

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED: _____

5-11-05