

## MINUTES OF THE GALENA CITY COUNCIL, GALENA, KANSAS, FEBRUARY 18, 1969

The council of the City of Galena, Kansas, met in regular session in the councilroom at the city hall building February 18, 1969, at 7 o'clock p.m.

Present: Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett.

Absent: Councilmen Cure and Watkins.

Presiding: Mayor Frank P. Dillon.

Present also: City Marshal Karr, Supt. Barnes, and Acting City Clerk Noe.

Councilman Pittman moved, seconded by Councilman Brown, that the reading of the minutes be dispensed with and same placed on file. Motion carried by a show of hands.

Councilman Pittman moved, seconded by Councilman Bogle, that the 1948, 2-dr, Chevrolet, Id. No. FAA366029, used by the city water department be sold to the highest bidder, Wesley Mooney, for \$50.00. On roll call the motion carried as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none.

Mayor Dillon read a letter from Jess McGuire which stated that he would like to use the property owned by the city that is located next to his. Councilman Tackett moved, seconded by Councilman Kaehler, that the service committee look into this matter. Motion carried by a show of hands.

Councilman Pittman moved, seconded by Councilman Tackett, that the minutes dated February 10, 1969, be approved. On roll call the vote was as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none.

At the request of Mayor Dillon Acting City Clerk Noe read in full the following Resolution:

RESOLUTION AUTHORIZING EXECUTION  
OF PRELIMINARY LOAN CONTRACT AND  
GENERAL DEPOSITARY AGREEMENT AND  
ISSUANCE OF PRELIMINARY NOTES

WHEREAS the City of Galena, Kansas, (herein called the "Local Authority") proposes (1) to enter into a contract (herein called the "Preliminary Loan Contract") with the United States of America (herein called the "Government"), (2) to enter into an agreement (herein called the "General Depositary Agreement") with Citizens State Bank of Galena which is a member of the Federal Deposit Insurance Corporation and is herein called the "Bank", and (3) to authorize the issuance of its notes as evidence of advances to be made by the Government to the Local Authority pursuant to the Preliminary Loan Contract.

BE IT RESOLVED BY THE LOCAL AUTHORITY, AS FOLLOWS:

Section 1.

The Preliminary Loan Contract in substantially the form of HUD-52480 hereto attached and marked "Exhibit A" is hereby approved and accepted both as to form and substance and the Mayor is hereby authorized and directed to execute said Contract in five copies on behalf of the Local Authority, and the City Clerk is hereby authorized and directed to impress and attest the official seal of the Local Authority on each such counterpart and to forward said executed counterparts, or any of them, to the Government together with such other



documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

Section 2.

The General Depositary Agreement in substantially the form of HUD-51999A hereto attached and marked "Exhibit B" is hereby approved and accepted both as to form and substance and the Chairman or Vice Chairman of the Housing Authority of the City of Galena, Galena, Kansas, 66739, is hereby authorized and directed to execute said Agreement in five copies on behalf of the Local Authority, and the Secretary of said Housing Authority is hereby authorized and directed to impress and attest the official seal of the Local Authority to each such counterpart, and to forward three executed counterparts thereof to the Government, together with such other documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

Section 3.

The Chairman or Vice Chairman or the Secretary of the Housing Authority of the City of Galena, Galena, Kansas, 66739, is hereby authorized to file with the Government from time to time as monies are required, requisitions together with the necessary supporting documents requesting advances to be made on account of the loan provided in the Preliminary Loan Contract, and the proper officers of the Local Authority shall prepare, execute, and deliver to the Government Preliminary Notes hereinafter authorized and shall accept payment therefor from the Government in cash and/or exchange for other notes of the Local Authority, and such persons are authorized to do and perform all other things and acts required to be done or performed in order to obtain such advances. Cash proceeds from the sale of all Preliminary Notes shall be deposited and disbursed only in accordance with the provisions of the Preliminary Loan Contract.

Section 4.

(A) In order to evidence advances made by the Government pursuant to Preliminary Loan Contract and to refund, renew, extend, or substitute for any Preliminary Notes by this Resolution authorized to be issued (or any Preliminary Notes by any other resolution authorized to be issued which are outstanding, or on deposit for delivery pending payment therefor, as of the date this Resolution becomes effective), or for any Temporary Notes issued by the Local Authority, there are hereby authorized to be issued, from time to time, Preliminary Notes of the Local Authority in an aggregate principal amount outstanding at any one time (whether authorized by this Resolution or any other resolution authorizing the issuance of Preliminary Notes) equal to the aggregate Estimated Cost of Preliminary Surveys and Planning specified in said Preliminary Loan Contract.

(B) Each Preliminary Note shall bear interest, and shall be payable, in form and manner as prescribed by the Preliminary Loan Contract and this Resolution; shall be signed in the name of the Local Authority by the Mayor; and shall have the official seal of the Local Authority impressed thereon attested by the City Clerk and shall otherwise be in substantially the form of note hereto attached and marked "Exhibit C".

(C) Each Preliminary Note shall be payable exclusively from the income and revenues of the project or projects financed from the proceeds of this Note or from other loans from the Government.



(D) As additional security for the equal and ratable payment of the principal of and interest on all Preliminary Notes issued pursuant to this Resolution the Local Authority, to the fullest extent permitted by the laws of the State, hereby pledges, mortgages, conveys, and grants, unto the United States of America (or any successor to its powers, functions, and duties), all the real and tangible personal property wheresoever situated which it has acquired or may hereafter acquire in connection with or relating to the low-rent housing undertaken pursuant to the Preliminary Loan Contract. If the preceding sentence shall be adjudged by a court of competent jurisdiction to be invalid or ineffective it is the intention of the Local Authority to be fully obligated under the other provisions of this Resolution and that such judgment shall not impair or invalidate the obligation of the Local Authority to pay the principal of and interest on each Note from other funds of the Local Authority as herein provided.

#### Section 5.

Whenever the following terms, or any of them, are used in this Resolution, the same, unless the context shall indicate another or different meaning or intent, shall be construed, and are intended to have meanings as follows:

- (1) The term Resolution shall mean this Resolution.
- (2) All other terms used in this Resolution and which are defined in the Preliminary Loan Contract shall have the respective meanings ascribed thereto in the Preliminary Loan Contract.

#### Section 6.

All resolutions or parts of resolutions heretofore adopted by the Local Authority which authorize the issuance and/or delivery of Preliminary Notes (sometimes called Preliminary Loan Notes) pursuant to the Preliminary Loan Contract are hereby repealed: Provided, however, that such repeal shall in no way affect the validity of Preliminary Notes or Preliminary Loan Notes issued pursuant to said resolutions which are outstanding or on deposit for delivery pending payment therefor on the date this Resolution becomes effective.

#### Section 7.

This Resolution shall take effect immediately.

Following discussion, Councilman Pittman moved its adoption and Councilman Tackett seconded the motion. On roll call the following vote was recorded: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none. Passage of the motion was declared by the Chair.

Councilman Barker read a bid from R. J. Carter to paint the water tower at Sixth & Wood. Councilman Barker moved, seconded by Councilman Pittman, to table this matter. Motion carried by a show of hands.

Councilman Barker moved, seconded by Councilman Bogle, that Supt. Barnes be instructed to purchase the necessary paint to paint the inside of the new tanks at Empire Well. Motion carried on roll call as follows: Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none. Mayor Dillon declared passage of the motion.

Councilman Bogle moved, seconded by Councilman Barker, that a street light be installed on the corner of Barnes and Vine. Motion carried

on roll call as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none.

After reading the library report for the period of January 1, 1968, to January 1, 1969, Councilman Pittman moved, seconded by Councilman Tackett, that same be approved and accepted. Motion carried by a show of hands.

Councilman Pittman, seconded by Councilman Brown, moved that two (2) 6' chain link gates to be installed in the hall leading to the cells and the door leading to the civil defense room be purchased from M. Robeson Lumber Company for the amount of \$115.00. On roll call the vote was as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none.

Councilman Kitch moved, seconded by Councilman Bogle, that the American Legion be allowed to buy lots 3, 4, 5, and 6 of Block 29 in the First Addition of Oak Hill Cemetery at \$1.00 a lot. Motion carried on roll call as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none. Mayor Dillon declared passage of the motion.

After Supt. Barnes read his report for the month of January, Councilman Barker moved, seconded by Councilman Bogle, that the report be accepted and placed on file. Motion carried by a show of hands.

Councilman Pittman introduced the following:

BE IT RESOLVED, the following be adjusted:

# 446	Gale Davis	\$ 2.07
# 499	Jess Titus	3.96
# 808	Ruby Pittman	1.61
#1193	Ben Bailey	1.40
#1237	Masonic Hall	5.71
#1312	Yount's Law Office	<u>1.54</u>
		\$16.29

Councilman Pittman moved, seconded by Councilman Tackett, that the foregoing resolution be adopted. Motion carried on roll call vote as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Mayor Dillon declared passage of the motion.

Councilman Tackett introduced the following:

BE IT RESOLVED, the following final account be adjusted:

ACCOUNT NUMBER	NAME	TOTAL AMOUNT OF DELINQUENT BILL	AMOUNT OF DEPOSIT	REFUND	LOSS
#1015.1	Larry Gilmore	\$4.43	\$15.00	\$10.57	-

Last reading date was 1-7-69. Card was returned by post office with statement "Unclaimed" on it.

Councilman Tackett moved, seconded by Councilman Pittman, that the foregoing resolution be adopted. Motion carried on roll call vote as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none.

Councilman Tackett moved, seconded by Councilman Pittman, that the Christian Church be granted permission to put up a "Welcome" Sign at the west edge of the city limits. On roll call the vote was as follows: Yeas - Councilmen Pittman, Brown, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - Councilman Martin.



Mrs. Maude Barbee introduced herself to the council and stated her reason for being at the meeting was to ask the city attorney about Jeanette McCarroll whose property was condemned at the last regular session of council. As the city attorney, Helen Yount, was not present at the meeting, Councilman Bogle moved, seconded by Councilman Tackett, that this matter be turned over to her to look into as soon as possible. Motion carried by a show of hands.

Councilman Pittman read a letter from Ron Baker, State Planning Agency, asking the city to join in a program that could match funds with the city and better help the city police department in acquiring new equipment, uniforms, better training, etc. After reading the letter, Councilman Pittman moved, seconded by Councilman Brown, that City Marshal Karr be allowed to prepare a list of needed items asked for in the letter. Motion carried on roll call as follows: Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none.

Councilman Tackett moved, seconded by Councilman Pittman, that Ordinance No. 570 be placed on roll call vote for adoption as presented. The meeting being public the ordinance was dicussed and passed on roll call as follows; Yeas - Councilmen Pittman, Brown, Martin, Kitch, Barker, Bogle, Kaehler, and Tackett. Nays - none. Mayor Dillon declared the passage of the ordinance.

On motion properly made and seconded, the meeting was adjourned.

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Mayor

Patricia K. Noe  
Acting City Clerk