

MINUTES

REGULAR COUNCIL MEETING

JULY 23, 2003

MEMBERS PRESENT:

Bruce Smith, Rich Hamit, David Gerisch, Ira Allen, Jim Gates,
Mayor Jack Young.

OTHERS PRESENT:

Bob Sisson, Larry Coursen, Ron & Cindy Zeckser, Rick Godderz,
Jim Long, Bob Call, Mark Tomlinson, Everette Dannar, Ed
Harmison, Cheryl Brown.

The regular council meeting was called to order by Mayor Young at 7:00 PM. Roll call was taken by the clerk.

MINUTES/ WARRANTS:

Bruce Smith made a motion, seconded by Ira Allen, to approve the minutes of the July 9th meeting as written. Motion carried.

ZONING CHANGE:

Mayor Young presented the ordinance for a zoning change as requested by Ron Zeckser. The Planning Commission had recommended the zoning be changed as requested, and the clerk reported that no letters of protest have been received within the previous 14 days. Bruce Smith made a motion, seconded by Rich Hamit, to adopt Ordinance No 251 which will change the zoning of a portion of the property north of Hwy 56 adjacent to Maple owned by Ron Zeckser, from Residential Single Family to Commercial/Business. The remaining section of this property will remain zoned for Residential Single Family. Motion carried 4-0 (Gates not yet present).

MUNICIPAL COURT:

Larry Coursen, Municipal Court Judge, informed the council that he is retiring, and that August 12, 2003 will be his last court date. Coursen told the council that Eric Godderz had stated he would be interested in the position. Godderz is currently judge for Carbondale, and is City Attorney for Scranton at this time. Coursen said that Shayne Coursen would like to stay as Court Clerk. He also asked for permission to keep his cell phone, and pay for service as he has been. Mayor Young thanked Coursen for his service as judge, and Coursen said that he has enjoyed working with everybody.

MISCELLANEOUS:

The sewer hook-up inspections, curfew ordinance revisions, boundary ordinance update, planning/comprehensive plan items were all tabled until more information is available. The council agreed to keep the timesheets as is, but will review for the purpose of improving both the content and ease-of-use.

STREETS:

Bruce Smith said that he had received some information about asphaltting streets. According to his calculations, it would cost about \$45,000-50,000 to lay a 2" layer of asphalt for 4,000 feet. Smith had gotten this information to use in deciding whether or not to change the long-range plans for street maintenance.

2002 AUDIT REPORT:

Jim Long, Bogner & Long, was present to review the audit of 2002 financial statements for the City of Overbrook. Long reported that there were several funds that had negative balances at the end of the year, which is a violation of the Cash Basis law. A copy of the audit report has been sent to the County Attorney, so there may be some action regarding the matter. He also noted the amount of funds transferred from the General Fund into the Law Fund and the Pool Fund. Long stated again that he's concerned about the city's not having any kind of

a reserve for unexpected expenses. Rich Hamit made a motion, seconded by Bruce Smith, to accept the 2002 Audit as prepared by Bogner & Long. Motion carried 5-0.

2004 Budget: Jim Long presented the council with a proposed budget for 2004. Long explained that while the mills can be moved between funds, the total mills cannot be increased without an ordinance. The council told Long that they had discussed this matter at a work session, and while they are reluctant to do so, they see the need to increase the tax levy to provide necessary services. The dollars that they feel are needed to run the city have been included in the proposed budget as this information was faxed to Long earlier in the day. The council had requested that the general fund levy be raised by \$11,000 and the law fund be raised by \$32,000 and the street maintenance fund be raised by \$4,000. Long told the council that he didn't raise the mill levy for street maintenance as expenses for that can be taken from the Special Highway fund if necessary. Long then reviewed the notice that would be published in the paper. He told the council that the final assessed valuation for Overbrook is \$4,952,103. This means that one mill is equivalent to \$4,952. The estimated tax rate would be 35.9, or almost 8 mills more than 2003. The increase in assessed valuation would raise revenue by approximately 5%, but this wouldn't be enough to do the necessary funding. Long also stated that he feels it is possible that the legislature will impose a tax lid again. He also reminded the council that the city did not raise the mill levy the first year that they could have done so. When asked if Long had suggestions about the proposed mill levy, he said he would consider raising the general fund one more mill as money can be transferred from this fund into any of the other funds. Ira Allen asked about raising the levy for the bond fund, but Long feels that the interest rate is low enough that paying down the debt early would not be that much of a plus. The mayor asked the clerk to reserve the Kansas State Bank basement for the night of the budget hearing to accommodate a larger crowd than normal. Long told the council that while he doesn't envy their position, he also is concerned about the city not having a reserve cash fund as a safety net. There was discussion about what the county and school tax rates might be in addition to the city levy. The tax levy for other towns in the county was discussed. The council agreed by consensus that they need to be more concerned about the needs of Overbrook rather than what the other towns are doing. Ira Allen made a motion, seconded by Jim Gates, to approve the proposed 2004 budget with a one-mill increase added to the General Fund. Motion carried 5-0.

ORDINANCE NO. 252: Bruce Smith made a motion, seconded by David Gerisch, to adopt Ordinance No. 252 which authorizes increases in the tax revenue as in the proposed 2004 budget.

NEIL, JR PROPERTY: Pat Neil, Jr told the council that he's still working on the improvements to his property on Walnut. He does the work as he is able financially. The council asked if he could doing any backfilling soon. Neil said he could probably backfill the east side this coming week-end. The council agreed by consensus that this would be satisfactory at this time.

EXECUTIVE SESSION: Ira Allen moved to close the meeting for 10 minutes with Bob Sisson and Cheryl Brown attending to discuss matters not related to elected personnel. Rich Hamit seconded; meeting was recessed at 8:30 PM.

The mayor opened the meeting at 8:40 PM. No action was taken at this time. Bruce Smith moved to take a 5 minute break from 8:40 PM - 8:45 PM.

Ira Allen moved to recess for 10 minutes; Jim Gates seconded. Meeting was closed from 8:52 PM to 9:10 PM. No action was taken when the meeting was opened by the mayor.

LAW REPORT: Chief Ed Harmison reported that there had been an incident involving the anhydrous tanks owned by the co-op. Harmison recommends addressing the co-op about their future plans for the tanks.

Harmison also addressed the following issues:

1. Replacing the school speed limit signs on Hwy 56
2. Making the fire escape on south side of City Hall childproof
3. Hiring a couple of people to help with putting up the fair parade route signs
4. Will be using extra help for fair coverage
5. Standing water on 7th St in front of school
6. Replacing Judge Coursen
7. Talking to the County about their officers slowing down when going through Overbrook

Bob Call was asked to check into what can be done about the standing water problem by the school. Possible solutions were discussed about changing the draining, etc.

There was discussion about the requirements are for a municipal court judge. The possibility of using a substitute judge was discussed if necessary.

The council agreed by consensus to authorize Harmison to hire help with the fair signs at \$5.15/hr.

FISH FEED: Bob Call told the council that he had bought fish food from the co-op, but asked if he should order the feed that Leonard Jirek is requesting. The council suggested that we hold off for awhile.

Call presented two bids for installing 2 valves and bleeders at the wells for the purpose of preventing having to shut off the wells when there are problems at the wells. Jim Gates made a motion, seconded by Bruce Smith, to hire D.A.'s Backhoe to install the valves and bleeders for \$1863.80. Motion carried 5-0. This may be added to the water-line project if at all possible.

Call also said that people have asked why Goodyear was being used to help with emergencies and other projects. The council agreed by consensus that Call should use whoever he could find in emergencies, but routine jobs could be decided by availability and cost.

Ira Allen moved that Bob Call purchase a good back brace to prevent injury; David Gerisch seconded. Motion carried 5-0.

There was more discussion about what to do with the streets this year. The matter was tabled with no decision made at this time.

DSL SERVICE: The clerk said that she has learned that 2 DSL services would be necessary for City Hall and the Police Dept as they have 2 separate phone lines which would be an additional cost. Bruce Smith made a motion, seconded by Ira Allen, to pursue getting Sprint DSL for each of the two lines. Motion carried.

The clerk reported that the city has a charter ordinance to allow non-residents being appointed as City Treasurer.

The survey has hit a snag at Brookside due to new privacy laws. Mayor Young said he would talk to the administrator about this matter.

The clerk showed the council some information about an external drop box for City Hall to be considered in the future.

She also reported that she has reserved the bank basement for August 13th.

COUNCILMEMBER COMMENTS: Rich Hamit reported that he had talked to Rachael King Strohm about policy on closing the pool. She told him that if there aren't a certain number of swimmers there after being open an hour, the pool closes. Two lifeguards are required regardless of the number of swimmers. The council agreed by consensus to have her change this to ~~two~~ *keeping pool* hours to try to avoid the pool being closed when people come later in the afternoon.

open reg hours in case

SALARY REVIEW: Bruce Smith made a motion, seconded by Ira Allen, to recess the meeting for 15 minutes to discuss salaries for non-elected personnel. Motion carried. Meeting was recessed from 9:55 PM until 10:05 PM. Ira Allen made a motion, seconded by Jim Gates, to raise

the salaries of full-time employees by 1% retroactive to June 1, 2003. Motion carried. This will be reviewed after the 2004 budget is in place in January, 2004.

There being no further business before the council, Jim Gates moved to adjourn at 10:20 PM. Rich Hamit seconded; meeting adjourned.

Respectfully submitted,

Cheryl L Brown
City Clerk

APPROVED: 8-13-2003