

MEMBERS PRESENT: Bruce Anderson, Mark Criger, Dale Fox, Bruce Smith, Mayor Richard Hamit. Glyn Day absent.

OTHERS PRESENT: Stephen Jones, Jonathan Small, JoEllen Criger, Jack Kramer, John & Kip Jewell, Ruth Von Stein, John Irwin, Marilyn Anderson, David Pierce, Juanita Coffman, Meridee Graham, Cindy O'Bryhim, Bob Sisson, Ron Dean Jr, Max Friesen, Jean Dean, Cheryl Brown.

Mayor Richard Hamit called the regular January meeting of the council to order at 7:30 P.M. Roll was called by the clerk; there was a quorum present.

MINUTES/WARRANTS: Mark Criger made a motion, seconded by Dale Fox, to approve the minutes of the December, 1996 meeting as written. Motion carried. Mark Criger made a motion, seconded by Dale Fox, to pay all warrants presented. Motion carried.

CHECK SIGNERS: Bruce Anderson made a motion, seconded by Mark Criger, to authorize Richard Hamit, Max Friesen, Bruce Smith, and Cheryl Brown as check signers for 1997. Motion carried.

DEPOSITORIES: Bruce Anderson made a motion, seconded by Mark Criger, to name Kansas State Bank and First Security Bank as official depositories for all city monies for 1997. Motion carried.

NEWSPAPER: Mark Criger made a motion, seconded by Dale Fox, to designate the Osage County Chronicle for all official city publications. Motion carried.

POLICE REPORT: Chief Ron Dean<sup>jr</sup> came before the council to give his report. Dean stated that hiring Bob Call full-time has been very helpful to his department. Anderson said that the higher profile of the officers has been noticed and appreciated. Dean said that the equipment grant money should be here next week. He left the meeting at this time.

POOL PROJECT PROPOSAL: Stephen Jones, Jonathan Small, and JoEllen Criger were present to discuss the procedure for putting the pool proposal on the April 1, 1997 ballot. Jones said that Small had helped Lyndon with their pool/bond project, and recommended him as bond counsel for Overbrook. Small gave the council a handout including a calendar of events necessary to put the pool proposal on the ballot, and cost estimates for issuing the bonds using \$500,000.00 as the proposed amount. Small stated that the language used on the ballot is extremely important. Small also gave a calendar of events for marketing the bonds assuming the proposal is approved on April 1. Dale Fox said he would like to know how much the mill levy will be increased. Small said that the exact amount of levy will depend on the interest charged when the bonds are actually

sold, but it will decrease as the bonds are paid. Small also told the council that if the proposal doesn't pass, the only cost to the city would be publication charges. He also said that bonds do not have to be issued just because the proposal passes. JoEllen Criger asked if Small would be available for committee meetings, and Small said that he has never been involved in that part of a project. He said his function is to do all the work so the city can borrow the money to fund building a new pool. Small stated that releasing the actual tax cost to the property owner should be done one time after the amount is known to avoid rumors and confusion. The clerk was told to check with the Osage County Clerk regarding an estimate of mill levy to finance the project. Dale Fox made a motion, seconded by Mark Criger, to retain Jonathan Small as bond counsel for the proposed pool project. Motion carried. Small said the next thing to be done is to meet with the engineer to determine actual project costs before the February meeting.

LAGOON STUDY REPORT: Jack Kramer of Kramer Engineering was present to discuss a letter he received from the Department of Health & Environment. The letter requests that alternative of constructing a new 7 acre site "first" cell to the existing 4 cell facility be investigated and incorporated into a "Final Facility Plan". Kramer said he would prefer not building a cell any closer to town if there are other feasible options. Building a new facility north of town was again discussed. Kramer told the council that using funds from the State Revolving Loan Fund would require a public meeting to discuss alternatives, and after a decision is made a public hearing has to be scheduled. The council agreed by consensus to wait on the report from the KDHE before scheduling a public meeting in order to discuss all possibilities.

SEWER PROBLEMS: John and Kip Jewell came before the council to ask for solutions to the recent problems with sewer backing up into their basement. Kip stated that the resulting damage and the necessary clean-up are extremely stressful to her, especially as she is recuperating from hip surgery. The Jewell's feel as they've been paying water and sewer bills for the last 35 years, the city should take care of this problem. Sisson reported that he's waiting on calls from a crew from Kansas City and Wichita. He doesn't want to call Osage City again as their machine is too small to do what needs to be done. Bruce Smith wondered if Sisson should just dig the line up where Musick's think they found the obstruction this last time. The council agreed by consensus for Sisson to dig up the line if he cannot get a definite time for the out-of-town companies to come.

ALLEN CO COMM. COLLEGE: Bruce Smith said that Marilyn Anderson, Debbie Smith, and he had met with Bob Reavis from the college to discuss the possibility of the college having some classes in the library building. They are thinking of starting with some kind of First Responder course, and maybe adding some summer school classes. The college would pay the city so much per credit hour enrolled. Smith said that there should be little operating expense if the classes are held during regular hours. Ruth Von Stein said the library board has concerns regarding conflicts with programs already

being offered by the library. Smith said Reavis indicated that they would try to schedule classes around library activities. There was discussion as to what long-range plans the college has. Smith said he understood that Allen County is trying to expand their market east towards Lawrence and Baldwin, and that any agreement between Allen County and USD 434 concerning expansion seems to be pretty far in the future. The library board agreed by concensus that the classes would need to be held at times that would not require additional staffing, and would not conflict with current programs. Cindy O'Bryhim stated that the library has only been used by non-profit groups up to this point. The board stated that while they didn't want to discourage future development by the college in Overbrook, they wanted to make sure all their concerns would be addressed. Dale Fox made a motion, seconded by Bruce Smith, to authorize Marilyn Anderson to meet with Allen County Community College representatives to decide about holding one class in February. Motion carried.

ORDINANCES, RESOLUTIONS: Dale Fox made a motion, seconded by Bruce Anderson, to adopt Ordinance No. 204 which adopts by reference the Standard Traffic Ordinance of Kansas, Edition of 1996. Motion carried.

MISC: Mark Criger made a motion, seconded by Bruce Smith, to approve the 1997 game machine license for the Palladium. Motion carried.

MAINTENANCE REPORT: Bob Sisson reported that the pump on Well #4 is back on line, and that after repairs, the chlorinator is working again. He also said that all the service connections have been done for Dr. Cole's temporary office. Mayor Hamit requested that existing ordinances be checked to make sure that the temporary building and his new office are in compliance.

Sisson reported that he had checked out a complaint from Edna Fox regarding sewer backing up in her house. He found water under her house, but it wasn't sewer. Sisson did say that there was a funny odor when she ran water or flushed the stool, and Dale Fox said he would check out the vent.

The mayor asked if lettering had been ordered for the dump truck. After discussing several choices, the council told Sisson to check into vinyl stick-on letters. Sisson also reported that he and Bob Call would have to take the test to get their commercial driver's licenses.

MISC: The clerk reminded the council that the deadline for filing for mayor and council positions is noon, January 21st.

TREASURER'S REPORT: Max Friesen reported that the funds appear to be low, but the first of the tax monies should be deposited soon.

MISC: Discussion of an ordinance to restrict vehicle parking in residential areas was tabled until Chief Dean can be present.

MIDDLE SCHOOL BUILDING: Dale Fox said he would like to get a committee formed to really check out the feasibility of taking over

the middle school facilities. Bruce Smith suggested talking to someone who can help get information on any grants that might be available. Bruce Smith volunteered to help put together a questionnaire similar to the one used by the pool committee.

LAGOON MAINTENANCE: Bruce Smith asked if the council would be interested in having someone come to discuss aeration of the existing lagoon. The council agreed by consensus to pursue the matter for a later meeting.

COUNCILMEMBER COMMENTS: Bruce Anderson reported that the police department has been more visible, and is planning to concentrate more on traffic enforcement.

MAYOR'S REPORT: The mayor reminded everyone about the filing deadline for council/mayor.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn. Motion carried; the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: 2-12-97

MEMBERS PRESENT: Dale Fox, Bruce Anderson, Bruce Smith,  
Mark Criger, Mayor Richard Hamit. Glyn  
Day absent.

OTHERS PRESENT: Cheryl Brown

Mayor Hamit called the special meeting to order at 8:30 A.M.  
The clerk called the roll; there was a quorum.

Dale Fox made a motion, seconded by Bruce Smith, to adopt  
Resolution No. 34 to enter into a Lease Purchase agreement with  
Kansas State Bank for \$7,000.00 to finance the 1982 dump truck from  
Meier's Trucking. Motion carried.

Bruce Anderson made a motion, seconded by Bruce Smith, to  
approve a warrant for \$1365.59 to be deposited into a special  
checking account for the Law Equipment Grant fund. Motion carried.  
This is necessary before any funds can be spent from the grant.

Bruce Smith made a motion, seconded by Dale Fox, to approve the  
February lease payment to Kansas State Bank--one payment of \$608.73,  
or two payments, whichever is required by the bank. Motion carried.

Bruce Anderson made a motion, seconded by Bruce Smith, to  
adjourn at 8:45 A.M. Motion carried.

Respectfully submitted,  
Cheryl L. Brown, City Clerk

APPROVED: 2-12-97

MEMBERS PRESENT: Bruce Anderson, Bruce Smith, Glyn Day, Mark Criger, Mayor Richard Hamit. Dale Fox absent.

OTHERS PRESENT: JoEllen Criger, Orville Sparks, Brett Karr, Carol Collins, Troy Young, Thaine Pryor, Joe Maris, Lila Hamit, Nathalee Linden, Ted & Georgia Cambron, Gaylord Richardson, Jean Dean, Bob Sisson, Max Friesen, Ron Dean Jr, Cheryl Brown.

Mayor Hamit called the meeting to order at 7:30 P.M. The clerk called the roll; there was a quorum present.

MINUTES/WARRANTS: Bruce Smith made a motion, seconded by Bruce Anderson, to approve the minutes of the January 8, 1997 regular meeting with Jr. added to Ron Dean's name. Motion carried. Bruce Smith made a motion, seconded by Bruce Anderson, to approve the minutes of the special January 18, 1997 meeting as written. Motion carried.

- Glyn Day made a motion, seconded by Bruce Smith, to approve all warrants for payment. Motion carried.

4-H AWARENESS: Brett Karr, Troy Young, and Carol Collins came to inform the council that they as part of a committee are working to promote 4 H in the community and to raise funds for a new barn at the fairgrounds. At this time they would like permission to hold a street dance downtown as a fund raiser. Glyn Day made a motion, seconded by Bruce Anderson, to approve blocking traffic from 7:00 P.M. to 12 midnight June 21, 1997 in the 300 block of Maple to allow the 4H Awareness committee to have a street dance. Motion carried.

POOL COMMITTEE REPORT: JoEllen Criger presented the council with copies of proposed bond payment and interest schedules. She had the county clerk figure the tax levy using 5.5% interest using a \$60,000 valuation for comparison purposes. Criger said that Jonathan Small wants to have a meeting with the council as soon as possible to finalize wording for the ballot. She said that the committee has prepared a flyer to be mailed, and the architect has made some color drawings to be displayed around town. The council agreed by consensus to pay for paper needed for the flyer, but asked the clerk to find out about the city paying for promotional mailings. Criger also presented an article regarding the proposal to be published in the Chronicle. Glyn Day said that the cost of the pool, and the length of the bond payment has to be decided as soon as possible. The council discussed a 15-yr payment of 19 mills, and a 20-yr payment of 14 mills. Saving interest on a 15-yr bond payment versus levying fewer mills over a 20-yr period was discussed. The council agreed by consensus to hold a special meeting either Thursday, the 13th, or Tuesday, the 18th with the bond counsel for the purpose of making final decisions.

JoEllen Criger also informed the council that the Red Cross will do training for lifeguards at our pool if we want. The council

agreed by concensus for Criger to pursue the matter.

**LIQUOR STORE PETITION:** Jerry Hollingsworth and Brian Elliott came before the council to have them review a petition that Hollingsworth and Elliott are circulating to try to get authorization to put the sale of alcoholic liquor by the package on the April 1, 1997 ballot. The petition has to consist of a percentage of voters from the last city election. Only qualified electors are eligible to sign the petition. Mayor Hamit said he had received numerous phone calls from residents who are against having a liquor store in town, and that he personally does not feel a liquor store fits in with promoting Overbrook as a good place to raise a family. He also stated that in spite of his personal feelings, he will do everything legally required. The petition must be presented to the City Clerk by noon of February 20th who in turn will have it verified by the County Election officer. If the petition is verified, the council will then need to pass a resolution to put the question on the ballot.

**ALLEN COUNTY COMMUNITY COLLEGE:** Bruce Smith said that he has been informed that Allen Co. is currently trying to negotiate with USD 434 regarding using the high school building for classes.

**WIDDLE SCHOOL BUILDING:** Mayor Hamit reported that he and Bruce Smith attended the last school board meeting, and that the board is interested in what the city's interest is in the building. The council agreed by concensus to pursue the matter after the bond election for the pool on April 1, 1997. The mayor said that the Masonic Lodge is also interested in part of the school building. He asked if someone from the council and the pool committee could attend the February 24th school board meeting.

**MISC:** Mayor Hamit explained that he had asked Thaine Pryor to attend the meeting to hear discussion regarding J.W. Brune's request for rural water service as Pryor had been denied service earlier. Brune has not appeared as yet, and Pryor indicated he would not bring up the issue at this time.

**LAGOON AERATION SYSTEM:** Joe Maris of the Ray Lindsey Company was present to discuss a proposal for aeration for the sewer lagoons. He explained how the system works and mentioned some other cities that are using this system. This information is available to the public during regular business hours. The things Maris wants the council to be most aware of while considering the proposal are what can be done to address present treatment levels, recovering some of the design capacity, and plan for a city-wide growth of up to two times the present population. The council agreed by concensus to review the information for discussion at the next meeting.

**SEWER DAMAGE CLAIM:** Mayor Hamit presented a claim from John Jewell in regards to sewer problems at their residence. The mayor told Jewell to submit the claim to Ira Allen for presentation to Employers Mutual Insurance. Bruce Smith questioned the possibility of reimbursement by AquaRod, the company that cleaned the line. Sisson said apparently not enough line was cleaned the first time

Bruce Anderson suggested looking into writing an ordinance to state the city's policy on supplying water to rural residences. His personal opinion is that the city's first responsibility is to ensure adequate water to the citizens of Overbrook. Glyn Day stated that he had no problem granting hook-up's if the rural water district does not have lines within a reasonable distance. Bruce Smith said he has no problems furnishing water as long as no one in the city suffers because of it. After discussion, Bruce Anderson made a motion, seconded by Mark Criger, to look into passing an ordinance to service the city only with water. The vote was 2 to 2 with Anderson and Criger voting yes, and Smith and Day voting no. Mayor Hamit voted no; the motion did not pass. The mayor explained that he voted against the motion in order to keep the door open for future service, but that guidelines do need to be set. It was decided by consensus to check with the League of Municipalities and Kansas Rural Water for any help they might have for establishing guidelines.

MAYOR'S REPORT: The mayor stated that since he is not seeking another term that this would be a good time to recommend that the council consider raising the pay for mayor/council from the present amount of \$75 per year to an amount per meeting since the need for special meetings has increased lately. The council agreed by consensus to consider the matter after the April 1, 1997 election.

RESIGNATION: Jean Dean reported that she and her husband have applied for positions with the Kickapoo tribal organization. She is not giving official notice at this time, but wanted the governing body to be aware of the situation.

Glyn Day made a motion, seconded by Bruce Anderson, to adjourn at 10:14 P.M. Motion carried; meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

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

3-12-97

CITY OF OVERBROOK            SPECIAL COUNCIL MEETING            FEBRUARY 18, 1997

MEMBERS PRESENT:            Bruce Anderson, Dale Fox, Mark Criger, Bruce  
Smith, Glyn Day, Mayor Richard Hamit.

OTHERS PRESENT:            Stephen Jones, Jonathan Small, JoEllen Criger,  
Beth Price, Wayne Clark, Cheryl Brown, Ron Dean,  
Jr.

Mayor Hamit called the special council meeting to order at 7:00 PM. The clerk called the roll; there was a quorum present.

POOL PROJECT BOND ELECTION:            Jonathan Small, bond counsel for the proposed pool project, was present to present an ordinance which calls for a bond election for the purpose of issuing bonds to build a new pool. There was discussion as to checking with the County Clerk to get final mill levy figures, and also how long the city needs to repay the bonds. Small reviewed the procedures for publishing the ordinance and also the notice of bond sale. He also stressed the importance of using exact wording in the question to be put on the April 1, 1997 ballot. After considerable discussion of the amount of interest to be saved on a shorter payment schedule versus smaller tax levy on a longer payment schedule, Bruce Smith made a motion, seconded by Mark Criger, to schedule the bond payment over a twenty (20) year time span. Motion carried.

Dale Fox made a motion, seconded by Glyn Day, to adopt Ordinance No. 205 which authorizes the city officers to call for a bond election to issue bonds to finance the building of a new pool facility. Motion carried.

Bruce Smith made a motion, seconded by Bruce Anderson, to approve the 20 yr. form of notice of election to be published through the County Clerk's office for two consecutive weeks in the Chronicle. Motion carried.

RURAL WATER REQUESTS:            Glyn Day presented an article from the League of Municipalities regarding rural service connections to be discussed at a later time.

RESIGNATION OF ASST. CLERK:            Mayor Hamit told the council that Jean Dean is going to be leaving Overbrook to take another position. Glyn Day made a motion, seconded by Bruce Anderson, to go into executive session to discuss non-elected personnel for 10 minutes. Motion carried. The meeting returned to open session at which time Bruce Smith made a motion, seconded by Glyn Day, to recess for another 15 minutes to discuss non-elected personnel matters with the clerk in attendance. Motion carried. Mayor Hamit called the meeting back to open session. Glyn Day made a motion, seconded by Bruce Smith, to revise the City Hall hours as follows: Open at 8 AM and close at 5 PM, being closed an hour for lunch Monday, Wednesday, Thursday, Friday, and Tuesday's from 8 AM till noon with the City Clerk working 40 hours per week effective March 3, 1997. Motion carried.

POLICE REQUEST: Ron Dean, Jr. presented the council with prices for bullet-proof vests. After discussing the funding, Bruce Smith made a motion, seconded by Bruce Anderson, to authorize Ron Dean, Jr to purchase 6 ballistic vests for the police department. Motion carried.

Bruce Anderson made a motion, seconded by Glyn Day, to adjourn at 8:30 P.M. Motion carried; meeting was adjourned.

Respectfully submitted,

Cheryl Brown,  
City Clerk

APPROVED: 3-12-97

Clerk  
See page 4

CITY OF OVERBROOK  
MINUTES                    REGULAR COUNCIL MEETING                    MARCH 12, 1997

MEMBERS PRESENT:        Dale Fox, Bruce Smith, Glyn Day, Mark Criger,  
Mayor Richard Hamit.    Bruce Anderson absent.

OTHERS PRESENT:        Mark & Mary Congdon, JoEllen Criger, Joe Maris,  
Max & Dee Friesen, Bob Sisson, Ron Dean Jr,  
Cheryl Brown.

Mayor Hamit called the regular meeting of the council to order at 7:30 P.M. The roll was called by the clerk; there was a quorum present.

MINUTES/WARRANTS:    Bruce Smith made a motion, seconded by Mark Criger, to approve the minutes of the regular February meeting as written. Motion carried. Mark Criger, made a motion, seconded by Bruce Smith, to approve the minutes of the special February 18th meeting as written. Motion carried.

Bruce Smith made a motion, seconded by Mark Criger, to pay all warrants presented. Motion carried. !

HIGH WATER BILL:      Mark Congdon came before the council to protest his February water bill which was for 47,500 gallons usage. Congdon explained that since the meter was read on February 20th, he had been monitoring his usage and it's been averaging 91 gallons per day. He stated that he's checked his plumbing, and that he had replaced parts in the toilet stool right after they moved into the house in the middle of December. The readings were estimated for the January and February billings due to weather, so the Congdon's have been billed for only 6,000 gallons since moving in. Mayor Hamit asked if the meter had been shut off when the final bill was done for the previous owner. Sisson said it had been, and hadn't been turned back on until the Congdon's bought the property. Glyn Day asked if a reading had been taken when the service was reconnected to which Sisson responded that he hadn't taken a reading as he assumed the meter had been left off between occupants. The mayor asked if any testing had been done on the meter. Sisson said he hadn't done any testing as the readings since the one on February 20th seem to be normal. Bruce Smith stated that the city has always stood by with what the meter says unless fault has been found with the meter. Day said he'd feel better if we'd gotten a reading when Congdon's moved in. Fox agreed since the first two billings were estimated and there's no way to establish when a leak might have happened. Congdon stated that the readings would still be high if they had a leak since he hasn't done anymore repairs. After discussion, Bruce Smith made a motion, seconded by Glyn Day, to adjust the bill to 3,000 gallons usage due to the special circumstances in this case. Motion carried.

LAGOON AERATION SYSTEM:    Joe Maris of the Ray Lindsey Co. came before the council to explain some changes in the proposal to upgrade our lagoon system to an "accelerated facultative" lagoon process that his company made at the February meeting. Maris said that LAS (Lake

Aid Systems) is offering a two-year testing plan through Fort Scott Community College with the city purchasing and installing three Mark 3 and one Pond 1 windpowered processors in Cells 2, 3, and 4 with Cell 1 to serve as a comparison cell. The city would also need to purchase a flow meter (approximately \$1200 to \$1500) to insure accurate and consistent measurement of the amount of waste being treated. LAS would also arrange for a sludge analysis to be done before and after installation of the equipment. By taking part in the field study, the price would be reduced from \$69,000 to \$62,950. Maris presented the council with drawings to help explain the proposal. This proposal is available for public inspection at City Hall during business hours. Maris told the council that the equipment could be financed by a lease-purchase agreement with a company in North Dakota used by LAS, or another source if the City so chooses. The total cost including three years interest would be \$70,025. Installing the apparatus was discussed. Mayor Hamit had questions about measuring before any agreement is made to determine whether we have sludge or silt because the aeration system is of no benefit if the cells have silt rather than sludge. Maris told the council that he was the one working for Fort Scott when the original inspection was done in 1995, and he is confident that sludge was assured, and not silt. Maris told the council that the price offered by his company was based on installing the equipment between April 1 and May 15. Calling a meeting on April 2 at 6:00 P.M. to discuss financing and making a final decision was tentatively set.

MEADOWBROOK ADDITION: Max Friesen told the council that he had to leave the meeting early, but wanted to let them know that the engineer has the water line specs done. Friesen wanted to know how much he will be responsible for installing, and also wanted the council to know that he's close to starting on the sewer lines.

POOL/RED CROSS: JoEllen Criger wanted to know if the city will continue to pay for Red Cross Water Safety Instructor training. The only classes available at this time are through Emporia at \$100 per person which is what some of the other lifeguards have paid in recent years. The current policy is to reimburse for half the training one year, and the balance the second year to encourage the guards to work more than one summer. Bruce Smith made a motion, seconded by Mark Criger, to pay \$100 per person for WSI training (\$50 this year, the balance next year provided they return for employment), and any other re-certification classes needed. Motion carried. The council agreed by consensus to hire local people if at all possible, even if it means paying for training.

TOURISM: Carolyn Meerian gave the council a report on recent activities and plans to develop more tourism in Osage County. Current plans include having Marcy Penner spend some time in each town to determine the strong and weak points. The main reason for doing this is to establish a connection with tour buses. She said there will be a cost to be divided among the towns involved, but feels it will be justified by improved promotion of local events.

EXECUTIVE SESSION: Mark Criger made a motion, seconded by Bruce

Smith to go into executive session for 5 minutes to discuss matters not related to elected personnel. Motion carried. The mayor called the meeting back to order at 8:42 P.M; no action was taken.

MISC: The clerk asked if the council wanted to give Bob Sisson an advance towards expenses at the Kansas Rural Water Association. The council agreed by concensus to approve an advance for \$150.

The clerk reminded the council that written notice must be given to Midway USA by April 1, 1997 or the contract will be automatically renewed. Richard Davenport, the owner, had stated that he might have to raise residential rates unless picking up leaves and other yard waste can be eliminated. He can ask for a rate raise even if the contract is renewed as of June 1, 1997.

Copies of the quote for Workman's Compensation Insurance from The Kansas Municipal Trust were discussed. The quote is \$600 less than what the city is currently paying Hartford, but the current policy is in effect until November. The clerk also said she is waiting for quotes from Heartland Horizon regarding employee health insurance. Our contract with Blue Cross Blue Shield will expire May 1, 1997.

MAINTENANCE REPORT: Bob Sisson asked the council if he should make arrangements with Kevin Gloss to mow Jones Park again. The council agreed by concensus for Sisson to see if Gloss would charge less than \$90 per time for mowing just the diamond areas. Day reported that the school usually contributes about \$500 a year to the ball association for improvements. Sisson was told to have Gloss mow as usual until the April 2nd meeting so it'll be ready for the high school season.

Sisson reported that he had been doing some street work, and the backhoe cylinder has been repaired. He asked that the meeting be recessed to discuss personnel matters. Glyn Day made a motion, seconded by Bruce Smith, to go into executive session for 10 minutes. Motion carried. The mayor called the meeting back to order at 8:55 P.M. Sisson told the council that he didn't think maintenance should have to do oil changes on the police cars due to the lack of a good place to put them on jacks. He said that he has that type of work done on the trucks at the co-op. There was discussion concerning using Bob Call to do some of this type of work to justify hiring him full-time. Mayor Hamit said that he felt Bob Call's duties should be discussed with Sisson and Ron Dean Jr since the mowing and pool season is almost here. The clerk said that Call has been averaging two and a half hours a week cleaning City Hall. Ron Dean, Jr said that one thing he would like Call to do is check fluid levels on the patrol cars weekly for safety and liability reasons. Criger said that while Call needs to keep busy every place he's worked checking fluid levels was the operator's responsibility. Dean replied that he didn't want the officers getting underneath the hood and getting their uniforms dirty. Criger said that he has to check the oil and fluid levels while wearing a shirt and tie. Sisson said that with the number of different people driving the cars he would think that they would want to do their own checking. The council agreed by concensus. Dean said that he would probably use Call mostly for animal control this summer and work in special projects

when possible. Dean said he would need Call's help making copies of ordinances for the patrol cars, but this could be done on rainy days. The clerk volunteered to help make copies for the police department when she has time.

There was some discussion as to what needs done at the pool for this season.

**POLICE REPORT:** Ron Dean, Jr. told the council that he is extending week-end shifts an hour, and put two cars on patrol two week-ends a month to address concerns about another drinking establishment in town. The mayor said he had been hearing about more people being stopped. Criger asked about enforcing the "No U Turns" on Maple. Dean said they are giving warnings, and he feels there are fewer violations at this time. The council instructed Dean to use his judgment regarding this matter.

Dean asked council permission to attend classes in Wichita April 7, 8, and 9th for interviewing techniques. The cost would be \$275 plus motel and meal expenses. He felt this would be beneficial for court cases. Bruce Smith made a motion, seconded by Dale Fox, to authorize Dean to attend the class and pay for expenses.

Dean told the council the department had received \$25 from some people for his help, and wanted permission to use it for the next Christmas dinner. Council agreed by concensus.

Bruce Smith made a motion, seconded by Glyn Day, to recess the meeting for 10 minutes to discuss personnel matters of non-elected personnel. Motion carried.

**TREASURER'S REPORT:** There was no report as Max Friesen had to leave the meeting early.

**MISC:** At the mayor's request, Glyn Day made a motion, seconded by Bruce Smith, to to into executive session for 20 minutes to discuss matters not related to elected personnel. Motion carried. The meeting was returned to open session at 10:15 P.M. when Glyn Day made a motion, seconded by Bruce Smith to recess the meeting until 10:35 P.M. Motion carried. The meeting was called back to order at 10:35 P.M. Dale Fox made a motion, seconded by Glyn Day, to designate the area beyond the front counter for employees and/or business related personnel only. Motion carried.

**HOLIDAYS:** Ron Dean asked about receiving holiday pay if he works the evening shift on Easter Sunday. There was discussion as to the current holidays recognized by the City as listed in the Personnel Policy. Exchanging the Friday after Thanksgiving for Veteran's Day. was mentioned Criger felt that the city should honor the same days as the bank's and post office. The council agreed by concensus to leave the matter as is, including not recognizing Easter as a city holiday.

Dale Fox made a motion, seconded by Glyn Day, to adjourn. Motion carried; meeting was adjourned at 11:00 P.M.

APPROVED: 4-9-97 Respectfully submitted,  
Cheryl L. Brown, Clerk

MEMBERS PRESENT: Mark Criger, Glyn Day, Bruce Anderson,  
Bruce Smith, Dale Fox. Mayor Hamit arrived  
at 7:40 P.M.

OTHERS PRESENT: Joe Maris, Bob Sisson, Larry Woodson, Cheryl  
Brown.

Dale Fox, president of the council, called the special meeting  
to order at 7:30 P.M. in Mayor Hamit's absence. The clerk called the  
roll; there was a quorum present.

PURPOSE OF THE MEETING: Dale Fox stated the special meeting had  
been called to discuss the lagoon status and solutions, and also to  
discuss renting a street sweeper.

At this point, Mayor Hamit arrived.

LAGOON AERATION SYSTEM: Joe Maris of the Ray Lindsey Co. presented  
a letter from his company stating changes in the proposal of the  
March 12th council meeting.

Dale Fox stated that he was opposed to spending over \$60,000 on  
the lagoons at this time.

Glyn Day brought up funding for any solution, and presented some  
facts regarding the revenue collected from sewer charges to maintain  
the system, and also supply a reserve fund for sewer improvements.  
He said he feels that an additional fee per month would have to be  
passed on to the consumers to accomplish this. Day recommended that  
sewer rates and income be reviewed before any decision is made.

Fox presented material from Sibley Industries regarding their  
product, a wind-driven Pondmaster. These units could be bought for  
approximately \$600 each, and Fox felt they would do the same job as  
the more expensive units from the Lindsey Co. Fox said that since  
there are no guarantees with either product, spending less money  
seemed more practical.

There was discussion about how critical the problem is at this  
time. Bruce Smith said that addressing the sludge build-up needs to  
be done.

Maris stated that the Pondmaster has not been tested as far as  
domestic sewage is concerned even though they work fine keeping ponds  
from freezing over, whereas his product was designed by engineers to  
work in lagoons such as the one Overbrook has.

Day said that he has been getting as much information as he  
could, and though he believes in the technology offered by the  
Lindsey Co, he feels we should be doing some other things at the  
lagoons before installing the aeration system.

Smith said that because of the loading problem, he is not  
against the aeration system proposed by Maris. He felt that this  
system would be a good alternative to building a new cell. Maris  
stated that since the city is required to monitor the lagoons on a

monthly basis, that there might be a time when the state would not allow the aeration system as a solution.

After this discussion, the matter was tabled to be reviewed later by consensus of the council. Sewer rates are to be discussed at the next regular council meeting.

WARRANT: Glyn Day made a motion, seconded by Bruce Anderson, to approve payment to Bob Sisson for the balance of his expenses at the Kansas Rural Water Association meetings. Motion carried.

STREET SWEEPER: The council agreed by consensus for Sisson to check on rental prices for a street sweeper to be used before the city-wide garage sale on April 26, 1997 for consideration at the regular April meeting. He was also told to see if the fire department could wash down Maple Street.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn the meeting at 8:45 P.M. Motion carried; meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED \_\_\_\_\_

4-7-97

MINUTES REGULAR MEETING OF THE OVERBROOK CITY COUNCIL APRIL 9, 1997

MEMBERS PRESENT: Mark Criger, Bruce Smith, Glyn Day, Dale Fox, Mayor Richard Hamit. Bruce Anderson absent.

OTHERS PRESENT: Wally Thomas, Orville Sparks, Stephen Jones, Mary Liby, George Grant, Glyn Day, Sr., Jack Kramer, Ken Schoenick, Jim Duncan, Carol Collins, Thayne Pryor, Del Bahner, Bob Sisson, Max Friesen, Cheryl Brown.

Mayor Hamit called the meeting to order at 7:30 P.M. The clerk called the roll; there was a quorum present.

MINUTES/WARRANTS: Mark Criger made a motion, seconded by Bruce Smith, to approve the minutes of the regular March meeting as written. Motion carried. Bruce Smith made a motion, seconded by Glyn Day, to approve the minutes of the special April 2nd meeting as written. Motion carried.

Mayor Hamit presented the list of warrants to be paid, and as April is the month the governing body receives their yearly wage, recommended that the new council discuss the amount before the end of the meeting. Mark Criger moved to pay all warrants presented; Glyn Day seconded and the motion carried.

SWEARING-IN CEREMONY: Bruce Smith made a motion, seconded by Mark Criger to accept Glyn Day's resignation from the council. Motion carried. Mayor Hamit administered the oath of mayor's office to Glyn Day. At this time, Richard Hamit was presented with a 10-year service award and commended for his service to the city. The clerk administered the oath to council person elect Wally Thomas.

PROCLAMATION: Mayor Day read a notice stating that the week of April 19th through the 25th has been declared as clean-up week as April 26th is the city-wide garage sale. The plan is to have someone in town on May 12th to dispose of hazardous waste.

POOL REPORT: JoEllen Criger was present to discuss necessary requirements to get the pool ready for the season. She said that Bob Sisson has done some checking into sizes and costs for diving boards. Mayor Day said that there are guidelines for the height and length of boards depending on water depth. Criger stated that she would hate not having a diving board at the pool. She was instructed to consult with Jim Sullivan regarding regulations. The mayor asked what kind of time schedule would be needed for start-up maintenance. Sisson said probably two weeks, depending on what's done with the board. Criger reported that the pool committee has not met since the bond proposal was defeated in the April 1st election. Max Friesen wondered if this wouldn't be a good time to look into doing this as a township issue. Steve Jones said Jonathan Small didn't think this could be done, but would talk to him in more detail. Mayor Day asked about creating our own recreation district, such as is done with

sewers, etc. Jones said he would do more checking.

**ENGINEER'S REPORT:** Jack Kramer of Kramer Engineering reported that the Kansas Dept. of Health & Environment has approved the north lagoon site as acceptable, and needs further direction from the council as to scheduling public hearings, etc. Mayor Day stated that the council has decided to make some improvements at the present lagoon system before taking on another lagoon project. Kramer said that doing some of these improvements was included in their project proposal. Kramer presented sewer plans for Meadowbrook II addition, and that he has received verbal approval from the state. After reviewing the plans, Bruce Smith made a motion, seconded by Dale Fox, to approve Sewer Extension 1-97 for Meadowbrook II as submitted. Motion carried.

**OVERBROOK BALL ASSOCIATION:** Jim Duncan, Carol Collins, Thayne Pryor, and Del Bahner came before the council to give an account of how money was spent in 1996. Collins reported that 6 of the 7 projects proposed at the beginning of last summer were able to be completed. Duncan said that they are wanting to improve the north diamond and improve the drainage. Bruce Smith suggested putting curbing in and Sisson doing some dirt work. A work night is planned for this week, weather permitting. Mayor Day said that materials have been donated to fix the batting cage. He commended Overbrook for all the volunteer hours concerning Jones Park. Duncan said that their goal for this year is to work on the south diamond, upgrade equipment, hold a fund-raiser to start a fund for a storage building, and organize a T-ball program which will make using the little diamond necessary. The group asked the council to consider donating between \$1500-2000 for equipment, which would help keep sign-up costs for each child as low as possible. This amount would also reimburse the association for the sidewalk that was put in last summer. Mark Criger made a motion, seconded by Bruce Smith, to donate \$2,000 to the Overbrook Ball Association to be used for equipment and facility improvements. Motion carried.

**MISC:** Mayor Day introduced his father, Glyn Day Sr., who is visiting from Texas in honor of his son's being sworn in as mayor.

**O.C.E.D:** George Grant, representing the Osage County Economic Development committee, came before the council to report that the group is having a person from the Kansas Sampler come visit several cities in order to help promote tourism. Grant explained that this needs to be a cooperative effort, and said that Overbrook's share of this expense is \$125. He stated that about two billion dollars was spent as a result of tourism in Kansas in 1994 or 1995, and he didn't think Osage County received it's fair share. Bruce Smith made a motion, seconded by Dale Fox, to give \$125 towards the expense of a survey regarding tourism in Overbrook. Motion carried.

**CITIZEN COMPLAINT:** Kenneth Schoenick came before the council and asked to speak to the "executive committee" regarding a non-elected staff member. Bruce Smith made a motion, seconded by Dale Fox, to recess the meeting for 30 minutes to discuss matters related to

non-elected personnel. Motion carried; meeting was recessed at 8:25 P.M. Mayor Day asked that City Attorney Steve Jones be present. The meeting was called back to order at 8:55 P.M. at which time Bruce Smith made a motion, seconded by Dale Fox, to adjourn the meeting for a 5-minute break. Motion carried. Mayor Day called the meeting back to order at 9:00 P.M.

**SEWER RATES/IMPROVEMENTS:** Mayor Day said that looking at adjusting sewer rates in order to build a reserve for future improvements in our system needs to be studied. The council agreed by concensus to table the matter until all members have reviewed current rates and revenue. The clerk reported that last month's sewer revenue was \$3700.

**STREET SWEEPER:** The mayor said that Ed Harmison had asked about renting a machine to sweep Maple Street before the city-wide garage sale on the 26th of this month. After Sisson reported on prices, Dale Fox made a motion, seconded by Wally Thomas, to authorize Sisson to rent a sweeper for a day at a cost of \$184/day. Motion carried.

**EMPLOYEE INSURANCE:** The clerk reported that even though the price for Worker's Compensation insurance from Kansas Municipal Trust was lightly lower than Hartford, she had reservations about changing policies in the middle of the year and recommends leaving it as is. She also stated that the quote from Heartland Horizons for employee health insurance is more expensive than the new rates from Blue Cross Blue Shield with a higher deductible and basically the same coverage. The council agreed by concensus to keep coverage as is.

**COUNCIL APPOINTMENT:** Mayor Day introduced Orville Sparks and informed the council that Sparks is very interested in serving on the council. The mayor explained that he had hoped someone from the west side of town would be interested in serving the rest of his term, but everyone he contacted declined. There was discussion as to how active Sparks had been in his campaign and his present involvement in the community. Mayor Day appointed Orville Sparks to serve on the council. Wally Thomas made a motion, seconded by Bruce Smith, to appoint Orville Sparks to serve the remainder of Glyn Day's council term which expires in April, 1999. The motion carried with Bruce Smith abstaining. At this point, the clerk administered the oath of office to Sparks and he was seated at the council table.

**LIBRARY BOARD:** Dale Fox made a motion, seconded by Bruce Smith, to appoint Kelly Mabon and Peggy Waldman to serve on the Overbrook Library board for a four-year term to replace Ruth VonStein and Cindy O'Bryhim. Motion carried.

**CHECK SIGNERS:** Bruce Smith made a motion, seconded by Mark Criger, to give Glyn Day, Bruce Smith, Max Friesen, and Cheryl Brown authorization to sign checks for the City of Overbrook. Motion carried.

**PRESIDENT OF COUNCIL:** Bruce Smith made a motion, seconded by Mark Criger, to elect Dale Fox to continue serving as president of the

council. This position is necessary in case the mayor is absent.  
Motion carried.

STATE CHAMPS SIGN: The clerk informed the council that Ron Dean Jr. and she had discussed placing a sign at Santa Fe Trail High School to honor all teams and individuals who have earned state championships in 1996 and 1997. Dean presented prices and designs with the Overbrook PRIDE officers, and they are discussing it with Carbondale and Scranton PRIDE members. The matter was tabled pending a report from PRIDE.

MAINTENANCE REPORT: Bob Sisson reported that Kevin Gloss would mow both diamonds and trim inside the fence for \$70/time. The council agreed by concensus to contract Gloss for this summer.

Mayor Day asked if Sisson had sewer lines to be cleaned before the rainy season. Sisson said he would like to do the ones in Max Friesen's area and also between Bruce Smith's and Shuck's. The council asked Sisson to make a list of lines to be considered at the May meeting.

Bruce Smith asked when Sisson would be able to replace missing or damaged street and traffic signs. Sisson said he thought he had most of the materials needed, and would get to it as soon as possible.

The mayor asked about using the back-hoe at Jones Park to pull some poles at the batting cage. Sisson said he had told Thayne Pryor he'd do it one day this week, weather permitting. The clerk was told to check with the insurance agent about someone other than a city employee using our equipment.

When asked about getting commercial drivers licenses, Sisson replied that he and Bob Call have the material to study, but haven't taken the test yet.

Sisson asked if the council intended for the city dump truck to be used to do the hauling ~~of~~ rip rap at the lagoons. The council agreed that our truck could be used on a as-you-have-time basis. Dale Fox said he and Sisson need to do some inspecting at the lagoons and come up with a plan. Mayor Day said that the fence needs to be put up soon, and Sisson said he had put up a gate. Smith asked if the drainpipe between No. 3 and 4 cells had been opened up, and Sisson said he's still waiting for Musick's to be able to do the work. The mayor said that Sisson should sketch what needs to be at the lagoons for discussion at the May meeting. The plan is for Sisson and whatever council members are available to meet at the lagoons soon.

TREASURER'S REPORT: Max Friesen said that the fund balances look satisfactory, and everything is balanced.

COUNCILMEMBER'S REPORT: None of the councilmembers had anything to discuss other than matters previously reported.

MAYOR'S REPORT: Mayor Day asked the clerk to check with Chief Dean in regards to signing commission cards.

The mayor appointed department liaisons as follows:  
Bruce Smith-----Streets

Dale Fox-----Water-Sewer  
Mark Criger-----Police-Pool  
Wally Thomas-----Office  
Orville Sparks-----Recreation & Special Project

Mayor Day asked the council how they would feel about opening the meetings with a brief prayer. The council agreed by consensus. The mayor asked that anyone who isn't comfortable with this visit with him privately.

The mayor would like the council to consider a charter ordinance to change what constitutes a quorum for Overbrook. Three councilmembers create a quorum with a five-member council, which means a majority of a quorum is two members. Mayor Day would like to change our quorum from three to four to avoid conflict with the Open Meetings Act. This would mean, however, that four members would have to be present to conduct any and all city business, other than routine utility warrants. The city does have an ordinance that re-schedules council meetings from the second Wednesday to the third Wednesday in the event that a quorum cannot be attained.

Mayor Day reported that Senate Bill #18 would require cities to go through a bidding process for anything done by an outside consultant, and he encouraged the council to contact our senator and express their opinion regarding this matter.

Dale Fox made a motion, seconded by Bruce Smith, to adjourn the meeting at 10:05 P.M. Motion carried.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: 5-14-97

MINUTES

SPECIAL MEETING OF THE OVERBROOK COUNCIL

APRIL 18, 1997

MEMBERS PRESENT: Bruce Smith, Mark Criger, Wally Thomas, Orville Sparks, Mayor Glyn Day. Dale Fox absent.

OTHERS PRESENT: Bob Sisson, Bob Call, Cheryl Brown.

Mayor Day called the meeting to order at 7:00 P.M. The roll was called by the clerk; there was a quorum present.

Mayor Day stated that the special meeting was called to discuss specifically what needs to be done in order to open the pool and replacing or adding a hand-held phone to be used by the maintenance department.

The mayor reported that JoEllen Criger was informed by Jim Sullivan, architect, that our pool shouldn't have more than a half-meter stand based on the depth of the pool's diving basin. Our present stand is just over one meter. A company in Indiana has a half-meter base that could be adapted to our board at a cost of \$893, not installed. Bob Call was asked to go measure the board. He did and reported the board is 14 feet in length. According to regulations stated by the architect, the board can be used with a half-meter stand providing the bolts match for proper installation. Mark Criger made a motion, seconded by Bruce Smith, to authorize Bob Sisson to purchase the half-meter stand for \$893 and if necessary, purchase a diving board that is in compliance with regulations and the half-meter stand. Motion carried.

The council and Sisson discussed the list of things prepared by JoEllen Criger that need done before the pool opens. Things to be done include putting non-skid surface on bathhouse floor, extending filter pipe at the deep end, fixing shower faucet and stool in girl's bathroom, adjust tension on the roll-up door, turn parking sign to right side, apply weed-killer around deck of pool and parking area, fix leaky faucet behind the refrigerator, fix sagging guttering, and drainage problems caused by heavy rains. There was discussion regarding leakage on the pressure lines. Several options were discussed, and the matter was tabled until later. The council agreed by concensus for Sisson to pursue fixing the list compiled by JoEllen and also to buy and install a handrail on one set of steps in the shallow end of the pool.

After discussion, Wally Thomas made a motion, seconded by Orville Sparks, to authorize the purchase of a hand-held cellular phone for \$133 from Cellular One, and keep the bag-phone for the truck if possible. Motion carried.

Bruce Smith made a motion, seconded by Mark Criger, to adjourn. Motion carried; meeting was adjourned at 7:50 P.M.

Respectfully submitted,  
Cheryl L. Brown, City Clerk

APPROVED: 5-14-97

CITY OF OVERBROOK

MINUTES                    REGULAR MEETING OF THE COUNCIL                    MAY 14, 1997

MEMBERS PRESENT:            Mark Criger, Bruce Smith, Wally Thomas,  
                                  Mayor Glyn Day. Orville Sparks and Dale  
                                  Fox absent.

OTHERS PRESENT:            Duane Shively, Ira Allen, Max Friesen, Bob  
                                  Sisson, Ron Dean Jr., Cheryl Brown.

Mayor Day called the meeting to order at 7:30 P.M. The roll was called by the clerk; there was a quorum present.

MINUTES/WARRANTS:        Bruce Smith made a motion, seconded by Mark Criger, to approve the minutes of the April 9 regular meeting as amended. Motion carried. Bruce Smith made a motion, seconded by Mark Criger, to approve the minutes of the special April 18th meeting as written. Motion carried.

Bruce Smith made a motion, seconded by Wally Thomas, to pay all warrants presented. Motion carried.

SALE OF FIREWORKS:        Duane Shively came before the council to get approval and/or permits to be allowed to sell fireworks within the city limits. He told the council that David Sowers and Pat Martin are interested in making this a Boy Scout fund-raiser, and have obtained permission from the Fair board to use the scout building to do so. Chief Dean stated that there is no ordinance against selling fireworks within the city limits. The mayor did read the section of the Criminal Code that prohibits the firing of fireworks before June 27th and after July 5th. Shively was aware of this as that is a state law. There was discussion as to the hours for sales. Shively said that he wasn't sure what plans the scout leaders had for business hours, but assured the council that he was insured. David Sowers indicated that they probably wouldn't be open after 10:30 or 11:00 P.M. Mayor Day asked that they not sell after 10 P.M. except for Friday night.

Shively told the council that he is Class B certified, and he would like to eventually do the city July 4th fireworks at no charge in order to save the city money, and also get personal experience. He also said that the company from which he buys fireworks is the one that does the Royal's Friday night game displays.

Mark Criger made a motion, seconded by Wally Thomas, to allow fireworks sales; waive any permit fees from Triple S Fireworks as the Scouts are doing this as a fund-raiser; require a closing time of 10:00 P.M. except Friday, July 4th when sales can be made until 12 midnight from June 27th through July 5, 1997. Motion carried. The council agreed by concensus to table discussing paying for the fireworks insurance until after Dale Fox and Shively discuss the matter as Shively buys insurance with his fireworks.

STREET CLOSING:            Ira Allen requested that barricades be set up in order to close Santa Fe Trail between Maple and Oak on June 7, 1997

when A.J.'s has their auction. Allen said that sale would probably last from 10 A.M. until at least 5 P.M. or longer. He explained that the barricades would keep people from blocking the emergency vehicles as they are hoping for a large crowd. Bruce Smith made a motion, seconded by Mark Criger, to allow the barricades on June 7th from 8:00 A.M. until 5:00 P.M. or end of sale. Motion carried.

**DRIVEWAY/PARKING:** Rusty Shepard came before the council to ask if anything can be done to prevent people from blocking his driveway at 406 E. Santa Fe Trail during ballgames. Chief Dean said that he can request "No Parking" signs for 90 days without passing an ordinance to make it permanent. Bruce Smith made a motion, seconded by Wally Thomas, to put up "No Parking" signs on the north side of Santa Fe Trail between Ash Street and Jones Park for 90 days. Motion carried. Sisson said that he would check on what signs he has available.

**RE-APPOINTMENT OF CITY OFFICERS:** The following is a list of re-appointments:

Bruce Smith made a motion, seconded by Mark Criger, to reappoint Ron Dean, Jr as Chief of Police. Motion carried.

Wally Thomas made a motion, seconded by Bruce Smith, to reappoint Bob Sisson as Maintenance Superintendent. Motion carried.

Bruce Smith made a motion, seconded by Mark Criger, to reappoint Cheryl Brown as City Clerk. Motion carried.

Wally Thomas made a motion, seconded by Mark Criger, to reappoint Max Friesen as City Treasurer. Motion carried.

Bruce Smith, made a motion, seconded by Wally Thomas, to reappoint Larry Coursen as Municipal Judge. Motion carried.

Mark Criger made a motion, seconded by Bruce Smith, to reappoint Bob Call as Maintenance Assistant. Motion carried.

Mark Criger made a motion, seconded by Bruce Smith, to reappoint Ed Harmison, Billy Warrington, Tim Tillman, Mark Daniels, Everette Danner, Steve Pfannenstiel, and Terry Hollingsworth as Deputy Law Enforcement officers. Motion carried.

**SEWER RATES AND REVENUE:** Mayor Day said that he feels that we are raising enough revenue at this time to pay for routine maintenance and also to pay for improvements at the lagoons without increasing the rates at this time, but will bring the matter up for review later. The mayor said that he and Dale Fox would try to meet with Sisson Saturday morning to make a master plan for line maintenance.

**STATE CHAMP SIGN:** Max Friesen said that Overbrook Pride is waiting to hear from one of the other towns, but he is pretty sure that the PRIDE group is planning to pay for the signs.

**MISC:** Mayor Day said that the matter of changing the quorum from three to four should be tabled until a later time.

**SOLID WASTE PROPOSAL:** The clerk told the council that Brookside Manor had had a slight problem with Midway USA not picking up some of their trash. Davenport, the owner of Midway was under the impression that he could not dump this particular waste at Hamm's landfill, but

has found out since the incident that he can, and the problem seems to be solved at this time. However, the city has received a letter from Midway USA stating that he wants the contract for another year, but would like to have yard waste (grass clippings, leaves, branches and bushes) exempted from routine pick-up in order to keep the rates the same as present. He stated in the letter that the large amount of this type of trash has made it necessary for him to make extra trips. He also has talked to a local person who is interested in picking up waste metal, etc. The clerk said the contract is automatically renewed for another year provided neither party notifies the other by writing 60 days before June 1. Mayor Day asked if Davenport is required to pick up yard waste under the contract. The clerk says he is required to pick up whatever is necessary for the city to comply with our ordinance, but yard waste is not specified as such. Burning yard waste is allowed under city ordinance. The council agreed by consensus to ask Richard Davenport to appear at the June meeting to review this situation.

COUNTY CONNECTING LINKS: Bruce Smith made a motion, seconded by Mark Criger, to accept Osage County's Connecting Links funds of \$332.00 for maintenance of .83 miles (Maple Street). Motion carried.

PENDING ORDINANCES: Mark Criger made a motion, seconded by Bruce Smith, to adopt Ordinance No. 206, which amends Section 640 of Ordinance No. 91 (Criminal Code) to strike the word "dogs" and inserting the word "animals". Motion carried.

Mark Criger made a motion, seconded by Bruce Smith, to adopt Ordinance No. 207, which amends Section III of Ordinance No. 145 to strike the word "dog" and inserting the word "animal". Motion carried.

MISC: The clerk thanked the council and mayor for the basket of flowers in honor of Secretary's Day. She also informed the council that she would be taking vacation the week of June 16th and needs to know what salary to pay Lila Hamit for that time period. Wally Thomas made a motion, seconded by Bruce Smith, to pay Lila Hamit \$6.15 per hour which was her salary at the time of her retirement. Motion carried.

TOURISM REPORT: Carolyn Meerian reported that she had received a preliminary report done by Marcy Penner of the Kansas Sampler for towns in Osage County. The clerk said she would make copies for future reference.

Meerian also requested that the council consider some way to put more teeth into our building permits in relation to time limits to prevent on-going construction with no end in sight. She said that she had brought this up while on the council, and would still like to see something done. After discussion, the council agreed by consensus to have nuisance letters sent to property owners who would fall into this category. The mayor said he would like to research what other towns do concerning building permits.

Max Friesen also asked if the city still has an ordinance requiring non-combustible materials be used in new construction in the business district. The clerk said she would check into the matter.

Meerian also asked if anything can be done to fix Maple Street where the water break occurred by Sixth Street. Several possibilities were discussed, and Sisson said he would see what he could do. Bruce Smith mentioned having the township use the grader to blade the area.

MISC: Bruce Smith made a motion, seconded by Wally Thomas, to recess the meeting for a 5 minute break. Motion carried. Mayor Day called the meeting back to order and thanked the clerk for the explanation letter regarding warrants.

MAINTENANCE REPORT: Bob Sisson reported that the pool is being filled at this time. He also said that the swings at Jones Park need repaired or replaced. Sisson said that Dale Fox had suggested prior to the meeting that we install 3 regular swings and 1 toddler swing. The council agreed by concensus for Sisson to proceed with this.

Sisson reported on hydrant repair and replacement. He put a new one by the Co op station and has one ordered to replace the one by the scales.

He said that he thinks he'll be able to use the fence at the lagoons again, and that he did get a new gate.

Sisson also reported on his plans to cut a trench across the third and last pond to fix the tube at the manhole.

He said he will be doing some more patchwork on streets as soon as he gets more patch material.

The council agreed by concensus to switch to QWAL labs for our monthly sewer testing as they are more accomodating in scheduling the tests.

Sisson said that he still has street and traffic signs to replace, and they haven't taken the commercial driver's license test as yet.

Mayor Day said that a letter needs to be sent to KDHE explaining what improvements have been done at the lagoons.

The mayor said that JoEllen Criger feels the pool will be ready to open on May 25th as planned. Sisson said that the diving board and stand has been ordered, but a decision will have to be made as to where it can be installed after it's delivered.

Mayor Day told the council that he had authorized Sisson to purchase a new pump for the pool as the old one was not able to be repaired.

Mark Criger said the fire department needs to have the fire hydrants tested. It was suggested that the Kansas Rural Water Association be contacted for assistance, and the League asked for requirements regarding this matter.

Bruce Smith asked if the city would consider mowing the fairgrounds in the event the 4-H clubs are unable to do so. The 4-H clubs are doing the mowing in order to raise money for a building fund. Smith said he hasn't talked to the Fair board, but he's concerned that if the volunteers don't show up timely, they'll get behind so that regular mowers can't do the job. The clerk questioned why the Fair board can't pay somebody like Kevin Gloss to mow if this happens. The city pays Gloss to mow the ball diamonds because we don't have the right equipment. The matter was tabled for the present time.

POLICE REPORT: Bruce Smith made a motion, seconded by Wally Thomas, to go into executive session for 20 minutes to discuss matters not related to elected personnel. Motion carried. Mayor Day called the meeting back to order at 9:57 P.M. Chief Dean went over the police report. Dean stated the need for a good 35mm camera for evidence purposes. Bruce Smith made a motion, seconded by Mark Criger, to authorize Dean to buy a 35mm camera described in his report at an estimated cost of \$562.00. Motion carried.

Chief Dean also explained that the 89 patrol car is in need of a paint job, and as it should be usable for another three years, feels that the bid of \$950 from The Refinish Line would be justified. Mark Criger made a motion, seconded by Wally Thomas, to have the 89 Ford patrol car painted for \$950. Motion carried.

Dean also told the council that there is a chance for an officer to go to a FBI sponsored firearms school in Garden City, and recommends that we send Everette Danner. Bruce Smith made a motion, seconded by Mark Criger to send Everette Danner at a cost of \$520 to the firearms school. Motion carried.

Chief Dean has purchased a dremel tool for marking items, and it will be available for public use in the future.

COUNCIL MEMBER COMMENTS: Bruce Smith discussed forming a committee to really look into uses for the Middle School building, including doing a survey such as was done for the pool proposal.

Mark Criger asked about an ordinance to provide guidelines for future rural service connections. The matter was tabled until the June meeting.

MAYOR'S REPORT: The mayor thanked Bob Sisson for his announcing at the recent ball tournament, and reported the tournament was an over-all success.

Mark Criger made a motion, seconded by Bruce Smith, to adjourn. Motion carried; the meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Cheryl Brown, City Clerk

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

6-11-97



such as 40 cents per customer should be considered in order to pay for this service. The clerk reported that some towns withhold a percentage of the revenue from the hauler. Some of the councilmembers stated that requiring every resident to pay more in order for some to have yard waste hauled didn't seem fair. After discussion, the council asked Davenport to come back to the July meeting in order to give the clerk time to check rates in other towns of comparable size. Davenport agreed to come back in July.

**FIREWORKS SALES:** David Sowers came before the council to ask that the council amend the motion approving the sale of fireworks granted in May from Triple S fireworks to Stars n' Stripes, which is to be run by the Boy Scout troop. Bruce Smith made a motion, seconded by Dale Fox, to amend the authorization from Triple S to Stars n' Stripes for the sale of fireworks in Overbrook. Motion carried.

**MISC:** The matter of adopting an ordinance to regulate providing water service to rural customers was tabled until a later meeting when Mark Criger is present.

After discussing building permit fees and time limits used in other Osage County towns, the council agreed by concensus to leave the fee at \$10.00 with a one year time limit. Mayor Day said that Chief Dean should make some inquiries regarding the nuisance ordinance.

Bob Sisson was told to meet with Ed Harmison to find out exactly is needed by the fire department in regards to testing fire hydrants, and to try and schedule this testing in the fall.

**TREASURER'S REPORT:** Max Friesen said the funds appear to be in good shape, and we should be receiving the second-half tax payment sometime in July.

He also said that the PRIDE committee is wanting to block part of Cedar Street for a street dance on Santa Fe Trail Day in September. Mayor Day said he would talk to some of the residents on Cedar between Fifth and Sixth Streets. The possibility of blocking off Fifth between Ash and Cedar was discussed. Friesen said he would pass this information on to the PRIDE officers.

**QUORUM CHANGE:** Mayor Day brought up the matter of changing the required number of council members to conduct business from three to four. His purpose for doing this is to make it possible for two members to discuss city business outside of meetings without being in violation of the Kansas Open Meetings Act. The matter was tabled.

**MAINTENANCE REPORT:** Bob Sisson reported that new swing seats have been installed at Jones Park, including one for toddlers.

Sisson said that the concrete work needed to install the new diving board and stand is scheduled for Monday, the 16th. Dale Fox said he would be available to check out what's being done.

Sisson also presented the council with a report on progress at the lagoons, and asked for guidance on how much money is available for rip rapping.

He reported that he had to order a new meter for the pumphouse, and today the chlorine pump went out.

Sisson said that he will be doing some more street repairs, and needs to know exactly how much re-sealing the council wants done, and also said that he'd like to have Surrey Lane really fixed this year. Dale Fox and Sisson agreed to look over the streets to determine which ones really need re-sealed this year. Gary Wacker of High Plains will let us know what the cost will be after we tell him what needs done.

Mayor Day asked about getting street signs up at all intersections, and also Sisson and Call taking the Commercial Driver's License test as soon as possible.

MISC: The clerk gave each member a copy of current board and commission members for their information. Dale Fox, made a motion, seconded by Bruce Smith to reappoint Jack Young and Joyce Dillon to the Board of Zoning Appeals for another term to end in 2001. Motion carried.

She said that the Overbrook Athletic Association sent a thank you card to the city for all the support.

The clerk informed the council that a hearing to consider changing the zoning at Ron Zeckser's is scheduled for June 18th, and encouraged them to attend if at all possible.

Brown asked permission to have Lila Hamit work for her on July 15th so she could attend a Kansas Rural Water seminar in Lawrence. The council agreed by concensus.

She also said the city has received some information on bicycling in Kansas and is available to the public.

BUDGET PREP: The clerk asked if Bogner & Long could do the 1998 budget preparation. Bruce Smith made a motion, seconded by Orville Sparks, to hire Bogner & Long to prepare the 1998 budget for \$500. Motion carried.

FIRE DEPT KEY: The clerk reported that the city no longer has a key to the fire department as they have changed the lock. She was denied a key by Ed Harmison, so at this time we have no access to the two water meters inside the building or to the hose used to water flowers. Harmison told her that they would install an outside line so that flowers can be watered, but that hasn't been done as yet. Mayor Day said that if we don't have a key, they will have to have the meters re-located at their expense, or be willing to open the door when meters need to be read and flowers need watered. Dale Fox said he would talk to Ed Harmison about the situation.

SALARY REVIEW: Bruce Smith made a motion, seconded by Orville Sparks, to go into executive session for 15 minutes to discuss salaries of non-elected personnel. Motion carried. Mayor Day called the meeting back to order at 9:30 P.M. Dale Fox moved and Bruce Smith seconded to recess until 9:50 P.M. Motion carried. The mayor called the meeting back to order at 9:44 P.M. He stated that each employee was considered on an individual basis. Dale Fox made a motion, seconded by Orville Sparks, to grant the following raises:

Cheryl Brown	92 cents per hour	9.00
Bob Call	75 cents per hour	7.75
Bob Sisson	35 cents per hour	11.35

Ron Dean, Jr.	35 cents per hour	11.35
Larry Coursen	\$20 per month	\$250
Syndia Coursen	\$5 per month	\$35
Ed Harmison	30 cents per hour	9.30
Billy Warrington	29 cents per hour	9.00
Temp Law Enforcement	24 cents per hour	7.00

Motion carried. The mayor explained that Sisson and Dean's salaries had been reviewed and raised in 1996. He had checked into salaries of city clerks and assistant maintenance personnel and feels these amounts are more in line with other comparable sized towns.

MISC: Mayor Day told the council that they need to consider any special needs before the 1998 budget is prepared. He encouraged the employees to come up with a 2-3 year growth plan at the same time.

COUNCILMEMBER COMMENTS: Bruce Smith reported no progress has been made on forming a committee to study the feasibility of maintaining the middle school building.

Dale Fox said that he's ordered the fireworks for this year, and is making the rounds asking for donations. He also apologized for never reimbursing the city for last year's expenses, and reassured the council that it will be done soon. He also thanked the council and staff for the balloon-a-gram that was sent after his injury last month.

Wally Thomas asked what the regulations are concerning someone living in a 5th-wheel camper in a residential district. The clerk said she would look into the ordinances.

Orville Sparks reported that Mark Daniels would like any old fire hydrants and/or parts the city no longer needs.

He also said that he had received a complaint from Ken Dale about someone burning hazardous materials, and he wasn't pleased with the way Chief Dean handled the matter. Mayor Day said he talked to Chief Dean, and that he would talk to Dean and Mark Criger again.

MAYOR'S REPORT: Mayor Day said that there will be a seminar in Topeka relating to Open Meetings Act. The clerk said she has the latest edition of the law published by the League, but she would check with Lila Hamit about coverage for that day. The mayor said that any council member interested should let the clerk know as soon as possible.

Dale Fox made a motion, seconded by Bruce Smith, to adjourn. Motion carried; meeting was adjourned at 10:18 P.M.

Respectfully submitted,

Cheryl L. Brown  
Clerk

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

7-9-97

CITY OF OVERBROOK

MINUTES SPECIAL MEETING OF THE COUNCIL JUNE 28, 1997

MEMBERS PRESENT: Wally Thomas, Bruce Smith, Orville Sparks, Dale Fox, Mayor Glyn Day. Mark Criger absent.

OTHERS PRESENT: Ken & Sheila Dale, Ron & Cindy Zeckser, John Davis, Carol Patrick, Larry Coffman, Becky Saueressig, Cheryl Brown.

Mayor Day called the special meeting to order at 9:00 A.M. The clerk called the roll; there was a quorum present.

The mayor explained that the meeting was called to consider the recommendation of the Planning Commission regarding the Zeckser's property at 607 Cedar. Ron Zeckser had requested a hearing to change his property's zoning from residential to commercial in order to operate his wood-working business from a new building at that location. The commission has recommended that Zeckser be issued a conditional use permit rather than change the zoning to Commercial. This would mean that the zoning would revert to residential should the property change hands for any reason. Several neighbors were present to voice their opinion. The Dale's opposed the zoning change as they didn't think any business should be in a residential district because of health and fire hazard potential. Carol Patrick, the closest neighbor present at the meeting, stated that she had never had any health problems before as a result of Zeckser's woodworking, and didn't expect any in the future.

After careful consideration, Dale Fox made a motion, seconded by Bruce Smith, to issue a conditional use zoning permit to Zeckser as recommended by the Planning Commission. Motion carried.

Dale Fox made a motion, seconded by Orville Sparks, to adjourn the meeting. Motion carried; meeting was adjourned at 9:50 A.M.

Respectfully submitted,

Cheryl L. Brown, City Clerk

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

MEMBERS PRESENT: Dale Fox, Bruce Smith, Wally Thomas, Mark Criger, Mayor Glyn Day. Orville Sparks absent.

OTHERS PRESENT: Jim Long, Richard & Rhonda Davenport, Scott Averill, Max Friesen, Ron Dean Jr, Bob Sisson, Cheryl Brown.

The July council meeting was called to order by Mayor Day. After the roll was called by the clerk, the mayor began the meeting with prayer.

MINUTES: Bruce Smith made a motion, seconded by Dale Fox, to approve the minutes of the regular June council meeting as written. Motion carried.

WARRANTS: The mayor asked Chief Dean if the paint job on the 89 Ford patrolcar was done to his satisfaction. Dean said it was. Bruce Smith made a motion, seconded by Mark Criger, to pay all warrants presented. Motion carried.

CMB LICENSE APPLICATION: Conrad Boos came before the council to report that he and his wife, Mary, have purchased Topping's, including Jim Henry's Bar & Grill, and are planning to open as soon as possible. Mark Criger made a motion, seconded by Dale Fox, to approve the sale of cereal malt beverages for consumption on the premises, and package carry-out for Conrad Boos. Motion carried.

ALCOHOLIC LIQUOR LICENSE: Bruce Smith, made a motion, seconded by Dale Fox, to approve the renewal of the city alcoholic liquor license for Three Sons, Inc. dba the Palladium. Motion carried.

SOLID WASTE CONTRACT CHANGES: Richard Davenport came before the council to continue the discussion of either charging more per resident or eliminating yard waste from routine solid waste pick up. Davenport is asking for a 6% rate increase if he is to continue picking up grass, leaves, etc. which would be an increase of 54 cents for households and \$2.54 for the smallest container offered. Davenport estimated that there are 25-30 houses mostly on the west side that put out large amounts of yard waste. His preference would be to stop picking up yard waste, and leaving the rate as is. The ordinance does permit the burning of yard waste by residents, or it can be taken to the area on the east edge of Jones Park for the city to burn when possible. Bob Sisson said that this area is checked to make sure no one dumps anything other than yard waste. Mayor Day brought up the possibility of adding a small surcharge to the solid waste fee to compensate for the billing and handling of the service for the residents and businesses. He suggested a fee of 40 cents per month be included in amending the trash ordinance. The mayor said that this figure is based on the clerk's salary, the time

spent on billing and questions, and the number of services billed. Dale Fox stated that any additional increase to a business could be recovered in what they charge for their products, whereas a resident wouldn't be able to do so. The mayor responded that the bookkeeping is the same for everyone, and he would like to see any money saved by adding the fee go towards other improvements for the city. Bruce Smith suggested that since this is something new, maybe it would be better to start with a smaller fee and evaluate after six months or so. After this discussion, Dale Fox made a motion, seconded by Bruce Smith, to amend Ordinance No. 87 to exclude yard waste, including but not limited to grass clippings, leaves, limbs and bushes, and agricultural vegetation from required routine household waste pick-up. Motion carried. Davenport was satisfied with this action, even though the ordinance won't be in effect until after the August meeting and publication requirements have been met. Davenport also wanted the council to know that he has released Brookside Manor from the city's contract due to differences of opinion regarding handling "medical waste".

1996 AUDIT REPORT: Jim Long of Bogner & Long came before the Council to go over the audit of the city's and library's financial statements for 1996. After discussing the report by funds, Long reported that it was a clean audit, other than a couple of budget violations created by transferring expenses from one fund to another. Long did state that he was concerned that the cash reserves overall are lower than what he would like, as there could be a problem if some kind of emergency developed. Bruce Smith made a motion, seconded by Dale Fox, to accept the audit of the financial statements of the City of Overbrook for 1996 as prepared by Bogner & Long. Motion carried.

1998 BUDGET PREP: Jim Long briefly discussed his preliminary figures for the 98 budget. He stated that there was about a 5% increase of tax valuation for the city, so as a result the actual tax mil levy has been decreased. Long mentioned that even though the library bond will be paid as of December, 1997 the 1998 budget should include any potential monies left in the fund so it can be transferred to the general fund and spent. The tax rate for 1997 was 27.311 mills, and the estimated tax rate for 1998 is 24.53 mills--a decrease of 10%. Long pointed out that the mills levied are the maximum amount allowed by the tax lid law, and the only way to levy more taxes is to opt out from the lid. There was discussion as to opting out from the lid, or issuing no-fund warrants in case of emergency. The council agreed by consensus to schedule the 1998 budget hearing for 8 P.M. August 13th.

ENNIS ASSOCIATION: Scott Averill was present to give a progress report. Mike Musick has built the pad, and the next step is compacting, with asphaltting to follow. Averill said they do not have a specific opening date at this time.

MISC: Averill told the council that he is interested in building a house on the end of W. Market Street. An architect has told them that this particular piece of ground would be difficult to access because of the street ending there. Averill asked the council to consider extending Market St. another 50 feet west to give them access. The council explained that if the city puts in a street, the landowners would have a special assessment placed on the tax rolls. After more discussion, the council suggested that Averill ask B.E. O'Bryhim to sell 30-50' more property or grant an easement to allow access to Averill's ground.

STREET BLOCKING: Max Friesen said that the PRIDE committee would still like Cedar St. blocked between Fifth & Sixth streets even if Fifth St is closed between Ash and Cedar streets. The matter was tabled until some of the neighbors are contacted.

QUORUM REQUIREMENTS: The matter of changing the quorum from three members to four members was tabled indefinitely.

STREET RE-SEALING: Hi-Plains has submitted a bid of 80 cents per square yard for sealing streets. Sisson said he had contacted two other places and they did not seem interested in doing the work. Dale Fox suggested doing Surrey Lane and a small area besides, and consider issuing bonds in 98 to do more extensive maintenance. Bruce Smith made a motion, seconded by Wally Thomas, to contract Hi-Plains Sand to recycle, prime and double seal Surrey Lane, and single seal other streets that Bob Sisson designates necessary until \$23,000.00 has been spent. Motion carried.

ACCESS TO FIRE DEPT: The clerk reported that an outside water line has yet to be run at the fire station to allow her to water the flowers that were donated by Overbrook Floral. The mayor explained the situation to Criger who was absent during the June meeting. The problem is not only access to the faucet for watering, but the water meters for the fire dept. and city hall are located inside the fire station. The council agreed by concensus that one of the volunteers be contacted whenever the meters need to be read, or the flowers need watered.

CAMPER-PARKING REGULATIONS: Wally Thomas reported that the camper that prompted the concerns mentioned at the last meeting was no longer parked in a residential district. The clerk was told to check into what the League might have for this situation.

DRAINAGE PROBLEM: Bruce Smith reported that the storm drain by the Coop needs to be cleaned and maybe replaced to eliminate water backing up at the manhole. Sisson said he would check into the matter.

HAZARDOUS MATERIALS: Mark Criger said that the recent trainwreck in Rossville had caused some concern regarding the Co-op anhydrous ammonia tanks and the Heetco propane tanks. Discussion followed

about ways to encourage these businesses to move these materials out of town. The council agreed that having Terry Hollingsworth, who is head of Emergency Preparedness, talk to these businesses would be a good way to begin the process. The clerk was requested to check on possible legislation that would cover this matter.

**TREASURER'S REPORT:** Max Friesen confirmed that he was also concerned about the fund balances being low, and even though the city will receive another tax deposit this month, spending should be limited as much as possible.

**CLERK'S REPORT:** Cheryl Brown reported that due to increased ticket writing by the police department, she has been deluged with phone calls and personal visits by people wanting information regarding the court and making complaints about how or why the tickets were issued. The only thing she can do since she is not involved with the court is give them phone numbers for the judge, court clerk, city attorney, or police department. She said she will take fine payments if the person knows the amount to be paid, but has no way to access court records to determine amounts owed. The council agreed that the city clerk needs only to give phone numbers and court dates, and tell them politely that this is all the help she is able to give.

**MAINTENANCE REPORT:** Bob Sisson reported that Patchens had worked on No. 2 well, replacing the pipe and installing a new check valve. The pump checked out okay.

Sisson said that the new stand and board has been installed at the pool.

He also reported that the parts have come in to repair the fire hydrant by Co-op, and that should be taken care of soon. Then the one by Heetco will be fixed.

Sisson said he hadn't talked with Ed Harmison regarding testing fire hydrants as yet.

He also said extra testing had been done on the water due to a high bacteria count, but hasn't gotten any results. The chlorine levels have been satisfactory.

Mayor Day asked if Sisson was still getting reports of rusty water from Day's neighborhood, and Sisson said he hadn't but since this was his first day back from vacation he would check with Bob Call. Chief Dean said he saw someone flushing a fire hydrant by the Christian Church on Sunday, and the water was pretty rusty. Bruce Smith stated that private citizens are not to be doing the flushing, and that we have no way of knowing about the water if people don't report it. Sisson said that he tries to flush hydrants once a month.

**POLICE REPORT:** Ed Harmison reported that the AMR ambulance workers may go on strike as the contract is up July 14th. The company is bringing in extra people, but there will be only one ambulance in the county. They are wanting our first responders to contract for the whole county, but Harmison said that they would only take on our

district, and he is checking into getting licensed to do so. There is a possibility that they may try to get licensed even if the strike does not take place. Having someone available for 24 hour coverage may be a problem. Harmison told the mayor he would be contacted if the strike happens.

Chief Dean reviewed his report with the council. He also said he had been contacted by a person from the YWCA about setting up an office in the library for the Battered Women Task Force. Dean is in favor of doing this. There are packets available through the police department.

Mayor Day asked that the meeting be recessed. Bruce Smith made a motion, seconded by Mark Criger, to go into executive session for 15 minutes to discuss matters related to non-elected personnel. Motion carried; meeting recessed at 10:13 P.M.

The mayor called the meeting back into open session at 10:27 P.M. No action was taken.

COUNCIL COMMENTS: Bruce Smith reported that the committee dealing with acquiring the middle school building is at a standstill, and will meet after the July 14th school board meeting. Mike Fawl told him that there is an individual who's interested in buying the building, but may only use the north part. Plans to use it as a bed & breakfast, or multi-family housing are possible. Mayor Day said that either use would require zoning changes.

Mark Criger ~~stated~~<sup>week</sup> stated that the pool is running, but we're spending about \$100 a ~~day~~<sup>week</sup> for chemicals. The new pump is working very well. The pool committee is scheduled to meet in August.

MAYOR'S REPORT: Mayor Day said that legislation regarding smoking in public buildings had been brought to his attention by an employee of the Osage County Health Department. Following discussion, the council agreed by concensus to post signs designating "No Smoking" for the city building. Chief Dean stated that there is a ventilation fan in the bathroom.

The mayor asked the council to consider charging a fee for processing solid waste fees. Bruce Smith made a motion, seconded by Dale Fox, to charge \$0.24 per solid waste service to offset bookkeeping costs. Motion carried. This will go into effect following publication of the ordinance passage in August.

Dale Fox made a motion, seconded by Wally Thomas, to adjourn the meeting. Motion carried; meeting was adjourned at 10:40 P.M.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

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

MEMBERS PRESENT: Mark Criger, Orville Sparks, Bruce Smith, Dale Fox, Wally Thomas, Mayor Glyn Day.

OTHERS PRESENT: Bob Sisson, Max Friesen, Ron Dean Jr, Carolyn Meerian, Larry Wray, Mike Fawl, Cheryl Brown.

The meeting was called to order by Mayor Day. The clerk called the roll; there was a quorum present. The meeting was started with Mayor Day offering a brief prayer.

MINUTES/WARRANTS: Bruce Smith made a motion, seconded by Dale Fox, to approve the minutes of the June 28, 1997 special meeting as written. Motion carried.

Mark Criger made a motion, seconded by Bruce Smith, to approve the minutes of the regular July meeting as written. Motion carried.

Bruce Smith made a motion, seconded by Orville Sparks, to pay all warrants presented. Motion carried.

POLICE REPORT: Chief Ron Dean presented his report for council review and questions. He said that he has made some cut-backs ~~in his budget and training time~~ in order to stay within the budget. Chief Dean also said that he is trying to have people talk to either himself or Judge Coursen about matters related to court time, fines, and diversions rather than the city attorney in order to decrease attorney expenses. One thing Dean would recommend doing is increasing the court costs from the current amount of \$6.50. He told the council that the average court cost in Osage County is around \$31.00. This would be a way to reduce the amount used for judge and court clerk salaries currently taken from the general fund. Chief Dean explained that this is the judge's decision, but would like the council to request that this be considered by Judge Coursen. After discussion, the council asked Dean to get more exact information about other town's court costs and our expenses in order to make a presentation to the judge.

Chief Dean also informed the council that he is working on applying for another equipment grant, and one of the main things to be purchased is updated radio equipment for the patrolcars. The grant would be awarded around the beginning of 1998 if we qualify.

BUILDING PERMITS/CODES: Carolyn Meerian came before the council to discuss the current time limits and fees required by our zoning ordinance. She read in the published minutes where the council had agreed to leave the ordinance as is, and wanted the council to tell her what she is supposed to tell her customers when they ask why Overbrook has no regulations pertaining to houses being finished in regards to building and/or remodeling. The clerk reported that Chief Dean had contacted the owner of the house in question in regards to things in the yard. The council told Meerian that the city has no rules about how a person finishes a house regarding siding or

painting, etc. Meerian admitted that while little may be done in this particular case, changing the current ordinance might be of help in the future. The council thanked Meerian for coming, and told her that they would take this under consideration.

1998 BUDGET HEARING: Mayor Day called the 1998 Budget Hearing to order at 8:00 P.M. Max Friesen said the proposed budget prepared by Bogner & Long appeared to be satisfactory. Bruce Smith asked what happens to the tax levy when the library bond is paid in December, 1997 and the sewer bond is paid off in 1998. The clerk said that another bond would have to be issued to collect this same tax, but she will check with the auditor about a way to keep the levy for other purposes. Dale Fox made a motion, seconded by Mark Criger, to adopt the proposed 1998 budget as prepared. Motion carried.

ORDINANCES: Orville Sparks made a motion, seconded by Bruce Smith, to adopt Ordinance No. 208 which would amend Ordinance No. 87 to eliminate yard waste from routine household waste, and would establish a \$.24 per service processing fee for solid waste. Motion carried.

Bruce Smith made a motion, seconded by Dale Fox, to adopt Ordinance No. 209 which adopts the state Traffic Ordinance. Motion carried.

Wally Thomas made a motion, seconded by Dale Fox, to adopt Ordinance No. 210 which adopts by reference the state Uniform Public Offense ordinance. Motion carried.

STREET CLOSING: Max Friesen reported that the PRIDE committee would still like to have Cedar Street closed between Fifth and Sixth Streets for a street dance on Santa Fe Trail Day September 20th. The exact times will be decided at the September 10th meeting.

CMB LICENSE: Dale Fox made a motion, seconded by Orville Sparks, to approve the Cereal Malt Beverage license for Bruce Sisson, dba Reunion Pizza. Motion carried. The clerk explained that Sisson has been running the business for the owners, but wants everything in his name as of September 1, 1997.

MAINTENANCE REPORT: Bob Sisson reported that the west water tower has been repainted on the outside, and the inside will be painted in 2 or 3 weeks.

Hi-Plains Sand is in town resealing the pre-determined streets, and re-working Surrey Lane.

Sisson said the city wells are doing very well, and he hasn't been using very much rural water up to this point.

He also said that there shouldn't be a need for Gloss to mow Jones Park much longer other than for the Labor Day tournament.

Sisson said the paint for crosswalks has come in, and he will be getting the flashing lights going before school starts.

The pool will be closing Sunday August 24th. Criger asked that the walkway by Casey's be mowed and trimmed. Sisson said that the police department will need to notify a number of people regarding

tree-trimming before the buses start running.

Sisson said that he is going to number all the hydrants and valves so that the dates for routine maintenance can be recorded.

Mayor Day congratulated Bob on his becoming a first-time grandfather.

CLERK'S REPORT: Cheryl Brown wanted to commend the Osage County Economic Development on the paper they published, and said she hopes it can be put out more often.

COUNCILMEMBER COMMENTS: Bruce Smith said that Larry Wray is still pursuing purchasing the middle school building, so the committee is on hold for the time being. Wray is interested in working with the community concerning using parts of the building. The clerk said she had informed Wray that his renting parts of the building constitutes a business, and the property will have to be re-zoned. Mayor Day expressed concern about what the city's options would be if Wray defaults for any reason.

Mark Criger said the pool will be closing August 24th. He said the attendance has been down lately due to cool weather. Smith asked if a head-count is kept for comparison purposes, and Criger said he didn't think so.

Criger also brought up passing an ordinance regulating rural water services. After discussion, Mark Criger made a motion, seconded by Orville Sparks, to amend the existing water service ordinance to include guidelines for rural service. Motion carried. Dale Fox suggested that recommendations for the guidelines be presented at the next meeting.

Mark Criger also inquired about long-range plans for sewer and street maintenance. He said we did have one for streets where certain sections were resealed each year, but that has come to a stop. Dale Fox said that due to less money, the amount of streets sealed each year has had to be reduced. Criger said that we should still have a plan regardless of economics even if it means raising taxes or the streets will go bad. Bruce Smith pointed out that doing extra work on parts of Ash Street and Surrey Lane leaves less money to reseat other streets.

Sisson said that he has had certain sewer lines cleaned, and others are scheduled for the end of August or early September. He was asked to report how many feet of line has been maintained this year at the next meeting.

Criger said that financing these projects should be considered rather than just depending on what we get from the state Special Highway funds.

Mayor Day asked Sisson to research when each street has been resealed.

Orville Sparks commented that he is concerned that too many things are tabled that could be acted upon at the meeting in which they're presented.

MIDDLE SCHOOL BUILDING: Larry Wray introduced himself as the potential buyer of the middle school building. He stated that his

family is planning on living in part of the building, and he is interested in letting groups rent other parts of the structure. The council thanked Wray for coming, and asked that they be kept informed of any developments. Mike Fawl said that the school will be using the gym for wrestling for one more year at least.

TREASURER'S REPORT: Max Friesen said that the funds look to be satisfactory.

Dale Fox made a motion, seconded by Mark Criger, to adjourn. Motion carried. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: 9-10-97

MEMBERS PRESENT: Bruce Smith, Mark Criger, Wally Thomas, Dale Fox, Mayor Glyn Day. Orville Sparks absent.

OTHERS PRESENT: Jack Young, Morris Wilson, Larry Coursen, Ed Harmison, Max Friesen, Bob Sisson, Ron Dean Jr, Cheryl Brown.

Mayor Day called the September meeting to order at 7:30 P.M. The clerk called the roll; there was a quorum present. The mayor opened the meeting with prayer.

MINUTES: Mark Criger made a motion, seconded by Bruce Smith, to approve the minutes of the regular August meeting with changes in the wording of the police report. Motion carried.

Mark Criger made a motion, seconded by Wally Thomas, to pay all warrants presented. Motion carried.

GAME MACHINE LICENSE: Mark Criger made a motion, seconded by Dale Fox to approve a game machine license for Conrad's Bar and Grill. Motion carried.

RURAL WATER SERVICE GUIDELINES: Mark Criger suggested that the council continue the policy of reviewing each rural water service request on an individual basis, but using the same guidelines for all decisions. After considerable discussion, Dale Fox made a motion, seconded by Mark Criger, to write an ordinance to amend Ordinance No. 97 (water service) to do the following:

- a. Set the price of the meter equal to the current price asked by Osage Rural Water District No. 5.
- b. Establish requirements for the placement of the meter.
- c. Limit the service to a single-family residence, unless exception granted by council.
- d. Set the rates to be equal to rates charged to city residents.
- e. Require the consumer to obtain any easements necessary.

Motion carried. The clerk will have the ordinance prepared for the October meeting.

UNSAFE STRUCTURE: Ed Harmison came before the council stating that he had been asked to inspect the residence at 406 Sycamore in his capacity as fire chief. Harmison reported that there are weeds and vegetation exceeding the allowed height on the premises which could present a fire hazard this time of year. He also said there is a storm cellar in the back of the property, and the cover does not set squarely on the cellar which could be a safety hazard. Harmison said that if at the present time there would be a fire at this location, he would not allow firefighters inside the structure. He also said that there is a potential fire hazard to neighbors under certain circumstances, and there is evidence that animals have been in the structure. Morris Wilson told the council that a daughter of the

owner has paid the property taxes for 1997, and has power-of-attorney. Wilson also stated that he and several others have contacted this person with offers to buy the property.

Mayor Day said that the city would look into the matter. The council agreed by concensus to have Chief Dean inspect the property and report as to violations of the nuisance ordinance, and notify the daughter of his findings.

**COURT COSTS:** Chief Dean reported that he and Judge Coursen agreed to increase the speeding fine to \$4.00/mile over the limit from \$3.00/mile over the limit. The chief feels that this will offset the need to increase the court costs.

**ANIMAL CONTROL COVERAGE:** Mayor Day recommended that the council consider a policy for housing impounded animals when there is no one available to haul them to Carbondale. Getting permission from the Fairboard to use one of their buildings was discussed, but dismissed after the possibility of impounding diseased animals was considered. Mark Criger made a motion, seconded by Bruce Smith, to authorize Bob Sisson to purchase a portable pen to be located by the maintenance shed. Motion carried.

**STREET DANCE:** Mark Criger made a motion, seconded by Dale Fox, to close Cedar Street between Fifth and Sixth Streets from 6 PM to 12 Midnight on September 20th to accommodate the Santa Fe Trail Days street dance. Motion carried.

**MAINTENANCE REPORT:** Bob Sisson presented the council with maps showing what streets have been resealed since 1994. He reported that he and either Dale Fox or Bruce Smith inspect which streets need resealed, and those are the ones done as long as the money available lasts. Extra work on Ash Street and Surrey Lane this year and last year resulted in fewer streets being re-sealed. Sisson said that unless something happens, at least half the streets will be done in 1998. Criger said that more ways to finance keeping the streets in good condition may have to be considered in the future. The clerk explained that under the current tax lid, the city is levying the maximum amount of mills. Each year the mills may be shifted from one fund to another, and the revenue may be more than the current year if the property valuation increases, but there are no guarantees of that.

Sisson said that since the trash hauler is no longer required to pick up yard and garden waste, he's found trash bags and miscellaneous objects. He also said several people stated that they would rather have paid more for trash pick-up. The council agreed by concensus that people who violate the rules may cause everyone to be denied hauling yard waste to the designated area in Jones Park. Chief Dean was told to watch for and ticket anyone illegally dumping waste.

Sisson also presented the council with a drawing showing what sewer lines have been cleaned or replaced in the last two years, and also which ones he has marked to be cleaned this fall. After

discussing what is charged for the line-cleaning, Sisson was told to check into prices for a jet-stream cleaner. He said the one Osage City recently bought cost about \$14,000.00.

Sisson said that the west water tower has had it's yearly maintenance. Some rust was found on the top, and they will be back to fix that in the spring. He also said that other than a couple of water breaks, everything seems to be okay.

Bruce Smith asked about progress at the storm drain by Co-op. Sisson said that area is on the list to be cleaned later this month.

**TREASURER'S REPORT:** Max Friesen expressed concern about the negative balances in some of the funds. The clerk explained that the police, recreation, street maintenance, and pool funds had more expenditures this month than revenue and hopefully the tax levy deposit later this month will balance these funds. The other alternative is to transfer funds from the general fund.

Friesen also mentioned the possibility of sharing heavy equipment with other towns rather than paying out so much, such as for street resealing. Mayor Day said that this might be worth exploring.

**POLICE REPORT:** Chief Dean recommended that software for the municipal clerk be purchased with law grant money, if approved, and also due to the increase in warrants Dean suggested raising the clerk's salary from \$35 to \$50 per month. Dean said she is having to put in more hours for all the paper work--probably three times more than a year ago. Dale Fox made a motion, seconded by Bruce Smith, to increase the municipal court clerk to \$50 per month. Motion carried. Chief Dean briefly explained his monthly report.

Dean told the council that he would like to apply for another law equipment grant in the amount of \$10,000.00. The terms are the same as last year--\$9000 from federal monies and \$1000 from the city. He would use the money to replace his desktop computer in order to use new software, a laptop computer, radios for the patrolcars, a camcorder for court videos, and a new fingerprint kit. If and when the grant is awarded, the current police computer could replace one of the units in City Hall as those computers were purchased in 1990 and 1993 and have never been upgraded. Dean said he would like to lease the laptop unit right away which would make approximately \$3400 of the grant money available to purchase law enforcement software, blood alcohol breath testers, and new uniforms. The lease would be funded by regular funds over a two-year period. The mayor asked Dean if he had considered what he would be eliminating from his budget to cover the \$150 monthly lease payment. Dean said he had taken this

to consideration and felt the benefits of the unit would make up for whatever adjustments he made. Dale Fox asked what the laptop would be used for, and Dean said the laptop could be used for reports while parked in a visible location. He also said the computer is used for documents, report forms, and correspondence. Dean also said that he could do alot more if he was online with other agencies. Mark Criger asked if it would be more beneficial to go online rather than lease the laptop. Dean said that he would prefer getting the

laptop, and keeping the current desktop if necessary. Dean said that if he has to choose between a new desktop and the laptop, he would choose the laptop in order to buy new uniforms for his officers. Dean said he should know whether or not we get the grant sometime in October. The council agreed by concensus that leasing any equipment at this time would not be feasible. Dale Fox made a motion, seconded by Mark Criger, to approve applying for the grant which would require \$1,000.00 from the city. Motion carried.

Chief Dean showed drawings of a police station to be built if and when grant monies should become available.

CLERK'S REPORT: The clerk pointed out that cities are being encouraged to submit pictures for the cover of the League's Government Journal and to think about something in our area that would qualify.

The council agreed by concensus to nominate Dale Fox and Glyn Day as alternate to vote on League of Municipalities business when necessary.

She reported that she's been having problems with the utility calling software, and that Data Tech is sending new program diskettes to be installed before the end of the month.

The clerk said she had been told by Jim Long, an accountant with Bogner & Long, that funds to create "capital outlay" or "slush" funds must be supplied by revenues, and not by levied taxes. Since our only revenue-producing fund is water/sewer, raising those rates is one way to create a reserve or special project fund. Long did say that another way would be to opt out from under the tax lid with a definite objective to levy the same mills as are now levied for the library and 1988 sewer project. The library bond will be paid in December, 1997 and the sewer bond in December, 1998. This would extend the current levy, for taxpayers, but would not cause any additional levy. Long feels that people would be more agreeable to opting out from under the tax lid if they know exactly why it's being done, and for what reasons. The process takes 3 to 4 months as it involves passing a charter ordinance which is a lengthy process. The council agreed that this is something to be considered and acted upon before May, 1998 in order to be in the 1999 budget.

The clerk asked to go into executive session for five minutes. Bruce Smith made a motion, seconded by Mark Criger, to go into executive session for five minutes to discuss non-elected personnel matters. Motion carried; meeting was recessed. Mayor Day called the meeting back to order. Bruce Smith made a motion, seconded by Dale Fox, to authorize hiring a part-time person to fill in for the clerk as needed at a salary of \$6.15/hr. Motion carried.

COUNCILMEMBER COMMENTS: Bruce Smith asked about the status of the pool. Bob Sisson said it's pumped down and will be winterized soon.

Mark Criger presented a pool report by JoEllen Criger.

MAYOR'S REPORT: Mayor Day asked Chief Dean if there is a problem with an on-duty officer handling animal control calls when Bob Call can't be reached. Dean said he would prefer not hauling animals in

the patrol cars. Bruce Smith said that people have to understand that the city does not have 24-hour/day, 7 day-a-week animal control coverage. The council agreed that having a pen for temporary holding should help.

The mayor reported that Albert Rooks and Dale Bloom have been working on ways to obtain funds for a community building to be located on the fairgrounds.

Mark Criger made a motion, seconded by Bruce Smith, to adjourn. Motion carried; the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: 10-8-97

MEMBERS PRESENT: Dale Fox, Mark Criger, Bruce Smith, Wally Thomas, Orville Sparks. Mayor Glyn Day absent.

OTHERS PRESENT: Lois Harris, Max Friesen, Bob Sisson, Mary Snell, Cheryl Brown. Ron Dean, Jr. arrived late.

Dale Fox, president of the council, called the October meeting to order in Mayor Day's absence at 7:30 P.M. The roll was called by the clerk; there was a quorum present.

MINUTES/WARRANTS: Bruce Smith made a motion, seconded by Mark Criger, to approve the minutes of the September council meeting as written. Motion carried.

Dale Fox and Bruce Smith questioned paying an outside contractor to haul rock when the city has a dump truck and two full-time workers. Bob Sisson explained that alot of rock was needed for a couple of projects in a short time frame, and it would have taken about 10 trips with the city dump truck compared to one or two trips by using Musick's. The council agreed by concensus that the city truck should be used to haul rock whenever possible, and that Sisson and Call should get their commercial driver's licenses as soon as possible. It was also agreed that the city would pay for any license fees. Bruce Smith made a motion, seconded by Orville Sparks, to pay all warrants presented. Motion carried.

BICYCLE TRAFFIC-BUSINESS DISTRICT: Mark Criger told the council that Chief Ron Dean had told him about an incident involving a little girl riding a bike on the street and a motorist backing out from the curb in the 300 block of Maple. In addition to this, several business owners have expressed concern regarding the possibility of customers being struck by children riding bikes on the sidewalks as the customers are coming out of buildings. Bruce Smith said there have been problems because of kids riding bikes around the Senior Citizen apartments. The council agreed by concensus to have Dean research an ordinance regulating bicycle traffic in the business district and other areas if necessary, but especially the 200 and 300 blocks of Maple.

ORDINANCE FOR RURAL WATER SERVICE: The council discussed the proposed ordinance prepared by the clerk. Mark Criger made a motion, seconded by Bruce Smith, to adopt Ordinance No. 211 for the purpose of setting guidelines for rural water service. There was concern that the ordinance was not specific enough regarding placement of meters. Motion was defeated 5-0. The clerk was instructed to add another section stating that the meter will be placed in a suitable, accessible location to be determined by the governing body.

UNSAFE STRUCTURE AT 406 SYCAMORE: The clerk reported that the daughter of the property owner had been notified by certified mail of the complaints of weeds/vegetation and securing the cover on the cellar. They have 10 days to take care of the complaints. Chief

Dean was not present at this time to give a follow-up report. The matter was tabled until more information can be presented.

**YARD WASTE COMPLAINT:** Lois Harris came before the council to ask if burning yard waste is allowed. The council said this is legal as long as there is no burn-ban in place. Mrs. Harris told the council that she had put out some twigs and flowers, and as a result none of her trash had been picked up. She also stated that if her sticks and leaves aren't going to be picked up, she doesn't feel she needs any trash pick-up as she takes everything possible to be re-cycled and only puts out a small grocery sack of other trash each week. She had asked the clerk to take her name off the trash service list. The clerk told Mrs. Harris she would have to get permission from the council for exemption from the contract. The clerk explained that in order for business solid-waste removal costs to be kept as low as possible, the contract allows each residence that is occupied to be charged--even if no trash is ever actually picked up. Dale Fox explained that the reason the council had recently passed an ordinance exempting yard waste from routine household waste was to eliminate the need for the hauler to make extra trips to Overbrook made necessary by large volumes of bagged grass clippings, leaves, etc. The alternative was to raise all residential trash rates. Mrs. Harris was told that yard waste can be taken to a place just east of the maintenance building at Jones Park where the city burns the material from time to time. Only yard waste is to be taken for burning. If other things are left, the service will have to be discontinued. Mrs. Harris was also upset that she hadn't been notified of any changes about yard-waste pickup. The clerk explained that the ordinance had been published in the Osage County Chronicle on August 21, 1997 as required by law. Mrs. Harris left the meeting at this time.

**MAINTENANCE REPORT:** Bob Sisson reported that he's scheduled a company from Kansas City to clean several sewer lines on October 15th. They're also going to try to clean out the storm drain line by the Co-op.

Sisson said that the sewer-cleaning machine similar to the one Carbondale just lost costs about \$27,000. Dale Fox said that looking for a good used machine may be the most realistic possibility.

Sisson said he would like to have the council consider buying a street sweeper if he can find one that's reasonably priced.

He also reported that the concession stand at Jones Park has been winterized, and the pool bathhouse will be done as soon as he talks to the club that waters the flowers.

**POLICE REPORT:** Mark Criger gave the police report in Chief Ron Dean's absence. Chief Dean would like council approval to publish a warning notice that the law prohibiting illegal turns will be enforced. In addition to the publication, he would also distribute posters to the businesses stating that after a set date, illegal turns will be ticketed and subject to fines. The current fine is \$58.50. Chief Dean is asking to do this as the result of a minor accident caused by the first party backing into the second party who

was turning across the center of the street in the middle of the block to park on the other side of the street. The council agreed by consensus for Dean to proceed with the notices.

Criger stated that the police department would like to expand the police station into the courtroom. They don't feel there is enough room to interview people in the office as is. Dean has received permission from Marilyn Anderson, Librarian, to hold Municipal Court in the back room of the library. Criger also said that it's his understanding Judge Coursen has no objection to court being conducted in the library. Dale Fox asked about where people would vote. Criger said that Chief Dean had also received approval from the library for voting. Criger reported estimates that Dean had gotten of \$500 for a 15' x 11' expansion with the police department doing the work. Dale Fox asked exactly why the police department needs more room. Chief Dean, having arrived at the meeting at this time, responded that they were out of space in the present office, and that they need a room for interviewing and holding. He said that the courtroom is too big as it is to be suitable, while the current police office is too small when you have a couple of officers interviewing at the same time. Fox asked what the rest of the court room would be used for. Dean said it could continue to be used as it now is. The clerk stated it would have to continue being used for the copier, fax, water/sewer line maps and access to the only bathroom. After looking over the courtroom, the matter was tabled until the the library board and the judge consulted.

**TREASURER'S REPORT:** Max Friesen reported that the balances, with the exception of the law fund, looked satisfactory. The clerk reported that she had been posting as much expense as possible to the public safety portion of the general fund, and would continue to do so. She also stated that this usually happens towards the end of the year.

**CLERK'S REPORT:** Clerk Brown told the council that she had received numerous complaints about yard waste no longer being picked up by the trash hauler, with the people stating that they would rather pay more to keep things the same.

Stephen Jones, city attorney, had also asked if the City of Overbrook would consider reimbursing him for a \$50 fee for a League of Kansas Municipalities City Attorney seminar. After discussion, the council agreed by consensus not to reimburse Jones for this particular expense.

The clerk asked if the council is interested in having another Christmas potluck or dinner. The council agreed to have the clerk try and reserve the Kansas State Bank community room on a Monday night for a potluck dinner.

Millie Anderson would like the council to consider changing the speed limit to 20 mph in the 100 block of Cedar. Mrs. Anderson said that traffic goes too fast in that area. Dale Fox stated that he has been in favor of a city-wide 20 mph speed limit for some time. The matter was tabled until the council has had time to consider all the possibilities.

POLICE REPORT: Chief Dean wanted to report that he had received several complaints regarding noise as a result of the Santa Fe Trail Days street dance being held by the Fairgrounds, and thinks the council should take this into consideration for future street dances.

Dean asked the council to consider approving a more severe penalty for people who have received three citations for "Animals at large" violations for the same animal. Dale Fox suggested an escalating fine schedule rather than trying to take the animal away from the owner. Dean said he would talk to Judge Coursen about the fines.

Chief Dean asked for a brief executive session. Bruce Smith made a motion, seconded by Wally Thomas, to recess the meeting for 5 minutes at 8:47 P.M. to discuss matters related to non-elected personnel. Motion carried. Dale Fox called the meeting back to order at 8:53 P.M. No action was taken as a result of the recess.

Orville Sparks made a motion, seconded by Bruce Smith, to adjourn. Motion carried; the meeting was adjourned at 8:56 P.M.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

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

MEMBERS PRESENT: Dale Fox, Wally Thomas, Orville Sparks, Mayor Glyn Day. Bruce Smith and Mark Criger absent.

OTHERS PRESENT: Karen Wray, Larry Coursen, Max Friesen, Bob Sisson, Ron Dean Jr., Cheryl Brown.

The meeting was called to order by Mayor Day at 7:30 P.M. After a brief prayer offered by Mayor Day, the clerk called the roll. There was a quorum present.

MINUTES/WARRANTS: Dale Fox made a motion, seconded by Orville Sparks, to approve the minutes of the October regular meeting as written. Motion carried.

Orville Sparks made a motion, seconded by Wally Thomas, to pay all warrants presented. Motion carried.

CONSIDERATION OF ORDINANCE: Mayor Day presented the revised version of the ordinance discussed at the October meeting regarding guidelines for water service outside city limits. The clerk explained that she had added a section stating that the meter will be placed in a location to be determined by the governing body. Dale Fox made a motion, seconded by Orville Sparks, to adopt Ordinance No. 211 which sets guidelines for rural water service. Motion carried.

ZONING CHANGE REQUEST: The mayor read the recommendation made by the Planning Commission for the zoning of the Middle School property at 300 Ash. The recommendation was to zone the property "Commercial use with a variance to be a home-occupied business to be used for residence, bed and breakfast, and community use."

The clerk explained that even if the council acts on this recommendation at this time, nothing will be definite until a 14-day period passes to allow for written protests to be made. Dale Fox stated that he would prefer the whole council be present before any action is taken.

The mayor asked Mrs. Karen Wray, co-owner of the property, why there is an objection to having a Conditional Use Permit rather than having it zoned Commercial. Mrs. Wray said that her husband wants the commercial zoning for future re-sale purposes. Mayor Day said that while he understood that reasoning, he also understands why the neighbors and the city would prefer zoning that would allow for some kind of control over what kind of businesses would be located on this property. The clerk stated that she was concerned that there might be a problem with the wording in the actual recommendation, and would check with the city attorney for his opinion before the 14-day waiting period is up.

Mayor Day asked Mrs. Wray if there is a possibility that their arrangement with the school board would be nullified if the property is not zoned "Commercial". She indicated that possibility does exist.

The council agreed by concensus to have a special meeting on

November 26, 1997 at 6:00 P.M. to consider the recommendation which would give time for written protests to be received, and consultation with the city attorney.

**BICYCLE ORDINANCE:** The clerk told the council that Chief Dean had indicated that he preferred the sample ordinance from Michigan with necessary changes. The council agreed by concensus to table further discussion until Chief Dean and the rest of the council are present.

**EXPANSION OF THE POLICE OFFICE:** Judge Larry Coursen told the council that he was not in favor of holding Municipal Court at the library which would be a result of expanding the police office into the present courtroom, and also that he was upset about not being notified that the matter was going to be discussed at the October meeting. The judge also said he was disturbed when he learned that increasing court costs had been discussed at a previous council meeting without his being informed. Judge Coursen stated that furthermore he is concerned about comments on the street that more tickets are being written to pay court personnel as that is not the case. Mayor Day asked the judge to remain at the meeting in order to discuss these matters with Chief Dean present.

**AINTENANCE REPORT:** Bob Sisson reported that after two sessions, the storm drain at the Co-op has been fixed. They also cleaned the lines from Friesen's to the lagoons and from Shuck's over to around Bruce Smith's house.

Sisson told the council that he and Bob Call have passed the Commercial Driver's License exam, but the dump truck needed some work done on the airbrakes. They plan to go back this week to finish the licensing process.

Sisson said that he is still getting lots of complaints about the change in policy regarding yard waste. The council agreed by concensus to take bids for solid waste removal in 1998, and to notify the present hauler that this will be done. Dale Fox asked about heavy, bulky things. The clerk said that Midway picks up some of this, but has the clerk notify one of our local residents who picks up things that can be salvaged. She suggested that these types of things be covered in the next contract. There was discussion regarding having a roll-off dumpster somewhere in town for everyone to use for non-routine items and where it could be located.

**CLERK'S REPORT:** The clerk told the council that the city had received a nice thank-you note from Kathy Gerisch about the clean-up in the ditch behind her house.

She reminded everyone about the school bond vote on December 2.

A notice will be published regarding holiday trash pickup for the westside residents (the Saturday after Thanksgiving, Christmas, and New Year's Day). Posters have been placed in several locations around town.

The clerk said she is putting a notice in the Chronicle letting people know that the 1998 dog and cat licenses are available, and are due as of January 1. Only 47 dog tags and 26 cat tags were sold in 1997.

Mayor Day asked council opinion about giving the employees a \$20

check rather than a gift certificate as a Christmas bonus. The council agreed to approve the checks by consensus. These will be given to the four full-time employees and four part-time police officers to include Billy Warrington, Ed Harmison, Everette Dannar, and Steve Pfannenstiel.

TREASURER'S REPORT: Max Friesen expressed his concern about the negative balance in the law fund. The clerk stated that she will have to transfer funds from the general fund into the law fund to balance, and that all expenses from November 1st will have to be posted to the general fund as the law fund has reached it's budget limit. She will have to do the same for the recreation and street maintenance funds. There will be just one more county tax levy deposit this year. Friesen said the funds appear to be okay other than the ones mentioned.

POLICE REPORT: Chief Ron Dean, Jr. was present at this time to review the report he prepared for the council. Dean told the council that Everette Dannar had appeared on TV on the subject of "shaken baby syndrome".

Chief Dean told the council that he was working with the school to make ID kits. The school would be furnishing pictures, and he would be doing the finger-printing.

Dean said he now has a reserve-officer training policy. Dean also said that he should be hearing something about the law equipment grant soon.

Chief Dean reported that Cheryl Stewart had asked him about placing "Pedestrian Crossing" signs at the Maple & Santa Fe Trail crosswalk. He told the council that the school is organizing crossing guards around the school with the police department providing some training.

The clerk said that Derrick Dahl had asked that the tennis courts be included in whatever "bicycle" ordinance is adopted by the city.

Mayor Day asked what the status is with the "unsafe" structure at 406 Sycamore. Chief Dean said that someone had taken care of the weeds and cellar cover mentioned in his letter to the owner, but nothing has been done with the building itself. The council agreed by consensus to proceed with scheduling a hearing which would require the owner to take care of the matter, or the city would do it, and the costs would be levied as a lien against the property.

Chief Dean still would like to have his office expanded by using part of the court room. Dale Fox asked exactly why the office should be larger. Dean said he needed more locked storage space for documents, etc. Fox asked if the upper floor of the city building could be used for this purpose, providing the Masons re-locate. Dean agreed that space could be used, but it would be several months before it's available, if at all. Fox then asked why the courtroom couldn't be used as is when necessary since court is held just once a month. Dean stated he felt he had explained all of this in the letter he presented at the October meeting, and that re-hashing the matter probably wouldn't serve any purpose. He said that there are things involved with procedures they have to follow that justify why more space is needed. Fox said that he was not against the police

having more room, but would like to avoid changing the existing courtroom. Dean said that if the courtroom isn't used, then we need to look into another way to increase the police department space. He feels that the physical department should grow along with the force itself and the city. Fox said that the force has grown to the point where the police fund for 1997 is out of money, to which Dean replied that this is the case every year. He stated that he has been using unpaid reserve officers as much as possible. Mayor Day said that all five council members should be involved with the final decision regarding this matter, so it was tabled until the next meeting.

Mayor Day asked the clerk if there would be a problem with holding municipal court in City Hall. The clerk couldn't foresee a problem as long as the city officials present in court were willing to keep an eye on things. Judge Coursen stated that he would have no problem with this arrangement.

When asked why the courtroom couldn't be used as a secure area when necessary, Dean responded that the hook-type lock on the door between the courtroom and city hall office couldn't really be considered secure, and could cause problems with technicalities in a court case. He again stated that he and his officers all felt strongly that the department needs more space. Mayor Day asked if Dean would be willing to take the cost of this expansion from the 1998 law budget, and Dean said he would be agreeable to this.

COUNCILMEMBER COMMENTS: Orville Sparks mentioned that some of the railroad ties along the walkway by Casey's are being used next to someone's fence to keep dogs in, and that some of the other ties are in bad shape. Chief Dean said he would look into the matter.

Dale Fox made a motion at the mayor's request, seconded by Orville Sparks, to recess the meeting for five minutes to discuss personnel matters not related to elected personnel. Motion carried. Mayor Day called the meeting back to order at 9:05 P.M. No action was taken as a result of the recess.

MAYOR'S REPORT: Mayor Day wanted to express his appreciation for the work done by the city employees. He explained that he's had more time to observe this since opening his business in Overbrook.

Dale Fox made a motion, seconded by Wally Thomas, to adjourn. Motion carried; meeting was adjourned at 9:18 P.M.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: 12-16-97

MEMBERS PRESENT: Bruce Smith, Orville Sparks, Wally Thomas,  
Dale Fox, Mark Criger, Mayor Glyn Day.

OTHERS PRESENT: Larry & Karen Wray, Jim Gates, Steve & Jeannette  
King, Mike Fawl, Bob Shepard, Cheryl Brown.

Mayor Day called the special meeting to order at 6:00 P.M. The clerk called the roll; there was a quorum present.

The mayor stated the purpose of the meeting was to discuss the zoning of the middle school property at 300 Ash Street, and to consider a resolution to begin hearings on the structure at 406 Sycamore. Insurance coverage on the maintenance building and contents is also to be discussed.

Mayor Day read the recommendation of the Planning Commission which was to zone the property known as the middle school - "Commercial with a variance to be a home-occupied business to be used or bed & breakfast, residential, and community use."

Mr. Wray stated that the possibility of his operating a small ice plant in the back of the building had been suggested to him. This would be in addition to the uses already stated.

Jeanette King voiced her concern about what would happen if and when the property sells if it's zoned Commercial.

The mayor reported that according to KSA 12-708 the council has two options; one being to adopt the planning commission's recommendation, the second being to return it's own recommendation to the planning commission. The council cannot change or revise the original recommendation. If after 10 days the commission does not re-submit anything to the council, the council considers that to be a re-submission of the original recommendation and proceeds accordingly.

Mayor Day told the council that, according to the city attorney, the recommendation cannot be acted upon as is due to the following reason: Commercial zoning cannot have conditions attached; a conditional use permit can be allowed in a residential district with specific uses listed on the permit itself.

After discussion, the clerk was requested to submit the following questions to the city attorney:

1. Can "Conditional uses" be added at a later time without starting the process over?
2. Can the permit state what is NOT allowed rather than what is allowed?

Mayor Day asked the Wray's if their interest in the property will be affected by how it's zoned. Mr. Wray stated that it might as he felt it would be in his best interest to have it zoned Commercial.

Dale Fox made a motion, seconded by Bruce Smith, to send the recommendation back to the Planning Commission stating that they cannot put conditions on Commercial zoning according to Ordinance No.

95 and the state statutes. Motion carried.

Dale Fox made a motion, seconded by Orville Sparks, to adopt Resolution No. 35 which fixes the time of a hearing to consider the condemnation of the structure at 406 Sycamore, Overbrook. This hearing will be at 8:00 P.M. January 14, 1998. Motion carried.

The clerk reported that after the Carbondale maintenance building fire, she checked to see what coverage we have on our building. It's insured for \$13,000.00 and nothing extra for the contents. The large equipment stored in it is covered on an individual basis, but not spare meters, lids, tools, etc. Ira Allen and Bob Sisson are going to come up with an amount of coverage to be added.

Dale Fox made a motion, seconded by Orville Sparks, to adjourn. Motion carried; the meeting was adjourned at 6:40 P.M.

Submitted by,

Cheryl L. Brown,  
City Clerk

APPROVED

12-16-97

MEMBERS PRESENT: Mark Criger, Bruce Smith, Orville Sparks,  
Dale Fox, Wally Thomas, Mayor Glyn Day.

OTHERS PRESENT: Max Friesen, Bob Sisson, Ron Dean, Jr.,  
Cheryl Brown.

The regular council meeting for December (postponed from December 10, 1997) was called to order at 7:30 P.M. by Mayor Day. Roll was called; there was a quorum present. A brief opening prayer was offered by the mayor.

MINUTES/WARRANTS: Orville Sparks made a motion to approve the minutes of the regular November, 1997 meeting as written, Mark Criger seconded. Motion carried. Bruce Smith made a motion, seconded by Orville Sparks, to approve the minutes of the November 26, 1997 special meeting. Motion carried.

Orville Sparks, made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried.

300-306 ASH ZONING: Mayor Day read a letter from the Overbrook Planning Commission in which they recommended that the property at 300-306 Ash, known as the Overbrook Middle School building, be zoned "Residential with a Conditional Use Permit to be used as a residence, Bed 'n Breakfast, and community use." Bruce Smith made a motion, seconded by Orville Sparks, to approve the recommendation from the Planning Commission contingent upon the purchase by Larry Wray before the next regular council meeting on January 14, 1998. Motion carried. If Wray does not purchase the property the zoning would remain Public Use as long as the school owns it. There was discussion regarding the city obtaining this property if it becomes available again. Bruce Smith agreed to get a committee together.

BICYCLE ORDINANCE: The mayor said that Chief Dean has asked for this matter to be tabled until he has studied another ordinance that he has just received. The council agreed by concensus to table.

1998 LICENSES: Dale Fox made a motion, seconded by Mark Criger, to approve Cereal Malt Beverage Licenses for Casey's, O'Bryhim's, The Patch, and Conrad's Bar and Grill. Motion carried.

Orville Sparks made a motion, seconded by Bruce Smith, to approve licenses for all game machines presented. Motion carried.

PEDESTRIAN CROSSING SIGNS: Following discussion regarding the

possibility of people getting a false sense of security if these signs are posted, Mark Criger made a motion, seconded by Bruce Smith, to take no action regarding placing Pedestrian Crossing signs at Santa Fe Trail and Maple at this time. Motion carried. The clerk said she was told by Judge Coursen that pedestrians have the right of way regardless of marked crosswalks. Dale Fox said that the signs would probably help enforce citations in the event someone is struck while crossing the street. Bruce Smith stated that enforcing the 20 MPH speed limit would probably be more effective than posting signs. The council agreed to reconsider the matter at a later time if there is public demand.

406 SYCAMORE STRUCTURE: The clerk reported that the daughter of the property owner had signed for the certified letter informing her of the hearing on January 14, 1998. She also said that Judy and David Parry will probably be acting as the owner's agent at the hearing. The purpose of the hearing will be to determine what action must be taken by the owner, and a time-frame for this action. The clerk reminded the council that according to the city ordinance, the owner has the option to move the existing structure out, and replace it with one of equal or greater value within 30 days.

MAINTENANCE REPORT: Bob Sisson reported that other than snow removal, not much has been done due to weather. He said that someone had driven on the tennis courts at Jones Park, and the tennis association is in the process of getting some snow fence. Sisson also said some plastic bags have been left at Jones Park, and if this continues no one will be allowed to dump yard waste in this area.

Sisson said that the storm drain by the Co-op has been cleaned out.

He wanted the council to know that removing snow on dead-end streets is difficult with the dump truck, especially when there are cars parked on the street. Bob Call did move snowpiles with the backhoe as he had time. Mark Criger stated that the main concern should be on the most-travelled streets and intersections with other areas to be done as soon as possible.

Orville Sparks reported that four hydrants need to be replaced or elevated according to the fire chief. Sisson said that he thinks that the fire department needs to work with the city on this matter, and he will contact Harmison regarding this matter.

Sisson told the council that he and Bob Call and the dumptruck have all passed the Commercial Driver's License testing.

It was reported that the sewer lagoon tests have improved the last several months, and hopefully will go back to quarterly testing soon.

CLERK'S REPORT: A letter was received from the After Prom committee requesting a donation. Orville Sparks made a motion, seconded by Dale Fox, to donate \$100.00. Motion carried.

She received notice from Galaxy Cablevision that they are raising the basic rate by a dollar after the first of the year.

There was discussion about what bills the city pays for the library, and what the library pays from their funds. The council asked the clerk to get a report on the library's expenses for the next meeting.

**POLICE REPORT:** Chief Dean reviewed his report with the council. Dean told the council that Overbrook can use the Scranton firearm range for training providing we help them build some barricades for the firing lines. This agreement was made after Dean learned that the city's insurance would not cover law enforcement personnel doing their firearms training on private property as would have been the case if a firing range had been built at Everette Dannar's residence. Dean asked that the meeting be recessed for 10 minutes. Orville Sparks made a motion, seconded by Dale Fox, to go into executive session for 10 minutes to discuss matters not related to elected personnel. Motion carried; meeting was recessed at 8:22 P.M. Mayor Day called the meeting back to order at 8:32 PM at which time Dale Fox moved and Orville Sparks seconding to recess the meeting for another 10 minutes. Motion carried. Mayor Day called the meeting back into open session at 8:51 PM. No action was taken as a result of the recessed session.

**TREASURER'S REPORT:** Max Friesen reported that the funds were low as usual for this time of year, but thought everything could be taken care of without cashing a CD.

**MEADOWBROOK II SERVICES:** Max Friesen wanted to discuss the utility services for his addition known as Meadowbrook II. The council and Friesen reviewed the wording in the original motion as to who will do the work installing water and sewer lines. There was discussion as to the location of the water lines, and whether or not this should be done before the streets are put in. Sisson brought up the size of the water lines needed. The original recommendation by the engineer was to install a 8" line, but there was some question as to whether or not this was necessary. Mayor Day said that he couldn't see any problem with using a 6" line provided that the engineer would agree.

**REVENUE CONCERNS:** Mayor Day stated that he was concerned that the city's cash reserves are getting lower every year, and that unless there is a big cut in spending, that more ways to raise revenue need to be considered. He realizes that in order to have a really good town certain services need to be provided, but these things cost money. Two ways to increase the funds are opting out from under the current tax lid, and raising utility rates. Following discussion, the council agreed by concensus to start the process of opting out from under the tax lid as the process takes several months. The clerk was asked to contact Jim Long of Bogner & Button to see if he

could attend the January meeting to discuss this procedure. The mayor stated he was thinking that there might be some way to levy the same amount of tax that has been levied for the library bond, only in a way that this money could be used for street maintenance, or equipment purchases or other major investments.

The mayor said that until ways to increase revenue are created, the city's donations to various groups might have to be reduced.

COUNCILMEMBER COMMENTS: None of the council members had any other business to discuss.

MISC: The clerk told the council that after the first of the year she is going to write each of the commissions and ask that they meet to elect a chairperson and recording secretary so that the city clerk doesn't have to send correspondence to each member, but would have one person to contact when hearings need to be scheduled.

MAYOR'S REPORT: Mayor Day wished everyone a happy holiday season. Dale Fox made a motion, seconded by Orville Sparks, to adjourn. Motion carried; the meeting was adjourned at 9:30 P.M.

Cheryl L. Brown,  
City Clerk

Approved: January 14, 1998