

1993 RESOLUTIONS

- 93-1 Stating the support for the filing of an applicaiton for funding a community Strategic Planning Grant with the Kansas Department of Commerce.
- 93-2 Adopting the State of Policy and Procedures for tax exemption for economic development
- 93-3 Residential Antidisplacement and relocation assistance plan under section 104 of the Housing & Community Development Act of 1974, as amended.
- 93-4 Assuring the Kansas Dept. of Commerce & Housing that the City of Galena has legal authority to submit a Grant Application to receive Grant Funds, authorizing the Mayor and City Clerk to act as representatives of the Grantee.
- 93-5 Assuring the Kansas Dept. of Commerce & Housing that funds will be continually provided for the operation & Maintenance of the water improvements to be financed with 1993 Community Development Block Grant Funds.
- 93-6 Regarding the contribution of City funds for a proposed community improvement project under the 1993 Small Cities Community Development Block Grant Program.
- 93-7 910 Short, Allowing 10 days for repairs 4/6/93
- 93-8 Authorizing the Mayor, the City Clerk and the City Treasurer of the City of Galena, Kansas to be the official signors of all official financial transactions pertaining to the City of Galena, Kansas.
- 93-9 Set hearing for Lot 5 Block 20, Spring Grove Addition to the City of Galena, Cherokee County, Kansas 1819 Galena To Show Why said real estate should not be condemned. July 20, 1993
- 93-10 Set hearing for 815 E. 7th as being unsafe and for the owner to repair or remove within 10 days.

A RESOLUTION STATING THE SUPPORT FOR THE FILING OF AN
APPLICAITON FOR FUNDING A COMMUNITY STRATEGIC PLANNING
GRANT WITH THE KANSAS DEPARTMETN OF COMMERCE.

RESOLUTION NO. 93-1

WHEREAS, the County of Cherokee is entitled to file for certain
funds available through the Kansas Department of Commerce; and

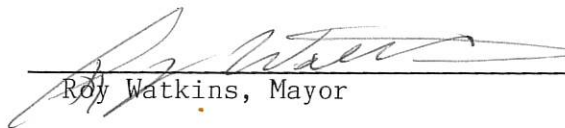
WHEREAS, it is required that a resolution authorizing the filing
of a Community Strategic Planning Grant be submitted to the Kansas
Department of Commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF GALENA, KANSAS:

SECTION 1. That the Board of City Commissioners fully supports the
application for funding a Community Strategic Planning Grant through the
Kansas Department of Commerce.

SECTION 2. That this Resolution shall be effective from and after
it adoption.

ADOPTED THIS 2nd day of February, 1993.



Roy Watkins, Mayor

ATTEST:

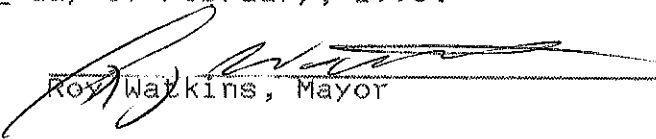


City Clerk

RESOLUTION 93-2

Be it Resolved by the City of Galena that the Statement of Policy and Procedures (attached to the official copy of this resolution) be adopted.

Passed by the Galena City Council and signed by the Mayor this 16th day of February, 1993.



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)

STATEMENT OF POLICY AND PROCEDURES
TAX EXEMPTION AND INCENTIVES FOR ECONOMIC DEVELOPMENT
CITY OF GALENA, KANSAS

<u>Section</u>	<u>Section</u>
1. Purpose	15. Application Required
2. General Objective	16. Application and Renewal Fees
3. Legal Authority	17. Initial Review Procedures
4. General Procedure	18. Administrative Review Committee
5. "Tax Incentive" Defined	19. Initial Governing Body Action
6. Jurisdiction	20. Notice of Hearing
7. Nominal Tax Determination	21. Letters of Intent
8. Minimum Payment in Lieu of Taxes	22. Annual Review
9. Special Assessments	23. Transfers of Ownership of Use
10. Pirating	24. Distribution of Revenue
11. Application of "But For" Principle	25. Exemption Ordinance
12. Standards for Determining Benefits	26. Exemption Forms
13. No Exemptions	27. Waiver of Statement Requirements
14. Amount of Tax Incentives	28. Definitions

Section 1. Purpose. The purpose of this statement is to establish the official policy and procedures of the City of Galena for the granting of property tax exemptions and the incentives for real and personal property used for economic development purposes, in accordance with the provisions of Section 13 of Article 11 of the Constitution of the State of Kansas.

Section 2. General Objectives. The securing of private economic growth and development and the addition of new jobs within the community are important current and long-term objective of this City. The granting of property tax exemptions and tax incentives is one of the tools available under Kansas Law to help secure these public objectives. This Statement is intended to establish the procedure and policy standards to govern the fair, effective and judicious use of the power to grant such exemptions and tax incentives in this City.

Section 3. Legal Authority. The governing bodies of Kansas counties and cities may exempt certain property used for economic development purposes from taxes for a maximum of 10 years, in accordance with the provisions of Section 13 of Article 11 of the Kansas Constitution, subject to such limitations or prohibitions as may be enacted by the legislature that are uniformly applicable to all cities and counties. This authority is discretionary with the City, and the City may provide for tax exemptions-incentives in an amount and for purposes more restrictive than that authorized by the Constitution of any such legislations. Pursuant to its home rule powers, the City may (1) require the owners of any property for which an exemption is requested to provide certain information, (2) condition the printing of an exemption to an agreement providing for the payment of in lieu charges or taxes under the provisions of K.S.A. 12-247 and 12-148, and (3) require the payment of initial application and annual renewal fees reasonably necessary to cover the costs of administration.

Section 4. General Procedure. The following basic procedure shall govern the issuance of tax exemption-incentives within this City:

- (1) The applicant business shall apply for a tax exemption-incentive by filing a written application as provided in Section 15.
 - (2) The City shall then determine whether the requested tax exemption-incentive (a) may be lawfully granted, and (b) should be granted, with the amount thereof later determined. (3) If it is determined that some exemption-incentive should be granted, it shall be granted subject to the following conditions and subject to an agreement of the business to make an in lieu tax payment as may be required by the City. (4) The amount of the tax incentive will then be determined in accordance with this Statement. (5) Upon the failure of the business to fully and timely pay the in lieu tax payments, as may be required as a condition of the granting of the exemption, or to provide reports or other information requested by the City and reasonably necessary for the implementation of this policy, the City may either deny, revoke, or not renew, the authorization of such as exemption. All requests for a tax exemption-incentive for economic development purposes shall be considered and acted upon in accordance with this statement.
- a. Applicant must notify City of alternate site being considered. Taxes at alternate site for proposed expenditure for real and personal property must be less than taxes would be at the Galena site. If taxes are, in fact, less at the alternate site, City will allow at least a 5 year exemption to equalize taxes. If applicant has no alternate site, City will use tax rate for rural Jasper County.
 - b. Applicant will receive 20% exemption for 5 years for each \$50,000 of real property improvements. Up to \$250,000 of real property improvements. For each \$50,000 of real property improvements over \$250,000, exemption of 100% will be extended an additional year up to 10 years maximum.

- c. Applicant will receive 20% exemption for each full-time employee to work during the five years. Exemption shall be for 5 years. For each full-time employee over 5 employees, exemption shall be extended 1 additional year up to 10 years maximum. This exemption applies to personal property bought during the 5 years.
- d. A full-time employee is defined as one working at least 1,000 hours during the year.
- e. Applicant must re-apply each year of the exemption and provide proper evidence that exemption conditions of real property expenditures and full-time employees have been met. If not met, exemption shall be appropriately reduced.

Section 5. "Tax Incentive" Defined. Various words and terms used in this Statement are defined in Section 28. The terms "tax incentive" or "tax exemption-incentive" shall mean the difference between the amount of ad valorem property taxes the affected business would pay if there were no city-granted exemption and the amount required to be paid as in lieu taxes or charges. For example, if the taxes required with no exemption were \$5,000, and the required in lieu payments were \$3,000, the "tax incentive" would be \$2,000.

Section 6. Jurisdiction. The City shall grant tax exemption-incentives only as to property located within the City. The City encourages the Board of County Commissioners to consult with the City as to applications outside the City and within the three-mile area.

Section 7. Nominal Tax Determination. All tangible property of a business receiving a tax exemption-incentive under this statement shall be annually assessed by the county appraiser in the same manner as if it were not exempt, but the amount thereof shall not be placed on the assessment rolls. The amount of the property taxes which would be payable shall also be determined annually by the county clerk and treasurer, in the same manner as if the property were not exempt, but such amount shall not be placed on the tax rolls. Separate assessment and tax calculations shall be made for the land, for the improvements thereon, and for any tangible personal property associated therewith, of the exempt business. The appropriate county officers are requested to provide the City with this information as early as possible, but not later than November 15 of each year.

Section 8. Minimum Payment In Lieu of Taxes. Any applicant receiving a tax exemption-incentive pursuant to this statement shall be required to make a minimum payment in lieu of taxes which equals the amount of property tax which was paid or was payable for the most recent year on the appraised valuation of the real estate, including either buildings together with land or land only, prior to the construction of new buildings on such property or prior to the acquisition of the property by the new business. The purpose of requiring this minimum in lieu tax payment is to insure that the city, county, school district and any other taxing jurisdictions affected by the exemption will not receive less tax revenue from the exempted property than was received prior to the exemption. For extraordinary reasons, such as when vacant buildings are acquired for a new business, or when the market value of the property decreases, this requirement may be waived in part or in whole by the governing body, as provided in Section 27.

Section 9. Special Assessments. Any tax exemption granted for real property under this statement shall not affect the liability of such property for any special assessments levied or to be levied against such property.

Section 10. Pirating. It shall be the policy of the city to discourage applications for tax exemptions-incentives, or to grant such tax incentives, which deliberately encourage and cause the pirating of business from another Kansas community to this community, or from this community to another Kansas community. It is the intent of the City to avoid participation in "bidding wars" between cities or areas competing for the location of new businesses, through attempts to offer the largest tax incentive or other public inducement, which is detrimental to the state's economy and the public interest.

Section 11. Application of "But-For" Principle. Any tax exemption-incentive granted by the City shall be subject to the "but-for" principle, i.e., the tax incentive must make such a difference in determining the establishment or expansion of the business that the business would not otherwise be established or expanded in the City but for the availability of the tax incentive. It is the policy of the Governing Body that private businesses should not be subsidized with public funds, the indirect consequences of tax exemptions-incentives, unless some public good results and the public subsidization can reasonably be expected to make a significant difference in achieving economic growth and development and the creation of new jobs within the City.

Section 12. Standards for Determining Benefits. The City will consider granting tax exemptions only upon a clear and factual showing of direct economic benefit to the City through advancement of its economic development goals, including the creation of additional

jobs and the stimulation of additional private investment. The Governing Body, in determining the amount and term of a tax exemption-incentive to be granted, shall consider various factors including, but not limited to, the following:

- (a) The Appraised valuation of the property in relation to the economic benefit to the City of increased employment.
- (b) The gain in tax revenue which may result from the new or expanded business including the increase in the property tax base upon the expiration of the exemption.
- (c) The contribution that the new or expanded business will make towards increased employment and earnings within the community.
- (d) The number of new jobs created directly by the business in relation to the amount of tax incentives granted.
- (e) The kinds of jobs created in relation to the type of skills available from the local labor market.
- (f) The utilization by the business of labor skills and abilities of labor skills and abilities of unemployed persons in the community.
- (g) The degree to which the business improves the diversification of the economy of the City and its environs.
- (h) The degree to which the ultimate market for the manufactured products outside the community recognizing that outside markets bring in "new money" to the local economy.
- (i) The potential of the business for future expansion and additional job creation.
- (j) The beneficial impacts the business may have by creating other new jobs and businesses; including the utilization of local products or other materials and substances in manufacturing.
- (k) The beneficial economic impact the business will have on a particular area of the City, including designated enterprise zones and areas if needed revitalization or redevelopment.
- (l) The compatibility of the location of the business with land use and development plans of the City and the availability of existing infrastructure facilities and essential public services.
- (m) The extent to which additional direct or indirect public costs to the City and to other local units would be necessary, such as the cost of the extension of public of public facilities.
- (n) The extent to which the economic and employment benefits of the tax incentive accrue to the residents and taxpayers of those taxing subdivisions which indirectly "subsidize" the business as a result of the forgone tax revenue.

Section 13. No Exemptions. (1) No tax exemption shall be granted if the exemption would create, in the judgement of the Governing Body, an unfair advantage for one business over another competing business within the City. (2) No tax exemptions shall be granted to any business for expansion unless such expansion creates new employment.

Section 14. Amount of Tax Incentives. The two primary objectives of the City in granting tax exemptions for economic development are to (1) provide needed jobs, and (2) expand the economic and tax base of the City. The City recognizes that a simple system of determining the amount of tax incentives to be granted to reach these objectives may not always be equitable if applied uniformly to different kinds of businesses. As a result, in determining the actual amount of tax incentive granted, the City shall consider the factors and criteria set forth in Section 12 of this Statement. In addition, the City shall consider the following standards:

Section 15. Application Required. The City will not consider the granting of any tax exemption-incentive unless the business submits a full and complete application, and provides such additional information as may be requested by the Board. The City Clerk is hereby authorized and empowered to prepare a standard application form which, upon completion, will provide the Board with adequate and sufficient information to determine whether a tax incentive should be granted and the amount thereof. The accuracy of the information provided in the application shall be verified by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any resolution adopted in reliance on said information.

Section 16. Application and Renewal Fees. Any business requesting a tax exemption pursuant to this Statement shall pay to the City an application fee of \$250, which shall be submitted at the same time the application form required by Section 15 is submitted. In addition, any business which has been granted a tax exemption shall pay an annual renewal fee in the amount of \$100.

Section 17. Initial Review Procedure. On receipt of the completed application form and the required fee, the City Clerk shall determine (a) whether the application is complete and sufficient for review, and (b) whether the applicant business is eligible for an exemption under the Kansas Constitution, this Statement and any other applicable laws. If the application is incomplete, the City Clerk shall immediately notify the applicant, noting the need for such changes or addition as deemed necessary. If questions arise as to whether the business is legally eligible for an exemption, the matter shall be referred to the City Attorney, who shall consult with the applicant business. If the application is found complete, and is for a purpose which appears to be authorized by law, the City Clerk shall so notify the Administrative Review Committee.

Section 18. Administrative Review Committee. There is hereby created an Administrative Review Committee which shall be composed of the mayor, who shall serve as chairman, the city clerk, the city superintendent and the city attorney which shall meet on call of the chairman. The purpose of the Administrative Review Committee shall be to receive and review requests and applications for tax exemption-incentives, to gather and review such additional information as may be deemed necessary, to conduct preliminary negotiations with the applicant business, and to make such recommendations as deemed advisable to the Governing Body. Administrative Review Committee records, including applications for tax exemptions, may be withheld from public disclosure under the Kansas Open Records Act as provided for under subsection (20) and (31) and other subsections of K.S.A. Supp. 43-221, but shall be available for public inspection when otherwise required by law. The committee is authorized to issue administrative letters of intent when requested by the applicant upon a find that the the public interest required confidentiality in order to successfully negotiate the location of the prospective business within the city or an expansion of an existing business. Such administrative letters of intent shall not be binding on the Governing Body, and shall be superseded by any final action by the Governing Body or by any letter of intent issued by the Governing Body under Section 21.

Section 19. Initial Governing Body Action. Upon receiving the recommendations of the Administrative Review Committee, the Governing Body shall first determine whether to reject the requested exemption or to further consider the request. Upon a favorable vote for further consideration, the Governing Body shall either (1) issue a letter of intent as provided in Section 21, or (2) schedule a public hearing thereon.

Section 20. Notice and Hearing. No tax exemption shall be granted by the City prior to a public hearing thereon, except by waiver of this requirement under Section 27. Notice of the public hearing shall be published at least seven days prior to the hearing in the official City newspaper, giving the time and place, and the hearing may be held at a regular or special meeting of the Governing Body. The City Clerk shall thereupon notify the Board of County Commissioners, the superintendent of the appropriate school district and the clerk of any other taxing jurisdiction, excluding the state, which derives or could derive property taxes from the affected business advising them of the scheduled public hearing and inviting their review and comment. Upon request, the county clerk shall provide any such public agency with a copy of the application. The applicant business shall be invited, but not required, to attend the public hearing.

Section 21. Letters of Intent. Upon receiving the recommendations of

the Administrative Review Committee, the Governing Body may issue a letter of intent, setting forth in general terms its proposed plans for granting a tax exemption-incentive and any conditions thereto. Such letters of intent shall be issued only with the approval of the Governing Body, and as an expression of good faith intent, but shall not in any way bind the City to the granting of the exemption-incentive. Such letters of intent shall expire six months after issuance, but may be renewed. A public hearing shall not be required prior to the issuance of letters of intent. No elected or appointed officer, employee or committee of the City and no chamber, board, development council or other public or private body or individual, shall be authorized to speak for and commit the Governing Body to the granting of a tax exemption-incentive. Letters of intent issued by the Governing body shall supersede any letters issued by the Administrative Review Committee.

Section 22. Annual Review. The extend and term of any tax exemption-incentive granted shall be subject to annual review and determination by Governing Body to insure that the ownership and use of the property and any other qualifying criteria of the business for the tax exemption-incentive continue to exist. The review shall be completed by not later than February 1 of each year. The City may require an annual renewal application to be filed or other information necessary to assure he continued qualifications of the exempt business.

Section 23. Transfer of Ownership or Use. No exemption or tax incentives granted by the City shall be transferred as a result of a change in the majority ownership of the business. Any new owner shall file a new application for a tax exemption-incentive. Further, the City shall be notified by the business of any substantive change in the use of a tax exempt property (see Section 26).

Section 24. Distribution of Revenue. The granting of tax exemptions-incentives by the City is hereby declared to be a contract under the provisions of K.S.A. 12-147. The in lieu of taxes payment which may be required of a business granted a tax exemption under the Statement shall be paid to the county treasurer, with notice of the amount and dated provided to the City. The county treasurer is directed to apportion the payment, under the provisions of subsection (3) of K.S.A. 12-148, to the general fund of all taxing subdivision, excluding the state, which levy taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied, for any and all purposes, by each of the applicable taxing subdivisions.

Section 25. Exemption Ordinance. The City Clerk shall provide a copy of the ordinance, as published in the official city newspaper, grant an exemption from taxation to the applicant for use in filing the initial request for tax exemption as required by K.S.A. 79-213, and by K.S.A. 79-210 for subsequent years.

Section 26. Exemption Forms. A copy of the exemption applications required by K.S.A. 79-213 and 79-210, and the statement required by K.S.A. 79-214 for the cessation of an exempt use of property, shall be filed with the city clerk by the property owner.

Section 27. Waiver of Statement Requirements. The Governing Body reserves the right to grant or not to grant a tax exemption-incentive under circumstances beyond the scope of the Statement, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the Governing Body that a compelling or imperative reason or emergency exists, and that such action or wavier is found and declared to be in the public interest.

Section 28. Definitions. For the purpose of this Statement, in application to the City, the words or phrases as used in either the Constitution or this Statement shall have meaning or be construed as follows:

- a. "Applicant" shall mean and include the business, property owner or owners, and their officers, employees and agents.
- b. "Associated therewith" as used with respect to tangible personal property shall mean being located within, upon or

adjacent to building or added improvements to buildings.

c. "Commenced operations" shall mean the start of the business activity housed in the building for which a tax exemption-incentive is requested.

d. "Economic development purposes" shall mean the establishment of a new business or the expansion of an existing business, engaged in manufacturing articles of commerce, conducting research and development, or storing goods or commodities which are sold or traded in interstate commerce, which results in additional employment.

e. "Expansion" shall mean the enlargement of a building or buildings, construction of a new building, the addition of tangible personal property, or any combination thereof, which increases the employment capacity of a business eligible for a tax exemption-incentive and which results in the creation of new employment.

f. "Manufacturing articles of commerce" shall mean a business engaged in the mechanical or chemical transformation of materials or substances into new products, as defined in the "Standard Industrial Classification Manual."

g. "Research and development" shall mean the application of science or technology to the improvement of either the process or manufacturing or manufactured products or both.

h. "Storing goods or commodities which are sold or traded in interstate commerce" shall refer to the business of storing property which may be exempt from ad valorem taxation under the provisions of K.S.A. 79-201f.

i. "Tangible personal property" shall mean machinery and equipment used during the term of the tax exemption which may be granted.

CITY OF GALENA

RESOLUTION NO. 93-3

RESOLUTION OF
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN
UNDER SECTION 104 (d) OF THE
HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

The City of Galena will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Part 570.496a(b).

All replacement housing will be provided within four years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Galena will make public and submit to the Kansas Department of Commerce the following information in writing:

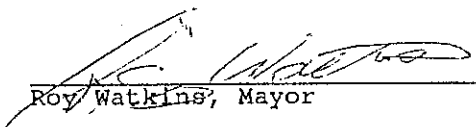
- (1) A description of the proposed assisted activity;
- (2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) A time schedule for the commencement and completion of the demolition or conversion;
- (4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) The source of funding and a time schedule for the provision of replacement dwelling units; and
- (6) The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Galena will provide relocation assistance, as described in 570.496a(b) to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

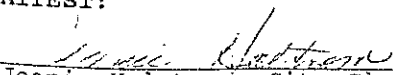
Consistent with the goals and objectives of activities assisted under the Act, the City of Galena will take the following steps to minimize the displacement of persons from their homes:

- (1) No relocation or displacement will take place.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS, THIS 6th DAY OF APRIL, 1993.


Roy Watkins, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

CITY OF GALENA, KANSAS

RESOLUTION NO. 93-4

A RESOLUTION ASSURING AND CERTIFYING TO THE KANSAS DEPARTMENT OF COMMERCE & HOUSING THAT THE CITY OF GALENA, KANSAS, POSSESSES LEGAL AUTHORITY TO SUBMIT A GRANT APPLICATION, TO RECEIVE GRANT FUNDS, AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO ACT AS THE OFFICIAL REPRESENTATIVES OF THE GRANTEE.

WHEREAS, The City of Galena has the legal authority to apply for, receive and administer federal, state and other grants and loans through its Home Rule Power under Article 12-5 of the Constitution of the State of Kansas and through Statute 12-1662, relative to expenditure of federal funds; and

WHEREAS, The City is desirous of applying for U.S. Department of Housing and Urban Development Small Cities Community Development Block Grant (CDBG) funding through the Kansas Department of Commerce and Housing for the purpose of obtaining a Public Facilities Community Improvement Grant for Water Distribution System Improvements.

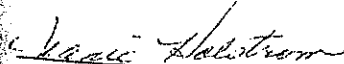
NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body does hereby authorize the Mayor and the City Clerk to act as the official representatives of the grantee and to sign and submit the application and final statement, and to provide such additional information as may be required and act as official representatives of the City in this and subsequent matters.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS, THIS 6th DAY OF APRIL, 1993.



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

CITY OF GALENA

RESOLUTION NO. 93-5

A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE AND HOUSING THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF THE WATER IMPROVEMENTS TO BE FINANCED WITH 1993 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, The City of Galena is applying for Small Cities Community Development Block Grant funds under the Community Improvement category, as administered by the Kansas Department of Commerce and Housing; and,

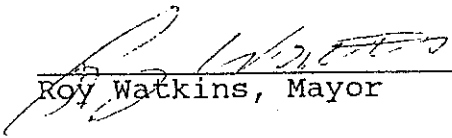
WHEREAS, The City of Galena wishes to utilize this funding for the purpose of Water Distribution System Improvements as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce and Housing; and,

WHEREAS, The City of Galena has determined that the annual operation and maintenance costs of the Water Distribution System Improvements are anticipated to be approximately \$22,000.00 per year; and,

WHEREAS, The annual Water Budget \$185,000.00 has been determined to be adequate to fund the operation and maintenance of the water distribution system improvements.

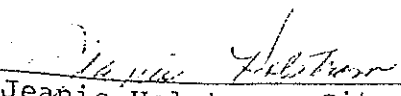
NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City of Galena, Kansas, hereby assures the Kansas Department of Commerce and Housing that sufficient funds will be provided for the continued operation and maintenance of the above described water improvements; that these operation and maintenance costs will be reviewed annually; and that the Water Budget will be adjusted, if necessary, to reflect and cover any increase in costs.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS THIS 6th DAY OF APRIL, 1993.



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

CITY OF GALENA, KANSAS

RESOLUTION NO. 93-6

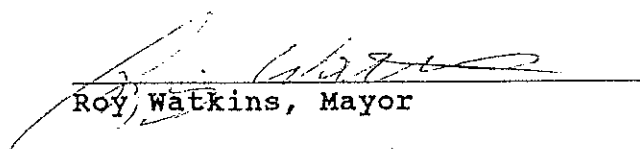
A RESOLUTION REGARDING THE CONTRIBUTION OF CITY FUNDS FOR A
PROPOSED COMMUNITY IMPROVEMENT PROJECT UNDER THE
1993 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The City of Galena is applying for a Small Cities Community Development Block Grant (CDBG) funds under the Community Improvement category as administered by the Kansas Department of Commerce and Housing; and,

WHEREAS, The City of Galena wished to utilize this funding for the purpose of Water Distribution System Improvements as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce and Housing.

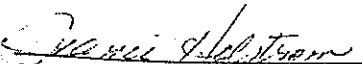
NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City of Galena, Kansas, hereby obligates \$30,000.00 in the form of cash and \$263,750.00 in the form of in-kind labor with the employees being paid their normal rate of pay and the value of equipment usage established by common practice. The cash and in-kind will be provided from the Water Fund Budget as the City's share to be used for water distribution system improvements, contingent upon Community Development Block Grant Funding from the Kansas Department of Commerce and Housing.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS THIS
6th DAY OF APRIL, 1993.



Roy Watkins, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

RESOLUTION 93-7

BE IT RESOLVED, That at a hearing held on the 1st day of September, 1992, the governing body of the City of Galena, Kansas, pursuant to K.S.A. 12-1753, after hearing all evidence presented at said hearing, find that the structure located at

910 Short, being Lot 9 in Galena Lead &
Zinc Company's Addition to the City of Galena

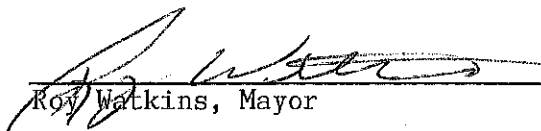
is unsafe and dangerous for the following reasons.

Windows are out and doors are unlocked
Foundation to the structure has deteriorated to a
condition beyond repair causing structural
problems


and hereby and herein directs the owner to repair or remove said structure within 10 days of this date and make the premises safe and secure.

BE IT FURTHER RESOLVED: That if the owner fails to comply with this resolution, then the governing body directs the City Building Inspector to remove said structure within 10 days of this date and make the premises safe and secure.

Passed and approved by the Governing body of the City of Galena, the 6th day of April, 1993.


Roy Watkins, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

RESOLUTION 93-8

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GALENA, KANSAS AND THE CITY CLERK OF THE CITY OF GALENA, KANSAS, AND THE TREASURER OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO THE CITY OF GALENA, KANSAS

WHEREAS: The above designated officials as of this date are:


MAYOR:	Dale Oglesby
CITY CLERK:	Jeanie Holstrom
TREASURER:	Clifford McQuillen

AND WHEREAS: The above named officials have been duly appointed by the Governing Body of the City of Galena, Kansas;

NOW THEREFORE: Be it resolved by the City Council of the City of Galena, Kansas:

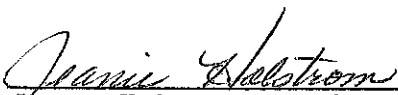
That the signatures of the above named individuals be honored on all pertinent financial documents relating to the City of Galena, Kansas.

Passed and approved this 20th day of April, 1993.



Dale Oglesby, Mayor

ATTEST:



Jeanie Holstrom, City Clerk

(SEAL)

RESOLUTION 93-9

BE IT RESOLVED:

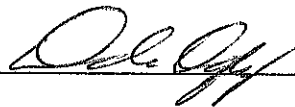
That pursuant to K.S.A. 12-1752, The Governing Body of Galena, Kansas, after reviewing the written statement presented by the City Building Inspector, does hereby and herein set the 20th day of July, 1993 at 7:00 p.m. as the Hearing Date for any persons interested in the following described Real Estate.

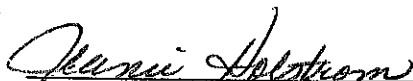
Lot 5 Block 20, Spring Grove Addition
to the City of Galena, Cherokee County, Kansas
1819 Galena

TO SHOW CAUSE WHY SAID REAL ESTATE SHOULD NOT BE CONDEMNED.

City Clerk should notify all interested parties according to law.

Approved by the City Council this 1st day of June, 1993




Jeanie Holstrom, City Clerk

RESOLUTION 93-10

BE IT RESOLVED, That at a hearing held on the 6th
day of October, 19 92, the governing body of the
City of Galena, Kansas, pursuant to K.S.A. 12-1753, after
hearing all evidence presented at said hearing, find that the
structure located at

815 E. 7th Being the West 17.5 feet of
Lot 12 and all ong Lot 11 in Cornwall 2nd
Addition to the city of Galena

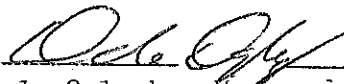
is unsafe and dangerous for the following reasons:

Leak in roof causing structural problems
Open for persons to enter

and hereby and herein directs the owner to repair or remove
said structure within 10 days of this date and make the premises
safe and secure.

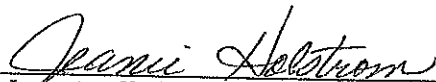
BE IT FURTHER RESOLVED: That if the owner fails to comply
with this resolutuion, then the governing body directs the City
Building INspector to remove said structure with 10 days of
this date and amke the premises safe and secure.

Passed and approved by the Governing Body of the City of Galena,
the 1st day of June, 19 93.



Dale Oglesby, Mayor

ATTEST



Jeanie Holstrom, City Clerk

RESOLUTION NO. 93-11


WHEREAS, it is the purpose of the Board of Commissioners of the City of Galena to protect the health, economic development and general welfare of the citizens of the City and:

WHEREAS, we are aware of these concerns:

- (1) known health risks of nuclear waste exposure;
- (2) overwhelming detrimental impact on further economic development;
- (3) potential losses to existing commercial and agri-businesses;
- (4) unfairness of dumping nuclear waste here when the waste has been produced and benefits from nuclear powered electricity realized elsewhere; and
- (5) decline in overall quality of life for area residents.

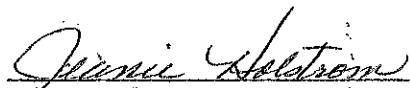
THEREFORE, BE IT RESOLVED, the Mayor and Board of Commissioners of the City of Galena, go on record opposing the pursuit of any stage IIA grants for the study of a Monitored Retrievable Storage (MRS) facility in our area and unequivocally opposes the storage of nuclear waste in the Four States region.

THIS RESOLUTION approved in a regularly scheduled meeting of the Mayor and Board of Commissioners of the City of Galena this 15th of June, 1993.



Mayor

ATTEST:



City Clerk

APPROVED:

City Attorney

RESOLUTION NO. 93-12

A RESOLUTION RELATING TO STATE AND
FEDERAL AID FOR THE IMPROVEMENT OF
OF CITY CONNECTING LINKS ON THE
STATE HIGHWAY SYSTEM

Be it Resolved by the Governing Body of the City of Galena

That the Mayor and City Clerk are authorized and directed to execute for and on behalf of the City of Galena, Kansas, Agreement No. 46-93 between the City and the Kansas Department of Transportation, giving the Secretary of Transportation of the State of Kansas authority to act for the city, and in its place and stead, to obtain for the City the benefits of State and Federal Aid and obtain the benefits of such legislation for the City on the terms and conditions set forth in such agreement as may be prepared and approved by the Secretary of Transportation and requesting and authorizing the Secretary of Transportation of the State of Kansas to undertake and complete the work for replacing Bridge No. 38 over Shoal Creek on K-26, designated as a city connecting link on the State Highway System and also to perform work on the entrance to the City of Galena's Park, known as Project no. 26-11 K-2632-01.

Passed by the Council this 15th day of June, 1993.

APPROVED


Dale Oglesby, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

(SEAL)

RESOLUTION: 93-13

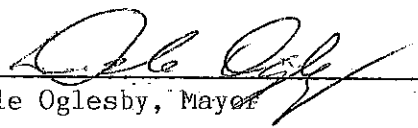
BE IT RESOLVED: That at a hearing held on the 20th
day of July, 1993, the governing body of the City
of Galena, Kansas, pursuant to K.S.A. 12-1753, after hearing
all the evidence presented at said hearing, find that the
structure located at:

1819 Galena Ave

is unsafe and dangerous, and hereby and herein directs the owner to repair
or remove said structure within 30 days of this date and
make the premises safe and secure.

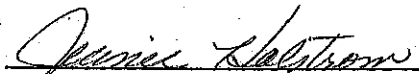
BE IT FURTHER RESOLVED: That if the owner fails to comply
with this resolution, then the governing body directs the City
Building Inspector to remove said structure within 60 days of
this date, and make the premises safe and secure.

Passed and approved by the Governing Body of the City of
Galena, this 20th day of July, 1993.



Dale Oglesby, Mayor

Attest:



Jeanie Holstrom, City Clerk

RESOLUTION 93-14

A RESOLUTION ADOPTING A POLICY REGARDING VICTIMS OF CERTAIN CRIMES WHICH ARE VIOLATIONS OF THE CITY CODE OF THE CITY OF GALENA, KANSAS; PURSUANT TO CHAPTER 246 OF THE 1993 SESSION LAWS OF KANSAS.

WHEREAS, Article 15 of Section 15 of the Kansas Constitution and K.S.A. 74-7333 and K.S.A. 74-7335, as amended by Chapter 246 of the 1993 Session Laws of Kansas, provides certain rights to victims of crimes;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODE OF THE CITY OF GALENA, KANSAS:

SECTION 1. The procedures herein adopted shall apply to victims of violations of the following public offenses of the City of Galena:

- (A) Sections 2.1, 2.2, 3.1, 3.2, 3.2.2, 3.3, 3.4, 3.5, 3.6, 3.7, 4.1, 4.3, 4.4, 4.5, 5.1, 5.2, 5.3, or 5.4 of the 1993 edition of the Uniform Public Offense Code.
- (B) Violations of city ordinances which would be violations of state laws contained in Article 33 (anticipatory crimes); Article 34 (crimes against persons); Article 35 (sex offenses) or Article 36 (crimes affecting family relationships and children) of Chapter 21 of the Kansas Statutes Annotated.

SECTION 2. "Victim" and Victims' family" shall be as defined in K.S.A. 74-7333 and K.S.A. 74-7335, as amended (Chapter 246 of the 1993 Session Laws of Kansas).

SECTION 3. In cases where a city code or ordinance violation identified in Section 1 results in the prosecution of an alleged violator, the Municipal Court Clerk shall mail, by first class mail to the last known address of the victim or the victims' family if the victim is deceased, notification of the following:

- (A) the date and time of the trial, sentencing, sentencing modification and expungement hearings;
- (B) the procedure for requesting restitution for damages suffered;
- (C) possible eligibility requirements and procedure for making claims to the crime victims compensation fund;
- (D) possible civil remedies for recovery of damages;
- (E) a request for the expression of the victims' view and concerns regarding the prosecution of the case; and
- (F) health, social services and other relevant assistance that may be available to the victim.

SECTION 4. It shall be the responsibility of the Chief of

Resolution 93-14

Police and Municipal Court Clerk Administrator to ensure that training of those employees under their direction include training as to the legal rights of victims. The goal of such training shall be to ensure that all contact by city employees with victims shall conform both to the letter and spirit of the law so that victims will be treated with courtesy, compassion and respect for their dignity.

SECTION 5. Nothing in this Resolution shall be construed as creating a cause of action on behalf of any person against the City of Galena or its employees.

ADOPTED by the Governing Body of the City of Galena, Kansas this 20th day of July, 1993.



Dale Oglesby, Mayor

(ATTEST)



Jeanie Holstrom, City Clerk

(SEAL)


RESOLUTION TO THE CITY COUNCIL

The undersigned City Clerk of **CITY OF GALENA** hereby certifies that the **CITY COUNCIL** of **CITY OF GALENA** validly adopted the following Resolutions at a meeting of the **CITY COUNCIL** held on July
20, 1993 and that such Resolutions remain in full force and effect:

WHEREAS, the **CITY COUNCIL** of **CITY OF GALENA** wish to adopt a Cafeteria Plan within the context of Section 125 of the Internal Revenue Code for the benefit of the Employer's eligible employees.

NOW, THEREFORE, BE IT RESOLVED, that the **CITY COUNCIL** hereby adopt the **CITY OF GALENA** Flexible Benefits Plan (consisting of the Flexible Benefits Plan Document, the Adoption Agreement, and component Benefit Plans and Policies) effective as of the date specified in the Adoption Agreement.

RESOLVED FURTHER, that any officer of **CITY OF GALENA** is authorized, without further **CITY COUNCIL** approval, to execute the Adoption Agreement, and any related documents or amendments which may be necessary or appropriate to adopt the Plan or maintain its compliance with applicable federal, state, and local law.



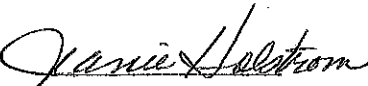
Dale Oglesby, Mayor

ATTEST:

City Clerk:

Date:


7-20-93


Secretary

[SEAL]

RESOLUTION NO. 93-16

WHEREAS, it is deemed beneficial to the inhabitants of the City of Galena, Kansas, that their police force become a part of the Cherokee County Drug Task Force for investigation of Criminal activity concerning controlled substances.

WHEREAS, such task force is being formed, and will be available to assist the City of Galena, Kansas if the City joins the task force.

1. Definition: For the purposes of this resolution "Drug Task Force" means any formation, operation, organization, or cooperative action between any county governing body and the governing body of any municipality, for the purpose of which is an intensive professional investigation of certain individual crimes which has occurred in their general geographic area.

2. Participation: The officers of the Galena, Kansas Police Department are authorized to participate in and cooperate with any law enforcement officers of jurisdictions in any criminal activity concerning controlled substances. Those officers designated to act as members of a Cherokee County Drug Task Force operation will be so designated by the Chief of Police and Mayor and when acting outside the boundaries of the City of Galena, Kansas as member of a Cherokee County Drug Task Force operation, they will be considered on active duty, the same as they would be when acting on their regular duties within the boundaries of the City of Galena, Kansas.

Passed this 3rd day of August, 1993


Dale Oglesby, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

(SEAL)

RESOLUTION NO. 93-19

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS DETERMINING THE ADVISABILITY OF ISSUING INDUSTRIAL REVENUE BONDS OF SAID CITY FOR THE PURPOSE OF FINANCING THE ACQUISITION OF AN EXISTING MANUFACTURING FACILITY AND THE RENOVATION AND EQUIPMENT OF SUCH FACILITY LOCATED IN SAID CITY.

WHEREAS, the City of Galena, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1740 *et seq.*, inclusive, and all acts amendatory thereof or supplemental thereto (the "Act"), the City is authorized to issue industrial revenue bonds, and it is hereby found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that industrial revenue bonds of the City in the principal amount of not to exceed \$4,000,000 be authorized and issued to provide funds to pay the costs of acquiring, renovating and equipping a manufacturing facility (the "Project") located in the City of Galena, Kansas, to be leased by the City to Innovative Waste Technologies, Inc., a British Columbia, Canada corporation (the "Tenant").

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

Section 1. Public Purpose. The governing body of the City hereby finds and determines that acquiring, renovating and equipping the Project will promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. Authorization to Acquire Project; Intent to Issue Bonds. The City is hereby authorized to acquire, renovate and equip the Project located within the City and to issue its industrial revenue bonds, in one or more series, in an aggregate principal amount of not to exceed \$4,000,000 (the "Bonds") to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein; said Bonds may be issued to reimburse expenditures made after this date pursuant to Treasury Regulations.

Section 3. Conditions to Issuance of Bonds. The issuance of the Bonds is subject to: (i) the passage, approval and publication of an ordinance authorizing the issuance of the Bonds; (ii) the successful negotiation of a Trust Indenture, Guaranty Agreement, Lease, Bond Purchase Agreement and

compliance with the Act and mutually satisfactory to the City and the Tenant; (iii) the successful negotiation and sale of the Bonds to a purchaser or purchasers yet to be determined (the "Purchaser"), which sale shall be the responsibility of the Tenant and not the City; (iv) the receipt of an approving opinion of Gilmore & Bell, P.C., ("Bond Counsel") in form acceptable to the City, the Tenant and the Purchaser; (v) the obtaining of all necessary governmental approvals to the issuance of the Bonds (vi) the commitment to and payment of all expenses of the City, any underwriting fees and expenses and all legal fees and expenses of Bond Counsel and the City Attorney relating to the issuance of the Bonds by the Purchaser or the Tenant; and (vii) the satisfactory negotiation of an agreement with the Tenant relating to the payment or abatement of all or a portion of property taxes which maybe assessed against the Project.

Section 4. Reliance by Tenant; Limited Liability of City. It is contemplated that in order to permit and expedite acquisition, improvement and equipping of the Project and realization of the benefits to be derived thereby, the Tenant may, in reliance upon this Resolution, incur temporary indebtedness and expend its own funds in connection with the Project prior to the ultimate issuance of said Bonds. The Bonds herein authorized and all interest thereon shall, in any event, be paid solely from the money and revenue to be received from the Project and not from any other fund or source, and nothing contained herein shall obligate the City in any way except as herein set out. In the event that the Bonds are not issued, the City shall have no liability to the Tenant.

Section 5. Notices. The City Clerk is hereby authorized and directed to publish an appropriate notice of intent to issue such Bonds and to enter into such Lease with the Tenant pursuant to the provisions of the Act, and to provide all notices as required by the Act, and to publish notice of public hearing with respect to the issuance of such Bonds as required by federal law.

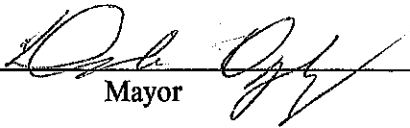
Section 6. Further Action. The Mayor and City Clerk are hereby authorized to deliver an executed copy of this Resolution to the Tenant. The Mayor, City Clerk and other officials and employees of the City, including the City Attorney and Bond Counsel, are hereby further authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purpose of this Resolution, including providing all notices required by the Act, the execution on behalf of the City of an appropriate statement of the proposed issuance of the Bonds with the State Board of Tax Appeals pursuant to the Act and the execution of an application to the Kansas Secretary of Commerce and Housing for a private activity bond allocation in accordance with the Kansas Private Activity Bond Allocation Act, K.S.A. 74-5058 *et seq.*.

Section 7. Declaration of Official Intent. This Resolution shall constitute a declaration of official intent under Treasury Regulation §1.103-18. This Resolution shall be placed in the official records of the City within a reasonable period of time after its adoption by the governing body. This section shall be deemed satisfied if (i) this Resolution is made available for public inspection at the office of the city clerk beginning thirty (30) days after its adoption, or (ii) the City complies with any request for a copy of it pursuant to the Kansas Open Records Act, K.S.A. 45-216 *et seq.*, as amended.

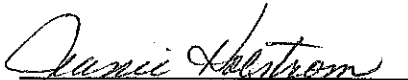
ADOPTED by the governing body of the City of Galena, Kansas this 19th day of October, 1993.

[SEAL]

Attest:



Mayor



City Clerk

RESOLUTION NO. 93-20

A RESOLUTION DECLARING IT NECESSARY TO REPAIR, ALTER, EXTEND, RECONSTRUCT, ENLARGE OR IMPROVE THE WATER UTILITY SYSTEM OF THE CITY OF GALENA, KANSAS; TO ISSUE WATER UTILITY SYSTEM REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$400,000, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS THEREOF AND RELATED BOND RESERVES AND FINANCING COSTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID INTENTION.

WHEREAS, the City of Galena, Kansas (the "Issuer") is authorized under the laws of the State of Kansas to issue general obligation bonds to repair, alter, extend, reconstruct, enlarge or improve the Water Utility System (the "System") owned and operated by the Issuer; and

WHEREAS, the governing body of the Issuer hereby finds and determines it to be necessary to repair, alter, extend, reconstruct, enlarge or improve the System, and that a portion of the costs thereof should be financed by the issuance of utility revenue bonds of the Issuer, under authority of K.S.A. 10-1201 et seq., as amended and supplemented (the "Act"), with the balance of said costs to be paid as hereinafter set forth.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

SECTION 1. It is hereby deemed and declared to be necessary to construct improvements to the Water Distribution System, including renovations to the Water Tower (the "Project") at an estimated construction cost of \$750,000.

SECTION 2. The Project will not cause duplication of any existing water utility service furnished by a private utility in the boundaries of the City.

SECTION 3. It is necessary to issue Water Utility Revenue Bonds of the City, in an amount not to exceed \$400,000 (the "Bonds"), under authority of the Act, to pay a portion of the costs of the Project and related bond reserves and financing costs; said bonds may be issued to reimburse expenditures made after this date pursuant to U.S. Treasury Regulations. The balance of the costs of the Project will be paid from a Community Development Block Grant in the amount of \$300,000 and available funds of the City in the amount of \$100,000.

SECTION 4. Before issuing the Bonds, there shall be published one (1) time in the official newspaper of the Issuer, a notice of the intention of the governing body to undertake the Project and to issue the Bonds; and if within fifteen (15) days after the publication of such notice, there shall be filed with the Clerk, a written protest against the Project or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, the governing body shall thereupon submit such proposed Project and the proposed Bonds to the electors of the at a special election to be called for

that purpose as provided by the Act. If no sufficient protest is filed with the Clerk within the period of time hereinbefore stated, then the governing body of the Issuer shall proceed to authorize the Project and to issue the Bonds.

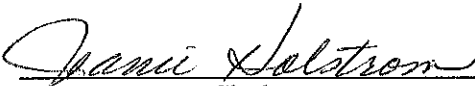
ADOPTED by the governing body of the City of Galena, Kansas, on December 7, 1993.

(Seal)



Mayor

ATTEST:



Clerk