

MINUTES - REGULAR MEETING OF THE OVERBROOK CITY COUNCIL - JANUARY 13, 1988

MEMBERS PRESENT:

J.A. Cordts	Floyd McGuire (left at 8:42 pm)
Richard Hamit	Mayor Dennis Post
Davenna Jones	

MEMBERS ABSENT:

Dale Fox

OTHERS PRESENT:

Kem and Joyce Guffey	Paul Gassman
Dale Bloom	Ken Schoenick
Frank Boyd	Glen Norton
Steve Jones	Carl Maichel
Lakin Schwanke	Don Heberling
Bruce Smith	Max Friesen
Ron Dean	

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

MINUTES: The minutes of the December 9, 1987 regular meeting were reviewed. Richard Hamit made a motion, seconded by J.A. Cordts to approve the minutes as written. Motion carried 4-0.

WARRANTS: The warrants of the previous month were presented. Richard Hamit made a motion seconded by Floyd McGuire to approve all warrants. Motion carried 4-0.

Mayor Post welcomed all visitors.

SEWER ISSUE: Several concerned citizens were present to discuss the proposed sewer project. Dale Bloom questioned whether the engineering firm had a representative present. Mayor Post noted Jack Kramer, Kramer Engineering had not been requested to attend this meeting. Bloom felt none of his questions could be answered if the engineer was not present. Bloom also asked why the citizens were not notified that the smoke testing was going to be done. Mayor Post explained the contract had been signed some time ago and at that time it was reflected in the published minutes but due to variable weather conditions the city was contacted only two days prior to the actual testing. He also noted there was no way to contact every city resident but the fire department had been alerted.

Paul Gassman, representing another engineering firm explained some of the items Mr. Bloom was interested in. Gassman noted he had previously worked for the Department of Health and Environment and was very much aware of Overbrook's problem.

Ken Schoenick discussed the possibility of some of the work being done locally.

Betty Thornton questioned whether the problems the city was having had any effect of the fact the sewer drains at her home had a very bad odor. She said they had tried everything they knew to alleviate the odor but nothing has helped. She was assured the problems the city was having had nothing to do with the odor problem at her home.

It was agreed by consensus that Mr. Kramer would be invited to attend the

February 10, 1988 regular council meeting if possible. It was also agreed Steve Jones would check out the ordinances and statutes to see whether the city stands legally in connection with perimeter drain etc. hookups. Councilman Hamit said he would check with the Department of Health and Environment to see what the city needs to do further. Everyone was thanked for coming and were invited to return to the February meeting.

Frank Boyd suggested going to the homes to check for illegal connections. He volunteered to help Bruce Smith. Mayor Post directed them to go ahead and start but to be sure to keep a record of who they talked to.

REZONING: Kem Guffey and wife were present along with Glen Norton to request that the council consider rezoning Lots 5 and 7, Original Town of Overbrook from residential to business. Guffey said he was interested in putting in a beauty salon for his wife. Mayor Post with City Attorney Steve Jones help, explained the process which must be followed in accordance with the city ordinance and state statutes. Frank Boyd, Chairman of the Board of Zoning Appeals wanted to know why it had to go through the Planning Commission and not his board. He had advised Mr. Guffey that the Board of Zoning Appeals would be the board to make the decision. The clerk noted she had advised Mr. Guffey of the full due process but he chose to obtain a building permit and take it before the Board of Zoning Appeals as advised by Mr. Boyd. City Attorney Jones explained the only time it could go before the appeals board would be if the council's final decision was not to Mr. Guffey's satisfaction. The Appeals Board decision would be final and binding unless it was overturned in District Court.

Floyd McGuire was called away from the meeting on business at 8:42 pm.

ZONING ORDINANCE AMENDMENT/MOBILE HOME ABANDONMENT: Ordinance No. 143. An ordinance amending Ordinance 95 (Zoning) by changing the provisions of section 10, subsection 6, regarding abandonment and repealing ordinance 104, was presented for consideration. Davenna Jones made a motion, seconded by J.A. Cordts to approve Ordinance 143. Motion carried 3-0.

ANNEXATION: Annexation of a lot just North of 911 Maple was discussed. It appears the lot has an open basement located on it and is a danger to the neighborhood children and also is a harbor for rodents, etc. Steve Jones was authorized to look into the problem and report back to the council. The clerk was instructed to send the legal description along with a letter stating the problem to Mr. Jones.

ASSISTANT BUILDING INSPECTOR: The subject of an assistant building inspector was discussed. It was noted Bruce Smith had been acting building inspector at times when Albert Rukes was not available. After a brief discussion, the council agreed by consensus that legally it was necessary to appoint an assistant to the building inspector. Davenna Jones made a motion seconded by Richard Hamit to appoint Bruce Smith as Assistant Building Inspector. Motion carried 3-0.

MISC: Bruce Smith reported Dale Fox had requested the city discuss the purchase of battery operated blinking warning lights to be used when barricades were necessary. It was agreed by consensus for Smith to go ahead and purchase the lights as needed.

January 13, 1988

Mayor Post reported Jean McDowell had contacted him in connection with the Betterment Committee. It appears they would like to help financially with some project such as street signs. She also noted the bottom step in front of the library was loose. She said if we could get her a cost they might be interested in paying for the replacement. Bruce Smith was instructed to obtain cost figures and discuss it with Mrs. McDowell.

SWIMMING POOL/FIBERGLASS: It was agreed by concensus that it was too late to get a project such as this into the present budget. The clerk was instructed to tell Mr. Painter of Sequin Fiberglass to check with the council before we set up the 1989 budget.

MISC: Councilman Hamit asked if the city could sand the intersection at Fourth and Maple. Bruce was instructed to sand wherever necessary.

Bruce Smith reported the west lift station had been down two weeks but a part was on order.

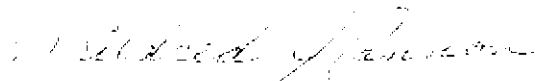
Ron Dean gave a police report. He also reported the Ford patrol car was in need of some more repair. J.A.Cordts said he should have the work done in town whenever possible.

Mayor Post reported Reta Hamman had resigned to go back to work at the US Dept of Agriculture. He instructed the clerk to run an ad in the local paper for two weeks, for a replacement.

Davenna Jones made a motion, seconded by Richard Hamit to adjourn the meeting. Motion carried. 3-0.

The meeting was adjourned at 9:40 pm.

Respectfully submitted,



Mildred J. Cannon
City Clerk

Approved: Feb 10, 1988

MINUTES - REGULAR MEETING OF THE OVERBROOK CITY COUNCIL - FEBRUARY 10, 1988

MEMBERS PRESENT:

J.A.Cordts	Floyd McGuire
Richard Hamit	Dale Fox
Davenna Jones	Mayor Dennis Post

OTHERS PRESENT:

Kem and Joyce Guffey	Paul Gassman
Ken Schoenick	Letha Hazlett
Glen Norton	Raymona Johnson
Max Friesen	Ron Dean
Bruce Smith	

The meeting was called to order at 7:30 PM by Mayor Dennis Post. The clerk called the roll.

MINUTES: The minutes of the January 13, 1988 regular meeting were reviewed. Davenna Jones made a motion, seconded by J.A.Cordts to approve the minutes as written. Motion carried 5-0.

WARRANTS: The warrants of the previous month were presented. Richard Hamit made a motion, seconded by Floyd McGuire to approve all warrants. Motion carried 5-0.

Mayor Post welcomed all visitors.

ZONING REQUEST/405 OAK: Mayor Post read the minutes and recommendation of the Planning Commission meeting held February 9, 1988, in connection with Glen Norton and Kem Guffey's request for the rezoning of 405 Oak. Their wish was to use the property for a beauty salon. The Commission recommendation was for conditional use. He also read an outline of the procedure for conditional use as given to the clerk by Don Moler, Attorney for the League of Kansas Municipalities. After a brief discussion, Floyd McGuire made a motion, seconded by Dale Fox to accept the Planning Commission recommendation for conditional use. Motion carried 4 yes 1 no (Davenna Jones voted no - her reason was that this was still in essence, spot zoning). It was noted an ordinance would have to be drawn up and be published before the property could legally be used for anything other than residential.

ORDINANCE # 144-AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF OVERBROOK, KANSAS, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE OF KANSAS CITIES, EDITION 1987". Dale Fox made a motion to approve Ordinance 144. Richard Hamit second. Motion carried 5-0.

PENDING SEWER PROJECT/BIDS: Paul Gassman P.E. of CP Engineers and Land Surveyors, Inc. was present to request his company be given a chance to bid on the pending sewer project. He also noted he is a resident of Overbrook. He said his company performed the same services as Kramer Engineering, specializing in sewer and water design. He said his company also offered contract service as City Engineer which would include attending council meetings whenever necessary @ \$75.00 per meeting attended (no charge for those meetings not attended). Mayor Post assured him that with a project this size, several bids would be taken. Mr. Gassman was thanked for coming.

MAINTENANCE REPORTS: LIBRARY ROOF: Bruce Smith reported there was still some problem with the library roof. He said Taylor Roofing had inspected it and they felt the problem involved the South face of the North wall where the cement and grouting had deteriorated and had chipped away letting water seep in. Smith said he could not do the work himself and felt it should be done by professionals. It was agreed by consensus for Smith to obtain bids for the repairs.

WARNING LIGHTS: Smith reported he had checked into the battery operated warning lights as discussed last meeting and they would run between \$13 and \$15 each. He noted they use one C cell battery. It was agreed by consensus for Smith to go ahead and purchase the lights he felt necessary.

HANDRAILS: Smith reported he had checked with Craig's Welding Shop in connection with handrails for the second set of steps in front of the library. The job was estimated to run around \$90. It was agreed by consensus for Smith to go ahead and have the work done as soon as possible.

LAW ENFORCEMENT REPORTS: Ron Dean reported some repairs had been done on the patrol cars. He said the electric ignition had been replaced on one, the suspension system had been replaced on one and the radio had to be repaired. He said they are in good shape now.

LIGHT SWITCH/POLICE STATION: Dean asked permission to have the light switch moved from the back wall of the police station to beside the front door of the police station. He said it was a real problem when he had to bring a prisoner in. Richard Hamit made a motion, seconded by Floyd McGuire that the light switch be moved to conform with the Chief of Police recommendation. Motion carried.

CONNECTING LINK: Mayor Post presented a new connecting link agreement from the Osage County Commissioners. He explained it was in the amount of \$332 and was essentially the same as the one signed last year. Floyd McGuire made a motion, seconded by Dale Fox to accept the agreement. Motion carried 5-0.

STREET SIGNS: Mayor Post read a letter from Jean McDowell, Chairman of the Betterment Committee, stating the committee wished to give \$200 toward repair or replacement of street signs. She also stated in the letter that they felt the repair of the sidewalk and steps in front of the library should be addressed. They felt there should be hand rails on the steps. Bruce Smith was authorized to get bids and contact Mrs. McDowell.

Smith said he had checked into prices for signs and the cost would be around \$700 to bring them up to standard. Dale Fox made a motion, seconded by J.A.Cordts that the signs be brought up to standard. Motion carried 5-0.

MISC: The clerk reported Don Attebury of Heartland Refuse had requested permission to bill Casey's General Stores direct rather than through the city. She explained he told her there were only three stores that he did not bill direct and Overbrook was one of them. The council by consensus felt Mr. Attebury should be asked to come to the March Council meeting to discuss the problem and answer whatever questions the council might have. The clerk also reported Mr. Attebury had expressed a desire to have a central pickup spot for the business's along the alley running North and South between Maple and Oak. He said he was having some problems in that area. The Council agreed to discuss this with him at the March meeting also.

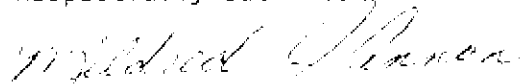
The clerk reported Mr. Pabst, owner of the cable tv company had requested his company be allowed to pay their franchise payments monthly in lieu of six months. It appears he has been having considerable trouble with employee turnover and therefore the payments have not been made timely. It was noted the city had been having problems for several years getting their franchise payments on time. The clerk said Mr. Pabst had just paid the one due in July 1987 and there was another one pastdue for January 1988. The council agreed by concensus to allow Mr. Pabst to pay by the month but only if he brought the account to date by March which would include the 6 month payment due in January along with the February and March payments.

Davenna Jones reported several people had complained about the placement of the stop sign by the Williams property. It was noted the sign was on the right corner but that there was considerable debris that needs cleaned out, bushes etc. Police Chief Dean was instructed to look into it.

Raymona Johnson asked if the old Conoco sign which had been placed in the alley behind her home could be removed. It appears the sign was placed there by Co-op. Police Chief Dean was asked to look into it.

Floyd McGuire made a motion to adjourn the meeting. Dale Fox second. Motion carried. The meeting was adjourned at 9:48 pm.

Respectfully submitted,



Mildred J. Cannon
City Clerk

mjc

APPROVED March 9, 1988

MINUTES - REGULAR MEETING OF THE OVERBROOK CITY COUNCIL - MARCH 9, 1988

MEMBERS PRESENT:

J.A. Cordts	Dale Fox
Richard Hamit	Mayor Dennis Post
Savenna Jones	

MEMBERS ABSENT:

Floyd McGuire

OTHERS PRESENT:

Jack Kramer	Ken Schoenick
Rick Toland	Bruce Smith
Don Attebury	Ron Dean
Joe Greene	Max Friesen
Bill Warrington	Steve Jones
LeRoy Rendell	Cheryl Brown, Asst. Clerk
Mildred J. Cannon, Clerk	

The meeting was called to order at 7:30 PM by Mayor Dennis Post. The clerk called the roll.

MINUTES: The minutes of the February 10, 1988 regular meeting were reviewed. Richard Hamit made a motion, seconded by J.A.Cordts to approve the minutes as written. Motion carried 4-0.

WARRANTS: The warrants of the previous month were presented. Savenna Jones made a motion, seconded by Richard Hamit to approve all warrants. Motion carried 4-0.

KPL/GAS SERVICE--UTILITY COLLECTION: Rick Toland, District Manager for KPL Gas Service Company was present to notify the governing body that his company had taken over the Gas Service Company, therefore, to serve the public more efficiently, the gas and electric billings will be combined on one card which may be payed locally at the City Clerk's office. He said Ed Butterfield, their outside district service man will begin servicing gas customers along with electric customers. He explained there will be a few customers still receiving separate billings (i.e. the name, address and/or box number is not the same on both accounts) but in time these will be located and combined. The Mayor thanked him for coming and he left at 7:40 pm.

SOLID WASTE: Don Attebury, owner of Heartland Refuse was present to request permission to contact certain local business's in regard to twice weekly collections. He said his records show he is only getting paid for one collection per week which is not a fair practice. After a brief discussion it was agreed by consensus that Mr. Attebury be authorized to notify the two pickup business's of rate changes. The notice to be pre-approved by Mayor Post.

Mr. Attebury also discussed an ongoing dispute between business customers along the alley West of Maple. He said his people were being unfairly involved and a possible solution might be to have one collection point for all. One council member suggested posts be installed, designating the area for each dumpster and if that doesn't work, each business could be required to install a concrete pad for the dumpster. It was agreed that Attebury would contact the business owners and try to work with them and if all else fails, the business's in question would be notified the only other alternative would be a concrete pad.

In connection with the Casey's billing discussed at an earlier meeting, Attebury said he services twelve stores and he has approached them with a contract for all twelve. Mayor Post told him if this became a reality the city would need a letter of authorization from Casey's.

Mr. Attebury and Mr. Greene registered a complaint that several people have been putting household trash in the dumpsters around town. They felt this was unfair to Heartland and thought the Council might help. It was agreed by consensus that this was a problem Mr. Attebury would have to handle personally.

They were thanked for coming and left at 8:20 PM.

SEWER PROJECT: Jack Kramer was present to answer questions concerning the pending sewer project as requested. It was noted that Dale Bloom and Paul Gassman who had expressed a desire to ask questions of Mr. Kramer, could not be present due to prior commitments. Mr. Gassman did send a letter outlining the specific questions he wished answered. These questions were discussed and Mr. Kramer said he would contact Mr. Gassman personally.

Problems with the lift stations were discussed. Kramer said if the four inch line was replaced with a six inch line it would help a great deal but that would make the problem at the other end much worse. He said the priority area would be a larger line to the lagoons. He said our major problem was rainy seasons and both inflow and infiltration. Kramer noted when the original report was done on expanding the lagoon, the flow was not what you are getting. He said he discussed it at the time with Gassman who then worked for Kansas Department of Health and Environment but Gassman thought it was all right.

Bidding and local labor etc., were discussed. Kramer noted unless a contractor is in the business he cannot get bonding and insurance. He said another problem could be equipment. Steve Jones agreed. Kramer noted all bidders, local or not, would be given the same consideration.

ZONING: Mayor Post reported a petition had been received from Lewis Wolf requesting the property commonly known as 208 East 8th be rezoned from M-1 (Mobile home) to B-1 (Business) to enable him to install a laundromat. Mayor Post noted the Planning Commission had been notified and a hearing had been held. He read the Planning Commission's recommendation which was to rezone. Bill Warrington and Leroy Rendell were present to discuss the problem of sewer backup. They said they had not attended the hearing but wanted the council to be aware that when there are heavy rains, water backed up into Rendell's basement and they were concerned if several washers dump water at the same time, it might have the same effect. Bruce Smith said it was a wet weather problem not a normal sewer problem. Jack Kramer assured them the sewer line is an 8 inch line which can carry up to 400 gallon per minute and it would definitely carry the load unless it was excessively wet weather. He explained 10 machines would dump only 50 gallon per minute.

Richard Hamit questioned parking for the intended laundromat. Bruce Smith was instructed to check it out, making sure the traffic pattern is suitable before approving the building permit. Steve Jones said he would work with Smith if necessary.

Richard Hamit made a motion, seconded by Dale Fox to adopt Ordinance 147 changing the zoning for the property known as 208 East 8th from M-1 (Mobile home) to B-1 (Business). Motion carried 4-0.

Jack Kramer was thanked for coming and left at 9:15 PM.

ZONING: Mayor Post presented Ordinance 146, an Ordinance amending Ordinance NO. 95 (Zoning) by providing for additional uses of property. He explained the ordinance was drawn up in conjunction with the planning commission recommendation of February 9, 1988 and the Council decision of February 10, 1988. Steve Jones, City Attorney, discussed the City's options. It was agreed the fee would be set at \$250. Dale Fox made a motion, seconded by J.A.Cordts to approve Ordinance 146 with a fee of \$250. Motion carried 4-0.

DOG LICENSING ETC: Mayor Post presented Ordinance #145, An Ordinance amending sections 613a & b, 625b and 632 of Ordinance 91 (Criminal Code) pertaining to live-stock impoundment fees, dog licensing and dog impoundment fees. Richard Hamit made a motion, seconded by Dale Fox to approve Ordinance 145. Motion carried 4-0.

ANNEXATION: Steve Jones went over the Resolution to Annex with the Council. Dale Fox made a motion, seconded by Davenna Jones to approve the Resolution to Annex. Motion carried 4-0. Steve Jones asked permission to contact Jack Kramer of Kramer Engineering to prepare a plan for extension, financing and timetable for extending services to areas under consideration for annexation. The Council agreed by consensus. Jones said he would draw up the necessary paperwork and would mail it to the clerk so the process could be implemented as soon as possible. He was thanked for coming and left at 10:35 PM.

STREET SIGNS: Bruce Smith reported he had received prices from three companies for new street signs ranging from \$16 to \$9 each. He said the lowest price was from the Kansas Department of Corrections. He said we would need approximately 60 signs. It was agreed by consensus for Smith to purchase the signs from the Kansas Department of Corrections.

ROOF/CHLORINATOR BUILDING: Smith reported the roof at the chlorinator building was in bad shape and needed replacing. The building is 13' X 22'. It was agreed by consensus for Smith to go ahead and get bids.

ROOF/LIBRARY BUILDING: Smith reported he had someone look at the roof and it appears the problem is the steel tower. He said he had two offers to take it down. It was agreed by consensus for Smith to go ahead and get bids, making sure the bidders were properly insured. He was also authorized to go ahead with the work at a maximum of no more than \$500.

POOL REPAIR/PAINT: Smith said he had received an estimate of \$3500 from Allen and Sons Sandblasting to sandblast and repaint the pool. It was agreed by consensus for Allen to go ahead with the job. Smith also discussed the decking which is getting bad. He was instructed to check into it and get back with the council.

MISC: Ron Dean reported he had talked with Don Keim about moving the light switch in the police station and should have a bid soon. He was instructed to get bids from Overbrook Lumber and Northbrook Lumber for both the police station and city hall. The clerk said she had a verbal bid from Keim for the city hall in the amount of \$25, but he had not said how he planned to close off the hole where the old switch had been.

Some of the council members questioned Ron Dean as to his plan for opening the Kansas State Bank basement during tornado alerts etc. Dean said he had always gone ahead and opened it as soon as he got his weather alert report.

MINUTES - Regular meeting of the Overbrook City Council - April 13, 1988

MEMBERS PRESENT:

J.A.Cordts	Davenna Jones
Dale Fox	Mayor Dennis Post
Richard Hamit	

MEMBERS ABSENT:

Floyd McGuire

OTHERS PRESENT:

Jim Jones, Midwest Tank	Ron Dean
Jack Kramer, Kramer Engr.	Cheryl Brown, Asst. Clerk
JoAnn Allen	Mildred J.Cannon, Clerk
Bruce Smith	

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

MINUTES: The minutes of the March 9, 1988 regular meeting were reviewed. Davenna Jones made a motion, seconded by Richard Hamit to approve the minutes as written. Motion carried 4-0.

WARRANTS: The warrants of the previous month were presented. Richard Hamit made a motion, seconded by Dale Fox to approve all warrants. Motion carried 4-0.

WEST WATER TOWER: Jim Jones, Midwest Tank was present to discuss a contract for work to be done on the west water tower. He explained that his company is under contract with the city to inspect the towers every two years at which time they flush the tanks and do whatever touchup is necessary. He said the latest inspection revealed that the tank needed cleaned and painted on the outside only. He said the inspection also revealed that the bowl area and riser pipe are in bad shape and would need to be sand blasted, primed and painted. He also said the top needed special attention and although the legs only had normal wear and tear they also would need painting. He noted if the work is left undone, by next year the complete tank would have to be sand blasted. He said the total price would be \$7,325. After a brief discussion, Dale Fox made a motion, seconded by J.A. Cordts to approve the contract with Midwest Tank for exterior cleaning and painting of the west water tower in the amount of \$7,325. Motion carried 4-0. The contract was signed in duplicate by Mayor Post. Mr. Jones was thanked for coming and left at 8:00 pm.

CABLE TV RATE INCREASE: Mayor Post read a letter from Robert Pabst dba Overbrook Cable Television Co., requesting a rate increase from \$10.00 to \$12.00 for basic cable service beginning May 1, 1988. Several Council members reported they had been approached by members of the community with complaints about the cable tv service. Mayor Post read portions of the original Franchise Agreement noting the rates could not be increased without the approval of the council. He also noted in the agreement the company is capable of 20 channels on the basic service cable. After a brief discussion, it was agreed these items should be discussed with Mr. Pabst. The matter was tabled to the May 11, 1988 regular meeting. The clerk was instructed to notify Mr. Pabst to be present at the May 11 meeting. She was also instructed to notify him that a rate increase could not be initiated until a decision is reached by the council.

PENDING SEWER PROJECT: Jack Kramer presented an estimate for Outfall Lines A and B as requested at the March 9 meeting. He said it would take from 60 to 90 days to complete the bidding process. Several ways to fund the project were discussed. Kramer said there was no grant money available this year. He also noted that Overbrook did not qualify for block grants. The Council agreed by consensus that the project would have to be funded by revenue based on usage. The Clerk was instructed to work up various rate increase figures with which to pay the bond issue and present it to the Council for their consideration. After a brief discussion, it was agreed that CP Engineering would be given an opportunity to submit an estimate for Outfall Lines A and B as requested by Paul Gassman. The subject was tabled to a later date.

STREET SURFACING: Bruce Smith reported it was time to be considering street resurfacing. He was instructed to contact several reputable companies to submit bids at the May regular council meeting. Councilman Hamit asked if Surrey was to be considered for surfacing this year. Smith said it was. Smith also requested permission to ask the street surfacing companies if they had any way to come back in and clean up the loose gravel before winter. He said he receives complaints every year when he does the snow removal. He said in the process loose gravel is deposited on the grass on the parkways. He was instructed to go ahead and inquire about it.

SWIMMING POOL REDECKING: Smith presented an estimate in the amount of \$6160.75 from Lang and Dultmeier to replace portions of the pool decking as requested at the March Council meeting. The estimate was for the most damaged sections only. Smith presented the Council with a plan from the contractor as to the portions in most need of replacement. Smith said he felt these sections were priority and the remainder could be done at a later date. The subject was discussed at length after which Richard Hamit made a motion, seconded by Davenna Jones to accept Lang and Dultmeier's proposal to replace specific portions of the pool decking in the amount of \$6160.75. Motion carried 4-0.

PATROL CAR: Ron Dean reported the Ford patrol car engine was approaching the need to either be replaced or overhauled. He said the car now has 91,000 miles on it. He presented the Council with three options and estimates from Marshall Automotive ranging from \$1100 to \$1800. He said the vehicle would be out of service somewhere between one and two weeks. Dean felt it would be best to take the car in before it actually has a serious problem. The Council, after a brief discussion, felt the car should be run as long as possible. It was also noted the car would not be out of service any longer one way or another. The Council also felt another estimate should be obtained from Osage Auto Works. The Council also reminded Dean that three mills had already been set aside in 1988 toward the purchase of a new car in the spring of 1989 with another three mills to come from the 1989 budget. Dean said he had not been aware of the Council's plans for the future in reference to a new car.

NEIGHBORHOOD WATCH: Dean commended JoAnn Allen and the Scouts for the help they have been in the neighborhood watch program. The Council concurred.

BETTERMENT COMMITTEE/STREET SIGNS: The Clerk presented a check in the amount of \$200 from the Overbrook Betterment Committee to help defray the cost of the new street signs. The Council expressed their deep appreciation.

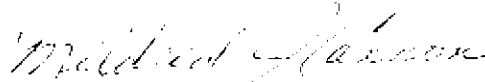
MISC: It was noted that all Council members had received information concerning a mortgage credit certificate program. It was agreed by consensus not to do anything unless the mortgage company sent a representative to discuss the program. The matter was tabled to a later date.

Councilman Hamit requested the vacant lots at the Meadows Subdivision be mowed more often. The Clerk reported the vegetation must be at least 18 inches high before anything could be done. She said when the Police Chief notifies her of a problem area, she then sends a certified letter to the land owner giving them ten days in which to do the mowing or the city will come in and do it. The fee is then reported to the Osage County Clerk as a lien against real property. It was agreed Ron Dean and Bruce Smith would keep a closer watch on the problem areas so they could possibly be mowed more often.

Councilwoman Jones reported on complaints about congested parking on Oak Street between Fourth and Market. She said it was a school bus route and when vehicles are parked on both sides of the street the buses have trouble navigating. The matter was tabled to a later date when the council will review the appropriate ordinance for possible changes.

Dale Fox made a motion, seconded by Davenna Jones to adjourn the meeting. The motion passed 4-0. The meeting was adjourned at 9:32 pm.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED 5-11-88

APRIL 21, 1988

MEMBERS PRESENT:

J.A.Cordts
Dale Fox
Richard Hamit

Davenna Jones
Mayor Dennis Post

MEMBERS ABSENT:

Floyd McGuire

OTHERS PRESENT: Paul Gassman, CP Engineers and Land Surveyors, Inc., Jack Kramer, Kramer Engineering, P.A., Max Friesen, Bruce Smith, Cheryl Brown, Asst. Clerk, Mildred J. Cannon Clerk.

The meeting was called to order at 7:00 pm by Mayor Post. The Clerk called the roll. Mayor Post read the special meeting request, noting there would be two items on the agenda - 1) considering bids for sewer project Outfall Lines A & B; 2) considering bids for chlorinator building, alternatives 1 and 2.

Paul Gassman, CP Engineers discussed his bid for services as follows:

Design	\$ 12,500
Construction Engineering	9,500
Preliminary construction estimate - Outfall Line A	129,005
Outfall Line B	26,140
	<u>\$177,145</u>

He did not have an estimate for legal and bonds.

Gassman explained his company would have a qualified inspector present during the active phase of the project (laying of pipe, etc.). He projected the actual work could be started sometime in August or September, probably September. He said they would do the advertising for bids and he would attend the bid letting (all bids to be opened before the Council), his company would also run preliminary checks on each bidder. He said he anticipated the project would take from 60 to 90 days to complete. He said a new line would be laid parallel to the old one with little or no disruption of service. He was thanked for coming and left at 7:25 pm.

The Kramer Engineering bid estimate was passed out to the Council for comparison. Kramer's bid was as follows:

Design and construction engineering	\$ 14,500
Resident Inspection and construction stakeout	10,760
Preliminary construction estimate - Outfall Line A	111,170
Outfall Line B	18,770
	<u>\$155,200</u> Sub total
Preliminary estimate legal and bonds	6,800
	<u>\$162,000</u>

Jack Kramer, Kramer Engineering arrived at 7:45 pm. He said his company would try to have the project bid within 60 days. He said digging could probably be started by the end of July or first part of August with a projected completion date of October 15. He said it would be substantially completed by that time. He also assured the Council there would be no disruption of service and they would lay a by-pass line if necessary. He said his company would take care of the bidding and he would attend the bid letting in the Council's presence. He said they would have their inspector present at all times during pipe laying. He was thanked for coming and left at 8:00 pm.

Mayor Post said he had a problem with the difference in total estimates. Councilman Fox reminded the Council the estimates for the Outfall Line work were only estimates. There was considerable discussion. It was noted the first priority was to decide whether to actually do the project or not. Dale Fox made a motion, seconded by J.A.Cordts to go ahead with the Outfall Line A and B project only. Motion carried 4-0.

The Council continued the discussion in connection with the two estimates. Part of the Council felt the whole bid estimate should be considered and part of the Council felt only the engineering fee and design should be considered. Dale Fox made a motion seconded by Richard Hamit to accept the CP Engineering bid. Motion failed with Fox and Hamit registering yes votes and Cordts and Jones registering no votes. Mayor Post cast the deciding no vote. It was agreed the matter should be discussed with the city attorney. The subject was tabled to the May meeting.

Jack Kramer re-entered the meeting at 8:30 pm and was apprised that the Council had not made a decision. At this time he left the meeting.

The Council discussed various calculations of projected water and sewer rates worked up by the Clerk. No decision was made and the matter was tabled until such time as the Council makes a firm decision and all projected costs are known.

CHLORINATOR BUILDING ROOF: Bids for the chlorinator building roof were discussed. It was noted bids for two alternatives were requested.

- Alternative 1 redo the roof as is (flat)
- Alternative 2 redo the roof with a small slope


The bids were as follows:

Alternative 1	Northbrook Lumber	\$ 831.79
	Kenneth Schoenick	822.00
	Overbrook Lumber	642.48
Alternative 2	Northbrook Lumber	1362.25
	Kenneth Schoenick	1111.57
	Overbrook Lumber	1111.73

After a brief discussion, J.A. Cordts made a motion, seconded by Davenna Jones to redo the chlorinator building roof with the small slope and to accept Overbrook Lumber bid in the amount of \$1111.73. Motion carried 4-0.

Richard Hamit made a motion seconded by J.A.Cordts to adjourn the meeting. Motion carried 4-0. The meeting was adjourned at 9:15 pm.

Respectfully submitted,


Mildred J. Cannon
City Clerk

APPROVED 5-11-88

MINUTES--Regular meeting of the Overbrook City Council - May 11, 1988

MEMBERS PRESENT:

J.A. Cordts	Davenna Jones
Richard Hamit	Floyd McGuire
Dale Fox (arrived at 7:50 PM)	Dennis Post, Mayor

OTHERS PRESENT:

Gary Wacker	Boy Scouts	Phil Koontz
Robert Fabst	present to observe:	Steve Jones
Albert Smith	Ben Koontz	Dorothy Shoup
Ron Dean	Jason Florance	Cheryl Brown, Asst.
Bruce Smith	Justin Florance	Clerk
	Jamie Branson	

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

MINUTES: The minutes of the April 13, 1988 regular meeting and the April 21, 1988 special meeting were reviewed. Richard Hamit made a motion, seconded by Davenna Jones, to approve both sets of minutes as written. Motion carried 3-0, with Floyd McGuire abstaining.

WARRANTS: The warrants of the previous month were reviewed. Councilman Cordts questioned #5063 to Carter Waters for \$827.58 for Saturock. Bruce Smith explained the Saturock is used in patching the streets. Floyd McGuire made a motion, seconded by Richard Hamit, to approve all warrants as presented. Motion carried 4-0.

STREET SURFACING: Mayor Post opened the sealed bids for street surfacing which were as follows:

Hi Plains Sand Co.	51¢ per square yard
Black Top Construction Co.	50½¢ per square yard

Hi Plains also submitted the following proposals for Cedar Street (near the cemetery):

- | | |
|---|-----------|
| 1. Removal and replacement of the base material | \$1486.00 |
| 2. Single seal the cracks--2" overlay | 1801.80 |

Black Top Const. did not submit a bid for Cedar Street section, stating the problem has existed for 10-15 years, and may be due to a water problem. They did suggest the section be dug up, compacted, and stabilized.

Payment to Black Top would be due upon completion; payment to Hi Plains half upon completion and half in November.

Bruce Smith reported that between 50 and 54 blocks are to be done; about half the city streets. The mayor questioned the city doing the pre-patching. Smith stated this is normal procedure as we can do it cheaper than the surfacing company. Gary Wacker of Hi Plains stated that if the city does the basework on the Cedar St. section, the cost would be less than proposed. Smith said that the city has done this type of work before with the equipment we have. Davenna Jones made a motion, seconded by Floyd McGuire, to accept the bid of 51¢ per square yard (excluding the Cedar St. section) from Hi Plains Sand Co. with payment to be half upon completion and the other half in November. Motion carried 4-0. After further discussion, the council decided that Smith should dig up and rock the area of Cedar St. as a temporary measure. Wacker stated the work could be done anytime. The council preferred that it be done before the fair in August. Wacker suggested mid-June, and Bruce Smith said the city should be ready by then, providing we don't have a cold spell. In response to Councilman Hamit's question, Mr. Wacker recommended a double seal for the streets in the southwest area of town done last year. Mr. Wacker was thanked for coming by the council

and left at 7:48 P.M.

AUDIT BID: The mayor opened the sealed bid from Peimann-Greenfield, CPA for the 1987 full city audit. The bid of \$4000.00 plus per diem was the only bid received. Richard Hamit made a motion, seconded by J.A. Cordts, to accept the bid of \$4000.00 plus per diem from Peimann-Greenfield CPA. The motion carried 5-0. The clerk is to call and schedule a time for the audit.

LIBRARY BOARD: Mayor Post reported to the council they need to appoint someone to replace Liz Cordts. Davenna Jones made a motion, seconded by Richard Hamit, to appoint Dana Wurdeman to the library board. Motion carried 5-0.

CABLE TV: Robert Pabst stated he was here by request of the council to answer concerns brought up at the last meeting. Mayor Post told him that the council was reluctant to grant a rate increase since they'd gotten several citizen complaints about service and poor reception. Councilman Fox said he'd been told by citizens that other towns were receiving more channels for the same fee. Mr. Pabst stated that the other towns get only the same number of channels as Overbrook for the same fee. Pabst said he gets alot of service calls that turn out to be VCR problems or broken knobs, etc. He did tell the council the system is capable of carrying more channels, but because he's planning to sell the franchise, and in his opinion it won't support the cost of expansion, he isn't planning on adding more channels. Pabst then asked the council for a letter of approval to transfer the franchise to Cable Vision of Texas. Mayor Post read Section XIX of the contract dealing with this matter. Discussion was tabled until after the annexation hearing.

ANNEXATION HEARING: Steve Jones, Attorney for the city, stated that according to statute, the city has to provide an opportunity for anyone concerned to speak. Mayor Post stated the hearing date and time had been published as required, and certified letters had been sent to all those affected by the annexation. After reading Ordinance 148, the mayor said the reason for annexing was to maintain better law enforcement. After some discussion concerning the exact area to be annexed, and the matter of snow removal of the roads annexed, Mayor Post asked that comments from the council be held. He then opened the opened the floor for concerns and comments from the public. NO ONE ADDRESSED THE COUNCIL. J.A. Cordts made a motion, seconded by Floyd McGuire, to accept Ordinance 148. Motion carried 5-0.

CABLE TV FRANCHISE: Mr. Pabst said he was hoping the transfer of the franchise would take place in about two months. Steve Jones reminded him that whoever takes over the franchise must meet the requirements of the contract and provide proof of responsibility. The council asked Pabst to provide a profit-loss sheet, balance sheet, and list of operations from Cable Vision of Texas. The mayor asked Steve Jones for his opinion on the letter from Burns & Burns in behalf of Overbrook Cable TV regarding a rate increase. Jones said that due to recent de-regulation, the franchise no longer needs council approval for rate increases, but a resolution would be appropriate. Floyd McGuire made a motion, seconded by Davenna Jones, to raise the rate from \$10/mo. to \$12/mo. for basic service. Motion carried 3-2 with Richard Hamit and Dale Fox voting no. Steve Jones reminded the council to be sure that the franchise is current in their payments to the city before approving the transfer. Pabst then brought up a question he had about the legality of the council being able to administer the franchise according to something in the contract. When asked by Steve Jones as to who in the council he was referring to, Mr. Pabst could not be specific. The council recommended the contract be studied concerning this matter by the clerk and Steve Jones. Mr. Pabst was thanked for coming by the council and left at 8:30 P.M.

MISC: Bruce Smith told the council he'd been asked by Scott O'Bryhim if the city would be responsible for putting in a sewer main for Cliff O'Bryhim's new house. Councilman Fox reported the area was brought into the city several years ago. Smith said the city is responsible for providing the main itself with the owner hooking up to it. The mayor questioned laying line now and having to dig it up later if the area is further developed. Steve Jones asked if the area should be engineered; Smith and Fox both felt it should be. The council decided they needed more information from the owner before they could give him an answer. Steve Jones reminded the council that they needed to decide how this would be funded before they do anything. Councilman Fox said if the owner decides not to have the extra engineering done, Cliff's house could be hooked into the existing line.

PAY/TEMPORARY HELP: Ron Dean informed the council that because he was having difficulty finding temporary help, he was recommending a pay increase to \$6.00/hr. This was the rate paid at fair time last year. Floyd McGuire made a motion, seconded by Dale Fox, to raise the pay rate for temporary help to \$6.00/hr. Motion carried 5-0.

SEWER PROJECT: The council reviewed the information concerning Kramer Engineering and CP Engineers & Land Surveyors. In response to Mayor Post's question, Steve Jones stated that as a third class city, they do not have to accept the low bid. After much discussion concerning references, qualifications, past performance, and financial statements (Steve Jones told the council that engineers are not bonded), Davenna Jones made a motion, seconded by J.A. Cordts to accept the bid of \$25,260.00 for the design and engineering of Outfall Lines A & B by Kramer Engineering. Motion carried 4-1 with Floyd McGuire voting no. Some possibilities of the funding were discussed. Steve Jones asked that Jack Kramer talk to him about Kramer's project funding proposals.

MISC: Bruce Smith questioned how the sewer was to be furnished to the lot north of Floyd McGuire's that had just been annexed. The council felt they should wait until the owner approaches the city with definite plans. The mayor brought up the matter of clean-up because of the thistles. Steve Jones recommended the clerk review the ordinance covering this matter.

Bruce Smith asked about re-surfacing the streets that will be affected by the sewer project. It was decided that those streets be deleted from re-surfacing this year.

The mayor reported that he had had Bruce Smith install new guttering at the swimming pool at the request of the Betterment committee. Mayor Post also asked Ron Dean to watch Fourth Street more closely regarding the 20MPH speed limit.

ADJOURNMENT: Floyd McGuire made a motion, seconded by Dale Fox, to adjourn the meeting. Motion carried 5-0.

The meeting was adjourned at 9:27 P.M.

Respectfully submitted,

Cheryl L. Brown
Assistant City Clerk

APPROVED _____

MINUTES - Regular meeting of the Overbrook City Council - June 8, 1988

MEMBERS PRESENT:

J.A.Cordts	Davenna Jones
Richard Hamit	Floyd McGuire
Dale Fox (arrived at 8:20)	Mayor Dennis Post

OTHERS PRESENT:

Peggy Tucker	Bruce Smith
Max Friesen	Mildred J. Cannon
Ron Dean	Cheryl L. Brown

The meeting was called to order at 7:30 pm by Mayor Dennis Post. The Clerk called the roll.

MINUTES: The minutes of the May 11, 1988 regular meeting were reviewed. Floyd McGuire made a motion, seconded by J.A.Cordts to approve the minutes as written. Motion carried 4-0.

WARRANTS: The warrants of the previous month were reviewed. Floyd McGuire made a motion, seconded by Richard Hamit, to approve all warrants. Motion carried 4-0.

WATER FAUCET/FLOWER GARDEN AT 56 HWY ARCH: Peggy Tucker was present on behalf of the Overbrook Betterment Committee to request a water hydrant be installed at the municipal flower garden located at the 56 Highway arch. She said the Searchlight Club was in charge of that specific area and it is a real problem to water the plants since the only water now available is a hydrant at the pool. Tucker noted the Betterment Committee plans to keep the gardens as an ongoing and continuous project. They also plan to put in some permanent plants. Tucker suggested the possibility of the Betterment Committee helping out with the cost.

Bruce Smith said he could hook a line onto the water line West of Shirley's Cafe or in the middle of the school ground (approximately 100 ft. either way). He said the cost would be approximately \$300. After a brief discussion Richard Hamit made a motion, seconded by Floyd McGuire to approve the installation of a water hydrant with lock, at the 56 Highway arch for the Betterment Committee. Motion carried 4-0. The council, by consensus, requested the Betterment Committee pick up the cost of the trenching at a maximum of \$100 if agreeable.

The Council commended the Federated Women's Clubs and Betterment Committee for the time and effort spent to beautify the city. Tucker was thanked for coming and left at 7:40 pm.

ORDINANCE 150/STANDARD TRAFFIC ORDINANCE 1988: Mayor Post introduced Ordinance 150 for consideration. Richard Hamit made a motion, seconded by Davenna Jones to approve Ordinance 150, Standard Traffic Ordinance 1988. Motion carried 4-0.

ORDINANCE 151/REPEALING 91-201(Criminal Code) DISTURBING THE PEACE: Mayor Post introduced Ordinance 151 for consideration. Davenna Jones made a motion seconded by J.A.Cordts to approve Ordinance 151 repealing 91-201 (criminal Code) Disturbing the Peace. Motion carried 4-0.

RESOLUTION No. 22/WAIVER OF FIXED ASSETS ACCOUNTING AND GAAP PRESCRIBED FINANCIAL STATEMENTS: Mayor Post introduced Resolution 22. The clerk explained the legislature had granted permission (KSA 75-1120a) for third class cities to waive fixed assets accounting etc. J.A.Cordts made a motion, seconded by Richard Hamit to approve Resolution 22. Motion carried 4-0.

WEST WATER TOWER: Bruce Smith reported he had contacted Midwest Tank in connection with a crack in the bowl area of the 75,000 gallon water tower and they were to send out a welding crew right away. He said it is the same tank that is scheduled for outside painting this year.

SEWER MANHOLE/SECOND AND SURREY: Smith reported he felt the manhole at Second and Surrey needed to be raised if the corner is to be widened. He said the way it stands now, if the corner is widened it will cover over the existing sewer manhole. He felt it should be raised around 12 inches. He also asked if some of the council members could look at the area before making a final decision. The matter was tabled to the next meeting.

O'BRYHEIM SEWER PROJECT: Smith reported engineers from Kramer Engineering had looked at the area and they felt that a row of houses where the new one that is being constructed is located would have to have a sewer line too deep running south to carry a row of houses. They felt eventually another T would have to be run on the North side of Second Street and a sewer line should be laid on the North side. He said he had discussed it with Scoot O'Bryhim and also apprised him of the need for easements. The clerk reported she had talked to O'Bryhim after he had a legal description drawn up and inasmuch as she is familiar with that type work, he had requested she draw up the document for him to sign. The council gave permission by consensus.

SWIMMING POOL FILTER PROBLEMS: Bruce Smith reported Connie Fenton had approached him about some problems they were having with the present filter system at the pool. It appears they have had a tendency to become torn in the bottom. The problem began approximately a year ago. He said she had obtained quotes from \$1300 to \$2100 for replacement. The council by consensus, felt this should be written into the 1989 recreation budget.

BALL PARK LIGHTS: Mayor Post reported David Florence had reported the top set of lights were not working at the ball park. The matter was discussed at length. The clerk was instructed to check back in the records to see if the ball association or the city was to pay for the repair and contact Mayor Post with her findings.

BUDGET: Items for the 1989 budget were discussed. The Clerk reported she had attended a budget seminar in Topeka where they had discussed the 1989 and 1990 budgets in connection with reappraisal. She said the amount levied for 1989 will be the same dollar amount in 1990 (no changes). 1991 will go back to the levy system, thus no one will be hurt by the change in valuation of their property.

The clerk reported she was to go to Lyndon June 21 at 1 pm to work on the budget and she invited those members of the council who were interested to come along to see how the budget process works.

The Council agreed by consensus to leave the budget changes to the discretion of the clerk and treasurer with no major changes anticipated. The council will review the final budget at the July meeting and the budget hearing will be held at the August council meeting.

MISC: Mayor Post reported several residents have approached him about the weeds, animals and junk cars on the property at the Northeast corner of Maple and Highway 56. The clerk reported in regard to the animals, they are allowed by law if they are 200 feet or more from the next property and/or if the neighborhood property owners do not complain. The subject of old or junk cars was turned over to the police chief.

Also in regard to junk cars, some members registered complaints about the ones around Osage Auto Works. Police Chief Dean was instructed to check it out and report back to the council.

POLICE REPORT: Police Chief Dean reported the owners of Ganders are planning a beer garden in the area behind their board fence. He said there has been a problem of fireworks coming out from behind the fence. He said he had checked with the Alcoholic Beverage Commission and found it is an open club/dinner place and it is legal to serve drinks outside ie beer garden area, but it has to be listed as part of the perimeter of the licensed area. He said at this point the club owners do not control the outside. He said he made the owners aware that if they are going to have that area open for drinking, he expects them to maintain it and then it becomes their problem. Some members worried about the noise level. The matter was tabled to a later date.

EXECUTIVE SESSION/SALARY ADJUSTMENTS: Davenna Jones made a motion seconded by J.A. Cordis that the Council go into executive session for 30 minutes beginning at 8:40 pm to review personnel salaries. Motion carried 5-0. Upon returning, Mayor Post called the meeting back to order after which Richard Hamit made a motion, seconded by J.A.Cordis to accept the salary adjustments as discussed at the executive session. Motion carried 5-0. (The increases to be made a permanent part of the personnel file.)

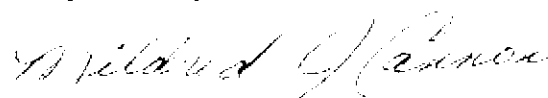
MISC: Floyd McGuire reported the 30 mph sign at 10th and Maple was down and should be replaced.

Bruce Smith reported the water usage was holding at 75% of capacity even though we are in a drought situation and at this point things look good. The council commended the residents for conserving water voluntarily.

Mayor Post reported he had been approached about replacing the high curb in front of the post office with handicapped access. Post explained just a few feet away was the bank drive which has handicapped access. He also pointed out the corner of 4th and Maple also was level. The council agreed by consensus that handicapped access around the post office is adequate.

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

Respectfully submitted,


Mildred J. Cannon
City Clerk

APPROVED: July 13, 1988

MINUTES - Regular meeting of the Overbrook City Council - July 13, 1988

MEMBERS PRESENT:

J.A.Cordts
Richard Hamit

Floyd McGuire
Mayor Dennis Post

MEMBERS ABSENT:

Dale Fox

Davenna Jones

OTHERS PRESENT:

Bruce Smith
Max Friesen
Mildred J.Cannon

Ron Dean
Cheryl Brown

The meeting was called to order by Mayor Dennis Post. The Clerk called the roll.

MINUTES: The minutes of the June 8, 1988 regular meeting were reviewed. Floyd McGuire made a motion, seconded by Richard Hamit to approve the minutes as written. Motion carried 3-0.

WARRANTS: The warrants of the previous month were reviewed. Richard Hamit made a motion to approve all warrants. J.A.Cordts second. Motion carried 3-0.

AUDIT REPORT: Bob Greenfield, Peimann and Greenfield, Chartered was present to review the audit report with the council. He said everything had gone very well and that the clerk's office was very good to work with. He said there was one problem that needed to be addressed. He said they had found that a few warrants had slipped by with only one signature and this must be watched closer. He suggested that since the state statutes dictate that there must be three signatories and it isn't always possible to locate all three signers, an alternate signer would be appropriate. After a brief discussion, Richard Hamit made a motion, seconded by Floyd McGuire to appoint the president of the council as alternate check signer. Motion carried 3-0. He was thanked for coming and left at 7:50 pm.

GAME MACHINE LICENSE: A game machine license request for The Amusement Company 301 Maple (formerly Mr. Video) was presented. The clerk noted the fee had been pro-rated for the balance of the year. The license request was for six machines. J.A.Cordts made a motion to approve the license for The Amusement Company. Richard Hamit seconded. Motion carried 3-0.

1989 BUDGET REVIEW: The clerk presented the 1989 proposed budget for the council review and change if appropriate. She noted that the tax levy had been lowered 2.51 mills. She also noted three mills have been set aside in 1988 and another three in 1989 for a new patrol car. Mayor Post asked what the recreation budget is spent for. The clerk explained it is used for utilities and repairs at the swimming pool and the city park. She explained any monies left in the fund at the end of the year are set aside in a capitol improvement fund. She also explained the swimming lesson fees and gate receipts went to pay the salaries of employees and phone etc. for the pool. She said these books are also audited at the same time the city books are done.

It was agreed by consensus to leave all figures as is, pending the budget hearing August 10.

FEDERAL REVENUE SHARING BUDGET AMENDMENT: The hearing for the proposed federal revenue sharing budget amendment was called to order at 8:00 pm. Mayor Post noted no one was present to speak for or against the amendment. The clerk explained the budget must be amended due to interest payments which had not been included in the initial figure when the budget was heard last summer. She said inasmuch as all the fund must be spent by October 1988 the budget needed to be amended so the city would not violate the cash basis law. Richard Hamit made a motion to approve the amendment. J.A.Cordts seconded. Motion carried 3-0.

SEWER PROJECT/BOND ISSUE: Mayor Post read a letter from Kramer Engineering outlining the costs of a bond issue for either 10 or 15 years. The subject was discussed at length. J.A.Cordts made a motion, seconded by Richard Hamit to approve a ten year General Obligation bond issue to be paid for from water and sewer revenue funds. Motion carried 3-0. The actual interest rate will not be known until the bonds are sold.

PERSONNEL POLICY: The clerk presented a complete personnel policy for council review and possible revision. She explained she had patterned it basically from one approved by the Kansas League of Municipalities. Hospitalization cost reimbursement was discussed as well as job definitions. McGuire questioned which definition that the law enforcement patrolmen came under. Mayor Post asked that Police Chief Dean supply the council with a weekly time sheet for 1986 and 1987 to be reviewed at the August council meeting. Dean explained he had to vary the schedule for the patrolmen due to their other jobs and also because the state requires it. McGuire made a motion to approve the personnel policy as written. The motion died for lack of second. One member noted it was not a good idea to adopt a policy when there was some question as to definition of certain positions. The matter was tabled to the August meeting.

WEST WATER TOWER REPAIR: Bruce Smith reported the repairmen from Midwest Tank had been out to inspect the tank damage. He said they said they would not guaranty the repair if it was welded. They felt it needed a plate on the bottom and a sleeve in the top of the riser pipe. They said if they welded it the cost would be approximately \$800. Mayor Post presented a proposal from Midwest Tank to install a 1/4"x 3' x 12" sleeve in the top of the riser and an overplate 12" of headplate using 1/4" steel. They would also retouch the interior coating. The price being \$3850. They told Smith that this was a working stress area.

One member questioned getting other bids. The clerk was instructed to contact the City Attorney to get an opinion as to whether the city is locked in with Midwest Tank for repairs or if they can take bids. The matter was tabled to the August meeting.

WATER/SEWER DEPT REPORTS: Bruce Smith reported minor damage to well No. 1 due to the recent storm. He also said the chlorinator pump had developed a problem. He said they were being repaired at this time.

Smith reported he had contracted Dean Peimann to raise the manhole at Second and Surrey to put it in line with the new level of the street. He said at the same time he had Mr. Peimann redo the manhole on the North side of 56 Highway just East of LeRoy Shepard's property. He said the smoke testing had brought it to the city's attention several months ago.

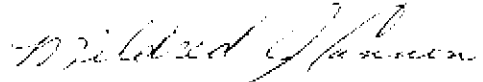
Some members questioned whether Second and Surrey should be resurfaced at this time. Smith said he would check with Hi-Plains Sand to ascertain whether it might be possible to surface the inside track only, thus allowing the rest to

have time to settle in.

Smith reported he had been working on the O'Bryhim Sewer Project and was about half way finished. He said it would take around four more days to complete the job.

Floyd McGuire made a motion to adjourn the meeting. J.A.Cordts second. Motion carried 3-0. The meeting was adjourned at 9:07.

Respectfully submitted,



Mildred J. Cannon
City Clerk

Approved Aug 10, 1988

the bathhouse, also a switch on the inside. He also felt the bathhouse should be grounded. The problems were discussed at length. Keim was authorized to replace the faulty breaker and disconnect the pool lights. The other items were tabled to a later date.

CITY BUILDING ROOF: Dale Bloom, Secretary for the Masonic Lodge was present to request the city help pay for mortar work to be done on the North wall of the city building. He said some of the rock was falling out onto the fire department roof. He said the work would be done by Dean Peimann. The fire department had agreed to pay one third of the cost which Bloom said should run around \$300 total. Bloom said the lodge would furnish the sand and material. Dale Fox made a motion that the city pay one third of the cost of replacing the stone and mortar. Floyd McGuire seconded. Motion carried. 4-0.

Bloom also reported the roof was in bad shape and due to a bad job in the past, the insurance company had refused to honor the lodge's claim. Bloom said he had gotten bids from Northbrook (\$1,353.50) to redo the roof the same as it had been done before and one from Nickle Roof Co. (\$5,709.37) to remove the asphalt and install fiberglass. Nickle had agreed to guaranty the job for 5 years. Bloom said actually to do the job right it should be done with rubber or vinyl and would cost around \$6000. He said inasmuch as the city owns a vested interest in the building (the lodge owns the second story and the city owns the ground level), the lodge members were requesting the city's help. He said the lodge could contribute only \$1,000. The council agreed that it is a joint problem but were not sure the 1988 budget could handle it. Bloom was authorized to get proposals on rubber and also latex coating. The matter was tabled to the September 14 meeting at which time the Clerk and Treasurer would be able to ascertain if there was money available to help right now. Bloom was thanked for coming and left at 8:30 pm.

ORDINANCE 152: Steve Jones presented Ordinance 152, An Ordinance providing for the alteration, repair and construction of certain outfall sewer lines of the city etc and authorizing the issuance of General improvement bonds in the amount of \$162,000 and authorizing the sale of said bonds. Richard Hamit made a motion to adopt Ordinance 152. J.A. Cordts seconded. Motion carried 4-0. Jones then apprised the council that they would need to set a date to accept bids for the sale of the bonds. After a brief discussion, Dale Fox made a motion, seconded by Floyd McGuire to call a special meeting for August 13, 1988 at 7:30 pm at which time the sealed bids for bond purchase would be opened. Motion carried 4-0.

ORDINANCE 153 - WATER RATES: An ordinance fixing water rates was introduced, as follows:

- *Minimum charge \$7.00 for the first 1,000 gallons
 3.00 each 1,000 gallon or fraction thereof
- *Public schools within the city limits - flat rate \$3.00 per 1,000 gallon
- *Any water service meter damaged while being turned on or off without express permission of the Superintendent of Waterworks or in any way being tampered with, be subject to a penalty of \$50 plus costs to be added to and become a part of the current water billing.

Motion by J.A.Cordts to adopt Ordinance 153 setting water rates and penalties. Richard Hamit second. Motion carried 4-0.

ORDINANCE No. 154 - SEWER RATES: An ordinance fixing sewer rates was introduced as follows:

minimum charge	\$ 3.00	Based on water usage
	1.00	first 2,000 gallon
		each 1,000 gallon or fraction thereof
		exceeding first 2,000 gallon
	150.00	Maximum charge

Floyd McGuire made a motion, seconded by Dale Fox to adopt Ordinance 154 setting sewer rates. Motion carried 4-0.

SOLID WASTE: Mayor Post reported that George Simmons or a representative of Topeka Waste Systems was to have been present tonight but has not arrived and has not contacted the clerk. The clerk said she had sent a letter of confirmation of the appointment to Mr. Simmons. The takeover of Heartland Refuse was discussed with Steve Jones, City Attorney. Jones was authorized to send a letter to Topeka Waste Systems requesting:

- 1) proof of actual assignment of the contract from Heartland Waste Partners, LTD to Topeka Waste Systems;
- 2) proof of Topeka Waste Systems financial ability to perform the contract;
- 3) the performance bond required under paragraph four of the contract;
- 4) proof of liability and workers' compensation insurance required paragraph 6 of the contract.

JUNK CARS: The problem of junk cars was again discussed at length. It was agreed that there should be a definition designation between salvage business and garage and/or auto repair. Ordinance No. 121, an ordinance relating to inoperable vehicles, etc., was discussed. It was agreed by consensus that Section 7 should be amended to read 30 days in lieu of 7 days. Also discussed was the need to repeal Ordinance No. 100, an ordinance prohibiting the parking of junk automobiles etc. Richard Hamit made a motion, seconded by Floyd McGuire to repeal Ordinance No. 100. Motion carried. 4-0.

MISCELLANEOUS - MAINTENANCE: Bruce Smith asked the council for permission to contact someone outside Overbrook to look into the radio transmitter problems. He was instructed to contact Kansas Electronics.

Smith reported there was still some problem with the library roof. He was instructed to contact Taylor Roofing to set up a meeting.

He reported the O'Bryhim sewer project had been completed.

He also reported the street signs have been ordered at a cost of \$45 each.

Smith said Dr. George Maichel had requested the city install new fence posts by well No. 3. After a brief discussion it was agreed that Dr. Maichel should give the city a written request and also should discuss the request with the council. The matter was tabled to a later date.

STREET SURFACING: Smith said the streets were in the process of being resurfaced. He questioned if the city wanted to do all of Maple Street. It was agreed by consensus that driving lanes only should be resurfaced.

MAINTENANCE HELPER'S SALARY: Neil Smith's hours and mileage was discussed. It was agreed Smith should be compensated the same per hour for all work done for the city whether it be checking the wells when Bruce is away or doing contract work on water line breaks and/or sewer projects. Floyd McGuire made a motion to approve check No. 5225. Richard Hamit second. Motion carried 4-0.

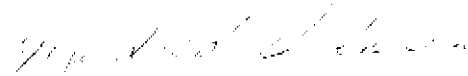
PERSONNEL POLICY: The personnel policy was again discussed. Ron Dean said the State has indicated that their requirements are that anyone scheduled on a regular basis regardless of hours is to be deemed part time. The council again discussed the definition of different levels of part time. Hamit made a motion, seconded by Dale Fox to approve the Personnel Policy with the following designations; level 1 - part time being anyone working over 1000 hours per year and level 2-part time being anyone working less than 1000 hours per year. Motion carried 4-0.

Floyd McGuire reported he had been approached with complaints about weeds at various locations around town. The clerk said she would send notices to the owners.

COUNCIL MEMBER RESIGNATION: Mayor Dennis Post read Davenna Jones' resignation from her post on the council due to health reasons. Dale Fox made a motion to accept Jones resignation with deep regret. Floyd McGuire seconded. Motion carried. It was noted Jones had served on the council for over 12 years and would be greatly missed.

Floyd McGuire made a motion to adjourn. J. A. Cordts seconded. Motion carried. The meeting was adjourned at 10:45 pm.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED

Sept 14
1988

MEMBERS PRESENT:

J.A.Cordts
Dale Fox

Richard Hamit
Mayor Dennis Post

MEMBERS ABSENT:

Floyd McGuire

OTHERS PRESENT:

Steve Jones
George Simmons
Cheryl Brown Asst. Clerk

Bob Harvey
Max Friesen
Mildred J.Cannon,Clerk

The meeting was called to order at 7:30 PM by Mayor Dennis Post. The clerk called the roll.

Mayor Post read the special meeting request; 1) consider candidate to fulfill the vacant council post; 2) discuss Topeka Waste Systems take-over of the solid waste pickup in Overbrook; 3) let bid for 1988 Sewer Improvement Bond Issue.

APPOINT NEW COUNCIL MEMBER: Mayor Post asked that the council consider Bob Harvey as new council member. Richard Hamit made a motion, seconded by J. A. Cordts to appoint Bob Harvey to fulfill the unexpired term of Davenna Jones. Motion carried.

SOLID WASTE CONTRACT ASSIGNMENT: George Simmons, General Manager, Topeka Waste Systems was present to discuss his company's take over of the solid waste pick-up in the city. Mayor Post questioned why the take over was handled without contacting the city and why the existing contract with Heartland Refuse was not brought before the council for assignment. Simmons explained that Heartland was in partnership with Waste Management, Inc., Topeka Solid Waste Co.'s parent company. He said that an individual like Don Attebury would borrow from the partnership for a percentage of the revenue generated. He said the customers belong to the partnership and the trucks and employees belong to the individual. He said the partnership program was initially formed to allow individuals to stay in business if they were in trouble or if they could not foresee being in business for more than five or ten years etc. He said Attebury was a member of the partnership. Simmons said he knew nothing about a problem until his parent company contacted him to take over Heartland Refuse. It appeared Mr. Attebury had contacted the parent company and told them he wanted out of the business. He said there was a contract agreement between Attebury and the parent company but he did not have a copy at this time. As soon as he received it he would forward a copy to the city clerk. He said they were in the process of upgrading the trucks and dumpsters. He said his company would like to stay in business with Overbrook and they would do whatever they could to assure a smooth transition.

The clerk questioned their method of billing. She noted she had received a billing for flat rate service to be paid in advance. She also noted the billing showed the city was in arrears one month. She explained the city could not do business this way because it could be as high as two months before the city could be reimbursed by the customer. Simmons said they would work with the city on this to try to work it out equitably.

Steve Jones, City Attorney reported the city had received copies of the performance bond and proof of liability and workman's comp which he had requested but they had not received proof of actual assignment of the contract from Heartland Waste Systems LTD to Topeka Waste Systems or proof of Topeka Waste Systems financial ability to perform the contract which he also had requested. Mr. Simmons assured the council that as soon as he receives his copy of the contract he would forward a copy to the city along with a copy of the annual corporate report which is submitted to the Secretary of State.

August 31, 1988

Mr. Simmons asked that the council give him some sort of commitment as to whether the city would or would not assign the Heartland contract to his company. There was more discussion as to TUS intent in reference to charges, size of trucks, etc. Also discussed was bulky pickup days. The clerk noted it had been done each Tuesday along with the regular pickup since 1980. Mr. Simmons said he would work with the city along this line so as not to disrupt the routine the customers are accustomed to. He assured the council that his company would not increase rates and would not bring in trucks larger than 20 cubic yard unless absolutely necessary. Steve Jones asked that this be put in writing before the contract can be assigned. Mr. Simmons agreed and left at 8:13 PM.

BID OPENING: Steve Jones conducted the bid letting for the 1988 Sewer Project bonds. Mayor Post opened the sealed bids as follows:

	Average annual interest rate
1st Security Bank, Wichita, Ks	7.04292
Zahner & Co., Kansas City, Mo.	7.2614
Becroft Cole & Co, Topeka, KS	6.819
United Missouri Bank, Kansas City, Mo.	7.021115
Bank IV, Wichita, Ks.	7.37393

Each bid was accompanied with a check in the amount of \$3,240. good faith deposit. Dale Fox made a motion, seconded by Richard Hamit to accept the low bid of Becroft-Cole & Co. Motion carried.

ORDINANCE 155: Steve Jones presented ordinance No. 155, An ordinance providing for the Issuance of General Obligation Bonds, series 1988 of the City of Overbrook Kansas in the principal sum of \$162,000 for the purpose of providing funds to pay the costs of alteration, repair, construction or reconstruction of sewer lines in the city. Dale Fox made a motion to approve the aforementioned ordinance No. 155. J.A. Cordts second. Motion carried.

Dale Fox made a motion to adjourn. Richard Hamit second. Motion carried.

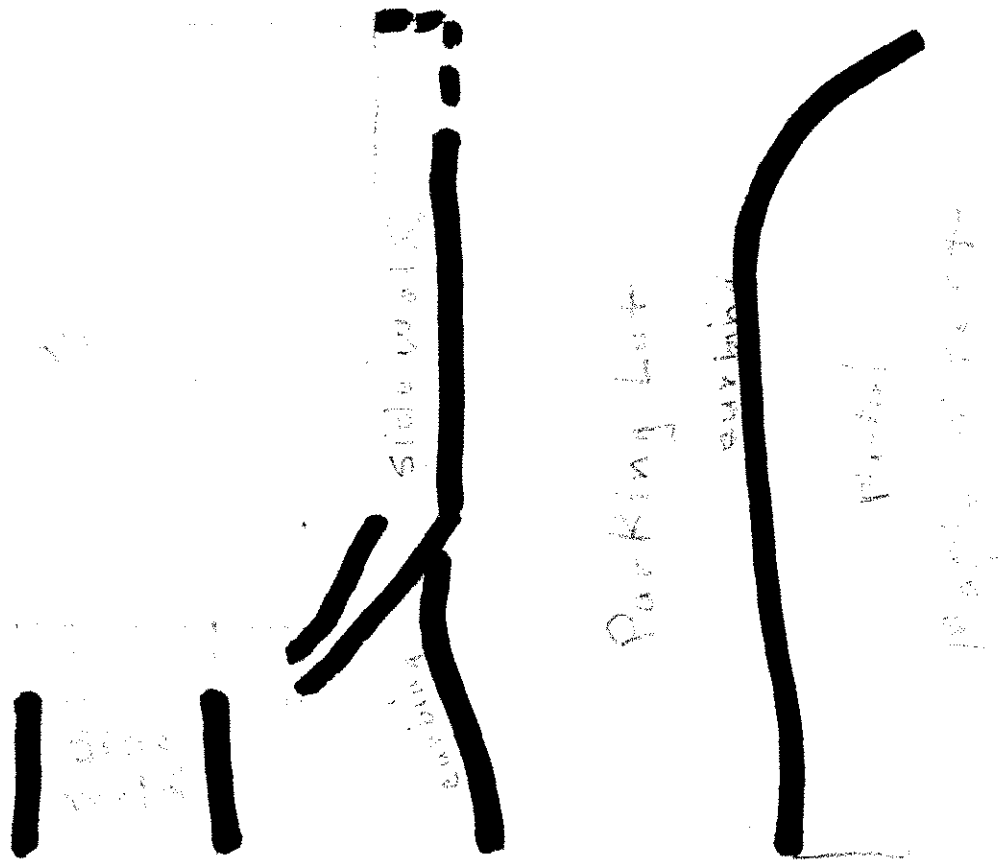
The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Mildred J. Cannon

Mildred J. Cannon
City Clerk

APPROVED: Sept 14, 1988



Addition: 5' sidewalk with curb for parking on east edge of pool apron, adjacent to fence and apron, sidewalk slanting to 3' to existing sidewalk at front of building; curbing extending from southeast corner of pool to street entrance on south; curbing on east side of parking lot extends from south entrance to north entrance; 7' slab sidewalk in front is extended to street.

Holes for drainage were put in east sidewalk curbing.

Fill dirt was added to front of yard.

Weeds were killed, ground was rototilled, and grass was planted.

(Contractor levelled front on either side of 7' slab)

OVERBROOK BETTERMENT COMMITTEE

WATER/SEWER DEPT REPORTS: Bruce Smith reported he had installed the force mains from the lift stations to increase the size of the lines. He said they were able to trench most of it. He said he put in approximately 500 ft. of line. Smith asked what the council wanted him to do about the areas of grass that had been dug up. The Council agreed it should be leveled and reseeded. Smith was authorized to go ahead with the project at the appropriate time this fall so the seed would germinate properly.

Smith reported he had installed the water line to the township building. He noted later on he would have to go in and install a four inch line to the fire hydrant since the line was tied to a two inch line at this time and this would not give the fire department enough pressure. He said he had made them aware of the situation.

Smith said he had repaired a water line at the pool and he had to cut into the deck approximately 5 ft. He had discussed it with Leo Lang and Lang said he could do the work for approximately \$50 to \$75 while he was doing the work for the Betterment Committee. It was agreed by concensus to have Lang go ahead with the project.

Smith reported that Midwest Tank Co had done their maintenance inspection on the two water towers and that the East Tower was in bad shape. Apparently their employees did a bad job two years ago. He said a representative of the tank company would be in contact with the City and it appeared they would redo the tank free of charge inasmuch as it was their fault. He said the West tower is in good condition.

POLICE REPORT: Ron Dean reported he had been asked to attend a workshop organized by DECA. He said it was a three day seminar and would be of no cost to the city other than Dean's time. It was agreed by concensus for Dean to attend.

Dean also reported there would be a disaster preparedness drill October 1 at Osage City. It would be designed around a simulated anhydrous ammonia mass leak. Dean asked to take one of his deputies with him. He also said he would have to utilize one of the patrol cars. It was agreed by concensus.

Dean brought up the subject of hi-band radios again. He said everyone had gone to the hi-band and he said with our low-band, as soon as he or his men leave the low-band area, they are isolated. Dean asked permission to go ahead and purchase two units from Gary Hoffsommer at \$619.75 each plus a charger unit at \$35. He said he had checked around and this was a very good price. After a brief discussion, it was agreed by concensus that he be given permission to purchase the two units and charger inasmuch as it is coming from his own budget.

MISC. Smith reported he had checked out a leak at the library building and apparently it was coming through where the air conditioning hookups come through the roof. He said he tarred it and then checked it after the recent heavy rain and everything looked good. Mayor Hamit said he had been invited to attend a recent meeting of the Library Board where the leak and work that needed to be finished on the air conditioner was discussed. He asked Smith to check with Walt Martin about the finish work on the air conditioner. Mayor Hamit noted inasmuch as the leak had been stopped, the board would like to have the tiles replaced. Smith was instructed to check it out to see if it is something he can do or if he needs to contact a professional.

A city policy in reference to tree cutting/trimming was again discussed. The Council reviewed ordinances from other cities. After a brief discussion, the matter was tabled to a later date.

Cliff O'Bryhim reported he had discussed his solid waste pickup problem with Osage Waste Disposal and since he owns his own dumpsters it looked like they might come to some agreement. The clerk was instructed to have Osage Waste Disposal send a representative to the October council meeting.

BACKFLOW PREVENTION: Bruce Smith brought the council up to date on the back flow prevention program. He said he had gone over all the city installations and it would cost approximately \$400 to install the devices. He said in the classes he has been attending, it was discussed that the frost free hydrants should also be protected. He calculated that would cost an additional \$1,000. Smith felt when he installs the protection on the hydrants it might be well for him to go ahead and place meters on the hydrants. He thought maybe this is where the high percentage loss is coming from. It was agreed by concensus for Smith to go ahead and install all devices necessary to protect the city's installations. It was also agreed that metering the small hydrants was a good idea.

J. A. Cordts made a motion to adjourn the meeting. Dennis Graves seconded. Motion carried. The meeting was adjourned at 9:05 PM.

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED _____

MEMBERS PRESENT:

J.A.Cordts	Floyd McGuire
Dale Fox	Cliff O'Bryhim
Dennis Graves	Mayor Richard Hamit

OTHERS PRESENT:

Kenneth Greene	Cheryl Brown
Wendy Ufford	Mildred Cannon
Max Friesen	Ron Dean
Bruce Smith	

The meeting was called to order at 7:35 PM by Mayor Richard Hamit. The clerk called the roll.

MINUTES: The minutes of the September 13, 1989 regular meeting were reviewed. Cliff O'Bryhim made a motion, seconded by J. A. Cordts to approve the minutes as written. Motion carried.

WARRANTS: Warrants No. 5894 through 5943 were presented for payment. J. A. Cordts made a motion to approve all warrants with the exception of 5940. Dennis Graves second. Motion carried.

ORDINANCE 161/STANDARD TRAFFIC ORDINANCE 1989: Mayor Hamit introduced Ordinance 161 for consideration. Dale Fox made a motion, seconded by Floyd McGuire to adopt ordinance 161, Standard Traffic Ordinance 1989. Motion carried.

SOLID WASTE: Kenneth Greene, representing Osage Waste Disposal, was present to discuss solid waste pickup fees and contract amendment. Greene asked the council's permission to amend the solid waste contract to include the O'Bryhim Thriftway personally owned dumpsters, adjusting the fee to reflect the dumpster ownership. He explained O'Bryhim had purchased the dumpsters in 1976. At that time all business's were given a one time only opportunity to purchase their own dumpster. O'Bryhim was the only business to do so. It was agreed by concensus to amend the contract to include this item. Greene asked permission to reimburse O'Bryhim for the overcharge over a period of four months. It was agreed.

Martin Service solid waste pickup and fee was discussed. It was agreed the matter should be tabled until the November meeting. The clerk was instructed to contact Mr. Martin, requesting he attend the November regular council meeting. Greene was thanked for coming and left at 8:20 PM.

MISC: Wendy Ufford was present to request permission to place a home occupation business sign in her yard. She also requested permission to erect a "Children at Play" sign somewhere along Cedar South of Market to help slow down the traffic. After a brief discussion, it was agreed by concensus she could place a business sign in accordance with the zoning ordinance and if she desires to erect a "Children at Play" sign, it cannot be placed on the city easement and must conform with city street signs.

Ufford also asked if someone could look at the tube in front of her house to determine what needed to be done to put it back the same way it was before the asphalt company damaged it. Bruce Smith was instructed to look

into it and if he could not repair the tube, he was to contact Hi Plains Sand to come back and finish the repair. She was thanked for coming and left at 8:45 PM.

UNFINISHED BUSINESS: The tree trimming policy was again discussed. It was agreed an ordinance should be written to cover trees and shrubs within the city easements only. The clerk was instructed to research and draft an ordinance covering these items. The subject was tabled to the November meeting.

The clerk reported the trees along Oak and on the South side of Fourth Street across from the Quilt Factory had already been trimmed. She went on to explain that Mr. Mercer, owner of the school bus line, had contacted her on Friday, September 15, in reference to some of the trees along Elm Street that had limbs hanging over the street which had damaged one of the buses. He asked if the City could do anything about it. The clerk explained to him she had to discuss it with the Mayor and Council and would get back with him midweek. On Tuesday September 19, the clerk received a phone call from one of the bus drivers asking if Bruce Smith could clean up the debris where they had trimmed the trees along Elm. It was also noted they had trimmed the ones on Fourth, referred to earlier. The clerk contacted Mr. Mercer who was not aware that his drivers had done this and he apologized for them, noting it wouldn't happen again. Mercer also noted the trees on the South side of Fourth Street were not on the 'bus route', he said the buses travel West on Fourth St. not East.

The existing 'bus route' from the grade school to the middle school was discussed at length. The Council by consensus, recommended that the buses use Maple Street to travel enroute between the two schools. It was noted Maple is wider and is the first street to be cleared in the winter time. The clerk was instructed to contact Mr. Mercer by letter.

SWIMMING POOL/ SALARIES AND EXPENSES: Councilman Fox suggested the council look over the swimming pool books and payroll records before making any salary recommendations. The clerk was instructed to see that the records are delivered to the city hall before the November meeting.

SERVICE RECOGNITION: Mayor Hamit presented Bruce Smith with a 10 year service award pin symbolizing 10 years of dedicated service. Smith was congratulated by all members of the council.

Dennis Graves made a motion, seconded by Dale Fox to adjourn the meeting. Motion carried. The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Mildred J. Cannon
City Clerk

SPECIAL MEETING
CITY OF OVERBROOK

November 30, 1989

MEMBERS PRESENT:

J.A.Cordts
Dale Fox
Dennis Graves

Floyd McGuire
Mayor Richard Hamit

MEMBERS ABSENT:

Cliff O'Bryhim

OTHERS PRESENT:

Steve Jones, City Attorney
Carolyn Meerian
JoEllen Criger

Robert Shepard
Marion Jordan
Mildred J.Cannon
Cheryl Brown

The meeting was called to order at 7:30 PM by Mayor Richard Hamit. The clerk called the roll.

Mayor Hamit explained the purpose of this special meeting was to discuss possible amendments to Ordinance 95 (zoning ordinance). He said the main items to be discussed were, 1) enforcement, 2) define hardship, 3) moved in buildings, 4) accessory buildings and 5) fees. Hamit commended the Board of Zoning Appeals for taking their job seriously enough to come to the council. He said hopefully together we can come up with amendments that are workable to both the board and the council.

Steve Jones, City Attorney explained the legal interpretation of 1) enforcement. He explained this came under Sections 11 and 18 of the present ordinance. Section 11 "This ordinance shall be enforced by the building inspector of the City of Overbrook, Kansas and approved by the governing body of Overbrook, Kansas. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this ordinance. Section 18, "Any person, firm or corporation who shall violate, neglect or refuse to comply with, or who shall maintain, use or construct any building on premises in violation of any of the provisions of this ordinance shall, upon conviction, be fined a sum not less than \$10.00 and not more than \$100.00 for each offense. and each day's violation shall constitute a separate offense, and in addition to the above penalty such actions at law or suits in equity may be maintained by the City of Overbrook, Kansas, or any interested person or persons as may be authorized by law".

2) Hardship - Jones explained the Board of Zoning Appeals has the authority under section 15-1-c to "permit variation in the strict application of the provisions of this ordinance where there are unusual, practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot, topographical and other conditions provided that the variation will not adversely affect the adjoining property and d) when the applicant can show the strict application of the terms of the ordinance will impose unusual practical difficulties or particular hardships on him or deprive him of this property. He said basically this follows the case law which says that a financial hardship alone is not enough, it has to be more, it has to be a situation which amounts almost to confiscation of the property in that it can't be used for the purpose it is zoned for or that a minimum that you can't make any reasonable return on it zoned the way it is. The person can't create the hardship themselves and it doesn't mean the person has a physical or mental problem etc. It means that hardship is that there is something unique about this property and the zoning

November 30, 1989

doesn't permit it to be used in a way that is economically feasible.

3) Moved in Buildings - Moved in buildings are permitted in the present ordinance in districts R-1 and R-2, residential. The present ordinance reads as follows: "...if the building conforms with the provisions of the ordinance together with fire safety and regulations and the moved in building conforms with the property to the extent that it shall not devalue surrounding property." Jones said the way the ordinance reads now, as long as the building conforms to the surrounding property and doesn't devalue it, the board is obligated to approve it. Carolyn Meerian asked if they could require specs, etc. Jones said they could. He also said they could table the hearing until a later date without republishing it. It could be continued until more information was available. Jones then went over a model ordinance that was written up by the League of Kansas Municipalities. The model ordinance was discussed at length. The model ordinance sets out specific requirements that the building inspector can go by to either approve or disapprove. If he disapproves, it then would have to go before the Board of Zoning Appeals. Also discussed was overhang. It was agreed the section should read "... overhang should be no less than 6 inches excluding gutter." Jones was authorized to go ahead and make specific changes which have been discussed, after which the council would review it before final approval.

4) accessory buildings - The clerk asked the council to add something into the ordinance that would cover moved in accessory buildings without a hearing. It was agreed by consensus to write up an amendment reflecting certain items in the model ordinance and to change Section 5-E wording to reflect accessory buildings in lieu of moved in buildings, should conform to all provisions etc and the accessory buildings shall conform with neighboring property to the extent that the building shall not devalue surrounding property. The determination as to whether or not said building devalues surrounding property shall be made by the building inspector.

5) Fees - It was agreed by consensus to raise the fee for an appeal hearing to \$30.00 to cover expenses.

Floyd McGuire made a motion, seconded by Dale Fox to adjourn the meeting. Motion carried. The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED _____

MEMBERS PRESENT:

J. A. Cordts
Dale Fox
Dennis Graves

Floyd McGuire
Mayor Richard Hamit

MEMBERS ABSENT:

Cliff O'Bryhim

OTHERS PRESENT:

Kenneth Greene
Jim Mercer
Helen Crook
Kathleen Lee
Carolyn Meerian

Nancy Lang
Cheryl Florence
Fran Rappard
Cheryl Brown
Ron Dean
Mildred J. Cannon

The meeting was called to order at 7:30 PM by Mayor Richard Hamit. The clerk called the roll.

MINUTES: The minutes of the October 11, 1989 regular meeting were reviewed. J. A. Cordts made a motion, seconded by Dennis Graves to approve the minutes as written. Motion carried. 4-0

WARRANTS: Warrants No. 5944 through 5990 were presented for payment. Dennis Graves made a motion, seconded by Floyd McGuire to approve all warrants. Motion carried 4-0.

MISC: Lorna Harding was present to ask the council what could be done to alleviate the air pressure on her water line when there is a break south of her property. Dale Fox recommended she have a check valve installed on her water line at the point where it enters her house. The subject was discussed at length. Mrs Harding was thanked for coming and left at 7:44 PM.

SCHOOL BUS ROUTES AND PEDESTRIAN WALKS: Ron Dean reported he had met with Dr. Hickman, Superintendent of Schools, Mr Hughes, Principle, Jim Mercer, owner of the school buses and the staff of bus drivers. He said they had discussed various problems in connection with the bus route and also pedestrian problems. He said the solutions they felt were most feasible were, 1) designate Oak Street from Seventh to Market and Market east to the Middle school as a permanent bus route. 2) close Ash Street to traffic while the students are being loaded and unloaded (using portable signs - maximum time closed/10 minutes), 3) install a walkway along Seventh just South of the chain link fence from the grade school to a pedestrian crossing just north of Seventh on Maple. The cross walks and walkways would alleviate the problem of children weaving in and out of traffic on Seventh and would stop the students of the middle school from walking in the middle of the street on Fourth. He said letters would be sent to parents apprising them of the problems and the solutions, asking the parents cooperation. He said the way it is now, it is just a matter of time before someone gets hit. After a lengthy discussion, Dale Fox made a motion to accept the proposals as listed above. Floyd McGuire second. Motion carried 4-0.

SOLID WASTE: Kenny Greene was present to represent Osage Waste Disposal. The clerk reported she had given a message to Pat Martin, inviting Walt Martin to attend tonight's meeting to discuss the solid waste pickup at his business. The council agreed that inasmuch as Martin did not appear, nor did he call, Osage Waste Disposal was authorized to go ahead and pick up Martin's Service solid waste, only if it is placed by the alley behind the business. The fee would remain the same (large pickup without dumpster). Mr. Greene was thanked for coming.

TREE TRIMMING: Mr. Mercer asked who was going to be responsible for the trimming of the trees that overhang the bus route. Mayor Hamit explained the council was working on an ordinance now that would address the subject.

ORDINANCE 162: Mayor Hamit presented Ordinance 162, trees, shrubs etc along the parkways, for approval. Dennis Graves made a motion, seconded by J.A.Cordts to adopt the ordinance subject to the city attorney's approval. Motion carried 4-0. *Note: Ordinance 162 - Ordinance approved by Council*

BOARD OF ZONING APPEALS: Carolyn Meerian was present to request that the council consider calling a special meeting to review the zoning ordinance with the Board of Zoning Appeals. The council agreed by consensus to request Mayor Hamit to call a special meeting on November 30, 1989 at 7:30 PM.

Floyd McGuire made a motion to adjourn the meeting. Dale Fox seconded. Motion carried. The meeting was adjourned at 9:00 PM

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED _____

MEMBERS PRESENT:

J.A.Cordts	Floyd McGuire
Dale Fox	Cliff O'Bryhim
Dennis Graves	Mayor Richard Hamit

OTHERS PRESENT:

State Representative Elaine Wells	Mark Daniels
Gayle Warren	Cheryl Brown
Ron Dean	Mildred J.Cannon
Max Friesen	Larry Wendling

The meeting was called to order at 7:30 PM by Mayor Richard Hamit. The clerk called the roll.

MINUTES: The minutes of the November 8, 1989 regular meeting and November 30, 1989 special meeting were reviewed. J. A. Cordts made a motion, seconded by Dennis Graves to approve both sets of minutes as written. Motion carried.

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

KPL GAS SERVICE REPORT: Larry Wendling, KPL Gas Service Co. Representative was present to update the council in reference to what the company is doing to make natural gas safer and to assure that the safety of the customer is their number one concern. He said Overbrook is different inasmuch as it is considered relatively new to the system and all the lines are cathodically protected. He said there are no cast iron or steel lines here. He said since the lines are of non-corrosive polyethylen there probably wouldn't be any leaks. He showed a short video that also explained what the company is doing in other areas. He also left a number of different brochures to be handed out to customers if they come into city hall with questions. He said he also wanted to commend the present and past councils for doing such a fine job of governing the city. He said he felt Overbrook has the cleanest town around. He was thanked for coming and left at 8:00 PM.

LEGISLATURE REPORT: Mayor Hamit welcomed State Representative Elaine Wells, who was present to address the council and to bring them up to date on the happenings of the two day special session of the legislature. She said one of the goals she has is to meet with the city councils before the session to discuss issues the councils feel are important and also let them know various items that will possibly be coming before the legislature. She went over a list of items the Kansas League of Municipalities has indicated were going to be of prime importance to the cities during the 1990 session. She also explained several ways the city could obtain money to help with various priority items the city might have. She was thanked for the interest she has shown to the cities of Osage County and was invited to stay for the remainder of the meeting.

ELK TOWNSHIP: Gayle Warren, Elk Township Trustee was present to discuss what he saw as a problem with the township and the city being involved in an unwritten tradeoff service agreement. He said he personally was against the practice. His main problem was with the hauling of rock to the lagoons and to the swimming pool. He said he was in business to haul gravel and basically this was taking away from his business. He said the township was having some problems and if they open the door on one they have to open the door on everything. The clerk noted that Bruce Smith had gone out many times to help the township before they purchased their own backhoe. She said the township had reciprocated periodically by helping the city out with the township maintainer.

She said they had done some work at the park and at Second and Surrey but not much more than that in recent years. Mayor Hamit reported that Gary Wray, Township Board member had requested the City put in water service to the township building in return for the Township services if needed. He said the council had agreed to do that and to donate the water (equivalent of \$7.00 per month). The Clerk said she had discussed the tradeoff with Smith several times and he indicated he had asked the Township driver to haul some rock but that it was not a priority and could be done any time. Smith indicated he had no intention of taking the driver away from his job. She also noted that the city had paid for the gasoline for the truck. It was noted that 4 loads had been hauled to the pool and 16 loads had been hauled to the lagoon. It was agreed to table the matter until the January meeting when both Smith and Wray could be present.

TRAFFIC HAZARD: Warren asked to register a complaint about some cedar trees at the North entrance to the alley between Oak and Maple on Seventh St. He said it was very dangerous especially inasmuch as children are present much of the time due to the close proximity of the school. It was agreed that Bruce Smith would look into it.

Warren was thanked for coming and left at 8:55 PM

FIRE DEPARTMENT: Mark Daniels was present to represent the Osage County Fire District No. 4. He said he was here to ask the city to look into the placement of a fire hydrant at the southeast side of the fair grounds (5th and Ash). He explained that there was a possibility in the future that there would be mandatory training for fire fighters. At this point volunteer fire departments such as ours has been very fortunate that it has not been made a part of the law. He said their people would like to be ahead of it by taking care of the training now. He said they had applied to Kansas University to start the Fire Fighter I class right away but in order to do the training they had to have a place to do it. He said the Fair Board had agreed to let them use the southeast portion of the fair grounds and now all they need is a fire hydrant rather than haul hose several blocks and block traffic for long periods of time. The council agreed by consensus to have Bruce look into it.

Daniels also asked if the city could look into placing signs with the standard Fire Department symbol somewhere on either side of the fire department on Maple. He said the men felt it would be a great deal safer. The council agreed by consensus. It was also agreed that signs should be put at the Fourth Street entrances also.

Daniels reported they had obtained a CPR "annie" and were going to get more later. He said they would be having some more community classes in CPR and first aid. He invited anyone interested to become involved.

Daniels said the fire fighters and first responder unit were trying to do better services for the community but they definitely needed a little help in the areas he had outlined. He was thanked for coming and the council as a whole commended the firemen and EMT's for doing a fine job. He left at 9:10 PM.

CEREAL MALT BEVERAGE LICENSES: Mayor Hamit presented CMB licenses for the following: The Patch, Caseys General Stores and O'Bryhim Thriftway. Dale Fox made a motion, seconded by J.A.Cordts to approve all Cereal Malt Beverage licenses as listed above. Motion carried.

GAME MACHINE/JUKE BOX LICENSES: Mayor Hamit presented Game Machine/Juke Box licenses for the following: The Patch, game machines and juke box, and Shirley's Cafe, juke box. Dale Fox made a motion, seconded by Cliff O'Bryhim to approve all game machine/juke box licenses. Motion carried.

WATER DEPARTMENT REPORT: The clerk reported on the water department in the absence of Bruce Smith. She reported there had been one water break east of town and well No. 1 was down and would be back in service as soon as parts are received. She also reported that Bruce Smith had finished his fall school semester.

MISC: Mayor Hamit suggested the council approve christmas gift certificates from O'Bryhim's Thriftway again for the six city employees. Dale Fox made a motion, seconded by Floyd McGuire to authorize the purchase of a \$20 gift certificate for each employee. Motion carried.

SWIMMING POOL RECORDS: The council reviewed the swimming pool records for the past five years. The council questioned who made the decisions as to how much each person gets paid and when raises are to be given. The clerk said she did not know but that the Recreation Commission should set policy with the blessing of the governing body. After a brief discussion, it was agreed that the people in charge of the pool should submit a budget to the city recreation commission and the city council for approval before the pool season begins.

ADJOURNMENT: Floyd McGuire made a motion, seconded by Dennis Graves to adjourn the meeting. Motion carried. The meeting was adjourned at 9:30 PM. Representative Wells was thanked for coming and for staying to observe the council at work.

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED _____