

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

AUGUST 13, 2003

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

OTHERS PRESENT: Charles Hamner, Michael Coffman, Patty Hylton, Billie Gerisch,  
Eula Lee Fuller, Max Friesen, Ed Harmison, Everette Dannar, Bob Call,  
Marian Massoth, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM. Roll call established the presence of a quorum.

MINUTES/ WARRANTS: Bruce Smith made a motion, seconded by Ira Allen, to approve the minutes of the July 23, 2003 meeting with changes in the pool report wording. Motion carried 5-0.

Jim Gates moved to pay all warrants presented. Bruce Smith seconded; motion carried 5-0.

LEGAL CONCERNS: Michael Coffman, City Attorney, was present to discuss several matters related to current ordinances.

The first matter was in regard to city property that is not included in the current boundary ordinance. This is property adjacent to the Overbrook City Lake which was inadvertently excluded from the most recent boundary ordinance. This will require a new ordinance be prepared.

The second parcel of property of concern is the wastewater lagoons. This property is not within the city limits, but this does not present any major legal issues as it does belong to the city. Coffman does recommend that while the boundary ordinance is being updated, the governing body consider including the lagoon property. This can be done without annexing private property between the city limits and the wastewater facility itself.

The third section of land Coffman mentioned is the cemetery. This process is different because the property is not owned by the city. Coffman said that the Cemetery Board is going to be meeting in the near future and will be discussing this matter. He would advise following whatever the board decides, but does feel that annexing would reinforce the police jurisdiction. The cemetery would remain private property, but would become a part of the city. Coffman said that he would check into tax issues as there is a levy collected for cemetery maintenance.

The final property that Coffman mentioned was the property north of Brookside Manor and just west of the Overbrook Bible Church. Max Friesen said that Brookside has always maintained it, and it was never annexed due to lack of drainage into the city's sewer system. Coffman advised that the property remain as is until the situation changes.

Coffman brought up the subject of rural property east of Overbrook that had been the subject of a recent request for city water. Bruce Smith had reported at that time that the property was not included in Osage Rural Water District #5, or any other rural water district. Coffman, as attorney for RWD 5, has been told by John Butel, that RWD 5 is interested in annexing that property into their district. Since the property is within three miles of Overbrook, RWD 5 must consult the council to determine if the city has an interest in annexing this property. If it's annexed into RWD5, and the city does annex it at a later time, the city would have to purchase any equipment that they've installed. Coffman stated this would be an

advantage to the city if at some time in the future they could connect to RWD5 at an additional location. Bruce Smith and Jim Gates both stated that the results of the recent request for rural service indicated that there would be opposition to the city's developing to the east at this time. Gates then asked Max Friesen, as the property owner, what his opinion is. Friesen stated that he is planning to eventually bring the northwest corner of the old Van Patten place into the city to attach to the property east of the city lake. This would enable a road to be constructed for direct access to the southeast part of town from Hwy 56. He's planning on bringing this before the council later in the meeting. RWD5 having the water rights would not interfere with this plan, unless Friesen pursues annexation. Friesen indicated that he would most likely pursue annexation as the property is adjacent to the city. The council agreed by consensus to inform RWD5 that they have no present or near-future plans to develop to the east of Overbrook. Coffman said he would inform the water district.

Coffman then said that he would like more time to research the curfew ordinance regarding penalties and the responsibilities of the police department after violators are in custody. The matter was tabled until the September 24th meeting.

Bruce Smith asked Coffman for guidance on enforcing the current ordinance regarding violations on hook-ups to the wastewater system. Smith said that the inflow from improper drains is a big part of the city's wastewater problems. Coffman said he would research the existing ordinance and have some information at a later meeting.

**STANDARD TRAFFIC ORDINANCE:** Bruce Smith made a motion, seconded by Rich Hamit, to adopt Ordinance No 253 which adopts by reference the 2003 Edition of the Standard Traffic Ordinance prepared by the League of Municipalities. Motion carried 5-0.

**UNIFORM PUBLIC OFFENSE CODE:** Bruce Smith made a motion, seconded by David Gerisch, to adopt Ordinance No 254 which adopts by reference the 2003 Edition of the Uniform Public Offense Code prepared by the League of Municipalities. Motion carried 5-0.

**ALCOHOLIC LIQUOR LICENSE RENEWAL:** Jim Gates made a motion, seconded by David Gerisch, to approve the 2003-2004 city alcoholic liquor license for Conrad's Bar & Grill. Motion carried.

**RECESS:** Mayor Young recessed the meeting at 7:50 PM. The mayor opened the meeting at 7:55 PM.

**2004 BUDGET HEARING:** Mayor Young opened the 2004 Budget hearing at 8:00 PM. After opening the floor for discussion (there was no discussion ) of the proposed budget, Jim Gates made a motion to approve the budget as prepared and published. David Gerisch seconded; all members voted to approve the motion at which time the hearing portion of the meeting was closed.

**COMPREHENSIVE PLAN:** Mayor Young stated that he has looked at the comprehensive plan of Lyndon, and doesn't feel that one can be prepared without using professionals. While the council and Planning Commission are needed for input, there's too much material to be evaluated and compiled. Bruce Smith suggested that this matter be considered at a work session. Mayor Young said that having a plan is important due to questions such as the matter of annexation by RWD5. Ira Allen mentioned that it might be a good idea to designate certain areas of town for commercial development. The issue was tabled until more councilmembers can review the material.

**STREET RE-SEALING:** The clerk asked the council to make a decision about what and how to maintain city streets this year. After discussion, Bob Call was asked to check into the cost to rent equipment to do special repairs such as filling some of the more serious cracks. Jim Gates said he would do some checking also. Bob Call said his thinking was that until all the bad spots are fixed, resealing only covers them and he would prefer saving the money this year and re-sealing more streets next year. The council agreed by consensus to pursue this action.

There was discussion about the area of 7th Street in front of the school. The mayor said that Todd Goodyear thinks that spreading Saturock over it will fix the problem. Call said he had been told the same thing by the representative from Carter Waters. Jim Gates made a motion, seconded by Bruce Smith, to hire Goodyear to do the job for under \$2,000 including the cost of the Saturock. Motion carried. Hopefully this can be done before school starts on August 21st.

**WATER/SEWER REPORT:** Marian Massoth said that the waterline project is done, except for the telemetry system between the tower and the rural water pumping station. She said that the contractor will be required to take care of any problems with the project for 2 years, and that she will be responsible for the inspections.

Massoth said that she had reviewed the preliminary report from Fort Scott Community College, but had some questions about parts of it. She did say that the results about the amount of sludge present seem to be reasonable, and de-sludging needs to be considered. The council agreed by consensus to include de-sludging the necessary areas in the wastewater improvement loan. This could cost approximately \$100,000 depending on where the material is deposited. The city has been approved for up to \$408,000 from the Revolving Fund, but may only have to actually borrow half if we can qualify for a grant. Applying the sludge to neighboring property would lower the cost even with the expense of the required testing, etc. The clerk said that Pat Flynn from Fort Scott is planning to attend the next meeting. The clerk also said that Brookside has given permission for surveying, and that Donna Crawford was very optimistic about the results because of this. She's hoping that we will hear from her soon about the results. Massoth said that things are in place for the required meeting with the grant committee in September.

**MUNICIPAL COURT JUDGE:** Mayor Young presented Stephen Jones to be appointed as Overbrook municipal court judge at a salary of \$300/month. Bruce Smith made a motion, seconded by Jim Gates, to appoint Stephen Jones as judge. Motion carried 5-0. Shayne Coursen will remain as court clerk until further notice.

**CITY LOCKS:** The mayor asked that the locks on City Hall, police department, and maintenance buildings be changed. Bob Call was asked to check to see if Overbrook Lumber could re-key the locks. There was discussion about which locks could be keyed the same to simplify things. The clerk was told to check other sources if the lumber yard can't do the job. Ira Allen asked that the charges for Larry Coursen's cell phone be assigned to him personally, and taken out of the city's name. David Gerisch said that this can be done by releasing liability from the city to Coursen. The mayor said he is still working on a cellphone policy for the city.

**LAW REPORT:** Chief Harmison reported that there were only 5 criminal cases in July. They attended an Intell meeting with other county agencies which was beneficial. There has been \$10,075 in fines collected so far this year. Harmison said that Ulric Baumgardner was very good help in putting up fair parade signs. He presented the council with some information about street measurements. Harmison said that Mark Tomlinson told him that Wildlife & Parks recommends letting the grass die, go to seed and then burn it later. He reported that a citizen found a blacksnake in their house. He also said that there are currently 18-20 houses for sale in

town. Ira Allen asked how much it costs to provide police coverage for the fair. Harmison said he didn't have exact figures for the past few years. He did say the only major problem was during the demolition derby.

**MAINTENANCE REPORT:** Bob Call said he has been making improvements at the wells, putting up new signs at the tree dump, and plans to fix some minor water leaks in the next week or so. He also straightened and replaced signs around the school. He will also be painting crosswalk lanes before school starts. The water service for Ron Zeckser's new property has been installed. He's also working on a drainage problem behind the library. The mayor told him to get Goodyear to clean it out if necessary. Call told the council that he'll be taking the Water Operator certification test on September 19th. Smith asked if Call has plans to take the Wastewater test soon. He has been informed by the state that since Bob Call is not certified, and that the previous maintenance supervisor was classified as an "Operator in Training", that the city will need to hire someone to sign off on any testing to meet legal requirements. We cannot have 2 people classified as "Operator in Training" in a row. The previous employee was certified for water, so that is not a problem.

The mayor reminded the council that the 3 month probation for Bob Call has been completed.

**TREASURER'S REPORT:** Max Friesen reported that the general fund balance seems to be fine, but the Water/Sewer fund balance is quite a bit lower than this time last year. The clerk said that it's due to the waterline project expenses coming from that fund, but that the auditor recommends putting that activity into a separate fund since it's not regulated by budget authority. Friesen also suggested contacting some other towns about renting equipment to maintain the streets.

Max Friesen then read his letter of resignation as City Treasurer. He has served as either as council member or treasurer for 50 years. He also stated that his resigning doesn't mean that he won't still be appearing at council meetings as a concerned citizen as he wants to see the town grow and prosper. He also told the council that he's been working on improving cell phone service in Overbrook, and will continue to do so. Friesen said that he's enjoyed working with all the different councils, mayors, and city employees. Ira Allen stated that we have to grow to survive, and that's what this council is working to achieve.

Mayor Young thanked Friesen for all he's done for the city. Jim Gates made a motion, seconded by David Gerisch, to accept Max Friesen's resignation as of August 31, 2003. Motion carried 5-0. There was discussion about when to replace him. The mayor asked Friesen if he would object to making his resignation effective tonight. Friesen said that was fine with him. Jim Gates then moved to change the date of Friesen's resignation to August 13, 2003. Bruce Smith seconded; motion carried. The mayor then recommended that Patty Hylton be named City Treasurer at a salary of \$15/hr for 5 hours/month. Jim Gates made a motion, seconded by Rich Hamit, to appoint Patty Hylton as City Treasurer. Motion carried. The clerk administered the oath of office to Hylton.

**CLERK'S REPORT:** The clerk asked that Ira Allen replace Bruce Smith as a check signer while Patty Hylton is being added. Bruce Smith made a motion, seconded by David Gerisch, to name Jack Young, Jim Gates, Ira Allen, Cheryl Brown and Patty Hylton as check signers. Motion carried.

The clerk reported that she has visited with Michael Coffman and Ed Harmison about changing court nights to the third Tuesday of the month to move it away from council meeting weeks. She will be talking to Stephen Jones and Shayne Coursen about the change.

The city hasn't received the judge's decision regarding Bob Sisson's claim for unemployment benefits.

She also has obtained the League's manual for Personnel Policies to be considered later.

The clerk said the DSL service hasn't been activated as she needs to get an ethernet card. Gerisch said he has one he would sell for \$15.

**COUNCILMEMBER COMMENTS:** Jim Gates said he would willing to attend the meeting with the grant committee along with the mayor and others.

He also mentioned that we need to check into getting some work done on the Trail's project.

**EXECUTIVE SESSION:** Rich Hamit made a motion, seconded by Bruce Smith, to recess the meeting to discuss matters related to non-elected personnel for 5 minutes. Motion carried. The meeting was opened at 9:55. Bruce Smith made a motion, seconded by Jim Gates, to raise Bob Call's salary to \$11.65/hr effective August 16, 2003 as he has completed the 3-month probation as Maintenance Supervisor. Motion carried.

**MAYOR'S REPORT:** The mayor asked the council's opinion as to whom should be required to attend the second meeting of the month. Jim Gates said that the purpose of the second meeting was intended to be more of a working meeting. The council agreed by concensus that department heads are required to attend only the first meeting of the month, unless specifically asked to come to the second meeting by the mayor or council. Chief Harmison said that he would be at both meetings regardless. Mayor Young said that anyone can attend the meetings, but unless they were required to be present, they wouldn't be paid for the second meeting.

There being no further business before the council, Jim Gates moved to adjourn. Ira Allen seconded; motion carried and the meeting was adjourned at 10:05 PM.

Respectfully submitted,

Cheryl Brown  
City Clerk

APPROVED: 8-27-2003