

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JULY 13, 2005

MEMBERS PRESENT: Bruce Smith, Bob Sisson, Rich Hamit, Mayor Jack Young. Larry Coursen and Ira Allen absent.

OTHERS PRESENT: Bruce Anderson, Scot Stauffer, EulaLee Fuller, Beverly Hix, Yolanda Dickinson, Shawn Myers, Patty Hylton, Bob Call, Ed Harmison, Cheryl Brown.

Mayor Young called the meeting to order at 7:00 PM. Roll call was taken.

MINUTES / WARRANTS: Bruce Smith moved to approve the minutes of the June 22, 2005 meeting. Bob Sisson seconded; motion carried 3-0.

Rich Hamit made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried 3-0.

WATER QUALITY CONCERNS: Bruce Anderson was present to inquire about being connected to the new waterline that was installed a couple of years ago. This line brings water from the city wells to the east water tower. Anderson, who lives just north of this water line, is currently being served by an older existing water line. He admitted that being on the end of the line is part of the reason why he, Jim Arnold and Bob Meggison have had a problem with dirty, smelly water for quite a while. Anderson asked if these 3 residences could be connected to the new line. Bruce Smith said that he'd had Bob Call do some chlorine tests on the 4" and 6" lines that bring water to town and there are noticeable differences. A low chlorine level could be why the water is smelly. Bob Sisson, who was maintenance superintendent at the time the new line was installed, said that the only resident on the new 6" line is Kim Steves (Pearl Stitt's old homeplace). Anderson also asked about having the meter replaced. He said he would personally pay for the new meter and pipe to do this. The mayor asked about the water pressure due to three houses being served by one meter. Bruce Smith said that upsizing the meter while it's being replaced would probably be a good idea. Anderson said he understands that replacing the meter won't improve the water quality unless it's connected to the new 6" line. Smith stated that he's concerned about all the households connected to the old line. Anderson stated that he's sure that being connected to the new line will solve most of the problems they now have with the water. The council agreed by consensus to have Bob Call check prices for the meter and waterline so Anderson will know what the expense will be in advance. Mayor Young said the information should be available at the next council meeting. Anderson thanked the council.

WATER DRAINAGE ISSUES: Scot Stauffer came before the council to ask what can be done about the standing water problem around his residence at 411 Oak. Stauffer said that all the culverts are plugged, including the ones under the streets. He's concerned about mosquitoes, etc as a result of the stagnant water. Eula Lee Fuller, 105 W. Fifth, said she has the same problem and asked the council to please do something. There was discussion about the possibility of hiring someone to come in and clean some drain tubes that run under the streets. Following the discussion, Bruce Smith moved to have Ace Pipe Cleaning come for a minimum of 8 hours and try to pressure-clean the drainage tubes in certain intersections and alleys to help drainage on private property. Motion carried 3-0. Bob Call will check into making the arrangements with Ace, and making a list of tubes to be done. Bruce Smith said that this probably won't take care of the problem completely, but it should help.

Smith also said that drainage issues should be included in a comprehensive plan for future building.

Bob Call told the council that building an 8" grate to help with the water run-off from the grade school has been suggested as a way to help with the problems at Bob Gloss's property. The council told Call to get some bids on grates.

**AUDIT/BUDGET:** Cheryl Brown told the council that due to miscommunication, Jim Long will not be here tonight to do the 2004 audit report and 2006 budget discussion. He will be here on July 27<sup>th</sup>.

**LIBRARY ROOF:** Shawn Myers of Midwest Coating, was present to talk about roofing the library. He presented a bid, and explained the details to the council. The bid was for \$26,868.00 for the application of Duro-Last roofing material. His company offers a 15-year warranty on material and labor. Some of the companies that he listed as references are Stormont-Vail Hospital, UMB Bank, USD #501, and Payless Shoe Source. The council asked if Myers' company offers a payment plan as they weren't sure of available funds since this wasn't in the 2005 budget. Myers said he would check with the owner to see if something can't be worked out that would work for the company and the city. He will fax the information as soon as possible for the council to consider. Bob Call told the council that Myers was the only contractor to respond to his calls.

**LIBRARY BOARD:** Bruce Smith moved to appoint Becky Coltrane to the library board as a replacement for Sharon Mitchell. Rich Hamit seconded; motion carried 3-0.

**DRUG/ALCOHOL TESTING:** Mayor Young said that he would be more in favor of using a pool-type program even if it costs a little more. Tim Harris, who made a presentation at the last meeting, indicated the weight of the vehicle is what mandates needing drug and alcohol testing, rather than just having a commercial driver's license. The matter was tabled until all the council members can be present.

**JOB EVALUATION/SALARY RANGE:** This was tabled until Rich Hamit can make arrangements for someone from the League to be here.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council.

**MAINTENANCE REPORT:** Bob Call said the problem he was having at the wells turned out to be electrical which Westar has fixed so all 5 wells are running. The exhaust fan has been installed at the pool.

Call contacted Leo Lang for ideas on fixing the problem in front of the barbershop. It's been repaired once, so he's trying to find a more permanent solution.

Call said that he and Mark McCain have cleaned out about 15 water valves, installed some car stops on the Trail by the city lake, and installed a 2" water meter for the new addition at Grace Community Church. The church will be charged for expenses over and above the regular \$500 fee. Some of the parts were back-ordered, so the final amount isn't known at this time.

Call told the council that he and Bob Sisson looked at a 1992 International dump truck in Chanutte. It won't be released until July 19<sup>th</sup>, but they did put a reserve on it. No one can bid on it, or buy it until all the paper work has been completed.

**TREASURER'S REPORT:** Patty Hylton reviewed her reports for the council. Hylton told the council about possible transfers she may have to make regarding the Bond & Interest fund and the Law Fund. She said that the Water/Sewer fund could handle buying a dump truck if the price is around the estimated \$10,000 rather than doing a lease. She will have to look at the General fund more closely regarding the cost of a new library roof.

Hylton gave the council a report comparing budget authority and actual expenses for the past several years as a tool for preparing the 2006 budget. She will have more reports at the next meeting for budget preparation. Hylton said that starting an economical development fund would be nice, but this hasn't been specifically designated in the 2006 budget. Brown said that funding the Comprehensive Plan needs to be considered, and maybe could be included with economical development. Hamit asked why the Law fund is less on the 2006 budget. Hylton said it had been increased in 2005 to fund a possible need for employee health benefits, and that money is still there since there has been no increase in those expenses in regards to health insurance.

Hylton presented a report showing how the funds are doing at this time in relationship to the year's total budget. Chief Harmison asked if he can tap into the \$14,500 reserve fund (employee health benefits) later on if necessary. Hylton said that for some reason, the law fund is running about \$600/month over what the budget allows. Harmison said that his expenses are running less than what he

budgeted so he's concerned about why it appears he's spending more than what was budgeted. Hylton said that the amounts transferred for reserves would show up as expenses and that when these amounts are deducted, the result is a more accurate indication of actual expenses. Hylton said that there should be another \$30,000 levy from the county so with the \$20,000 current cash balance, the law fund would have around \$50,000 for the rest of the year which is what they've been averaging. Smith said that his understanding is that the \$14,500 is to be carried over to fund a potential expense in the next year, and not to be refunded on a yearly basis. Hylton agreed and said that if it's spent, either on health benefits or whatever, it would need to be restored through the levy. Harmison said that his goal is to keep the Law fund in the black.

The council agreed by consensus to ask Jim Long about funding something for economical development, maybe as part of the General fund. Hylton said that the goal for the 2006 budget was to lower the mill levy due to possible increases in utility rates. She pointed out that the library had been increased slightly but not as much as what they had asked for. After discussion, Bruce Smith moved to increase the library mill levy by one mill and decreasing the General fund by one mill. Bob Sisson seconded; motion carried 3-0. It was agreed to leave the transfer to the city lake at \$10,000. Hylton said she would talk to Jim Long about these changes before the next meeting. The goal is to do all this without increasing the tax levy, or total mills. The clerk reminded the council that the deadline for publishing the proposed budget is August 5<sup>th</sup>, with the hearing on the 10<sup>th</sup>. There was more discussion about protected funds. Hylton suggested trying to set aside a definite amount to be used for Parks/Recreation on a regular basis. She was thinking about playground equipment suitable for small children.

**CLERK'S REPORT:** Cheryl Brown reported that she'd received a letter from KDHE telling us that our Consumer Confidence Report for 2004 wasn't complete as we didn't include all the test results from Osage Rural Water District No 5, Douglas Rural Water District No 3, and the City of Topeka. We can comply by publishing a notice that the information is available at City Hall, so she has put such a notice in both county papers. Brown said that this is the first year this has been required, and it would have increased the size of the report by 3 pages.

Brown reminded the council that she'll be on vacation next week, with Lila Hamit filling in for her.

She said that after visiting with Jim Long, she's contacted Derrick Weigel about purchasing a duplexer for the copier at a cost of \$340. She would like to check prices on updating to flat-screen monitors. The ones being used are about 10 years old, and the images are slightly blurred, especially on one of them. They're still usable so would work for someone who doesn't need to see a lot of numbers, etc.

Brown said that we're on the list for a new mailbox for Overbrook Police Dept/Municipal Court. Paul Rivera, postmaster, said he would let her know when it's available.

Brown pointed out that the notice she received from the Department of Revenue, Alcoholic Beverage Control, stating that the state law has been amended to make the liquor laws uniformly applicable to all cities and counties. Any city ordinance which is in conflict with the Liquor Control Act becomes null and void after November 15, 2005. This means that on and after 11-15-2005, all cities will become "wet" and the state will begin issuing retail liquor store licenses to qualified applicants until

a. the governing body of the city adopts an ordinance prohibiting retail liquor stores  
b. after November 15, 2005 the city holds an election in which the majority of the voters vote to prohibit retail liquor stores (become "dry"). Once "dry", a city may vote to change back to being "wet" at any subsequent election.

Polly Berkley has requested that "Children Playing" signs be put near her residence on East First Street. The council agreed that these signs be installed, and Call should order extra signs if they're needed anywhere else.

There was discussion about some League workshops to be held in the near future. Roger Harmon has put together the forms for reimbursement for the work done on the Trail's project. There was discussion about options about vehicle traffic across the Trail's. Chief Harmison was asked to talk to Harmon regarding safety issues. Hamit suggested that the concrete be reinforced in case traffic is allowed to cross the trail in the future. Council agreed by consensus.

Brown reminded them that the office may be closed on August 15<sup>th</sup> and 16<sup>th</sup> if there's no one available to work for her.

**DRIVEWAY/DITCH:** Mayor Young said that he had gone with Bob Call as a response to Rick Hubbart's complaint about the drainage on his driveway. The mayor said that Hubbart needs ditch work done, but since the tube under the driveway is plugged, having a ditch probably won't help. Bob Call said he had

put gravel in the rut along the street. The mayor suggested sending Hubbard a letter. The clerk asked the council to consider composing a standard letter in response to this particular issue letting people know that driveway drainage tubes are their responsibility. Smith said that he's concerned that people put in the wrong size tube and then are upset when the drainage becomes a problem.

Mayor Young asked that drainage requirements be put on the agenda for discussion at the next meeting. Smith said he would try to bring it up at the next Planning Commission meeting.

COUNCILMEMBER COMMENTS: Bruce Smith gave an update on the Pomona Lake Project. Some of the original groups have withdrawn. He thinks the city needs to make a decision soon about staying in the group or not. Current and future water supplies were discussed. There was discussion about the length of the contract with Osage Rural Water District NO 5. The clerk checked, and said the contract expires in 2021. This led to discussion of adding new services, and increasing the price for new water meters. The current fee of \$500 covers the equipment cost. The matter was tabled until the next meeting.

MAYOR'S REPORT: The mayor told the council to watch out for wildlife in his neighborhood. He saw a doe in his yard a couple of evenings ago.

There being no further business before the council, Bruce Smith moved to adjourn. Rich Hamit seconded; motion carried and the meeting was adjourned at 10:05 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED:\_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

JULY 27, 2005

MEMBERS PRESENT: Ira Allen, Bruce Smith, Bob Sisson, Rich Hamit, Mayor Jack Young. Larry Coursen absent.

OTHERS PRESENT: Jim Long, Vic Robbins, Mike Dickerson, Ed Harmison, Bob Call, Michael Blood, Cheryl Brown

The meeting was called to order by Mayor Young at 7:00 PM. A quorum was present.

MINUTES/ WARRANTS: Rich Hamit made a motion, seconded by Bruce Smith, to approve the minutes of the July 13, 2005 meeting as written. Motion carried 4-0.

Ira Allen moved to pay all warrants presented. Bob Sisson seconded; motion carried 4-0.

AUDIT REPORT FOR 2004: Jim Long, of Bogner & Long, was present to review the audit of the city's 2004 financial reports. Long stated he was pleased to see the amount of cash balance this year, as compared to the balances of past years. There were some excess expenses in the Special Highway fund and also Street Maintenance, but Long didn't find anything that would result in a penalty.

Long went over each of the funds for the council's benefit. This report is available to the public during business hours. The clerk is planning to leave a copy at the library, too.

Long again encouraged the city to build up a cash reserve, and one way to do that is to continue to keep expenses down.

Bruce Smith moved to accept the audit report. Rich Hamit seconded the motion; carried 4-0.

2006 BUDGET PREP: After discussing the proposed 2006 budget as prepared by Bogner & Long, Ira Allen asked why the mill levy was decreased by 1.25 mills when the city is trying to build a reserve. Jim Long said that he can put the 1.25 mills back in the budget which would levy more money without increasing the levy. After more discussion, the council decided to increase the mill levy from the proposed 35.545 to 36.60 mills. This would be the maximum mills allowed without adopting an ordinance to increase the tax levy. The council agreed by consensus to allot the increase to the General fund, where it can be transferred to other funds if necessary. Bruce Smith made a motion, seconded by Bob Sisson, to approve the 2006 budget with those changes. Motion carried 4-0. The clerk will have the new "Notice of Budget Hearing" published after Long makes the changes requested by the council. The council also agreed to have the budget hearing for the public on August 10, 2005 at 7:00 P.M. This will be the first order of business at the next regular council meeting.

WATER/SEWER REPORT: Vic Robbins reported said that he and Bob Call had been inspecting some of the manholes that missed the inspection earlier this year. They still have a few to inspect.

Robbins said that progress is being made on the sewer inflow/infiltration inspections. He's still waiting to hear from Michael Coffman about a letter to those residents who have refused the initial inspection. He reminded the council that July 31<sup>st</sup> is the date that was set as the deadline. Robbins couldn't recall the names of those who have refused the initial inspection. The council told Robbins to contact Coffman about getting the letter to those property owners. Robbins asked Mayor Young to contact Steve Cross about his schedule in order to get his inspection done.

Rich Hamit asked about inspecting the perimeter drains. Robbins said that the method for doing this hasn't been addressed yet. The July 31<sup>st</sup> deadline applies to those whose sump pumps were connected to the sewer system.

Robbins gave a quick report on his inspection of the city lake dam. He has submitted the report. The only problem he noted was some unwanted vegetation on the dam itself. He's talked to Bob Call about the matter. He is recommending that the inspection be done yearly in order to keep the maintenance updated. The inspection could be done by someone other than an engineer. Safety inspections have to be done by a qualified engineer as required by the state. There was discussion about how much land the city owns surrounding the lake regarding a controlled burn in the spring.

Robbins reported that KDHE has approved the waterline replacement plan, but we need a performance bond from Donnie Bryant. Bryant is in the process of ordering the pipe, and should be ready to start in 10 days, and complete the project within 20 days. The contract allows 60 days, and Bruce Smith requested that Bryant not start until after the fair.

Robbins has been working on the Sewer Rehabilitation plans for KDHE, and should have it completed soon after the last 5 manholes get inspected. Mayor Young said that he's been concerned that we won't get any more grant money until this project is completed, and this first phase seems to be taking longer than expected. Robbins said that he has been a little slow due to other job requirements, but he's sure that completing the first phase will cost more than the first grant and loan. He doesn't think that doing this in pieces is a good idea. The mayor said that we may need to talk to Donna Crawford about the time factor and the best way to supplement the funds to pay for the total project. Robbins said that Crawford had indicated that we may be able to get more grant money, and someone needs to talk to Crawford. Mayor Young said he would talk to her.

**LIBRARY ROOF BIDS:** After discussing the need for re-roofing the library, Bruce Smith made a motion to accept the bid from Midwest Coating to apply the DuroLast roof for a total cost of \$26,868.00. 50% will be paid upon their ordering the material and the balance will be due in January, 2006. Bob Sisson seconded the motion; carried 4-0. The work will be done in October.

**2005 CHANGES IN LICENSES FOR LIQUOR SALES:** The council will review the changes made by the legislature regarding the sale of alcoholic liquor. The council must act before November 15, 2005 to keep the current city requirements, otherwise the city automatically becomes "wet" which would allow any state-approved person to operate a retail liquor store. Presently, this can only be done by approval of the voters after the necessary number of electors sign a petition. The mayor said he doesn't have a problem with letting the people vote on this issue. Hamit stated that passing an ordinance before the deadline would give the city more control. The clerk stated that after November 15<sup>th</sup>, if the council does nothing, any person with a state liquor license can open a retail liquor store in any commercial-zoned area without council approval. The mayor said that he thinks the matter should be decided by a vote of the people, and not a decision made by the council, so he's in favor of keeping the current requirements which would mean passing an ordinance before November 15<sup>th</sup>. Bruce Smith asked about the city revenue aspect of the matter. The clerk said the city would receive sales tax, and probably some extra from the state through the alcohol liquor tax, just as it now gets from Conrad's Bar & Grill. The clerk suggested that the mayor and council visit with a lot of residents before making any decisions.

Mayor Young said that he'd been asked by Casey's General Store about selling cereal malt beverages on Sunday's. The new state law retains existing days and hours of retail beer sales, but it also allows cities to expand the days and hours of sales to include Sunday's except Easter. The matter was tabled until the statutes are studied. The clerk said she would also contact the city attorney.

**DRUG/ALCOHOL TESTING:** The mayor said he's going to talk to someone at the state about exactly who is required to participate in the testing.

**DRAINAGE REQUIREMENTS:** The council is considering requiring certain sizes of drain tubes, and this has also been discussed by the Planning Commission. More time is needed to study.

**WATER METER FEES:** After discussing the cost involved, Rich Hamit moved to raise the price of water meters for new services from \$500 to \$1500. Bob Sisson seconded; motion carried 4-0. The price of replacing an existing service meter would remain at the cost of materials and labor which varies.

**SERVICE FOR ANDERSON, MEGGISON, AND ARNOLD (RURAL):** Bob Call told the council that the cost of new parts, including a 1" meter, to connect Bruce Anderson, Bob Meggison, and Jim Arnold would be \$494, excluding the cost of the pipe. The expense to connect the new line to the city line will be approximately \$600. Bob Sisson moved to install a new 1" meter and the necessary equipment to connect to the city line, with the 3 residents being responsible for the expenses. Bruce Smith seconded; motion carried 4-0. Bob Call will tell Anderson of the council's decision and the estimate of the cost involved. Bruce Smith said he would work on some kind of form letter that can be sent to inform residents of council decisions regarding water, sewer, drainage and street matters.

**1992 DUMP TRUCK:** Bob Call is still waiting on the final details about the 1992 dump truck and when it will be available.

**MISCELLANEOUS:** The mayor showed the group a letter written by Yolanda Dickinson thanking the police department for their prompt service in a recent robbery at her residence.

The clerk said that a post office box has been assigned to the police department and municipal court. They will be using PO Box 135 from now on.

Brown asked the council about purchasing 2 new monitors for City Hall. She has received a bid for 2 new 17" flat paneled monitors at a cost of \$269 each. Bob Sisson made a motion, seconded by Rich Hamit, to purchase the 2 monitors. Motion carried 4-0.

Rich Hamit moved to contract Bogner & Long to do the 2005 audit at a maximum cost of \$4250. Bruce Smith seconded; motion carried 4-0. This wouldn't include the state filing fee.

EXECUTIVE SESSION: Rich Hamit made a motion, seconded by Bruce Smith, to recess into an executive session to discuss non-elected personnel matters for 10 minutes, with Bob Call present. Motion carried; meeting recessed from 8:55 to 9:05 pm. Mayor Young called the meeting back to order.

COUNCILMEMBER COMMENTS: Bruce Smith said that the city needs to make a decision about pursuing an agreement with the Pomona Lake project. After discussing the matter, Bob Sisson moved that the city remove itself from the project at this time. Ira Allen seconded; motion carried 4-0.

Bob Sisson said he'd been asked by a couple of fairboard members to ask the police department to keep the number of officers patrolling the fairgrounds on carts to a minimum. Chief Harmison told the council that they would have only one "gator" type vehicle in use this year.

Ira Allen said that when he dumped limbs at the tree dump he noticed what appeared to be building material. The mayor said he's noticed the same thing including furniture, and carpet. Hamit said he saw a swing set. Smith said that it's time to close it again. Several solutions were discussed, including fencing the area which would require people to sign for a key. Mayor Young said that the city will have to pay to have all the trash hauled away. Michael Blood suggested having it open just once a month with someone watching. The mayor said that people need to realize that this site has been provided as a free service and it can be closed at any time. Getting that message out was discussed. The clerk said she would have it put on the website too. The mayor asked Mike Dickerson to put something in the paper about the problem.

Rich Hamit asked if anyone has received email through the website. The mayor's email is forwarded to his personal email, and no one else has gotten any as yet.

MISC: Chief Harmison said he hasn't had any complaints or problems at the pool this year and wanted to commend the manager on doing a good job.

Michael Blood thanked the council for the "slow" signs in his neighborhood.

The clerk asked if the mayor found out who the "Mrs. Musick" was in a previously received thank you letter. Mayor Young said it was Linda Musick who had opened her business to help the people who wrote the note. This will be published at a later time.

MAYOR'S REPORT: The mayor would like to have some more details about the Recreation Commission that was formed when Jones Park was being formed. The council agreed that they need to know who authorizes the spending. The clerk said that Bob VonStein has the checkbook, and the bank statements. Rich Hamit said he would do some more checking when he has a list of current members.

There being no further business before the council, Bruce Smith moved to adjourn. Ira Allen seconded; motion carried. Meeting adjourned at 9:30 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED:\_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

AUGUST 10, 2005

MEMBERS PRESENT: Rich Hamit, Ira Allen, Bob Sisson, Bruce Smith, Larry Coursen. Mayor Jack Young absent.

OTHERS PRESENT: Donna Crawford, Teri Graham, Patty Hylton, Bob Call, Ed Harmison, Vic Robbins.

The meeting was called to order by Council President Bruce Smith in the absence of Mayor Young. Roll call determined the presence of a quorum.

MINUTES: Rich Hamit moved to approve the minutes of the July 27, 2005 minutes as written. Larry Coursen seconded; motion carried 5-0.

7:00 PM: 2006 BUDGET HEARING was opened by Smith. After asking for and receiving no comments from the general public, Ira Allen moved to approve the 2006 Budget as prepared. Rich Hamit seconded; motion carried 5-0.

The hearing was closed.

DRUG/ALCOHOL TESTING: Teri Graham was present to answer questions regarding the requirements for mandatory drug/alcohol testing programs. Graham asked what the manufacturer's gross vehicle weight rating is for the city's dump truck. He told the council that the "key number" is 26,000 pounds. If the vehicle rating is 26,000 pounds or less, the driver is not required to have a commercial driver's license, and therefore does not need to be in a drug/alcohol testing program. If the vehicle is rated 26,001 pounds or more, then the driver needs a CDL, and is required to be tested. The required testing is not dependent on the driver having a CDL, but based solely on the manufacturer's gross vehicle weight rating. The city is currently considering buying a dump truck, so the GVWR will determine the necessity for the city's participating in a testing program. Graham advised the city to join an approved testing program rather than run it's own program. Graham offered to come back after the city acquires another dump truck for more direction.

SEWER PROJECT GRANT: Donna Crawford, Governmental Assistance Services (GAS), was present to give the council an update on the grant part of the Wastewater System Project. The first thing Crawford said was that the current grant is due to be completed by January 6, 2006. She stated she's here tonight because the plan was to apply for another grant to help fund the next phase of the sewer project, but due to problems and/or circumstances, the original grant will not cover the necessary upgrades. This is partly due to finding more manholes and sewer line than was originally quoted in the project. Crawford told the council that the city can't ask for more grant money to complete this phase. She and Vic Robbins, project engineer, have discussed some possibilities on how to proceed.

They are recommending bidding out the original 3,000 feet of sewer line repair/replacement to find out the cost of just that. Then, use the remaining funds to add line so that it's paid for as we go to stay within the original budget. Crawford said that the current grant needs to be closed before the city can apply for another grant. The earliest this will be done is October, 2006. She and Robbins have discussed the best way to proceed with the current project, and are planning to apply for \$400,000 in grant money next year. Getting \$400,000 grant funds will decrease the amount of additional KDHE loan money which will help keep the sewer rates as low as possible. Crawford said that the average sewer bill, state-wide for a city our size is \$13.40/household. She also said that she doesn't think that KDHE will have a problem waiting until we apply for another grant in 2006. Hopefully, they will let us amend the current loan to keep the lower interest rate, but it may take some time to find this out.

Crawford thinks that KDHE will be willing to wait because the city has been meeting the required test limits for the lagoons for several months, due to improvements already made. The one problem with having this delay is the city will need to do another survey. She told the council that the extra expense of a survey will be offset by having to borrow less money to complete the project.

Vic Robbins told the council that he has talked to Rod Geisler, KDHE, and has been made aware of the requirement stated in the Consent Order issued by KDHE for the city to apply for another grant in October, 2005. Geisler told Robbins that getting this date changed will be a decision made by his

superiors. Crawford said that if a letter is sent stating the project cannot be completed by January 6, 2006 that KDHE will most likely allow the city to apply as soon as possible. Robbins then said that his understanding is that not having the project completed will not necessarily be a sufficient basis to change the Consent Order. Crawford stated that Geisler has always seemed willing to work with cities when he knows every effort is being made to comply with orders.

Bob Sisson made a comment on how much parts of the lagoons need to be ripped. After more discussion, Ira Allen moved to not apply for another grant in 2005, and to prioritize the remaining project. Bob Sisson seconded; motion carried 5-0. Robbins and Crawford will work together to pursue KDHE issues.

Ira Allen asked if there will be any money left after we re-do some of the piping in the lagoons and the ripping. Robbins said there might be a little left over. The possibility of the city paying for the ripping and not using grant/loan proceeds.

Vic Robbins told the council that Michael Coffman is preparing paper work to get administrative search orders for the residences that have refused to be inspected. At this point about half of those found to have sump pumps draining into the sewer system have been repaired, and he proposes that Dean Beckman be consulted to clear the status. Those who haven't been re-inspected need to be addressed in some way. There was discussion about who should do this and when it should be done. At some point, the matter becomes something to be handled in municipal court.

**WARRANTS:** There was discussion about a check to Musick Excavation regarding the purpose. Smith said they would need to check with the clerk. Ira Allen made a motion, seconded by Rich Hamit, to pay all warrants presented. Motion carried 5-0.

**ORDINANCE NO 282:** Rich Hamit moved to adopt Ordinance No 282 which raises the fee for a new water meter from \$500 to \$1500. Ira Allen seconded; motion carried 5-0.

**LAW REPORT:** Chief Harmison reviewed his written report for the council. Harmison and Danner attended training on the proper way to seize computers. He pointed out a "thank you" from the Celebrate Overbrook committee. One arrest was made that night related to an out of state warrant.

Harmison also gave the council some information about tax levies from other towns. He gave them one more from Quenemo which is 45.689 mills. Bob Sisson asked if Quenemo is still using the county for their police. Harmison said that they were as far as he knows.

He said that the county provided extra coverage for Friday and Saturday nights of the fair. There were a couple of accidents and 2 or 3 fights, but overall went very well.

**MAINTENANCE REPORT:** Bob Call said Ace Pipe Cleaning will be here tomorrow to try and clean out some culverts. They'll start with some under the streets and alleys and see how far they get.

Call said he's taken the paper work to Bruce Anderson about replacing the water meter and pipe, but hasn't heard back from him.

There's a power problem with the electricity supply to the lake. Call's been running the aerator with the gas generator. There was discussion about adding a security light if we get electricity to the lake area. Call has K&K Electric working up a bid to install electricity. At one time, Westar refused to put in the poles due to low usage. There was discussion about how far the Trails will go around the lake. Bruce Smith said his understanding is that it won't go around the lake. Call said he'll get some signs ordered.

The council agreed that Call should reset the culvert by the HeetCo tank storage area.

Bob Sisson said that Mr. Cates needs to come to the council to talk about buying water meters for his property east of Overbrook.

Call again told the council that he's waiting on paperwork to be completed regarding the dump truck.

**TREASURER'S REPORT:** Patty Hylton reviewed her financial reports for the council. We're still waiting on a reimbursement from KDHE on the sewer project. There was discussion about the \$5800 transferred to the pool from general to cover expenses. The budget allows for \$10,000 to be transferred. The pool will be open only on weekends after school starts through Labor Day. Rich Hamit will make sure Joni Hudson is aware of having to keep the pool maintained during the week. Hylton pointed out that the pool is actually only running about \$1000 negative through July, and that's good.

**COUNCILMEMBER COMMENTS:** Ira Allen stated that he thinks there is a need for a part-time clerk. Someone needs to be trained to be able to do the utility billing, and whatever needs to be done. Allen said this person could also be taught to maintain the city website. He's thinking of someone to work approximately 20 hrs/week on a regular basis. Hylton said she could do the payroll, but wouldn't have

any idea on the utility billing. Rich Hamit suggested talking to the clerk about what an assistant would need to do. Allen stated that most people wouldn't be interested in less than 20 hrs/week. Bob Sisson said that this person should be trained to do everything that the clerk does. He also pointed out that Brown is having to schedule her vacations around a fill-in most of the time. Allen said that having a part-time person would also be a way to keep the office open during the lunch hour, and also on Tuesday afternoons.

Allen would like the council to consider letting the new state alcohol laws regulating liquor stores go into effect, but have the city require businesses buy a permit to open a business. This would give the sitting council some control over the sale of liquor. The matter was tabled for more consideration.

Rich Hamit said that the pool is having a free swim, games, prizes on August 14<sup>th</sup>.

Bruce Smith said that Casey's has submitted a request for the city to allow Sunday cereal malt beverage sales. This was tabled.

Rich Hamit moved to adjourn; Larry Coursen seconded. Meeting was adjourned at 8:30 PM by a vote of 5-0.

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED:-----

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

AUGUST 24, 2005

MEMBERS PRESENT: Rich Hamit, Ira Allen, Larry Coursen, Bob Sisson, Bruce Smith, Mayor Jack Young.

OTHERS PRESENT: Vic Robbins, Mike Dickerson, Ed Harmison, Bob Call, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM; roll call was taken.

MINUTES: Bruce Smith moved to approve the minutes of the August 10, 2005 meeting as written. Bob Sisson seconded; motion carried 5-0.

WARRANTS: Ira Allen made a motion, seconded by Larry Coursen, to pay all warrants presented. Motion carried 5-0.

WEBSITE: Bob Sisson asked for some guidelines regarding the city's website on behalf of Beth Sisson who's been maintaining the site. Several businesses have contacted her about special events and she wants to have the council's approval to put these commercial-type events on the website. Ira Allen suggested charging a fee if the business wants to run more than just a line-item. Bob Sisson said that he thinks that anything that promotes Overbrook or the surrounding area should be added at no cost, at least for now. The council agreed by consensus to have these commercial type items put on the website at no charge, providing it doesn't get to be too much work for Beth Sisson.

ORDINANCES: Bruce Smith moved to adopt Ordinance No 283, Standard Traffic Ordinance and Ordinance No 284, Uniform Public Offense Code as written. Rich Hamit seconded; both Ordinances were adopted 5-0.

USED MONITORS: Cheryl Brown told the council that the library doesn't need the used monitors that the city has. Mark McCain is interested in one. The council agreed by consensus to try to sell them for \$20-25, but to take the best offer presented.

LAWSUIT: Ira Allen reported that Carl and Theresa Anderson have filed a lawsuit against the city for damages from a sewer line back-up. The insurance company is handling the matter at this time.

DRAINAGE/CULVERTS: Bruce Smith asked if the culvert-cleaning by Ace Pipe Cleaning was successful or not. Bob Call said that the results were not very satisfactory. Mayor Young said that we have culverts that are below grade, above grade, rusted out, and with trees obstructing them. Smith said that the city just needs to put together a plan to upgrade the drainage system city-wide, and find a way to fund the project. Ira Allen asked if something like a cattle crossing type device would work by the school. Bob Call said that we would have to have something custom-made. Mayor Young said that Craig Gillard is working on estimate for some kind of grate. The mayor also mentioned that he's been told that a skid-loader would be the best equipment for cleaning out ditches, and replacing city-owned culverts. Prices for a contractor versus buying a skidloader would need to be researched. Bob Call asked about the sidewalk and driveway culverts on private property. Ira Allen said that the city had voted at an earlier meeting that replacing or installing culverts was not the city's responsibility. Call then said that

just replacing the city's culverts might not be too effective unless all substandard ones are replaced. The mayor said we need to find out at what point can the city require private culverts to be replaced. Smith said that this would be part of the engineering phase. Smith then asked Vic Robbins if the city would need to contract a specific type of engineer. Robbins said that his company, King & Associates does this kind of work. Robbins then gave a brief presentation of what would be involved. Robbins said that the city could ask more than one company to offer a proposal. He said his firm would be interested, and he would check with another of their engineer's about developing a proposal.

**WATER/SEWER PROJECT:** Vic Robbins told the council that he's written a report on the investigation, evaluation and rehabilitation of the sewer system as required by KDHE.

Robbins said that he had been told by Donnie Bryant the week of the fair that Bryant should be ready to start the waterline replacement project in a couple of weeks. Robbins hasn't heard from Bryant since, and is concerned because there is a 60-day time limit from KDHE.

Robbins said that Dean Beckman has done 10 re-inspections, and has been contacted by another 3 or 4, but the rest are still pending. Robbins has discussed the matter with Michael Coffman, and Coffman is thinking that the ones who never contact us be handled through municipal court. Robbins also brought up that a decision needs to be made concerning how to deal with the buildings whose perimeter drains are connected to the wastewater system. He thinks there may be 50-60 in that category.

Robbins gave a brief review of his report to KDHE. He told the council that he talked to a couple of contractors to get an idea of cost, and his estimation of what it would cost to rehabilitate the sewer lines would be \$624,000 and to rehabilitate the manholes would cost around \$118,000 so the total cost would be around \$750,000. Robbins explained his "grading" system for manholes and sewer lines to be prioritized. He estimates that taking care of the "priority phase" will use the remaining \$400,000 the city has in the sewer loan and grant. Mayor Young asked how far away we are from taking bids. Robbins said he needs to finalize his report, and develop the specs. He's hoping to be ready by the middle of September. Robbins is hoping that KDHE will not object to any changes in the order of the project. Robbins said that since the tests on the lagoons have been within the state-required limits, he thinks that KDHE will work with us on any deadlines.

Mayor Young stated that his main concern is that by not having this phase of the project completed by the original deadline, it will interfere with the city applying for another grant. The city will probably have to have another survey done as the results are only good for a certain length of time. The council agreed that Robbins should proceed with his reports as quickly as possible in order to get the project done. Robbins did say that it would help if someone besides himself could contact people about sump pump inspections, etc. Smith and Allen volunteered to contact these people. Bob Call was asked to get in touch with Donnie Bryant about the waterline. Allen asked who Robbins can ask to help him when he gets in a time crunch. Robbins said King's has hired another part-time engineer so this may help him with some projects.

He told the council that Donna Crawford has been having trouble getting some payroll info from Donnie Bryant regarding the pre-treatment tank. The mayor said the city might send a letter to Bryant about getting the paperwork to Crawford.

**SWIMMING POOL:** Bob Sisson said that he looked at the pool this morning and the water looks terrible. Rich Hamit said Joni Hudson told him the robo-vacuum isn't working, but that she's shocked it. Sisson said that if they don't get all the stuff cleaned off the bottom, no amount of shocking will do any good. Bob Call said he hadn't been told about the vacuum not working, but will check it out. Hamit said he's concerned about the parties that have been scheduled. Sisson said that they'll probably have to get out the manual vacuum to get it cleaned. Bruce Smith suggested they see how it looks in a couple of days. The council agreed that if it can't be cleaned by Saturday, it needs to be closed for the season regardless of any parties that have been booked. Hamit said he would contact the pool manager about the situation. Bob Call said he would let the vacuum run tomorrow if he can fix it.

**ELECTRICITY TO THE CITY LAKE:** Mayor Young said that Bob Call is running the aerator at the city lake by a gas-powered generator due to the fact that we can't get enough voltage from the fair grounds. The mayor would like to get some prices on having Westar put up a pole. Sisson also asked when the lake is going to be stocked like a normal lake instead of being overstocked. He said that the number of fish is why we need the aerator. This needs to be discussed with Leonard Jirek. The mayor said that we still need electricity for security lighting around the bathrooms anyway. Mayor Young said he would discuss this with Jirek the next time he sees him.

**DRUG/ALCOHOL TESTING PROGRAM:** The council had been told by Teri Graham that the requirement for employers being in a drug/alcohol program depends on the weight of the vehicles being driven, and not just the fact that someone has a Commercial Driver's License. Bruce Smith made a motion, seconded by Bob Sisson, to pursue enrolling in a program. Motion carried 5-0. The clerk was asked to have Teri Graham review the proposal from Tim Harris of Kansas Drug/Alcohol Testing, Inc. before signing any contract. Bob Call asked that the council consider having all city employees in the program. Ed Harmison agreed. Call also said that the council should consider requiring physicals before being hired, and the council agreed.

**RECREATION COMMISSION:** Bob VonStein has resigned from the Recreation Commission due to his moving out of town. The other commission members are Jim Gates, Kip Jewell, Tom Fenton, and Dennis McPhail. The commission was formed to pursue getting funds for Jones Park and has never officially been dissolved. Ira Allen suggested the mayor have a meeting with the remaining members. Rich Hamit said he would try to contact them about meeting with the council.

**LIAISON'S:** Mayor Young said he is still considering whether or not to assign specific departments to each council member. He wants to be sure that it's a good thing to do for the council and for the city.

**PART-TIME CLERK:** Cheryl Brown said that while hiring someone to work part-time would be beneficial to her, the matter was not included in the 2006 budget. Ira Allen said he had talked to the City Treasurer and she feels that the funds are available to get started. The clerk asked what's meant by "getting started"? Bruce Smith said that the council discussed the advantages of having someone who's trained in every area rather than someone to just handle phone calls and take payments when Brown needs to be gone. Bob Sisson made a motion, seconded by Ira Allen, to pursue hiring a part-time clerk. Motion carried 5-0. The hours and salary will be decided later. Ira Allen said that this needs to be discussed at the next meeting. Sisson said that whoever is hired needs to be willing to learn everything about the job, and not just one phase such as utility billing. The mayor brought up finding some way to store documents, etc that would be more accessible. He suggested using the mini-storage business. The clerk said that she uses the vault as much as possible to avoid having to go up to the attic. She said part of the problem is the "junk" that has accumulated in the attic over the years.

**STATE LIQUOR SALES LAWS:** Ira Allen said that he thinks the city should go as the state goes. Rich Hamit said he thinks the city should keep as much control over liquor sales as possible. Allen said that the city should encourage any new business. Sisson said that whoever would open a liquor store would have to meet state requirements regardless of what the city does. Ira Allen made a motion, seconded by Larry Coursen, to follow the state guidelines in allowing the sale of liquor, excluding Sunday's. Mayor Young said that Overbrook has taken all available measures to keep anyone from opening a liquor store in the past. Allen said people will still have the option to go through legal channels to have the city revert back to being "dry" if enough citizens want to take action. The motion carried 3-2, with Hamit and Smith voting NO.

Rich Hamit moved to prevent the sale of Cereal Malt Beverage in packages on Sunday's. The motion died for lack of a second. Ira Allen made a motion, seconded by Larry Coursen, to

allow the sale of packaged Cereal Malt Beverage (not alcoholic liquor) on Sunday's in agreement with the state's designated Sunday's. Motion carried 4-1, with Hamit voting NO. The clerk will send this information to the city attorney to make sure our ordinances states exactly what the council want them to say.

FEMA REIMBURSEMENT: Bob Call asked what the council is going to do with the \$10,029.12 the city received from FEMA for ice storm damages. The council agreed that it will go into the General Fund for the time being.

TRAIL'S: Chief Harmison said that there may be a problem with where the city's property line is in regards to future sidewalks. Bruce Smith said that we may need to have it surveyed to cover the access to the city lake from Hwy 56. The mayor said we will probably need to get an easement.

COUNCILMEMBER COMMENTS: Ira Allen said that the limb dump looks better, and asked if the limbs that have been dumped in the wrong area could be pushed where it belongs. He thought maybe this would be a good place for Mark McCain to practice with the backhoe.

Rich Hamit said someone had mentioned using part of the FEMA money to buy some playground equipment suitable for younger children.

Hamit said the pool staff would like to paint the bathroom floors after the pool is closed for the season instead of waiting until next spring. It would take approximately 12 hours labor plus the paint. Bruce Smith moved to allow the painting. Rich Hamit seconded; motion carried 5-0.

There being no further business before the council, Bruce Smith moved to adjourn. Larry Coursen seconded; meeting adjourned at 9:25 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

AUGUST 30, 2005

MEMBERS PRESENT: Bruce Smith, Ira Allen, Bob Sisson, Mayor Jack Young. Larry Coursen and Rich Hamit absent.

OTHERS PRESENT: Bob Call, Mark McCain, Jr.

The special meeting was called to order by Mayor Young at 7:00 PM. A quorum was present.

Mayor Young stated the meeting was called to discuss personnel matters not related to elected officials.

EXEC SESSION: Bruce Smith moved to go into executive session for 5 minutes to discuss personnel matters. Ira Allen seconded; meeting was closed. Mayor Young opened the meeting at which time Ira Allen moved to recess for another 15 minutes for further discussion of non-elected personnel matters. Bob Sisson seconded; meeting was recessed. Mayor Young called the meeting back to open session.

MISC: Ira Allen made a motion, seconded by Bob Sisson, to pay for Mark McCain expenses to get a Commercial Driver's License. Motion carried 3-0.

Ira Allen moved to authorize Mark McCain to work 40 hours/week for the next 30 days at his current rate of pay. Bob Sisson seconded; motion carried 3-0.

Bruce Smith moved to adjourn the meeting. Bob Sisson seconded; meeting adjourned at 7:25 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

SEPTEMBER 8, 2005

MEMBERS: Ira Allen, Larry Coursen, Bruce Smith, Mayor Jack Young. Bob Sisson and Rich Hamit absent.

OTHERS PRESENT: Vic Robbins

Mayor Young called the special meeting to order at 7:00 PM and stated it was called to discuss matters regarding the city's wastewater system improvements.

Vic Robbins gave the council a report on the current wastewater system improvements and the schedule required by Kansas Dept of Health and Environment (KDHE) for making the improvements. There was considerable discussion of how things are progressing and Robbins' opinion of the length of time necessary to complete the project.

Bruce Smith made a motion, seconded by Ira Allen, to submit a request to KDHE for an additional year to complete the wastewater system project to comply with requirements to apply for a second loan/grant. Motion carried 3-0.

There was discussion about the amount of funding necessary to complete the project and what KDHE would expect the city to do. After discussion, Ira Allen moved to raise the sewer charges as follows:

Minimum fee -- up to 1,000 gallons water usage ---	\$7.50
Each additional 1,000 gallons	\$2.25

This rate would go into effect with the November 1, 2005 billing (October usage). Motion carried 3-0 to have an ordinance prepared with this rate to be considered at the next regular meeting.

Bruce Smith moved to adjourn at 8:10 PM. Ira Allen seconded and the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED:\_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 14, 2005

MEMBERS PRESENT: Larry Coursen, Ira Allen, Bob Sisson, Bruce Smith, Rich Hamit, Mayor Jack Young.

OTHERS PRESENT: Ray DeJulio, Ed Harmison, Patty Hylton, Bob Call, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM. Roll call determined that a quorum was present.

MINUTES/ WARRANTS: Rich Hamit moved to approve the minutes of the August 24<sup>th</sup> meeting as written. Bruce Smith seconded; motion carried 5-0. Ira Allen moved to approve minutes of August 30<sup>th</sup> special meeting. Larry Coursen seconded; motion carried 5-0. Bruce Smith moved to approve minutes of September 8<sup>th</sup> special meeting. Ira Allen seconded; motion carried 5-0.

Bruce Smith moved to pay all warrants presented; Bob Sisson seconded and motion carried 5-0.

WATER/SEWER ISSUES: Ray DeJulio of Taylor Design Group, was present to discuss what his company does. It does surveying and civil engineering. They have offices in Ottawa and Louisburg. They have expanded to also offer land development planning. Bob Call had asked him to come to discuss the city's surface drainage problems, and also future surveying needs the city may have. DeJulio explained that there are grants available for various projects, and that his company can assist in the acquisition and administration of these grants. After giving the presentation, DeJulio was asked to meet with Bob Call to inspect the areas where surface drainage causes the most problems. DeJulio left a brochure with details about Taylor Design Group and the employees.

LIQUOR SALES: Mayor Young presented a letter from Michael Coffman, City Attorney, stating that a decision made by the council at a previous meeting to allow Sunday cereal malt beverage sales, but not alcoholic liquor is not an option according to the new state law. The choices are to allow for Sunday sales for both cereal malt beverage in the original package, and the sale of alcoholic liquor in the original package (if licensing of such sale of alcoholic liquor is authorized within the city), or to prohibit such sales on all Sunday's and certain other days. Coffman stated that the director for Alcohol Beverage Control says that the council must choose between the two options, while an attorney for the League of Kansas Municipalities advises that the city can enact law from both options. The city can choose to seek an opinion from the

state Attorney General, at some expense to the city. Coffman advises that the council choose from one option or the other unless they wish to incur those costs. He did say that the council could adopt another ordinance before February 15, 2006 forbidding the sale of alcoholic liquor. Any existing retail liquor store must cease operation within 90 days after the effective date of the ordinance.

Ira Allen stated that the city should follow the least expensive option. Cheryl Brown said one citizen had asked why the city would allow beer sales on Sunday's and not alcoholic liquor, should it become available in the city. Bruce Smith said his personal opinion is that beer is already available, while liquor would be a new item.

After discussion, Ira Allen moved to adopt an ordinance that would "expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the city on any Sunday, except Easter, between the hours of 12 noon and 8 P.M. and expand the days of sale at retail of alcoholic liquor in the original package, IF licensing of such sale of alcoholic liquor is authorized within the city, to allow such sale within the city on any Sunday, except Easter, between the hours of 12 noon and 8 P.M. and on Memorial Day, Independence Day, and Labor Day. Larry Coursen seconded the motion; motion carried 3-2 with Smith and Hamit voting against.

Smith asked again about what happens regarding the city becoming "wet" on November 15, 2005. According to the ordinance being considered, it will take effect 61 days after final publication or on November 15, 2005, whichever is later, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided in 2005 Kansas Session Laws, Chapter 201, in which case this ordinance shall become effective upon approval by a majority of the electors voting thereon. The clerk will notify Michael Coffman of the council's decision and will be asked to draft another ordinance. Mayor Young stated that he was surprised that no one has appeared before the council to express their opinions regarding the retail sale of alcoholic liquor.

**DRUG/ALCOHOL TESTING PROGRAM:** Rich Hamit said he had been advised by Teri Graham that employees with Commercial Drivers' Licenses must be kept separate from other employees, and that he would be willing to come back for more discussion. Hamit was asked to contact Graham.

**RECREATION COMMISSION:** The mayor said he has contacted one member of the original Recreation commission, and that he had no idea he was still a member. After discussion, the matter was tabled until information about rules and past expenses is available. Bob VonStein has acted as treasurer for the past 18+ years, but has resigned recently due to moving out of the city. Brown said that VonStein has returned all the bank statements and correspondence, and that someone needs to review it.

**PART-TIME CLERK:** Bob Sisson stated that there is a need to hire someone that can do more than just answer the phone and take payments. Patty Hylton said she thinks that the salary can be paid out of both the General and Water/Sewer funds. Ira Allen suggested looking for someone to work 5 hours 4 days a week rather than 4 hours 5 days a week. After discussion, Larry Coursen moved to advertise for someone to work a minimum of 20 hrs/week at \$7.00 per hour. Bob Sisson seconded; motion carried 5-0. There would be no benefits for a part-time position other than the salary. Hamit suggested writing a list of duties that would be required before starting interviews. Mayor Young said he and the clerk would do that.

**WATER/SEWER PROJECTS:** Ira Allen said Vic Robbins told him that the time allotted by KDHE for the additional water line installation is up. The city has 2 choices—one to put the project up for bids and ask for KDHE approval, or to ask for another extension for the current contractor. The amount held back from the original waterline replacement was discussed. The council agreed by consensus to find someone else to finish the rural waterline replacement project.

**CITY LAKE EASEMENT:** This was tabled until a later meeting as Ray DeJulio will be checking into this with Bob Call soon. There is concern about an easement for the road leading from Hwy 56 to the city lake. Bob Call said he would talk to Max Friesen about the matter also.

**ORDINANCE NO. 285:** Bruce Smith made a motion, seconded by Bob Sisson, to adopt Ordinance No 285 which would raise the sewer rates as follows:

0-1,000 gallons/ \$750 Each additional 1,000 gallons/ \$2.25

This would be effective November 1, 2005 and visible with the December billing.

Motion carried 4-1 with Coursen voting against.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. He also said that Pat Neil, Jr has made a court appearance, and was found guilty. The fine is \$250, but was given 60 days to either complete the work or pay the fine. He is also subject to 30 days in jail if he neither pays the fine or completes the work.

Bob Sisson asked if the animal control officer has cut his mileage. Harmison said he couldn't say at the moment.

**MAINTENANCE REPORT:** Bob Call said that we passed all the lead/copper tests recently done by KDHE. Mark McCain doesn't seem to be interested in attending classes from KDHE for becoming a certified water operator at this time. Call said that KDHE would like for Overbrook to have 2 certified operators.

Call said that Anderson's, Meggison's and Arnold's have been connected to the new water line, and after seeing how bad their water has been would like the city to waive charging them for the new line and meter. Bob Sisson moved for the city to waive any charges for this. Ira Allen seconded; motion carried 5-0.

Call still hasn't heard anything about the dump truck being offered by the state.

He also said the pool has been emptied, but hasn't been winterized yet. He said he was the one who accidentally left water running after priming the pump.

He also asked if he needs to talk to Donnie Bryant about the time being up for the additional waterline replacement. It was agreed that no decisions should be made regarding contractors until Vic Robbins talks to KDHE about extending the current project.

Call had to replace the pit on Well No 3 due to some livestock getting into it and busting the side of the old pit and the lid.

**TREASURER'S REPORT:** Patty Hylton reviewed the past month's financial reports. She also gave the council some information regarding the remaining budget for the rest of 2005. These reports are available to the public during regular City Hall hours upon request. She reminded the council that we will get another tax levy payment the end of September, and the last one sometime in October which will probably not be very large. She has submitted the paperwork for a reimbursement from KDHE, but hasn't received it as yet.

Hamit asked how the pool did this year, but Hylton said we need one more month's expenses to get a final figure. It looks like it might be about \$5,000 in the deficit.

There was discussion about payments for the new library roof, and putting the extra revenue from higher sewer rates into a separate fund.

Hylton said she was pleased with the city's financial condition at this time.

CLERK'S REPORT: Brown said the office would close early tomorrow due to her picking up family from the airport.

She also presented an ordinance establishing payment for the governing body. Brown said that she couldn't find any record of when the current \$75/year was set without reading all the minutes from 1949 until 1988 when she started as Assistant Clerk.

Rich Hamit moved to adopt Ordinance No 286 which would set governing body as follows:

\$15 per meeting, including special meetings.

Bruce Smith seconded; motion carried 4-1, with Coursen voting against. This will take effect with the first meeting after publication.

COUNCILMEMBER COMMENTS: Rich Hamit asked if Galaxy Cablevision has contacted us about adding new channels to the basic programming. Brown said she will talk to Mike DeBernadin about this the next time he calls.

Hamit congratulated Brown on her 40<sup>th</sup> wedding anniversary. Brown thanked him, and said that's why she's picking up family members from the airport as they are having a reception this coming Saturday.

MAYOR'S REPORT: Mayor Young asked that the council think about how the city will handle snow removal if we still haven't acquired a dump truck.

The mayor also asked Chief Ed Harmison to bring any information he has about an emergency plan for the city to the October 12<sup>th</sup> meeting.

There being no further business before the council, Bruce Smith moved to adjourn. Larry Coursen seconded; meeting adjourned at 9:00 PM.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED:\_\_\_\_\_



CITY OF OVERBROOK

MINUTES

REGULAR MEETING

SEPTEMBER 28, 2005

MEMBERS PRESENT: Bruce Smith, Ira Allen, Rich Hamit, Bob Sisson, Larry Coursen, Mayor Jack Young.

OTHERS PRESENT: Larry Coffman, Cliff Fischer, Lois Harris, Angela Stone, Max Friesen, Eunice Breithaupt, Pat McKenzie, Ron & Cindy Zeckser, Mike Dickerson, Elvin Dillard, Joe Michaelis, Dennis Donnelly, Ed Harmison, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM. Roll was taken to determine the presence of a quorum.

MINUTES / WARRANTS: Rich Hamit moved to approve the minutes of the September 14, 2005 meeting as written. Bruce Smith seconded; motion carried 5-0.

Bruce Smith made a motion, seconded by Ira Allen, to pay all warrants presented. Motion carried 5-0.

ORDINANCE/SUNDAY SALES: Mayor Young presented a draft of Ordinance No 287, which would allow the sale of cereal malt beverage and alcoholic liquor on Sunday's with the exception of Easter Sunday. Mayor Young stated that after the ordinance has been adopted by the council, as was voted at the last meeting, a petition with 5% of the voters of the city who voted for the office of president of the United States at the last preceding general election can be filed with the county election officer (Osage County Clerk) to have the matter placed on a ballot in which case the ordinance would only become effective upon approval by a majority of the vote. Based on figures provided by Rhonda Beets, Osage County Clerk, the number of validated signatures required to have the matter placed on a ballot would be 5% of 469, or 24 signatures. However, she recommended the petition be signed by at least 35 people, as there are usually some signatures disallowed due to registration errors.

At this time, Mayor Young read the proposed ordinance for the benefit of the citizens present. If no petition is submitted, the ordinance will take effect 61 days after the second publication or on November 15, 2005, whichever is later.

The mayor was asked what benefit allowing the Sunday sales would be to the city. Mayor Young said the only benefit he could think of was the revenue from taxes, but he didn't have any figures at this time. The mayor was asked if this ordinance was being considered because citizens had requested it. Mayor Young said that it was being acted upon due to a written request from Casey's General Stores corporation. Ira Allen stated that as a councilmember, if the city is going to be wet, he'd rather have it inside the city than outside the city because if we don't go wet, then they can petition the county and open one up and the city wouldn't get any benefits from it.

At this time, the mayor asked for a vote on the ordinance. Ira Allen moved to adopt the ordinance as written. Larry Coursen seconded the motion; it passed 3-2 with Hamit and Smith voting no.

Mayor Young said that it's up to the citizens to get signatures on a petition, and that the city clerk has the requirements for the wording of the petition available. Max Friesen asked how soon

this has to be done, and when would it be voted on. Cheryl Brown said that she would have to check with the County Clerk to get this information.

The petition as stated would only apply to whether or not Sunday sales of cereal malt beverage and alcoholic would be allowed, and would have no effect on whether or not packaged liquor can be sold within the city limits.

Ron Zeckser asked the council how many people the council talked to, and what their feelings were. Hamit said everyone he talked to were against the Sunday sales, Coursen said no one had talked to him, Allen said the ones he talked to were mixed, Smith said that more people that he talked to were against than for, and Sisson said that most of the ones he talked to didn't have strong feelings one way or the other. The clerk reminded the group that even though the city will be "wet" after November 15<sup>th</sup> that a person would still have to be licensed by the state, and if the city should vote before February 15, 2006 to remain "dry" that person would have 90 days to close their store.

Pat McKenzie asked where the current sales tax dollars are being spent, and since the council has no idea how much revenue would be earned by liquor sales or Sunday beer sales how would it be spent. The clerk replied that a report is prepared by the City Treasurer each month that shows all revenue and expenses, including revenue from the 1% city sales tax. The primary use of the sales tax is to help pay for the pool bond and other recreational facilities. She said that she could have a copy of such a report within the next 2-3 days.

Cliff Fischer asked what can be done to encourage an ordinance against liquor sales in Overbrook, other than talk to the council members. The mayor said he didn't know if a petition would be required, or if just having residents come to the council meetings would be sufficient. The mayor said that a petition of some kind with a large number of signatures would be beneficial. Fischer said that he wants to be sure that people don't miss any opportunity to take whatever action the law allows.

Larry Coffman stated his presence at the meeting is due to what's he learned through his involvement with a prison ministry for the last 30 years. His thinking is that alcohol and drugs are the main reason so many are in prison, and he doesn't think the tax revenue is worth the human cost.

Angela Stone stated that as the wife of a pastor, she would like the city to keep one day holy by not allowing beer or liquor sales. She also stated that her job has brought her into contact with children suffering from fetal alcohol syndrome, so the issue is much more than just Sunday sales of liquor.

There was more discussion about the procedure regarding petitions. Pat McKenzie asked if there was any way to avoid having the matter decided by a special election if they can come back with hundreds of names on a petition. The mayor said that's kind of up to him as to whether or not they can bring back a petition, but it's up to the council as to whether or not they would let the ordinance stand or to go with a vote. When questioned about how many names would need to be on a petition to get the council to change their votes, Mayor Young said he would advise getting the most possible names. Ron Zeckser said that it didn't appear to him that it took very many "votes" for the council to pass the ordinance allowing the city to become "wet" and allow Sunday sales.

**USE OF JONES PARK:** Mayor Young brought up the fact that different groups are using Jones Park for various activities and sometimes turn the ballfield lights on. Bob Sisson moved to prohibit after-dark practice for any sports at Jones Park. Larry Coursen seconded; motion carried 5-0. This was done since the city pays all the expenses for electricity at Jones Park, and always had it shut off after the ball season ended until recently when security lights were installed. Ira Allen said that he'd received complaints about the weeds in the fence at Jones Park. The clerk said that someone had approached Bob Call about the lack of mowing, but since no one had approached the council about using Jones Park for anything other than baseball the regular weekly mowing had stopped around Labor Day weekend. The council agreed by consensus that groups need to contact the city regarding the use of Jones Park.

Ed Harmison, speaking as a citizen, said he would like to see a recreation commission formed so that the city facilities can be used year round, and not just for 3 months out of the year. Everette Dannar said that the soccer teams are practicing several nights a week and due to parents' working, etc they don't get up there

until 6 or 6:30 and they practice for about an hour. They can't practice on weekends because they play on Saturday's. Dannar said he hasn't noticed the lights being left on after they get through practice. Mayor Young said that the motion addresses all sports and not just soccer. Bruce Smith added that the intent is to allow using the lights for actual games, but not for practices. The mayor then said that if necessary, he'd be in favor of changing the locks to make sure the lights don't get turned on.

**RESIGNATION:** Sue Martin has submitted a letter of resignation from the Comprehensive Plan/Steering Committee along with a check reimbursing the city for a grant-writing seminar and motel expenses. After accepting the resignation, Ira Allen moved to keep the seminar reimbursement, but not the motel expenses which is \$160.70. Larry Coursen seconded; motion carried 5-0. The clerk will issue a check to Martin for \$160.70 with a letter of explanation.

**DRUG/ALCOHOL TESTING:** Rich Hamit said Teri Graham would like to speak to the council about the city joining a testing program before final decisions are made, but is unable to be here until the last meeting in October.

**RECREATION COMMISSION:** Mayor Young said he would either have resignations or commitments from the existing members at the next meeting.

**PART-TIME CLERK:** Cheryl Brown said that an ad has been placed in both local papers, but hasn't received any applications as of today.

**CITY LAKE EASEMENT/ DRAINAGE ISSUES:** Bob Call will be meeting with Ray De Julio regarding these matters tomorrow. Mayor Young said he had been told by Max Friesen that the city lake road is on his property and not on property sold to Mike Fawl. Friesen said he would give the city an easement for the road. The council agreed that we should still have the property surveyed for the city's benefit.

**CABLE CHANNELS:** The clerk said that Mike DeBernadin of Galaxy Cablevision is still waiting for a list of channels that might be added to the city's franchise from his supervisors. He said he would send the information as soon as possible.

**SECOND MEETINGS:** Bob Sisson asked if having a second meeting was proving to be worthwhile. He said that it seems that not much is being accomplished the second meeting. Hamit, Allen and Smith all said that they feel it's good to have the second meeting to keep things more current.

**ANIMAL CONTROL:** Sisson asked the clerk if she had mileage figures for the animal control officer. Sisson said that he doesn't think that the hours and mileage being paid shows in the number of animals being hauled to Carbondale. Bob Sisson made a motion, seconded by Bruce Smith, to set up animal control to be on an "on call basis" with mileage paid only for those calls and trips to haul animals to Carbondale Veterinary Clinic. Larry Coursen said he'd like to know what the mileage is before voting. Ed Harmison said he could have mileage figures at the next meeting. Allen agreed that they should wait until having actual figures. Motion failed 2-3 with Smith, Allen and Hamit voting no. Smith stated that patrolling is not an efficient method of doing animal control, and wants to make sure it's brought up again. Chief Harmison asked if he needs to have the mileage and Tomlinson present at the next meeting. Sisson asked if Tomlinson keeps a log or ledger with his mileage, and Harmison said he turns it in every 2 weeks. The clerk said she has the timesheets showing mileage for each day, but nothing that shows beginning and ending mileage per day. The mayor asked if trips to Carbondale are shown on the timesheets, and Harmison said it's all on the timesheets.

**COUNCILMEMBER COMMENTS:** Ira Allen said the council needs to start thinking about 2006 business for all the departments.

Rich Hamit said that he would like to thank Larry and Dee Woodson for all their work keeping the grass mowed and the flowers tended at the swimming pool.

CLERK'S REPORT: The clerk showed the council a thank-you from the Meggison's, Anderson's, and Arnold's regarding their connection to the new waterline.

She also asked for approval of her plan for the new pay schedule for the governing body. Each member would receive \$37.50 at the next meeting and then be paid \$15/meeting attended thereafter. The council agreed by concensus.

MISC: Chief Harmison showed the council the new digital cameral purchased for the department by the Osage County Attorney using diversion funds. That same office is paying for the school he and Dannar will be attending next month.

MAYOR'S REPORT: Mayor Young said that he's learned that the Jones' fund will help pay for improvements at Jones Park, and will check into what the requirements are.

There being no further business before the council, Larry Coursen moved to adjourn. Rich Hamit seconded and the meeting was adjourned at 8:20 PM.

Submitted by,

Cheryl L. Brown  
City Clerk

APPROVED:\_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 12, 2005

MEMBERS PRESENT: Rich Hamit, Larry Coursen, Ira Allen, Bruce Smith, Bob Sisson, Mayor Jack Young.

OTHERS PRESENT: Mark & Gaylene Jones, Jason Hielschier, Jon Brady, Beverly Hix, Dortha Tucker, EulaLee Fuller, Mark Tomlinson, Dorothy Chikly, Ray De Julio & associates, Vic Robbins, Mike Dickerson, Bob Call, Ed Harmison, Everette Dannar, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM.

APPROVAL OF MINUTES/ WARRANTS: Rich Hamit asked if a thank you note had been sent to Larry and Dee Woodson for all their work on the landscaping at the pool. Cheryl Brown said she had included this in the minutes, but hadn't sent a card since there are several groups that maintain flowers around town. Bruce Smith moved to approve the minutes as written; Rich Hamit seconded. Motion carried 5-0.

Ira Allen made a motion, seconded by Larry Coursen, to pay all warrants presented. Motion carried 5-0.

ATHLETIC ASSOCIATION: Jon Brady and Jason Hielschier were present to discuss the future of a recreation commission, the ball association and other groups using the city parks. Brady stated that after meeting with Rich Hamit last year, he was under the impression that a Recreation Commission had been established. Brady said that more direction is needed as to what the city wants from the athletic association. He wanted more information about the council's decision regarding the lights at Jones Park and other matters. Jason Hielschier introduced himself as the president of the Overbrook Athletic Association. He stated that his understanding is that they were not contacted because no one knew who they were. He said that since the city knew who Dan Brown (former president of OAA) was that there wasn't any reason why Brown couldn't have been asked "If you're not the president anymore, who is?" Hielschier said that his understanding is that no one on the council knew that soccer is going on. He stated that it's been going on for 6 weeks every Saturday with over 300 kids and parents. He's concerned that not having the lights on at night will have an over-all effect on businesses due to having so many kids involved with baseball and soccer. Ira Allen stated that the reason why the council voted to ban using the lights at night was because no one had cleared using the lights with the council. The mayor explained that before the security lights were installed, the normal procedure was to have the electricity shut off by Labor Day each year. The way the security lights are wired makes it necessary to keep the electricity on year round. Hielschier said that he only has one coach that needs to have practice in the evenings, and it's just one night a week.

Brady said they weren't necessarily opposed to decisions that were made, but wants to know if the council still wants the association to be responsible for sign up, and some of the maintenance done at the park. He said he was appalled at the lack of mowing after the ball season was over. He was told that it wasn't mowed as often because no one knew that it was still being used. Brady said he thought that keeping it mowed often would be good for appearances and also make it easier to maintain next year. Mayor Young said that it still gets mowed, but not as often after ball season is over. Hielschier said that the weeds were over 3' tall by the dugouts, and that someone went on their lunch hour and weeded it by hand.

Brady said he thought that there had been progress on forming a recreation committee, and wants to know how to proceed, such as including the pool. Hielschier asked who exactly is the recreation committee? Mayor Young said that he would like to have a commission made up

of someone from the high school, Overbrook Athletic Association, the city council and someone from the community-at-large.

There was discussion about who should have keys to the lights. Hielschier said that they want to work with the council, but there needs to be much better communication. The mayor said that he was pretty sure someone would contact the council after the decision was made to prohibit using lights for night practices. There was discussion about cleaning up after games and working in the concession stand.

Mayor Young said that his goal is to have people willing to serve on a rec commission by the first meeting in November. The mayor said that he would like to meet with Brady and Hielschier, along with Rich Hamit before the next meeting. Brady stated that having good recreation facilities helps attract people to the town. Hielschier said that there are things the city could help with, such as making copies, that would help keep their personal expenses down. He also asked if the city could help maintain the ball fields for the rest of the month. Brady said that the lock on the concession stand is broken and needs to be replaced. Bruce Smith said that the restrooms would need to be winterized soon. The last soccer games are scheduled for October 29<sup>th</sup>. Hielschier asked who they should contact about having an ambulance present during the different activities.

The mayor thanked the men for coming, and said he would be contacting them soon.

**WATER/ SEWER PROJECTS:** Vic Robbins told the council that a letter had been sent to KDHE on September 19<sup>th</sup> asking for an extension for the waterline replacement project that they had previously approved. The contractor had trouble getting the specified pipe, so we've asked for another 60 days. Larry Coursen asked what would happen if we don't get the extension. Robbins said he had been verbally assured by KDHE that it would be approved, even though they were getting tired of extensions. The loan has been approved, so he can't see why they wouldn't approve extending the time for the project.

Robbins said that all 24 properties with sump pumps connected to the city sewer system have been re-inspected and 22 of the 24 have been corrected. The city may have to take some kind of administrative action on the remaining 2, and also the 4 sites where access for the initial inspection was denied. Robbins said that Michael Coffman, city attorney, hasn't returned his call about the next step regarding these properties.

Cell #2 has been de-watered in preparation for desludging. Since we missed this last storm, the contractor may be back on Friday.

Robbins said that we have received approval for the sewer rehabilitation changes requested by the city. Completing the project in 2 phases to be finalized in 2007, and they have approved the amendment to the Consent Order from KDHE. Robbins is still working on prioritizing the rehabilitation plans and specs for bid-letting. He asked for direction on whether to bid the project as open trench replacement or trenchless. There was some discussion about these procedures. This is not covered by KDHE regulations. Robbins recommends investigating the ground status under the lines to determine the best method. There are 2 issues: 1. easements for the original sewer lines 2. difficulty in accessing the lines to be repaired or replaced. Robbins said that at least 9 of the 16 lines to be replaced, including structures being built over the lines. This would mean having to demolish some sheds, etc. After discussion, it was decided that Robbins, the mayor, and some of the council members would meet Monday at 9 AM to look at these locations. Bruce Smith and Ira Allen volunteered to check into the county records regarding the easements. Robbins said that new sewer lines would have to go back in almost the same location in order to keep a straight line between the manholes.

**DRAINAGE/MISC:** Ray De Julio with Taylor Design Group introduced Eric Senevich and Cody Buhrmeister of Western AirMaps. De Julio had been asked to give the council some ideas regarding storm water drainage problems in town, and he told the council that Western AirMaps would like to address what they can do to help.

Buhrmeister told the council that they can map the whole city in a short time. He presented maps to demonstrate the advantages of air mapping. He told the council that the

best time to do the flying is in the fall or early winter. He estimated that they would have to cover approximately 200 acres for the best results. They fly at 1200-1500 feet above ground to get the best results. There are maps available from the state, but they are mapped from 20,000 feet or higher. There was discussion about the accuracy of their maps. Rich Hamit asked what the cost would be. The price was quoted at approximately \$12,500. Mayor Young said that the city would probably have to wait until the fall of 2006 and try to get some grant money to pay for this. Dorothy Chikly asked if the city would be required to provide the digital data to the county. The answer was no, but the city would need to have the right equipment to use it "in house". The council agreed by concensus for Western AirMaps to come back at a later time for more discussion.

**WEBSITE:** Bob Sisson reported that the daily average hits for the city website are 17, with a high of 34. Beth Sisson said she would continue to maintain the website until January 1<sup>st</sup>, at which time she would turn it over to the city. The mayor told the people attending the meeting that the city is looking for someone who would be interested in taking over and to let him know if they or anyone they know might be interested.

**RECREATION COMMISSION:** Mayor Young said he has talked to Dennis McPhail, Kip Jewell, and Tom Fenton, members of the original commission, and they no longer wish to be on the commission. He still needs to visit with Jim Gates, and Bob VonStein has already resigned since moving out of the city. The mayor has a list of people he's planning to contact about serving. There was discussion about whether or not the members have to live within the city limits. The clerk said that a charter ordinance had to be adopted in order to appoint members within a 3-mile radius of Overbrook. The mayor said that the people he has in mind live in town, so that shouldn't be a problem. He'll have more information at the next meeting.

**PART-TIME CLERK:** Cheryl Brown asked when the deadline for applications should be. The council agreed by concensus to set October 21<sup>st</sup> as the deadline.

**GALAXY CHANNELS:** The clerk is still waiting to hear from Mike DeBernadin about what channels might be available to add to the current service.

**JONES' FUND:** Mayor Young has learned who to contact regarding applying for Jones' Fund money to rebuild ball diamonds, etc. Most people have been of the opinion that the funds could only be used for new construction, but Young has learned that it can be used to upgrade existing facilities.

**ANIMAL CONTROL MILEAGE:** The council reviewed the mileage report furnished by the police department showing Mark Tomlinson's mileage for the past several months. Bruce Smith asked Tomlinson if the number of miles he drives results in more animals picked up compared to animals picked up as a result of people calling him. Tomlinson said that some weeks he picks up 2 or 3 animals and other weeks maybe only 1 as a result of patrolling. The report shows that from January-September of 2004 Tomlinson logged 2,998 miles and from January - September, 2005 he logged 2,664 miles. Sisson asked if any animals picked up are the same or all different. Tomlinson said that he hasn't picked up the same animal more than once. Sisson then said that a citation should be issued whether or not the animal is returned to the owner or taken to Carbondale. The mayor asked the following hypothetical question: What if I have a dog that never goes out of the house, but doesn't have a city tag? Ira Allen said that the law doesn't make allowances for animals that never go outside, they all should be licensed. Mark Jones said that he's been personally threatened over animals being at large when he reported them. He mentioned liability if a dog bites someone. He said that even though he doesn't have any animals out, his yard is full of litter but when he calls animal control they are both threatened. Jones said he doesn't want anyone arrested, but he wants them kept out of his yard. Jason Hielschier asked if animal control has a list of licensed animals to refer to when he's patrolling so he can look up the address to see if an animal has a current license. The

clerk said that she provides a list to animal control and the police department. She tries to update it at least once a month, and all the above have access to the actual license books if necessary. She also said that this year she gave the police department a list of everybody who had bought licenses for the past 5 years but had not gotten a 2005 license as of June 1<sup>st</sup>.

Beverly Hix asked if the council is considering eliminating or reducing the patrolling? The mayor said it's being considered. Hix then said that people will start letting their dogs run at night again. Bruce Smith said that's why he asked how many animals Tomlinson picks up as a result of driving around rather than setting traps. Sisson then said that he's seen dogs making messes in other people's yards while being walked on a leash. Jones then said that he knows of a business owner who lets his dog run loose but hasn't ever been picked up. Larry Coursen asked how many dog tags have been sold. The clerk reported she's sold 141 dog tags and 27 cat tags as of today. Hielschier asked when the number of animals part of the ordinance is enforced---when they get licenses or later? The clerk said that she sells the licenses and assumes that violations of the number allowed is enforced later. Jones said that part of the problem is that some people feed multiple animals, but refuse to claim them. Hielschier said that the city needs someone to enforce the ordinances, other than the citizens, or get rid of the ordinances. Sisson said that we aren't trying to get rid of the animal control officer, just cut his mileage down from 8 or 9 miles every night. Sisson also said that he didn't think that animals should just be returned to the owners without some kind of warning or ticket.

Mark Tomlinson then stated that if he's put "on call" and he's not home, there's no one to haul animals. The police department can't haul them in their patrolcars, and he's not going to sit at home every night just in case he's called. Hix then said that if his job keeps being nibbled away, it might not be worth his time at all.

After discussion, the council agreed that as of today, October 12<sup>th</sup>, that the owner of any dog or cat with a city license would be given a warning ticket for being at large if their animal is picked up, whether or not it's returned to the owner or taken to Carbondale. The owner of any animal without a city license will be given a ticket for no license and also for being at large, if the animal is picked up. The animal will be taken to Carbondale and not returned to the owner, even if known. The mayor will talk to Dr. Tucker about requiring proof of the fine being paid before releasing the animal to the owner. There was discussion about giving an amnesty period for those people who still haven't bought 2005 tags, maybe until the end of the year and then enforce that part of the ordinance at the start of 2006. The mayor suggested increasing the amount of a license for each animal, so that the second or third animal would cost more to license than a single animal. That issue was tabled until a later meeting. The council agreed that the patrolling should continue as usual for the time being. Hielschier mentioned that it's difficult for some people to get their licenses between 8 and 5 weekdays. Brown said that if people provide the rabies information, she is willing to mail the licenses. Hielschier said he would like to see that posted so that everyone knows they have that option. It was suggested that it be put on the website.

**PETITION:** The mayor told the council that a petition against Sunday sales of cereal malt beverages and alcoholic liquor has been presented to the city clerk. There are more petitions being distributed, but all signatures have to be validated by the county clerk. The mayor said that the citizens have until February 15, 2006 to petition against the sale of alcoholic liquor on any day. The clerk has talked to the county clerk and is waiting for information about the next steps to be taken.

**LAW REPORT:** Assistant Chief Everette Dannar reviewed the written report. Dannar explained that the full amount for motel rooms needed for the recent seminar in Wichita will be reimbursed by the county attorney. Dannar then told the council that due to Ed Harmison being on sick leave, he wants the council to direct any concerns or questions to him rather than Harmison.

MAINTENANCE REPORT: Bob Call apologized for not mowing Jones Park on a weekly basis but didn't know that it was still being used for any activities. It was decided to let Gloss continue mowing as he has been doing for the past several weeks. Call said that he'll need a key to winterize the bathrooms after October 29<sup>th</sup>. Everette Danner said that the security lights have been off for the past several weeks. Call said he would check into it tomorrow. Call said that he would prefer the bathrooms not be left open except when the activities are going on to avoid the damage. Ira Allen said maybe some of the money in the Recreation account could be used for re-keying the locks. The mayor suggested getting locks that are alike, and being careful about issuing the keys.

Call said that Well #2 is going to be re-wired. He said that the pile where brush had been thrown in error has been burned, and he's put up more signs.

The lake has been mowed, and they've been working on the fence line at the lagoons. He's also been getting rid of some of the scrap metal at the shop. Mayor Young asked what we should do with the lockers we bought from Derby, Ks. They're not really suitable for use at the pool without locks. Hamit said he would look at them to see if they can be fixed.

Call said they're getting ready to paint the outside of some of the well houses.

Call told the council that he got a bid from Westar to provide electricity for the city lake. It would be approximately \$6000 for 3 poles. Mark Tomlinson said he would like to present a bid before the council makes a decision. The council agreed by consensus.

Call said that the waterline replaced on Maple went well, and hopes to get the next phase started next week.

He's supposed to meet with someone this week about surveying around the city lake.

Call is still waiting to hear about prices for the dump truck.

TREASURER'S REPORT: There was no discussion about the reports due to the absence of Patty Hylton.

MISCELLANEOUS: Mark Jones asked if the mayor has information about a refund on his water bill at the time the meter was replaced. The mayor said that he had forgotten to get the figures, but would do it soon. Hielschier asked about if his meter could be checked also because his water bills just keep getting higher. Smith said that the ordinance might require the customer to pay for special testing. The clerk said that she has the readings rechecked if they appear too high. She said that she can print out a history report for him.

There being no further business before the council, Rich Hamit moved to adjourn. Bruce Smith seconded; motion carried 4-0. (Coursen had left the meeting earlier.) Meeting adjourned at 9:37 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED:\_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 26, 2005

MEMBERS PRESENT: Ira Allen, Larry Coursen, Rich Hamit, Bruce Smith, Bob Sisson, Bruce Smith, Mayor Jack Young.

OTHERS PRESENT: Mike Dickerson, Ed Harmison, Everette Dannar, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM. Roll was called.

MINUTES / WARRANTS: Ira Allen moved to approve the minutes of the October 10, 2005 meeting. Bruce Smith seconded; motion carried 5-0.

Ira Allen moved to pay the warrants; Bob Sisson seconded. Motion carried 5-0.

SEWER INSPECTION NOTICES: The council reviewed the **PETITION FOR ORDER COMPELLING COMPLIANCE** that has been prepared by Michael Coffman, City Attorney, that will be served to those residents who have refused to have their homes inspected for illegal connections to the sewer system. At this time, there are three residents that will be served for non-compliance. Coffman has asked the clerk to supply him with the names and addresses, and also a copy of the ordinance before serving. Bruce Smith moved to approve the document. Larry Coursen seconded; motion carried 5-0.

EASEMENTS, MISC: Michael Coffman mentioned coming to the next meeting to discuss easements, etc in regards to future sewer improvements. Mayor Young said that he has asked Dave Peimann of Peimann Title & Escrow to provide a plat of the city and legal descriptions of easements and alleys. Peimann was unable to give the mayor an estimate of how long this might take to accomplish. There was discussion about requirements for how the sewer improvements should be bid.

CONSENT AGREEMENT: KDHE has sent a letter stating new times for work being done in regards to the sewer system improvements that they are requiring. The matter was tabled until Vic Robbins verifies that the times are what we requested.

TASERS: Chief Ed Harmison told the council that Officer Dannar had approached him before his stroke to figure out a way to purchase a taser since they don't have enough in their budget to cover the cost. The county officers have them, and there's been several times this year that he (Harmison) could have used one, such as last month when he dealt with a mentally disturbed person at a local business. Harmison told Dannar to look into ways to come up with the funds to buy tasers. Dannar inquired at WalMart's where they have a foundation that does this sort of thing. Dannar asked Harmison about approaching some in the local community, and they gained quite a bit of support from the businesses. Harmison made sure that Dannar told Ira Allen, the police commissioner about this activity. Harmison said that he understands there is that the council has some problem with what they've done. He can't see why there would be a problem with trying to get "free" money. They still have the funds. Mayor Young asked if they've collected enough money to pay for the two tasers. Harmison said that they do. Bruce Smith said his main question about all this is the council not being told of the need, and the police department asking for donations without the council's knowledge. Harmison said he'd take the responsibility for not informing the council, and that Dannar had talked to him about mentioning it at the last council meeting but was told not to bring it up, but to make sure that Ira Allen knew. Ira Allen said he didn't see any problem with asking for donations, but it needed to be cleared with the treasurer. Harmison

said that as long as the funds go into and out of the General fund, the Law fund wouldn't be involved.

Bruce Smith asked what the pluses and minuses of the taser are. Harmison said the taser is less deadly than the club they now carry. The taser will punch two small holes into the skin rather than possibly break bones. Dannar then presented the following information: The taser sends out 50,000 volts which has no amperage to it. Once the leads have made contact, it shocks for 5 seconds. This has much less chance of lasting effects than with pepper spray. The main safety point is that hand-to-hand combat is eliminated. The leads can be bought that have a 30-foot range. Dannar also said that once the leads have been deployed, the taser can still be used with direct contact. Osage County started using them 10 months ago, and haven't had any officer assaults since that time.

Ira Allen hasn't received verification on how the tasers would affect the liability insurance rates, but doesn't think that it would be a problem. Dannar then said that the tasers are a Level 4, which is the same as pepper spray. Dannar said he had been told by Michael Coffman that there shouldn't be any legal problems related to getting the tasers. Dannar stated that the tasers would add to the safety of the police officers and the subjects that they would be used on. The mayor asked if adding the taser would enable them to get rid of the pepper spray or batons. Harmison and Dannar said that the taser would be in addition to the other devices.

Harmison said that if there's any grievance with the way this matter was handled, he would take responsibility and be open for direction on how to handle things like this in the future. He stated that the amount of support Dannar got from the businesses was overwhelming. Dannar said he started talking to WalMart about two months ago when he learned about their foundation. He hadn't done anything else until he heard from WalMart, which he did last week. The day he received the check, he notified Harmison and he also talked to Ira Allen and this is the first council meeting we've had since then.

Mayor Young asked if there needs to be more discussion or a vote to go ahead with the purchase. Dannar said he only has 5 businesses left that have asked him to come back, but have indicated they would donate. The mayor asked if Dannar has collected the full \$1800. Dannar said that he has \$1575 collected, and if the five businesses donate the amount they indicated he would have the full \$1800 required. Larry Coursen asked why this couldn't have waited until this meeting. Chief Harmison again stated it was his fault and apologized and said it wouldn't happen again. Mayor Young said that it might be partly his fault and that everyone may have the wrong idea about liaison's and police commissioners which he hopes to discuss later. Bruce Smith stated that he has no problem with departments having the necessary tools to do their job, but he regrets that it wasn't brought before the council before the businesses were contacted. Harmison said that he would be willing to talk to any of the businesses that might have a problem with this. Larry Coursen then said that some businesses might feel obligated to donate. Smith again said that it would have been better to come to the council to make sure the funds weren't available through regular channels rather than the council learn about it after the fact.

Ira Allen moved to authorize the police department to purchase two tasers. Rich Hamit seconded the motion; motion carried 4-1 with Coursen voting no.

**ZONING SEMINAR:** Bruce Smith made a motion, seconded by Ira Allen, to approve 2 members of the Planning Commission to attend a seminar in Overland Park in January at a cost of \$319 per person. Motion carried 5-0.

**SURVEY OF CITY LAKE:** Mayor Young said that a survey of the north side of the lake property has been done, and the driveway is on city-owned property, but this hasn't been recorded due to an oversight.

**RECREATION COMMISSION:** The mayor said he should have more information on this at the next meeting.

**PART-TIME OFFICE:** The council agreed by consensus to have Bruce Smith and Ira Allen work with Cheryl Brown to conduct interviews and provide the full council 3 applicants from which to choose for the position.

**GALAXY CHANNELS:** Brown said that she's learned that Galaxy is having their state budget meetings at this time, and should have more definite facts in another month. The mayor asked if Sprint is able to offer cable television. Brown said that Carolyn Gaston will be at City Hall on Monday November 14<sup>th</sup> between 3-5 PM to answer questions from the public, and this would be a good question.

**POOL LOCKERS:** Rich Hamit said he hasn't looked at the lockers, but if Bob Call doesn't think they're worth fixing with locks, it might be better to get rid of them. Mark McCain was interested in them, so the council agreed to sell them to him. The mayor asked about just giving them to him in order to get rid of them. The council agreed to have the mayor make the decision.

**CLERK'S REPORT:** Cheryl Brown reported that the first petitions regarding the Sunday sale of cereal malt beverages and alcoholic liquor that were submitted by several residents are unacceptable according to the Osage County Clerk. More information needs to be on the petition, along with a notarized signature of the circulator on each page. She has submitted a draft of the new petition to Delton Gilliland, the attorney for the county commissioners for approval. The county clerk did tell Brown that there were more than enough validated signatures to require the matter be put on a ballot, and there was discussion about when the actual vote would take place. The state statute says "the next regular election" which would be the fall of 2006. The ordinance previously passed goes into effect December 14<sup>th</sup> of this year.

**VETERINARY REPORT:** The council reviewed the sign-in log showing all animals that were taken to Carbondale Pet Clinic so far in 2005. There were only about 16 dogs and cats on the list. The mayor stated that the first time a licensed animal is picked up, they can be returned to the owner along with a warning ticket. After that the animal will be taken to Carbondale and the owner gets a ticket. The pet clinic has indicated that they will be willing to require receipts from the city before returning animals to their owners. The matter of how to give tickets to the owners of unlicensed animals was discussed. The mayor said he would visit with Dr. Tucker about requiring the owner to bring a city tag with them in order to claim their animal. The clerk said that would be a good idea for both licensed and unlicensed animals. Bob Sisson said that if Dr. Tucker notifies the city whenever any animal is "adopted" by an Overbrook resident, follow up can be done on getting them licensed. Sisson then asked if the council will get copies of warnings or actual tickets at the end of the month when Tomlinson turns in his time. Chief Harmison said that actual tickets go through municipal court, but he can provide copies of the warning tickets.

**MISC:** The city has received information about the advisory panel recommended by the Economical Development Committee.

**COUNCILMEMBER COMMENTS:** Rich Hamit told the group that he had given approval for the pool staff to have a party where they would take donations and sell raffle tickets to raise money to buy pool equipment last summer. They weren't able to have the party due to weather, but he hadn't brought it up before the whole council. Other council members feel that all this type of activity should be discussed at a meeting.

**LIAISONS FOR DEPARTMENTS:** Mayor Young stated that a liaison is someone who should be available for questions and or advice for city employees, but that no one liaison has any more power than any other council member. A liaison can help with things like the budget, but it still takes a vote by a quorum to make final decisions. With that being said, the mayor appointed the following liaisons:

LAW:	IRA ALLEN & LARRY COURSEN
STREET	BRUCE SMITH & BOB SISSON
WATER	BOB SISSON & BRUCE SMITH
SEWER	BRUCE SMITH & BOB SISSON
RECREATION:	RICH HAMIT & JACK YOUNG
CLERK/OFFICE:	JACK YOUNG

MISC: Chief Harmison said that in the past, he has put up with the council doing illegal things around City Hall, such as parking on the wrong side of the street or too close to the fire hydrant. He asked that the council try to restrain from doing this in the future. The clerk said that people are still parking next to the planter on the east side of City Hall in spite of a NO PARKING sign being bolted to the planter itself.

There being no further business before the council, Rich Hamit moved to adjourn. Bruce Smith seconded; meeting adjourned at 8:00 PM.

Respectfully submitted,

Cheryl L Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

NOVEMBER 2, 2005

MEMBERS: Bruce Smith, Ira Allen, Rich Hamit, Bob Sisson, Larry Coursen, Mayor Jack Young.

OTHERS PRESENT: Chief Ed Harmison, Everette Dannar

The special meeting was called to order by Mayor Jack Young at 5:30 PM. All members were present.

Mayor Young stated the meeting had been called to discuss the purchase of tasers for the police department, parking for City hall, and changes in liaisons for the city departments.

TASERS: The mayor said that after the last meeting when the purchase of two tasers had been approved by the council, he received an email stating that at least one of the businesses contacted for a donation was upset. At that time, the mayor decided he would check with other businesses. He learned that a lot of the businesses weren't asked to donate. He also learned that a couple of the businesses that were contacted did have reservations about donating. Mayor Young said he was under the impression that all the businesses had been contacted and were glad to donate from information given at the last meeting.

Mayor Young said that he wanted the council to be aware of this, and decide where to go from here. Bruce Smith said that they've already approved the purchase, so should the city decline from collecting from the local businesses.

Ira Allen mentioned that the email mentioned by the mayor was sent only to certain people, and why wasn't it sent before the last meeting? There was discussion of who should have received the email, and the timing of when it was sent. The mayor said he didn't get the email until after the last meeting. Rich Hamit said that if the email had been sent the afternoon of the last meeting, he would have received it before the meeting. Ira Allen asked why this matter hadn't been brought up if the email had been received before the meeting. Coursen, Sisson and the mayor all said that they would have definitely brought it up IF they had received the email before the meeting.

The mayor asked Dannar how much money he's collected at this point. Dannar said he has \$1575 as of now, and he hasn't contacted anyone since the last meeting.

Bruce Smith made a motion to keep the \$1100 from WalMart's and Casey's, and make up the balance with city funds and return the money from local businesses, unless the business insists that it be kept. Rich Hamit seconded. Dannar told the council that an additional \$733.54 is needed to buy the tasers by keeping just the corporate donations. Ira Allen read the following statement regarding insurance: "As with any weapon used by the police department, there should be training the use of the tasers, written procedures need to be implemented to establish guidelines for use." Chief Harmison said that written procedures would be done before the tasers arrive. Bruce Smith then re-stated his motion to offer the local donations back with the city making up the difference to go along with the corporation donations to purchase the tasers, providing the city funds are available. Rich Hamit seconded; motion carried 5-0. Dannar said he would be responsible for returning the donated money to the local businesses on his own personal time. He then apologized for going about this the wrong way, and for any businesses that may have been offended. He was trying to get some equipment without going over their budget.

CITY HALL PARKING: The mayor said that he wants the 15-minute parking sign left on the south side of City Hall as is. Chief Harmison said that there needs to be a "No Parking" sign posted by the planter on the east side of City Hall to make it legal.

LIAISONS: Mayor Young said that he is proposing to abolish liaisons for all the departments. Ira Allen said anybody working for the city needs somebody or a chain of authority to go to to ask questions. Allen then said that the mayor should be the first to be contacted, then the president of the council and if they're not available the matter should wait until one of them is available. Smith stated that the liaison is only an information-collecting person, not necessarily the final authority. Hamit asked if the pool manager should contact the mayor or Bruce Young instead of him this next summer. The mayor said that's the way he understands this to be.

TASERS: Everette Dannar and the mayor will meet at 9 AM on Thursday to discuss any time limits on the corporate checks and determine the source for the balance needed to purchase the tasers. Dannar said he and Harmison would need the tasers in order to take training offered by the county sheriff's office.

Larry Course moved to adjourn. Bob Sisson seconded; meeting was adjourned. No time was noted.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

NOVEMBER 8, 2006

MEMBERS PRESENT: Larry Coursen, Ira Allen, Bruce Smith, Bob Sisson, Rich Hamit, Mayor Jack Young.

OTHERS PRESENT: Shawn Myers, Jim Gates, Dale Fox, Jon Brady, Vic Robbins, Ed Harmison, Bob Call, Jim Koger, Cheryl Brown.

The meeting was called to order at 7:00 PM by Mayor Young. Roll was taken by the clerk.

MINUTES/ WARRANTS: Larry Coursen moved to approve the minutes of the October 25<sup>th</sup> meeting as written. Ira Allen seconded; motion carried 5-0.

Bruce Smith made a motion, seconded by Larry Coursen, to pay all warrants presented. Motion carried 5-0.

CITY HALL ROOF: Mayor Young explained that the Masonic Lodge had reported leaks in the roof, which is also the roof for City Hall. The city had contacted Midwest Coating, who put the new roof on the library, to inspect and make a proposal for repair/replacement. Shawn Myers from Midwest Coating presented the findings, including photos. Myers said that some of the seams are coming apart, and there are cracks and holes in the roof. The current roof was done in 1989.

Myers then explained that he recommends putting on a new roof which would have a 15-year labor and material warranty. The cost would be \$12,064.00. Half would need to be paid up front to pay for the actual materials, and the balance after the roof has been installed. Myers said that it could probably be done the first week in December. There was discussion as to how Midwest Coating would do the installation. Bruce Smith moved to approve the proposal from Midwest Coating for \$12,064.00, half to be paid now and the balance after the job is completed. Bob Sisson seconded; motion carried. The clerk will submit paperwork to get a project exemption from sales tax for Midwest Coating. Myers said that Bob Call would need to look to see what fixtures can be removed from the roof.

SEWER DAMAGE CLAIM: The city has received a list of damages from George Drake, 409 Locust, as a result of their sewer backing up into their house. Ira Allen was asked to submit the claim to Employers Mutual as a first step.

SEWER PROJECT REPORT: Vic Robbins suggested adding the Drake's sewer line to the project. It would add the line and a new service connection. The council agreed by consensus after Robbins reviews the video tape and if Joshua Excavating does it for the contract price. It could be another \$3,000.

Mayor Young asked about the line at Ira Allen's residence. Robbins said that he reviewed the tapes and would recommend adding this line to the project also. The cost would be around \$4,000.00. The council agreed by consensus to the additional expense. Robbins reminded the council that an extra 10% was added to the total loan for contingencies such as this.

Robbins said that he thinks that the project has been going reasonably well. However, there is a problem with leaks in the force main at the east lift station. Robbins and Mayor Young decided to replace all the piping through the valve box. He has ordered the parts rather than have Joshua's order

them. The mayor asked if the water around the manhole requires the city to make a report to KDHE. Robbins asked if Bob Call has done this, and Call said he's waiting for a repair date to put in the report.

Meyer Specialty is in town working on the manholes. They're working on the invert, fixing and shaping the bottoms to improve the flow. If the weather holds, the project may be done by the end of the year. Scott Tucker and Dane Wells have been working on the re-seeding.

Mayor Young asked about the progress on Westar's moving the light poles on the Stout property. Bob Call said that someone from Westar is coming next Monday to look over the situation. Call is to contact the phone company about a wire that's in the ditch.

Robbins said that he's been in discussion with Scott Averill and Tanner Black, and some of the site work has been started at Brookside, such as demolishing some concrete slabs and grading. Robbins has told them that surface runoff control is a major issue, and has been told that this will be included in the revised plans. Robbins said that the addition will encroach on the west tower easement, and he thinks the city needs to get a legal document stating that the city isn't responsible for any damage to Brookside's road due to our having access to the water tower. There was discussion about drainage issues to the property south of Brookside. Robbins has told Averill that he'll need to get written permission for additional drainage to the west.

Bruce Smith said that the new permission letters have been mailed to the affected property owners on Ash Street regarding that drainage issue. The mayor said that he's aware of one company that would like to bid on it.

Robbins said that the line at George Maichel's residence has been installed, and the re-seeding is already done, so replacing the electric service is a non-issue at this time.

**NOISE ORDINANCE:** The mayor asked Chief Harmison if the city has a noise ordinance. Harmison said that we have one, but he's not sure exactly what it says. The matter was tabled until the council and the city attorney have more time to study the ordinances from other cities. Mayor Young reminded the council that there are a lot of things that make noise, such as ballgames, the sale barn, the fair, etc.

**PARK PROJECT REPORT:** Ken Krause had left an updated report, and had asked if the survey has been done. Bob Call was asked to contact Kramer's Engineering about marking the survey pins. Mayor Young stated again that he doesn't want to commit the city to anything until we have some idea how much grant money the committee is able to be awarded so that taxes don't have to be raised for the city's part of the project. Ira Allen said that the park project committee is waiting on the survey results from the city. Jon Brady said that his understanding is that the committee is also wanting to know about utilities and future maintenance. The mayor said that these things have to be engineered and budgeted, and this will be done as soon as more is known about grant money available.

**RE-APPOINTMENT:** Rich Hamit moved to re-appoint Pat Martin, Yolanda Dickinson, and Carolyn Meerian to the Planning Commission for a 3-year term. Bruce Smith seconded; motion carried 5-0.

**MISCELLANEOUS ITEMS:** Amending the Zoning ordinance to include boundary surveys was tabled until hearing something from the city attorney.

The mayor said he talked to David Hesseltine about having the fire department wash off the Kansas State Bank parking lot.

Cheryl Brown asked Kathy Alcorn to have her husband, David give a bid on some re-modeling in City Hall to enlarge the meeting area by reducing the entry. Alcorn hasn't submitted a bid at this time.

**LAW REPORT:** Chief Harmison said that the caseload for October was pretty low. He had the eyewitness camera repaired in his patrolcar. He also had to replace the battery and bought 4 new tires for it. It will be going in the shop because it won't take gas.

MAINTENANCE REPORT: Bob Call is concerned about the size of the dirt pile being created at the tree dump as a result of the sewer project, and thinks it should be stopped. Mayor Young said that Chuck Musick and Bus Bond are willing to have dirt hauled to their property. Call is to tell Vic Robbins about the change. Call can then close the tree dump until further notice.

The permanent light pole will be put in at the lake next week. Call said that they're about done with the culverts on Market. Call has taken a water test at O'Bryhim's store and the results were good.

Call said he did find the 4" water line that Bruce Smith had talked about, and so he will shut off the 2" line.

He will be ordering more Saturock soon. The park and pool have been winterized and heaters in the well houses. They bought a work topper for the GMC which will be better than a regular toolbox.

CLERK'S REPORT: A letter was received asking for donations for the AfterProm party at SFT. Rich Hamit moved to donate \$100, Bruce Smith seconded. Motion carried 5-0.

The Second Grade class sent a thank-you note for participating in the Halloween parade treats. City Hall will be closed on Friday, November 10<sup>th</sup> for Veteran's Day.

There being no further business before the council, Bruce Smith made a motion, seconded by Larry Coursen, to adjourn. Motion carried 5-0 at 8:10 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

NOVEMBER 9, 2005

MEMBERS PRESENT: Bruce Smith, Bob Sisson, Rich Hamit, Ira Allen, Mayor Jack Young. Larry Coursen absent.

OTHERS PRESENT: Peggy Waldman, Vic Robbins, Mike Dickerson, Patty Hylton, Bob Call, Mark Tomlinson, Ed Harmison, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM. A quorum was present.

MINUTES/ WARRANTS: Rich Hamit moved to approve the minutes of the October 26, 2005 meeting as written. Ira Allen seconded; motion carried 4-0. Bruce Smith made a motion, seconded by Ira Allen, to approve the minutes of the November 2, 2005 special meeting. Motion carried 4-0.

Bruce Smith moved to pay all warrants presented. Ira Allen seconded; motion carried 4-0.

LIBRARY FURNACE: Peggy Waldman, Librarian, came to the council to report that the Kansas Gas Service technician wouldn't light the pilot light on the library furnace because of a possible problem with the location of the flue pipe. She asked that someone talk to Walt Martin about the problem and what needs to be done. Mayor Young said he would talk to Martin. Waldman also asked if the handrails in front of the library could be painted a bright color. The council said that this will be done. Chief Harmison said he could have this done by someone doing community service.

WATER/SEWER PROJECTS: Vic Robbins reported that the second phase of the waterline replacement project is underway. Robbins told the council that 3 property owners will be notified through legal channels that their property has to be inspected to determine whether or not they're violating the city's sewer system ordinance. They are the following: JoAnn Lemberger, Michael Stewart, and Neal Horton. There are 2 properties that need to be inspected in person by Dean Beckman, and so they will be re-contacted soon.

Robbins said that he's almost done with the sewer rehabilitation plans to be submitted to KDHE. The de-sludging process is almost done on Cell#2, and then they'll start on Cell #3. He's made arrangements with Max Friesen if more land is needed for the application. Robbins gave a brief report on the results so far.

The amended consent order from KDHE has been approved and signed by the mayor and will be mailed tomorrow. There was some discussion about the wording in the petition to appear as prepared by Michael Coffman. Robbins will talk to Michael Coffman about making a few changes.

Mayor Young said that Larry Coursen is concerned about not having anything in writing to assure the city that the remaining waterline loan funds can be used to pay for the current project being done. Robbins said that since the extension wasn't part of the original change order, no written authorization is necessary. William Carr, with the Public Water Supply division, has indicated that they just want the work to be completed so the project can be closed.

Bruce Smith asked if we've heard anything from Dave Peimann about the easements for the sewer project. Robbins said we haven't had any reports at this time. Robbins said that he recommends waiting until we get the information from Peimann before asking for bids.

**RE-APPOINTMENTS:** Bruce Smith moved to re-appoint Tom Wurdeman and JoEllen Criger to the Planning Commission for a three-year term. Rich Hamit seconded; motion carried 4-0.

**MISCELLANEOUS:** The formation of a recreation commission was tabled. Cheryl Brown said that they will be interviewing several applicants for the part-time clerk position next week. Funding from the Jones Foundation was also tabled.

**DITCH:** The mayor said that there is a ditch behind the Laundromat, and Walt Martin would like the city to fix it. The council agreed by concensus to have Bob Call put some rock in it at this time. The mayor asked the council to look at the area for future consideration of a more permanent solution.

Mayor Young also mentioned that he's received a request from Cliff Bowser to change the angle of the alley behind his house to re-route the drainage. The council agreed to look at the property before the December 14<sup>th</sup> meeting.

The mayor has told Everette Dannar to go ahead and order the tasers using city funds to make up the difference between donated funds and the final cost.

Mayor Young said Kirk Wiscombe has asked him about having a parade to honor the SFT volleyball team as they are 4-A state champions. The council agreed by concensus to allow a parade. The mayor said Wiscombe is supposed to give him more information soon.

**BIDS FOR ELECTRICITY TO CITY LAKE:** The council was given a bid from K & K Electric to install electricity at the lake. Mark Tomlinson will present a written bid at the December meeting. There was discussion about when the electricity needs to be available to run the aerators. Leonard Jirek has told Bob Call not to run them in the winter.

**LAW REPORT:** Chief Harmison said this is the first time in 6 years that they haven't had any criminal cases to report. He gave an update on training for himself and Officer Dannar. Harmison reviewed the rest of his report for the council.

**EXECUTIVE SESSION:** Rich Hamit moved to recess to executive session for 5 minutes to discuss matters not related to elected personnel. Bruce Smith seconded; meeting recessed. Mayor Young called the meeting back to open session at which time no action was taken as a result of the executive session.

**TREASURER'S REPORT:** Patty Hylton reviewed the financial reports for the month of October, and also a report showing expected revenues and expenses for the remainder of the year. Hylton explained that she's transferred some expenses out of the General fund to other funds to increase the amount of budget left for the General fund. Half of the cost of the new Library roof will show up in next month's report at approximately \$13,000. There was discussion about the other fund balances and what can be done to avoid having any negative balances at the end of the year.

Hylton said that we need to start investigating other options for health insurance. She has noticed that some of her clients are being charged less for family coverage than the city employees. She needs to do more checking as to deductibles and benefits, but thinks there has to be a more cost-effective plan offered by someone. Several options need to be checked before the contract is renewed in May. The possibility of having someone from Blue Cross Blue Shield come to a meeting at the first of the year was discussed.

Ira Allen asked about adjusting the Law budget to make up for the \$5,000 downpayment on the 2005 patrolcar that came out of the 2005 budget rather than 2004. Hylton said that the money came out of General Fund to compensate for the time difference so the Law budget wasn't affected.

**MAINTENANCE REPORT:** Bob Call arrived at the meeting at which time he was told to put some rock in the alley behind the Laundromat as a temporary solution.

CLERK'S REPORT: Cheryl Brown asked about having the second council meetings in November and December due to holidays. Bob Sisson made a motion, seconded by Rich Hamit, to cancel the second meetings in November and December. Motion carried 4-0. A special meeting can be called in case of an emergency.

Brown reminded them that Carolyn Gaston, Sprint, will be at City Hall on Monday, November 14<sup>th</sup> to meet with the public.

She told the council that she called Jason Hielschier about getting all the food out of the refrigerator at the concession stand so Bob Call can winterize it soon.

Brown also asked if someone could please give Mike Fawl official notice about who owns the property where the access street is from Hwy 56 to the city lake. Mayor Young said he would talk to Fawl.

COUNCILMEMBER COMMENTS: Ira Allen asked about the resolution concerning drainage issues. Brown said it was a suggested one from Ray DeJulio of Taylor Design Group for the council's consideration. The council agreed that Michael Coffman needs to review the resolution before any decision is made.

Rich Hamit mentioned the drainage issue on Mac Barnett's property in Meadowbrook II. Barnett is concerned about the frontage size in regards to installing a culvert as related to the actual size of the cul de sac. It was agreed that Mayor Young and Bob Call should discuss the matter with Barnett.

KANSAS TRANSPORTATION: The mayor presented information from KDOT about revolving loans for building roads and bridges.

MAYOR'S REPORT: The mayor said he will have information about a recreation commission at the next meeting, as well as on the Jones Fund.

There being no further business before the council, Rich Hamit moved to adjourn. Bruce Smith seconded; motion carried. Meeting was adjourned at 8:30 PM.

Respectfully,

Cheryl L. Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

NOVEMBER 28, 2005

MEMBERS PRESENT: Ira Allen, Bob Sisson, Rich Hamit.

OTHERS PRESENT: Cheryl Brown.

The special meeting was called to order by acting Council President Ira Allen at 5:00 P.M.

The purpose of the meeting was to discuss the interviews and candidates for the position of Part-Time Office Clerk. Following the recommendation of the council members and the city clerk, Bob Sisson moved to hire James Koger for the position. Rich Hamit seconded; motion carried 3-0.

Cheryl Brown said she would notify Mr. Koger of the decision, and also send letters to the other applicants informing them the position had been filled.

Bob Sisson made a motion, seconded by Rich Hamit, to adjourn the meeting. Motion carried. Meeting was adjourned at 5:15 P.M.

For the Governing Body,

Cheryl L. Brown  
City Clerk

APPROVED: \_\_\_\_\_

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

DECEMBER 14, 2005

MEMBERS PRESENT: Rich Hamit, Ira Allen, Bob Sisson, Mayor Jack Young, Bruce Smith  
(9:05 PM). Larry Coursen absent.

OTHERS PRESENT: EulaLee Fuller, Mike Dickerson, Pat Martin, Kathy Coffman, Vic  
Robbins, Ed Harmison, Patty Hylton, EVERETTE DANNAR, Jim Koger,  
Cheryl Brown.

Mayor Young called the meeting to order at 7:00 PM. Roll was taken to establish the presence of a quorum.

MINUTES/ WARRANTS: Ira Allen moved to approve the minutes of the November 9<sup>th</sup> meeting with corrections about the library furnace. Bob Sisson seconded; motion carried 3-0. Bob Sisson moved to approve the minutes of the special meeting; Rich Hamit seconded. Motion carried 3-0.

Bob Sisson made a motion, seconded by Ira Allen, to pay all warrants presented. Motion carried 3-0.

PART-TIME CLERK: Cheryl Brown, City Clerk, administered the oath of office to Jim Koger, who has been hired as Assistant City Clerk. The council welcomed Jim to the staff.

MISC: The mayor thanked everyone for furnishing treats. Brown said that Beverly Hix provided the cookies, and the mixed nuts were a gift from Michael Coffman. Thanks were expressed by a round of applause.

ELECTION TO BE CALLED: After reviewing the petitions received by those opposed to Sunday beer and liquor sales, Ira Allen moved to adopt Resolution No 66 which calls for the matter to be decided by ballot. Rich Hamit seconded; motion carried 3-0. Rhonda Beets, Osage County Clerk, has set January 5<sup>th</sup> as the date for the election.

CMB AND GAME MACHINE LICENSES: Bob Sisson moved to renew the Cereal Malt Beverage licenses for Casey's, O'Bryhim's Thriftway and The Patch. Ira Allen seconded; motion carried 3-0.

Ira Allen moved to renew the game machine licenses for The Patch and Conrad's Bar & Grill. Bob Sisson seconded. Motion carried 3-0.

Ira Allen moved to renew the City Alcoholic License for Conrad's Bar & Grill. Bob Sisson seconded; motion carried 3-0.

RETIREMENT PAYMENT: Bob Sisson moved to pay Bob Call and Cheryl Brown the difference between the KPERS and KPF retirement benefits. Rich Hamit seconded; motion carried 3-0.

RECREATION COMMISSION: This matter was tabled until the January meeting.

LIBRARY FURNACE: Walt Martin has inspected the furnace at the library and said that it should be sufficient as long as there's no ceiling in that room, and there are no plans for any such ceiling.

BARNETT PROPERTY: Mayor Young said that he and Bob Call need to go with Mac Barnett to check out the concerns Barnett has about the drainage on his building site.

ELECTRICITY AT CITY LAKE: Since not all the bids have been received, the matter of installing electricity at the city lake was tabled.

KEY TO CITY HALL: Ira Allen mentioned that a key needs to be provided for someone on the Planning Commission. Bob Sisson suggested that one of the members just needs to come in and pick up a key a day or two before the meeting. Ira Allen was asked to relay this information to Tom Wurdeman.

CHRISTMAS LIGHTS: Ira Allen was asked why the older Christmas lights aren't up along Hwy 56. Cheryl Brown said that the older lights weren't ready when the newer ones were ready to be hung, and that someone would call when they were ready. Bob Call said that he's mentioned this to Ed Butterfield, but hasn't pressured him since Butterfield volunteers his time and truck to do this. Call will talk to him again.

P.R.I.D.E.: EulaLee Fuller was present as a representative for the PRIDE committee to ask for assistance in repairing or replacing the playground equipment at Jones Park. Mayor Young said that the Jones Fund might be a source for purchasing new equipment, but said the city would be willing to help. Young said he would find a phone number to contact someone from the Jones Foundation. The council agreed by concensus to support improving the playground. The city receives several catalogues for playground equipment, and the Jones Foundation will want a written proposal with details.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. There were 5 criminal cases in November.

**MAINTENANCE REPORT:** Bob Call said that the work is completed at the lagoons. The waterline replacement project is in progress, but there have been some delays. Call feels that D & D Excavating should be responsible for maintaining gravel replacement until the asphalt is laid.

Call said that the new dump truck is here, and he really likes it. The alternator had to be replaced, but otherwise it runs well and everything seems to be working. The council agreed by consensus to take sealed bids at the January 11<sup>th</sup> meeting for the old dump truck. The clerk will put ads in the paper.

Call reported that the wells and lift stations are operating as they should be. He also said that we should be getting the final maps for the water/sewer system within the next couple of weeks.

Bob Sisson told the council that he talked to someone from KDOT, and if the truck is tagged for 26,000 #'s no one will be required to have a Commercial Driver's License. Consensus to pursue that.

Ira Allen asked about the hole down the street where the storm drain was torn out. Call said that D&D is going to fix it. Sisson said he saw them working on it.

**TREASURER'S REPORT:** Patty Hylton reviewed the financial reports for the month of November. She recommended that the city purchase a CD. After discussion, Bob Sisson moved to buy a 6-months \$25,000 CD at First Security Bank. Ira Allen seconded; motion carried. Hylton said she will be submitting a request for waterline and sewer projects soon. Hylton said that our cash balances are good, but budget is pretty close in a couple of the funds so we'll have to watch that. She may have to reverse some transfers to avoid budget violations. She has contacted Blue Cross Blue Shield about different packages to lower the costs for employee health insurance. Hylton said we haven't allocated a specific amount of money for Recreation, but there is \$5,000 that could be used in 2006 for recreation purposes. The mayor said he would like to see a plan for the entire Jones Park area instead of just putting things here and there. Sisson said he would help measure the grounds if that would help.

Hylton then presented the council with some figures that compares the 2006 budget with 2005 actual expenses. This should give the council an idea of possible problems.

**WATER/SEWER REPORT:** Vic Robbins said that he'll be checking the area where the storm drain repairs are being done. The rest of the waterlines have been replaced, but the asphalt work still needs to be done as well as some clean-up. Changes in the bill from D & D Excavating were discussed. Robbins recommended holding back a percentage of payment until the job is 100% completed.

Robbins said that Michael Coffman has sent the order to comply to the necessary property owners. Dean Beckman has inspected the Horton property and the roof drains are connected to the city sewer system. We are still waiting to hear from the other property owners.

Robbins has prepared a map showing the sewer lines to be repaired or replaced and sent it to Michael Coffman who will be consulting with Dave Peimann about the easements.

Robbins said that the lagoon desludging has been completed as far as the contractor is concerned. Due to weather, about 10% of the last cell has not been desludged. After talking to the mayor, Donna Crawford, KDHE and the contractor, Robbins asked that \$4,000 be taken from the original contract price. They will be mailing a new bill showing a reduction of \$4,000,

or approximately \$71,000.00. Robbins now has to put together a report showing exactly what was done at the lagoons. He told the council that one field had slightly more sludge applied than was calculated. The land owners were very pleased with the application process. Robbins also said that G & G Excavating has done some work around the edges of the lagoons. He's not sure if the grant or loan will cover this, but he felt it was necessary.

The council agreed by concensus to send Horton's a letter asking them to agree to having the city disconnecting the service. The clerk will prepare a letter for Horton's to sign. Robbins reminded the council that there are 2 sump pumps connected to the sewer that need to have some follow-up contact made. The attorney has prepared a Notice of Violation that can be sent if necessary.

Ira Allen made a motion, seconded by Bob Sisson, to pay D & D Excavating \$16,044.52 minus 10% at this time. Motion carried 3-0. A letter will be sent to Donnie Bryant explaining the council's decision.

**WILDLIFE & PARKS AGREEMENT:** Rich Hamit moved that we sign the agreement with Dept of Wildlife & Parks to provide the city with funds to maintain the city lake to avoid selling city license fees. Bob Sisson seconded; motion carried 3-0.

**DOG/CAT LICENSE FEES:** After discussion, Rich Hamit moved to adopt Ordinance No 288 which would set the following fees:

Spayed or neutered dogs & cats:	\$5.00
Non-spayed or neutered dogs & cats	\$10.00

Bob Sisson seconded; motion carried 3-0.

Chief Harmison said he's planning to send letters to all who got licenses last year and give them a 30-day grace period. This won't affect those who didn't get dog or cat tags in 2005, but will help.

**CLERK'S REPORT:** Rich Hamit moved to donate \$100 to the Santa Fe Trail After Prom Party. Bob Sisson seconded; motion carried.

Brown said she's learned from Yolanda Dickinson about having to pay for the Planning and Zoning seminar on January 13, 2006 if she doesn't go. The council agreed that we should proceed with the registration in any case.

Brown also told the council that Jim Koger will be working more than 20 hours the week that she's on vacation.

Brown asked for clarification on paying Mark Tomlinson for all mileage, or just trips to Carbondale Pet Clinic. Ira Allen said his understanding is that the council agreed not to make any changes for the time being. Bob Sisson asked if warning tickets are being given to owners whose pets are being returned to them. His opinion is that we shouldn't be paying mileage for just driving around town if animals are not being picked up, regardless of where they're taken. Mayor Young said he would check on the matter. He's also going to talk to Dr. Tucker about notifying us when Overbrook residents adopt animals from her clinic. Ira Allen said that this information is needed by the January meeting.

COUNCILMEMBER COMMENTS: Ira Allen said he would like to have some kind of water softener considered in the 2007 budget. Sisson and Robbins said that this would be very expensive, and would also change the requirements for the water operator. The mayor said that Bob Call is working on getting the AquaMag system working again.

BONUS: Ed Harmison asked about a Christmas bonus for full time employees. It's been \$25 per person in the past. Rich Hamit moved to give \$50 bonuses to full-time employees. Bob Sisson seconded; motion carried. Harmison also stated that he and Dannar would prefer to be paid for half of unused vacation in 2006. The council agreed by concensus.

MISC: Vic Robbins told the council that he went down and looked at the storm drain repairs, but he's not satisfied with what's been done since he wasn't present when the work was done. Robbins said he'd talk to Donnie Bryant about the matter.

EXEC SESSION: Rich Hamit moved to go into executive session for 5 minutes. Bob Sisson seconded. Motion carried. The meeting was called back to open session at 9:05 PM. Rich Hamit moved to give Ted Miller, Randy Harrison, Mark Tomlinson and Jim Koger a \$25 Christmas bonus. Ira Allen seconded; motion carried.

There being no further business before the council, Ira Allen moved to adjourn. Bob Sisson seconded; meeting adjourned at 9:15 PM.

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED: \_\_\_\_\_