

MINUTES OF  
REGULAR COUNCIL MEETING  
SEPTEMBER 5, 1995

CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, September 5, 1995 at 7:00 p.m. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL: Roll call indicated the following council members present: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
ABSENT: NONE

MINUTES: Moved by WARD, seconded by TIPTON to approve and place on file the minutes of the Regular Council Meeting of August 15, 1995 with the following correction:  
  
PAGE 6, 5TH STREET REPAIRS: The Water Project crew offered to make the repairs but were not instructed to.  
  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

FIREMEN'S RELIEF: Moved by DAVIS, seconded by LEE to place on file the minutes of the Firemen's Relief Association Meeting of August 24, 1994.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

COURT REPORT: Moved by WARD, seconded by DAVIS to place on file the court reports for July with fines collected totaling \$1944 and August with fines collected totaling \$2343.50.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

CITY ENGINEER: Varlyn White, a Registered Engineer, proposed to the city that the city contract with him to serve as city engineer. He would work for the city at 1/2 his regular rate for 4 months to see

September 5, 1995

if the council is satisfied with his services.

By having a resident engineer, the city would save money on various projects. He is a former Labette County Engineer and saved the county \$385,000 on one project.

One of the reasons he would like to work for the city is to reactivate his KPERS. He was under the KPERS system nearly 5 years ago. He must work under the system again for at least one month to reactivate his account. Otherwise, he will be required to withdraw his money 5 months before he is eligible for retirement.

The city clerk is to see what is necessary for Mr. White to stay in KPERS and then the city will discuss this with Mr. White.

METER READING:

Alice Girton complained that her water meter is not read on the same date each month. She said the number of days increase each month.

Ward informed the council that Empire District uses an electronic reader and this has saved them about 1/2 their meter reading time.

Moved by BURKYBILE, seconded by WARD to check on the electronic readers.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Mrs. Girton was informed that her complaint will be checked on and she will be contacted.

MAIN STREET BLDG:

Carolyn Miller informed the council that Dr. Keith Mallatt owns the building next to her parents law offices. She said they had called and complained about the condition of Dr. Mallatt's building and had had no response from the building inspector.

She said bats are coming into their building from the roof of Dr. Mallatt's building. She asked for assistance with this problem.

Ms Miller was informed that the bats are a health problem. She would need to contact the county health department concerning this. The city will check on the structural problems of this building.

September 5, 1995

STREET CONTRACT:

Rogers said the problem with the Street Contractor had been taken care of.

The contractor resigned after working 3 days.

TRUCK ROUTE:

The council discussed the truck route which was proposed by a previous council but was not put in ordinance form.

Moved by ROGERS, seconded by BURKYBILE to establish 7th Street East and West to the City Limits and Main Street North to the Short Creek Bridge and South to the City Limits as the city truck route and to adopt this route by ordinance.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

STREET CONTRACT::

Price discussed the amount paid to the street contractor for the work they did.

WHOLESALE WATER:

The council discussed whether to retain membership in the Wholesale Water District. Cost to the city will be \$3 per meter. These funds will be used for engineering fees and incidental expenses for the water district. The next meeting of the water district is September 21.

Moved by DAVIS, seconded by TIPTON to table until the September 19 meeting.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

LEEDS CONFERENCE::

Moved by BURKYBILE, seconded by DAVIS to allow Chief Hentz to attend the Leeds Conference in Lawrence from September 24 through 29 with the city to pay his expenses.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

814 E. 6th:

One bid was received to remove the structure at 814 E. 6th Street.

Moved by ROGERS, seconded by BURKYBILE to accept the bid of S & D Construction in the amount of \$675 to remove the structure at 814 E. 6th Street.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

September 5, 1995

DISASTER ASSISTANCE  
ORD 95-9:

Moved by WARD, seconded by ROGERS to approve Ordinance 95-9 establishing a policy to provide assistance to other jurisdictions both within and without the state during disasters.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

PROSECUTING ATTORNEY:

Mayor Oglesby informed the council he had discussed with the city attorney the option of contracting with an outside attorney to serve as prosecuting attorney. Gene Barrett, city attorney, has no opposition to this plan.

Mayor Oglesby also informed the council that Kevin Cure had submitted a proposal to fill this position.

Mayor Oglesby will bring this proposal to the next council meeting and an ordinance will be drawn up establishing this position.

WATER SUPERINTENDENT  
ORDINANCE 95-10:

Moved by ALLEN, seconded by LEE to approve Ordinance 95-10 creating the position of Water Superintendent and setting the rate of pay at \$7.54 per hour.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

GANDY CONTRACT:

The council discussed the proposed contract between the city and Rex Gandy for professional services with the city paying Mr. Gandy's health insurance.

Moved by DAVIS, seconded by PRICE to consult Matt Mense, city auditor, and the city attorney, Gene Barrett, to see if a contract can be worked out.  
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

ROOT WAGES:

Mayor Oglesby informed the council that a letter was received from an attorney representing the City of Girard concerning the city reimbursing Girard for wages and expenses when Officer Root attended the police academy while in the employment of Girard.

City Attorney, Gene Barrett, informed the council there is a state statute which requires this to be paid. However, it was the understanding of the

September 5, 1995

city that Girard did not pay all of Officer Root's salary. They were reimbursed for a portion of it under the SMOCKTA program.

Also, at the time Officer Root was hired, Girard had informed us that they were going to reduce their force and Officer Root would be leaving their employment.

Moved by BURKYBILE, seconded by DAVIS to send a letter to the city of Girard offering 50% of the cost.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

DRUG TESTING:

Mayor Oglesby informed the council that he had received an opinion from the Attorney General concerning mandatory drug testing for city employees. According to this opinion, the city cannot require all employees to be tested nor can they do random testing.

Gene Barrett, City Attorney, explained to the council that cities are not under the same requirements as private industries. It would be a violation of the 4th Amendment to the Constitution for the city to require employees to be tested. The police department is in the position of being "safety sensitive" and can be required to be tested. Also, if an employee is involved in an incident and the department head suspects that drugs are involved, that employee can be required to be tested.

The police officers and auxiliary have all been tested.

BURKYBILE LEFT AT 8:18 P.M. AND RETURNED AT 8:19 P.M.

WATER SUPERINTENDENT:

The Personnel Committee met on September 5, 1995 and interviewed Mark Youngblood for the position of Water Superintendent. The committee with a vote of 2 to 1 recommends the appointment of Mark Youngblood as Water Superintendent.

Moved by ALLEN, seconded by LEE to confirm the appointment by Mayor Oglesby of Mark Youngblood as Water Superintendent on 90 day probation, pay only.

AYES: TIPTON, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: PRICE

Motion declared carried.

September 5, 1995

STREET PROJECT:

Moved by LEE, seconded by BURKYBILE to confirm Mayor Oglesby's appointment of Paul Nolan as full time city employee for the street department with benefits after 90 days.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

Moved by PRICE, seconded by DAVIS to confirm Mayor Oglesby's appointment of Dennis Hart to the street department on a temporary basis with no benefits.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

TACK OIL TANKER:

Price asked if the tack oil tanker had been repaired.

Mayor Oglesby informed the council that Jay Youngblood had been contracted with to do the work over the labor day weekend at a cost of \$200.

The council discussed why this was allowed when the Water Project crew was not allowed to donate their time to assist Ben Biddle, Park Caretaker at the walking track.

CONTINUE WITH AGENDA:

Moved by ALLEN, seconded by TIPTON to continue with the agenda.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

EXECUTIVE SESSION:

Moved by LEE, seconded by BURKYBILE to enter into Executive Session for 10 minutes to discuss personnel.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

ENTERED INTO EXECUTIVE SESSION AT 8:37 P.M. AND RETURNED AT 8:45 P.M.

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order after Executive Session on Tuesday, September 5, 1995 at 8:45 p.m. in the council chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN,

September 5, 1995

REYNOLDS, WARD, ROGERS  
ABSENT: NONE

113 WINDSOR:

Judy Morris requested the council allow her mother, Naydene McCann, additional time to sell the property at 113 Windsor which is under condemnation. The property is now under her ownership.

Moved by ROGERS, seconded by REYNOLDS to allow an additional 90 days for the condemnation of the structure at 113 Windsor.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

18TH & DEWEY:

The council again discussed the street at 18th & Dewey (Overlook Drive). The City Superintendent, Bud Sills, is going to see if the street can be widened at this corner to allow two way traffic.

POOL CHLORINE:

Mayor Odlesby informed the council that the city can purchase 10 drums of chlorine tablets to be used at the swimming pool for \$45 a drum. The city paid approximately \$115 per drum this summer. These would be purchased from a trucking company through B & B Discount.

Moved by ROGERS, seconded by LEE to allow the purchase of the above chlorine tablets.

AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: NONE

Motion declared carried.

PAYROLL ORD 95-33:

Moved by ROGERS, seconded by REYNOLDS to approve Payroll Ordinance 95-33 in the amount of \$14,116.95 plus \$1075.03 FICA and \$196.78 KPERS.

AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD 95-34:

Moved by ROGERS, seconded by REYNOLDS to approve Payroll Ordinance 95-34 in the amount of \$14,203.88 plus \$1080.33 FICA and \$181.63 KPERS.

AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, REYNOLDS, WARD, ROGERS

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORD 95-35:

Moved by ROGERS, seconded by LEE to approve Payroll Ordinance 95-35 in the amount of \$13,775.66 plus \$1047.57 FICA and \$171.69 KPERS.

September 5, 1995

AYES: TIPTON, PRICE, JENKINS, DAVIS,  
LEE, ALLEN, REYNOLDS, WARD, ROGERS  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

ADJOURNMENT:

Moved by ROGERS, seconded by DAVIS to  
adjourn the Regular Meeting of the  
Galena City Council.  
AYES: TIPTON, PRICE, JENKINS, DAVIS,  
BURKYBILE, LEE, ALLEN, REYNOLDS, WARD,  
ROGERS  
NAYS: NONE  
Motion declared carried.

  
Dale Oglesby, Mayor

ATTEST:

  
Jeanie Holstrom, City Clerk

(SEAL)