

MINUTES OF
REGULAR COUNCIL MEETING
AUGUST 06, 1996

CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, August 6, 1996 at 7:00 p.m. in the Council Chambers with Mayor Dale Oglesby presiding.

ROLL CALL: Roll call indicated the following councilmembers present: BELLAMY, ALLEN, REYNOLDS, WARD, ROGERS, ADAMS, JENKINS, AND PRICE. ABSENT: SHRYOCK, LITTLE.

MINUTES: Lillian Price requested the Minutes of the Regular City Council meeting of July 16, 1996 be changed on page 3 to indicate in the letter to the Attorney General should read to include a full investigation of the Mayor as well as other employees and departments.

Tom Allen advised Minutes on Page 5 in Paragraph 1 to delete "including a bid" concerning the trash truck proposals to be presented.

Tom Allen advised Minutes on page 4 should indicate Barbara Hixenbaugh requested water service at property on N. Columbus St. instead of on W. Vine St.

Motion was made by Allen, seconded by Adams to approve Minutes of Regular Council Meeting of July 16, 1996 as corrected. Motion declared carried.

FIRE DEPT. MINUTES: Moved by Adams, seconded by Price to place on file the Minutes of the Galena Volunteer Firemen's Relief Assoc. meeting of July 25, 1996. Motion declared carried.

SR. CITIZENS MINUTES: Moved by Jenkins, seconded by Adams to place on file the Minutes of the Senior Citizen's Board Meeting of June 6, 1996. Motion declared carried.

LIBRARY BOARD MINUTES: Moved by Allen, seconded by Jenkins to place on file the minutes of the Galena Public Library Board Meeting of May 18, 1996. Motion declared carried.

PUBLIC HEARING-BUDGET: Mayor Oglesby opened the Public hearing on the proposed 1997 Budget.

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Trudy Jenkins spoke on behalf of the Library Board requesting an increase of the Library Board's Budget to 4 mils, advising they were ready to open the Archival Library and more money would be needed for Personnel.

City Auditor Matt Mense advised the City was at the Levy limit in General and Library Fund. He also advised the city could charter out of lid limit by passing a Resolution, publishing, and waiting 60 days. Mense advised there was not enough time this year. Mense advised an alternative would be for the City to put additional tax for Employee Benefits to pay payroll taxes for the Library to free up money in the Library Budget and that could be accomplished this year. This would necessitate republishing and having another hearing as long as the County Clerk is advised of what is taking place.

Mayor Oglesby declared the Public hearing closed at this time with no further comment.

Moved by Adams, seconded by Allen to approve the 1997 Budget as published. Motion declared carried.

SEKRPC-BID OPENING:

Paula Raskopf and David Fish representing the SEKRPC were present to accept bids for construction of Family Life Center. Mr. Fish advised 4 contractors had taken packets and 2 bids were received. Home Center Construction's base bid was \$154623.00 and American Construction's bid was \$168413.00.

Moved by Allen, seconded by Reynolds to turn bids over to Scott Jackson for presentation at their Board Meeting on August 8, 1996 and bring back recommendation to next council meeting. Motion declared carried.

TELEPHONE FRANCHISE ORD:

Mary Peters was present from United Telephone Co. for the first reading of the proposed Franchise Ord.

Discussion was held on possible changes to the Ordinance. Allen requested the Franchise fee not be changed for payment 1 time per year to remain at 2 times per year in Sec. 8. Also Allen requested the section be included to allow the City to audit, advising the City had never exercised its option to do so. Also there was discussion on raising the Franchise fee.

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Moved by Allen to increase the Franchise fee to 4 1/2%. Motion died for a lack of second.

Motion by Adams to increase the Franchise fee to 5%. Motion died for a lack of second.

Ordinance was read by Mary Peters, changes made during reading were to change Section 2 to make the Ord. renewable in 5 years with the Telephone Company bring it back before the Council for renewal. Ordinance was read to include changes. Next reading was set for August 20 meeting.

REZONING 216 E. 7TH:

Moved by Allen seconded by Rogers to approve the rezoning of property owned by Tracy Bailey located at 216 E. 7th St. from R-1 to C-1 for a flower shop. Motion declared carried.

MOBILE HOME APP.

Moved by Rogers, seconded by Price to set the Hearing date of Sept. 17, 1996 at 7:00 p.m. for the public hearing concerning mobile home application of Jay Youngblood at 1300 N. Forest. The mobile home has been set there as an emergency placement pending the hearing. Motion declared carried.

RESIGNATIONS:

Moved by Rogers, seconded by Jenkins to accept the resignation of Sandra Skye as Assistant City Clerk. Motion declared carried.

Moved by Rogers, seconded by Allen to accept the resignation of Gerald Hentz as Patrolman. Motion declared carried. 1 NAY: ADAMS.

AUDIT CONTRACT 1987:

Moved by Adams, seconded by Allen to accept the Audit bid of Matt Mense for the audit of City Financial records in 1997 not to exceed \$2995. and \$525. for budget preparation. Motion declared carried.

ORD. 96-4:

Should Be Ord 96-6

Moved by Rogers, seconded by Reynolds to approve Ordinance 96-4 vacating an alley between Cornwall St. and Lincoln St. and between 7th St. and 8th St., and behind Dairy Queen. Motion declared carried.

ORD. 96-5:

Moved by Allen, seconded by Jenkins, to approve and publish Ordinance 96-5 prohibiting loud noises and providing penalties therefore. Motion declared carried.

GUN RANGE MEMBERSHIP:

Chief Rowland advised the City Council that the membership to the Joplin Gun Range purchased for Gerald Hentz was now void and the department had no

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place to qualify. Chief Rowland requested the Council to pay half the membership of 3 instructors to the gun range being Officer Paul Duncan, Part Time Officer Allen New and Chief Rowland. Membership is \$100 each and the officer would be willing to pay half if the city would pay \$50 each.

Moved by Allen, seconded by Reynolds to approve payment of the \$50 each. Motion declared carried.

BASIC TACTICAL SCHOOL:

Chief Rowland requested Officer Chip Root be allowed to attend a 40-hour Basic Tactical School in Great Bend for 5 days at a cost of \$225.00 which covers meals and lodging. Also this will complete his 40 hours training required per year.

Moved by Allen, seconded by Rogers to allow Chip Root attend this school. Motion declared carried.

OLD SIGNAL LIGHTS:

Charlie Sweet requested the Council to decide what they want to do with the old signal lights taken down from 7th & Main Sts. Discussion was held on whether or not they could be used for parts for the new lights, or if they may be placed in front of City Hall for Emergency Vehicle traffic. Mayor Oglesby advised they may not be placed back on a State Highway.

NEAL LITTLE ENTERED:

City Councilmember Neal Little entered the meeting at 8:10 p.m.

Motion made by Rogers, seconded by Reynolds to sell the old signal lights if they do not interchange with anything we have. Motion declared carried.

LaTURNER WATER LINES:

Charlie Sweet advised the council that Mark LaTurner had approached him to run a water line to another house in Hickory Grove addition. Sweet advised the council the City had already ran the line about 360' North off 21st St. now he wants it ran about 400' west. LaTurner thought it had been approved earlier but Charlie could find no record of it in the Minutes. LaTurner advised he would pay for pipe although the city had paid for it before. Discussion was held as to whether the city can afford to continue to run water lines for developers at the cost of Materials and labor.

Moved by Allen, seconded by Little to reverse past policies and that the Developers provide their own utilities with only inspection by city and the

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City not provide labor in the future.
Motion declared carried. 1 NAY:
REYNOLDS.

SAW BLADES:

Charlie Sweet requested he be allowed to purchase a saw blade for the blacktop saw at a cost of \$600.00.

Moved by Jenkins, seconded by Little to allow the purchase of the saw blade at the cost of \$600. Motion declared carried.

WHISTLE 13TH & STATELINE:

Charlie Sweet requested he be allowed to have the engineer to shoot a grade to see if he needs a new whistle or a small dip for drainage at 13th & Stateline where the trucks have busted the whistle.

Moved by Little, seconded by Jenkins to allow Charlie to contact the engineer to see what is needed to take care of the problem. Motion declared carried.

INTERNATIONAL TRACTOR:

Charlie Sweet advised the Council that his International Tractor blew a piston and would cost about \$700.00 to repair, for boring and new piston, with the mechanic putting it back together.

*CORRECTED
08-20-96*

Moved by Allen, seconded by ^{Reynolds}Allen to allow the repairs, with cost to be paid out of Noxious Weeds. Motion declared carried.

WAIVE BUILDING PERMIT:

Moved by Rogers, seconded by Reynolds to waive the Building Permit fee for the First Baptist Church to build a Life Center. Cost of building would be approximately \$100,000. Motion declared carried.

COMMITTEE REPORTS:

Reynolds read the minutes of the Personnel Committee meeting advising they had interviewed for Building Inspector and recommended David Murphy be hired as Building Inspector.

Mayor Oglesby presented David Murphy for appointment as Building Inspector. Moved by Little, seconded by Jenkins to approve the appointment. Motion declared carried.

LIBRARY BOARD MINUTES:

Moved by Rogers, seconded by Jenkins to place on file the Minutes of the Library Board Meetings of July 24 and July 31 Special Meeting. Motion declared carried.

CITY'S LAWSUIT:

City Attorney Barrett discussed at length the Lawsuit against the City by the Attorney Generals Office

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*CORRECTED
08-20-96*

**Ben Biddle, Park Caretaker advised the City Council that he had received the letter from the insurance company addressed to the City Council and read same. Mr. Biddle advised he understood the letter to say the Insurance Company would not cover the lawsuit. Mr. Biddle also advised the City Council he had not brought the letter to the City Clerk nor advised her that he had received the letter.

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concerning the need for an answer within 20 days or if the City Council would like for him to request an extension for any or all members.

Moved by Adams, seconded by Little to pass a resolution that the City reimburse the Court Costs, Attorney fees, and any and all expenses incurred by each individual councilmember as a result of the complaint filed with the Attorney General's office and the subsequent actions taken by the Attorney General's office against the City Council members based on the complaint. ROLL CALL VOTE INDICATED 6 AYES: BELLAMY, REYNOLDS, ADAMS, JENKINS, PRICE, LITTLE. 3 NAYS: ALLEN, WARD, AND ROGERS.

Allen stated he did not need an attorney to answer the allegations and did not feel the city should pay for attorney fees.

Moved by Little seconded by Rogers to have the City Attorney request a 10-day extension. Motion declared carried. 1 NAY: ADAMS. 1 ABSTAIN: JENKINS.

PAYROLL:

Moved by Rogers, seconded by Adams to approve Payroll 96-29 in the amount of \$11070.73 plus \$853.05 FICA and \$274.55 KPERS. Motion declared carried. 1 ABSTAIN: BELLAMY

Moved by Adams, seconded by Reynolds to approve Payroll 96-29 A in the amount of \$91.35 plus \$7.00 FICA. Motion declared carried.

Moved by Allen, seconded by Adams to approve Payroll 96-30 in the amount of \$11463.59 plus \$883.54 FICA and \$284.30 KPERS. Motion declared carried. 1 ABSTAIN: BELLAMY.

Moved by Adams, seconded by Reynolds to approve Payroll 96-30A in the amount of \$184.13 plus \$14.03 FICA. Motion declared carried. 1 ABSTAIN: BELLAMY.

Moved by Adams, seconded by Rogers to approve Payroll 96-31 in the amount of \$11289.63 plus \$870.22 FICA and \$279.98 KPERS. Motion declared carried. 1 ABSTAIN: BELLAMY.

ADJOURNMENT:


Moved by Rogers, seconded by Reynolds to adjourn the Regular Meeting of the City Council. Motion declared carried.

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Dale Oglesby, Mayor

ATTEST:



Cheryl Haines, Acting City Clerk

(seal)