

MINUTES OF
REGULAR COUNCIL MEETING
JULY 18, 1995

CALL TO ORDER:

The Regular Meeting of the Galena City council was called to order Tuesday, July 18, 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, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
ABSENT: DAVIS.

DAVIS ENTERED AT 7:01 P.M.

MINUTES:

Moved by WARD, seconded by TIPTON to approve and place on file the minutes of the Special Council Meeting of July 6, 1995.

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

NAYS: NONE

Motion declared carried.

LIBRARY BOARD:

Moved by BURKYBILE, seconded by TIPTON to place on file the minutes of the Library Board meetings of May 20 and May 30, 1995.

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

NAYS: NONE

Motion declared carried.

1996 BUDGET:

Matt Mense, of Mense, Churchwell and Mense met with the council and reviewed the proposed 1996 Budget.

It was noted that the mill levy for 1995 was 30.14 mills and if the valuation does not decrease, it will be 29.47 mills for 1996.

Mr. Mense also noted that the Noxious Weed Fund can only be used for chemicals to destroy certain strains of weeds and cannot be used for mowing. It can only be used on streets and highways.

Moved by TIPTON, seconded by WARD to publish the 1996 Proposed Budget and to

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set the public hearing date for August 8, 1995.

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

NAYS: NONE

Motion declared carried.

LOCAL HOUSING AUTH:

Judy Gilstrap, Executive Director of the Local Housing Authority informed the council that the payment in lieu of taxes for this year will be \$3604.41. They had expended \$709.05 in installing a retaining wall to prevent runoff into the streets at some of the units and for paint for marking parking spaces. They requested they be reimbursed for these expenses.

Moved by BURKYBILE, seconded by REYNOLDS to accept the full amount of the payment in lieu and to reimburse the Local Housing Authority \$709.05 for the above expenses.

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

NAYS: NONE

Motion declared carried.

SCOTT ARCHERY RANGE:

Todd Tanner met with the council to inform them that there was not sufficient area for an archery range on the Industrial Park tract which was designated to them.

Tipton had informed them there is a 2.2 acre tract near the old DeHaan Greenhouses that is available. They have inspected this property and it would be suitable for their business.

Moved by TIPTON, seconded by ROGERS to allow an agreement to be drawn up for the designated property in the Industrial Park for John Scott and Todd Tanner to construct an archery range and to waive the building permit fee and to install water and sewer lines to the property line.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

STEVE VOGEL:

Mr. Vogel was not present to discuss the fee for a demolition permit.

216 E. 7TH:

The council discussed the structure at 216 E. 7th Street.

Gene Porter, Building Inspector, was not able to attend this meeting. Bud Sills, City Superintendent, reported for Mr. Porter that work is not completed on the structure.

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Mayor Oglesby said that Mr. Abbott had told him he is painting on the inside of the house due to it being too hot for outside painting.

Moved by LEE, seconded by BURKYBILE for Gene Porter to provide a list of items to be repaired for the structure to be removed from the condemnation list and for the City Clerk to send this list to Mr. Abbott.
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,
NAYS: TIPTON, ROGERS
Motion declared carried.

BASH PROPERTY:

Superintendent Sills reported for Gene Porter that the Bash Property at 505 E. 7th Street can be removed from condemnation.

Moved by ALLEN, seconded by JENKINS to table until Mr. Porter can attend the council meeting.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

VARIANCES:

Superintendent Sills asked for Mr. Porter if Mr. Porter has the authority to grant variances on building structures.

It was noted that according to Section 16-2.128 of the City Code, City Code, variances must be approved by the Board of Appeals.

Moved by LEE, seconded by TIPTON to refer variances to the Board of Appeals.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

SIGNS:

"Children at Play" signs have been requested for the area just West of Barlet Road on E. 21st Street.

Ward also noted that stop signs are needed.

Moved by LEE, seconded by DAVIS, for the City Superintendent to get prices on stop signs and bring the information to the next council meeting and to order 6 "Children at Play" signs and posts.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

TEST PLOT:

Kansas State University requests they be

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allowed to use a plot of ground behind City Hall to collect run off and do testing for the years of 1996, 1997 and 1998 in conjunction with the Remediation Project. This will be next to the plot being used by Bureau of Mines.

Moved by BURKYBILE, seconded by LEE to allow Kansas State University to have the test plots.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

SCHOOL ANTENNA:

Unified School District 499 has requested they be allowed to place an antenna on the city water tower.

Superintendent Sills informed the council that he is opposed to this. The antennas currently on the water tower interfered with the maintenance when the water tower was painted recently.

Ward said the school needed this for their busses.

Moved by ROGERS, seconded by LEE to table until the city determines if the Kansas Department of Health and Environment has any opposition to this.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

911 REPORT:

Chief Hentz reported on the County 911 system. The original cost was \$165,000. However, they have lowered this cost to \$115,000 by reducing the amount of equipment for Galena and Baxter Springs.

911 should be in place in January or February, 1996.

POLICE DEPARTMENT:

Chief Hentz requested the council consider remodeling being done in the police department to allow for this new equipment. At the present time, there is not enough room for it.

Chief Hentz was asked to bring designs and costs to the next council meeting.

CITY HALL SMOKING:

Chief Hentz informed the council he had obtained information on making City Hall a non-smoking building. To do this, the dispatchers would have to be allowed a 10 minute break in the morning and afternoon and a 30 minute lunch break.

The council discussed making the building smoke-free.

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Moved by BURKYBILE, seconded by LEE to make City Hall smoke free except the dispatcher on duty is allowed to smoke in the dispatcher area.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD
NAYS: ROGERS
Motion declared carried.

MONOFILL CONTRACT:

Gene Barrett, City Attorney, recommended the council members be provided a copy of the proposed contract from Red Harris on the monofill and Mr. Barrett will discuss this at the next regular meeting. He has several recommendations to make.

Jenkins informed the council that we told Mr. Harris we had 1 1/4 holes he could fill. However, one hole has been completely filled.

Mr. Harris said his only concern is that this hole is not covered properly. He does not want to be responsible for closing this hole.

The council discussed who had placed the tires in this hole without permission.

Mayor Oglesby said he thought this was during the transition period.

Mr. Harris said the city had received a letter from KDHE informing us that holes 9 and 10 had not been permitted and the city could lose its permit if corrections are not made.

Mayor Oglesby said he had not seen a copy of this letter yet but the problem would be addressed.

BUILDING VARIANCES:

Earl Spiva met with the council concerning a building variance. The council referred him to the Board of Appeals.

16TH & DEWEY:

Jenkins informed the council that the West side of 16th & Dewey washes out during heavy rains. It washes dirt and rocks in to Henson's yard. Mr. Henson said if the city would put in a whistle across 16th Street and a ditch down Short Street, he would put in a whistle at his driveway.

Jerry L. Jenkins occupies the trailer just West of Dewey on 16th Street. It is the only structure West of Dewey.

The council discussed how best to divert this water.

Moved by LEE, seconded by BURKYBILE to refer this to the Street Committee.
AYES: JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

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NAYS: TIPTON, PRICE
Motion declared carried.

FIRE GEAR:

The fire department requests the city purchase a bunker suit for Chad Abram. The department does not have a suit that will fit him. The Association will pay for Steve Hall's coat that was damaged at a fire.

Moved by DAVIS, seconded by ALLEN to purchase a bunker suit for the fire department at a cost of \$387.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

LIFEGUARDS:

Price reported that the problems have been taken care of at the swimming pool.

Mayor Oglesby presented the names of Bryan Shallenburger, Mike Zimmerman and Brad DeGraff for confirmation as lifeguards.

Moved by BURKYBILE, seconded by PRICE to confirm the appointment of Bryan Shallenburger, Mike Zimmerman and Brad DeGraff as lifeguards.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PARK CARETAKER BEEPER:

The council discussed obtaining a beeper for the park caretaker since he works out in the city and cannot be reached by phone.

It was recommended he keep the dispatcher informed of his location by radio.

A request was made for a Can-do Worker for the parks. City Clerk is to see if one is available.

DRAIN, FRONT & SHORT:

Lee informed the council the whistle at Front & Short is crushed down on one corner and does not drain. This causes the street to flood.

City Superintendent is to see what can be done to alleviate this problem.

RAILROAD TRACKS:

Lee is not satisfied with the installation of the railroad tracks on North Main Street. He said the asphalt work was shoddy.

Moved by PRICE, seconded by BURKYBILE to not pay the bill for the installation of these tracks until the work is satisfactory.
AYES: TIPTON, PRICE, JENKINS, DAVIS,

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BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,
ROGERS
NAYS: NONE
Motion declared carried

ASSISTANT CHIEF OF POLICE

Moved by BURKYBILE, seconded by LEE to
approve Ordinance 95-7 abolishing the
position of Sergeant and setting the pay
for the Assistant Chief of Police at
\$8.85 per hour.
AYES: TIPTON, PRICE, JENKINS, DAVIS,
BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,
ROGERS
NAYS: NONE
Motion declared carried.

ANIMAL CONTROL OFFICER:

The Personnel Committee interviewed for
the positions of part time animal control
officer. They recommend Melvin Turner
and Diana Friant be appointed to these
positions. However, Ms. Friant did not
agree to accept the position.

Mayor Olesby asked the council to
confirm the appointment of Melvin Turner
as part-time animal control officer.

Moved by ALLEN, seconded by LEE to
confirm the appointment of Melvin Turner
as part time animal control officer.
AYES: TIPTON, PRICE, JENKINS, DAVIS,
BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,
ROGERS
NAYS: NONE
Motion declared carried.

ANIMAL CONTROL POSITION ORD.

The Personnel Committee also recommends
an ordinance be drafted changing the pay
scale for Animal Control Officer to \$5.90
per hour.

Moved by ALLEN, seconded by REYNOLDS to
draft an ordinance changing the pay scale
for Animal Control Officer to \$5.90 per
hour.
AYES: TIPTON, PRICE, JENKINS, DAVIS,
BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,
ROGERS
NAYS: NONE
Motion declared carried.

21ST & WOOD:

A copy of a letter from Verlyn White of
White's Consulting Engineering Services,
Inc. was included in the council packets.
This letter concerned the problem of
flooding at 21st & Wood Streets at the
Kay Kay property.

Moved by ALLEN, seconded by TIPTON to
make this letter a part of the Council
Minutes.
AYES: TIPTON, PRICE, JENKINS, DAVIS,
BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,
ROGERS
NAYS: NONE
Motion declared carried.

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LETTER FROM WHITE'S CONSULTING
ENGINEERING SERVICES.

"City of Galena

I was requested by Bud Sills, City Superintendent, to study the flooding problem at 21st Street and Wood, to determine how to minimize the flooding on the East side of Wood Street.

A 4" pipe has been installed on 21st Street, East of Wood Street, and the property owner on the East side of Wood Street, thinks that this is the reason for the flooding. A study of this area proved that the 4" pipe cannot contribute to the flooding. A 2' x 4' concrete box with the discharge of 8 sq. ft. was replaced with the 4" pipe, with a discharge capacity of 12.57 sq. ft., but the water starts over the road when the depth in the pipe is 19.5" or a discharge of 4.78 sq. ft. The combination of the four small pipes across Wood St. has a discharge of 9.63 sq. ft. when the water starts across the road. The flooding is a result of the torrential rains and water running to this location from other sources.

It has been suggested that one of the pipes be moved South close to the 15" pipe, but this would not solve any problem since each of the four pipes are under water and at their maximum capacities. If one of the three North pipes was moved close to the 15" pipe, it would actually reduce the flow of water, resulting in the water being turned twice and restricted by the retaining wall flooding the neighbor's yard.

The floor of the basement is approximately 104' elev. or 2.38' above Wood St., making it impossible for this water to get into the basement.

My recommendation is to leave the road and the pipe as installed.

Verlyn E. White P.E. & L.S."

ASPHALT FILINGS:

Lee asked for oil to be put on the alley in the 600 block on West Empire. Asphalt filings from the highway project had been placed on part of the alley but there were not enough to complete the alley. Lee requested the alley be oiled to alleviate the dust problem.

Moved by PRICE, seconded by JENKINS for the city crew to see what can be done for the rest of the alley.
AYES: TIPTON, PRICE, JENKINS, DAVIS,

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BURKYBILE, ALLEN, REYNOLDS, WARD, ROGERS
ABSTAIN: LEE
NAYS: NONE
Motion declared carried.

LANDFILL FEES:

Burkybile asked if the change in the host fee to Cherokee County by the Scammon Landfill will affect the city's cost.

This reduction in charge would decrease the cost to the city.

SHORT STREET:

Davis asked if the street going down the hill to the swimming pool could be repaired. There are two large potholes at the bottom of the hill.

CITY CREW:

The council discussed the filling of pot holes and street repairs.

They discussed with the City Superintendent, Bud Sills, his problems with having the manpower and equipment for the streets.

Sills said the equipment is currently being used by the water project crew. He said that the council had restricted his ability to make repairs by requiring that the hole be cut out prior to filling. He asked the council members to spend one day with him to see what is done.

The council discussed whether the addition of a 2nd man could fill pot holes.

No action taken.

PUBLIC WORKS DEPT. PICKUP:

Sills informed the council that the transmission is out on one of his pickups.

Moved by TIPTON, seconded by LEE for Sills to obtain prices on a pickup truck.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MOWING LOTS:

Chief Hentz informed the council that the city of Baxter Springs has contracted with an individual to mow lots on which complaints are received. The bill for this is then sent to the property owner and if not paid, added to the taxes.

Moved by BURKYBILE, seconded by DAVIS to advertise for bids on contracting at an hourly rate for mowing and brushhogging.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

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APPROPRIATION ORD. 95-7:

Moved by ROGERS, seconded by LEE to approve Appropriations Ordinance 95-7 in the amount of \$75,609.26.
AYES: TIPTON, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: PRICE
Motion declared carried.

APPROPRIATION ORD. 95-7A:

Moved by ROGERS, seconded by WARD to approve Appropriations Ordinance 95-7a in the amount of \$115,195.98 (Transfer of Water Project Expense).
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

BURKYBILE LEFT AT 9:12 P.M.

PAYROLL ORD. 95-27:

Moved by WARD, seconded by PRICE to approve Payroll Ordinance 95-27 in the amount of \$12,631.27 plus \$962.08 FICA and \$156.90 KPERS.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PAYROLL ORD. 95-28:

Moved by PRICE, seconded by DAVIS to approve Payroll Ordinance 95-28 in the amount of \$12,734.18 plus \$969.25 FICA and \$178.57 KPERS.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

COURT REPORT:

Moved by ALLEN, seconded by LEE to place on file the court report of June with fines collected totaling \$2201.00
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

ADJOURNMENT:

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


Dale Galesby, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

(SEAL)