



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

Holes for drainage were put in east sidewalk curbing.

Fill dirt was added to front of yard.

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

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

OVERBROOK BETTERMENT COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,



Mildred J. Cannon
City Clerk

APPROVED _____

MEMBERS PRESENT:

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

OTHERS PRESENT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Mildred J. Cannon
City Clerk

SPECIAL MEETING
CITY OF OVERBROOK

November 30, 1989

MEMBERS PRESENT:

J.A.Cordts
Dale Fox
Dennis Graves

Floyd McGuire
Mayor Richard Hamit

MEMBERS ABSENT:

Cliff O'Bryhim

OTHERS PRESENT:

Steve Jones, City Attorney
Carolyn Meerian
JoEllen Criger

Robert Shepard
Marion Jordan
Mildred J.Cannon
Cheryl Brown

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

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

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

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

November 30, 1989

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

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

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

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

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

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED _____

MEMBERS PRESENT:

J. A. Cordts
Dale Fox
Dennis Graves

Floyd McGuire
Mayor Richard Hamit

MEMBERS ABSENT:

Cliff O'Bryhim

OTHERS PRESENT:

Kenneth Greene
Jim Mercer
Helen Crook
Kathleen Lee
Carolyn Meerian

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED _____

MEMBERS PRESENT:

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

OTHERS PRESENT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED _____