

MEMBERS PRESENT: Ira Allen, David Gerisch, Bruce Smith, Mayor Jack Young, Rich Hamit (7:31)
Jim Gates (7:55).

OTHERS PRESENT: Paul McCartney, Carl Anderson, Habib Ghali, Rod Geisler, Bob Call, Patty
Hylton, Ed Harmison, Everette Dannar (7:27), Cheryl Brown.

Mayor Young called the meeting to order at which time roll call determined the presence of a quorum.

MINUTES / WARRANTS: Ira Allen moved to approve the minutes of the August 26, 2004 meeting as written. David Gerisch seconded; motion carried 3-0.

Bruce Smith made a motion, seconded by Ira Allen, to pay all warrants presented. Motion carried 3-0.

CLAIM FOR DAMAGES: Mayor Young stated that he has talked to an attorney about possible procedures in the event that the claims submitted by Carl Anderson are denied by the city's insurance provider, Employers Mutual. After stating that a copy of the city's bill from Ace Pipe Cleaning has been given to the Anderson's, Mayor Young asked Anderson what amount of money would he consider acceptable. The mayor also stated that he has talked to Todd Goodyear about the cause of the sewer backup into Anderson's basement. Goodyear is unable to attend tonight's meeting, but had told the mayor that the city's main was clogged and feels that it has had some tree roots for some time.

Anderson said that he doesn't have a specific amount in mind, but presented the council with a list of their expenses to this point. The list includes time lost from work by the Anderson's, cleaning, restoration and replacing personal property for a total of \$19,302.46, of which American Family Insurance has paid \$5,000. Anderson said that this may not be the final figure if some things can't be restored. Anderson also had a letter from Employer's Mutual stating that while there were some tree roots and grease in the sewer line, they felt that the primary reason was the rainfall overwhelming the storm and sewer system. That was the basis for their denial of the claim. After more discussion, the mayor said he would talk to the city's attorney about the next step to be taken. Anderson said that while his preference is not to sue the city, he wants his basement restored. Ira Allen said that while the city is sympathetic, there's no money in this year's budget to cover this expense other than through the insurance company. Anderson said he feels that the insurance company should be responsible. Allen encouraged Anderson to contact the claims adjustor again before taking any legal action. Mayor Young said he would discuss this with Goodyear again also.

SCHOOL DRAINAGE PROJECT: Bruce Smith said that the city needs to send a letter to Mark Green stating that the city is willing to spend up to \$500 on a joint project to solve the drainage coming off the building. Mayor Young said that he checked the streets during a fairly heavy rain, and can see where the water is coming from. The clerk was instructed to write the letter to get things started.

DAMAGE TO ROCK: Ira Allen has not heard from State Farm Insurance as yet. Mayor Young said that it has been "glued" back together, and he took the fencing down and it appears to be secure, but these repairs are temporary.

SEWER HOOK UP INSPECTIONS: Cheryl Brown said there has been some response to the ad for an inspector for the sewer hook ups. She's had several phone calls, but only one official application. Bob Call said he's also talked to some people, but nothing official. Today is the last week for the ad to run, so the council should be able to make a decision at the next meeting. The same notice will be mailed to all residents after someone has been hired. There was discussion about trying to meet with applicants before the next meeting.

POMONA LAKE WATER PROJECT: Bruce Smith reported that the interested parties have met with KDHE, and the project has some requirements to meet in order to qualify for the grant part of the study. A contract has been signed with Bartlett & West Engineers to do the study at a cost of \$25,000 with up to half of that being funded by the KDHE grant. Each of the parties will be receiving letters requesting information soon. Smith said that final reports probably won't be ready until after the first of next year. At some point, each party will have to decide how much of the volume they want, and their share of the total cost will depend on the amount requested. There is no date set for the next meeting.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. Harmison said that he doesn't have an ordinance to consider regarding brakes on large trucks at this time. He did say that he had a meeting with school officials and the police chiefs from Carbondale and Scranton and the School Resource Officer from Osage County Sheriff's office. Chief Harmison again told the council that things went well with the fair this year, and told the council that there will be a demolition derby this coming weekend.

Harmison said they have received the application for the 2005 grant. He then presented the council with a map of where the past month's traffic citations were issued. He did this in response to some complaints about tickets being written on the south end of Maple. According to the map, no tickets were written in that area the past month. Harmison again stated that the speed limit coming into and leaving town from the south is 20 m.p.h. due to an ordinance designating it as a business district.

WATER/SEWER PROJECT REPORT: Marian Massoth introduced Habib Ghali and Rod Geisler of KDHE. Vic Robbins, King's Engineering, reported that an ad for a person to inspect sewer hook-up's has been published as directed by the council. Robbins said that the city's current wastewater system ordinance gives the city the right to make administrative inspections regarding this matter. The city attorney has given advice regarding this matter.

Robbins said that the survey has been done in preparation for installing a pre-treatment tank on West First Street, but the plans are still to be drawn for the project. We are also waiting on the easement to be completed by the city attorney.

The sewer line inspection and cleaning is under way. All of the lines north of Hwy 56 have been done. Robbins has been made aware that the contract with Meyer Specialties does not require them to inspect the manholes, so he and Bob Call have been doing that.

Robbins reported that we've received the ok on the desludging and land application draft, so a public notice will be published on September 3rd for bids, and King's will prepare the bid packets. The council agreed to schedule the bid-opening for October 4, 2004 at 2:00 PM at City Hall. Robbins will have all the documents revised for that date.

He told the council that he's not been successful in finding a land owner who is willing to accept the material removed by the desludging process, but is still working on it. He was hopeful that the owner of the land surrounding the lagoons would be willing to accept it to make the process go more quickly. The land owner had some problems with this desludge being applied back in the '80's. Robbins tried to assure them that the proposed application would be done differently this time.

Robbins said he had found flow-regulators lying on the ground, and has re-installed them. He wasn't satisfied with how they were working, so re-designed them, and has given them to Bob Call to have someone make them.

Mayor Young asked Habib Ghali and Rod Geisler if what the city is planning sounds satisfactory to them. Geisler said yes, and they would help keep the city move in the right direction. The mayor then asked about an "order" from KDHE regarding the city's wastewater system.

Geisler said that the order was a result of a citizen's complaint of raw sewage on her property. He then said that the KDHE inspector did find the complaint to be valid, and that the order has been issued mostly because the bypass of raw sewage and had not been reported. Reporting these incidents is required by state law. Bob Call was not aware of this regulation at the time. Geisler indicated that these things do happen for various reasons, but reporting them helps to avoid further incidents. Ways to correct this particular problem were discussed.

Mayor Young asked Geisler and Ghali if they had an opinion about adding more services at this time. Geisler said that he would never tell the city not to add customers, but the existing problems with the wastewater need to be corrected as soon as possible. KDHE does have the authority to stop city's from adding

services if corrections aren't made. Geisler said that there are funds available for low-interest loans and grants to make sure the corrections are completed.

Robbins said that the project was designed in two phases—Phase I would correct the current known problems and Phase II would plan for some kind of expansion in the future. Geisler said that the city would have more information about what Phase II should include after Phase I is done.

There was more discussion about what the Order contained. One thing that Ghali said is that the city would need to make a decision about expanding the current lagoons or building an additional lagoon by November 1, 2004. He also said that this time limit can be extended if so requested by the city. Robbins said one problem with either option is acquiring the necessary land. Geisler said that city's have various ways to accomplish this, and there are funds available through KDHE loans.

The council thanked Geisler and Ghali for coming to the meeting, and assured them they would respond to the Order as soon as possible.

MEETING NIGHTS: After a brief discussion of problems with council meetings on Thursday's, Jim Gates moved to change the regular council meeting back to the second and fourth Wednesday's of each month. Ira Allen seconded; motion carried 4-1 with Gerisch voting no. Mayor Young said that he didn't want this matter to come before him again during the remainder of his term.

MAINTENANCE REPORT: Bob Call said that the street work has been done by Harbour Construction and he's pleased with the results. The council agreed, especially on East First Street going to the cemetery. Several people said they would have liked their driveways resurfaced when they were here, but Call didn't think Harbour would've had time before their next job. The phone number is available at City Hall for anyone wishing to contact them.

Call asked what he should do about the pump at the pool. He was told to take it to Patchens in Lawrence for an estimate on repairs and the council would make a decision at a later meeting.

Call also said that he was not sure what he should be telling people interested in the sewer hookup inspection job since there's no set salary or pay scale. The mayor told him to have people bring their application to City Hall, and these things would probably be decided on the basis of experience.

Mayer's have been working from 7 AM until 7 PM on the sewer inspecting and cleaning project. Things have been going good most of the time.

Call said he would like to attend a KRWA workshop on sewers/lagoons September 28th in McLouth. It would be helpful in maintaining the lagoons, and also apply to his credits for the year. Council agreed for him to go.

He said a new pump had been installed in Well #1 and it should be back online soon. The pump appeared to have burned out due to a build up of debris, etc and not damaged by lightning.

Call said that the waterline replacement project that the Mayor and Allen suggested be done on Friday will have to be postponed. He'll be using the backhoe working with the sewer cleaning crew, but he agrees that the line needs to be replaced. The mayor said that he and Goodyear should plan on doing this as soon as time permits.

TREASURER'S REPORT: Patty Hylton reported that after paying for the street work and the pool bond payment, funds will be low until the next tax levy payment. This will be September 20th, with the last one for the year coming on October 31st. She then reviewed current and estimated revenues and expenses for the funds. We do have some water/sewer project reimbursements coming in soon. Hylton also gave the council some estimated figures regarding hiring another full-time maintenance person.

Hylton said that Bob Call is going to start keeping some kind of log regarding his working on the sewer projects in order to get the right amount of reimbursements.

Rich Hamit asked how much time Hylton is spending on getting her reports ready, and would it help for her to give her reports earlier since she has a longer drive now. She said she spends from 3-5 hours on the reports, but schedules her time in Overbrook to include it. She didn't think she needed to give her reports earlier in the meetings.

CLERK'S REPORT: Cheryl Brown thanked Patty Hylton for coming in early today and doing the warrants and helping get the council packets together. Brown has missed several hours of work this week due to illness. Brown also said that she's received very few negative comments about the rate increase for water/sewer.

COUNCILMEMBER COMMENTS: David Gerisch reminded everyone to stay after the meeting for ID pictures.

Ira Allen said that after looking at his list of goals, the council may have to consider meeting a third time each month to get more accomplished, especially with deadlines for the sewer project and this new Order from KDHE. Trying to keep the agenda shorter for the second meeting was again suggested.

MAYOR'S REPORT: Mayor Young said that he along with the other members do need to try harder to get business taken care of more quickly. He realizes that everyone is limited on time, but encouraged the council to do their best. He also will be meeting with the Planning Commission for several meetings so they understand what the council is needing them to do. Ira Allen also will be attending the meetings, and any council member is welcome.

The mayor brought up the possibility of increasing the governing body yearly stipend based on meetings attended. Ira Allen said that this needs to be considered with planning for the next budget. Young said that paying more than \$75/year might encourage more people to serve on the council considering the time involved.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; motion carried. The meeting was adjourned at 10:02 PM.

Respectfully submitted,

Cheryl Brown
City Clerk

APPROVED: _____

9-23-2004