

MINUTES

REGULAR MEETING OF THE COUNCIL

DECEMBER 13, 1995

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

OTHERS PRESENT: Karen Stahel, Max Friesen, Bob Sisson, Ron
Dean Sr, Jean Karns, Cheryl Brown.

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

MINUTES/WARRANTS: Glyn Day made a motion, seconded by Bruce Smith to approve the minutes of the November, 1995 meeting with the following changes: 1. Specify the qualifying dates for water meter refunds 2. Specify that all funds received by the Overbrook Tennis Association do not have to be channeled through the city. Motion carried. Bruce Anderson made a motion, seconded by Bruce Smith to pay all warrants presented. Motion carried.

DISC: Mayor Hamit told the council that Ira Allen was still getting information in regards to signs to promote downtown businesses.

ENGINEER'S REPORT: Mayor Hamit presented a proposed agreement between Kramer Engineering and the city to conduct a study of the lift stations and other elements of the sewer system. The council agreed by concensus to have the mayor sign the agreement.

SEWER VIDEO: Bruce Anderson asked if the "dent" seen in the video of the sewer line located in the alley between Santa Fe Trail and Market near the Karnes' residence had ever been identified. Bob Sisson said that the said area was approximately 15 feet north of Jon Wilhite's moved-in house at 410 W. Market at it's sewer service entry. This service connection was made after the basement flooding in Mrs. Karnes' basement, and before the video was made. Sisson stated that this would not affect the sewer service at Karnes.

MAINTENANCE REPORT: Bob Sisson reported that Leo Lang is to start cutting concrete at the pool as soon as all the Christmas activities are over in order to try and find the leaks. Sisson said that the pool level seems to be stabilized, so the digging can be started soon. He said that the man from Kansas Rural Water recommended not making decisions until the results from the digging are seen. Sisson also said that the wall on the east side is falling out again, and that he had patched it again this year.

Sisson reported that a jet-stream cleaner for sewers like the one Osage City has would cost around \$28,000.00. He talked to someone in Topeka about one that costs \$9,000.00 but the trailer, and a 500 gallon tank would be extra. The sewer department from Osage City charges 80 cents/foot at the present time. Setting up a maintenance schedule with them was discussed. The mayor and council

DATE SCANNED

12/14/95 JTK

asked that Sisson come up with an estimate of total sewer line footage, and the possibility of Osage City offering a reduced price for volume work. The possibility of making our own cleaner was also discussed. The council agreed by concensus to have Sisson pursue the matter. Glyn Day asked how a machine would be funded. The mayor said that it would have to be budgeted in the water/sewer fund, and Max Friesen said that there isn't any money for it at this time. The clerk reported that raising sewer rates had been recommended by Charlie Walker of Fort Scott Community College as a result of his study done earlier this year on our sewer system.

Bob Sisson said that Charlie Walker had been back to check the work being done at the lagoons and seemed to be satisfied. He is still receiving information regarding companies that can do the dredging.

Sisson told the council that we had been inspected by the industrial safety department of the state, and was told that we need to have a tripod, hoist, gas tester, aerator, and an expansion guard for excavating. Sisson was told to check into prices for these items. He was told by the inspector that the city should have these items for our use, or available for companies that didn't have them. Hiring only companies that do have all necessary safety equipment was discussed.

Sisson reported that there is one house being built in the new addition on the east side of town. Friesen said that they are still trying to locate the end of the gas line. Sisson said that he should be putting the water line in next week.

Bruce Smith asked about why some of the streets weren't sanded Saturday morning. Sisson said that he put potash down in some places, but possibly it could have washed off. Places to be done was discussed.

Bruce Anderson said that the library roof is still leaking, and wondered about making temporary repairs until the weather is warmer. Sisson said that Dick Wells told him that there were some small cracks that they patched, but apparently the patches haven't held.

Sisson said he has ordered signs that say "No dumping except for tree limbs" for Jones Park. The mayor said he and Bob have discussed asking Midway about bringing in a large dumpster for big items other than regular household waste. At the present time, Midway picks up extra items as soon as possible. The clerk said that there is a problem with people putting things out that have not had the Freon removed, and partially filled paint cans. The contractor is subject to fines if he dumps these at the landfill. The council agreed to check into the matter with Midway.

Glyn Day asked the status of locating all the water valves. Sisson said that it's on hold at the present time.

Bruce Smith asked if the city is using Rural Water at this time, and Sisson said that he's been using only city well water the last two weeks. Smith said that the rural water is worse this year.

amples sent to labs shows that the levels from decaying matter, etc. are much higher than usual. These levels don't affect the safety, just the odor and taste.

CEREAL MALT BEVERAGE LICENSE: Mayor Hamit presented applications for license renewals from O'Brhim's Thriftway, The Patch, Casey's,

and Reunion Pizza. Bruce Smith made a motion, seconded by Bruce Anderson, to approve the licenses. Motion carried. Renewals for game machines were presented by Shirley's Cafe, Reunion Pizza, Palladium, and The Patch. Bruce Smith made a motion, seconded by Bruce Anderson, to renew the licenses. Motion carried.

SALARY REVIEW: Mayor Hamit brought up the salary and job review for Jean Karns. The clerk reported that Jean had completed her probation period in a satisfactory manner. After discussing the matter, Bruce Smith made a motion, seconded by Dale Fox, to raise her salary from \$5.75 to \$6.00/hr. Motion carried.

INSURANCE CLAIMS: Karen Stahel told the council that they are not having much luck getting the insurance company to address the claim made by Maxine Karnes. The mayor said that the city had just moved to hire Kramer Engineering to study the situation, and should have the report next meeting. Stahel said that the only contact they've been able to make is through the insurance commissioner, and several things reported by the insurance company were incorrect. The council said that they were hopeful that questions could be answered after the engineering report is completed. The council said that nothing major was seen by them in the video of the sewer line. It was suggested that she get the copy of the video from the Shuck's to view on her own.

DEPOSIT REFUND: The clerk asked for instruction as to how to refund deposits to qualified customers. After discussion, the council agreed by consensus to apply the deposit with interest to the account.

"CEMETARY ROAD": The clerk said that the road leading to Meadowbrook II needs to have a name. At the time Wally Thomas came in for a building permit, she temporarily named it East Second Street for utility reasons. Mark Criger made a motion, seconded by Bruce Anderson, to name the street East Second. Motion carried.

POLICE REPORT: Ron Dean asked if the council had questions about his report. There was a brief discussion regarding the lawsuit involving Ed Harmison. Dale Fox made a motion, seconded by Bruce Anderson, to go into executive session until 9:00 P.M. to discuss matters related to non-elected personnel. Motion carried.

Mayor Hamit called the meeting back to order at 9:00 P.M. No action was taken as a result of the executive session. There was discussion concerning the hours Chief Dean reported working which was 228 hours plus during November. Dean reported that there had been a communication problem with the animal control officer due to telephone access difficulties, but thinks the situation has been addressed.

TREASURER'S REPORT: Max Friesen asked about setting aside a certain amount to be used for December expenses. The clerk stated that she had used money from the general fund to pay for some of the police expenses. Friesen said he thought we should be getting some more money from the county, and with deposits from utility payments

he felt that we shouldn't have to cash a certificate of deposit.

COUNCILMEMBER REPORTS: Glyn Day mentioned that he had received a complaint about a semi tractor being parked across from the Dale residence. Chief Dean said that it's legal as long as there is a 10ft. path for traffic. Regulations for semi traffic and parking was discussed. Bruce Anderson mentioned posting signs directing truck traffic to certain streets. The clerk reported that having the grain trucks and delivery trucks park in the middle of Maple between Santa Fe Trail and Market was recommended by Chief Dean several months ago. Glyn Day told the council that another city was having a problem with citizens filing charges against city employees concerning matters that could not be verified, and opening up the possibility of that employee bringing up harassment suits. Day said that the employee has the right to know who is making any charges. The council agreed that people should be willing to be identified when making complaints or charges against city employees.

Bruce Anderson reported that a street light is out at 9th and Oak.

AUDIT PROPOSAL: Mayor Hamit presented a contract from Bogner & Tutton to do the 1995 audit for \$3700. This bid is the last of a 3-yr proposal. Bruce Smith made a motion, seconded by Glyn Day, to accept the proposal. Motion carried.

MUNICIPAL LEGISLATIVE WORKSHOP: The mayor asked if any councilmembers were interested in attending the function put on by the League on January 11, 1996. Bruce Anderson made a motion, seconded by Bruce Smith, to reimburse any council or staff attending. Motion carried. Glyn Day expressed interest in attending.

Mayor Hamit asked if anyone would be interested in being the official contact person between the League regarding legislative matters. The council agreed by concensus to name the city clerk as that contact person.

STITT TRUST DONATION: The mayor reported that the city had received \$2000.00 from the Pearl Bryson Stitt trust to be used on a special project at the swimming pool. The council expressed their gratitude and requested a thank-you note be sent.

GIFT CERTIFICATE: Bruce Smith made a motion, seconded by Glyn Day, to approve \$20 gift certificates for the usual city employees in honor of Christmas. Motion carried.

CABLE FRANCHISE TRANSFER: Mayor Hamit brought up the pending change of ownership of the cable company. The mayor explained that any sale of the franchise must be approved by the governing body.

A motion to adjourn the meeting at 9:25 P.M. was made by Dale Fox and seconded by Bruce Anderson. Motion carried; meeting was adjourned.

Approved
1-10-96

Respectfully submitted,
Cheryl L. Brown, City Clerk

MINUTES REGULAR MEETING OF THE COUNCIL NOVEMBER 8, 1995

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

OTHERS PRESENT: Mark Heideman, Larry Woodson, Karen Stahel, Ira Allen, JoEllen Criger, Bob Sisson, Ken Laytham, Ron Dean Sr, Ed Harmison, Jean Karns, Cheryl Brown.

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

MINUTES/WARRANTS: Glyn Day made a motion, seconded by Bruce Smith, to approve the minutes of the October meeting as written. Motion carried.

After discussing the bill from Musick Excavating, Bruce Anderson made a motion, seconded by Glyn Day, to pay all warrants presented. Motion carried.

CABLE FRANCHISE RENEWAL: Mark Heideman from Cablevision was present to discuss the proposed renewal contract from Cablevision. Heideman reviewed some service additions and equipment changes that are supposed to stabilize reception. He said that a weather channel with local information will be added, hopefully by the end of November. Heideman apologized for the delay in the repairs by the swimming pool, but assured the council that the matter will be taken care of. He also discussed the change of the contract time which will be for 10 years with a review after 5 years rather than the current length of 15 years. Heideman also said that Overbrook is now on a Monday & Wednesday installation schedule with other maintenance being done on Friday's. Bruce Anderson asked Heideman about how the company plans on keeping up with technology changes during the contract period. Heideman explained that while the company uses its equipment as long as it's working satisfactorily, he felt that changing to a digital system was going to happen in the near future. He assured the council that Cablevision would do their best to offer Overbrook service and rates comparable to other similar-sized towns as this is in the company's best interest because of the new satellite offers. Glyn Day addressed how the company would be held accountable if after 5 years the city was not satisfied with the service. Heideman told him that the original franchise contract provides means for the city to require certain levels of service that is not changed by this renewal. Mayor Hamit addressed the franchise fee of 3% of revenue. The council agreed by consensus that asking for an increase would probably result in a rate increase for the citizens. The mayor also reported that he had called three nights in a row about a problem and was told each time that no other calls had been received. Heideman explained that he was having problems with the answering service presently used by Cablevision. Bruce Smith made a motion, seconded by Dale Fox, to approve the proposed cable service franchise from Cablevision, Inc. Motion carried. Heideman requested that the mayor not sign the present proposal, but wait

until he (Heideman) confers with the company president regarding a definite date of September 1, 1996 for Prime Sports. The council agreed by concensus.

SIGNS FOR BUSINESSES: Ira Allen came before the council to discuss erecting signs on Highway 56 to promote downtown businesses. He asked if the city would provide the poles and allow placement on city property if the merchants paid for the signs. The council told Allen that the signs would have to be placed on private property as the city doesn't own property along the highway. Allen explained that a yearly permit would be required if the signs are outside the city limits. He explained that the size would depend on the number of businesses involved. Mayor Hamit inquired about who would be responsible for maintaining the signs, especially if they're made of wood. After further discussion, the council agreed by concensus to pursue the matter with Allen providing more information at a later meeting.

UTILITY CONNECTION FEE: Mayor Hamit introduced Ordinance No. 197, which amends Ordinance No. 95 to require payment of utility service connections, when such connections are deemed necessary, before the building permit is approved. Bruce Smith made a motion, seconded by Bruce Anderson, to adopt Ordinance No. 197. Motion carried.

Mayor Hamit read Ordinance No. 198, which amends Ordinance No. 97 to change the water service connection fee from \$350 to \$500. The council had approved this by motion at an earlier meeting, but a motion to amend is necessary. Bruce Smith made a motion, seconded by Bruce Anderson, to adopt Ordinance No. 198. Motion carried.

REAPPOINTMENTS: Glyn Day made a motion, seconded by Dale Fox, to reappoint Rosemary Topping to the Housing Authority. Motion carried, with Bruce Smith abstaining.

Glyn Day made a motion, seconded by Bruce Anderson, to reappoint Bob VonStein, Tom Fenton, Kip Jewell, Jim Gates, and Dennis McPhail to the Recreation commission. Motion carried.

Bruce Anderson made a motion, seconded by Bruce Smith, to reappoint Bob Shepard and Teri Graham to the Board of Zoning Appeals. Motion carried. The clerk reminded the council that the Zoning Board needs another member to replace Glyn Day.

SEWER VIDEO INSPECTION: The mayor told the council that Jack Kramer will not submit a written letter of finding without authorization from the council. Bruce Smith made a motion, seconded by Bruce Anderson, to authorize Mayor Hamit to enter into an agreement on behalf of the City of Overbrook with Kramer Engineering P.A. to investigate and report on pump stations pressurizing gravity sewer lines during high flow periods upon approval of agreement by City Attorney. Engineering fees will be standard hourly rates for time charged directly to job with a maximum fee of \$680.00. Motion carried.

SWIMMING POOL LEAK: Bob Sisson reported that a person from Kansas Rural Water Association had inspected the pool, but was unable to check the pressure side until certain holes could be plugged somehow.

Sisson was told that one of the main problems is a leak on the suction side of the pool. The location of the leak should be known as soon as the water level drops on its own. Sisson was also told that the cap needs replaced. The consultant from KRWA told Sisson that until the leak could be found there is no way to know how expensive the repairs will be, or if it can be repaired. Sisson suggested having someone come in and dig up the concrete in certain spots. The council agreed by concensus to have Sisson pursue digging. JoEllen Criger raised concern with some "soft" spots in the shallow end. Sisson said there are more than one "soft" spot, but will know more when the leaks can be checked out. The possibility of installing a new liner was discussed.

OVERBROOK TENNIS ASSOCIATION: The clerk reported that all funds from the association do not have to be channeled through the city, that only funds needed for tax purposes have to come to the city for dispersement. She also said that she is going to consult with the auditor regarding when these deposits can be accepted.

MAINTENANCE REPORT: Bob Sisson reported that the ditch and drainage tube project is progressing. There are still a couple of places that will be done when the material and helpers are available. Sisson said that the ditch north of Overbrook Lumber has been worked, and should help the drainage in that area. He said that there is more work to be done on the alley between the Bowser and Wilhite property on West Market, and will be hopefully be done in the next week. Bruce Smith asked about re-seeding. The fact that it is pretty late in the year was discussed, so it may have to wait until spring.

Glyn Day asked if Sisson had talked to any one about root control in the sewers. Sisson said that someone from KRWA had told him that without some kind of maintenance, either chemical or mechanical, even new sewer lines will eventually have roots. Mayor Hamit asked if Sisson had checked into prices for mechanical cleaners. Sisson said that one like Osage City has sells for around \$8,000.00. After further discussion, the council agreed by concensus to have Sisson pursue prices, and advertise in some magazines.

Sisson reported that the pump for Well #1 should be here on Thursday. He also said that he was told that the old pumps are not worth trying to sell.

He reported that he is still having to run water from RWD every third day, but shouldn't have to once the well is on line. There was discussion as to complaints regarding the water in recent weeks.

Glyn Day asked if locating all the water valves for possible repairs has been done. Sisson said he had checked some but not all.

Bruce Smith asked about how the water/sewer school Sisson was planning to attend would affect his certification. Sisson said that he would be taking tests as part of the school.

JLICE REPORT: Glyn Day made a motion, seconded by Bruce Anderson, to go into executive session for 15 minutes to discuss matters related to non-elected personnel. Motion carried.

Mayor Hamit called the meeting back to order at 9:03 P.M.

SERVICE CONNECTION FEES: Mayor Hamit brought up the matter of refunding the extra \$150.00 charged for new water meters before this meeting. After discussion, Bruce Smith made a motion, seconded by Glyn Day to make a \$150.00 refund to each person who purchased a water meter between October, 1994 and November 16, 1995 when the ordinance is published. Motion carried.

MISC: The mayor brought up the matter of a complaint received from John Jewell regarding their flooded basement. Sisson said that roots had been found in the city's sewer line. The Jewell's had just had new carpet installed. This claim has been turned over to the insurance company for review. Sisson said the roots have been removed, and he had treated the line.

COUNCILMEMBER REPORTS: Dale Fox made a request that his daughter's water bill be paid in installments due to a sizable water leak. The council agreed by concensus to let her pay the bill in 3 payments.

Glyn Day mentioned that the report from Fort Scott Community College on the lagoons had some good ideas, and stated that increasing the capacity of the lagoons should be done. Sisson said that he has been working on some of the problems mentioned in the report, and that he would find out how much time we have to make the corrections. Mayor Hamit told Sisson to check into finding someone to clean out the necessary ponds. Day told Sisson that he would try to get some names for him to contact.

MISC: The clerk mentioned that Max Friesen had brought her a report showing the Overbrook population has decreased since 1993. He was concerned that this would affect future permits for additional lagoons.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn the meeting at 9:25 P.M. Motion carried.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED 12-13-95

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 11, 1995

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

OTHERS PRESENT: Paul & Christine McCartney, Ken & John Schoenick, Derrick Dahl, Ed Harmison, Ron Dean Sr., Ken Laytham, Bob Sisson, Max Friesen, Jean Karns, 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: Bruce Smith made a motion, seconded by Bruce Anderson to approve the minutes of the September 13, 1995 regular meeting as written. Motion carried. Bruce Anderson made a motion, seconded by Glyn Day, to approve minutes of the September 20, 1995 special meeting as written. Motion carried.

Bruce Smith made a motion, seconded by Mark Criger, to pay all warrants presented. Motion carried.

CITIZEN COMPLAINT-LAW: Kenneth Schoenick came before the council to register a complaint regarding the arrest of his son, John, on March 17, 1995. Schoenick's complaints included the moving of his niece's truck and trailer without permission, inaccurate information about the location of his son's billfold after the arrest, harrassment by Chief Dean after his son was released from custody, the legality of Mark Daniels working as law enforcement, and general rudeness by the police department. Schoenick also stated he felt Chief Dean has too much authority, and is running the town instead of the council and mayor. Chief Dean told the council that several of his officers had been accosted verbally in public places, and that he had talked to John Schoenick to try and calm the situation. Mayor Hamit told the Schoenick's that these matters will be discussed, and reminded them that the court results could not be changed by the council.

OVERBROOK TENNIS ASSOCIATION: Derrick Dahl came before the council to ask the council to consider overseeing the tennis association funds technically with the officers actually responsible for the operation. This would allow donors to claim their contributions for tax purposes. The clerk explained that if the city receives the monies, the council has final authority as to how, what, and when the monies are used. Whether or not a commission is appointed to oversee the operation would be up to the council. The clerk also said that the funds would have to have a budget prepared, either separately or as part of the recreation fund. She also said that the accountant said the simplest thing would be to create a special fund. Dale Fox expressed concern about cost of future upkeep. The council discussed the fact that if the tennis courts are built on city property, the city would be responsible for upkeep regardless of who controls the funds. The council agreed by consensus to pursue the matter, with the tennis association deciding

whether or not they want to be under total city control. Dale Fox asked what would be done with the funds if the total amount is not raised, and the project is abandoned. Dahl said there is almost enough to do one court, so he wasn't expecting a problem with unused funds.

DRAINAGE CONCERNS: Paul and Christine McCartney were present to get an update on plans to improve drainage in their neighborhood. Mayor Hamit said the council had met for a walking tour of the area, and devised a plan for tube replacement and ditch-cleaning. Bob Sisson told them that this would be done when the equipment is available, and the new tubes are delivered. McCartney wondered if Second St. could be opened up to drain water away from O'Bryhim's trailer court. The mayor said that the city doesn't have legal access to the adjoining field. Bruce Smith suggested asking the property owner for permission, the owner being B.E. O'Bryhim. Christine McCartney asked if the owner of the duplex on Market St. had been contacted. The clerk said she was under the impression that McCartney's were going to talk to their neighbors. The McCartney's said they would do this if the city could provide a mailing address as the owner lives in Topeka.

ADOPTION OF ORDINANCES: Bruce Smith made a motion, seconded by Mark Criger, to adopt Ordinance No. 195, which incorporates by reference the Uniform Public Offense Code for Kansas cities, edition of 1995. Motion carried.

Mark Criger made a motion, seconded by Bruce Smith, to adopt Ordinance No. 196, which incorporates by reference the Standard Traffic Ordinance for Kansas cities, edition of 1995. Motion carried.

SEWER VIDEO INSPECTION: Mayor Hamit told the council that he had taken the video to Jack Kramer to review, and Kramer indicated that there were some areas that probably needed attention, and that he could come to the council if needed. There was discussion of sewer line maintenance. Bruce Smith said he would like the city to pursue getting a jet-cleaning program started. Dale Fox agreed that this would be a good idea. Glyn Day suggested contacting the Kansas Rural Water Assn. for root-removal procedures. The pro's and con's of using chemicals in the lines were discussed. The chemicals are expensive, but seem to be successful and shouldn't damage the lines because of the dilution. Bob Sisson agreed that having our own machine would pay for itself over time. Bruce Smith asked if funds are available. The clerk said that the city had received the report done by Charlie Walker of Fort Scott Community College for the state, and one of the recommendations was to raise sewer charges so that the water fund doesn't have to pay for sewer work. She said there is probably enough cash on hand, and ample budget authority to handle part of the recommendations. The mayor suggested that the council review the report before making a decision. Glyn Day voiced the same opinion, and suggested using KRWA for information. Sisson was instructed to check prices on a jet-cleaning machine, and also to see what some other towns do. There was discussion as to what is needed to be done at the lagoons in the future.

MISC: The clerk asked for instruction as to charging Lois Shuck for the copy of the sewer video, which was \$15.00. The council agreed that she have her own copy made if she wants to keep one for her personal use.

POOL INSPECTION: Bob Sisson told the council that someone from Kansas Rural Water Assn. will be here on Thursday to inspect the pool regarding leaks.

CABLE CONTRACT: The clerk gave the council copies of the original cable contract to compare with the proposed contract from Cablevision. The council expressed concern about extending the contract for another 15 years without some kind of provision to monitor updating equipment and services. The clerk was instructed to check other towns for contract length and the number of channels. The council agreed by concensus to ask Mark Heideman to come to the November meeting to address these concerns.

UTILITY CONNECTION PAYMENT: The clerk informed the council that Steve Jones recommended that we adopt a separate ordinance to regulate payment of service hook-ups before the building permit is approved, and also include changes in the permit fee and expiration date. After discussion of when a building permit is required, the council agreed by concensus, to leave the fee at \$10.00 and the time limit of one year; however the clerk was instructed to provide an ordinance to require payment of water/sewer connections before the building permit is approved.

Mark Criger said he had been asked by a citizen about the time limit on one particular permit. The clerk said that this residence is in commercial zoning which allows a little more leeway, although it is subject to terms of the nuisance ordinance. Also, the work now being done does not require a building permit. Criger said that the person also had concerns about tree maintenance in her alley. The clerk said she had talked to Chief Dean and he will be checking into the matter.

TREASURER'S REPORT: Max Friesen said the finances appear to be in order.

POLICE REPORT: Chief Dean presented a report of activities for the previous several months. Mayor Hamit brought up Ken Schoenick's complaints. Chief Dean said that he didn't think Schoenick had a right to come on their property to yell. Ed Harmison explained the details of what happened the day of March 17, 1995 that resulted in the arrest of John Schoenick. Chief Dean said he has talked to Schoenick's niece, and she didn't realize that she had parked in bank parking spaces. Bruce Smith said that he hoped that the policemen were as courteous as possible. The mayor affirmed that the part-time officers are hired by Chief Dean, and they must be commissioned to use the patrol car which means that Mark Daniels is authorized to work for the city. Chief Dean told the council that he has a file of complaints against Schoenick that he has not acted upon hoping the matter would calm down, but he is prepared to pursue the matter in a

civil manner. Ed Harmison stated that the Schoenick's have approached him with name-calling in public places while he was on his civilian job, and that he did walk away to avoid a situation.

MAINTENANCE REPORT: Bob Sisson said the city had received a copy of the sewer permit for Meadowbrook II from the state. He reported that the drainage tubes had been ordered, and Musick Excavating had been contacted about helping clean out the ditches. The clerk was told to send letters to the property owners before we start the work. Sisson was told to check with Elk township about using some of their equipment.

Sisson also told the council that he checked prices on used dump trucks at State Surplus, but the last batch was in bad shape.

Glyn Day asked if all the water valves had been located. Bruce Smith said he would like to pursue checking the condition of all the valves so that they can be replaced as needed.

WELL #1: Bruce Smith said that he thought that the pump on Well #1 should be replaced with a smaller pump so that we would have use of all the wells. Sisson said that the cost of a 5 horsepower pump and the pipe would be approximately \$3800.00. Dale Fox said that the well needs to be used. Glyn Day made a motion, seconded by Bruce Smith, to buy a 5 horsepower pump in order to use the well. Motion carried. Bruce Anderson said we should contact KRWA about re-sale of our present pumps.

COUNCILMEMBER REPORTS: Dale Fox said there are a couple of low spots on the one-way street by the grade school that need attention. Bruce Anderson made a motion, seconded by Bruce Smith, to go into executive session from 9:35 P.M. to 9:50 P.M. to discuss matters related to non-elected personnel. Motion carried. Mayor Hamit called the meeting back to order at 9:50 P.M. and Bruce Smith made a motion, seconded by Mark Criger, to extend the executive session to 10:00 P.M. Motion carried.

The mayor called the meeting to order at 10:00 P.M. Bruce Anderson told the council that he had been approached about having go-cart races in Overbrook next summer. It would involve some street barricading for several hours. The council agreed to pursue the matter.

MISC: Bob Sisson asked the council if he could burn off the leftover weeds at the lagoons where it's hard to get to with the mower. The council agreed by concensus. Sisson also said he will be going to water/sewer certification classes the first part of December. Glyn Day made a motion, seconded by Bruce Smith, to authorize Sisson to go the school, and to pay mileage if he uses his personal vehicle. Motion carried.

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

Respectfully submitted,
[Signature]

SPECIAL MEETING OF THE COUNCIL

SEPTEMBER 20, 1995

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

OTHERS PRESENT: Bob Sisson.

A special meeting for the purpose of touring problem drainage areas was called to order by Mayor Hamit at 6:00 P.M.

Bruce Anderson made a motion following the tour, seconded by Glyn Day, to authorize Bob Sisson to buy and rent a cutting torch and other necessary equipment to repair drainage tubes. Motion carried.

The meeting was adjourned at 7:15 P.M.

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED 10-11-95

MINUTES REGULAR MEETING OF THE COUNCIL SEPTEMBER 13, 1995

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

OTHERS PRESENT: Christine McCartney, Jean Karns, Bill Shroyer, Ken Laytham, Ron Dean, Sr., Max Friesen, Lila Hamit, Cheryl Brown.

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

MINUTES/WARRANTS: Mark Criger asked if Ron Dean, Jr. has signed a letter of commitment. The clerk said Dean, Jr. has signed a letter, but didn't have it notarized. Bruce Anderson made a motion, seconded by Mark Criger, to approve the minutes of the August regular meeting as written. Motion carried.

After discussion of warrants to Musick Excavating, and Rural Water #5, Dale Fox made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried.

Mayor Hamit explained that Bob Sisson was not present due to the death of his mother; the mayor and council expressed their condolences to the family.

APPOINTMENT OF ASSISTANT CITY CLERK: The mayor told the council that the interview committee was recommending Jean Karns for the position of assistant city clerk due to the resignation of Lila Hamit. Bruce Smith made a motion, seconded by Bruce Anderson to approve the hiring of Jean Karns to fill the position. Motion carried.

KRWA MEMBERSHIP: Glyn Day introduced Bill Shroyer of the Kansas Rural Water Association. Day explained some of the advantages of belonging to this organization such as methods of solving problems and a strong voice in legislative matters. Shroyer explained that the membership fee is \$20.00 annual fee plus \$.70 per service meter. This would be approximately \$300. They also publish a "Water Board Bible", and a quarterly magazine. Glyn Day made a motion, seconded by Bruce Smith, to become a member of the Kansas Rural Water Association. Motion carried. The council discussed having someone from the KRWA check into the problems at the swimming pool.

DRAINAGE PROBLEMS: Christine McCartney came before the council to ask what the target date was for more work on the drainage problems in her area. The mayor said he didn't know that a specific date had been set. McCartney said that the tubes that had been flushed out seem to be filling again. Criger said that he had noticed the same thing, and felt that the problem should be addressed either by city maintenance or contractor as soon as possible. After further discussion, the council decided to meet the following week for a walking tour of the areas of concern in order to make a definite plan

of action. McCartney expressed concern regarding how the new tube installed in her area would drain, and also the one at 408 W. Market. She also said she is planning to write to some of her neighbors in reference to these matters. The council thanked her for coming.

EXECUTIVE SESSION: Glyn Day made a motion, seconded by Bruce Anderson, to go into executive session to discuss a matter relating to non-elected personnel from 7:50 P.M. to 8:20 P.M. Motion carried. The mayor called the meeting back to order at 8:15 P.M.; no action was taken as a result of the executive session.

POOL REFUNDS: Bruce Smith brought up the matter of pool pass refunds, transfers, or carrying over to the following year. Mark Criger said that "Non-refundable" is printed on the pass. He said that the customer is responsible for watching how many times he has left but the lifeguards usually tell them when the pass is almost depleted. Criger also pointed out that the current policy was established by the council. The possibility of having a "family pass" was discussed. The matter was tabled until a later meeting when the pool manager could be present. The council agreed by consensus to stand by the present policy of no-refunds for the 1995 season.

SALARY/AFFIRMATION OF OATH: After discussion of experience and qualifications of Jean Karns, Mark Criger made a motion, seconded by Bruce Smith, to set the starting salary at \$5.75/hr to be re-evaluated after the three-month probation period. Motion carried. The mayor said that the starting time for insurance coverage needs to be confirmed with Blue Cross Blue Shield. The council agreed by consensus to have either a written or oral evaluation presented after the probation period. At this time Jean Karns was sworn in as Assistant City Clerk by Cheryl Brown, City Clerk. Karns asked permission from the council to work part-time at Northbrook Lumber until spring. The council agreed by consensus to permit this as long as it doesn't interfere with the city job.

MISC: Max Friesen said Gayle Warren had indicated to him that he was planning to settle the matter of water/sewer hook-up payment at the next meeting as he could not be present tonight.

MAINTENANCE HELPER: Mayor Hamit told the council that he had authorized Bob Sisson to hire Ken Laytham part-time to help in the absence of Ron Dean, Jr.

CAMERA INSPECTION OF SEWER LINE: Mayor Hamit asked if all the council had had a chance to view the video made by Accra Rod. Smith expressed concern over the tree roots seen in some of the joints. Day said that he didn't think that was unusual, and that what was visible would impede the progress of water. He also said that the root problem could be treated with chemicals. Day said he would contact someone from KRWA concerning this matter. There was some discussion regarding any and all chemical treatments of the sewer. Bruce Smith also recommended getting prices on a portable "jet" for routine sewer maintenance. The council agreed by consensus.

POOL INSPECTION: Glyn Day said that someone from KRWA would be able to check for leaks at the pool, and he would contact them.

COUNCIL COMMENTS: Glyn Day reported that he is still checking on ADA requirements for the pool and park.

The mayor said that he had been contacted about putting in another crosswalk at the corner of Seventh and Oak. The clerk was instructed to give this information to Bob Sisson.

Mark Criger asked if the city is responsible for maintaining trees in alleys. The clerk said that the property owner is notified that there is a violation, and if there is no response in 10 days, the city does the trimming and the property owner is billed according to ordinance.

Dale Fox asked if the city was doing something in honor of Bob Sisson's mother, and the clerk said a wreath had been ordered, and designated to go to Bob.

Bruce Anderson asked about the status of the vehicle on the Clyde Martin property. Police Chief Dean said that it is now legally tagged.

Mayor Hamit wanted to express the city's appreciation to Lila Hamit for her time as Assistant City Clerk. The council agreed by consensus.

Mark Criger made a motion to adjourn the meeting at 8:55 P.M. Dale Fox seconded the motion; motion carried. Meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED 10-11-95

MINUTES REGULAR MEETING OF THE COUNCIL AUGUST 9, 1995

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

OTHERS PRESENT: Clifford & Judy Bowser, Christine McCartney, Max Friesen, Mark Sohl, Bob Sisson, Lila Hamit, Ron Dean, Sr., Ron Dean, Jr., Cheryl Brown.

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

MINUTES/WARRANTS: After discussion as to whether or not the scheduling for pool repairs was discussed at the July meeting, Mark Criger made a motion, seconded by Bruce Anderson, to approve the minutes of that meeting. Motion carried.

Mark Criger made a motion, seconded by Bruce Smith, to pay all warrants as presented. Motion carried.

WATER BILL ADJUSTMENT: Mark Sohl came before the council to ask for an adjustment in the sewer charge of his last bill due to a break outside his residence while he was gone. He also asked to make payments since the bill was fairly large. Following discussion of this being done in other cases, Bruce Smith made a motion, seconded by Bruce Anderson, to abate the sewer charge to a 6 months average charge for Sohl, and to allow him to pay in four installments in addition to the regular billing each month. Motion carried.

DRAINAGE REPORT AND COMMENTS: Christine McCartney was present to commend the city for the recent installation of a new drainage tube on W. Second, but was wondering if any others have been installed as yet. Bob Sisson said that he would be working with the fire department the following Monday to wash out tubes, and assess which ones would have to be replaced. McCartney also pointed out that there is a large gully in the area of 307 W. Market which washes back in their yard. Sisson said he hadn't inspected that area. McCartney said that the west side of the duplex at that address is in very bad shape as far as weeds are concerned. The council agreed by concensus to check into the matter.

COMPLAINT REGARDING POLICE: Ron Dean, Jr. was present to address a complaint received from a person he had stopped for a traffic violation. The person felt that Dean had not followed proper procedures and was rude. Dean assured the council that he was confident that he had handled the situation correctly, and that he was not rude.

1996 BUDGET HEARING: Mayor Hamit called the hearing for the 1996 Budget to order at 8:00 P.M. The clerk explained that there had been no changes since the discussion in the July meeting, other than the date and name of the city. She also said that Jim Long of Bogner & Button advised her that there is not enough time to opt out from the

tax lid until time to prepare the 1997 budget. Max Friesen, City Treasurer, said he thought the proposed budget appeared to be satisfactory. Dale Fox made a motion, seconded by Mark Criger, to adopt the 1996 budget as proposed and prepared by Bogner & Button. Motion carried.

ALLEY DRAINAGE PROBLEMS: Clifford Bowser addressed the council regarding water drainage in his back yard. He said he felt part of the problem was due to the amount of rock in the alley by Maxine Karnes and also because of the house that was moved in at 408 W. Market. Mayor Hamit said he had checked the area, and could see what Bowser was concerned about, and had talked to Bob Sisson. Sisson said he was planning to build up the alley on Bowser's side, and talk to Jon Wilhite about drainage from the house on Market. Sisson said he may have to cut a ditch along the existing alley. Bowser said he appreciated what was being done. Bruce Smith said that if all the water from the top of W. Market is diverted to the bottom, plans need to be made on how to handle it when it gets there. Mark Criger suggested hiring an engineer to advise on this matter. Glyn Day said he thought a plan should be made regarding the size and location of the tubes to be replaced. Day and Fox agreed to help Sisson regarding this matter.

WINDOW WASHING: The clerk reported that due to recent circumstances involving the person contracted to wash the city building windows, and the fact that he had not performed this duty since March, 1995, a replacement needs to be considered. She said that Ron Dean, Jr. thought that Stacy Dean might be interested. The clerk felt this would be satisfactory as Ron, Jr. has keys and authorization to be in the police department. The council agreed by consensus to offer the job to Stacy Dean, and also to officially notify the previous person by letter.

ACCRA ROD SEWER INSPECTION: Bob Sisson told the council that he had checked into prices for TV inspection of sewer lines. The only company to respond was Accra Rod in Kansas City. The basic cost is \$2.00 per foot plus \$300.00 service charge. He estimates inspecting approximately 1,000 feet. Glyn Day explained that the camera inspection will be able to show what, if anything, has caused problems in the two areas of town where people have filed damage claims. Glyn Day made a motion, seconded by Bruce Smith, to have the two lines in the above mentioned areas inspected by Accra Rod. Motion carried.

STREET RESEALING: Sisson reported that HiPlains Sand should be here August 15th, but shouldn't cause problems with the Overbrook Fair as all the streets to be done are on the west side of town, with the exception of Santa Fe Trail Drive.

MAINTENANCE REPORT: Sisson told the council that he had checked on prices to lease a skid loader to be used to clean ditches, but is still waiting to hear from some of the businesses. Max Friesen asked if it might not be cheaper to just hire someone with the right equipment to come in and do the blade work, and haul the dirt.

Sisson also said he was sure that some of the residents will be complaining about having their yards torn up. There was discussion as to whether or not to notify people in advance, or just as necessary. The council agreed by concensus to send letters, and also to re-seed the affected areas.

Sisson told the council that Kevin Gloss will be mowing Jones Park before the fair and Labor Day activities.

Mark Criger asked who is responsible behind Walt Settles. Sisson said that the county is for part of it, otherwise the property owners need to take care of it. Criger also reminded Sisson that the walk-way by Casey's needs trim and some new railroad ties before school starts.

Glyn Day asked who is responsible for the brush pile by the fairgrounds. He was told that the property was maintained by the fair board.

Bruce Smith wanted to remind Bob about the repairs needed in the alley between the grocery store and the housing authority apartments.

Bruce Anderson said the library personnel wanted to commend Bob on the work he did at the library.

Mayor Hamit asked about the ditch north of Overbrook Lumber. Dale Fox said that after looking at the ditch, it needs to be cleaned out and re-gravelled.

POLICE REPORT: Chief Ron Dean recommended hiring Dwayne Smith as animal control officer. Bruce Anderson made a motion, seconded by Glyn Day, to hire Dwayne Smith to be the animal control officer, the salary to be \$4.50/hr plus mileage. Motion carried.

Dean told the council that he felt Bruce Anderson needs to be commissioned so that all aspects of law enforcement can be discussed as he is the liaison on the council. Bruce Smith made a motion, seconded by Mark Criger, to commission Bruce Anderson as a police officer to serve as liaison. The motion carried with Anderson abstaining.

Chief Dean told the council that he had about thirty-five letters to be sent regarding trimming trees. Sisson said that the people can still take brances to the same area in Jones Park to be burned later.

Mayor Hamit addressed the subject of Ron Dean, Jr. attending the police academy in Lawrence. The mayor said that when Ron, Jr. was hired, the council was told that he would be attending an academy in 1996, and that he would be willing to sign a letter of committment in return for payment of for academy expenses. Chief Dean said that the Lawrence academy is the only one that he could get Ron, Jr. into. Mark Criger asked what this is costing the city. Chief Dean said that there is no tuition involved, just supplies and transportation. Bruce Anderson asked what committment did the city get. Dean, Sr. said he had gotten a four-year committment. Mayor Hamit said that no official committment has been received. Anderson also asked why the council wasn't notified about the changes. Chief Dean said that there was a last-minute cancellation at Lawrence, and he had to make a quick decision. In response to council questions, Chief Dean said that Ron, Jr. cannot work as a police officer while attending the academy, and if he works in maintenance he'll be working overtime. Dean, Sr. said that the expenses will be for clothing, ammunition,

regular salary, and transportation. Bruce Anderson said the main concern is the suddenness of the situation. Mayor Hamit agreed. Chief Dean said he thought he was approved to get him into an academy as soon as possible. Mayor Hamit said that the fact that this academy lasts for 5 months compared to 8 weeks should have been addressed as soon as Chief Dean found out about the opening. Chief Dean said that he was under the impression that he was supposed to get Ron Jr. into an academy as soon as possible. After further discussion, Bruce Anderson made a motion, seconded by Glyn Day to pay Ron Dean, Jr. his regular salary, miscellaneous expenses, ammunition, and provide transportation and/or mileage while he attends the Lawrence Police Academy provided he signs a letter of commitment to the city of Overbrook for four years, signed by September 1, 1995. The letter would state that the city would be reimbursed for all expenses, including salary, paid by the city in the event that the four-year commitment is not honored. Motion carried. The clerk was instructed to ask Stephen Jones to write this letter.

Mayor Hamit also stated that he was concerned about the law budget. Chief Dean said that this month would be a problem due to extra fair coverage, and that he is having to pay for more court time because of increased caseloads. He also said that we are now averaging 22-hr/day use of the patrol car. Bruce Smith questioned the need for that much coverage to which Dean responded that when the lights aren't covered, the vandalism increases. The mayor said that budgeting from the general fund for other projects is difficult when a sizable amount goes for law expenses.

SERVICE CONNECTION PAYMENT: Mayor Hamit brought up the matter of the two utility hook-up's on Ash Street for discussion. He said that he had instructed the clerks not to re-bill the present owners at this time. Bruce Smith said he thought that the city should try to collect from the builder, Gayle Warren, and not the homeowners. The council agreed by concensus to have the city attorney write another letter to Warren with copies of all the billing records available, for the purpose of payment of service. The council also instructed Chief Dean to pursue the matter of Warren's installing his own meter while building a house, which is in violation of the city ordinance. Dale Fox asked about adding a provision to the water ordinance that would require the service connections be paid for before the building permit is approved. Dale Fox made a motion, seconded by Bruce Smith, to have the attorney research changing present ordinances to require payment of service hook-up's before the permit is approved. Motion carried.

ADA COMMITTEE REPORT: Glyn Day said that the committee doesn't have a plan to submit yet. Mark Criger mentioned that some changes need to be considered at the swimming pool to accomodate disabled persons.

SEWER APPROVAL: Max Friesen requested that the council and Bob Sisson review his plans for Meadowbrook II. After inspection and discussion, Dale Fox made a motion, seconded by Glyn Day, to approve the sewer plans for Meadowbrook II as presented. Motion carried.

COUNCILMEMBER REPORTS: Bruce Anderson said that the library board was pleased with how Bob Sisson had made some repairs recently.

Bruce Smith made a motion, seconded by Bruce Anderson, to go into executive session for 10 minutes to discuss matters related to non-elected personnel. Motion carried. Mayor Hamit called the meeting back to order at 10:20 P.M. at which time Bruce Anderson made a motion, seconded by Bruce Smith, to go into executive session for an additional seven minutes. Motion carried.

The council agreed by concensus to have maintenance jobs written on work orders in order to be better able to track progress of work done, and also the time involved. These orders can be written by council members, office staff, or maintenance personnel.

MAYOR'S REPORT: Mayor Hamit reported to the council that we received notice that Shuck's and Karnes' refused the settlement offer from the insurance company, and the city attorney has advised the city to do nothing at this point. After 120 days, no action will be considered as denial of the claims at which time the people have the option to file suit.

The mayor read letters of resignation from Bruce Sisson (animal control officer) and Lila Hamit (Assistant City Clerk). Bruce Smith made a motion, seconded by Glyn Day, to accept both resignations. Motion carried. The clerk was instructed to place an ad for 2 weeks in the local paper. The council agreed by concensus that Mayor Hamit, Mark Criger, and Cheryl Brown would act as interview committee, and state the salary as \$5-\$6/hr. based on experience.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn at 10:45 P.M. Motion carried; the meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: _____

MINUTES REGULAR COUNCIL MEETING JULY 12, 1995

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

OTHERS PRESENT: Paul and Christine McCartney, Jim Long, Stephen Jones, Ed Harmison, Max Friesen, Bob Sisson, Lila Hamit, 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: Glyn Day made a motion, seconded by Bruce Anderson, to approve the minutes of the June meeting as written. Motion carried.

Bruce Anderson made a motion, seconded by Bruce Smith, to pay all warrants presented. Motion carried.

AUDIT REPORT: Jim Long of Bogner & Button was present to go over the details of the audit of the financial records of the city for the year 1994. Long reviewed each of the funds for the council, and reported that all of the funds appeared to be satisfactory. He also read the letter stating observations to benefit city policies. The clerk stated that these recommendations are already in effect. Long told the council that no budget violations had been noted this year. Bruce Anderson asked Long about how the library should handle gifts or other income that exceed the budget as they cannot show a profit. Long said the budget could be increased to absorb these possible surpluses. Dale Fox made a motion, seconded by Mark Criger, to accept the audit of the financial records of the City of Overbrook for 1994 as presented by Bogner & Button. Motion carried.

1996 BUDGET: Jim Long presented the council the proposed budget for 1996 as prepared by Bogner & Button. Long explained that some of the funds are limited as to the amount to be levied due to the tax lid. The funds under the tax lid are the general, public safety, recreation, and street maintenance. Long told the council that since the assessed valuation is going up we will get more tax dollars with the mill levy staying about the same. The clerk said that Mr. Bogner had talked to her regarding opting out from the tax lid, and asked if Mr. Long could explain that to her and the council. Long said that the advantage of this is being able to levy whatever amount the council wanted, and explained the procedure. A hearing would be required to allow for public comment before any action could be taken by the council. The clerk asked Long for an opinion on the best way to establish funds for major projects, such as street building, without issuing bonds. He said that one way would be to use the majority in the general fund for actual expenses, while continuing to levy the street maintenance fund. The drawback for this is the possibility of needing the general fund to pay for unexpected expenses in other funds. Long recommended seriously considering opting out from under the tax lid. He said that he would research

the time factor necessary to opt out. Glyn Day asked if the levy for law enforcement should be increased as the present expenditures are already more than half the amount budgeted for 1995. There was discussion as to having Chief Dean reduce expenses, and also being able to use the general fund to cover the expenses. Bruce Smith made a motion, seconded by Mark Criger, to accept the 1996 budget as presented for publication and a hearing on August 9, 1995 at 8:00 A.M. Motion carried.

WATER DRAINAGE PROBLEMS: Paul McCartney came before the council to inform them of the problems in his neighborhood caused by water drainage during storms. He said that one possible solution would be to have the fire department help clean out the drain tubes. Bob Sisson said the fire department had already agreed to help with this project. McCartney also said that drainage from Elm and Market Street causes problems in his yard, and also in O'Bryhim's trailer court. Sisson said that digging a new ditch and replacing drain tubes should help the problem. There was discussion as to who is responsible for maintaining and buying the tubes. Mayor Hamit said it has been the policy for the property owner to buy the tube, and the city would install it if necessary. Several council members stated that they felt that the city should replace tubes at city expense once the initial service has been established in order to maintain proper drainage to benefit the city. The idea of passing an ordinance to require a certain size tube was discussed. Glyn Day said he would bring a sample ordinance used by other towns for the council to study. The council agreed by consensus to have Sisson work with the fire department to clean tubes, and to make a list of tubes to be replaced for consideration at the next meeting. Sisson said that something other than a back-hoe is needed to clean ditches. The possibility of renting something like a bobcat was discussed.

WATER METER PAYMENT: Stephen Jones was present to update the council on the matter of payments for two water services at new residences on Ash Street. Jones said that there are questions regarding who actually requested the service, and when were they installed. Bruce Smith explained that the settings were installed before the residences were built to avoid tearing up the street at a later time, but there shouldn't have been any meters in the setting. Sisson told the council that he had removed a meter belonging to a builder at his current building site, so there is the possibility that the other meters were also installed by the builder. Dale Fox suggested removing the meters until the service has been paid for, but was told that the locations in question now belong to people other than the builder. The clerk explained that the present residents both protested paying for the service as their contracts did not indicate any outstanding liens at the time of closing. Legal action by the city against "unauthorized personnel" installing water meters was discussed. Stephen Jones recommended starting a system of recording serial numbers of meters and the dates of installment. There was discussion as to when the billing started at these residences, and who was the first consumer. The clerks were instructed to check the records regarding starting dates for usage and billing. Bruce Smith said he felt that if the city can establish

that there was usage before the present owners were billed, the builder should be responsible for payment of the water service. Jones said that, in his opinion, the city would have a better chance to collect from the present owners even though they had been told that the builder would be held responsible. Jones also stated that the city is bound only by what the council decides, and not by what either the clerks or the attorney tells someone. The council agreed by consensus to check into the usage and billing, and bill the present owners for the service only if usage cannot be verified before they requested the service be put into their names.

Mayor Hamit asked about pursuing the matter of the builder installing his own meter and using water without authorization. The present ordinance allows for a fine of between \$25 and \$100 per offense. The council agreed by consensus to table this matter until more details are available next meeting.

EDDLER ORDINANCE: Mayor Hamit said that Stephen Jones had told him that the League of Municipalities has a different ordinance regulating door-to-door sales, and Jones feels that the League's ordinance would be more enforceable than the present city ordinance. The mayor said that the 90 day waiting period, and the \$300 fee was the reason that our ordinance has been successful since it was adopted. This was brought up for discussion following complaints by citizens about a person doing a door to door "survey" which was followed by a sales call. The council agreed by consensus to review the present ordinance, and the League's ordinance for consideration at a later meeting.

SEWER INSPECTION: Mayor Hamit asked Stephen Jones if a warrant could be necessary in order to inspect a residence for violations if the owner refuses entrance. Jones said he would research the matter.

DAMAGE CLAIMS: The clerk reported that she had been informed by Vera Allen that the insurance company is going to make an offer to settle with the two residents who filed claims after the May rain storm. Allen did not have a final figure as of today.

MAINTENANCE REPORT: Bob Sisson reported that the sewer line by Snuck's and Karnes' houses has been cleaned. He also said that Accra had quoted \$260/travel fee and \$130/hr for TV camera inspection, with a 2-hr. minimum. Sisson said that they make a tape and analyze it, and furnish the city with a tape. Glyn Day suggested calling Ace Pipe Cleaning and ask if they charge by the hour or by the foot. The council agreed for Sisson to get prices and let them know by phone before the next meeting.

Sisson reported that a street sweeper costs \$180/day to rent. He was told to check with Hi-Plains about them using a power broom on the main streets.

He received an estimate of \$650 from Leo Lang to build a ramp in front of City Hall. Glyn Day said he would check into the required slope for wheelchairs.

Sisson also said he would like to buy a few loads of milled asphalt for repairs. He can get it for \$4.50/ton which is cheaper than gravel. The council agreed by consensus to authorize buying

ough to do some alley repairs, and also get some to keep
stockpiled.

POLICE REPORT: Ed Harmison had nothing to report in the absence of
chief Ron Dean.

DRIVING AT JONES PARK: Bruce Anderson asked about putting signs up
to prevent driving on the grass to avoid making ruts. ADA compliance
at the park was discussed. The matter was tabled until the
requirements can be researched.

POOL REPORT: Mark Criger said that after checking with two pool
companies, they have been adding muradic acid to help reduce the
alkaline level. The high levels are caused by the volume of water
running into the pool, and not by the number of people in the pool.

PAIN: Glyn Day said that a lady volunteered to paint the trash
bins at the park, and wanted to know if the city would provide the
paint. The council agreed by concensus to pay for the paint.

MAYOR'S REPORT: Mayor Hamit asked why a fax machine has not been
purchased as yet. The clerk reported that she had talked to several
people to compare fax machines. The plain-paper ones are more
expensive to buy, and the toner cartridges have to be replaced. The
thermal style is cheaper, but the paper does not stand up for
long-term filing. The council advised her to purchase a thermal fax,
and make copies as needed.

The mayor asked the council if they wanted to pursue the
inspections for illegal sewer hook-ups. He was concerned because of
lack of follow-up regarding nuisance complaints several months ago.
The council agreed by concensus to have the police department follow
up on this matter. Bruce Smith said that he thought that if the city
personnel asked in a courteous manner most people would cooperate
with the inspection. If someone refused, the name would be noted for
reference in case of future sewer problems. Several of the council
members volunteered to help with this inspection.

Mayor Hamit asked Bob Sisson about who was hauling dirt in at
Jones Park. Sisson said it was coming from the school construction.

Mark Criger made a motion, seconded by Bruce Anderson, to
adjourn at 10:30 P.M. Motion carried; meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED _____
8-9-95

MINUTES

REGULAR MEETING OF THE COUNCIL

JUNE 14, 1995

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

OTHERS PRESENT: Duane and Lois Shuck, JoEllen Criger, Gary and Karen Stahel, Roger Davis, Kevin Smith, John and Kenneth Schoenick, Christine McCartney, Stephen Jones, Bruce Sisson, Max Friesen, Bob Sisson, Ron Dean, Sr., Lila Hamit, Cheryl Brown.

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

MINUTES: Dale Fox made a motion, seconded by Glyn Day, to approve the minutes with the time of solid waste pick up to read "6:00 A.M." rather than "6:00 P.M." Motion carried.

WARRANTS: Bruce Anderson made a motion, seconded by Bruce Smith, to pay all warrants as presented. Motion carried.

RIDE: JoEllen Criger came before the council to ask permission to close a part of Maple Street for a street dance to be held on Santa Fe Trail Day. The council had agreed to this the previous year with certain conditions, although the dance was cancelled due to other circumstances. The matter was tabled until the conditions from 1994 could be reviewed.

SEWER/DRAINAGE PROBLEMS: Duane and Lois Shuck came before the council to ask what could be done to prevent future problems with water backing into basements, their's and others as well. He also stated that the city shouldn't allow more housing development until the sewer is adequate. Mayor Hamit said that a recent engineer's report found the system adequate for the present size, and would allow for additional growth. He said that part of the problem is due to some houses having the tile drains and sump pumps tapped into the sewer, and the system wasn't designed to handle this, plus heavy rains in short periods of time as was the case in May. Bruce Smith asked if the problem of illegal drains could be addressed. Stephen Jones suggested having a smoke test done. Shuck asked about installing a septic tank and lateral field. Mayor Hamit said that the state Department of Health would probably not allow that. Dale Fox mentioned that the Shuck residence used to have a check valve. Shuck said that when the city turned the pumps on the check valve was broken. Fox stated that the lift stations work on gravity-feed.

There was discussion as to how it was draining before and immediately following the storm. Bob Sisson said that there was blockage after the storm, but was unable to verify any blockage before the storm. Lois Shuck said that they had had alot of damage in the basement, and she is having some health problems as well. She also said that the city's insurance company has not reached a decision regarding

DATE FORWARDED
7/3/15 JHC

average as yet. She asked what they as property owners could do to prevent this from happening again. Mayor Hamit said they should consider installing a sump pump. Lois Shuck asked if the city could help with their expenses as there could be a 120-day wait. Stephen Jones explained that if the insurance company denies the claim, the city has 120 days to respond. Jones said that if the city does not act by the 120 days, the claim is automatically denied. He also said that the city could pay out of the general fund, but he does not recommend that, especially until after the insurance company makes their finding. Bruce Anderson questioned the city's responsibility if the drains are not in accordance with the sewer ordinance. Jones stated that the insurance company should make an investigation, and hopefully will make the proper finding. The Shuck's said that an adjustor had been to their house. The council agreed by consensus to check into prices to have some of the trouble spots inspected by TV cameras. The council did agree to encourage the insurance company to make a decision as soon as possible. The council agreed to be more aggressive in checking into how sump pumps and drain tiles are emptying in the existing houses. Stephen Jones said that the claim filed by the Shuck's needs to be itemized. Lois Shuck said that the insurance adjustor told her to keep track of expenses as they go along. Jones said that at some point there needs to be a definite dollar figure stated as the 120 days may not begin until such figure has been stated. The council agreed by consensus to have a special meeting regarding prices for the sewer inspection if necessary.

SEWER COMPLAINT: Karen and Gary Stahel were present to report on sewer problems at 407 W. Santa Fe Trail, the home of Mrs. Stahel's parents. Mrs. Stahel reported on previous complaints and results of the city's response. She expressed concern about the addition of the house behind her parents' house. Mrs. Stahel said they had contacted the state Department of Health for advice, and were told that they should install a check-valve. She said they were also told by a plumber that there is not a problem with the residence itself, and that installing a checkvalve can lead to other problems. She gave the council a detailed report of all the things they have been advised to check, and the results of their testing. Mrs. Stahel said that these problems have been reported several times, and that is why they consulted plumbers from another town. Bruce Smith said that tree roots were the cause of the previous problem. The council agreed that this area should be a candidate for the TV inspection. Dale Fox said he was concerned about the sewer odor previously reported. Mayor Hamit said that he and Bruce Smith checked into this matter two years ago and determined that the odor was probably coming from the tile drains which do not have a trap. These drains were looked into the sewer at that time. Mr. Stahel said that the main problem now is the sewer backing up in the basement. The council suggested that the Stahel's recheck the vent as the sewer system gets air from residential vents and not from the manholes.

WATER DRAINAGE PROBLEMS: Christine McCartney came before the council to read a letter signed by herself and several neighbors in the area of Second Street and Elm Street. The letter addressed water drainage from the 200 and 300 blocks of W. Market, a plugged drain

ube in an alley on W. Second, and plugged tubes on Market and in some of the alleys. McCartney said she realized that these problems could take time to fix, but wanted the council to be aware of the situation. Bob Sisson said he had read the letter, and planned to address the alley problems when the weather permits. He also said he had told some people that he would replace drain tubes with the property owner buying the tube. Mayor Hamit said that has been the city's policy up to this time. Dale Fox said he knew two tubes in the vicinity of Second and Elm are bent, and need replaced. Glyn Day questioned whether or not the city has a policy on time regarding replacing drain tubes and was told there is no policy. Mayor Hamit said the city doesn't have a size requirement at this time. Several of the people volunteered to help with cleaning these tubes, and Sisson said he was going to ask the fire department to help. The council thanked Mrs. McCartney for coming, and said these problems will be addressed. Sisson also said that the problem will be helped when the ditch at 408 W. Market has been cleaned.

NEW STREET POSSIBILITY: Roger Davis came before the council to ask if the city would consider building a street on the south side of Davis Custom Meat Processing. He said that there is a real traffic problem on First Street due to the volume of his business and also to his sale barn. Bruce Smith said that when the city annexed the land where the carwash is located, only 20 ft. was allowed for an easement. Mayor Hamit questioned whether or not the city could legally build a street without annexing more land. Dale Fox said he thought that the developers paid for any streets and the city would take over the care at a later time, or each of the property owners could be assessed part of the cost. Mayor Hamit said this is called creating a benefit district. There was discussion as to who would benefit the most if another street was built. Chief Dean said that the city had tried to help the traffic problem by making one side of the street "No Parking". Davis said that he was coming at this time because he is expanding the size of his building, and the traffic will be even heavier. The possibility of opening Elm Street further south was mentioned. The matter of building a new street was tabled until all the legal aspects could be studied. Davis also asked about the city granting a tax abatement on the new addition to his business. The council agreed by concensus to table the matter until more definite figures could be produced, and the city attorney has researched the best plan.

RECESS: Dale Fox made a motion, seconded by Bruce Smith, to call a five minute recess at 9:35 P.M. Motion carried. Mayor Hamit called the meeting back to order at 9:40 P.M.

DISC: Ken Schoenick came before the council to request postponing his appearance until the July meeting at which time his niece will be present. John Schoenick asked that his name and Cindy Zimmerman's be added to the July agenda.

DISC: The clerk reported that the auditor will be here with his report in July, and reminded the council that it's time to think about the 1996 budget. She also requested that Bogner & Button be

considered to work the budget since they do the audit, and seem to be more concerned with the city's status all during the year. At this time their fee is \$300.00 more than the firm from McPherson. She said that Bogner & Button do call several times a year to check on things, and that they do not charge for time answering her questions. Bruce Anderson said that the library needs to make some changes in their budget.

WATER METER CHARGE: Mayor Hamit told the council that the city is in the process of trying to collect for two water meters installed on property owned by Party #1 at the time of installation, but is now owned by Party's #2 & 3. The city attorney has been in contact with Party #1, and is now waiting for the results of his notice.

WATER/SEWER REPORT: Bob Sisson reported that due to high BOD counts on two of the sewer tests, the city lagoon is being surveyed along with several other cities in the area. Sisson said that the high readings were taken during times when the lagoon level was real low, and also after the heavy rains in May. He assured the council that the most recent BOD result is well within permitted levels. The state will make recommendations after the results of the survey have been completed. Glyn Day said that he had visited with some people from the health department about a month ago, and there was no problem with our system. Sisson said that when he contacted the state concerning the first high reading, he was told not to collect another sample, but to just give an explanation. When the last high reading came back, Sisson had another sample taken as it was early in the test period and the second reading was very low.

Sisson told the council that the pump and motor at the pool needs to be replaced. The cost will be approximately \$1200-\$1500. Ellen Criger was told the motor could be repaired for around \$1200. Sisson was told to check on prices for the parts. Dale Fox made a motion, seconded by Bruce Smith, to authorize Bob Sisson to make the necessary repairs at the pool. Motion carried.

Sisson reported to the council that he had talked to HiPlains and regarding street work. After discussion, Bruce Smith made a motion, seconded by Glyn Day, to hold costs for street resealing and repairs to no more than \$25,000.00. Motion carried. Sisson said the streets will probably be done either in early August or late August/early September.

Sisson reported that he had checked the sewer lines at Shuck's area, and also at the Karnes residence and nothing is backing up in the manholes at this time. He also said that he had been looking at dump trucks and loaders but has nothing to report at this time.

ADA COMMITTEE REPORT: Glyn Day reported that the committee had met and discussed requirements. The first thing is to get prices for a ramp and changing the door into City Hall. They will be compiling a year plan for not only city property, but also some other places in the town. Sisson said that Leo Lang had been contacted about prices for the ramp. Glyn Day said that just being eligible for historical landmark status may make a difference in what we have to do.

BUILDING PERMIT/CODE COMMITTEE: There was discussion as to how

involved the city should be in building code requirements. Mayor Hamit said that the League of Municipalities recommends adopting the late codes by reference, and hiring a consultant when necessary. Bruce Smith recommended that we leave the actual "code" as is, but consider changing the length of time allowed for the project, and how many times the permit can be renewed and what fee to charge. The matter was tabled until the committee has a definite recommendation for the council.

INSPECTION NOTICE: Bruce Smith made a motion, seconded by Bruce Anderson, to send a written notice to each resident explaining that due to recent problems, the city will be inspecting for illegal hook-ups for sump pumps and perimeter drains after August 1, 1995. Motion carried.

OPENING SECOND STREET: Bruce Smith felt that because of budget purposes, this matter should be discussed. He said that in 1978 the council did vote to extend a street at the city's expense. Mayor Hamit reported that the city attorney had provided documentation that the city is not obligated to open a street simply because a property owner requests it. Smith said that the sewer in the area of W. Market was put in at the city's expense to serve existing city property, and that it is only serving two houses at this time. He also said that he had a problem with the decision of taking on the expense of maintaining the cemetery road to help Max Friesen's development, and not considering extending Second Street so it could be developed. Dale Fox said he was not against the idea, but felt a plan should be presented by a developer before a definite decision is made. Smith agreed, but said he thought these things should be included in the budget for future development. The council agreed to ask the auditor as to the best way to provide funding for possible street development.

STREET CLEANER: Bruce Anderson said that after checking into a used cleaner, he felt that buying it would not be feasible. There was discussion comparing buying, leasing, or renting one from time to time. The council told Bob Sisson to check into rental prices.

CEMETERY ROAD: The council agreed by consensus to extend the time limit for the maintenance agreement with Max Friesen indefinitely. Sisson reported that he was planning to put the culvert in which would connect Ash Street to the road as soon as the weather permits.

BOARD APPOINTMENT: Bruce Smith made a motion, seconded by Dale Fox, to appoint Diana Day to the library board to complete Brooke Hoffman's term. Motion carried.

EMPLOYEE SALARY SCHEDULE: Dale Fox made a motion, seconded by Glyn Day, to go into executive session for 15 minutes to discuss salary raises for non-elected personnel. Motion carried. The meeting was called back to order at 11:25 P.M. by Mayor Hamit. Glyn Day made a motion, seconded by Bruce Anderson, to approve pay increases as discussed in the executive session. Motion carried.

his schedule will become part of the permanent record, and is open to the public during regular business hours.

COUNCILMEMBER REPORTS: Bruce Smith reported that there is still some leakage under the cement decking at the swimming pool, but thinks that repairs can wait until after the pool closes for the season.

Glyn Day reported that the netting for the backstops at Jones Park has been delivered, and will be installed as soon as the poles have been set. He also said that there has been a problem keeping the ball fields mowed this year due to excess rain, and he had received a bid from Kevin Gloss to mow, but did not have the written bid with him. He thought that the bid was \$50.00 to mow both outfields, and \$80.00 to mow both outfields, the concession stand area, and trim both fields. Bruce Smith made a motion, seconded by Dale Fox, to use Gloss at these prices as needed. Motion carried.

MAYOR'S REPORT: The mayor reported that the 1994 conditions for the Santa Fe Trail Day street dance were as follows: the 300 block of Maple would be closed from 7:00 P.M. to 12 Midnight, with the dance to be from 8:00 P.M. to 11:00 P.M. Bruce Anderson made a motion, seconded by Glyn Day, to approve the same conditions for a street dance. Motion carried.

Bruce Smith made a motion, seconded by Bruce Anderson, to accept the Connecting Links agreement with Osage County Commissioners as presented. Motion carried.

Mayor Hamit read a letter from Santa Fe Trail High School requesting donations for a Century Club Scholarship fund. Glyn Day made a motion, seconded by Bruce Smith, to approve donating \$100.00 to this fund. Motion carried. Mayor Hamit said the scholarship is given based on academics and also on need.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn the meeting at 11:40 P.M. Motion carried; meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED: _____

7-12-95

MINUTES

REGULAR MEETING OF THE COUNCIL

MAY 10, 1995

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 consensus 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 consensus 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 consensus 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 consensus. 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 the 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

MINUTES REGULAR MEETING OF THE COUNCIL APRIL 12, 1995

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 concensus. 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

MINUTES REGULAR MEETING OF THE COUNCIL MARCH 8, 1995

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

OTHERS PRESENT: JoEllen Criger, Manie Minford, Ira Allen,
Mike Fawl, Terry Schmidt, Ben Kramer, Max
Friesen, Bob Sisson, Lila Hamit, Ron Dean, Sr.,
Cheryl Brown.

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

MINUTES/WARRANTS: Mayor Hamit reported that Mark Heideman of cablevision had sent a service representative to check into the two areas wanting cable service mentioned at the the February, 1995 meeting. Carolyn Meerian made a motion, seconded by Mark Criger, to approve the minutes of the regular meeting of February 8, 1995 which was adjourned to February 13, 1995 with approved changes. Motion carried.

Warrants # 10050 through #10121 were presented for payment. Mayor Hamit asked Chief Dean why so much ammunition had been ordered. Chief Dean explained it was for day and night qualification. He said that one day and night qualification was required per year, and it's cheaper to order the ammo in larger volumes. Dale Fox made a motion, seconded by Carolyn Meerian, to pay all warrants presented. Motion carried.

INSURANCE RENEWAL: Ira Allen came before the council to discuss whether or not the city wanted to change from broad form coverage to special form coverage. One of the primary factors for special form could be the addition of theft coverage. Allen explained that with special form coverage you are not required to prove damage where it's required with the broad form. He also said that he would need to know which form the council wanted before he gets the final figures for the new policy. The council agreed by concensus to have Ira Allen get quotes for both forms of coverage for the April meeting.

PRIDE REPORT: Manie Minford and JoEllen Criger were present to give the council an update on the PRIDE survey results. The committee had tried to combine the concerns of the residents according to who has jurisdiction regarding the matter. Manie Minford pointed out that there were two things that seemed to be on all the surveys. The first was to continue the previous year's events. The second matter was the appearance of the town. She said that several people indicated their willingness to help with various projects. Dennis Graves said that some of the matters on the survey have been a concern of the council also. Mayor Hamit expressed the city's appreciation for the work done by the committee.

JoEllen Criger reported that April 17th-22nd has been designated as "clean-up week" and asked if the mayor could proclaim that week as such. She also asked if residents could take leaves and limbs to the

area in Jones Park that has been used before. She said that the things to be picked up by volunteers hasn't been finalized yet, but the list will be pretty specific this year. The clerk was instructed to tell Midway Services about clean-up week, and also check into his bringing a large container to town that week. Carolyn Meerian said she had received a letter regarding a tour that will be in Overbrook March 29th. This particular group was wanting some kind of memento that has a definite reference to Overbrook. JoEllen Criger said she would talk to some other members regarding this matter.

USD 434: Mike Fawl and Terry Schmidt were present to thank the council for street signs and other help at the grade school. Fawl asked the council if the district could have access to dirt at the sewer lagoons. He said nothing will be definite until the bids have been accepted, but wanted to get permission in advance. The council agreed by consensus to allow USD 434 all the dirt needed provided that the area is kept safe during the removal process, and it is left in "mowing condition". Fawl said the bids will be opened on April 22th, and the target completion date is August, 1996. He also said that architect drawings are available for viewing. Dale Fox asked what is planned for the middle school building. Fawl reported that nothing has been decided, with one option being the district would rent it for storage.

OVERBROOK POOL: JoEllen Criger reported that she is having a meeting with the lifeguards soon to review certifications and pool policies. She asked about replacing the sand and filters on the valves. The clerk reported that a bid had never been received from Preston Miller. JoEllen Criger said she would contact him. Bob Nilsson said he had ordered some softseal for the top cap, and that the door needs a new spring. JoEllen Criger said that there are a couple of places on the bottom of the pool that need patched, and also said that Preston Miller had suggested that sand be sprinkled in wet paint around the edge of the pool to make the surface less slippery. She also said she was planning to work in the bathhouse during lessons this year. A payraise for the guards was discussed. Dale Fox made a motion, seconded by Mark Criger, to pay the lifeguards \$5.00/hr. and water safety instructors \$5.25/hr for the 1995 season. Motion carried. It was also decided to get bids from Four Seasons Pools in Topeka for valve replacements and the sand.

ALL ASSOCIATION: Glyn Day came before the council to discuss plans for a new backstop at Jones Park. Day presented information that he had received from Lawrence regarding netting that was lightweight, but sturdy. He said he didn't have the current pricelist as yet, but felt that this would be a good solution to prevent people at one diamond from being injured by balls coming from the other diamond. Day wanted to know what financial commitment the council could make. How much money for the backstop project be taken from money donated for safety equipment. The possibility of volunteers helping install the backstop material was discussed. Day said he would like to have the equipment installed before the high school season starts, so he asked if a special meeting could be called when he gets the prices. Mayor Hamit told Day to contact him as soon as a price is known, and

would take care of the matter from there.

PRELIMINARY PLAT--MEADOWBROOK II: Ben Kramer of Kramer Engineering came before the council to present a proposed plat for Max Friesen's addition to be known as Meadowbrook II. There was discussion as to the size and location of water lines to supply the addition in regards to the existing lines. Different possibilities were discussed to make sure service to the city could be maintained in case of breaks in the new addition. Max Friesen said he was wanting the council to approve this preliminary plat so that the annexation and final plat could be approved at the April meeting as several people are interested in building. Friesen also asked about the city's policy on providing water lines. It was his understanding that the developer put the sewer and the roads in, and the city did the water lines. The council said they would check into what had been done in other additions. The council agreed by consensus that the preliminary plat is acceptable, but final approval can't be given until annexation is complete. The clerk was instructed to check with the city attorney as to the correct order of procedures to be done regarding the annexation, including zoning matters and necessary publications.

POLICY/BUILDING CODES: The city's plan for meeting requirements of the American Disabilities Act and building codes for Overbrook was tabled until the next meeting, as the committees were not ready to give any recommendations.

STREETS: Bob Sisson was instructed to make a list of streets that need to be re-sealed for discussion at the April meeting. Mayor Hammit suggested getting a recommendation concerning the new block of Ash Street from whichever company reseals the streets.

PAYROLL: The clerk said she had been requested by Ron Dean, Jr. to continue being paid twice monthly rather than monthly as is the policy for full time employees. After some discussion, the council agreed by consensus to deny the request and leave him on the monthly pay schedule.

The clerk also brought up paying Bob Sisson some expense money for the Kansas Rural Water Assn. meeting in Wichita in advance. The council agreed by consensus to pay \$150.00 in advance, and the rest to be settled when all receipts are turned in to the clerk.

HEALTH: Bob Sisson reported that he didn't have anything special other than he had gotten a good report from his heart doctor.

POLICE REPORT: Chief Dean told the council that Ron Dean, Jr. has been scheduled for maintenance during the week, and police work on the week-ends, other than special training.

Dean also reported that the St. Patrick's Day parade route had been shortened.

Mark Criger brought up some of the complaints regarding offensive odors at some residences, and asked if our ordinance addressed that issue. Chief Dean said that he wanted to have time for a total commitment to deal with this matter. Criger said he had

also received a complaint about property taking up part of an alley at this same residence, and Carolyn Meerian said she noticed the same thing when she drove down the alley. Mayor Hamit suggested that this matter be made a priority.

The problem of unauthorized personnel coming behind the counter in City Hall was discussed. The clerks said that the problem seems to be better at the moment.

Chief Dean asked when the pool employees would be able to meet with Mark Daniels in relation to classes on air-borne diseases. Mark Criger said that JoEllen Criger would work with Daniels on that matter.

Mayor Hamit asked if hiring another animal control officer should be considered. Using Ron Dean, Jr. was discussed, but it was felt that he would be too busy when mowing needs to be done. Chief Dean said that he had checked with some other towns for ideas. Carolyn Meerian made a motion, seconded by Dennis Graves, to authorize Chief Dean to hire an animal control officer. The job would pay minimum wage plus mileage, with a maximum of 15 hours per week (the schedule to be flexible), and would require the person to have a vehicle for transporting animals. Motion carried.

Mark Criger made a motion, seconded by Dale Fox, to appoint Morris Wilson to the Housing Commission. Motion carried.

SPECIAL MESSAGE: Carolyn Meerian told the council and staff that she had enjoyed her time on the council, and felt that she had learned a lot. She expressed her reasons for not seeking re-election, and wished the other councilmembers well. Mayor Hamit thanked her and Dennis Graves for the time and effort they had given the city.

Dennis Graves made a motion, seconded by Carolyn Meerian, to adjourn the meeting at 10:10 P.M. Motion carried, the meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED _____

CITY OF OVERBROOK

ADJOURNED MEETING OF THE COUNCIL

FEBRUARY 13, 1995

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

OTHERS PRESENT: Stephen Jones, Cheryl Brown

The adjourned meeting was called to order at 7:30 P.M. by Mayor Hamit.

Mayor Hamit stated the regular February meeting had been adjourned until Stephen Jones could be present to explain the Osage County resolution 95-03.

Jones explained that the state statute that the resolution is based upon was passed in 1985, and he didn't know why the county was just now passing a resolution.

After discussing several options for future possibilities, Dale Fox made a motion, seconded by Carolyn Meerian, to adjourn the meeting. Motion carried; the meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Cheryl L. Brown, City Clerk

APPROVED _____

3-8-95

CITY OF OVERBROOK

MINUTES REGULAR MEETING OF THE COUNCIL FEBRUARY 8, 1995

MEMBERS PRESENT: Dale Fox, Carolyn Meerian, Bruce Anderson,
Mayor Richard Hamit. Dennis Graves and Mark
Criger absent.

OTHERS PRESENT: Mark Heideman, Larry Coursen, Rick Meyer, Dan
Karr, Cindy Keefover, Bob Sisson, Ron Dean, Sr.,
Tess McIntosh, Ed Harmison, Glyn Day, Lila Hamit,
Max Friesen, Hans Rayner, Cheryl Brown.

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

MINUTES/WARRANTS: Carolyn Meerian made a motion, seconded by Bruce
Anderson to approve the minutes of the regular January meeting as
written. Motion carried. Bruce Anderson made a motion, seconded by
Carolyn Meerian, to approve the special meeting of January 19, 1995
which was adjourned to January 24, 1995 as written. Motion carried.

After reviewing warrants to Sunflower Alcohol Safety, TFCOMM,
Marshall's Automotive, Carolyn Meerian made a motion, seconded by
Dale Fox, to pay all warrants presented. Motion carried.

WATER REQUEST: Thaine Pryor came before the council to request
water service on property located two miles east of Overbrook on
Highway 56. Pryor said Rural Water Dist #5 told him to come to the
city as his cost to get water from them would be approximately
\$20,000. Mayor Hamit told Pryor that Tom Lane had been denied water
service last fall, and Pryor said he was aware of that, but felt the
council would be more sympathetic to an individual than to a realtor.
The mayor explained the council's decision was based on advice from
our engineer, and not based on who made the request. Dale Fox said
he thought that running water from the city's main line to Pryor's
property wouldn't be much cheaper than rural water. Mayor Hamit and
Bruce Anderson also said another factor in the city's decision was to
"draw the line" as to adding more rural services. The council agreed
by consensus to stand on the previous decision not to add more rural
water services.

CABLE SERVICE: Mark Heideman of Cablevision was present to ask
about problems and concerns regarding cable service before the
contract is renewed in 1996. Mayor Hamit said that he had received a
petition with around 135 signatures representing various complaints
such as poor reception, the number of channels available, and
problems in the business office. Heideman asked for specific
problems with reception and poor service. The mayor said that all
channels are sometimes fuzzy, and there are "ghosts" and lines.
Heideman said that there are plans to upgrade the main trunk stations
in the next few months. He also said that it is important for people

service that will forward these complaints the next morning. Mayor Hamit told him that there are two residents that have not been able to get service. Heideman asked for the locations and said he would check into the matter. The council was told by Heideman that there will be at least 4 channels added late in 1995. He also stated that there is a rate increase planned for December 1, 1995. Ron Dean asked if Heideman could provide a comparison of services for other towns the size of Overbrook. Mayor Hamit said he had had complaints about when service can and cannot be started and stopped, and also how people are treated when they do call the business office. Heideman said he would check into these matters, and stated again that he wanted people to call when they have problems. The council thanked him for coming. Heideman said he would come back and report at the April 12th meeting.

MISC: Ed Harmison came before the council to clarify the actions regarding the proposed historical park to recognize the Santa Fe Trail. It was his understanding that he had permission from the city to use part of the Kansas State Bank's street easement. He said that the CIC, which is now PRIDE, had almost \$1400 on hand and dedicated enough to total \$2000 for this project. Since Kansas State Bank has added the driveways in the proposed area, Harmison asked the council what happened. He asked if the bank obtained permission from the city for the driveways. Mayor Hamit said he recalled that Harmison was going to check with the bank for their approval as the city cannot use the street easement for anything other than maintenance repairs without the property owner's permission. He also stated that the bank didn't need city approval for driveways on private property. Harmison said that he had contacted the president of Kansas State Bank and some of the board members, but didn't receive a definite answer. Harmison said he had been reluctant to come back to the council, but was doing so in response to several inquiries about the progress of the park. The mayor said he talked to Mr. Clum, president of Kansas State Bank, and was under the impression that the board was not in favor of the park due to plans to install an automatic teller machine. Max Friesen said that the board was not advised about the two driveways, and never discussed the park. Harmison asked if he got permission from someone else on Maple would he need to approach the council, and Mayor Hamit said yes if the city easement is involved. The mayor said that the president of the bank said he was never formally approached about the park and only knew of the plans by hearsay.

ADA REQUIREMENTS: Bruce Anderson said he felt that the necessary plans to meet the requirements to comply with the ADA could be done by the city, and get technical assistance later. It was agreed that Bruce Anderson and Bob Sisson would develop a plan and report back to the council at a later meeting.

BUILDING CODES & PERMITS: There was discussion of the material from Lyndon and Glyn Day in regards to revising the present permits and formulating building codes. The council agreed by consensus that a committee consisting of Bob Sisson, Carolyn Meerian, and Dale Fox

at the March meeting. The mayor said the rest of the council should go through the same material on their own.

MISC: The clerk reported that the state had set 6.85% interest to be refunded on utility deposits.

The clerk also presented a letter from the AfterProm committee of SFT requesting a donation. Bruce Anderson made a motion, seconded by Dale Fox, to give \$100 to the AfterProm committee. Motion carried.

POLICE REPORT: Chief Ron Dean presented the council with copies of a resolution passed by the county commissioners on February 6th dealing with medical charges for prisoners at the county jail. Chief Dean also provided the council with some information on how he determines which hours are covered by the different shifts. He schedules according to the number of calls received in the same time periods in previous years. Dale Fox said he personally felt like most people would prefer more coverage during the night rather than daytime. Chief Dean said he understood this, but calls come in the daytime also. He also stated that some of the calls concerning dog problems and trash complaints might have to wait because of the current burglary situation. Mayor Hamit explained that he had asked Ron to come up with an explanation of how he does his scheduling so that the council would have a better understanding. Dean said he has helped the county on a couple of calls involving people close to Overbrook. Chief Dean said he was going to discuss the county resolution with Steve Jones. The council agreed by concensus to meet with Steve Jones regarding this matter as soon as possible.

MAINTENANCE: Bob Sisson told the council that Dr. Brown had released him to work up to 4 hours a day, with no lifting anything over 10 pounds, and he will see his surgeon on February 14th. He said that Ron Dean, Jr. is working mostly in maintenance until he is released for full-time duty.

TREASURER'S REPORT: Max Friesen said that other than some problems with payroll withholding, the books look okay.

CEMETARY ROAD: Max Friesen came before the council to report that one of the heirs of the estate won't sell their share of the property unless the developers agree to pay for 25% of the reconstruction cost on this road from the start of the proposed subdivision to the Overbrook cemetary. Richard Meyer, a resident on Ash Street, asked if there was going to be any upgrading of Ash and the cemetary road due to increased traffic when these roads are opened. Dale Fox said there would have to be some upgrading in the future. Mayor Hamit said that as traffic increases, the city would probably upgrade but over a period of time. Friesen said there would eventually be a road coming from the northeast. He said that after all the deeds are signed, he'll start working on where to run the water lines. Mayor Hamit clarified that by signing this letter, the city will be responsible for 75% of reconstruction costs and 100% of upgrading. Dale Fox made a motion, seconded by Bruce Anderson, to

for 25% of reconstruction costs of the cemetery road from the proposed subdivision to the cemetery. Motion carried.

COUNCILMEMBER REPORTS: Dale Fox asked that some gravel be put on the street where some trenching was done on Cedar by the fairgrounds.

Carolyn Meerian asked if the warrants could be further explained so that the council would have a better understanding of the bills. Mayor Hamit suggested that the invoices be kept by the clerk until the warrants have been approved for payment.

BOARD APPOINTMENT: Dale Fox made a motion, seconded by Carolyn Meerian, to appoint Juanita Coffman to the library board for a four year term. She will take the position previously held by Coni Fenton. Motion carried.

MAYOR'S COMMENTS: The mayor said that the FBLA is planning to paint fire hydrants Saturday. Bob Sisson said that he was told that the temperature of the water and the iron is too cold to paint, and that the weather needs to be warm for at least two weeks. Mayor Hamit said he would contact the FBLA.

Mayor Hamit said he had had several inquiries about when the new trash ordinance will be enforced. Chief Dean said he hadn't had time to start new projects. The mayor asked him to look at some possible locations as soon as possible.

A letter from HiPlains Sand was received, so inspecting the streets for resealing was discussed so that bids could be taken at the April meeting.

A motion was made by Dale Fox, seconded by Carolyn Meerian, to adjourn the meeting until February 13th, at 7:30 P.M. Motion carried.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED _____

3-8-95

MINUTES ADJOURNED MEETING FROM JANUARY 19, 1995 TO JANUARY 24, 1995

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

OTHERS PRESENT: Ron Dean, Sr., Bob Sisson, Ron Dean, Jr., Lila Hamit, Cheryl Brown.

The adjourned meeting was called to order by Mayor Hamit for the purpose of interviewing Ron Dean, Jr. for the maintenance/law position.

Mayor Hamit explained to Ron Dean, Jr. that the job would be for 40 hours/week to be divided between maintenance and law. The salary would be \$7.00/hr with time and a half for approved overtime. The city would pay Blue Cross insurance, and sick time and vacation would be accumulated at the regular rate.

Bob Sisson and Chief Dean both were in favor of offering the job to Ron, Jr.

Ron, Jr. asked how soon he would be expected to move to Overbrook. The council said that as long as he remains as available as he is now, there wouldn't be a problem with his living in Carbondale. Ron Jr. said he wants to live in Overbrook if at all possible.

The mayor and council agreed by concensus to have a report kept on how many hours are worked in each department, and also how this position has helped the city. The council also stated that this report could be used to re-evaluate the position after 6 months or so. There was a discussion as to when Ron Jr. would be able to go the law enforcement academy, and Bruce Anderson said that when the time comes, he felt the city should have some kind of committment from Ron Jr. if the city was paying for the school and also his regular wages.

Bruce Anderson made a motion, seconded by Dale Fox, to hire Ron Dean, Jr. to work full-time between maintenance and the police department at a salary of \$7.00 per hour with time and a half for anything over 40 hours/week, vacation and sick leave and insurance, with the job being evaluated in 6 months. Motion carried.

Dale Fox made a motion, seconded by Mark Criger, to adjourn the meeting at 6:40 P.M. Motion carried.

Respectfully submitted,

Cheryl L. Brown

APPROVED Feb - '95

SPECIAL MEETING OF THE COUNCIL

JANUARY 19, 1995

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

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

The special meeting of the council was called to discuss the hiring of a person to work part-time in maintenance and part-time in the police department.

Chief Ron Dean reported that he had learned from the Kansas Law Enforcement Training Center that a person working in a full-time capacity as a law officer needs full-time training. However, due to our circumstances, this person could delay the training until August, 1996. Training time is 8 weeks, full time.

The council asked Chief Dean if he had talked to any of his present part-timers, and he said there was no interest at this time.

After discussing the limitations of Bob Sisson when his doctor releases him to return to work, and the advantages of having one person working in both maintenance and law, the council agreed by consensus to talk to Ron Dean, Jr. He is presently working in Overbrook helping Bob Sisson, and at Scranton as a part-time law officer.

Chief Dean said that he was in favor of a full-time person to float between maintenance and the police department.

Mark Criger made a motion, seconded by Bruce Anderson, to adjourn the meeting until Ron Dean, Jr. can be interviewed for the position, tentatively January 24, 1995 at 6:00 P.M. Motion carried.

Respectfully submitted,
Cheryl L. Brown

APPROVED _____

MINUTES

REGULAR MEETING OF THE COUNCIL

JANUARY 11, 1995

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

OTHERS PRESENT: JoEllen Criger, Manie Minford, Glyn Day, Steve
Kurtz, Hans Rayner, Ron Dean, Max Friesen, Lila
Hamit, Cheryl Brown.

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

MINUTES/WARRANTS: Dale Fox made a motion, seconded by Mark Criger, to approve the minutes of the December meeting with approved changes. Motion carried.

Bruce Anderson made a motion, seconded by Carolyn Meerian, to pay all warrants as presented. Motion carried.

CHECK SIGNERS: Mark Criger made a motion, seconded by Bruce Anderson to retain Richard Hamit, Max Friesen, Cheryl Brown, and Carolyn Meerian as official check signers. Motion carried.

OFFICIAL DEPOSITORIES: Bruce Anderson made a motion, seconded by Dale Fox, to retain Kansas State Bank and First Security Bank as official depositories for the City of Overbrook. Motion carried.

OFFICIAL NEWSPAPER: Carolyn Meerian made a motion, seconded by Dale Fox, to retain the Osage County Chronicle for the publication of all official city business. Motion carried.

OVERBROOK BALL ASSOCIATION: Steve Kurtz came before the council to present the final report on income and expenses for the ball association. Mayor Hamit stated that this had been requested in order to give a better accounting for any city money spent, and was not personal in any way. Dale Fox noted that a considerable amount of money was spent at out-of-town businesses. Kurtz said that they tried to buy as much as possible in town, but also felt they needed to buy items as economically as possible. The council agreed by concensus that local businesses be given a chance to compete with any out-of-town suppliers, and commended Kurtz and the others for the improvements that have been made.

ADA REQUIREMENTS: Glyn Day, an engineer with BG Consultants, told the council that Tom Arpin, an architect with his firm, had inspected the city building and had some suggestions for complying with the American Disabilities Act. These recommendations are as follows:

1. Changing the front door into City Hall, and building a ramp that would enable wheelchair accessibility.
2. Lowering a section of the counter for wheelchairs.
3. Widening the three interior doors for use of the courtroom, bathroom, and police station.

4. Installing a different lavatory and handrails in the bathroom.

5. Moving the courtroom and police doors flush with the exterior wall of the building.

Day recommended that the City have a plan to have all city properties in compliance with ADA specifications by the year 2000. He told the council that the recommended changes would cost approximately \$15,000, but could be done in phases over the next 5 years. Arpin told Day their firm could put together a plan for the city at a cost of roughly \$2000 with no obligation to their firm for actually doing the necessary work. Day mentioned that having a consultant do the plan relieves the city of liability concerning the changes. After discussing some of the actual changes, the council agreed by consensus to table the matter until the February meeting to have time to obtain more information.

C.I.C.--P.R.I.D.E.: JoEllen Criger and Manie Minford came before the council to report that the CIC is in the process of changing to PRIDE to work on improving Overbrook. The goals will be the same, but the name PRIDE might be more recognizable. PRIDE is a self-help program for communities to help make improvements and increase involvement by the citizens. They told the council some of the plans, such as surveying the entire town for ideas and comments. Some properties that have been considered to be "eyesores" were mentioned, and Mayor Hamit told them that a "Nuisance" ordinance has been passed which should help in this matter. The council was told that there was money from CIC activities that will be used to promote Santa Fe Trail recognition for Overbrook. Carolyn Meerian said that she would like to see some kind of brochure that could be put in tourist information centers around the state. The group is meeting January 19th to discuss their future plans.

WATER COMPLAINT: Hans Rayner came before the council to complain about a load of shirts that were ruined while being laundered, and also the inconsistencies of the chlorine levels. Rayner said he was not blaming anybody, but thought something should be done to check the quality of the water. Dale Fox said that the city has had problems with rust in the water, and has done several things to try to eliminate the problem, including acidizing the wells and looping water lines where possible. The possibility of chlorinating the water coming from rural water was discussed. The clerk said that some people have had success using Rit Color-Remover to remove rust from white clothes. Carolyn Meerian said they had a filter installed at their house. Dale Fox and Ron Dean said they would check the lines supplying Rayner's house to see what could be done. Dale Fox said he had been told by someone from the state that when you can smell the chlorine, the level should be increased because it's a sign that there is something present in the water that has activated the chlorine. Mark Criger said he had been told the same thing by the pool repairman.

WATER RATES AND DEPOSIT: Mayor Hamit presented Ordinance No. 193 for consideration. Carolyn Meerian made a motion, seconded by Mark

Criger, to adopt Ordinance No. 193 which would set the water rates at \$9.00 for the first 1000 gallons, and \$4.00 per additional 1000 gallons; establish a deposit of \$75.00 for initial water services (a letter of credit from previous water company could be used in lieu of the deposit). Motion carried.

BUILDING PERMITS: The matter of time-limits and fees for building permits was brought up for discussion. The clerk reported on results she obtained by calling some of the other cities in the county concerning building codes and permits. Mayor Hamit told the council that the League attorney recommended adopting the state codes by reference, and hiring a consultant when necessary. The council agreed that one of the main complaints from people is not having a time limit on building or remodeling projects as the building permit can be renewed each year with no limit on the number of years. Carolyn Meerian stated she would like to have a law to use as a reference point if and when needed. After further discussion, the council agreed by consensus to study parts of the Lyndon zoning ordinance and the Uniform Building Code book provided by Glyn Day before the February council meeting. Various changes in the fees and time limits on building permits was discussed. Glyn Day told the council that the UBC book has a rate table which goes by the cost of the building. Bruce Anderson wondered about shortening the time limit to 90 days, and then double the price for each 90-day permit for a one-year limit. Extensions due to weather and contractor delays were also discussed. Projects already in progress would be grandfathered until their present permit expired. The matter was tabled for further study.

COMMUNITY PROJECTS: The mayor said he had been contacted by the FBLA at Santa Fe Trail wanting something they could do for the town. Painting fire hydrants was suggested. Ron Dean said he had contacted Kelly Wiscombe about hauling some sand, and maybe the FBLA could help wherever the sand is used.

MAINTENANCE HELP: Mayor Hamit said scheduling someone to cover the maintenance department until Bob Sisson returns needs to be addressed. Ron Dean, Jr. has been helping, but will go back to class January 17th. The mayor and Dale Fox brought up hiring someone to work a 40-hr week, part in maintenance and part in the police department. This would give us someone to fill in for Bob for vacation, sick leave, etc. and also eliminate some of the part-time hours in the police department. Mayor Hamit asked Chief Dean if one of his part-timers might be interested in this type of position. The council agreed by consensus to have Ron Dean check with his part-time people for any interest in the job, and also check on the legalities regarding the police training. Mayor Hamit said he felt something needed to be done as soon as possible in case of a snowstorm, or other emergency. The council agreed by consensus that cross-utilizing someone for both departments would probably save money. A special meeting for discussing job requirements, salary, and other concerns was scheduled for January 19th at 6:00 P.M.

MAINTENANCE REPORT: Ron Dean reported to the council that the

repairs at the water break near 6th & Maple were probably temporary. He also told the council that a new heavy-duty clutch had been installed in the city truck, and there's also a new battery in the tractor.

POLICE REPORT: Chief Dean reported that he was going to make some more changes in the parking at the grade school, and he has talked to Terry Schmidt regarding this matter.

MEADOWBROOK ADDITION: Max Friesen told the council that the original deed from the Coffman family had some errors in the location of the cemetary road. He has talked to all the Coffman heirs or their agents, and all have agreed to deed the rod along the existing road to the public. Friesen and his attorney are now in the process of determining who the "public" is. The county commissioners told Friesen that this property should be deeded to the city even though the county has been maintaining the road. All parties agreed to this. Friesen said that the county officials told him that they would help when it came time to widen the road. Mayor Hamit asked if any major repairs needed to be done right away, and Friesen said probably not for at least a year. Mark Criger made a motion, seconded by Bruce Anderson, to accept the deed for what is now known as the cemetary road into the city. Motion carried.

LEAGUE PAYMENT: Mayor Hamit asked how the council wanted to pay the city's share of the League of Municipalities building cost. Dale Fox made a motion, seconded by Carolyn Meerian, to pay a one-time fee of \$1572.22 rather than 15 annual payments. Motion carried.

MISC: Mayor Hamit asked the council how they wanted to handle the matter of salary for Bob Sisson when and if he uses all his vacation and sick leave. The clerk said he has enough sick time to cover the January salary. The mayor brought up paying him a regular salary, and then he could work extra hours at a later time. While the council didn't want him to have to go without pay, they also felt that they were accountable for paying salary in advance. Mayor Hamit said nothing special may have to be done, but wanted to bring the matter up before the next council meeting.

Dale Fox made a motion, seconded by Bruce Anderson, to adjourn the meeting at 10:20 P.M. Motion carried.

Respectfully submitted,

Cheryl L. Brown,
City Clerk

APPROVED _____