

**ORDINANCE NO. 3505**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTION 11 OF THE MUNICIPAL CODE RELATING TO CEMETERY SERVICE CHARGES; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.**

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

SECTION 1: Title 9, Chapter 7, Section 11 of the Municipal Code is hereby amended to read as follows:

9-7-11: CEMETERY SERVICES CHARGES: The charges for opening and closing graves and related Cemetery service shall be as follows:

<u>Grave Openings</u>	<u>Garnett Resident</u>	<u>Nonresident</u>
Standard interment	\$ 200.00	\$ 220.00
Baby (under 18 months)	90.00	100.00
Ashes	45.00	50.00
Charges for funerals held on Saturday or after 4:00 P.M.		
Standard interment	300.00	320.00
Baby (under 18 months)	190.00	200.00
Ashes	90.00	100.00
Charges for funerals held on holidays or Sundays:		
Standard interment	400.00	420.00
Baby (under 18 months)	290.00	300.00
Ashes	140.00	150.00
Disinterment Charges	\$ 300.00 "Minimum"	

Disinterments will be charged at the City's actual cost, taking into account manpower and equipment. Disinterments requested to occur other than during regular working hours or if ordered by a court which are required to be completed in such a time frame as to necessitate working other than regular business hours, shall be adjusted accordingly. In no event shall the disinterment charge be less than the minimum.


SECTION 2: Title 9, Chapter 7, Section 11 of the Municipal Code, as the same presently exists, is hereby repealed.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 25th day of March, 2003.

  
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Mayor

ATTEST:

  
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City Clerk

AN ORDINANCE VACATING CERTAIN PORTIONS OF THE PLAT OF THE BELL ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423

WHEREAS, The City of Garnett, Kansas, recently the owner of the majority of the lands comprising the Bell Addition to the City of Garnett, Kansas, has sold said property; and

WHEREAS, The new owner of the said property sold by the City of Garnett, Kansas, within the said Bell Addition, desires to re-plat, and has re-platted, such part of the said addition as was sold by the City of Garnett, Kansas; and

WHEREAS, Such re-platting provides for more reasonably sized lots for modern development practices and also provides adequate public rights-of-way and utility easements.

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

SECTION 1: The following parts of the official plat of the Bell Addition to the City of Garnett, Kansas, as the same appears in the Plat Record, Office of Register of Deeds of Anderson County, Kansas, to-wit:

- (a) All of Block 1 and Block 3 thereof and the lots therein;
- (b) All utility easements designated thereon;
- (c) All of the designated right of way of North Elm Street; and,
- (d) That part of the designated right of way of West Monroe Avenue running from its intersection on the west with said North Elm Street to a point 140 feet west of the west line of the right of way of North Walnut Street

are hereby vacated and set aside, the same as if such had never been in force.

SECTION 2: All other portions of official plat of the Bell Addition to the City of Garnett, Kansas, shall remain in full force and effect.

SECTION 3: 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 of this vacation of the said plat 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.

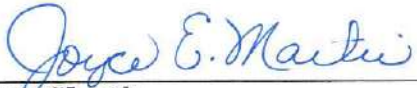
SECTION 4: This ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 2 hereof.

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 this 13 day of May, 2003.

  
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Mayor

A T T E S T:

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

ORDINANCE NO. 3511

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A: **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$8.35 per thousand cubic feet sold.

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

SECTION 3: This ordinance shall take effect and be in force from and after June 1, 2003, and after its publication in an official City newspaper.

PASSED this 27 day of May, 2003.

*Michael L. Moore*

Mayor

ATTEST:

*Joyce E. Martin*  
\_\_\_\_\_  
City Clerk

*did not send to  
codifier as gas  
rate will change  
again*

ORDINANCE NO. 3513

**AN ORDINANCE VACATING CERTAIN PORTIONS OF THE PLAT OF WESTGATE ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR RECORDING OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423**

WHEREAS, The owner of that part of Westgate Addition to the City of Garnett, Kansas, has requested the city vacate a part of the lands covered by said plat, of which he is the sole owner; and,

WHEREAS, The portion sought to be vacated is "overlapped" by a part of a later plat filed by the same owner, Westgate II Addition to the City of Garnett, Kansas.

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

SECTION 1: The following parts of the official plat of Westgate Addition to the City of Garnett, Kansas, as the same appears in the Plat Record, Office of Register of Deeds of Anderson County, Kansas, to-wit: All of Block 2 thereof, including all lots and utility easements therein is hereby vacated and set aside, the same as if such had never been in force.

SECTION 2: All other portions of official plat of Westgate Addition to the City of Garnett, Kansas, shall remain in full force and effect, including but not limited to the public street right of way designated as "Eighth Street Place" (it being a part of the public street right of way designated "8th Street Place" on the plat of Westgate II Addition, which street right of way is expressly retained by the City of Garnett, Kansas, as a public street right of way for all public uses and purposes.

SECTION 3: 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 of this vacation of the said plat 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 4: This ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 2 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 this 10th day of June, 2003.

*Michael L. Nanna*

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Mayor

A T T E S T:

*Joyce E. Martin*

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

ORDINANCE NO. 3515

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 two 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 \$9,103.40 incurred through December 31, 2002 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 27th day of June, 2003.

  
\_\_\_\_\_  
Mayor

Attest:

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



Attachment to Ordinance No. 3515  
Page Two

Name	Amount
Anthony Barnhart and Shannon Mendez (Coll. Fee) \$	84.06
James R. Cox Jr.	13.94
Richard S. Craig II (Coll. Fee)	114.59
Calvin D. DeVoe (Coll. Fee)	112.29
Jon James Dunkin	243.98
Kathy Dunkin	232.16
Nancy Ellifrits (Coll. Fee)	119.92
Bryan K. Ennis (Coll. Fee)	38.73
Randy Lee Evans	1,091.78
Shellie R. Fickel	367.36
Aaron Foxworth	106.92
Martha Garza (Bankruptcy)	252.50
Julia Gatlin (Coll. Fee)	110.45
Dawn Gibson (Coll. Fee)	50.17
Sherry Giles	72.96
Rosalind Harvill (Coll. Fee)	14.66
Michelle Hermreck	218.01
Crystal M. Hicks (Coll. Fee)	39.22
Shannon Hounker (Coll. Fee)	33.13
Daniel T. Jackson	414.48
Wendy Johnston (Coll. Fee)	88.51
Jay Kemble (Coll. Fee)	40.91
Justin Kennard (Coll. Fee)	67.86
Mary Kresyman (Coll. Fee)	80.18
Desiree Land (Coll. Fee)	62.78
Marc Maley	84.56
Michael J. Mendenhall	99.71
Kenneth J. Midkiff	630.48
Michael Miller	276.70
Brandon E. Mills	389.25
David Nevill (Coll. Fee)	17.32
Jennifer Njos	387.06
Richard O'Hearn	909.84
Sharon Owens	49.90
Rachel D. Patton	291.92
Travis Powell	24.30
Kevin and Sandy Reed (Coll. Fee)	6.33
Julie M. Riggs (Coll. Fee)	25.97
Wanda Rippy (Deceased)	593.27
Tracey Robinson (Coll. Fee)	43.17
Willy Thacker	422.37
Tracy Thomas (Coll. Fee)	36.29

Attachment to Ordinance No. 3515  
Page Three

Name	Amount
Stacey VanSickle	65.79
Martha Alicia Weber	253.91
Martha Alicia Weber	150.95
Trina Kay Wolken (Coll. Fee)	259.00
Jennifer L. Woolitz	13.76
Total	\$ 9,103.40

ORDINANCE NO. 3516

AN ORDINANCE REPEALING ORDINANCE 3180 OF THE CITY OF GARNETT, KANSAS, ABOLISHING THE 20 MILE PER HOUR SPEED LIMIT ON A PORTION OF PARK ROAD.

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


SECTION 1: Ordinance 3180, which established a maximum lawful speed of 20 miles per hour on a portion of Park Road, lying between Walnut Street and Pine Street, 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 27<sup>th</sup> day of June, 2003.

  
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Mayor

A T T E S T:

  
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City Clerk

ORDINANCE NO. 3517

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A: **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$8.70 per thousand cubic feet sold.


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

SECTION 3: This ordinance shall take effect and be in force from and after July 1, 2003, and after its publication in an official City newspaper.

PASSED this 27<sup>th</sup> day of June, 2003.

  
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Mayor

ATTEST:

  
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City Clerk

ORDINANCE NO. 3521

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", 2003 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", 2003 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. 3521" 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 2003, 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 12<sup>th</sup> day of August, 2003.

Michael L. Noman  
Mayor

A T T E S T:

Joyce E. Martin  
City Clerk

**ORDINANCE NO. 3522**

**AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES LEVIED FOR BUDGET YEAR 2003 NECESSARY TO FINANCE PUBLIC SERVICES FOR THE CITY OF GARNETT.**

Be it ordained by the Governing Body of the City of Garnett:

Section One. In accordance with state law, the City of Garnett has conducted a public hearing and has published the proposed budget necessary to fund City services from January 1, 2004 until December 31, 2004.

Section Two. After careful public deliberations, it is hereby attested that in order to maintain the public services, which are essential for the citizens of this city, it will be necessary to utilize property tax revenues in an amount which exceeds the revenues expended in the budget year 2003.

Section Three. This ordinance shall take effect after its publication once in the official City newspaper.

Passed and approved by the Governing Body on this 12th day of August, 2003.

  
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Mayor

ATTEST:

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

(SEAL)

ORDINANCE NO. 3529

AN ORDINANCE AMENDING TITLE 10, CHAPTER 4, SECTION 1(C) (3),  
REDUCING THE MAXIMUM SPEED ON A PART OF WESTGATE ROAD; REPEALING  
EXISTING TITLE, CHAPTER, AND SECTION AS THE SAME PRESENTLY  
EXISTS.

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

SECTION 1: Title 10, Chapter 4, Section 1 (c) 3 of the  
Municipal Code is hereby amended to read as follows:

(C) No person shall operate a vehicle at a speed in  
excess of:

\* \* \* \* \*

3. 40 miles per hour on Westgate Road; provided,  
however, the maximum speed limit on that part of  
Westgate Road between Fourth Avenue on the north  
and Seventh Avenue on the south shall be 30 miles  
per hour.

SECTION 2: Title 10, Chapter 4, Section 1(C) (3) 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 14th day of October, 2003.

Michael L. Masra  
Mayor

A T T E S T:

Jayce E. Martin  
City Clerk



ORDINANCE NO. 3533

AN ORDINANCE AMENDING ORDINANCE 3153 OF THE CITY OF GARNETT, KANSAS, RELATING TO A TELEPHONE FRANCHISE AGREEMENT WITH SPRINT (ORIGINALLY UNITED TELEPHONE COMPANY OF KANSAS, INC.), DEFINING THE TERM "GROSS RECEIPTS" AS USED IN SAID ORDINANCE 3153 AND REPEALING ANY PORTION OF SAID ORDINANCE OTHERWISE DEFINING SUCH TERM.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. The term "Gross Receipts" as used in Ordinance 3153 shall have the following meaning:

"Gross Receipts" means only those receipts collected from within the corporate boundaries of the City of Garnett, Kansas, which are derived from the following:

- 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;
- D. Line status verification/busy interrupt revenue;
- E. Local operator assistance revenue; and,
- F. Non-recurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills.

All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, non-regulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts.

If a telecommunications local exchange service provider offers additional services of a wholly local nature which if in existence on or before July 1, 2002, would have been included within the definition of gross receipts, such services shall be included from the date of offering of such services in the City of Garnett, Kansas.

Section 2. Any provision of Ordinance 3153 which is contrary to the provisions of Section 1 is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 25th day of November, 2003.

  
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Mayor

ATTEST:

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

ORDINANCE NO. 3535

AN ORDINANCE MAKING ADDITIONAL PROVISIONS FOR THE INTERMENT OF ASHES (CINERARY INTERMENT) IN THE GARNETT MUNICIPAL CEMETERY; PROVIDING FOR DESIGNATION OF AREAS FOR SPECIFIC TYPES OF BURIALS OR INTERMENTS; AMENDING TITLE 9, CHAPTER 7, SECTIONS 5, 8, 10, 11, 16(J), 16(L), 16(M) AND 17 AND PART OF SECTION 1 OF THE MUNICIPAL CODE; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

Section 1. The term "Plot" as defined in Title 9, Chapter 7, Section 1 of the Municipal Code is hereby amended to read as follows:

9-7-1: DEFINITIONS: The following terms, which are commonly used throughout the text of this Chapter, are hereby defined as follows:

\* \* \* \* \*

PLOT: The smallest sub-division of space in a Lot, being of sufficient size to accommodate one standard adult burial, approximately four to five feet in width and either ten or twelve feet in length. Provided, however, such sub-divisions in Lots designated for special use burials and interments only (such as babies or ashes) may be of other dimensions.

Section 2. Title 9, Chapter 7, Section 5 of the Municipal Code is hereby amended to read as follows:

9-7-5: CONDITIONS OF LOT PURCHASES: All lots sold shall be subject to these rules and regulations and those hereafter adopted, and the certificate of title shall so state. No lots shall be used for any purpose other than the interment of human remains or the placing of appropriate memorials to deceased human beings. Interment of the remains of, or the placing of any memorial to, any person other than the owner of the lot or a member of the owner's immediate family shall be permitted only after written consent of the owner, owners or authorized agent has been filed with the sexton. In the cases where the owner is a minor, the guardian or authorized agent shall give such consent upon proof of authority to act. No mortgage or other encumbrance shall be given on any lot and any purported mortgage or encumbrance shall be void ab initio.

Section 3. Title 9, Chapter 7, Section 8 of the Municipal Code is hereby amended to read as follows:

9-7-8: CEMETERY LOTS, PURCHASE PRICE: The purchase price for lots and plots in the Municipal Cemetery shall be as follows:

Single Grave Prices:

	<u>Garnett Resident</u>	<u>Non-Resident</u>
10' Grave	\$ 50.00/grave	\$ 60.00/grave
12' Grave	100.00/grave	120.00/grave
4' x 5' Grave (cinerary)	50.00/grave	60.00/grave

Section 4. Title 9, Chapter 7, Section 10 of the Municipal Code is hereby amended to read as follows:

9-7-10: CERTAIN AREAS LIMITED TO SPECIFIC TYPES OF BURIALS: Block 2, Lots 9 and 10 in the Fourth Addition are hereby designated for the exclusive use of cinerary interments or the placement of memorials alone. As the needs of the Garnett Municipal Cemetery change and taking into account then current burial or interment practices, the city manager is hereby authorized to designate further areas exclusively for cinerary interments, the placement of memorials alone or for any other particular burial practice, when to do so would extend the life of the cemetery by making more efficient the use of land area.

Section 5. Title 9, Chapter 7, Section 11 of the Municipal Code is hereby amended to read as follows:

9-7-11: CEMETERY SERVICE CHARGES: The charges for opening and closing graves and related cemetery services shall be as follows:

<u>Grave Openings</u>	<u>Garnett Resident</u>	<u>Nonresident</u>
Standard interment	\$200.00	\$220.00
Baby (under 18 months)	90.00	100.00
Ashes	45.00	50.00
Charges for funerals held on Saturday or after 4:00 P.M.:		
Standard interment	300.00	320.00
Baby (under 18 months)	190.00	200.00
Ashes	90.00	100.00
Charges for funerals held on holidays or Sundays:		

Standard Interment	400.00	420.00
Baby (under 18 months)	290.00	300.00
Ashes	140.00	150.00
Disinterment charge		\$300.00 minimum

Section 6. Title 9, Chapter 7, Section 16(J) of the Municipal Code is hereby amended to read as follows:

9-7-16: REGULATIONS:

\* \* \* \* \*

(J) Except as provided in this subsection, all burials in the municipal cemetery shall be made in graves excavated to a depth of at least five feet. Exceptions may be made in cases of graves of decedents the age twelve months and under and for ashes, in which two cases such graves may be excavated to a depth such that the entirety of the burial container (box, vault or urn) shall be at least one foot under the final surface grade; provided, interments may be made in lawfully constructed mausoleums or columbaria by special permit of the city manager.

Section 7. Title 9, Chapter 7, Section 16(L) of the Municipal Code is hereby amended to read as follows:

9-7-16: REGULATIONS:

\* \* \* \* \*

(L) No interment shall be permitted unless:

(i) the interment is made into a suitable burial box or other container constructed of a material other than wood and designed to withstand the ordinary stresses of burial without caving in, collapsing, sagging, or breaking so as to provide adequate horizontal and lateral support to the surface and to adjacent graves as may be opened in the future. For purposes of this regulation, a two-piece, reinforced concrete box shall be considered the minimum enclosure meeting this requirement.

(ii) the interment, in the case of cinerary interment, is into an urn made from plastic, marble, brass, aluminum or some similar type of material of sufficient strength and design to withstand the ordinary stresses of burial without caving in, collapsing, sagging, or breaking so as to provide adequate horizontal and lateral support to the surface and to adjacent graves as may be opened in the future. Neither wooden nor cardboard containers of any kind, and no plastic or paper bag shall be permitted.

Section 8. Title 9, Chapter 7, Section 16(M) of the Municipal Code is hereby amended to read as follows:

9-7-16: REGULATIONS:

\* \* \* \* \*

(M) Only one standard burial will be allowed per grave. No more than two baby burials will be allowed per grave and no more than four ashes interments will be allowed per grave space; provided, however, in any part of the Garnett Municipal Cemetery designated and platted for cinerary interments only, no more than two ashes interments will be allowed per grave. In case of multiple burials/interments (2 babies or 4 ashes, for example) in a single grave space or plot, only one headstone will be permitted.

Section 9. ASHES NOT TO BE SCATTERED: In no event shall ashes of cremated human remains be scattered on any part of the Garnett Municipal Cemetery property. The official codifier of the City of Garnett, Kansas, is hereby instructed to insert this section as Title 9, Chapter 7, Section 16, sub-section (N) of the Garnett Municipal Code.

Section 10. Title 9, Chapter 7, Section 17 of the Municipal Code is hereby amended to read as follows:

9-7-17: REOPENING GRAVES; DISINTERMENT; PERMITS; FEES:

(A) Any person desiring to reopen any grave in the Municipal Cemetery to disinter or remove either a body or ashes therefrom (exhumation) shall first obtain a permit from the City Clerk. Such person shall submit an application on forms provided by the City and pay the deposit required in this Chapter and in addition shall comply with any applicable law, rule or regulation of the State of Kansas in applicable thereto. The application shall set forth all necessary information to permit the City Clerk to issue such permit including but not limited to the number of the lot, block and addition on which said grave is situated, the name of the person buried or interred, the time of such burial or interment and the place where such body or ashes is to be reburied, reinterred or other disposition made.

(B) The fee for reopening a grave and removing a body therefrom shall be equal to the actual cost to the City for the work done plus an amount equal to ten percent (10%) of such actual cost. In no case shall the fee be less than the minimum specified for such service elsewhere in this Chapter. The applicant for such permit shall pay a deposit

at the time of application to the City Clerk equal to twice the regular burial or interment fee to secure payment of the disinterment fee.

(C) The reopening of such grave and removal of such body or ashes shall be under the supervision of the City Manager, who upon completion of the work, shall communicate to the City Clerk information sufficient to permit the City Clerk to determine the actual fee due under this Section. In the event such fee is less than the deposit paid at the time of application, the City Clerk shall in due course refund the difference to the applicant and permit holder. In the event such actual fee shall be in excess of the deposit, the City Clerk shall forthwith issue a statement to the applicant and permit holder who shall be liable for the payment of such additional amount.

(D) When the applicant proposes a reburial or reinterment in another lot in the Garnett Municipal Cemetery, a service charge shall be paid in the amount required for an original interment, in addition to the disinterment permit fees required in this Chapter.

(E) An order of any Judge of the District Court for the exhumation of the body or ashes of a deceased person shall be a sufficient application for a permit hereunder, and in such case no deposit shall be required, but the cost of such exhumation shall be a claim against the Anderson County Commissioners as provided by law.

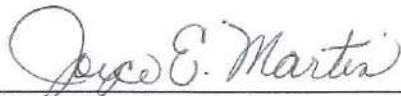
Section 11. Title 9, Chapter 7, Sections 5, 8, 10, 11, 16(J), 16(L), 16(M) and 17; and that part of Section 1 defining the term "Plot" are hereby repealed in the form as the same presently exist.

Section 12. This ordinance shall take effect and be in force from and after its passage and its publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 9<sup>th</sup> day of December, 2003.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3537

AN ORDINANCE AMENDING CERTAIN BOAT RULES AND REGULATIONS, REGULATING SPEED BOATS AND AMENDING TITLE 9, CHAPTER 5, SECTION 16(A); REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

SECTION 1: Title 9, Chapter 5, Section 16(A) of the Municipal Code is hereby amended to read as follows:

9-5-16: SPEED BOATS; WATER SKIING:

(A) Speed boating and water skiing shall be permitted on any day on Cedar Valley reservoir and only on each Wednesday and Sunday and on the first and third Saturdays of each month, from 10:00 a.m. to sunset of each day, beginning May 1st and ending on November 15th of each year, on Lake Garnett. In addition, speed boating and water skiing shall be permitted on Lake Garnett between 10:00 a.m. and sunset on Memorial Day, July 4th (commonly called Independence Day), and Labor Day of each year. Speed boating and water skiing on any lake shall not commence before sunrise on any permitted day and shall end at sunset of each such day. Speed boating and water skiing on Crystal Lake is prohibited at any time and speed boating and water skiing on any other lake, other than at the times expressly permitted by this section, are prohibited.


SECTION 2: The provisions of Title 9, Chapter 5, Section 16(A) 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 city newspaper.

PASSED this 23rd day of December, 2003.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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



**ORDINANCE NO. 3539**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 15 AND SECTION 18 OF THE MUNICIPAL CODE, INCREASING THE SERVICE CHARGE FOR REFUSE SERVICES WITHIN THE CITY OF GARNETT, KANSAS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AND PROVIDING FOR EFFECTIVE DATE.**

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

SECTION 1: Title 7, Chapter 2, Section 15 of the Municipal Code is hereby amended to read as follows:

**7-2-15: SERVICE FEES:**

(A) (1) A refuse service charge of \$10.00 per calendar month be levied against each residential dwelling unit within the corporate limits of the City for the collection and disposition of solid waste, as required by this Chapter.

(2) A refuse service charge of \$12.00 per calendar month shall be levied against any residential dwelling unit outside the corporate limits of the City for the collection and disposition of the solid waste generated by such dwelling unit in any area where such collection service shall from time to time be offered. The existence of a rate schedule for service outside the corporate limits shall not be construed as a general offering of solid waste collection to areas outside the corporate limits, nor any guarantee to its continuation in areas where offered.

(B) A refuse charge of \$10.00 per calendar month shall be levied against each commercial and industrial solid waste customer for the collection and distribution of not more than one cubic yard per month of solid waste, as required by this Chapter. For each additional cubic yard of solid waste collected and disposed of per month, over and above one cubic yard for each such customer, the customer shall be charged an additional \$2.10 per cubic yard.

(C) Any solid waste customer requiring more than one pick up of solid waste per week shall be charged as follows:

1. The first additional pick up per week, an additional six dollars (\$6.00) per month.

2. Two (2) additional pick ups per week, an additional twelve (\$12.00) per month.
3. Three (3) additional pick ups per week, an additional eighteen (\$18.00) per month.
4. Four (4) additional pick ups per week, an additional twenty-four dollars (\$24.00) per month.

(D) Each commercial or industrial customer requiring a trash bin shall be furnished one by the City, and there shall be added to each customer's account a monthly rental charge therefore as follows:

1. For each one cubic yard container eight dollars fifty cents (\$8.50).
2. For each one and one-half (1 ½) cubic yard container nine dollars (\$9.00).
3. For each two (2) cubic yard container ten dollars (\$10.00).
4. For each three (3) cubic yard container sixteen dollars twenty-five cents (\$16.25).
5. For each four (4) cubic yard container eighteen dollars seventy-five cents (\$18.75).
6. For each six (6) cubic yard container twenty-five dollars (\$25.00).

SECTION 2: Title 7, Chapter 2, Section 18 of the Municipal Code is hereby amended to read as follows:

7-2-18: PARTIAL SERVICES; EXCEPTIONS:

(A) Any person, at the time of beginning or terminating service, who receives service for a period of fewer than fifteen (15) consecutive days shall be billed at one-half (1/2) the rate for such

service; for service of fifteen (15) or more consecutive days, the charge shall be at the full monthly rate.

(B) Where collections are to be made, households of a single occupancy, regardless of age, such household shall be entitled to a special rate of \$8.50 per month, which shall entitle said household to regular residential refuse collection and disposal services. It shall be the duty of any householder making application for exception under this subsection to furnish the City with sufficient proof, either by affidavit or otherwise, that he or she is entitled to such exception.

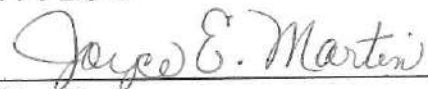
SECTION 3: Title 7, Chapter 2, Section 15 and Section 18, as the same presently exists, are hereby repealed.

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, and shall be applicable for all bills for refuse service after January 1, 2004.

PASSED and APPROVED this 13<sup>th</sup> day of January, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3544

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13(A)(1) OF THE MUNICIPAL CODE, PROVIDING FOR A ONE-DAY FISHING PERMIT, IN ADDITION TO OTHER EXISTING CLASSES OF PERMITS; REPEALING EXISTING SECTION.

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

SECTION 1: Title 9, Chapter 5, Section 13(A)(1) of the Municipal Code is hereby amended to read as follows:

9-5-13: FISHING: . . .

(A) 1. No person shall fish or attempt to fish from any city lake without having been issued and having in his or her possession a valid city fishing permit; provided, however, no person under sixteen (16) years of age shall be required to have such a city fishing permit. Any person having a current Kansas fishing license or any person exempt from licensure under Kansas law may make application for a city fishing permit to the city clerk, who shall issue a permit upon payment of the following fees:

(a) A resident of the city	\$8.00
(b) A resident of Anderson County	10.00
(c) All other persons	12.00
(d) Five consecutive day permit	8.00
(e) Single day permit	5.00

Such permit, except the five day and single day permits, shall be valid for the year in which issued and shall expire on December 31 in the year of issuance, and there shall be no proration of the above fees, regardless of when the license shall be applied for and issued. The five day and single day permit fees shall apply uniformly, regardless of residence of applicant. Five day permits shall expire at 11:59 P.M. on the fifth day of said five day period for which it shall be issued. Five day permits shall only be issued for five consecutive days. Single day permits shall expire at 11:59 P.M. on the day for which it shall be issued. All such permits shall entitle the holder to fish in any city lake.

SECTION 2: Title 9, Chapter 5, Section 13(A)(1) 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 9th day of March, 2004.

Michael L. Noma  
Mayor

A T T E S T:

Joyce E. Martin  
City Clerk

ORDINANCE NO. 3545

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 14(B)(1) OF THE MUNICIPAL CODE, PROVIDING FOR A ONE-DAY BOATING PERMIT, IN ADDITION TO OTHER EXISTING CLASSES OF PERMITS; REPEALING EXISTING SECTION.

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

SECTION 1: Title 9, Chapter 5, Section 14(B)(1) of the Municipal Code is hereby amended to read as follows:

9-5-14: BOATING: . . .

- (B) 1. All boats, canoes, or other vessels used upon the waters of any lake within any City park shall be required to have a valid Kansas boat registration number and to obtain a boating permit from the City Clerk. If annual, such permits shall be issued upon a calendar year basis and when fees apply, no proration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall apply to the class of licensee:

ANNUAL PERMIT FEES

Garnett Residents:

Boats with motors in excess of 40 HP	\$20.00
Boats with motors with 40 HP or less	10.00
Nonmotorized craft; i.e. sailboats, canoes, etc.	5.00

Anderson County Residents:

Boats with motors in excess of 40 HP	\$40.00
Boats with motors with 40 HP or less	20.00
Nonmotorized craft; i.e. sailboats, canoes, etc.	10.00

All others:

Boats with motors in excess of 40 HP	\$60.00
Boats with motors with 40 HP or less	30.00
Nonmotorized craft; i.e. sailboats, canoes, etc.	15.00

TEMPORARY PERMIT FEES

Five Consecutive Days:

Boats with motors in excess of 40 HP	\$20.00
Boats with motors 40 HP or less	10.00
Nonmotorized craft; i.e. sailboats, canoes, etc.	5.00

Single Day:

All classes of boats, motorized and nonmotorized	\$10.00
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Temporary permit fees shall apply uniformly, regardless of residence of applicant.

SECTION 2: Title 9, Chapter 5, Section 14(B)(1) 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 9th day of March, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

**AN ORDINANCE AMENDING ORDINANCE #3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR AND ALLOW RECREATIONAL VEHICLES AS PERMITTED USES IN ZONE R-3 (RESIDENTIAL) UNDER CERTAIN CONDITIONS, AS SPECIFIED; REPEALING EXISTING PROVISIONS OF ORDINANCE 3059 AS ARE IN CONFLICT HEREWITH.**

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

**SECTION 1:** (a) The placement and occupancy of "Recreational Vehicles" as that term is now defined in Article 3, Section 3 of Ordinance #3059 shall be allowed as a Permitted Use in Zone R-3 (Residential); and Ordinance #3059 is so amended.

(b) The Use Description Grid (Exhibit A to Ordinance #3059) shall be amended by interlineation to reflect the provisions of this section 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 Exhibit A thereto are re-printed.

**SECTION 2:** Recreational Vehicles, as defined in Article 3, Section 3 of Ordinance #3059, shall be permitted to be placed and occupied the same as a Manufactured Home is permitted in a "R-3" Flexible Residential Dwelling District:

(a) On any site upon which a Manufactured Home would be permitted to be located and upon observing all conditions and requirements for such, except:

(i) no blocking, skirting or tie-down anchors shall be required; and,

(ii) no hard-wired electrical connection shall be required. An industry standard plug-type connection of adequate capacity shall be supplied for electrical connection. Standard water hose and flexible sanitary sewer hose connections shall be permitted for water and sanitary sewer service.

(b) If a site is to be developed to accommodate only a Recreational Vehicle, such shall be designed and laid out so that no Recreational Vehicle shall be closer than 20 feet to another Recreational Vehicle or to a Manufactured Home. A pad of at least 4 inches of crushed rock shall be provided along with separate "hook-ups" for water, sewer and electric utilities. Each such space shall have, conveniently located thereto, at least two off-street parking spaces in accordance with the Article on Parking and Loading Regulations. Each parking space



shall have direct access to a public street or highway. All provisions of Subpart C-2, C-3, C-4, C-5, C-6 and C-7 and Subpart F of Article V, Section 11 of Ordinance #3059, as amended by Ordinance #3378, shall apply in the development and use of any sites for such Recreational Vehicles, except:

(i) no blocking, skirting or tie-down anchors shall be required; and,

(ii) no hard-wired electrical connection shall be required. An industry standard plug-type connection of adequate capacity shall be supplied for electrical connection. Standard water hose and flexible sanitary sewer hose connections shall be permitted for water and sanitary sewer service.

(c) In no event shall a Recreational Vehicle be allowed to be situated on a single zoning lot.

(d) The City Manager is hereby authorized to promulgate reasonable regulations to carry out the provisions of this ordinance.

**SECTION 3:** All provisions of any ordinance, including but not limited to Ordinance 3059, and any amendments thereto, in conflict herewith 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 24th day of March, 2004.

  
\_\_\_\_\_  
Michael L. Norman, Mayor

A T T E S T:

  
\_\_\_\_\_  
Joyce E. Martin  
City Clerk

**ORDINANCE NO. 3548**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE GARNETT STATE SAVINGS BANK, AS LESSOR, WITH RESPECT TO A JOHN DEERE 5420 FOUR-WHEEL DRIVE TRACTOR FOR USE BY THE CITY.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a John Deere 5420 Four-Wheel Drive Tractor for use by the City (the "Equipment"); and

**WHEREAS**, the City has accepted the proposal of Garnett State Savings Bank for a lease transaction with respect to the Equipment; and

**WHEREAS**, in order to facilitate the acquisition and general improvement 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 Garnett State Savings Bank (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 Mayor 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 intent of this Ordinance and to carry out,

**ORDINANCE NO. 3544**

**PAGE 2**

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 24th day of March, 2004.

  
Michael L. Norman, Mayor

Attest:

  
\_\_\_\_\_  
Joyce E. Martin, City Clerk

ORDINANCE 3551

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 2(B) AND SECTION 2(D) OF THE MUNICIPAL CODE, CHANGING CERTAIN AREAS LIMITED TO 15 MINUTE PARKING; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER, AS THE SAME PRESENTLY EXIST.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 10, Chapter 2, Section 2(B) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

10-2-2: TIME LIMIT:

\* \* \* \*

(B) No person shall park or stand any vehicle for a period longer than fifteen (15) minutes on the:

1. West side of Oak Street between Third Avenue on the north and a point sixty-three feet (63') north of the center line of the alley lying between Third and Fourth Avenues on the south; and,

2. East side of Oak Street, in the angle parking stalls, between Third Avenue and the private drive immediately south of the building occupied by the United States Post Office.

Section 2. Title 10, Chapter 2, Section 2(D) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

10-2-2: TIME LIMIT:

\* \* \* \*

(D) No person shall park or stand any vehicle for a period longer than fifteen (15) minutes in any of the five (5) angle parking stalls immediately south of City Hall on Fifth Avenue.

Section 3. Title 10, Chapter 2, Section 2(B) and Section 2(D), 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

Ordinance  
Page 2

newspaper of the City of Garnett.

PASSED this 27th day of April, 2004.

Michael L. Payne  
Mayor

A T T E S T:

Joyce E. Martin  
City Clerk

ORDINANCE 3552

AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 4 OF THE MUNICIPAL CODE, ELIMINATING BONDING REQUIREMENTS AND REQUIRING LICENSEES TO CARRY LIABILITY INSURANCE; REPEALING TITLE 5, CHAPTER 13, SECTION 4 AS THE SAME PRESENTLY EXISTS.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 13, Section 4 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

5-13-4: LIABILITY INSURANCE REQUIRED:

- (A) A person who has been issued any class of license under the provisions of this chapter shall forthwith deposit with the city clerk a certificate of insurance showing general liability insurance coverage in force for at least the term of the license in an amount not less than \$300,000 for any incident. Such policy shall insure against all loss, cost, expense or damage resulting from the work done, being done or to be done by such licensee, such licensee's agents and employees either as a result of such licensee's negligence or failure to comply with the terms and conditions of this article or other ordinances and codes applicable to the work. The policy shall also contain completed operations coverage in the above-stated amount and a provision for at least a ten-day notification to the city of insurance cancellation, either in the certificate of insurance or by a separate instrument. The insurance shall be executed to cover no less a period than the period for which the license is issued. Failure to provide such insurance and the evidence of its being in force, or suffering the cancellation thereof without providing continuous coverage through a replacement or substitute policy shall render any license issued under this chapter null and void and shall subject the licensee so punishment for violation of this chapter if any work shall be done by the licensee which is covered by said license. Such policy or policies of insurance and the certificates issued thereon shall be written so as to cover any class of work for which the license or licenses are issued pursuant to this Title and Chapter.
- (B) No new license shall be issued nor shall any

license be renewed after the effective date of this ordinance without the licensee's full compliance with Section 1 hereof. Any existing license not expiring on its own terms within 90 days following the effective date hereof shall be deemed to have expired on the 90th day following the effective date, unless the licensee shall within such 90 day period comply with the provisions of said Section 1. The city manager is hereby authorized to promulgate reasonable rules and regulations to facilitate application of the requirements of Section 1 to existing licenses.


Section 2. Title 5, Chapter 13, Section 4 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.

PASSED this 27th day of April, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

*Incorrect; has to be redone*

ORDINANCE NO. 3556

AN ORDINANCE VACATING THE ALLEY LYING BETWEEN LOTS 1 AND 10 OF THE EICHMAN ADDITION ON THE WEST AND LOTS 12 AND 13 OF THE CENTENNIAL ADDITION ON THE EAST; AND ALSO VACATING A UTILITY EASEMENT ALONG THE WEST SIDE OF SAID LOTS 12 AND 13; 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.

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

SECTION 1: The alley lying between Lots 1 and 10 of the Eichman Addition to the City of Garnett, Kansas (on the west) and Lots 12 and 13 of the Centennial Addition to the City of Garnett, Kansas, (on the east) is hereby vacated as a public alley.

SECTION 2: The utility easement, 10 feet in width, along the east side of Lots 12 and 13 of the Centennial Addition to the City of Garnett, Kansas, is hereby vacated as a public utility easement.

SECTION 3: 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 alley right-of-way and said public utility easement, or either such vacation, 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 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 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 this 8th day of June, 2004.

*Michael J. Hanna*  
Mayor

A T T E S T:  
*James E. Martin*  
City Clerk



**AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 3 OF THE MUNICIPAL CODE, RELATING TO THE EXPLODING OF FIREWORKS; PROHIBITING THE EXPLODING OF FIREWORKS IN CERTAIN AREAS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.**

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

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

7-3-3: EXPLODING; FIRING ON DESIGNATED DAYS AND AT DESIGNATED TIMES. It shall be unlawful for any person or persons to use, fire off, explode or cause to be exploded within the City any fireworks or explosives described in Section 1 of this Chapter:

(A) (i) At any time, in or within 100 feet of the Garnett Municipal Stadium, the Garnett Sports Complex, and any other City designated ball diamond or field in a City Park;

(ii) Elsewhere within the City, except on the days such fireworks may lawfully be sold at retail;

(B) Which, when used, fired off or exploded, give an audible report, whistle, or similar noise, except on the days such fireworks may be lawfully sold at retail and then only between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M. of such days, other than within the confines of the North City Park or at the Cedar Valley Reservoir; provided, however, such fireworks may be used, fired off or exploded on the 4th of July between eight o'clock (8:00) A.M. and midnight of said day; and,

(C) Within the North City Park on the 4th of July between six o'clock (6:00) P.M. and eleven o'clock (11:00) p.m. of said date or on the date, if not the 4th of July, scheduled as an alternative or "rain date" for the community fireworks display ordinarily scheduled for July 4th.

SECTION 2: Title 7, Chapter 3, Section 3 of the Municipal Code, as the same presently exists, is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force


Ordinance 3557  
Page 2

from and after its passage and publication in an official newspaper of the City of Garnett.

PASSED this 8th day of June, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

ORDINANCE NO. 3559

AN ORDINANCE VACATING THE ALLEY LYING BETWEEN LOTS 1 AND 10 OF THE EICHMAN ADDITION ON THE WEST AND LOTS 12 AND 13 OF THE CENTENNIAL ADDITION ON THE EAST; AND ALSO VACATING A UTILITY EASEMENT ALONG THE WEST SIDE OF SAID LOTS 12 AND 13; 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; REPEALING ORDINANCE 3556.

WHEREAS, Ordinance 3556 contains a typographical error in part of the description of rights of way vacated.

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

SECTION 1: The alley lying between Lots 1 and 10 of the Eichman Addition to the City of Garnett, Kansas (on the west) and Lots 12 and 13 of the Centennial Addition to the City of Garnett, Kansas, (on the east) is hereby vacated as a public alley.

SECTION 2: The utility easement, 10 feet in width, along the west side of Lots 12 and 13 of the Centennial Addition to the City of Garnett, Kansas, is hereby vacated as a public utility easement.

SECTION 3: 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 alley right-of-way and said public utility easement, or either such vacation, 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 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 3 hereof.

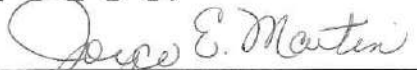
SECTION 5: Ordinance 3556 is hereby repealed.

SECTION 6: 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 22nd day of June, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

**ORDINANCE NO. 3561**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A      **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$10.00 per thousand cubic feet sold.

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

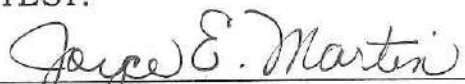
SECTION 3: This ordinance shall take effect and be in force from and after July 1, 2004, and after its publication in an official City newspaper.

PASSED this 13<sup>th</sup> day of July, 2004.



Mayor

ATTEST:

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

**ORDINANCE NO. 3564**

**AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES LEVIED FOR BUDGET YEAR 2004 NECESSARY TO FINANCE PUBLIC SERVICES FOR THE CITY OF GARNETT.**

Be it ordained by the Governing Body of the City of Garnett:

Section One. In accordance with state law, the City of Garnett has conducted a public hearing and has published the proposed budget necessary to fund City services from January 1, 2005 until December 31, 2005.

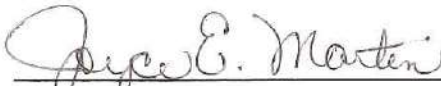
Section Two. After careful public deliberations, it is hereby attested that in order to maintain the public services, which are essential for the citizens of this city, it will be necessary to utilize property tax revenues in an amount which exceeds the revenues expended in the budget year 2004.

Section Three. This ordinance shall take effect after its publication once in the official City newspaper.

Passed and approved by the Governing Body on this 10th day of August, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

ORDINANCE NO. 3566

**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 \$16.00 per month; the sewer service charge for this class of service shall be \$4.25 per 1,000 gallons of water.
- (B) General Service: The customer charge for this class of service shall be \$16.00 per month; the sewer service charge for this class of service shall be \$4.25 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 October 1, 2004. 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.

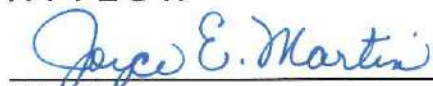
SECTION 2: Title 4, Chapter 6, Section 7 of the Municipal Code, as the same presently exists, is hereby repealed.

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, or upon September 1, 2004, whichever is later.

PASSED this 24<sup>th</sup> day of August, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTIONS 5(B), 5(C) and 5(D) OF THE MUNICIPAL CODE, AMENDING RATES FOR SALE AND DELIVERY OF WATER FROM THE MUNICIPAL WATER UTILITY AND FIXING AN EFFECTIVE DATE FOR THE SAME; REPEALING EXISTING SECTION OF SAID TITLE.

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

SECTION 1: Title 4, Chapter 4, Sections 5(B), 5(C) and 5(D) of the City Code of Garnett, Kansas, is hereby amended to read as follows:

4-4-5: **WATER UTILITY SERVICE; CLASSIFICATION OF USERS; RATES:** Users of the water utility of the city are hereby classified and defined as follows:

\* \* \* \* \*

(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:

Billings After  
September 1, 2004

1.	Residential Service, Standard	
	Customer Charge	\$10.00
	Water (per 1,000 gallons)	5.90
2.	Residential Service, Outside City	
	Customer Charge	18.50
	Water (per 1,000 gallons)	7.65
3.	General Service, Standard	
	Customer Charge	13.50
	Water (per 1,000 gallons)	5.90
4.	General Service, Outside City	
	Customer Charge	20.00
	Water (per 1,000 gallons)	7.65

(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 \$7.75 per 1,000 gallons sold.

(D) Wholesale Rate: All water sold by the city of Garnett, Kansas, from its water utility to wholesale users shall be charged for at the rate of \$255.00 for

up to 60,000 gallons of water during one monthly billing period and for monthly consumptions over 60,000 gallons at the rate of \$4.90 per one thousand additional gallons, for bills rendered after September 1, 2004.


SECTION 2: Title 4, Chapter 4, Sections 5(B), 5(C) and 5(D) 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 publication in an official newspaper of the City of Garnett, for all billings on and after September 1, 2004, or the date of the publication hereof, whichever is the later.

PASSED this 24th day of August, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



ORDINANCE NO. 3572

**AN ORDINANCE REPEALING ORDINANCE #2799 AND ANY AND ALL OTHER ORDINANCES DECLARING THE BOUNDARY OF THE CITY OF GARNETT, KANSAS.**

WHEREAS, Ordinance #2799 was adopted to declare the boundary of the City of Garnett, Kansas; and,

WHEREAS, the city's boundary has changed, due annexations since the adoption of such ordinance; and,

WHEREAS, the city's boundary is in need of being declared anew, but such declaration may now be done by resolution, pursuant to K.S.A. 12-517, which the city is preparing to do, making the repeal of the old declaration necessary and desirable.

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

SECTION 1: Ordinance #2799 and any and all other ordinances declaring the boundary of the City of Garnett, Kansas, are 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 26th day of October, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3572

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 29, 2004  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 11<sup>th</sup> day  
of November 2004.

Michelle Wilson  
Notary Public

My appointment expires 9-11-07

Michelle Wilson  
Notary Public - State of Kansas  
My Appt. Expires 9-11-07

ORDINANCE NO. 3573

**AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR AND ALLOW CERTAIN PHOTOGRAPHY STUDIOS AS SPECIAL-PERMITTED USES IN ZONES R-S (RESIDENTIAL SUBURBAN) AND R-1, R-2, R-3 (ALL RESIDENTIAL DISTRICTS).**

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to provide for and allow certain photography studios as special-permitted uses in Zones R-S (Residential Suburban) and R-1, R-2, R-3 (All Residential Districts); 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:

SECTION 1: Photography studios (GRP 72/SIC 7221) shall be allowed in Zones R-S (Residential Suburban) and R-1, R-2, R-3 (All Residential Districts) upon a special use permit; and Ordinance No. 3059 is hereby so amended.

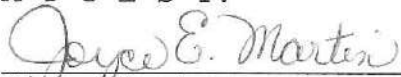
SECTION 2: The Use Description Grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Section 1 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional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

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.

PASSED this 26th day of October, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3573

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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

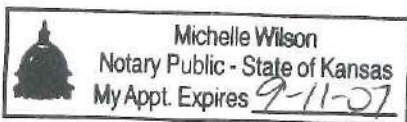
I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper 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 29, 2004  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 11<sup>th</sup> day  
of November 2004.



Michelle Wilson  
Notary Public

My appointment expires 9-11-07

ORDINANCE NO. 3575

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A: **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$11.00 per thousand cubic feet sold.

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

SECTION 3: This ordinance shall take effect and be in force from and after November 1, 2004, and after its publication in an official City newspaper.

PASSED this 9<sup>th</sup> day of November, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3577

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A: **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$10.00 per thousand cubic feet sold.

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

SECTION 3: This ordinance shall take effect and be in force from and after December 1, 2004, and after its publication in an official City newspaper.

PASSED this 23rd day of November, 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

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78  
TV

Case No. Ordinance # 3577

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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

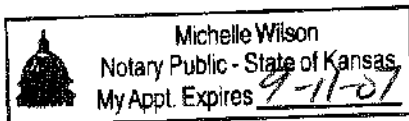
I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper 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 3, 2004  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 8<sup>th</sup> day of December 2004.



Michelle Wilson  
Notary Public

My appointment expires 9-11-07

ORDINANCE NO. 3578

AN ORDINANCE VACATING THAT PART OF THE GOLDEN PRAIRIE INDUSTRIAL PARK ADDITION TO THE CITY OF GARNETT, KANSAS, AS DELINEATES UTILITY EASEMENTS; 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, certain lots within the Golden Prairie Industrial Park Addition have been acquired for development as a unit, eliminating the need for the public utility easements, as designated and shown on the original, official plat thereof, recorded in Plat Cabinet #1, Slide #72 in the office of Register of Deeds of Anderson County, Kansas; and,

WHEREAS, the city of Garnett, Kansas, as owner of said lots prior to said transfer, reserved in the deed of conveyance, dated September 2, 2004, and recorded in Book 162 of Deeds, at page 124, in the office of Register of Deeds of Anderson County, Kansas, appropriate and necessary substitute public utility easements through the affected parts of said addition, and the easements provided as a part of the said Golden Prairie Industrial Park Addition plat are not needed.

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

SECTION 1: The areas marked by dashed lines running along the common boundary of Lots 1 and 2 and Lots 3 and 4 and then similarly along the common boundary of Lot 3 and Lots 5 and 6, and which are designated as public utility easements on the official plat of the Golden Prairie Industrial Park Addition to the City of Garnett, Kansas, and similarly described in the dedication of said plat, recorded in Book 54 of Mcl., at page 172 in the office of Register of Deeds of Anderson County, Kansas is hereby vacated as a public utility easement; provided, however, nothing in this vacation ordinance shall abrogate or diminish the reservation of easements set forth in that certain Corporation Warranty Deed, recorded in Book 162 of Deeds, at page 124, in the office of Register of Deeds of Anderson County, Kansas.

SECTION 2: 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 alley right-of-way and said public utility easement, or either such vacation, 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.

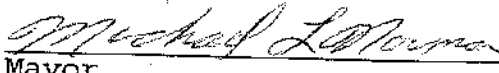
SECTION 3: This ordinance shall take effect and be in force



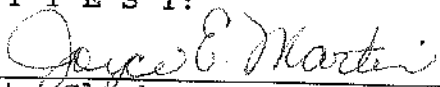
from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 2 hereof.

SECTION 4: 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 23rd day of November, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

**ORDINANCE NO. 3580**

**AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520.**

**WHEREAS**, the following described land is located in Anderson County, Kansas, and adjoins a present boundary of the City of Garnett, Kansas; and

**WHEREAS**, a written petition for annexation of the following described land, signed by the owner thereof, has been filed with the City of Garnett, Kansas pursuant to K.S.A. 12-520 (a)(7) (Supp.); and

**WHEREAS**, the governing body of the City of Garnett, Kansas, finds it advisable to annex such land.

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

Section 1. The following described land to wit:

Beginning at a ½" rebar at the Southwest corner of the Southeast Quarter of Section 30, Township 20 South, Range 20 East of the 6<sup>th</sup> Principal Meridian, Anderson County Kansas; THENCE North 02 degrees 14 minutes 48 seconds West for a distance of 925.52 feet to a ½" rebar on the West line of said Southeast Quarter, Thence South 68 degrees 39 minutes 56 seconds East for a distance of 896.17 feet to a ½" rebar; THENCE South 74 degrees 03 minutes 04 seconds East for a distance of 428.02 feet to a ½" rebar; THENCE South 02 degrees 14 minutes 48 seconds East for a distance of 444.00 feet to a ½" rebar on the South line of the said Southeast Quarter, THENCE 88 degrees 15 minutes 01 seconds West for a distance of 1228.00 feet along said South line to the POINT OF BEGINNING.

having met the applicable conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas.


Section 2. This ordinance shall be effective from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED by the Governing Body of the City of Garnett, Kansas this 14th day of December, 2004.



Michael L. Norman, Mayor

ATTEST:

  
Joyce E. Martin, City Clerk

Case No. Ordinance  
# 3580

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.

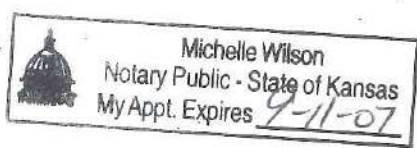
The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

- 1st pub. December 17, 2004
- 2nd pub. \_\_\_\_\_
- 3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 28<sup>th</sup> day of December, 20 04.

Michelle Wilson  
Notary Public



My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

**AN ORDINANCE VACATING THAT PART OF THE GOLDEN PRAIRIE INDUSTRIAL PARK ADDITION TO THE CITY OF GARNETT, KANSAS, AS DELINEATES UTILITY EASEMENTS; 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.; REPEALING ORDINANCE 3578.**

WHEREAS, certain lots within the Golden Prairie Industrial Park Addition have been acquired for development as a unit, eliminating the need for the public utility easements, as designated and shown on the original, official plat thereof, recorded in Plat Cabinet #1, Slide #72 in the office of Register of Deeds of Anderson County, Kansas; and,

WHEREAS, the city of Garnett, Kansas, as owner of said lots prior to said transfer, reserved in the deed of conveyance, dated September 2, 2004, and recorded in Book 162 of Deeds, at page 124, in the office of Register of Deeds of Anderson County, Kansas, appropriate and necessary substitute public utility easements through the affected parts of said addition, and the easements provided as a part of the said Golden Prairie Industrial Park Addition plat are not needed.

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

SECTION 1: The areas marked by dashed lines running along the common boundary of Lots 1 and 2 and Lots 3 and 4 and then similarly along the common boundary of Lot 3 and Lots 5 and 6, and which are designated as public utility easements on the official plat of the Golden Prairie Industrial Park Addition to the City of Garnett, Kansas, and similarly described in the dedication of said plat, recorded in Book 51 of Mcl., at page 172 in the office of Register of Deeds of Anderson County, Kansas is hereby vacated as a public utility easement; provided, however, nothing in this vacation ordinance shall abrogate or diminish the reservation of easements set forth in that certain Corporation Warranty Deed, recorded in Book 162 of Deeds, at page 124, in the office of Register of Deeds of Anderson County, Kansas.

SECTION 2: 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 alley right-of-way and said public utility easement, or either such vacation, 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 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, and after expiration of the time provided in Section 2 hereof.

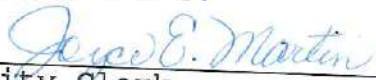
SECTION 4: Ordinance 3578 is hereby repealed.

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 this 14th day of December, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance  
# 3581

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 pub. December 17, 2004  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 28<sup>th</sup> day of December 20 04.



Michelle Wilson  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

AN ORDINANCE SUSPENDING OPERATION OF THOSE PORTIONS OF THE MUNICIPAL CODE RELATING TO CITY FISHING PERMITS AND BOATING PERMITS, FOR SO LONG AS THE CITY OF GARNETT PARTICIPATES IN THE COMMUNITY FISHERIES ASSISTANCE PROGRAM AS ADMINISTERED BY THE KANSAS DEPARTMENT OF WILDLIFE AND PARKS.

WHEREAS, the Governing Body has determined that it is in the best interests of the City of Garnett to participate in the Kansas Department of Wildlife and Parks' Community Fisheries Assistance Program; and,

WHEREAS, a condition of participating in said program is that the City of Garnett not impose any restriction on the taking of fish from city lakes; and,

WHEREAS, requiring the purchasing of city fishing permits and boating permits, or either of them, is deemed to be an impermissible restriction on such fishing activities.

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

SECTION 1: The provisions of Title 9, Chapter 5, Section 13(A), requiring the purchasing of a City of Garnett fishing permit, are hereby suspended and shall not be enforced for so long as the City of Garnett is a contracting participant in the Kansas Department of Wildlife and Parks' Community Fisheries Assistance Program.

SECTION 2: The provisions of Title 9, Chapter 5, Sections 14(B), subsections (1), (2), (3) and (4) only, requiring the purchasing of a City of Garnett boating permit, are hereby suspended and shall not be enforced for so long as the City of Garnett is a contracting participant in the Kansas Department of Wildlife and Parks' Community Fisheries Assistance Program.

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 28th day of December, 2004.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

AN ORDINANCE VACATING A PART OF THE RIGHT OF WAY OF THE ROAD FORMERLY KNOWN AS "1700 ROAD" AS A PUBLIC ROADWAY, BUT RESERVING ALL RIGHTS OF EASEMENT FOR ANY AND ALL UTILITIES; 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.

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

SECTION 1: That part of the right of way for the public road designated "1700 Road" when it was a part of the Anderson County public road system prior to the recent annexation of land adjacent to the north thereof by the said city (said roadway not yet being assigned a name by said city), more particularly described as follows, to-wit: Commencing at a point 450 feet east of said roadway's intersection with Main Street and running thence East to the southeast corner of that certain tract of land annexed by the City of Garnett, Kansas, in Ordinance #3580, on or about the 14th day of December, 2004, is hereby vacated as a public street; PROVIDED, HOWEVER, the City of Garnett reserves unto itself within said area all rights, present and future, for utility easement purposes, and unto any other utility or communications company presently utilizing said area, the right to continue such use and maintenance of the same.


SECTION 2: 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 road 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 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, and after expiration of the time provided in Section 2 hereof.

SECTION 4: 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 25th day of January, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:  
  
\_\_\_\_\_  
City Clerk



PETITION TO VACATE PUBLIC STREET RIGHT OF WAY

The undersigned, as a person authorized to act for the owner and proprietor of property adjacent to the public street right of way hereinafter described, to-wit:

That part of the right of way for the public road designated "1700 Road" when it was a part of the Anderson County public road system prior to the recent annexation of land adjacent to the north thereof by the said city (said roadway not yet being assigned a name by said city), commencing at a point 450 feet east of said roadway's intersection with Main Street and running thence East to the southeast corner of that certain tract of land annexed by the City of Garnett, Kansas, in Ordinance #3580, on or about the 14th day of December, 2004,

hereby requests the governing body of the City of Garnett, Kansas, to vacate said right of way.

The undersigned is aware that the City of Garnett, Kansas, will retain utility easement rights within said right of way area. The ordinance adopted to make such vacation will be subject to a thirty-day protest period, following its publication in an official newspaper of the said city.

Dated this 25 day of January, 2005.

EAST KANSAS AGRI-ENERGY, L.L.C.

by   
\_\_\_\_\_

Case No. Ordinance # 3586

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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

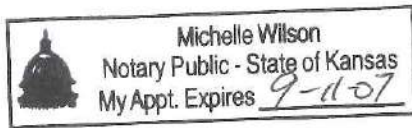
I am one of the publishers of The Anderson County Advocate, a weekly newspaper published in Garnett, Anderson County, Kansas, and of general circulation in said county and state. The Anderson County Advocate has been published at least weekly fifty times a year from June 26, 1997 to date. The newspaper 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 28, 2005  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 31<sup>st</sup> day of January 2005.



Michelle Wilson  
Notary Public

My appointment expires 9-11-07

**AN ORDINANCE RE-ORGANIZING THE PARKS AND RECREATION ADVISORY BOARD, AMENDING TITLE 2, CHAPTER 1, SECTIONS 3 THROUGH 7, INCLUSIVE; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.**

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

SECTION 1: The provisions of Title 2, Chapter 1, Section 3 are hereby amended to read as follows, to-wit:

2-1-3: PARKS AND RECREATION ADVISORY BOARD: There is hereby created a Parks and Recreation Advisory Board. The Board shall consist of seven (7) members to be appointed by the Governing Body. All members shall be residents of the City of Garnett.

SECTION 2: The provisions of Title 2, Chapter 1, Section 4 are hereby amended to read as follows, to-wit:

2-1-4: TERMS OF OFFICE: Each member of the Parks and Recreation Advisory Board shall hold office for a term of three (3) years. Any vacancy shall be filled in the same manner as the original appointment, and the person appointed to fill such vacancy shall serve for the remainder of the unexpired term to which he or she is appointed. In expanding the board from five to seven members, the appointments of new members shall be made so as to assure staggered expiration of member's terms.

SECTION 3: The provisions of Title 2, Chapter 1, Section 5 are hereby amended to read as follows, to-wit:

2-1-5: DUTIES OF PARKS AND RECREATION ADVISORY BOARD: The Parks and Recreation Advisory Board shall have the duty of advising the Department, the City Manager and the Governing Body on all major proposals and propositions for the construction, reconstruction and improvement of public parks and recreation facilities, including the acquisition of land for park purposes; the acquisition of major recreational equipment and facilities and the institution of any major new programs in the recreation system; and such other matters as may be assigned to them by the Department, the City Manager or the Governing Body.

SECTION 4: The provisions of Title 2, Chapter 1, Section 6 are hereby amended to read as follows, to-wit:

2-1-6: ORGANIZATION OF PARKS AND RECREATION ADVISORY BOARD: The Parks and Recreation Advisory Board shall, upon appointment, meet and organize and elect a

chairman, who shall serve as presiding officer, and a secretary and such other officers as they may deem necessary. Officers shall hold their terms for one year. After initial organization, officers shall be elected annually.

SECTION 5: The provisions of Title 2, Chapter 1, Section 7 are hereby amended to read as follows, to-wit:

2-1-7: REPORTS: All reports of the Parks and Recreation Advisory Board shall be presented to the Department and to the City Manager. As soon as practical thereafter, the City Manager shall forward the report to the Governing Body for their consideration at a regular or special meeting. Any report requiring or requesting action of the Governing Body shall be acted upon by them within thirty (30) days after receipt of the report. The Governing Body may, for cause, extend such time on a case by case basis so as to give matters under consideration full attention before final action is taken.

SECTION 6: The provisions of Title 2, Chapter 1, Sections 3 through 7, inclusive, as the same presently exist, are hereby repealed.

SECTION 7: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 23<sup>rd</sup> day of February, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

ORDINANCE NO. 3592

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 two 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 \$4,967.86 incurred through December 31, 2004 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 March, 2005.

  
Mayor

Attest:

  
City Clerk

Attachment to Ordinance No. 3592  
Page Two

Name	Amount
Shirley Barham (Out of State)	\$ 56.96
Gloria Boan (Coll. Fee)	101.60
Monica Bonilla	171.17
Amanda Bowen (Coll. Fee)	63.05
Virginia Chase (Coll. Fee)	99.94
Elsie Davis (Deceased)	174.20
Arin Diestelkamp (Coll. Fee)	13.17
Chryl Durham (Coll. Fee)	76.61
Gary Edwards (Out of State)	416.36
Annetta Eubanks (Coll. Fee)	55.37
Anthony Ficara (Bankruptcy)	388.23
Betty Finley (Coll. Fee)	25.25
Patricia Gallagher (Out of State)	84.30
Angela Harris and Ebb Freeman (Coll. Fee)	87.82
Anthony Heubach (Coll. Fee)	41.53
Deborah S. Holden	14.29
John and Cristal Howey	14.91
Bertha Linson (Out of State)	293.11
Clayton B. May (Coll. Fee)	18.86
Brandi McCurdy (Coll. Fee)	80.09
Jeremy Newby (Out of State)	411.93
John Poland (Deceased)	133.98
Freda Lynn Reed	55.11
Dana Simpson (Deceased)	431.76
Tom J. Strickland	82.36
Robert I. Troyer (Deceased)	567.29
James and Bessie VanBibber (Out of State)	362.59
Terry A. Vick (Out of State)	140.61
Wendy Watts (Coll. Fee)	79.89
Robert Welch (Deceased)	403.33
Pamela S. White (Coll. Fee)	22.19

Total \$ 4,967.86

Robert Welch  
1/2 S. White (Cont)  
Total  
1995 Payments

Case No. Ordinance  
No. 3592

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 pub. March 25, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

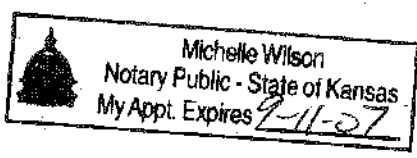
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 31<sup>st</sup> day of March, 20 05.

Michelle Wilson  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



**ORDINANCE NO. 3595**

**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, following a hearing by said commission, upon proper notice, and this governing body having heretofore accepted the recommendations of the planning commission, the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Beginning at the southwest corner of the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-Four (24), Township Twenty (20), Range Nineteen (19), thence East 200', North 225' thence West 135', South 72', West 65', thence 156' to POB;

is hereby changed from "R-S Residential Suburban District" to "B-1 Business – General District".

SECTION 2: Upon 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 3059 under which authority this ordinance is adopted.

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.

PASSED by the commission, 3 voting Aye, 0 voting Nay, this 26<sup>th</sup> day of April, 2005.

  
\_\_\_\_\_  
Mayor

Attest:

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



Case No. Ordinance #3595

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 pub. 4/29/2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 5<sup>th</sup> day  
of May \* 20 05



Michelle Wilson  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

ORDINANCE NO. 3596

AN ORDINANCE VACATING THAT PART OF THE PUBLIC RIGHTS OF WAY OF PINE STREET, CEDAR STREET AND SPRUCE STREET AS INTERSECT WITH THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD, SO AS TO PERMIT THE CLOSING OF THE MOTOR VEHICLE CROSSINGS OVER SAID RAILROAD TRACKS WITHIN SUCH PORTIONS OF THE SAID STREET EASEMENTS; AND 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, it has been determined to be in the best interests of the city of Garnett, Kansas, to close certain public street intersections with the railroad right of way and track of the Union Pacific Railroad, commonly called "grade crossings;" and,

WHEREAS, the portions of such public streets as intersect with and cross the said railroad track should be vacated as a public street.

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

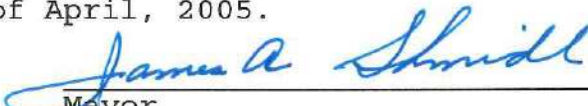
SECTION 1: That part of the public rights of way of Pine Street, Cedar Street and Spruce Street as intersect with the right of way of the Union Pacific Railroad are hereby vacated as a public streets.

SECTION 2: 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 alley right-of-way and said public utility easement, or either such vacation, 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.

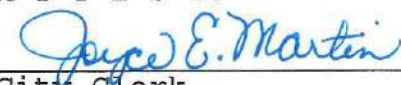
SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 2 hereof.

SECTION 4: 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 26th day of April, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3596

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 pub. 4/29/2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

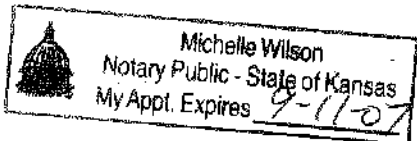
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 5th day of May, 2005.

Michelle Wilson  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



**ORDINANCE NO. 3597**

**AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520.**

**WHEREAS**, the following described land is located in Anderson County, Kansas, and adjoins a present boundary of the City of Garnett, Kansas; and

**WHEREAS**, a written petition for annexation of the following described land, signed by the owners thereof, has been filed with the City of Garnett, Kansas pursuant to K.S.A. 12-520 (a)(7) (Supp.); and

**WHEREAS**, the governing body of the City of Garnett, Kansas, finds it advisable to annex such land.

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

Section 1. The following described land to wit:

The North Half (N/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, Anderson County, Kansas, LESS highway and also LESS a tract beginning at the Southwest Corner of the North Half (N/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), thence running North 150 feet, thence East 290 feet, thence South 150 feet, thence West 290 feet to the place of beginning;

ALSO beginning at the Southwest corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of said Section Twenty-nine (29), thence East 19.84 chains, thence North to a point 10.56 feet West and 973 feet South of the Northeast corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), thence West 1309.44 feet to the West line of Section Twenty-nine (29), thence South to the place of beginning, LESS Commencing at a point 60 feet North of a point 48 links East of the Southwest corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), thence running North 170 feet, thence East 20 feet, thence South 30 feet, thence West 20 feet, thence South 140 feet, thence West 40 feet to the place of beginning.

having met the applicable conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas.

Ordinance No. 3597  
Page Two

Section 2. This ordinance shall be effective from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED by the Governing Body of the City of Garnett, Kansas this  
26th day of April, 2005

  
\_\_\_\_\_  
James A. Shmidl, Mayor

ATTEST:

  
\_\_\_\_\_  
Joyce E. Martin, City Clerk

Case No. Ordinance # 3597

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 pub. 4/29/2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 5<sup>th</sup> day of May, 20 05

Michelle Wilson  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTIONS 13(B)1, 13(B)2 AND 13(B)3 OF THE FISHING REGULATIONS OF THE CITY OF GARNETT, KANSAS; REPEALING SAID SECTIONS AS THEY PRESENTLY EXIST; SAVINGS PROVISIO FOR ANY PENDING PROSECUTION.

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

Section 1. Title 9, Chapter 5, Sections 13(B)1, 13(B)2 and 13(B)3 are hereby amended to read as follows, to-wit:

**9-5-13 FISHING**

(B) Violation: It shall be unlawful and punishable as a misdemeanor for any person:

1. To fish at any one time with more than the permitted number of rods and lines, or to fish with any one rod or line to which is attached more than the permitted number of baited hooks or artificial lures, according to the Kansas fishing regulations adopted by the Kansas Department of Wildlife & Parks.

2. To fish without having a valid Kansas fishing license, unless exempt therefrom by Kansas law; or to fish with lines or other equipment exceeding the permitted limit of such license, including endorsements thereto or additional permits supplementary thereto; or to fish for any species without appropriate permits when required by the Kansas Department of Wildlife & Parks; or to fish outside of season for any particular species when a special season is established for such species by the Kansas Department of Wildlife & Parks.

3. [Reserved for future use.]


Section 2. The provisions of Title 9, Chapter 5, Sections 13(B)1, 13(B)2 and 13(B)3, as the same presently exist, are hereby repealed; provided, however, should any prosecution for a violation of Section 13 of said Title and Chapter be pending on the effective date of this ordinance, then such repeal shall not operate with respect to such pending prosecution.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of May, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

**ORDINANCE NO. 3602**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (EAST KANSAS AGRI-ENERGY PROJECT), SERIES 2005, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, CONSISTING OF AN ETHANOL PRODUCTION FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH SECURITY BANK OF KANSAS CITY; AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT WITH EAST KANSAS AGRI-ENERGY, L.L.C.; AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT IN CONNECTION WITH SUCH BONDS, AND AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, the governing body of the City has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue its Industrial Revenue Bonds (East Kansas Agri-Energy Project), Series 2005, in an aggregate maximum principal amount not to exceed \$50,000,000, for the purpose of acquiring, purchasing, constructing, installing and equipping a commercial project, consisting of an ethanol production facility, including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"), and that the City lease the Project to East Kansas Agri-Energy, L.L.C., a Kansas limited liability company, or its successor and assigns (the "Company"); and

**WHEREAS**, the governing body of the City further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the City enter into certain agreements, and that the City take certain other actions and approve the execution of certain other documents as herein provided;

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

**Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project.** The City is hereby authorized to provide for the acquisition, purchase, construction, installation and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.



**Section 2. Authorization of and Security for the Bonds.** The City is hereby authorized to issue and sell its Industrial Revenue Bonds (East Kansas Agri-Energy Project), Series 2005, in an aggregate maximum principal amount not to exceed \$50,000,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the City from the Project, and the Project and the net earnings derived by the City from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

**Section 3. Authorization of Documents.** The City is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the City (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Trust Indenture (the "Indenture"), between the City and Security Bank of Kansas City (the "Trustee"), pursuant to which the Bonds shall be issued and the City shall pledge the Project and assign the rents, revenues and receipts received pursuant to the hereafter defined Lease to the Trustee for the benefit of and security of the holder of the Bonds upon the terms and conditions as set forth in said form of Indenture;

(b) Lease Agreement (the "Lease"), between the City and the Company under which the City will agree to use the proceeds derived from the sale of the Bonds for the purpose of acquiring, purchasing, constructing, installing and equipping the Project and to lease the Project to the Company, and the Company will agree to make payments in amounts sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same become due;

(c) Bond Purchase Agreement dated the date set forth therein (the "Bond Purchase Agreement"), between the City and the Company, as Purchaser; and

(d) Tax Abatement Agreement (the "Tax Abatement Agreement"), between the City and the Company.

**Section 4. Execution of Bond and Documents.** The Mayor of the City is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor of the City is hereby authorized and directed to execute the Indenture, the Lease, the Bond Purchase Agreement, the Tax Abatement Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the Indenture, the Lease, the Bond Purchase Agreement, the Tax Abatement Agreement and such other documents, certificates and instruments as may be necessary.

**Section 5. Further Authority.** The City shall, and the officers, employees 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 intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the Indenture, the Lease, the Tax Abatement Agreement and the Bond Purchase Agreement.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

**PASSED** by the governing body of the City of Garnett, Kansas, this 14th day of June, 2005.

  
\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

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

Case No. Ordinance 3602

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 pub. June 17, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 29th day of September, 20 05.

Michelle Ware  
Notary Public



My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

ORDINANCE NO. 3603

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 5(A) AND ADDING A NEW, ADDITIONAL SECTION, TO CREATE AND DEFINE A NEW USER CLASSIFICATION FOR RAW WATER SALES AND ESTABLISHING THE RATE FOR SUCH USAGE; REPEALING EXISTING SECTION OF SAID TITLE.

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

SECTION 1: Title 4, Chapter 4, Section 5(A) is hereby amended to read as follows:

4-4-5: **WATER UTILITY SERVICE; CLASSIFICATION OF USERS; RATES:** Users of the water utility of the city are hereby classified and defined as follows:

(A) Water Utility Service; Classification Of Users:

1. Residential service - Standard Potable:

(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 said city.

(b) It shall be applicable to all potable water service required for residential purposes in individual, private dwellings and individually metered apartments and trailers. Resale of water under this classification shall not be permitted.

2. Residential Service - Outside City Potable:

(a) This classification of service shall be available in all territory served by the city water utility and which lies outside the corporate limits of said city.

(b) It shall be applicable to all potable water service required for residential purposes in individual, private dwellings and individually metered apartments and trailers. Resale of water under this classification shall not be permitted.

3. General Service - Standard Potable:

(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 said city.

(b) It shall be applicable to any customer served within the corporate limits of the city whose potable water service is not provided for by any other rate classification.

4. General Service - Outside City Potable:

(a) This classification of service shall be available in all territory served by the city water utility and which lies outside the corporate limits of said city.

(b) It shall be applicable to any customer served outside the corporate limits of the city whose potable water service is not provided for by any other rate classification.

5. Raw Water Service:

(a) This classification of service shall be available in all territory served by the city water utility, whether lying inside or outside the corporate limits of said city.

(b) It shall be applicable to any customer served with raw water.

SECTION 2: Raw Water Rate: All raw water sold by the city of Garnett, Kansas, from its water utility shall be charged for at the rate of

(A) \$75.00 for up to one hundred thousand (100,000) gallons of water during one monthly billing period and for monthly consumptions over one hundred thousand (100,000) gallons at the rate of \$0.40 per one thousand (1,000) additional gallons; and,

(B) To which shall be added the electrical energy charges for pumping such raw water, computed at the Large General Service rate.

SECTION 3: Title 4, Chapter 4, Section 5(A), as the same presently exists, is hereby repealed.

SECTION 4: The city's official codified is instructed to codify Section 2 of this ordinance as Title 4, Chapter 4, Section 5(E).

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

PASSED this 14th day of June, 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
no. 3603

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 pub. June 17, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

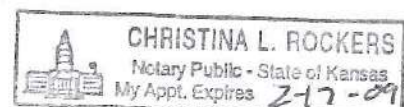
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 28th day  
of June 20 05.

Christina L. Rockers  
Notary Public

My appt. exp. 2-17-09

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3604

**AN ORDINANCE VACATING THE PUBLIC RIGHT OF WAY OF KANSAS AVENUE AND A PART OF A CERTAIN UTILITY EASEMENT WITHIN THE WESTGATE II ADDITION TO THE CITY OF GARNETT, KANSAS; AND 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 governing body of the city of Garnett, Kansas, upon recommendation of the city's planning commission, has approved the partial re-platting of Westgate II Addition to the City of Garnett, Kansas; and,

WHEREAS, there is no longer any public need for the public street right of way denominated "Kansas Avenue" on the said plat of Westgate II Addition; and,

WHEREAS, all utility easements needed to service the re-platted area are described and indicated upon the face of said re-plat, and there is no longer any public need for the utility easement running northerly from the northern-most northeast corner of Lot 4, Block 2 of the Westgate II Addition.

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

SECTION 1: The public right of way of the street denominated "Kansas Avenue," from its intersection with Eighth Street Place, on the north, and Westgate Road, on the east, (and running north and south and then east and west between Block 1 and Block 2 of the Westgate II Addition to the City of Garnett, Kansas), as shown on the original plat of Westgate II Addition to the City of Garnett, Kansas, is hereby vacated as a public street.

SECTION 2: The utility easement described and indicated as running generally north, from the northern-most northeast corner of Lot 4, Block 2 of the Westgate II Addition to the City of Garnett, Kansas, to the right of way of Kansas Avenue on said plat, as shown on the original plat of Westgate II Addition to the City of Garnett, Kansas, is hereby vacated.

SECTION 3: 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 alley right-of-way and said public utility easement, or either such vacation, 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 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 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 this 14th day of June, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance  
no. 3604

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 pub. June 17, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

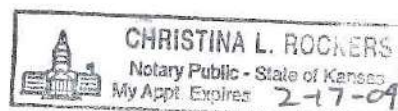
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 28th day  
of June 20 05.

Christina L. Rockers  
Notary Public

My appt. exp. 2-17-09

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3606

AN ORDINANCE AMENDING THE ELECTRIC SERVICE RATES OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR A FUEL ADJUSTMENT IN THE EXISTING MONTHLY RATE STRUCTURE.

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

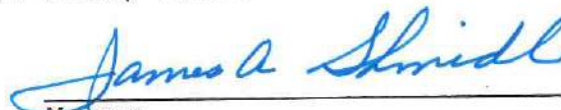
SECTION 1: The energy charge for Garnett's municipal electric utility, as fixed by Title 4, Chapter 4, Section 4 of the Municipal Code, shall be increased or decreased by the average cost of fuel which either exceeds or falls below \$0.03 per kilowatt hour delivered to the system at the net generation level. The term, "average cost of fuel" as used herein shall be defined as the total cost of fuel burned plus the energy component of purchased power for the previous calendar month, divided by the total kilowatt hours of energy delivered into the electric system in said month.

SECTION 2: The provisions of this ordinance shall apply to all billings issued on or after July 1, 2005.


SECTION 3: The city codifier is instructed to insert the provisions of this ordinance as a new section, Title 4, Chapter 4, Section 4.1, or denominating the same in some other distinctive manner immediately following existing Section 4 of said title and chapter.

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.

PASSED this 28th day of June, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

ORDINANCE NO. 3609

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, SPECIFICALLY TO AMEND THE SUPPLEMENTARY DISTRICT REGULATIONS OF ARTICLE 6, SUB-PART 2 OF THE ZONING ORDINANCE INsofar AS SUCH SUB-PART PROVIDES ADDITIONAL YARD REGULATIONS; REPEALING EXISTING PROVISIONS ON THE SAME SUBJECT AS PRESENTLY EXIST.

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to change the supplementary district regulations of Article 6, sub-part 2 thereof insofar as such provides additional yard regulations; 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:

SECTION 1. Article 6, Sub-part 2 of the Zoning Regulations of the City of Garnett, Kansas, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

2. Yard Regulations:

A. Minimum Yard Requirements: Except as hereinafter provided in Paragraph 5, the yard requirements established for each zone shall be adjusted in the following cases:

(1) Except in Zone B-2 (Business Central District), where the property fronts on a collector street or an arterial street (as identified in the Garnett comprehensive plan) or on a county roadway or a state or federal highway, the front yard setback shall as fixed by the planning commission (giving due regard to the topography, type of street, roadway or highway involved, approximate traffic flows and any other appropriate criteria), but in no event shall such setback be set at less than 40 feet as measured from the adjacent right of way line of said street, roadway or highway.

(2) The provisions of the preceding subparagraph shall not be applicable so as to reduce any setback otherwise required.

(3) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:

- a. Where no lots within the same block front on one of the two intersecting streets, the side yard requirement along such street shall be fifteen (15) feet, subject to the provisions of paragraph a. above.
- b. The buildable width of a lot of record at the effective date of the enactment shall not be reduced to less than 35 feet, except where necessary to provide a yard five (5) feet in width along the side street.

(4) Double frontage lots shall maintain the required front yard setback along both frontages.

(5) Where 50 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater than required, then:

- a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard setback shall be a line drawn between the two closest front corners of adjacent buildings on the two sides; or,
- b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

**B. Minimum Lot Area:** Area requirements are applicable to each dwelling in residential districts, and to each structure in all other districts, except industrial. Existing lots of record shall be subject to minimum side and rear depths of no less than 10 percent of the lot dimensions; and to front yard depths established by averaging the setback of existing adjacent structures.

Section 2. The provisions of Article 6 sub-part 2 of the zoning regulations of the City of Garnett, Kansas, as adopted by Ordinance 3059 and as the same presently exist are hereby repealed.

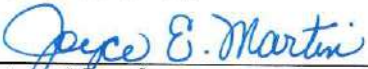
Section 3. This ordinance shall take effect and be in force

from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 25th day of July, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance  
# 3609

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 pub. July 29, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 29<sup>th</sup> day  
of July, 2005.

Michelle Ware  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3610

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR AND ALLOW CAMPS AND RECREATIONAL VEHICLE PARKS AS SPECIAL-PERMITTED USES IN ZONES B-1 (BUSINESS GENERAL DISTRICT), B-2 (BUSINESS CENTRAL DISTRICT) AND A-1 (AGRICULTURAL DISTRICT).

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance to provide for and allow camps and recreational vehicle parks as special-permitted used in Zones B-1 (Business General District), B-2 (Business Central District) and A-1 (Agricultural District); 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:

SECTION 1: Camps and Recreational Vehicle Parks (GRP 70/SIC 703; Industry #7033) shall be allowed in Zones B-1 (Business General District), B-2 (Business Central District) and A-1 (Agricultural District) upon a special use permit; and Ordinance No. 3059 is hereby so amended.

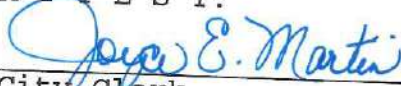
SECTION 2: The Use Description Grid (Exhibit A to Ordinance No. 3059) shall be amended by interlineation to reflect the provisions of Section 1 hereof and shall be thus used to exhaustion of the present supply. The City Clerk is directed to make appropriate changes in the master copy before additional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

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.

PASSED this 25th day of July, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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



Case No. Ordinance  
# 3610

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 pub. July 29, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 29<sup>th</sup> day of JULY, 2005.

Michelle Ware  
Notary Public



My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

**ORDINANCE NO. 3611**

**AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES  
LEVIED FOR BUDGET YEAR 2005 NECESSARY TO FINANCE PUBLIC  
SERVICES FOR THE CITY OF GARNETT.**

Be it ordained by the Governing Body of the City of Garnett:

Section One. In accordance with state law, the City of Garnett has conducted a public hearing and has published the proposed budget necessary to fund City services from January 1, 2006 until December 31, 2006.

Section Two. After careful public deliberations, it is hereby attested that in order to maintain the public services, which are essential for the citizens of this city, it will be necessary to utilize property tax revenues in an amount which exceeds the revenues expended in the budget year 2005.

Section Three. This ordinance shall take effect after its publication once in the official City newspaper.

Passed and approved by the Governing Body on this 25th day of July, 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

Case No. Ordinance  
# 3011

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 pub. July 29, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

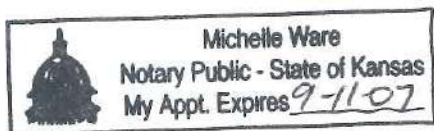
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 29<sup>th</sup> day  
of July, 2005.

Michelle Ware  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



**ORDINANCE NO. 3612**

**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, following a hearing by said commission, upon proper notice, and this governing body having therefore accepted the recommendations of the planning commission, the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

A tract of land located in the Southwest Quarter of Section 29, Township 20 South, Range 20 East of the 6th P.M. in Anderson County, Kansas more particularly described as follows:

Beginning at a point on the West line of the Southwest Quarter of said Section 29, said point of beginning being 812.89 feet N.0°07'47"E. (Being an assumed bearing) of the Southwest corner of said Section 29; thence along the West line of the Southwest Quarter of said Section 29 N.0°07'47"E. 865.65 feet; thence N.89°57'54"E. 1309.44 feet; thence S.0°12'52"W. 259.38 feet to a point on the westerly right of way line of U.S. highway No. 169; thence along the westerly right of way line of said U.S. highway No. 169 S.45°44'18"W. 1081.02 feet; thence S.89°57'50"W. 248.79 feet; thence N.0°07'47"E. 150.00 feet; thence S.89°57'50"W. 290.00 feet to the point of beginning, containing 22.838 acres, (Better known as Prairie Plaza Addition to the City of Garnett, Kansas) excluding a Tract of land owned by F.R. Jack and E.O. Boyle containing .129 acres, recorded in book 110 on page 589 at the Anderson County Register of Deeds. Described below as recorded.


Commencing at a point two hundred (200) feet North of a point forty-eight (48) links East of the Southwest corner of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section twenty-nine (29) Township twenty (20) Range twenty (20) in Anderson County, Kansas, running thence East forty (40) feet, thence South one hundred forty (140) feet, thence West forty (40) feet, thence North one hundred forty (140) feet to place of beginning.

is hereby changed from "R-S Residential Suburban District" 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 part of Ordinance 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 July, 2005.

  
\_\_\_\_\_  
Mayor

Attest:

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

**ORDINANCE NO. 3614**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE PATRIOT'S BANK, AS LESSOR, WITH RESPECT TO A HEIL 16 YARD MODEL 4000 WITH INTERNATIONAL CHASSIS.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a Heil 16 Yard Model 4000 with International Chassis for use by the City (the "Equipment"); and

**WHEREAS**, the City has accepted the proposal of Patriot's Bank for a lease transaction with respect to the Equipment; and

**WHEREAS**, in order to facilitate the acquisition and general improvement 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 Patriot's Bank (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 Mayor 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

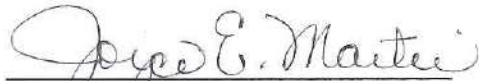
intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease and the Equipment.

**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 9<sup>th</sup> day of August, 2005.

  
James A. Shmidl, Mayor

Attest:

  
Joyce E. Martin, City Clerk

ORDINANCE NO. 3615

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9, SECTIONS 2, 10 AND 11 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, TO ALLOW THE ISSUANCE OF TEMPORARY PERMITS FOR THE SALE FOR CONSUMPTION ON PREMISES OF CEREAL MALT BEVERAGE; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AS THE SAME PRESENTLY EXIST.

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

SECTION 1. Title 5, Chapter 9, Section 2 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

5-9-2: LICENSE AND PERMIT FEES: The fees charged to allow persons to engage in the retail of cereal malt beverages hereunder within the City limits are hereby prescribed as follows:

(A) For each place of business selling only at retail cereal malt beverages in original and unbroken case lots and not for consumption on the premises, fifty dollars (\$50.00) per calendar year.

(B) For each place of business selling cereal malt beverages at retail for a particular event on what is commonly called a temporary permit, such fee as shall be fixed by the governing body in granting the said temporary permit, but in no case less than fifty dollars (\$50.00) for said event.

(C) For each other place of business selling cereal malt beverages at retail, seventy five dollars (\$75.00) per calendar year.

For annual licenses, the full amount of the license fee shall be required, regardless of the time of the year in which the application is made and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued. For temporary permits, the permit shall specify the days and hours of each day such sale 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.

SECTION 2. Title 5, Chapter 9, Section 10 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

5-9-10: LOCATION OF PREMISES: No license authorizing the sale of cereal malt beverages at retail issued



under Subsection C of this title and chapter shall be issued which would permit the location of the premises of such place of business within the City of Garnett, Kansas, other than in the following locations, to-wit:

(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.

(B) Any lot or tract, part of which abuts Maple Street between Park Road and Sixth Avenue; PROVIDED, HOWEVER, such licensed premises shall utilize Maple Street for all public entrances thereto or exits therefrom.

(C) The location of such business premises other than within one of the specifically designated locations in this Section is prohibited, except as provided in Subsection D or Subsection E hereof.

(D) A temporary permit may be issued for any location within the corporate limits of the city, except no such permit shall be issued for any premises licensed under any other provisions of this title and chapter; nor shall such be issued for the premises of any business or location licensed under the laws of Kansas regulating the sale of alcoholic liquor. A temporary permit shall not be issued for an event of more than three days' duration. The area constituting the premises in which cereal malt beverage is to be served shall be specified on the application and shall be defined by some physical barrier such as a fence, barricade, tent or similar feature if not within the confines of a structure or building.

(E) The City Commission may grant an exception to this Subparagraph A, Subparagraph B or Subparagraph C, for good cause shown. Any person desiring an exception shall, at the time of submission of his application for license, endorse on such application a request for the desired exception. After receiving an application for a license so endorsed, the City Commission shall hold a public hearing on the request for such exception at least twenty (20) days notice of the time and place of which shall be given by publication in an official City newspaper. Such exception, if granted, shall be

personal and shall extend only to the applicant and not to his heirs, successors, or assigns, but shall be good only for so long as applicant shall be licensed to sell at retail cereal malt beverages under subsection 5-9-2(C) of the Municipal Code.

SECTION 4. Title 5, Chapter 9, Section 11 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

5-9-11: HOURS OF CLOSING SPECIFIED; QUALIFICATION AND REGISTRATION OF EMPLOYEES; NO PRIVATE AREAS; CONSUMPTION LIMITED; SUNDAY SALES PROHIBITED; EXCEPTIONS AND PROVISIONS APPLICABLE TO TEMPORARY PERMITS:

(A) Every premises licensed under Subsection C of Section 2 of this title and chapter 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 cereal malt beverage who is not a person of good character and reputation in the community in which he resides and who is not a citizen of the United States and who, within two (2) years immediately preceding the date of his employment or during his employment, has been convicted of a felony or any crime involving a moral turpitude or been adjudged guilty of drunkenness or 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 Subsection B or Subsection C of Section 2 of this title and chapter 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 State Director of Alcoholic Beverage Control.

(D) No licensee or permittee shall consume or permit any other person to consume any 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 cereal malt beverage or

alcoholic liquor during the hours he is on duty at such business.

(E) Except for licensees who are licensed pursuant to both this title and chapter and the State Club and Drinking Establishment Act:

1. No 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; and

2. Except under a temporary permit, no cereal malt beverage shall be sold on Sunday except in a place of business licensed hereunder which also derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the licensed premises.

(F) With respect particularly to event sponsors holding a temporary permit:

1. A permit holder shall not sell cereal malt beverage for removal from or consumption off the permitted premises.

2. A permit holder shall be responsible for the conduct at an event. The permit holder shall be responsible for all violations of this title and chapter and the applicable Kansas law by an employee or volunteer worker and any employee of any person contracting with the permit holder to provide goods or services in connection with an event.

3. An individual permit holder shall be present at all times during an event, or designate another individual who will be responsible for the conduct of the event in the permit holder's absence.

4. An organization that is a permit holder shall designate one or more agents who shall be present at all times during an event who will be responsible for the conduct of the event.

5. The permit holder shall prominently display at such event the temporary license or permit and the name of the agent of the organization who is in charge of the event.

6. No event shall be operated between the hours of 2:00 a.m. and 9:00 a.m. of any day, and no sales of cereal malt beverage shall occur during such hours; PROVIDED, HOWEVER, nothing in this

subsection shall be construed to allow such operation or sale at any time not specifically stated in the said temporary permit.

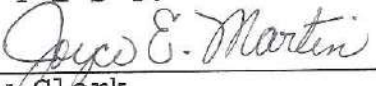
SECTION 5. The provisions of Title 5, Chapter 9, Sections 2, 10 and 11, as the same presently exist, are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 9th day of August, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

ORDINANCE NO. 3617

OF

THE CITY OF GARNETT, KANSAS

PASSED

August 23, 2005

\$525,000

COMBINED UTILITY SYSTEM TAXABLE REVENUE BONDS  
SERIES 2005

---

(PUBLISHED IN *THE ANDERSON COUNTY REVIEW* ON AUGUST 26 2005)

**ORDINANCE NO. 3617**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$525,000 PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM TAXABLE REVENUE BONDS, SERIES 2005, OF THE CITY OF GARNETT, KANSAS; 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 City is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the City is authorized under the provisions of the Act, to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the Combined Utility System, provided that the principal of and interest on such revenue bonds shall be payable solely from the Net Revenues derived by the City from the operation of the Combined Utility System; and

**WHEREAS**, the governing body of the City has pursuant to Resolution No. 05-10-05-1 declared its intention under the Act to acquire, construct, reconstruct, alter, repair, improve, extend or enlarge the Combined Utility System (the "Project") at an estimated cost of not to exceed \$1,100,000 and to issue Combined Utility System Taxable Revenue Bonds in an amount of not to exceed \$1,400,000; notice of such intention was published one time in the official newspaper of the City and no sufficient written protest thereto was filed with the Clerk within fifteen (15) days after said publication date all as set forth in the Act; and

**WHEREAS**, none of such revenue bonds so authorized have heretofore been issued and the City proposes to issue \$525,000 of the revenue bonds so authorized to pay a portion of the costs of the Project; and

**WHEREAS**, the governing body of the City has caused plans and specifications for the Project and an estimate of the cost thereof to be made and the same are hereby accepted and approved and shall be placed on file in the office of the Clerk; and

**WHEREAS**, the principal amount of the Series 2005 Bonds (as defined herein) does not exceed the maximum principal amount of the bonds described in Resolution No. 05-10-05-1, and

**WHEREAS**, the Issuer does not have Outstanding any System Indebtedness other than the Parity Bonds; and

**WHEREAS**, the Parity Resolution provides the City may issue Additional Bonds which constitute Parity Bonds upon the satisfaction of certain conditions; and

WHEREAS, prior to or simultaneously with the issuance of the Series 2005 Bonds, such terms and conditions will be satisfied.

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.*, and K.S.A. 10-1201 *et seq.*, all as amended and supplemented from time to time.

"Additional Bonds" means any bonds secured by the Revenues hereafter issued pursuant to the Bond Resolution.

"Additional Obligations" means any leases or other obligations of the Issuer payable from the Revenues, other than the Bonds.

"Bond Resolution" means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Series 2005 Bonds and making covenants with respect thereto.

"Bonds" means the Series 1999 Bonds, the Series 2005 Bonds and any Additional Bonds.

"City" means the City of Garnett, Kansas.

"Clerk" means the duly appointed and acting Clerk of the Issuer or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk.

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

"Expenses" means all reasonable and necessary expenses of operation, maintenance and repair of the System and keeping the System in good repair and working order (other than interest paid on System Indebtedness and depreciation and amortization charges during the period of determination), determined in accordance with generally accepted accounting principles, including without limiting the generality of the foregoing, current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, paying agent fees and expenses, annual audits, periodic Consultant's reports, properly allocated share of charges for insurance, the cost of purchased water, gas and power, if any, for System operation, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, short-term obligations incurred and payable within a particular Fiscal Year, other obligations or indebtedness incurred for the purpose of leasing (pursuant to a true or operating lease) equipment, fixtures, inventory or other personal property, and all other expenses incident to the operation of the System, but shall exclude all general administrative expenses of the City not related to the operation of the System and transfers into the Debt Service Reserve Account and Depreciation and Replacement Account provided for in the Bond Resolution.

"Fiscal Year" means the twelve month period ending on December 31.

"Mayor" means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

"Net Revenues" means, for the period of determination, all Revenues less all Expenses.

"Ordinance" means this Ordinance authorizing the issuance of the Bonds.

"Parity Bonds" means the Outstanding Series 1999 Bonds, Series 2005 Bonds, and any Additional Bonds hereafter issued pursuant to the Bond Resolution and standing on a parity and equality with the Series 2005 Bonds with respect to the lien on the Net Revenues.

"Parity Obligations" means any Additional Obligations hereafter issued or incurred pursuant to the Bond Resolution and standing on a parity and equality with the Series 2005 Bonds with respect to the lien on the Net Revenues.

"Parity Resolution" means the Series 1999 Resolution, the Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

"Project" means the acquisition, construction, reconstruction, alterations, repair, improvements, extensions or enlargements of the System described in Resolution No. 05-10-05-1 of the City and referred to in the Preamble to this Ordinance.

"Revenue Fund" means the Combined Utility System Revenue Fund referred to in the Bond Resolution.

"Revenues" means all income and revenues derived and collected by the City from the operation and ownership of the System, including investment and rental income, net proceeds from business interruption insurance, transfers from the Surplus Account to the Revenue Fund of Net Revenues derived in a prior Fiscal Year and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on System Indebtedness, but excluding any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets.

"Series 1999 Bonds" means the Issuer's Combined Utility Revenue Bonds, Series 1999, in the original aggregate principal amount of \$1,500,000.

"Series 1999 Bonds Resolution" means collectively the Issuer's Resolution No. 5/25/99-1 relating to the Series 1999 Bonds and any supplemental resolution authorizing any Additional Bonds.

"Series 2005 Bonds" means the Issuer's Combined Utility System Taxable Revenue Bonds, Series 2005, in the aggregate principal amount of \$525,000, authorized by this Ordinance.

"State" means the State of Kansas.

"System" means the electric generating plants and all appurtenances thereto, the electric distribution system, and the electric street lighting system, now serving the City and its inhabitants and others, together with all extensions and improvements thereto hereafter made or acquired by the City, and the entire combined waterworks plant and system and sewerage plant and system owned and operated by



the City for the production, storage, treatment and distribution of water, and for the collection, treatment and disposal of sewage, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

"System Indebtedness" means collectively all Bonds and all Additional Obligations.

**Section 2. Authorization of the Series 2005 Bonds.** There shall be issued and are hereby authorized and directed to be issued the Combined Utility System Taxable Revenue Bonds, Series 2005, of the City in the aggregate principal amount of \$525,000 for the purpose of providing funds to: (a) pay a portion of the costs of the Project; and (b) pay costs of issuance of the Series 2005 Bonds; and (c) make a deposit to the Debt Service Reserve Account.

**Section 3. Security for the Series 2005 Bonds.** The Series 2005 Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Series 2005 Bonds. The Series 2005 Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Series 2005 Bonds, either as to principal or interest.

The covenants and agreements of the City contained herein and in the Series 2005 Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Series 2005 Bonds, all of which Series 2005 Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Series 2005 Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Series 2005 Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues with any Parity Bonds. The Series 2005 Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Parity Bonds; and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Series 2005 Bonds.

**Section 4. Terms, Details and Conditions of the Series 2005 Bonds.** The Series 2005 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.

**Section 5. 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 System, 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 Expenses; (b) pay the principal of and interest on the Bonds as and when the same become due; and (c) provide reasonable and adequate reserves for the payment of the Parity Bonds and the interest thereon and for the protection and benefit of the System as provided in this Ordinance and the Bond Resolution. The Bond Resolution may establish requirements in excess of the requirements set forth herein.

**Section 6. Tax Covenants.** The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including Code § 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Series 2005 Bonds; and (b) it will not use or permit the use of any proceeds of Series 2005 Bonds or any other funds of the City, nor take or permit any

other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Series 2005 Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Series 2005 Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

**Section 7. 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 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 8. Governing Law.** This Ordinance and the Series 2005 Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 9. 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.

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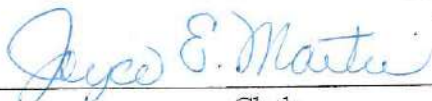
PASSED by the governing body of the City on and signed by the Mayor.

(SEAL)

  
\_\_\_\_\_

Mayor

ATTEST:

  
\_\_\_\_\_

Clerk

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**ORDINANCE NO. 3619**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A      **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$12.00 per thousand cubic feet sold.

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

SECTION 3: This ordinance shall take effect and be in force from and after September 1, 2005, and after its publication in an official City newspaper.

PASSED this 13<sup>th</sup> day of September, 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance #369

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 pub. September 16, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

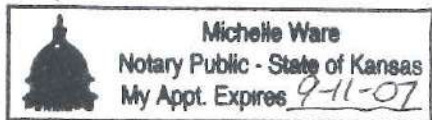
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 29<sup>th</sup> day of September 20 05.

Michelle Ware  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



**ORDINANCE NO. 3622**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A            **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$13.00 per thousand cubic feet sold.


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

SECTION 3: This ordinance shall take effect and be in force from and after October 1, 2005, and after its publication in an official City newspaper.

PASSED this 11<sup>th</sup> of October, 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance No  
3622

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 pub. Friday Oct 14, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

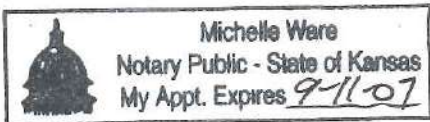
Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 18<sup>th</sup> day  
of October \* 20 05.

Michelle Ware  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3623

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519 ET SEQ.

WHEREAS, the land hereinafter described is located in Anderson County, Kansas; and,

WHEREAS, the owner thereof has petitioned for and consented to the annexation of the same by the city of Garnett, Kansas, the land also being contiguous to an existing boundary of said city, and the provisions of K.S.A. 12-519 et seq. have been met; and,

WHEREAS, the city of Garnett, Kansas, finds it advisable and desirable to annex such land.

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

Section 1: The following described land, to-wit:

Beginning at a point 200 feet north of a point 48 links east of the southwest corner of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section 29, Township 20 South, Range 20 East of the 6th P.M., thence running East 40 feet, thence South 140 feet, thence West 40 feet, thence North 140 feet to the place of beginning, containing 0.129 acres more or less, in Anderson County, Kansas

is hereby annexed to and made a part of the city of Garnett, Kansas.

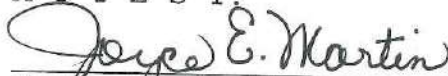
Section 2: This land shall become a part of the addition to the city commonly called and known as "Prairie Plaza Addition to the city of Garnett, Kansas."

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 11<sup>th</sup> day of October, 2005.

  
James A. Shmidl, Mayor

A T T E S T:

  
Joyce E. Martin  
City Clerk



Case No. Ordinance No  
3623

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.

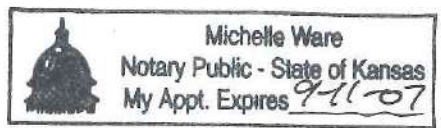
The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st pub. Friday Oct 14, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 18<sup>th</sup> day of October 2005.

Michelle Ware  
Notary Public



My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

TRIPLETT, WOOLF & GARRETSON, LLC

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ORDINANCE NO. 3624

OF THE  
CITY OF GARNETT, KANSAS

AUTHORIZING THE ISSUANCE OF

\$925,000  
CITY OF GARNETT, KANSAS  
TAXABLE INDUSTRIAL REVENUE BONDS  
SERIES A, 2005  
(GARNETT HOSPITALITY, L.L.C.)

\$350,838.20  
CITY OF GARNETT, KANSAS  
SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS  
SERIES B, 2005  
(GARNETT HOSPITALITY, L.L.C.)

---

ORDINANCE NO. 3624

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2005 (GARNETT HOSPITALITY, L.L.C.), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$925,000 AND ITS SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2005 (GARNETT HOSPITALITY, L.L.C.) IN THE AGGREGATE AMOUNT OF \$350,838.20 FOR THE PURPOSES OF (1) PAYING THE COSTS OF PURCHASING, ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING A MOTEL, STORAGE UNIT AND RECREATIONAL VEHICLE PARKING FACILITY LOCATED IN THE CITY OF GARNETT, KANSAS, AND (2) PAYING CERTAIN COSTS OF ISSUANCE; AUTHORIZING THE EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND CENTRAL NATIONAL BANK, JUNCTION CITY, KANSAS, AS TRUSTEE; AUTHORIZING THE CITY TO LEASE THE PROJECT TO GARNETT HOSPITALITY, L.L.C.; AUTHORIZING EXECUTION OF A LEASE BETWEEN THE CITY AND GARNETT HOSPITALITY, L.L.C.; APPROVING THE FORM OF A GUARANTY AGREEMENT; APPROVING THE FORM OF AN INDIVIDUAL GUARANTY AGREEMENT; AUTHORIZING THE EXECUTION OF A BOND PLACEMENT AGREEMENT BY AND BETWEEN THE CITY, GARNETT HOSPITALITY, L.L.C. AND CENTRAL NATIONAL BANK, HILLSBORO, KANSAS AS PURCHASER OF THE SERIES A, 2005 BONDS; AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND GARNETT HOSPITALITY, L.L.C., AS PURCHASER OF THE SERIES B, 2005 BONDS.

WHEREAS, the City of Garnett, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to issue revenue bonds to pay the cost of certain facilities, as such term is defined in the Act, for the purposes set forth in the Act, and to lease and otherwise dispose of such facilities to any person, firm or corporation; and

WHEREAS, the Issuer has heretofore and does hereby find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds, Series A, 2005 (Garnett Hospitality, L.L.C.), to be dated as of their issuance and delivery, in the aggregate principal amount of \$925,000 (the "Series A, 2005 Bonds") and its Subordinated Taxable Industrial Revenue Bonds, Series B, 2005 (Garnett Hospitality, L.L.C.), to be dated as of their issuance and delivery, in the initial principal amount of \$350,838.20, (the "Series B, 2005 Bonds") for the purpose of paying the costs of purchasing, acquiring, constructing, furnishing and equipping a motel, storage unit and

recreational vehicle parking facility (collectively the "Project") and paying certain costs of issuance; and

WHEREAS, the Series A, 2005 Bonds and Series B, 2005 Bonds (collectively the "2005 Bonds") and the interest thereon shall not constitute an indebtedness of the Issuer, within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability by the Issuer, nor shall any 2005 Bond or the interest thereon be a charge against the general credit or taxing powers of the Issuer. The 2005 Bonds are not general obligations of the Issuer and are payable solely and only from certain fees, rentals, revenues and other amounts derived by the Issuer pursuant to the Lease and, under certain circumstances, from the proceeds of the 2005 Bonds and insurance and condemnation awards; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of said 2005 Bonds (i) to execute and deliver a Trust Indenture dated as of October 1, 2005, (the "Indenture"), by and between the Issuer and Central National Bank, Junction City, Kansas, as (the "Trustee"), for the purpose of issuing and securing the 2005 Bonds as provided therein; and (ii) execute and deliver a Lease, dated as of October 1, 2005 (the "Lease"), by and between the Issuer, as Landlord, and Garnett Hospitality, L.L.C., as Tenant (the "Tenant") for the purpose of leasing the Project to the Tenant in consideration for payments of Basic Rent, Additional Rent and other charges provided for therein; and to execute such other documents and agreements in connection with the issuance of the 2005 Bonds as hereinafter provided.

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

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and Lease hereinafter authorized and defined.

Section 2. Authorization to Cause the Project to be Acquired, Constructed and Installed. The governing body of the Issuer hereby declares that the Project, if in being, would promote the welfare of the City of Garnett, Kansas, and the Issuer is hereby authorized to provide for the acquisition and construction of the Project in accordance with the provisions of the Indenture, all as provided herein and the Indenture and Lease hereinafter authorized.

Section 3. Authorization of and Security for the 2005 Bonds. There is hereby authorized and directed to be issued two series of revenue bonds to be designated (i) "City of Garnett, Kansas, Taxable Industrial Revenue Bonds, Series A, 2005 (Garnett Hospitality, L.L.C.)," in the aggregate principal amount of \$925,000 (the "Series A, 2005 Bonds") and (ii) "City of Garnett, Kansas, Subordinated Taxable Industrial Revenue Bonds, Series B, 2005 (Garnett Hospitality, L.L.C.)," in the initial aggregate principal amount of \$350,838.20 (the "Series B, 2005 Bonds") for the purpose of financing the costs of the Project and paying certain costs of issuance.

The Series A, 2005 Bonds and Series B, 2005 Bonds (collectively the "2005 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 in the manner

prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Series A, 2005 Bonds shall be on a parity with, and equal in priority to, one another and with any Additional Bonds which may be issued on a like parity within the meaning and pursuant to the terms and provision of the Indenture herein defined. The 2005 Bonds shall be special limited obligations of the Issuer payable solely from the revenues derived by the Issuer pursuant to the Lease, or otherwise in connection with the Project. The 2005 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the Issuer within the meaning of any constitutional or statutory provision and shall not be payable in any manner from tax revenues. The Series B, 2005 Bonds shall be subordinated to the Series A, 2005 Bonds. Series A, 2005 Bonds will be given full preference of payment with respect to the principal of, premium, if any, and interest thereon; provided that, so long as the Tenant is not in Default, principal of and interest on the Series B, 2005 Bonds shall be paid concurrently, when applicable, with that of the Series A, 2005 Bonds.

Section 4. Authorization of Indenture. The Issuer is hereby authorized to enter into an Indenture, dated as of October 1, 2005, (the "Indenture") by and between the Issuer and Central National Bank, Junction City, Kansas, as Trustee (the "Trustee"), under which the Issuer shall pledge and assign to the Trustee, for the benefit of the holders of the 2005 Bonds, the Trust Estate created thereby, all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of Project. The Issuer shall cause the Project to be acquired, purchased, constructed and equipped and shall lease the Project to the Tenant, pursuant to and in accordance with the terms and provisions of the Lease Agreement, dated as of October 1, 2005 (the "Lease"), by and between the Issuer and the Tenant.

Section 6. Approval of the Form of Guaranty Agreement. The form of Guaranty Agreement, dated as of October 1, 2005, (the "Guaranty Agreement") pursuant to which the Tenant guarantees to the Trustee, for the benefit of the Owners of the 2005 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the 2005 Bonds, is hereby approved.

Section 7. Approval of the Form of Individual Guaranty Agreement. The form of Individual Guaranty Agreement dated as of October 1, 2005, pursuant to which Ronald McVey, C. Phillip Griffin, Gene Merry, Kathryn J. Strahm, James Thweatt, John Gillman, Eric Slaymaker, Denise A. Slaymaker, Rick Thompson, Scott Grimmett and Jenifer L. Trimble, as Individual Guarantors (the "Individual Guarantors"), guarantee to the Trustee, for the benefit of the owners of the Series A, 2005 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the Series A, 2005 Bonds, is hereby approved.

Section 8. Authorization of Bond Placement Agreement. The Series A, 2005 Bonds shall be sold and delivered pursuant to and in accordance with the terms and provisions of the Bond Placement Agreement, dated as of October 1, 2005 (the "Bond Placement Agreement"), by and between the Issuer; the Tenant; and Central National Bank, Hillsboro, Kansas, as the purchaser of the Series A, 2005 Bonds.

Section 9. Authorization of Bond Purchase Agreement. The Series B, 2005 Bonds shall be sold and delivered pursuant to and in accordance with the terms and provisions of the Bond Purchase

Agreement, dated as of October 1, 2005 (the "Bond Purchase Agreement"), by and between the Issuer and the Tenant, as the purchaser of the Series B, 2005 Bonds.

Section 10. Execution of Series 2005 Bonds and Related Agreements and Documents. The Mayor is hereby authorized and directed to execute the 2005 Bonds and deliver same to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor is authorized and directed to execute and deliver the Indenture, the Lease, the Bond Purchase Agreement and the Bond Placement Agreement for and on behalf of and as the act and deed of the Issuer in substantially the forms as they are presented today with such minor corrections or amendments thereto as the Mayor shall approve (after consultation with the City Attorney), which approval shall be evidenced by his or her execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or any Deputy City Clerk of the Issuer are hereby authorized and directed to attest the execution of the 2005 Bonds, the Indenture, the Lease, the Bond Purchase Agreement and the Bond Placement Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 11. Pledge of the Project. The Issuer hereby pledges the Project to the payment of the 2005 Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the 2005 Bonds and any Additional Bonds issued under the Indenture shall be deemed to have been paid within the meaning of the Indenture.

Section 12. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer 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 provisions of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the 2005 Bonds, the Indenture, the Lease, the Bond Purchase Agreement and the Bond Placement Agreement, all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 13. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the Issuer and publication once in the official newspaper of the Issuer.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Garnett,  
Kansas this 11th day of October, 2005.

CITY OF GARNETT, KANSAS

[seal]

By James A. Shmidl  
James A. Shmidl, Mayor

ATTEST:

By Joyce E. Martin  
Joyce E. Martin, City Clerk

ORDINANCE NO. 3627

**AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520; REPEALING ORDINANCE NO. 3597.**

**WHEREAS**, the following described land is located in Anderson County, Kansas, and adjoins a present boundary of the City of Garnett, Kansas; and

**WHEREAS**, a written petition for annexation of the following described land, signed by the owners thereof, has been filed with the City of Garnett, Kansas pursuant to K.S.A. 12-520 (a)(7) (Supp.); and

**WHEREAS**, the governing body of the City of Garnett, Kansas, having found it advisable to annex such land, passed Ordinance No. 3597, but through inadvertence, the land was mis-described; and

**WHEREAS**, it is necessary to correct such error and annex said lands utilizing the correct description.

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

Section 1. The following described land to wit:

The North Half (N/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, Anderson County, Kansas, LESS highway and also LESS a tract beginning at the Southwest Corner of the North Half (N/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), thence running North 150 feet, thence East 290 feet, thence South 150 feet, thence West 290 feet to the place of beginning;

ALSO beginning at the Southwest corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of said Section Twenty-nine (29), thence East 19.84 chains, thence North to a point 10.56 feet West and 973 feet South of the Northeast corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), thence West 1309.44 feet to the West line of Section Twenty-nine (29), thence South to the place of beginning, LESS Commencing at a point 60 feet North of a point 48 links East of the Southwest corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), thence running North 170 feet, thence East 20 feet, thence South 30 feet, thence East 20 feet, thence South 140 feet, thence West 40 feet to the place of beginning.



Ordinance No. 3627

Page 2

having met the applicable conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas.

Section 2. Ordinance No. 3597 is hereby repealed.

Section 3. This ordinance shall be effective from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED by the Governing Body of the City of Garnett, Kansas this 8th day of November, 2005

  
James A. Shmidl, Mayor

ATTEST:

  
Joyce E. Martin, City Clerk

Case No. Ordinance  
#3627

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 pub. Friday December 2, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

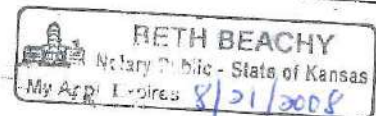
Barbara Thompson  
Vern Brown/Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 7<sup>th</sup> day of December 20 05.

Beth Beachy  
Notary Public

My appt. exp. 8/21/2008

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3628

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", 2005 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", 2005 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. 3628" 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 2005, 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, 2005.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3628

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 pub. Friday December 2, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson

Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 7<sup>th</sup> day  
of December, 20 05.

Beth Beachy  
Notary Public

My appt. exp. 8/21/2008

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3631

=====
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, 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, to-wit:

Beginning at a 1/2" rebar at the southwest corner of the
Southeast Quarter (SE1/4) of Section 30, Township 20 South,
Range 20 East of the 6th P.M., Anderson County, Kansas,
THENCE North 02°14'48" West for a distance of 925.52 feet to
a 1/2" rebar on the west line of said Southeast Quarter (SE1/4);
THENCE South 68°39'56" East for a distance of 896.17 feet to
a 1/2" rebar; THENCE South 74°03'04" East for a distance of
428.02 feet to a 1/2" rebar; THENCE South 02°14'48" East for a
distance of 444.00 feet to a 1/2" rebar on the south line of
said Southeast Quarter (SE1/4); THENCE South 88°15'01" West
for a distance of 1228.00 feet along said south line to the
POINT OF BEGINNING, containing 18.89 acres, more or less, in
Anderson County, Kansas,

be changed as requested; the zoning classification thereof is
HEREBY CHANGED from R-S Residential Suburban District to I-1
Light Industrial District.

SECTION 2: Upon the effective date of this 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 3059
under which authority this ordinance is adopted.

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.

PASSED by the Commission, Two members voting Aye; -0-
members voting Nay; on this 13th day of December, 2005.

James A. Schmidt
Mayor

A T T E S T:
Joyce E. Martin
City Clerk

Case No. Ordinance  
# 3631

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 \_\_\_\_\_ consecutive weeks, to-wit:

1st pub. Friday, December 23, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 30th day  
of December 20 05

Christina Z. Reckers  
Notary Public

My appt. exp. 2-19-09

Printer's Fees: \$ \_\_\_\_\_

CHRISTINA L. RECKERS  
Notary Public - State of Kansas  
2005 2-19-09

ORDINANCE NO. 3632

AN ORDINANCE AMENDING TITLE 10, CHAPTER 7, SECTION 4(D) OF THE MUNICIPAL CODE, FIXING PENALTIES UPON CONVICTION OF VIOLATION OF SOME SECTIONS OF THE MUNICIPAL CODE; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

SECTION 1. Title 10, Chapter 7, Section 4(D) of the Municipal Code is hereby amended to read as follows:

10-7-4: PENALTY:

\* \* \* \*

(D) Every person convicted of a violation of any of the provisions of this title for which another penalty is not provided, or which is not listed on the schedule of fines established by the judge of the municipal court, shall be punished for the first conviction thereof, by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one (1) month or by both such fine and imprisonment; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than twenty-five hundred dollars (\$2,500.00) or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

\* \* \* \*

SECTION 2. Title 10, Chapter 7, Section 4(D) 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 13th day of December, 2005.

  
James A. Shmidl, Mayor

ATTEST:

  
Joyce E. Martin, City Clerk



Case No. Ordinance  
# 3632

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 pub. Friday December 23, 2005  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson

Vern Brown / Barbara Thompson  
Publisher

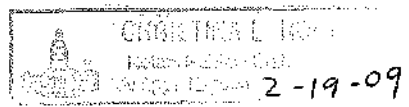
Subscribed and sworn to before me, this 30th day  
of December 2005

Christina Z Rockus

Notary Public

My appt. exp. 2-19-09

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3634

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 14 OF THE MUNICIPAL CODE, REGULATING THE USE OF SIDEWALKS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

SECTION 1. Title 6, Chapter 1, Section 14 of the Municipal Code is hereby amended to read as follows:

6-1-14: USE OF SIDEWALKS RESTRICTED:

- (A) It shall be unlawful for any person to ride or coast upon or use any bicycle, tricycle, skates, rollerblades, skateboard, scooter, sled, child's wagon, or other toy vehicle upon any sidewalk in any business district in the City, or, except as hereinafter provided, to park or otherwise leave unattended any such bicycle, tricycle, skates, rollerblades, skateboard, scooter, sled, child's wagon, or other toy vehicle on any sidewalk anywhere within the City; provided, however, nothing in this Section shall be construed to prohibit a parent or other adult from pulling a child's wagon upon any sidewalk anywhere within the City.
- (B) Anyone operating or using any bicycle, tricycle, skates, rollerblades, skateboard, scooter, sled, child's wagon, or other toy vehicle on any sidewalk in a residential area shall yield right of way to all pedestrians and shall operate in such a manner that pedestrians on such sidewalk are not endangered.
- (C) In any business district, if no other practical space is available, a bicycle may be parked on the sidewalk adjacent to a business establishment for so long as the rider thereof shall be in such business establishment; provided, the bicycle shall always be parked so as to minimize hazard to pedestrians using the sidewalk and not block or impede access to the entrance of said business establishment.
- (D) For purposes of this Section, that area at the corner of Fourth Avenue and Oak Street, commonly known as "Harris Park" shall be deemed a sidewalk and the terms of this Section shall apply therein.

SECTION 2. Title 6, Chapter 1, Section 14 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 December, 2005.

  
\_\_\_\_\_  
James A. Shmidl, Mayor

ATTEST:

  
\_\_\_\_\_  
Joyce E. Martin, City Clerk

ORDINANCE NO. 3641

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9, SECTION 10(B) OF THE MUNICIPAL CODE, DEALING WITH THE LOCATION OF PREMISES LICENSED FOR SALE AT RETAIL OF CEREAL MALT BEVERAGES; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 9, Section 10(B) of the Municipal Code is hereby amended to read as follows:

5-9-10: LOCATION OF PREMISES: \* \* \* \*

(B) Any lot or tract within a "B-1" general business district zone, provided, however, any such licensed premises located upon such a lot or tract adjacent to Maple Street shall use Maple Street for all public entrances thereto or exits therefrom.

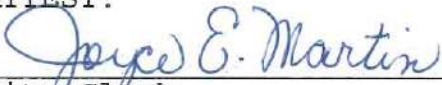
Section 2. Title 5, Chapter 9, Section 10(B), as the same presently exists, is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 28th day of March, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
# 3641

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 pub. 03/31/06  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson

Vern Brown/Barbara Thompson  
Publisher

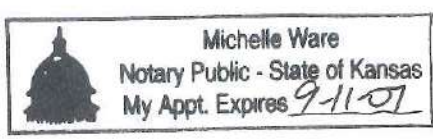
Subscribed and sworn to before me, this 11<sup>th</sup> day of April, 20 06.

Michelle Ware

Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_



ORDINANCE NO. 3643

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 22 OF THE MUNICIPAL CODE, DEALING WITH THE PENALTY FOR VIOLATIONS OF SAID CHAPTER, REGULATING DOG OWNERSHIP; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 2, Section 22 of the Municipal Code is hereby amended to read as follows:

6-2-22: PENALTY:

- (A) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon the first conviction thereof shall be fined in a sum not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00); upon a second conviction thereof within the three years immediately preceding shall be fined in a sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00); and upon the third or subsequent conviction thereof within the three years immediately preceding shall be fined in a sum not less than two hundred fifty dollars (\$250.00) nor more than twenty-five hundred dollars (\$2,500.00) and in addition thereto, the offending dog may be ordered removed from the defendant's possession and either destroyed or otherwise disposed of by the court and such defendant may be ordered, under penalty of contempt of court, to dispose of all other dogs owned or kept by him or her and not to own, keep or possess any dog for a stated period of time up to two years.
- (B) In all cases charging a violation of sections 6-2-8 through 6-2-13 of this chapter, inclusive, the court may impose a fine twice that set out in subsection (A) of this section (but not to exceed the sum of twenty-five hundred dollars (\$2,500.00), if the court also finds that the dog involved in the said violation was, at the time of the violation, an unregistered dog.

Section 2. Title 6, Chapter 2, Section 22, as the same presently exists, is hereby repealed.

Section 3. This ordinance shall take effect and be in force

Ordinance  
Page 2

from and after its passage and publication one time in an  
official newspaper of the City of Garnett, Kansas.

PASSED this 11th day of April, 2006.

Michael L. Nowan  
Mayor

ATTEST:

Debra E. Martin  
City Clerk

Case No. Ordinance  
No. 3643

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 pub. Friday May 26, 2006  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 30<sup>th</sup> day of May, 20 06

Michelle Ware  
Notary Public

My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_





ORDINANCE NO. 3644

AN ORDINANCE AMENDING TITLE 6, CHAPTER 11, SECTION 17 OF THE MUNICIPAL CODE, DEALING WITH THE PENALTY FOR VIOLATIONS OF SAID CHAPTER, REGULATING CAT OWNERSHIP; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 11, Section 17 of the Municipal Code is hereby amended to read as follows:

6-2-22: PENALTY:

- (A) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon the first conviction thereof shall be fined in a sum not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00); upon a second conviction thereof within the three years immediately preceding shall be fined in a sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00); and upon the third or subsequent conviction thereof within the three years immediately preceding shall be fined in a sum not less than two hundred fifty dollars (\$250.00) nor more than twenty-five hundred dollars (\$2,500.00) and in addition thereto, the offending cat may be ordered removed from the defendant's possession and either destroyed or otherwise disposed of by the court and such defendant may be ordered, under penalty of contempt of court, to dispose of all other cats owned or kept by him or her and not to own, keep or possess any cat for a stated period of time up to two years.
- (B) In all cases charging a violation of sections 6-11-8 or 6-11-9 of this chapter, inclusive, the court may impose a fine twice that set out in subsection (A) of this section (but not to exceed the sum of twenty-five hundred dollars (\$2,500.00), if the court also finds that the cat involved in the said violation was, at the time of the violation, an unregistered cat.

Section 2. Title 6, Chapter 11, Section 17, as the same presently exists, is hereby repealed.

Section 3. This ordinance shall take effect and be in force

Ordinance  
Page 2

from and after its passage and publication one time in an  
official newspaper of the City of Garnett, Kansas.

PASSED this 11th day of April, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

FOR SALE  
Call 785-448-470  
central  
excellent con

Case No. Ordinance  
No 3644

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.

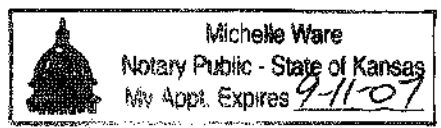
The notice, a true copy of which is attached, was published in the regular and entire issue of said weekly newspaper for 1 consecutive weeks, to-wit:

1st pub. Friday, May 26, 2006  
2nd pub. \_\_\_\_\_  
3rd pub. \_\_\_\_\_

Barbara Thompson  
Vern Brown / Barbara Thompson  
Publisher

Subscribed and sworn to before me, this 30<sup>th</sup> day of May, 2006.

Michelle Ware  
Notary Public



My appt. exp. 9-11-07

Printer's Fees: \$ \_\_\_\_\_

ORDINANCE NO. 3649

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 two 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 \$10,966.08 incurred through December 31, 2005 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 13th day of June, 2006.

  
\_\_\_\_\_  
Mayor

Attest:

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

Attachment to Ordinance No. 3649  
Page Two

Name	Amount
Lora Adams (Out of State)	\$ 208.15
Kevin Brown (Coll. Fee)	39.00
Steven Burnett Jr. (Out of State)	89.35
Chad Chrisjohn	346.06
Mike Clemens (Coll. Fee)	19.75
Janice Collins (Out of State)	361.40
Susie Devargas (Out of State)	791.89
Brandy Dunn	42.11
Samuel Freeman	353.12
Dennis Gear (Out of State)	510.10
Dawn Gibson (Coll. Fee)	23.96
Tavis Graika	333.26
Ashley D. Griffin (Coll. Fee)	15.49
Tania Haynes	112.12
Eddie Hernandez	126.89
Jason Hill	291.23
Connie Huss	392.61
Douglas Hutchcraft (Coll. Fee)	28.35
Shirley Hutchcraft (Coll. Fee)	47.78
Carolyn Keller (Bankruptcy)	501.72
Cole Aaron Kelsey	193.19
Gwen Madl (Coll. Fee)	28.62
William Maine	374.81
Gary and Celeste Mailman (Coll. Fee)	39.63
Valerie Marcum (Coll. Fee)	5.79
Willie Ray Marler	222.04
Travis Maupin	395.12
Renee McGowin	427.99
Ruth Morris (Out of State)	296.41
Jason Morrison	147.32
Michelle Moyer (Coll. Fee)	146.25
Robert I. Neville (Out of State)	342.48
Robin L. Pearman (Out of State)	279.35
Debbra D. Poage (Bankruptcy)	783.76
Angela Reed	651.96
Earl E. Roberts (Deceased)	428.24
Carolyn and Allen Rolf (Bankruptcy)	1,090.04
Justine Staley	134.17
Amy L. Statler (Coll. Fee)	11.40
Vicki VanKooten (Bankruptcy)	333.17
Total	\$10,966.08

**ORDINANCE NO. 3650**

**OF**

**THE CITY OF GARNETT, KANSAS**

**PASSED**

---

**\$160,000  
COMBINED UTILITY SYSTEM REVENUE BONDS  
SERIES 2006**

---

(PUBLISHED IN *THE ANDERSON COUNTY REVIEW* ON \_\_\_\_\_)

**ORDINANCE NO. 3650**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$160,000 PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2006, OF THE CITY OF GARNETT, KANSAS; 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 City is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the City is authorized under the provisions of the Act, to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the Combined Utility System, provided that the principal of and interest on such revenue bonds shall be payable solely from the Net Revenues derived by the City from the operation of the Combined Utility System; and

**WHEREAS**, the governing body of the City has pursuant to Resolution No. 4/11/06-1 declared its intention under the Act to acquire, construct, reconstruct, alter, repair, improve, extend or enlarge the Combined Utility System by upgrading the City's existing sludge dewatering system at the City's wastewater treatment facility, including purchase and installation of a belt filter press and expansions of the existing dewatering building (the "Project") at an estimated cost of not to exceed \$160,000 and to issue Combined Utility System Revenue Bonds in an amount of not to exceed \$160,000; notice of such intention was published one time in the official newspaper of the City and no sufficient written protest thereto was filed with the Clerk within fifteen (15) days after said publication date all as set forth in the Act; and

**WHEREAS**, none of such revenue bonds so authorized have heretofore been issued and the City proposes to issue \$160,000 of the revenue bonds so authorized to pay a portion of the costs of the Project; and

**WHEREAS**, the governing body of the City has caused plans and specifications for the Project and an estimate of the cost thereof to be made and the same are hereby accepted and approved and shall be placed on file in the office of the Clerk; and

**WHEREAS**, the principal amount of the Series 2006 Bonds (as defined herein) does not exceed the maximum principal amount of the bonds described in Resolution No. 4/11/06-1, and

**WHEREAS**, the Issuer does not have Outstanding any System Indebtedness other than the Parity Bonds; and

**WHEREAS**, the Parity Resolution provides the City may issue Additional Bonds which constitute Parity Bonds upon the satisfaction of certain conditions; and

**WHEREAS**, prior to or simultaneously with the issuance of the Series 2006 Bonds, such terms and conditions will be satisfied.

**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.* and K.S.A. 10-1201 *et seq.*, all as amended and supplemented from time to time.

**"Additional Bonds"** means any bonds secured by the Revenues hereafter issued pursuant to the Bond Resolution.

**"Additional Obligations"** means any leases or other obligations of the Issuer payable from the Revenues, other than the Bonds.

**"Bond Resolution"** means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Series 2006 Bonds and making covenants with respect thereto.

**"Bonds"** means the Series 1998 Bonds, the Series 1999 Bonds, the Series 2005 Bonds, the Series 2006 Bonds and any Additional Bonds.

**"City"** means the City of Garnett, Kansas.

**"Clerk"** means the duly appointed and acting Clerk of the Issuer or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk.

**"Expenses"** means all reasonable and necessary expenses of operation, maintenance and repair of the System and keeping the System in good repair and working order (other than interest paid on System Indebtedness and depreciation and amortization charges during the period of determination), determined in accordance with generally accepted accounting principles, including without limiting the generality of the foregoing, current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, paying agent fees and expenses, annual audits, periodic Consultant's reports, properly allocated share of charges for insurance, the cost of purchased water, gas and power, if any, for System operation, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, short-term obligations incurred and payable within a particular Fiscal Year, other obligations or indebtedness incurred for the purpose of leasing (pursuant to a true or operating lease) equipment, fixtures, inventory or other personal property, and all other expenses incident to the operation of the System, but shall exclude all general administrative expenses of the City not related to the operation of the System and transfers into the Debt Service Reserve Account and Depreciation and Replacement Account provided for in the Bond Resolution.

**"Fiscal Year"** means the twelve month period ending on December 31.



**"Mayor"** means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

**"Net Revenues"** means, for the period of determination, all Revenues less all Expenses.

**"Ordinance"** means this Ordinance authorizing the issuance of the Bonds.

**"Parity Bonds"** means the Outstanding Series 1998 Bonds, Series 1999 Bonds, Series 2005 Bonds, Series 2006 Bonds, and any Additional Bonds hereafter issued pursuant to the Bond Resolution and standing on a parity and equality with the Series 2006 Bonds with respect to the lien on the Net Revenues.

**"Parity Obligations"** means any Additional Obligations hereafter issued or incurred pursuant to the Bond Resolution and standing on a parity and equality with the Series 2006 Bonds with respect to the lien on the Net Revenues.

**"Parity Resolution"** means the Series 1998 Bonds Resolution, the Series 1999 Bonds Resolution, the Series 2005 Bonds Resolution, the Bond Resolution and the ordinances and/or resolutions under which any Additional Bonds which constitute Parity Bonds are hereafter issued.

**"Project"** means the acquisition, construction, reconstruction, alterations, repair, improvements, extensions or enlargements of the System described in Resolution No. 4/11/06-1 of the City and referred to in the Preamble to this Ordinance.

**"Revenue Fund"** means the Combined Utility System Revenue Fund referred to in the Bond Resolution.

**"Revenues"** means all income and revenues derived and collected by the City from the operation and ownership of the System, including investment and rental income, net proceeds from business interruption insurance, transfers from the Surplus Account to the Revenue Fund of Net Revenues derived in a prior Fiscal Year and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on System Indebtedness, but excluding any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets.

**"Series 1998 Bonds"** means the Issuer's Combined Utility Refunding and Improvement Revenue Bonds, Series 1998, in the original aggregate principal amount of \$5,800,000.

**"Series 1998 Bonds Resolution"** means the Issuer's Resolution No. 4/2/98-1 relating to the Series 1998 Bonds and any supplemental resolution authorizing any Additional Bonds.

**"Series 1999 Bonds"** means the Issuer's Combined Utility Revenue Bonds, Series 1999, in the original aggregate principal amount of \$1,500,000.

**"Series 1999 Bonds Resolution"** means the Issuer's Resolution No. 5/25/99-1 relating to the Series 1999 Bonds and any supplemental resolution authorizing any Additional Bonds.

**"Series 2005 Bonds"** means the Issuer's Combined Utility System Taxable Revenue Bonds, Series 2005, in the original aggregate principal amount of \$525,000.

**"Series 2005 Bonds Resolution"** means the Issuer's Resolution No. 9/27/05-2 relating to the Series 2005 Bonds and any supplemental resolution authorizing any Additional Bonds.

**"Series 2006 Bonds"** means the Issuer's Combined Utility System Revenue Bonds, Series 2006, in the aggregate principal amount of \$160,000, authorized by this Ordinance.

**"State"** means the State of Kansas.

**"System"** means the electric generating plants and all appurtenances thereto, the electric distribution system, and the electric street lighting system, now serving the City and its inhabitants and others, together with all extensions and improvements thereto hereafter made or acquired by the City, and the entire combined waterworks plant and system and sewerage plant and system owned and operated by the City for the production, storage, treatment and distribution of water, and for the collection, treatment and disposal of sewage, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

**"System Indebtedness"** means collectively all Bonds and all Additional Obligations.

**Section 2. Authorization of the Series 2006 Bonds.** There shall be issued and are hereby authorized and directed to be issued the Combined Utility System Revenue Bonds, Series 2006, of the City in the aggregate principal amount of \$160,000 for the purpose of providing funds to: (a) pay a portion of the costs of the Project; and (b) pay costs of issuance of the Series 2006 Bonds.

**Section 3. Security for the Series 2006 Bonds.** The Series 2006 Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Series 2006 Bonds. The Series 2006 Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Series 2006 Bonds, either as to principal or interest.

The covenants and agreements of the City contained herein and in the Series 2006 Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Series 2006 Bonds, all of which Series 2006 Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Series 2006 Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Series 2006 Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Net Revenues with any Parity Bonds. The Series 2006 Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Parity Bonds; and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Series 2006 Bonds.

**Section 4. Terms, Details and Conditions of the Series 2006 Bonds.** The Series 2006 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.

**Section 5. 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 System, 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 Expenses; (b) pay the principal of and interest on the Bonds as and when the same become due; and (c) provide reasonable and adequate reserves for the payment of the Parity Bonds and the interest thereon and for the protection and benefit of the System as provided in this Ordinance and the Bond Resolution. The Bond Resolution may establish requirements in excess of the requirements set forth herein.

**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 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 Series 2006 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 and publication in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on and signed by the Mayor.

(SEAL)

*Michael J. Norma*

\_\_\_\_\_  
Mayor

ATTEST:

*Joseph E. Martini*

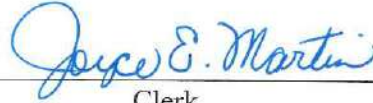
\_\_\_\_\_  
Clerk

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**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on June 13, 2006; that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; and that it was published in *The Anderson County Review* on June 20, 2006.

DATED: June 14, 2006.



\_\_\_\_\_  
Clerk

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=====  
AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 2 OF THE  
MUNICIPAL CODE, DEALING WITH THE REQUIREMENTS FOR THE  
REGISTRATION AND VACCINATION OF DOGS; REPEALING EXISTING SECTION  
OF SAID TITLE AND CHAPTER.  
=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

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

6-2-22: REGISTRATION AND VACCINATION REQUIREMENTS: It shall be unlawful for any person within the corporate limits of the City to own or keep any dog without first having had the dog inoculated against rabies according to current, recognized veterinary practices and paying the annual registration fee to the City Clerk. The rabies inoculation shall be administered as directed by Kansas law and shall be attested by or under the signature of a Kansas licensed veterinarian, showing at least the manufacturer of such vaccine together with the lot number of the vaccine actually used for the inoculation, the date such was administered and the manufacturer's stated life span or period of efficacy of such. No registration shall be accomplished unless the owner or keeper of the dog seeking such registration shall present such a certificate to the City Clerk.

Section 2. Title 6, Chapter 2, Section 2, 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 13th day of June, 2006.

Michael L. Norma  
Mayor

ATTEST:

Opal E. Martin  
City Clerk

Case No. Ordinance  
No. 3651

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:

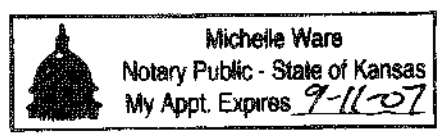
1st publication Friday, June 16, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

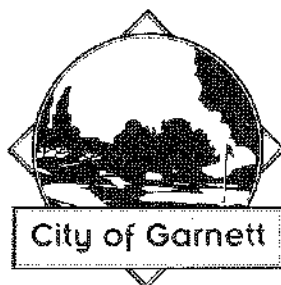
Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21<sup>st</sup> day of June, 2006

Michelle Ware  
Notary Public

My appt. expires 9-11-07





MEMO

TO: Mayor and Commissioners  
FROM: Terry J. Solander, City Attorney.  
SUBJECT: Animal Control Amendments

=====  
With this memo, and included on tomorrow evening's agenda, are four ordinances.

1. Two of the ordinances bring the City Code into compliance on administering rabies vaccination. The amendments require the administration and certification thereof by a licensed Kansas veterinarian. Since the dog and cat registration provisions are in separate chapters, two ordinances are needed (one for cats; one for dogs).

2. Penalties for violating the dog and cat regulations have been adopted recently. Another of tomorrow night's ordinances extend the same type of penalties to animals other than dogs and cats.

3. It is presently against the law to allow poultry to run at large, so no additional regulation is included. The increased penalty in the ordinance mentioned above, however, would apply.

4. Similarly, I have not included any further regulation regarding potbellied or Vietnamese miniature pigs. From what I have been able to determine, it appears they are considered to be "cousins" of the common farm hog. I have tried to verify specifically that they are of the family "Suidae" but have not found a reliable source of information for such verification. But all other reading that I have done (including a Google search) leaves little doubt in my mind that the animals would be included in the city's swine prohibition.

5. The tethering ordinance is mostly as previously presented. There is a proviso which would permit tethering on a trolley style line. Officer Troy Brubaker's consultation with the Topeka animal control office confirms his belief in the need and workability of the ordinance. Apparently Topeka is well pleased with their results in approximately one year with their ordinance.



6. It is suggested that the tethering ordinance be made effective as of January 1, 2007. During the remainder of this year, Office Brubaker has suggested a publicity effort to make sure dog owners are aware of the new law and that they have an opportunity either to build a pen or install a code-compliant trolley line.

Dated June 12, 2006.

=====  
AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 14 OF THE  
MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, COMMONLY CALLED  
CRUELTY TO DOGS; REPEALING SAID SECTION AS IT PRESENTLY EXISTS;  
SAVINGS PROVISIO FOR ANY PENDING PROSECUTION.  
=====

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

SECTION 1. Title 6, Chapter 2, Section 14 is hereby amended  
to read as follows, to-wit:

**6-2-14: CRUELTY TO DOGS UNLAWFUL:**

- (A) It shall be unlawful for any person:
- (1) Intentionally to kill, injure, maim, torture or mutilate any dog;
  - (2) To abandon or leave any dog in any place without making provisions for its proper care; or
  - (3) Having physical custody of any dog and failing to provide such food, water, opportunity for exercise or other care as is needed for the health or well-being of such dog; or
  - (4) Having physical custody of any dog and failing to provide such dog with necessary protection from the elements as set forth below:
    - (a) Shelter from sunlight. When sunlight is likely to cause overheating, serious bodily injury or death of the dog, sufficient shade shall be provided to allow the vertebrate animals kept outdoors to protect themselves from the direct rays of the sun.
    - (b) Shelter from cold weather. Housing facilities shall be provided for all dogs kept outdoors when the atmospheric temperature falls below forty (40) degrees Fahrenheit. Such structure shall be provided with a sufficient quantity of suitable bedding materials, consisting of hay, straw, cedar shavings or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Such shelter shall be so constructed to keep the dog dry and retain sufficient body heat to prevent serious bodily injury or death of the dog.
  - (5) (a) To attach chains or other tethers, restraints or implements directly to a dog without the proper use of a collar, harness, or other device designed for that purpose and

made from a material that prevents injury to the dog.

(b) No person shall:

(1) Tether a dog for more than one continuous hour, except that tethering of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on tether per day; provided that for the purpose of tethering a dog, a chain, leash, rope or tether shall be at least ten (10) feet in length; and, provided, further, this subsection shall not apply to a trolley line type of tether, the line of which provides at least twenty-five (25) lineal feet of run length available to the dog and is designed to allow or provide compliance with all other provisions of this section;

(2) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than one-eighth ( $1/8$ ) of the dog's body weight, or due to weight, inhibit the free movement of the dog within the area tethered;

(3) Tether a dog either on a choke chain or otherwise in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles;

(4) Tether a dog without access to shade when sunlight is likely to cause overheating, or without access to appropriate shelter which provides insulation and protection against cold and dampness when the atmospheric temperature falls below forty (40) degrees Fahrenheit; or to tether a dog without securing its water or food supply (or both) so that it cannot be tipped over by the tether;

(5) Tether a dog in an open area where it can be teased by persons or in an open area that does not provide the dog protection from attack by other animals;

(6) Tether a dog in such a way as to allow the dog to get within ten (10) feet of either the property boundary line or, if there is one, a public sidewalk; or

(7) Tether a dog in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation with some type of protection or ground cover which will not cause injury or discomfort to the dog.

(c) The following definitions apply to words used in this section:

(1) When used as a verb, "tether" or "tethering" shall mean fastening a dog to a stationary object, pulley run line or a stake.

(2) When used as a noun, "tether" or "tethers" shall mean a chain, leash, rope, cable, chain, string, leather or nylon strap, or any other material used to fasten a dog to a stationary object, pulley run line or a stake.

- (B) Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, dog shelter or other appropriate facility, may take into custody any dog, upon either private or public property, which clearly shows evidence of cruelty, as defined in subsection (A) of this Section. Such officer, agent or veterinarian may inspect, care for or treat such dog or place such dog in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding and other care; or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the dog is diseased or disabled beyond recovery for any useful purpose, the humane killing thereof.
- (C) The owner of an dog killed pursuant to subsection (B) of this Section shall not be entitled to recover damages for the killing of such dog, unless the owner proves that such killing was unwarranted.
- (D) Expenses incurred for the care, treatment or boarding of any dog taken into custody pursuant to subsection (B) of this Section, pending prosecution of the owner of such dog for violation hereof, shall be assessed to the owner as a cost of the case if the owner or custodian is found guilty of such crime.
- (E) If a person is found guilty of violating the provisions hereof and the court is satisfied that an dog owned or possessed by such person would be

in the future subjected to such crime, such dog shall not be returned to or remain with such person. Such dog may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

- (F) The provisions of this Section shall not apply to:
- (1) Normal or accepted veterinary practices;
  - (2) Bona fide experiments carried on by commonly recognized research facilities; or
  - (3) The humane killing of any dog which is diseased or disabled beyond any useful purpose.

SECTION 2. Title 6, Chapter 2, Section 14, as the same presently exists, is hereby repealed; provided, however, should any prosecution for a violation thereof be pending on the effective date of this ordinance, then such repeal shall not operate with respect to such pending prosecution.

SECTION 3. This ordinance shall take effect and be in force from and after January 1, 2007, and its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 13th day of June, 2006.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance  
No. 3652

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 Friday, June 16, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21<sup>st</sup> day of June, 20 06

Michelle Ware  
Notary Public

My appt. expires 9-11-07

 Michelle Ware  
Notary Public - State of Kansas  
My Appt. Expires 9-11-07

=====  
AN ORDINANCE TRANSFERRING AND RE-NUMBERING TITLE 6, CHAPTER 3,  
SECTION 1 OF THE MUNICIPAL CODE; ADDING A NEW SECTION 1 TO SAID  
TITLE AND CHAPTER, DEALING WITH THE PENALTY FOR VIOLATIONS OF  
SAID CHAPTER, REGULATING OWNERSHIP AND POSSESSION OF ANIMALS  
OTHER THAN DOGS AND CATS; RENAMING SAID CHAPTER.  
=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 3, Section 1 of the Municipal Code is hereby renumbered as Title 6, Chapter 3, Section 5, presently an unused section, and the official city codifier is instructed to make such change forthwith.

Section 2. The following penalty is hereby adopted and shall apply to any violations of any part of Title 6, Chapter 3, of the Municipal Code, to-wit:

6-3-1: PENALTY:

(A) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon the first conviction thereof shall be fined in a sum not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00); upon a second conviction thereof within the three years immediately preceding shall be fined in a sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00); and upon the third or subsequent conviction thereof within the three years immediately preceding shall be fined in a sum not less than two hundred fifty dollars (\$250.00) nor more than twenty-five hundred dollars (\$2,500.00).

(B) In addition thereto, the animal which is the subject of the offense :

(i) in the case of an exotic animal the possession of which within the City is prohibited by this chapter, shall be ordered removed from the defendant's possession and either destroyed or otherwise disposed of by the court; or,

(ii) in the case of any other animal, upon the third or subsequent conviction thereof within the three years immediately preceding, may be ordered removed from the defendant's possession and either destroyed or otherwise disposed of by the court; and such defendant

may be ordered, under penalty of contempt of court, to dispose of all other animals owned or kept by him or her and not to own, keep or possess any animal for a stated period of time up to two years.

Section 3. The official city codifier is instructed to number the penalty provision set out in Section 2 of this ordinance at Title 6, Chapter 3, Section 1; to re-name said chapter, "Animals other than Dogs and Cats" and to make such changes forthwith.

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

PASSED this 13th day of June, 2006.

Michael L. Norman  
Mayor

ATTEST:

Spencer E. Martin  
City Clerk



Case No. Ordinance  
No. 3653

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 Friday, June 16, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21<sup>st</sup> day of June, 20 06

Michelle Ware  
Notary Public

My appt. expires 9-11-07



ORDINANCE NO. 3654

=====  
AN ORDINANCE AMENDING TITLE 6, CHAPTER 11, SECTION 2 OF THE  
MUNICIPAL CODE, DEALING WITH THE REQUIREMENTS FOR THE  
REGISTRATION AND VACCINATION OF CATS; REPEALING EXISTING SECTION  
OF SAID TITLE AND CHAPTER.  
=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 11, Section 2 of the Municipal Code is hereby amended to read as follows:

6-2-22: REGISTRATION AND VACCINATION REQUIREMENTS: It shall be unlawful for any person within the corporate limits of the City to own or keep any cat without first having had the cat inoculated against rabies according to current, recognized veterinary practices and paying the annual registration fee to the City Clerk. The rabies inoculation shall be administered as directed by Kansas law and shall be attested by or under the signature of a Kansas licensed veterinarian, showing at least the manufacturer of such vaccine together with the lot number of the vaccine actually used for the inoculation, the date such was administered and the manufacturer's stated life span or period of efficacy of such. No registration shall be accomplished unless the owner or keeper of the cat seeking such registration shall present such a certificate to the City Clerk.

Section 2. Title 6, Chapter 11, Section 2, 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 13th day of June, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
No. 3654

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:

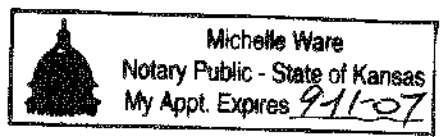
1st publication Friday, June 16, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21<sup>st</sup> day of June, 2006

Michelle Ware  
Notary Public

My appt. expires 9-11-07



**ORDINANCE NO. 3655**

**AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH THE GARNETT STATE SAVINGS BANK, AS LESSOR, WITH RESPECT TO A 2006 KOMATSU WA 150L-5 WHEEL LOADER.**

**WHEREAS**, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition and general improvement of a 2006 Komatsu WA 150L-5 Wheel Loader for use by the City (the "Equipment"); and

**WHEREAS**, the City has accepted the proposal of Garnett State Savings Bank for a lease transaction with respect to the Equipment; and

**WHEREAS**, in order to facilitate the acquisition and general improvement 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 Garnett State Savings Bank (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 Mayor 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. 3655  
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 27<sup>th</sup> day of June, 2006.

  
\_\_\_\_\_  
Michael L. Norman, Mayor

Attest:

  
\_\_\_\_\_  
Joyce E. Martin, City Clerk

ORDINANCE NO. 3657

=====  
AN ORDINANCE GRANTING LYON-COFFEY ELECTRIC COOPERATIVE  
ASSOCIATION, INC., A KANSAS CORPORATION, ITS GRANTEEES, SUCCESSORS  
AND ASSIGNS, A FRANCHISE TO CONSTRUCT AND MAINTAIN ALL WORKS AND  
PLANTS NECESSARY OR PROPER FOR SUPPLYING CONSUMERS WITH ELECTRIC  
OR OTHER ENERGY, GRANTING TO SAID COMPANY THE RIGHT TO USE THE  
STREETS, ALLEYS AND ALL OTHER PUBLIC PLACES; PRESCRIBING THE  
TERMS AND CONDITIONS THEREOF, AND REPEALING ORDINANCES OR PARTS  
OF ORDINANCES CONFLICTING WITH THE TERMS THEREOF.  
=====

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

SECTION 1: (a) In consideration of the benefits to be derived by the City of Garnett, Kansas (hereinafter, "City") for and on behalf of its inhabitants there is hereby granted to Lyon-Coffey Electric Cooperative Association, Inc., a Kansas corporation, its grantors, successors and assigns (hereinafter, "Franchisee") the right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance to continue to construct, operate and maintain its electric light and power transmission and distribution system and the supplying of electric and other energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes to the public within the City. Such transmission and distribution shall be by means of underground or overhead lines or otherwise; and to that end Franchisee is hereby granted the right to construct, install, maintain, and repair all the necessary poles, wires, cables, pole and wire fixtures, underground conduits, ground level and aerial-mounted transformers and other appurtenances of whatsoever nature for the purpose of conducting such business; to erect, maintain, and repair such apparatus along, upon, across or below the streets, avenues, boulevards, alleys, and other public place of the City, and to construct, lay, maintain, and repair such cable, wires or conduits as may be required under those streets, avenues, boulevards, alleys, and other public places for the purpose of such business.

(b) At the option of Franchisee, this franchise agreement may be extended on these same terms and conditions for an additional ten (10) years, as provided in Section 9 hereof.

SECTION 2: In consideration of the premises, Franchisee shall pay to the City in arrears, and the City agrees to accept as adequate compensation for the franchise hereby granted and in lieu of any occupation, license, privilege and all other taxes and fees, five percent (5%) of the annual gross receipts from

billings for such electrical service by Franchisee for all consumers located in the present or future corporate boundaries of the City during the time this franchise is in effect; provided, however, nothing shall prevent or prohibit the imposition of any general ad valorem taxes or any special assessments levied against Franchisee's real property in accordance with either the taxation laws or the general improvement laws of the State of Kansas. Such payment shall be made on or before each August 1st and February 1st of each year during the year during the time this franchise remains in effect, reflecting such electric energy sold for the six months period ending at the last meter reading preceding each such payment date.

SECTION 3: During the time this franchise agreement remains in effect, Franchisee shall conduct its business in such a manner as shall be to the benefit of the City and its inhabitants, rendering good service at reasonable rates as authorized by the Kansas Corporation Commission or any other state or local governmental agency charged by law with the power to regulate public utilities. However, nothing herein shall be construed as a guarantee upon the part of the Franchisee to furnish uninterrupted service, and interruptions due to acts of God, fire, strikes, civil or military authority, orders of court and other causes reasonably beyond the control of the Franchisee are specifically exempt from the terms of this section.

SECTION 4: All poles, overhead wires, cables (aerial or buried) erected pursuant to this ordinance shall be placed, whether on or under streets, avenues, boulevards, alleys, or other public places, so as not to interfere with ordinary travel on such streets, avenues, boulevards, alleys, or usages of other public places. All apparatus built and installed shall be located and placed so as not to injure any drains, sewers, catch basins, or other like public improvements. If such be injured, Franchisee shall repair any damages caused to the satisfaction of the City and, in default thereof, the City may repair or cause to be repaired such damage and charge the cost to Franchisee.

SECTION 5: All of Franchisee's apparatus shall be built, installed and operated in such a manner so as not to interfere unreasonably with the orderly conduct of the business and rights of any other public service corporation having a right or franchise to operate its business in the City. The City reserves the right of reasonable regulation of the erection, construction, or installation of any facilities by the Franchisee and to reasonably designate where such facilities are to be placed within the public ways and places. In the event that anytime during the period of this franchise the City shall lawfully elect to alter or change the grade of any street, alley, or other public way, the Franchisee upon reasonable notice by the City

shall remove, relax and relocate its poles, wires, cables, underground conduits, manholes and other electrical fixtures or apparatus at its own expense.

SECTION 6: Franchisee shall remove, raise, or adjust its aerial plant, after forty-eight (48) hours notice by the City, for the purpose of permitting the moving of houses or other structures along the streets of the City. The person or persons for whose benefit such electrical lines or apparatus is removed, raised, or adjusted, however, shall first secure proper permission from the City for the movement and agree to pay Franchisee for its related costs and damages. An advance deposit from the mover may be required by Franchisee.

SECTION 7: Permission is hereby granted to Franchisee to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming into contact with Franchisee's lines or apparatus. All such trimming will be done under the supervision and direction of the City Manager or his delegate.

SECTION 8: The recovery of the charges from Franchisee's customers is subject to the jurisdiction of the regulatory and state authorities and not the City. The obligation of Franchisee to pay compensation under this ordinance is contractual; the City makes no requirements as to the method Franchisee uses to recover the payments.

SECTION 9: This franchise grant shall be for a term of ten (10) years from its effective date, and for one successive term of like duration, upon written notice given by Franchisee to the City at least 120 days prior to the expiration of the initial term of its intention to extend the same.

SECTION 10: This franchise and all rights hereunder may be assigned by the Franchisee, as well as all succeeding Franchisees, at their option, and the successors and assigns shall succeed to all the rights, duties, and liabilities of the Franchisee hereunder.

SECTION 11: Nothing herein contained shall be construed as giving to the Franchisee any exclusive privilege or right.

SECTION 12: This ordinance shall take effect and be in force from and after 60 days from the date of its final passage, and upon publication in an official newspaper of the City of Garnett.

SECTION 13: If any portion of this ordinance for any reason is held to be invalid, such portion shall be considered severed from the remainder of this ordinance. The remainder shall be



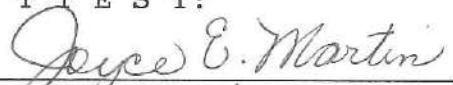
unaffected and shall continue in full force and effect.

SECTION 14: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED this 11th day of July, 2006.

  
\_\_\_\_\_  
Mayor

A T T E S T:

  
\_\_\_\_\_  
Joyce E. Martin  
City Clerk

**ORDINANCE NO. 3659**

**AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES  
LEVIED FOR BUDGET YEAR 2006 NECESSARY TO FINANCE PUBLIC  
SERVICES FOR THE CITY OF GARNETT.**

Be it ordained by the Governing Body of the City of Garnett:

Section One. In accordance with state law, the City of Garnett has conducted a public hearing and has published the proposed budget necessary to fund City services from January 1, 2007 until December 31, 2007.

Section Two. After careful public deliberations, it is hereby attested that in order to maintain the public services, which are essential for the citizens of this city, it will be necessary to utilize property tax revenues in an amount which exceeds the revenues expended in the budget year 2006.

Section Three. This ordinance shall take effect after its publication once in the official City newspaper.

Passed and approved by the Governing Body on this 24th day of July, 2006.

*Michael L. Norm*

\_\_\_\_\_  
Mayor

ATTEST:

*Steph E. Martin*

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



Case No Ordinance #3659

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:

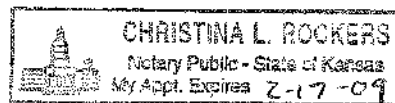
1st publication Friday July 28, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 3rd day of August, 2006

Christina L. Rockers  
Notary Public

My appt. expires 2-17-09



ORDINANCE NO. 3667

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 4 OF THE MUNICIPAL CODE, PRESENTLY UNUSED, TO PROVIDE A QUIET TIME WITHIN ANY CITY PARK AND DECLARING IT UNLAWFUL TO VIOLATE SAME.  
=====

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

SECTION 1: Title 9, Chapter 5, Section 4 of the Municipal Code is hereby amended to read as follows:

9-5-4: QUIET TIME TO BE OBSERVED: It shall be unlawful and a violation of this Chapter to make, or cause or permit to be made, any loud or repetitive noise which tends reasonably to disturb others within any City park between the hours of 11:00 p.m. and 6:00 a.m. the following day.

SECTION 2: Title 9, Chapter 5, Section 4 as the same presently exists is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after January 1, 2007, and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of October, 2006.

Michael J. Norman  
Mayor

A T T E S T:

James E. Martin  
City Clerk

Case No. Ordinance # 3667

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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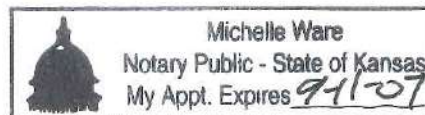
1st publication Friday October 27, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 27<sup>th</sup> day of October, 20 06

Michelle Ware  
Notary Public

My appt. expires 9-11-07



ORDINANCE NO. 3668

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 10 OF THE MUNICIPAL CODE, PRESENTLY UNUSED, TO PROVIDE RULES FOR THE OPERATION OF MOTORIZED, NON-HIGHWAY VEHICLES WITHIN ANY CITY PARK; DECLARING IT UNLAWFUL TO OPERATE SUCH VEHICLES IN VIOLATION THEREOF.

=====

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

SECTION 1: Title 9, Chapter 5, Section 10 of the Municipal Code is hereby amended to read as follows:

9-5-10: MOTORIZED, NON-HIGHWAY VEHICLE OPERATING REGULATIONS:

(A) It shall be unlawful and a violation of this Chapter to operate a motorized, non-highway vehicle (as defined in the preceding section) within any Garnett park in violation of these rules:

1. No motorized, non-highway vehicle shall be operated by anyone not possessing a city permit for the operation of such type of vehicle, issued pursuant to this Chapter. A permittee possessing an age restricted permit shall only operate such a vehicle while accompanied by an adult possessing such a valid city permit and who is riding in the general proximity of such age restricted permittee. The city permit card shall be carried by the operator at all times of operation.
2. No motorized, non-highway vehicle shall be ridden in any campground or playground areas.
3. No motorized, non-highway vehicle shall be operated at a speed of greater than 15 m.p.h. on any park roadway or elsewhere within any park, except on designated non-highway riding trails and areas.
4. When operating any motorized, non-highway vehicle, except on designated non-highway riding trails and areas, the operator shall make all reasonably possible efforts to avoid unnecessary engine or gear noise.
5. No motorized, non-highway vehicle shall be operated under the influence of alcohol or drugs. The same rules shall prevail for presumption of

influence as apply on public streets in any other motor vehicle. Refusal to submit to a requested test of blood or breath for alcohol concentration shall be grounds to revoke the operator's city permit issued under this section. In addition to any other penalty applicable to such, the conviction of a third violation of this Section, without regard to when such convictions shall have occurred, shall be grounds for revocation of the operator's permit issued under this section and shall forever bar the person from the operation of motorized, non-highway vehicles in any city park.

6. No motorized, non-highway vehicle shall be ridden on the trails in the north end of Cedar Valley Reservoir except between the hours of 8:00 a.m. and 10:00 p.m.

(B) Terms used in this Section shall have the same meaning as if used in Kansas Statutes Annotated.

(C) In addition to any other penalty applicable to any violation of this Section, upon any conviction for a violation this Section, the municipal court may order the motorized, non-highway vehicle impounded. Such impounded vehicles shall be subject to disposition in the manner provided by Kansas Statues for motor vehicles towed or impounded for law violations.

SECTION 2: Title 9, Chapter 5, Section 10 as the same presently exists is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after January 1, 2007, and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of October, 2006.

Michael L. Morris  
Mayor

A T T E S T:  
Joyce E. Martin  
City Clerk

Case No. Ordinance #3668

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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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.

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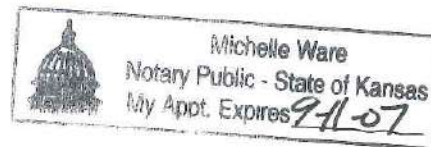
1st publication Friday October 27, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 27th day of October, 2006

Michelle Ware  
Notary Public

My appt. expires 9-11-07





ORDINANCE NO. 3669

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 9 OF THE MUNICIPAL CODE, PRESENTLY UNUSED, TO PROVIDE FOR THE ISSUANCE OF AN ANNUAL PERMIT FOR THE OPERATION OF MOTORIZED, NON-HIGHWAY VEHICLES WITHIN ANY CITY PARK AND DECLARING IT UNLAWFUL TO OPERATE ANY SUCH VEHICLES WITHOUT SUCH PERMIT.

=====

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

SECTION 1: Title 9, Chapter 5, Section 9 of the Municipal Code is hereby amended to read as follows:

9-5-9: OPERATORS OF MOTORIZED, NON-HIGHWAY VEHICLES  
REQUIRED TO BE ISSUED PERMIT:

(A) It shall be unlawful and a violation of this Section to operate a motorized, non-highway vehicle within any Garnett park without having first obtained a permit issued by the City Clerk. In the case of annual permits, no proration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall be collected:

**Annual Permit Fees**

Anderson County Residents: \$10.00  
General (Nonresident of Anderson County): \$15.00

**Seven-Day Temporary Permit Fees**

Anderson County Residents: \$5.00  
General (Nonresident of Anderson County): \$7.50

Lost or damaged permit cards will be replaced on the payment of \$2.00.

(B) Upon payment of the above fee, as applicable, and

(1) if the permit applicant is 16 years of age or older, furnishing evidence of a motor vehicle operator's license valid in Kansas, the City Clerk shall issue a permit card of distinctive design, which shall be changed annually to correspond with the registration period. The permit card shall contain the name of the permittee, his or her motor vehicle license number and state of issuance, and such other information as the City Clerk shall deem appropriate or necessary; and,

(2) if the permit applicant is under 16 years of age, upon application in the name of the permit applicant by his or her parent or legal guardian, the City Clerk shall issue a permit card of distinctive design, which shall be changed annually to correspond with the registration period. The permit card shall contain the name of the permittee, his or her date of birth and parent or legal guardian's name and address, and such other information as the City Clerk shall deem appropriate or necessary.

Such permit cards shall be carried by the operator at all times of operation.

(C) Terms used in this Section shall have the same meaning as if used in Kansas Statutes Annotated.

(D) All park rules and regulations shall be observed when operating a motorized, non-highway vehicle, and the failure to observe the same may form the basis for revoking the license issued under this section, in addition to any other penalty which may apply. In the case of multiple violations of Title 9, Chapter 5, Section 10(A)(5), such revocation may be in perpetuity, as ordered by the municipal court.

(E) The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this Section.

SECTION 2: Title 9, Chapter 5, Section 9 as the same presently exists is hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after January 1, 2007, and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of October, 2006.

Michael L. Norman  
Mayor

A T T E S T:

Opie E. Martin  
City Clerk

Case No. Ordinance # 3669

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, ANDERSON COUNTY, ss:

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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 Friday, October 27, 2006  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 27th day of October, 2006

Michelle Ware  
Notary Public

My appt. expires 9-11-07



**ORDINANCE NO. 3670**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 15 AND SECTION 18 OF THE MUNICIPAL CODE, INCREASING THE SERVICE CHARGE FOR REFUSE SERVICES WITHIN THE CITY OF GARNETT, KANSAS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AND PROVIDING FOR EFFECTIVE DATE.**

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

SECTION 1: Title 7, Chapter 2, Section 15 of the Municipal Code is hereby amended to read as follows:

7-2-15: SERVICE FEES:

(A) (1) A refuse service charge of \$12.00 per calendar month be levied against each residential dwelling unit within the corporate limits of the City for the collection and disposition of solid waste, as required by this Chapter.

(2) A refuse service charge of \$20.00 per calendar month shall be levied against any residential dwelling unit outside the corporate limits of the City for the collection and disposition of the solid waste generated by such dwelling unit in any area where such collection service shall from time to time be offered. The existence of a rate schedule for service outside the corporate limits shall not be construed as a general offering of solid waste collection to areas outside the corporate limits, nor any guarantee to its continuation in areas where offered.

(B) A refuse charge of \$12.00 per calendar month shall be levied against each commercial and industrial solid waste customer for the collection and distribution of not more than one cubic yard per month of solid waste, as required by this Chapter. For each additional cubic yard of solid waste collected and disposed of per month, over and above one cubic yard for each such customer, the customer shall be charged an additional \$2.50 per cubic yard.

(C) Any solid waste customer requiring more than one pick up of solid waste per week shall be charged as follows:

1. The first additional pick up per week, an additional seven dollars (\$7.00) per month.

2. Two (2) additional pick ups per week, an additional fourteen dollars (\$14.00) per month.
3. Three (3) additional pick ups per week, an additional twenty-one dollars (\$21.00) per month.
4. Four (4) additional pick ups per week, an additional twenty-eight dollars (\$28.00) per month.

(D) Each commercial or industrial customer requiring a trash bin shall be furnished one by the City, and there shall be added to each customer's account a monthly rental charge therefore as follows:

1. For each one cubic yard container eight dollars fifty cents (\$8.50).
2. For each one and one-half (1 ½) cubic yard container nine dollars (\$9.00).
3. For each two (2) cubic yard container ten dollars (\$10.00).
4. For each three (3) cubic yard container sixteen dollars twenty-five cents (\$16.25).
5. For each four (4) cubic yard container eighteen dollars seventy-five cents (\$18.75).
6. For each six (6) cubic yard container twenty-five dollars (\$25.00).

SECTION 2: Title 7, Chapter 2, Section 18 of the Municipal Code is hereby amended to read as follows:

7-2-18: PARTIAL SERVICES; EXCEPTIONS:

(A) Any person, at the time of beginning or terminating service, who receives service for a period of fewer than fifteen (15) consecutive days shall be billed at one-half (1/2) the rate for such

service; for service of fifteen (15) or more consecutive days, the charge shall be at the full monthly rate.

(B) Where collections are to be made, households of a single occupancy, regardless of age, such household shall be entitled to a special rate of \$10.50 per month, which shall entitle said household to regular residential refuse collection and disposal services. It shall be the duty of any householder making application for exception under this subsection to furnish the City with sufficient proof, either by affidavit or otherwise, that he or she is entitled to such exception.

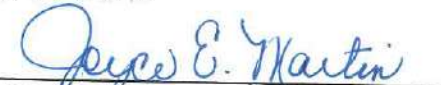
SECTION 3: Title 7, Chapter 2, Section 15 and Section 18, as the same presently exists, are hereby repealed.

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, and shall be applicable for all bills for refuse service after November 1, 2006.

PASSED and APPROVED this 24<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(Published in the *Anderson County Advocate*, 12/01, 2006)

ORDINANCE NO. 3672

**AN ORDINANCE EXEMPTING CERTAIN PROPERTY IN THE CITY OF GARNETT, KANSAS FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES.**

WHEREAS, Article 11, Section 13 of the Kansas Constitution permits the governing body of any city by ordinance to exempt from ad valorem taxation all or any portion of the appraised valuation of all buildings, together with the land upon which such buildings were located, and all tangible personal property associated therewith used exclusively by a business for the purpose of manufacturing articles of commerce for not more than ten (10) calendar years after the calendar year in which the business commences its operations or in which expansion of an existing business is completed; and

WHEREAS, the governing body of the City of Garnett, Kansas (the "City"), after conducting a public hearing pursuant to published notice as provided by law, has determined that property belonging to SPI, Inc. d/b/a Garnett Church Furnishings (the "Company") and used exclusively in the Company's business of manufacturing articles of commerce should be granted tax exemption for economic development purposes; and

WHEREAS, the governing body of the City has by previously adopted resolution made the findings of fact required by K.S.A. 79-251;

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

**Section 1. Grant of Exemption.** In accordance with Article 11, Section 13 of the Kansas Constitution, and pursuant to K.S.A. 79-251, Resolution No. 4410 of the City and this Ordinance, the following described real property is hereby exempted from ad valorem taxation for a period of 10 calendar years, beginning with the year 2002, subject to continuing exempt use:

West 450 feet of Lot 3 and the North 100 feet of Lot 6A in the Golden Prairie Addition to the City of Garnett

**Section 2. Copies of Documents.** The City will provide the owner of the property and the County Appraiser of Anderson County, Kansas a copy of this ordinance, and copies of the other proofs of compliance with the requirements of K.S.A. 79-251.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, signature and publication in the official city newspaper as provided by law.

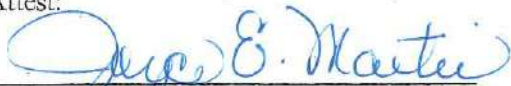
PASSED AND SIGNED Nov. 28, 2006.

(SEAL)



Michael L. Norman, Mayor

Attest:



Joyce Martin, City Clerk

Case No. Ordinance  
#3672

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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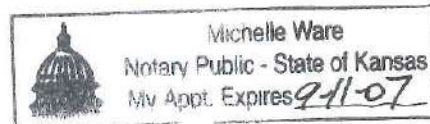
1st publication Friday, December 1, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

\_\_\_\_\_  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 7<sup>th</sup> day of December, 20 06

Michelle Ware  
\_\_\_\_\_  
Notary Public

My appt. expires 9-11-07





(Published in the The Anderson County Review, November 21, 2006)

**ORDINANCE NO. 3673**

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT TO ISSUE ITS INDUSTRIAL REVENUE BONDS (ANDERSON COUNTY HOSPITAL - MEDICAL OFFICE BUILDING PROJECT), SERIES 2006A IN THE MAXIMUM PRINCIPAL AMOUNT OF \$550,000 AND ITS TAXABLE INDUSTRIAL REVENUE BONDS (ANDERSON COUNTY HOSPITAL - MEDICAL OFFICE BUILDING PROJECT), SERIES 2006B IN THE MAXIMUM PRINCIPAL AMOUNT OF \$175,000 FOR THE PURPOSES OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING TAXABLE INDUSTRIAL REVENUE BONDS AND PAYING THE COSTS OF THE REMODELING AND IMPROVEMENT OF AN EXISTING MEDICAL OFFICE BUILDING; AUTHORIZING EXECUTION OF CERTAIN DOCUMENTS NECESSARY OR DESIRABLE TO EFFECT THE TRANSACTION CONTEMPLATED HEREBY; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

**WHEREAS**, the City of Garnett (the "Issuer") is authorized by the Kansas Economic Development Revenue Bond Act, as amended, as codified in K.S.A. 12-1740 *et seq.* (the "Act"), to acquire, construct, improve and equip certain facilities (as defined in the Act) for hospital purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities and to issue revenue bonds for the purpose of refunding such bonds; and

**WHEREAS**, pursuant to Ordinance No. 3125 of the Issuer approved April 25, 1995 (the "Original Ordinance") and a Trust Indenture dated as of April 15, 1995 (the "Original Indenture") between the Issuer and Union State Bank, predecessor to Commerce Bank, N.A., as Trustee (the "Original Trustee"), the Issuer previously issued its Taxable Industrial Revenue Bonds (Anderson County Hospital - Medical Office Building Project), Series 1995, dated April 15, 1995 (the "Refunded Bonds"), in the original principal amount of \$450,000, of which \$297,000 remains outstanding, for the purpose of acquiring and constructing the existing medical office building (the "Original Project"); and

**WHEREAS**, the Original Project including all related fixtures and equipment were leased to the Board of Trustees of Anderson County Hospital, a county hospital organized under K.S.A. 19-4601 *et seq.* (the "Original Lessee"), pursuant to the provisions of a certain Lease dated as of April 15, 1995 between the Issuer and the original Lessee (the "Original Lease"); and

**WHEREAS**, the Issuer's governing body has determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Industrial Revenue Bonds (Anderson County Hospital - Medical Office Building Project), Series 2006A, in the maximum principal amount of \$550,000 (the "Series 2006A Bonds") and its Taxable Industrial Revenue Bonds (Anderson County Hospital - Medical Office Building Project), Series 2006B, in the maximum principal amount of \$175,000 (the "Series 2006B Bonds," and together with the Series 2006A Bonds, the "Bonds"), for the purpose of providing funds to refund the Outstanding Bonds and paying the costs of remodeling and improving the medical office building (the "Project", referred to with the Original Project as the "Medical Office Building"), as more fully described in the Indenture and in the Lease authorized in this ordinance for lease to the Board of Trustees of Anderson County Hospital (the "Lessee").

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

**Section 1. Definition of Terms.** All terms and phrases not otherwise defined in this Ordinance will have the meanings set forth in the Indenture and the Lease Agreement.

**Section 2. Authority to Cause the Medical Office Building to be Remodeled and Improved.** The Issuer is authorized to cause the medical office building to be remodeled and improved and the Project to be completed.

**Section 3. Authority to Cause the Outstanding Bonds to be Redeemed.** The Issuer is hereby authorized to cause the Outstanding Bonds to be redeemed on or about 30 days after the Bonds are issued, in accordance with the provisions of the Original Indenture. The Original Trustee is authorized to give notice of such redemption in accordance with the provisions of the Original Indenture.

**Section 4. Authorization of and Security for the Bonds.** The Issuer is hereby authorized to issue and sell the Bonds and use the proceeds to refund the Refunded Bonds, pay the Project Costs, and pay certain issuance costs related to the Bonds.

The Series 2006A Bonds (i) shall be issued in a principal amount of not to exceed \$550,000, (ii) shall bear interest at various rates not to exceed a net interest cost of 7.0%, (iii) shall have a final maturity not later than 2026, (iv) shall have a scheduled weighted average maturity of not less than 7.5 nor more than 13 years, (v) shall be sold to Piper Jaffray & Co. with an underwriter's discount of not more than 2.0%, and (vi) any term Bonds shall be subject to optional prepayment at the option of the Issuer not later than April 1, 2015 and thereafter in whole or in part at any time at 100% of the principal amount thereof, plus interest accrued thereon to the prepayment date.

The Series 2006B Bonds (i) shall be issued in a principal amount of not to exceed \$175,000, (ii) shall bear interest at various rates not to exceed a net interest cost of 12.0%, (iii) shall have a final maturity not later than 2026, (iv) shall have a scheduled weighted average maturity of not less than 1 nor more than 5 years, (v) shall be sold to Piper Jaffray & Co. with an underwriter's discount of not more than 5.0%, and (vi) the 2006B Bonds shall NOT be subject to optional redemption.

The final terms of the Bonds shall be specified in the Indenture and the Bond Purchase Agreement described herein upon the execution thereof, and the signatures of the Mayor when executing such Indenture and the Bond Purchase Agreement shall constitute conclusive evidence of the Mayor's approval and the Issuer's approval thereof.

The Bonds, together with interest thereon and premium, if any, are not general obligations of the Issuer but are special limited obligations payable solely from the Trust Estate pledged to the payment thereof under the Indenture, including revenues from the lease of the Medical Office Building, and shall be a valid claim of the respective holders thereof only against the Trust Estate and other moneys held by the Trustee and the revenues so pledged as aforesaid. In no event shall the Bonds be payable out of any funds or properties other than those pledged or acquired under the Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the Issuer, the State of Kansas, or of any political subdivision thereof and the issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State of Kansas or any political subdivision thereof to levy any form of taxation therefor or to budget or make any appropriation for their payment. Nothing in the Bonds, the Indenture, the proceedings of the Issuer authorizing the Bonds or the Act shall be construed to be a debt or loan of credit of the Issuer, the

State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

**Section 5. Authorization and Approval of Documents.** The following documents are hereby approved in substantially the forms presented to and reviewed by the Issuer at this meeting (copies of which documents shall be filed in the records of the Issuer), and the Issuer is hereby authorized to execute and deliver each of such documents to which the Issuer is a party (the "Issuer Documents") with such changes therein as shall be approved by the officer or officers of the Issuer executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Issuer's approval thereof:

- (i) a Trust Indenture (the "Indenture"), with Security Bank of Kansas City, Kansas City, Kansas, as Trustee (the "Trustee"), setting forth the final principal amounts, maturities and interest rates, and prescribing the terms and conditions of issuing and securing the Bonds;
- (ii) a Lease (the "Lease Agreement"), with the Lessee, under which the Issuer will remodel and improve the Project and lease the Medical Office Building, including the Project, to the Lessee in consideration of Basic Rent and other payments;
- (iii) a Bond Purchase Agreement (the "Bond Purchase Agreement") providing for the sale of the Bonds by the Issuer to Piper Jaffray & Co., Leawood, Kansas; and
- (iv) a Tax Compliance Agreement (the "Tax Compliance Agreement") to be entered into between the Issuer, the Lessee, Saint Luke's of Garnett and the Trustee.

**Section 6. Execution of Bonds and Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor of the Issuer is hereby authorized and directed to execute the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary.

**Section 7. Tax Covenants.** The Issuer covenants and agrees that (a) it will comply with all applicable provisions of the Code, including *Sections 103* and *141* through *150*, necessary to maintain the exclusion from federal gross income of the interest on the Series 2006A Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the Issuer, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Series 2006A Bonds. The Issuer will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Series 2006A Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

**Section 8. Designation of Series 2006A Bonds as Qualified Tax-Exempt Obligations.** The Issuer designates the Series 2006A Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code. In addition, the Issuer represents that:

- (a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds) which will be issued by the Issuer during the calendar year in which the Series 2006A Bonds are issued does not exceed \$10,000,000; and

(b) the aggregate principal amount of obligations designated by the Issuer as "qualified tax-exempt obligations" during the calendar year in which the Series 2006A Bonds are issued does not exceed \$10,000,000.

The Mayor and/or City Clerk are authorized to take such other action as may be necessary to make effective the designation in this Section.

**Section 9. Further Authority.** The Issuer shall, and the officers, employees and agents of the Issuer are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents, including, but not limited to, agreements with respect to the investment of funds held under the Indenture.

**Section 10. Governing Law.** This Ordinance and the Bonds shall be governed by and construed in accordance with the applicable laws of the State.

**Section 11. Pledge of the Medical Office Building and Net Lease Rentals.** The Issuer hereby pledges the Medical Office Building, including the Project, and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid

**Section 12. Effective Date.** This ordinance shall take effect after its passage by the governing body of the Issuer, signature by the Mayor and publication once in the Issuer's official newspaper.

**PASSED** by the governing body of the City of Garnett this 14th day of November, 2006.

[SEAL]

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 3674

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", 2006 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", 2006 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. 3674" 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 2006, 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 14<sup>th</sup> day of November, 2006.

*Michael L Norman*  
\_\_\_\_\_  
Mayor

A T T E S T:

*Joyce E. Martin*  
\_\_\_\_\_  
City Clerk

**ORDINANCE NO. 3678**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 4, ESTABLISHING NEW AND REVISED RATES FOR VARIOUS ELECTRIC SERVICE; REPEALING EXISTING SECTIONS OF THOSE SECTIONS HEREBY AMENDED; PROVIDING FOR EFFECTIVE DATE.**

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

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

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

(A) Residential Service—Standard:

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

Customer Charge: \$4.50 per month

Energy Charge:

First	80 kWh per month at	\$.110 per kWh
Next	920 kWh per month at	\$.107 per kWh
Over	1,000 kWh per month at	\$.105 per kWh

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

(B) Small General Service:

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

Customer Charge: \$6.00 per month

Energy Charge:

First	80 kWh per month at	\$ .110 per kWh
Next	920 kWh per month at	\$ .106 per kWh
Over	1,000 kWh per month at	\$ .104 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.

3. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

(C) Large General Services:

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

Customer Charge: \$6.50 per month

Demand Charge: For each kW billing demand per month, \$2.00 per kW

Energy Charge:

First	1,000 kWh per month at	\$ .097 per kWh
Next	9,000 kWh per month at	\$ .095 per kWh
Next	50,000 kWh per month at	\$ .091 per kWh
Next	50,000 kWh per month at	\$ .086 per kWh
Next	50,000 kWh per month at	\$ .082 per kWh
Over	160,000 kWh per month at	\$ .077 per kWh

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



consumption is less than 5,000 kWh during said preceding twelve (12) month period.

3. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.

4. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the demand charge, the regular energy charge for all kWh used, and applicable adjustments.

(D) Temporary Construction Service:

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

Customer Charge: \$5.00 per month

Energy Charge:

Per kWh used \$0.12 per kWh

2. Energy purchased under this classification shall be subject to a twenty percent (20%) surcharge as provided in Title 4, Chapter 4, Section 6 of this Code, as applicable.

3. The total monthly charge for any customer purchasing energy under this classification shall be the sum of the customer charge, the regular energy charge for all kWh used and applicable adjustments.

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

Mercury Vapor Street Lights

175 Watt	\$ 42.00 per fixture
250 Watt	\$ 50.00 per fixture
400 Watt	\$ 60.00 per fixture
1,000 Watt	\$120.00 per fixture

Lucalox Street Lights

400 Watt \$120.00 per fixture

(F) Private Area Lighting:

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

Luminaries

175 Watt Mercury Vapor  
(7,000 Lumens) \$7.50 per fixture

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

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

Water pumping, at \$ .060 per kWh  
Sewage disposal, at \$ .060 per kWh

(H) Electric Service; Fuel Cost Rate Adjustment: Effective for all billings issued on or after January 1, 2007, the energy charge for Garnett's municipal electric utility, as otherwise fixed by this section, shall be increased or decreased by the average cost of fuel which either exceeds or falls below five cents (\$0.05) per kilowatt hour delivered to the system at the net generation level. The term, "average cost of fuel" as used herein shall be defined as the total cost of fuel burned plus the energy component of purchased power for the previous calendar month, divided by the total kilowatt hours of energy delivered into the electric system in said month.

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

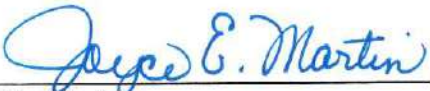
Ordinance  
Page 5

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas; the rates provided in this Ordinance shall become applicable and applied to all billings for electric utility services issued by the City of Garnett, Kansas after January 1, 2007.

PASSED This 26th day of December, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

**AN ORDINANCE REGULATING THE CARRYING OF CONCEALED WEAPONS WITHIN THE CITY OF GARNETT, KANSAS; PROHIBITING CERTAIN ACTS; ESTABLISHING PENALTIES.**

=====

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

SECTION 1. (A) It shall be unlawful for any person licensed or recognized as a valid out of state licensee pursuant to the Kansas Personal and Family Protection Act to carry a concealed weapon into or upon:

1. Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
2. any police, sheriff or highway patrol station;
3. any detention facility, prison or jail;
4. any courthouse;
5. any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
6. any polling place on the day an election is held;
7. any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
8. on the state fairgrounds;
9. any state office building;
10. any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of post-secondary education;
11. any professional athletic event not related to or involving firearms;
12. any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
13. any elementary or secondary school building or structure used for student instruction or attendance;
14. any community college, college or university facility;
15. any place where the carrying of firearms is prohibited by federal or state law;
16. any child exchange and visitation center provided for in K.S.a. 75-270, and amendments thereto;
17. any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned State Hospital, Osawatomie State Hospital or Rainbow Mental health Facility;

18. any city hall;
19. any public library;
20. any day care home or group day care home, as defined in Kansas Administrative Regulation 28-4-113, or any preschool or child care center, as defined in Kansas Administrative Regulation 28-4-420; or,
21. any church, temple or place of worship.

(B) It shall be unlawful to carry a concealed weapon while under the influence of alcohol or drugs or both.

(C) It shall be unlawful for any person licensed or recognized as a valid out of state licensee pursuant to the Kansas Personal and Family Protection Act to carry a concealed weapon onto any city facility, premises, public park, or public grounds, provided that the property is posted in a manner reasonably likely to come to the attention of the persons entering the property where carrying a concealed weapon is prohibited. Such determination of the specific areas to be posted shall be determined, from time to time, by the governing body in simple resolution.

(D) Nothing in the Kansas Personal and Family Protection Act shall be construed to prevent:

1. Any public or private employer from restricting or prohibiting in any manner persons licensed under the said act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or
2. Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under the said act from carrying a concealed weapon while on such premises, provided that the premises are posted in a manner reasonably likely to come to the attention of persons entering the premises where carrying a concealed weapon is prohibited; or,
3. A property owner from restricting or prohibiting in any manner persons licensed under the said act from carrying a concealed weapon while on such property, provided that the premises are posted in a manner reasonably likely to come to the attention of persons entering the property where carrying a concealed weapon is prohibited.
4. It shall be unlawful to carry a concealed weapon in violation of any restrictions or prohibitions adopted and posted in accordance with subparagraphs 1-3, inclusive, hereof.

SECTION 2. (A) Violation of subsections (A) or (B) of Section 1 shall be punishable by a fine of not to exceed \$2,500.00 or by imprisonment for a definite period of not more than one year, or by both such fine and imprisonment.

(B) Violation of subsections (C) or (D) of Section 1 shall be punishable by a fine of not to exceed \$1,000.00 or by

Ordinance  
Page 3

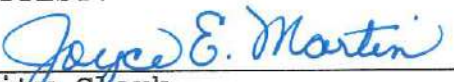
imprisonment for a definite period of not more than six months,  
or by both such fine and imprisonment.

SECTION 3. This ordinance shall take effect and be in  
force from and after its passage and publication in an official  
newspaper of the City of Garnett, Kansas.

**PASSED** this 26th day of December, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
No. 3679

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, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12<sup>th</sup> day of January, 2007

Michelle Ware  
Notary Public

My appt. expires 9-11-07

 Michelle Ware  
Notary Public - State of Kansas  
My Appt. Expires 9-11-07

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 5 OF THE MUNICIPAL CODE,  
REGULATING THE CARRYING AND DISCHARGE OF CERTAIN FIREARMS WITHIN  
THE CITY OF GARNETT, KANSAS.**

=====

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

SECTION 1. Title 6, Chapter 5, Section 2 of the Municipal  
Code is hereby amended to read as follows, to-wit:

6-5-2: CONCEALED WEAPONS: It shall be unlawful for  
any person to carry concealed upon his person any brass  
knuckles, dagger, stiletto, firearm or other deadly  
weapon, unless:

(A) with respect to a firearm, such person is  
licensed or recognized as a valid out of state licensee  
pursuant to the Kansas Personal and Family Protection  
Act; or,

(B) such person is a law enforcement officer, as  
defined by K.S.A. 74-5602 (Supp.).

SECTION 2. Title 6, Chapter 5, Section 3 of the Municipal  
Code is hereby amended to read as follows, to-wit:

6-5-3: DISCHARGE OF FIREARMS PROHIBITED: It shall  
be unlawful for any person to discharge any firearm  
within the City of Garnett unless:

(A) reasonably necessary for the protection of  
persons or property;

(B) by a law enforcement officer, as defined by  
K.S.A. 74-5602 (Supp.), in the line of his or her duty;

(C) by a person lawfully using the facilities of  
either the Garnett Gun Club or the Garnett rifle range  
in the North City Park; or,

(D) by a person lawfully hunting in the designated  
areas of the Cedar Valley Reservoir.

Section 3. (A) Title 6, Chapter 5, Sections 2 and 3 of the  
Municipal Code, as the same presently exist, are hereby repealed.

(B) Title 6, Chapter 5, Section 4 of the Municipal Code is  
hereby repealed.



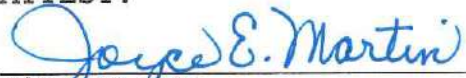
Ordinance  
Page 2

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 26th day of December, 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
No. 3680

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:

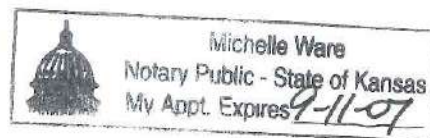
1st publication January 5, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12th day of January, 2007

Michelle Ware  
Notary Public

My appt. expires 9-11-07



=====

AN ORDINANCE PROHIBITING THE OPERATION OF CERTAIN TRUCKS AND  
COMMERCIAL VEHICLES ON PARTS OF MAIN STREET WITHIN THE CITY OF  
GARNETT, KANSAS.

=====

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

SECTION 1: No semitrailer, pole trailer or any other combination of vehicles which includes a tractor and trailer shall be operated upon Main Street from said street's intersection with Sixth Avenue to its intersection with Thirteenth Avenue.

SECTION 2: A commercial vehicle, as the same is defined by Kansas law or applicable regulation, may only be operated upon that part of Main Street from said street's intersection with Sixth Avenue to its intersection with Thirteenth Avenue, so long as its registered gross vehicle weight is not more than 35,000 pounds, and so long as its operation thereon is not otherwise prohibited by this ordinance.

SECTION 3: The provisions of Section 1 and Section 2 hereof shall be subject to the following:

(A) Appropriate signs shall be posted on the affected part of such street to inform motorists of the provisions of this ordinance.

(B) Adjacent premises to the affected part of such street may be served.

SECTION 4: This ordinance shall be supplementary to Article 10 of the Municipal Code, regulating traffic within the City of Garnett, Kansas. The official city codifier shall incorporate the provisions hereof into Chapter 3 of said Article. Violations hereof shall, upon conviction, be punished as provided in Title 10, Chapter 7, Section 4.

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 27th day of March, 2007.

Michael J. Moran  
Mayor

A T T E S T:

James E. Martin  
City Clerk

Case No. Ordinance No. 3686

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:

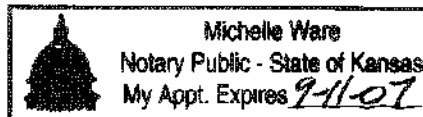
1st publication Friday March 30, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 4th day of April, 2007

Michelle Ware  
Notary Public

My appt. expires 9-11-07



ORDINANCE NO. 3688

AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR AND ALLOW CORRECTIONAL FACILITIES AS SPECIAL-PERMITTED USES IN ZONES B-2 (BUSINESS CENTRAL DISTRICT).

WHEREAS, the Governing Body has received a report of the Planning Commission unanimously recommending the amendment of the City of Garnett's Zoning Ordinance to provide for and allow correctional facilities as special-permitted uses in Zone B-2 (Business Central District); 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:

SECTION 1: Correctional Facilities (GRP 92/SIC 9223) shall be allowed in Zone B-2 (Business Central District) upon a special use permit; and Ordinance No. 3059 is hereby so amended in all respects.


SECTION 2: The Use Description 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.

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.

PASSED this 10th day of April, 2007.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3688

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:

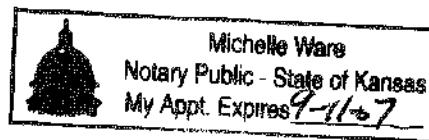
1st publication Friday February 13, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 18th day of April, 2007

Michelle Ware  
Notary Public

My appt. expires 9-11-07



=====

**AN ORDINANCE CREATING A TOURISM ADVISORY BOARD AND PRESCRIBING ITS DUTIES.**

=====

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

Section 1. CREATION AND ESTABLISHMENT: There is hereby created and established a City Tourism Advisory Board for the City, which shall consist of seven (7) members, all of whom shall be residents of Anderson County, Kansas. At least one (1) member thereof, but in no case more than two (2) members thereof, may be non-residents of Garnett. The remaining members shall be residents of the City. All members shall be appointed by the governing body.

Section 2. TERM OF OFFICE: Upon this ordinance's taking effect, two (2) of the members shall be appointed to the first Board for a term of one year; two (2) of the members shall be appointed for a term of two (2) years; and three members shall be appointed for a term of three (3) years. Thereafter, as each such term expires, members shall be appointed for a term of three (3) years. In the event a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. Board members shall hold office until their successor is appointed and qualified.

Section 3. COMPENSATION: Members of the Tourism Advisory Board shall serve without compensation.

Section 4. DUTIES AND RESPONSIBILITIES: The Tourism Advisory Board shall:

A. Study, investigate and develop programs and plans to create and maintain an environment in which tourism can flourish in Garnett and in the adjacent areas of Anderson County surrounding the city.

B. Foster communication regarding and encourage collaborative marketing strategies to maximize Garnett as a competitive tourist destination.

C. Counsel the Governing Body and the City Manager regarding all aspects of tourism and the promotion thereof, including but not limited to the expenditure by the Governing Body of Garnett's transient guest tax monies.

D. Assist the City in seeking grants of outside funding to further tourism, and if the City is a grantee recipient of grant funds, to give the Governing Body counsel and advice regarding the expenditure thereof.

E. When requested by the Governing Body, consider, investigate, make findings and report and recommend upon any special matter or question coming within the scope of the Board's work.

Section 5. ORGANIZATION AND OPERATION: The Tourism Advisory Board shall annually select a chairman and such other officers as it may find expedient or convenient and shall adopt rules and regulations as it may deem necessary to carry out its duties and responsibilities.


Section 6. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of April, 2007.



\_\_\_\_\_  
Mayor

A T T E S T:

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



ORDINANCE NO. 3693

AN ORDINANCE VACATING INDUSTRIAL STREET IN THE MAGGIO ADDITION TO THE CITY OF GARNETT, KANSAS; RESERVING ALL UTILITY EASEMENT RIGHTS WITHIN SAID STREET RIGHT OF WAY; 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.

=====

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

SECTION 1: The following tract of real estate situated in Anderson County, Kansas, a part of the Maggio Addition to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

All of Industrial Street, within Block One (1) of said Addition.

SECTION 2: There is hereby reserved for the benefit of the public all easement rights within said street right of way, for any public utility use, now in place thereon or in the future to be placed therein, forever.

SECTION 3: 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 days, this ordinance shall become effective.

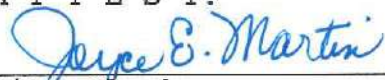
SECTION 4: This ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 3 hereof.

SECTION 5: A certified copy of this ordinance, after the same becomes 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 22nd day of May, 2007.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance No. 3693

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:

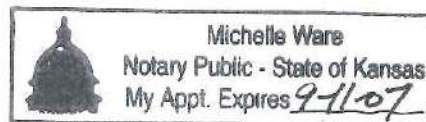
1st publication Friday May 25, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 29th day of May, 20 07

Michelle Ware  
Notary Public

My appt. expires 9-11-07



ORDINANCE NO. 3694

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3, SECTION 2 OF THE MUNICIPAL CODE, DECLARING IT ILLEGAL TO ALLOW ANIMALS TO RUN AT LARGE OR TO TRESPASS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 6, Chapter 3, Section 2 of the Municipal Code is hereby amended to read as follows:

6-3-2: RUNNING AT LARGE; TRESPASS:

(A) It shall be unlawful for any person or persons to permit or allow any animal belonging to him or her, or under his or her control, to run at large within the city limits. Each day such is allowed or permitted shall be a separate offense.

(B) It shall be unlawful for any person or persons to permit or allow any animal belonging to him or her, or under his or her control, to go upon the private property of another without the express consent of the owner of such private property.

(C) Violation of this section shall be punishable as provided in the general penalty chapter of this code. Upon the third or subsequent conviction thereof within the three years immediately preceding, the animal or animals of the offending owner or controller may be ordered removed from the defendant's possession and either destroyed or otherwise disposed of by the court and such defendant may be ordered, under penalty of contempt of court, to dispose of all other animals owned, kept or controlled by him or her within the City and not to own, keep, control or possess any animals within the City for a stated period of time up to two years.

Section 2. Title 6, Chapter 3, 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 22nd day of May, 2007.

Michael L. Norra  
Mayor

ATTEST:

Joyce E. Martin  
City Clerk

Case No. Ordinance No 3694

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:

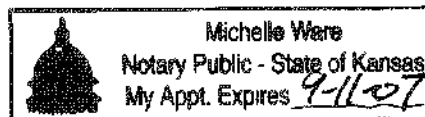
1st publication Friday, May 25, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 29th day of May, 20 07

Michelle Ware  
Notary Public

My appt. expires 9-11-07



ORDINANCE NO. 3695

**AN ORDINANCE NAMING CERTAIN PUBLIC STREETS WITHIN THE CITY OF GARNETT, KANSAS, PRESENTLY UNNAMED.**

=====

WHEREAS, a public street has recently been constructed and opened across city-owned lands, to provide access to and exit from the Garnett Softball Complex, which street is not now named; and,

WHEREAS, a public street has long been open across and through city-owned park land, to provide access to and exit from a part of the municipal park lying north of Crystal Lake, which street is not now named; and,

WHEREAS, a another public street has long been open across and through city-owned park land, to provide access to and exit from a part of the municipal park lying south of Crystal Lake, which street is not now named; and,

WHEREAS, a public street has long been open across city-owned lands, to provide access to and exit from various parts of the North Park surrounding Lake Garnett, which street is not now named; and,

WHEREAS, a public alley was laid-out as a part of the original plat of the City of Garnett, Kansas, through Block 57, but which, due to the railroad right of way cutting through said block and running along the north side thereof, within the right of way of what is platted as Fifth Avenue, has become used as a street for primary access to residences within said block, which street is not now named; and,

WHEREAS, assigning names to such public streets is more convenient and promotes public safety and welfare.

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

Section 1: All of that certain public street commencing at the northwest corner of the Maplewood Addition to the City of Garnett, Kansas, and intersecting at such point with U.S. Highway 59 (Maple Street), thence running from that point generally east, southeast and south through the Garnett Municipal Softball and Baseball Complex and continuing on through the Bryson Addition to the City of Garnett, Kansas, to its intersection with West Park Road, shall from and after the effective date of this ordinance, be named, "Home Run Drive".

Section 2: All of that certain public street commencing at its point of intersection with U.S. Highway 59 (Maple Street) near the southwest corner of the Mandovi Addition to the City of

Garnett, Kansas, thence running generally southeasterly, along and near the north bank area of Crystal Lake, thence running eastward to the west boundary of the Garnett municipal power and water plant, thence heading northeasterly, northerly and back to the northwest, eventually intersecting with itself west of the VFW Hall, shall from and after the effective date of this ordinance, be named "West Veterans Circle Drive".

Section 3: All of that certain public street commencing at its point of intersection with U.S. Highway 59 (Maple Street) south and west corner of Crystal Lake, thence running generally easterly toward said Crystal Lake and past the concrete-paved RV campsite, thence proceeding in a counter-clockwise rotation to create a more or less circular pattern, along the southwest bank of Crystal Lake and continuing to the point of beginning such circle adjacent to said RV campsite and then continuing south and southeasterly in an arc eventually heading somewhat northeasterly toward the southeast corner of Crystal Lake and near the former A.T. & S.F. railroad right of way (now the Prairie Spirit Rail Trail) and terminating thereat in a cul-de-sac, shall from and after the effective date of this ordinance, be named "West South Lake Drive".

Section 4: All of that certain public street commencing at its point of intersection with North Lake Road in North Park, thence running generally easterly toward the Garnett Country Club clubhouse and then dividing and running in opposite directions, to-wit: (a) southerly and then southeasterly to the east boundary line of North Park, adjacent to the property now owned by the Knights of Columbus and intersecting with the private drive running throughout the tract owned by Knights of Columbus; and (b) north, past the said Garnett County Club clubhouse on the east side thereof, and continuing north past the northwest corner of Prairie Links Addition to the City of Garnett, Kansas, and then gradually veering to the northwest and then westerly to the point of intersection with North Lake Road, north of the East Shelter House, shall from and after the effective date of this ordinance, be named "Northeast Golf Course Road".

Section 5: All of what is platted as the public alley-way in Block 57 of the City of Garnett, Kansas, in the original plat of said city, shall from and after the effective date of this ordinance, be named "East Fifth Terrace".

Section 6: All ordinances in conflict herewith are hereby repealed.

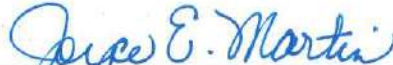
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Section 7: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 22nd day of May, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



Case No. Ordinance  
No. 3095

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 \_\_\_\_\_ consecutive weeks, to-wit:

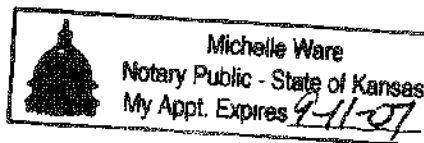
1st publication Friday May 25, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 29th day of May, 2007

Michelle Ware  
Notary Public

My appt. expires 9-11-07



ORDINANCE NO. 3702

**AN ORDINANCE REQUIRING THE REMOVAL AND REPLACEMENT OF CERTAIN GAS LINES AND ENTRANCES OF GAS PIPE SERVICE TO HOMES AND BUSINESSES UPON TRANSFER OF TITLE TO THE PREMISES.**

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1.

- (A) It is hereby declared to be the policy of the City of Garnett to eliminate through a program of replacement all customer-owned bare steel natural gas service lines, yard lines and below ground entrances to homes and businesses by January 1, 2018.
- (B) Any customer-owned bare steel natural gas service lines, yard lines and below ground entrances shall be removed and replaced, in the case of lines, with coated piping compliant with modern codes; and in the case of below ground entrances, with installation of the entrance of such service above ground. Removal and replacement to eliminate the non-compliant piping or entrance shall be required at such time as the title to any residential or business property shall be transferred; provided, however, when necessary to protect the safety of persons or property, or for other compelling reason, such non-compliant piping or entrance may be ordered removed and replaced at any time.
- (C) The property owner or utility customer shall be responsible for the costs of such removal and replacement required by the foregoing subsection and the subsequent maintenance thereof.
- (D) The City of Garnett may take such steps as are necessary to compel the removal and replacement required by this section, including but not limited to the suspending of gas utility service.
- (E) Nothing in this section shall prevent any property owner or utility customer from removing and replacing such non compliant piping and entrance at any time.

Section 2. The city's official codifier is directed to place the provisions of Section 1 hereof at Title 4, Chapter 7, Section 10.

Section 3. This ordinance shall take effect and be in force

Ordinance  
Page 2

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from and after its passage and publication one time in an  
official newspaper of the City of Garnett, Kansas.

PASSED this 28th day of August, 2007.

*Michael J. Norman*  
\_\_\_\_\_  
Mayor

ATTEST:

*Joyce E. Martin*  
\_\_\_\_\_  
City Clerk

Case No. Ordinance # 3702

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:

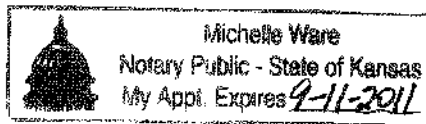
1st publication Friday, August 31, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12th day of September, 20 07

Michelle Ware  
Notary Public

My appl. expires 9-11-11



ORDINANCE NO. 3704

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", 2007 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", 2007 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. 3704" 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 2007, 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 11th day of September, 2007.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

ORDINANCE NO. 3709

AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, SECTIONS 1-4, INCLUSIVE, OF THE MUNICIPAL CODE, RELATING TO THE ORGANIZATION AND OPERATIONS OF THE GARNETT VOLUNTEER FIRE DEPARTMENT; REPEALING EXISTING TITLE, CHAPTER AND SECTIONS AND ALSO REPEALING TITLE 3, CHAPTER 2, SECTION 5 OF THE MUNICIPAL CODE.

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

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 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 twenty-one (21) nor more than fifty (50) years of age at the time of appointment. Reserve firefighters shall be at least twenty (20) 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 be come 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 2 of the Municipal Code is hereby amended to read as follows:

3-2-2: APPOINTMENT OF FIRE CHIEF; AUTHORITY:

- (A) The Garnett Volunteer Fire Department shall be under the direction of the Fire Chief, who shall be appointed

by the City Manager and shall serve at the City Manager's pleasure.

(B) (1) The Fire Chief shall have such powers and authority as conferred upon him by the laws of Kansas, the provisions of the Uniform Fire Code then in force in the City of Garnett, Kansas, and the rules and bylaws of the Garnett Volunteer Fire Department.

(2) The Fire Chief shall have the full power, control and command of all persons present at a fire or other emergency scene to which the department is called and shall direct the use of the fire apparatus and equipment and shall command the firefighters in the discharge of their duties.

(3) The Fire Chief is authorized to make and enforce reasonable rules and regulations for the prevention and control of fires and fire hazards, consistent with Kansas law and the provisions of the Uniform Fire Code, as adopted by the City of Garnett. Such rules shall be in writing and shall be first approved by the City Manager. A true and correct copy thereof shall be on file with the City Clerk at all times.

(C) The Fire Chief shall be deemed a department head for purposes of the Garnett Personnel Policy Guide. With regard to matters of firefighter discipline, the Fire Chief may act summarily to suspend any regular or reserve firefighter during the time of fire or actual emergency. Thereafter, or in other non-emergency situations, the city's discipline policy shall apply and shall be followed in dealing with firefighter discipline issues.

(D) Such assistant fire chiefs and other inferior officers shall be appointed or elected as provided in the department's bylaws. Each shall have the authority and perform the duties as either directed by the chief or as provided in the bylaws. There shall be no more than two assistant chiefs, no more than two fire captains and no more than two fire lieutenants. Not more than two firefighters may be designated as a safety officer in accordance with NFPA 1500 whose duties shall include seeing that a safe working environment is maintained and to assist the other officers and the department in assessing and minimizing risks of injury or death to personnel.

(E) The Fire Chief is hereby authorized, subject to the approval of the City Manager, to enter into one or more mutual aid agreements with any township, city or county to furnish outside the Garnett city limits fire fighting services or equipment to such township, city



or county upon such terms and conditions as are fair and reasonable. To the extent not endangering the fire protection available to the City of Garnett, the Garnett Volunteer Fire Department will lend assistance to the rural and neighboring communities' fire departments when requested under such mutual aid agreements.

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

3-2-3: RESERVE FIREFIGHTERS: Reserve firefighters shall not report for duty except when notified to do so by the Fire Chief, or in the chief's absence, by another ranking department officer then in charge, or by the City Manager. A reserve firefighter shall receive no pay for services to the city or the department except when called as provided in this section. Whenever such a call is made, and the reserve firefighter responds and performs duties as a firefighter, he or she shall be compensated at the same rate as a regular firefighter.

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

3-2-4: COMPENSATION: The Fire Chief and each regular member of the Garnett Volunteer Fire Department shall be compensated as provided from time to time in a resolution of the Governing Body. Such rates of compensation shall be reviewed at least annually at the time the regular city budget is prepared.

SECTION 5. Title 3, Chapter 2, Sections 1 through 4, inclusive, of the Municipal Code as the same presently exist are hereby repealed. Title 3, Chapter 2, Section 5 of the Municipal Code is 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 this 13th day of November, 2007.

  
Michael L. Norman, Mayor

ATTEST:

  
Joyce E. Martin, City Clerk

Case No. Ordinance # 3709

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.

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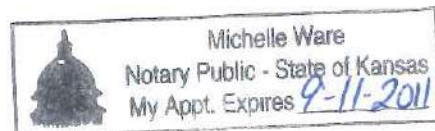
1st publication November 21/23, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 7<sup>th</sup> day of December, 2007

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



(Published in *The Anderson County Review*, on December 4, 2007)

**ORDINANCE NO. 3711**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF GARNETT, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 3/28/06-1 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

**WHEREAS**, the governing body of the City of Garnett, Kansas (the "City") has heretofore authorized certain internal improvements (the "Improvements") to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the governing body has heretofore conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

**Section 1. Levy of Assessments.** For the purpose of paying the costs of the following described Improvements:

Construction of a street approximately 1089 lineal feet in length, to be known as Prairie Plaza Parkway, approximately 733 lineal feet of storm sewer, and street lighting consisting of eleven (11), 400 watt metal halide cobrahead fixtures mounted on a 30 foot pole;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by Bond Counsel) against the property described on *Schedule I* attached hereto.

**Section 2. Payment of Assessments.** The amounts so levied and assessed in *Section 1* of this Ordinance shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within thirty (30) days from the date of publication of this Ordinance.

**Section 3. Notification.** The City Clerk shall notify the owners of the properties described in *Schedule I* attached hereto insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that unless such assessments are paid within thirty (30) days from the date of publication of this Ordinance, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

**Section 4. Certification.** Any amount of special assessments not paid within the time prescribed in *Section 2* hereof shall be certified by the City Clerk to the Clerk of Anderson County,

Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 15 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.


**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

PASSED by the governing body of the City of Garnett on November 27, 2007 and signed and APPROVED by the Mayor and City Clerk.

  
\_\_\_\_\_  
Mayor

(SEAL)

Attest:

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

Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 15 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

PASSED by the governing body of the City of Garnett on November 27, 2007 and signed and APPROVED by the Mayor and City Clerk.



Mayor

(SEAL)

Attest:



City Clerk

(Published in *The Anderson County Review*, on December 4, 2007)

**ORDINANCE NO. 3712**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF GARNETT, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 6/28/05-1 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

**WHEREAS**, the governing body of the City of Garnett, Kansas (the "City") has heretofore authorized certain internal improvements (the "Improvements") to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the governing body has heretofore conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

**Section 1. Levy of Assessments.** For the purpose of paying the costs of the following described Improvements:

Engineering studies for construction of a turn lane extension on Highway 169 approximately 750 feet on each side of Main Street; and construction of intersection improvements at Highway 59 and Seventh Avenue, including a modified storm drainage design and two new curb inlets, new curb and gutter for the area of the radii and tie in section of the same corners for a distance of approximately 150 feet west of Highway 59, new sidewalk and new traffic control devices;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by Bond Counsel) against the property described on *Schedule I* attached hereto.

**Section 2. Payment of Assessments.** The amounts so levied and assessed in *Section 1* of this Ordinance shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within thirty (30) days from the date of publication of this Ordinance.

**Section 3. Notification.** The City Clerk shall notify the owners of the properties described in *Schedule I* attached hereto insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that unless such assessments are paid within thirty (30) days from the date of publication of this Ordinance, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

**Section 4. Certification.** Any amount of special assessments not paid within the time prescribed in **Section 2** hereof shall be certified by the City Clerk to the Clerk of Anderson County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 15 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

**PASSED** by the governing body of the City on November 27, 2007 and signed and **APPROVED** by the Mayor and City Clerk.

(SEAL)

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3714

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 4 OF THE MUNICIPAL CODE, BY ADDING ADDITIONAL SUBSECTIONS DESIGNATING ADDITIONAL HANDICAPPED PARKING STALLS.**

=====

BE IT ORDAINED BY 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, additional two subsections, to-wit:

- (D) One angle parking stall on the east side of Oak Street, immediately adjacent to, and south of, the pedestrian crosswalk on Oak Street, south of Oak Street's intersection with Fifth Avenue.
- (E) One angle parking stall on the west side of Oak Street, immediately adjacent to, and north of, the pedestrian crosswalk on Oak Street, north of Oak Street's intersection with Fifth Avenue.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 11th day of December, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk



Case No. Ordinance No 3714

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:

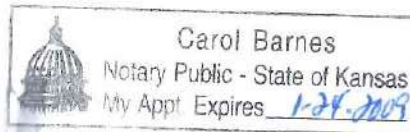
1st publication Friday, December 14, 2007  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 26 day of December, 20 07

Carol Barnes  
Notary Public

My appt. expires Jan. 24, 2009



**ORDINANCE NO. 3716**

**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 Thirteen (13) through Twenty-Four (24) inclusive Block 7, Bronston Heights Addition to the City of Garnett, Kansas and that part of vacated Tenth Avenue lying between and adjacent to South half (S1/2) of Block Seven (7) and North half (N1/2) of Block Twelve 12 of Bronston Heights Addition of the City of Garnett, Kansas, said strip being Sixty (60) feet in width north and south and running the full width of said blocks, a distance of three hundred (300) feet more or less in an east-west direction.

is hereby changed from R-3 Flexible - Residential District to B-1 General Business 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 26<sup>th</sup> day of December, 2007.

  
Mayor

Attest:

  
City Clerk

Case No. Ordinance No. 3716

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 24, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 14th day of January, 2008

Christina L. Rockers  
Notary Public

My appt. expires 2-17-09



(PUBLISHED IN *THE ANDERSON COUNTY REVIEW* ON JANUARY 29, 2008)

ORDINANCE NO. 3718

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,190,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2008-A, 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 is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 12-6a01 et seq., 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 Description</u>	<u>Ordinance No.</u>	<u>Authority</u>	<u>Amount</u>
Highway 169 & Highway 59 Improvement District	3712	K.S.A. 12-6a01 et seq.	\$261,856.74
Prairie Plaza Improvement District	3711	K.S.A. 12-6a01 et seq.	<u>269,016.77</u>
		<i>Total:</i>	\$530,873.51

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements (including interest on temporary notes of the City and issuance costs of the Bonds) and related expenses are at least \$530,873.51, said costs to be paid for by the issuance of general obligation bonds; 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, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue \$1,190,000 of its general obligation bonds to pay the costs of the Improvements; and

WHEREAS, the City heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 et seq. to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds, and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

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. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.* and K.S.A. 12-6a01 *et seq.*, 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.

**"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 Refunding and Improvement Bonds, Series 2008-A, in the aggregate principal amount of \$1,190,000, and dated February 1, 2008, 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 Clerk or Acting Clerk.

**"Code"** means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

**"Improvements"** means the improvements referred to in the preamble to this Ordinance.

**"Mayor"** means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

**"Ordinance"** means this Ordinance authorizing the issuance of the Bonds.

**"Refunded Bonds"** means jointly (a) the Series 1998 Bonds maturing in the years 2008 and 2018, inclusive, in the aggregate principal amount of \$160,000; (b) the Series 1999 Bonds maturing in the year 2014, in the aggregate principal amount of \$100,000; and (c) the Series 2000-B Bonds maturing in the years 2010 to 2020, inclusive, in the aggregate principal amount of \$365,000.

**"Series 1998 Bonds"** means the City's General Obligation Refunding & Improvement Bonds, Series 1998, dated May 1, 1998.

**"Series 1999 Bonds"** means the City's General Obligation Bonds, Series 1999, dated November 1, 1999.

**"Series 2000-B Bonds"** means the City's General Obligation Bonds, Series 2000-B, dated September 15, 2000.

**"State"** means the State of Kansas.

**Section 2. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding and Improvement Bonds, Series 2008-A, of the City in the principal amount of \$1,190,000, for the purpose of providing funds to: (a) retire interim financing issued to finance the Improvements; (c) refund the Refunded Bonds; and (d) 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 in part from special assessments levied upon the property benefited by the construction of the Improvements and, if not so paid, 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 balance of the principal and interest on the Bonds is payable 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 a 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 and/or assessments upon all of the taxable tangible property within the City in the manner provided by law.

The taxes and/or assessments 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 and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes and/or assessments 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 and/or assessments are collected.

**Section 6. Tax Covenants.** The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including Code § 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

**Section 7. 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 8. Governing Law.** This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 9. 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 on January 22, 2008 and signed by the Mayor.



Attest:

Mayor

ATTEST:

  
Clerk

(SEAL)

(PUBLISHED IN *THE ANDERSON COUNTY REVIEW* ON JANUARY 29, 2008)

ORDINANCE NO. 3719

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$875,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION SALES TAX REFUNDING BONDS, SERIES 2008-B, 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 is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds, and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

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. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.*, 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.

“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 Sales Tax Refunding Bonds, Series 2008-B, in the aggregate principal amount of \$875,000, and dated February 1, 2008, 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 Clerk or Acting Clerk.



**"Code"** means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

**"Mayor"** means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

**"Ordinance"** means this Ordinance authorizing the issuance of the Bonds.

**"Refunded Bonds"** means the Series 2000-A Bonds maturing in the years 2010 to 2020, inclusive, in the aggregate principal amount of \$800,00.

**"Refunded Bonds Redemption Date"** means October 1, 2009 for the Series 2000-A Bonds.

**"Refunded Bonds Resolution"** means the ordinance and resolution which authorized the Refunded Bonds.

**"Revenues"** means all of the revenues derived from the City retailers' sales tax imposed by the City, as approved by the electors of the City, at an election held on November 3, 1998.

**"Series 2000-A Bonds"** means the City's General Obligation Sales Tax Bonds, Series 2000-A, dated September 15, 2000.

**"State"** means the State of Kansas.

**Section 2. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Sales Tax Refunding Bonds, Series 2008-B, of the City in the principal amount of \$875,000, for the purpose of providing funds to: (a) refund the Refunded Bonds; 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 the pledged revenues received by the City from the city retailers' sales tax imposed by the City, and, if not so paid, 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. The City hereby pledges the Revenues to the payment of the principal of and interest on the Bonds.

**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 a resolution hereafter adopted by the governing body of the City.

**Section 5. Application of Revenues; Levy and Collection of Annual Tax.** The City covenants and agrees that from and after the delivery of the Bonds, all of the Revenues shall be paid, deposited and applied as provided in a Resolution hereinafter adopted by the Governing Body of the City with respect to the Bonds.

The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying

and collecting the necessary taxes upon all of the taxable tangible property within the Issuer 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. Tax Covenants.** The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including Code § 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

**Section 7. 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 8. Governing Law.** This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 9. 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 on January 22, 2008 and signed by the Mayor.

(SEAL)

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 11 OF THE MUNICIPAL CODE, GENERALLY PROHIBITING SWIMMING WITHIN ANY BODY OF WATER IN THE CITY PARK SYSTEM; PROVIDING FOR EXCEPTIONS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 9, Chapter 5, Section 11 of the Municipal Code is hereby amended to read as follows:

9-5-11: SWIMMING GENERALLY PROHIBITED; CERTAIN EXCEPTIONS: No person shall bathe, swim, wade, or otherwise go into the waters of any lake, stream, creek, river, or reservoir, including, but not limited to, any basin, outfall area, sluice, or other integral part thereof, within any city park, except:

(A) for the purpose or water skiing and then only when, where, and under the rules or conditions by which water skiing is permitted; or,

(B) when expressly permitted by the Governing Body in connection with a special event and then only when, where, and under the rules or conditions specified in a written contract between the City of Garnett and the producer or sponsor of such special event.

Section 2. Title 9, Chapter 5, Section 11 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 12th day of February, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance #3721

**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 Friday, February 15, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22 day of Feb, 2008

Christopher Z. Roden  
Notary Public

My appt. expires 2-17-09

UNNOTARIAL 2008  
2-17-09

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 1, OF THE MUNICIPAL CODE, RELATING TO DEFINITIONS OF CERTAIN TERMS USED IN SAID CHAPTER; REPEALING EXISTING TITLE, CHAPTER AND SECTION.**  
=====

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

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

6-2-1: DEFINITIONS: The following words and phrases shall have the meanings set opposite them when used in this Chapter:

- (A) AT LARGE: Any dog shall be deemed to be at large when it is off the premises occupied by the owner's household as their abode and when not accompanied by its owner.
- (B) CITY MANAGER: Shall include his deputy, delegate, alternate or appointee.
- (C) COMPETENT PERSON: Any human being who is capable of controlling the dog in question and to whose command the dog is obedient.
- (D) DOG: All members of the Canis familiaris, male or female.
- (E) HOUSEHOLD: Those members of a family living in the same dwelling unit.
- (F) OWN: Includes own, or keep, or harbor, or shelter, or manage, or possess, or to have a part interest in any dog. If a minor owns a dog subject to the provisions of this Chapter, the head of the household of which such minor owner is a member shall be deemed the owner of such dog for the purpose of this Chapter and under this Chapter shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such minor owner shall himself be directly subject to the provisions of this chapter.
- (G) OWNER: One who owns, his employee or agent, or other competent person into whose charge the actual owner has committed his dog's care or control, whether for a fee or otherwise.
- (H) PERSON: Any individual, firm, association, partnership or corporation.

(I) VICIOUS DOG: Any dog which is fierce, dangerous, mean or uncontrollable; or one which has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite a person or domestic animal.


SECTION 2. Title 6, Chapter 2, Section 1 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 25th day of March, 2008.

  
Michael L. Norman, Mayor

ATTEST:

  
Kristina L. Kinney  
City Clerk

4/15 - Called Stacey  
pd 4/11/08

Emailed to  
And. Co. Review  
3/26/08

Send to Sterling  
Codifiers 3/26

=====  
AN ORDINANCE VACATING THE ALLEY IN BLOCK 46 OF THE ORIGINAL PLAT  
OF THE CITY OF GARNETT, KANSAS; 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 Anderson County Courthouse is situated within  
and takes up a substantial part of Block 46 of the original plat  
of the City of Garnett, Kansas, and has be so located and  
situated for over a century; and,

WHEREAS, the alley existing through the center of said Block  
46 has not been open for over one hundred years and is blocked by  
the Anderson County Courthouse; and,

WHEREAS, the said alley was most likely vacated prior to the  
erection of the Anderson County Courthouse, but no record thereof  
can be located and the alley right of way now should be vacated.

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

SECTION 1: That the alley, running east and west through  
the center of Block 46 of the original plat of the City of  
Garnett, Kansas, is hereby vacated as a public right of way.

SECTION 2: 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 alley 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 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, and after expiration of  
the time provided in Section 2 hereof.

SECTION 4: 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 24th day of March, 2008.

Michael J. Moran  
Mayor

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

Case No. Ordinance # 3728

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 Friday March 24, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 9th day of April, 2008

Christa L. Rogers  
Notary Public

My appt. expires 02-17-09





ORDINANCE NO. 3731

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519 ET SEQ.

=====

WHEREAS, the land hereinafter described is located in Anderson County, Kansas; and,

WHEREAS, the owners thereof have petitioned for and consented to the annexation of the same by the city of Garnett, Kansas, the land also being contiguous to an existing boundary of said city, and the provisions of K.S.A. 12-519 et seq. have been met; and,

WHEREAS, the city of Garnett, Kansas, finds it advisable and desirable to annex such land.

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

Section 1: The following described land, to-wit:

Commencing 217 feet South of the Northeast corner of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, in Anderson County, Kansas, thence West 50 feet (said distance being 217 feet West of the West right-of-way line of U.S. Highway 59, previously marked by a fence), thence South 200 feet, thence East to the Section line, thence North 200 feet to place of beginning; the West line of the above described tract is presently marked by an iron post fence

is hereby annexed to and made a part of the city of Garnett, Kansas.

Section 2: This land shall be called and known as "Brown Addition to the City of Garnett."

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 22<sup>nd</sup> day of April, 2008.

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

ATTEST:

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

PETITION FOR ANNEXATION

TO THE CITY OF GARNETT, KANSAS:

COME NOW James M. Brown and Debra K. Brown, husband and wife, as legal owners of the following described real estate, to-wit:

Commencing 217 feet South of the Northeast corner of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, in Anderson County, Kansas, thence West 250 feet (said distance being 217 feet West of the West right-of-way line of U.S. Highway 59, previously marked by a fence), thence South 200 feet, thence East to the Section line, thence North 200 feet to place of beginning; the West line of the above described tract is presently marked by an iron post fence

and do hereby petition the City of Garnett, Kansas, for an ordinance annexing the above described land to the corporate limits of said City of Garnett and in support thereof states that the above described land is adjacent to an existing boundary of the City of Garnett, Kansas, and as such meets one of the legal requirements for annexation pursuant to request by the owner or proprietor thereof.

James M. Brown  
James M. Brown

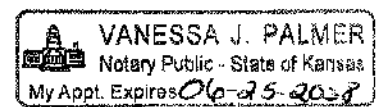
Debra K. Brown  
Debra K. Brown

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF ANDERSON    )

SIGNED and ACKNOWLEDGED before me on this 22nd day of April, 2008, by James M. Brown and Debra K. Brown, husband and wife.

Vanessa J. Palmer  
Notary Public

My appointment expires:  
June 25, 2008



WARRANTY DEED

JAMES F. HICKS and CAROL HICKS, husband and wife,

CONVEY and WARRANT To:

JAMES M. BROWN and DEBRA K. BROWN, husband and wife, as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either.

the following described real estate situated in Anderson County, Kansas, to-wit:

Commencing 217 feet South of the Northeast corner of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, in Anderson County, Kansas, thence West 250 feet (said distance being 217 feet West of the West right-of-way line of U.S. Highway 59, previously marked by a fence), thence South 200 feet, thence East to the Section line, thence North 200 feet to place of beginning; the West line of the above described tract is presently marked by an iron post fence;

CONSIDERATION: ONE DOLLAR (\$1.00) AND OTHER CONSIDERATION;

EXCEPT AND SUBJECT TO: Easements and restrictions of record.

Dated: May 16, 2005.

*James F. Hicks*  
James F. Hicks

*Carol J. Hicks*  
Carol Hicks

STATE OF CALIFORNIA )  
*Riverside* )  
COUNTY ) SS:

BE IT REMEMBERED, That on this *20th* day of May, 2005, before me, the undersigned, a notary public in and for the County and State aforesaid, came James F. Hicks and Carol Hicks, husband and wife, who are personally known to me to be the same persons who executed the within instrument of writing and duly acknowledged the execution of the same.

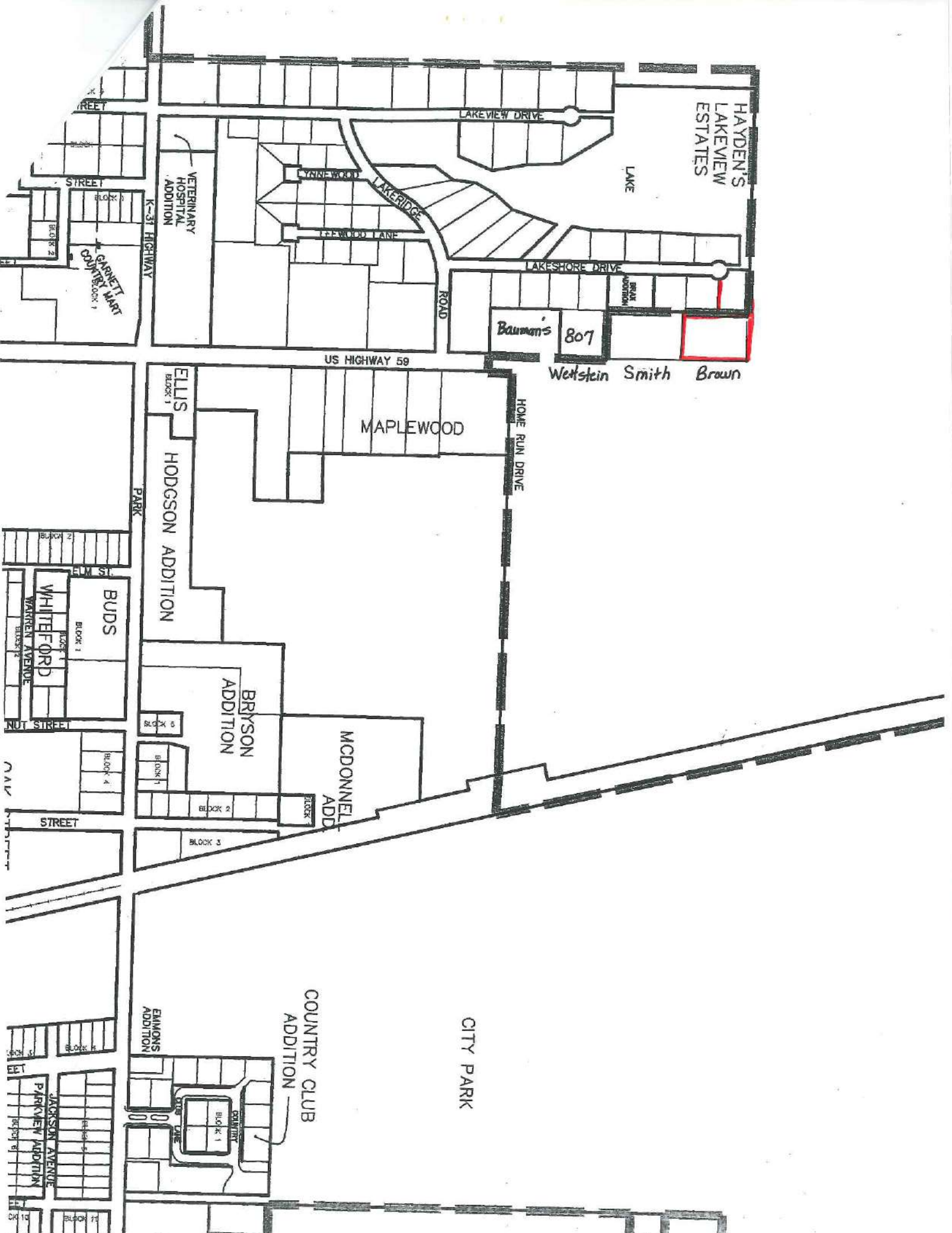
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

*R.M. Rehnke*  
\_\_\_\_\_  
Notary Public  
*R.M. Rehnke*

Appointment Expires:



Book 163 Page 181



HAYDEN'S  
LAKEVIEW  
ESTATES

LAKE

LAKEVIEW DRIVE

LYNWOOD

LAKERIDGE

LEEWOOD LANE

LAKESHORE DRIVE

REAR  
ADDITION

Bauman's  
807

Wetstein Smith Brown

US HIGHWAY 59

MAPLEWOOD

HOME RUN DRIVE

ELLIS  
BLOCK 1

HODGSON ADDITION

PARK

BUDS  
BLOCK 1

WHITEFORD  
WARREN AVENUE  
BLOCK 1

BRYSON  
ADDITION

MCDONNELL  
ADD  
BLOCK

BLOCK 1

BLOCK 2

BLOCK 3

STREET

CITY PARK

COUNTRY CLUB  
ADDITION

EMMONS  
ADDITION

BLOCK 1

JACKSON AVENUE  
PARKVIEW ADDITION

A

ORDINANCE NO. 3734

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519 ET SEQ.

=====

WHEREAS, the land hereinafter described is located in Anderson County, Kansas; and,

WHEREAS, the owners thereof have petitioned for and consented to the annexation of the same by the city of Garnett, Kansas, the land also being contiguous to an existing boundary of said city, and the provisions of K.S.A. 12-519 et seq. have been met; and,

WHEREAS, the city of Garnett, Kansas, finds it advisable and desirable to annex such land; and,

WHEREAS, the ordinance originally annexing said land (Ordinance No. 3731) contained a typographical error in the legal description of said tract of land, which error is being corrected by the passage of this ordinance.

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

Section 1: The following described land, to-wit:

Commencing 217 feet south of the northeast corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the 6th P.M., in Anderson County, Kansas, thence West 250 feet (said distance being 217 feet west of the west right-of-way line of U.S. Highway 59, previously marked by a fence), thence South 200 feet, thence East to the section line, thence North 200 feet to place of beginning; the west line of the above described tract is presently marked by an iron post fence

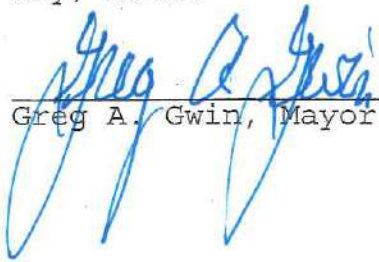
is hereby annexed to and made a part of the city of Garnett, Kansas.

Section 2: This land shall be called and known as "Brown Addition to the City of Garnett."

Section 3: Ordinance No. 3731 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 this 13th day of May, 2008.

  
\_\_\_\_\_  
Greg A. Gwin, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristina L. Kinney,  
City Clerk

Case No. Ordinance No. 3734

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:

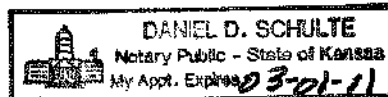
1st publication Friday, May 23, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 2<sup>ND</sup> day of JUNE, 20 08

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2011



=====  
AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT,  
KANSAS, TO PROVIDE FOR THE REPLACEMENT OF STRUCTURES DEVOTED TO  
RESIDENTIAL USES IN BUSINESS AND INDUSTRIAL ZONES UNDER CERTAIN  
CIRCUMSTANCES, AMENDING ARTICLE 9, SUB PART 4(J) OF THE ZONING  
REGULATIONS.  
=====

WHEREAS, the Governing Body has received a report of the  
Planning Commission recommending the amendment of the City of  
Garnett's Zoning Ordinance to allow the replacement of structures  
devoted to residential uses but located in a business or  
industrial zone under certain conditions when such replacement is  
as a result of the destruction by explosion, fire, wind, or other  
similar disaster; 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:

SECTION 1: Article 9, sub-part 4(J) of the Zoning  
Regulations of the City of Garnett, as adopted by Ordinance No.  
3059, is hereby amended to read as follows, to-wit:

J. **Nonconforming Residential Uses:** Notwithstanding  
the provisions of Section 9.4(c) and 9.4(d), any  
structure which is devoted to a residential use and  
which is located in either a business or an industrial  
district may be:

(i) remodeled, extended, expanded, and enlarged;  
or,

(ii) in the case of destruction thereof by  
explosion, fire, wind, or other similar disaster,  
rebuilt if such rebuilding is commenced not later  
than six (6) months immediately following such  
destruction;

provided, however, that after any such remodeling,  
expansion, enlargement or rebuilding, such structure or  
its replacement shall not be used to accommodate a  
greater number of dwelling or lodging units than such  
structure accommodated prior to any such work.

SECTION 2: The provisions of Article 9, sub-part 4(J) of  
the Zoning Regulations of the City of Garnett, as adopted by



Ordinance No. 3059 and as 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.

PASSED this 16th day of May, 2008.

A T T E S T:

Kristina L. Kinney  
City Clerk

Greg A. Smith  
Mayor

=====  
AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTIONS 1 AND 2 OF THE  
MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, REGULATING THE  
SALE OF FIREWORKS; REPEALING EXISTING SECTIONS.  
=====

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

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

7-3-1: **SELLING RESTRICTIONS:** It shall be unlawful  
for any person, partnership, or corporation, or any  
combination thereof, within the city to expose for  
sale, offer for sale, or sell any blank cartridge,  
firecracker, torpedo, skyrocket, or other fireworks or  
explosives of a like nature at retail before June 27th  
and after July 5th of any year.

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

7-3-2: **CERTAIN LOCATIONS OF SALE PROHIBITED:** It  
shall be unlawful to expose for sale, offer for sale or  
to sell any fireworks, as described in 7-3-1 of this  
code, except from the following locations, to-wit:

(A) An established retail business maintaining a fixed  
and permanent business location within the city; or,

(B) A fixed and permanent location, within a  
commercial or industrial zone in the city, having  
off-street parking.

All displays and sales shall take place within the said  
business establishment or within the said building. In  
no event shall any display or sale take place in or  
from any temporary stand or structure.

SECTION 3: The provisions of Title 7, Chapter 3, Sections 1  
and 2 of the Municipal Code of the City of Garnett, as 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.

PASSED this 27th day of May, 2008.

A T T E S T:

Kristina L. Finney  
City Clerk

Greg C. Smith  
Mayor

Case No. Ordinance # 3737

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 Friday, June 6, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 11<sup>th</sup> day of JUNE, 2008

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2011



ORDINANCE NO. 3740

=====

**AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO ESTABLISH NEW RULES FOR THE INSTALLATION AND MAINTENANCE OF SWIMMING POOLS, AMENDING ARTICLE 6 (SUPPLEMENTARY DISTRICT REGULATIONS), SUB PART 11 OF THE ZONING REGULATIONS.**

=====

WHEREAS, the Governing Body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance governing the installation and maintenance of swimming pools; 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:

SECTION 1: Article 6, sub-part 11 of the Zoning Regulations of the City of Garnett, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

**11. Swimming Pools:**

A. Shall be located at least ten (10) feet from any property line.

B. Two (2) feet or greater in depth shall not be installed without first applying for and obtaining a pool/fence building permit.

C. Shall be walled or fenced so as to prevent uncontrolled access by children from the street or any adjacent property. To that end, all gates in such wall or fence shall be self-latching, adjusted and maintained to operate properly, and the latch shall be positioned outside the reach of small children. Such fence or wall shall be located at least five (5) feet from the edge of the pool and shall be at least four (4) feet in height; provided, however, an above-ground pool having a factory type fence or railing that is purchased with the pool and attached to the deck and which has a removable or lockable gate is not required to place another fence around the pool.

D. Shall only be served by electrical supply circuits controlled by a functioning ground fault

circuit interrupter (GFCI). All swimming pool wiring, including power supply cords, shall comply with the applicable provisions of Garnett's fire and electric codes.

E. When not in use:

(i) In the case of an inflatable or other portable pool, said pool shall be removed from the yard and stored in such a way as not to capture and hold water; and,

(ii) In the case of any fixed pool, said pool shall either be drained and covered with a tarp (or otherwise maintained so as not to capture and hold water) or shall be chemically treated to prevent the water from becoming contaminated or stagnant.

F. The term "swimming pools" as used in this subsection shall mean any pool, whether above-ground or in-ground, which is capable of containing 24" or more of water, even if the pool is filled to a depth of less than 24". The term shall also include all inflatable pools (sometimes called wading pools) regardless of the depth or water capacity thereof. The term, however, shall not include any landscape water features (which are sometimes called fish ponds).

SECTION 2: The provisions of Article 6, sub-part 11 of the Zoning Regulations of the City of Garnett, as adopted by Ordinance No. 3059 and as 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.

PASSED this 24th day of June, 2008.

A T T E S T:

Kristina L. Lindsey  
City Clerk

Greg A. Green  
Mayor

=====  
AN ORDINANCE VACATING THE PUBLIC STREET RIGHT OF WAY AND UTILITY  
EASEMENT CREATED BY STREET DEDICATION AND EASEMENT CONVEYANCE  
DATED DECEMBER 23, 1981, RECORDED IN OFFICE OF REGISTER OF DEEDS,  
ANDERSON COUNTY, KANSAS, IN BOOK 16 OF MCL., AT PAGE 106, LYING  
IN BLOCK 7 OF BRONSTON HEIGHTS ADDITION TO THE CITY OF GARNETT,  
KANSAS; 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 by that certain Street Dedication and Easement  
Conveyance dated December 23, 1981, recorded in the office of  
Register of Deeds, Anderson County, Kansas, in Book 16-Mcl., at  
page 106, certain land in Block 7 of Bronston Heights Addition to  
the City of Garnett, Kansas, was conveyed to the City of Garnett,  
Kansas for the purposes of a public street and utility easement;  
and,

WHEREAS, said street right of way and utility easement  
bisects lands in common ownership and the street right of way and  
utility easement have not been used and are not needed, and the  
highest and best use of the land can be made if such is vacated.

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

SECTION 1: The public street right of way and utility  
easement encumbering the following described real estate, to-wit:

The south 60 feet of Block 7 of Bronston Heights  
Addition to the City of Garnett, Anderson County,  
Kansas,

established in that certain Street Dedication and Easement  
Conveyance dated December 23, 1981, recorded in the office of  
Register of Deeds, Anderson County, Kansas, in Book 16-Mcl., at  
page 106 is hereby vacated as a public street right of way and  
utility easement.

SECTION 2: 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 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, and after expiration of the time provided in Section 2 hereof.

SECTION 4: 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 8th day of July, 2008.

A T T E S T:

Christina L. Kinney  
City Clerk

Greg A. Smith  
Mayor



Case No. Ordinance #3742

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 Friday July 11, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21<sup>st</sup> day of July, 2008

Christina L. Rockers  
Notary Public

My appt. expires 2-17-09

CHRISTINA L. ROCKERS  
Notary Public - State of Kansas  
My Appt. Expires 2-17-09


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**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. 3742, which was duly passed by the Governing Body  
of the City of Garnett, Kansas on July 8, 2008 and published in  
an official newspaper of the City of Garnett, Kansas on July 11, 2008.

**IN WITNESS WHEREOF**, I have subscribed my name and affixed  
the seal of my office this 11th day of August, 2008.

  
\_\_\_\_\_  
Kristina L. Kinney, City Clerk

(SEAL)

ORDINANCE NO. 3743

=====  
AN ORDINANCE VACATING THE PUBLIC STREET RIGHT OF WAY, DESIGNATED AS "PRAIRIE LANE" ON THE PLAT OF THE PRAIRIE LINKS ADDITION TO THE CITY OF GARNETT, KANSAS, LYING BETWEEN LOT 7 AND LOT 8 OF SAID ADDITION; RESERVING 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 Prairie Links Addition to the City of Garnett, Kansas, describes a public street right of way lying between Lot 7 and Lot 8 of said addition, which is named "Prairie Lane"; and,

WHEREAS, the said plat also provides for a utility easement along the southerly margin of said adjacent lots, connecting a by way of the said street right of way.

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 Lot 7 and Lot 8 of the Prairie Links Addition to the City of Garnett, Kansas, which is named "Prairie Lane", is hereby vacated as a public street.

SECTION 2: There is hereby reserved by the City of Garnett, Kansas, for its perpetual use and benefit a utility easement, 20 feet in width, along the southerly margin of the said street easement being vacated, to connect with like easements shown and existing along the margins of said Lot 7 and Lot 8, Prairie Links Addition, which are adjacent to said street right of way.

SECTION 3: 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 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 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 this 8th day of July, 2008.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3743

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 Friday July 11, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 21st day of July, 2008

Christina L. Rockers  
Notary Public

My appt. expires 02-17-09



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---

**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. 3743, which was duly passed by the Governing Body  
of the City of Garnett, Kansas on July 8, 2008 and published in  
an official newspaper of the City of Garnett, Kansas on July 11, 2008.

**IN WITNESS WHEREOF**, I have subscribed my name and affixed  
the seal of my office this 11th day of August, 2008.

  
\_\_\_\_\_  
Kristina L. Kinney, City Clerk

(SEAL)

=====  
AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 2(J) OF THE  
MUNICIPAL CODE, REGARDING TIME LIMITS FOR TWO SPECIFIED ANGLE  
PARKING STALLS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.  
=====

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

SECTION 1. Title 10, Chapter 2, Section 2(J) of the  
Municipal Code is hereby amended to read as follows:

10-2-2: TIME LIMIT:

\* \* \*

(J) No person shall stand or park any vehicle in  
either of the following two angle parking stalls  
abutting the curb on the west side of Oak Street:

(1) the stall with the north boundary  
approximately 54 feet due south at the curb of the  
city streetlight pole at the intersection of Fifth  
Avenue and Oak Street (adjacent to 505 South Oak  
Street); and,

(2) the stall with the north boundary  
approximately 84 feet due south at the curb of the  
city streetlight pole at the intersection of Fifth  
Avenue and Oak Street (adjacent to 509 South Oak  
Street);

between the hours of ten o'clock a.m. and eight  
o'clock p.m. Monday through Saturday inclusive for  
a period of longer than 15 minutes.

SECTION 2. Title 10, Chapter 2, Section 2(J) 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 22nd day of July, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3747

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 five 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 \$32,848.11 incurred through February 25, 2008 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 August, 2008.

Attest:

  
City Clerk

  
Mayor



Attachment to Ordinance No. 3747  
Page Two

<u>Name</u>	<u>Amount</u>
Karl Alexander (Out of State)	\$ 396.78
Stephanie Andersen (Collection Fee)	53.59
Greg Bates (Out of State)	130.55
Trista Brown (Collection Fee)	63.84
Shawn Colgan	50.00
Ted C. Denney Jr. (Deceased)	100.55
Deanna Edmundson (Collection Fee)	71.88
Tanya Eggleston (Collection Fee)	54.75
Margaret D. Gedrose (Out of State)	70.11
Barbara Green (Out of State)	61.61
Marianna N. Harrison (Collection Fee)	33.89
Jacob Hayden (Collection Fee)	28.00
Derek Hilliard (Collection Fee)	13.91
Chris Hobart (Collection Fee)	125.27
Robert and Diane Huse (Out of State)	63.39
Janice Johnson (Collection Fee)	36.48
Eugene F. Kratzberg (Deceased)	164.81
Jamie Kraus	264.98
Christopher Kresyman (Collection Fee)	160.97
Lisa Beth Krout (Collection Fee)	23.86
Judy M. and Craig H. Lamberd	1,088.78
Jay Mackay dba Woodland Shutters	3,674.95
Steve Masingill	201.00
Eddie Masuch	143.29
Debra and Patrick McGlashan	150.99
Patrick McGlashan dba McGlashan Trading Post	187.78
Stephanie McIntyre (Deceased)	771.43
Marcas McSwane (Collection Fee)	14.54
Michelle Patterson	797.14
Abe Payne dba Kooter Rae's	523.80
Michael Pickering	301.38
Brenda Reeder	391.27
Kelly Reeder	363.83
Rory Richmond	18.79
Michael and Marjorie Riggs-Motel (Bankruptcy)	1,856.19
Michael and Marjorie Riggs-Rest. (Bankruptcy)	4,671.08
Jeanena and Robert Ringwald (Collection Fee)	48.79
Rhonda Salazar (Bankruptcy)	942.61
Chris Schweizer	418.12
Sharon Sharp	74.73
Anthony Shermer (Out of State)	88.05
Tina Silvers	185.55

Attachment to Ordinance No. 3747  
Page Three

<u>Name</u>	<u>Amount</u>
Derrick C. Small	\$ 213.87
Shawna Smardo and Antonio Ladd (Collection Fee)	47.13
Gabriel Sosa (Out of State)	590.00
Juan Sosa (Out of State)	303.00
Jamie Troyer (Collection Fee)	39.75
Robert Ward	72.49
Patricia Webb (Collection Fee)	11.13
Joe White	206.36
Linda Wiles dba Linda's Yesterday's	3,178.72
Dean Woodson (Collection Fee)	27.22
Michael Wrenn dba Marceline Mfg.	9,253.49
Daris Wyatt (Collection Fee)	21.64
Total	\$32,848.11

Case No. Ordinance # 3747

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 Friday, August 15, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

\_\_\_\_\_  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 5th day of Sept, 2008

Christina L. Rockers  
Notary Public

My appt. expires 02-17-09



**ORDINANCE NO. 3749**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 15 AND SECTION 18 OF THE MUNICIPAL CODE, INCREASING THE SERVICE CHARGE FOR REFUSE SERVICES WITHIN THE CITY OF GARNETT, KANSAS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AND PROVIDING FOR EFFECTIVE DATE.**

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

SECTION 1: Title 7, Chapter 2, Section 15 of the Municipal Code is hereby amended to read as follows:

**7-2-15: SERVICE FEES:**

(A) (1) A refuse service charge of \$14.00 per calendar month be levied against each residential dwelling unit within the corporate limits of the City for the collection and disposition of solid waste, as required by this Chapter.

(2) A refuse service charge of \$20.00 per calendar month shall be levied against any residential dwelling unit outside the corporate limits of the City for the collection and disposition of the solid waste generated by such dwelling unit in any area where such collection service shall from time to time be offered. The existence of a rate schedule for service outside the corporate limits shall not be construed as a general offering of solid waste collection to areas outside the corporate limits, nor any guarantee to its continuation in areas where offered.

(B) A refuse charge of \$14.00 per calendar month shall be levied against each commercial and industrial solid waste customer for the collection and distribution of not more than one cubic yard per month of solid waste, as required by this Chapter. For each additional cubic yard of solid waste collected and disposed of per month, over and above one cubic yard for each such customer, the customer shall be charged an additional \$2.85 per cubic yard.

(C) Any solid waste customer requiring more than one pick up of solid waste per week shall be charged as follows:

1. The first additional pick up per week, an additional eight dollars (\$8.00) per month.

2. Two (2) additional pick ups per week, an additional sixteen dollars (\$16.00) per month.
3. Three (3) additional pick ups per week, an additional twenty-four dollars (\$24.00) per month.
4. Four (4) additional pick ups per week, an additional thirty-two dollars (\$32.00) per month.

(D) Each commercial or industrial customer requiring a trash bin shall be furnished one by the City, and there shall be added to each customer's account a monthly rental charge therefor as follows:

1. For each one cubic yard container eight dollars fifty cents (\$8.50).
2. For each one and one-half (1 ½) cubic yard container nine dollars (\$9.00).
3. For each two (2) cubic yard container ten dollars (\$10.00).
4. For each three (3) cubic yard container sixteen dollars twenty-five cents (\$16.25).
5. For each four (4) cubic yard container eighteen dollars seventy-five cents (\$18.75).
6. For each six (6) cubic yard container twenty-five dollars (\$25.00).

SECTION 2: Title 7, Chapter 2, Section 18 of the Municipal Code is hereby amended to read as follows:

7-2-18: PARTIAL SERVICES; EXCEPTIONS:

(A) Any person, at the time of beginning or terminating service, who receives service for a period of fewer than fifteen (15) consecutive days shall be billed at one-half (1/2) the rate for such

service; for service of fifteen (15) or more consecutive days, the charge shall be at the full monthly rate.

(B) Where collections are to be made, households of a single occupancy, regardless of age, such household shall be entitled to a special rate of \$12.50 per month, which shall entitle said household to regular residential refuse collection and disposal services. It shall be the duty of any householder making application for exception under this subsection to furnish the City with sufficient proof, either by affidavit or otherwise, that he or she is entitled to such exception.

SECTION 3: Title 7, Chapter 2, Section 15 and Section 18, as the same presently exists, 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, and shall be applicable for all bills for refuse service after September 1, 2008.

PASSED and APPROVED this 26<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

**ORDINANCE NO. 3750**

**AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2009 FOR THE CITY OF GARNETT.**

**WHEREAS**, the City of Garnett must continue to provide services to protect the health, safety, and welfare of the citizens of this community; and

**WHEREAS**, the cost of providing essential services to the citizens of this city continues to increase.

**NOW, THEREFORE**, be it ordained by the Governing Body of the City of Garnett:

**Section One.** In accordance with state law, the City of Garnett has conducted a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2009 until December 31, 2009.

**Section Two.** After careful deliberations, the governing body has determined that in order to maintain the public services that are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2008 budget.

**Section Three.** This ordinance shall take effect after publication in the official city newspaper.

Passed and approved by the Governing Body on this 26<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

**ORDINANCE NO. 3751**

**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:


Block Three (3) of the Barnes Addition to the City of Garnett, Kansas.

is hereby changed from R-S - Residential Suburban 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 26<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Mayor

Attest:

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



ORDINANCE NO. 3753

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", 2008 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", 2008 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. 3753" 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 2008, are hereby omitted.

Section 3: This ordinance shall be deemed amendatory to

Ordinance Adopting Std. Traffic  
Ordinance; Page 2

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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 9th day of September, 2008.

  
\_\_\_\_\_  
Mayor

A T T E S T:

  
\_\_\_\_\_  
City Clerk  
*Deputy*

Case No. Ordinance No. 3753

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 Friday, September 12, 2008  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 24<sup>th</sup> day of Sept, 2008

Christina L. Rockers  
Notary Public

My appt. expires 02-17-09



**ORDINANCE NO. 3757**

**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 Twenty-Two (22), Twenty-Three (23) and Twenty-Four (24) of Block Fifty-Five (55) in the City of Garnett, Kansas.

Lots One (1) through Six (6) and east half of Lot Seven (7); and all of Lots Thirteen (13) through Twenty-Four (24), inclusive, as lie North and Northwest of the Union Pacific Railroad right of way; Block Fifty-Six (56) in the City of Garnett, Kansas.

All of lots Seven (7) through Twelve (12), inclusive, as lie North and Northwest of the Union Pacific Railroad right of way; Block Fifty-Seven (57) in the City of Garnett, Kansas.

is hereby changed from B-2 Business Central 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 28<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 3758

AN ORDINANCE PROVIDING FOR AND REGULATING STREET BARRICADES ON CLOSED STREETS, OR PARTS THEREOF; DECLARING CERTAIN ACTS UNLAWFUL AND PROVIDING A PENALTY FOR VIOLATIONS; REPEALING SEC. 122 OF THE STANDARD TRAFFIC ORDINANCE, AS PREVIOUSLY ADOPTED BY THE CITY OF GARNETT, KANSAS.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. **STREET BARRIERS.** (A) Whenever any street or alley or part thereof is closed either for repair, rebuilding, construction or reconstruction thereof; or for accommodation of maintenance, repair or similar service work to any adjacent utility or the trimming of trees, and suitable warning signs or barricades are put in place which so advise the public or from which a reasonable member of the public would so conclude, it shall be unlawful for any person or operator without authority from the proper official to:

(1) Tamper with, destroy or remove any such barricade, warning sign, light or torch used to close the street or alley or warn the public of the closing; or,

(2) Drive on that portion of the street or alley that is closed; provided, however, nothing in this section shall be construed as prohibiting the regular authorities of the city, state or federal government, or the applicable utility company, from having free access to the work at all times.

(B) It shall be unlawful for any person to fail, neglect or refuse to comply with the restrictions or traffic regulations in a zone marked as set out in sub-paragraph (A) or fail to comply with the traffic orders or traffic directions given by a flagman or ground crew of the work detail in such a zone.

(C) It shall be unlawful for any person to drive through or into a zone marked as set out in sub-paragraph (A), unless a lane for such traffic through such zone is provided and clearly marked for such purpose or unless authorized to do so by a flagman or ground crew of the work detail in such a zone.

(D) It shall be unlawful for any person to drive around a zone marked as set out in sub-paragraph (A) by driving off the paved or main travelled portion of said street or alley, unless authorized to do so by a flagman or ground crew of

the work detail in such a zone.

(E) A zone such as is described in sub-paragraph (A) may be marked, wholly or in part, by one or more trucks or trailers or other vehicle, or any combination thereof, located in advance of the workers or equipment for protection, and which are equipped with flashing or revolving lights or other like indicia, commonly called a "shadow vehicle", as provided in the Manual of Uniform Traffic Control Devices.

(F) Every person convicted of a violation of this ordinance shall be punished as provided in Title 10, Chapter 7, Section 4 of the Municipal Code.

Section 2. The official codifier for the City of Garnett, Kansas, is hereby instructed to encode Section 1 hereof as Title 10, Chapter 7, Section 2.

Section 3. Section 122, relating to Street Barricades, of the Standard Traffic Ordinance, 2008 Ed., as previously adopted by the City of Garnett, Kansas, by Ordinance #3753 is hereby repealed.

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

PASSED this 28th day of October, 2008.

ATTEST:

  
City Clerk

  
Mayor

ORDINANCE NO. 3759

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF GARNETT, KANSAS, ADOPTING AND INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 2008 EDITION, WITH CERTAIN OMISSIONS; AND REPEALING CERTAIN SECTIONS OF TITLE 6, CHAPTER 1 OF THE MUNICIPAL CODE.

=====

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

Section 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 offense code known as the "Uniform Public Offense Code for Kansas Cities", 2008 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. 3759" 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 code 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. OMISSIONS: Article 6, Sections 14 and 16; and Article 11, Section 11 of the Uniform Public Offense Code, Edition of 2008, are hereby omitted.

Section 3: REPEAL: Title <sup>6</sup>~~10~~, Chapter 6, Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 and 25 of the Municipal Code 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: The Official City Codifier is directed to place the provisions of Section 1 of this ordinance in Title 6, Chapter


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1, Section 1; and the provisions of Section 2 of this ordinance in Title 6, Chapter 1, Section 2.

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 28th day of October, 2008.

  
\_\_\_\_\_  
Mayor

A T T E S T:  
  
\_\_\_\_\_  
City Clerk



=====  
AN ORDINANCE PROHIBITING THE USE AND POSSESSION OF CERTAIN  
SUBSTANCES AND PARAPHERNALIA; DEFINING THE TERM "DRUG  
PARAPHERNALIA"; FIXING A PENALTY FOR THE VIOLATION HEREOF; AND  
PROVIDING AN EFFECTIVE DATE.  
=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1: Drug Use and Possession Prohibited. It is unlawful for any person to possess or use any material, compound, mixture or preparation which contains tetrahydrocannabinols (THC), including the substance commonly known as marijuana; all parts of all varieties of the plant Cannabis sativa, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin; or the synthetic equivalents of the substances contained in the plant Cannabis sativa. Notwithstanding any provision herein to the contrary, this section does not apply to the mature stalks of the plant Cannabis sativa that are incapable of being ingested by humans or to any fiber produced from its stalks.

Section 2: Possession of Drug Paraphernalia Prohibited. It is unlawful for any person to use or possess with the intent to use any drug paraphernalia. For the purposes of this section, the term "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in preparing, processing, ingesting, smoking, administering, inhaling, injecting or otherwise introducing into the human body either a substance in violation of Section 1 or any controlled substance as defined in K.S.A. 65-4150 or any amendment thereto.

Section 3: Penalty. Any person violating the provisions of this ordinance shall be sentenced to not less than 30 days nor more than twelve months imprisonment and fined not less than \$200.00 nor more than \$2,500.00. Unless the circumstances otherwise warrant, such person shall be eligible for immediate probation. In addition to such fine and incarceration, the court shall:

(a) Order the defendant to enroll in and successfully complete an alcohol and drug safety action program or a treatment program as provided by K.S.A. 8-1008; and,

(b) Order as any condition of probation or parole that the defendant not consume any alcohol or use or possess any illegal drugs during the period of probation and requiring the defendant to submit to at any time, and to pay the costs for, any testing

of his or her breath or bodily fluids to verify compliance with such requirement.

Section 4: The City Codifier is directed to codify this ordinance as Title 6, Chapter 9 of the Garnett Municipal Code.

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 23rd day of December, 2008.

\_\_\_\_\_  
Mayor

Attest:

*Christina L. Finney*  
City Clerk

Case No. Ordinance # 3764

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 Friday, January 9, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 20th day of January, 2009

Christina L. Rockers  
Notary Public

My appt. expires 2-17-09



**ORDINANCE NO. 3769**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A

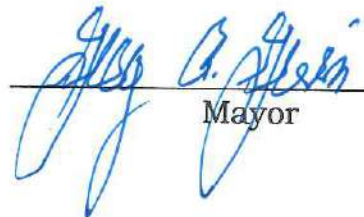
**RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate - All gas sold by the City to each classification of user above established shall be charged for at the rate of \$10.00 per thousand cubic feet sold.


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

SECTION 3: This ordinance shall take effect and be in force from and after February 1, 2009, and after its publication in an official City newspaper.

PASSED this 20<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3771

=====  
AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 4 OF THE  
MUNICIPAL CODE, BY ADDING AN ADDITIONAL SUBSECTION DESIGNATING AN  
ADDITIONAL HANDICAPPED PARKING STALL.  
=====

BE IT ORDAINED BY 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:

- (F) One angle parking stall on the north side of Fourth Avenue, immediately adjacent to, and west of, the pedestrian crosswalk approximately in the middle of Fourth Avenue, between its intersection with Oak Street and Main Street.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 10th day of March, 2009.

ATTEST:

Kristina L. Kinney  
City Clerk

Greg A. Smith  
Mayor

Case No. ORDINANCE  
NO. 3771

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 Friday, March 20, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 20th day of March, 2009

Christa L. Beck  
Notary Public

My appt. expires 02-17-03

CHRISTINA L. BECK  
Notary Public - Kansas  
My Appt. Expires 02-17-03

**ORDINANCE NO. 3772**

---

**AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS, TO PROVIDE FOR ADDITIONAL REGULATIONS FOR CONSTRUCTION OF ACCESSORY BUILDINGS AND REGULATIONS ON TYPE OF METAL SIDING ALLOWED, AMENDING ARTICLE 6 (SUPPLEMENTARY DISTRICT REGULATIONS), SUB PART 3 OF THE ZONING REGULATIONS.**

---

WHEREAS, the Governing body has received a report of the Planning Commission recommending the amendment of the City of Garnett's Zoning Ordinance governing the construction and siding of accessory buildings; 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:

SECTION 1: Article 6, sub-part 3 of the Zoning Regulations of the City of Garnett, as adopted by Ordinance No. 3059, is hereby amended to read as follows, to-wit:

3. Accessory Buildings:

A. No accessory building shall be erected or used in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory building shall cover more than thirty (30) percent of the required rear yard.

B. An accessory building shall be constructed and finished with materials which are compatible in appearance to that of the principal structure on the premises and generally with other structures in the district in which it is located. To that end,

(1) No railroad boxcar, no freight shipping container, no truck box or box bed, no trailer, semi-trailer or recreational vehicle, no bus or other vehicle body, or part thereof, shall be erected or used in any district for an accessory building.

(2) If metal siding is used, it shall be factory coated or painted with a long-lasting coating so as to avoid rusting, oxidation or other unsightly deterioration. In no case shall unpainted galvanized material, whether new or used, be permitted or used either as siding or as roofing.

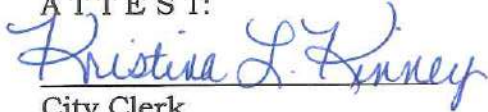
Section 2: The provisions of Article 6, sub-part 3 of the Zoning Regulations of the City of Garnett, as adopted by Ordinance No. 3059 and as presently exist, are hereby repealed.

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.

PASSED the 10th day of March, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



Case No Ordinance  
No 3772

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 Friday, March 20, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 20th day of March, 20 09

Christina J. Pickett  
Notary Public

My appt. expires 02-17-13



ORDINANCE NO. 3774

=====  
AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 4 OF THE  
MUNICIPAL CODE, BY ADDING AN ADDITIONAL SUBSECTION DESIGNATING AN  
ADDITIONAL HANDICAPPED PARKING STALL.  
=====

BE IT ORDAINED BY 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:

- (G) One angle parking stall and additional access  
space surrounding the same aggregating to 33  
lineal feet, more or less, of width, on the north  
side of Fifth Avenue, adjacent to city hall, and  
lying between 193 and 225 feet east of the east  
curb of Walnut Street.

Section 2. This ordinance shall take effect and be in force  
from and after its passage and publication one time in an  
official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of March, 2009.

ATTEST:

Christina L. Kinney  
City Clerk

Greg Agustin  
Mayor

ORDINANCE NO. 3775

=====

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 2(D) OF THE MUNICIPAL CODE, ELIMINATING TIME RESTRICTIONS ON CERTAIN PARKING STALLS.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 10, Chapter 2, Section 2(D) of the Municipal Code is hereby amended to read as follows, to-wit:

- (D) No person shall park or stand any vehicle for a period of longer than fifteen (15) minutes in the two (2) angle parking stalls on the north side of Fifth Avenue, adjacent and in front of city hall, which are particularly described as follows: the two stalls, each approximately 16 feet in width, lying between 160 feet and 192 feet east of the east curb of Walnut Street.

Section 2. The provisions of Title 10, Chapter 2, Section 2(D) 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of March, 2009.

ATTEST:  
Christina L. Finney  
City Clerk

Gregory J. Smith  
Mayor

=====

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 1 OF THE MUNICIPAL CODE, RELATING TO LICENSING REQUIREMENTS TO DO WORK ON MUNICIPAL UTILITY APPURTENANCES, PIPES OR WIRES; DECLARING CERTAIN UNLICENSED WORK UNLAWFUL.**

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 13, Section 1 of the Municipal Code is hereby amended to read as follows, to-wit:

**5-13-1: LICENSE REQUIRED; RECIPROCITY:**

(A) (i) It shall be unlawful for any person to do any work for hire or for remuneration, in money or money's worth, 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, until such person performing such work shall have taken out a license as herein provided.

(ii) 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 residential property which is not owner-occupied, until such person performing such work shall have taken out a license as herein provided.

(iii) It shall be unlawful for any person to engage, hire, procure, allow or permit any person to do any work 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, unless such person so engaged, hired, procured, allowed or permitted to perform such work is licensed or otherwise permitted to do such work as herein provided.

- (B) Any such person possessing a valid license issued by a city of the first or second class in the state of Kansas, the issuance of which depends upon passing a written examination comparable in scope and difficulty to the examination hereinafter required and which said license authorizes the holder thereof to perform work within said city of the first or second class upon that city's water, gas, electric, or sewer utilities, appurtenances or wires connected thereto or to make alteration or extension to or from the same, shall be exempt from obtaining an additional license from the city of Garnett; provided, however, any person desiring to bring himself within the provisions of this subsection shall have the burden of establishing by sufficient proof to the satisfaction of the city manager or his alternate, the existence of such license; that any certificate of insurance required to be issued there has, in fact, been issued and is in force at the time work is to be performed within the city of Garnett; the scope and difficulty of such examinations required by said issuing city of the first and second class; and such other factors relating to the existence of said license as may in the opinion of the city manager or his delegate bear upon the comparability of such outside license with the license issued by the city of Garnett hereunder.


Section 2. The provisions of Title 5, Chapter 13 Section 1 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 publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of March, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 3777

=====

**AN ORDINANCE VACATING THE PUBLIC ALLEY RIGHT-OF-WAY, IN BLOCK 6 OF MANDОВI ADDITION TO THE CITY OF GARNETT, KANSAS; RESERVING A 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 Mandovi Addition to the City of Garnett, Kansas, provides a public alley right-of-way through Block 6; and,

WHEREAS, the said alley right-of-way is no longer needed for public transportation use, but only for utility easement purposes.

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

SECTION 1: The public alley right-of-way in Block 6 of Mandovi Addition to the City of Garnett, Kansas, is hereby vacated as a public alley right-of-way.

SECTION 2: There is hereby reserved by the City of Garnett, Kansas, for its perpetual use and benefit, a utility easement in the said right-of-way being vacated for any and all utility purposes and uses, including but not limited to, the right to enter upon, erect, construct, alter, repair, relocate, maintain, inspect, service and remove any sanitary sewer line, water pipeline, gas pipeline, poles, anchors, guy wires, underground conduits and similar equipment for the transmission of electrical energy and for communication purposes, together with all related valves, controls, meters, transformer or other necessary ancillary equipment, over, under, through and across said right-of-way area.

SECTION 3: 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 alley 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.

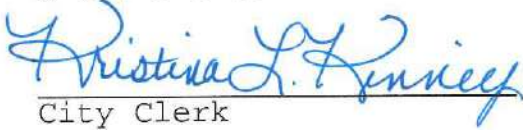
SECTION 4: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 3 hereof.

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 this 14th of ~~March 2009~~ April, 2009.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

Case No. Ordinance # 3777

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:

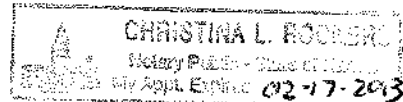
1st publication Friday, April 24, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 12th day of May, 2009

Christina L. Roberc  
Notary Public

My appt. expires 02-17-2013





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**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. 3777, which was duly passed by the Governing Body  
of the City of Garnett, Kansas on April 14, 2009 and published in  
an official newspaper of the City of Garnett, Kansas on April 24, 2009.

**IN WITNESS WHEREOF**, I have subscribed my name and affixed  
the seal of my office this 26<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
Kristina L. Kinney, City Clerk

(SEAL)

=====  
AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 33, REGULATING  
THE CARRYING OF CONCEALED WEAPONS WITHIN THE CITY OF GARNETT,  
KANSAS; PROHIBITING CERTAIN ACTS; ESTABLISHING PENALTIES.  
=====

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

SECTION 1. Title 6, Chapter 1, Section 33 is hereby amended  
to read as follows:

6-1-33: **CARRYING A CONCEALED WEAPON:**

- (A) It shall be unlawful for any person licensed or recognized as a valid out of state licensee pursuant to the Kansas Personal and Family Protection Act, as amended, to carry a concealed weapon into or upon:
  - 1. any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
  - 2. any police, sheriff or highway patrol station;
  - 3. any detention facility, prison or jail;
  - 4. any courthouse;
  - 5. any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
  - 6. any polling place on the day an election is held;
  - 7. any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
  - 8. on the state fairgrounds;
  - 9. any state office building;
  - 10. any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of post-secondary education;
  - 11. any professional athletic event not related to or involving firearms;
  - 12. any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;

13. any elementary or secondary school building or structure used for student instruction or attendance;
  14. any community college, college or university facility;
  15. any place where the carrying of firearms is prohibited by federal or state law;
  16. any child exchange and visitation center provided for in K.S.S 75-720, and amendments thereto;
  17. any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned State Hospital, Osawatomie State Hospital or Rainbow Mental health Facility;
  18. any city hall;
  19. any public library operated by the state or by a political subdivision of the state;
  20. any day care home or group day care home, as defined in Kansas Administrative Regulation 28-4-113, or any preschool or child care center, as defined in Kansas Administrative Regulation 28-4-420;
  21. any church or temple; or,
  22. any place in violation of K.S.A. 21-4218 and amendments thereto.
- (B) It shall be unlawful to carry a concealed weapon while under the influence of alcohol or drugs or both.
- (C) It shall be unlawful for any person licensed or recognized as a valid out of state licensee pursuant to the Kansas Personal and Family Protection Act, as amended, to carry a concealed weapon within any city building or buildings belonging to or under the control of the City of Garnett, Kansas, provided that such building is posted in a manner reasonably likely to come to the attention of the persons entering the property where carrying a concealed weapon is prohibited.
- (D) Nothing in the Kansas Personal and Family Protection Act, as amended, or this code shall be construed to prevent:
1. Any public or private employer from restricting or prohibiting in any manner persons licensed under the said act from carrying a concealed weapon while on the premises of the employer's business or while

engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer's premises; or

2. Any private business or city, county or political subdivision from restricting or prohibiting in any manner persons licensed under the said act from carrying a concealed weapon within a building or buildings, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to state law, as premises where carrying a concealed weapon is prohibited.
  3. It shall be unlawful to carry a concealed weapon in violation of any restrictions or prohibitions adopted and posted in accordance with subparagraphs 1 or 2 hereof.
- (E) Violation of subsections (A) or (B) of this section shall be punishable by a fine of not to exceed \$2,500.00 or by imprisonment for a definite period of not more than one year, or by both such fine and imprisonment.
- (F) Violation of subsections (C) or (D) of this section shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment for a definite period of not more than six months, or by both such fine and imprisonment.

SECTION 2. The provisions of Title 6, Chapter 1, Section 33, 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 publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of March, 2009.

ATTEST:

*Christina L. Kinney*  
City Clerk

*Greg A. Harris*  
Mayor

**ORDINANCE NO. 3779**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT; ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION 2A 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 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A      **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$7.00 per thousand cubic feet sold.

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

SECTION 3: This ordinance shall take effect and be in force from and after March 1, 2009, and after its publication in an official City newspaper.

PASSED this 24<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

**ORDINANCE NO. 3782**

**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:

Beginning at a point 60 feet west and 545 feet north of the Southeast corner of Section Twenty-Four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, thence west 450 feet, thence north 100 feet, thence east 450 feet, thence south 100 feet, to the point of beginning.

is hereby changed from R-S Residential Suburban District to B-1 General Business 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 28<sup>th</sup> day of April, 2009.

  
Mayor

Attest:

  
City Clerk

ORDINANCE NO. 3783

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 3½ years; and,

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

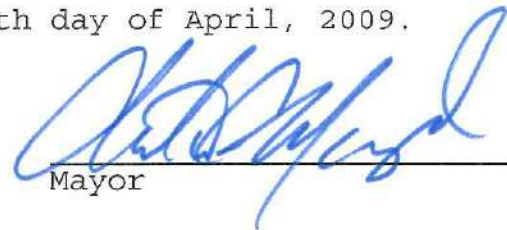
WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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

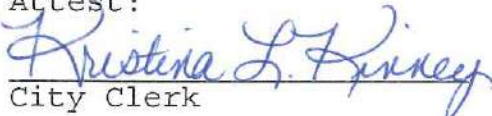
Section 1. That all unpaid utility bills shown on the attached list in the amount of \$14,752.19 incurred through December 1, 2008 are hereby deleted from the City's accounting records.

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 April, 2009.

  
\_\_\_\_\_  
Mayor

Attest:

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

Attachment to Ordinance No. 3783  
Page Two

<u>Name</u>	<u>Amount</u>
Carolyn Amodt (Out of State)	\$ 967.44
Dorothy Aronis (Collection Fee)	170.70
Richard Ashburn (Out of State)	67.22
Mark Baber	78.75
Kenneth Bolles (Estate)	346.89
Eric Bowen	159.97
Holly Bowland (Out of State)	915.85
Brooke Franchise Corp.	23.80
Chris Brown	42.00
Emily Burns	971.63
Richard L. Carey	446.79
Jessica Carriger	552.12
Catalina Manor Ent. Inc.	624.59
Toni Craig	643.04
Rhonda Crawley	988.19
Jackie Crawshaw	66.46
James A. Dicker dba Qualitycraft Molding, Inc.	636.03
Felisha Duensing (Collection Fee)	88.35
Donald Edwards	426.33
Jamie Guyett (Collection Fee)	147.79
Arveca Haberlein	460.51
Tanya Hicks (Out of State)	486.54
Melvin Hill	148.57
Martin Scott Jackson	227.07
Kevin Jacobus	583.45
Linda Long	208.53
Rhonda Boyd McCoy	593.27
Vernon McCurdy	295.52
John Nault	401.72
Dustin O'Connor or Joe Collins (Collection Fee)	32.57
Rodney Riggs	588.57
April Rippy	286.35
Kenneth Rippy	237.30
Michael Roberts	216.41
Michael Roberts	244.03
Rene' E. Ryan (Out of State)	501.94
Jerry Simmons	138.55
Dustin Smith and Paige Adams (Collection Fee)	22.58
Robin Thompson	397.68
Angela and Jon Tompkins (Collection Fee)	127.68
Ben Turner and Jennifer Alvarado	189.41
TOTAL	\$14,752.19



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**AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 1 OF THE MUNICIPAL CODE, RELATING TO LICENSING REQUIREMENTS TO DO WORK ON MUNICIPAL UTILITY APPURTENANCES, PIPES OR WIRES; DECLARING CERTAIN UNLICENSED WORK UNLAWFUL.**

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 13, Section 1 of the Municipal Code is hereby amended to read as follows, to-wit:

**5-13-1: LICENSE REQUIRED; RECIPROCITY:**

(A) (i) It shall be unlawful for any person to do any work for hire or for remuneration, in money or money's worth, 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, until such person performing such work shall have taken out a license as herein provided.

(ii) 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 which is not owner-occupied, until such person performing such work shall have taken out a license as herein provided.

(iii) It shall be unlawful for any person to engage, hire, procure, allow or permit any person to do any work 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

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**AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 1 OF THE MUNICIPAL CODE, RELATING TO LICENSING REQUIREMENTS TO DO WORK ON MUNICIPAL UTILITY APPURTENANCES, PIPES OR WIRES; DECLARING CERTAIN UNLICENSED WORK UNLAWFUL.**

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 13, Section 1 of the Municipal Code is hereby amended to read as follows, to-wit:

**5-13-1: LICENSE REQUIRED; RECIPROCITY:**

(A) (i) It shall be unlawful for any person to do any work for hire or for remuneration, in money or money's worth, 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, until such person performing such work shall have taken out a license as herein provided.

(ii) 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 which is not owner-occupied, until such person performing such work shall have taken out a license as herein provided.

(iii) It shall be unlawful for any person to engage, hire, procure, allow or permit any person to do any work 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, unless such person so engaged, hired, procured, allowed or permitted to perform such work is licensed or otherwise permitted to do such work as herein provided.

- (B) Any such person possessing a valid license issued by a city of the first or second class in the state of Kansas, the issuance of which depends upon passing a written examination comparable in scope and difficulty to the examination hereinafter required and which said license authorizes the holder thereof to perform work within said city of the first or second class upon that city's water, gas, electric, or sewer utilities, appurtenances or wires connected thereto or to make alteration or extension to or from the same, shall ~~be~~ not be required to obtain an additional license from the city of Garnett; provided, however, any person desiring to bring himself or herself within the provisions of this subsection shall have the burden of establishing by sufficient proof to the satisfaction of the city manager or his alternate, the existence of such license; that any certificate of insurance required to be issued there has, in fact, been issued and is in force at the time work is to be performed within the city of Garnett; the scope and difficulty of such examinations required by said issuing city of the first and second class; and such other factors relating to the existence of said license as may in the opinion of the city manager or his delegate bear upon the comparability of such outside license with the license issued by the city of Garnett hereunder.

Section 2. The provisions of Title 5, Chapter 13 Section 1 as the same presently exist, including the amendments set out in Ordinance No. 3776, are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 12th day of May, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance #3785

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 Friday, May 22, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 27th day of may, 2009

Christina L. Rockers  
Notary Public

My appt. expires 02-17-2013



(PUBLISHED IN THE *THE ADVOCATE* ON JULY 17, 2009)

ORDINANCE NO. 3790

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$3,995,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION UTILITY REFUNDING BONDS, SERIES 2009, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S OUTSTANDING COMBINED UTILITY REVENUE BONDS; 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 is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the City heretofore issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* and K.S.A. 10-1211 to issue general obligation combined utility system refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

**WHEREAS**, in order to achieve interest cost savings through early redemption of the Refunded Bonds, and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds.

**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. 10-427 *et seq.*, and K.S.A. 10-620 *et seq.*, all as amended and supplemented from time to time.

**"Additional Obligations"** means any leases or other obligations of the City payable from the Revenues, other than the System Bonds.

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

**"Bond Resolution"** means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Series 2009 Bonds and making covenants with respect thereto.

**"Bonds"** means the City's General Obligation Utility Refunding Bonds, Series 2009, in the aggregate principal amount of \$3,995,000, and dated July 15, 2009, 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 Clerk or Acting Clerk.

**"Expenses"** means all reasonable and necessary expenses of operation, maintenance and repair of the System and keeping the System in good repair and working order (other than interest paid on System Indebtedness and depreciation and amortization charges during the period of determination), determined in accordance with generally accepted accounting principles, including without limiting the generality of the foregoing, current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, paying agent fees and expenses, annual audits, periodic Consultant's reports, properly allocated share of charges for insurance, the cost of purchased water, gas and power, if any, for System operation, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, short-term obligations incurred and payable within a particular Fiscal Year, other obligations or indebtedness incurred for the purpose of leasing (pursuant to a true or operating lease) equipment, fixtures, inventory or other personal property, and all other expenses incident to the operation of the System, but shall exclude all general administrative expenses of the City not related to the operation of the System provided for in the Bond Resolution.

**"Mayor"** means the duly elected and acting Mayor or, in the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

**"Net Revenues"** means, for the period of determination, all Revenues less all Expenses.

**"Ordinance"** means this Ordinance authorizing the issuance of the Bonds.

**"Refunded Bonds"** means jointly (a) the Series 1998 Bonds maturing in the years 2009 to 2017, inclusive, in the aggregate principal amount of \$3,615,000; and (b) the Series 1999 Bonds maturing in the years 2009 to 2019, inclusive, in the aggregate principal amount of \$1,000,000.

**"Refunded Bonds Redemption Date"** means August 3, 2009..

**"Refunded Bonds Resolution"** means each ordinance and resolution which authorized the Refunded Bonds.

**"Revenues"** means all income and revenues derived and collected by the City from the operation and ownership of the System, including investment and rental income, net proceeds from business interruption insurance, transfers from the Surplus Account to the Revenue Fund of Net Revenues derived in a prior Fiscal Year and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on System Indebtedness, but excluding any profits or losses on the early extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets.

**"Series 1998 Bonds"** means the City's Combined Utility Revenue Bonds, Series 1998, dated April 1, 1998.

"Series 1999 Bonds" means the City's Combined Utility Revenue Bonds, Series 1999, dated June 1, 1999.

"State" means the State of Kansas.

"System" means the entire combined waterworks plant and system and sewerage plant and system and electric system and gas system owned and operated by the City for the production, storage, treatment and distribution of water, and for the collection, treatment and disposal of sewage, and for the purpose of supplying electric light and for the purpose of supplying natural gas to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

"System Bonds" means collectively all bonds of the City secured by the Revenues.

"System Indebtedness" means collectively all System Bonds and all Additional Obligations.

**Section 2. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Utility Refunding Bonds, Series 2009, of the City in the principal amount of \$3,995,000, for the purpose of providing a portion of the funds to: (a) refund the Refunded Bonds; 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 from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues of the System, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Bonds. The City shall establish sufficient rates, fees and charges for use of the System to provide for payment of the expenses of the System and the repayment on the Bonds. If said Net Revenues are not sufficient to provide for the payment of the principal of and interest on the Bonds, the City shall levy taxes as set forth in *Section 5* hereof. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance and the Bond Resolution relating to the Bonds. Pursuant to the terms of such Bond Resolution, the City will reserve the right to issue Additional Bonds which are prior in lien on said Net Revenues to the lien of the Bonds and/or on the same lien status as the Bonds upon the satisfaction of certain terms and conditions set forth in the Bond Resolution. 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 July 14, 2009 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

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Case No. Ordinance  
# 3790

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:

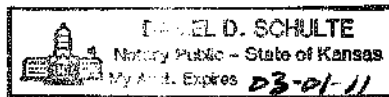
1st publication Friday, July 17, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22<sup>nd</sup> day of July, 2009

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2011



ORDINANCE NO. 3791

AN ORDINANCE AMENDING TITLE 10, CHAPTER 8, SECTION 1(A) OF THE MUNICIPAL CODE, AMENDING A PART OF THE SCHOOL CHAPTER, DECLARING A PART OF CLEVELAND STREET AS A SCHOOL ZONE; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

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

SECTION 1. Title 10, Chapter 8, Section 1(A) of the Municipal Code is hereby amended to read as follows:

10-8-1: SCHOOL ZONES DESIGNATED:

\* \* \* \*


(A) Cleveland Street between its intersection with First Avenue and its intersection with K-31 Highway.

\* \* \* \*

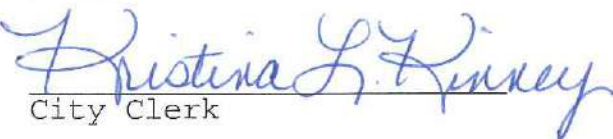
SECTION 2. Title 10, Chapter 8, Section 1(A) of the Municipal Code as the same presently exists is hereby repealed.

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 14th day of July, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Case No. Ordinance  
# 3791

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:

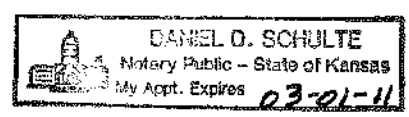
1st publication Friday, July 17, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 22<sup>nd</sup> day of July, 2009

Daniel D. Schulte  
Notary Public

My appt. expires 03-01-2011



=====  
**AN ORDINANCE VACATING A PART OF FIFTEENTH AVENUE IN THE MANDОВI  
ADDITION TO THE CITY OF GARNETT, KANSAS; RESERVING A 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.**  
=====

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

SECTION 1: The right of way of Fifteenth Avenue in the Mandovi Addition to the City of Garnett, Kansas, from its intersection with the west right of way line of what is now Walnut Street on the east to a point at the draw to the west of said intersection, 475 feet, more or less, east of the east right of way line of what is now Elm Street, is hereby vacated as a public street right-of-way.

SECTION 2: There is hereby reserved by the City of Garnett, Kansas, for its perpetual use and benefit, a utility easement in the said right-of-way being vacated in Section 1 of this ordinance for any and all utility purposes and uses, including but not limited to, the right to enter upon, erect, construct, alter, repair, relocate, maintain, inspect, service and remove any sanitary sewer line, water pipeline, gas pipeline, poles, anchors, guy wires, underground conduits and similar equipment for the transmission of electrical energy and for communication purposes, together with all related valves, controls, meters, transformer or other necessary ancillary equipment, over, under, through and across said right-of-way area.

SECTION 3: The entrance onto Fifteenth Avenue, from its intersection with what is now called Elm Street shall be marked with a sign advising that what remains thereof as a public street is no longer a through street.

SECTION 4: 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 alley 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 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 4 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 this 27th of July, 2009.

  
\_\_\_\_\_  
Mayor

A T T E S T:

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

ORDINANCE NO. 3796

AN ORDINANCE AMENDING TITLE 5, CHAPTER 12, SECTIONS 2 AND 3 OF THE MUNICIPAL CODE, RELATING TO INSURANCE REQUIREMENTS AND LICENSING FEES FOR COMMERCIAL TREE TRIMMING; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 5, Chapter 12, Sections 2 and 3 of the Municipal Code are hereby amended to read as follows:

5-12-2: CERTIFICATE OF INSURANCE: Before a license shall be granted for tree trimming, tree cutting, tree pruning, or removal of trees, the applicant for such license must file and deposit with the City Clerk a policy or certificate of insurance issued by an insurance company authorized to do business in the State of Kansas, which policy or certificate is to be in the sum of at least Five Hundred Thousand Dollars (\$500,000) for injury or death of persons and injury or damage to property. Said certificate shall be approved by the City Attorney and the City Manager before any such license is issued. Said insurance policy or certificate shall cover the applicant, his employees, agents, or servants performing any obligation under the applicant's license. Such policy or certificate shall carry an endorsement providing for actual notice to the City of Garnett, Kansas, of any changes thereto and shall also provide that it cannot be cancelled until ten (10) days written notice has been filed with the City Clerk of the City of Garnett, Kansas. Any license issued on the basis of such policy or certificate shall be automatically revoked upon the receipt of evidence of cancellation of the insurance policy or certificate required herein.

5-12-3: LICENSE FEE: The annual license fee for each applicant licensed hereunder shall be Fifty Dollars (\$50.00) per year. A license granted hereunder shall be valid for a period of one year after its date of issuance, unless sooner revoked.

Section 2. Title 5, Chapter 12, Sections 2 and 3 of the Municipal Code, as the same presently exist, are hereby repealed.


Section 3. This ordinance shall take effect and be in

Ordinance  
Page 2

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force from and after its passage and publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED this 25th day of August, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



ORDINANCE NO. 3802

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 8(C) OF THE MUNICIPAL CODE, RELATING TO THE CITY'S SHUT OFF POLICY AND SPECIFICALLY TO EXTENSIONS TO PAY OVERDUE UTILITY BILLS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

=====

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

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

4-4-8: SHUT OFF POLICY:

\* \* \* \* \*

(C) A customer of any of the municipal utility services of the city of Garnett, Kansas, whose utility service or services are scheduled to be shut off in accordance with subsection (A)8 of this section, may apply to the city clerk for an extension of time to pay such delinquent utility charges and for postponement of the shutoff date for utility service or services. The city clerk shall prepare such form or forms as may be needed to administer this subsection and upon such application's being made, may grant such request in whole or in part and upon such terms and conditions as the city clerk believes warranted under the circumstances and which will reasonably protect the city of Garnett, Kansas. No more than six (6) such extensions shall be granted in any one calendar year and in no event shall such extensions be granted for consecutive months of service or payment; provided, however, the city clerk may grant additional or consecutive extensions if the health and safety of any person living in the applicant's household depend upon the granting of such extensions, and if such need is established by clear and convincing evidence.

Section 2. Title 4, Chapter 4, Section 8(C) of the Municipal Code, as the same presently exist, is hereby repealed.

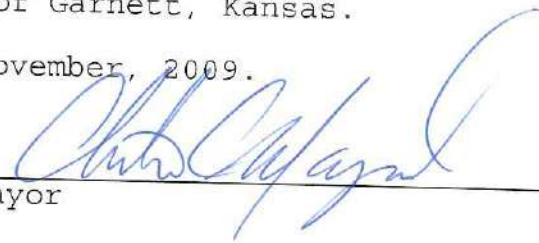
Section 3. This ordinance shall take effect and be in

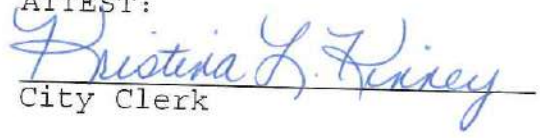
Ordinance No. 3802  
Page 2

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force from and after its passage and publication one time in an  
official newspaper of the City of Garnett, Kansas.

PASSED this 10th day of November, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Case No. Ordinance #  
3802

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:

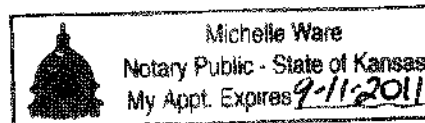
1st publication Friday, November 20, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 23rd day of November, 20 09

Michelle Ware  
Notary Public

My appt. expires 9-11-2011



**ORDINANCE NO.: 3803**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN GARNETT, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.**

**WHEREAS**, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

**WHEREAS**, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

**WHEREAS**, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d *et seq.*, as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

**WHEREAS**, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

**WHEREAS**, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

**WHEREAS**, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

**WHEREAS**, Garnett, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a water system (the "System"); and

**WHEREAS**, the System is a Public Water Supply System, as said term is defined in the Loan Act; and

**WHEREAS**, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

Rehabilitate the existing raw water pump station, update the controls and valves at the treatment plant, and replace the existing raw water transmission main. (the "Project"); and

**WHEREAS**, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the loan; and

**WHEREAS**, KDHE has informed the Municipality that it has been approved for a loan in amount not to exceed \$1,100,000.00 (the "Loan") in order to finance the Project; and

**WHEREAS**, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

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

**Section 1. Authorization of Loan Agreement.** The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of October 15, 2009, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the Municipalities legal counsel, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.

**Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan.** Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues (as defined in the Loan Agreement) sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, (c) pay all other amounts due at any time under the Loan Agreement, and (d) pay the principal of and interest on Additional Revenue Obligations (as defined in the Loan Agreement) as and when the same become due; provided, however, the pledge of the System Revenues contained herein and in the Loan Agreement (i) shall be subject to reasonable expenses of operation and maintenance of the System, and (ii) shall be junior and subordinate in all respects to the pledge of System Revenues to any Additional Revenue Obligations. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or


amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement. In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

**Section 3. Further Authority.** The Mayor, Clerk and other City officials and legal counsel 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 4. Governing Law.** The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

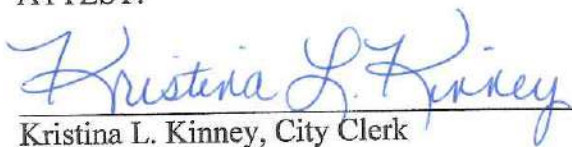
**Section 5. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

**PASSED** by the governing body and **APPROVED** by the Mayor of the City of Garnett, Kansas, this 10<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Christian C. Maynard, Mayor

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Kristina L. Kinney, City Clerk

(APPROVED AS TO FORM ONLY.)

  
\_\_\_\_\_  
Terry J. Solander, City Attorney

Ordinance #  
3803  
Case No. \_\_\_\_\_

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 Friday, November 20, 2009  
2nd publication \_\_\_\_\_  
3rd publication \_\_\_\_\_

Barbara Thompson  
Vern Brown/Barbara Thompson

Subscribed and sworn to before me,  
this 23rd day of November, 20 09

Michelle Ware  
Notary Public

My appt. expires 9-11-2011

