

MINUTES - Regular meeting of the Overbrook City Council October 8, 1986

MEMBERS PRESENT:

Dale Fox
Floyd McGuire
Dennis Post
Mayor Calvin Ufford
Davenna Jones arrived at 8:20 pm

MEMBERS ABSENT:

Virginia Robertson

OTHERS PRESENT:

Kenneth and Mildred Greene Carl Maichel
Don and Dorothy Attebury Bill Dean
Mr. & Mrs. Tom Pinnick Kathy Johnson
Dean Beckman Emery Elliott
Bruce Smith Ron Dean
Dorothy Shoup - Osage County Commissioner

The meeting was called to order at 7:34 P.M. by Mayor Calvin Ufford.
The clerk called the roll.

MINUTES: The minutes of the previous meeting were reviewed. Floyd McGuire made a motion to approve the minutes as written. Dennis Post seconded. Motion carried.

WARRANTS: The warrants of the previous month were presented. Floyd McGuire made a motion to approve all warrants. Dennis Post seconded. Motion carried.

SOLID WASTE PROPOSED SALE OR SUBLEASE CONTRACT: Kenneth Greene owner of Greene Sanitation introduced Don Attebury and wife. Greene said he was in the process of selling his sanitation business to Don Attebury dba Heartland Waste Partners, LTD. He said he was selling because of health reasons and wanted to request the City allow Heartland Waste to finish out the Greene Sanitation contract which runs through June 30, 1987.

Mr. Attebury said he had been in or around the waste pickup business most of his life, his family owned a hauling business before him. He has owned the present business eight years. He said he started in Coffey County and now does pickups within two miles of Overbrook. Attebury suggested subletting 60 to 90 days beginning November 1, 1986. Mayor Ufford said a copy of the contract had been sent to Steve Jones, City Attorney. Ufford made a phone call to Jones during the nights meeting. Jones advice was - Heartland's financial status, insurance coverage etc., should be checked out before anything else is done. Jones also advised that the contract states the contractor (Greene Sanitation) shall not sell etc., without written permission from the city. After the subject was discussed at length, Dale Fox made a motion to assign Greene Sanitation Contract to Heartland Waste Partners, LTD providing the City attorney is in agreement with the transaction and that Heartland Waste Partners LTD has the proper credentials and insurance. Fox's motion also provided the Mayor and Clerk authority to process necessary paper work with the City Attorney's advice. Dennis Post second. Motion carried. 4-0.

KPL/GAS SERVICE FRANCHISE: Mayor Ufford reported the KCC did not approve the 4% across the board franchise agreement of last month. Mr. Bill Dean and Ms. Kathy Johnson were again present to discuss other possibilities. Mr. Dean shared some of the KCC's findings on a few other recent franchise agreements. He also talked about the hoped-for agreement for the City of Topeka. After a lengthy discussion, Floyd McGuire made a motion to approve an electric franchise agreement of 3% for 20 years and to follow Topeka's lead and approve a gas franchise agreement of 5% for five years, 4% for five years, and 3% for the remaining ten years. Dale Fox seconded. Motion carried 4-0. Dennis Post then made a motion to introduce Ordinance 138 with the new figures as reflected in McGuire's motion. Floyd McGuire second. Motion carried 4-0. Floyd McGuire made a motion to approve the first reading of Ordinance 138. Dennis Post second. Motion carried 4-0. Mr. Dean read the ordinance aloud in its entirety. McGuire then made a motion to authorize KPL/Gas Service Co. to publish Ordinance 138 in the Osage County Chronicle. Dale Fox second. Motion carried 4-0. The Mayor and Clerk signed the ordinance in duplicate. Mr. Dean and Ms. Johnson were thanked for coming and left at 8:33 pm.

COMMISSIONER SHOUP/MINUTES 8-86 REGULAR MEETING: Mayor Ufford welcomed Dorothy Shoup, Osage County Commissioner. Shoup said she was present to clear up any misunderstanding that might have occurred in reference to paragraph 2, page 3 of the August 13, 1986 Overbrook City Council minutes. She said the county has had no problem with Mr. Bell or the Osage County Ambulance Service. Mayor Ufford explained the reference was to a clause in the county contract with Mr. Bell that says to the best of his ability he (Bell) will keep an ambulance here. He said he had felt if it became necessary, Overbrook could call on the commissioners for help. He said he was sorry if it was said in a manner that might offend anyone.

JAIL FEE: Ufford said he would like to register a complaint with Shoup and the other County Commissioners in reference to the \$20 overnight fee charged for housing city prisoners in the county jail. He said he felt it was unjustified and that the citizens were already paying their fair share. He could understand some things being over the budget but heating, utilities, etc., should be provided from the budget and we should not have to subsidize it. He said any help from the County Commissioners would be greatly appreciated. The Council members were in unanimous agreement with Ufford's feelings. Shoup said she would have to check her notes as to why this specific figure was agreed upon. She also felt Mayor Ufford might want to meet with the County Commissioners to discuss the matter. Ufford agreed he would be more than willing to meet with them.

Shoup was thanked for taking the time to come before the city council.

BOUNDARY ORDINANCE: Mayor Ufford introduced Ordinance 134 for Council approval. He noted it had been discussed at a previous meeting. Davenna Jones made a motion to approve Ordinance 134, setting the new boundary lines for the City of Overbrook. Dennis Post seconded. Motion carried 4-0.

PACKAGE LIQUOR STORE: Jim Pinnick was present to request the city allow him to open a package liquor store within the Overbrook City limits. Mayor Ufford explained the question would have to be put before the citizens by special election per KSA 41-302. He said the city has no authority on this. He explained Pinnick would need to present a petition of 40% of the total votes cast at the last general election for candidates for the city office for which the greatest number of total votes were cast. The petition would then go to the county clerk for verification and that office would take it from there.

PRIVATE CLUB: Carl Maichel was present just as an interested person. He said he hoped for "Ganders" opening to be November 1. Mayor Ufford reminded him to bring in a copy of the ABC License and an ABC approved floor plan when paying his occupation tax.

McGuire questioned the club's actual closing time. He reminded the council the ordinance was to stop the selling of alcoholic beverages at 1:30 AM but the actual time they could no longer sell food, etc., was not addressed in the ordinance. The subject was tabled to later in the meeting.

OVERBROOK AUCTION HOUSE- Permission to stay open past midnight: Mayor Ufford presented a request from Overbrook Auction House for permission to stay open past midnight (91-513). Ron Dean presented his findings after reviewing the operation (see attached). Floyd McGuire made a motion to approve the extension permit. The motion died for lack of second. After a lengthy discussion, McGuire made a motion to amend Ordinance 91 (Criminal Code) by rescinding sections 91-513 through 91-519 (Retail business be closed 12 midnight to 6am.) Dennis Post second. Motion carried. 4-0

ACCIDENT INSURANCE CLAIM: Floyd McGuire reported he had been working on the claim for the patrol car accident. He reported State Farm Insurance had agreed that their insured was 75% at fault and the City of Overbrook was 25% at fault. He said all bills appear to be in at this time. Ron Dean said he appreciated the support the Council and Mayor had given on this. Mayor Ufford said he was not happy when it happened but it could happen to any of us. We should just take it in stride. McGuire made a motion to add the warrant to pay Laird Noller Ford to the months approved warrants. Dennis Post second. Motion carried. 4-0

MAILING OF MINUTES TO COUNCIL MEMBERS: Mayor Ufford asked the Council if they would be interested in having the minutes mailed to them the day before the council meetings. All agreed they would. The Clerk was instructed to have all minutes and anything else that was ready, in the mail on Monday before the regular council meeting.

Floyd McGuire reported there were some problems with drainage on 4th Street in the Meadows Addition. Dale Fox reported the ditch across from his mother's home was filled with trash etc. and there was a problem with water being diverted onto his mother's property. Bruce Smith was instructed to look into it and do whatever was necessary to alleviate any problems.

Mayor Ufford reported Manie Minford had requested the city remove the dead tree from the northeast corner of her property. The tree sits on the City's easement.

There being no other business to come before the Council, Floyd McGuire made a motion seconded by Dennis Post to adjourn the meeting. The meeting was adjourned at 10:10 pm.

Approved 7/Nov. 12 1986 Respectfully submitted, Mildred J. Cannon, City Clerk
Mildred J. Cannon

MINUTES - Regular meeting of the Overbrook City Council - November 12, 1986

MEMBERS PRESENT: Dale Fox, Davenna Jones, Dennis Post, Mayor Calvin Ufford

MEMBERS ABSENT: Virginia Robertson, Floyd McGuire

OTHERS PRESENT: Jim Jones, Midwest Tank, Bill Dean and Kathy Johnson, KPL Gas Service Co., Julie Karr, Schehrer, Harrod & Bennett, Bob Greenfield, Peimann & Greenfield, Bruce Smith, Max Friesen and Ron Dean

The meeting was called to order at 7:32 pm by Mayor Calvin Ufford. The clerk called the roll.

MINUTES: The minutes of the previous meeting were discussed. Dale Fox made a motion to approve the minutes as written. Dennis Post second. Motion carried 3-0

WARRANTS: The warrants of the previous month were presented. Mayor Ufford questioned warrant 4171 in the amount of \$130.50 to Overbrook Community Clinic. Councilman Fox felt this should be turned over to the insurance agent for settlement between Farm Bureau Insurance (75% liability re: patrol car accident) and workman's comp. Dale Fox made a motion seconded by Davenna Jones to approve all warrants with the exception of 4171. Motion carried. 3-0.

EAST WATER TOWER: Jim Jones, Midwest Tank was present to discuss a contract for work to be done on the east water tower. He explained the interior of the tower had not been coated since 1974. Jones explained the tower had been inspected in 1986 and the paint was poor in all areas inside and out. He said the inside showed pinholes and blisters and was 50% gone on the sidewalls and even worse on the bowl. He said the coating process has been upgraded since the last coating. The new process should last 18 to 20 years in lieu of the 8 to 12 years with the old method. The total job would cost \$12,653 (\$8878 interior and \$3775 exterior) After Council discussion, Davenna Jones made a motion seconded by Dennis Post to approve the contract with Midwest Tank for interior and exterior coating of the east water tower. Motion carried 3-0. The contract was signed in duplicate by Mayor Ufford. Mr. Jones was thanked for coming and left at 8:05 pm.

AUDIT BIDS: Bob Greenfield, Peimann & Greenfield and Julie Karr, Schehrer, Harrod & Bennett were present to submit bids for the 1986 full city audit as follows:

Peimann & Greenfield - \$3300 plus per diem (audit to be completed in late May and June 1987.)

Schehrer, Harrod & Bennett - \$3350 plus per diem (less \$175 if audit is done after September 1, 1987)

Davenna Jones made a motion that the council accept the Peimann & Greenfield bid of \$3300 plus per diem. Dennis Post seconded. Motion carried 3-0.

ORDINANCE 140 - TRAFFIC ORDINANCE AMENDMENT: Mayor Ufford presented an ordinance amending Ordinance 135 (Standard Traffic Code). He explained the League of Kansas Municipalities had uncovered an error in Section 194 which this ordinance would correct. Dennis Post made the motion to accept Ordinance 140 amending Ordinance 135. Dale Fox seconded. Motion carried 3-0.

FRANCHISE - KPL GAS SERVICE: Bill Dean and Kathy Johnson, representatives of KPL Gas Service Co. were again present in connection with the upcoming electric and gas franchise agreement. Dean reported the City of Topeka's ordinance had not been approved or disapproved at this time. Dean was present for the second and final reading of Ordinance 138. Dennis Post made the motion, seconded by Dale Fox to approve the second reading of Ordinance 138, KPL Gas Service Company gas and electric franchise agreement. Motion carried 3-0. Dean read the ordinance aloud to the Council. Dennis Post made a motion to accept Ordinance 138. Dale Fox seconded. Motion carried 3-0 (roll call vote) Dean said the ordinance would be filed with the KCC Thursday November 13, 1986. They were thanked for coming and left at 8:35 pm.

LIBRARY BUILDING: Mayor Ufford reported the bond issue had passed and as soon as the election board certification is received, the bond counsel will begin working on the paperwork.

CITY ELECTION: Mayor Ufford reminded the council that the final filing date for three council positions will be January 27, 1987.

FEE/PHOTO COPY: The clerk reported the librarian had asked that the Council re-view the decision to charge 25¢ per copy for photo copies in lieu of the original 15¢ per copy for copies made on the city photo copy machine. It was the concensus of the council to retain the 25¢ charge. It was noted that this was the going rate for many business's around the city. It was also noted that the machine was originally purchased for city business and only patrons of the library were allowed to purchase individual copies of library materials.

JAIL FEE: Mayor Ufford reported he had visited with the county commissioners in connection with the \$20 per day jail fee. They said they would look into it but he had heard nothing yet.

CONTINENTAL TELEPHONE: Dale Fox asked that the Continental Telephone Co. be contacted to have a representative at the December meeting if possible in connection with the push button dial system. He said he felt it had been misrepresented and he personally would like to have the whole thing explained in detail.

ADJOURNMENT: Davenna Jones made a motion to adjourn the meeting. Dale Fox seconded. Motion carried. The meeting was adjourned at 9:45 pm.

Respectfully submitted,



Mildred J. Cannon
City Clerk

mjc

APPROVED

Dec 10, 1986

MINUTES - Regular meeting of the Overbrook City Council - December 10, 1986

MEMBERS PRESENT:

Dennis Post	Virginia Robertson
Davenna Jones	Floyd McGuire
	Mayor Calvin Ufford

MEMBERS ABSENT:

Dale Fox

OTHERS PRESENT:

Carl Maichel	Bruce Smith
Don Heberling	Ron Dean
Joyce Dillon	Max Friesen
Steve Jones	

The meeting was called to order at 7:30 pm by Mayor Calvin Ufford. The clerk called the roll.

MINUTES: The minutes of the previous meeting were reviewed. Davenna Jones made a motion to approve the minutes as written. Virginia Robertson seconded. Motion carried. 3-0

WARRANTS: The warrants of the previous month were presented. Dennis Post made a motion, seconded by Davenna Jones to approve all warrants. Motion carried. 3-0

SALE BARN: Joyce Dillon, one of the new owners of the sale barn was present to get acquainted with the governing body. She said she and her husband John, and Tom B. Taul DVM and wife had purchased the business and the new name is Overbrook Livestock Commission Company. She said she wanted the Council to know they would cooperate with the city in any way they could. Dillon commended the law enforcement people for their patrol on the nights when the cattle are in. Mayor Ufford said there was only one concern he knew of and that was to do with the dumpster. He said in the past wet hay was placed in the dumpster and it would freeze making it impossible to empty. He said there had also been past problems with the burning of waste in the dumpster which in time destroyed it. Dillon said the wet hay would be no problem since a company in Nebraska has contracted to purchase the manure etc for fertilizer. She also assured the Council the employees would be thoroughly instructed in connection with the burning problem.

Mayor Ufford officially welcomed Dillan and her partners on behalf of the Governing Body. She was thanked for coming and left at 7:40 pm.

GANDERS: Don Heberling and Carl Maichel were present to request permission for Ganders private club to stay open New Years eve past 12 pm (Ord. #137). Steve Jones, City Attorney said his interpretation of the ordinance was, the Council would be disobeying the law if it granted the variance without amending the ordinance and publishing it. Mayor Ufford said there wasn't time to take care of everything before New Years eve. The clerk suggested next time anyone needs something such as this, to contact her office prior to the Council meeting. She in turn would contact the Mayor and City Attorney and everything would be ready for timely council action and publication.

Mayor Ufford assured Maichel and Heberling that the Council was willing to work with them in any way possible but could not disobey the law. He assured them the Council would begin working on an amendment right away so this problem would not come up again. Ufford also reminded them that when the ordinance was written up, the Council was assured the club was only going to be open late on Friday and Saturday nights and would close at 10 pm on Sundays and if they decided to open on weekdays sometime in the future, they would close at 10 pm. He said had they asked for late closing on specific holidays at that time, it would have been taken into consideration on the original ordinance and this whole thing would have been averted.

ORDINANCE 141: Steve Jones presented Ordinance 141 authorizing the issuance of \$75,000 General Obligation Bonds Series 1986. Mayor Ufford read it aloud to the Council. Dennis Post made a motion, seconded by Davenna Jones to approve the above mentioned Ordinance 141. Motion carried 4-0. Steve Jones left at 8:40 pm.

CMB LICENSE: CMB License applications were presented for Casey's, O'bryhims Thriftway, Jacks Cafe (package sales only), Patch (pkg sales and consumption on the premises), and Ganders (consumption on the premises) were presented. Dennis Post made a motion, seconded by Davenna Jones to approve the issuance of all CMB licenses as listed above. Motion carried 4-0.

GAME MACHINE LICENSE: Game machine and juke box licenses for the Patch and Ganders were presented. Davenna Jones made a motion, seconded by Floyd McGuire to approve the licenses as listed above. Motion carried. 4-0.

MISC: Bruce Smith asked that a thank you note be sent to KPL representative Butterfield for donating his time and equipment to help put up the Christmas decorations on Main street.

Virginia Robertson asked that Ron Dean place the live animal trap at Leonards old place to trap the abandoned cats before she had the building and trailer demolished. Dean agreed and asked Robertson to call him when he was ready.

Robertson also said an anonymous call was received at her home at 2 am to complain about Ganders private club. She said she felt if someone wants to complain they should identify themselves and since they wouldn't do so, she ignored the call.

UNFINISHED BUSINESS: Mayor Ufford said the \$75,000 Library Bond Issue was progressing nicely. He said of the \$75,000 approximately \$38,000 was committed for purchase of the building and the new roof (already completed). He said that left approximately \$36,000 less legal expenses for the remodeling. He said he was in the process of obtaining bids. The remodeling and bidding procedures were discussed. It was agreed if at all possible, the bids would be opened at the January 14 regular Council meeting.

EXECUTIVE SESSION: Dennis Post made a motion that the council go into executive session at 9:05 pm., for 20 minutes. Davenna Jones seconded. Motion carried 4-0. The meeting was reconvened at 9:25 pm. Mayor Ufford announced no decision was made in the executive session.

PATROL CAR: Ron Dean brought up the subject of a new patrol car. Floyd McGuire said he felt one was in order. During a lengthy discussion, Virginia Robertson said she was under the impression that money had been allotted for one in the 1987 budget. Other members did not agree and the matter was tabled.

Floyd McGuire made a motion to adjourn the meeting. Davenna Jones seconded. Motion carried 4-0. The meeting was adjourned at 10:15 pm.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED: Jan 14, 1987

MINUTES
REGULAR COUNCIL MEETING

January 8, 1986

MEMBERS PRESENT:

Floyd McGuire
Virginia Robertson
Davenna Jones

Dale Fox
Mayor Calvin Ufford

Shirley Dean
OTHERS PRESENT:

Paul Adams
Ron Dean
Bill Warrington

Bruce Smith
Max Friesen

The meeting was called to order by Mayor Calvin Ufford at 7:30 P.M. The clerk called the roll.

MINUTES: The minutes of the December 11, 1985 regular meeting and December 18, 1985 adjourned meeting were considered. Dale Fox made a motion to approve both sets of minutes as written. Davenna Jones seconded. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. Floyd McGuire made a motion to approve all warrants. Virginia Robertson seconded. Motion carried.

EMERGENCY PREPAREDNESS: Paul Adams, Coordinator, Osage County Office of Emergency Preparedness was present to request the City of Overbrook approve a resolution which would put the City of Overbrook in compliance with Osage County in establishing the Office of Emergency Preparedness (originally Civil Defense). He explained the county commissioners, by state statute, did away with the Civil Defense office as such and recreated it in the name of the Office of Emergency Preparedness which takes in all emergencies such as natural disasters etc. Mayor Ufford read resolution No. 18 to the Council. Floyd McGuire made a motion seconded by Dale Fox to adopt Resolution No. 18 pledging the City's support to, and becoming a legal member of the Osage County Municipal Emergency Preparedness organization. Dale Fox seconded. Motion carried.

Mr. Adams also explained Overbrook's part in a crisis relocation plan between Topeka and the various cities of Osage County. He was thanked for taking his time to come and explain these programs.

CEREAL MALT BEVERAGE - GAME MACHINE LICENSES: A 1986 Cereal Malt Beverage license application for Casey's General Stores, Inc. was presented along with a juke box license for Shirley's Cafe. Davenna Jones made a motion to approve both licenses. Fox seconded. Motion carried.

STREET REPAIR-MAPLE: Bruce Smith asked what was the Council's wishes in reference to Maple Street eroding by the pool. It was consensus of the Council to keep putting rock on for the time being. Mayor Ufford said he would again contact High Plains and get something in writing.

LIGHT BAR: Ron Dean requested mounting the law enforcement's old light bar on the city maintenance truck so the truck could be used as a back-up for law enforcement or be used in emergency situations. It was agreed by consensus.

DANCE HALL ORDINANCE: Ron Dean asked the council to look over a sample ordinance governing the licensing and regulation of dance halls. It was agreed by concensus for the Clerk to obtain other sample ordinances from the League of Kansas Municipalities.

PATROL CAR SEATS: Dean reported something was going to have to be done soon about the seats in the Patrol car. He said they were breaking down. Ufford suggested he check around locally to see if there was anyone who could brace them etc.

PATROL CAR: Floyd McGuire suggested the council might be thinking in terms of purchasing a new vehicle in 1987. He said there was approximately 48,000 miles on the car now. He also suggested keeping the present vehicle as a back-up.

COUNTY JAIL FEE: Mayor Ufford said he had finally received a copy of a letter from the Osage County Sheriff in regard to the \$20 per day charge to cities for housing prisoners in the new county jail. He said it was sent to the Police Chiefs but not to the City Clerk or Mayor/Council. He said he did not feel it was a good practice since this could be a major budget item and in all actuality all correspondence should go to the City Clerk for distribution to the proper officials. Ufford said he was going to get with the other mayors in the area and meet with the commissioners in regard to the fees.


TRASH PICKUP: It was reported Dr. Kohake had requested not paying a trash collection fee inasmuch as his office is open only one morning per week and he has no trash at all. It was agreed by concensus that Dr. Kohake not be charged a trash collection fee at this time. It was noted businesses were reviewed on a one on one basis.

Mayor Ufford read a thankyou note from Bruce and Shirley Cole.

Mayor Ufford read an unsigned letter asking that the city take on a project such as the bridge West of town even though it is not in the city limits. The letter stated that bridges going into other cities close by had been fixed or widened and the writer thought it might be a project the city would like to get involved in.

Floyd McGuire made a motion to adjourn. Dale Fox seconded. Motion carried. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,


Mildred J. Cannon
City Clerk

mjc

APPROVED Feb 12, 1986

Mayor Ufford said he would like to have some more facts on the Tatcher building. before he would feel comfortable. He said he would like the Library Board to do a study in depth to see if the walls would be included in ownership inasmuch as that portion was originally a vacant lot.

Earnest money on the Tatcher building was discussed. Some council members were not in favor of having to put up earnest money --- they did not feel it should be necessary. It had been reported earlier in the meeting that the bank would need it to hold the building. Mayor Ufford also noted they would have to negotiate a firm price before any earnest money was obligated. The matter was tabled to be discussed again at the March meeting. The Board was thanked for coming, they left at 8:20 P.M.

FAIR GROUNDS-MOWING: Lois Nedeau, representing the Fair Association was present to ask if the city would consider mowing the fair grounds. She said they would be willing to pay the city for the service. She also said if the city could not do the whole fair grounds, it would help if they could do even a portion. After a brief discussion, it was agreed by concensus that the city would mow the street area and part way back into the park at no charge. This would be done on a time available basis. Mrs. Nedeau thanked the Council for their consideration and left at 8:30 P.M.

CENTENNIAL COMMITTEE: Karla Hazen and JoAnn Allen were present to report on planned and tentatively planned activities for the coming Overbrook Centennial celebration. They also reported they had planned fund raisers such as bake sale, souvenirs etc. Mayor Ufford noted he had attended the Centennial Committee meetings and at this point they were operating on a zero budget. After a brief discussion Virginia Robertson made a motion that the city donate \$500 to be used to kick off the promotion and improvement of the celebration of the city's 100 birthday. Motion seconded by Dale Fox. Motion carried. Mayor Ufford asked that the Committee keep the Council updated. Hazen reported the official celebrations would be held the month of August with special activities being held August 9, 10, 16 and 17. They were thanked for coming and left at 8:45 P.M.

RURAL WATER HOOKUP: Mr. and Mrs. Larry Swartz were present to ask for water hookup east of town. They explained they plan to build a house North of the highway across from the George Maichel property. They requested hookup on the South side where the main line crosses the Maichel property. Several avenues were discussed such as hooking onto Glen Swartz line or taking water from the new pond. Swartz said he had given this some thought but neither was practical. After a lengthy discussion it was suggested Swartz check with Maichel to ascertain if Maichel would agree to give up his field hookup and meter to Swartz and also if Maichel would grant an easement to maintain the meter. The matter was tabled to the March meeting. They left at 9:05 P.M.

SEWER SYSTEM STUDY: Jack Kramer, Kramer Engineering presented a bid proposal to do an engineering study on the sewer system to try to locate infiltration of ground-water etc into the sewer system. The proposal included smoke testing, inspecting man-holes, doing wet/dry weather flow measurements, make up complete map of the existing system, etc., project future population growth and submit designs to improve the system for a cost of \$8,340. After the pros and cons were discussed, it was agreed that all that was necessary at this time was smoke testing and measurement of wastewater flows during wet/dry conditions. Mr. Kramer said he could do that for \$3320. Floyd McGuire made a motion seconded by Dale Fox to commission Kramer Engineering to smoke test the city sewer lines and meter the wastewater flow during wet/dry conditions for the bid amount of \$3320. Motion carried. Mr. Kramer left at 10:05 P.M.

ZONING - NEIL & JUDY HORTON: Mayor Ufford reported the planning commission had turned down Neil and Judy Horton's request to have the property known as 202 East 5th rezoned from Residential-1 to Business-1 (to house a crafts and antique business). Alternatives were discussed after which Floyd McGuire made a motion, seconded by Pernal Olds to allow the business to be operated as a home owned business as long as they meet requirements of residency. Motion carried 4 yes, 1 abstain (Virginia Robertson abstain)

MISC: Mayor Ufford read an ordinance relating to removal of fire and explosion damage structures, creating a fire insurance proceeds fund. He asked the council to think it over and it would be presented again at the March regular meeting.

Bruce Smith reported problems at wells 2 and 4. He said Jungmann had been contacted and they were in the process of being repaired at this time.

Ron Dean thanked everyone who attended his graduation.

Mayor Ufford reported Ron Dean was negotiating the sale of the used patrol car light bar. Dean said they tried to use it on the maintenance truck but it would not fit.

Mayor Ufford reported BRB Construction had extended the warranty on the East lift station (five months) and the final payment has now been mailed.

The jail fee was again discussed. One member felt it should be tabled until more research could be done, also this would let the county know the city is unhappy about it.

Mayor Ufford reported he had been approached by the Co-Op in reference to a buildup of water under the grain elevator. He said they wished to pump it into the manhole. Right now they are pumping it into the ditch but periodically there is an odor. The concensus of the council was to dissallow the request at this time. If a complaint is received about the odor, the problem would then be reconsidered.

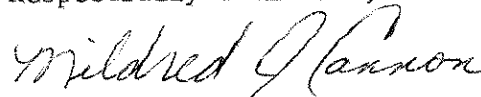
Mayor Ufford asked the council to consider a replacement for John Ramsey on the Recreation Commission inasmuch as Ramsey is leaving the area. The matter was tabled to the March meeting.

A bid from the Carbondale Pet Clinic for animal control was reviewed. The charge would be \$30 per dog and \$20 per cat, this would include three days boarding, death and burial. It was decided not to accept the bid at this time.

A thank you note was read from the Warrington family.

Floyd McGuire made a motion to adjourn the meeting. Pernal Olds second. Motion carried. The meeting was adjourned at 10:45 P.M.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED: March 12, 1986

SPECIAL COUNCIL MEETING

MARCH 8, 1986

MEMBERS PRESENT:

FLOYD MCGUIRE
DALE FOX
VIRGINIA ROBERTSON

DAVENNA JONES
MAYOR CALVIN UFFORD

MEMBERS ABSENT:

PERNAL OLDS

PURPOSE OF MEETING

To inspect the Tatcher Building and the Miller Building in downtown Overbrook to ascertain feasibility of one of the buildings possibly housing the public library.

Mayor Ufford called the meeting to order at 5:15 P.M. The Tatcher bldg was inspected first, the council members then proceeded to inspect the Miller bldg. The main purpose of these inspections was to ascertain which building might be the most feasible cost wise. Possibilities of remodeling were also discussed. No decisions were made. It was agreed the subject would be discussed at length at the March 12 regular meeting.

Floyd McGuire made a motion to adjourn the meeting. Dale Fox seconded. Motion carried. The meeting was adjourned at 6:15 P.M.

REQUEST FOR SPECIAL COUNCIL MEETING

OVERBROOK, Kansas

March 8, 1986

The Honorable Calvin Ufford,

Mayor of Overbrook, Kansas

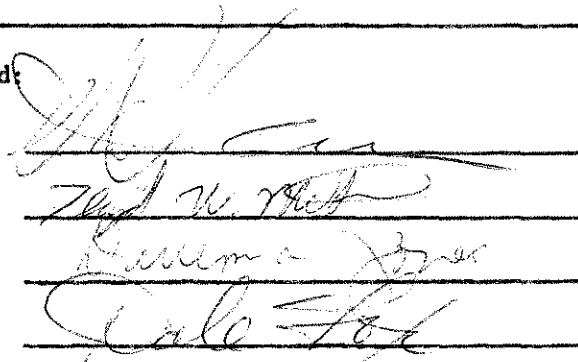
We, the undersigned, councilmen of the city of Overbrook

Kansas, hereby respectfully request you to call a special meeting of the council to

be held at Tutcher & Miller Bldgs. 3/8/1986, at 5:15 O'clock PM., for the

object and purpose of Inspecting proposed library buildings - no final decisions
will be made at this meeting.

Signed:



Council members

709 Walnut
Overbrook, Kansas
February 24, 1986

City Council of Overbrook, Kansas
For Council Meeting 3/12/1986

Ref; OPEN ALLEY AND YARD DAMAGE;

Dear Council Members:

The subject of this complaint stems from not being able to freely use the alley behind our property.

It was explained to us when we signed an easement for the city to use part of our ground for equipment to work to install new sewage sub stations.

1. A new graveled open alley for maintance of the stations, Fire Lane and residence use.
2. The yard torn up would be dirt filled, graded, and seeded to make it all look nice.

During April and May of 1985, we hauled in dirt and gravel to build a pad for our Mobile Home so it could set up while we were gone to work in Yellowstone for the summer. We wondered why the pole was moved that we had put across the west end. Our friends and neighbors have since told us that the pad was used to gain entrance to work on the stations. The west end of the pad had to be redone because the dirt had been pushed out of line, after we returned the last of September '85.

Upon returning we did considerable yard work and wheel barrowed dirt into the low places that were not draining because of all the rain. We raked and seeded and watered to make it as good as we could.

The alley was not accessable for the Electric Company to install our new Meter and they also had to use our yard to set it.

January 4th we left for Texas, but due to a death in the family, Velma returned Jan. 19th. On Jan. 21st she found the yard had big tractor tracks where someone had gained entrance to service or maintain the sub staions.

As a result we are asking:

1. A permanent OPEN ALLEY, for Fire Protection and rightful use of the alley.
2. For \$200.00 for damage and cost of work to fix up the property.

Signed,
Merlin F. Smidt
Merlin F. Smidt
and Velma L. Smidt

Velma L. Smidt

665-7584

M. Cannon

MINUTES - REGULAR COUNCIL MEETING

March 12, 1986

MEMBERS PRESENT:

FLOYD MCGUIRE
DALE FOX
DAVENNA JONES

VIRGINIA ROBERTSON
MAYOR CALVIN UFFORD

MEMBERS ABSENT:

PERNAL OLDS

OTHERS PRESENT:

ART SKAGGS
MERLIN AND VELMA SMIDT
LARRY SWARTZ
MARK DANIELS
BRUCE SMITH
RON DEAN

ROGER DAVIS
JOANN ALLEN
ALBERT RUKES
BILL WARRINGTON
MAX FRIESEN

The meeting was called to order at 7:30 P.M. by Mayor Ufford. The clerk called the roll.

MINUTES: The minutes of the February 12, 1986 regular meeting and March 8, 1986 special meeting were reviewed. Floyd McGuire made a motion, seconded by Virginia Robertson to approve the minutes of the regular meeting as written. Motion carried. Davenna Jones made a motion, seconded by Dale Fox to approve the minutes of the special meeting as written. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. After a brief discussion, Davenna Jones made a motion to honor all warrants including warrant No. 3705 (to Osage County Treasurer-Jail fee) in the amount of \$20 which was withheld from payment at the February 12, 1986 meeting. The motion was seconded by Floyd McGuire. Motion carried.

ANIMAL ODOR COMPLAINT: Art Skaggs was present to complain about a neighbor's dog pens. He said the pens were not cleaned and the odor was very offensive. He said he had approached the neighbor but nothing has been done. Police Chief Dean said the City had no ordinance on dog pens as such but there was an ordinance referring to obnoxious odors. Skaggs said he would talk with the neighbor again and if that didn't work, he would sign a formal complaint. Dean said he would check into the problem.

OPEN ALLEY/YARD DAMAGE - MERLIN SMIDT: Merlin and Velma Smidt were present to request the city allow the alley behind their property to be left open as a permanent alley for fire protection and rightful use of the alley. They also asked for damages in the amount of \$200 in connection with some work done on the lift station and backhoe tracks across their property (see attached). Mrs Smidt apologized for a portion of the complaint about the backhoe tracks. She said the damage was done while she was gone and she only recently found out it was not damage done by the City maintenance. Mrs. Smidt did remind the Council they had been promised fill dirt and seeding at the time they granted an easement for access to build the new lift station. Mayor Ufford explained time was an element involved. He said seeding was not done by the contractor until November, well after Smidt had already done their own work. He said at no time had a complaint been received by the City that it was not to Smidt's satisfaction. He also noted during the dry season, it did not appear there was an erosion problem so the contractor had no way of knowing about it. After a brief discussion, Floyd McGuire made a motion that the City do the grading and seeding work as promised to the Smidt's satisfaction and designate the alley way running North from 7th Street between Walnut

and Maple as a permanent open alley. Seconded by Virginia Robertson. Motion carried.

SEWAGE PROBLEM - MEAT PROCESSING PLANT: Roger Davis was present to inquire as to the City's position in connection with the sewer backup problem at the meat processing plant. He said he was wanting to purchase the plant but the State would not allow the operation to open if the problem was not resolved. Davis asked if this had been a problem before the new sewer construction. Both Ufford and Fox said it had been a problem for many years. Fox said he had advised the owner some ten years ago to put in a check valve. Bruce Smith said he had also advised the owners of the same thing. Mayor Ufford said the original lagoons were installed long before the meat processing plant was in existence. He explained the City is now in the process of trying to solve the problem and that Kramer Engineering had been hired to make a study of the problem and do smoke and wet/dry flow testing to see if some major points of water infiltrating into the lines could be found. Mayor Ufford advised Mr. Davis to have a check valve installed. After more lengthy discussion, Mr. Davis left at 8:40 P.M.

ORDINANCE 129, CREATING FIRE INSURANCE PROCEEDS FUND: Ordinance 129 was presented for approval. Mayor Ufford explained the ordinance had been discussed at the February 12 Council meeting. He said Steve Jones had approved the ordinance and also the League of Kansas Municipalities has put this ordinance on their preferred list. Davenna Jones made a motion, seconded by Floyd McGuire to approve Ordinance 129. Motion carried.

CENTENNIAL COMMITTEE: JoAnn Allen was present to report on the Centennial Committee's plans. She said they were making good progress. People are now volunteering their services. She said they had done well with the bake sale. They have ordered more Centennial buttons but that was the only expense to date. She asked those interested to attend an open meeting Thursday March 13 at 7:30 P.M. at the Kansas State Bank Community Room. Mayor Ufford commended the Centennial Committee (Karla Hazen, JoAnn Allen and Ruby Wadsworth) for their time and effort in planning the centennial celebrations.

RURAL WATER HOOKUP-LARRY SWARTZ: Larry Swartz was again present to discuss being allowed to hook onto the city water line East of town. He said George Maichel assured him he would give an easement if the City would put in another meter. (Maichel did not want to give up his hookup). Mayor Ufford reminded the Council when they vote, they had turned down someone recently and there may be more people who are going to want on service. One member said he was sympathetic to Swartz and his problem but he felt obligated to the people in town to take care of their water needs and concerns first. He said the City was already having to purchase water from the Rural Water District to supply the needs of the town. One member asked if there was a possibility he might someday turn this into a cattle operation. Another member felt the City could designate this place as residential hookup only. Swartz reminded the Council his family had owned this land for 150 years and it certainly was not a fly by night operation. Mark Daniels said he felt it was not right, inasmuch as the City had to build a pump station behind his property, which lowered its value, just because the wells could not handle the City's needs. Dale Fox made a motion, seconded by Davenna Jones to provide Swartz with a meter to be used for residence only and not to be used for the watering of livestock. Vote 2 yes 2 no, Mayor Ufford casting the tie breaking no vote. The motion did not pass. Ufford said he felt the Council's obligation is mainly to the residents of the City of Overbrook. After a heated discussion, Mr. Swartz left at 9:20 P.M.

PROPOSED LIBRARY BUILDING: Several members of the Library Board were again present to discuss the proposed move of the library to another building. In the absence of Chairperson Halterman, Kathleen Rose spoke for the Board. She said they had again discussed the price with the bank in Topeka and had agreed on \$25,000 for the Tutchter Bldg. She said they had checked with Martin's Service and the cost of a new central air unit would be approximately \$2850 fully installed. Martin said a new tower would be approximately \$1740 plus labor and parts. She said they had looked at the two bathrooms and they both need work and might be combined into one larger room, at an estimated cost of \$2,000. She said when you add the building, air conditioning, bathroom, west carpeting and new roof, it would bring the cost to approximately \$47,000. This would be the front portion of the building only. They felt there was no need to do anything to the back portion at this time but it would leave room for future expansion. She said the \$47,000 would not include some of the carpenter work. She also said the petitions would not be torn out, those areas could be used as storage and/or adult reading rooms. She noted the bank still wants \$1,000 earnest money. Jane Hylton, Treasurer, said they had not looked into the Miller Bldg. any more because it did not appear to be as much to work with.

Mayor Ufford reported the City Council had met Saturday in a special meeting to look at both buildings. It appeared the Tutchter Bldg needed quite a lot of work. He said the square footage of the three buildings in question were City building 1546, Miller Bldg. 1840 and Tutchter Bldg 4798. One Council member said she was greatly concerned when she saw three jacks holding beams up in the Tutchter Bldg. Dale Fox volunteered to go with Duane Stout to check the Tutchter Bldg. to ascertain if it is structurally safe. It was agreed by consensus that more indepth information was needed and that Dale Fox was to contact Duane Stout to check the buildings out. Also estimates would be needed before a decision could be made by the Council. The board members left at 10:25 P.M.

MISC: Dance Ordinance. Police Chief Dean again discussed the possible need of a dance ordinance. He handed out a sample ordinance for the Council to review. He said if they had it all ironed out now, in the future, when and if it is needed, it would be ready to be adopted and published.

Patrol car: Dean reported the patrol car now has 50,000 miles on it and by the end of the summer it will probably have 85,000. He felt the Council might like to be thinking about a new one and also the possibility of keeping this one as a backup car.

Lease Purchase obligation: Max Friesen as Treasurer said he did not feel the City budget could carry a four year issue such as lease purchase.

Rural Water Hookup-Swartz: Friesen brought up the fact that a precedent has already been set on water hookups along 56 Highway East of town. He said the Council might actually be breaking the precedent by not allowing this particular hookup. With this, the Council decided to again discuss the Swartz problem. Floyd McGuire made a motion to reconsider the original motion pertaining to the Larry Swartz water hookup. Dale Fox second. Motion carried. 3 yes one no (Virginia Robertson casting the no vote). After another lengthy discussion and the feeling that the Council was not particularly against single family hookup but were definitely against agri-business or commercial hookup outside the city limits, Fox made a motion to grant Larry Swartz a residential water meter hookup with the stipulation that it be residential only. Davenna Jones seconded. Motion carried. 3 yes one no (Virginia Robertson casting the no vote).

Street Surfacing: Bruce Smith asked when the Council wished to ask for bids for the street surfacing. It was agreed to ask for bids to be opened at the April 9, 1986 regular Council meeting.

Chlorinator: Smith reported periodically they have been having problems with the chlorinator equipment. He requested permission to obtain prices on new equipment. The Council agreed by concensus.

Damaged water meters: Smith also reported periodically water service users turn their meters on or off and occasionally someone does it wrong and breaks something. Smith wanted to know what the Council felt was appropriate to alleviate this problem. It was agreed to check into the problem and possibly add a provision on the next water rate ordinance.

Mayor Ufford read a thank you note from the Centennial Committee.

Recreation Commission: Mayor Ufford asked the Council to consider Tom Fenton to replace John Ramsey on the Recreation Commission. Dale Fox made a motion, seconded by Floyd McGuire to appoint Tom Fenton to fill out the unexpired term of John Ramsey on the Recreation Commission. Motion carried.

Mayor Ufford reported he had been contacted by Hi-Plains Sand and they assured him they would fix the section of Maple Street adjacent to the swimming pool but not until summer. They also assured Ufford it would be done cost free to the City except for material.

Dale Fox made a motion to adjourn the meeting. Floyd McGuire seconded. Motion carried. The meeting was adjourned at 11:40 P.M.

Respectfully submitted,

Mildred J. Cannon

Mildred J. Cannon
City Clerk

APPROVED April 9, 1986

MINUTES - REGULAR COUNCIL MEETING

APRIL 9, 1986

MEMBERS PRESENT: Davenna Jones Mayor Calvin Ufford
 Dale Fox Dennis Post (new member)
 Floyd McGuire

MEMBERS ABSENT: Virginia Robertson
 Pernal Olds (resign)

OTHERS PRESENT:

Paul Adams Kathleen Lee Beverly Fenton
 Don Keim Paul & Pauline Juneau Connie Fenton
 Walt Martin Lila Hamit Max Friesen
 Bruce Smith Ron Dean
 Black Top Asphalt representative
 Hi Plains Sand representative
 Library Board representatives (arrived at 9:00 P.M.)

The meeting was called to order at 7:30 P.M. by Mayor Calvin Ufford. The clerk called the roll.

RESIGNATION/OATH OF OFFICE: The resignation of Councilman Pernal Olds was presented (terminal illness) Davenna Jones made a motion to accept the resignation with deep regret. Dale Fox second. Motion carried. Mayor Ufford presented the name of Dennis Post to fulfill the council vacancy. Dale Fox made the motion to approve the appointment of Dennis Post to fulfill the three year term of Pernal Olds. Davenna Jones second. Motion carried. The clerk administered the oath of office to Mr. Post.

MINUTES: The minutes of the March 12, 1986 regular meeting were reviewed. Floyd McGuire made a motion, seconded by Davenna Jones to approve the minutes as written. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. Dale Fox made a motion, seconded by Floyd McGuire to honor all warrants. Motion carried.

EMERGENCY PREPAREDNESS: Paul Adams, Coordinator, Osage County Office of Emergency Preparedness was present to update the Osage County plan for emergency preparedness. He reviewed the sections pertaining to the City of Overbrook. Adams said he felt every community should have its own emergency preparedness organization and hoped Overbrook would implement one soon. Adams was thanked for coming and left at 8 PM.

STREET SURFACING BIDS: Two bids were received, seven companies were notified. Bids were as follows: Hi Plains Sand 50¢ per sq. yd., with separate bid for Cedar Street south of Market Street \$1613.00. Black Top Construction 59¢ per sq. yd with a separate bid for Cedar Street of \$1918.60. A letter was received from LRM but no bid. Floyd McGuire made the motion to accept the Hi Plains Sand bid of 50¢ per sq. yd., plus the extra work to be done on Cedar Street @ \$1613. Davenna Jones second. Motion carried. Before voting Fox asked about the Maple Street problem between Seventh and 56 Highway. The Hi Plains representative assured him they would clean it off, reprime and seal. He said last year they put in a rock base of 1 to 1 1/2 ft. but it was soft and now, that, along with the rock Bruce has put in over the last several months, should hold. Both companies were thanked for submitting bids and left at 8:15 P.M.

SMIDT: Mayor Ufford reported a load of top soil had been laid at Smidt's to their satisfaction. Also Albert Rukes trailer and pickup truck had been sold and the alley will no longer be blocked.

PIT BULL DOG PROBLEM: Concerned residents from the Meadows Subdivision were present to complain about a pit bull dog in their neighborhood. Police Chief Ron Dean reported that Mr. & Mrs. Mike Stewart, new residents at 705 West Second had brought with them a pit bull dog and two german shepards. One resident said she had stayed in Overbrook because she had felt safe for her children but with a pit bull dog only one block away she was now afraid. Others, representing a number of day care centers in the subdivision, didn't feel the children were safe now. Dean said he was in the process of obtaining an ordinance from Shawnee, Kansas which had been tested in court and would have it in final form at the May council meeting. The concerned residents were thanked for coming and left at 8:40 P.M.

CENTENNIAL REPORT: The clerk reported for the centennial committee. She said the cookbook was coming along very well but they needed a business to sponsor it. Also some souvenirs had been ordered and special orders would be taken soon for specific items such as belt buckles, etc. The clerk also reported the beginning of a wagon train which would be going through Overbrook, May 29 around noon. They will travel south on Maple Street and then on to the Woodbury farm south of Michigan Valley where they will circle up and spend the night. The public will be welcome. This will be the beginning of a route to Eric, Kansas where they will meet other wagon trains and will head back to Topeka in observance of the state's 125th birthday. Also it is anticipated the wagons will take part in the Overbrook Centennial.

CHLORINATOR: In connection with the report of problems with the chlorinator at last month's meeting, Bruce Smith said he had talked to a representative of one company to get a bid. This rep. felt we should go to a new system rather than repair this one. Dale Fox suggested rather than purchase the whole new system, maybe it would be better to purchase two new injectors thus having a backup. It was agreed by concensus for Smith to check into the price of new injectors and if acceptable, Mayor Ufford was given authority to approve the purchase.

BRUSH HOG MOWER: Bruce Smith requested the council purchase a brush hog for the tractor. He said we now have a belly mount mower and a sickle bar but they won't handle hard jobs. He had obtained bids from Four Corners Implement for a 7 ft. mower @ \$1380 which had been used around the shop but would have a new warranty, a 6 ft model @ \$1325 and a 5 ft. @ \$1225. Davenna Jones made a motion to purchase the 7 ft. mower @ \$1380 with a new warranty. Dale Fox seconded. Motion passed three yes, one no.(Floyd McGuire casting the no vote) After discussing the problem more closely, Davenna Jones made a motion to rescind her original motion for the purpose of further discussion. Dale Fox seconded. Motion carried. McGuire said he felt it might be to our advantage to purchase a brush hog at a farm sale. Councilman Fox was against this because the terms are always cash and all sales are final. Other members felt Bruce didn't have time to go around to sales, etc. Fox said he felt Bruce should get more bids before making a purchase. Floyd McGuire made a motion to authorize Bruce Smith to obtain other bids for a new or used mower with a new warranty at a price not to exceed \$1380. Dennis Post second. Motion carried.

LIBRARY BUILDING: Kathleen Rose and Jane Hylton acted as spokespersons for the Library Board. They handed out estimates for both the Tutcher Building and Miller Building, repairs. They noted there was no estimate for the back room of the Tutcher Building inasmuch as it wouldn't be used in the near future for anything other than story hour and it would be growth room for the future. They felt enough heat would come from the front to take care of any needs at the present. Mayor Ufford asked if they would expect the city to pay for the work later on? Hylton said she didn't know. Mayor Ufford noted it would be very hard for the city

to come up with several thousand dollars from the operating budget to do this and he felt it should be included in the bond issue. Hylton and Rose reiterated they anticipated using it but it did not need fixing up at this time. Rose noted Glen Norton said the roof was in good shape and just needed the \$1,000 repair. Ufford reminded her in the original bid Norton said the roof would not be any good after two or three years and would have to be replaced.

McGuire asked Max Friesen, Treasurer, if there was any way to purchase the building without a bond issue. Friesen said no, the Federal Revenue Sharing will soon be out of existence and that would have been the only fund available. Mayor Ufford said he talked with the bond counsel and they said it was the city council's responsibility to make the decision; 1) as to whether to go with a bond issue or not, 2) as to whether to put it on the ballot, 3) when to put it on the ballot, 4) precisely what the money is to be used for, and 5) the dollar amount of the bond issue. He said we must also comply with state statutes. At this point Davenna Jones made a motion that the Council go into a 30 minute executive session to discuss the matter. Dale Fox seconded. Motion carried. The executive session began at 9:35 PM, the regular meeting resumed at 10:05 PM. Mayor Ufford reported items discussed were; 1) amount of the bond issue, members felt the bond issue should be enough to complete the back room somewhat and the roof should be good for at least the length of the bond issue, 2) the council felt, for public awareness, a questionnaire should be included with the next water bill to apprise citizens of the problem and ask if they were for or against a bond issue to enlarge the library space, 3) when to put it on the ballot, it was agreed it should be put on the November ballot. Davenna Jones made a motion to send a mailing. Motion was killed for lack of second. The Library Board as a whole were very much against the mailing. They felt when the time is right and a dollar figure is arrived at, it will leave plenty of time for them to make a presentation to the public. It was agreed by concensus not to send a mailing at this time. It was also agreed by concensus to authorize Mayor Ufford to consult with the bond counsel so as to arrive at a figure using \$50,000 tentatively as spendable money.

Mayor Ufford reported the bond counsel would work on a contingency basis and if the bond issue does not pass, the city will owe them nothing.

Hylton asked about the \$1,000 earnest money. It was agreed by consensus no one wanted to obligate \$1,000 of the tax payers money without the assurance it would be returned if the bond issue did not pass. Ufford questioned if the building would be turned over to the city as is. Fox questioned what would happen if a large leak occurred. It was agreed by consensus, the council would meet at an adjourned meeting to discuss Ufford's findings before a final decision is made in connection with the earnest money.

Councilman Post asked if the library board had any money they could put up as earnest money. Hylton said they had discussed \$500.

The board members were thanked for coming.

WATER TOWER INSPECTION: Bruce Smith reported Midwest Tank had contacted him about the annual inspection of the East water tower. Smith said it had been painted inside in 1974 and the West tower had been painted in 1982. He felt there was a strong possibility that the East tower would need painted this year.

COUNCIL ANNUAL PAY: Floyd McGuire asked about the possibility of changing the amount paid each councilperson from \$75 annually to \$10 per month, paid for meetings actually attended. The matter was tabled to a later date.

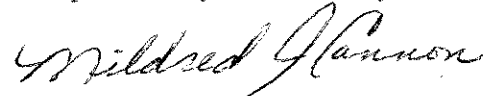
JAIL FEE: McGuire also reported other cities are just as concerned as we are about the jail fee. He felt possibly representatives from Osage County cities could meet to discuss it and maybe obtain an Attorney General's opinion. Ufford said he would be happy to meet with the other Mayors. Fox said he would be willing to attend as an alternate.

PUBLIC OFFICIAL'S LIABILITY INSURANCE: Mayor Ufford reported the public official's liability insurance was being cancelled June 10, 1986. He said the clerk was in the process of obtaining bids from other insurance companies at this time.

STOP SIGNS: The clerk reported Carol Anno had requested the yield sign at Fifth and Elm be removed and a stop sign be erected in it's place. She said there is a blind spot there. Ron Dean was instructed to check into the problem.

Dale Fox made a motion to adjourn the meeting to reconvene at 7:30 PM April 14, 1986. Davenna Jones seconded. The meeting ended at 11:45 PM.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED: May 14, 1986

MEMBERS PRESENT:	Davenna Jones	Virginia Robertson
	Dennis Post	Mayor Calvin Ufford
	Floyd McGuire (arrived at 8:20)	
MEMBERS ABSENT:	Dale Fox	
OTHERS PRESENT:	JoAnn Allen	Barbara Davidson
	Karen Halterman	Jane Hylton

The adjourned meeting of April 9, 1986 was reconvened at 7:30 P.M. by Mayor Calvin Ufford. The roll was called by Davenna Jones in the absence of the clerk.

Mayor Ufford reported he had talked to Mr. Moser at the League of Kansas Municipalities and Moser had advised that it was not illegal to put up earnest money but it was not advisable to do so. Ufford said he had also talked to Mr. Paul Gerdes, Topeka Bank and Trust, in connection with the earnest money to apprise him of the Council's feelings. Ufford said he got a cool reception and was told as far as the bank was concerned there was nothing to talk about. One Library board member said Ufford was talking to the wrong man. Ufford noted Mr. Evans was out of the city and Mr. Gerdes was the only person to talk to.

Jane Hylton said she had talked to Mr. Evans at 5:30 this evening and he had thought the bank might reconsider the earnest money but he couldn't give a definite answer at this time. She also reported the bank might go ahead and put on a new roof at this time regardless of the outcome of negotiations with the City. This cost would be added to the purchase price now being negotiated. One Council member said she felt the job should be given to someone in the city as the public feels we should trade at home whenever possible.

In connection with the bid presentation of April 9, Mayor Ufford said he felt the bid from the lumber company was too low and various items had been left out and he would get with Duane Stout and go over it more closely.

Mayor Ufford also reported he had been in contact with the bond counsel and their advice was to add at least 20% to the working capital for the bond issue. The counsel also felt an additional \$10,000 should be added to cover unexpected expenses.

Floyd McGuire entered the meeting at 8:20 PM, informed the group he had forgotten the meeting.

Virginia Robertson voiced her opinion that there should be a signed statement that the building was sound and that the supports would be removed.

It was agreed by concensus that the Library Board had spent some time with the Topeka Bank and Trust Co. but now the situation is in the hands of the Council to deal with the bank. It was also agreed that the Council would not go any further until a representative from the Bank contacted Ufford personally with the assurance they are willing to do business with the City.

Virginia Robertson made a motion to adjourn the meeting. Davenna Jones seconded. The meeting was adjourned at 9:00 PM.

Davenna Jones, acting clerk

Approved May 14, 1988

MEMBERS PRESENT:

Dale Fox	Floyd McGuire
Dennis Post	Davenna Jones
Virginia Robertson	Mayor Calvin Ufford

OTHERS PRESENT:

Mike Stewart	Bob Von Stein	Tom Fenton
Joann Allen	Jane Hylton	Karen Halterman
Max Evans, Topeka Bank & Trust	Max Friesen	Ron Dean
Barbara Davidson	Bruce Smith	Kathleen Rose

The meeting was called to order at 7:30 P.M. by Mayor Calvin Ufford. The clerk called the roll.

MINUTES: The minutes of the April 29 regular meeting and April 14 adjourned meeting were reviewed. Davenna Jones made a motion, seconded by Dennis Post to approve the minutes as written. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. Floyd McGuire made a motion, seconded by Dennis Post to approve all warrants. Motion carried.

PIT BULL ORDINANCE: Mike Stewart was present to discuss the pending pit bull ordinance. Mr Stewart, owner of two pit bulls, felt he wanted the council and public to know that all pit bulls are not dangerous. He said the breed of dog cannot be judged entirely on several incidents of mishandling or human error. Mr. Stewart said mainly he was present to ask that the council consider changing the wording on a few items. Mr. Stewart went on to discuss each item: 1) posted signs "Beware of Dog", 2) removal from city, and 3) age offsprings would have to be removed from the city.

Mr. Stewart felt this whole thing had been brought up on a panic situation. He said he didn't feel people of the community had given him time to see how he would handle his animals. He said he breeds dogs and he cares about his animals. He said he understood the people were concerned. He noted there was a german shepard running loose across the street from his home and they have been well known to be dangerous at times. He said they may not be as deadly as pit bulls but they are definitely dangerous.

After some discussion the matter was tabled to later in the meeting.

DOG PEN ODORS: Art Skaggs was present to find out what had been done about Charles Smith's dogs. Ron Dean said he had checked it out and Mr. Smith had gotten rid of one dog and was in the process of getting rid of the other one. Also the pens had been cleaned. Mr. Skaggs said nothing had been done. Mayor Ufford said in view of the conflicting reports, the next step would be for Mr. Skaggs to file a formal complaint. Mr. Skaggs said he would wait a while before filing the complaint to see if anything has been done.

LIBRARY BLDG:

Max Friesen asked about the possibility of the Western Auto building being considered for the Library. He said the floor would have to be replaced but the joists were good. He said he didn't have complete authority but the bank had been asking \$10,000 and he felt he could get the Board to lower that to \$8,000. He said the roof was about the same as the Tutcher bldg and the back portion could be torn down for parking. He said it had a good furnace and air conditioning unit. He said Glen Norton had looked at it and felt it was structurally ok.

RECREATION COMMISSION: Tom Fenton and Bob VonStein were present to report on the swimming pool and recreation commission. Fenton said the pool was about ready and would open June 2. He said all help has been hired. He reported there was \$52 left in the bank account but they would need \$300 more to start up this year. VonStein reported the Rotary Club was in the process of erecting a shelter house. He said manly they were just trying to maintain everything but there wasn't much money for anything else. He said they were working toward basketball courts and play ground equipment. Mayor Ufford reported there was a special parks and recreation allocation of \$1045 available this year which was to be used for both the pool and the park. The clerk was authorized to draw a warrant to the swimming pool fund for \$300.

Mayor Ufford commended the recreation commission for doing a fine job. He said the young people do need the recreation and we need people like those on the commission to see that they have what they need.

LIBRARY BOARD: Mayor Ufford asked that Karen Halterman and Jane Hylton be reappointed for a second term on the Library Board. Dale Fox made the motion, seconded by Davenna Jones to reappoint both members for a second term to the Library Board. Motion carried.

CEREAL MALT BEVERAGE LICENSE: Mayor Ufford presented a cereal malt beverage license application from Jack's Cafe. Davenna Jones made a motion seconded by Floyd McGuire to approve the license and application for Jack's Cafe for the sale of cereal malt beverage in unopened containers only. Motion carried.

PIT BULL ORDINANCE: Ordinance 130, pertaining to the keeping of pit bulls within the corporate limits of the city of Overbrook was presented. Mike Stewart's requests were again discussed. It was agreed to make the changes as follows:
1) Section 91-645(a) subsection (4) "Signs" line four would read "a sign easily readable by the public stating the breed of animal contained."; 2) Section 91-645(a) subsection (7a) "the permanent removal from the city or death of a registered pit bull dog"; 3) Section 91-645 (a) subsection (9) "Animals Born of Registered Dogs" All offspring born of pit bull dogs registered with the City must be removed from the City within "ninety days of the birth of such animal." Steve Jones, City Attorney questioned the insurance coverage requirement, he said he felt \$50,000 was not enough for a serious injury. He said it was the obligation of the council to protect its citizens. Mayor Ufford asked that the ordinance be tabled until a later date. The Council felt it should be taken care of now. Bob VonStein said he didn't feel the neighbors were mad at Stewart, they were afraid. After more discussion, Dennis Post made a motion that the Ordinance No. 130 pertaining to the keeping of pit bulls within the corporate limits of the City of Overbrook be approved with the changes as listed. Dale Fox second. Motion carried. 4 yes 1 no (Davenna Jones voted no, she felt the insurance coverage should be more per the city attorney's advice).

Mayor Ufford thanked Stewart for taking his time to come in and talk to the Council. He said the Council tries to do their job in a fair way and they do look forward to citizen input. Stewart thanked the Council for their consideration and said he felt somewhat better.

LIBRARY BUILDING: Present to discuss the proposed library building were representatives of the library board, Mr. Max Evans, Topeka Bank & Trust, and Steve Jones. Mayor Ufford reported he had met with Mr. Evans and they had discussed the \$1,000 earnest money, termite inspection and the roof. He said Evans had agreed the earnest money would be refunded if the bond issue did not pass. Attorney Steve Jones interceded that any contract would be subject to the approval of voters, if not approved, the contract would not be enforceable. Evans reported he had gotten two bids for the roof, \$15,500 and \$13,950. He said they would go ahead with the roof regardless of the outcome of the bond election. The cost would be added to the asking price of \$25,000 for a total of \$40,500 or \$38,950. He said no local lumber yard wanted to handle it.

Mayor Ufford reported he had gotten some updated bids for repair of the Tutcher building. His figures were as follows: \$25,000 for the building, \$14,000 for the roof, \$35,000 remodeling and 10% for fees etc. This would total \$82,000. He said he knew there were some items to be deleted but he was looking for a figure to start from.

Dennis Post made a motion that Steve Jones draw up a sales agreement for the Tutcher building for the bank and Council consideration. Dale Fox second. After a brief discussion the motion failed 3 no 2 yes. Virginia Robertson, Davenna Jones and Floyd McGuire casting no votes. McGuire said his main objection was there was nothing wrong with the Tutcher building except there was very little parking in mid block but there was the room for adequate parking at either end of the block.

Dale Fox made a motion that the Council go into executive session for 15 minutes to discuss the matter further. Dennis Post second. Motion carried. The executive session began at 10 P.M., the meeting reconvened at 10:15 P.M. Dale Fox made a motion that contractor's estimates would have to be obtained on all three buildings before a firm decision can be made. These bids to be presented at the June 11 regular meeting. Virginia Robertson second. After discussion Fox amended his motion to exclude the Miller Building. Motion carried.

Evans and the library board representatives were thanked for coming and left at 10:32 P.M.

CENTENNIAL COMMITTEE: Joann Allen reported several types of souvenirs had been ordered and should be in soon. She said the cook book was being printed but they did need a prime sponsor assuring the printer we were aware of the obligation. She said the Betterment Committee had agreed to underwrite the project so the city would be under no monetary obligation. It was agreed by concensus that the City would act as prime sponsor. Mayor Ufford was authorized to send a letter to that effect.

TREES: Mayor Ufford reported the tree by Ricklefs should come down. He said in the past it has been the policy of the City to take out dead trees within the easement of the street. Bruce Smith was instructed to ascertain if there are any more trees that are a problem.

PRESIDENT OF COUNCIL: Inasmuch as the President of the Council has to be available day or night in the absence of the Mayor, and Dennis Post works within the City, Davenna Jones made a motion that Dennis Post be elected President of the Council. Floyd McGuire second. Motion carried. Post abstained.

MOWER: Mayor Ufford reported Bruce Smith had found a new mower of a lesser grade than discussed at the May meeting. The mower is made by BMB. It was purchased for the price of \$600.

WATER: Bruce Smith reported the East water tower would be down for inspection Saturday. He said it was very likely it would need painting.

LAW ENFORCEMENT: Ron Dean presented an amendment to the criminal code. He said law enforcement had run into the problem of Superior court running local judgements out of Municipal Courts. Trends are to have cities more or less take care of their own business. This would allow the judge the discretion he needs. Virginia Robertson made a motion to approve the amendment. Dennis Post second. Motion carried. #91-1925

Dean requested the Council's consideration of the purchase of a second patrol car for weekend use. He said when the office on duty is called away or has to transport a prisoner, the city is left without a car. He said there were used highway patrol cars available that were in good condition. After a brief discussion, Dean was authorized to get prices to be presented at the June 11 meeting.

Davenna Jones made a motion to adjourn. Virginia Robertson seconded. Motion carried. The meeting was adjourned at 11:30 P.M.

Respectfully submitted,

Mildred J. Cannon

Mildred J. Cannon
City Clerk

APPROVED: 6-11-86

MEMBERS PRESENT:

Dennis Post	Floyd McGuire
Virginia Robertson	Mayor Calvin Ufford
Dale Fox	

MEMBERS ABSENT:

Davenna Jones

OTHERS PRESENT:

Max Evans, Topeka Bank & Trust	Barbara Davidson
Thelma Sloan	Kathleen Rose
Karen Halterman	Bruce Smith
Max Friesen	Ron Dean

The meeting was called to order at 7:42 P.M. by Mayor Calvin Ufford. The clerk called the roll.

MINUTES: The minutes of the May 14, 1986 meeting were reviewed. Virginia Robertson made a motion, seconded by Dennis Post to approve the minutes as written. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. Dale Fox made a motion, seconded by Dennis Post, to approve the warrants as presented. Motion carried.

PERSONNEL: Floyd McGuire made a motion that the Council go into executive session to review employee pay raises. Dale Fox second. Motion carried. The meeting reconvened at 8:10 P.M. Virginia Robertson made a motion seconded by Dennis Post to approve the following wage increases: Maintenance 4%, Police Chief 4% plus \$50 merit, all hourly employees 25¢ per hour and municipal judge \$25 per month. The treasurer wage would remain the same per his request. Motion carried.

ORDINANCE 132: An ordinance establishing the office of Assistant City Clerk. Virginia Robertson made a motion to approve Ordinance 132. Dale Fox seconded. Motion carried.

CHARTER ORDINANCE: A charter ordinance exempting certain provisions of K.S.A. 15209 relating to the qualification of certain city officers. Mayor Ufford explained this ordinance would cover the appointment of certain city officers from outside the city limits if the need ever arises. He explained there could be a time when there would not be a qualified city resident available. After a brief discussion the ordinance was tabled to a later date.

PROPOSED LIBRARY BUILDING: Mayor Ufford presented bids and tentative final costs for the proposed library building.

BUILDING	Purchase & repair	Paper-work	Total	Total Payback	Mill levy	Cost per square ft.
Western Auto	\$51,927	\$10,386	\$62,312	\$ 92,837	4.5	2400 sq ft @ \$25.96
Tutcher	62,566	12,513	75,079	114,788	5.5	4800 sq ft @ 15.61

There was some discussion by members of the Library Board. Kathleen Rose, Chairman felt the cost was too high and thought possibly a portion of the repair could be covered by library construction loan money. She said she had been checking on this and had found that by June 1987 there may be some money available. She felt some of the work on the back room of the Tutcher Bldg could be taken care of by this. Mayor Ufford said

that area was only going to cost approximately \$2,200 and that wouldn't help a great deal. One member said he felt it would be better to go ahead and take care of the whole area as planned so when they move in, it would be completely ready. Rose also said the board had hoped for what they felt was a more realistic figure. After more discussion, the concensus of the Council was to go ahead and have the building ready as soon as possible after the bond election. Dale Fox made a motion, seconded by Dennis Post to authorize Mayor Ufford to go ahead with the preliminary work necessary to put a \$75,000 bond issue on the November ballot. Motion carried. Mayor Ufford said he would contact the bond counsel and also would have the city attorney draw up a sales agreement with Topeka Bank and Trust Co. for the purchase of the Tatcher Building. He asked that the Library Board have their half of the earnest money ready when the contract is signed.

Kathleen Rose made available a tentative plan for the placement of shelving, furnishings, etc. in the building.

Mr. Evans agreed the building would be kept insured and in good repair until such time that the City takes possession. He also agreed that if the bond issue did not pass, the earnest money would be returned.

WALKWAY: Bruce Smith asked how the Council wanted the walkway by Casey's taken care of. He said it was getting in need of regravelling. It was agreed by concensus that the city would take care of the walkway. Smith was instructed to go ahead and replace whatever gravel was necessary.

POLICE RADIO/PATROL CAR: Ron Dean reported what he had found when he checked out a new police radio and a used patrol car. Bids from various agencies were discussed. After a brief discussion, Dale Fox made a motion, seconded by Virginia Robertson to authorize Dean to go ahead and purchase a new Motorola Radio at \$997.50. Motion carried. Virginia Robertson made a motion, seconded by Dennis Post to authorize Dean to approach the City of Scranton in connection with the purchase of a used patrol car for not to exceed \$1,000. Motion carried.

MISC: Max Friesen reported he and the clerk would be going to Lyndon July 8 to work up the 1987 budget. It will be presented at the July 9 regular meeting.

Floyd McGuire asked what could be done with the vacant lot North of his house. It was agreed the Mayor would discuss the problem with the owner.

Virginia Robertson made a motion, seconded by Dale Fox, to adjourn the meeting. The meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Mildred J. Cannon

Mildred J. Cannon
City Clerk

APPROVED: _____

July 9, 1986

MEMBERS PRESENT:

Davenna Jones
Virginia Robertson
Dennis Post

Floyd McGuire
Mayor Calvin Ufford

MEMBERS ABSENT:

Dale Fox

OTHERS PRESENT:

Joanne Allen
Bob Greenfield
Ron Dean

Max Friesen
Bruce Smith
Barbara Eisenbach

The meeting was called to order at 7:32 P.M. by Mayor Calvin Ufford.
The Clerk called the roll.

MINUTES: The minutes of the June 11, 1986 regular meeting were reviewed. Davenna Jones made a motion, seconded by Virginia Robertson to approve the minutes as written. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. Mayor Ufford explained the cost of resurfacing the streets was \$29,414. The city has an agreement with Hi Plains Sand Co. to pay half now and half in November after the Osage County Treasurer makes a distribution of funds. Dennis Post made the motion, seconded by Davenna Jones to honor all warrants. Motion carried.

CENTENNIAL COMMITTEE: Joanne Allen, Overbrook Centennial Committee reported sales of souvenirs had been going very well. She said so far they had taken in \$3500 of this they have paid out \$3000 in expenses. She said the committee feels the sales will pick up as the celebration gets closer. Allen discussed which streets they hoped to close for the celebration. She said they would be blocked off for one day, Saturday, August 16. Dennis Post suggested they might consider using the parking lot at the middle school.

Mayor Ufford asked what had been done about liability insurance. Allen said they were open to suggestion and would be checking on it. She was thanked for coming and left at 8:51 P.M.

AUDIT: Bob Greenfield was present to discuss the audit report. He said it had been completed with very little problem. He went through the report to familiarize the council with his company's format. He said he felt the city books were in pretty good shape. Mayor Ufford commented he was pleased that Greenfield had no problem with our system. Greenfield was thanked for a fine job and left at 9:10 P.M.

WATER BREAK: Bruce Smith reported there had been a little trouble at the chlorinator building. He said a line had broken and sprayed the electrical panel with water causing it to malfunction.

STOP SIGN/SECOND AND ELM: Ron Dean asked the council to consider the possibility of changing the street signs at the corner of Elm and Second. He felt a stop sign should be erected for north bound traffic out of the trailer court, entering the intersection. Mayor Ufford noted the law states the city can temporarily change traffic signs for a 90 day period, after which a permanent ordinance would have to be adopted. Floyd McGuire made a motion, seconded by Virginia Robertson to allow Police Chief Dean to erect a stop sign at the corner of Elm and Second stopping north bound Elm Street traffic for a period of 90 days. Motion carried.

DISASTER EVACUATION: Dean discussed the potential problem of disaster evacuation of any or all portions of the city. He said we need an interim plan to put into effect until the county or state can mobilize, which could take anywhere from one to three hours. He said with the council's permission he would like to have Mark Daniels coordinate a plan in writing for the council approval. It was agreed by concensus.

Mayor Ufford suggested the plan should include the mobilization of a few 4-wheel drive vehicles to be used during heavy snow storms, etc., if necessary.

Dean also asked that a specific shelter be designated, in writing, to be used as an emergency shelter.

MISC: Mayor Ufford reported the bond counsel is now doing the necessary paper work in connection with the library bond issue. He also reported the Topeka Bank and Trust were in the process of replacing the roof of the Tatcher Building.

BUDGET: Max Friesen, City Treasurer, presented the 1987 City budget for the Council approval. He noted the major change was in the bond and interest levy (1984 sewer project). After a brief discussion Floyd McGuire made a motion seconded by Davenna Jones to approve the 1987 budget as written. Motion carried. It was noted the budget hearing would be August 13.

Floyd McGuire made a motion, seconded by Virginia Robertson to adjourn the meeting. Motion carried. The meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Mildred J. Cannon
Mildred J. Cannon
City Clerk

mjc

Approved Aug 13, 1986

MEMBERS PRESENT:

Davenna Jones
Virginia Robertson

Floyd McGuire
Mayor Calvin Ufford

MEMBERS ABSENT:

Dale Fox

Dennis Post

OTHERS PRESENT:

Carl Maichel
Don Heberling
Don Hoffman, Atty
Jim Pinick
Bruce Smith

Bill Dean, KPL
Kathy Johnson, KPL
Ed Butterfield, KPL
Ron Dean
Max Friesen

The meeting was called to order at 7:50 P.M. by Mayor Calvin Ufford. The Clerk called the roll. The meeting started late because of lack of quorum.

MINUTES: The minutes of the July 9, 1986 regular meeting were reviewed. Davenna Jones made a motion, seconded by Virginia Robertson to approve the minutes as written. Motion carried.

WARRANTS: The warrants of the previous month were reviewed. Virginia Robertson made a motion, seconded by Floyd McGuire to honor all warrants. Motion carried.

1987 BUDGET HEARING: The 1987 Budget Hearing as published in the Osage County Chronicle was held. There being no protest the budget was approved by consensus and was signed by all members present.

KPL/GAS SERVICE FRANCHISE: Mr. Bill Dean, KPL Asst. General Manager was present to discuss the renewing of the electric utility franchise which expires in December. He said even though the Gas utility franchise was not due to run out at this time, KPL/Gas Service wished to have a new franchise which would include both utilities inasmuch as they will be fully merged in this area around January 1987. He noted the standard period of time for the franchise agreement is 20 years. Mayor Ufford said he had no objection but he would like to utilities to furnish the city with a work plan prior to any major work being done. He said the telephone company already does this. Mayor Ufford also asked that the clerk be contracted to collect the gas utility prior to the actual merge. He and the clerk both felt this would be advantageous to the utility and the community as well. Ms. Kathy Johnson, manager of the Gas Co., Ottawa, Ks., said she felt that would be no problem. She and Dean both agreed it would definitely happen when the final merge is completed.

Mr. Dean introduced Ed Butterfield, the new resident service man. They were all thanked for coming and left at 8:15 P.M.

PRIVATE CLUB: Don Heberling and Carl Maichel were present with their attorney, Don Hoffman, to discuss the new private club/restaurant being built on the south-east corner of Maple and Fourth Streets. Mr. Hoffman explained they had already applied to the Alcoholic Beverage Control for a Class B license. He said 51% of the club's receipts must be derived from the sale of food. He also explained there would be a public dining room. Mayor Ufford said this was the city's first experience and they would like to proceed cautiously. He said the clerk had an ordinance amending the criminal code, to present to the council which would

set the hours the club would be allowed to stay open and would also set an Occupation Tax fee. Ufford said he would be in favor of holding the ordinance until he hears from the ABC. He said an Assistant Attorney General working for the ABC had promised to send an Attorney General's opinion that might help the city. He said basically the city did not want to hurt anyone but they didn't want to be hurt either. He said this is the first time this has been brought before the council so no one has had an opportunity to do any research even though he did not anticipate any problem.

Don Heberling said their initial plan is to be open weekends, hopefully till 3 a.m. and if they decide at sometime in the future to be open weekdays they would probably close at 10 p.m. He also noted he was getting all club licenses in his name dba Ganders and Carl and Anita would be running the restaurant portion.

Mayor Ufford at this time presented Don Heberling's application for a Cereal Malt Beverage license to sell in unopened containers and one for consumption on the premises. The clerk asked Heberling to furnish the city office with a map of the layout of the club to be kept on file. Heberling said he would have it ready before the end of the week. After some discussion Davenna Jones made a motion, seconded by Floyd McGuire to approve both beer licenses for Don Heberling dba "Ganders" @ \$50 each. Motion carried.

There being no more discussion they were thanked for coming and left at 9:52 p.m. The ordinance was tabled to the September 10, 1986 meeting.

ORDINANCE 133; An ordinance concerning cereal malt beverages(ie lawful age) was presented. Floyd McGuire made a motion to approve the ordinance as presented. Davenna Jones seconded. Motion carried.

GAME MACHINE LICENSE: A game machine license for Don Cherry dba Mr. Video was presented. There being no dissension, the license was approved by concensus.

PENDING LIBRARY BUILDING, SALES CONTRACT: Mayor Ufford presented a sales contract for the purchase of the Tatcher Building, drawn up by the City attorney and approved by the Board of Topeka Bank and Trust Co. Ufford explained the contract was binding only to hold the building and if the bond issue of \$75,000 does not pass in November the \$1,000 earnest money will be returned and the contract will be rendered null and void. The total purchase price will be \$38,937.70 (\$25,000 building, \$13,937.70 roof) It was duly noted the city would pay \$500 of the earnest money and the library board would pay \$500.

Mayor Ufford reported the Library Board had asked for a mailing list of utility customers be furnished to them for a special mailing. Ufford noted the clerks record was alphabetic with account numbers only, no addresses and the utility cards are addressed by an addressograph. No formal list of names and addresses was available. The Council agreed by concensus to turn down the request. Their reason being the clerks office would have to make up a special list which would take time they don't really have.

WATER/MAINT. REPORT: Bruce Smith reported there had been water damage to the electrical board at the chlorinator building. He said he had sent the board to Texas and had not received any information on repairs as yet. He did say a new one would run anywhere from \$4500 to \$7500. He said he was also having the impellers replaced on the booster pumps.

FIRST RESPONSE UNIT: Mayor Ufford reported there had been some more development in connection with the first response unit. He had reported last month that Mr. Bell had taken his ambulance away from Overbrook due to some problem with the county. Ufford noted that this was in conflict with his contract with the county. It would appear that Bell has agreed to bring the ambulance back to Overbrook but he would have to meet with the Fire Board to iron out a few things.

PRIVATE CLUB-REDISCUSS: The private club subject was discussed again, including police coverage.

STREET SURFACING: The surfacing of approximately 700 to 800 foot around the corner of Surrey and Second Streets was discussed.

Floyd McGuire made a motion to adjourn the meeting, Davenna Jones seconded. Motion carried.

The meeting was adjourned at 10:20 P.M.

Respectfully submitted,



Mildred J. Cannon
City Clerk

Approved 9-10-86

CITY OF OVERBROOK
MINUTES REGULAR COUNCIL MEETING

SEPTEMBER 10, 1986

MEMBERS PRESENT:

Dennis Post
Davenna Jones
Virginia Robertson

Floyd McGuire
Mayor Calvin Ufford

MEMBERS ABSENT:

Dale Fox

OTHERS PRESENT:

Bill Dean, KPL/Gas Service Co., Rep.
Kathy Johnson, KPL/Gas Service Co., Rep.
Kenneth Greene
Ira Allen
Bruce Smith
Ron Dean

Steve Jones (arrived at 8 PM)
Representatives of Concerned
Citizens (re: petition)
Representatives - "Ganders"
Private Club

The meeting was called to order at 7:32 P.M. by Mayor Calvin Ufford.
The clerk called the roll.

MINUTES: The minutes of the August 13, 1986 regular meeting were considered. Davenna Jones made a motion to approve the minutes as written. Dennis Post seconded. Motion carried, unanimous.

WARRANTS: The warrants of the previous month were presented. Dennis Post made a motion to approve all warrants. Virginia Robertson seconded. Motion carried, unanimous.

PERFORMANCE BOND - GREENE SANITATION: Ira Allen, State Farm Insurance and Kenneth Greene, Greene Sanitation were present to request the Council accept a License and/or Permit Bond in lieu of a Performance Bond. They explained the two were basically the same. Greene said he had checked around but couldn't find a company to write a performance bond. They left a copy for the city attorney to review. The clerk was instructed to send a letter apprising Greene of the city attorney's opinion and acceptance. They were thanked for coming and left at 7:40 P.M.

LOADING ZONE - AUCTION HOUSE: Rosemary Topping was present to request a loading zone be designated in front of the building on the southwest corner of Fourth and Maple. It was agreed by concensus. She was thanked for coming and left at 7:42 P.M.

SCHOOL WALKWAY/FENCE: Jo Ellen Criger was present as spokesperson for several families in the Frieruble Addition. Criger voiced the residents wish to have the fence removed between Casey's and the walkway. She said the weeds were high and it needed gravel but no one could get in with a machine to do the work. Also, she said it was a real problem to remove snow in the winter. She asked that the option be left open to replace the fence later if necessary. Mayor Ufford said it would have to be handled one item at a time and if there was a problem later, the governing body would address it at that time. It was agreed by concensus that the west fence on the walkway would be removed. She was thanked for coming and left at 7:45 P.M.

LIBRARY BOARD MEMBER: Mayor Ufford submitted the name of Manie Minford to serve the unexpired term of Barbara Davidson on the Library Board. Davenna Jones made a motion to approve the appointment. Dennis Post seconded. Motion carried.

KPL/GAS SERVICE FRANCHISE: Kathy Johnson and Bill Dean were again present to discuss the franchise renewal. There was more discussion as to what percentage would be appropriate. The subject was discussed at length. Floyd McGuire made a motion, seconded by Virginia Robertson to approve 4% each for gas and electric. Motion carried, unanimous. Floyd McGuire then made a motion, seconded by Dennis Post to authorize Mr. Dean to go ahead with the first reading of Ordinance 138. Motion carried, unanimous. The ordinance was read in its entirety. Davenna Jones made a motion, seconded by Dennis Post to publish the notice in the official newspaper. Motion carried, unanimous.

PETITION - re: ORDINANCE PERTAINING TO THE EXTENDING OF BUSINESS HOURS FOR PRIVATE CLUBS: Judy Newberry, presented a petition requesting the City maintain the midnight closing time for all retail business, etc. Newberry said she and the signers did not feel the city had adequate police protection to protect all businesses including the new one if the closing time was extended beyond midnight.

Several concerned citizens spoke both for and against the closing hours.

Carl Maichel, in rebuttal, noted he had started in business in Overbrook six years ago, he had put in the first self-service gas station (paving alone was \$8,000). He then started a sandwich factory and when it got too big he sold the restaurant and bought a vacant building where they put out 3500 sandwiches per week. He said he was proud of Overbrook and was proud of what he had done and he wouldn't put anything in town that would be detrimental to the success of his business. Maichel said all they were asking was to be able to stay open until 2 AM Friday and Saturday night and close at 10 PM on Sunday.

It was noted that the closing time for private clubs in Topeka is 1:30 AM and Carbondale's closing time by ordinance is 3 AM although Don's Den closes at 1:30 AM.

Newberry reiterated she was not against new business, she was only concerned about problems arising after midnight. She felt this being a supper club, no one was going to dine after midnight. Maichel said his club was going to be a supper club with dancing etc. He said they had taken precaution so there would be no excessive noise. He said as far as loitering etc., a private club is different from a tavern where you can walk out with a can of beer. Private club laws are very strict and highly regulated where tavern laws are not.

After a lengthy discussion, Floyd McGuire made a motion that the Council members go into a ten minute executive session. Dennis Post seconded. Motion carried (executive session began at 9:10 PM). Steve Jones, city attorney was invited to sit in on the executive session. The regular meeting resumed at 9:20 P.M. at this point Davenna Jones made a motion setting the hours liquor can be sold as follows: Private Clubs be allowed to sell alcoholic beverages from 9:00 AM to 1:30 AM Friday and Saturday and 9:00 AM to 12 midnight Sunday through Thursday. Floyd McGuire seconded. VOTE: 2 yes (McGuire and Jones) 2 no (Robertson and Post) Mayor Ufford was called upon to cast the tie break vote. VOTE: yes. Motion carried.

Floyd McGuire made a motion to set the occupation tax at \$250 per year. Virginia Robertson seconded. Motion carried, unanimous. Floyd McGuire made a motion to approve Ordinance 137, reflecting the motions aforementioned. Davenna Jones seconded. VOTE: 2 yes (McGuire and Jones) 2 no (Post and Robertson). Mayor Ufford was again called upon to cast the tie break vote. VOTE Yes. Motion carried.

They were all thanked for coming. Mayor Ufford commended all for their interest in city affairs.

ORDINANCE 134, BOUNDRY ORDINANCE: This ordinance was tabled to a later date.

ORDINANCE 135 - AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF OVERBROOK, KS, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE OF KANSAS CITIES, EDITION 1986" Floyd McGuire made a motion to approve Ordinance 135. Dennis Post seconded. Motion carried, unanimous.

CHARTER ORDINANCE 5, A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERBROOK FROM CERTAIN PROVISIONS RELATING TO QUALIFICATION OF CITY OFFICERS: Mayor Ufford noted this ordinance had been read previously and had been tabled. Davenna Jones made a motion seconded by Floyd McGuire to approve the ordinance as read with one change - last sentence Section 2, to read PROVIDED, that nothing herein shall authorize the appointment of nonresidents of this county. Motion carried, unanimous.

ORDINANCE 136 - AN ORDINANCE AUTHORIZING A QUESTION SUBMITTED, BE INCLUDED IN THE GENERAL ELECTION ON NOVEMBER 4, 1986 i.e. BOND ISSUE \$75,000: Dennis Post made a motion seconded by Floyd McGuire to approve the ordinance as read. Motion carried., unanimous. (re:Purchase and remodel Tutcher Bldg for Library)

UNFINISHED BUSINESS: Mayor Ufford appointed Floyd McGuire to check into the City insurance coverage to ascertain if the city is getting the coverage they need. Mayor Ufford said he did not feel city employees should be involved in settling insurance problems which takes them away from regular city business.

NEW BUSINESS: Mayor Ufford asked the Council's permission to instruct the planning commission to review the business district zoning borders and make changes if necessary. Council agreed by consensus.

WATER RATES: Mayor Ufford informed the Council that the water rates need overhauling. He said the city records show it is not paying it's way. The matter was tabled to a later date.

MISC: SEWER: Mayor Ufford reported Jack Kramer, Kramer Engineering would like to start smoke testing the sewer lines early next week.

PRIVATE CLUB - LIQUOR SALES: Mayor Ufford reported he had received a packet of rules and regulations from the Assistant Attorney General in conjunction with the Alcoholic Beverage Control. These will be kept in the City office. He noted

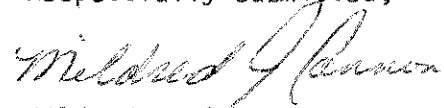
there is a 10% gross receipt tax on every drink, 75% of this goes to ASAP and 25% is held in the state treasury. Half of the 25% comes back to the city (12½%)

WATER: Bruce Smith reported Warren Engler had requested the water meter for the building at the southwest corner of Fourth and Maple be moved. It was agreed by concensus that the work would be done on a cost basis plus compensation for city maintenance time.

Smith reported the bid for repair of the control panel would be approximately \$1,000 and should be finished by mid October.

Davenna Jones made a motion to adjourn. Floyd McGuire seconded. Motion carried, unanimous. The meeting was adjourned at 10:45 P.M.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED: Oct 8, 1986