

MINUTES OF
REGULAR COUNCIL MEETING
MARCH 21, 1995

CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, March 21, 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, LEE, ALLEN, ADAMS, WARD, ROGERS
ABSENT: BURKYBILE

MINUTES: The minutes of the Regular Council Meeting of March 7, 1995 were corrected as follows:

Page 8, AUXILIARY OFFICER: On the motion to appoint Bill Friant as an auxiliary officer, Lee abstained.

Moved by ROGERS, seconded by LEE to approve and place on file the minutes of the Regular Council Meeting of March 7, 1995 as corrected.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
ABSTAIN: ADAMS
NAYS: NONE
Motion declared carried.

Moved by ADAMS, seconded by DAVIS to approve and place on file the minutes of the Special Council Meeting of March 13, 1995.
AYES: TIPTON, PRICE, JENKINS, DAVIS, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: LEE
NAYS: NONE
Motion declared carried.

FIREMEN'S RELIEF MIN: Moved by DAVIS, seconded by TIPTON to place on file the minutes of the Firemen's Relief Association Meetings of February 23 and March 9, 1995.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

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CHAMBERS SPRING FLING:

Moved by WARD, seconded by ROGERS to allow Main Street to be closed on April 22 for the Chamber of Commerce Spring Fling which includes a Barbecue Cookoff and Car Show.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

VICKI WELLS COMPLAINT:

Vicki Wells read the following letter to the council concerning a complaint on the City Attorney, Gene Barrett. She asked this letter be placed on file. She informed the council that there were 46 signatures on the letter.

Moved by ADAMS, seconded by JENKINS to place the letter on file and make it a part of the minutes.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

It is our belief that Gene Barrett, Galena City Attorney/Prosecuting Attorney was negligent and unprofessional in his handling of the Christopher Pitts case. By his own admission he did not read even one of the 20 statements on file at the Galena Police Department concerning the case. When several of the complianants called his office to speak to him about the case, his secretary/wife, Mrs. Barrett would not allow them to speak to him upon request. Mr. Barrett did not return any calls concerning this matter. Mrs. Barrett also told Kathy Barnett that if the family kept calling his office concerning this case that harrassment charges would be filed against us.

After we learned that Mr. Pitts was given a diversion contingent and only had to pay \$32 in court costs, we spoke to Mr. Barrett outside Judge Werts' office. He said he didn't have the time to deal with 20 statements. He also informed us that he did not represent us, but the City of Galena. It is our contention that as citizens of Galena that he does represent us.

We, the undersigned, believe that if Mr. Barrett doesn't have the time or inclination to completely familiarize himself with the cases he prosecutes, he should resign his position as Galena Attorney. It is also our opinion that his performance as

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City/Prosecuting Attorney should be investigated. We respectfully request that the City Council take whatever steps necessary to accomplish this.

PARK EQUIPMENT:

Ben Biddle, Park Caretaker, requested he be allowed to purchase a push mower for the parks department at a cost of \$160. He also informed the council that the low dive at the swimming pool and the tennis court net need to be replaced.

Moved by ROGERS, seconded by JENKINS to allow the purchase of a lawn mower for the parks department at a cost of \$160.

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

NAYS: NONE

Motion declared carried.

The council discussed the repair or replacement of the tennis court net and the low dive. They requested Mr. Biddle obtain costs on these items along with the cost of recapping the tennis court. It was suggested he determine if the extra high dive purchased earlier could be used for the low dive.

SEWER EXTENSION:

City Superintendent, Bud Sills, informed the council that he had received a request to extend the city sewer from 23rd on Monroe to 24th Street. Jack Piper owns two houses on 24th Street which are not on the sewer and Gilbert Wilkins has an area that would be developed if sewer were available. The cost of the manholes are \$2063 and Supt. Sills said he has the sewer pipe on hand.

Mr. Wilkins informed the council that the city was to put in sewer and streets to his property several years ago. No lots have been sold because of the lack of the sewer.

Moved by TIPTON, seconded by ADAMS to table this request and refer it to the Sewer and Sanitation Committee.

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

NAYS: NONE

Motion declared carried.

DRIVEWAY OFF 7TH ST.:

The Street Committee informed the council they had received a request from Gerald Hentz at 605 Galena to construct a driveway off 7th Street. The committee met on this request and have no objections so long as they do not back onto 7th Street.

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Moved by ROGERS, seconded by TIPTON to allow this request.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

UNIT 12, FIRE DEPT:

Davis informed the council that the Fire Department had to replace the water pump on Unit 12. They asked that the Firemen's Relief Association be reimbursed for the cost of the pump.

Moved by DAVIS, seconded by ADAMS to reimburse the Firemen's Relief Association \$30 for the cost of the above water pump.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

QUALLS TIRES:

Davis informed the council that Kurt Qualls had damaged two tires on his personal car at a fire. He requests the city reimburse him \$126.02 for these tires.

Moved by PRICE, seconded by LEE to reimburse Kurt Qualls \$126.02 for two tires.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

STORM SIRENS:

Chief Hentz informed the council the storm sirens had been tested and there were no failures.

WATER PROJECT EMP:

Mayor Oglesby informed the council that Dustin Walton had quit working on the Water Project. Mayor Oglesby had approved rehiring James E. Sturgis on an emergency basis and he requests the council confirm Mr. Sturgis appointment to the Water Project crew.

Moved by WARD, seconded by ROGERS to confirm the appointment of James E. Sturgis to the Water Project crew.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
ABSTAIN: ADAMS
NAYS: NONE
Motion declared carried.

SPECIAL MEETING:

Mayor Oglesby informed the council that the Cherokee County Commissioners will have a Public Meeting on the 1 cent sales tax proposal for the new county jail on

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Monday, March 27 at 7:00 p.m. The meeting will be held in the Community Room.

Moved by TIPTON, seconded by ADAMS to allow the County Commissioners to use the Community Room on Monday, March 27, 1995 at 7:00 p.m. for a public meeting to discuss the proposed 1 cent sales tax for the new county jail.

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

NAYS: NONE

Motion declared carried.

Moved by PRICE, seconded by DAVIS to call a special council meeting for 7:00 p.m. Monday, March 27, 1995 to allow council members to attend the above public meeting.

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

NAYS: NONE

Motion declared carried.

CITY WIDE CLEANUP:

The council discussed when there could be a city wide cleanup. Superintendent Sills is to see when a rolloff can be obtained. The city crews will not pick up the items, but residents can take them to the landfill.

MONOFILL LANDFILL:

The council discussed the prospect of city residents being allowed to dispose of tires at the city permitted monofill at no cost. The permit is under the City name and is being used by Tire Remediation.

Moved by LEE, seconded by TIPTON to refer this to the Sewer and Sanitation Committee.

AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, ROGERS

NAYS: WARD

Motion declared carried.

CITY SHOP BUILDING:

Moved by JENKINS, seconded by ROGERS to have the Sentinel run a correction and to give recognition to the city employees for their work on the construction of the city shop building, and to publish the total cost of the building and the cost of installing the sewer to the building.

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

NAYS: NONE

Motion declared carried.

RAILROAD CROSSING:

Gene Porter informed the Council that his wife had ruined a tire on the railroad crossing on North Main Street. He asked if he could send a

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letter to Burlington Northern concerning the condition of this crossing.

216 E 7TH STREET:

The council discussed the structure at 216 E. 7th Street. No repairs have been made since the tenants vacated the property early in March.

Moved by ALLEN, seconded by ADAMS to give Bob Abbott 14 days notice that the structure will be taken down.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

BUILDING INSPECTOR:

Warren Stanton asked the council what can be done about city officials unprofessional attitude to residents. He said they should not slam landlords in front of people. He said he was speaking of the unprofessional conduct by the City Building Inspector.

He said last Wednesday at 12:30 a.m. the police dispatcher contacted Mr. Porter, the Building Inspector, about Stanton burning trash and insulation off copper wire. Mr. Porter told them to have the fire department put it out.

Mr. Stanton confronted him in city hall about this. Mr. Porter copied the city ordinance concerning this and gave Mr. Stanton a copy.

Mr. Porter said he was talking to the Davis family on Peco Drive yesterday and Mr. Stanton came up and entered into the conversation.

Porter informed the council that the trailer at 905 Peco Drive is still not tied down according to city code.

Mr. Stanton said Mr. Porter "copped" an attitude in front of his child and an SRS case worker. He said Officer Justice went to a call concerning Mr. Stanton's burning and did not know the ordinance. The police department called Mr. Porter to find out what the ordinance was. He said Mr. Porter should be more professional concerning his job. His complaint is Mr. Porter's attitude.

905 PECO DRIVE:

The council discussed the trailer at 905 Peco Drive. Mr. Stanton assisted Mr. Carter in putting tie downs on it. Mr. Porter said they do not meet city code.

Moved by LEE, seconded by DAVIS to table condemnation until the next meeting, review the minutes to determine whether the trailer must be brought to code or only tie downs are needed and to request Mr. Carter attend the council meeting.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MOELLER IND. PARK:

The City Clerk informed the council that she had not published the notice in the paper to allow the public hearing on the rezoning of the Milton Moeller Industrial Park. She had been in contact with one of the residents and they desire to have their property rezoned when the city rezones the park. She was waiting on the application from this resident. She requested it be held on April 18 instead of April 4.

Moved by DAVIS, seconded by PRICE to set the hearing on the rezoning of the Milton Moeller Industrial Park for 7:00 p.m., April 18, 1995.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

RECYCLING BUSINESS:

Tipton reported that he had been in contact with a company considering constructing a florescent light recycling plant in the new industrial park. He asked if the council wants the Industrial Development Committee to pursue this.

Moved by LEE, seconded by TIPTON for the Industrial Development Committee to pursue this.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

INDUSTRIAL PARK DEV:

Moved by PRICE, seconded by JENKINS for the City Superintendent and City Building Inspector to begin an active plan for development of the New Industrial Park including cost estimates.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

ADS PLANT:

Mayor Oglesby was asked when American Disposal is going to start the recycling station at the old TRT plant.

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He said he did not have the information now but would have it at the next council meeting.

- APPROP ORD 95-3: Moved by TIPTON, seconded by WARD to approve Appropriation Ordinance 95-3 in the amount of \$90,131.45.
AYES: TIPTON, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
NAYS: PRICE, ADAMS
Motion declared carried.
- APPROP ORD 95-3A: Moved by ROGERS, seconded by TIPTON to approve Appropriation Ordinance 95-3A, Water Project Transfer, in the amount of \$80,812.08.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.
- APPROP ORD 95-3B: Moved by ROGERS, seconded by LEE to approve Appropriations Ordinance 95-3B, City Beautification Transfer, in the amount of \$180.67.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.
- APPROP ORD 95-3C: Moved by ROGERS, seconded by LEE to approve Appropriations Ordinance 95-3C, Sewer Debt Service for Bond & Interest Payment by Electronic Funds Transfer, in the amount of \$45,355.00.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.
- APPROP ORD 95-3D: Moved by WARD, seconded by ROGERS to approve Appropriations Ordinance 95-3D, Water Debt Service for Bond & Interest Payment by Electronic Funds Transfer, in the amount of \$31,855.00.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.
- PAYROLL ORD. 95-10: Moved by ADAMS, seconded by WARD to approve Appropriations Ordinance 95-10 in the amount of \$11,587.14 plus \$881.07 FICA and \$182.56 KPERS.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.
- PAYROLL ORD 95-11: Moved by ADAMS, seconded by DAVIS to approve Payroll Ordinance 95-11 in the amount of \$12,631.23 plus \$960.95 FICA and \$181.97 KPERS.
AYES: TIPTON, PRICE, JENKINS, DAVIS,

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LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

COURT REPORT:

Moved by ALLEN, seconded by LEE to place on file the Court Report for February with collections totaling \$2641.00.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

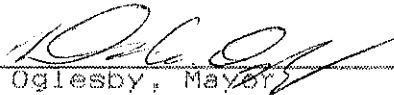
WHOLESALE WATER DIST:

Allen asked the council for further instructions concerning the Wholesale Water District. He asked if they support using Baxter Springs' old plant or are in favor of building a new plant.

Moved by WARD, seconded by LEE to support the construction of a new plant by the Wholesale Water District and that it be built up river from Shoal Creek.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

ADJOURNMENT:

Moved by ROGERS, seconded by ADAMS to adjourn the Regular Meeting of the Galena City Council.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.



Dale Oglesby, Mayor

ATTEST:

Jeanie Holstrom, City Clerk

(SEAL)