

MEMBERS PRESENT: Ira Allen, Jim Gates, Bruce Smith, David Gerisch (7:07), Mayor Jack Young, Rich Hamit (7:52).

OTHERS PRESENT: Max Friesen, Carolyn Meerian, Vic Robbins, Ed Harmison, Bob Call, Patty Hylton, Cheryl Brown, Everette Danner (7:21).

The mayor called the meeting to order at 7:00 PM; roll call determined a quorum.

MINUTES / WARRANTS: Ira Allen moved to approve the minutes of the September 26, 2004 meeting as written. Jim Gates seconded; motion carried 3-0. Jim Gates made a motion, seconded by Bruce Smith, to approve the minutes of the October 6, 2004 special meeting with changes regarding a motion made by Jim Gates. Motion carried 3-0.

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

CHRISTMAS DECORATIONS: Carolyn Meerian reported that the old decorations will need quite a bit of work to make them usable. Meerian talked to Dana Wurdeman, a member of the Betterment Committee, and was told that they are hoping to put decorations at the pool, and they order new decorations right after Christmas to get a better price. Meerian thinks that it would be better to have decorations on the highway that match the ones on Maple, but the old ones would be better than nothing if someone wanted to refurbish them on a volunteer basis. Ed Butterfield said there are 2-3 poles with hook-up's and he would hang them for us. KDOT needs to give approval also. The matter was tabled until the appropriate people can be contacted.

PROPERTY DEVELOPMENT: Max Friesen presented the governing body with some drawings of the area he's interested in developing sometime in the future. His plan would be for 24-26 1-acre lots to the east of the Overbrook City Lake. A road giving access to the cemetery and Meadowbrook II from Hwy 56 is also included in the plans. Ira Allen asked about the frontage on the lots due to the difference in lot sizes. Jim Gates asked what Friesen is expecting from the city at this time. Friesen wants the council to keep these plans in mind when making long range plans for utilities. There was discussion about lot sizes. Friesen mentioned that the county has changed their minimum acreage requirements to allow for smaller lots, so it's possible that he could increase the lot size slightly and not request this area to be annexed.

WATER / SEWER PROJECTS: Vic Robbins said that he has contacted D & D Excavation about finalizing the waterline project regarding filling and re-seeding the land. He was told that Donnie Bryant will be doing this soon. Robbins said that both parties he contacted about doing the re-seeding could cost up to \$10,000. He checked into renting the county's drill and estimated that it would cost about \$100 for approximately 10 acres plus the cost of the seed. There was more discussion about who would actually use the drill, and what information would be needed from the property owners in advance.

Robbins said that the sewer inspection and cleaning is not quite done due to one of the camera's they use is being repaired. It should be done early next week. The report is partially done. Robbins said that there are still a few manholes waiting to be inspected. Robbins said that he needs to contact KEWA about finishing the mapping of the sewer system. He recommends developing a comprehensive numbering system for the sewer system as some of the numbering has been used more than once in different locations. The council agreed by consensus to have Robbins pursue developing this system. Robbins thinks that the cost can be included with the total project loan and grant.

Robbins asked if the council has hired an I & I inspector. The mayor reported that the person recommended by the interviewing committee has accepted another job. Bruce Smith made a motion, seconded by Ira Allen, to offer the position to Dean Beckman. The salary will be \$20/house/building on first visit, \$10/house-building on follow-up inspection. Motion carried 4-0. Mayor Young said he would contact Beckman tomorrow.

Robbins told the council that the remaining loan money from the waterline project can be used to replace lines in town, but there are conditions. An engineering plan must be submitted, and a public notice has to be published prior to being approved by KDHE. If the same contractor is used, the city wouldn't have to take bids for the actual work. A decision would have to be made as to which lines to

replace for the best use of the money, approximately \$28,000. The council agreed by consensus for Robbins to pursue the plan.

The next order of business was to consider the bids for the sludge removal from the lagoons. After reviewing the bids, Jim Gates made a motion, seconded by Bruce Smith, to accept the bid from Mid-America Environmental Contractors in the amount of \$113,000. Motion carried 4-0. Robbins will take care of the notice to proceed so that a pre-construction meeting can be scheduled. Robbins is hopeful that this part of the project can be started by the end of October.

Robbins said that he has learned that after having Michael Coffman send a formal appeal to the order from KDHE, he learned that this could have been done by a letter from the city. Robbins will be submitting a letter stating the parts that the city wants to appeal, which primarily deal with the time limits. The council gave Robbins the dates to pursue in the appeal.

The city is still waiting to get the signed documents for the easement for the pre-treatment tank on West First Street.

Ira Allen asked if the estimated cost of the project are holding to form. Robbins said they were as far as he could tell, possibly less. There was discussion about what has been done and what needs to be done at the lagoons.

CLAIM FROM ANDERSON'S: No one has heard from Carl Anderson in regards to their claim.

WELCOME ROCK: Cheryl Brown said she has deposited the check from State Farm for \$3100 to pay for the damage to the rock. She will disperse the money to PRIDE as soon as they submit copies of the bills for the repairs.

MISC: Brown said she sent a letter to KWEA expressing the city's interest in working with them to address some drainage problems at the school. She also emailed Sylvan Coles saying the same thing, but hasn't heard from them.

ZONING ORDINANCE ISSUES: Mayor Young asked what people get copies of when they apply for building permits. The clerk said she gives copies of the ordinances that apply to the situation. Brown said that Ordinance No 164 allows only Class A manufactured homes in a single-family district. Class B and C manufactured homes are only allowed in mobile home districts. The ordinance defines a minimum size requirement of 1,000 square feet. Ira Allen said that most of the newer "mobile homes" are 16x80 which would meet that size requirement. The clerk then said that the minimum size requirement can be changed. Ordinance No 143 which deals with abandonment applies to any non-conforming use, or conditional use zoning as well as replacement of existing mobile homes in districts not zoned for mobile homes. The clerk said that while the ordinances can be amended, all options need to be considered before any changes are made. The mayor brought up the job of the building inspector, who is authorized to approve building permits. Bob Call is currently the building inspector. There was considerable discussion of the responsibilities of the building inspector under the current zoning ordinance. Bruce Smith said he didn't think that this was a big issue as we don't deal with that many building permits in a year. The mayor agreed with the number, but said that if the ordinance had been fully enforced from the beginning, maybe the city wouldn't be spending \$10,000 to do sewer hook-up inspections now. The mayor said he thinks that hiring a building inspector, who would be paid per permit, be given serious thought for the future. The council agreed by consensus that the Planning Commission should be involved with this matter.

TRAILS'S PROJECT: Jim Gates would like to ask for a time extension from Ks Wildlife & Parks. The clerk will write the letter.

SIDEWALK BY POOL: Mayor Young said he has received a bid of \$1150 from Leo Lang to build a sidewalk south of the pool. This would keep the kids from walking in the street. Bruce Smith moved to accept the bid from Lang. Ira Allen seconded; the motion carried 5-0. The mayor will call Lang.

Lang told the mayor that it would cost \$331 to repair the steps and guard rail in front of the library. The insurance company of the person who ran into it should pay for the repair either directly or through reimbursement. Allen asked about the steps in front of the old Reunion Pizza building. The clerk said the building is owned by Richard Wright, and the mayor asked that a letter be sent to him informing him that the steps need repaired.

CEREAL MALT BEVERAGE LICENSE: St. Patrick's and Lapeer churches have applied for a CMB license for their Harvestfest on October 23rd. Chief Harmison and Officer Dannar said the only problems last year were people not staying in the specific building. Bruce Smith made a motion, seconded by Jim Gates, to

approve the CMB license subject to them staying inside the two buildings and barricaded area. Motion carried 4-1 with Hamit voting against.

CONTRACT FOR GRANT APPLICATION: The mayor presented a contract proposal from Donna Crawford of Governmental Assistance to start the procedure to apply for another grant. The matter was tabled until more details from Crawford are available.

MISC: The Pomona Lake Water Project is requesting some water usage figures from the city. Bob Call would have this information from previous annual water reports, and future growth estimates should be in the Wastewater Project plans.

The clerk had requested that someone attend a Wage & Hours seminar in November, but the treasurer will not be able to attend so the matter was dropped.

The city has received a letter regarding available funds to restore old dump sites. Permission must be obtained from the land owner, and the city is being asked to assist KDHE in getting the permission.

STORAGE FOR FISH FOOD: The mayor said that Tim Larson, who fills the fish feeders at the lake, telling him that the elevator in Hartford no longer wants to store our feed. Larson put it in his shed, but doesn't want to store it. The local co-op can't get the same kind of food, so we will have to continue getting it in bulk amounts, and we need a place to store it. Mayor Young learned we can get an 8 x 12 building through Osage AutoWorks for about \$1500. The mayor looked at Home Depot, and the same sheds were more expensive. Danner asked if they've thought about a semi-trailer. He said that one could be bought for around \$600-800 and would have more storage space. Bruce Smith made a motion, seconded by Ira Allen, to pursue getting a trailer with a limit of \$900. Motion carried 5-0.

COMPLAINT LETTER: The mayor read a letter from a Mr. Cypher regarding a speeding ticket he had received. He said that while he has no intention of talking about the guilt or innocence, he would like to visit about changing the speed limits on the south end of town. Chief Harmison said that the city would have to talk to the county about that. He said that the city ordinance sets a 20 m.p.h. speed limit in business districts, and when the city limit sign was moved new 20 m.p.h. signs were installed. They talked to the county person in charge of signing, and were told that the only requirement the county has is a sign stating that there is a reduced speed limit ahead. The council can send a letter requesting this to the county commissioners. Harmison said that the current Traffic Ordinance adopted by the city is the basis for the 20 m.p.h. in business districts. Speed limits within the city limits can be changed by an individual ordinance. Jim Gates asked if a safety hazard would be created by increasing the speed limit in the 100 block of Maple. Harmison said that making it 30 m.p.h. would lead to people go 40 m.p.h. The mayor said that he would rather see the limit changed coming from the county into the city. Smith said he would like to see the speed limit reduced before the city limit rather than stay at the current 55 mph to 20 mph.

LAW REPORT: Chief Harmison reviewed the citations in the 100 block of Maple during September. There were 14 citations issued, 11 of which were given to southbound traffic. Gates stated that this indicates there isn't a problem with the current limits. Harmison said that he has told his officers that they're not to sit anywhere and point south and lock the radar as soon as the vehicle crosses the first 20 mph sign. He said that there are 3 20 mph signs by the time they get to First Street, and he feels that is plenty of time for them to get to 20 mph. The mayor said he would still like to have a 35 mph sign before the city limit sign. Harmison stated that the person who wrote the letter had passed 6 20 mph signs before he was clocked leaving town.

Harmison then reviewed the rest of his report for the council. Danner attended training to use drug-identifying kits, and can now train the other officers.

Harmison said they have applied for a grant in the amount of \$8500 of equipment, including a new laptop for his car, 2 digital cameras, 2 printers for the laptop computers in the cars, night vision goggles, a fiber-optic device, and a fire safe. The city's share of the grant would be 10% or \$850. He reported that \$1600 of fines were collected from this month's court.

MAINTENANCE REPORT: Bob Call reported that he has ordered pipe to replace the waterline by the Co-op station, but needs to know whether he should go ahead or wait until KDHE approves the project. Consensus was to proceed with the city picking up the expense since there is a definite need. Call was told to work with the locker plant and salebarn due to having to shut off water.

Call said that he is going to check with the person who painted the pool to see if he has something to apply to the diving boards before next year.

Call asked about the seeding along the new rural waterline. He was told to contact the property owners about what kind of grass they want seeded.

He has a bid of \$100 from Craig Gillard to replace the hydraulic tank on the dump truck.

Call said that he hasn't taken the pool pump for estimates yet, but he will be taking it to Patchen's for this. He also said he will be doing some painting at the chlorinator building, as well as some of the other buildings.

TREASURER'S REPORT: Patty Hylton reviewed her fund reports for the council. She said that she is waiting to transfer funds to other funds that currently have a negative balance until after we get our last tax dispersement from the county. She thinks that we should have cash balances in the General, Water/Sewer, and Law funds at the end of the year with careful spending. She has submitted for reimbursement from both the Wastewater and Waterline Project, but has no idea when we'll receive the money. These expenses have come from the operating funds, and that fund will be reimbursed. The mayor asked if the income in the Lake fund is all from license sales. The clerk said that she's waiting for the sales from O'Bryhim's and there may some more from Casey's.

CLERK'S REPORT: Cheryl Brown asked that Rich Hamit check with someone about putting up Christmas decorations on Hwy 56. Hamit said he would find out what the city needs to do.

Brown told the council that Michael Coffman is not comfortable with the wording in the Purchasing Policy recommended by Donna Crawford. She has emailed Crawford about the matter. The city doesn't have a purchasing policy in writing, but could establish one that would apply to all purchases.

The letter to residents about sewer hook-up inspections was reviewed. Dean Beckman's name will be inserted if he accepts the job. Notices will be published in both local papers also.

COUNCILMEMBER COMMENTS: David Gerisch said that he is still working on the governing body identification pictures, and should be here at the next meeting.

There being no further business before the council, Jim Gates moved to adjourn. Bruce Smith seconded; motion carried. Adjournment was at 10:30 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: _____

10-27-04