

RESOLUTION NO. 26-03

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE AND EXECUTE EXPENDITURES IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR IMMEDIATE LANDFILL ODOR REMEDIATION MEASURES, WHILE EXPRESSLY RESERVING ALL RIGHTS OF THE CITY UNDER EXISTING CONTRACTS AND DISCLAIMING ANY ADMISSION OF RESPONSIBILITY OR LIABILITY.

WHEREAS, the City of Galena, Kansas ("City") owns certain real property upon which a landfill is located; and

WHEREAS, the landfill is operated by Jordan Disposal, LLC, ("Jordan Disposal") pursuant to a written contract with the City; and

WHEREAS, the City has received complaints from residents concerning odors allegedly emanating from the landfill; and

WHEREAS, the City desires to take limited, immediate action to address odor concerns in the interest of public health, safety, and welfare, while the City and Jordan Disposal continue to address and resolve their respective legal and contractual positions; and

WHEREAS, the City Council finds that authorizing limited expenditures for interim odor remediation is in the best interests of the City and its residents, provided that such action does not waive, impair, or prejudice any contractual or legal rights of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS, THAT:

1. Authorization of Expenditures.

The Mayor is hereby authorized to approve and execute expenditures, contracts, or purchase orders in an aggregate amount not to exceed **Twenty-Five Thousand Dollars (\$25,000.00)** for landfill odor remediation measures deemed reasonably necessary to address odor concerns on an immediate, interim basis.

2. Interim and Non-Precedential Action.

The authorization granted by this Resolution is intended solely as a temporary measure to address odor issues while the City and Jordan Disposal work through existing contractual, regulatory, and legal issues. This Resolution shall not be construed as establishing any ongoing obligation or precedent for future expenditures.

3. Reservation of Rights; No Admission.

The City expressly reserves all rights, claims, defenses, and remedies available to it under its contract with Jordan Disposal and under applicable law. Nothing in this Resolution, nor any expenditure made pursuant to it, shall be deemed or construed as:

1. an admission of fault, responsibility, or liability by the City;
2. a waiver or modification of any contractual provision; or
3. an assumption by the City of any obligation that is the responsibility of Jordan Disposal under the contract or applicable law.

4. No Waiver or Estoppel.

The City's actions under this Resolution shall not operate as a waiver, estoppel, or ratification of any alleged breach, default, or nonperformance by Jordan Disposal.

5. Effective Date.

This Resolution shall take effect and be in force from and after its adoption.

ADOPTED by the Governing Body of the City of Galena, Kansas, this 2nd day of February, 2026.

CITY OF GALENA, KANSAS

By: Ashley Groves
Ashley Groves, Mayor

ATTEST:

Tracy Roberts
Tracy Roberts, City Clerk

APPROVED AS TO FORM:

Philip Wright, City Attorney