

CITY OF OVERBROOK
MINUTES

REGULAR MEETING

OCTOBER 10, 2001

MEMBERS PRESENT: Jim Gates, Jason Florance, Bruce Smith, Rich Hamit, David Gerisch (8:15PM), Mayor Jack Young.

OTHERS PRESENT: Carolyn Meerian, Bruce Anderson, Ira Allen, Charles Hamner, Pat Martin, Bob Shepard, Sheila Dale, JoAnn Lemberger, Stephen & Kay Jones, Marian Massoth, Ed Harmison, Bob Sisson, Max Friesen, Cheryl Brown

Mayor Young called the October meeting to order at 7:30 P.M. Roll was called by the clerk; there was a quorum present.

MINUTES/WARRANTS: Jim Gates moved to approve the September 12th minutes as written; Bruce Smith seconded. Motion carried. Bruce Smith moved to approve the minutes of the September 20th special meeting; Jim Gates seconded. Motion carried. Jim Gates made a motion to approve the minutes of the October 1, 2001 special meeting/water supply loan hearing as written. Bruce Smith seconded, motion carried. Carolyn Meerian asked why the comment made by Max Friesen at the last regular council meeting referring to the city being bankrupt wasn't in the minutes. Mayor Young replied that while he did recall Friesen making a statement to that effect, he thought Friesen should give an explanation. Max Friesen said that what he meant was that he didn't think that any major water projects could be funded by either the general fund or the water fund at this time so he did mention issuing a No-Fund warrant, as paying for any major projects would take all the remaining funds needed to finish the year. JoAnn Lemberger questioned the minutes stating that the Treasurer (Max Friesen) reported that the fund balances were good under the circumstances. The clerk stated that the fund balances were good at the end of August, which is what was reported at the September meeting. Sheila Dale stated that this remark should have been included in the official minutes. Mayor Young said that this matter will be discussed with the city attorney as to whether or not the phrase "bankrupt" should be in the minutes.

Rich Hamit made a motion to pay all warrants presented with a second by Jason Florance. Motion carried.

ANIMAL CONTROL: Ed Harmison reported that Mark Tomlinson has been hired to handle animal control evenings and weekends, with a maximum of 40 hours per month.

STREET/WATER PLANS: Rich Hamit suggested that someone go with Bob Sisson to take inventory of the streets for future plans, as well as the water lines. Jim Gates agreed to go with Sisson as soon as possible. Sisson would be responsible for doing the same for improvements and repairs on the water system.

JOB DESCRIPTIONS: The council agreed that the job descriptions from the League of Municipalities should be adapted to the city of Overbrook by each department head for discussion at the next meeting.

CITY HALL DOOR: After discussion, the council agreed by concensus to check into the cost of building a ramp and other changes to the front door of City Hall, and also changes to the bathroom, including the three interior doors leading to the bathroom. It was decided to consult with the city attorney regarding this matter.

PHONE FRANCHISE: The clerk stated that Carolyn Gaston with Sprint was unable to attend tonight's meeting, so the ordinance extending the franchise for just one additional year was tabled.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. Harmison told the council that he has two bids on new patrolcars. One is from Olathe for \$21,270 and the other is from Topeka for \$20,900. These bids are for 2001 models, and the Topeka dealer would allow \$3500 trade-in for the 1996 car we have. They both offer leasing. Harmison said that the 1996 Ford has 59,000 miles on it, and the transmission is beginning to act funny. The council agreed by concensus that the city is not in a position at this time to make any committments even if the cost is more after the first of the year.

PLANNING/ZONING BOARD HEARING: Mayor Young called the hearing to order at 8:00 P.M. He stated that the purpose of the hearing is to give residents a chance to voice their opinions about combining the Planning Commission and the Board of Zoning Appeals into one board. Stephen Jones, city attorney, presented the ordinance prepared, but noted that Section Two would need to be changed to automatically appoint the existing members of the Planning Commission because it includes two members from outside the city limits. Jones suggested two alternatives: 1. Appoint the current members living within the city limits 2. Appoint 5 members who may or may not be on the current board. Mayor Young said that since Duane Stout has issued his resignation, the council would have to consider appointing 5 members who will include at least one new member. The terms of office were discussed as the current members are all appointed until November, 2002. Jones said that all members appointed initially will serve until May, 2002 at which time their terms would have to be staggered to avoid having to replace the entire board. Jones also stated that Section 8 needs to be changed to include Ordinance No 93 that established the original Planning commission, as well as Section 15 of Ordinance No 95 that created the Board of Zoning Appeals. There was discussion about how to determine term lengths for the members. Bruce Smith made a motion, seconded by Jason Florance, to adopt Ordinance No 241, with changes in Section 2 and Section 8, to combine the Planning Commission and Board of Zoning Appeals into one board. Motion carried. It was decided that appointing members needs to wait until after the ordinance has been published, so that matter was tabled until the next meeting. Mayor Young asked the current members present to indicate whether or not they are willing to serve on the new board. Bob Shepard stated that he would prefer not to be appointed.

ADA REQUIREMENTS: Mayor Young asked Jones if he has information on what requirements the city needs to meet to comply with current ADA regulations. Kay Jones, Lyndon city clerk, said that Mary Holloway, with the Resource Center of

Independent Living in Osage City would be a good source for this information. Jones said that Holloway came to the Lyndon building in person. She also said that Holloway that Lyndon should indicate that their restroom is “a port in a storm”, but not to advertise them as public facilities. The clerk was told to contact Mary Holloway for advice.

LAW REPORT(CON'T): Chief Harmison reported that Everette Dannar is currently in a school in Salina. Harmison also presented a bid for three signs to be posted at the Skatepark area for a cost of \$298.85. The council agreed by concensus to table ordering any signs until spring. Harmison said that he has posted temporary signs on the concession stand.

SEWER/WATER LOAN REPORT: Marian Massoth said that the testing lab used by Overbrook for lagoon-testing, QWAL Labs, has been shut down by KDHE for allegedly falsifying results. Massoth said that the clerk has already been contacted by Environmental Labs in Topeka about doing our testing. Cheryl Brown said that the city has contracted with them before, and that the reason for changing labs didn't have anything to do with being dissatisfied with their work.

Massoth said that she would like to ask for another extension on the city's compliance schedule due to having to re-schedule the “smoke testing” and also changing labs for wastewater testing. The council agreed by concensus to have Massoth ask for an extension.

Massoth asked if the city wants to pursue the application for a loan from the Kansas Public Water Supply fund. Jim Gates said that he had talked to someone from the Department of Commerce & Housing regarding block grants. Gates said that he was told that based on the 1990 census, the city only had 28-29% population compliance with the Low-To-Moderate Income regulations. We would need at least 51% compliance. Kay Jones stated that Lyndon hired a firm from Lawrence to do their survey after the 1990 census showed them to be too low to comply, and they were able to meet the LMI limits. Jones suggested contacting this firm to get some cost estimates and other information. The council agreed by concensus to contact this person. Jones said that the applications are due in mid-March. She also said that there is a minimum response percentage required to comply. Gates said there is a workshop regarding this matter in Ottawa on October 30th. Sheila Dale said she had been told there are “Urgent Needs” grants available, and suggested contacting the man from Commerce & Housing for more information. Massoth said that this would be a good possibility for funding sewer upgrades as well as water improvements. Gates said that the city wouldn't be eligible for any grants in 2002, but could try for 2003. Kay Jones said that there is a \$400,000.00 limit with the block grant, but the city would have to match the grant funds.. Gates said he would check into the dates and grants available. Massoth reminded the council that the deadline for the loan application is October 31, 2001; however, the city does not have to use the loan. Carolyn Meerian asked how much repaying the loan would cost the property owners. The mayor and council stated that the cost per customer would depend on how much money is borrowed and the length of the loan payment schedule. Bob Sisson said that the main reason the 6” line needs replaced is to make sure the city has a way to pump water from the wells to town in case something happens to the 4” line, other than buying all our water from Rural Water District #5. After more discussion of exactly

how much rural water line needs replaced, Bruce Smith made a motion, seconded by Jim Gates, to complete the loan application. Motion carried. Massoth said that we should know by the first of the year whether or not the loan has been approved. She also said that the loan payments do not start until a year after the project is completed. The council agreed by consensus to publish notice of the meeting after the loan has been approved and before officially accepting the loan. There was discussion regarding the bid process, and Massoth said she would check on requirements by KDHE.

ENTERPRISE FACILITATION: Mayor Young asked Kay Jones to share some of what she knows about this organization. She stated that the Kansas Department of Housing & Commerce has started this program, and that Osage County could become a pilot for them if individuals and businesses can submit a request for funding by December 19, 2001. One of their goals is to help someone just starting a business, or expanding a home-type business by encouraging other businesses to offer their services with the idea that eventually all the businesses will benefit. This program has been successful in several other states, Canada, and Australia.

The Osage County Economic Development Corporation is the coordinating force for the County's proposal. There will be several meetings in the next few weeks to get out as much information as possible.

MAINTENANCE REPORT: Bob Sisson reported that the streets in Meadowbrook II are done, and the residents seem to be pleased.

The pool is winterized, but he will need more antifreeze to do the bathhouse and ballpark.

Sisson said that the automatic pumping station for the east side has been ordered, and that it should be here in 4-6 weeks with the first payment being due at that time according to Joe Maris, the salesman.

He said that the bathrooms have been left open at Jones Park for the skateboarders, but will be closed the end of October.

Sisson said that the "smoke testing" for the sewer system has been rescheduled for October 18th. He wanted the council's opinion of digging up all the manholes in the streets, as it could cost up to \$1800 for patching material. Bruce Smith stated that this could wait until next spring if we really need to see the manhole. Sisson feels that we should be able to get a good test result without doing all the digging. He also said the last testing done in 1987 seemed to show problems mostly on the west side of town. Gates asked who is responsible for maintaining alleys. Sisson said the city takes care of the ones in the business district.

Sisson said he's meeting with another salesman regarding a warning system for the water tower. Mayor Young agreed that this should be pursued even if the city does not qualify or accept the Kansas Public Water Supply loan.

MISC: Rich Hamit made a motion, seconded by Jim Gates, to recess the meeting and go into executive session with Ed Harmison present for 15 minutes. Max Friesen asked if the other city officer reports could be done first. The motion was withdrawn to accommodate Friesen's request.

TREASURER'S REPORT: Max Friesen apologized for giving the impression that the city was bankrupt last month. He did want to say that the finances would be tight the rest of the year, partly due to the pool bond payment. He didn't see any big expenditures for the rest of October, but since the remaining tax levy will be fairly small there won't be any money for extra large expenditures.

CLERK'S REPORT: Cheryl Brown said that a representative from Data Technologies will be here November 15th to install the Windows-based utility software and get us started. She will be gone this next week on vacation with Mary Anderson filling in at City Hall.

EXECUTIVE SESSION: Rich Hamit made a motion, seconded by Jim Gates, to recess the meeting for 15 minutes to discuss matters not related to elected personnel with Ed Harmison present. Motion carried; meeting was recessed.

The meeting was called back to order at 9:50 P.M. with no action being taken.

LAW GRANT: Chief Ed Harmison told the council that he has applied for a \$10,000 equipment grant again this year. This is a 90-10, with the city furnishing 10% of however much the government awards. He is requesting 2 dash cams for the patrolcars, and new lightbars. He needs to have a public hearing just prior to the November meeting.

COUNCILMEMBER COMMENTS: Bruce Smith said that he would like to see "a normal week's log" from the maintenance department to go along with his job description.

Rich Hamit reported that Rychert's Masonry had called him saying that they weren't satisfied with the color of the mortar and will be back some weekend to make improvements.

Hamit also asked about the deed to the city lake property. Brown told him that Max Friesen had signed the deed in October, 2000, but the surveyor didn't like the legal description as it was written. The city agreed to vacate Meadowbrook I, which resulted in a legal description that was approved. For some unknown reason, the deed was never recorded, even though Friesen had signed the original in October of last year. The clerk had seen a copy of the original signed deed, and assumed that it had been recorded.

MAYOR'S REPORT: Mayor Young stated that while he is very pleased to have citizens attend council meetings, he would appreciate only positive input, but will be quite intolerant of any disruptive comments at future meetings.

There being no further business before the council, Jim Gates moved to adjourn the meeting. Rich Hamit seconded; motion carried 5-0. The meeting adjourned at 10:00 P.M.

Respectfully submitted,
Cheryl L. Brown

APPROVED: 11-14-2001