

MINUTES OF
REGULAR COUNCIL MEETING
MARCH 3, 1992

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, March 3, 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, BYRD, ALLEN, TIPTON, STANSBERRY,
ABSENT: WILLIAMS, KING, BYRD, GOURLEY

MINUTES:

Moved by ANDERSON, seconded by STANSBERRY to approve and place on file the minutes of the February 18, 1992 Regular Meeting with the following corrections.

Page 7, "EXECUTIVE SESSION" The time the council returned from Executive Session was 8:57 P.M.

Pages 8 and 9, Finance Committee Report: Present at the February 11 meeting were the committee, City Clerk and Chief Collins. The committee decided to transfer \$10,000 from Special Solid Waste to help pay for the purchase of 2 1990 model police cars with the balance to come from the General Fund. City Clerk was to check with Matt Mense to see if this transfer could be done.

Two members of the committee met on February 17 with Councilman Allen at his request. Present were the city clerk and Patrick Foreman. The city clerk reported that Mr. Mense said the transfer could be made. Mr. Allen stated this could not be done due to a Kansas Statute prohibiting it. The committee looked into the possibility of purchasing only one car. After viewing the police department's cash on hand, they question whether this can be done. The finance committee wishes the council to help with a decision in this matter or refer it back to the

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committee for further study.

Page 10, "CONFLICT OF INTEREST".
The motion by Stansberry, seconded
by Gourley should read as follows:
"Moved by STANSBERRY, seconded by
GOURLEY to request the City
Attorney to obtain a written
opinion from the Attorney
General's Office concerning the
two positions on the council in
which the question of a conflict
of interest has been brought up."

VOTE ON APPROVAL OF THE MINUTES:
AYES: ANDERSON, HAYES, BURKYBILE,
ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

CITY INSURANCE:

Alan Potter of Hartley Insurance
Agency provided the council with a
written proposal for city insurance
with a premium of \$32,657.

Moved by STANSBERRY, seconded by
TIPTON to accept the proposal for
insurance coverage from Hartley
Agency with an annual premium of
\$32,657.
AYES: ANDERSON, HAYES, BURKYBILE,
ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

CAR SHOW & BBQ COOKOFF:

Bob Vavrinak of the Chamber of
Commerce met with the council
requesting the Chamber be allowed to
hang a banner on 7th Street, close
Main Street from 7th to 1st Street
and obtain a cereal malt beverage
license to sell cereal malt beverage
on April 4 at the car show and
barbeque cook off they are
sponsoring.

The council discussed the issuance
of the cereal malt beverage license
and explained that the beverage
would have to be sold on private
property, consumed on private
property and that minors would not
be allowed where the beverage was
being sold. They also discussed
whether this would set a precedent
for organizations who might request
a cereal malt beverage license for
Galena Days and other activities.

Moved by TIPTON, seconded by
STANSBERRY to allow the Chamber of

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Commerce to place a banner on 7th Street, approve the closing of Main Street from 7th to 1st Street and the issuance of a one day cereal malt beverage license to the Chamber of Commerce for the Car Show and Barbeque Cookoff on April 4.
AYES: ANDERSON, BURKYBILE, TIPTON, STANSBERRY.
NAYS: ALLEN, HAYES
Motion declared carried.

MIKE KITCH:

Mr Kitch was not present at the meeting.

601 JOPLIN STREET:

The City Inspector discussed with the council the property at 601 Joplin Street. Paul High had begun taking down this structure for the owner. However, after removing a portion of the items from the structure, he ceased working on it. The city then pushed down two walls which were leaning toward the sidewalk. Eddy Lacy then removed a portion of the debris. The foundation, sidewalk and other debris still needs to be removed.

Moved by STANSBERRY, seconded by HAYES to send a letter to the owner of the property at 601 Joplin Street allowing 30 days to remove the foundation and remove the debris.
AYES: ANDERSON, HAYES, BURKYBILE, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

HOUSING AUTHORITY FENCE:

City Superintendent Sills stated that a city summer employee had damaged the fence at the Local Housing Authority with the bushhog about 3 years ago. The Housing Authority has requested the city repair the fence. The price for materials would be approximately \$65 to \$70. A company from Carl Junction has agreed to repair it for \$150. This is the company who put the fence in originally.

Moved by ANDERSON, seconded by BURKYBILE to allow the company from Carl Junction to repair the fence at the Local Housing Authority at a cost of \$150.
AYES: ANDERSON, HAYES, BURKYBILE, ALLEN, TIPTON, STANSBERRY
NAYS: NONE

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Motion declared carried.

FINGERPRINT EQUIPMENT:

Chief Collins requested this be placed on hold until he receives more information.

SICK LEAVE:

Chief Collins stated that major surgery requires an employee to be absent from work approximately 6 weeks. With the city's current sick leave policy, employees can only accumulate 15 days or 3 weeks. He requested the council to consider changing the policy.

Allen stated that in the last 3 years the city has allowed extensions on sick leave. He asked what we have done to our policy.

The City Attorney stated it doesn't make the city liable. We have done this on a case by case basis.

TRAFFIC TAPES AND ROLLER:

Chief Collins requested he be allowed to purchase 2 roller tapes and 200 feet of tape at a cost of \$125 to be used when investigating accidents.

Moved by HAYES, seconded by BURKBYBILE to allow the purchase of 2 roller tapes and 200 feet of tape at a cost of \$125.
AYES: ANDERSON, HAYES, BURKYBILE, ALLEN, TIPTON, STANSBERRY
Motion declared carried.

FLASHING LIGHTS:

Mayor Watkins asked a about the purchase of flashing lights to be used by the street department for barricading after accidents or repairs.

Moved by STANSBERRY, seconded by BURKYBILE to purchase 24 flashing lights to be paid from street fund.
AYES: ANDERSON, HAYES, BURKYBILE, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

AFTER PROM PARTY:

Chief Collins read the request from the After Prom Committee requesting a donation. He stated that he and his reserve officers are donating \$25 each and he feels this is a very worthwhile program.

Moved by TIPTON, seconded by BURKYBILE to donate \$400 to the

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After Prom Party.
AYES: ANDERSON, HAYES, BURKYBILE,
TIPTON
NAYS: ALLEN, STANSBERRY
Motion declared carried.

Allen noted his nay vote is in view
of the financial condition of the
city.

PEPPER MACE:

Moved by ANDERSON, seconded by
BURKYBILE to allow the purchase of
pepper mace for the police
department at a cost of \$117 plus
approximately \$4 shipping to be
purchased out of VIN.
AYES: ANDERSON, HAYES, BURKYBILE,
ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

COURT REPORT:

Moved by STANSBERRY, seconded by
TIPTON to place the court report
with fines collected totaling
\$522.33 on file.
AYES: ANDERSON, HAYES, BURKYBILE,
ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

LAIR WATER BILL:

The water committee met in January
concerning several customers who had
requested water adjustments. One of
these was Gary Lair. The city had
turned the water off at his property
in November, 1990. No deposit had
been placed to have the water
reconnected. In November, 1991
there was a leak on the customer's
side which was repaired by the City.
After that, a deposit was placed and
water service requested. The
committee did not recommend that a
water adjustment be granted due to
the fact that the water was turned
on without notification to the city.
Now the customer is requesting that
the sewer charge be deleted since
the property is not on the sewer.
The sewer is available to the
property.

BYRD ENTERED AT 7:50 P.M.

Moved by STANSBERRY, seconded by
TIPTON to deny the request for an
adjustment on the sewer charge and
to direct the city clerk to send a
letter to the property owner
informing him he will have to hook
up to the sewer.

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AYES: ANDERSON, HAYES, BURKYBILE,
BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

4TH & LINCOLN:

Allen stated that the ditch on the North side of 4th & Lincoln has been washed out. The City Superintendent stated he would make the necessary repairs.

WATER GRANT WORKSHOP:

Council Members were given information in their packets concerning the CDBG Workshop in Topeka. It is not required that a representative attend this meeting. No action was taken on appointing a person to attend.

TUXALL BILL:

Mayor Watkins stated there is an outstanding bill to Tuxall in the amount of \$14.85 which is more than 90 days past due. The bill covers the purchase of rain covers for police hats.

Moved by ANDERSON, seconded by STANSBERRY to approve the payment of the bill for \$14.85 to Tuxall.
AYES: ANDERSON, HAYES, BURKYBILE,
BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

ELECTION WORKER MEALS:

Moved by ANDERSON, seconded by TIPTON to approve the amount of \$62.50 for election workers meals for the April 7 election.
AYES: ANDERSON, BURKYBILE, BYRD,
TIPTON, STANSBERRY
ABSTAIN: HAYES
NAYS: ALLEN
Motion declared carried

BOND ORD. 92-1:

Council members were provided with a copy of Ordinance 92-1 directing the issuance of \$1,845,500 Principal amount of Sewer Utility Bonds, and the Bond Purchase Agreement.

Moved by ANDERSON, seconded by BYRD to approve the Bond Purchase Agreement, the Mayor signing the necessary documents on the bonds, and the passage of Ordinance 92-1 authorizing and directing the issuance of \$1,845,500 principal amount of sewer utility system revenue bonds, series 1992-A, of the City of Galena, Kansas, for the purpose of paying a portion of the

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costs of constructing and equipping improvements to the city's sewer system, including constructing and equipping two pump stations, constructing a new force main, modifying the existing lagoon, and repairing and replacing a portion of the sewer collection system pipelines and appurtenances thereto, prescribing the form and details of said revenue bonds, providing for the collection, segregation, and application of the revenues of said city for the purposes authorized by law, including paying costs of operation and maintenance of said system, paying the principal of and interest on the bonds of said city from the proceeds of federal funds provided by loan by the United States of America acting through The Farmers Home Administration, United States Department of Agriculture, or in the absence thereof from the revenue of said system, and making certain covenants and agreements with respect thereto.
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

SEK REGIONAL PLANNING:

Moved by BYRD, seconded by TIPTON to retain membership in the Southeast Kansas Regional Planning Commission and pay the annual dues of \$35.
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

VACATION REPORT:

Moved by BYRD, seconded by ANDERSON to approve the vacation report as follows:
Rex Gandy, January 4, 1992
Phil Burkybile, February 10 thru 14
Paul Duncan, February 29 thru March 7
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

GALENA DAYS:

Moved by BURKYBILE, seconded by STANSBERRY to allow the closing of Main Street from 7th to 4th Street for the Flea Market, the closing of 5th & 6th from Main to Short and the use of city property for the Galena Days Celebration sponsored by the

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Galena Volunteer Fire Department.
AYES: ANDERSON, HAYES, BURKYBILE,
BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

WILLIAMS RESIGNATION:

Mayor Watkins read the letter he received from Kevin Williams resigning his position as council member from 5th Ward. Mr. Williams stated in his letter that he has accepted a promotion at his place of employment which will require a great deal more time and travel.

Moved by TIPTON, seconded by BYRD to accept the resignation of Kevin Williams with regret.
AYES: ANDERSON, HAYES, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: BURKYBILE
Motion declared carried.

Moved by ALLEN, seconded by TIPTON to advertise for the council vacancy in 5th Ward
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

TRT LAWSUIT:

Byrd asked the city attorney what the city's position is concerning Tri State Recycling due to the amount they owe on the CDBG loan. He asked if the city would be held responsible for any losses.

It is the city's obligation to try to get the state's money back. The payments the city has received on the loan can be used for legal fees for this purpose.

SANITATION COMMITTEE:

The Sanitation Committee met at 6:00 p.m. on February 26. Present were Burkybile, Hayes, Tipton, Superintendent Sills, Phil Burkybile, and Pat Foreman. The committee met to discuss the prices the city will charge for demolition taken to the landfill. The committee recommends the following charges:

LANDFILL FEES:

Level Full Pickup	\$5.00
Pickup with Sides	10.00
5 Yard Dump Truck	10.00
8 Yard Dump Truck	15.00
10 Wheel Dump Truck	20.00

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18 Wheeler	25.00
Roll Off	30.00
Roll Off with sides	35.00

Galena Contractors who can show a building permit or demolition permit issued by the City and are hauling from the site listed on the permit will have a discount of 50% off the above charges.

Moved by TIPTON, seconded by BYRD to accept the Sanitation Committee Report and put the price guidelines into effect.
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

Burkybile stated that at a later date, it may be necessary to look into purchasing a track loader.

Trashmaster has brought a few loads to the landfill and request they be allowed to pay monthly. The City Superintendent would keep a record of the number of loads.

Burkybile stated Mr Beechner is present at the meeting and he would like to operate the landfill. The city has also received a letter from SunRay concerning the operation of the landfill. She stated the committee would need to meet concerning these proposals.

Allen suggested it be discussed in open council due to the problems that arose from the last agreement.

Moved by STANSBERRY, seconded by HAYES to refer to the Sanitation Committee the setting up of guidelines for the possible lease of the landfill.
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

TEMPORARY EMPLOYEE:

Superintendent Sills stated that the city would need to have a driver for the 10 wheeler when the sewer project begins.

Moved by STANSBERRY to advertise for applications for a driver for the sewer project.

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MOTION WITHDRAWN

Superintendent Sills suggested placing a city employee as driver and to hire a temporary employee at minimum wage to replace the regular employee on the city crew. He stated the sewer contractor will have two digging machines and will probably work 4 10 hour days.

Moved by STANSBERRY, seconded by ANDERSON to advertise for a laborer at minimum wage.

AYES: ANDERSON, HAYES, BYRD, ALLEN, TIPTON, STANSBERRY
ABSTAIN: BURKYBILE
NAYS: NONE

Motion declared carried.

REPLACE WATER LINES:

Moved by STANSBERRY, seconded by HAYES to allow the repair of city water lines at 723 N. Jefferson and 101 W. Vine at a cost for material of \$165.

AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE

Motion declared carried.

CITY FINANCES:

Stansberry provided the council members with information the city clerk had provided the finance committee in January. This material gives information on the funds and how they are used.

PARK FENCE:

The fence which was repaired by Morton Construction at the park was charged to the parks fund. The park caretaker feels these repairs should be paid from the street fund.

The Council discussed whether these were park repairs or street repairs.

Moved by BURKYBILE, seconded by BYRD to pay 1/2 the repair of the fence from the parks budget and 1/2 from the street budget.

AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE

Motion declared carried.

MINER PROPERTY:

City Superintendent Sills had been contacted by Marvin Miner, owner of the property at 803 E. 5th Street. He desires to bulldoze his property back of 5th Street and to fence it. However, the survey markers show his

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property takes in a portion of Wood Street. He would like permission to either block this portion of Wood Street or to have the street cut as it is platted on the Cornwall Addition map.

ANDERSON LEFT AT 8:58 P.M. RETURNED AT 8:59 P.M.

Moved by STANSBERRY, seconded by BYRD to allow Mr. Miner to clean his lot and the city to cut street according to Cornwall Addition Plat.
AYES: ANDERSON, HAYES, BYRD, TIPTON, STANSBERRY
ABSTAIN: ALLEN
NAY: BURKYBILE
Motion declared carried.

STORM SIRENS: The City Clerk reported there was no one available to attend the meeting in Oswego. However, she had an application and will contact some of the vendors included with the application to see what type of sirens we need.

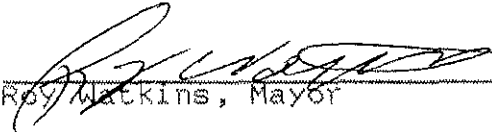
ATTORNEY GENERAL OPINION: City Attorney has not received anything yet. Burkybile stated she had received some copies of cases from the Attorney General's Office.

PAYROLL ORDINANCE 92-5: Moved by ANDERSON, seconded by STANSBERRY to approve Payroll Ordinance 92-5 in the amount of \$8265.14 plus \$632.28 FICA and \$133.13 KPERs.
AYES: ANDERSON, HAYES, BYRD, ALLEN, TIPTON, STANSBERRY
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORDINANCE 92-5A: Moved by BYRD, seconded by HAYES to approve Payroll Ordinance 92-5A in the amount of \$10,550.64 plus \$807.13 FICA and \$164.10 KPERs.
AYES: ANDERSON, HAYES, BYRD, ALLEN, TIPTON, STANSBERRY
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

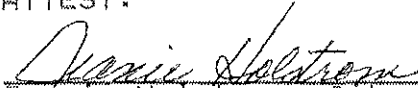
ADJOURNMENT: Moved by BYRD, seconded by ANDERSON to adjourn the Regular Meeting of the Galena City Council.
AYES: ANDERSON, HAYES, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY
NAYS: NONE
Motion declared carried.

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Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk
(SEAL)