

Ordinance 4236 Vacant will not be used. Proposed Ordinance was not acted upon.

ORDINANCE NO. 4237

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AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 3(C) AND SECTION 4 OF THE MUNICIPAL CODE, REGULATING THE EXPLODING AND FIRING OF FIREWORKS; REPEALING EXISTING TITLE, CHAPTER AND SECTIONS.

=====

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: Title 7, Chapter 3, Section 3(C) of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

7-3-3: **EXPLODING; FIRING ON DESIGNATED DAYS AND AT DESIGNATED TIMES:** It shall be unlawful and any person or persons to use, fire off, explode or cause to be exploded within the city:

\* \* \*

(C) Any fireworks or explosives described in section 7-3-1 of this chapter within the north city park on the date, including the "rain date" if applicable, scheduled for the community fireworks display in commemoration of the Independence Day holiday, said display commonly called "Liberty Fest", between the hours of six o'clock (6:00) P.M. and eleven o'clock (11:00) P.M. of said day.

SECTION 2: Title 7, Chapter 3, Section 4 of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

7-3-4: **EXPLODING, FIRING; LOCATION RESTRICTIONS:** It shall be unlawful for any person or persons to use, fire off, explode, or cause to be exploded in the city, any of the fireworks or explosives described in section 7-3-1 of this chapter at any time: (1) at, toward, or under any car or motor vehicle, whether the same is moving or standing still; (2) from any car or motor vehicle, whether moving or standing still; or (3) within one hundred (100) feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building or area in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, oils, and other volatile materials are handled in sealed containers only; provided, however, the shaking, mixing or adding colorant to paint which is essentially free from volatile substances, often commonly called water-based paint or finish, is likewise excepted.

SECTION 3: Title 7, Chapter 3, Section 3A and Section 4, as the same presently exist, are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 14<sup>th</sup> day of June, 2022.

ATTEST:

Irish Brewer  
City Clerk

Mayor





*Small, Serene, Simply Garnett.*

**M E M O**

**TO: TRAVIS WILSON**  
**FROM: TERRY J. SOLANDER**  
**SUBJECT: FIREWORKS AMENDMENT**

The proposed Ordinance accompanying this memo is to remove the restriction for detonation of fireworks within 1000 feet of a hospital or similar facility, per the determination of the governing body at Tuesday's meeting, May 24th. This change is set out in Section 2 of the proposed Ordinance.

I have changed Section (C) which presently prohibits the detonation of consumer type fireworks during the July 4th "Liberty Fest" or the alternate rain date. My purpose in doing this is not to change the prohibition itself as it remains identical to that we presently have. The change recognizes that of late we have scheduled the event many a time on a day other than July 4th. The existing section limits the prohibition to July 4th or the rain date, whereas the proposed change would be effective whatever the primary Liberty Fest date was or upon the alternate rain date. It is not tied specifically to July 4th.

Dated May 26, 2022.

(Published in the *Anderson County Review* on June 21, 2022)

ORDINANCE NO. 4238

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (GUFFEY PROPERTIES, LLC REDEVELOPMENT DISTRICT).**

**WHEREAS**, the City Commission (the "Governing Body") of the City of Garnett, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770, *et seq.*, as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, an "eligible area," as defined in the Act, includes a "conservation area," as defined in the Act; and

**WHEREAS**, a "conservation area" as defined in the Act, includes an area in which a 50% or more of the structures have an age of 35 years or more and may become blighted due to the dilapidation and deterioration of the structures and the presence of structures below minimum code standards; and

**WHEREAS**, prior to the creation of any redevelopment district, the Governing Body must adopt a resolution stating that the City is considering the establishing of a redevelopment district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than 30 nor more than 70 days following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district, (3) describe a proposed redevelopment district plan, (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated, and (5) state that the Governing Body will consider findings necessary for the establishment of a redevelopment district; and

**WHEREAS**, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail, return receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district not more than 10 days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing, which publication shall



include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment district; and

**WHEREAS**, upon the conclusion of such public hearing, the Governing Body may pass an ordinance which shall: (1) make findings that the property within the proposed redevelopment district is an “eligible area” as defined in the Act, (2) contain the redevelopment district plan as approved, (3) contain the legal description of the redevelopment district, and (4) may establish the redevelopment district, provided that the boundaries of the redevelopment district shall not include any area not designated in the notice of public hearing on the creation of the redevelopment district; and

**WHEREAS**, no privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of the Act if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district that the proposed redevelopment district will have an adverse effect on such county or school district; and

**WHEREAS**, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission; and

**WHEREAS**, the Governing Body has heretofore adopted Resolution No. 2022-9, which made a finding that the City is considering the establishment of a redevelopment district pursuant to the Act, set forth the boundaries of the proposed redevelopment district, provided a summary of the proposed redevelopment district plan, called a public hearing concerning the establishment of a redevelopment district for June 14, 2022, and provided for notice of such public hearing as provided in the Act; and

**WHEREAS**, a public hearing was held on June 14, 2022, after duly published, delivered and mailed notice in accordance with the provisions of the Act; and

**WHEREAS**, upon and considering information and public comments received at the public hearing conducted this date, the Governing Body hereby deems it advisable to make certain findings and to create the redevelopment district.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS, AS FOLLOWS:**

**Section 1. Findings.** The Governing Body hereby finds that notice of the public hearing conducted June 14, 2022 was made in accordance with the provisions of the Act. Based on the information and additional testimony received at the public hearing, the Governing Body hereby further finds and determines that 50% or more of the structures in the proposed redevelopment district described in Resolution No. 2022-9 have an age of 35 years or more and may become blighted due to due to the dilapidation and deterioration of the structures and the presence of structures below minimum code standards. As a result, the area constitutes a “conservation area” and is therefore an “eligible area” (as said terms are defined in the Act), and the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

**Section 2. Creation of Redevelopment District.** A redevelopment district is hereby created within the City in accordance with the provisions of the Act, which shall consist of the real estate legally described on *Exhibit A* attached hereto, which is incorporated herein by reference, to be designated as the “Guffey Properties, LLC Redevelopment District” (the “District”). A map depicting the boundaries of the

District is attached hereto as *Exhibit B*, which is incorporated herein by reference. The boundaries of the District do not contain any property not referenced in Resolution No. 2022-9, which provided notice of the public hearing on the creation of the District.

**Section 3.       Redevelopment District Plan.** The preliminary plan for the District (the “District Plan”), as presented to the Governing Body this date and attached hereto as *Exhibit C*, is hereby approved.

**Section 4.       Approval of Other Governmental Units.** No privately owned property subject to ad valorem taxation within the District shall be acquired and redeveloped pursuant to the Act, if the Board of County Commissioners of Anderson County or the Board of Education of Unified School District No. 365 determines by resolution adopted within thirty days following the public hearing held by the City on June 14, 2022, that the District will have an adverse effect on Anderson County or Unified School District No. 365, respectively. If such a resolution is delivered to the City, the Governing Body shall, within 30 days of the receipt of such a resolution, pass an ordinance dissolving the District hereby created.

**Section 5.       Reimbursement.** The Act authorizes the issuance by the City to issue bonds (the “Bonds”) to finance all or a portion of the costs of implementing the District Plan. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of passage of this Ordinance, pursuant to Treasury Regulation §1.150-2.

**Section 6.       Further Action.** The Mayor, City Manager, City Clerk, City Attorney and other officials, employees and agents of the City, including Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 7.       Effective Date.** This Ordinance shall be effective upon its passage by the Governing Body of the City and publication one time in the official City newspaper.

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PASSED by the City Commission on June 14, 2022 and SIGNED by the Mayor.



*Irish Brewer*

Clerk

*[Signature]*

Mayor



***EXHIBIT A***

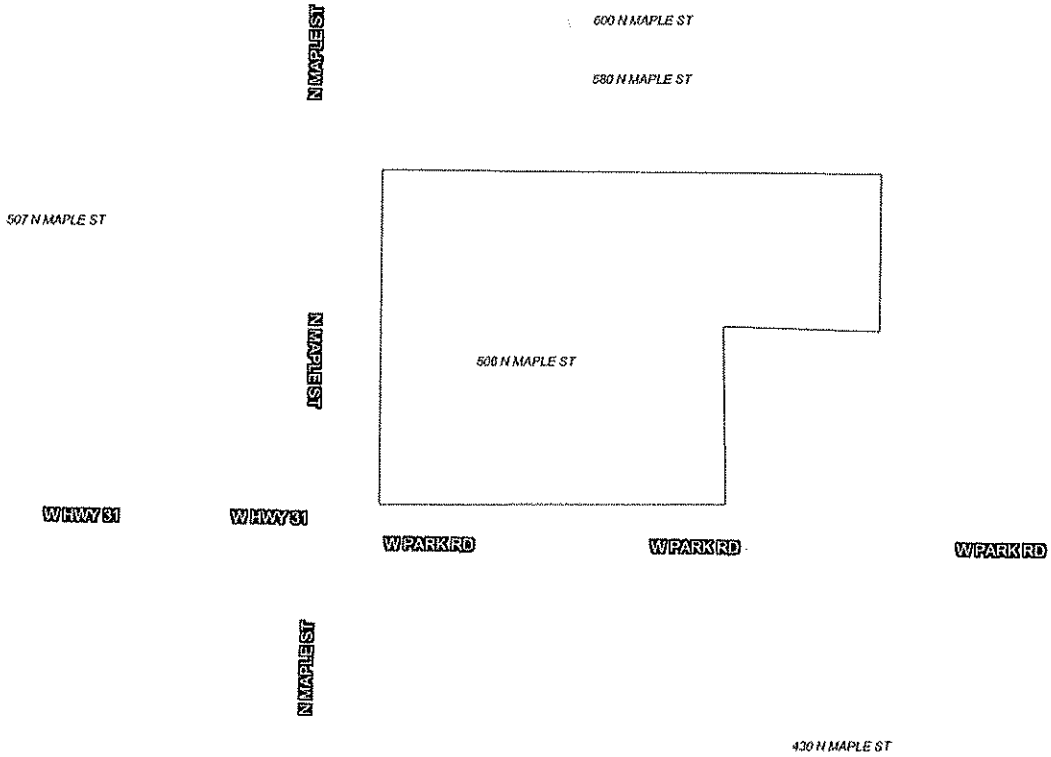
***LEGAL DESCRIPTION OF THE GUFFEY PROPERTIES, LLC REDEVELOPMENT DISTRICT***

An area including the following additions, lots and parcels all located in Garnett, Anderson County, Kansas:

Commencing at the Southwest Corner of Section Nineteen (19), Township Twenty (20), Range Twenty (20), thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet, thence West 260 feet to the point of beginning, which is the entire ELLIS ADDITION to the City of Garnett, Anderson County, Kansas

Together with all rights of way adjacent thereto

**EXHIBIT B**  
**MAP OF GUFFEY PROPERTIES, LLC REDEVELOPMENT DISTRICT**



## **EXHIBIT C**

### **REDEVELOPMENT DISTRICT PLAN FOR THE REDEVELOPMENT OF THE GUFFEY PROPERTIES, LLC REDEVELOPMENT DISTRICT THROUGH TAX INCREMENT FINANCING**

**May 2022**

#### **SECTION 1: PURPOSE**

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1770 *et seq.* (the “Act”). The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describes in a general manner the buildings, facilities and improvements to be constructed or improved.

#### **SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME**

Projects financed through tax increment financing typically involve the creation of an “increment” in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes flow to the City to fund projects in the redevelopment district, and the remaining portion flows to all remaining taxing jurisdictions. The portion of property taxes flowing to the City is determined by the increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the same area. When the current aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district and other qualified expenditures are funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the “original valuation,” continue to flow to all taxing jurisdictions just as they did prior to redevelopment. This condition continues for the duration of the established district, as defined by statute, or until all eligible project costs are funded, whichever is of shorter duration.

#### **SECTION 3: DESCRIPTION OF THE DISTRICT BOUNDARIES**

The property within the proposed district includes all property generally located northeast of the intersection of North Maple Street and West Park Road at 506 N. Maple Street in Garnett, Anderson County, Kansas; and including all street rights of way adjacent thereto. The legal description of the proposed district is attached hereto and incorporated herein as *Attachment 1*.

#### **SECTION 4: BUILDINGS AND FACILITIES**

The existing structures on the property within the proposed redevelopment district are 35 years old or older, and may become a blighted area due to the dilapidation and deterioration of the structures and the presence of structures below minimum code standards. Accordingly, such property is a “conservation area” and an “eligible area” as defined in the Act and is legally eligible for establishment of a redevelopment district.

#### **SECTION 5: REDEVELOPMENT AND PROJECT AREAS**

It is anticipated that all property within the district will be designated as the “project area” under the redevelopment project plan, which must be adopted by the City Commission by a 2/3 majority vote before

the expenditure of any tax increment financing funds. The plans for redevelopment of the project area generally call for a full remodel or replacement of the current structure into a single use retail building, and associated improvements.

Tax increment financing may be used to pay for eligible costs, including site preparation, demolition, public infrastructure improvements, such as streetscape, public parking, utility extensions, landscaping, pedestrian and bike paths and public plazas. Except as specifically provided by the Act, tax increment financing may not be used for construction of any buildings owned or leased to a private, nongovernmental entity.

## **SECTION 6: CONCLUSION**

After the establishment of the redevelopment district, any redevelopment projects to be funded with tax increment financing will be presented to the Governing Body for approval through the adoption of a Redevelopment Project Plan. The Project Plan will identify the specific project area located within the established tax increment financing district and will include detailed descriptions of the projects as well as a financial feasibility study showing that the economic benefits outweigh the costs. The Project Plan must be reviewed by the Planning Commission to determine if the Project Plan is consistent with the intent of the comprehensive plan for development of the City. Thereafter, the Governing Body shall adopt a resolution calling a public hearing to consider the Project Plan notice of such hearing to be provided by mail and publication in accordance with the. After conclusion of the public hearing, the Project Plan may be approved by ordinance passed by not less than a two-thirds majority vote of the Governing Body.

Tax increment financing does not impose any additional taxes on property located within the redevelopment district. All property within the district is appraised and taxed the same as any other property. However, if property within the district increases in value as a result of redevelopment, the resulting increment of additional tax revenue is diverted to pay for a portion of the redevelopment costs.

***ATTACHMENT 1***

**PROPOSED GUFFEY PROPERTIES, LLC REDEVELOPMENT DISTRICT**

**LEGAL DESCRIPTION**

An area including the following additions, lots and parcels all located in Garnett, Anderson County, Kansas:

Commencing at the Southwest Corner of Section Nineteen (19), Township Twenty (20), Range Twenty (20), thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet, thence West 260 feet to the point of beginning, which is the entire ELLIS ADDITION to the City of Garnett, Anderson County, Kansas

Together with all rights of way adjacent thereto

Ordinance 4239 vacant

Ordinance 4240 vacant



(Published in the *Anderson County Review* on October 18, 2022)

**ORDINANCE NO. 4241**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN FOR THE GUFFEY PROPERTIES, LLC REDEVELOPMENT DISTRICT WITHIN THE CITY.**

**WHEREAS**, the City Commission (the “Governing Body”) of the City of Garnett, Kansas (the “City”) desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770, *et seq.*, as amended (the “Act”), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, by Ordinance No. 4238, passed June 14, 2022, and published June 21, 2022 (the “District Ordinance”), the City established a redevelopment district pursuant to the Act designated as the “Guffey Properties, LLC Redevelopment District” (the “District”), and

**WHEREAS**, the City has prepared a redevelopment project plan for the District (the “Project Plan”) and is considering adoption of the Project Plan; and

**WHEREAS**, on August 16, 2022, the City of Garnett, Kansas Planning Commission reviewed the proposed Project Plan and adopted a resolution finding that the Project Plan is consistent with the comprehensive plan for the development of the City; and

**WHEREAS**, a copy of the Project Plan has been delivered by the City to the Board of County Commissioners of Anderson County, Kansas and to the Board of Education of U.S.D. No. 365, Anderson County, Kansas (Garnett); and

**WHEREAS**, pursuant to the requirements of the Act and Resolution No. 2022-10, adopted August 23, 2022, the Governing Body set a public hearing to consider the adoption of the Project Plan on September 27, 2022, at 6:00 p.m. or as soon thereafter as the matter could be heard, at City Hall, located at 131 West 5<sup>th</sup> Avenue, Garnett, Kansas; and

**WHEREAS**, notice of such public hearing was provided as required by the Act; and

**WHEREAS**, on September 27, 2022, the public hearing was opened, public comment was

received by the Governing Body and the public hearing was closed; and

**WHEREAS**, the Governing Body is authorized to adopt the Project Plan by ordinance passed by not less than two-thirds vote of the Governing Body; and

**WHEREAS**, a Development Agreement (the "Development Agreement") between the City and Guffey Properties, LLC (the "Developer") has been presented to the Governing Body for consideration in connection with the Project Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS, AS FOLLOWS:**

**Section 1. Project Plan Approval.** The Project Plan for the redevelopment of the District, together with all attachments and exhibits thereto, which is on file in the office of the City Clerk, is hereby adopted.

**Section 2. Development Agreement Approval.** The Development Agreement is hereby approved in substantially the form presented to the Governing Body with such alterations, changes or additions as may be approved by the City Manager, subject to the establishment of a community improvement district related to the District. Upon establishment of a community improvement district related to the District, the Mayor or Vice Mayor of the City is authorized and directed to execute the Development Agreement and such other documents, statements, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and as described in the Development Agreement, in such final form as are approved by the City Manager, or designate, and the execution or taking of such actions shall be conclusive evidence of such form, necessity or advisability. The City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

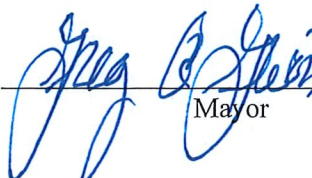
**Section 3. Further Action.** The Mayor, City Manager, City Clerk, City Attorney and other officials, agents and employees of the City, including Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall be effective upon its passage by the Governing Body of the City and publication one time in the official City newspaper.

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PASSED by not less than two-thirds vote the City Council of the City on October 11, 2022 and  
SIGNED by the Mayor.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

(Published in the *Anderson County Review* on November 15, 2022)

**ORDINANCE NO. 4242**

**AN ORDINANCE OF THE CITY OF GARNETT ESTABLISHING THE GUFFEY COMMUNITY IMPROVEMENT DISTRICT; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A 2.0% CID SALES TAX; PROVIDING FOR THE METHOD OF FINANCING THE SAME; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATING THERETO.**

**WHEREAS**, the City of Garnett, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas (the “State”); and

**WHEREAS**, the provisions of K.S.A. 12-6a26 *et seq.*, as amended, (the “CID Act”) set forth the procedure for the establishment of a community improvement district (“CID”); and

**WHEREAS**, a petition (the “Petition”) was filed with the City Clerk of the City proposing the creation of a community improvement district pursuant to the Act to be known as the Guffey Community Improvement District (the “District”), the completion of a project relating thereto as more particularly described herein (the “Project”) and the imposition of a CID Sales Tax in the amount of 2.0% (the “CID Sales Tax”) in order to pay the costs of the Project; and

**WHEREAS**, the Petition was signed by the owners of one hundred percent (100%) of all land and all of the assessed value within the proposed District, exclusive of land owned by the City for infrastructure purposes; and

**WHEREAS**, the CID Act provides that prior to creating any CID, the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creation of such CID and the construction and expenditure of costs of community improvement district projects relating thereto, and give notice of the hearing by publication once each week for two consecutive weeks in the official City newspaper, the second publication to be at least seven days prior to the hearing, and by the mailing of notice to the owners of property within the proposed CID; and

**WHEREAS**, the Governing Body adopted Resolution No. 2022-13 (the “Resolution”) on October 11, 2022, directing that a public hearing on the proposed District be held November 8, 2022, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

**WHEREAS**; the Resolution was published once each week for two consecutive weeks in the official City newspaper and mailed by United States certified mail, return receipt requested, to each owner or owners of record, whether resident or not, of real property within the proposed District; and

**WHEREAS**, the CID Act further authorizes the City, in order to pay the costs of such projects, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a CID in any increment of .10% or .25% not to exceed 2.0% and to reimburse the costs of community improvement district projects from community improvement district sales tax; and

**WHEREAS**, on November 8, 2022, the Governing Body conducted a public hearing on the proposed District, the proposed Project related thereto, the method of financing the same and the imposition of the CID Sales Tax; and

**WHEREAS**, the Governing Body hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Project relating thereto, approve the estimated costs of such community improvement district projects, approve the method of financing the same and impose the CID Sales Tax, all in accordance with the provisions of the CID Act; and

**WHEREAS**, the City and Guffey Properties, LLC, have negotiated the terms of a Development Agreement, dated as of November 15, 2022 (the "Development Agreement") relating to the development of the proposed Project, the distribution of the CID Sales Tax and related matters; and

**WHEREAS**, the Governing Body hereby further finds and determines that it is necessary and advisable and in the interest of the public health, safety and welfare, including economic development, of the City, to authorize the execution of the Development Agreement and related documents.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:**

**Section 1. Creation of the District.** The Governing Body hereby finds and determines that the Petition is sufficient and that all notices required to be given under the CID Act were given in accordance with the CID Act. The Governing Body hereby creates the Guffey Community Improvement District within the City and approve the boundaries thereof (the "District"). A legal description of the property within the District is set forth in *Exhibit A* attached hereto and incorporated by reference. A map generally outlining the boundaries of the District is attached hereto as *Exhibit B* and incorporated herein by reference.

**Section 2. Authorization of Project.** The Project described in the Petition consists of the design, engineering, construction, furnishing and equipping of a single tenant retail facility (the "Project"). The general components of the Project include but are not limited to such items as demolition, site preparation and development, construction of a building and tenant finish improvements, including FF&E, construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the Project as authorized by the Act. The Governing Body hereby approves the Project.

**Section 3. Estimated Cost.** The estimated cost of the Project to be completed within the District is \$1,505,000.

**Section 4. Method of Financing.** The Project will be financed on a pay-as-you-go basis from revenues received from the imposition the CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers' sales tax act within the District. There will be no special assessments levied pursuant to the CID Act and there will be no bonds issued pursuant to the CID Act.

**Section 5. Imposition of the Community Improvement District Sales Tax.** In order to provide for the payment of a portion of the costs of the Project on a pay-as-you-go basis, the Governing Body hereby imposes the CID Sales Tax within the District in an amount of 2.0% on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailers' sales tax act within the District. The City Clerk shall cause all notices required by the CID Act to be given following passage of this ordinance, specifically including the submittal by the City of a certified copy of this ordinance to the Kansas Department of Revenue ("KDOR") following publication hereof. Such CID Sales Tax shall commence on the first day of the calendar quarter next following the 90<sup>th</sup> day after receipt

by the KDOR of the certified copy of this Ordinance sent by the City, and remain in effect for 22 years, or such lesser period as may be required for payment from CID Sales Tax revenues of the costs approved for the Project in the Development Agreement, whichever is the lesser period.

**Section 6. Collection of the Sales Tax.** The collection of the CID Sales Tax shall be made in the manner presented in the CID Act

**Section 7. Segregation of the Sales Tax Revenues.** All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Guffey CID Sales Tax Revenue Fund. Such revenues shall be used to pay the costs of the Project on a pay-as-you-go basis and related expenses described in the Development Agreement.

**Section 8. Development Agreement.** The Development Agreement, is hereby approved in substantially the form presented to the Governing Body with such alterations, changes or additions as may be approved by the City Manager and as to form by the City Attorney. The Mayor or Vice Mayor of the City is hereby authorized and directed to execute the Development Agreement and such other documents, statements, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance in such final form as are approved by the City Manager, or designate, and the City Attorney, and the execution or taking of such actions shall be conclusive evidence of such form, necessity or advisability. The City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 9. Repealer.** Ordinance No. 4239 originally passed by the Governing Body on September 27, 2022, is hereby repealed.

**Section 10. Further Authority.** The City shall, and the officers, employees and agents of the City, including Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect thereto.

**Section 11. Effective Date.** This Ordinance shall take effect from and after its passage by the Governing Body, and its publication once in the official newspaper of the City. This Ordinance shall be recorded with the Anderson County Register of Deeds.

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**PASSED** by the City Commission of the City of Garnett, Kansas on November 8, 2022 and  
**SIGNED** by the Mayor.

(SEAL)

ATTEST:

Patrice Brown  
City Clerk



[Signature]  
Mayor

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### CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 4242 (the "Ordinance") of the City of Garnett, Kansas (the "City"); that said Ordinance was passed by the City Commission on November 8, 2022, that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; that the Ordinance was published in the official newspaper of the City on November 15, 2022; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: November 8, 2022.

Patricia Brewer  
City Clerk

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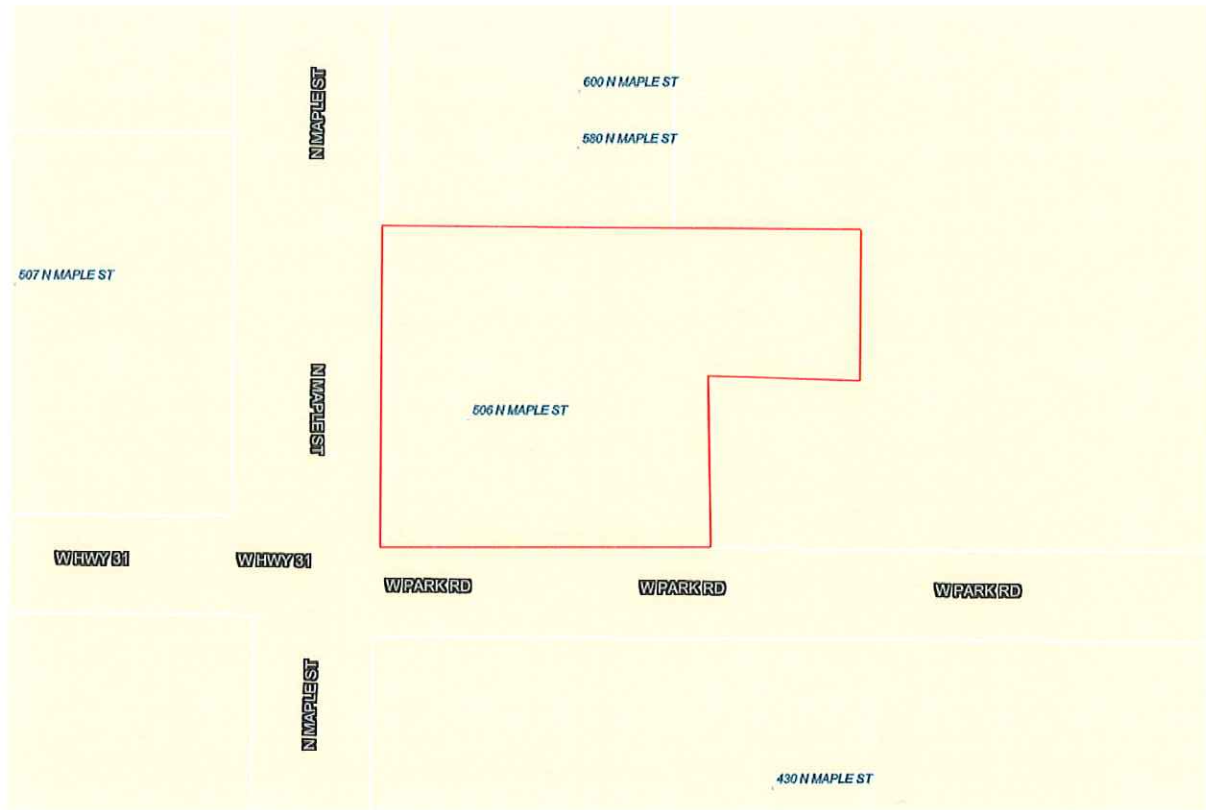
***EXHIBIT A***

**LEGAL DESCRIPTION OF DISTRICT**

Commencing at the Southwest Corner of Section Nineteen (19), Township Twenty (20), Range Twenty (20), thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet, thence West 260 feet to the point of beginning, which is the entire ELLIS ADDITION to the City of Garnett, Anderson County, Kansas.

Commonly known as: 506 N. Maple, Garnett, KS 66032. PID #002091903004012000  
Quick Ref ID# R2207.

**EXHIBIT B**  
**MAP OF DISTRICT**



**ORDINANCE NO. 4243**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 4, OF THE MUNICIPAL CODE ESTABLISHING NEW AND REVISED RATES FOR VARIOUS CLASSES OF ELECTRIC SERVICE; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER; PROVIDING FOR EFFECTIVE DATE.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: Title 4, Chapter 4, Section 4 of the Municipal Code is hereby amended to read as follows:

4-4-4: ELECTRIC SERVICE; PERIODIC RATES: The following periodic rates for the use of electrical energy are hereby established to users and consumers of the City:

(A) Residential Service-Standard:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge: \$10.00 per month

Energy Charge:

First	80 kWh per month at	\$0.140 per kWh
Next	920 kWh per month at	\$0.137 per kWh
Over	1,000 kWh per month at	\$0.135 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
3. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

(B) Small General Service:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge: \$11.00 per month

Energy Charge:

First	80 kWh per month at	\$0.140 per kWh
Next	920 kWh per month at	\$0.136 per kWh
Over	1,000 kWh per month at	\$0.134 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
3. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

(C) Large General Services:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge:	\$12.00 per month	
Demand Charge:	For each kW billing demand per month, \$2.00 per kW	
Energy Charge:		
First	1,000 kWh per month at	\$0.127 per kWh
Next	9,000 kWh per month at	\$0.125 per kWh
Next	50,000 kWh per month at	\$0.121 per kWh
Next	50,000 kWh per month at	\$0.116 per kWh
Next	50,000 kWh per month at	\$0.112 per kWh
Next	160,000 kWh per month at	\$0.107 per kWh

2. For the purposes of this classification, the term "billing demand" for any month shall be the maximum 30-minute integrated kilowatt demand in a month, but not less than eighty percent (80%) of the highest metered demand established during the preceding twelve (12) months; provided, however, when the power factor is less than eighty percent (80%) lagging during any month, the demand for that month shall be determined on the basis of eighty percent (80%) of the metered kilovolt ampere demand; provided, further, no demand charge shall be made if the monthly energy consumption is less than 5,000 kWh during said preceding twelve (12) month period.



3. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
4. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the demand charge, the regular energy charge for all kWh used, and applicable adjustments.

(D) Temporary Construction Service:

1. The net rate per month for energy purchased under this classification shall be:

Customer Charge:	\$6.00 per month
------------------	------------------

Energy Charge:

Per kWh used	\$0.130 per kWh
--------------	-----------------

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.
3. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

(E) Public Highway and Street Lighting: The annual rate for energy consumed under this classification shall be computed according to the following table for each fixture of the appropriate size and type:

LED Street Lights

CRTK2 Caretaker	\$120.00 per fixture
-----------------	----------------------

(F) Private Area Lighting:

1. The charge per month for fixtures and appurtenances supplied under this classification shall be:

Luminaries

CRTK2 Caretaker	\$7.50 per fixture
-----------------	--------------------

2. The above table shall be applicable to overhead wiring for such fixture. Underground wiring for lighting fixtures and appurtenances and lighting fixtures of a larger size may be available at additional cost, as determined by the City Manager and approved by the City Commission.

(G) Municipal Plumbing Service: The rate of energy supplied under this classification shall be computed according to the following table and accumulated for annual billing:

Water pumping, at	\$0.075 per kWh
Sewage disposal, at	\$0.075 per kWh

SECTION 2: Title 4, Chapter 4, Section 4 of the Municipal Code as the same presently exist is hereby repealed.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas; the rates provided in this Ordinance shall become applicable and applied to all billings for electric utility services issued by the City of Garnett, Kansas after January 1, 2023.

PASSED this 13<sup>th</sup> day of December, 2022.



  
\_\_\_\_\_  
Mayor

ORDINANCE NO. 4244

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21, Subsection (C) OF THE MUNICIPAL CODE, ESTABLISHING NEW FEES FOR CAMPING IN CITY PARKS; REPEALING EXISTING SUBSECTION AND ESTABLISHING THE EFFECTIVE DATE FOR NEW FEES.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1. Title 9, Chapter 5, Section 21, Subsection (C) of the Municipal Code is hereby amended to read as follows:

**9-5-21: CAMPING IN CITY PARKS:**

\* \* \*

(C) The following fees shall be paid for each camping unit as hereinafter defined:

Overnight camping (per unit/per night)  
without services (Wilderness)

Garnett resident	\$7.00
Anderson County resident	9.00
All others	11.00

Overnight camping (per unit/per night)  
with electric hookup

Garnett resident	12.00
Anderson County resident	14.00
All others	16.00

Overnight camping (per unit/per night)  
with electric hookup and water

Garnett resident	14.00
Anderson County resident	16.00
All others	18.00

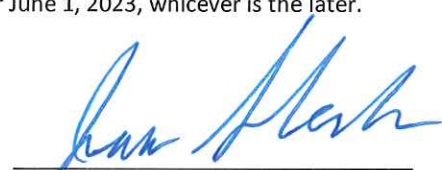
SECTION 2. The provisions of Title 9, Chapter 5, Section 21 (C), as the same presently exist are hereby repealed upon the effective date of this ordinance. Up to and including May 31, 2023, or until effective date hereof, whichever is the later, the rates in existence at the time of adoption hereof shall apply to camping fees.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas, or on and after June 1, 2023, whichever is the later.

PASSED this 14 day of February 2023.

ATTEST:

  
Patricia Brewer, City Clerk

  
Jason Sheahan, Mayor

ORDINANCE NO. 4245

AN ORDINANCE AMENDING TITLE IV, CHAPTER 16, SECTION 3(A) 1 OF THE GARNETT  
MUNICIPAL CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

**Section 3.** Title IV, Chapter 16, Section 3 of the Municipal Code, City of Garnett, Kansas is hereby amended to read as follows:

**A. Customer Owned Service Lines:**

1. As used in this chapter, the term "customer owned service line" shall mean the buried gas piping running from the customer's meter to the foundation wall of the customer structure served by the gas utility and which piping is owned and maintained by the property owner. When gas meters are placed near the customer's structure, the "customer owned service line" begins at the property's yard valve in the city's easement.

This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

Passed this 11<sup>th</sup> of July, 2023.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk





=====

**AN ORDINANCE ESTABLISHING A CITY LAND BANK, AND PROVIDING FOR THE  
MEMBERSHIP, FUNCTIONS, AND MANAGEMENT THEREOF.**

=====

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:**

**SECTION 1. PURPOSE**

In establishing a land bank, the City is providing staff with another tool to foster the return of blighted and tax-delinquent properties to usable condition for the benefit of the community. The City of Garnett Land Bank is an independent agency and instrumentality of the City with the primary responsibility and authority to acquire, hold, manage, transform, and convey surplus City properties and other abandoned, tax foreclosed, or otherwise distressed properties, in order to restore these properties to productive use.

**SECTION 2. DEFINITIONS**

- a. "City" means the City of Garnett, Kansas;
- b. "County" means the County of Anderson, Kansas;
- c. "Board" means the board of trustees of the Land Bank established pursuant to this ordinance;
- d. "Bank" means the Land Bank established pursuant to this ordinance;
- e. "Governing Body" means the Governing Body of the City of Garnett, Kansas;
- f. "Municipality" means any city, county, or other political or taxing subdivision which has the power to levy special assessments.

**SECTION 3. LAND BANK ESTABLISHED; GOVERNED BY A BOARD OF TRUSTEES;  
APPOINTMENT, TERMS OF TRUSTEES; DISSOLUTION OF BANK**

- a. There is hereby established the The Garnett Land Bank, pursuant to K.S.A. 12-5901 et. seq.
- b. The Bank shall be governed by a Board of Trustees composed of seven members.
- c. Board members shall be appointed by the Governing Body. Vacancies on the Board shall be filled by appointment for the vacant unexpired term. The term of office of the Board members shall be three years.

d. Primary staff support to the Board shall be provided by the Planning and Zoning Official or his/her designee. City Staff shall provide technical and professional support for Land Bank operations; additional support may be contracted as deemed necessary.

e. The Bank may be dissolved by ordinance, with or without cause. In any such case, all property of the Bank shall be transferred to and held by the City of Garnett, and may be disposed of as otherwise provided by law.

#### **SECTION 4. BOARD OF TRUSTEES; POWERS AND DUTIES**

a. The powers and duties of the Board of Trustees shall be as follows:

1. To sue and be sued;
2. To enter into contracts;
3. To acquire, by purchase, gift, or devise, and to convey any real property, including easements and reversionary interests, and personal property subject to the provisions of the ordinance and State law;
4. To rebate all, or a portion thereof, the taxes on any property sold or conveyed by the Bank;
5. To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank, this ordinance, and State law.
6. To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank and state law.

b. Any property acquired by the City, the County, or any other taxing subdivision within the City or county, may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to the ordinance, or State law. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale.

c. The fee simple title to any real estate which is sold to the county in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the board of trustees may be transferred to the bank by a good and sufficient deed by the county clerk upon written order by the board of county commissioners.

d. The board shall assume possession and control of any property acquired by it under this ordinance or state law and shall hold and administer such property. In the administration of property, the board shall:

1. Manage, maintain, and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;

2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;

3. Study, analyze, and evaluate potential, present, and future uses for such property which would provide for the effective utilization of such property;

4. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;

5. Establish and maintain records and accounts reflecting all transactions, expenditures, and revenues relating to the Bank's activities, including separate itemization of all transactions, expenditures, and revenues concerning each individual parcel of property acquired; and

6. Not less than thirty days prior to the sale of any property owned by the Bank, publish a notice in the official newspaper of the City, announcing such sale.

#### **SECTION 5. SAME; ORGANIZATION**

a. The Board shall select annually, from its membership, a chairperson, vice-chairperson, and a treasurer. The treasurer shall be bonded in such amounts as the Governing Body may require. The Zoning Administrator or his/her designee shall serve as Secretary.

b. The Board may appoint such officers or agents as it may require for the performance of its duties, and shall determine the qualifications and duties of such officers or agents.

c. The Board shall fix the time and place at which its meetings shall be held. Such meetings shall be subject to the provisions of KSA 75-4317 et. seq., and amendments thereto.

d. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.



e. The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, KSA 75-4301 et. seq., and amendments thereto.

f. Subject to the provisions of KSA 75-6101 et. seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of their duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

#### **SECTION 6. LAND BANK; OPERATIONAL REQUIREMENTS**

a. The Bank shall be subject to the provisions of the cash-basis law, KSA 10-1101 et. seq., and amendments thereto.

b. The budget of the Bank shall be prepared, adopted, and published as provided by law for other political subdivisions of the State. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the Governing Body. If the Governing Body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the board with specific recommendations for reconsideration.

c. The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report for the Board.

d. All records and accounts shall be subject to public inspection pursuant to KSA 45-216 et. seq., and amendments thereto.

e. All moneys of the Bank which are not immediately required for the purposes of the Bank shall be invested in the manner provided by KSA 12-1675, and amendments thereto.

f. The Bank shall make an annual report to the Governing Body on or before January 31 of each year, and quarterly thereafter, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official newspaper of the City on or before January 31 of each year.

g. The Bank shall be subject to the statutory requirements, for the deposit of public money as provided in KSA 9-1401 et. seq., and amendments thereto.

h. The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective utilization. The sale of any real property by the Board, under the provisions of this ordinance or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the Governing Body.

i. The Board, for purposes of land disposition, may consolidate, assemble, or subdivide individual parcels of property acquired by the Bank.

j. Until sold or otherwise disposed by the Bank and except for special assessments levied by the City to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

k. Except for special assessments levied by a municipality to finance public improvements, when the Board acquires property pursuant to this ordinance and state law, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties, and interest that are due and payable on the property at the time of acquisition by the Board.

l. Property held by the Bank shall remain liable for special assessments levied by the City to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank.

m. The Governing Body may abate part or all of the special assessments which it has levied upon property acquired by the Bank, and the Bank and the Governing Body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the County Treasurer as of the effective date of the abatement.

n. Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or any part of the proceeds from the sale to reimburse the City for delinquent special assessments due on such property.

**SECTION 7. EFFECTIVE DATE**

This ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED by the Governing Body this 11<sup>th</sup> day of July, 2023;  
with 3 members voting AYE, and 0 members voting NAY.

  
\_\_\_\_\_  
Jason Sheahan, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia Brewer, City Clerk



ORDINANCE NO. 4247

=====

AN ORDINANCE AMENDING TITLE 10, CHAPTER 3, SECTIONS 1 THROUGH 4, INCLUSIVE, OF THE MUNICIPAL CODE; DECLARING THE CURRENT MUNICIPAL TRUCK ROUTE AND STATING THE NEW RULES AND RESTRICTIONS APPLICABLE THERETO, TAKING EFFECT \_\_\_\_\_, 2023; PROVIDING PENALTY FOR VIOLATION; AND REPEALING EXISTING PROVISIONS OF TITLE 10, CHAPTER 3, SECTIONS 1 THROUGH 4, INCLUSIVE, OF THE MUNICIPAL CODE.

=====

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1. Title 10, Chapter 3, Section 1 of the Municipal Code is hereby amended to read as follows:

10-3-1: TRUCK ROUTE: All trucks as hereinafter defined shall follow the marked truck routes; provided, however, any such truck used for the purpose of making deliveries to or from any point in the City of Garnett shall follow the marked truck routes to a point nearest its destination and return to said truck routes therefrom by the shortest practical route.

SECTION 2. Title 10, Chapter 3, Section 2 of the Municipal Code is hereby amended to read as follows:

10-3-2: TRUCK DEFINED: As used in this Chapter, the term "truck" shall mean a motor vehicle used for the transportation or delivery of freight and merchandise or more than 10 passengers, which

- (A) is registered for 30,000 lbs or greater;
- (B) has an actual weight of more than 30,000 lbs;
- (C) has a height of 8 feet or more;
- (D) any vehicle carrying hazardous materials required to be placarded;
- (E) has a height, weight, or length requiring an oversized load permit;
- (F) has 5 or more axles, irrespective of tag weight or GVWR/GCVWR; or,
- (G) is required to comply with the international Fuel Tax Agreement (IFTA)

SECTION 3. Title 10, Chapter 3, Section 3 of the Municipal Code is hereby amended to read as follows:

10-3-3: DESIGNATION OF TRUCK ROUTES: The following streets, roads, and avenues are designated truck routes within the City of Garnett, and shall be so marked, to-wit:

(A) Sixth Avenue from its intersection Maple Street (U.S. Highway #59) running to the east boundary of the City of Garnett;

(B) Seventh Avenue from its intersection with Maple Street (U.S. Highway #59) running to west boundary of the City of Garnett;

(C) Neosho Road from its intersection with U.S. #169 Highway on the south terminus thereof north to its intersection with Sixth Avenue, during harvest season;

(D) Olive Street from its intersection with Park Road to Sixth Avenue, during harvest season.

(E) Harvest season shall mean January 1st through December 31st of each year, unless a shorter period for any year or years is established by ordinance.

SECTION 4. Title 10, Chapter 3, Section 4 of the Municipal Code is hereby amended to read as follows:

10-3-4: FURTHER RESTRICTIONS; EXCEPTIONS:

(A) No truck tractor with semi-trailer, pole trailer or full trailer shall be operated upon Main Street from said street's intersection with Sixth Avenue to said street's intersection with Thirteenth Avenue.

(B) No truck shall be operated upon Homerun Drive.

(C) The provisions of this Chapter shall not apply to any vehicle registered as a recreational vehicle or to any vehicle owned by the City of Garnett.

(D) The provisions of Sections 1 through 3, inclusive, shall not apply to any farm tagged truck or trucks. If such truck is towing a trailer, then such exception applies only if said trailer is also registered and tagged as a farm trailer (or within the weight exception for the same as provided by Kansas Law) and which is actually hauling agricultural produce or livestock during the harvest season, providing the said vehicles or combination of vehicles are taking the most direct route to, or returning from, its destination where said commodity or livestock is picked up or dropped off.

SECTION 5. PENALTY: Violations hereof shall, upon conviction, be punished as provided in Section 10-7-4 of the Garnett Municipal Code.

SECTION 6. Title 10, Chapter 3, Sections 1, 2, 3 and 4,

inclusive, of the Municipal Code as the same presently exist are hereby repealed.

SECTION 7. This ordinance shall take effect and be in force, from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, or on and after \_\_\_\_\_, 2023, whichever is later.

PASSED this 11<sup>th</sup> day of July, 2023

Mayor

ATTEST:

Patricia Brewer  
City Clerk



ORDINANCE NO. 4248

AN ORDINANCE ADOPTING THE CODIFICATION OF  
ORDINANCES OF THE CITY OF GARNETT, KANSAS,  
PROVIDING FOR THE REPEAL OF CERTAIN OTHER  
ORDINANCES NOT INCLUDED THEREIN, EXCEPTING  
CERTAIN ORDINANCES FROM REPEAL AND SAVING  
CERTAIN ACCRUED RIGHTS AND LIABILITIES.

BE IT ORDAINED by the Governing Body of the City of Garnett, Kansas:

**Section 1. Adoption of the Code of the City of Garnett, Kansas.**

The codification of ordinances of the City of Garnett, Kansas, prepared by Citycode Financial LLC, Wichita, Kansas, as set out in the following chapters, Chapters 1 to 16 and Appendices A and B, all inclusive, and entitled the "Code of the City of Garnett, Kansas," is hereby authorized, adopted and ordained as the "Code of the City of Garnett, Kansas." The Code is authorized by ordinance and was made in conformity with K.S.A. 12-3014 and 12-3015 and amendments thereto. Said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

**Section 2. Repeal of general ordinances.**

All ordinances and parts of ordinances of a general nature passed prior to July 11, 2023, are hereby repealed as of the date of publication of said code except as hereinafter provided.

**Section 3. Same; excepting certain ordinances from repeal.**

In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- (a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- (b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
- (c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
- (d) Ordinances naming or changing the names of streets, avenues and boulevards;
- (e) Ordinances authorizing or directing public improvements to be made;
- (f) Ordinances creating districts for public improvements of whatsoever kind or nature;
- (g) Ordinances levying general taxes;

- (h) Ordinances levying special assessments or taxes;
- (i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- (k) Ordinances authorizing contracts;
- (l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- (m) Ordinances relating to compensation of officials, officers and employees of the city;
- (n) All charter ordinances;
- (o) Any appropriation ordinance or ordinances relating to a specific transfer of funds;
- (p) Any zoning ordinance or ordinances changing the zoning classification of any property within the city or amending the city's zoning map;
- (q) Ordinances of a temporary nature;
- (r) Any ordinance which is special, although permanent in effect;
- (s) Any ordinance, the purpose of which has not been accomplished.

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section. Ordinances which are not of a general nature shall be numbered consecutively, approved by the governing body, published, and filed with the city clerk, but such ordinances shall not be prepared for insertion in this code, nor be deemed a part hereof.

#### **Section 4. Arrangement of and notations throughout the code.**

The arrangement and classification of the several chapters, articles, and sections of the code adopted by section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

#### **Section 5. Accrued rights and liabilities.**

The repeal of ordinances as provided in section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby



continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.


**Section 6. Severability.**

If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Garnett, Kansas," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.


**Section 7. Effective date.**

This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of the "Code of the City of Garnett, Kansas" as provided in K.S.A. 12-3015.

**ADOPTED AND PASSED** by the governing body of the City on July 11, 2023, and **APPROVED AND SIGNED** by the Mayor.

  
\_\_\_\_\_  
JASON SHEAHAN, Mayor

ATTEST:

  
\_\_\_\_\_  
PATRICIA BREWER, City Clerk



**ORDINANCE NO. 4249**

**AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, AUTHORIZING THE EXECUTION OF A GENERATING CAPACITY CONTRACT, BETWEEN THE CITY OF GARNETT, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY RELATING TO THE ACQUISITION OF CERTAIN GENERATION FACILITIES AND MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.**

**WHEREAS**, the Kansas Municipal Energy Agency ("KMEA") is a municipal energy agency organized and existing under the laws of the State of Kansas, including K.S.A. 12-885 *et seq.*; and

**WHEREAS**, the City of Garnett, Kansas (the "City") owns or operates a utility furnishing electricity (the "System") and the City is a member in good standing of KMEA; and

**WHEREAS**, in order to secure an additional source of energy and capacity to meet the City's load requirement, KMEA intends to acquire two (2) enclosed Caterpillar CI 75-16 Tier 4 Final diesel generator sets, including any related software (embedded therein or otherwise) and any and all related general intangibles, replacements, repairs, additions, attachments, accessories and accessions for installation at the City (the "Project"); and

**WHEREAS**, the governing body of the City has directed KMEA to pursue financing options in order to obtain funding for the Project; and

**WHEREAS**, KMEA has identified certain financing alternative structures in which KMEA will issue its revenue bonds or enter into a lease purchase agreement in order to obtain funds to acquire, equip and install the Project (such financing arrangements are collectively referred to as the "Bonds"); and

**WHEREAS**, the City is authorized to enter into contracts for the supply of electricity from any person, firm, corporation or other municipality for a period not in excess of forty (40) years under K.S.A. 12-825j; and

**WHEREAS**, the City desires to enter into a Generating Capacity Contract with KMEA relating to the City's purchase of electricity generated in connection with the operation of the Project (the "Power Contract"), which payments made pursuant to the Power Contract shall be sufficient to: (a) provide for the operation of the Project, including establishing any necessary reserves; and (b) make all payments on the Bonds, including associated financing costs; and

**WHEREAS**, the City owns the real property upon which the Project will be located (the "Real Property") and desires to enter into a Site Lease (the "Site Lease") of the Real Property to KMEA for the installation and operation of the Project.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:**

**Section 1. Authorization of Power Contract and Site Lease.** The Power Contract and Site Lease are hereby approved in substantially the form presented to the governing body this date with such changes and modifications as may be necessary to conform the Power Contract to the final terms of the financing documents relating to the Project and the Bonds. Upon the receipt of suitable financial terms relating to

the Bonds as determined by the Mayor, and upon the recommendation of KMEA, the Mayor is authorized to execute the Power Contract. The Mayor and Clerk are also authorized and directed to execute any and all other documents or certificates necessary to effect the purposes set forth in this Ordinance, the Power Contract and the Site Lease.

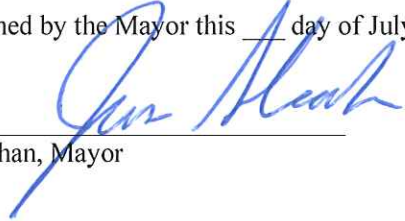
**Section 2. Pledge of Revenues; Obligation to Make Payments.** Subject to the satisfaction of the conditions set forth herein, the governing body of the City hereby pledges the gross revenues (the "Revenues") of the System to the City's payment obligations under the Power Contract. The payments by the City for Electricity, as such term is defined in the Power Contract, shall constitute operating expenses of the System and shall be payable on a parity with the other operating expenses of the System. The obligation of the City to make payments to KMEA under the Power Contract, whether or not reduced to judgment, shall not constitute general obligations of the City, and the City shall not be required to make such payments from any source other than the Revenues of the System.

**Section 3. Rate Covenant.** Upon the execution of the Power Contract, the City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to pay all operating expenses of the System, including the obligation to make the payments required by the Power Contract and provide reasonable and adequate reserves for the general protection and benefit of the System.


**Section 4. Effective Date.** This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City.

PASSED by the governing body of the City and signed by the Mayor this \_\_\_\_ day of July, 2023.

(SEAL)

  
\_\_\_\_\_  
Jason Sheahan, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia Brewer, City Clerk



## CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on July 24, 2023; that the record of the final vote on its passage is found in the minutes from the Regular Commission Meeting on July 24, 2023; and that the Ordinance or a summary thereof was published in the Anderson County Review on August 1, 2023.

DATED: August 1, 2023.

Patricia Brewer  
Patricia Brewer, City Clerk

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(PUBLISHED IN THE Anderson County Review ON AUGUST 1, 2023)

**SUMMARY OF ORDINANCE NO. 4249**

On July 24, 2023, the governing body of the City of Garnett, Kansas passed an ordinance entitled:

**AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, AUTHORIZING THE EXECUTION OF A GENERATING CAPACITY CONTRACT, BETWEEN THE CITY OF GARNETT, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY RELATING TO THE ACQUISITION OF CERTAIN GENERATION FACILITIES AND MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.**

The documents approved in the Ordinance relate to the development, installation and operation of two (2) enclosed Caterpillar C1 75-16 Tier 4 Final diesel generator set, including any related software (embedded therein or otherwise) and any and all related general intangibles, replacements, repairs, additions, attachments, accessories and accessions (the "Project"). The City's payments under the Generating Capacity Agreement approved by the Ordinance shall be sufficient to pay the costs of the Project, including related financing costs. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 131 West Fifth Avenue, Garnett, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.simplygarnett.com](http://www.simplygarnett.com).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: July \_\_, 2023.

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Terry Solander, City Attorney