

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

MAY 12, 2004

MEMBERS PRESENT: Ira Allen, David Gerisch, Rich Hamit, Jim Gates, Bruce Smith. Mayor Young arrived at 7:20 pm.

OTHERS PRESENT: Yolanda Dickinson, Sue Martin, Charles Hamner, Joyce Dillon, Patty Hylton, Bob Call, Ed Harmison, Cheryl Brown, Everette Dannar.

Council President Bruce Smith called the meeting to order at 7:00 PM in the absence of Mayor Young. Clerk Brown called the roll; a quorum was present.

MINUTES / WARRANTS: Ira Allen made a motion, seconded by Jim Gates, to approve the minutes of the April 28, 2004 as written. Motion carried 5-0.

Jim Gates moved to pay all warrants presented; Ira Allen seconded. Motion carried 5-0.

COMPREHENSIVE PLAN COMMITTEE: Sue Martin, Yolanda Dickinson, Charles Hamner, and Bruce Smith are the steering committee for the development of a comprehensive plan for the city. Sue Martin, acting as spokesperson for the group, reported on the progress the committee has made. They have written an informational brochure explaining what a comprehensive plan is and why Overbrook should have one. The committee is going to visit with as many civic groups as possible for informational purposes. They have put together a SWOT Analysis Exercise to be used in these meetings. SWOT stands for Strengths, Weaknesses, Opportunities, and Threats. The goal is to eventually design a survey, which will be mailed to all community members, in the hope that everyone will take the opportunity to contribute. After the survey, a plan can be formulated and then put into action. Those present then participated in a SWOT Analysis Exercise and discussed the results. The committee will meet again on June 7<sup>th</sup>, and are hoping to meet with as many groups as possible as soon as possible. The council said that they would like to get a report from the committee at the first council meeting each month. There was discussion about the area to receive the survey's. Bruce Smith said he would talk to the postmaster about the number of mailings for Overbrook. The council agreed by consensus to pay for postage.

RESIGNATION: Joyce Dillon, a member of the Planning Commission presented a letter of resignation to Mayor Young. The mayor told Dillon that several of the members are going to be replaced, and asked her if she would consider staying on the commission for at least another month. Dillon said to disregard the resignation, and that she would remain on the commission.

RE-APPOINTMENT OF CITY OFFICERS: Ira Allen made a motion, seconded by Jim Gates to re-appoint the following city officers:

Police Chief:	Ed Harmison
Asst. Police Chief:	Everette Dannar
Part-time Law:	Ted Miller

Randy Harrison  
Bill Warrington  
Ted Craig  
William Nicholson  
Jason Cummins

Maintenance Supervisor:	Bob Call
City Clerk:	Cheryl Brown
City Treasurer:	Patty Hylton
City Attorney:	Michael Coffman
Municipal Court Judge:	Stephen Jones
Municipal Court Clerk:	Shayne Coursen
Animal Control: Part-time:	Mark Tomlinson

Motion carried 5-0.

**PLANNING COMMISSION:** Bruce Smith made a motion, seconded by Ira Allen, to appoint Don Meerian, Glyn Day, and Pat Martin to serve on the Planning Commission until November, 2007. Joyce Dillon and Cliff O'Bryhim will serve until November, 2005.

**PERSONNEL POLICY UPDATE:** Ira Allen said that a special meeting be called to work on the personnel policy. The council agreed by consensus to meet on May 20<sup>th</sup> at 6 PM.

**SEWER ORDINANCE:** After discussion regarding requirements for a private system, Ira Allen moved to adopt Ordinance No. 269 which addresses all aspects of the city wastewater system. Bruce Smith seconded; motion carried 5-0.

**POOL MATTERS:** Rich Hamit asked for discussion about salary for an assistant pool manager. Hamit said that Rachael Strohm would like to buy some new plastic chairs. Cheryl Brown said that the city pays for an annual membership for the pool at Sam's Club, and that Rachael should be able to get the chairs at Sam's. Hamit also mentioned that his pool key doesn't work, and Bob Call said that he had replaced all the locks on city property last year. Call said he would get more keys for Hamit and Strohm and also the vending company.

The council agreed that it would be good to have someone in charge in Strohm's absence. Bruce Smith made a motion, seconded by Jim Gates, to pay the assistant manager as chosen by Rachael Strohm \$1.00/hr more than their salary in 2003. This would be either \$6.75 or \$7.00/hr. Motion carried 5-0.

**WATER/SEWER REPORT:** Regarding the sewer inspection and cleaning, Marian Massoth told the council that Utility Maintenance Co. does have a footage counter and the camera rotates which would provide better inspection at pipe junctions. They do not have a way to measure the pipe diameter. Massoth learned from Donna Crawford, our grant administrator, that CBDG requires that anything to do with construction must be put out for bids, so Massoth is putting together a bid packet to be approved at the next council meeting. She said that contractors would want the city to provide the water needed to clean the lines. The council agreed by consensus since this is the procedure when we have pipes cleaned due to emergencies. There was also

discussion about root removal. Massoth suggested that the contract include wording such as "if the pipe section is structurally sound, the contractor shall remove debris, including roots if it can be done so without damaging the pipeline".

Massoth said that whatever company does the project, they will need someplace for debris disposal. This could include leaves, broken tiles from the line, and other various items. Various solutions were discussed, including hauling to the county landfill. Bruce Smith didn't think that there would be a huge amount, but a temporary site may be necessary. Using some of the lagoon area was discussed. Bob Call suggested taking it to the county landfill from the start. Massoth said she would check with KDHE about an acceptable site.

Massoth said that the subject of hazardous waste needs to be addressed in the contract. She has put something in the contract about the contractor being able to request the city to have waste tested if it's suspicious. The council agreed to have Michael Coffman review the final draft of the contract. There was discussion about the easements which vary from alley to alley, and Massoth said most companies would want to have a defined work area established.

Massoth told the council that CDGB requires a "not to exceed" clause regarding the contract with the engineers, so Donna Lawrence is composing an amendment to the contract which will contain this clause. This amount will be \$55,000 which was the amount stated in the application to KDHE.

**ANNEXATION PROCEDURE:** The clerk presented an outline and drawings of the parcels of land to be annexed. The first order of business is for the council to adopt a resolution to consider annexation, which will state the date, hour and place of a public hearing. The land by the city lake is city owned, so it will not be included with the hearing, but the other two parcels are privately owned, so a hearing is required by law. The land along the old railroad right of way, and the parcel belonging to K & E Health Management have a common perimeter with the city boundary, and are being annexed to make the city boundary straight or harmonious. These properties were thought to have been annexed years ago, but nothing has ever been registered with the county. Jim Gates made a motion, seconded by Bruce Smith, to adopt a resolution to annex the properties as stated. Motion carried 5-0. The hearing was set for July 12, 2004 at 6:30 PM. The clerk will mail the required notices to property owners. Maps of these parcels of land are available for inspection at City Hall during business hours. The hearing notice cannot be published until at least two weeks before the date.

**TRAIL'S PROJECT:** Jim Gates said he and Roger Harmon have talked about getting things organized. The mayor said that he wants everything to be done with as little expense to the city as possible. Gates said that hopefully most of the next part of the project will be done by volunteer labor, with the main expense being concrete.

**STREET RE-SEALING:** Jim Gates will be talking to a company out of Kansas City and also Hi-Plains Sand about bids on re-sealing. Gates and Bob Call will check out which streets need to be re-sealed. There was discussion about a long-range plan to overlay streets. Smith suggested getting comparison prices from these companies to be considered in the future. Gates will also contact Killough's.

**ANNEXATION:** Mayor Young presented an ordinance to annex a parcel of land by the city lake which is owned by the city. Bruce Smith made a motion, seconded by

Rich Hamit, to pass Ordinance No. 270 which will include and incorporate certain land within the limits and boundaries of the city. Motion carried 5-0.

**MISCELLANEOUS:** The mayor stated that it seems like a lot of people have keys to the lights at Jones Park. The council agreed that while it may result in higher electric bills, some practice times may be necessary after dark. Officer Dannar asked if he could have a key to the control box as he's noticed lights being left on after games in the past. The council agreed that Dannar should have a key kept in the patrolcar for this reason. Bob Call said he would check with the ball association about getting a key.

**VEHICLE INSURANCE:** Mayor Young brought up insurance coverage for personal vehicles being used for city business. The current policy does not have this coverage. Ira Allen says that these would be covered for liability but not for physical damage. Allen was asked to check into the cost for this additional coverage. Specific vehicles would have to be designated in order to be covered.

**LAW REPORT:** Chief Ed Harmison reviewed his written report as follows: There were 11 criminal cases in April. Breakdown is as follows:

Phone harassment, criminal damage, battery assault, minor in consumption X 2, furnishing alcohol to minors X 2, traffic accident, battery assault & disorderly conduct, vehicle accident, theft X 2, D.U.I., and found property. The police department assisted and was assisted by the following agencies: Osage Sheriff's office, Life Star, AMR, Overbrook Fire Dept, and the Osage County Attorney. 24 traffic citations were issued – 13 of which were violations in 20 m.p.h. zones. Fines deposited from this month's court amount to \$2,028.

Chief Harmison said that the department is under budget by \$1708 year-to-date. His part-time salary expenses were up last month due to the city-wide garage sale and the demolition derby.

Rich Hamit said he had received a complaint from Larry Woodson that the police had written 24 tickets on the day of the city wide garage sale. Chief Harmison said that Officer Miller had worked from 7 AM until 4 PM, and only 3 tickets were issued by Miller. Harmison said that there were county officers in town that day as part of working this end of the county, and some contacts were made by them in the vicinity of Shirley's Café and north of town. Hamit thanked Harmison for the information.

David Gerisch asked about a vehicle that's been sitting in his neighborhood for some time. It belongs to a grandson of the owner of the house.

**MAINTENANCE REPORT:** Bob Call said that one of the samples sent to the state has to be re-tested due to unfavorable results. Smith advised him to be extremely careful with the sample bottle.

Call said that Well # 2 was probably hit by lightning, but is back in service. Submitting the bill to the insurance company won't be done as Patchen's will not state that the damage was definitely caused by a lightning strike.

Arrangements have been made with Co-op to store fishfood for us. Call hasn't checked into whether or not Co-op can supply a comparable fishfood.

Call told the council that the dump truck needs some repairs. The hydraulic pump is leaking, and the bottom of the bed is shot. There was discussion about getting some prices on either repairing the bottom of the bed if possible, or replacing

the whole bed. Hamit said he would check the State Surplus catalogue. Call said he would take it out to Craig Gillard's, and Hamit suggested having Dannar look at it.

Helen Holm, District Engineer with KDHE, was here to inspect the water and sewer system on May 6<sup>th</sup>. She noted that the electric boxes at the wells needed to be replaced, and that the pumphouses need painted. Jim Gates suggested using someone who needs to do community service projects, like the Boys & Girls Club.

Call said the pool is ready to fill which he will start on Monday after the paint has cured.

Doug Helmke, KRWA, was here to check the wells for the purpose of developing a wellhead-protection plan. He made some suggestions, but seemed to think we shouldn't have too much trouble making the plan.

Call received a contract from Ed Hickman to service and repair the pumping stations on a regular basis. The details had been previously approved by the council. Smith reviewed the contract and said it appears to be in order.

There was discussion about getting rid of the concrete and other debris at the old tree disposal site.

**TREASURER'S REPORT:** Patty Hylton reviewed the monthly financial reports. She pointed out that the cash balances are on the low side, and urged caution. The next disbursement from the tax levy will be received the first part of June. Hylton has worked up a spreadsheet for Water/Sewer for Bruce Smith's information since he's the council liaison for that department. Bogner & Long will be here on June 2<sup>nd</sup> for the audit.

Hylton gave a brief report on the Wage & Hour seminar she and the clerk attended last week. One thing that needs to be done is to define a work-week as this is how the hours-worked needs to be turned in for overtime purposes for payroll. Cheryl Brown had given the council and mayor copies of some of the material covered for consideration before a final personnel policy is drafted. The mayor asked if differences between departments and hours-worked was discussed. The clerk said that this was covered in the League's policy guideline manual. Chief Harmison said that the League manual had a reference for a minimum of 2 hours pay for being called out. The mayor said that this was one of the things that would be discussed at the special meeting on the 20<sup>th</sup>. Hylton said that offering a "merit-bonus" for employees if their department has a cash surplus at the end of the year might be considered.

**CLERK'S REPORT:** The clerk told the council that she has some copies of the League's personnel policy manual and the city's existing policy for their use. Chief Harmison asked if employees will be allowed to offer input at the special meeting. The council said their input would be welcome.

**COUNCILMEMBER COMMENTS:** Bruce Smith mentioned the letter from the Osage County Herald stating that they can now be designated as an official newspaper for publishing legal matters. The city does this in January each year.

Ira Allen said that he won't be here for the June 10<sup>th</sup> meeting. He also said that he hopes that more progress can be made in the personnel policy, budget prep for 2005, comprehensive plan, and get people appointed to the Planning Commission and Wellhead Protection project soon.

Bruce Smith asked if more random sampling was planned for testing the load at different spots in the sewer system. Call said that Marian Massoth hadn't said anything to him about more sampling. This was when Massoth had mentioned

installing a pre-treatment vault at the meat processing plant. She was going to get some cost estimates, but hasn't presented them as yet.

Ira Allen said that he doesn't think that the current Nuisance Ordinance would address the problem created by abandoned or partially burned buildings, and would like to talk about this at the next meeting.

**MAYOR'S REPORT:** Mayor Young said Albert Rukes told him that there are serious cracks in the tennis courts. The mayor said he would visit with Derrick Dahl about the matter. The mayor also said that he's been told there's a tree growing on the lake dam, and asked him to remove it. Mayor Young said Leonard Jirek told him that the city lake has been rated #1 for channel cat in the state according to the Kansas Wildlife & Parks magazine. He also said that he saw some massive channel cat's at the feeder.

The mayor said that Mike Hayden, Kansas Wildlife & Parks director, is working on a plan to reimburse city's expenses for lakes so that the city's wouldn't need to sell licenses. This may never happen, but it's a possibility.

**EXECUTIVE SESSION:** Rich Hamit made a motion, seconded by Bruce Smith, to go into executive session for 5 minutes to discuss non-elected personnel matters. Motion carried 5-0. The meeting was recessed at 10:16 Pm, and opened by the mayor at 10:21 PM. No action taken.

There being no further business before the council, Jim Gates moved to adjourn. Rich Hamit seconded; motion carried 5-0. Meeting adjourned at 10:22 PM.

Respectfully submitted,

Cheryl L. Brown  
City Clerk

05/26/04

APPROVED: \_\_\_\_\_