

MINUTES OF THE REGULAR COUNCIL MEETING HELD NOVEMBER 6, 1973.

COUNCIL MET IN REGULAR SESSION, MAYOR MURRAY PRESIDING.

COUNCILMEN PRESENT:

HANSBRAUGH	LATURNER	KAehler	BAILEY	BANKSON
DAVIES	BROWN	BARKER	BOGLE	JAY

MINUTES OF THE PREVIOUS MEETINGS HELD OCTOBER 16, OCTOBER 18, AND OCTOBER 24, WERE PRESENTED TO THE COUNCIL FOR APPROVAL. MOTION WAS MADE BY COUNCILMAN KAehler AND SECONDED BY COUNCILMAN BANKSON THAT THE MINUTES BE APPROVED AND PLACED ON FILE. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BAILEY AND SECONDED BY COUNCILMAN LATURNER THAT THE MEETING BE ADJOURNED AND RECONVENE IN THE COURT ROOM, DUE TO THE NUMBER OF VISITORS ATTENDING. MOTION CARRIED.

MAYOR MURRAY RECONVENED THE MEETING WITH ALL COUNCILMAN PRESENT.

MAYOR MURRAY READ THE HEARING PERTAINING TO THE POLICE JUDGE AND DECLARED THE MEETING OPEN.

JAMES G. SHAW, REPRESENTATIVE FOR JUDGE OWENS, WAS PRESENT AND OPENED THE HEARING BY QUESTIONING WHAT HE THOUGHT TO BE PREJUDICE AMONG THE COUNCIL, ESPECIALLY THAT OF COUNCILMAN BROWN AND COUNCILMAN JAY. WHEN ASK BY THE MAYOR, NO PREJUDICE WAS INDICATED BY ANY OF THE COUNCILMEN.

COUNCILMAN JAY POINTED OUT THAT CHIEF KARR HAD NOT BROUGHT CHARGES AGAINST THE JUDGE BUT RATHER THE POLICE COMMITTEE. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BANKSON THAT COUNCILMAN JAY AND COUNCILMAN BROWN BE PRESENT DURING THE HEARING. MOTION CARRIED.

COUNCILMAN BANKSON, CHAIRMAN AND REPRESENTATIVE FOR THE POLICE COMMITTEE, PRESENTED THE FOLLOWING REPORTS AND DOCKET:

- SEVERAL NUMBER OF SITATIONS AND WARRANTS NOT ISSUED
- VARIANCE OF FINES AND BONDS SET
- DIFFERENCE IN COURT COSTS

EVIDENCE WAS THEN PASSED TO MEMBERS OF THE GOVERNING BODY AND MR. SHAW.

MR. SHAW EXPLAINED THAT THERE WAS NO DUE CAUSE SHOWN FOR TERMINATING THE JUDGE AND THAT ONLY THE FOLLOWING REASONS COULD BE CONSIDERED CAUSE: DRUNK, GAMBLING, AND A SHORTAGE OF FUNDS, WHICH IN THIS CASE, ONLY IRREGULAR ENTRIES WERE MADE.

MR. SHAW REQUESTED THAT A MOTION BE MADE TO DISMISS THE CHARGES AGAINST THE JUDGE DUE TO NO CAUSE. MOTION WAS MADE BY COUNCILMAN BARKER AND SECONDED BY COUNCILMAN HANSBRAUGH THAT THE CHARGES FILED, BE DISMISSED. THE FOLLOWING VOTED YEA: BAILEY, HANSBRAUGH, AND BARKER. NAY: DAVIES, BANKSON, JAY, BOGLE, KAehler, BROWN, AND LATURNER. MOTION FAILED.

JUDGE OWENS EXPLAINED ELEVEN WARRANTS AND WHY THEY HAD NOT BEEN FILED. THE PERSON HAD EITHER LEFT TOWN OR THE STATE, LEAVING NO FORWARDING ADDRESS, AND NO SUGGESTION WAS MADE FROM AN OFFICER TO PURSUE THE MATTER.

MAX BYRD WAS SWORN IN BY THE CITY CLERK AND TESTIFIED THAT HE HAD KNOWN THE JUDGE FOR 25 YEARS AND FOUND HIM TO BE JUST AND FAIR.

MILDRED ALEXANDER, RESIDENT OF GALENA FOR 40 YEARS, TESTIFIED SHE HAD KNOWN THE JUDGE FOR 25 YEARS AND FOUND HIM TO BE JUST AND FAIR.

STEVE VOGEL, 27TH STREET, GALENA, TESTIFIED THAT HE HAD KNOWN THE JUDGE FOR 1½ YEARS, AND ALTHOUGH HE HAD PAID A FINE IN THE CITY COURT, HE FELT THAT THE JUDGE WAS HONEST AND FAIR.

MAYOR MURRAY ADVISED THE COUNCIL THAT SINCE THERE WAS NO MORE EVIDENCE, THE COUNCIL MUST VOTE EITHER SIX FOR DISMISSAL OR SIX TO RETAIN THE JUDGE.

MOTION WAS MADE BY COUNCILMAN BANKSON AND SECONDED BY COUNCILMAN JAY THAT JUDGE OWENS BE DISMISSED DUE TO FAILURE TO COMPLY WITH ORDINANCE #810, SECTION 2. THE FOLLOWING VOTED YEA: BANKSON, JAY AND BROWN. NAY: BAILEY, DAVIES, BOGLE, HANSBRAUGH, BARKER, AND KAEHLER, AND LATURNER. MOTION FAILED.

MOTION WAS MADE BY COUNCILMAN LATURNER AND SECONDED BY COUNCILMAN JAY THAT THE GOVERNING BODY ADJOURN TO THE COUNCIL CHAMBERS. MOTION CARRIED.

MAYOR MURRAY DECLARED THE REGULAR MEETING IN SESSION WITH ALL COUNCILMEN PRESENT.

C. B. SIMMONS, ENGINEER, WAS PRESENT AT THE MEETING TO EXPLAIN TO THE GOVERNING BODY THAT TRI CITY CONSTRUCTION COMPANY MUST COMPLY WITH THE CONTRACT INVOLVING PARAGRAPHS #108 AND #2, WHICH STATES THAT THEY ARE RESPONSIBLE FOR ALL COMPLAINTS, DEBTS, AND FILE A RELEASE FORM WITH THE CITY OF GALENA.

MR. SIMMONS ALSO BROUGHT TO THE COUNCILS ATTENTION, THE CHANGE ORDERS OF EMPIRE - DELETING MAINS IN THE SOUTH END OF TOWN. HE POINTED OUT THAT \$22,209.15 WOULD BE THE COST TO GO EAST 13TH STREET TO THE STATE LINE, USING 8" MAINS. SIMMONS EMPHASIZED THAT CONSUMPTION WAS THE IMPORTANCE AND NOT FIRE PROTECTION. MOTION WAS MADE BY COUNCILMAN BOGLE AND SECONDED BY COUNCILMAN LATURNER THAT CHANGE ORDER #1 BE ACCEPTED. UPON ROLL CALL VOTE, THE FOLLOWING VOTED YEA: DAVIES, BANKSON, HANSBRAUGH, BARKER, JAY, BOGLE, BROWN, AND LATURNER. NAY: KAEHLER. ABSTAIN: BAILEY. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BOGLE AND SECONDED BY COUNCILMAN LATURNER THAT THE FINAL CHANGE ORDER FOR PHASE III SEWER PROJECT, BE APPROVED. THE FOLLOWING VOTED YEA: BAILEY, DAVIES, BANKSON, HANSBRAUGH, BARKER, JAY, BOGLE, KAEHLER, BROWN, AND LATURNER. MOTION CARRIED UNANIMOUS.

MOTION WAS MADE BY COUNCILMAN JAY AND SECONDED BY COUNCILMAN BROWN THAT THE CITY ATTORNEY DRAW UP AN AFFIDAVIT FOR THE RELEASE FOR TRI CITY CONSTRUCTION. MOTION CARRIED.

BRADLEY BALL, AUDITOR, WAS PRESENT AT THE MEETING AND POINTED OUT THE IMPORTANCE OF EXCEEDING THE BUDGET ON THE CASH BASIS LAW IN THE STATE OF KANSAS. SERIOUSNESS OF THE MATTER COULD LEAD TO THE ARREST OF THE COUNCILMEN IF THE LAW IS VIOLATED. MR. BALL SUGGESTED THAT A FUND TRANSFER BE MADE. MOTION WAS MADE BY COUNCILMAN BANKSON AND SECONDED BY COUNCILMAN HANSBRAUGH THAT \$5803.02 BE TRANSFERRED FROM EDA TO THE GENERAL OPERATING FUND TO COVER PAVEMENT OF STREET WHICH THE MONEY WAS ALLOWED FOR. MOTION CARRIED.

THE QUESTION OF A NEW ROOF FOR THE ANIMAL SHELTER WAS BROUGHT UP. MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN BARKER THAT THIS MATTER BE TABLED UNTIL AFTER THE FIRST OF THE YEAR, WHEN MONEY WOULD BE AVAILABLE. MOTION CARRIED.

IN REFERENCE TO REPAIRS TO THE CITY JAIL, MOTION WAS MADE BY COUNCILMAN DAVIES AND SECONDED BY COUNCILMAN BROWN THAT THIS MATTER BE TABLED UNTIL AFTER THE FIRST OF THE YEAR. MOTION CARRIED.

STEVE VOGEL WAS PRESENT AT THE MEETING TO DISCUSS THE POSSIBILITY OF A BIBLE COLLEGE AT SOUTH WOOD STREET. IT WAS GENERALLY AGREED BY THE COUNCILMEN THAT NO ACTION BE TAKEN UNTIL FURTHER FACTS AND FIGURES COULD BE GIVEN. MR. VOGEL ASK ABOUT RESERVING ONE ACRE OF THE INDUSTRIAL TRACT TO BE USED FOR PARKING FOR VOG-TOGS. MOTION WAS MADE BY COUNCILMAN BOGLE AND SECONDED BY COUNCILMAN LATURNER THAT THE INDUSTRIAL COMMITTEE INVESTIGATE THE MATTER AND RETURN WITH THEIR RECOMMENDATION AT THE NEXT REGULAR COUNCIL MEETING. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BANKSON AND SECONDED BY COUNCILMAN HANSBRAUGH THAT THE MAYOR AND CITY MARSHALL SET UP DATES AND HOURS FOR VISITING PRISONERS. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BARKER AND SECONDED BY COUNCILMAN BOGLE THAT THE BEGINNING WAGE FOR CITY HOURLY EMPLOYEES BE SET AT \$2.38. MOTION CARRIED.

RESOLUTION #73-4 WAS PRESENTED TO THE COUNCIL, PERTAINING TO THE HIRING, FIRING, AND HOURLY WAGES OF CITY EMPLOYEES. COPY OF THE RESOLUTION ATTACHED TO MINUTES. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BARKER THAT THE RESOLUTION BE ADOPTED. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN DAVIES THAT THE ORDINANCE PERTAINING TO THE SALARY OF THE CITY MARSHALL BE ADOPTED, INCREASE TO EQUAL THAT OF THE CITY CLERK AND THE SUPERINTENDENT OF PUBLIC WORKS. MOTION CARRIED.

COUNCILMAN BANKSON PRESENTED THE POLICE JUDGE'S REPORT FOR THE MONTH OF OCTOBER. FINES BEING IN THE AMOUNT OF \$925.00. THE STOCK MARSHALL'S MISCELLANEOUS FEE WAS IN THE AMOUNT OF \$7.00. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN JAY THAT THE REPORTS BE APPROVED AND PLACED ON FILE. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN BAILEY THAT 18 - 1/2" AND 6 - 3/4" WATER METERS BE PURCHASED. MOTION CARRIED.

DISCUSSION WAS HELD PERTAINING TO A BUSTED TILE IN EMPIRE. THE CITY CLERK WAS ADVISED TO ENTER THE REPORT OF THE MANHOLE 420 LATERAL 65A IN RECORDS.

JACK PRICE WAS PRESENT AT THE MEETING TO ASK POSSIBILITY OF GETTING CITY WATER TO SHAW HILL. MOTION WAS MADE BY COUNCILMAN LATURNER AND SECONDED BY COUNCILMAN JAY THAT THE SUPERINTENDENT OF PUBLIC WORKS CHECK INTO THE FEASIBILITY OF RUNNING A 2" LINE TO SHAW HILL FROM THE SMELTER AND REPORT AT THE NEXT COUNCIL MEETING. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN JAY THAT JERRY PETERS, CITY MECHANIC, AND CHARLEY POSTER, UTILITY MAN, BE GIVEN A TWENTY-FIVE CENT INCREASE IN PAY, MAKING THEIR HOURLY WAGE IN THE AMOUNT OF \$2.63. UPON ROLL CALL VOTE, THE FOLLOWING VOTED YEA: DAVIES, BANKSON, BARKER, BOGLE, JAY, AND BROWN. NAY: BAILEY, HANSBRAUGH, KAEHLER, AND LATURNER. MOTION CARRIED. CITY ATTORNEY ADVISED TO DRAW UP ORDINANCE.

ORDINANCE #710 WAS PRESENTED TO THE COUNCIL, IN THE AMOUNT OF:

PAYROLL	\$	6,301.06
REGULAR		1,981.43
		<u>47,080.48</u>
TOTAL		55,362.97

MOTION WAS MADE BY COUNCILMAN BAILEY AND SECONDED BY COUNCILMAN LATURNER THAT PAYMENT TO TRI CITY CONSTRUCTION COMPANY BE OMITTED FROM THE ORDINANCE, IN THE AMOUNT OF \$46,730.48. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BARKER AND SECONDED BY COUNCILMAN BROWN THAT THE MEETING BE ADJOURNED. MOTION CARRIED BY STANDING.

Jack N. Murray

JACK N. MURRAY, MAYOR

BOBBY JOE LATURNER, CITY CLERK