

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Dennis Graves

OTHERS PRESENT:

Manie Minford	Larry Woodson
Jeanne McDowell	Ed Harmison
Marilyn Land	Bruce Smith
Bob Shepard	Max Friesen
Cheryl Brown	Millie Cannon

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

MINUTES: The minutes of the January 9, 1991 regular meeting were reviewed. J.A.Cordts made a motion, seconded by Cliff O'Bryhim to approve the minutes as written. Motion carried.

WARRANTS: Warrants No. 6766 through 6819 were presented for payment. Cliff O'Bryhim made a motion, seconded by Floyd McGuire to approve all warrants. Motion carried.

OVERBROOK BETTERMENT COMMITTEE: Marilyn Land, Chairperson, Jeanne McDowell and Manie Minford, members of the Overbrook Betterment Committee were present to request permission to pursue placing the city hall building on the State Historical Register. Minford acted as spokesperson. She explained Earl ^{Hugh}Hough (Overbrook native) had started working on the project but inasmuch as he is not a resident of the city he could not follow through with it. Only a resident can do it. He asked the betterment committee if they would be interested in continuing with the project. She said the committee had agreed and had gone ahead and contacted the Historical Preservation Dept. She said their initial reason for coming before the council was to request permission to go ahead with the project. She noted there are a number of residents interested in it and that the Ridgeway Lodge (upstairs) had already given their permission for the committee to proceed. She gave a brief history of the building noting that it is the only downtown building that has retained its historical form. She also noted the building was included as a part of the Centennial Logo.

Minford presented a letter from the Kansas State Historical Society explaining what had to be done (attached) She noted that if indeed the building was accepted, any building permit application for any building within a 500 foot radius of the city building would have to be approved by the Historical Preservation Dept. This would take in almost all of the business district. Minford said she understood the Society representative to say, if an application was turned down, it would go back to the city council and they would have final say. The subject was discussed at length after which Floyd McGuire made a motion, seconded by Dale Fox to give the Betterment Committee permission to proceed with the project as stated above. The motion was discussed at length. One member felt the people within 500 ft should be contacted to see if anyone objects to the requirements inasmuch as it will effect their property. It was also suggested that something might be put in the paper about it. The motion was then voted on and was defeated. 1 vote yea (McGuire) 3 votes nay (O'Bryhim, Fox, Cordts). Minford was asked to get something in writing from the Historical Society in reference to their policy. The matter was tabled to the March meeting.

REQUEST FOR ANNEXATION/INSTALL STREET: Bob Shepard was present to request the city give consideration to extending Ash Street south to the cemetery road. He said part of the property is in the city limits and part of it would have to be annexed. Shepard said he would like to sell lots for new homes and he would be willing to install a gravel street but could not afford to put in a blacktop one. One member noted others had been turned down recently when they requested a street and that property had been in the original city and had retired many bonds etc. Shepard's idea to install a gravel street was discussed at length. One member noted he hated to turn down new construction. Another member said if it is graveled it would eventually fall to the city to pave it anyway. It was also noted if only one house was built it wouldn't be feasible. Shepard had said he had tentatively sold one lot. He also said he didn't intend to have it platted. He just intended to have it surveyed and then sell one lot at a time. Utilities to the lots was also discussed. The Mayor said he was still concerned about the road, he said he didn't want the city to be set up to have to maintain a mud bog. He felt some boundaries needed to be set in reference to this. He said he didn't want the city to have to go in and rebuild this road for two or three years before it is sealed. It will be necessary to decide who is going to do that.

Bruce Smith was instructed to obtain whatever information is necessary in connection with the road building and also to get estimated costs for water and sewer service to the area. The subject was tabled to the March meeting.

HOUSING COMMISSION REAPPOINTMENT: Mayor Hamit asked that Morris Wilson be reappointed to the Housing Commission. Dale Fox made the motion, seconded by Floyd McGuire to reappoint Morris Wilson to a four year term on the Housing Commission. Motion carried.

CLERK REPORT: The clerk reported Rae Johnson had requested a MPH reduction sign be placed on the county road north of the city limits. She said she did not feel it was right to drop from 55 to 30 without notice. The clerk was instructed to write to the proper authorities, noting this is a violation and should be taken care of right away.

The clerk brought up the subject of dog tags. The matter was tabled to the November meeting.

CITY MAINTENANCE REPORT: Bruce Smith reported wells 2 and 3 had been repaired but there was still some problem with them. He thought it would be fixed right away.

Smith reported in checking out another item, it came to his attention that fire hydrants should be installed at several locations. He said they were beyond the 300 ft limit for adequate fire protection. He was instructed to check out all areas of town and get back with the council at the March meeting. It was noted the fire hydrants would be installed wherever necessary.

Smith requested permission to purchase a new push lawnmower. He was instructed to get prices and present them to the council at the March meeting for review.

POLICE REPORT: Ed Harmison gave the police report in the absence of Police Chief Dean.

Harmison reported Douglas County now has put in the 911 emergency number. He said it takes in the 665 prefix in the west portion of Douglas County which also means it takes in Overbrook. The subject was discussed at length. The clerk was instructed to check into all aspects as to whether we are to use the number, if it would take longer to get emergency service if we do, etc. The subject was tabled to the March meeting.

MAYORS REPORT: Mayor Hamit reported he had received a letter from the After Prom Party sponsors requesting a donation. He noted the council had approved \$100 last year. Dale Fox made a motion, seconded by Cliff O'Bryhim to approve the donation of \$100 to the After Prom Party. Motion carried.

Mayor Hamit reminded the members that the Community Improvement Council meeting would be February 14. He also announced the Osage County Economic Corp meeting would be February 21 at Merlin's Place in Osage City for dinner and the business meeting would be at the board room of Kan-Build Corp.

He also reported he had received a communication from the Kansas Community Leadership Organization extension service of Kansas State in reference to a leadership training program. He said anyone wishing to attend, let the clerk know.

ADJOURNMENT: Floyd McGuire made a motion, seconded by Dale Fox to adjourn the meeting. Motion carried. The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Mildred J. Cannon
City Clerk

mjc

APPROVED

March 13, 1991

file copy



KANSAS STATE HISTORICAL SOCIETY

CENTER FOR HISTORICAL RESEARCH

120 West Tenth ▪ Topeka, Kansas 66612-1291 ▪ 913/296-3251

KANSAS MUSEUM OF HISTORY

6425 South West Sixth ▪ Topeka, Kansas 66615-1099 ▪ 913/272-8681

February 11, 1991

Manie Minford
Overbrook Betterment Committee
221 Walnut
Overbrook, Kansas 66524

Dear Manie:

Thank you for your visit last week regarding the eligibility of the Overbrook City Hall and Ridgeway Lodge No. 62 A.F. & A.M. for the Register of Historic Kansas Places. The building appears eligible for listing on the Register of Historic Kansas Places and I would encourage the Overbrook Betterment Committee to pursue such a listing.

To develop the social history for the Overbrook City Hall and Ridgeway Lodge No. 62 A.F. & A.M. your committee will need to answer the following questions and address the following issues.

- 1) Briefly discuss the history of Overbrook. When was Overbrook founded and why. Describe downtown Overbrook in 1897- what businesses were there?
- 2) Discuss the history of the Kansas State Bank from its founding to its present state. Who was involved in the founding of the bank and who was active with the bank in 1897, when the building was constructed?
- 3) Discuss the history of the Ridgeway Lodge No. 62 A.F. & A.M. from its founding to its present state. Discuss the lodge's involvement with the building.
- 4) Who actually constructed the building? Who supplied the materials for the building? Who designed the building?
- 5) Provide older photographs of the bank, interior and exterior.

To accomplish this research, I would suggest that the committee first look at all secondary source material dealing with Overbrook's history. These sources are available at the local library and at the Kansas State Historical Society. From there,

Minford (2)

search the newspapers from the construction period. These newspapers are available on microfilm at the Kansas State Historical Society. From there, contact the Kansas State Bank to review their historical records.

This information should be compiled into an essay format. Specific documentation for all facts and figures is important, so remember to footnote and to develop a bibliography.

Once the essay is compiled it should be sent to me for my comments and evaluation. When I feel that enough information has been compiled to justify the significance of the building for registration purposes, I will schedule a site visit to photograph the building, and will schedule the building for the next possible State Review Board meeting for register consideration.

Once the building is listed on the Register of Historic Kansas Places, it becomes eligible for 90/10 maintenance grants through the Heritage Trust Fund, a program that is administered through our office. Additionally, once the building is listed on the register it falls under the review protection of the Kansas State Historic Preservation Law. This law is triggered when a permit is requested for a project that directly or indirectly effects a state or national register building. Before the permit can be granted, our office must provide an opinion as to the impact of the project on the register property. If there is a negative impact, our office will work with the project sponsor in an effort to mitigate all negative effect.

The intent of register listing is to protect historic properties from demolition and alterations. The Heritage Trust Fund and the Kansas State Preservation Law are effective tools that can be used in the direct preservation of register properties.

I am very pleased that Overbrook has expressed an interest in the registration of the Overbrook City Hall and Ridgeway Lodge No. 62 A.F. & A.M. I look forward to the opportunity of working with the Overbrook Betterment Committee on this project.

Sincerely,

Martha Hagedorn-Krass

Martha Hagedorn-Krass
Architectural Historian
Historic Preservation Department
913-296-5264

QUESTIONS AND ANSWERS
Concerning
The Protective Measures of the Kansas Historic Preservation Law

1. Question: What governmental entities are affected by the state preservation law?
Answer: The state and all state agencies, boards, institutions, offices, authorities, commissions, colleges, hospitals, etc., and any county, township, city, school district, special district, regional agency, redevelopment agency, and any other political subdivision of the state.

2. Question: Which properties are protected by this law?
Answer: Only those buildings, structures, sites, objects, and districts listed on the National Register of Historic Places or the Register of Historic Kansas Places and their environs.

3. Question: How can one determine what properties are listed on the National Register of Historic Places or the Register of Historic Kansas Places?
Answer: Call or write the Historic Preservation Department, (hereafter referred to as HPD) Kansas State Historical Society, 120 West Tenth, Topeka, KS 66612, (913) 296-7080.

4. Question: Who is the State Historic Preservation officer (hereafter referred to as SHPO)?
Answer: Ramon Powers, Executive Director, Kansas State Historical Society, 120 West Tenth, Topeka, KS 66612.

5. Question: To whom should questions and requests be addressed?
Answer: Historic Preservation Department, Kansas State Historical Society, 120 West Tenth, Topeka, KS 66612.

6. Question: What constitutes a project?
Answer: As defined in the 1981 amendment to the state's historic preservation law, a project is
 - a. any activity directly carried out by state or local government entities;
 - b. any activities carried out by individuals, firms, organizations, etc., which receive financial assistance from any state agency or local government entity;
 - c. Any activities involving the issuing of a lease, permit, license, or certificate by a governmental unit--this would include zoning changes.

7. Question: How can a city, county, or other governmental entity most easily comply with the requirements of this act?
Answer: It should do three things: (1) Identify all recognized historic properties within its geographical jurisdiction. (2) Prepare a map indicating the boundaries of the historical properties with an indication of the 500 foot urban limits and the 1,000 foot rural limits, whichever is applicable. (3) Insure that adequate notice is provided to the SHPO of any project that may adversely affect any such historic property or its environs.

8. Question: When must a project be submitted to the SHPO for review?
Answer: When it has the potential to affect adversely an identified historic property or its environs and it is located within 500 feet of a historic property within city limits or within 1,000 feet in an unincorporated area. Adverse effects can occur under conditions which include but are not limited to the following:

- a. destruction of all or part of the property;
- b. alteration of all or part of the property;
- c. isolation of the property from its surrounding environment;
- d. introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting;
- e. destruction or substantial alteration of all or part of the property's environs.

The law states that projects which "encroach upon, damage or destroy..." historic properties or their environs cannot proceed without the SHPO's review. To insure that no such actions occur, the SHPO recommends that all projects which may possibly involve or affect historic properties in any way be submitted for review.

9. Question: Can the SHPO review projects beyond the notification limits of 500 and 1,000 feet now specified in the law?
Answer: Establishment of the notification limits does not preclude the SHPO from reviewing and commenting on projects that are of such size and consequence that they affect historic properties beyond those limits.

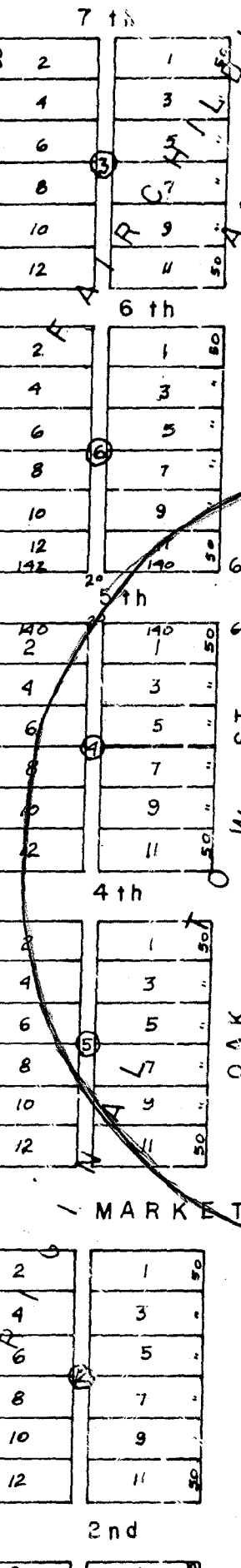
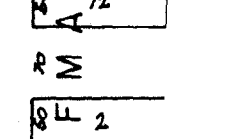
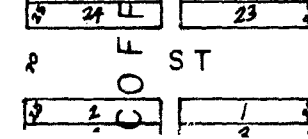
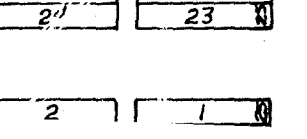
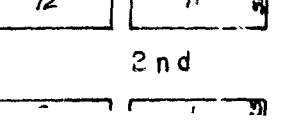
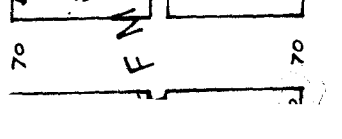
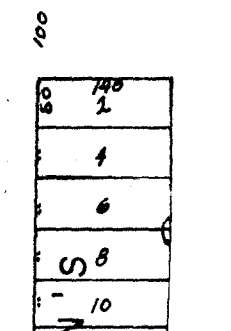
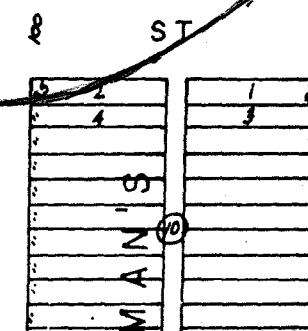
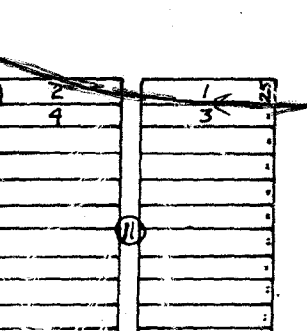
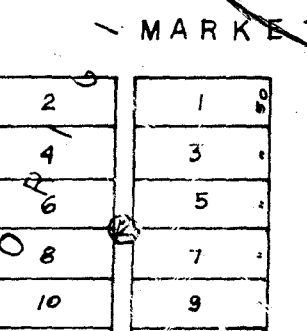
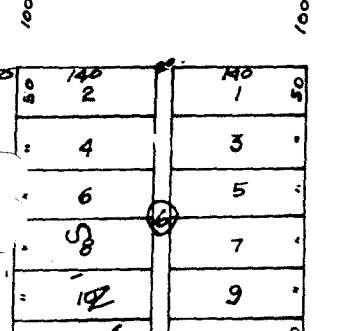
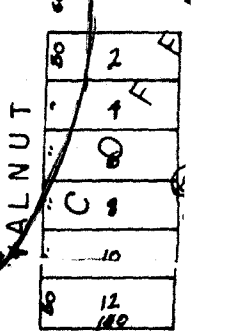
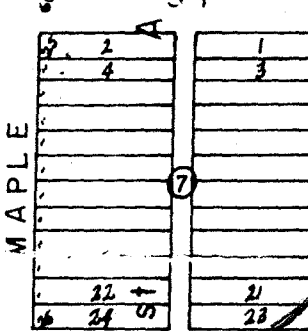
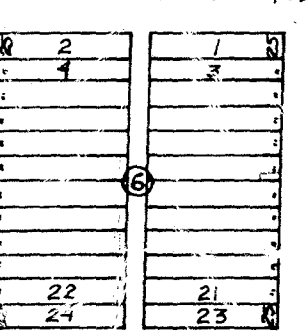
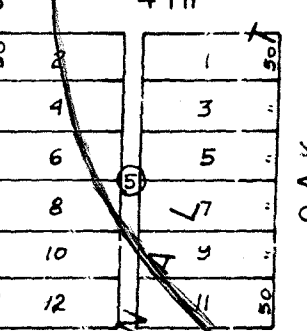
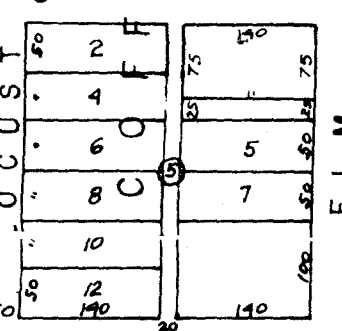
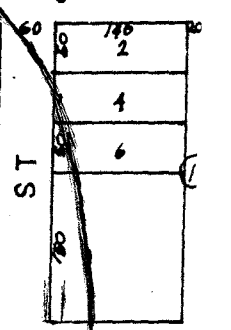
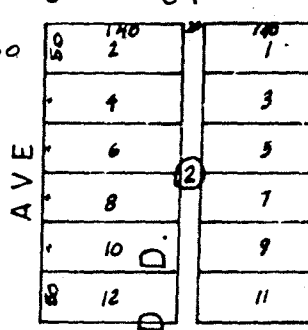
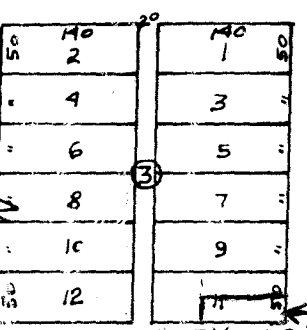
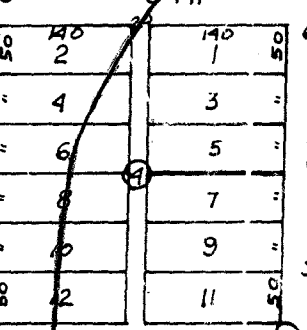
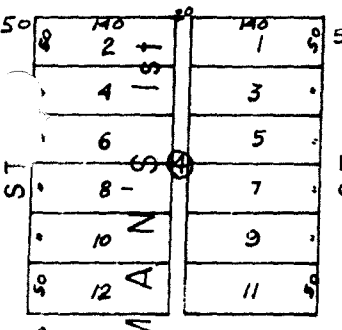
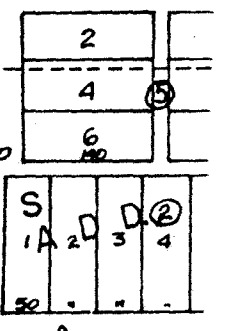
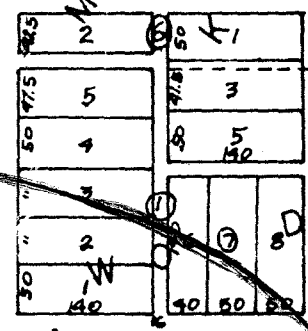
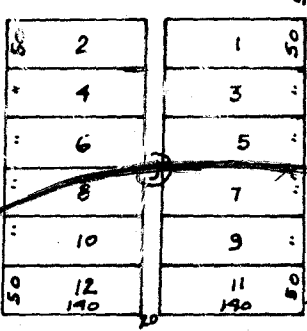
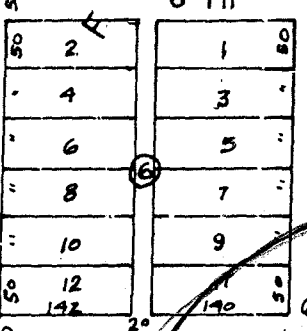
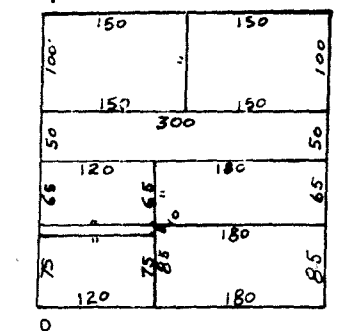
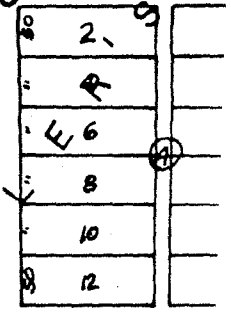
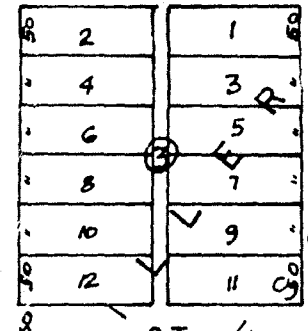
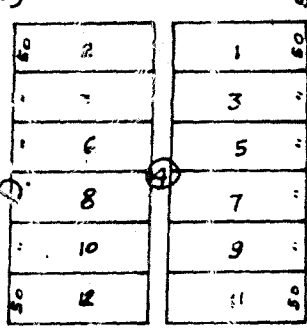
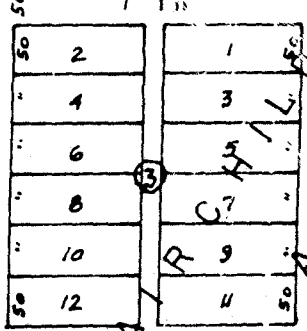
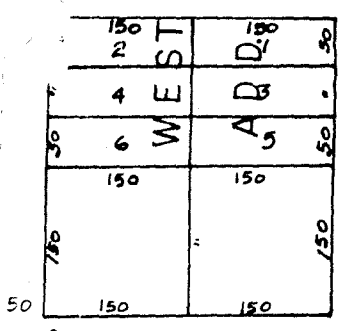
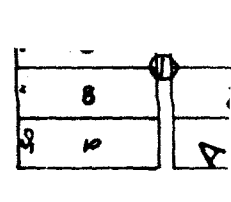
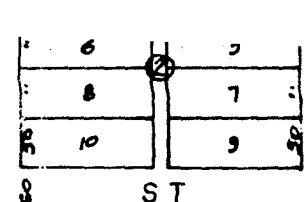
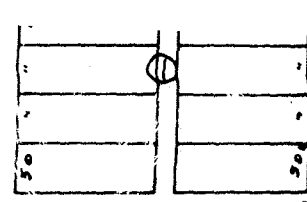
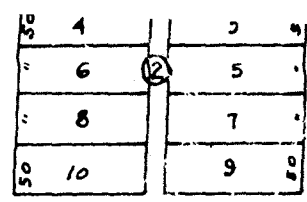
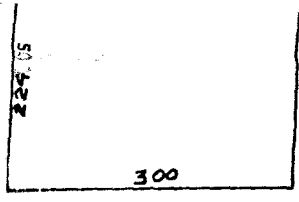
10. Question: How does one notify the SHPO of a project?
Answer: An official, employee, consultant, or other representative of the governmental unit involved may send a letter to the SHPO describing the proposed project and requesting his comments in accordance with K.S.A. 75-2724, or in the case of a city which has been requested to issue a permit, the property owner may be required by the city to obtain the SHPO's review and comments. Depending on the nature of the project, photographs, drawings, maps, plans, specifications, historical documentation, or other available materials that would help to explain the project should be included. Although written notice is necessary to initiate official review, telephone inquiries are encouraged as a means of checking with HPD staff on historic property locations, potential effects of a proposed project, project

changes, etc. The SHPO recommends that contact be initiated with the HPD staff in the very earliest stages of project planning to insure that proposed projects will not adversely affect historic properties or their environs.

11. Question: How will the SHPO investigate the project?
Answer: Depending on the type and complexity of the project, the SHPO and his staff may do some or all of the following: analyze the plans, specifications, maps, photographs, and other forms of data explaining the proposed activity; inspect the historic property that may be affected; hold a public hearing to gather information, determine local attitudes and explore alternatives; request the advice of the Kansas Historic Sites Board of Review; conduct historical, architectural, or archeological research; consult with recognized authorities in history, architecture, architectural history, archeology, or other relevant fields.
12. Question: How long will it take the SHPO to review a project?
Answer: According to the law, the SHPO's investigation of a project must begin within 30 days following his notification. If it doesn't, the project is considered to be cleared. As a rule HPD staff will study the project information within ten working days after it is submitted. If more material is needed, it will be requested, and the investigation will not proceed until sufficient information is obtained for the SHPO to make a decision. Most project reviews can be concluded within fifteen working days.
13. Question: What decisions can the SHPO make on a proposed project?
Answer: Legally, he has only two options. He may determine that the project as proposed will have no adverse effects on the historic property and clear it, or he may determine that it will "encroach upon, damage or destroy..." the historic property or its environs. Unofficially, prior to the SHPO's rendering of the second opinion, HPD staff will try to work with the project sponsor to make adjustments in the project that will avoid adverse effects to historic properties and so alter the project that it could be approved. If changes cannot be made, the SHPO may then formally send a letter to the project sponsor in which he "determines that such proposed project will encroach upon, damage or destroy..." a historic property.
14. Question: What is the result of the SHPO's determination of an adverse effect?
Answer: The project cannot proceed until (1) the governor, in the case of a state project, or the governing body of the local political subdivision involved has determined after consideration of all relevant factors that no "feasible and prudent alternative" exists to the proposed project and that the project contains provisions to minimize damage to historic properties and (2) five day's notice of such determination has been given to the SHPO by certified mail.

15. Question: Is there any appeal from a local governing body's determination of "no feasible alternative."
Answer: Yes. Anyone aggrieved by such a decision may appeal it to the district court having jurisdiction in the county where the affected historic property is located.
16. Question: What happens if a state agency or local governing body decides to ignore the requirements?
Answer: Enforcement can be sought in the district court having jurisdiction where the violation occurred or is threatened. Those having standing to bring action in court include the state; all political subdivisions having the capacity to sue or be sued; the Kansas State Historical Society; and city and county historical societies which have been organized for two years, have elected officers and have received compensation, funds, or reimbursements from a city or county.
17. Question: What are the penalties for carrying out projects without first obtaining the required review?
Answer: A 1988 amendment to the state preservation law provides that fines up to \$25,000 and other relief may be sought in district court by the attorney general against persons or entities who implement projects that encroach upon, damage or destroy historic properties before seeking and obtaining required building or demolition permits. Thus, persons or entities cannot with impunity neglect to obtain a city building or demolition permit in order to avoid review by the SHPO.

Historic Preservation Department
Kansas State Historical Society
120 West 10th Street
Topeka, KS 66612-1291
(913) 296-7080



CITY HALL

MARKET

2nd

ST

M