

MINUTES

REGULAR COUNCIL MEETING

JANUARY 9, 2002

MEMBERS PRESENT: Jason Florance, Bruce Smith, Jim Gates, Rich Hamit,  
David Gerisch, Mayor Jack Young.

OTHERS PRESENT: Carolyn Gastin, Larry Coursen, Shayne Coursen, Riekie  
Slechta, Robert Hosack, Marian Massoth, Max Friesen, Ed  
Harmison, Bob Sisson, Everette Dannar, Cheryl Brown.

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

MINUTES//WARRANTS: Jim Gates made a motion, seconded by Rich Hamit, to approve the minutes of the December meeting after deleting a reference about the maintenance truck during the mayor's report. Motion carried 5-0.

After discussing the payment to G & G Excavating, Bruce Smith made a motion, seconded by Jason Florance, to pay all warrants. Motion carried.

SPRINT FRANCHISE: Carolyn Gastin was present to do the final reading of the ordinance granting the telephone franchise to Sprint for a period of one year. Bruce Smith made a motion, seconded by Jim Gates, to grant the franchise and adopt Ordinance No. 242, which so stipulates. Motion carried 5-0. Gastin explained that Sprint will pay the publishing costs, and she will be back when the agreement needs renewed.

DESIGNATION OF OFFICIAL DEPOSITORIES: Jim Gates made a motion, seconded by David Gerisch, to appoint Kansas State Bank and First Security Bank as city depositories. Motion carried 5-0.

Bruce Smith made a motion, seconded by Jason Florance, to name Osage County Chronicle as official city newspaper for the required publication of all city documents. Motion carried 5-0.

Rich Hamit made a motion, seconded by Bruce Smith, to designate the following as official check signers (with 3 signatures required): Jack Young, Max Friesen, Bruce Smith, Jim Gates, and Cheryl Brown. Motion carried 5-0.

RESTROOMS/SIGNS AT CITY LAKE: Discussion of construction of a restroom/storage facility at the lake was postponed until more plans are available. Jim Gates said that he has visited with other towns about their lakes, and they all stated that they were glad they built the lakes, and would do it again. Mayor Young said that since the city has the lake, things should be done in the right way, but keep costs to a minimum regardless of how much a match we get from any grants.

HWY 56 ANNEX: The clerk presented a letter from Stephen Jones, city attorney, stating that Ordinance No. 148 annexes the part of Hwy 56 adjacent to the city lake. Chief Harmison had requested that this be done for law enforcement purposes. Brown stated that for some reason the current boundary ordinance did not include this, but Jones is working to resolve the matter.

JOB DESCRIPTIONS/EVALUATIONS: Since there is a lot of written material to review, the council scheduled a work-session on January 29th at 6:30.

**CITIZEN CONCERN:** Rickie Slechta came before the council to discuss several matters related to her business, the Shady Lady. First she said that since the city had already approached the owners of her building about a complaint received at an earlier council meeting, Slechta wanted to know what the structural engineer's report said. Mayor Young said that the city had not hired an engineer to inspect the building, but asked Chief Harmison to look into the matter. At that point, Slechta said that the owners are closing the building, and so her business is shut down. She told the council that regardless of what happens the owners are not renewing her lease. Her only option is to buy the building, and while the wall may need repairs, the roof is the main concern. Slechta said that if she has the wall repaired, the roof is more likely to collapse. And as the owners are asking \$60,000 for the building, and she is unable to buy it, she has no choice but to close her business. This would mean Overbrook's losing another business. Mayor Young expressed his regret about her having to close the business. Slechta said that she was sorry that she wasn't at the meeting when this was discussed, because she might have been able to address the concerns about the wall, and prevented the owners closing the building.

Slechta also had questions about a recent water bill for 4400 gallons of water when she uses no water at the shop. She has paid the bill, but wanted the meter checked for possible malfunction. Bob Sisson said that he had re-read the meter, and it was not showing any excess usage since the most recent reading. The mayor said that the meter would be read again.

The next concern of Slechta's was about the kids skateboarding on the sidewalks in the business area of Maple. She said that most of the kids stop temporarily when asked, but start in again when they think no one is watching. She's concerned about damage this does to the sidewalks, and also to people walking. Slechta said she thought the kids should be consulted about an alternative place to skateboard. The council told her that there is a skate park located in Jones Park, and it was built at the request of the kids. Mayor Young suggested that the police have a talk with the kids.

Slechta asked the council how far the city was going to pursue having the wall of the building where her business is located. The mayor said that unless the wall becomes a serious safety matter, nothing more will be done at this time. The owners have been made aware of the complaint, and that is enough for now. Jim Gates said that he was surprised that the council created enough pressure to cause the owners to shut it down.

**WATER/SEWER REPORT:** Marian Massoth reported to the council that she has found a lab in Tennessee that will do the toxicity tests at the lagoons, and other locations that the council wanted done. This lab charges \$200 per sample, and this lab is certified by the state of Kansas. Massoth said that 2-4 samples should be sufficient. Mayor Young said that he has approval from the land owners to take samples on their property. Jim Gates made a motion, seconded by Bruce Smith, to contact the lab and proceed with the tests as soon as possible. Motion carried.

Massoth asked if the AquaMag that's being added to the water coming from the wells could affect the suspended solids testing at the lagoons. Sisson said he would check with the manufacturer of the AquaMag.

Massoth said that the loan from the Kansas Public Water Fund is still on track, but KDHE is running behind.

Massoth reported that the smoke-testing done showed that several manholes need to be repaired or replaced. At least 4 of them need attention as soon as possible. Smoke was seen coming from out of the ground at 902 Oak Street, but they weren't sure if there is a manhold at that location. She said that several manholes were not inspected due to being under streets. She said that they will probably have to be inspected at some point. There was discussion about ways to make repairs rather than replace them. Massoth said that the city would have to decide how they wanted to proceed and a time schedule. She said she will prepare a listing of needed repairs

for the next meeting. Sisson said that re-doing the downspouts at the lagoons hasn't been done, but is on his list.

**COMMUNITY BLOCK GRANTS:** Robert Hosack was present to discuss procedures for obtaining grants for improvements to communities. He explained what needs to be done before a city can apply, the first of which is to do a survey to determine income levels for the town. He discussed a few options regarding doing the survey. This information is included in the government census, but results from the 2000 census are not yet available. The percentage of Low-to Moderate Income residents in the 1990 census is 28.9% for Overbrook, and it has to be at least 51% to qualify. However, he feels that doing a more comprehensive survey will show a different result. He also explained that the survey forms are identified by a code, and not by the individual name for privacy reasons.

Hosack said that he doesn't charge a fee for securing the grant, but that he would expect to be the grant administrator, which would pay him a percentage of the grant. After discussing the fact that this survey has to be done regardless of what grant the city applies for, the council agreed by concensus to have Hosack proceed with whatever is necessary to apply for grants. Hosack also said that the survey information is usually acceptable up to two years, so the city doesn't have to repeat surveying for each grant application. He recommends a mailing, etc to let people know why the survey is being done, and how important it is to participate. Hosack also mentioned that the information gathered is to be kept confidential. He also told the council that the deadline for the grant application is in April so it may be too late for the current project of replacing rural water lines from the wells to town.

**TREASURER'S REPORT:** Max Fricson reported that things are kind of nip and tuck until the first tax levy comes, but he thinks that things will be okay.

**EXECUTIVE SESSION:** Larry Coursen, Municipal Court judge, requested that he and the court clerk, Shayne Coursen, be allowed to discuss court matters in a closed session. Rich Hamit, made a motion, seconded by Bruce Smith, to go into executive session for 30 minutes to discuss matters not related to elected personnel. Motion carried; meeting was recessed at 9:15 P.M.

Mayor Young called the meeting back to order at 9:39 P.M. After reviewing court activity, Jim Gates made a motion, seconded by Rich Hamit, to raise the court clerk's salary from \$50 to \$180 per month. Motion carried. Bruce Smith made a motion, seconded by David Gerisch, to pay Judge Coursen \$50 per month to offset long-distance phone charges. Motion carried. Judge Coursen said that the clerk can print out a report for the council any time they feel it's necessary.

**LAW REPORT:** Chief Harmison reviewed his written report for the council. Harmison also told the council that the Law Grant check has arrived, and it was for \$8,998.20.

Chief Harmison told the council that he and Officer Dannar are enrolled in a "Sex Crimes" class in Wichita for March 29th. They may have to go down the night before.

Harmison presented a bid for a 2001 Ford patrolcar from Shawnee Mission Ford in the amount of \$19,995.00. They would allow \$2500 trade-in for the 1996 Ford, which is pretty standard for police cars. Harmison said he doesn't have all the final lease details, but is concerned that it may not be available much longer. Harmison said that there would be some expense in having the correct wiring and lightbar installed.

Bruce Smith brought up whether or not replacing the maintenance truck should be a priority at this time. There was discussion about previous lease payments, and the availability of funds. Chief Harmison stated that in 2001 they issued 265 citations, and if the full amount of

finer had been collected, it would have amounted to \$25,686.50. The clerk reminded the council that this also pays for the judge, court clerk, attorney and other court-related expenses. Chief Harmison said that 3 years ago, this same amount would have only been around \$10,000.00. After further discussion, Jim Gates made a motion, seconded by Jason Florance, to purchase the 2001 Ford if the payments can be spread over five years. Motion carried 5-0.

Chief Harmison reported that there is an individual who has asked for a hearing to have some property in the Four Corners vicinity re-zoned for an Adult Entertainment center. Harmison feels that this would be detrimental to our community, and encouraged everyone to attend the hearing on January 29th.

Mayor Young asked if the animal control officer is logging too many miles. Chief Harmison said he thought the mileage is justified.

**MAINTENANCE REPORT:** Bob Sisson said that the new pumping station is to be delivered on January 11th, but isn't sure when it will be installed.

Sisson said that Max Friesen is checking into the sizes of the water lines he installed in Meadowbrook II. Smith said that should be adequate to supply up to 6 houses, as long as there's no fire hydrant on the line.

It was reported that the batting cage has been re-done, and it looks real good.

Sisson said that he is still waiting on bids from Superior Chevrolet, Bozarth Chevrolet, and Olathe Ford. There was discussion about what requirements the truck should have. Sisson said that one thing to remember is that the city has just the one truck, and he won't haul a lot of the equipment in his personal van if something happens to the city truck. Sisson said that the truck should get a fairly decent trade-in considering it only has 50,000 or so miles.

Sisson said it would soon be time to decide on what street work needs to be done this year. Jim Gates said he would go with Sisson to check out the streets.

**CLERK'S REPORT:** Cheryl Brown told the council that there is a City Council day planned at the Capital later this month.

Brown suggested that the council consider replacing the council chairs with adjustable office style chairs. Jim Gates asked about raising the table about 4". After discussion, it was decided to try raising the table before buying new chairs. The mayor said he has some material that he would donate.

Brown asked the council if they have anything they wanted mentioned for the interview with John Chambers for the Kansas Plus section of the Topeka paper. She doesn't know when it will be published at this time.

Brown said she had been asked by Larry Schwartz to ask the council what a new water meter would cost his son, Brad, when Brad builds his new house on the other side of the highway. The current ordinance sets the price to be equal to whatever Rural Water District #5 charges. Brad has a meter at this time, but this would be located in a different place. After discussion, the council agreed by consensus to abide by the ordinance.

**COUNCILMEMBER COMMENTS:** Rich Hamit asked if anyone has been contacted about putting in a ramp for City Hall. Sisson said he had talked to Larry Lang, but nothing has been scheduled due to Lang's workload.

**MAYOR'S REPORT:** The mayor said that Myrtle Butterfield Brown of Mesa, Arizona has donated \$350 to replace the American Legion flags. She had read about the matter in the minutes published in the Osage County Chronicle, and wanted to pay for the flags. The clerk said she

would write a thank-you letter to Mrs. Brown, and the mayor and council also expressed their thanks.

There being no further business before the council, Jim Gates made a motion to adjourn the meeting. Bruce Smith seconded the motion; it carried, and the meeting was adjourned at 10:35 P.M.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

2-13-2002

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

**MINUTES**

**REGULAR COUNCIL MEETING**

**FEBRUARY 13, 2002**

**MEMBERS PRESENT:**

Jim Gates, Rich Hamit, Jason Florance, David Gerisch,  
Mayor Jack Young. Bruce Smith absent.

**OTHERS PRESENT:**

Jimmy Jolly, Dale Fox, Marian Massoth, Charles Hamner,  
Rickie Slechts, Bob Sisson, Max Friesen, Ed Harmonson, Everette  
Dannar, Cheryl Brown.

Mayor Young opened the February council meeting at 7:30 P.M. Roll call by the clerk established the fact that a quorum was present.

**MINUTES/WARRANTS:** Rich Hamit made a motion, seconded by Jason Florance, to approve the minutes of the January meeting after correcting the purpose of the council work meeting on January 29th. Motion carried 4-0.

After reviewing the list of warrants to be paid, Jim Gates moved to pay the warrants. Rich Hamit seconded; motion carried 4-0.

**OVERBROOK BALL ASSOCIATION:** Jimmy Jolly was present to tell the council that he would like to see the smaller ball diamond at Jones Park improved the same way the big diamond was upgraded last year. He estimated the cost for the screenings would be \$2800. He also presented a list of things to be replaced in the concession stand-- including a refrigerator, popcorn machine, and the addition of an air conditioner --that could cost up to \$1900. There was discussion regarding how the ball associations in other towns are operated. Mayor Young said since the city is being asked to spend money that maybe the council taking over the management might not be a bad idea. The money spent last year was \$3400 for screenings and \$1600 for repairs to the batting cage. After more discussion, Rich Hamit made a motion, seconded by Jim Gates, to approve spending \$2800 for the screenings. Motion carried 4-0. Replacing the items on the second list was tabled to a later meeting. Jolly thanked the council. The mayor said that we should have Walt Martin or someone check the refrigerator for coolant levels before buying another one.

**TRAIL'S GRANT FUND:** Dale Fox was present to talk about the Trail's Grant from the National Recreational Trail Fund the city applied for last year. The city has been approved to receive \$43,000 in grant money, but the clerk has not received the final letter authorizing any work to begin. There was discussion regarding the restroom facility. Kansas Wildlife & Parks has approved a grant for \$15,000 to be used for this facility, but it's a 50%-50% grant. Fox went over details about a building used in other parks that would cost around \$16,000. The city's 20% could be met by using the city's backhoe to do the digging, and labor done by the city or volunteers. Fox said that there may be a way to include a concrete pad and small storage building. There was discussion about being able to use one grant's fund to use for our share of the other grant. The clerk was asked to contact Jerry Hover, the state trail director, to get a ruling about this matter. The city has until July 1, 2002 to either accept or reject the Wildlife & Parks grant written by Leonard Jirek.

**ENGINEER'S REPORT:** Marian Massoth reported that the city has received the initial summary report on the toxicity testing samples collected at the lagoons, and also downstream. The report shows NO toxicity. There will be a complete report sent later.

Massoth said she has prepared a draft letter to send to KDHE as a quarterly update report on improvements on the sewer system. The council agreed by concensus to have her send the letter. Massoth recommends that the city make a decision soon about replacing or repairing the manholes. She told the council that the state does have a Revolving Fund loan program that has already approved Overbrook for up to \$300,000 for wastewater improvements. Massoth also said that all the downturns, except from the two primary cells into the third cell, have been installed. She said that this needs to be done as soon as possible in order to comply with a report she had submitted earlier. Bob Sisson said that it should be installed by the end of February or the first part of March, weather permitting.

Massoth said that the revolving fund loan could be used to match community block grants, should the city be approved for one of those in the future.

There was more discussion about prioritizing the manholes to be replaced, and a reasonable time frame to satisfy KDHE requirements. Sisson said he could do some price checking at the Kansas Rural Water Association meetings the end of March.

Massoth reminded the council that the entrance to the city lake from the highway needs to be upgraded. Sisson said he needs to meet with someone from KDOT to determine requirements for culverts, etc.

Massoth said that it will be another three months to get final approval for the Kansas Water Supply loan to replace the 6" rural water line. The city will need to get 40' easements, and she will have to inspect the land for any improvements or changes since the original line was laid. Sisson told her to let him know when she wanted to go look at the property.

**CITY LAKE LICENSES:** Mayor Young said that they need to be making a decision about what kind of licenses to use for city lake permits. After discussion about what information to have on the license, Rich Hamit said he would check with Kinko's about prices. The mayor said he would meet with Sisson regarding the signs at the lake.

**PERFORMANCE EVALUATIONS:** Rich Hamit presented the two sample performance evaluation forms for review. The council agreed by concensus to use the one titled "Performance Appraisal and Employee Development Guide. The clerk will have an ordinance prepared that will include this appraisal and the job descriptions for the March or April meeting in advance of the June salary review.

**COMMUNITY BLOCK GRANT:** Cheryl Brown reported that she has not heard from Mr. Hosack so this matter was tabled until a future meeting.

**CONNECTING LINKS:** Rich Hamit made a motion, seconded by David Gerisch, to not enter into the connecting links agreement with Osage County, but return the form unsigned. Motion carried 4-0.

**TREASURER'S REPORT:** Max Friesen reported that all the funds look to be in satisfactory condition.

**MISC:** The clerk wanted to thank Joyce Dillon for furnishing cookies for tonight's meeting.

**CITIZEN COMPLAINT:** Thomas Connelly was present to discuss a letter he had written to the mayor regarding a towing charge he had been billed for as a result of one of his vehicles being towed by order of the police department. Mr. Connelly would like to be reimbursed for this \$60 as he was given the wrong location (church on east side of town) when notified by one of the police

officers. When Connelly arrived at the location, there was no vehicle so he assumed it had already been towed and went home. He found out the next day that the car had been towed from the Methodist church. Chief Harmison then went into detail about why the car was ordered to be towed. After discussion, David Gerisch made a motion to reimburse half the towing fee to Mr Connelly. Motion died for lack of a second. Rich Hamit made a motion, seconded by Jason Florance, to not reimburse Connelly. Motion carried 3-1.

**MAINTENANCE REPORT:** Bob Sisson wanted to discuss what to charge Brad Schwartz for a new service meter in the country. The council had made an earlier decision to charge him the same thing as Rural Water District #5's current fee, even though he has an existing meter in a different location. Sisson said that the landowners who have given easements for city water lines should only have to pay the same as town customers, and that the ordinance regarding rural water customers should only apply to new residents whose service would come off the existing lines. After discussion, Jim Gates made a motion, seconded by Jason Florance, to sell Brad Schwartz a new water meter for \$500. Motion carried 4-0.

Sisson presented bids from three dealers for a new maintenance pick-up. The bids were from Bozarth Chevrolet in Topeka, Olathe Ford, and Superior Chevrolet. Discussion followed concerning the features of each truck, and the cost and availability. Jim Gates said he thought we should talk to the two local banks about doing a municipal lease, and said we should have done that when the city bought the new patrolcar. Gates also wanted more information about how much government discount Superior Chevrolet was actually offering. The council agreed by consensus to call a special meeting when all this information is available rather than wait until the March meeting.

Sisson said that the new automatic pumping station located east of Jack's cafe has been installed and is working. He's going to have a concrete pad poured at the same time Leo Lang does the ramp for City Hall.

**LAW REPORT:** Chief Ed Harmison reviewed his report for the council. Harmison reported that the 2001 patrolcar is in service, and the DashCams and light bars purchased with the 2002 grant have been installed in both cars.

Harmison and Dannar will be attending a seminar in Iola on interviewing and interrogation training. They will be gone overnight for the two-day session.

Harmison said that he had received several compliments on snow and ice removal during the last storm from citizens and also AMR ambulance service.

He told the council that he's given Sisson a map with signs that need to be replaced in town. Harmison asked about signs at the skatepark. David Gerisch made a motion, seconded by Rich Hamit, to authorize Harmison to order the signs for approximately \$270.00. Motion carried 4-0. Harmison then asked about ordinances for the city lake. He was told that the council has been working on this matter, and should be able to make final decisions at the next meeting.

**CLERK'S REPORT:** Cheryl Brown reminded the council that the new Planning Commission has not met to get organized. Hamit suggested asking them to attend the March meeting.

Brown also asked if the council intended to re-hire Jennifer Hardesty to manage the pool this year. Hardesty has asked to be on the March agenda, so the matter was tabled.

Jim Gates made a motion, seconded by Jason Florance, to appoint JA Cordts to the library board to complete John Irwin's term. Motion carried 4-0.

Rich Hamit made a motion, seconded by David Gerisch, to donate \$100 to the AfterProm committee from Santa Fe Trail High School. Motion carried 4-0.

Brown brought up the problems the police department and maintenance crew has with the current cell phones. According to the employees, the phones either do not hold a charge or the coverage is very limited. The council agreed by consensus to have Chief Harmison and Bob Sisson check with a representative from Cingular, and switch if they feel the service would be an improvement.

**COUNCILMEMBER COMMENTS:** Jim Gates brought up re-naming the city lake in respect to location and recognition, to Overbrook City Lake. He also mentioned that there are still a lot of people who think that Max Friesen owns the lake, even though the city paid for the construction. Max Friesen stated that he was in complete agreement, and had wanted it named after the town from the beginning. He was honored that it was done as a result of a contest, but will not miss people calling to ask permission to fish in "his" lake. Jim Gates made a motion, seconded by David Gerisch, to officially change the name from Lake Friesen to Overbrook City Lake. Motion carried 4-0.

David Gerisch said that he's been approached by several people with complaints about the cable service. The clerk explained that we have a franchise agreement with Galaxy Cablevision, and will check on the length of the contract. The council agreed by consensus to ask Galaxy to send someone to a council meeting to discuss these matters.

Rich Hamit encouraged more of the council to attend PRIDE meetings. The next meeting is this Saturday, and without more support, there's a possibility they will disband.

**MAYOR'S REPORT:** Mayor Young stated that he feels a lot has been accomplished at the past working meetings. The mayor asked the council to consider having two meetings per month in the future, or schedule a working meeting on a definite basis.

**EXECUTIVE SESSION:** David Gerisch made a motion, seconded by Jim Gates, to recess the meeting for 10 minutes to discuss matters not pertaining to elected officials, and that Bob Sisson be present. Motion carried; meeting was recessed from 10:20 pm to 10:30 pm.

Mayor Young called the meeting back to order at 10:30 P.M. At that time, Rich Hamit made a motion, seconded by David Gerisch, to adjourn. Motion carried; council meeting was adjourned at 10:34 P.M.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: 3-13-2002

CITY OF OVERBROOK  
SPECIAL COUNCIL MEETING

FEBRUARY 15, 2002

MEMBERS PRESENT: David Gerisch, Jim Gates, Bruce Smith, Mayor  
Jack Young.

OTHERS PRESENT: Bob Sisson, Cheryl Brown

Mayor Young called the special meeting to order at 5:15 P.M., and roll call determined that a quorum was present.

The mayor stated that the purpose of the meeting was to discuss new details about the bids for a maintenance truck.

Bob Sisson reviewed the information about the price listing of the truck from Superior Chevrolet in Olathe, and also told the council that both local banks had expressed interest in doing the lease financing.

After discussion, Bruce Smith made a motion, seconded by Jim Gates, to purchase the 2002 Chevrolet truck from Superior Chevrolet for \$22,377.41 with First Security Bank of Overbrook handling the lease. Motion carried 3-0.

The council agreed by concensus to have Chief Harmison check with the local banks about financing the lease for the new patrolcar that's currently leased through Ford Motor Credit.

Jim Gates made a motion, seconded by David Gerisch, to adjourn. Motion carried 3-0; meeting adjourned at 5:25 P.M.

Recorded by

Cheryl L. Brown  
City Clerk

APPROVED: 3-13-2002

**MEMBERS PRESENT:** Jim Gates, David Gerisch, Rich Hamit, Bruce Smith, Jason Florance (late), Mayor Jack Young.

**OTHERS PRESENT:** Ira Allen, Joyce Dillon, Glyn Day, Bruce Cole, Charles Hamner, Rickie Slechta, Jennifer Holtgraver, Matt Collins, Bob Sisson, Ed Harmison, Max Friesen, Everette Danner, Cheryl Brown.

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

**MINUTES//WARRANTS:** Rich Hamit made a motion, seconded by Jim Gates, to approve the minutes of the February regular meeting. Motion carried 4-0. Bruce Smith made a motion, seconded by David Gerisch, to approve the minutes of the February 15, 2002 special meeting. Motion carried 4-0.

Jim Gates made a motion, seconded by Bruce Smith, to pay all warrants with the exception of the one to Hunt Midwest Mining and Stromgren Trucking until amounts can be verified. Motion carried. The council agreed that these warrants can be paid if the amounts prove to be accurate.

**PLANNING COMMISSION:** The mayor stated that the purpose of asking the members of the Planning Commission to this meeting is to find out what the status is regarding their getting organized. The clerk explained that they need to meet to elect a chairperson and clerk. Mayor Young said that even if the city finds it isn't required by law to have a comprehensive plan, that he would like the commission to develop guidelines regarding subdivisions, etc. to be included in a revised zoning ordinance. Glyn Day asked if the city could check with the League of Municipalities regarding having a comprehensive plan as he knows of several towns that do not have them. The clerk said that she would contact the league.

**CITY LAKE RESTROOM:** The clerk reported that one grant cannot be used to pay the city's share of another grant. There was discussion comparing the Trail's grant with the one written by Leonard Jirek. Bruce Smith made a motion, seconded by Jim Gates, to use the Trail's grant to build a restroom as it will reimburse the city up to 80% of the cost. Motion carried 5-0. Jim Gates made a motion, seconded by Bruce Smith, to pursue buying the single restroom built by Gunnison, Inc. for a cost of \$12,345.00. Motion carried 5-0. The city's share will be \$2469.00, which can be met by labor and materials, etc. It was decided that Max Friesen, Bob Sisson, and several members of the council should meet at the lake to discuss plans for the road and where to put the restroom. Bruce Smith said that we probably should plan on using portable facilities to start the season, and Bob Sisson said that he would make those arrangements. Mayor Young reminded everyone that we need to be very careful about what we spend. The grant specifies exactly what the city will receive, regardless of what the city spends.

Bob Sisson said that as soon as a concrete pad has been poured for the restroom, KPI will install a service pole. Sisson said that he would volunteer his time if the city volunteers the backhoe to do the prep work. The council agreed by consensus.

The letter from Jerry Hover stated that the work can begin as soon as he returns the signed letter as approved by the council. The council agreed by consensus to order the building from Gunnison as soon as the letter has been received.

**POOL REPORT:** Jennifer Holtgraver was present to verify her being hired as pool manager for the 2002 season. The mayor also asked if she had ideas for reducing revenue losses. Holtgraver said that one thing she recommends is increasing the lesson fee from \$20 to \$25 for the two-week session. She said most Topeka pools charge \$30. She also said that the actual lesson time depends on the age group. Holtgraver also suggested raising the daily admission fees, concessions, and limiting the lifeguard hours. The clerk said that either the fees will have to be increased, or expenses reduced or both because the city can't afford to lose \$7600 every year operating the pool. Holtgraver said that she is planning on lifeguards working a maximum of 5 hours/day. She is considering closing the pool between the afternoon and evening session, and requiring those re-entering to pay another admission fee. She understands that this might cause a problem with working parents whose kids are there from afternoon time until closing. The council said that while they don't want to see anything happen to the kids during this break, that we are not responsible for the kids when the pool is closed. Holtgraver was asked to check to see how other towns handle this. Mayor Young asked Holtgraver to put her suggestions and plans in writing and bring to the next council meeting.

**YOUTH CENTER:** Matt Collins came before the council representing the B.A.T. club, which is Building Assets Together. He explained that there are approximately 10-12 kids who meet weekly, and they are interested in starting some kind of youth center in Overbrook. Collins wanted to know about the liabilities involved. He was told that it would depend on ownership. Collins said that they are looking into doing some fund raisers, and applying for grants. The three buildings that might be available belong to private individuals, and not to the city. Using the back room of the library, and parts of the old middle school gym was discussed. Collins was encouraged to look into these possibilities, and the council would help if at all possible.

**CITY LAKE PERMITS:** Rich Hamit reported that Kinko's in Topeka can do triplicate forms for 30 cents per sheet. It would cost more to have printing on both sides, and also for numbering. The cost for 600 would be approximately \$180 without the numbering. Mayor Young said that Cliff O'Bryhim has said he is willing to sell them at the store, but would appreciate keeping them as simple as possible for bookkeeping reasons. Jim Gates made a motion, seconded by David Gerisch, to order 600 permits, numbered and in triplicate. Motion carried 5-0. Rich Hamit said he would take care of the ordering. The council agreed by consensus to ban all motorized boats at this time, and to set fishing time as half-hour before sunrise until one half-hour after sunset. It was also decided to have "Posted regulations take precedence over printed material" on the permit. Chief Harmison recommended that the person's name, address, and fee amount be on the permit for identification purposes. The council agreed by consensus.

The clerk asked about special plans for opening day. After discussion, the council agreed to give permits as prizes for the kid's fishing contest. Prizes will be given for the first fish caught, the biggest, and the smallest fish. Groups will be divided into age groups. The council agreed to make the opening day "free", and sell permits on site. The mayor said that we could add some basic tackle as prizes at little cost. The targeted opening day is May 11th. Having a special guest come for the day was discussed. The mayor and several council members volunteered to help with the activities. Bruce Smith suggested having a suggestion box on the property to get some feedback from the public. The council will review the sample ordinances prepared by the clerk to discuss at the next meeting.

**CITY LAKE SIGNS:** Rich Hamit made a motion, seconded by David Gerisch, to approve having signs made as discussed in a previous work meeting. Motion carried 5-0. Hamit suggested having Chief Harmison review the plans before the signs are ordered or made.

**JOB DESCRIPTIONS/PERFORMANCE EVALUATIONS:** Rich Hamit made a motion, seconded by Bruce Smith, to adopt the job descriptions as presented. Motion carried 5-0. David Gerisch made a motion, seconded by Jim Gates, to adopt the performance evaluations as presented. Motion carried. There was discussion about who would actually do the performance appraisals. This brought up reviewing mayor/council compensation at a future meeting. The current pay is \$75.00 per year.

**HOUSING AUTHORITY:** Jason Florance made a motion, seconded by Jim Gates, to appoint Gerald Allen to the Housing Authority, and to re-appoint John Jewell to the Housing Authority. Motion carried 5-0.

**LIBRARY BOARD:** Bruce Smith made a motion, seconded by Jason Florance, to reappoint Sharon Mitchell and Scott Averill to the Library Board. Motion carried.

**LAW REPORT:** Chief Harmison reviewed the written report. Harmison was asked to check with both banks about doing a lease for the 2001 patrolcar, if there is no penalty from Ford Motor Credit for early payment. He asked for a short executive session. Jim Gates made a motion, seconded by Bruce Smith, to recess the meeting for 5 minutes to discuss matters not related to elected personnel. Motion carried. Mayor Young called the meeting back to open session. Chief Harmison reported that the Alternative Learning Center at the old middle school is causing some problems as his department has been spending quite a bit of time handling problems with some of the students. The council agreed by consensus for Harmison to discuss this matter with the superintendent.

Harmison told the council that he is pursuing a grant to get some kind of 4-wheeler to patrol the lake, and that it could be used by maintenance as well. He also said that he has learned of a grant for a new police department building, with the city furnishing the ground, and will have more details later.

**MAINTENANCE REPORT:** Bob Sisson reported that the new cell phones are working great.

Sisson said that the new automatic pumping station is online and working fine. He had Dan Wells do some landscaping on the neighbor's property.

He gave the council some cost figures on having a bed liner for the new truck. Rich Hamit made a motion, seconded by Jim Gates, to have the liner installed by Rogers & Sons in Michigan Valley for \$425. Motion carried 5-0. He also wanted to talk about getting a topper before winter.

Sisson asked what the council wanted to do about a trash container for the city lake. The council agreed to get a small dumpster to start. Sisson said that the one by the maintenance building could be moved if necessary.

Sisson said that most of the traffic signs requested by Chief Harmison have been replaced. He also told the council that he and Bob Call will be gone 3 days to attend the Kansas Rural Water convention in Wichita later this month.

Sisson told the council that the sewer problem at James Trout's turned out to be in the city's main line. There was quite a bit of damage to their basement, and they will be turning in a claim sometime soon. The clerk explained that this will be given to the insurance company, and the city will pay the deductible at the very least.

**TREASURER'S REPORT:** Max Friesen stated that all the extra expenses with the pumping station and new vehicles concerned him, but hopefully the tax levy later this month should help. He recommends the usual "tightening belts".

**CLERK'S REPORT:** Cheryl Brown reported that she had a plant sent to Bob Call when his father died. She asked permission to change City Hall lunch hour to 12:30 P.M. to 1:30 P.M. The council agreed by concensus to change it as of April 1st.

**COUNCILMEMBER REPORTS:** Rich Hamit invited everyone to the PRIDE meeting this coming Saturday. He also said they have scheduled a City-Wide cleanup day for April 13th starting at 8 AM, and all help will be appreciated. The city furnishing a large dumpster after the City Wide Garage sale was discussed. Hamit also reminded the rest of the council to consider having a regular working meeting each month.

**MAYOR'S REPORT:** Mayor Young said that he was glad to see that the Shady Lady is still open.

**MISC:** Chief Harmison reported that they are going to get more serious about the dog and cat licenses very soon.

As there was no further business before the council, Jim Gates made a motion, seconded by Bruce Smith, to adjourn. Motion carried 5-0; meeting adjourned at 10:20 P.M.

Submitted by

Cheryl L. Brown, City Clerk

APPROVED: 4-10-2002

MINUTES

REGULAR COUNCIL MEETING

APRIL 10, 2002

MEMBERS PRESENT: Bruce Smith, Jim Gates, Rich Hamit, David Gerisch, Mayor Jack Young. Jason Florance absent.

OTHERS PRESENT: Wendy DeBacker, Conrad Boos, Charles Hamner, Joe & Kenny Greene, Todd Gates, Kathy Gerisch, Leonard Jirek, Rickie Slechta, Jennifer Holtgraver, Max Friesen, Bob Sisson, Everette Dannar, Ed Harmison, Cheryl Brown.

Mayor Young called the meeting to order at 7:30 P.M. Roll call determined that a quorum was present.

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

Jim Gates made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried 4-0.

OSAGE WASTE: Joe and Kenny Greene were present to tell the council that they aren't planning on raising rates at this time, and wanted to verify the contract being extended for another year. The clerk explained that the contract automatically renews each year, unless one of the parties notifies the other in writing that they wish to cancel the agreement. The council agreed by consensus to keep the present contract in force for the next year.

SPECIAL EVENTS: Conrad Boos, of Conrad's Bar & Grill and Wendy DeBacker, of Kansas State Bank came before the council to request certain parking areas in front of their respective businesses be closed due to special events on Friday, April 26th. After discussing the events, David Gerisch made a motion, seconded by Jim Gates, to approve the request by Conrad's. Motion carried 4-0. Bruce Smith made a motion, seconded by Rich Hamit, to approve the request made by Kansas State Bank. Motion carried 4-0.

OVERBROOK CITY LAKE: Leonard Jirek, Wildlife and Parks, was present to get the council's decision regarding grants for a restroom and roads at the city lake. Mayor Young stated that the council had voted to rescind the restroom grant as the city would receive more money from the Trails' grant. Jirek reminded them that the city needs some kind of storage building for the fishfood.

There was discussion about grant requirements for the road. Jirek said that a crowned, two-lane gravel road would be adequate, along with a parking area by the ramp. This would have to be done by July 1, 2002. The grant would supply up to \$3500, with matching funds from the city. However, all work done by the city and volunteers would count towards the city's share. Jim Gates made a motion, seconded by Rich Hamit, to accept the Road & Signs grant from Kansas Wildlife & Parks. Motion carried 4-0. Jirek said that records need to be kept regarding equipment and time spent for his report.

Jirek said that the signs need to be installed by opening day so that the regulations can be posted.

Jirek said he knows a person who will contract to fill the feeders when needed for \$35 per time as the city doesn't have a boat. This man also can do necessary maintenance on the feeders. His name is Tim Larsen. Jim Gates moved to hire Tim Larsen to fill the feeders, Bruce Smith seconded. Motion carried 4-0.

Jirek recommended that the piers be re-seeded with buffalo grass, and that vehicles be prohibited from driving on them. He also said that he would furnish the drill to re-seed the dam if the city could find someone to pull it. Bruce Smith made a motion, seconded by Jim Gates, to authorize up to \$300 for the labor to reseed the dam. Motion carried.

Final details for opening day were discussed. Jirek will have a clinic at 9 am, then a kids' fishing derby from 9:30 to 10:30 am, then open the lake to everyone. The council agreed by consensus to have "free fishing" from 10:30 am until noon on May 11th.

Bruce Smith made a motion, seconded by Jim Gates, to buy fish feed for approximately \$1200. Motion carried 4-0. This should last until September.

Jirek wanted to know what was going to be done about the electricity supply to the lake. Sisson said that KPL had indicated that service could be installed as soon as a restroom, or other permanent structures are visible.

Jirek also reminded the council that an ordinance needs to be in place before the lake opens. The ordinance would state the limits, hours to fish, and the fines. Jirek asked the council to oversee the fishing contest for the kids. It was decided that everyone would meet at the lake on May 11th for the opening events. Jirek said he would send a news release to about 30 counties, including radio stations.

**JONES PARK:** Todd Gates, representing the Overbrook Ball Association, was present to discuss matters concerning communication between the groups using the ballpark and the council. Brady Anshutz from Santa Fe Trail was unable to be at the meeting. Mayor Young stated that he would like to see a recreation commission formed that would include members from the city and the school district. The mayor had heard that the school was charging admission to their games, but Gates said he didn't think they were to the best of his knowledge. Mayor Young commended Gates and Jimmy Jolly and all involved in the work done by the ball association. The mayor also said that the improvements made possible by a donation from First Security Bank were very noticeable.

Jim Gates also brought up where donations to the Jones Fund made through the Community Chest actually go. He was told that they go to the Jones Fund, and it's possible that not all of those donations actually come back to Overbrook. Gates said that a lot of local people probably think their money is returned to the ball association.

Todd Gates said that a lot of the improvements couldn't have been made without funding from the city, and wanted the council to know that the ball association was grateful. There was more discussion about the confusion regarding who's in charge of what at the ballpark, and the mayor said that's why he'd like to see one commission formed that would oversee all the activity. Bob Sisson mentioned how the locks get changed without the city maintenance being furnished with new keys.

Mayor Young stated that he would still like to have all the parties meet for more discussion.

**POOL REPORT:** Jennifer Holtgraver-Hardesty was present to discuss some changes she's considering making at the pool to cut down expenses, and improve services.

These changes would involve the pool hours, admission fees, family passes, lessons, pool parties, staffing, and concessions. There was discussion on each of the items.

2002 admission fees will be 50 cents for 4 & under, \$1.50 for 5-11, and \$2.00 for all others. The pool would close from 5:30pm till 7:00pm for special activities, and those swimming before 5:30 would have to re-pay to swim at 7 pm. There was also discussion about requiring "babysitters" to be 16 years old, and little ones coming with someone other than a parent being 4 years old. The council agreed by consensus to adopt these requirements.

The pool hours will be Mon-Sun 1-10pm, with the pool being closed from 5:30 till 7 pm. The later hours will allow ball teams, etc to swim after games.

Lessons will cost \$25/child with a discount of \$5 for the third, fourth.....child in the family. Lessons will be done in 8 days instead of 10. This is acceptable by Red Cross.

Jennifer brought up the Fast Lane program using the pool during the month of June. The council agreed by consensus to charge \$1/child instead of \$1.50 since it's a school-based program.

The council agreed by concensus to purchase concession items locally as much as possible. Hardesty also said that bringing coolers containing food and soft drinks into the pool area will be prohibited this year.

She also asked about a fund-raiser to purchase some items, such as a neck/brace. The council agreed by concensus to authorize her to buy a neck brace for approximately \$50.

There was discussion about getting the pool ready for opening on Saturday, May 25th. She asked if someone could trim some of the tree limbs that hang over the pool fence. She's going to check with some of the vendors about supplying umbrellas for the lifeguard chairs.

The council thanked Hardesty for the report, and will expect another one in May.

**P.R.I.D.E. RESOLUTION:** Bruce Smith made a motion, seconded by Jim Gates, to pass Resolution No 46 to enroll Overbrook in the Kansas P.R.I.D.E. program for 2002. Motion carried 4-0.

**CITY LAKE ORDINANCE:** The council agreed by concensus to discuss the final wording for the city lake ordinance at a special meeting on Tuesday, April 16th at 7 PM. The council, Bob Sisson, and Max Friesen will meet at the lake to check out locations for the road and signs.

**DAMAGE CLAIM FROM CITIZEN:** The clerk reported that she has received a damage claim from James Trout for cleaning and repairs to their basement due to a problem with the city's sewer main on February 20th. Brown said that she has given the claim to Ira Allen for processing.

**LAW REPORT:** Police Chief Ed Harmison reviewed his written report for the council. Harmison reported that he had talked to both local banks about a lease-payment agreement for the new patrolcar. Jim Gates made a motion, seconded by David Gerisch, to accept the lease agreement from First Security to pay the balance owed to Ford Motor Credit. Motion carried 4-0.

Harmison asked if the city could put some stakes on the north side of Meadowbrook II to keep people from driving on private property to get to the city lake. Sisson agreed that it would be a good idea.

Harmison said that the signs have been installed at the skatepark. Some kids are still using streets and parking lots, but the skatepark is definitely being used.

Mayor Young asked about the procedure for transporting prisoners arrested by Overbrook police per order of warrants from other law enforcement agencies. Harmison replied that there are presently 12 people within the Overbrook area who are wanted on warrants. In the case mentioned, Shawnee county was to meet Overbrook at the Shawnee county line, but at the last minute couldn't meet the local officer, so the prisoner ended up being taken to Lyndon.

**MAINTENANCE REPORT:** Bob Sisson said that he had talked to two companies about Porta-Potties. The council agreed by concensus to use Arky's Service who will furnish 2 units for \$150/month with once-a-week service for the month of May. The plan is to have the permanent unit installed by the end of May. There was discussion about who would order the unit from Gunnison. The location would be discussed when the group meets at the lake next week. Sisson also recommended that the piers be gravelled rather than plant more grass.

Sisson reported that the 75,000 gallon water tower has been inspected and maintained for the year.

He said that he has patched a few streets but will have to order more Saturock to finish.

Sisson said he's going to check into prices for a commercial mower to use at Jones Park and the city lake. At this time we're paying Kevin Gloss \$70/week to mow at Jones Park. Gloss usually starts in late March or April, and mows until after Labor Day, which is about \$1400 per year total. Gates asked if maintenace will have time to do the extra mowing, and

Sisson said that shouldn't be a problem. Sisson said that one of the banks might be interested in a lease on a mower. Mayor Young suggested checking on getting a deal on a mower and a 4-wheeler.

Sisson said that he'll be starting on the pool the first of May, and there will be an inspection on fire hydrants, etc May 2nd. He also said that he'd like to replace a couple of sections of sewer line.

Sisson also reported that he's still using the first barrel of AquaMag, and has received only a couple of complaints about "red water" since the city started using it. He said that he's found very little rust even when flushing hydrants around town.

**TREASURER'S REPORT:** Max Friesen reported that the balances are looking better than this time last month.

**CLERK'S REPORT:** Cheryl Brown said the city has received a letter asking for a donation from the Renaissance Committee. Jim Gates made a motion, seconded by Bruce Smith, to donate \$100. Motion carried 4-0.

Brown told the council that the contract with Blue Cross Blue Shield for health insurance for the employees is due for renewal on May 1, 2002. The premium will be increased about \$375 for the next year. Brown said that the Kansas Insurance Commission has been working with the League of Municipalities for health insurance, but doesn't have anything to offer at this time. Bruce Smith made a motion, seconded by Jim Gates, to approve the contract with Blue Cross Blue Shield for the next year.

**COUNCILMEMBER REPORTS:** Rich Hamit reminded everyone that PRIDE will be doing a city-cleanup on April 13th, and the city-wide garage sale will be on April 27th. Hamit also asked if Beth Wilhelm, from the state PRIDE group could meet with the council at some time in the future to discuss grants that might be available. Everyone agreed to meet with her if Hamit can make the arrangements.

**MAYOR'S REPORT:** Mayor Young asked that all council members and staff be at the city lake for opening activities.

**MISCELLANEOUS:** Roger Harmon arrived at the meeting. He said he would meet with the group at the lake on April 16th if possible. Harmon said that it's very important that really good records be kept for labor and equipment used on the Trail's grant. He also said that people need to keep track of the time spent at the lake Tuesday night since it's related to the placement of the restroom.

**MISCELLANEOUS:** Mayor Young asked what's being done about the foxes in town. Harmison said that traps have been set because they've been hanging around the school. He said that Kansas Wildlife & Parks told him that shooting them is legal, but catching them & releasing them in the country will be the first effort.

There being no further business before the council, Jim Gates made a motion, seconded by David Gerisch, to adjourn. Motion carried; meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Cheryl L Brown

APPROVED: 5-8-2002

CITY OF OVERBROOK  
MINUTES

SPECIAL COUNCIL MEETING  
APRIL 16, 2002

MEMBERS PRESENT: Rich Hamit, David Gerisch, Jim Gates, Bruce Smith, Jason Florance, Mayor Jack Young.  
OTHERS PRESENT: Chief Ed Harmison, Cheryl Brown

Mayor Young called the special meeting to order at 7:00 p.m. The clerk called the roll; there was a quorum present.

The purpose of the meeting, as stated by the mayor, was to discuss matters related to the Overbrook City Lake.

PERMITS: Mayor Young said that he has a problem with making kids under 16 and those over 65 pay for city licenses. After discussion, Rich Hamit made a motion, seconded by Jason Florance, to issue passes at no charge to children 16 and under who live within the city limits for the 2002 season, with no city license required for any age the first day of the 2002 season. Motion carried 5-0.

ORDINANCE NO. 244: Bruce Smith made a motion, seconded by Rich Hamit, to adopt Ordinance No. 244 which provides regulations for any and all activities pertaining to the use of Overbrook City Lake. Motion carried 5-0.

MISCELLANEOUS: Chief Harmison suggested several things that should be posted on the signs at the lake.

KIDS' FISHING DERBY: Bruce Smith made a motion, seconded by David Gerisch, to authorize Mayor Young to spend \$100 to purchase prizes for the kids' fishing derby on May 11th. Motion carried 5-0.

LICENSE SALES: Mayor Young stated that O'Bryhim's Thriftway and Casey's have both agreed to sell the city lake licenses at no charge to the city. This is very much appreciated.

MISCELLANEOUS: The clerk was asked to check with Leonard Jirek about the news release he's preparing, and the possibility of renting a large tent for opening day was discussed. The construction of signs at

the lake was also discussed. Mayor Young and Everett Danner will be working together on the signs.

ROADS: There was discussion about the road(s) accessing the city lake. Max Friesen volunteered to furnish the truck and diesel to haul the gravel that the city buys. The clerk was asked to check with Jirek about the deadline for using the Road & Signs grant he wrote for the lake.

David Gerisch made a motion, seconded by Jim Gates, to adjourn the meeting. Motion carried 5-0.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: 5-8-2002

MINUTES

REGULAR COUNCIL MEETING

MAY 8, 2002

MEMBERS PRESENT: David Gerisch, Jim Gates, Rich Hamit, Jason Florance, Bruce Smith (7:55), Mayor Jack Young.

OTHERS PRESENT: Pat Martin, Duane & Lois Shuck, Kathy Gerisch, Kevin Smith, Rickie Slechta, Marian Massoth, Ed Harmison, Everette Dannar, Bob Sisson, Cheryl Brown

Mayor Young called the meeting to order at 7:30 PM. Roll was called by the clerk to establish the presence of a quorum.

MINUTES/WARRANTS: Jim Gates made a motion, seconded by David Gerisch, to approve the minutes of the regular April meeting with the additional mentioning of Jimmy Jolly's efforts for the Overbrook Ball Association. Motion carried 3-0. Jim Gates made a motion, seconded by Rich Hamit, to approve the minutes of the April special meeting as written. Motion carried 3-0.

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

ORDINANCE NO 243: Jim Gates made a motion, seconded by David Gerisch, to adopt Ordinance No 243, which will annex a portion of Jones Park into the city. This tract was inadvertently left out of the original legal description when the land was originally donated to the city. Motion carried 3-0.

ORDINANCE NO 245: David Gerisch made a motion, seconded by Jim Gates, to adopt Ordinance No 245 which states the current boundaries for the City of Overbrook. Motion carried 3-0.

APPOINTMENT OF CITY OFFICERS: Jim Gates made a motion, seconded by Rich Hamit, to approve the re-appointment of city officers as presented by the city clerk. Motion carried 4-0 to re-appoint all personnel as listed. This listing is available to the public during regular business hours at City Hall.

8:00 PM Hearing: Mayor Young called the hearing requested by Duane and Lois Shuck to order. The Shuck's were present to protest the notice mailed to them by Chief Ed Harmison regarding a vehicle on their property at 114 Walnut. They are specifically protesting the determination that the vehicle in question has been defined as "junk, wrecked, or inoperable". They do admit that the vehicle is not registered or tagged as they are trying to sell it, and do not drive it. Shuck's also do not see the vehicle as a health or safety threat. The Shuck's also wondered why the vehicle was examined in the first place as it sits pretty far back on their property. Lois Shuck stated that she drove around the town earlier in the day, and feels that there are more serious "nuisance" areas than what's caused by this particular vehicle. She mentioned one house in the neighborhood where dogs and weeds are neglected, and another place that has an open trench around the house, untagged vehicles, etc. Chief Harmison stated that the owner of the vehicles mentioned has been notified by certified mail, but has not signed for the letter as yet. Harmison also stated that the ordinance gives him the authority to enter

private property to inspect vehicles for possible violations. The Shuck's requested an extension of 180 days to either sell or tag the vehicle. Rich Hamit made a motion, seconded by Jim Gates, to grant a 90-day extension to the Shuck's. Motion carried 4-0.

**LAW REPORT:** Chief Ed Harmison reviewed his written report concerning cases worked, hours worked, etc for the council. Harmison also reported that Terry Hollingsworth has moved to another town, and has been replaced with Ted Craig. Craig is an Osage County Sheriff Deputy, and therefore doesn't require additional schooling.

Harmison asked that the restrooms at Jones Park be kept open all the time for the benefit of everyone who uses the park. Bob Sisson said that he has no problem with that as long as the stools and lavatories are not vandalized as they have been in the past. Mayor Young asked Jim Gates to talk to Todd Gates regarding this matter.

**MAINTENANCE REPORT:** Bob Sisson said that Max Friesen has hauled several loads of gravel for the lake road, but he's not sure if there will be time to have much blading done before opening day. Sisson reported that Westar Energy will not install electricity at the lake at this time due to lack of residential use, and if the city requests that it be done the cost could be \$4000-5000. Sisson has talked to David Hesseltine about the city taking over the service from one of their buildings, and burying the line. Hesseltine will be discussing this with the Fair Board at the next meeting.

Sisson asked when the restroom building for the city lake should be ordered. Sisson was told to call the manufacturer to get the details about when payment is due, and specs for our part of the installation. The grant specifies that payment must be made before the city is reimbursed.

Sisson asked about planting the grass seed on the lake dam. The council agreed by consensus to wait on dry weather.

Sisson reported on the damage done by the construction crew that's been digging for Sprint. Several people will be sending bills to Sherman's.

Other items mentioned by Sisson included getting the pool ready, one of the wells being hit by lightning, the inspection of fire hydrants going well, checking on what streets need to be resealed this year, and that he will be doing some patching soon.

Mayor Young said that Rick Carpenter had asked about volunteering to mow, trim, take care of flowers, etc around the pool. The clerk suggested that the pool manager be consulted about this matter.

Rich Hamit asked if Sisson has checked into getting a mower that would work for the ball diamonds and the city lake. Sisson said he hasn't at this time.

**WATER/SEWER PROJECT:** Marian Massoth reported that the last wastewater report was slightly out of compliance before all the rainfall, so she's expecting the next one to also be elevated after all the recent rains.

Massoth also reminded Sisson that she needs to submit a schedule for manhole repairs to KDHE soon. Applying for a state loan to improve the existing manholes was discussed. Sisson said he talked to a company at the KRWA meeting in Wichita about these repairs, but hasn't heard from the representative yet. The clerk was asked to contact Robert Hosack again regarding what the city needs to do to apply for community block grants.

Massoth reported that the city attorney has verified that the existing easements are still in force for the rural water line replacement as long as the water line is replaced, and not relocated in any way.

CLERK'S REPORT: Cheryl Brown reported that the auditor, Jim Long will be here May 28<sup>th</sup>. Brown also reported that the computer used for Utility Billing and operating the city cable channel has been having problems. She replaced the modem, but learned that the problem is more serious. After more discussion, Bruce Smith made a motion, seconded by Jim Gates, to approve spending up to \$600 to have Ramy Morris build a new unit. Motion carried 5-0.

TREASURER'S REPORT: There was no official treasurer's report as Max Friesen is out of town visiting his sister, who's very ill.

COUNCILMEMBER COMMENTS: Jason Florance reminded everyone to be careful when opening mailboxes. Rich Hamit reported that the Boy Scouts will be doing some work on the park benches around town to help PRIDE. There was more discussion about other projects that could involve the scouts.

MISC: Ed Harmison asked the council to consider hiring someone to trim the trees this year. Last year we had trees trimmed at 14 residences for less than \$12/residence. The matter was tabled until the June meeting.

EXECUTIVE SESSION: Rich Hamit made a motion, seconded by Bruce Smith, to recess the meeting for 5 minutes to discuss matters not related to elected personnel with Cheryl Brown present. Motion carried 5-0.

Mayor Young called the meeting back to order at 9:27 PM. There being no further business before the council, Jim Gates made a motion to adjourn. David Gerisch seconded; the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

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

MINUTES

REGULAR COUNCIL MEETING

JUNE 12, 2002

MEMBERS PRESENT: Bruce Smith, David Gerisch, Jim Gates. Mayor Jack Young, Rich Hamit, and Jason Florance absent.

OTHERS PRESENT: Patricia McKenzie, Pat Martin, Charles Hamner, Riley & Kathy Gerisch. Ira Allen, Justin Taylor, Marian Massoth, Ed Hamison, Bob Sisson, Max Friesen, Cheryl Brown.

In the absence of the mayor, Council President Bruce Smith called the meeting to order at 7:30 PM. The clerk called the roll; there was a quorum present.

MINUTES/WARRANTS: Jim Gates made a motion, seconded by David Gerisch, to approve the minutes of the May council meeting. Motion carried 3-0.

Jim Gates moved to pay the warrants as presented; Bruce Smith seconded. Motion carried 3-0.

FIREWORKS: Pat Martin was present to ask council permission to sale fireworks at the Boy Scout building. David Gerisch made a motion, seconded by Jim Gates, to allow fireworks to be sold this year. Motion carried 3-0.

GALAXY CABLE: Justin Taylor, state director for Galaxy, was present to introduce himself and to answer questions. Jim Gates brought up the possibility of adding the History channel. David Gerisch presented a brochure from MediaCom that shows they offer more channels with the basic service at a slightly higher cost. Taylor explained that what Galaxy offers depends on the market size of Overbrook. He also said that Galaxy does offer more channels for more money, but very few Overbrook customers subscribe to that plan. Taylor said that MediaCom probably has 6,000 customers in multiple towns tied into one head-in facility, whereas Overbrook has approximately 200 customers, plus a few on the digital plan. There was discussion about the equipment needed for digital programming. Taylor also mentioned that the number of trouble calls has decreased significantly in the past several months. The council told him that rain causes a "snowy" picture. Taylor took addresses and said that the problem is likely moisture, and would have the service tech check into the matter. Sisson and Gerisch said that they still have equipment in their yards from previous service that needs to be removed. Taylor said he would tell the service tech. Kathy Gerisch said that she had a problem with the response time on a problem, and then when the tech came he had the wrong information. Other problems were mentioned, and Taylor said he would look into them. Jim Gates asked about future plans Galaxy has for Overbrook. Taylor said that he didn't know of any upgrades at this time, but they are looking into phasing out the current digital set up with newer technology. He did say that Galaxy would not be providing high-speed cable modem service for Overbrook due to the expense. He suggested trying to get this service from one of the wireless providers. The clerk stated that the franchise agreement with Galaxy is up for renewal in 2006.

**WATER METER READINGS:** Patricia McKenzie was present to ask why her water meter has not been read since January 23, 2002, but has been estimated instead. The clerk said that she had written a letter to Mrs. McKenzie explaining that this was due to cold weather, and other factors. McKenzie said that she had read her meter prior to this meeting, and the reading showed that she has used approximately \$70 more than she's been charged. McKenzie wanted to know why the reading was estimated 4 months in a row. The clerk explained how she estimates when necessary. Gates and Smith said that in the future, every effort should be made to get an actual reading after one has been estimated.

**TREE TRIMMING:** Ed Harmison reported that he has tried to contact the same person that the city hired last year as there are very few trees that need trimmed. He was told to contact some others to get prices.

**JONES PARK-BATHROOMS:** Ed Harmison said that the bathrooms at Jones Park are still being locked at night. Bob Sisson said that he would talk to Steve King about this, and would unlock them in the mornings if keeping them locked at night would be better. The council agreed to have Sisson open them each morning and not worry about leaving them unlocked at night.

**ELECTRICITY AT CITY LAKE:** Bob Sisson said that the fairboard has agreed to let the city take over one of the meters on one of their buildings, and bury electric cable where necessary to provide electricity to the lake. Max Friesen has also agreed to let us trench on his property. The clerk stated that it would be a good idea to get these agreements in writing.

**RESTROOM FOR LAKE:** Sisson said that the building has been ordered, and should be delivered in July. They will be sending the specs for the prep work necessary. We will have to dig the pit, and put a gravel barrier in the bottom. The council agreed to make one final trip to determine the final location.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. Harmison said that he and Officer Dannar attended a 3-day M-Squad school in Lawrence, and have completed their training requirements for the year. Harmison said that Pat Neil, Jr has agreed to have the dirt around his house removed by August 1, 2002. Mark Tomlinson is helping patrol the city lake in addition to animal control. Harmison did say that he hasn't had too much of a problem with people trying to keep too many fish. He has also talked to Bill Warrington about the mules at Eula Shepard's. Warrington is going to remove the one that belongs to him, and the other one was present at the time the current zoning ordinance was adopted.

Harmison also reported that he has received information regarding the 2003 Law Grant. He explained the overtime for his department was due to activities at the lake, a demolition derby, and criminal cases.

**MAINTENANCE REPORT:** Bob Sisson reported that the bill from Patchen's for lightning damage to well #3 has been turned in to the insurance company.

He told the council that the expenses for roads and signs at the lake can't be turned in for reimbursement until the work is done, and the sign is not done. Bruce Smith said he would talk to the mayor about this to see if he needs help. Sisson said that if the work isn't done by July 1, 2002 the city should apply for an extension. He told the council that Brookside had given the city some bumper blocks that we can use for a parking area at the lake.

Sisson asked if someone from the council would be willing to work with Roger Harmon on the Trail's grant. He said that he just doesn't have time to meet with Harmon to get the prep work done, but would be willing to volunteer time to do some of the actual digging, etc. David Gerisch volunteered to help Harmon.

There was discussion about the bid from K & K Electric for work on the Jones Park security lights. The council agreed by concensus to contact KPL about putting in some kind of security lights on the existing poles. Sisson said he would do this.

Sisson said that the county will be sealing Maple Street soon, and lines will be painted this fall.

Sisson said that things look good at the lake, and that people seem to be using the trash containers. He's still trying to get the grass seed planted on the dam, and may have to just have it blown on rather than drilled.

Sisson said that one of the lagoons needs to be rip rapped soon. He also reported that the pool may have a leak. He's checked everything he knows to check. It almost looks like the pool has settled. There was discussion about having this checked. Smith suggested having McKee come look at the pool to get his opinion. Sisson said he would contact McKee.

Buying a new mower was brought up for discussion. The one Sisson would like to buy is an ExMark for \$6959.20 from Heritage Tractor in Baldwin. It's a 25 hp with a 60" deck. Bruce Smith asked if doing the mowing that is now being done by Kevin Gloss would cause problems with time and labor. Sisson replied that he didn't see any reason why he or Bob Call wouldn't have the time to use the mower. He also mentioned that this would also be used at the lake. Smith said that this is a good point because the area needs to be kept nice as it's developed. Kansas State Bank would do a lease/purchase at 6.5% interest for 4 years. The payments would either be \$166/month, or \$1980/annually. After discussing the payment options, Jim Gates made a motion, seconded by David Gerisch, to buy the mower through Kansas State Bank and pay \$166/month. Motion carried 3-0.

Jim Gates reminded Sisson to get together to look at what streets need to be resealed. Sisson said he will be checking with HiPlains Sand about current prices and when they will be in the area for the next meeting.

**TREASURER REPORT:** Max Friesen said that the general fund may run a little short until the July tax levy due to the large insurance premium being paid this month. Otherwise, the fund balances appear to be okay.

**CLERK'S REPORT:** Cheryl Brown gave an update on Rich Hamit's location on his Biking Across Kansas. Brown said that Robert Hosack should be at the July meeting with current income figures.

Brown reported that several complaints about how Sherman Construction is responding to damage claims where they were installing cable for Sprint. She said that she has pre-addressed envelopes for anyone needing them.

Brown told the council that Jane Hylton came in and visited with her about the Community Chest donations. Hylton assured her that the donations designated for Jones Park of Overbrook all goes to the Overbrook Jones Park, and not to the Jones Fund. Hylton did say that she doesn't know who exactly makes the decisions about how this money is spent. She indicated that it would be a good thing if all the groups making improvements in town could work together and be involved with future plans.

**WATER/SEWER UPDATE:** Marian Massoth was present to report. She said that Stephen Jones has reviewed the contract with Kansas Public Water Supply, and has written a letter with his official opinion. Stephen Jones arrived at the meeting at this time. There was discussion about some of the requirements specified in the agreement. David Gcrisch made a motion, seconded by Jim Gates, to adopt Ordinance No 246, which authorizes the city to enter into this loan agreement. Motion carried 3-0. Massoth says the next step is approval of the plans and specifications by KDHE. The city has 30 days after this to advertise the bids, then 30 days to let the bids. Massoth said she would check with KDHE about bid notice forms, contract forms, and other necessary documents for the July meeting. Massoth reviewed the plans and specs she will be sending to KDHE. There was discussion about revenues to repay the loan, payments of which will be due starting within a year of completion. Massoth said that the city has also been approved for up to \$300,000 of revolving fund loans for wastewater improvements, and that any community block grants received could be used to repay these loans. The clerk said that Robert Hosack should be at the July meeting with updated income figures for grant applications.

Massoth reviewed the latest wastewater test results. The TSS and BOD were elevated, partially due to high algae content. Massoth recommends making improvements at the lagoons as well as doing repairs to the manholes. Sisson said he hasn't been able to contact the person he met at the rural water meetings in March. Massoth said that KDHE is wanting a schedule for what the city is planning to do, and this needs to be done before the end of the year.

Max Friesen told the council that he is considering selling property east of the fairgrounds, and the interested party would like to put in duplexes and/or apartments. Friesen is also attempting to buy more property east of the city lake for development, and wants the city to be aware of this for planning future utility needs. Massoth said that this increase in population definitely needs to be included in the wastewater improvements.

Massoth also reminded the council that the lake needs to have some treatment to remove some of the moss as it's interfering with how it drains.

**MISC:** Stephen Jones recommended that the city obtain easements from Max Friesen and the Fairboard before we install electricity to the lake. The council agreed by consensus.

COUNCILMEMBER COMMENTS: Jim Gates asked if there's been any problems with trolling motors at the lake. The clerk said that no motors of any kind are allowed this year.

MISC: Max Friesen told the council that he would resign as City Treasurer if the council feels that his business opportunities are in conflict with the city's interests. The council stated that they did not see any problem with this as Friesen doesn't have an official vote on business.

EXECUTIVE SESSION: Jim Gates moved that the meeting be recessed for 5 minutes at the request of Ed Harmison and Bob Sisson to discuss matters not related to elected personnel. David Gerisch seconded; motion carried. The meeting was recessed from 9:50 PM until 10:10 PM. No action was taken regarding salaries as the councilmembers present felt this matter should be decided by the complete council. Smith said that any changes made in salaries could be retroactive to June 1<sup>st</sup>.

There being no further business before the council, Jim Gates moved to adjourn. David Gerisch seconded; motion carried 3-0. Adjourned at 10:25 PM.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: 7-10-2002

CITY OF OVERBROOK  
MINUTES

REGULAR COUNCIL MEETING

JULY 10, 2002

MEMBERS PRESENT: Rich Hamit, Jason Florance, Jim Gates, Bruce Smith, Mayor Jack Young (left at 8:15 pm). David Gerisch absent.

OTHERS PRESENT: Bev Wilhelm, Dan Kahl, Robert Hosack, Ira Allen, Glyn Day, Jim Long, Max Friesen, Bob Sisson, Ed Harmison, Cheryl Brown.

The July council meeting was called to order at 7:30 PM by Mayor Young. Roll call determined that a quorum was present.

MINUTES/WARRANTS: Jim Gates made a motion, seconded by Bruce Smith, to approve the minutes of the June, 2002 meeting with the corrected price of the new mower. Motion carried 4-0.

Bruce Smith made a motion, seconded by Jim Gates, to pay all warrants presented. Motion carried 4-0.

P.R.I.D.E.: Bev Wilhelm, state PRIDE coordinator, and Dan Kahl, Kansas State Research & Extension, were here to make a presentation regarding the PRIDE organization and what this group can do for cities. There were 63 communities enrolled in the PRIDE program in 2001. PRIDE officials presented 32 awards and cash totaling \$10,400 during the annual PRIDE day conference and awards banquet in September, 2001. Some of the benefits of participating in PRIDE are technical assistance and training, plans to address needs, and sustainability of community efforts. Wilhelm and Kahl expressed their gratitude to the Overbrook PRIDE for projects completed, and encouraged them to keep up the good work.

COMMUNITY GRANTS: Robert Hosack was present to update the council on applying for community development block grants to upgrade the city's wastewater system. The deadline for 2003 grants is October 15, 2002. Hosack explained that Commerce & Housing are looking for "ready to go" projects. He said that there are meetings scheduled for August 28 and September 18, and recommends that the city apply to attend one of these meetings as soon as possible. His recommendation also was that the mayor, maintenance supervisor, and city engineer be the ones to go to the meeting. The clerk said she would give this information to Marian Massoth, the city engineer. There was discussion about surveying the town as soon as possible to determine if the city is even eligible for these grants. Different methods of surveying were discussed as protecting privacy is important, but there has to be some way to determine which surveys have not been completed. This grant requires that 80% of the surveys are returned. Hosack will help as much as possible, especially with counting and evaluating the returned survey forms. There was also discussion about who would actually distribute the forms, and how they should be collected. Hosack recommended that the surveying be done as soon as possible, as the deadline for applying for the August 28th meeting is August 5th. Hosack emphasized the need for people to be honest on the surveys, and that the results will be used only to determine the city's eligibility for the grants.

2001 AUDIT REPORT: Jim Long of Bogner & Long was present to review the 2001 audit of the city's financial reports. Long stated that the report contains no problems or exceptions, other than the negative Capital Projects fund due to the city lake expenses. There were no budget violations during the past year. There was a decrease in the revenue for Water/Sewer and Pool combined, even with transfers from the General fund. Rich Hamit made a motion, seconded by Jim Gates, to accept the audit report. Motion carried 4-0.

**2003 BUDGET PREP:** Jim Long presented the 2003 budget he prepared for discussion. Long explained that due to valuation, etc the current tax levy allows for an additional \$1900 to spend. He also stated that this budget levies the same amount of tax as 2002 with the exception of the Bond & Interest fund. This fund is not under the tax lid and he feels that raising the levy by .8 of a mill is necessary to make the bond payment. He has increased the levy for Public Safety (law), but decreased the levy for General, Library, and Street Maintenance. The budget hearing will be at 8 PM on August 14th during the regular council meeting.

**ENGINEERING REPORT:** Marian Massoth reported that the Water Line replacement project is almost to the point of advertising for bids, and this must be done within 30 days of the final approval by the state. The bids must be opened within the following 30 days. Advertising could be done by August 9th, and the bids could be opened by September 7th. These dates are subject to an approval date of July 12th. On this schedule, the council could act on the bids during the September meeting. There was discussion about where to advertise the invitation to bid. Massoth said she would have packets prepared for interested contractors. Stephen Jones has prepared a contract to be used at the appropriate time. If everything goes as planned, the project could be started sometime in October, 2002. Bid-opening was tentatively set for September 6th at 2 PM.

**POOL REPORT:** Jennifer Hardesty-Holtgraver reported that things were going well at the pool. The attendance from 7 to 10 pm has been good. She did say that there seems to be a leak. Bob Sisson thinks it might be in one of the skimmers. He's going to have someone inspect it as soon as possible. Sisson said that the water level isn't the same on the shallow end as the deep end like it was when the pool first opened.

There was some discussion about the pay for those with WSI training. Rachael King was paid \$6.50/hr in 2001. Holtgraver said that the council had agreed to pay all WSI's \$6.50/hr in March of 2001. Cheryl Brown said that she would adjust these salaries on the next payroll.

Holtgraver said that having specific people in the bathhouse seems to be working very well. She also asked that she be considered for a pay raise for 2003. Bruce Smith asked how the attendance as a whole is going. She said that they've been averaging 80 people per day.

**PLANNING COMMISSION:** Ira Allen and Glyn Day were present to ask exactly what the council is expecting from the commission. Bruce Smith said that the council's intent was to combine 2 boards into one, and have the Planning Commission develop some kind of Comprehensive Plan. Stephen Jones has said that a city of the third class is not required by law to do this, but recommends some kind of subdivision regulations be established along with amending the current zoning ordinance. Glyn Day said that it could cost up to \$10,000 for a professional to do this because of the liability. There was discussion about getting examples from other towns and counties to use as a guide. Day also asked why, or if, the council expects them to meet on a monthly basis. The clerk said that one of the objectives was to revise the current zoning ordinance, which would include adding subdivision regulations. Bruce Smith said that the council needs to get more information about a comprehensive plan. Day suggested that either the mayor or a councilmember meet with them, as well as Stephen Jones.

**MISC:** Roger Harmon said that he and David Gerisch have met to map out where the trail would go. There will be a work day this coming Saturday to start clearing brush, etc. Jim Gates said that the Rotary has been discussing furnishing some benches along the trail. Harmon said he has talked to a couple of people about prices for the concrete, and that it would need to be done in sections. Sisson said that the restroom is supposed to be delivered before the end of July.

**LAW REPORT:** Chief Harmison reviewed his written report for the council, including training for all the officers. He told the council that Terry Hollingsworth has moved from the area, and Terry Ralston has been hired by Lyndon. Harmison has contacted KDOT in reference to parking by Casey's, and he would like to change the speed limit at the city lake entrance.

Harmison has contacted Peterson about trimming some trees by the end of July. Last year he charged \$35/hr, and he should be able to get it done in a day. He also gave the council a report on an incident involving Ted Miller. During this incident, Officer Miller was fired upon, but was uninjured. Harmison asked for an executive session before salaries are discussed.

**MAINTENANCE REPORT:** Bob Sisson again said that he is waiting for the final specs on the city lake restroom. He said that the wiring has been trenched from the fairgrounds to the lake, but the box hasn't been installed yet. He asked that Gates could go with him to inspect streets to be resealed. Sisson was told by Hi Plains Sand that the price would be close to last year's. Sisson said that after the pool is closed, it can be checked to see exactly where there might be a leak.

Sisson said that well #3 has been hit by lightning again, and Patchens is going to check into changing the way the wells are fused.

He also brought up a complaint received from Jim Hesselstine about a problem with sparks landing on his property when Sisson was burning the brush pile by the lagoons. Sisson explained that part of the problem was a 70 mph wind coming up after he started burning. Sisson has talked to some of the fire department about the incident.

Sisson reported that the new mower is working very well, including around the city lake. He wants to keep the old mower to use in small areas.

He will be going to a school in Lawrence to get credits necessary for his certification.

Sisson also said that Goodyear's have helped with some work at Charles Robbins' new house, and also installing a new hydrant by the archway. The old one has been run over a couple of times, so the new one was put closer to the archway.

He said he still needs to get estimates on repairing or replacing manholes, and repairs at the lagoons so Marian Massoth can get the proposal for that project started. There was discussion about the cost of having the lagoons dredged.

Jim Gates asked about fixing the scoreboard at Jones Park. Lee Krause said that the one circuit board needs to be shipped to Georgia. Jim Gates made a motion, seconded by Jason Florance, to have Krause ship the scoreboard to Georgia for repairs, and then replace it. Motion carried 4-0. There was discussion about approaching someone about using Jones Funds for some of this cost, as well as some other items including a flagpole. The council suggested having the mayor talk to Bob VonStein about this matter.

**TREASURER'S REPORT:** Max Friesen said that there is \$24,000 in the Special Highway fund to be used for resealing streets at this time. He said that the other funds are about where they usually are this time of year, and that we will be receiving another tax levy installment before the end of July.

**CLERK'S REPORT:** Cheryl Brown said that she would like permission to attend a workshop in Topeka on Personnel Law on September 24th at a cost of \$199.00. Jason Florance made a motion, seconded by Jim Gates, for Brown to attend. Hamit asked how many city lake permits have been sold. Brown said she doesn't have the exact number, but estimates 150-200. She noted that lots of them are to out-of-town people.

**EXECUTIVE SESSION:** Jim Gates moved that the meeting be closed for 15 minutes to discuss matters not related to elected personnel, with Ed Harmison present the first 5 minutes. Rich Hamit

seconded. The motion carried; meeting was recessed at 10:25 pm. Meeting was opened at 10:40 PM; Jim Gates made a motion, seconded by Rich Hamit, to recess the meeting until 10:50 pm. Motion carried. Bruce Smith called the meeting back to order at 10:50 pm. Jim Gates made a motion, seconded by Rich Hamit, to raise the salaries of Law, Maintenance, Part-time Law, and Animal Control by 4%. raise Danner from \$11.30/hr to \$12.00/hr and leave all others at the current rate. Motion carried 4-0. Gates then moved to make this increase retroactive to June 1, 2002. Hamit seconded; motion carried 4-0.

There being no further business before the council, Jim Gates made a motion, seconded by Rich Hamit to adjourn. Motion carried 4-0; meeting was adjourned at 11:00 PM.

Respectfully submitted,

Cheryl L Brown,  
City Clerk

APPROVED: 8-14-2002

MINUTES

REGULAR COUNCIL MEETING

AUGUST 14, 2002

MEMBERS PRESENT: David Gerisch, Jim Gates, Bruce Smith, Rich Hamit, Mayor Jack Young. Jason Florance absent.

OTHERS PRESENT: Matt Taggart, Max Firesen, Bob Sisson, Ed Harrison, Cheryl Brown.

The meeting was called to order at 7:30 p.m. by Mayor Young. Roll was called by the clerk; there was a quorum present.

MINUTES/WARRANTS: Jim Gates made a motion, seconded by Rich Hamit, to approve the minutes with a change in the time of the recessed part of the meeting. Motion carried.

Jim Gates made a motion, seconded by David Gerisch, to pay all warrants. Motion carried.

MISCELLANEOUS: Jim Gates moved that the salary of the city clerk be raised by 4%, retroactive to June 1, 2002. He explained that he had unintentionally left that position out of his motion regarding salaries in July. David Gerisch seconded; the motion carried.

WATER/SEWER REPORT: Cheryl Brown told the council that Marian Massoth would not be attending tonight's meeting, but wanted the council to know that the notice for bid-opening has been published for Friday, September 13th at 2:00 PM here at city hall. Massoth will be bringing the bid packets Thursday morning. There will be a \$25 charge for each packet.

Massoth wanted the council to know that because she doesn't have all the information regarding repairs to the wastewater system, she can't write a proposal which needs to be done before we attend a meeting. This means that the earliest meeting will most likely be in November, but Robert Hosack will have to get that information to us. The mayor asked Bob Sisson about cost estimates, and Sisson said that he hasn't had anyone come to check out the manholes yet, but will call someone soon. After discussing the actual format for the surveys, it was decided that the clerk would have them ready by the following week. Brown said that she could have them ready by August 22nd. The council agreed by consensus to meet at 7 pm to get their packets.

POOL: Jennifer Hardesty was not present to give a report. Mayor Young asked how the finances are looking. The clerk reported that she had transferred about \$2,000 into the revenue to balance the account. Sisson said that the pool has been closed all day, but there was no sign, and someone had left the garden hose running. He had been told that she was going to be out of town over the weekend, but as this is Wednesday he expected her to be back.

**MISC:** Mayor Young presented a bid from G & G Excavating to install a hydrant at Jones Park. Jimmy Jolly requested one be put between the two diamonds to make it easier for watering. There was discussion about what work the bid included and if an existing water line would be used. Jim Gates said that the ball association has done a good job maintaining the ballpark. The mayor asked Sisson to talk to Todd Goodyear and Jimmy Jolly about what they're requesting, and exactly what would be covered by the bid from Goodyear. Gates also mentioned that there is a need for a connection for a hose to use for cleaning restrooms.

**2003 BUDGET HEARING:** At 8:00 PM, Mayor Young called the budget hearing to order and asked if anyone present had questions or comments about the proposed budget. There being no further discussion, Bruce Smith made a motion, seconded by Jim Gates, to approve the 2003 budget as prepared by Bogner & Long and previously published. Motion carried 4-0.

**LICENSE RENEWAL:** David Gerisch made a motion, seconded by Bruce Smith, to renew the city's alcoholic liquor license issued to Conrad's Bar & Grill. Motion carried.

**CITIZEN CONCERN:** Matt Taggart was present to state his concerns about one of the businesses. His main concern is that this business has a lot of vehicles and tires sitting on the property which he feels is a health-hazard. He mentioned that he's concerned about stagnant water in the tires becoming a breeding ground for mosquitos. Chief Harmison said that he would talk to the owner about the vehicles and tires, and would issue a letter regarding the weeds. Taggart stated that the present owner had inherited a lot of the problem when he bought the business, but would like to see something done to improve matters.

**LAW REPORT:** Chief Ed Harmison reviewed his written report with the council regarding coverage and salaries. Peterson Tree Service has been here, and trimmed enough limbs to fill 5 trailers. This is being done as a public service.

Harmison told the council that he has sent in the paper work for the 2003 Law Grant. He has requested a new computer, monitor, printer, new laptop, and another ballistic field for the second patrolcar, and two rifles for the patrolcars. Harmison will be scheduling the hearing just prior to the September council meeting.

He reported that the West Nile virus is present in Kansas, and encouraged people to be cautious. He mentioned that the city may want to consider spraying around the lagoons.

Rich Hamir asked about progress with the vehicles at Jeff Good's residence. Harmison said that he has given Good until September 1st to avoid being cited.

Police coverage for the fair was discussed. Harmison said that everything went fairly well. The subject of the Fairboard hiring their own security was mentioned. Harmison said that this had been discussed his first year as police chief, but nothing resulted from the meeting. Even though the property is within the city limits and entitled to police

protection, the events do require extra coverage which results in more salary expense. The council agreed that any financial help from the Fairboard would be appreciated.

**MAINTENANCE REPORT:** Bob Sisson reported that the new restroom has been installed at the city lake, and seem to be very nice. The bill for \$11,500 will be submitted with all the other expenses for developing the Trails as soon as Sisson and Roger Harmon get all the paper work done. The city should be reimbursed for about 80% of the expenses.

Sisson said that the signs are done and up at the lake, so there is a place to post notices as needed.

The streets should be re-sealed sometime in mid-September. He and Jim Gates will be checking to see which streets are in the most need. He also said that he will be patching on these streets soon.

Sisson said he will be turning on the school crossing lights Thursday so they'll be ready for next week. He also said he would be painting the crosswalks on Thursday.

Sisson again mentioned that he's concerned about how the pool scheduling is being done, partly because of maintaining the water levels and chemicals. The council said that Sisson needs to talk to Jennifer about these matters.

Sisson said that he has two companies to call about inspecting the manholes to get estimates on repairs.

He also said that he's having some problems with Leonard Jirek regarding buying fish food. When we buy it through him, we have to rent a trailer and go to Hartford to get it, which takes at least half a day. Bruce Smith said Sisson should ask Jirek why we need special food, and check with the co-op about ordering the fishfood for us.

Sisson reported that 4 of the 5 city well pumps were down, but 3 of them were down due to lightning and get some insurance for them. He also had a different kind of box on the pumps to try to reduce the damage caused by lightning. Mayor Young said Ira Allen talked to him about the possibility of the insurance company cancelling our policy due to the number of claims. Smith said that a couple of the wells have been prone to lightning strikes, and hopes that the new boxes will help.

Rich Hamit asked if the city would have the dead tree by the pool removed to make room for a PRIDE project. Bruce Smith made a motion, seconded by Rich Hamit, to have Sisson contact Peterson Tree Service. Motion carried.

**TREASURER'S REPORT:** Max Friesen reported that he's concerned about the Water/Sewer fund starting and ending with a 0 balance. The clerk said that she has had to transfer money into the fund the last 2 months due to more expense than revenue. Hopefully we won't have to wait too long for reimbursement from the Trails grant and the insurance company.

**CLERK'S REPORT:** Cheryl Brown asked if the council wants to sign the pre-buy plan from Heetco. The council agreed that it probably wouldn't be that much savings due to the low volume we used.

The clerk asked if the council would be willing to approve new ordinances regulating traffic laws and uniform public offenses. Bruce Smith moved to adopt

Ordinances 246 and 247 which adopt the state's laws for traffic and public offenses.  
Motion carried 4-0.

MISC: Chief Harmison asked that the council consider re-vising the ordinance for the city lake at the next meeting so it will be in place by January 1, 2003.

The clerk asked the council for guidance regarding employees being reimbursed for expenses they have for incidental purchases for the city. Bob Sisson said that he feels that when he goes somewhere the city doesn't have an account and pays with his own money, that he shouldn't have to wait until the next council meeting to be reimbursed. He also mentioned that when he goes out of town on city business and pays for his lunch, he expects to be reimbursed as soon as possible. Mayor Young said that in his opinion, an employee should be reimbursed upon presenting the clerk with a receipt showing that it was bought for the city. Jim Gates made a motion, seconded by Bruce Smith, to allow the clerk to reimburse employees in a timely manner for necessary purchases made with their own funds. Motion carried.

POST OFFICE/ALLEY: The council discussed the problem the post office is having with the mail truck using the alley due to some obstacles on the east side of the alley. The council agreed by consensus for the mayor to talk to the post master about having the truck come in and go out from the opposite direction.

MISC: Bruce Smith mentioned coming up with a policy about burning at the tree limb site by the lagoons. This would be for the benefit of the neighbors and city personnel. Sisson said that occasionally things are left that are not tree limbs, and this could lead to the site being closed.

Jim Gates again mentioned that the Rotary is interested in providing some benches for the Trails, and would like something on city letterhead to show that the city is willing to accept them.

EXECUTIVE SESSION: Rich Hamit moved that the meeting be recessed for 15 minutes to discuss matters not related to elected personnel. Jim Gates seconded; motion carried. The meeting was recessed from 9:45 pm until 10 pm. The meeting was opened at 10 pm; there was no action taken.

There being no further business before the council, Jim Gates made a motion, seconded by David Gerisch, to adjourn. Motion carried; meeting was adjourned at 10:03 PM.

Submitted,  
Cheryl Brown, City Clerk

APPROVED: 9-11-2002

MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 11, 2002

MEMBERS PRESENT:

Jim Gates, Jason Florance, David Gerisch, Rich Hamit (9:50 pm), Mayor Jack Young. Bruce Smith absent.

OTHERS PRESENT:

Charles Hamner, Marian Massoth, Ira Allen, Bob Sisson, Max Friesen, Ed Harmison, Matt Taggart, Cheryl Brown.

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

MINUTES/WARRANTS:

David Gerisch made a motion, seconded by Jason Florance, to approve the minutes of the August, 2002 meeting as written. Motion carried 3-0.

Jim Gates stated that he and a lot of other citizens are concerned about the amount of work done by G & G Excavating for the city. Mayor Young said that he has received similar comments. There was discussion about how so many people have opinions and complaints, but are unwilling to come to the council meetings to voice their opinions. There was more discussion about the bill from G & G for helping with the most recent water breaks. Jim Gates made a motion, seconded by David Gerisch, to pay all warrants presented. Motion carried 3-0.

ENGINEERING REPORT:

Marian Massoth of King's Engineering stated that the bids for the waterline replacement project will be opened Friday, September 13, at 2:00 P.M. She said that 8 companies have requested bid packets. Massoth told the council that a decision needs to be made regarding penalties for not having the work done by a specific date. Massoth stated one reason for having a time limit involves the need to have an engineer present for certain parts of the project. Massoth said there is some provision in place for waiving any penalties as a result of certain conditions, such as weather. There was discussion about removing the old water line. Massoth said that the specs require the removal and disposal of old line as necessary for the new construction of the new line. She said she would notify all the contractors about this section. She said that some of the contractors have asked if the city would be willing to buy the materials. The council agreed by consensus to require the contractors to buy their own supplies. There was discussion about how the city would receive the loan proceeds from the state. Massoth said she would review the original loan agreement with KDHE to see how the money is distributed. Jason Florance made a motion, seconded by David Gerisch, to issue a \$200/day penalty for not completing the project by 180 days. Motion carried 3-0.

Massoth told the council that no action will be taken on Friday when the bids are opened. She said that as soon as the council accepts a bid, it must be approved by KDHE before the contract can actually be signed. It was decided to call a special meeting for September 18, 2002 at 7:30 PM to consider the bids.

ALLEY/POST OFFICE:

Jim Gates said he was told by Paul Rivera, the postmaster, that changing the truck routes requires a specific process. The matter was tabled until more information is available about this process.

NEW HYDRANT AT JONES PARK:

Bob Sisson hasn't talked to anyone about details so this is tabled.

CITY LAKE ORDINANCE:

Chief Harmison hasn't talked to Leonard Jirek about 2003 regulations regarding species or limits, so this is tabled.

MISC:

Matt Taggart was present to ask about progress with clean up at WrenchBenders regarding stacks of tires, and the weeds. Chief Harmison said that he has spoken to Rick Calderwood and has given him until October 1st as part of this problem was present when he bought the business. Taggart again stated his concern about the water standing in old tires due to the West Nile virus.

**LAW REPORT:** Chief Ed Harmison reported that the Law Grant hearing had been held prior to tonight's council meeting. He reviewed his written report. Harmison said that payroll for August was up due to 134 hours of fair coverage; this is down 41 hours from 2001. He said that in the first week of school, 3 students have been removed due to disorderly conduct and criminal damages to property. Harmison has met with the superintendent about the problems at the school. Harmison told the council that he has extended the time limit for Pat Neil, Jr to address the open ditch on his property on Walnut Street to the first of October. Harmison said he has pictures of structures at several locations that he feels could be a hazard. They are located at 104 E. 2nd, 201 Elm, 409 Maple, and 110 E 5th. The council agreed by consensus to inspect these structures before starting condemnation procedures. Jim Gates asked where the majority of the speeding tickets are being written. Harmison explained where the various speed limits are which explains where the existing tickets were issued.

**MAINTENANCE REPORT:** Bob Sisson said that HiPlains Sand will be here Thursday to start resealing certain streets. Sisson and Jim Gates have toured the streets to determine which ones need work this year. Sisson reported that the pool was shut down on Monday, and McKee is coming to inspect the skimmers, etc to see if the leak can be located. Sisson said that he's had the city lake dam mowed, and Leonard Jirek recommends burning it next spring before planting the grass seed. The clerk asked if the seed could be stored somewhere besides the city hall entry way, as it's been sitting there since April of this year. Sisson said he could put it in the back room. Sisson said that he's received a bid of \$18,176.25 to repair and/or replace the manholes. There are about 35 manholes involved. This is the main reason the city is surveying for Community Development Block grants. Sisson said this same company has also submitted a sewerline maintenance plan for 40.49/foot, and a third of the town would be covered each year. This would include inspection and cleaning. Mayor Young asked Ira Allen if having a contract would affect the insurance rates. Allen said probably not the rates, but would help the number of claims submitted by the city for major problems. The matter was tabled until Sisson can discuss it with Marian Massoth. Sisson said that he's contacted an electrician to fix the school crossing lights on Maple. He also said that the computer on Well #3 caught fire, but it's under warranty. Sisson again said he had used G & G Excavating for 4 water break problems the week Bob Call was on vacation. Ira Allen asked about replacing water lines when possible to eliminate having so many breaks. Jim Gates said that's one reason for trying to qualify for community development grants. Sisson brought up the trouble he's had due to the fire department using the hydrant by city hall. He said that this hydrant is located where two 6" lines come together, and so it has the highest pressure of any hydrant in town. He said everytime it's used, it causes water breaks. There were 3 breaks right after the Palladium fire several years ago, and he's sure that the two most recent breaks were a result of the hydrant being used for a structure fire earlier in the day. He brought up the possibility of moving the hydrant to another location, or reducing the pressure if possible. He will check with requirements that regulate location. Ed Harmison was asked his opinion as a former fire chief. He said that the only time this hydrant should be used is during a major emergency. Sisson said there are several other hydrants that can be used under normal circumstances. Harmison suggested sending a letter to the president of the fire board explaining the situation. The clerk said that the financial part of the matter is also important because the city paid \$2400 to G & G Excavating for their help in repairing the last water breaks, plus overtime for city staff. Sisson said he could go back in his records and show that everytime the hydrant is used in massive amounts, he has problems with breaks. Sisson told the council that his father-in-law wants to know if the council would be willing to adjust the sewer charge on his last bill. He had a water break which made his sewer charge fairly high. Jim Gates made a motion, seconded by Jason Florance, to adjust the sewer charge to \$8.00. Motion carried 3-0.

**TREASURER REPORT:** Max Friesen expressed concern about the water/sewer fund spending so much more than is received in revenue. The clerk stated that part of this is due to paying \$14,000 for repairs to the wells, but the insurance payment should offset part of this expense. Sisson also asked if the city has been reimbursed for the restroom at the lake. The clerk explained that the restroom was paid out of the general fund, not water/sewer. She also said that we have not received the

reimbursement as of today. Friesen also asked if the lake licenses were paying for the fish food we have to buy. Sisson said that we shouldn't have to buy anymore food this year. Sisson said that Jirek wasn't too pleased with our buying food from the co-op, but the final decision is up to the council. Gates said that we should pay attention to Jirek's recommendations about the species and number of fish in the lake. Mayor Young agreed, but is concerned about losing money at both the lake and the pool. There was more discussion about who should have the final say so about how the lake is stocked and supported. Ed Harmison suggested approaching the co-op to see if they can supply the correct formula of fish food, and at what price. He also reminded the council that while the revenue from licenses may not pay for the fish food, we need to consider the revenue brought into some of the other businesses by people coming to the lake. Sisson said that he has told Jirek that he has made his last trip to Hartford to pick up fish food, and that if the city wants to continue to buy it through Jirek they'll have to hire someone else to haul it.

**CLERK'S REPORT:** Cheryl Brown asked how the council members are doing with the survey's. After discussion, it was decided that the clerk should mail the remaining surveys. She also reported that she's noticed that some are coming back unsealed, without anything being marked regarding the income. These will have to be re-distributed by mail or in person. She'll have a number of how many have been returned at the next meeting. Jim Gates said that it's taking alot longer than he thought it would because most people want to visit about other matters.

**EXECUTIVE SESSION:** Jim Gates made a motion, seconded by Jason Florance, to recess the meeting from 9:32 pm until 9:37 pm to discuss matters not related to elected personnel with Ed Harmison and Cheryl Brown present. . Motion carried; meeting was recessed. Mayor Young called the meeting back to order at 9:38 pm. No action was taken. David Gerisch moved to recess at 9:45 pm for 10 minutes with Bob Sisson present. Jim Gates seconded. The mayor opened the meeting at 9:55 pm; no action was taken.

**MISCELLANEOUS:** Mayor Young reminded the council that today is the anniversary of the terrorist attacks of September 11, 2001. He requested that they observe a moment of silence for those lost during that time.

There being no further business before the council, Jim Gates made a motion, seconded by Jason Florance to adjourn. Motion carried 4-0; meeting was adjourned at 10:00 PM.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

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



MINUTES

SPECIAL COUNCIL MEETING      SEPTEMBER 18, 2002

MEMBERS PRESENT:      Bruce Smith, Jim Gates, Jason Florance, Rich Hamit,  
David Gerisch(7:45 pm), Mayor Jack Young.

OTHERS PRESENT:      No others present.

Mayor Young called the special meeting to order at 7:30 PM. He stated the meeting had been called to discuss the bids received for the water line project, and also discuss the procedure for condemning buildings.

Bruce Smith recommends that the city provide an inspector on site as much as possible. He said this is not so much due to not trusting the contractor, but more for the purpose of the city knowing what's going on for future reference. Smith said that this time of year, one of the maintenance guys should be able to spend time on site without too much trouble. Mayor Young and Jim Gates both said that they were under the impression that Marian Massoth is planning on being on site as much as possible, especially when the rock excavation is taking place.

Bruce Smith made a motion, seconded by Rich Hamit, to accept the bid of \$74,491.80 by Delbert Anno, dba DA's Backhoe to do the waterline replacement project approved by KDHE, to be funded by a loan from the Kansas Public Water Supply. Motion carried 4-0. This action will be final, providing DA's Backhoe is able to provide all materials and documents as required by the contract.

The council reviewed the photos of buildings provided by Chief Harmison. Rich Hamit asked if these buildings were being considered for condemnation due to citizen complaints. The mayor said he thought Chief Harmison had taken the pictures as a result of his personal concern. Jim Gates said that he would like to see the city complete action at a couple of other locations previously cited by Chief Harmison before starting more projects of this same nature. Mayor Young asked each council member to inspect each of the properties before the October meeting.

Jim Gates made a motion, seconded by David Gerisch, to adjourn the meeting at 7:48 PM. Motion carried; meeting was adjourned.

Submitted by,

Cheryl L Brown, City Clerk

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

MINUTES            REGULAR COUNCIL MEETING            OCTOBER 9, 2002

MEMBERS PRESENT:     David Gerisch, Rich Hamit, Jim Gates. Bruce Smith, Jason Florance and Mayor Jack Young absent.

OTHERS PRESENT:     Stephen Jones, Michael Coffman, Pat Neil, Jr, Matt Taggart, Charles Hamner, Mike & Betty Stewart, Chet & Lori Lee, Roger Harmon, Max Friesen, Bob Sisson, Marian Massoth, Ed Harmison, Cheryl Brown.

In the absence of Mayor Young and Council-President Smith, the meeting was chaired by Councilmember David Gerisch. Gerisch called the meeting to order at 7:35 pm. Roll was called to determine that a quorum was present.

MINUTES/WARRANTS:     Jim Gates made a motion, seconded by Rich Hamit, to approve the minutes of the September regular meeting. Motion carried 3-0. Jim Gates made a motion, seconded by Rich Hamit, to approve the minutes of the September 16th special meeting as written. Motion carried.

Jim Gates made a motion to pay all warrants as presented. Rich Hamit seconded; motion carried 3-0.

RESIGNATION:     Stephen Jones of Coffman, Jones and Gilliland was present to inform the council that he must resign as City Attorney due to his being appointed as District Magistrate replacing Larry Coursen. His serving as City Attorney would be a conflict of interest with this new position. He introduced Michael Coffman of Coffman, Jones & Gilliland and recommended that he be appointed as City Attorney. As the mayor was absent, no appointment could be made at this meeting, so the council agreed to address this matter before Jones starts his new job. Jones stated that his resignation would be effective October 17, 2002. Jones also made the point that the new city attorney should be appointed as soon as possible to better assist in the November municipal court cases.

WATER LINE PROJECT:     Marian Massoth reported that the bid for the waterline replacement has been awarded to DA's Backhoe, owned by Delbert Anno Sr. Massoth said that the contract has been signed and the pre-construction meeting was held prior to the council meeting.

Massoth reminded the council that an updated report on the city's wastewater system is due to be sent to KDHE soon. She will be including lagoon test results, and also information from the company that recently inspected some of the manholes. The report should be ready for review at the November council meeting.

CITIZEN CONCERN:     Pat Neil, Jr was present to inquire about a citation issued to him by Chief Harmison regarding his property on Walnut Street. He explained his

situation to the council, that being he is unable to move the dirt until the basement walls pushed out. He said he's willing to tape off the area if necessary. He would like to see the ordinance that is the basis for the citation. Jim Gates asked how long that this project is going to take. Neil said he didn't know as pushing the basement walls out is taking quite awhile. After discussion, the council authorized Harmison to extend Neil's court date to December 10th, and asked Neil to report on the progress at the November 13th meeting.

**ZONING MATTER:** Michael and Betty Stewart were present to complain about Chet and Lori Lee operating a business on their property which is zoned Residential. The current zoning ordinance was reviewed regarding home-based businesses. Stewart said that the smoke is not only a nuisance, but feels that it's a health hazard. Chet Lee stated that the smoke from his cooker is no different than what comes from his chimney as a result of using his woodstove for heating. After reviewing the ordinance, the council determined that a home business is legal only if the business is operated within the residence. Following discussion of possible options, Lee indicated that he would most likely pursue having a hearing to get a Special Use permit for his business through the Planning Commission. Lee said that he would come to City Hall to take care of the necessary paperwork for the hearing. Lee then asked if his using a woodstove was going to cause the same problem this winter. The council stated that the main problem was in the fact that the cooker is located outside of the dwelling and is used for business purposes. Gerisch stated that the only smoke addressed by the ordinance is what comes from Lee's cooker used in his business. Stewart then asked if Lee would be permitted to use the cooker until after the hearing. Chief Harmison said he has no laws that deal specifically with smoke, but he would do whatever the council wants. Hamit said that following the ordinance probably does mean that the cooker shouldn't be used until after the hearing. Jim Gates said that he feels that until Harmison can find a legal reason to shut down the business, Lee should be allowed to use the cooker until the hearing. Gates also suggested Lee find another location to use the cooker. Harmison said he would contact the state about guidelines.

**B.A.T. CLUB:** Jennifer Hardesty, accompanied by Nathan Averill, Hannah Wiebler, and Quentin Capra, was present to report that the group BAT (Building Assets Together) has been working to acquire use of part of the Middle School building. They will find out on October 15th if the school board approves their request. If permission is granted, the center will be scheduled to open on December 1st. Boys & Girls Clubs is partnering with Fast Lane to operate the club, and will also contribute to the funding. The group told the council some of the things they've been doing, such as a video that's shown on the school cable channel, and a radio announcement. The council commended the group on what they've accomplished. Hardesty said that there is a fund at the Kansas State Bank to which people can donate if they so choose. The center will be supervised by 3 paid professionals, 2 of whom will be from Boys & Girls Clubs, and then will need some volunteers. Club hours are tentatively from 2-8 PM. The council said they would help if possible.

**CITIZEN COMMENT:** Matt Taggart said he was here to observe, but did state that he has seen some progress at WrenchBenders. Chief Harmison said he's working with the present and previous owner about removing the vehicles and tires.

**UNFINISHED BUSINESS:** Jim Gates said that he's talked to the postmaster about changing the route that the mail truck uses, and was told that route changes have to be approved by several people other than the local postmaster. Gates said he had looked over the alley, and sees some other options. Gates said he had reminded the postmaster of tonight's meeting. The council agreed that this matter should be solved by the parties involved as there are no city ordinances being violated.

Bob Sisson said that he hasn't been able to contact Jimmy Jolly regarding a hydrant at Jones Park. The council agreed to table this matter until Jolly or someone comes to a meeting to make the request in person.

Chief Harmison reported that he's left messages on Leonard Jirek's voice mail, but hasn't heard from him at this time. The matter was tabled until the November meeting.

There was discussion about the structures mentioned at the September meeting to be considered for condemnation. Gates said that while he agreed that there didn't appear to be much use for these buildings, he felt that a letter from the city might be better than just scheduling a hearing. Hamit said he personally would rather see the matter handled by a warning letter rather than an official notice. The council agreed by consensus to have Harmison hand-deliver a notice stating the reasons for the removal of the buildings, and send letters if personal contact cannot be made.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. He told the council that they have received a grant in the amount of \$5,031.50. This will be used to purchase a 35mm camera, computer, printer, monitor, laptop, and a video deck cam. The city's share will be \$503.15. He asked if these items can be purchased now. The clerk said that the items cannot be paid for until we actually receive the grant check in January. Harmison said he would wait until December to order the equipment. Harmison also asked permission for Officer Dannar and himself to attend a 3-day school in Wichita that would count towards their required yearly credits. The cost would be \$40/person plus motel expenses. Jim Gates made a motion, seconded by Rich Hamit, to approve this expense. Harmison told the council what he's been doing in response to a citizen's dog being shot recently. As a result, the dog-at-large complaint will be enforced more vigorously in the future.

**MAINTENANCE REPORT:** Bob Sisson reported that a leak in one of the skimmers was discovered, and is in the process of being repaired. This is not under warranty anymore. He also reported there was a leak on the Garstecki property in the country. He said that he wasn't at the pre-construction meeting with Delbert Anno due to a water break at Maple and Market, but understands that Anno is planning on starting November 1st.

Sisson said that the company that inspected the manholes also has a maintenance plan that he would like the council to consider in the near future. The clerk said that the city has received notice from the insurance company about getting a sewer maintenance program in place to avoid having the deductible increased. to \$1,000 per claim

Sisson said that he has put rock on the streets in a few places where the oil was heavy. Gates said that he was disappointed in the quality of the work this year. Danner asked if something can be done about the bumps in the streets that just get covered each year rather than removed. Gates suggested we get bids from some other companies next year.

Hamit reported that Jonas Mentzer, 301 Surrey Lane, was asking if something can be done about a drainage problem behind his house. Sisson said that the problem was between Mentzer and the adjoining property owner. He said he would be willing to talk to the other owner if that would help.

**TREASURER'S REPORT:** Max Friesen reported that the fund balances seem to be up a little from last month. He brought up the possibility of renting equipment from another town to do some of the street work ourselves rather than pay someone \$26,000 to chip & seal part of the streets. Friesen feels that we could do more streets with the same amount of money.

**CLERK'S REPORT:** Cheryl Brown brought up the policy for having electricity service turned on and off at Jones Park. She feels that the ball association should make more effort to keep the council informed as to what is scheduled to avoid paying utility bills longer than necessary. The city has paid \$1200 for electricity, \$280 for phone service, \$252 for trash removal, and \$875 for mowing. This does not include the money spent on the diamonds in early spring.

The clerk asked the council to review the letter written to the Osage Fire District. The council agreed by consensus to have the mayor sign the letter and mail it. Brown reported that she has received 170 survey forms back, but we need 273 to meet the 80% to qualify.

**REQUEST FOR WATER METERS:** Max Friesen told the council that he has purchased the old Van Patten property and needs to know what the procedure for obtaining water meters. He is planning to sell 6 plots along Stanley Road for a half-mile length. Sisson said that his understanding is that meters should be provided to the owners of property through which the city water line runs. Sisson said that furnishing water to these plots shouldn't be a problem. The matter was tabled until the November meeting so Bruce Smith be present.

TRAIL'S PROJECT: Roger Harmon reported that the next step is to actually dig out the trail, which he feels can be done with the backhoe by Sisson. There was discussion about drainage tubes and dirtwork to be done. Harmon said that there will also be a need for volunteers. The council told Harmon to set a date so we can get the word out. Harmon said that as soon as he can mark the path, Sisson can start using the backhoe.

There being no further business, Jim Gates made a motion to adjourn. Rich Hamit seconded the motion; motion carried. The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: 1/13/2002

SPECIAL MEETING -- OCTOBER 16, 2002  
5:30 PM

PRESENT: MAYOR JACK YOUNG  
BRUCE SMITH  
RICH HAMIT  
JIM GATES

MOTION TO ACCEPT RESIGNATION OF  
STEPHEN JONES AS CITY ATTORNEY:

MOTION BY: Bruce

SECOND BY: Jim

VOTE: 3 TO 0

MOTION CARRIED: YES NO

MOTION TO APPOINT MICHAEL COFFMAN OF  
COFFMAN, JONES, AND GILLILAND AS CITY  
ATTORNEY TO SERVE THE REMAINDER OF  
STEPHEN JONES' TERM (MAY, 2003):

MOTION BY: Rich

SECOND BY: Jim

VOTE: 3 TO 0

MOTION CARRIED YES NO

MEETING ADJOURNED

MOTION: Jim

SECOND: Bruce

TIME OF ADJOURNMENT: 5:35

APP  
11-19-2002

MEMBERS PRESENT: Bruce Smith, Jim Gates, Rich Hamit, Oavid Gerisch, Mayor Jack Young. Jason Florance arrived at 8 pm.

OTHERS PRESENT: Pat Neil, Jr, Charles Hamner, Marian Massoth, Max Friesen, Bob Sisson, Ed Harmison, Everette Oannar, Cheryl Brown.

The council meeting was called to order at 7:30 PM by the mayor. The clerk called the roll; there was a quorum present.

MINUTES/WARRANTS: Jim Gates made a motion, seconded by Oavid Gerisch, to approve the minutes of the regular October meeting as written. Motion carried 4-0. Bruce Smith moved to approve the minutes of the October 16th special meeting; seconded by Jim Gates. Motion carried 4-0.

Jim Gates made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried 4-0.

NEIL PROPERTY: Pat Neil, Jr was present to report on the progress he's made at his property at 129 Walnut. Neil said that he hopes to have part of the trench filled in by next week. He said that he would replace the caution tape that the wind blew down. Chief Harmison asked the council if they wanted to extend the Notice to Appear beyond Oecember 10th. Harmison told the council that Judge Coursen is not having court in Oecember or January. The council agreed by concensus to extend Neil's court date to February, 2003. Neil said that he's doing the work as quickly as he can afford to do it.

CITY LAKE OROINANCE: After discussion, the council agreed by concensus to allow boats with electric-powered trolling motors only on the Overbrook City Lake in 2003. Boats with gasoline motors will still be prohibited, even when the motor is not being used. Chief Harmison recommends adding regulations prohibiting one person giving fish to someone else to avoid going over the limit, confiscating licenses as part of the penalty for violations, and prohibiting alcohol of any kind on city lake property. Jim Gates made a motion, seconded by Bruce Smtih, to approve the new ordinance with these changes. Cheryl Brown reported that of the 185 licenses sold in 2002, 92 were sold to non-residents. There was discussion about the number of 2003 licenses to order. The council agreed to leave the license fees at the same amount, and to issue passes to kids under 16 that live within the city limits.

WATER PROJECT/SEWER REPORT: Marian Massoth reported that a little over 2700 feet of new water line has been installed by OA's Backhoe as of today. She said that they've hit rock a couple of times, but things seem to be going well. Massoth said that KOHE has agreed to Sisson being the one to observe as long as Massoth is available for problems and when certain parts of the project are being done. Massoth attended a Marion township meeting to verify what they require when the pipe goes across the county-line road. Elk township allows trenching with the road being restored to it's current condition.

Massoth reminded the council that the city's report on the Wastewater System is due to KOHE by Oecember 1, 2002. She reviewed the prepared report for the council. Problems addressed in the report include smoke-test results, manhole inspections, and lagoon capacity. King's Engineering has proposed that these problems be addressed in two phases. The report includes the recommendation to fix the necessary manholes, set up a maintenance schedule, and make the previously determined changes at the lagoons. The total cost for this phase would be

approximately \$200,000.00. The report also addresses the problem of sump pumps and perimeter drains discharging into the sewer system. Massoth said that some other towns have charged a flat fee to property owners who can not certify that they are complying with city requirements. One town charges \$20.00 per month until they are certified. Bruce Smith said that could involve about 75% of the houses in town. There was more discussion about the current ordinance, and how the city could go about drain inspections.

Massoth said that the state's Municipal Programs has \$300,000 allocated for improvements to the Dverbrook wastewater system. This is a revolving funds loan, which would have to be paid. Progress on the survey for a grant was discussed. The clerk said that we are still short the necessary number to even start determining the income requirements. Smith suggested that the council do a follow-up to try to get more surveys back. Sending out a copy of the sewer ordinance and notice of a possible fee added to the sewer billing was discussed. The council will study the current ordinance and act on this matter at the December meeting.

Bruce Smith made a motion, seconded by David Gerisch, to approve the report, and Massoth to ask for additional time to complete the necessary improvements. Motion carried 5-0.

Massoth also presented a proposed contract with King's Engineering. The current contract's engineering fees would stay the same for the rural water line project. Bruce Smith made a motion, seconded by Rich Hamit, to approve the contract. Motion carried 5-0.

**MISC:** The council agreed to table the matter of condemnation proceedings until next month.

**RURAL WATER SERVICE:** Max Friesen came before the council to ask for additional water services along Stanley Road to service up to 6 residences. There was discussion regarding the existing service lines and where the main hook-up's would be. The price for these meters was also discussed. Bruce Smith said that the city doesn't own the 2" line that services Arnold's, Meggison's, and Bruce Anderson. Previous property owners installed that line, and the city doesn't maintain the line after it goes through the master meter. The matter was tabled until Friesen can determine the actual owners of the line. Smith suggested consulting with the engineer about whether or not the existing lines can service more households.

Max Friesen told the council that Mike Fawl is thinking about building some apartments on the property east of the fairgrounds, and the council should take this into consideration when making improvements to the sewer system.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. Harmison reminded the council that he and Officer Dannar will be in Wichita November 20, 21, and 22nd for training. Harmison reported that the Boys & Girls Club is well under way at the old middle school. They're planning on being open on December 2, 2002. There will be 2 full-time adults, and will be using volunteers.

Chief Harmison asked the council to think about building some kind of BMX track in the spring. He didn't think it would take up too much room, and shouldn't be too expensive.

Harmison brought up pay for mileage. The current rate is \$.25/mile. Hamit asked how much mileage is currently turned in for reimbursement. The clerk said that at this time, only Mark Tomlinson (animal control) is reporting mileage. This averages between 300 to 400 miles/month. Bob Call uses his vehicle for everything other than when he works with Bob Sisson, but doesn't report mileage normally. Jim Gates made a motion, seconded by Jason Florance, to raise the mileage rate to \$.36 per mile. Motion carried 5-0.

Harmison reported that his goal for the police department is to come in just under the 2002 budget. The clerk reminded him that the budget is what is allowed to be spent, but the revenue received is what actually determines available cash.

**MAINTENANCE REPORT:** Bob Sisson again stated that the water line project seems to be going well.

The leak at the pool has been fixed, except for replacing the concrete. Sisson said that the pool has been winterized, as well as the park.

Sisson said he has 4 or 5 places to do some street patching as the weather permits. He also said that there will be two new services to set in Meadowbrook II soon.

He told the council that the brush pile at the lagoon is taking awhile to burn since there was quite a bit of mud, etc in with the brush this last time. Smith asked if the brush pile made from work at the Trail's had been taken care of. Sisson said that he hasn't done anything with that as yet. He thinks that maybe it all can be pushed into one pile, and have the fire department burn it later.

**TREASURER'S REPORT:** Max Friesen said that we won't be receiving any more large amounts of tax levy until after the first of the year, so it'll be close again for end of year expenses.

**CLERK'S REPORT:** Cheryl Brown said that she has acquired some items relating to trains to present to Steve Jones, hopefully at the December meeting. Jones collects trains, etc so she thought that would be better than a plaque.

Brown informed the council that Westar Energy has informed us that at some point in the near future, the city will have to decide whether or not to replace existing mercury vapor streetlights with high pressure sodium lamps or metal halide lamps. The metal halide lamps are brighter, but more expensive. Westar will continue using the mercury vapor lamps as long as they are available.

**COUNCILMEMBER COMMENTS:** Jim Gates asked about the Chet Lee/Michael Stewart situation. The clerk said that Lee is using a smaller cooker inside his garage.

Rich Hamit reminded the council that there's a PRIDE meeting this Saturday at 7:30 am at Shirley's Cafe. He encouraged the council to attend.

**MAYOR'S REPORT:** Mayor Young announced that everyone from the zip codes of 66524 and 66414 can buy Scarecrow tickets for \$2 on November 22nd.

**MISC:** Ed Harmison asked if the council would approve his buying Christmas gifts for his full and part-time officers, and the other city employees as well. The council agreed by consensus.

There being no further business before the council, Jim Gates made a motion to adjourn. David Gerisch seconded; meeting was adjourned at 10:00 PM.

Respectfully,  
Cheryl L. Brown

APPROVED: 12-11-02



motors, states that alcohol consumption is disallowed on the water and surrounding city property, and states the 2003 daily creel limitations. Rich Hamit made a motion, seconded by David Gerisch, to adopt Ordinance No 248. Motion carried.

**CONDEMNATION OF BUILDINGS:** Chief Harmison said that he had been contacted by one of the property owners who indicated that their building will be torn down soon. Harmison has not contacted all property owners at this time.

**CHRISTMAS GIFTS:** Rich Hamit moved to give city employees a \$20 gift as has been done in the past. Jason Florance seconded; motion carried.

**RE-APPOINTMENT OF PLANNING COMMISSION MEMBERS:** Rich Hamit made a motion, seconded by Jason Florance, to re-appoint Joyce Dillon and Cliff O'Bryhim to the Planning Commission for three-year terms. Motion carried.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. Chief Harmison told the council that he has asked Judge Coursen to increase the speeding fines in the near future.

Harmison said that the Boys & Girls Club has opened, and things seem to be going very well. The kids seem to really like it, and he considers it to be a plus for the community.

Chief Harmison said he's still waiting for the Law Grant check, and has not ordered the approved equipment.

He said that WrenchBenders has made quite an improvement in the business's appearance.

Chief Harmison told the council that he and Officer Dannar would like to switch from KPERS to the Kansas Police & Fireman's Retirement Fund as soon as possible. This would involve more money withheld from their salaries as well as more contribution from the city. Rich Hamit made a motion, seconded by Jason Florance, to approve the change. Motion carried. The clerk will get the necessary paperwork started to make the change.

Mayor Young brought up his concern about how fast some gravel trucks are going through town. Chief Harmison said that he has not had to stop any yet as a result of radar, and that they may be warning each other by radio.

**MAINTENANCE REPORT:** Mayor Young gave the following report in the absence of Bob Sisson:

1. The east lift station has been under repair due to the computer going down. Smith & Loveless has replaced the computer and vacuum pump and it seems to be okay now. Should be under warranty.
2. Couple of water leaks this month, but not major
3. Brush pile by lagoons has been big due to lots of leaves, but is starting to slow down.
4. Dump truck has been serviced, and is ready for snow or ice removal.
5. City lake is about 5' low, but fish seem to be okay.

**TREASURER'S REPORT:** Max Friesen reported that the fund balances are very low, and things will be close even with reimbursement from the Kansas Public Water Supply. Friesen also questioned the amount of the bill from

**McKee Pools.** The mayor asked the clerk to get more details about the billing before mailing the check. Friesen said that some of the checks will just have to be carried as outstanding until funds are received.

**CLERK'S REPORT:** Cheryl Brown relayed thanks from Carolyn Meerian about getting the Christmas decorations up so early this year.

Brown said she had received complaints from Mary Woodruff on E. 6th about people burning leaves. Mayor Young has also visited with her concerning the matter. He told her she should get a signed petition to present to the council.

Brown said that the 2003 City Lake licenses have been ordered, and should be here before the end of the year.

The clerk said that Bruce Smith is planning on visiting with Ed Butterfield before the council makes any decisions about street-light replacements.

Brown reminded the council that Smith, Hamit, and Florance will be up for re-election, and the filing deadline is noon, January 21st.

Brown also presented the council with a request from Bill Baldwin to add a water service on rural property that he maintains. It's just north of the city's north well which is on Baldwin's property. The council agreed to table the matter until Sisson and Bruce Smith are present.

The clerk asked permission to observe special hours during Christmas week as her daughter and family from North Carolina will be here. Rich Hamit made a motion, seconded by Jason Florance, to approve the special hours the week of December 23rd. Motion carried.

**VACATION PAY:** Chief Harmison asked if the council would approve carrying half of unused vacation over to 2003, and being paid for the other half in January due to lack of funds at this time. The council agreed by consensus to allow employees to do this on an individual basis without losing any benefits.

**COUNCILMEMBER COMMENTS:** David Gerisch mentioned that one of the water valves by the doctor's office has been leaking for some time. The mayor said he would check that out with Bob Sisson tomorrow.

**MAYOR'S REPORT:** Mayor Young asked the council to consider meeting twice monthly, and raising the annual stipend the governing body receives after the April elections. The matter will be discussed at the January meeting when all members are present.

**MISCELLANEOUS:** Max Friesen reported that the 2" water line discussed at the November meeting was installed by Ernest Arnold, so would belong to Friesen as the current property owner. The matter of new meters from this line was tabled until the next meeting.

**COUNCILMEMBER CONCERN:** Rich Hamit made a motion, seconded by David Gerisch, to go into executive session for 15 minutes to discuss matters not related to elected personnel. Motion carried. Meeting was recessed from 8:50 pm until 9:05 pm. Mayor Young called the meeting back in open session at that time. The council agreed by consensus to have the clerk write a letter to Municipal Court Judge Larry Coursen informing him that he would be paid his regular salary in December (with no court), but would not be paid in January unless he held court. The council also would like to

review the policy of paying Coursen \$50/month for phone expenses rather than reimbursing for itemized expenses.

There being no further business before the council, Jason Florance moved to adjourn the meeting. David Gerisch seconded; motion carried. Meeting was adjourned at 9:10 pm.

Respectfully submitted,

Cheryl L Brown  
City Clerk

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

Jan 8, 2003