

MINUTES OF
REGULAR COUNCIL MEETING
APRIL 19, 1994

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, April 19, 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: HAYES, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
ABSENT: GABRIELSON, HARPER, SCOTT

MINUTES:

Moved by BURKYBILE, seconded by BYRD to approve and place on file the minutes of the Regular Council Meeting of April 5, 1994.
AYES: HAYES, BURKYBILE, BYRD, ALLEN, WARD, ROGERS
NAYS: ADAMS
Motion declared carried.

Moved by BYRD, seconded by ROGERS to approve and place on file the minutes of the Special Council meeting of April 13, 1994.
AYES: HAYES, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

LIBRARY BOARD MINUTES:

Byrd questioned how business could be conducted by the Library Board when a quorum had not been present at the meetings.

Moved by BYRD, seconded by BURKYBILE to place on file the minutes of the Library Board Meeting of November 20, 1993.
AYES: HAYES, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

Moved by ROGERS, seconded by WARD to place on file the minutes of the Library Board Meetings of December 28, 1993, January 15, 1994, February 19, 1994 and March 11, 1994.
AYES: HAYES, BURKYBILE, BYRD,
NAYS: NONE
Motion declared carried.

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SR. CITIZENS BOARD:

Moved by BURKYBILE, seconded by ROGERS to place on file the minutes of the Sr. Citizens Board Meeting of March 3, 1994. Motion declared carried.

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

WOLFE MANUFACTURED HOME:

Connie Wolfe informed the council she is placing a manufactured home on her lot. She asked that she be allowed to skirt it for one year before the blocks are placed under it. She said it will be supported by piers in the center with tie downs. It will have the type roof normally found on homes and will be sided.

The council and Gene Porter, City Inspector, discussed whether this was a mobile home or a manufactured home under the new state statutes.

The council suggested she apply for a building permit and Mr. Porter will work with her on this.

PRIVACY FENCE:

Kelly Hopkins met with the council concerning the construction of a privacy fence at 418 E. 6th Street. She asked why it is classified as a building and is under the building code.

Gene Porter, City Inspector, informed the council that to prevent this fence from obscuring vision from the street, it must be back at least 9 feet. City code provides for a set back of 25 feet but it could be set back to 9 feet under the variance section of the code.

Moved by BYRD, seconded by BURKYBILE to allow a 9 foot set back variance for the fence at 418 E. 6th.

AYES: HAYES, BURKYBILE, BYRD, ALLEN, ADAMS, WARD
NAYS: ROGERS
Motion declared carried.

RESIDENCY REQUIREMENTS:

Byrd recommended to the council that the residency requirement for city employees be changed to allow persons to be hired living within a 10 mile radius of the city. He said that the city has lost qualified applicants because of this requirement.

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Moved by BYRD to increase area to 10 mile circumference for hired employees with department heads required to be residents of the city and with the requirement that all employees must live within the state of Kansas.

Motion died for lack of second.

WATER COMMITTEE:

The water committee met with Mr. Cunningham of Cunningham Sandblasting concerning the water tower. He made recommendations and these were used by the City Clerk to request bids on the tower.

ANIMAL CONTROL TRUCK:

Moved by BYRD, seconded by BURKYBILE to purchase a 1981 Ford Pickup with 2000 miles on a complete overhaul, new brakes, tires and shocks from Richard Davis for \$3000 to be used as an animal control truck.
AYES: HAYES, BURKYBILE, BYRD, ALLEN
NAYS: ROGERS, ADAMS, WARD
Motion declared carried.

WATER PROJECT TRUCK:

Superintendent Sills had obtained prices on 3 vehicles suitable for the water project:

1985 Chevrolet, 89,000 mi, \$4500
1986 Chevrolet, 126,000 mi \$4500
1988 Chevrolet, 120,000 mi \$4500

No action taken.

PARK EQUIPMENT:

Byrd said the council had referred the request from the parks department for a box blade, tractor seat and weed eater to the Finance Committee.

Allen said the Finance Committee did not approve these purchases at their meeting. They had requested Biddle to get bids on the tractor seat and these had not been received.

Biddle said he had gotten a price on the tractor seat. These were given to the park committee. He said he was tired of getting bids and the council not approving his purchases.

Moved by BYRD, seconded by ADAMS to allow Ben Biddle, park caretaker to purchase a box blade, tractor seat and weed eater for the parks department.

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AYES: HAYES, BURKYBILE, BYRD,
ADAMS, ROGERS
NAYS: ALLEN, WARD
Motion declared carried.

Adams stated that Ben does a good job and he needs the equipment to work with.

APPROPRIATION ORD 94-4: Moved by HAYES, seconded by ADAMS to approve Appropriations Ordinance 94-4 in the amount of \$161,272.93.

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

APPROPRIATION ORD 94-4A: Moved by BURKYBILE, seconded by ROGERS to approve Appropriations Ordinance 94-4A, Water Project, in the amount of \$8,921.21.

AYES: HAYES, BURKYBILE, BYRD,
ADAMS, WARD, ROGERS
NAYS: ALLEN
Motion declared carried.

APPROPRIATION ORD 94-4B: Moved by BYRD, seconded by BURKYBILE to approve Appropriations Ordinance 94-4B, City Beautification Project, in the amount of \$63.30.

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

APPROPRIATION ORD 94-4C: Moved by BURKYBILE, seconded by WARD to approve Appropriations Ordinance 94-C, Sewer Project, in the amount of \$15,000.

AYES: HAYES, BURKYBILE, BYRD,
ADAMS, WARD, ROGERS
NAYS: ALLEN
Motion declared carried.

PAYROLL ORDINANCE 94-18: Moved by ADAMS, seconded by BYRD to approve Payroll Ordinance 94-18 in the amount of \$9,724.16 plus \$734.15 FICA and \$166.42 KPERS.

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

PRESENTATION: Mayor Oglesby presented plaques to Jerry Byrd and Birtchell Hayes, outgoing council members, and thanked them for their service to the city.

Jerry Gabrielson and William Scott were not present to receive their plaques.

Jerry Byrd told the council this

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would end a Byrd era in the City Council. His grandfather and father both served as council members.

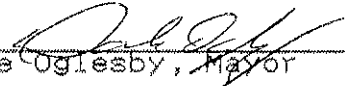
ADJOURNMENT:

Moved by BURKYBILE, seconded by HAYES to adjourn the Regular Meeting of the Galena City Council.

AYES: HAYES, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS

NAYS: NONE

Motion declared carried.


Dale Oglesby, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

(SEAL)

OATH OF OFFICE WAS GIVEN TO THE FOLLOWING NEW COUNCIL MEMBERS
BY THE CITY CLERK: JOHN TIPTON, LILLIAN PRICE, JOYCE
BURKYBILE, JACKIE DAVIS AND MARK LEE

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order in the Council Chambers, Tuesday, April 19, 1994 after the oath of office was given to the new council members with Dale Oglesby, Mayor, presiding.

ROLL CALL:

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

COMMITTEES:

Moved by PRICE, seconded by ADAMS to accept the following council member committees presented by council members.

Mayor Oglesby said this is out of order.

Allen said the council has the option of naming its own committees but the council must present the names for the committees.

Moved by PRICE, seconded by LEE to allow the council to appoint their own committees.

ROLL CALL VOTE
AYES: PRICE, DAVIS, BURKYBILE, LEE, ADAMS
NAYS: TIPTON, ALLEN, WARD, ROGERS
Motion declared carried.

NOMINATING COMMITTEE:

Moved by ALLEN, seconded by ROGERS for the council to serve as a committee as a whole to select committees.

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

Each council member named three committees they would like to serve on. The committees were then selected from these. If more than one person wanted to serve as

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chairman, the chairman was selected by the flip of a coin.

STREET COMMITTEE:

Moved by LEE, seconded by BURKYBILE for the Street Committee to consist of TIPTON, PRICE, ROGERS.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

COMMUNITY DEVELOPMENT COMM:

Moved by BURKYBILE, seconded by LEE for the Community Development Committee to consist of TIPTON, DAVIS, HARPER with Tipton serving as Chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

STREET COMMITTEE:

Rogers was selected as chairman of the Street Committee.

WATER COMMITTEE:

Moved by LEE, seconded by ADAMS for the Water Committee to consist of WARD, DAVIS, and BURKYBILE with Ward as chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

SEWER & SANITATION COMM:

Moved by LEE, seconded by ADAMS for the Sewer and Sanitation Committee to consist of BURKYBILE, WARD and TIPTON with Burkybile as chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD
NAYS: ROGERS
Motion declared carried.

FINANCE COMMITTEE:

Moved by LEE, seconded by TIPTON for the Finance Committee to consist of PRICE, ALLEN, ADAMS with Price as chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PARKS & HOUSING COMMITTEE:

Moved by ALLEN, seconded by LEE for the Parks and Housing Committee to consist of BURKYBILE, WARD, ROGERS with Rogers as Chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS

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NAYS: NONE
Motion declared carried.

POLICE COMMITTEE:

Moved by BURKYBILE, seconded by DAVIS for the Police Committee to consist of ALLEN, LEE, ADAMS, with Lee as Chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PERSONNEL COMMITTEE:

Moved by BURKYBILE, seconded by LEE for the Personnel Committee to consist of PRICE, ALLEN, ADAMS with Allen as Chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

FIRE COMMITTEE:

Moved by BURKYBILE, seconded by TIPTON for the Fire Committee to consist of DAVIS, LEE, TIPTON with Davis as Chairman.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

REGULAR SESSION:

Moved by LEE, seconded by BURKYBILE for the Galena City Council to back into session.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS
NAYS: WARD, ROGERS
Motion declared carried.

ACCEPT COMMITTEES:

Moved by BURKYBILE, seconded by LEE to accept the committees selected above.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD
NAYS: ROGERS
Motion declared carried.

MAYOR OGLESBY LEFT THE COUNCIL CHAMBERS WHILE THE COUNCIL SELECTED A MAYOR PROTEM.

COUNCIL PRESIDENT:

The Council voted for Mayor Protem by secret ballot.

Moved by BURKYBILE, seconded by LEE to select Doris Adams as Mayor Protem.
AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MAYOR OGLESBY RETURNED TO THE

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COUNCIL CHAMBERS TO PRESIDE OVER
THE REGULAR COUNCIL MEETING.

OFFICIAL CITY NEWSPAPER:

Moved by BURKYBILE, seconded by
TIPTON to select the Galena
Sentinel Times as the Official
City Newspaper.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

CEMETERY PERSONNEL:

Tom Wade, Cemetery Sexton, asked
he be allowed to hire his summer
employees as he has done in the
past.

Moved by BURKYBILE, seconded by
ADAMS to allow the Cemetery Sexton
to hire his own personnel.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

CEMETERY LAWNMOWER:

Moved by BURKYBILE, seconded by
ADAMS to allow the Cemetery Sexton
to purchase a push lawnmower for
his department at an approximate
cost of \$180.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

CEMETERY SEXTON:

Tom Wade requested the council to
reconsider their position in not
allowing the savings to the city
in the cost of utilities at the
Cemetery Sexton house be paid to
him. He requested they average
the previous six months utility
costs and the utility cost for the
coming six months and at the end
of that period, consider paying
him the difference in salary.

Moved by BURKYBILE, seconded by
PRICE not to allow for utilities
in the Cemetery Sexton wages.
AYES: TIPTON, PRICE, BURKYBILE,
ALLEN, ADAMS, WARD, ROGERS
NAYS: DAVIS, LEE
Motion declared carried.

Tom Wade told the council his will
register with the Electrical Union
and when he is called to work, he
will submit his resignation as
Cemetery Sexton.

Moved by ROGERS, seconded by
BURKYBILE to advertise for the

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position of Cemetery Sexton.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

CONTRACTORS LICENSES:

Gene Porter, City Inspector, informed the council that the city is issuing licenses for contractors without a bond. The council passed an ordinance about two years ago which required a performance bond. The contractors are unable to obtain this bond. The license bond section of the ordinance was repealed and the license did not benefit either the city or the customer. He said the city needs to have a code with teeth in it. There is a problem with an electrical job which was not done to code.

The council discussed what can be done to protect the residents and the city.

Moved by BURKYBILE, seconded by LEE to allow the City Inspector to see what other cities are doing and report back at the next meeting.

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

806 ELM:

Gene Porter, Building Inspector, informed the council that the notice on the public hearing on the condemnation of the structure at 806 Elm was only published once. He asked that a new hearing date be set.

Moved by BURKYBILE, seconded by ROGERS to approve Resolution 94-3 setting a new hearing date on the demolition of the structure at 806 Elm.

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

SALE OF POLICE BASE RADIO:

Chief Hentz requested he be allowed to accept bids on the sale of the base station and use the funds received in the renovation of the dispatcher area.

Moved by BURKYBILE, seconded by TIPTON to advertise for the sale

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of the base radio in the police department and allow the funds to be used in the renovation of the dispatcher area.

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

Motion declared carried.

POLICE LAUNDRY:

Moved by BURKYBILE, seconded by LEE to pay Gail Wade \$20 per month for laundry supplies.

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

Motion declared carried.

DUMPSTERS:

Moved by BURKYBILE, seconded by ROGERS to allow the purchase of six two-yard dumpsters.

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

Motion declared carried.

CITY DOG POUND:

Superintendent Sills informed the council that the repairs on the dog pound will not be complete by the inspection Thursday. They have installed 4 runs instead of 2. There will be additional costs of approximately \$400.

The council discussed how to house cats. It was suggested that large cages be obtained and these be placed off the ground.

Moved by TIPTON, seconded by BURKYBILE to allow an additional \$400 to complete the dog pound.

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

Motion declared carried.

LOCAL HOUSING BOARD:

Mayor Oglesby informed the council only one application had been received to fill the vacancy on the Local Housing Board. He presented the name of Gene Wilson for this position.

Moved by BURKYBILE, seconded by ALLEN to appoint Gene Wilson to the Local Housing Board.

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

Motion declared carried.

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NORTH MAIN RAILROAD:

Mayor Oglesby informed the council that Bob Garlock, Trainmaster for Burlington Northern Railroad had been in contact with him concerning the installation of a concrete crossing on North Main Street at a cost to the city of approximately \$4700.

Moved by ALLEN, seconded by LEE to allow \$4700 for Burlington Northern to replace the railroad crossing on North Main Street.

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

Motion declared carried.

MID AMERICA MEMBERSHIP:

Mayor Oglesby asked the council whether they wanted to remain members of Mid American Inc., an economic development corporation for 10 counties in Southeast Kansas. The annual membership fee is \$350.

Moved by ROGERS, seconded by WARD not to remain members of Mid America Inc.

ROLL CALL VOTE

AYES: BURKYBILE, ADAMS, WARD, ROGERS
NAYS: TIPTON, PRICE, DAVIS, LEE, ALLEN

Motion failed.

The City will remain a member of Mid America.

AMB ASSOC PLANT SALE:

Moved by LEE, seconded by BURKYBILE to allow the Cherokee County Ambulance Association to have their annual plant sale on the Municipal Building Parking Lot on April 22 and 23.

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

Motion declared carried.

COUNTY TOUR:

Mayor Oglesby informed the council there will be a county wide tour. It will visit various tourist attractions around the county. They will tour Galena in the afternoon. The cost to the city for 6 people to attend the tour is \$100. He would like for the city to participate and as many council members as possible attend.

Moved by BURKYBILE, seconded by LEE for the City to participate in the tour.

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

The council discussed where the group should tour in Galena. Allen recommended the Community Development Committee put together the plan.

The City Clerk will notify the council members of the date and time and will get a list of who can attend.

WATER PROJECT:

Ward informed the council the water project has been approved by the State. The city has received two copies of the plans. He has been given one copy and the other is on file in the city clerk's office.

CEMETERY SEXTON, ORD 94-6:

Moved by BURKYBILE, seconded by WARD to approve Ordinance 94-6 deleting the requirement of Ordinance No. 84-11 that the cemetery sexton reside in the dwelling at Oak Hill Cemetery.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

PARK RULES, ORD 94-7:

Moved by BURKYBILE, seconded by LEE to approve Ordinance 94-7 making the same public offenses and penalties that apply in the Galena City Park apply in Schermerhorn Park.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

TRAFFIC FINES, ORD 94-8:

Moved by BURKYBILE, seconded by ROGERS to approve Ordinance 94-8 setting forth minimum and maximum fines for the fine schedule for traffic infractions and setting aside \$5.00 of the fine for use as a police training fund.
AYES: TIPTON, PRICE, DAVIS,
BURKYBILE, LEE, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

COUNCIL MEMBER HARPER:

The Council discussed the number of meetings missed by Council member Harper.

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Mayor Oglesby said he has contacted Harper concerning this.

Moved by BURKYBILE, seconded by LEE to prepare a letter to Harper for next council meeting requesting he either attend council meetings or resign with all council members signing at the next meeting.

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

NAYS: ADAMS

Motion declared carried.

PLANNING & ZONING:

Moved by PRICE, seconded by BURKYBILE to advertise for members on the Planning & Zoning commission and the Board of Appeals.

AYES: TIPTON, PRICE, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS

NAYS: WARD, ROGERS

Motion declared carried.

ADJOURNMENT:

Moved by BURKYBILE, seconded by LEE to adjourn the Regular Meeting of the Galena City Council.

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

NAYS: WARD

Motion declared carried.


Dale Oglesby, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

(SEAL)