

CITY OF OVERBROOK

MINUTES

COUNCIL MEETING

JULY 8, 2004

MEMBERS PRESENT: Bruce Smith, Jim Gates, Ira Allen, David Gerisch, Rich Hamit (left The meeting at 8:15 PM). Mayor Jack Young absent.

OTHERS PRESENT: Doug Helmke, Max Friesen, Marian Massoth, Patty Hylton, Ed Harmison, Bob Call, Everette Dannar, Cheryl Brown

The meeting was called to order by Council President Bruce Smith in the absence of Mayor Young. Roll call was taken by the clerk.

MINUTES / WARRANTS: Ira Allen made a motion, seconded by Jim Gates, to approve the minutes of the June 24th minutes as written. Motion carried 4-0 (Gerisch not present at this time).

Jim Gates moved to approve all warrants presented for payment. Ira Allen seconded; motion carried 4-0.

WELLHEAD PROTECTION PLAN: Doug Helmke, Kansas Rural Water Association, was present to discuss his findings and recommendations for an official protection plan for the city's water supply. Helmke said that the water supply is very safe, and the protection plan is fairly simple. The committee to oversee this plan consists of Helmke, Bruce Smith, Bob Call, and Mayor Young. Helmke pointed out certain sections of the plan that are mandatory such as reviewing the plan annually for necessary revisions. Helmke did say that the city needs to adopt an emergency water supply plan before the state will give final approval to the wellhead protection plan. Helmke said he would meet with Bob Call to draft such a plan for Overbrook. Helmke told the council that the benefits of having an official Wellhead Protection Plan, including the emergency plan, include scoring points when applying for grants.

Ira Allen made a motion, seconded by Jim Gates, to approve the plan as prepared. Motion carried 5-0.

PROPERTY DEVELOPMENT: Max Friesen came before the council to discuss future plans for his property on the east side of the city lake and on the north side of Hwy 56. Friesen would like the city to consider including this area when planning for future utility services. He told the council that he foresees population growth due to increased businesses in the Forbes Field area of Topeka. Friesen said that he would like some indication from the council about his being able to hook on to city water and sewer before he hires an engineer. Friesen said that his plans are to include a road that would connect Hwy 56 to the development by the cemetery. Friesen said that he's talking about 12-15 building sites altogether. His plan is to ask that all the property be annexed, including north of Hwy 56. Friesen told the council that he didn't expect an answer right away, but wanted the council to start considering the matter. Friesen also reminded the council that he has offered to donate property for another lagoon. Marian Massoth said that she doesn't know if KDHE would approve another lagoon system, but she does know that the test limits would be stricter than they are now. Bruce Smith said that an engineering study would determine the need for another lagoon system.

WATER/SEWER REPORT: Marian Massoth informed the council that she has accepted a position with KDHE in the water section. Vic Robbins will be representing King & Associates Engineering for the city. Massoth said that she is working on completing all the necessary paperwork for the Wastewater Project, and will be here on July 16th for the bid opening.

Massoth said that the business involved with installing a pre-treatment tank is willing to pursue the matter. Some excavation work needs to be done to determine the correct size of pipe, etc. She will check with Donna Crawford regarding any requirements from the grant side of the project.

Massoth would like to check into slip-lining any sections of defective sewer line rather than replacing them. She will check with KDHE to see if this is acceptable with them, and do some research on the actual procedure. She also mentioned a process called "strong sealing" manholes that need rehabilitated. Random sampling of pH needs to be done when the manholes and sewer lines are inspected.

The council expressed their thanks to Massoth for her work, and wished her good luck in her new job.

PLANNING COMMISSION: Jim Gates made a motion, seconded by Rich Hamit, to accept Glyn Day's resignation from the Planning Commission. Motion carried 5-0. Jim Gates made a motion, seconded by David Gerisch, to approve Yolanda Dickinson to serve the remaining term of Glyn Day on the Planning Commission. Motion carried 5-0.

TIMESHEETS: There was discussion about possible timesheet formats presented by Rich Hamit and Ira Allen. Smith said that he would like to see odometer readings included to keep track of the city vehicles. Hamit said he would try to have a finished sample for the next regular meeting.

POOL REPORT: Rich Hamit said that the water heater at the pool has been repaired, and they will be getting a new net for the pole. He said that the south diving board has been roped off because it's too slick. Bob Call will have Buddy Rogers check to see if another coat of Vortex is needed. There was discussion about the number of long-distance calls made from the pool. Most of the calls were under a minute, but it took several pages of the phone bill to list them. Hamit said he would talk to Rachael about the matter.

LAW REPORT: Chief Harmison reviewed his written report for the council. He told the council that the incident involving a dog bite was serious. He will be making a 2005 budget presentation later in the meeting. Harmison told the council that they have learned about a program that will allow them to exchange their weapons for ones that are capable of having a site pattern. They will be assisted by the county attorney's office.

Harmison told the council that an individual charged with arson and attempted murder earlier in the year has been sentenced to 86 months in prison. The case didn't go to trial due to the case presented by the police department to the county attorney and the defense attorney.

Harmison also asked if 70% of the fuel tax refund could be put into the Law fund. The clerk said she had asked the treasurer to put 100% of the refund into the Law fund. Harmison said that the Receipts Journal shows it went into the General Fund. Hylton apologized for the mistake, and said she would transfer the deposit.

MAINTENANCE REPORT: Bob Call told the council that there'd been a fire in the fuse box located in the bathroom of City Hall. Due to the clerk and Call hearing the noise, damage was

contained to the area around the box. The electrician said that the box was over-amped and under-wired. Everything has been replaced.

Call said that the dump truck has had the new bed installed by Craig's Welding. He also said that there's a leaky valve by the Housing Authority apartments.

Well #1 is down. Smith suggested that Call have it videoed if possible.

Jim Gates said that Ed Butterfield told him that Westar will install a pole up to 200' off the highway at the city lake at no charge. Bob Call said he would talk to Butterfield and do some measuring. This would allow the aerator to have a much closer connection.

Everette Dannar has given a bid of \$100 to build a grate for the storm drain by the cop. The council agreed by consensus to approve the bid from Dannar.

Call asked if the council wants him to get some small-size gravel for the walkway by Casey's. The council told him to check into the cost, and order some if the price is reasonable.

Call was asked to check into replacing the culvert in the cul-de-sac on Oak Street Court.

Bruce Smith remarked that there are several faded stop signs that need replaced. Call was also asked to remove the northbound stop sign on Ash at the intersection of Market. Max Friesen said that he's noticed that the storm drain in front of city hall needs to be cleaned out.

TREASURER'S REPORT: Patty Hylton reviewed some of the financial reports with the council. She will have to transfer about \$15,000 from General to the Bond & Interest fund before the next payment is due in October. Part of this money is from the local sales tax. The General fund will also have to make up any shortages in the Pool fund, but Hylton will leave the report as is so the council can see the monthly status. Hylton expressed her concern about a low balance in the Water/Sewer fund.

CLERK'S REPORT: Cheryl Brown said that she is considering other forms of storing back-up's for the accounting and utility billing as a result of the recent fire. We were very fortunate that it happened during the daytime when someone was here. One possibility is a direct hook-up with NCS, the company from which we bought our computers. The data is actually sent directly to a location in Kansas City, and files can be retrieved from them as necessary. This would cost about \$50/month. The alternative is to remove the backup discs from the building and store them elsewhere. Ira Allen suggested using another computer in another location for file storage, but locating a secure place would be difficult. Brown said she would do some more research on the matter.

COUNCILMEMBER COMMENTS: Ira Allen said that citizens using the limb disposal need to use the main pile, and not the road leading to it. Allen also stated that in his opinion, there's been a problem with attendance since changing to Thursday night council meetings, and he would ask for a vote to change it back to Wednesday's if this keeps up. Smith said that this would need to be discussed again when everyone is present.

FAIR COVERAGE: Chief Harmison stated that his budget won't allow for extra officers to cover during the fair, and this is not a safe situation in his judgment. He told the council that they need to decide how to pay for more coverage. Jim Gates asked if this was considered when the current budget was prepared. Harmison replied that the budget he's operating under is not the one that he prepared. Allen said that some expenses for employee benefits are now being taken from the Law fund instead of the General fund and these were not included when the budget was adopted. Harmison said that 10% of his budget ended up going to expenses that have not been taken from the Law fund in the past. There was discussion about talking to the fair board regarding funding extra coverage. Harmison said that his coverage will be for the city rather than the fair.

BUDGET PRESENTATION: Chief Harmison stated that he is directing this to the elected council members. He will be asking for what he thinks is necessary to keep the community safe. The case load is down at the present time. He reviewed several cases worked in the past several years. Harmison also stated that he has not had one citizen come up to him to complain about the mill levy increase for the Police department in this budget. He also stated that comments in recent meetings have been about the law enforcement being one of the best things about Overbrook. Harmison stated that his proposed budget will require another increase in the mill levy. He stated that the overtime he's budgeted will be necessary in case of emergencies, but his hope is that this money will be used to build a reserve. Harmison also stated the need for part-timer's. He stated that he is covering Sunday's himself due to lack of funds for part-time coverage. He said that the citizens expect coverage on weekends as well as during the week. Harmison also expressed the need to replace the 1996 police car driven by Officer Dannar soon, as well as the increased cost of gasoline. He also expressed the cost of the required 40 hours of training for himself and Dannar on an annual basis. Harmison said that there are ways to cut back, but he's concerned about the results of doing that in manpower. He also has considered the increase in the city's share of the Kansas Police retirement for 2005, and also the cost of health insurance. The total amount being requested by Harmison is \$124,000 to cover all these areas. He again stated that the current budget is not the one he helped prepare for 2004.

Patty Hylton said that according to Jim Long, the city will get an increase of \$3,276 increase in tax revenue without raising the tax to be levied. Harmison said that his proposed budget would require a 3-mill tax increase. He stated that he feels that the police department is well respected in the community, and that they are doing a good job. He realizes that this budget is asking for a lot of money, but feels that it's reasonable compared to other cities in the county. He also pointed out that growth in the city requires more services. Harmison then gave the council some budget information from some other towns for comparison. There was discussion about these budgets.

Harmison said that the money he's asking for is partly based on preparedness for major emergencies. Hylton then asked Harmison if he'd be willing to give any surplus funds back to the General fund if needed. He said he would with the stipulation that it come back to the Law fund if needed.

Jim Gates asked if the fair board has ever been approached about providing their own security or helping fund the police department's coverage. Smith suggested that someone from the governing body, along with Harmison, visit with the fair board about this matter. Ira Allen said that the fair board has had increases in their insurance costs the past few years, and that may prevent them from helping with funding security. Dannar stated that more visible badges keep a lot of things from happening, and he'd be concerned if the coverage isn't adequate.

Harmison said that his budget for part-time help doesn't include other special events, such as street dances or school-sponsored events.

Brown reminded the council that the budget hearing notice, with the final figures, has to be published by August 5th, which means it has to be sent to the paper no later than August 2nd, but would prefer to publish on July 29th.

Hylton gave the council some information from Jim Long, auditor, on what he recommends to start building a reserve for the city. She also stated that she is in favor of keeping the same tax levy as 2004. Harmison then said that the police department puts \$22,000 - \$25,000 into the General fund through the fines collected by the court. He said that there was \$3800 left after court expenses last year, but it can't be put into his fund per state law. Harmison ended his presentation again with the reminder that his concern is with the safety of the community, and that the elected officials need to keep that in mind when deciding what is best for Overbrook. Harmison said he would have a written presentation for the council to consider at the next meeting.

A special meeting was tentatively scheduled for July 12th after the annexation hearing. The clerk will notify Mayor Young and Rich Hamit about the meeting.

MISCELLANEOUS: Bruce Smith reviewed his figures on the water/sewer funds, and brought up raising the rates for these services to help pay for the water and sewer improvement projects. After considering several different rates, Jim Gates made a motion, seconded by Ira Allen, to raise the water and sewer rates as follows:

Water -- \$12.00/ first 1,000 gallons, \$6.50/each additional 1,000 gallons

Sewer -- \$ 6.00/ first 1,000 gallons, \$2.00/each additional 1,000 gallons

The rate change will be in effect after publication, and in force with the September billing. Motion carried 4-0 (Hamit had left the meeting earlier). Brown said she would have the necessary ordinances prepared at the next regular meeting.

Ed Harmison asked if it would be profitable for the city to do their own trash removal. The clerk said this had been discussed, but never pursued due to the start-up expense, and also the insurance costs. Ira Allen also pointed out that the city would have to buy the necessary dumpsters. Smith said that more research would have to be done on this matter.

Smith also mentioned that he thinks that spending \$6,000/year on animal control is a luxury. He would recommend going back to having maintenance and the police department handle animal calls on an as-needed basis. Gates said that it seems like there's just as many dogs at large as before. Chief Harmison said he didn't agree with Gates, to which Gates replied maybe it was just in his neighborhood. There was more discussion, but no action was taken. Bob Call said that he didn't really want to go back to this, but he or Harmison have to handle calls in the daytime now as Tomlinson only is available evenings and week-ends. Harmison said that Tomlinson also patrols the city lake to check for license violations. He suggested cutting back on his hours and mileage. Ira Allen said that this would shift more work to Bob Call, and he has enough to do with just a part-time helper.

There being no further business before the council, Jim Gates moved to adjourn. David Gerisch seconded; motion carried 4-0. The meeting adjourned at 10:12 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

SPECIAL COUNCIL MEETING

JULY 12, 2004

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

OTHERS PRESENT: Beth Pankratz, Nora & Kevin Kirkpatrick, Ed Harmison, Bob Call, Cheryl Brown, Billie Gerisch.

Mayor Young called the special meeting to order at 7:00 PM. Roll was taken to determine that a quorum was present.

The mayor stated the purpose of the special meeting is as follows:

1. Meet Nora Kirkpatrick in regards to a future medical practice
2. Accept the resignation of Cliff O'Bryhim from the Planning Commission
3. Discuss the 2005 budget

MEDICAL CLINIC: Beth Pankratz introduced Nora and Kevin Kirkpatrick. Nora Kirkpatrick is completing her training for Physician Assistant, and is checking out various communities in which to establish a practice. Kirkpatrick told the council that she's been in town for several days, and has checked into possible locations for a clinic in addition to the existing building. She indicated her interest in starting her practice in Overbrook, and how important the support of the community would be in maintaining that practice.

Grants to help start a medical practice were discussed as Kevin Kirkpatrick has had experience in grant writing and administration.

Nora Kirkpatrick told the council that before she can do anything, she has to find an established doctor who will sponsor her, and that she's currently doing this. Several issues were discussed regarding how the city can and would help her get a practice started. Kirkpatrick said she would keep in contact, and thanked the council for allowing her to appear before them.

PLANNING COMMISSION: David Gerisch made a motion, seconded by Bruce Smith, to accept the resignation of Cliff O'Bryhim from the Planning Commission after many years of service. Motion carried 4-0. David Gerisch moved to appoint Tom Wurdeman to the Planning Commission to serve the remainder of the term. Jim Gates seconded; motion carried 4-0.

2005 BUDGET PREP: The council then discussed the 2005 budget in order to have definite figures when Jim Long, Bogner & Long, appears at the next regular council meeting to discuss the final figures.

There being no further business on the agenda, Jim Gates made a motion to adjourn at 9:15 PM. Bruce Smith seconded; motion carried.

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JULY 22, 2004

MEMBERS PRESENT: Rich Hamit, Ira Allen, Bruce Smith, Jim Gates, David Gerisch, Mayor Jack Young (left at 8:50PM).

OTHERS PRESENT: Jim Long, Charles Hamner, Beverly Hix, EulaLee Fuller, Dot Flory, Mark Tomlinson, Vic Robbins, Marian Massoth, Ed Harmison, Everette Dannar, Bob Call, Cheryl Brown.

The regular council meeting was called to order at 7:00 PM by Mayor Young at which time the clerk called the roll.

MINUTES / WARRANTS: Bruce Smith made a motion, seconded by Jim Gates, to approve the minutes of the July 8, 2004 meeting with changes regarding Ira Allen's comments on changing the meeting night back to Wednesday's. Motion carried 5-0.

Jim Gates moved to pay all warrants. Bruce Smith seconded; motion carried 5-0.

AUDIT REPORT: Jim Long, Bogner & Long, reviewed the audit of the 2003 financial reports for the mayor and council. Long stated that other than having a negative balance in the City Lake fund, the audit was favorable. Long then reviewed each fund. As he has done for the past several years, Long encouraged the council to consider establishing and funding a reserve fund. Rich Hamit made a motion, seconded by Jim Gates, to approve the 2003 budget report. Motion carried 5-0.

WATER/SEWER ENGINEERING REPORT: Marian Massoth reported that there were two bids submitted for the sewer line inspecting and cleaning. One from Utility Maintenance for \$33,000 and one from Mayer Specialties for \$23,800. Massoth said that KRWA has seen work done by both companies, and had no problem with either one. Jim Gates made a motion, seconded by Bruce Smith, to accept the bid from Mayer Specialties for \$23,800. Motion carried. Vic Robbins said that the city will need to prepare a place for any materials removed from the sewer lines.

Massoth said that the excavation done on West First Street showed good clay soil, and so installing the pre-treatment tank should proceed. King's Engineering will start the necessary paperwork to meet grant requirements.

Monday, August 16, 2004 was chosen for a pre-construction meeting. The meeting will start at 10:00 AM at City Hall.

Vic Robbins also told the council that they're working on a detailed sequence of operation for the entire project. This includes agreements with the land owners for the sites where the waste will be applied, and improvements in the transfer piping to help processing while the project is being done. Robbins said that some of the land owners are reluctant to accept the sludge because of past experience. Therefore, they've written an agreement that covers all possibilities, and that the city needs to make sure the contractor is ultimately accountable for unforeseen damages. These agreements are being reviewed by Michael Coffman, City Attorney. Massoth said they would make sure Donna Crawford gets copies of everything she needs.

2005 BUDGET PREP: Jim Long presented the council with a draft of the 2005 budget he had prepared. Long explained the formula for tax revenue. Without making any changes in the total mills levied, the city will receive \$3,276 more total dollars. After discussing the needs for each department and the means to start a reserve fund, the council agreed that the mill levy will have to be increased. The mayor said he was in favor of having a separate reserve fund rather than try to save a certain amount in individual funds. Long told the council that

money can be transferred into other funds providing there is enough budget authority in the fund. Long reminded the council that it will take more than one year for the city's financial situation to improve noticeably, but this would be a start. After more discussion about the best way to start a contingency fund, Jim Gates moved to approve Budget option #2 with changes in the General Fund and the establishment of a contingency fund of \$10,000. This makes raising the total numbers of mills to be levied. The General fund would require a .3 increase, and a 1.3 increase in mills levied for the police department. There would also be a slight increase for Street Maintenance and the Library. Ira Allen wasn't in favor of starting a contingency fund the same year that water and sewer rates will be increased. Mayor Young and Smith said that they have strong feelings about starting some kind of a reserve fund. Their feeling is that when people expect certain services, they have to realize that it takes money to provide them. Jim Long reminded the council that the present year's expenses and tax rate will be included with the budget hearing notice that's published so people will be able to see the proposed changes before the hearing. Patty Hylton commented that the budget looked satisfactory to her as long as we're building reserves for contingencies and she sees a \$12,000 contingency within the Law fund for possible health benefit increases. Chief Ed Harmison said that he would want the ability to draw from that reserve for other things if needed. Jim Long asked if that would be with the council's approval. Chief Harmison said no, but Bruce Smith said yes. Harmison said that he was under the impression from the discussion of the last meeting that he would be able to use that money for other expenses if necessary. Mayor Young said that would be considered as necessary.

At this time, Jim Gates moved to adopt Ordinance No 271 which gives the council authority to raise the tax levy revenue for 2005. Bruce Smith seconded; motion carried 5-0.

WATER/SEWER RATES: Jim Gates made a motion, seconded by David Gerisch, to approve the rate change for water usage as stated in Ordinance No. 272. Motion carried 5-0.

Jim Gates moved to approve Ordinance No. 273 which increases the rates for sanitary sewer usage. Bruce Smith seconded; motion carried 5-0. The ordinances will be published July 29, 2004 and the rates will be effective with the September billing.

EXECUTIVE SESSION: Rich Hamit made a motion, seconded by David Gerisch, to go into executive session from 8:45 – 8:50 pm to discuss matters not related to elected personnel. Motion carried.

MISCELLANEOUS: Bruce Smith opened the meeting at 8:50 as the mayor had to leave. Rich Hamit said he's still working on time sheets.

Bruce Smith told the council that he met with Corky Green about the drainage problem related to the school parking lot south of the school. Smith said he feels the school will be open to possible solutions. Smith said that he would like to start a plan to address all the storm water drainage problems in town. He said that this may require some help from an engineer. Jim Gates said this would be a good idea to make sure that the results are what we want.

ANIMAL CONTROL REPORT: Mark Tomlinson was present to give a report on some of his activities so far this year. He's taken care of 20 opossums, 3 6' snakes, 55-60 cats and removed around 20 dead animals. He said that he doesn't get too many dog calls. Tomlinson said that he disagreed with Bruce Smith's opinion that an animal control officer is a luxury. Dot Flory, Beverly Hix, and EulaLee Fuller were present to support keeping an animal control officer. Smith said that if the taxpayers were willing to pay the \$500/month expense, then he didn't have a problem. Tomlinson said he didn't make \$500/month. Clerk Brown said that the total salary, including mileage, for 2003 was \$6600. Jim Gates asked about Tomlinson's hours. Tomlinson said that he comes out anytime he's called in the evenings and weekends, and considers his job to be a public service just like the police department. He said that probably 10 of his 40 hours a month is spent patrolling the city lake. Dot Flory said that she's had problems with neighbors leaving their dog without food and water for several days, and

that Tomlinson has helped her. She's now having problems with neighbor's dumping kitty litter on her property, and has complained several times with no result. Gates said he was aware of the problem and thought the situation was resolved. Flory said that its still happening. She also said that she thinks all cats should be licensed. The clerk told her that all dogs and cats, including those that are kept inside, are legally required to have a city license. Chief Harmison said that this was the first time he'd heard of Flory's problem, and he would visit with her tomorrow.

WEST TOWER: Bob Call said that the west water tower has had the annual maintenance done. Call asked if Justin DeShazer could be paid twice a month instead of monthly. The council agreed by concensus. Call also asked Smith if he could help with locating water valves for the mapping project. Smith said he would.

ANNEXATION HEARING: Cheryl Brown reminded them that the annexation hearing is scheduled for August 2nd at 6:30 PM. She also said that Doug Helmke had sent an Emergency Water Plan to be adopted.

COUNCILMEMBER COMMENTS: Jim Gates said that Westar has told him that they will install a pole up to 100' from the highway, and that there might be some expense after all. The representative from Westar did not meet with Bob Call and Ed Butterfield last week as scheduled. Mark Tomlinson said he would like to do some figuring on the wiring, and possibly submit a bid. Gates asked if the tall weeds around the restroom could be removed. Call said he would check into it.

Ira Allen reported that Beth Pankratz is still hopeful that Nora Kirkpatrick will be able to start a practice in Overbrook.

Rich Hamit said that there is \$126 left over from the 2003 swim team donations. This has been deposited into the pool fund for the time being. Hamit said that the diving boards have been re-surfaced and are much better. Everette Dannar asked about the possibility of getting some kind of lock box where kid's can leave cash while they're swimming. Hamit said he'd do some checking.

MISC: EulaLee Fuller suggested putting information about the pool on the city cable channel. The clerk said that she does put all the information on the channel when it's provided by the manager or others.

EXEC SESSION: Rich Hamit 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 5-0. Smith called the meeting back to order at 9:40 PM. No action was taken at this time.

There being no further business before the council, Jim Gates moved to adjourn the meeting at 9:42 PM. David Gerisch seconded; meeting adjourned.

Respectfully submitted,

Cheryl Brown
City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

AUGUST 2, 2004

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

OTHERS PRESENT: Jim Duncan, Roberta Daniels, Michael Coffman, Cheryl Brown.

Mayor Young called the special meeting to order at 6:30 PM for the purpose of considering the annexation of several parcels of land, and also to discuss a claim for damages received from a citizen.

HEARING: Roberta Daniels questioned why the annexation is being done at this time. Michael Coffman, City Attorney, explained that the city needs to update the boundary ordinance and for unknown reasons, some areas have never been annexed. The basic reason to annex at this time is mainly to create an even boundary that would include all subdivisions, and property that is surrounded by previously annexed property. Daniels then asked what advantage this would be to her. Coffman said the main advantage would be access to the back of her property by the city if necessary at some time in the future. Daniels then asked if the city would be willing to sign an agreement not to raise their taxes, if the property owners object to the annexation. There was discussion about the condition of this area. The specific land being annexed already belongs to the individual owners, but at one time was a railroad right-of-way. The property was never formally annexed after the land was signed over to the owners by the railroad.

There was discussion about a concern that the city would immediately pressure the owners to make more improvements, and they have already spent a lot of time cleaning up the area. The city also made it clear that they have no intention of turning it into any kind of "trails" for public use.

After assuring Duncan and Daniels, the only two property owners to appear, Bruce Smith made a motion to annex

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

AUGUST 12, 2004

MEMBERS PRESENT: Ira Allen, Jim Gates, Bruce Smith, Rich Hamit, Mayor Jack Young, David Gerisch (7:10 pm).

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

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

MINUTES / WARRANTS: Ira Allen made a motion, seconded by Bruce Smith, to approve the minutes of the July 12, 2004 meeting as written. Motion carried 4-0. Bruce Smith made a motion, seconded by Ira Allen, to approve the minutes of the July 22, 2004 special meeting as written. Motion carried 4-0.

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

MISC: Mayor Young read a letter of appreciation for the improvements made at Jones Park this past year written by the Overbrook Ball Association. The mayor said that most of the credit should go to the maintenance department and also to Clyde Martin for donating his time installing shingles on the concession stand roof. The council agreed by consensus to give Martin a free city lake permit for the 2005 season.

WASTEWATER IMPROVEMENT PROJECT: Mayor Young asked the council to review a letter from Habib Ghali, KDHE, in which Ghali stated his observations and comments regarding the plans and specifications submitted by the City. Bruce Smith had questions about some of Ghali's recommendations. The mayor was concerned about his comments regarding future wastewater treatment needs. The governing body has assumed that the project will restore the capacity to the original design to accommodate 1200 residents. After more discussion, the council agreed that they should request Habib Ghali attend a council meeting rather than respond by letter so that these matters can be discussed in the presence of the engineer. It was suggested that Vic Robbins contact Ghali. Mayor Young said that he would talk to Vic Robbins about this matter.

TIME SHEETS: Rich Hamit said that he doesn't have a final sample to consider yet, so the matter was tabled.

PARKING LOT DRAINAGE: Bruce Smith said he recommends combining this project with the drainage off the school building this fall. The council agreed to have Mark Green, City of Topeka, come to a meeting to discuss the matter. Smith said he would contact Green.

LAW REPORT: Chief Ed Harmison reviewed his written report to the council. Harmison said that the fair didn't cause too many extra problems. He thanked Bob Call for his work regarding the fair parade route signs and barriers. Harmison has asked the city attorney to check into an ordinance regulating brakes on large trucks. Signs would be posted at each city limit to inform drivers of the regulations. Jim Gates asked where most of the violations in 20 m.p.h. zones are being written. Harmison said probably on main street (Maple). Harmison said that the business district has been set at 20 m.p.h. by ordinance, and he's instructed his officers that they should be writing more tickets.

MAINTENANCE REPORT: Bob Call said he's been locating manholes for the sewer inspection project. The street work should be done the end of August. School crosswalks have been painted. Call said that the dump truck has a leak in the hydraulic tank. The council agreed by concensus to approve having it fixed or replaced if it can done for \$500 or less.

Call said that Steve King is complaining about people "flying by" since the stop sign at Market and Ash was removed.

Call said that someone from KDHE was here recently due to the manhole on Sharon Gunter's property overflowing. Gunter called them. Call said that he explained that the city is in the process of improving the wastewater system, and was told that each incident needs to be reported. Call was also advised to try to improve this situation, if possible.

A temporary disposal site for waste as a result of the sewer cleaning has been built on the lagoon property.

There was discussion about the damage to the "Welcome to Overbrook" rock by the pool. Chief Harmison said that when he got there, the girl that had backed into it had stayed at the scene, and he has the accident report done except for a dollar amount. He'll turn it in as soon as he gets a figure. The rock will probably need replaced rather than repaired.

Call said that OSHA was here to inspect, and made a few recommendations to improve safety.

The water heater at the pool has been flushed again and hopefully will last the rest of this season. Mayor Young asked Call if he could do some flushing in his neighborhood as he's had some recent complaints. Hamit said he's been having the same problem.

EXEC SESSION: Bruce Smith made a motion, seconded by Ira Allen, to go into executive session to discuss matters not related to elected personnel. Motion carried; session started at 7:50 PM. The mayor called the meeting back to order at 7:56 PM. No action was taken at this time.

2005 BUDGET HEARING: Mayor Young called the 2005 Budget Hearing to order at 8:00 PM. The clerk told the council that what they wanted to designate a Contingency Fund cannot be done by state statute. So Jim Long, Bogner & Long, has named it the "Equipment Reserve" fund. This money can be spent for the purchase or repair of any kind of equipment. There was discussion about just putting the \$10,000 back into the General Fund, but the mayor stated his concern about that making it easier to spend. His main objective for setting this amount aside is to start building a reserve. Cheryl Brown called Jim Long, and was told (by speaker phone) that the fund cannot be called just "Reserve", and that Equipment Reserve was the broadest definition available

Patty Hylton was asked to give her report as part of the budget hearing. She told the council that the proposed budget is pretty tight in the General, Water/Sewer, and Law fund but any funds not spent this year would help. She has tried to include a reserve line in each of the funds to be used for various things, such as employee benefits if necessary. Hylton said that the rate increases for water and sewer should help that fund, but with payments and reimbursements for the projects coming in and out it's hard to come up with good estimates.

Ed Harmison asked why the box for overtime in the Law Fund is blank. Hylton said that this was recommended by Jim Long. Harmison said that some of the figures on Hylton's report don't match with what has been discussed. He said that the purchase of a new car as discussed by the council previously needs to be designated somewhere in his fund. Hylton said that is covered in the Reserve for Auto Purchase line. Smith asked if this had been discussed for a definite time at a meeting when he was absent. Harmison said that he intended for this to be included in the budget. Hylton said that the amounts for each line item can be discussed and changed after the total fund amounts are set by the budget.

The mayor again stated that he would prefer leaving the \$10,000 in a reserve fund rather than try to "save" it within any of the other funds. The fund doesn't have any mills levied to be the source of revenue, but rather transfers from other funds. Jim Gates made a motion, seconded by Bruce Smith, to approve the 2005 budget as prepared. Motion carried 5-0. The hearing was closed by the mayor.

SEWER DAMAGE CLAIM: Carl Anderson was present to tell the council that he hasn't heard anything from the city's insurance agent in regards to damage to his property as a result of the city's main backing up. Anderson was concerned about the adjustor coming when Anderson might not be available. Ira Allen said that he would be notified a few days in advance, and that he should be hearing from them soon. Anderson just wanted to make sure that the city is aware of his situation. Mayor Young said that Employer's Mutual has been notified, and we should be hearing from them soon. Anderson thanked the council for their time.

CLERK'S REPORT: Cheryl Brown reminded the council of the pre-construction meeting on Monday, August 16th at 10 AM. She also told the council that the city channel computer may need a new modem. She also asked about doing something for Ed Harmison due to the loss of his step-father. The council agreed by concensus to donate \$25 to the memorial of choice.

COUNCILMEMBER COMMENTS: Rich Hamit said the diving boards are slick again, and we may need to do something different next year.

Hamit also said he is really disappointed that all the people who approached him about the proposed budget did not show up tonight. They had indicated that they were opposed to it. The mayor stated that Councilman Gates attends lots of council meetings in other towns and has noticed that Overbrook has the fewest people attending regular council meetings. Mayor Young stated that this could be taken as approval for how things are being done, and left it at that.

EXECUTIVE SESSION: Bruce Smith made a motion, seconded by David Gerisch, to go into executive session for 5 minutes to discuss matters not related to elected personnel. Motion carried; meeting was recessed from 9:25 until 9:30 PM. The mayor called the meeting back to order; no action taken.

There being no further business before the council, Jim Gates moved to adjourn. Rich Hamit seconded; motion carried 4-1. Adjourned at 9:35 PM.

Respectfully,

Cheryl L. Brown, City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

AUGUST 26, 2004

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

OTHERS PRESENT: Carolyn Meerian, Carl & Terri Anderson, Vic Robbins, Marian Massoth, Bob Call, Ed Harmison, Cheryl Brown.

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

MINUTES/ WARRANTS: Rich Hamit moved to approve the minutes of the August 12, 2004 meeting as written. Ira Allen seconded; motion carried 3-0. There were no warrants to pay.

OLD CHRISTMAS LIGHTS: Carolyn Meerian came before the council to ask for permission to have the old Christmas decorations checked by an electrician. Meerian said that Ed Butterfield is willing to run electricity to as many poles as possible. She said that she has an electrician in mind, but another one is welcome to volunteer their time. Meerian's reason for wanting this done is to have some decorations on the highway as well as downtown. There was also discussion about decorations for the archway. The council agreed by concensus for Carolyn Meerian to proceed, with the understanding that we would need approval from the state for displays along the highway.

WATER/ SEWER PROJECT: Vic Robbins, King Engineering, reported that he has gathered necessary information about the procedure and cost of disposal of the waste resulting from the inspection and cleaning sewer lines. Included in this are forms from Waste Management, owner of Rolling Meadows Landfill. Robbins has submitted the necessary paperwork. After discussion, Ira Allen made a motion, seconded by Rich Hamit, to contract Osage Waste Disposal to haul the waste material to Rolling Meadows Landfill. Motion carried 3-0. Robbins said that more forms have had to be sent to Mayer Specialties, and he hasn't had a response from either Mayer Spec or Donna Crawford. The council told him to check with Mayer Spec first. Robbins said that Bob Call needs to build a berm all the way around the dumpsite for the waste from the sewer cleaning.

Robbins told the council that he's drafted a letter to Habib Ghali, KDHE, in regards to Ghali's letter to the city regarding the wastewater system. Robbins feels that most of the items mentioned by Ghali have been addressed in the overall Wastewater Project approved by KDHE. In the draft, Robbins addresses each of the points of concern by Ghali. Mayor Young asked if KDHE will be willing to loan more money to make all the changes if Ghali's recommendations are final. Marian Massoth said she thought they would, and Ira Allen mentioned the possibility of applying for more grant money. Allen also said Ghali should be asked to attend a council meeting. Robbins said that he would like to get the sludge-removal started right away, provided Ghali will approve at least that much.

Robbins said that we will probably have to comply with the piping issues and the clean-water drainage as soon as possible. There was discussion about hiring someone to do the sewer hook-up inspections. The council agreed by concensus to advertise for a person to do the inspections. Robbins and the clerk will write an ad for both local papers. There was no decision about the pay rate at this time. Robbins said he would do any training necessary at \$35/hr. and thinks it could be done in a half-day. Robbins also recommends re-sending the notification letter to each residence. Ira Allen mentioned using Justin DeShazer, who's working part-time maintenance now. Cheryl Brown said that he will be leaving the first Friday in September to take another job.

Robbins reported that the city needs to get an easement for the property involved with the pre-treatment tank on West First Street, so we're waiting on Michael Coffman to complete that as well as a plan by Robbins.

DAMAGE CLAIM: Carl and Teresa Anderson were present to discuss the progress of their claims due to damage to their house and belongings due to a sewer main backup. Mayor Young said that Ira Allen has talked to an agent from Employer's Mutual who has talked to the adjuster, but the adjuster has not contacted Bob Call as of today. The mayor said that he will ask the city attorney to write a letter if necessary, but would like the insurance company to handle the matter. Teresa Anderson said that she's concerned about the extra expenses they've had, and the time she's missed from work. Carl Anderson said that he might call the adjuster to see what's going on. Ira Allen said he would contact Scott Thompson again tomorrow and let the mayor know what he finds out.

SCHOOL DRAINAGE: Mayor Young said he checked on drainage this last rain we had, and he feels that the water is coming from the parking lot across from the school. He wonders if breaking up a small berm by the drain tube would direct the water into the ditch. Ed Harmison said that he took pictures when we got the heavy rain, and thinks that part of the problem is the build-up from re-sealing over the years. The mayor said he would talk to Bruce Smith about this.

TIMESHEETS: Rich Hamit presented the revised timesheet for review. He changed the line that said "Overtime Hours" to "Additional Hours Worked". The clerk said that the only thing that needs to be recorded is the actual hours worked, and that overtime/comp time isn't figured until the end of the work week. Chief Ed Harmison asked that the council make a decision about this as it seems that the overtime issue comes up every meeting. Ira Allen made a motion, seconded by Rich Hamit, to approve the timesheets with the corrections regarding some of the wording. Motion carried 3-0.

WELCOME TO OVERBROOK ROCK: Ira Allen said he has the police report showing the rock's value as \$2500, and total labor including volunteer hours would be \$600 for a total of \$3100. Sherry Rhodes is waiting on an exact dollar amount from their insurance adjuster.

WHOLESALE WATER SUPPLY: Ira Allen presented a professional agreement with the Pomona Lake Water Cooperative to be considered. The city needs to make a decision by September 2nd. At this point, the city's share would be approximately \$1786 just to pursue the project. Rich Hamit made a motion, seconded by Ira Allen to agree to pursue the agreement at a cost of \$1786. Motion carried 3-0.

LAW REPORT: Chief Harmison reported that our school district has a resource officer through the Osage County Sheriff's office. Harmison also said that some kind of sidewalk needs to be installed on the pool side of 7th and Maple to keep kids out of the street. Bob Call was told to check with Leo Lang about prices.

MAINTENANCE: Bob Call said that the pump at the swimming pool was making weird noises and he shut the pump off. Mayor Young recommends closing the pool for the season. Hamit said Rachael is checking the schedule to help decide. Call said that he told her that the pool can't be operated without the pump working, so the pool is closed for practical purposes. The clerk said she would leave a message on Rachael's voice mail.

Call said that he's received a bid from Everette Dannar for \$500 for a hydraulic tank on the dump truck. The council asked that he try to get one more bid.

AUDIT BID: Rich Hamit made a motion, seconded by David Gerisch, to have Bogner & Long do the 2004 audit at a price of \$4150. Motion carried 3-0.

ORDINANCE NO 275 AND NO. 276: Rich Hamit made a motion, seconded by David Gerisch, to approve the adoption of Ordinances 275 and 276 which will regulate the Standard Traffic Ordinance and Uniform Public Offense Ordinance as prepared by the League of Municipalities. Motion carried.

VEHICLE DAMAGE: The council reviewed the claim presented by Jennifer DeShazer as a result of damage to her van caused by a piece of rebar at the pool. After discussion, Rich Hamit made a motion, seconded by David Gerisch, to pay the bill from Swisher's Automotive, not to exceed \$810. Motion carried 3-0. Hamit said he will contact DeShazer.

COUNCILMEMBER COMMENTS: David Gerisch asked that pictures be taken at the next meeting for the ID photos. Gerisch also suggested that the city might want to post "Not responsible for damage to vehicles" to avoid future claims.

Ira Allen feels like the city should consider some way to hire another full-time maintenance worker in order to keep things working, and also do new projects. He would like for the treasurer to do some figuring in this area.

EXECUTIVE SESSION: David Gerisch made a motion, seconded by Ira Allen, to go into executive session for 5 minutes to discuss non-elected personnel matters. Motion carried; meeting recessed from 9:17 until 9:22 PM. The mayor opened the meeting; no action was taken.

There being no further business before the council, Rich Hamit moved to adjourn. David Gerisch seconded; motion carried and meeting adjourned at 9:27 PM.

Respectfully submitted,

Cheryl L Brown
City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

SEPTEMBER 9, 2004

MEMBERS PRESENT: Ira Allen, David Gerisch, Bruce Smith, Mayor Jack Young, Rich Hamit (7:31)
Jim Gates (7:55).

OTHERS PRESENT: Paul McCartney, Carl Anderson, Habib Ghali, Rod Geisler, Bob Call, Patty
Hylton, Ed Harmison, Everette Dannar (7:27), Cheryl Brown.

Mayor Young called the meeting to order at which time roll call determined the presence of a quorum.

MINUTES / WARRANTS: Ira Allen moved to approve the minutes of the August 26, 2004 meeting as written. David Gerisch seconded; motion carried 3-0.

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

CLAIM FOR DAMAGES: Mayor Young stated that he has talked to an attorney about possible procedures in the event that the claims submitted by Carl Anderson are denied by the city's insurance provider, Employers Mutual. After stating that a copy of the city's bill from Ace Pipe Cleaning has been given to the Anderson's, Mayor Young asked Anderson what amount of money would he consider acceptable. The mayor also stated that he has talked to Todd Goodyear about the cause of the sewer backup into Anderson's basement. Goodyear is unable to attend tonight's meeting, but had told the mayor that the city's main was clogged and feels that it has had some tree roots for some time.

Anderson said that he doesn't have a specific amount in mind, but presented the council with a list of their expenses to this point. The list includes time lost from work by the Anderson's, cleaning, restoration and replacing personal property for a total of \$19,302.46, of which American Family Insurance has paid \$5,000. Anderson said that this may not be the final figure if some things can't be restored. Anderson also had a letter from Employer's Mutual stating that while there were some tree roots and grease in the sewer line, they felt that the primary reason was the rainfall overwhelming the storm and sewer system. That was the basis for their denial of the claim. After more discussion, the mayor said he would talk to the city's attorney about the next step to be taken. Anderson said that while his preference is not to sue the city, he wants his basement restored. Ira Allen said that while the city is sympathetic, there's no money in this year's budget to cover this expense other than through the insurance company. Anderson said he feels that the insurance company should be responsible. Allen encouraged Anderson to contact the claims adjustor again before taking any legal action. Mayor Young said he would discuss this with Goodyear again also.

SCHOOL DRAINAGE PROJECT: Bruce Smith said that the city needs to send a letter to Mark Green stating that the city is willing to spend up to \$500 on a joint project to solve the drainage coming off the building. Mayor Young said that he checked the streets during a fairly heavy rain, and can see where the water is coming from. The clerk was instructed to write the letter to get things started.

DAMAGE TO ROCK: Ira Allen has not heard from State Farm Insurance as yet. Mayor Young said that it has been "glued" back together, and he took the fencing down and it appears to be secure, but these repairs are temporary.

SEWER HOOK UP INSPECTIONS: Cheryl Brown said there has been some response to the ad for an inspector for the sewer hook ups. She's had several phone calls, but only one official application. Bob Call said he's also talked to some people, but nothing official. Today is the last week for the ad to run, so the council should be able to make a decision at the next meeting. The same notice will be mailed to all residents after someone has been hired. There was discussion about trying to meet with applicants before the next meeting.

POMONA LAKE WATER PROJECT: Bruce Smith reported that the interested parties have met with KDHE, and the project has some requirements to meet in order to qualify for the grant part of the study. A contract has been signed with Bartlett & West Engineers to do the study at a cost of \$25,000 with up to half of that being funded by the KDHE grant. Each of the parties will be receiving letters requesting information soon. Smith said that final reports probably won't be ready until after the first of next year. At some point, each party will have to decide how much of the volume they want, and their share of the total cost will depend on the amount requested. There is no date set for the next meeting.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. Harmison said that he doesn't have an ordinance to consider regarding brakes on large trucks at this time. He did say that he had a meeting with school officials and the police chiefs from Carbondale and Scranton and the School Resource Officer from Osage County Sheriff's office. Chief Harmison again told the council that things went well with the fair this year, and told the council that there will be a demolition derby this coming weekend.

Harmison said they have received the application for the 2005 grant. He then presented the council with a map of where the past month's traffic citations were issued. He did this in response to some complaints about tickets being written on the south end of Maple. According to the map, no tickets were written in that area the past month. Harmison again stated that the speed limit coming into and leaving town from the south is 20 m.p.h. due to an ordinance designating it as a business district.

WATER/SEWER PROJECT REPORT: Marian Massoth introduced Habib Ghali and Rod Geisler of KDHE. Vic Robbins, King's Engineering, reported that an ad for a person to inspect sewer hook-up's has been published as directed by the council. Robbins said that the city's current wastewater system ordinance gives the city the right to make administrative inspections regarding this matter. The city attorney has given advice regarding this matter.

Robbins said that the survey has been done in preparation for installing a pre-treatment tank on West First Street, but the plans are still to be drawn for the project. We are also waiting on the easement to be completed by the city attorney.

The sewer line inspection and cleaning is under way. All of the lines north of Hwy 56 have been done. Robbins has been made aware that the contract with Meyer Specialties does not require them to inspect the manholes, so he and Bob Call have been doing that.

Robbins reported that we've received the ok on the desludging and land application draft, so a public notice will be published on September 3rd for bids, and King's will prepare the bid packets. The council agreed to schedule the bid-opening for October 4, 2004 at 2:00 PM at City Hall. Robbins will have all the documents revised for that date.

He told the council that he's not been successful in finding a land owner who is willing to accept the material removed by the desludging process, but is still working on it. He was hopeful that the owner of the land surrounding the lagoons would be willing to accept it to make the process go more quickly. The land owner had some problems with this desludge being applied back in the '80's. Robbins tried to assure them that the proposed application would be done differently this time.

Robbins said he had found flow-regulators lying on the ground, and has re-installed them. He wasn't satisfied with how they were working, so re-designed them, and has given them to Bob Call to have someone make them.

Mayor Young asked Habib Ghali and Rod Geisler if what the city is planning sounds satisfactory to them. Geisler said yes, and they would help keep the city move in the right direction. The mayor then asked about an "order" from KDHE regarding the city's wastewater system.

Geisler said that the order was a result of a citizen's complaint of raw sewage on her property. He then said that the KDHE inspector did find the complaint to be valid, and that the order has been issued mostly because the bypass of raw sewage and had not been reported. Reporting these incidents is required by state law. Bob Call was not aware of this regulation at the time. Geisler indicated that these things do happen for various reasons, but reporting them helps to avoid further incidents. Ways to correct this particular problem were discussed.

Mayor Young asked Geisler and Ghali if they had an opinion about adding more services at this time. Geisler said that he would never tell the city not to add customers, but the existing problems with the wastewater need to be corrected as soon as possible. KDHE does have the authority to stop city's from adding

services if corrections aren't made. Geisler said that there are funds available for low-interest loans and grants to make sure the corrections are completed.

Robbins said that the project was designed in two phases—Phase I would correct the current known problems and Phase II would plan for some kind of expansion in the future. Geisler said that the city would have more information about what Phase II should include after Phase I is done.

There was more discussion about what the Order contained. One thing that Ghali said is that the city would need to make a decision about expanding the current lagoons or building an additional lagoon by November 1, 2004. He also said that this time limit can be extended if so requested by the city. Robbins said one problem with either option is acquiring the necessary land. Geisler said that city's have various ways to accomplish this, and there are funds available through KDHE loans.

The council thanked Geisler and Ghali for coming to the meeting, and assured them they would respond to the Order as soon as possible.

MEETING NIGHTS: After a brief discussion of problems with council meetings on Thursday's, Jim Gates moved to change the regular council meeting back to the second and fourth Wednesday's of each month. Ira Allen seconded; motion carried 4-1 with Gerisch voting no. Mayor Young said that he didn't want this matter to come before him again during the remainder of his term.

MAINTENANCE REPORT: Bob Call said that the street work has been done by Harbour Construction and he's pleased with the results. The council agreed, especially on East First Street going to the cemetery. Several people said they would have liked their driveways resurfaced when they were here, but Call didn't think Harbour would've had time before their next job. The phone number is available at City Hall for anyone wishing to contact them.

Call asked what he should do about the pump at the pool. He was told to take it to Patchens in Lawrence for an estimate on repairs and the council would make a decision at a later meeting.

Call also said that he was not sure what he should be telling people interested in the sewer hookup inspection job since there's no set salary or pay scale. The mayor told him to have people bring their application to City Hall, and these things would probably be decided on the basis of experience.

Mayer's have been working from 7 AM until 7 PM on the sewer inspecting and cleaning project. Things have been going good most of the time.

Call said he would like to attend a KRWA workshop on sewers/lagoons September 28th in McLouth. It would be helpful in maintaining the lagoons, and also apply to his credits for the year. Council agreed for him to go.

He said a new pump had been installed in Well #1 and it should be back online soon. The pump appeared to have burned out due to a build up of debris, etc and not damaged by lightning.

Call said that the waterline replacement project that the Mayor and Allen suggested be done on Friday will have to be postponed. He'll be using the backhoe working with the sewer cleaning crew, but he agrees that the line needs to be replaced. The mayor said that he and Goodyear should plan on doing this as soon as time permits.

TREASURER'S REPORT: Patty Hylton reported that after paying for the street work and the pool bond payment, funds will be low until the next tax levy payment. This will be September 20th, with the last one for the year coming on October 31st. She then reviewed current and estimated revenues and expenses for the funds. We do have some water/sewer project reimbursements coming in soon. Hylton also gave the council some estimated figures regarding hiring another full-time maintenance person.

Hylton said that Bob Call is going to start keeping some kind of log regarding his working on the sewer projects in order to get the right amount of reimbursements.

Rich Hamit asked how much time Hylton is spending on getting her reports ready, and would it help for her to give her reports earlier since she has a longer drive now. She said she spends from 3-5 hours on the reports, but schedules her time in Overbrook to include it. She didn't think she needed to give her reports earlier in the meetings.

CLERK'S REPORT: Cheryl Brown thanked Patty Hylton for coming in early today and doing the warrants and helping get the council packets together. Brown has missed several hours of work this week due to illness. Brown also said that she's received very few negative comments about the rate increase for water/sewer.

COUNCILMEMBER COMMENTS: David Gerisch reminded everyone to stay after the meeting for ID pictures.

Ira Allen said that after looking at his list of goals, the council may have to consider meeting a third time each month to get more accomplished, especially with deadlines for the sewer project and this new Order from KDHE. Trying to keep the agenda shorter for the second meeting was again suggested.

MAYOR'S REPORT: Mayor Young said that he along with the other members do need to try harder to get business taken care of more quickly. He realizes that everyone is limited on time, but encouraged the council to do their best. He also will be meeting with the Planning Commission for several meetings so they understand what the council is needing them to do. Ira Allen also will be attending the meetings, and any council member is welcome.

The mayor brought up the possibility of increasing the governing body yearly stipend based on meetings attended. Ira Allen said that this needs to be considered with planning for the next budget. Young said that paying more than \$75/year might encourage more people to serve on the council considering the time involved.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; motion carried. The meeting was adjourned at 10:02 PM.

Respectfully submitted,

Cheryl Brown
City Clerk

APPROVED:_____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 26, 2004

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

OTHERS PRESENT: Vic Robbins, Charles Hamner, Everette Dannar, Cheryl Brown

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

MINUTES/ WARRANTS: Ira Allen asked that the minutes of the September 9th meeting be changed to show the amount of insurance money received by Carl Anderson from American Family Insurance. Jim Gates made a motion, seconded by Bruce Smith, to approve the minutes with changes requested by Allen. Motion carried 4-0.

Jim Gates moved to pay the warrants presented. Ira Allen seconded; motion carried 4-0.

DAMAGE CLAIMS: Mayor Young said he had talked to Carl Anderson earlier this week, but has not talked to Todd Goodyear about the details of the sewer problem. Since the claim has been denied by Employers Mutual, the city's provider, the Anderson's will have to sue the city for damages and then the insurance company would have to represent the city.

Ira Allen reported that he has a claim number from State Farm Insurance, and is waiting on PRIDE to produce copies of the bills for repairs. The repairs that have been done are good, but PRIDE prefers that the rock be replaced to avoid future problems. Allen said that the city should receive a check from State Farm as soon as all the expenses have been submitted.

SEWER HOOK-UP INSPECTIONS: Rich Hamit asked if Justin DeShazer has come back to work yet since he had been considered to do the inspections. DeShazer is back working for the city, but does not want to do the inspections. There was discussion about who should be present to interview the two applicants and how soon the inspections have to be done. Bruce Smith suggested having one or two people doing the actual interviewing, but having as many council members present as possible. Ira Allen and Rich Hamit said they were planning on attending. Jim Gates said that Bob Call and Vic Robbins should be part of the interviewing team. Smith said that Robbins would probably take the lead as far as questioning was concerned. Setting a time was tabled until Robbins is present.

COUNCIL MEETING NIGHT: Mayor Young introduced an ordinance to change regular council meeting nights back to Wednesday's. Jim Gates made a motion, seconded by Ira Allen, to adopt Ordinance No 277 which designates the second and fourth Wednesday of each month as the regular council meeting nights. Motion carried 4-0. The ordinance states that in case of conflict with holidays, the second meeting will be re-scheduled or cancelled.

RESIGNATION: Joyce Dillon has submitted a letter of resignation from the Planning Commission. Bruce Smith moved to accept the resignation with regret. Rich Hamit seconded; motion carried 4-0. The mayor and council expressed their thanks to Joyce for her work while on the Planning Commission. Ira Allen will contact a person who might be interested in replacing Dillon.

MISCELLANEOUS: Bruce Smith said that the steering committee for developing a comprehensive plan has been visiting different organizations, and will be meeting soon to discuss results and will be drafting a survey.

TIMESHEETS: The clerk presented a final draft of a timesheet for consideration. This version has the key for more details on each sheet. The only thing the employee has to worry about is logging hours actually worked, and hours taken as vacation, sick leave, compensatory time off, jury duty, holidays, etc. This would then be approved by a councilmember or mayor, and presented for payment. Bruce Smith made a motion, seconded by Jim Gates, to practice using the new timesheets in October; begin using a 2-week pay period and pay days on November 1, 2004. Motion carried 4-0.

COMPLAINT FROM PROPERTY OWNER: The mayor read a letter from Jon Wilhite, owner of several properties in Overbrook, which expressed his concern about the clutter in the yard at 403 W. Market. The property is owned by Bob Ellis. There was discussion of the city's nuisance ordinance and whether or not it would apply to this situation. The ordinance authorizes the appointed city officer to investigate this type of complaint. Currently Chief Ed Harmison is the appointed city officer. Mayor Young said he would talk to Harmison tomorrow, and gave Dannar a copy of the letter and ordinance.

SEWER HOOK-UP'S: Cheryl Brown asked when the council wanted her to send the next letter to residents regarding the inspections. The council agreed by consensus to wait until an inspector has been hired.

CITY HALL CLEANING: Cheryl Brown told the council that Diana Hylton was resigning as the cleaning person due to her moving to Topeka and school activities. Brown recommended hiring Mary Hooker at the same salary, \$70/month. The council agreed by consensus to hire Mary Hooker to clean city hall.

ZONING ISSUES: Ira Allen would like the council to revise the ordinances concerning manufactured homes and replacing existing mobile homes. He will have comments later in the meeting.

POMONA LAKE PROJECT: Bruce Smith said that he is going to see if the city's emergency plan will work for the project.

WATER / SEWER REPORT: Mayor Young told Vic Robbins that they would like him to be present for interviewing for the sewer hook-up inspector job. Robbins said he would come up with a job packet with details about what will be required of this person. The clerk will contact the applicants to arrange for interviews on Wednesday, September 29th.

Robbins reported that Mayer Specialties has been doing a thorough job of inspecting and cleaning the sewer lines. He said that they are getting nearly all the roots and all the debris. Robbins said that there's a manhole located under one of the mobile homes in the trailer court in the southwest part of town. Apparently the porch was added without any notice to the city. The current resident is aware of the situation. Robbins recommends that the porch/addition be moved. Ira Allen said that Michael Coffman should be instructed to write a letter stating this to the land owner. Robbins said that this should be done as a safety matter, as well as being able to access the manhole.

Robbins said that they've found some of the older sewer lines nearly in pieces, so proper installation of new lines is extremely important. Robbins will put together a plan on repairing or replacing lines after a final report is submitted by Mayer. There was a brief discussion of possible methods of repair. Robbins said that replacing lines may be the cheaper option since most of the lines are fairly shallow, but it would require more digging. He said that his report would include a summary of all the problems, with details on the options for addressing the problems. Robbins said that about 90% of the older manholes need attention of

some kind. He also said that the actual amount of sewer lines being inspected is closer to 28,000 feet rather than the estimated 20,000 feet stated in the bids. The council agreed by consensus to authorize Mayer Specialties to complete the inspection and cleaning on all the sewer lines at \$1.19/ft. Robbins said that there are still a couple of places yet to be inspected.

Ira Allen had questions about exactly what the KDHE loan and grant would pay for. Robbins wasn't sure how the scheduling goes for payments from the loan side and from the grant side, but he does know that the facility plan included specific items to be resolved, and was approved by KDHE regardless of which side the payment is made. Robbins said that the plan contained estimates on each of the items to be addressed. Allen reminded the group that Rod Geisler, KDHE, had said that the city could apply for additional loan revenue if necessary. Robbins said that we can apply for more grant funds, too. Bruce Smith said that we need to keep our eyes open for the possibility of needing more funds so we can apply as soon as necessary. Robbins also stated that expanding the existing lagoons or adding a new lagoon is included in Phase II.

Robbins told the council that he did not agree with all the facts stated in the order to the city from KDHE. He also had issues with the completion dates required by the state. Ira Allen asked how the city can know by November 1, 2004 what we're going to do when we haven't received the report from the inspecting and cleaning. Robbins said he didn't think it was possible, and recommends sending an appeal to KDHE. Bruce Smith made a motion, seconded by Jim Gates, to instruct Michael Coffman to write a letter of appeal regarding the order issued by KDHE. Motion carried 4-0. Robbins also stated that he doesn't think that KDHE can legally require the city to submit plans for expanding the existing lagoons or building a new one in order to meet the current permit requirements. Bruce Smith questioned why this design was approved in 1988 but is now questioned by KDHE, who gave the original approval. The clerk asked why this wasn't a concern when the current Wastewater Facility Plan was approved by KDHE. Robbins stated that even though KDHE had approved the plan as written in two phases, the report from a resident regarding an overflow on her property probably drew extra attention. There was discussion about how much improvement should be seen once the infiltration and inflow (I & I) from sewer hook-up's has been reduced.

Robbins told the council that Michael Coffman has discovered that the city already has an easement on the property where a pre-treatment tank is to be installed, so that shouldn't cause any delays. He hasn't prepared a plan as yet.

Robbins reported that Doug Cloud told him he had no problem with using his land for application of the sludge removed from the lagoons as long as the material is handled as a slurry, injected underground with no damage to the land. They were to meet this morning to sign the documents, but Cloud had been called away so this is on hold. Four firms have requested bid packets for the de-sludging as of today. Robbins will let these companies know that the land for application has been approved. The bid opening will be Monday, October 4th at 2 PM. We will have to get written approval for the de-sludging from KDHE. If the process doesn't get done this fall, it will need to wait until next fall.

Robbins told the council that the water line in the street north of WrenchBenders needs to be replaced as there have been numerous breaks and the pipe is in extremely poor condition. The clerk asked about the possibility of using some of the remaining funds from the waterline loan, approximately \$28,000 Robbins said he would have Marian Massoth check into this. There was discussion about the best materials to use.

Robbins told the council that Mayer Specialties also does repair work on sewer lines, etc and may be bidding on the next phase.

COUNCILMEMBER COMMENTS: Jim Gates said that he's gotten some information about grant money for finishing the Trail's Project and we need to find out what our deadline is for the current grant. The clerk said she would try to find out the date.

Rich Hamit said that he'd been contacted about ruts left by Mayer's during the sewer inspection. The clerk said she had talked to the same person, and mentioned it to Bob Call. Call told her that the truck was on the sewer easement. The council agreed that any claims need to be submitted in writing for consideration.

Ira Allen would like Ordinances 143 and 164 changed. No 164 regulates Manufactured Homes, and Allen would like it to exclude motor homes and travel trailers. He would like an age requirement established for Class A homes. Allen would also like all classes of manufactured homes to have the same requirements. There was discussion about the difference between manufactured homes and mobile homes. Jim Gates suggested having Michael Coffman check into the wording.

Ordinance No 143 addresses the abandonment of any non-conforming use for over 30 days. It states that mobile homes, which, once removed from the property, may only be replaced within the 30 day period by mobile homes of equal or higher quality and value. Allen thinks it should be changed to equal or higher value with a limit on the age of the mobile home. He would also like a time limit on when the set-up is completed in addition to the 30 days. Penalties also need to be added. Mayor Young said he would talk to the Planning Commission about this matter. The clerk said she would check to see if the League of Municipalities has updated guidelines.

MAYOR'S REPORT: The mayor said that he would like the council to re-group as far as the goals that have been set, and either go ahead with them or revise the time limit.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; meeting adjourned at 9:35 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

OCTOBER 6, 2004

MEMBERS PRESENT:

Bruce Smith, Rich Hamit, Jim Gates, Ira Allen, Mayor Jack Young.
Gerisch absent.

Mayor Young called the special meeting to order at 7:00 PM. He stated the meeting had been called to discuss the applications for the sewer infiltration and inflow (I & I) inspector, and to talk about a storage shed for the fish food used at the city lake.

After discussion, Jim Gates made a motion, seconded by Rich Hamit, to follow the committee recommendation to hire Rance McKenzie as the I & I inspector. He will be paid \$20 per house/building for the first visit, and \$10 per re-inspection to check for fixed violations. Motion carried 4-0.

The storage building discussion was tabled until more information is obtained regarding size and cost.

Jim Gates moved to adjourn at 7:30 PM. Bruce Smith seconded; motion carried and the meeting adjourned.

Respectfully submitted,

Cheryl L Brown
City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 13, 2004

MEMBERS PRESENT: Ira Allen, Jim Gates, Bruce Smith, David Gerisch (7:07), Mayor Jack Young, Rich Hamit (7:52).

OTHERS PRESENT: Max Friesen, Carolyn Meerian, Vic Robbins, Ed Harmison, Bob Call, Patty Hylton, Cheryl Brown, Everette Dannar (7:21).

The mayor called the meeting to order at 7:00 PM; roll call determined a quorum.

MINUTES / WARRANTS: Ira Allen moved to approve the minutes of the September 26, 2004 meeting as written. Jim Gates seconded; motion carried 3-0. Jim Gates made a motion, seconded by Bruce Smith, to approve the minutes of the October 6, 2004 special meeting with changes regarding a motion made by Jim Gates. Motion carried 3-0.

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

CHRISTMAS DECORATIONS: Carolyn Meerian reported that the old decorations will need quite a bit of work to make them usable. Meerian talked to Dana Wurdeman, a member of the Betterment Committee, and was told that they are hoping to put decorations at the pool, and they order new decorations right after Christmas to get a better price. Meerian thinks that it would be better to have decorations on the highway that match the ones on Maple, but the old ones would be better than nothing if someone wanted to refurbish them on a volunteer basis. Ed Butterfield said there are 2-3 poles with hook-ups and he would hang them for us. KDOT needs to give approval also. The matter was tabled until the appropriate people can be contacted.

PROPERTY DEVELOPMENT: Max Friesen presented the governing body with some drawings of the area he's interested in developing sometime in the future. His plan would be for 24-26 1-acre lots to the east of the Overbrook City Lake. A road giving access to the cemetery and Meadowbrook II from Hwy 56 is also included in the plans. Ira Allen asked about the frontage on the lots due to the difference in lot sizes. Jim Gates asked what Friesen is expecting from the city at this time. Friesen wants the council to keep these plans in mind when making long range plans for utilities. There was discussion about lot sizes. Friesen mentioned that the county has changed their minimum acreage requirements to allow for smaller lots, so it's possible that he could increase the lot size slightly and not request this area to be annexed.

WATER / SEWER PROJECTS: Vic Robbins said that he has contacted D & D Excavation about finalizing the waterline project regarding filling and re-seeding the land. He was told that Donnie Bryant will be doing this soon. Robbins said that both parties he contacted about doing the re-seeding could cost up to \$10,000. He checked into renting the county's drill and estimated that it would cost about \$100 for approximately 10 acres plus the cost of the seed. There was more discussion about who would actually use the drill, and what information would be needed from the property owners in advance.

Robbins said that the sewer inspection and cleaning is not quite done due to one of the camera's they use is being repaired. It should be done early next week. The report is partially done. Robbins said that there are still a few manholes waiting to be inspected. Robbins said that he needs to contact KEWA about finishing the mapping of the sewer system. He recommends developing a comprehensive numbering system for the sewer system as some of the numbering has been used more than once in different locations. The council agreed by consensus to have Robbins pursue developing this system. Robbins thinks that the cost can be included with the total project loan and grant.

Robbins asked if the council has hired an I & I inspector. The mayor reported that the person recommended by the interviewing committee has accepted another job. Bruce Smith made a motion, seconded by Ira Allen, to offer the position to Dean Beckman. The salary will be \$20/house/building on first visit, \$10/house-building on follow-up inspection. Motion carried 4-0. Mayor Young said he would contact Beckman tomorrow.

Robbins told the council that the remaining loan money from the waterline project can be used to replace lines in town, but there are conditions. An engineering plan must be submitted, and a public notice has to be published prior to being approved by KDHE. If the same contractor is used, the city wouldn't have to take bids for the actual work. A decision would have to be made as to which lines to

replace for the best use of the money, approximately \$28,000. The council agreed by concensus for Robbins to pursue the plan.

The next order of business was to consider the bids for the sludge removal from the lagoons. After reviewing the bids, Jim Gates made a motion, seconded by Bruce Smith, to accept the bid from Mid-America Environmental Contractors in the amount of \$113,000. Motion carried 4-0. Robbins will take care of the notice to proceed so that a pre-construction meeting can be scheduled. Robbins is hopeful that this part of the project can be started by the end of October.

Robbins said that he has learned that after having Michael Coffman send a formal appeal to the order from KDHE, he learned that this could have been done by a letter from the city. Robbins will be submitting a letter stating the parts that the city wants to appeal, which primarily deal with the time limits. The council gave Robbins the dates to pursue in the appeal.

The city is still waiting to get the signed documents for the easement for the pre-treatment tank on West First Street.

Ira Allen asked if the estimated cost of the project are holding to form. Robbins said they were as far as he could tell, possibly less. There was discussion about what has been done and what needs to be done at the lagoons.

CLAIM FROM ANDERSON'S: No one has heard from Carl Anderson in regards to their claim.

WELCOME ROCK: Cheryl Brown said she has deposited the check from State Farm for \$3100 to pay for the damage to the rock. She will disperse the money to PRIDE as soon as they submit copies of the bills for the repairs.

MISC: Brown said she sent a letter to KWEA expressing the city's interest in working with them to address some drainage problems at the school. She also emailed Sylvan Coles saying the same thing, but hasn't heard from them.

ZONING ORDINANCE ISSUES: Mayor Young asked what people get copies of when they apply for building permits. The clerk said she gives copies of the ordinances that apply to the situation. Brown said that Ordinance No 164 allows only Class A manufactured homes in a single-family district. Class B and C manufactured homes are only allowed in mobile home districts. The ordinance defines a minimum size requirement of 1,000 square feet. Ira Allen said that most of the newer "mobile homes" are 16x80 which would meet that size requirement. The clerk then said that the minimum size requirement can be changed. Ordinance No 143 which deals with abandonment applies to any non-conforming use, or conditional use zoning as well as replacement of existing mobile homes in districts not zoned for mobile homes. The clerk said that while the ordinances can be amended, all options need to be considered before any changes are made. The mayor brought up the job of the building inspector, who is authorized to approve building permits. Bob Call is currently the building inspector. There was considerable discussion of the responsibilities of the building inspector under the current zoning ordinance. Bruce Smith said he didn't think that this was a big issue as we don't deal with that many building permits in a year. The mayor agreed with the number, but said that if the ordinance had been fully enforced from the beginning, maybe the city wouldn't be spending \$10,000 to do sewer hook-up inspections now. The mayor said he thinks that hiring a building inspector, who would be paid per permit, be given serious thought for the future. The council agreed by concensus that the Planning Commission should be involved with this matter.

TRAILS'S PROJECT: Jim Gates would like to ask for a time extension from Ks Wildlife & Parks. The clerk will write the letter.

SIDEWALK BY POOL: Mayor Young said he has received a bid of \$1150 from Leo Lang to build a sidewalk south of the pool. This would keep the kids from walking in the street. Bruce Smith moved to accept the bid from Lang. Ira Allen seconded; the motion carried 5-0. The mayor will call Lang.

Lang told the mayor that it would cost \$331 to repair the steps and guard rail in front of the library. The insurance company of the person who ran into it should pay for the repair either directly or through reimbursement. Allen asked about the steps in front of the old Reunion Pizza building. The clerk said the building is owned by Richard Wright, and the mayor asked that a letter be sent to him informing him that the steps need repaired.

CEREAL MALT BEVERAGE LICENSE: St. Patrick's and Lapeer churches have applied for a CMB license for their Harvestfest on October 23rd. Chief Harmison and Officer Dannar said the only problems last year were people not staying in the specific building. Bruce Smith made a motion, seconded by Jim Gates, to

approve the CMB license subject to them staying inside the two buildings and barricaded area. Motion carried 4-1 with Hamit voting against.

CONTRACT FOR GRANT APPLICATION: The mayor presented a contract proposal from Donna Crawford of Governmental Assistance to start the procedure to apply for another grant. The matter was tabled until more details from Crawford are available.

MISC: The Pomona Lake Water Project is requesting some water usage figures from the city. Bob Call would have this information from previous annual water reports, and future growth estimates should be in the Wastewater Project plans.

The clerk had requested that someone attend a Wage & Hours seminar in November, but the treasurer will not be able to attend so the matter was dropped.

The city has received a letter regarding available funds to restore old dump sites. Permission must be obtained from the land owner, and the city is being asked to assist KDHE in getting the permission.

STORAGE FOR FISH FOOD: The mayor said that Tim Larson, who fills the fish feeders at the lake, telling him that the elevator in Hartford no longer wants to store our feed. Larson put it in his shed, but doesn't want to store it. The local co-op can't get the same kind of food, so we will have to continue getting it in bulk amounts, and we need a place to store it. Mayor Young learned we can get an 8 x 12 building through Osage AutoWorks for about \$1500. The mayor looked at Home Depot, and the same sheds were more expensive. Dannar asked if they've thought about a semi-trailer. He said that one could be bought for around \$600-800 and would have more storage space. Bruce Smith made a motion, seconded by Ira Allen, to pursue getting a trailer with a limit of \$900. Motion carried 5-0.

COMPLAINT LETTER: The mayor read a letter from a Mr. Cypher regarding a speeding ticket he had received. He said that while he has no intention of talking about the guilt or innocence, he would like to visit about changing the speed limits on the south end of town. Chief Harmison said that the city would have to talk to the county about that. He said that the city ordinance sets a 20 m.p.h. speed limit in business districts, and when the city limit sign was moved new 20 m.p.h. signs were installed. They talked to the county person in charge of signing, and were told that the only requirement the county has is a sign stating that there is a reduced speed limit ahead. The council can send a letter requesting this to the county commissioners. Harmison said that the current Traffic Ordinance adopted by the city is the basis for the 20 m.p.h. in business districts. Speed limits within the city limits can be changed by an individual ordinance. Jim Gates asked if a safety hazard would be created by increasing the speed limit in the 100 block of Maple. Harmison said that making it 30 m.p.h. would lead to people go 40 m.p.h. The mayor said that he would rather see the limit changed coming from the county into the city. Smith said he would like to see the speed limit reduced before the city limit rather than stay at the current 55 mph to 20 mph.

LAW REPORT: Chief Harmison reviewed the citations in the 100 block of Maple during September. There were 14 citations issued, 11 of which were given to southbound traffic. Gates stated that this indicates there isn't a problem with the current limits. Harmison said that he has told his officers that they're not to sit anywhere and point south and lock the radar as soon as the vehicle crosses the first 20 mph sign. He said that there are 3 20 mph signs by the time they get to First Street, and he feels that is plenty of time for them to get to 20 mph. The mayor said he would still like to have a 35 mph sign before the city limit sign. Harmison stated that the person who wrote the letter had passed 6 20 mph signs before he was clocked leaving town.

Harmison then reviewed the rest of his report for the council. Dannar attended training to use drug-identifying kits, and can now train the other officers.

Harmison said they have applied for a grant in the amount of \$8500 of equipment, including a new laptop for his car, 2 digital cameras, 2 printers for the laptop computers in the cars, night vision goggles, a fiber-optic device, and a fire safe. The city's share of the grant would be 10% or \$850. He reported that \$1600 of fines were collected from this month's court.

MAINTENANCE REPORT: Bob Call reported that he has ordered pipe to replace the waterline by the Co-op station, but needs to know whether he should go ahead or wait until KDHE approves the project. Consensus was to proceed with the city picking up the expense since there is a definite need. Call was told to work with the locker plant and salebarn due to having to shut off water.

Call said that he is going to check with the person who painted the pool to see if he has something to apply to the diving boards before next year.

Call asked about the seeding along the new rural waterline. He was told to contact the property owners about what kind of grass they want seeded.

He has a bid of \$100 from Craig Gillard to replace the hydraulic tank on the dump truck.

Call said that he hasn't taken the pool pump for estimates yet, but he will be taking it to Patchen's for this. He also said he will be doing some painting at the chlorinator building, as well as some of the other buildings.

TREASURER'S REPORT: Patty Hylton reviewed her fund reports for the council. She said that she is waiting to transfer funds to other funds that currently have a negative balance until after we get our last tax disbursement from the county. She thinks that we should have cash balances in the General, Water/Sewer, and Law funds at the end of the year with careful spending. She has submitted for reimbursement from both the Wastewater and Waterline Project, but has no idea when we'll receive the money. These expenses have come from the operating funds, and that fund will be reimbursed. The mayor asked if the income in the Lake fund is all from license sales. The clerk said that she's waiting for the sales from O'Bryhim's and there may some more from Casey's.

CLERK'S REPORT: Cheryl Brown asked that Rich Hamit check with someone about putting up Christmas decorations on Hwy 56. Hamit said he would find out what the city needs to do.

Brown told the council that Michael Coffman is not comfortable with the wording in the Purchasing Policy recommended by Donna Crawford. She has emailed Crawford about the matter. The city doesn't have a purchasing policy in writing, but could establish one that would apply to all purchases.

The letter to residents about sewer hook-up inspections was reviewed. Dean Beckman's name will be inserted if he accepts the job. Notices will be published in both local papers also.

COUNCILMEMBER COMMENTS: David Gerisch said that he is still working on the governing body identification pictures, and should be here at the next meeting.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; motion carried. Adjournment was at 10:30 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED:_____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 27, 2004

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

OTHERS PRESENT: Dan Brown, Ray Burt, Vic Robbins, Cheryl Brown, Everette Dannar (8:40 pm).

The meeting was called to order at 7:00 PM by Mayor Young; roll was taken by the clerk to determine that a quorum was present.

MINUTES / WARRANTS: Jim Gates made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried 5-0.

Ira Allen made a motion, seconded by Jim Gates, to approve the minutes of the October 13, 2004 meeting as written. Motion carried 5-0.

OVERBROOK BALL ASSOCIATION: Dan Brown and Ray Burt were present to discuss various matters regarding Jones Park and the ball program. Mayor Young asked what the procedure is for changing the locks on the concession stand, etc. Brown said that the locks have not been changed, but there has been some problems with some of the keys. They intend to change the locks next spring and provide the city with a key. The mayor asked which groups besides the baseball, softball, soccer, and junior high football kids use the fields. Brown said that there were two boys' teams in a fall league, as well as his daughter's team. He said that there were local kids on all these teams. Burt said that the soccer teams have been practicing at the high school this past year. Brown said that there have been a couple of benefit tournaments this past summer also.

Mayor Young said that he would like to form a commission of some kind with representatives from the Ball Association, the schools, and the city council and levy a small amount of tax to be used to improve and maintain Jones Park. Brown was in favor, and thought that having the schools involved would help in scheduling practices and games. There was discussion about the current Recreation Commission. The commission was required when the city was applying for funds from the Jones Fund. Appointed members are Bob VonStein, Kipp Jewell, Tom Fenton, Dennis McPhail, and Jim Gates. Bob VonStein is currently the only active member even though the council re-appoints them all when necessary.

Dan Brown mentioned several improvements made this past year at the park. The mayor asked Rich Hamit if he would work on organizing a group, and have some names for the next meeting.

Brown said that the ball association will be meeting next week, but there will be some changes in the officers next year. He said he would let Hamit know about who would be a contact from the ball association.

The mayor asked what the rules are for renting the diamonds at this time. Brown said that he personally doesn't think rent needs to be paid, providing the diamonds are available. Bruce Smith said that he agrees as long as the lights aren't being used since the city pays the bill. Gates mentioned that charging a small fee would help pay for the upkeep. This is something that the joint commission could consider.

Brown told the council that they're in the process of looking at new scoreboards, possibly donated by the softdrink vendor or at least most of the cost. He said that there may 20-30 kids not playing here next year for various reasons. Brown said that several parents felt the season was too short. Another reason is conflicts with coaches. The mayor asked if a coach's clinic would be helpful. Burt said that most of the problem seems to be the personality and expectations of certain coaches. Brown said that most of the complaints involve parents thinking the coach isn't demanding enough from the kids so they don't learn. Mayor Young said he knows someone in Topeka who holds coach's clinics and he knows someone else who would probably do the same thing for a reasonable price. Brown said that he wasn't sure how well a clinic would be attended.

Brown and Burt thanked the council for the work that's been done at the park, but would still like to have a hydrant located between the diamonds. The council thought this had been approved, and said they would check into the matter.

There was discussion about locking the bathrooms, and also the skatepark. Brown said that he would like to see the skateramp moved as kids can't play basketball anymore. The mayor said he's seen

kids run up and down them, and also ride their bikes on them. Discussion regarding either moving the ramp or selling it followed.

WATER/SEWER PROJECT REPORT: Vic Robbins reported that all the sewer lines have been inspected and cleaned, and he is reviewing the report, which includes 16 cassette tapes. Robbins did have some questions about the length of pipe inspected as stated on the billing from Mayer Specialties so he needs to compare the billing with the report.

Robbins stated that he's concerned about the rural waterline project getting finished. Marian Massoth has talked to Donnie Bryant and Robbins has talked to Delbert Anno, but the clean-up and reseeding haven't been done as yet.

There will be a pre-construction meeting with the company who will be doing the desludging of the lagoon, Mid-America Environmental Contractors on Friday, October 29th at 1:00 PM. Someone from KDHE and Donna Crawford will also be here. Ira Allen said that Max Friesen said he has 80 acres available for sludge application if needed. Robbins said that they will make more definite plans on the desludging procedure at the meeting.

Robbins said that Dean Beckman has been hired to inspect sewer hook-up's for inflow and infiltration. Smith asked if the homeowner will get a copy of the report. The reports will be kept in City Hall if someone wants a copy in the future. Beckman has encountered one resident who refused to let him do the inspection. Robbins told him that the city will have to decide how to handle this situation after the inspections have been done. The mayor told Beckman to note air conditioner and ice machine drains, but the council and Robbins didn't feel that the amount would be significant. Hamit said that a home owner, who doesn't have a sump pump, has contacted someone from Topeka to see if he has perimeter drains. The contractor told this person that it could cost \$2000 to find out. Beckman has been told to note this information, but not to tell anyone that they must hire someone to do it at this time. Hamit said he told the property owner that the city will probably address the questionable hook-up's after all the inspections have been done. Robbins agreed that this would be the most efficient way to handle the matter. Beckman told Robbins that of the 30 or so inspections he's done, 5 are connected to the sewer.

Robbins has drafted a letter to KDHE responding to their order, and should have it ready for approval by the Friday meeting.

UNFINISHED BUSINESS: The mayor said that Carl Anderson has been given statements from Todd Goodyear and one from him, and Anderson is going to contact the adjustor again.

The school drainage problem is still on hold until we hear from Mark Green.

Bruce Smith said that Sue Martin does not want to be on the Planning Commission at this time.

Mayor Young stated that he prefers all the zoning ordinances be reviewed before making any changes.

The Trail's Project time limit has been extended to August 30, 2004. Gates said that Max Friesen has volunteered to help get a group organized to continue the work. The mayor wants everyone to understand that he doesn't want the city to have to be out any money. The "cost" of the labor used to get the trail ready for the concrete should match the actual cost. Everyone needs to keep records of what they do and the time involved. Jim Gates will work with Friesen to get things going again. He will check with Roger Harmon about how to do the paperwork. The clerk said that all the volunteer labor has been included with the previous reimbursement.

The mayor said Leo Lang will do the sidewalk by the pool when he can get to it. He also will do the repairs to the steps by the library.

The mayor and Bob Call looked at trailers for storing fish food. The prices varied from \$1500 to \$3000 for one in good condition. After discussion, Rich Hamit made a motion to buy/lease a 8x12 shed from Don Heberling for \$1500. Jim Gates seconded; motion carried 5-0. The council agreed by concensus to set it by the lake instead of the maintenance building. Heberling said it would take 2 weeks to a month for delivery.

Mayor Young said that he has not written the letter to the county commissioners regarding the speed limit south of the city limits. The clerk said that someone had asked her how the direction of the vehicle is going is recorded or logged. She said that she's never noticed this information on the ticket, so wasn't sure. Hamit said that he hadn't seen a ticket for some time, and couldn't remember what's on it. The clerk showed the council a ticket for their observations. The clerk said that the citizen who brought this up was concerned about how fast some delivery trucks seem to be going on Maple north of the old railroad tracks. The mayor asked the council if they still want him to write a letter requesting changes on the county road south of the city limits. The council agreed that he should proceed with the request.

Rich Hamit said he had talked to someone with KDOT about putting Christmas decorations along Hwy 56, and learned the city would need to write a letter stating how many and the location of where they

would be placed. The council agreed by consensus to wait until we hear from Carolyn Meerian as to whether or not she found someone to repair them.

The clerk said that she contacted Donna Crawford about Michael Coffman's concerns regarding her suggested purchasing policy, but hasn't received a reply as yet.

Mayor Young asked Everette Dannar about the current price of steel in regards to the skateramp. Dannar said that he had seen kids using it a few days ago, so the matter was tabled.

The mayor asked the council to have a list of goals and projects to discuss at the next meeting. Ira Allen said that some progress has been made on a couple of them, such as the sewer project and the comprehensive plan. The personnel manual needs to be completed. There was a brief discussion about the new time sheets. The new pay periods will go into effect November 1, 2004. Allen said he was asked who is to sign the timesheets. Consensus was for Bruce Smith to sign for Bob Call and Justin DeShazer with Jim Gates as a backup; Ira Allen to sign for Ed Harmison, Everette Dannar, Mark Tomlinson, and part-time law; David Gerisch to sign for Cheryl Brown; and Rich Hamit to sign for pool employees. Mayor Young will be back-up if the others are unavailable in order to avoid delays in paychecks. Dannar then asked how the council is planning to handle unused vacation. The clerk said that the council will have a better idea of cash balances after the October fund reports are completed and then a decision about paying for unused vacation or allowing it to be carried over can be made. The city will receive the last of the tax levy sometime in October. Dannar suggested contacting Lyndon about the skatepark if we're serious about selling it. The council prefers to keep it, but putting it somewhere else.

MISC: The mayor said that there seems to be a lack of communication between the departments. The clerk said that there are days when she doesn't have any contact with maintenance or the police department. As a rule, Ed Harmison usually leaves a message if he's going to be out of town. She said that Call may be coming into the office before she gets here at 8, but has no way of knowing for sure. She can leave messages on his voice mail, but can't be sure if or when he gets the message. Bruce Smith will visit with Call about this matter.

Ira Allen asked about the second meeting in November. The council agreed to move the meeting to Tuesday, November 23rd. The clerk is to put a notice in the papers. Mayor Young said that due to previous commitments, he may be late.

COUNCILMEMBER COMMENTS: Bruce Smith said that someone from the Comprehensive Plan steering committee will be here on November 10th.

David Gerisch said he's looking into natural pest control around the lake.

Ira Allen reminded everyone to vote next Tuesday.

MAYOR'S REPORT: Mayor Young said that the city has received a letter from Peimann stating there are no city easements in the trailer court on Elm Street, but there is a manhole under Kevin Smith's property. The mayor has written a letter to Smith regarding this matter, and has asked for permission to inspect the manhole. The matter was tabled until the next meeting.

The mayor also reminded the council that we need to start working on the 2006 budget. He also wanted to encourage everyone to vote.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; meeting was adjourned at 9:22 PM.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED:_____

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

NOVEMBER 10, 2004

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

OTHERS PRESENT: Sue Martin, Vic Robbins, Peggy Waldman, Marilyn Anderson, Roberta Daniels, Patty Hylton, Bob Call, Ed Harmison, Cheryl Brown, Everette Dannar (7:20 pm).

The meeting was called to order by Mayor Young; roll call was taken by Cheryl Brown, City Clerk.

MINUTES / WARRANTS: Bruce Smith made a motion, seconded by Jim Gates, to approve the minutes of the October 27th meeting with a correction to the deadline date for the Trails Project. Motion carried 5-0. Rich Hamit moved to pay all warrants presented. Jim Gates seconded; motion carried 5-0.

PLANNING COMMITTEE: Sue Martin told the council that they have met with 17 different groups and have compiled the information into a survey. Martin asked that the council review the survey for discussion at the next council meeting. Decisions need to be made regarding mailings, etc. The council thanked Martin for the work the committee has done to this point.

WATER / SEWER PROJECT REPORT: Vic Robbins said that the rural waterline project needs to be finished. Mayor Young said that a letter has been sent to Donald Bryant regarding this matter, but there has been no response as yet.

Robbins also mentioned the manhole located under an addition in the mobile home court. The mayor said that a letter has also been sent to the property owner.

Dan Byers, Kansas Rural Water Association, was here to review the mapping process for the sewer lines. Robbins learned that there is an 2002 aerial photo available that will help with the mapping. Byers took information learned during the inspection and cleaning job, and the city should be receiving the maps within a couple of weeks.

Robbins has reviewed the billing from Mayer Specialties, and has talked to them about several areas that Robbins questioned. Todd Mayer has agreed to adjust the billing. Robbins will take care of the necessary paperwork to satisfy the grant process. Bruce Smith asked about addressing any major maintenance items discovered through the process. Robbins said there were some really glaring problem areas, but if they're fixed it would be at the city's expense. He did recommend a temporary repair job on the manhole by the lift station. Another area is the cavity by the swimming pool. Robbins suggested working on these projects over the winter, and be ready to start any construction next spring. The mayor and council agreed that their preference is to have the grant/loan cover as much expense as possible. Bob Call said there is a section of pipe that needs replaced soon where two lines connect close to the intersection of Cedar and 1st Streets.

Robbins reported that Mid-America Environmental Contractors has been here twice for soil and sludge sampling. The closest field to the lagoons shows very high phosphorus levels so we probably won't be able to use it. Robbins said that there should still be enough land for the application, it just will require a longer distance. The sludge testing shows normal results. Robbins said he's left messages with Kennedy about the soil sampling, and he wants to meet with him about the application process. Robbins thinks that Kennedy should be there to give the okay to start the project. The council agreed.

The plans are ready for the pre-treatment tank at Santa Fe Trail Meats, but are on hold until all the easement documents have been signed. Robbins said that Ira Allen had asked him about a fiberglass tank instead of a concrete reinforced tank. The concrete tank would require a crane to install due to weighing 25,000 lbs. The council agreed that Robbins should check on a fiberglass tank.

Robbins said that he has sent a letter, reviewed by the mayor and Bruce Smith, to KDHE regarding the order issued by KDHE. He has learned that KDHE concurs with all the requests made by the city except for the part dealing with adding to or building a new lagoon. The deadline for this is March 1, 2005. The city should be receiving the new consent agreement to consider. If it's not settled soon, KDHE will expect the city to appear at the November 30th conference. Ira Allen suggested drawing up plans to add a cell to the existing lagoons just in case. Robbins agreed that having the plans might prevent KDHE from forcing the city to add to the existing system or building an additional system.

LIBRARY: Marilyn Anderson, Roberta Daniels and Peggy Waldman came before the council to ask that a charter ordinance be adopted to exempt the city from the state requirement of board members

having to live within the city limits. The proposed ordinance would require a minimum of four (4) board members to be residents of the city, and the remaining members to be residents of Elk Township. Jim Gates made a motion, seconded by Rich Hamit, to adopt the charter ordinance as proposed. Motion carried 5-0. A charter ordinance must be published 2 consecutive weeks, and then take effect 61 days after the last publication barring a petition for referendum being filed. The approximate effective date would be February 1, 2005.

Marilyn Anderson will be retiring as Librarian and Peggy Waldman has been hired to replace Anderson.

MISC: Mayor Young said that Donna Crawford has no problem with the city waiting to act on her proposal to write another grant until after the first of the year.

Ira Allen asked how many inspections Dean Beckman has done so far. He's been paid for 42 inspections, but did 38 the first week. He will be paid for the first week at the end of the project. He told Robbins that he's been getting along fairly well with only a couple of residents not cooperating. Hamit asked if the reports should be reviewed as Beckman goes along and not wait until he's done. There was discussion about this and how they would be compiled.

Robbins reminded the council they need to decide on a procedure for property owners not willing to comply with the inspections.

After discussion, Bruce Smith moved for the city personnel take care of the manhole by the east liftstation and contact G&G Excavating regarding the areas by the pool and on Cedar Street & E. First Street. Motion carried.

TRAIL'S PROJECT: Jim Gates said that they had a meeting this past Saturday with several people indicating they would be willing to help. They have scheduled a work meeting this next Saturday. Mayor Young again stated that he didn't want the city to have to spend any money. Gates and Smith said that some money will have to be spent, but after submitting the in-kind expenses the city should be reimbursed 100%. Therefore, it's extremely important for everyone involved to keep track of their hours and jobs.

Ira Allen brought up the letter from Kansas Wildlife & Parks regarding the city lake. They are proposing to lease the lake for public fishing, which would do away with the city selling permits. They would match the average amount received from permit revenue over the past three years, or paying so much an acre depending on certain attributes of the lake. These would include the quality of the fishery and physical access. The council agreed by consensus that someone should attend the meeting in New Strawn on November 17th to get more details. Gates, Smith and Allen indicated they would go if possible. The mayor said that he would go if no one else is able to attend.

MISC: Mayor Young said a letter has been sent to the Osage County Commissioners regarding changing the speed limit on Shawnee Heights Rd south of the city limits.

Rich Hamit reported that Carolyn Meerian informed him that according to Ed Butterfield there are four poles on Hwy 56 where decorations can be displayed. Cheryl Brown said she needs measurements and exact locations before sending a letter to KDOT. Ira Allen suggested the city send a thank-you card to Don Keim for his work on the old decorations that will be used.

The clerk informed the council that the council approved a purchasing policy during the grant application process.

Rich Hamit asked if we've heard from Carl Anderson recently. Mayor Young said Anderson has asked for a statement from Bob Call, and Call will do this.

Mayor Young said that it may be necessary to have some extra meetings to get some things accomplished before the end of the year, such as the personnel policy and the 2006 budget. Allen said he would like to have a preliminary 2006 budget done by March, 2005.

David Gerisch has started the council and staff ID's and should have them done by the next meeting.

WEBSITE: There was discussion about starting a city website. The clerk has been contacted by two individuals regarding this matter. Cheryl Brown said that while it would be a good idea, one person would need to serve as a contact person in order to keep the website updated. Brown said there's a problem with the city cable channel and has asked Derrick Weigel to check it out. The mayor said he would prefer having a city website rather than the city channel. The city uses the fax line to operate the channel but the cost of the equipment was paid when it was installed several years ago. Gates asked if Weigel is the only one authorized to work on it, and the clerk said someone else could work on it but Weigel is the one who built the computer that's being used.

STREET PATCHING: Ira Allen asked about doing some more crack-sealing as there is approximately \$12,000 in the Special Highway fund. The mayor said he would like to wait until after the Treasurer's report before discussing this.

THANK YOU: The mayor read a thank-you from a teacher to Chief Harmison for his presentation and help with Red Ribbon Week at school. This is a state-wide program promoting drug awareness and prevention.

BUDGET CONSIDERATION: Mayor Young asked the council to consider the need to hire a City Manager and an increase in council/mayor pay when working on the 2006 budget. The current governing body members receive \$75/year. This figures out to \$3.13/meeting, and the mayor thinks that \$5/meeting would be justified. Gerisch also mentioned budgeting for various seminars, etc presented by the League and other organizations.

TREASURER'S REPORT: Patty Hylton reviewed her financial reports for the council and explained transfers made to several funds, and also the status of the Wastewater Project expenses and reimbursements. Hylton told the council that the General, Water/Sewer, and Law funds are in good shape at this time. She did remind them that the city has received it's last tax levy disbursement for 2004 from the county, but there would be additional sales tax revenue. Hylton said that the city should be okay to spend \$6,000 on sealing cracks in the streets. The council agreed by consensus to contact Dennis Brown for an estimate, and Jim Gates agreed to do so. Brown needs to know that there may be individuals interested in having some work done while he's in town.

Hylton said that the funds for the sewer repairs approved earlier need to be set aside. There was more discussion about replacing the waterline on Market north of WrenchBenders. Mayor Young said he was all for using local contractors, but they need to finish jobs. The waterline loan money can be used if we either use the original contractor or put it out for bid. Bob Call will talk to Donnie Bryant about finishing the original job, plus replacing the line on Market.

Allen had a question about the tax revenue for the Law Fund as it was lower than the budgeted amount. Hylton explained that the city receives the amount of tax collected by the county, so if they collect less, we receive less. Chief Harmison said that all the funds should be short if the Law fund receives less. The clerk explained that the tax revenue depends on the mills levied, and as the Law fund has the highest levy, it would also show the highest shortage.

Hylton had prepared some reports with figures from the 2004 funds for the council to consider before the 2005 budget goes into effect, and before starting to work on the 2006 budget. She highlighted several items such as salaries and employee benefits. Hylton also told the council that they are required to have a set-aside of no less than \$42,528.00 for sewer maintenance as part of receiving the grant. She will check into what funds can make up that amount.

At this point, Chief Harmison said that he feels his budget is under duress. He stated that the 2005 budget that Hylton is referring to is not the budget that he requested and that the council approved. He can show that one of the budgets the treasurer put forth shows \$104,000, and the part he objects to is the last three items listed on that page that come to \$15,686 that was never talked about and tonight is the first time he's seen them. Hylton said that the last reports she did she left the reserve lines empty, and as she never received any input from the council she arrived at the amounts as stated in this current report. Harmison referred back to previous proposals from the treasurer. One of them shows \$111,000 and there's no reference to reserves. Hylton then stated that she was asked by the council and mayor to show reserves. Harmison stated that the budget prepared by himself and Ira Allen that the council approved did not include having this \$15,000 taken out for reserve. He also said that his department had \$10,000 taken away from it in this current year. Bruce Smith asked what is meant by Capital Reserve. Hylton said it can be for whatever the council wants. Harmison also said that \$7,000 had been worked into his 2005 budget to replace the 1999 patrolcar. Ira Allen said that with a \$119,000 budget, some would show up as health benefits or other needed items with the idea of building a reserve. Mayor Young asked if the \$15,686 reserve total can be spent for other things. Hylton said yes it could be, and that she was just putting 50% of what the health insurance would cost for a family plan if needed. Young then asked if this money could be used to purchase a new patrolcar and Hylton said it could be used for that. Harmison said he's frustrated because this reserve wasn't on the approved budget as he understood it. The mayor said that he could understand it, but that the money is still in his fund. Harmison then said that he's upset because the name he had on that \$15,000 was for other things, including part-time salaries, overtime pay, the retirement benefits. Harmison then told the council that he doesn't object to working up a budget, but he wants to know before he starts exactly what the council wants to see.

Hylton said that she had given the council forms with blanks, but since she hadn't received feedback she has done her calculations based on previous years revenue and expenses, trying to include

possible increases in both areas. She said she assumed this was her job. The mayor said that is her job, and he prefers that she put actual figures in these projections. Harmison then said that since it would be his responsibility if his department comes up short at the end of the year, he would prefer that Hylton talk to him instead of "them". The mayor then said he would rather that Hylton talk to "us". Hylton again stated that these figures are intended to be a starting point when preparing the next budget.

Harmison then said that it appears as if there will be some funds left in Law, and he gives credit to the fact that their case load is down from 125 at this time last year to 86 this year. Harmison then asked if the 2001 patrolcar could be paid off providing there is cash in the Law Fund at the end of the year. Ira Allen asked if there's a rule against the Law fund keeping a reserve. Hylton said it's allowed. She has put \$2158 into an Auto Replacement reserve, \$6711 into Employee Benefit reserve (possible health insurance) and \$6517 into Capital Reserve which can be used for anything. Gates said that it was his understanding that buying another car would be considered after the 2001 has been paid off. Hylton said that if the \$6500 Capital Reserve is held until 2006, it would make a nice down payment along with the trade-in from the 1999. Hylton asked that the council study these figures before the first December meeting.

Hylton was asked to try to work in expenses for League meetings in the 2005 budget if possible, and definitely for 2006.

LAW REPORT: Chief Harmison reviewed his written report for the council. Harmison had 4 hours of training on Domestic Violence. He said that the city was denied any grant money this year. There was only \$269,000 of available funds, and \$969,000 in applications. Harmison asked if all unused vacation will be carried over due to low cash balances as it has been the past few years. The council agreed by consensus to allow all vacation hours be carried over.

Harmison said that Officer Dannar has been checking on prices for patrolcars as they were under the impression they would be getting a new car in 2005. Dannar presented the following information: Olathe Ford has the state bid for Highway Patrol cars. 2005 Ford ordered to Highway Patrol specs could be bought for \$21,681, but with a \$3500 trade-in on the 1999 this price would be \$18,181. After deductions for some extra options not needed, the price would be \$17,817. Mayor Young asked if there is a time limit on the quote. Dannar wasn't sure how long the state bid would be valid, but the state usually orders in January, with a 6-8 week delivery time. He did say that if the city orders one, it would have to be paid for at the time of pick-up so financing would have to be arranged before that time. Dannar stated that buying a 2005 police interceptor patrolcar for \$17,817 would be a really good deal. There was discussion about the payment schedule for the 2001. It had been financed through First Security Bank for 3 years. The 1999 has 58,000 miles with more actual mileage on the engine. Dannar said that it's had the brakes and rotors replaced, and it's going to need work on the transmission soon. Hamit said that he noticed a big hesitation when shifting while riding with Dannar. Dannar said the transmission has had the hesitation since the first day we got it. He's checked online and learned that the low mileage and being a one-owner vehicle is part of why it's worth the \$3500 trade-in. Dannar then said that in another year it may only be worth around \$750, and a 2006 patrolcar may sell for \$25,000.

The mayor said this would be discussed in more detail later. Dannar asked if a decision will be made in December, and the mayor said one would be made in January for sure. Dannar is to check with Olathe Ford to see what the deadline is to order the 2005 Crown Vic patrolcar. Harmison said that there wouldn't be much expense in transferring equipment from the 1999 to a new car. Ira Allen asked about using the funds as part of a down payment instead of paying off the 2001 at the end of the year. Dannar stated that he thinks the city will regret not getting a new car in 2005 as he drives the car 40+ hours a week and he's concerned about the transmission going out.

MAINTENANCE REPORT: Bob Call asked if he is to proceed with replacing the waterline by the Co-op station. The council said that he needs to talk to Donnie Bryant about doing the job in order to be able to use Waterline loan proceeds.

Call will be contacting Goodyear's about installing a new fire hydrant soon.

Call said that the pool and park have been winterized, and he's taken the pool pump to Patchen's to inspect. He has spread rock in preparation for the storage shed. Both lift stations are having minor repairs done by Ed Hickman.

Call told the council of a situation on Sunset at the Stuart Wallace residence. The sewer line is coming out into the manhole and causing a build-up. There was discussion about how to fix the problem. The line going into the manhole is the property owner's, but the bottom of the city's manhole is not set up the way it should have been. Vic Robbins suggested teeing off and going over into the city sewer line rather than into the manhole, and this would be at the owner's expense. Call was told to give this information to Wallace.

Call told the council that he needs a new cell phone as he's been using an old one and it's no longer working right. After discussion, Everette Dannar was told to check into new phones as the police department has been having trouble with theirs.

Call said he will start working on the problem manhole by the east liftstation. He told the council that he will be off on November 12th and 26th. The mayor said to check with Goodyear about fixing the problem areas by the pool and Waller's so the council can look at the estimated costs for the projects. Mayor Young also asked him to work on clearing some stumps on the trail if he has time, but to keep track of his hours. The mayor said that Justin DeShazer could also do this if he has time.

At this time Justin is working up to 30 hours/week, and Call thinks this is satisfactory.

MISC: Ed Harmison reminded everyone that there will be three events going on this coming Saturday. Mayor Young said that he appreciated the police and other law enforcement officers helping with the school kids during the Halloween parade.

CLERK'S REPORT: Cheryl Brown asked permission to close City Hall on the day after Thanksgiving as was done last year. She will take a vacation day if allowed. The council agreed by consensus.

Brown talked to the Osage County Clerk about replacing the voting booths. The city is on the list, but timing will depend on their budget.

Brown told the council that she has all the inspection reports turned in by Dean Beckman in weekly groups. There was discussion about whether or not these would be considered public information. The clerk said she would check with the city attorney.

COUNCILMEMBER COMMENTS: Jim Gates reminded everyone about the workday on the Trail's project.

Ira Allen stated he would like everyone to work on the 2006 budget and have it ready by March. He would also like to look into expanding the current lagoon system in order to apply for another grant. He also said that work sessions need to be held to get more things finished. The mayor said he would like the full council to be here before setting work session dates. Bob Call asked the council to consider working on job evaluations, and the council agreed.

There being no further business before the council, Jim Gates moved to adjourn. Rich Hamit seconded; meeting adjourned at 10:17 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED:_____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

NOVEMBER 23, 2004

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

OTHERS PRESENT: Ed Harmison, Charles Hamner, Yolanda Dickinson, Sue Martin, Vic Robbins, Bob Sisson, Everette Dannar (7:17pm), Cheryl Brown.

The meeting was called to order by Council-President Bruce Smith at 7:00 PM. Roll was taken.

MINUTES/ WARRANTS: Ira Allen moved to approve the minutes of the November 10, 2004 meeting as written. Jim Gates seconded; motion carried 4-0.

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

PLANNING/COMPREHENSIVE: Sue Martin came before the council representing the steering committee to ask if the council has reviewed their proposed survey. The council agreed that what is on the survey should be satisfactory. There was discussion regarding mailing's, expenses. It was decided to get more information about the area to be covered and the expense. The mailing will probably not be done until after the first of 2005. There was discussion about where the survey's would be duplicated. Ira Allen said that it might be better to have them printed if the cost is not too much. The banks, library, grocery store and City Hall would be the most likely drop-off points for the surveys. Ira Allen suggested that the survey ask what each person feels is the most important issue. Martin said that several had already mentioned medical care and the city utilities. Allen also suggested putting some kind of notice about the survey in the local papers. Martin said they would report again at the December 8th meeting.

WATER/SEWER PROJECT REPORT: Vic Robbins reported that he has just received notice from KDHE regarding documents we need to submit. He will check into the matter.

Robbins updated the council on the desludging process. An additional set of soil samples will be taken next week. The check to Mayer's Specialties has been sent by certified mail, and the city has received the reimbursement from the state.

The city has received a consent agreement from KDHE regarding changes we requested in their order, but the actual letter was sent to Michael Coffman, City Attorney. According to the letter, the deadline for a decision on either expanding or building a new facility is March 1, 2005. Smith said that we won't know how much the current project will change the situation in that short amount of time. Robbins said that they could do enough engineering to come up with a recommendation. The council agreed to authorize the mayor to sign the necessary documents if approved by Robbins in order to avoid having a hearing on November 30th.

Robbins learned that a fiberglass pre-treatment tank would cost around \$7500 compared to \$5345 for a concrete tank plus \$750 set-up for a total cost of \$6095. There was discussion about hiring someone else to unload and set the tank. Robbins said that the city may have to publish a bid notice for the project rather than just hire it done to meet grant requirements. He will talk to KDHE and Donna Crawford about the need for bids.

DRAINAGE/SCHOOL PROJECT: The City of Topeka has notified us that this special project will be delayed until next fall.

PLANNING COMMISSION: Bruce Smith moved to appoint JoEllen Criger to the Planning Commission. Ira Allen seconded; motion carried 4-0. Mayor Young asked how many council members would be willing to meet with the Planning Commission on December 1st. The mayor said he will notify them of a meeting at 7 PM on December 1st for a work session. Ira Allen said they need to pick a chairperson, clerk and also set definite monthly meeting times.

HIGHWAY DECORATIONS: Rich Hamit said the area engineer has approved the city's request, and Cheryl Brown said Bob Call is already working with Ed Butterfield.

STREETS/CRACKS: Jim Gates made a motion, seconded by Bruce Smith, to approve spending up to \$5700 to seal the cracks as bid by Dennis Brown of Complete Pavement Maintenance. Motion carried 4-0.

CITY LAKE LEASE: Mayor Young reported on material he received at the meeting with Kansas Wildlife and Parks on November 17th. There are 3 options: 1. Opt out of program and receive no assistance 2. Basic which will give the city \$1200 and we would receive the same amount of support as now. This would mean the city wouldn't sell city lake permits. 3. Enhanced program would mean a better chance of receiving grants, but there would be more requirements for the city to follow. Jim Gates made a motion, seconded by Bruce Smith, to accept the Basic option from Wildlife and Parks for one year, which will pay the city \$1200 as a substitute for permit revenue. All the paper work needs to be submitted by January 1, 2005. The current ordinance will have to be amended where necessary. One of the requirements for accepting the payment is that the money must be spent on fish, etc. Quarterly reports are also required.

REQUEST FROM CLERK: Cheryl Brown would like to be paid for some of her unused vacation if the funds are satisfactory after the December warrants are paid. This amount would not exceed \$500. No opposition was stated at this time.

EXECUTIVE SESSION: Bruce Smith made a motion, seconded by Rich Hamit, to recess into executive session with Bob Sisson present, to discuss matters not related to elected personnel. Motion carried; meeting recessed from 8:02 until 8:12 PM. No action was taken when the meeting was opened by Mayor Young.

COUNCILMEMBER COMMENTS: Jim Gates reported that stumps have been removed and a 36" drainage tube was installed by Butch Foster. Gates said that a John Deere backhoe has been provided for some of the work. The mayor asked about burning the brush. Gates also mentioned that some kind of grade needs to be established, so they will be getting some dirt from the lagoon area.

Ira Allen asked about the letter requested by Carl Anderson regarding his claim for property damage due to a sewer back-up. Allen asked why this problem wasn't addressed some time back if the council was aware of a problem, and if they didn't know about the problem his question is why didn't they know? Gates asked why the mayor was being asked to sign a letter written by Anderson himself. The mayor said he won't sign the letter without council approval. It's the mayor's understanding that there was a problem when the original tap was made according to Todd Goodyear. Allen said that he has a problem with the letter indicating that Bob Call knew of a problem when he wasn't the supervisor at that time. He also said that signing the letter would be admitting the city knew of the problem in advance, thereby admitting guilt. The council agreed by consensus to think about the wording before having the mayor sign it. After more discussion, the council understood that the pre-existing problem was at the old Church of Christ building and not the parsonage that was build later.

MAYOR'S REPORT: Mayor Young said Bruce Cole has given him a letter stating approximately \$4,000 in damages to his residence from the same storm that affected the Anderson's. The matter was tabled until the letter can be presented.

The mayor also asked the council to consider raising the annual stipend received by the governing body from the current \$75 when preparing the 2006 budget. This has been the same for the past several decades, and as the council now meets at least twice a month the mayor feels that an increase would be justified. One thing that might be considered is to set an amount per meeting attended. The clerk said that this can be done by a motion passed by the council. The council agreed to consider the matter at the next meeting.

2005 PATROLCAR: Officer Dannar told the council that the state bid he presented to the council at the last meeting for a 2005 Ford Crown Victoria police car would be good for all of 2005 but since everybody orders their's at the first of the year it would make it harder to get one later on. The price quoted was around \$17,800. Smith asked if that was planned for this year. Ira Allen said there was a reserve set up in the budget. Smith said he thought that was for health insurance. Allen said it was for that and a car. Mayor Young said this would be discussed at the next meeting.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; motion carried. The meeting adjourned at 8:35 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: _____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

DECEMBER 8, 2004

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

OTHERS PRESENT: Don Meerian, Bob Sisson, Bruce Sisson, Larry Coursen, Mike Gerisch, Michael Blood, Tom Wurdeman, Yolanda Dickinson, JoEllen Criger, Vic Robbins, Patty Hylton, Ed Harmison, Everette Dannar, 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: Bruce Smith made a motion, seconded by Jim Gates, to approve the minutes of the November 23, 2004 meeting as written. Motion carried 5-0.

Jim Gates moved to pay all warrants. Bruce Smith seconded; motion carried 5-0.

MISC: Mayor Young stated that while he encouraged lively discussion, he would not allow anyone to be disrespectful during the discussions.

CITIZEN CONCERNS: Bob Sisson said he was here in response to the purchase of a new patrol car for the city. Several people had told him they were against buying a new car at this time, and as a result of his attending the last council meeting he had put petitions around town and was here tonight to present the petitions to the council. Sisson said that he had been told by Everette Dannar that the money has already been appropriated for a new car. Mayor Young said the funds had been reserved, but not necessarily appropriated. Sisson then said he feels that if both police cars are running considering the financial condition of the city, it would be better to build up more of a reserve. He also said several people had told him that they felt the money could be better spent on other things. Sisson said that was all he really had to say. Chief Ed Harmison asked who asked Sisson to get a petition. Sisson said that either Ira Allen or Jim Gates had mentioned doing this at the last council meeting. Harmison then said that he feels that a lot of people are misinformed, or not informed at all. He said that the car he drives has one more payment, and his police department budget is in the "black" this year. He said that the budget he submitted to the council for 2005 has car payments included in it. He does have an increase in his 2005 budget as for years and years went by and the police department ran out of money in September or October which meant that money had to be transferred from the General Fund. He took over the department 5 years ago, and since then the council has realized that this was a real problem and they have gone ahead and approved a budget for his police department that will cover all the expenses of his department. There will be no transfers from the General Fund to pay for a new car. Harmison then said that the car to be traded is a 1999, which really makes it 7 years old and he has some documentation that the transmission is going out and the front ball joints are going out, for which the repair cost would be approximately \$2500. Harmison went to the banks to discuss lease payments, and it will cost the city an extra \$620/year for a 4-year period. That comes to \$2400, and he prefers putting that money towards a new car rather than fixing the 1999. Harmison stated that he's deeply concerned about how we've come to this point of misunderstanding about the matter. Sisson then said that he had several people ask why the city is buying a new police car and he himself was upset as he knew what the money situation was when he worked for the city. Harmison then stated again that his police department will have money left at the end of the year. He credited this in part to the crime rate being down, even though the crimes are more serious, including 3 attempted murders this past year. He is willing to meet with any group anytime to discuss his department. Sisson said that he had no problem with the way the police does their job, but he decided to come and find out about buying a new car for himself. He isn't sure why he wasn't told at the last meeting that the money had been set aside for buying a new car as he probably wouldn't have put out the petitions. Mayor Young said that money had been set back in the police department, partly for future health insurance and partly for a car. Ira Allen said that what actually happened was that Harmison brought in a budget for 2005, it was discussed, it was set up, but when it came down to final approval there were about 3 items that they didn't want to show as line items in the budget so it was all consolidated into one lump sum. At the time it was stated that if the monies were needed to do these different things, the money would be available. Sisson then said that he doesn't know all the facts and figures, but he feels that he's stated his opinions and that the petition shows that quite a few others feel the same way. Bruce Smith said that this was the first he'd heard of the 1999 needing so many repairs. Chief Harmison then said that this council is very money-conscious, and has taken steps that needed to be

taken years ago. He's sorry that the public isn't more informed, and that's partly because they don't come to the council meetings. Sisson then said that he had a few people tell him they wouldn't sign because they didn't want to be "followed around", but he tried to assure them nothing like that would happen.

CITIZEN RESPONSE: Michael Blood heard about the petition against buying a new patrolcar, and as he knows that the police department does a fantastic job, but he had a problem with not buying a new car in order to save money. He knew that money had been set aside to buy one, and he feels that money should be saved somewhere else other than our wonderful police department and that they have spent a lot of their own time and money to come up with the figures they've presented. Blood then read the letter he wrote to support his viewpoint. Larry Coursen asked if the car to be replaced is the one driven back and forth on country roads by Officer Dannar. The mayor told him yes. Jim Gates asked for a show of hands among those present in support of and against buying a new car. The actual number was not noted for the record.

The mayor then stated that the matter would be discussed more fully later in the meeting. The council was asked if they had considered buying a used one through the Highway Patrol. The city has bought one this way in the past, but with unsatisfactory results.

PLANNING COMMISSION: Mayor Young said that the Planning Commission had been asked to attend the meeting for several reasons, including electing a president and a clerk. Tom Wurdeman asked what the Planning Commission does specifically. The mayor said that part of what they'll be doing is working with the council to write a comprehensive plan for the city. A steering committee has already been working on a survey to get citizen input. The Planning Commission is also responsible for conducting hearings regarding zoning matters and variances to the existing zoning ordinances. The mayor stated that the president will not be doing all the work, but will be responsible for running the meetings and making sure that the requirements of the rules and regulations are kept. Cheryl Brown, City Clerk, explained the current procedures for changing zoning and variances to the Zoning Ordinance.

Mayor Young suggested that the commission meet on a regular monthly basis, and then hearings can be scheduled at that time. Ira Allen said that one of the reasons for pushing the commission is to help qualify for grants. Don Meerian recommended that Tom Wurdeman serve as president. This was agreed to by Meerian, JoEllen Criger, and Yolanda Dickinson. Pat Martin, the fifth member of the commission, was absent. Wurdeman agreed to act as president. Brown asked that whoever serve as clerk be willing to be the contact person for the commission as a whole, and also take care of having things published. It was agreed by consensus that Don Meerian will serve as clerk. The mayor asked that they schedule their first meeting in January. He told them that City Hall is occupied the second and fourth Wednesday's for council meetings and the second Tuesday's for municipal court. Brown said she would have copies of all the zoning ordinances for their first meeting.

WATER/SEWER PROJECT REPORT: Vic Robbins told the council that after consulting Michael Coffman, city attorney, Mayor Young has signed the final letter of consent regarding the order from KDHE. The first item required by the order is to submit a comprehensive map of the sewer system. KRWA has said that they will try to have ours done by the first of the year. Robbins suggested we wait to send letters to KRWA and KDHE until closer to the deadline.

Robbins said that the lagoon de-sludging hasn't started yet due to the ground being too wet. He has learned that in order to use grant money for installing a pre-treatment tank for West First Street we do have to take bids. He has prepared the necessary documents for publishing, and the bid opening is scheduled for December 23rd at 1:30 PM. Robbins will send out bid notices to the local contractors. He asked if there were other contractors he should contact others personally. The council agreed by consensus that the notice in the newspaper should be sufficient for all others.

There was discussion about contacting the land owners to keep them informed of the scheduling for the land application of the sludge from the lagoons.

CMB LICENSES: Jim Gates made a motion, seconded by David Gerisch, to approve the Cereal Malt Beverage license renewals for O'Bryhim's Thriftway, The Patch, and Casey's for 2005. Motion carried 5-0. Bruce Smith moved to renew the game machine license for The Patch. Jim Gates seconded; motion carried 5-0.

BOUNDARY ORDINANCE: Bruce Smith made a motion, seconded by David Gerisch, to adopt Ordinance No 278 which establishes the true boundaries of the City of Overbrook as prepared by Michael Coffman, City Attorney. Motion carried 5-0. This is required by law whenever the city has annexed or vacated property in the previous year.

AFTER PROM: Jim Gates moved to donate \$100 to the Santa Fe Trail After Prom Party fund. Rich Hamit seconded; motion carried 5-0.

CLAIM FOR DAMAGES: Mayor Young presented a claim from Bruce Cole for expenses due to sewer problems after a storm last July. The council agreed by consensus to send the claim to Employers Mutual for consideration.

STIPEND FOR GOVERNING BODY: The mayor brought up increasing the annual stipend of \$75/year before the 2006 budget is prepared. Ira Allen said that if the stipend is changed to \$15/meeting per member the cost would be about \$2100 per year. This would just apply to the 2 regular meetings per month, and one would have to be present to be paid. It was agreed that special meetings should be included in the budgeting, and Michael Coffman should be consulted about what's needed to make this change.

2005 PATROLCAR: Officer Dannar presented an estimate from WrenchBenders regarding repairs on the 1999 police car. He then presented the bid on a 2005 Ford patrol car for \$17,817 with a trade-in of \$3500 for our 1999 from Olathe Ford. This would be for a car set up to Highway Patrol standards. Dannar said that by waiting a year, the cost could go up about \$10,000 figuring the increase in the cost of a 2006 model and the decrease in the 1999 trade-in value. Chief Harmison said that Kansas State Bank would finance the lease for 5% interest on quarterly payments of \$1234, which would be \$620 increase per year. He again stated that over 4 years the increase would equal what the repairs on the 1999 would be for the existing problems. Jim Gates stated that it seemed to him that there will always be car payments if the cars are replaced every 4 years. Hamit said that the 2001 will be about 7 years old if it's replaced in 4 years. The mayor said the only reason he would suggest waiting is to build up cash to decrease the amount of the lease. There was discussion about problems with waiting to replace the 1999 and also having to wait to replace the 2001. Dannar said he learned that there are no 2004 leftovers to be bought. Hamit said he didn't want to totally disregard the petition that was presented, but he feels that these concerns should have been brought up before the 2005 budget was adopted in August, and the record shows that there were no citizens present. Harmison again stated that he's upset about the misinformation of the public. Smith said that it's his feeling that the petition was more about spending the money, and not necessarily about being against upgrading the equipment. The clerk said there are 2 payments remaining on the 2001. Harmison said the pay off was around \$2200 the last time he checked with the bank. Dannar said there would probably be a 6-8 week time frame between ordering and delivery.

MISC: Ira Allen moved to pay Brown for 40 hours of unused vacation pay. Jim Gates seconded; motion carried 5-0.

LAW REPORT: Chief Harmison reviewed his written report for the council. He asked what needs to be done about the city lake ordinance. The clerk said that we will have to amend the ordinance to delete the portion that deals with permits and fees. This can be done at the next meeting providing a decision has been made about which plan the city adopts. Harmison said that there is a problem with mud being left on Hwy 56 due to construction. He has been told that there is no law about leaving mud, unless it becomes a safety hazard. Then the Dept of Transportation would get involved.

Harmison said that he will be meeting with the new County Attorney, and also has a court appearance on Friday related to a second-degree attempted murder charge.

He stated again that he feels badly about the petition due to a lack of information available to the community. He suggested a quarterly newsletter with 25% funding from the law budget. There was discussion about developing a web-site, and who would maintain it. Michael Blood said he does this, and it was also mentioned that the city had received a letter from Josh Strohm, also a local person. Harmison said that not everyone has access to a computer or cable, but everyone gets regular mail. Mayor Young said he would like to know why more people don't come to the council meetings. Blood said that one factor might be the limited size of the room. Dannar said that most people don't come unless they have a specific subject to discuss. The clerk agreed.

MAINTENANCE REPORT: Jack Young gave a report due to Bob Call's being sick. They are planning to replace the waterline by the Co-op station at night to reduce businesses being without water as much as possible. The new storage shed has been delivered and set up by the city lake. The mayor asked how many keys need to be made. It was decided to have keys for Call, City Hall, Tim Larsen who fills the feeders, and one for Mark Tomlinson so he can keep traps there.

Bruce Smith asked about the electricity supply to the lake area. Jim Gates said he's had no response from Westar, but he'll do some more checking. Smith said that this expense should be included in the 2006 budget. The mayor said that Leonard Jirek would like to have the pump moved into the storage shed if possible.

Hamit asked if the seeding has been done on the waterline project, and was told it's still been too wet.

Hamit said that the lockers being sold by the City of Derby would be handy for people at the pool. Hamit was told to check on the condition of the lockers and submit a bid before the deadline if he thinks they'd be worth it.

MISC: Dean Beckman has told the mayor he has done around 240 hook-up inspections. Ira Allen brought up the fact that Beckman had entered a residence when there was no adult present. He's concerned about possible problems as a result. The council agreed by consensus that Beckman be told not to do inspections unless an adult is present. There was discussion about reviewing the forms, and how to compile them.

TREASURER'S REPORT: Patty Hylton presented her reports of the financial records for the month of November. She feels that the fund balances should be satisfactory at the end of the year at the current rate of expenses and revenue. She's projecting that the city will end the year with a bank balance of around \$55,000 which is much better than previous years.

Hylton has checked with Donna Crawford about the grant requirement for \$42,000 in the sewer fund. This does not have to be actual cash, but does have to be included in the budget. There was discussion about splitting the water and sewer funds. Hylton will check with Jim Long about doing this at the first of the year. The clerk asked that Hylton show the council the fund reports for the water and sewer loan projects. Hylton reviewed the figures on the 2005 budget, including percentages of revenue and when they're received. She told the council that the Law fund receives about 45% of the tax levy by March. She suggested that the council consider putting down a substantial downpayment, which would reduce the length of the lease. The council agreed that they would rather wait until the end of the year and consider paying more if the funds are there.

Ira Allen stated his concern about lower amounts budgeted for contract labor and office expenses in 2005. Hylton said this is partly due to mills being taken away from the General fund. Allen also said that more needs to be budgeted for insurance as he feels the premium will increase again next year. He also mentioned the amounts budgeted for parks and pool. The clerk explained that these line items are for the utilities that are paid from the General fund rather than from a recreation fund. Allen also mentioned having more detail on salaries. Hylton said that the General fund will be very tight in 2005 as less revenue is being levied. We will know what the insurance cost is by April so adjustments can be made at that time. There was discussion about the current damage claims for sewer damages. The mayor stated that the liability insurance should cover any expenses due to legal fees over these claims. The mayor asked if the increase in retirement benefits had been budgeted, and Hylton said it had been.

There was discussion about the water/sewer fund and possible changes in how it's reported. The grant requires that \$42,000 be budgeted for sewer maintenance, but not that much cash has to be kept in reserve at all times. There was discussion about establishing a regular maintenance program for cleaning sections of sewer lines yearly. Hylton said that decisions would have to be made on the footage and cost before 2006 budget prep. She will try to allocate funds for some maintenance in 2005, and this can be part of the \$42,000 grant requirement. Bruce Smith said that 10,000 ft of sewer could cost around \$10,000 to clean based on the 40,000 + feet that was just inspected and cleaned.

There was discussion on when the 2002 maintenance truck would need to be replaced. Hylton said we should look at setting aside funds even after it's paid off for the purchase of a new one sometime around 2010. The possibility of needing more help for maintenance was discussed briefly.

Ira Allen then presented some rough figures he'd put together for the Law fund in 2006. There was discussion about increases in the retirement benefits, and gasoline in addition to salary increases.

Hylton recommends putting mills back into the general fund, unless the tax levy is increased again for 2006.

CLERK'S REPORT: Cheryl Brown asked for special hours the week after Christmas. The office will be open on Monday, December 27th, closed on Tuesday the 28th and Wednesday the 29th, open on Thursday the 30th, and closed on the 31st. The council agreed by consensus. Brown will send notices to the papers and post it on the city hall door.

The clerk reminded the council that the deadline for candidate filing is sometime around January 20th and the filing fee is still \$5.00. She's waiting to hear definite dates from the Osage County Clerk. The positions of David Gerisch, Jim Gates, and Mayor Young will be on the ballot.

2005 PATROLCAR: Jim Gates said he would be in favor of buying a new car if the first payment is due after the 2001 is paid off. Hamit said he agreed. Smith asked what difference that makes if the money is available to pay off the 2001 and start the lease on a 2005. Jim Gates asked would would happen if the transmission goes out of the 1999 before delivery of the 2005. There were differing opinions. Smith said that if there's that much concern, the 1999 would be parked until the 2005 is picked up.

Rich Hamit made a motion, seconded by David Gerisch, to purchase the 2005 Ford patrolcar from Olathe Ford for \$17,817 or less through a lease/purchase from Kansas State Bank. Dannar stated that he and Harmison would prefer a darker color than white. No one from the council stated a preference. Motion carried 5-0. The council agreed that it can be ordered anytime.

COUNCILMEMBER COMMENTS: Smith asked how the new timesheets and pay periods are working. No problems were reported. There was discussion about any changes that might result from being paid every 2 weeks other than monthly.

Rich Hamit said that the decorations on the highway look pretty good. Carolyn Meerian had stopped in earlier to thank the council for allowing this to be done. Brown said she had sent a thank-you to Don Keim for the electrical work.

Hamit asked if the crack-sealing has been scheduled. Gates said he would check with the owner. Hamit also asked about the sewer line by the pool. Smith said that he remembered talking about the manhole. The council agreed that Call had been told to do what he good with help from G & G excavation.

Ira Allen asked if employee reviews will be done in January before raises are discussed. Raises would be retroactive to January 1st.

EXECUTIVE SESSION: Bruce Smith moved to go into executive session for 10 minutes with Harmison and Dannar present. David Gerisch seconded; motion carried; meeting was recessed from 10:10 pm until 10:20 pm. No action was taken as a result of this session.

MAYOR'S REPORT: Mayor Young said the Planning Commission has set their meeting for January 18th at 7 PM at City Hall. The bid opening for the pre-treatment tank will be 1:30 PM on December 23rd. The lake ordinance will need to be acted upon at the next meeting.

There being no further business before the council, Jim Gates moved to adjourn. Rich Hamit seconded; motion carried. Adjourned at 10:23 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED:_____

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

DECEMBER 22, 2004

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

OTHERS PRESENT: Bus Bond, Bruce Sisson, Ed Harmison, Everette Dannar, Vic Robbins, Cheryl Brown.

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

MINUTES: Jim Gates made a motion, seconded by Bruce Smith, to approve the minutes of the December 8, 2004 meeting with changes regarding his asking for a show of hands for and against the city buying a 2005 patrolcar. Motion carried 4-0.

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

CITIZEN CONCERN: Bus Bond was present to express his concern with a letter sent out by the court clerk, Shayne Coursen, regarding a traffic citation received by his granddaughter. His understanding was that the letter had been sent because she had not appeared in court, but had actually appeared two times. Upon review, the letter was found to be a notice stating that if she does not pay the fine and costs or contact the clerk for another court appearance within 30 days, a notice would be sent to the Division of Vehicles to suspend her license. She had pleaded "Not Guilty", but was found "Guilty" by Judge Jones, and so therefore she is responsible for paying the fines and other court costs. Mr. Bond had the understanding that this letter was the notice being sent to the Division of Vehicles to suspend her license. Bond also had other comments to make concerning the circumstances under which his granddaughter had received the citation. He told the council that he was referring the matter to an attorney and left the meeting.

WATER/SEWER PROJECTS: Vic Robbins reported that we have received the signed order from KDHE and the first item to be addressed is the sewer map. Cheryl Brown told him that it has been received, and Robbins said he would look it over to see if that would meet KDHE requirements.

Robbins asked about the re-seeding around the new rural waterline. The mayor said that Donnie Bryant is going to do the leveling, but the city will have to make other arrangements for the re-seeding.

Robbins said that we're still waiting on the soil sampling to be done. He may have to do this himself, but he will contact Mid-America Environment Co.

The bid opening for installing the pre-treatment tank is scheduled for Thursday, December 23rd at 1:30 PM, but only one bid has been submitted so far. The grant requirements may require starting over to get more bids. A couple of local contractors were hesitant to bid due to sizable up-front costs to them.

Robbins said that the next item on his list is submitting a report on the findings of the sewer hook-up inspections. Beckman has turned in 248 inspection sheets, so is about half done. Bruce Smith told Robbins he has the report and video tapes from Mayer's taken during their inspection and cleaning. Ira Allen asked what progress has been made in repairing manholes. He was told that Bob Call has done some preliminary work. Robbins said he would like to see the manholes at the beginning of the repairs.

He told the council that the lagoons have been in compliance for the past several months, and that the lagoons look good.

CITY LAKE ORDINANCE: There was discussion about any advantage to waiting another year before accepting the offer from Kansas Wildlife & Parks. Mayor Young said that Leonard Jirek said that the city might want to consider stocking trout and waiting another year. However, there would be additional expense to stock trout. Bruce Smith moved to accept the offer of \$3100 in exchange for not selling city lake fishing licenses for 2005. Jim Gates seconded; motion carried 4-0. The city will still have the same authority regarding all other regulations as stated by ordinance. The mayor will complete the paper work and get it back to Jirek.

There was discussion about changing the hours to keep the lake open. Ira Allen made a motion to adopt Ordinance No 279 that accepts \$3100 from Ks Wildlife & Parks in lieu of selling city lake licenses, and establishes lake hours as 5AM until 11 PM daily. Bruce Smith seconded the motion; motion carried 4-0.

GAME LICENSE: Jim Gates made a motion, seconded by Ira Allen, to renew the game machine license for Conrad's Bar & Grill through 2005. Motion carried 4-0.

INSURANCE CLAIMS: Ira Allen said he has faxed the claim from Bruce Cole to Employers Mutual but hasn't heard anything back as yet. Mayor Young said an insurance adjustor hired by Employers was here and visited with Bob Call and himself about the claim submitted by Carl Anderson. The adjustor is planning on talking to Todd Goodyear.

Mayor Young said that Bob Call went to Derby, Kansas to pick up the pool lockers. The clerk said that Call is back and the lockers will be at the pool or the maintenance building. Hamit asked what the condition of the lockers is, and Brown said she only saw them on the trailer.

GRANT APPLICATION: The proposal from Donna Crawford of Governmental Assistance to apply for another grant for the sewer project was discussed. Allen said maybe this should wait until we get more financial information from Patty Hylton. Mayor Young said that the agreement wouldn't be done until after the first of the year.

MISCELLANEOUS: Mayor Young brought up concerns he's been made aware of regarding the color of the new patrolcar. The car has already been ordered in "Dark Blue Pearl". Hamit asked what difference the color makes. Chief Harmison said that it would well marked as a police car for citizen recognition. Allen said that he feels that since nothing was mentioned about color at the last meeting when buying the car was discussed by several citizens, the matter should be considered a done deal. Gates asked why the color was changed. Everette Dannar said that we've had white patrolcars all along, and we'd like to kind of stand out from everybody else, such as the Osage County sheriff, Carbondale, Scranton, Burlingame, and Osage City. Dannar said that he admits he wanted a dark car, and that this is the first new car he's had. Gates said he's concerned about the reason he's heard why Dannar wants a dark car. Chief Harmison said that people shouldn't be concerned about the police department being "sneakier" in a dark car as long as they are obeying the laws. Gates then asked if being visible to the public shouldn't be important. Harmison said it is important in the daytime, but at night when the "bad guys" are out, low visibility is an asset. Smith asked if maybe the visibility thing referred to traffic tickets. Mayor Young said he thinks the comments were the result of bad judgment in talking about the color of the car before it had been ordered.

The mayor said he'd also been approached about the usage of the car. Ira Allen said that we've hired these officers to police the city and they're on 24-hour call, and if one lives outside the city he would prefer that he has an emergency vehicle if needed rather than drive a personal car at a high rate of speed. Ira Allen made a motion, seconded by Bruce Smith, to go into executive session with Harmison and Dannar present for 10 minutes. Motion carried 4-0. Mayor Young opened the meeting at which time no action was taken as a result of the executive session.

COUNCILMEMBER COMMENTS: Ira Allen said that he recommends some changes be made in the job evaluation forms used for the police department. Harmison said he would check with some other law enforcement agencies about what they use. Mayor Young said that some changes need to be made to be more specific for all the departments.

Rich Hamit asked that the agenda for the second meeting be kept to allow for more of a working session. This would mean that the majority of items to come before the council should be on the first meeting agenda. All meetings are open, so if someone appears and wants to speak at the second meeting they may do so at the end of the meeting. Hamit made a motion to eliminate the citizen concerns from the second monthly meeting, making it a work session with the items to be worked on set at the first meeting. Ira Allen seconded; motion carried 4-0.

MAYOR'S REPORT: The mayor asked about Christmas bonuses for employees. Smith asked about paying employees for half of their unused vacation hours. Chief Harmison said that Dannar would like to carry all his hours, and he would do the same. Smith then said that the hours carried over need to be used by June 30th as stated in the personnel policy. Jim Gates moved that the following employees receive \$25: Bob Call, Ed Harmison, Everette Dannar, Cheryl Brown, Justin DeShazer, Mark Tomlinson, and Ted Miller. Bruce Smith seconded; motion carried 4-0.

Mayor Young mentioned that there is a leadership class taking applications, and that he might be interested in attending.

VACATION: Everett Dannar asked about the policy of losing carried-over vacation hours if not taken by June 30th. Smith said that the reason all unused vacation was allowed to be carried over in the past with no deadlines was because there wasn't enough cash on hand to pay for half. Dannar said that he didn't want to lose vacation hours if he couldn't take them due to unexpected situations. Smith said that the vacation benefit is to encourage employees to take time off, and Hamit said that this also prevents someone from accumulating an enormous amount of vacation pay at the end of their employment. Harmison said that carrying hours over to the next year allows someone to take vacation in the first part of the year. The clerk said that she tries to give employees a copy of their accumulated vacation and sick leave each month so they are aware of their status. Dannar again said that he just doesn't want to lose vacation. Harmison asked the council to clarify their position. Mayor Young said that the current policy states that all unused vacation must be used by June 30th or it's lost. Harmison reminded the council that in the past when the city had a cash shortage at the end of the year, no one insisted on being paid for half of the unused hours. The mayor again stated that as of right now, the policy stands as written.

BUILDING INSPECTION TRAINING: There was discussion about the city sending someone to a training session being held in Texas in February. The mayor said that had the city hired a qualified inspector before, we may have been able to avoid some of the problems we have. Ira Allen said that if the city sent a non-employee for the training, we should ask for a commitment from them to do the job for a definite length of time. It was stated that a position of building inspector would have to be created before asking someone to commit to it. At the present time, the only things that are inspected are the location of the building on the property and the connection to the city sewer system. The mayor said he would talk to Dean Beckman about the matter. Smith suggested to see if this training is offered somewhere else at a different time. The deadline for enrolling in this particular session is January 14th and the next council meeting is January 12th. The mayor said he would check into getting more information.

INTERESTED PARTY: Bruce Sisson was asked if he had comments. Sisson said that since there's lots of comments around town, and he decided to attend some meetings to listen to what's being discussed. He said that he's going to start encouraging people to attend meetings. Sisson admitted that he's one of many that talk about city business without really knowing what's actually being discussed at council meetings. The council thanked him for his comments, and hopes that more people will come. The mayor said that people don't have to be on the agenda to be heard, but there is an order of business that needs to be followed.

There being no further business before the council, Mayor Young wished everyone a Merry Christmas. Jim Gates moved to adjourn; Bruce Smith seconded. The meeting was adjourned at 8:37 PM.

Respectfully submitted,

Cheryl L. Brown

APPROVED:_____