

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JANUARY 12, 2005

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

OTHERS PRESENT: Patty Hylton, Bob Call, Ed Harmison, Everette Dannar, Cheryl Brown.

The meeting was called to order by Mayor Young at 7 PM. There was a quorum present.

MINUTES / WARRANTS: Ira Allen moved to approve the minutes of the December 22, 2004 meeting as written. Jim Gates seconded; motion carried 5-0.

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

SEWER PROJECT: Cheryl Brown said that one bid for the pre-treatment tank has been received, and apparently the bid opening will be January 24<sup>th</sup> at 1:30 PM. There was a brief discussion concerning the project, but the matter was tabled due to Vic Robbin's absence.

INSURANCE CLAIMS: Ira Allen said that he's not received any new information regarding claims from Carl Anderson or Bruce Cole. Mayor Young said that the Anderson's are meeting with an attorney next week.

GRANT APPLICATION PROPOSAL: Donna Crawford, Governmental Assistance Services, has submitted a proposal for applying for 2005 grant funds to continue the Wastewater System improvements. Jim Gates moved to hire Crawford at a fee of \$5,450.00 to do the application. Bruce Smith seconded; motion carried 5-0. There was some discussion about the timing of the grant funds and the time limits set by KDHE.

BUILDING INSPECTION TRAINING: No additional information about other training locations and times was available; matter tabled.

OFFICIAL 2005 DESIGNATIONS: Jim Gates moved to name Kansas State Bank and First Security Bank as official depositories; Bruce Smith seconded. Motion carried 5-0.

Rich Hamit made a motion, seconded by Bruce Smith, to authorize the following to sign checks: Jack Young, Patty Hylton, Cheryl Brown, Jim Gates, Bruce Smith and Ira Allen as three signatures are required. Motion carried 5-0.

Cheryl Brown said that for some reason, no one from the Chronicle has been picking up articles or payments on Monday's and she either has to fax things or mail them. Jim Gates moved to designate the Osage County Herald as the city's official newspaper for 2005. David Gerisch seconded; motion carried 5-0. Brown will contact the Herald to get details on deadlines, etc.

EMPLOYEE SALARY REVIEW: Mayor Young asked if all the employee evaluations have been done and was told they are done. The clerk had provided current salary and retirement rates for the council's use. Smith asked if the council is looking at doing something different than what's been done in the past where raises have pretty much been across the board since evaluations have been done. The mayor said that he thinks the evaluations should be more in order before raises are tied to them. There was discussion about the actual forms being used for the evaluations being the problem rather than the employee's job performance. Brown suggested that the council go into executive session if the discussion is on a personal level. Smith stated that unless the evaluations are being applied, that everyone would probably be treated in general. Smith also asked if 3% raises hadn't been considered when the 2005 budget was approved. There was discussion about the retirement benefits being included in the "raise" process. The mayor asked if anyone had thought about setting up some kind of tax-deferred fund for those not covered by the Kansas Police and Fireman retirement. The city cannot increase the amount deposited into KPERs for Brown and Call to equal the amount for Harmison and Dannar. It was tabled until we can ask the auditor about legal options. Jim Gates said that overtime pay needs to be discussed, too. The mayor said that he thinks that we should forget about talking about overtime and let the departments be responsible for how much they spend on overtime. Smith said that he understands what the mayor means, the council still needs to monitor it and not let overtime pay be another source of income. Ira Allen made a motion, seconded by Jim Gates, to give a 3% cost of living raise to all hourly-paid employees effective January 1,

2005. This would exclude the municipal court judge, court clerk and treasurer. Motion carried 5-0. Rich Hamit moved to raise the treasurer's salary to \$100/month. Jim Gates seconded; motion carried 5-0. Gates said that Bob Call has been taking compensatory time off rather than being paid salary for overtime, and he thinks it should be discussed. This will be on the agenda for the next meeting.

**OSAGE COUNTY CONCERNS:** Mayor Young said he had been approached by the county commissioners while at the courthouse to discuss the city's lagoons. The county has received a complaint about raw sewage being discharged from the lagoons. The mayor gave them a brief summary of the wastewater project. He was told that the county doesn't allow land application of sludge from lagoons. Young told them that this had been approved by Kansas Dept of Health and Environment. The commission would like a copy of the plan approved by KDHE. The council agreed to send a copy of the recent order from KDHE which states the requirements and a time-table for completion.

**COURT DOCUMENTS:** The mayor said that each council member has received a copy of the city attorney's opinion regarding "Notices To Appear" (tickets), and the way the process is being handled presently is the way it's going to stay. He has asked Judge Jones to write a policy for court matters, and there's no need for more discussion.

**LAW REPORT:** Chief Harmison reported that there were only 5 criminal cases for December and 11 citations issued. He also reviewed his 2004 summary report. There were 94 criminal cases compared to 131 in 2003. He's hoping to stay under 100 this year. Harmison also presented a break down of all the traffic citations issued which totaled 156 in 2004. He also said that Dannar was able to order the 2005 patrolcar at a lower price than authorized, and the dark blue color didn't cost any extra.

Harmison gave a brief report on the ice storm. He commended Westar and Wright's tree service for responding so quickly. He also reminded everyone that dog and cat tags are due now.

Chief Harmison also pointed out that the police department ended up in the black this year. Rich Hamit said that the police department and Bob Call deserve a pat on the back for the job they did. Mayor Young asked what can be done about the people dumping limbs on the south side of the road. Bob Call has put some caution tape up which will hopefully stop it. Call was told to see if that pile can be pushed over to where they're supposed to be.

Officer Dannar said he thought that the city should send a letter of thanks to Wright's tree service. The mayor and council agreed that Westar and all the other tree services should be thanked, too. Mayor Young suggested putting something in the Topeka paper expressing our thanks.

**MAINTENANCE REPORT:** Bob Call asked how long to leave the Christmas lights up. Rich Hamit said that he had been asked by someone to leave the lights up until a certain person returns from overseas. Hamit said he hadn't been able to contact this person, so the lights can be taken down whenever Call has time.

Call told the council that Osage City has a water jet for sale with an asking price of \$7500. Smith said that Overbrook has hired them in the past to clean sewer lines. The council asked Call to get some more information about the hours on it, and the tank size. Smith said that it would be a good buy considering the condition of some of the sewer lines. The mayor suggested that Call and Smith inspect it before the next meeting.

Well No 1 is down, and Call is thinking of having Patchens use the camera. He also said that Wells No 4 & 5 need new electric boxes. The concensus was for Call to get the boxes installed, and suggested getting some bids. Smith said that the wells used to have draw-down tubes that measured the water level and Call should have them installed as each well is being serviced..

Call said that the new sidewalk has been installed by the pool. The library steps have also been repaired. He said that he's still waiting on Donnie Bryant to contact him about replacing some waterline. The council said that Call should tell Bryant that if he doesn't set a time, that the job will be put up for bids. Taking bids will delay the project, but necessary in order to use the water loan money if Bryant is not the contractor.

Call said that the backhoe needs the brakes repaired or replaced and will be taking it to Marshall's. One side locks up.

Smith asked how the lift stations did during the power outage. Call said that he kept them warm, but neither one wanted to start back up. He just moved the generator around between the lift stations and the wells trying to keep them from freezing. Smith said that his water district has a generator for sale that the city might be interested in. He'll bring more details in to the office soon. Gates asked how long the lift station can go without electricity and Call said probably about 6 hours. Call said that he could use another generator to keep things running. After discussion, the council agreed by concensus to have Call get some propane heaters.

The clerk told the council that since the building is settling, a lot of air comes in along the floor on the south side of city hall. Call has said that he might find some kind of insulation to fill the space.

The mayor said that someday replacing this building will have to be considered. He then said that he's been contacted about the city being reimbursed by FEMA for damages caused by the ice storm. This would include salary, equipment, gas, diesel, and other items. He will be meeting with them in Lyndon on Thursday morning.

Hamit asked Call if the lockers for the pool looked okay. Call said they look pretty good.

EXECUTIVE SESSION: Bruce Smith moved to go into executive session with Bob Call for 5 minutes; Jim Gates seconded. Bruce Smith then moved for another executive session with Gates seconding. Mayor Young called the meeting back to order with no action being taken.

TREASURER'S REPORT: Patty Hylton reported that all the funds ended with positive cash balances. Brown said that this was partly due to increasing the tax levy and also raising the water/sewer rates in the past year. Hylton reviewed the Annual Financial Report that will be published.

Hylton said that there is cash available to pay the full-time employees for half of their unused vacation, but it would come out of 2005 budget since the 2004 W-2's have been issued. There was discussion about what the personnel policy states about unused vacation. The policy states that an employee will be paid for half of the unused vacation hours, and carry the other half into the next year with the stipulation that it be used by June 30<sup>th</sup>. The council has voted to allow the employees to carry over more than half with no time limit on when it's used the past several years due to a lack of cash at the end of the year. Everette Dannar was concerned about not being able to use the hours carried over by June 30<sup>th</sup>. The clerk said that she will have these checks ready by the next pay day, but they'll be separate checks.

CLERK'S REPORT: Cheryl Brown reminded everyone that the deadline for council and mayor is noon, January 25<sup>th</sup> and the fee is \$5.00. When asked, she said that Larry Coursen and Bob Sisson have filed and Michael Blood and David Gerisch have asked for the filing forms.

COUNCILMEMBER COMMENTS: Rich Hamit made a motion, seconded by Bruce Smith, to pay for Patty Hylton and two other council members to attend a League seminar in Ottawa on January 21<sup>st</sup>. Motion carried 5-0.

MAYOR'S REPORT: Mayor Young again thanked Bob, Ed and Everette for their extra time during the ice storm.

AGENDA FOR NEXT MEETING: The council agreed by consensus to put the retirement fund, job evaluations, 2006 budget and personnel issues on the agenda for January 26<sup>th</sup>. The Planning Commission will be meeting Tuesday, January 18<sup>th</sup> for the first time. The mayor encouraged everyone to attend if possible.

There being no further business before the council, Jim Gates moved to adjourn. Rich Hamit seconded; motion carried. The meeting adjourned at 8:52 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: January 26<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JANUARY 26, 2005

MEMBERS PRESENT: Ira Allen, Bruce Smith, Rich Hamit, Mayor Jack Young, David Gerisch (7:08 PM).  
Jim Gates absent.

OTHERS PRESENT: Sue Martin, Vic Robbins, Patty Hylton, Bob Call, Ed Harmison, Everette Danner,  
Cheryl Brown

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

MINUTES/ WARRANTS: Ira Allen made a motion, seconded by Bruce Smith, to approve the minutes of the previous meeting as written. Motion carried 3-0.

Bruce Smith moved to pay the warrants. Ira Allen seconded; motion carried 3-0.

COMPREHENSIVE COMMITTEE: Sue Martin was present to discuss printing and mailing the surveys the committee has prepared. Several options were discussed. They are going to ask the banks, grocery store and library to be drop-off locations for the surveys as well as City Hall. If surveys are sent to Overbrook, rural route customers in Scranton, Carbondale, Quenemo, and Pomona the total would be approximately 2,399. The postage would be \$888.00 plus a printing fee of approximately \$465.00. Martin said she would get some more information from the printer and report back at the next meeting.

RETIREMENT FUND: Cheryl Brown said that Jim Long hasn't responded to inquiries about some kind of retirement fund for KPERS employees to match the benefits for KPF (Police and Firemen). The city contributes 11.67% for KPF, and 4.01% for other full-time employees. The matter was tabled.

JOB EVALUATIONS/DESCRIPTIONS: Mayor Young said that he would like the evaluation forms to be more specific to the actual job. Ira Allen said some kind of salary range should be included. Getting more information from the League and other cities was discussed. Things to be considered in developing pay ranges would include continuing education, licensing, as well as length of employment and job performance. The matter was tabled until a later meeting.

WATER/ SEWER REPORT: Ira Allen asked Vic Robbins why the local contractors weren't notified about the second bid regarding the pre-treatment tank. Robbins said the bid is for the tank only, and does not apply to the installation. The city received 4 bids for the tank. They are as follows:

1. Allied Concrete, Grandview Mo --- \$6810.75
2. D of K Concrete, Iola, Ks. -- 1089.50
3. Trigard Concrete, Belleville, Ks. -- 1321.00
4. Vanguard Products, Topeka, Ks. -- 3860.00

The bids from D of K Concrete and Trigard Products did not conform to the plans and specifications needed. After determining it met all the bid requirements, Rich Hamit moved to accept the bid from Vanguard Products for \$3860.00. Bruce Smith seconded, motion carried 4-0. Robbins said that a bid notice will have to be published for the installation of the pre-treatment tank.

Robbins then told the council that he has talked to Kansas Rural Water Association and the final map for the sewer system is almost done. There was discussion about the best way to mark the map for copying, etc.

Dean Beckman has completed 271 I & I inspections to this point. Robbins has reviewed them and has found approximately 45 that are definitely hooked to the sewer system, and another 30 that are questionable. So far, 200 or so are in compliance with the state and city requirements. Robbins will meet with Beckman before he sends in the first quarterly report to KDHE.

Robbins said that Cell No 4 at the lagoons had been de-watered, but they will have to start over again because of all the moisture from the snow and problems with the plug. Robbins did discover some problems with the piping when the cell was de-watered. There was some discussion about possible repairs.

Robbins told the council that he's still working on the plan for replacing waterline by WrenchBenders. He is waiting on Donnie Bryant to provide a cost-estimate for materials and labor.

The council agreed by concensus that Robbins can do the soil testing for Mid-Continent as he is licensed in Kansas. Mayor Young will need to sign a letter of agreement that Robbins will prepare.

**CONNECTING LINKS:** Rich Hamit made a motion, seconded by Bruce Smith, to NOT accept the Connecting Links agreement with Osage County. Motion carried 4-0. This enables the county to maintain the part of Maple Street that's within the city limits.

**KRWA MEETING:** Rich Hamit moved to send Bob Call to the Kansas Rural Water meetings in Wichita the last part of March. David Gerisch seconded; motion carried 4-0. As has been done in the past, the city will give Call an allowance for motel rooms, meals, and turnpike fees. The amount will be determined later.

**PLANNING COMMISSION:** The minutes of the first Planning Commission meeting were discussed. There was some discussion about the Commission's voting procedure. The clerk said that how the vote is done may have to refer back to Robert's Rules of Order.

**TRANSMISSION MAINT:** Mayor Young brought up taking the city vehicles to Topeka for more complete transmission maintenance. A complete flushing can not be done locally. The mayor said that his wife's nephew is the manager of Expert Tire where the "power" flushing can be done. The matter was tabled until more information about the costs, etc can be determined.

**CITIZEN LETTER:** Mayor Young brought up a letter received from Patricia Hulsopple of 508 Maple. She had a complaint about the response of the fire and police department on January 5<sup>th</sup>. She had called "911" to report a burning tree limb. There was no immediate response, and the limb eventually fell on some power lines. She was concerned that this would cause other fires and called "911" again. After awhile, she did see Chief Harmison in the alley observing the fire. According to her letter, Hulsopple was concerned that the limb could have landed on the roof or parked cars.

After reading the letter, the council agreed by consensus that the local fire and police departments handled the matter properly, and that electric lines need to be handled by Westar service people. It was also stated that the response time would have been affected by the number of fires and downed lines all over town. The mayor said he would write a letter to Hulsopple explaining that there were numerous emergency calls due to the extreme weather conditions.

**FEMA:** Mayor Young has received a letter saying that the Federal Emergency Management group had been scheduled to meet on January 24<sup>th</sup>, but hasn't heard any results from them as yet. He did ask Bob Call to keep track of bills received for work directly related to the storm damage. There was discussion about what expenses can apply to any reimbursement. Several people have asked the mayor about roadside limb pick up. The council agreed that providing a place for the limbs should be adequate.

**EXECUTIVE SESSION:** Bruce Smith moved to go into executive session to discuss matters not related to elected personnel. Rich Hamit seconded; meeting was recessed from 8:05 until 8:15 PM. No action was taken.

**POMONA LAKE PROJECT:** Bruce Smith reported that there should be more information concerning the project within the next 2 weeks. He handed out an info sheet comparing supply options from the City of Lawrence and the Pomona Lake project. He will keep the council informed.

**AQUA JET SEWER MACHINE:** Smith said that he's gathering information about new water jet sewer cleaners before making a decision about the used one that Osage City has for sale. It has some mechanical problems. He has also been checking out generators.

**2006 BUDGET PREP:** Patty Hylton had prepared a report showing annual budgeted expenditures compared to actual fund expenditures from 1998 through 2003. She thought this might be helpful in preparing the 2006 budget. She also gave them a chart of Actual Tax Rates, Property Valuations, and Tax Levied for the same years. Ira Allen asked if the next report could show the amount of tax revenue actually received compared to what was levied. The clerk said that each fund has a line showing tax receipts so that shouldn't be too difficult, depending on how many years we go back. Allen then said that they need to determine the amount of revenue to run the city, then see where that falls to decide how much tax to levy. The clerk explained that the amount of expenditures budgeted only gives authority to spend it, but does not necessarily mean the revenue will come to that amount.

David Gerisch gave a report on the Municipal Finance class he and Hylton had attended. He said the class really emphasized developing a Capital Improvement plan for at least 5 years. They said the plan needs to be put in writing and followed as closely as possible, understanding that some projects may

have to be moved around as far as time is concerned. Gerisch had received information about maintenance records to consider in replacing equipment. The main purpose of having the plan is to evaluate and prioritize each project, including the various means of financing the projects. Hylton said one thing they learned is to keep a running line of debt, such as bonds, rather than changing the tax levy every year. She also said that they recommended that city's develop a debt policy to give consistency from one council to the next.

She said the first step might be to inventory what we have, determine the life expectancy, and the amount needed to replace the items. Hylton said there are some good books that would give guidance. She was asked to price them and report back. There was discussion about economic development and how the city could make policies to encourage this. The Planning Commission could be useful in this matter. Hylton said that we need to watch how the state funds education as that may take away some of the revenue we get from the state in the future.

**JOB EVALUATIONS:** The mayor asked for a volunteer to look into salary ranges and step programs and other matters to be considered when evaluating employees to determine salaries. Allen said he would check into the Law Enforcement side, and Smith will check on the other departments. Hamit asked that more specific examples be studied. The clerk said that several examples were considered 2 years ago when the current one was selected. The mayor asked that they try to have this information at the second meeting in February.

**RECREATION COMMITTEE:** The mayor said that Dan Brown was asking about a recreation committee being formed. Hamit said he has contacted several people, and will try to have a meeting before the next council meeting.

**PERSONNEL ISSUES:** Bruce Smith made a motion, seconded by Ira Allen, to go into executive session for 10 minutes to discuss matters not related to elected personnel. Motion carried; meeting recessed. The mayor opened the meeting and stated that no decisions were made. They expect to make some decisions at the next meeting regarding individual salaries.

**COUNCILMEMBER COMMENTS:** Bruce Smith said he's looking forward to more information about the Pomona Lake project and future plans for the city. David Gerisch said that the class he attended really opened his eyes to how much there is to learn about budgeting. Ira Allen said that he feels that they really need to start focusing on the budgets for the next 5 years. Rich Hamit said he'd heard a rumor that the police department is buying the medical clinic building. It was verified to be strictly a rumor. He asked how many had filed for the April elections. The clerk said that 4 filed for council and 1 for mayor. Filing for council are Bob Sisson, Larry Coursen, David Gerisch, and Michael Blood. Jack Young has filed for mayor. The election will be the first Tuesday in April.

Bob Call told the council that he will on vacation the first week of February and that Justin DeShazer will cover.

There being no further business before the council, Bruce Smith moved to adjourn. David Gerisch seconded; meeting adjourned at 9:50 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: February 9<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES          REGULAR COUNCIL MEETING

FEBRUARY 9, 2005

MEMBERS PRESENT:      Rich Hamit, Bruce Smith, Ira Allen, David Gerisch (7:07 PM), Mayor Jack Young, Jim Gates absent.

OTHERS PRESENT:        Sue Martin, Bob Sisson, Vic Robbins, Sharon Gunter, Bob Call, Patty Hylton, Ed Harmison, Everette Dannar & Mike Gerisch (8:20), Mark Tomlinson (8:25), Cheryl Brown.

Mayor Young called the meeting to order at 7:00 PM. Roll call determined a quorum.

MINUTES / WARRANTS:    Bruce Smith made a motion, seconded by Ira Allen, to approve the minutes of the January 26, 2005 meeting as written. Motion carried 3-0.

Ira Allen moved to pay all warrants presented. Bruce Smith seconded; motion carried 3-0.

SURVEY MAILING:        Sue Martin presented the council with final costs for printing and mailing surveys that will be sent out as a first step in developing a comprehensive plan. The cost of the printing will be \$464.95 without them doing the tabbing. The postage for 2400 pieces will be \$888.00. This mailing will include Overbrook and surrounding rural routes. Martin then asked for opinions on how long people should be given to return the surveys. It was decided to allow a couple of weeks, or until March 11<sup>th</sup>. Martin is hoping to have them mailed by February 22<sup>nd</sup>.

WATER/SEWER PROJECT REPORT:      Vic Robbins reported that the pre-treatment tank should be done by March 1<sup>st</sup>. The bid notices for installing the tank have been published again, but he hasn't sent letters to the local contractors yet. The bids will be opened on February 25, 2005 at 11:30 AM.

Robbins said there isn't much to report on the de-sludging process. Mayor Young said Robbins might want to notify Mid-Continent to move the equipment left behind due to it being very close to the brush pile.

Robbins then told the council about the latest development on using the remaining waterline loan funds. KDHE has informed him that they would prefer the city submit a request that would include projects totaling the balance rather than just one small portion. They said this would avoid the appearance of the city trying to eliminate taking bids. And they also indicated that there's a possibility that only one more request would be granted, with the balance of the funds reverting back to the state. They will decide after receiving the application whether or not it should be re-bid or considered a change-order on the original project. The council agreed by consensus for Robbins and Bob Call work up another proposal to be submitted.

Robbins said he's working on reviewing the sewer hook-up inspection reports completed by Dean Beckman. There was discussion about the timing of the de-sludging process. The weather may force the postponing until this fall. Robbins recommended that we wait awhile longer. The timelines set by KDHE for lagoon improvements, as well as the city's plans were discussed. KDHE has set March 1, 2005 as the deadline for the city's decision on whether to add to the existing lagoons, or build a new system in another location. Robbins said they also want a feasibility analysis on how the city would repay a loan. Bruce Smith asked if some engineering needs to be done at the existing site, and Robbins said he should probably take some readings. Ira Allen mentioned that there are time restrictions on crop insurance that also would allow for some more time to do the de-sludging. Ed Harmison mentioned the possibility of the city paying the land owner not to farm the acreage needed for the de-sludging. Others options were discussed. Mayor Young asked that the land owner be kept informed of the situation. Robbins reminded the council that the land owner has the right to cancel the process if they felt the process would damage their land.

CITIZEN CONCERN:        Sharon Gunter came before the council to ask what the city was going to do about the damage done to her yard during the inspection and cleaning of sewer lines. She said that the ruts made mowing very difficult as well as adding to the mowing time and damage to her mower. Mayor Young said that he has no problem with doing some grading and seeding, but added that repairing or replacing the manhole may cause more damage. Final decisions as to what exactly will be done haven't been made as yet. The mayor said that the city will do something before mowing season starts.

Gunter asked when the contract is up with Galaxy Cablevision. She has been keeping track of channels and times that are out of service for various reasons. The mayor said that while he agrees with

Gunter, none of the surrounding cable companies are interested in providing Overbrook with service at this time. Gunter then asked if there's some way that the city can pressure Galaxy to do a better job. David Gerisch said that Galaxy had informed us that they have no plans to provide more service. Gunter also said she's not happy about how her complaints are handled. The mayor said the city would do what it can, but wouldn't make any promises.

**RETIREMENT FUND:** Patty Hylton has learned from a KPERS employee that anything the city would do to compensate employees in KPERS for the extra being contributed to KPF would be considered as income, subject to taxes. One way to make this work would be to take the desired net amount and actually pay the gross. Hylton was told another option would be for the city to actually set up another pension plan. Ira Allen said that one option would be to pay an adjusted wage, and let the employee buy their own qualified plan to defer taxes. The matter was tabled until a later meeting and get more information about qualified accounts.

**EXECUTIVE SESSION:** Rich Hamit moved to go into executive session for 5 minutes. Ira Allen seconded; meeting recessed from 8:52 until 8:59 PM. Mayor Young called the meeting back to order at which time Bruce Smith made a motion, seconded by Rich Hamit, to raise Bob Call's salary by \$2/hour effective this pay period. Motion carried 4-0.

**RECREATION COMMITTEE:** Rich Hamit said he had scheduled a meeting with members of the Ball Association and school officials, but no one from the schools attended. Hamit presented the council with some facts and figures regarding expenses and concerns. Hamit suggested that the city pay for some of the costs, such as field maintenance and maybe donate something for equipment. Some of the long range plan includes building a new diamond, and a small shed/scoring stand between the diamonds. Among the immediate needs are fixing the backstops. Mayor Young said that fixing the backstops could cost as much as \$10,000. The possibility of applying for Jones Fund for the new construction was mentioned. Hamit also said they've had problems with the main electrical box. Bob Call said he wasn't aware of this problem, but would have it checked. Another item was the water line and hydrant between the diamonds. Call said he had proposed running water to the maintenance shop at the same time, but the council had never voted on the bid from G & G Excavation. Hamit mentioned that there's a need for an extra pole to hold up a safety net between the diamonds. Someone needs to check with Westar about the pole.

Bob Call presented the original bid on installing water lines and a hydrant from G & G's for \$1750. Rich Hamit moved to approve the bid. Bruce Smith seconded; motion carried 4-0. After more discussion, Rich Hamit made a motion, seconded by Bruce Smith, to pay \$1050 for field maintenance and give the ball association \$500 for equipment, totaling \$1550. Mayor Young asked how much control the city would have over the person hired to pick up trash. Several times the trash cans overflow and trash blows everywhere making it difficult for city employees to mow. The vote on the above-stated motion was 2-2, with Mayor Young voting No to break the tie. There was discussion about the best way to fund whatever the council does approve. Ira Allen moved to pay the Ball Association \$1550 for field maintenance and a new chalker. Bruce Smith seconded; motion carried 3-1.

Hamit said that he will be visiting with Rachael Strohm about the pool.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. Harmison then told the council that Mike Gerisch is working for the police as a non-paid reserve officer. Gerisch has qualified on the shooting range, and works full-time as a dispatcher for Osage County Sheriff.

Harmison said that the new patrolcar should be in next week. Harmison then asked if the council wants to pay an additional amount as a downpayment from the \$6500 left from 2004. Danner then asked what he needs to do to take possession of the car. He was told to check with Olathe Ford and then Kansas State Bank who will be doing the lease. Ira Allen suggested \$5,000 as a downpayment and using the remaining funds to cover the graphics, and equipment transfer costs. Mayor Young said that he was thinking that since this year's budget is tight, maybe the funds should be kept available and not used for additional payment on the new car. Patty Hylton's opinion was that the budget should be okay even with the additional downpayment. Ira Allen moved to pay an additional \$5,000. David Gerisch seconded; motion carried 4-0.

Chief Harmison reported that he's applied for training for himself and Danner in Wichita at no cost to the city except for part-time coverage while they're gone. He did ask the council to consider applying for a credit card so that employees don't have to pay for expenses such as motels and meals and then wait to be reimbursed. The card(s) would be kept in City Hall and checked out only when necessary. The mayor brought up establishing a limit, such as \$500 with additional expenses considered on an individual basis. Ira Allen said that unauthorized purchases would be deducted from paychecks. After discussing

the matter, Rich Hamit made a motion, seconded by Bruce Smith, to approve applying for a credit card with a minimum \$1,000 credit limit from one of the local banks. Motion carried 4-0. Consensus was to get two cards in the event the police department and maintenance department needs them at the same time, with each supervisor being responsible for a card.

Harmison then told the council about the experience he and Dannar had while serving a warrant in Topeka. He also told the council that court had been cancelled for the second month in a row. There was discussion about holding back the judge's salary for the current month. The clerk said that in the past, the previous judge had been told that he wouldn't be paid for the second month without court being held. Consensus was to pay Judge Jone's salary, but to consider some kind of a policy in the future.

**MAINTENANCE REPORT:** Bob Call said that Osage City has told him that the city should make an offer on the water jet machine. After discussion, the council agreed by consensus to offer \$2500, expecting additional expense for repairs. Bruce Smith said that spending another \$2500 for repairs would still be a good investment.

Call asked what pole is needed at Jones Park. Hamit explained that it's needed to support the safety net between the diamonds. Hamit said he would have someone from the ball association talk to Call about the pole and the hydrant and the electrical box. There's also a possibility of moving the scoreboards.

The bid for replacing the electrical boxes at the wells came in at \$4800 from Patchen's, but it includes more than what Call asked for. Call told the council that we should be able to replace several areas of problem waterline with the remaining \$28,000 KDHE loan proceeds.

Call said that repairs to the west lift station caused damage to Gloss's yard which will have to be taken care of when the weather is better. The dump truck is stuck at the cemetery where Call was turning around, and a broken valve stem is being repaired on the back hoe. There was discussion about all the problems with the hydraulics and hoses on the dump truck. Mayor Young suggested putting a skidloader on the long-range plan maintenance list. This could be part of a Capital Improvement project.

Call said he's been working on the annual water report for the state. He also reported that the lumberyard has been bought, and may be open by March 1<sup>st</sup> which will save him lots of trips to Lawrence or Topeka.

He thanked the council for the raise in salary.

**TREASURER'S REPORT:** Patty Hylton reviewed the previous month's fund reports. She told the council that she's started making transfers for the Equipment Reserve fund, and this year she's transferring the budgeted \$10,000 from the General fund into the Pool fund at the beginning of the year with ALL pool expenses coming out of the pool. Hylton also said that the necessary amount needed to pay this year's Waterline project loan payments has been transferred from Water/Sewer. She will be setting up budgeted transfers out of General, Law, and Water/Sewer into an Employee Benefit line so that it's easier to determine what's available.

The mayor asked Hylton what needs to be done to get the vehicle maintenance records started. The clerk said that there might be logs available through one of the office supply stores. The mayor thought maybe a small ringed binder would work. David Gerisch had a couple of prices for the books recommended at the municipal finance class he and Hylton attended. He'll do some more checking on availability and prices.

**POMONA LAKE WATER PROJECT:** Bruce Smith reported that he's still waiting on information from Patchen's about drilling new wells while the Pomona Lake project is still in the preliminary phase.

**COUNCILMEMBER COMMENTS:** Ira Allen asked if the city should pursue getting insurance quotes from other sources before the policy renews in April. Allen also said that the subject of the city asking for a refund from Galaxy Cablevision was possible. This refund would be due to Galaxy not providing service for several days after the ice storm, but billing the same amount as usual. Smith said that it probably wouldn't do any good as the ice storm is considered an act of nature, and not the direct fault of Galaxy.

Allen also stated that he didn't think that it's necessary for the clerk to deliver packets before council meetings. Brown said she didn't mind delivering them unless the streets and driveways are icy. Most of the council can pick them up on the day before or the day of council meeting. It was consensus to allow Brown to make the decision regarding packets, but with the understanding that the city isn't responsible for damage to her vehicle while delivering them.

Rich Hamit asked if the mayor had contacted Patricia Hulsopple regarding her letter discussed at the previous meeting. The mayor said he hadn't talked to her, but if contacted would try to explain the council's position.

Hamit asked what we should do about the zero-entry area at the pool to keep it from being so slick. Gerisch said he would contact the man who painted the pool last year to see if he has any ideas. Hamit suggested that a bid for the non-skid surface and concrete repairs be asked for as soon as possible.

MAYOR'S REPORT: Mayor Young asked that the retirement fund, job evaluation forms, and salary ranges be the agenda for the next meeting.

The Planning Commission will be meeting on February 15, 2005 at 7:00 PM at City Hall.

There being no further business before the council, Rich Hamit moved to adjourn. Bruce Smith seconded; motion carried and adjournment was at 9:52 PM.

Respectfully submitted,

Cheryl L Brown  
City Clerk

APPROVED: February 23<sup>rd</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

MARCH 9, 2005

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

OTHERS PRESENT: Marcus Day, Bob Sisson, Vic Robbins, Ed Harmison, Patty Hylton, Bob Call, Cheryl Brown

Mayor Young called the meeting to order by establishing the presence of a quorum at 7:00 PM.

MINUTES / WARRANTS: Bruce Smith made a motion to approve the minutes of the February 23, 2005 meeting as written. Ira Allen seconded; motion carried 5-0.

Ira Allen moved to pay all warrants; Rich Hamit seconded and the motion carried 5-0.

CORRECTION TO BALL ASSOCIATION DONATION: Cheryl Brown reported that she had misunderstood Ira Allen saying "chalker" instead of "chalk" which explained why she thought the amount to be given was \$1550 rather than the actual \$1350.

WEBSITE FOR CITY: David Gerisch said that Michael Blood has a bid for developing a website, but is unable to attend due to being out of town tonight. Tabled until a future meeting.

NEIGHBORHOOD REVITALIZATION PLAN: This plan would abate collecting property taxes on property improvements for five years. The council agreed to pursue the plan.

CLAIMS FROM ANDERSON'S: Employers Mutual Insurance has turned the claim from Carl and Teresa Anderson over to their legal adjustor, Tim Hoffman. Ira Allen also said that a claim from Ace Pipe Cleaning has been submitted, and the city needs to pay the deductible but doesn't have the invoice at this time.

WATER/SEWER PROJECT REPORT: Vic Robbins was present to update information. Three bids for installing the pre-treatment tank were received: D&D Excavation for \$4200, S&S Plumbing for \$7800, and Markley Ditching for \$9500. Robbins is satisfied with D&D Excavation being able to complete the job requirements. After discussion, Jim Gates moved to award the bid for installing the pre-treatment tank to D&D Excavating for \$4200. Bruce Smith seconded; motion carried 5-0. Robbins said he will send D&D Excavation the notice of award. The council agreed to a 30-day completion period.

Robbins said that he has visited with Galen Kennedy and the contractors about how much more time the city has to do the de-sludging. It has been agreed that we have a couple more weeks to get it done. The brush pile has been burned, so that's not an obstacle. Robbins said that if the weather doesn't cooperate the process will have to wait until the fall.

KDHE will accept additional waterline replacement as a change-order to the original contract, but wants one project rather than several smaller jobs. Robbins and Bob Call have talked to Donnie Bryant about submitting an estimate for as much as can be done with the remaining loan proceeds.

Robbins said that he's sent a letter of notice to KDHE stating the city has chosed Option NO 1 which is to add a gravity-flow cell provided it can be excavated.

He reported that as of February 18<sup>th</sup> 354 inspections have been done, 8 owners have refused to be inspected, and approximately 75 appear to be a problem. Beckman has about 30 that he has been unable to inspect because of not being able to make contact with the owners. Jim Gates asked if any who were found to be out of compliance have made corrections. The mayor said he had been contacted by one such person who was very upset because they couldn't afford to do it at this time. Rich Hamit said he knows of some that have been corrected. Follow-up inspections were discussed. Robbins said that the KDHE consent order requires that the city submit a report regarding the findings of the inspections by April 1, 2005. The council agreed that the number that have refused to be inspected and the ones to be inspected be included in the non-compliance total. Robbins said he would talk to Dean Beckman about the ones to be inspected. The council agreed by consensus to have Michael Coffman draft a letter to be sent to the property owners as a last notice to be inspected. A decision will have to be made regarding the next step for those who still refuse the inspection.

Robbins said that he hopes to have a report on the sewer rehabilitation plan ready for the first meeting in April. Robbins said he will be on vacation the week of the next council meeting.

**PROPERTY AT 201 TRAIL DRIVE:** Mayor Young presented a letter from Gary Kentch, a realtor referring to the building at 201 Trail Drive being out of compliance with the required setback of 30' from the property line. It is unknown whether this was done deliberately or accidentally. The property was sold as is, but Kentch is concerned about future problems. Kentch is wanting a letter from the council granting a variance, but the council agreed that this needs to be referred to the Planning Commission for review.

**CABLE SERVICE:** There was discussion about contacting other cable service providers before the franchise contract expires with Galaxy Cablevision in November, 2005. Rich Hamit has talked to someone from MediaCom who indicated that they need to wait until we get Galaxy's proposal before MediaCom would be willing to talk to us. The council agreed by consensus that Galaxy should be contacted to appear for discussion at the first meeting in April if possible.

**POOL MANAGER:** Rich Hamit informed the council that as Rachael Strohm is expecting a baby in May, she does not want to manage the pool this summer. An ad will be run in the local papers for three weeks and the salary will be determined by the experience and qualifications of the person to be hired.

**POMONA LAKE WATER PROJECT:** Ira Allen reported that the city's initial cost to participate could be as much as \$80,000. He recommends that due to a lack of that kind of funding in the current budget, the city work out an agreement with Osage Rural Water District NO 5 to continue buying water from them, possibly increasing the amount available to the city.

**LAW REPORT:** Chief Ed Harmison reviewed his written report for the council. Harmison told the council that he had a fax line installed for the police department in January. The number is 785-665-7236. Harmison said the new patrolcar is in service, and the 1999 will be taken to Olathe Ford in the morning.

**MAINTENANCE REPORT:** Bob Call told the council that he and Vic Robbins are going to be looking at possible solutions to the water run-off problem in the alley behind the post office and First Security Bank. The water is coming from the next block north, and causes potholes and erosion in the alley.

Call asked David Gerisch if he'd talked to Herrick about working on the pool this spring. Gerisch said Herrick has not returned his calls, so Call was told to contact some others.

Bob Call asked for approval to use Justin DeShazer again this summer for up to 30 hours a week. The council will discuss salary later in the meeting.

Call said that the brush pile has been burned. Rich Hamit asked if Call has been contacted by the ball association about the waterline, electricity and an extra pole at Jones Park. Call said that he hasn't talked to anyone, but that he's told Goodyear that the waterline is to be installed after the water is turned on later this spring. Call said he usually does this the end of March. Call also said one more stool needs to be replaced as it's cracked, and replace the urinal this spring. The council approved the repairs.

The mayor asked if the dump truck is being repaired, and Call said it's at Marshall's.

**TREASURER'S REPORT:** Patty Hylton reported that the funds seem to be in good shape, with nothing out of the ordinary this past month. She has started plugging some numbers into the 2005 budget, and intends to have more at the first meeting in April. Mayor Young asked if the Water/Sewer fund will support a pay raise for DeShazier. Hylton said that it could in her opinion. She said that there is approximately \$43,000 of expenses to be reimbursed from the Wastewater loan and grant as soon as the paperwork can be submitted.

Hylton said that she had tried to do some research on retirement funds as requested by Ira Allen, but she recommends talking to someone who does financial planning. The council agreed to ask Brian Luther to the March 23<sup>rd</sup> meeting to discuss retirement funding. This is being pursued to adjust the city's share of Call and Brown's retirement to that of Harmison and Dannar's. Currently, Brown and Call are receiving 4.01% of gross salary compared to 11.67% for Harmison and Dannar. This amount is paid into KPERS and KPF before taxes are taken out, with the taxes to be paid upon withdrawal.

**CLERK'S REPORT:** Cheryl Brown asked that the "No Parking" sign be replaced by the planter on the east side of City Hall. The old sign rusted out and was never replaced. Mayor Young also asked that the street alongside the planter be painted "No Parking".

Brown said that Osage Waste Disposal will most likely be at the first meeting in April to discuss renewing the contract. The council agreed by consensus to discuss the contract rather than take bids from other contractors.

Brown presented the council with the new contract rates from Blue Cross Blue Shield to be renewed on May 1, 2005. The employee/single coverage would increase from \$364.18 to \$394.54 and the employee/family coverage would increase from \$1118.48 to \$1211.75 or about 8%. At this time, Brown is the only employee on the single plan and Harmison is the only one on the family plan.

EXECUTIVE SESSION: David Gerisch made a motion, seconded by Bruce Smith, to go into executive session to discuss matters not related to elected persons. Motion carried; meeting recessed from 8:32 to 8:37 pm. Meeting back to order when Gerisch moved to recess again from 8:37 until 8:42 pm. Smith seconded; motion carried.

Mayor Young called the meeting back to order at 8:42. Jim Gates moved to raise Justin DeShazer's salary \$.50/hr at this time and another \$.50/hr upon getting his CDL with the city paying for the CDL exam. David Gerisch seconded the motion; carried 5-0.

COUNCILMEMBER COMMENTS: Jim Gates said that the Rotary Club has had to return the funds they were going to use for benches along the Trail's project at this time, but will re-apply at a later time.

Rich Hamit told the council that he's given them the state's civil service pay plan to use as an example. He also encouraged everyone to visit the Overbrook Home Center and meet the new owners, Mac and Lori Barnett.

MAYOR'S REPORT: Mayor Young said that he will be meeting with the FEMA people on Thursday at 1 PM again. They are still gathering information about benefit hours, salary and known expenses.

Ira Allen asked if the governing body id pictures are ready. Gerisch said they should be done soon as he is able to use his color printer again.

There being no further business before the council, Jim Gates moved to adjourn. David Gerisch seconded, and the meeting closed at 8:50 PM>

Respectfully submitted,

Cheryl L Brown

City Clerk

APPROVED: March 23<sup>rd</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

FEBRUARY 23, 2005

MEMBERS PRESENT: Bruce Smith, Jim Gates, Ira Allen, Mayor Jack Young, David Gerisch (7:40), Rich Hamit (7:50).

OTHERS PRESENT: Marcus Day, Marian Massoth, Ed Harmison, Cheryl Brown, Everette Dannar, Mike Gerisch (7:55), Michael Blood (8:15).

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

MINUTES: There was discussion about what expenses were approved as requested by the Overbrook Ball Association. Cheryl Brown said she had used the same wording as she heard it on the tape, but would recheck the tape before issuing a check. Ira Allen also asked about the request for a waterline between the diamonds and was told that it was approved in a separate motion. At that point, Bruce Smith moved to approve the minutes. Ira Allen seconded; motion carried 3-0.

Bruce Smith made a motion, seconded by Ira Allen, to pay the warrants presented. Motion carried 3-0.

LIBRARY BOARD: Ira Allen moved to appoint Joanna Brady to serve the remainder of Peggy Waldman's term. Waldman resigned when she accepted the position of Librarian. Bruce Smith seconded; motion carried 3-0.

INTRODUCTION: Cheryl Brown introduced Marcus Day who was present to take notes for the Osage County Herald.

NOTICE OF CLAIM: Mayor Young said that the city has received a Notice of Claim from attorneys representing Carl and Theresa Anderson. The claim is for \$30,000.00 in actual economic damages, with the total cost of basement restoration still unknown. The clerk was instructed to send the documents to Scott Thompson, of Citizens Insurance.

JOB EVALUATION FORMS: Chief Harmison gave the council forms from Ottawa and the League of Kansas Municipalities, but didn't find any evaluation forms made specifically for police departments. After looking at all the different forms, some previously studied, the council agreed by consensus to limit the choices to the ones from Emporia, Ottawa, and the one titled Management Employee Performance Appraisal. It was also suggested that the job descriptions be incorporated into the evaluations if possible. The matter was tabled until the March 23<sup>rd</sup> meeting.

WATER/SEWER PROJECTS: Marian Massoth was present to report in the absence of Vic Robbins. The first matter to be considered was the engineer's report on choices for the Lagoon System Upgrading options. After considerable discussion, Jim Gates made a motion, seconded by Bruce Smith, to accept Option No 1 as the first choice, depending on the results of core drilling. Option No 2 would then be the accepted choice. Motion carried 3-0. Option No 1 is to construct a new gravity-flow primary cell at the north end of the current primary cells. Option No 2 is to construct a a new pumped-flow primary cell north of the existing primary cells. KDHE has ordered the city to make a decision by March 1, 2005.

Either option has to be approved by KDHE, but Robbins and Massoth think that they will approve either choice. Option No 3 would require constructing a new final cell on the west side of Shawnee Heights Rd, and Option No 4 would be constructing a new 3-cell lagoon system north of Overbrook. The estimated cost of Option No 4 is \$775,000.00 compared to approximately \$120,000.00 for Option No 1. The report is available to public inspection during regular city hall hours.

Massoth said that Robbins is still hoping for the de-sludging to be done this spring, and not having to be postponed until fall.

Robbins has prepared a Description of Work to replace designated water lines using the balance of the Public Water Supply loan. Robbins is still working on prioritizing the sewer and manhole repair scheduling. The deadline for completing the sewer hook-up inspections was discussed. Mayor Young said that Beckman has completed most of them, but there are about 30 that either have refused to be inspected, or are never available to meet with Dean Beckman. The council will need to compose a letter to deal with this problem. The bids for installing the pre-treatment tank will be opened on Friday, February 25<sup>th</sup> at 11:30 AM.

**RETIREMENT FUND:** Mayor Young said that he hasn't been able to get more information on what plans are available to the city for the purpose of balancing the retirement paid among all full-time employees. The matter was also tabled until the second meeting in March. Smith, Allen and Hamit are to check into several options that might be acceptable.

**SALARY RANGE:** Chief Harmison gave the council material from Osage City, Topeka Police, Ottawa, and the Kansas National Guard in reference to pay scales and salary increases. The matter was tabled until the March 23<sup>rd</sup> meeting. Rich Hamit said he would try to have the one used by the state of Kansas at that meeting.

**COUNCILMEMBER COMMENTS:** Bruce Smith said that an engineer's review for the Pomona Lake Project will be held on February 28<sup>th</sup>. Three proposals will be presented at the meeting by Bartlett & West.

David Gerisch said he was unable to contact James Herrick about working on the pool. Gerisch said he still hasn't gotten any information from MediaCom regarding cable service. The contract with Galaxy expires in November, 2005. Several council members were surprised that Galaxy hasn't come to pursue renewing the contract. Gerisch said that if no other company wants to provide cable, that he recommends a shorter contract period with Galaxy.

Jim Gates asked if anyone has contacted Westar about providing power to the city lake area. The clerk said that Bob Call told her that more definite information about the needs of lighting for the Trails' project is needed to determine the supply.

Ira Allen told the quote from Employers Mutual Insurance for this year's coverage is \$21,682.00. Mayor Young asked what other insurance providers could be contacted for quotes, other than the league. Allen said that Employers Mutual is one of the best companies. Allen asked if the city lake is an "open" lake now. The clerk said that it's been an open lake - no city license required- as of the date on the ordinance. Chief Harmison said he has had large copies of the ordinance that will be posted on both sides of the lake.

Rich Hamit said that Dan Brown is to contact Bob Call about the water line and hydrant for Jones Park. The council agreed by consensus that the motion was for \$1350 to pay for the maintenance and the chalker. The clerk will check the tape and her notes again and issue the check soon.

Hamit said that he has a problem with the new DSL promotion from Sprint. The price is lower than what residents are currently paying. The clerk said she would contact Carolyn Gaston about the matter.

Rachael Strohm has not been contacted about managing the pool this summer, but Hamit will keep trying to reach her.

Hamit said that he thinks the city should pursue setting up a website. Brown said that the city channel is not working, and has not had any response about repairing it. Brown said that someone would need to take responsibility for maintaining the website. Hamit suggested someone at the library might be interested. Michael Blood said that his father builds and maintains websites. He was asked to talk to him about doing one for the city.

Gerisch said that he's had several people ask him about updating the city motto of "Don't Overlook Overbrook". Mayor Young said that he's personally proud of that motto. The matter was tabled.

Bruce Smith said that the Kansas Rural Water meetings are March 29, 30, and 31<sup>st</sup> in Wichita and encouraged people to attend if possible.

**MAYOR'S REPORT:** Mayor Young presented material given to him by Larry Woodson regarding Neighborhood Revitalization Plan. The clerk will make copies for the council to review and discuss at the next meeting.

**CITIZEN'S COMMENTS:** Michael Blood asked what lights were being discussed earlier, and was told that the city needs electricity to run the aerators at the city lake, and the plans are to have some kind of lighting along the trail. At this time, we are using electricity from the fairgrounds.

There being no further business before the council, Jim Gates moved to adjourn. Rich Hamit seconded the motion; meeting was adjourned at 9:02 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: March 9<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

MARCH 23, 2005

MEMBERS PRESENT: Ira Allen, Rich Hamit, Bruce Smith, Jim Gates, David Gerisch (7:08 PM), Mayor Jack Young.

OTHERS PRESENT: Joni Hudson, Jenny Nichols, Ed Harmison, Cheryl Brown.

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

MINUTES / WARRANTS: Bruce Smith moved to approve the minutes of the March 9, 2005 meeting as written. Jim Gates seconded; motion carried 4-0.

Jim Gates made a motion, seconded by Ira Allen, to pay the warrants presented. Motion carried 4-0.

LETTER REGARDING SEWER HOOK-UP'S: The draft letters prepared by Michael Coffman, City Attorney, were reviewed. One letter will be sent to those property owners who have not been inspected. Dean Beckman has attempted to contact the owners, but has been unable to for one reason or another. A few owners have denied Beckman access. The second letter is to be sent to property owners known to be out of compliance. The council agreed by concensus to have Michael Coffman sign the first letter regarding inspecting the property, and Bob Call to sign the second letter for non-compliance. There was discussion about what the city could do to assist homeowners determine exactly where their drains empty.

It was decided that Bob Call and Vic Robbins will work together on sending the second letter, and October 31, 2005 will be the deadline for making corrections, providing this meets with the KDHE deadline.

POOL/TRAINING: Rich Hamit informed the council that Joni Hudson would like to take a LifeGuard training course to enable her to train others to lifeguard. The class costs \$125.00. Hudson would also be paid \$10/hr while teaching the class. Rich Hamit made a motion, seconded by Bruce Smith, to pay \$125 for Joni Hudson to take the LGI class, a salary of \$10/hr while teaching the class, and to set the training fee at \$75 for non-employee students. Motion carried 5-0. This is contingent on Hudson's getting into the training class. Employed students will pay \$25 to cover the cost of materials.

DUMP TRUCK REPAIRS: Mayor Young said Marshall's Automotive has given an estimate of \$1500-2000 to fix the hydraulic problem on the dumptruck. According to Bob Call, there are several other problems that will need repairs. The council agreed to have Bob Call see what's available in the used-truck market.

HEALTH INSURANCE: Bruce Smith moved to approve the 2005-2006 contract with Blue Cross Blue Shield to provide health insurance. Rich Hamit seconded; motion carried 5-0.

DISASTER OPERATIONS: The clerk reminded the council that registrations for the Disaster Operations seminar on April 14<sup>th</sup> need to be sent by April 8<sup>th</sup>. The cost is \$35 per person. Bruce Smith made a motion, seconded by David Gerisch, to send up to 2 people to the seminar. Motion carried 5-0.

RETIREMENT FUND: The mayor said that Brian Luther is going to have someone contact us about what can be done for Call and Brown's retirement in order to equalize what the city pays for the police department.

JOB EVALUATIONS/SALARY RANGE: Rich Hamit will check with the League about helping us put together job evaluations that would be more specific for the city. After discussion, it was decided that Rich Hamit and David Gerisch would research salary ranges and Ira Allen and Bruce Smith would work on job evaluations. These subjects will be discussed at the second meeting in April.

BUDGET WORKSHOPS: Cheryl Brown reminded Mayor Young, Ira Allen, Bruce Smith and David Gerisch that they've signed up to attend workshops on April 29<sup>th</sup> in Topeka. The mayor, Smith and Gerisch have

also signed up for a budget seminar on June 1<sup>st</sup>. Gerisch said that his attending would depend on his being re-elected. Ira Allen said that whoever is elected should go since it pertains to budgets.

**COUNCILMEMBER COMMENTS:** Bruce Smith said that he should have more information about the water supply project in April.

David Gerisch said he still hasn't heard from James Herrick about painting the pool.

Ira Allen asked how the de-sludging is progressing. The mayor said that he didn't see any activity the last time he was at the lagoons.

**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. Motion carried: meeting recessed from 8:10 - 8:15 PM. The mayor called the meeting back to order; no action taken.

**MAYOR'S REPORT:** Mayor Young asked the council to consider an enterprise promotion for Overbrook such as the one Osage City has started.

The mayor reported that all the paperwork is in, and all the work has been completed enough to be submitted. There was about \$15,000.00 worth of qualified bills, of which we could be reimbursed for 85% or about \$12,750.00. We should know about the final approval by the end of April, but there's no specific date for receiving the money.

**COMMENTS:** Ed Harmison said that main street is in need of some assistance, whether it comes from PRIDE or the city. He suggested having a work day. Ira Allen said this has been discussed at a PRIDE meeting but no date has been set. The mayor said that the city's backhoe could be used, provided the operator is qualified.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; meeting adjourned at 8:20 PM.

Submitted,

Cheryl L. Brown  
City Clerk

APPROVED: April 13<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

APRIL 13, 2005

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

OTHERS PRESENT: Bob Sisson, Larry Coursen, Vic Robbins, Mike Dickerson (Osage County Herald), Joe and Kenny Greene, Roberta Daniels, Peggy Waldman, Michael Blood, JA Cordts, Bob Call, Patty Hylton, Ed Harmison, Everette Dannar, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM. Roll was called by Cheryl Brown, City Clerk to determine a quorum.

MINUTES / WARRANTS: Bruce Smith moved to approve the minutes of the March 23, 2005 meeting. David Gerisch seconded; motion carried 5-0.

Jim Gates made a motion to pay all warrants presented; Bruce Smith seconded and the motion carried 5-0.

OATH OF OFFICE: The oath of office was administered to re-elected Mayor Young by Clerk Brown, followed by newly-elected councilmembers Bob Sisson and Larry Coursen who are replacing Jim Gates and David Gerisch. Jim Gates thanked the city to allow him to serve the past four years, and also thanked the other members of the governing body.

CONTRACT RENEWAL: Joe and Kenny Greene, Osage Waste Disposal, were present to ask the council to renew the contract for solid waste removal for another year, with a 9% rate increase. This is the first rate increase asked for in several years. After discussing the fact that there have been no complaints from residents, Ira Allen made a motion, seconded by Bruce Smith, to renew the contract with Osage Waste Disposal with the requested rate increase. Motion carried 5-0. The clerk will write a letter confirming the contract renewal for the Greene's.

LIBRARY REQUESTS: Peggy Waldman, librarian, came before the council to consider increasing the funding for the library when the 2006 budget is being prepared. Waldman presented a report showing being open an additional 12.5 hours per week would require an additional \$4995 funding for salaries, as well as funds for employee benefits, utilities and advertising expenses. Approximately \$1600 is needed to cover the cost of 200 hours when the librarian hours overlap due to workshops, special events, etc.

Waldman encouraged the council to visit the library to see all the available resources. She mentioned that some of the equipment needs to be repaired or replaced. This report is available at City Hall during regular business hours.

Mayor Young said that this request would definitely be considered for the 2006 budget, and thanked Waldman for the information.

LIBRARY BOARD APPOINTMENT: Bruce Smith moved to reappoint Kristy Hamit and Joanna Brady to the library board until April, 2009. Ira Allen seconded; motion carried 5-0.

WATER/SEWER PROJECT REPORT: Vic Robbins reported that the lagoon de-sludging project went for about 6 days until rain stopped the project. Mid-America Environmental Contractors has asked for a partial payment as it may be several months before they can finish the desludging. Robbins has asked them to produce their hauling logs and an invoice for consideration. He thinks they've hauled about 1 1/2 million gallons of sludge, or about a third of the sludge. One corner of the cell didn't get cleaned as well as Robbins would have liked due to a deep hole left by the previous de-sludging. Robbins said that Gailand Kennedy was pleased with the application process. The process will start again as soon as the cropland is available in late summer.

The installation of the pre-treatment tank is waiting on D&D Excavating to provide the necessary documents regarding performance bonds and insurance certification in order to complete the contract requirements. The council agreed by consensus to extend the time requirement to avoid starting the bid process over.

D&D Excavating is waiting on bids from asphalt companies before submitting a final estimate on replacing the waterline as approved earlier.

Robbins gave an update on the inspections for sewer hook-up's. He sent KDHE a report showing that of the 421 connections to the sewer, 403 have been inspected. Certified letters have been sent to the remaining 18. Of those 18, 12 refused to be inspected and 6 are yet to be contacted. Michael Coffman, City Attorney prepared the letter that was mailed on April 8<sup>th</sup>. Several have contacted Dean Beckman since that time.

116 connections were found to have sump pumps discharging to the ground, 19 have foundation drains discharging to the ground, and 106 sites were slab on grade construction and have no sump pumps and he's confident that they don't have fresh water draining into the sewer system.

There were 24 sites determined to have sump pumps connected to the sewer system, a definite violation of the city ordinance and state regulations. Of the remaining sites, 56 houses have basements with no sump pumps, and Robbins is unable to determine whether or not 100 or so sites are in or out of compliance. The main issue would be if the site has totally underground foundation drains which can't be inspected visually. The ones with basements and no sump pump would be the most likely to be connected to the sewer system, but older homes that were built before the public sewer system was installed most likely don't have foundation drains connected to the sewer system. Robbins estimates that we may end up with about 100 that will need more inspection. Several options were discussed. If a property owner refuses to have the sites inspected, legal action may be necessary in order for the city to comply with the state. KDHE has implied that if the city can't get 100% compliance with the connections, the city will have to figure out how best to handle the clean water that drains into the sewer system.

Robbins reported that he has reviewed nearly all the tapes and logs of the sewer inspections. He told the council that there is actually more sewer line in the city than originally thought. He has been rating the lines and manholes according to their condition. He will have his final report ready for the council as soon as he finishes his review of the tapes. He estimates that about 7500 feet will have to be replaced. He's checking into cost estimates of replacing the line or lining the existing line. He estimates that 100 of the manholes will need replaced or repaired at a cost of about \$120,000.00. The total cost for the total project could be around \$700,000.00. The city is presently approved for \$300,000 in grant money and also \$300,000 state revolving loan funds. Mayor Young said that we have already hired Donna Crawford to start the grant application process again for additional funds. Robbins said that since the lagoon testing has been better, KDHE will probably be more patient.

**TREASURER'S REPORT:** Patty Hylton reviewed the financial reports for the month of March. She explained the format of the reports for the new council members. Hylton said that she has put the reserve for employee benefits into a separate line, taking some from the general, law and water/sewer funds to make up the amount. This fund is in case more employees need health insurance for themselves or their families. She recommends putting this amount, \$24,000, into a CD account. Hylton said that she should have more detailed reports concerning the 2005 and 2006 budgets in May. The auditor will be here on May 17<sup>th</sup>, so that would be a good time for any questions the council might have before the 2006 budget is prepared. Hamit asked if the pool phone is on year round. Brown said that the phones at the pool and park are kept on year-round in order to keep the same numbers. This can be changed back to having them disconnected each year, but we would probably have different numbers each year. The matter was tabled until a later meeting.

**WEBSITE:** Michael Blood said he doesn't have a written proposal for a city website, so Mayor Young said that the council will table considering Blood's proposal along with one from Josh Strohm at the first meeting in May. The city cable channel has not been working for several months, and we haven't been able to find someone to maintain it.

**WATER BILLING:** Ira Allen said that Walt Martin has questions about the water billing at the Laundromat prior to a new meter being installed. The clerk said she would get that information within the next few days. The new meter was installed at the city's expense, and the old one was tested by KRWA but the results haven't been received yet. Mayor Young said that the matter would be tabled until the first meeting in May.

**POOL MANAGER:** Rich Hamit moved to go into executive session for 5 minutes to discuss matters not related to elected personnel. Bruce Smith seconded; motion carried 5-0. The mayor called the meeting back into open session; no action was taken.

**BUDGET WORKSHOP:** Cheryl Brown said that a replacement for David Gerisch to attend a Basics of Budgeting workshop on April 29<sup>th</sup> in Topeka, or we need to ask for a refund. Monday is the deadline for the refund. Larry Coursen said he would be unable to attend due to previous plans, but Bob Sisson said he would go.

**PLANNING COMMISSION:** Bruce Smith moved to appoint Carolyn Martin to fill Don Meerian's place on the Planning Commission. Bob Sisson seconded; motion carried 5-0.

**LAW REPORT:** Chief Harmison reviewed his written report for the council. Harmison said that he and Officer Dannar had attended 3 days of training in Iowa the end of March. The only cost for the training was the gasoline to get there and back. Harmison said that he's learned another Osage County Deputy is in the process of moving to Overbrook. He invited the new councilmembers back to the police department for more information.

**MAINTENANCE REPORT:** Bob Call reported that the aerator is running at the city lake, and that the restroom has been serviced. Call has re-done the drain in the street at the north end of the alley between Maple and Walnut on Santa Fe Trail to reduce the water flow down the alley.

Call said that the water line and hydrant has been installed at Jones Park. A leak has been fixed at the Rural Water pumping station. Justin DeShazer has been painting at the well houses and they've been mowing. Call has ordered Saturock for some street repairs to be done next week. He is waiting on a bid from James Herrick to repair and paint the pool this year. Hamit asked if DeShazer has taken his CDL test yet. Call said he's taken the written exam, but hasn't done the driving test yet. This brought up the subject of the city dump truck. Call was told to check into some prices on used dumptrucks for consideration. Sisson said that Call should check with Meier's or other similar companies. There was discussion about what to do with the fertilizer in the spreader.

Mayor Young asked who empties the little trash cans at the lake. Call said he does whenever he's up there.

**CLERK'S REPORT:** Cheryl Brown said that the city has received a request from Santa Fe Trail High for a donation for the Renaissance Committee. Rich Hamit made a motion, seconded by Bob Sisson, to donate \$100. Motion carried 5-0.

Brown said she had talked to Larry Baer, League of Ks Municipalities, and there's no legal way for 2 council members to work as a committee outside of an open meeting. Mayor Young disbanded the committees he had assigned at the last meeting.

Brown asked if Dean Beckman could now be paid for the first 38 inspections he did. The council had voted to withhold the first week's pay until the project was completed. Bruce Smith said that Beckman had done a satisfactory job. The council agreed by consensus to pay Beckman for the first 38 inspections with the next payroll.

Brown said that the Post Office is going to remodel, and there's a 95% chance that the box numbers will stay the same. Mayor Young asked about getting another box for the police department and municipal court. Harmison said he had considered this, so the mayor said to pursue the matter. There's no charge as the city building is too close to have street delivery.

**WEBSITE:** Josh Strohm came before the council to answer questions about his company's website proposal. Mayor Young told him that the matter had been tabled until the first meeting in May so the council will have a chance to consider both proposals.

**COUNCILMEMBER COMMENTS:** Bruce Smith said that the Pomona Lake Project is still on hold pending other studies being done for water sources. He's hoping to have more information sometime in May.

Ira Allen extended a welcome to Sisson and Coursen. Allen said that since the city has their own fireworks display, he isn't in favor of financially supporting others. He asked if anyone is going to the hearing on Community Block grants. Brown said that hopefully Donna Crawford will attend. Allen asked when someone from Galaxy Cablevision will be here for the next meeting. Brown said that they will be here on April 27<sup>th</sup>. Bruce Smith volunteered to contact MediaCom about any interest they might have in the city franchise. Mayor Young encouraged the council to tell people about Galaxy being here, and the clerk asked that she be notified if large numbers of people are planning on being here in case we need to move to a bigger meeting place such as the library.

Rich Hamit said that the League does help cities write job descriptions for \$45/job and that they can also assist in setting up evaluations and pay plans. He doesn't know exactly what they would charge for the additional plans, but should have that information by the next meeting.

**MAYOR'S REPORT:** Mayor Young also welcomed the new members. He stated that there's a lot going on, and he feels we are making progress.

MISCELLANEOUS: The mayor welcomed Mike Dickerson, of the Osage County Herald, to the meeting and thanked the paper for their interest in covering the council meetings.

EXECUTIVE SESSION: Bob Sisson moved to go into executive session for 5 minutes to discuss matters not related to elected personnel. Bruce Smith seconded; meeting was recessed. Mayor Young opened the meeting; no action was taken as a result.

MISCELLANEOUS: The mayor asked that the agenda for the next meeting would include a report from Chief Harmison on the training for reserve officers. It will also include job evaluation forms and salary ranges and a retirement plan and setting up a drug screening program.

There being no further business before the council, Bruce Smith moved to adjourn. Ira Allen seconded; meeting adjourned at 9:55 PM.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: April 27<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

APRIL 27, 2005

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

OTHERS PRESENT: Sharon Gunter, Pam Faust, David Gerisch, Max Friesen, Sue Martin, Yolanda Dickinson, Mike DeBernadin, Charles Hamner, Mike Dickerson, Ed Harmison, Everette Dannar, Cheryl Brown.

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

MINUTES / WARRANTS: Rich Hamit made a motion, seconded by Ira Allen, to approve the minutes of the April 13<sup>th</sup> meeting as written. Motion carried 4-0.

Bob Sisson moved to pay the warrants presented. Larry Coursen seconded; motion carried 4-0.

COMMITTEE REPORT: Sue Martin, Yolanda Dickinson, and Charles Hamner were present to update the council on their committee's activities. The group has compiled the results of the 126 returned surveys. They would like the council to look over the report and discuss it further at a future meeting. It was decided that the committee would come to the May 25<sup>th</sup> meeting for more discussion.

Sue Martin said that one of the questions and/or comments on a lot of the surveys was the financing aspect for improvements. She told the council that The Grant Network is holding an intensive 3-day grant proposal writing workshop at Wichita State University May 16-18<sup>th</sup> of this year for a cost of \$549 plus motel and meals. She would be interested in attending the workshop. The council agreed to discuss the matter later in the meeting and let her know.

GALAXY CABLEVISION: Mike DeBernadin, Customer Service Manager for Kansas, of Galaxy Cablevision was present to discuss the upcoming franchise agreement with the city and Galaxy. Mayor Young said that several of the citizens present have had problems with the cable service and the mayor would like these matters addressed before any contracts are signed in November of this year. The mayor asked DeBernadin if the city is legally able to contact other cable providers while the franchise agreement is in effect. DeBernadin said that it's his understanding that the city does have the right to contact other providers, and those companies would be free to consider the possibility of pursuing the franchise.

DeBernadin stated that the Galaxy technical manager has told him a "head in" rewire is being planned in the next month for Overbrook which should improve the service. Mayor Young said that most of the complaints have been about the number of channels for the price, and the times that channels are out of service. DeBernadin said that they are limited to a certain number of channels depending on the system. He said that the whole system would need to be rebuilt in order to significantly increase the number of channels. He did say that this might be considered when preparing future budgets. He also said that Galaxy pays a franchise fee to obtain the programming they offer. DeBernadin also mentioned that the main competition is the satellite providers who are able to offer numerous channels due to the volume of customers. Sharon Gunter asked if other channels could be offered in place of existing ones. She and several others are interested in the History and Discovery channels. She also mentioned the National Geographic channel. DeBernadin stated that they do offer a digital product, but the company through which it's provided has gone out of business which has led to problems in maintaining them. Gunter then said that the channels she mentioned are offered in the basic package through other companies. DeBernadin said Galaxy does provide the History channel in some of their cities, and he will check it out for Overbrook. Gunter said that at one time, she kept a spreadsheet on which channels were unavailable at which times, but has noticed an improvement in the service lately. DeBernadin said that the equipment in the head-in building is very sensitive to hot and cold temperatures, so weather changes definitely can cause reception problems.

Max Friesen stated that he doesn't watch much television, but has never had a problem with Galaxy. He asked what happens if the city signs a franchise agreement with another company. DeBernadin said that company would either have to build a complete new system or buy the existing equipment from Galaxy. Galaxy bought this equipment from Cablevision of Texas when they took over the franchise several years ago.

Friesen also asked that the speed limit from the old railroad tracks to the south city limit raised to at least 30 m.p.h. and left the meeting.

Pam Faust asked if the rates will go up due to the rewire job at the head-in building. DeBernadin said it won't affect the rates. Mayor Young asked about providing service to new subdivisions in the future. DeBernadin said that their engineer checks out the location. He said that the new subdivision by the cemetery was checked by the engineer and since several houses had satellite dishes, they didn't feel it would be feasible to add services in that area. Cheryl Brown, City Clerk, said that she's been contacted by several residents in Meadowbrook II recently about getting cable service. DeBernadin said he would talk to his supervisors about a follow-up study. He told the mayor that letting Galaxy know when new subdivisions go in is the best thing as it's easier to install the cable service at the start. Ira Allen asked if the existing service lines to individual houses can handle more channels. DeBernadin said it's his understanding that the cable being used is pretty much at a system-lock. This doesn't mean that it can't be increased at some point. Brown said that the city access channel may be abandoned soon, and there's nothing on Channel 18 at this time when Galaxy considers adding the History channel. Ed Harmison asked why the city would want to renew the franchise agreement with Galaxy if so many people are dissatisfied with the current service and Galaxy isn't planning on making major improvements. DeBernadin said that while he sees that point, he also thinks that Galaxy would be more likely to budget for improvements with an extended commitment from the city. Rich Hamit pointed out that works both ways—the city would be more willing to make a 10-year commitment with additional services from Galaxy. Brown asked if Galaxy will provide cable service to the city without a franchise agreement. DeBernadin said that this has been the case in other towns, but without the franchise agreement, Galaxy can stop the cable service without notice. At this time, there are 143 cable subscribers out of approximately 360 residences, not counting individual apartments.

DeBernadin said he would talk to his supervisors about adding channels and come back to a later meeting. He wasn't sure he would have enough information until the second meeting in May. The mayor said that renewing the contract would require reviews every so many years. The clerk asked if there's a possibility of internet access through the cable in the future. DeBernadin said not that he knew of. Gunter asked that periodic upgrades be included in the contract also, especially if the contract period is 15 years long. The possibility of a 3 or 5 year contract period was discussed, but the mayor said he can understand the company wanting a longer commitment. DeBernadin told the council that any cable company is subject to how the channels are delivered to them as well as how they themselves deliver them. Harmison said that most customers are not concerned with problems the cable company has, just their own service. DeBernadin said they also service Maple Hill, Meriden, Rossville, and Silver Lake. The mayor thanked DeBernadin for coming, at which time DeBernadin left the meeting. Mayor Young told Gunter, Faust and Gerisch that part of the problem the city is facing is that no other cable companies have expressed interest in Overbrook.

**WATER/SEWER PROJECT UPDATE:** Vic Robbins was unable to attend, but the clerk said that the contract with D&D Excavating has been signed. A decision needs to be made about the next step regarding the property owners who still have not contacted Dean Beckman about inspecting their sewer hook-ups. Out of 18 letters sent, only 6 have yet to respond. The council agreed by consensus to consult with Coffman about the next action to be taken. Coursen said that the city attorney may have to send out a complaint to be handled through the municipal court.

**HOUSE AT 129 WALNUT:** Larry Coursen asked what's been done about the condition of the house at 129 Walnut belonging to Pat Neil, Jr. Chief Harmison said that Neil, Jr. was cited and he appeared before the council, and they extended him for a year, and Harmison hasn't had any re-direct from the council. Mayor Young said that Harmison did his job, and that the council at that time didn't follow through. Coursen asked what the council can do. Harmison said that the original citation was for violation of the Nuisance Ordinance, and he can do that again. Ira Allen said that when the council agrees with the party involved about the action to be taken, a letter should be sent stating a time limit and the results if the actions aren't completed. Larry Coursen made a motion, seconded by Bob Sisson, to take action on the property at 129 Walnut. Motion carried 4-0. Michael Coffman will be consulted about the necessary procedure. Bob Sisson asked if anything is being done about all the vehicles at the property at 501 Locust owned by Jeff Good. There was discussion about previous notices and results. Chief Harmison was asked to check out the vehicles for proper registration.

**RESERVE POLICY:** Mayor Young said that Chief Harmison has given him a copy of the city's Reserve Police Officer policy. Harmison said the Reserve program was started about 7 years ago. Harmison said he quit using reserves and used only those with full or part-time law enforcement certificates for liability purposes. The current reserve officer is a resident of the city with a good background record, and is employed as a dispatcher for Osage County Sheriff. Coursen asked about liability if he is injured while riding with another officer. Ira Allen said he would be covered under the city policy, and would verify this

again. Sisson said that while the policy covers him, he still has doubts about the 2 full-time officers need anyone riding with them. Harmison said that the Kansas Law Enforcement Training Center course which is 14 weeks long, they do not know how to train an officer to operate by himself. Single police officers working by themselves is against the KLETC. Harmison said that he feels that a reserve officer is a benefit to the city. Sisson said he feels that while it may be a benefit, it should be council-approved. Larry Coursen made a motion, seconded by Bob Sisson, that the council approve anyone acting as a reserve officer for the City of Overbrook. Motion carried 4-0.

**YARD REPAIRS:** Sharon Gunter said that Bob Call has done some work on her yard where the trucks caused damage during the inspection and cleaning of the sewer lines. She said that she doesn't feel it's been completed. The mayor said that he would give the message to Call.

**JOB EVALUATION FORMS:** Rich Hamit said that he still hasn't received the information from the League of Kansas Municipalities and will contact them again.

Brown said that she hasn't been contacted by anyone regarding retirement fund accounts.

**LETTER TO NOTIFY:** Ira Allen thinks the city should have a policy of writing letters to residents stating any decisions made by the council that affects them, including appointments to various boards or committees. Larry Coursen moved to set such a policy; Ira Allen seconded the motion. Carried 4-0. Allen then brought up dog tags. Only about half the number has been sold so far this year as was sold all of last year. He said that either the ordinance should be enforced, or repeal the ordinance. The fine for not having a current license is \$58.50 plus court costs. There was discussion about how to check for current licenses. Even dogs at large that have been picked up are not necessarily ticketed for not having a license at this time. The clerk said we're billed for approximately 6 to 7 animals over a 2-month period that have been taken to Carbondale.

**HEALTH INSURANCE:** Larry Coursen asked about the amount spent on employee health insurance. He said that paying for full-family coverage is a big expense for the city, and wondered what other cities do. Ira Allen said that at a previous meeting the council agreed that the city would pay for employee-only coverage in the case of new-hires/subscribers.

**COUNCILMEMBER COMMENTS:** Bob Sisson has concerns about one of the police cars being driven out of town. He stated the extra expense for fuel and the wear-and-tear on the car. Sisson made a motion, seconded by Larry Coursen, to require the police cars be kept in town. Allen said that he thinks that as long as an officer is on call 24 hours/day, he should have a vehicle. Sisson asked why that officer should be on call when the police chief lives in town, as well as several Osage County officers. Chief Harmison said that this has been discussed by the previous council, and if it's brought to a vote tonight the vote will probably be split. He said that the officer doesn't abuse the car, and that's it been this way since he was hired. Harmison said that he is asked to go to Lyndon to pick up things before he comes to town. Harmison said that he knows that Dannar will come when he needs help, and the county officers may be off duty. Harmison pointed out that Dannar is not on city insurance which is a savings, he's dedicated to the town, and he's not abusing the vehicle. He pointed out that we've had employees in the past that drove city vehicles to Four Corners for coffee. Harmison said he's never had anyone come to him about the car being driven out of town to a residence. He mentioned the same condition about the petition against buying a new police car. He stated that it seems to him that the two new council members have an axe to grind with the police department and he's willing to meet with them. He pointed out that Dannar saves the city money, and we don't get a new car every 3 or 4 years but more like every 7 or 8 years. Sisson said he has nothing against Harmison or Dannar, he just feels that the police car should stay in town. Harmison said there are several police officers in other towns that drive their vehicles to and from work who live outside the towns. A vote was taken with Sisson and Coursen voting yes and Allen and Hamit voting no. The mayor asked if he could abstain from voting and the matter would be brought up again at the next meeting. The clerk said she doesn't think he can abstain, but the matter can be brought up again at a later time. Mayor Young stated that while he agreed with Sisson on some of his points, he also feels that officers should be equipped to handle emergencies. At that point he voted no which resulted in the motion to keep the cars in town being defeated. The mayor again stated that this matter has nothing to do with what kind of employee Dannar is, but the job itself and using the car to drive back and forth to work while living outside the city limits.

**SPEED LIMIT CHANGE:** The possibility of changing the speed limit on Maple on the south end of town was discussed. After discussion, Ira Allen made a motion to change the speed limit on Maple Street from

First Street to the city limits from 20 MPH to 30 MPH. Larry Coursen seconded the motion; motion carried 4-0. The clerk will have the city attorney draft the ordinance to make sure it's done correctly.

LAGOON TESTING: Ira Allen said that some time back tests were done on private property, but the results were apparently never sent to the property owner. The mayor said that there was no agreement to send a letter to the property owner, but the results are open to the public and were discussed in a council meeting.

POOL CONCERNS: Rich Hamit said that we're still waiting on the zero-entry painting to be done, so we don't have a definite time for training to start. He said we've had 5 applicants for manager and they will be interviewing on Friday and Saturday.

MAYOR'S REPORT: Mayor Young asked that a special meeting be called for Monday, May 2<sup>nd</sup> at 5:30 Pm to make a decision on a manager. The council agreed by concensus.

WORKSHOP: Bob Sisson made a motion, seconded by Ira Allen, to pay \$549 for Sue Martin to attend the grant writing workshop in Wichita as well as motel expenses for 2 nights and meals. Motion carried 4-0.

There being no further business before the council, Rich Hamit moved to adjourn the meeting. Ira Allen seconded; meeting was adjourned at 9:30 PM.

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: May 11<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

SPECIAL COUNCIL MEETING

MAY 2, 2005

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

OTHERS PRESENT: Cheryl Brown

The special meeting was called to order at 5:30 PM by Councilmember Ira Allen in the absence of Mayor Young and Council President Bruce Smith.

Allen stated the purpose of the meeting was to discuss the applicants for manager of the swimming pool.

There was discussion of the interviews conducted by Rich Hamit and Mayor Young as well as other factors.

Larry Coursen moved to hire Joan Hudson as Pool Manager at a salary of \$9.50 per hour for the 2005 season. Bob Sisson seconded; motion carried 4-0.

The clerk was asked to write letters informing all applicants of the decision. Hudson will be attending the next council meeting to discuss hiring lifeguards and other matters related to pool operation.

Rich Hamit made a motion, seconded by Bob Sisson, to adjourn. Motion carried 4-0. Meeting adjourned at 5:45 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: May 11<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES REGULAR COUNCIL MEETING

MAY 11, 2005

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

OTHERS PRESENT: Joni Hudon, Vic Robbins, David Gerisch, Michael Blood, Jeff Good, Mike Dickerson, Bob Call, Ed Harmison, Everette Dannar, Patty Hylton, Cheryl Brown.

The regular meeting was called to order by Mayor Young at 7:00 PM, with a quorum being present.

MINUTES / WARRANTS: Rich Hamit moved to approve the minutes of the May 2, 2005 special meeting. Bruce Smith seconded; motion carried 5-0.

Ira Allen made a motion, seconded by Larry Coursen, to approve the minutes of the April 27, 2005 meeting as written. Motion carried 5-0.

Bruce Smith moved to pay all warrants. Ira Allen seconded; motion carried 5-0.

POOL MATTERS: Rich Hamit informed the council that Taren Karr has declined the assistant manager position, but Jenny Nichols is interested.

Joni Hudson gave the council a list of who's been hired as lifeguards. There will be 5 regular guards, and 2 to fill in as needed. Salary was discussed. Hudson recommended salary be determined by years of employment as well as qualifications. Guards would be paid \$5.75 the first year, \$6.00 the second year, and \$6.25 for the third and following years. The council will consider a salary increase for lifeguards if they become Water Safety Instructors.

After discussion, the council agreed by concensus to pay the Assistant Manager \$7.00 per hour for this season. Hudson is planning on the pool opening on May 30<sup>th</sup>. She will be teaching lifeguard training classes over the next 2 weekends. Ira Allen commented that he liked the Policies and Procedure Manual Hudson had prepared, and would like her to give the council an evaluation of each employee at the end of the season. There was discussion about policy for rotating guards.

The council agreed by concensus for Hudson to order 2 new umbrellas for the lifeguard stands.

WEBSITE: The council reviewed the website proposal presented by Michael Blood on behalf of his father. Basically, the proposal is for \$200/home page and the following:

2-3 additional pages: \$135 each page

4-5 additional pages \$100 each page

6+ additional pages \$80 each page

To show an example of the cost, the following was given: A website with 6 pages would cost Home page-\$200, six additional pages - \$480 (6 x \$80). They would charge a monthly service fee of \$25 to update information and maintenance.

Bob Sisson said he some information about a website that he had bought. There was discussion about whether or not there's a need for the city to have a website or even the city cable channel. Coursen asked if we could contact TrailNet to see how many Overbrook customers would have access to a website. Ira Allen said that a website could provide information to more than just local residents. Since some of the councilmembers didn't have a copy of the proposal from Josh Strohm, the matter was tabled until later in the meeting.

RE-APPOINTMENT OF CITY OFFICERS: Bruce Smith asked if there would be a change in animal control since Mark Tomlinson has moved out of town. Sisson said that he's already

discussed the daily time and mileage logged by Tomlinson with Chief Harmison. Harmison then said that part of the reason why Tomlinson works for at least 1 hour and logs 10 miles/day is due to patrolling the city lake this time of year. Hamit said that he didn't care if Tomlinson lives out of town, but doesn't want to pay his mileage back and forth to town. Sisson said that always before the animal control person went out when called, or to check traps. He also didn't see why that person has to patrol the lake when we have 2 full-time police officers. Sisson said he's seen a game warden at the lake twice this year already. Bob Sisson made a motion that even though the animal control person is moving out of town, that he would be allowed to keep the job with his being responsible for paying for his gas to and from town, and that the only time he would be in use is when notified. Hamit said that he didn't mind the patrolling, but maybe not every night. Hamit then asked how many animals Tomlinson finds when patrolling as compared to individuals calling him. Harmison said he couldn't answer that without Tomlinson's logs. Mayor Young suggested adding a time-period to the motion to see how it works. Hamit said he would still like to know the percentage of animals picked up while patrolling before voting. Sisson's motion died for a lack of a second. Tomlinson arrived at the meeting at this point. Hamit asked Tomlinson how many animals are picked up as a result of patrolling. Tomlinson said that it's about 50-50 on animals picked up from patrolling and calls from people. He said that he picks up about 2 a week from patrolling. He usually returns the tagged ones to the owners. Harmison said that Tomlinson's logs can be available at the next meeting. Smith told Tomlinson that the council is considering eliminating patrolling the lake from animal control. Tomlinson said there are people taking under-the-limit length fish, and he's recently written a ticket for that which made the city \$90. David Gerisch pointed out that fines collected by the game warden to the state, and not to the city. Tomlinson said that without patrolling, the lake would go downhill, and the city would be losing revenue from any violations. Chief Harmison said that he has received good "PR" about Tomlinson being at the lake, as he (Tomlinson) has a personality that comes across pretty good when he checks people. Ira Allen moved to look at the animal control logs at the next meeting. Rich Hamit seconded; the motion carried 5-0.

Bruce Smith made a motion, seconded by Rich Hamit, to re-appoint the list as prepared by the City Clerk. Motion carried 5-0. The list includes the following:

Police Chief:	Ed Harmison
Assitant Police Chief:	Everette Dannar
Part-time Law:	Ted Miller, Randy Harrison, Ted Craig, Billy Warrington, William Nicholson, Jason Cummins
Animal Control:	Mark Tomlinson
Maintenance Supt:	Bob Call
City Clerk:	Cheryl Brown
City Treasurer:	Patty Hylton
City Attorney:	Michael J. Coffman
Municipal Court Judge:	Stephen Jones
Municipal Court Clerk:	Shayne Coursen

**ANIMAL LICENSES:** Chief Harmison has given people 2 weeks to get the 2005 licenses for dogs and cats before issuing tickets.

**SPEED LIMIT CHANGE:** Changing the speed limit on Maple from First St to the city limits to 30 m.p.h. was tabled until the city attorney submits a draft ordinance to be considered.

**COMPLAINT REGARDING PROPERTIES:** Chief Harmison said that he's been advised by the city attorney to re-issue a citation to Pat Neil, Jr regarding his property due to the length of time since the first citation. Harmison has sent Jeff Good a registered letter, and has talked to him in person regarding his vehicles being out of compliance. Good is scheduled to appear at this meeting.

**SEWER VIOLATIONS:** There was discussion about the penalties set forth in the city's current sewer system ordinance.

**PRE-TREATMENT TANK:** Cheryl Brown asked the council to advise on withholding 10% payment from D&D Excavating until all the dirt work is done where the pre-treatment tank was installed on First Street. The council agreed by concensus.

**CHECK SIGNERS:** Bob Sisson moved to leave the check-signers as currently appointed. Larry Coursen seconded; motion carried 5-0.

**LAW REPORT:** Chief Harmison reviewed his written report for the council. Harmison mentioned that the recent survey indicated that there is a lot of concern about property being taken care of regarding grass, junk vehicles, etc and he is addressing those issues. Bob Sisson asked Ira Allen if he's gotten any information about the liability coverage on reserve officers. Allen said he hadn't been able to make contact yet. Chief Harmison said that he doesn't intend to use reserve officers in the future, but several council members said they'd still like to know about liability coverage.

**MAINTENANCE REPORT:** Bob Call said that he's repaired the skimmers at the pool, but they may need to be replaced this fall after the pool closes. There was discussion about ways to determine problem areas around the pool. Call asked that he be given an opening date for next year at the end of this season so he'll have more time to get everything ready.

Mayor Young has inspected the dirt work done at Sharon Gunter's by Call. Gunter has stated she feels more work needs to be done. The mayor told her that more damage will be done when repairs are made on the manhole. Gunter has asked if the city would mow that part of her yard until all the repairs are done to avoid damaging her mower. The council agreed by concensus to wait until all the sewer repairs are made, then do whatever necessary to restore the yard, but not mow until that time.

Call reported that he 's ordered a new chlorinator pump. The little 5 hp pump has quit working. Bob Sisson moved to approve replacing it at a cost of \$500-700. Bruce Smith seconded; motion carried 5-0.

Call asked if rip rapping around the lagoons is being considered as it needs to be done as soon as possible. This is part of the over-all sewer improvements, but there's no definite time at this point.

Call also asked which councilmember will be going with him to check streets to be resealed. No one has been assigned, and Mayor Young said he would go with him if necessary.

He's still waiting on the meter-test results from KRWA regarding the old meter from the Laundromat. The meter has been replaced at the city's expense.

Call said that he's received 2 applications for an assistant. One is asking for \$7/hr and the other is asking for \$10/hr. The council agreed by concensus to hire Mark McCain, Jr at \$7/hr if Call is satisfied with the interview.

The "Slow-Children Playing" signs have been ordered.

**WEBSITE:** Josh Strohm arrived at the meeting to discuss his proposal for a city website. Strohm explained the differences between his prices, and what each plan provides. After listening to Strohm's presentation, the council agreed that they need more time to consider both proposals, as well as allowing Beth Sisson to explain the website that Sisson's have obtained. The matter was tabled until the next meeting. The mayor said that they might ask Strohm and Blood to come to the first meeting in June, and will let them know if they're needed at the next meeting.

Strohm told the council that TrailNet is introducing a new wireless system in June. More information will be available on their website soon.

**VEHICLE COMPLAINT:** Jeff Good came before the council to explain the situation with his vehicles and the letter he had received from Chief Harmison. This will be considered the

hearing Good is entitled to request. After discussing the number and how long the repairs needed, Bob Sisson made a motion to give Good 10 days to bring them into compliance or remove them. Larry Coursen seconded the motion; motion carried 5-0. The date was set at May 21, 2005. Chief Harmison will send Good a follow-up letter so he will have the decision in writing.

**TREASURER'S REPORT:** Patty Hylton explained that she has given them extra reports that they can use when preparing the 2006 budgets. She reviewed the current bank statement and fund reports. She told the council that the Law fund looks short in budget because \$5,000 of remaining 2004 budget was spent on a downpayment for the 2005 patrolcar in 2005. This balance wasn't included in the 2005 budget. To avoid amending the 2005 budget, any of that balance from 2004 that's needed can be borrowed from another fund by the Law fund. Jim Long will be here on the 17<sup>th</sup> for the audit, and will be here in July for the audit report and a preliminary budget for 2006. The mayor would like to have a 2006 budget prepared by the council by the end of June. Mayor Young also reminded the council that they need to establish a pay scale to determine salary caps when considering budgets.

Hylton said that she's officially resigning from going to the cow pasture to work on the city cable channel equipment, so we have to get a website. This is one of the problems with the city channel.

**CLERK'S REPORT:** Cheryl Brown asked for a head count on who will be attending the June 1<sup>st</sup> budget workshop. If we cancel early enough we can get our money back. All those who signed up indicated they are canceling.

**WATER/ SEWER REPORT:** Vic Robbins reported the pre-treatment tank installed, and it seems to be working as planned. Bruce Smith suggested that sampling be done again to make sure the tank is effective. Robbins said that the most recent tests have improved. Robbins told the council that KDHE has reinstated the city to quarterly sampling on the new wastewater permit. He recommends we continue testing monthly for several more months just to be on the safe side. The council agreed by consensus to test monthly for awhile. The last time we were out of compliance was when the desludging was being done.

Robbins has done the inspection of the city lake dam. He will be submitting a report by the end of June, and the only thing that needs to be done is to remove the trees that have started to grow on the dam. Robbins recommends mowing the dam once a year in the fall. This shouldn't interfere with wildflowers that have been planted. He also suggested burning it.

Robbins has discussed the next letter to be sent regarding the intake and infiltration letters with Michael Coffman. Robbins needs a compliance date set by the council before the letters can be sent. He recommends that the property owners be given two months to comply. The council had previously given them until October 31<sup>st</sup> in consideration of the costs involved. Robbins said he understands that, but we have to comply with the consent order from KDHE. He also said these letters are being sent to those that have sump pumps connected to the sewer system, and they need to be sent as soon as possible.

Robbins asked if the council wants him to send in the quarterly progress report required by KDHE. The council feels that he should be the one to write the report.

D&D Excavating is still working on getting all the arrangements made to replace waterlines.

Robbins said he has not been able to get the plan for sewer lines and manholes rehabilitation done. He realizes he has to comply with grant timetables. Sisson asked what are the plans to riprap the lagoons. Robbins said that KDHE wanted the piping to be redone first, so the riprapping has been moved to a future phase. Robbins said he will try to get KDHE to approve having the riprapping done while more desludging is done. Bob Call asked if Cell 4 can be included in the request.

**TRAILS PROJECT:** Mayor Young said he'd been contacted about progress on the Trails project. The grant money will be withdrawn on August 31<sup>st</sup> of this year. Smith said Roger Harmon talked like he's still working on it. Hamit was asked to contact Harmon about any activity he's planned.

**SKATEBOARD PARK:** The mayor said he'd been contacted by someone interested in buying the ramps. There was discussion about how much they're used. More kids seem to be riding bicycles on them rather than skateboards. There was discussion about the sale price. The city paid \$3500 for them. Everette Danner told the council he was interested in buying them, and asked if the council could make a decision about selling them and he can let them know for sure in the next week. Bob Sisson moved to sell the skateboard ramps. Bruce Smith seconded; motion carried 5-0. The council agreed by consensus to sell them to Danner for \$1750 when Danner knows for sure. Danner stated that if he doesn't buy them, he

said he'd help the city get rid of them. The mayor said that if the city doesn't sell them to Dannar, the price will be three-fourths of what we paid for them.

COUNCILMEMBER COMMENTS: Bob Sisson wanted to thank the clerk for putting all of his discussion regarding the policecar, meaning the new one, being driven out in the country in the minutes so people would know that it had been discussed. Chief Harmison stated that he made the decision that Dannar have the new car rather than himself. Sisson said he didn't have a problem with any officers, but people had contacted him about the matter. Michael Blood said most people wouldn't think to make positive comments about the matter, but as a citizen feels safer knowing Dannar has complete access to the policecar at all times. David Gerisch said that several citizens have told him the same thing.

DRUG TESTING: Michael Blood asked if the council has made a decision about drug screening. He asked if they have received the proposal that had been mailed from another company. The clerk said that as no one recognized the name, the proposal had been discarded as advertisement. Blood said that people with Commercial Drivers Licenses are required to submit to drug screening. Mayor Young said they would be discussing this soon. Blood also asked about the zoning where the speed limit is being changed. The clerk said it's zoned as Industrial. Blood then congratulated the two departments that didn't have any negative comments on the recent survey—the police department and the city council.

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: May 25<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

MAY 25, 2005

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

OTHERS PRESENT: Sue Martin, Yolanda Dickinson, Beth Pankratz, Beth Sisson, Mike DeBernadin, Marcus Day, Jim Gates, Mark Tomlinson, Ed Harmison, Pat Neil, Jr., Everette Dannar, Cheryl Brown.

The meeting was called to order by Bruce Smith, president of the council, in the absence of Mayor Young. Roll was taken by the clerk to establish a quorum.

MINUTES / WARRANTS: Bob Sisson made a motion, seconded by Ira Allen, to approve the minutes of the May 11, 2005 meeting as written. Motion carried 5-0.

Larry Coursen moved to pay the warrants presented. Bob Sisson seconded; motion carried 5-0.

SURVEY/COMMITTEE UPDATE: Sue Martin and Yolanda Dickinson were present to give a report on activities. Sue Martin thanked the council for sending her to a recent workshop on grant-writing as she learned a lot of valuable information.

An analysis of the recent survey results was discussed. Following that, there was discussion about how to make the survey results available to the community. The council suggested publishing in the local papers, and putting copies in businesses and City Hall. Martin asked the council how they want the committee to proceed. Rich Hamit suggested prioritizing the areas to work on, and then form individual committees. The committees could develop ideas for their area, then meet with the council. Everyone would be involved with fund-raising plans. Martin said that the city may have to form a foundation in order to accomplish some of the goals. Ira Allen suggested talking to Debbie Smith about the matter. Rich Hamit suggested working on bringing in a pharmacy and funding a community building. Martin said she would be willing to contact people to serve on various committees. The council thanked Martin and Dickinson for their work.

GALAXY CABLE: Mike DeBernadin, Galaxy Cablevision, was present to answer questions from an earlier meeting. He told the council that the city has a non-exclusive contract with Galaxy which means that the city could approach another cable company to provide service, in addition to Galaxy. DeBernadin explained that the contract with Galaxy provides the city with the option of reviewing the contract at any time, not just pre-specified times. Adding programming to channels 18 and 36 was discussed. He explained that adding channels might result in a fee increase depending on the cost to Galaxy. In the past, several residents have requested the History channel.

DeBernadin said he's still waiting on information regarding providing service to residents in the Meadowbrook II area. There was more discussion about the length of the contract. The current contract is for ten years, and some of the council were reluctant to agree to ten years. DeBernadin said that sometimes a longer contract leads to Galaxy being more willing to invest more in the equipment, etc. He was reminded that the city, at the same time, would be more willing to sign a longer contract with more of a commitment from Galaxy. Bruce Smith asked what Galaxy's policy is concerning areas that might be annexed in the future. DeBernadin said that the contract would only apply to existing boundaries, but if Galaxy is notified in advance, providing service would be a possibility. He said that they would try to get some kind of count on possible customers in the Meadowbrook II addition, and asked the city to consider writing a letter to determine interest in the cable service. DeBernadin said he would come back to one of the June meetings with more information.

Ed Harmison, speaking as a citizen, said he hated to see the city sign a long-term agreement without upgrades in technology and service. DeBernadin said that he understands that, but that it is very expensive to re-build systems and they've had to work with a lot of equipment left from previous providers.

**WEB-SITE FOR CITY:** Beth Sisson presented some options for a city web-site. She has purchased a domain name for one year which she'll donate to the city at no cost if the city is willing to accept the domain name of "overbrookks.com". The city would need to renew the account each year. She explained the different options and costs available, and also said that the city might be able to forward the website to the Overbrook Library website. There are 6 options that offer different features at different costs. Sisson said that going through Domain Direct would be a very inexpensive way to see how much the website would be used, and she is willing to build the website and maintain it for several months at no cost. All of this is available for viewing at City Hall. The council thanked her for her offer and told her that they would be making a decision at the next meeting.

**MEDICAL CLINIC:** Beth Pankratz told the council that the clinic will be opened by Kim Davis on June 6, 2005 and to inform the council of a grand-opening for the clinic and other businesses on July 2, 2005. PRIDE and Rotary will be assisting in the CELEBRATE OVERBROOK day plans. Pankratz presented a schedule of planned activities, and asked if the council would approve a free-swim day at the pool, and also give permission to close part of some streets for a car show and street dance. Chief Harmison said the city may not have the authority to close the street since the county now maintains Maple Street. Pankratz said she'd check with some of the county commissioners tomorrow. She told the council of the advertising that's being planned. Pankratz said that proceeds from the vendors and craft booths will go towards funding advertising the clinic in other towns. Everette Dannar said they might want to consider listing the car show as a "cruise" rather than show to avoid people thinking there will be prizes awarded. Pankratz will talk to the Heberling's about this. The council indicated that they will approve the street closings if allowed by the county. Pankratz said that she thinks that having a clinic will be helpful in attracting a pharmacy in the future.

**MISCELLANEOUS:** Mayor Young arrived at the meeting at this time.

**JOB EVALUATIONS/DESCRIPTIONS:** Rich Hamit has received material from Mark Morris of the League of Kansas Municipalities for the council to review. Morris would be willing to attend a meeting to discuss descriptions, evaluations and pay scales. There is a charge for actually writing them. Hamit will talk to him to arrange the time.

**ANIMAL CONTROL LOGS:** Chief Harmison gave the council a summary based on a number of reports pulled from the past 10 weeks. Mayor Young asked how many animals were picked up from patrolling. Mark Tomlinson said that the 9 "take homes" would have been the result of his patrolling. He stated that none of the "take homes" were the same dogs. Hamit asked if a citation is written the second time a dog is at large. Tomlinson said not unless it charges or bites someone, then it's an automatic citation. There was discussion about Tomlinson's checking the lake. Bob Sisson questioned the need for Tomlinson's patrolling the lake as the state game wardens check it occasionally. Hamit questioned how often the state would be checking. Sisson responded by asking how often do they check other lakes. Larry Coursen asked what it's costing the city. Tomlinson said it's costing about \$400/month for his salary and mileage. Tomlinson said that he can be back in town in about 4 minutes even living outside of town. Smith questioned the effectiveness of his patrolling after it gets dark, but Tomlinson said that's when people let their dogs run. Harmison said that the number of dogs at large has gone way down since Tomlinson started 3 years ago. Larry Coursen made a motion, seconded by Bob Sisson, for Tomlinson to stop patrolling the lake and make it an on-call situation. Motion carried 3-2, with Allen and Hamit voting no.

ORDINANCE NO 280: Ira Allen moved to adopt Ordinance No 280 to change the speed limit in the south 100 block of Maple to the south city limits from 20 mph to 30 mph, effective on publication. Rich Hamit seconded; motion carried 5-0.

COUNCILMEMBER COMMENTS: Bruce Smith presented a report on cost breakdowns of the Pomona Lake water project. This will be discussed in more detail at a later meeting.

Smith said that Roger Harmon has set a work-day on the Trails project for June 4<sup>th</sup>, with the city doing some preliminary work. All available help is appreciated.

Bob Sisson asked Ed Harmison about our police department going out of town to issue warrants. Harmison said that they do serve warrants on cases from our court cases.

Ira Allen asked about the request from the library. The clerk said that Peggy Waldman would like this remodeling project to be considered in the budget.

Rich Hamit said the pool will open on May 30<sup>th</sup>, and the leak seems to have been slowed down. Hamit asked what the status is at the Jeff Good residence. Chief Harmison said that 2 cars have been removed, and one motorcycle is gone and the driveway has been cleaned up leaving him with 4 cars and a motorcycle with 2005 tags.

MAYOR'S REPORT: The mayor said Bob Gloss has asked him about the drainage problem due to water draining from the school. The possibility of installing a "speed bump" type of structure across the road at an angle to direct the water might work. The council agreed by consensus to approve up to \$500 to buy some kind of "speed bump" apparatus. The mayor said he will talk to Bob Call about checking prices. Hamit also said we might want to make some more repairs on the drainage grate by the barbershop.

MISCELLANEOUS: Ed Harmison gave the council a map of where the streets flooded during the past week. He said that there are several culverts under the streets that need to be cleaned or replaced. Smith said that this needs to be addressed as a long-range plan. The mayor said that the sewers have become a priority, but he realizes that this needs to be addressed.

TREE REMOVAL: The bid to remove the tree north of the west lift station from Peterson was discussed. The bid is for \$600 to remove the tree, and \$100 to grind the stump. The council agreed to have Bob Call get one or two more bids.

There being no further business, Rich Hamit moved to adjourn. Larry Coursen seconded; meeting adjourned at 9:37 PM.

Respectfully submitted,

Cheryl L Brown

APPROVED: June 8<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JUNE 8, 2005

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

OTHERS PRESENT: Mike DeBernadin, Joni Hudson, Pat Martin, Mac Barnett, Pat Neil, Jr., Mike Dickerson, Bruce Sisson, Patty Hylton, Bob Call, Ed Harmison (7:50 pm), Everette Dannar (8:50 pm), Cheryl Brown.

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

MINUTES / WARRANTS: Bob Sisson moved to approve the minutes of the May 25, 2005 meeting as written. Ira Allen seconded; motion carried 5-0. Ira Allen made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried 5-0.

POOL REPORT: Joni Hudson told the council that there had been an electrical problem at the pool, but that it's been fixed. Hudson said that the maintenance duties are being recorded. She told the council that everything seems to be going just fine.

FIREWORKS: Pat Martin asked permission to sell fireworks again this year from June 27<sup>th</sup> through July 4<sup>th</sup> from 10 AM to 10 PM each day. Rich Hamit moved to allow the fireworks sales, with Bruce Smith seconding. Motion carried 5-0.

GALAXY CABLEVISION: Mike DeBernadin told the council that two more channels can be added to the city service, but this would probably mean a rate-increase. The increase would depend on the cost Galaxy pays to their provider. Discussion about what channels to be added was held. Rich Hamit asked DeBernadin to give some idea of what channels are available as it would be hard to find out what every person in town would choose.

DeBernadin said he's learned from their engineers that the reason service isn't being provided to Meadowbrook II is that it would require Galaxy to extend their main line which stops just south of Hwy 56 and Oak Street. All the town is serviced from this point, but the system isn't capable of further extension without adding to the main line. This of course would mean a sizable investment by Galaxy with a 137 month projected cost-recovery time. At this time, out of approximately 350 homes, only 144 are Galaxy subscribers. Mayor Young stated that more people might subscribe if more channels are offered. DeBernadin again stated that Galaxy could offer more services if there were more customers. Both sides admitted to these facts. DeBernadin again told the council that the best time for Galaxy to provide service to new subdivisions at the same time that other utilities are installed. He also said that the franchise agreement is based on the existing boundaries, and annexing can alter the original agreement.

DeBernadin reminded the council that the language in the contract allows the city to present problems with Galaxy at any time without waiting for a specific review time, and the city is able to contact other providers during the contract time. Larry Coursen made a motion, seconded by Bruce Smith, to agree to a 10-year contract with Galaxy Cablevision. Motion carried 5-0. DeBernadin said that existing channels can be changed, depending on their contract obligations with those companies. Ira Allen asked him to provide a list of possible channels to be considered. The contract extension will be Ordinance No. 281 which won't be official until published in the city newspaper.

WATER/SEWER REPORT: Vic Robbins was not able to be present, but Cheryl Brown asked the council for clarification on who is to do the re-inspections of homes in violation of the sewer hook-up's. The council agreed that Dean Beckman was hired to do the re-inspections. Mayor Young asked what letter was sent to the resident at 305 W. Santa Fe Trail. The clerk said it was the one sent to those in violation of having a sump pump connected to the sewer system. The resident wasn't aware of his property being inspected, and since Vic Robbins has the reports, the council was unable to get more details at this time. The mayor said that the residence has a sump pump that drains to open air, but he would check the original report by Beckman.

MISC: Rich Hamit said he's still working on job evaluations, etc from the League.

**CITY WEBSITE:** After a brief discussion, Rich Hamit moved to approve having Beth Sisson developing a website for the city using the "starter host" option for an approximate cost of \$150/year with Beth Sisson maintaining it for 6 months at no charge to the city. Bruce Smith seconded; motion carried 5-0. The clerk reminded the council that the option can be upgraded to provide more services at any time. Brown said she would notify Sisson, and the others who submitted proposals of the council decision.

**TREE REMOVAL:** Bob Call said he has two bids for removing a tree by the west lift station. One from Peterson is for \$700 and one from McBurney for \$350. Bruce Smith moved to hire McBurney to remove the tree and stump for \$350. Ira Allen seconded; motion carried 5-0.

**WATER DRAINAGE BY SCHOOL:** There was discussion about solutions to the water run-off from the grade school down to Locust Street. Bob Call was asked to get some estimates on constructing some kind of ditch to divert the flow of water.

**DRAINAGE ISSUES:** Mac Barnett, owner of Overbrook Home Center, came before the council to ask about drainage problems created by runoff. He has some ideas, and wanted to get council approval before doing anything. The council asked Barnett to bring a drawing of his plans before giving final approval. Barnett agreed to do so.

**MAINTENANCE REPORT:** Bob Call said he got the report on the old meter from the Laundromat. The city has replaced the meter at city expense so the council agreed that the matter is closed as there were no major definite results from the meter testing. Call said that the city's meter at the rural water pump station was off more than the Laundromat meter. Ira Allen asked that a letter with a copy of the report be sent to the Martin's.

Call said that he's done some tarring on the library roof, but he thinks it needs more repairs than he's able to do. Bruce Smith said Call needs to check the attic also. There was discussion about when it was last roofed. The mayor suggested having someone who specializes in roofing look at it.

Call said that the electrical problem at the pool was the result of not having the right amps for the size of the motor. Apparently, the original motor was replaced with a bigger motor at some time, but the electrical box was left the same. Call was also concerned because no one working at the pool seemed to know just how long the pump had been down. Hamit said that this problem should be taken care of after his meeting with them earlier today. It was agreed that Call would show the employees how to do the backflushing, etc again just to be certain that they know how to do it correctly. Hamit said he would like to be there too if possible.

Call told the council that he hasn't found a dump truck yet, but is still looking. He talked to someone from Chanute, but has to wait until they are "checked out".

Call asked about the retirement fund for him and the clerk. The mayor said that the person recommended by Brian Luther has never contacted the city. Call said that he and the clerk would be willing to take a one-time payment until the council makes a decision. Brown said she would have the figures on the difference between KPERS and KPF at the next meeting.

Call gave the council some prices on a skid loader and some attachments. There was discussion about trading in the backhoe as it's 20 years old. A skid loader with all the necessary attachments would be around \$52,000. The mayor said we also need to consider an addition to the shop in order to keep all the equipment under cover. Ira Allen also asked if a concrete floor in the shop would be a good idea, and Call said yes. All these items need to be considered when preparing the budget for the next few years. Call said he would get some more prices on different models. Sisson said that he thinks that putting some money in equipment to take care of the town needs to be done. The mayor told Call to keep reminding them about these items. Hamit asked if Call could put an exhaust fan in the pool pump house because of the fumes from the chemicals.

**LAW REPORT:** Chief Harmison reviewed his written report for the council. This included a child being bitten by a dog. Harmison and Dannar attended an M-Squad school in Lawrence. They've been working the unlicensed dog problem pretty hard.

**TREASURER'S REPORT:** Patty Hylton reviewed her financial reports for the council. She's prepared some additional reports to be considered when preparing the 2006 budget, and will have more details next month. Jim Long will have a proposed budget when he comes with the audit report in July, so these reports need to be studied before then. Hylton said she needs to get more detailed with salaries and payroll taxes.

Hylton reported that the ending cash balance for May was \$172,845.58 which is good. She said that any unexpected out-of-pocket expenses for the Wastewater project might have to come out of the Water/Sewer fund until we're reimbursed. She also said that there will be a good-sized bond payment due around September 1<sup>st</sup> which will be partially made from the General Fund. Hylton said she's sent in the paper work for around \$34,000 of reimbursement from the Wastewater project.

**COUNCILMEMBER COMMENTS:** Bruce Smith told the council that he's talked to the engineer for the Pomona Lake Water project about our scaling back to about 1/3 of the original cost to keep the city in the participants class, but without as much expense.

Bob Sisson made a motion to pay mileage to animal control only for trips to Carbondale and not for patrolling. There was discussion about the hours approved for animal control when he was hired. The clerk said the job was for up to 40 hours/month and mileage. Larry Coursen seconded the motion. Ira Allen said he thought it was wrong to ask a man to use his vehicle to police the town for dogs and not pay him mileage. Bruce Smith questioned how productive patrolling the town for dogs is by driving up and down the streets. Chief Harmison said that the report he gave the council last meeting showed that Tomlinson had picked up 9 or 10 dogs and hasn't had a problem with them since. He also said that postal employees are being paid 46 cents/mile and the city pays 36 cents/mile. The mayor asked for a vote on the motion made by Sisson. Motion failed 0-5. Bob Sisson said that the report at the last meeting didn't give information about who the dogs belonged to or if warning tickets were given or what. The mayor asked Chief Harmison if Tomlinson keeps logs of what dogs get picked up. Harmison said that he posts them on the City Hall door. Brown said that's only done for the animals that get taken to Carbondale. Harmison then said that he's told Tomlinson that he needs more information noted on the logs about all the dogs he picks up regardless of whether he returns them to the owner or takes them to Carbondale. Bruce Smith suggested that the patrolling be reduced which would save time for actual calls. The council agreed that Tomlinson should cut his patrolling to half, and they will review the matter at a later time.

Sisson said he'd gotten several calls from people who were upset about someone coming to their door after 9 pm about dog tags. Harmison said he'd approved going to houses up until 10 PM if there were lights on in the house. Sisson said that he'd also gotten a report about a barking dog in his neighborhood, and he told them that they needed to make a formal complaint. Sisson said that the dog is a German Shepherd behind Rae Johnson's house. Chief Harmison said he would like to talk to them personally, so Sisson should have them call the police department. Brown said that this is the same dog in the complaint that she gave Harmison a few days ago. Harmison said that he had talked to Michael Blood who owns the dog, and he said that the dog only barks when someone is behind his house.

Larry Coursen wanted to discuss the matter of one of the police cars being driven out of town again. Coursen made a motion to stop the car from being driven out of town; Bob Sisson seconded the motion. Ira Allen said that he thinks it's wrong to take the car away from the officer who lives out of town. Chief Harmison said that this has been discussed several times before, and he hopes the vote tonight will be the end of it. The man doesn't abuse the car; he takes excellent care of it. When he's (Harmison) outside the city Dannar can go directly to a call instead of driving to Overbrook to get a car. It's not a unique to have law enforcement officers living outside the city where they're employed and having access to a patrolcar. Harmison said he hasn't had to file a case with the Osage County Attorney this year as everything is taken care of here. Bruce Smith said that he considers it part of the pay-package. Harmison said that he feels Dannar is dedicated to the city and can't see taking it away from Dannar. Sisson said that maybe because he and Coursen are new on the council, people have told them that they didn't think the car should be going out of town, and especially the new car. Harmison said it was his decision to let Dannar have the new car as he believes in taking care of people who work under him. Dannar did the leg work on shopping for the car, and saved the city money by not adding any extra's. Sisson then said that while he admires Harmison's concern for his department, the council should have something to say about the matter. Harmison said that, up until now, the council has given him control of the police department and if there's a problem they address him. The council does not run the police department, he does. The problems are addressed to him. Ira Allen said that he wants the matter settled since it has been brought up a couple of times since Sisson and Coursen came on the council. Coursen said that part of his concern was due to past overtime for the police department and the extra expense for their retirement fund. Harmison said that while the city may be buying a new car every 3-4 years, it's to replace one that's 7 or 8 years old. Harmison said he would like to see the city have a policy on matters such as driving a police car out of town, so that new council members would have something to use as guidelines. The mayor asked for a vote on the motion. The motion failed 2-3 with Smith, Allen and Hamit voting no.

**TRAIL PROJECT:** Mayor Young said that while the Trail's project has \$31,000 of grant money remaining, he will be against the city doing anything that will cost money. He said this because there's

been problems with getting volunteer labor and having a definite plan for finishing the job. The clerk said that the grant money is only available until August 31<sup>st</sup>.

MISC: Chief Harmison asked that the city do some more work on the sidewalk at the corner of Maple and 7<sup>th</sup> for safety purposes. The matter was tabled until some measurements can be taken. Harmison asked if he can have Peterson come in and trim tree branches as he has the past couple of years. The council agreed by consensus.

MAYOR'S REPORT: The mayor asked the council to think about establishing a policy for doing business with or buying from or selling to employees or hiring employees outside of their regular duties. Ira Allen asked if this had to do with the skateboard ramps, and the mayor said that it does. The mayor said that to be fair to everybody, the city needs a policy about doing business with employees to be fair to everyone. Ira Allen said the simple solution is to put everything out on bids.

COMMENTS: Pat Neil, Jr said that the last agreement with the city and him was for him to do things as he can afford it, and that he also has some medical problems to deal with. Neil said that the city should take care of their messes. Neil said he feels that the matter is nit-picking, and he knows of other places that should be brought up like the stuff behind NAPA. Mayor Young said he'd check the minutes, and if they say that Neil would be allowed to do things as he can afford them, the matter would be settled. Neil then said that the city can do whatever they want, because he can't afford to do more than what's he's done. Neil then said that if necessary, he will get a lawyer because he feels he's being harassed. He also wanted to see the ordinances that he was cited on. He asked if he still needs to come to court next week. The mayor said that Neil should make his court appearance.

MISC: Gary Arbitraugh from KRWA stopped in to see if there were any questions about his report on the meter. There was a short discussion about the normal ranges for water meters.

EXEC SESSION: Bruce Smith moved to go into executive session for 5 minutes to discuss matters not related to elected personnel. Rich Hamit seconded; meeting was recessed from 9:05 until 9:10 PM.

There being no further business before the council, Larry Coursen moved to adjourn the meeting. Rich Hamit seconded; meeting adjourned at 9:12 PM.

Respectfully submitted,

Cheryl L Brown

APPROVED: June 22<sup>nd</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JUNE 22, 2005

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

OTHERS PRESENT: Tim Harris, Mike Dickerson, Vic Robbins, Mark Tomlinson, Bob Call, Cheryl Brown

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

MINUTES / WARRANTS: Bruce Smith moved to approve the minutes of the June 8, 2005 meeting as written. Ira Allen seconded; motion carried 5-0.

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

DRUG & ALCOHOL TESTING: Tim Harris, Kansas Drug Testing, Inc., presented the council with information regarding his company and current regulations. Harris said that any driver with a Commercial Driver's License operating a vehicle weighing 26,001 pounds is required to have this testing done. Harris explained the rates charged by his company, and that the city's employees needing the testing would be included in the Department of Transportation testing pool and be subject to random testing. Harris said that for a set fee, his company would provide the city with a written policy and updates as they are made.

The mayor asked why this testing couldn't be done through local medical personnel. Harris said that the specimens have to be collected by someone with special training and must be sent to a certified laboratory, and then reviewed by a certified MRO before results come back to the employer. Employees would not be included in a pool, so the individual tests would be more costly.

The mayor asked if police officers were required to have the testing done. Harris said they are not since they're not required to have a CDL, but that cities do have the legal authority to test police officers because they carry firearms. They would be part of a separate pool, but the city would just pay for the set-up of one program.

The council thanked Harris for the presentation. Bob Sisson said that Kim Davis told him her office is certified to collect blood tests, and would be qualified to collect urine samples soon. She didn't think finding a certified lab is a problem. There was discussion about including the police officers. Ira Allen said he is under the impression that our police officers are being tested through the county. There was discussion about the legality of having this testing done through a private clinic rather than through a pool controlled program. The mayor said that the city attorney should be contacted before making a final decision.

WEBSITE: Beth Sisson pulled the new City of Overbrook website up on one of the computers so the council could preview it. She told the council that she needs to add some more information before publishing the website, and then she will contact search engines to make it more available. The council was asked to look it over and let her know what they think and about ideas they may have. Sisson was thanked for all her work. The website is [www.overbrookks.com](http://www.overbrookks.com). Brown will ask Kansas State Bank to put an announcement on their marquis, and Mike Dickerson of the Osage County Herald will put something in the paper.

Sisson showed the council a picture taken in 1911, and said she would like to have more "old" pictures to put on the website.

**WATER/SEWER REPORT:** Mayor Young reviewed the written report from Vic Robbins due to his absence at the last meeting. The report covered mapping sewer and water lines by Kansas Rural Water Association, corrective actions as a result of the sewer hook-up inspections, progress with replacing water lines with the balance of the waterline loan, and his progress with the sewer rehabilitation plan for KDHE.

The bid from D&D Excavating for waterline replacement was discussed. Ira Allen moved to approve Tag#1 and Tag#2 for \$36,020.00 using the remaining loan proceeds and Special Highway funds. Larry Coursen seconded; motion carried 5-0.

The sewer inspection for Steve Cross's residence was discussed. Cross was upset because he thought someone inspected his house without his being there. That was not the case as an inspection was never done. The council agreed by consensus that Dean Beckman should contact Cross and do the inspection as soon as possible.

**RETIREMENT FUND:** Cheryl Brown presented the council with the difference in the amounts paid by the city for the police retirement (KPF) and that of Bob Call and Brown (KPERS). She had based the amounts on 2004 W-2's. After a brief discussion, Bob Sisson made a motion, seconded by Rich Hamit, to pay Call and Brown an amount equal to what their retirement benefits would have been at the same higher rate as Harmison and Dannar as an adjustment. This will be a one-time payment while other options are evaluated in the future. Motion carried 5-0.

**DRAINAGE ISSUES:** Bob Call said that he has someone coming to give him some ideas about ways to handle the water drainage from the grade school to Locust Street. Mac Barnett hasn't returned any plans, so the matter was tabled.

**LIBRARY ROOF:** Bob Call said that he has a couple of roofing companies coming to inspect the library roof and possible give bids. Ira Allen suggested Call talk to First Security Bank to get the name of the roofer they used recently.

**ANIMAL CONTROL:** The mayor presented a timesheet of Mark Tomlinson's as a way to review his hours and mileage without his patrolling the city lake. More information will be presented at the next meeting.

**SIDEWALK:** The council agreed by consensus that as sidewalks are the property owners responsibilities, that the city won't have a sidewalk built on the corner of 7<sup>th</sup> & Maple across from the pool.

**POLICY FOR EMPLOYEE BUYING/SELLING:** After discussion, Bob Sisson moved that any city-owned property valued at \$100 or more be put out on bids, with the council deciding the value. Bruce Smith seconded; motion carried 5-0.

**SEWER REPORT:** Vic Robbins arrived at the meeting at this time. Bob Sisson asked if Robbins thinks the city can use the balance of the waterline loan money, then use Special Highway money to pay for the necessary asphalt work. Robbins said he thinks the city can, but he'll talk to KDHE to make sure.

Robbins said that about 15 manholes of the total 135 weren't inspected earlier. We may not have to excavate them, but that would be the best way to inspect them. Robbins will look at the tapes to see how well they show up. Robbins said he's sent the sewer line maps back to KRWA with corrections. There was some discussion about what KRWA is supposed to be providing the city per the original agreement. The clerk said she would look through all the grant/KDHE files to find the contract.

Robbins said that having Dean Beckman doing the follow-up inspections on the sewer hook-up's will be satisfactory as long as Robbins can go over what is an acceptable repair. The mayor said no one has talked to Beckman at this time, but someone will soon.

COUNCILMEMBER COMMENTS: Bruce Smith said he and Ira Allen had attended a meeting with Pomona Lake Water Project recently. He said that the Overbrook participation has been scaled down from the original plan. Smith gave everyone some information about the different options for the city. The council will discuss this further after studying the material. Ira Allen said that while the city has ample water supply at this time, future needs need to be considered. Smith said that if the city isn't included from the beginning, the city may not be able to join in the group at a later time.

Ira Allen recommended that all the members read a couple of articles in the Government Journal that apply to legal matters.

Rich Hamit reported that a water line had broken at the pool, but was fixed quickly by Mark McCain. Hamit asked if something can be done about the drainage grate by the barbershop. Call said it had been replaced once, but would check into something stronger.

CLERK'S REPORT: Cheryl Brown reported that the 2004 Consumer Confidence Report will be mailed tomorrow. Brown will be on vacation the week of July 18<sup>th</sup>, and Lila Hamit will be working that week. She also said that she needs to be gone August 15<sup>th</sup> & 16<sup>th</sup> and would like permission to close the office if a replacement can't be found. Mayor Young said he couldn't see any reason why the office can't be closed with advance notice.

Ira Allen said he would miss the next council meeting while on vacation.

MAYOR'S REPORT: The mayor asked about the sidewalks being poured at the city lake. He just wanted to make sure that this is being covered by the Trail's Project grant, and not being paid for out of city funds. He also said that a large hole was discovered in the alley behind Kansas State Bank, and he asked the council for a decision on who should pay for the repair. Young said that apparently there had been a cistern there at one time. G&G Excavating made the repairs. After some discussion, Rich Hamit moved to pay G&G Excavating. Bob Sisson seconded; motion carried 5-0.

The mayor said that Wilma Sicks called him to say that she's had her sump pump changed to comply with the ordinance, and so has her neighbor. Now her neighbor's sump pump is draining into her yard. Mayor Young just wanted the council to be aware that there may be more phone calls like this. He advised Mrs. Sicks to talk to her neighbor.

There being no further business before the council, Bob Sisson moved to adjourn. Larry Coursen seconded; meeting was adjourned at 8:40 PM.

Respectfully,

Cheryl L. Brown  
City Clerk

APPROVED: July 13<sup>th</sup>, 2005



CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JULY 13, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: July 27<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES REGULAR MEETING

JULY 27, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: August 10<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

AUGUST 10, 2005

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

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

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

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

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

The hearing was closed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED: August 24<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

AUGUST 24, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: September 14<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

AUGUST 30, 2005

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

OTHERS PRESENT: Bob Call, Mark McCain, Jr.

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: September 14<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

SEPTEMBER 8, 2005

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

OTHERS PRESENT: Vic Robbins

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: September 14<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 14, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. 285:** Bruce Smith made a motion, seconded by Bob Sisson, to adopt Ordinance No 285 which would raise the sewer rates as follows:  
0-1,000 gallons/ \$750 Each additional 1,000 gallons/ \$2.25  
This would be effective November 1, 2005 and visible with the December billing.  
Motion carried 4-1 with Coursen voting against.

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

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

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

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

Call still hasn't heard anything about the dump truck being offered by the state. He also said the pool has been emptied, but hasn't been winterized yet. He said he was the one who accidentally left water running after priming the pump.

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

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

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

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

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

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

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

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

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

\$15 per meeting, including special meetings.

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown,  
City Clerk

APPROVED: September 28<sup>th</sup>, 2005



CITY OF OVERBROOK

MINUTES

REGULAR MEETING

SEPTEMBER 28, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submitted by,

Cheryl L. Brown  
City Clerk

APPROVED: October 12<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 12, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown  
City Clerk

APPROVED: October 26<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 26, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L Brown  
City Clerk

APPROVED: November 9<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

NOVEMBER 9, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully,

Cheryl L. Brown  
City Clerk

APPROVED: December 14<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

NOVEMBER 28, 2005

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

OTHERS PRESENT: Cheryl Brown.

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

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

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

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

For the Governing Body,

Cheryl L. Brown  
City Clerk

APPROVED: December 14<sup>th</sup>, 2005

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

DECEMBER 14, 2005

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bob Sisson seconded; motion carried 3-0.

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED: January 11<sup>th</sup>, 2006