

MINUTES OF  
REGULAR COUNCIL MEETING  
JANUARY 5, 1993

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, January 5, 1993 at 7:00 p.m. in the Council Chambers with Roy Watkins, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
ABSENT: NONE

MINUTES:

Minutes of the December 15, 1992 meeting were corrected as follows:

Page 3, under Mine Shaft Grant, two current city employees will drive the truck and operate the back hoe and two temporary employees will be hired at minimum wage to fill in for the regular employees while they work on this project.

Moved by BYRD, seconded by GOURLEY to approve and place on file the minutes of the December 15, 1992 meeting as corrected.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

Moved by BYRD, seconded by HAYES to approve and place on file the minutes of the December 29, 1992 council meeting.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BYRD, ALLEN, TIPTON, STANSBERRY

ABSTAIN: BURKYBILE, GOURLEY

NAYS: NONE

Motion declared carried.

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EPA UPDATE:

Steve Sanders of the Environmental Protection Agency and Steve Iverson of the Corps of Engineers met with the council to update them on the Remedial Action Project under the Superfund. Mr. Sanders stated that the project will be done in phases. The plugging of the wells has already been started, the placement of the mine waste will be the second step and recontouring and revegetation will follow. The design is completed.

The plugging of the deep wells has started and should be completed in the next few weeks.

EPA needs to obtain 9 more agreements from property owners before the contract for the remainder of the project can be advertised for bids.

Mr Iverson stated that as soon as all the agreements have been obtained, the plans will be reproduced and sent to the bidders. It is unknown how long it will take to obtain all the agreements, but once these are obtained, it will be approximately 90 days until the contract is awarded. The contractor will have 180 days to complete the project.

Mr. Sanders explained that originally approximately 150 agreements had to be obtained. Only 9 have not been returned. Of these 9, orders have been issued to part of the property owners. They have until January 8 to comply before they are subject to a \$25,000 fine. If it is necessary to go to court to obtain these agreements, the project could be delayed for months.

The council discussed with Mr. Sanders and Mr. Iverson the reasons some of the property owners have not signed their agreements. There is concern that the material will be taken from one property to fill the void on another, and the void on the 1st property will not be filled. There is also concern on whether other damage will occur on the

property by the contractor.

Mr. Sanders and Mr. Iverson assured the council that the material will not be moved from one property to another without a just reason. If the material is contaminated and cannot be placed in a void with groundwater, then it would be taken to another location. However, it will be most practical to fill the void at the site of the material if at all possible.

There will be a public forum prior to the start of the work. There will also be a preconstruction conference prior to construction beginning. The city superintendent and other representatives of the city will be welcome to attend it.

TEMPORARY POLICE CHIEF:

Mayor Watkins appointed Alan Wade as temporary police chief until a decision is made on the position.

Moved by MEANS, seconded by GOURLEY to approve the appointment of Alan Wade as temporary police chief.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, GOURLEY  
NAYS: ALLEN, TIPTON, STANSBERRY  
Motion declared carried.

1816 JOPLIN WATER SERV:

Superintendent Sills stated that the residents at 1816 Joplin Street have a Rottweiler dog tied in their yard near the water meter. The meter cannot be read or serviced due to this dog. One month, this resident threw rocks at the city truck when they were there to read the meter. The police have had to escort the city employees at this property. The meter cannot be moved because a city water main crosses the property and the meter is on this main. Requesting the residents to read the meter or placing a remote at this site was discussed. However, the residents have been delinquent on their bill, and it is not possible to turn off the service due to the dog.

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Moved by BURKYBILE, seconded by STANSBERRY to give the residents of 1816 Joplin notice to move the dog away from the water meter, or service will be discontinued.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

910 SHORT:

Gene Porter, Building Inspector, reported to council that he had been unable to contact the owner, Dan Shears, of the structure at 910 Short Street. The city has received several complaints on the condition of this structure.

Moved by STANSBERRY, seconded by TIPTON to proceed with condemnation of the structure at 910 Short.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

815 EAST 7TH STREET:

Gene Porter stated that Kelly Abbott, owner of the structure at 815 E. 7th Street had not made the repairs on this structure as he agreed to at the condemnation hearing. Lumber will have to be purchased to seal off entry to the structure.

Moved by MEANS, seconded by BURKYBILE to proceed with condemnation of the structure at 815 E. 7th Street.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

CARTER MOBILE HOME PARK:

Mr. Porter reported a citation had been issued to Mr. Carter, owner of the Mobile Home Park on Peco Drive. He appeared in municipal court earlier this evening with an attorney and it was continued for 1 month.

RENTAL PROPERTY ORD.

The council discussed adopting an ordinance calling for an inspection of all rental property prior to it being rented. This type ordinance

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was considered at an earlier meeting but the council did not adopt it.

Moved by BURKYBILE, seconded by HAYES to adopt an ordinance requiring that all rental property be inspected prior to renting the property.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

901 SHORT:

The council discussed the structure at the alley at 901 Short Street.

Mr Porter informed the council that he had not taken this property off the condemnation list because this structure had not been taken down.

Moved by MEANS, seconded by GOURLEY to allow the owner of the property at 901 Short 14 days to take down the structure on the alley.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

Burkybile asked that they be informed the debris can be taken to the landfill at no charge if they haul it themselves.

C.E. WATSON TIRES:

The building inspector informed the council that C. E. Watson was cited for the tires at 6th & Short. It was continued until the next court session.

PROPERTY CLEAN UP:

It was requested that an article be placed in the paper requesting city residents to police their property and clean up the debris in their yards.

GARY WILSON, CONTRACTOR:

The building inspector informed the council that Larry Carnahan of FHA had sent a letter to Gary Wilson, contractor who did the work on Eunice Willis' property on East 7th Street, directing him to fix the problems. Porter has been unable to contact Mr

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Wilson.

BURKYBILE LEFT AT 8:18 P.M.  
AND RETURNED AT 8:20 P.M.

CONTRACTOR LICENSES:

Moved by BYRD, seconded by BURKYBILE to have a committee consisting of 3 council members, the building inspector and the city attorney, appointed by the Mayor to review the licensing and bonding of contractors for work done in the city.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

Mayor Watkins appointed the City Attorney, City Inspector, Flora Stansberry, John Tipton, and Tom Allen to serve on this committee.

TURNER UNIFORMS:

Moved by BURKYBILE, seconded by GOURLEY to approve the purchase of 3 uniforms consisting of 3 pair pants, 3 winter shirts and 3 summer shirts, for Officer Bobby Turner at a cost of \$544.35.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

COURT REPORT:

Burkybile questioned why one of the defendents in the court report was found guilty of failure to yield the right of way and fined \$30 plus \$35 court costs with all fines being suspended except \$1.

Moved by BYRD, seconded by BURKYBILE to place on file the December Court report with fines and costs totaling \$605.00

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

Motion declared carried.

CEREAL MALT BEVERAGE LIC:

The city inspector reported the building at 520 W. 7th has been inspected and passes code and the police chief reported the applicant, Brenda Owens, did not show anything on file to prevent a cereal malt

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beverage license being issued in her name for the Wild Horse Saloon.

The applicant was present at the council meeting.

Moved by BURKYBILE, seconded by TIPTON to approve a Cereal Malt Beverage License for Brenda Owens for the Wild Horse Saloon at 520 W. 7th Street.

AYES: GABRIELSON, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY

NAYS: GOURLEY, MEANS, SCOTT, HAYES

Motion declared carried.

MINE GRANT:

Tipton reported that Bud Sills, city superintendent, has provided the committee with a packet along with pictures, that went to the County for the application for the \$125,000 grant for the filling or capping of shafts.

CITY FUND DESIGNATION:

The council received a letter from the Department of Administration recommending the Bond & Interest Fund, Noxious Weed Fund, Employee Benefits Fund and the Special Liability Fund be made a part of the General Fund. The council discussed this option.

Moved by MEANS, seconded by ALLEN to leave the Bond & Interest Fund as is until the City has a need for it and not to make the other funds a part of the General Fund.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

SENTINEL ARTICLE:

Gourley stated she had read an item in the Galena Sentinel concerning the meeting of the Community Development Committee and representatives of the Kansas Department of Commerce and the prospective industry which may locate in the City.

Burkybile stated the reporter requested she be allowed to sit in on the meeting but the representatives of KDOC and the company refused.

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The council discussed whether Committee Meetings are open to the public. Burkybile stated she had been in contact with the Attorney General's Office and was informed they did not have to be open to the public. Only when a quorum of the quorum of the Council meets is it necessary for the meetings to be open.

Allen stated he understood someone had invited the Sentinel to this meeting.

Gourley stated she thought the Sentinel should be contacted concerning this.

PARK HOUSE REPAIRS:

The bathroom floor at the park house needs replaced due to a water leak.

Moved by STANSBERRY, seconded by GOURLEY to advertise for bids on the repair of the bathroom floor at the park house.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

DOG TRAPS:

The animal control officer has requested the city purchase three large dog traps. The city's traps have been stolen.

Moved by HAYES, seconded by GOURLEY to purchase 3 large dog traps.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

PAYROLL ORD 93-1:

Moved by STANSBERRY, seconded by GABRIELSON to approve Payroll Ordinance 93-1 in the amount of \$4,819.44 plus \$368.69 FICA and \$67.81 KPERS.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

ABSTAIN: BURKYBILE

Motion declared carried.

PAYROLL ORD 93-1A:

Moved by GOURLEY, seconded by GABRIELSON to approve Payroll Ordinance 93-1A in the amount of \$10,389.33 plus \$789.78



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FICA and \$134.30 KPERS.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BYRD, ALLEN,  
TIPTON, STANSBERRY, GOURLEY  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

ADJOURNMENT:

Moved by GABRIELSON, seconded  
by HAYES to adjourn the  
Regular Meeting of the Galena  
City Council.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

  
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Roy Watkins, Mayor

ATTEST:

  
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Jeanie Holstrom, City Clerk

(SEAL)