

MINUTES OF
GALENA CITY COUNCIL MEETING

June 3, 1980

The Galena City Council met in regular session, Tuesday, June 3, 1980, at 7:00 P.M., in the Council Chambers.

The following members answered present on roll call: Smith, Means, R. Wade, Hayes, Kelley, T. Wade, Faulkner, Watkins and Hall.

Absent: Mann

Means moved the Council go into executive session for not more than 45 minutes to discuss minutes of May 21, 1980. Mayor Williams asked if applicants for Auxiliary Patrolmen could be considered at the same time. Watkins seconded the motion. At this time the Clerk was excused and left the Council Chambers.

Upon reconvening, minutes of the May 21st meeting were amended on Page 3 to read "Watkins moved that Mayor Williams pay for the nine particular calls made checking on Charles Ormiston. Means seconded. Again discussion became quiet heated and T. Wade again called for a point of order and asked members of the Council and Mayor not to refer to personalities. Vote was taken with 2 Yeas and 6 Nays. Motion failed."

Page 4 was amended to read "Means suggested that Police Committee meet with the Mayor and Scott Shaw to discuss Auxiliary Police and Dispatchers", deleting the date given.

Faulkner moved the minutes be accepted as amended. Hayes seconded. Motion carried with 7 Yeas: Watkins, R. Wade, T. Wade, Hayes, Smith, Faulkner and Kelley; 2 Abstentions: Hall and Means.

Attorney George Herrelson, representing M. T. Hughes of Hughes Productions, Neck City, Missouri, submitted an application for a cereal malt beverage license to operate at the location on W. 7th Street known as "New Place", owned by Melvin Cox. Hughes is incorporated with Scott Forbes as Manager. Forbes is a resident of Cherokee County, Kansas. The license is for selling 3.2 beer with liquor not involved. Mr. Hughes would consider operating one or two nights per week for young people with only candy and pop being sold. The corporation was not just formed for this business. Hughes also has light shows he puts on. The firm is incorporated in Topeka, Kansas.

City Attorney, Fayette Rowe, asked to see the Articles of Incorporation to see what business they can do. Mr. Rowe was of the opinion that a corporation could not operate a tavern.

Kelley moved we table any action on the application until Mr. Rowe comes up with an opinion. Smith seconded the motion. Carried with 9 Yeas.

Bill Hall and Jerry Derfelt of the Galena Volunteer Fire Department appeared before the governing body to demonstrate a new tool recently acquired by the department, called the "Jaws of Life". The device was purchased with no city funds but a grant from the Kansas State Forestry Service and a personal loan by Jerry Derfelt, securing the balance.

The device can be used for rescue from any heavy object, such as autos, trains, aircraft, etc. It only takes 40 seconds for the jaws to open to their widest point. It is the largest unit in the area and will be kept at the fire station. The unit can also cut the top off a car, literally tearing the vehicle away from victim instead of victim from vehicle as old method does.

Mr. Hall stated that within the past few years, the Kansas Forestry Service has provided \$17,000 to the fire department in matching grants.

Mr. Hall then asked if there were any questions concerning the Galena Day celebration. He informed the Council that all electric service used outside for the celebration was metered separately from the City and would be paid for by their department.

Mr. Derfelt spoke in regard to a project that the Galena Jaycees had been working on for 3 years; that was the purchase of Hillcrest Cemetery to give to the City. The Jaycees are now working with Attorney George H. Herrelson to have the title quieted with a Warranty Deed forthcoming. He asked the City to accept the upkeep of the cemetery while awaiting delivery of the deed. Mr. Derfelt stated they would like to present the cemetery to the City of Galena Saturday night during Galena Days Celebration, if Council will accept it. Spaces at Hillcrest have been selling for \$35 with \$75 for each opening. The Jaycees have kept the same price as previous owners. He invited Mayor Williams to participate in the presentation Saturday night, June 7th. The men were thanked by the Mayor for their presentation, who agreed to accept the cemetery in behalf of the City.

Tom Wade spoke on Ordinance No. 1022, concerning minors frequenting establishments that sell beer. He would like to see the Ordinance amended to read "any person 14 to 18 years of age would be allowed to enter these places if they presented a signature card from their parents or guardian, giving their permission."

Also, any business whose gross sales are 60% food would be exempt from this Ordinance. Any minor would be allowed to go into any tavern if accompanied by a parent or guardian.

T. Wade then moved we amend Ordinance No. 1022 with the stipulation that the City Attorney rule on legality of same. The motion was changed to request the City Attorney to prepare a new ordinance with changes written down to repeal Ordinance No. 1022. Watkins seconded the motion. There were five Yeas and 4 Nays. Motion carried.

Councilman R. Wade asked about letter received from bank in regard to parking on 5th Street. Mayor Williams suggested Street Committee meet with bank officials in order to work out some solution to the parking situation on 5th Street.

Linda Sanders appeared in behalf of her father, Leonard France, who wished to hold a country-western street dance on Main Street between 2nd and 3rd Streets. He asked to have Main Street blocked from 2nd to 3rd on June 7, 1980, from 8:00 P.M. to approximately 10:00 P.M.

Kelley moved that the street be closed for that particular time. Faulkner seconded his motion. Carried with 9 Yeas.

Doug Banning, Swimming Pool Manager, requested Council clarification on several matters in regard to the pool: Day rates were set at \$1.00 for adults and 50¢ for children, which is the same as last year; swimming lessons are to be allowed with articles in newspapers making people aware of same. Banning will only charge for help on duty during lessons; swimming parties will be allowed at night with Banning setting his own hours. Mayor Williams stated he'd checked and was told as long as overhead lights exist, night swimming is allowed. Underwater lights are not necessary.

Means asked if we might run into budget problems if we kept pool open too long.

Closing hours for pool would be at Manager's discretion. Councilman Hall suggested hours be posted.

Swimming parties would be \$25 for two hours, scheduled after regular hours.

Faulkner moved Doug meet with Parks Committee to regulate his fees and hours. Smith seconded. Carried with 9 Yeas.

Mayor Williams asked permission of Council to draw up an ordinance relating to the display of pornographic magazines. He asked that they be kept where young children could not reach them.

T. Wade moved the ordinance be drawn up. Died for lack of a second.

Mayor Williams spoke about method we have been using approving the payroll. The Council has been meeting every two weeks to approve the payroll. The Mayor is in favor of checks being presented to employees when they are due without waiting for the Council to meet each time. Discussion followed with the Mayor asking Attorney Rowe if someone is hired by the hour, do we have to approve it each time. Attorney Rowe did not feel it was necessary but several council members felt it had to be done in order not to violate State statutes. The Finance Committee will meet and work this out.

A letter was presented requesting payment on a bill to Harold Crook, Judge Pro-Tem in the Lillian Price trial for \$200. Mr. Rowe said Mr. Crook had agreed to work for \$100 instead of \$200. The bill must be paid to the Administrator or Executor of Judge Crook's estate and no one else, since he is now deceased. Ray Randall stated Mr. Crook agreed to come for 1 day for \$100 but the trial stretched into 2 days and 4 trips.

On the E. A. Martin bill for repair to the CAT dozer, Con Higginbotham has offered to pay one-half of the bill and the City the other half. One-half of the final payment due Mr. Higginbotham would be withheld. Council asked to have the agreement put in writing by Con Higginbotham. Hall moved we table action on the bill until Howard Jarvis confers with Mr. Higginbotham. T. Wade seconded the motion. Carried with 9 Yeas.

Vacations were approved for Frank Bartmess, July 7th-18th and one week for Sidney Matthews starting June 9th; one week's pay in lieu of vacation for Don Youngblood and two weeks' pay in lieu of vacation for Bob Brown. Motion by Hall, second by T. Wade. Carried with 9 Yeas.

Ray Randall asked Council permission for resolution to allow the signing by the Mayor, attested to by the Clerk, a contract between the City and Community Development for use of equipment on H.U.D. jobs at \$30 per hour. Jarvis stated Community Development already owes for 50 hours of work. He is to bill Community Development between the 15th and 30th of each month. The resolution is to satisfy H.U.D. Motion was by Faulkner, second by Kelley. Carried unanimously.

Randall requested an answer as soon as possible from the Council on the matter of a donation for Christmas lights for the City. A portion of the funds necessary have already been raised. Faulkner moved the matter be tabled for further study. Smith seconded. Carried with 9 Yeas. Randall then respectfully requested that the Finance Committee have a meeting so the matter could be discussed.

The Girls' Softball Field, through their spokesman, Jim Haines, told the Council the field needed a 400 Amp. control box at \$335 for service to their lights, plus 2,000 feet of wire. The telephone company is putting up the lights at no charge with all of them installed. All that is needed is wiring them in.

There is still \$7,00.47 in Park Improvement Fund from Community Development. Emphasis was made that this is a city park with the Girls' Softball League having authority over it. However, the diamond is open to anyone who asks to use it.

Jim Haines estimated it would cost approximately \$700 to do the work needed.

Faulkner moved the funds be taken from the Community Development Office and are not to exceed \$750. Smith seconded the motion. There were 6 Yeas: R. Wade, T. Wade, Hayes, Hall, Smith, Faulkner and Kelley. Means and Watkins abstained.

T. Wade made note of the fact that the City is doing all the work and not like the Little League Field where the School Board did most of the work.

Kelley spoke in regard to parking situation at Softball Field. People have been parking on the grass which ruins it or shoulder of the road which is not allowed because it's a State road maintained by them. He asked if

it would be possible for Jarvis to cut a 30 ft. wide road entering off of Short Street where cars can get down to park. Estimated cost for paving material, plus cables put up to stop cars, would be approximately \$300 to \$400.

Kelley made a motion that this work be done. Faulkner seconded. Carried with 9 Yeas.

Mayor read the names of Auxiliary Police submitted for appointment by Police Chief Scott Shaw and Police Committee members:

Charles Sliger - Approved on motion by Smith, second by Kelley - 9 Yeas.
Bill Morris - Approved on motion by Means, second by Kelley - 9 Yeas.
Bob Turner - Approved on motion by Kelley, second by T. Wade - 9 Yeas.
Earl Taffner - Approved on motion by T. Wade, second by Hall - 9 Yeas.
Mike Freeman - Approved on motion by T. Wade, second by Means - 9 Yeas.
Jimmie Bash - Approved on motion by Hall, second by T. Wade - 9 Yeas.
Doug Pittman - Approved on motion by Kelley, second by T. Wade - 6 Yeas,
3 Nays.
Paul Duncan - Approved on motion by Means, second by Watkins - 5 Yeas,
4 Nays.
Earl Turley - Approved on motion by T. Wade, second by Means - 8 Yeas,
1 Abstention by Smith.
Sam Rice - Approved on motion by T. Wade, second by R. Wade - 9 Yeas.

Means spoke to Council in regard to Cheryl Haines handling the duties of Court Clerk, stating he understood the Clerk would be in Court on Thursdays only, but understaffing problems were being created in the City Clerk's Office because of Court work on other days. Means asked if Idella Vanderpool could handle the Court Clerk's duties. He asked Judge Brown to give an opinion. According to Judge Brown the State wants Court changed so money will be handled out of Court. He stated the bookkeeping could be quiet complicated.

Faulkner moved that Miss Vanderpool go to window and Cheryl Haines stay as Court Clerk. Hayes seconded the motion. No vote was taken.

Means moved that the police dispatcher go in as Court Clerk contingent upon her being covered by the City's blanket bond.

Attorney Fayette Rowe stated that the Court might be censured if we do not have a Clerk in Court. He informed Council members that the K.B.I. was here last week investigating the Court, and we might be censured from the State.

Lengthy discussion followed with the motion by Means dying for lack of a second.

Means stated the City audit for 1979 and preparation of the 1981 Budget should be conducted at the earliest possible date. Means then moved the Auditor be contacted and start the audit as soon as possible after Monday of next week. Watkins seconded the motion. Carried with all Ayes.

Wilbur Moody appeared in regard to the Overlook Addition, passing maps around for all members to see. He asked what Council expected from the project. Members felt that sewer and water lines could be put in at a certain time and a certain amount with the developer paying for installation of lines and recovering his money as he sells the lots. T. Wade suggested a feasibility study be made with some way to handle this. The matter was tabled until the Water and Sewer Committee could meet and make a study of the problem along with Howard Jarvis and Wilbur Moody.

Means moved the Chief of Police pick his own sergeant. Faulkner seconded. Carried.

Watkins said he had received several complaints on nets at the tennis courts and stated we do need new nets. Fence for courts has been ordered. Discussion followed, especially in regard to the fact that fence needs to be fixed so that bikes can't be taken on the courts, and the courts need to be posted to that effect. Jarvis stated he would get fence up for courts.

T. Wade offered to get prices on some nets.

Kelley stated we need about six new picnic tables at park and would like to get forms from Baxter Springs to build them from. Faulkner told the Council members that new benches were needed around the swimming pool. No action was taken on either matter.

Ordinance No. 1030, providing for the amendment of Galena City Ord. 15-102 relating to and declaring weeds and tall grass to be a nuisance and setting forth the duties of the owner or occupant, was presented to the Council for approval.

Watkins moved, seconded by Kelley, that Ordinance No. 1030 be accepted. Carried unanimously.

The Galena Jaycees requested through Mayor Williams, that they be allowed to collect money at intersection of 7th and Main, on Flag Day, June 14, 1980. They will not interfere with the flow of traffic.

Watkins moved this be allowed. Kelley seconded. There were 6 Yeas with Means and Faulkner abstaining. Motion carried.

Appropriations Ordinance 80-13 with Check No. 5638 to Hobbs Typewriter in the amount of \$446.50 being deleted; Payroll Ordinance No. 80-13 and 80-13A; and Community Development Appropriations were approved on motion by Faulkner, second by Smith. There were 8 Yeas and 1 Abstention by Means. Motion carried.

Doyle Castleberry, Chairman of the Zoning and Planning Commission, informed the governing body that their next regular meeting would be June 9, 1980, at 7:00 P.M., with the unveiling of complete maps for land usage. Council and Mayor were invited to attend a public hearing on land usage at 8:00 P.M. the same day.

Public service announcements will be carried in local newspapers.

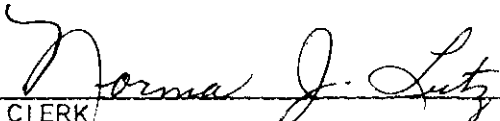
Mayor Williams read a letter of resignation from City Clerk Norma Lutz.

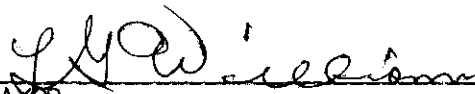
Watkins requested that the Council go into executive session with the press and Mrs. Lutz excluded to discuss the resignation.

Mrs. Lutz was recalled to the Council Chambers after approximately 30 minutes.

Upon reconvening, the resignation was once again presented to the Council. Motion was made by Means, seconded by Hall, that the resignation not be accepted. Hall also requested a roll call vote. There were 7 Yeas: Means, R. Wade, Kelley, T. Wade, Faulkner, Watkins and Hall; 1 Nay: Hayes; and 1 Abstention: Smith. Motion carried.

Faulkner moved for adjournment; Hall seconded. Carried by standing.


CITY CLERK


MAYOR