

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

APRIL 28, 2004

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

OTHERS PRESENT: Rosemary Topping, Paul McCartney, Joyce Dillon, Michael Coffman, Pat McKenzie, Bob Call, Ed Harmison, Cheryl Brown, Everette Dannar (8:40 pm).

The council meeting was called to order by Councilmember Ira Allen in the absence of Mayor Young and Council-President Smith at 7:00 PM. Roll was called by the clerk to establish the presence of a quorum.

MINUTES / WARRANTS: Jim Gates made a motion, seconded by Rich Hamit, to approve the minutes of the April 14th meeting with changes regarding the Blue Cross Blue Shield health insurance quotes and coverage. Motion carried 4-0.

There were no warrants presented for payment.

SEWER ORDINANCE: Michael Coffman was present to review the model sewer ordinance. Ira Allen pointed out that the garbage disposal requirement should be ½ horsepower rather than ¾ horsepower. He also recommended that the maximum fine for violations be changed to “up to \$500” to increase the effectiveness of the ordinance. The new service connection fee will remain at \$100.00. More discussion was tabled until Marian Massoth is present.

LIMB DISPOSAL SITE: Several locations for a disposal site for trees, limbs, and leaves were discussed. Ed Harmison suggested using the southeast corner of the lagoon property. Regulating time and access was discussed. The condition of the previous site was mentioned. Harmison said that there hadn’t been much household waste left there, because he’s opened bags in the past. Jim Gates made a motion, seconded by David Gerisch, to designate the southeast corner of the lagoon property as a disposal site for **limbs, leaves, grass and other organic yard waste**. Motion carried 4-0. This means that nothing else is to be left there. The site will be closed if the rules aren’t followed.

POOL PAINTING BID: After discussion, Jim Gates made a motion, seconded by Rich Hamit to approve the bid from Herrick’s to paint the pool for \$3105.00 providing Herrick can have the job done by May 15th. Motion carried 4-0. David Gerisch said he would contact Herrick and contact the council if there’s a problem with the completion date.

ZONING RECOMMENDATION: The council reviewed the Planning Commission’s recommendation to deny the zoning change request by Robert Ellis for the property at 403 W. Market. Several residents in the neighborhood had voiced their objections at the hearing. Jim Gates moved to accept the Planning Commission’s finding to deny

the request. David Gerisch seconded; motion carried 4-0. Patricia McKenzie, one of the neighbors, thanked the council.

MAINTENANCE: Bob Call informed the council that the diving boards are having Vortex applied at a cost of \$80 each. Jim Gates congratulated Call on passing the Wastewater Systems test, as did the rest of the council.

LAW: Chief Harmison told the council that Everette Danner has learned of a 3-day school which will meet the yearly required training hours for the year. The only cost to the city will be gas for the patrolcar and police coverage in their absence. The council approved Harmison, Danner, and Ted Miller attending the training.

POOL: Rich Hamit told the council that Rachael Strohm will meet with the council before she hires an assistant manager, but she needs to start hiring lifeguards soon.

ANNEXATION: Michael Coffman told the council that he's in the process of drafting a final ordinance to annex the parcels of property within the city limits that have never been recorded with the county for some reason. This should be ready by the next meeting.

REMNANTS OF HOUSE: Ira Allen asked what can be done about the house on Walnut that was damaged by fire. Chief Harmison said that he was told by the owner that he had to wait on his insurance company, but that it has been condemned and he's now waiting on a contractor to remove the rest of it. Allen then asked if the city has any law that applies to property that has been vacant and neglected for a certain period of time. Harmison said that could be considered from a health and safety concern. Michael Coffman said that there might be something in the city's Nuisance ordinance that would apply to that situation.

SEWER HOOK-UP: Rosemary Topping was present to discuss the recent discovery that her residence had never been connected to the city sewer system until very recently. Michael Coffman asked what Topping wants from the city. Topping feels that she should receive some kind of reimbursement for the 45 years of service charges, but she's not sure what's fair. Coffman said that he had talked to KDHE, and has concluded that there are probably violations regarding her not being connected to the city system, but that's not his primary concern. He said that he's concerned about what precedence will be set by any action taken now, because there's no way to know how many other houses may be in the same situation. Topping said the only way for other people to know that is to have to dig up their whole backyard. Coffman said that when the sewer system was installed 45 years ago, someone would have been contracted to make sure all the houses were connected, but there's no way to check that out now. Coffman stated that there is a 3-year statute of limitations regarding any compensation, but he's uncertain that the city is under any obligation to pay anything. He does realize that sewer charges have been paid for the last 45 years. Mayor Young asked Topping if she has an idea of her expenses as of this time. Topping asked the council what they, as individuals, would do under the same circumstances. They told her they'd do just what she's doing. She then said she's spent \$1500, and still has some yard work to pay for. Ira Allen said that there's the matter of the council being responsible for enforcing the ordinance requiring houses to be connected to the sewer. Rich Hamit said that the current minimum charge of

\$5.00 per month for the 20 years of her ownership amounts to \$1200. Ira Allen suggested paying half of the expenses or \$750.00. Rich Hamit made a motion, seconded by Jim Gates, to offer Topping \$1200 reimbursement with the provision she signs a release from future claims regarding this matter. Motion carried 3-1, with Allen voting against. Topping said she would accept the offer and sign the release. Hamit also suggested sending letters to all residents informing them that the city won't be responsible for illegal hook-up's or the lack of any hook-up. The clerk said she could issue the check with the payroll checks tomorrow.

EXECUTIVE SESSION: Jim Gates 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 closed at 8:17 PM. The mayor opened the meeting at 8:22 PM; no action taken at that time.

MISCELLANEOUS: Ira Allen asked for verification of the city having a Planning and/or Zoning board in the future. Mayor Young said that there are 3 members of the existing commission that won't be re-appointed, and he's in the process of finding people to replace them. Requirements for being connected to the city sewer system were discussed. Joyce Dillon asked if anyone who's currently not connected will be required to connect if and when the new ordinance is adopted. Michael Coffman said that the proposed sewer ordinance has definite language about a time limit for everyone to be connected.

PERSONNEL POLICY: This was tabled until the one from the League of Municipalities can be further reviewed, and all councilmembers are present.

FISH FOOD: Mayor Young said that the Co-op has given permission to store the fish food purchased through Wildlife & Parks. Bob Call was asked to check to see if the city can get a similar quality fishfood through Co-op when we can compare the ingredients.

SEWER ORDINANCE REQUIREMENTS: There was discussion about the sections referring to not allowing septic tanks within the city limits under any circumstances. The wording will be changed to accommodate those already in existence due to the city not being able to provide sewer service because of the physical land conditions. The council agreed by concensus to charge the same amount, \$100.00, for all sewer hook-up inspections for new construction. There was discussion about the fee for approving a septic tank installation, and exactly what requirements would have to be met. Coffman recommended prohibiting private systems from this point on, but insert another clause that allows the city to inspect those in existence to preserve public health and welfare. There was discussion about the possibility of installing a pre-treatment tank at the meat processing plant, and how this would apply to the proposed sewer ordinance. Coffman said he would have a finished ordinance for the next meeting.

Marian Massoth said that KDHE had told her that their requirements would allow the city to hire someone to inspect for illegal sewer hook-up's as long as the city provided a small amount of training.

Massoth said that the contract for sewer inspection and cleaning has to be approved by KDHE. There was discussion about a time limit for completing the work. Massoth said she would call the contractor and send it to Coffman for his approval.

She also said that she would like Coffman's opinion about some kind of agreement with land owners who will allow sludge to be applied to their property. Coffman said the best option is to make the applicator responsible for taking care of the sludge. This could be covered in the contract with the land applicator. He did say that the property owner would most likely be more comfortable with some kind of guarantee from the city.

Massoth hasn't checked with Utility Maintenance about providing sizing and connections along with the cleaning and inspecting, but will contact them soon.

She said that the final plans for the wastewater project are being processed, and that the lagoons will need to be fenced in. She did say that some fencing will need to be replaced.

PERSONNEL POLICY: This was tabled until Bruce Smith is present. The mayor said he would like the council to be prepared to discuss, recommend changes, and act on a personnel policy at the next meeting.

COUNCIL MEETING NIGHT: Rich Hamit said that Thursday night's seems to be the best choice for all concerned. Jim Gates mentioned that he's concerned about people getting used to a change. Rich Hamit made a motion, seconded by Bruce Smith, to change regular council meeting nights from the second and fourth Wednesday of the month to the second and fourth Thursday of the month. Carried 3-2 with Allen and Gates voting no. This will be effective in June, 2004.

COUNCILMEMBER COMMENTS: Bruce Smith reported that he has attended a meeting regarding the formation of a new water district. At this point, the main things being considered are who wants to be involved and to what extent. Smith did say that probably those not involved from the start will not have much of a chance to buy water at a later time. He again stated his concerns about Osage Rural Water District #5 being able to furnish the city's full allotment if necessary. The council agreed by consensus to continue pursuing this water supply. The next meeting will be May 6th at Kansas State Bank.

Smith said that the school board seems to be interested in the city's idea about solving the drainage problem at the grade school. Nothing will be decided until fall.

Jim Gates said he would like to get back on track with the Trail's project. Gates said he hasn't been able to contact Roger Harmon, but will keep trying.

The mayor said that having the insurance company hold a percentage of the payment for the demolition of condemned buildings should be considered by the council.

Rich Hamit commented that the gate at the bottom of the exterior stairs looks good.

EXECUTIVE SESSION: Bruce Smith made a motion, seconded by David Gerisch, to go into executive session for 10 minutes to discuss matters not related to elected personnel. Motion carried. The meeting was called back to order by the mayor; no action was taken.

STREETS: The mayor said he had been contacted by a company about street sealing. Mayor Young said that Jim Gates and Bob Call need to look the streets over soon.

