

REGULAR MEETING:

The La Cygne City Council met for a Special Meeting January 12, 2005 to hold the regular session of Wednesday, January 5, 2005 at the LaCygne Community Building. The January 5, 2005 meeting was rescheduled due to weather. Council Members present were: Jerry Boone; Travis Robbins; Gerald "Skip" Williams; and, Tony Williams.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn D. Farrell; Kristie Cook; Dennis Arnold and Larry Hall.

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

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Robbins moved to approve the consent agenda as presented with a change in check number 1834 from \$1,834.00 to \$1,356.87 that consisted of:

Check Register: December 16, 2004 – January 5, 2005;
Minutes of December 15, 2004 Regular City Council Meeting.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECTS

I. 2002 Water Plant Improvement Project

Status – Phase 2 & 3: Public Works Superintendent George Craig reported the electric is finished; now waiting on some items to be finished in the plant by SMI-CO and have some questions on the building.

II. Upgrade Sludge/Backwash Lagoon

Status:

PWS Craig reported John Brann, with Ponzer Younquist, would have a report at the next meeting.

b. GAS IMPROVEMENT GRANT

i. Status

Discussed if any pipe had been returned to the city yet. Mayor Barber noted he had been in touch with Miller's and they are still working with Poe's to set up a date for returning that pipe in question. Council Member Boone asked what was going to be done with the first section of pipe that was taken since Miller's wasn't working on that one. Discussed.

i. Miller Paving and Construction Extension Request

Discussed. Council Member Boone recommended tabling until Miller's could tell them what was really going to be done. Council Member Tony Williams agreed. Mayor Barber noted with no action the results the same. Tabled.

UTILITY IMPROVEMENTS REPORT

c. SEWER IMPROVEMENT PROJECT - #C20-1294-01

PWS Craig reported John Brann, with Ponzer Younquist, may have a report on this project too at the next meeting.

DISCUSSION FROM THE FLOOR:

None.

Individual entered and asked for two vehicles to be moved that involved two individuals. Paused the meeting from 7:10 p.m. to 7:13 p.m. to move vehicles. No business was discussed.

REPORTS OF CITY OFFICERS:

Chief of Police Glenn Farrell Jr.

Reported on: 1. December 2004 La Cygne Police Report
2. 2004 Yearly La Cygne Police Report
3. 1994-2004 Annual La Cygne Police Report

Public Works Superintendent – George Craig

1. Continued Education for Certificates: Public Works Superintendent Craig reported Jerome Moore and Art Terry both needed 10 hours of credit this year to renew their water certificates. The Kansas Rural Water Conference is March 29-31 in Wichita. There is a class in Fort Scott the first of April, however it covers items both employees have already learned. There is a class on disinfectants at Manhattan on April 26-27th. Recommended Jerome Moore attend the Kansas Rural Water Conference in March and Art Terry attend the one in Manhattan. Would like to set up the KRWC now as registration fills quickly.

- *Motion for Jerome Moore to Attend KRWC in Wichita*

Council Member Robbins moved to approve the Kansas Rural Water Association Conference in Wichita for Jerome Moore for his certification. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:16 p.m.

2. Damages on Hendrickson's Property: PWS Craig reported he and Council Member Boone had spoke with Mr. Hendrickson about his damages to his crops, reseeding, and terraces. Mr. Hendrickson agreed to \$700 for his crop damages and to include him being responsible for the rest of the clean up/repairs on his property. Mr. Hendrickson has asked the city to move the gas meter placed in his field back to the edge of the field (no action).

- *Motion to Pay \$700 to Mr. Hendrickson for Damages*

Council Member Boone moved to pay the \$700 to Mr. Hendrickson for retterracing, seeding, rock, and crop damages. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:20 p.m.

STANDING COMMITTEE REPORTS:

Street

1. South 6th Street Drainage

No Action.

STANDING COMMITTEE REPORTS: (Continued)

Water & Gas

Council Member Boone asked what the status was on gas loss now the new line was in to the city. Discussed more loss has occurred with the winter usage and have set up to go over the computer program with Jayhawk to make sure the numbers are all matching. This had been done years before but checking again. Discussed the 10% a year meter change out to upgrade the meters. In 2004 the 10% was applied to the meters out on the Henson line coming into the city. The big commercial meters have been checked and/or replaced in the last two years. Council Member Boone asked about the meter that needs to be moved in the hay field, felt it should be moved back where it was before the new line was put in.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee

1. Change in Codes Officer: No Action.
2. Planning Commission Member Appointment: Still Looking.

UNFINISHED BUSINESS:

Special Meeting Date for Personnel Policies and Guidelines

Discussed options for Wednesday night dates.

- *Motion for Special Meeting February 9th, 2005, at 6:30 p.m.*

Council Member Skip Williams moved for a Special Meeting for Personnel Policies and Guidelines on February 9th at 6:30 p.m. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:30 p.m.

Two Park Board Members Two-Year Appointments

Mayor Barber reported he had been able to make contact with one Kenny McClanahan for another term on the park board; was still trying to make contact with Tammy Weitman. Recommended the reappointment of Kenny McClanahan to the Park Board.

- *Motion to Reappoint Kenny McClanahan to the Park Board Committee*

Council Member Robbins moved to accept the appointment of Kenny McClanahan to the Park Board. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:31 p.m.

NEW BUSINESS:

Law Office of James M. Kaup, P.A. Water Contracts Invoice Statements

City Clerk Herrin reported there were two statements attached to the agenda. The second statement included the outstanding amount on the first statement. The total legal expenses for the two statements is \$4,480.90.

- *Motion to Approve Payment of \$4,489.90 to James Kaup for Rural Water Contract Services*

Council Member Robbins moved to approve payment to James Kaup in the amount of \$4,489.90 for the rural water contracts. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:35 p.m.

NEW BUSINESS: (Continued)

KMGA Ballot on Participating in the Lease Program (KMGA Resolution #38)

Discussed if there were any costs back to the city if the city did not use the Lease Program. Not sure the city needed this and did not want to have anything that would increase costs of purchasing gas. Noted KMGA needed a response by January 18, 2005. Mayor asked for any action on the yes or no ballot to return to KMGA. No motion, no action.

LKM/MLA Advanced Municipal Finance Course, January 21, 2005

Discussed this course is available to Council Members, Mayor, and City Employees. A quick way to learn government finance needs and state changes.

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

Council Member Robbins moved to approve to send Devona or Gary to the course if they are available. Seconded by Council Member Sip Williams, voted on, passed 4-0. Time: 7:51 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for discussion of personnel for up to fifteen minutes. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:52 p.m.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member Boone moved to extend executive session for five minutes for personnel. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:10 p.m.

Others invited into or requesting a portion of time included: Police Chief Farrell.

Open Session Resumed at 8:15 p.m.

OTHER BUSINESS:

Workshop Meeting with Rural Water Districts

City Clerk Herrin reported the workshop meeting with the rural water districts would be tomorrow night, Thursday, at 7:00 p.m. at the Community Building.

Gas Rates Review

City Clerk Herrin presented a written draft for review by the council as a method for covering gas rates when the cost of purchasing the monthly gas is over the cost of \$5.50 per MCF.

CITY CLERK'S REPORT:

Verbal Report:

1. 2005 City Council Election Registration Deadline is January 25, 2005

Written Report:

1. Two Park Board Members Two-Year Appointments.

Reminders:

1. Public Hearing for Zoning Change, January 13, 2005

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Dam Safety Conference Scheduled Feb. 24-25, 2005
- b] Utility Service, 250,000 Gallon Water Storage Tank Inspection Rpt
- c] Acknowledgement of Project by Josh Dowty for Eagle Scout Award
- d] FRA Redetermination Docket #3381-FR Response for La Cygne
- e] KMU Letter Regarding *Required OZ Plan Revision*
- f] *Survival Spanish for Public Safety Professionals* Certificate for Glenn Farrell
- g] FSCC 2005 Spring Classes for Utilities
- h] Public Hearing for Zoning Change, Thursday, January 13, 2005
- I] 2004 Building Permits
- J] *Kansas Government Journal* Volume 90 – Number II, November 2004
- K] Thank You Card for Christmas Breakfast at the Community Building

Dennis Arnold and Larry Hall entered the meeting.

EXECUTIVE SESSION

- *Motion for Executive Session*

Council Member Robbins moved to go into executive session for up to 15 minutes for trade secrets. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:25 p.m.

EXTEND EXECUTIVE SESSION

- *Motion to Extend Executive Session*

Council Member Robbins moved to extend executive session for up to 15 minutes for trade secrets. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:40 p.m.

OTHER BUSINESS (Continued)

Trash Compactor Drive Way Area

Council asked if there was anything that could be done about the mud in the drive area of the trash compactor. The gravel is gone and it is very muddy. Larry Hall, Linn County Commissioner, noted he would look into it tomorrow and see what could be done.

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member Tony Williams moved to adjourn. Seconded by Council Member Boone, voted on, 4-0.**

Adjourned the meeting at 8:53 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 12th day of January 2005.

REGULAR MEETING:

REGULAR MEETING

Year = 2005

The La Cygne City Council met in regular session on Wednesday January 19, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Tony Williams, Gerald "Skip" Williams, and, Travis Robbins. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Roger Sims; John Brann; Clint McCammon; and Kristie Cook.

Mayor Sam Barber called the meeting to order at 7:04 p.m.

CONSENT AGENDA:

City Clerk Herrin reported a typo on page 3 of the January 12, 2005 City Council Meeting minutes covering the topic of the February 9th Special Meeting. The motion was correct, the bullet pertaining to the motion had the incorrect time and needed to be amended from 7:31 p.m. to 6:30 p.m.

- *Motion to Approve Consent Agenda with Amendment*

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

Check Register: January 6 –19, 2005,
Minutes of January 12, 2005 Rescheduled Special City Council Meeting,
December 2004 Treasurer and Budget Report,
2004 Fourth Quarter Financial Statement,
2004 Annual Financial Statement,

with the change on the Special Meeting minutes on page 11 of the packet to 6:30 instead of 7:30 p.m.

Motion seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:08 p.m.

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- i. 2002 Water Plant Improvement Project
 - a. Status – Phase 2 & 3

Public Works Superintendent George Craig reported the following was still to be done:

1. The air scour training
2. Hook up the valves in the basement
3. Repair to the foundation at the chlorine contact basin, and
4. Address holes in the new building.

Public Works has a punch list they are working from. PWS Craig spoke with Daryl (SMI-CO) and they want to address the first three items in one day. The holes were to be corrected by the builder.

- b. SMI-CO Pay Request #2 for Phase 2
- c. SMI-CO Pay Request #3 for Phase 3

PWS Craig reported these requests were for work that was completed. Discussed the city still has a 10% retention on both phases until all of the items on the punch list are addressed.

- *Motion to Approve SMI-CO Pay Request #2 for Phase 2*

Council Member Tony Williams moved to approve Request #2 for Phase 2 in the amount of \$39,778.00. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:15 p.m.

- *Motion to Approve SMI-CO Pay Request #3 for Phase 3*

Council Member Tony Williams moved to approve Pay Invoice #3 for SMI-CO for \$8,438.40. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:16 p.m.

Page 2 of 7

UTILITY IMPROVEMENTS REPORT (Continued)

a. WATER IMPROVEMENT PROJECT (Continued)

ii. Upgrade Sludge/Backwash Lagoons

a. John Brann with Ponzer-Youngquist, P.A.

John Brann noted the fieldwork had been done on the water plant lagoon system. They are small lagoons, discharging quickly and the quick discharge is in violation with the state. Mr. Brann presented a diagram of the current system, which includes water coming from both the backwash and sludge. The alum sludge does not go away, it fills up the basins. If the city just digs the basins out according to the numbers they would just fill up in a month. If there is no other land by these basins would have to purchase other land near to enlarge the basins. If the city continues the use the existing basins the city would need to look at other coagulants other than alum in the chemical set up in the plant. Suggested a polymer that is metal based for the state to accept. Polymers are typically more expensive, but don't have to use as much of them. Also, the polymers settle out better with the discharge. If you get the chemical to settle out you can have six times more volume in the basins. To do this method the city would have to bring in different chemicals and do a pilot study to see what results would be the best. Mayor Barber asked what kind of changes would be required in the plant for chemicals. Mr. Brann noted the city would have to look at different ways through studies. There may be a little more cost in the chemicals; however, the cost of cleaning the ponds is expensive too. Due to the volume of backwash would suggest the city run a parallel line and have the backwash water run to one basin and the sludge to the other basin.

Discussed when the current changes are put in place the chlorinated water operation will change and the city will not have to dechlorinate generally; may need a metering pump to check in the winter and make sure the chlorine is ok.

Discussed the de-alum being an expensive method as on an annual basis it does not get cold enough here to use the best method.

Council Member Boone asked if the new lines just put in were too deep. PWS Craig noted that yes for this part, but with the different lines it will solve the problem. Mr. Brann concurred the piping change will adjust this.

Council Member Boone noted the city needs larger cells and to change the alum. Mr. Brann noted if they did not change the cells since they are so small would need to clean them two or three times a year after the change over. Discussed the types of polymers: dry versus liquid. Mr. Brann recommended going with the liquid and to purchase a metering pump. Would need to get some chemicals here and run some jar tests.

Mayor Barber asked when the city should start running the tests. Mr. Brann noted it would be best to do some jar testing as soon as possible – but not to be in a hurry. PWS Craig reported Brenntag is where the city currently buys its' chemicals and they have someone who will come and help them with the chemical tests.

Mr. Brann suggested the city look for land first then tell him if the city can build where the cells are or build new somewhere else. Noted would not need three or four acres, just about as much as you have now with the current two cells. An option for one cell is to remove the center dike between the existing two cells and use it as one then build another.

1st Step is to get with a chemical company and do some jar testing for an alternate to alum. And, to check on available land that may be available. Mr. Brann will put the design on hold until the city decides which direction. Mr. Brann will also talk with Dan Claar or Rex Cox, from the state, to let them know the city is working on the issue.

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01i. John Brann with Ponzer-Youngquist Engineers

John Brann noted the city had asked them to look at a parallel force main at the sewer lagoons. In reviewing the current layout there has been additional head loss with the additional extension to the third cell. The city is losing about fifty gallons a minute at the park lift station and when there is heavy volume it is now too much to handle. This information tells them that the pump station in the park is at capacity and thus have looked at paralleling the line. Mr. Brann noted he had spoke with the state and it was ok to make this a part of the SRF project completed in 2003, the state will reopen the project. Haupt was the contractor of the initial project and has agreed to do the work as a change order with the sub-contractor, McCorkendale, actually being the one to do the work for a cost of \$41,353 to put in the force main.

One other option to look at, once there is more development, is the city will need bigger pumps at the city lift station. If the city decides to do the pump option it will need more review. Did get a rough estimate from Lee Mathews for two pumps for around \$27,600. This would take the current 7-½ hp pumps to 15 hp pumps. Prior to looking at this, will need to check the emergency generator to make sure it can carry this different load. If the generator has to be replaced will have to look at this cost too. Mayor Barber noted one of the 7-½ hp pumps had just been replaced. Mr. Brann noted the city could work the pumps into a future project.

Page 3 of 7

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01 (Continued)ii. John Brann with Ponzer-Youngquist Engineers (Continued)

Council Member Boone asked if the current piping could handle the bigger pumps. Mr. Brann noted as long as you have a pump with more head on it, it would go as fast as you pump. Council Member Boone asked if the bigger and better pumps could help now too. Mr. Brann noted it could be analyzed to make sure the increase in pumps will work with the ten-inch line. Council Member Boone noted he thought the bigger pumps would take care of the problem. Mr. Brann noted there are so many pumps coming to the same line makes this analysis where you have to get accurate readings before modeling the pumps. Council Member Boone requested to table action until the pumps were looked at. Mayor Barber asked if there were any additional engineering costs to look further at the pump station. Mr. Brann noted he would check with the state to see what they would require, if drawings were needed there could be some additional costs, but did not expect it. Mayor Barber asked Mr. Brann what he would recommend to do first. Mr. Brann noted looking at the pumps first could solve the current problem. The reason being, the parallel lines could cause for additional maintenance when there is not heavy use; public works would have to flush them out and rotate their use. Mr. Brann will review the pumps and bring the information back to the next meeting on February 2nd.

a. WATER IMPROVEMENT PROJECT (Continued)iii. Upgrade Sludge/Backwash Lagoons (Continued)b. Ponzer-Younquist, P.A. Pay Request #2 for Design

- *Motion to Approve Ponzer-Youngquist, P.A. Pay Request for \$900*

Council Member Tony Williams moved to pay Ponzer-Younquist invoice of \$900 for the design on the WTP lagoons. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:52 p.m.

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01 (Continued)

ii. Ponzer-Youngquist Pay Request #2 for Design

- *Motion to Approve Ponzer-Youngquist, P.A. Pay Request for \$2,200*

Council Member Sip Williams moved to pay Ponzer-Youngquist invoice of \$2,200 for the design on the sewer improvement. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:53 p.m.

b. GAS IMPROVEMENT GRANT

ii. Status

Public Works Superintendent George Craig reported he had received an estimate from Doug with Miller's of \$1,200 to move the meter (that is in a field). With the city's permission, PWS Craig requested for public works to dig at the site and see if they could do it themselves. The meter was moved in further than the prior existing meter and felt the ground should still be workable from when the new meter was added. Mayor Barber approved for city workers' to check it out and bring it back to the council if needed.

iii. Miller Paving and Construction Extension Request

Tabled; not resolved.

iv. Resolution #289 to Further Fair Housing Opportunities

- *Motion to Approve Resolution #289 for Fair Housing Opportunities*

Council Member Robbins moved to approve Resolution #289. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:57 p.m.

DISCUSSION FROM THE FLOOR:

Patti Dowdy, Requests Waiving Community Building Fee for Fundraiser for Josh Dowdy

City Clerk Herrin reported the Dowdy's are asking the city to waive the community building fee for a fundraiser for their son, Josh, on Saturday, March 12th. Josh has been selected to participate with a high school All-star Football Team in Hawaii, however he has to pay his own way there.

- *Motion to Waive the Community Building Fee for Fundraiser for Josh Dowdy*

Council Member Robbins moved to waive the community building fee for a fundraiser for Josh Dowdy. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:00 p.m.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented the police report for the period of January 1 – 18, 2005.

REGULAR MEETING

Year = 2005

1. K.N.O.A. Training Conference, March 21-24, 2005, Wichita, KS

Reported this will complete his training requirements for the year 2005.

- *Motion for Chuck Farrell to Attend K.N.O.A. Training Conference*

Council Member Robbins moved to send Chuck Farrell to the K.N.O.A. Training Conference on March 21st in Wichita with the normal expenses. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:04 p.m.

Public Works Superintendent George Craig

- Rex Heape, Consultant for Water Plant Change Over: Public Works
Superintendent George Craig reported the city is near ready to begin changing the point of entry on the ammonia with the change in the contact basin at the water plant. This change could cause the water to change colors and the changed color pass on through the system to the public. When the city of Osawatomie changed over they had a chemist come help. PWS Craig has spoke with Rex Heape who is now an engineer and retired from KDHE and he is willing to help with this process. The fees are \$110 per hour. Rex Heape has estimated approximately eight hours to complete the process. PWS Craig requested a time limit not be set, because if it did take longer he would like to be able to continue with Rex Heape until the change over is complete. Unknown at this time just when this will take place but need to be ready as soon as the rest of the work is complete; right now waiting on the man to set up the air scours, but would like to have it lined up to be ready when SMI-CO is ready.

- *Motion to Hire Rex Heape for Cost of \$110 Per Hour*

Council Member Tony Williams moved to hire Rex Heape for up to \$110 an hour for the water chemical change over. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:10 p.m.

Mayor Barber asked PWS Craig to please inform the water committee when this project is going to be done.

STANDING COMMITTEE REPORTS:

Street

- South 6th Street Drainage – No Action.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee

- Change in Codes Officer

Mayor Barber noted still looking, no change.

- Planning Commission Member Appointment

Mayor Barber noted still looking, no change.

UNFINISHED BUSINESS:

Park Board Member Two-Year Appointment

Mayor Barber recommended the reappointment of Tammy Weitman to the Park Board for another term.

REGULAR MEETING

Year = 2005

- *Motion to Approve Appointment of Tammy Weitman to the Park Board*

Council Member Robbins moved to approve the appointment of Tammy Weitman to the Park Board. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:14 p.m.

NEW BUSINESS:

Ordinance #1308, Amending Date to Transact the Business of the Court

City Attorney Sutherland noted this requested change was due to a conflict on the First Thursday of each month for the current judge.

- *Motion to Approve Ordinance #1308, Amending Date to Transact the Business of the Court*

Council Member Skip Williams moved to approve Ordinance #1308, Amending Date to Transact the Business of the Court. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:15 p.m.

Ordinance #1309, Zoning Change Request

Noted the Planning Commission recommended approval of the zoning change request for Block 63, Lot 2, of the partial replat of the First Addition of the City of La Cygne from R-1, Single Family, to R-2, Two-Family and Multi-Family Dwelling.

- *Motion to Approve Ordinance #1309, Zoning Change Request*

Council Member Robbins moved to approve Ordinance #1309, for a zoning change request. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:16 p.m.

Gas Rate Adjustment Review

Reviewed the worksheet for an automatic adjustment of gas rates when the cost to purchase gas by the city exceeds \$5.50. The adjustment would occur when the cost to purchase gas is over the \$5.50 rate based on the monthly invoice from the supplier. Discussed the current charge is based on the cost to purchase natural gas not to exceed a maximum of \$6.00 and to exceed that amount will not allow the utility fund to have adequate monies to support the utility. Noted the state will step in and establish rates if the utility fund does not support itself. Discussed ways to lower the cost of maintaining the utility service other than the cost of purchasing the natural gas. Reviewed the annual gas usage report and noted there is still gas loss occurring. Discussed city workers continuing on an on-going basis to attempt to locate the source from walking the lines for leaks and going over the actual usage numbers reported for changes not accounted for. Several changes have been made and have had some improvement, but the loss continues to be higher than desired. The city workers continue to work on the project.

Concurred to have City Clerk Herrin move forward with the worksheet to create an ordinance with the stated changes in the worksheet for the gas utility.

Extend Meeting

- *Motion to Extend Meeting*

Council Member Robbins moved to extend the meeting up to 10:30 p.m. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:52 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for discussion of personnel and legal for up to fifty minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:53 p.m.

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent George Craig and Clint McCammon.

Page 6 of 7

Open Session Resumed at 9:53 p.m.

OTHER BUSINESS:

Hiring a Third Police Officer

Council Member Skip Williams reported he had looked at the overtime paid out in the police department last year and it totaled \$34,900. Noted there would still be some overtime pay if a third officer is hired. However, if a person works over ten hours a day you lose productivity. Estimated to hire a third officer the cost should not be over \$33,000, including social security, vacation, sick leave, and health insurance. Then, right now if you lose an officer it creates a real bind for the city. Checked the General Fund and the Employee Benefit Fund and they can handle an additional person. The General Police Payroll fund will be over, but can adjust from other general funds for this year. Council Member Tony Williams noted he felt a third officer has more benefits than any additional costs. Council Member Robbins noted there would be less call out time with three officers. Council Member Boone noted they should not have people with over fifty hours every week. Discussed there had been an individual interested in a police position and they are often not available when looking for an officer.

- *Motion to Hire Clint McCammon for a Third Police Officer*

Council Member Boone moved to hire Clint McCammon for a full time police officer at the sum of \$10 an hour and normal city benefits effective Monday, January 24, 2005, contingent on meeting law enforcement requirements. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 10:10 p.m.

Council Member Robbins reported Clint McCammon had given the council a list of equipment he had used from Pleasanton that Pleasanton was willing to sell to the city. Discussed the Police Chief purchases the police equipment for the officer and the basics are purchased as needed. Will give the list to the Police Chief to handle as necessary.

CITY CLERK'S REPORT:

Verbal Report:

1. 2005 City Council Election Registration Deadline is January 25, 2005. Currently have four residents registered: Connie McGinnis, Skip Williams, Tony Williams, and Mike Van Vlack.
2. Noted Deputy City Clerk Gary Mahon is attending the League training session this Friday in Ottawa.
3. \$80,000 was transferred from the General Fund to the Capital Improvement Fund and the Equipment Reserve Fund.

City Clerk's written report included:

1. One Park Board Member's Two-Year Appointment
2. Planning Commissions' Recommendations on Zoning Change Request

Reminders:

1. Special Meeting for Personnel Policies & Guidelines, February 9, 2005
2. Public Hearing for Zoning Changes, Thursday, February 10, 2005

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Notice of Public Hearing for Zoning Change
- b] Notice of Public Hearing on Proposed New Zoning Regulations
- c] 2004 Water Production Report and Summary
- d] *New Release* from Kansas Department of Commerce
- e] 2004 Gas Report and Summary
- f] Kansas Department of Revenue Letter on Sales Tax
- g] City Hall Day at the Capitol, Thursday, January 27, 2005
- h] KMU Letter of Membership Acknowledgement
- I] KMGGA December 2004 Report and January 2005 Agenda
- J] Planning Commission Minutes for January 13, 2005

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member Tony Williams moved to adjourn. Motion seconded by Council Member Skip Williams, voted on, passed 4-0.**

• Adjourned the meeting at 10:17 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 19th day of January 2005.

REGULAR MEETING:

The La Cygne City Council met in a regular session on February 2, 2005 at the LaCygne Community Building. Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Gerald "Skip" Williams; and Tony Williams. Absent: Mayor Sam Barber.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Roger Sims; Public Works Superintendent George Craig; City Police Chief Glenn D. Farrell; Kristie Cook; John Brann; and LeRoy Turpen.

Council President Travis Robbins called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: January 20 – February 2, 2005;
Minutes of January 19, 2005 Regular City Council Meeting.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECTS

III. 2002 Water Plant Improvement Project

Status – Phase 2 & 3: Public Works Superintendent George Craig reported Daryl (with SMI-CO) would be here this coming week to go over everything and hopefully will also get going with the air scours. Council President Robbins asked public works to let the water committee know when this happens.

IV. Upgrade Sludge/Backwash Lagoon

Steps Towards WTP Lagoon Upgrade:

John Brann, with Ponzer Younquist, asked if the city had had a chance to look into property near the water plant. City Clerk Herrin provided the names of the current property owners. Council President requested one of the clerks in City Hall contact the property owners to see if anything is available and report back next meeting.

Two Polymer Pumps for \$1,400:

PWS Craig reported the jar tests to change for polymer have been done and found one combination that works with the jar tests. Now they will have to try and make sure it works in bulk. Would like to make this change as soon as possible before the air scour change. Noted the cost for polymer is more than alum, but there will be a savings on the soda ash. Randy Dye (Brenntag) will come back and help get the balance on the bulk settled out and this is included in the price of the pumps and chemical change out.

- *Motion to Purchase Two Polymer Pumps for \$1,400*

Council Member Boone moved to purchase two polymer pumps for \$1,400. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 7:08 p.m.

Page 2 of 7

UTILITY IMPROVEMENTS REPORT (Continued)

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

John Brann, with Ponzer Younquist, reported they had investigated the park lift station building and generator and found that to go with two 15hp motors would require a fifty KW generator for a cost of around \$19,400. This takes the estimate to replace the two motors and the generator to around \$47,000. They checked the net increase as the other pumps from the industrial park affect the combined flow to the force mains. The net increase with this motor change is over 100 gallons a minute. This should take care of the city park and the amount going to the splitter box on South Sixth Street. The force main will have to be upgraded when the city experiences growth in the east, and that current cost is around \$40,000. Also recommended to someday look at how the pump stations are tied together and make a change while changing the force mains. For now increasing the pumps at the city park lift station would be best and would extend the life of the lift station. Noted the cost of the new pumps and generator included a new panel. The new generator will automatically come on when the system senses a loss of power to the pumps, will not have to be manually turned on. Discussed trading or selling the existing generator. PWS Craig noted the panel had gone out of the generator a year ago and had to be rebuilt as was too old to order parts. Mr. Brann reported he would have to modify his report to the state and then turn it into KDHE for their approval. Felt it could probably be done with a written report, and if so would not have any additional engineering fees. The state has already agreed to reopen the prior project using Haupt Construction as the primary contractor and Haupt's have agreed to do it for bonding costs. Then if the lift station and generator is the project the city goes with Lee Mathews will do the work as a sub-contractor under Haupt Construction; and, if the line is replaced, McCorkendale's will be the sub-contractor and do the work. Discussed it would take 8-14 weeks to get the pumps and generator and then get the work done. Mr. Brann noted he would need to send a crew in to shot the elevations exactly at the

lift station before he finalized his report.

Council President Robbins directed Mr. Brann to move forward with the change in lift station pumps and the generator.

Mr. Brann noted he would get back with the city once he had everything with the state satisfied.

c. GAS IMPROVEMENT GRANT

CDBG Draw Down Request for \$244,473

Noted this is the second draw down request for expenses already paid. The first request was in the amount of \$142,496.00. This leaves \$13,031 left to draw from the CDBG fund.

- *Motion to Approve CDBG Draw Down Request for \$244,473*

Council Member McGinnis moved to approve signing the CDBG draw down request for \$244,473. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 7:25 p.m.

v. 8,800 Feet of Pipe to Remove in Miami County

Discussed if the city public works crew could handle the removal of the pipe above ground in Miami County. PWS Craig noted they would need to have two people for flagmen along with the city crew doing the work; and a hot saw. Discussed probably being able to sell the pipe and make money. Discussed the cost of a saw versus renting one. PWS Craig will check on prices of a hot saw and bring them to the council at the next meeting. Discussed salvage methods. Council Members Skip and Tony Williams volunteered their trailer if needed to haul pipe back to the city. Discussed possibility of city employee's Bill Craven and Jackie Pribble being available for flagmen. PWS Craig will check with them.

Page 3 of 7

UTILITY IMPROVEMENTS REPORT (Continued)

c. GAS IMPROVEMENT GRANT (Continued)

vi. Newport Bill of Sale and Release for Pipe under 1095 Road

City Attorney Sutherland reported RWD #3 hadn't gotten back with him yet as to who would be the one handling the line under the road; them or Mr. Newport as a private line. He had checked with County Attorney Gary Thompson and he didn't think the county had a problem with any easement change, just need to move the easement to the applicable party. Council President Robbins asked if the city could just set up the bill of sale and release with Mr. Newport since he was the one asking and let him work with the rural water district over who would ultimately be responsible. City Attorney Sutherland concurred and would just have to give something to Mr. Newport about him being responsible and transfer the easement. Council concurred to move forward.

vii. Miller Paving and Construction Extension Request

Discussed council felt there were clean up items they could be doing and were not. If they wanted an approved extension felt they should be addressing what could be done, such as clearing the brush and repairing drives. Concurred if Miller's would address what could be done in the next couple of weeks would review extension approval at the next meeting.

viii. To Be Done List for Property Owners From Project

City Clerk Herrin reported a spreadsheet had been compiled of items to be done from phone calls from property owners and what PWS Craig had noted reviewing the area. Discussed how to address the items. PWS Craig will monitor the work completed and City Clerk Herrin will update spreadsheet as reported.

ix. Jim Poe Verbal Request for Old Pipe

City Clerk Herrin reported Mr. Poe had stopped by City Hall today and requested the city send him something in writing that he could not go out and get the abandoned gas line pipe for the entire length of the new line. Mr. Poe noted he had paid Miller's for this pipe and he was not going to deal with Miller's any further on any confusion of whose it was to sell. Discussed Mr. Poe had yet to present any evidence other than him talking that there was anything sold. Council Member Boone noted he had spoke with him earlier and asked him for a receipt and the city needs this. Discussed how Mr. Poe needs to work out any money that exchanged between him and Miller's with Miller's. City Clerk Herrin reported Mr. Poe left requesting a letter from the city and felt something should be sent to Mr. Poe to avoid any comments of the city not responding to him during this time. Council President Robbins directed City Attorney Sutherland to draft a letter to Mr. Poe.

DISCUSSION FROM THE FLOOR:

None.

REPORTS OF CITY OFFICERS:

City Attorney – John Sutherland

City Attorney Sutherland requested attendance to the KRWA Attorney's Forum on Tuesday, March 29, in Wichita. The cost this year for the forum is free to the first forty attorneys who sign up. He had attended previous forums and felt it help greatly to stay abreast of changes with the rural water districts and how it would involve the city's relationships with them.

- *Motion for City Attorney to Attend KRWA Attorney's Forum*

Council Member Connie McGinnis moved to send John Sutherland to the Attorney's Forum with usual expenses. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 7:52 p.m.

Page 4 of 7

REPORTS OF CITY OFFICERS: (Continued)

Chief of Police Glenn Farrell Jr.

Reported on: 1. January 2005 Stats
2. Clint Mc Cammon has completed the new officer drug test and physical. The other required items have been scheduled.

Public Works Superintendent – George Craig

1. Replace Chlorine Analyzer for \$2,748.00: Public Works Superintendent Craig reported the current panel is starting to act up. One board is going out and to repair just it is \$478, there are three more boards going bad and cannot order some parts at they are obsolete. A new analyzer panel is \$2,748 and installation is included. If this goes out someone will have to be at the plant to take a water sample every hour.

- *Motion for Purchase of Chlorine Analyzer for \$2,748*

Council Member Tony Williams moved to purchase a new chlorine analyzer for \$2,748.00. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:01 p.m.

2. Three Gas Commercial Meters with Correctors for Est. \$8,400: PWS Craig requested to purchase three commercial gas meters using the gas project funds to replace three old meters, (Stub's, Wood Working Plant, and the Phone Company). Before ordering he will have a professional look at the phone company's and determine just what size is needed. The new meters will be pressure and temperature compensated. The current old ones are not, and are over ten years old.

- *Motion to Purchase 3 Commercial Gas Meters for up to \$8,400*

Council Member Skip Williams moved to purchase three commercial gas meters for a cost of up to \$8,400. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:04 p.m.

3. Vance Bros Inc Maintenance Seminar 2005: PWS Craig requested to send a couple of public works employees to this seminar. Discussed the mechanics of street maintenance and how this seminar teaches the current methods. Council President Robbins noted he would like to attend too.

- *Motion for Three to Attend Maintenance Seminar*

Council Member McGinnis moved to send three people to the Vance Brothers Street Maintenance Seminar with usual expenses paid. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:09 p.m.

4. Remote Read Out for Raw Water Flow at Water Plant: PWS Craig requested a remote read out for the raw water flow to be put at the water plant. Wayne Clark can set up the remote for \$600, materials and labor. This will allow public works to be able to see what is happening whenever they are in the plant. Currently the only way they know if there is a change in the flow is if something else starts to malfunction and they go out to the gashouse and read the meter at that time. With the Remote read it will be available at all times in the plant and when there is a gradual change even it will register as an item to check then, before it becomes an issue.

- *Motion to Purchase Remote Read Out for Raw Water Flow*

Council Member McGinnis moved to purchase the remote read out for raw water flow for the water plant for up to \$600.00. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:12 p.m.

STANDING COMMITTEE REPORTS:

Street

2. South 6th Street Drainage

Council President Robbins reported Kathy (Postmaster) had asked him about the ditch and he had explained the city was looking for a better, yet affordable, way than just dumping rocks in the drainage area. Discussed. Council Member Skip Williams and PWS Craig will work on this project and bring it back to the council when they have something to present.

STANDING COMMITTEE REPORTS: (Continued)

Park

Council President Robbins asked if the park board needed any help with the chips that were there to be put around the new playground equipment. Council Member Boone reported he thought the park board could use the city bobcat and spread the chips around under the equipment so it could be used now. Discussed if any drainage was to go under the chips. Noted, yes, there was drainage to be set up but felt just enough chips so the equipment could be used now could be applied until the drainage and edges were established, and this would let the kids play now.

Community Building

Council President Robbins noted the new letters were up on the front of the building and looks good. All concurred.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee

1. Change in Codes Officer: Council President Robbins reported he had an individual interested but they had asked about the pay, plans for the position, and hours. Current Codes Officer Farrell noted he would not mind continuing to help out with routine building permits on the days the new Codes Officer is not available. Discussed the scope would possibly depend on the qualifications of an interested individual. Discussed outlining expectations.
2. Planning Commission Member Appointment: Still Looking.

UNFINISHED BUSINESS:

Real Estate Exchange Agreement with Labette Bank

City Attorney Sutherland reported he still needed to talk with Pat Foreman (Bank Officer) and he was not available today. He had some questions for the bank since there was a lag time between the transfer of properties. The three primary concerns were: 1. If bank building doesn't work out what would value of city's lot be for the bank to purchase outright, 2. What if there is damage to the bank building during the interim what would the city have for replacement exchange, 3. City needs an inspection now and possibly just before possession and what if there are issues the city cannot take on to make the move. Need to work these items out with the bank owners.

Discussed getting an inspection now. City Attorney and City Clerk will look for an inspector and report.

Page 6 of 7

UNFINISHED BUSINESS: (Continued)

City and RWD Workshop of January 13, 2005 Review

Council President Robbins reported he and City Clerk Herrin had met with the rural water districts. All that was talked about was how the pumps run all the time at the plant and that they had come up with a schedule so not all entities ran at the same time. However, the plant can still only produce so much water and keep up with the quality of water. There was a verbal agreement that if any big customers were to be added the rural water districts will come to the city first. No other items were discussed.

NEW BUSINESS:

Copier for City Hall

City Clerk Herrin reported the maintenance agreement with the current copier expires February 13, 2005. An agreement can be purchased for another year for \$975. A new copier from Modern Copy Systems was discussed. The quote included three additional features: 1. A bypass tray, 2.& 3. A network card and scanner package. A new copier comes with a three-year maintenance agreement. With trade-in a new copier cost is \$5,100. Discussed \$3,000 of it would be spent on a maintenance agreement if a new one were not purchased. A network card is going to be needed when city hall moves over to the bank building, as the copier will be further away from a computer more than likely. Discussed if purchase a new copier what fund(s) to charge.

REGULAR MEETING

Year = 2005

- *Motion to Purchase New Copier Using Funds from Equipment Reserve*

Council Member Tony Williams moved to purchase a new copier for \$5,100 with the money to be paid from the equipment reserve fund. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:27 p.m.

PVHS After-Prom 2005

- *Motion to Donate \$150 to PVHS After-Prom 2005*

Council Member McGinnis moved to donate \$150 to the PVHS After-Prom 2005 as it is for a good cause. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:28 p.m.

Gas Rate Ordinance #1310

City Clerk Herrin reported the city has also begun with notice to KCC for the rate changes for those customers outside the three-mile rates.

- *Motion to Approve Gas Rate Ordinance #1310*

Council Member McGinnis moved to approve gas rate ordinance #1310. Seconded by Council Member Sip Williams, voted on, passed 5-0. Time: 8:40 p.m.

CCMFOA Spring Conference, March 9-11, 2005

- *Motion for City Clerk to Attend CCMFOA Spring Conference*

Council Member McGinnis moved to send City Clerk Herrin to CCMFOA Conference with usual expenses. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 8:43 p.m.

Regional City Clerk's Meeting, February 11th, Pittsburg

- *Motion for City Clerk &/or Deputy City Clerk to Attend Meeting*

Council Member McGinnis moved to send one or both clerks to the Regional meeting in Pittsburg. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:45 p.m.

Page 7 of 7

NEW BUSINESS: (Continued)

James M. Kaup, P.A. Invoice #00361 @ RWD Contracts

Discussed there would be one more statement for January after this statement covering the month of December for \$700.80.

- *Motion to Pay James Kaup the \$700.80*

Council President Robbins moved to pay the \$700.80 to Jim Kaup for the December statement of services. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 8:48 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and legal for up to five minutes following a ten-minute break. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:50 p.m.

Others invited into or requesting a portion of time included: None.

Open Session Resumed at 9:05 p.m.

OTHER BUSINESS:

REGULAR MEETING

Year = 2005

None

CITY CLERK'S REPORT:

Verbal Report:

2. 2005 City Council Filings for three council seats are: Connie McGinnis, Tony Williams, Skip Williams, Michael Van Vlack, and Keith Smith.
3. The next agenda will include establishing City Capital Improvement Plans. Asked for any items council members already had in mind to be given to City Clerk prior to the meeting for a preliminary list.

Written Report:

2. Three Gas Commercial Meters with Correctors
3. Copier for City Hall
4. PVHS After-Prom 2005
5. Highway Dedication, February 4, 2005, at 11:00 a.m.

Reminders:

1. Special Meeting for Personnel Policies & Guidelines, February 9, 2005
2. Public Hearing for Zoning Changes, Thursday, February 10, 2005

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] MLA Code of Meeting Procedure Course
- b] Letter to KCC @ Rate Increase Application for Over 3-mile Customers
- c] Cebridge Connections Letter to the City
- d] League News, Volume 10, Number 1, January 14, 2005
- e] League News, Volume 10, Number 2, January 27, 2005

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member McGinnis moved to adjourn. Seconded by Council Member Skip Williams, voted on, 4-1 (No: Boone).**

Adjourned the meeting at 9:10 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 2nd day of February 2005.

Page 1 of 5 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday February 16, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Tony Williams, Gerald "Skip" Williams, and, Travis Robbins. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Art Terry, Harry Smith, Jerome Moore, Diane Stainbrook, Judy Miller; Roger Sims; Kevin Kinder; LeRoy Turpen; and Kristie Cook.

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

CONSENT AGENDA:

Council Member Robbins noted two changes from the agenda. Check #3385 notes reported 561.75 hours for Linda Elder, the actual paid hours was 61.75. The minutes of the February 2, 2005 meeting noted the count for executive session to be 4-0, the actual vote was 5-0.

- *Motion to Approve Consent Agenda with Changes*

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

Check Register: February 3 - 16, 2005,
Minutes of February 2, 2005 City Council Meeting,
Minutes of February 9, 2005 Special city Council Meeting,
January 2005 Treasurer and Budget Report,

with the change on comments change on check #3385, and the number of votes for executive session.

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

DISCUSSION FROM THE FLOOR:

Proposal from Judy Miller with 1st Option Bank for City Banking Business

Judy Miller with First Option Bank distributes a letter of interest to the council proposing the rates they offer for Public Funds Checking and CDs or Bonds as an option for the city to place funds with their bank. Reviewed an account analysis based on the city's current funds and banking activity, covering account charges and credits. Noted a break-even average account balance of \$53,840 is required to avoid incurring any costs to the city for the monthly checking. If excess monies over the general fund can go into the money market the current rate is 1.95%

Provided names for the city to contact. Have a \$3.00 service charge for NSF checks, but that is negotiable. The rate on CD's is their highest rate or the state rate which ever is higher for municipalities. Ms. Miller thanked the council for their time and hoped to hear from them soon.

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- iv. 2002 Water Plant Improvement Project
 - a. Status – Phase 2 & 3

Public Works Superintendent George Craig reported they are currently changing the plant over from alum to polymer. It is currently working, somewhat. SMI-CO will be here tomorrow to go over the air scours. Next Tuesday the guy will be here to do the clarifiers. The builder had taken care of most of the building issues and will look at the others tomorrow.

- v. Upgrade Sludge/Backwash Lagoons
 - a. Steps Towards WTP Lagoon Upgrade

Mayor Barber asked if with the change over to polymer did the lagoons still need to be enlarged. PWS Craig responded yes. Mayor Barber reported those in city hall had contacted the property owner next to the existing lagoons and they were not really interested in selling, but would work with the city for a way to make this improvement work. City Clerk Herrin reported the property owners would like to come discuss the items at the next meeting with the city council and the city's engineer. Council concurred to set this up for the next meeting. Mayor Barber asked if there were any ideas on what direction the city needed to look for the land. PWS Craig noted it depends on the engineer's determination after reviewing the area.

UTILITY IMPROVEMENTS REPORT (Continued)

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

iii. Report to State Regarding Improvements

Noted the engineer had sent the two recommendations to the state for review. Discussed engineering fees in the recommendation listing and if those amounts were different than the statements already being addressed. Mayor Barber asked which was the better of the two recommendations. PWS Craig noted the city was leaning towards the pumps from the last meeting. Council Member Skip Williams concurred they felt the pumps would be the best of the two options for the current situation.

iv. Ponzer-Youngquist, P.A. Invoice #3 for \$2,200

- *Motion to Approve Ponzer-Youngquist, P.A. Pay Request for \$2,200*

Council Member Robbins moved to pay Ponzer-Youngquist pay request #3 in the amount of \$2,200 for the design on the sewer lagoons. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:25 p.m.

b. GAS IMPROVEMENT PROJECT - CDBG GRANT

x. Status

- a. 8,800 Feet of Pipe to Remove in Miami County
- b. Newport Bill of Sale and Release for Pipe under 1095 Road
- c. Miller Paving and Construction Extension Request
- d. To Be Done List for Property Owners From Project
- e. Jim Poe Verbal Request for Old Pipe

City Clerk Herrin reported the letter from City Attorney Sutherland to Mr. Poe had been sent.

Council Member Boone discussed concerns about the two sections of pipe that was taken by other than the property owners or the city. No action was taken.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Farrell presented the police report for the period of February 1 -14, 2005.

Public Works Superintendent George Craig

- ii. Chop Saw Quotes: Public Works Superintendent George Craig reported public works had obtained four quotes for a 16-inch saw. Three of the prices were for the same amount of \$1,200. Blue Valley quoted a price of \$1,055.95 with blades at a cost of \$24 for twelve.

- *Motion to Purchase Chop Saw and Twenty-Four Blades*

Council Member Skip Williams moved to purchase the chop saw from Blue Valley for \$1,055.95 and to include twenty-four blades for \$48.00. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:40 p.m.

- iii. Quote for Two Overhead Shop Doors: PWS Craig reported public works had obtained a price of \$1,350.00 apiece from Jim's Door Service to replace the overhead doors at the shop. These are 14 X 14 RP2400 insulated steel doors installed at the shop for \$1,350 each. Noted public works had contacted five or six other entities and none of them had shown up to provide a quote.

- *Motion to Purchase Two Overhead Shop Doors for a Total of \$2,700.00*

Council Member Tony Williams moved to purchase two overhead doors for \$1,350 each. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:44 p.m.

- iv. Three Individuals Gas Operated Certified: PWS Craig reported as of last Thursday, three people were gas certified for the city, Public Works Employee Art Terry, Public Works Employee Harry Smith, and Jerry Boone. Public Works Employee Jerome Moore passed his class on corrosion.

Page 3 of 5

STANDING COMMITTEE REPORTS:Water & Gas

- i. Gas Test Station: Discussed a test station north of the PVHS that does not appear to be installed correctly as public works is unable to locate the pipe it is to be attached to. Public works employees felt it was likely the line had broken from the test station to the pipe. Mayor Barber asked public works to make the calls and find out what to do.
- ii. Council Member Boone's Communication Concerns: Council Member Boone reported he felt like a lot of water committee concerns were going around the committee and that the committee was being left out. He stated he had no trouble with public works and had a good relationship with them. Council Member Boone stated he was then informed by public works they were not to listen to anything he said per Mayor Barber. Did not appreciate this being done behind his back. Mayor Barber responded he had not told public works not to listen to anything Council Member Boone said. PWS Craig responded that was what he heard Mayor Barber say and asked the other public works employees to confirm. Mayor Barber noted his conversation with PWS Craig was about making sure all the facts were received before making judgments. Discussion ensued. Council Member Boone stressed if Mayor Barber had a problem to tell him to his face and that's why all the public works employees were here tonight to tell it like it is.

Streets

Discussed street repairs. Council Member Robbins asked if public works could turn in a list of what has been done. PWS Craig responded yes, and to date they had worked on 6th Street, 7th Street, Swan Street, behind the bank, around La Harper Heights, and Stubs. Council Member Robbins asked about the recent changes to the ditch (east Lincoln Street) discussed earlier. The ditch now has more dirt in it and any heavy rains are going to be hindered in run off. PWS Craig reported it was done to get the road to drain, the truck was not available as it had salt and sand in the bed and takes about one and one-half hours to change out. Will get the truck changed out and move the dirt.

SPECIAL COMMITTEE REPORTS:Planning Commission Committee

- iii. Change in Codes Officer

Mayor Barber noted still looking. The city did have an application to review.

- iv. Planning Commission Member Appointment

Mayor Barber noted still looking; preferably for some one out side the city limits with-in the three-mile territory.

UNFINISHED BUSINESS:Real Estate Exchange Agreement with Labette Bank

City Attorney Sutherland reported he had no further information on the agreement at this time. City Clerk Herrin reported an inspector for the building had been located. Mark Schulte

from Olathe, who had previously done an inspection here in La Cygne at the old post office, would provide a structural inspection including the wiring, plumbing, etc. for between \$600-\$800 depend on if there is a basement and how hard it is to get to the roof to inspect.

- *Motion to Hire Mark Schulte to Inspect the Bank Building for a Cost of Up To \$800*

Council Member Robbins moved to hire Mark Schulte to inspect the bank building for a fee of up to \$800. Seconded by Council Member Skip Williams, voted on, passed 4-0.

Time: 8:02 p.m.

City Clerk Herrin also reported the bank asked about moving the utilities in the alley if the bank paid the fees.

TTHMs/HAA's Water Treatment Plant Violation Notice

Quarterly notice that is the same as last quarter. Discussed. Put in newsletter for mass mailing.

¹
NEW BUSINESS:

Page 4 of 5

Agent of Record Letter for City Insurance Coverage

City Clerk Herrin noted the current city insurance coverage is currently brokered from The Schulte Agency through another agency. Schulte Agency can handle this direct with the approval of this record of letter request.

- *Motion to Approve Agent of Record Letter*

Council Member Skip Williams moved to approve the agent change with the Agent of Record Letter to C D Schulte regarding the city's package policy effective 04/01/05 renewal. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:08 p.m.

Ordinance #1311, Zoning Regulation Change

Noted the Planning Commission recommended approval of the zoning change request for Block 68, Lots 1, 2, & 3, of the of the First Addition of the City of La Cygne from R-2, Two-Family and Multi-Family Dwelling, to C-1 General Commercial District for the purpose of building a new Labette Bank.

- *Motion to Approve Ordinance #1311, Zoning Change Request*

Council Member Robbins moved to approve Ordinance #1311, for a zoning change request. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:10 p.m.

Linn County Notice of Requirements for Local Trash Compactor

Discussed notice sent from the County commissioners regarding unfunded mandates for changes at the local transfer station. Requested to have the notice added to the newsletter to reach the public. Requested the City Clerk send a letter to the commissioners asking for signs regarding the cease of salvage.

MLA Meeting Water Challenges Course, March 18, 2005

Discussed this course could be a good way to learn about how the Kansas Water Office works and how the city is a part of the plan with Kansas Water Policies.

- *Motion for at Least Four to Attend MLA Course*

Council Member Skip Williams moved to send Tony and Jerry with at least one public works employee and one city hall employee to the MLA course *Meeting Water Challenges*. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:18 p.m.

2005 Municipal Court Clerks' Conference, March 31 – April 1, 2005

Discussed expenses are reimbursed by the state. This is an annual conference provided for the city court clerk Linda Elder.

- *Motion for Court Clerk Elder to Attend Conference*

Council Member Robbins moved to send Linda Elder, Court Clerk to the annual court clerks' conference. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:19 p.m.

Establish List of Capital Improvement/Goals/Projects

Mayor Barber presented the list compiled by city hall. Requested to be put back on the next agenda after further review.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for discussion of personnel and legal for up to sixty minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:30 p.m.

Others invited into or requesting a portion of time in executive session included: Public Works Superintendent George Craig, Public Works Employees Art Terry, Jerome Moore, and Harry Smith.

Open Session Resumed at 9:40 p.m.

OTHER BUSINESS:

CDBG Program Cuts Notice

Discussed the notice sent by Kansas Department of Commerce regarding the recommended cuts to the 2006 Administration budget. Some of the cuts are to the CDBG program of which the city has benefited in the past. Requested Deputy City Clerk write a letter of appreciation of the program to include covering the needs to have the program available in the future.

ID Meters Permanently for Each Location

Mayor Barber asked about the status of the city employees getting the water and gas meters marked permanently with numbers for reference to the billing system. City Clerk Herrin reported city hall had been working with the public works employees to get this accomplished for both the meters currently in use and to include all meters available for use. Discussed using the current premise ID numbers on the billing system for the ID numbers on the matching meters.

CITY CLERK'S REPORT:

Verbal Report:

- a. Dog Days has been set up for Saturday, April 16th.
- b. Asked for any other information city council wanted in the newsletters.

NOTES AND COMMUNICATIONS TO COUNCIL:

REGULAR MEETING

Year = 2005

- a] January 2005 Gas Report
- b] January 2005 Water Production Report
- c] KDHE Solicitation of Water Supply Projects
- d] *League News*, Volume 10, Number 4, February 4, 2005
- e] *League News*, Volume 10, Number 3, January 28, 2005
- f] Hi-Plains Sand, Inc., Offer for Bid on any Street Maintenance Program: Discussed.
Requested to check _____ and see who is doing the overlay on Highway 152 this summer for a possible price break.
- g] Certificate of Completion for Deputy City Clerk Gary Mahon

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member Tony Williams moved to adjourn. Motion seconded by Council Member Boone, voted on, passed 4-0.**

•
Adjourned the meeting at 9:50 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 16th day of February 2005.

Page 1 of 7

REGULAR MEETING:

The La Cygne City Council met in a regular session on March 2, 2005 at the LaCygne Community Building. Council Members present were: Jerry Boone; Travis Robbins; Gerald "Skip" Williams; and Tony Williams. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin; City Attorney John Sutherland; Kevin Kinder; Public Works Superintendent George Craig; City Police Chief Glenn D. Farrell; Judy Kinder; John Brann; Dan Gulotta; and Randy Taylor.

Council President Travis Robbins called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: February 15 - March 2, 2005;
Minutes of February 16, 2005 Regular City Council Meeting.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECTS

V. 2002 Water Plant Improvement Project

Status – Phase 2 & 3: Public Works Superintendent George Craig reported they ran with the air scours yesterday and they worked great. SMI-CO still has a couple of items to do, but nothing major. They are

now using the new chlorine contact basin with the plant operations.

VI. Upgrade Sludge/Backwash Lagoon

Steps Towards WTP Lagoon Upgrade:

John Brann, with Ponzer Younquist, reported they had reviewed the lagoons with using the new polymer chemicals and to get a year's worth of storage will need at least two acres of land. The amount of land needed depends on how much is needed to build up the berm. The engineers need to physically look at the property and check the layout. Have looked north of the water plant and there is not a lot of room. Council, George Craig, and John Brann reviewed an aerial map at the table; discussed what looked like the highest point of the lay of the land with the map. Discussed some elevations shot at the water plant and how they could be used for the base. Discussed if want this to continue to flow by gravity like the rest of the plant will have to find the right level of land with what is available.

Noted the property owners were not present at the meeting. City Clerk Herrin will contact them and see if a time can be set up for them to meet with the engineers at the property site.

UTILITY IMPROVEMENTS REPORT (Continued)

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

John Brann, with Ponzer Younquist, reported they had approval from KDHE to issue a change order through the original contractor Haupt Construction using the sub-contractor of Lee Mathews for this lift station improvement. The total cost for the change order is \$54,023 with the breakdown being \$47,200 for Lee Mathews and the other portion of around \$7,000 for Haupt Construction to cover their bonding costs, etc. The change order will need to be signed by the city and the contractor, then sent back to the engineer to forward to KDHE. Once it is signed they will get the Notice to Proceed. The change order includes two fifteen-horse power pumps, a generator, and the control panel. The pumps will be available in about eight weeks and the generator in about ten weeks. Discussed if wanted the pumps installed before the generator was available. John Brann noted it wouldn't take long to install the pumps. Discussed what the possible trade value of the existing pumps could possibly be as one is new and one of the others was recently rebuilt. May want to wait and sell them later as George Craig asked about using them for the sludge pond if they cannot go gravity.

- *Motion to Approve Change Order #3 for \$54,023*

Council Member Boone moved to approve change order #3 for \$54,023 for the two pumps and generator. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:18 p.m.

c. GAS IMPROVEMENT GRANT

Status

PWS Craig reported Doug with Miller's had gone over the list with public works. Mayor Barber asked how the cathodic protection concerns had been handled. PWS Craig noted Miller's would be bringing that equipment with them when they came to finish the other items. Discussed there had not been a time frame given from Miller's to complete the clean up. Council asked if the city could start fining Miller's for not moving forward on the project. City Attorney Sutherland noted he could call Kevin (Miller's) tomorrow. Concurred.

DISCUSSION FROM THE FLOOR:

Dan Gulotta of 413 Locust

Dan Gulotta reported he has neighbors with junk on their property, including ten vehicles on the property now. Mr. Gulotta has had potential buyers for his property and then his neighbors are a concern for the buyers. Mr. Gulotta noted several of the vehicles are not road ready as some are wrecked and others have flat tires, etc. There is orange fencing and other junk; it begins to look like a junkyard. The newer siding that was put on is already bubbling out, and they have quit with the siding and not finishing it. Mr. Gulotta also noted they keep several propane tanks in the house beside his and he is concerned about that too. Mayor Barber noted he was not sure if all of the concerns can be covered by city ordinances. Mr. Gulotta noted his neighbors had also put a sewer base stake in his driveway and in another spot it is not supposed to be. Codes Officer Glenn Farrell noted he would check into it tomorrow.

REPORTS OF CITY OFFICERS:

Chief of Police Glenn Farrell Jr.

Reported on: 1. February 2005 Stats

2. Intoxilyzer testing was done last Sunday and the PBT was also tested. It could not be calibrated. Requested a new one. Discussed the PBT is not admissible in court but is a good tool for the officers. The cost for a new one is \$429. Council noted this could be purchased without a motion and could be purchased within the police budget.

Page 3 of 7

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent – George Craig

1. Report to KDHE for WTP by Rex Heape with Shafer, Kline, & Warren: Public Works Superintendent Craig reported before the water plant can implement the new chemical change the city has to send paperwork to the state with charts and graphs for consent. Council Member Boone noted Rex Heape knows all of the steps needs for this change and the city needs to move forward. Discussed approval had been given for Rex Heape to proceed with this change, need a motion to clarify to include paperwork.

- *Motion for Extend Authorization to Include Paperwork to State by Rex Heape*

Council Member Skip Williams moved to extend authorization to include getting the state paperwork done by Rex Heape at the \$110 rate. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:33 p.m.

2. Report on Street Work: PWS Craig reported they planned to do Art Francis's road in the next few days. And, a load of cold mix is coming next Monday. Will work on the Park Area after it arrives.

STANDING COMMITTEE REPORTS:

Water & Gas:

Council Member Boone reported he had been at the water plant the last two or three days, and one clarifier was done. He observed the air scours and it works well and really clean water. The chlorine contact basin was full and really clean. Also, Council Member Boone noted the letters being put out about being in compliance, that the city was in compliance with what used to be acceptable, but not there yet with the new regulations. Then, on the change to polymer, it is saving soda ash so the cost is not really more and feels better in the long run. Mayor Barber noted he had found it working well when talking with public works.

Street

Council Member Robbins noted the Vance Brothers Street Class was next Tuesday, March 8th with George, Jerome, and himself scheduled to go. Noted there would be two open spots as George and Robbins would not be available to attend. Discussed maybe having Harry and Jerome attend. Council Member Skip Williams noted he would try to attend.

Park

Council Member Boone asked if the Park Board could use the bobcat to spread out the mulch under the new playground equipment. Discussed the park board needed to put down the barrier and the mulch and then they would be done. Discussed any drainage issues. PWS Craig asked if they needed any help from public works. Determined the Park Board could probably get the work done with the use of the city’s bobcat.

Community Building

Council Member Boone asked if the city could look at new ceiling tiles for the community building since it was not leaking in the center anywhere. Council Member Skip Williams noted he would price some tiles and bring it back to the council.

SPECIAL COMMITTEE REPORTS:

Planning Commission Committee

A. Recommendation for Zoning, Map, and Subdivision Updates

i. Ordinance 1312, Adopting Zoning Regulations & Map

- *Motion to Approve Ordinance #1312*

Council Member Robbins moved to approve Ordinance #1312, Adopting Zoning Regulations and Map. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:50 p.m.

ii. Ordinance #1313, Adopting Subdivision Regulations

- *Motion to Approve Ordinance #1313*

Council Member Robbins moved to approve Ordinance #1313, Adopting Subdivision Regulations. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:51p.m.

iii. Ordinance #1314, Establishing a Fee Schedule for Permits & Procedures

- *Motion to Approve Ordinance §1314*

Council Member Robbins moved to approve Ordinance #1314, Establishing a Fee Schedule for Permits and Procedures. Seconded by Council Member Tony Williams. Discussed prices listed, will leave as is for now, voted on, passed 4-0. Time: 7:53 p.m.

iv. Ordinance #1315, Conforming Mobile Home Guidelines

- *Motion to Approve Ordinance #1315*

Council Member Robbins moved to approve Ordinance #1315, Conforming Mobile Home Guidelines. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:54 p.m.

UNFINISHED BUSINESS:

114 W Market Street Improvement Status (Taylor Property)

Randy Taylor reported the east side of the roof is not complete due to the rainy weather and that side is holding dew and slick to work on. Need to wait until there are a few days of dry weather to be safe to work on that side. Have taken the old plasterboard down on the inside and ready to put up the new. Mayor Barber noted it did appear to have some improvements. Codes Officer Farrell noted there had been no contact with him. Discussed needing better communication. Asked Mr. Taylor to contact the codes officer when he had completed the roof and the plasterboard inside. Discussed allowing another sixty days to finish the project.

- *Motion to Grant Sixty Day Extension on 114 W Market Street Improvements*

Council Member Robbins moved to grant another sixty day extension to Randy Taylor on the property at 114 W Market Street and at the end of the sixty days to report back at the first meeting in May. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:00 p.m.

Establish List of Capital Improvement/Goals/Projects

Reviewed the following list of items:

Community Building:

1. Keyless Entry
2. New Tables &/or chairs
3. Scheduled replacement of heaters/air conditioning units
4. Replace Kitchen Flooring
5. Replace Built-in Oven &/or Counter Range Top
6. Industrial Floor Cleaner Machine
7. Discussed Possibility of New Community Building at Park for Long Range

UNFINISHED BUSINESS: (Continued)

Fire Department:

1. Fire Hydrant Replacements
2. Additional/Replacement Fire Truck
3. _____
4. _____
5. _____

Street:

1. Drainage on west side of 4th from Market to Walnut (Curb & Sidewalk?)
2. K152 being resurfaced from Bridge to K-7. Possibly asphalt some city streets?
3. Re-stripe center line and parking on Broadway
4. Fix erosion in ditch on south 6th Street
5. Repair, Replace, Clean street signs
6. Discussed getting a price from the contractor working on Highway 152 this summer for asphaltting some streets.
7. Discussed reviewing the street for the feasibility of doing a gradual change to asphaltting. PWS Craig reported he had spoke with Terry Weitman who had agreed to come down some time and see what it would take to fill the swags and cover; possibly doing in stages.
8. Discussed where drainage was wearing away the edge of the roads like at 4th and Market, and possibilities for improvements.

Water Production:

1. Clarifier Maintenance
2. _____
3. _____

Water Distribution:

1. Extend North Tower Overflow Pipe to Ground
2. Enclose North Tower with Fence

REGULAR MEETING

Year = 2005

- 3. Loop in Dead End Lines – Mayor Barber felt very important
- 4. Improve Distribution between WTP and the two towers – Mayor Barber felt very important
- 5. New Improved Water Tower on Very Top of Hill
- 6. Annexation Program in Relationship to RWD’s
- 7. _____
- 8. _____
- 9. _____

Sewer System:

- 1. Line at Lagoon
- 2. _____

Gas System:

- 1. _____
- 2. _____

Cemetery:

- 1. Square of Section of Land for New Portion
- 2. Plat road and plots in new portion
- 3. Structure roads in new portion
- 4. Program for Location of Lots in Cemetery
- 5. Structure for Location Information at Cemetery Entrance
- 6. Lawnmower - 2006
- 7. _____
- 8. _____

Police Department:

- 1. Police vehicle replaced every three years
- 2. Replace Computers and Networking
- 3. New portable radios
- 4. Replace Video Cameras
- 5. Replace Evidence Cameras
- 6. Replace Speed Radars
- 7. _____
- 8. _____
- 9. _____

UNFINISHED BUSINESS: (Continued)

City Hall:

- 1. Designer for Floor Plan to Move City Hall and Police Dept.
- 2. Computer Equipment Replacement Plan
- 3. Copier Replacement Plan
- 4. Phone System
- 5. _____
- 6. _____
- 7. _____

Vehicle Equipment Replacement Program:

- 1. Dog Catcher Pickup – 2005 – Concurred to look for used one, may be able to obtain from State Surplus
- 2. Portable Welder with Generator – 2005 – Cost around \$2,500
- 3. Replace Black Truck - 2006
- 4. Replace White Truck - 2008
- 5. No replacement schedule needed for backhoe at this time.
- 6. _____

Projects:

- 1. Completing Update of PC/Zoning Books – Done 2005

REGULAR MEETING

Year = 2005

2. Completing Update of Personnel Policies and Guidelines
3. Create Three-mile Comprehensive Plan
4. Update Administrative Policies Manual
5. Update Codes Book

Discussed having a workshop/special meeting to go over in further detail to establish dates on items. Asked City Clerk Herrin to put together some ideas and bring them back to shorten a review.

NEW BUSINESS:

Ordinance #1316, Relating to Private Clubs and Other Operations Selling Alcoholic Liquor

City Attorney Sutherland reported these changes had been brought on with the countywide liquor by the drink vote that was passed last fall. Noted the maximum fees allowed to be charged is \$250 and the city may want to look at a price change due to the costs of reviewing the applications for the license.

- *Motion to Approve Ordinance #1316 with Change in Fees to \$250*

Council Member Robbins moved to approve Ordinance #1316, relating to private clubs and other operations selling alcoholic liquor by the drink with a change in fees from \$100 to \$250. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:27 p.m.

Ordinance #1317, Relating to Definitions of Beverages General Ordinance Provisions

- *Motion to Approve Ordinance #1317*

Council Member Robbins moved to approve Ordinance #1317 relating to the definitions of beverages general ordinance provisions. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 8:29 p.m.

Three-Mile Gas Rate Letter of Request to KCC for Rate Increase

Discussed changing the presented amount of \$9.00 for the base and \$4.00 for each additional MCF to what the town customers are paying of \$9.54 and \$4.54 respectively. Discussed the meeting date for comments.

- *Motion to Forward Rate Increase Application with Adjustment of Rates and Set Public Meeting*

Council Member Robbins moved to forward application to KCC with adjustment of rates to \$9.54 and \$4.54 respectively and to set public meeting for March 16th at 7:00 p.m. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:38 p.m.

Page 7 of 7

Executive Session

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for discussion of legal for up to fifteen minutes following a five-minute break. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:40 p.m.

Others invited into or requesting a portion of time included: None.

Open Session Resumed at 8:58 p.m.

OTHER BUSINESS:

Inner Connection with PWWD #13

REGULAR MEETING

Year = 2005

Mayor Barber noted the city now had an address they could use to contact PWWD #13 to write directly to them about the possibility of an inner connect with them should the city or they ever have a problem with water availability. If done right, it would benefit both entities. Requested this be put on the next agenda.

Inspection Report for Labette Bank Building

Mayor Barber reported the inspection report had just been received from the inspector. The overall report was good. Concern about some water in a shallow height basement area in the north east side of the building was noted. Could not be inspected until the water was removed. Discussed and determined public works could schedule with the bank the pumping out of the water to inspect.

CITY CLERK'S REPORT:

Verbal Report:

4. Noted the payments for the Sewer Revolving Loan Fund, the Water G.O. Bonds, and the Gas Revenue bonds for the first part of the year would be paid this week.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Thank You from First Option Bank
- b] *Legislative Alerts*, Numbers 1, 2, & 3, 2005
- c] Osawatomie Graphic Letter of Notification
- d] *League News*, Volume 10, Number 6, February 18, 2005
- e] *League News*, Volume 10, Number 5, February 11, 2005
- f] KMGGA Agenda & Minutes
- g] La Cygne Planning Commission Minutes of Feb. 10, 2005 Meeting
- h] Jerome Moore Certificate of Completion in Gas Corrosion Control
- i] *Legislative Alert*, Number 4, February 25, 2005
- j] *League News*, Volume 10, Number 7, February 28, 2005

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member Boone moved to adjourn. Seconded by Council Member Tony Williams, voted on, 4-0.**

Adjourned the meeting at 9:08 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 2nd day of March 2005.

Page 1 of 6 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday March 16, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Tony Williams, Gerald "Skip" Williams, and, Connie McGinnis. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell; City Attorney John Sutherland; Kevin Kinder; Judy Kinder; Bob Bousfield; Ron Cowan; Paulette and Carl Brewer; and Shannon Ross.

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

PUBLIC MEETING FOR KCC JURISDICTIONAL GAS CUSTOMERS

Mayor Barber recognized this portion as set aside for a public meeting for the KCC Jurisdictional Gas Customers. Asked for comments, or if anyone was here with concerns. No

one present from the floor for this topic. No comments. Moved on to the regular meeting items.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: March 3 – March 16, 2005,
Minutes of March 2, 2005 City Council Meeting,
February 2005 Treasurer and Budget Report,

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- vi. 2002 Water Plant Improvement Project
 - a. Status – Phase 2 & 3

Public Works Superintendent George Craig reported SMI-CO would be back for a couple of items after the clarifiers are done, as they need to be in the same area.

PWS Craig reported Rex Heape had filed the request of change with the state. Was hoping for a quick response as if not received by the 29th of the month, the state offices applicable would then have their people out at the Kansas Rural Water Convention and there would not be any action until after the first of next month.

PWS Craig reported the welders have been working on the clarifiers. Spent 10 of the approve 80 hours on the first clarifier. The second clarifier has been emptied and requires a lot more welding. Have already spent another 19 ½ hours on this clarifier with a lot more to go. Requested to authorize another 20 hours of welding if necessary to complete the project and place two welders on the job at the same time to finish the job completely.

- *Motion to Approve Second Welder and Up To Additional Twenty Hours for Welding on Clarifier*

Council Member McGinnis moved to approve the second welder and up to another twenty hours of welding on the clarifier if needed. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:12 p.m.

- vii. Upgrade Sludge/Backwash Lagoons
 - a. Steps Towards WTP Lagoon Upgrade

PWS Craig reported the city is waiting on John with Ponzer-Youngquist to be able to get with the property owner. No further information at this time.

UTILITY IMPROVEMENTS REPORT (Continued)

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

- v. Status

PWS Craig reported the pumps and generator have been ordered. Understand the pumps are eight to ten weeks out and the generator is ten weeks out. They should all arrive and be done about the same time.

- vi. KDHE Approval for Change Order #3

City Clerk Herrin reported this is just the paper work from the state to authorize the city and engineer to move forward, as has been done.

- vii. Ponzer-Youngquist, P.A. Invoice #4 for \$1,600

City Clerk Herrin had noted it was the final invoice for this portion. In checking the request, there is still another \$1,500 outstanding for this part of the contact for a total amount of \$8,500. This is just invoice #4 for \$1,600.

- *Motion to Approve Ponzer-Youngquist, P.A. Pay Request #4 for \$1,600*

Council Member Tony Williams moved to pay Ponzer-Youngquist pay request #4 in the amount of \$1,600 for the design on the sewer lagoons. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:13 p.m.

b. GAS IMPROVEMENT PROJECT – CDBG GRANT

- xi. Status (Items Pending)
 - c. 8,800 Feet of Pipe to Remove in Miami County
 - b. Newport Bill of Sale and Release for Pipe under 1095 Road
 - c. To Be Done List for Property Owners From Project

PWS Craig reported Miller’s Construction was back down as of today and was working on the final clean up of the project. They started at the south end and are working their way north. The overhang is out at Jim Stainbrook’s and some drives have been graveled. PWS Craig met with Doug today and went over the list.

DISCUSSION FROM THE FLOOR:

Mine Creek Radio Club

Four members from Mine Creek Radio Club were present: Ron Cowan, Bob Bousfield, with Paulette and Carl Brewer. Mr. Cowan thanked the city council and community for allowing the Mine Creek ARC to have an open house at the community building each year. After their last visit they noted there were some tables in need of repair, or replacement again. This was discussed at their last radio club meeting and the club agreed to a donation of \$300 to go towards helping the city with community building improvements. Mayor Barber thanked Mr. Cowan and the Radio Club for their generosity; he would pass it to the community building committee to go towards those efforts. Mr. Cowan noted they realized the community had limited resources and were glad to be able to help out.

Kids in Need Poker Tournament Fundraiser April 30th or May 7th Asking to Waive Community Building Fee

Discussed not sure of which exact date. The group is leaning towards May 7th at this time. Asking if the fee can be waived for this fundraiser which ever date as long as the date is an open date when they decide.

- *Motion to Waive Community Building Fee for Kids in Need Poker Tournament Fundraiser*

Council Member McGinnis moved to waive the community-building fee for the Kids in Need poker tournament fundraiser for either date they choose. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:19 p.m.

REPORTS OF CITY OFFICERS:**Police Chief & Codes Officer Chuck Farrell Jr**

Police Chief Farrell presented the police report for the period of March 1 -14, 2005. Reported the new PBT had been received and Clint was in possession of it.

Council Member Skip Williams asked if the he had checked tags for being expired on vehicles in the city? Codes Officer Farrell noted he had checked several and did not find any expired. He noted he had run some in one area that he had not gotten the reports back yet; he would run them again.

Public Works Superintendent George Craig

- v. **Kansas One Call Excavation Safety Program:** Public Works Superintendent George Craig requested all four public works employees, and any council members interested to attend the Kansas One Call program scheduled in Paola on March 24th at 11:30 a.m. There is no fee to the city for the attendance, and it gives one hour of credit for water and sewer certificates if needed for an individual.

- *Motion for Public Works Employees to Attend Kansas One Call Program*

Council Member Boone moved to send all four public works employees to the Kansas One Call program in Paola. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:23 p.m.

- vi. **Water Education Class at FSCC for Art Terry:** PWS Craig requested attendance for Art Terry to go to FSCC on Energy Conservation for credits to renew his water certification.

- *Motion for Art Terry to Attend Water Education Class at FSCC*

Council Member Skip Williams moved to send Art Terry on April sixth and seventh to the water education class at FSCC. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:22 p.m.

- vii. **Two Water Hydrants Tested:** PWS Craig reported the two hydrants at the industrial park had been tested and found to have good static and residual pressure.
- viii. **Streets:** Public Works has begun patching some streets.

STANDING COMMITTEE REPORTS:**Water & Gas**

- iii. **Water Compliance:** Council Member Boone reported using the new polymer chemical has eliminated the alum and the soda ash. The water plant is now in compliance.
- iv. **Water Bill for Kevin Miller:** Mayor Barber reported he had received a call from a utility customer, Kevin Miller, regarding a water bill he had received. Council Member Tony Williams reported he had also received a call from Mr. Miller and understood no one had lived at the location in question for the last year and the meter was requested to be off; then Mr. Miller received this really big water bill.

Mayor Barber noted it was his understanding public works was checking meters that had not been used and found this one with use for a total sum of around \$1,900. Mr. Miller checked the meter and found it was on but not running water into the house. If there was a water leak he felt it would have shown when he read the meter. PWS Craig noted that particular meter had not been read for several months; a new meter reader for that area did not know it was there to be read; found it when checking for meters not being read. Mayor Barber noted he thought the charge for about 200,000 gallons of water. PWS Craig noted the records show the gas was turned back on, but not the water; and then in checking found it to be back on when it should have been locked at the time it was turned off. PWS Craig reported they just this month found a leak by usage and that residence (Dennis Underwood) had a meter usage of over 70,000 gallons in one month; they turned their meter off and looking for the leak. Council Member Tony Williams noted it was requested to be turned off so it shouldn't have had usage. Council Member Skip Williams asked if unused meters are now being checked regularly. PWS Craig reported yes. Discussed wavering this statement since the request had been made to leave turned off.

a. *Motion to Waive Water Utility Statement for Kevin Miller*

Council Member Tony Williams moved to waiver the water utility statement for Kevin Miller. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:34 p.m.

Page 4 of 6

STANDING COMMITTEE REPORTS: (Continued)

Water & Gas (Continued)

iii. Water Meter Readings and Meter Number Assignments at Premises: Mayor Barber asked if public works had gotten with Linda or Devona on setting up the meter numbers at the premises. Discussed.

Concurred would get together as time allowed for public works and the office workload. Mayor Barber noted customer satisfaction was a concern last month as about forty water re-read requests were received. They had a low usage the month before and then a big jump this month. Council Member Boone noted he heard something about it today. Just wanted to make sure it wasn't something that was from not having the meter number assignments at the premises done. PWS Craig requested a copy of the list of what Mayor Barber was talking about, he would look into it.

Streets

i. Citizen asking for Street Sign at 2nd and Market Intersections: City Clerk Herrin reported she had received this request as packets were being put together. Probably should have been sent to the Street Committee &/or Public Works. Mayor Barber asked Public Works to handle the request.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis noted this is the 50th Anniversary for the Fiesta. Need lots of volunteers to make it a really good one. The committee meets the second Monday of each month.

Planning Commission Committee

v. Planning Commission Member Appointment

REGULAR MEETING

Year = 2005

Mayor Barber recommended the appointment of Don Long to the Planning Commission Committee to fill the currently vacant position, with the councils' approval. Don Long would fill a needed position of someone outside the city limits, but within three miles.

- *Motion to Approve Appointment of Don Long to the Planning Commission*

Council Member McGinnis moved to accept the appointment of Don Long on the Planning Commission. Seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:45 p.m.

UNFINISHED BUSINESS:

Labette Bank Water in Cellar/Basement Status

PWS Craig reported they had pumped the area out as much as they could. Found the water runs off the roof into this area. There is no sump pump. Recommended a sump pump and dehumidifier be put in this area. Noted the area in question is an old boiler room space. No action taken.

Establish List of Capital Improvements/Goals/Projects

City Clerk Herrin reported had not been able to get with PWS Craig to go over the items and set tentative dates. Will try to have this done by the next meeting. Tabled.

NEW BUSINESS:

Interchange Option with PWWSD #13

City Clerk Herrin reported this was an option currently available to the city to establish an interchange with the public wholesale water district that would be both beneficial to the city and the wholesale water district. PWS Craig noted an alternative water source was encouraged by the state. Judy Kinder reported the wholesale water district meets on the third Tuesday of each month at 7:30 p.m. Or, Gary Gobel is one of the contact persons for them. City Attorney Sutherland will contact Gary Gobel and report back at the next meeting.

Page 5 of 6

NEW BUSINESS: (Continued)

James Kaup, P.A. Pay Request for Services Regarding RWD's

Discussed if this would be the final statement from Mr. Kaup for these services. Instructed City Clerk Herrin to contact Mr. Kaup and make sure these were the final fees for this service.

- *Motion to Approve Pay Request of \$1,164.90 for Rural Water Fee Services*

Council Member Boone moved to approve the pay request of \$1,164.90 to Jim Kaup for the rural water services. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 7:47 p.m.

Consortium, Addressing Policy for Supplement Titled "Dilute Specimen Negative"

Discussed this is a new policy for drug requirements the Consortium is needing put in place per the instructions of the city for the city drug policy regarding any dilute specimen negative report.

- *Motion to Accept Option B Applying to All Tests*

Council Member McGinnis moved to accept Option B of the Consortium Supplement and to apply to all tests. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:04 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal for up to ten-minutes following a ten-minute break. Seconded by Council Member Tony Williams, voted on, passed 4-0. Time: 8:05 p.m. (Shortened break two-minutes, with everyone in attendance's approval.)

Others invited into or requesting a portion of time in executive session included: None.

Open Session Resumed at 8:20 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Verbal Report:

- a. Eating Establishment License Fees VS Liquor Store License Fees – Council requested to be put on next agenda to review.

Reminders:

1. March 18, 2005, MLA, *Meeting Water Challenges* Course, Paola, KS – Noted due to work loads, no one would be attending.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Linn County Commissioners Regarding Sold Waste Transfer Sites
- b] KMU Membership Renewal Letter
- c] Mine Creek Amateur Radio Club Thank You
- d] Water Reports Through February 2005
- e] Gas Report Through February 2005
- f] Yearly Sales Tax Receipts Report
- g] La Cygne Planning Commission Minutes of March 10, 2005 Meeting
- h] Wheatley & Ranquist, P.A. Monthly Statement for Gas Consulting Services
- I] Publication of Public Hearing Notice for KCC Gas Customers
- J] *Kansas Government Journal*, Volume 91, Number 1, January 2005
- K] MLA "Municipal Finance" Course
- L] *League News*, Volume 10, Number 8, March 4, 2005
- M] *League News*, Volume 10, Number 9, March 11, 2005
- N] Thank You from Grady & Linda Elder for Officer Watson's Efforts

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Tony Williams, voted on, passed 4-0.**

•
Adjourned the meeting at 8:22 p.m.

REGULAR MEETING

Year = 2005

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 16th day of March 2005.

Page 1 of 5

REGULAR MEETING:

The La Cygne City Council met in a regular session on April 6, 2005 at the LaCygne Community Building. Council Members present were: Jerry Boone; Travis Robbins; Gerald "Skip" Williams; and Connie McGinnis. Absent: Tony Williams.

Others present included: Deputy City Clerk Gary Mahon; City Attorney John Sutherland; Kevin Kinder; City Police Chief Glenn D. Farrell; Public Works Employee Jerome Moore; Judy Kinder; John Brann; LeRoy Turpen; and M/M James White.

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

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

Council Member Connie McGinnis moved to approve the consent agenda as presented, which consisted of:

Check Register: March 17 through April 06, 2005;
Minutes of March 16, 2005 Regular City Council Meeting.

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

UTILITY IMPROVEMENTS REPORT

a) WATER IMPROVEMENT PROJECTS

2002 Water Plant Improvement Project

Water Project Financial Report

A spreadsheet of Income/Expenses for the water project were distributed to Mayor and Council Members. It was noted that after outstanding debts to SMI-CO were paid the project would be approximately \$406 over budget. The excess will be paid out of Water Production.

SMI-CO Pay Request for Phase 2 & 3

Council was presented with Invoices from SMI-CO. Invoice No. 3 in the amount of \$7220 for Phase 2 and Invoice No. 5 in the amount of \$6527.40 for Phase 3. After payment the City would be holding a 5% retention for each phase. The 5% retentions = \$3909.20 for phase 2 and \$5880.30 for phase 3.

- *Motion to Approve SMI-CO Pay Requests*

After further discussion, Council Member Connie McGinnis moved to pay SMI-CO for invoice # 3 in the amount of \$7220.50 and Invoice # 5 in the amount of \$6527.40. Motion seconded by Council Member Jerry Boone, voted on, passed 4-0. Time: 7:10 p.m.

Upgrade Sludge/Backwash Lagoon

Ponzer-Youngquist Report on WTP Lagoon Upgrade

John Brann of Ponzer Youngquist reported that he had recently met with the Stevermans concerning the possible purchase of land to increase the size of the City's sludge ponds. Mr. Brann noted that an area, bordered by a small creek, only contained approximately one acre

which he did not feel would be large enough. He planned to take samples of sludge from water plant to test for “set-ability”. The test should indicate how large of a lagoon is needed. Mr. Brann also planned to do some preliminary surveying and hoped to submit a report within a week.

Page 2 of 5

SEWER IMPROVEMENT PROJECT - #C20-1294-01

Public Works employee Jerome Moore reported that materials and parts were on order.

GAS IMPROVEMENT GRANT

Report on Walk-Through, Tuesday, April 05, 2005

Mayor Barber reported that the walk through revealed that there were only a few items left to be addressed. It was noted that the Pope property had the most left to be taken care of. Councilmember Boone stated that panels replaced by Stainbrook had not been addressed. Attorney Sutherland stated that the issue was between Miller Paving and Stainbrooks.

Miller Paving had requested a final inspection date be set. It was consensus of Council that a final inspection date would not be set until work was 100% complete. After receiving statement from Miller Paving that work was complete, a final inspection date will be set at a council meeting. It was noted that Jeff Dovel the City’s inspector from Aquila would not be available until after April 21st,

Newport Bill of Sale and Release for Pipe under 1095 Road

Attorney Sutherland reported that the City could assign its easement under County Road 1095 to Mr. Newport if it so desired. Council noted that it would require a bill of sale of the pipe from Mr. Newport in exchange for waiving any more improvements. The pipe originally housed gas line that was abandoned. Discussion Followed.

- *Motion to Assign Easement to Robert Newport*

Council Member Travis Robbins moved to approve the Mayor signing an easement to Robert Newport for the pipe under County Road 1095. Motion seconded by Council Member Skip Williams, voted on, passed 4-0. Time: 7:23 p.m.

DISCUSSION FROM THE FLOOR:

None.

REPORTS OF CITY OFFICERS:

Chief of Police Glenn Farrell Jr.

Chief of Police Glenn Farrell reported on police activities for the month of March 2005. Chuck also noted that the Linn County Emergency Management was planning a meeting on April 27th to discuss the topic of major infectious livestock diseases. It was Council’s opinion that Chuck should attend the meeting.

Public Works Superintendent – George Craig

KCC INSPECTION: Jerome Moore reported in the absence of Superintendent Craig. Mr. Moore reported that Kent Pribble had conducted the annual K.C.C. inspection today. Mr. Pribble gave the City a good report and no letters of violations would be issued.

WEED SPRAY CHEMICALS: Jerome informed Council that this year's spraying of weeds for park, lagoons, cemetery, and public works areas would require an expenditure of \$7500 for chemicals.

- *Motion to Purchase Weed Eradication Chemicals*

Council Member Skip Williams moved to authorize the expenditure of up to \$7500.00 for weed spray chemicals. Motion seconded by Council Member Connie McGinnis, voted on, passed 4-0. Time: 7:31p.m.

Page 3 of 5

REPORTS OF CITY OFFICERS: (Continued)

HYDRANT METER: Jerome Moore reported that a contractor involved with 69 highway construction would be pulling large amounts of water from a hydrant over the next several months. Jerome recommended the city purchase a hydrant meter to assist in the accurate measurement of water pulled from the hydrant. The meter could be used to measure water used by other contractors and when flushing hydrants. A quote from WinWater Works had been obtained in the amount of \$834.98. This would also include a state mandated backflow prevention device. Discussion followed.

- *Motion to Purchase Hydrant Meter with Back Flow Prevention*

Council Member Connie McGinnis moved to purchase the hydrant meter at the quoted price. Motion seconded by Council Member Jerry Boone, voted on, passed 4-0. Time: 7:33 p.m.

WATER VIOLATIONS: Jerome noted that recent state water violations of Stage 1 Disinfectants and Disinfection Byproducts Rules had been addressed by Rex Heape. Mr. Heape had forwarded the proper documentation to the state as required.

COMPLIMENTS TO PW DEPARTMENT: Mayor Barber complimented the Public Works Department for not only the good Kansas Corporation Commission inspection, but also the good work and condition of the water plant.

GARAGE DOOR OPENERS: Councilmember Skip Williams recommended purchasing garage door openers for the new garage doors at the water plant. Mr. Williams felt the openers would prolong the life of the doors. Mr. Moore noted that the door installer had also stated that openers would make the doors last longer. Jerome thought the price was approximately \$1200 per door. Council asked Mr. Moore to research and report at next meeting.

STANDING COMMITTEE REPORTS:

Community Building

Councilmember Boone inquired about status of tables/chairs and other possible repairs/renovation. Councilmember McGinnis noted she had obtained some pricing. Sam's Warehouse had indicated a willingness to work with City on bulk pricing. Councilmember Skip Williams will try to coordinate info and present at next meeting.

SPECIAL COMMITTEE REPORTS:

Fiesta

Next Monday's meeting has been postponed because Councilmember McGinnis will be unable to attend. A new date will be announced later.

UNFINISHED BUSINESS:

Labette Bank Real Estate Exchange Agreement & Request to Move Utilities

Public Works Employee Jerome Moore stated that a drawing of the proposed building was needed to determine where utilities could be relocated to. He felt the City could do the water and gas but recommended the services of an engineer for determination of sewer replacement. Discussion followed. Council concurred to use the services of Ponzer Youngquist for engineering services regarding the relocation of sewer lines.

Deputy Clerk Mahon noted that the alley would eventually need to be closed, a process that takes approximately 2 months. He stated that the Planning Commission would soon initiate the process.

Page 4 of 5

UNFINISHED BUSINESS: - (Continued)

Capital Improvements/Goals/Projects

Tabled until next meeting.

Interchange Option with PWWSD #13

City Attorney John Sutherland had visited with the Wholesale Water District Secretary. The Wholesale Water District was also meeting tonight. John would have more info later.

NEW BUSINESS:

Kenneth Virgin Utility Bill

Mr. Virgin's utilities had been shut off in September 2003. He received a bill for gas usage last month. It was noted that all meters, including those shut off, are now being read and that is why the usage just now showed. The meters have since been pulled from Mr. Virgin's property.

- *Motion to Waive Kenny Virgin's Utility Bill*

Council Member Skip Williams moved waive the utility bill on Kenny Virgin's property. Motion seconded by Council Member Jerry Boone, voted on, passed 4-0. Time: 7:53 p.m.

Diehl, Banwart, Bolton, Jarred, & Bledsoe 2004 Audit & 2006 Budget Contract

A proposed contract from Diehl, Banwart, Bolton, Jarred, & Bledsoe to perform the audit of the 2004 financial statements and preparation of the 2006 Budget was reviewed. The contract reflected a 5% increase generated by increased auditing requirements concerning fraud.

- *Motion to Approve Audit and Budget Contract*

Council Member Travis Robbins moved to approve the CPA contract as presented to perform the 2004 audit for \$4250.00 and prepare the 2006 budget for \$1425.00 plus out of pocket expenses. Motion seconded by Council Member Jerry Boone, voted on, passed 4-0. Time: 7:55 p.m.

Eating Establishment License Fees vs Liquor Store License Fees

The City Clerk had requested information as to what amount to set fees for liquor store license applications. Council informed to set them as same amount for eating establishments: \$250.00. An ordinance changing the fees will be presented at a future meeting.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Connie McGinnis moved to go into executive session for discussion of legal and land acquisition for up to twenty minutes following a ten minute break. Motion seconded by Council Member Travis Robbins, voted on, passed 4-0. Time: 7:58 p.m.

Others invited into or requesting a portion of time included: None.

Open Session Resumed at 8:22 p.m.

OTHER BUSINESS:

None.

Page 5 of 5

CITY CLERK'S REPORT:

Deputy City Clerk Gary Mahon reported that the City was now required to have two drug/alcohol policies. In addition to the one required for the natural gas pipeline, another is now required for transportation due to employees having CDL licenses. The CDL licenses are required to drive the truck that has air brakes.

Dog and Cat Vaccinations will be given April 16th.

Council inquired about status of policy books. Mahon noted that City Clerk Herrin had contacted the League within the past two weeks about the subject, but did not know what City Clerk Herrin had learned. Will report at next meeting.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMU Conference 2005, May 18 – 20, 2005, Wichita, KS
- b] *Legislative Alert* Number 6, March 30, 2005
- c] Report on City Clerks Annual Spring Conference
- d] 2005 LKM Annual Conference, October 8-11, 2005, Wichita, KS
- e] Wheatley & Ranquist, P.A. Monthly Statement for Gas Consulting Services
- f] KCC Suspension Order on Rate Change Request
- g] CDBG Program for 2005
- h] Water Quality Report for Year 2004
- I] Congressman Jim Ryun Response to City's Regarding CDBG Pending Changes
- J] *Kansas Narcotics*, Certificate of Training for Glenn D. Farrell Jr.
- K] *Legislative Alert* Number 5, March 24, 2005
- L] Seminar on "Disaster Operations" April 14, 2005
- M] *League News*, Volume 10, Number 10, March 18, 2005
- N] Thank You from George & Elaine Craig
- O] KMGA Agenda and Minutes
- P] KRWA "Vulnerability Assessment & Emergency Response Planning for Small Public Water Systems, April 2005
- Q] *Kansas Government Journal* Volume 91, Number 2, February 2005

ADJOURNMENT:

- *Motion to Adjourn*

REGULAR MEETING

Year = 2005

There being no further business, **Council Member Connie McGinnis moved to adjourn. Seconded by Council Member Travis Robbins, voted on, 4-0.**

The meeting was adjourned at 8:27 p.m..

I, _____, 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 6th day of April 2005.

Page 1 of 5 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday April 20, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Tony Williams, Gerald "Skip" Williams, and, Connie McGinnis. Others present included: City Clerk Devona Herrin; Public Works Employee Harry Smith; City Police Sergeant Mike Watson; City Attorney John Sutherland; Kevin Kinder; Judy Kinder; Le Roy Turpen, Sandy White, John Brann, Richard Stevermer, and Keith Smith. Mayor Sam Barber called the meeting to order at 7:00 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: April 7 - 20, 2005,
Minutes of April 6, 2005 City Council Meeting,
March 2005 Treasurer and Budget Report,
2005 First Quarter Financial Statement

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

viii. 2002 Water Plant Improvement Project

a. Status – Phase 2 & 3

Public Works Employee Harry Smith reported they had cleaned up the plant and were painting pipes downstairs. The contractors have the lip on the concrete poured and have filled in the contact basin. Rex Heape called today and he is still waiting on KDHE. Council Member Boone reported he had been in the plant and everything is working well and they are in compliance.

ix. Upgrade Sludge/Backwash Lagoons

- Status

John Brann reported his firm had completed some preliminary information on the site to determine elevations. He just looked at the southerly side and what was needed to square the property off. Basically it will include about two acres or so. The initial review shows the property would be adequate and can flow by gravity. The cell would be about 12-13 feet deep, and if not a lot of rock in the area the site will be in good shape to just use the materials on site. The existing sludge was tested with the new chemicals now being used and the city now has a 3 ½ to 1 ratio and good for settling. This looks good so now need to try to work with the Stevermers and move on. Richard Stevermer commented he and his brother, Mark, were

willing to work with the city to keep the city water plant going in the right direction. Discussed the need for a local surveyor to survey the area out. Mayor Barber noted the city would get the Water Committee, or legal, or someone to work with the Stevermers for a price and get back with him.

UNFINISHED BUSINESS:

Engineering Fee for Sanitary Sewer Relocation, 5th and Vine

John Brann reported he had met earlier with George and Jerome and looked at moving the sewer from this location. There are two options; one of going around the block and back to the middle, or, to just go south down the road to the next manhole. Still need to check for other utilities in the way for either direction, as well as how the gravity flow works to be physically possible for either direction.

City Clerk Herrin reported the city had received a letter from Labette Bank agreeing to reimburse the costs. Noted agreement with Labette Bank by letter is sufficient.

- *Motion to Sign Agreement with Ponzer-Youngquist for 5th and Vine Street Sewer Relocation*

Council Member Robbins moved to sign the agreement with Ponzer-Youngquist on the 5th and Vine sewer relocation project for a cost of \$3,500. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:16 p.m.

UTILITY IMPROVEMENTS REPORT (Continued)

a. WATER IMPROVEMENT PROJECT (Continued)

x. Upgrade Sludge/Backwash Lagoons

- Status

Mayor Barber asked if the Water Committee wanted to handle the negotiation on the Stevermer property? Discussed. Mr. Stevermer noted he would like to have a person to be a contact.

- *Motion to Appoint Mayor to Negotiate Property Purchase with the Stevermers*

Council Member Robbins moved for the Mayor to negotiate with Richard and Mark Stevermer for property for the backwash cell at the water plant. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 7:21 p.m.

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

viii. Status

Materials on order – no report.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

xii. Status (Items Pending)

- d. 8,800 Feet of Pipe to Remove in Miami County
- b. Newport Bill of Sale and Release for Pipe under 1095 Road
- c. Miller Construction Clean Up Status

City Clerk Herrin reported the paperwork was now complete for Mr. Newport and a message had been left for him to set up a time to sign the papers.

Council Member Boone reported he had been down the roads and the cleaned up areas looked good. There was still brush on Pope’s property; unknown if was to be left there or not. Still felt the cattle panels and the tire rim from the two Stainbrook’s should be handled by Miller’s.

Otherwise it looked nice and the grass was growing. Noted Mayor Barber would call Doug or Kevin, of Miller's tomorrow.

Discussed setting up walk through with Aquila prior to the May 4th council meeting. Council concurred. Council Member Boone asked for Jeff to look at the expansion joint on the bridge to make sure it was still ok.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Sergeant Mike Watson noted the police report for the period of April 1 – 19, 2005 was attached to the agenda.

Public Works Superintendent George Craig

- ix. Shop Garage Door Openers: Public Works Harry Smith reported Jim's Garage Door Service of Waverly, Kansas had given them a price of \$1,465.60 to purchase and install two commercial garage door openers for the street barn.

- *Motion to Accept Price of \$1,465.60 for Two Garage Door Openers*

Council Member Skip Williams moved to purchase the two garage door openers for the total price of \$1,465.60. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:31 p.m.

STANDING COMMITTEE REPORTS:

Street:

- v. Ditch at 204 S. 6th: Council Member Robbins reported he had met with some people at the trailer south of the post office about the ditch no longer draining properly. Earl Glaze was not at home and the other individuals there preferred he be there to discuss with him. Would like to meet with Sam, Skip, and Travis next Monday. Mayor Barber reported he had looked at the post office drainage issue too and it is still silting in. Council concurred something needs to be done to stop the washing problem. Travis and Skip will go back Monday night and discuss with Mr. Glaze.

Public Safety

- i. Codes Officer: Mayor Barber asked the council about moving forward to look for a codes officer and the need to set up guidelines, salary range, hours, and needs to present to any applicants. Discussed any wage should be subject to qualifications. Mayor Barber asked the Public Safety Committee to look at this position and bring back ideas to the council.

Community Building

- i. Table and Chairs: Council Member Skip Williams reported Council Member McGinnis had received a rough estimate of \$7,800 for 300 chairs and 35 eight-foot tables at Sam's. Also reported the cost of ceiling tiles for the front part of the building would be around \$350 and he would install them. Discussed obtaining a firm price for

the table and chairs. Discussed the need to replace the heating and air conditioning units, and if the electrical was ok for now. Council Member Skip Williams recommended obtaining a rough price from Dave's Heating and Cooling for a range on new units.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the next meeting is the first of the month. The Car Show is scheduled for June 19th.

Planning Commission Committee

- vi. Replat (Lot Split) to be Known as "Broken Elm Corner"

Mayor Barber noted the Planning Commission recommended approval to the requested split.

- *Motion to Approve Replat to be Known as "Broken Elm Corner"*

Council Member McGinnis moved to approve the recommended approval by the Planning Commission to split the "Broken Elm Corner" as submitted. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:50 p.m.

UNFINISHED BUSINESS: (Continued)

Personnel Policies and Procedures

City Clerk Herrin reported she had received a call back from Mark at the League regarding an estimated time of when these would be done and returned. Discussed city employees completing the finished product. Concurred if the League was not going to have them done by next week or two to just have them sent back and would have the city employees do them.

Establish List of Capital Improvements/Goals/Projects

City Clerk Herrin presented list of goals &/or projects. Mayor Barber recommended starting on some of the items. Discussed the Community Building items covering: Keyless entry – to get a price; new tables and chairs – to try to purchase this year; scheduled replacement of heaters/air conditioning units – to start this year and finish next year; replace kitchen flooring – to target 2006; and remove the counter range top – to target 2006 or 2007. Discussed the Fire Department items covering: Fire Hydrant Replacements – to replace 4-5 each year; and additional/replacement fire truck – to try to target a future year and to set aside funds each year to go towards that year for a purchase with possible grants. Discussed the need to get started now on fire hydrants and a yearly maintenance on the hydrants. For the street department, the council noted PWS Craig was checking on prices for asphaltting some streets while contractors are in the area working on highways.

UNFINISHED BUSINESS: (Continued)

Interchange Option with PWWSD #13

City Attorney Sutherland reported he had spoke with Mr. Goebel, the treasurer of PWWSD #13. Mr. Goebel indicated he would like to look at an interchange option with the city but it would be awhile in the future before they are ready to look at such an option. Also discussed some excess water rights and if there were any needs by them, but it is a confusing situation as you can only sell what part of the rights you are using.

Ordinance #1318, for Liquor Store License Fees

This ordinance increases the fee from \$150 to \$250.

REGULAR MEETING

Year = 2005

- *Motion to Approve Ordinance #1318, for Liquor Store License Fees*

Council Member McGinnis moved to approve Ordinance #1318. Seconded by Council Member Tony Williams, voted on, passed 5-0. Time: 8:18 p.m.

Engineering Fee for Sanitary Sewer Relocation at 5th and Vine

(Completed earlier in the meeting.)

NEW BUSINESS:

Fair Housing Month Proclamation

- *Motion to Adopt 'Fair Housing Month' Proclamation*

Council Member Robbins moved to adopt the *Fair Housing Month* proclamation for the month of April. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:20 p.m.

Kansas One-Call Annual Meeting and Proxy

- *Motion to Complete Proxy and Submit*

Council Member Robbins moved to authorize the city clerk to fill out the Kansas One-Call proxy and return. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:23 p.m.

Training for Utility Billing Program, May 10, 2005

City Clerk Herrin asked to close City Hall or find someone to cover while Gary, Linda, and herself went through a training program with Jayhawk. Jayhawk Utility is upgrading the current utility billing to provide a more detailed report. This will help with annual reports and sales tax, as well as monthly billings. Council asked City Clerk Herrin to try to find someone to cover the office and if not, to bring the request to close the office back at the next meeting.

Region 8 City Clerk's Meeting, April 29, 2005

- *Motion for City Clerk or Deputy City Clerk to Attend Meeting*

Council Member Robbins moved to send Gary or Devona to the Region 8 City Clerk's Meeting on April 29, 2005 in Ottawa with mileage. Seconded by Council Member Skip Williams, voted on, passed 5-0. Time: 8:29 p.m.

Marias des Cygnes Water Assurance By Laws

Noted Deputy City Clerk Mahon is the city representative. Council did not have any suggestions to the by laws for the assurance district. Concurred to let Deputy City Clerk Mahon handle any by laws changes as he saw fit, as he was the one most familiar with the district requirements.

- *Motion for Deputy City Clerk Mahon to Vote on By Laws in City's Best Interest*

Council Member Robbins moved to Gary Mahon to vote in the city's best interest in the MCCWA by laws. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:32

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and legal for up to ten-minutes following a ten-minute break. Seconded by Council Member Tony Robbins, voted on, passed 5-0. Time: 8:33 p.m.

Others invited into or requesting a portion of time in executive session included: None.

Open Session Resumed at 8:53 p.m.

OTHER BUSINESS:

Fire Hydrants

Council asked Public Works Employee Harry Smith to ask PWS Craig for a plan by the next meeting on maintenance and inspection for fire hydrants. And, if there are some not working to get them addressed before the next meeting. Also, asked for a plan on maintenance of vehicles if there was not one already in place.

CITY CLERK'S REPORT:

Written Report:

- a. Utility Billing Training
- b. Region 8 City Clerk's Meeting
- c. Process to Close Alley in Block 68

Reminders:

1. May 7, 2005 – CITY WIDE GARAGE SALE

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMGA Agenda and Meeting Minutes
- b] *Legislative Alert* Number 8, April 12, 2005
- c] KRWA Membership Renewal Letter
- d] Law Enforcement Certificate for Glenn D. Farrell Jr.
- e] Gas Report Through March 2005
- f] Letter of Response from Senator Pat Roberts
- g] *League News*, Volume 10, Number 11, April 4, 2005
- h] Water Reports Through March 2005
- I] SEK Membership Renewal Letter
- J] Notice for Rock Bids to be Opened at May 4, 2005 Meeting
- K] KOMA/KORA Seminar, Held by Linn County News
- L] April 14, 2005 Minutes of the La Cygne Planning Commission
- M] *Kansas Government Journal* Volume 91, Number 3, March 2005

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Tony Williams, voted on, passed 4-1 (No – Boone).**

•
Adjourned the meeting at 8:59 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 20th day of April 2005.

SPECIAL MEETING:

REGULAR MEETING

Year = 2005

The La Cygne City Council held a Special Meeting at 7:00 p.m., Wednesday, April 27, 2005 at the La Cygne Community Building. Stated purposes of the meeting were: [1] Executive Session: Trade Secrets; and [2] Exploring Establishing City Tax Abatement Policy.

Council Members present were: Jerry Boone; Connie McGinnis; Travis Robbins; Gerald 'Skip' Williams; and Tony Williams.

Others present included: Deputy City Clerk Gary Mahon; City Attorney John Sutherland; Linn County Economic Development Director Dennis Arnold; Linn County Commissioner Herb Pemberton; Linn County Commissioner Larry Hall; Judy Kinder (Linn County News); and Kevin Kinder (Osawatomie Graphic).

Mayor Sam Barber called the meeting to order at 7:00 p.m. and announced the stated purposes of the special meeting.

EXECUTIVE SESSION – TRADE SECRETS:

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to 45 minutes for the purpose of discussing trade secrets. Motion was seconded by Council Member Skip Williams, voted on, passed, 5-0. Time: 7:01 p.m.

Others invited into the executive session included: Linn County Commissioners Herb Pemberton, and Larry Hall; Linn County Economic Development Director Dennis Arnold; and Deputy City Clerk Gary Mahon.

Open Session Resumed at 7:46 p.m.

Exploring Establishing City Tax Abatement Policy

Linn County Economic Development Director reported that due the industrial park being within the city limits it would be the City's responsibility of establishing a tax abatement policy. Mr. Arnold offered his help in setting up a policy and also suggested checking the policies of other cities.

✓ *Motion to Establish Tax Abatement Policy Committee*

Council Member McGinnis moved to appoint Council Member Skip Williams, City Attorney John Sutherland, and Deputy City Clerk to work with Dennis Arnold in making recommendations for the establishment of a Tax Abatement Policy. Motion was seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:57 p.m.

Statement on Executive Session Proceedings

Linn County Economic Director Dennis Arnold reported, for the benefit of the press, that trade secrets discussed in executive session were a result of a business prospect looking at possibly relocating in the industrial park. This would be a multi-million dollar project (\$6 to \$8 million). The prospect is considering LaCygne/Linn County and one other unnamed county. Linn County and LaCygne are cooperating in trying to establish a competitive package.

ADJOURNMENT:

✓ *Motion to Adjourn*

Having no further business, Council Member McGinnis moved to adjourn. Motion seconded by Council Member Robbins, voted on, passed 5-0.

The Special Meeting was adjourned at 7:58 p.m.

I, _____, 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 27th day of April 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, May 4, 2005, at the LaCygne Community Building. Council Members present were: Connie McGinnis, Travis Robbins, Keith Smith, Jerry Boone, and Gerald ‘Skip’ Williams.

Others present at some point in the meeting included: City Clerk Devona Herrin; Deputy City Clerk Gary D. Mahon; City Police Chief Chuck Farrell; City Attorney John Sutherland; City Public Works Supervisor George Craig; Exiting Council Member Tony Williams; Roger Sims, Jennifer McDaniel, and Kevin Kinder with Osawatomie Graphic; Jackie Walker and Judy Kinder with Linn County News; Randy Taylor; and Danny Bosely.

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

OATH OF OFFICE FOR THREE COUNCIL MEMBERS

City Clerk Herrin swore in new Council Members Connie McGinnis, Keith Smith, and Gerald ‘Skip’ Williams. Each signed an oath of office.

RECOGNIZE FORMER CITY OFFICIAL

Mayor Sam Barber presented former Council Member Tony Williams with a plaque of appreciation for serving the community as a council member. Mayor Barber expressed pleasure and honor in working with Tony Williams, while doing a great job for the city. Tony wished everyone well, and thanked everyone for his or her time with him.

APPOINT COUNCIL PRESIDENT

Council Member McGinnis nominated Keith Smith for Council President. Council Member Williams seconded the nomination. Mayor Barber asked if there were any other nominations from the council. Seeing none, asked if the council wanted to approve the nomination of Keith Smith for Council President.

- *Motion to Appoint Keith Smith as Council President*

Council Member McGinnis moved to appoint Keith Smith as Council President.

Seconded by Council

Member Williams, voted on, passed 5-0. Time: 7:06 p.m.

NEW YEAR ORGANIZATION:

Mayor Sam Barber recommended the following appointments for **City Officers:**

City Clerk	Devona Herrin
Deputy City Clerk	Gary D. Mahon
City Treasurer	Linda Elder
Chief of Police	Glenn D. Farrell Jr.
City Attorney	John S. Sutherland
Fire Chief	Ernie Moylan
Municipal Judge	Robert Stocking
Codes Officer/Zoning Compliance	Glenn D. Farrell Jr.
Public Health Officer	Glenn D. Farrell Jr.
Council Rep to Park Board	Jerry Boone

- *Motion to Approve Recommended Appointments*

Council Member Robbins moved to accept the recommended appointments. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:08 p.m.

NEW YEAR ORGANIZATION: (Continued)

Official City Newspaper

Mayor Sam Barber recognized there were two newspapers that had each asked for time to speak.

Jackie Walker with the Linn County News asked the city to look at the Linn County Newspaper as the official city newspaper. They are located in Linn County, pay Linn County property taxes and employ local people. Felt they did a good job providing coverage in the area and provided a cheaper line rate by 33%. Asked the city to change the official city newspaper back to a Linn County local paper.

Roger Sims with the Osawatomie Graphic noted along with him was Jennifer McDaniel and Kevin Kinder. He asked the city to continue to use the Osawatomie Graphic as the official city newspaper as had been done in the past, except for one year, since Nate Harris was here. Reported they provide a big amount of coverage to this area, and have people from this area working with the paper. Noted the legal costs are some higher but they also provide an excellent product. Agreed the newspaper did sell recently, however all the employees are the same and are local individuals. Asked the council to recognize a lot of La Cygne people shop and drive north for other items. Because they are close to Miami County a lot of people are also interested in what is happening there. Asked the city to continue their current relationship with the Graphic. Jennifer McDaniel acknowledged she had covered the city for about five years previously. The reporters all know the area and make every effort to be here and cover the issues and concerns of the community. They do reach a good number of readers in La Cygne and have just picked up five more readers recently. Would very much like to stay the city's official newspaper.

Mayor Barber noted it is difficult when both are working towards one direction. Noted one paper is located in Linn County and the other paper has served the city well for several years. Council asked if this appointment could be tabled until another meeting time. City Attorney responded the council had to have an official city newspaper. No other comments. Mayor Barber noted if there was no objection he recommended reappointment of the Osawatomie Graphic as the official city newspaper for another year as they have provided good service. Council Member Williams asked if the city could switch half way through the year. Council Member Boone did not want to decide without talking further. Discussed both had good qualities. Council Member Robbins noted the city could make both official city newspapers but at a cost. City Clerk Herrin reported the cost depends on the volume of legal notices created each year. Discussed using both papers to reach more residents. Mayor Barber noted if the council would like to try using both newspapers that was ok.

- *Motion to Appoint Osawatomie Graphic and Linn County News as Official City Newspapers*

Council Member Smith moved to accept both the Linn County News and the Osawatomie Graphic as the official city newspapers. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:22 p.m.

Mayor Sam Barber recommended the following appointments to the **Planning Commission:**

- | | |
|-------------|--|
| 3-Year Term | Kenny McClanahan |
| 3-Year Term | Ron Weir |
| 2-Year Term | Steve Hisel (Replacing Resigning Gerald Stanley) |

- *Motion to Approve Appointments to the Planning Commission*

Council Member Robbins moved to approve the recommended appointments to the Planning Commission as listed. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:24 p.m.

NEW YEAR ORGANIZATION: (Continued)

Mayor Sam Barber recommended the following appointments to the **Zoning Appeals Board:**

3-Year Term	Bob Burnett for expiring Bob Burnett
3-Year Term	Ron Wier for expiring Dianne Dotts
2-Year Term	Ernie Marmon replacing Beverly Burke
1-Year Term	Mike DeMott replacing Clarice Braden
1-Year Term	Don Wagner replacing Archie Reynolds.

Discussed it was ok to have the same individuals on both the Planning Commission and the Zoning Appeals Board.

- *Motion to Approve Appointments to the Zoning Appeals Board*

Council Member Robbins moved to accept the recommendations of the mayor. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:25 p.m.

Mayor Barber noted four of the members leaving the Zoning Appeals Board had served for several years. He wished to express his thanks and recognition for their service to the community.

Mayor Sam Barber recommended the following **Standing Committee Appointments**

Water & Gas	Travis Robbins	Skip Williams
Street	Keith Smith	Skip Williams
Sewer	Jerry Boone	Travis Robbins
Park	Jerry Boone	Keith Smith
Cemetery	Connie McGinnis	Travis Robbins
Public Safety	Connie McGinnis	Keith Smith
Community Building	Connie McGinnis	Skip Williams
Employee Relations/Training	Jerry Boone	Skip Williams

Mayor Barber asked for comments. Council Member Robbins asked about the Water and Gas committee and if Jerry would be interested in it for another year as it takes a lot of time and Travis' work was heavy right now. Jerry responded he would be glad to switch and stay with the Water and Gas Committee. Discussed switching Travis Robbins from Water and Gas to Employee Relations and Jerry Boone from Employee Relations to Water and Gas.

- *Motion to Approve Appointments as Presented With Switch*

Council Member Smith moved to accept the mayor's recommended appointments as presented with the discussed switch. Motion seconded by Council Member Boone, voted on, passed 5-0. Time 7:30 p.m.

Early Payment of Payroll & Monthly Bills

- *Motion for Early Payment of Payroll & Monthly Bills*

Council Member Robbins moved to authorize the payment of payroll checks and routine monthly bills if they become due and payable prior to appearing on the next council meeting check voucher list. Motion seconded by Council Member Smith, voted on, passed 5-0. Time 7:31 p.m.

Resolution No 290 - Waiver from Certain Accounting Procedures

- *Motion to Approve Resolution No. 290*

Council Member McGinnis moved to approve Resolution #290 and waive GAAP-Prescribed Statements and General Fixed Accounting Procedures. Seconded by Council Member Robbins, voted on, passed 5-0. Time 7:32 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: April 21 – May 4, 2005;
Minutes of April 20, 2005 City Council Meeting;
Minutes of April 27, 2005 Special City Council Meeting.

Motion seconded by Council Member Smith, voted on, passed 5-0. Time: 7:33 p.m.

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

I. 2002 Water Plant Improvement Project

Public Works Superintendent George Craig reported they are now complete with the project with SMI-CO. Final payment to SMI-CO can be processed.

PWS Craig reported Rex Heape had responded to the State’s questions and to date has not received a response back.

II. Upgrade Sludge/Backwash Lagoons

- i. Status

Public Works Superintendent Craig reported he had not heard anything from the engineer John Brann.

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

Public Works Superintendent Craig reported there is no activity as still waiting on equipment.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

- i. 8,800 Feet of Pipe to Remove in Miami County

Public Works has not started to remove the pipe except for a few stray pieces.

- ii. Newport Bill of Sale and Release for Pipe under 1095 Road

City Clerk Herrin reported she had called and left a phone message for the Newport's and then followed up with mailing the agreements to the Newport's and had not yet received any response. If no response by next week, will try to contact them again.

iii. Final Inspection Report

Mayor Barber reported everything looked ok with the inspection; and, Miller's agreed to pay the Stainbrooks' either by sending a check or having it deducted from their payment and the city send the checks. PWS Craig concurred it was ok.

- *Motion to Approve Certificate of Completion*

Council Member Williams moved to sign off on the Certificate of Completion by the city. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:27 p.m.

Page 5 of 11

c. **GAS IMPROVEMENT PROJECT – CDBG GRANT (Continued)**

iv. Aquila Final Pay Request

Council Member Williams asked about the 1,000 feet of pipe removed that Aquila was involved with. Council Member Boone noted was ready to just write it off and be done.

- *Motion to Pay Aquila Final Payment of \$9,000*

Council Member Robbins moved to pay Aquila the final amount of \$9,000. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:28 p.m.

v. Miller Final Pay Request

Discussed. The payroll paperwork was just received today at City Hall and needs to be approved by SEKRPC. Pay approval can be contingent on meeting SEKRPC requirements and the payments to the Stainbrooks'.

- *Motion to Approve Final Pay Request of \$109,300.14 with Contingencies*

Council Member Williams moved to approve the final pay request of \$109,300.14 to Miller Paving and Construction with the SEKRPC and Stainbrooks' contingencies. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 7:32 p.m.

vi. SEKRPC Public Hearing Scheduled for Next Meeting

City Clerk Herrin noted the Public Hearing to close out the CDBG portion of the project was scheduled for 7:00 p.m. at the beginning of the next City Council Meeting on May 18th. The notice was to be published this week.

DISCUSSION FROM THE FLOOR

Linn County News

Spoke earlier.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Police Chief Farrell presented an activity report for the period of April 2005.

1. 114 W Market Street Improvement Status

Codes Officer Farrell reported there had been some work done on the residence and Randy Taylor was here to speak to the council. Randy Taylor reported they should have all of the shingles on the roof by this Friday on both stories. Then they were going to redo one room inside so Gene and his fiancé could move in. At that point, they would work on the outside again. Mayor Barber noted it did look like quite a bit of progress. City Attorney Sutherland noted the council would have to decide if the progress was significant. Randy Taylor reported his son should be moved into the house in about a month. Council Member Boone noted he would approve another ninety days if the place was kept up and mowed during that time while the improvements were being made. Council Member Robbins agreed the yard maintenance would really be a plus.

- *Motion to Extend 114 W Market Street Condemnation Another Ninety Days*

Council Member Boone moved to extend any action another ninety days. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:41 p.m.

Page 6 of 11

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

1. Report on Fire Hydrants

PWS George Craig reported all 55 fire hydrants work; just cannot close the one at city hall without the risk of breaking the line. Requested to purchase an insta-valve for \$2,700 to have the hydrant set up to be opened and closed without any problems. All of the hydrants work, some were just shut off. Public Works employees do an annual check on all hydrants, and some on dead end lines are done more often to flush water. The Fire Department also exercises them once each year.

- *Motion to Purchase and Install an Insta-Valve for \$2,700*

Council Member Boone moved to purchase and install an insta-valve for \$2,700 for the hydrant in front of city hall. Seconded by Council Member Smith, voted on, passed 5-0. Time: 7:52 p.m.

PWS Craig requested to purchase two four-inch fire hydrants to have as back ups. Should there ever be problem another one would be needed immediately to replace one that was hit by a vehicle, or had any other problems. Currently the city has one six-inch hydrant in stock. Most of the existing hydrants are four-inch. Discussed they really do not need to be changed out if they are working; just need to have spare parts available if they are ever needed. The cost to purchase a four-inch fire hydrant is \$1,460.

- *Motion to Purchase Two Four-Inch Fire Hydrants*

Council Member Smith moved to purchase two four-inch fire hydrants at \$1,460 as back ups. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:54 p.m.

2. Report on Street Improvements

Discussed asphaltting some streets, and PWS Craig read off a list of identified streets. PWS Craig received one average estimate to asphalt the streets in town used by the school buses, and the wider heavier used streets. Reviewed the two-inch layer depth and the 1-½ inch layer depth options. Discussed looking at a 1-inch depth option. Discussed methods for dealing with the manholes in the streets. Have about \$135,000 to spend on streets and need the rest of the fund budget for operating expenses. Discussed getting different bids from other contractors. Talked about cleaning up the edge of the streets to improve run-off. Discussed establishing a plan to have the funds to continue the project in the future to finish all of the streets. Discussed the need to hold funds to chip & seal the narrow part of Lincoln later this year. Concurred to have the street committee work with PWS Craig and bring the information

forward for bids and any repair work to be done on the streets prior to the asphaltting.

Public Works has begun working on the ditches on east Lincoln but found it too wet.

3. Presented Maintenance on Equipment Folders

PWS handed the maintenance on equipment folders to the council. Council thanked him for already having the information on record and handed them back.

STANDING COMMITTEE REPORTS:

Sewer

Council Member Boone asked if anyone knew when the pumps would be in for the lift station improvements to be done. PWS Craig reported they should be here in the next two to three weeks.

Page 7 of 11

STANDING COMMITTEE REPORTS:

Park

Council Member Smith reported expressed his appreciation for the public works crew for the clean up that has been done at the park removing broken equipment. It looked nice.

Cemetery

Council Member Robbins reported the roof on the shed housing the cemetery mower is really rough. Discussed a tin roof versus shingles; and needing a plan to put the construction out to bids. Council Member Williams will measure and put figures together to put it out to bids.

Community Building

1. Replacement of Three Heating and Front Air Conditioning Units

Council Member Williams reported he had obtained a broad estimate of around \$7,000 to replace the three heaters and the front air conditioner. The two back air conditioners are not as old as the front air conditioner. Discussed putting units out to bid. Needed specifics for sizes, etc. Council Member Williams will prepare the bid specs and the city will move forward to getting it put out to bid.

- *Motion for Bid on Three Heating Units and Front Air Conditioner Unit*

Council Member Robbins moved for Council Member Williams to get with the City Clerk to put out the bid specs for three heating units and the front air conditioner unit on the community building. Seconded by Council Member Smith, voted on, passed 5-0. Time: 8:22 p.m.

2. Replacement of Tables and Folding Chairs

Council Member McGinnis reported she had checked at several businesses including the place where the school purchases chairs and could not find anything in the price range Sam's gave of \$6,615.00 for 300 fiberglass tables and 350 vinyl padded back and seat folding chairs. This is a savings of \$335.00 compared to each item purchased separately from Sam's. Discussed the number of tables and chairs to be purchased. Discussed the surplus of the old tables and chairs.

- *Motion to Purchase 30 Tables and 240 Chairs*

Council Member Smith moved to give authority to Mayor Barber to purchase 240 chairs and 30 tables for upgrades for the community building. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 8:30 p.m.

SPECIAL COMMITTEE REPORTS:

Fiesta Committee

Council Member McGinnis reported the next meeting would be next Monday night the 9th at 7:00 p.m.

UNFINISHED BUSINESS:

Personnel Policies and Procedures

Mayor Barber recommended a special meeting to cover this topic along with Employee Job Descriptions and Employee Performance Evaluations listed later in the meeting under Other Business. Discussed a special meeting date.

- *Motion for Special Meeting Monday, May 9, 2005*

Council Member Robbins moved to hold a special meeting on Monday, May 09, 2005, at 6:00 p.m. to cover personnel policies and procedures, employee job descriptions, and employee performance evaluations. Seconded by Council Member Smith, voted on, passed 5-0. Time: 8:36 p.m.

UNFINISHED BUSINESS: (Continued)

Establish List of Capital Improvements/Goals/Projects

Mayor Barber noted the Fire Hydrant Replacement listed under Fire Department Goals had been handled and could be deleted.

i. Streets

Discussed Stop Signs and Street Signs. Everyone should know the person to the right has the right of way. Have discussed previously that there are stop signs that need to be replaced; also street signs.

Asphalt some city streets. Scheduled for parts in 2005, 2007, and 2009.

Repair erosion in ditch on south 6th Street. Scheduled for 2005. Discussed the people that live there are concerned about standing water and would like for it to at least drain. Council asked public works to look at getting it smoothed out and to work it in with other projects.

ii. Water Production

Clarifier Maintenance completed in 2005.

Electrical Conduit in Basement of Water Plant targeted for 2006.

Floor Resurfacing in front part of water plant targeted for 2005.

Labette Bank Real Estate Agreement

City Attorney Sutherland reported there were still a couple of issues, not ready yet.

NEW BUSINESS:

Rock Bids

Discussed just obtaining prices in the future by public works calling. The rock bids were opened and read by City Attorney Sutherland.

AGGREGATE MATERIALS BID				
	Apac Quarries, Inc.		Wade Quarries	Ash Grove Quarries

REGULAR MEETING

Year = 2005

ITEM	FOB QUARRY	DELIVERED	FOB QUARRY	DELIVERED	FOB QUARRY	DELIVERED
AB3 - Aggregate for Base Const.	\$ 4.65	\$ 10.47	\$ 4.75	\$ 7.25	\$ 5.25	\$ 7.85
AB1, AB2, AB4 - Agg for Road Rock			\$ 4.75	\$ 7.25	\$ -	\$ -
CM-K (Chips) Washed	\$ 7.35	\$ 13.17	\$ 7.75	\$ 10.25	\$ -	\$ -
CM-K (Chips) Unwashed	\$ 7.00	\$ 12.82	\$ 6.75	\$ 9.25	\$ -	\$ -
1 1/4" Clean Lateral Rock	\$ 6.30	\$ 12.12	\$ 5.90	\$ 8.40	\$ -	\$ -
2" Clean Lateral Rock	\$ 6.25	\$ 12.07	\$ 5.90	\$ 8.40	\$ -	\$ -

Apac quote noted the prices were good for 2005 work only and travel a distance of 28 miles. Wade Quarries noted there could be a delivery adjustment depending on fuel costs.

- *Motion to Accept Rock Bids from Wade Quarries*

Council Member McGinnis moved to accept the Wade Quarries rock material bid as the city primary supplier. Seconded by Council Member Smith, voted on, passed 5-0. Time: 9:01 p.m.

NEW BUSINESS: (Continued)

KMGA Annual Meeting May 20, 2005, Wichita, KS

Discussed who would be able to attend.

- *Motion to Authorize City Deputy Clerk Mahon to Attend KMGA Annual Meeting*

Council Member Williams moved to authorize Deputy City Clerk Mahon to be the representative to the KMGA Annual Meeting on May 20, 2005 in Wichita if the city needs a representative at the time. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:08

LKM/MLA Governing Body Institute Training, May 20-21, 2005

Council Member Smith requested attendance as a new council member. No one else was available to attend.

- *Motion for Council Member Smith to Attend Governing Body Institute Training*

Council Member Robbins moved to approve attendance of Council Member Smith to the *Governing Body Institute Training* in Topeka with normal expenses paid. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:08 p.m.

Jayhawk Software Workshop for Court Clerks, May 12, 2005 in Mt. Hope

Council Member Williams reported he had spoken with Linda Elder about this and she would like to attend. It could be beneficial to the city to have the court reports and forms automated in the future.

- *Motion for Linda Elder to Attend Workshop for Court Clerks*

Council Member Smith moved to authorize Linda Elder to attend the court clerk’s workshop in Mt. Hope with the usual per diem expenses. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:11 p.m.

Noise from Jake Brakes on Trucks

Discussed the state does not have any statutes on the noise from Jake brakes; however, the city can pass an ordinance and post it with a fine structure. Mayor Barber asked the Public Safety Committee to get an ordinance from other cities and review them for possible application to this community.

REGULAR MEETING

Year = 2005

Cereal Malt Beverage License for Julie's Thriftway

- *Motion for Cereal Malt Beverage License for Julie's Thriftway*

Council Member Robbins moved to approve the Cereal Malt Beverage license for Julie's Thriftway. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:15 p.m.

Resolution #291 Adopting a Statement of Policy and Procedures for Tax Exemptions and Incentives for Economic Development for the City of La Cygne, Kansas

Council Member Williams explained the intent of the resolution. This is strictly for the city. Deputy City Clerk noted the city is not adopting a law, just adopting a policy. City Attorney Sutherland noted the resolution looked ok as written.

- *Motion to Approve Resolution #291*

Council Member Smith moved to approve Resolution #291 applying to incentives for economic development. Seconded by Council Member Boone, voted on, passed 5-0. Time: 9:22 p.m.

Page 10 of 11

EXTEND MEETING

- *Motion to Extend Meeting*

Council Member Robbins moved to extend meeting up to 10:30 p.m. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:24 p.m.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to thirty minutes for personnel, legal, and land acquisition following a ten minute break. Seconded by Council Member Williams, voted on, passed 5-0. Time: 9:25 p.m.

Others invited into or requesting a portion of executive time was: City Clerk Herrin

Open Session Resumed at 10:01 p.m.

OTHER BUSINESS

Employee Job Descriptions

To be discussed at Special Meeting on Monday, May 09, 2005.

Employee Performance Evaluations

To be discussed at Special Meeting on Monday, May 09, 2005.

Council Member Robbins left the meeting at 10:08 p.m.

CITY CLERK'S REPORT:

Verbal Report:

1. KCP&L Refunding
2. Use Permit for New Business called 'Good Feelings'

Written Report:

1. New Year Organization
2. Utility Billing Training
3. Personnel Policies and Guidelines
4. Employee Job Descriptions

5. Blue Cross & Blue Shield Health Insurance Renewal

Reminders:

- 1. May 7, 2005 – CITY WIDE GARAGE SALE
- 2. Schedule City Wide Clean Up (Put on Next Agenda)
- 3. Schedule Personnel Evaluations

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] SKW Letter Regarding Water Plant Disinfection Process Change
- b] Thank You from Prairie View After Prom
- c] *League News*, Volume 10, Number 12, April 27, 2005
- d] MRWAD #2 Board of Directors Meeting of February 23, 2005
- e] KDR Notice Regarding Clarifications on Clean Drinking Water Fee
- f] “Frankie’s Liquor” License Renewal
- g] KCC Annual Inspection Letter
- h] Training Certificate for Glenn D. Farrell Jr.
- I] Use Permit for Brittany Eldridge

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Boone, voted on, passed 4-0.**

Meeting adjourned at 10:10 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 4th day of May 2005.

The LaCygne City Council scheduled a Special Meeting at 6:00 p.m., Wednesday, May 09, 2005, at LaCygne Community Building. The purpose of the Special Meeting was regarding: 1. Personnel Policies and Guidelines, 2. Employee Job Descriptions, 3. Employee Performance Evaluations, and, 4. Surplus of Tables & Chairs at Community Building.

Council Members present were: Connie McGinnis, Tony Williams, Travis Robbins, and Skip Williams. Absent: Jerry Boone.

Others present included: City Clerk Devona Herrin, Kevin Kinder, and City Attorney John Sutherland.

Council Member Robbins arrived at 6:30 p.m. Mayor Barber called the Special Meeting to order at 6:33 p.m. for the purposes listed.

1. Personnel Policies and Procedures

E-4. Discussed the change in vacation by the League from annual earned the year prior to designated hours a month earned that month. Determined the hours earned per month would be a way to have more equal vacation for newer employees no matter when they start during the year. For those employees with vacation to take this year based on lasts year’s earned would still be available to them this year to use.

E-4. (a) Discussed the years of continuous employment and the hours earned per month. Determined wanted to change the years of continuous employment to: 0 to 7 years, 7 to 12, 12 to 17, and over 17. For the hours earned per month wanted the 0 to 7 years to be equal in monthly hours to total of two weeks, or 80 hours of vacation in a twelve-month period. For the 7 to 12 years wanted the vacation to be equal to three weeks, or 120 hours in a twelve-month period. There were no changes in hours earned a month for the 12 to 17 and over 17 years of continuous employment.

E-4 (b) Discussed changing the hours of vacation per month to be equal to the average hours worked per week for the previous year. As an example, if the average were thirty hours a week, and the employee had 0 to 7 years of service they would be entitled to two weeks of vacation for a total of sixty hours. For years of continuous employment to accrue more time with more years, leave the same as full time employees with the average hours worked as the base for hours of the day average.

E-5. Discussed. Concurred to leave as written.

C-3 (a) Reviewed. Concurred to change the word 'shall' to 'may' in the first sentence of this section.

C-6. Discussed the last sentence, as the 'must live within 30 minutes of the city' does not apply to police officers. Changed the first word in the last sentence from 'Any' to 'Public Works'.

F-8. Noted. No changes.

The other sections were agreed upon without discussion at this meeting.

- *Motion to Accept Personnel Policies and Guidelines with Changes*

Council Member Smith moved to accept the Personnel Policies and Guidelines with the changes as stated effective tonight. Seconded by Council Member Robbins, voted on, passed 4-0. **Time: 7:43 p.m.**

- *Motion for Vacation Time to be Earned Retroactive to January 1, 2005*

Council Member McGinnis moved to have vacation time earned on the new criteria to be retroactive to January 1, 2005. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:44 p.m.

1. Personnel Policies and Procedures (Continued)

- *Motion for Accrued Comp Time to be Used by December 31, 2005 or Cashed In*

Council Member Smith moved to require any outstanding accrued comp time to be used by the employee by December 31, 2005 or paid out/cashed in. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:45 p.m.

City Clerk Herrin reported these changes would require some changes to the ordinances and administrative policies covering these issues. Would try to have ready by the next meeting.

- *Motion for Ten-Minute Break*

Council Member Robbins moved to take a ten-minute break. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:48 p.m.

2. Employee Job Descriptions

Reviewed each job description separately. Approved as written job descriptions for: Oak Lawn Cemetery Caretaker, Code Enforcement Officer, Animal Control Officer, Police Officer, Chief of Police, City Treasurer, City Clerk/Deputy City Clerk, and Public Works Employee. Grammatical changes were addressed in Municipal Court Clerk by changing 'Attends Municipal Court on the second Thursday of each month' to 'Attends Municipal Court when in session (may be nights)'; and in Public Works

Superintendent by deleting the last paragraph in the description as it was a duplicate to the first paragraph pertaining to employee drug tests.

Discussed establishing job descriptions for park employees, firemen, and the public safety officer. Mayor Barber asked City Clerk to look into any job descriptions that might be available for a public safety officer for the city to review; and, to ask the park board chairman about job descriptions for the park employees.

- *Motion to Adopt Job Descriptions with Appropriate Changes*

Council Member McGinnis moved to adopt the job descriptions as presented with the appropriate changes. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:38 p.m.

3. Executive Session for Employee Performance Evaluations

- *Motion for Executive Session*

Council Member Robbins moved to go into executive session for up to thirty minutes for personnel for employee performance evaluations. Seconded by Council Member Smith, voted on, passed 4-0. Time: 8:42 p.m.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member Robbins moved to extend executive session for up to five more minutes for personnel. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 9:12 p.m.

Opened Meeting at 9:17 p.m.

Mayor Barber noted he would go over the evaluations with the employees and if any employee wanted discussion time with the council he would bring them back to the council at that time.

4. Surplus of Tables & Chairs at Community Building

Discussed the following issues:

- a. Retaining for city uses later,
- b. Setting a price and selling individually,
- c. Keep some and sell some,
- d. How many to keep,
- e. How many in poor condition,
- f. Keep some for outside use,
- g. Keeping and renting them out, and,
- h. Taking to Rock House at Park Building for use.

ADJOURNMENT:

At 9:33 p.m. meeting ceased due to expiration of meeting time. Council dispersed.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 9th day of May 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday May 18, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Keith Smith, Gerald "Skip" Williams, and, Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; Public Works Employees Jerome Moore, Harry Smith, and Art Terry; City Police Sergeant Mike Watson; Linda Weldon; Kevin Kinder; Judy Kinder; and Le Roy Turpen.

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

PUBLIC HEARING

SEKRPC Grant Administrator Linda Weldon presented the paperwork for the Gas Grant #02-PF-150 closeout process. The papers conclude the grant project. Ms. Weldon reviewed each of the fourteen forms. Explained the original grant was to replace 80,000 linier feet of four-inch gas service line. The largest amount spent in one year was last year in the amount of \$244,473.00. Reported to date the city has spent \$1,438,645.08 and \$400,000 in grant money for a combined total of \$1,838,645.08. Explained how all of the grant money was allowed to be spent, using excess administration money for construction costs. Asked if there were any questions to the reports. No questions were asked. Asked for a motion to authorize the mayor and city clerk to sign the required forms for closing out the project.

- *Motion for Close-Out Forms to be Signed by Mayor and City Clerk*

Council Member McGinnis moved to authorize the mayor and city clerk to sign the necessary forms for closing out the gas grant. Seconded by Council Member Smith, voted on, passed 5-0. Time: 7:11 p.m.

Grant Administrator Weldon thanked the city for using their services and if they were ever needed again to please call. Mayor Barber thanked SEKRPC for the help with the project.

Mayor Barber closed the public hearing portion of the meeting at 7:12 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: May 5 - 18, 2005,
Minutes of May 4, 2005 City Council Meeting,
Minutes of May 9, 2005 Special City Council Meeting,
April 2005 Treasurer and Budget Report.

Motion seconded by Council Member Williams, voted on, passed 5-0. Time: 7:13 p.m.

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- xi. 2002 Water Plant Improvement Project
 - a. Status – Phase 2 & 3

Public Works Superintendent Craig reported this project is finished.

b. SMI-CO Final Pay #4 for Phase 2, Final Pay #6 for Phase 3

- *Motion to Approve Final Pay Requests #4 for Phase 2 and #6 for Phase 3 to SMI-CO*

Council Member McGinnis moved to pay SMI-CO the Final Pay #4 for Phase 2 and the Final Pay #6 for Phase 3 of the project in the total amount of \$9,789.50. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:15 p.m.

Page 2 of 6

UTILITY IMPROVEMENTS REPORT (Continued)

a. WATER IMPROVEMENT PROJECT (Continued)

xii. Upgrade Sludge/Backwash Lagoons

- Status

City Clerk Herrin reported information had been received this area was identified as being partially in the 1970's Flood Zone area. John Brann with Ponzer-Youngquist is checking with the state to determine if this is an issue with any of their offices before moving forward any further.

xiii. Ponzer-Youngquist, P.A. Pay Request #3

Council discussed authorizing this pay request and the pay request from Ponzer-Youngquist for the sewer relocation project all at the same time. Pay Request #3 for the WTP Lagoons is for \$1,395.00 and the Pay Request #1 for the Labette Bank Sewer Relocation project is for \$1,050.00.

- *Motion to Approve Both Pay Requests to Ponzer-Youngquist*

Council Member Smith moved to pay Ponzer-Youngquist for both pay requests for a total amount of \$2,445. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:18 p.m.

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

ix. Status

Public Works Superintendent reported the motors are in and the generator should be here by the end of the month. The plans are to begin installation the first of next month.

x. Labette Bank Sewer Line Relocation

- Ponzer-Youngquist, P.A. Pay Request #1

Paid along with WTP Lagoon Pay Request earlier in the meeting.

- Status

City Clerk Herrin reported Ponzer-Youngquist left information that the sewer line could not continue south but would have to turn back to 6th Street. The engineer plans to have a report at the next meeting.

c. GAS IMPROVEMENT PROJECT – CDBG GRANT

xiii. Status (Items Pending)

e. 8,800 Feet of Pipe to Remove in Miami County

b. Newport Bill of Sale and Release for Pipe under 1095 Road

City Clerk Herrin reported there has still been no response from Mr. Newport.

Discussed putting these two items on unfinished business. Public Works noted they planned to finish the removal of pipe from Miami County as soon as they could around the street repairs and water line installations. Concurred to diary the pipe removal for sixty days and then put back on the agenda if still outstanding.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

None.

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig

- x. Donation to Dive Team: Public Works Superintendent George Craig asked for the city to consider a donation to what is now the Wellsville Fire Department Dive Team. Late last year the dive team came down and helped public works replace a screen in the river going to the river pumps. It was very cold and there were five divers helping. At the time they helped the city they were known as the Miami Dive Team, now they are through Wellsville. PWS Craig reported they were just asking for a donation to go towards an expensive piece of equipment that was previously furnished by Miami County and now they are trying to purchase for themselves. Discussed if the city had hired a crew it would have cost around \$50 and hour per diver, and would have had a charge of over \$2,500. Discussed amounts for a donation.

- *Motion for \$2,000 Donation to Wellsville Dive Team*

Council Member Smith moved to donate \$2,000.00 to the Wellsville Dive Team for work on the river pumps in the river. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:33 p.m.

- 2. Estimates for Asphaltting City Streets: Reported the estimate from Heckert Paving was the best estimate of the two received. The O'Donnell Way Construction estimate was higher. Discussed a one-inch layer versus a 1-½ inch layer. Noted it is better to go with the 1 ½ inch layer and use rocks for the mix. Information given reported the one-inch layer required sand and did not hold up as well. Will try to set up for someone from Heckert Paving to come to the next council meeting with a fixed price. PWS Craig will try to get with them prior for a detailed footage on the designated streets. The Street Committee will also go over the streets listed and make sure they are the best to begin the project.
- 3. Discontinuing Energy World Net as Part of Gas OQ Program: Noted public works is going entirely with KMU to meet the KKC gas operator qualification requirements.

4. Insta-Valve on Fire Hydrant in Front of City Hall: Noted the valve is to be installed tomorrow.

STANDING COMMITTEE REPORTS:

Street:

- vi. Ditch at 204 S. 6th: Discussed the need to make some repairs to the ditches in this area. They have been under discussion for some time without any actual improvements being made. Concurred needed to make some improvements as soon as possible while realizing the water plant is always a top priority. Noted there are a lot of street projects to do this year.

Park

1. North Park: Council Member Smith reported he had been compiling a list of improvements for the north park. Several kids use the park and the playground equipment is in need of repairs. He has been looking at books to upgrade equipment and obtain some border-round around the swings where there is currently just rock. Discussed replacing some wooden equipment, painting the shelter house and adding benches. Also discussed putting new nets on the basketball goals. Council Member Robbins offered to help when they were ready to make improvements. Council Member Smith will go back and make a complete list of items to bring back to the next meeting. Discussed if there were some public works employees available and willing to work overtime on a Saturday with the council it could be done then and not take away from the regular workweek schedule.

Cemetery

1. Roof on Storage Building: Council Member Williams reported he had not had a chance to get the roof measured yet. He would try to get to it before the next meeting.
2. Oaklawn Cemetery Assoc.: Mayor Barber reported he had been approached by the Oak Lawn Cemetery Association about them possibly helping with the costs of laying the new roads in the new area of property purchased for more plots. Discussed. Mayor will get back with them and find out just what they had in mind and how much they were thinking the costs would be.

STANDING COMMITTEE REPORTS: (Continued)

Public Safety

1. Noise from Jake Brakes on Trucks: Council Member McGinnis reported Deputy City Clerk Mahon had obtained an ordinance from another city for Jake Brakes and compiled a draft for the City of La Cygne to prohibit large vehicles from excessive noise in town. Once the ordinance is passed, the notice can be posted in designated areas. Discussed. Will have ordinance at the next city council meeting.
2. Codes Officer: Noted in the last Planning Commission minutes there was again a request for a codes officer. Discussed. Requested city advertise for a 15-20 hour a week position with pay depending on qualifications. Will run the ad for two weeks in both papers.

Community Building

REGULAR MEETING

Year = 2005

1. New Tables and Chairs: Council Member McGinnis reported Jerome Moore would be going to Sam's in the morning to pick up the tables and chairs for the community building. Discussed the council would like to keep the old tables and chairs and rent them out. Will need to sort for condition first.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the next meeting is tomorrow night. The Car Show is scheduled for June 18th.

Planning Commission Committee

vii. Appointment of Mike Feldman for Two Year Term

- *Motion to Appoint Mike Feldman for Two Year Term*

Council Member Robbins moved to appoint Mike Feldman for a two-year term to the Planning Commission Committee. Seconded by Council Member Smith, voted on, passed 5-0. Time: 8:10 p.m.

viii. Request to Move Forward with Interlocal Agreement

Discussed the Interlocal Agreement is between the city and the county for land between the outside edge of the city limits as far out as three-miles. The council asked for a report as to exactly what it applies to and bring it back.

ix. Letter to Governing Body for Zoning Map Correction

No comments.

UNFINISHED BUSINESS:

Establish List of Capital Improvement/Goals/Projects

i. Fire Department

Added Replace Firehouse to the list to be done in the next ten years.

ii. Water Distribution

Discussed items of 'extending north tower overflow pipe to ground and enclosing north tower with a fence'. Public Works noted the north tower will never overflow, it is not possible. Unclear who recommended the two items, city clerk will research and report back. Council concurred wanted to next work on Improving the distribution between the water treatment plant and the two towers and looping in dead in lines. Targeted 2006 to begin investigating these two items. Did not target any dates for a new improved water tower on the very top of the hill, nor for an annexation program in relationship to RWD's.

iii. Sewer System

Targeted 2008 for line upgrade at the lagoon. Currently have estimated cost for this project and will earmark capital improvement dollars each year to reach goal.

UNFINISHED BUSINESS: (Continued)

Establish List of Capital Improvement/Goals/Projects (Continued)

iv. Cemetery

REGULAR MEETING

Year = 2005

Discussed squaring of section of land for new portion and did not target a date to pursue at this time. Targeted 2006 for plating and structuring roads in the newly purchased section along with having the plots set out in this area. Also, targeted 2006 for a structure for location information at cemetery entrance. Replace lawnmower in 2006.

Labette Bank Real Estate Agreement

City Clerk Herrin reported an agreement had been drawn up. Tabled until later in the meeting.

Ordinance #1319, for Adopting Personnel Policies, Guidelines, and Objectives

This ordinance amends the previous codes/ordinances to go with the adopted Personnel Policies and Guidelines.

- *Motion to Approve Ordinance #1319 Adopting Personnel Policies, Guidelines, and Objectives*

Council Member Williams moved to adopt Ordinance #1319. Seconded by Council Member Smith, voted on, passed 5-0. Time: 8:38 p.m.

NEW BUSINESS:

Resolution #292 Establishing Official Newspapers

- *Motion to Adopt Resolution #292 Establishing Official Newspapers*

Council Member Smith moved to adopt Resolution #292 establishing the Osawatomi Graphic and the Linn County News as the official city newspapers. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:40 p.m.

Schedule City Wide Clean Up

PWS Craig requested to set this time for two weeks prior to the Fiesta. Concurred to establish the city wide clean up this year for the week of August 29 – July 2, 2005.

SEKRPC Final Pay Request of \$8,500 for Gas Project

- *Motion to Pay SEKRPC Final Pay Request*

Council Member Robbins moved to pay SEKRPC the final bill for \$8,500. Seconded by Council Member Smith, voted on, passed 5-0. Time: 8:45 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and land acquisition for up to twenty-five minutes following a ten-minute break. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:47 p.m.

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

Open Session Resumed at 9:15 p.m.

OTHER BUSINESS:

Labette Bank Real Estate Agreement

- *Motion to Accept Agreement with Labette Bank and Authorize Signing of Paperwork*

Council Member Robbins moved for the city to sign the agreement with Labette Bank on the property purchase; and, to authorize the mayor &/or city clerk to sign the

REGULAR MEETING

Year = 2005

necessary paperwork on behalf of the city. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 9:16 p.m.

Page 6 of 6

OTHER BUSINESS: (Continued)

Employee Pay Evaluations at Next Meeting

Mayor Barber asked City Clerk Herrin to bring the paperwork for the council to consider the annual employee pay evaluations at the next meeting.

Council Member Unavailable at June 1, 2005 Council Meeting

Council Member Robbins reported he would be unavailable for the June 1st council meeting.

CITY CLERK'S REPORT:

Written Report:

- a. None

Reminders:

- 1.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Invitation for Bids, Heating/Air Conditioning at Community Building
- b] Thank You from 'Kids in Need' Program
- c] Water Report Through April 2005
- d] Gas Report Through April 2005
- e] KDHE Waste Control Permit Notice
- f] MLA "Personnel Management Course"
- g] KRWA Membership Certificate
- h] Roster of City Officials
- I] Minutes of May 12, 2005 Planning Commission Meeting

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn.** Mayor Barber asked if there was anything under the city clerk's report or notes and communication. None were noted. **Motion seconded by Council Member Boone, voted on, passed 5-0.**

•
Adjourned the meeting at 9:18 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 18th day of May 2005.

Page 1 of 6 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, June 1, 2005, at the LaCygne Community Building. Council Members present were: Connie McGinnis, Keith Smith, Jerry Boone, and Gerald 'Skip' Williams. Absent: Travis Robbins.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Attorney John Sutherland; City Public Works Supervisor George Craig; Kevin Kinder; Judy Kinder; and Gregory Osborne.

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

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: May 19 – June 1, 2005;
Minutes of May 18, 2005 City Council Meeting.

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

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

III. Upgrade Sludge/Backwash Lagoons

- i. Status

Public Works Superintendent Craig reported the engineer is waiting on clarification of what can be done in the targeted area as per the attached letter to the US Army Corps of Engineers.

b. SEWER IMPROVEMENT PROJECTS

- i. Status - #C20-1294-01

Public Works Superintendent Craig reported they are now waiting on the arrival of the new generator, as they cannot change out the motors until the generator is here to use during the change out.

- ii. Labette Bank Sewer Line Relocation

Public Works Superintendent Craig reported the state doe not have to approve this change since it is just relocation. The engineers have the drawings done and it is being put out to bids. City Clerk Herrin reported the engineers felt the entire project could possibly be done by the end of August.

DISCUSSION FROM THE FLOOR

Heckert Construction on Road Improvements

Public Works Superintendent Craig reported the individual from Heckert Construction had a family emergency and was unable to attend tonight. He did have an itemized cost for each

street already reviewed from the earlier diagram and PWS Craig presented the itemized information by Heckert Construction. Council Member and Street Committee Member Smith reported he had driven around most all of the city streets and felt the east and west streets were overall in worse shape than the north and south streets. From Swan north almost all were in bad shape, but the bad areas are spread out and not all in one area. Discussed covering the high profile areas. Discussed the need for a sealer for the recently overhauled street sections on Park and Lincoln. Discussed finances available of \$135,000 in the street capital outlay fund with another approximately \$17,000 in commodities. Discussed needing some additional cold mix loads. Discussed any grant options including possible KDOT funds. Concurred the council wanted to go with the project, just need to get to a final street list and include the final covering for the recently overhauled parts of Park and Lincoln. The Street Committee, along with Public Works, will get with Heckert Construction before the next meeting.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

Noted the activity report for the period of May 2005.

Public Works Superintendent George Craig

None.

STANDING COMMITTEE REPORTS:

Water & Gas

i. Excess Gas Revenue Fund Monies

City Clerk Herrin reported the excess fund balance from the gas project could only be applied to a debt service account to meet the payments on the gas revenue bonds according to the city Resolution #271. The remaining fund balance is \$213,354.92 to add with the total accrued interest of \$37,702.19 for a total of \$251,057.19. Any future interest on this amount will also be applied to this fund. If the monies are not required to make the annual payment for the revenue bonds it can be used at a later time to pay off the bonds early.

ii. Water Meter by Cemetery

Council Member Williams asked who paid to have the water meter put on the west side of the cemetery. Mayor Barber noted if a customer asks for a meter the customer pays for it. Council Member McGinnis asked if the cemetery road is a street. Council Member Boone responded that is private for a cemetery so how is it used for a private drive. Council discussed if it could be used as a private drive. Council Member Boone asked about eight acres on the north edge of town where he knew a new house was going to be built and was the city just going to put in utilities there even though it was out of town. City Clerk Herrin reported city hall had just this afternoon received a request for annexation along with a release of the property from RWD #1 for that area and it would be on the next agenda. Discussed annexation of all property on the north side of Grand that was not already in the city limits.

STANDING COMMITTEE REPORTS:

Street

i. S. 6th Street Culvert

PWS Craig reported they had worked on the culvert on S. 6th Street. There is still a high spot and will work on it as soon as it dries out. Council Member Boone explained how public works could clean out the entire culvert by pulling a tire through it. Discussed the silt is washing in from the north during heavy rains and it may continue to fill back in over time. Discussed liners, or tubing the whole area. Noted the Post Office did not want the city to dig on the inside of the ditch as it would involve the equipment being where they are trying to grow shrubs and trees. Council Member Boone noted the city still needed to finish cleaning out the culvert, but otherwise council concurred to watch for now and leave as is.

STANDING COMMITTEE REPORTS:**Park**

Council Member Smith presented a list of items he had been reviewing for improvements to the north park. The prices listed were for commercial equipment. All of the items together were over the available funds. Currently have \$3,961.00 available for the north park along with another \$300 from the General Park Fund. Council Member Smith will work on the list and try to have a detailed estimate for the next meeting. He thanked everyone involved who took down the broken equipment. Mayor Barber thanked him for taking the interest and noted the city appreciated having some funds available now to work on the park.

Public Safety**i. Codes Officer**

Mayor Barber reported the city had received some applications for this position and they would be reviewed in executive session.

Community Building**3. Old Tables and Folding Chairs**

Council Member McGinnis reported the old tables and chairs had been sorted. Found about 55 chairs and 15 tables to keep and recommended to surplus the other approximately 155 chairs and 12 tables. Asked for a resolution to be drawn up listing the tables to be sold for \$10 each and the chairs for \$3 each; and, would put a date when available for sale so as not to take up scattered time from the employees at city hall. Recognized there would already be additional time taken up when someone wanted to rent and return the tables and chairs being kept. Discussed any other items to surplus; public works had a flow meter and a motor. Set the price at \$500 for the flow meter and \$100 for the motor.

Council Member McGinnis requested to use the money collected from the sale of these items to purchase a couple of table racks and racks for the new chairs. Will see how much is collected before ordering any racks.

Employee Relations & Training

Council Member Smith reported he had enjoyed the League Meeting he had recently attended. Most sessions were good. Would like to plan on attending the Annual League Conference in October in Wichita.

SPECIAL COMMITTEE REPORTS:**Fiesta Committee**

REGULAR MEETING

Year = 2005

Council Member McGinnis reported the next meeting would be next Monday night at 7:00 p.m.

Planning Commission Committee

i. Request to Move Forward with Interlocal Agreement

Discussed how the interlocal agreement would work between the city and the county. City Attorney Sutherland noted it gives the city a little more control in the area immediately outside of town where the city plans to grow.

- *Motion to Pursue Interlocal Agreement by Contract with Jim Kaup, P.A.*

Council Member McGinnis moved to pursue with the interlocal agreement along with a contract with Jim Kaup for \$3,500 to work up the agreement. Seconded by Council Member Smith, voted on 2-0 with 2 Abstaining (Williams & Boone). Mayor Barber noted this passes the motion. Time: 8:44 p.m.

UNFINISHED BUSINESS:

Establish List of Capital Improvement/Goals/Projects

Tabled until next meeting due to time constraints.

NEW BUSINESS:

Ordinance #1320 Repealing Revitalization Plan

City Clerk Herrin reported this had been handled previously when the Revitalization Plan went through the sunset clause with the county. The city codes book had just not addressed the changes and this takes care of the housekeeping portion for the city.

- *Motion to Approve Ordinance #1320*

Council Member McGinnis moved to approve Ordinance #1320 repealing the revitalization plan. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:46 p.m.

Ordinance #1321 Prohibiting 'Jake Brakes' in City

- *Motion to Adopt Ordinance #1321*

Council Member Smith moved to adopt Ordinance #1321 Prohibiting 'Jake Brakes' in the city. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:50 p.m.

STANDING COMMITTEE REPORTS:

Open Bids for Community Building Heating/Air Conditioning

REGULAR MEETING

Year = 2005

City Attorney Sutherland opened the following bids:

OPTIONS:	Dave's Heating & Air Conditioning	Peterson Heating & Cooling	Bradley Conditioni Heatin
Opt. 1: 3 "HEIL" 100,000 BTU (82% eff) horizontal gas furnaces, 3 T-Bars	\$4,540.00		
Opt. 2: 3 "HEIL" 100,00 BTU (82% eff) h. gas furnaces & 1 4T 48,000 BTU AC 10 SEER, 3 T Br	\$6,130.00		
Opt. 3: 3 Opt. 1 gas furnaces & 3 Opt. 2 AC Units	\$9,520.00		
Opt 4: Same as Opt 3 with 12 SEER AC Units at \$310.00 ea.	\$10,450.00		
Opt 5: Same as Opt 3 with 14 SEER AC Units at \$570.00 ea.	\$11,230.00		
3 110,000 BTU furnaces, 1 coil, 1 4T 12 SEER AC Unit, and 3 T-Bar Filter Grills		\$9,600.00	
3 110,000 BTU (80% eff) furnaces, 1 4T 10 Seer AC Unit, 1 coil, 3 T-Bar Filter Grilles, 3 Digital programmable thermostats, & adapt to drains, gas & elec lines, flues & ductwork.			\$7,37
Same as just above with 90% eff furnaces			\$9,23

Discussed different Seer factors on air conditioners.

- *Motion to Purchase from Dave's Heating & Cooling*

Council Member Williams moved to accept Dave's Heating and Cooling for three heaters and one 12 Seer air conditioning unit for a total of \$6,440.00. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:00 p.m.

Health Insurance Premiums for City Employees

Tabled until after executive session.

Employee Salary Adjustments

Tabled until after executive session.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis moved to go into Executive Session for up to twenty-five minutes for personnel following a ten-minute break. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:05 p.m.

Others invited into or requesting a portion of executive time was: City Clerk Herrin

REGULAR MEETING

Year = 2005

EXTEND MEETING & EXECUTIVE SESSION

- *Motion to Extend Meeting*

Council Member McGinnis moved to extend meeting up to 10:30 p.m. and go back into executive session for up to twenty minutes for legal and personnel. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:40 p.m.

Others invited into or requesting a portion of executive time was: Gregory Osborne.

Open Session Resumed at 10:00 p.m.

OTHER BUSINESS

Health Insurance Premiums Provided by City

Council noted intent at this time is to keep health insurance coverage affordable for city employees. City employee health insurance premiums are increasing this year. The balance in premiums paid by the city is lower for employee/spouse and employee/children.

- *Motion to Change Employee/spouse & Employee/children City Coverage Limits*

Council Member Smith moved to increase the city benefits provided for health insurance for employee/spouse to \$780.74 and employee/family to \$1,000.00. Seconded by Council Member Boone, voted on, passed 4-0. Time: 10:04 p.m.

(This change creates the following for health insurance premiums covered by the city: Employee - \$401.60, Employee/child - \$780.74, Employee/spouse - \$780.74, and, Employee/family - \$1,000.00.)

Employee Salary Reviews

Tabled until next meeting.

CITY CLERK'S REPORT:

Written Report:

6. None.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Sunflower State Games
- b] Waste Management Price Increase
- c] KDHE Waste Control Permit Notice
- d] *Kansas Government Journal* April 2005

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member McGinnis moved to adjourn the meeting. Seconded by Council Member Williams, voted on, passed 3-1 (No: Boone).**

Meeting adjourned at 10:05 p.m.

I, _____, LaCygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 1st day of June 2005.

REGULAR MEETING:

REGULAR MEETING

Year = 2005

The La Cygne City Council met in regular session on Wednesday June 15, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Keith Smith, Gerald "Skip" Williams, and, Connie McGinnis.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; Kevin Kinder; and, Judy Kinder.

Mayor Sam Barber called the meeting to order at 7:04 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: June 2 - 15, 2005,
Minutes of June 1, 2005 City Council Meeting,
May 2005 Treasurer and Budget Report.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- xiv. Shafer, Kline & Warren, Inc. Inv. #14520 for Chemical Adjustment

Public Works Superintendent Craig reported this part of the project went well.

- *Motion to Approve Pay Invoice #14520 for \$731.50*

Council Member Williams moved to pay Shafer, Kline & Warren on invoice #14520 for \$731.50 on the chemical adjustment at the water plant. Seconded by Council Member Smith, voted on, passed 5-0. Time: 7:06 p.m.

- xv. Upgrade Sludge/Backwash Lagoons

Public Works Superintendent Craig reported John Brann is meeting with someone from the Corp of Engineers this Thursday to check the land site for wetlands.

- Ponzer-Youngquist, P.A. Pay Request #2

- *Motion to Approve Pay Invoice #2 for \$520.28*

Council Member Smith moved to pay Ponzer-Youngquist on invoice #2 for \$520.28 for the sewer line relocation. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:08 p.m.

b. SEWER IMPROVEMENT PROJECT - #C20-1294-01

- xi. Status

Public Works Superintendent reported the generator has arrived in Kansas City.

- xii. Labette Bank Sewer Line Relocation

- i. Status

Noted bids will be opened on June 23rd at City Hall and the engineer's final recommendation is set to be presented at the July 6th meeting.

- Ponzer-Youngquist, P.A. Pay Request #2

- *Motion to Approve Pay Request #2 for \$2,100*

Council Member Smith moved to pay Ponzer-Youngquist for invoice #2 in the amount of \$2,100.00 for the Labette Bank Sewer Project. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:10p.m.

Page 2 of 6

DISCUSSION FROM THE FLOOR:

Request to Waive Community Building Fee for Robert Conley's 100th Birthday

Discussed it was an honor for someone to reach this milestone. Commended Mr. Conley for his prior community service. In the past the city council has only waived fees for a non-profit organization. No action was taken.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer Chuck Farrell Jr

Police Chief Chuck Farrell presented a report sheet for the period of June 1 – 14, 2005.

Public Works Superintendent George Craig

- xi. Two Culverts for 814 E Lincoln: Public Works Superintendent George Craig reported the rebuilding of the ditches on East Lincoln has now caused a wash out of the existing culvert at 814 E. Lincoln. Public Works checked with Linn County Street Superintendent Danny Morris for a recommendation. The request is for two eighteen-inch culverts to handle the additional water now flowing in this area. In checking prices it was found to cost \$2,000 to handle this replacement.

- *Motion to Purchase & Install Two 18" Culverts*

Council Member Williams moved to purchase and install two eighteen-inch culverts at 814 E. Lincoln for a cost of up to \$2,000.00. Seconded by Council Member Smith, voted on, passed 5-0. Time: 7:16 p.m.

- 5. Portable Welder Generator: Council Member Williams asked about the possible purchase of a portable welder generator for public works to be able to work on site during the times they are working on gas pipe line. Council Member Williams recently purchased one and they are less than \$3,000. He paid around \$2,700 for 10,000 wattage. Would not recommend anything smaller. Discussed planning to add to equipment purchases. Concurred to have PWS Craig obtain some prices.

STANDING COMMITTEE REPORTS:

Street:

- vii. Street Repairs to be Made by Heckert Construction: Council Member Smith reported he had gone over the streets with PWS Craig and Heckert Construction. He faxed a list of the streets in the worst shape to Heckert Construction, but had not yet received a response back. Recommended doing as many streets as the funds would allow addressing the worst streets first.

Council Member Boone reported he had spoke with Terry Weitman, of Apac/Reno, and they are starting to do the millings on Highway 69. Mr. Weitman thought with a phone call it might be possible the city could get the millings for just hauling it off and use them as a base on Lincoln instead of shooting emulsion. Council Member Boone

recommended using for swags too; it's just like spreading gravel and then roll it immediately. Mayor Barber noted public works might want to look at hiring a contractor to haul for Public Works to help with the workload.

- *Motion to Contact Terry Weitman About Millings*

Council Member Smith moved to approve Council Member Boone to contact Terry Weitman about road millings to be brought in and used as a base before city starts with the street project.

- viii. Post Office Ditch: Council Member Smith reported he had received a phone call earlier this evening from the post office and they were concerned about the east side of the ditch. The contractor doing the mowing does not want to do the east side any more, as it is too steep. They asked about putting rock in the bottom of the ditch. Council Member Williams felt the dirt sifting down would just cover the rock shortly. Discussed a culvert or liner as the only way to prevent some handwork in weeding the area. Noted other ditches had to have hand work in weedy areas.
- i. Street Repairs to be Made by Heckert Construction – Continued: Mayor Barber asked about Broadway being put on the second list as it was listed on the first list and is a heavily traveled road. Discussed condition of Broadway. Council Member Boone noted they also needed to make sure they went all the way west on Lincoln. Council Member Smith recommended not making any decision until they heard back from Heckert Construction with costs. Mayor Barber asked if they would take another look at Broadway.

Page 2 of 6

STANDING COMMITTEE REPORTS: (Continued)

Sewer

204 S. 1st Sewer Back Up: Council Member Boone reported he had had another sewer back up in his yard and it was the third or fourth time it's happened. He had not had any problems since last week and requested \$2,500 for losing plants in the yard. Council Member Williams noted the electric was out at the time and caused the back up from the storm with no electricity. The following items were covered:

- Public Works came down and cleaned up the run over from the clean out at the side of the house,
- For Council Member Boone to call Hazmat it's \$5,000 for them to come to the drive, requested \$2,500 be approved tonight or he was calling Hazmat, it's the city's problem,
- Smells through the windows, lost plants & ornaments, and tired of it,
- There is not a check valve between the city sewer and the residence clean out,
- Council Member Boone felt the proper flow would never work until the second line is put in at the lagoons,
- PWS noted the lift station pumps keep up unless there is a power outage, and the pumps were not running due to loss of power,
- Discussed putting in a check valve between the city sewer and the residence clean out at cost of around \$200.00,
- Noted a new generator is being installed that will automatically kick on when there is a power outage,
- Discussed storms being an Act of God for liability,
- Noted need to treat every citizen with a sewer concern the same, Council Member Boone disagreed,
- City Attorney noted due process would be to begin with a written claim to the insurance company,
- Discussed paying Council Member Boone and then turning it into insurance with the city retaining the proceeds up to the amount he was paid,
- Council Member Boone reported he had not turned in a claim before, noted a claim had been turned in previously,

- Directed City Clerk to file a claim and respond back with the insurance information.

MOTION

- *Motion to Install Check Valve on Jerry's Side of Road Before Check Valve*

Council Member McGinnis moved to have the city put a check valve on Jerry's side of the road between the city sewer and the clean out with PWS Craig determining where is the better location. Seconded by Council Member Smith, voted on, passed 4-0 (Boone – Abstain). Time: 7:58 p.m.

Park

1. North Park: Council Member Smith reported on the following:
 - i. Checking for funds and found Wal-Mart will donate \$1,000 for the park improvements. He has also contacted Bob Talley with KCP&L, who is checking on an amount they might have available. And, Dennis Arnold is checking into a \$500 donation to go towards park improvements along with the information that Target also gives to park improvements so will be checking with them. He is checking on all of these for extra funds for equipment.
 - ii. Asked if Public Works could remove some additional old rebar.
 - iii. The company, Recreations Creations is checking on rates for play equipment.
 - iv. Still checking on gravel for the parking area.

Public Safety

1. Codes Officer: Noted have received one more application.

Community Building

1. Table Storage & Chair Racks: Council Member McGinnis proposed to build two 'boxes', 4' x' 8' x 36" for table storage in the west end corners putting carpet on the floor portion for sliding the tables in sideways. If the new ones are not stacked correctly they bend. The chair racks in the equipment books are \$369.00 each. A local, John Earhart, will weld three for \$165.00 each and the city furnish the wheels. Council Member Boone asked that the city not keep any of the old tables and chairs as the new ones fill the area in the community building. Council Member McGinnis noted they were taking some old tables and chairs to the Rock House at the Park and leaving them there.

- *Motion to Spend up to \$1,000 to Build Table Storage & Chair Racks*

Council Member Smith moved to direct Council Member McGinnis to have three chair racks built and two table storage units for the Community Building for storage of the new tables and chairs at a cost of up to \$1,000. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:24 p.m.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis announced the Car Show in the park this Saturday.

UNFINISHED BUSINESS:

Establish List of Capital Improvement/Goals/Projects

- v. Police Department

REGULAR MEETING

Year = 2005

- a. Portable Radios: Police Chief Farrell reported the state is switching to 800 MHZ in the near future so would like to hold off on the purchase of any new radios for now.
- b. Replace Computers and Networking: Discussed a new desktop with three laptops networked to download into the desktop. The desktop would be used to send reports to KBI. The laptops would be for each officer and allow them to be able to work on reports from other than their desk – other police departments are going to this method. The current computers are 1995 models running much slower than the new ones and beginning to lose connections more frequently, making them more likely to crash at any time. Discussed students at school rebuilding computers. Discussed how many reports are made each month on the computers. Discussed computers are not as expensive as they used to be.
- c. Replace Video Cameras: Noted the current cameras have reached their life expectancy point. A county camera had to be repaired at a cost of \$525.00. Council asked if \$4,500 for a new one wasn't a lot of money if there were not very many stops. Noted safety and liability are also a factor to protect the officers and city as well as the individual being stopped. The videos are used in a DUI stop for a true account of what transpires, and when a jury trial occurs.
- d. New Police Vehicle: Scheduled for 2006. Will require a new camera, as existing cameras are too old to work with the newer vehicles equipment. Noted the oldest unit is a 1996.
- e. Evidence Cameras: Discussed obtaining digitals for each officer. Police Chief Farrell noted he would like to purchase the ones with a 3 ½ " floppy to be able to keep the floppy with each case it pertains to.

Mayor Barber noted each item had a date listed by the item on the improvement list. Concurred to move on with the meeting and continue with the improvement list at the next meeting.

Resolution #293, for the Sale of Surplus Equipment

Council established date and time for the sale to take place.

- *Motion to Approve Resolution #293 for the Sale of Surplus Equipment*

Council Member Smith moved to adopt Resolution #293 for the sale of surplus equipment of the four listed items to be held on June 25th between 8 a.m. – 12 noon, or until all items are sold. Seconded by Council Member Williams, voted on, passed 5-0.
Time: 8:50 p.m.

Employee Salary Adjustments

Tabled until later in the meeting.

NEW BUSINESS:

County Asking for Community Service with Supervision

City Attorney Sutherland reported the people providing the work may be just as involved to handle the individuals doing the community service. There is to be no mowing or working with sharp objects. Painting, sweeping, or cleaning would be ok. Discussed some days are ok and others are too busy. Noted if the city does use anyone may want to look at the police chief for the contact person for each situation.

Review Updates for City Administrative Policies

City Clerk Herrin noted the attached updates reflected the changes to the city administrative policies affected by the new Personnel Policies and Guidelines adopted earlier. Noted not everyone had had time to go over the changes compared to the existing policies. Tabled until the next meeting.

Extend Meeting

- *Motion to Extend Meeting*

Council Member McGinnis moved to extend the meeting up to 10:30 p.m. Seconded by Council Member Robbins, voted on, passed 5-0. Time: 9:03 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of legal and personnel for up to forty minutes following a ten-minute break. Seconded by Council Member Smith, voted on, passed 5-0. Time: 9:04 p.m.

Others invited into or requesting a portion of time in executive session included: None.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member McGinnis moved to extend executive session for up to fifteen minutes for personnel. Seconded by Council Member Smith, voted on, passed 5-0. Time: 9:55 p.m.

Council Member Boone left the meeting at 10:00 p.m.

Extend Executive Session

- *Motion to Extend Executive Session*

Council Member McGinnis moved to extend executive session for up to five minutes. Seconded by Council Member Smith, voted on, passed 4-0. Time: 10:10 p.m.

Open Session Resumed at 10:15 p.m.

OTHER BUSINESS:

Employee Salary Adjustments

- *Motion to Approve Salary Adjustments for Listed Employees*

Council Member McGinnis moved to approve wage increases in the amount of \$.25 for Linda Elder, Devona Herrin, Chuck Farrell, Gary Mahon, George Craig, and Jackie Pribble; and, to approve wage increases in the amount of \$.50 for Mike Watson, Clarence Craven, Jerome Moore, Art Terry, Harry Smith, and Kenny McClanahan. Seconded by Council Member Smith. Amended to add: increases to be effective June 13, 2005. Seconded by Council Member Smith, voted on, passed 3-0 (Williams – Abstain). Time: 10:20 p.m.

CITY CLERK'S REPORT:

Verbal Report: Noted Annexation Request from Kathy Faircloth scheduled to be completed and presented to the council at the July 20th meeting. Asked for any concerns from the council. None noted.

Written Report:

1. Contractor Replacing Heating/Air Conditioning at Community Building
- b. Annexation Request from Kathy Faircloth

- c. Review Updates for City Administrative Policies

Reminders:

- 1.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] June 9, 2005, Planning Commission Meeting Minutes
- b] May 2005 Water Reports
- c] May 2005 Gas Utility Report
- d] KDHE Notice to Increase Atrazine Monitoring
- e] ADA Network Session in Topeka, KS, June 22, 2005
- f] League Policy Committees Forming
- g] Minutes of the MRWAD #2 Board of Directors Meeting May 24, 2005
- h] 2005 Building Permits as of May
- I] 2005 *Governing Body Handbook*
- J] *Kansas Government Journal*, Volume 91, Number 5, May 2005

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member Smith, voted on, passed 4-0.**

•
Adjourned the meeting at 10:25 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 15th day of June 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, July 06, 2005, at the LaCygne Community Building. Council Members present were: Connie McGinnis, Jerry Boone, Travis Robbins and Gerald 'Skip' Williams.

Others present at some point in the meeting included: Deputy City Clerk Gary Mahon; City Clerk Devona Herrin; City Attorney John Sutherland; City Public Works Supervisor (PWS) George Craig; City Police Sargent Mike Watson; Debbie Watson; Kevin Kinder; Judy Kinder; Gregory Osborne; John Brann; County Commissioner Herb Pemberton; County Commissioner Larry Hall; Rex Fleming of KDOT; Sue Riley of KDOT; Terry Weitman; Kathy Faircloth; Don Elam; and Pat Pueser.

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

MAYOR'S COMMENTS:

REGULAR MEETING

Year = 2005

Mayor Smith expressed his thanks and gratitude to the police department, fire department, and citizens of La Cygne for their immediate help and contributions in clearing streets and returning order to the City so quickly the night of the June 30th storm. Thanks to: PWS George Craig and the public works employees for their continuing clean up activities; Linn County Emergency Director Bernard Streeter and his volunteers; and the County Commissioners for help in cleaning the cemetery and providing a temporary brush dump.

CONSENT AGENDA:

✓ Motion to Approve Consent Agenda

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

Check Register: June 16 – July 6, 2005;
Minutes of June 15, 2005 City Council Meeting;
Minutes of June 28, 2005 Special City Council Meeting.

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

KDOT – PRESENTATION ON BRIDGE REPLACEMENT:

Rex Fleming and Sue Riley of KDOT informed the Council on tentative plans for replacing the bridge spanning the Marais des Cygne River. The bridge was originally constructed in 1938 and is now in need of extensive deck repairs. KDOT determined it to be more economically feasible to replace entire bridge due to the restrictive size. The new bridge will be 40 feet wide, an increase of 16 feet, and will be built to the immediate south of the existing bridge. McElreath storage and a house on the west bank may be affected somewhat. It is not expected that the city's pump station will be affected. Access to the pump station as well as the compactor site will be provided. A temporary construction road may impact the yard of the house between the street barn and water plant somewhat. Tentative schedule calls for bid letting in late 2007 with construction start in 2008. Construction time = approximately 1 year. Temporary traffic signals may be installed and used for portions of the construction period.

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

IV. Upgrade Sludge/Backwash Lagoons

i. Status

John Brann of Ponzer-Youngquist reported that he had recently met with the Stevermer's concerning land north of the water plant. The Stevermer's have indicated a willingness to sell some land to the city to be used for enlargement of the backwash sludge ponds. The corps of engineers had recently inspected the site and ruled there was no need for a wetland permit if the city does not construct on the low land portion of the area.

Mr. Brann presented Council with revised charges for engineering fees due to the increased scope of the project. Council will act on fee increase request after the land has been purchased.

b. SEWER IMPROVEMENT PROJECTS

i. Status - #C20-1294-01 (Park Lift Station)

Public Works Superintendent Craig reported the pumps are being installed. Council Member Boone asked if the new equipment would handle growth. Mr. Brann: Yes, but east side of town going to industrial park may cause problems as the City grows. He felt the 2 pumps would not push it all to the lagoons.

ii. Labette Bank Sewer Line Relocation – Bidder Recommendation

In a letter signed by John Brann of Ponzer-Youngquist, Consulting Engineers and Land Surveyors, it was recommended the Labette Bank sewer relocation project be awarded to Diversified Contracting, LLC, in the amount of Ten Thousand Four Hundred Eighteen and 50/00 Dollars (\$10,418.50).

City Clerk Devona Herrin confirmed that a written agreement with Labette Bank for reimbursement had been executed and that bank president Pat Foreman had been present for the bid opening and was knowledgeable of the amount to be paid.

✓ ***Motion to Award Sewer Relocation Bid***

Council Member Robbins moved to accept the engineer’s recommendation of awarding the sewer relocation project to Diversified Contracting, LLC, in the amount of Ten Thousand Four Hundred Eighteen and 50/00 Dollars (\$10,418.50) Motion seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:39 p.m.

DISCUSSION FROM THE FLOOR

Interlocal Agreement Outline – Jim Kaup P.A.

After explaining the purpose and benefits of creating an interlocal agreement with Linn County, Mr. Jim Kaup, Attorney, presented a draft agreement for Council’s review and input. Mr. Kaup noted that the purpose of an agreement is to make sure any agreed upon arrangement is agreeable to both entities. It was noted that the La Cgyne Planning Commission had reviewed the draft and recommended the adoption of an interlocal agreement.

Mr. Kaup reviewed the different sections of the draft agreement with the Council. It was noted that an interlocal agreement deals only with land use, not emergency services or utility services. It was pointed out that some of the designated growth area is flood plain.

DISCUSSION FROM THE FLOOR (Continued)

Interlocal Agreement Outline – Jim Kaup P.A. (Continued)

✓ ***Motion to Table Action on Interlocal Agreement.***

Council Member McGinnis moved to table action on the Interlocal Agreement until Council Members had studied it further. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 8:20 p.m.

Mr. Kaup asked if it would be permissible to forward the draft to Linn County Planning & Zoning Administrator Andy Mayhugh. It was consensus of Council to have Mr. Kaup forward the draft.

Water Meter – Peoples Telecommunications – Commercial Street

Pat Peuser, representing Peoples Telecommunications, asked Council to make determination of which property a water meter served. The old lumberyard property on Commercial Street was served by one meter. The property had been split due to two recent real estate sales. The meter was now located on property owned by Peoples Telecommunications but serving a

building now owned by James Wilson. In response to council question, PWS Craig noted that a new water meter would cost approximately \$400. Discussion followed as to which property should the meter serve, who should pay for a new meter, etc. Attorney Sutherland noted that this was really a civil matter between the land purchasers and Labette Bank. It was reported that the water meter was an oversight by all parties concerned at the time of the real estate transactions.

✓ *Motion for Assignment of Water Meter*

Council Member Williams moved to leave the water meter on existing property, disconnect from the building, and furnish new owner meter at no cost. Motion seconded by Council Member Boone, voted on, tied 2-2. (Opposed: McGinnis & Robbins) Discussion followed. Mayor cast a No vote. Motion failed 2-3.

✓ *Motion for Assignment of Water Meter*

After further discussion, **Council Member Williams moved to leave the water meter on existing property, disconnect from the building, and new owner will have to apply for water service. Motion seconded by Council Member Boone.** Discussion: Legal Ramifications? Possibly, but owner would have to go to bank for remedy, **Motion voted on, passed 4-0.** Time: 8:38 p.m.

Kathy Faircloth – Property North of City

Mayor Smith informed Ms. Faircloth that he might have conveyed some information in error. Ms. Faircloth had inquired about splitting off a portion of her property that contains a doublewide mobile home and having it annexed into the City. Mayor Smith had originally informed her that would not be possible, as the mobile home was over 10 years old. Mayor Smith informed her that the home might possibly be considered ‘grand fathered’ and therefore allowed as part of annexation. Council Member Robbins expressed concern about citizens wanting to have their old homes in the City but not their newer, nicer homes. Discussion followed regarding the pros and cons of annexation to the property owner as well as the City. Also discussed were the pros and cons of the City extending utility services outside its city limits.

Ms. Faircloth then requested that in addition to gas and water service that had been authorized June 28th, that sewer service be extended to her new home. More discussion followed concerning the merits of extending utility services to property not within city limits. Mayor and Council agreed a policy needs to be established regarding the extension of city utilities. Terry Weitman asked about the possibility of de-annexing his property if the City were going to extend services outside the city limits. Herb Pemberton noted the benefits of being inside City Limits and being connected to the sewer.

DISCUSSION FROM THE FLOOR (Continued)

Kathy Faircloth – Property North of City (Continued)

Ms. Faircloth then requested that her original annexation request for the entire property be reactivated. Deputy City Clerk Mahon and Attorney Sutherland concurred that the rezoning hearing could proceed as originally planned, since no notice to the contrary had yet been published or mailed. An annexation ordinance had already been prepared and could be submitted at the next meeting. New letters of the proposed lot split will have to be re-issued.

The annexation and re-zoning request will be placed on the next meeting agenda.

Don Elam – Loose Dogs

Mr. Elam addressed Council concerning what he considered to be lax dog catching in the City. It was Mr. Elam’s report that: loose dogs had gotten into his dog pens to breed his dogs: he had personally caught 3 dogs and took to the pound; upon request for the dog catcher to

REGULAR MEETING

Year = 2005

pick up dogs already tied up by Mr. Elam, the dog catcher would not respond because he was tired. Sgt. Mike Watson noted that the dog catcher had always responded when he called. Debbie Watson also noted that the dog catcher had responded to her calls. Council thanked Mr. Elam for his report and noted they would investigate further.

REPORTS OF CITY OFFICERS:

Police Chief & Codes Officer – Chuck Farrell Jr.

No Report. Mr. Farrell on vacation.

Public Works Superintendent George Craig

i. Hach Preventative Maintenance Agreement PWS Craig reported on renewal of a service agreement with Hach Company Field Services. It was noted that the agreement was on an annual basis and of great benefit in keeping equipment calibrated. Cost of the maintenance agreement = \$2929.00

✓ *Motion to Renew Hach Maintenance Contract*

Council Member McGinnis moved to renew the maintenance agreement with Hach as presented.. Motion seconded by Council Member Williams, voted on, passed 4-0.
Time: 9:19 p.m.

ii. Welders PWS Craig presented Council with quotes for Welders. Prices ranged from \$2675 to \$2950. This item will be on next meeting's agenda.

iii. Cemetery Clean Up PWS Craig noted that Linn County will help clean up storm damage at the Cemetery on July 8th. County needs a place to put the cemetery brush. Mr. Craig also noted there were still some 'hangers' that needed to be cut from the trees so they could be disposed of. It was noted that Kenny Baucom had cut trees in the cemetery before. Discussion followed.

✓ *Motion to Authorize Cemetery Committee to Approve Tree Removal Expenses*

Council Member Boone moved to give the cemetery committee authority to approve tree removal quotes to remove trees from Oak Lawn Cemetery. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 9:24 p.m.

STANDING COMMITTEE REPORTS:

Street Mayor Smith reported that he had not received any response from Heckert Construction regarding the resurfacing of city streets.

Sewer Deputy City Clerk Mahon reported that we had not heard from Insurance Company regarding Boone's sewer problem. Council Member Boone noted that it appeared his sewer was still connected to the old line rather than the newer line in front of his home. It was Council Member Boone's position that he had been told he would be hooked onto the new line. Jerry reiterated his position of asking for reimbursement of damages due to past sewage overflows on his property. Discussion followed. PWS George noted he would put red dye in Jerry's line to determine where it came out.

Public Safety Mayor Smith expressed concern about the fact that storm sirens must be manually activated from city hall. In times of storms or emergencies the extra minutes it takes for an official to get to city hall and activate the sirens could be crucial in providing adequate warning to the citizens. Sgt. Mike Watson noted that in the cities he has worked in, La Cygne was the only one where warnings had to be manually activated. Mr. Watson also

REGULAR MEETING

Year = 2005

noted that the Emergency Planning Committee had just begun to look into updating the system. The Public Safety Committee was also asked to assist into investigating improvements.

Community Building Council Member McGinnis reported that storage for tables had been completed and that new chair racks were almost ready.

SPECIAL COMMITTEE REPORTS:

Fiesta Committee

Council Member McGinnis reported the next meeting would be next Monday night at 7:00 p.m. at the Community Building.

Emergency Disaster Committee

Police Sargent Mike Watson complimented the Fire Department on their excellent job of helping clear streets during the June 30th storm.

UNFINISHED BUSINESS:

Establish List of Capital Improvement/Goals/Projects

Tabled until next meeting due to time constraints.

Review Updates for City Administrative Policies

Tabled until next meeting due to time constraints.

NEW BUSINESS:

Ordinance #1322 Relating to Solid Waste Charges

Deputy City Clerk Mahon reported that we had received a 29 cents per month increase for weekly trash service. Rates to City Customers are established by ordinance.

✓ *Motion to Approve Ordinance #1322*

Council Member Robbins moved to approve Ordinance #1322 relating to solid waste charges. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 9:45 p.m.

NEW BUSINESS: (Continued)

Ordinance #1323 Relating to Approval & Issuance of Use Permits

Deputy City Clerk Mahon reported that the present system of issuing Use Permits was cumbersome and slow for businesses that fell within the parameters of the City Zoning Regulations. It could take up to a month for a new business to receive an authorized use permit. This ordinance would streamline the process. Businesses not falling within the zoning regulations would still have to go to the Planning Commission.

✓ *Motion to Adopt Ordinance #1323*

Council Member McGinnis moved to adopt Ordinance #1323 relating to the approval and issuance of use permits. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 9:47 p.m.

Resolution No. 294 – Call Notice for Temporary Note Payment

Deputy City Clerk Mahon noted this Resolution was necessary to allow for the first partial re-

REGULAR MEETING

Year = 2005

payment on the City's four year \$140,000 temporary note used for water improvements.

✓ *Motion to Approve Resolution No. 294*

Council Member Williams moved to approve Resolution No. 294. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 9:49 p.m.

Resignation of Officer Sgt. Mike Watson

Mr. Watson submitted a letter of resignation. He had accepted a position with the Saline County, Arkansas Sheriff's Department.

✓ *Motion to Accept Resignation of Officer Sgt. Mike Watson*

Council Member McGinnis moved to accept the resignation of Sgt. Mike Watson effective July 17, 2005, Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 9:50 p.m.

Mayor and Council thanked Mike for his service to the community and wished him success in his new position.

Thank You to Julie's Thriftway

Council Member McGinnis expressed her appreciation to Julie's Thriftway for the tremendous fireworks display on July 4th. It was very much appreciated.

EXTEND MEETING

✓ *Motion to Extend Meeting*

Council Member McGinnis moved to extend the meeting up to 10:30 p.m. Motion seconded by Council Member Robbins, voted on, passed 4-0. Time: 10:52 p.m.

EXECUTIVE SESSION:

✓ *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for up to 25 minutes for legal and discussion of personnel, following a 10 minute break. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 9:53 p.m.

Others invited into or requesting a portion of executive time: Gregory Osborne

Open Session Resumed at 10:20 p.m.

OTHER BUSINESS

Codes Officer

✓ *Motion to Hire Gregory Osborne as Codes Officer*

Council Member McGinnis moved to hire Gregory Osborne a City Codes Officer at the rate of \$7.50 per hour, 20 hours per week, and to pay gas or mileage while on duty, which ever is most beneficial. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 10:22 p.m.

NOTES AND COMMUNICATIONS TO COUNCIL:

REGULAR MEETING

Year = 2005

- a] Utility Service Co. North Water Tower Inspection Report;
- b] MLA "Guiding the Municipal Organization" Course;
- c] Kansas Brownfields Program;
- d] Notice of Public Hearing for Zoning Change;
- e] *Kansas Government Journal*, Volume 91, Number 6, June 2005;
- f] Wheatley & Ranquist, P.A. Letter on Gas Lawsuit.

ADJOURNMENT:

✓ *Motion for Adjournment*

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

Meeting adjourned at 10:23 p.m.

I, _____, 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 6th day of July 2005.

The LaCygne City Council held a Special Meeting scheduled for 6:00 p.m., Thursday, July 14, 2005, at LaCygne Community Building. The purpose of the Special Meeting was: 1. Appointment Recommendation for Council Member, and 2. Committee Appointments.

Council Members present were: Jerry Boone, Connie McGinnis, Travis Robbins, and Gerald 'Skip' Williams.

Others present included: City Clerk Devona Herrin, Kevin Kinder, and Dani McCammon.

Mayor Keith A. Smith called the Special Meeting to order at 6:00 p.m. Noted the special meeting was called for the reasons of council member appointment and committee appointments.

Mayor Smith recommended Dani McCammon to fill the vacant council member position.

- *Motion to Appoint Dani McCammon as Council Member*

Council Member Boone moved to accept Dani McCammon as a Council Member. Seconded by Council Member Williams, voted on, passed 4-0. Time: 6:02 p.m.

City Clerk Herrin swore in Dani McCammon as City Council Member.

Mayor Smith recommended appointment of Council Member McCammon to the three vacant standing committees; those committees being Street, Park, and Public Safety.

- *Motion to Accept Committee Appointments for Council Member McCammon*

Council Member Robbins moved to accept the recommended committee appointments. Seconded by Council Member McGinnis, voted on, passed 5-0. Time: 6:04 p.m.

ADJOURNMENT:

- *Motion to Adjourn*

There being no further business, Council Member McGinnis moved to adjourn. Seconded by Council Member Boone, voted on, passed 5-0.

REGULAR MEETING

Year = 2005

The Special Meeting was adjourned at 6:05 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 14th day of July 2005.

Page 1 of 7 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday July 20, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Dani McCammon, and Gerald "Skip" Williams. Absent: Connie McGinnis. Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; City Attorney John Sutherland; Kevin Kinder; Judy Kinder; LeRoy Turpen; Robert Turpen; Wes Medlin; Kathy Coy; Esther Shields; Jean Allen; Margaret Wilson; City Auditor Terry Sercer, C.P.A.; and Code Officer Greg Osborne.

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

MAYOR COMMENTS:

Mayor Smith thanked everyone involved in helping to clean up after the June 30th storm. Those mentioned included Mr. Streeter, the city crew, Peoples Telecommunications, Linn County District #1 crew.

Mayor Smith congratulated the girls ball team known as the Slammers for winning at state; and, the boys team of eleven and under for qualifying for state.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: July 7 - 20, 2005,
Minutes of July 6, 2005 City Council Meeting,
Minutes of July 14, 2005 Special City Council Meeting,
June 2005 Treasurer and Budget Report, and,
2nd Quarter 2005 Financial Report.

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

2004 AUDIT REPORT

Auditor Terry Sercer reported on the presented 2004 City Audit, and explained GAAP to the newer council members. Mr. Sercer reviewed the compliance checklist and noted the city did not meet the Gas Revenue Bonds requirements in 2004. It appears the reserve requirements will be met this year, however, possibly not the revenue requirements.

Mr. Sercer reviewed the auditors letter attached to the audit going over instances of fraud the city need to continually watch for. Noted the city does have controls in place. Stressed the monitoring of city vehicles, fuel charges, and personal cell phone use. Did not see any problems for the city in the 2004 audit.

- *Motion to Accept the 2004 Audit Report*

Council Member McCammon moved to accept the 2004 Audit Report. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:18 p.m.

2006 BUDGET

Auditor Terry Sercer presented a 2006 City Budget including an increase of \$20,000 in the police department to cover a third police officer and leaving the general street fund at \$140,000. Noted this will require an increase in tax dollars of about \$46,000. Discussed the amount for streets in 2005 was due to the carry over in 2004 and when it is spent in 2005 will not be available for carry over into 2006. Discussed the only place to cut any dollars was in the general fund as the employee benefit fund is established and the costs set. Discussed options that could be completed to the overall general fund. Council determined they did not want to increase any tax dollars to the community; will decide later at the budget hearing, or another time prior to the end of 2005, just what will be adjusted to meet the total budget amount. Mr. Sercer will adjust and bring the totals back later in the meeting.

Reviewed the mill levy and the tax valuations and the balance required to keep the actual taxes paid the same. Discussed using the Capital Improvement Fund for the costs in moving City Hall to the new location in 2006.

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

xvi. Upgrade Sludge/Backwash Lagoons

a. Ponzer-Younquist, P.A. Pay Request #3

- *Motion to Approve Pay Invoice #3 for \$274.00*

Council Member Robbins moved to approve pay invoice number three for \$274.00 to Ponzer-Youngquist for construction. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:55 p.m.

b. SEWER IMPROVEMENT PROJECT

xiii. #C20-1294-01 (Park Lift Station)

Public Works Superintendent Craig reported the pumps are in and running with the generator automatically kicking in when needed. They are working on a change in the alarm system.

xiv. Labette Bank Sewer Line Relocation

- Ponzer-Youngquist, P.A. Pay Request #3

- *Motion to Approve Pay Request #3 for \$175.00*

Council Member Williams moved to pay Ponzer-Youngquist for invoice number three in the amount of \$175.00 for the Labette Bank Sewer Project. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 7:57 p.m.

- Diversified Contracting Question on Liability

City Clerk Herrin reported Diversified Contracting was asking the city to amend the job specs from the required two-million liability limit to one-million liability as they missed this requirement on the specs and only have one-million for this \$10,000 project. Discussed.

- *Motion to Change Liability Requirement from 2 Mill to 1 Mill*

Council Member Robbins moved to change the required liability limit on the specs from two million to one million. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:02 p.m.

DISCUSSION FROM THE FLOOR:

Kathy Coy, Post Office, Regarding Ditch Drainage

Kathy Coy presented pictures of the drainage ditch running between 6th Street and the Post Office. Ms. Coy asked the city to look at how the ditch is cutting and washing out. She had already discussed her concern with the property owner Bill Slentz and was told he had built the ditch to the city engineer's specifications, if the ditch was not holding she needed to go back to the city. Council discussed options including just digging it out and putting in some rock for now, or, put in concrete as was done previously on the north side at Trinkle's auto, or covering a drainage culvert with a clean out. Mayor Smith noted the city would continue to look at options and see what could be done.

Margaret Wilson for Jim Wilson Regarding 216 Commercial

Ms. Wilson presented a letter from Gold Bank to Jim Wilson regarding the intent of the water meter at 216 Commercial that provided water to what was previously a lumberyard. The letter noted the intent of the water meter was to provide service to the existing building. Ms. Wilson asked to city to reconsider what action they had taken at the previous city council meeting with the other party that purchased the other lots of this property as Mr. Wilson was not consulted at that time for what had transpired when the lots were sold separately. Ms. Wilson was not expecting a decision at this meeting but would get back with the council later. Mr. Wilson was out of town on business, however, she had the authority to make the water deposit to have water at the building Mr. Wilson owned. Ms. Wilson also requested a copy of city codes relating to where water meters are placed for properties.

Page 3 of 7

DISCUSSION FROM THE FLOOR: (Continued)Esther Shields Regarding Base Building Permit Fees

Esther Shields asked the council to reconsider the existing building permit fees being charged as she considered them excessive for small projects. Ms. Shields reported Pleasanton only charges a flat \$15.00 for any building permit, no matter what the value. Code Officer Osborne suggested a possible tiered fee. Mayor Smith thanked Ms. Shields for your time and concerns.

Jean Allen, Lincoln Township Member, Regarding South Park Roads

Jean Allen asked for a breakdown of how the Lincoln Township money is spent by the park board. Noted the roads have been holes that have not been repaired for a while. Ms. Allen also asked to be notified of the Park Board Meetings, as she would like to attend. Council Member Boone reported the money last year was spent to purchase the new playground equipment at a cost of \$36,000.00; and, the board had been talking about the roads, but they were city streets.

Jean Allen, 325 Walnut, Regarding Run Off From Commercial Buildings

Jean Allen asked the city to look into all the water that runs off the commercial buildings on the east side of Broadway as they run off into the alley and across over into her yard. Especially since the city will be moving City Hall over to that area in the future, Ms. Allen asked the city to look at the possibility of better drainage in this area.

Esther Shields, Regarding City Crew Helping Residents

Esther Shields thanked the City Crew for their help to city residents in picking up the limbs and brush from the June 30th storm.

2006 BUDGET: (Continued)

Terry Sercer, C.P.A., reported the city would need to cut about \$41,701 give or take a few dollars to stay with the same tax dollars as last year. Recommended allowing him to work up

the final numbers for the same tax dollars and to approve publishing for that amount of the less than \$40,000 amount presented this evening with a Budget Hearing to be held on Wednesday, August 10, 2005 at 7:00 p.m.

- *Motion to Approve Publication of Budget with a Change of \$41,000 to Retain Last Years Tax Limit*

Council Member Robbins moved to approve the publication of the 2006 Budget with the change of \$41,000 for the same tax dollars as last year. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 8:24 p.m.

- *Motion to Hold Budget Hearing on August 10, 2005 at 7:00 p.m.*

Council Member Robbins moved to hold the 2006 Budget Hearing on August 10, 2005 at 7:00 p.m. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:25 p.m.

REPORTS OF CITY OFFICERS:

Police Chief Chuck Farrell Jr

Police Chief Chuck Farrell presented a report sheet for the period of June 2005.

Public Works Superintendent George Craig

- xii. Welder Quotes: Public Works Superintendent George Craig presented three quotes for a welder type: 10 KW Miller, Kohler Engine, Model #907211. The quotes were: Kirk Welding Supply for \$2885.00, Hohen Schild Welders for \$2765.72; and, Lineld for \$2,950.00. PWS Craig reported the lowest bidder had changed his bid this week to \$2,825.00, and there were also cables needed for \$239.00, for a final low total of \$3,064.00.

- *Motion to Purchase Welder with Cables for \$3,064.00*

Council Member Williams moved to purchase the welder with cables for \$3,064 from Hohen Schild Welders using Equipment Reserve Funds for the purchase. Seconded by Council Member Robbins, voted on, passed 4-0. Time: 8:29 p.m.

Page 4 of 7

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

6. Thanked Everyone for Help with Storm Clean Up: PWS Craig thanked the County Commissioners for allowing the county workers to help, Peoples Telecommunications employees for their help, and Jimmy Thompson for his help in getting the cemetery back in shape so quickly.

Code Officer Greg Osborne

Code Officer Greg Osborne presented a list of questions and suggestions to the Mayor and Council. The items included: 1. a request for a detailed process on towing a nuisance vehicle and how to store and dispose of any vehicles unclaimed. Code Officer Osborne reported he had contacted towing services and found Morris Auto Salvage would work with the city on towing any nuisance vehicles. 2. Presented a sample letter to be sent to property owners regarding nuisance vehicles. 3. Presented examples of codes from other cities on what is a nuisance including what is tall grass. 4. Asked for more definition than the city codes presently provide. Discussed there were detail codes prior to 1996 and the public requested a change to the present codes.

C.O. Osborne presented a resident, Wes Medlin, who previously had a shed that was actually located partially in the alley behind his house. The shed was destroyed in the June 30th storm. Mr. Medlin is asking to put it back on the cement slab that is already there but partially in the

alley. Normal requirements are to put a storage building five foot back from the property line on the resident's property. C.O. Osborne did not have any problems with Mr. Medlin putting it back in the previous same part if the city was ok with it, as it does have skids on it and can be moved. Mr. Medlin has agreed to move it should it ever be a problem in the previous area where the prior shed was located. Council concurred this is an item that needs to go to the Planning Commission.

Mayor Smith reported the city is putting another Newsletter together and will be adding information on the city having a new Codes Officer and the city will be addressing city codes.

STANDING COMMITTEE REPORTS:

Street:

- ix. Street Repairs to be Made by Heckert Construction: Mayor Smith reported he had handed his records over to Council Member McCammon. He had also spoke with Peter, from Heckert Construction, and they are planning on doing the La Cygne project in the middle of August. They are going over the streets identified by Mayor Smith and will get back to the city with a price list.

Sewer

204 S. 1st Sewer Back Up: Mayor Smith presented a copy of the liability declination letter from the city's insurance carrier, EMC. Council Member Boone noted it was still the city's responsibility and the city has known there has been a problem for more than five years. There is sewer under his house and in his yard and he should be reimbursed for his damages. If the city council doesn't want to pay it then he will go a different direction and increase the damage amount, as this is the sixth time it has happened and he's not going to let it go.

Noted the check valve had been installed. Mayor Smith noted as a citizen he would like to do what is legally, morally, and ethically right to come up with an adequate solution. Council Member Williams recommended the city pay this time and it shouldn't happen again with the new lift station pumps and automatic generator installed. Council Member McCammon asked if anyone had reviewed the line and if an engineer had been considered to look at the problem. Council Member Boone said the problem should be solved now.

Discussed if any agreement could be drawn up to release the city of any future claims if a settlement is made. Discussed if there could still possibly be elevation problems, and the problem is not solved. Mayor Smith noted it was strictly an opinion, but for anyone and if he felt responsible for it, and in this case the Boone's were only asking \$2,500 for it, it would be helping the Boone family for cleaning up; especially with the proper paperwork being drawn up with payment not being made until the paperwork is signed. City Attorney Sutherland noted this would be drawn up to settle a possible claim but the city is not accepting liability.

- *Motion to Pay Council Member Boone \$2,500 Without Accepting Liability and Contingent on Paperwork Signed*

Council Member McCammon moved to pay Jerry Boone family \$2,500 for property damage to settle any and all possible claims by city sewer now and in the future, and the city is not accepting any liability but settling a possible claim. Seconded by Council Member Williams. Added: Contingent on all paperwork being signed by both parties. Voted on, passed 2 (yes) – 1 (No – Robbins) - 1 (Boone – Abstain). Time: 9:11 p.m.

STANDING COMMITTEE REPORTS: (Continued)

Park

REGULAR MEETING

Year = 2005

- a. North Park: Mayor Smith reported the shelter house had been damaged during the storm and the Public Works employees were going to repair it tomorrow if possible. Discussed how to repair it.

Noted the committee is still working on the playground equipment and any possible donations.

Public Safety

1. Weather Alarms: Discussed working on a change to have the alarms go off without someone having to be at city hall and set them off.

SPECIAL COMMITTEE REPORTS:

None

UNFINISHED BUSINESS:

Establish List of Capital Improvement/Goals/Projects

Tabled.

Review Updates for City Administrative Policies

Tabled.

Interlocal Agreement

Mayor Smith noted he had done some further research and felt it was a good thing to move forward with. Discussed the pros and cons.

- *Motion to Move Forward with Interlocal Agreement*

Council Member Robbins moved to have Jim Kaup, P.A. to continue with the interlocal agreement as presented at the last meeting. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:28 p.m.

Policy Contents on Extending Utility Services

Council directed the policy be drawn up noting there would not be any services available outside the city limits other than the three-mile gas line for natural gas.

NEW BUSINESS:

Kathy Faircloth – Annexation Request with Ordinance #1324

- *Motion to Approve Annexation Ordinance #1324*

Council Member Robbins moved to approve annexation Ordinance #1324 for the Kathy Faircloth property. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:30

Ordinance #1325, Uniform Public Offense Code for Kansas Cities

- *Motion to Approve Ordinance #1325*

Council Member Robbins moved to approve Ordinance #1325 for the Uniform Public Offense Code for Kansas Cities. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:32 p.m.

Ordinance #1326, Standard Traffic Ordinances for Kansas Cities

- *Motion to Approve Ordinance #1326*

Council Member Robbins moved to approve Ordinance #1326 for Standard Traffic Ordinances for Kansas Cities. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 9:33 p.m.

Page 6 of 7

NEW BUSINESS: (Continued)

KCC Interim Order with Ordinance #1327

City Clerk Herrin presented the notice to the three-mile gas customers, the tariff pages to be sent to KCC, and the ordinance for the city to apply the rate changes for the three-mile gas customers.

- *Motion to Accept Ordinance #1327 in Conjunction with KCC Order*

Council Member Robbins moved to accept Ordinance #1327 in conjunction with the KCC orders. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:35 p.m.

Resignation of Police Officer Clint McCammon

- *Motion to Accept Officer McCammon's Resignation*

Council Member Robbins moved to accept the resignation of Officer McCammon. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:36 p.m.

Extend Meeting

- *Motion to Extend Meeting*

Council Member Robbins moved to extend the meeting up to 10:30 p.m. Seconded by Council Member Williams, voted on, passed 4-0. Time: 9:37 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for discussion of legal and personnel for up to twenty-five minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 9:38 p.m.

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

Open Session Resumed at 10:15 p.m.

OTHER BUSINESS:

None

CITY CLERK'S REPORT:

Mayor Smith asked to go over the City Clerk's report.

Written Report:

1. Review Updates for City Administrative Policies
- b. Policy Contents on Extending Utility Services

- c. KCP&L Bond Refinancing Scheduled for August 3, 2005 Meeting – Council asked what the benefit was to the City of La Cygne that they sign the refinancing of the KCP&L bonds. Asked City Clerk to contact someone from KCP&L to discuss this and possibly have a meeting with KCP&L prior to the August 3rd Public Hearing date.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KDL Safety Inspection Report
- b] KMA ‘Kansas Mayors’ Conference 2005’ Lansing, KS
- c] June 2005 Gas Report
- d] June 2005 Water Reports
- e] MLA ‘Guiding the Municipal Organization’ Course
- f] KCC Memorandum on Rates for Three-Mile Gas Services
- g] July 14, 2005 Planning Commission Minutes
- h] July 14, 2005 Planning Commission Public Hearing
- I] *Kansas Government Journal* Volume 91 – Number 7, July 2005
- J] KDHE TTHM & HAAs Violations Notice for 2nd QTR 2005

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member Boone moved to adjourn. Motion seconded by Council Member McCammon, voted on, passed 4-0.**

•
Adjourned the meeting at 10:25 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 20th day of July 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, August 3, 2005, at the LaCygne Community Building. Council Members present were: Jerry Boone, Dani McCammon, Travis Robbins and Gerald ‘Skip’ Williams. Absent: Connie McGinnis.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Attorney John Sutherland; City Public Works Supervisor (PWS) George Craig; Kevin Kinder; City Code Officer Gregory Osborne; James Wilson; Margaret Wilson; Randy Taylor; Woody Woodman with KCP&L; Kevin Bryant with West Plains Energy; and LeRoy Turpen.

REGULAR MEETING

Year = 2005

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

PUBLIC HEARING FOR KCP&L BONDS

Kevin Bryant with West Plains Energy explained KCP&L was making the request to extend the Pollution Control Bonds originally created in the 1980's for pollution control equipment at the local plant. The government has granted permission to extend the time on the equipment and therefore the bond time out to 2035. The bonds are processed through the city for the municipal tax-exempt advantage. The bonds are titled: City of La Cygne, Kansas Environmental Improvement Revenue Refunding Bonds (KCP&L Company Project) Series 2005.

Discussed the following:

1. The bond paperwork has a time line for completion of August 15, 2005,
2. A fee will be paid to the city for handling the bonds,
3. A response from KCP&L regarding possible funds on the North Park project,
4. KCP&L is looking at installing a new filtering system at the plant,
5. The bonds help extend the life of the plant.

No comments in writing or verbal were received from the public.

- *Motion to Approve Ordinance #1328 Authorizing and Approving Issuance of KCP&L Bonds*

Council Member Robbins moved to approve Ordinance #1328 as presented in regards to KCP&L bonds. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:09 p.m.

City Attorney Sutherland noted the council now needed to approve the following documents in connection with the referenced bond issue which consisted of:

1. The Purchase Contract;
2. The Tax Exemption Certificate and Agreement;
3. The Official Statement;
4. The Equipment Sublease Agreement;
5. The Equipment Lease Agreement;
6. The City Council Minutes;
7. The City Ordinance; and,
8. The Trust Indenture.

- *Motion to Authorize Mayor to Sign Document Agreements*

Council Member Robbins moved to authorize the mayor to sign the document agreements as listed. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:11 p.m.

Public Hearing portion was closed at 7:12 p.m.

MAYOR'S COMMENTS:

Mayor Smith read the thank you cards from the eleven years and under boys' baseball team and KDOT.

Congratulated the girls' ball team that included Savannah Griener, who won the World Series in their age group.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Check Register: July 21 – August 3, 2005;
Minutes of July 20, 2005 City Council Meeting.

Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:13 p.m.

UTILITY IMPROVEMENTS REPORTS

a. **WATER IMPROVEMENT PROJECT**

V. Upgrade Sludge/Backwash Lagoons

i. Status

Land work portion of the survey for the property to be purchased was completed earlier this week.

b. **SEWER IMPROVEMENT PROJECTS**

i. Status - #C20-1294-01 (Park Lift Station)

No action. Payment pending.

ii. Labette Bank Sewer Line Relocation – Bidder Recommendation

No action.

DISCUSSION FROM THE FLOOR

Esther Shields, Regarding La Cygne Sign on 69 Highway

Council Member Boone reported the highway crew had already taken down the sign. The wood part of the sign was worn out.

Jim Wilson and Margaret Wilson Regarding 216 N. Commercial

Jim Wilson expressed his concerns about the way the water meter for this property was handled at the July 6th City Council Meeting when the water rights were misappropriated by the city council. Mr. Wilson reported he received the letter from the city of the city's decision on July 6th, then presented a letter from Gold Bank dated July 16th to city hall that same day stating the intent for the water meter in question to be retained by the owner of the building at 216 Commercial, which was now Mr. Wilson. Mr. Wilson asked how the city could then confiscate and then re-appropriate the meter to someone else?

DISCUSSION FROM THE FLOOR (Continued)

Jim Wilson and Margaret Wilson Regarding 216 N. Commercial (Continued)

Mayor Smith expressed apologies for any undue stress the city may have unintentionally caused. Gold Bank and the realtor should have handled the decision of the water meter's owner.

Mr. Wilson reported he had worked with the realtor for this property and the prior People's manager was told the meter in question was to stay with the building; the city should not have

REGULAR MEETING

Year = 2005

been involved. Mr. Wilson had the property surveyed and a request for easement to retain the meter. Mr. Wilson also noted under city codes of Section 14-108 it states the meters will be on city property or the property owners' property.

City Council noted there had been a recent resolution to the water meter in question. Gold Bank was going to pay for another meter that will be connected to People's new structure and the existing meter will continue to serve 216 Commercial. The hydrant in the area will be plugged.

City Council noted the prior decision was based on the property and location of the meter and council assumed the meter would stay with the property it was located on. Also discussed the meter is in city easement.

Mr. Wilson presented a survey of the property at 216 Commercial and noted there are now two different survey pins indicating a difference in the property lines between his property and People's Telephone. This copy was presented for the city files. City Attorney Sutherland noted any difference in survey lines was between property owners and not for the city to decide.

Mayor Smith expressed hope the issue had been resolved to Mr. Wilson's satisfaction.

Margaret Wilson asked about city fence regulations as vehicles were driving on this property as if there was a road there and they wanted it stopped. City Clerk Herrin noted the Codes Officer could help Ms. Wilson, and she was welcome to come to city hall and anyone there would be able to provide her with the requirements for this location.

REPORTS OF CITY OFFICERS:

Police Chief – Chuck Farrell Jr.

Presented police report for July 2005.

Public Works Superintendent George Craig

i. Line Locator Equipment - PWS Craig presented a request to purchase a TW-8800 Multi-Frequency Digital Line Tracer for \$2,900.00 plus freight from Olathe Winwater Works. The existing city line locator is broke again and will cost around \$1,000 for repairs this time. Due to age and previous repair costs would like to just replace this piece of equipment with a new one that also provides more accurate locating than the old one.

- *Motion to Purchase Line Locator with Equipment Reserve Funds*

Council Member Williams moved to purchase the multi-frequency line locator for a cost of \$2,900.00 plus freight using the equipment reserve fund for the purchase. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:32 p.m.

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

ii. Gas Line Replacement at Creek Crossing just West of 1095 on HWY 152 - PWS Craig presented pictures of the condition of the existing gas line running through this creek crossing. A leak was located in this pipe and upon inspection determined the entire pipe in the creek needed replaced. Brad Aust of Aust Farms dammed the work site area. Northern Pipe Line

REGULAR MEETING

Year = 2005

Construction was able to bore in the new crossing, weld and test, provide fittings, tie in and abandon old crossing for \$8,000.00 on August 2nd. The pipe was provided by the city.

- *Motion to Approve Northern Pipe Line Repair Proposal for \$8,000*

Council Member Boone moved to pay Northern Pipe Line \$8,000 for the pipeline replacement. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:35 p.m.

iii. Water Leak at 4th & Park - Mayor Smith reported public works has repaired a water leak on Tuesday morning. Art Terry incurred a shoulder injury during the process and he hoped Art was recovering well and looking forward to seeing him back to work soon.

Codes Officer – Greg Osborne

i. 114 W. Market – Ninety Day Extension Review

Mayor Smith asked if the council had any comments on the property at 114 W. Market. Council Member Williams responded it did not look like there had been much progress. Randy Taylor, owner of 114 W. Market, reported they have the shingles replaced and ready to burn the old wooden shingles if the city would allow it on the property.

Reviewed pictures of the property from two years ago and current condition. Discussed the property was supposed to be inhabitable by this date and wasn't. Discussed the number of extensions already allowed for the improvements.

Mayor Smith recommended the city give the property owner one last time to address the concerns by the next council meeting in two weeks. The concerns included:

1. Clean and pick up around the dwelling including mowing,
2. The window replaced, and,
3. The doors locked to keep others out.

City Attorney Sutherland noted they also need to make sure it is inhabitable not just secured.

- *Motion to Extend Process Two More Weeks on 114 W. Market*

Council Member Williams moved to give two more weeks extension on 114 W. Market with the stipulation if is all cleaned up and review at that time. Mayor Smith added to the satisfaction of the council and codes officer. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:49 p.m.

ii. Ordinance Relating to Nuisances and Inoperable Vehicles

City Attorney Sutherland noted Mr. Osborne had some questions and they would go over the questions between now and the next council meeting. Tabled until the next meeting.

STANDING COMMITTEE REPORTS:

Street Mayor Smith asked one of the committee members to contact Heckert Construction prior to the next meeting to verify they are still planning on working on city streets this month.

REGULAR MEETING

Year = 2005

North Park Project still pending. Waiting on contacts for donations.

Cemetery Council Member Robbins noted the committee needed to look at trees as several have been damaged and need removed. Will look at planting trees later.

SPECIAL COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

Establish List of Capital Improvement/Goals/Projects

Reviewed the following:

1. Dog Catcher Vehicle Replacement – 2005 Project. Look at state surplus to purchase a pickup.

City Hall –

1. Designer for Floor Plan to Move City Hall – Put on agenda in a couple of months to work on this year.
2. Computer Equipment Replacement Plan – Wanted to look at purchasing the next computer at the same time replacing Police Department equipment for possibly a better cost.
3. Copier Replacement Plan – 2008 (Review when the three year warranty is expiring)
4. Phone System – Get prices.
5. Remote Siren Activation – Check with Western Communications for prices.

North Park –

In process for 2005. No further projects.

Vehicle Equipment Replacement Program –

1. Dog Catcher Vehicle Replacement – 2005
2. Portable Welder with Generator – Done, 2005
3. Black Truck Replacement – 2006
4. White Truck Replacement – 2008
5. Backhoe – 2009

Projects –

1. Complete Update of PC/Zoning Books – Completed, 2005
2. Complete Update of Personnel Policies and Guidelines – Completed, 2005
3. Create Three-mile Comprehensive Plan – 2005
4. Update Administrative Policies Manual – 2005
5. Update Codes Book – On-going
6. Economic Development – Dropped.

UNFINISHED BUSINESS: (Continued)

Review Updates for City Administrative Policies

City Clerk Herrin explained the updated pages referred to the deleted sections which were now located in the Personnel Policies portion in the index section. Asked if council had any questions regarding the updated pages. No questions. Council concurred the combined book was easier to follow and understand.

REGULAR MEETING

Year = 2005

- *Motion to Approve Updates for City Administrative Policies*

Council Member McCammon moved to adopt the updates for the City Administrative Policies. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:20 p.m.

NEW BUSINESS:

City Employee Bill Craven Asked About Mowing Overgrown Properties

Discussed concerns about Bill having the proper equipment to clean the properties as it often times takes a brush-hog by the time the city is involved in the mowing process. Concurred to leave the process with the public works crew.

Discussed providing a list to the public of those available for clean up and mowing of other's properties. Explained the city can provide a list without giving any reference to any one entity. Council asked the city to place the information in the newsletter asking for names of anyone interested in providing this service to be added to a list to be available at city hall.

Utility Services Outside City Limits, Administrative Policy #20

- *Motion to Adopt Administrative Policy #20*

Council Member Robbins moved to adopt Administrative Policy #20 relating to utility services outside city limits. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 8:27 p.m.

MLA 'KOMA/KORA' Course, August 13, 2005, Olathe, KS

City Clerk Herrin requested permission for Deputy City Clerk Mahon to attend this course if his schedule would allow.

- *Motion to Approve Attendance to KOMA/KORA Course*

Council Member Robbins moved to approve Deputy City Clerk Mahon to attend the LKM course on August 13th in Olathe. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 8:29 p.m.

KPERS Providing Open Enrollment for Additional Life Insurance

Instructed City Clerk Herrin to obtain more information to get this ready for council approval.

EXECUTIVE SESSION:

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to 20 minutes for legal and discussion of personnel, following a 10-minute break. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 8:38 p.m.

Others invited into or requesting a portion of executive time: Police Chief Farrell.

Open Session Resumed at 9:08 p.m.

OTHER BUSINESS

None.

CITY CLERK'S REPORT

Reminder:

REGULAR MEETING

Year = 2005

1. Public Budget Hearing August 10, 2005 at 7:00 p.m.

Written Report:

1. Review Updates for City Administrative Policies
2. City Employee Bill Craven About Mowing Overgrown properties
3. KPERS Providing Open Enrollment for Additional Life Insurance
4. KCP&L Bond Refinancing

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] 'ICE' Cell Phone Plan Would Help Rescuers
- b] Thank You from KDOT
- c] FSCC 'Stormwater Planning Methodology' August 24-25, 2005
- d] KCC, Three Mile Rate Approval
- e] *KMU Dispatch* "Natural Gas Public Awareness Rules Finalized"

ADJOURNMENT:

- ✓ *Motion for Adjournment*

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

Meeting adjourned at 9:09 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 3rd day of August 2005.

The LaCygne City Council scheduled a Special Meeting at 7:00 p.m., Wednesday, August 10, 2005, at LaCygne Community Building. The purpose of the Special Meeting was regarding:

1. 2006 Budget Hearing
2. Executive Session – Personnel

Council Members present were: Jerry Boone, Dani McCammon, Travis Robbins, and Skip Williams. Absent: Connie McGinnis

Others present included: City Clerk Devona Herrin, City Police Chief Chuck Farrell, City Attorney John Sutherland, and Judy Kinder.

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

1. 2006 Budget Hearing

Mayor Smith presented the 2006 budget as published prior to the Budget Hearing. The 2006 budget is set up to leave the final tax dollars the same as last year. To retain the same tax dollars the General Street Fund will have \$100,000 in Capital Outlay instead of the earlier discussed \$145,000 for 2006.

There were no objections to the budget as presented.

- *Motion to Accept the 2006 Budget*

Council Member Robbins moved to accept the 2006 budget as presented. Seconded by Council Member Williams, voted on, passed 5-0. **Time: 7:03 p.m.**

2. Executive Session – Personnel

- *Motion to for Executive Session for Personnel*

REGULAR MEETING

Year = 2005

Council Member Robbins moved to go in to executive session for up to fifteen minutes for personnel. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:05 p.m.

Those invited into a portion of the meeting were: City Police Chief Farrell.

Open Session Resumed at 7:17 p.m.

ADJOURNMENT:

- *Motion to Adjourn*

With no further business, **Council Member Robbins moved to adjourn. Seconded by Council Member McCammon, voted on, passed 4-0.**

Meeting adjourned at 7:18 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 10th day of August 2005.

Page 1 of 6 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday August 17, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Travis Robbins, Dani McCammon, Connie McGinnis, and Gerald "Skip" Williams.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; City Attorney John Sutherland; Kevin Kinder; Judy Kinder; Codes Officer Greg Osborne, Omar Crafton, Phillip Davis, Sam Barber, Dan Gulotta, Gene Taylor, Randy Taylor, and Bernard Streeter.

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

MAYOR COMMENTS:

Mayor Smith presented a plaque for years of service as Council Member from 1996 to 2003 and then as Mayor from 2003 to 2005 to former Council Member and Mayor Samuel Barber. Mayor Smith expressed the city's appreciation for the time Sam committed to the city. Mr. Barber thanked the council and wished them the best as they continued with the welfare of the city.

Mayor Smith noted school had begun in the area and asked everyone to continue to watch out for the school children when they were out and about.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: August 4 - 17, 2005,
Minutes of August 3, 2005 City Council Meeting,
Minutes of August 10, 2005 Special City Council Meeting,
July 2005 Treasurer and Budget Report.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- xvii. Upgrade Sludge/Backwash Lagoons

The survey is complete.

b. SEWER IMPROVEMENT PROJECT

- xv. #C20-1294-01 (Park Lift Station)

a. Resolution #295 Authorizing Change in Designated Official

- *Motion to Approve Resolution #295*

Council Member Williams moved to approve Resolution #295 authorizing the change in designated official for the Water Pollution Control Revolving fund. Seconded by Council Member McGinnis, voted on, passed 5-0. **Time: 7:07 p.m.**

b. KWPCRLF Request for Disbursement

City Clerk Herrin noted the KWPCRLF Exhibit E in the packet did not have the correct amount for the engineering fees. A correct Exhibit E is at the table with the engineering fees of \$8,500.00 for a total of \$62,523.00.

- *Motion to Approve Request for KWPCRLF Disbursement*

Council Member Williams moved to approve the request for disbursement from KWPCRLF for Project #C20-1294-1 in the amount of \$62,523.00. Seconded by Council Member Boone, voted on, passed 5-0. **Time: 7:09 p.m.**

Page 2 of 6

UTILITY IMPROVEMENTS REPORT (Continued)

b. SEWER IMPROVEMENT PROJECT (Continued)

c. Haupt Construction Company Pay Request

- *Motion to Approve Haupt Pay Request for \$54,023.00*

Council Member Robbins moved to approve the Haupt Construction pay request for \$54,023.00. Seconded by Council Member McGinnis, voted on, passed 5-0. **Time: 7:10 p.m.**

d. Ponzer-Youngquist, P.A. Pay Request #6

- *Motion to Approve Final Pay Request #6 for \$1,000*

Council Member Robbins moved to approve pay request to Ponzer-Youngquist the \$1,000 on the sewer project. Seconded by Council Member Boone, voted on, passed 5-0. **Time: 7:11 p.m.**

- xvi. Labette Bank Sewer Line Relocation

- Notice to Proceed – Pending

City Clerk Herrin reported information received from Ponzer-Youngquist was the paperwork required by Diversified Contracting should be in place and the notice to proceed signed by the last week of August, around August 29, 2005. Ponzer-Youngquist also noted the sewer manhole should be available about that time too.

DISCUSSION FROM THE FLOOR:

City/County Automatic Fire Aide Agreement

Bernard Streeter, Linn County Rural Fire Department Administrator, addressed the council and mayor regarding the revised Automatic Aid Agreement he had forwarded to the city earlier. Mr. Streeter noted this was a draft and not a formal document at this time. He reported this was just beginning and would like to discuss changes with the city in order to handle in a fair manner. Mound City, Pleasanton, and La Cygne do not pay county fire taxes yet receive assistance when needed without any defrayed costs back to the Rural Fire Department for the service. When the earlier agreement was established the city would also help the county when needed, however, now the county does not require city services out of the city limits as they now have enough equipment and manpower to call on others in the county when more help is needed. Also, it was noted a lot of the city firemen are also county firemen and are already out with the county on a county call. Mr. Streeter asked to visit with the City Fire Chief and come back to the city council in a couple of months.

Discussed when there is a structure fire in the city the county is also notified for a call out automatically so they would always be responding too.

Discussed if the city did not have a fire department it would be one avenue for the city to be a part of the rural fire department service and utilize the County Fire Department for the city. The county residents currently have a 2.7 mill levy for rural fire.

Mr. Streeter also reported the county fire department has been approved for a new fire department structure for this area. They are currently looking at a location in the Industrial Park, which will be in the city limits. Noted if there is other land in the city available to use by the county fire department the city may want to look at this with the agreement.

Mayor Smith thanked him for coming and would contact the City Fire Chief to get with Mr. Streeter to go over the agreement prior to getting back with the council.

Temporary Vendor Request

Council Member Robbins reported the Elder's were inquiring about a vendor wanting to put up a tent two days a week to sell cellular phones. It was his understanding the tent would be taken down every day.

Council reviewed and discussed the Temporary Vendor Codes. Concurred they need to be updated. Directed the Clerks to review and bring update recommendations to council. For this immediate request discussed options for a monthly fee.

- *Motion to Amend Temporary Vendor Fee to \$25 a Month for Interested Cellular Dealer*

Council Member Robbins moved to temporarily amend the temporary vendor fee of \$25 a day to \$25 a month for the interested temporary cellular phone dealer to set up at Party Corner on Market Street. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:33 p.m.

DISCUSSION FROM THE FLOOR: (Continued)Dan Gulotta Regarding Neighbor's Property at 317 N. 4th

Dan Gulotta asked about what kind of progress had been done by the city for the James property on 4th Street? Mr. Gulotta reported the James' keep moving junk around and there continues to be a van on their property across the street, northwest, without a tag. Mayor Smith responded the city had a new codes officer that has been directed to work towards keeping the town improved. Mr. Gulotta responded he had been trying to sell his house and when people drive by they call back and decline because of the condition of the property next to him. Noted the siding that had been put on the house a few months ago is already falling off and they did not complete the project. Mayor Smith noted the city appreciated Mr. Gulotta's concern and the city would be reviewing it. Mayor Smith directed Codes Officer Osborne to meet with Mr. Gulotta.

REPORTS OF CITY OFFICERS:

Police Chief Chuck Farrell Jr

Mayor Smith noted a report was attached for the period of August 1 – 16, 2005.

Public Works Superintendent George Craig

- xiii. “Gas Leak Detection Training Seminar” BCC, Great Bend, KS: Public Works Superintendent George Craig requested to send Jerome Moore to this course that has been recommended by the KCC.

- *Motion to Approve Jerome Moore to Attend Course*

Council Member Williams moved to send Jerome Moore to the gas seminar held on September 6-8, 2005 in Great Bend with per diem. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:39 p.m.

7. Buy Back Costs for New Loader and Bucket: PWS Craig presented prices for the yearly trade in on the loader/bobcat. To purchase the exact same S205 model is a cost of \$3,220, or to increase the size to the S250 model would cost \$6,320. Discussed the larger size would allow more reach and capacity, however, the smaller size is working well. Discussed when repairs occur they are expensive. A new one has a one-year warranty no matter how many hours. To replace each year would be for a minimum of \$2,000, or \$12.00 an hour if total hours greater than the minimum \$2,000, from the cost of that year model plus any additional cost for the new year model when replacing. When upgrading each year it provides a warranty so the city does not have to figure in any possible cost of repairs, just the cost to upgrade. Discussed setting up as part of the public works’ goals.

- *Motion to Pay Buy Back on S205 for the \$3,220 for 2005 Model*

Council Member McGinnis moved to pay the buy back on the S205 for the \$3,220 to upgrade the bobcat. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:50 p.m.

Fire Chief – Ernie Moylan

1. Resignation of Fire Chief Ernie Moylan: Mayor Smith read a letter of resignation from Fire Chief Ernie Moylan due to his current workload.

- *Motion to Accept Fire Chief Moylan’s Resignation*

Council Member Boone moved to accept the resignation of Ernie Moylan as Fire Chief. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:52 p.m.

2. Appointment of Scott Stainbrook as Fire Chief: Mayor Smith recommended the appointment of Scott Stainbrook as Fire Chief as recommended by previous Fire Chief Ernie Moylan.

- *Motion to Approve Appointment*

Council Member Boone moved to accept the appointment of Scott Stainbrook as new fire chief. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:53 p.m.

Mayor Smith directed City Clerk Herrin to contact Mr. Stainbrook and refer him to Bernard Streeter.

REGULAR MEETING

Year = 2005

Codes Officer Greg Osborne

1. 114 W. Market – Two Week Extension Review

Codes Officer Greg Osborne presented current photos of the residence. Noted the improvements on the west side with the east side still needing some improvements for clean up. The entrances have been secured and the open window boarded up. Concurred there was evidence of the Taylor's working on the property.

- *Motion to Grant Another Two Week Extension*

Council Member Boone moved to grant another two week extension on clean up of the property at 114 W. Market. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:52 p.m.

Discussed Taylor's addressing the siding repairs after completing the clean up.

2. Ordinance #1329 Relating to Nuisances and Inoperable Vehicles

C.O. Osborne reported his intent was to send a copy of the ordinance with each notice that is sent. Also already has a list of properties he is planning to call and remind them of the city wide clean up to help address some areas and if that does not take care of the items he will then send out notices.

Discussed if some individuals could call between now and the designated week of city wide clean up for earlier pick up. Noted this would disrupt other items on public works agenda.

- *Motion to Adopt Ordinance #1329*

Council Member Dani McCammon moved to adopt Ordinance #1329 relating to nuisances and inoperable vehicles. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:09 p.m.

STANDING COMMITTEE REPORTS:

Street:

- x. Street Repairs to be Made by Heckert Construction: Discussed authorizing someone to work with Heckert Construction when they are ready to bring their equipment and work on the city streets. Discussed what amount to authorize and hold the total cost to possibly just Park and Lincoln if there is a major change in the costs due to the gas prices.

- *Motion to Authorize Mayor Up To \$130,000 for Street Repairs with Heckert Construction*

Council Member Robbins moved to authorize the mayor to spend up to \$130,000 on street resurfacing by Heckert Construction. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:15 p.m.

Park

- a. North Park: Unable to reach contacts at Wal-Mart. And, KCP&L has not yet responded to the last letter sent.

Cemetery

1. Damaged Trees: Council Member Robbins noted committee still planned to review the trees for damage and get back with the council.

Community Building

1. Carpet: Council Member McGinnis reported she would be getting with Carpetman Carpets for some carpet to put in the tables storage area.
2. Chair Racks: Council Member McGinnis asked about doing something extra for John Earhart as he only charged for the materials when making the chair racks. Discussed different options. Requested to put item on the next agenda to make some kind of recognition of a plaque, gift certificate, or monetary acknowledgement.

Page 5 of 6

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported the committee would be meeting every Monday night at 7:00 p.m. from now until the Fiesta.

Emergency Disaster Committee

Mayor Smith reported Diane Dotts had contacted him about the contacts the committee has in case of emergency needs.

City Police Chief Farrell reported he had contacted Western Communications and should have some info by the September 7th meeting regarding how to set up the sirens during a storm, besides having to get to city hall to manually turn them on.

UNFINISHED BUSINESS:

Adopt List of Capital Improvement/Goals/Projects

City Clerk Herrin reported this is the compiled list of items discussed during the previous meetings. Upon adopting the list it would be presented quarterly for review and updates. Discussed adding the bobcat as an annual replacement item.

- *Motion to Adopt List of Capital Improvements/Goals/Projects*

Council Member McGinnis moved to adopt the list as presented. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 8:27 p.m.

NEW BUSINESS:

Senior Housing Appointment

Mayor Smith read the letter from the Housing Authority asking for the appointment of Susan Pease to replace the recently vacant position of her husband Don Pease.

- *Motion to Appoint Susan Pease to Housing Authority Board*

Council Member McGinnis moved to accept the recommendation of Susan Pease. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:29 p.m.

Proposed Livestock Ordinance

Discussed the number of poultry listed. Concurred council wanted to review in more detail and put back on the next agenda.

Zoning Ordinance #1330 for Land at 112 W. Grand

- *Motion to Approve Ordinance #1330*

Council Member Williams moved to approve zoning Ordinance #1330 for 112 W. Grand. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 8:35 p.m.

Statement for Gas Line Repair from Aust Excavating & Lease Restoration

- *Motion to Pay Aust Excavating \$3,500 for Gas Line Repair*

Council Member Williams moved to pay invoice #258 to Aust Excavating for \$3,500. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:36 p.m.

Page 6 of 6

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and land acquisition for up to sixty minutes following a ten-minute break. Seconded by Council Member Williams, voted on, passed 5-0. Time: 8:38 p.m.

Others invited into or requesting a portion of time in executive session included: Police Chief Farrell, Omar Crafton, and Phillip Davis.

Open Session Resumed at 9:48 p.m.

OTHER BUSINESS:

Casey's Request for Ordinance Establishing Sunday Alcohol Sales

Discussed the options and how it could retain some income in the area, but could also cause other issues. Directed the City Clerk to write a letter to Casey's explaining the city council is not interested at this time.

CITY CLERK'S REPORT:

Reminder:

1. City Wide Clean Up August 29 – September 1, 2005.

Written Report:

1. Sewer Improvement Projects
- b. North Park Renovations
- c. Adopt List of Capital Improvement/Goals/Projects

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] August 11, 2005 Minutes of La Cygne Planning Commission
- b] KMGA Reports
- c] MLA *Economic Development* Course, September 9, 2005, Salina
- d] July 2005 Water Reports
- e] July 2005 Gas Report
- f] KMU *2005 Natural Gas Management Seminar* September 2, 2005, Hesston
- g] KRWA Training Courses, August 17-18, 2005, Iola, KS
- h] KAFM 2005 Annual Fall Conference, September 7-8, 2005, Manhattan
- i] DUSTING
- J] Agenda for MRWAD #2 Annual Board Meeting

REGULAR MEETING

Year = 2005

ADJOURNMENT:

- *Motion to Adjourn*

Being no further business, **Council Member McGinnis moved to adjourn. Motion seconded by Council Member McCammon, voted on, passed 5-0.**

•
Adjourned the meeting at 9:56 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 17th day of August 2005.

Page 1 of 6

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, September 7, 2005, at the LaCygne Community Building. Council Members present were: Jerry Boone, Dani McCammon, Connie McGinnis and Gerald 'Skip' Williams. Absent: Travis Robbins.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Attorney John Sutherland; City Public Works Supervisor (PWS) George Craig; Kevin Kinder; Judy Kinder; Randy Taylor; Dan Gulotta, James White; Sandy White; Phillip Davis; Lynnann Weatherly; and Cynthia Davis.

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

MAYOR'S COMMENTS:

Mayor Smith expressed prayers to those on the Gulf Coast. Noted several organizations around the area are helping. The local area may even have some new visitors from the Gulf Coast in the near future.

Mayor Smith reported there would be a Scout's recognition for Josh Dowty's community efforts on October 2nd at the Christian Church. One of Josh Dowty's accomplishments was the upgrading of the La Cygne Sign on 52 Highway. The mayor will be present for the recognition.

EXECUTIVE SESSION:

- *Motion for Executive Session*

Council Member McGinnis requested executive session for up to five minutes for personnel. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:04 p.m.

Those invited into a portion of executive session included: Phillip Davis.

HIRE NEW PATROLMAN

Mayor Smith recommended the hiring of Phillip Davis as a La Cygne patrolman.

- *Motion to Hire Phillip Davis as La Cygne Patrolman for \$10.00 per hour*

Council Member McGinnis moved to hire Phillip Davis as a La Cygne patrolman at a wage of \$10.00 per hour with regular benefits. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:10 p.m.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: August 18 – September 7, 2005;
Minutes of August 17, 2005 City Council Meeting.

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

Page 2 of 6

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

- VI. Upgrade Sludge/Backwash Lagoons
 - i. Status

City Attorney Sutherland noted the land purchase is being pursued.

b. SEWER IMPROVEMENT PROJECTS

- i. Labette Bank Sewer Line Relocation
 - a. Notice to Proceed was processed with contract commenced to run as of August 29, 2005.
 - b. PWS Craig reported they had begun the project and expected to be finished by the end of the week.

DISCUSSION FROM THE FLOOR

None

REPORTS OF CITY OFFICERS:

Police Chief – Chuck Farrell Jr.

- i. Presented police report for August 2005.
- ii. Noted the report from Western Communications on setting off sirens had not been received yet.

Public Works Superintendent George Craig

- i. City Wide Clean Up Report - PWS Craig reported public works had completed the project last week as scheduled.
- ii. WTP – Reported there had been problems last week and this week with the equipment at the water plant. A thirty-year-old transformer on the panel had burned out and affected the pumps to the tower, among other things. The replacement parts were currently running as of meeting time.
- iii. City Wide Clean Up (Continued) – Council Member McGinnis noted the city needed to look at how the city wide clean up was handled next year as it was not

intended to go back to someone's house every day of the week as they cleaned out their house and sheds though out the week. And, the intent to go into someone's home was for the elderly or disabled to go in for a large item. Also, need to express this is not for others to bring their items to town for the city to pick up like the example of one freezer to be picked up and when public works went to that area they asked them to come back later in the week as the freezer wasn't at the location yet. Council concurred to make some changes next year.

REPORTS OF CITY OFFICERS: (Continued)

Codes Officer – Greg Osborne

iii. 114 W. Market – Two Week Extension Review

Mayor Smith reported Codes Officer Osborne left information that Mr. Osborne felt the Randal's were progressing with the clean up. Concurred progress had been made. Discussed city continuing with another follow up. Mayor Smith noted the city was looking for steady progress of improvement on this property as well as any property needing improvement in the city. Mr. Taylor reported he had been talking with Mr. Osborne on the project.

- *Motion to Extend Process Thirty Days on 114 W. Market*

Council Member Williams moved to give thirty-day extension on 114 W. Market and reviewed then by the codes officer. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:22 p.m.

Council asked Mr. Taylor to report back at the October 5th Council Meeting.

STANDING COMMITTEE REPORTS:

Water & Gas Council Member Williams reported public works was looking into changes to get the TTHM's and HHA's into compliance. PWS Craig reported he was contacting Rex Heape to ask him to be at the next regular council meeting to go over recommendations.

Street Council Member Williams reported he had contacted Heckert Construction and they were to get back with him last week, but he did not hear from them. Mayor Smith reported he would talk to another business and check on that avenue as would like to get something done before it was too cold.

Park

1. North Park – Council Member McCammon reported the city had received \$500 from KCP&L and \$1,000 from Wal-Mart. Committee Members will be getting together to determine what items to spend the monies on. Mayor Smith asked them to continue to pursue the project. City Clerk Herrin noted there is \$5,000 budgeted for this park. With the donations there is just a little over \$5,000 in funds now available too. Concurred will work with the project for this year staying under the \$5,000 budget.
2. South Park – Council Member Boone reported the south end of the park needed base rock added to fill holes as people are driving on the grass to avoid the holes. Mayor Smith asked public works to go over the roads in the park and to

fill any holes the area. PWS Craig asked if there was any help available for mowing the park as it needs it again and they needed help to keep up. City Clerk Herrin reported there had been some applications received for the caretaker position and the Park Board would be handling the hiring process.

Cemetery Council Member McGinnis reported she had not gotten with Council Member Robbins to go over identifying he damaged trees for removal. City Clerk Herrin noted they could work with Caretaker McClanahan as he had handled tree removal in the past and stayed within the cemetery budget. Council Member Boone asked the city to remember there are two entities available to take out the trees, not just the one that has been used in the past.

Community Building Council Member McGinnis reported the committee was going to handle any recognition to John Erhart for Chair Racks.

SPECIAL COMMITTEE REPORTS:

Fiesta Council Member McGinnis reported if anyone was interested in being in the parade to be at 7th and Walnut starting at 8:30 a.m. for the line up.

Page 4 of 6

UNFINISHED BUSINESS:

Authorize Equipment Reserve Fund to Purchase Bobcat

- *Motion to Authorize Equipment Reserve Fund for Bobcat Purchase*

Council Member Williams moved to authorize the equipment reserve fund for the bobcat purchase. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:32 p.m.

Proposed Livestock Ordinance #1331

Council discussed any existing poultry was grandfathered.

- *Motion to Approve Livestock Ordinance #1331*

Council Member McGinnis moved to adopt livestock ordinance #1331. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:33 p.m.

NEW BUSINESS:

Park Fund Distribution

City Clerk Herrin reported the city had received the \$1,200 from the county that is generally distributed to the baseball and or soccer ball teams per state statute. Council discussed if it was known what the monies have been spent on in the past. Council asked City Clerk to contact both ball teams and request statements for last year's funds and bring information back to the council.

Resolution #296 to Provide Temporary Street Closings for 2005 Fiesta

- *Motion to Adopt Resolution #296*

Council Member McGinnis moved to adopt Resolution #296 to provide temporary street closings for 2005 Fiesta. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:38 p.m.

KPERS 2005 Designated Agent Workshop

City Clerk Herrin requested permission to attend one of the workshops within a fifty-mile radius with the date to be determined according to the city's workload.

- *Motion to Approve Attendance to KPERS 2005 Designated Agent Workshop*

Council Member McCammon moved to approve City Clerk Herrin to attend the KPERS Designated Agent Workshop on a date that works with the city. Motion seconded by Council Member Williams, voted on, passed 4-0. Time: 7:42 p.m.

Administrative Policy #21 Regarding Fees – Open Records Access

- *Motion to Adopt Administrative Policy #21*

Council Member Williams moved to adopt Administrative Policy #21 regarding fees for open records access. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:45

Administrative Policy #22 Regarding Fee – Non Sufficient Funds

- *Motion to Adopt Administrative Policy #22*

Council Member McGinnis moved to adopt Administrative Policy #22 regarding fees for non-sufficient funds. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:46 p.m.

NEW BUSINESS: (Continued)

LKM Annual Conference in Wichita, October 8 –11, 2005

Mayor Smith reported he would not be able to attend this conference as planned. Asked if anyone else was interested. City Clerk Herrin noted she was not sure if her schedule would allow attendance or not. City Attorney Sutherland requested to attend the Attorney's Forum on Tuesday, October 11th for the day. Discussed allowing one city individual to attend if signed up before September 15th.

- *Motion for City Attorney to Attend Attorney Forum on October 11th*

Council Member McCammon moved to send City Attorney Sutherland to the attorney's portion of the LKM conference in Wichita, Tuesday, October 11th with mileage. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:49 p.m.

- *Motion to Authorize a City Person to Attend LKM Conference*

Council Member McCammon moved to authorize a city person to attend the LKM Conference October 8 –11th with usual per diem. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:51 p.m.

Mayor Smith noted if no one steps forward to attend the conference before September 15th for the City Clerk to cancel the hotel reservations.

LKM City Voting Delegate to Conference

Mayor Smith instructed who ever attends the conference to be the delegate for the city.

Propane Ordinance #1332

- *Motion to Approve Propane Ordinance #1332*

Council Member McGinnis moved to approve propane ordinance #1332. Seconded by Council Member Williams, voted on, passed 4-0. Time: 7:53 p.m.

EXECUTIVE SESSION:

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for up to forty-five minutes for legal, land acquisition, and discussion of personnel, following a 10-minute break. Motion seconded by Council Member Boone, voted on, passed 4-0. Time: 7:55.m.

Others invited into or requesting a portion of executive time: None.

Open Session Resumed at 8:34 p.m.

OTHER BUSINESS

Amend Propane Ordinance #1332

City Attorney Sutherland noted the city does not usually put anything in an ordinance regarding imprisonment due to the cost of the process. Recommended amending the ordinance by deleting the imprisonment portion of the penalty.

- *Motion to Amend Ordinance #1332 Deleting the Imprisonment Penalty*

Council Member McCammon moved to amend ordinance #1332 under portion 14-331 deleting the imprisonment penalty. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:36 p.m.

Page 6 of 6

CITY CLERK'S REPORT

Mayor Smith noted he had some items to pass on the City Clerk Herrin after the meeting.

Written Report:

5. Funds for Payment of Bobcat Purchase – Noted bobcat had arrived last week.
6. Payments of Water Bonds and Sewer Notes
7. Proposed Propane Ordinance
8. League of Kansas Municipalities Conference
9. Livestock Ordinance
10. Administrative Policies No. 21 Open Records Access & No. 22 Non Sufficient Funds

Other:

1. Asked Council Member Williams if the air conditioning unit in the front of the community building could have the noise part turned down. He will contact the contractor to have him adjust the air volume, which will lower the noise level of the unit.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of MRWAD #2 Board of Directors Meeting, August 24, 2005
- b] APGA Letter Urging Congress to Corral Natural Gas Prices
- c] Copy of Park Caretaker Help Wanted Ads
- d] Letter from KCPL acknowledging \$500 Contribution for Bittiker Park
- e] *Kansas Government Journal* Volume 91 – Number 8, August 2005
- f] LKM Notice on 'Hurricane Katrina Relief'

ADJOURNMENT:

- ✓ *Motion for Adjournment*

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

Meeting adjourned at 8:40 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 7th day of September 2005.

Page 1 of 2

The LaCygne City Council held a Special Meeting scheduled for 7:00 p.m., Wednesday, September 14, 2005, at LaCygne City Hall. The purpose of the Special Meeting was: 1. Street Improvements.

Council Members present were: Jerry Boone, Dani McCammon, Travis Robbins, and Gerald 'Skip' Williams. Absent: Connie McGinnis.

Others present included: City Clerk Devona Herrin, City Attorney John Sutherland, Public Works Superintendent George Craig, Bill Baker, Mark Baker, and Terry Weitman.

Mayor Keith A. Smith called the Special Meeting to order at 7:04 p.m. Noted the special meeting was called for the reason of street improvements.

Mayor Smith presented a street improvement bid from CAPCO (Centennial Asphalt Production Co., Inc.) by Bill Baker and Mark Baker. Mayor Smith also noted City Clerk Herrin had attached a highlighted map of the city showing the designated streets designated for improvement. Mayor Smith asked the council if they had any questions for the Baker's about starting time, prices, or any changes in the identified roads. Mayor Smith expressed concern for getting something done this year with road improvements.

The following items were discussed:

1. Going West of 1st Street on Lincoln Street to include the road in front of the two houses on Lincoln Street west of 1st Street.
2. Delaying Commercial south from Market until next spring due to the current semi traffic into Coop for harvest.
3. Continuing to keep the cost capped at \$130,000 for this year.
4. Compared the cost per square foot between the CAPCO bid and the previous bid received from another contractor. Mr. Baker noted his cost is \$.87½ per square foot of asphalt and purchased asphalt from Apac yesterday for \$25 a ton plus tax.
5. Reviewed three-inch depth for Park Street and Lincoln where they currently have a gravel base and work to include a base sealer on the gravel prior to placing the Asphalt. Mr. Baker noted he would use a tack coat. Mr. Weitman recommended a prime coat and Mr. Baker agreed. Would use an MC30.
6. Considered paving all of 1st Street north of Market to the Railroad Tracks, especially if not going to address Commercial south of Market.
7. Compared cost per ton of asphalt being \$52.73 for CAPCO and \$39.45 for Heckert Construction for the earlier bid. A 33% difference between the bids. Mr. Weitman noted if CAPCO buys at \$25 a ton that leaves \$27.73 to install.
8. The increase in fuel costs and the approximately 11% increase in asphalt industry costs due to recent changes in oil prices.
9. Changing from a two-inch overlay to a one-and-one-half inch overlay on the current chip and seal roads with the swags leveled out prior. Mr. Baker noted the streets would last longer with a 2". Asked Mr. Baker to adjust his bid and send the bid for the 1 ½" to City Hall.
10. Mr. Baker noted the city should have 100% compaction, but may have to ask the company to bring the materials as have other work in progress right now. The streets would be crowned for water run off.
11. Mr. Baker would be available about a week after the city approves the contract. Would want to do the gravel streets first.
12. If other company is not available reviewed option of doing less this year and getting the rest out to bid for early next year.
13. Mayor Smith did not feel Broadway was in as bad a shape as other streets.
14. The very east part of Lincoln Street is shared with the county.

Page 2 of 2

Mayor Smith noted he and the council wanted to be proud of what was done, no matter who did the work.

- *Motion to Table Street Improvements Until Next Meeting*

Council Member McCammon moved to table the issue of street improvements until the next council meeting next Wednesday. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:49 p.m.

ADJOURNMENT:

- *Motion to Adjourn*

There being no further business, Council Member McCammon moved to adjourn. Seconded by Council Member Williams, voted on, passed 4-0.

The Special Meeting was adjourned at 7:49 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and hereby subscribe my name this 14th day of September 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday September 21, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Dani McCammon, Connie McGinnis, and Gerald "Skip" Williams. Absent: Travis Robbins.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; City Attorney John Sutherland; Kevin Kinder; Judy Kinder; City Officer Phillip Davis, Sandy White, James White, LeRoy Turpen, Joe Turpen, and Rex Heape with Shafer, Kline & Warren Engineers.

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

MAYOR COMMENTS:

Mayor Smith noted he had received a card from the Dowty family regarding the award ceremony on Sunday, October 2nd at the church for their son Joshewa Kyle Dowty. Joshewa redid the La Cygne sign out on the highway. Mayor Smith invited all those available to attend the presentation.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: September 8 - 21, 2005,
Minutes of September 7, 2005 City Council Meeting,
Minutes of September 14, 2005 Special City Council Meeting,
August 2005 Treasurer and Budget Reports.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

xviii. THMM's & HAA's Adjustment Project

- Rex Heape, Shafer, Kline & Warren Engineers, Report

Rex Heape reported he had reviewed the disinfectant process, including the chlorine contact basin, at the city's water treatment plant for ways to improve the THMM's and HAA's during the process. The state did require thirty minutes contact time with free chlorine residual. The city has about forty-two minutes now with the new basin and the longer the water is in the contact basin the more THMM's formed. Explained the THM formation. Presented an option of putting baffling in the basin and then adding the ammonia at the end point. Presented a second option of adding chlorine dioxide as it does not form TTHM's or HAA's, doesn't react with ammonia, reduces taste and odor problems, and helps control algae problems. Reviewed three methods for making chlorine dioxide. Recommended chlorine dioxide method.

Council Member McCammon asked about adding the baffling too. Mr. Heape concurred it would be good and should be very inexpensive to add.

Discussed time frame of about three weeks for the engineering, then four to six weeks for KDHE review and approval, and then the construction is very simple.

Council asked if this change would help with the discharge. Mr. Heape noted probably not, but there are ways to chlorinate and he would be glad to look into it.

- *Motion to Approve Shafer, Kline & Warren Engineers Contract for THMM's Improvement*

Council Member Williams moved to go forward with the water improvement project for the THMM's and HAA's improvement with Rex Heape of Shafer, Kline & Warren Engineers. Seconded by Council Member Boone. Amended motion to include adding Mayor Smith to sign the engineers contract. Voted on, passed 4-0. Time: 7:18 p.m.

Page 2 of 6

UTILITY IMPROVEMENTS REPORT (Continued)

a. WATER IMPROVEMENT PROJECT (Continued)

xix. Upgrade Sludge/Backwash Lagoons

City Attorney Sutherland is still in discussion for the land purchase.

b. SEWER IMPROVEMENT PROJECT

xvii. Labette Bank Sewer Line Relocation

Public Works Superintendent Craig reported the contractor is finished with the work. The bank requested the dirt be left and the contractor is going to smooth some of it out with final completion.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Police Chief Glenn D. Farrell Jr

- i. Stats Report: Presented a report for the period of September 1 – 20, 2005.
- ii. Western Communications on Sirens: Presented an estimate from Western Communications for a rotating siren with battery backup to replace the one at city hall for \$18,348.10. The existing siren at city hall is too old to be adapted to battery backup, nor to be set up for mobile activation. Also, presented an estimate of \$1,200 for two new mobil units with installation. It would utilize some of the 32 channel mobil frequencies to set off the sirens from the police units.

Discussed the location of a new siren when city hall is moved. Noted the current siren reaches the downtown area and about three additional blocks. A newer one would reach a larger area. Requested the City Clerk to review the budget for any monies to purchase another siren and the information on the range of the two current newer sirens.

Council concurred the mobil units to set off the two newer sirens were important for now.

- *Motion to Purchase Two Mobile Units With Installation for \$1,200*

Council Member Boone moved to purchase the two mobil radios and installation for \$1,200. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:30 p.m.

- iii. Upgrade Police Department Computers: Presented estimate of \$8,974.50 for two laptops and one desktop computer from Advantage Computer Enterprises of Iola. Noted this includes the networking and transferring of data for the system. Would be using the funds for the new car that was not purchased this year in order the handle the cost of the upgrades. Discussed reason for laptops for mobility versus completing the reports in city hall.

Discussed tabling request until the next meeting. Mayor Smith directed to place the request back on the next agenda. Council Member McCammon asked if there were any extra police programs on the laptops. Police Chief Farrell responded with a "No, and the laptops will not go on the Internet."

Public Works Superintendent George Craig

- xiv. Estimate to Rebuild the Swing Tower on the Backhoe: Public Works Superintendent George Craig presented the swing tower estimate of \$5,200 for parts and labor. PWS Craig reported this did not include the pickup and delivery of \$400 and there was also a cylinder leaking that can be repaired at the same time for another \$300. Discussed the pumps also need to be adjusted for approximately \$200. Also discussed a new seat with a cost of about \$1,700 and determined would look at the existing seat to see if anything could be done to it. PWS Craig reported the city crew was putting about 350 hours a year on it before the bobcat was purchased, but now they are only averaging about 100 hours a year. It is only worth about \$15,000 for a trade in, with a new one costing between \$64,000 - \$67,000.

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

REGULAR MEETING

Year = 2005

1. (Continued)

- *Motion to Approve Up To \$7,000 for Backhoe Repairs*

Council Member McGinnis moved to send the backhoe to Rex Spencer Equipment Company and to spend up to \$7,000 to rebuild the backhoe. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:38 p.m.

8. KCC Seminar, October 25-27th, Salina, KS: PWS Craig requested attendance by either himself or Jerome Moore, if he was unable to attend, to the Annual Gas Pipeline Safety TSI Seminar from October 25 – 27th in Salina.

- *Motion for Craig or Moore to Attend KCC Seminar*

Council Member McCammon moved to send PWS Craig to the annual gas pipeline safety TSI seminar at Salina from October 25 – 27th and if PWS Craig is unable to attend to send Jerome Moore with per diem. Seconded by Council Member Boone, voted on, passed 4-0. Time: 7:42 p.m.

Mayor Smith reported with the news lately of Hurricane Katrina and the one headed to Texas the city had been informed it looks like natural gas prices are going to continue to increase. City Clerk Herrin reported some reports indicated the worse case situation they could double this winter; current prices are not settled enough to give any indication of what the actual prices may be.

Fire Chief – Scott Stainbrook

1. Concerns on County Mutual Aide Agreement: Mayor Smith reported he had been contacted by the City of Pleasanton for a meeting with other cities in the county next Monday night at 5:00 p.m. concerning the Mutual Aide Agreement with Linn County. Initial information indicates other cities have contacted the League and cannot find information on any other city having such an agreement with a county. Mayor Smith will not be able to attend the meeting and asked City Clerk Herrin to contact Fire Chief Stainbrook to see if he would be able to go for city representation.

STANDING COMMITTEE REPORTS:

Street:

Street Improvements: Council was presented with three estimates. One from CAPCO, one from O'Donnell Way Construction for labor and APAC for materials; and, one from Heckert Construction. Council Member Williams recommended staying with Heckert Construction as the earlier price quoted only increased \$1.15 a ton after the summer rate changes. Changed the streets from the original map to now cover West Grand to Broadway, Park Street, Lincoln Street, Broadway north of Market, 1st Street north of Market to the Railroad tracks, 7th Street north of Market, and around the south part of the Grade School. These changes keep the cost under \$130,000. Discussed mayor was already authorized to work with Heckert Construction for this amount. Mayor Smith directed PWS Craig and City Clerk Herrin to move forward with Heckert Construction using the map for these determined areas.

Discussed it would take the construction company about three days once they began the work and they were available to get the work completed this year.

STANDING COMMITTEE REPORTS: (Continued)

Park

- a. North Park: Presented quote from ATHCO, L.L.C. for single post swing with two bays, to include two belt seats and two full bucket seats for \$1,895. Thirty-eight tufftimber edgers with stakes for \$1,490. And, mulch options of 90 cubic yards for \$1,775 or 60 cubic yards for \$1,370. Council Member Boone noted the items were all commercial grade equipment. Council Member McCammon noted the equipment is the same as at the south park and would probably switch out one of the toddler seats to the south park. Council Member Boone noted the 60 cubic yards of mulch was determined to be enough for the area size for a total of \$4,755, which would leave some money for the bagged cement. The labor to install would be done by volunteers. Mayor Smith noted the existing equipment was getting dangerous and appreciate everyone’s work on this project.

- *Motion to Purchase Playground Equipment for \$4,755*

Council Member Williams moved to purchase the playground equipment through ATHCO for \$4,755. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 7:56 p.m.

Council directed Public Works to remove the exiting equipment just before the new equipment is installed.

Cemetery

1. Damaged Trees: Council Member Boone asked who had put the ribbons around the trees to remove. Discussed it may have been Caretaker Kenny McClanahan. Council Member Boone felt there should be more trees added.
2. Grading Roads: Council Member Boone asked if the cemetery roads could be graded. If not by the city crew, possibly he would do it himself. Council was ok with this.

Community Building

1. Painting: Discussed painting the front and back of the building with the janitor James Sweat doing the work along with possibly some volunteers from the council. Committee will check into the prices of paint and the budget.

SPECIAL COMMITTEE REPORTS:

Fiesta

Council Member McGinnis reported they had a successful Fiesta. Made money again this year, not sure at this time how much as all the bills are not in yet. In the past any profits had been given to the pool fund, this year the committee would like any profits to go to the Community Building for new ceiling tiles and taking the range top out of the cabinet and replacing it with a chopping board. Then discussed possibly putting in another sink with even a garbage disposal.

Council Member Boone asked if the sack races could be in a grassy location next year.

Noted the business window displays were a big success this year.

The 2006 Theme is: *“Back to the County”*

UNFINISHED BUSINESS:

Park Fund Distribution

Council Member Boone reported the Park Board is unhappy with the Ball Congress and the Soccer Association for the trash left after practices; and the concession stand left dirty or not even opened. Reported if they (the ball teams) did not want to run the concession stand properly the board was considering letting someone else run it and give the Park Board a percentage of the profits.

Discussed bringing the Ball Congress, Soccer Association, and Park Board to a city council meeting. City Clerk Herrin noted the Park Board handles any of these concerns and the city council does not get involved unless there are some budget concerns for the park fund for the year in question. Council Member Boone noted the council does have a say. Discussed inviting the ball teams to the next Park Board meeting to be held next Wednesday night and Mayor Smith would also attend.

UNFINISHED BUSINESS: (Continued)

Park Fund Distribution (Continued)

Council Member McGinnis asked to have the Park Board give a recommendation on how they would like the money to be distributed between the ball and soccer teams.

- *Motion to Table Park Fund Distribution Until Park Board Meets with Ball Teams*

Council Member McGinnis moved to table the park fund distribution until the Park Board meets with the Ball Congress and the Soccer Association. Seconded by Council Member Williams, voted on, passed 4-0. Time: 8:13 p.m.

NEW BUSINESS:

Linn County Planning & Zoning Department Updating Comprehensive Plan

Linn County invited the city to send a representative to participate as a member of this committee. The preliminary meeting of the Steering Committee is on September 26, 2005 at 7:00 p.m. at the Mound City Annex Building.

- *Motion to Appoint Mayor Smith to Linn County Planning and Zoning Department Meeting*

Council Member McGinnis moved to send Mayor Smith to the Linn County Planning and Zoning Department meeting. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 8:15 p.m.

Allegiant Networks Customer Seminar

City Clerk Herrin reported this was to provide information on a phone system. Deputy City Clerk Mahon is checking out options for phone systems for city hall to be able to leave voice messages and to have some kind of sound for the person on hold, etc.

REGULAR MEETING

Year = 2005

- *Motion to Approve Deputy City Clerk Mahon to Attend Seminar*

Council Member McCammon moved to send Deputy City Clerk Mahon to the seminar tomorrow with the time frame of his choice and per diem. Seconded by Council Member McGinnis, voted on, passed 4-0. Time: 8:18 p.m.

Executive Session

- *Motion to Go Into Executive Session*

Council Member McGinnis moved to go into executive session for discussion of personnel and land acquisition for up to thirty-five minutes following a ten-minute break. Seconded by Council Member Boone, voted on, passed 4-0. Time: 8:20 p.m.

Others invited into or requesting a portion of time in executive session included: None.

Open Session Resumed at 9:04 p.m.

OTHER BUSINESS:

None

Page 6 of 6

CITY CLERK'S REPORT:

Reminder:

1. Notice of Public Input Sessions Regarding Linn County Comprehensive Plan – Noted public meetings will be held in La Cygne on October 3rd.

Written Report:

1. Payment of Gas Bonds
- b. Park Fund Distribution

Verbal:

1. Council Member Boone asked about the lawsuit the city was involved with regarding the price of natural gas. Discussed this have been ongoing for over a year now with several cities participating. City Clerk Herrin noted there is a \$613 fee by our city every month for the retention of the attorneys. Council requested the City Clerk bring the information to the next council meeting on the current status and how much has been paid to the attorneys to date.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Brownfields Teleconference
- b] August 2005 Gas Report
- c] Kansas Dam Safety Program – Discussed the city receives this information because the third cell on the sewer lagoons meet the guidelines.
- d] Minutes of La Cygne Zoning Appeals Board
- e] Minutes of La Cygne Planning Commission
- f] August 2005 Water Reports

REGULAR MEETING

Year = 2005

- g] La Cygne Notice of Public Hearing, October 13, 2005
- h] PVHS Applied Business Technology Class
- I] KRWA *Clarifier* September 2005

OTHER BUSINESS:

Resignation of Council Member Connie McGinnis

Council Member McGinnis presented a letter of resignation to Mayor Smith. Mayor Smith read the resignation noting the resignation was due to health and personal reasons. Connie McGinnis noted if her health held she would stay on the Fiesta Committee. Ms. McGinnis reported others on the Fiesta Committee included Steve Hisel, Linda Jo Chambers, Dana Gowdy, Jamie Chambers, Tammy Weitman, Doris McElreath, and Carol Stainbrook. She was working with all of them to pass down the information she had from prior Fiesta's.

- *Motion to Accept Connie McGinnis' Council Member Resignation*

Council Member McCammon moved to accept Connie's resignation as council member. Seconded by Council Member Williams, voted on, passed 2-1 (No: Boone). Time: 9:12 p.m.

ADJOURNMENT:

Mayor Smith noted as the quorum ceased the meeting was now adjourned.

Time: 9:12 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 21st day of September 2005.

Page 1 of 7

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, October 5, 2005, at the LaCygne Community Building. Council Members present were: Jerry Boone, Dani McCammon, Travis Robbins and Gerald 'Skip' Williams.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Attorney John Sutherland; City Public Works Supervisor (PWS) George Craig; Kevin Kinder; Judy Kinder; Randy Taylor; Dan Gulotta, James White; Sandy White; LeRoy Turpen, Robert Turpen, City Codes Officer Greg Osborne, Connie McGinnis, City Fire Chief Scott Stainbrook, and Joe Junior Turpen.

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

APPOINTMENT OF NEW COUNCIL MEMBER

Mayor Smith made the recommendation of Joe Junior Turpen for the replacement of former City Council Member Connie McGinnis.

- *Motion to Appoint Joe Junior Turpen as City Council Member*

Council Member Robbins moved to accept the recommendation of Joe Junior Turpen as City Council Member. Seconded by Council Member McCammon, voted on, passed 4-0. Time: 7:02 p.m.

City Clerk Herrin affirmed Joe Junior Turpen as City Council Member.

MAYOR'S COMMENTS:

1. Presented a plaque of appreciation to Connie McGinnis for her time served on the council as council member and mayor. Connie McGinnis expressed thanks, and noted the Fiesta Committee will be meeting next Monday night.
2. Recognized Deputy City Clerk Gary Mahon has received designation of Certified Municipal Clerk from the International Institute of Municipal Clerks. Expressed congratulations.
3. Acknowledged presented plaque to Josh Dowty last Sunday for his community achievements. Josh is one of only 2% of Boy Scouts to receive the Eagle Boy Scout honor of achievement for his community efforts.
4. Announced PVHS is holding a Community Appreciation Parade next Friday, the same day as homecoming, in Parker, Fontana, and La Cygne. They will bring the youth from the grade school to Broadway to Market. It will involve all of the sports teams.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: September 22 – October 5, 2005;
Minutes of September 21, 2005 City Council Meeting.

Motion seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:09 p.m.

Page 2 of 7

UTILITY IMPROVEMENTS REPORTS

a. **WATER IMPROVEMENT PROJECT**

- VII. Upgrade Sludge/Backwash Lagoons
 - i. Status

City Attorney Sutherland had no further information at this time.

DISCUSSION FROM THE FLOOR

None

REPORTS OF CITY OFFICERS:

Police Chief – Chuck Farrell Jr.

- iii. Presented police report for September 2005.
- iv. Automating Accident Reports – EADCR – Presented a state program for training officers to use the EADCR electronic program for entering accident reports. Any expenses are mostly reimbursed by the state through a grant program. Currently these reports are being done by hand and forwarded on. The training class is in Topeka on October 14th.

- *Motion for Chuck Farrell to Attend EADCR Training Class*

Council Member Robbins moved to send Police Chief Farrell to the computer accident report class called EADCR on October 14th in Topeka. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:16 p.m.

- v. Upgrade Police Department Computers – Discussed the desk top computer presented by Advantage Computer Enterprises, Iola, Kansas. It was compared to others by Janet Reynolds and recommended as the best option. Discussed the laptop being top of the line with additional Internet functions. Concurred to drop the laptops at this time. The police department will continue to use desk tops and come into the office for the paperwork. City Clerk Herrin noted the two desk tops with IT transfers could be bought for around \$5,500. The original quote was out of date and not sure if there would be any price changes.
 - *Motion to Purchase Two Desk Top Computers with Labor for Installation for Up To \$6,000*

Council Member Robbins moved to spend up to \$6,000 for the purchase of two desk top computers for upgrade of the police department from Advantage Computers. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:28 p.m.

- vi. Fiesta Comments – Reported the Fiesta ran smoother this year than in years past; and, he had received good comments along with no problems.

Public Works Superintendent George Craig

- iv. Street Improvements Update - PWS Craig reported the work is scheduled to begin October 24th with weather permitting.
- v. Ditch at Labette Bank Sewer Line Location – Inquiry as to condition of one area in the ditch that is still rough. PWS Craig reported Diversified is aware of the area and even tried to smooth it out while it was still wet. Diversified left word they would be back when it was dry enough to smooth out. Noted payment for the work has not been requested yet.

Page 3 of 7

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

- vi. Energy Conservation Workshop for Jerome Moore Water Certification – PWS Craig requested for attendance of public works employee Jerome Moore to Energy Course through FSCC being held in Louisburg on November 30th and December 1st. Jerome needs five more hours of training credit to renew his water certification license. The cost of this course is \$75.00
 - a. *Motion for Jerome Moore to Attend Water Certification Class*

Council Member Boone moved to send Jerome Moore to Louisburg for the water certification class. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:30 p.m.

Fire Chief – Scott Stainbrook

Fire Chief Scott Stainbrook reported the county was going to start charging for fire department services rendered to the city. With this change and the city's current fire equipment and engines, his recommendation would be for the city to merge the two fire departments together. The current tax mills to the city patrons is basically a wash from what the county charges and the percentage of mills the city charges for the fire department portion of the city expenses. Currently any monies left over from the city fire department fund is used for other general government funds, which is part of why the current fire trucks, etc, are

needing attention. If the city does not want to merge with the county the city will need to look at the purchase of a new fire truck in the immediate future. The county is moving forward to build a new fire station in the Industrial Park, which will have four bays along with offices, meeting room, and an area to house the ambulance in the future. Fire Chief Stainbrook also recommended giving the county the two fire trucks and in return the county give the city a truck that will never leave the city; and, per Bernard it should not be a problem to leave a truck in the city. With this merging, then the city would not have to worry about an agreement. County Fire Chief Bernard Streeter will bring an initial agreement to merge for review by the city at the next city council meeting.

Codes Officer – Greg Osborne

iv. 114 W. Market – Condemnation Update Review

Codes Officer Greg Osborne reported the place looks nice from the road. Codes Officer Osborne reported he is currently talking to individuals who are home when he drives by a location and sees something requiring attention. Then if they are not home he sends a courtesy letter about grass, brush, and cars setting. He reported he sent twenty-six courtesy letters in September and most of the time they got them done. And, he sent seventeen letters on vehicles and at least a third of them have been moved.

Mayor Smith noted he had asked for a cleaner, nicer, more presentable city in the next couple of years. Asked Mr. Osborne what he thought so far?

Mr. Osborne noted he thought things were getting better. The people are beginning to recognize him and know if the improvements are not done they will be getting further notice.

Council Member McCammon asked if in regards to Randy Taylor, did he need to be brought back to the council again on the property at 114 W. Market? City Attorney Sutherland noted if all of the issues were addressed that the council felt needed to be addressed the council could discontinue. In doing so, if anything else were noted on this property the process would need to be started all over again.

Concurred to dismiss the notice on the property at 114 W. Market.

Page 4 of 7

REPORTS OF CITY OFFICERS: (Continued)

Codes Officer – Greg Osborne (Continued)

Council Member Boone noted that it had taken a while to see improvement on this property but it had been accomplished and now there is another house on 7th Street where the roof blew off and after the property owner put it back on trash was left around and a final enclosure on the garage has not been finished. The property is at 617 N. 7th.

Mr. Osborne noted he had sent a notice and will try to request the property owner attend the next council meeting. The notice sent did say if there was no response the city would be doing the clean up for him and sending a bill.

STANDING COMMITTEE REPORTS:

APPOINT COUNCIL MEMBER TO VACANT POSITIONS

Mayor Smith recommended Joe Turpen to fill the vacant committee positions of Cemetery, Public Safety, and Community Building.

- *Motion for Committee Appointments to Joe Turpen*

Council Member Robbins moved to approve the committee recommendations for Joe Turpen to fill the vacant positions. Seconded by Council Member McCammon, voted on, passed 4-0

(Abstain: Turpen)

Water & Gas

1. Reconnection Fee for Non Payment of Service - Council Member Williams reported fees being charged by other cities for reconnection of service were varied. The City of Pleasanton had made a change to \$100 for reconnection and reported to have cut the shut off's down by 80%. Council Member Williams asked the council to consider his recommendation of changing the current \$25 reconnection fee for shut offs to \$50 for the first offense and \$100 for the second and additional offenses. Council discussed options and the possible hardship to those on a fixed income with any increase of charges. Noted it is the repeat offenders that are making it bad for everyone, and felt it was probably a very low percent of all customers. Continued to discuss possibility of these residents not being able to pay a higher shut off fee. Mayor Smith asked to table the issue for now and discuss further later. Tabled.

Park

1. North Park – City Clerk Herrin reported the equipment should be here in the next few working days and the mulch was scheduled to be delivered on October 11th.

Cemetery Council Member Boone asked if there were any bids for a new mower for the cemetery as the council needed to look at prices and the purchase this year because the cost of the mowers is going up \$1,000 next year. Also asked about a new mower for the park and noted that would be for the Park Board to handle. Requested to have prices for mowers for the cemetery at the next meeting.

Community Building Council Member McCammon reported she knew of someone who worked for a company that made ceiling tiles and asked to check with them to see if they could get a reduced price for some tiles for the community building. She will check and report back with the council.

SPECIAL COMMITTEE REPORTS:

Fiesta Mayor Smith noted the next meeting was next Monday night.

Emergency Disaster Committee – Police Chief Farrell reported he had contacted Steve at Western Communications about the installation and programming of the radios to set off the sirens from the police units. Steve is currently setting up the programming and then they will get them installed.

UNFINISHED BUSINESS:

Park Fund Distribution

Mayor Smith reported he had attended part of the last Park Board meeting and was still not quite sure how the funds the city passed on to the two associations were spent. Had some discussion on the possibility of another association handling flag football getting starting in La Cygne and may be another one to consider. Concurred still did not have enough information to make a comfortable decision. Tabled.

Mayor Smith asked how the Park Board was established and if it was like a Park and Recreations Board? City Clerk Herrin reported there was a city Charter Ordinance

establishing the Park Board to be run on it's own and the financial handling was just run though the city to help make that part easier.

Upgrade Siren Behind City Hall

Presented three different options for sirens behind City Hall from Blue Valley Public Safety.

1. A siren like the other two sirens purchased in 2001 for a total of \$16,607.60
2. A siren like the one currently behind City Hall for a total of \$13,923.60
3. A radio panel added to the existing siren to allow the police units to set off the siren as long as the siren unit has electrical power for a total of \$2,099.90. This panel can later be transferred to a newer siren if one is purchased at a later date.

City Clerk Herrin noted the general fund budget was probably too tight to allow for the purchase of sirens but should be able to handle the purchase of the radio panel.

- *Motion to Purchase Radio Panel for Existing Siren for \$2,099.90*

Council Member Robbins moved to spend up to \$2,099.90 to upgrade the siren at City Hall. Seconded by Council Member Boone, voted on, passed 5-0. Time: 8:21 p.m.

NEW BUSINESS:

KMGA Report on Natural Gas Prices & Board Meeting on Nov. 3, Wichita

Mayor Smith noted the expectation of continuing increasing gas prices. City Clerk Herrin requested that one of the two delegates from the city for KMGA attend the November 3rd board meeting in Wichita.

- *Motion for PWS Craig or City Clerk Herrin to Attend KMGA Board Meeting*

Council Member Robbins moved to approve sending either PWS Craig or City Clerk Herrin to the KMGA Board meeting in Wichita on November 3rd with per diem. Seconded by Council Member McCammon, voted on, passed 5-0. **Time: 8:24 p.m.**

NEW BUSINESS: (Continued)

Transient Vendors Ordinance

Discussed:

1. Making changes to 5-104 (b) for a fee if any,
2. Amounts to fill in on 5-106 (a) and (c)
3. Costs of printing.

Asked City Attorney Sutherland to review the ordinance and see if there was any way to reduce the size and still be effective. Will put back on the next meeting agenda.

Wheatley & Ranquist, P.A. Regarding Lawsuit in U.S. District Court

City Clerk Herrin reported the NGA is meeting on October 12th and one of the items on the agenda is the request to withhold any further payments until the Judge is ready to put the suit back on the table for review. Will report back at the next meeting the information received from the October 12th meeting.

Kansas Master Municipal Clerks Academy, November 10-11, Wichita

- *Motion for City Clerk Herrin to Attend KMMCA on November 10-11, 2005*

Council Member Robbins moved for City Clerk Herrin to attend the Kansas Master Municipal Clerks

REGULAR MEETING

Year = 2005

Academy on November 10 –11th in Wichita with per diem. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 8:29

Roof on City Hall Leaking

City Clerk Herrin reported the roof is leaking when it rains all across the front of the building from the north to the south side. It is a shingled roof. Council Member Williams offered to look at the roof when he had a chance around his work and report back.

Ordinance #1333 Amending City Court Date

City Clerk Herrin reported this request was made due to conflicts with the use of the community building on the second Thursday of each month and the space in city hall is now unavailable to be held there.

- *Motion to Approve Ordinance #1333 Amending City Court Date*

Council Member Williams moved to approve Ordinance #1333 amending the city court date to the first Thursday of each month. Seconded by Council Member Robbins, voted on, passed 4-1 (No: Boone). Time: 8:29 p.m.

EXECUTIVE SESSION:

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to twenty minutes for discussion of personnel, following a five-minute break. Motion seconded by Council Member McCammon, voted on, passed 5-0. Time: 8:35 p.m.

Others invited into or requesting a portion of executive time: None.

Open Session Resumed at 9:00 p.m.

OTHER BUSINESS

Notice of Thanks from Pastor Mike Allen with the Christian Church

Mayor Smith read a letter of thanks from Pastor Mike Allen with the Christian Church for the city allowing them to use the community building chairs for the Burns family funeral.

Page 7 of 7

OTHER BUSINESS

Review Goals and Projects

Changes Discussed:

1. If Fire Department merges with County the goals will be deleted
2. Cemetery – Purchase new mower this year instead of 2006
3. Police – New portable radios need to be purchased now for replacement
4. Police – Asked City Clerk to find out what a reserve officer can do if trained
5. Vehicles – Dog Catcher Vehicle replacement of current 1990 Ford Ranger. To purchase this year spending in the range of \$6,000.
6. Bobcat – Upgraded this year to 2005; Upgrade yearly.

CITY CLERK'S REPORT

Written Report:

11. Park Fund Distribution
12. Siren Update

NOTES AND COMMUNICATIONS TO COUNCIL:

a] *KMU Dispatch*, "APGA Urges Senate to Address high Gas Prices" September 2005

REGULAR MEETING

Year = 2005

- b] 911 Support Letter for Linn County Grant Application
- c] LKM Regional Suppers – Put on next agenda
- d] MLA “Community and Media Relations” Course
- e] *Kansas Government Journal* Volume 91 – Number 9, September 2005
- f] Linn County ‘Methamphetamine Education Awareness Night’

ADJOURNMENT:

- ✓ *Motion for Adjournment*

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

Meeting adjourned at 9:25 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 5th day of October 2005.

Page 1 of 5 Pages

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday October 19, 2005 at the La Cygne Community Building. Council Members present were: Jerry Boone, Dani McCammon, Travis Robbins, Joe Turpen, and Gerald “Skip” Williams.

Others present included: City Clerk Devona Herrin; Public Works Superintendent George Craig; City Police Chief Glenn Farrell Jr.; City Attorney John Sutherland; City Fire Chief Scott Stainbrook; Kevin Kinder; Judy Kinder; and, City Codes Officer Greg Osborne.

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

MAYOR COMMENTS:

Mayor Smith reported PVHS Principal Allen Jeffrey expressed gratitude to all of those who helped with the Community Appreciation Parade. It went so well they may consider doing it again next year.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: October 6 - 19, 2005,
Minutes of October 5, 2005 City Council Meeting,
September 2005 Treasurer and Budget Reports,
3rd Quarter 2005 Financial Statement.

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

UTILITY IMPROVEMENTS REPORT

a. WATER IMPROVEMENT PROJECT

- xx. Upgrade Sludge/Backwash Lagoons

Tabled.

DISCUSSION FROM THE FLOOR:

None

REPORTS OF CITY OFFICERS:

Codes Officer Greg Osborne

- i. Condition of Charlie Boston Property at 617 N. 7th: Greg Osborne reported he had sent notice to Mr. Boston and he had planned to attend tonight's meeting, however he was sick and unable to attend. Mr. Osborne presented pictures taken today of the current condition of the property listing the following concerns:
 1. Open area to basement,
 2. Open excavated area in yard with a big hole surrounded by brush and debris,
 3. Dangerous debris, including boards with nails sticking up, and,
 4. Open garage.Mr. Osborne reported Mr. Boston had informed him today that all of the items would be addressed in the next two weeks and before the next council meeting. Mr. Osborne noted he could make a list for Mr. Boston of the items needing immediate attention.

- *Motion for Action for Clean Up at 617 N. 7th*

Council Member Boone moved to have the city codes officer send a letter to the property owner for all clean up and repairs to be done in two weeks or the city will do the work and charge the property owner for it. Mr. Osborne noted he would make a list of the items requested to be addressed. Council Member Boone requested the whole thing needs to be corrected. Mayor Smith added the request for Mr. Boston's attendance at the next city council meeting. **Seconded by Council Member McCammon, voted on, passed 5-0.** Time: 7:10 p.m.

Page 2 of 5

REPORTS OF CITY OFFICERS: (Continued)

Codes Officer Greg Osborne (Continued)

- ii. Discussion for Adding Pride Committee to Council Committees: Mayor Smith noted the current *Kansas Government Journal* listed communities of excellence and he felt it would be nice to see La Cygne in this part of the Journal in the future. Asked council to consider adding a community pride committee to council committees to see if that might help in moving forward in this direction.
- iii. Condition of Industrial Park Properties: Council Member Boone asked what the city has to do with the conditions at the Industrial Park, and if the city has any say so into the clean up of this area to be an area to want to have businesses in. Noted other towns Industrial Parks look nice but this one looks like crap. Mayor Smith noted having worked summers with the county the county portion of the park is mowed when the county has time. Council Member Boone asked about the condition around the existing buildings for cleanliness and neatness, that Reed Mineral even has ash filtering out into the road that someone is going to have to move to clear the road. Other businesses have weeds growing around the buildings. Discussed that part of the vacant lots the county has used for hay; and, for the property owners, that would be their own areas to keep presentable. Mayor Smith asked Codes Officer Osborne to address this district along with the residential districts. Mayor Smith also noted he had asked Mr. Osborne to forward a copy of every notice and letter sent out to the mayor; and, in the near future he would attempt to take a day from work and spend with Mr. Osborne. Noted a neat area used for haying would be acceptable, it was the other areas needing attention.

Police Chief Glenn D. Farrell Jr

- iv. Stats Report: Presented a report for the period of October 1 – 18, 2005.
- v. Update on Officer Davis: Reported Officer Phillip Davis is now working by himself and will start school January 23, 2006.

Public Works Superintendent George Craig

- xv. North Park Equipment Installed: Public Works Superintendent George Craig reported all of the equipment at the north park was installed. Appreciated the help from Council Members Boone and Turpen. Also Wade Quarries donated the rock for the parking area. Mayor and Council expressed appreciation for all who helped make this project possible this year and hope to do more next year. Council asked City Clerk to put a notice in the paper expressing appreciation for all who donated to the park.

Fire Chief – Scott Stainbrook

- 1. City/County Mutual Aide Agreement: Fire Chief Scott Stainbrook reported he had attended the County Commissioner’s meeting where the commissioners’ decided no to charge the cities when they responded to calls in those cities to aid the city fire departments. With this change in the mutual aide agreement Fire Chief Stainbrook recommended the city leave the city fire department as is for now. He did note that he believed every city would have to combine with the county eventually to help defray costs. For now, Fire Chief Stainbrook asked for consent to search for a different fire apparatus in a price range of \$20,000 – 25,000 to update what the city currently has to use, possibly even trading in the two current apparatus’. The current one he had located was a 1988 Model pumping 1,000 gallons a minute for around \$24,000. Mayor and Council asked him to begin the search and keep them posted.

STANDING COMMITTEE REPORTS:

Water & Gas

- i. Reconnection Fee for Non Payment of Service: Tabled.

Street:

Street Improvements: Scheduled to begin the week of October 24th.

STANDING COMMITTEE REPORTS: (Continued)

Cemetery

- c. Bids for Lawn Mower: Presented quotes from Blue Valley Tractor & Supply, Inc. for four different types of 2005 Exmark mowers and four different types of 2005 Ferris mowers. City Attorney opened a bid from Family Center for two different types of 2005 Ferris diesel mowers. Mowers included mulch equipment.

	<u>BV</u>	<u>FC</u>
2005 Exmark Lazer 604, 27hp Daihatsu Diesel, 60” deck	\$10,399	
2005 Exmark Lazer 724, 27hp Daihatsu Diesel, 72” deck		\$10,719
2005 Exmark Lazer 604, 27hp Kaw. Liquid Cooled, 60” deck		\$8,319
2005 Exmark Lazer 604, 27hp Kaw. Liquid Cooled, 72” deck		\$8,639
2005 Ferris 4500, 27hp Cat. Diesel, 60” deck		\$11,950
\$11,500		
2005 Ferris 4500, 34hp Briggs, Gas Water Cooled, 60” deck		\$10,450

REGULAR MEETING

Year = 2005

2005 Ferris 5000, 31hp Cat. Diesel, 72" deck	\$13,950
\$13,150	
2005 Ferris 5000, 34hp Daihatsu Gas Water Cooled, 72" deck	\$12,550
The trade in values for the existing 60" Exmark mower:	\$2,500
\$4,800	

Discussed Cemetery Caretaker Kenny McClanahan expressed choice of the 2005 Exmark Liquid Cooled 60" deck for his type of mowing at the cemetery due to the inclines and stones. Noted the 60" Farris 4500 cost after trade in was \$6,700; and, the 60" Exmark Liquid Cooled cost after trade in was \$5,819. Discussed retaining the existing mower for use by the city or to surplus at a later date.

- *Motion to Purchase 2005 Liquid Cooled 60" deck Exmark Lazer for \$8,319*

Council Member Robbins moved to purchase the 2005 Exmark Lazer with mulcher for the price of \$8,319 and keep the existing mower. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:38 p.m.

Community Building

1. Prices for Ceiling Tile: Tabled until next agenda.

SPECIAL COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

Park Fund Distribution

Noted the Park Board had met with the Soccer and Ball Associations, but had not forwarded any suggestions on how to handle this distribution. Discussed if it would be possible to put the money in the north park for more equipment. Requested City Clerk Herrin to check with the County Clerk about how this may have previously been established to just go to recreational associations.

Transient Vendors Ordinance

Discussed adding a Penalty section for not applying for a vendors license and some way to waive any fee for incidental part time nationally recognized organizations' sales representatives. Mayor Smith and Council Member Turpen agreed to review other cities' ordinances on this matter and discuss further at the next meeting.

Wheatley & Ranquist, P.A. Regarding Lawsuit in U.S. District Court

City Clerk Herrin reported the law firm had sent notice there would be no further billings until next spring.

NEW BUSINESS:

LKM Regional Suppers

Council reviewed dates for Lenexa and Fort Scott locations. Determined if anyone was free to go would alert city hall to make reservations.

NEW BUSINESS: (Continued)

REGULAR MEETING

Year = 2005

Resolution #297 for Optional Group Life Insurance Under KPERs

Noted the resolution was required by KPERs in order to move forward with this KPERs option.

- *Motion to Approve Resolution #297 for Optional Group Life Insurance Under KPERs*

Council Member Turpen moved to approve Resolution #297 for additional life insurance for employees to purchase at rates included in packet. Seconded by Council Member Williams, voted on, passed 5-0. Time: 7:53 p.m.

Employee Appreciation Christmas Party

City Clerk Herrin asked if the city wished to have the employee appreciation Christmas party again this year and if so how and where. Council discussed. Mayor Smith asked Council Member McCammon to check on locations and a date.

Executive Session

- *Motion to Go Into Executive Session*

Council Member Turpen moved to go into executive session for discussion of personnel, legal, and land acquisition for up to thirty minutes following a ten-minute break. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:56 p.m.

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

Open Session Resumed at 9:35 p.m.

OTHER BUSINESS:

Purchase of Dog Truck

City Clerk Herrin reported she had obtained some prices for a used pick up from an auto dealer in Paola, Council Member Boone had contacted them and asked for the prices and descriptions. Council Member Turpen had also checked with other dealers as well as Council Member Williams. Found the mileage to be high on any vehicles in the \$6,000 range. Noted some newer vehicles with lower mileage were in the \$9,000 to \$12,000 range depending on how new and how many miles.

Council Member Boone reported he had gone with public works to the state surplus to purchase oil and antifreeze, and found another area where the Highway Patrol has surplus vehicles they retire with around 50,000 miles range. The Chevrolet 4-wheel drive club cab pickups were in clean condition and around \$14,000. Suggested giving the public works black truck over to the dogcatcher and purchasing one of these for public works this year instead of waiting until next year to replace a vehicle for public works. Some even have the lights already installed on the top of the trucks. Noted the city's black dodge truck has a new transmission, a new brain, and new tires on it. City Clerk Herrin asked about the change in gas mileage for the dogcatcher if he used the black truck; and if possibly it could be sold and the money from the sale added to the dollars set aside to purchase a truck with better gas mileage.

Concurred to continue looking including the consideration of purchasing a public works vehicle this year.

CITY CLERK'S REPORT:

Written Report:

- 1. Wheatley & Ranquist, P.A.
- d. Federal Controller for Siren Ordered

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] KMGA Board of Directors Meeting November 3, 2005
- b] September 2005 Water Reports
- c] September 2005 Gas Report
- d] *Kansas Government Journal* Volume 91 – Number 10, October 2005
- e] Planning Commission Meeting Minutes for October 13, 2005
- f] Linn County Comprehensive Plan Update Meeting Notes for 10/03/05
- g] La Cygne Chamber of Commerce Revitalization Meeting – Asked for attendance from Mayor and Council if possible. Chamber provides economic development support to a city.

ADJOURNMENT:

- *Motion for Adjournment*

As there was no further business **Council Member Robbins moved to adjourn the meeting. Motion seconded by Council Member McCammon, voted on, passed 4-1 (No: Boone).**

Meeting adjourned at 8:50 p.m.

I, _____, La Cygne City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 19th day of October 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, November 2, 2005, at the LaCygne Community Building. Council Members present were: Jerry Boone, Dani McCammon, Travis Robbins, Joe Turpen, and Gerald ‘Skip’ Williams.

Others present at some point in the meeting included: City Clerk Devona Herrin; City Attorney John Sutherland; City Public Works Supervisor (PWS) George Craig; Deputy City Clerk Gary Mahon; Kevin Kinder; Judy Kinder; Sandy White; and, City Codes Officer Greg Osborne.

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

MAYOR’S COMMENTS:

- 5. Reported Council Member Turpen had attended the last Chamber of Commerce meeting. Encouraged everyone to attend the meetings. The next Chamber of Commerce meeting is November 9th.
- 6. Reported the Pittsburg College will have Small Business Counselors at the La Cygne Library from 9 – 11A.M. on November 9th.

- 7. Announced School Superintendent Dotson Bradbury and himself would be some of the readers on November 17th at 6:00 p.m. for Library District #2 project of “Read to a Tot”. Encouraged others to attend and read too.

CONSENT AGENDA:

- *Motion to Approve Consent Agenda*

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

Check Register: October 20 – November 2, 2005;
Minutes of October 19, 2005 City Council Meeting.

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

UTILITY IMPROVEMENTS REPORTS

a. WATER IMPROVEMENT PROJECT

VIII. Upgrade Sludge/Backwash Lagoons

- i. Status

City Attorney Sutherland had no further information at this time.

DISCUSSION FROM THE FLOOR

None

REPORTS OF CITY OFFICERS:

Codes Officer – Greg Osborne

- v. 617 N. 7th – Condition of Property

Codes Officer Greg Osborne reported the property owner, Charlie Boston, had been busy the last few days on the outside of the property. Most all of the debris had been burned &/or removed from the location. The garage door is half up. A list of ten items to be completed had been sent to Mr. Boston. The window on the east side is still broken and the house is still not secure. Mayor Smith noted his concern for the safety of children. Council Member McCammon concurred he had accomplished a lot but he has had a lot of time and just recently addressed issues; would like to make sure it continues now with a time limit of some kind. CO Osborne recommended he send a complimentary letter to Mr. Boston with the expectation of continued progress. Mayor Smith concurred and requested to continue to see more improvement by the next meeting.

- vi. Other Code Improvements

Mayor Smith concurred there had been some progress with improvements, a little slower than he would have liked, but some throughout areas in town. Mayor Smith requested to check overall city improvements at six months and again at one year with CO Osborne’s efforts. Expressed some concern with six to eight vehicles on one property and only one tag to share

amongst all of the vehicles. Need to determine how to proceed, either by police or codes. If the codes officer cannot get any response, turn the problem over to Chief Farrell. CO Osborne reported there was a process to tow vehicles if the city wanted to use that process, and some have antique vehicles. Mayor Smith noted he was not referring to the antique vehicles, but the multitude of vehicles with incorrect tags. CO Osborne reported he had spoke to individuals about how they need to put up a wooden structure and put the untagged vehicles behind the wooden structure out of sight and away from kids.

Council Member Boone asked about individuals who are buying and selling vehicles at the residences' property. City Attorney Sutherland noted the city does not have any codes for a junkyard in a home area. Mayor Smith agreed wanted to see the city improve and all living in the city to be able to be proud of the area. CO Osborne concurred and if a home area was properly fenced the individuals could put untagged vehicles in the enclosed area.

Council Member Boone asked about the status of the Industrial Park as he had still found Black Beauty ash being dumped in the streets. CO Osborne reported he had sent notices. Council Member McCammon noted she felt CO Osborne had made an effort.

CO Osborne reported he was also looking at prior building permits and found one expired. He is working with that property owner to get back in compliance.

Mayor Smith asked CO Osborne to keep at it and the council would help as much as they could.

Police Chief – Chuck Farrell Jr.

- vii. Presented police report for October 2005.

Public Works Superintendent George Craig

- vii. Public Awareness for Gas System - PWS Craig reported KCC is now requiring the city have a way to measure the effectiveness of public awareness of the city's gas system. One approved way is by sending out notices with the city's newsletter requesting responses. One way given to make sure responses are received is by having a drawing, so will set up the drawing for a \$50 prize from the responses. Then next year the city is required to do this again with expectations of a higher percentage return.

Page 3 of 6

REPORTS OF CITY OFFICERS: (Continued)

Public Works Superintendent George Craig (Continued)

- viii. Street Improvements Update – Streets are scheduled to be asphalted next week.
- ix. KRWA Specialized Training Course, Nov. 17 & 18 – Reported there is a ten hour class for 'Understanding and Troubleshooting Electrical Motors and Variable Speed Drives' in Iola at no cost for registration. The ten hours of educational credit can be applied to water or wastewater renewal certificates. Requested to have both Jerome Moore and Art Terry attend the class if the limited space for the class allows. Will also be checking with Theresa at KDHE for which certificate to apply the credit hours for each individual.

a. *Motion for Jerome Moore and Art Terry to Attend KRWA Certification Class*

Council Member Williams moved to send Jerome Moore and Art Terry to the KRWA certification class in Iola on November 17th and 18th if the openings are available with the usual per diem. Seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:22 p.m.

Fire Chief – Scott Stainbrook

City Clerk Herrin reported for Fire Chief Scott Stainbrook. He is still checking for a replacement apparatus and would report back when he found what he felt would be a good purchase for the city.

STANDING COMMITTEE REPORTS:

Discussion for Adding Community Pride Committee

Mayor Smith asked if the council had some interest in creating this committee. He would appreciate their comments in the future on this idea. He noted he had received some interest from the public, and, he would bring this back to the council for further comments after the next couple of regular council meetings.

Street

1. Stripping After Streets Paved – PWS Craig reported he was working on a way to get the stripping completed after the streets are paved.

Cemetery

1. Create and Build Streets in Newest Portion - Council Member Turpen reported Council Member Boone had made a road in the new addition. Council Member Boone reported he had also reworked the old roads in the cemetery. PWS Craig reported \$460 has been spent to date on base rock for the new road and felt would need to spend about \$300 more to finish the base rock. Discussed options and staying within the budget.

- *Motion for Up To \$1,0 00 for Base Rock in Cemetery*

Council Member Robbins moved to allow spending up to \$1,000 as needed for base rock in the cemetery. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:28 p.m.

STANDING COMMITTEE REPORTS: (Continued)

Community Building

1. Prices for Ceiling Tile and Replacing Rear Lighting – Council Member Williams reported the prices received indicated the best prices for the electrical and ceiling tiles would be through Home Depot. Council Member Williams volunteered to do the rewiring himself to save on the labor and then install the ceiling tile with the help of other council members. With this savings it appeared it would cost around \$3,000 for the lights and ceiling tiles, and then would also need to purchase the electrical wiring. Noted with a business application by the city, the city could also receive a one time 10% discount from Home Depot for the purchase. Discussed if the general fund had enough funds to handle this project this year as other parts of the general fund are going over budget.

- *Motion to Tentatively Approve Up to \$3,000 for Ceiling Tiles and Electrical Lighting*

Council Member Robbins moved to tentatively approve up to \$3,000 for ceiling tile and electrical lights with checking with city clerk for budget allowance. Seconded by Council Member Boone, voted on, passed 5-0. Time: 7:34 p.m.

SPECIAL COMMITTEE REPORTS:

Fiesta City Clerk Herrin reported the next meeting was next Monday night.

Emergency Disaster Committee – Police Chief Farrell reported one radio had been installed and works. The other radio is ready and waiting repairs of the other police vehicle prior to installation. The sirens are working.

UNFINISHED BUSINESS:

Park Fund Distribution

Discussed:

1. The statute indicates the city can use these funds for park equipment as well as passing on to the ball associations.
2. Noted not every child plays sports and not every child plays at the playgrounds; however, there is more availability of playing at the open playgrounds.
3. City has received thanks from families from the recent park improvements.
4. Considered disbursing the monies this year and letting the associations know the city may choose to handle differently the next year.
5. Considered having the associations make application for the disbursements.

Mayor Smith asked to invite both associations to the next meeting.

Transient Vendors Ordinance

Reported both Mayor Smith and Council Member Turpen had reviewed several different cities' ordinance on this topic. Topeka's was also long. The concern is the cost of publication being over \$500 in each paper. City Attorney Sutherland reported he had reviewed the City of Shawnee's and it was a little simpler. CA Sutherland has also obtained fee charges from other cities. Noted with a simple ordinance such as Pleasanton's it even restricts school kids and other nonprofit organizations from knocking on doors.

Concurred to have City Attorney Sutherland check on Shawnee's and report back.

UNFINISHED BUSINESS: (Continued)

Public Works Vehicle Through Kansas Highway Patrol Fleet Sales

Discussed the 2003 Model for \$1,000 more and 20,000 less miles versus the 2002 Model. If purchased, will use the Black Dodge for the dog truck and see how it works. Council Member Robbins expressed concern on being able to get some dogs in the back of the four-wheel drive unit. Vehicle will be purchased using the budget reserve fund.

- *Motion to Purchase 2003 Silverado for \$15,700 with Light Bar*

Council Member Williams moved to purchase a 2003 Silverado pickup from the Kansas Highway Patrol Fleet Sales for \$15,700 and a light bar. Seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:57 p.m.

NEW BUSINESS:

Proposed Flood Plain Ordinance #1334

Noted this would meet the requirements for the city to be part of the state flood plan.

REGULAR MEETING

Year = 2005

- *Motion to Approve Flood Plain Ordinance #1334*

Council Member Turpen moved to approve Ordinance #1334 for the zoning regulations for the flood plain as presented. Seconded by Council Member McCammon, voted on, passed 5-0. **Time: 8:00 p.m.**

EXECUTIVE SESSION:

- *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to thirty minutes for discussion of land acquisition, legal, and personnel, following a ten-minute break.

Motion seconded by Council Member McCammon, voted on, passed 5-0. Time: 8:02 p.m.

Others invited into or requesting a portion of executive time: Public Works Superintendent Craig, Deputy City Clerk Mahon, and City Clerk Herrin.

Open Session Resumed at 8:35 p.m.

OTHER BUSINESS

None

CITY CLERK'S REPORT

Written Report:

13. City Clerk Out of Office
14. Christmas Appreciation Dinner December 9th – Reported invitations would be out shortly.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] SEK Manufacturers' Forum, Tuesday, November 15, 2005
- b] Daylight Saving Time Pending Changes
- c] KCC Final Order for three Mile customer Rate Changes
- d] *Annual Community Thanksgiving Dinner* November 19, 2005 – Noted Chamber of Commerce Donated \$100 for up front expenses.
- e] Copy of Thank You Notices for North Park
- f] KDHE Haloacetic Acids Report

Page 6 of 6

ADJOURNMENT:

- ✓ *Motion for Adjournment*

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

Meeting adjourned at 8:40 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 2nd day of November 2005.

REGULAR MEETING:

REGULAR MEETING

Year = 2005

The La Cygne City Council met in regular session on Wednesday, November 16, 2005, at the LaCygne Community Building. Council Members present were: Jerry Boone; Dani McCammon; Travis Robbins; Joe Turpen; and Gerald 'Skip' Williams.

Others present at some point in the meeting included: Deputy City Clerk Gary Mahon; City Attorney John Sutherland; City Public Works Supervisor (PWS) George Craig; City Codes Officer Greg Osborne; Kevin Kinder; Judy Kinder; Sandy White; Mark Lee; and Randy Lee.

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

MAYOR'S COMMENTS:

8. Announced School Superintendent Dotson Bradbury and himself would be some of the readers on November 17th at 6:00 p.m. for Library District #2 project of "Read to a Tot". Encouraged others to attend and read too.
9. Reminded all of the upcoming Community Thanksgiving Dinner on Saturday, November 19th.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Check Register: November 3 thru 16, 2005;
Minutes of November 2, 2005 City Council Meeting;
October 2005 Treasurer & Budget Reports.

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

UTILITY IMPROVEMENTS REPORTS

Water Improvement Projects.

Upgrade Sludge/Backwash Lagoons: City Attorney Sutherland had no further information at this time.

Sewer Improvement Projects

Labette Bank Relocation Project: Superintendent Craig reported that grading and filling for the Labette Bank sewer relocation was finished. It appears that project is complete and awaiting final bill.

Acid Application for Sewer Cleaning: Superintendent Craig requested permission to purchase acid for cleaning of the sewer system. Estimated cost is \$6500.

✓ *Motion to Approve Purchase of Acid for Sewer Cleaning*

Council Member Williams moved to approve the purchase and application of acid for sewer maintenance. Discussion: Council Member Boone suggested placing notices in paper to alert citizens of when the acid will be added to warn them in advance of possible foul odors. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:04 p.m.

DISCUSSION FROM THE FLOOR

None

REPORTS OF CITY OFFICERS:

Codes Officer – Greg Osborne

617 N. 7th – Condition of Property: Codes Officer Greg Osborne reported the property owner, Charlie Boston, had recently worked on the property. The Garage Door was up but building had not been made secure. Window wells were open as well as other areas in back of house. Most all of the debris had been burned &/or removed from the location. Council Member Boone noted there was still insulation and holes in the back yard. The option of condemnation was discussed, noting that the property had been in a constant state of disrepair for several months.

✓ ***Motion to Initiate Condemnation Proceedings – 617 N. 7th – Charlie Boston***
Council Member Robbins moved to proceed with condemnation proceedings on property located at 617 N. 7th. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:10 p.m.

Police Chief – Chuck Farrell Jr.

viii. Presented police report for the period of November 1 thru 15, 2005.

STANDING COMMITTEE REPORTS:

Street: Superintendent Craig reported that he has made several attempts to contact a representative from Heckert Construction. No one has returned calls.

Public Safety: Council Member McCammon reported that the stop sign at Grand & Broadway was down again. Mayor Smith inquired as to the possibility of installing either stop or yield signs at 6th & Sycamore and 6th and Vine. It was noted that such requests were usually processed through the police department.

Community Building:

Replacement of Ceiling Tiles & Lighting Fixtures: Council Member Williams reported that an account had been opened at Home Depot to purchase lighting and ceiling tiles for the community Building. He hoped to start the ceiling/lighting replacement in the very near future.

Interior Painting of Community Building: Deputy City Clerk Gary Mahon reported that the Fiesta Committee had offered to fund painting the interior of the community building with profits from the Fiesta. The Fiesta Committee had noted that new ceiling tiles and lighting was being installed by the City and the Fiesta Committee felt painting the interior would be a nice finishing touch. At the Fiesta Committee's request and "Invitation for Bids" had been prepared to be published Nov. 23rd and December 14th. A copy of the invitation was at the table for Council's review. The Bids would be due in City Hall by December 30th to be opened at the Fiesta Committee meeting scheduled for Monday, January 9, 2005.

✓ ***Motion to Accept Fiesta Community Building Painting Proposal***
Council Member Robbins moved to accept the Fiesta Committee's offer to paint the interior of the Community Building and authorize advertising for bids as presented. Motion seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:19 p.m.

UNFINISHED BUSINESS:

REGULAR MEETING

Year = 2005

Park Fund Distribution

As requested by Council, Mark Lee representing Ball Congress and Randy Lee representing Soccer Club were present to discuss distribution of Park Fund money. \$1200 was available to be used on park or recreation activities. The money is received annually from Linn County and has historically been divided between Ball Congress and Soccer Club.

It was noted that youth football (flag football) might become reality in the near future, thus dividing the funds further. Randy Lee reported that soccer consists of two seasons, fall and spring. Randy noted that approximately 50 youth participated in fall and 75 in spring. La Cygne currently participates in the Louisburg league and La Cygne teams dominated the tournaments this year. Major expense for soccer includes the \$150 per tournament entry fee. Participation begins to wane for youth 7th grade and up, as they become involved in Jr. High football at Prairie View.

Mark Lee reported that Ball Congress typically has 150 to 175 participants. Mark cited major expenses such as equipment, uniforms, and insurance. The oldest participants in baseball are in the 13 – 15 year old category, and the oldest participants in softball in the 14-year-old category. Baseball has sent several teams to state tournaments the past few years.

UNFINISHED BUSINESS: (Continued)

Park Fund Distribution (Continued)

Councilman Robbins asked Mark & Randy's opinion on spending the entire \$1200 on one project such as fixing up fences or upgrading fields as opposed to dividing the money per organization. Both Mark & Randy felt applying the money to field improvements might be better than giving a portion of money to each entity.

Council also noted that because of past history, the two recreation associations might have been counting on the disbursements this year. It was not Council's intention to create unexpected financial short falls for the organizations this year, but rather to alert of possibly disbursing funds differently in 2006

✓ Motion to Disburse Linn County Park Fund Money

Council Member Turpen moved to divide the Park and Recreation funds received from Linn County equally between Ball Congress and Soccer Club. Motion seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:34 p.m.

Transient Vendors Ordinance

City Attorney John Sutherland reported he had found an ordinance that would be suitable to the City's needs concerning Transient Vendors. However, this ordinance was also very lengthy. Mr. Sutherland will try to condense and present at the next meeting.

NEW BUSINESS:

Proposed Resolution No. 297 – First Day Insurance Coverage

Discussion was held concerning proposed Resolution No. 297 pertaining to First Day Insurance Coverage for new employees. Deputy City Clerk Gary Mahon informed council that the City could opt in to provide first day insurance coverage for new employees by approving Resolution No. 297. Presently, employees are not eligible until after one year of employment. The cost would be .8% of employee's annual wages until July 1, 2006. The cost would then rise to 1% of employee annual wages. It was noted that once approved the resolution could not be rescinded or canceled.

REGULAR MEETING

Year = 2005

Mr. Mahon noted that coverage would become effective January 1, 2006 if Resolution were forwarded to KPERS by December 1, 2005.

✓ *Motion to Approve Resolution No. 297 – First Day Insurance Coverage*

Noting that he felt this would provide a good benefit, especially providing coverage for spouses of younger employees, **Council Member Turpen moved to approve Resolution No. 297 providing first day insurance coverage for new employees. Motion seconded by Council Member Robbins, voted on, passed 5-0.** Time: 7:47 p.m.

Authority to Publish 2005 Budget Amendment – Gas Utility

Deputy City Clerk Gary Mahon reported that auditor Terry Sercer was able to provide his recommendations for amending the gas budget by this meeting. Documents were made available at the table for Council Member's review. Mr. Sercer had prepared documents increasing the budget by \$100,000. However, Mr. Sercer's e-mail also recommended increasing another \$50,000 to be doubly sure the city would have enough gas utility budget authority. Mr. Mahon also stressed that the only reason for the budget amendment was due to increased natural gas costs. The present high costs were not anticipated when the budget was being prepared in July of 2004. Mr. Mahon also suggested publishing in the November 23rd papers and holding the hearing at Council's December 7th meeting.

✓ *Motion to Amend 2005 Budget – Gas Utility*

Council Member Turpen moved to republish the 2005 budget for the gas utility, increasing budget authority to \$860,110 because of increase in natural gas prices with public hearing to be held during the 7:00 p.m., December 7, 2006 City Council Meeting. Motion seconded by Council Member Robbins, voted on, passed 5-0. Time: 7:50 p.m.

EXECUTIVE SESSION:

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to forty-five (45) minutes for discussion of land acquisition, legal, and personnel, following a ten-minute break. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:54 p.m.

Others invited into or requesting a portion of executive time: None.

Open Session Resumed at 8:40 p.m.

OTHER BUSINESS

None

CITY CLERK'S REPORT

Deputy City Clerk Mahon informed Council:

- ✓ Procedures for condemnation and that the process could take up to two months;
- ✓ City Clerk Herrin was expected home soon. Surgery had gone faster and better than expected with no complications. Did not have her room number or room telephone number at this time.

REGULAR MEETING

Year = 2005

Written Report: No Written Report Submitted.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] October 2005 Water Reports
- b] October 2005 Gas Reports
- c] Gas Leak: Emergency Procedure Form 2005
- d] "Specialized Financial Training/Workshops
- e] City Christmas Party Invitations (At the Table)
- f] "Ethics" core course presented by LKM (At the Table)

ADJOURNMENT:

✓ *Motion for Adjournment*

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

Meeting adjourned at 8:47 p.m.

I, _____, La Cygne Deputy City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 16th day of November 2005.

REGULAR MEETING:

The La Cygne City Council met in regular session on Wednesday, December 07, 2005, at the LaCygne Community Building. Council Members present were: Jerry Boone; Dani McCammon; Travis Robbins; Joe Turpen; and Gerald 'Skip' Williams. Mayor Keith Smith was absent.

Others present at some point in the meeting included: Deputy City Clerk Gary Mahon; City Attorney John Sutherland; Chief of Police Glenn Farrell; City Clerk Devona Herrin; Public Works Employees Jerome Moore and Harry Smith; Codes Officer Gregg Osborne; Fire Chief Scott Stainbrook; Judy Kinder; Danny Troth; Jeff Day; and Matt Byerley.

Council President Travis Robbins presided in the absence of Mayor Smith and called the meeting to order at 7:05 p.m.

MAYOR'S COMMENTS:

None.

CONSENT AGENDA:

✓ *Motion to Approve Consent Agenda*

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

Check Register: November 17 through December 7, 2005;

Minutes of November 16, 2005 City Council Meeting;

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

UTILITY IMPROVEMENTS REPORTS

Water Improvement Projects.

Upgrade Sludge/Backwash Lagoons: Waiting on report from Rex Heape and procurement of land.

Sewer Improvement Projects

REGULAR MEETING

Year = 2005

Labette Bank Relocation Project: Jerome Moore reported that the project was complete.

✓ *Motion to Approve Final Bill from Diversified Contractors*

Council Member Turpen moved to proceed approve final bill to Diversified Contractors in the amount of \$10,418.50 and have a statement mailed to Labette Bank. Motion was seconded by Council Member McCammon, voted on passed 5-0. Time: 7:07 p.m.

DISCUSSION FROM THE FLOOR

None

REPORTS OF CITY OFFICERS:

Police Chief Farrell reported on police activities for the month of November, 2005.

Public Works Forty Seven responses were received from citizens indicating they had received information relating to emergency gas leak procedures. A drawing was held to award a \$50 prize. The winning name drawn was Mary Heide.

Fire Chief Stainbrook presented Council with a proposal to combine the city and rural fire departments. The unification would take place after completion of a new fire building being constructed by Linn County in the industrial park. The proposed agreement listed the following terms:

- County would house and maintain all city fire apparatus;
- City apparatus would never leave city limits;
- City waive building permits for new fire building;
- City provide all utilities to station at no charge for one year after station completion;
- City provide expense of connecting all utilities;
- Dissolve city fire department;
- Any money left in city fire fund would be transferred to Station 950.
- Maintenance, repair, and replacement of city fire equipment and training of volunteers would be responsibility of Linn County Fire Chief and Linn County Fire Board.

REPORTS OF CITY OFFICERS: (Continued)

Fire Chief Stainbrook (Continued)

Council President Robbins suggested tabling the proposal until next meeting in order to allow council members time to think about the proposal and develop questions. Fire Chief Stainbrook requested a decision be made at this meeting. Discussion followed.

✓ *Motion to Join Rural Fire Department*

Council Member Turpen moved to sign the proposed agreement with Linn County as presented including paying utilities for a year, waiving building permit, city dissolving its fire department when new building is completed, and next years city taxes to purchase new truck. Discussion: Deputy City Clerk Mahon asked if motion meant building permit or building permit fee. Answer: Both. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:19 p.m.

Codes Officer – Greg Osborne

617 N. 7th – Condemnation Hearing: Codes Officer Greg Osborne reported that he had not visited with Mr. Boston since the last meeting. Greg presented Council with Resolution No. 298 setting a hearing date of February 1, 2006 regarding condemnation of the property.

✓ *Motion to Approve Resolution No. 298 – Condemnation of Property at 617 N. 7th.*

REGULAR MEETING

Year = 2005

Council Member Williams moved approve and publish Resolution No. 298 regarding condemnation of property at 617 N. 7th street. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:26 p.m.

5th & Swan Codes Officer Osborne reported that a building owned by Glen Harbison at 5th & Swan was also a candidate for condemnation. He had been in contact with Mr. Harbison who was willing to try and have the property cleaned up within the next two months. Council discussed ways of trying to help Mr. Harbison such as possibly having fire department burn some debris after it is torn down. Council agreed not to take any action until a two month period had passed, thus allowing Mr. Harbison the opportunity to rectify the situation.

Inoperable Vehicles Gregg reported that a definition was included in the City's Zoning Book.

STANDING COMMITTEE REPORTS:

Street: Council Member Boone reported that the Black topping company was set up and ready to go whenever weather and conditions would permit.

Cemetery: It was noted that the cemetery storage building roof was in need of immediate repair. Council Member Williams will obtain measurements and report back at next meeting.

Community Building: Council Member Williams had installed new lighting in the large room of the Community Building with the help of Rocky Williams. It was suggested that Rocky be compensated for his time. The project was approximately \$700 under the original budget.

✓ ***Motion to Pay Rocky Williams***

Council Member McCammon moved to pay Rocky Williams \$120.00 for his time and labor in assisting the installation of light fixtures in the community building. Motion seconded by Council Member Boone, voted on, passed 5-0. Time: 7:41 p.m.

SPECIAL COMMITTEE REPORTS:

Fiesta: Council Member Turpen reported that he had showed the building to a couple of prospects. Joe had asked them to submit a separate bid for repairing and texturing the ceilings in the restrooms.

UNFINISHED BUSINESS:

Transient Vendor License City Attorney Sutherland presented a revised ordinance pertaining to transient vendors. After discussion, Council decided to table the item until May citing high publication costs.

NEW BUSINESS:

Cereal Malt Beverage Licenses

✓ ***Motion to Approve Cereal Malt Beverage Licenses***

Council Member McCammon moved to approve 2006 Cereal Malt Beverage Licenses for LOMA Farms and Casey's General Store. Motion seconded by Council Member Williams, voted on, passed 4-0-1. (Abstained: Turpen) Time: 7:50 p.m.

Authorization of Stop Signs

REGULAR MEETING

Year = 2005

✓ *Motion to Authorize Stop Signs at 6th/Vine and 6th/Sycamore*

Council Member Williams moved to install stop signs for east/west traffic at 6th & Vine, and for north/south traffic at 6th & Sycamore. Motion seconded by Council Member McCammon, voted on, passed 5-0. Time: 7:54 p.m.

Regional City Clerk's Meeting at Fort Scott

✓ *Motion to Approve Attendance at Regional City Clerk's Meeting*

Council Member McCammon moved to send Deputy City Clerk Mahon and/or City Clerk Herring to the Regional City Clerk's Meeting in Fort Scott on December 9th. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 7:55 p.m.

Establish Trash Compactor Christmas & New Year Holidays

As Christmas Eve, Christmas Day, and New Year's Day fall on Saturday or Sunday this year the City's official paid holidays would be December Friday Dec. 23rd, Monday Dec. 26th, and Monday January 2nd. In order to accommodate the trash compactor personnel, the following motions were made:

✓ *Motion to Establish Christmas Holidays for Trash Compactor Employees*

Council Member McCammon moved to make Saturday December 24th and Sunday December 25th the official Christmas Eve and Christmas Day holidays for the trash compactor. Motion seconded by Council Member Williams, voted on, passed 5-0.

✓ *Motion to Establish New Year Holidays for Trash Compactor Employees*

Council Member McCammon moved to make Sunday, January 1, 2006 the official New Year's Day holiday for the trash compactor. Motion seconded by Council Member Boone, voted on, passed 5-0.

Time: 8:02 p.m.

Establish Floating Holiday for 2006.

Deputy City Clerk Mahon explained that pursuant to recently adopted personnel policies it was necessary for council to establish either Martin Luther King or Presidents Day as an official holiday for 2006. Gary noted that for 2006 the employees preferred President's Day as Martin Luther King Day was so early in the new year when employees were still wrapping up old business and preparing for the new year's business.

✓ *Motion to Establish President's Day as an Official 2006 Holiday.*

Council Member McCammon moved to make President's Day an official holiday for 2006. Motion seconded by Council Member Williams, voted on, passed 5-0. Time: 8:06 p.m.

Request to Waive Fee for Community Building – Mine Creek Radio Club

✓ *Motion to Waive Community Building Fee for Mine Creek Radio Club*

Council Member Robbins moved to waive the community building fee for Mine Creek Radio Club. Motion seconded by Council Member Turpen, voted on, passed 5-0. Time: 8:07 p.m.

EXECUTIVE SESSION:

✓ *Motion to Go Into Executive Session*

Council Member Robbins moved to go into executive session for up to twenty (20) minutes for discussion of land acquisition, legal, and personnel, following a five (5)

REGULAR MEETING

Year = 2005

minute break. Motion seconded by Council Member Williams, voted on, passed 5-0.
Time: 8:09 p.m.

Others invited into or requesting a portion of executive time: None.

Open Session Resumed at 8:35 p.m.

OTHER BUSINESS

None

CITY CLERK'S REPORT

Thank You Card from City Clerk Herrin was distributed and read by Council Members.

Written Report: No Written Report Submitted.

NOTES AND COMMUNICATIONS TO COUNCIL:

- a] Minutes of Nov. 1st Marais des Cygnes River Water Assurance Meeting;
- b] Legislative Process & Advocacy Seminar, Ks. Dept. of Commerce;
- c] Cable TV Rate Increase – Cebridge Connections;
- d] Certificate of Completion – Jerome Moore – Gas Leak Training;
- e] Public Notice of Coliform Bacteria in Drinking Water.

ADJOURNMENT:

✓ *Motion for Adjournment*

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

Meeting adjourned at 8:41 p.m.

I, _____, La Cygne Deputy City Clerk, do hereby declare the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name this 7th day of December 2005.
