

MINUTES OF  
REGULAR COUNCIL MEETING  
OCTOBER 17, 1995

- CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, October 17, 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: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
ABSENT: TIPTON, BURKYBILE, LEE
- MINUTES: Moved by WARD, seconded by ROGERS to approve and place on file the minutes of the Regular Council Meeting of October 3, 1995.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.
- FIREMEN'S RELIEF MIN: Moved by DAVIS, seconded by JENKINS to place on file the minutes of the Firemen's Training Session of October 8, 1995 and Meeting of October 12, 1995.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.
- LIBRARY BOARD MINUTES: Moved by ROGERS, seconded by PRICE to place on file the minutes of the Library Board Meeting of June 17, 1995.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.
- CONDEMNATION 806 ELM: Owners of the property were not at the meeting. Bill Hall, Fire Chief, informed the council that the fire department will do a controlled burn on this structure, Saturday, October 21, 1995.  
NO ACTION TAKEN.
- CONDEMNATION 816 JOPLIN: Owners of this property were not at the meeting. The council

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discussed the condition of this structure. They were informed that the City Clerk had sent notices to the owners.

Moved by ROGERS, seconded by PRICE to take down the structure at 816 Joplin Street.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

CLARK MOBILE HOME APP:

Copies of the application from Clinton Clark to place a mobile home at 1201 Princeton Street were included in council packets.

Moved by PRICE, seconded by DAVIS to set December 5, 1995 at 7:00 p.m. as the hearing date for the application from Clinton Clark to place a mobile home at 1201 Princeton.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

POLICE MATTERS:

Paul Allen informed the council that he came before them as spokesman for a group of people who have complaints of being harrassed and probably a little bit of brutality and going outside the city limits to write tickets by the police department. He said the people who made these complaints were afraid they would be harrassed by the police department if they came before the council.

He said he had 6 or 7 items to bring before the council but that he could not vouch for them. He stated that one complaint was from a resident who had items stolen on two occasions and the police department did not recover them even though someone told them where the items were and who stole them. He listed other complaints such as officers stopping motorists for speeding when they were outside the city limits, and searching a lady's purse and car without permission. Officers went into a person's home without the person's permission and without a search warrant. Another complaint was a person being searched, hand-cuffed and roughed-up by police officers when they were stopped for speeding. Mr Allen

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had seen officers sitting in front of the 7th Day Adventist Church with radar. He said that he did not think the entire police department was at fault.

Mr. Allen asked Mayor Oglesby to stop the police brutality.

Chief Hentz requested the names of persons who made these complaints and guaranteed an investigation would be made. Mr. Allen agreed to provide these.

Mr. Allen requested Mayor Oglesby investigate these complaints.

Mayor Oglesby said he would refer these to the police committee but that he would also check into them.

Moved by ROGERS, seconded by PRICE to refer these complaints to the Police Committee and Mayor Oglesby.

AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE

Motion declared carried.

Jim Montee informed the council that he had observed an officer follow a young lady one mile East of the State Line. He finally turned off and Mr. Montee followed him and the officer stopped. The officer asked Mr. Montee what he wanted. He stated he was a taxpayer and wanted to know what he was doing outside the city limits. The officer told him it was not any of his business. He should contact his chief. Mr. Montee did not do this. However, since this has come up, he would mention this incident. Mr. Montee said he would continue stopping city police vehicles when they are outside the city limits and ask why they are there.

He asked that it be checked into. He said the city had other problems. A water leak leaked for months and months and the city worked on it at least 4 times before it was repaired. He thinks someone should be responsible for this.

Mayor Oglesby thanked them for the information and said these

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MANUFACTURED HOME  
LONNIE STANSBERRY:

complaints would be investigated.

Lonnie Stansberry was represented by his attorney, Edward J. Battitori. Mr. Battitori informed the council that his main concern was the article that appeared in the Joplin Globe. Findings by the council at the October 3rd meeting, after considering statements made by Mr. Darcy Hardman who is not a member of the council, could be interpreted from the article in the Joplin Globe as statements made by council members or representatives of the council. The article in the Joplin Globe stated that Mr. Stansberry was in violation of the city code, or some portion of the city code for not having a contractor's license or a building permit to erect a manufactured home in the Stansberry Addition.

A city employee the following day informed Mr. Stansberry that he would need to purchase an additional building permit when in fact one had already been purchased. Mr. Stansberry would like an interpretation of the city code as to whether building permits are required for pads to erect a manufactured home or any kind of structure. He would also like information as to how that has been enforced in the past and how it will be enforced in the future. On behalf of Jim Turley, he requests that Mr. Turley be reimbursed for the additional charge for the building permit in the amount of \$116.50 as a penalty for not having a building permit. An additional request is a retraction from the Joplin Globe as to the statement that Mr. Stansberry did not have a contractor's license or a building permit.

Price asked Mr. Battitori if he was stating that this was not a mobile home. Mr. Battitori stated this was not the issue here.

Price stated this was the issue that was discussed at the council meeting. She stated that the placement of a mobile home requires an application and hearing. The City Attorney's opinion is that it is not a mobile home. She read the definition of

a mobile home from the city code which requires the structure to be anchored. She asked if this structure was anchored with mobile home anchors. Mr. Battitori said that is was.

Mayor Oglesby stated he had been in contact with the state of Kansas concerning this and the city cannot broaden the mobile home ordinance any broader than the state will allow. The state has very clear limitations as to what this council can and cannot do in reference to zoning ordinances. The state exempts residential manufactured housing and their definition of that is the structure must be in excess of 22 feet with shingled or composition roofing and siding typical to normal housing. This structure is 27 feet wide and has a shingled composition roof with siding. The state said no city can enact any ordinance or zoning that would tend to eliminate this type of manufactured housing in a R-1 area.

Mayor Oglesby said our ordinance is fine on mobile homes. If this home was a double wide that had a metal roof and metal siding, it would qualify under state law as a manufactured home and would fall under our mobile home ordinance. However, because of the way this is manufactured, we cannot broaden our mobile home ordinance to include this type of housing.

Rogers stated that a mobile home has a license tag, a serial number and a title but a modular home does not have a serial number or title.

Allen stated that the gentlemen's request has nothing to do with whether this was a mobile home or otherwise. He asked if the city attorney had an opinion as to the gentlemen's request.

Moved by ALLEN to refer the gentlemen's request to the City Attorney if he does not have an objection to the request.

Mr. Barrett, City Attorney, stated he had no objection and asked that the request be put in writing.

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Mr. Battitori stated that the main concern was that a city employee was sent out to the site to instruct Mr. Stansberry that he was acting in violation of city codes. They would like a determination is regard to that. He subsequently came down and paid an additional building permit fee of \$116.50 which was the amount of the original building permit and he more or less had his name slandered in the newspaper as a result of this.

Jenkins stated he was under the impression that the building permit had not been purchased when it should have been.

Allen stated that he had a motion on the floor.

Moved by ALLEN, seconded by REYNOLDS to refer the requests of Mr. Battitori to our City Attorney.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD  
NAYS: ROGERS  
Motion declared carried.

Moved by PRICE, seconded by DAVIS for the city attorney to be sure our mobile home ordinance and the definitions in it are in line with state laws.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

SILLS PETITION:

Don Bellamy presented the council with a petition to terminate the employment of the City Superintendent, Bud Sills.

Davis asked Mayor Oglesby to read the reasons on the petition. Mayor Oglesby read these. He then explained that the city is no longer an "at will" employer. An employee cannot be terminated without just cause. There are procedures the city must follow to terminate employees. He contacted the insurance company today concerning this and if the council terminated Mr. Sills tonight without just cause, and there was a wrongful dismissal suit filed, the council members and the Mayor as a city and as individuals could be held personally responsible for anticipated wages and benefits

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that would be derived over whatever length of time that job would have been in effect. Our insurance does not cover that. Mayor Oglesby said he would not support a petition that would circumvent due process.

Mayor Oglesby asked Mr. Bellamy if it is their request that this petition be made a part of the public record and put on file.

Moved by ALLEN, seconded by REYNOLDS to make the petition a public record and place it on file.

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

NAYS: NONE

Motion declared carried.

Moved by JENKINS, to investigate the charges.

Gene Barrett, City Attorney, stated there are no charges. Someone would need to provide specifics that we could look into.

Mayor Oglesby stated the petition would be public record and available to the public if they would like a copy and anyone who had specific charges should provide them.

Motion died for lack of second.

#### WARD REALIGNMENT:

Mayor Oglesby opened up the public meeting on the realignment of the wards. He opened the floor to anyone who had a comment.

Kay Kay asked if the proposal was to divide the city into 3 wards with 2 council persons for each ward. She stated that when she and Roy Watkins represented the 2nd Ward, if you did your job, you were kept busy and it would be difficult to represent twice as many people. She stated that the people feel they do not have any representation now. If the number of wards is reduced, they will have even less representation.

Mayor Oglesby stated that in regard to the 2nd Ward, the council members would represent fewer people because Ward 2 is way out of balance.

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Allen stated that in one ward, a council member was elected with 3 votes.

The council further discussed the realignment of the wards. Jim Montee suggested a citizens committee be formed to provide input to the council and adequate time be allowed for them to obtain the feelings of the residents on this matter.

Moved by DAVIS, seconded by REYNOLDS to advertise for volunteers to serve on a Citizens Committee to obtain input from the residents on the realignment of the wards.

The council further discussed the number of members to serve and what their duties would be.

Bill Hall suggested they not only provide input on the realignment of the wards but to obtain input on a city manager form of government.

Moved by ALLEN, seconded by DAVIS to hold a special council meeting on the 1st Saturday in November at 3 p.m. to organize a public committee to investigate the proposed changes.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD  
NAYS: ROGERS  
Motion declared carried.

HELICOPTER:

Chief Hall informed the council that it has been confirmed that the fire department does have the helicopter and they will go after it as soon as they obtain a flat bed truck.

SILLS:

Moved by PRICE, seconded by JENKINS for the Personnel Committee to meet with Bud Sills to discuss with him the problems the public has with him  
ROLL CALL VOTE:  
AYES: PRICE, JENKINS, DAVIS, REYNOLDS  
NAYS: ALLEN, WARD, ROGERS  
Motion declared carried.

816 JOPLIN: 7

It was brought to the attention of the council that Richard Moody, one of the owners of the structure at 816 Joplin Street was in the



hall. He was asked to enter the council chambers. Mayor Oglesby advised him that the structure has been condemned and will be taken down. He asked Mr. Moody if he had any comment or questions for the council concerning this.

Rick Moody informed the council that he had cut the weeds at this structure and boarded up the window. He is putting it up for sale. The lienholder has agreed to release the lien to allow him to sell the property. He will put the property up for sale immediately.

Price asked Gene Porter, Building Inspector, what his recommendation concerning the structure is.

He stated his recommendation is that the structure be taken down because it has become a real hazard to the neighborhood. It has become a harbor for rodents, snakes, skunks and opossums and has really been a nuisance. He has received complaints about the nuisance and he would hate to see it stand there for another 6 months waiting for a buyer. The resident on the north has been chased by an opossum.

Upon questioning by Mayor Oglesby, Mr. Moody stated he is not technically the owner of the property. It is tied up in probate.

Mayor Oglesby stated that the council has voted to raze the structure. He asked them if they see any need to change that decision.

No council member voiced changing that decision.

SILLS RADIO:

Superintendent Sills informed the council the radio in his truck is not working. He said it can't be repaired. He provided the following bids of \$740, \$696, and \$640 on the radio, antenna and installation. The bid of \$640 is for a Motorola.

Price asked if he was not to take the radio used by Water Project Supervisor.

Sills stated a new radio is

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needed.

Moved by ROGERS, seconded by JENKINS to refer the above request to the Finance Committee.

ROLL CALL VOTE

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

NAYS: NONE

Motion declared carried.

POLICE DEPT. LAUNDRY:

Chief Hentz requested the council approve raising the price paid to have prisoner laundry done from \$20 to \$40 per month. There has been an increase in the number of prisoners the city holds and an increase in the amount of laundry. He had referred this to the Finance Committee and he asked that this be included in committee reports.

1995 AUDIT & 1997 BUDGET:

Mayor Oglesby informed the council that only one proposal had been received on the preparation of the 1995 Audit and the 1997 Budget. This was received from Mense, Churchwell and Mense in an amount not to exceed \$2995 for the audit and \$525 for the preparation of the budget.

Moved by WARD, seconded by ALLEN to accept the above proposal.

AYES: JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS

NAYS: PRICE

Motion declared carried.

CHAMBER CHRISTMAS SERV:

A request was received from the Chamber of Commerce to decorate a Christmas Tree in front of City Hall and it have a lighting ceremony on November 30.

Moved by PRICE, seconded by DAVIS to allow the above request.

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

NAYS: NONE

Motion declared carried.

ANIMAL CLINIC:

Moved by ROGERS, seconded by DAVIS to have the dog and cat rabies clinic on either November 4 or 11th with Care Animal Hospital providing the clinic.

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

NAYS: NONE

Motion declared carried.

NOE SICK LEAVE:

Mayor Oglesby informed the council that the City Hall Janitor, Tom

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Noe had open heart surgery. He has used the 15 days sick leave he had accumulated. He asked the council to approve allowing Tom to use next years sick leave as they have with other employees.

Moved by REYNOLDS, seconded by DAVIS to continue paying Mr. Noe.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Mayor Oglesby informed the council that the janitor service now cleaning the city hall is doing a good job. However, due to the budget problems, he hopes to be able to provide this service with in house services.

TIPTON RESIGNATION:

Mayor Oglesby read the resignation of John Tipton as council member from 1st Ward. He resigned due to ill health.

Moved by ROGERS, seconded by DAVIS to accept the resignation of John Tipton as council member from 1st Ward.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

Superintendent Sills recommended a plaque be given to Mr. Tipton immediately. The council agreed. Superintendent Sills also suggested that Mr. Tipton be presented with the City's Distinguished Citizen Award.

Moved by ALLEN, seconded by JENKINS to present John Tipton with the City's Distinguished Citizen Award.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

CITY HALL GROUNDS:

Price informed the council that the flowers at City Hall were not being watered. A lady from her ward has offered to provide this service.

CITY HALL FLOWER BOX:

Moved by ROGERS to remove the flower box on the North side of the City Hall.

Mayor Oglesby advised that it be determined that it is not attached

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to the building before it is removed.

Motion died for lack of second.

POLICE DEPT PURCHASES:

The Finance Committee met with Chief Hentz and Assistant Chief Rowland concerning comp time, payroll, laundry and bullet proof vests.

The Finance Committee recommends the city purchase 4 bullet proof vests, Safarland Brand, at a cost of \$349 each from Law Enforcement Equipment Supply for the police department with payment to be made from the Landfill Fund.

Moved by PRICE, seconded by DAVIS to accept the above recommendation and purchase 4 bullet proof vests.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

BULLDOZER REPAIR:

Mayor Oglesby informed the council that the cost to repair the bulldozer will be approximately \$7300. This is higher than was originally reported.

PRISONER LAUNDRY:

Moved by PRICE, seconded by DAVIS to pay a fee of \$40 per month plus purchase the laundry detergent for prisoner laundry.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

STREET CREW UNIFORMS:

Moved by JENKINS, seconded by PRICE that the city provide uniforms for the two new employees on the special street crew as we do for other employees.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

SILLS MEETING:

Jenkins asked when a meeting would be set up with Bud concerning the petition.

Mayor Oglesby said a letter would be sent to Mr. Bellamy requesting that he notify people with complaints and a meeting would be set up.

APPROPRIATIONS ORD 95-10:

Price questioned expenditures on the freight on the street sweeper motor, backhoe repair, and the

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shaft for the street sweeper which were included in Appropriations Ordinance 95-10.

COURT REPORT:

Moved by PRICE, seconded by ROGERS to place on the file the court report for September with fines collected totaling \$2141.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

APPROPRIATION ORD 95-10:

Moved by ROGERS, seconded by WARD to approve Appropriations Ordinance 95-10 in the amount of \$76,597.31.  
AYES: JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: PRICE  
Motion declared carried.

PAYROLL ORD 95-40:

Moved by ROGERS, seconded by WARD to approve Payroll Ordinance 95-40 in the amount of \$11,886.16 plus \$903.03 FICA and \$199.47 KPERS.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

PAYROLL ORD 95-40A:

Moved by ROGERS, seconded by DAVIS to approve Payroll Ordinance 95-40A in the amount of \$404.36 plus \$30.93 FICA.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

PAYROLL ORD 95-41:

Moved by WARD, seconded by ROGERS to approve Payroll Ordinance 95-41 in the amount of \$11,319.18 plus \$859.65 FICA and \$194.01 KPERS.  
AYES: PRICE, JENKINS, DAVIS, ALLEN, REYNOLDS, WARD, ROGERS  
NAYS: NONE  
Motion declared carried.

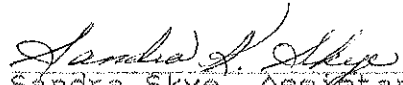
ADJOURNMENT:

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

  
Dale Oglesby, Mayor

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ATTEST:

  
Sandra Skye, Assistant City Clerk

(SEAL)