responders: police, fire, ambulance, etc.
  - Ordinance requires owners to purchase, post, and maintain numbers
    - However the City does have some numbers on hand that they will provide free of charge

✓ *Motion To Approve Ordinance No. 1403 – Street Address Numbers*

**Council Member Fleming moved to approve Ordinance No. 1403. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 8:15 p.m.**

**October 19, 2011**

**SNOW PLOW & SPREADER**

- ❖ Council reviewed quotes from Blue Valley Tractor regarding a snow plow and salt spreader
  - Purchasing both would eliminate having to use the large dump truck when clearing streets
    - Would save paying an employee and fuel for running dump truck
    - Dump truck could still be used for heavy snow if used only on north/south or east/west streets
  - 2852 Hinniker 8 ½" Heavy Duty Steel Plow \$5299.00
  - 825 Hiniker 8' Stainless Steel Salt Spreader W/Long Spinner \$5370.00

✓ *Motion To Purchase Snow Plow & Spreader*

**Council Member Robbins moved to purchase snow plow and salt spreader from Blue Valley Tractor and Supply as presented for a total of Ten Thousand Six Hundred Sixty Nine Dollars (\$10,669.00). Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 8:19 p.m.**

**ORDINANCE NO. 1404 – WATER INTERIM SURCHARGE**

- ❖ In addition to Ordinance No. 1404, City Clerk Gary Mahon noted the following options for reducing the drain on the Water Utility Departments finances:
  1. Borrow from other funds;
  2. Issue Temporary Notes;
  3. Refinance current bond debt;
  4. Borrow from State Revolving Fund
- ❖ Following discussion, Council **reluctantly** decided that imposing an interim water rate surcharge would be necessary.

✓ *Motion To Adopt Ordinance No. 1404 – Interim Water Rate Surcharge*

**Council Member Robbins moved to approve ordinance No. 1404 imposing a \$2.35/1000 gallon surcharge to water rates. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 8:28 p.m.**

**REQUEST FOR WAIVER OF COMMUNITY BUILDING RENT – THOMAS FAMILY**

The Thomas family of rural Amsterdam, Mo had recently lost everything in a fire. They are former residents of La Cygne. Organizers of a benefit held at the Community Building requested that Council consider refunding the Community Building rent to help provide more funds for the family.

✓ *Motion To Refund Community Building Rent For Thomas Family Benefit*

**Council Member Shields moved to refund the Community Building rent for the Thomas Family Fire Benefit. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 8:30 p.m.**

**SOUTHEAST KANSAS TOGETHER WE SUCCEED ECONOMIC SUMMIT**

- ❖ Council was reminded of the summit to be held Nov 17<sup>th</sup> in Iola, Kansas
  - Exact time had not been posted yet
- ❖ Mayor Weitman and Council Member Meisel will attend

**October 19, 2011**

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to thirty (30) minutes following a ten (10) minute break. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 8:33 p.m.**

In addition to the Mayor, Council Members, and City Attorney John Sutherland those who requested time or were invited into portions of the executive session included (but not limited to): City Clerk Mahon; Police Chief Paul Filla; and Public Works Superintendent Jim Johnson.

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session up to fifteen (15) minutes for personnel. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 9:14 p.m.**

Open Session Resumed at 9:29 p.m.

**OTHER BUSINESS:**

No action taken as result of executive session

**CLARIFICATION ON STREET COMMITTEE MEETING**

It would not be necessary to set a time for a Special Meeting tonight. The Mayor and Street Committee (Meisel & Fleming) will meet to discuss street repairs. If findings or recommendations of the committee meeting warrant such, a special meeting of entire council will then be called.

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Gas Production Records – September 2011
- b] Water Production Records – September 2011

**October 19, 2011**

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Shields, voted on, passed 5-0.** The Regular meeting was adjourned at 9:33 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 19<sup>th</sup> day of October 2011.

**October 24, 2011 Special Meeting**

**SPECIAL MEETING:**

The La Cygne City Council met in Special Session on Monday, October 24, 2011 at the LaCygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others present included but not limited to: City Clerk Gary Mahon; and City Attorney John Sutherland.

Mayor Terry Weitman called the special meeting to order at 6:00 p.m. for the purposes of:

4. Street Repairs

Mayor Weitman and Street Committee (Fleming/Meisel) reported that they had met to discuss a proposal by Buffalo Stripe (Tom Beachner) to repair and seal cracks in the City's streets.

Original proposal had been to router and seal cracks with hot pour asphalt material estimating a need for 20,000 pounds of crack seal. Cost = \$4.00 for 1<sup>st</sup> 10,000 lb and \$3.50 for 2<sup>nd</sup> 20,000 lb for a total of \$75,000. No guarantee that 20,000 lb would cover every crack on every street.

In subsequent conversations, Tom Beachner agreed to reduce the price to \$3.00 per lb for a total of \$60,000. Proposal includes mobilization and all traffic control devices to perform crack seal operation.

Discussion followed:

- Availability of Crew
- Proximity of crew to La Cygne
- Buffalo Stripe is in-between jobs
  - Could start immediately
  - Estimate 3 weeks to complete job
- Noted that 20,000 lb may not cover all cracks
  - Could work until 20,000 used up and see how much more might be needed (if any)
- Project would only seal cracks and not level road
  - Lengthen useful life of the road
- Streets need some type of preservation maintenance
- Project could be paid out of left over funds from 2006 street resurfacing temp note
  - Fund has \$83,347.31 balance as of September 30, 2011
- Condition of 2011 General Fund budget discussed

**October 24, 2011 Special Meeting**

✓ *Motion To Accept Buffalo Stripe Street Crack Sealing Proposal*

**Council Member Shields moved to approve the proposal from Buffalo Stripe to repair and seal cracks for three dollars per pound (\$3.00/lb) up to a total expenditure of sixty thousand dollars (\$60,000.00). Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 6:07 p.m.**

✓ *Motion To Decline Pay For This Special Meeting*

**Council Member Meisel moved that Council Members and Mayor not be paid for attending this special meeting. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 6:09 p.m.**

**ADJOURNMENT:**

✓ *Motion for Adjournment*

**Council Member Shields moved to adjourn the special meeting. Motion seconded by Council Member Meisel, voted on, passed 5-0. The meeting was adjourned at 6:10 p.m.**

I, \_\_\_\_\_ LaCygne City Clerk, do hereby declare the  
(Gary D. Mahon) above to be true and correct, to the best of my  
knowledge, and do hereby subscribe my name  
this 24th day of October, 2011.

**November 02, 2011**

**REGULAR MEETING:**

The La Cygne City Council met on November 02, 2011 for a regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent: Jim Johnson; Fire Chief Dan Nasalroad; Le Roy Turpen; Judy Kinder; Fred Meisel; Diane Stainbrook; Dan Stainbrook; Danny Curtis; Linda Jo Hisel; Faye Clements; and Beth Smith.

Mayor Weitman called the meeting to order at 7:00 p.m. by asking Council Member Robert Sullivan to lead in the pledge of allegiance.

**MAYOR'S COMMENTS:**

❖ Economic Summit in Iola – Nov 17<sup>th</sup> – 8:30 a.m. to 12:30 p.m.

**November 02, 2011**

**CONSENT AGENDA:**

✓ **Motion to Approve Consent Agenda**

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

Minutes of October 19, 2011 regular city council meeting;  
Minutes of October 24, 2011 special city council meeting;  
Check Register: October 20 through November 02, 2011;

**Motion seconded by Council Member Meisel.**

Discussion: Council Member Shields requested that a notation be made to the October 19<sup>th</sup> minutes choosing the annual community celebration to be referred to as Swan Fest. Council duly noted the request.

**The motion, with noted change, was then voted on, passed 5-0.** Time: 7:02 p.m.

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Stop Sign Request at 7<sup>th</sup> & Lincoln
  - T-Intersection
  - Request from citizen for stop sign on north bound 7<sup>th</sup> street at Lincoln
  - Site of some recent near-misses
  - Resolution will be presented to Council at next meeting
- ❖ Take Back Drugs program
  - Last Saturday, October 29<sup>th</sup>
  - 45 lbs of outdated prescription drugs turned in
    - Good response, especially for first time
- ❖ Statements recommending **property condemnation** were given to Council Members
  - 402 Walnut – Van Ross – Garage
  - Northwest corner of 4<sup>th</sup> and Locust – Sandy White – 2 structures
  - 401 Chestnut – Jeremy Johnson – Garage
- ❖ Owners have been personally contacted about possible condemnation proceedings
- ❖ Resolutions will be prepared for Council's consideration at the November 16<sup>th</sup> meeting
- ❖ Chief Filla noted there were some other properties being considered for condemnation

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Received the 14 ton of cold patch – Approximately 2 tons left.
  - Superintendent Johnson received request to sell approximately 1 ton of cold patch to Julie's Thriftway
    - Council O.K. as long as it did not make City short and have to purchase another truck load to fulfill city projects
- ❖ Dodge truck is at Blue Valley Tractor being fitted with snow plow and salt spreader
- ❖ Reported that Linn County Highway Department is interested in the City's old spreader box
  - County's frame is good but their box is bad and they feel they could use parts of city's old box to repair theirs

**November 02, 2011**

✓ *Motion To Donate Old Spreader to Linn County*

**Council Member Robbins moved to donate the city's old spreader to Linn County. Motion seconded by Council Member Shields voted on, passed 4-0-1.** Abstained: Fleming (County Employee) Time: 7:14 p.m.

- ❖ Council Member Sullivan inquired about water tower inspection to be done with submarine camera
  - Inspection set for November 9<sup>th</sup>
    - Submarine with camera had malfunctioned and sunk at a previous tower inspection, thus delaying the inspection schedules

#### **FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Thank you to all involved in the recent Chicken Noodle/Ham Beans Dinner
  - Proceeds to Christmas Share Program
  - Over \$2,000 raised
    - Thanks to organization that matched funds (Royal Neighbors of America)
- ❖ Fireman's Relief Association Conference
  - January 21, 2012
  - Request authorization for two firemen to attend
  - Conference reviews new revisions, rules, regulations
  - Cost: Jan 20 hotel and fuel

✓ *Motion To Authorize Attendance At Fireman's Relief Association Conference*

**Council Member Meisel moved to approve attendance of two (2) firemen to the Fireman's Relief Association Conference on January 21, 2012. Motion seconded by Council Member Robins, voted on, passed 4-0-1.** Abstained: Fleming (Fireman) Time: 7:19 p.m.

#### **COUNCIL COMMITTEE REPORTS:**

##### **PARK**

- ❖ It was noted that in addition to the pole base the wiring for the basketball court lighting had been installed.

##### **EMPLOYEE RELATIONS & TRAINING**

- ❖ Updating of City's Personnel Policies
  - City Clerk Mahon was asked to obtain a copy of model personnel policies as prepared by the Kansas League of Municipalities

**November 02, 2011**

**SPECIAL COMMITTEE REPORTS:**

**CHRISTMAS SHARE PROJECT**

- ❖ Beth Smith reported on the upcoming 2012 Christmas Share Project
  - Project is to benefit kids in need at Christmas time
  - Thanks to Jo-Ann Albright and Firefighters for their putting together the Chicken Noodle – Ham/Bean dinner to raise money for the Christmas Share Project
  - Royal Neighbors of America matches funds if raise at least \$1,000
    - Through firemen’s generosity the \$1,000 was not only met but surpassed
      - ◆ Adding Royal Neighbors match the total = approximately \$2500
  - Project Share will also be asking churches, businesses, and KCPL for donations as in past years
  - Beth asked permission to use City Hall for storing donations
    - Council concurred
    - Overflow could be taken to fire building if needed
- ❖ Mayor Weitman thanked Beth for organizing and administering this very worthwhile community program

**COMMUNITY THANKSGIVING DINNER**

- ❖ Linda Jo Hisel reported on the annual Community Thanksgiving Dinner
  - Saturday, November 19<sup>th</sup> at Elementary School
  - Serving 11:00 a.m. to 1:00 p.m.
  - Home Deliveries contact Kelly Haupt
  - Linda asked Mayor Weitman to give the welcome
  - Asked all Council Members and City Officials and Employees to attend
  - Noted that there were plenty of opening for volunteer help
  - Committee is seeking contributions from businesses and area organizations

**SWAN FEST**

- ❖ Mayor Weitman noted that he hoped that appointments could be ready for next meeting

**NEW BUSINESS:**

**WAIVER OF COMMUNITY BUILDING RENT – ZUMBA LOVERS**

- ❖ Diane Stainbrook requested rent free use of community building
  - Zumba instructor teaching class at La Cygne at substantially reduced rate
    - Instructor normally charges \$175 per hour but charging \$5/person/class at La Cygne
  - Meeting at Labette Bank but, due to popularity of class, they are running into scheduling conflicts
    - Requested use of community building the second Wednesday of Nov 2011 and Dec 2011
      - ◆ Hope to have schedules adjusted to be able to use Labette Bank all the time beginning in January
  - Council expressed willingness to help the group for a couple of months
    - Reluctant to waive fees on a permanent basis

**November 02, 2011**

✓ *Motion To Temporarily Waive Community Building Fees to Zumba Exercise Class*

**Council Member Robbins moved to waive the community building fees for Zumba Exercise Class for the dates requested in November 2011 and December 2011 if the building is available with any future Zumba waiver requests to come before Council. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 7:36 p.m.**

**UNFINISHED BUSINESS:**

**RESIDENTIAL GAS LINE HOOK-UP ON HENSON LINE**

- ❖ Public Works Superintendent Johnson reported that no response had been received from the owners that were inquiring about natural gas hook up.
- ❖ No action will be taken until City hears from the owners or responsible party

**NEW BUSINESS:**

**BUDGET HEARING – AMEND PARK/POOL BUDGET**

**The Hearing to amend the 2011 Park/Pool Budget was opened by Mayor Weitman**

- ❖ City Clerk Mahon noted that the reason to amend the budget was to allow the City to pay for the 2006 street resurfacing in the park to Heckert Construction
  - The money was always available for payment to Heckert
  - Due to the fact that Heckert did not request payment after the 2006 project the allocated money was never spent.
  - Authorization for the expenditure was subsequently eliminated from annual budgets to prevent future park boards or city councils from accidentally spending the money until the account could be resolved.
    - Money allocated to the project was reflected as a cash carry-over in the annual budgets
  - Payment to Heckert was negotiated and made this year
    - Budget needs to be amended to legally allow the expenditure
      - ◆ The cash is on hand.
- ❖ Mayor Weitman asked citizens in attendance for their comments or questions
  - There were none
- ❖ There were no changes made to the published amended budget

**The Public Hearing was then declared closed by Mayor Weitman**

✓ *Motion To Amend the 2011 Community Park/Pool Budget*

**Council Member Meisel moved to approve amending the 2011 Park & Pool budget. Motion seconded by Council Member Fleming, voted on, passed 5-0. Time: 7:38 p.m.**

**November 02, 2011**

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to thirty (30) minutes following a ten (10) minute break. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:40 p.m.**

In addition to the Mayor, Council Members, and City Attorney John Sutherland those who requested time or were invited into portions of the executive session included (but not limited to): Public Works Superintendent Jim Johnson

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session up to twenty (20) minutes for legal. Motion seconded by Council Member Shields, voted on, passed 5-0. Time: 8:23 p.m.**

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Shields moved to extend the executive session up to ten (10) minutes for legal. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 8:44 p.m.**

Open Session Resumed at 8:54 p.m.

**OTHER BUSINESS:**

No action taken as result of executive session

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

a] Minutes of Joint Chamber of Commerce Meeting: Oct 12, 2011

**November 02, 2011**

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Fleming moved to adjourn the meeting. Motion seconded by Council Member Shields, voted on, passed 5-0.** The Regular meeting was adjourned at 8:57 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 02<sup>nd</sup> day of November 2011.

**November 16, 2011**

**REGULAR MEETING:**

The La Cygne City Council met On November 16, 2011 for a regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; Esther Shields; and Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent: Jim Johnson; Harry Smith; Fred Meisel; Robert Turpen; LeRoy Turpen; Judy Kinder; Beth Smith; Charlene Sims; Jo Ann Albright; Danny Curtis; and Police Officer John Epperson.

Mayor Weitman called the meeting to order at 7:00 p.m. by asking Public Works Superintendent Jim Johnson to lead in the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

- ❖ Community Thanksgiving Dinner, Saturday Nov 19<sup>th</sup> at Elementary School
- ❖ Iota Tau Christmas Lighting, December 1<sup>st</sup> at Elementary School
  - 5:00 p.m. Chili; Santa at 6:00 p.m.
- ❖ Thank you from Mercy Medical Clinic to La Cygne Police Department
  - Drug take back program Oct 29<sup>th</sup> was successful

**CONSENT AGENDA:**

✓ *Motion to Approve Consent Agenda*

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

Minutes of November 02, 2011 regular city council meeting;  
Check Register: November 03 through November 16, 2011;  
Treasurer's Report: October 2011  
Budget Report: October 2011

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

**November 16, 2011**

**SPECIAL BUSINESS:**

**BETH SMITH/JO ANN ALBRIGHT – CHECK PRESENTATION**

- ❖ On behalf of the Royal Neighbors of America, Jo Ann Albright presented the La Cygne Fire Dept with a check for over \$2600.
  - Proceeds and match from the Ham/Bean and Chicken/Noodle dinner
  - Proceeds to be used for the Christmas Share Project
  - Danny Curtis accepted the check on behalf of the Fire Department
  - Check from Chapter 2451 – Cleveland, Missouri
    - Active members in La Cygne

**DISCUSSION FROM THE FLOOR:**

**LEON & MARY HEIDE**

Mayor Weitman noted that Leon & Mary would not be in attendance and would perhaps reschedule.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Reported on Homicide Investigation Class at Ottawa Ks – Nov 15<sup>th</sup>
  - Hoped that would never need to be used here
  - Class provided good insight that could be used in other areas when conducting investigations
- ❖ Noted that Johnson County would be providing training on recovering stolen property
  - Possible to be alerted to recovery of property by e-mail

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ City Streets: Crack Repair Update – Buffalo Stripe Company
  - Original contract for 20,000 lbs of patch material @ \$3 per pound
  - 21,525 lbs used as of today (Nov 16<sup>th</sup>)
    - Overage of 1525 lb = \$4575
  - Tom Beachner of Buffalo Stripe estimates another 10,165 lbs needed to repair remainder of streets
    - Cost = \$30,495
  - Council inquired as to how much money remained in the original street resurfacing fund
    - Per City Clerk Mahon: Approximately \$23,400 remaining in street resurfacing fund
      - ◆ Deduct for the 1525lb overage leaves a balance of approximately \$18,500
  - Supt. Johnson recommended continuing with the project if affordable
    - If we did not continue, those untreated areas would disintegrate more rapidly (Pay now? Pay later?)
    - Did not recommend paying for the 1525 lb overage
      - ◆ Council concurred that if we continue project, we should pay for the overage also.
  - Council inquired if there was enough money in street fund to cover the remainder (\$30,000 + \$4575 - \$18,500)
    - City Clerk Mahon noted that since this was the first he had heard about the possible expenditure, he would not give an opinion until he had an opportunity to review the financials
    - More discussion followed

**November 16, 2011**

✓ *Motion To Approve Continuance of Street Crack Seal Project*

**Council Member Meisel moved to continue the street crack sealing project with Buffalo Stripe by increasing the authorized expenditures to a total of eighty three thousand dollars (\$83,000.00) Motion seconded by Council Member Fleming, voted on, passed 5-0.**

Time: 7:18 p.m.

- ❖ Water towers were recently inspected by cameras in submarines
  - Final report will arrive in a couple of weeks
  - No major problems detected – Perhaps some minor corrections to be made
  - Towers in better shape than what he expected
- ❖ Water Line Pressure Problem
  - Possible blockage of main water line along Market from 7<sup>th</sup> Street to Industrial Boulevard
  - Some homes in the area immediately have no water when fire hydrants are only slightly turned on
  - Public Works will be doing some more testing – will bring back results at another meeting
- ❖ Spreader and Snowplow are here
- ❖ Gas Pipeline on Hedge Lane Road Bridge South of Fontana (391<sup>st</sup> Street)
  - City needs to temporarily relocate gas line while new deck is constructed on bridge
    - Meeting with officials in morning
  - Bridge over Marais des Cygne river on Hedge Lane also has gas line attached
    - Public Works will be doing preventive maintenance on that line
- ❖ PH & Temp recorder conked out
  - Was looked at by a contractor
    - Contractor recommended purchasing new
      - ◆ Present recorder is old and will have ½ to ¾ cost of new if we replace parts on the current recorder
  - New recorder = \$850

✓ *Motion To Purchase New PH & Temp Recorder*

**Council Member Meisel moved to purchase a new PH & Temp Recorder from Hach in the amount of eight hundred fifty dollars (\$850.00). Motion seconded by Council Member Shields, voted on, passed 5-0.**

- ❖ Monthly Brush Pick-Up
  - Public Works Supt. Jim Johnson reported that monthly brush pick-up requests were getting out of hand
    - Department is spending better part of a day collecting brush
  - Original purpose was to help with naturally occurring yard waste with brush to be cut in 4 ft sections
  - Citizens are cutting entire trees for city to dispose of and are not cutting into small sections
  - Citizens are clearing large areas of property for City to dispose of
  - Supt. Johnson suggested possibly setting up a site for citizens to bring the brush and the city haul to the burn site from there
  - Mayor Weitman requested Council Members Robbins and Meisel to get with Supt. Johnson and attempt to develop a plan that would work for everybody.

**November 16, 2011**

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Council Member Meisel noted that the Public Safety Committee and Mayor Weitman had authorized Fire Chief Dan Nasalroad to purchase a set of bunker gear for a member of the volunteer fire department
  - Gear was needed immediately to adequately outfit a volunteer fireman

**COUNCIL COMMITTEE REPORTS:**

**COMMUNITY BUILDING**

- ❖ Council Member Shields reported that a group of volunteers will start painting the interior of the Community Building in the near future.
- ❖ Overall refurbishing of the Community Building was discussed
  - Council Member Shields noted that a committee had made recommendations for needed improvements
  - Mayor Weitman noted that he had not yet received a list of the committee's recommendations
    - Suggested again that a list be made, costs calculated, and improvements prioritized
      - ◆ City Clerk Mahon recommended that the list be specific in needed improvements such as what type of lighting fixtures, equipment replacement, flooring, etc.
        - After specifics identified and total costs are calculated then consider using several different funding methods
          - ◆ Grants, Fund Raisers, Donations, Pledges, etc.
- ❖ Paul Filla volunteered to assist Council Member Shields with prioritizing a list and establish cost estimates.

**SPECIAL COMMITTEE REPORTS:**

**SWAN FEST**

Mayor Weitman made the following appointments to the Swan Fest Committee: Rhonda Matthews; Rick James; Tami Blanck; Tina Stillians; Melody Troth; Bob Sullivan; Robin Cornejo; and Dr. Lindsey Jaccard.

✓ *Motion To Appoint Fiesta Committee*

**Council Member Robbins moved to approve the Mayor's appointments to the 2012 Swan Fest Committee. Motion Seconded by Council Member Meisel, voted on, passed 5-0.**

**UNFINISHED BUSINESS:**

None.

**November 16, 2011**

**NEW BUSINESS:**

**CULVERT ADDITION – HARRY SMITH**

- ❖ Harry Smith of 316 Swan requested permission to extend his culvert up to a total length of 60 ft.
  - Replacing old culvert and wanted to make driveway entrance wider
    - Culverts over 40 ft. require council/street committee approval
  - Supt. Johnson was O.K. with the request
  - City will assist in placement of culvert
    - Will not require much work
  - Harry will be responsible for cost of culvert

✓ *Motion To Approve Culvert Extension*

**Council Member Fleming moved to approve Harry Smith's request to extend his culvert to a total length of 60 ft. Motion seconded by Council Member Meisel, voted on, passed 5-0.**

Time: 7:47 p.m.

**REQUEST FOR DONATION TO COMMUNITY THANKSGIVING DINNER**

- ❖ Council reviewed request from Chairman Linda Jo Hisel to donate to the 2012 Community Thanksgiving Dinner
  - City Clerk Mahon noted that the City donated \$100 last year
- ❖ No action taken by Council

**RESOLUTION No. 346 – CONDEMNATION – 402 WALNUT**

✓ *Motion To Approve Resolution No. 346*

**Council Member Shields moved to approve Resolution No. 346. Motion seconded by Council Member Meisel, voted on, passed 5-0.** Time: 7:51 p.m.

**RESOLUTION No. 347 – CONDEMNATION – BLOCK 24; LOTS 1,2, AND 3 (4<sup>TH</sup> & LOCUST)**

✓ *Motion To Approve Resolution No. 347*

**Council Member Shields moved to approve Resolution No. 347. Motion seconded by Council Member Fleming, voted on, passed 5-0.** Time: 7:51 p.m.

**RESOLUTION No. 348 – CONDEMNATION – 401 CHESTNUT**

✓ *Motion To Approve Resolution No. 348*

**Council Member Meisel moved to approve Resolution No. 348. Motion seconded by Council Member Shields, voted on, passed 5-0.** Time: 7:51 p.m.

**November 16, 2011**

**RESOLUTION NO. 349 – STOP SIGN AT 7<sup>TH</sup> & LINCOLN**

✓ *Motion To Approve Resolution No. 349*

**Council Member Fleming moved to approve Resolution No. 349. Motion seconded by Council Member Meisel, voted on, passed 5-0. Time: 7:52 p.m.**

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal, personnel, and land acquisition for up to forty (40) minutes following a ten (10) minute break. Motion seconded by Council Member Sullivan, voted on, passed 5-0. Time: 8:42 p.m.**

In addition to the Mayor, Council Members, and City Attorney John Sutherland those who requested time or were invited into portions of the executive session included (but not limited to): Police Chief Paul Filla.

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session up to fifteen (15) minutes for personnel and legal. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 8:42 p.m.**

Police Chief Filla joined the extended executive session.

Open Session Resumed at 8:54 p.m.

**OTHER BUSINESS:**

Mayor Weitman noted that the City values and appreciates its employees and feel they understand the budget constraints the city is experiencing. However employees also deserve to know of the status regarding wages and pay increases. At this time the City will not be giving pay raises. Hopefully employees will understand.

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Park Board Minutes: September 29, 2011
- b] Park Board Minutes: October 27, 2011

**November 16, 2011**

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Shields moved to adjourn the meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0.** The Regular meeting was adjourned at 8:56 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 16<sup>th</sup> day of November 2011.

**December 07, 2011**

**REGULAR MEETING:**

The La Cygne City Council met on December 07, 2011 for a regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Travis Robbins; and Esther Shields. Absent: Robert Sullivan.

Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Le Roy Turpen; Judy Kinder; Charlene Sims; Fred Meisel; Park Board Chairman Jodi Wade; Allen Huggins; Jerry Boone; Police Officer Clint McCammon; Police Officer Tate West; Police Officer John Epperson; Robert Turpen; and Danny Curtis.

Mayor Weitman called the meeting to order at 7:00 p.m. by asking City Clerk Gary Mahon to lead in the pledge of allegiance. The Pledge was passionately recited by all present.

**MAYOR'S COMMENTS:**

- ❖ 1<sup>st</sup> Year Employee Anniversaries
  - Police Officers: John Epperson; Clint McCammon; Tate West; and Police Chief Paul Filla were presented with Certificates of Appreciation
    - 1<sup>st</sup> Year Anniversaries
  - City and Council appreciative of Police Officer's work and contributions
  - Noted that officers have been with city for one year but have been in law enforcement for many more
  
- ❖ December 11th: Christmas Homes Tour
- ❖ December 13<sup>th</sup>: Grades K-3 Christmas Program
- ❖ December 14<sup>th</sup>: Employee Appreciation Reception 3:30 to 6:00
- ❖ December 15<sup>th</sup>: Grades 4 – 5 Christmas Program
- ❖ December 25<sup>th</sup>: Community Christmas Breakfast 7 am – 10 am
  
- ❖ Noted that a tree was recently planted at Medical Building in memory of Dennis Baker
  - Thanks to Public Works for their assistance
  
- ❖ A Thank You from Boy Scouts for use of Community Building at an earlier garage sale was read by the Mayor later in the meeting

**December 07, 2011**

**CONSENT AGENDA:**

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

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

Minutes of November 16, 2011 regular city council meeting;  
Minutes of November 21, 2011 special city council meeting;  
Check Register: November 17 through December 07, 2011;  
Budget Report: November 2011  
Treasurer's Report: November 2011

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

**DISCUSSION FROM THE FLOOR:**

None.

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Recently arrested and jailed a suspect on charges of aggravated battery; kidnapping; vehicle theft
- ❖ Another recent incident resulted in eight arrests
- ❖ DEA announced that the next "Drug Take Back Program" will be April 28, 2012

**PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Water line pressure problems on Market (Approximately 9<sup>th</sup> to 7<sup>th</sup>)
  - Have not yet precisely identified the problem
    - Feel strongly that low pressure is due to buildup of mineral deposits in the line
  - Checking with company that has chemical that when placed in water that will dissolve deposits
    - Will contact KDHE for safety evaluation after receiving the information
- ❖ Possible damage by City to Don Steven's water line
  - City hooked Don's meter while repairing city's main line
    - Don now experiencing higher water usage and electric usage (sump pump)
      - ◆ Possible that City pulled line by Don's house
  - Council concurred with Supt. Johnson's suggestion for City to uncover line to see if damage can be located
    - Don has agreed to backfill if necessary
    - Council felt an obligation to help since there is a possibility we may have caused the problem
- ❖ Miami County Bridge Repair (South of Fontana)
  - Supt. Johnson and Mayor Weitman recently met with Miami County officials regarding bridge repair on Hedge Lane Road south of Fontana
  - Bridge decking is scheduled to be replaced next year
  - City's main gas line hangs on the bridge and will have to be at least temporarily removed
  - Options:
    - Permanently relocating the line
    - Temporarily moving line and then replacing after completion of bridge repairs
      - ◆ Miami County will include this proposal in bid contract with City of La Cygne being responsible for this cost
        - Information is not yet available from engineers

**December 07, 2011**

**FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Noted that both City and County helped at recent explosion/fire at Highway 7 Auto Salvage
- ❖ Warning to citizens to be careful with Christmas lighting projects
  - Be careful not to overload electrical circuits
- ❖ Suggested that Council consider paying off loan for Engine 3
  - Fire Dept. is under budget for the year thus far
  - Two years left on loan
    - Payoff = approximately \$15,000
      - ◆ Would save approximately \$812 in interest
  - Mayor Weitman noted that early payment would reduce fire department's required budget for next year
    - Creates larger carry-over for 2013 and would help in controlling mil levy
  - City Clerk Mahon noted that general fund balance and cash balance were adequate to honor request
  - Council wanted some time to consider proposal
    - Item to be placed on next agenda
- ❖ Pump Test
  - Pumper 3 has two valves that need to be rebuilt
    - Cost = approximately \$500
  - Suggested adding another fill port to tanker 3
    - Most newer tankers have 2 fill ports
      - ◆ Ours was one of last models made before going to two ports
    - Cost = \$1200 to \$1500

✓ *Motion To Authorize Pumper 3 Fire Truck Repairs*

**Council Member Robbins moved to authorize up to two thousand dollars (\$2,000.00) for valve repairs and addition of fill port to pumper 3. Motion seconded by Council Member Meisel, voted on, passed 3-0-1. Abstain: (Fleming – Fireman) Time: 7:21 p.m.**

**COUNCIL COMMITTEE REPORTS:**

**PARK**

- ❖ Per Supt. Johson: Basketball court lights are installed
  - Kids really appreciate and enjoy the lighting
  - Concerned about stability of timer switch

**COMMUNITY BUILDING**

- ❖ Per Council Member Shields: Kim Sheridan cleaning building
  - Kitchen being cleaned
    - Cabinets being cleaned and sealed
    - Floor will be stripped and re-waxed
  - Front Room and Deep Freeze to be cleaned

**SPECIAL COMMITTEE REPORTS:**

**PARK**

- ❖ Jodi Wade reported on tree planting project in park
  - Plan to plant 30 trees to replace trees that have died or dying
  - Will be ordering trees in the Spring

**December 07, 2011**

- Does City want to purchase some for the cemetery or Bittiker Park?
- Cost = \$75 to \$100 depending on type
  - 6 ft – 7ft; 2" – 2½" diameter
- Will need answer by Spring
  
- ❖ Advertising for Pool Manager for next season
  - Present manager accepted a full time job elsewhere

**EMERGENCY MANAGEMENT**

- ❖ Council Member Meisel reported that Emergency Management has developed a policy for use of the Community Building during weather related emergencies
  - Outside temperature exceeds 90 degrees and electrical power is out for more than three hours
  - Outside temperature is below freezing and electrical power is out for more than three hours
- ❖ Council directed City Clerk to prepare as a city policy for adoption at next meeting

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

**CEREAL MALT BEVERAGE LICENSES**

- ✓ *Motion To Approve Cereal Malt Beverage License for Casey's*

**Council Member Shields moved to approve the 2012 Cereal Malt Beverage license for Casey's General Store. Motion seconded by Council Member Robbins, voted on, passed 4-0.**  
Time: 7:33 p.m.

- ✓ *Motion To Approve Cereal Malt Beverage License for Syd's*

**Council Member Robbins moved to approve the 2012 Cereal Malt Beverage license for Syd's. Motion seconded by Council Member Fleming, voted on, passed 4-0.** Time: 7:33 p.m.

- ✓ *Motion To Approve Cereal Malt Beverage License for Julie's Thriftway*

**Council Member Robbins moved to approve the 2012 Cereal Malt Beverage license for Julie's Thriftway. Motion seconded by Council Member Fleming, voted on, passed 4-0.**  
Time: 7:33 p.m.

**MOBILE HOME PARK LICENSES**

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

**Council Member Robbins moved to approve the 2012 Mobile Home Park license for Richard & Rebecca Marsh. Motion seconded by Council Member Fleming, voted on, passed 4-0.**  
Time: 7:34 p.m.

**December 07, 2011**

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

**Council Member Robbins moved to approve the 2012 Mobile Home Park license for Brian/Romona Slocum and Trevor/Heather Best. Motion seconded by Council Member Meisel, voted on, passed 4-0. Time: 7:34 p.m.**

#### **WATER TOWER MAINTENANCE**

- ❖ Discussion was held on future maintenance of the City's two water towers
- ❖ Present maintenance contract expires at end of this year
- ❖ Public Works Superintendent Johnson asked Council if it wanted to bid out for maintenance
  - What type of work to be performed?
  - What type of maintenance agreement?
  - Noted that another company had some concerns with present towers
  - Questioned the need to have inspected every year
  - Noted the expense of the present maintenance contracts
  - Noted that he had been in contact with some people who do maintenance
- ❖ Supt. Johnson will draw up some specifics and have City Clerk put into presentation form then contact companies for quotes

#### **REVITALIZATION COMMITTEE**

- ❖ Council Member Meisel reported that the Chamber of Commerce's Downtown Revitalization Committee will be meeting December 15<sup>th</sup> at her home if anyone would like to join the committee.

#### **9<sup>TH</sup> STREET NO PARKING**

- ❖ It was reported that the "No Parking" signs authorized for south 9<sup>th</sup> street had arrived and would be installed in the near future.

#### **EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming moved to go into executive session for legal and personnel for up to sixty (60) minutes following a ten (10) minute break. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:56 p.m.**

In addition to the Mayor, Council Members, and City Attorney John Sutherland those who requested time or were invited into portions of the executive session included (but not limited to): City Clerk Gary Mahon and Police Chief Paul Filla.

Open Session Resumed at 9:04 p.m.

#### **OTHER BUSINESS:**

##### **BRUSH REMOVAL POLICY**

- ❖ Public Works Superintendent expressed his concerns for abuse of the City's brush removal program

**December 07, 2011**

- Program originally started to provide citizens with an avenue to dispose of normal yard waste and broken/fallen trim limbs, etc.
  - Also to help after storms
  - Brush was to be cut up in 4 ft manageable lengths and placed by roadside for pick up
- There have been instances when City has had up to four dump truck loads or more of brush to haul
- Other instances of having to haul off entire trees and 4 ft diameter tree trunks
  - Feel residents should have contractor haul off debris from entire trees being cut
    - ◆ City has to use loader and it will cut up their yards
- Council requested City Clerk Mahon to write up a script for City Hall personnel to use when citizens request brush pick-up
  - Script to emphasize that brush is to be cut up into 4' lengths and placed by road and that citizens should make arrangements with contractor to remove debris from cutting entire trees

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:**

- a] Certificates of Law Enforcement Officer Training  
John Epperson; Jerome Moore; James Hogue
- b] Minutes: Chamber of Commerce – November 09, 2011

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Meisel moved to adjourn the meeting. Motion seconded by Council Member Shields, voted on, tied 2-2.** Discussion: What time does meeting have to end? At 10:00 p.m. **After further reflection and contemplation, Mayor Weitman cast his vote "Yes". Motion passed 3-2.** The Regular meeting was adjourned at 9:23 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 07<sup>th</sup> day of December 2011.

**December 21, 2011**

**REGULAR MEETING:**

The La Cygne City Council met on December 21, 2011 for a regularly scheduled meeting at La Cygne City Hall. Council Members present were: Jake Fleming; Linda Meisel; Robert Sullivan; and Esther Shields. Absent: Travis Robbins.

**Record of the Proceedings of the Governing Body**  
**REGULAR MEETING** Page 126 of 131 Pages **YEAR = 2011**

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Others in attendance included, but not limited to: City Clerk Gary Mahon; City Attorney John Sutherland; Police Chief Paul Filla; Public Works Superintendent Jim Johnson; Fire Chief Dan Nasalroad; Le Roy Turpen; Charlene Sims; Fred Meisel; Robert Turpen; Debbie Higgins; and Marvin Clements.

Mayor Weitman called the meeting to order at 7:00 p.m. by asking Fire Chief Dan Nasalroad to lead in the pledge of allegiance.

**MAYOR'S COMMENTS:**

- ❖ Christmas Morning Breakfast at Community Building 7 am to 10 am

**CONSENT AGENDA:**

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

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

Minutes of December 07, 2011 regular city council meeting;  
Check Register: December 08 through December 21, 2011;

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

**DISCUSSION FROM THE FLOOR:**

None.

**MAYOR'S COMMENTS:**

- ❖ Certificates of Appreciation For Completion of Repairs to the "Welcome To La Cygne Sign"
  - Marvin Clements was present to accept his
  - Others Recognized: Kent Wade and Kansas City Power & Light Employees

**REPORTS OF CITY OFFICERS:**

**POLICE DEPARTMENT – CHIEF PAUL FILLA**

- ❖ Wished Merry Christmas to all
  - Presence of officers will be stepped up on Christmas and New Years
- ❖ Reviewed Police Department statistics for 2011
  - Included on Blue Sheets distributed to council
- ❖ V.I.N Inspection
  - Chief Filla suggests applying with State Authorities to authorize inspections in La Cygne
    - Citizens now have to drive to Mound City or contact Highway Patrol
    - City would receive a portion of fees
    - Inspections take about ten minutes
    - Do not have an estimate of how many inspections to expect
    - Some training would be required
- ❖ Mayor/Council felt would be a good service for the public

**December 21, 2011**

✓ *Motion To Consent To V.I.N. Inspections*

**Council Member Meisel moved to allow the Chief of Police to correspond with Highway Patrol to take necessary procedures to conduct V.I.N. inspections. Motion seconded by Council Member Sullivan, voted on, passed 4-0.** Time: 7:07 p.m.

#### **PUBLIC WORKS DEPARTMENT – SUPERINTENDENT JIM JOHNSON**

- ❖ Advanced Aquatics
  - Approached City about purchasing water
    - Raw – Treated – Sewer Affluent
  - Needed for oil well drilling procedures
    - Drilling 3600 wells in five county area
  - Representatives will be at first meeting in January to present their program/proposal
  - Possible opportunity for City to sell water
- ❖ Reported that Lisa Elmore recently passed her Class II Water Operator Certification test

#### **FIRE DEPARTMENT – CHIEF DAN NASALROAD**

- ❖ Reported on Fire Department Activities for 2011. Partial list includes:
  - 52 Calls in the City; 8 Structure; 2 Car; 3 Grass Fires; 1 Haz Mat Spill; 6 False Alarms; 8 Miscellaneous Calls; 2 Weather Related Calls; and 10 Mutual Aid Calls.
- ❖ No Parking Signs have been installed on southern portion of 9<sup>th</sup> street
- ❖ Thank You's to everyone on Fire Department for all their work in 2011
  - Special Thanks for help with civic activities as well as Fire Dept. activities
- ❖ Mayor Weitman: Council and Citizens very much appreciate the volunteers for their traditional as well as civic endeavors.

#### **COUNCIL COMMITTEE REPORTS:**

##### **PARK**

- ❖ Lights a Bittiker Park Basketball court are working O.K. Kid's really enjoying them.

##### **COMMUNITY BUILDING**

- ❖ Per Council Member Shields: Tom Whildin is not at meeting so do not have report on electrical upgrades at community building
- ❖ Per Fire Chief Nasalroad: Outlet covers removed during painting need to be replaced
  - Marvin Clements stated he would put them back on
- ❖ Per Council Member Sullivan: Working on a plan to repair ceiling holes in bathroom.

**December 21, 2011**

**SPECIAL COMMITTEE REPORTS:**

**CHRISTMAS SHARE**

- ❖ Mayor Terry Weitman noted that the City had planned to present Beth Smith with a Certificate of Appreciation for her leadership in organizing and guiding the Christmas Share Project
  - Beth was not in attendance to receive the Certificate
  - Mayor Weitman noted the Community's appreciation for her work

**UNFINISHED BUSINESS:**

**FIRE TRUCK PAY-OFF**

- ❖ 1990 Pierce Dash 4 x 4
  - Loan Date: June 20, 2006 for \$47,512.00
  - Maturity Date: June 20, 2013
  - Remaining Payments: 2012 and 2013; Total = \$16,240.00
  - December 30, 2011 Pay-Off: \$15,675.43
  - Pay-Off Savings = \$748.57
- ❖ Was noted that pay-off would have effect of reducing 2012 and 2013 budget by annual truck payment amount
- ❖ City Clerk Mahon noted that he felt General Fund budget was adequate to handle the pay-off

✓ *Motion To Pay-Off Fire Truck Loan*

**Council Member Shields moved to allow early pay-off of the 1990 Pierce Fire Truck loan. Motion seconded by Council Member Meisel, voted on, passed 3-0-1.** Abstain: Fleming (Fireman) Time: 7:22 p.m.

**NEW BUSINESS:**

**COMMUNITY BUILDING WAIVER OF RENT: PRAIRIE VIEW F.F.A.**

- ❖ Prairie View F.F.A had requested waiver of \$75 fee for community building use January 7, 2012
  - Community Supper with special consideration to those in unfortunate circumstances
    - Supper will be open to the public

✓ *Motion To Waive Community Building Fee For Prairie View F.F.A.*

**Council Member Fleming moved to waive the community building fee for the January 7<sup>th</sup> Prairie View F.F.A. Community Supper. Motion seconded by Council Member Shields, voted on, passed 4-0.** Time: 7:23 p.m.

**ADMINISTRATIVE POLICY NO. 23: EMERGENCY SHELTER**

✓ *Motion To Approve Administrative Policy No. 23: Emergency Shelter*

**Council Member Shields moved to approve Administrative Policy No. 23. Motion seconded by Council Member Fleming, voted on, passed 3-0-1.** Abstained: Meisel (Emergency Management Committee Member)

**December 21, 2011**

**ADMINISTRATIVE POLICY NO. 24: BRUSH PICK-UP**

- ❖ Superintendent Johnson suggested that brush piles should not be larger than 2 feet high, 2 feet wide and 4 feet long
- ❖ There were no other suggestions presented

✓ *Motion To Approve Administrative Policy No. 24: Brush Pick Up*

**Council Member Meisel moved to approve Administrative Policy No. 24. Motion seconded by Council Member Sullivan, voted on, passed 4-0.**

- ❖ Council Member Shields inquired about debris of dirt and gravel on south side of Sr. Citizens
  - Occurred because of last winter's snow removal
    - Makes mowing difficult
    - Superintendent Johnson will try to correct the situation

**CHILDREN'S COALITION PREVENTION FUND**

- ❖ Activities that Children's Coalition has assisted with include:
  - Night out Against Crime; Christmas Share Project; Utility bill assistance for families with children; Soccer program; Pool passes
- ❖ City earmarks \$3 per each municipal court conviction payment received for Children's Coalition
  - Council reviews program annually to determine if want to contribute

✓ *Motion To Contribute to Children's Coalition Prevention Fund*

**Council Member Fleming moved to contribute whatever amount is available at end of 2011 (based on \$3 per municipal court conviction) to Children's Coalition Prevention Fund . Motion seconded by Council Member Meisel, voted on, passed 4-0. Time: 7:30 p.m.**

**APPOINTMENT OF HOUSING AUTHORITY BOARD MEMBER**

Mayor Terry Weitman appointed Melody Troth to a four (4) year term on the La Cygne Housing Authority Board

✓ *Motion To Approve Melody Troth to Housing Authority*

**Council Member Meisel moved to accept the appointment of Melody Troth to a four (4) year term on the Housing Authority Board. Motion seconded by Council Member Shields, voted on, passed 4-0. Time: 7:34 p.m.**

**APPOINTMENT OF PARK BOARD MEMBERS**

Mayor Weitman appointed Charlie Moore and Jodi Wade to new two (2) year terms on the La Cygne Community Park Board.

**December 21, 2011**

✓ *Motion To Approve Jodi Wade to La Cygne Community Park Board*

**Council Member Shields moved to accept the appointment of Jodi Wade to a two (2) year term on the La Cygne Community Park Board. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:34 p.m.**

✓ *Motion To Approve Charlie Moore to La Cygne Community Park Board*

**Council Member Meisel moved to accept the appointment of Charlie Moore to a two (2) year term on the La Cygne Community Park Board. Motion seconded by Council Member Fleming, voted on, passed 4-0. Time: 7:34 p.m.**

#### **APPOINTMENT OF ZONING APPEALS BOARD MEMBERS**

- ❖ City Clerk Gary Mahon noted that this is a board that does not meet very often
  - Last meeting was in 2006
- ❖ Appointment of members had lapsed and needed to be brought up-to-date
  - The original terms of Bob Burnett and Ron Wier had expired in May 2011
    - New terms had not been officially extended
  - Don Wagner had resigned his position but a replacement had never been appointed to fill his unexpired term that would end in May 2012
  - It was discovered that Steve Hisel's appointment for a term to end in May 2013 was ineligible
    - Must live in city limits to serve on Zoning Appeals Board
- ❖ Mayor Weitman made the following appointments to the Zoning Appeals Board:
  - Bob Burnett (New Term) Term Expires May 2014
  - Ron Wier (New Term) Term Expires May 2014
  - Mike DeMott (Replace Steve Hisel) Term Ends May 2013
  - Bill Smith (Replace Don Wagner) Term Ends May 2012

✓ *Motion To Approve Zoning Appeals Board Appointments*

**Council Member Fleming moved to approve the zoning appeals board appointments of: Bob Burnett with term to expire May 2014; Ron Wier with term to expire May 2014; Mike DeMott with term to expire May 2013; and Bill Smith with term to expire May 2012. Motion seconded by Council Member Sullivan, voted on, passed 4-0. Time: 7:36 p.m.**

#### **AUTHORITY TO TRANSFER EXCESS GENERAL FUNDS**

City Clerk Mahon noted that funds would not be transferred until after the annual audit and perhaps 2013 budget preparation.

✓ *Motion To Allow Transfer of Excess General Funds*

**Council Member Meisel moved to 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 Fleming, voted on, passed 4-0. Time: 7:37 p.m.**

**December 21, 2011**

**AUTHORITY TO TRANSFER EXCESS SPECIAL PARK AND POOL FUNDS**

✓ *Motion To Allow Transfer of Excess Special Park & Pool Funds*

**Council Member Sullivan moved to allow the maximum year-end transfer from the special park & Pool fund to a newly created park & Pool reserve fund. Motion seconded by Council Member Meisel, voted on, passed 4-0. Time: 7:37 p.m.**

**EXECUTIVE SESSION:**

✓ *Motion To Go Into Executive Session*

**Council Member Fleming 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 Sullivan, voted on, passed 4-0. Time: 7:40 p.m.**

Executive Session Extended

✓ *Motion To Extend Executive Session*

**Council Member Fleming moved to extend the executive session for up to fifteen (15) minutes for personnel. Motion seconded by Council Member Shields, voted on, passed 4-0. Time: 9:00 p.m.**

Open Session Resumed at 9:13 p.m.

**OTHER BUSINESS:** None.

**CITY CLERK'S REPORT**

Verbal: None

Written: None

**NOTES AND COMMUNICATIONS TO COUNCIL:** None.

**ADJOURNMENT:**

✓ *Motion to Adjourn Meeting*

There being no further business, **Council Member Shields moved to adjourn the meeting. Motion seconded by Council Member Meisel, voted on, Passed 4-0.** The Regular meeting was adjourned at 9:16 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 21<sup>st</sup> day of December 2011.