

RESOLUTIONS 2007

- 07-01 A RESOLUTION FIXING THE COMPENSATION FOR THE CITY ATTORNEY OF GALENA, KS
- 07-02 A RESOLUTION REGARDING A LEASE PURCHASE AGREEMENT FOR THE PURPOSE OF PROCURING "POLICE VEHICLES"
- 07-03 ECONOMIC ADJUSTMENT ASSISTANCE GRANT
- 07-04 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, AND THE PRESIDENT OF COUNCIL OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO THE CITY OF GALENA, KANSAS.
- 07-05 NOT USED
- 07-06 NOT USED
- 07-07 NOT USED
- 07-08 NOT USED
- 07-09 NOT USED
- 07-10 A RESOLUTION IN SUPPORT OF CASINO IN CHEROKEE COUNTY
- 07-11 A RESOLUTION FOR PROPERTY TAX EXEMPTIONS/ABATEMENTS FOR ECONOMIC DEVELOPMENT
- 07-12 A RESOLUTION REPEALING RESOLUTIONS 05-08, 06-01, AND 07-01
- 07-13 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GALENA, KANSAS ANT THE CITY CLERK OF THE CITY OF GALENA, KANSAS, AND THE TREASURER OF THE CITY OF GALENA, KANSAS, AND THE PRESIDENT OF COUNCIL OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO THE CITY OF GALENA, KANSAS.
- 07-14 A RESOLUTION PERTAINING TO THE VACATING OF WOOD STREET

RESOLUTION NO. 07-01

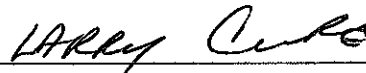
**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALENA,
KANSAS:**

A resolution fixing the compensation for the city attorney of Galena, Kansas.

**BE IT RESOLVED, that the pay of the City Attorney of Galena, Kansas, shall be
increased to \$2520.00 per month effective February 1, 2007.**

This resolution was passed by the City Council of Galena, Kansas, on January 4, 2007.

This resolution was executed by the Mayor of the Galena, Kansas, on January 4, 2007.



Larry Cure, Mayor of the City
of Galena, Kansas

ATTEST:



Deborah Kitch
City Clerk of Galena, Kansas

RESOLUTION # 07-02

A RESOLUTION REGARDING A LEASE PURCHASE AGREEMENT FOR THE
PURPOSE OF PROCURING "POLICE VEHICLES."

WHEREAS, subject to legal review, City of Galena desires to enter into that certain Lease-Purchase Agreement dated as of January 4, 2007, by and between City of Galena and Government Capital Corporation, for the purpose of procuring "Police Vehicles." The City desires to designate this Agreement as a "qualified tax exempt obligation" of the City for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City desires to designate Larry Cure, Mayor, as an authorized signer of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CITY OF GALENA.

Section 1. That the City enter into a Lease Purchase Agreement with Government Capital Corporation for the purpose of procuring an "Police Vehicles."

Section 2. That the Lease Purchase Agreement dated as of January 4, 2007, by and between the City and Government Capital Corporation is designated by the City as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City designates Larry Cure, Mayor, as an authorized signer of the Lease Purchase Agreement dated as of January 4, 2007, by and between the City of Galena and Government Capital Corporation.

PASSED AND APPROVED by the Board of the City of Galena in a meeting held on the
18th day of January, 2007.

Lessee: City of Galena

Witness Signature



Larry Cure, Mayor



Deborah Kitch, City Clerk

(Published in the official city newspaper on March 14, 2007.)

RESOLUTION NO. 07- 03

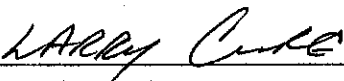
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALENA,
KANSAS:

WHEREAS, the Governing Body of the City of Galena, Kansas, has determined it is in the best interests of the City of Galena, Kansas, that the City of Galena make a grant application for a subsidence risk assessment drilling proposal in Galena, Kansas. In said application the City would apply for an **Economic Adjustment Assistance Grant** from the Economic Development Administration in the amount of \$500,000.00 to cover the cost of core drilling at the Galena High School. The Economic Adjustment Assistance Grant will provide 50% of the total project costs, and will require matching funds which can include in-kind contributions for a portion of the match. The work provided for in this application must be commenced by September 30, 2007.

BE IT RESOLVED, that the Governing Body of the City of Galena, Kansas, make a grant application for a subsidence risk assessment drilling proposal in Galena, Kansas

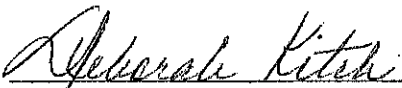
This resolution was passed by the City Council of Galena, Kansas, on March 6, 2007.

This resolution was executed by the Mayor of the Galena, Kansas, on March 6, 2007.



Larry Cure, Mayor
of the City of Galena, Kansas

ATTEST:



Deborah Kitch
City Clerk of Galena, Kansas

RESOLUTION 07-04

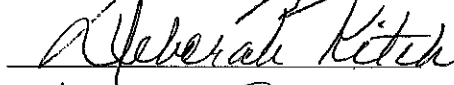
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GALENA, KANSAS AND THE CITY CLERK OF THE CITY OF GALENA, KANSAS, AND THE TREASURER OF THE CITY OF GALENA, KANSAS, AND THE PRESIDENT OF COUNCIL OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO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

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

MAYOR:



CITY CLERK:



CITY TREASURER:



PRESIDENT OF COUNCIL: _____

AND WHEREAS: The above named officials have been duly named 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 BY THE GOVERNING BODY THIS 17th DAY OF APRIL, 2007.


Mayor

ATTEST:


Deborah Kitch, City Clerk

(SEAL)

RESOLUTION NO. 07-10

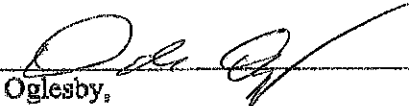
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF
GALENA, KANSAS:

Whereas, there is a proposal pending that the residents of Cherokee County, Kansas, vote upon whether to support a Lottery Gaming Facility, in Cherokee County, Kansas. This vote is to be held June 5, 2007.

Whereas, the financial revenues to Cherokee County from the operation of this facility would alleviate the taxation burden upon the citizens of Galena, Kansas, and Cherokee County, Kansas.

Be It Resolved by the Governing Body that support is hereby given to the establishment of a lottery gaming facility in Cherokee County, Kansas.

This resolution was passed and approved by the City Council on May 1, 2007, and executed by the Mayor on May 1st, 2007.



Dale Oglesby,
Mayor of the City of Galena, Kansas

ATTEST:



Debra Kitch
City Clerk of Galena, Kansas

RESOLUTION NO. 07- 11

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

**POLICY MANUAL
City of Galena, Kansas**

PROPERTY TAX EXEMPTIONS/ABATEMENTS FOR ECONOMIC DEVELOPMENT

A. BACKGROUND

On August 5, 1986 Kansas voters approved a constitutional amendment which authorizes tax abatement and exemptions for purposes of economic development. The constitutional amendment permits counties and cities to exempt from property taxes all or any part of buildings, land and tangible personal property used by new business exclusively for manufacturing, research and development, or the storing of goods traded in interstate commerce. An exemption/abatement may also be granted for existing buildings or new expansions to existing buildings, the land, and associated new personal property for these same purposes to facilitate the expansion of an existing business if new employment is created. The exemption/abatement may be extended for a period of time not to exceed 10 years. In 1994 the State of Kansas required Cities to perform a costs-benefit analysis before granting any exemption/abatement.

B. PURPOSE

The two primary objectives of the City of Galena in granting tax exemptions/abatements for economic development are to provide needed jobs and expand the economic tax base of the City. It is the policy of the City that private businesses should not be subsidized with public funds, the indirect consequences of tax exemption incentives, unless the public benefits exceed the costs, as determined by the Governing Body.

The purposes of the policy are to establish standards for considering property tax exemption/abatement requests. In addition, the Governing Body has recognized the need for the responsible application of economic development abatements, because of the potential impact on the taxing authority of other units of government.

While each request for a tax exemption/abatement must be considered on its own merits, the Governing Body recognizes the need and desirability of a policy statement outlining its general attitude toward such requests. This statement is intended to provide a guide to the Governing Body's position regarding tax

exemption/abatements for industrial prospects, to businesses considering relocation or expansion, and to organizations in Galena concerned with promoting economic development.

C. GENERAL ABATEMENT DEFINITIONS

1. For the purpose of this policy, the following definitions shall apply:
 - a. “Abatement” refers to a partial reduction of property taxes for the applicant firm.
 - b. “Applicant” shall mean and include the business, property owner or owners, and their officers, employees and agents.
 - c. “Associated Therewith” as used with respect to tangible personal property shall mean being located within, upon or adjacent to the buildings or added improvements to the buildings.
 - d. “Commenced Operations” shall mean the start of the business activity housed in the building for which a tax exemption-incentive is requested.
 - e. “Economic Development Purposes: shall mean the establishment of a new business, 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.
 - f. “Exemption” refers to a 100% reduction of property taxes for the applicant firm.
 - g. “Expansion” shall mean the enlargement of a building or 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.
 - h. “Manufacturing Articles of Commerce” shall mean a business engaged in the mechanical or chemical transformation of materials or substances into new projects, as defined in the Standard Industrial Classifications Manual.
 - i. “Research and Development” shall mean the application of science or technology the improvement of either the process of manufacturing or manufactured products or both.
 - j. “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. 79-201(f)

k. "Tangible Personal Property" shall mean machinery and equipment used during the term of the tax exemption which may be granted.

D. POLICY

1. Only those businesses which qualify under current Kansas law will be eligible for an exemption/abatement. In general, this applies only to manufacturing, research and development, and interstate warehousing businesses.

2. In order to be eligible, a business must create jobs and make a capital investment in new construction; a business must meet a 10% minimum abatement threshold, based on the cost-benefit model.

3. Special Assessments are not eligible for exemption.

4. Exemptions/abatements for businesses that would compete directly with existing businesses will not be encouraged unless the competing businesses have received or been offered similar incentives or unless there is substantial overriding benefit to the City as a whole.

5. The period of exemption/abatement shall not exceed 10 years.

6. The City will consider granting property tax exemptions/abatements only upon a clear and factual showing of a positive net public benefit through the advancement of its economic development goals, including the creation of quality jobs and the stimulation of additional private investment. The Governing Body, in determining the amount and term of a tax exemption/abatement to be granted, may consider various factors including, but not limited to the following in regard to the cost-benefit analysis.

a. The net benefit to the city, county, and school district for not more than 10 years.

b. The length of time it takes for the net benefits to equal the amount of property taxes abated for the city, county, and school district.

c. The length of time it takes for total benefits to equal total costs for the city, county, and school district.

7. The Governing Body reserves the right to grant or not to grant a tax exemption/abatement under circumstances beyond the scope of this policy. 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 exists and is declared to be in the public interest.

8. No exemption/abatement 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 property tax abatement. Further, the City shall be notified within 10 days, in writing, by the business of any substantive change in the use of a tax exempt property. Substantive changes in use by the business, include but are not limited to, any change in use from the use specified upon the original application for an exemption/abatement made by the business and any change in use from a use authorized under Kansas law to be eligible for an exemption/abatement to a use that is not eligible for an exemption/abatement.

9. The Governing Body must make a finding that the exemption/abatement for personal property is necessary in order to retain jobs in Kansas.

D. PROCEDURES

1. All firms interested in requesting consideration for a property tax exemption/abatement shall complete an application form and the required information on the firm. All information submitted to the City must be verifiable. The application will be submitted to the City Clerk's Office.

2. The agency designated by City Counsel will perform a cost-benefit analysis using the requested property tax exemption/abatement level and term, and submit the analysis to the City Council, if applicable.

3. The City Council may issue a letter of intent, setting forth in general terms its proposed plans for granting a property tax exemption/abatement and any conditions thereto. Such letters of intent shall be issued only with the approval of the City Council Body and as an expression of good faith intent, but shall not in any way bind the City to the granting of an exemption/abatement. Letters of intent will only be considered if the eligible business has made proper application. Such letters of intent shall expire six months after issuance, but may be renewed.

4. Prior to the granting of any initial tax exemption/abatement, the Governing Body shall hold a public hearing on the granting of such exemption/abatement. Notice of the public hearing shall be published at least once seven days prior to the hearing in the official city newspaper and shall indicate the purpose, time and place of the public hearing. In addition to the public hearing notice, the City Clerk shall notify in writing the Governing Body of the County and School District about the public hearing and the proposed property tax abatement/exemption as early as possible, and provide the two Governing Bodies with a copy of the cost-benefit analysis and all background materials.

The Governing Body of the County and School District will be encouraged to provide input to the proposed exemption/abatement on the property tax base as well as other issues.

5. Prior to making a decision to grant a tax exemption/abatement, the City Council shall adopt a resolution finding that the property being considered for exemption is to be used exclusively for an Article 11, §13 purpose. If the business is relocating

within the State, the resolution will state that the secretary of commerce has determined that such relocation is necessary to prevent the business from leaving the state.

6. After the public hearing the City Council shall adopt an ordinance specifying the percentage of abatement each year and the length of the abatement/exemption, in the event such abatement/exemption is approved by the City Council. The ordinance will require two readings.

7. The City Clerk will submit all necessary documentation to the County Appraiser's office. The owner(s) of the firm will also complete the forms prescribed by the Director of Property valuation.

8. After the first year of exemption/abatement the City Council, or its designee, will review actual payroll, investment, construction, and other relevant data, and then perform another cost-benefit analysis. If the numbers do not support the original abatement, then another ordinance will be adopted with the new abatement/exemption percentages. In no case will the abatement percent or term be increased as a result of this new analysis. The City Clerk will certify the new abatement/exemption percentages and ordinance to the County Appraiser.

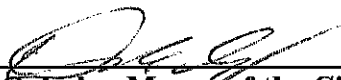
9. Exemptions/abatements will be reviewed annually by the City Council and approved by the Governing Body by January 1 of each year the owner(s) of all property which has been exempted/abated. The business granted the exemption/abatement hereunder shall present to the City Clerk all necessary information so that the City Council, or its designee, can calculate an updated exemption/abatement percentage, using the cost-benefit model.

The City Clerk shall supply a written statement to the owner(s) by February 1 of each year stating that the property does or does not continue to meet the terms and conditions of the exemption. In the event the owner(s) do not continue to meet the terms and conditions of the exemption/abatement, the abatement will be lowered or discontinued by the Governing Body. Any change in the abatement percentage will require passage of an ordinance reflecting such change in terms.

10. The expense of the cost-benefit analysis, and any investigatory costs paid to persons or entities that are not employees of City, including upon an original application hereunder, and any annual renewal applications thereon, shall be paid by the applicant business that is seeking the granting of an exemption/abatement hereunder, unless the City Council shall waive the costs thereof.

By March 1 of each year if the owner(s) continue to meet the terms and conditions of the exemption/abatement, the owner(s) shall claim such exemption by submitting forms prescribed by the Director of Property Valuation along with the City Clerk's report to the County Appraiser's office.

This resolution was passed and approved by the City Council and executed by the Mayor on June 5th, 2007.



Dale Oglesby, Mayor of the City of Galena

ATTEST:



Deborah Kitch
City Clerk of Galena, Kansas

RESOLUTION NO. 07-12

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

WHEREAS, the Governing Body of the City of Galena, Kansas, has previously enacted resolutions setting forth the pay of numerous city employees in Resolution 05-08, pay for the Assistant City Clerk in resolution 06-01, and pay for the City Attorney in Resolution 07-01. Resolutions 05-08, 06-01, and 07-01 should be repealed as the aforesaid pay ranges are set forth in Ordinance No. 07-12 passed by the Governing Body of the City of Galena.

BE IT RESOLVED, by the Governing Body of the City of Galena, Kansas, that resolutions 05-08, 06-01, 07-01, of the City of Galena, Kansas, are hereby repealed. Any provisions contained in any prior resolutions in conflict herewith are repealed.

This resolution was passed by the City Council of Galena, Kansas, on June 19, 2007.

This resolution was executed by the Mayor of Galena, Kansas, on June 19, 2007.



Dale Oglesby, Mayor

ATTEST:



Deborah Kitch, City Clerk

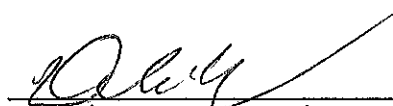
(SEAL)

RESOLUTION 07-13

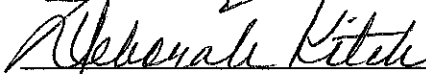
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GALENA, KANSAS AND THE CITY CLERK OF THE CITY OF GALENA, KANSAS, AND THE TREASURER OF THE CITY OF GALENA, KANSAS, AND THE PRESIDENT OF COUNCIL OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO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

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

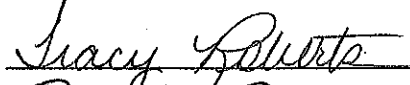
MAYOR:



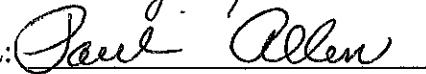
CITY CLERK:



CITY TREASURER:



PRESIDENT OF COUNCIL:

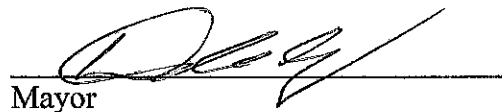


AND WHEREAS: The above named officials have been duly named by the Governing Body of the City of Galena, Kansas:

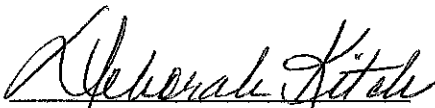
NOW THEREFORE: Be it resolved by the City Council of the City of Galena, Kansas:

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

PASSED BY THE GOVERNING BODY THIS 17th DAY OF JULY, 2007.


Mayor

ATTEST:


Deborah Kitch, City Clerk

(SEAL)

(Published in the official city newspaper on September 26, , 2007)

RESOLUTION NO. 07- 14

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

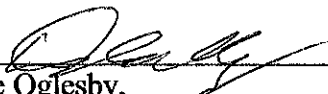
Whereas, the Governing Body of the City of Galena, Kansas, has previously enacted an Ordinance No. 07- 15 vacating Wood Street between 3rd Street and 4th Street, pursuant to K.S.A. 14-423, as amended. Subsequently, within 30 days after publication of said ordinance in the official city newspaper, a written protest by one or more interested persons against such action was filed with the city clerk. The hearing to consider such protest was held on September 20, 2007, and within 10 days after the expiration of the aforesaid 30 day period.

The passage of this Resolution 07- 14 by the governing body shall confirm the aforestated Ordinance 07- 15 that provided for the vacating of the street as set forth above.

Be It Resolved this Resolution shall be passed and approved and the vacating of Wood Street between 3rd Street and 4th Street is hereby confirmed.

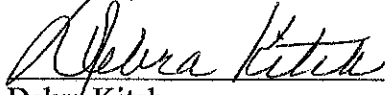
This resolution was passed and approved by the City Council on September 20, 2007.

This resolution was executed by the Mayor on September 20, 2007.



Dale Oglesby,
Mayor of the City of Galena, Kansas

ATTEST:



Debra Kitch
City Clerk of Galena, Kansas