

ORDINANCE NO. 4003

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AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT,
KANSAS, TO PERMIT SINGLE AND TWO FAMILY RESIDENTIAL USES UNDER
CERTAIN SPECIFIED CONDITIONS OF STRUCTURES IN ZONES B-1 (BUSINESS
GENERAL DISTRICT), B-2 (BUSINESS CENTRAL DISTRICT) AND I-1
(INDUSTRIAL LIGHT DISTRICT); REPEALING ORDINANCE NO. 3822.
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WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to permit single and two family residential uses, essentially without restriction, of structures in Zones B-1 (Business General District), B-2 (Business Central District) and I-1 (Industrial Light District); and,

WHEREAS, said report having been examined and considered, together with staff's recommendations that restrictions limiting square footage of such occupancies and limiting such occupancies on the main floor to owners of such structures, the report and recommendations of the Planning Commission is accepted in part and rejected in part; and,

WHEREAS, this Governing Body rejects that part of the said report which recommends no restrictions as to maximum square footage and ownership be imposed upon main floor residential occupancies in structures in Zones B-1 (Business General District), B-2 (Business Central District) and I-1 (Industrial Light District).

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

SECTION 1: Single and Two Family Residential Uses (GRP 100/SIC #1001 and #1002, respectively) shall be allowed on second and higher stories of structures in Zones B-1 (Business General District), B-2 (Business Central District) and I-1 (Industrial Light District); and Ordinance No. 3059 is hereby so amended.

SECTION 2: Single and Two Family Residential Uses (GRP 100/SIC #1001 and #1002, respectively) shall be allowed on the main floor of structures in Zones B-1 (Business General District), B-2 (Business Central District) and I-1 (Industrial Light District), upon the following conditions:

(A) The structure shall remain generally compatible with adjacent properties in the district; and,

(B) The residential use shall be occupied only by the legal

owner or co-owners of the said structure together with his or her immediate family or families. In no case shall such space be leased or rented to, or otherwise occupied by, a non-owner.

Provided, however, nothing in this section shall limit the existing permitted use in an I-1 (Industrial Light District) for housing to be provided in a structure in such zone for a night watchman. Ordinance No. 3059 is hereby amended in accordance with this section.

SECTION 3: The Use Description Grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Sections 1 and 2 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional copies of said ordinance and the Exhibit A thereto are re-printed.

SECTION 4: Ordinance No. 3822 is hereby repealed.

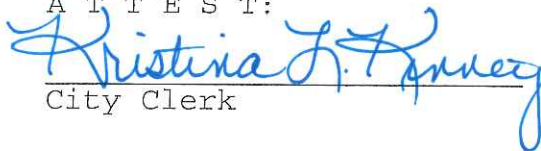
SECTION 5: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED this 13th day of January, 2015.



Mayor

A T T E S T:



City Clerk

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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4003 * * * *
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On January 13, 2015, the City of Garnett Kansas, adopted Ordinance #4003 which amended in part Ordinance 3059, relating to zoning, to allow conditionally Single and Two Family Residential Uses (GRP 100/SIC#1001 and SIC#1002 respectively, in Zones B-1 (Business General), B-2 (Business Central District) and I-1 (Industrial Light District). The conditions are set forth in particular in the ordinance. A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.



Summary of
Case No. Ordinance
4003

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

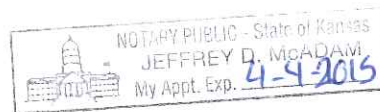
1st publication January 22, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 23 day of Jan, 2015

Jeffrey D. McAdam
Notary Public

My appt. expires 4-4-2015



ORDINANCE NO. 4004

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AN ORDINANCE ALLOWING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC
BEVERAGES FOR APPROVED SPECIAL EVENTS AT CERTAIN MUNICIPAL PARK
LOCATIONS, SUPPLEMENTING TITLE 6, CHAPTER 1, SECTION 28 OF THE
MUNICIPAL CODE.
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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:

SECTION 1. Notwithstanding the provisions of Title 6, Chapter 1, Section 28(A) of the Municipal Code, the city commission may, upon written request for a special event, permit consumption or possession in an open container of alcoholic beverage at all such locations, except while operating any vehicle upon any public street, road or alley as prohibited in sub-section (A)2, in connection with the requested special event at such location or locations, upon such terms and conditions as appear appropriate. Such conditions shall be specified either in a contract with the organization or entity sponsoring the special event or in a resolution of the commission.

SECTION 2. The city's codifier is here instructed to add the provisions of Section 1 hereof as Title 6, Chapter 1, Section 28(B) of the Municipal Code.

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.

PASSED this 13th day of January, 2015.



Mayor

ATTEST:



City Clerk

Case No. Ordinance
4004

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

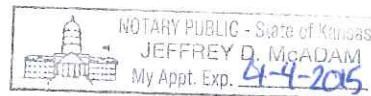
1st publication January 22, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 23 day of Jan, 2015

Jeffrey D. McAdam
Notary Public

My appt. expires 4-4-2015



=====
AN ORDINANCE AMENDING TITLE 2, CHAPTER 7, SECTION 2 OF THE
MUNICIPAL CODE, EXPANDING THE AIRPORT ADVISORY BOARD TO SIX
MEMBERS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.
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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:

SECTION 1. Title 2, Chapter 7, Section 2 of the Municipal
Code is hereby amended to read as follows:

2-7-2: COMPOSITION: The Airport Advisory Board shall
consist of six (6) members, all of whom shall be
appointed by the governing body of the City.

SECTION 2. Title 2, Chapter 7, Section 2 of the Municipal
Code as the same presently exists 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.

PASSED this 27th day of January, 2015.



Mayor Pro-Tem

ATTEST:


City Clerk

Case No. Ordinance No. 4006

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication February 5, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 26 day of February, 2015

ASB
Notary Public

My appt. expires 06-15-2016



ORDINANCE NO. 4014

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:

Tract #1: Beginning at a point on the west line of the Southeast Quarter (SE ¼) of Section 25, Township 20 South, Range Nineteen (19) East of the 6th P.M. at a point 660 feet south of the northwest corner of said quarter section, thence running East 660 feet, thence South 486 feet, thence West 660 feet, thence North 486 feet to the place of beginning, containing 7.36 acres, more or less, Anderson County, Kansas

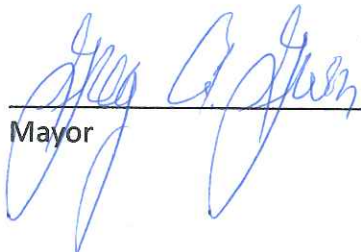
Tract #2: Beginning 1118 feet south and 1957.5 feet west of the northeast corner of the Southeast Quarter (SE ¼) of Section 25, Township 20 South, Range 19 East of the 6th P.M., in the City of Garnett, Anderson County, Kansas, thence West 306 feet, thence North 250 feet, thence East 306 feet, thence South 250 feet to the point of beginning.

is hereby changed from R-2 Residential – Medium Density District to I-1 Light Industrial District.

SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall be effective and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

Passed by the commission, 3 voting Aye, 0 voting Nay, this 12th day of May, 2015.



Mayor

Attest:


City Clerk

ORDINANCE NO. 4015

AN ORDINANCE DELETING CERTAIN UNPAID UTILITY BILLS FROM THE ACCOUNTING RECORDS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The City has carried certain unpaid bills on its accounting records for 2½ years; and,

WHEREAS, Every reasonable effort has been made to collect these due and unpaid bills, but without success; and,

WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$2,193.74 incurred through November 15, 2014 are hereby deleted from the City's accounting records.

Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED THIS 12th day of May, 2015.



Mayor

Attest:



Kristina L. Hickey

Attachment to Ordinance No. 4015
Page 2

<u>NAME</u>	<u>AMOUNT</u>
Twyla Beinhorn dba TL Enterprises Inc. (Bankruptcy)	190.27
Vince Garrett	408.71
Vince Garrett	12.34
Shawn Green (Collection fee)	7.33
Norma Harbin	175.68
Hillary Henson (Collection fee)	95.07
Jamie Hermreck (Collection fee)	92.49
Laury Hunsaker (Collection fee)	39.72
Eric Smith (Collection fee)	23.31
Trevor Thompson	910.72
Brian & Leslie Willis (Collection fee)	47.41
Jerry Wolfe/Sherri Alvis	190.69
	\$2,193.74

ORDINANCE NO. 4017

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE GSSB, AS LESSOR, WITH RESPECT TO A 2011 GROUNDMASTER 5900 MOWER.

WHEREAS, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a 2011 Groundmaster 5900 Mower for use by the City (the "Equipment"); and

WHEREAS, the City has accepted the proposal of GSSB for a lease transaction with respect to the Equipment; and

WHEREAS, in order to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable municipal lease purchase agreement (the "Lease"), with GSSB (the "Bank"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Bank with an option to purchase.

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

Section 1. Authorization and Approval of a Lease. The City's entering into of the Lease is hereby approved and authorized, such documents to be in such form and have such provisions as shall be approved, the Mayor's execution of the Lease to be conclusive evidence of such approval.

The obligation of the City to pay rental payments under the Lease is subject to annual appropriation, shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.

The City Manager is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The City Clerk is hereby authorized, if necessary, to affix the City's seal thereto and attest said seal.

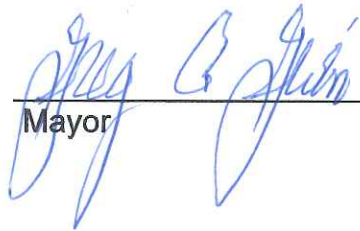
Section 2. Further Authority. The City shall, and the officials and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the

Ordinance No. 4017
Page Two

intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Equipment.

Section 3. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official city newspaper.

PASSED by the governing body of the City of Garnett, Kansas this 26th day of May, 2015.



Mayor

Attest:



City Clerk

ORDINANCE NO. 4110

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:

Garnett, Block 11, all of Lot 14 and the East 20 feet of Lot 13

Is hereby changed from B-1 General Business District to O- I Office and Institutional Zoning District.

SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall be effective and be in force from and after its passage and publication in an official newspaper of the City of Garnett.

Passed by the Commission, two voting Aye, 0 voting Nay, this 23rd day of June, 2015.



Mayor

Attest:



City Clerk

Case No. Ordinance # 4110

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication July 9, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 16th day of July, 20 15

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4112

=====

AN ORDINANCE REPEALING THE PROVISIONS OF TITLE 6, CHAPTER 1, SECTION 33 OF THE MUNICIPAL CODE, REGULATING CONCEALED CARRY OF FIREARMS; AND REPEALING THE ENTIRETY OF TITLE 6, CHAPTER 5, OF THE MUNICIPAL CODE, REGULATING AIR GUNS AND FIREARMS.

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

SECTION 1. Title 6, Chapter 1, Section 33 of the Municipal Code, regulating concealed carry of firearms, is hereby repealed.

SECTION 2. Title 6, Chapter 5 of the Municipal Code regulating air guns and firearms, is hereby repealed in its entirety.


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.

PASSED this 14th day of July, 2015.



Mayor

ATTEST:



City Clerk



Case No. Ordinance No. 4112

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

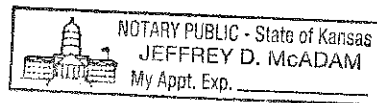
The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication July 23, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this _____ day of _____, 20____

Jeffrey D. McAdam
Notary Public
My appt. expires 4-4-2019



ORDINANCE NO. 4116

=====
AN ORDINANCE AMENDING TITLE 1, CHAPTER 19, SECTIONS 3, 4 AND 7 OF
THE MUNICIPAL CODE, FIXING PENALTIES FOR BONDS OF COMMISSIONERS
AND CERTAIN OTHER CITY OFFICIALS AND PROVIDING FOR THE PAYMENT OF
PREMIUMS AS CLAIMS AGAINST THE CITY; REPEALING EXISTING TITLE,
CHAPTER AND SECTIONS.
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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:

SECTION 1. Title 1, Chapter 19, Section 3 of the Municipal
Code is hereby amended to read as follows, to-wit:

1-19-3: BOND OF COMMISSIONERS: Each member of the
board of commissioners shall, before entering upon the
duties of office, give a good and sufficient corporate
surety bond, to be executed by a responsible bonding
company authorized to do business in Kansas, payable to
and for the use and benefit of the city, in the sum of
Fifteen Thousand Dollars (\$15,000.00) conditioned upon
the faithful discharge of the commissioner's duties,
and that the said commissioner will save the city
harmless from all loss caused by his or her neglect of
duty or malfeasance in office, or for the willful
expenditure or misappropriation of any monies, property
or securities of such city in violation of law.

SECTION 2. Title 1, Chapter 19, Section 4 of the Municipal
Code is hereby amended to read as follows, to-wit:

1-19-4: BONDS OF CERTAIN OFFICERS REQUIRED: The
following city officers shall each, before entering
upon the duties of office, give a good and sufficient
corporate surety bond to the city before such officer
shall begin the performance of his or her duties. The
bond for each official shall be in the following
amount:

City Clerk	\$ 15,000.00
City Manager	\$ 15,000.00
City Treasurer	\$ 15,000.00
Municipal Judge	\$ 15,000.00
Treasurer of Firefighter's Relief Association	125% of maximum account balances


SECTION 3. Title 1, Chapter 19, Section 7 of the Municipal Code is hereby amended to read as follows, to-wit:

1-19-7: **PREMIUMS:** The premiums on all surety bonds required by this chapter shall be paid as a claim against the city. In the event the city manager shall determine it is in the best interests of the city to bond other officers or employees, the premiums on any such additional bonds shall likewise be paid as a claim against the city.

SECTION 3. Title 1, Chapter 19, Section 3, Title 1, Chapter 19, Section 4 and Title 1, Chapter 19, Section 7, 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 its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 25th day of August, 2015.



Greg A. Gwin, Mayor

ATTEST:



Kristina L. Kinney, City Clerk

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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4116 * * * *
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On August 25, 2015, the City of Garnett Kansas, adopted Ordinance #4116 which amended Title I, Chapter 19, Sections 3, 4 and 7 of the Municipal Code, generally making uniform and increasing the penalty on commissioners and official bonds and providing that the premiums for bonds be paid as a claim against the city of Garnett.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance A 4116

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication September 3, 2005
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 4th day of Sept, 20 15

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4117

=====
AN ORDINANCE AMENDING TITLE 5, CHAPTER 10, SECTION 4 OF THE
MUNICIPAL CODE, FIXING DAYS AND TIMES FOR THE SALE OF ALCOHOLIC
LIQUOR BY THE PACKAGE; REPEALING EXISTING TITLE, CHAPTER AND
SECTION.
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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:

SECTION 1. Title 5, Chapter 10, Section 4 of the
Municipal Code is hereby amended to read as follows, to-wit:

5-10-4: SALE AT RETAIL; SALE FORBIDDEN WHEN
PROHIBITED BY KANSAS LAW; SPECIFYING HOURS OF SALE: No
retailer of alcoholic liquor by the package shall sell
any such alcoholic liquor:

- (A) At anytime or upon any day when the sale of
such product is prohibited by the laws of the
Kansas as now exist or as may hereafter be
amended;
- (B) Before 9:00 a.m. or after 9:00 p.m. on any
day, except Sunday, when the sale of such
product is permitted by Kansas law; provided
however, on
 - (i) on any Saturday;
 - (ii) on any day, except Sunday,
immediately preceding any holiday
prescribed by the state of Kansas when
such store must be closed; and,
 - (iii) on December 31st of each year,
if such day not be a Sunday,sales shall be permitted to continue until
the hour of 11:00 p.m. of said day; and,
- (C) Before 12 noon or after 8:00 p.m. on any
Sunday, except Easter Sunday, when such
product is permitted on such a Sunday to be
sold by Kansas law.

SECTION 2. Title 5, Chapter 10, Section 4 of the Municipal
Code as the same presently exists is hereby repealed.

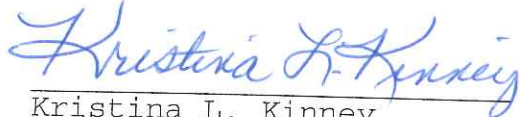
SECTION 3. This ordinance shall take effect and be in force
from and after its passage and its publication in an official

Ordinance; Page 2

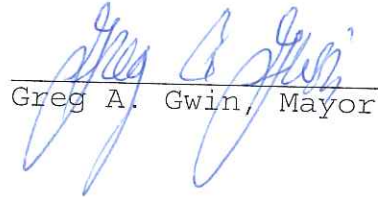
newspaper of the City of Garnett, Kansas.

PASSED this 25th day of August, 2015.

ATTEST:



Kristina L. Kinney
City Clerk



Greg A. Gwin, Mayor

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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4117 * * * *
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On August 25, 2015, the City of Garnett Kansas, adopted Ordinance #4117 which amended Title V, Chapter 10, Section 4 of the Municipal Code, bringing the times for sale of alcoholic liquor by the package into conformity with state law, but retaining for said city general, week-day closing time of 9:00 p.m.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance # 4117

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication September 3, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 4th day of Sept, 2015

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4119

AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, SECTION 7 OF THE MUNICIPAL CODE, INCREASING CUSTOMER AND SEWER SERVICE CHARGES; PROVIDING FOR EFFECTIVE DATE AND REPEALING EXISTING TITLE, CHAPTER, AND SECTION

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

SECTION 1: Title 4, Chapter 6, Section 7 of the Municipal Code is hereby amended to read as follows:

4-6-7: PERIODIC CHARGES; EFFECTIVE DATE:

- (A) Residential Service: The customer charge for this class of service shall be \$20.00 per month; the sewer service charge for this class of service shall be \$5.00 per 1,000 gallons of water.
- (B) General Service: The customer charge for this class of service shall be \$20.00 per month; the sewer service charge for this class of service shall be \$5.00 per 1,000 gallons of water.
- (C) BOD Surcharge: The BOD surcharge shall be \$0.615 per pound.
- (D) SS Surcharge: The SS surcharge shall be \$0.418 per pound.
- (E) Effective Date: The service charges established herein for the use of the municipal sanitary sewer system shall apply to all bills issued on or after September 1, 2015. All such charges shall be applied uniformly on the basis of a full monthly sewer service charge, irrespective of the fact that use during a given month for any customer may be less than a full month.

SECTION 2: Title 4, Chapter 6, Section 7 of the Municipal Code, as the same presently exists, 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.

PASSED this 8th day of September, 2015.



Mayor

ATTEST:



City Clerk

=====

* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4119 * * * *

=====

On September 8, 2015, the City of Garnett Kansas, adopted Ordinance #4119, which amended of Title IV, Chapter 6, Section 7 of the Municipal Code:

(1) increasing the rates for residential and general service customers of the sanitary sewer system of the City and surcharges for BOD and SS loads; and,

(2) providing such new rates are effective for all sanitary sewer service billings on or after September 1, 2015.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance #419

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

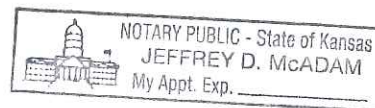
1st publication September 17, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 1 day of Oct, 2015

Jeffrey D. McAdam
Notary Public

My appt. expires 4-4-2019



ORDINANCE NO. 4121

=====
AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF
GARNETT, KANSAS, AMENDING TITLE 6, CHAPTER 1, SECTIONS 1 and 2 OF
THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE
"UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 2015 EDITION,
WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE
MUNICIPAL CODE THUS AMENDED.
=====

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

Section 1. Title 6, Chapter 1, Section 1 of the Municipal
Code is hereby amended to read as follows:

6-1-1: INCORPORATION OF UNIFORM PUBLIC OFFENSE CODE:
There is hereby incorporated by reference for the
purpose of regulating public offenses within the
corporate limits of the City of Garnett, Kansas, that
certain code known as the "Uniform Public Offense
Code", 2015 Edition, prepared and published in booklet
form by the League of Kansas Municipalities, Topeka,
Kansas, save and except such articles, sections, parts
or portions as are herein omitted, deleted, modified or
changed. No fewer than three copies of said Uniform
Public Offense Code shall be marked or stamped
"Official Copy as Adopted by Ordinance No. 4121 "
with all sections or portions thereof intended to be
omitted or changed clearly marked to show any such
omission or change and to which shall be attached a
copy of this ordinance, and filed with the City Clerk
to be open to inspection and available to the public at
all reasonable hours. The police department, municipal
judge and all administrative departments of the city
charged with enforcement of the ordinance shall be
supplied, at the cost of the City, such number of
official copies of such Uniform Public Offense Code,
similarly marked, as may be deemed expedient.

Section 2. Title 6, Chapter 1, Section 2 of the Municipal
Code is hereby amended to read as follows:

6-1-2: OMISSIONS: Article 6, Section 16; and Article
11, Section 11 of the Uniform Public Offense Code,
Edition of 2015, are hereby omitted.

Section 3: Title 6, Chapter 1, Sections 1 and 2, as the

same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

Section 4: 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 22nd day of September, 2015.

Mayor

A T T E S T:

Kristina D. Loney
City Clerk

Case No. Ordinance # 4121

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

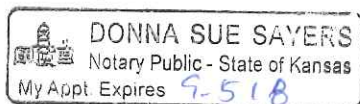
I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication October 1st 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 21st day of October, 2015



Donna Sue Sayers
Notary Public

My appt. expires 9-5-18

ORDINANCE NO. 4122

=====
AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT,
KANSAS, AMENDING TITLE 10, CHAPTER 7, SECTIONS 1 and 3 OF THE
MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE
"STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 2015 EDITION,
WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE
MUNICIPAL CODE THUS AMENDED.
=====

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

Section 1. Title 10, Chapter 7, Section 1 of the Municipal
Code is hereby amended to read as follows:

10-7-1: INCORPORATION OF STANDARD TRAFFIC ORDINANCE:
There is hereby incorporated by reference for the
purpose of regulation of traffic within the corporate
limits of the City of Garnett, Kansas, that certain
traffic ordinance known as the "Standard Traffic
Ordinance for Kansas Cities", 2015 Edition, prepared
and published in booklet form by the League of Kansas
Municipalities, Topeka, Kansas, save and except such
articles, sections, parts or portions as are herein
omitted, deleted, modified or changed. Not fewer than
three copies of said Standard Traffic Ordinance shall
be marked or stamped "Official Copy as Adopted by
Ordinance No. 4122" with all sections or portions
thereof intended to be omitted or changed clearly
marked to show any such omission or change and to which
shall be attached a copy of this ordinance, and filed
with the City Clerk to be open to inspection and
available to the public at all reasonable hours. The
police department, municipal judge and all
administrative departments of the city charged with
enforcement of the ordinance shall be supplied, at the
cost of the City, such number of official copies of
such Standard Traffic Ordinance, similarly marked, as
may be deemed expedient.

Section 2. Title 10, Chapter 7, Section 3 of the Municipal
Code is hereby amended to read as follows:

10-7-3: OMISSIONS: Article 7, Section 33; Article 14,
Section 114.4, Section 114.5 and Section 115; and
Article 20, Section 201 (but not Section 201.1) of the
Standard Traffic Ordinance for Kansas Cities, Edition

of 2015, are hereby omitted.

Section 3: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code. The penalty provisions of Section 4 thereof shall be fully applicable hereto.

Section 4: Title 10, Chapter 7, Sections 1 and 3, as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

Section 5: 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 22nd day of September, 2015.

A T T E S T:

Mayor

Kristina G. Lindsey
City Clerk

Case No. Ordinance # 4122

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

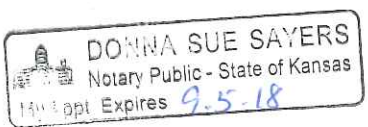
1st publication October 1st, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 21st day of October, 2015

Donna Sue Sayers
Notary Public

My appt. expires 9-5-18



ORDINANCE NO. 4125

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:

McDowell's Addition to Garnett, S25, T20, R19, Block 1, Lot 3

is hereby changed from B-1 General Business District to O-I Office and Institutional Zoning District.

SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall be effective and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

Passed by the commission, 3 voting Aye, 0 voting Nay, this 27th day of October, 2015.



Mayor

Attest:



City Clerk

Case No. Ordinance # 4125

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

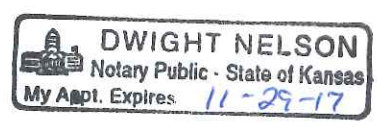
1st publication November 12, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 25 day of November, 2015

Dwight Nelson
Notary Public

My appt. expires 11-29-2017



=====
AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3(B) OF THE
MUNICIPAL CODE, INCREASING THE DEPOSIT FOR COMMERCIAL UTILITY
CUSTOMERS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.
=====

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

SECTION 1. Title 4, Chapter 8, Section 3(B) of the
Municipal Code is hereby amended to read as follows:

4-8-3: AMOUNT OF DEPOSITS:

* * * *

(B) All commercial utility customers receiving electric service, gas service or both such services together with water service shall post a utility security deposit of one thousand dollars (\$1,000.00). On a case by case basis, the City Manager is authorized to reduce the amount of such deposit, taking into account applicable factors tending to suggest lower utility consumption levels, including but not limited to, the historic consumptions at such location or for a similar type or class of commercial or business at any location; and the nature of the commercial or business activity, particularly the extent to which extensive lighting, refrigeration equipment or other similar, high-consumption equipment is not employed. In no event, however, shall such security deposit be reduced below five hundred dollars (\$500.00).

* * * *

SECTION 2. Title 4, Chapter 8, Section 3(B) of the
Municipal Code as the same presently exists 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.

PASSED this 24th day of November, 2015.

Mayor

ATTEST:

Kristina K. Hursey

City Clerk

=====
* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4127 * * * *
=====

On November 24, 2015, the City of Garnett Kansas, adopted Ordinance #4127 which amended Title 4, Chapter 8, Section 3(E) of the Municipal Code, increasing the amount of the utility deposit for commercial customers.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance # 4127

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication December 1, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 9th day of December, 20 15

Lisa Headrick
Notary Public

My appt. expires 8-6-18



=====
AN ORDINANCE RELATING TO THE TERMS OF OFFICE OF COMMISSIONERS AND
THE TRANSITION OF THOSE TERMS TO THE NOVEMBER ELECTION CYCLE
MANDATED BY THE KANSAS LEGISLATURE; NOMINATION PETITION
REQUIREMENTS.
=====

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

SECTION 1: The City of Garnett, Kansas, has since electing
in 1964 to do so operated under the commission-manager form of
government and desires to continue to do so, pursuant to all
existing ordinances and charter ordinances relating to its form
of government.

SECTION 2: In order to maintain the staggered terms of
elected commissioners in the City of Garnett, Kansas, as provided
in Charter Ordinance No. 4 (adopted January 27, 1969; effective
March 27, 1969; and codified as Title 1, Chapter 8, Section 12 of
the Municipal Code), municipal elections in the City of Garnett,
Kansas, shall henceforth take place on the Tuesday succeeding the
first Monday in November 2016, and on the same day of each year
thereafter. One commissioner shall be elected at each such
election. Each commissioner shall be a resident and qualified
elector of the City of Garnett, Kansas.

SECTION 3: The terms of each elected commissioner of the
City of Garnett, Kansas, now serving is hereby extended to, and
shall expire as follows:

(a) The position that presently expires in April, 2016 is
hereby extended to and shall expire on the second Monday in
January, 2017, at which time the commissioner elected in
November 2016 shall take office;

(b) The position that presently expires in April, 2017 is
hereby extended to and shall expire on the second Monday in
January, 2018, at which time the commissioner elected in
November 2017 shall take office; and,

(c) The position that presently expires in April, 2018 is
hereby extended to and shall expire on the second Monday in
January, 2019, at which time the commissioner elected in
November 2018 shall take office.

SECTION 4: Any person desiring to become a candidate for
commissioner shall file with the county election officer, before
the filing deadline established in K.S.A. 25-205 and amendments
thereto, either a petition signed by not fewer than 25 of the
qualified electors of the City of Garnett or a declaration of
intent to become a candidate accompanied by any filing fee

required by law. Any such petition or declaration shall be on a form furnished by the county election officer and as specified by the secretary of state.

SECTION 5: The city codifier is directed to codify this ordinance as Title 1, Chapter 8, Section 13.

SECTION 6: This ordinance shall take effect and be in force upon passage and publication in an official city newspaper.

PASSED this 24th day of November, 2015.

ATTEST:


City Clerk



Mayor

=====

* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4129 * * * *

=====

On November 24, 2015, the City of Garnett Kansas, adopted Ordinance #4129 which moved city elections to a November election cycle and extended terms of all sitting commissioners to coincide with the new election schedule, mandated by the Kansas legislature. The ordinance also fixes requirements for nomination petitions.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 231 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance # 4129

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication December 1, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 9th day of December, 20 15

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4130

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2015, OF THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Garnett, Kansas (the "City") is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to Charter Ordinance No. 24 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has authorized the following improvements (the "Improvements") to be made in the City, to-wit:

<u>Project Name</u>	<u>Authorizing Resolution</u>	<u>Authority</u>	<u>Amount*</u>
Walnut Street Distribution Line	Res. No. 7/14/15-1	Charter Ordinance No. 24	\$457,880.26
North Lift Station Replacement	Res. No. 7/14/15-1	Charter Ordinance No. 24	157,850.00
Total			\$615,730.26

; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay the costs of the Improvements; and

WHEREAS, the governing body of the City has advertised the sale of the Bonds in accordance with the law and at a meeting held in the City on November 24, 2015 awarded the sale of such Bonds to the best bidder.

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

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, Charter Ordinance No. 24 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

"Bond and Interest Fund" means the Bond and Interest Fund of the City for its general obligation bonds.

*Improvement costs to be financed with proceeds of the Bonds; excludes Costs of Issuance.

“Bond Resolution” means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City’s General Obligation Bonds, Series 2015, dated December 10, 2015, authorized by this Ordinance.

“City” means the City of Garnett, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor” means the duly elected and acting Mayor of the City or, in the Mayor’s absence, the duly appointed and/or elected Vice Mayor, Mayor Pro Tem or Acting Mayor of the City.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2015, of the City in the principal amount of \$645,000, for the purpose of providing funds to: (a) pay the costs of the Improvements; and (b) pay costs of issuance of the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the City.

Section 5. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of

and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

Section 6. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

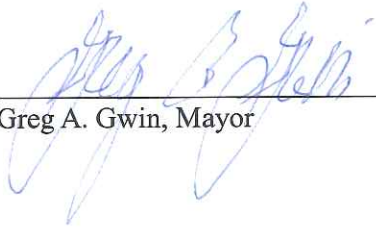
Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper.

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PASSED by the governing body of the City on November 24, 2015 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)



Greg A. Gwin, Mayor

ATTEST:



Kristina L. Kinney, City Clerk

(PUBLISHED IN THE *THE ANDERSON COUNTY REVIEW* ON _____, 2015)

SUMMARY OF ORDINANCE NO. 4130

On November 24, 2015, the governing body of the City of Garnett, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2015, OF THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2015 Bonds approved by the Ordinance are being issued in the principal amount of \$645,000 to finance certain internal improvements in the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 131 W. 5th Avenue, Garnett, Kansas 66032. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.garnettksonline.com.

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

DATED: November 24, 2015.


Terry J. Solander, City Attorney

ORDINANCE NO. 4133

AN ORDINANCE DELETING CERTAIN UNPAID UTILITY BILLS FROM THE ACCOUNTING RECORDS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The City has carried certain unpaid bills on its accounting records for 2½ years; and,

WHEREAS, Every reasonable effort has been made to collect these due and unpaid bills, but without success; and,

WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$7740.68 incurred through June 25, 2015 are hereby deleted from the City's accounting records.

Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED THIS 22nd day of December, 2015.



Mayor

Attest:


Kristina L. Kinney

<u>NAME</u>	<u>AMOUNT</u>
Travis Blackwell (\$3.61 col fee)	\$496.31
George Dewey (Out of State)	\$ 95.21
Duckwall-Alco #295 (Bankruptcy)	\$271.99
Duckwall-Alco #295 DIP (Bankruptcy)	\$891.02
Mary Dennis/Aaron Jones (Out of State) (\$54.77 col fee)	\$335.67
Shannon & Shane Figgins (\$56.81 col fee)	\$281.62
Gerald Greenwell	\$455.74
Gerald Greenwell	\$211.05
Anthony Herrick	\$ 35.58
Jessica Kinnamon (Out of State)	\$118.48
Shannon Lacey (Out of State)	\$ 64.32
Lacy Lutes (\$107.27 col fee)	\$152.79
Ashley & Jeremy McCarty (\$112.63 col fee)	\$229.10
Christie Moore	\$755.93
Beth Moss	\$ 26.45
Beth Moss	\$164.01
Atanacio Nieto	\$ 34.18
Charles Peters/Saudrina Harrison	\$308.91
Christian Poelstra/Jennifer Madden (\$29.83 col fee)	\$484.35
Jason & Derin Schwenk (Out of State)	\$338.15
Michael Spellmeier	\$507.71
Leslie Stewart	\$491.09
Daniel VanNorman (\$15.77 col fee)	\$991.02
Total	\$7740.68

Case No. Ordinance #4133

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

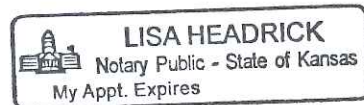
1st publication December 29/31, 2015
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 27 day of January, 2016

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4135

AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, AUTHORIZING THE EXECUTION OF THE MARSHALL WIND FARM PROJECT RENEWABLE ENERGY POWER SALES AGREEMENT BETWEEN THE CITY OF GARNETT, KANSAS, AS PURCHASER, AND THE KANSAS MUNICIPAL ENERGY AGENCY, AS SELLER; 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, and the City is a member in good standing of KMEA; 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, KMEA intends to enter into the Marshall Wind Farm Project Renewable Energy Power Purchase Agreement with Marshall Wind Energy, LLC for seven megawatts (7 MW) of capacity and renewable energy; and

WHEREAS, the City desires to enter into the Marshall Wind Farm Project Renewable Energy Power Sales Agreement (the "**Power Sales Agreement**") with KMEA relating to the City's purchase of a share of the electricity generated at the Marshall Wind Farm Project for a period of twenty (20) years, substantially in the form presented to the governing body with this Resolution.

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

Section 1. Authorization of Power Sales Agreement. The Power Sales Agreement is hereby approved in substantially the form presented to the governing body this date.

Section 2. Obligation to Make Payments. The governing body of the City hereby acknowledges the payments made under the Power Sales Agreement are unsubordinated obligations payable from all revenues derived from the City's electric utility system (the "*Utility Assets*") and such payments are (a) operating and maintenance costs (or similar designation) which enjoy first priority of payment at all times under any and all bond ordinances or indentures to which City is a party entered into in connection with the Utility Assets and (b) otherwise not subject to any prior claim under any and all other bond ordinances or indentures to which the City is a party or by which the City or any of the assets of, or revenues from, the Utility Assets is bound or subject, or any applicable laws. The obligation of the City to make payments to KMEA under the Power Sales Agreement, 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 Utility Assets.

Section 3. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Utility Assets, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (a) pay all operating expenses of the Utility Assets, including the obligation to make the payments required by the Power Sales Agreement; (b) pay the principal of and interest on all indebtedness of the Utility Assets (the "*System Indebtedness*") as and when the same become due; and (c) provide reasonable and adequate reserves to satisfy covenants in the resolutions authorizing System Indebtedness and for the general protection and benefit of the Utility Assets.

Section 4. Execution of Documents. The Mayor and Clerk are hereby authorized to execute the Power Sales Agreement in substantially the form presented to the governing body this date, with such changes or additions as the Mayor and Clerk shall deem necessary and appropriate, such official's signature thereon being conclusive evidence of such official's and the City's approval thereof. The Mayor and Clerk are authorized and directed to execute any and all other documents or certificates necessary to effect the purposes set forth in this Resolution and the Power Sales Agreement.

Section 5. 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 12th day of January, 2016.



Mayor

ATTEST:



City Clerk

(SEAL)

**MARSHALL WIND FARM PROJECT
RENEWABLE ENERGY POWER SALES AGREEMENT**

BETWEEN

KANSAS MUNICIPAL ENERGY AGENCY

AND

CITY OF GARNETT, KANSAS

Dated as of _____, 2016

MARSHALL WIND FARM PROJECT

RENEWABLE ENERGY POWER SALES AGREEMENT

This RENEWABLE ENERGY POWER SALES AGREEMENT (this "Sales Agreement"), is made this ____ day of _____, 2016 (the "Effective Date"), by and between KANSAS MUNICIPAL ENERGY AGENCY, a municipal energy agency organized under the laws of the State of Kansas ("KMEA"), and the CITY OF GARNETT, KANSAS, a municipal corporation organized under the laws of the State of Kansas ("City"; and, together with KMEA, each individually referred to herein as a "Party" and collectively as the "Parties").

WITNESSETH

WHEREAS, MARSHALL WIND ENERGY LLC ("Marshall") intends to construct a Wind Farm with up to approximately 72 MW aggregate nameplate capacity on a site located in Marshall County, Kansas and will interconnect it with the Transmission System; and

WHEREAS, KMEA intends to contract with Marshall, on behalf of certain member cities of KMEA, to purchase Renewable Energy from Marshall, all on the terms and conditions set forth in a RENEWABLE ENERGY POWER PURCHASE AGREEMENT, dated as of _____, 2016 (the "Purchase Agreement"); and

WHEREAS, the City desires to purchase and receive, subject to terms herein, Renewable Energy from KMEA, all on the terms and conditions set forth herein.

NOW, THEREFORE, the Parties hereto, for good and sufficient consideration, the receipt of which is hereby acknowledged, intending to be legally bound, do hereby agree as follows:

Section 1. Defined Terms. Unless expressly stated otherwise in this Sales Agreement, capitalized terms used in this Sales Agreement shall have the meanings indicated in the Purchase Agreement referenced as *Exhibit A*.

"City's Share" shall mean a percentage determined by converting to a percentage the number obtained by dividing (a) 1 MW by (b) the lesser of, at the time of any determination thereof, (i) the aggregate sum, expressed in MWs, of the nameplate capacity specified by the manufacturer for all of the WTGs installed in the Wind Farm and interconnected with the Transmission System (or, if at the time of determination of Purchaser's Share construction and installation of the WTGs that have been contracted by Seller to be acquired and installed in the Wind Farm has not been completed, the aggregate nameplate capacity of the WTGs then contracted by Seller to be acquired and installed) or (ii) the amount of Interconnection Service (as defined in the Interconnection Agreement), expressed in MWs, provided to Seller by the Transmission Provider pursuant to the Interconnection Agreement (which amount is 73.8 MWs as of the Effective Date). The "City's Share" of each member purchasing Renewable Energy is set forth on *Exhibit B*, as may be amended from time to time, which attached hereto and incorporated herein by reference.

"Utility Assets" shall mean the assets owned or leased by the City (including interests therein) and contractual rights of the City to purchase electric energy from the Wind Farm Project.

Section 2. Sale and Purchase Obligation. In accordance with the terms and conditions hereof and the Purchase Agreement, throughout the Delivery Term, KMEA shall sell and deliver at the Product Delivery Point, and the City shall purchase from KMEA at the Product Delivery Point, the City's Share of the Renewable Energy available from the Wind Farm, as provided herein. Title to and risk of loss with respect to the City's Share of Metered Energy shall pass from KMEA to and the City when the same is made available by Marshall at the Product Delivery Point.

The Parties acknowledge and understand that wind is an intermittent resource and that the Energy produced by the Wind Farm, which is dependent on wind and other factors, will vary and that no particular amount of Metered Energy is guaranteed or represented in amount or time of delivery.

KMEA will contract on behalf of the City for any transmission that is needed to deliver the City's Share of the Metered Energy beyond the Product Delivery Point, and the City agrees to pay for all the costs of transmission including but not limited to costs associated with congestion and losses, application fees and any upgrade requirements.

The sale by KMEA of City's Share of Metered Energy shall include all rights to claim, assign, transfer, sell or otherwise benefit from one hundred percent (100%) of the Renewable Attributes, if any, associated with such total number of MWh of Metered Energy. KMEA MAKES NO REPRESENTATION, WARRANTY, OR COVENANT EITHER EXPRESS OR IMPLIED, REGARDING THE CURRENT OR FUTURE EXISTENCE OF ANY RENEWABLE ATTRIBUTES OR ANY LAW GOVERNING THE EXISTENCE OF ANY RENEWABLE ATTRIBUTES UNDER THE PURCHASE AGREEMENT OR OTHERWISE OR THEIR CHARACTERIZATION OR TREATMENT UNDER APPLICABLE LAW OR OTHERWISE.

Section 3. Contract Price. The price to be paid by the City to KMEA for each MWh of City's Share of Metered Energy shall be the price set forth in *Section 2.2* of the Purchase Agreement. The City agrees to pay KMEA for all other costs associated with the City's Share of Metered Energy and transmission to the City, including but not limited to, the costs as provided in *Sections 2.1.2, 2.5.2, and 3.7.2*.

Section 4. Billing and Payment. KMEA will bill the City for all costs related to the City's Share of Metered Energy and the transmission costs associated with delivery to the City on a monthly basis. Payments will be due to KMEA in accordance with the provisions in the invoices generated by KMEA and delivered to the City.

All payments hereunder shall be made without set-off or deduction. Any disputes in the amount of the invoices shall be resolved in accordance with the provisions of *Section 2.3* of the Purchase Agreement; provided the City gives advance notice to KMEA requesting that KMEA dispute the invoiced amount with Marshall. Any payment not made within the time limits specified in the invoice shall bear interest at the Interest Rate from the date on which payment was required to have been made through and including the date such payment is actually received by the Party to whom it is due.

Section 5. Rights and Duties under Purchase Agreement. (a) Upon advance notice, KMEA will arrange for the City to have rights of access to the Marshall facilities. KMEA will provide the City all operational information and reports provided by Marshall, notify the City of all scheduled maintenance outages and all other information available under the Purchase Agreement. The City may request through KMEA the testing of all metering equipment in accordance with *Article 5* of the Purchase Agreement. The City agrees to pay for any costs for such testing as provided for in *Article 5* of the Purchase Agreement.

(b) Upon occurrence of an Event of Default, KMEA will notify the City of any action taken under the Purchase Agreement, including all notices and remedies exercised under *Section 4.3, 4.4 and 4.5* of

the Purchase Agreement. The City acknowledges and expressly agrees to be bound by the Limitations on Damages set forth in *Section 4.7* of the Purchase Agreement.

(c) The City acknowledges and expressly accepts that all the representations and warranties made by KMEA in *Section 6.3* of the Purchase Agreement are also applicable to the City and are made by the City as if set forth herein. With respect to *Section 6.3.8* of the Purchase Agreement, the parties interpret this Section to mean that *all* operating and maintenance costs of the City payable from revenues of the Utility Assets enjoy first priority of payment under any and all bond ordinances or indentures to which the City is a party entered into in connection with the Utility Assets, and the City's obligation to make payments under this Agreement is deemed to constitute one of the City's operating and maintenance costs. The City also agrees to comply with all covenants as set forth in *Section 6.4* of the Purchase Agreement as if the City were a party thereto, with the following exceptions. First, with respect to the representation made within *Section 6.4.3* relating to Purchaser's obligation to generate sufficient revenue to meet debt service coverage ratios applicable to debt obligations, the parties agree that the City's obligation shall be to generate sufficient revenue to meet debt service coverage ratios applicable to debt obligations of the City of Gardner and not the debt obligations of KMEA or any other entity. Second, to the extent that *Section 6.4.4* of the Purchase Agreement could be construed to constitute a waiver of the immunities contained within the Kansas Tort Claims Act, K.S.A. 75-6101, et seq., as amended, relating to liability based in tort rather than liability based in contract, the City does not agree to waive such sovereign immunity.

(d) To the extent permitted by Kansas law, the City acknowledges and accepts the indemnification provisions set forth in *Article 7* of the Purchase Agreement. In the event Marshall makes a claim against KMEA attributable to the City, the City agrees to pay all costs related to the claim. KMEA agrees to confer with the City on any claims made under the Purchase Agreement. KMEA will credit to the City its proportionate share of any indemnification or insurance proceeds received from Marshall.

(e) The City acknowledges and expressly accepts the provisions relating to any Force Majeure Event set forth in *Section 9.4* of the Purchase Agreement and will comply with such provisions to the extent applicable to the City.

Section 6. Miscellaneous. (a) This Sales Agreement may not be amended unless the amendment is made in writing and signed by authorized representatives of both Parties.

(b) Each notice, request, demand, or statement required or permitted by this Sales Agreement, or any notice that either Party may desire to give to the other, shall be in writing and shall be considered as delivered when (a) hand-delivered, or (b) received by the other Party by certified United States mail or reputable overnight courier addressed to the other Party at its address indicated below. Notices related to operational issues may be given to the addresses listed below by telephone, electronic mail or to such addresses and by such other means as the Parties may from time to time agree.

To KMEA:

Kansas Municipal Energy Agency
6300 West 95th Street
Overland Park, Kansas 66212-1431
Phone: (913) 660-0234
Email: mahlberg@kmea.com
Attn: Paul Mahlberg, General Manager

With a copy to:

Email: ssteale@gilmorebell.com

To City:

City of Garnett, Kansas
131 West Fifth Avenue
Garnett, Kansas 66032
Phone: (785) 448-5496
Email: joyce@garnettks.net
Attn: Joyce E. Martin, City Manager

With a copy to:

Email: joyce@garnettks.net

(c) This Sales Agreement shall be interpreted, governed by and construed in accordance with the laws and regulations of the State of Kansas and/or the laws and regulations of the United States, as applicable, without regard to principles of conflict of laws. The Parties acknowledge and expressly agree to be bound by the provisions in the Purchase Agreement relating to arbitration (*Section 9.14*), the venue in which to pursue any actions (*Section 9.8*) and public records and confidentiality (*Section 9.17*).

(d) This Sales Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective successors and assigns. This Sales Agreement may not be assigned or transferred by either Party without the prior written consent of the other Party, which consent shall not be unreasonably withheld, delayed or conditioned.

(e) To the extent not otherwise provided herein, the Parties expressly incorporate all other provisions of the Purchase Agreement attached hereto as *Exhibit A* and agree to be bound by all provisions of the Purchase Agreement to the extent applicable to such Party.

(f) This Sales Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

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SIGNATURES BEGIN ON NEXT PAGE

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their authorized representatives as of the Effective Date.

KANSAS MUNICIPAL ENERGY AGENCY

By: _____
Name: _____
Title: _____

CITY OF GARNETT, KANSAS

By: Greg A. Gwin _____
Name: *Greg A. Gwin* _____
Title: Mayor

(SEAL)

ATTEST:

By: *Kristina L. Kinney*
Name: Kristina L. Kinney
Title: City Clerk

EXHIBIT A

**MARSHALL WIND FARM PROJECT
RENEWABLE ENERGY POWER PURCHASE AGREEMENT
BETWEEN
KANSAS MUNICIPAL ENERGY AGENCY
AND
MARSHALL WIND ENERGY LLC**

**[Final Contract is subject to Confidentiality Requirements
and separately retained by the City]**

EXHIBIT B

ALLOCATION OF RENEWABLE ENERGY

Baldwin City – 1.0 MW

Gardner - 2.5 MW

Garnett – 1.0 MW

Ottawa – 2.5 MW

(PUBLISHED IN THE ANDERSON COUNTY REVIEW & THE ADVOCATE
ON JANUARY 26, 2016)

SUMMARY OF ORDINANCE NO. 4135

On January 12, 2016, 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 THE MARSHALL WIND FARM PROJECT RENEWABLE ENERGY POWER SALES AGREEMENT BETWEEN THE CITY OF GARNETT, KANSAS, AS PURCHASER, AND THE KANSAS MUNICIPAL ENERGY AGENCY, AS SELLER; 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 purchase of renewable energy and associated capacity produced at the Marshall Wind Farm Project for a period of twenty (20) years. 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 66032. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.garnettks.net.

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

DATED: January 12, 2016

Terry J. Solander
City Attorney

CERTIFICATION

STATE OF KANSAS, ANDERSON COUNTY, SS

I, Kristina L. Kinney, City Clerk in and for the City of Garnett, Anderson County, Kansas, hereinafter called the "City"; do hereby certify that the attached is a true and correct copy of Ordinance No. 4135, which was duly passed by the Governing Body of the City of Garnett, Kansas on January 12, 2016 and published in an official newspaper of the City of Garnett, Kansas on January 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 2nd day of February, 2016.

By: *Kristina L. Kinney*
Kristina L. Kinney, City Clerk

(Seal)

(Published in the _____ on _____, 2016)

ORDINANCE NO. 4145

AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, GRANTING TO KANSAS FIBER NETWORK, A KANSAS LIMITED LIABILITY COMPANY (KSFIBERNET), ITS SUCCESSORS AND ASSIGNS, A TELECOMMUNICATIONS FRANCHISE AND PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO.

This Franchise Agreement (“Agreement”) is entered into as of May 24 , 2016 (“Effective Date”) by and between the City of Garnett, a municipal corporation (the “City”), and KsFiberNet.

RECITALS

A. KsFiberNet owns, maintains, operates and/or controls, in accordance with regulations promulgated by the Federal Communications Commission and the Kansas Corporation Commission (hereinafter “KCC”), telecommunications networks serving KsFiberNet’s wireline customers through advanced fiber optic facilities and other wireless carrier customers through fiber-fed facilities. Such facilities are in public rights-of-way (hereinafter “ROW”), among other locations, in the State of Kansas.

B. KsFiberNet seeks to enter the City of Garnett’s (the “City”) ROW, and other real property of the City, to install, maintain and operate a fiber network (the “Network”), so that KsFiberNet and/or its customers (the “Customers”) may provide data and telecommunications services to the enterprises, residents and visitors of the City and others (the “Services”).

C. Some features of the Network include, without limitation, antenna nodes, poles, equipment cabinets, underground and above ground fiber optic cable, fiber handholes and enclosures, fiber repeaters and related equipment, and will include other equipment as technology evolves, in a configuration and at locations to be filed and identified through the City permit process (“Facility” or “Facilities”).

D. Certain systems of KsFiberNet which are specific parts or types of the Facilities may be located on streetlights, stand-alone poles, third party utility poles, and other structures located on or within the public ROW or City owned property as permitted under this Agreement.

E. KsFiberNet desires to obtain from City as permitted by law, and City is willing to grant KsFiberNet as required by law, the right to access the public ROW to locate, place, attach, install, operate, use, control, repair, replace, upgrade, enhance and maintain the Facilities in a manner consistent this Agreement.

In consideration of the Recitals set forth above, the terms and conditions of this Agreement and other valuable consideration, the adequacy of which is hereby acknowledged, the parties agree as follows:

SECTION 1 INSTALLATION OF THE NETWORK

1.1 **Permitted Installation.** KsFiberNet may at KsFiberNet's sole cost and expense and during the term of this Agreement, locate, construct, place, attach, install, operate, use, control, repair, replace, upgrade, enhance and maintain the Facilities subject to the terms and conditions of this Agreement. KsFiberNet shall undertake and perform any work authorized by this Agreement in a skillful and workmanlike manner.

1.1.1 **Installation Specifications.** The installation of the Facilities shall be made in accordance with plans and specifications as may be approved by the city and after obtaining all necessary permits for all work in the ROW and/or on City property. Such approval review shall be made no later than forty-five (45) days from application date, and under exceptional circumstances the time may be extended an additional forty-five (45) days upon agreement of the Parties. The Parties understand and agree that Facilities outside of the public ROW may require additional easements for underground fiber to connect to Network within Public ROW. Such additional easements shall be located so as not to interfere with the city's use of its property. For each installation of Facilities, KsFiberNet shall provide to the City plans, specifications, a construction work breakdown, and anticipated construction timeframes for the installation of Facilities no later than ninety (90) days prior to the planned start of the installation. KsFiberNet shall, at the written request of the city, attend a planning session regarding an installation proposed by KsFiberNet. The location, depth of the fiber underground, and any other requirements shall be approved in writing by the City prior to construction of the Facilities at that specific location, approval of which shall not be unreasonably withheld, conditioned or delayed. Approval of plans and specifications and the issuance of any permits by the city shall not release KsFiberNet from the responsibility for, or the correction of, any errors, omissions or other mistakes that may be contained in the plans, specifications and/or permits. KsFiberNet shall be responsible for notifying the city and all other relevant parties immediately upon discovery of such omissions and/or errors and with obtaining any amendments for corrected City-approved permits as may be necessary. KsFiberNet shall be responsible for all costs associated with the permitting process, including, but not limited to, repairs and replacement of City ROW. Such permits and approval requirements detailed in this section shall not be unreasonably withheld, conditioned or delayed by the City and any conditions or requirements shall be in accordance with federal, state, and local laws.

1.1.2 **Temporary Construction.** The installation of the Facilities shall be performed in accordance with traffic control plans for temporary construction work that are approved by the City, which approval shall not unreasonably be withheld, conditioned or delayed.

1.1.3 **Construction Schedule.** If requested by the City, at least ten (10) days prior to the installation of the Facilities, KsFiberNet shall deliver to the City a schedule for the proposed work related to the construction of the Facilities, as well as a list of the names of all agents and contractors of KsFiberNet's authorized by KsFiberNet to access the City ROW and City owned property on KsFiberNet's behalf.

1.1.4 **Coordination of Work.** KsFiberNet shall be responsible for coordination of work to avoid any interference with existing utilities, substructures, facilities and/or operations within the City's ROW. KsFiberNet shall be the City's point of contact and all communications shall be through KsFiberNet. KsFiberNet shall be solely responsible for communicating with Kansas One-Call.

1.1.5 **Inspection by City.** The City shall have commercially reasonable access to inspect any work conducted by KsFiberNet during the installation, maintenance and/or repairs of the Facilities.

1.1.6 **Other Utility Providers.** When necessary, KsFiberNet shall coordinate with other utility providers for other needed utility services. KsFiberNet and the city will reasonably cooperate with the other utilities providers regarding the location of any meter, pole, and other apparatuses required for each Site.

1.1.7 **Existing Utility Poles.** KsFiberNet may attach its Facilities to an existing utility pole pursuant to a properly executed agreement with the pole owner, provided, however, that any necessary replacement of the pole in order to accommodate the attachment shall be subject to the proper exercise of the city's police powers, and in no instance shall KsFiberNet erect a new pole within an existing aerial pole line absent the City's prior authorization.

1.2 **Compliance with Laws.** This Agreement is subject to the terms and conditions of all applicable federal, state and local Laws and the Parties shall comply with any such Laws in the exercise of their rights and performance of their obligations under this Agreement. "Laws" or "Law" as used in this Agreement means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, permits, approvals or other applicable requirements of the city or other governmental entity or agency having joint or several jurisdiction over the Parties' activities under this Agreement or having jurisdiction that is applicable to any aspect of this Agreement that are in force on the Effective Date and as they may be enacted, issued or amended during the term of this Agreement.

1.2.1 **Permits.** KsFiberNet shall obtain any necessary encroachment permits from the City for the installation of the Network and for any other work within the City's ROW or other real property of the City, as required by the Code or State Law at K.S.A. 17-1902(N), as amended.

1.3.3 **Compliance with Permits.** All work within the City's ROW or other real property of the city shall be performed in strict compliance with all applicable Permits and all applicable regulatory requirements.

1.3.4 **Fee Increases.** If prior to the second anniversary of the date hereof, the city increases the permitting fees described in the Sections above, and if with respect to all similarly situated franchisee license agreements executed by the City in such 2-year period the franchisee or licensee is subject to a similar fee provision, then KsFiberNet will pay to the City the increased fees as if the increased fee schedule had been in effect as of the date hereof upon being billed therefor by the City.

1.4 **Placement of KsFiberNet Facilities.** KsFiberNet shall coordinate the placement of its Facilities in the Public ROW in a manner that minimizes adverse impact on public improvements, as reasonably determined by the City Engineer.

1.4.1 **Placement of City Facilities.** Should the City decide that it is in its interest to include capacity in addition to the Facilities planned by KsFiberNet during the installation, it will communicate this decision to KsFiberNet in writing prior to the start of any construction and KsFiberNet shall include this additional capacity in its installation. The additional capacity will be defined during the planning process outlined in 1.1.1 and may include, but is not limited to, conduit, handholes, enclosures, and cable lines. The additional capacity shall be determined no later than thirty (30) days prior to the planned start of the installation. The City shall reimburse KsFiberNet for the cost of the additional capacity. The City's cost will be limited to the actual material and direct labor of the additional facilities only. The additional facilities shall be inspected by the City along with the KsFiberNet Facilities and shall not interfere with the operation and maintenance of KsFiberNet Facilities. The additional facilities shall remain the exclusive property of the City. City may not resell the additional facilities to any third party.

1.5 **New Streetlight Poles and Existing Streetlight Poles.** It is understood that KsFiberNet may build new streetlight poles or other such facilities required for the installation of the Facilities which would comply with all encroachment and building permits, applicable City, state and federal specifications, and Laws ("New Poles"). The Parties agree that in areas where there are existing poles, KsFiberNet will work with the owner of that existing pole to collocate the DAS Facility, but only when the pole owner is willing to allow such attachment and where such attachment is feasible from a safety, technical, and engineering (structural and radio frequency coverage) perspective.

1.5.1 **City Use of New Poles.** The Parties understand and agree that the city may use any New Poles for City purposes, including but not limited to streetlights and other lighting so long as such use does not interfere with KsFiberNet's use of its Network or Facilities. KsFiberNet shall reasonably cooperate with the City when using the New Poles.

1.5.2 **City-Owned Lights.** Except for the installation of the lights and ancillary equipment on or in the New Poles and/or as set forth in section 1.5.3 below, KsFiberNet shall not be responsible for maintenance, repair, or replacement of City-owned lights, light bulbs and equipment or equipment owned by third parties authorized by the City on the New Poles.

1.5.3 **Damage to New Poles.** If a new Pole falls or is damaged such that there is an imminent threat of harm to persons or property, then the city may cause the New Pole to be removed to the side of the street or a location that City believes reasonably eliminates the right of such imminent threat or harm to persons or property. KsFiberNet shall, after written notice from the City that any New Pole has been damaged or removed, cause the New Pole to be repaired or replaced within thirty (30) days after the City's written notice. The cost to repair and/or replace any New Pole, including the replacement City streetlight, bulb and ancillary equipment shall be paid by KsFiberNet; provided, however, that if the new Pole is damaged or destroyed by the City or a third party user that the City has given the right to use the New Pole, then the City and/or its third party user shall pay the cost to repair and/or replace the New Pole. To the extent that KsFiberNet seeks reimbursement for a third party either directly or through applicable insurance, the City shall assign KsFiberNet any rights the City may have against such third party for such claims.

1.6 **Franchise and Permit Fees.** KsFiberNet is solely responsible for the payment of all lawful franchise and permit fees in connection with KsFiberNet's performance under this Agreement.

1.6.1 **5% Franchise Fees for all Gross Revenues.** In consideration of this Franchise Agreement, KsFiberNet agrees to remit to the City a franchise fee of five percent (5%) of Gross Revenues ("Franchise Fee"). "Gross Revenues" means revenues derived from services provided within the corporate boundaries of the City which include: (A) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (B) recurring local exchange access line services for pay phone lines provided by a telecommunications local exchange service provider to all pay phone service providers; (C) local directory assistance revenue; and (D) line status verification/busy interrupt revenue; (E) local operator assistance revenue; (F) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills; (G) RF telecommunications service revenue or any other operating revenue derived from leasing KsFiberNet's dark fiber and indefeasible rights of use "IRU") fees. Gross revenues shall be reduced by bad debt expenses that are attributable to Sections (A) through (G) as referenced within this Section 1.6.1. Uncollectable and late charges shall not be included within gross revenues. KsFiberNet shall pay its Franchise Fee on the 15th day of the second month following the month in which the Gross Revenue is received. Notwithstanding the above, to the extent the definition of Gross Revenues is inconsistent with the definition of "Gross Receipts" set forth in KSA 12-2001, the definition of Gross Receipts shall control.

1.6.2 **DAS Facility Permit Fee.** A one-time permit and license fee of \$1,000.00 for each distributed antenna systems "DAS" Facility installed within the public ROW of the City shall be paid to the City by KsFiberNet. KsFiberNet shall pay the Das Facility Permit Fee the 15th day following the month after each DAS Facility is installed within the public ROW.

1.6.3 **Ministerial Application Fees.** Upon execution and approval of this Agreement, KsFiberNet shall pay to the City a one-time application fee in the sum of \$2,500.00 to recover the City's costs associated with the review and approval of this Agreement. The City certifies that such application fee reimburses the City for its reasonable, actual and verifiable cost of reviewing and approving this Agreement.

1.6.4 **Accounting Matters.** KsFiberNet shall keep accurate books of account at its principal office in Wichita, Kansas , or such other location of its choosing for the purpose of determining the amounts due to the City under §1.6.1 above. No more than once per year, the City may inspect KsFiberNet's books of account relative to the application of the franchise fees required under subsection 1.6.1 of this Agreement any time during regular business hours on thirty (30) days' prior written notice and may audit the books from time to time at the City's sole expense, but in each case only to the extent necessary to confirm the accuracy of payments due under § 1.6 – 1.6.3 above. The City agrees to hold in confidence any non-public information it learns from KsFiberNet to the fullest extent permitted by Law.

1.7 **Access to the Facilities.**

1.7.1 **KsFiberNet Access to Facilities for Repair.** KsFiberNet will be given reasonable access to each of the Facilities in the City ROW or City owned property for the purposes of routine installation, repair, maintenance or removal of Facilities. If any such maintenance activities have the potential to result in an interruption of any City services at the Facility, KsFiberNet shall provide the City with a minimum of three (3) days prior written notice of such maintenance activities. Such maintenance activities shall, to the extent feasible, be done with minimal impairment, interruption, or interference to City services.

1.7.2 **City Observation.** KsFiberNet shall allow a representative of the City to observe any repair, maintenance or removal work performed at the Facilities.

SECTION 2 TERM AND TERMINATION

2.1 **Term.** This Franchise Agreement shall be effective for an initial term of two (2) years from the effective date of this ordinance. Thereafter, this franchise will automatically renew for additional one (1) year terms, unless either party notifies the other party of its intent to terminate or renegotiate the franchise at least ninety (90) days prior to the termination of the then current term. The additional (term(s) shall be deemed a continuation of this franchise ordinance and not as a new franchise ordinance or amendment. Under no circumstances shall this franchise

ordinance exceed twenty (20) years from the effective date of the franchise ordinance. At the conclusion of the twenty (20) year period the parties hereto agree to negotiate a new franchise in good faith in the event KsFiberNet is still providing services hereunder.

2.1.1 **90 Day Remedy Period.** If the Agreement is breached by KsFiberNet, then the provisions of Section 8 (Default) shall govern the parties hereto.

2.2 **Termination of Use.** Notwithstanding Section 2.1 above, KsFiberNet may terminate its use of any or all of the Network by providing the City with ninety (90) days prior written notice. In the event of any such termination, KsFiberNet payment obligations to the City shall terminate simultaneously with the termination of use; provided KsFiberNet removes its equipment and restores the Facilities, as set forth in Section 3, below, prior to the termination date.

SECTION 3 REMOVAL AND RELOCATION

3.1 **Removal due to Public Project.** Upon receipt of a written demand from the City pursuant to this Section 3, KsFiberNet, at its sole cost and expense, shall remove and relocate any part of the Network, constructed, installed, used and/or maintained by KsFiberNet under this Agreement, whenever the City reasonably determines that the removal and/or relocation of any part of the Network is needed for any of the following purposes: (a) due to any work proposed to be done by or on behalf of the City or any other governmental agency, including, but not limited to, any change of grade, alignment or width of any street, sidewalk or other public facility, installation of curbs, gutters or landscaping and installation, construction, maintenance or operation of any underground or aboveground facilities used as sewers, water mains, drains, storm drains, pipes, gas mains, poles; power lines, telephone lines, cable television lines and tracks; (b) because any part of the Network is interfering with or adversely affecting the proper operation of City-owned light poles, traffic signals, or other City facilities or operations; or (c) to protect or preserve the public health and safety. The City shall cooperate with KsFiberNet in relocating any portion of the Network removed pursuant to this Section 3.1 in a manner that allows KsFiberNet to continue providing service to its customers, including, but not limited to, expediting approval of any necessary permits required for the relocation of that portion of the Network relocated under this Section 3.1. No permitting or other fees may be charged by the City for a removal occurring under this Section.

3.2 **Removal Due to Termination.** No later than 160 days after termination of this Agreement pursuant to the provisions of this Agreement, KsFiberNet shall, at its sole cost and expense, remove the Network or the terminated portion thereof and, if such removal disturbs the locations or adjacent property (including City ROW, City facilities added under Section 1.4.1, or City real property), restore each Facility and its adjacent property to its original conditions, reasonable wear and tear excepted, and further excepting landscaping and related irrigation

equipment, or other aesthetic improvements made by KsFiberNet to the Facility or adjacent property, or as otherwise required by the City. For New Poles, KsFiberNet shall install a new streetlight or facility as directed by City's Public Works Director, or his or her designee. Alternatively, KsFiberNet shall abandon the Network, or any part thereof, in place and convey it to the City if either the City or KsFiberNet elects to do so.

3.3 **Abandonment.** In the event KsFiberNet ceases to operate and abandons the Network, or any part thereof, for a period of ninety (90) days or more, KsFiberNet shall, at its sole cost and expense and within the time period specified in Section 3.2, vacate and remove the Network or the abandoned part thereof. If such removal disturbs the Facility or adjacent property (including City ROW, City facilities added under Section 1.4.1 or City real property), KsFiberNet shall also, at its sole cost and expense, restore the Facility or adjacent property to its original conditions, reasonable wear and tear excepted, and further excepting landscaping and related irrigation equipment, or other aesthetic improvements made by KsFiberNet to the Facility or adjacent property. Alternatively, the City may allow KsFiberNet, in the City's sole and absolute discretion, to abandon the Network, or any part thereof, in place and convey it to the City.

3.4 **No Relocation Compensation.** The parties understand and agree that neither the City nor KsFiberNet are entitled to compensation for any relocation of its Network that may be required under Section 3.1. KsFiberNet is not entitled to relocation assistance or any other compensation or benefits under the Uniform Relocation Assistance Act or any other applicable provision of law upon termination of this Agreement.

SECTION 4 MAINTENANCE AND REPAIR

4.1 **Electricity Use.** KsFiberNet shall pay for the electricity and other utilities services it consumes in its operations at the rate charged by the servicing utility company.

4.2 **Maintenance and Repair.** KsFiberNet shall, at KsFiberNet's sole cost and expense, perform all maintenance and repairs reasonably needed to maintain the Network in good condition, in a neat and orderly appearance, and in compliance with all applicable Laws. In the event any part of the Network requires replacement because such part cannot be repaired, KsFiberNet shall, at KsFiberNet's sole cost and expense, replace the irreparable part of the Network. KsFiberNet shall not cause rubbish, garbage or debris on or around its Network or the Facilities and shall not permit rubbish, garbage or debris to accumulate on or around in any enclosed areas around the Facilities. If the City gives KsFiberNet written notice of a failure by KsFiberNet to maintain the Facilities, KsFiberNet shall use its best efforts to remedy such failure within forty-eight (48) hours after receipt of such written notice.

4.3 **Appearance.** KsFiberNet shall cooperate with the City on all issues of aesthetics and appearance. KsFiberNet shall follow all legally binding City policies, state and local

ordinances with respect to aesthetics. This includes, but is not limited to, historic site and/or locations of significant importance. All locations of DAS systems must be aesthetically approved by the City Engineering Department, in a manner consistent with other approvals within these Restrictions.

4.4 **Repair of ROW.** KsFiberNet shall be responsible for any damage, ordinary wear and tear excepted, to street pavement, existing facilities and utilities, curbs, gutters, sidewalks, landscaping, and all other public or private facilities, to the extent caused by KsFiberNet's construction, installation, maintenance, access, use, repair, replacement, relocation, or removal of the Network in the City's ROW. KsFiberNet shall promptly repair such damage and return the City's ROW and any affected adjacent property to a safe and satisfactory condition to the City in accordance with the City's applicable street restoration standards or to the property owner if not the City. KsFiberNet's obligations under this Section 4.4 shall survive for one (1) year past the completion of such reparation and restoration work and return of the affected part of the City's ROW by KsFiberNet to the City.

4.5 **Bond.** KsFiberNet shall provide a bond in the amount of \$100,000.00 during the construction of the Network to represent the estimated cost of KsFiberNet's construction obligations under Sections 3 and 4 of this Agreement, which the City may require KsFiberNet to increase from time to time to reflect the reasonable estimated cost of performing such obligations, to secure performance of KsFiberNet's obligations under Sections 3 and 4.

SECTION 5 TAXES

5.1 **Taxes:** KsFiberNet agrees that it will be solely responsible for the payment of any and all taxes, fees and assessments levied on its ownership, use and maintenance of the Network and this Agreement. Pursuant to Section 79-5a01 *et seq.* of the Kansas Revenue and Taxation Code, the City hereby advises, and KsFiberNet recognizes and understands, that KsFiberNet's use of the City's ROW, the New Poles, and/or other non-ROW city property and facilities may create a possessory interest subject to real property taxation and that KsFiberNet may be subject to, and responsible for, the payment of real property taxes levied on such interest. KsFiberNet will cooperate with the Wilson County Assessor in providing any information necessary for the Assessor to make a property tax determination. KsFiberNet reserves the right to challenge any such assessment, and the City agrees to cooperate with KsFiberNet in connection with any such challenge.

SECTION 6 INDEMNIFICATION

6.1 **Indemnity.** KsFiberNet shall indemnify, defend, and hold harmless the City, its commission/council members, officers and employees, agents, and contractors, from and against liability, claims, demands, losses, damages, fines, charges, penalties administrative and judicial

proceedings and orders, judgments, and the costs and expenses incurred in connection therewith, including reasonable attorneys' fees and costs of defense to the extent resulting from activities undertaken by KsFiberNet pursuant to this Agreement, except to the extent arising from or caused by the negligence or willful misconduct of the City, its commission/council members, officers, employees, agents or contractors or any third party. The City shall promptly notify KsFiberNet of any claim, action or proceeding covered by this Section 6.1.

6.2 **Waiver of Claims.** KsFiberNet waives all claims, demands, causes of action, and rights it may assert against the City on account of any loss, damage, or injury to any portion of the Network, or any loss or degradation of the services provided by the Network resulting from any event or occurrence except for any loss, damage, or injury to any portion of the Network, or any loss or degradation of the services provided by the Network resulting from the gross negligence or willful misconduct of the City.

6.3 **Limitation of City's Liability.** The City will be liable, if at all, only for the cost of repair to damaged portions of the Facilities arising from the negligence or willful misconduct of City, its employees, agents, or contractors. The City, its agents, officers, employees, or contractors, shall not be liable for any damage from any cause whatsoever to the Facilities, specifically including, without limitation, damage, if any, resulting from the City's maintenance operations adjacent to the Facilities or from vandalism or unauthorized use of the Facilities, except to the extent such damage is caused by the negligence or willful misconduct of City, its agents, officers, employees or contractors. The City will in no event be liable for indirect or consequential damages.

6.4 **Limitation of KsFiberNet's Liability.** In no event shall KsFiberNet be liable for indirect or consequential damages in connection with or arising from this Agreement, or its use of the Network, New Poles, and ROW or other City real property.

SECTION 7 INSURANCE

7.1 **Minimum Insurance Requirements.** KsFiberNet shall obtain and maintain at its sole cost and expense for the duration of this Agreement insurance pursuant to the terms and conditions described in this Section.

(a) **Minimum Insurance.** KsFiberNet shall at all times during the term of this Agreement, carry, maintain, and keep in full force and effect, insurance as follows:

(i) **General Liability:** A policy or policies of Comprehensive General Liability Insurance, with minimum limits of \$2,000,000 combined single-limit per-occurrence for bodily injury, personal injury, death, loss and property damage resulting from wrongful or negligent acts by KsFiberNet. If Commercial General Liability Insurance or other form with a

general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(ii) **Automobile Liability:** A policy or policies of Comprehensive Vehicle Liability Insurance covering personal injury and property damage, with minimum limits of \$1,000,000 combine single-limit per accident for bodily injury and property damage covering any vehicle utilized by KsFiberNet in performing the work covered by this Agreement.

(iii) **Workers' compensation and Employer's Liability:** Workers' compensation limits as required by the Labor Code, and Employer's Liability limits of \$1,000,000 per accident.

(b) **Deductible and Self-Insured Retentions.** Any deductibles or self-insured retentions shall not exceed \$25,000; provided, however, if KsFiberNet's insurance policy expressly provides (i) that the insurer is required to pay covered claims with no deduction for all or any part of the KsFiberNet's deductible, and (ii) insurer's obligation to pay covered claims is triggered irrespective of whether or not the insured pays the deductible, the KsFiberNet's deductible shall not exceed \$100,000 for Comprehensive General Liability Insurance, \$100,000 Comprehensive Vehicle Liability Insurance and \$250,000 for Workers' Compensation and Employer's Liability coverage.

(c) **Other Insurance Provisions.** The policies shall contain, or be endorsed to contain, the following provisions:

(i) **General Liability and Automobile Liability Coverage.**

(1) The City, and its elected and appointed council members, board members, commissioners, officers and officials (the "Insureds") shall be named as additional insureds on all required insurance policies, except for Workers' Compensation and Employer's Liability policies.

(2) KsFiberNet's insurance coverage shall be primary insurance as respects the Insureds with respect to the matters covered by this Agreement. Any insurance or self-insurance maintained by the Insureds shall be in excess of KsFiberNet's insurance and shall not contribute with it.

(3) Any failure of KsFiberNet to comply with reporting provisions of the policies shall not affect coverage provided to the Insureds.

(4) KsFiberNet's insurance shall apply separately to each of the Insureds against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. Each of the Insureds is subject to all policy terms and conditions and has an obligation, as an Insured, to report claims made against them to the insurance carrier.

(ii) **Workers' Compensation and Employer's Liability Coverage.** The insurer shall agree to waive all rights of subrogation against the Insureds for losses arising from work performed by KsFiberNet in the City's ROW.

(iii) **All Coverages.** Except for non-payment of premium, each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled or reduced in coverage or limits by the insurer except after thirty (30) days' prior written notice has been given to the City. If for any reason insurance coverage is canceled or reduced in coverage or in limits, KsFiberNet shall within two (2) business days of notice from the Insurer, notify the City by phone or fax of the changes to or cancellation of the policy and shall confirm such notice via certified mail, return receipt requested.

(d) **Acceptance of Insurers.** Insurance shall be placed with insurers with an A.M. Best rating of no less than A-: VII.

(e) **Verification of Coverage.** KsFiberNet shall furnish the City with certificates of insurance required by this Section 7. The certificates for each insurance policy are to be signed by a person, either manually or electronically, authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City before work commences.

(f) **Secondary Parties.** In the event KsFiberNet hires any subcontractors, independent contractors or agents ("Secondary Parties") to locate, place, attach, install, operate, use, control, replace, repair or maintain the Network, KsFiberNet shall require the Secondary Parties to obtain and maintain insurance commensurate to the work such Secondary Parties perform.

SECTION 8 DEFAULT

8.1 **Default.**

8.1.1 **Defined.** A "Default" shall be deemed to have occurred under this Agreement if a party fails to cure such within ninety (90) days after written notice specifying such breach, provided that if the breach is of a nature that it cannot be cured within ninety (90) days, a default shall not have occurred so long as the breaching party has commenced to cure within said time period and thereafter diligently pursues such cure to completion.

8.1.2 **Remedies.** Upon the failure of a party to timely cure any breach after notice thereof from the other party and expiration of the above cure periods, then the non-defaulting party may, subject to the terms of Section 6.3 (Limitation of Liability), terminate this Agreement and pursue all remedies provided for in this Agreement and/or any remedies it may have under applicable law or principles of equity relating to such breach.

8.2 **City Termination Right.** In addition to the remedies set forth in Section 8.1.2, the City shall have the right to terminate this Agreement if (i) the City is mandated by law, a court order or decision, or the federal or state government to take certain actions that will cause or require the removal of the Facilities from the public right of way: or (ii) if KsFiberNet's licenses are terminated or revoked. Such termination rights shall be subject to KsFiberNet's rights to just compensation, if any, for any taking of a protected property right.

8.3 **No waiver.** A waiver by either party at any time of any of its rights as to anything herein contained shall not be deemed to be a waiver of any breach of covenant or other matters subsequently occurring.

8.4 **Interest.** If KsFiberNet fails to make any payment under this Agreement when due, such amounts shall accrue interest from the date such payment is due until paid, including accrued interest, at an annual rate of ten percent (10%) or, if lower, the highest percentage allowed by law.

SECTION 9 INTERFERENCE

9.1 **Non-Interference with Non-Public Safety Communications Systems.** KsFiberNet shall operate the Network in a manner that will not cause interference with City non-public safety communications systems and to the services and facilities of other licensees or lessees of City property located at or near the Facilities that were in operation prior to the installation of the Network or that are in operation prior to any modifications KsFiberNet may make to the Network.

9.2 **Non-Interference with Public Safety Communications Systems.** KsFiberNet's Network and Facilities shall not cause interference with public safety communications systems operated by City or any other public agency, regardless of the date such systems or any Facilities cause interference with the City's use of the New Poles for their intended purpose as streetlights, traffic lights, and/or stand-alone light poles.

9.3 **Correction of Interference.** If such interference with the Facilities described in Sections 9.1 and 9.2 occur, KsFiberNet shall, upon receipt of written notice thereof from City, immediately commences commercially reasonable, diligent, efforts to correct or eliminate such interference. If such interference cannot be corrected by KsFiberNet to the reasonable satisfaction of City within the cure period set forth for in the City's notice, which notice shall not be less than ninety (90) days, such interference shall be deemed a material breach under this Agreement and City may terminate this Agreement. Interference caused by actions of KsFiberNet's Customer(s) remains the responsibility of KsFiberNet. If the interference is an emergency or a danger to public health and safety, the City shall be entitled to require correction in a time period necessary to avoid the emergency or public health and safety issue.

SECTION 10

MISCELLANEOUS PROVISIONS

10.1 **Nonexclusive Use.** KsFiberNet acknowledges that this Agreement does not provide KsFiberNet with exclusive use of the City's ROW or any municipal facility and that City

retains the right to permit other providers of communications services to install equipment or devices in the City's ROW and on municipal facilities. The parties hereto specifically agree that all such franchises issued to telecommunications providers shall be competitively neutral and not unreasonable or discriminatory in nature.

10.2 Most Favored Nation.

10.2.1 Most-Favored Franchisee. All of the benefits and terms granted by the City herein shall be at least as favorable as the benefits and terms granted by the City to any future franchisee of the public ROW engaged in the same or similar business described in this Agreement. Following the Parties' execution and delivery of this Agreement, should the City enter into any subsequent agreement of any kind no matter what nomenclature is attached thereto with any other franchisee during the term of this Agreement, which agreement provides for benefits or terms and conditions which, taken as a whole and balanced with other terms of such agreement, are in KsFiberNet's opinion more favorable than those contained in this Agreement, KsFiberNet has the right to require that the City amend this Agreement to incorporate the same or substantially similar more favorable terms and conditions, and the effective date of such amendment shall be deemed to be the date of the agreement establishing such more favorable terms and conditions. The obligation to review other City franchise agreements to determine whether more favorable terms exist under the conditions described in this Section 10.2.1 is incumbent upon KsFiberNet.

10.2.2 Most-Favored Municipality. Following the Parties' execution and delivery of this Agreement, should KsFiberNet enter into a franchise agreement with another municipality of the same size or smaller than the City in this State, which agreement contains financial benefits for such municipality which, taken as a whole and balanced with the other terms of such agreement, are in the City's opinion substantially superior to those in this Agreement, the City shall have the right to require that KsFiberNet amend this Agreement to incorporate the same or substantially similar superior benefits, and the effective date of such amendment shall be deemed to be the date of the agreement establishing such substantially superior benefits. The obligation to review other City franchise agreements to determine whether more favorable terms exist under the conditions described in this Section 10.2.2 is incumbent upon the City.

10.3 Notices. All notices which shall or may be given pursuant to this Agreement shall be in writing and served by (1) electronic mail; and (2) personally served or transmitted through first class United States mail, or by express mail providing for overnight delivery, postage prepaid, to the following address or such other address of which a party may give written notice:

City: City of Garnett
 Garnett City Hall
 131 West Fifth Ave.
 P.O. Box H
 Garnett, KS 66032
 Attention: City Manager

KsFiberNet: Kansas Fiber Network, LLC
18201 E. 34th St. Cir N
Building #1501
Wichita, KS 67226
Attention: Steven Dorf, President and CEO

Such notice shall be deemed made when personally delivered; of mailed via first class U.S. Mail, such notice shall be deemed made three (3) calendar days after the date of deposit in the U.S. Mail, if mailed via express/overnight mail, such notice shall be deemed made two (2) calendar days after the date of deposit in a designated overnight delivery mailbox or other like facility. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

10.4 Sublease/Assignment. If KsFiberNet assigns, sublets, enters into a franchise license or concession agreement, changes ownership of the Network or voting control of KsFiberNet, mortgage, encumber, pledge, hypothecate or other transfer (including any transfer by operation of law this Agreement or any interest therein) KsFiberNet will provide notice of a transfer within a reasonable time.

10.5 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, legal representatives, successor, assigns and transferees.

10.6 Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement between the parties relating to the subject matter hereof. All prior and contemporaneous agreements, representations, negotiations, and understandings of the parties, oral or written, relating to the subject matter hereof are merged into and superseded by this Agreement. Any modification or amendment to this Agreement shall be of no force and effect unless it is in writing and signed by the parties. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any provisions, whether or not similar. No waiver or consent shall constitute a continuing waiver or consent or commit either party to provide a waiver in the future except to the extent specifically set forth in writing. No waiver shall be binding unless executed in writing by the party making the waiver.

10.7 Severability. If any one or more of the provisions of this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such provision or provisions shall be deemed separable from the remaining provisions of this Agreement and shall in no way affect the validity of the remaining portions of this Agreement.

10.8 Governing Law. This Agreement shall be interpreted and enforced according to, and the parties' rights and obligations governed by, the domestic law of the State of Kansas or applicable federal law, without regard to laws regarding choice of applicable law. Any proceeding or action to enforce this Agreement, or otherwise directly related to this Agreement shall occur in the state courts located in Anderson County, Kansas.

10.9 Survival of Terms. All of the terms and conditions in this Agreement related to payment, removal due to termination or abandonment, indemnification, limits of City's liability, attorneys' fees and waiver shall survive termination of this agreement.

10.10 **Captions and Paragraph Headings.** Captions and paragraph headings used herein are for convenience only. They are not a part of this Agreement and shall not be used in construing this Agreement.

10.11 **Drafting.** The parties agree that this Agreement is the project of joint draftsmanship and that should any of the terms be determined by a court, or in any type of quasi-judicial or other proceeding, to be vague, ambiguous and/or unintelligible, that the same sentences, phrases, clauses or other wording or language of any kind shall not be construed against the drafting party.

10.12 **Execution in Counterparts.** This Agreement may be executed in one or more identical counterparts and all such counterparts together shall constitute a single instrument for the purpose of the effectiveness of this Agreement.

10.13 **Authority to Execute This Agreement.** Each person or persons executing this Agreement on behalf of a party, warrants and represents that he or she has the full right, power, legal capacity and authority to execute this Agreement on behalf of such party and has the authority to bind such party to the performance of its obligations under this Agreement without the approval or consent of any other person or entity.

10.14 **No Warranty by the City.** The City makes no representations or warranties regarding the suitability, condition or fitness of the locations for the installation, maintenance or use of the New Poles or the Facilities.

10.15 **Agreement Applicable Only to the Facilities.** This Agreement shall not be construed to permit construction, installation, maintenance or use of Facilities on any property other than the Facilities.


10.16 **No Abrogation of Legal Responsibilities.** The City's execution of this Agreement shall not abrogate, in any way, KsFiberNet's responsibility to comply with all permitting requirements or to comply with all Laws with respect to its performance of the activities permitted under this Agreement.

10.17 **Contractual Interpretation.** In the interpretation and application of its rights under this Franchise Agreement, the City will act in a reasonable, non-discriminatory, and competitively neutral manner in compliance with all applicable federal, state, and local laws and regulations.

10.18 **Effective Date of Ordinance.** This Ordinance shall be effective upon its final passage and publication as required by law.

ADOPTED AND PASSED by the Governing body of the City of Garnett, Kansas this 24th day of May, 2016.

CITY OF GARNETT, KANSAS

By: 
W. Gordon Blackie, Mayor Pro-Tem

ATTEST:


Kristina L. Kinney, City Clerk

KANSAS FIBER NETWORK, LLC

By: _____
Steve Dorf, President

=====

* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4145 * * * *

=====

On May 24, 2016, the City of Garnett Kansas, adopted Ordinance #4145 which granted a non-exclusive, telecommunications franchise to Kansas Fiber Network, a Kansas limited liability company to operate within the City of Garnett. The grant includes the right of said company to access the public rights of way in order to install, operate and maintain the company's facilities, and specifying the terms and conditions of such access and operations.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No.

Summary Ordinance # 4145

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication May 31/ June 2, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 16th day of June, 20 16

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4146

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:


Lots 7, 8 and 9, Block 59, City of Garnett

is hereby changed from R-3 (Residential) to B-1 (Business General District).

SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall be effective and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

Passed by the commission, 2 voting Aye, 0 voting Nay, this 24th day of May, 2016.



Mayor Pro-Tem

Attest:



City Clerk

CONSENT TO RE-ZONING SINGLE LOT

TO THE CITY OF GARNETT, KANSAS:

COMES NOW Jerry W. Jasper, the unmarried widower and surviving joint tenant of Catherine M. Jasper, deceased, as legal owner of the following described real estate situated in Anderson County, Kansas, to-wit:

Lot 7, Block 59 in the City of Garnett, Kansas

and do hereby CONSENT that the the City of Garnett, Kansas, may re-zone the above described lot, changing it from R-3 Flexible Residential Dwelling District to B-1 Business General District.

I hereby waive my right to appear before the Planning Commission in connection with this zoning change, and consent that such change may be presented to the City Commission without further notice to me.

Dated May 19, 2016.

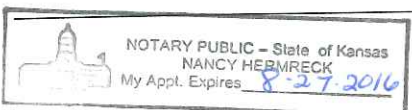
Jerry W. Jasper
Jerry W. Jasper

STATE OF KANSAS)
) ss:
ANDERSON COUNTY)

SIGNED and ACKNOWLEDGED before me on this 19 day of May, 2016, by Jerry W. Jasper, the unmarried widower and surviving joint tenant of Catherine M. Jasper, deceased.

Nancy Hermreck
Notary Public

My appointment expires



Case No. Ordinance #4146

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication May 31/June 2, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 16th day of June, 2016

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4148

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE GSSB, AS LESSOR, WITH RESPECT TO A 2017 FREIGHTLINER TRUCK WITH A HEIL 16 YARD COMPACTOR.

WHEREAS, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a 2017 Freightliner Truck with a Heil 16 Yard Compactor for use by the City (the "Equipment"); and

WHEREAS, the City has accepted the proposal of GSSB for a lease transaction with respect to the Equipment; and

WHEREAS, in order to facilitate the acquisition of the Equipment and to pay the cost thereof, it is necessary and desirable for the City to enter into an annually renewable municipal lease purchase agreement (the "Lease"), with GSSB (the "Bank"), pursuant to which the City will lease the Equipment on a year-to-year basis from the Bank with an option to purchase.

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

Section 1. Authorization and Approval of a Lease. The City's entering into of the Lease is hereby approved and authorized, such documents to be in such form and have such provisions as shall be approved, the Mayor's execution of the Lease to be conclusive evidence of such approval.

The obligation of the City to pay rental payments under the Lease is subject to annual appropriation, shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease shall be construed so as to give effect to such intent.

The City Manager is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the City. The City Clerk is hereby authorized, if necessary, to affix the City's seal thereto and attest said seal.


Section 2. Further Authority. The City shall, and the officials and agents of the City 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

Ordinance No. 4017
Page Two

intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Equipment.

Section 3. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official city newspaper.

PASSED by the governing body of the City of Garnett, Kansas this 14th day of June, 2016.



Mayor

Attest:



City Clerk

=====

* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4148 * * * *

=====

On June 14, 2016, the City of Garnett Kansas, adopted Ordinance #4148 which authorized the city manager to enter into a lease for a 2017 Freightliner truck with a Heil 16 yard waste compacter body with Goppert State Service Bank. Said lease contains an option to purchase the said equipment at the conclusion of the leasehold and the authorization further provides for expenditure of funds to carry out and comply with said lease/purchase agreement.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Summary
Ordinance # 4148

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

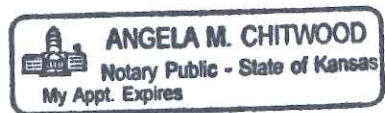
1st publication June 23, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 30 day of June, 2016

Angela M Chitwood
Notary Public

My appt. expires January 13, 2020



ORDINANCE NO. 4156

=====

AN ORDINANCE REGULATING PARKING ON FIFTH AVENUE, AMENDING TITLE 10, CHAPTER 2, SECTION 4 BY ADDING AN ADDITIONAL SUB-SECTION THERETO, CREATING A VAN-ACCESSIBLE HANDICAP PARKING STALL.

=====

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

SECTION 1. Title 10, Chapter 2, Section 4 of the Municipal Code is hereby amended by the addition of the following subsection, to-wit:

10-2-2: **HANDICAPPED PARKING STALLS DESIGNATED:**

* * *

- (I) One angle parking stall and additional access space to the east thereof, aggregating to 27 feet in width, east to west, said parking stall being described as beginning 81 feet west of the west boundary of the Oak Street right of way, at its point of intersection with the south right of way line of Fifth Avenue, thence running east a distance of 14 feet, with the additional access space lying on the east side of said parking stall.

SECTION 2. 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 27th day of September, 2016.

ATTEST:

Kristina D. Kruey
City Clerk

Greg C. Ellis
Mayor

Case No. Ordinance No. 4156

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

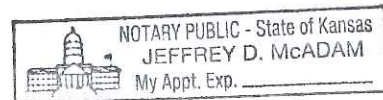
1st publication October 6, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 11 day of October, 20 16

Jeffrey D. McAdam
Notary Public

My appt. expires 4-4-2019



=====
AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 7 OF THE
MUNICIPAL CODE, RELATING TO THE DUE DATE OF UTILITY BILLINGS AND
PENALTY FOR LATE PAYMENT; REPEALING EXISTING SECTION OF SAID
TITLE AND CHAPTER.
=====

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

SECTION 1: Title 4, Chapter 4, Section 7 of the Municipal
Code of the City of Garnett, Kansas, is hereby amended to read as
follows:

4-4-7: DELINQUENCY, DATE AND CHARGES: Charges
for all utility service, including but not limited to,
electric, water, gas, sanitary sewer service and solid
waste removal, shall be due and payable at the office
of the City Clerk on the first day of the calendar
month following the billing date for such utilities.
If such charges are not paid in full on or before the
fifteenth day of that month, there shall be added a
penalty of 5% of the outstanding and unpaid balance.

SECTION 2: Title 4, Chapter 4, Section 7 of the Municipal
Code, as the same presently exists, is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force
upon passage and publication in an official city newspaper.

PASSED this 11th day of October, 2016.

ATTEST:

Kristina R. Finney
City Clerk

Greg A. Jones
Mayor

Case No. ordinance No 4158

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication October 20 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me, this 27 day of October, 2016

[Signature]
Notary Public

My appt. expires 6-15-2020



=====
AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 1(A)(2) OF THE MUNICIPAL CODE, RELATING TO WORK ON CITY UTILITY APPARATUS OR CONNECTIONS THEREWITH; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.
=====

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

SECTION 1: Title 5, Chapter 13, Section 1(A)(2) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

5-13-1: LICENSE REQUIRED; RECIPROCITY:

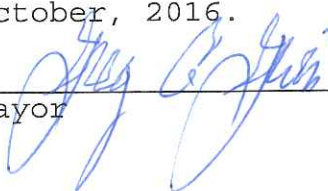
(A) *****

2. It shall be unlawful for any property owner to do any work himself or herself upon the city's water, gas, electric, or sanitary sewer utilities, or appurtenances, pipes or wires connected thereto, or to make any connection with or alteration or extension to or from the supply pipes or wires or discharge laterals of the respective utilities belonging to any customer thereof or person using any of the said utilities or any one of them within or on any property owned by him or her until such owner performing such work shall have taken out a license as required by this Title and Chapter; provided, however, on owner occupied properties, no such license shall be required except for work on or in connection with the city's gas utility; and provided, further, nothing in this proviso shall be deemed to allow any work performed by the owner/occupant to be done contrary to applicable code and safety regulations.

SECTION 2: Title 5, Chapter 13, Section 1(A)(2) of the Municipal Code, as the same presently exists, is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force upon passage and publication in an official city newspaper.

PASSED this 11th day of October, 2016.



Mayor

ATTEST:


City Clerk

Case No. Ordinance No 4159

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication October 20, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 27 day of October, 20 16

ASB
Notary Public

My appt. expires 6-15-2020



ORDINANCE NO. 4163

=====

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AMENDING TITLE 10, CHAPTER 7, SECTIONS 1 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 2016 EDITION, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE THUS AMENDED.

=====

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

Section 1. Title 10, Chapter 7, Section 1 of the Municipal Code is hereby amended to read as follows:

10-7-1: INCORPORATION OF STANDARD TRAFFIC ORDINANCE: There is hereby incorporated by reference for the purpose of regulation of traffic within the corporate limits of the City of Garnett, Kansas, that certain traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", 2016 Edition, prepared and published in booklet form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are herein omitted, deleted, modified or changed. Not fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 4163" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance, similarly marked, as may be deemed expedient.

Section 2. Title 10, Chapter 7, Section 3 of the Municipal Code is hereby amended to read as follows:

10-7-3: OMISSIONS: Article 7, Section 33; Article 14, Section 115; and Article 20, Section 201 (but not Section 201.1) of the Standard Traffic Ordinance for Kansas Cities, Edition of 2016, are hereby omitted.

Section 3: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code. The penalty provisions of Section 4 thereof shall be fully applicable hereto.

Section 4: Title 10, Chapter 7, Sections 1 and 3, as the same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

Section 5: 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 22nd day of November, 2016.



Mayor

A T T E S T:



City Clerk

Case No. Ordinance # 4164

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication December 1, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 2nd day of Dec, 20 16

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4164

=====
AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF
GARNETT, KANSAS, AMENDING TITLE 6, CHAPTER 1, SECTIONS 1 and 2 OF
THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE
"UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 2016 EDITION,
WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE
MUNICIPAL CODE THUS AMENDED.
=====

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

Section 1. Title 6, Chapter 1, Section 1 of the Municipal
Code is hereby amended to read as follows:

6-1-1: INCORPORATION OF UNIFORM PUBLIC OFFENSE CODE:
There is hereby incorporated by reference for the
purpose of regulating public offenses within the
corporate limits of the City of Garnett, Kansas, that
certain code known as the "Uniform Public Offense
Code", 2016 Edition, prepared and published in booklet
form by the League of Kansas Municipalities, Topeka,
Kansas, save and except such articles, sections, parts
or portions as are herein omitted, deleted, modified or
changed. No fewer than three copies of said Uniform
Public Offense Code shall be marked or stamped
"Official Copy as Adopted by Ordinance No. 4164 "
with all sections or portions thereof intended to be
omitted or changed clearly marked to show any such
omission or change and to which shall be attached a
copy of this ordinance, and filed with the City Clerk
to be open to inspection and available to the public at
all reasonable hours. The police department, municipal
judge and all administrative departments of the city
charged with enforcement of the ordinance shall be
supplied, at the cost of the City, such number of
official copies of such Uniform Public Offense Code,
similarly marked, as may be deemed expedient.

Section 2. Title 6, Chapter 1, Section 2 of the Municipal
Code is hereby amended to read as follows:


6-1-2: OMISSIONS: Article 6, Section 16; and Article
11, Section 11 of the Uniform Public Offense Code,
Edition of 2016, are hereby omitted.

Section 3: Title 6, Chapter 1, Sections 1 and 2, as the

same presently exist, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

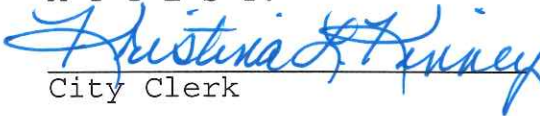
Section 4: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 22nd day of November, 2016.



Mayor

A T T E S T:



City Clerk

Case No. Ordinance # 4163

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication December 1, 2016
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 2nd day of Dec, 20 16

Lisa Headrick
Notary Public

My appt. expires 8-6-18

 **LISA HEADRICK**
Notary Public - State of Kansas
My Appt. Expires

ORDINANCE NO. 4167

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:

Lot 14 and the East 20 feet of Lot 13 in Block 11, commonly known as 407 West 2nd Avenue

is hereby changed from O-1 (office institutional) zoning district to B-1 (general business) zoning district.

SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.

SECTION 3: This ordinance shall be effective and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

Passed by the commission, 3 voting Aye, 0 voting Nay, this 27th day of December, 2016.



Mayor

Attest:



City Clerk

Case No. Ordinance
No. 4167

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication January 5, 2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 6th day of JAN, 2017

Lisa Headrick
Notary Public

My appt. expires 8-6-18



ORDINANCE NO. 4171

=====
AN ORDINANCE DECLARING ALL ELECTIONS FOR THE CITY OF GARNETT,
KANSAS, TO BE NON-PARTISAN.
=====

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

SECTION 1: All elections for the City of Garnett, Kansas,
shall be non-partisan.

SECTION 2: This ordinance shall take effect and be in force
upon passage and publication in an official city newspaper.

PASSED this 24th day of January, 2017.

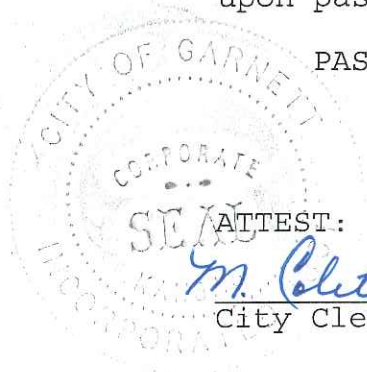


Mayor

ATTEST:



City Clerk *Deputy*



Owner
785-448-4323
• Residential Pest Control
• Commercial Pest Control
• Industrial Weed Control
Affordable Rates

Case No. Ordinance #4171

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication February 2nd, 2017
 2nd publication _____
 3rd publication _____

Barbara Thompson
 Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
 this 8th day of February, 20 17

Angel S. Betts
 Notary Public

My appt. expires 10-15-2020

ANGEL S. BETTS
 Notary Public - State of Kansas
 My Appt. Expires

ORDINANCE NO. 4176

AN ORDINANCE DELETING CERTAIN UNPAID UTILITY BILLS FROM THE ACCOUNTING RECORDS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The City has carried certain unpaid bills on its accounting records for 2 years; and,

WHEREAS, Every reasonable effort has been made to collect these due and unpaid bills, but without success; and,

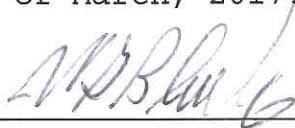
WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$1,206.19 incurred through November 8, 2016 are hereby deleted from the City's accounting records.


Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED THIS 28th day of March, 2017.



Mayor

Attest:



Attestor

<u>NAME</u>	<u>AMOUNT</u>
Michael Belshe (collection fee)	\$ 31.41
Lisa Buster (collection fee)	\$121.65
Phyllis Capps Estate (deceased)	\$ 99.79
Alica Gail Carter (collection fee)	\$ 12.16
Keith & Teresa Chambers (collection fee)	\$ 30.64
Judith Garcia (deceased)	\$402.58
Vicki Green (collection fee)	\$ 8.42
Jamie Hackler (collection fee)	\$ 76.99
Paula Lewis (collection fee)	\$ 65.26
Shawn McAlpine (collection fee)	\$ 19.08
Jennifer Mersman (collection fee)	\$ 33.13
Jill Reynolds (collection fee)	\$ 49.78
Andrew Stout (deceased)	\$255.30

ORDINANCE NO. 4179

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas to-wit:

All of Lot 1 and Lot 2 and the east 30 feet of Lot 3; the East 11 feet of Lot 17 and all of Lots 18 through 24 (inclusive); all in Block 48 of the City of Garnett, Anderson County, Kansas, various parts of which are sometimes commonly known within said city as 202 West Fourth Avenue, 206 West Fourth Avenue, 225 West 5th Avenue, 409 South Walnut Street and 417 South Walnut Street

is hereby changed from R-2 zoning district to O-I zoning district.

SECTION 2: Upon the effective date of the ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be reincorporated as hereby amended as a part of Ordinance No. 3059 under which authority this ordinance is adopted.


SECTION 3: This ordinance shall be effective and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

Passed by the commission, 3 voting Aye, 0 voting Nay, this 25th day of April, 2017.



Mayor

Attest:



City Clerk

Case No. Ordinance # 4179

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication May 4, 2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 24th day of May, 2017

Lisa Headrick
Notary Public

My appt. expires 8-6-18



=====
AN ORDINANCE REPEALING PROVISIONS OF CERTAIN ORDINANCES,
ELIMINATING CERTAIN TIME-RESTRICTED PARKING STALLS AND LOCATIONS.
=====

WHEREAS, uses adjacent to certain time-restricted parking stalls and locations have changed, eliminating the need for continuing such time restrictions,

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

SECTION 1: The following ordinances are hereby repealed:

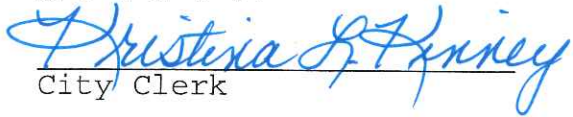
- (a) Ordinance No. 3470, not codified;
- (b) Ordinance No. 3267, codified as Title 10, Chapter 2, Section 2, sub-section I;
- (c) Ordinance No. 3097, codified as Title 10, Chapter 2, Section 2, sub-section H;
- (d) Ordinance No. 3064, codified as Title 10, Chapter 2, Section 2, sub-section G; and,
- (e) Ordinance No. 3034, codified as Title 10, Chapter 2, Section 2, sub-section F.

SECTION 2: 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.

PASSED this 13th day of June, 2017.



Mayor

A T T E S T:


City Clerk

=====
* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4183 * * * *
=====

On June 13, 2017, the City of Garnett Kansas, adopted Ordinance #4183 which repealed the prior establishment of certain time-limited parking zones.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Online Banking and any of the
learn more about the benefits
and easy to use.
the Banking is safe, convenient
payments and much more.
is, between accounts, make loan
W recent transactions, transfer
felling. Check account balances,
re

Case No. Ordinance
4183

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication 6-22-2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 22nd day of June, 20 17

 ANGEL S. BETTS
Notary Public - State of Kansas
My Appt. Expires

AS Betts
Notary Public

My appt. expires 6-15-2020

ORDINANCE NO. 4184

=====
AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT,
KANSAS, AMENDING THE GRID OF USES AS TO CERTAIN USES IN THE
OFFICE-INSTITUTIONAL (O-I) DISTRICT.
=====

WHEREAS, the Governing Body received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance with respect to certain uses in the Office-Institutional (O-I), which said report was by this Govrning Body returned for further study with regard to one certain use in said zone, to-wit: Depository Institutions; and,

WHEREAS, the Governing Body has now received an additional report of the Planning Commission evidencing said commission's further study of the matter as directed and requested by this Governing Body, which recommends the amendment of the City of Garnett's Zoning Ordinance with respect to certain uses in the Office-Institutional (O-I), including "Depository Institutions"; and,

WHEREAS, said further report having been examined and considered, the same is now approved.

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

SECTION 1: The "Listing of Uses by Zoning District--July, 1993" is hereby amended with respect to uses in the Office-Institutional (O-I) Zone is hereby amended in accordance with the Planning Commission's recomendations as set forth on the partial grid, with respect to said zone, which is attached hereto and marked "Exhibit A", such amendments being as set forth in the outer column of the partial grid on said exhibit. Those uses on said Exhibit A, which have not been thus marked as being amended, are hereby ratified and confirmed.

SECTION 2: The "Listing of Uses by Zoning District--July, 1993" grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Section 1 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional copies of said ordinance and the Exhibit A thereto are re-printed. All prior amendments to said grid shall remain in full force and effect and shall not be in anyway affected by this amendatory ordinance.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official

Ordinance
Page 2

newspaper of the City of Garnett.

PASSED this 13th day of June, 2017.

W. B. ...
Mayor

A T T E S T:

Christina K. Kinney
City Clerk

What is Allowed in OI Zoning Regulations	P	S	C
Amusement & Recreation, NEC		S	
Automobile Parking	P		
Barber Shop	P		
Beauty Shop	P		
Bowling & Skating Centers		S	
Bus Service Terminal		S	
Cable & Other Pay TV Services		S	
Civic & Social Organizations	P		
Colleges & Universities		S	
Commercial Banks, Branch Offices	P		S
Commercial Banks, Main Office	P		S
Commercial Sports Facilities		S	
Computer & Data Processing Services	P		
Courts	P		S
Credit Reporting & Collecting	P		S
Credit Unions	P		S
Dance Studios, Schools & Halls	P		S
Day Care Center	P		S
Department Stores	P		S
Depository Institutions	P		S
Drinking Places	P		S
Drug Stores & Proprietary Stores	P		S
Eating Places	P		
Elementary & Secondary Schools		S	
Executive, Legislative & General E. Transportation & Public Utilities	P		S
Fire Protection		S	
Freight Transportation Arrangement		S	
Fruit & Vegetable Market	P		S
Functions Closely Related to Banking	P		S
Furniture & Homefurnishings	P		
Gasoline Stations	P		N
Grocery Stores	P		
Hardware, Plumbing & Heating Equipment	P		S
Hardware Stores	P		S
Health & Allied Services, NEC		S	

Home Health Care Services	P			
Hospitals	P			S
Hotels & Motels		S		
Insurance Agents, Brokers & Service	P			
Labor Organizations	P			S
Laundry, Cleaning & Garment Services	P			S
Legal Counsel & Prosecution	P			
Legal Services	P			
Libraries	P			
Liquor Stores	P			S
Mailing, Reproduction, Stenographic	P			
Medical & Dental Laboratories	P			
Membership Organizations, NEC		S		
Membership Sports & Recreation Clubs	P			S
Miscellaneous Communications Services		S		
Miscellaneous Merchandise Stores	P			S
Miscellaneous Personal Services	P			S
Miscellaneous Shopping Goods Stores		S		
Motion Picture Theatres	P			S
Museums & Art Galleries	P			S
Nonstore Retailers		S		
Nursing & Personal Care Facilities	P			
Offices & Clinics of Dentists	P			
Offices & Clinics of Medical Doctors	P			
Paint, Glass & Wallpaper Stores	P			S
Personnel Supply Services	P			S
Photographic Studios	P			
Physical Fitness Facilities		S		
Pipelines, Except Natural Gas		S		N
Police Protection		S		
Psychiatric Hospital	P			N
Public Order & Safety, NEC		S		
Radio & Television Broadcasting		S		
Real Estate Agents & Managers	P			
Real Estate Operators & Lessors (Apartments)	P			
Religious Organizations		S		
Res -- Single Family	P			

Exhibit

A

P. 2

Res - Two Family	P		
Res - Multi Family		S	
Res - Modular Homes	P		
Residential-design, Manufactured Homes			C
Retail Bakeries	P		
Rooming & Boarding Houses		S	
Savings Institutions	P		
Schools & Educational Services, NEC		S	
Services, NEC		S	
Sewerage Systems (not septic tanks)		S	
Shoe Repair & Shoe Shine Parlors	P		
Subdividers & Developers	P		
Telegraph & Other Communications		S	
Telephone Communications		S	
Title Abstract Offices	P		
Travel Agencies & Tour Operators	P		
US Postal Services	P		
Veterinary Services		S	
Vocational Schools		S	
Water Supply		S	

S

S

P = Permitted

S = Special Use Permit

C = Conditionally Permitted

N=Not Permitted

=====
* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4184 * * * *
=====

On June 13, 2017, the City of Garnett Kansas, adopted Ordinance #4184 which amended Ordinance #3059 as to the "Listing of Uses by Zoning District--July, 1993" (Grid) insofar as it affects and controls uses in the Office-Institutional (O-I) district.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance
4184

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication 6-22-2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 22nd day of June, 20 17

ANGEL S. BETTS
Notary Public - State of Kansas
My Appt. Expires

ASB
Notary Public

My appt. expires 6-15-2020

ORDINANCE NO. 4187

AN ORDINANCE DELETING CERTAIN UNPAID UTILITY BILLS FROM THE ACCOUNTING RECORDS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, The City has carried certain unpaid bills on its accounting records; and,

WHEREAS, Every reasonable effort has been made to collect these due and unpaid bills, but without success; and,


WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$4,975.13 incurred through December 30, 2016 are hereby deleted from the City's accounting records.

Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED THIS 11th day of July, 2017.



Mayor

Attest:


City Clerk

<u>NAME</u>	<u>AMOUNT</u>
Roy Anderson	\$ 24.33
Lucy Butler	\$232.84
Alicia Carter/David Williams	\$ 80.91
Stephanie Fields/Matthew White	\$534.36
Vicki Green(collection fee)	\$ 13.64
Bruce Helmick	\$191.59
Margaret Higgins	\$302.60
William Hughes(deceased)	\$264.92
Shawn McAlpine	\$878.09
Georgeanna Martin	\$394.60
Dave Miller	\$110.42
Cody Michael Powers	\$253.06
Roger Roberts	\$355.95
Jessie Sidebottom	\$ 60.15
Archie Smith	\$141.38
Russell Stahl(deceased)/Wendy Stahl	\$447.89
Jeff & Tammy Taylor(bankruptcy)	\$506.75
Brittany White	\$181.65

Case No. Ordinance Deleting Unpaid Utility Bills

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

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The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication July 27, 2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me, this 4th day of August, 20 17

ASB
Notary Public

My appt. expires 6-15-2020



ORDINANCE NO. 4188

=====

AN ORDINANCE CONFIRMING PRIOR VACATIONS, AND RE-VACATING CERTAIN OF THE PUBLIC STREET AND ALLEY RIGHTS OF WAY IN CHAPMAN'S ADDITION TO THE CITY OF GARNETT, KANSAS, LYING WITHIN AND ADJACENT TO BLOCKS 11, 12 AND 22 OF SAID ADDITION; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR THE RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423.

=====

WHEREAS, the recorded plat of Chapman's Addition to the City of Garnett, Kansas, describes a public street right of way, denominated "Oak Street" lying between Blocks 11 and 12 and to the north and east of Block 22 of said addition; and,

WHEREAS, the said plat also provides for alleys running north and south and east and west in Block 12, and east and west in Block 11; and,

WHEREAS, a portion of said "Oak Street", lying east of Lot 1, Block 12 in Chapman's Addition to the City of Garnett, Kansas, was vacated in Ordinance #383, dated March 6, 1907, but said ordinance appears to have been conditioned on certain considerations required of the then owner of adjacent lands which may restrict or even abrogate the effect of said ordinance; and,

WHEREAS, the alley lying between Lots 3 and 6 in Block 11 of Chapman's Addition to the City of Garnett, Kansas, was vacated in Ordinance #618, dated February 8, 1915; and,

WHEREAS, some of the alleyways in Block 12 and an additional part of "Oak Street" were vacated in Ordinance #966, dated August 2, 1926; and,

WHEREAS, other ordinances were adopted from time to time vacating additional alleyways in various locations within said Chapman's Addition, and finally by virtue of Ordinance #1489, the remainder of all alleys running north and south in Chapman's Addition, not theretofore previously vacated, were then vacated; said ordinance was passed and approved August 12, 1946; and,

WHEREAS, the aforesaid patchwork of vacating ordinances leaves some questions as to exactly what rights of way in Chapman's Addition have been vacated; and,

WHEREAS, recent changes in ownership have occurred and the new owner is desirous of erecting new commercial structures in parts of Block 11 and Block 12, but further needs certainty with respect to said vacating ordinances and the exact rights of way affected thereby; and,

WHEREAS, it is in the best interest of the City of Garnett to clarify any ambiguity with respect to such prior vacation ordinances.

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

SECTION 1: The public street right of way lying between Block 11 and Block 12 and north and east of Block 22, and also lying along the northwest right of way line of what is now known as the Prairie Spirit Rail Trail (originally denoted on the said plat as "Railroad Grounds" and later known as the "A.T. & S.F. R.R."), commonly called and known as "Oak Street" in the Chapman's Addition to the City of Garnett, Kansas, from its intersection on the north with Ninth Avenue running south to its connection with Tenth Avenue, to-wit: to the north right of way line with said Tenth Avenue, thence due South to the lower northwest corner of Lot 1, Block 22, is hereby vacated as a public street.

SECTION 2: Any right of way denominated "Oak Street", intersecting on the north with Ninth Avenue, immediately north of Lot 3, Block 12, and running irregularly to the south through said Lot 3 and additionally through Lot 18, Block 12, all in the Chapman's Addition to the City of Garnett, Kansas, is hereby vacated as a public street.

SECTION 3: The alleyways running east and west in Block 11 and in Block 12 of Chapman's Addition to the City of Garnett, Kansas, are hereby vacated as public rights of way.

SECTION 4: The alleyways running north and south in Block 12 of Chapman's Addition to the City of Garnett, Kansas, are hereby vacated as public rights of way.

SECTION 5: To the extent not inconsistent herewith, Ordinance #383, Ordinance #618, Ordinance #966 and Ordinance #1489 are ratified and confirmed. In the event of any conflict, the provisions of this ordinance shall prevail.

SECTION 6: Within a period of 30 days after the publication of this ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to this vacation of the said street right-of-way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, this ordinance shall become effective.

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, and after expiration of the time provided in Section 6 hereof.

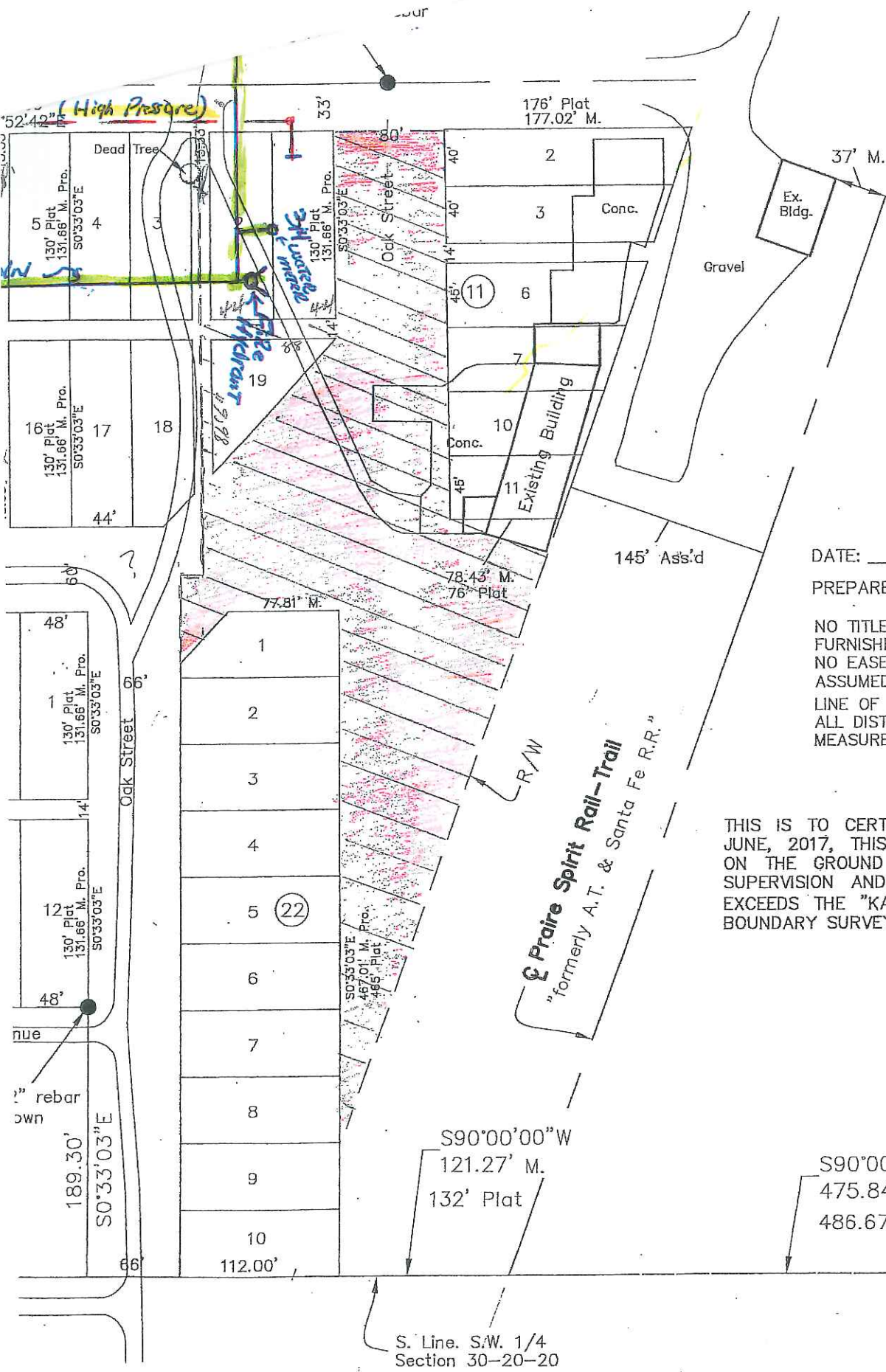
SECTION 8: A certified copy of this ordinance, after the

same becomes fully effective, shall be filed by the City Clerk in the offices of the County Clerk and the Register of Deeds in Anderson County, Kansas, and shall be placed of record in each office as provided by law.

PASSED this 11th day of July, 2017.

Wanda B. Bledsoe
Mayor

A T T E S T:
Kristina L. Henney
City Clerk



① Have the
 ② Do you have location a right of way

DATE: 6/5/2017
 PREPARED FOR: Gary & Cheryl Hayes

NO TITLE INFORMATION WAS FURNISHED ON THIS SURVEY.
 NO EASEMENTS SHOWN IF ANY.
 ASSUMED S90°00'00"W ALONG SOUTH LINE OF THE S.W. 1/4 SEC. 30-20-20.
 ALL DISTANCES AND BEARINGS ARE MEASURED UNLESS OTHERWISE NOTED.

THIS IS TO CERTIFY THAT ON THE 9TH DAY JUNE, 2017, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS AND EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-

S90°00'00"W
 475.84' M.
 486.67' Plat
 S.E. Cor. S.W. 1/4 Section 30-20-20 Existing 1/2" rebar Origin Unknown

S. Line. S.W. 1/4 Section 30-20-20



=====

* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4188 * * * *

=====

On July 11, 2017, the City of Garnett Kansas, adopted Ordinance #4188 which vacated certain street and alley rights of way, as more particularly described in the full text of said ordinance, in Blocks 11, 12 and 22 of Chapman's Addition to the City of Garnett, Kansas.

Pursuant to K.S.A. 14-423, within a period of 30 days after this publication, one or more interested persons may file a written protest to this vacation of said public rights of way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, Ordinance #4188 will become effective.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Ordinance # 4188

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication July 27, 2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 4 day of August, 2017

ASB
Notary Public

My appt. expires 6-15-2020



STATE OF KANSAS, ANDERSON COUNTY, SS:

I, Kristina L. Kinney, City Clerk in and for the City of Garnett, Kansas, do
Hereby certify that the above and foregoing is a true and correct copy of
Ordinance No. 4188, which was duly passed by the Governing Body
of the City of Garnett, Kansas on July 11, 2017. The foregoing summary of
Ordinance No. 4188 was published in an official newspaper of the City of
Garnett, Kansas on July 27, 2017.

IN WITNESS WHEREOF, I have subscribed my name and affixed
the seal of my office this 3rd day of October, 2017.



Kristina L. Kinney, City Clerk

(SEAL)

ORDINANCE 4189
INCORPORATING THE *STANDARD TRAFFIC ORDINANCE* BY REFERENCE

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; INCORPORATING BY REFERENCE THE *STANDARD TRAFFIC ORDINANCE* FOR KANSAS CITIES, EDITION OF 2017, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE HEREBY AMENDED.

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

SECTION 1. Title ten (10), Chapter seven (7), Section one (1) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

10-7-1. Standard Traffic Ordinance Incorporated

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Garnett, Kansas, that certain standard traffic ordinance known as the *Standard Traffic Ordinance* for Kansas Cities, Edition of 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. One copy of said *Standard Traffic Ordinance* shall be marked or stamped "Official Copy as Adopted by Ordinance 4189," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such *Standard Traffic Ordinance* similarly marked, as may be deemed expedient.

SECTION 2. Title ten (10), Chapter seven (7), Section three (3) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

10-7-6. Omissions

Article seven (7), Section thirty-three (33); Article fourteen (14), Section one hundred fifteen (115); Article twenty (20), section two hundred one (but not Section 201.1) of the Standard Traffic Ordinance for Kansas Cities, Edition of 2017, are hereby omitted.

SECTION 3. This ordinance shall be deemed amendatory to Title ten (10), Chapter seven (7) of the Garnett Municipal Code. The penalty provisions of Section four (4) thereof shall be fully applicable hereto.

SECTION 4. Title ten (10), Chapter seven (7), Sections one (1) and three (3), as the same presently exist, are hereby repealed; provided however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

SECTION 5. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 8th day of August, 2017.

W. Gordon Blackie, Mayor

ATTEST:

Kristina L. Kinney, City Clerk



Case No. Ordinance 4189

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication August 31, 2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 20th day of October, 20 17

Angel S. Betts
Notary Public

My appt. expires 6-15-2020



ORDINANCE 4190
INCORPORATING THE *UNIFORM PUBLIC OFFENSE CODE* BY REFERENCE

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; INCORPORATING BY REFERENCE THE *UNIFORM PUBLIC OFFENSE CODE* FOR KANSAS CITIES, EDITION OF 2017, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE HEREBY AMENDED.

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

SECTION 1. Title six (6), Chapter one (1), Section one (1) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

6-1-1. Uniform Public Offense Code Incorporated

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Garnett, Kansas, that certain code known as the *Uniform Public Offense Code* for Kansas Cities, Edition of 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. One copy of said *Uniform Public Offense Code* shall be marked or stamped "Official Copy as Adopted by Ordinance 4190," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. Title six (6), Chapter one (1), Section two (2) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

6-1-2. Omissions

Article six (6), Section sixteen (16); and Article eleven (11), Section eleven (11) of the Uniform Public Offense Code, Edition of 2017, are hereby omitted.

SECTION 3. Title six (6), Chapter one (1), Sections one (1) and two (2), as the same presently exist, are hereby repealed; provided however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.

Case No. Ordinance 4190

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication August 31, 2017
2nd publication _____
3rd publication _____

Barbara Thompson

Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 20th day of October, 2017

[Signature]


Notary Public

My appt. expires 6-15-2020




SECTION 4. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 8th day of August, 2017.



W. Gordon Blackie, Mayor

ATTEST:



Kristina L. Kinney, City Clerk



**ORDINANCE 4191
NEW UTILITY INSTALLATION FEES**

AN ORDINANCE AMENDING THE FEES ASSOCIATED WITH THE NEW INSTALLATION OF UTILITY SERVICES, PARTICULARLY AMENDING TITLE FOUR (4), CHAPTER SEVEN (7), SECTION ONE THROUGH FOUR (1-4) OF THE MUNICIPAL CODE; REPEALING EXISTING TITLE, CHAPTER, AND SECTIONS.

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

SECTION 1. Title Four (4), Chapter Seven (7), Section One (1) of the Municipal Code is hereby amended to read as follows:

4-7-1. Water Utility Connection Fees

The following rates shall apply for the installation of water service, including meter box, meter setting and connection of meter from the water main to the property line:

Effective Upon Publication:

¾ inch connection	100% of actual cost
1-inch connection	80% of actual cost
2-inch connection	75% of actual cost
All larger connections	60% of actual cost

Effective January 1st, 2019:

¾ inch connection	100% of actual cost
1-inch or 2-inch connection	90% of actual cost
All larger connections	80% of actual cost

Effective January 1st, 2020:

All connections	100% of actual cost
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SECTION 2. Title Four (4), Chapter Seven (7), Section Two (2) of the Municipal Code is hereby amended to read as follows:

4-7-2: Electric Utility Connection Fees

The following rates shall apply for the installation of electric service, including meter, meter socket, connectors and wire from transformer to structure:

Effective Upon Publication:

Single Phase, 100 or 200 amp	100% of actual cost
Single Phase, 300-400 amp	80% of actual cost
Three Phase, 100 or 200 amp	85% of actual cost
Three Phase, 400 amp	80% of actual cost

Three Phase, 600 amp	70% of actual cost
Three Phase, 800 amp	60% of actual cost
200 amp underground	65% of actual cost

Effective January 1st, 2019:

Single Phase, 100 or 200 amp	100% of actual cost
Single Phase, 300-400 amp	90% of actual cost
Three Phase, 100 or 200 amp	95% of actual cost
Three Phase, 400 amp	90% of actual cost
Three Phase, 600 amp	85% of actual cost
Three Phase, 800 amp	80% of actual cost
200 amp underground	85% of actual cost

Effective January 1st, 2020:

All services	100% of actual cost
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Any change from a 110-volt service, regardless of amperage, to a 220-volt, 100 amperes single phase service, the charge shall be 75% of the 100 amperes single phase service charge set forth in the above table. Any change from 100 amperes single phase service to a larger service, the charge shall be the difference between cost of the two services as set forth in the above table. Any change from a sixty (60) amperes service to a 100 amperes service, which requires only a change in meter sockets, the charge shall be the wholesale cost of the meter socket at the time of change.

SECTION 3. Title Four (4), Chapter Seven (7), Section Three (3) of the Municipal Code is hereby amended to read as follows:

4-7-3. Gas Utility Connection Fees

The following rates shall apply for the installation of gas service, including meter, connections and pipe from gas main to property line:

Effective Upon Publication:

All connections up to 1,000 cubic feet per hour	100% of actual cost
1,001-3,000 cubic feet per hour	85% of actual cost
All larger connections	60% of actual cost

Effective January 1st, 2019:

All connections up to 1,000 cubic feet per hour	100% of actual cost
1,001-3,000 cubic feet per hour	95% of actual cost
All larger connections	80% of actual cost

Effective January 1st, 2020:

All connections	100% of actual cost
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Three Phase, 600 amp	70% of actual cost
Three Phase, 800 amp	60% of actual cost
200 amp underground	65% of actual cost

Effective January 1st, 2019:

Single Phase, 100 or 200 amp	100% of actual cost
Single Phase, 300-400 amp	90% of actual cost
Three Phase, 100 or 200 amp	95% of actual cost
Three Phase, 400 amp	90% of actual cost
Three Phase, 600 amp	85% of actual cost
Three Phase, 800 amp	80% of actual cost
200 amp underground	85% of actual cost

Effective January 1st, 2020:

All services	100% of actual cost
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Any change from a 110-volt service, regardless of amperage, to a 220-volt, 100 amperes single phase service, the charge shall be 75% of the 100 amperes single phase service charge set forth in the above table. Any change from 100 amperes single phase service to a larger service, the charge shall be the difference between cost of the two services as set forth in the above table. Any change from a sixty (60) amperes service to a 100 amperes service, which requires only a change in meter sockets, the charge shall be the wholesale cost of the meter socket at the time of change.

SECTION 3. Title Four (4), Chapter Seven (7), Section Three (3) of the Municipal Code is hereby amended to read as follows:

4-7-3. Gas Utility Connection Fees

The following rates shall apply for the installation of gas service, including meter, connections and pipe from gas main to property line:

Effective Upon Publication:

All connections up to 1,000 cubic feet per hour	100% of actual cost
1,001-3,000 cubic feet per hour	85% of actual cost
All larger connections	60% of actual cost

Effective January 1st, 2019:

All connections up to 1,000 cubic feet per hour	100% of actual cost
1,001-3,000 cubic feet per hour	95% of actual cost
All larger connections	80% of actual cost

Effective January 1st, 2020:

All connections	100% of actual cost
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SECTION 4. Title Four (4), Chapter Seven (7), Section Four (4) of the Municipal Code is hereby amended to read as follows:

4-7-4: Sewer Utility Connection Fees

A following rates shall apply for tapping and connections made to the public sewer system, the amount of which fee shall be as follows:

Standard 4" tap \$100.00

Standard 6" tap \$150.00

\$85 for a sewer inspection fee, for those instances in which the tap exists, but an inspection is needed because of line repair or replacement.

\$50 for a septic tank inspection fee.

For service connections, other than a 4" or 6", the service connection fee shall be the actual cost to the city for materials used and labor expended, but in no event, shall the fee for such larger service be less than \$150.

SECTION 5. Title Four (4), Chapter Seven (7), Sections One through Four (1-4) of the Municipal Code, as the same presently exist, are hereby repealed.

SECTION 6. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 22nd day of August, 2017.



W. Gordon Blackie, Mayor

ATTEST:



Kristina L. Kinney, City Clerk



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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4191 * * * *
=====

On August 22, 2017, the City of Garnett Kansas, adopted Ordinance #4191 which amended Title IV, Chapter 7, Sections 1-4, inclusive, of the Municipal Code changing the rates and rate structures for water utility, electric utility, gas utility and sewer utility connection fees, effective upon publication.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

Case No. Summary

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

Vern Brown/Barbara Thompson, of lawful age, being first duly sworn on oath, states that:

I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper is entered as second class mail at Garnett, Kansas, the post office of publication, and has a general paid circulation on a weekly basis, and more than 50% of the circulation is sold to such subscribers on that basis. It is not a trade, religious or fraternal publication.

The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st publication September 5/7, 2017
2nd publication _____
3rd publication _____

Barbara Thompson
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,
this 20th day of October, 20 17

AS Betts
Notary Public

My appt. expires 6-15-2020

ANGE...
Notary Public
My Appt. Expires

ANGEL S. BETTS
Notary Public - State of Kansas
My Appt. Expires

ORDINANCE 4192
ESTABLISHMENT OF NEW BUDGETARY FUNDS

AN ORDINANCE ESTABLISHING A MUNICIPAL EQUIPMENT RESERVE FUND, WASTEWATER FUND, TAX REFUND RESERVE FUND AND TAX REFUND LITIGATION FUND FOR THE CITY OF GARNETT, KANSAS.

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

SECTION 1. In accordance with the provisions of K.S.A. 12-1, 117, there is hereby established the municipal Equipment Reserve Fund, which shall be utilized by the City to finance the acquisition of equipment necessary for the performance of various functions and services of the City. For the purpose of this ordinance, "equipment" shall be defined as machinery, vehicles and any other equipment or personal property including, but not limited to, computer hardware and software, which the City is authorized to purchase for municipal purposes.

SECTION 2. Moneys transferred into the Equipment Reserve Fund shall be allocated into separate line items designated only for use by the department from whence the transfer came.

SECTION 3. In accordance with the provisions of K.S.A. 12-101 which grants Kansas municipalities home rule authority, there is hereby established the Wastewater Fund, for which shall receive the receipts and pay the expenses of the wastewater utility's operations.

SECTION 4. In accordance with the provisions of K.S.A. 12-101 which grants Kansas municipalities home rule authority, there is hereby established the Tax Refund Reserve Fund which shall be utilized as a reserve fund to hold resources necessary to repay property tax dollars which have been paid under protest.

SECTION 5. In accordance with the provisions of K.S.A. 12-101 which grants Kansas municipalities home rule authority, there is hereby established the Tax Refund Litigation Fund which shall be utilized as a reserve fund to hold resources necessary to pay for expenses incurred for litigation before the Board of Tax Appeals.

SECTION 6. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 12th day of September, 2017.



W. Gordon Blackie, Mayor

ATTEST:



Kristina L. Kinney, City Clerk



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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4192 * * * *
=====

On September 12, 2017, the City of Garnett Kansas, adopted Ordinance #4192 which establishes an Equipment Reserve Fund, a Wastewater Fund, a Tax Refund Reserve Fund, and a Tax Refund Litigation Fund, pursuant to both statutory and home rule authority, and setting out particulars regarding provision for resources for and disbursements from each such fund.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

**ORDINANCE 4193
MODIFYING RESIDENTIAL USE ON FIRST FLOOR OF CENTRAL BUSINESS
DISTRICT STRUCTURES**

AN ORDINANCE AMENDING SECTION TWO (2) OF ORDINANCE NUMBER 4003 OF THE CITY OF GARNETT, KANSAS, TO CHANGE THE RESTRICTIONS FOR SINGLE AND TWO (2) FAMILY RESIDENTIAL USES OF STRUCTURES IN ZONE B-2 (CENTRAL BUSINESS DISTRICT); REPEALING SECTION TWO (2) OF ORDINANCE NUMBER 4003.

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Regulations to permit single and two (2) family residential uses of structures in zone B-2 (Central Business District) under certain conditions; and,

WHEREAS, said report having been examined and considered, the same is approved.

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

SECTION 1. Section Two (2) of Ordinance Number 4003 is hereby amended to read as follows, to-wit:

Single and Two (2) Family Residential Uses (GRP 100/SIC #1001 and #1002, respectively) shall be allowed on the main floor of structures in Zone B-2 (Central Business District) upon the following conditions:

- A. The structure shall remain generally compatible with adjacent properties in the district.
- B. The residential use cannot exceed fifty percent (50%) of the actual floor space of the main or ground floor of the structure.
- C. The residential use must be restricted to the rear of the structure. The front part of the structure must be restricted to otherwise permitted commercial uses in the said B-2 Zone except for any required ingress/egress corridors needed to make such residential use in the rear code-compliant. Any such ingress/egress corridor shall count toward the fifty percent (50%) limit on residential use.


Provided, however, nothing in this section shall limit the existing, permitted use in an I-1 (Light Industrial District) for housing to be provided in a structure in such zone for a night watchman.

SECTION 2. The Use Description Grid for Garnett's Zoning Regulation shall be amended by interlineation to reflect the provisions hereof.

SECTION 3. Section Two (2), of Ordinance Number 4003 is hereby repealed.

SECTION 4. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 24th day of October, 2017.



W. Gordon Blackie, Mayor

ATTEST:



Kristina L. Kinney, City Clerk



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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4193 * * * *

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On October 24, 2017, the City of Garnett Kansas, passed Ordinance #4193 which changes the restrictions for single- and two-family residential uses of certain parts of structures in zone B-2 (Central Business District). The new restrictions generally allow such residential uses in the rear part (up to 50%) of the main or ground floor of such structures.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

ORDINANCE 4194
VACATING A PART OF THE CATALPA STREET RIGHT OF WAY

AN ORDINANCE VACATING A PART OF THE PUBLIC STREET RIGHT OF WAY, DESIGNATED AS "CATALPA STREET" ON THE PLAT OF THE MAGGIO ADDITION TO THE CITY OF GARNETT, KANSAS, LYING ALONG THE WEST SIDE OF LOT TEN (10) OF SAID ADDITION; RESERVING THE UTILITY EASEMENT IN A PART THEREOF; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR THE RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423.

WHEREAS, the recorded plat of Maggio Addition to the City of Garnett, Kansas, describes a public street right of way lying along all of the west side of said addition, which is named "Catalpa Street" and which right of way includes right of way for public utilities; and,

WHEREAS, a part of said right of way is immediately adjacent to the west boundary of Lot Ten (10); and,

WHEREAS, through mistake or oversight, a commercial building was erected on a part of said Lot Ten (10), the western part of which structure encroaches into the designated right of way of Catalpa Street; and,

WHEREAS, after investigation by administrative staff and consideration of the matter by the Governing Body of the City of Garnett, Kansas, it is determined that the area of encroachment is sufficiently small as not to be likely to impede any reasonably anticipated future expansion and development of the existing street in that immediate area, and in the interest of encouraging future business use of Lot 10 and the existing structure now thereupon situated, vacating a part of the said right of way is in the city's best interest.

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

SECTION 1. That part of the public street right of way commonly known as Catalpa Street, as shown upon the plat of Maggio Addition to the City of Garnett, Kansas, and ratified and confirmed in words by the accompanying dedication of said plat, is hereby vacated in part, as hereinafter particularly described, to-wit:

Beginning at the southwest corner of Lot Ten (10) of Maggio Addition to the City of Garnett, thence Northwesterly to a point fifteen (15) feet west of the west line of said Lot Ten (10) and 195 feet south of the north line of said Lot Ten (10), thence due North and parallel to the west line of said Lot Ten (10) a distance of 195 feet to a point fifteen (15) feet west of the northwest corner of said Lot Ten (10), thence East fifteen (15) feet to the northwest corner of said Lot Ten (10), thence South along the west line of said Lot Ten (10) a distance of 580 feet to the point of beginning, Anderson County, Kansas.


SECTION 2. There is hereby reserved by the City of Garnett, Kansas, for its perpetual use and benefit a utility easement in the south 385 feet of that portion of the strip vacated and described in Section 1 hereof.

SECTION 3. Within a period of thirty (30) days after the publication of this ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to this vacation of the said street right-of-way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such thirty (30) day period, this ordinance shall become effective.

SECTION 4. 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, and after expiration of the time provided in Section Three (3) hereof.

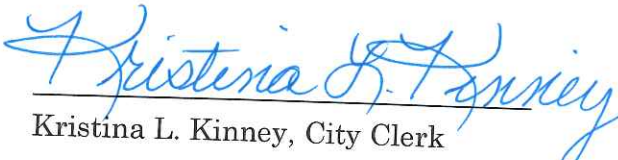
SECTION 5. A certified copy of this ordinance, after the same becomes fully effective, shall be filed by the City Clerk in the offices of the County Clerk and the Register of Deeds in Anderson County, Kansas, and shall be placed of record in each office as provided by law.

PASSED AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 14th day of November, 2017.



W. Gordon Blackie, Mayor

ATTEST:



Kristina L. Kinney, City Clerk



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* * * * CITY ATTORNEY'S SUMMARY OF ORDINANCE #4194 * * * *

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On November 14, 2017, the City of Garnett Kansas, passed Ordinance #4194 which vacates a certain part of Catalpa Street in the Maggio Addition, and also reserving a utility easement in a part of the vacated street right of way, as more particularly described in the full text of said ordinance.

Pursuant to K.S.A. 14-423, within a period of 30 days after this publication, one or more interested persons may file a written protest to this vacation of said public right of way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, Ordinance #4194 will become effective.

A complete copy of this ordinance is available free of charge at www.garnettks.net (available for at least one week following the publication of this summary notice) or at City Hall, 131 W. Fifth Avenue, during regular business hours.

This summary is certified by Terry J. Solander, City Attorney, in compliance with K.S.A. 12-3007.

ORDINANCE 4195
RATES FOR WATER UTILITY SERVICE

AN ORDINANCE AMENDING THE RATE STRUCTURE FOR WATER UTILITY SERVICE, PARTICULARLY AMENDING TITLE FOUR (4), CHAPTER FOUR (4), SECTION FIVE (5), ARTICLES B THROUGH D, OF THE MUNICIPAL CODE; REPEALING EXISTING TITLE, CHAPTER, AND SECTION; ADDITIONALLY, ADDING PROVISIONS TO THE SAME TITLE, CHAPTER, AND SECTION UNDER ARTICLE A PROVIDING FOR THE DEFINITIONS OF LARGE INDUSTRIAL CUSTOMER, WHOLESALE SERVICE CUSTOMER, AND LARGE WHOLESALE SERVICE CUSTOMER.

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

SECTION 1. (a) (6) Large Industrial service:

(A) This classification of service shall be available only in the territory served by the City's water utility which lies within the corporate limits of the City of Garnett.

(B) It shall be applicable to any licensed business who purchases a minimum of ten million (10,000,000) gallons within the billed month.

(7) Wholesale water service:

(A) This classification of service shall be available in all territory served by the City's water utility, whether lying inside or outside the corporate limits of the City.

(B) It shall be applicable to any incorporated rural water district or public wholesale water supply district who purchases a minimum of sixty thousand (60,000) gallons within the billed month.

(8) Large wholesale water service:

(A) This classification of service shall be available in all territory served by the City's water utility, whether lying inside or outside the corporate limits of the City.

(B) It shall be applicable to any incorporated rural water district or public wholesale water supply district who purchases a minimum of two and a half million (2,500,000) gallons within the billed month.

SECTION 2. (b) Water service; periodic rates: Water sold and delivered by the City of Garnett, Kansas, from its municipal water utility shall be billed on a monthly basis at the rates established in the following tables for each class of service by adding the customer charge and water charge for each such classification:

(1) The following rates shall become effective upon the May, 2018 billing statements based on the April, 2018 water readings.

(A) Residential Service, standard potable:

Monthly Customer Charge: \$17.50
Water Usage (Per 1,000 Gallons): \$6.00

(B) Residential Service, outside City potable:

Monthly Customer Charge: \$25.00
Water Usage (Per 1,000 Gallons): \$8.00

(C) General Service, standard potable:

Monthly Customer Charge: \$20.00
Water Usage (Per 1,000 Gallons): \$6.00

(D) General Service, outside City potable:

Monthly Customer Charge: \$30.00
Water Usage (Per 1,000 Gallons): \$8.00

(E) Large Industrial Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$4.00

(F) Wholesale Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$5.00

(G) Large Wholesale Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$4.50

(2) The following rates shall become effective upon the January, 2019 billing statements based on the December, 2018 water readings.

(A) Residential Service, standard potable:

Monthly Customer Charge: \$20.00
Water Usage (Per 1,000 Gallons): \$6.75

(B) Residential Service, outside City potable:

Monthly Customer Charge: \$30.00
Water Usage (Per 1,000 Gallons): \$9.00

(C) General Service, standard potable:

Monthly Customer Charge: \$25.00
Water Usage (Per 1,000 Gallons): \$6.75

(D) General Service, outside City potable:

Monthly Customer Charge: \$40.00
Water Usage (Per 1,000 Gallons): \$9.00

(E) Large Industrial Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$4.00

(F) Wholesale Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$5.50

(G) Large Wholesale Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$4.50

(3) The following rates shall become effective upon the January, 2020 billing statements based on the December, 2019 water readings.

(A) Residential Service, standard potable:

Monthly Customer Charge: \$22.50
Water Usage (Per 1,000 Gallons): \$6.90

(B) Residential Service, outside City potable:

Monthly Customer Charge: \$32.50
Water Usage (Per 1,000 Gallons): \$9.50

(C) General Service, standard potable:

Monthly Customer Charge: \$27.50
Water Usage (Per 1,000 Gallons): \$6.95

(D) General Service, outside City potable:

Monthly Customer Charge: \$42.50
Water Usage (Per 1,000 Gallons): \$9.50

(E) Large Industrial Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$4.00

(F) Wholesale Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$5.90

(G) Large Wholesale Service, standard potable:

Monthly Customer Charge: \$50.00
Water Usage (Per 1,000 Gallons): \$4.50

SECTION 3. (c) Coin Sales: All water sold by the City of Garnett, Kansas, from its water utility at coin operated dispensing units shall be charged for at the rate of eight dollars fifty cents (\$8.50) per one thousand (1,000) gallons sold.

SECTION 4. Title Four (4), Chapter Four (4), Section Five (5), Articles B through E of the Municipal Code, as the same presently exist, are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force upon the first (1st) of May, 2018 and after its passage and its publication in the official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 27th day of March, 2018.



Jody Cole, Mayor

ATTEST:

Kristina L. Kinney, City Clerk



ORDINANCE NO. 4198

=====

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9, SECTIONS 1, 2, 6, 8, 10, 11, and 12 OF THE MUNICIPAL CODE, TO COORDINATE LOCAL LICENSING OF RETAILERS UNDER THE KANSAS CEREAL MALT BEVERAGE ACT WITH AMENDMENTS THERETO TAKING EFFECT APRIL 1, 2019; REPEALING EXISTING PROVISIONS OF TITLE 5, CHAPTER 9, SECTIONS 1, 2, 6, 8, 10, 11, 12, and 14 OF THE MUNICIPAL CODE.

=====

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

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

5-9-1: DEFINITIONS; SALE AT RETAIL REQUIRES LICENSE:

(A) "Enhanced Cereal Malt Beverage" shall mean (1) "cereal malt beverage" as that substance is presently defined in K.S.A. 41-2701, and any subsequent amendments thereto, and (2) shall also include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas Cereal Malt Beverage Act.

(B) All other terms defined in K.S.A. 41-2701, and any subsequent amendments thereto, shall have the same meanings when such terms are used in this Chapter.

(C) It shall be unlawful for any person to sell any Enhanced Cereal Malt Beverage at retail without having first secured from the City of Garnett a license for each place of business which such person desires to operate within the corporate limits of the city, as herein provided. A person having a license to sell such beverages only at retail in unopened, original containers and not for consumption on the premises shall not sell such beverages in any other manner.

(D) The license issued to a retailer by the City of Garnett under the provisions of this Chapter, whether such license is issued prior to April 1, 2019, or at any time thereafter, shall be deemed to be a license issued to a retailer under the Kansas Cereal Malt Beverage Act and shall authorize the sale at retail of enhanced cereal malt beverage from and after April 1, 2019.

SECTION 2. Title 5, Chapter 9, Section 2 of the Municipal Code is hereby amended to read as follows:

5-9-2: LICENSE AND PERMIT FEES: The fees charged to allow persons to engage in the sale at retail of enhanced cereal malt beverages hereunder within the City of Garnett are hereby set and fixed as follows:

(A) For each place of business selling only in unopened, original containers and not for consumption on the premises, Fifty Dollars (\$50.00) per calendar year.

(B) For each place of business selling at retail for a particular event on what is commonly called a temporary permit, such fee shall be fixed by the governing body in granting said temporary permit, but in no case shall such fee be less than Fifty Dollars (\$50.00) for each such event.

(C) For every other place of business, Seventy-five Dollars (\$75.00).

All licenses shall be issued for a calendar year and the full amount of the annual license fee shall be required, regardless of the time of year in which the application is made, and the licensee shall be authorized to operate under said license for the calendar year for which said license is issued or for the remainder of the calendar year if such license is issued after January 1st of any year. Temporary permits shall specify the days and hours of each day that such sales shall be permitted, and the fee shall not be refunded by the city upon cancellation of the permit or the event, regardless of the reason for such cancellation.

SECTION 3. Title 5, Chapter 9, Section 6 of the Municipal Code is hereby amended to read as follows:

5-9-6: CERTAIN SALES ON CREDIT PROHIBITED:

(A) Except as provided by subsection (B), no person shall sell or furnish enhanced cereal malt beverages at retail on credit; on a passbook; on an order on a store; in exchange for goods, wares or merchandise; or in payment for any services rendered. If a person extends credit for such purpose, the debt attempted to be created shall not be recoverable at law and, in addition, such person shall suffer any criminal penalties provided by the state of Kansas or the ordinances of this city.

(B) A licensed retailer may sell enhanced cereal malt beverages to a consumer on credit pursuant to a credit card which entitles the user to purchase goods or services from at least 100 persons not related to the

user of the credit card.

SECTION 4. Title 5, Chapter 9, Section 8 of the Municipal Code is hereby amended to read as follows:

5-9-8: PURCHASE OR POSSESSION OF ENHANCED CEREAL MALT BEVERAGES BY CERTAIN PERSONS, OR SALE OF SAME TO CERTAIN PERSONS, PROHIBITED:

(A) No person under the legal age for consumption of enhanced cereal malt beverages shall buy, possess or consume, or attempt to buy, possess or consume, any enhanced cereal malt beverage in an licensed place of business.

(B) No licensee shall sell any enhanced cereal malt beverage to, or permit possession or consumption of the same by, any person under the legal age for consumption of enhanced cereal malt beverages in or upon the premises of licensed place of business.

(C) Nothing in this Chapter shall be construed to prohibit a licensee's bona fide employee who is at least eighteen (18) years of age from possessing within such licensed place of business enhanced cereal malt beverage product for the purpose of selling or dispensing the same, if:

1. The place of business is licensed only for sale of enhanced cereal malt beverage in the unopened, original containers and not for consumption on the premises; or,

2. The place of business is licensed both under this Chapter and also as a licensed food service establishment as defined by Kansas law.

SECTION 5. Title 5, Chapter 9, Section 10 of the Municipal Code is hereby amended to read as follows:

5-9-10: LOCATION OF PREMISES: No license shall be issued under this Chapter which would permit the licensee to sell enhanced cereal malt beverages at retail, other than in the unopened, original containers and not for consumption on the premises, for any premises within the City of Garnett other than in the following locations:

(A) The South Half (S½) of Block Thirty-four (34); the South Half (S½) of Block Thirty-five (35); all of Block Forty-seven (47); the South Half (S½) of Block Forty-five (45); the North Half (N½) of Block Fifty-four (54); all of Block Fifty-five (55); the

North Half (N½) of Block Fifty-six (56); or the North Half (N½) of Block Sixty-six (66); provided, however, that no license shall be issued, the issuance of which would permit the location of more than one such place of business in any of the hereinbefore described blocks or half blocks; and provided, further, that no license shall be issued in violation of the City's zoning ordinance and regulations thereunder.

(B) Any lot or tract within a B-1 general business district zone; provided, however, any such licensed business shall utilize one or more public streets for all public entrances thereto or exits therefrom. For purposes of this sub-section, a public alley is not to be considered a public street.

(C) The application for any temporary permit or any temporary expansion of a licensed premises shall specify particularly the area in which any enhanced cereal malt beverage sale and consumption shall be permitted and such area shall be defined on the premises by some physical barrier such as a fence, barricade, tent or similar feature if not within the confines of a structure or building.

(D) The City Commission of Garnett may grant an exception to sub-sections (A) or (B) for good cause shown. An applicant desiring an exception shall, at the time of submission of his or her application for a license under this Chapter, endorse on such application a request for the desired exception. After receiving an application for a license so endorsed, the governing body shall hold a public hearing on such requested exception. Notice of the time and place of such hearing shall be given by publication one time in an official newspaper of the City of Garnett, at least 20 days prior to such hearing. Such exception, if granted, shall be personal and shall extend only to the applicant and not to his or her heirs, successors, or assigns, but shall be good only for so long as said applicant shall be licensed to sell enhanced cereal malt beverages under this Chapter.

SECTION 6. Title 5, Chapter 9, Section 11 of the Municipal Code is hereby amended to read as follows:

5-9-11: BUSINESS OPERATING REGULATIONS:

(A) Every premises licensed under sub-section 5-9-2(C) shall be closed to the public and no member of the public shall be or remain in or upon the licensed premises between the hours of twelve thirty o'clock (12:30) A.M. and six o'clock (6:00) A.M. of any day.

(B) No person shall be employed or be permitted to continue in employment by any licensee or permittee in a managerial capacity or as a sales clerk who actually sells, carries for sale or receives payment for enhanced cereal malt beverages who is not a person of good character and a citizen of the United States and who, within two (2) years immediately preceding the date of his or her employment, or at any time during such employment, has been convicted of a felony or any crime involving a moral turpitude or been adjudged guilty of any crime or ordinance violation involving public intoxication or been adjudged guilty of driving a motor vehicle while under the influence of intoxicating liquor, or the violation of any other intoxicating liquor law of any state of the United States.

(C) No premises licensed under either sub-section 5-9-2(B) or sub-section 5-9-2(C) shall be operated with any private rooms or closed booths, but this shall not apply if the licensed premises are also currently licensed as a club under a license issued by the Kansas director of alcoholic beverage control.

(D) No licensee or permittee shall consume or permit any other person to consume any enhanced cereal malt beverage upon the licensed premises at hours other than when the business is open to the public or during the time specified on the temporary permit; nor shall any licensee or permittee, or employee or volunteer worker of either, consume any enhanced cereal malt beverage or any alcoholic liquor during the hours he or she is on duty at such business or event.

(E) Except for retailers licensed pursuant to both this Chapter and the Kansas club and drinking establishment act:

1. No enhanced cereal malt beverage shall be sold between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M., except under a temporary permit.

2. Except under a temporary permit, no enhanced cereal malt beverage shall be sold on Sunday, except in a place of business licensed under this Chapter which also derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the licensed premises.

3. Pursuant to K.S.A. 41-2911(b) (1), the sale at retail of enhanced cereal malt beverages in the unopened, original containers is allowed within the

City of Garnett on any Sunday, except Easter, between the hours of twelve o'clock (12:00) noon and eight o'clock (8:00) P.M.

(F) With respect particularly to event sponsors holding a temporary permit, the permit holder:

1. Shall not sell any enhanced cereal malt beverage for removal from or for consumption off the permitted premises.
2. Shall be responsible for the conduct of the event, and shall be responsible for all violations of this Chapter and all applicable Kansas laws committed by an employee, a volunteer worker and any employee or agent of any person or association contracting with the permit holder to provide goods or services in connection with the event.
3. Shall be present in person at all times during an event, or shall designate another individual who will be responsible for the conduct of the event in the permit holder's absence.
4. Shall, if an organization or association, designate one or more agents who shall be personally present at all times during an event and who will be responsible for the conduct of the event.
5. Shall prominently display at such event the temporary license or permit and the name of the individual or agent(s) in charge of the event.
6. Shall not operate the event between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M. of any day, nor allow sales of enhanced cereal malt beverage to occur during such hours; provided, however, nothing in this sub-section shall be construed to allow such operation or sale at any time not specifically stated in the said temporary permit.

SECTION 7. Title 5, Chapter 9, Section 12 of the Municipal Code is hereby amended to read as follows:

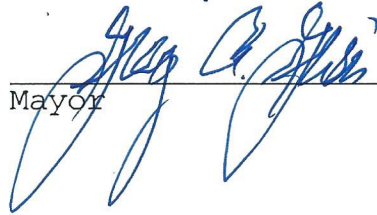
5-9-12: SUSPENSION OR REVOCATION OF LICENSES FOR LICENSEE'S REFUSAL TO PERMIT INSPECTION: All premises licensed under this Chapter shall be open to inspection by the city manager or any law enforcement officer or both. Refusal of the licensee to permit any such inspection of premises and any enhanced cereal malt beverages in the licensee's possession or control on said premises shall be grounds for the suspension or revocation of said license.

Ordinance Amending CMB Licensing
Page 7

SECTION 8. Title 5, Chapter 9, Sections 1, 2, 6, 8, 10, 11, 12, and 14 of the Municipal Code as the same presently exist are 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, or on and after April 1, 2019, whichever is later.

PASSED this 26TH day of February, 2019.



Mayor

ATTEST:



City Clerk

ORDINANCE 4199
ZONING CLASSIFICATION LOTS 1, 2 AND 3 IN TROYER ADDITION

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1. Rezoning 600 South Hayes Street.

Having received a recommendation from the Planning Commission, following a hearing by said commission upon proper notice, and this Governing Body having accepted the recommendations of the Planning Commission that the zoning classification of the following described land situated in Anderson County, Kansas, to-wit:

Lots 1, 2, and 3 in Troyer Addition to the City of Garnett, Anderson County, Kansas, (Humbert Property, commonly known as 600 S. Hayes St., Garnett, Kansas), be changed as requested; the zoning classification thereof is **HEREBY CHANGED** from R-2 Residential Medium Density District to O-I Office Institutional District.

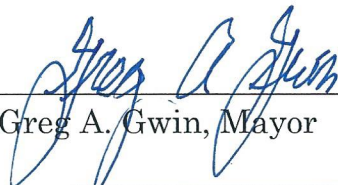
SECTION 2. Map

Upon the effective date of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be re-incorporated as hereby amended as a part of Ordinance 3059 under which authority this ordinance is adopted.

SECTION 3. Publication


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

PASSED AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this twenty-sixth (26th) day of February 2019.

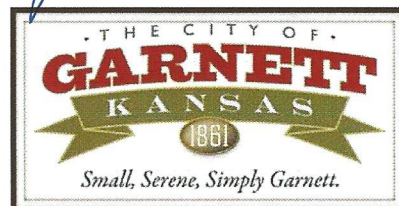


 Greg A. Gwin, Mayor

ATTEST:



 Travis Wilson, Interim City Clerk



ORDINANCE 4200
ZONING CLASSIFICATION LOT 4 IN TROYER ADDITION

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY.

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

SECTION 1. Rezoning 615 West Seventh Avenue.

Having received a recommendation from the Planning Commission, following a hearing by said commission upon proper notice, and this Governing Body having accepted the recommendations of the Planning Commission that the zoning classification of the following described land situated in Anderson County, Kansas, to-wit:

Lot 4 in Troyer Addition to the City of Garnett, Anderson County, Kansas, (Dykes Property, commonly known as 615 West Seventh Ave., Garnett, Kansas),

be changed as requested; the zoning classification thereof is **HEREBY CHANGED** from R-2 Residential Medium Density District to O-I Office Institutional District.

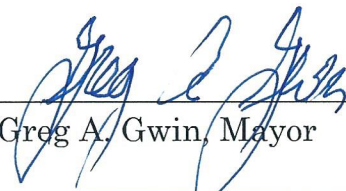
SECTION 2. Map

Upon the effective date of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be re-incorporated as hereby amended as a part of Ordinance 3059 under which authority this ordinance is adopted.

SECTION 3. Publication


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.

PASSED AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this twenty-sixth (26th) day of February 2019.

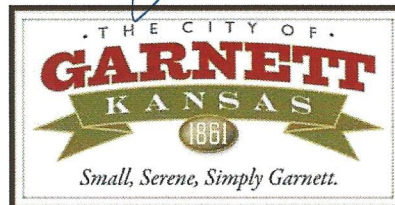


Greg A. Gwin, Mayor

ATTEST:



Travis Wilson, Interim City Clerk



ORDINANCE NO.4201

ELMINATING REQUIREMENT FOR LOYALTY OATH

AN ORDINANCE REPEALING TITLE 1, CHAPTER 19, SECTION 2 OF THE MUNICIPAL CODE, ELIMINATING REQUIREMENT FOR LOYALTY OATH.

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

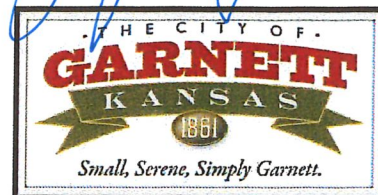
Section 1. Title 1, Chapter 19, Section 2 of the Municipal Code is hereby repealed.

Section 2. 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 ninth (9th) day of April, 2019.



Greg A. Gwin, Mayor



ATTEST:



Travis Wilson, City Clerk

ORDINANCE 4202
ORGANIZATION AND OPERATIONS OF THE GARNETT VOLUNTEER FIRE
DEPARTMENT

AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, SECTION 1 OF THE MUNICIPAL CODE, RELATING TO THE ORGANIZATION AND OPERATIONS OF THE GARNETT VOLUNTEER FIRE DEPARTMENT, AND SPECIFICALLY LOWERING THE REQUIRED AGE OF FIREFIGHTERS; REPEALING EXISTING TITLE, CHAPTER AND SECTION OF THE MUNICIPAL CODE.

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

SECTION 1.

Title 3, Chapter 2, Section 1 of the Municipal Code is hereby amended to read as follows:

3-2-1: ORGANIZATION:

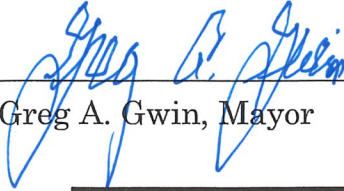
- (A) The Garnett Volunteer Fire Department is hereby organized and shall consist of twenty-nine (29) firefighters, a fire chief and (8) eight reserve firefighters.
- (B) Regular and reserve firefighters shall be elected by the other regular firefighters, as needed from time to time to maintain full strength of the department, from applicants approved and submitted by the Fire Chief. The procedures for such applicants to follow and the vote shall be as established in the bylaws. Regular firefighters shall be not less than eighteen (18) nor more than fifty (50) years of age at the time of appointment.
- (C) The Garnett Volunteer Fire Department shall adopt such rules and bylaws as from time to time are necessary and convenient for the department's governance. However, before any such rules, bylaws or amendments thereto shall become effective, they first shall be approved by the City Manager and the Governing Body. A current and complete copy of all such rules and bylaws shall at all times be on file with the City Clerk.
- (D) Recognizing that the members of the Garnett Volunteer Fire Department are not regular employees of the City of Garnett, nevertheless the provisions of the Garnett Personnel Policy Guide shall apply to the greatest extent practical.

SECTION 2.

Title 3, Chapter 2, Section 1 of the Municipal Code as the same presently exist is hereby repealed.

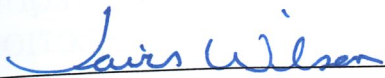
SECTION 3. This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this ninth (9th) day of April, 2019.



Greg A. Gwin, Mayor

ATTEST:



Travis Wilson, City Clerk



ORDINANCE NO. 4203

=====
AN ORDINANCE CALLING AN ELECTION PURSUANT TO K.S.A. 25-431 ET
SEQ. ON WHETHER OR NOT CHARTER ORDINANCE NO. 29 SHALL TAKE
EFFECT, WHICH SAID CHARTER ORDINANCE INCREASES THE GOVERNING BODY
FROM THREE COMMISSIONERS TO FIVE COMMISSIONERS AND PROVIDES FOR
TERMS OF OFFICE, ELECTION CYCLING AND TRANSITIONING PROVISIONS;
REPEALS CHARTER ORDINANCE #4 INCLUDING ITS CODIFIED VERSION AND
ALSO AMENDS TITLE 1, CHAPTER 8, SECTION 1 AND SECTION 13 OF THE
MUNICIPAL CODE AND REPEALING EXISTING PROVISIONS OF SAID TITLE 1,
CHAPTER 8, SECTION 1 AND SECTION 13; EXCEPTING THE CITY FROM THE
PROVISIONS OF K.S.A. 25-2120 RELATING TO CERTIFICATION OF
ELECTION RESULTS, COMMENCEMENT OF TERM AND OATH OF OFFICE, AND
PROVIDING SUBSTITUTE PROVISIONS RELATING THERETO.
=====

WHEREAS, the City of Garnett, Kansas, adopted Charter
Ordinance 29 which provides that such charter ordinance shall be
submitted to a referendum without having a petition filed
requesting such referendum; and,

WHEREAS, it is therefore necessary that the City of Garnett,
Kansas, call such election by separate ordinary ordinance, fix a
date for such election and publish such ordinance as notice
thereof.

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

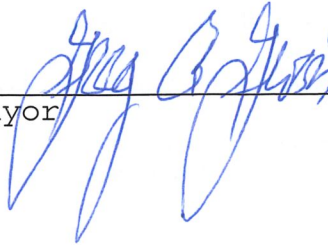
SECTION 1: The City of Garnett, Kansas, by the power vested
in it by Article 12, Section 5 of the Constitution of the State
of Kansas, hereby calls a referendum election, on the following,
to-wit:

Shall Charter Ordinance No. 29, entitled "A CHARTER
ORDINANCE INCREASING THE GOVERNING BODY FROM THREE
COMMISSIONERS TO FIVE COMMISSIONERS AND PROVIDING FOR TERMS
OF OFFICE, ELECTION CYCLING AND TRANSITIONING PROVISIONS;
REPEALING CHARTER ORDINANCE #4 INCLUDING ITS CODIFIED
VERSION AND ALSO AMENDING TITLE 1, CHAPTER 8, SECTION 1 AND
SECTION 13 OF THE MUNICIPAL CODE; REPEALING EXISTING
PROVISIONS OF SAID TITLE 1, CHAPTER 8, SECTION 1 AND SECTION
13; EXCEPTING THE CITY FROM THE PROVISIONS OF K.S.A. 25-2120
RELATING TO CERTIFICATION OF ELECTION RESULTS, COMMENCEMENT
OF TERM AND OATH OF OFFICE, AND PROVIDING SUBSTITUTE
PROVISIONS RELATING THERETO" take effect?

SECTION 2: Said election shall be conducted according to
the "mail ballot election act", as provided in K.S.A. 25-431 et
seq. on the 14th day of August, 2019, further notice of which
shall be given by the Anderson County Clerk acting as the county
election officer.

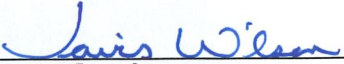
SECTION 3: Said Charter Ordinance No. 29 shall become effective only if approved by a majority of the electors voting thereon at said election.

PASSED by the Governing Body of the City of Garnett, Kansas, on this 11th day of June, 2019.



Mayor

A T T E S T:



City Clerk



ORDINANCE 4204
INCORPORATING THE *STANDARD TRAFFIC ORDINANCE* BY REFERENCE

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; INCORPORATING BY REFERENCE THE *STANDARD TRAFFIC ORDINANCE* FOR KANSAS CITIES, EDITION OF 2019, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE HEREBY AMENDED.

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

SECTION 1. Title ten (10), Chapter seven (7), Section one (1) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

10-7-1. Standard Traffic Ordinance Incorporated

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Garnett, Kansas, that certain standard traffic ordinance known as the *Standard Traffic Ordinance* for Kansas Cities, Edition of 2019, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. One copy of said *Standard Traffic Ordinance* shall be marked or stamped "Official Copy as Adopted by Ordinance 4204," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such *Standard Traffic Ordinance* similarly marked, as may be deemed expedient.

SECTION 2. Title ten (10), Chapter seven (7), Section three (3) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

10-7-6. Omissions

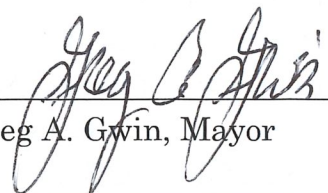
Article seven (7), Section thirty-three (33); Article fourteen (14), Section one hundred fifteen (115); Article twenty (20), section two hundred one (but not Section 201.1) of the Standard Traffic Ordinance for Kansas Cities, Edition of 2019, are hereby omitted.

SECTION 3. This ordinance shall be deemed amendatory to Title ten (10), Chapter seven (7) of the Garnett Municipal Code. The penalty provisions of Section four (4) thereof shall be fully applicable hereto.

SECTION 4. Title ten (10), Chapter seven (7), Sections one (1) and three (3), as the same presently exist, are hereby repealed; provided however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.


SECTION 5. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 27th day of August 2019.

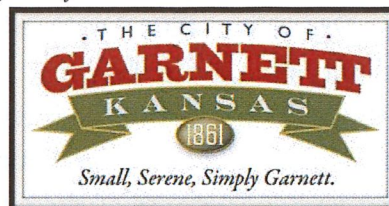


Greg A. Gwin, Mayor

ATTEST:



Travis Wilson, City Clerk



ORDINANCE 4205
INCORPORATING THE *UNIFORM PUBLIC OFFENSE CODE* BY REFERENCE

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; INCORPORATING BY REFERENCE THE *UNIFORM PUBLIC OFFENSE CODE* FOR KANSAS CITIES, EDITION OF 2019, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE HEREBY AMENDED.

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

SECTION 1. Title six (6), Chapter one (1), Section one (1) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

6-1-1. Uniform Public Offense Code Incorporated

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Garnett, Kansas, that certain code known as the *Uniform Public Offense Code* for Kansas Cities, Edition of 2019, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. One copy of said *Uniform Public Offense Code* shall be marked or stamped "Official Copy as Adopted by Ordinance 4205," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. Title six (6), Chapter one (1), Section two (2) of the Municipal Code of the City of Garnett is hereby amended to read as follows:

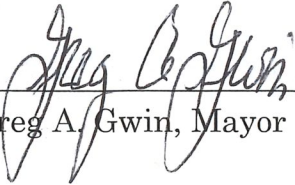
6-1-2. Omissions

Article six (6), Section sixteen (16); and Article eleven (11), Section eleven (11) of the Uniform Public Offense Code, Edition of 2019, are hereby omitted.

SECTION 3. Title six (6), Chapter one (1), Sections one (1) and two (2), as the same presently exist, are hereby repealed; provided however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or ordinance repealed herein shall stay the effectiveness of such repealer with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the original ordinances or code sections had not been repealed.


SECTION 4. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 27th day of August 2019.

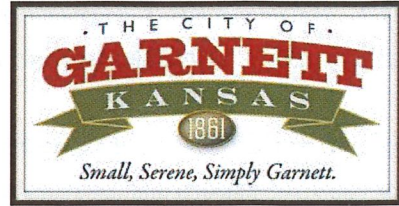


Greg A. Gwin, Mayor

ATTEST:



Travis Wilson, City Clerk



ORDINANCE 4206
RELATING TO POSSESSION OF MARIJUANA AND DRUG PARAPHERNALIA

AN ORDINANCE REPEALING TITLE 6, CHAPTER 9 OF THE MUNICIPAL CODE, RELATING TO POSSESSION OF MARIJUANA AND DRUG PARAPHERNALIA; SAVING CLAUSE FOR PENDING CASES CHARGED THEREUNDER.

WHEREAS, the Uniform Public Offense Code 2019 Edition, published by the Kansas League of Municipalities, now contains provisions on this subject; and,

WHEREAS, it is no longer necessary to have separate provisions in the Municipal Code.

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

SECTION 1. Title 6, Chapter 9 in its entirety is hereby repealed; PROVIDED, HOWEVER, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under said Title and Chapter shall stay the effectiveness of such repeal with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of law as if the provisions of said Title and Chapter had not been repealed.

SECTION 2. 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 10th of September 2019.



ATTEST:

Travis Wilson

Travis Wilson, City Clerk

Greg A. Gwin

Greg A. Gwin, Mayor



ORDINANCE 4207
AUTHORIZING EXECUTION OF THE NATURAL GAS PREPAY PARTICIPATION
AGREEMENT WITH KMGA

AN ORDINANCE AUTHORIZING EXECUTION OF THE NATURAL GAS PREPAY PARTICIPATION AGREEMENT WITH THE KANSAS MUNICIPAL GAS AGENCY AND ALL OTHER NECESSARY DOCUMENTS WITH RESPECT THERETO AND PROVIDING FOR THE PLEDGE OF THE REVENUES OF THE NATURAL GAS UTILITY SYSTEM OF THE CITY TO SECURE SUCH AGREEMENT.

WHEREAS, pursuant to an Interlocal Cooperation Agreement, certain Kansas Municipalities have joined together under the provisions of K.S.A. 12-2901 *et. Seq.* (the "Act"), to organize and create the Kansas Municipal Gas Agency ("KMGA"); and

WHEREAS, KMGA has created a Natural Gas Prepay project (the "Project") for the purpose of providing an economic means of a long-term natural gas acquisition for the mutual benefit of its members participating in the Project (the "Project Participants"); and

WHEREAS, the City of Garnett, Kansas (the "City") is a member of KMGA and the City desires to participate in the Project and receive the economic benefit associated with the Project; and

WHEREAS, KMGA will act on behalf of the Project Participants to enter into a Natural Gas Supply Agreement with the Minnesota Municipal Gas Agency; and

WHEREAS, the City and KMGA will enter into a Natural Gas Prepay Participation Agreement to effect the delivery of natural gas to the Project Participants and provide management services related to the Project; and

WHEREAS, K.S.A. 12-825j authorizes the City to enter into contracts with any person, firm, corporation or other municipality for the acquisition of natural gas upon such terms as may be deemed necessary and reasonable by the governing body of the City; provided such contracts shall not exceed a period of forty years and shall not be payable by the levy of any tax.

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

SECTION 1. It is hereby deemed advisable and in the best interest of the City that the City participate in the Project.

SECTION 2. The Mayor and City Clerk are hereby authorized to execute the Natural Gas Prepay Participation Agreement on behalf of the City (the "Participation Agreement") substantially in the form presented to the governing body this date.

SECTION 3. The revenues of the natural gas utility system of the City (the "System") are hereby pledged for the repayment of the obligations of the City under the Participation Agreement.


SECTION 4. The City agrees to fix, establish, maintain and collect such rates, fees and charges for the use and series furnished by or through the Systems, as will produce revenues sufficient to enable the City to have reasonable and adequate funds available for its proportionate and allocable share of costs associated with the Project as set forth in the Participation Agreement.

SECTION 5. The City Clerk and other officials of the City are hereby further authorized and directed to execute any and all documents and take such actions as the may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance.

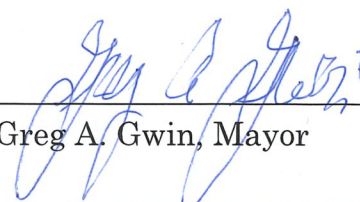
SECTION 6. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

PASSED AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS, this 24th of September 2019.

ATTEST:



Travis Wilson, City Clerk



Greg A. Gwin, Mayor

