

MINUTES OF
REGULAR COUNCIL MEETING
AUGUST 1, 1995

CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, August 1, 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 BURKYBILE, seconded by WARD to approve and place on file the minutes of the Regular Council Meeting of July 18, 1995.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PUBLIC HEARING
RECD GRANT APP: Mayor Oglesby opened the Public Hearing on the City's Applications for a Rural Economic and Community Development Grant.

Jack Murray, of Engineering Management and Consultants explained the applications for water and sewer replacement and extensions and development of the Milton Moeller Industrial Park. The city plans to request a 100% grant with no matching funds. The city is requesting approximately \$1.5 Million for the water and sewer project and \$700,000 to \$800,000 for the Industrial Park Project.

Mayor Oglesby closed the public hearing at 7:30 p.m.

ARTINGER REZONING: Mayor Oglesby opened the public hearing on the request from Dennis Artinger to rezone the property at 1008 E. 9th Street from R 1 to R2 for the construction of a duplex.

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No protests were received.

Moved by BURKYBILE, seconded by DAVIS to approve the rezoning of the property on lots 1 and 2 Ewings 2nd subdivision to the City of Galena from R1 to R2.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

Mayor Oglesby closed the public hearing at 7:35 P.M.

BOARD OF APPEALS

Mayor Oglesby informed the council that the Board of Appeals met and approved the requested variances for Bill Shoemaker at 6th & Water, Ben Dart at 10th & Bellevue and Earl Spiva at 1918 Joplin St. However, there was concern from the board because they did not publish or hold the public hearing before these approvals. They requested the council's confirmation of this decision.

Moved by ROGERS, seconded by PRICE to accept the Board of Appeals approval of the requested variances above.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
Motion declared carried.

ILLEGAL PARKING:

Roy Watkins asked Chief Hentz why the ordinance concerning parking against the traffic was not being enforced. He noted a vehicle has been parked heading the wrong direction at 8th & Main Street for 12 weeks.

Mayor Oglesby said this was his son's vehicle and he would be notified to correct this.

CONDEMNATION PROPERTY:

Gene Porter, Building Inspector, reported on the various properties under condemnation.

113 Windsor: Public hearing is set for August 15, however weeds and grass are a problem. Property owner is to be notified.

RES 85-9, 806 ELM:

This structure was under the old condemnation procedures and condemnation must be started again.

Moved by LEE, seconded by BURKYBILE to approve Resolution 95-9 setting

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September 19, 1995 as the hearing date on the condemnation of the structure at 806 Elm Street.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

The council discussed the tall weeds and grass in the yard at this residence. Chief Hentz is to cite Mrs. Watkins for this.

814 E 6TH:

The council discussed this structure. Advertising had been done for the removal of this structure. No bids were received.

Moved by PRICE, seconded by TIPTON for the city crew to take down this structure as soon as possible.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS
NAYS: WARD, ROGERS
Motion declared carried.

505 E 7TH:

The release of this structure from condemnation had been tabled at the last two meetings because Gene Porter, Building Inspector, had been unable to attend the meetings.

Mr. Porter informed the council that he had checked back on this property and there are electrical problems, a window is missing and the roof has blown up. Mr. Porter will contact the owners, Mr. and Mrs. Jim Bash.

RES 95-10, 816 JOPLIN:

Mr. Porter informed the council that nothing has been done concerning this structure. Animals are becoming a problem.

This structure was under the old condemnation procedures and the process will have to begin again.

Moved by BURKYBILE, seconded by LEE to approve Resolution 95-10 setting September 19, 1995 as the hearing date on the condemnation of the structure at 816 Joplin being lots 121 and 122 in Carlin Lead & Zinc Addition to the City of Galena.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

216 E 7TH:

Mr. Porter reported to the council that when he went to this property

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to make the list of repairs necessary to remove this structure from condemnation, there was a confrontation with the owner, Bob Abbott. The list was not completed.

EXECUTIVE SESSION:

Moved by PRICE, seconded by DAVIS to enter into Executive Session for 20 minutes to discuss personnel with the city attorney, city inspector, city superintendent and chief of police remaining.

ROLL CALL VOTE:

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

NAYS: LEE, ALLEN

Motion declared carried.

ENTERED INTO EXECUTIVE SESSION AT
7:43 P.M., RETURNED AT 8:03 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after Executive Session at 8:03 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

901 SHORT:

The city clerk was requested to send a registered letter to the owner of this structure citing the necessary repairs for the building on the alley.

RES. 95-11, 216 E 7TH:

The council again discussed this structure and the necessary repairs. Mr. Porter is to be accompanied to this property by a police officer to complete the list of repairs.

This structure was placed under condemnation under the old procedures. It will be necessary to start these procedures again.

Moved by LEE, seconded by BURKYBILE to approve Resolution 95-11 setting September 19, 1995 as the hearing date on the condemnation of the structure at 216 E. 7th Street being the East 47 1/2 feet of lots 39 and lot 40 in Carlin Lead and Zinc Company Addition to the City of Galena.

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

NAYS: NONE

Motion declared carried.

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OTHER STRUCTURES:

The public informed the council of two other structures that need to be considered for condemnation. One structure is at 11th & Wood Streets, the second is at 17th and Lincoln Dr and the third at 515 E. 7th Street.

Judy Gourly presented the council with pictures of the interior of the structure at 515 E. 7th Street. The water was turned on at the structure without an inspection. The electricity is in the landlord's name and no notice was given the clerk's office not to turn it on.

SCHOOL ANTENNA:

Bud Sills, City Superintendent, informed the council that KDHE has no regulations concerning antennas being installed on water towers. The city clerk also checked with Hartley Agency and was told that the liability for the installation of the antenna would be the school's.

Moved by BURKYBILE, seconded by REYNOLDS to allow the school to place an antenna on the water tower.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

SALE OF EQUIPMENT:

Superintendent Bud Sills requested he be allowed to sell items not being used at the city lot. He would like to advertise for sealed bids on these items. The city clerk also has a few items she would like to dispose of.

Moved by PRICE, seconded by BURKYBILE for the department heads to provide the council a list of items to be sold.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

8TH & DEWEY:

A complaint was received concerning the debris on the lot at 8th & Dewey. The weeds and grass had been cut, but the debris was not cleared from the lot.

PRICE LEFT AT 8:26 P.M.

COMPLAINTS:

Jenkins informed the council that he had "Public Questions" on the agenda and would put it on for each council meeting so residents could bring their questions to the council.

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Jerry Isley discussed the condition of Overlook Dr.

PRICE RETURNED AT 8:28 P.M.

He also stated the whistle at the Bradshaw property was too high and concreted out into the road.

The council discussed whether the city was responsible for the streets in Overlook Addition.

Moved by TIPTON, seconded by LEE to refer this to the Street Committee to bring back information on August 15 meeting.

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

NAYS: NONE

Motion declared carried.

21ST & WOOD:

Kay Kay requested the council again to consider changing the whistles at 21st & Wood Streets to prevent flooding of a corner of her property. She stated the city installed the whistles incorrectly.

A copy of the letter from Verlyn White which was included in the July 18 minutes was read by Ron Jenkins, husband of Kay Kay.

The council took no action on making any changes in these whistles and Kay Kay informed the council she will fill that corner of her property and flood 21st Street and Wood Street and it would be tied up in court for several years.

CITY STREETS:

Complaints were received from various citizens concerning the condition of the streets.

Superintendent Sills was questioned as to why more was not being done on the streets with the employee recently hired for repairs.

Superintendent Sills said the equipment is being used by the Water Project crew at this time.

BREAK ROOM:

Price asked Superintendent Sills why EPA has a key to the break room

Mayor Oglesby informed the council he had allowed EPA to use this room while they are working in the city. It is not locked and the employees have access to it.

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WATER PROJECT:

Neal Little, supervisor of the water project, said the blacktop should be completed in about 20 working days on the water project.

STREETS:

It was suggested the street crew make repairs in the same area the water project crew is working and coordinate the use of the equipment.

Moved by ROGERS, seconded by LEE for Superintendent Sills to bring a priority list on street repairs to the council at the August 15 meeting.

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

NAYS: NONE

Motion declared carried.

The council requested a monthly report be brought back to the next council meeting on the repairs made by the special street employee.

16TH & DEWEY:

Rogers reported the Street Committee had reviewed the problem at 16th & Dewey. The committee recommends the gravel be cleaned out, scrape and spread asphalt around the area. This will stop the gravel from washing into Henson's yard.

Moved by ROGERS, seconded by BURKYBILE that the millings from the highway project be placed at the corner of 16th & Dewey.

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

ABSTAIN: JENKINS

NAYS: NONE

Motion declared carried.

WATER PROJECT:

Allen asked about the asphalt being used for curbing on the Water Project.

Little said the asphalt will be removed and curbs will be put in. They will also make any repairs originating from the water project.

PERSONNEL:

Moved by DAVIS, seconded by PRICE to enter into Executive Session for 20 minutes to discuss personnel with Superintendent Sills to remain.

AYES: PRICE, JENKINS, DAVIS, BURKYBILE, REYNOLDS

NAYS: TIPTON, LEE, ALLEN, WARD, ROGERS

MAYOR OGLESBY BROKE THE TIE BY VOTING NAY.

Motion failed.

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AUDIT AND BUDGET:

Moved by WARD, seconded by ALLEN to advertise for proposals for the 1995 audit and the 1997 budget preparation.

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

NAYS: NONE

Motion declared carried.

MOWING PROPOSALS:

City Clerk informed the council she had received one proposal on mowing lots but had had several inquiries. She suggested this be tabled until the August 15 meeting to allow the other to make their proposals.

Moved by ROGERS, seconded by REYNOLDS to table the proposals on mowing until the August 15 meeting.

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

NAYS: NONE

Motion declared carried.

ORD 95-8, ANIMAL CONTROL OFFICERS:

Moved by ALLEN, seconded by LEE to approve Ordinance 95-8 creating two part time animal control positions.

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

NAYS: NONE

Motion declared carried.

PERSONNEL COMMITTEE:

A copy of the minutes from the July 27th Personnel Committee meeting was provided council members.

The committee had no recommendations for part time animal control officer or relief dispatcher at this time.

The committee would have recommended James Cruse as part time animal control officer, however, he is a brother-in-law to the police chief.

After reviewing the personnel policy the committee recommends James Cruse be appointed as part time animal control officer.

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

NAYS: NONE

Motion declared carried.

GANDY COMP TIME:

The committee had met with Rex Gandy on July 27. He is planning to retire the end of August. He has 387 hours of comp time. The committee recommends he be paid for this time.

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Moved by DAVIS, seconded by JENKINS to pay Rex Gandy for 387 hours of comp time.

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

NAYS: NONE

Motion declared carried.

GANDY RETIREMENT:

The committee discussed creating the position of consultant for the water department. The discussed hiring Rex Gandy for this position to use his expertise and to allow him to continue the city's health insurance plan without having to go under Cobra. He can only retain the insurance 18 months under Cobra and he will not be eligible for Medicare for approximately 36 months.

Mr. Gandy has been an employee of the city for 38 years and his expertise will be needed especially while training the person for his position.

Moved by ROGERS, seconded by BURKYBILE to employ Rex Gandy as consultant.

MOTION WITHDRAWN.

Moved by DAVIS, seconded by LEE for the Personnel Committee to meet with Rex Gandy and propose a way for Mr. Gandy to retain the city's health insurance policy and to use his expertise.

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

NAYS: NONE

Motion declared carried.

POLICE DEPT TESTING:

The Personnel Committee recommends drug testing for all police department personnel including the reserves and auxilliary officers.

Moved by ALLEN, seconded by LEE for drug testing for all personnel in the police department including reserve officers and auxilliary officers with the city to pay the cost.

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

NAYS: NONE

Motion declared carried.

Reynolds asked this testing be delayed two weeks to allow him to obtain additional information.

Moved by PRICE, seconded by DAVIS to

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postpone the testing for two weeks.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

911 SYSTEM:

Chief Hentz informed the council the County Commissioners were considering having only a central dispatcher for the 911 system. This would reduce the cost for the system from \$165,000 to \$100,000.

Mayor Oglesby and the mayor from Baxter Springs opposed this at the Commissioners meeting. This system would lose 1 1/2 minutes on a 911 call.

TIPTON LEFT AT 9:59 AND RETURNED AT 9:59.

Moved by LEE, seconded by BURKYBILE to confirm Mayor Oglesby's opposition to the \$100,000 system and approve retaining local dispatchers.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MSSC CRIME LAB:

Moved by BURKYBILE, seconded by LEE to retain our contract with the MSSC Crime Lab and pay the fee of \$1700.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

POLICE DEPT. GUNS:

Chief Hentz requested he be allowed to take bids from other departments on the sale of two 20 caliber rifles and bids from anyone on two shot guns. These rifles were purchased in 1977 and have only been used once. They would like to use these funds to purchase new guns. The shot guns have mechanical problems but could be sold "as is".

Moved by LEE, seconded by PRICE to allow Chief Hentz to obtain bids on the sale of two 30 caliber rifles from other departments and bids on the sale of two shot guns.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

POLICE DEPT. SHIFT

Chief Hentz requests he be allowed

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to change scheduling for his police officers from five 8 hour days to four 10 hour days.

This scheduling would allow better coverage of the city and would also allow the officers to have 3 days off.

Lee said he has contacted other departments and they prefer the 10 hour shifts. This scheduling will be on a 6 month trial basis.

Moved by LEE, seconded by ALLEN to allow the police department to try the above scheduling.
AYES: TIPTON, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: PRICE
Motion declared carried.

DEHAAN PROPERTY:

Tipton reported he went to the SBA auction of the DeHaan business. The auctioneer informed him the bank plans to return the real estate to the city some time this month. Some items were not included in the auction and would be considered abandoned.

RELIEF SCHOOL CROSSING
GUARD:

Moved by DAVIS, seconded by LEE to advertise for a relief school crossing guard.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PICKUP TRUCK:

Superintendent Sills presented two options for the purchase of a pickup truck for the public works department.

1981 Ford V8, Ranger Lariat for \$2800.

1986 Ford, 306 cylinder, 106,000 miles for \$3500.

Moved by TIPTON, seconded by LEE to purchase the 1986 Ford at a cost of \$3500 to be paid out of the Solid Waste Fund.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

STOP SIGNS:

Moved by DAVIS, seconded by JENKINS to purchase 50 stop signs at a cost not to exceed \$19.79 each.

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

WELL R4:

Mayor Oglesby discussed with the council the problems with Well R4. Last summer the pipe was lowered 100 feet. Rex Gandy, Water Superintendent, has been monitoring it the last couple of days and the water is only 5 feet over the bowls. Larson Wells was contacted and they tested it and it drew back down. The city has 3 options.

1. Drilling a new well. This is really not an option at this time due to funds. However, this is part of the plan for the grant applications discussed earlier in the meeting.

2. Lower the pipe another 50 feet. This would cost approximately \$3000 and would strictly a temporary measure.

3. The last option would be to acidize the well. The cost for this would be about \$15000. This procedure sometimes works and sometimes it does not.

The council discussed what option should be taken at this time. They also discussed purchasing a new pump for Well R2 and connecting this well to the main system.

Moved by BURKYBILE, seconded by LEE to lower the pump in Well R4 50 feet at a cost of approximately \$3000.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

Moved by LEE, seconded by PRICE to refer this problem to the water committee to bring back a recommendation.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
REYNOLDS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MONOFILL CONTRACT:

Gene Barrett, City Attorney, reviewed with the council the proposed Monofill Contract with Red Harris. He read each section and the council discussed whether any changes should be made.

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ROGERS LEFT AT 11:45 AND RETURNED AT 11:47 P.M.

Moved by BURKYBILE, seconded by PRICE to approve the Mayor entering into an agreement with Red Harris on the monofill and to approve the Mayor signing said contracts after Gene Barrett, City Attorney, makes the changes in the contract proposed by the council.

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

NAYS: LEE, ALLEN

Motion declared carried.

PAYROLL ORD 95-29:

Moved by ROGERS, seconded by DAVIS to approve Payroll Ordinance 95-29 in the amount of \$14,135.83 plus \$1076.45 FICA and \$185.37 KPERS.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD 95-29A:

Moved by DAVIS, seconded by LEE to approve Payroll Ordinance 95-29A in the amount of \$251.60 plus \$19.25 FICA and \$5.79 KPERS.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD 95-30:

Moved by DAVIS, seconded by ROGERS to approve Payroll Ordinance 95-30 in the amount of \$13,043.33 PLUS \$992.88 FICA and \$176.81 KPERS.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD 95-30A:

Moved by LEE, seconded by REYNOLDS to approve Payroll Ord. 95-30A in the amount of \$284.40 PLUS \$21.06 FICA and \$6.54 KPERS.

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

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

LOCAL HOUSING REPORT:

Moved by ALLEN, seconded by LEE to place on file the Local Housing Report.


AYES: TIPTON, PRICE, JENKINS,

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

ADJOURNMENT:

Moved by ROGERS, seconded by DAVIS
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)