

MINUTES OF  
GALENA CITY COUNCIL  
May 21, 1980

The Galena City Council met in regular session Wednesday, May 21, 1980, at 8:00 P.M. The meeting was rescheduled from Tuesday, May 20, 1980, due to a lack of a quorum.

Eight members answered present on roll call: Watkins, Hayes, Mann, Kelley, Faulkner, T. Wade, Smith and Means.

Absent were: R. Wade and Hall.

Mayor L. G. Williams presided at the meeting.

Minutes of the regular council meeting of May 6, 1980, Page 4, were amended to read: "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."

Means requested at this time that the Mayor read the names of applicants for Chief of Police. The Mayor then read the names of Ronald Brauner, Lester Adams, Larry Hargis, Scott Shaw, Garry Abram and Charles Ormiston."

Motion was made by T. Wade, seconded by Smith that the minutes be accepted as amended, and also, the minutes of the Special Council Meeting of May 15, 1980. Motion carried.

Minutes of the Zoning and Planning Commission Meeting of May 12, 1980, were read by the Clerk. Faulkner moved they be accepted. T. Wade seconded the motion. Carried.

The Mayor asked the Council to allow merchant advertising signs to be placed at the Softball Field during the playing season.

Motion was made by T. Wade, seconded by Faulkner, that these signs be allowed. Carried with 8 Yeas.

Under the heading of "Old Business", T. Wade asked if there were any ordinances regarding rummage sales. He was informed that an ordinance was to be presented at this meeting covering such sales.

Resolution 80-105 was presented to the Council for approval:

IT IS HEREBY RESOLVED by the governing body of the City of Galena, Kansas, a municipality, that the City of Galena, Kansas, does hereby accept the real estate set out in the following Quit Claim Deed and the dedication by Dale's I.G.A. Thriftway, Inc., a corporation, to the City of Galena, Kansas, a Municipal Corporation, for the purposes aforesaid set out in the said deed:

FOR THE PURPOSE OF the City of Galena, Kansas, a municipal corporation, to maintain a street or streets, a roadway or roadways, or a sidewalk or sidewalks on the aforesaid real estate.

Short discussion was held on the resolution with T. Wade making the motion that we accept Resolution 80-105; second by Faulkner. Carried with 8 Yeas.

Ray Randall, Community Development Director, presented prices on the Lot Line maps being made for the City, explaining that the first printing of maps would cost \$4.83 each and any further printing would be at \$1.68 each. He asked the governing body to help him establish a resale price that would be reasonable but also cover expenses the City has been out. Kelley moved that we sell the maps at \$15.00 each. Watkins seconded the motion. Carried with 8 Yeas.

Donations of \$300 each were requested for the Junior League and the Little League. T. Wade moved the City donate the \$300 to each. Smith seconded. Before taking a vote, Means suggested we have the auditor set aside a certain

amount in the budget each year for donations of any type. Wade's motion was then voted and carried with 8 Yeas.

Ordinance No. 1028 was presented for Council approval, regulating garage or rummage sales within the City of Galena, Kansas. Faulkner moved for acceptance of Ordinance No. 1028. Smith seconded. Carried with 7 Yeas and 1 Nay by Watkins.

Ordinance No. 1029 regarding any person attempting to obstruct legal process, official duty, or a civil case, was presented to the Council for approval. Smith moved we accept the Ordinance. Hayes seconded. Discussion was held on the form of the Ordinance with the Council asking Attorney Rowe for an opinion. After reading the Ordinance, Attorney Rowe suggested it be re-drawn and presented at the next regular council meeting. Mrs. Smith then withdrew her motion and Hayes his second. The matter was tabled until the next meeting.

At this point discussion was held on several merchants not having occupation licenses. The City Clerk was asked to notify these merchants that their license was in arrears and payment should be made immediately.

Ray Randall spoke to the Council about obtaining Christmas decorations for the City. The amount of money raised to date was \$1,300, plus what other groups can raise, other than the Chamber of Commerce. The estimated cost of lights would be \$5,000 to \$6,000, including rewiring on poles downtown. The Chamber of Commerce would like for the City to make a commitment for this year and maybe next year for at least \$300.

Watkins moved to table this matter until the Finance Committee could meet and discuss it. Faulkner seconded his motion. Carried with 8 Ayes.

Building Inspector, Gene Porter, was given approval for a week's vacation from May 27 to June 3rd, on motion by Faulkner, second by Hayes. Carried with 8 Yeas.

Howard Jarvis, Public Works Superintendent, appeared before the Council in regard to the purchase of a lift station for Assembly of God. The cost would be approximately \$4,500 for purchase and installation of the lift station. The original agreement was made with the Rev. Witten and Raymond Carlisle. The church was to purchase the lift station and would be reimbursed by the City for each house added on.

Doyle Castleberry, a member of the Assembly of God Church, appeared in regard to the lift station, stating that the original consensus of opinion among members was that the City would install the lift station and pay for it.

Mayor Williams added "we are putting in a lift station for I.G.A. and I believe we would realize as much benefit from the Church as from I.G.A."

Rev. Witten, church pastor, said if no arrangements could be made, the Church would pay to get the station put in. The Job Superintendent had told the Rev. Witten that the construction crew would be through by June 1st, so lift station would be needed by that time.

Faulkner moved the City put station in, paid for out of sanitation. Smith seconded. There were 6 Yeas, 1 Nay (Kelley) and 1 abstention (Means). The motion carried. X

Mayor Williams asked the Council to approve the purchase of 1 or 2 guest chairs for his office at no more than \$25 each. Smith moved the purchase be allowed. Faulkner seconded. Motion carried with 6 Yeas and 2 Nays by Watkins and Means.

Tom Wade reported the committee had not met to check into Ordinance No. 1020 in response to a request made at a previous meeting by Leonard France, but would do so as soon as possible.

Means presented to the council the problems the residents of Galena have in regard to driveways and streets since they were repaved. He stated that

several years ago money was to have been set aside in Community Development to round off corners and smooth driveways, and he was wondering if anything could be done to remedy the situation.

T. Wade asked if Jarvis does streets he sees are in need of repair or if he waits until someone calls in. Jarvis answered he does both. Wade stated he would like to see the Street Committee and Howard Jarvis survey the streets in town and see what needs to be done.

Some discussion was held on how to best repair the streets. T. Wade asked if \$14,000 set aside in Community Development Funds was still available for work on streets. Wade moved that the Street Committee look into the problem; Means seconded the motion. Carried with 8 Yeas.

A resolution for the Mayor to enter into an agreement with the Department of Transportation for improvements on Highway 66, at no cost to the City, was approved on motion by Hayes, second by Kelley. Carried with 8 Yeas.

Ray Randall presented his operations survey of the Community Development Budget, stating Administration funds would run out by June 30th of this year and a transfer from some other fund would be necessary if they were to continue the job. He believed that most projects would be completed by September or October. Faulkner moved that a transfer of funds be made from the museum fund to Administration. Kelley seconded the motion. Motion carried with 7 Yeas and 1 Abstention by Means.

Randall also presented the audit of Community Development records by the Kansas City Area Office of H.U.D. There were a large number of problems written up in regard to the program in Galena along with two other cities in Kansas, but auditors were aware that most problems had been corrected with the exception of lead-based paint used. He requested Council permission for the Mayor to send a letter to H.U.D. notifying them of the corrections made.

Faulkner made a motion that this be allowed. Smith seconded. Motion carried with 8 Yeas.

Watkins asked about long-distance calls made and charged to the City, particularly calls made to Inola, Oklahoma, Kingman, Peach Springs and Tucson, Arizona, also, W. Los Angeles, Calif., and a collect call made from Inola, Oklahoma, 918/543-8605, to Mayor's house but charged to a City phone. He asked if these were City business. Mayor stated they definitely were because he was checking on an applicant for chief of police. The Mayor stated he did not know who had placed the collect call from Inola.

Watkins moved that all long distance calls be logged and who made them. A very heated discussion followed with T. Wade calling for a point of order.

Watkins moved that Mayor Williams pay for the nine particular calls made checking on Charles Ormiston. Means seconded. Again discussion became quiet heated and T. Wade again called for a point of order and asked members of the Council and Mayor not to refer to personalities. Vote was taken with 2 Yeas and 6 Nays. Motion failed.

At this point in the meeting, Smith asked for an executive session of no more than 30 minutes with the press excluded. Faulkner seconded. Carried.

Upon reconvening, no action was taken on any matter discussed in session.

T. Wade moved that Rex Gandy be allowed 1 week's pay in lieu of vacation. Faulkner seconded the motion. Carried with 8 Yeas.

Tom Wade brought to Council's attention the problem of who was receiving salary of Chief of Police. He felt Scott Shaw should receive the pay. He asked why Larry Hargis was drawing Chief's pay since he had not been confirmed by the Council. Attorney Rowe stated he should not have unless he was appointed by the Mayor. Mayor Williams stated he was told by a Councilman that the Council

intended to appoint Scott Shaw the night of Tom Brown's resignation, and that was when he asked Larry Hargis to act as Chief. T. Wade asked that the Council's wishes be respected and Scott Shaw be used as Chief of Police. Mayor Williams informed the governing body that they were going against the opinion of Mr. Carr of the Attorney General's Office and Mr. Bean of the Kansas League of Municipalities, because they each believed that the Council cannot appoint. Mayor Williams had also instructed Mr. Hargis not to relinquish his place as Chief of Police after Council action on May 6th, and Mr. Shaw not to assume the position.

A lengthy statement by Mayor Williams followed in regard to seeking advice from the City Attorney.

The Mayor stated he had told Mr. Shaw and Mr. Hargis that 4 Council Members had met illegally in regard to their selection as Chief.

Councilman Wade asked again why Hargis is receiving Chief's pay and would he have to repay the money he has received if Scott Shaw's appointment was found to be legal. There was no answer to his question.

Mayor Williams informed those present he wanted Charles E. Ormiston as Chief of Police, and named all the positions he had held and schools where he's received training. He further stated he was aware of all the talk around town about Mr. Ormiston and explained he was only charged with a "penny ante poker game". Mayor Williams also stated he was very proud of the Galena Police Department and questioned how they could put up with all that's going on. He told the Council he would make a proposition to them - that he would name a chief and if they turned him down he would name Scott Shaw. The Mayor then submitted the name of William Karr for Chief of Police. No action was taken.

The Mayor then submitted the name of Scott Shaw for the position of Chief of Police. Motion was made by Faulkner, seconded by Smith that Scott Shaw be approved as Chief. Motion carried with 8 Yeas.

Howard Jarvis was allowed to buy an alternator for 920 Amer. Battery for \$200 from the Special Highway Fund on motion by Faulkner, second by Kelley. Carried with 8 Yeas.

Appropriations Ordinance No. 80-12, Payroll Ordinance No. 80-12 and Community Development Appropriations were approved for payment on motion by Smith, second by Mann. Stipulation was made that Larry Hargis will get Chief's pay to May 20th and Shaw thereafter. There were 8 Yeas.

Means suggested that Police Committee meet with the Mayor and Scott Shaw to discuss Auxiliary Police and Dispatchers.

Faulkner moved, Smith seconded that the City pay Appropriations Ordinance No. 80-12A, but that the Ordinance be amended to read: \$3,068.54 for Smith, Peggs & Shay, instead of \$1,368.54; \$604.53 for Sherwood & Gray, instead of \$304.53; and \$3,140.60 for Dearth, instead of \$1,940.60.

Attorney Rowe was asked if he had received a legal opinion on this bill from the Attorney General. Mr. Rowe stated the Attorney General had not given him an opinion, but he believed it to be a legitimate bill that the City must pay, because it was for legal fees for City Officials facing recall.

Attorney Rowe then told the Council he needed to be directed by them to write for an opinion. All members informed him they did just that in the meeting of May 6, 1980.

The vote was called for on Faulkner's motion. The vote was by a show of hands. 5 Yeas - Smith, Mann, Faulkner, Kelley and Hayes; 3 Nays - Means, Watkins and Tom Wade. Motion carried.

Faulkner moved for adjournment, Means seconded. Carried by standing.

Norma J. Lutz  
City Clerk

L. Williams  
Mayor