

MINUTES OF  
REGULAR COUNCIL MEETING  
JULY 19, 1994

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, July 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: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS  
ABSENT: TIPTON

MINUTES:

Moved by ROGERS, seconded by WARD to approve and place on file the minutes of the Regular Council Meeting of July 5, 1994.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

NAYS: NONE

Motion declared carried.

SR. CITIZENS MINUTES:

Moved by BURKYBILE, seconded by LEE to place on file the minutes of the Sr. Citizens Board Meeting of June 2, 1994.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

NAYS: NONE

Motion declared carried.

HARRIS REZONING:

Corr 8/2/94 Zoning changed  
to Agricultural

Mayor Oglesby opened the public hearing on the request of Louis Harris to rezone property just west of the State Line on Old Highway 66 from Residential to Agricultural. No objections were received and there was no public comment.

Moved by BURKYBILE, seconded by LEE to approve the rezoning of the above property.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,

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ROGERS  
NAYS: NONE  
Motion declared carried.

1995 BUDGET:

Matt Mense of Mense Churchwell and Mense met with the council to review the draft of the proposed 1995 budget.

Moved by ADAMS, seconded by WARD to publish the notice of the public hearing on the proposed budget and set the hearing date for August 9, 1994.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried

LOCAL HOUSING:

Judith Gilstrap, Executive Director of the Local Housing Authority, met with the council concerning a drainage problem at the housing. She asked that the city crew be allowed to dig a ditch by the fence to prevent the water from getting into some of the structures.

Moved by BURKYBILE, seconded by DAVIS to allow the city crew to put in a ditch at Local Housing with it to be completed within 30 days.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, ROGERS, WARD  
NAYS: NONE  
Motion declared carried.

SHOEMAKER PROJECT:

Bill Shoemaker met with the council concerning the construction of a housing project at the old arena, at 11th and Schermerhorn. He asked what the city would provide in the way of sewer, water, etc. He also asked that 11th Street and Schermerhorn Road be paved.

The Council suggested he work with Bud Sills, City Superintendent on the project.

ASSEMBLY OF GOD CHURCH:

Pastor Jim Jones requested the church be allowed to lay the water line they are changing at the church in the city water line easement.

Moved by BURKYBILE, seconded by LEE to allow the Assembly of God Church to lay a water line in the City's easement.

8TH STREET CLOSING:

Pastor Jones also asked about the closing of 8th Street. Gene Barrett, City Attorney, said he will work on

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SOLID WASTE: 8/2/94

Burkybile noted that although the county has set a charge for the city, the city is not going to pay the fee.

this. The city will retain its easements.

Marvin Thompson, candidate for County Commissioner, provided material on the tonnage at Wheatland Landfill. He suggests that the funds collected from out of state trash be used to pay the city's portion of this fee.

JAKE BRAKE PROBLEM:

Police Chief Hentz discussed with council the problem of noise when trucks with a jake brake slow down. This was referred to the street committee.

ONE WAY STREET:

The one-way street signs have been installed on Water Street between 6th and 7th. The stop sign at 7th Street will be left up until residents are used to the one way street.

SPEED BUMPS:

The installation of speed bumps was referred to the Street Committee.

CAMERA REPAIR:

Moved by BURKYBILE, seconded by LEE to repair the 35 mm camera in the police department at a cost of \$317.80.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

CEMENT SAW BLADES.

The council discussed the price of blades for the cement saw for the water project. Southwest Rental currently have the blades on sale at a savings of approximately \$70 per blade.

Moved by ROGERS, seconded by BURKYBILE to purchase 5 blades including the two already ordered.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

COUNCIL APPOINTMENTS:

Davis made the following recommendations to the council concerning nepotism in the filling of council positions.

Immediate family members of council members, mayor or department heads should not be appointed to fill a vacancy on the council.

Should two council members marry, one would forfeit their place on the council.

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No two members of the same family should serve on the council at the same time.

"Immediate family" would include spouse, mother, father, daughter, son, sisters, brothers and spouses of these family members.

Davis said she had received comments from many city residents stating that having immediate family on the council is a conflict of interest and very unethical.

Moved by DAVIS, seconded by PRICE to refer the above recommendation to the City Attorney.  
AYES: PRICE, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS  
NAYS: BURKYBILE, ADAMS  
Motion declared carried.

LIBRARY BOARD APPOINTMENT: Copies of the letters of application received by the City Clerk from Jerry Byrd, Trudy Jenkins and Carolyn Watkins for positions on the Library Board were provided council members. Mayor Oglesby informed the council that two positions were vacant due to the terms of Trudy Jenkins and Carolyn Watkins having expired.

Moved by ADAMS, seconded by PRICE to appoint Trudy Jenkins to the Library Board.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Moved by BURKYBILE, seconded by LEE to appoint Carolyn Watkins to the Library Board.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE  
NAYS: ALLEN, ADAMS, WARD, ROGERS  
Motion declared carried.

ORDINANCE 94-13  
POLICE OFFICERS:

Moved by BURKYBILE, seconded by LEE to approve Ordinance 94-13 creating the position of part-time police officer, establish the chain of command in the police department and set rules for the use of unmarked, private vehicles by the police department, provided the City attorney changes the word "reserve" to "auxiliary" and to add limitations on officers exceeding the speed limit when on an emergency run.  
AYES: PRICE, JENKINS, DAVIS,

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

ORDINANCE 94-14  
PUBLIC OFFICER:

Moved by BURKYBILE, seconded by ADAMS  
to approve Ordinance 94-14 defining  
the term Public Officer as used in the  
Galena City Code, Chapter VIII, Health  
and Welfare, Article 1, Health  
Nuisances.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

ORDINANCE 94-15  
COURT COSTS:

Moved by ROGERS, seconded by BURKYBILE  
to approve Ordinance 94-15  
establishing court costs, allowing for  
Municipal Judge Training Fund Fees,  
Local Law Enforcements Training  
Reimbursement Fund Fees and Law  
Enforcement Training Center Fund  
Established pursuant to K.S.A. 1991  
Supp 74-5619 and amendments thereto,  
and allowing for Family Violence Crime  
and Crime Victims Program established  
by SB 807 effective July 1, 1994 in  
addition to any fine imposed.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

WADLER PAYMENT:

Mayor Oglesby informed the Council the  
city had received a letter from the  
Kansas Department of Commerce  
requesting the funds accumulated by  
the city from payments on the Wadler  
Manufacturing Grant be turned over to  
the Department of Commerce. He  
informed the new members of the  
council that when the loan was  
established, the city was allowed to  
retain the funds to lend to local  
businesses who could pass the  
criteria. Since then, the Kansas  
Department of Commerce has changed  
it's procedures and Cities are not  
allowed to retain these funds. The  
City gets letters periodically  
concerning this. The City Attorney  
recommends we turn the funds over to  
the state.

Moved by JENKINS, seconded by LEE to  
follow past practice and retain the  
funds.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

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NAYS: NONE  
Motion declared carried.

CDBG DRAWDOWN  
WATER PROJECT:

Moved by BURKYBILE, seconded by WARD to request funds from the Kansas Department of Commerce for the Water Project in the amount of \$101666.16 which included payment to Sidener Supply for materials in the amount of \$96657.16, Burlington Northern Railroad for permit and Protective Liability Policy in the amount of \$713 and to Engineering Management Consultants for Engineering fees in the amount of \$4296.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

NAYS: NONE  
Motion declared carried.

POLICE OFFICER:

Police Chief Hentz proposed the City hire another full time police officer through the Veterans Administration. He said the Veterans Administration will pay one half the salary for 18 months, with the city providing the other one half and the fringe benefits. Sloan Rowland, a former officer, who recently left the military service would be eligible for this program.

Moved by LEE, seconded by BURKYBILE to accept this program with Sloan Rowland being the appointment.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

NAYS: NONE  
Motion declared carried.

The Council approved Mr. Rowland taking the oath of office immediately with him not starting to work until the paperwork is complete.

GRADER TIRES & FLASHER:

Mayor Oglesby informed the council he had been able to purchase two new grader tires at a cost of \$100 each and two flashing arrows at a cost of \$75 each. He requested approval of this purchase.

Moved by ROGERS, seconded by BURKYBILE to approve the purchase of the above items at a total cost of \$350.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

NAYS: NONE  
Motion declared carried.

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POLICE UNIFORMS:

Auxiliary Officer Jim Haynes showed the council members the pants and shirt Police Chief Hentz is requesting the police department use. It is a royal blue knit shirt with engraving and black pants. These pants are washable and this would reduce the uniform cleaning bill. The shirt would cost \$5.66 to \$6.44, depending on the size, the pants are \$39.95 per pair, and the hat is \$5.

Moved by PRICE, seconded by DAVIS to approve the Galena Police Department adopting the above uniform and the city purchase 3 shirts, 3 pants and 1 hat per officer to be paid from the Drug Seizure Fund.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS

NAYS: NONE

Motion declared carried.

WATER PROJECT EMPLOYEES:

The Personnel Committee met and interviewed for the positions on the water project. A written report was provided the council members. The committee recommends Michael Dodd and Raymond Roby be hired as laborers for the water project.

EXECUTIVE SESSION:

Moved by ROGERS, seconded by BURKYBILE to enter into executive session for 20 minutes to discuss personnel with the City Attorney to stay.

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

NAYS: ADAMS

Motion declared carried.

ENTERED INTO EXECUTIVE SESSION AT 8:55 P.M. AND RETURNED AT 9:17 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after Executive Session at 9:17 P.M. with Dale Oglesby, Mayor, presiding.

ROLL CALL:

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

WATER PROJECT EMPLOYEES:

Moved by ALLEN, seconded by BURKYBILE to hire Michael Dodd and Raymond Roby, as laborers and Mark Youngblood as truck driver for the water project with them to start upon receipt of materials for the project.

AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, ALLEN, ADAMS, WARD, ROGERS

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NAYS: LEE  
Motion declared carried.

Mayor Oglesby asked the council to confirm his appointment of James E. Sturgis as laborer for the water project. He was appointed by the Mayor on an emergency basis and began work on July 15th.

Moved by BURKYBILE, seconded by LEE to hire James E. Sturgis as laborer for the water project.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, WARD  
ABSTAIN: ROGERS, ADAMS  
NAYS: ALLEN  
Motion declared carried.

ADVERTISE FOR EMPLOYEES:

Moved by ALLEN, seconded by ROGERS to advertise for a backhoe operator, loader operator and laborers for the water project.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

806 ELM:

City Inspector, Gene Porter, reported on the progress on the structure at 806 Elm Street. A new porch floor has been installed. He could not tell if any work has been done inside. The yard still has not been cleaned up.

Mr. Porter is to contact the owners concerning the yard and to request they pick up their building permit in the City Clerk's Office. They are also requested to attend the next council meeting.

511 JOPLIN:

Porter reported there was a sewer problem at this residence. A citation will be issued if it is not repaired. They were given three days to clean the yard and repair the sewer.

COURT REPORT:

Moved by ADAMS, seconded by WARD to place on file the court report for June with fines totaling \$2875.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

C K BROWN PROPERTY:

Mayor Oglesby asked for discussion on the letter received from C. K. Brown concerning the rezoning of his property at 1301 Main.



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Allen recommends it be rezoned. He can retain his car lot there but it would prevent other types of businesses being there.

The council discussed whether to rezone the property.

Moved by PRICE, seconded by DAVIS to set aside the public hearing on the rezoning of the property at 1301 Main.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ADAMS, WARD, ROGERS  
NAYS: ALLEN  
Motion declared carried.

ANIMAL POUND:

The Council discussed what was needed to complete to animal pound. The weeds need to be cut and the fence concreted. This will be completed by the city crew.

STREETS:

Moved by ALLEN, seconded by WARD to make streets the number 1 priority for the city crew.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: LEE  
Motion declared carried.

MOBILE HOME PLACEMENT:

Adams informed the council that George Kohler had made application for a modular home placement about 2 years ago. This was approved by the Planning and Zoning Commission even though there were three letters of opposition but the council had not acted on it.

Mr Kohler first said it would be a modular and then said it would be a trailer.

A new hearing was recommended by the City Attorney due to the length of time since the application was received.

Moved by ROGERS, seconded by BURKYBILE to allow the placement of the mobile home at 1117 Murphy according to the hearing of the Planning & Zoning Commission.  
AYES: PRICE, JENKINS, DAVIS,  
BURKYBILE, ADAMS, WARD, ROGERS  
NAYS: LEE, ALLEN  
Motion declared carried.

ROAD OIL:

The council discussed what was being done on the streets and whether the road oil purchased was being used.

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1995 AUDIT:

A proposal for the preparation of the 1996 budget and the auditing of the 1994 books was received from Mense Churchwell and Mense. The council discussed whether to advertise for this contract.

Moved by LEE, seconded by JENKINS to advertise for an accounting firm for the preparation of the 1996 budget and the auditing of the 1994 records.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS  
NAYS: WARD, ROGERS  
Motion declared carried.

118 WINDSOR:

Rogers asked about the requirement that the sewer be hooked up at 118 Windsor.

Superintendent Sills said his waste water operator said it could be hooked up. However, when he checked it, the sewer is not available. The house is too low.

PAYROLL ORD 94-30:

Moved by ROGERS, seconded by ADAMS to approve Payroll Ordinance 94-30 in the amount of \$11,033.81 plus \$836.13 FICA and \$166.81 KPERS.  
AYES: PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORD 94-31:

Moved by ADAMS, seconded by ROGERS to approve Payroll Ordinance 94-31 in the amount of \$11,533.98 plus \$872.75 FICA and \$172.75 KPERS.  
AYES: PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

APPROPRIATIONS ORD 94-7:

Moved by ROGERS, seconded by JENKINS to approve Appropriations Ordinance 94-7 in the amount of \$81,261.78.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

APPROPRIATIONS ORD 94-7A:

Moved by ROGERS, seconded by BURKYBILE to approve Appropriations Ordinance 94-7A, Water Project, in the amount of \$51.10.  
AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE

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Motion declared carried.

ADJOURNMENT:

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

AYES: PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

  
\_\_\_\_\_  
Dale Oglesby, Mayor

ATTEST:

  
\_\_\_\_\_  
Jeanie Holstrom, City Clerk

(SEAL)