

MEMBERS PRESENT: Dale Fox, Mark Criger, Bruce Smith, Glyn Day, Mayor Richard Hamit. Bruce Anderson absent.

OTHERS PRESENT: Richard Davenport, Kenny Greene, Joe Greene, Randy & Debra Knight, Max Friesen, Ron Dean, Sr. Lila Hamit, Cheryl Brown, members of high school government class.

Mayor Hamit called the meeting to order at 7:30 P.M. The clerk called the roll; there was a quorum present.

MINUTES: Bruce Smith made a motion, seconded by Glyn Day, to approve the minutes with changes regarding ditch repair by the pool to be done by Cablevision, and also the American Legion's BarBQue on the 4th of July. Motion carried. Bruce Smith made a motion, seconded by Mark Criger, to approve the minutes of the April 24, 1995 hearing requested by Cheryl Stewart. Motion carried.

WARRANTS: Mark Criger made a motion, seconded by Bruce Smith, to approve payment of all warrants presented. Motion carried.

OPENING OF SECOND STREET: Don Wolford came before the council to inquire about the procedure to open Second Street between Locust and Devon. Wolford stated that he had been told that the city is obligated to provide the street if requested as it was part of the original city. Bruce Smith said that when the sewer work was done for the latest construction, it was done by the city because it was original city. Glyn Day suggested that research be done as to how the last street put in by the city was done. After discussion, the council tabled the matter until legalities and previous actions could be reviewed.

APPOINTMENT OF CITY OFFICERS: Bruce Smith made a motion, seconded by Dale Fox, to appoint the following officers for 1995:

Maintenance Supt.	-----	Robert Sisson
Chief of Police	-----	Ronald Dean, Sr.
City Clerk	-----	Cheryl Brown
Assistant City Clerk	-----	Lila Hamit
City Treasurer	-----	Max Friesen
Municipal Court Judge	-----	Larry Coursen
Deputy Law Enforcement	-----	Ed Harmison
		Billy Warrington
		Ron Dean, Jr.

Motion carried.

COMMITTEE REPORTS: Glyn Day reported that he had heard of a group measuring at some locations in another county, so the committee for American Disabilities Act should have a report at the next meeting. There was no report from the building codes & permit committee. The matter of renting or buying a street cleaner was tabled.

CLERK'S REPORT: The clerk reported that the auditors will be here May 22 & 23. She also requested authority to look into purchasing a FAX machine, as more and more companies are using them. Chief Dean has been checking into obtaining grant money that could be used for this and also a computer program for the police department. Mark Criger made a motion, seconded by Bruce Smith, to authorize the office personnel to purchase a FAX machine and that any monies spent be reimbursed by grant money received in the future. Motion carried.

MAINTENANCE REPORT: Bruce Smith reported that Bob Sisson had given him some information about streets to be resealed. There was some discussion as to whether or not bids were to be taken at this time. Mayor Hamit said he thought that we should determine what we can spend and then consider the amount bid by the companies.

8:00 P.M. SOLID WASTE BIDS: Mayor Hamit opened the bids received for hauling solid waste for June, 1995 to June, 1996. They were from Osage Waste, Inc. and Midway USA Services. They were as follows:

Midway USA:	Residential-----	9.01	
	Business without container---	9.01	
	2 yd. container	42.40	
	3 yd. container	58.30	
	4 yd. container	74.20	
	6 yd. container	111.30	

All containers would be checked and emptied twice a week at this same charge.

Osage Waste, Inc.:	Residential-----	8.40	2xweek
	Business without cont.---	9.00	
	1 1/2 yd. container----	40.50	
	2 yd. container-----	43.50	65.25
	2 1/2 yd. container----	54.37	
	3 yd. container-----	65.25	
	Major account-----	87.00	
	Institutional-----	119.00	
	4 yd. container-----	77.00	155.00
	6 yd. container-----	110.50	221.50
	8 yd. container-----	165.50	275.50

Max Friesen asked if businesses are given the option of being picked up twice a week, as he thought restaurants were the only ones required to twice a week pick-up. The clerk said she had checked with the state, and there is no requirement for food service businesses to be picked up twice weekly, only that the containers be emptied as necessary to meet health guidelines. Richard Davenport of Midway USA said that his bid was made with the consideration of landfill prices being raised January, 1996, otherwise his rates would have stayed the same as in the present contract. Bruce Smith made a motion, seconded by Dale Fox, to accept the bid from Midway USA Service. Motion carried 3-1, with Day voting no. The council asked if the contract date could be changed from June 6, 1995--June 6, 1996 to read June 6, 1995--May 31, 1996. This would eliminate paying for a part of a month when the contract changes companies. Davenport

5-95

agreed to this change. Starting time for trash pick-up was discussed. Mayor Hamit stated that the city has received several complaints about noise before 6:00 A.M. Starting at 7:00 A.M. was suggested. Davenport said he would let the clerk know as soon as possible so the contract could be signed before June 6, 1995. Bruce Smith said he had received a complaint from one of the businesses that sometimes not all the trash is emptied from their dumpster.

REQUEST FOR WATER/SEWER SERVICE: Randy and Debra Knight came before the council to tell the council that they are planning to build another storage building with office space at the front. Knight said that Mike Musick had told him that there is a problem with providing sewer service. Bruce Smith said that without a pump, it wouldn't drain gravity-wise. Glyn Day said that a small grinder pump would make the service feasible. Several options were discussed, as well as the city's responsibility to provide a main with the customer hooking on to it. The concensus of the council was that Knight would be responsible for whatever sewer was installed on his property. When asked about the water service, the council agreed by concensus to provide the service if at all possible considering the narrowness of the easement. Knight said he would talk to Musick about the services and the council's opinions.

MISC: The matter of when trash pick-up should be started was brought up for discussion. After discussion, the council agreed by concensus to specify 6:00 ~~P.M.~~ ^{A.M.} as starting time by Midway USA.

STREET RE-SEALING: There was discussion as to whether or not bids were to be let at this meeting for re-sealing streets this year. The only two estimates received were not marked as "sealed bid", so the council reviewed them. Mayor Hamit stated that Killough's from Ottawa quote was for \$0.75/sq yd for resealing, and 1 1/2" overlay would be \$2.50/sq yd. Hi-Plains Sand quoted \$0.55/sq yd for resealing, and prime and double-seal would be \$1.40/sq yd. The work to be done on the south block of Ash Street would be \$4060.00. This would include recycling, reshaping, compaction, and prime & double-seal. The extra work to mill off high areas and chip sealing the intersections of 5th & Maple and 6th & Maple would be \$2000.00. The estimated cost of the total work would be \$38,361.00. The 1995 budget allows for \$32,000.00 for street work. Bruce Smith said he hadn't heard any of his neighbors complain, so there probably wouldn't be a problem putting this off until it could be included in the new budget. The council agreed by concensus. Dale Fox and Bruce Smith agreed to meet with Bob Sisson on Friday to review the street situation. Dale Fox questioned whether or not we should ask for another set of bids. Mayor Hamit stated that the city received \$23,000.00 last year from a state special highway fund, and everything in excess of that was paid for from the general fund. Bruce Smith made a motion, seconded by Mark Criger, to accept the bid from Hi Plains Sand of \$0.55/sq yd. for the chip & seal, and \$1.40/sq yd. for prime & double seal at the two intersections on Maple (5th & 6th) less the work on Ash Street, with the option to adjust the amount of work to meet budget limits.

Motion carried.

LAW REPORT: Chief Dean told the council that he will be helping Osage City with a hazardous waste collection, so that they will help him do one for Overbrook later. The date for this is May 20, 1995.

Chief Dean gave the council copies of a quarterly report indicating man-hours and how they had been utilized.

Mayor Hamit asked if Chief Dean had checked into the matter of Hans Rayner ordering ammo for the officers. Dean said he had checked with AT&F and the attorney general and was told it was legal. He said he was told by the purchasing agent of KBI that an official request could be sent on city letterhead, and each officer could order and get the city discount and still be tax-exempt. Glyn Day was concerned about having a written schedule that could be seen by the public in general. He was told that copies are made for the mayor, city office, and the council-liaison member only.

Bruce Smith asked how the animal control officer was doing. Chief Dean said that Bruce Sisson was getting things going, and that they were building an approved pen for temporary holding.

COUNCILMEMBER REPORTS: Mark Criger said that the pool was being made ready for the season, and that the chlorine system was being changed to get away from the gaseous form to tablets for safety. An infant and senior citizen program are in the planning stage.

Dale Fox said he had been contacted by Joyce Dillon to represent the city at a dinner to recognize her graduating from a leadership course.

Bruce Smith said that Bob Sisson had discussed the water problem on the sidewalk in front of Topping's. The mayor said he thought the problem happens when we get a heavy rain, and parked cars divert the water onto the sidewalk. The assistant clerk said Rosemary had told her that people were having to walk in deep water to get into her business. Bruce Smith said he was also told that the flower shop was having this same problem.

Mark Criger said that the PRIDE committee is wanting to put half-barrels with flowers along Maple. He told Jo Ellen Criger that the committee would have to get permission from the business owners as the sidewalks are their property.

Glyn Day reported that the netting for the ballpark has been ordered, but the weather has prevented setting poles.

Mayor Hamit brought up setting a time limit for the 75-25% agreement for the maintaining of the cemetery road. The council agreed by consensus to table the matter until a future meeting. Max Friesen said that the development is in a holding pattern at this time.

Mark Criger asked if the city has heard from Kramer Engineering regarding the feasibility study for another lagoon. Friesen said that Kramer is waiting on the weather. The effects of the present lagoon system on surrounding ground was discussed.

A motion was made by Dale Fox, and seconded by Bruce Smith to adjourn the meeting at 9:35 P.M. Motion carried, meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED: 6-14-95

HEARING

CITY OF OVERBROOK

APRIL 24, 1995

MEMBERS PRESENT: Bruce Anderson, Bruce Smith, Glyn Day, Mayor Richard Hamit.

OTHERS PRESENT: Cheryl Stewart, Ron Dean Sr., Lila Hamit, Cheryl Brown.

Mayor Hamit called the hearing to order at 8:00 P.M. He stated the hearing had been requested by Cheryl Stewart in response to her being cited for violations of Ordinance No. 192.

Cheryl Stewart reported that she and her husband had been making an effort to comply with the ordinance, but needed more time. She also stated that the vehicle in question was being repaired and asked that it be exempted from the citation.

After discussing the facts with Police Chief Dean, Glyn Day made a motion, seconded by Bruce Smith, to grant an extension of two weeks for finishing the clean-up. Motion carried.

Several options were discussed regarding the vehicle. Bruce Smith made a motion, seconded by Bruce Anderson, to allow two weeks to find another location for the vehicle or have it legally registered. Motion carried.

Bruce Smith motioned for adjournment; Glyn Day seconded the motion which carried. Hearing was adjourned at 8:20 P.M.

Respectfully submitted,

Cheryl Brown, City Clerk

MEMBERS PRESENT: Dale Fox, Carolyn Meerian, Dennis Graves, Mark Criger, Bruce Anderson, Mayor Richard Hamit, Bruce Smith, Glyn Day.

OTHERS PRESENT: Mark Heideman, Kevin Smith, John and Kathy Shepard, Diana Day, Nikki Heir, Ben Kramer, Jim Duncan, Kenneth Schoenick, Max Friesen, Ron Dean, Sr., Lila Hamit, Bob Sisson, Cheryl Brown.

Mayor Hamit called the meeting to order at 7:30 P.M. The clerk called the roll; there was a quorum present.

MINUTES/WARRANTS: Mark Criger made a motion, seconded by Carolyn Meerian, to approve the minutes of the March meeting as written. Motion carried. Mark Criger made a motion, seconded by Dennis Graves, to pay all warrants presented. Motion carried.

SWEARING-IN CEREMONY: The clerk administered the oath of office to new councilmembers Bruce Smith and Glyn Day. The mayor thanked Dennis Graves and Carolyn Meerian for their service to the city at which time they left the meeting.

CABLE FRANCHISE UPDATE: Mark Heideman of Cablevision was present to report to the council on actions that had been taken as a result of his being here in February. He said that service was being installed at Shirley's Cafe, and would be extended to the Bible Church soon. Mark Criger told him that some dirtwork and grass seeding needed to be done where some trenching had been done for the new installations. Heideman said he would notify the contractors who had done the trenching. He also stated that 4 more channels would be added to the basic service in November or December of this year. After discussion of which channels would be added, the council agreed by concensus to have Heideman come back in two months for another report. He said he would send a proposal to renew the contract for another 15 years for review by the council prior to his return.

ANNEXATION OF FRIESEN PROPERTY: Ordinance No. 194 to annex the property by the cemetary into the city was introduced by Mayor Hamit. There was discussion as to what each party's responsibility was concerning utility services. After considerable discussion, Dale Fox made a motion, seconded by Bruce Smith, for the city to pay for tie in's and shut-off valves for water, and the developer to pay for the sewer, street, the trunk line from valves to the valve set-up at the tower, with the developer to provide the cost of the plans for the water line, and the city would be responsible for the water trunk line to the other streets. Motion carried. The council agreed by concensus to provide necessary hydrants.

After discussion, it was decided that the developer would install, grade and gravel the streets until such time the city approves and accepts the streets, with no time frame designated. The city's agreement from the February 8, 1995 meeting was discussed.

This agreement was for the city to pay for 75% of reconstruction costs to the "cemetary" road and the developer to pay for 25% of the costs. The length of time for this agreement to be in effect was discussed. Ben Kramer of Kramer Engineering said that a set of street plans would be provided for council approval at a later date. Mayor Hamit stated that Max Friesen had presented a plat of Meadowbrook II for approval. Dale Fox made a motion, seconded by Bruce Anderson, to adopt Ordinance No. 194 to annex the property known as Meadowbrook II into the city of Overbrook. Motion carried. Dale Fox made a motion, seconded by Bruce Smith, to approve the plat of Meadowbrook II as presented with the additional information to be provided as agreed. Motion carried.

INSURANCE RENEWAL: Mayor Hamit presented the two options for city insurance coverage. The choices were either broad-form coverage which is what we have at the present, or special-form coverage. After discussion, Dale Fox made a motion, seconded by Bruce Anderson, to retain the broad-form for this next year. Motion carried.

BALL ASSOCIATION REQUEST: Jim Duncan came before the council to report cost estimates on netting for the backstops at the ball diamonds. With as much volunteer help as possible, the estimated cost would be \$1200 for both diamonds. Glyn Day said that the netting is made from a plastic derivative that could last for up to 20 years. After discussing safety factors, Bruce Smith made a motion, seconded by Bruce Anderson, to pay \$1200 towards backstop improvements. Motion carried, 4-0 with Glyn Day abstaining.

ADA REQUIREMENTS: Bruce Anderson reported that due to one of the committee members no longer being on the council, no definite recommendations have been determined. Glyn Day volunteered to take Carolyn Meerian's place on this committee. Bruce Smith offered to take Meerian's place on the group working on building codes. Reports from these committees were tabled until a later meeting.

4TH OF JULY BAR-B-QUE: Mark Criger said that the American Legion is wanting permission to have a bar-b-que in conjunction with the July 4th celebration. The council agreed by consensus. Dale Fox mentioned that the city would be expected to pay the insurance for the fireworks again this year.

CITIZEN COMPLAINT: Kenneth Schoenick came before the council to register a complaint about Chief of Police Dean in regards to Dean's refusing to talk to him following the arrest of Schoenick's son. Chief Dean said that Schoenick came to his house at 11 P.M. and again at 3 A.M., and was told that this matter should be handled through regular channels during regular hours. Schoenick said that the chief of police is on duty 24 hours a day, 365 days a year. Mayor Hamit told Schoenick that the police chief is not under contract to work every hour of every day, but that the city tries to provide as much coverage as possible with the sheriff's office filling in the gaps. The mayor said he wasn't sure what could be done except discussion in executive session. Schoenick said that was fine, and wanted to know the findings.

SHEPARD--NUISANCE ORDINANCE: John Shepard came before the council to protest some of the items cited in the complaint registered on the property at 804 Maple. He said that he intends to list every vehicle in town that doesn't have a current license. Shepard also explained that any odors coming from the Shepard property comes from the lift station in that area certain times of the year. Bruce Smith asked if any complaints had been received concerning the lift station. The clerk said she was not aware of any such complaints. Shepard said that his mother had never made a formal complaint. He also said that they had cleaned as much as they were planning, and the rest of the material was considered to be their personal property. He also stated that the truck is not abandoned, but needs mechanical work. He told the council that tags have been stolen so some of the vehicles don't have the tags on to prevent this from happening again. The Shepard's also questioned why this wasn't mentioned to them before instead of the formal citation. The council explained that when complaints are received certain steps need to be taken. Mayor Hamit told them that while he understands, he also feels that people will be upset whether notified by phone or official letters. Shepard thanked the council for listening and left the meeting.

RESTRICTIONS FOR NEW ADDITON: Max Friesen presented the council with a declaration of covenants and easements for Meadowbrook II. He wanted the council to know some of the restrictions that would be required in the new addition. Friesen would enforce these until later when a land-owners committee can be formed. He was questioning restricting manufactured homes since the city has an ordinance that covers this matter. Friesen was requesting some of the councilmembers to look at this since it has to be recorded at the same time as the plat.

STREET CLEANING: Ed Harmison came before the council to ask about the possibility of having streets cleaned on a regular basis. He said he had called a couple of places to inquire about rental prices. Bruce Smith said the one he used several years ago was small and had to be emptied frequently. Harmison said he was thinking of doing the business areas primarily. Bruce Anderson said he knew of one that would be suitable, but that it is in need of repair. The council agreed by concensus to check into prices of renting or buying.

ALCOHOL LICENSE: Mark Criger made a motion, seconded by Bruce Smith, to renew the City Alcoholic Liquor license for the Palladium. Motion carried.

EMPLOYEE INSURANCE: The clerk presented the 1995 contract for health insurance with Blue Cross Blue Shield. The premiums increased very little, but the coverage will remain the same. Bruce Smith made a motion, seconded by Glyn Day, to renew the Blue Cross Blue Shield contract from May 1, 1995 to May 1, 1996. Motion carried.

ZONING APPEALS BOARD RESIGNATION: The clerk reported that since Glyn Day has been elected to the council, he must resign from the Board of Zoning Appeals and has done so. This means that someone

else has to be appointed to that board. The mayor asked the council to be thinking of possible candidates.

SOLID WASTE CONTRACT: The clerk said that she had given written notice to Richard Davenport of Midway USA Service that the contract would NOT be renewed automatically as the present service has not been discussed. The notice had to be given 60 days before June 6, 1995 to prevent renewal. Bruce Anderson made a motion, seconded by Bruce Smith, to take bids for solid waste removal at the May meeting. The council agreed that starting times for the service needs to be addressed in the next contract. Motion carried.

ARCHWAY SEALER: The clerk presented a letter from Shirley Karr requesting some kind of sealer be put on the arch to protect it from moisture damage. The council agreed by concensus to have Bob Sisson check into the matter.

MISC: A leadership seminar put on by the League of Municipalities was mentioned by the clerk. This is for all council members, especially for newly elected. None of the members felt they could attend this year.

ANIMAL CONTROL: Chief Dean informed the council that he was commending Bruce Sisson be hired as animal control officer. The council agreed by concensus to hire Bruce Sisson.

STREET RE-SEALING: Bob Sisson gave the council a proposal for streets to be re-sealed this year. The council agreed by concensus to get bids for chip and seal on approximately half the streets, and also get prices on connecting Ash Street to the cemetary road. Having some repair work on some of the intersections on Maple was also discussed.

Sisson reported that the Kansas Rural Water Convention he attended last month was beneficial, but that he would have liked to attend more classes. They lengthened class times which cut the number he could take.

SWIMMING POOL: Mark Criger reported that he and JoEllen inspected the pool and presented the council with a written report of recommendations. These included repairs to some of the ladders, cement in several areas, underwater lights, pumphouse door, and other miscellaneous items. Criger said Four Seasons Pools had given him a bid of \$40 per hour for the valve repairs, filter repairs, and sand replacements. Image Pools had given a flat bid of \$659.00 for these improvements. Bruce Anderson made a motion, seconded by Glyn Day, to accept the bid from Image Pools & Spas for \$659.00 Motion carried. Criger also commented that the man from Image Pools said the pool seems to be sound to him.

COUNCILMEMBER REPORTS: Dale Fox said he would like to make another request for some kind of activity sheet from the police department for monitoring purposes.

Glyn Day asked the council if his serving as president of the Ball Association would conflict with his being on the council. The

council agreed by concensus that there is no conflict, but that Day should abstain from voting on matters concerning the Ball Association.

Bruce Anderson questioned the legality of Hans Rayner ordering firearms/ammunition through the city. Chief Dean says that as the city's medical officer and also a member of a national ballistics organization, Rayner buys the items and then the officers repay him. Chief Dean was asked to check into the legalities of this practice.

MAYOR'S REPORT: Mayor Hamit asked for nominations for President of the Council. Mark Criger made a motion, seconded by Bruce Anderson, to elect Dale Fox as President of the Council. Motion carried.

The mayor named the following as liason:
Mark Criger-----Pool and Office
Bruce Anderson-----Police
Bruce Smith-----Water/sewer
Dale Fox-----Streets
Glyn Day-----Recreation and Special Projects

Mark Criger made a motion, seconded by Glyn Day, to name Bruce Smith as check signer. Motion carried.

Glyn Day made a motion, seconded by Bruce Anderson, to go into executive session to discuss the complaint issued by Kenneth Schoenick for five minutes with Chief Dean staying.

Mayor Hamit called the meeting back to order with no action being taken as a result of the executive session.

The mayor presented Dale Fox and Ron Dean certificates of appreciation and tie tacks in honor of their 10 years of service with the city.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn the meeting at 11:10 P.M. Motion carried.

Respectfully submitted,

Cheryl Brown,
City Clerk

APPROVED 5-10-95