

MINUTES OF
REGULAR COUNCIL MEETING
MARCH 7, 1995

CALL TO ORDER:

The regular meeting of the Galena City Council was called to order Tuesday, March 7, 1995 at 7:00 p.m. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
ABSENT: ADAMS

MINUTES:

The following correction was made in the minutes of the Regular Council Meeting of February 21, 1995.

Page 5 2nd paragraph, should read : DeHaan Greenhouses, The Building Inspector to begin condemnation proceedings.

Moved by TIPTON, seconded by LEE to approve and place on file, the minutes of the Regular Council Meeting of February 21, 1995 with the above correction.

AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ROGERS, WARD
ABSTAIN: BURKYBILE
NAYS: NONE

Motion declared carried.

MALLATT PUBLIC HEARING:

Mayor Oglesby opened the Public Hearing on the rezoning of the Richard Mallatt property being described as Beginning 755 feet East of the SW corner of the SW 1/4 of Section 14, Township 34, Range 25 on the North line of the Highway right of way. thence North 160 feet, thence West 80 feet, thence North 270 feet, thence East 245 feet, thence South 430 feet, thence West along the Highway right of way line to the point of beginning, in Galena, Cherokee County, Kansas. This property is located just East of the Galena Bookkeeping office building on West 7th Street.

Mr. Mallatt informed the council that he desired to place storage building and office space on this property.

Moved by ROGERS, seconded by BURKYBILE to approve the rezoning of the above described property from Residential to C-2.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
NAYS: NONE
Motion declared carried.

ELM STREET TRAFFIC:

Mary Gandy said there is still a problem with traffic on 11th & Elm Street.

The Council discussed the problem of persons driving carelessly in this area. Chief Hentz asked Ms Gandy if she knew who the persons were and if she could describe the vehicle. She said she could.

The Council asked that if the "Children at Play" signs are installed as she requested, she cooperate with the police and report any unsafe driving in this area.

Moved by LEE, seconded by JENKINS to install two "Children at Play Signs" on Elm Street.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
AYES: NONE
Motion declared carried.

CHRISTIAN CHURCH VAR:

Tom Wade was not present to discuss this with the council.

Moved by LEE, seconded by DAVIS to set April 4 as the hearing date on the request by the 1st Christian Church for a variance to construct a building within approximate 3 feet of the north edge of their property.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS
NAYS: NONE
Motion declared carried.

WATER PROJECT SAW BLADE:

Neal Little informed the council the Water Project Crew had only gotten approximately 1500 feet from the last asphalt saw blade. They usually get over 2000 feet. Due to this problem, it will be necessary to purchase one more blade at a cost of \$695.

Moved by ALLEN, seconded by BURKYBILE to purchase this above blade.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE
Motion declared carried.

FIRE DEPT. UNIFORMS:

Davis informed the council that the fire department needs to purchase 3 bunker coats at \$227 each, 2 pairs of pants at \$149 each and 2 pairs of suspenders at \$14 each with a total cost of \$1007.

Moved by LEE, seconded by DAVIS to allow the above purchases if funds are available.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE
Motion declared carried.

WATER CONSERVATION PLAN:

Copies of the proposed Water Conservation Plan were included in the council packets. Ward informed the council that the plan was prepared by Jim Ellis of Water Resources. He assists cities who have not completed their plan.

Moved by WARD, seconded by BURKYBILE to adopt the proposed Water Conservation Plan.

AYES: TIPTON, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: PRICE
Motion declared carried.

Price said she was not in favor of the plan because it included a solution in which the city would purchase water from Empire District. She was not in favor of this.

In scanning the plan, she was unable to find the section she was referring to.

RES 95-4 EC. DEV:

Moved by LEE, seconded by TIPTON to approve Resolution 95-4 establishing tax exemptions for any industry locating or expanding in the City of Galena.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE
Motion declared carried.

RELIEF DISPATCHERS:

Mayor Oglesby requested the council confirm his emergency appointment of John M. Derfelt as relief dispatcher.

The council discussed the fact that Pat Cherry has been serving as relief dispatcher without the Mayor either appointing her on an emergency basis or the council

confirming her.

Chief Hentz said he thought the Mayor had approved the emergency appointment of her. The fact that she worked the Sunday shift which is not covered by the regular dispatchers, prevented him from having to pay overtime for this shift.

Moved by DAVIS, seconded by TIPTON to confirm the appointment of John M. Derfelt as relief dispatcher.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
NAYS: NONE
Motion declared carried.

Moved by BURKYBILE, seconded by ALLEN to appoint Pat Cherry as relief dispatcher.
AYES: PRICE, BURKYBILE, ALLEN, WARD, ROGERS
NAYS: TIPTON, JENKINS, DAVIS, LEE
Motion declared carried.

JUDGES CONFERENCE:

Moved by BURKYBILE, seconded by WARD to approve Judge Wert and Municipal Clerk, Nadine Smallwood attending the Municipal Judges Conference on May 22 and 23.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
NAYS: NONE
Motion declared carried.

1996 KPERS RATE:

Moved by ALLEN, seconded by ROGERS to place on file the notification from the Kansas Employees Retirement System of the 1996 rate for employers of 2.48% with the employee rate remaining at 4%.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
NAYS: NONE
Motion declared carried.

KMIT MEETING:

Mayor Oglesby informed the council there will be a KMIT meeting in Wichita on March 23 and Topeka on March 24. The City Clerk should attend one of the meetings.

Moved by ROGERS, seconded by TIPTON to approve the City Clerk attending the KMIT meeting of her choice.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
NAYS: NONE
Motion declared carried.

March 7, 1995

CEMETERY REPORT:

Written reports from Tom Wade, Cemetery Sexton was provided in council packets. Davis recommended all department heads provide the council with this report for their department.

DEPARTMENT REPORTS:

Moved by DAVIS, seconded by JENKINS for each department head to provide the council with an inventory and report as the Cemetery Sexton has provided.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

The council discussed the frequency these reports should be filed.

Moved by PRICE, seconded by TIPTON that the departments heads will provide the council with this report in January of each year.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

CEMETERY REPORT:

Tom Wade, Cemetery Sexton, met with the council and was complimented on his Cemetery Report to the council. The following requests were approved:

BLACK DIRT:

Moved by BURKYBILE, seconded by TIPTON to approve the purchase of 4 loads of dirt for the Cemetery Department.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

PUSH MOWER:

Moved by LEE, seconded by JENKINS to purchase one push mower for the Cemetery Department.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

TRACTOR DECK:

Moved by ROGERS, seconded by DAVIS to repair the deck on the John Deere Tractor for the Cemetery Department at a cost of approximately \$450.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, WARD, ROGERS

NAYS: ALLEN

Motion declared carried.

DIXON RIDERS:

The report provided 3 options on

either the replacement or repair of the Dixon Riders.

Moved by PRICE, seconded by JENKINS to refer the Dixon Riders for the Cemetery Department options to the Finance Committee.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

SUMMER HELP:

Moved by TIPTON, seconded by LEE to allow the Cemetery Sexton to hire his summer help the same as in the past.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

RAILROAD CROSSING:

Price informed the Mayor she had been in error in stating at the previous meeting, the city had paid their portion of the expense for repair of the railroad crossing on North Main Street.

Mayor Oglesby said he had thought he had signed a contract for the project, but that only a letter had been sent informing Burlington Northern that the city had approved the repairs.

He informed the council that a second letter had been sent and that David Hiatt had telephoned the city clerk and informed her that the crossing had come in and that work would start on the crossing in April.

SOLID WASTE HEARING:

Mayor Oglesby informed the council that the County Commissioners had already advertised for the Public Hearing on the Solid Waste Proposal to be held on March 13. The county had booked the Community Room for the hearing.

DAVIS LEFT AT 7:51 P.M.

Moved by BURKYBILE, seconded by TIPTON to request a Special Council Meeting for March 13, 1995 to allow the council members to attend the Cherokee County Public Hearing on their Proposed Solid Waste Plan.

AYES: TIPTON, PRICE, JENKINS, BURKYBILE, ALLEN, WARD

NAYS: LEE, ROGERS

Motion declared carried.

DAVIS RETURNED AT 7:52 P.M.

STREET DEPT.EMPLOYEES:

The proposed ordinance for the hiring of two employees as street crew and providing for their duties and responsibilities was provided council members.

The council discussed section 4 of the ordinance which provides for seniority and longevity rights for employees already hired by the city.

Moved by WARD, seconded by ROGERS to adopt Ordinance 95-2 providing for the hiring of two employees as street crew and providing for their duties and responsibilities.

AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
NAYS: BURKYBILE
Motion declared carried.

ORD 95-3, WATER LINES::

The ordinance allowing the city water project crew to move the water lines at Spring Grove School at no cost to the city was provided the council members.

Moved by BURKYBILE, seconded by WARD to approve ordinance 95-3 allowing the city water project crew to move the water lines at Spring Grove School at no cost to the city.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
NAYS: NONE
Motion declared carried.

VACATING WALNUT STREET:

The street committee met concerning vacating Walnut Street.

Sills informed the council that there is a sewer line from North Forrest across to Columbus.

Rogers is not in favor of vacating the street. Even though it has not been used, it is platted on the map and he is not in favor of vacating it.

Moved by PRICE, for the City Clerk to notify property owners along this street and to see if they are in favor of vacating it.
MOTION DIED FOR LACK OF 2ND.

The council discussed the location of the street and whether any portion of it is being used.

Moved by LEE, seconded by PRICE to get clarification on vacating Walnut Street.

March 7, 1995

AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN, ROGERS
NAYS: WARD
Motion declared carried.

EMPIRE ALLEY:

The Street Committee drove along the alley North of Empire and West of Barnes Street. It was noted that this is the only access these residents have to their homes.

Lee noted that even though he cannot vote on the issue, it should be noted that this alley is used by the trash truck and postal service.

Superintendent Sills said he would grade and put base rock on it immediately.

CITY STREETS:

Complaints were received concerning the condition of the first street going South off Empire down to Oak Street.

Superintendent Sills said he had used all the asphalt that was purchased and asked to purchase another load. Cost is approximately \$960.

Moved by BURKYBILE, seconded by LEE to allow the purchase of additional asphalt.

AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN, WARD,
ROGERS
NAYS: NONE
Motion declared carried.

AUXILIARY OFFICER:

The Personnel Committee recommends the confirmation of Bill Friant as Auxiliary Police Officer.

CORRECTED 3/21/95 TO SHOW
LEE ABSTAINED

Moved by ALLEN, seconded by ROGERS to confirm the appointment of Bill Friant as Auxiliary Police Officer.

AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN, WARD,
ROGERS
NAYS: NONE
Motion declared carried.

KEMLEE EASEMENT:

Tipton asked that an easement from Kemlee to the city be drawn up. This would allow access to property in the Industrial Park.

EXECUTIVE SESSION:

Moved by ALLEN, seconded by LEE to enter Executive Session for 30 minutes to discuss Personnel with Chief Hentz and City Attorney Gene Barrett remaining.

ENTERED INTO EXECUTIVE SESSION AT
8:17 P.M.

RETURNED FROM EXECUTIVE SESSION AT
8:46 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after Executive Session at 8:48 p.m. with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD, ROGERS
ABSENT: ADAMS

MUNICIPAL COURT:

Vicky Wells, sister of Tom Burroughs spoke for the family of Mr. Burroughs. She informed the council that during the funeral procession of Mr. Burroughs, Chris Pitts, a truck driver for TDX Trucking interrupted the procession from 12th to Main Street. He was abusive to the family. Mrs. Wells filed a complaint against Mr. Pitts and 18 other people gave statements. The case was brought to Municipal Court. Mr. Pitts was required to send a letter of apology to the family and paid court costs of \$32. The family does not feel this was an adequate fine.

Members of the family informed the council that the Municipal Judge referred them to Gene Barrett, the Prosecuting Attorney. However, when they called his office, they were unable to speak with him. The family said they were informed they would be charged with harrassment if they all continued to call.

Gene Barrett said his secretary was told by one of the family members that they were going to take turns calling on a continuous basis. She then informed them that if they did that, it would be harrassment.

Mr. Barrett said he talked to the officer who handled the case along with Mr. Pitts attorney, Don Sota, of Joplin. They felt the best way to handle the case would be the letter of apology and court costs.

Chief Hentz looked through the file and determined that a traffic citation was issued along with the disorderly conduct charge.

Mr. Barrett said he was not aware of the traffic citation. To his knowledge this had not been brought to municipal court. It was

recommended the family contact the Court Clerk to determine the status of the traffic citation.

Mr. Barrett informed the family that the prosecuting attorney is not an attorney for the family but for the city. He has to do what he feels is best for the city in prosecuting a case. He advised the family that they should hire a private attorney and take Mr. Pitts to civil court if their attorney feels there is adequate cause to do so.

Mrs. Wells said the family wished to file a formal complaint against Mr. Barrett as prosecuting attorney in the way he handled the case.

Mayor Oglesby said their being there tonight would be included in the council minutes. However, he said they could file a written complaint and the council would put the written complaint on file.

CITY BARN ARTICLE:

Jenkins informed the council he thought the article in the Galena Sentinel concerning the construction of the city barn was misleading. He said it noted that Mayor Oglesby and Lonnie Stansberry had donated their time on the building but that the city crew did most of the work. He said he thought the city crew should have been recognized also. He also noted that the cost exceeded the \$3500 noted in the paper.

PAYROLL ORD. 95-8:

Moved by ROGERS, seconded by WARD to approve Payroll Ordinance 95-8 in the amount of \$11,971.91 plus \$910.51 FICA and \$181.02 KPERS.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORD. 95-9:

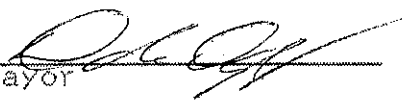
Moved by ROGERS, seconded by DAVIS to approve Payroll Ordinance 95-9 in the amount of \$12,091.43 plus \$919.65 FICA and \$176.52 KPERS.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

ADJOURNMENT:

Moved by ROGERS, seconded by LEE to adjourn the Regular Meeting of the Galena City Council.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, WARD,

March 7, 1995

ROGERS
NAYS: NONE
Motion declared carried.



Dale Oglesby, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)