

RESOLUTIONS

- 19-01 A RESOLUTION EXPRESSING THE PROPERTY TAXATION POLICY OF THE CITY OF GALENA, WITH THE RESPECT TO FINANCING THE ANNUAL BUDGET FOR 2019
- 19-02 A RESOLUTION THAT DETERMINES THE CITY COUNCIL OF GALENA, KS THAT THE FINANCIAL STATEMENTD AND FINACIAL REPROTS FOR THE YEAR ENDED DECEMBER 31, 2019 TO BE PREPARED IN CONFORMITY WITH REQUIREMENTS OF KSA 75-1120A(A) ARE NOT RELEVANT TO THE REQUIREMENTS OF THE CASH BASIS AND THE BUDGET LAWS OF THE STATE AND ARE OF NO SIGNIFICANT VALUE TO THE CITY OF GALENA, KS OR THE MEMBERS OF THE GENERAL PUBLIC OF THE CITY OF GALENA KS
- ~~19~~-03 A RESOLUTION ACCEPTING THE PRELIMINARY REPORT OF THE PUBLIC OFFICER THAT CERTAIN STRUCTURES WITHIN THE CITY LIMITS OF GALENA, KS ARE DANGEROUS, UNSAFE, OR UNFIT FOR HUMAN HABITATION 1602 JOPLIN **(AMEND FROM 19-01 TO 19-03)**
- ~~19~~-04 A RESOLUTION AUTHORIZING THE SALE OF CEREAL MALT BEVERAGE FOR CONSUMPTION ON UNLICENSED PREMISES, 719 W 11TH STREET, THAT WILL BE OPEN TO THE PUBLIC FOR THE GALEN SPORTS AUTHORITY ADULT COED SOFTBALL TOURNAMENT
- 19-05 A RESOLUTION ACCEPTING THE ESTABLISHMENT OF A HISTORIC PRESERVATION CODE FOR THE CITY OF GALENA, KS
- 19-06 NOT USED
- 19-07 A RESOLUTION REGARDING ASSET TRANSFER OF PREMIER SURGICAL CENTER TO MERCY
- 19-08 A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GALENA, KS AUTHORIZING THE REDEMPTION AND PAYMENT OF ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2012 (GALENA MOB PARTNERS, LLC) AND THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO GALENA MOB PARTNERS, LLC

RESOLUTION NO 19-01

A Resolution expressing the property taxation policy of the City of Galena, with the respect to financing the annual budget for 2019

Whereas, K.S.A. 79-2925b. provides that current year revenue that is produced and attributable to the taxation of (1) new improvements, (2) increased personal property valuation other than increased valuation of oil and gas leaseholds and mobile homes, (3) property located within added jurisdictional territory, and (4) property which has changed in use shall not be considered when determining whether revenue produced from property tax has increased from the preceding year; and

Whereas, the City of Galena provides essential services to protect the citizens of the City of Galena and

Whereas, the cost of these services continues to increase.

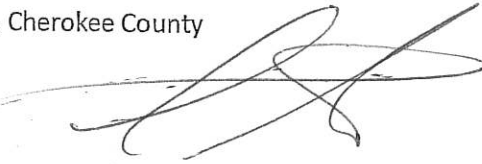
NOW, THEREFORE, BE IT RESOLVED by the City of Galena that the annual budget for _____, is hereby approved.

Adopted this _____ day of _____ by the City of Galena, Cherokee County

(SEAL)

ATTEST:


CITY CLERK



MAYOR

RESOLUTION NO. 19-02

BE IT RESOLVED BY THE CITY COUNCIL OF GALENA, KANSAS,
KANSAS:

WHEREAS, the City Council of Galena, Kansas, as determined that the financial statements and financial reports for the year ended December 31, 2019, to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and the budget laws of the state and are of no significant value to the City of Galena, Kansas, or the members of the general public of the City of Galena, Kansas, and;

WHEREAS, there are no revenue bond ordinances or resolutions or other ordinances and resolutions of the municipality which require financial statements of financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended December 31, 2019, and;

BE IT RESOLVED, that the City Council of the City of Galena, Kansas, waives the requirements of K.S.A. 75-1120a(a) as these requirements apply to the City of Galena, Kansas, for the year ended December 31, 2019;

BE IT RESOLVED, that the City Council shall cause the financial statements and financial reports of the City of Galena, Kansas, to be prepared on the basis of cash receipts and disbursements as adjusted his show compliance with the cash basis and budget laws of this State.

This resolution shall take effect and be in full force from and after its passage and publication once in the official city newspaper.

Adopted this 4 day of February by the CITY COUNCIL OF GALENA,
KANSAS.

(SEAL)

ATTEST:


CITY CLERK


MAYOR

CHEROKEE COUNTY



Proof of Publication

Amended 19-03

Machelle Smith S.S.

of lawful age, being duly sworn upon oath states that she
is the office manager
of THE SENTINEL-TIMES

THAT said newspaper has been published at least weekly fifty (50) times a year and has been so published for at least five years prior to the first publication of the attached notice:

THAT said newspaper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation on a daily, or weekly, or monthly, or yearly basis in

CHEROKEE County, Kansas and is

NOT a trade, religious or fraternal publication and has been published in CHEROKEE County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

- 1st Publication was made on the 24 day of April, 2019
- 2nd Publication was made on the 1 day of May, 2019
- 3rd Publication was made on the _____ day of _____, 20____
- 4th Publication was made on the _____ day of _____, 20____
- 5th Publication was made on the _____ day of _____, 20____
- 6th Publication was made on the _____ day of _____, 20____

Publication Fee \$ 20.00

Affidavit, Notary's Fees \$ _____

Additional Copies _____ @ _____ \$ _____

Total Publication Fee \$ 20.00

(Signed) Machelle Smith

Witness my hand this 2 day of May, 2019

SUBSCRIBED AND SWORN to before me this 2nd
day of May, 2019

Chasity Reynolds
(Notary Public)

Notary Public --- State of Kansas
CHASITY REYNOLDS
My appt. expires 10-7-21

Legal Notice

(Published in the Galena Sentinel-Times, Wednesday, April 24, 2019)

RESOLUTION NO. 19-01

A RESOLUTION ACCEPTING THE PRELIMINARY REPORT OF THE PUBLIC OFFICER THAT CERTAIN STRUCTURES WITHIN THE CITY LIMITS OF GALENA, KANSAS ARE DANGEROUS, UNSAFE, OR UNFIT FOR HUMAN HABITATION

WHEREAS, the Governing Body of the City of Galena, Kansas (the "City") passed City Ordinance Article IV Section 601-614 setting forth the procedure where certain structures could be found to be dangerous, unsafe, or unfit for human habitation and the procedure for the removal or repair of such structures; and

WHEREAS, in accordance with Section 601-614 of Article IV, the public of the City Code, the officer has conducted a preliminary investigation and made a report to the Governing Body of the City of Galena, Kansas that the following structures within the city limits of Galena, Kansas are in violation of Article IV of the City Code - 1602 Joplin, Galena, Kansas.

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

Section 1. That the owners, owner's agent, any lien holder of record, or any occupant of any of the structures above named may appear at the meeting of the Governing Body of the City of Galena, Kansas on the 6th day of May, 2019 at 6:00 p.m. at the Galena City Hall, 211 West 7th Street, Galena, Kansas to address whether the structure listed above are dangerous, unsafe or unfit for human habitation, and, if the structures are dangerous, unsafe, or unfit for human habitation, the repair or removal of such structure.

Section 2. That the owners, owner's agent, any lien holder of record, or any occupant of any of the structures above named shall be mailed by certified mail a copy of this resolution in accordance with Article IV of the City Code.

PASSED by the Governing Body and approved by the Mayor on this 15th day of April, 2019.

CITY OF GALENA, KANSAS
Lance Nichols, Mayor

A RESOLUTION AUTHORIZING THE SALE OF CEREAL MALT BEVERAGE FOR CONSUMPTION ON UNLICENSED PREMISES, 719 W 11TH STREET, THAT WILL BE OPEN TO THE PUBLIC FOR THE GALENA SPORTS AUTHORITY ADULT COED SOFTBALL TOURNAMENT.

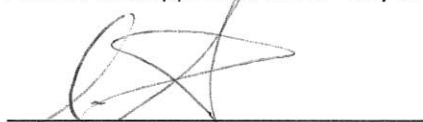
WHEREAS, the applicant, Galena Sports Authority, seeks a permit through the state of Kansas for the sale of alcoholic liquor at premises described above.

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

that pursuant to K.S.A. 41-2645(f)(3) the governing body of the city of Galena, Kansas, grants the authority to the Galena Sports Authority, to sell cereal malt beverage at 719 W 11th St, on Saturday, July 20, 2019 from 12:00 pm to 11:00 pm for the Adult Coed Softball Tournament.

BE IT RESOLVED, that the City Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

Passed and approved this 6th day of May 2019, by the City Council of Galena, Kansas



Lance Nichols, Mayor

Attest: 

Flora R Charles, City Clerk

RESOLUTION 19- 05

A RESOLUTION ACCEPTING THE ESTABLISHMENT OF A HISTORIC PRESERVATION, CODE FOR THE CITY OF GALENA, KANSAS

WHEREAS, the governing body of the City of Galena, Kansas establishes a Historic Commission and Purpose

THEREFORE, BE IT RESOLVED by the governing body of the City of Galena, Cherokee County Kansas
the following:

1. Establishes a Historic Commission for the purpose of identification, designation, protection, enhancement, preservation and use of historic resources, said purpose being considered a public necessity and in the interest of the culture, prosperity, education and welfare of the people; and
2. shall enforce state and local legislation, as appropriate, for the designation and protection of historic properties; shall observe any requirements placed on it by the protective clause of the Kansas Historic Preservation Act; shall cooperate with the Kansas SHPO in any matters arising under that statute.
3. Shall maintain a system for the survey and inventory of historic properties;
and
4. shall provide for adequate public participation in all aspects of the implementation, including the process of recommending properties for nomination to historic registers;

Passed by the Governing Body and approved by the Mayor on this 3 day of June 2019.

CITY OF GALENA, KANSAS



Lance Nichols, Mayor

ATTEST



Flora R Charles, City Clerk

Resolution 19-

RESOLUTION OF 19-07
THE CITY COUNCIL OF THE CITY OF GALENA, KANSAS FOR
PREMIER SURGICAL INSTITUTE

The City Council of the City of Galena, Kansas (the "City") for, and in conjunction with, the City's interest in Premier Surgical Institute (the "PSI") resolves as follows:

WHEREAS, representatives of the City; PSI; Four States Management Solutions, LLC, a Kansas limited liability company ("FSMS"); Galena Medical Properties, LLC, a Kansas limited liability company ("GMP"); and Mercy Specialty Hospital Southeast Kansas, a Kansas not for profit corporation ("Mercy," and collectively with City, PSI, FSMS and GMP, the "Interested Parties"), have recently engaged in negotiations regarding the transfer to Mercy (the "Asset Transfer") of certain assets and real and personal property related to PSI, FSMS and GMP utilized in the ownership, operation and management of the Hospital;

WHEREAS, the City, PSI and the other Interested Parties desire to enter into definitive documentation regarding the Asset Transfer, including a definitive Operations Transfer Agreement (the "Transfer Agreement"), pursuant to which, among other things, the City and PSI will transfer certain assets and personal property used in PSI's operation of the Hospital to Mercy in exchange for Mercy delivering certain consideration to the City and PSI, and assuming certain liabilities related to the business of the Hospital, in each case subject to the terms, conditions and adjustments to be further described in the definitive Transfer Agreement and related ancillary documents, including without limitation, the Lease Termination between PSI and GMP, and the Management Agreement Termination between PSI and FSMS; and

WHEREAS, the City Council, based upon all of the factors considered in connection with the approval of these resolutions, and in order to consummate the transactions contemplated by the Transfer Agreement and the ancillary documents and agreements have determined that it is advisable and in the best interests of the City and PSI to approve the Asset Transfer and the related transaction and agreements to which the City and PSI are a parties, respectively;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALENA, KANSAS, AS FOLLOWS:


RESOLVED, that the City Council hereby approves the Asset Transfer and related transactions, and the City Council hereby authorizes Lance Nichols, Mayor, and Steve Wade, Chairperson of the PSI Board of Trustees (each, an "Authorized Agent"), on behalf of the City and PSI, respectively, to negotiate, execute and deliver the Transfer Agreement and the ancillary agreements to which the City and PSI are parties, which set forth the terms and conditions of the Asset Transfer and the related transactions, substantially in such form as the Authorized Agents deem necessary, appropriate or advisable, in conjunction with the City and PSI's counsel and special counsel, in order to consummate such transactions and to carry out fully the purposes and intent of these resolutions, such approval to be conclusively established by the execution thereof, and for the City and PSI to consummate such transactions as contemplated by the Transfer Agreement and related ancillary agreements;

RESOLVED, that the Authorized Agents be, and hereby are, authorized to take or cause to be taken, in the name and on behalf of the City and PSI, respectively, all such further actions and to prepare, execute and deliver or cause to be prepared, executed and delivered, in the name and on behalf of the City and PSI, respectively, all such other agreements, documents, and instruments required in connection with the consummation of the Asset Transfer, and to incur and pay all such fees and expenses as the Authorized Agents shall deem necessary or appropriate in order to consummate such transactions and to carry out fully the purposes and intent of the these resolutions; and

RESOLVED, that all actions heretofore taken by any of the Authorized Agents of the City and PSI, respectively, in connection with the transactions contemplated by these resolutions be, and the same hereby are, approved, adopted, ratified and confirmed in all respects, including, without limitation, the preparation and negotiation of the Transfer Agreement.

I, the undersigned, Recording Secretary of the City Council of the City of Galena, Kansas, hereby certify that the above and foregoing constitutes a fully, true and correct copy of the Resolutions duly approved by the City Council at a meeting held on December 16, 2019; that said Resolution has not been modified, amended or repealed, and is in full force and effect as of the date hereof.

DATED this 16th day of December, 2019.



Recording Secretary

RESOLUTION NO. 19-08

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS AUTHORIZING THE REDEMPTION AND PAYMENT OF ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2012, (GALENA MOB PARTNERS, LLC) AND THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO GALENA MOB PARTNERS, LLC

WHEREAS, pursuant to Ordinance No. 12-4 and the Trust Indenture dated as of December 7, 2012, the City of Galena, Kansas (the "Issuer") has previously issued its Taxable Industrial Revenue Bonds, Series 2012 (Galena MOB Partners, LLC) in the original aggregate principal amount of \$5,000,000 (the "Bonds") to finance the cost of acquiring, constructing and equipping a commercial facility (the "Project") to be leased to Galena MOB Partners, LLC, a Kansas limited liability company (the "Tenant"), pursuant to a Lease dated as of December 7, 2012 between the City and the Tenant (the "Lease"); and

WHEREAS, the Tenant desires to provide for the immediate payment of all outstanding Bonds, the redemption premium and interest thereon accruing to the redemption date of December 31, 2019 (the "Redemption Date"), by depositing a sum sufficient for such purpose with Community National Bank & Trust, Pittsburg, Kansas, fiscal and paying agent (the "Bank") for the Bonds; and

WHEREAS, the Issuer and the Tenant will provide the Bank written notice to redeem all outstanding Bonds on the Redemption Date; and

WHEREAS, sufficient funds will be deposited with the Bank to accomplish the redemption of the Bonds on the Redemption Date; and

WHEREAS, the Tenant desires to exercise its option to purchase the Project under Section 17.1 of the Lease and is not in default under the Lease; and

WHEREAS, the Tenant has provided the Issuer written notice of its intent to exercise its option to purchase the Project on the Redemption Date;

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

Section 1. The Mayor and Clerk are authorized and directed to execute and deliver a special warranty deed, a bill of sale and a release of lease, in substantially the forms submitted to the Governing Body concurrently with the adoption of this Resolution. The Clerk is directed to deliver the executed special warranty deed, a bill of sale and a release of lease to the Bank for delivery to the Tenant upon deposit of sufficient funds to pay the purchase option price as specified in the Lease and provide for the redemption of the outstanding Bonds on the Redemption Date.

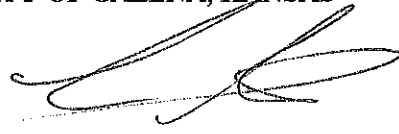
Section 2. The Mayor and Clerk are hereby further authorized and directed to sign such other instruments and certificates as shall be necessary and desirable in connection with this Resolution, and are hereby further authorized to take such further actions as may be necessary to accomplish the purposes of this Resolution.

Section 3. The Bank is hereby directed to take all action necessary to accomplish the purpose of this Resolution including providing for notice of redemption of the outstanding Bonds in accordance with the requirements of the Trust Indenture dated December 7, 2012 authorizing and securing the Bonds.

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ADOPTED by the governing body of the City of Galena, Kansas on December 16, 2019.

CITY OF GALENA, KANSAS



Mayor

[SEAL]

Attest:

By 
Clerk

