

MEMBERS PRESENT: Jason Florance, Jim Gates, David Gerisch, Rich Hamit, Bruce Smith (7:50 pm), Mayor Jack Young (7:42 pm).

OTHERS PRESENT: Carolyn Meerian, Sheila Dale, JoAnn Lemberger, Mack Dibble, Bruce Cole, Kristy Hamit, Joyce Dillon, Pat Martin, Stephen Jones, Bruce Anderson, Jeff Good, Mark Jones, Marian Massoth, Max Friesen, Ed Harmison, Bob Sisson, Everette Dannar, Cheryl Brown.

In the absence of Mayor Young and Council President Bruce Smith, Rich Hamit called the council meeting to order at 7:35 P.M. Roll call established that a quorum was present.

MINUTES/WARRENTS: Jim Gates moved that the regular August meeting minutes be approved as written; Jason Florance seconded. Motion carried. Jason Florance made a motion, seconded by Jim Gates, that the August 10th special meeting minutes be approved as written. Motion carried. David Gerisch made a motion, seconded by Jim Gates, to approve the minutes of the August 27th 2002 Budget Hearing be approved. Motion carried.

Jim Gates moved to pay all warrants presented; David Gerisch seconded. Motion carried.

PLANNING/ZONING COMMISSION: Stephen Jones, city attorney, stated that Sheila Dale, Osage County Land Use Coordinator, has informed him that the city's existing Planning/Zoning ordinances are not in compliance with current Kansas statutes that require a letter of notification to the County Commissioners regarding zoning outside the city limits. Jones said that Kansas law did not require this letter at the time Overbrook adopted its current Planning Commission and zoning ordinances, but does at the present time. Jones recommended that the city consider combining the Planning Commission and Board of Zoning Appeals while updating zoning regulations. Carolyn Meerian stated that while she has no objections to combining the two boards, she thinks the city should have some input into the zoning surrounding the city limits. Sheila Dale stated that the first order of business for the new commission would be to develop a comprehensive plan, and then help create new zoning ordinances. Dale also stated that even if the city follows the procedure to zone outside the city limits, the county would have the final authority to approve building permits as it would be classified as "Agricultural". Dale said that the city would be notified of hearings regarding this type of situation.

Jones recommended that the council hold a public hearing to discuss combining the boards, after which the council would appoint the members. Jim Gates made a motion, seconded by Rich Hamit, to hold a public hearing at the October 10th council meeting to give the citizens opportunity to discuss combining the Planning Commission and the Board of Zoning Appeals. Motion carried.

**ANIMAL CONTROL OFFICER:** Chief Ed Harmison reported that he's received 3 applications from people that can work evenings and weekends only, and one of the objectives was to find someone to do this days also. The council agreed by concensus to have Harmison interview and hire one of the applicants. Bob Sisson said that dogs could be put in the pen during the day, and then taken to Carbondale when the animal control officer is available.

**P.R.I.D.E.;** Pat Martin reported that PRIDE is going to have a booth at the Sampler in Ottawa the first weekend in October to promote tourism for Overbrook. Martin said that any input from the city would be appreciated, especially helping in the booth. She also encouraged attendance at the local PRIDE meeting on September 15th. Joyce Dillon said she was in favor of Overbrook creating a city flag. This matter was tabled until more information is available.

**SEWER/WATER UPDATE:** Marian Massoth came before the council to report that the loan application for the water supply and tower sensor device is coming along. The notice for the public hearing has been published for October 1st at 7:30 P.M. Information on the project will be presented after which there is opportunity for public discussion and/or questions. The application cannot be officially submitted before the hearing. Massoth has started the environmental review process by sending letters to the required agencies. She said that she will need some information from the clerk to complete the process. Jim Gates asked about getting grant money to do this kind of project. Massoth said that she checked into this in the spring, and the city doesn't qualify according to the 2000 census income data.

The loan would be to replace approximately 4 miles of water line from the city wells to the east tower, and also install a warning system that notifies several people when the water level is too high or too low. Bruce Smith asked how long the city would have to repay the loan. Massoth said that there are several payment schedules available, but that no payments would be due until after the project has been completed. Carolyn Meerian asked if all this information is available tonight, to which Massoth replied "no". Meerian then said that according to the notice that was published all the informaiton is available at City Hall during regular hours. Massoth said that she has the information, but not with her tonight. Meerian then stated that the notice shouldn't have been published if all the information is not where the notice states it can be inspected. Mayor Young said that until the hearing has been held, there are no definite figures about interest rates or payment schedules, and admitted that a mistake has been made if the information mentioned in the notice is not available at City Hall.

Massoth said that checking manholes in still in progress, and that Kansas Rural Water is going to re-schedule the "smoke testing". She also stated that the city has been within wastewater permit limits most of the year with August being one exception. Mayor Young asked if this testing would show the possibility that livestock downstream from the lagoons could be affected. Massoth said that the current testing would not show this kind of information. Young said that he has been contacted by property owners regarding this matter, and would like to have Massoth pursue toxicity levels at the lagoons, and also upstream and downstream. Jim Gates made a motion, seconded by David Gerisch, to do this testing, with property owner's permission. Motion carried 5-0.

Massoth also mentioned a letter from KDOT about renewing the lake entrance permit. There are certain requirements by the state. Massoth was asked to request an extension from the state.

**CITY LICENSE:** Bruce Smith made a motion, seconded by David Gerisch, to renew the alcoholic liquor license for Conrad's Bar & Grill. Motion carried 4-0.

**LAW REPORT:** Chief Ed Harmison reviewed his monthly report, including traffic stops, possible fine income, and salary. Harmison said that there was one case involving a dog bite. He also mentioned the long lines of traffic at Casey's on September 11th as a result of the hijacking incidents.

Harmison reported that the tree limbs of residents not responding to earlier notice have been trimmed, and the property owners will see this charge on their property taxes next year. He would like the council to consider hiring this trimming to be done next spring.

He reported that since he's become police chief, approximately 61 vehicles have been removed, but there are a few left. Harmison asked the township to clean out the area at the east end of Fifth Street. The council agreed to consider vacating this section of Fifth Street in the near future.

Harmison also reported that six copperhead snakes have been killed on property north of Jack Young's and south of Jim Trout's property. The property has been mowed by neighbors up to this point, but he feels this is a health and safety matter. Bruce Smith made a motion, seconded by David Gerisch, to proceed with issuing a Nuisance Ordinance by certified mail as the owner lives out of state.

The mayor asked Harmison to update an emergency plan for the city as a result of the panic at Casey's this week.

Mayor Young said that he has received complaints about bad language and noise at the skateboard area in Jones Park, and asked Harmison to check into the matter.

There was some discussion about installing a phone for emergencies. The clerk said that the phone company probably wouldn't install a pay phone outside due to low revenue and vandalism. Harmison said he has posted signs stating regulations and suggestions for safety.

**MAINTENANCE REPORT:** Bob Sisson said that the city finally received insurance money for damage to the wells.

Sisson said that HiPlains Sand is planning to be here around September 25th to do the work on Trail Drive and Sunflower Drive.

He told the council that the bearings in the main pump at the pool went out, and it's being repaired for approximately \$500. It had to be fixed at this time so that the pool can be drained and winterized. Sisson said that he can leave the bathrooms at Jones Park open longer, but they will have to be winterized soon. The clerk questioned who will clean them and keep them supplied. The council agreed to keep them open for now, but if problems occur, lock them.

Sisson said that one of the pumps in the east lift station has a short in the wiring, and the bearings may be going out of the other one. He stated that the city has no spare pump available, and ordering one from Germany would cost over \$9,000 and would take

several weeks to get here. The council told Sisson to get price quotes from the Ray Lindsey company on a system like the one on the west side of town. It was decided to call a special meeting as soon as the figures are available. Sisson said that it will still take 3-4 weeks to get the system installed even after it's been ordered. He also said that if something happens to the existing pump, he does have contact with a company that can furnish a temporary pumping solution.

MISC: Mark Jones asked who is responsible for maintaining sidewalks. He was told that the property owners are responsible for the sidewalks, but if there is a safety concern, the city does have the right to require that the sidewalks be repaired or removed. If the owner doesn't respond, the city has the option to have the work done and add the expense to the property tax.

Jones also asked if the city ordinances require a time limit on building projects. He was told that there is no time limit required by the existing ordinance, but that is one thing that will be addressed by the new Planning Commission.

TREASURER REPORT: Max Friesen reported that the balances look good at the end of August, but with all the expenses for September including a pool bond payment, city building repairs, and the replacement of the east lift station there is a possibility that we may have to apply for a no-fund warrant through the Board of Tax Appeals.

COUNCILMEMBER COMMENTS: Jason Florance stated that the city should develop long range plans for streets, water line replacement, and other items. The council agreed by consensus to add this to the agenda of the next special meeting.

Jim Gates also reminded the council that updating the job descriptions needs to be done.

Bruce Smith asked if Leonard Jirek had given any special guidelines about mowing at Lake Friesen. Sisson said that Jirek suggested letting it grow this year.

Jim Gates also asked that the city check into the cost of installing a handicapped-accessible door and ramp for City Hall. The mayor asked Sisson to check with someone about costs for a ramp, and changing the way the door opens.

CLERK REPORT: Cheryl Brown reported that she had received a note from Karen Olson informing us that the swimming pool wasn't being used for the after-school program since she couldn't make arrangements for the other two towns.

Brown also informed the council that Leonard Jirek had brought another grant application form to be discussed involving the roads and signs at Lake Friesen. After discussion, the council agreed by consensus to decline the grant at this time.

MAYOR'S REPORT: Mayor Young expressed his concern about the nation as a result of the terrorist attacks the previous day.

CITIZEN'S COMMENTS: JoAnn Lemberger asked if somebody from the city should inspect the walls and roof of the building just south of City Hall. Mayor Young said he would talk to Chief Harmison as this would be a safety concern.

Mack Dibble told the council that one of his neighbor's is pumping water onto his property causing a problem with Dibble's mowing. Sisson said he would talk to the neighbor this week.

Mark Jones asked if problem sidewalks could be handled the same way as the building across from City Hall. The clerk said that if the Public Safety Officer--Chief Harmison--considers a sidewalk to be a safety hazard, there are steps that can be taken. Mayor Young said that he would talk to Chief Harmison regarding the sidewalks mentioned by Jones.

Jeff Good asked about the old cars by the tree limb dumping area. He was told that the fire department uses them for practice. Jason Florance said he would talk to the fire chief, Ed Waller, about the matter.

Mark Jones also asked why flowers from the cemetery and concrete is allowed at the tree-limb disposal area. Sisson said that the floweres would be considered the same as yard waste or limbs, and that he puts scrap concrete and asphalt there temporarily until he can use the material on another job.

Max Friesen suggested that the council start thinking about license fees for fishing at Lake Friesen.

JoAnn Lemberger commented that she had never seen the notice where the property had been transferred to the city from Max Friesen. Max Friesen said that the deed had been prepared some time ago. The clerk said that there should be a copy in the "city lake" file.

There being no further business before the council, Rich Hamit made a motion, seconded by Jim Gates, to adjourn. Motion carried; the meeting was adjourned at 9:30 P.M.

Submitted by,

Cheryl L. Brown  
City Clerk

APPROVED: 1070-2001