

MINUTES OF
REGULAR COUNCIL MEETING
DECEMBER 7, 1993

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, December 7, 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, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
ABSENT: HARPER

MINUTES:

Moved by BURKYBILE, seconded by BYRD to approve and place on file the minutes of the Regular Council Meeting of November 16, 1993.
AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

SPECIAL MEETING:

Moved by BURKYBILE, seconded by ROGERS to strike the motion and second on the acceptance of the petition requesting Bob Lawrence and Mayor Oglesby to resign since it should have been ruled out of order at the special meeting. It was not on the agenda.
AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

MINUTES:

Moved by ROGERS, seconded by WARD to approve and place on file the minutes of the Special Meeting of November 23, 1993 with the motion on the petition stricken.
AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

Moved by BYRD, seconded by GABRIELSON to place on file the minutes of the Fireman's Relief meeting of November 23, 1993.
AYES: GABRIELSON, HAYES, SCOTT,

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

Moved by BYRD, seconded by
BURKYBILE to place on file the
minutes of the Sr. Citizens Board
meeting of October 7, 1993
AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

CABLE TV:

Don Veach addressed the city
concerning his company installing
a cable TV system in the city and
the city leasing it back from him.
This would allow the city to
control the price of programming
and would also provide an income
for the city.

Moved by BYRD, seconded by ROGERS
to refer this request to the
Community Development Committee.
AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

WATER PROJECT:

Gale Doner of 1st Public Finance
met with the city concerning the
water project. He proposed the
city issue \$370,000 in revenue
bonds with \$20,000 being placed in
the bond reserve fund. He also
provided a contract which had
been reviewed by the city attorney
authorizing 1st Public Finance to
act as Financial Advisor on the
bond issue. The city would pay
\$35 per \$1000 of bond debt to 1st
Public Finance for their services.
If bonds are not issued there
would be no charge by 1st Public
Finance.

Moved by BYRD, seconded by
BURKYBILE to enter into a
contract with 1st Public Finance
to act as Financial Advisor for
the Revenue Bonds for the Water
Project.
AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE
Motion declared carried.

RESOLUTION 93-20:

Moved by BYRD, seconded by
BURKYBILE to approve Resolution
93-20 declaring it necessary to
repair, alter, extend,

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reconstruct, enlarge or improve the water utility system of the City of Galena, Kansas; to issue water utility system revenue bonds in an amount not to exceed \$400,000 for the purpose of paying a portion of the costs thereof and related bond reserves and financing costs; and providing for the giving of notice of said intention.

ROLL CALL VOTE:

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

NAYS: SCOTT, ADAMS

Motion declared carried.

DOROTHY RICE:

Dorothy Rice requested the city be provided better police protection. She said her home had been burglarized several times and she felt the police department does not provide the residents of the city with adequate protection. She stated the last time her home was burglarized they came in through a window and when they left they used some window putty she had in her home and replaced the window pane.

Officer Steve Duncan who replaced Acting Chief Bob Lawrence at the council meeting said he would discuss this with the council in closed session because it is an on-going case.

DON MEANS:

Don Means informed the council he had witnessed a driving infraction and called the police. He signed a complaint so the city could prosecute the driver. Acting Chief Lawrence told him he would notify him when the case came up in municipal court. He was not contacted and he did not appear in court. He said at the time of the incident, he was not aware the driver of the vehicle was the Mayor's son. Within the last two weeks he has been receiving phone calls, including some from council members, accusing him of not having the courage to appear in court. He wanted the council to know that he did not appear because he was not notified of the court date.

Mayor Oglesby stated he had informed the police department at the time of his election that he or any of family should be prosecuted if they violated any

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city ordinance.

ANN DEATON:

Ann Deaton commended the animal control officer and the previous animal control officer, Gordon Smith, for the work they had done in animal control. She requested a portion of city funds be used for cat facilities. She said the city does not have proper facilities for stray cats nor cages.

BYRD LEFT AT 8:20 P.M.

REZONING PICKET PROPERTY:

Gene Porter informed the council that Planning & Zoning had considered the rezoning of property just East of City Hall on 7th Street for Fred Picket from C-1 to C-2. He stated the rest of that corner had already been rezoned.

BYRD RETURNED AT 8:21 P.M.

Planning and zoning approved the rezoning provided a privacy fence was installed.

Moved by GABRIELSON, seconded by BURKYBILE to rezone the property from C-1 to C-2 provided the privacy fence is installed.
AYES: GABRIELSON, BURKYBILE, BYRD, ALLEN
NAYS: HAYES, SCOTT, ADAMS, ROGERS, WARD
MOTION FAILED.

MCLEAN PROPERTY:

Gene Porter informed the council that Linda McLean had applied for the placement of a mobile home at 11th & Euclid. He said no action had been taken because of there being no Planning & Zoning Commission.

ORDINANCE 93-17:

Moved by ROGERS, seconded by BURKYBILE to approve Ordinance 93-15 providing that the City Council may exercise the powers and duties of the City Planning Commission in the absence thereof.
AYES: GABRIELSON, HAYES, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS
NAYS: BYRD, SCOTT
MOTION DECLARED CARRIED.

APPLICATIONS & REZONING:

Moved by ALLEN, seconded by BURKYBILE to set hearing dates on the applications received for mobile home placement and zoning applications.
AYES: GABRIELSON, HAYES, SCOTT,

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

CONDEMNATION:

Gene Porter requested clarification on the contract with John Murray on the removal of the structure at 815 E. 7th Street. He stated the contract reads that Mr. Murray is to repair the entire wall on the adjacent building. However, there is damage above the roof line that would not be caused by the removal of the structure. He asked that this not be included in the contract.

The council approved Mr. Porter changing the contract to meet this request.

Moved by BURKYBILE, seconded by ROGERS to proceed with condemnation on the structure formerly occupied by the Galena Sentinel.
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

CEREAL MALT BEV. LICENSE:

Moved by BYRD, seconded by BURKYBILE to approve the following cereal malt beverage licenses for 1994: CARRY OUT ONLY: Dale's IGA, Walton's Service Station, Joseph's Quik Shop, Casey's General Store. ON PREMISE: Green Parrot.
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

EMPLOYEE GIFT CERT:

Moved by BYRD, seconded by ADAMS to give each paid employee a \$15 gift certificate to Dale's IGA.
AYES: GABRIELSON, HAYES, SCOTT, BYRD, ALLEN, ADAMS, WARD, ROGERS
NO VOTE: BURKYBILE
NAYS: NONE
Motion declared carried.

PATHOGEN, LOCKOUT
& HAZARD COMM. PLANS:

Moved by ROGERS, seconded by WARD to approve the Pathogen, Lockout and Hazard Communication Plans presented.
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

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LANDFILL FEES:

Burkybile informed the council that the Scammon Landfill is not going to raise the city's rates to \$30.00 per ton until January 1. They will remain at \$19.95 until then. They will then go to \$30 unless the County Commissioners take some action on the request by the landfill.

SEWER PROJECT:

The Sanitation Committee met with Dale Yager of FHA, Paula Raskopf of SEK Regional Planning Commission concerning the final bills on the Sewer Project. They recommend the following be approved:
\$9,632.00 to Mid Kansas
\$10,316 be approved at \$6,813
Offer \$10,000 on the \$35,000 bill for Change Order #1.

Also, Mr. Sills is to provide information concerning the lift station in Empire and at Main and Clark where there are still problems.

Burkybile asked if these pumps would not be okay if the infiltration problem is solved.

Moved by ALLEN, seconded by ROGERS to approve the above bills as recommended by the Sanitation Committee.
AYES: GABRIELSON, HAYES, SCOTT, BYRD, ALLEN, ADAMS, WARD, ROGERS
NAYS: BURKYBILE
Motion declared carried.

EXECUTIVE SESSION:

Moved by WARD, seconded by BURKYBILE to enter into Executive Session for 30 minutes to discuss Personnel in the Fire Department with Acting Chief Bob Lawrence and the City Attorney remaining.
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD
NAYS: ROGERS
Motion declared carried.

ENTERED INTO EXECUTIVE SESSION AT 9:00 P.M. AND RETURNED AT 9:30 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after Executive Session at 9:30 p.m. with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call, after Executive Session, indicated the following council members present:

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

WEST 7TH STREET:

Mayor Oglesby informed the council he had received a contract from the Kansas Department of Commerce requesting they be allowed to pave a section of West 7th Street in one of their projects.

Moved by WARD, seconded by ROGERS to approve the Mayor and City Clerk signing the necessary papers for the above project.

AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE

Motion declared carried.

POT HOLE FILLER:

Superintendent Sills requested he be allowed to try pot hole filler from Carter Waters Company. the cost is \$37.37 per ton including shipping. One load would be approximately 22 tons for a total cost of \$822.14.

Moved by GABRIELSON, seconded by HAYES to purchase one load of the pot hole filler.

AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE

Motion declared carried

CITY LOT MATERIALS:

Superintendent Sills requested he be allowed to dispose of materials consisting of old pipe and an old pump at the city lot at 12th Street Scrap and the funds be placed in the Christmas Kitty at the Shop.

Moved by BYRD, seconded by ROGERS that this be allowed.

AYES: GABRIELSON, HAYES, SCOTT,
BYRD, ALLEN, ADAMS, WARD, ROGERS
NO VOTE: BURKYBILE
NAYS: NONE

Motion declared carried.

PURCHASE SPRAYER:

Moved by ROGERS, seconded by GABRIELSON that the city purchase a sprayer for weed killer at a cost of \$500 provided any employee using the sprayer be certified.

AYES: GABRIELSON, HAYES, SCOTT,
BURKYBILE, BYRD, ALLEN, ADAMS,
WARD, ROGERS
NAYS: NONE

Motion declared carried.

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NAYS: NONE
Motion declared carried.

PAYROLL ORD 93-47:

Moved by ALLEN, seconded by HAYES to approve Payroll Ordinance 93-47 in the amount of \$10,241.12 plus \$774.08 FICA and \$137.43 KPERS.
AYES: GABRIELSON, HAYES, SCOTT, BYRD, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

ADJOURNMENT:

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



Dale Oglesby, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)