

MINUTES OF
REGULAR COUNCIL MEETING
FEBRUARY 18, 1992

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, February 18, 1992 at 7:00 p.m. in the Council Chambers with Roy Watkins, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY
ABSENT: BYRD

MINUTES:

Moved by STANSBERRY, seconded by TIPTON to approve and place on file the minutes of the Regular Council meeting of February 4, 1992.
AYES: HAYES, WILLIAMS, KING, ALLEN, TIPTON, STANSBERRY, GOURLEY
ABSTAIN: ANDERSON, BURKYBILE
NAYS: NONE
Motion declared carried.

Moved by ANDERSON, seconded by HAYES to approve and place on file the minutes of the Special Council Meeting of February 7, 1992.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

PLANNING & ZONING:

Moved by ALLEN, seconded by TIPTON to place on file the minutes of the Planning and Zoning Commission meeting of January 7, 1992
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

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SR. CITIZENS BOARD:

Moved by ANDERSON, seconded by GOURLEY to approve and place on file the minutes of the Sr. Citizens Board meeting of January 2, 1992.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried

1992 CDBG ROUND:

Moved by ANDERSON, seconded by BURKYBILE to apply for a 1992 grant for water line replacement and to expend up to \$2100 for a feasibility study.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

WILLIAMS MACHINE TAX:

A public hearing on the tax abatement request of Williams Machine was opened. David Loiselle, Cherokee County Appraiser, was present. He gave the background on the abatement given to Williams Machine in 1987. According to information he received, it was understood by the city and Williams Machine, at any time there was an expansion by Williams Machine in the 10 year period of the abatement period, there would be an exemption on this expansion for the number of years left in the original abatement. However, the Board of Tax Appeals will not allow an abatement on items that are not itemized for them. Therefore, it is necessary for the company to apply each year. The city will also need to adopt a policy and a cost benefit analysis. He stated that if the city continues with the original plan, the Board of Tax Appeals will probably approve this. Williams Machine is requesting an exemption for the years of 1988, 1989, 1990, 1991, and 1992.

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The committee provided a list of the new conditions with the packets for council members.

Moved by STANSBERRY, seconded by BURKYBILE to add the list of conditions drawn up by the committee to the written policy on tax abatement.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

Moved by ALLEN, seconded by BURKYBILE to draft an ordinance allowing Williams Machine a tax abatement for the years 1988, 1989, 1990, 1991 and 1992.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

It will be necessary to have another public hearing at the time the Ordinance is brought before the Council.

TRT LOAN CONTRACT:

There were no representatives present from Tri State Recycling to discuss the past due payments on their CDBG Loan.

Moved by ALLEN, seconded by HAYES to begin legal proceedings against Tri State Recycling for the past due amount of the CDBG Loan.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

TRAFFIC LIGHTS AT 7TH &

MAIN:

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Chief Collins requested the traffic light at the southeast

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corner of 7th & Main be moved further from the corner. This would allow trucks to make this turn without hitting the light. He also asked if the city could request assistance from Kansas Department of Commerce in changing these lights.

Moved by BURKYBILE, seconded by WILLIAMS to have the city superintendent see if it is feasible to move the traffic light at the southeast corner of 7th & Main back and if so, to move it.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

Moved by STANSBERRY, seconded by GOURLEY to refer the changing of the traffic lights at 7th & Main to the Street Committee.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, STANSBERRY, GOURLEY

NAY: TIPTON.

Motion declared carried.

TIRES FOR PD VAN:

Moved by ANDERSON, seconded by BURKYBILE to approve the purchase of 2 wheels and tires for the police department van at a cost not to exceed \$200.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, GOURLEY

ABSTAIN: STANSBERRY

NAYS: NONE

Motion declared carried.

SWIMMING POOL LIGHTS:

Park Caretaker brought bids for underwater lights and installation for the swimming pool.

Joplin Pool and Spa \$1800

Halogen Supply \$1250.

These are for lights only.

Cost for labor for the city was \$4864.72. Ward's Electrical for

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labor was \$1519.25 with the city providing the lights for a total cost with Ward's doing the work of \$2769.25.

SWIMMING POOL SKIMMERS: The council asked to review the cost for the repair of the skimmers before making a decision on the replacement of the lights.

City doing the work	\$3254.59
Joplin Pool & Spa	\$3614.00 Sch 140
Joplin Pool & Spa	\$3938.00 Sch 180
McKinley Plumbing	\$3000.00

Moved by BURKYBILE, seconded by GOURLEY to accept the bid of McKinley Plumbing for repair of the skimmers at a cost of \$3000 with 1/2 to be paid from the Parks budget and 1/2/ from the Special Parks budget.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

SWIMMING POOL LIGHTS: Biddle stated the underwater lights were necessary for night swims. Gourley stated that when the water gets cloudy, you cannot see the bottom of the pool with the overhead lights. The council discussed the fact that the pool had been in operation for 10 to 15 years without the underwater lights.

Moved by BURKYBILE, seconded by GOURLEY to accept the labor bid from Ward Electric in the amount of \$1519.25 for the wiring of the underwater lights pending availability of funds for a period of 45 days.

AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, ALLEN, TIPTON, GOURLEY

NAYS: KING, STANSBERRY

Motion declared carried.

RECONSTRUCTION: Allen asked if the construction program in the police department did

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not include the installation of a window into the hall. He stated he would not want persons having to report a crime from the hallway.

Moved by ALLEN that the construction in the police department not include the installation of a window into the hall.

Motion died for lack of second

Chief Collins stated that the police department is in violation of the fire code. He stated the construction was originally began to get the computer out of the view of the public along with the wanted posters. It is required also that all files be kept in a locked case. They were preparing the office area for the receipt of \$17,000 in equipment which is being donated. The office would not accomodate the equipment. They were in the process of making these changes when the spending cut was put in place.

The use of the VIN fund was discussed and whether these funds were a part of the police department budget.

Mayor Watkins requested Allen to return any records he had to the police department.

Moved by WILLIAMS, seconded by GOURLEY to continue with the agenda.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

Moved by ALLEN, seconded by KING that all construction of the building be brought before the council before any adaptation of the structure is begun.

AYES: HAYES, KING, ALLEN, TIPTON,

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STANSBERRY
NAYS: ANDERSON, WILLIAMS,
BURKYBILE, GOURLEY
Motion declared carried.

BURKYBILE LEFT AT 8:38 P.M. AND
RETURNED AT 8:39 P.M.

PRINCETON STREET:

Moved by ANDERSON, to pave Princeton
between 1 block South of 12 Street
and 13th Street when work begins on
the streets.

Motion withdrawn since this street
is already on the list for repairs.

EXECUTIVE SESSION:

Moved by STANSBERRY, seconded by
ANDERSON to enter into executive
session for 15 minutes to discuss
personnel with the City Attorney
remaining.

AYES: ANDERSON, HAYES, WILLIAMS,
KING, BURKYBILE, ALLEN, TIPTON,
STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

Returned At 8:59 PM

ENTERED EXECUTIVE SESSION AT 8:42
P.M. RETURNED AT 9:05 P.M.

Roll Call indicated the following
council members present: ANDERSON,
HAYES, WILLIAMS, BURKYBILE, ALLEN,
TIPTON, STANSBERRY, GOURLEY
ABSENT: KING, BYRD

HOME OCCUPATION LICENSES: The City Inspector stated that the
application for a home occupation
license by Bennetts is denied until
it is checked out. There is a
question as to the property.

Moved by BURKYBILE, seconded by
STANSBERRY to approve the
applications of Mosley and Schramm
for a Home Occupation License.

AYES: ANDERSON, HAYES, WILLIAMS,
BURKYBILE, ALLEN, TIPTON,
STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

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CITY INSURANCE:

The city clerk stated she had advertised in both the Joplin Globe and the Galena Sentinel for bids on City Insurance but had received no response with the exception of Hartley Agency in Baxter.

Moved by WILLIAMS, seconded by GOURLEY to table the selection of a carrier for the city insurance until figures are received from Hartley Agency.

AYES: ANDERSON, HAYES, WILLIAMS,
BURKYBILE, ALLEN, TIPTON,
STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

STORM SIRENS:

Moved by BURKYBILE, seconded by WILLIAMS to allow a representative of the city to attend the meeting in Oswego to receive instructions on the application for storm sirens.

AYES: ANDERSON, HAYES, WILLIAMS,
BURKYBILE, ALLEN, TIPTON,
STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

LANDFILL CONTRACT:

Mayor Watkins stated the TRT contract for operating the landfill was received back. However, there were changes made in the contract by TRT. Our city attorney has been in contact with TRT's attorney concerning this.

Moved by ALLEN, seconded by STANSBERRY to table until an agreement is worked out between the two attorneys.

AYES: ANDERSON, HAYES, WILLIAMS,
BURKYBILE, ALLEN, TIPTON,
STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

POLICE VEHICLE:

The finance committee met on February 11. Patrick Foreman was

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Corrected 3-3-92

present at that meeting along with the committee members, Stansberry and Williams, Council member Allen and the city clerk. The committee suggests that funds be transferred from the Special Solid Waste Fund to the general fund for the purchase of a police vehicle.

The council discussed the open meetings law and the committee meeting. Finances were discussed.

Moved by BURKYBILE, seconded by WILLIAMS to table the purchase of police vehicle.

AYES: BURKYBILE

ABSTAIN: GOURLEY

NAYS: ANDERSON, HAYES, WILLIAMS, ALLEN, TIPTON, STANSBERRY,

Motion not carried.

Moved by GOURLEY, seconded by WILLIAMS to refer the purchase of a police vehicle back to the finance committee.

AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

FINANCE REPORT:

Moved by WILLIAMS, seconded by STANSBERRY to place the finance committee report on file.

AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

CDL LICENSES:

Moved by STANSBERRY, seconded by GOURLEY to allow the city to pay the full cost of employees taking the CDL test including the physical.

AYES: ANDERSON, HAYES, WILLIAMS, ALLEN, TIPTON, STANSBERRY, GOURLEY

ABSTAIN: BURKYBILE,

NAYS: NONE

Motion declared carried.

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CONFLICT OF INTEREST:

Stansberry requested the City Attorney get an opinion from the Attorney General's Office concerning two positions on the council in which the question of a conflict of interest has been brought up.

Burkybile stated she had been in contact with the Conflict of Interest Department in the Attorney General's Office and was told there is not a conflict of interest with her serving on the council while her husband is an employee of the city.

Stansberry requested that a written opinion be obtained from the Attorney General.

Moved by STANSBERRY, seconded by GOURLEY to request the City Attorney obtain a written opinion on the legal description of conflict of interest and questions concerning it.

AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

The City Attorney stated there is not a conflict of interest in the Burkybile and Stansberry positions on the council and it would not be a conflict of interest for them to vote on approval of the payroll.

OLD HIGHWAY 66:

Chief Collins stated he had been in contact with the county commissioners concerning Old Highway 66. They would do repairs if funds were available and it would be an 80/20 split.

APPROPRIATIONS ORD 92-2:

Moved by STANSBERRY, seconded by TIPTON to approve Appropriations Ordinance 92-2 in the amount of \$150,043.92.

AYES: ANDERSON, HAYES, WILLIAMS, ALLEN, TIPTON, STANSBERRY, GOURLEY

*Corrected 3-3-92
MINUTES*

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ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORD 92-4:

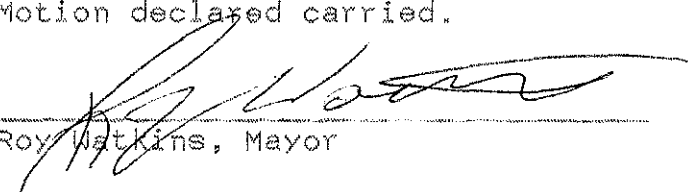
Moved by ANDERSON, seconded by GOURLEY to approve Payroll Ordinance 92-4 in the amount of \$8,561.54 plus \$654.96 FICA and \$139.29 KPERS
AYES: ANDERSON, HAYES, WILLIAMS, ALLEN, TIPTON, STANSBERRY, GOURLEY
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORD 92-4A:

Moved by GOURLEY, seconded by TIPTON to approve Payroll Ordinance 92-4A in the amount of \$10,569.72 plus \$808.57 FICA and \$164.10 KPERS.
AYES: ANDERSON, HAYES, WILLIAMS, ALLEN, TIPTON, STANSBERRY, GOURLEY
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

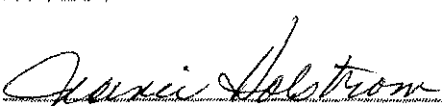
ADJOURNMENT:

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



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)