

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 26, 2004

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

OTHERS PRESENT: Vic Robbins, Charles Hamner, Everette Dannar, Cheryl Brown

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

MINUTES/ WARRANTS: Ira Allen asked that the minutes of the September 9th meeting be changed to show the amount of insurance money received by Carl Anderson from American Family Insurance. Jim Gates made a motion, seconded by Bruce Smith, to approve the minutes with changes requested by Allen. Motion carried 4-0.

Jim Gates moved to pay the warrants presented. Ira Allen seconded; motion carried 4-0.

DAMAGE CLAIMS: Mayor Young said he had talked to Carl Anderson earlier this week, but has not talked to Todd Goodyear about the details of the sewer problem. Since the claim has been denied by Employers Mutual, the city's provider, the Anderson's will have to sue the city for damages and then the insurance company would have to represent the city.

Ira Allen reported that he has a claim number from State Farm Insurance, and is waiting on PRIDE to produce copies of the bills for repairs. The repairs that have been done are good, but PRIDE prefers that the rock be replaced to avoid future problems. Allen said that the city should receive a check from State Farm as soon as all the expenses have been submitted.

SEWER HOOK-UP INSPECTIONS: Rich Hamit asked if Justin DeShazer has come back to work yet since he had been considered to do the inspections. DeShazer is back working for the city, but does not want to do the inspections. There was discussion about who should be present to interview the two applicants and how soon the inspections have to be done. Bruce Smith suggested having one or two people doing the actual interviewing, but having as many council members present as possible. Ira Allen and Rich Hamit said they were planning on attending. Jim Gates said that Bob Call and Vic Robbins should be part of the interviewing team. Smith said that Robbins would probably take the lead as far as questioning was concerned. Setting a time was tabled until Robbins is present.

COUNCIL MEETING NIGHT: Mayor Young introduced an ordinance to change regular council meeting nights back to Wednesday's. Jim Gates made a motion, seconded by Ira Allen, to adopt Ordinance No 277 which designates the second and fourth Wednesday of each month as the regular council meeting nights. Motion carried 4-0. The ordinance states that in case of conflict with holidays, the second meeting will be re-scheduled or cancelled.

RESIGNATION: Joyce Dillon has submitted a letter of resignation from the Planning Commission. Bruce Smith moved to accept the resignation with regret. Rich Hamit seconded; motion carried 4-0. The mayor and council expressed their thanks to Joyce for her work while on the Planning Commission. Ira Allen will contact a person who might be interested in replacing Dillon.

MISCELLANEOUS: Bruce Smith said that the steering committee for developing a comprehensive plan has been visiting different organizations, and will be meeting soon to discuss results and will be drafting a survey.

TIMESHEETS: The clerk presented a final draft of a timesheet for consideration. This version has the key for more details on each sheet. The only thing the employee has to worry about is logging hours actually worked, and hours taken as vacation, sick leave, compensatory time off, jury duty, holidays, etc. This would then be approved by a councilmember or mayor, and presented for payment. Bruce Smith made a motion, seconded by Jim Gates, to practice using the new timesheets in October; begin using a 2-week pay period and pay days on November 1, 2004. Motion carried 4-0.

COMPLAINT FROM PROPERTY OWNER: The mayor read a letter from Jon Wilhite, owner of several properties in Overbrook, which expressed his concern about the clutter in the yard at 403 W. Market. The property is owned by Bob Ellis. There was discussion of the city's nuisance ordinance and whether or not it would apply to this situation. The ordinance authorizes the appointed city officer to investigate this type of complaint. Currently Chief Ed Harmison is the appointed city officer. Mayor Young said he would talk to Harmison tomorrow, and gave Danner a copy of the letter and ordinance.

SEWER HOOK-UP'S: Cheryl Brown asked when the council wanted her to send the next letter to residents regarding the inspections. The council agreed by consensus to wait until an inspector has been hired.

CITY HALL CLEANING: Cheryl Brown told the council that Diana Hylton was resigning as the cleaning person due to her moving to Topeka and school activities. Brown recommended hiring Mary Hooker at the same salary, \$70/month. The council agreed by consensus to hire Mary Hooker to clean city hall.

ZONING ISSUES: Ira Allen would like the council to revise the ordinances concerning manufactured homes and replacing existing mobile homes. He will have comments later in the meeting.

POMONA LAKE PROJECT: Bruce Smith said that he is going to see if the city's emergency plan will work for the project.

WATER / SEWER REPORT: Mayor Young told Vic Robbins that they would like him to be present for interviewing for the sewer hook-up inspector job. Robbins said he would come up with a job packet with details about what will be required of this person. The clerk will contact the applicants to arrange for interviews on Wednesday, September 29th.

Robbins reported that Mayer Specialties has been doing a thorough job of inspecting and cleaning the sewer lines. He said that they are getting nearly all the roots and all the debris. Robbins said that there's a manhole located under one of the mobile homes in the trailer court in the southwest part of town. Apparently the porch was added without any notice to the city. The current resident is aware of the situation. Robbins recommends that the porch/addition be moved. Ira Allen said that Michael Coffman should be instructed to write a letter stating this to the land owner. Robbins said that this should be done as a safety matter, as well as being able to access the manhole.

Robbins said that they've found some of the older sewer lines nearly in pieces, so proper installation of new lines is extremely important. Robbins will put together a plan on repairing or replacing lines after a final report is submitted by Mayer. There was a brief discussion of possible methods of repair. Robbins said that replacing lines may be the cheaper option since most of the lines are fairly shallow, but it would require more digging. He said that his report would include a summary of all the problems, with details on the options for addressing the problems. Robbins said that about 90% of the older manholes need attention of

some kind. He also said that the actual amount of sewer lines being inspected is closer to 28,000 feet rather than the estimated 20,000 feet stated in the bids. The council agreed by consensus to authorize Mayer Specialties to complete the inspection and cleaning on all the sewer lines at \$1.19/ft. Robbins said that there are still a couple of places yet to be inspected.

Ira Allen had questions about exactly what the KDHE loan and grant would pay for. Robbins wasn't sure how the scheduling goes for payments from the loan side and from the grant side, but he does know that the facility plan included specific items to be resolved, and was approved by KDHE regardless of which side the payment is made. Robbins said that the plan contained estimates on each of the items to be addressed. Allen reminded the group that Rod Geisler, KDHE, had said that the city could apply for additional loan revenue if necessary. Robbins said that we can apply for more grant funds, too. Bruce Smith said that we need to keep our eyes open for the possibility of needing more funds so we can apply as soon as necessary. Robbins also stated that expanding the existing lagoons or adding a new lagoon is included in Phase II.

Robbins told the council that he did not agree with all the facts stated in the order to the city from KDHE. He also had issues with the completion dates required by the state. Ira Allen asked how the city can know by November 1, 2004 what we're going to do when we haven't received the report from the inspecting and cleaning. Robbins said he didn't think it was possible, and recommends sending an appeal to KDHE. Bruce Smith made a motion, seconded by Jim Gates, to instruct Michael Coffman to write a letter of appeal regarding the order issued by KDHE. Motion carried 4-0. Robbins also stated that he doesn't think that KDHE can legally require the city to submit plans for expanding the existing lagoons or building a new one in order to meet the current permit requirements. Bruce Smith questioned why this design was approved in 1988 but is now questioned by KDHE, who gave the original approval. The clerk asked why this wasn't a concern when the current Wastewater Facility Plan was approved by KDHE. Robbins stated that even though KDHE had approved the plan as written in two phases, the report from a resident regarding an overflow on her property probably drew extra attention. There was discussion about how much improvement should be seen once the infiltration and inflow (I & I) from sewer hook-up's has been reduced.

Robbins told the council that Michael Coffman has discovered that the city already has an easement on the property where a pre-treatment tank is to be installed, so that shouldn't cause any delays. He hasn't prepared a plan as yet.

Robbins reported that Doug Cloud told him he had no problem with using his land for application of the sludge removed from the lagoons as long as the material is handled as a slurry, injected underground with no damage to the land. They were to meet this morning to sign the documents, but Cloud had been called away so this is on hold. Four firms have requested bid packets for the de-sludging as of today. Robbins will let these companies know that the land for application has been approved. The bid opening will be Monday, October 4th at 2 PM. We will have to get written approval for the de-sludging from KDHE. If the process doesn't get done this fall, it will need to wait until next fall.

Robbins told the council that the water line in the street north of WrenchBenders needs to be replaced as there have been numerous breaks and the pipe is in extremely poor condition. The clerk asked about the possibility of using some of the remaining funds from the waterline loan, approximately \$28,000 Robbins said he would have Marian Massoth check into this. There was discussion about the best materials to use.

Robbins told the council that Mayer Specialties also does repair work on sewer lines, etc and may be bidding on the next phase.

COUNCILMEMBER COMMENTS: Jim Gates said that he's gotten some information about grant money for finishing the Trail's Project and we need to find out what our deadline is for the current grant. The clerk said she would try to find out the date.

Rich Hamit said that he'd been contacted about ruts left by Mayer's during the sewer inspection. The clerk said she had talked to the same person, and mentioned it to Bob Call. Call told her that the truck was on the sewer easement. The council agreed that any claims need to be submitted in writing for consideration.

Ira Allen would like Ordinances 143 and 164 changed. No 164 regulates Manufactured Homes, and Allen would like it to exclude motor homes and travel trailers. He would like an age requirement established for Class A homes. Allen would also like all classes of manufactured homes to have the same requirements. There was discussion about the difference between manufactured homes and mobile homes. Jim Gates suggested having Michael Coffman check into the wording.

Ordinance No 143 addresses the abandonment of any non-conforming use for over 30 days. It states that mobile homes, which, once removed from the property, may only be replaced within the 30 day period by mobile homes of equal or higher quality and value. Allen thinks it should be changed to equal or higher value with a limit on the age of the mobile home. He would also like a time limit on when the set-up is completed in addition to the 30 days. Penalties also need to be added. Mayor Young said he would talk to the Planning Commission about this matter. The clerk said she would check to see if the League of Municipalities has updated guidelines.

MAYOR'S REPORT: The mayor said that he would like the council to re-group as far as the goals that have been set, and either go ahead with them or revise the time limit.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; meeting adjourned at 9:35 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: _____

10-13-04