

MEETING OF THE CITY COUNCIL, GALENA, KANSAS, SEPTEMBER 19, 1967

The council of the city of Galena, Kansas, met in regular session in the council chamber at the city hall at 7 p.m., September 19, 1967.

Present: Councilmen Piercefield, Watkins, Barker, Cure, Kitch, Pittman, and Karr.

Absent: None

Presiding: Mayor Frank Dillon.

Also present: City Attorney Yount, City Marshall Hamlin, Superintendent of Public Work Barnes, and City Clerk Chesnutt.

Commissioner James Cowan, Kansas State Highway Commission, presented a "No Death Award" for the year of 1966 to the Police Department. Councilman Piercefield and City Marshall Hamlin received the plaque in behalf of the community.

Councilman Watkins moved, seconded by Councilman Pittman, that the reading of the minutes be dispensed with, approved and placed on file as presented by copy to the Governing Body. Motion carried by a showing of hands.

Councilman Pittman presented Mr. Thomas Nelson, owner and operator of a local cab stand. Mr. Nelson informed the Council that a Mrs. Brand was operating a taxi in competition to his service and that she was not licensed. Councilman Watkins moved, seconded by Councilman Piercefield, that the city marshall be instructed to investigate the complaint lodged against Mrs. Brand to determine whether or not the subject was illegally involved in the practice of hauling for hire and operating a taxi without proper license and required insurance. Motion, on roll call vote, carried as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None. Motion was declared passed by Mayor Dillon.

Following the reading of a written complaint against the owner, presumably Ern Ritter, 15th and Washington Avenue, of the property at 1113 Euclid being overgrown with weeds and the house in need of inspection by the fire marshall to determine whether or not it was a public safety hazard, Councilman Piercefield moved, seconded by Councilman Watkins, that the fire chief be instructed of the complaint and request that a report be made to the Governing Body at the next Council meeting, October 3rd. Motion carried unanimously viva voce.

Mayor Dillon informed the Council that the Lions Club would install two light poles and fixtures at the tennis court, at their own expense, if it could be tied in with the City's lighting service. Councilman Watkins moved, seconded by Councilman Pittman, that the matter be placed in the hands of the Park Committee for investigation and to determine the feasibility of the project. By a show of hands the motion carried.

Councilman Pittman moved, seconded by Councilman Watkins, that Patricia Noe be allowed to purchase minute paper, 125 sheets, for \$5.00 as requested. Motion carried on roll call vote as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None.

Councilman Karr introduced a petition for order of mandamus to compel redelivery of cereal malt beverage license by the American Legion Parks-Wade Post, #246, by and through its trustees, Archie Clark and Lloyd Schneiders and a peremptory order of mandamus for same issued by Wm. P. Meek, Judge of the 11th Judicial District of Cherokee County, Kansas. On August 24, 1967, a letter addressed to the Governing Body of City of Galena, Galena, Kansas, was personally handed to the city clerk by the writer and applicant for the license in question, Robert F. Hardwick, in the presence of Robert Q. Scott, Commander of the American Legion. Said communication was as follows:

"Gentlemen:

I was informed this date that a Retail Cereal Malt Beverage License was issued in my name for American

Legion Parks Wade Post 246. Please be advised that this License was issued in error. License should have been issued in name of American Legion Parks Wade Post 246. I am not the manager or agent for American Legion Parks Wade Post 246, I am only the Finance Officer.

Please be advised that I do not want my name used in any way with the issuance of any license or management of American Legion Parks Wade Post 246.

Yours very truly

Robert F. Hardwick
HARDWICK INSURANCE AGENCY"

September 5, the Council met in a regular meeting but lacking a quorum adjourned until 11 p.m., September 5, still lacking a quorum the meeting was again adjourned until the following day. On September 6, twelve (12) days after the request of the applicant, Robert F. Hardwick, action was taken on the application submitted by Robert Hardwick and the license was revoked as requested. On Saturday night, September 9, the Council again met at a special meeting at 6 p.m. to consider and discuss a new application for cereal malt beverage license as filed by Robert James Link, manager and agent for the American Legion Parks-Wade Post, #246. No action was taken however on the application by the request of Melvin Cox that the matter be tabled until a later date; Mr. Link also asked that the application be tabled for the time being. On September 15, 1967, service of summons on the aforementioned case, No. 22247, American Legion, Parks-Wade Post 246, vs. City of Galena, was issued.

Councilman Karr moved, seconded by Councilman Cure, that the Governing Body comply with the judge's order and reissue the license to Hardwick and the American Legion and the action taken by the Council and herein presented be entered as a matter of record within the minutes of the meeting, September 19, 1967. On roll call the vote was as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr and Pittman. Nays - None. Passage of the motion was declared by Mayor Dillon.

Councilman Karr moved, seconded by Councilman Watkins, that the license be re-issued to the American Legion and Robert F. Hardwick via Mr. Link. Motion carried via show of hands.

Robert James Link informed the Governing Body that he was withdrawing his application for a cereal malt beverage license.

Arthur Milton Moeller, recently appointed Chairman of the Planning and Zoning Commission, informed the Council that the Committee was holding an election of officers on September 21, 1967, 7 o'clock in the court room and the Advisory Committee would hold an informal meeting also on the same date.

Councilman Pittman moved, seconded by Councilman Watkins, that the Water Department purchase 1,000 ft., 2", galvanized pipe, approximate cost \$457.50; 1,000 ft. 3/4", galvanized pipe, approximate cost \$18.70 per hundred; at the lowest possible cost. On roll call the motion carried unanimously as indicated by the following: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - none.

Councilman Pittman moved, seconded by Councilman Karr, that the Street Department purchase a load of MC-3 Oil, approximately 2,310 gallons. On roll call the vote was as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None. Passage of the motion was declared by the Chair.

Following a general discussion of the need of previous records, Councilman Pittman moved, seconded by Councilman Watkins, that the city attorney be instructed to take the necessary steps to recover the Clerk's Record, No. 10, City of Galena, Kansas, as same had been missing from the City Clerk's Office since on or before April 10, 1967. Motion carried on roll call vote as follows: Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None.

Councilman Pittman reported to the Governing Body that Lee Baldwin, 807 East Eighth Street, had informed him that he, Baldwin, had deposited \$10 with the Water Department but had since lost his receipt for same and there was no written record of the transaction within the department. Mr. Baldwin was leaving town but would return and he wished to pay his current bill of \$5.65 with the \$10 and leave the balance of \$4.35 as a credit upon a future deposit.

Councilman Karr moved, seconded by Councilman Pittman, that Mr. Baldwin be granted the privilege of paying his current bill in the above-mentioned manner and a credit issued to him for future use. Upon roll call, the vote was as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman.

Councilman Watkins moved, seconded by Councilman Piercefield, that Mayor Dillon be reimburse for expenses incurred on his trip to Topeka. On roll call the vote was as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None.

Councilman Pittman moved, seconded by Councilman Watkins, that the Street Department purchase the necessary 24 ft of 15" tile, cost approximately 2.24 per ft, to be used at Eighth and Dewey Avenue. Motion carried on roll call vote as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None.

Councilman Watkins requested the Superintendent of Public Works, Henry Barnes, investigate complaints he had received regarding gravel washing very badly between 12th and Ninth Streets and particularly in and around the residence of Marion Davies, 417 West 12th Street.

City Marshal Hamlin reported that Jardon-Brelsford was checking to see if the guarantee provided for replacement of the alternator on the patrol car.

Permission was granted to Mrs. Clyde Titus to hold a meeting September 28, 1967, 7:30 p.m., in re-organizing and establishing a new saddle club for all interested citizens, in the court room.

Superintendent Barnes read in detail a report for August, 1967, for the Water Department. Councilman Barker moved, seconded by Councilman Pittman, that Mr. Barnes' report be accepted and placed on file within the city clerk's office as read. On roll call the motion was carried as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman.

Superintendent Barnes requested that Jack Ford, recently employed at \$1.90 within the Street Department, receive regular pay of \$2.15 per hour. Councilman Pittman moved, seconded by Councilman Kitch, that Jack Ford receive \$2.15 per hour as of September 18, 1967. Motion carried on roll call vote as follows: Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None.

Councilman Watkins moved, seconded by Councilman Pittman, that the Half-Century Center receive water service free gratis, and the city clerk prepare a letter, with the aid of the city attorney, informing the Center of same. Motion carried on roll call vote as follows: Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman.

Councilman Watkins introduced an ordinance for payment of certain claims, No. 533. The meeting being public was considered and amended as follows: Traveling Expense - \$46.54, Frank P. Dillon, under the Water Fund. On the third reading, motion was made and seconded, that the appropriation ordinance be passed on roll call vote which was as follows: Yeas - Piercefield, Watkins,

Barker, Cure, Kitch, Karr, and Pittman. Nays - None. Passage of the ordinance was declared by the Chair.

Councilman Karr introduced an ordinance entitled:

AN ORDINANCE DECLARING BUILDINGS LOCATED ON LOTS TWO HUNDRED ONE (201) TWO HUNDRED TWO (202) AND TWO HUNDRED THREE (203) IN BLOCK EIGHTEEN (18) OF THE ORIGINAL PLAT OF THE CITY OF GALENA, CHEROKEE COUNTY, KANSAS TO BE DANGEROUS, AND UNTENANTABLE AND CONDEMNING SAID BUILDINGS AND ORDERING THE SAME TO BE REMOVED.

Following discussion of the foregoing ordinance, Councilman Karr moved, seconded by Councilman Watkins, that the ordinance be approved and adopted and placed on roll call vote for passage. On roll call the vote was as follows: Yeas - Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman. Nays - None. Title was agreed to and the city clerk gave the ordinance number 545 and same was promptly signed and attested.

Councilman Karr moved, seconded by Councilman Watkins, that the Superintendent of Public Works block the entrance to Schermerhorn Park (within the Park Area) at Wood Street. Motion carried on roll call vote as follows: Piercefield, Watkins, Barker, Cure, Kitch, Karr, and Pittman.

The city attorney and city clerk were instructed to search for deeds and abstracts of the property owned by the City.

Councilman Watkins moved, seconded by Pittman, that the meeting be adjourned. Motion carried viva voce.

Mayor

Betty B. Chiswell
City Clerk