

MINUTES OF  
REGULAR COUNCIL MEETING  
DECEMBER 21, 1993

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, December 21, 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, ALLEN, ADAMS, WARD,  
ROGERS  
ABSENT: HARPER, BYRD

MINUTES:

Moved by ALLEN, seconded by GABRIELSON to approve and place on file the minutes of the Regular Council Meeting of December 7, 1993.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

KMIT, WORKERS COMP:

Jeff White of The League of Kansas Municipalities made a presentation on the Workers Comp program being offered by the League. It will be a group funded program. The rates being offered by KMIT are about \$6000 per year less than the city is currently paying its workers comp carrier. Mr. White answered questions and informed the council that 20 cities had already joined with over \$1,000,000 in contributions. He informed the council that 5% to 7% of the contributions would go to administration.

Moved by ROGERS, seconded by ALLEN to join KMIT.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, ALLEN, WARD, ROGERS  
NAYS: ADAMS  
Motion declared carried.

Adams stated she voted "Nay" because she didn't have time to

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look over the plan closely.

PARKING:

Gary Chatterton, owner of the Chatterbox Barber Shop, requested the council change the parking on Main Street between 7th and 8th to angle parking. He stated the businesses in the block lose customers because of the parallel parking.

Ward informed the council the Street Committee had discussed this and they recommend there be a two hour parking limit if the parking is changed.

The City will contact the Kansas Department of Transportation to see if the parking can be changed since this is a State Highway.

DRUG DOG:

Allen Wade informed the council that he and Officer Webb had signed a note at the bank in the amount of \$3000 for the purchase of the drug dog and this note is due and the bank is requesting their money. Donations and fund raisers were to be used to pay the note. He said this was approved by the previous Mayor and council. He said Officers Lawrence and Webb were to collect from the businesses. He asked what the council's intentions were concerning the dog.

Scott informed the council that the Police Committee had spent quite some time trying to determine who owns the dog.

Alan Wade stated the dog has been certified through U. S. Customs and the City has two vehicles ready to be used in conjunction with the dog.

Moved by GABRIELSON, seconded by BURKYBILE to enter into Executive Session for 30 minutes to discuss personnel and to discuss litigation on the sewer project with the City Attorney and with the City Attorney and Police Chief Hentz remaining.

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

ENTERED INTO EXECUTIVE SESSION AT  
7:50 P.M. AND RETURNED AT 8:20  
P.M.

CALL TO ORDER:

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NAYS: NONE  
Motion declared carried.

POLICE DEPARTMENT REPORT:

Chief Hentz had included in the council packets letters concerning the jail inspection. He had responded to these. He informed the council the jail is approved for 1994.

He also informed the council that 3 patrol officers have not been to school. He has requested an extension on this. He also asked for a waiver on the reserve officers until the City makes a decisions concerning the reserve officers.

Chief Hentz informed the council that the 1984 Dodge Ram Charger has a lot of major mechanical problems. He is meeting with the Finance Committee Monday concerning this.

The 1988 LTD has over 100,000 miles with no major mechanical problems but it does need tires. He plans to take the light bar off the Ram Charger and install it on the LTD.

RESIGNATIONS:

Chief Hentz read the resignations of Officer Robert Lawrence, effective January 31, 1994 and Rosalie Oschenbein, relief dispatcher effective December 17, 1993.

Moved by SCOTT, seconded by BURKYBILE to accept the resignations of Robert Lawrence and Rosalee Oschenbein.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried

Moved by ALLEN, seconded by BURKYBILE to advertise for the above positions in the Joplin Globe, Pittsburg Morning Sun and the Galena Sentinel.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

EXECUTIVE SESSION:

Moved by ALLEN, seconded by BURKYBILE to enter into executive session for 10 minutes to confer with the attorney, with Chief Hentz and Officer Lawrence

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City Council was called to order after Executive Session at 8:20 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, ALLEN, ADAMS, WARD,  
ROGERS  
ABSENT: HARPER, BYRD

DRUG DOG:

Moved by GABRIELSON, seconded by ROGERS that the City does not want the drug dog and will not accept the liability on the drug dog.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, ALLEN, ADAMS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

SEWER PROJECT:

Moved by BURKYBILE, seconded by GABRIELSON to offer Mid Kansas Engineering \$25,000, pending approval by FHA in lieu of the \$39,000 Mid Kansas claims the City owes, but no payment will be made until the problem with the lift station pumps is solved.

ROLL CALL VOTE:  
AYES: GABRIELSON, HAYES,  
BURKYBILE, ALLEN, WARD  
NAYS: SCOTT, ADAMS, ROGERS  
Motion declared carried.

There are problems with three lift stations, Empire, Main & Clark and East 5th Street. Mid Kansas submitted a report claiming the problem is infiltration. Superintendent Sills said the pumps are not large enough. There was also a problem with the main lift station and it didn't call in the report.

WASTEWATER SCHOOL:

Superintendent Sills requested the Council allow Mel Mittag to attend a school from January 13 to May 5. He will receive 13 college hours for this. Superintendent Sills stated he had received a letter from Rex Heape and he recommended our wastewater operator attend. There will be 6 day classes and 9 evening classes.

Moved by ADAMS, seconded by BURKYBILE to allow Mel Mittag attend the school with pay and with the City providing a vehicle.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, ALLEN, ADAMS, WARD,  
ROGERS

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remaining.  
AYES: GABRIELSON, HAYES,  
BURKYBILE, ALLEN, WARD, ROGERS  
NAYS: SCOTT, ADAMS  
Motion declared carried.

ENTERED AT 8:46 P.M. AND RETURNED  
AT 8:55 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after Executive Session at 8:55 p.m. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL:

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

911 SYSTEM:

Chief Hentz discussed the County Wide 911 System with the Council. He informed them the Police Department will get a phone, monitor and printer for use with the system. Some modification will have to be done in the dispatcher area to accomodate the system. It will be about 16 months before the system is in operation.

WARD LEFT AT 9:10 P.M. AND  
RETURNED AT 9:11 P.M.

TIRES ON NORTH MAIN:

Gabrielson informed the council he had received calls concerning the tires stored on North Main Street.

Duane Snapp, owner of Tire Remediation, who has the tires stored there explained to the council his plans. He stated the tires are not whole tires but are processed tires and are in compliance with the City's ordinance and State regulations. He has been negotiating with a Canadian firm, Innovative Waste, on the purchase of the TRT plant. They are in the process of obtaining Industrial Revenue Bonds. This firm is planning to use the Blue Hole Monofil to dispose of tires that cannot be used for crum rubber or pavement bricks. If the City does not get the monofil permit on Blue Hole, Innovative Waste will probably not complete the transaction. This could mean the city would lose up to 40 new jobs. Mr Snapp is trying to wait until the city's monofil is permitted by the state and he

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will take the tires to it. The city will then receive revenue for the tires. If he disposes of them at another monofil, the city would lose this revenue.

Moved by ROGERS, seconded by GABRIELSON to allow 45 days to remove the tires.

AYES: GABRIELSON, HAYES, BURKYBILE, ALLEN, WARD, ROGERS  
NAYS: SCOTT, ADAMS  
Motion declared carried.

CEREAL MALT BEVERAGE LIC:

Moved by BURKYBILE, seconded by ADAMS to approve a 1994 Cereal Malt Beverage License for carry out for Jack's Self Serve.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

BUILDING SECURITY:

Mayor Oglesby voiced his concern that City Hall is unlocked at night. He recommended the locks be repaired and security of the building be increased at night.

Moved by ROGERS, seconded by ADAMS to lock the City Hall at 11 p.m. and to repair the intercom.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Chief Hentz is to obtain prices on the repair of the surveillance cameras.

PERSONNEL COMMITTEE:

Mayor Oglesby informed the council that he felt it was a conflict of interest for both Doris Adams and Bill Scott to serve on the Personnel Committee since their marriage. He said when the personnel committee met on Monday, Scott did not sit in on the meeting and Gabrielson was asked to fill in. He thought that Adams who, is chairman of the committee, also thought there was a conflict.

Adams stated she asked Gabrielson to fill in for Scott because the meeting concerned the Police Department and Scott is chairman of the Police Committee.

She asked that she be allowed to select a council person of her choosing to sit in if there is a conflict.

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Mayor Oglesby recommended Hayes take Adams' place on the Personnel Committee.

Burkybile recommended Scott be replaced instead of Adams because she is chairman of the Personnel Committee.

Moved by ROGERS, seconded by ALLEN for Hayes to replace Adams on the Personnel Committee.

ROLL CALL VOTE:

AYES: ALLEN, WARD, ROGERS

ABSTAIN: HAYES

NAYS: GABRIELSON, SCOTT,  
BURKYBILE, ADAMS

Motion failed.

Mayor Oglesby then recommended Scott be replaced on the Personnel Committee by Hayes.

Moved by ROGERS, seconded by ALLEN for Hayes to replace Scott on the Personnel Committee.

The council then discussed the vote on the previous motion which would seat Hayes on the Personnel Committee instead of Adams.

Hayes stated he thought he had to abstain from voting because he was being appointed to the committee. He thought it would be a conflict of interest for him to vote.

City Attorney Barrett said he did not have to abstain and that he could change his vote at this time.

Hayes then changed his vote to "AYE" which made a tie vote.

Mayor Oglesby broke the tie by voting "aye" and the motion was declared carried.

The motion and second to replace Scott on the Personnel Committee with Hayes was withdrawn.

Burkybile stated she opposed the vote because Adams was chairman of the Personnel Committee.

Adams and Scott protested the vote.

WATER COMMITTEE REPORT:

A written copy of the Water Committee Report was provided the council members.

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Gabrielson asked about Jack Murray submitting a bid for inspection on the work on the water tower.

Allen stated he had been in contact with Rex Heape of the Kansas Department of Health & Environment and an inspection of the water tower is not necessary.

Allen stated the revenue bonds will be held to \$300,000 on the water project.

Moved by ALLEN, seconded by BURKYBILE to place the water committee report on file.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

DEMOLITION LANDFILL RATES: The Sanitation Committee met concerning the rates at the demolition landfill.  
Moved by BURKYBILE, seconded by GABRIELSON to set the new rates effective January 1, 1994.

Any Pickup	\$15.00
5 yd dump	25.00
8 yr dump	30.00
12 yd rolloff	30.00
10 wheel dump	30.00
2 ton	30.00
20 yd	30.00
18 wheeler	55.00
40 yd	55.00
30 yd	45.00
roll off	45.00
Roll off w sides	60.00

There will be no charge for Galena residents.

APPROPRIATION ORD 93-12: Moved by GABRIELSON, seconded by ALLEN to approve Appropriation Ordinance 93-12 in the amount of \$97,566.26.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

APPROPRIATION ORD 93-12A: Moved by ADAMS, seconded by GABRIELSON to approve Appropriation Ordinance 93-12A, City Beautification Fund, in the amount of \$122.49.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, ALLEN, ADAMS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.



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PAYROLL ORDINANCE 93-48: Moved by HAYES, seconded by GABRIELSON to approve Payroll Ordinance 93-48 in the amount of \$10,361.72 plus \$784.26 FICA and \$141.85 KPERs.  
AYES: GABRIELSON, HAYES, SCOTT, ALLEN, ADAMS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 93-49: Moved by ROGERS, seconded by HAYES to approve Payroll Ordinance 93-49 in the amount of \$10,353.22 plus \$782.67 FICA and \$145.85 KPERs.  
AYES: GABRIELSON, HAYES, SCOTT, ALLEN, ADAMS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

BLUE HOLE: Fitzner is taking the new agreement on the lease for Blue Hole to his attorney. It has not been signed.

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

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

ATTEST:  
  
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Jeanie Holstrom, City Clerk

(SEAL)