

MINUTES OF
REGULAR COUNCIL MEETING
SEPTEMBER 17, 1991

CALL TO ORDER:

The Regular Meeting of the Galena City Council was called to order Tuesday, September 17, 1991 at 7:00 p.m. in the Council Chambers with Roy Watkins, Mayor, presiding.

ROLL CALL:

Roll call indicated the following council members present: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY

MINUTES:

Moved by ANDERSON, seconded by TIPTON to approve and place on file the minutes of the Regular Council Meeting of September 3, 1991.
AYES: ANDERSON, WILLIAMS, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
ABSTAIN: KING, HAYES
NAYS: NONE
Motion declared carried.

Moved by STANSBERRY, seconded by GOURLEY to approve and place on file the minutes of the Special Council meeting of September 10, 1991.
AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
ABSTAIN: KING
NAYS: NONE
Motion declared carried.

SR. CITIZENS BOARD:

Moved by BYRD, seconded by KING to place on file the minutes of the Sr. Citizens Board Meeting of June 6, 1991.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

Moved by BYRD, seconded by KING to place on file the minutes of the Sr. Citizens Board Meeting of July 11, 1991.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

TELEPHONE FRANCHISE:

Mary Peters, of United Telephone Company, stated that United had

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agreed to all the recommendations the city proposed concerning the telephone franchise with the exception of the definition of "Gross Revenues". The franchise had been altered to include these recommendations and she read the revised franchise ordinance for the 3rd reading.

The revised franchise ordinance was referred to the Finance Committee.

FIBER OPTIC LINES:

David Ezell of Guernsey Company stated his company will be installing a fiber optic line to the school. The proposed route is South from 7th Street on the East side of Schermerhorn Road to 11th Street, then East to Dewey on the North side of 11th Street. At Dewey Street, the line would cross to the South side of 11th Street and continue on to the school. He requested he be allowed to meet with representatives of the city concerning the repair of the streets. The matter was referred to the Street Committee.

C & N CORPORATION:

Larry Courtney of C & N Corporation met with the council to update them on the steps taken to eliminate the dust and smoke from their plant on North Main Street. He stated a truck with water tank had been purchased to use to wet down the area west of the plant to control the dust. They are currently cleaning the area west of the plant and are working with EPA to see what type cover can be placed here when the leveling is completed. He also stated 75% of the scrubbers have been installed. Stack tests will begin to determine the efficiency of the scrubbers. The company is currently meeting all government regulations and have made many improvements to the area.

Byrd stated he had read an article which stated the wet scrubbers were not as efficient as the other types. Mr Courtney stated they would take whatever steps necessary to solve the problem but would need time to do this.

Several residents of the city complained to Mr. Courtney concerning the dust and smoke which covers Empire when the wind is out of the South.

NEIL QUALLS:

Mr Qualls who had requested to be on the agenda concerning the Babe Ruth Baseball League was not present.

ANIMAL CONTROL:

Willard Dunn stated the Mayor's dogs were allowed to run loose and were a nuisance to him when he walked on 22nd Street. He stated the animal control officer had been called and asked why action was not taken on these dogs.

Mayor Watkins stated his dogs had been kept tied and accused Mr. Dunn of exciting them with a whistle which was denied.

Gourley suggested the Council President preside during this portion of the meeting since the incident involved the Mayor. Statements were heard from both sides and the animal control officer, who stated the Mayor's dog was picked up and the clerk's office was notified a fine was due. There were further statements from both sides.

Moved by STANSBERRY, seconded by ANDERSON to continue with the agenda.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY

NAYS: NONE

Motion declared carried.

CHARLOTTE TURNER:

Mrs Turner was not present to address the council.

KANSAS HISTORICAL
ROUTE 66:

Scott Nelson, representing the Kansas Historical Route 66 Association requested a donation from the city for the installation of signs designating the 66 route through the city. He suggested 12 signs be installed. He stated the route covers approximately 13 miles through Kansas going from the State Line East of Galena to the Oklahoma line South of Baxter.

Moved by KING, seconded by BURKYBILE to allow \$600 to the Kansas Historical Route 66 Association for signs.

AYES: ANDERSON, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY

NAYS: HAYES

Motion declared carried.

909 E 7TH:

The City Inspector stated the structure at 909 E. 7th has been brought to the minimum requirements of the condemnation code and requested the council remove it from condemnation.

Moved by ANDERSON, seconded by BYRD to remove the structure at 909 E. 7th from condemnation.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

902 WALL:

The city Inspector stated the structure at 902 Wall has been brought to the minimum requirements of the condemnation code and requested the council remove it from condemnation.

Moved by BYRD, seconded by TIPTON to remove the structure at 902 Wall from condemnation.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

715 E 6TH:

The City Inspector stated Mrs. Turner had requested to be on the agenda concerning the structure at 715 E. 6th Street. He stated he had inspected the structure earlier today and it is not habitable. He has instructed that no electrical or water service be allowed to the structure. If it is not brought to code, he will begin condemnation procedures.

12 VOLT SUMP PUMP:

Moved by BURKYBILE, seconded by TIPTON to allow \$605 for the purchase of a 12 volt sump pump for the water department.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

SWIMMING POOL REPAIRS:

The park caretaker informed the council that extensive work needs to be done on the swimming pool before it is opened for the 1992 season. The skimmer needs to be replaced or repaired and the pool needs to be sandblasted, sealed and painted. He stated he does not have any information on the cost but requested the repairs be started early to allow completion prior to opening the pool.

Moved by STANSBERRY, seconded by BURKYBILE to refer the swimming pool repairs to the Park Committee.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

PARK FENCE:

Moved by ANDERSON, seconded by GOURLEY to repair the old fence damaged by Wade Wrecker.
AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: KING
Motion declared carried.

POLICE DEPARTMENT CHAIRS:

Moved by KING, seconded by BYRD to repair 10 chairs in the police department at a cost of \$159.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAY: NONE
Motion declared carried.

POLICE DEPARTMENT RAIN GEAR:

Moved by BYRD, seconded by HAYES to allow the police department to purchase 6 set of rain gear at a cost of \$89 each, to be paid out of VIN.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

CHIEF COLLINS SICK LEAVE:

Assistant Chief Wade reported to the Council that Chief Collins did not use his vacation time in 1990. He is allowed to carry over one week but would lose the second week. Mr Wade asked if the council would allow Mr Collins to use the second week to continue his salary until September 30 while he is ill since he has used his sick leave and vacation for this year.

Moved by TIPTON, seconded by BURKYBILE to allow Chief Collins to use the vacation time from 1990 as requested above.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

MID KANSAS ENGINEERING FEES:

Moved by TIPTON, seconded by HAYES to approved \$20,632 in engineering fees to Mid Kansas Engineering to be paid of the Sewer CDBG funds.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

SALES TAX EXEMPTION:

Moved by ANDERSON, seconded by WILLIAMS to authorize the Mayor to sign the necessary documents to request a sales tax exemption on the sewer project.

AYES: ANDERSON, HAYES, WILLIAMS,
KING, BURKYBILE, BYRD, MORAN,
TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

VACATION REPORT:

Moved by BYRD, seconded by KING to
approve the vacation report as
follows:

Alan Wade, June 25 to July 9
Alan Wade, July 30 to August 3
Mark Lee, August 18 to August 24
Pat Collins, 3 days in August
Gerald Hentz, July 7 to July 14
Radford Greenley, Aug 5 to Aug 9
Tony Foster, Aug 12 to Aug 16
Ben Biddle, Aug 8 to Aug 21
Tom Noe, August 19
Howard Richey, Aug 17 to Aug 23

AYES: ANDERSON, HAYES, WILLIAMS,
KING, BURKYBILE, BYRD, MORAN,
TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

ANIMAL CONTROL:

Clifford Hays asked the Mayor if he
had paid the fine on his dog. He
asked if this was the policy and if
so, he stated it was against the
code of ethics.

Mayor Watkins stated he had not.

LANDFILL:

Clifford Hays stated he heard the
city was not going to allow Tri
State Recycling to haul debris to
the landfill because it would fill
the holes too quickly. He stated if
this was the reason, there are
plenty of areas which need the holes
filled and covered. He state TRT is
filling at a rate the city never
could. If what they are filling it
with is legal, it should be allowed
to continue. He stated he would not
want his children to grow up with
the holes and mess there is now.

Burkybile asked if he did not want
his children to live and grow up
healthy. She stated the city took
the steps they took to protect the
children's future. There is nothing
settled in the matter at this point.

If the city does not do it
correctly, there there is reason to
complain. Much time and effort has
been spent on the problem. It was
not taken lightly. It was not the
first time they had been out there
in the middle of the night because
of complaints. The city is doing
their best to solve the problem and
hopes that the residents will
cooperate with them. She stated
there was a lot of plastic there.
She said this will slowly put
something into the earth. The city
is trying to not only protect the

citizens of Galena, but residents of the area. This contamination could get into Spring River which would cause a problem for the people of Riverton and Baxter.

Mr. Mays questioned the statement made to the news media about it being aids infested.

Burkybile stated they were told this. She stated the city was taking precautions to protect the people.

RURAL WATER CONTRACT:

The water committee met with representatives of the Rural Water District on September 4 to discuss the contract. The main subject was rates the city would charge. Another meeting will be held at a future date.

WATER REPORT:

Moved by TIPTON, seconded by ANDERSON to file the water report for July.

AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE

Motion declared carried.

POLICE OFFICER RAISE:

The personnel committee had been approached as to when the raises approved for the Assistant Chief and the new Sergeant rate would appear on their checks.

The city clerk stated checks had been prepared for these raises and the officers would receive them with their September 30 check.

PERSONNEL COMMITTEE:

Moved by GOURLEY, seconded by ANDERSON to go into executive session with the city attorney for 45 minutes to discuss personnel.

Roll call vote:

AYES: ANDERSON, BURKYBILE, GOURLEY
NAYS: HAYES, WILLIAMS, KING, BYRD, MORAN, TIPTON, STANSBERRY

Motion denied.

SILLS SUSPENSION:

The personnel committee had provided council members with complaints which had been received concerning the City Superintendent, Bud Sills.

Gourley stated the Personnel Committee was notified Friday there was a problem with Mr. Sills and he was suspended by the Mayor for 2 weeks. She asked the council to approve this suspension to allow the personnel committee 2 weeks to investigate the allegations. If the allegations are unfounded, he will

be reinstated with full pay.

Byrd asked why he was not notified of the Personnel Committee meeting.

Gourley stated she had called and got his answering machine.

The council members commented on the information provided them in the packet. They asked if Mr. Sills was given a written explanation.

Gourley asked for Nadine Smallwood to speak. She stated she had come to the meeting to speak.

Nadine Smallwood stated she had asked Bud several times about filling a hole which the city crew had left in front of her house. She said one night before council, she asked him and was told "probably never". He did not have a dump truck nor asphalt to fill it with. She did not think that was a very good attitude for a city employee.

Moved by BYRD, seconded by TIPTON to reinstate Mr. Sills immediately with full pay. Roll call vote.
AYES: HAYES, WILLIAMS, KING, BYRD, MORAN, TIPTON
NAYS: ANDERSON, GOURLEY
ABSTAIN: STANSBERRY
NO VOTE: BURKYBILE
Motion declared carried.

Gourley requested a written reprimand be placed in Mr. Sills file since there were people at the council meeting who had made complaints. She requested they be allowed to speak if they desired.

Tipton stated he did not disagree with Gourley concerning the complaints. He stated that if complaints come in and they are valid, a reprimand should be given at that time. It should be in writing and the employee should be requested to sign it. If he does not want to sign it, it can be placed in his file anyway and a copy given to the employee.

Byrd stated the information received in the packet looked like someone was on a "witch hunt".

Gourley stated that when you get calls day and night, it is not a witch hunt. The complaints are legitimate. She stated a written statement was included with the information in the packet. She does

not consider that a "witch hunt".

Tom Allen requested he be allowed to address the council.

Moved by STANSBERRY, seconded by HAYES to allow Tom Allen to address the council.

No vote was taken

Mr. Allen made stated that if the mayor had a right to suspend Mr. Sills, it is under the personnel policy. Under the personnel policy, there is also a grievance procedure. It does not include the personnel committee. The city has laws and ordinances to obey. It is necessary to investigate them, to know them and once you know them, you have to live with them or change them. They cannot be arbitrarily changed either by a committee or an individual. It takes the action of the body.

Gourley asked if the statutes of the State of Kansas stood for anything in Galena, Ks.

Allen stated the council passed the charter ordinance which made them hired employees. This means that you have to comply with the personnel policy.

Gourley asked Barrett if the statute she discussed with him did not override the Galena statutes. It stated the Mayor shall be active and vigilant in enforcing all laws and ordinances of the government of the city and the Mayor shall cause all subordinate officers to be dealt with promptly in any neglect or violation. She stated this is what the Mayor was trying to do. She requested the personnel committee be allowed 2 weeks to investigate the allegations.

Allen stated the personnel committee did not enter into investigation. It is handled by the grievance committee.

Gourley stated this is only after the employee makes a written request and this had not been received.

Mr. Sills asked if he had to tolerate a council member sneaking around taking pictures and taking notes of everything he and his men do.

Gourley stated she would rather have been doing something else than what

she did. The citizens had asked to her to do it and she did it because of them.

Mrs. Mallatt asked to speak on a positive side for Mr. Sills. She stated she and her husband had been trying to improve the neighborhood on Dewey Street for the last year. They had succeeded in purchasing a lot which had a dome shaped structure on it. They had pulled down the structure and then approached the city clerk's office to find out where the debris could be taken. They were told it could be taken to the recycling center but there would be a charge after 2 loads. The clerk then called Mr. Sills and asked him if he could assist the Mallatts. He brought part of his crew to the property and they loaded the debris into the trash truck, and hauled it off for them. She stated that Mr. Sills was very cooperative and his men did a good job. She appreciated the assistance.

DOANES SEPTIC TANK:

Hillbilly Sewer requested he be allowed to place sewer waste from septic tanks into the manhole as he does for TRT. He then pays the city sewer rates for the amount he puts in the manhole.

Moved by STANSBERRY, seconded by TIPTON to refer this to the sanitation committee.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

TRASH TRUCK STARTER:

Moved by BURKYBILE, seconded by BYRD to allow \$106 for a rebuilt starter for the trash truck.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

SEWER PROJECT:

A letter from Garney Construction was included in the packets received by the council members.

Moved by BURKYBILE, seconded by STANSBERRY to table the discussion of the letter from Garney Construction until the next council meeting.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

NOISE ORDINANCE:

Byrd stated at the May 7 meeting the council had requested the city inspector to look into the adoption of a noise ordinance.

Mr. Porter stated he is awaiting information from the Southern Building Code Organization concerning this.

APPROPRIATIONS 91-9:

Moved by BYRD, seconded by HAYES to approve Appropriations Ordinance 91-9 in the amount of \$52,144.66.
AYES: ANDERSON, HAYES, WILLIAMS, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: KING
Motion declared carried.

PAYROLL ORD. 91-22:

Moved by ANDERSON, seconded by HAYES to approve Payroll Ordinance 91-22 in the amount of \$10,375.81 plus \$793.75 FICA and \$187.40 KPERS.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.

PAYROLL ORD. 91-22A:

Moved by WILLIAMS, seconded by KING to approve Payroll Ordinance 91-22A in the amount of \$9,066.44 plus \$693.59 FICA and \$177.05 KPERS.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.


ADJOURNMENT:

Moved by WILLIAMS, seconded by KING to adjourn the regular meeting of the Galena City Council.
AYES: ANDERSON, HAYES, WILLIAMS, KING, BURKYBILE, BYRD, MORAN, TIPTON, STANSBERRY, GOURLEY
NAYS: NONE
Motion declared carried.



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)