

MINUTES OF
GALENA CITY COUNCIL MEETING

June 17, 1980

The Galena City Council met in regular session, Tuesday, June 17, 1980, at 7:00 P.M., in the Council Chambers.

On roll call, the following members answered present: Kelley, Mann, Hayes, Watkins, Means, Smith, T. Wade, Hall and R. Wade.

Councilwoman Faulkner arrived in the Council Chambers at 7:10 P.M., and took her seat.

Minutes of the regular meeting of June 3, 1980, were read with T. Wade noting that on Page 3, the minutes should have stated Junior League instead of Little League. Motion was then made by T. Wade to accept the minutes. Hayes seconded the motion. Carried with 9 Yeas and 1 Abstention (Mann because she was not present at the meeting of June 3rd).

Minutes of the June 9, 1980, Zoning and Planning Commission Meeting were read to the Council and were approved on motion by T. Wade, second by Faulkner. Motion carried with 10 Yeas. In approving the minutes, the Council also accepted the resignations of Claude Mann and Bob Shears from the Zoning and Planning Commission and the appointment of Kenneth Ashburn and Robert Jones as their replacements.

Judy Gilstrap, representing the Galena Housing Authority, appeared to request three street lights for the housing development because they are having trouble with teenagers and vandalism. She asked for one light to be placed by the office and one one-half way down the alley on the West side and one half-way down the alley on the South side.

Mrs. Gilstrap also stated the community room was open three nights a week for young people to use and she wanted to withhold part of the money paid to the City in lieu of taxes. She requested \$550 total to pay utilities and buy some games. There would be approximately \$1,000 let to pay to the City.

Hayes moved we get the three lights installed. Hall seconded. Motion carried with 9 Yeas and 1 Abstention by Means.

Faulkner asked if any charge would be made to use the community room. Mrs. Gilstrap answered "no". She stated there would be no drinking allowed and there would be adults chaperoning the young people. The room would be open from approximately 7:00 P.M. to 10:00 P.M., depending on the adult in charge.

Motion was made by Faulkner, seconded by T. Wade, that the money be allowed. There were 7 Yeas, 2 Nays (Watkins and Kelley) and 1 Abstention (Means). Motion carried.

Howard Jarvis was given permission to purchase 2 Dresser fire hydrants at \$400, plus a 4" gate valve at \$160.59, on motion by Faulkner, second by Watkins. Carried with 9 Yeas and 1 Abstention (Means); 1 load of road oil from the third year funding of Community Development. Motion was by Faulkner and second by Hayes. Carried with 10 Yeas.

One week's vacation was approved for Frank Young on motion by Faulkner, second by Watkins. Carried with 10 Yeas.

George Herrelson, Attorney representing Hughes Productions, Inc., presented an application for a cereal malt beverage license. The application had been submitted at a previous meeting on June 3rd but was tabled until Fayette Rowe received a legal ruling on it from the Attorney General's

Office. Attorney Rowe stated that it's entirely proper for a corporation to have a beer license, and it's not at the discretion of the Council to accept or reject it if everything is in order, they must grant the license.

Ira Kelley asked if the location of a tavern would be of importance, stating this one would be close to new ball fields. The Mayor responded that only if it were close to churches or schools.

Watkins questioned if a minor can be allowed in the establishment even if beer is not sold but pop instead.

Attorney Herrelson stated they wanted to stay entirely legal and would not allow it if questionable.

Motion was made by T. Wade, seconded by Watkins, that the license be granted. There were 5 Yeas, 3 Nays and 2 Abstentions. Motion carried.

Mike Hall stated that the Water and Sewer Committee had met with Wilbur Moody and an agreement had been reached to install sewer and water lines for \$3900 in the Overlook Addition. Mr. Moody had said he had \$2000 he would put down outright if the City could not bear the entire expense at the present time. He plans to charge \$400 per lot for the utilities and agreed to sign a contract to reimburse the City from each sale. He wants first to have the City approve plot of map so he can have deed drawn up. Mr. Moody will also cut the streets or build them up and the City would have to grade them. Ray Randall, Community Development Director, stated plot plan for Overlook streets have already been put in as property of the City.

Delores Smith stated that Mr. Moody would like to have another meeting with the Committee.

T. Wade moved for acceptance of the Plot Plan for the Overlook Addition. Smith seconded. Motion carried with 9 Yeas and 1 Abstention by Means.

Don Means made the statement that officials of Citizens State Bank would like to have the curb on the North side of Fifth Street painted yellow with a 30 minute time limit on parking. R. Wade said he had talked with Steve Vogel and Vogel stated he only brought a truck in on Sundays and said it would be fine with him if 30 minute parking was allowed on the South side of the street the rest of the week. Means said he would like the Street Committee to look into this matter. No further action was taken.

An amendment was offered in regard to Ordinance No. 1022 in regard to minors under the age of 18 frequenting establishments where beer is sold for consumption on premises. The amendment would allow minors to enter if carrying a signature card signed by a parent or guardian or also while accompanied by a parent or guardian. T. Wade moved for acceptance of the amendment. Watkins seconded.

At this point Smith spoke in regard to problems the police would have enforcing such an ordinance.

Mayor Williams stated he would like to see Section 4 deleted (if minor has card bearing their name), stating how easy it is for a minor to obtain a card. He stated he would support an Ordinance that contained a statement "that if they derive 60% from food sales".

T. Wade said this would repeal parts of Ordinance No. 1022. He said he believed in people's rights and if we don't accept this, Council would be interfering with those rights. Lengthy discussion followed with vote finally be called for on T. Wade's motion. On roll call vote, there were 7 Nays: Kelley, Mann, Hayes, Means, Smith, Faulkner and Hall; 3 Yeas: Watkins, T. Wade and R. Wade. Motion failed.

Hall moved an Ordinance be drawn up repealing Ordinance No. 1022 in its entirety. T. Wade seconded.

At this time Police Chief Scott Shaw was asked about Police Department's feelings on the cereal malt beverage law. He explained certain situations that had come up and the problems faced filing charges. Shaw said police wanted an ordinance they could enforce, making the suggestion that it be drawn in a "fine form" with the fine on the proprietor and not the minor. Shaw was asked to meet with the Police Committee to draw up another ordinance which would repeal No. 1022.

Hall withdrew his motion and T. Wade his second.

Hall spoke in regard to Ordinance No. 1020 on attendance of Mayor and Council at meetings. Hall had called the Kansas League of Municipalities and was told it was "not worth the paper it was written on". Hall asked to have Ordinance No. 1020 repealed.

Glen Smith asked to speak at this point, stating he had a letter at home that was in direct conflict with what Hall said and it was also from the Kansas League of Municipalities.

Hall made motion at this point to have Ordinance No. 1020 repealed. T. Wade seconded.

Roll call vote was requested. There were 6 Yeas: Hayes, Watkins, Means, T. Wade, Hall and R. Wade; 4 Nays: Kelley, Mann, Smith and Faulkner. Motion carried that Ordinance No. 1020 be repealed.

Vacation was approved for Idella Vanderpool from July 7-21 on motion by T. Wade, second by R. Wade. Carried with 10 Yeas.

Smith moved the City donate \$500 to the Christmas Lights Fund.

Watkins moved for an executive session of not more than 30 minutes, with press excluded. T. Wade seconded. There were 7 Yeas and 3 Nays. Motion carried.

Upon reconvening, Ray Randall spoke on Land Use Plan coming up at the next meeting, July 1st, requesting all members read the plan before the next meeting.

Randall was asked where Christmas lights would be placed. He stated one block South of 7th & Main and as far North as possible. The Chamber of Commerce is trying to raise approximately \$3,000 for the lights.

Smith moved the City donate \$500 toward the purchase of the lights, T. Wade seconded the motion. There were 7 Yeas, 2 Abstentions and 1 Nay. Motion carried.

Randall asked the the City Building Inspector issue all building permits and the City Clerk collect the fees. R. Wade moved the inspector be allowed to issue the permits. Kelley seconded. Carried unanimously.

Attorney Rowe was on the Agenda in regard to cost deposits on cases he had filed and paid out of his own pocket, but stated he would like to pass it on to the next meeting.

Attorney Rowe presented an Ordinance No. 1031, an Ordinance assessing penalties for obstructing legal process or official duty. Judge Brown had requested this ordinance because he felt he needed more power to enforce the Ordinances and his duties.

Faulkner moved Ordinance No. 1031 be accepted. Kelley seconded. There were 8 Yeas and 1 Nay. Councilman R. Wade was out of the chambers when the vote was taken.

Tim Shamblin was given permission to cut a driveway through the curb at 906 Short Street. Motion was by Watkins, second by T. Wade. Carried with 10 Yeas.

Means moved to cash immediately a Certificate of Deposit in the amount of \$51,197.84 which would mature July 20, 1980. He asked that \$25,000 be placed in the checking account and the balance reinvested. T. Wade seconded the motion. Carried with 8 Yeas and 2 Nays.

Means spoke in regard to season tickets for the swimming pool. Discussion followed. Motion was made by Smith that refunds be made on season tickets already sold and that no more be sold. Kelley seconded the motion. Motion carried.

Mayor Williams asked that a check be made out to the Clerk of the District Court as cost deposit on a case Attorney Fayette Rowe had filed in District Court. Watkins moved the check be drawn. Smith seconded. Carried with 10 Yeas.

The final bill from Walter Melvin Painting Company was tabled until the next meeting.

Discussion was held on charges made at Galena Cemeteries. Howard Jarvis said the City could dig graves. Watkins moved that rates go to \$90 for each opening (\$135 on Saturdays or holidays) and \$50 per grave site. Smith seconded the motion. There were 8 Yeas, 1 Nay (Faulkner) and 1 Abstention (Means). Motion carried.

Mayor Williams presented a letter from the Kansas Department of Economic Development in regard to a grant for revitalization of downtown areas. Five cities under the population of 50,000 would be selected in Kansas. If the City is interested an answer is needed by June 27. It would cost the City approximately \$30,000 a year for a manager for the project, plus secretarial services, supplies, etc. If we do not receive the grant, we would not be out the money. Any committment made by the City could be withdrawn at any time.

Motion was made by Kelley that a letter be written expressing interest in the project. Second was by T. Wade. Carried with 9 Yeas and 1 Nay.

Discussion was held on rate increases for water and sewer with suggestions made that Water & Sewer Committees meet and come up with some recommendations. Watkins asked to have Howard Jarvis and Rex Gandy meet with the Committees at 7:00 P.M. Thursday.

One week's pay in lieu of vacation for Cheryl Haines was approved on motion by T. Wade, second by Hall. Carried with 10 Yeas.

Watkins made motion that Bill Hamlin receive one week's vacation, starting June 30th. Second was by Kelley. Motion carried.

Means asked Council approval for the purchase of 8 tires for police cars from M & M Auto Salvage at a price of \$42 each or \$336 total.

Motion was made by Watkins, seconded by Kelley, that the purchase be allowed from Revenue Sharing. There were 7 Yeas, 1 Nay (Faulkner) and 2 Abstentions (Hall and Smith). Motion carried.

A vacation for Darrell Brown from July 5-12 was approved on motion by Means, second by Watkins. Carried.

T. Wade moved for a letter of commendation to be written to the Fire Department for the good job they did on the Galena Days Celebration. Means seconded. Carried with 9 Yeas and 1 Abstention (Mann).

Mayor Williams read a "thank you" letter from the Galena Volunteer Fire Department, signed by Bill Hall, for the support given to them by the City in regard to the Galena Days Celebration.

A resolution must be authorized by the Council and drawn for the Mayor to sign in the amount of \$4,947.25 so the consulting engineers can apply for matching funds on the sewage system project.

T. Wade made the motion that this be allowed. Faulkner seconded. Carried.

Payroll Ordinance 80-14 and Payroll Ordinance 80-14A, also Community Development Appropriations, were approved for payment on motion by Faulkner, Second by Smith. Carried with 9 Yeas and 1 Abstention (Means).

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

Mayor

Norma J. Lutz

City Clerk