

MINUTES OF  
COUNCIL MEETING

March 18, 1980

The Galena City Council met in regular session, Tuesday, March 18, 1980, at 7:00 P.M.

Members present were: Mann, Piercefield, Smith, Hayes, Kelley, Hall and Faulkner, constituting a quorum.

Members absent were: Hopkins, Davies and Bailey.

Mayor L. G. Williams presided.

Minutes of the meeting of March 11, 1980, were accepted and placed on file with Faulkner making the motion and Smith seconding. Motion carried.

The minutes of the Zoning and Planning Commission Meeting of March 10, 1980, were read to the Council. Piercefield moved, seconded by Kelley, that the minutes be accepted and placed on file. Motion carried.

A new application form, submitted by the Zoning and Planning Commission for the placement of mobile homes within the city was presented to the Council. Motion was made by Smith, seconded by Faulkner, that the application form be approved for use. Motion carried with 7 Yeas.

City Attorney, Fayette Rowe, informed the governing body he had signed a judgment in District Court for the City to pay James Harryman, a sub-contractor, \$714.24 on a Mechanic's Lien against the Senior Citizens Center. This was a judicial determination that this money goes to the sub-contractor and not the prime contractor, Don Howe. A great deal of discussion followed between the Council, Attorney Rowe and Ray Randall, Community Development Director, with Randall stating Don Howe was paid in full and the Senior Citizens Center was entirely paid off. Any debt owed was from Howe to Harryman and not the City's responsibility. A lien still exists, however, on the building with the threat of foreclosure. Action was tabled on this matter allowing Mr. Randall time to produce copies of checks made payable to Mr. Howe. Piercefield made the motion, seconded by Faulkner. Motion carried with 7 Yeas.

The Small Claims Petition on the Dr. Pasimio bill for Mark Chastain medical care was presented to the Council. Piercefield moved we pay the claim; Faulkner seconded. There were 6 Yeas; 1 abstention (Hayes). Motion carried.

Councilman Hayes moved that the Agenda be out by Monday night before the meeting on Tuesday. Piercefield seconded. Motion carried with 7 Yeas. Stipulation was made that all items for the Agenda must be in the City Clerk's Office by noon Monday.

Ordinance No. 1020, concerning attendance of the City Council of the City of Galena, Kansas, by the Mayor of the

City of Galena, and City Council Members of the City of Galena, was presented to the Governing Body. Lengthy discussion followed. Faulkner moved the Ordinance be approved; Piercefield seconded. On roll call the vote was as follows: Yeas - Mann, Piercefield, Smith, Hayes, Kelley and Faulkner. Nay - Hall. Motion carried.

Ordinance No. 1018, fixing the compensation for the employees of the City of Galena, and repealing Ordinances in conflict therewith:

Lengthy discussion followed with Councilman Hall stating he understood the pay raises were to be effective January 1st not February 1st as previously approved. Hall moved the Ordinance be accepted after being amended to read January 1, 1980. Faulkner seconded the motion. There were 3 Yeas (Mann, Faulkner and Hall); 3 Nays (Piercefield, Kelley and Hayes); Smith abstained. Mayor L. G. Williams then cast the tie-breaking vote by voting Yea. Motion carried.

Ray Randall, Community Development Director, reported that he had been asked by H.U.D. to come to Kansas City, March 28-29 for a seminar. The cost of the trip would be \$75.00 if he takes a city car. Piercefield moved, seconded by Kelley, that he be allowed to attend. Motion carried.

Ordinance No. 1017A and Ordinance No. 1017B, covering the annexation of the Dale and Sandra King property on West Seventh Street was presented to the Council. Piercefield moved, seconded by Hayes, that the City accept the annexed property. Motion carried with 7 Yeas.

Randall stated that 40 acres of land has been offered for sale to the City for \$875.00 per acre by a Mrs. Popejoy, the owner. The land lies West of Schermerhorn Avenue and South of 11th Street next to the industrial park and lagoons. Randall asked the Council to authorize an offer of \$15,000 for the entire 40 acres. No action was taken.

Howard Jarvis, Public Works Superintendent, asked to buy 55 gallons of weed and brush killer from the Noxious Weeds Fund. Motion made by Hall, seconded by Piercefield, the purchase be allowed. Motion carried.

On motion made by Piercefield and seconded by Kelley, Clyde Gilstrap was allowed to cut a driveway to a new house under construction at 916 Main Street. Motion carried with 7 Yeas.

One weeks pay in lieu of vacation was allowed for Winfred Burkhart, with motion by Piercefield; second by Hall. There were 7 Yeas.

George Lewis was allowed two weeks pay in lieu of vacation with the Council asking Jarvis to reprimand Lewis for lost work days and that he not be allowed any more time off this year unless he's ill. Motion by Piercefield; second by Hall. Motion carried.



Piercefield, Jarvis and Randall went to Springfield and looked at a 977 ('70 Model) CAT loader and 1972 Chevrolet dump truck with an 11 foot dozer blade attached. Owner wants \$27,600 for both, with \$5,000 deposit and balance in 90 days same as cash. Randall stated Community Development could rent this equipment for work they do and would be paying approximately 1/2 the cost of the equipment with these rental fees.

Kelley moved we buy both pieces of equipment; Faulkner seconded. There were 6 Yeas with Hall voting Nay. Motion carried.

Piercefield brought before the Council an invoice for a holster purchased from Law Enforcement Equipment Co. by former Police Chief, William Myers. On motion by Piercefield, second by Smith, we are to notify this company that they bring suit against Mr. Myers to get their money. The City is not responsible for his personal bills. Motion carried with 7 Yeas.

Claude Mann appeared before the Governing Body to voice his grievance about council attendance and the problems we've been faced with in holding meetings. In answer, Councilman Hall stated he'd only missed one meeting before the Recall Election. He did not recognize what was being done and since the Court's ruling on March 10th, he'd returned to the meetings.

Piercefield made a motion that 4 tires be purchased from Goodyear Service Store for a police car. Faulkner seconded. Motion carried.

Motion was made by Piercefield, seconded by Faulkner, that Ethel Riggs be employed to work Saturday mornings and Monday evenings as police dispatcher. There were 6 Yeas and 1 Nay by Smith. Motion carried.

Motion made by Piercefield that Scott Shaw be allowed one week's vacation, starting March 24, 1980. Second by Hayes. Motion carried.

Roger Swaney was recommended by Mayor Williams to be a regular patrolman, stating he was doing a super job and that all of his co-workers spoke highly of him, saying they enjoyed working with him. Piercefield made the motion with second by Kelley, that Swaney be employed as a regular patrolman. Motion carried with 7 Yeas.

Discussion was held on the Crime Lab costs for the Police Department. A contract had been offered for \$640.00 per year or \$40.00 a case with Officer Larry Hargis stating his preference to pay by the case. It was so moved by Piercefield, seconded by Kelley. Motion carried.

Howard Jarvis asked to have a \$4,600 check for the dump truck be made out separately in order for him to receive a clear title immediately. Piercefield moved, seconded by Kelley that this be allowed. Carried.

Mayor Williams asked the Police Committee to meet with him Tuesday, March 25th, at 5:00 P.M. for the purpose of reviewing applications received for the position of Chief of Police.

Complaints have again be received on Steve Vogel parking large trucks on Main Street. Officer Hargis was asked to speak to him about the problem. Hargis stated we need an ordinance covering this situation and also the distance parking is allowed from fire hydrants and cross walks. No action taken.

Ordinance No. 1019; an ordinance relating to payment for water furnished consumers by the City of Galena, Kansas, deposit for same, time of payment, penalties and service, and repealing Ordinance No. 847 and any other ordinances in conflict therewith.

The only changes made were due date of 15th instead of 10th day of month and 12% penalty as late charge. Piercefield made the motion the ordinance be accepted. Faulkner seconded. There were 6 Yeas and 1 Nay (Hall). Motion carried.

Resolution No. 80-104 authorizing Mayor, L. G. Williams, City Clerk, Norma J. Lutz, and City Treasurer, Susan DeGraff, to be the official signers of all City and Community Development financial papers was adopted on motion by Kelley, second by Faulkner. Motion carried with 7 Yeas.

Piercefield moved, seconded by Hayes, that Delores Smith be appointed Mayor Pro-Tem. Motion carried.

Hall made the motion that Payroll Ordinance 80-7, Appropriations Ordinance 80-7 and Community Development Appropriations be accepted. Second was by Piercefield. Motion carried with 7 Yeas.

Hayes moved for adjournment. Faulkner seconded. Motion carried by standing.

  
L. G. Williams, Mayor

  
Norma J. Lutz, City Clerk