

MINUTES OF
REGULAR COUNCIL MEETING
MAY 16, 1995

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, May 16, 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, REYNOLDS, WARD, ROGERS
ABSENT: NONE

MINUTES:

The minutes of the Regular Council Meeting of May 2, 1995 were corrected as follows:

Monofill Landfill, paragraph 6 on Page 9 was corrected to read as follows:

Moved by TIPTON, seconded by JENKINS to draw up a contract with Dwayne Snapp to fill holes with tires with the city to be paid \$3 per ton for all materials going into large holes and no fee for materials going into small holes with the contract to be brought back to council for approval.

Moved by ROGERS, seconded by WARD to approve and place on file the minutes of the Regular Council Meeting of May 2, 1995 with the above correction.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

SR. CITIZENS BOARD:

Moved by ROGERS, seconded by WARD to place on file the minutes of the Sr. Citizens Board Meeting of April 7, 1995.

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

NAYS: NONE

Motion declared carried.

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FIREMEN'S RELIEF ASSOC:

Moved by DAVIS, seconded by LEE to place on file the minutes of the Firemen's Relief Association Meeting of May 11, 1995.

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

NAYS: NONE

Motion declared carried.

FAMILY LIFE CDBG GRANT:

Mayor Oglesby opened the Citizens Participation Hearing on the Family Life Center CDBG application sponsored by the City.

Lynn Durbin of the Family Life Center stated a new building would be built at 6th & Wood. There would be a community room open for public use.

Mayor Oglesby asked if there was any further public comment or questions. There being none, the Citizens Participation hearing was closed.

CULVERT AT 1001 WOOD:

Phyllis Brownfield requested a grate be put over the culvert at 1001 Wood. She said the culvert faces the house and she has small grandchildren who play in the yard. She is concerned one will fall into the culvert.

Moved by ROGERS, seconded by DAVIS to do whatever is necessary to correct the problem.

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

NAYS: NONE

Motion declared carried.

WATER TOWER:

Mayor Oglesby provided pictures of the inside of the water tower which is nearly complete. Filling should start on Wednesday.

K G & E:

Robert St. Claire met with the council concerning the letter sent to his company on the streets not being repaired after being cut by K G & E.

He told the council he will stay in contact with the City Clerk's Office on a monthly basis to be sure repairs are made in a timely manner in the future. He was not aware of any problems.

VACATING STREETS:

A letter to the council from Gene Barrett, City Attorney, was included in the council packets. This letter informed the council that once a street or alley has been vacated,

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the city would have to purchase it back from the owner at fair market value to open it again.

WALNUT STREET, ORD 95-4: Moved by LEE, seconded by WARD to approve Ordinance 95-4 vacating Walnut Street north of Lots 4, 5, 6, 7, 8 in Empire City Addition to the City of Galena.

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

NAYS: NONE

Motion declared carried.

VACATING ALLEY, ORD 95-5: Moved by LEE, seconded by JENKINS to vacate the alley East of Galena lots 1, 2, 3, and 4 Block 30 Spring Grove Addition to the City of Galena.

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

NAYS: NONE

Motion declared carried.

SCHOOL BLDG PERMIT FEE: A request was received from Unified School District 499 to waive the building permit fee for the expansion approved in the special vote this year.

Moved by PRICE, seconded by ROGERS to waive the building permit fee for USD 499's expansion.

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

NAYS: NONE

Motion declared carried.

SOFTBALL FIELDS:

Leon Price, president of the Girls Softball Association, requested the city purchase a new small hot water tank for the concession stand. The association has obtained enough donations for the lights.

Ben Biddle, Park Caretaker, stated he had put new elements in that hot water heater last year. He is to see if the heater can be repaired.

Price informed the council that the girls will only be using the school ball field while they are putting clay in the city's field.

ELECTRIC BILL:

It was noted that the Girls Softball Association is being billed for electric service at the softball park.

Moved by ROGERS, seconded by DAVIS for the City to pay this electric bill for the soft ball park.

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

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REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

POOL CHLORINE:

G & L Pools informed the city that the price on stick chlorine is going to increase. They can order now at last year's prices if the city will purchase the chlorine from them again this year.

Moved by ROGERS, seconded by WARD to order chlorine from G & L pools at last year's prices.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

COMMUNITY ROOM TABLES:

Mayor Oglesby informed the council that tables need to be purchased for the community room. He recommended 4 be purchased at a cost not to exceed \$320.

Moved by DAVIS, seconded by LEE to purchase 4 tables.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

LAGOON ENZYMES:

Mayor Oglesby reported he had been able to obtain 6 buckets of enzymes for the sewer lagoons at a cost of \$60 per bucket. These are 50 pound buckets.

Superintendent Sills had checked prices on enzymes and it was \$14.85 per pound. He said the lagoons should be treated but he had not done so because of the cost.

Moved by ROGERS, seconded by LEE to purchase the 6 buckets of enzymes at a cost of \$360.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

ANIMAL CONTROL:

The Police Committee met just prior to council meeting to discuss animal control. Chief Hentz had obtained information from Baxter Springs and Columbus concerning their method of controlling animals.

Columbus employs an animal control officer whose salary is nearly on a level with our police officers.

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Baxter Springs starts the animal control officer at \$4.25 per hour plus \$1.50 for each live animal he brings in. Pictures of the animal are taken and a log is kept on these animals.

Moved by LEE, seconded by ROGERS, to refer hiring a full time animal control officer to the Finance Committee.

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

Motion declared carried.

DISPATCH AREA:

Chief Hentz informed the council that City Hall is secure at night. Only the front door by the Community Room is left unlocked. He had discussed with Ward the installation of a monitor and buzzer system in the vestibule in this area.

The council also discussed revising the dispatch area to accomodate the extra equipment the city will receive the first of next year for the 911 system. The Police Committee will bring back a recommendation on this.

FAST COPS GRANT:

Chief Hentz said he had been informed by telephone that the city has received a Fast Cops Grant. He will get this confirmed in writing and meet with the Personnel Committee.

VACATE OAK STREET:

Rogers said he had reviewed the area of Oak Street which Neal Little requested the city to vacate. The Street Committee recommends it be vacated.

Moved by ROGERS, seconded by TIPTON to draw up an Ordinance to vacate Oak Street East of Jefferson Street.

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

Motion declared carried.

PERSONNEL COMMITTEE:

Copies of the minutes of the Personnel Committee's meeting of May 12 was provided council members. The committee interviewed for lifeguards for the swimming pool and recommend Jamie Smith, Shane Bruce and Chad DeGraff be employed as lifeguards for the 1995 season.

Moved by ALLEN, seconded by TIPTON to accept the recommendation of the Personnel Committee and employ Shane

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Bruce, Chad DeGraff and Jamie Smith as lifeguards.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MONOFILL LANDFILL

The council discussed the monofill landfill permit.

Duane Snapp informed the council that he had originally owned Tire Remediation which was filling the holes under the city's monofill landfill permit. He sold the company to a group in Texas and the permits went to this company. However, he had been following the filling of the holes and had noticed inconsistencies. Arkansas was having a problem with the flow of tires out of their state and Tire Remediation (TRI) had violated their contract with Arkansas. Mr. Snapp agreed to come back if he could get an agreement with the city. He agreed to pay \$3 per ton for all tires placed in the holes with him to provide the manpower and equipment.

Based on last council meetings minutes, he prepared a contract with Arkansas. Now, it appears that the city is going to allow others to offer the city a contract also.

He said there are 3 tire haulers, Borgan at Scammon, himself, licensed in Kansas, Missouri and Arkansas and Red's Tire. He said Red's tire was stopped by the state because he had exceeded his limit. Mr. Snapp said he had never had a violation.

Mr. Snapp recommends that if the city puts the monofill up for bids, they adopt the criteria used by EPA.

Mr. Snapp said he had spent 1 1/2 years setting up this program for Tire Remediation.

He was asked if he would continue running his route and he said he would.

Red Harris of Red's Tires said he was contacted by a council member concerning this. He then contacted the state and was informed the city has 29 years left on a 30 year permit that covers 800 acres.

He said Mayor Oglesby informed him

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that only about 10 holes were left to be filled. He said Mayor Oglesby tried to discourage him from making an offer on the landfill. He said he is licensed. His haulers permit was cancelled due to a disagreement with the state on a recycling program. He won in an out of court settlement and is getting his permit back.

Mayor Oglesby explained that although the city has a blanket permit which covers 800 acres, it was never the city's intention to do anything other than to fill the mine holes. The blanket permit was the only means the state had of issuing a permit for filling the holes.

Jenkins asked Mayor Oglesby what was meant by his statement that the hole was covered.

Mayor Oglesby and Superintendent Sills stated the hole was covered at the time the statement was made.

Price said she had received calls about the contract and she had called the state. They gave her the names of others. She asked them to send a letter to council saying they are interested in bidding.

Mayor Oglesby said he had met with Jack Brumback and he would be interested in operating a large monofill.

Price said she doesn't want to fill any holes that the city can use for a demolition landfill.

Mayor Oglesby said there is only one hole on city property that can be permitted. The one started by TRI can be completed.

Mr. Harris asked about the other two holes near the one that was being filled.

Superintendent Sills informed him these were to be used as a Demolition Landfill by the city.

The council discussed the holes in Hell's Half Acre. The owners will not give permission to use these.

Moved by JENKINS, seconded by REYNOLDS that Mr. Harris be given an opportunity to bid on the same holes as Mr. Snapp.

Roll Call Vote:

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AYES: PRICE, JENKINS, REYNOLDS
NAYS: TIPTON, BURKYBILE, LEE,
ALLEN, WARD, ROGERS
ABSTAIN: DAVIS
Motion failed.

Gene Barrett, City Attorney,
recommended Mr. Harris and Mr. Snapp
submit a contract to him and he will
review it and make changes.

Moved by TIPTON, seconded by JENKINS
that Mr. Harris, Mr. Brumback and
Mr. Snapp have an opportunity to bid
on the one and 1/4 holes the city
has.

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

Moved by JENKINS, seconded by PRICE
that whoever works on the holes have
the bond required by state and all
required state permits.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PROCEED WITH MEETING:

Moved by ALLEN, seconded by LEE to
proceed with the meeting.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

WATER PROJECT EMPLOYEE:

Moved by ALLEN, seconded by REYNOLDS
to confirm Mayor Oglesby's
appointment of Frankie McCumber as
an employee for the water project.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

LITTLE RECOGNITION:

Tipton asked to recognize the effort
Neal Little is doing in the downtown
area.

CURBS:

Allen asked if the asphalt curbs is
only temporary and if the permanent
ones will be cement.

Little said they would be replaced
with cement.

WALKING TRACT DIRT:

Ben Biddle asked to purchase 3 loads
of dirt for the walking tract at \$55
per 15 ton load.

Moved by JENKINS, seconded by ROGERS

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to allow the purchase of 3 loads of dirt for the walking tract at \$55 per load.

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

Motion declared carried.

CULVERT, CLARK STREET: One side of the culvert on Clark Street is washed out. Superintendent Sills is to check on and repair.

DEGREASER: Rogers told Sills the last degreaser was purchased in September. This is less than one year which he stated at the May 2 council meeting. He said Superintendent Sills should monitor the use of the degreaser.

Sills said the degreaser is used as needed to clean the grease from the lift stations. He cannot determine how much grease will be flushed through the sewer, so it is used as needed.

BAXTER ADVERTISER: The City Clerk was asked to send a letter to the Baxter Advertiser informing them that the Advertiser is being thrown all over town in the streets and gutters.

C & N SIDEWALKS: Mildred Bradshaw contacted Ward and Lee concerning the black debris C & N is covering the sidewalk with in front of their business.

Superintendent Sills informed the Council that C & N had a sidewalk installed on the East side of Main Street. At the present time, it is in the area where the railroad crossing is being replaced. The Street Committee and Superintendent Sills will look at this after the crossing is completed.

CONDEMNATION LIST: Council members were provided a list of structures which are still on the condemnation list along with the last action taken by the council on each.

Gene Porter, Building Inspector, gave a verbal report on the status of each of the structures at this time.

216 E 7TH: Gene Porter, Building Inspector, said he had inspected this house yesterday and today. He said only one room has the walls finished. They were working on the house today.

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Mr. Porter said he was notified that persons were moving into the house. He said the people making the repairs have small children there with them.

Porter said the structure must be brought to code before it is rented.

Bob Abbott, owner of the structure said the house is not rented. He has carried off 13 loads of trash taken out. The people working on the house want to rent it when it is completed. He is ready to pour a concrete porch in the back and paint the outside of the house when weather permits. All the plumbing and electric works. He said the house would not be rented until it is brought to code.

Jenkins said Porter is doing his job.

814 E. 6TH:

Porter reported that Mr. Bebee has received a quit claim deed from Mr. Parker. He is in the process of notifying Mr. Holmes of this. The grass and weeds have been mowed and the structure has been sealed up. Work will begin as soon as Mr. Holmes is notified.

806 ELM:

Nothing has been done to this structure since last fall. The weeds are high.

816 JOPLIN:

Nothing has been done on this structure and it is becoming a hazard.

905 PECO DRIVE:

This is not a structure for habitation. He has not checked the tie downs and skirting.

505 E 7TH:

Nothing has been done since last fall.

Moved by ROGERS, seconded by BURKYBILE to send a letter to the owner stating that repairs need to be completed and request they attend the next council meeting.

1118 MADISON:

Porter requests this structure be removed from the condemnation list. It has been brought to code.

Moved by ROGERS, seconded by BURKYBILE to remove the structure at 1118 Madison from the condemnation list.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE

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Motion declared carried.

107 W 4TH:

Porter said this building has been made sound. He requests it be removed from the condemnation list.

Moved by BURKYBILE, seconded by DAVIS to remove the structure at 107 W 4th from the condemnation list.

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

NAYS: NONE

Motion declared carried.

901 SHORT:

Repairs have not been completed.

Moved by LEE, seconded by DAVIS to send the owner a letter.

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

NAYS: NONE

Motion declared carried.

WEED COMPLAINTS:

The following weed complaints were received: 811 E. 7th, TRT

BRIDGES:

Superintendent Sills is allowed to apply for a grant for bridges on 11th Street and South Wood.

CITY WIDE CLEANUP:

Council discussed whether the city should have a city wide cleanup with city employees picking up the items.

Superintendent Sills informed the council that Dave Bryant of the Scammon Landfill provided the roll offs for the two weeks of cleanup at no charge.

EXECUTIVE SESSION:

Moved by LEE, seconded by DAVIS to enter into executive session for 25 minutes to discuss personnel with Chief Hentz and the City Attorney, Gene Barrett, remaining.

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

NAYS: NONE

Motion declared carried.

ENTERED INTO EXECUTIVE SESSION AT 9:31 P.M.

RETURNED AT 9:48 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after executive session Tuesday, May 16, 1995 at 9:48 p.m. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: TIPTON,

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PRICE, JENKINS, DAVIS, BURKYBILE,
LEE, ALLEN, REYNOLDS, WARD, ROGERS
ABSENT: NONE

ROBERT TURNER:

Moved by LEE, seconded by TIPTON to
terminate Robert Turner from active
duty and city employment.

ROLL CALL VOTE:

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

NAYS: PRICE, JENKINS, DAVIS,
REYNOLDS

Motion declared carried.

COURT REPORT:

Moved by ROGERS, seconded by LEE to
place the April Court Report with
collections totaling \$1447.

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

NAYS: NONE

Motion declared carried.

STREET LIGHT:

The request for a street light at
Eagle Picher Industries was referred
to the Street Committee.

APPROPRIATIONS ORD. 95-5: Moved by DAVIS, seconded by ROGERS
to approve Appropriations Ordinance
95-5 in the amount of \$163,966.80.
AYES: TIPTON, JENKINS, DAVIS, LEE,
ALLEN, REYNOLDS, WARD, ROGERS
NAYS: PRICE, BURKYBILE
Motion declared carried.

APPROP. ORD. 95-5A:

Moved by ROGERS, seconded by TIPTON
to approve Appropriations Ordinance
95-5A, Transfer for Water Project
Expenses, in the amount of
\$39,064.41.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD. 95-18:

Moved by WARD, seconded by LEE to
approve Payroll Ordinance 95-18 in
the amount of \$12,158.27 plus
\$925.19 FICA and \$170.53 KPERS.

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

ABSTAIN: BURKYBILE

NAYS: NONE

PAYROLL ORD 95-19

Moved by LEE, seconded by WARD to
approve Payroll Ordinance 95-19 in
the amount of \$11,700.60 plus
\$890.19 FICA and \$174.85 KPERS.

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

ABSTAIN: BURKYBILE

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NAYS: NONE
Motion declared carried.

PAYROLL ORD 95-19A:

Moved by ROGERS, seconded by WARD to
approve Payroll Ordinance 95-19A in
the amount of \$161.50 plus \$12.35
FICA.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

ADJOURNMENT:

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

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

NAYS: NONE

Motion declared carried.



Dale Oglesby, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)