

MINUTES OF  
REGULAR COUNCIL MEETING  
MAY 5, 1992

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, May 5, 1992 at 7:00 p.m. in the council chambers with Roy Watkins, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
ABSENT: NONE

MINUTES:

Moved by GOURLEY, seconded by TIPTON to approve and place on file the minutes of the April 17, 1992 meeting with the following correction:

Page 4, POOL MANAGERS: Corrected to read that Betty Wilkins requested \$4000 to manage the pool.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

WELL NUMBER 4 PUMP:

Jeff Hall, Sales Representative, Steve Daley, District Manager, and Jim Bridgeport, Corporate Vice President of Layne Western met with the council concerning the warranty on the pump in well #4 which failed in January, 1992. The council packets included a letter from Layne Western stating the terms under which they would replace the pump.

The council discussed the warranty on the pump with the representatives. Jeff Hall stated the company thinks that at some time the pump did break suction and therefore did run dry. He stated they cannot prove this. This is

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based on the fact that when wells number 1 and 2 run in conjunction with well number 4, there is a direct influence as far as the pumping water level in the well. He stated that according to the city's records, wells 1 and 2 did run last fall, late last summer and some across the winter. He stated that the company was not notified until the pump failed. He said they have learned since that there were problems with it. It was down in capacity and increased vibration up to two weeks before. He stated that well number 4 could have pulled down the water level itself.

Mayor Watkins stated the reason for the city purchasing the column pipe to put the pump 60 feet deeper is in conjunction with tying in with rural water. The city feels that the city well's water level may drop when the rural water begins using their wells. The Council stated that the previous pump had been in the well for 12 years and we have had no problems with it.

Mr Bridgeport stated the pump was damaged because the impellers were riding on the bottom of the bowl. He stated this was caused by the pump not being properly taken care of. He stated that if something had come up a couple of weeks before it destroyed itself, and if the city had called Layne Western then, perhaps the catastrophe might not have happened. He stated in all probability, we would have not had the shaft break and the severe problems. He stated the factory says it is not covered under warranty, so Layne Western cannot get any relief, and they are here to try to give the city some relief by reducing the price on replacing the pump.

He stated the impellers were set too low and that the city adjusted them to this level. He stated they knew it was installed correctly because it ran fine until we started

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hearing some noise in January. He stated we should have called him when we first heard a noise. He stated people are used to open impeller pumps and it is common practice for operators to lower the impellers to increase the efficiency of the pump. This is not true with a closed impeller pump. If it is lowered too low, it damages the pump. He stated that it would not benefit either party to keep arguing the matter. He says they are unable to get any relief from the manufacturer of the pump and morally we should not ask them to buy us a new pump.

The council and the Layne Western representatives discussed further whether the fault was with the city, the pump or the installation.

Superintendent Sills stated he tried to call Jeff Hall the day he was first aware of the noise. The next day it quit pumping. Jeff was not in the first day he tried to reach him.

Jeff Hall said that Rex Gandy stated the noise had building up over a couple of weeks. He did not know if Rex communicated that with Superintendent Sills.

Mr Bridgeport stated the Peabody Flowaway said the pump was not defective because it was run too low in the bowls and it should not have been run that low.

Stansberry asked whether the shaft stretch could have allowed the bearings to move. Mr Daily said it could not. He stated that for it rub in January, it would have to rub in July when it was first installed. He stated that the manufacturer of the pump stated that either the vertical adjustment of the shaft at the top of the motor was set wrong or it could have broken suction. He stated that if it was misadjusted, it would have to have been done at a later date because the

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amperage draw and the running of the pump were fine when they left the job and to their thinking, it ran fine until some time in January. He stated that when the other two pumps were turned on, in a 5 or 6 hour period, 20 feet of drawdown had occurred in well number 4. They went back to the records and found that the lowest level was 20 feet of guage reading existed. If you take the 20 feet of water, which was the lowest reading on city records and compare that against the additional lowering of water which could have occurred with the other two pumps in operation, you get 20 feet. Superintendent Sills stated it only went to 18 feet when the other two pumps were running.

Daily stated the city could buy the pump direct from the manufacture at the same price as they quoted in their letter.

Mr. Daily stated Layne Western will not put in a new pump at no charge. They will sacrifice the labor they have in the pump to date and will do no more because they feel the city is trying to take advantage of them. Layne Western feels that something has damaged the pump which they have no control over. He stated the warranty states they will warrant it against defects in materials or workmanship. They have not found any defects. If the city can find any defects, they will stand behind their warranty.

Allen stated they do not have a warranty. If it fails, it is not under warranty unless we can prove a defect in the material.

According to the letter from Layne Western dated April 22, 1992, a copy of which was included in the council packets, they will replace the pump at a cost of \$4515 for the pump and \$9401 for labor. According to Jeff Hall, this will pay Layne

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Western for pulling the new pump when it quit and replacing the city's old pump in the well and pulling the old pump again and replacing it.

Layne Western charges \$101 per hour for a two man crew. This would mean approximately 90 hours for a two man crew to replace the pump. Jeff Hall stated that on this job, they ran a three man crew. This would still be approximately 60 hours of labor. He stated they would have approximately 4 days labor.

Jeff Hall stated that if it had been an emergency, they would have put another pump back in the well sooner. Superintendent Sills stated he had stressed to Mr. Hall that it was an emergency and we needed the pump back in the well. Nothing was done until he called Mr. Dymond. Mr Hall stated this was correct. >

Rex Gandy met with the council. He stated he had adjusted the pump the day it went out. He noticed the problem about a week before it quit pumping. Rex stated he shut the valve down.

Mr Daily said that because the pump quit on a certain day, does not mean that the problem occurred that day or the day before. The problem could have occurred at a previous time. A condition existed that caused some excessive vibration and then over a long period of time caused the problem. Regardless of whether the cause is still there or not, the vibration is going to continue and it will snowball as time goes on.

The council discussed the charges proposed by Layne Western for installing another new pump.

Moved by Stansberry, seconded by HAYES to table the discussion on the pump and work through negotiations with Layne Western for two weeks and refer it back to the water

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committee.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
STANSBERRY, GOURLEY  
NAYS: TIPTON, ALLEN  
Motion declared carried.

RETIRE RECYCLING:

Don Thomlinson of Retire  
Recycling met with the council  
and requested he be allowed to  
start a tire recycling  
business in the city. He is  
purchasing a shredder but  
would need to store  
approximately 80,000 tires at  
his place of business. He is  
interested in the property on  
Main and Clark Streets.

Moved by BYRD, seconded by  
HAYES that the city not allow  
this.

ROLL CALL VOTE:  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, STANSBERRY, GOURLEY  
NAYS: TIPTON  
Motion declared carried.

ANDERSON PLAQUE:

Mayor Watkins presented a  
plaque to outgoing council  
member Albert Anderson. He  
was unable to be present at  
the previous meeting.

RESOLUTION 92-2:

Moved by ALLEN, seconded by  
TIPTON to approve Resolution  
92-2 and set July 7 as the  
hearing date on the  
condemnation of the structure  
at 901 Short.

AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

RESOLUTION 92-3:

Moved by MEANS, seconded by  
GOURLEY to approve Resolution  
92-3 setting July 7 as the  
hearing date on the  
condemnation of the structure  
at 303 Main.

AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried

RESOLUTION 92-4:

Moved by BYRD, seconded by  
TIPTON to approve Resolution  
92-4 setting July 7 as the

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hearing date on the  
condemnation of the structure  
at 910 Short.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

DISCARDING USED TIRES:

Moved by BURKYBILE, seconded  
by STANSBERRY to dispose of  
old tires at the city lot  
through Tire Remediation at a  
cost of .75 for each car tire  
and \$3.50 for each truck tire.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

PURCHASE DUMPSTERS:

Moved by GABRIELSON, seconded  
by BURKYBILE to purchase two  
more 2 yard dumpsters.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

LANDFILL CHARGES:

Moved by BYRD, seconded by  
TIPTON to refer the allowing  
of companies to charge for  
loads to the landfill and the  
hiring of a person to work at  
the landfill to the finance  
committee.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

SALE OF DODGE TRUCK:

Moved by BYRD, seconded by  
BURKYBILE to advertise for the  
sale of the 1975 Dodge Truck  
by sealed bid.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

LT WADE PRESENTATION:

Mayor Watkins presented a  
plaque to Lieutenant Alan Wade  
for the completion of 10 years  
service with the Galena Police  
Department.

WATER QUARTERLY TEST:

Moved by ALLEN, seconded by  
MEANS to test the city water

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quarterly for heavy metals.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

PIANO DONATION:

Byrd stated the Women's Club had approached him concerning the donation of a piano to be used in the community room. He stated they would have to have a cover for the piano and it would have to be on a dolly so it could be moved.

Moved by BURKYBILE, seconded by STANSBERRY to accept the donation of a piano with Byrd to supervise.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

FARMERS MARKET:

The council discussed allowing a farmer's market to be held on Saturdays on the city hall parking lot.

Moved by TIPTON, seconded by BURKYBILE to allow residents to have a Farmer's Market on Saturdays on the city parking lot with a fee of \$1 to be paid in the city clerk's office by 5:00 p.m. on Friday, with the Community Development Committee to set up guidelines.

MOTION WITHDRAWN

The council discussed what should be allowed to be sold at the Market.

Moved by TIPTON, seconded by STANSBERRY to refer the Farmer's Market to the Community Development Committee.  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

CHARTER ORDINANCE NO 6:

Byrd stated he felt since it is required that city employees be residents of the city, the Library Board should



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also be residents of the city. He stated the city should not circumvent the State Statutes.

Moved by BYRD, seconded by BURKYBILE to repudiate Charter Ordinance 6.

MOTION AND SECOND WITHDRAWN.

Moved by GABRIELSON, seconded by STANSBERRY to approve Charter Ordinance No. 6.

ROLL CALL VOTE:  
AYES: GABRIELSON, STANSBERRY, HAYES, ALLEN  
NAYS: MEANS, SCOTT, BURKYBILE, BYRD, TIPTON, GOURLEY  
Motion failed.

Moved by ALLEN, seconded by STANSBERRY to advertise for members for the Library Board.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

Moved by ALLEN, seconded by BURKYBILE to accept a letter of interest instead of requiring an application for Library Board members.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

BOARD REPORTS:

Moved by BYRD, seconded by TIPTON to require that all boards submit a monthly report on business and finances to the city council.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

BURKYBILE LEFT 9:17 P.M.

ORDINANCE 92-3:

Moved by BYRD, seconded by GOURLEY to approve Ordinance 92-3 allowing city employees a personal holiday.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE

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Motion declared carried.

BURKYBILE RETURNED AT 9:19 P.M.

SEWER PROJECT BILLS:

Moved by STANSBERRY, seconded by GABRIELSON to pay the sewer project bills to the following: on, State Treasurer, G & G Construction, \$142,419.49; State Treasurer, \$26.25; Mid Kansas Engineering, \$9172.92; and SEK Regional Planning Commission, \$3000.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE

Motion declared carried.

CAMPING AT SCHERMERHORN:

Moved by GABRIELSON, seconded by STANSBERRY to allow Troop 29 of Webb City to camp out at Schermerhorn Park on May 16.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

BUDDY POPPY DAY:

Moved by BYRD, seconded by GOURLEY to approve the proclamation for Buddy Poppy Day.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

COUNCIL PRESIDENT:

Moved by BURKYBILE, seconded by GOURLEY to elect Don Means as President of the Council.

ROLL CALL VOTE:

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, GOURLEY

NAYS: STANSBERRY

Motion declared carried.

ASSISTANT CITY CLERK:

Gourley stated the Personnel Committee had contacted 17 applicants for the position of Assistant City Clerk for interviews. Of the 17, 2 withdrew their applications due to the residency requirement, and one did not appear for the interview.

Allen asked if there is a problem with discrimination,

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since all applicants were not interviewed. He asked for the city attorney to look at the applications and procedures that were taken in selecting an applicant.

Gourley questioned whether council members, other than the personnel committee, could view the applications.

Allen asked for the city attorney to see whether council members can see city records.

Moved by GOURLEY, seconded by HAYES to hire Sandra Skye for the position of Assistant City Clerk.

ROLL CALL VOTE:  
AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
TIPTON, STANSBERRY, GOURLEY  
ABSTAIN: ALLEN  
NAYS: NONE  
Motion declared carried.

MUNICIPAL JUDGE:

The Personnel Committee interviewed candidates for the position of Municipal Judge. It appears there may be a conflict of interest with the person to be recommended by the committee. The committee would like to postpone the selection at this time.

PARKS GRANT:

The Parks Committee met and discussed the filing of a grant from the Kansas Fish and Wildlife Commission for Schermerhorn Park. The application must be filed by June 1 and a public hearing is required.

Moved by GABRIELSON, seconded by GABRIELSON to schedule a public hearing at the earliest possible date.

AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

SOFTBALL PARK:

The Girls Softball Association request the fence in the outfield be moved to 200 feet. This would still allow the field to be used for ASA tournaments.  
Moved by GABRIELSON, seconded

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by HAYES to allow the softball association to move the fence to 200 feet with the softball association bearing the cost and the labor.

AYES: BURKYBILE, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

COMMENDATION:

Moved by GOURLEY, seconded by TIPTON to place the letter received from Troop 82 in Joplin, complimenting the city on the condition of the park and the cooperation of the caretaker, in the Park Caretaker's file.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

SWIMMING POOL:

The Park Caretaker is waiting for the skimmers, collars, lights and light rings to complete the pool. These will not be shipped until May 12.

PARK EMPLOYEES:

The two persons hired to work in the parks until June 1 have resigned. The Personnel Committee requested they be allowed to hire two until June 1 and re-evaluate.

Moved by MEANS, seconded by GOURLEY to hire two people to replace the two who resigned for the park until June 1 and then re-evaluate.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

WATER GRANT APPLICATION:

The Water Committee reviewed the letter received by the City from the Division of Water Resources concerning the city's water loss for 1991. Water Resources recommended the city contact Mr. Ronnebaum, of Rural Water Association, concerning a leak detection service at no cost to the city.

The Water Committee recommends the city not continue with the water grant application. They

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recommend the city replace water meters as needed and to contact the Rural Water Association for a leak detection test.

Moved by STANSBERRY, seconded by BYRD not to continue the water grant application, to replace meters where needed and to contact the Rural Water Association for a leak detection test.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

SOUTH WOOD STREET:

The drainage ditch cannot be put across Wood Street due to some sewage being involved.

Moved by STANSBERRY, seconded by BURKYBILE to table any action concerning the Harper sewer or Shoemaker ditch until all interested parties can be brought together and if necessary call a special council meeting.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

SR CITIZENS ROOF:

Sr. Citizens have received a proposal for the repair of the roof on their building. City Inspector is asked to draw up specs on repairing the roof and bring back to the finance committee.

TURLEY LEASE:

Mr. Turley was not present nor had he provided a financial statement.

Moved by TIPTON, seconded by ALLEN to rescind the Turley lease and make the land available other parties.

AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

VACATION REPORT:

Moved by BYRD, seconded by HAYES to place the following vacation report on file.

Leonard Sills March 9

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thru March 13  
Gordon Smith March 23  
thru March 27  
Tony Foster March 23  
thru March 27  
Doug Pittman March 16  
thru March 20  
Rex Gandy April 13  
thru April 17  
Mel Mittag April 6  
thru April 10  
J Youngblood April 13  
thru April 20  
Tony Foster April 20  
thru April 24  
Mark Lee April 12  
thru April 25

AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

GANDY PRESENTATION:

Superintendent Sills requested he be allowed to purchase a watch to present to Rex Gandy for 35 years service with the city.

Moved by BURKYBILE, seconded by STANSBERRY to approve the purchase of a watch for Rex Gandy at a cost not to exceed \$300.

AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY  
NAYS: NONE  
Motion declared carried.

1006 WALL:

City Inspector reported that the repairs have been completed to the structure at 1006 Wall. He recommends the structure be removed from the condemnation list and the insurance money refunded to Mr. Hutchinson upon the city's receipt of a statement from Jay and Cindy Rotert stating he is to receive the funds.

Moved by GABRIELSON, seconded by GOURLEY to release the funds in the Fire Insurance Escrow Account for the structure at 1006 Wall to Mr. Lewis Hutchinson with a written statement from Jay and Cindy Rotert that he is to receive the funds.

AYES: GABRIELSON, HAYES,  
MEANS, SCOTT, BURKYBILE, BYRD,  
ALLEN, TIPTON, STANSBERRY,  
GOURLEY

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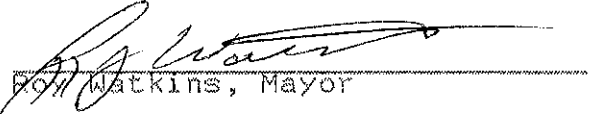
NAYS: NONE  
Motion declared carried.

CHANNEL LICENSE: City Inspector reported he had met with Mrs. Channel and informed her the property would have to be cleaned up before a home occupation license is issued. The business would then be licensed as home occupation.

PAYROLL ORDINANCE 92-10: Moved by BYRD, seconded by HAYES to approve Payroll Ordinance 92-10 in the amount of \$10,128.85 plus \$774.85 FICA and \$140.41 KPERS.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 92-10A: Moved by GOURLEY, seconded by HAYES to approve Payroll Ordinance 92-10A in the amount of \$9,311.12 plus \$712.30 FICA and \$145.45 KPERS.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried

ADJOURNMENT: Moved by TIPTON, seconded by GOURLEY to adjourn the regular meeting of the Galena City Council.  
AYES: GABRIELSON, HAYES, MEANS, SCOTT, BURKYBILE, BYRD, ALLEN, TIPTON, STANSBERRY, GOURLEY  
NAYS: NONE  
Motion declared carried.

  
\_\_\_\_\_  
Roy Watkins, Mayor

ATTEST:  
  
\_\_\_\_\_  
Jeanie Holstrom, City Clerk

(SEAL)