

MINUTES OF
REGULAR COUNCIL MEETING
OCTOBER 18, 1994

CALL TO ORDER:

The regular meeting of the Galena City Council was called to order Tuesday, October 18, 1994 at 7:00 p.m. in the Council Chambers with Dale Oglesby presiding.

ROLL CALL:

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

Due to the large number of persons in attendance, the meeting moved to Community Room.

ROLL CALL:

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

MINUTES:

Moved by ROGERS, seconded by TIPTON to approve and place on file the Regular Council Meeting of October 4, 1994.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

FIRE DEPARTMENT:

Mayor Oglesby requested the letter he wrote entitled 'What's Going On In The Fire Department?' be made a permanent record.

Moved by PRICE, seconded by BURKYBILE to read the letter aloud.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

Mayor Oglesby read the following letter.

WHAT'S GOING ON IN THE FIRE DEPARTMENT?

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As many of you might know, the Fire Committee, under the urging of some former fireman ask me to look into the Fire Department in order that certain questions, even allegations could be addressed. The course of the inquiry took me through the last two years books, various accounts, procedural overviews and a multitude of questions directed to both previous and present firemen, Fire Department leadership, and businessmen. The following is a written synopsis of my findings.

1. Books, Accounts, and Records:

With the assistance of treasurer Ray Holden, I reviewed two years of check records and observed bookkeeping procedures. Although this was not an actual "audit", my purpose was to search for signs of any type of abuse or misuse of funds. None of the typical signs were evident in all the records I reviewed.

I found the volunteer organization to be financially sound and the department to be conservative in their expenditures.

2. Procedures:

In order to review department proceedings, both myself, and attended the last department meeting. We found the group to be deliberating, democratic, and free to speak their minds on whatever issue that was on the floor. This was not the picture of manipulation and virtual mind control that had been promoted as reality. Issues were discussed and voted on individually. Certain procedural questions were raised that dated back some 6 years, and it is acknowledged that there have been some instances of rule bending. In the case in question, there was a clear intent to benefit the city, with no purpose for self gain. As a matter of record, the incident was minor and later corrected. The department is operating with a high degree of commitment to proper procedures with a new training program in place and attendance mandatory. All departments could benefit from similar safety training courses.

3. Divisions in the Department:

It is evident that there is a clear division between some former fireman and the present leadership, specifically Chief Hall. Looking at this open mindedly, I can understand some of the hostility displayed by some former fireman. This hostility stems from a 20% rule voted in place by the association which basically sets forth a 20% attendance requirements to fire calls. A fireman must attend 1 in 5 fire calls. In a meeting attended by myself, Committee and former fireman for the Fire exchange. I asked the question, "what will it take to make you guys (former fireman) happy?" the answer was, "blood, Bill Hall's blood. We want him out." It became obvious at this point that no compromise was possible, and the fact is, it had become a vendetta. Many of these men had only attended 6% or 8%, but much less than the 20% required. I understand their hostility, because most men don't like being told what they must do, so I can't judge them too harshly. The point we cannot miss, however, is what about the feelings of the men doing the work? Fighting 30%, 40% and up to 68% of the fires? Are these men expected to

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carry the entire load without anger at the others who coast along doing little but show up for the fun? These men have feelings also, and they feel if you want the equipment, the honor, and the voting rights in the association, you should also fight fires. I believe that this is an internal association problem, and the council should not have involved itself in it. I must support the association on this issue.

I have talked personally with _____ and others on the council have assume the position that because the Fire Chief is not specifically named in our charter ordinance, that his appointment is only annual and therefore must be advertised and reappointed as such. If this was the case, then all appointments not specified in the ordinance must be done annually and because of our nepotism policy, one employee would be ineligible for reappointment. Because of budget shortfalls, and the realities of the cash basis law, I have estimated that as many as three others would lose their appointments. If certain members of our council continue to pursue this destructive course, we risk destroying the fragile spirit of volunteerism in our city and could be forced to turn over vital functions to people with historically poor attendance records. We risk destroying a huge celebration known as Galena Days with uncalculated economic benefits to our city. I see no possible good to our city in our council involving itself with this issue. I contend that the intent of our ordinance is to abolish annual appointments and believe that we have a duly appointed Chief.

Our council should take the high road of being problem solvers and a positive force in the community. We should encourage those willing to sacrifice their precious time to benefit an all too often critical and thankless population. I, for one, applaud the efforts of the fireman, past and present. I commend the efforts of Chief Hall, assistant Qualls and all those who are trying to make Galena safer and the Galena Fire Department a role model for any volunteer organization. Special thanks also for Ray Holden and his leadership in GFD firemen. Once again, let us not judge those who have been adversely affected by these attendance policies, rather thank them for their past contributions. We must be vigilant, however, in not allowing the bitterness of others to infect our thoughts and cloud our judgment.

Dale Oglesby

The Mayor and council discussed the contents of the letter. The Mayor was asked if he stated at a committee meeting that Chief Hall committed fraud.

Mayor Oglesby stated that there was some rule bending that has happened in the past but he did not call it fraud. He said that if they wanted to call it fraud they could. He also said that if they wanted Chief Hall's resignation, they could have it.

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Moved by ALLEN, seconded by LEE to make the above report a permanent record.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

Moved by ALLEN, seconded by ROGERS to confirm the Mayor's opinion and support the fire department and Bill Hall.
ROLL CALL VOTE REQUESTED BY ALLEN.

MOTION WAS ASKED TO BE REPEATED.

Moved by ALLEN, seconded by LEE to confirm the Mayor's report and support the fire department in their actions and fire chief Bill Hall.
AYES: TIPTON, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: PRICE, JENKINS, DAVIS, BURKYBILE
Motion declared carried.

Mayor Oglesby told the fire department they did a great job.

INVESTIGATION:

Moved by PRICE, seconded by JENKINS to have an investigation by the Attorney General's Office or any other department official into Galena and any department associated with the City of Galena so we can clear this up.

Price said the issue needs to be cleared up because she cannot vote on anything that she does not know what is being talked about.

Allen said the council needs to be investigated.

Price said to include the council in her motion.

Allen said he would vote in favor of the motion if only the council is investigated.

ROLL CALL VOTE:

Kay Kay asked that since there have been allegations of fraud, why not go with an external audit?

The motion was reread.

Moved by PRICE, seconded by JENKINS that every department in the City be investigated by the Attorney General including the council.

ROLL CALL VOTE:

AYES: PRICE, JENKINS, BURKYBILE

NAYS: TIPTON, LEE, ALLEN, ROGERS

ABSTAIN: DAVIS, ADAMS, WARD

Motion failed.

Burkybile said that the council members try to investigate any complaints they receive. They were not voting against anybody, they were trying to get to the bottom of it. The vote was not against the firemen.

Charles Idleman, volunteer fireman spoke for the fire department. He said the fire department agreed as a body to pass some information to the council as public record. They have been wrestling with this for about 1 1/2 to 2 years. He said Bill Hall did not instigate the 20% rule. A committee made this recommendation to the fire department and they passed it. They affirm their support of Bill. At a meeting of the fire department in which 16 members were present, they passed a resolution that they do not want Bill attacked anymore and no more accusations made. They welcome the mayor looking into the department at any time. They have nothing to hide. The records are open. But they want it known by public record that they agreed as a body tonight to contact a lawyer to hold those accountable in the future who make accusations against their department and they're unfounded accusations. There is a reason they are doing that. They are dependent on the fellow at Miami, Ok, or Springfield that buys that one dollar ticket for Galena Days to believe that we will put that ticket in that drum. We cannot afford for something to get out and there be a shadow of a doubt that we're not fair in our money. We are completely fair with our money. We have made our records public to your mayor and a treasurer's report goes to our firemen every month. What is spent is approved at that

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meeting. Bill Hall does not handle the money. The treasurer is elected by their body. He is proud of all the firemen and he is especially proud of Bill Hall.

The former firemen mentioned in the letter said they did not come to the city to complain. They were called by the fire committee to meet with the fire committee and the mayor. They wanted it known that they did not come to the council, the committee requested they meet. They came to the committee in good faith and answered their questions and what the Mayor put in the letter makes it look like they instigated it. They did not want their names in the letter with it a part of the permanent records.

CONTINUE WITH AGENDA:

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

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

NAYS: NONE

Motion declared carried.

NAMES DELETED:

The former firemen requested their names be deleted from the letter.

Moved by ROGERS, seconded by LEE to strike the names of the former fire department members, the members of the fire department committee present including the surrogate and the employee's name from the letter.

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

NAYS: NONE

Motion declared carried.

PUMPER TRUCK R16:

City Superintendent, Bud Sills, stated the motor is bad in Unit 16 pumper truck. The cost of repair will be between \$1200.00 and \$1300.00. The cost of a new 427 engine will be \$2260.00 with a 1 year warranty.

Moved by ROGERS, seconded by DAVIS to check with the Fire Department about the Fire Department buying a new engine.

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

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NAYS: NONE
Motion declared carried.

905 PECO DRIVE:

Building Inspector, Porter, asked that 905 Peco Drive be put on the condemnation list as it is not habitable.

Moved by BURKYBILE, seconded by LEE to raze the structure at 905 Peco Drive.

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

NAYS: NONE
Motion declared carried.

ANIMAL CLINIC:

Moved by LEE, seconded by PRICE to hold the animal clinic November 5, 1994 in the fire station.

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

NAYS: NONE
Motion declared carried.

TRAILER BIDS:

The following sealed bids were received on the sale of the 3 axle trailer.

James Osborne, Baxter Springs
\$422.00

Tom Fix, Carthage, MO--\$155.00

Galen Christianson, Columbus,
\$395.00

Lyn Carr Trucking, Joplin,
\$101.00

Moved by ROGERS, seconded by TIPTON to accept the bid of James Osborne in the amount of \$422 for the purchase of the 3 axle trailer.

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

NAYS: NONE
Motion declared carried.

BACKHOE BIDS:

The following bids were received on the purchase of a new back hoe. The bids include a trade in.

Scott Construction, Springdale,
AR--\$32,217.00

Rex Spencer, Belton, MO >
\$31,895.00

Victor L. Phillips, Joplin, >
MO--\$29,500.00 with
\$16,000.00 due on
delivery and the balance
on a lease payment.

Moved by BURKYBILE, seconded by

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TIPTON to accept Victor L. Phillips bid of \$29,500.00.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

TIRES LEFT AT LANDFILL:

Price explained she had been getting many phone calls from concerned citizens questioning the amount of tires at the demolition landfill. Mayor Oglesby stated they were to be used as fill for the mine remediation. Duane Snapp explained in further detail how the tires would be used.

NOTICE OF COMPLIANCE:

The city received a Notice of Compliance with no violations on the Demolition Landfill. Copies were provided council members.

KANSAS DEPARTMENT OF CORRECTIONS:

The jail inspection was conducted September 27, 1994 by Tom Keys, Compliance Inspector. The facility was found to be clean and well managed with numerous improvements made.

Moved by PRICE, seconded by ROGERS to place the jail inspection report on file.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

SEWER COMMITTEE:

The Sewer Committee met October 10, 1994 regarding the lift stations. The cost of the pump, and labor would be \$15810.00. No action was taken.

FALL CLEAN UP:

Moved by BURKYBILE, seconded by LEE to have the City Wide Fall Clean Up the first week in November, being Tuesday, Nov. 1, 1994 through Saturday, Nov. 5, 1994. The citizens are to take the items to the landfill themselves. In the case of women alone, they can call City Hall and volunteers will pick them up. No tires or batteries will be accepted. The hours are 8 a.m. to 4 p.m. American Disposal will set roll-offs at the landfill at no charge to the city.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.

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NAYS: NONE
Motion declared carried.

FINANCE COMMITTEE:

The Finance Committee met Thursday, October 13, 1994. There will be no pay in lieu of vacation.

SCHERMERHORN PARK:

Moved by BURKYBILE, seconded by ADAMS to have Lonnie Stansberry build trusses for one of the restrooms at Schermerhorn Park.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

RESIGNATION
HOWARD RICHEY:

Moved by ADAMS, seconded by BURKYBILE to accept the resignation of Howard Richey, Firetruck Driver effective October 17, 1994.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

FIRE TRUCK DRIVER:

Price asked that the hiring of a fire truck driver be turned over to the Personnel Committee before any advertisement for the position is placed in the paper.

Corrected 11/1/94 to advertise for fire truck driver prior to the personnel committee meeting.

The council discussed whether to hire 2 persons to work 24 hours on and 24 hours off or to hire one full time driver.

Moved by WARD, seconded by DAVIS to refer the hiring of a fire truck driver to the Personnel Committee before the position is advertised.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

OWENS HOME OCCUPATION
LICENSE:

Moved by ROGERS, seconded by BURKYBILE to allow Leo Owens to sell Christmas trees on Joplin Street at a price of \$8.50 each, \$8.00 if canned goods are donated to make up Christmas baskets.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS.
NAYS: NONE
Motion declared carried.

Mayor Oglesby advised Mr. Owens

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that he must get a state tax number.

PARK:

Ward and Burkybile complimented Ben Biddle on the fine job he is doing at the park, walking track, and ball field.

FREEZE ON GENERAL FUND:

Moved by ALLEN, seconded by TIPTON to put a freeze on all spending out of the general fund with the exception of emergency spending only.
AYES: TIPTON, PRICE, JENKINS, DAVIS, BURKYBILE, LEE, ALLEN, ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

PAYROLL ORD. 94-43:

Moved by LEE, seconded by ADAMS to approve Payroll Ordinance 94-43 in the amount of \$12,869.87 plus \$977.93 FICA and \$175.82 Kpers.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORD. 94-44:

Moved by JENKINS, seconded by DAVIS to approve Payroll Ordinance 94-44 in the amount of \$11,936.45 plus \$906.49 FICA and \$178.41 Kpers.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

PAYROLL ORD. 94-45

Moved by ADAMS, seconded by LEE to approve Payroll Ordinance 94-45 in the amount of \$12,656.66 plus \$961.65 FICA and \$183.60 Kpers.
AYES: TIPTON, PRICE, JENKINS, DAVIS, LEE, ALLEN, ADAMS, WARD, ROGERS
ABSTAIN: BURKYBILE
NAYS: NONE
Motion declared carried.

APPROPRIATIONS 94-10:

Moved by TIPTON, seconded by LEE to approve Appropriation 94-10 in the amount of \$116,100.02.
AYES: TIPTON, JENKINS, DAVIS, LEE, ALLEN, WARD, ROGERS
NAYS: ADAMS, PRICE, BURKYBILE.
Motion declared carried.

APPROPRIATIONS 94-10A:

Moved by ROGERS, seconded by LEE to approve Appropriation 94-10A, Tri State Recycling CDBG Fund in

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the amount of \$5,000.00.
AYES: TIPTON, JENKINS, DAVIS,
LEE, ALLEN, WARD, ROGERS, ADAMS,
PRICE., BURKYBILE
NAYS: NONE
Motion declared carried.

APPROPRIATIONS 94-10B:

Moved by LEE, seconded by DAVIS
to approve Appropriation 94-10B,
Water Project Fund, in the
amount of \$91,446.75.
AYES: TIPTON, PRICE, JENKINS,
DAVIS, BURKYBILE, LEE, ALLEN,
ADAMS, WARD, ROGERS
NAYS: NONE
Motion declared carried.

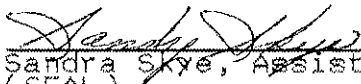
ADJOURNMENT:

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



Dale Oglesby, Mayor

ATTEST:



Sandra Skye, Assistant City Clerk
(SEAL)