

MINUTES
OF
GALENA CITY COUNCIL MEETING

May 6, 1980

The Galena City Council met in regular session, Tuesday, May 6, 1980, at 7:00 P.M.

The following members answered present on roll call: Hayes, Mann, T. Wade, Hall, R. Wade, Smith, Means and Kelley.

Absent were: Watkins and Faulkner.

Tom Wade moved, seconded by Smith, that the minutes of regular council meetings held April 15th and April 29th, and special meetings held April 21st and May 2nd, be accepted and placed on file. Motion carried.

Councilman Hall requested council permission for the Fire Department to have clutch problems in a jeep repaired at Fred Reid Rambler at an approximate cost of \$169.00; also, for closing of Main Street between 6th and 7th Streets on June 7th for a Flea Market, sponsored by Galena Merchants. An angled barrier would be placed at 7th Street, allowing access to Gilstrap Drug driveway. Motion was made by Hall that both requests be allowed. Hayes seconded. Motion carried.

Hall also brought to Council attention the \$4,400.00 bill owed to the City for water and sewer lines to Wilkins Addition South of the City. Gilbert Wilkins has been billed and a follow-up letter sent but no response has been received. Hall moved Fayette Rowe take over this matter and collect the bill. Persons present when the agreement was reached with Mr. Wilkins were: Mike Hall, Glen Smith, Bud Piercefield, Howard Jarvis and Toss Bailey. Tom Wade seconded Hall's motion. Carried with 8 Yeas.

Robert Wade asked the governing body to reduce the speed limit in Jones Trailer Court to 15 M.P.H. After some discussion, Wade moved that the speed limit in all trailer courts be reduced to 15 M.P.H. Tom Wade seconded. Motion carried.

Robert Wade also requested that the South side of 5th Street be made a loading zone for trucks and marked a tow-away zone for other vehicles. The loading zone would extend approximately 75 feet from corner to alley. Parking would again be allowed in front of old fire station except for the 15 feet distance from the fireplug. R. Wade then made this into the form of a motion with T. Wade seconding. Motion carried with 8 Yeas.

T. Wade moved all checks be signed by the Treasurer on Wednesday, following the regular council meeting on Tuesday after they've been approved. R. Wade seconded the motion. Carried.

T. Wade asked the governing body if the City should advertise for vacancies in City positions when they exist. Mayor Williams stated "when no vacancies exist, no advertising is necessary". The Council discussed this question at length. Councilman Hall stated he believed if we have appointments every year then we should advertise for applications. Councilman Means said we would have to exempt ourselves by Charter Ordinance in order to change our methods of appointment. No action was taken on this matter.

Councilman Hayes made motion for two changes in court procedure. The judge would hold court in the council chambers and it would be open court. A Court Clerk would accept all money. The Clerk would be paid from the Police Fund. Cheryl Haines would become Court Clerk if temporary help can be found for the City Clerk's Office. R. Wade seconded the motion. Carried with 8 Yeas.

The rehab. bid by Cherokee Construction on the Minnie Love house was approved on motion by Hall, second by T. Wade. Motion carried with 8 Yeas.

Leonard France appeared before the Council in regard to Ordinance No. 1022 (Not allowing minors under 18 years of age to frequent a place of business that sells cereal malt beverage for consumption on the premises). Mr. France asked to have the Ordinance revised to allow minors in such an establishment if they have the consent of their parents. He presented an example of a signature card he would like parents to sign. Lengthy discussion followed, but no action was taken at this time.

At this point Smith moved the Council go into executive session for 30 minutes for a personnel hearing and also discussion of Ordinance No. 1022. R. Wade seconded the motion. Carried

Upon reconvening, Tom Wade, Robert Wade and Mike Hall volunteered to form a committee to look into the matter brought before the Council by France and report back to the Governing Body at a later date.

Tom Wade moved the City donate \$300 to the Girls' Softball League. Lengthy discussion followed on donations City gives. Kelley seconded Wade's motion. Motion carried with 8 Yeas.

Mr. Lyle Jessip, salesman for Pioneer Mfg. Co. of Cleveland, Ohio, appeared before the Council in regard to doormats the company manufactures. No action was taken on the matter.

Gene Porter spoke to the governing body on Demolition Ordinance 1026. The state fire marshal from Topeka had recently come down and toured several delapidated buildings with Mr. Porter and ordered him to condemn several of them.

If Ordinance No. 1026 is approved, a request for a hearing by owner is allowed. The Council will have to appoint five members to support Porter on these condemnations.

In case a hearing is requested, the City Council will use the form incorporated into Ordinance No. 1026.

Mayor Williams stated that the fire marshal had inferred the State would take action on delapidated buildings if the City did not.

In rental property, the tenant would be given 30 days to vacate the premises and an additional 30 days would be allowed for to start repairs or demolish.

City Attorney, Fayette Rowe, stated he believes the City is liable if these dangerous buildings are allowed to stand; damage suits could be brought against the City if someone is hurt or killed in one of these buildings.

Hall moved we accept Ordinance No. 1026. T. Wade seconded. Motion carried. Ordinance No. 1026 will become effective upon publication in the official city newspaper May 14, 1980.

Steve Painter made the low bid on demolition of house on Schermerhorn and Industry Road (Dorris property), also the low bid on 308 E. 7th. Cherokee Construction had low bid on 1211 Main Street. Hayes moved that these bids be accepted. Smith seconded. Motion carried with 8 Yeas.

Idella Vanderpool appeared before the Council with an update on Jerico Cable TV. Jerico has established an office on Main Street to benefit customers. The original location next to Zodiac for the earth dish and tower was turned down. They now propose locating the earth dish south of 11th Street in the Industrial Park. If 60% of the dwellings subscribe the City is to receive 3% of all intake with an estimated revenue of \$352.80 per month.

T. Wade moved Jerico Cable TV be allowed to locate on proposed location. Hayes seconded. Motion carried.

Councilman Kelley spoke on problems with swimming pool. Pete Lamoree of Aqua-Lining Co. was scheduled to appear but had a prior commitment in Vinita. Action was tabled in hopes Mr. Lamoree could appear before the meeting ended.

Permission was given for Howard Jarvis to order 55 gallons of Larvae Control for the lagoons from United Labs. at a price of \$783.75; also, copper sulphate from Eagle Picher; 48 lbs. of Karmex weed killer from Chem-Trol; 1,000 feet of 1" PVC Glue Joint. Motion was by Hayes that these purchases be allowed from Water Fund. Second was by Hall. Carried with 8 Yeas.

A Chevy short block from Robert Walker for cemetery truck out of Cemetery Fund was approved on motion by T. Wade, second by Hall. Carried.

Purchase of a sump pump at \$200.00 for the main lift station was approved on motion by T. Wade, second by Smith. The purchase to be made from the Water Fund.

One week's vacation for Darrell Shoemaker beginning May 19th and 1 week's pay in lieu of vacation for Sidney Matthews were approved on motion by Hayes, second by T. Wade. There were 8 Yeas.

T. Wade moved Harvey Jones be allowed 2 weeks' pay in lieu of vacation. Means seconded. Motion carried.

At this point, Councilman Means asked to bring up some old business. He noted that the Council had voted at a prior session to pay legal fees on the recall election. He asked what fund it was to come from. He had asked the City Clerk to check with the auditor and the auditor advised we seek legal counsel.

Means moved that Fayette Rowe, City Attorney, contact the Attorney General for a legal opinion. Hall seconded the motion. Motion carried. Mr. Rowe agreed to request a legal opinion on this bill.

T. Wade moved, Hall seconded, that we advertise for bids on the Ford police cars again, but with no minimum amount this time. Motion carried.

Pete Lamoree of Aqua-Linings Co. entered the council chambers at this point and was asked to describe work needed on the swimming pool. He stated chlorine had eaten away the lining in the pool and it was now down to the bare concrete; the pool needs to be sandblasted, filter tanks are 15 years old and their average life is 6 years; tanks are completely full of filter media so there is no place for water. His original bid was \$18,313.00 with sandblasting and 4-applications of plastic liner. Current bid is \$14,101.00 with only one coat of plastic liner. The liner should hold for 20 years. The liner has to cure for 5 days before water can be added. Pool should be ready for opening by June 1st. Motion was made by T. Wade, seconded by Kelley, that Aqua-Lining Co. be contracted to do the work and apply the 4-coat liner system at \$18,313.00. The money to be paid from Revenue Sharing. Motion carried with 8 Yeas.

Ordinance No. 1027 changing the meter reader's position from appointive position to one assigned by City Superintendent was approved on motion by Hayes, second by Smith. There were 8 Yeas.

Ordinance No. 1024, making the landlord responsible for utility payments if tenant does not pay, was approved on motion by Smith, second by Means. There were 7 Yeas and 1 Nay by Kelley.

Ordinance No. 1025, making the trash collection service mandatory if customer has water and sewer supplied by the City, was approved on motion by Means, second by Smith. There were 6 Yeas and 2 Nays by Hall and Kelley.

Payroll Ordinance No. 80-11, Appropriations Ordinance No. 80-11 and Community Development Appropriations were approved on motion by T. Wade, second by Smith, after amending Appropriations Ordinance 80-11, deleting check No. 5540 to American Fire Equip. Co.

Councilman Hall moved Council appoint their own committees, Means seconded. On roll call vote, there were 3 Nays: Hayes, Mann and Smith; 5 Yeas: T. Wade, Hall, R. Wade, Means and Kelley. Motion carried.

Mayor Williams submitted the name of Howard Jarvis for City Superintendent. Motion was made by T. Wade, seconded by Hayes that the appointment be approved. Carried with 8 Yeas.

Mayor Williams submitted the name of Larry Hargis to be Acting Chief of Police. No motion was made.

On the matter of appointing Chief of Police, Means informed the chair that State Statute says the Chief must be appointed at the first meeting in May. Mayor Williams stated he was not ready to appoint a permanent police chief because there were no applicants with the necessary qualifications. He wanted a man from outside the city who is not acquainted here, and therefore, would be more impartial. The governing body appealed to Attorney Rowe for his opinion. Mr. Rowe stated "Mayor appoints, Council confirms. Council cannot appoint".

Councilman Means made motion that he "appealed the decision of the chair". After further discussion, Councilman Hall seconded the motion. Roll call vote was as follows: Hayes - abstained; Mann and Smith - Nay; T. Wade, Hall, R. Wade, Means and Kelley - Yea. Motion carried.

Mayor Williams stated he absolutely refused to appoint a Chief of Police, stating it was contrary to City Attorney's opinion and also the Kansas League of Municipalities.

Kansas Statutes make no provision for an interim appointment of Chief of Police.

Fayette Rowe suggested this matter be submitted to Attorney General to see if it's proper to appoint an acting Chief instead of a permanent one.

Councilman Means requested that the Mayor read names of applicants for Chief of Police, which the Mayor did, reading the names of Ronald Brauner, Lester Adams, Larry Hargis, Scott Shaw, Garry Abram and Charles Ormiston.

Councilman Means then made the motion that Scott Shaw be appointed Chief of Police. Hall seconded the motion. Mayor Williams excused himself and left the council chambers. Mayor Pro-Tem, Delores Smith, asked for a roll call vote. Voting Aye were Hayes, R. Wade, T. Wade, Hall, Means and Kelley. Smith and Mann voted Nay. Motion carried.

Mayor Williams again took his seat, naming Fayette Rowe to be City Attorney. Motion by Smith, second by Hayes. Motion carried.

The name of Robert Brown was submitted for Municipal Judge. Means moved for approval. Kelley seconded. There were 6 Yeas and 2 Nays. Motion carried.

Norma Lutz was named to be City Clerk. Motion by T. Wade, second by Means. Motion carried with 8 Yeas.

Cheryl Haines was named as Assistant to City Clerk. Approved on motion by Hayes, second by Hall. Carried with 8 Yeas.

Harvey Jones was approved as Cemetery Sexton on motion by Kelley, second by T. Wade. Carried with 8 Yeas.

Charles Sliger was named Civil Defense Director. Motion by Means, second by T. Wade. Carried with 8 Yeas.

Fire Department recommendations were as follows:

Chief: John Allen - Motion by T. Wade, second by Hall. There were 5 Yeas and 3 Nays (Smith, Mann and Hayes). Carried.

1st Ass't Chief: Bill Hall - Motion by T. Wade, second by R. Wade. There were 7 Yeas and 1 Nay (Smith). Carried.

2nd Ass't Chief: Robert Scott - Motion by T. Wade, second by Hall. There were 7 Yeas and 1 Nay (Hayes). Carried.

City Captain: Rex Gandy - Motion by T. Wade, Second by Hall. Carried.
Rural Captain: Earnie Donaldson - Motion by T. Wade, second by Hall. Carried.

Fire Truck Driver: Bill Hamlin - Motion by Kelley, second by Hall. Carried.

Relief Driver: Ken Bankson - Motion by T. Wade, second by Kelley. Carried.

T. Wade moved that Ken Bankson be named janitor. Hayes seconded. Motion carried.

Ray Randall was approved for Community Development Director on motion by Smith, second by Hayes. Carried with 7 Yeas and 1 Nay (T. Wade).

Idella Vanderpool was appointed Assistant in the Community Development Office on motion by Smith, second by T. Wade. Carried with 8 Yeas.

Gene Porter was approved as Building Inspector on motion by T. Wade, second by Hayes. Carried with 8 Yeas.

Smith moved that Doug Banning be appointed Swimming Pool Manager. Hayes seconded. Motion carried.

The Mayor named Edd Meeks and Velma Stewart as school crossing guards. Smith moved that Meeks be appointed. Hayes seconded. Motion carried. Hayes moved that Velma Stewart be appointed. T. Wade seconded. Motion carried.

John Ingram was approved as a patrolman on motion by Hayes, second by Hall. Carried with 8 Yeas.


Larry Hargis was appointed patrolman on motion by Hayes, second by Means. Motion carried with 8 Yeas.

Roger Swaney was approved as a patrolman on motion by T. Wade, second by R. Wade. Motion carried with 8 Yeas.


Darrell Brown was appointed as patrolman on motion by Kelley, second by Means. Carried with 7 Yeas and 1 Nay (R. Wade).

Scott Shaw was recommended as a patrolman. Died for lack of a motion.

Hall moved for adjournment. Mann seconded. Motion carried by standing.



Mayor



City Clerk