

MINUTES

CITY OF OVERBROOK

APRIL 8, 1992

MEMBERS PRESENT; J.A.CORDTS, MARK CRIGER, DENNIS GRAVES

MEMBERS ABSENT; DALE FOX, CAROLYN MEERIAN

OTHERS PRESENT; STEVE JONES, IRA ALLEN, SCOTT THOMPSON, JOANN ALLEN, LARRY WOODSON LARRY COURSEN, LILA HAMIT, JO HERMAN, SANDY STUTESMAN, CONI FENTON, MARY GRAVES, SHAWNA GRAVES, JIM DUNCAN, RICH CARTER, STEPHEN COURSEN, MIKE GERISCH, JERRY AND WILMA SICKS, CHERYL BROWN, BRUCE SMITH, RON DEAN, MAX FRIESEN, ED HARMISON

The meeting was called to order at 7:30 pm by Mayor Hamit. The Assistant Clerk called the roll. There was a quorum present.

MINUTES\WARRANTS; The minutes of the March 11, 1992 regular meeting were reviewed. There was some discussion in reference to a clerk's note about EMT insurance coverage the the misspelling of a name. After a brief discussion, Mark Criger made a motion, seconded by J.A.Cordts to approve the minutes with changes. Motion carried. Warrants No. 7587 thru 7646 were presented for payment. J.A.Cordts made a motion, seconded by Mark Criger to approve all warrants. Motion carried.

INSURANCE BIDS: Ira Allen, Agent for Community Insurance Svc. Overbrook and Scott Thompson, Agent for Citizens Insurance Service, Osage City were present to quote on the insurance coverage for the wells, pump houses, lift stations and chlorine building which had previously been held by the Friesen Wilhite Agency. Also discussed was both insurance agencies desire to bid on a full city package. Mayor Hamit explained no decision could be made tonight due to one member having a conflict of interest. He said the subject would be tabled until the May meeting when there will be a quorum present.

FLAG POLE\BALL PARK; Joann Allen, president of the Community Improvement Council reported the CIC would like to install a lighted flag pole at the ball park. She said the Ball Assoc had agreed to furnish a flag and also maintain it. She said both the CIC and the ball assoc. were interested in the possibility of the city providing the lighting for the flag which would be put up the first of the season and taken down at the end of the season. She said she had checked with Don Kiem about the lighting. He had advised her that the cost would be approximately \$400 if the flag was installed at the west end of the field between the two ball diamonds. He said if the flag was installed at the East end of the field the cost would go up to approximately \$1,000. A short discussion was held after which J.A.Cordts made a motion, seconded by Dennis Graves to approve up to \$400 to help defray the cost of installing the electrical service to the flag pole. Motion carried.

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REQUEST TO VACATE STREET EASEMENT: Mayor Hamit read a letter from Lois and Duane Shuck in reference to vacating the dedicated street easement for Second Street between Walnut and Cedar. They would like to use the area to park their semi truck and trailer in lieu of parking it on the street. One member felt the city should keep the dedicated easement but saw no problem with Shuck parking his truck there. Bruce Smith noted there was a sewer line within the east portion of the street easement but there are no utilities on the west portion. The assistant clerk reported the Shucks were aware nothing could be done until the subject was fully researched. It was agreed to table the subject until the May meeting. It was also agreed by consensus to allow them to rock the area in question until the council could make a decision.

CONDEMNATION HEARING-8:00 PM (SEE ATTACHED)

ANIMAL CONTROL: A number of day care providers, along with several concerned citizens were present to request something be done about stray cats and dogs around town. Lila Hamit, speaking for the day care providers discussed the providers concern in reference to the rabies epidemic. She noted when the children are let out to play, fences do not keep cats out. She said they were hoping the council might look into passing an ordinance requiring all animals to have rabies shots and be registered with the city. Of prime importance was their wish to have restrictions on cats. There was some discussion as to why all animals are not treated the same inasmuch as the criminal code says "it shall be unlawful for any person to keep, own or harbor with the corporate limits of the city, any animal over six months of age without first obtaining a permit, for from the city treasurer. No permits shall be given except upon presentation of the rabies vaccination certificate."

Police Chief Dean said he felt everyone here should be aware of what the city deals with in regard to government restrictions concerning the transporting, housing, etc of the animals. He said these restrictions are very strict in regard to the buildings used to impound the animals along with restrictions about transporting the animals. He said we cannot just go out and catch a cat or dog and take it to Topeka anymore. As a small community it has been very difficult to comply. We spend a lot of time and manhours on the animal control and it hasn't been effective. Mayor Hamit noted what Dean was referring to is we can no longer capture an animal and keep it in the enclosure used in the past. Since we don't have a proper facility, we are required to take the animal immediately to Topeka for impoundment. If we try to do it ourselves the building would have to be temperature controlled. Dean said it is a real problem on Sundays, the pound doesn't take animals so what do we do with them? Steve Jones, City Attorney reported concerning the new legislature enactment dated March 30, 1992 that it is unlawful for any city or officials thereof to operate a pound or an animal shelter as a pound unless a license has been obtained (cost \$200). He went over

a long list of rules and regulations set forth by the state, including 'a veterinarian must be on hand.

Council discussion also involved getting special tags for cats, limiting the number of cats allowed per household and hiring an animal control officer. Mayor Hamit felt the first thing the city needs to do is educate the citizens with our present ordinance and maybe also adopt an ordinance limiting the number of cats per household. He felt the possibility of trapping or controlling them some way for the long term would be advisable. He noted these things take time but will be taken care of soon. He thanked everyone present for their concern and input.

In reference to an animal control officer, areas of concern were should we have someone on an as needed or part time basis, should the person be commissioned so they could levy fines or citations. The subject was tabled until the clerk and police chief could check into all areas.

It was agreed by consensus to limit the number of cats per each household to three. The clerk was instructed to write an ordinance to be brought before the council at the May meeting.

COUNCIL MEETING DATE CHANGE: Mayor Hamit noted inasmuch as we know ahead of time there will not be a quorum present at the regular May meeting, the council should pass an ordinance changing the date of the May meeting. Dennis Graves made a motion, seconded by Mark Criger to adopt ordinance No. 171 changing the May 1992 regular council meeting from May 13 to May 20. Motion carried.

BALL PARK\BACKSTOP OVERHANG: Jim Duncan and Rich Carter were present to request something be done in reference to the backstop overhang at the north ball diamond. They felt the overhang was not far enough out and there was the possibility of a foul ball injuring someone. They said they hoped the city would help defray the cost of making it safe. They said at this point they have not been able to come up with an exact dollar amount but it appears it will cost around \$2,000. They thought if they could just build onto ^{the} present one they could hold the price down. The subject was discussed at length. The council agreed by consensus that they would be willing to help but they would need a definite dollar amount. The subject was tabled to the May 20 council meeting. It was noted ball season starts May 26.

PART TIME MAINTENANCE: Bruce Smith asked if the council had decided whether to hire another part time maintenance helper again this summer, and if so, if they had any guidelines regarding duties. He said he had a helper last year and originally the council had intended to have some drainage problems taken care of but they weren't able to get much done on it. Bruce said he chose to do some much

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needed work on problem areas within the water department which didn't leave much time for the drainage problems. He said he still had quite a bit of work within the water department. Some of the things he really wanted to accomplish were efficiency of the water system, repairing water meter pits and replacing water meters. Also some water lines need either extended or replaced, some fire hydrants need to be replaced because they are not shutting off as they should, replacing street and traffic signs and raising water valve boxes. He also said the swimming pool needs to be painted this year. He said last summer one of the items taken care of was installing a metering system for the water coming into town. He said he was amazed to find out that the percentage of loss outside the city was not nearly as high as he would have thought and that most of the problem with loss was within the city. He said he still wanted to take care of drainage problems. He noted several areas that he specifically wanted to address, such as the alley behind the grocery store and along the north side of the lumber yard where the large trucks back up and do a lot of damage which diverts the water as much as 90 degrees.

Several members reiterated they had wanted the drainage ditches taken care of - that was why a helper was hired. Smith said he preferred not to do it on a piecemeal approach. He said you fix one spot and it makes trouble in another. Mayor Hamit noted he did not think the intent of the council last year was just to give a bandaidd attempt but to go in and really clean them out. It was agreed by consensus if help is hired this year, they definitely wanted the drainage ditches addressed. After the subject was discussed at Mark Criger made a motion, seconded by Dennis Graves to hire summer maintenance help at \$5.00 per hour. Motion carried. It was agreed Bruce Smith and Mayor Hamit would do the interviewing. The clerk was instructed to place an ad in the official city newspaper to run two consecutive weeks with a deadline of May 1.

WATER DEPT REPORT: Smith updated the council on the rusty water problem. He said well No. 4 was found to have ten times the normal limit. Samples were taken within the city and in most cases, were found to have levels above the prescribed limit. It is not a health hazard but it is definitely a recognized problem. The state recommendations ranged from seeking another source of water (RWD), use the wells in question as little as possible or add chemicals to deal with the problem. He said he checked with the Douglas County Zoning Board and it appears there is not enough room on our easement to place the building required to add the chemical. He said Patchens Pump and Well Service suggested acidizing the well to help remove the buildup of iron. (approx. \$1,000). He checked with the state and they were hesitant to say whether it would help or not. Smith said the acidizing also had other benefits to the well itself so it would not be a waste of time. He said actually it is something that probably should be done every few years anyway. Dennis Graves made a motion, seconded by Mark Criger to authorize Smith to go ahead with the acidization of well no. 4. Motion carried.

Smith reported he had checked again with the RWD to ascertain if the city could obtain a larger amount of water. He said if we wanted to pursue more water from them, we would need to let them know in writing, how much water we anticipate needing so they can calculate the cost. Smith said right now we pull around 100 gpm maximum from all five wells and are presently limited to 40 gpm from the RWD. He felt he should check with an engineer in reference to how much our lines will handle. Mayor Hamit suggested Smith check this out and report back to the Council at the May meeting. The subject was tabled.

MISC; Mayor Hamit asked if the grate work had been finished at Coop. Smith said it will be finished when Craig's Welding comes back to adjust the size of the grill.

Ed Harmison noted there are still three hydrants that are too close to the ground. Smith said he would look into it.

EXECUTIVE SESSION; J.A.Cordts made a motion, seconded by Mark Criger that the council go into executive session at 10:13 pm and reconvene at 10:30 pm. Motion carried. At 10:30 pm Mayor Hamit called the meeting back to order. Mayor Hamit said the council had discussed Smith, Cannon and Brown fill out monthly time sheets showing hours worked, comp time earned(doenig what), sick leave and vacation accrued. Each council member to receive a copy. He said it was for the protection of the employee and no one felt the employees were abusing it, but it would give the council a chance to protect the employee. He noted Smith might work several hours late in the evening or middle of the night with a water break or snow removal then someone would see him doing personal business at mid afternoon and not understand. This way the council will be able to maintain a tracking system.

Mayor Hamit also said it had been agreed that Dale Fox would be liaison for the maintenance department, Dennis Graves would be liaison for the law enforcement officers, and Mark Criger liaison for the pool operations.

UNFINISHED BUSINESS; Ed Harmison brought up the subject of the Fourth of July fireworks display. He said due to the fire department being involved in a fund drive for an Automatic Defibrilator they would not be involved in the Fourth of July fund raisers. He did say they would be happy to oversee the firing of the displays etc. One member said they were under the impression Dale Fox was to meet with the fire department in connection with the Fourth of July celebration. Ed said he had not as yet. It was noted the city had acquired liability insurance again at a cost of \$750 for one year, the same cost as last year. It was noted the city was reimbursed \$300 last year. The subject was tabled until the May meeting when Fox could be present.

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SEWER REPORT: Bruce Smith requested a decision in connection with the sewer problems at Davis Meat Processing. He said right now he is adding chemical and running more water through the line. He said he had to clean it out three times over the last three years. He suggested running the line over to connect with another outfall line, thus keeping water running through the line in a greater amount. Smith also asked if the council felt the city should pay all or have Davis contribute also. After the subject was discussed at length, it was agreed by consensus for Smith to check it out and if feasible go ahead and take care of it. In regard to who should pay, one member felt if Davis was charged anything it should be a small percentage.

INSURANCE\AGENT OF RECORD: Mayor Hamit reported he had received a form letter from Community Insurance Services. He said the gist of the letter was we would be designating Community Insurance Services our agent of record so Employer's Mutual Insurance will allow Community to bid the insur. There was some question in connection with one section which appeared to lock in the city's insurance with this agency only. It was agreed to table the matter until the May meeting which would give the clerk time to research the subject and possibly see that changes are made.

Dennis Graves made a motion, seconded by Mark Criger to adjourn the meeting. Motion carried. The meeting was adjourned at 11:00 pm.

Mildred J. Cannon, City Clerk

May 20, 1992

APPROVED _____