

MINUTES OF  
REGULAR COUNCIL MEETING  
JUNE 6, 1995

CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, June 6, 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

MINUTES: Moved by ROGERS, seconded by WARD to approve and place on file the minutes of the Regular Council Meeting of May 16, 1995.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

VOLUNTEER FIREMEN ASSOC: Moved by LEE, seconded by DAVIS to place on file the minutes of the Galena Volunteer Firemen's Association Meeting of May 25, 1995.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

LIBRARY BOARD: Moved by WARD, seconded by ROGERS to place on file the minutes of the Galena Library Board Association meetings of March 25, 1995 and April 22, 1995.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

FAMILY LIFE CENTER: Mayor Oglesby opened the Public Hearing on the City's Application for a CDBG for the Family Life Center. Rob Anderson of SEK Regional Planning Commission and Lynn Durbin of the Family Life Center answered questions.  
  
Doug Spears asked if safeguards are begin taken since the center is near the school.  
  
Rob Anderson explained that there would be no housing of patients at

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this center. The new structure will be used for office space and one large room which can be used for meetings. He said the center will primarily be used by residents of Galena and the surrounding area. There are a few patients from Oklahoma which use the center and once each month, they have meeting for alcoholics which rotates between Galena and Parsons.

Rob Anderson explained it will be a \$175,000 project with the city receiving a grant for \$75,000. No city funds will be used. The city will handle the grant funds and an audit will be required.

Mayor Oglesby closed the Public Hearing.

RESOLUTION 95-5:

Moved by ROGERS, seconded by BURKYBILE to approve Resolution 95-5 assuring and certifying to the Kansas Department of Commerce and Housing that the City of Galena possesses legal authority to submit a grant application to receive grant funds, and hereby authorizes the Mayor and City Clerk to act as the official representatives of the grantee.

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

NAYS: NONE

Motion declared carried.

RESOLUTION 95-6:

Moved by BURKYBILE, seconded by ROGERS to approve Resolution 95-6 assuring the Kansas Department of Commerce and Housing that funds will be continually provided for the operation and maintenance of the Galena Family Center (Family Life Center, Inc.) project to be financed in part by Community Development Block Grant Funds as delineated in the 1995 Community Development Block Grant Application.

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

NAYS: NONE

Motion declared carried.

RESOLUTION 95-7:

Moved by ROGERS, seconded by LEE to approved Resolution 95-7, a resolution of Residential Antidisplacement and Relocation Assistance Plan under Section 104 (d) of the Housing and Community Development Action of 1997 as amended.

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

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NAYS: NONE  
Motion declared carried.

JIM MAXWELL:

Mr. Maxwell was not present.

814 E 6TH:

Mr. Porter informed the council that Mr. Holmes will not give a clear title to Eric Bebee for this property. The cost to clear the title would be approximately \$4000. Mr. Holmes would rather have the structure taken down.

The council discussed whether Mr. Holmes owned the structure or was the mortgage holder. The estimate on costs to take it down was \$800 to \$1000.

Moved by ROGERS, seconded by LEE to take bids on taking down the structure at 814 E. 6th Street.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, ROGERS  
NAYS: WARD  
Motion declared carried.

WALNUT STREET:

Gene Porter, Building Inspector, informed the council that information is going around that he is giving Mr. Irwin the right to take down fences in the area around Walnut Street. Mr. Porter wanted it understood that he did not tell Mr. Irwin this.

Charles and Barbara Sliger discussed with the council the problems the property owners in this area are having with Mr. Granville Irwin. He is informing them that he owns property and he is installing a fence in the middle of Walnut Street in the section that has not been vacated.

Gene Porter, Building Inspector, is to meet with Verlyn White concerning Walnut Street in this area.

CONDEMNATIONS:

No letters had been sent on 505 E. 7th, 901 Short, and 806 Elm. The council discussed 216 E. 7th. Price noted that the foundation has deteriorated in the back of the structure.

No action was taken.

BULLET PROOF VESTS:

Chief Hentz demonstrated to the council a type 3 bullet proof vest and provided cost for the purchase of 7 of these vests.

|                       |        |
|-----------------------|--------|
| Protective Products   | \$2527 |
| Law Enforcement Equip | \$2975 |

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He requested he be allowed to purchase these.

The council discussed whether funds were available for the purchase of these vests.

Chief Hentz said the council adopted a 5 year program in the early 80's of providing these vests for the officers. This program has not be adherred to.

City Attorney, Gene Barrett, said the city would not have a liability due to the program not being adherred to.

Moved by LEE, seconded by JENKINS to refer this request to the Finance Committee.

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

NAYS: NONE

Motion declared carried

FAST COPS GRANT:

Council members were provided with a letter informing them of approval of a grant. It would pay 75% of an officers wages and benefits over a three year period. The cost to the city would be just over \$6000 per year for a three year period. If a veteran is hired, the city would receive an additional \$5000.

Moved by TIPTON, seconded by LEE to accept the grant and hire a veteran if he is the most qualified.

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

NAYS: NONE

Motion declared carried.

Moved by LEE, seconded by TIPTON that after the grant is signed, it is referred to the Personnel Committee to begin the interviewing process.

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

QUESTIONS:

Jenkins said some people in his ward have been asking him questions. He requested they come to the council and present their questions to them.

Jenkins also asked he be allowed to show a video to the council. This was approved.

The council broke for 5 minutes to set up the video.

CALL TO ORDER:

The Regular Meeting of the Galena

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City Council was called after the break 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  
NAYS: NONE  
Motion declared carried.

MONOFILL VIDEOS:

Jenkins showed a video of the monofill landfill and the tires that have been placed there and not covered. He said the number of tires is increasing and all of these are not being split and some are still on the rims. He had been in contact with Ken Powell of the Kansas Department of Health & Environment concerning this.

He asked if the city is responsible for this hole.

The city is responsible for the closing.

The council discussed the Monofill Permit. The council members were in agreement that the main objective of the permit is to protect the welfare of the citizens by filling the shafts.

Moved by ALLEN, seconded by LEE that Galena's monofill permit be applied to mine shafts only, at no time was it the city's intention to allow a monofill for any other purpose than to provide for the safety of the people of Galena.

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

Kay Kay and Ron Jenkins had several questions for the council members.

Kay Kay asked that since Mr. Snapp has done business with the city in the past and it has cost the city, why the city continues to do business with him.

Allen said it did not cost the city when TRT closed. It did cost the state money.

Kay Kay asked why the city excluded other businesses who are bonded and has the permits.

Lee said at the last council meeting, it was voted that bids on

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the use of the monofill landfill would be accepted from anyone who has the bond required by the state and all required state permits.

Red Harris, of Red's tires informed the council had had brought in a bid for the 1 and 1/4 holes. He stated he wants to use the city's permit.

Jenkins expressed concern that the city is responsible for the holes for the next 29 to 30 years.

Kay Kay then asked Chief Hentz why Mr. Snapp is allowed to drive with Missouri tags when he registered to vote as a resident of Galena.

The council discussed the fact that many residents of the city drive with out of state tags.

Allen asked Kay Kay if she had discussed this with the County Clerk since he is the election judge.

She said she had.

Moved by ALLEN to refer to the city attorney and bring back to the next council meeting.

MOTION DIED FOR LACK OF A SECOND.

KAY KAY stated she had asked this administration and previous ones to correct the erosion problem on her property. She said the city crew worked on the culverts and in doing so, used her property for their equipment. She said they did not obtain permission to use her property. She said they left large ruts in her yard and asked why they had not returned to clean it up.

She said Superintendent Sills put in two whistles on the high side and this did not correct the problem. In doing so, they left ruts in her yard.

Moved by ALLEN, seconded by TIPTON to refer this to the Street Committee, with then to view the property and bring back a report at the next meeting.

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

NAYS: NONE

Motion declared carried.

Kay Kay then asked why medical evaluations of an employee was released to council members without the employees permissions. She said

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this is a violation of Federal Laws and the city is subject to a suit over this. What right did the city have to release this.

LIBRARY LIGHT BILL:

The council discussed whether the light bill for the new library building should be paid by the city.

Burkybile said she understood when Helen Hayes met with the council concerning the purchase of this building, that the county would pay the light bill.

Allen said the Library Board through Helen Hayes and Max Byrd told the council there would be not cost to the city.

Moved by PRICE, seconded by DAVIS for the city to pay the utility bills for the new library building

ROLL CALL VOTE:

AYES: PRICE, DAVIS

NAYS: TIPTON, JENKINS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
MOTION FAILED.

KMIT MEETING:

Moved by BURKYBILE, seconded by LEE for a representative of the city to attend the KMIT meeting either in Wichita or Topeka on June 20 or 21.

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

NAYS: NONE

Motion declared carried.

HOME OCCUPATION LICENSE:

Moved by BURKYBILE, seconded by DAVIS to approve a home occupation license for Denise Broyles at 910 Galena Ave for a mail order business.

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

NAYS: NONE

Motion declared carried.

Moved by ROGERS, seconded by BURKYBILE to allow a home occupation license to John Scott at 721 Keller for an archery equipment shop.

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

ABSTAIN: BURKYBILE

NAYS: ALLEN, REYNOLDS

Motion declared carried.

ABOVE MOTION RESCINDED:

The council discussed whether the new structure being built at this address will be used for the archery shop.

Moved by LEE, seconded by REYNOLDS

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to rescind the above motion until more information is received.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD  
ABSTAIN: BURKYBILE  
NAYS: ROGERS  
Motion declared carried.

Moved by PRICE to refer to Porter with a report to be brought back to the next meeting.  
MOTION WITHDRAWN

Moved by PRICE, seconded by BURKYBILE to refer the above request to the Economic Development Committee.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

COMPUTER PRINTER:

Mayor Oglesby informed the council that a new printer needs to be purchased for the computer in the City Clerk's Office. The Panasonic currently being used stopped twice during bill printing this month.

The City Clerk had received 3 quotes on printers that ranged from \$800 to \$3000. She requested the council set an amount that could be spent so that one could be purchased in an emergency if necessary.

Moved by LEE, seconded by ROGERS to allow the purchase of a computer printer in an amount not to exceed \$1500.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried

KANSAS RURAL DEV:

Mayor Oglesby reminded the council members of the Kansas Rural Development Council Meeting on June 8 and 9.

MONOFILL LANDFILL:

Red Harris of Red's Tires asked the council if they would like to open his bid on the use of the Monofill landfill.

The council discussed the Monofill Landfill.

Moved by JENKINS to advertise for bids to be opened on a specific date.  
MOTION WITHDRAWN

The council discussed whether to send letters to Snapp and Brumback.



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Moved by LEE, seconded by BURKYBILE to advertise in the Galena Sentinel and the Joplin Globe with the ad to include that it would be for shafts only, and the successful applicant would have the bond required by the state and all required state permits.

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

NAYS: NONE

Motion declared carried.

DOG POUND:

Lee informed the council of the deficiencies at the dog pound when it was inspected. The inspector asked that the repairs be completed by July 1. These repairs are to be done by the animal control officer and the city crew.

FINANCE COMMITTEE REP:

Council members were provided a written Finance Committee Report.

ANIMAL CONTROL OFFICER:

Moved by PRICE, seconded by BURKYBILE to advertise for a part time animal control officer in the Galena Sentinel.

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

NAYS: NONE

Motion declared carried.

POLICE RESERVE DONATION:

The committee recommends that a \$400 donation to the Police Reserve fund not be made due to the shortage of funds.

Moved by PRICE, seconded by BURKYBILE to not make a donation of \$400 to the Police Reserve fund in lieu of paying for the extra hours worked by the reserves during Galena Days.

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

NAYS: NONE

Motion declared carried.

EMPLOYEE RAISES:

The Finance Committee does not recommend any pay raises for city employees at this time. However, Price recommends it be brought back before the council no later than November.

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

BURKYBILE DID NOT VOTE

NAYS: NONE

Motion declared carried.

WATER PROJECT EMP:

The Personnel Committee interviewed three applicants for a temporary position on the Water Project to

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replace Gene Duncan who is off on a workers comp claim. The committee recommends Chad DeGraff for this position.

Moved by ALLEN, seconded by LEE to confirm the appointment of Chad DeGraff for a temporary position on the water project crew.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

METER BOXES:

Mayor Oglesby informed the council that the water department had used the meter boxes purchased by the water project for new services. An additional 20 boxes are needed.

Moved by PRICE, seconded by JENKINS to purchase 20 meter boxes to be paid for from the water fund.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

COMPLAINTS:

Complaints received concerning the black dirt at C & N.

C & N is installing new sidewalks as discussed at the last council meeting.

Complaints are being received on the installation of the new railroad crossing.

Mayor Oglesby will contact Burlington Northern concerning this. The tracks are not complete. The crew was called off the job due to a derailment and weather since has not permitted pouring asphalt.

FIRE DEPT. UNIT 11:

Davis informed the Council that Unit 11 needs a new motor for the pump. It currently has a Briggs and Stratton motor and they want to replace it. The cost is approximately \$1000.

Moved by BURKYBILE, seconded by JENKINS for the city not to pay for this motor.  
ROLL CALL VOTE:  
AYES: PRICE, JENKINS, BURKYBILE, WARD, ROGERS  
NAYS: TIPTON, DAVIS, LEE, ALLEN, REYNOLDS

TIE VOTE, MAYOR OGLESBY VOTED NAY.  
MOTION FAILED.

ALLEY REPAIR:

The city crew put base rock on the

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alley in the 600 block of West Empire. A resident there complained this has caused a dust problem.

The city crew will check on this.

WHOLESALE WATER DIST:

Allen reported that the Wholesale Water District is nearing the time when they will be hiring an attorney and then an engineer. The District needs to know how much water Galena will purchase if they remain in the District. The committee is leaning toward using the Baxter Springs plant. When the attorney is hired, it will be necessary for each of the entities in the district to pay a fee. Depending on how many entities remain in the district will determine the cost. It will be approximately \$5200 for Galena to remain. The district also needs to know how much water the city will purchase from it.

The council discussed whether to remain in the Wholesale Water District.

Moved by LEE, seconded by PRICE to inform the Wholesale Water District the city will purchase 30% of their water from them and the city will remain in the district.

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

NAYS: NONE

Motion declared carried.

HAWK ENGINEERING EXP:

REFERRED TO PARKS  
COMMITTEE

Mayor Oglesby informed the council that Hawk Engineering is wanting to expand their operation. They are offering to build a new softball park in exchange for the land the current park is on.

Moved by LEE, seconded by TIPTON to refer this request to the Community Development Committee.

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

NAYS: BURKYBILE

Motion declared carried.

STREET COMMITTEE:

The Street Committee recommends the city not put in street lights at Eagle Picher.

Jenkins said he was informed that the street crew is not putting oil in the holes they are filling nor were they rolling them out.

The council recommends the street crew do mowing while the water

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project crew is using the oil tank and roller.

VACATE OAK STREET:

Moved by ROGERS, seconded by BURKYBILE to approve Ordinance 95-6 vacating Oak Street between Lots 114 and 115, 138 and 139, 87 and 94, and 86 and 95 in East Subdivision to Empire City, now being a part of the City of Galena.

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

NAYS: NONE

Motion declared carried.

CITY BEAUTIFICATION:

Moved by LEE, seconded by DAVIS to place the City Beautification Report from Mary Graham on file.

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

NAYS: NONE

Motion declared carried.

PAYROLL ORD. 95-20:

Moved by ROGERS, seconded by WARD to approve Payroll Ordinance 95-20 in the amount of \$12,693.13 plus \$966.12 FICA and \$174.57 KPERs.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD. 95-20A:

Moved by ROGERS, seconded by WARD to approve Payroll Ordinance 95-20A in the amount of \$644.00 plus \$49.27 FICA.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD. 95-20B:

Moved by ROGERS, seconded by LEE to approve Payroll Ordinance 95-20B in the amount of \$266.63 plus \$20.40 FICA.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD. 95-21:

Moved by ROGERS, seconded by DAVIS to approve Payroll Ordinance 95-21 in the amount of \$12,602.11 plus \$959.15 FICA and \$191.30 KPERs.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

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PAYROLL ORD. 9-21A:

Moved by DAVIS, seconded by LEE to approve Payroll Ordinance 95-21A in the amount of \$310.25 plus \$23.73 FICA  
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORD. 95-22:

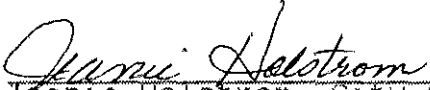
Moved by WARD, seconded by ROGERS to approve Payroll Ordinance 95-22 in the amount of \$11,872.17 plus \$903.33 FICA and \$150.29 KPERS.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

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

  
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Dale Oglesby, Mayor

ATTEST:

  
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Jeanie Holstrom, City Clerk

(SEAL)