

MINUTES OF  
REGULAR COUNCIL MEETING  
APRIL 5, 1994

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, April 5, 1994 at 7:00 P.M. in the Council Chambers with Dale Oglesby, Mayor, presiding

ROLL CALL:

Roll call indicated the following council members present: GABRIELSON, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
ABSENT: HAYES, HARPER, ADAMS

MINUTES:

Moved by BYRD, seconded by GABRIELSON to approve and place on file the minutes of the Regular City Council Meeting of March 1, 1994.  
AYES: GABRIELSON, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Moved by BYRD, seconded by ROGERS to approve and place on file the minutes of the Regular Council Meeting of March 15, 1994.  
AYES: GABRIELSON, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS

FIREMANS RELIEF ASSOC:

Moved by GABRIELSON, seconded by BURKYBILE to place on file the minutes of the Fireman's Relief Association Meetings of March 10 and March 24, 1994.  
AYES: GABRIELSON, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

PUBLIC HEARING:

Mayor Oglesby opened the public hearing on the rezoning of the property at 1301 Main. C. K. Brown, owner, requested the property be rezoned from Residential to C-1. Three letters of protest were received from Gilbert Clary, Charles & Mary Schwartz and Dorothy Chandler. Other residents were present protesting the rezoning.

Rogers said he felt since the car lot is already on the two lots which are

zoned C2 and it is well kept, he did not understand why there are protests.

Mary Schwartz stated some people were told they should not have received the notice concerning the public hearing and these people did not think they could be present. She asked if all citizens were not free to attend and voice their opinion.

Mayor Oglesby said the council welcomed all comments.

HAYES ENTERED 7:05 P.M.

Mr. Brown was represented by his attorney, Al Bieber. Mr. Bieber reviewed the business with the city along with increase in valuation provided by Cherokee County.

Mr. Bieber stated 41 notices were sent and only 3 written protests were received. He stated two of these were outside the 200 feet required by the ordinance.

He stated 1989 or newer vehicles were on the lot. By allowing the old residence to be used as an office and removing the portable office, it would improve the looks of the property.

Dr. Charles Davis asked what would prevent him putting cars on the rezoned area.

It was explained that with a C1 zone, only business could be conducted inside the structure. There could be no outside display on this area.

Schwartz asked what Mr. Brown he plans to put on the rest of the property. She asked if he planned to request the balance be rezoned, section by section.

Mrs. Gilbert Clary said they were concerned with what the property would be used for if he should sell it. The following residents opposed the rezoning: Charles Davis, Carol Baker, Marjorie Murray, Margaret Shaw, Mr. and Mrs. Gilbert Clary, Mr. and Mrs. Charles Schwartz, and Dorothy Chandler.

Moved by ROGERS, seconded by WARD to rezone the property at 1301 Main to C1.

ROLL CALL VOTE:

AYES: ROGERS, WARD

NAYS: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN

Motion failed.

WATER PROJECT:

Jack Murray, Engineer for the Water

Project, informed the council the 1st submittal had been sent to Kansas Department of Health and Environment for review. He has not provided copies to the city until any changes are received from KDHE. He reviewed with the council the work to be done on the project.

Mayor Oglesby commended Mr. Murray and the water committee for the work that's been done on the project.

1116 MADISON, RES. 94-5:

Laura Casteel requested the council take action on the structure at 12th & Madison. The owners do not keep the yard cleaned or mowed and there is a problem with skunks and snakes.

Gene Porter, City Inspector, read his letter to the council concerning the condition of the structure at 1116 Madison. He recommended the structure be placed on the list for condemnation.

Moved by BURKYBILE, seconded by ROGERS to approve Resolution 94-5 setting June 7, 1994 at 7:00 p.m. as the hearing date on the demolition of the structure at 1116 Madison.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS

NAYS: NONE

Motion declared carried.

The city crew will mow the yard at this time.

105 E 3RD:

The fire department will have a controlled burn to destroy the debris at this address.

216 E 7TH:

A letter was sent to Bob Abbott, owner of this structure. A citation has been issued for an April 19, 1994 court date.

1101 SHORT:

A citation has been issued for the owner of this property to appear in court on April 19, 1994.

8TH & DEWEY:

Carol Qualls requested the council to view this property and see if it cannot be cleaned up.

CITY CLEANUP:

Several citizens were present at the meeting. They asked what they can do to assist the city and the building inspector in cleaning up the property in the city.

The council discussed the problem with the residents.

Moved by BURKYBILE, seconded by GABRIELSON to republish the trash

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ordinance along with the ad for the city wide cleanup and the police department will begin issuing citations May 1 for debris in yards.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

DAMAGE, 5TH & BELLEVUE:

Sills stated the steel plate on the storm drain at 5th & Bellevue was turned over. A car drove over it and damaged a tire at a cost of \$46.37.

Moved by GABRIELSON, seconded by HAYES to refer the claim to the insurance company.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

ALLEY, WEST OF DEWEY:

Superintendent Sills included a survey in the packet concerning the alley west of Dewey, from 8th to 10th streets. When Mr. Carter sold the lots in the trailer park, he sold a portion of the alley easement.

Superintendent Sills is to canvas the residents to see if they want the alley open.

This is tabled until the new council members are seated.

DIESEL TANK:

Superintendent Sills provided council members with a letter from Martin Oil concerning the purchase of diesel. The city cannot use the same diesel for off street and on street equipment and vehicles. A second tank needs to be installed at a cost of \$900.

Moved by BURKYBILE, seconded by BYRD to approve the purchase of a diesel tank at a cost of \$900 and set both tanks on a concrete pad.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

CHILDREN AT PLAY SIGNS:

Moved by GABRIELSON, seconded by HAYES to approve the request of Viola Shere and install "children at play" signs on Sparks Street.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

911:

Chief Hentz updated the council on the County 911 system. The city will not receive a monitor but will receive a telephone and printer. The mapping is

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complete. It will go on line the 1st of 1995.

MAJOR CASE SQUAD:

Chief Hentz requested two officers be allowed to be members of the Tri State Major Case Squad. There are approximately 25 officers from the 4 state area in the organization. There will be no cost to the city.

Moved by BURKYBILE, seconded by GABRIELSON to allow two officers to be members of the Tri State Major Case Squad.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE

Motion declared carried.

MUNICIPAL COURT:

Moved by BYRD, seconded by ROGERS to enter into Executive Session for 30 minutes to discuss Personnel with Judge Wert, Chief Hentz and City Attorney Barrett remaining.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE

Motion declared carried.

ENTERED INTO EXECUTIVE SESSION AT 8:35 P.M. AND RETURNED AT 9:05 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order in the Council Chambers after Executive Session, Tuesday, April 5, 1994 at 9:05 P.m. with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call after Executive Session indicated the following council members present: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
ABSENT: HARPER, ADAMS

MUNICIPAL COURT:

Moved by BYRD to accept the find schedule as presented by Judge Wert

MOTION DIED FOR LACK OF 2ND.

Moved by GABRIELSON, seconded by BURKYBILE to increase municipal court fines to a limit of \$50 with a current maximum fine of \$35 and with \$5 of each fine being placed in a police training fund.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD  
NAYS: ROGERS

Motion declared carried.

MOBILE HOME APPLICATION:

Moved by ALLEN, seconded by GABRIELSON to allow the City Clerk to set a hearing date on the Mobile Home Application for Travis Bankson.

AYES: GABRIELSON, HAYES, SCOTT,

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BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

CEMETERY SEXTON HOUSE:

City Inspector Gene Porter informed the council he had inspected the cemetery sexton house at Oak Hill Cemetery. He said it would require major repairs for it to be in a condition to live in. He recommends it be made into offices and storage area.

Moved by BYRD, seconded by GABRIELSON to use the cemetery sexton house as office and storage area.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Moved by ROGERS, seconded by HAYES to not charge the \$200 per month to Officer Justice due to the condition of the structure but he should pay utilities for the month he lived there.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

City Attorney to draw up ordinance on the Cemetery Sexton living off premises.

GENERAL INSURANCE:

Only one bid was received for General Insurance. This was from the Hartley Agency in the amount of \$28,292.

Moved by BURKYBILE, seconded by ROGERS to accept the bid from Hartley Agency for General Insurance.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ROGERS  
NAYS: WARD  
Motion declared carried.

RESERVE OFFICERS:

The Personnel Committee met on March 29 and recommend the following appointments as reserve officers:

Jim L. Haines  
Richard E. Ladd  
Howard L. Richey  
Patrick M. Curry  
Tony Graves  
Charles E. Idleman  
Melvin Wayne turner  
James H. Jones  
Gary L Holt  
Cynthia E. Hentz

Moved by HAYES, seconded by BYRD to approve the above persons as Reserve Officers.  
AYES: GABRIELSON, HAYES, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: SCOTT

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Motion declared carried.

FINANCE COMMITTEE:

The Finance Committee met March 22 and discussed the surveillance cameras, the Cherokee County Drug Task Force, the park caretaker requests, comp time and a pay increase for city employees.

They request the park caretaker submit bids on the tractor seat, and for him to inspect the structures at Schermerhorn Park and submit a cost of repairs.

A copy of Ordinance 94-4 setting to new employee pay schedule was included in the council packets.

Burkybile said she would not vote on the ordinance but asked why it was a percentage increase for all employees. She said this gave a higher increase to the higher paid employees. She thought it should be a flat increase for all employees.

ORDINANCE 94-4, PAY RATES:

Moved by BYRD, seconded by ROGERS to approve Ordinance 94-4 setting the pay rates for all employees.  
AYES: GABRIELSON, HAYES, SCOTT, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
BURKYBILE DID NOT CAST A VOTE  
Motion declared carried.

FINANCE COMMITTEE REPORT:

Moved by GABRIELSON, seconded by ALLEN to accept the Finance Committee Report.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

WATER COMMITTEE REPORT:

The water committee met concerning the hiring of employees for the water project. They request an ordinance be drawn up establishing the necessary positions for the project. They recommend employees of the project not be required to live within the City Limits but must be a resident of the State of Kansas. There will be no fringe benefits. Council members were provided with a schedule of proposed pay rates for the project with the supervisor receiving 10% above the other employees.

Moved by BYRD, seconded by GABRIELSON to accept the Water Committee Report.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

WATER PROJECT PICKUP:

The council discussed the purchase of a pickup for the water project.

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Moved by BYRD, seconded by BURKYBILE to advertise for the purchase of a used pickup.

Motion and second withdrawn.

Moved by BYRD, seconded by ROGERS to allow the City Superintendent to make a recommendation on the purchase of a pickup.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE

Motion declared carried.

SCOTT LEFT AT 9:45 P.M.

STREET COMMITTEE:

The street committee met concerning the angle parking on Main Street between 7th and 8th Streets.

The council discussed whether there was room for trucks to turn the corner at 7th & Main if angle parking is allowed on the West side of Main.

Moved by ALLEN, seconded by BYRD to file the street committee report and to establish 2 hour parking on Main Street between 7th & 8th Streets and to have only parallel parking in this area.

AYES: GABRIELSON, HAYES, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE

Motion declared carried.

PARK SIGNS:

Gabrielson provided costs on the purchase of one sign to be installed at the parks stating park rules. These would be 4 X 4 foot signs of 80 gauge aluminum. The cost per sign is \$258.27.

Moved by GABRIELSON, seconded by BURKYBILE to file the Park Committee Report adopting the Park Rules, draw up an ordinance establishing these rules and purchase two signs to be paid from the Special Parks Fund.

AYES: GABRIELSON, HAYES, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE

Motion declared carried.

MISC:

An ordinance is to be drawn up establishing Water Street from 6th to 7th as a one way street going North.

Superintendent Sills is to contact the state concerning the installation of warning signs to be placed on 7th Street near the Fire Department showing it is a fire truck exit.

DOG POUND:

The council discussed the cost for the isolation runs at the city dog pound.



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6 x 6 x 6 kennels can be purchased at a cost of \$166.95 each. These would need a top added to them. It was decided Superintendent Sills will build the kennels.

GABRIELSON LEFT AT 10:12 P.M. RETURNED AT 10:13 P.M.

CHOP SAW:

Superintendent Sills provided the following bids on a chop saw.

Rangeline Rentals	114 cc	\$831.96
R. W. Tash	111 cc	\$831.96
Southwest Rental		\$995.00

Moved by BYRD, seconded by BURKYBILE to purchase a chop saw from Rangeline Rental at a cost of \$831.96.  
AYES: GABRIELSON, HAYES, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

SIDE MOUNT BUSHHOG:

Ward informed the council there is a side mount bushhog for sale at a cost of \$21,700 delivered. It is an International Diesel Tractor, with an 18 foot side cut and has 1100 hours on it.

Mayor Oglesby said it was purchased for a marajuna eradication project.

Moved by BURKYBILE, seconded by WARD to purchase the bushhog paying as much possible from the Landfill Fund and the balance from other funds.  
AYES: GABRIELSON, BURKYBILE, BYRD, WARD, ROGERS  
NAYS: HAYES, ALLEN  
Motion declared carried.

SEWER COMPLAINT:

Ward informed the council that Mildred Bradshaw had contacted him concerning her rental property on Windsor Street. It is not on the sewer and the City Inspector will not allow water service there until it is connected. She has guaranteed she will put it on the sewer if the city brings the sewer so she can connect. At the time the sewer was put in, she was told this house could not be connected. She would like the water service provided now and she will connect to the sewer as soon as possible.

Moved by BYRD, seconded by ROGERS to allow water service now and to allow 30 days for 118 Windsor to be connected to the sewer, it not water and electricity will be disconnected.  
AYES: GABRIELSON, HAYES, BYRD, ALLEN, WARD, ROGERS

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NAYS: BURKYBILE  
Motion declared carried.

PAYROLL ORDINANCE 94-14:

Moved by GABRIELSON, seconded by ROGERS to approve Payroll Ordinance 94-14 in the amount of \$9833.54 plus \$742.48 FICA and \$165.53 KPERS.  
AYES: GABRIELSON, HAYES, BYRD, ALLEN, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 94-15:

Moved by ROGERS, seconded by GABRIELSON to approve Payroll Ordinance 94-15 in the amount of \$9828.15 plus \$742.10 FICA and \$164.48 KPERS.  
AYES: GABRIELSON, HAYES, BYRD, ALLEN, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 94-16:

Moved by HAYES, seconded by GABRIELSON to approve Payroll 94-16 in the amount of \$10081.20 plus \$761.44 FICA and \$163.77 KPERS.  
AYES: GABRIELSON, HAYES, BYRD, ALLEN, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 94-17:

Moved by GABRIELSON, seconded by ROGERS to approve Payroll Ordinance 94-17 in the amount of \$9589.81 plus \$723.85 FICA and \$162.82 KPERS.  
AYES: GABRIELSON, HAYES, BYRD, ALLEN, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

ADJOURNMENT:

Moved by BURKYBILE, seconded by GABRIELSON to adjourn the Regular Meeting of the Galena City Council.  
AYES: GABRIELSON, HAYES, BURKYBILE, BYRD, ALLEN, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

  
Dale Uglesby, Mayor

ATTEST:

  
Jeanie Holstrom, City Clerk