

COUNCIL MEETING

OCTOBER 7, 1980

The Galena City Council met in regular session, Tuesday, October 7, 1980, at 7:00 P. M. in the Council Chambers.

On Roll Call, the following members answered present: Kelley, Smith, Wade, Means, Piercefield, Watkins, Mann & Hayes, constituting a quorum.

The President of the Council, Dolores Smith, presided as Mayor Pro-tem.

Minutes of the regular meeting of September 16, and the Special meeting of September 30, were presented for approval. Mrs. Smith asked to have the minutes of the September 30th, amended to read: "Smith stated that the motion to reject the resignation of Norma Lutz failed."

The minutes were then approved on motion by Wade, second by Piercefield. Carried with 7 yeas.

Mayor Pro-Tem Smith asked to defer old business, including the resignation, in deference to the Prudential representatives.

Tim Powers and Carl Biastock presented a comprehensive health plan for the city employees. There is a \$100 deductible with 80% of all bills paid up to \$2500 and from then on 100% would be paid. Maternity benefits are treated the same as any other illness.

Total monthly premium for 31 employees would be \$2,542.75. Anyone would be considered an employee for insurance purposes if they worked at least 20 hours per week or 1,000 hours per year. The city could decide on the waiting period to enroll new employees.

The Prudential Plan covers the same as the City's present policy. No action was taken on the matter.

Piercefield spoke on the need for an attorney to assist Fayette Rowe in defending suits involving the City or its employees. He moved that the City hire Charles Menghini of Pittsburg to assist Mr. Rowe in the Lillian Price case vs. Robert Brown, and the City of Galena, Kansas Judicial Commission vs. Robert Brown, and Duncan vs. a former patrolman and the City.

Fayette Rowe stated the cases were set for the October term of District Court with jury cases set for November which includes the Duncan case.

Attorney Rowe then made a lengthy statement on the need to defend the City against all claims. The city must pay all damages incurred by City employees or officials according to Kansas Statute.

Hayes then seconded Piercefield's motion.

On roll call vote there were 6 yeas: Kelley, Smith, Wade, Piercefield, Mann, & Hayes. Means and Watkins abstained. Motion carried.

Carl Lewis was granted 2 weeks pay in lieu of vacation on motion by Wade, second by Hayes. Carried unanimously.

Howard Jarvis asked to be allowed to purchase 2 tires with highway tread for the trash truck at \$287.03 per tire and 1 mud tire for the back at \$213.81. The purchase was approved on motion by Wade, second by Piercefield. There were 7 yeas.

Ward Hood, a resident of Utah, asked to have a water line run to a site on old Highway 66 & Stateline Road. He plans to build a new house there. Piercefield moved we table the matter at the present time. Wade seconded. Carried with all ayes except one (Kelley).

George Bolte, representing SEK-CAP, appeared to request a ramp be constructed on the sidewalk at 4th & Main where congregate meals are served. He proposed to remove the complete sidewalk and build the ramp. The 10 ft. walk around the entire building would be replaced. All funding will be from 504 Compliance Funds with no cost to the City.

Watkins moved the project be allowed as long as he goes according to the City Superintendents' specifications. Means seconded. Carried unanimously.

Community Development Director, Ray Randall, presented the application to be made for a Small Cities Grant. The total amount applied for would be \$448,800. He presented a resolution authorizing execution of the Small Cities Pre-Application. The resolution needed to be adopted at this meeting because it must be filed with H.U.D. by November 2nd.

Piercefield moved it be adopted. Kelley seconded. Carried.

Randall presented a letter from the Commission on Civil Rights stating that the City has been completely exonerated in the Sandra Francisco matter.

Randall also presented a letter from H.U.D. on the use of Community Development funds for the rental of City owned equipment and a transfer that was made from the Museum fund to administration. All funds had been used appropriately. Randall respectfully requested an apology from Councilman Means since the inquiry was initiated at his request.

Means stated he felt the Governing Body was entitled to know how funds could be used, therefore he felt no apology was necessary. He also stated he was glad to know that the funds were used properly.

Randall informed the council that an audit on the deep well had been completed and sent to Farmer's Home Administration as they had requested. The audit had been approved and money in the amount of \$8,422.00 will be sent to the City. Since the money came out of Community Development funds, it will go back into those funds for administration of 5th year funding.

Randall asked to amend C.D. Appropriations to include \$3,618.56 to Hydrocarbon Specialties for Road oil. It is to be charged to 5th year Streets.

Jarvis informed the council that a request had been made by Charles Robinson who lives in a trailer house at 22nd & Joplin, allowing him to have a new water line run to his trailer, but due to serious health problems, he could not afford to pay the entire cost of \$150 at one time.

Mr. Robinson asked that he be allowed to pay the \$150 installation fee out at \$20 per month, plus his water bill.

Kelley moved this be allowed. Piercefield seconded. Carried with 1 abstention by Means.

The water bill of James H. Edwards, 520 Bellevue, was adjusted by 50% on motion by Piercefield, second by Wade. Carried.

Piercefield moved that the William Pickering water bill on N. Columbus be adjusted providing the leak has been fixed. The adjustment to be 50%. Watkins seconded. Motion carried.

Mayor Pro-Tem Smith asked at this time to go into executive session not exceeding 30 minutes, to discuss "old business" which was the resignation of Norma Lutz.

Wade moved to go into executive session not to exceed 30 minutes. Kelley seconded the motion. There were 5 yeas and 2 abstentions by Means & Hayes. Motion carried.

At the end of the executive session, Mrs. Lutz left the meeting and Asst. City Clerk Cheryl Haines was asked to take the minutes.

Mrs. Smith read the names of applicants for the vacancy in the 2nd Ward to fill Robert Wade's unexpired term. Applicants were: Lawrence Miller, Mickey Walker, Tim Green, Alan Wade, and Frank Tackett. Watkins made the motion for the appointment of Tim Green. Tom Wade seconded. Roll Call showed 2 yeas, Watkins and Wade, and 6 against: Kelley, Smith, Means, Piercefield, Mann and Hayes. Motion did not carry.

Piercefield moved to appoint Alan Wade. Tom Wade seconded. Motion carried, Unanimous.

Smith read applicants names for the 4th ward councilman. They were Dennis Hart and Tom Allen. Means made the motion to table the other vacancies and advertise for application in the 4th ward. Piercefield seconded, and the motion carried 5-3, with Kelley, Smith, and Hayes voting against.

Mrs Smith said the council had tabled at the last meeting, the resignation of Norma Lutz. Piercefield made the motion to reject the resignation because the reason it was presented in the first place was a personal vendetta of some officials. Means seconded the motion. Roll Call vote was 4-4. Wade, Piercefield, Means, and Watkins voting to reject the resignation and Kelley, Smith, Mann, & Hayes voted No.

Watkins asked of the council needed to vote to stop payment on a check issued to Richard Dearth. He was told the check was in the City Clerks office and just needed to be voided.

Watkins asked if there should be an appointment made to the finance committee to sign Purchase Orders. Mrs. Smith asked City Attorney Fayette Rowe if she would be in conflict if she signed purchase orders and checks also. Rowe said he didn't believe so.

Tom Wade made a motion that the Chairman of the Executive Committee be allowed to sign Purchase orders until the vacancies were filled and the Finance Committee was reorganized. Piercefield seconded. Tom Wade withdrew the motion because Ira Kelley, Chairman of the Executive Committee, denied the appointment. No further action was taken.

Piercefield made a request that heads of Departments have permission from a member of their respective committees and someone on the Finance Committee before each purchase. No action was taken on this matter.

Watkins said the council needed to do something in the C.D. Office. He stated the funds are getting low and it looked like the administration funds would only last about 3 weeks.

Randall spoke up and said they had started dividing the salaries of the inspector and the Director between sewer, Demolition, and Rehab. He stated he had checked with H.U.D. and was told they should have been doing this all along. He also said if no more grants were open, C.D. monies could be deposited to the City's General Fund.

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Means made the motion the Assistant City Clerk call the auditor to have him look over the City's books and give recommendations on how to handle the City's finances for the balance of the year, with a limit to be spend for the auditor of \$500. If the auditor could not do this for that amount, Asst. City Clerk is to report back to the council. Roll Call showed the motion carried 6-2; Smith & Kelley voted No.

Means made a motion not to reinvest a Certificate of Deposit maturing the 17th of this month until after the auditor makes his recommendations, also the City Clerk or the Asst. City Clerk be allowed to cash it if she feels it is necessary for cash flow. Tom Wade seconded. The motion carried.

Means tole the council there are too many keys out to the City Clerks office. There are 7 keys out and with all the documents there, there shouldn't be that much access to the office. He made the motion to change the locks and only 2 keys be made, one for the City Clerk and one for the Asst. City Clerk. Piercefield seconded. Roll call vote 5-3 Carried, with Kelley, Smith, & Hayes voting against.

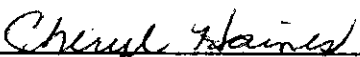
Wade made the motion to approve the C.D. appropriations with the amendment of \$3618.56 added for Hydrocarbon Specialties, and to approve C.D. Payroll & City payroll & Appropriation Ordinance 80-23. Watkins seconded, Motion carried, unanimous.

Piercefield made the motion to adjourn, Mann seconded. Motion carried by standing.

  
Dolores Smith, Mayor Pro-Tem

ATTEST

(SEAL)

  
Cheryl Haines, Asst. City Clerk