

CITY OF OVERBROOK

MINUTES REGULAR COUNCIL MEETING

JANUARY 10, 2007

MEMBERS PRESENT: Bruce Smith, Bob Sisson, Larry Coursen, Mayor Jack Young, Rich Hamit

Arrived shortly after the meeting started. Ira Allen absent.

OTHERS PRESENT: Don and Ruth Thornton, Donna Crawford, Vic Robbins, Mike Dickerson, Patty Hylton, Bob Call, Chief Ed Harmison, Jim Koger, Bev Hix, Eula Lee Fuller, Everette Dannar (7:25).

The meeting was called to order at 7:00 PM by Mayor Young. Assistant Clerk Jim Koger called roll to determine the presence of a quorum.

MINUTES/WARRANTS: Larry Coursen moved to approve the minutes of the December 13, 2006 regular meeting as written. Bruce Smith seconded; motion carried 3-0.

Bob Sisson made a motion, seconded by Larry Coursen, to pay all warrants. Motion carried 3-0.

DAMAGE CLAIM: Don and Ruth Thornton came before the council to discuss damages caused by recent sewer back ups into their house. Don Thornton stated that each time this has happened, the lift station across the highway was not functioning. Thornton presented pictures as well as a list of specific items damaged. Thornton's had hired Mike Musick to come on December 20th at which time the old sewer connection was replaced. Thornton said that he had called several of the council members and Rich Hamit had come to look at the damage. The sewer backed up again just before Christmas, and again on December 31st. Thornton feels that the problems are caused by the city's lift station not working, and not by faulty work on Musick's part. The council agreed by consensus to present the claim to the city's insurance company for review. Mayor Young said that he doesn't know how long the process will take, but will ask the insurance company to work as fast as possible. Thornton then asked if some kind of warning light can be put on the lift station that could be reported by neighbors. The mayor said that we are considering changing the way the lift station works to make it more trouble-free. Thornton thanked the council members who talked to him on the phone or came to his house, and especially Bob Call who came all three times to get the lift station working again.

GRANT ISSUES: Donna Crawford, Governmental Assistance Services, was present to discuss several matters. Crawford thanked the mayor for calling her about Joshua Excavating hiring subcontractors and that some of them are not being paid timely. Joshua Excavating, as the contractor, was to notify her when hiring any and all subcontractors. Crawford presented a letter that she's prepared to be sent to Joshua Excavating asking him to comply with the grant requirements and then providing proof of payment. Payrolls for the subcontractors are to be submitted to Crawford. Crawford is advising Joshua Excavating that the city may withhold the next payment requested until he is in compliance. Crawford said she would notify the city once these requirements have been met. Mayor Young said that the project is at a standstill because the local subcontractors are not being paid. There was discussion about several additions to the cost of the project and who should be responsible for payment. The subcontractors involved are G&G Excavating, Final Touch Landscaping, Meyer's Specialties, Maryco and Killough's.

Vic Robbins said that he's talked to Michael Coffman about the situation. Crawford said she would prefer to talk to Josh Hawkings, owner of Joshua Excavating, about withholding payment until these matters are resolved before involving the attorney.

Crawford informed the council that the new grant guidelines will require the city to do another survey to qualify for more grants. The survey must be done to determine that the city has at least 52% low to moderate income residents to be eligible for grants. Before only 80% of the population had to be surveyed to come up with the 52%, but the new guidelines require 100% of the population be surveyed. So

every resident must be contacted to comply. Vic Robbins said that KDHE may not require more sewer improvements after this project is completed, but couldn't say how long that would take. Crawford advised the council that a decision needs to be made soon about pursuing more grant money, and not wait until the current sewer project has been approved by KDHE. Crawford said that a new survey will be valid until 2012, so it will be valid for several more years. The mayor asked the council if we should consider going for grants to do waterline projects. Rich Hamit moved to approve the contract with G.A.S. for \$ to conduct a survey for grant purposes. Bruce Smith seconded; motion carried 4-0. Crawford left several copies of the contract to be signed.

REIMBURSEMENT FOR SURVEY: Mayor Young presented a bill from Kramer Engineering that has been paid by Lee Flowers. The survey was done to locate a corner monument that was disturbed by the sewer rehabilitation project. The bill was for \$155.00. Vic Robbins said that this type of item is covered in the contract, and that the contractor should be responsible. The council agreed by consensus to write a letter to Flowers stating that while the council agrees that they should be compensated for the expense, but that it should be done by the contractor. Robbins said that he wasn't aware of the problem on the Flowers property. The bill will be sent to Joshua Excavating.

SEWER REPORT: Vic Robbins showed the council a summary of things that he has compiled of the status and needs of every work item by Joshua Excavating. Among the major items to be completed is leveling all the waste dirt left at the lagoons, and also remove the scrap concrete and brick and cast iron debris. Robbins asked about them digging a hole and burying it. Mayor Young said he would prefer that the scrap items be hauled to the landfill. Bruce Smith moved to pay for the waste hauling from the lift station done by HoneyBee. The motion died for lack of a second. Larry Coursen moved to authorize the mayor to negotiate the bill from HoneyBee with Joshua Excavating. Bob Sisson seconded; motion carried 4-0.

Robbins said that he had authorized Meyer Specialties to do some extra work while they were here that he felt was necessary without going through the change order process. The cost is \$1212.50. The work was to video and inspect a line by the Boy Scout building and installed some seals in three manholes. Bruce Smith moved to pay the bill. Bob Sisson seconded; motion carried 4-0.

Robbins said that eventually all the manholes passed inspections, and would recommend Meyer Specialties for future jobs. Robbins has the latest pay request from Joshua Excavating. He said that once this last payment has been made, Joshua Excavating will be at the 90% level, which would leave the final 10% as retain age as per the contract. The total amount paid to them would be approximately \$563,000.00.

OFFICIAL DESIGNATIONS: Bruce Smith moved to name Kansas State Bank and First Security Bank as official city depositories. Larry Coursen seconded; motion carried 4-0.

Bruce Smith made a motion, seconded by Larry Coursen, to name the Osage County Herald the official newspaper for all legal publications. Motion carried 4-0.

Official check signers were tabled until the clerk has prepared a resolution to name specific people.

ANIMAL LICENSES: Mayor Young suggested that notices be put in the papers and on the KSB marquee to remind people that 2007 dog and cat licenses are due rather than send out hundreds of letters. Bruce Smith moved to do so, and Bob Sisson seconded. Motion carried 4-0.

MEETING DATES: Bob Sisson made a motion, seconded by Larry Coursen, to go back to just one scheduled regular meeting per month, and that being on the second Wednesday of each month. Motion carried 3-1, with Hamit voting against.

BROOKSIDE EASEMENTS: The matter was tabled until the mayor can visit with the adjoining property owners.

LAW REPORT: Chief Ed Harmison gave a brief report and presented the council with a written report.

MAINTENANCE REPORT: Bob Call said that he would like to attend a wastewater class in Carbondale on January 17th. He would like for Jim Koger to attend at least part of the day and was told to check into which parts of the class would be best for Koger to attend as he is also covering the office that week.

Call said that well #2 is back up and running and the AquaMag barrel has been moved from well #2 to the main pump house where everything runs together. Call is having a box installed on well #5. Both lift stations had to have new seals put on them.

Call pointed out that the sidewalk at the school close to the pool has been left pointing upwards due to the sewer work. He's concerned about someone going over it on a bike. Call was told to barricade it until Joshua Excavating can repair it.

Call said that Millie Anderson has asked for "slow, children playing" signs by her house since she has grandchildren there often. He was told to put up the signs.

Call also said that he would like to buy a pump to use for pumping out the lift station for around \$500. The council agreed by consensus. Bob Sisson said that he thought there is a light on the east lift station, but it may not be working. Call said that will be checked out when Ed Hickman comes to do maintenance. Vic Robbins said he would help figure out how big a pump we should get for the lift station, and suggests we do the same thing for the west lift station.

Call said that he's going to call Victor Phillips to do some maintenance on the backhoe. Bruce Smith asked Call to check out well #5.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports for the council. All the funds that were expected to have a cash balance actually ended with cash. She also pointed out that the Capital Project fund no longer has a negative balance. This was the fund used for the city lake. From this point on, the actual revenue and expenses will be shown as part of the General fund. She has also created a line item for the next phase of the sewer rehab. She also explained that funds will be transferred from the general, water/sewer, and law fund for the employee benefit fund. Hylton said that there was a smaller total cash balance in 2006, but eliminating negative fund balances was an improvement. No funds exceeded their budget in 2006, which is good. The council thanked Hylton for all her work.

BID FOR WATERLINE REPLACEMENT: G & G Excavating has submitted a bid to replace about 310 feet of water line on Santa Fe Trail between Western Heights Drive and Sycamore. Bruce Smith moved to hire G&G Excavating to replace the stated water line. Bob Sisson seconded; motion carried 4-0. There was discussion about having some asphaltting done at this location as well as other places. The bid was \$3,453.50. Robbins said that the bid doesn't include any landscaping, but the council agreed to address that issue later.

CLERK'S REPORT: Jim Koger reminded the council that the deadline for council filing is noon on January 23rd.

Cheryl Brown will be gone the week of January 15th, and Jim Koger's classes start that same week, so Koger asked that the office be open Tuesday afternoon instead of in the morning. The council said to work out whatever schedule is needed, and to post a sign on the door and put it on the website.

COUNCIL MEMBER COMMENTS: Bruce Smith asked what Bob Call meant by "turning the water department over to Jim Koger". Call said that he just wants Jim to start learning all that he can in order to become certified.

Rich Hamit asked about the KRWA meeting coming up in March. He said that he assumes Bob Call will go, and wondered about sending Jim Koger. Mayor Young said that decision should maybe wait until the next meeting.

MAYOR'S REPORT: The mayor asked that he would like to have city employees sit closer to the table during the meetings, with the exception of the treasurer and assistant clerk.

Mayor Young said that he's been told by a council member that there's been complaints about the council and some employees seeming not to care about problems and that it takes too long to act on matters. The mayor mentioned this so that everyone is aware of it.

MISCELLANEOUS COMMENTS: Vic Robbins said that he feels that the lift station failure did lead to a sewer back up in Thomton's house, but he's not sure if it was actually "city sewage". His opinion is that the first time this happened was due to the poor condition of their sewer line. He feels that the second and third times may be directly related to the lift station failure. Robbins was told that he may have to provide this information to the insurance company.

Robbins asked what the status is on the drainage issues on Ash Street. Bruce Smith and the mayor said that they'll have to check with the city clerk.

EXECUTIVE SESSION: Rich Hamit moved to go into executive session for 5 minutes. Bruce Smith seconded; meeting recessed. The meeting was called back to order. Rich Hamit made a motion, seconded by Bruce Smith, to hire Joni Hudson as pool manager for 2007. Motion carried 3-0. (Larry Coursen had left the meeting at 8:00 PM). Details to be discussed later.

There being no further business before the council, Bruce Smith moved to adjourn. Rich Hamit seconded; meeting was adjourned at 8:43 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: 1/24/07

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JANUARY 24, 2007

MEMBERS PRESENT: Ira Allen, Bob Sisson, Larry Coursen, Rich Hamit, Bruce Smith,
Mayor Jack Young.

OTHERS PRESENT: Jon Brady, Jason Hielscher, Beverly Hix, EulaLee Fuller, Craig & Kristine
Meier, Jim Koger, Ed Harmison, Cheryl Brown.

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

MINUTES/ WARRANTS: Larry Coursen moved to approve the minutes of the January 10, 2007 meeting as written. Rich Hamit seconded; motion carried 5-0.

Bruce Smith made a motion, seconded by Larry Coursen, to pay all warrants presented. Motion carried 5-0.

SEWER PROJECT: Vic Robbins was unable to attend the meeting, but had left a report listing items of work completed and what is yet to be completed by either Joshua Excavating or their subcontractors.

Robbins had told Mayor Young that he would have liked to have seen the final water/sewer plans for the F.A.R. property before they were submitted to KDHE. The plans have been approved by KDHE as submitted and are available at City Hall.

SECOND REGULAR MEETING: The mayor presented Ordinance No 298, which would eliminate the second regular monthly council meeting. Bob Sisson moved to approve Ordinance No 298, with Larry Coursen seconding. Ira Allen stated that while the second meetings had been "wasted" since around October, he feels that there is enough city business to justify two regular meetings per month. Larry Coursen stated that special meetings can be called if necessary. The motion to adopt the ordinance was carried 3-2, with Allen and Hamit voting no.

LICENSE TO SELL ALCOHOLIC LIQUOR: Ira Allen moved to renew the license for Conrad's Bar & Grill to sell alcoholic liquor. Bob Sisson seconded; motion carried 5-0.

OVERBROOK PARK PROJECT: Jon Brady was present to update the council on the requests for grants by PRIDE and the Overbrook Athletic Association. The grant awarded was for \$285,000.00, which is good for 18 months. These are matching fund grants, with labor and materials donated counting as funds on the city side.

Brady, representing the Overbrook Park Project, asked that the council consider relinquishing control of the Jones Park fund to either PRIDE or the OAA for the tax benefit to those who donate to the project. This fund was taken over by the governing body when Bob VonStein moved out of the city limits. Cheryl Brown said that the only expenses paid from this fund has been for work on the ball fields by LeRoy Ming, approximately \$350. Larry Coursen moved to wait until the next meeting to make a decision. Motion died for lack of a second. Brady said that it's his understanding that the board of the Community Chest may stop collecting money for the Jones Fund if it remains under the city's control.

The matter was tabled until a later meeting.

EASEMENTS FOR BROOKSIDE/DRAINAGE: The possibility of constructing a new waterway to help

with the increased water run off from Brookside was tabled until it can be discussed with the city attorney and the adjoining property owners.

CITY HALL REMODELING: This was also tabled until more estimates can be obtained. Rich Hamit suggested contacting Mike Finton about the matter.

OFFICIAL CHECK SIGNERS: Bruce Smith moved to designate Mayor Young, Patty Hylton, Cheryl Brown, Bob Sisson, Bruce Smith, and Ira Allen as official check signers. Ira Allen seconded; motion carried 5-0. This will have to be discussed again after the April election as Allen and Smith will be going off the council.

THORNTON SEWER DAMAGE: Cheryl Brown said that the damage claims from Don & Ruth Thornton have been submitted to Employers Mutual Insurance for settlement.

DRAINAGE ON ASH STREET: The city clerk said that she's received only one letter out of the three that were mailed. Mayor Young said that nothing can be done until all property owners have signed the letters. Bruce Smith said he would contact Stangis and Birtell regarding the matter.

CITY CLERK'S REPORT: Cheryl Brown said that we received a thank-you and a 15-yr warranty from Midwest Coating for the new roof on the city hall building.

Brown told the council that as a city of the third class, she is not required by law to publish notices of special meetings. However, anyone wanting to be notified needs to be on a list kept by the clerk. She can either notify them by phone, email, or regular mail, time permitting.

There are 5 candidates for the three council positions to be determined by the April election. They are as follows: Don Schultz, Dorthy Chikly, David Gerisch, Tadd Goodyear, and Jason Hielscher. Overbrook will not need to have a primary this time. The new members will take office at the April 11th meeting after the minutes and warrants have been approved, and they have been sworn in, provided all ballots have been validated by that date.

COUNCILMEMBER COMMENTS: Bruce Smith asked if the city has or should consider getting some kind of flashing lights for barricades being used in a street as they are kind of hard to see after dark.

Bob Sisson asked Chief Harmison about a complaint he'd received from a local teen who said that he'd been questioned by Officer Dannar about a recent incident involving the death of a puppy. Chief Harmison said that as far as he knew, Officer Dannar had not talked to anyone about this, but he did turn some information over to the county.

Ira Allen wanted to address two issues. The first was complaints about the council taking too much time. Allen said the easement for Brookside and the drainage problem on Ash Street are two examples. The mayor said that he'd take responsibility for the delay on easements for Brookside, but the city isn't going to take action on the Ash Street drainage problem until all property owners are in agreement.

Allen then mentioned the failure of doing annual employee evaluations. He feels they should be done twice a year by the full council in executive session. Mayor Young said that he liked the idea of more than one person doing the evaluations, and will bring this up after the new council is seated in April.

Larry Coursen asked what's being done about the water run off on the Gloss property. The mayor said we are waiting on the electric poles to be moved.

Rich Hamit said that Joni Hudson is planning on managing the pool this summer. Bob Sisson asked if the pool will be able to open this year due to having to close early last summer because of mechanical problems. The mayor said he'd talk to Bob Call about any repairs needed.

MAYOR'S REPORT: Mayor Young said that he'd been contacted by Jackie Bakey, Dr. Maichel's daughter, about a bill they received for pasture water. She also wants copies of records of gallons pumped from the time they were dug, and also a copy of the original contracts. Cheryl Brown explained that she recently sent a bill as she was told that the meter was turned on for the first time in over 10 years. The council agreed that this last bill should be refunded, and discussed the possibility of removing the meter to avoid confusion.

EXECUTIVE SESSION: Rich Hamit moved to go into executive session for 5 minutes to discuss matters not related to elected personnel. Bruce Smith seconded; meeting recessed at 7:35 pm. The

mayor called the meeting back to order and no action was taken.

There being no further business before the council, Larry Coursen moved to adjourn. Bob Sisson seconded; meeting adjourned at 7:42 PM.

Respectfully,

Cheryl L. Brown
City Clerk

APPROVED: February 14, 2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

FEBRUARY 14, 2007

MEMBERS PRESENT: Larry Coursen, Bob Sisson, Ira Allen, Rich Hamit, Bruce Smith, Mayor Jack Young.

OTHERS PRESENT: Frank Rhodes, Don & Ruth Thornton, Jon Brady, Ken Krause, Bev Hix, EulaLee Fuller, Peggy Waldman, Vic Robbins, Kris Stangis, Michael & Jenna Blood, Jim Koger, Bob Call, Ed Harmison, Cheryl Brown, Everette Dannar.

The meeting was called to order by Mayor Young at 7 PM. The clerk called roll.

MINUTES / WARRANTS: Larry Coursen moved to approve the minutes of the January 24, 2007 meeting as written. Bruce Smith seconded, motion carried 5-0.

Bob Sisson made a motion, seconded by Larry Coursen, to pay all warrants presented. Motion carried 5-0.

DAMAGE CLAIM/THORNTON: Don and Ruth Thornton came before the council to report that the city's insurance company, EMC, has notified them that they have verified \$3,000 worth of damages. However, their offer for settlement is \$1,000. EMC feels that the contractor doing the sewer rehabilitation work for the city, Joshua Excavating, should be responsible for the remaining \$2,000. Thornton's original damage claim was for approximately \$4400, but Thornton stated that he would accept the \$3,000 and not just the \$1,000. Thornton again asked that the city consider installing some kind of warning light or horn so that problems can be fixed before their sewer backs up. Mayor Young said that issue will be addressed later in this meeting. Thornton said that he wasn't going to sign any release form before an attorney looks it over in case there are more problems in the future. Bruce Smith made a motion that the city pay Thornton's the \$2,000 not paid by the insurance company, with the idea that this amount would be withheld from the contractor's payment. Larry Coursen seconded the motion; carried 5-0. Ira Allen said that under normal circumstances, each claim is considered on an individual basis so accepting this settlement would not prevent the Thornton's from seeking damage claims in the future. The clerk said she would issue a check to the Thornton's next week when she does the payroll. The Thornton's thanked the council.

LIBRARY: Peggy Waldman informed the council that the alley behind the library is really a mess due to the recent sewer line replacement. It's causing problems with employees and also those using the handicapped parking. Waldman said that a small trench that was dug wasn't much help, and that water has come into the back of the building. After discussion, Waldman was told that improvements will be made to the alley as soon as the weather permits, and Bob Call and Vic Robbins will be working on a plan for the improvements. Robbins said that it might never be perfect since the buildings are lower than the alley. The mayor told Waldman that July is the target date.

OVERBROOK PARK PROJECT: Jon Brady and Ken Krause were present to discuss the park project progress. Brady also asked if the council has made a decision about turning over control of the Jones Fund account at First Security Bank to the Overbrook Park Project committee. Brady told the council that the committee has set up some accounts to be used for the park project. Ira Allen said that the committee is needing some funds for the legal issues to set up tax shelter accounts so that people can start making donations. Bruce Smith moved to have Jack Young's name removed from the current account and representatives from the committee be authorized to write checks on that account. Cheryl Brown asked if the account records will still be included in the city's annual audit or if the committee will make other arrangements. Ken Krause said that hasn't been decided yet.

Ken Krause reported the results of the grant applications. A \$126,679 grant has been awarded to the City of Overbrook for the Overbrook Jones Athletic Fields. This is a matching funds grant, which means that \$65,000 in grant money has to be matched with either money or inkind labor and materials. . The commitment is good for 18 months from January 22, 2007. In addition, PRIDE has been awarded a \$159,830

grant for the Overbrook Park Project. This also is a matching funds grant, with \$79,915 grant money to be matched in the same manner. Krause stated that there are plans for several activities already underway. The committee also is seeking other grants. A list of all that was presented is available during regular hours at City Hall.

Krause said that the Project does have a board and all the financial issues will go before the board for approval.

SEWER PROJECT: Vic Robbins came to give an update on the sewer rehab project. Robbins said that there wasn't too much to report on the rehab. However, he did tell the council that the lift stations are subject to future failure, especially during a power failure and he recommends having a maintenance agreement with Ed Hickman. Robbins said that he's learned there are automatic calling devices that will monitor the lift stations. These work on cell phones which would eliminate installing additional phone lines. It would cost about \$1800. Hickman puts on training courses for lift station operators in addition to performing maintenance. Robbins asked Hickman to send more information regarding the training sessions. Robbins said that since KDHE requires the city to do a study of the maintenance and reliability of the lift stations, having the training and maintenance agreement would be very beneficial. Hickman is going to provide a report stating everything that he's done to the pumps, and what remains to be done.

Robbins said that he's trying to get the quarterly progress reports for the sewer rehabilitation project up to date. He is concerned that more hasn't been done on the project. Robbins hasn't had any response from Joshua Excavating since Robbins sent him a list of items completed and those to be completed. The city clerk said that Donna Crawford is still working on all the paperwork required for the grant. Joshua Excavating still has about \$185,000 coming if they finish the project.

Robbins said that he's been asked to look over the plans for the force main sewer for FAR Properties by Todd Goodyear, the subcontractor. He agrees with Goodyear about a couple of changes that Goodyear would like to make. One is to install a fire hydrant at the end of the water service line; the other would be to use gasketed-pipe rather than glued pipe. Ira Allen said he thought a fire hydrant was planned. Frank Rhodes said he would talk to their engineer about the changes. Bruce Smith asked about the easements from the Overbrook Fair Board. Cheryl Brown said the easements have been signed, and will be recorded.

Frank Rhodes asked if it would be okay if, when the high-pressure sewer line and the water line are dug, to let either Vic Robbins or someone from the city do the inspection since everything is in the specs prepared by Kramer Engineering. This would eliminate them having to pay another engineer. Robbins said that the sewer installation requires constant inspection, not just when it's connected to the city's system. Robbins said that Kramer would have to give his approval, and FAR would have to pay him if he does the inspection. Rhodes asked if the trenching could be done without inspection, and then have an engineer inspect when the pipe is actually laid and it's covered. Robbins said that he wouldn't have a problem with that, but KDHE would want an engineer there when all the materials are being installed. Mayor Young asked what the time frame would be. Robbins said that Goodyear would have a better idea of the time frame. Mayor Young said that the city is okay with however it's done as long as KDHE approves.

The council reviewed the proposal from Hickman Environmental for the maintenance of the lift stations. After discussion, Bruce Smith moved to approve the contract with Hickman Environmental for \$1200/year for the maintenance of all equipment and components on the pump stations, providing both are included in the three visits per year. Larry Coursen seconded; motion carried 5-0.

Robbins told the council that he feels that the city has paid more than their share of the bill from Maryco for the asphaltting on Kansas State Bank property as a result of the sewer rehab work. The council agreed that a letter needs to be sent from the city attorney regarding this matter.

ASH STREET DRAINAGE: Kris Stangis said she hasn't signed the letter to property owners about addressing the drainage issues in her block of Ash Street because it doesn't clarify exactly what changes will be made.

Robbins hasn't prepared final plans, but he thinks that basically the ditch will be leveled and made about 6" deeper with the berm increased on the west side of the ditch. He did say that Stangis might lose her little garden spot. Mayor Young asked Robbins to make a drawing so that the property owners can visualize what will be done. Stangis was assured that the ditch will be maintainable. Robbins said that the property owners need to mark the property lines before any work is started. Mayor Young said that the city will not make any changes without signed agreements from all the property owners. Stangis asked what would happen if the house next door sells before the changes are made. The mayor said that he would have to check with the city attorney.

SCHOOL CARNIVAL DONATION: Cheryl Brown said she had been asked by one of the school employees if the city would be willing to donate half the cost of a family pool pass to be one of the prizes at the school carnival. Brown said she isn't sure what a family pass costs. Rich Hamit made a motion, seconded by Bruce Smith, to donate a family pool pass to the school. Motion carried 5-0. Brown will take care of making a certificate for the pass.

MISCELLANEOUS: The following items were tabled:

1. Re-appointment for the Housing Authority
2. Brookside easements

CITY HALL REMODELING: Bruce Smith moved to accept David Alcorn's bid of a maximum cost of \$500 to make the changes in the entry area of city hall. Larry Coursen seconded; motion carried 5-0.

RURAL WATER METER: Mayor Young said that the council needs to be aware of requests made by Jaci Boeka, one of George Maichel's daughters, regarding the lease agreement for the city wells and also water usage from those wells. Copies of the agreements and the water usage reports dating back to the late 1950's have been mailed to her, but Mayor Young hasn't been told exactly why she wanted the documents. Boeka was under the impression that because of some of the city's wells were located on her father's property, there would be no usage fees for any water used by Maichel. The clerk said that up until 1993, water usage was billed to George Maichel, and produced the ledger showing the billing and payments. Mayor Young had told Boeka that the city was considering removing the pasture meter, but she asked that it not be removed. The mayor has been told that water has been used since the meter was supposed to have been shut off back in 1993, the time of the last billing, but the meter reading has not changed. Bruce Smith suggested locking the meter.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. Chief Harmison asked how the police department should handle residents not licensing their dog and cat licenses. The council agreed by consensus to not do a city-wide mailing, or go door-to-door at this time. If an animal that's picked up doesn't have a current license, tickets should be issued for it being at large and also not having a valid city license. Beverly Hix asked what the penalty would be for the tickets. Chief Harmison said that the fine for not having a license is \$60 with \$60 court cost. The fine would be the same for an animal at-large, licensed or not.

CLERK'S REPORT: Cheryl Brown reminded the council that Patty Hylton has provided them with the financial reports even though she couldn't be here. Brown said that she will be sending the easements for the FAR Property to the Register of Deeds to be recorded.

CONNECTING LINK AGREEMENT: Ira Allen moved to decline the connecting link agreement with Osage County. Rich Hamit seconded; motion carried 5-0. The clerk will mail the unsigned agreement back to the county commissioners.

WATER LEVEL SENSOR: Jim Koger told the council that he and someone from Pedrotti's are still working on getting the water level sensor at the water tower to work with the right phone numbers, etc.

EXECUTIVE SESSION: Ira Allen moved to go into executive session from 8:40 pm to 8:45 pm. Rich Hamit seconded; meeting was recessed. The mayor called the meeting back to order at which time no action was taken.

COUNCILMEMBER COMMENTS: Rich Hamit said that he thinks that Bob Call and Jim Koger should attend the Kansas Rural Water Assn. meetings in Wichita the last week of March. Ira Allen moved to send both Call and Koger provided all the details can be worked out. Rich Hamit seconded; motion carried 5-0.

MAYOR'S REPORT: Mayor Young asked the council members to really study the Planning Commission's recommendations for changes to the current zoning regulations.

PUBLIC COMMENTS: Kris Stangis came before the council to discuss some problems with her son, Joshua, who is 5 years old. Stangis had a meeting at the school on February 9, 2007 with the principal, Gary Foulke, and Chief Ed Harmison and her son's mental health advocate. Her son was diagnosed last October with high-functioning autism. On December 8th her son ran away from school and made it all the way to their house. Stangis was upset that her son had come all the way home, even though he was being followed by the principal and the police chief. Stangis invited both the principal and Chief Harmison into the house to discuss Joshua. Harmison asked the principal what he should do. Stangis said she wanted Joshua to go back to school, and the principal said the same thing. Stangis said that she'd put her shoes on and take Joshua to school. Harmison stated that he would take him back to school, and that's what happened. Stangis said she asked for the meeting at the school to try to come up with a plan to try to prevent Joshua from running away again, and what to do if he does run from school again. Stangis was told by Chief Harmison that Joshua could be taken to Lyndon and put into child protective services under these conditions.

Stangis felt upset and intimidated that she was not allowed to take Joshua back to school, and that Chief Harmison told her that he was bound under state law to consider Joshua as a "child in need of care" if he leaves the school. Stangis said the point of the meeting at the school was to build a bridge in the community between the school and the police and herself so that in the event that Joshua does run away from school, that he would be returned either to her or to the school. Stangis said that Linda Witten, who's Joshua's mental health advocate, had tried to explain autism in more detail, but she didn't get very far. Stangis had brought up the "arrest report" on Joshua. She said that Chief Harmison got very upset, and left the meeting at that point. Stangis also told the council that prior to his leaving the meeting, Harmison had made a statement that maybe the school isn't where Joshua belongs. Stangis said she was immediately upset because she's a taxpayer, her child is protected by the "No Child Left Behind" act, and finally the Three Lakes Cooperative is funded both federally and by the state to deal with children with disabilities. Stangis said that Harmison had also said in the meeting that she needed to get with Michael Coffman because neither he or the city would take personal liability if her son is endangered. Stangis said that she thought it was very immature of Chief Harmison to leave the meeting the way he did. She also questioned why Joshua should be considered a child in need of care when he was in his own home, with a parent there also. Stangis asked the council if they had seen the police report, at which point Chief Harmison said "No one will see it, either". Stangis then said that the report is a matter of public record, and she's going to show it now. Harmison replied it was so noted. Stangis told the council that when she asked for a copy of the report on December 11th, Harmison was reluctant to give it to her and wanted to know what she was going to do with it. Stangis then said that she really didn't want to bring all this up before the council, but the information in the report was disturbing to her as it described Joshua as a 100 # male who resisted arrest and displayed bizarre behavior. Stangis asked during their meeting that if Joshua is ever picked up again that he not be put in the front seat. Harmison said during the meeting that he doesn't put people in the back seat because his patrolcar doesn't have a cage.

Stangis produced a letter from Michael Coffman written to Chief Harmison as a result of Chief Harmison's visit to Coffman's office the day of the meeting with Stangis at the school. The letter upset Stangis because it implied that Joshua has run away from school "numerous times" and that there was never a parent at the home. She also was concerned that Coffman's letter stated that "he has some concern about the legal position of the city placing a child back into the environment known as unsafe based on this child's condition. In light of significant efforts being made by the school, and the parents, and Linda Witten should the child run away again I do not believe it's unreasonable for you to return the child to school."

Stangis said she has shared all of this because Chief Harmison is employed by the city, and she's concerned about the possibility of her child being taken to Lyndon in the future. Bruce Smith asked if this has happened more than once. Stangis said that Joshua ran away from school on October 30th, and the school called her and she found Joshua by the pool, and then again on December 8th when all of the above happened.

Mayor Young said that if Joshua runs away again, and there is no parent at the home, that the important thing is to keep him safe. Ira Allen said he would like to hear Chief Harmison's side of the story, and wanted to know why he would leave a meeting before it was over. Harmison said that things were getting too emotional, and there were still people there to continue the meeting. Harmison then said that on the day in question he initially got the call from the school saying they had a runaway child. He then went to the school where he was told that there were two para's/teachers after the child and that he was headed towards the old middle school. On the way there, Harmison passed one teacher and Mr. Foulk in the area. At the top of the hill, Harmison could see the child on the porch entering the house. He then knocked on the door and was invited in, as well as the teacher and Mr. Foulke. There was a conversation about why Joshua shouldn't run away from school. Harmison then offered to take him back to the school in the patrolcar to be somewhat of a reinforcement to the child that what he'd done was wrong. Harmison said that he told Stangis in response to her asking what would have happened if she hadn't been at home, that he would have taken him into protective custody. Harmison said that he had filled out an arrest report, which is also a run away report, and filed it in his office without forwarding it to KBI, the county attorney or anyone. He was reluctant to give her a copy of the report when asked. Harmison said that a child safety seat has been purchased for future use. He then said that he doesn't have anything against Stangis or her child, but he is not going to put himself or the city in a liability situation. If he finds a 5-yr old child who's run away from school, something has to happen. He doesn't determine what happens to the child, and that the law so states that he take the child to Juvenile Intake in Lyndon where an evaluation would be done. Harmison stated that Joshua would have been released to his mother in a heartbeat.

Stangis said that the only reason she wanted to discuss the police report was Joshua's behavior as being "bizarre" in light of the fact that he's been diagnosed as autistic. And she also said that the wording in the statute sent by Michael Coffman indicates that a police officer has some discretion about what happens to the child unless there are reasonable grounds to believe that such actions (leaving the child with a parent) are not in the best interests of the child. Mayor Young asked Chief Harmison if he understands the statute the same way---that if he picks up a runaway child under 18, and there is no reason to believe that the home is not a safe environment for the child, that the police officer can take the child back to the home, provided there is a parent present. Stangis said that was the point she was trying to make at the meeting since she was at

home on the day of the incident. Bob Sisson said that his sister has gone through this situation numerous times with her son who's autistic.

Mayor Young said that this situation needs to be discussed more, but with all the people involved present. The mayor said that if Joshua runs away again, he wants him returned to his home if a parent is at the home, or taken back to the school. The mayor's point is that Joshua is taken care of the best way possible. If there's no parent at the home, or Joshua runs away from school several times in the same day, then Joshua should be taken to Juvenile Intake in Lyndon. Chief Harmison asked the mayor to talk to the city attorney about that.

There being no further business before the council, Larry Coursen moved to adjourn. Bruce Smith seconded; meeting was adjourned at 9:32 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: March 14, 2007

CITY OF OVERBROOK

MINUTES

SPECIAL COUNCIL MEETING

March 1, 2007

The special meeting was called to order by Mayor Young at 6:30 PM. Those present were the following:

Robert Sisson, Larry Coursen, Rich Hamit, Bruce Smith, Ira Allen, Jim Koger, Frank Rhodes, Bob Call, Vic Robbins, and Jason Hlischer.

Mayor Young stated the purpose of the meeting was to discuss issues regarding the installation of the sewer service for the FAR Properties. There has been some confusion about who should do the "continuous engineering inspection" as required by KDHE during the construction phase.

After considerable discussion about the definitions of the KDHE regulations for the extension of the city's sewer system, Bruce Smith made a motion, seconded by Bob Sisson, that FAR Properties contact their engineer, Ben Kramer of Kramer Engineers, to provide the inspection as required. Motion carried 5-0.

This being the only matter listed for discussion, Larry Coursen moved to adjourn with Bob Sisson seconding. Motion carried and the meeting was adjourned at 7:00 PM.

Respectfully submitted,

Cheryl L. Brown

APPROVED: March 14, 2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

MARCH 14, 2007

MEMBERS PRESENT: Larry Coursen, Bob Sisson, Rich Hamit, Ira Allen, Mayor Jack Young. Bruce Smith absent.

OTHERS PRESENT: Sharon Gunter, Barb Prost, Vic Robbins, David & Kathy Alcorn, Kris Stangis, Patty Hylton, Ed Harmison, Bob Call, Jim Koger, Everette Dannar, Cheryl Brown.

The meeting was called to order by Mayor Young at 7:00 PM and roll was taken.

MINUTES / WARRANTS: Larry Coursen moved to approve the minutes of the February 14, 2007 meeting as written. Bob Sisson seconded; motion carried 4-0. Bob Sisson moved to approve the minutes of the March 1, 2007 special meeting as written. Ira Allen seconded; motion carried 4-0.

Larry Coursen made a motion, seconded by Ira Allen, to pay all warrants presented. Motion carried 4-0.

SPECIAL EDITION OF PAPER: Barb Prost, Osage County Herald-Chronicle, was present to talk about the second Annual Progress Edition touting the county and its attractions, services and community life. Overbrook participated in last year's edition. The paper will be published on April 12th. Bob Sisson moved to participate again this year, using the same pictures, with a full-page color ad for a cost of \$775. Rich Hamit seconded; motion carried 4-0. Prost then told the council that she will be taking notes of the meeting tonight.

MISCELLANEOUS: Bruce Smith was not present to present anyone to be appointed to the Overbrook Housing Authority. It was also decided that Jim Koger would not attend the KRWA meetings in Wichita this year.

RURAL WATER EASEMENT: Mayor Young told the council that Jaci Boeka, George Maichel's daughter, has talked to him about some concerns she has about the water usage from the city's wells located on their property. Michael Coffman, City Attorney, thinks that installing meters on each well might be advisable, not only for the benefit of the property owners, but also for the city. After discussion, the council agreed by concensus to have Bob Call install the meters if it can be done for \$3,000 or less for the three wells that don't have pump houses.

SEWER PROJECT REPORT: Vic Robbins told the council that Michael Coffman has reviewed the contract with Joshua Excavating. Robbins has not had a chance to review the letter drafted by Coffman to Joshua Excavating regarding several issues regarding the contract and the progress of the project. Robbins said that a few of the items he listed on a Completion Needs list sent to the contractor have been addressed. Robbins said that rainy weather has slowed quite abit of the finishing work. Robbins said that one of his priority items is to repair the sidewalk by the school. Mayor Young said that he's received a request from Jaci Boeka to have the dirt removed from the trenching on their property and be redone with better compacting. The mayor asked if the garage is in danger of falling down or settling. Robbins said that he didn't see any advantage to re-doing the trenching as the contract calls for upkeep for at least a year, and it should compact itself as more dirt is added. There was discussion about this being a problem in several areas, and not just on the Maichel property. Robbins said that Boeka still wants the electric service replaced. There was discussion about the best way and time to do this. Russell Smith is supposed to be doing the job.

Robbins said he's gotten two bids for doing the work in the alley behind the library and other businesses. One bid was from Associated Environmental out of Manhattan for \$2200, and

the other bid was from Keating Mudjacking out of Topeka for \$1800. Bob Sisson moved to hire Keating Mudjacking at a cost of \$1800. Larry Coursen seconded; motion carried 4-0. Robbins will notify Keating.

Ira Allen asked if it was ever decided who would be responsible for inspecting the sewer installation on the FAR property. Robbins said it was his understanding that the owners would be contacting Kramer Engineering.

Mayor Young said that he wants approval from Donna Crawford, Governmental Assistance Services, before he approves releasing any payment to Joshua Excavating. Crawford has informed the contractor that payment is being withheld until the necessary paperwork has been submitted to her.

Robbins has been told by Scott Tucker and Dane Wells that most of the yardwork should be done by the end of April, weather permitting.

BROOKSIDE EASEMENTS: Bob Sisson said he thinks they have a better drainage system than they had before the new construction. Robbins said his concern is the increased storm water from the additional parking lot. Mayor Young will talk to Michael Coffman about obtaining an easement from the owner of the adjacent rural property in order to help build a waterway. Robbins recommends a 40' easement.

Bob Sisson said he would talk to Mike Musick about his opinion is regarding this matter. The council agreed by concensus to possibly pay for the easement, or assist with the construction.

ASH STREET DRAINAGE: Robbins was told that the property owners affected by the drainage problem on Ash Street want to see something that shows exactly what will be done to fix the problem. Kris Stangis was concerned that she would lose all of her garden spot. She was told that the Birtell's have not signed the agreement letter as yet. Robbins said that he thinks the only way to take care of the problem will take away some of her garden area. Stangis said she is willing to sign the agreement but would like to see it staked out before any work is actually done. The mayor asked Stangis to please put something in writing IF she decides that she doesn't want to go ahead with the project once she sees what will be done.

Robbins asked about the status of the drainage project on West Seventh Street. Bob Call said that this should get started in about 2 weeks.

The mayor then asked how involved Robbins can be with the plans for the park renovation, in order to review what's being planned. Robbins said that he would have to see actual plans, and not just a concept-type drawing before he could review it. The mayor said he had given permission for one of the drain tubes to be replaced, but to leave the old one if necessary. Robbins said that if more than an acre of dirt is disturbed a StormWater Pollution Plan has to be submitted. Robbins said that having a landscape architect involved was discussed at one of the meetings. Bob Sisson said that several people have asked how the Hylton House will be accessed. Ira Allen said that the plans include a path.

COURT SOFTWARE: Shayne Coursen had submitted a bid for new software that he needs to get to meet state requirements. Judge Jones wants our court to have the same software as Lyndon. Bob Sisson made a motion, seconded by Rich Hamit, to purchase the software requested by Coursen, as well as get the necessary equipment to set up a wireless connection here in City Hall. Motion carried 4-0.

HEALTH INSURANCE CONTRACT: Cheryl Brown presented the council with the 2007-2008 contract with Blue Cross Blue Shield to provide health insurance for city employees as stated in the Personnel Policy. Larry Coursen moved to approve the proposed contract with Blue Cross Blue Shield. Ira Allen seconded; motion carried 4-0.

WEBSITE RENEWAL: Jim Koger wanted the council to see that the city's website has been seeing approximately 2,000 hits over the past few months, and to inform them that we have renewed the host for another year.

FISH FOOD: Mayor Young said that he had questions about when Bob Call orders fish food. Call said that we never order fish food, but Leonard Jirek usually does that. There are 21 bags of food in the shed at this time.

EXECUTIVE SESSION: Bob Sisson moved to go into executive session from 8:30 until 8:40 pm to discuss non-elected personnel matters. Larry Coursen seconded; meeting was recessed. It was called to order at 8:40 at which time Sisson moved for another 10 minutes, with Hamit seconding. Motion carried 4-0. Mayor Young opened the meeting at 8:50 PM. No action was taken at this time.

TREASURER'S REPORT: Patty Hylton reviewed the financial statements from the previous month. She noted that the Water/Sewer fund has had increased cash outflow due to repairs so that one needs to be watched. She's also been transferring out of that fund to make repaying the sewer loan easier to track. She needs to submit another request for payment soon.

LAW REPORT: Chief Harmison reviewed his written report for the council. There were basically only four cases during February.

MAINTENANCE REPORT: Bob Call reported that he has started the aerator at the lake and the water has been turned on at the ballpark. Call has everything ordered for the new water service at Brookside. He said that both Brookside and the FAR property will get done next week.

Call has been doing some street patching, but hasn't done anything to the spots left by the sewer project. Well 5 is back running again. They've been cleaning out the area behind the maintenance shop. Call asked if he could get a bid for fencing around the north side of the shop. He would like to build a lean-to eventually. The mayor said to get some bids.

Larry Coursen asked if we can do something with the streets. Sisson said that maybe we could get a bid and see how far our money will go. Call said that we need to decide which streets should be done. Sisson said it's probably been 3 years since any of the streets have been resealed. Ira Allen asked how much was budgeted for streets this year. The clerk said that \$59,000 has been budgeted, but there's no way to know exactly how much revenue will come in by the end of the year.

Rich Hamit asked if the yard work in Carol Baughman's yard should wait until the waterline has been replaced.

Hamit said that Joni Hudson would like to get together with Bob Call and Bob Sisson to draft a procedure for operating the pool pumps, etc. Sisson suggested that we contact McKee and have him help with this. The mayor said that he's talked to Call about numbering the valves so that they're easy to identify.

CLERK'S REPORT: Cheryl Brown said that the city received a thank you from Mary Lang for the donated family pool pass.

Brown said that Greg Nilges and Marcus Day came into City Hall asking for donations to go towards their program. Rich Hamit moved to pay for a \$40 ad; Bob Sisson seconded. Motion carried 4-0.

The clerk reminded the council that they need to read the Planning Commission's recommended zoning ordinance soon so that it can be discussed and sent to the city attorney for final review.

EXECUTIVE SESSION: Bob Sisson made a motion to go into executive session for 10 minutes with Chief Harmison. Rich Hamit seconded; motion carried. Meeting was opened at 9:25. Sisson moved to recess again for another 10 minutes; Allen seconded. Meeting was opened again at 9:35. Sisson moved to recess for another 5 minutes; Allen seconded; motion carried. Mayor Young called the meeting back to order at 9:40 PM. The mayor stated that better communication between the police department and the council had been discussed.

COUNCIL MEMBER COMMENTS: Rich Hamit said that someone needs to contact Schmidt Vending about this season. The council agreed by consensus to have Joni Hudson contact them.

MAYOR'S REPORT: Mayor Young wants the council to decide whether or not they want a "part-time" mayor who just comes to the meetings, or a mayor that works some part-time hours overseeing various projects at an increased salary. Young said that there are weeks where he doesn't do much, but other times he is doing city business up to 8 hours a week. He is

mentioning this not just for himself, but future mayors. The clerk said that doing this legally needs to be researched to avoid any conflicts. Coursen asked if this shouldn't be brought up after the new council is seated. The mayor agreed that it would be discussed again. The clerk said that future mayors who might work outside the city need to understand that he doesn't have to put in 8-12 hours on weekends. The mayor then said that anyone running they should know what's required of them, and they may choose not to run. Coursen said that he agrees, but would need more definite figures before the next meeting.

VESTS: Chief Harmison said that they will be getting new vests through a 50/50 grant. The vests they're now using are about 7 years old.

There being no further business before the council, Larry Coursen moved to adjourn. Rich Hamit seconded; meeting adjourned at 9:55 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: April 11, 2007

CITY OF OVERBROOK

MINUTES
APRIL 11, 2007

REGULAR COUNCIL MEETING

MEMBERS PRESENT: Bob Sisson, Larry Coursen, Rich Hamit, Ira Allen, Bruce Smith, Dorthy Chikly, Tadd Goodyear, Mayor Jack Young. Don Schultz absent.

OTHERS PRESENT: Charlie Davis, Pat Martin, Jon Wilhite, Joe & Kenny Greene, Larry Woodson, Joni Hudson, Jon Brady, Ken Krause, Peggy Waldman, Beth Pankratz, Bev Hix, EulaLee Fuller, Patty Hylton, Jim Koger, Ed Harmison, Everette Dannar, Cheryl Brown.

The meeting was called to order at 7:00 PM by Mayor Young. The clerk called roll to determine the presence of a quorum.

MINUTES/ WARRANTS: Bruce Smith moved to approve the minutes of the March 14th meeting as written. Rich Hamit seconded; motion carried 5-0.

Ira Allen made a motion, seconded by Larry Coursen, to pay all warrants presented. Motion carried 5-0.

At this time, Mayor Young thanked out-going members Rich Hamit, Ira Allen and Bruce Smith for the good job they've done as councilmembers.

SWEARING IN: Cheryl Brown, City Clerk, administered the oath of office to new council members Dorthy Chikly and Tadd Goodyear. New council member Don Schultz was unable to attend the meeting due to a previously scheduled business trip.

SOLID WASTE CONTRACT: Joe Greene appeared before the council to ask that the city's contract with Osage Waste Disposal be renewed for another year, but due to the increase in gasoline prices and landfill fees, Greene is requesting a 4% price increase. Residential trash removal would go from \$10.90 to \$11.33 per month. These prices would go into effect June 1, 2007 and would appear on the city's July utility billing. Larry Coursen moved to renew the contract with the increased fees for another year. Bob Sisson seconded; motion carried 4-0. Greene asked the council to consider accepting a letter confirming his ability to meet the requirements of the contract without his having to purchase a performance bond for \$9,000.00. The council agreed by concensus to have the city attorney check into the details.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports for the council. Hylton said she is working on a reimbursement request for almost \$204,000 which will offset the negative fund balance. She told the council that she would give more detailed reports next month for the benefit of the new members. Hylton said that the remaining loan proceeds available are about \$16,000 and she would like to talk to Vic Robbins to see if that's going to cover the rest of the project.

LIBRARY BUDGET: Peggy Waldman presented a draft of the proposed library budget for 2008. The total amount is \$46,455 which is funded by three different sources. Besides salaries, their expenses include contract services (janitorial, technology, accounting), and miscellaneous items such as exit lighting, continuing education, community room updating, and staff and volunteer recognition. The council thanked Waldman for the information.

POOL MAINTENANCE: Joni Hudson wanted to make sure that she and Bob Call and the

council were all in agreement on the pool start up. Mayor Young said that we want someone to come train city personnel on the chemical aspect and also the maintenance of the pumps, filters, etc. Hudson asked if Bob Call has contacted anyone yet. Bob Sisson said that Call had told him that Call was going to get ahold of Bruce McKee or someone from Family Pools & Spas to do the training. The mayor said that he would check with Call tomorrow and let Hudson know what he learns. Hudson said that she's contacted Schmidt Vending to supply the concessions again this year.

WATER DRAINAGE: Eula Lee Fuller told the council that she was here a year ago to ask for something to be done about all the standing water on her property, and has come tonight with pictures of the area. Fuller described it as a "moat". She hired someone to put gravel in places to try to divert the water away from her driveway which hasn't really helped. Fuller said she was told last September that the city engineer would look into the problem. She knows that the sewer project has been a priority, but would like something done about her problem. Mayor Young said that drainage problems in all the town are in line to be addressed, but he can't say when it'll be done. Fuller said that Vic Robbins was there when they were replacing the sewer line, and told her that installing a culvert under her driveway might be a solution. Mayor Young said that would be good as the city can install a culvert. He said he would talk to Robbins tomorrow about it, and Bob Sisson said that they should also talk to Bob Call.

OVERBROOK PARK PROJECT: Ken Krause presented the council with some requests and also a schedule of the planned events for May 26th of this year. One request was to burn off the area east of the city lake. Mayor Young said that it may be too late to burn. Krause said that Leonard Jirek told him that the dam area should have been burned several weeks ago, and to go ahead and try it.

The second request was for Vic Robbins to inspect the PRIDE park projects and the Overbrook Athletic Association projects. Mayor Young said that Robbins has told him that he didn't want to "volunteer" his engineering for the project, and that he would expect to be paid. The mayor asked Krause if the committee has an engineer. Krause said that they had used an engineer from Kansas City to do the drawings, but he isn't qualified to do the inspections. Dorothy Chikly asked what kind of engineer would be required, and was told that it would probably be a structural engineer and it's not known if Vic Robbins would be classified as that. The mayor and the council are under the impression that Robbins is a civil engineer. Jon Wilhite said that he knows of two structural engineers living in town and would be willing to contact them.

The third request was to have a proclamation declaring May 26, 2007 as the day of dedication for the pavilion and memorial circle at the park. He gave copies of the program to the council. Activities include a lunch, parade, speakers (possibly including Senator Brownback and Brigadier General Rose) and comments from the Park Committee. Krause said that there could be up to 900 people. Chief Ed Harmison said that he and Officer Dannar and a part-timer would assist with the parking and security. Dorothy Chikly asked about getting permission to use Grace Community Church's parking lot. Some kind of shuttle service was discussed. Wilhite also said that they will be selling bricks to be placed in the park. Krause asked that a liaison between the park committee and the council. The mayor asked for a volunteer and suggested that Bob Sisson would be his choice.

Krause also showed drawings of the park plans showing the pavilion and memorial circle. Sisson asked if they've made arrangements for restroom facilities. Jon Brady said that the concession stand would be open that day also.

Mayor Young said he's still concerned about the maintenance of the entire project. Krause said that Hylton House is the only major item to need maintenance. Krause asked the mayor to write him a letter listing Young's concerns so he could respond in more detail.

Beth Pankratz said that they've prepared brochures explaining about the different ways that people can donate, including the inscribed bricks.

OVERBROOK ATHLETIC ASSN: Jon Brady said that they've received a commitment from the high school for donations and a continuing stipend as they use the park for ballgames. Brady asked if they could apply for a grant from Royal's Charity through the city. The council agreed by consensus. This would be due in early May. The mayor said he told James Foster that he could remove trees in a certain area. There was more discussion about what more needs to be done

regarding dirt work. Brady is having someone drawing some basic plans regarding extending Fifth Street.

SEWER PROJECT: Mayor Young reported that a meeting was held the previous Friday with the contractor, city attorney, grant writer and city engineer. The contractor had not been paying his vendors in a timely manner, if at all, and so the sub-contractors were reluctant to continue working. The mayor said that he is hopeful that this problem has been eliminated. Joshua Excavating, the contractor, wanted to know if they could bury concrete by the lagoons. Dorthy Chikly asked if there aren't some better uses for the concrete, and expressed her concern that whatever they do with it doesn't cause problems in the future. Brady said maybe it could be used to stabilize the ditch north of the maintenance shop. The mayor said that he'll talk to the engineer and the contractor about where it might be used.

BROOKSIDE DRAINAGE EASEMENTS: The mayor said that improving the drainage from the Brookside property south has been discussed and obtaining easements from the rural property west of Overbrook may be required. Bob Sisson said that Brookside has put in a diversion ditch and it appears to be draining okay at this time. Tadd Goodyear said that there's more drainage on Don Hylton's yard this year, but we've had more rain this spring than last year. The mayor said he'd keep talking to Mike Musick, the owner of the rural property about the situation.

LIBRARY BOARD: Larry Coursen moved to re-appoint Roberta Daniels to the Overbrook Public Library board for a term of four years. Dorthy Chikly seconded; motion carried 4-0. Peggy Waldman will submit another name in the future.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council, including someone who had dumped a large tree limb even though the dump has been closed to the public. Chief Harmison contacted the city attorney, Michael Coffman and was told without a specific ordinance, having the person remove the limb would be sufficient.

Chief Harmison said that the total cost to the city for the new vests will be \$1330, with the other half paid through a grant.

Chief Harmison said that ATV's can be legally driven on city streets during daylight hours. Harmison has also asked Michael Coffman to review the city's entire criminal code ordinance.

The police department will be in Osage City for firing range certification one day in May, and will also be attending an Intel meeting in May. Chief Harmison explained to the new members reasons why he and Officer Dannar occasionally go out of town.

MAINTENANCE REPORT: Jim Koger reported that Bob Call is working on getting the meters in at the wells.

CLERK'S REPORT: Cheryl Brown has received a letter from the Renaissance Committee at Santa Fe Trail High School asking for donations. Larry Coursen made a motion, seconded by Bob Sisson, that the city donate \$100.00. Motion carried 4-0.

The annual operation and maintenance assurance statement required by the Kansas Department of Wildlife and Parks was discussed. This is required due to the city receiving funds from the Land & Water Conservation Fund when Jones Park was built. After reviewing some of the conditions of the agreement, the matter was tabled until the necessary paperwork for the new park project has been submitted. Jon Brady asked if the city lake had to be approved in the same way. Cheryl Brown said that the lake was built on different land that was not included in the original Jones Park property. Bob Sisson was told to discuss this with Ken Krause, and that we should contact Kansas Wildlife & Parks also.

Brown told the council that the League's annual mayor's conference including training for newly elected and experienced city officials will be May 4th & 5th, and encouraged attendance. Registration can be done online, or she can provide the forms. The city would pay for elected officials only.

COUNCIL MEMBER COMMENTS: Tadd Goodyear said that he's glad that the city has had meetings with the sewer rehab contractors. Dorthy Chikly expressed gratitude that potholes are being filled.

MAYOR'S REPORT: Mayor Young said that he will be appointing liaisons from the council to the various city departments at the next meeting.

The mayor said that a gentleman has approached him about the city putting in some *ditches and culverts in his block if he paid for them. We've received one bid for the work, which the resident has not seen at this time. The mayor asked if the council would be willing to pay for any of the work providing the resident would decide to pay for just part of it.* Chief Harmison said that when he went through the police academy, a street was defined as being from fence to fence, so ditches would be covered by the Special Highway fund. Larry Coursen stated that the city shouldn't pay for any of it, even though the entire block would benefit since there are numerous areas that need ditches and culverts. Dorthy Chikly said that she would like to know what the response is to the bid by the resident, and if there's a time frame involved. The mayor said that there might be more bids submitted. Mayor Young said that he may ask for a special meeting to make a final decision considering the gentleman did not specify how much he was willing to spend.

WATERLINE REPLACEMENT: Mayor Young said that it might be awhile before the waterline close to Carol Baughman's property is going to be replaced, and that was one reason the final landscaping hasn't been done in her yard. He asked Rich Hamit to relay that information to her as they are neighbors.

MISCELLANEOUS: Cheryl Brown said that Ralph Guffey of G & G Excavating has checked out the situation with "sewer gas" odors coming from the city hall restroom. He didn't find anything under the trapdoor, but thinks that maybe it's furnace. Todd Goodyear suggested some kind of check valve on the furnace vent to prevent it coming back through the sewer vent. Martin Service has also checked the furnace and will be back if the problem persists.

EXECUTIVE SESSION: Bob Sisson moved to go into executive session for 10 minutes to discuss matters not related to elected personnel. Larry Coursen seconded; meeting was recessed at 8:50. Mayor Young called the meeting back to order at 9:00 PM; no action was taken.

MAYOR'S SALARY: Mayor Young again stated that \$15/meeting is not enough compensation for all the work involved being the mayor—himself or future mayors. He's been doing more than just attending meetings. This can be done by hiring someone to manage the city, or just changing the way mayor's are paid. He thinks it should be set up for any mayor, and would like the council to take this under serious consideration.

There being no further business before the council, Larry Coursen moved to adjourn. Bob Sisson seconded; meeting was adjourned at 9:15 PM.

Respectfully,

Cheryl L. Brown
City Clerk

APPROVED: May 9, 2007

CITY OF OVERBROOK

MINUTES SPECIAL COUNCIL MEETING

APRIL 18, 2007

MEMBERS PRESENT: Larry Coursen, Bob Sisson, Tadd Goodyear, Dorthy Chikly,
Don Schultz, Mayor Jack Young.

OTHERS PRESENT: Bob Call, Jim Koger, Cheryl Brown

SWEARING IN: Cheryl Brown, City Clerk, administered the oath of office to Don Schultz who was unable to attend the April 11th meeting.

Mayor Young stated the purpose of the special meeting is to discuss and determine the job description of Jim Koger and also to elect a President of the Council and liaison for the Overbrook Park Project.

JOB DESCRIPTION: Mayor Young explained that originally Jim was hired to be the Assistant City Clerk for 20 hours per week. This would include maintaining the city's website. After a few months, the council voted to make his job full-time to include animal control and maintenance as well as clerical duties. The mayor said that he wants to designate exactly what Jim's duties are by making a list. After discussion, the following items were agreed upon:

1. City clerical work, maintaining the city's website, and computer maintenance for the city and the library
2. Reading water meters
3. Mowing city property
4. Animal control

Bob Call asked if the computer maintenance is limited to just the city. Mayor Young said yes, that working on others would be done after his regular hours. The mayor said that he wants Jim to continue reading all the meters and keeping the log for future reference. Bob Sisson asked if Jim is taking all the water samples since he's not certified. Sisson was concerned with Koger signing off on the samples since he's not been certified as an operator. Bob Call said it was the same as when Sisson signed off on lagoon samples before he got his certification. Having two people present when chlorine bottles are changed at the pumphouse was discussed.

Mayor Young said that he didn't have a problem with Bob using Jim as a second person as a "safety" guy when Call is using the backhoe. Call asked if he's supposed to jump off the backhoe and fix the water line or sewer. Call then said he's not going to run the backhoe and jump off and fix a waterline, so they can forget that. The mayor said that in his mind, Jim might not be a qualified maintenance helper, and that he knows that

Call needs help from time to time. Mayor Young said his understanding is that Call would be happier if Jim isn't in the trench as a helper. Call said that he never said that. Bob Sisson said that Call needs to get someone to help, whether it's Jim or someone else. Sisson then said when Jim was hired it was to learn the office so that there's someone to fill in for Brown. Sisson then asked Jim how he feels about this. Koger said that other than not knowing how to do some things very well, he didn't realize that he wasn't doing what he was supposed to do. He said that there are things that Bob needs help with that he hasn't done very well.

Don Schultz asked if there's something underlying the situation to cause a problem with everyone working together. The mayor said the main problem is Jim being pulled different directions, and his expertise may be a small factor. Tadd Goodyear asked if Jim has been working since July without a job description. Mayor Young said that the main problem has been in determining how to divide his time between the office and maintenance. Larry Coursen said that he thought it was to be half and half. Several options were discussed, also considering that Jim has classes at Washburn. Don Schultz asked if a work plan can be developed around his class schedule. Mayor Young said this would work except when there's a water or sewer emergency. Koger said that when he gets to a certain point, his classes will be mainly online or evenings. The possibility of hiring someone just to mow was discussed. Koger stated that once the semester is over, he will be able to work at least 40 hours per week. Bob Sisson said that if Jim is covering the office, then Bob Call should call someone to help him whenever he has an emergency or a job that requires two people. Cheryl Brown said that it'd be hard to set a definite number of hours each day for each department. Bob Sisson asked Jim if doing all the things on the list has been a problem. Koger said that until last Friday, he wasn't aware that there were things that he wasn't doing well. He realizes that there are things that he would like to be more helpful with. Mayor Young asked the council if they're in agreement that Jim's primary job should be the office, computers, mow and do animal control. They agreed by consensus. Koger then asked if they were overlooking Bob's needing more help. Bob Call said that he'd do whatever he has to do. Call said he'd like to have someone that he can train and that he's never had help ever since he started as maintenance supervisor. Mayor Young asked if anyone has a problem with any of the jobs on his list. The mayor then said that before they make any decisions about hiring another person for maintenance, they should consult the treasurer and also consider how many hours Jim Koger should work at the other jobs.

Larry Coursen moved to go into executive session with the clerk for 10 minutes. Tadd Goodyear seconded the motion; meeting was recessed at 7:24 PM. The mayor opened the meeting at 7:34 at which time Larry Coursen again moved to recess for another 10 minutes with Tadd Goodyear seconding. The mayor called the meeting back to order at 7:44 Pm. Mayor Young stated that the council thinks Jim is doing a good job, and they don't want to cut his hours. His job would be as stated in the list. Bob Call then asked what if he wants to take a day off or go on vacation. The mayor said that if he wants to use Jim, then just schedule it. If Call needs help in the middle of the night, either use Jim or Todd Goodyear as he has in the past. Mayor Young said that they need to look into finding someone for Call to train.

Bob Sisson then said that he would like to discuss his being the Park Project liaison. *After considerable discussion, Larry Coursen made a motion that the city stop their involvement until there's been a special election to determine if the city should proceed. Bob Sisson seconded; motion failed 2-3 with Schultz, Chikly and Goodyear voting no. It was then decided to hold another special meeting with the Park Project committee to discuss in detail exactly what the plans are. The date was tentatively set for April 26th.*

COUNCIL PRESIDENT: Larry Coursen nominated Dorothy Chikly as President of the Council; Bob Sisson seconded. . She stated that she has reservations about serving as she's new to the council. Tadd Goodyear nominated Bob Sisson as president with Dorothy Chikly seconding. The vote was 2 for Dorothy Chikly and 3 for Bob Sisson. Dorothy Chikly moved to accept the vote; Larry Coursen seconded and the motion carried 5-0.

Larry Coursen then moved to adjourn; Bob Sisson seconded and the meeting was adjourned at 8:40 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: May 9, 2007

CITY OF OVERBROOK

MINUTES SPECIAL COUNCIL MEETING

APRIL 26, 2007

MEMBERS PRESENT: Dorothy Chikly, Don Schultz, Bob Sisson, Larry Coursen, Tadd Goodyear, Mayor Jack Young.

OTHERS PRESENT: Ken Krause, JoEllen Criger, Pat Martin, Jon Brady, Jason Hielscher, Don Hylton, Beth Pankratz, Larry Woodson, Jim Koger, Cheryl Brown
Jim Gates

Mayor Jack Young called the special meeting to order at 6:30 PM. He then stated the purpose of the meeting was to discuss in detail the plans and schedule for the Overbrook Park Project and also to discuss the salary for Joni Hudson, pool manager.

Ken Krause presented the council with a folder that included the application for grants from the Jones Foundation Trust, letters of support from various business owners, the school district, pictures and cost estimates of each of the areas of the park, as well as a schedule for the dedication activities.

Krause told the council about several ways they plan to raise funds for their share of the project, to be matched by grants.

At the conclusion of the presentation, Krause asked that the city give it's permission for the Park Project Committee to proceed with the project and provide the necessary water and sewer connections. Bob Sisson made a motion, seconded by Dorothy Chikly, to approve the plans as provided, including city utility services, but excluding the plans for Hylton House (at this time). Motion carried 5-0.

Jon Brady made a presentation on behalf of the Overbrook Athletic Association which included a breakdown of the project as regards the athletic fields, the concessions area, and the electrical work to be done.

Following considerable discussion, Brady also asked for the council's approval to proceed. Tadd Goodyear made a motion to authorize the OAA to proceed with their part of the project. Larry Coursen seconded; motion carried 5-0.

SALARY: After discussion, Bob Sisson made a motion to pay Joni Hudson \$10.00/hour as pool manager, with the understanding that she report to the council on a regular basis. Dorothy Chikly seconded; motion carried 4-1.

ADJOURNMENT: Larry Coursen moved to adjourn at 8:55; Bob Sisson seconded and the meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: May 9, 2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

MAY 9, 2007

MEMBERS PRESENT: Bob Sisson, Tadd Goodyear, Dorothy Chikly, Don Schultz, Larry Coursen, Mayor Jack Young.

OTHERS PRESENT: Pat Martin, Stephanie Watson, Mary DesChamps, Ira Allen, Rob Molt, Vic Robbins, Jon Brady, Rich Hamit, Patty Hylton, Jim Koger, Bob Call, Everette Dannar, Cheryl Brown.

The meeting was called to order by Mayor Young at 7 PM. Roll was called by Cheryl Brown, City Clerk.

MINUTES / WARRANTS: Bob Sisson moved to approve the minutes of the April 11, 2007 regular meeting as written. Larry Coursen seconded; motion carried 5-0. Larry Coursen made a motion, seconded by Tadd Goodyear, to approve the minutes of the April 18, 2007 special meeting as written. Motion carried 5-0. Dorothy Chikly moved to approve the minutes of the April 26, 2007 special meeting as written. Larry Coursen seconded; motion carried 5-0.

Larry Coursen made a motion, seconded by Dorothy Chikly, to pay all warrants presented. Motion carried 5-0.

SANTA FE TRAIL DAYS: Pat Martin, on behalf of PRIDE and the Overbrook Athletic Association to talk about Santa FE Trail Days. The Pony Express riders will be here on Friday, September 14th and the plan is to have activities carry over through Saturday, the 15th. There will be crafters, vendors and demonstrators as well as a bean feed at noon on Friday, the 14th. There will be a wild mustang show on Friday and Saturday, as well as an antique tractor and car display and they would like to have a parade with the antique cars and tractors on Saturday morning. Plans to have a poker run with the antique cars are being discussed. The group would like to have a street dance on Friday night. Martin said that the more successful this is this year, the better the chances of having it again next year. Martin said that the endurance race and village will be hosted by Overbrook next year. Stephanie Watson said that we need to find 30 acres to be used for this event next year. Martin said that people from all over the United States will be coming, so they're wanting to put on a really good show. Stephanie Watson, Osage County Economic Development Director, said that we could have 2,000 people in the county for these events. Burlingame is hosting the race village, Melvern will be the site for the endurance race and the Pony Express will be in Overbrook. Watson said that there are tourism grants that can be applied for to help with expenses for next year's activities. Mayor Young said that the group can expect full cooperation in every way. Martin said that there will only be two horses and riders involved with the Pony Express ride and exchange. All the activities will take place at the fairgrounds, except the parade and street dance. Martin said that may be up to 500 people traveling with them. Martin said that the school kids will be having an old-fashioned lunch with the Pony Express riders on Friday, with opportunity to have pictures taken. Watson then said that OCED will be able to help with the advertising, and plans to have someone appear on free spots on the local tv stations. Mayor Young said that information will be put on the city's website as well. Martin said there will be flyers distributed in surrounding towns.

Watson said that there will be a fireworks display in Melvern on July 7th. Watson is thinking of ways to draw people into the county for several days next year, using several activities in different towns

including the Pony Express event.

CLAIM FOR SEWER BACKUP DAMAGE: Rob Molt, 206 W. Market, came before the council to ask for help with the cost of repairing the damage to his basement from sewer water that backed up into his basement after the past heavy rains. Molt has only received a couple of bids at this time. Molt also said that they'd had this same problem 2 years ago. Don Schultz asked if some kind of backflow preventer had been installed at that time, and Molt said there's a trap of some kind. After discussion, the council advised Molt to install a check-valve in addition to a sump pump. The council agreed by consensus to submit the claim to the city's insurance company.

AID FOR GREENSBURG, KS: Mary DesChamps, owner of Granny Brown's Attic, came before the council to report that American Legion Post #1, Topeka, will be at her store sometime on Thursday to collect donations of clothing, non-perishables, and gasoline cards. DesChamps has offered any and all of the items in her store that they want to take, and thought maybe the city would want to do something. Don Schultz made a motion, seconded by Bob Sisson, to donate \$200 to be used by the volunteers to purchase gasoline. The first choice is to get a gas card locally, but only if that will work for the American Legion people as we're not sure if Casey's would be located close to Greensburg. DesChamps said she would check with her contact and let the clerk know how to proceed.

SEWER REHAB PROJECT: Vic Robbins reported that not much has been done the past 10 days due to the weather, other than spreading some gravel. Two big items to be completed are re-paving all the settled asphalt areas, and the re-seeding and mulching. There's also some fence work and minor repairs as a result of the sewer work. He named several other things, including finishing the leveling at the lagoon site. Robbins said that after Joshua Excavating is finished with their part, another meeting may be necessary before he can sign off on the project. Robbins is also concerned that Joshua Excavating still is not current regarding payments to his subcontractors. Cheryl Brown said that she has checked with G&G Excavating about any bills from the quarry for rock to be used for the sewer project. Brown also said that Donna Crawford, G.A.S., has told her not to pay Joshua Excavating until Crawford has received all the necessary paperwork. Mayor Young said that he and Bob Call have been asked to retrieve some gravel out of the creek on Don Thornton's property. This is gravel that has washed in from the east lift station and the street. The mayor asked if this is Joshua's responsibility or the city's. Robbins said that if the lift station area had been cleaned the way it should have been by Joshua's, it wouldn't have ended up in the creek. The council agreed by consensus to have Bob Call remove as much of the gravel and debris as he can from the around the lift station.

Robbins said that he's concerned about the amount of "clean water" that's still emptying into the lagoons. His feeling is that not all of the sump pumps are draining to air as they should be. Robbins feels that there's still a lot of clean water coming from perimeter drains and sump pumps. Mayor Young asked how we're going to eliminate that. Robbins said his feeling is to eliminate intentional inflows from private residences. This would need more inspections to find perimeter drains and sump pumps. The mayor asked how to do this without going into the house and running cameras from the inside out. Robbins said that the other option would be to dig, which no one wants to do. Mayor Young said he's heard of a robot-device that will climb from the sewer main into the service line. Robbins and Call said that those are limited by the amount of water and the angles of the lines. Robbins said that going back over the inspection reports done earlier, plus looking for houses with basements and no sump pumps and no place where the perimeter drain is surfacing might be the way to start. Robbins said that KDHE will probably let the city work on this problem before they would require the city to build additional lagoons. Don Schultz asked if there was an overflow at the lagoons as a result of this last heavy rain. Robbins explained that the extra volume of stormwater going into the lagoons causes the water to be forced through the cells before the normal processing time. Schultz asked if there's a reasonable fix at the lagoon end, and Robbins answered adding to the capacity. Robbins said that the excess storm water can also cause damage to the lagoons over a period of time. Robbins said he would go back through the reports and report back to the council. There was discussion about improving the capacity of the lift stations. Mayor Young asked that more gravel be put at Shirley's Café to accommodate moving her

dumpsters back to their original location. The mayor also said that Jean Branson would like to have some work done on her property to make the water drain towards the ditch away from her house. Robbins said he would check into it.

Mayor Young said that the valve vault at the east lift station blew off today. Call said that it needs some kind of gripper ring put on it. Robbins said Joshua's should be required to fix it as part of the project.

STORM WATER DRAINAGE: Don Schultz said that he'd received complaints from Wally Harris regarding water draining on his property from the Brookside area, probably due to the current construction. Schultz said that Brookside and the affected neighbors have been talking about solutions. Robbins said that a drainage control ditch was included in the approved site plan, but Scott Averill thinks that part of the water is coming from east of his property. Mayor Young said that this sounds like something for the property owners to discuss and agree on a solution.

CONCRETE REMOVED FROM SEWER PROJECT: This is no longer an issue since the contractor has buried it.

POOL OPERATION TRAINING: Mayor Young said that Joni Hudson has talked to Family Pools & Spas about some training for starting up the pool as well as daily maintenance, but he's not sure when this will be done. Dorothy Chikly mentioned that the council would like to have Hudson be more diligent in tracking the testing schedule throughout the year. Mayor Young said he would talk to her about that when the start-up training takes place.

CULVERT FOR FULLER PROPERTY: Vic Robbins said he did tell Eula Lee Fuller that having a culvert installed in the driveway/alley would help keep the water from pooling on her property since there are no ditches there.

BID FOR DITCH/CULVERTS: Mayor Young said that the individual who had offered to pay to have the ditches and culverts repaired on his block has declined after seeing the first bid.

OVERBROOK PARK PROJECT: Vic Robbins said that he's talked to Bonnie Johnson, KU, about a site plan for the east side of the city lake property regarding access, etc. Robbins said he's not sure where the property lines are, and that the Hylton House is placed on a site at least as high as the top of the dam elevation to avoid flooding. He's not sure there's enough city property to accommodate this. The mayor said that the Hylton House has been put on hold at this time.

Jon Brady asked that any dirt that's being hauled by the city be put in a certain area of the future soccer field. Brady also asked for \$2,091.56 that came from Osage County Special Parks & Recreation monies that was sent to the city in August, 2006. Tadd Goodyear made a motion, seconded by Don Schultz, to authorize using the \$2,091.56 as matching funds for the Overbrook Park Project. Motion carried 5-0, and the clerk will issue the check to PRIDE/ Special Park Fund. A report will need to given to the Board of County Commissioners on how the money was spent.

Brady also asked if the city is going to pay for the field maintenance again this year. This amounted to around \$1300 last year. Mayor Young asked if the OAA has received any money from Santa Fe Trail High School, and Brady said they haven't. Don Schultz asked if this would create opportunity to have a Parks/Recreation person to do a lot of things, including field maintenance. The mayor said yes, it would be a good thing. Schultz said to do this on a large scale, the person would also need to be somewhat in charge of the Athletic Association, where revenues and expenses would run through that department, and they would also oversee the maintenance aspect. The pool could also be included in the plan. The mayor suggested this be studied more carefully in the fall. Bob Sisson moved to pay the field maintenance at Jones Park. Dorothy Chikly seconded the motion; it carried 5-0.

Robbins mentioned concern about flooding in the areas where the memorial circle and pavilion

are to be located. Hopefully the materials that are used for the construction will withstand this.

LIBRARY BOARD: Larry Coursen made a motion, seconded by Bob Sisson, to appoint Bob VonStein to the library board for a term of 4 years. Motion carried 5-0.

CHECK SIGNERS: Bob Sisson moved to designate Don Schultz and Dorothy Chikly as authorized check signers for the city. Tadd Goodyear seconded; motion carried 5-0. The clerk will get the necessary paperwork required by the bank.

RE-APPOINTMENT OF CITY OFFICERS: Mayor Young read a list of city officers to be re-appointed and asked for a motion to approve the appointments. At that time, Bob Sisson made a motion, seconded by Larry Coursen to go into executive session for at least 10 minutes to discuss matters not related to elected personnel. Motion carried 5-0, and the meeting was recessed. The mayor opened the meeting at 9:17 at which time Sisson moved to go back into closed session for 20 minutes with Coursen seconding.

Mayor Young called the meeting back to order at 9:37 at which time he stated that he was going to ask that each city officer be appointed individually. The results are as follows:

| | |
|--|-------------|
| Chikly motion/Coursen second for Stephen Jones as Municipal Court Judge | 5-0 |
| Schultz motion/ Coursen second for Michael Coffman as City Attorney | 5-0 |
| Chikly motion/Goodyear second for Shayne Coursen as Court Clerk | 5-0 |
| Sisson motion/ Chikly second for Patty Hylton as City Treasurer | 5-0 |
| Coursen motion/ Goodyear second for Bob Call as Maintenance Supt | 5-0 |
| Schultz motion/ Chikly second for Cheryl Brown as City Clerk | 5-0 |
| Chikly motion/ Coursen second for Jim Koger as Assistant City Clerk, Assistant Maintenance, Animal Control | 5-0 |
| Schultz motion / Chikly second for Edward Harmison as Chief of Police with Coursen, Sisson and Goodyear voting no | 2 yes; 3 no |
| Schultz motion/ no second for Everette Dannar as Assistant Chief of Police Motion died for lack of a second. | |

There was no motion made to reappoint any of the five listed part-time law officers as neither Harmison or Dannar had been re-appointed.

At this time, Everette Dannar asked "Can someone tell me what just happened here?" Mayor Young said he wasn't sure. Dannar then asked if he had a job or not, and the mayor again said that he wasn't sure, but he didn't think so. Dannar asked when this would be effective, and the mayor told him as of now, but that Dannar could have until 8 AM Thursday to turn in his equipment. At that point, Dannar left the meeting.

LAW REPORT: Since there was no one present from the Police Department, Mayor Young reviewed the written report that had previously been distributed.

MAINTENANCE REPORT: Bob Call told the council that he's repaired 56' of water line at well #4 as a result of a major break. He also had to make repairs at well #1, due to the same problem. Both meters had to be removed and cleaned. He put about 60 hours into these repairs. He's still waiting for parts to complete installing meters at all five wells.

Water service has been installed for Brookside's new addition, and they had to rent a tapper due to a different sized service line, and Brookside wants a bigger tap for the sprinkler system. Call has told them that the city doesn't have that equipment so Brookside will have be responsible for all the equipment. Call mentioned that the maps are wrong about the sizes of the water lines in that area.

A water break on Market St was fixed, and the phone lines have all been moved on W Seventh so the township can start on the ditch soon. Call would like to have Vic Robbins involved since there's a driveway culvert to be installed.

Call said that he's had some work done on the tractor to make it a little safer. He's also working

on the paper work required for the manhole overflows.

D & S Sanitation will be coming to finish pumping out the pool, and they're going to pump out the restroom at the lake.

Call asked that the council get job descriptions so everyone knows what his job is or is not.

Tadd Goodyear said that Call needs to do some more back-filling where he worked on the waterlines at the wells, but he might want to wait for it to settle more.

CITIZEN COMMENT: Cheri Harmison, wife of Chief Ed Harmison, asked to speak. She said she has major questions as she understands her husband's job has been done away with. She asked if there's been major complaints, or other problems or is this just a vendetta by a couple of people who are a little peeved. She asked how they could wreck a man's career who's just a few years from retirement, and was that even considered? She stated that this is a small, tight-knit community who are supposed to look after each other, and that's what her husband has been doing. She also stated a concern that at his age, he probably wouldn't be able to get another job in law enforcement. She said that she could understand if the police department was doing something wrong, but not if this is because a couple of council members have an axe to grind. She then left the meeting.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports, with a brief explanation of what each one shows for the benefit of the two new council members. Hylton said that there will probably be some out-of-pocket expenses for the wastewater project, and will talk to Vic Robbins about what we should expect for final billing from Joshua Excavating.

Jon Brady asked how they should account for the money received from the county. The clerk said that the city can report that the funds were given to the park project, and then the park committee can report as to how it was spent.

CLERK'S REPORT: Cheryl Brown told the council that Jim Long will be here to do the annual audit on Thursday, May 24th. Donna Crawford will be here on May 25th to monitor the wastewater project. Brown said that Jim Long told her that the state statute refers to Special Highway funds being authorized for "incidental facilities", and that may include ditches. Long suggested that the city attorney advise us on the exact meaning.

There was discussion about what to do for streets this year. Larry Coursen suggested getting bids for repairing the really bad spots are and then just chip and seal in those areas. Mayor Young asked Bob Call to talk to some contractors about doing it this way and how much can be done with the available funds. The Special Highway fund has \$33,125.91 as of the end of April. The council agreed by consensus to have Call get more information about certain areas that need repaired and get some bids. Jon Brady said that a lot of the ditches in town don't work due to debris blocking them. The mayor said that he and Call have been talking about getting a blade that would work on the backhoe. Hylton said that the city should receive another \$20,000 in special highway funds by the end of the year.

COUNCIL MEMBER COMMENTS: Bob Sisson asked who will notify Osage Co Sheriff that the police officers were not re-appointed. The mayor said he would do that right after the meeting. Don Schultz asked if there should be a special session with the sheriff to see what can be done. Larry Coursen said that the locks need to be changed right away. The mayor asked if the clerk would take care of having that done. Bob Call said we just had the locks re-keyed the last time. He also said he wouldn't advise leaving the patrol cars at the maintenance shop. The mayor said we'd have to figure that out later.

MAYOR'S REPORT: Mayor Young said that he was very disappointed about how much clean water ended up in the lagoons after all the sewer rehab work that was done.

The mayor said that some more thought needs to go into finding someplace for people to use as a tree limb dump site and how to police it.

MISCELLANEOUS: The clerk asked the council to please review the proposed zoning ordinance as presented by the Planning Commission so it can be adopted as soon as possible. She has provided copies of the new one as well as the current zoning ordinances.

EXECUTIVE SESSION: Bob Sisson moved to go into executive session with Cheryl Brown to discuss non-

elected personnel matters for 5 minutes. Dorothy Chikly seconded; motion carried and the meeting was closed from 10:30 to 10:36 PM. No action was taken after the mayor called the meeting back to order.

MISCELLANEOUS: Larry Coursen moved to start the procedure to get a contract with Osage County Sheriff for coverage. Bob Sisson seconded. Vote was 2-3 against with Schultz, Chikly and Goodyear voting no.

There being no further business before the council, Larry Coursen moved to adjourn with Bob Sisson seconding. Meeting was adjourned at 10:40 PM.

Respectfully submitted,

Cheryl Brown
City Clerk

APPROVED: June 13, 2007

CITY OF OVERBROOK

MINUTES

SPECIAL COUNCIL MEETING

MAY 14, 2007

MEMBERS PRESENT: Dorthy Chikly, Bob Sisson, Larry Coursen, Don Schultz,
Tadd Goodyear, Mayor Jack Young.

OTHERS PRESENT: Michael Coffman, City Attorney. There were numerous citizens
present,
too many to list names.

Mayor Young called the meeting to order at 7:00 PM. Roll was called. The mayor stated that the meeting had been called for the purpose of discussing police services for the City of Overbrook with the City Attorney, Michael Coffman, present.

EXECUTIVE SESSION: Larry Coursen moved to go into executive session with Michael Coffman present to discuss attorney-client privileged matters for a period of 15 minutes. Tadd Goodyear seconded; motion carried 5-0. The meeting was closed at 7:05 PM. At 7:15 PM Mayor Young called the meeting back to order.

Larry Coursen made a motion, seconded by Bob Sisson, to go back into executive session for 1 hour, starting at 7:20 PM. Motion carried 5-0.

OPEN MEETING: The mayor called the meeting back to open session at 8:20 PM. Michael Coffman made a statement to the citizens who were present to explain the situation. Coffman said that no members of the police department had been fired as a result of the council's voting not to re-appoint them at the May 9th meeting. At the moment, all the officers with the exception of Everette Dannar are still employed and can return to work if they so choose. Officer Dannar was present at the May 9th meeting and had been told that he no longer had a job since he hadn't been re-appointed. Coffman explained that there had been some confusion about the statute for appointments of city officers, and that Dannar still has a job, and is considered to be suspended with pay at this time. Coffman also told the audience that Chief Harmison will be given the opportunity to return to work following the meeting.

At this time Michael Blood came forward and asked Mayor Young, Bob Sisson, Larry Coursen and Tadd Goodyear to resign. Each declined. Blood then showed the council a letter he'd prepared about circulating a petition asking for a recall election for Mayor Young, and council members Coursen and Sisson. Goodyear was not included in the recall petition as he has not served long enough to be recalled.

ADJOURNMENT: Larry Coursen moved to adjourn at 8:30 PM. Tadd Goodyear seconded; meeting was adjourned.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: June 13, 2007

CITY OF OVERBROOK

MINUTES

SPECIAL COUNCIL MEETING

MAY 22, 2007

MEMBERS PRESENT: Larry Coursen, Don Schultz, Dorthy Chikly, Bob Sisson, Tadd Goodyear, Mayor Jack Young.

OTHERS PRESENT: Jason Hielscher, Beverly Hix, Joyce Rogers, Tom & Twila Athon, Scott and Kelli Davis, Mary DesChamps, Mike & Jenna Blood, Lori Lee, Ed Harmison, Everette & Judy Dannar, Michael Coffman, Cheryl Brown. There were several people outside that weren't able to be identified by the clerk.

Mayor Young called the special meeting to order at 7:00 PM at which time roll was called by the clerk. The mayor then stated that the purpose of the meeting is to decide whether or not to retain the position of Assistant Chief of Police in the city.

The mayor then asked City Attorney Michael Coffman if he wanted to make a statement at this time. Coffman said that he would take questions, but thought that the status of the police department employees had been clarified at the last meeting.

Mayor Young then said that right now the Assistant Chief of Police is suspended with pay, not from any action taken by him, but from the council's not re-appointing him. The mayor then stated that he's open for motions or discussion, and if there's a motion and second there will definitely be discussion after that.

After a brief pause, Don Schultz made a motion, seconded by Dorthy Chikly, to bring Dannar out of suspension and back to standard and normal service. Motion carried 3-2 with Sisson and Coursen voting against.

The mayor then said that seems to take care of why we're here. Coffman told the mayor that he needed to accept the council's recommendation. Mayor Young said that he accepts the recommendation. He then asked for a motion to adjourn.

Bob Sisson moved to adjourn, with Larry Coursen seconding. Motion carried; meeting was adjourned at 7:05 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: June 13, 2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

JUNE 13, 2007

MEMBERS PRESENT: Larry Coursen, Bob Sisson, Don Schultz, Dorothy Chikly, Tadd Goodyear, Mayor Jack Young.

OTHERS PRESENT: Michael Coffman, Carolyn Cogswell, Donna Crawford, Pat Martin, Jon Brady, David & Kathy Alcorn, Phil McAnulty, Sheila Dale, James Foster, Rich Hamit, Eula Lee Fuller, Tim Neddeau, Michael & Jenna Blood, Patty Hylton, Ed Harmison, Everette Dannar, Jim Koger, Bob Call, Cheryl Brown.

The meeting was called to order at 7 PM by Mayor Young, after which the clerk took roll call to determine that a quorum was present.

MINUTES / WARRANTS: Dorothy Chikly moved to approve the minutes of the May 9, 2007 regular council meeting as written. Bob Sisson seconded; motion carried 5-0. Don Schultz made a motion, seconded by Tadd Goodyear to approve the minutes of the May 14th special meeting. Motion carried 5-0. Dorothy Chikly moved to approve the minutes of the May 22nd special meeting. Tadd Goodyear seconded; motion carried 5-0.

Bob Sisson made a motion, seconded by Dorothy Chikly, to pay all warrants presented. Motion carried 5-0.

FINAL PERFORMANCE HEARING/WASTEWATER PROJECT: Donna Crawford, Governmental Assistance Services (G.A.S.), was present to conduct the hearing which is part of the requirements of the CDBG grant the city received as part of the wastewater improvement project. This hearing is held to review the progress and results of the project up to this point. Crawford reviewed the status of the subcontractors hired by Joshua Excavating as well as the actual work that's been completed. A list of the things to be done as compiled by Vic Robbins, city engineer, was mentioned but not reviewed as Robbins was unable to attend the meeting. Sheila Dale was present to show pictures of her yard and alley and to tell the council that their sump pump drains are now below ground where they were above ground level prior to the project. Dale also said that the fill-dirt that was used is full of rocks, old sewer tile and glass. Dale said that her survey markers are missing that need to be replaced. Mayor Young said that the markers are on the list to be replaced, and that the landscapers have been doing most of the clean-up work. Dale said that she's concerned about future erosion, and also the way the new sewer pipe was installed. The mayor said he would check with the engineer.

Don Schultz asked what the repercussions would be if the city signs off on the hearing and the jobs isn't finished. Crawford stated that the city wants to have all the paper work submitted regarding this project in order to apply for another grant. There was discussion about how the warranty works regarding the contractor's responsibility. The mayor said he will talk to the landscaper tomorrow.

Mayor Young said that there's also an issue with how the contractor wants to finish the job at the Doc Maichel's residence. There was discussion about the term "substantial completion" which is what the Dept of Commerce wants to have verified as part of the grant requirement.

There was discussion about the "punch list" that the engineer would have made of things that need to be corrected or completed by the contractor after a walk-through by the engineer and someone from KDHE. Crawford said that she would find out who KDHE sent to do the walk-through. Jon Brady asked if the council could add to the punch list. Bob Call said that he didn't know what was on the list either. Mayor Young said he would talk to Vic Robbins tomorrow about all of the items discussed.

After more discussion, Larry Coursen moved to authorize Donna Crawford to submit a

"Substantial Completion" document regarding the sewer project provided Vic Robbins will agree. Bob Sisson seconded; motion carried 5-0.

CITY FIREWORKS DISPLAY: Tadd Goodyear made a motion, seconded by Dorthy Chikly, to pay the \$360 deposit to Rainbow Fireworks for the city's July 4th display. Motion carried 5-0. The total cost of the display will be reimbursed through donations made by businesses and other groups.

Bob Sisson moved to approve the sale of fireworks by Uncle Sam's and also by the Martin family with the same conditions as last year regarding hours of sales and curfews. Larry Coursen seconded; motion carried 5-0.

QUORUM CHANGE: The mayor presented a draft of a charter ordinance that would change the quorum required to conduct city business from the present three (3) members to four (4) members. If the council votes to adopt the ordinance, it would go into effect after 2 consecutive weekly publications, followed by a 61-day waiting period. The ordinance would define a majority of a quorum as 3 members rather than 2. This would mean that 2 council members could work together on city business and not be in violation of the Kansas Open Meetings Act. Larry Coursen moved to adopt Charter Ordinance No 10. Tadd Goodyear seconded; motion passed 5-0. The clerk will inform the council of the effective date following the 2 weekly publications.

JUNK VEHICLES: Tim Nedeau, son of Lois Shuck, came before the council to discuss a situation involving his having to dispose of a vehicle several years ago. At the time, Nedeau didn't have a problem with getting rid of the van, but he now feels that it was harassment as he presented the council with several photos of what he considers "junk vehicles" that the city has ignored. Nedeau feels that since he paid \$1000 for the van, and had to sell it for \$75 in order to comply with the "warrant" from the Overbrook Police Department, and that there are still several "junk vehicles" around town that the city should pay him \$1,000.00. Chief Harmison said that he has a list of approximately 45 vehicles to be addressed very soon. The ordinance allows the owner 10 days to either comply with the ordinance or dispose of the vehicles. The owner does have the option of requesting a hearing to resolve the matter if they so desire. Nedeau said he would be willing to wait until the August council meeting to pursue payment from the city. The letter presented to the council is available for viewing at City Hall.

Jon Brady commented that he himself had received this same notice several years ago, and it seems that the city is still inconsistent on how the "junk vehicle" ordinance is enforced. He feels that the ordinance may be poorly written. Mayor Young said that he would like for Michael Coffman and Chief Harmison and himself to review the ordinance.

SEWER DAMAGE CLAIM: Phil McAnulty appeared before the council to ask that the city reimburse him for sewer-backup damage to his property regardless of whether or not the city's insurance honors the claim. McAnulty also asked for information regarding the frequency of this type of occurrence and what the city is doing to prevent future instances. Council members Goodyear and Schultz said that Rob Molt, the current resident of the property, stated at a previous meeting that they had had the same problem before this event. McAnulty tried to explain the first incident. Mayor Young said that he would like to consult with Vic Robbins about what rehab had been done on that line. Carol Bloodworth, advisor to McAnulty, stated her opinions about what might have caused the problem. She said that a city she previously worked for had paid home owners to comply with KDHE regarding perimeter drains. McAnulty agreed to come to the July meeting to see what answers the city has.

CITY LAKE ROAD CONNECTIONS: James Foster came before the council to express his concerns about erosion to Lakeshore Lane caused by drainage from the adjoining property on the west. Foster said that when a landowner significantly changes a piece of ground and draws water to a different point, the landowner then becomes liable. Foster said that the water flow has been changed due to the removal of the terraces on the adjoining property. He's concerned that as traffic goes on the gravel road, a track will eventually turn into a trough. He recommends putting in a ditch and a culvert installed in the driveway. Mayor Young said that the property owner has agreed to road maintenance, so the mayor will talk to them about the situation. Bob Sisson said that there are drains from the concrete into the ditch along Hwy 56.

COMMUNITY REVITALIZATION TAX INCENTIVE: Stephanie Watson, ODEC Director, made a presentation about a neighborhood revitalization plan for Osage County. This is based on property evaluations, commercial and residential. This plan will not change the actual assessed valuations of any property. The rebates will be allowed over up to ten years. The details for the first draft of the plan are rather lengthy and somewhat complex, but are available at City Hall for review. The project is just getting started so more details may be forthcoming. Watson said she would be glad to discuss it with those who are wanting more information. Watson said that the county will have to adopt the plan by resolution, but cities can go ahead on an individual basis, but everyone needs to be involved for the plan to work. Watson also said that she's going to make the rebate retroactive for those businesses and homes that have already made improvements. Watson is asking the city to support 25% rebates for commercial property over 10 years, and 15% rebates over 5 years for residential properties. Schultz asked if the cities can modify the plan if they so desire. Watson said that's possible and that's part of the reason why there will be a \$125 application fee to Osage County. There will be a one-year time limit on any projects. Watson said that the reason for the plan is to encourage more businesses to locate in the county, and also an increased tax base after the rebate time limit is over. Watson would like to have Overbrook represented at the June 25th county commission meeting to affirm their support for the plan. The council thanked Watson for her presentation and efforts in behalf of the county.

JOB DESCRIPTIONS/EVALUATIONS: Mayor Young asked the council to study the material provided in their packets related to job descriptions and employee evaluations. He would like to develop a plan in order that the evaluations can be done timely and consistently. The forms that have been used in the past weren't satisfactory for all the departments. Dorthy Chikly suggested that 2 council members serve as a review board, and then they would report to the entire council. Don Schultz asked that before any decisions about this are made, he would like to include discussion about hiring a city administrator. Schultz suggested that any evaluations be done at least 90 days before re-appointments are made. Mayor Young said he would like to have evaluations done twice a year since the purpose is to improve performance. Schultz would like to see more accountability in job descriptions regarding scheduling, procedures to address complaints, and more of a paper-work trail. His reasoning is so that the council can have a better understanding of how the jobs are being done.

Don Schultz gave the other members information about a city administrator position/job description. His purpose is to have someone in charge of city personnel on a daily basis. He also had a sample ordinance prepared by the League of Municipalities. This person could also look for sources of funding for the city, as well as oversee the recreation facilities. Schultz would like to consider adding this position in the 2008 budget. Bob Sisson said he had done some research, and only found about 4 cities in our size range that have city managers. These towns either have a power plant, or sewer treatment plant or didn't have a local police department. Burlingame and Osage City both have city managers, but they also have power plants. Sisson said that the council should be able to oversee 5 full-time employees. Schultz said there's a difference between an administrator and a manager. Sisson said he realized that, and some cities have a city superintendent. Mayor Young stated that he personally feels that the city is getting a lot from the governing body at \$15/meeting. He agrees that at some time there needs to be someone "in charge". It was suggested that the city pursue getting grants to pay for the position.

Jon Brady asked that Michael Coffman be consulted about creating some kind of recreation committee. Mayor Young said that since Coffman had just walked into the meeting, he's been asked.

Don Schultz said he would bring more information about a city administrator to the next meeting. He also said that the state statutes require that this person be a registered voter, so they would have to live within the city limits.

CITY TRAFFIC LAWS/FINES: Don Schultz said that he's been informed that there's some confusion about legal U-turns in the city. He would like to find a way to inform the public about what can and cannot be done regarding u-turns. Chief Harmison said he'd been informed by Judge Jones that it's not illegal to pull across a double yellow line to park. Mayor Young asked what happens if he backs out from the post office, and hits someone pulling into the post office from across the street? Harmison said he called the City of Topeka's Traffic Division and couldn't get a definite answer to that exact question. *It's illegal to cross double-yellow lines to pass another vehicle. The 2006 Standard Traffic Ordinance states that the chief of police has the authority to deem which intersections are legal for u-turns.* Schultz suggested that something be published to inform the public what a "u-turn" is and where it can be legally done. The mayor suggested that Don Schultz and Chief Harmison work on this. The council also agreed by consensus to have a notice of the budget hearing published in the paper in addition to the legal notice.

LAW REPORT: Chief Harmison gave the council a report on the previous month's activities and citations. Harmison and Dannar have both completed the necessary training hours as required. He said that the paint is coming off the white patrolcar.

Chief Harmison said there's been someone going around town selling ice cream and asked for direction. The current ordinance requires a \$300 fee. The council agreed by concensus to make this person apply for a license. Stephanie Watson said that the council has the option to waive the fee. Bob Sisson made a motion, seconded by Don Schultz, to waive the \$300 fee if the person is found to have a valid driver's license and insurance. Motion carried 5-0. Dorthy Chikly and Chief Harmison agreed to come up with guidelines about this type of vendor for the future. Michael Coffman said he would also research the matter.

Chief Harmison asked that signs be posted at the lake to keep people from parking at the lake. He told the council that even though the auditor increased the police department's budget this past year, he can work up a budget that will show more detail if so desired. The mayor said that what's been done in the past is sufficient. Harmison also told the council that in the last 2 years building permits have been issued for \$1,827,000.00 of property. Harmison asked about getting gas cards for the BP Gas station. The clerk said she's checking into it.

MAINTENANCE REPORT: Bob Call said he's going to have to replace the water heater at the pool. He thought the class on starting up the pool was helpful, but uncovered some problems with the filters.

Call presented the bid from Harbour Construction for street work. The bid was for \$64,190.00 to do everything that Call had put on the list. The bid is available for inspection at city hall. They could be here sometime in July. Tadd Goodyear said he thinks we should have more than one bid. Larry Coursen moved to proceed with accepting the bid. Don Schultz seconded; the vote was 1-4 against. Call was asked to get a bid from Amazing Asphalt. The council agreed to have a special meeting if necessary. Stephanie Watson said to make sure the contractor gets their gravel locally.

Call said he would be on vacation July 2-8th and August 6-12.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports. The clerk has contacted Kansas State Bank to increase the city's pledge to cover balances over \$100,000. Hylton said that she thinks that the final cost for the sewer project may run about \$36,000.00. She's going to check with Vic Robbins about this amount. She will probably wait and request the balance of the KDHE loan after all the bills have come in. Hylton asked if the council is planning a special meeting for the 2008 budget. Jim Long will have a preliminary budget ready at the July meeting. The mayor said there may a special meeting between the July meeting and the August budget hearing.

CLERK'S REPORT: Cheryl Brown asked permission to rent space at the mini-storage as space is very limited in City Hall. Don Schultz made a motion to rent the space for \$330/year. Bob Sisson seconded; motion carried 5-0.

Brown said that Jim Long will be here to present the 2006 audit report on July 11th. She also said that the 2006 Consumer Confidence report will be mailed before July 1st. Brown will be on vacation the week of June 18th.

She also showed the council a plaque that Ken Krause brought in for the city to consider. He wants to know if the city would be interested in purchasing a similar plaque for the park. The matter was tabled until the next meeting.

COUNCIL MEMBER COMMENTS: Bob Sisson said that he didn't feel that the subject of keeping 2 full time employees in the police department had been discussed at the last special meeting. Sisson went on to say that in the 30 years plus that he's lived here, the city has had just one full-time officer until Chief Harmison took over and Everette Dannar was hired. He said that he feels the city is spending more than it has to for police coverage. Bob Sisson made a motion, seconded by Larry Coursen, to abolish the second full-time police position. Chief Ed Harmison then presented the council with reasons why the city should keep two full-time officers. He admitted that Overbrook isn't crime-ridden, although there was a major juvenile problem when he became chief. *The part-time officers now only work very few hours/month. Harmison pointed out that Topeka has one officer for every 540 people, and most other cities he checked had about the same amount. Harmison also pointed out how much Everette Dannar has saved the city with grants, etc. Dannar is also very good on the computer, and has had good training. Harmison said that Dannar is always available when needed. He said that he knows of accusations against Dannar that have been unfounded, and said that the mayor has*

listened personally to tapes of car-stops made by Dannar. Harmison said that his department has the respect of the county sheriff. He also said that some people don't like Dannar because he has tatoo's and can be a little cocky. Harmison also pointed out that he's currently under budget even with two full-time officers.

Harmison then said that he wants to protect this town as it has been the past several years. By him constantly driving the streets and being seen is one way to do this. He said that the week after the incident that took place a month ago, the town was "cased". Harmison said that Dannar is willing to work the "bad" hours of 7 PM to 3 AM. Harmison said that if any of the council has a problem with either himself or Dannar, they need to talk to him.

Don Schultz asked that they have a more lengthy discussion about the position which might require an executive session either tonight or the next meeting. Mayor Young preferred that it be done next time as he would like to have the matter decided and settled once and for all. He said that all the information needs to be presented at the next meeting in order for this to be done. Michael Blood asked when the part-timers would be used.

Jenna Blood said that part of the reason they moved here was because of the police coverage.

At that time, Bob Sisson withdrew his motion as the matter will be on the agenda for the next regular council meeting.

CONTRACT WITH SHERIFF: Larry Coursen has talked to Michael Coffman about contracting with Osage County Sheriff to provide police protection for the city. Coursen also talked to Sheriff Dunn, and she told him that she could provide costs, etc if the council agrees on what they want. Schultz asked if Sheriff Dunn would be available for the next meeting. Coursen said that she probably wouldn't unless she was sure the council was in agreement about a contract. Sheriff Dunn has reviewed the two contracts from other towns. Coursen gave copies of the contracts to the other council members to review.

MAYOR'S REPORT: Mayor Young said he will be having hip replacement surgery on June 18th, and will be unavailable for a couple of weeks.

The mayor presented the council with bids from K & K Electric to replace some or all of the lights at the ballpark. After looking at the bids, Tadd Goodyear asked that we get another bid from Russell Smith before making a decision. Goodyear was also going to see if Westar will furnish a boom truck for the job.

PUBLIC COMMENTS: Michael Blood asked what the hours the city lake is open. The clerk said the lake hours are 5 AM to 11 PM. He then asked if city officers are the ones to write tickets for violations, and Chief Harmison said that they do if anyone is there after 11 PM. Blood asked permission to replace the chains on the basketball goals with nets. Council agreed by concensus.

There being no further business before the council, Larry Coursen moved to adjourn. Bob Sisson seconded; motion carried 5-0 at 10:50 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: July 11, 2007

CITY OF OVERBROOK

MINUTES

REGULAR MEETING

AUGUST 8, 2007

MEMBERS PRESENT: Larry Coursen, Bob Sisson, Don Schultz, Tadd Goodyear, Dorothy Chikly, Mayor Jack Young.

OTHERS PRESENT: Michael Coffman, Michael & Jenna Blood, Joyce Rogers, Beverly Hix, Joni Hudson Winters, Jason Hielscher, Tim Nedeau, Craig Meier, Rich Hamit, Jon Brady, David Gerisch, Cliff O'Bryhim, David & Kathy Alcorn, Mary Pierpoint, Bobby Spry, Kevin & Tina Welch, Scott Tucker, Ed Harmison, Everette Dannar, Jim Koger, Cheryl Brown.

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

MINUTES / WARRANTS: Larry Coursen moved to approve the minutes of the June 13, 2007 regular meeting. Tadd Goodyear seconded; motion passed 4-0. (Dorothy Chikly hadn't arrived at this time.)

Don Schultz asked about the warrant to Thunder Prairie Guide. He was told that this is the person who fills the fish feeder at the city lake as the city does not own a boat. Larry Coursen made a motion, seconded by Bob Sisson, to pay all warrants. 5-0.

POOL REPORT: Joni Hudson Winters was present to give the council a summary for the 2007 pool season. The report included details of incidents, water rescues, and pool closings. Dorothy Chikly was pleased with the detailed information. Don Schultz asked for Joni's view of the season, and what changes she would recommend. Winters said that she won't be managing the pool next year, but suggested that the assistant manager be made to understand that they need to follow the same guidelines as the manager, and be ready to fill in at all times. Winters also recommended sending a manager to a pool school to learn why the various chemicals are used to maintain the pool. Chikly asked if Winters has suggestions to improve the pool. Winters said that she would recommend putting benches outside the pool fence for parents to use during lessons. Sometimes having the parents inside the fence can be a distraction. Extra storage space for chemicals would also be beneficial to maintain the quality of the chemicals. Chikly then asked about the procedure for emptying the pool. She said she had received complaints about "stinky" water being drained into the yard behind Shirley's Café. Bob Sisson said that a certain amount of water is left in the pool over the winter, and it does get very smelly even with super chlorinating the remaining water. The city hires someone with a large waste tank to drain the pool, and it's emptied into the lagoons. The council agreed by consensus to have Bob Call drain the pool water into a manhole rather than into a ditch or the street. Dorothy Chikly was asked to work with Call on this matter.

Dorothy Chikly asked if someone could be hired that would be willing to keep the pool open through Labor Day weekend. It was explained that it's hard to staff the pool once school starts, and it still requires daily maintenance even if open only on weekends.

Winters asked that the council work very hard to keep the swim team active, as this is something she's worked on the past couple of years.

The council thanked Winters for doing a good job and wished her good luck.

SPEED LIMIT ON DEVON: The speed limit on Devon, Surrey Lane and the 700 block of West Second was established at 20 m.p.h. several years ago. There are no speed limit signs on these streets at this time. Mayor Young instructed Jim Koger to make sure there are the adequate number of 20 m.p.h. signs and to install them as soon as possible. Dorothy Chikly asked if the current ordinance is adequate as far as the fine is concerned. Chief Harmison felt that is is.

CEREAL MALT BEVERAGE LICENSE: Craig Meier was present to ask for an extension of the CMB license granted for the fund raiser the last weekend of September. He would like to have it include Friday, September 28th from 6 PM until 11 PM. The council had previously approved September 29th from 11 AM until 11 PM. Tadd Goodyear moved to approve the extended hours on September 28th. Dorothy Chikly seconded; motion carried 5-0.

SECOND FULL-TIME POLICE OFFICER POSITION: Bob Sisson presented information obtained from different sources, including the KBI website, about several cities close to Overbrook in size and the changes they've made in their police department staffing. Sisson had contacted many of the cities. At this point, Mayor Young asked that anyone wishing to discuss this matter do so in an orderly manner. Sisson then said that every one that he had contacted had cut their budget by at least 50% or completely contracted with their county. Sisson said he's lived here for at least 30 years, and up until 1999 the city has only had one full-time police officer with part-time help. He then presented information about crime statistics for Overbrook from 1996 to 2006 which shows that the number of cases has remained about the same. Sisson then said that he'd talked to Patty Hylton, City Treasurer, about the proposed 2008 budget which will raise the tax levy by 2 mills. Hylton had told him that

eliminating one position would equal about 7 mills. Sisson then said that when the police department wasn't reappointed, there were comments made that it was personal. He said that it was never personal with him, but that it was about the money. Dorthy Chikly asked when the change to two full time officers was made. Chief Harmison said he started as chief in the fall of 1999. He also said that prior to his starting, the police department always ran out of budget around September, and had to be supported by the General fund the rest of the year. One of his first priorities was to stay within his budget which he has done. Until recently, the city was under a tax lid and mills could only be moved from fund to fund, but not increased. Don Schultz provided information about other proposed 2008 budgets/mills compared to Overbrook. Cheryl Brown, City Clerk, pointed out that each town's mills would be worth different dollar amounts, based on the total assessed valuation of the town. Schultz said that someone deciding where to move would be more impressed with a tax levy of fewer mills. He also said that he feels that part of the budget to be considered is the fact that people here are more comfortable with local police protection. He asked Sisson if he has figures about what it would cost to go back to one full-time officer and part-time officers. Sisson stated that the cost would depend on the number of hours worked. Chief Harmison stated that there's a liability concern with part-time officers. They would have to attend training to be certified. He also stated that if and when the city would hire another full-time officer there would be more expense for their training as the time requirement has increased since he was hired. Harmison stated that the KBI stats don't include any data from juvenile cases. Michael Blood asked how many of the towns contacted by Sisson have city lakes and bars and federal highways going through them. Sisson said he didn't have that information at this time. Don Schultz said that the sheriff is asking for a 36.7% salary increase to fund the current county coverage, and he's concerned that they would need even more to increase their coverage for Overbrook.

Dorthy Chikly suggested that this matter should be taken to the citizens, and let them decide whether or not to keep the police department as is. Mayor Young asked if she is referring to a special election. Chikly said that her thought is to keep the 2008 proposed as is, and hold a special election before the 2009 budget is adopted. There was discussion about deciding this matter at the 2008 budget hearing. Chikly asked if the budget process would have to start over if these changes were made at the actual hearing. The clerk said she'd have to check on the procedure. Sisson then said that he'd like to have the whole town voice their opinion concerning keeping 2 full-time officers. Larry Coursen said that the citizens have had a lot of time to voice their opinions, but it seems to be the same people who show up at all the meetings. The next time this could be added to a regular election would be November, 2008. Don Schultz then had questions about how a vote in November, 2008 would affect the 2009 budget IF the vote was to eliminate the second full-time officer. Michael Coffman said that was a question that should be answered by the auditor or county clerk, but he didn't see a problem with the "extra" tax levy being distributed to the general fund in that event.

Jon Brady asked if there's a plan on how to levy taxes to handle future improvements. Don Schultz said that he feels that any extra revenue will have to come from future growth. Bob Sisson said that he doesn't see where Overbrook can grow in any great numbers. Schultz then said that he's thinking there are directions in which the city could be looking at annexation in the future.

Mayor Young asked that the discussion come back to the matter at hand, which is the second full-time police officer. Larry Coursen moved to do away with the position immediately. Bob Sisson seconded; motion failed with Schultz, Chikly and Goodyear voting no. Don Schultz stated that he feels that putting the matter to a public vote is valid and reasonable, and moved to put it on the ballot for the November, 2008 election. Tadd Goodyear seconded; motion carried 5-0.

Chief Harmison asked if the council would consider re-appointing them at this time. Mayor Young said that the city has no plans to replace any of the department, and that there's no need to re-appoint anyone at this time and the officers have a job. Officer Dannar asked if this matter will be brought up again month after month. Mayor Young said that if it is, there will be a new mayor listening as he's tired of hearing about it. Chief Harmison asked if all that has to happen is for the matter to be brought up again and the mayor would resign. Mayor Young said that's what he meant, whether it's the council or Michael Blood or David Gerisch or anybody.

2008 BUDGET HEARING DATE: Tadd Goodyear made a motion, seconded by Don Schultz, to publish the Notice of 2008 Budget Hearing as prepared. Schultz commented that one mill increase will go to Streets and the other mill is for the General fund. The motion carried 4-1, with Coursen voting no. The hearing will be August 27, 2007 at 7 PM.

ORDINANCE NO 300: Don Schultz moved to adopt Ordinance No 300, which allows an increase in tax revenue in 2008. Dorthy Chikly seconded; motion carried 5-0.

ORDINANCE TO PROHIBIT J-TURNS: After hearing comments from Cliff O'Bryhim, the council agreed that prohibiting j-turns in certain parts of town might add to problems rather than solve them. Dorthy Chikly moved to not adopt any ordinance to prohibit j-turns in certain blocks of Maple Street at this time. Tadd Goodyear seconded; motion carried 5-0.

BUILDING INSPECTOR: Michael Coffman, City Attorney, recommended that Bob Call be appointed Building Inspector by ordinance to deal with unsafe structures and/or abandoned property. This is a result of concerns about the building across the street from City Hall where the roof partially collapsed. Coffman said that once Call has been appointed by ordinance, then Call will make a finding which he will report to the council in writing. If he finds the building to be unsafe, the council will need to pass an ordinance to set a hearing to give the owner a schedule to comply with safety issues. Larry Coursen moved to appoint Bob Call as Building Inspector. Bob Sisson seconded; motion carried 5-0.

LEAGUE TRAINING SESSION: Dorthy Chikly asked the council to consider hosting a League Of Kansas Municipalities training session in 2008. She would check into suitable locations and other details.

Chikly also would like the council to invite someone from the Department of Commerce to discuss the Community Development Assistant Program. The program is geared to help cities who join to find ways to promote growth through ideas and funding. The council agreed to invite Geanne Stinson to a future meeting to discuss the program.

ADDING A SECOND REGULAR MEETING: Don Schultz stated that accomplishing all the city business in just one meeting seems to be very difficult. Mayor Young asked if having 2 council members serving on committees after August 29th will help this matter. Schultz said he's willing to wait and see if that helps, but is concerned when so many matters seem to take several meetings to resolve.

DITCH ON THORNTON PROPERTY: Bob Sisson said that Don Thornton has talked to him about the changes in the level of his basement drain. Tadd Goodyear said that there's brush piled up on the other side of the fence that needs to be removed. Don Schultz said he would talk to someone from Grace Community Church since the brush pile is on their property.

GRAVEL/DRAINAGE: Dorthy Chikly said that she's been told by Steve Simmons that there's more work to be done at Shirley's Café regarding the sewer project. Simmons said that more gravel needs to be spread, and also there's been damage to some of the asphalt. The mayor said that he's talked to Vic Robbins about this.

AGENDA: Don Schultz brought up having the agenda published before each meeting. This would require the agenda be set by 2 Monday's before the regular meeting. Schultz said that maybe a "proposed" agenda be published. Dorthy Chikly suggested posting the agenda on the website. The matter was tabled until further consideration.

MILEAGE: Dorthy Chikly said she had attended a League workshop and her mileage was 172.3 miles. She will be reimbursed at the rate of \$0.36/mile. Chikly also asked about a letter she received from the city attorney regarding a potential violation of the Open Meetings act related to 2 council members doing city business. Michael Coffman said he had received a complaint about 2 council members being together when supposedly doing city business. The mayor said that 2 council members discussing city matters by phone or email is also a violation, but after August 29th, the majority of a quorum goes from 2 to 3, so that 2 members can work together on committees, etc. Coffman said that there's no mandatory recording that he's aware of. Enforcing the law is up to someone else, but he feels that bringing it up in a public meeting is a good idea, which has been done tonight. The mayor said that we need to be more mindful of how we do things.

SEWER DAMAGE: Bob Sisson said that he's been told by Vic Robbins that he's notified a company to have the sewer lines inspected that would affect the McAnulty property at 206 W. Market. Someone will notify McAnulty about the inspection.

Don Schultz asked if the problem at Ken Dale's property has been checked into by Robbins. Robbins has been told to visit with the Dale's.

Schultz asked about buying the medical clinic property. The council agreed that it wouldn't be in the city's best interest to purchase the property at this time.

The council agreed to discuss building a message board. Schultz has talked about this with Ron Zeckser and will have more definite information at the September meeting.

LAW REPORT: Chief Ed Harmison gave a report to the council. The 6 cases included juveniles, an unattended death, and 5 traffic citations. There weren't too many problems over July 4th. He is ordering a new control panel for his patrolcar. Schultz said he'd received some good comments about Chief Harmison's assisting in some medical emergencies. Schultz also received a compliment on Officer Danner's notifying a person when they left their garage door open.

PASTURE: Tadd Goodyear asked if someone could remind Bob Call to finish the clean up on Bill Baldwin's property so he can plant some grass there.

MISCELLANEOUS: Don Schultz asked what the procedure is for "junk vehicles" and weed/grass problems. Chief Harmison said that written notice has to be given, and then the person has a set time to respond before the city can take any action. Harmison said that only 3 people have yet to either move their vehicles or respond some other way. A couple have asked for more time. Harmison asked that the council consider a "blight" ordinance that would be more effective.

Schultz then asked about a dead tree on one of the mayor's neighbor's property. Harmison said that the city has trimmed trees in the past, but tree removal is up to the owner. There was discussion about some way to help people in this situation.

Cheryl Brown said she receives numerous calls from people wanting to know where they can take tree limbs and leaves since the dump site at the lagoons has been closed. A couple of piles have been left at the city park area. The mayor said that this is a problem since more than limbs are being left. In one pile, live shells were found in a dresser drawer so it's hard to depend on people following the rules. Chief Harmison asked that an ordinance be drafted to regulate any dumping that the city allows.

COUNCIL MEMBER COMMENTS: Don Schultz asked if there's a sign that states "No Alcohol" at the city park. The council agreed that such a sign be put at the park, especially when all the project is completed.

MAYOR'S REPORT: Mayor Young said that Scott Averill has requested that the 300 block of Maple be closed 30 minutes before the parades on Friday and Saturday nights. Chief Harmison said he'd take care of that matter.

The mayor said that Chief Harmison needs to talk to Nancy Durbin about security for Santa Fe Trail Days.

PUBLIC COMMENTS: Jason Hielscher said that the last tournament that was held at the park where there was a possible problem with alcohol was not put on by the Overbrook Athletic Association.

Hielscher asked the city to be fair to everyone where grass height is concerned as he's seen grass almost 4' high on platted ground in the Meadowbrook II subdivision.

Hielscher also commented that he doesn't think that a 2-mill tax increase equals \$200 tax increase on a house valued at \$100,000. He asked if the council is going to question the assessed valuation as presented on the 2008 budget notice.

Hielscher asked about the trash pickup contract. He called Osage Waste about a television he wanted to throw away and was told he needed to take it to Carbondale and then pay a \$5 fee. Brown said that the contract requires them to pick up "routine household" waste, but she's never had them refuse to pick up a tv, appliances, furniture or other non-routine items. She will talk to the Greene's about this, but told Hielscher to contact her if this happens again.

RECREATION COMMISSION: Jon Brady said that he and Mayor Young and Michael Coffman had met about forming a Park & Recreation Commission. Brady has visited with Carbondale about how they set their Rec Commission up. He has a couple of ordinances that were used. Brady would like the council to consider doing this so there would be definite guidelines for including the recreation facilities in future budgets. Brady said maybe the city attorney could draft something for the council to consider.

Todd Goodyear finished clearing some trees for the new soccer field, and Brady asked what to do with the pile of trees. Brady asked if he needs to get the fire department's okay to burn the pile. The mayor said to go ahead and burn it unless there's a burn ban. In the process of moving the debris, they came across a lot of stuff that's been dumped in the ditch and just wanted to give notice that there may be some things that the city will need to take care of.

Brady told the council that an engineer has put together a design for opening up Fifth Street. The mayor said that we need to contact Peimann to make sure there's an easement available to the city. There was discussion about a different place to store city equipment at some time in the future.

VEHICLES: Tim Nedeau had a complaint about how one car was removed. He's under the impression that if a car is tagged and insured, it's okay. A neighbor of his received notice that their vehicle also has to be capable of moving under it's own power. Chief Harmison said that the current tags and stickers must be on the vehicle. Nedeau is complaining that this same ordinance is being applied differently to different people and wants it to be done consistently. The mayor said he will visit with Chief Harmison about the matter.

There being no further business before the council, Dorthy Chikly moved to adjourn, which Tadd Goodyear seconded. Motion carried; meeting was adjourned at 9:37 PM.

Respectfully submitted,

Cheryl L. Brown

APPROVED: September 12, 2007

CITY OF OVERBROOK

MINUTES SPECIAL MEETING AUGUST 27, 2007

MEMBERS PRESENT: Don Schultz, Dorthy Chikly, Tadd Goodyear, Mayor Jack Young.
Bob Sisson and Larry Coursen absent.

OTHERS PRESENT: Patty Hylton, Charles Hamner, Jim Koger, Ed Harmison, Jon Wilhite,
Jon Brady, Cheryl Brown.

Mayor Young called the special meeting to order at 7:05 PM. Roll was called by the clerk.

2008 Budget Hearing:

Mayor Young stated the purpose of the meeting was to receive comments from the public regarding the proposed 2008 budget. After no comments, Tadd Goodyear made a motion to approve the 2008 budget as prepared. Dorthy Chikly seconded; motion carried 3-0.

Dorthy Chikly moved to adjourn; Tadd Goodyear seconded. Motion carried and the special meeting was adjourned at 7:11 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: September 12, 2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 12, 2007

MEMBERS:

Larry Coursen, Bob Sisson, Dorothy Chikly, Don Schultz, Mayor Jack Young, Tadd Goodyear (7:05 pm).

OTHERS PRESENT:

Conrad & Mary Boos, Beverly Hix, Pat Martin, Mary DesChamps, John Krewson, Jon Brady, Craig Meier, Michael & Jenna Blood, Allan Inman, Jon Wilhite, Mark Jones, Michael Coffman, Bob Call, Ed Harmison, Patty Hylton (8 pm), Jim Koger, Cheryl Brown.

The meeting was called to order at 7:00 PM by Mayor Jack Young. Roll call established that a quorum was present.

MINUTES / WARRANTS:

Larry Coursen moved to approve the minutes of the August 8, 2007 regular meeting as written. Bob Sisson seconded; motion carried 4-0.

Don Schultz made a motion, seconded by Dorothy Chikly, to approve the minutes of the August 27, 2007 special meeting (2008 budget hearing) as written. Motion carried 4-0.

Larry Coursen made a motion, seconded by Bob Sisson, to pay all warrants presented. Carried 4-0.

STREET DANCE: Mary and Conrad Boos were present to ask that the ordinance prohibiting drinking on main street rescinded from 6 pm on September 22nd until 2 am September 23rd in an area 50' by 97' extending from their business across the street. They would request that the 300 block of Maple be closed to through traffic for that time period also. Mary Boos said they've talked to the Martin's who own the Laundromat and Mary Snell who owns The Patch, and would be talking to the Alcorn's who live in this area and also Mary DesChamps who owns Granny Brown's Attic. Mayor Young asked what the state's Alcoholic Beverage Control agency has to say about this. Boos said that ABC told her that as long as they make this area an extension of their building, it's fine with their license. Boos said they are here because Chief Harmison told them the city has an ordinance prohibits drinking on main street. The mayor asked Chief Harmison if the ordinance applied just to main street and Chief Harmison said it pertained to drinking in public, and he said the ordinance is No 91-1226. Don Schultz asked to see the ordinance. The mayor said he was okay with the street dance, but wasn't sure if he wanted the ordinance rescinded. Boos again said they were only asking for a specific area and time, and that they had been advised to do this by the city attorney, Michael Coffman. At that time, Mayor Young asked Michael Coffman how the city can do this. Coffman said that an ordinance could be written, using the same language as in the original ordinance, that would allow drinking in public with certain conditions. After looking at Ordinance No 91-1226, Michael Coffman commented that it makes it illegal to walk around with an open can of beer. Boos said that there will be only 2 entrances which they will monitor to keep people within a certain area. Boos also said that people won't be allowed to bring any kind of liquor into the area. Don Schultz said that he would like to have some kind of ordinance that would allow the city to grant permits for special events without having to pass an ordinance each time. Coffman said that under the circumstances, a motion could be passed by the council to "permit" this event to happen, with the understanding that there would be no ordinance as a basis for conviction for any possible violations. Coffman suggested that a definite process be established to allow this type of event in the future. Larry Coursen said that Coffman should start preparing something of this nature for future action. Coursen then made a motion, seconded by Tadd Goodyear, to allow Conrad's to have a street dance on September 22nd and fence off an area to extend their building by 50'X97' where alcoholic beverages can be consumed between the hours of 6 PM 9/22/2007 and 2 AM 9/23/2007. Motion carried 5-0. Chief Harmison said that he's concerned that there will complaints about the noise after 11 PM.

Dorothy Chikly made a motion to amend Ordinance 91-1226 to include alcoholic liquor and to include a clause to process permits for special events. Larry Coursen seconded; motion carried 5-0. Chief Harmison asked that Ordinance No 91 be reviewed and amended as needed since it had been adopted in 1977. The council agreed that the city attorney and police chief should do this.

SEWER REPORT: Vic Robbins was unable to attend tonight's meeting, but Mayor Young reviewed Robbins' report on the inspection done at 206 W. Market. Robbins stated that no major defects were found in the pipe and no significant root intrusions were found that would impede sewage flow. Some cracks were found in the clay pipe, but no broken out or displaced pipe. The entire report is available for inspection at City Hall.

OVERBROOK PARK PROJECT: Jon Brady presented the council with engineer drawings for the extension of Fifth Street east from Ash Street into the park area. There was discussion about how this would affect the maintenance shop. Brady said the road should be about 40' away from the building. The main problem will be the things that are stored outside the shop. Brady is asking for permission from the city to proceed with talking to the fair board, and if everyone is satisfied with the plans to begin removing some of the trees. Mayor Young asked who'll be paying for this. Brady said that he's not asking for money, but the city would have some expense in moving the propane tank. Larry Coursen made a motion, seconded by Bob Sisson, to approve Brady talking to the fair board. Don Schultz asked if we know for sure about property ownership, or if this will be just a courtesy-type visit with the fair board. Brady said that his understanding is a road right-of-way exists, but due to it's being abandoned all these years, the ownership may have reverted back to the center line of the road. Dorthy Chikly said she would like to see more of a plan and how it might affect future plans. At this time, the mayor called for a vote on the motion. Motion carried 5-0. Don Schultz moved to allow dirt work until such a point that there would be costs to the city. Larry Coursen seconded. Chikly again asked that no other work proceed until someone from the city has seen how this will work in conjunction with city plans. Don Schultz made a motion, seconded by Dorthy Chikly, to pay for culverts, between \$600 and \$1000. Motion carried 4-1, with Coursen voting no.

RECREATION COMMISSION: Jon Brady wanted to ask about a charter ordinance to create a recreation commission. The matter was tabled until Michael Coffman has more time to work on this procedure.

BUILDING CONDITION: Bob Call said that he is not qualified to determine the condition of the building at 323 Maple, and said it would take a structural engineer to do that. Don Schultz said that he thought this was decided at the last meeting. Mayor Young said that he didn't get this conveyed to Call soon enough. Tadd Goodyear asked what the building owner has to say. Mary DesChamps said that the owner, Rick Calderwood, was unable to attend the meeting. Dorthy Chikly asked why the city should pay for a structural engineer. Mayor Young said that the city isn't paying to fix the problem, but to determine what needs to be done. Chikly then asked if the city shouldn't tell the owner to provide the report from a structural engineer. Michael Coffman said that is exactly what the statute states, that once the council receives a letter from the "building inspector" saying the building is unsafe then the next step is to give notice to the building owner that they need to provide information that determines the building is safe and doesn't need to be condemned. This would be done by a hearing within certain time limits. Don Schultz suggested that the city request a written report from the owner at the next meeting containing a statement of the building condition from a qualified person and also a timetable on what they intend to do with the building. The mayor asked Michael Coffman to write the notice for the building owner. Coffman said the only way to get the "clock started" if for the council to receive notice from the building inspector, per the statute. In other words, this would be a letter from Bob Call. Coffman said he would fax the statute tomorrow so Call would know exactly what to put in his letter to the council. Don Schultz made a motion, seconded by Larry Coursen, that our building inspector serve a letter to the property owner requesting that by the next council meeting in October the city will receive a letter from him including an engineer's opinion of the building condition, and what the owner's intent and schedule is. Jon Brady recommended that the city also request information about any potential health hazards that might be encountered in the building. The mayor said this should be included in the engineer's report. The motion carried 5-0.

PUBLISH AGENDA/DEADLINE TO APPEAR: Don Schultz wanted this to be discussed as a way to help provide accountability to the citizens as to what is being done and when it's being done by city employees. His thought is that if a plan could be created where the monthly media flow would include the minutes from the previous meeting, the agenda for the current meeting, and some concise reports from each of the departments including the clerk, police, treasurer, and maintenance be included in the packets prior to the meetings as well as posted on the website so the city will know what's being done. Schultz said this is a way to recognize positive as well as negative reports.

Bob Sisson also suggested checking into using the Topeka paper as another resource for publishing notices due to the Herald-Chronicle being published once a week. Cheryl Brown said that the council can always vote to publish in additional papers, but legal matters must be published in the county paper at this time. Schultz said that

even publishing a small box ad in the Topeka paper pointing people to the city's website would be beneficial.

Mayor Young asked what criteria would be used in setting a deadline for the agenda. Brown said that a draft agenda could be prepared fairly early, but the majority of requests to appear are made just days before the meeting. The mayor said it would be better to publish a list of the topics that were discussed at the meeting. Brown said that Jim Koger tries to do this on the website. The mayor said he was thinking of publishing the list in a paper. Schultz said maybe this could be done in a small published ad, but he was thinking more of alerting the public of upcoming discussions. Dorthy Chily said that the "unfinished business" on a published post-agenda could serve the same purpose. Mayor Young stated that his understanding is that previous councils may have restricted when people could be added to the agenda. Brown said that to the best of her knowledge no one has ever been denied being put on the agenda, but they may have to wait until the end of the meeting. The council agreed to table the matter until more information regarding publication costs can be obtained.

Don Schultz then stated that is one reason he has suggested installing a message board in front of City Hall. The cost of what he's thinking is around \$600. This will be considered along with the newspaper publication costs.

OVERBROOK EVENTS COMMITTEE: Craig Meier was present to tell the council that this committee was formed primarily as a fund raiser separate from the Overbrook Ball Association. The committee is planning to raise money for more than just the OAA and this year's Oktoberfest is to raise money for the park project. The members are Brian Burlaw, Ann Moore, Courtney Hanson, Heather LeMaster and himself. The committee is independent of any other organization. They don't have any other events planned at this time, but will wait until they see how this year turns out. They will consider joint efforts in the future. Dorthy Chikly suggested that they make a formal presentation at a later time. Meier said that they plan to report on this activity at the next council meeting.

ORDINANCE FOR ATV'S AND WORK UTILITY VEHICLES: Dorthy Chikly explained that the state legislature has provided guidance for cities to create an ordinance to regulate all terrain vehicles, recreational and work-type. A sample ordinance was reviewed. After discussing the sample ordinance, the council asked Michael Coffman to make some changes that would allow golf carts, but would prohibit go-carts or dirt bikes 90cc or smaller that does not require a license. Turn signals would not be required, but lights on the front and back of the vehicle would be required in order to operate between sunset and sunrise. The council also decided that helmets and eye-protective gear will not be required in the ordinance. All these items will be researched by the city attorney and he will prepare an ordinance with the necessary legal definitions.

EMPLOYEE ASSESSMENT AND EVALUATIONS: Don Schultz recommended that the job requirements/descriptions be updated and regular evaluations be scheduled in order to track non-elected city employees for the purpose of promotions and rewards or inadequate performance. Schultz has visited with someone who does this as his profession. The council agreed by consensus that Schultz should get more information about this company regarding exactly what he would do and the cost for providing the evaluations.

LAW REPORT: Chief Ed Harmison reported that there weren't too many problems during the fair. Harmison then reviewed his written report for the council. He has heard several things about Santa Fe Trail Days, and is concerned about what kind of coverage will be needed. Chief Harmison told the council that the post office has a problem with the property owner across the alley partially blocking the post office accessibility. Harmison said he's recommended that the post office remove about 10 feet of a concrete wall and a tree to increase their space. Harmison said he's notified the other party that they also have issues with the easement.

Harmison then said he has problems with the residents around Walnut and E. 2nd. Shuck's have semi's parked next to his residence and today there were problems with some of the neighbors parking. Harmison issued a warning ticket for parking too close to the sidewalk to one of the vehicles. Harmison said that one solution might be to designate both sides of the street "No Parking". The mayor asked if there's another reason to make it no-parking other than the current problem. Harmison said there's been no other problems until this recent issue. The complaint is being made because the semi's are being blocked from their normal procedure of backing into the parking area. *There was discussion about the zoning of this property. Mayor Young said he feels this is a matter the property owners need to settle.* Don Schultz said that if this is a normal street designed for normal residential use, it's not a city problem unless passenger vehicles are being illegally parked on the involved streets. Dorthy Chikly said there's a lot of commercial vehicle traffic on Walnut.

Chief Harmison gave information from the City of Lawrence regarding their blight ordinance. The city attorney was asked to work with Harmison to create one for Overbrook. Don Schultz said one of the things he

learned at a league class is that a city has the responsibility to enforce ordinances that are passed to avoid being sued by citizens.

Harmison said that the speed limit signs have been installed in the Meadows addition.

MAINTENANCE REPORT: Bob Call reported that the contractor has been delayed in returning to do the chip and seal, but should be here within a couple of weeks.

Call said that he's not comfortable with always taking the property owner's word on boundary lines when he is approving building permits. There was discussion about requiring the property owner being able to locate and mark survey pins. The city clerk said that this was discussed, but there was never an ordinance requiring it. Michael Coffman said he would check into the matter.

Call told the council that Westar had hit a water line recently, probably due to the fact that they hadn't notified the city to do locates.

Call said he had attended classes for 2 days on disinfectants and chlorine which was very good. He learned a lot more there than the classes at the KRWA conferences. He's made reservations for next spring, but would like to eliminate going on a routine basis.

Midwest Coating had to come down and make some adjustments on the area adjoining the library roof. Apparently there was some confusion about exactly where the library roof ended and the neighboring building's roof started. This should be under warranty, with no extra expense to the city.

Call said he's been unable to contact Ed Hickman regarding routine maintenance on the two lift stations. The mayor suggested checking with another company. Bob Sisson suggested the Ray Lindsay Company, which sold us the lift stations.

Don Schultz asked how many blocks are to be chipped and sealed. Call said that would be determined when the man from Harbour Construction gets here. Schultz asked if the clean up work has been done on the Bill Baldwin property, and Call said that he's spread the dirt and seeded, but is going to put some straw on it.

Schultz also asked if anything has been decided about a tree & limb dump site. There was considerable discussion about how to regulate what gets dumped there. Chief Harmison also reminded the council that there has to be an ordinance in order for the police to enforce any rules. The council agreed by consensus to work on a plan, including charging a small fee. Part of the difficulty is that we share one of the driveways with the adjoining property owner. Don Schultz mentioned hiring someone to pick up and haul stuff that can't be left at the tree dump site.

TREASURER REPORT: Patty Hylton reviewed the financial reports as of August 31st for the council. Hylton said that all the funds are under budget, but we need to watch the actual cash on hand as some of the funds may run short. She should have more accurate figures after we get the next tax levy disbursement.

Hylton gave the council a worksheet showing the expenses and loan proceeds received so far for the wastewater project as of today. Schultz asked if all the items on the "punch list" have been completed and the mayor told him that's covered in the letter prepared by Michael Coffman that was sent to Joshua Excavating. Hylton said that she's going to be submitting another request for loan proceeds soon. There was discussion about using part of the mill levy increase in 2008 to pay down the wastewater project debt.

Don Schultz asked about the money in the Park Project fund. Hylton explained that the money is going through the city due to tax purposes. The clerk asked if someone could provide her with a list of PRIDE officers and the board members.

CLERK'S REPORT: Cheryl Brown presented ordinances to cover 2008 traffic and public offenses. Dorthy Chikly moved to adopt Ordinance No 302 (Standard Traffic Ordinance) and Ordinance No 303 (Uniform Public Offense Ordinance) by reference. Larry Coursen seconded; motion carried 5-0.

The clerk told the council that Roger Harmon is planning to attend the Kansas Wildlife & Parks grant meeting on October 2nd in Wichita. This is where the grant application for Phase II of the Trails Project will be considered.

Don Schultz volunteered to be the voting delegate for the League of Kansas Municipalities conference in October. Schultz said he had attended an excellent workshop for retirement and there are some major changes coming in KPERS and KPF.

COUNCIL MEMBER COMMENTS: Don Schultz asked if the clerk has the information on franchise fees and contract expiration dates. After some searching, Brown produced the list.

Schultz then asked that the Planning Commission recommendations be considered and acted on at the

next meeting.

EXECUTIVE SESSION: Bob Sisson moved to go into executive session for about 10 minutes to discuss employees. Tadd Goodyear seconded; meeting recessed at 9:22 pm. The mayor called the meeting back to order at 9:32 pm. Larry Coursen made a motion, seconded by Bob Sisson, that Dannar's patrol car be left in the city when he's not on duty, and the OBI tag be removed from now on. Motion carried 5-0.

Bob Sisson asked that all employees keep track of time and work on some kind of log to be reviewed by the council. Don Schultz said that this kind of activity sheet should help with the reports for the council. Sisson made a motion, seconded by Tadd Goodyear, to have all employees keep a log to track their events and the time involved. Schultz said that these sheets can be used to verify how work orders and complaints are handled. Motion carried 5-0. Bob Call asked who's going to read these reports.

PUBLIC COMMENTS: Allan Inman asked to receive a legible, unabridged copy of the city ordinances. The clerk asked which ordinance as there are 303 ordinances. The mayor said that this would be possible, but it will take quite a bit of time.

Mark Jones asked why there's no handicapped parking space at City Hall. His wife is disabled and he thinks we should have one at City Hall. The mayor said we would look into designating a space at City Hall.

Michael Blood asked what the purpose of the executive session was. He didn't hear a reason stated with the motion. The mayor said it was to discuss matters not related to elected personnel. Don Schultz said that Sisson stated that just as they were going out of open session.

Mark Jones asked how having businesses in residential areas is enforced. The mayor said that up until now the council and law enforcement has been fairly lenient. Jones said that most cities have truck routes. Mayor Young said that there will probably be more discussion about this at a later meeting.

Larry Coursen asked that a decision be made as to when Dannar needs to start leaving the patrol car in town. The council agreed by consensus to determine where the car should be parked before a time to begin is determined, but think that this should be done by the end of the week.

There being no further business before the council, Larry Coursen made a motion to adjourn. Bob Sisson seconded; meeting adjourned at 9:45 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: October 10, 2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

OCTOBER 10, 2007

MEMBERS PRESENT: Don Schultz, Larry Coursen, Bob Sisson, Dorthy Chikly, Tadd Goodyear, Mayor Jack Young.

OTHERS PRESENT: Mark Jones, Gary Stahel, Mary DesChamps, Michael & Jenna Blood, Allan Inman, Bev Hix, Eula Fuller, Jon Brady, Craig & Kristine Meier, David Alcorn, Michael Coffman, Patty Hylton, Bob Call, Jim Koger, Ed Harmison, Cheryl Brown.

The meeting was called to order by Mayor Young at 7 PM. Roll was called by Clerk Brown.

MINUTES / WARRANTS: Larry Coursen moved to approve the minutes of the September 12, 2007 meeting as written. Dorthy Chikly seconded; motion carried 5-0.

Larry Coursen, made a motion, seconded by Don Schultz, to pay all warrants. Motion carried 5-0.

BUS ROUTE PROBLEM: Gary Stahel came before the council to discuss problems that the school bus have making left turns on Elm Street from 7th Street. He would like the council to consider limit street-side parking in the vicinity of the school. After discussing why that particular route is preferred to going back on Hwy 56, the council agreed to designate the area between 7th St and the Walt Martin property on the west side of Elm as "No Parking" between the hours of 2:30 PM – 4 PM. After more discussion, Dorthy Chikly moved to draft an ordinance designating the west side of Elm Street between 7th Street and the property of Walt Martin as "No Parking" on weekdays. Bob Sisson seconded; motion failed with a 0-5 vote. Chikly then moved to draft an ordinance designating the west side of Elm Street between 7th St and the Walt Martin property line as "No Parking" on weekdays from 2:30 -4:00 PM during the school year. Tadd Goodyear seconded; motion carried 5-0. Stahel thanked the council for their cooperation.

NEIGHBORHOOD COMPLAINT: Mark Jones told the council that he gave a letter to the Chief of Police and also one to Don Schultz regarding the condition of his neighbor's yard regarding the number and condition of vehicles. Mayor Young asked Chief Harmison if all of the vehicles on Jeff Good's property are legal. Chief Harmison said that he's not sure about the most recent addition, but thinks the other's are legal. Mayor Young told Jones that the city is studying a "blight" ordinance that might address the problem. Jones said that the current ordinance for "junk vehicles" should handle the problem. Jones also mentioned 2 auto shops that cause problems with weeds, etc. Mayor Young said that the city will check into the situation. Don Schultz said that there are 5 vehicles sitting in Good's yard at this time, and the license plates are not up to date. Schultz was told that Jones did not bring his letter to City Hall, but gave one to Chief Harmison and one to Schultz. Harmison said he didn't understand that the letter was to be made available to anyone other than the police department. Harmison said that he's contacted the Osage County Health Dept who referred him to Osage County Land Use Coordinator. Good has been cited for these matters in the past, and has been required to pay fines. Jones remarked that paying fines doesn't remove the problem. Don Schultz asked Mayor Young what direction he's wanting to go regarding a blight ordinance. Mayor Young asked Schultz and Sisson to work with Michael Coffman, City Attorney to draft an ordinance that would address a variety of "blight" conditions.

OVERBROOK EVENT COMMITTEE REPORT: Craig Meier reported that the committee's OcktoberFest was successful and as a result, they were able to show positive results. Meier said that a good portion of the funding was provided by out-of-town sponsors. Meier said that most of the vendors were pleased with their efforts and

plan to come back again next year. The dates for 2008 are September 26th and 27th. Meier said that they will ask for some changes regarding the beer garden area as specified on the city's beer license to allow for families to remain together.

WATER/SEWER MATTERS: Mayor Young brought up the sewer service/backup problems at 206 W. Market. A letter from Vic Montgomery, KDHE was discussed. Montgomery had been asked to investigate the situation, and had sent his report. He recommended that the service line be re-routed and also to install a check valve on the service line to prevent back-up's. It was decided to table the matter until the property owner contacts the city again.

INSPECTION REGARDING 323 MAPLE: Bob Call submitted a letter to the council stating that he has concerns about the safety of the building at 323 Maple, due to the recent roof collapse. Call stated that it needs to be examined by a construction professional. Michael Coffman explained that the next step will be for the council to schedule a hearing to determine whether or not the building be condemned. Don Schultz moved to send a letter of condemnation and proceed to schedule a hearing to determine the fate of the building at 323 Maple. It was determined that the notice of a hearing must be published at least 30 days before the hearing, and that the property owner(s) be notified by certified mail within 3 days after the first publication. Tadd Goodyear seconded the motion; motion carried 5-0. The first notice should be published on Octboer 18th.

PUBLISHING AGENDA/HIGHLIGHTS: Don Schultz has contacted the Capital-Journal about publishing a summary of council meeting news. We are to send him a sample of what we might be wanting published for further evaluation. It is possible that this could be done at no charge. There was discussion about who would be responsible for writing the summary. Schultz also said that Ron Zeckser is willing to honor the price of \$600 for a 4'X8' message board with 5" letters. The sign will be installed as soon as the planter can be repaired. Don Schultz moved to purchase the message board for \$600 with Dorothy Chikly seconding. Motion carried 5-0.

SECOND COUNCIL MEETING: Don Schultz again mentioned that there seems to be too much city business to handle with just one regular meeting. The mayor stated that when this was done previously, the meetings were shorter, but he wasn't sure that business was handled any faster than now. The matter was tabled.

ORDINANCE FOR WORK-SITE UTILITY VEHICLES/ ALL TERRAIN VEHICLES: After deciding to add the term "Golf Carts" to the section addressing All-Terrain Vehicles" and requiring a valid driver's license based on the age and requirements for the operator, the council agreed by consensus to have the city attorney draft a final ordinance for consideration at the November meeting.

PROPERTY SURVEY: The council will be reviewing the recommended zoning ordinance at the next meeting, with the possibility of including a requirement for boundary surveys if the building inspector needs confirmation of property lines before issuing building permits.

THIRD PARTY FOR JOB EVALUATIONS: Don Schultz reported that the person he'd mentioned at the last meeting is no longer available to do city employee evaluations. He will be asking that the current job descriptions and evaluations be discussed in the near future.

FRANCHISE FEES: After discussion, the council agreed by consensus to contact the utility companies who have the franchises for the city. This would be Embarq, Westar, Galaxy Cablevision and Kansas Gas Service. Schultz has learned that other towns have been successful in negotiating a higher franchise fee even during a contract period.

SECURITY FENCING AROUND POOLS: Dorothy Chikly asked if the city should consider requiring private swimming pools to have security fencing. After some discussion, the council agreed by consensus that this is the property owner's responsibility and liability.

RECALL OF DECISION TO PARK POLICE VEHICLE IN TOWN: After discussion about the previous resolution to keep both patrol cars parked in town, Don Schultz made a motion, seconded by Dorothy Chikly, to

allow Officer Dannar to drive the patrolcar home again. Motion failed with Sisson, Coursen and Goodyear voting against.

Dorothy Chikly will contact the city's insurance agent about liability in regards to where the patrolcar is parked. The mayor asked that the car be parked in front of the police station for the time being, and he also asked that city employees and council members park somewhere other than the south side of City Hall.

ELECTION TO KEEP SECOND FULL-TIME POLICE OFFICER: Bob Sisson made a motion, seconded by Larry Coursen, to have the election to keep or not keep the second full-time police officer right after the first of the year rather than on the ballot for the November, 2008 election. The motion failed with Schultz, Chikly, and Goodyear voting against.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. He has received 8 hours of training since the last meeting. Dorothy Chikly asked about the relation between the citations issued and the revenue from fines. Michael Coffman said that the court costs are meant to cover actual costs but the fines collected are to be punitive as a means to enforce the city ordinances.

Bob Sisson asked about the 9 hours of overtime recorded by Officer Dannar the night of the recent street dance. Harmison said that part of that 9 hours was for another incident for which Dannar had been called out earlier in the evening. Harmison said that he and Dannar both try to adjust their week to avoid either of them having overtime on a regular basis.

MAINTENANCE REPORT: Bob Call said that the ditch along 7th Street between Elm and Locust should be done Thursday or Friday. Call said that the chip and seal has been done using the remaining street money. He was hoping that more could be done. Call is planning to do more repairs next year, and would like to use Harbour Construction again. Call said that he may have to rent a skidloader to do some work on shoulders, etc. He was told to also check into the cost to lease/purchase the equipment.

Call reported that it's been suggested that the repairs be made with an epoxy rather than silicone. It's Call's understanding that improper backfilling has caused the problem. Using an epoxy will be very expensive, several thousand dollars per area repaired. Schultz asked if there's a way to distinguish the pool revenue from out-of-town customers. His reason for asking is he's learned some cities have added a small fee to the utility bills which amounts to that person being able to swim for free with approved identification. The amount of the fee would depend on the number of utility services and how much revenue is to be collected. The council agreed to consider this in more detail before the pool opens next year.

Call will be winterizing the pool soon. Call has been in contact with Ed Hickman and there is a new contract to be considered. Bob Sisson moved to approve the contract with Hickman Environmental Services. Don Schultz seconded; motion carried 5-0.

Don Schultz asked if we've heard anymore about the damage from when the new roof was put on the library. The clerk said that we haven't received a bill from Midwest Coating so is assuming that the repairs were made under the warranty.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports for the council. She has sent another request for payment from the KDHE loan, but the funds haven't been received. Cheryl Brown said that KDHE is wanting a break-down of the last pay request from Joshua Excavating. Brown has requested the bill be itemized, and also an amended contract from King & Associates Engineering. There was discussion about items that remain to be done to complete the "punch list" for the sewer project. Hylton reported that most of the funds are okay as far as budget, but the amount of cash available for spending will need to be watched. Hylton said that there won't be as much money for street repairs in 2008 due to less tax being levied. There was discussion about the uses of the mill levy increase for 2008. Schultz is under the impression that 1 mill was designated for streets. The water and sewer rates will be discussed at the next meeting.

CLERK'S REPORT: Cheryl Brown asked that the city get some additional trash cans with lids for the city lake, rotary shelter and the tennis court. Larry Coursen moved to approve the purchase. Bob Sisson seconded; motion carried 5-0.

The clerk asked that the caution tape used for OcktoberFest be donated rather charge the committee. She also thanked Beverly Hix for the yummy brownies. All agreed.

MISCELLANEOUS: Don Schultz asked the clerk if someone has provided her with a list of board members and officers for PRIDE. Jon Brady then stated the following:

PRIDE board: Jon Brady, Pat Martin, Larry Woodson, Bob Klinger, and Zac Anschutz.
 PRIDE officers: Jon Wilhite, President
 JoEllen Criger, Vice President
 Kathy Coffman, Secretary
 Nancy Durbin, Treasurer

The PRIDE officers will change as of November 1st. This will be determined by the board.

COUNCILMEMBER COMMENTS: Don Schultz asked if the city has ever submitted personnel names to the League for recognition. Brown said that this used to be done. Schultz said that he feels a disservice is being done to the employees if this isn't done. Brown explained that since 1992, she would be the one submitting her own name and she didn't feel comfortable doing that. The mayor and council said that she needs to make the information available and someone will be responsible for seeing that it's submitted to the League. Schultz said that there's a lot of people who have service in various positions that should be recognized.

Schultz also asked if anyone has heard from Roger Harmon about the Trails Grant. Brown said that Harmon attended the committee meeting, but doesn't expect an answer until late October. He was optimistic about being awarded at least part of the requested amount.

PUBLIC COMMENT: Mark Jones asked if a letter could be mailed with the next utility bill to ask the public's opinion about parking the police car rather than have the decision made by just the council members. The clerk explained that the utility bills are postcards, and a separate mailing would cost more than \$160. Goodyear said that he was against spending that much money for a mailing.

Allan Inman stated that he had asked for copies of all the city ordinances at the last meeting and he hasn't received the copies as of now. The clerk stated that he hadn't been back to pick them up, and she asked if he expected them to be delivered. At this point, the clerk handed Inman copies of over 300 ordinances, amounting to more than 500 pages. She also clarified that these are city ordinances, and in response to Inman's question they are not recorded with the state. The law only requires that the ordinances be published in the official city newspaper, and not "recorded" with the state.

Michael Blood asked who maintains the tennis courts. He was told to contact Derrick Dahl for that information. Blood then asked if the city would accept \$8/week from them to allow Dannar to drive his patrolcar back and forth to work. The mayor said this would be considered at the next meeting.

Blood then asked about the status of the Recreation Commission. The mayor said that it's still in the beginning stages.

Blood then said that he had delivered letters to the mayor and council members, partly to address his concerns about the reason for calling an executive session. He explained that the session can't be called to discuss anything related to elected personnel. The mayor stated that the executive session will be called to discuss legal matters under attorney/client privilege that are related to an issue, and not elected personnel. The mayor stated that he gets very irritated that everyone in this town seems to be putting every single detail that the council does under a microscope.

Jon Brady said that they're still working on determining ownership of the property needed to expand Fifth St into Jones Park. He stated that they're very close to begin awarded the tax shelter that will help bring in donations. They have to wait for some of the planning until they learn about whether or not the city gets the Trails grant. Brady said that there are about 105 kids signed up for soccer.

EXECUTIVE SESSION: Don Schultz made a motion, seconded by Dorothy Chikly, to go into executive session for 10 minutes to discuss client/attorney privileged matters with the city attorney present. Motion carried 5-0. Meeting was recessed at 9:20 PM. Mayor Young called the meeting back to order at 9:30 PM. No action was taken as a result of the executive session.

There being no further business to come before the Council, on a motion duly made and seconded by Larry Coursen and Tadd Goodyear, the meeting adjourned at 9:33 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

APPROVED: November 20, 2007

Please note:

This Council Meeting was CANCELLED DUE TO A LACK OF QUORUM

CITY OF OVERBROOK

MINUTES

SPECIAL MEETING

NOVEMBER 20, 2007

MEMBERS PRESENT: Dorthy Chikly, Don Schultz, Bob Sisson, Tadd Goodyear, Mayor Jack Young. Larry Coursen absent.

OTHERS PRESENT: Phil & Kathy McAnulty, Carol Bloodworth, Bev Hix, Eula Lee Fuller, Michael & Jenna Blood, Vic Robbins, Jon Brady, Ed

Harmison, Everette Dannar, Bob Call, Cheryl Brown.

Mayor Young called the special meeting to order at 7:30 PM. After roll was called, he stated that this meeting falls under the rules of a special meeting and ONLY the items listed on the agenda will be subject to action by the council. The mayor stated that while other business could be discussed, he was not in favor of discussing matters that can't be acted upon.

Mayor Young asked that everyone present be given a copy of the agenda.

MINUTES / WARRANTS: Bob Sisson made a motion, seconded by Don Schultz, to approve the minutes of the October 10, 2007 regular meeting as written. Motion carried 4-0.

Tadd Goodyear moved to pay all warrants. Bob Sisson seconded; motion carried 4-0.

McANULTY SEWER ISSUES: Mayor Young explained that he and Vic Robbins had met with Carol Bloodworth the previous week, and had discussed the possibility of lifting manholes downstream because of the large amount of water present when the lift station kicked on. Vic Robbins is to meet with Bob Call to schedule this. How to simulate the same amount of water was discussed. Tadd Goodyear asked if it's been determined that the problem is not due to a perimeter drain emptying into the sewer. Phil McAnulty assured them that the perimeter drains are not at fault. The mayor said that it sounds to him like that the sewer line is not handling the flow coming from the lift station. Carol Bloodworth stated that she thinks the main piping is too small. Mayor Young said that no one knows for sure what the problem is at this time. Bob Sisson asked if a check valve had ever been installed. Contacting the builder, Glen Norton was discussed. The mayor said that he would recommend installing one, but wasn't sure that would solve the existing problem. Kathy McAnulty said that installing a check valve would only limit the water usage by the occupants and they hadn't needed one for the past 50 years. Phil McAnulty made the statement that he has witnesses that it's not a perimeter drain problem as he's had plumbers there in the past. Dorthy Chikly said that installing a check valve would reduce further damage until the problem is fixed. Vic Robbins asked if their line has ever been inspected with a camera. He then said that without that being done, no one could be sure that the perimeter drains were not emptying into the sewer. Bloodworth stated that the house predates the city's sewer system being installed. The mayor said that the lines surrounding the property have been inspected by camera at the city's expense recently. Vic Robbins explained which sewer lines had been cleaned and/or replaced during the sewer project. Don Schultz asked about the possibility of adding a line to relieve the flow, after investigation. Robbins said that doing some elevations and calculations might be as effective as dumping water into the lift stations. Bloodworth stated that the real problem is the amount of grey/clean water going into the system and the city needs to eliminate that problem. Mayor Young said that his immediate goal is to find out if there's a blockage or if the line is too small. Don Schultz said that if his understanding is correct, there had been a problem 2 years ago and the council recommended at that time installing a check valve as well as a sump pump. McAnulty said that he has clarified that situation at 2 previous meetings as involving a blockage in their service line and they had G & G Excavation clean the line. Vic Robbins made the comment that any check valve that might have been previously installed would most likely be destroyed when the service line was roto-rootered. Vic Robbins said the only time water usage would be limited due to a check valve would be when the lift station is running, and if it's cycling normal household usage shouldn't be a problem.

McAnulty said that they'd never had any sewer back-up's from 1998 until recently. He then asked that a

letter he wrote to the council be included in the minutes of this meeting. So noted. He then proceeded to read the letter.

The mayor has been informed by the current occupant, Rob Molt, that there is some urgency to fix the problem as he is trying to buy the house. McAnulty stated that he is reluctant to have a check valve installed until he knows exactly where his service connection hooks into the city sewer. Since he's now 99% sure of that, he's going to try to find someone to install a check valve. He then stated that he would never accept that as a permanent solution to the problem, and that he will be back every time it happens until it's fixed. Dorthy Chikly commented that if the city makes the effort to solve the problem, and the property owner makes the effort to install a check valve then both parties will be working towards a common goal. The mayor stated that the problem needs to be determined before solutions can be done. Robbins said that shutting off the lift station might be easier than forcing water into the manholes.

Mayor Young then asked if McAnulty wanted this done before a check valve is installed. McAnulty said he would have this done as soon as possible, but wasn't sure who is available. The idea of using city personnel and equipment was discussed. Don Schultz moved that the city dig the hole and that at the time we do the testing, the owner supply a check valve to be installed at that time as part of the test. Tadd Goodyear seconded; motion carried 4-0. Bob Call said he'd get the check valve.

AGREEMENT WITH GEORGE MAICHEL/PASTURE METER: Dorthy Chikly said she'd been contacted about a water bill received by Dr. Maichel's daughter for water usage at his pasture meter. The clerk explained that this was actually the second bill sent within the past year, but the first bill had been dismissed at Dr. Maichel's daughter's request as there was no usage. When Jim Koger, who reads the meters, reported 23,500 gallons of usage recently, a bill was sent to Dr. Maichel. Apparently the meter had been turned on by someone other than city personnel. According to Bruce Smith, who worked for the city and installed the meter, Dr. Maichel paid to have the meter installed and also for all the usage up until the last billing in 1992. The clerk then showed the council the billing ledger to verify this. Mayor Young said that any agreements between the Maichel family and those renting the pasture were not the city's concern, but that Michael Coffman has been contacted about a request to furnish water to the Maichel family as long as they are alive. Don Schultz was concerned that Dr. Maichel's daughter might not be aware of the agreements. The mayor and the clerk both assured him that she's received copies of all the agreements and water usage reports for as long as the state has required the records be kept.

Jon Brady, who works for KDHE, had concerns about the use of untreated water. The clerk said her main concern is that an unauthorized person has turned the water on without permission. The mayor said that the matter will be discussed in more detail at the next meeting.

ORDINANCE TO REGULATE ATV'S, ETC: Dorthy Chikly had a question about some of the wording regarding "STO'S" used in the proposed ordinance. STO stands for "Standard Traffic Ordinance" which the city adopted by reference. After discussion, Dorthy Chikly moved to adopt Ordinance No. 304 that would regulate the use of All Terrain Vehicles, Golf Carts and WorkSite Utility vehicles within the city limits. Bob Sisson seconded; motion carried 4-0. This will be effective after publication in the paper.

BID TO PAINT 2001 PATROLCAR: Chief Ed Harmison presented several bids. After discussion, Bob Sisson moved to accept the bid from Jagger Swisher for \$602.51. Tadd Goodyear seconded; motion carried 4-0.

REVERSE DECISION TO KEEP 2005 PATROLCAR IN TOWN: Don Schultz presented a letter to the council from a local business man, Richard Wright. Wright had called the sheriff's office when someone came into his Overbrook office asking for money when Wright was in Lawrence. Wright was told the County Sheriff didn't have an officer available and the call went to Dannar, who was off duty. Wright felt that the response time was "not good, and was told that one of the reasons was that Dannar had to load up his personal vehicle, go to the police department, and change vehicles." Schultz then recommended that the decision to keep Dannar's car in town be reversed. He also stated recent vandalism to the car while it was parked in front of the police department as a concern. Chief Harmison mentioned his concern about both cars being more visible when both officers are off duty. Schultz also pointed out that it would take Dannar longer to respond to emergency calls when there's snow or ice.

Mayor Young said he's concerned about the fact that there was no county officer available when one was needed. He feels that the sheriff has no problem using a city officer when necessary, but may not be willing to

reciprocate. Chief Harmison said that county officers had responded to 2 calls recently. At this point, Don Schultz made a motion, seconded by Dorthy Chikly, to reverse the decision to keep Officer Dannar's car in town. Bob Sisson said that he's received numerous positive comments from citizens about keeping the car in town. The mayor said he wants the council to vote the way they really feel as there's been too many changes in votes lately. Dorthy Chikly apologized to the mayor for this, and stated that she had made her earlier decision too hastily. The police chief said he had heard only negative comments regarding where the car is being parked. At that time, the mayor asked for the vote. The vote was 2-2. Mayor Young voted to keep the car in town until the next meeting. He also stated that the matter will undoubtedly be brought up again.

HOLIDAY HOURS: Cheryl Brown told the council that Jim Koger will be working the Friday after Thanksgiving this year, but would like to close City Hall for either a half day or all day December 24th. Tadd Goodyear moved that City Hall be closed on December 24th with the clerk's taking either vacation or personal days. Dorthy Chikly asked about December 31st. Brown said she would be working that day to close out the year. Bob Sisson seconded; motion carried 4-0.

CONCERNS ABOUT REMAINING AGENDA: Don Schultz voiced his concerns about the business being left until the December meeting. He again stated that the council should have the minutes and an agenda at least 10 days before the meetings. This would allow the agenda to be published the week before the meeting, and allow the public to see what's going to be discussed at the meeting. He also stated that having the minutes and department reports at that time would help the council conduct city business more efficiently. This will be discussed at the December meeting in more detail.

CITIZEN COMMENTS: Jon Brady commented that he didn't care where the police car is parked, but he's concerned about response time by the sheriff, and how can we protect anything if cars aren't safe parked at City Hall?

Vic Robbins wanted to address Mr. McAnulty's comments in his letter about the lagoons. The city has been receiving favorable test results for some time.

Michael Blood asked that there would be more consistency in who is allowed to make public comments and when. Mayor Young said that from now on, all public comments will be held until the end of the meeting. He thinks that's the only way to be fair and keep things focused during the meetings.

Bob Sisson moved to adjourn; Dorthy Chikly seconded. Meeting was adjourned at 9:10 PM.

Respectfully,

Cheryl L. Brown
City Clerk

APPROVED: 12/12/2007

CITY OF OVERBROOK

MINUTES

REGULAR COUNCIL MEETING

DECEMBER 12, 2007

MEMBERS PRESENT: Don Schultz, Bob Sisson, Dorthy Chikly, Tadd Goodyear, Mayor Jack Young, Larry Coursen absent.

OTHERS PRESENT: Phil & Kathy McAnulty, Vic Robbins, Jon Brady, Sheila Dale, Michael Coffman, Lindee Calderman, Stan Friesen & sons, Jim Koger, Patty Hylton, Ed Harmison, Everette Dannar, Cheryl Brown.

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

MINUTES/ WARRANTS: Bob Sisson made a motion, seconded by Dorthy Chikly, to approve the minutes of the November 20, 2007 meeting as written. Motion carried 4-0. Don Schultz then moved to approve the minutes of the November 28, 2007 hearing regarding the condition of the building at 323 Maple. Dorthy Chikly seconded; motion carried 4-0.

After review, Bob Sisson moved to pay the warrants. Dorthy Chikly seconded; motion carried 4-0.

ETHICS/GOVERNING BODY: Don Schultz introduced material received at a recent training session sponsored by the League of Municipalities regarding ethics.

McANULTY PROPERTY: Mayor Young told the council that arrangements have been made with Todd Goodyear to be in charge of having McAnulty's sewer service line inspected by camera before doing any more excavating. It was explained to the council that Bob Call had not contacted Vic Robbins before he started digging, probably because Call didn't hear all of Robbins report. The mayor stated that after tonight's meeting, only the treasurer will be allowed to sit away from the council table area. The mayor said that his understanding is that the city will pay for the camera inspection if it turns out to be a problem with the city sewer, otherwise the McAnulty's will be responsible.

At this point, Vic Robbins arrived and gave his report. Robbins said they've surveyed from the west lift station to the top of the hill where it empties. They actually surveyed the same area that had been previously inspected by the city. Robbins had also done some calculations on flow and capacity. Robbins is reasonably sure that there is still an abundance of "clean" water being emptied into the wastewater system. Robbins also pointed out that the slope by the McAnulty house is also lower than the surrounding area, but still within acceptable limits. Robbins said that even though the area of the greatest flow has the least capacity, the limits are still reasonable. Robbins is not convinced that these facts lead to the conclusion that the sewer backup is a result of the system itself. After more discussion, it was decided that any decisions need to wait until the camera inspections have been done. Robbins also recommends having a check valve installed.

Mayor Young asked what needs to be done to eliminate more "clean" water. Robbins said that camera inspections are the most reliable way to detect perimeter drains illegally hooked to the sewer, and there was discussion about access, etc.

WATER/SEWER REPORT: Vic Robbins reported that he has received a letter from KDHE regarding the Wastewater Project. KDHE is wanting to know the progress of the project and what the city's plan is to complete the consent order. After discussion, the council agreed to have Robbins write a report to KDHE stating a definite plan to reassess the current conditions, as well as the operational condition of the wastewater lagoon, and prepare a summary of the entire collection system. This would include the necessary rip rap, and improvements in the sizing of the piping. Robbins said that the cost could be at least \$300,000. Another lagoon could be that much more.

Unfinished Business: Discussing franchise fees was tabled until the January meeting and the various utility companies can be contacted.

The mayor appointed Don Schultz and Dorothy Chikly to be involved with the job evaluations for the police department and Bob Sisson and Tadd Goodyear to do the same for Maintenance and the office. They agreed to meet for work sessions on Wednesday, January 2nd.

Lindee Calderwood reported that they are considering taking bids to finish the demolition work at 323 Maple.

Don Schultz reported that the Topeka Capital Journal is not interested in publishing council meeting summaries.

After lengthy discussion, Michael Coffman recommends enforcing the current ordinances related to nuisances rather than writing a new one.

Due to Bob Call's absence, we did not discuss requiring boundary surveys for building permits.

ZONING ORDINANCE: There was discussion about the need for any changes in the current zoning regulations as recommended by the Planning Commission. The clerk pointed out that there have been several additional ordinances regulating zoning since the 1978 ordinance. Cheryl Brown explained that a lot of the change that might be needed is due to re-structure of the Planning Commission. After reviewing the recommendation, the council felt it would be beneficial to have someone from the Planning Commission to answer questions about certain changes they suggested. The mayor said he would call Tom Wurdeman and ask him to attend the January meeting.

MAICHEL PASTURE METER: Michael Coffman, City Attorney, has received a letter from an attorney regarding water service to the Maichel property. In essence, the letter was requesting that the family not be charged for any water usage. The letter indicated that there had never been any history of Dr. Maichel's being billed for this usage but the clerk was able to present evidence contrary to that. After discussion, Tadd Goodyear made a motion that only city personnel turn the water service on and off, and that water from that service be furnished to Dr. Maichel and his daughters at no charge from May 1 through October 31 each year. Don Schultz seconded the motion and it carried 4-0.

ORDINANCE/SCHOOL PARKING: There was discussion about the desired times to prohibit parking on the west side of Elm Street from the Walt Martin property back to 7th Street. After discussion, Bob Sisson moved to disregard the previous motion to regulate parking as requested by Gary Stahel. Tadd Goodyear seconded; motion carried 4-0.

UTILITY RATE INCREASE: This was tabled until more information is available from the engineer.

NATIONAL FLOODPLAIN OVERLAY REGULATIONS: Sheila Dale was present to go over details regarding joining the National Flood Insurance Program. Dale said that at some point, the city should join an interlocal agreement with the county to make sure the citizens are eligible for help from FEMA as a result of an emergency declaration. Dale left the county ordinance for further consideration. Schultz asked that this be done before spring storms. Michael Coffman will write an ordinance as soon as the city gets confirmation from FEMA. The mayor asked that this be put on the January agenda in case we receive approval by then.

LAW REPORT: Chief Ed Harmison reviewed his written report for the council. Harmison told the council that 6 citations had been issued to Jeff Good for vehicle nuisance. The white patrol car is being painted, and the blue patrol car will need brake repairs soon. Chief Harmison brought up making the eastbound side of the 100 block of East Second Street "No Parking". Harmison stated that there are problems with the ATV ordinance as it's written. He's concerned that certain requirements for licenses, insurance, and helmets need to be adjusted and will be working with the city attorney on the matter. He gave an update on areas still without electricity and asked about a dump site for tree limbs. Mayor Young said that earlier today he had given the okay to take tree limbs to the area by the soccer fields for an undetermined time. Goodyear asked if there's been any leads on the vandalism on Dannar's patrol car; Harmison said nothing yet. Harmison made a statement about how good the security camera's at BP Gas function, and pointed out that one of the drive-off cases will be prosecuted next month.

MAINTENANCE REPORT: Mayor Young said that Bob Call will not be at the meeting. He did give the council a written report that Call had left with him to give to the council.

TREASURER'S REPORT: Patty Hylton reviewed the financial reports. Hylton explained the transfers between funds to prevent negative balances at year end. She said that all the funds appear to be in good shape. She intends to pay as many bills as possible before December 31st. The council agreed to have her check into a better rate for the CD and a longer period.

Hylton asked if the council would consider giving a Christmas bonus this year. After discussion, Don Schultz moved to give the full-time employees a \$50 bonus and Miller, Nicholson and Harrison each \$25. Sisson seconded; motion carried 4-0. Hylton recommended raising the mileage allowance to 50.5 per mile for approved uses. The council agreed by consensus.

DLERK'S REPORT: Bob Sisson moved to donate \$100 to After Prom Party. Tadd Goodyear seconded; motion carried 4-0.

Cereal Malt Beverage License Renewals:

O'Bryhim's Thriftway Motion by Bob Sisson Second by Dorothy Chikly Approved 4-0
Casey's General Store
The Patch

City Alcoholic Liquor license

Conrad's Bar & Grill Motion by Dorothy Chikly Second by Bob Sisson Approved 4-0

Game Machine Licenses

The Patch
Conrad's Bar & Grill Motion by Dorothy Chikly Second by Bob Sisson Approved 4-0

Don Schultz asked if coin game machines being played at BP Gas and other places should be licensed. The clerk said she didn't know how they would be classified. The mayor said that maybe the city attorney or police chief could check into it. Officer Dannar said that the coin games are all external.

EXECUTIVE SESSION: Don Schultz made a motion to go into executive session to discuss matters that are related to non-elected personnel for 10 minutes. Bob Sisson seconded. Motion carried 4-0 at 10:05.

The mayor called the meeting back to order at 10:15 PM. No action was taken.

There being no further business, Dorothy Chikly moved to adjourn; Bob Sisson seconded. Meeting adjourned at 10:17 PM.

Respectfully submitted,

Cheryl L. Brown
City Clerk

Minutes remained as draft following the January 9, 2008 City Council Meeting. Changes noted at that time are in *ITALICS*

APPROVED: _____