

MINUTES OF
REGULAR COUNCIL MEETING
OCTOBER 19, 1993

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, October 19, 1993 at 7:00 P.M. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present:
GABRIELSON, HAYES, HARPER, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
ABSENT: NONE

MOVE TO COMMUNITY ROOM:

Moved by BURKYBILE, seconded by HAYES to move the council meeting to the Community Room due to the number of persons present.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

MINUTES:

Moved by GABRIELSON, seconded by ROGERS to approve and place on file the minutes of the Regular Council Meeting of October 5, 1993 with the following correction.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

Blue Hole Monofill, Page 7: The Sanitation Committee met with Duane Snapp and not the Industrial Development Committee.

Burkybile asked to emphasize the motion was to enter into an agreement and not necessarily the one presented by Mr. Snapp on the Blue Hole Monofill.

Gabrielson voted Nay on the above agreement.

Police Reports, Page 5:
Scott asked it be noted that he questioned the hours in the police

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department and did not make a statement.

Lift Station Cleaner, Page 3:
This is corrected to read a 55 gallon drum instead of a 500 gallon drum.

PUBLIC HEARING, WATER RATES:

Mayor Oglesby opened the public hearing on the \$10 surcharge for water service recommended by the water committee. He asked Allen to inform the public on the reason for the increase.

Allen stated the city applied for the 1993 CDBG. The city council approved matching in-kind on the grant in the amount of \$293,750. Of this amount \$101,000 can be used as equipment rental. The balance of \$192,750 will have to come from city funds. The water committee proposes to hire a separate crew with Rex Gandy as supervisor for the project. Additional funds will be necessary. Water lines on Main and 7th Street will be replaced. These are old lines and the most expensive to replace due to their being located under the highways and in some cases under structures.

The city's water loss in 1992 ranged from a low of 21% to a high of 52%. The city has been unable to determine the cause of the loss.

Paula Raskopf of SEK Regional Planning Commission and Jack Murray, the project engineer were present to answer questions.

Residents of the city asked if the city could guarantee the loss would be lowered with this project. They asked if more tests should not be done to locate the leaks before the lines are replaced.

Flora Stansberry recommended a charter ordinance be drawn up preventing the utility funds being used for other funds expenses.

Residents suggested it be prorated. Their concern was that some of the elderly could not afford the \$10 per month.

Allen stated the surcharge would be for only 14 months and the ordinance incorporating it would

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state this.

John Tipton, requested that Darrell Price present the mayor with a petition containing 596 signatures opposing the \$10 surcharge.

Mayor Oglesby closed the public hearing. The water committee will take it back for further consideration.

RECESS:

Moved by GABRIELSON, seconded by ALLEN to recess the Regular Meeting of the Galena City Council for 5 minutes.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE

RECESSED AT 8:33

CALL TO ORDER:

The Recessed Meeting of the Galena City Council was called to order Tuesday, October 19, 1993 at 8:45 p.m. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call after the recess indicated the following council members present: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
ABSENT: NONE

INNOVATIVE WASTE TECH:

Bill Robinson, of Innovative Waste Technologies made a presentation on the Canadian based Company. They recycle used tires into patio blocks and other items. This company is negotiating the purchase of the Tri-State Recycling and Transfer Site on Old Highway 66. He then introduced Mr. Gale Doner, of 1st Public Finance.

Mr. Doner discussed with the council the issuance of Industrial Revenue Bonds in the amount of \$4,000,000 for this company. He provided copies of Resolution 93-19 which allows for the issuance of the bonds provided all requirements are met.

The Company also requested the property be reinstated as an Enterprise Zone.

Moved by ROGERS, seconded by BURKYBILE to approved Resolution 93-19 determining the advisability of issuing industrial revenue

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bonds for the purpose of financing the acquisition of an existing manufacturing facility and the renovation and equipment of such facility located in Galena, this being the TRT property.

ROLL CALL VOTE:

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, WARD, ROGERS

NAYS: HAYES, BYRD, ADAMS

Motion declared carried.

HOUSING:

Mr. Hayes Stewart was not present.

ANIMAL CONTROL:

Matting Flemming, Postmaster, requested assistance from the council in the control of dogs. The residence at 912 Mineral is one of the problems. They have been instructed to keep the dog confined and have done so for a short period of time, then it is released again.

Acting Police Chief Bob Lawrence said his department would work with the postoffice and asked her to let him know of any further problems.

DISPATCHER APPLICANTS:

Mary Gandy was not present.

CHARLES ANNEXATION:

Gene Barrett, City Attorney, informed the council that Renee Charles lives in a trailer on property owned by Bill and Janice Charles. They have requested the property be annexed into the city. He wanted the council to be aware that the trailer would not comply with the mobile home ordinance since it would not be owner occupied.

Adams read a statement from Bill and Janice Charles transferring the property to Renee and Bill Charles, Jr.

Gene Barrett, said Renee and Bill would need to make application for the annexation.

Residents asked why the request from Bill and Janice Charles to annex was not referred to the Planning and Zoning Commission.

Gene Barrett, informed them that under State Statutes, it would not be referred to Planning and Zoning until it is annexed into the city and Planning and Zoning would designate the zoning of the property.

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Mayor Oglesby, stated he felt the council was annexing this property to get around the Charter Ordinance requiring employees to be residents of the city. He said that if the council does not want to comply with the Charter Ordinance, they should repeal that section of it.

Allen took exception with the Mayor's statement. He said the ordinance allows employees 90 days to become residents of the City. The Charter Ordinance does not say how they become residents.

STREET SWEEPER:

Bud Sills, City Superintendent, asked to postpone this discussion to the next council meeting.

PARK SEPTIC TANK:

Ben Biddle, Park Caretaker, informed the council that the septic tank and lateral lines at Schermerhorn Park need to be replaced. The council discussed the funding of this project.

Moved by GABRIELSON, seconded by BURKYBILE for the Park Caretaker to provide the Finance Committee with prices on the repairs with the Finance Committee having authority to authorize the repairs.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

BLUE HOLE LEASE:

Gabrielson informed the council that Donald Fitzer had signed the lease for Blue Hole with the City without the knowledge that another firm would be involved in the project. Mr. Fitzer thought the tires were from the Superfund Project site only. No tires from the Superfund site will be placed in Blue Hole.

The council discussed the lease with Mr. Snapp on the tires for Blue Hole.

Gene Barrett, City Attorney, is drawing up an agreement with Mr. Snapp. It would be necessary for Mr. Fitzer to sign the agreement also.

The city will negotiate with Mr. Fitzer and Mr. Snapp if the permit from the Kansas Department of Health & Environment is issued.

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SEWER CONNECTIONS
ORDINANCE 93-13:

The City Clerk, Jeanie Holstrom, informed the council that it has been city policy for residences where sewer is available to pay for sewer service even though they are not connected. A resident recently objected to this policy and the city clerk was unable to find an ordinance nor was this policy in the City Code Book.

Moved by GABRIELSON, seconded by WARD to approve Ordinance 93-13 providing for the collection of sewer fees when sewer service becomes available to city residents.

AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

CITY BEAUTIFICATION COMM:

Mayor Oglesby requested the council to confirm the following persons as members of the City Beautification Committee:

Kelly Hopkins
Thomas Ritter
Stacy Barker
Kandi Martin
Mary Lou Graham

Moved by ADAMS, seconded by BURKYBILE to confirm the above as members of the City Beautification Committee.

AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

CHEROKEE COUNTY LANDFILL:

David Byrant, representing the Cherokee County Landfill, asked the council to request the Cherokee County Commissioners to sign a resolution allowing for a host fee for all out of county solid waste taken to the Cherokee County Landfill and to allow the landfill to go to a height of 85 feet. This would have to be approved by the Kansas Department of Health and Environment. The new rates at the landfill effective November 1, 1993 is \$30 per ton. This is an increase from \$19.75 per ton the city has been paying. If the commissioners approve the host fee resolution, the council would receive a host fee of \$2 per ton for all out of County solid waste and the charge

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to the residents of Cherokee County would be \$10 per ton for the life of the landfill, approximately 25 years.

Chris Dixon, County Commissioner, informed the council that residents of the area do not want the increase in height. He said the Solid Waste Taskforce has been working on a plan.

Moved by BYRD, seconded by ROGERS to continue with the agenda.

Moved by WARD, seconded by BURKYBILE to request the County Commissioners to pass a resolution accepting the host fee to allow the \$10 per ton charge to county residents.

ROLL CALL VOTE:

AYES: HAYES, HARPER, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS

NAYS: GABRIELSON, SCOTT
Motion declared carried.

SEWER PROJECT BILL:

Moved by BURKYBILE, seconded by WARD to approve Pay Estimate Number 17 in the amount of \$64,562.46 which is the final estimate for G & G Construction and Braun Excavating on the sewer project. Superintendent Sills informed the council that the contractor has completed the project.

Moved by BURKYBILE, seconded by WARD to approve Estimate Number 17 in the amount of 64,562.46 pending FHA approval.

AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS

NAYS: NONE
Motion declared carried.

MID KANSAS ENGINEERING BILL: Gene Barrett, City Attorney, informed the council there is an outstanding bill claimed by Mid Kansas Engineering in the amount of \$35,710.34. FHA did not approve the charges. The city attorney thinks Mid Kansas can hold us to the bill due to the modification agreement signed by the City to comply with KDOC CDBG regulations. FHA says this is the same project, no funds were added so there should be no charge. FHA has requested an itemized statement from Mid Kansas but has not received it. Gene Barrett is sending a letter to Mid Kansas' attorney stating the city's

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position and requesting an itemized statement. A copy of the letter was provided the council members.

Moved by GABRIELSON, seconded by ROGERS to send the above letter.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

LIBRARY BOARD'S PURCHASE
OF Mr. O's BUILDING:

The Community Development Committee met with Helen Hayes. The Library has received a grant in the amount of \$34,170.88 to proceed with the purchasing of the Mr. O's Building on West 7th Street, across from City Hall. No added employees will be hired by the library. They are going to request assistance from the County Commissioners for the utilities at the building. The city must approve the purchase of the building since it will belong to the City.

Moved by BYRD, seconded by BURKYBILE to approve the Library Board purchasing the Mr. O's Building which will belong to the City.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

TRUCK ROUTE:

The Street Committee met concerning the Truck Route. They requested signs be installed designating Main Street and 7th Street as the truck route.

Moved by GABRIELSON, seconded by ROGERS to table the designation of a truck route until the next meeting.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

POT HOLES:

The Street Committee recommends something be done with the pot holes before winter.

TRASH TRUCK TIRES:

The tires for the trash truck are to be purchased as soon as possible.

POLICE CHIEF:

The Personnel Committee interviewed candidates for the

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position of police chief. The committee does not have a recommendation at this time.

Burkybile recommended that maybe 3 names be brought before the Council and the Council be allowed to interview them when they are presented.

EXECUTIVE SESSION:

Moved by GABRIELSON, seconded by BURKYBILE to go into Executive Session for 10 minutes to discuss personnel with Gene Barrett, City Attorney, Bud Sills, City Superintendent and Bob Lawrence, Acting Police Chief remaining.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, ROGERS, WARD
NAYS: NONE
Motion declared carried.

ENTERED EXECUTIVE SESSION AT 11:05 P.M. AND RETURNED AT 11:15 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, October 19, 1993 at 11:15 P.M. after executive session with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present:
GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS

APPROPRIATION ORD 93-10:

Moved by GABRIELSON, seconded by BYRD to approve Appropriation Ordinance 93-13 in the amount of \$73,580.23.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

APPROPRIATION ORD 93-10A:

Moved by BYRD, seconded by GABRIELSON to approve Appropriation Ordinance, City Beautification, in the amount of \$256.46.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

APPROPRIATION ORD 93-10B:

Moved by BYRD, seconded by GABRIELSON to approve Appropriation Ordinance 93-10 B, Sewer Project, in the amount of \$119,774.21.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN,

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

PAYROLL ORD 93-39:

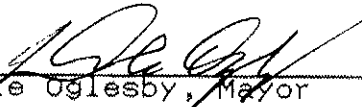
Moved by ROGERS, seconded by GABRIELSON to approve Payroll Ordinance 93-39 in the amount of \$10,166.59 plus \$766.89 FICA and \$150.78 KPERS.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BYRD, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORD 93-40:

Moved by ROGERS, seconded by GABRIELSON to approve Payroll Ordinance 93-40 in the amount of \$10,035.99 plus \$757.88 FICA and \$149.02 KPERS.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BYRD, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

ADJOURNMENT:

Moved by BYRD, seconded by BURKYBILE to adjourn the Regular Meeting of the Galena City Council.
AYES: GABRIELSON, HAYES, HARPER, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, ROGERS, WARD
NAYS: NONE
Motion declared carried.



Dale Oglesby, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)