

PUBLIC HEARING, MARCH 18, 1975, WARD REAPPORTIONMENT, COURTROOM CITY HALL.

COUNCIL MET IN REGULAR SESSION, COUNCIL ROOM.

MAYOR JACK N. MURRAY PRESIDING.

COUNCILMEN PRESENT:

BANKSON BARKER BOGLE CHESNUTT DAVIES JAY KAEHLER HANSBRAUGH

COUNCILMEN ABSENT:

BAILEY LATURNER

MINUTES OF THE MEETING HELD ON MARCH 4, 1975 WAS PRESENTED TO COUNCIL FOR APPROVAL. MOTION MADE BY COUNCILMAN JAY AND SECONDED BY COUNCILMAN HANSBRAUGH THAT THE MINUTES BE APPROVED AND PLACED ON FILE. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BANKSON THAT WE ADJOURN AND RECONVENE IN THE COURTROOM FOR THE PUBLIC HEARING. MOTION CARRIED.

THE PUBLIC HEARING OPENED ON WARD REAPPORTIONMENT. THERE WERE ABOUT 25 PERSONS PRESENT FOR THE HEARING. THE MAYOR OPENED THE MEETING BY READING KSA 14-103 "DIVISION OF CITY INTO WARDS; LIMITATIONS; REDEFINITION OF BOUNDARIES, WHEN; REDUCTION OF WARDS, CONDITION.WHEN THE NUMBER OF REGISTERED VOTERS IN ANY WARD EXCEEDS BY MORE THAN TWENTY PERCENT THE NUMBER OF REGISTERED VOTERS IN ANY OTHER WARD, THE CITY COUNCIL SHALL CHANGE AND REDEFINE THE BOUNDARIES OF THE WARDSTO BE AS NEARLY EQUAL AS POSSIBLE.....THEN FROM THE HANDBOOK FOR THE CITY GOVERNING BODY THE MAYOR READ THE SECTION ON WARDS WHICH WAS ABOUT THE SAME AS KSA 14-103. WHETHER SUCH A STATE STATUTE EXISTED OR NOT, IT IS RECOMMENDED THAT THE EXISTING WARDS BE REVIEWED BY THE CITY GOVERNING BODY FROM TIME TO TIME TO INSURE THE WARDS ARE NEARLY EQUAL IN POPULATION.....THE MAYOR READ THE MOST RECENT LIST OF NUMBERED REGISTERED VOTERS IN EACH WARD AS RECORDED IN THE COUNTY CLERKS OFFICE. FIRST WARD, 112; SECOND WARD, 517; THIRD WARD, 480; FOURTH WARD, 210; FIFTH WARD, 204. THE CITY CAN EXEMPT ITSELF FROM THIS LAW BY CHARTER ORDINANCE. THE PURPOSE OF THIS HEARING IS TO GET THE OPINIONS AND FEELINGS OF THE VOTERS OF GALENA AS TO HOW THEY WOULD BEST LIKE TO HANDLE THIS PROBLEM. THE MAYOR ASKED THAT ALL THOSE IN FAVOR OF REAPPORTIONMENT TO STAND AND GIVE THEIR NAME AND REASON, THEN THE ONES OPPOSED WERE TO DO THE SAME. AMONG THOSE WHO WERE IN FAVOR OF THE CHANGE WERE DAN WILLIAMS, HILDA PROCINO, JACK PRICE, HERMAN KEYSER. THE REASON BEING MORE EQUAL REPRESENTATION. THOSE OPPOSED WERE DELLA BYNUM, BUD PIERCEFIELD, NAYDENE MCCANN. THE REASON BEING THAT THE MAJORITY OF PERSONS WERE SATISFIED WITH THE WARDS AS THEY ARE. THE COST OF HAVING A SURVEY AND THE TIME INVOLVED AND TO WHETHER THE CITY COULD AFFORD THIS WAS DISCUSSED. ALSO, SOME OF THE PERSONS FELT IT SHOULD BE PUT ON THE BALLOT FOR ALL THE VOTERS. WHEN THE MAYOR ASKED FOR A COUNT THERE WERE 8 OPPOSED, 8 IN FAVOR OF AND 8 TO PLACE IT ON THE BALLOT. MAYOR MURRAY STATED THAT THE COUNCIL HAD VOTED TO HOLD TWO PUBLIC HEARINGS TO GET THE FEELINGS AND OPINIONS OF THE VOTERS AND CITIZENS OF GALENA. THE SECOND HEARING IS SET FOR MARCH 25, 1975 AT 7 P.M. COURT ROOM, CITY HALL. THE MAYOR URGED THAT EVERYONE COME BACK AND TO BRING FRIENDS, NEIGHBORS AND RELATIVES. MR. FRANK TACKETT ARRIVED LATE AT THE MEETING, BUT WHEN ASKED HIS OPINION HE WAS IN FAVOR OF AND FELT IT SHOULD BE PUT BEFORE THE PEOPLE. MR. CLIFFORD MCQUILLEN ALSO ARRIVED LATE AND HE STATED THAT THE SUPREME COURT HAD RULED IN ONE CASE THE ONE MAN ONE VOTE SYSTEM AND HE FELT THERE SHOULD BE A CHANGE. IN FAVOR OF.

SINCE EVERYONE HAD SPOKEN THEIR FEELINGS THE MAYOR DECLARED THE MEETING CLOSED AND THAT THEY WOULD MEET AGAIN MARCH 25, 1975 FOR THE SECOND HEARING.

PUBLIC HEARING ON CABLE TELEVISION.

THE MAYOR OPENED THE MEETING BY STATING THAT A MONTH AGO THE COUNCIL HAD HEARD FROM HUDSON BROTHERS CABLEVISION IN REGARDS TO GETTING A FRANCHISE WITH THE CITY TO PUT IN CABLE TELEVISION. THEY WERE WANTING TO GET BAXTER, RIVERTON AND GALENA TO PUT IT IN AT THE SAME TIME SO THAT THEY WOULD BE ABLE TO SERVICE THE THREE AREAS BY PUTTING IN ONE CABLE TOWER. THEY WOULD THEN HAVE OFFICES IN EACH AREA TO SERVE THE PEOPLE. WE ASKED THAT THEY SEND US A SAMPLE FRANCHISE FOR THIS SERVICE SO THAT COUNCIL COULD CONSIDER IT. WE RECEIVED THE SAMPLE FRANCHISE ORD. AND ONE OF THE REQUIREMENTS WAS THAT WE HOLD A PUBLIC HEARING TO GET THE FEELINGS OF THE PEOPLE OF THE CITY. KANSAS STATUS, 1974 REQUIRES THAT A PUBLIC HEARING BE HELD ON FRANCHISE GRANTS. A PERFORMANCE BOND HAS TO BE PLACED WITH THE CITY. IF THE COMPANY DOES NOT COMPLY WITH THEIR CONTRACT THEN THEY FORFEIT THE BOND. THE PUBLIC HEARING HAS TO BE PLACED IN THE LOCAL PAPER ONE WEEK AFTER THE COUNCIL MEETING AND SINCE OUR NOTICE DOES NOT COMPLY WITH THIS WE WILL HAVE TO PUT THE NOTICE IN THE PAPER AND HOLD ANOTHER HEARING NEXT WEEK. HOWEVER, SINCE WE ARE ALL HERE TONIGHT I WOULD LIKE TO GET SOME OF THE FEELINGS AND OPINIONS OF THE PUBLIC. COUNCILMAN JAY WANTED TO KNOW

IF THEY WOULD APPLY FOR FCC PERMIT. JACK EXPLAINED THAT THEY HAD THIRTY DAYS TO ACCEPT COUNCILS ORDINANCE, BEFORE THEY WOULD HAVE TO APPLY FOR PERMIT. DAN WILLIAMS WANTED TO KNOW IF THE REVENUE FROM THE FRANCHISE COULD BE EARMARKED FOR A CERTAIN PROJECT, SUCH AS, STREET REPAIR. HERMAN KEYSER WANTED TO KNOW IF WE HAD ANY MONEY LEFT FROM THE HUD CONTRACTS TO REPAIR THE STREETS. JACK EXPLAINED THAT THE MONIES THAT WERE ALLOWED FOR THE STREETS HAD BEEN DELETED BY COUNCILS APPROVAL SO THAT MORE WATER LINES COULD BE INSTALLED. WE WOULD GET 5% OF THE GROSS REVENUE FROM THE CABLE FRANCHISE. A QUESTION WAS ASKED AS TO WHETHER COUNCIL HAD THE AUTHORITY TO CHANGE OR ALTER THE FEES THAT THE CABLE COMPANY HAD SET UP. IT WAS NOTED THAT COUNCIL WOULD REVIEW ANY CHANGES IN COST. AT THIS TIME JACK MURRAY EXPLAINED ABOUT WHY THE STREETS HAD NOT BE REPAIRED. HE STATED THAT IT TAKES AT LEAST TWELVE MONTHS FOR THE GROUND TO SETTLE SO THAT BLACKTOP CAN BE APPLIED, OTHERWISE, IF THE STREETS WERE TO BE REPAIRED BEFORE THE GROUND HAD SETTLED, THE BLACKTOP WOULD CRACK. ALSO, WE HAD A PUBLIC HEARING ABOUT ONE MONTH AGO TO GET THE PUBLICS FEELING ON WHERE WE SHOULD APPLY THE CDBG THAT THE CITY WILL BE ENTITLED TO. WE ARE TO RECEIVE AROUND 509,000.00 EACH YEAR FOR THE NEXT THREE YEARS. THIS YEAR WE APPLIED FOR A WATER TOWER AND ADDITIONAL WATER SERVICE LINES TO SHAW HILL RESIDENTS. WE HAVE TRIED TO EARMARK THE REST FOR STREET REPAIR. DUE TO THE FACT THAT NO LEGAL ACTION COULD BE TAKEN AT THIS MEETING THE MAYOR DECLARED IT CLOSED AND THAT THE NEXT PUBLIC HEARING WOULD BE NEXT WEEK, AT THE REGULAR COUNCIL MEETING. URGED EVERYONE TO COME. MEETING CLOSED. COUNCIL RECONVENED IN THE COUNCIL ROOM FOR THE REGULAR COUNCIL MEETING.

THE MAYOR DECLARED THE COUNCIL MEETING OPEN.

FIRST ON THE AGENDA WAS MONIES FOR THE JR. LEAGUE AND BABE RUTH LEAGUE. MR. PAUL AVICOLA REPRESENTED THE LEAGUES AND STATED THAT THE BASEBALL LEAGUES HAD DECIDED TO BUILD A NEW BALL DIAMOND AS THEY WERE GOING TO APPLY FOR A CHARTER FOR BASEBALL FOR THIS AREA. IN THAT WAY, THE BOYS CAN BE PICKED FROM THIS AREA. COUNCILMAN KAEHLER NOTED THAT THE BUDGET DID NOT ALLOW FOR DONATION TO THE BABE RUTH LEAGUE. MR. AVICOLA ASKED IF IT COULD BE PLACED ON THE BUDGET FOR THE FUTURE. MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN BANKSON THAT \$300.00 BE GIVEN TO THE JR. LEAGUE BASEBALL PROGRAM. MOTION CARRIED. TO BE TAKEN FROM THE WATER FUND AS MONEY BECOMES AVAILABLE.

GALENA DAY. COUNCILMAN HANSBRAUGH ASKED FOR PERMISSION TO HOLD THE CELEBRATION ON MAIN STREET IN THE EVENING TIME, AND THAT MAIN STREET BE BLOCKED OFF DURING THIS TIME. THE CARNIVAL RIDES WILL STILL BE HELD ON THE LOT ON SHORT STREET. MOTION BY COUNCILMAN DAVIES AND SECONDED BY COUNCILMAN BANKSON THAT THE MAIN STREET BE BLOCKED BETWEEN 4TH AND 6TH STREET DURING THE EVENING HOURS ONLY. MOTION CARRIED.

OPENING OF ALLEYS. COUNCILMAN HANSBRAUGH STATED THAT THE ALLEY WAYS BETWEEN SHORT & WALL FROM 7TH TO 8TH STREET AND BETWEEN MAIN AND JOPLIN BETWEEN 20th & 21ST STREET NEEDED TO BE OPENED. HE ALSO STATED THAT HE HAD GOTTEN ENOUGH TILE TO PUT IN AT NO COST TO THE CITY. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BANKSON THAT THE CITY OPEN THESE TWO ALLEY WAYS AND THAT THE CITY CLERK WRITE A LETTER TO MR. DON MALLATT (DX STATION) THAT A BUILDING THAT HE HAS IN THE ALLEYWAY WILL HAVE TO BE REMOVED. MOTION CARRIED.

VACATION PAY, 1 WEEK IN LIEU OF A VACATION, MARY ANN LITTLE. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BARKER THAT THE PAY BE GRANTED. MOTION CARRIED.

ORD. 75-6. ORDINANCE 75-6 WAS PRESENTED TO COUNCIL FOR APPROVAL OF PAYMENT. COUNCILMAN KAEHLER NOTED THAT THE WATER DEPT. HAD TWO LEADMANS SALARY BEING TAKEN FROM IT AND HE ASKED THAT ONE OF THEM BE TAKEN FROM THE STREET DEPT. (CHARLIE FOSTER OR REX GANDY). MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN BANKSON THAT REX GANDYS SALARY BE TAKEN FROM THE STREET DEPARTMENT. MOTION CARRIED. COUNCILMAN HANSBRAUGH MADE A MOTION TO PAY THE CITY ATTORNEY \$150.00 REIMBURSEMENT FOR EXPENSES TO GET THE NO-FUND WARRANTS. SECOND BY COUNCILMAN BANKSON WITH THE MONEY TO BE TAKEN FROM REVENUE SHARING. MOTION CARRIED. MOTION BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BANKSON TO PAY FROM BOND AND INTEREST FUND THE AMOUNT OF \$9375.40 FOR PAYMENT THAT IS DUE. MOTION CARRIED. MOTION BY COUNCILMAN BARKER THAT THE STREET DEPT. PURCHASE 5600 GALS OF ROAD OIL WITH THE COST TO BE TAKEN FROM REVENUE SHARING BETWEEN NOW AND APRIL AS THE PRICE WILL GO UP IN APRIL. SECOND BY COUNCILMAN DAVIES. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN JAY THAT ORD. 75-6 BE APPROVED AS AMENDED. MOTION CARRIED.

UNFINISHED BUSINESS:

MAYOR MURRAY SAID THAT THE ORDINANCE BETWEEN EMPIRE DISTRICT ELECTRIC CO. AND THE CITY OF GALENA HAD BEEN PREPARED BY THE CITY ATTORNEY. IT WILL BE NECESSARY TO HAVE THREE READINGS BEFORE APPROVAL. THE FIRST READING BE AT TONIGHTS MEETING. THE MAYOR THEN READING ORDINANCE #967 TO THE MEMBERS OF COUNCIL. (COPY OF ORD. ON FILE IN CITY CLERKS OFFICE). THE ONLY CHANGE IS FROM 3% REVENUE TO 5% REVENUE TO BE PAID TO THE CITY. AFTER THE READING OF THE ORD. COUNCILMAN KAEHLER STATED THAT HE WOULD LIKE TO HAVE IT AMENDED TO STATE THAT LINEMAN WORKING FOR EMPIRE COULD LIVE IN GALENA. HE HAD HEARD THAT SEVERAL HAD TO MOVE TO DIFFERENT TOWNS. THE CITY ATTORNEY STATED THAT HE WOULD CHECK WITH EMPIRE DISTRICT ABOUT THIS DISCRIMINATION. THE MAYOR ASK THAT A MOTION BE ENTERTAINED ON THE FIRST READING AND THAT THE SECOND READING BE READ AFTER THE CITY ATTORNEY CHECKED WITH EMPIRE DISTRICT. MOTION WAS MADE BY COUNCILMAN JAY AND SECONDED BY COUNCILMAN KAEHLER THAT THE FIRST READING OF ORD. 967 BE APPROVED. COUNCILMAN JAY THEN STATED THAT HE WOULD LIKE TO WITHDRAW HIS MOTION SINCE COUNCILMAN KAEHLER HAD MADE SOME STRONG ALLEGATIONS AGAINST EMPIRE DISTRICT. THE MAYOR POINTED OUT THAT HE COULD NOT WITHDRAW HIS MOTION SINCE IT HAD RECEIVED A SECOND, BUT IF MR. KAEHLER WOULD WITHDRAW HIS MOTION THEN MR. JAY COULD WITHDRAW HIS. MR. KAEHLER STATED THAT HE DID NOT WANT TO WITHDRAW HIS SECOND TO THE MOTION AS HE HAD HEARD FROM RELIABLE SOURCES THAT THESE MEN DID HAVE TO MOVE. THE CITY ATTORNEY THEN STATED THAT HE WANTED TO GO ON RECORDS AS TO THE FACT THAT THERE WERE NO ALLEGATIONS MADE. THE MOTION REMAINED THE SAME AND EVERYONE VOTED IN FAVOR. MOTION CARRIED.

ORD. ON INCREASE IN WATER RATES. THE MAYOR READ AN ORDINANCE THAT HAD BEEN DRAFTED BY THE WATER COMMITTEE TO INCREASE THE WATER RATES. (COPY OF ORD. ON FILE IN CITY CLERKS OFFICE). AN INCREASE IN MINIMUM WATER RATES AS WELL AS AN INCREASE FOR EACH THOUSAND GALLONS USED AFTER THE FIRST THOUSAND. MOBILE HOMES ON TRAILER PARKS WOULD HAVE A DIFFERENT RATE. 10% PENALTY ADDED BUT NOT LESS THEN 50 CENTS. NEW CONNECTION FEE FOR INSTALLATION OF NEW METERS. IT WAS NOTED THAT THIS ORD. WAS PREPARED FROM ORD. FROM SURROUNDING TOWNS. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN BARKER THAT THE ORD. BE TABLED UNTIL A LATER DATE SO THAT EACH COUNCILMAN COULD GET A COPY AND REVIEW THE CHANGES. MOTION CARRIED.

TENNIS COURT. COUNCILMAN DAVIES STATED THAT THE TENNIS COURT HAD BEEN COMPLETED AND THAT SEVERAL PERSONS WOULD LIKE TO START USING IT. HE ASKED THAT THE NETS AND BACK STOPS BE PUT UP SO PERSONS COULD USE IT. MOTION WAS MADE BY COUNCILMAN DAVIES AND SECONDED BY COUNCILMAN JAY THAT THE NETS AND BACKSTOPS BE PUT UP AS SOON AS WEATHER PERMITTED. MOTION CARRIED.

COUNCILMAN KAEHLER STATED THAT HE HAD HEARD FROM THE MAYOR OF COLUMBUS ON A MATTER THAT CAUSED HIM SOME CONCERN. THE MATTER BEING THAT HE WAS UPSET OVER THE FACT THAT ONE OF OUR POLICEMANS HAD PULLED A GUN ON A 12 YEAR OLD COLUMBUS BOY. A SHORT DISCUSSION FOLLOWED ABOUT WHAT HAD HAPPENED AND THAT EVERYTHING WAS BELIEVED TO HAVE BEEN STRAIGHTENED OUT.

MOTION WAS MADE BY COUNCILMAN BOGLE AND SECONDED BY COUNCILMAN HANSBRAUGH THAT THE MEETING ADJOURN. MOTION CARRIED.


JACK N. MURRAY, MAYOR

MARY ANN LITTLE, CITY CLERK